STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Florence County
William H. Seals, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TERRIEL LESHAWN MACK,

APPELLANT

APPELLATE CASE NO. 2019-000521

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)	
COUNTY OF FLORENCE)	COURT OF GENERAL SESSIONS
)	2004-GS-21-1084
STATE OF SOUTH CAROLINA)	
vs.)	TRANSCRIPT OF RECORD
)	
Terriel Lashawn Mack,)	October 25-26, 2005
Defendant.)	Florence, South Carolina

B E F O R E:

HONORABLE EDWARD B. COTTINGHAM, Judge and a jury.

A P P E A R A N C E S:

JACK LAWSON, Deputy Assistant Solicitor

JOHN JEPERTINGER, Deputy Assistant Solicitor

Attorneys for the State

SCOTT FLOYD, Esquire

Attorney for the Defendant

Keshia Reed

Circuit Court Reporter

evidence and that's beyond a reasonable doubt.

Shortly, the State is going to begin presenting its witnesses and for each one of those witnesses that he just spoke of, I want you to consider not just what they say and not just what they tell you, but what their motivations are for saying what they say. I want you to consider not just what's said, but sometimes what's not said. My client has pled not guilty in this case because he's not guilty. Thank you.

THE COURT: You may call your first witness.

MR. JEPERTINGER: Yes, please the Court, we call Patrolman Gowdy to the stand.

THE CLERK: Please come around place your left hand on the Bible and raise your right hand. Do you swear the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

MR. GOWDY: I do.

THE CLERK: Please be seated and state your full name for the record?

MR. GOWDY: Otis Legrand Gowdy.

WHEREUPON,

Otis L. Gowdy,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. JEPERTINGER:

Q. Patrolman Gowdy, could you tell us what you do? I guess by the name Patrolman Gowdy....

A. I'm a traffic officer with the City of Florence. I been here little over five years now. I enforce the traffic laws. I ride the motorcycle most of the time until the weather does permit me to ride it. I handle all wrecks and write citations for speeding.

Q. Okay. Were you on duty on December 17th 2003?

A. Yes, sir, I was.

Q. Okay. And can you tell the jury where you were on duty on December 17th 2003?

A. Well, I work all over the City of Florence, but late that afternoon I had been running radar on McIver Road which is on the opposite end of Oakland Avenue. And I was returning around six o'clock, 6:30, you know, I was heading back into the office to log in my tickets and logging on the reports for the day.

Q. Okay. And do you happen to have an occasion when you leaving McIver Road to go down Oakland Avenue?

A. Yes, I did. I was coming back to the office, that's normally the quickest route just go straight down Oakland Avenue.

Q. Okay. And I'll ask you this. Is Oakland Avenue in Florence County?

A. Yes, it's in the city of Florence, yes, sir.

Q. And Florence County?
A. And Florence County, yes, sir.
Q. And where was -- where did you turn in your tickets?
A. Here at the complex. Down in the basement, we have our traffic offices located in the basement. We normally come in and log our tickets in for the day there.
Q. Okay. Are you familiar with -- with a place called Oakland Plantation?
A. Yes, sir. Yes, I am.
Q. And is that an apartment complex?
A. Yes, it is. It's located on Oakland Avenue. There's a few there by Oakland Plantation located on the right-hand side.
Q. Did you see anything that caught your attention while you were driving back to the complex down Oakland Avenue, sir?
A. When I was coming back down Oakland, you always see people standing around. But when I passed Oakland Plantation, I just happen to glance to the right and there were three men just standing there kind of facing each other. Well, I didn't really think nothing about it until after I had passed there. Then I heard three loud bangs -- it sounded like -- I mean just as I passed I heard them and I thought it was, you know, either gunshots or fireworks. I wasn't sure so I went head and turned around. When I

came back up, I noticed that two of the males were gone and I saw someone laying on the ground. And I also saw a guy standing there in a white T-shirt about 50 feet away from where the guy was laying on the ground.

Q. Okay. Let me ask you this, was one of the individuals that you initially saw when you saw the three, did any of them have a white T-shirt?

A. No, sir, they were all wearing dark clothing.

Q. Okay. And then what happened, what did you do?

A. As I pulled into the scene, like I said I wasn't sure what was going on. I saw the gentleman laying on the ground. And I could see what appeared to be blood or something laying up under his head. So I went ahead -- the guy that was standing there in the white T-shirt as we're instructed at the police academy and taught to do, I went and put him down, not that I was accusing him or anything, but I was using, you know, safety first. So I placed him -- you know, put him in handcuffs and detained him. I didn't arrest him. Detained him and put him in my car just, you know, to find out what was going on. Then I went over to -- I pat him down. There were no weapons or anything before I put him in the car. But after I put him in the car, I went over to check the subject laying on the ground for a pulse and everything. There was no pulse. Central advised me that EMS had already been dispatched

responding to the scene. I told them what I had appear to be gunshot in his head. I saw the blood around him. There was no pulse or he wasn't breathing, so I called to let him know what I had.

Q. Okay. Did you notice any of the other individuals that you initially saw that were dressed in dark clothing?

A. No, sir, they were all gone.

Q. Did you have any information where they might have gone?

A. The guy that I put in the back I believe his last name was Reed, the gentleman that I detained. He stated that they had ran out the back of the path which is the backside of Oakland Avenue or the backside of the apartments there. It goes back out toward Brunson Street.

Q. Okay. I'm going to -- then what did you do after that, sir?

A. I immediately got on the radio and advised other officers what I had, what he had stated. And I believe they kind of looked around for a few minutes see if they had seen anything. They didn't see anybody. So I believe Bruce Moore, I believe he was a city patrol officer at the time, he respond to the location with me and I call -- you know, I let my investigators -- well, let the investigators know what happened and what I had.

Q. Okay. And after that, did you do anything or did you

just wait until the investigators got there?
A. I waited until the investigators got there. I mean, I don't interview witnesses or anything like that. I waited 'til they got there and let them take care -- take over the case.
Q. Okay. You just protected the crime scene?
A. Yes, sir, I protected the crime scene. There was also -- I saw laying on the ground a little bag of like white rocklike substance I thought might be cocaine or crack. So I just put a little cap over it to just keep it protected and unseen. And I just kept everybody away because people started coming out the apartments at that time.
Q. All right. And that was your only involvement in this case?
A. Yes, sir.
Q. Okay. I am ask the witness to step down just to show us on the map where he was coming from.
THE COURT: Yes, sir, you may do so.
Q. I'm going to show you what State's Exhibit Number 5 it's an aerial photograph, sir. And if you could just describe to the jury once again. And you might want to stand over here so the court reporter can hear your voice.
A. I was coming to Oakland Avenue coming this way coming back to the office. There's a black fence the runs a long in front of here. I was just right at the corner of the

fence when I heard the shots ring out. When I saw the subject, when I passed, I was up in here when I saw them. They were standing right here in the courtyard right at the grassy area, right where the grass meets the concrete. I come down here the law enforcement -- the South Carolina law enforcement building I believe is in the 600 block of Oakland Avenue. That's where I turn around at because I was driving a Chevy Lumina at that time. And you can't a make turn in a Chevy Lumina. You have to make sure you get a wide range to turn. So I responded back. I found the victim laying right here on the ground. I'm sorry. It's right here. I didn't want to cover it up there. And I saw I believe was Mr. Reed was his name was standing back over here in a white T-shirt. He was walking away that's when I went ahead and detained him. The path I was talking about is right here. It runs back out on the backside over here.

Q. Goes to Brunson Street?

A. It goes to Brunson Street, yes, sir.

Q. Okay.

A. You can see the path where it runs right here. There's a fence back there, but it's like a regular fence like you have at your house with a door on it. The door is missing off of it.

Q. Okay. And then you waited at that scene until law enforcement?

A. I park my car -- when I come in, I circle this way and I park my car right here.

Q. Okay. You can have a seat. I'm going to show you State's Exhibits 21, 22, and 23 and ask if you ---

THE COURT: Mr. Floyd, have you see these exhibits?

MR. FLOYD: Your Honor, I have seen those.

THE COURT: Without exception?

MR. FLOYD: Without exception.

MR. JEPTERINGER: They're all in evidence.

THE COURT: All right, just let the record so reflect.

A. Yes, sir, these are the apartments right there this where the victim was laying here. He was laying right here. I believe that's -- you can see where some of his friends had written stuff down on pavement for him. This the apartment back here and the path is right here. You can actually see the gate I was talking about where it goes to back. This view from the roadway as I was saying. They were coming right through here. This where the grass and the concrete meet in the center of the thing there. The mailboxes are here. This where we found him -- they were standing right up in here. And I did observe them standing there. When I turn around, they were -- the two were gone from there. And I'm not, you know, like I say the light pole I didn't read the number on it that day, but I know

there's a pole there. As you can see in this picture here, it's light pole for security of a parking lot they usually put light poles up.

Q. And the -- when you look from your squad car, there was sufficient lighting to say that they were...

A. Because I mean like I say there's a light -- there's a couple poles out there with lights and also as many of you know on apartments in the hallways, the center breezeways they put lights up there for safety reasons. I mean, you can see the parking lot pretty well.

Q. Okay. And the three individuals that you saw talking, could you tell they were all African American males?

A. Yes, I could.

Q. All right.

MR. JEPERTINGER: All right, thank you. That's all I have. Please answer any questions Mr. Floyd might have for you.

MR. FLOYD: I just have a few questions.

CROSS-EXAMINATION

BY MR. FLOYD:

Q. At the scene, you stated that you saw a bag of what appeared to be ---

A. Yes, I did.

Q. --- crack cocaine?

A. Yes, I did.

Q. That's what you thought it was?
A. That's what I thought it was. I'm not sure if it ever tested or if they ever tested it.
Q. Okay. But you didn't actually have anything to do with collecting ---
A. No, sir.
Q. --- any of the evidence?
A. No, sir. I just secured it and help put up tape to keep it secure.
Q. And you did not have any involvement interviewing any of the witnesses in this case after?
A. No, sir, I did not.
Q. All right. And you definitely -- you could not identify those males that you saw; is that correct?
A. No, I couldn't identify them, no, I couldn't see them.
Q. All right.

MR. FLOYD: Thank you.

MR. JEPERTINGER: We have no reply, Your Honor.

THE COURT: You may come down. Thank you.

(WHEREUPON, the witness leaves the witness stand.)

MR. JEPERTINGER: Can the witness be excused?

THE COURT: You are released from your subpoena. Thank you.

MR. LAWSON: The State would call Virginia Robinson.

THE CLERK: Would you please go around and place

your left hand on the Bible and raise your right hand. Place your left hand on the Bible and raise your right hand. Do you swear the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

MS. ROBINSON: I do.

THE CLERK: Please be seated and state your full name for the record?

MS. ROBINSON: Virginia Robinson, [redacted] Roberts street.

WHEREUPON,

Virginia Robinson,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. LAWSON:

Q. Ms. Robinson, I'm going to ask you if you would keep your voice up so that the jury can hear what you say as well as the court reporter. And your name is Virginia Robinson?

A. Uh-Huh (affirmative response).

Q. And would you -- where is -- what's your address?

A. [redacted] Roberts Street and I'm Virginia Robinson.

Q. Okay. You live on Roberts Street?

A. Yes.

Q. And your Robinson?

A. Uh-huh (affirmative response).
Q. Okay. Now, I'll get confused and I'll call you Ms. Roberts on Robinson Street. And how close is your house to the [redacted] block of Oakland Plantation or Oakland Heights apartments?
A. It's one street over. I say about half a block.
Q. Okay. I don't know if you can tell State's Exhibit Number 5 is a overhead map. This is Oakland Street. And this is the [redacted], [redacted] Oakland Street. And where is your house do you know?
A. [redacted] one right there.
Q. That's [redacted] right there?
A. Uh-huh (affirmative response.)
Q. And that's actually your house?
A. Uh-huh (affirmative reponse).
Q. Okay. And how long have you lived there, Ms. Robinson?
A. About 30 years.
Q. All right. And do you know Gregory Johnson?
A. Yeah.
Q. And how do you know Mr. Johnson?
A. That's my son-in-law son.
Q. Okay. And how long have you known him?
A. I know him every since he been around about 12.
Q. All right. And on December the 17th of 2003, did you

have occasion to see him?
A. Yes.
Q. How did that happen tell the jury if you would?
A. Well, I say around about I think it was about 7:30 he knocked on the door and I said who is it. And he said Gregg. And I laugh and I open the door. I say come on in, so he come in. And he just walk around and sit down. And I say what you doing over here. He say we been to some girl's house like that. And he say I'm on my way back home. And then ---
Q. Was he by himself?
A. No, he with another young man. And I ask him what was his name and he said his name was Black.
Q. And is that all he told you?
A. That's all he say. And then I open the door -- after he sit down, I open the door again. I hear a lot of hollering and stuff out there. And I said what's going on. I say somebody must be got hurt in the projects must be got cut up or kill or something. I said I don't know, but a lot of screaming out there. So then I didn't know nothing had happen like that I close the door. And then I went back there in my back room and I sit down in my den. In my den, I sit down and then my granddaughter come up.
Q. All right. Now, let me ask you, when the commotion was going on outside and you walked over to the door, you

heard it and you became interested in what was going on?
A. Uh-huh (affirmative response).
Q. Did either one of the two young men that were there Gregory Johnson or Black, did they show any interest in what was going?
A. No, no, they just look at each other that's all they did.
Q. All right. They didn't get up and come over and walk to the door?
A. No.
Q. All right. And do you see the other young man in the courtroom today?
A. He's over there.
Q. Sitting beside the gentleman with the blue shirt and tie on?
A. Uh-huh (affirmative response).
MR. LAWSON: Let the record indicate she's identified the defendant, Your Honor.
THE COURT: It will so reflect.
Q. And did you -- you said you went to your back room?
A. Yeah, my den where I generally sit at. I went back there and I sit down. And then I say about two or three minutes, my granddaughter come up and then they start talking. I just went back there and sit down.
Q. Okay. Now, at the time that you went to the door when

you heard the knock, was it daylight or dark?
A. It was dark.
Q. Okay. And in December it gets dark what about five, 5:30?
A. Yes, sir, something like that.
Q. And could it have been around 6:30 -- between six and 6:30 when they got there?
A. I think so.
Q. Let me ask you this, did they stay there a while?
A. Oh, yeah. After Michelle came in my granddaughter, they start talking. So that was it to me. Then I went in the back and then Greg came to the door going into my den ask me could he use my phone. And I told him, yeah. I didn't even get up I just told him yeah.
Q. And do you know -- why did he ask you for a specific reason?
A. To call a cab.
Q. To call a cab?
A. Uh-huh (affirmative response).
Q. Do you know whether or not he actually called a cab?
A. I don't know because I didn't went to the front. I don't know.
Q. All right. Well, did a car come and pick him up?
A. Later on a cab come.
Q. Okay. So a cab did come and pick him up?

A. Uh-huh (affirmative response).
Q. Okay. And after your granddaughter got there, you didn't have much conversation with them?
A. No, I had no more at all when I went in the back and sit down.
Q. All right. How were the two people dressed that came to your house?
A. Well, they had dark clothes, everything was -- to me that look black, black clothes that's all. I didn't know if it was dark blue or what, but I know they was dark.
Q. All right. Were long sleeves or short sleeves?
A. Long sleeves.
Q. All right. Do you remember whether -- I mean, it was December, so do you remember if it was cool outside or warm outside?
A. I think it was cold outside because they had on coats.
Q. Okay. And you saw the cab come to pick them up?
A. No, I didn't see no cab. He ask me could he use the phone to call the cab, but I didn't even get up. I tell him, yeah, I say you can us my phone that's all I say.
Q. All right. Well -- I thought you had told me that you saw a cab come by later?
A. I ain't say -- tell you I saw no cab.
Q. Okay.
A. I tell you he ask me could he use my phone to call a

cab. I told him, yeah, he could use the phone, but I didn't even get up.

Q. And then what happened later when he left? Did you tell me -- how did he leave the house?

A. I don't know. I guess the cab come and pick him up.

Q. Okay. You didn't see the cab?

A. No, I didn't see a cab.

Q. Okay. All right.

MR. LAWSON: Answer any questions Mr. Floyd might have.

CROSS-EXAMINATION

BY MR. FLOYD:

Q. Ms. Robinson, at first you said you thought that -- Mr. Johnson arrived at your house around 7:30; is that what you first said?

A. It been between around about 6:30 or seven.

Q. 6:30 or seven?

A. 6:30 or seven, uh-huh (affirmative response).

Q. All right.

MR. FLOYD: That's all that I have. Thank you.

THE COURT: All right. You may come down. Thank you.

MR. LAWSON: May it please the Court, if she would like, may she be released?

THE COURT: She may be relieved. She's welcome to

stay if she cares to. You may leave if you care to. Thank you.

(WHEREUPON, the witness leaves the witness stand.)

MR. LAWSON: Your Honor, the State would call Michelle Lane.

THE COURT: Who?

MR. LAWSON: Michelle Lane.

THE CLERK: Please place your left hand on the Bible and raise your right hand. Do you swear the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

MS. LANE: I do.

THE CLERK: Please be seated and state your full name for the record?

MS. LANE: My name is Michelle Lane.

WHEREUPON,

Michelle Lane,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. LAWSON:

Q. Okay. Ms. Lane, are you related to Ms. Robinson?

A. Yes.

Q. And how are you related to her?

A. My grandmother.

Q. All right. And are you the granddaughter she was

talking about that came to her house on the evening of December 17th?
A. Yes.
Q. And do you recall what time you got to the house?
A. Around seven. A few minutes before seven.
Q. And when you got there, was anyone there with her?
A. Yes.
Q. And who was that?
A. My mamma, my stepfather, Gregory, Black and my grandmother.
Q. Okay. And how long did you stay there at your grandmother's on that evening?
A. All night.
Q. Okay. And there were was -- Gregory Johnson was related to you or indirectly related to you?
A. Stepbrother.
Q. Okay. And did you spend a lot of time with your grandmother, Ms. Robinson?
A. Yes.
Q. All right. Was it a normal thing for him to come by there or was it unusual?
A. Unusual.
Q. Okay. And what did you think when you came in on that day?
A. Was shock to see him there.

Q. Okay. You were shock to see him there?
A. (Shook head affirmatively).
Q. All right. And did you know the other person that was there?
A. Other than Gregory?
Q. Right?
A. No.
Q. And were you introduced to that person?
A. I asked him what his name was.
Q. All right. What did he tell you?
A. Black.
Q. All right. And did you carry on a conversation with that person?
A. Yeah.
Q. And what did you talk about?
A. Just what his name was, where he from, and who -- you know, stuff about him.
Q. All right.
A. About who he is.
Q. And was he real forthcoming with you carrying on a conversation or was he short, blunt?
A. Short.
Q. And not very talkative?
A. No.
Q. All right. And how were they dressed?

A. Dark clothing, jeans both of them had on hoodies.
Q. Hoodies?
A. Uh-huh (affirmative response).
Q. And they were dark color hoodies?
A. (Shook head affirmatively).
Q. And those are long sleeves hoodies?
A. Yes.
Q. And how long do you think they stayed there on that particular evening?
A. For about an hour.
Q. All right. And during that hour you had an opportunity to observe both individuals Gregory Johnson and the other person?
A. Yes.
Q. And you actually talked to them and carried on a conversation?
A. Yes.
Q. Did you have enough -- did either one of them have a mask or anything covering their face?
A. No.
Q. So you had adequate opportunity to observe the people?
A. Yes.
Q. Okay. And how did they leave your grandmother's?
A. They just left. They called a cab. And they left when a cab came outside and bumped the horn, they left.

Q. Okay. You heard the cab beep?
A. Uh-huh (affirmative response).
Q. And who called a cab Gregory or Black?
A. Gregory.
Q. Gregory did?
A. (Shook head affirmatively).
Q. All right. And were you asked by the police to do an identification procedure?
A. Yes.
Q. And I'll ask you what's been marked as State's Exhibit Number 1.

THE COURT: Mr. Floyd, you have seen State's Exhibit 1?

MR. FLOYD: Your Honor, I have that was the lineup that we had yesterday, yes, sir. Thank you.

Q. And have you seen this before?
A. Yes.
Q. And who showed this to you? Melvin Godwin sitting out there, Officer Godwin from the city police?
A. Yeah.
Q. And what did he ask you to do?
A. He just simply ask did I see that night, which one of those people did I see at my grandmother's house.
Q. All right. And where you able to identify anyone?
A. Yes.

Q. And which one did you identify?
A. Five.
Q. Number five. As being who?
A. Black.
Q. Okay. And have you seen what's been marked as State's Exhibit Number 2 in evidence, have you ever seen that?
A. Where I sign, yes.
Q. Is that your signature?
A. Yes.
Q. And did you write that number five in?
A. Yes.
Q. And so you picked out number five and then you signed it?
A. Yes.
Q. And that would have been done on December the 28th of 2003?
A. Yes.
Q. At nine in the morning?
A. Yes.
Q. Okay. That's what you recall?
A. Yes.
Q. And did the officer say anything else before or during the time that you were looking at these pictures?
A. No.
Q. And about how long did it take you to recognize that

individual in that photo?
A. Instantly.
Q. Instantly?
A. (Shook head affirmatively).
Q. And on December the 28th, were also shown what's been marked State's Exhibit Number 3 in evidence?
THE COURT: Mr. Floyd, you seen this too?
MR. FLOYD: Yes, sir, Your Honor.
Q. Were you shown this?
A. Yes.
Q. And did you pick anyone out of that?
A. Gregory, five.
Q. Gregory and that's your stepbrother?
A. Stepbrother.
Q. And how long have you known Greg?
A. Maybe ten years or more.
Q. All right. And when you were shown this lineup, what were you asked by the or told by the officers?
A. The same thing did I know any of the boys in that lineup.
Q. All right. And at that time, did you sign a sheet on that lineup?
A. Yes.
Q. And is State's Exhibit Number 4 is that the sheet?
A. Yes.

Q. And that's your signature?
A. Yes.
Q. And what did you write in on that one?
A. Five, photograph five.
Q. And it's dated December the ---
A. 28th 2003 at nine o'clock.
Q. Did you write that date in there?
A. Yeah.
Q. Okay. Any question in your mind that those were the two people that you saw at the house on that night?
THE COURT: Mr. Lawson, you may publish those if you care to.
Mr. Foreman, these documents that are introduced into evidence will be with you in your jury room during your deliberation. And, of course, he's entitled to publish them for you to look and pass around if you care to even at this time.
Q. Any question that those are the two people that were there?
A. Yes.
Q. You have a question?
A. No, no.
Q. There's no question?
A. There's no question.
Q. Did you do anything after they left?

A. After they left, I went into the back and spoke with my grandmamma.
Q. And what did you do after that?
A. That was it. I am not sure I believe I left.
Q. All right. Did you make any phone calls?
A. Yes.
Q. Who did you call?
A. I spoke with it -- it wasn't a police officer. It was somebody that I knew and I called. And he had somebody get in touch -- a police officer get in touch with me.
Q. All right. And why did you call or have the police call you?
A. Because I felt like that was -- people was saying that they had on all dark clothing. And I felt like it was suspicious that they just happen to pop up during that time wearing dark clothing.
Q. All right. And what had you heard outside that caused you to think that something had taken place?
THE COURT: All right.
MR. FLOYD: Your Honor ---
THE COURT: Wait a minute. I am permitting that not for the truth of the matter asserted, but only as a basis for what's for the action she may have taken. You understand? Obviously, it would ordinarily be hearsay. I'm not permitting it for the truth of it, but only as a

basis for any further action. You understand that?

MR. LAWSON: Yes, sir.

THE COURT: It's not for the truth of the matter asserted. If you wanted to do that, we would have to bring those folks in and let the jury see. Okay.

MR. FLOYD: My objection is noted.

THE COURT: All right, sir. I will permit on a limited inquiry and only for the sole purpose of any further conduct. All right, proceed.

A. When I came home, I walked in. I ain't know what was going on at first. I walked into the house and my mother was crying. And I asked her what was wrong with her. When I walked in the house, I was like, Hey, Greg, what are you doing over here. And he was just like, chilling. So when I walked to the back where my grandmother and my mamma was, my mamma was crying. And I ask her I was like mamma what's wrong with you. And she was like Todd, somebody just shot Todd, kill Todd. So I went back outside to see what was going on and then I came back in the house. And that's when I started talking to Greg asking him what was he doing over there and that was about it. And my mamma them left.

Q. All right. So the fact that it was unusual for Greg to come by and the things that you heard made you suspicious that something may be going on?

A. Uh-huh (affirmative response).

Q. And as a result of that, you contacted the authorities?
A. Yes.
Q. All right. And that's how you ended up viewing a lineup?
A. Yes.
Q. It was from your contact not them contacting you?
A. Yes.
Q. Actually, they did come and see you and talk to you, but it was after your initial contact?
A. Yes.
Q. Okay. During the time that you observed these two people in the house, what -- how did they act?
A. Gregory -- me and Greg talked. We was talking. Black he just sat down. He didn't really say too much. And then me and Greg -- I went into my grandmother's room and Greg was using the phone to call a ride and me and him was talking -- talking then. And Black got up and came round there where we was and sat on my grandmother's chair. So both of them was sitting on the chair. And I believe we was laughing and talking then, but mostly mainly I was talking to Greg most of the time.
Q. All right. And did he at any point indicate to you that something was wrong with him?
A. He said that -- Greg was like before Black round there

Greg was like Michelle I feel sick. You got something that I can eat.

Q. Okay. Did he say what kind of sick?

A. He said his stomach was bothering him.

Q. Okay.

MR. LAWSON: I don't have any further questions. Answer any questions Mr. Floyd has.

THE COURT: Mr. Floyd, you may examine.

MR. FLOYD: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. FLOYD:

Q. Ms. Lane, good morning.

A. Good morning.

Q. I heard you testify a little earlier about what they -- what you said they were wearing at your house. I didn't understand the word. Was it hoodies you said?

A. Hoodies like the little jogging suit coat with the hoodies in the back.

Q. I got you. And what color were they?

A. I remember one had -- I can't remember who had on what, but I believe Greg had on a blue one and Black had on a black one.

Q. They were both hoodies?

A. Hoodies, dark color hoodies.

Q. Did you -- do you remember giving a little signed

statement to the police -- well, the day that you did the photo lineup?

A. Yes.

Q. Okay. Did you say that day that Greg was wearing a blue Dicky shirt?

A. It was a hoody.

Q. It was a hoody. Okay. So you didn't write that on your statements he was wearing a blue Dicky shirt?

A. No.

Q. Okay. I'm sorry. Take a look at that. Is that your -- is that your statement that you signed?

A. Uh-huh (affirmative response).

Q. Did you say then he was wearing a blue Dicky shirt?

A. Yes.

Q. You think you're wrong now about what they were wearing?

A. No, I'm certain they had on hoodies, both of them had on hoodies.

Q. So you think you were wrong when wrote this?

A. That Dicky shirt he had under the hoody.

Q. Oh, okay. All right. He had on under the hoody. Okay.

MR. FLOYD: That's all that I have for you. Thank you.

THE COURT: Any additional direct testimony?

MR. HORN: Yes, ma'am.

THE CLERK: Please be seated and state your full name for the record?

THE COURT: Go ahead and state your name.

MR. HORN: Islam Horn.

THE COURT: Let the record reflect that these proceedings at this moment are outside the presence of the jury.

All right, sir.

WHEREUPON,

Islam Horn,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION IN-CAMERA

BY MR. JEPERTINGER:

Q. Okay. Mr. Horn, you were arrested with charges pending out of this case murder and conspiracy and accessory after the fact of the death of Joseph Todd Wilson; right?

A. Yes, sir.

Q. You have to answer.

A. Yes, sir.

Q. Okay. And you are aware that Terriel Mack was also arrested the same situation?

A. Yes, sir.

Q. Is that correct?

A. Yes, sir.
Q. And Gregory Johnson; is that correct?
A. Yes, sir.
Q. Okay. Now, just for simplifications sake, you don't call Terriel Mack, Terriel Mack on the street, do you?
A. No, sir.
Q. You knew him as ---
A. Black.
Q. Black and Gregory Johnson you knew as?
A. Gangsta Fred.
Q. Gangsta Fred. Okay. Now, you have been except for I think about a two week period been in jail since all of 2004; correct and all 2005?
A. Yes, sir.
Q. Okay. You had an occasion to be with Terriel Mack in one of the pods out at the jail in April of 2004?
A. Yes, sir.
Q. Okay. Can you tell me where his -- not exact number was his -- was it a double-decker pod with cells on the bottom and cells on the top?
A. Yes, sir.
Q. Okay. And where was his cell?
A. On the bottom floor.
Q. And how about yours?
A. Top floor.

Q. Okay. Did y'all get out for recreation time at the same time?
A. No, sir.
Q. Okay. Did you have an occasion in April of 2004 to walk by his cell?
A. Yes, sir.
Q. Were you suppose to?
A. No, sir.
Q. Okay. Is there only one guard in there?
A. Yes, sir.
Q. Okay. But you walked by his cell; correct?
A. Yes, sir.
Q. Was there anyone else in the cell with him?
A. No, sir.
Q. Okay. And did he slide anything under the door to you?
A. A note.
Q. Okay. I'm going to show you -- and I like to mark this as Court's Exhibit 1 at this point.
THE COURT: All right, sir. It is marked for these proceedings outside the presence of the jury marked as Court's Exhibit Number 1 for the purpose of these special hearings.
(WHEREUPON, Court's Exhibit 1 was marked for the record.)

Q. Do you recognize this?
A. Yes, sir.
Q. And what is this please?
A. A note.
Q. Is that the note that he slid under the door to you?
A. Yes, sir.
Q. Okay. And it was him?
A. Yes, sir.
Q. And I don't know if you can read that note. I made a larger copy for you. And I got an even bigger copier blown up for you. If you could read the note to judge and tell us ---
A. I can read it off this.
Q. You can read it off that?
A. The whole note?
Q. Yeah, go ahead.
A. Yo, son, on some real shit, thank you for showing me the ropes to some shit bitch niggas don't have no clue about. Now, a nig would never go broke. The shit went down like this. I got out the car me and Gangsta Fred and I called that nig like, Yo, that my nig Tellie. Then he started walking back towards me. Gangsta was like, Yo, the jakes is over there. I was like fuck that, nig, I ain't got no time to waste. Plus, I don't give a fuck about no jakes anyway. Son, I had hollows in the chamber that blew

the bitch nig's brains out. You know, how I get down holiday style. That, nig, shit splattered everywhere. And he dropped like a rag doll, like he had spaghetti legs or some shit, put three in his back. Redrum had me drunk as a bitch. Gangsta didn't even get to drink none because soon as I let off he ran, so that's my shit fill me. In my mind, I was thinking Gangsta was scared and all these nig's talking about I'm Jake when I'm the one drop that nig by himself. When war gets deep, the beef is everlasting. Did that shit for WB and my nig, BG rest in peace. Birthday present. Rank wasn't the only thing gained. Respect, I earned and loyalty got portrayed. Nig's ain't real, son, that's word. Stouk, KB, Pontoe, them nig's don't get down how me and you get down, son. You my brother nig and I meant that shit when I said it to the heart. Nig's got to die holiday style word up. My lil nig's on the redrum charge too, they gone beat that shit I know. I wouldn't be surprised if Pontoe, jake on my lil nig. Words, son, that nig need to get handled. Stew, jake on you and Gangsta, son. KB I find out he straight bitch, don't even associate with them nig's no more. Nig's is jake AKA backstabbers. Man, they don't have no evidence, but I promise my mom, Dukes, I would tell the truth if they ask me anything.

I gave them two stories. The first one I said the

same shit, but I said you dropped us off at Gangsta peep's house and you was on your way to Big Al crib. Then I said what you said. Then I told them Beans had the same thing. The reason why I told them that is so it would look like I was lying when Beans didn't give them the thing feel me. I gave it to him because he said he needed protection. Plus, he swore on his life he would never let nobody get it fill me. So I'm thinking that mean that jakes, too. Then my parole officer came to ask me do you know anything about a snugnose .38, a .32, a nine and a long nose .38. I was like what the fuck that shit got me heated, son. I told him hell no. So that shit got me thinking Beans gave the jakes that shit or either Gangsta or whoever know I had that shit told them about it, fill me. If they got it, I'm fucked, but fuck that shit. Yo, son, I always looked up to you and you know that because I always know that you would keep it real with a nig, who keep it real with you. I wit who you want wit it. You wit who I want wit it. Any nig can get it, that's word. I told myself the only thing I was coming back to jail for was bricks or bodies and I stuck to my word. Anyway, who is 203204207208 must be north side, fuck them. Them nig's -- them nig's in here must be folks or something. Nig's got to tell you who they be. You know, what's real, son. Halla back, graveyard to the graveyard.

Q. That was the statement he got from you; correct? And each of those terms in there have -- mean something like jakes and initials and you know what those things mean, do you not?

A. Yes, sir.

Q. You know what 187 with a triangle and hoover two with a ---

A. Cripts.

Q. Cripts through that. You know what that means. And you know what all these terms mean. Do you not?

A. Yes, sir.

Q. And you're willing to tell the jury what they mean; is that correct?

A. Yes, sir.

Q. Okay. And was there any possibility that anyone else wrote that? Did you write this note?

A. No, sir.

Q. Was there any possibility that Gregory Johnson wrote this note?

A. No, sir.

Q. Who wrote this note?

A. Lashawn Mack, Black.

THE COURT: How do you know he wrote the note?

MR. HORN: Because I know his handwriting.

THE COURT: Did he himself -- did this defendant

hand you that note?

MR. HORN: Yes, sir.

THE COURT: He indicated it was his?

MR. HORN: Yes, sir.

THE COURT: Proceed. Again, this is outside the presence of the jury. What is before me the admissibility of the note?

MR. JEPERTINGER: That's right. And, Your Honor, we would like to obviously since it's very small also introduce this at the time since it's a copy.

THE COURT: I understand. Prior to making a ruling, I'll hear any cross-examination.

CROSS-EXAMINATION IN-CAMERA

BY MR. FLOYD:

Q. Now, did you say he handed you the note or it was slid under a door to you?

A. He slid it under the door.

Q. He didn't tell you he wrote the note, did he?

A. Yes, sir.

Q. He did tell you that?

A. Yeah.

Q. When did he tell you that? Did -- could you talk to him through the door?

A. Well, he come by my door to slid me another note.

Q. Oh, another note?

A. Yes.
Q. Where is that one?
A. In the toilet.
Q. Oh, okay. Why did you throw that one away?
A. Because it didn't mean nothing. It ain't say nothing.
Q. Did you slid him some notes?
A. Yes, sir.
Q. You did, huh?
A. Uh-huh (affirmative response).
Q. Okay. You said you're familiar with his handwriting?
A. Yes, sir.
Q. Did y'all write each other letters before you ever went to jail?
A. No, sir.
Q. Okay. How are you familiar with his handwriting?
A. Because this not the first note.
Q. How long did you hold onto that letter?
A. Probably a month. I went to -- I had went to max ed and it was in my property when I was in max. When came out, I had it in my property, so a month and a week.
Q. Did he sign that note?
A. You mean his name?
Q. Yeah.
A. No, no, sir.
Q. Did he sign any notes that he sent you?

A. Not that I can remember of.

MR. FLOYD: All right. Your Honor, that's all I have.

THE COURT: Let me ask you, you say you kept this note, but apparently, you're saying that he give you another note that you put in the toilet?

MR. HORN: Yes, sir.

THE COURT: Why did you put on in the toilet and keep this one?

MR. HORN: Because I figured I should hold onto this note.

THE COURT: Well, do you figure why you didn't hold on to the other one?

MR. HORN: Because like I said it wasn't saying nothing. It was just basically talk.

THE COURT: All right. I got you.

REDIRECT EXAMINATION IN-CAMERA

BY MR. JEPERTINGER:

Q. Let me ask you this, you gave that original note to your lawyer, Shannon Prosser, who's sitting in the courtroom today?

A. Yes, sir.

Q. Okay. And then apparently he provided to us as well?

A. Yes, sir.

Q. All right. You wrote him notes while he was in jail,

too?

A. Yes, sir.

Q. Okay. I'm going to show you and mark these as Court's Exhibits 2 and 3.

THE COURT: What are they?

MR. JEPERTINGER: Those are notes that he wrote to the other fellow. He's marked them already.

MR. FLOYD: These are already marked for identification.

MR. JEPERTINGER: Those are just copies.

THE COURT: How did you come by these notes?

MR. JEPERTINGER: Through Mr. Floyd.

MR. FLOYD: These are the originals, Your Honor.

THE COURT: You propose to introduce the notes that he wrote?

MR. FLOYD: Yes, sir, Your Honor.

THE COURT: What is your position about the note that he said he received from the defendant?

MR. FLOYD: My position, Your Honor?

THE COURT: Yes, sir.

MR. FLOYD: I'm sorry. Your Honor, I don't believe the letters been properly authenticated. He says he recognizes the handwriting based on a sample that he says he had, but he through away. I mean ---

THE COURT: Well, let's look at it.

MR. FLOYD: If he says he's familiar with his handwriting, I mean, we're taking his word for it.

THE COURT: All right, let me ask you this, I have not read the notes that you say this witness wrote to his defendant. Are these documents in reply to the letter that allegedly was written by the defendant given to this witness?

MR. FLOYD: I'm sorry, Your Honor.

THE COURT: Are these letters ---

MR. FLOYD: Those letters ---

THE COURT: --- in reply to an allege letter that this defendant wrote to him?

MR. FLOYD: I don't think those letters are in reply to a letter that Mr. Mack wrote. I believe that those letters were written before he claims ---

THE COURT: All right. Let me say this to you, the evidence here is testimony is to be the juries consideration is that this defendant delivered that letter to him. There is testimony by this witness that he said it was his statement. In addition to that, there is testimony by this witness that he knows the handwriting. Now, these are issues for the jury to determine. They may find it true or not true, but I leave it to the jury it is going to be admissible for the juries consideration. I note your objection to it, but specifically the testimony is specific

that he recognizes his writing. He said it was his and that he handed it to him. The jury may not believe he handed it to him, I mean I believe he recognized it, but that's for the jury to determine. And it appears that the contents of the letter may be consistent with the facts of the case. And I'll let the jury make that determination. Now, go ahead and what else?

MR. FLOYD: Your Honor, I'll also like to object to the letter on the grounds that it's inadmissible hearsay under Rule ---

THE COURT: No, it's submitted as a declaration against interest by the defendant himself. And I'm admitting it on the basis that the jury will may determine it was the defendant's assertion which of any would not be hearsay. All right.

MR. FLOYD: I understand your ruling, Your Honor.

THE COURT: All right. Do you have -- these are defendant's exhibits. Do you have copies of these that they I may have?

MR. FLOYD: I do, Your Honor.

THE COURT: You haven't put these in yet?

MR. FLOYD: No, sir.

THE COURT: You better take them back.

MR. FLOYD: In fact, I believe Mr. Jepertinger was -- Your Honor, this is a copy of one and I'll get you a

copy of the other one.

THE COURT: And you're saying that these letters were written prior to the alleged letter by the defendant to the witness?

MR. JEPERTINGER: That is correct.

THE COURT: All right. You have another copy?

MR. FLOYD: Yes, Your Honor. In fact, that's a copy of that other one.

THE COURT: All right. This is again outside the presence of the jury.

THE COURT: Based on my ruling, I am going to admit this letter. All right. Are we now ready to proceed?

MR. JEPERTINGER: I'll just have him or you can cross-examine on this -- on these later since he wrote letters. We're ready to proceed.

THE COURT: We start ab initio.

MR. JEPERTINGER: That's right.

THE COURT: And, of course, you may start over with him and then you'll have full cross-examination. There was no more cross-examination on this issue as to admissibility was it?

MR. FLOYD: No, sir, Your Honor. Do I need to -- never mind, Your Honor. I am sorry.

THE COURT: You don't raise any question about the fact that ---

MR. JEPERTINGER: No, he wrote those letters.

THE COURT: There's no question about that?

MR. JEPERTINGER: There's no question about that and he'll admit it. Judge, in terms of doing this, we just mark this one which is a blown up copy of Court's Exhibit Number 1.

THE COURT: Yes, and I conclude that the jury can based on the writing and all that the blown up copy will go to the jury, but I'm going to submit the original too.

MR. JEPERTINGER: Right, absolutely.

THE COURT: You don't have any objection to that, do you?

MR. FLOYD: No, sir, Your Honor.

THE COURT: Obviously, I would conclude that the blown up copy is most helpful to the jury in reading the contents of the letter, but the original letter will go in at the same time. All right.

MR. FLOYD: So my objections are noted?

THE COURT: They are. You object to the admissibility an alleged letter said to have been given by this defendant to this witness.

MR. FLOYD: Thank you, Your Honor.

THE COURT: And I respectfully overruled.

MR. FLOYD: Thank you.

THE COURT: All right.

MR. JEPERTINGER: We're going to have to move in front of the jury when we introduce it.

THE COURT: Start again as if that's -- that was just for the admissibility question outside the presence of the jury. All right, bring the jury in please. We start again now from the beginning. We're going to swear him in again in the presence of the jury gentlemen.

(WHEREUPON, the jury returned to the courtroom.)

THE CLERK: All right. For the record, you have called this witness to the stand and please have him identify himself.

MR. JEPERTINGER: Yes, sir. Please state your name?

MR. HORN: You want me to stand up?

MR. JEPERTINGER: No, you can sit down.

MR. HORN: Islam Horn.

MR. JEPERTINGER: Islam has been sworn already.

THE COURT: No, sir, I want him resworn.

THE CLERK: Please stand and place your left hand on the Bible and raise your right hand. Do you swear the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

MR. HORN: Yes, ma'am.

THE CLERK: Please be seated.

WHEREUPON,

Islam Horn,

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after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. JEPERTINGER:

Q. Islam, how old are you?

A. Nineteen.

Q. Okay. Could you pull your chair up a little closer to that microphone. Islam, you are charged in this case as well, sir?

A. Yes, sir.

Q. Are you charged with murder?

A. Yes, sir.

Q. You charge with conspiracy?

A. Yes, sir.

Q. You charge with accessory after the fact ---

A. Yes, sir.

Q. --- in this case. And neither Mr. Lawson nor myself have made any deals to you about any possible sentence that you might receive in this case, have we?

A. No, sir.

Q. I want to take you back to December 17th 2003. Do recall that date?

A. Yes, sir.

Q. Can you tell the jury where you were earlier in the day and before I do that, before you answer that question, let me strike that question and ask this. Do you know the

defendant in this case?
A. Yes, sir.
Q. Does he have a nickname that you call him?
A. Yes, sir.
Q. And what is that nickname?
A. Black.
Q. Do you know a Gregory Johnson?
A. Yes, sir.
Q. He's also charged in this case as well is he not?
A. Yes, sir.
Q. Does he have a nickname that you use for him?
A. Yes, sir.
Q. And what is that nickname, sir?
A. Gangsta Fred.
Q. Gangsta Fred?
A. Yes, sir.
Q. Did you have an occasion on December 17th 2003, to see both Mack and Johnson on that day?
A. Yes, sir.
Q. Can you tell the jury where you met up with them on that day?
A. East Florence on Barringer Street.
Q. At who's house?
A. Maurice Bostic.
Q. Okay. And did you have a car that you were driving

that day?
A. Yes, sir.
Q. What type of car was that?
A. A blue Buick.
Q. All right. And about what time of the day did you meet them over at Maurice Bostic's house?
A. Earlier -- well, really we was over there mostly all of that day.
Q. Okay. And did you stay there the whole day or did y'all decide to go some place?
A. We decided to go to north Florence.
Q. Okay. And what was your purpose in wanting to go over to north Florence?
A. To go to a girl's house.
Q. Okay. And was that a girlfriend of yours or somebody that you were seeing?
A. No, just just a friend.
Q. Okay. And that individual's name?
A. Alison.
Q. Okay. And who's idea was it to go see Alison?
A. Mine.
Q. Did Mack and Johnson want to go with you?
A. Yes, sir.
Q. Okay. So they got in the car with you?
A. Yes, sir.

Q. And who was driving?
A. Me.
Q. Okay. And where was Johnson?
A. In the backseat.
Q. And where was Mack?
A. In the passenger seat, front passenger.
Q. All right. And where did Alison live, you said North Florence. Do you know exactly where she lived?
A. No, sir. No, sir, I don't know exactly where she lived at.
Q. But you know how to get to her house?
A. That's the whole reason I asked Gangsta Fred to go with me.
Q. Gregory Johnson?
A. Gregory Johnson.
Q. Did he know where she lived?
A. Yes, sir.
Q. Okay. And was he going to give you directions?
A. Yes, sir.
Q. All right. And so which way did you go?
A. To North Florence?
Q. Yes, sir.
A. We just made it on Oakland Avenue.
Q. Okay. And when you were driving down Oakland Avenue, was this after six pm?

A. Yes, sir.
Q. Okay. And what did you -- what happened on Oakland Avenue that you can tell this jury?
A. That Black spotted Todd said he wanted to holler at Todd cause he know Todd sell drow.
Q. Now, you just used a term that Todd sells drow. What is drow?
A. A certain kind of weed.
Q. Certain kind of marijuana?
A. Certain kind of marijuana.
Q. Okay. And at that point, what happened?
A. I drove down Oakland Avenue, made a right off Oakland Avenue came around ---
Q. Came around what?
A. I don't know the name of the street. I think it's Maxwell Street. Came around behind the park and park in the -- I don't know the name of the street.
Q. Okay. If I show you the aerial photograph that I have, would that be helpful to your testimony?
A. Yes.
MR. JEPERTINGER: I'm going to ask the witness if he can come off the stand, Your Honor.
THE COURT: You may step down now.
Q. I need you to stand where I'm standing please facing the court reporter. Stand over here please. Show you this

thing and I want you -- can you see it?
A. Yes, sir.
Q. Okay. Now, this is Oakland Avenue here. Where were you going towards Quinby or towards Florence?
A. Coming up Oakland Avenue.
Q. Okay. Towards Quinby?
A. Yes, sir.
Q. Okay. And where did you approximately see or did Black see Todd Wilson, Joseph Todd Wilson?
A. Almost by the park. Almost between the park and the apartments.
Q. Okay. And is that when he made that statement about wanting to get drow?
A. Yes, sir.
Q. Okay. And where did you drive at that point?
A. Pulled on Maxwell Street and came around on Layton Street, park in the ---
Q. Parking lot?
A. --- parking lot of Oakland Plantation.
Q. All right. And at that point, did -- what happened once you parked in the parking -- were all three individuals still in the car with you?
A. Gansta Fred and Black got out the car.
Q. Where?
A. In the parking lot.

Q. Okay. And then what happened?
A. And then maybe 30 or 40 seconds later, I heard the first gunshot.
Q. Okay. What did you do at that point?
A. Turn on the lights and pull to the stop sign.
Q. Okay. At that first time when you were in the car in the parking lot, did you see anything at that point or you just hear something?
A. No, I couldn't see on Oakland Avenue cause the trees or gate I couldn't see really on Oakland Avenue. So I pulled out the parking lot. I pulled to the stop sign.
Q. All right. And at that point once you got to stop sign, what did you observe?
A. I only seen Todd Wilson laying face down on the ground. I didn't see Gangsta Fred, but I seen Black stand over him and shoot him three more times in the back.
Q. And at that point, what did you do?
A. I pull downed Oakland Avenue and came back toward East Florence.
Q. Let me ask you, at that time did you happen to see a squad car anytime on Oakland Avenue?
A. Yes, sir.
Q. Can you tell me where you saw the squad car?
A. On Oakland Avenue pulled into Oakland Plantation. He pass by and he turn back around and pulled into Oakland

Plantation.
Q. Okay. So the first time he headed towards Florence?
A. Yes, sir.
Q. Okay. And where were you when you saw the squad car?
A. At the stop sign.
Q. At the stop sign. And then that's when you heard the gun fire?
A. I heard the first shot when I was in the parking lot.
Q. Okay.
A. The other three shots I seen when I pulled to the stop sign.
Q. Now, how did you recognize it was Terriel Mack doing the shooting and not Gregory Johnson doing the shooting?
A. Because of the clothes he had on.
Q. Okay. How long have you known Terriel Mack?
A. Since '98.
Q. Okay. So you had known him at least five years at this time?
A. Yes, sir.
Q. After you left there, where did you go?
A. I went to East Florence.
Q. Okay. Do you know who's house?
A. My sister house.
Q. Okay. Where does she live and what street?
A. Mt. Zion Ervin Court.

Q. Okay. Ervin Court apartments. Okay. Now, have a seat. Where the lighting conditions where you saw Terriel Mack shoot how was the lighting conditions could you see?
A. It was right under a street light.
Q. Okay. So you saw that?
A. Yes, sir.
Q. Okay. Let me ask you, in the time that you known Terriel Mack, have you every known him carry a weapon?
A. Every since he got out of jail. This was 2003 November.
Q. What would he have had, type of weapon?
A. .38.
Q. Okay. Have you been known to carry a weapon?
A. Yes, sir.
Q. What type?
A. .38.
Q. Okay. How about Gregory Johnson?
A. Yes, sir.
Q. What type of weapon?
A. .38.
Q. All right. Were you carrying a weapon that evening yourself?
A. Yes, sir.
Q. Okay. Did the police recover that weapon from you?
A. Yes, sir.

Q. Now, you were ultimately arrested on these charges were you not?
A. Yes, sir.
Q. And you dressed up today, but you are in jail, are you not?
A. Yes, sir.
Q. Okay. And did you ever have an occasion to be in jail in the same cell block or pod with Terriel Mack?
A. Yes, sir.
Q. Can you tell the jury when that was?
A. From January until April.
Q. Of which year?
A. 2004.
Q. Did you ever communicate with Terriel Mack?
A. Yes, sir.
Q. Now, how -- what was your method of communication with Terriel Mack while you were in jail between -- together in the same cell block. Were you in the same one cell?
A. No, sir.
Q. Were you in one individual cell?
A. Yes, sir.
Q. And he was in another individual cell?
A. Yes, sir.
Q. Now, is it my understanding that these cells are -- there cells on the top floor and cells on the bottom floor?

A. Yes, sir.
Q. Do you know which cell he was in?
A. He was on the bottom floor.
Q. Okay. And you were in a top floor?
A. Top floor.
Q. Did you ever have recreation time together or did you have recreation time separately?
A. Separately.
Q. And for the ladies and gentlemen of the jury, can you tell how that works when you have rec. time separately?
A. They come out for an hour and then they go in. And we come out for an hour.
Q. Okay. Did you ever pass notes with him?
A. Yes, sir.
Q. Okay. Did you pass him some notes?
A. Yes, sir.
Q. Okay. And there's no question that you gave him some notes?
A. Yes, sir.
Q. Okay. Did he ever have an occasion to pass you a note?
A. Yes, sir.
Q. Did he pass you more than one note?
A. Yes, sir.
Q. Were you familiar with his handwriting?

A. Yes, sir.
Q. With the first note, what did you do with the first note that he passed to you?
A. Flushed it down the toilet.
Q. Okay. Did you have an occasion where he passed you a second note?
A. Yes, sir.
Q. Can you tell the jury how that came about? What happened you get that note?
A. Just to get all the notes slid them under the door.
Q. Do you do that when the guard's looking or not looking?
A. When they not looking.
Q. Okay. And was he the only person in the cell when that notes was slid to you?
A. Yes, sir.
Q. Did you recognize his handwriting as being the same individual that wrote you the note before?
A. Yes, sir.
Q. Okay. I'm going to show you this document. Is this the second note that he wrote you?
A. It was numerous notes before this note, but this is one of the notes.
Q. Okay. And what did you do with that note obviously you didn't flush it down the toilet?

A. No.
Q. What did you do with that note?
A. I kept it.
Q. Okay. Did you eventually give it to someone?
A. I give it to my lawyer.
Q. Is your lawyer Mr. Prosser the gentleman with his arm folded in the suit?
A. Yes, sir.
Q. And he provided us, the State, with a copy of that note?
A. Yes, sir.
Q. Okay.

MR. JEPERTINGER: I would at this time move this into evidence as State's Exhibit Number 30.

THE COURT: I'm going admit it subject to the hearing previously held.

MR. FLOYD: Thank you, Your Honor.

THE COURT: All right.

(WHEREUPON, State's Exhibit Number 30 was admitted into evidence.)

Q. Is this a blowup of the note that we just moved into evidence as State's 30?
A. Yes, sir.
Q. And would this help you read this to the jury and to see it as well?

A. Yes.

MR. JEPERTINGER: I would move this into evidence as State's 31, Your Honor.

THE COURT: I am going to admit it into evidence at this time as an exact replica of the original which has been introduced into evidence concluding that it would help the jury read it better.

MR. JEPERTINGER: Yes, sir.

THE COURT: So I will let the blown up copy. You agree that the blown up is an exact replica of what is said to be the original?

MR. FLOYD: I do agree it's an exact replica, Your Honor.

THE COURT: All right, sir. Then I'm going to let that go in to the jury.

Again, Mr. Foreman, these documents will be with you in the jury room during your deliberation.

The original is identified as what number?

MR. JEPERTINGER: That's State's 30.

THE COURT: And the replica is exhibit 31?

MR. JEPERTINGER: Yes, sir.

(WHEREUPON, State's Exhibit Number 31 was admitted into evidence.)

THE COURT: But the record will reflect that the counsel for the defense and the State asserts that they are

one in the same.

BY MR. JEPERTINGER:

Q. Now, I'm going to ask you to come off the witness stand and go over this. Once again, if you'll stand over here for the jury to identify. And I'm going to give you also State's Exhibit 30 and I'm going to ask you to read this to the jury slowly. And then I'm going to have a few questions about it because there's some terms I don't understand, okay.

A. Yo, son, on some real shit, thank you, for showing me the ropes to some shit bitch nig's don't know -- don't have no clue about. Now, a nig will never go broke. This shit went down like this. I got out the car me and Gangsta and I call that nig like, Yo, that my nig Tellie. Then he started walking back towards me. Gangsta was like, Yo, the jakes is over there. I was like fuck that nig. I ain't got no time to waste. Plus, I don't give a fuck about no jakes anyway. Son, I had hollows in the chamber and I blew the bitch nig brains out. You know how I get down holiday style. That nig shit splattered everywhere and he drop like a rag doll, like he had spaghetti legs or some shit, put three in his back. Redrum had me drink as a bitch. Gangsta didn't even get the drink none because soon as I let off he ran. So that's my shit feel me. In my mind, I was thinking Gangsta was scared. And all these nig's

talking about I'm jake when I'm the one drop that nig by myself. When war gets deep, beef is everlasting. Did that shit for WB and my nig BG rest in peace, birthday present. Rank wasn't the only thing gained. Respect got earned and loyalty got portrayed. Nig's ain't real, son, that's word. Stouk, KB, Poncho, them nigs don't get down how me and you get down, son. You my brother, nig. And I meant that shit when I said it to the heart. Nigs got to die holiday style word up. My lil nigs on the redrum charge too, they gone beat that shit I know. I wouldn't be surprised as Poncho, jake on my lil nig. Word, son, that nig need to get handled. Stu jake on you and Gangsta -- Stouk jake on you and Gangsta son. KB I find out he straight bitch. Don't even associate with them nigs no more. Nigs is jakes AKA backstabbers. Man, they didn't have no evidence, but I promise mom, Dukes, I would tell the truth if they ask me anything.

I gave them two stories. The first one I said the same shit, but I said you dropped us off at Gangsta's peep's house and you was on you way to Big Al's crib. Then I said what you said. Then I told them Beans had the same thing. The reason why I told them that is so it could look like I was lying when Beans didn't give them the thing, feel me. I gave it to him because he needed protection. Plus, he swore on his life he would never let nobody get

it, feel me. So I'm thinking that mean the jakes too. Then my parole officer came to ask me do you have -- do you know anything about a snubnose .38, a .32, a nine, and a long nose .38. I was like what the fuck, that shit got me heated, son. I told him, hell, no. So that shit got me thinking Beans gave to jakes that shit or either Gangsta or whoever know I had that shit told them about it, feel me. If they got it, I'm fucked, but fuck that shit. Yo, son, I always looked up to you and you know that because I always know that you were keep it real with a nig who keep it real with you. I wasn't who you want wit it. You wit who I want wit it. Any nig can get it, that's word. I told myself the only thing I was coming back to jail for was either bricks or bodies and I stuck to my word. Anyway, who is 203204207208 must be in this fuck them. Them nigs in here must be folks or something. Nigs got to tell you who they be. You know what's real, son, holler back. Grave yard to the grave yard one.

Q. Okay. Now, I'm going to ask you if you can help me interpret a little bit of this letter, okay. Do you know what these terms mean?

A. Yes, sir.

Q. Okay. When he said, Yo, son, on some real shit, thank you for showing me the ropes too, what does that mean?

A. The game, dope game selling weed.

Q. And he's thanking you for that?
A. I guess so.
Q. Did you have an occasion to write him a letter where you told him. I showed you the ropes?
A. Yes, sir.
Q. Then it talks about some shit bitch nigs don't have no clue about. Is that just referring to about the ropes?
A. Yeah, guns and shit.
Q. When it says the shit went down like this, I got out of the car me and Gangsta. What did you think he was referring to at that point?
A. Hisself and Gangsta Fred.
Q. In this case?
A. Yes, sir.
Q. Okay. And when he said I called that nig, Yo, that my nig Tellie. What did that mean?
A. That's how he got his attention.
Q. He called him Tellie?
A. Tellie, yes, sir.
Q. Okay. Does Tellie have a significance one way or the other?
A. Todd Wilson.
Q. Todd Wilson ---
A. They call him Todd or Tellie.
Q. That was the nickname for him?

A. Yes, sir.

Q. When he says then he started walking back towards me, Gangsta was like, Yo, the jakes is over there. What are jakes?

A. Police.

Q. Okay. I was like fuck that nig. I ain't got no time to waste. Plus, I don't give a fuck about no jakes. So he's still talking about the police there?

A. Yes, sir.

Q. Son, I had hollows in the chamber. What did he mean by hollows in the chamber?

A. Hollow-point bullets.

Q. Okay. That blew that bitch nig brains out. You know how I get down holiday style. What's holiday style mean?

A. That's a term a rap group use.

Q. What does it mean holiday style, do you know?

A. Really, I don't know.

Q. Okay. That nig shit splattered every where and he drop like a rag doll like he had spaghetti legs or some shit, put three in his back. And did he write this triangle form here with bullets?

A. Yes, sir.

Q. Now, it says redrum had me drunk as a bitch. What do you know redrum as?

A. Murder.

Q. In fact, redrum is murder backwards; isn't it?
A. Yes, sir.
Q. And then he says Gangsta is that -- Gansta Fred Gregory Johnson?
A. Yes, sir.
Q. Didn't even get to drink none because soon as I let off, does let off mean shoot?
A. Yes, sir.
Q. He ran. When he says so that's my shit feel me. So what's that mean?
A. He explaining that's what he done.
Q. Okay. In my mind, I was thinking Gangsta was scared and all these nig talking about I'm jake. What's he mean by that?
A. A snitch the police.
Q. When I the one drop that nig by myself?
A. Yes, sir.
Q. When war gets deep, the beef is everlasting and I think it's remember this. What do that mean?
A. Another phrase by a rap group.
Q. Okay. Did that shit for WB and my nig be BG. Now, what's that all about?
A. WB is somebody nickname.
Q. Who's nickname was that?
A. White Boy.

Q. Okay. And you know who White Boy was, what his name?
A. I don't know his whole name.
Q. Okay. And who's BG, my nig BG?
A. Shontae Waiters.
Q. Okay. And he did this for White Boy and my nig BG, Shontae Waiters?
A. Yes, sir.
Q. Okay. And that's -- White Boy --
MR. JEPERTINGER: Beg the Court's indulgence one second.
Q. Are you familiar with a gentleman by the name of Marcus Martin?
A. I don't know that name, but I know his name Marcus. I don't know his last name.
Q. Okay. And what's his nickname on the street?
A. White Boy.
Q. Okay. All right. B-day present is that birthday present?
A. Yes, sir.
Q. Rank wasn't the only thing gained. What does that mean?
A. That he got rank in the gang like, you know, you kill somebody you step up.
Q. Which gang would that be?
A. Hoover Deuce Cripts.

Q. Okay. All right. We'll talk about that when we get down there. Did you know him to be a member the Hoover Deuce Cripts by the way?

A. I heard.

Q. Okay. Respect got earned and loyalty got portrayed. What does that mean?

A. I guess by killing somebody he got respected. I don't know what he mean by loyalty got portrayed.

Q. Niggers -- nigs excuse me. Nigs ain't real on that's word. What does that mean?

A. Nigs ain't real?

Q. Yeah, nig's aint real. Son, that's word. Is that just a term?

A. Fake if not real, you got to be fake.

Q. Then it says Stouk. Who's Stouk?

A. Maurice Bostic.

Q. Okay. And KB?

A. Kountry Black. Joseph Johnson.

Q. Is he known by Kountry Black?

A. Yes, sir.

Q. You call him KB.

A. Yes, sir.

Q. Poncho, who's Poncho?

A. Marcus May.

Q. Marcus May. And it said Poncho style?

A. Holiday Style.
Q. Okay. Them nigs don't get down how me and you get down, son. What significance did that have to you?
A. Making money, packing guns, holding guns.
Q. Okay. You my brother nig and I meant that shit when I said it to the heart. What does that mean?
A. Like, we show love to each other like that was my brother. Like, we was that close.
Q. Were you that close?
A. Yes, sir.
Q. Nigs got -- what's that word there?
A. To die.
Q. To die holiday style word up what does that mean?
A. I mean, he talking about KB and Poncho being snitches.
Q. All right. Snitches about this case?
A. Yes, sir.
Q. Now, it says my little nigs on a redrum charge too. What does that mean?
A. His little brothers on a murder charge too.
Q. And that would be a set of twins; is that correct?
A. Yes, sir.
Q. All right. Then he says what's the next thing. They gonna beat that shit I know. I want be surprised if Poncho, that's Marcus May?
A. Yes, sir.

Q. Jake on my little nigs. What does that mean?
A. Snitches.
Q. Okay. So he wouldn't be surprised if Marcus May snitched on his little brothers?
A. Little brothers.
Q. What's his word son that nig need to get handled. What's that mean?
A. He need to die.
Q. Marcus May?
A. Yes, sir.
Q. Stouk, that's Maurice Bostic?
A. Yes, sir.
Q. Jake on you and Gangsta son. What does that mean?
A. He told on them.
Q. KB, Kountry Black, I found out he straight bitch. What's that mean?
A. He's not real.
Q. I found out he straight bitch means he's not real?
A. (Shook head affirmatively).
Q. Don't even associate with them nigs. What that mean?
A. Don't talk to them.
Q. Okay. No more nigs is jake. What does that mean?
A. That's the end of the sentence.
Q. No more. Okay. That's no more. Okay. Don't talk to them nigs no more period. Nigs is jake also known as

backstabbers?
A. Yes, sir.
Q. What do that mean to you?
A. Police, they will tell you on.
Q. Okay. The snitches will tell on you?
A. Uh-huh (affirmative response).
Q. Man, they didn't have no evidence. Okay. And what are they talking about there?
A. I guess the gun.
Q. But I promise my mom, Dukes, is that right? What does that mean?
A. His mother.
Q. What's Dukes mean?
A. Mom Dukes mother. Mom Dukes mean mother.
Q. Okay. Mom Dukes is mother. But I promise my mother I would tell the truth if they ask me anything. I gave them two stories. The first one I said the same shit, but I said you dropped us -- what's that word there?
A. Off.
Q. Off at Gangsta peeps, Gangsta peeps house?
A. He saying he told them the first time that I dropped them off at Gangsta Fred grandmother house.
Q. Okay. And you was on yo way to Big Al's crib. What does that mean?
A. He saying he told them I dropped him off at Gangsta

Fred's house and then I went to Alison crib.

Q. Okay. You call her Big Al, I guess?

A. That's what they call her.

Q. Okay. Then I said what you said. Then I told them Beans had the thing thing. What's Bean had the thing thing mean?

A. Beans is Roshaun Woodberry. Thing thing is a gun.

Q. Then he told him that Beans had the gun. All right. The reason why I told them that is so it could look like I was lying when Beans, Roshaun Woodberry, didn't give them the thing referring to the gun?

A. Yes, sir.

Q. Feel me. What's this next part say?

A. I gave.

Q. I gave it to him because he said he needed protection; is that correct?

A. Yes, sir.

Q. All right. Plus, and he's referring to Roshaun Woodberry, Beans, at this point; correct?

A. Yeah.

Q. Plus, he swore on his life he would never let nobody get it feel me. Is it like feel me believe me?

A. Yes, sir.

Q. So I'm thinking that mean the jakes too. And he's talking about means police too; is that correct too?

A. Yes.
Q. Okay. Then my parole officer came to ask me do you know anything about a snubnose .38, a .32, and nine and a long nose .38. What is he referring to with those numbers there?
A. Snubnose .38 the gun that I use to have. .32, I don't know about the .32 or the nine, but the long nose .38 he talking about the gun Gangsta Fred had on him.
Q. Okay. I was like what the fuck that shit got me heated, son. What does he mean by that?
A. He was mad.
Q. I told them hell no. So that shit got me thinking Beans, Roshaun Woodberry; right?
A. Yes, sir.
Q. Gave the jakes that shit. He's saying Roshaun Woodberry talked to the police?
A. The gun.
Q. The gun. Okay. Or either Gangsta or whoever know I had that shit told them about it feel me. If they got it, I'm fucked. What do that mean to you?
A. If they get the gun, that he gave Roshaun Woodberry then he'll be fucked. They have the evidence.
Q. But -- what's that word? But fuck shit. Yo, son, I also had looked up to you you know that. Is he talking about your relationship there?

A. Yes, sir.
Q. Because I always know that you would keep it real with a nig who kept it real with you. What that mean to you?
A. What he said I'll always keep it real with somebody who keep it real with me. I mean, I can't explain it how you want me to explain it.
Q. Was it kind of being loyal to one another?
A. Yeah, being loyal.
Q. All right. Now, it says I wit who you want wit it. What does wit mean versus where? What does that mean?
A. That's another rap phrase off a rap group.
Q. Do wit mean any act of violence?
A. Kill, shoot.
Q. Okay. So I shoot who you want shooted or shot?
A. Uh-huh (affirmative response).
Q. Then you wit who I want witted. You shoot who I want shooted is that what it meant to you?
A. Yes, sir.
Q. Any nig can get it that's word. What do that mean to you?
A. That's the whole -- that's the whole what you just said. I wit who you want wit it. You wit who I want wit it. Any nig can get it that came off a rap. It's like that's word.
Q. Okay. I told myself the only thing I was coming back

to jail for was either bricks or bodies. Now, what are bricks?

A. Keys of cocaine, keys of dope.

Q. Okay. And bodies, murder?

A. Murder.

Q. And I stuck to my word. Anyway, who is and these got the numbers 203204207 and 208 what does that mean?

A. The -- some people from North Florence that was on the same rotation with me.

Q. Is that the cell numbers?

A. Yes, sir.

Q. Okay. And must be ---

A. And that's north side.

Q. North side. And fuck them?

A. Yes, sir.

Q. All right. Them nigs in here must be folks or some -- what is folks?

A. A gang, another gang.

Q. Nigs got to tell you who they be. What's that mean?

A. Because I was trying to find out who they are. He say they must be folks or something.

Q. You know what's real, son?

A. Meaning holler back.

Q. Holler back to you mean talk back to you?

A. Uh-huh (affirmative response).

Q. Then he has a six-sided star here Star of David. What does that mean the Star of David?
A. Cripts.
Q. And that is a gang?
A. Yes, sir.
Q. And brave heart to the grave yard, but it's got the A upside down. What does that mean? What does that A upside down mean any significance?
A. I don't know.
Q. You don't know. Is that brave heart to the grave yard?
A. Yeah, that's just a saying.
Q. Okay. And what's one mean here?
A. Like just the ending of what he saying one, like one love.
Q. All right. Now, over here it says 187 with a triangle at the bottom of the seven under 187 and the triangle was pointing down. What significance does that have?
A. That whole sign the only thing I know is it mean 187 Hoover Deuce Cripts.
Q. And who's Hoover?
A. A gang leader.
Q. Of which gang?
A. The Cripts.
Q. The Cripts. All right. And finally, down the drain

what significance does that have to you?
A. Flush down the toilet.
Q. And is that what you did with the other notes?
A. Yes, sir.
Q. How many other notes do you remember?
A. I can't remember. It was a lot.
Q. This is the one you kept?
A. Yes, sir.
Q. You can have a seat again. Based on the letter that we just went over, he never mentioned getting drow in that letter, did he?
A. No, sir.
Q. Okay. In fact, what he asked was that did that shit for White Boy and my nig BG. Did he ever mention that he was doing something for White Boy and Shontae Waiters?
A. No, sir.
Q. When he was in the car ---
A. No, sir.
Q. --- with you?
A. No, sir.
Q. Is that the first time that you realized when you got this letter that he was doing it for -- this killing for someone else?
A. Yes, sir.
Q. Did you think the only purpose that he stopped to

speak with Joseph Todd Tellie Wilson was to purchase marijuana?

A. That's what I believed.

Q. Okay. Were you surprised when the gunshots went off?

A. Yes, sir.

MR. JEPERTINGER: Beg the Court's indulgence.

Q. Let me ask you this, I know that you say he wrote you several notes that is flushed all of them. Did you write him letters?

A. Yes, sir.

Q. Did you write him letters before he wrote you letters?

A. Yes, sir.

Q. Okay. Did you slid them under his cell door?

A. Yes, sir.

Q. In those letters, did you promise to show him the ropes?

A. I believe in one of the letters I wrote him I said something about me showing him the ropes.

Q. And did in fact you did tell him to keep silent about all of this?

A. Yes, sir.

Q. And why would you tell him to keep silent about all this stuff that you're testifying today? What was your main reason to tell him to keep silent?

A. Because if he -- I believe that if he wouldn't never

told on himself, I never gave a statement then they wouldn't really have nothing to convict him on to tell you the truth.

Q. Were you afraid that you would get just as we've charged you nailed with everything and that be sitting where he's sitting if he sang on you?

A. No, sir.

Q. All right.

MR. JEPERTINGER: I want to show this to the Court that this is unloaded. This is an unloaded handgun in the court procedures. It is unloaded, Your Honor.

THE COURT: I have a rule any gun in my court I always want it pointed toward the lawyers not the jury.

MR. JEPERTINGER: I'll obligate you.

THE COURT: You may proceed it is unloaded.

Q. Do you recognize this handgun?

A. Yes, sir.

Q. Okay. And can you tell the jury what type of gun that is and who it belong to?

A. A .38. It's mine.

Q. And did the police find this at least near you on December 17th?

A. Yes, sir.

Q. Can you tell where the police found this?

A. Under the car wheel in the back of a house.

Q. Had you gone to someone I believe the Johnson's, was it Keith Johnson?
A. Yes, sir.
Q. Okay. Did you go to his house on December 17th?
A. Yes, sir.
Q. Okay. And that was about how many hours after the ---
A. Probably an hour.
Q. Okay. And the -- when the police found you knocking on the door at that house at that time?
A. Yes, sir.
Q. And what did you do with this gun, sir?
A. Put it under the car wheel of the car in the back of the trailer.
Q. And the police found that gun, sir?
A. Yes, sir.
Q. Okay.

MR. JEPERTINGER: I move to introduce this as State's Exhibit 32.

MR. FLOYD: No objection.

THE COURT: Yes, sir.

(WHEREUPON, State's Exhibit Number 32 was admitted into evidence.)

Q. And they arrested you not on these charges, but I believe you may had have some marijuana on you at the time?
A. Yes, sir.

Q. And they arrested you initially on having the possession of marijuana?
A. Yes, sir.
Q. And that pistol charge?
A. Yes, sir.
Q. Okay. And then later you were implicated in this murder charge?
A. Yes, sir.
Q. Okay. Finally, this my last question. Every time that you've used the term Gangsta whether it's in that letter or the term used Gangsta or Gangsta Fred is Gregory Johnson; is that correct?
A. Yes, sir.
Q. And Black is who?
A. Shaun Mack.

MR. JEPERTINGER: Please answer any questions that Mr. Floyd may have for you.

THE COURT: Mr. Floyd.

MR. FLOYD: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. FLOYD:

Q. Mr. Horn, where do you live?
A. Florence. Effingham Florence County detention center.
Q. And how long have you been living there?
A. Since December 31st 2003.

Q. What cell block are you in now?
A. Right now I'm in Max Ed.
Q. Were you recently in the cell block with the co-defendant Gregory Johnson?
A. Yes, sir.
Q. How long y'all been living over there together?
A. Since May 2004.
Q. May of 2004, y'all been in the same cell block?
A. Yes, sir.
Q. How many times have y'all talked about this case?
A. Numerous times.
Q. Y'all discussed your testimony?
A. No, sir.
Q. You never have discussed your testimony with Mr. Johnson?
A. He told me numerous times of what happened that night.
Q. So y'all had plenty of time to get your stories straight with each other; is that right?
A. The only story I'm telling today is the story that happened.
Q. Now, other than this story that you told today, didn't you talk to Maurice Bostic after this incident?
A. No, sir.
Q. You never spoke to Maurice Bostic?
A. Never.

Q. Deny it? You deny telling him you saw Gregory Johnson shoot him?
A. I never talk to Maurice Bostic that night.
Q. Okay. And you been charged in this murder as well; is that right?
A. Yes, sir.
Q. Been charged with conspiracy?
A. Yes, sir.
Q. You testified earlier that you haven't received any plea agreement in this case so far?
A. Yes, sir.
Q. Is that right?
A. Yes, sir.
Q. But you've had discussions about the plea agreement; haven't you?
A. No, sir.
Q. You have not?
A. No, sir.
Q. You don't expect to receive plea agreement when this trial is over?
A. I expect to plea to accessory after the fact that's what I would like to do.
Q. Okay. That's what you expect after this trial?
A. That's what I like to do.
Q. And you've been told that you could get that; haven't

you?
A. No, sir.
Q. You haven't. But you're expecting to get that plea; aren't you?
A. That's what I would like.
Q. But you're still in jail now; aren't you?
A. Yes, sir.
Q. You aren't going to get a plea offer until this trial's over; isn't that right?
A. I really don't know.
Q. I see the -- we gone over the letter that you say that you received from Shaun Mack. You claim that you got other letters from him; is that right?
A. Yes, sir.
Q. And is that how you recognize the handwriting on that letter?
A. Yes, sir.
Q. Okay. But your point of reference mysteriously they're all gone; right? The other letters are gone?
A. Yes, sir.
Q. You don't have those?
A. No, sir.
Q. So you just have that? That doesn't have his name on it, does it?
A. No, sir.

Q. But you say you got it slid through your door?
A. Yes, sir.
Q. It got slid through your door?
A. No, sir, I went to his door.
Q. You were in a different cell?
A. Yes, sir.
Q. How do you know that he expected you to be there?
A. Expect what the letter?
Q. How he expect you to be at the door when you say he slid it to you?
A. I was on rec. and he came to the door told me he had the letter for me.
Q. He came to the door and told you he had the letter for you?
A. His cell door.
Q. You were in the lobby of the cell pod?
A. Yes, sir.
Q. And he was in his cell?
A. Yes, sir.
Q. Those cells are metal. Those doors are metal; aren't they?
A. Yes, sir.
Q. And they got glass pains on it?
A. Yes, sir.
Q. But y'all had a conversation about a letter and a

guard was in there; wasn't it at the time? And there were a guard in there when you were out there?

A. Yes, sir.

Q. But you're saying y'all had a conversation about a letter?

A. In my last letter.

Q. All right. But you definitely wrote letters to him before; didn't you?

A. Yes, sir.

Q. Before you claim you got that letter; is that right?

A. (No response).

Q. At this point, I want to show you Defendant's Exhibit 1 and Defendant's Exhibit 2, okay. Can you take a look at those for me?

A. Yes, sir.

Q. Okay. Are those letters that you wrote?

A. Yes, sir.

Q. You gave those letters to Shawn Mack?

A. Through the mail, yes, sir.

Q. You sent them to him in the mail?

A. Yes, sir.

Q. Is that right? Okay.

A. I was in C block in another pod.

Q. Okay.

MR. FLOYD: Your Honor, I'd like to introduce these

letters into evidence.

MR. JEPERTINGER: Without objection, Your Honor.

THE COURT: Without objection.

(WHEREUPON, Defendant's Exhibit Numbers 1 and 2 was admitted into evidence.)

THE COURT: Do you have it blown up or not?

MR. FLOYD: No, sir, Your Honor.

THE COURT: I would extend to you the same courtesy to blow them up if you care to.

MR. FLOYD: Yes, sir.

MR. JEPERTINGER: They're one and two, Your Honor?

THE COURT: Sir.

MR. JEPERTINGER: Those exhibits one and two?

MR. FLOYD: That's correct.

BY MR. FLOYD:

Q. I want you to keep those with you, okay, for right now. Which one of those letters one was written first?

A. I really can't remember. These were written in 2004.

Q. Let's look at Defendant's Exhibit Number 2. Let's make sure we're on the same page. I want you to read that letter for me?

A. Yo, my nig this that HB for real on some real words or nonetheless we need to be sharing for our opportunity is there. So look keep it real silence. My name shouldn't be on your statement list with a statement yours not on mine,

get me off this for real. If I see 35 or close to it, consequences are there. I'm never scared of death or imprisonment, that's why I showed you my ropes. I live that shit every day. But look trial time, you better let them know I didn't see or hear shit about that night. I was going to Alison crib and I didn't make it, that's all my words. But you betrayed your loyalty for real nig for freedom you probably not gonna see. I need my son. He need me. Do what you got to do my nig. You my brother nig -- you my brother nigga, but my mind not feeling you right now make it happen.

Q. Okay. Now, on Defendant's Exhibit Number 1, could you read that letter for me?

A. Yo, it just like this all the love and respect I have for you man. It just say shit f-l-u shit. I don't know if I was -- I can say what I was saying fuck that shit. You over there telling nigga's you ain't gonna take my charge or other words them pussy ass nigga's charge. Yo, you fuck homeboy. I gonna tell you like this you get out or hit the pen is redrum backwards for you my nig. I just went for a bond hearing for a second time and it was denied from y'all bitch ass nigga's statements. And you switching shit on me and Gangsta. Man fuck you. You use to be my dog you was in my right titee scream loud or die, thought you would die with me. Now, it's a war and you ain't on

the with me. Tell that anything from Philly how bitch made you went out. Man, you a bitch made nigga, but for show my nig's up the road know what up and that's one. Fuck how you take this nigga ain't nothing. You shoulda stick to the script.

Q. All right. So on exhibit number 2 where you say if I see 35 or close to it, consequences are there?

A. Talking about a year.

Q. What does that mean?

A. If he get me messed up in this charge, then I'll try to hurt him.

Q. Okay. So that's a threat?

A. Yes, sir.

Q. It's a threat to his life is what it is?

A. Yes, sir.

Q. Okay. Did you say you're never scared of death or imprisonment; is that what you said in the letter?

A. Yes, sir.

Q. You're scared of it now though; aren't you?

A. No, sir.

Q. You're not. Oh, okay. So why are you testifying?

A. Because he trying to switch the story.

Q. Oh, switch the story, okay. All right. Let's see now on exhibit 1 I want -- I'm going to read the line and tell you like this get out or hit the pen, it's redrum backwards

for you my nig. What does that mean?
A. Murder.
Q. So you threaten to murder him; is that right?
A. If I go to prison for this -- for his charge.
Q. Oh, for his charge, all right. In that previous line I think you said, you ain't gone take my charge; didn't you? Now, all of a sudden it's his charge?
A. That was what he said.
Q. Oh, okay. Well, it's your letter. But you threatened to murder him there in that line; didn't you?
A. Yes, sir.
Q. Okay. You said in the letter that you showed him your ropes. What did you show him?
A. Selling drugs.
Q. Selling drugs. So you were his leader; is that right?
A. Leader of what?
Q. I mean, well ---
A. Only thing I showed him was how to make money.
Q. Showed him how to make money. You show him how to shoot a gun?
A. Never.
Q. Never. But you always owned a gun; didn't you?
A. Yes, sir.
Q. The whole time you knew Mr. Mack?
A. Yes, sir.

Q. You toted a gun all the time; didn't you?
A. Yes, sir.
Q. You showed him that; didn't you?
A. No, sir.
Q. You didn't. Okay. Now, tell me in the last line or where in the last line of Defendant's Exhibit 1 tell that nig in Philly how bitch made you went out. What does that mean?
A. Rumors in the cell block saying that that Gangsta Fred killed him, but he switching it on Gangsta Fred, that's why I told him to tell that nigga from Philly how bitch made you went out. I mean, he really did it and he trying to put it on Gangsta Fred.
Q. Says man you a bitch made nigga, but for show my nigs up the road know what's up and that's one. What does that mean?
A. My homeboys in my prison.
Q. Up the road?
A. Yes, sir.
Q. That's what you mean by up the road?
A. Yes, sir.
Q. They know what's up?
A. Yes, sir.
Q. What does that mean?
A. They know he trying to switch the story on us.

Q. In the last line on that same letter Defendant's Exhibit 1, you should have stick to the script. What script was that?
A. Never tell on yourself.
Q. Never tell on yourself?
A. That's what the script mean.
Q. The script?
A. The code in the street ---
Q. Script is a story; isn't it?
A. No, not in the way I was putting it.
Q. Oh, not the way you were putting it. Okay. So it says stick to the script. You didn't mean a story that you made up?
A. No, sir.
Q. Is that right?
A. No, sir.
Q. Where he was gone take the blame for everything?
A. No, sir.
Q. And if he didn't, you were gonna kill him; is that right?
A. No, sir.
Q. Your letter seems to indicate otherwise; doesn't it?
A. No, sir. If you want me to read the letter again, I read it again.
Q. I don't need you to read it again. I already had you

read it. Thank you very much. In this letter you supposedly got from Mr. Mack that you went over a little earlier, you sure were familiar with all gang symbols; weren't you?

A. Yes, sir.

Q. You were in a gang?

A. No, sir.

Q. You weren't. Well, how do you know all the gang symbols and slang?

A. This is common sense where I'm from. You see this everyday.

MR. FLOYD: Thank you, Mr. Horn, that's all that I have.

REDIRECT EXAMINATION

BY MR. JEPERTINGER:

Q. I just went over -- is all this a story you're making up or what you told me the truth?

A. Yes, sir.

Q. I've noticed in these letters -- did you sign any of these letters that you wrote him?

A. No, sir.

Q. I think that's Defendant's Exhibit 1 and 2 that I have a copy in my hand. You didn't sign any of these as well?

A. No, sir.

Q. Is that common when you send letters not to sign your

name?
A. I mean, if the letter ever got caught by the police or the CO, then they would never who sent the letter.
Q. Let me ask you this, did you write him other letters besides what we see on Defendant's Exhibits 1 and 2?
A. Yes, sir.
Q. Okay. And do you mail them or did you slip them under a cell door or what you do with those?
A. Those letters -- notes that we wrote we was in the same cell block.
Q. A pod?
A. Yes, sir.
Q. Okay. Did you ever ask him to tell you what happened ---
A. Yes, sir.
Q. --- that evening?
A. Yes, sir.
Q. Do you feel that State's Exhibit 31 and 30 the letter he wrote you is that -- was that a response to what he had written?
A. Yes, sir.
Q. Okay. And you don't know what happened to that note that you wrote him asking you for that information?
A. No, sir.
Q. Okay. In terms of -- I know I ask you this, but in

terms of weapons that -- or weapon that he carried, he carried what type of weapon?

A. A .38.

Q. Did he only carry it on that night or had you ever seen him with that weapon before?

A. I seen him with it before.

Q. Okay.

MR. JEPERTINGER: Beg the Court's indulgence one second. Thank you, that's all I have.

THE COURT: All right, sir. Does that conclude your cross-examination, too?

MR. FLOYD: Yes, sir, Your Honor.

THE COURT: All right, sir. You may come down.

(WHEREUPON, the witness leaves the witness stand.)

THE COURT: All right. Gentlemen, the jury has been here very patient since 9:30 this morning would you like to break for lunch at this time?

MR. JEPERTINGER: That will be good, Your Honor.

THE COURT: That suit you. All right. It's 12:30 I'm going to break for lunch at this time, have the jury come back at two o'clock not 2:30 now, two o'clock. That will give them an hour and a half, but I think they probably need to take a break at this time. So remember now my admonition do not discuss the case with anyone or no one discuss it with you. Do not even permit a discussion

Teresa Hennighan,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. LAWSON:

Q. And, Sergeant Hennighan, where are you employed?

A. Florence County detention center.

Q. How long have you been so employed?

A. Thirteen years.

Q. And you are a sergeant?

A. Yes, sir.

Q. What do you do there?

A. I'm a court's liaison and booking sergeant. I assist booking with the intakes and releases, correspond with the judges different defendants that are in jail.

Q. Okay. And do you have the ability to go into your records and determine where a particular inmate may have been at a certain time?

A. Yes, sir.

Q. Ask you if you could look at these records and identify them for me?

A. This is a change in cell assignment report. It basically shows you from the time a person was booked in to a time that they have been released or still in custody what cells they may have been assigned to.

Q. And do you have a form there that relates to Islam

Horn?
A. Yes, sir.
Q. And do you show Islam Horn being in A pod at any time?
A. Yes, sir.
Q. And when was that?
A. He was in A pod on January 7th 2004 until February 27th 2004. And he was also in A pod on 4-8-2004 until 4-23-2004.
Q. And is that April of 2004?
A. That's correct.
Q. And what -- do you show whether he would have been upstairs or downstairs?
A. He would have been in the upstairs room assign to A202.
Q. All right. And do you also have records indicating where the defendant, Terriel Lashawn Mack, may have been in April of 2004?
A. Yes, sir.
Q. And what pod was he assigned to?
A. He was assign to A pod in cell 113 from February 12th 2004 until July 6, 2004.
Q. So the entire month of April he was in A pod?
A. Yes, sir.
Q. And during the majority of April, Islam Horn was also in A pod?

A. Yes, sir.
Q. And was he upstairs or downstairs Mr. Mack?
A. He was in a downstairs room.
Q. And what -- how do you know that?
A. Because he was assign to A113 if the first number is 1 that indicates he was on the first floor.
Q. All right. And there only two floors in the cell block; is that correct?
A. Yes, sir.
Q. And the pods are separate units; is that correct?
A. Yes, sir.
Q. And in those are there different rotations as well as far as recreation or getting out of the cell are concern?
A. Yes, sir. A pod is a 48-room unit. And normally, we would only have a fourth of the unit come out at one time for recreation, which would mean rooms A101 to A112 would be out for one segment of time. A113 to 124 would be the second rec. rotation. A201 to 212 would be the third rotation. And A213 to 224 would be a fourth rotation.
Q. So the two individuals that you have would have been on different rotations that entire month?
A. Yes, sir.
Q. And is there a way to communicate with someone outside of the cell if you're on the inside of the cell can you talk and hear it?

A. Yes, sir. Somebody standing by the door. And, you know, an officer could be talking with someone. Normally, you know, we try to limit the communication, but it's still possible.

Q. All right. And what about transferring notes or messages that can be done also?

A. Yes, sir.

Q. Through the door?

A. Yes, sir, slipped up under the door.

Q. All right. And that's not that hard to do?

A. No, sir.

Q. All right. And you also have mail that goes from pod to pod; is that correct?

A. Yes, sir. In order for it to go from pod to pod, they would need to mail it out and it would come back in and we would deliver it.

Q. Okay.

MR. LAWSON: That's all the questions we have, Your Honor.

Answer any questions Mr. Floyd may have.

THE COURT: Mr. Floyd.

MR. FLOYD: Thank you.

CROSS-EXAMINATION

BY MR. FLOYD:

Q. Ms. Hennighan, is it your policy to allow the

prisoners to walk up to the doors of the other prisoners when they're rec. Time and talk to them?
A. No, sir, it isn't.
Q. So if an officer saw that, he would prohibit it?
A. Yes, sir.
Q. Or he suppose to?
A. Yes, sir.
Q. Okay. And you don't allow them either to walk by a door and to take notes from another, do you?
A. No, sir.
Q. There's an officer at all times on the floor when there's rec. time going on; is that correct?
A. Yes, sir.
Q. Now, I believe you said that Mr. Mack was in pod A113; is that correct?
A. Yes, sir.
Q. And that's on the first floor obviously?
A. Yes, sir.
Q. And then Mr. Horn was on pod A202, which is on the second floor?
A. Yes, sir.
Q. Okay. You would never allow a prisoner on the first floor to go up to the second floor, would you for any reason?
A. No, sir.

Q. Okay. It is possible for a prisoner on the second to come down just for rec. time; is that right?
A. Yes, sir.
MR. FLOYD: Okay. Thank you very much.
MR. LAWSON: Just a few questions, Your Honor.

REDIRECT EXAMINATION

BY MR. LAWSON:
Q. Sergeant Hennighan, as a matter of fact, the people on the second floor there's just a walkway up there basically; is that correct?
A. Yes, sir.
Q. So they have to come down for rec. time or for food or anything else?
A. Yes, sir, all rec. would be on the bottom floor.
Q. And as though they're not suppose to talk to other people and they're not suppose to get notes, those things do happen?
A. Yes, sir.
MR. LAWSON: No further questions.
THE COURT: All right. You may come down and are excused.
(WHEREUPON, the witness leaves the witness stand.)
MR. LAWSON: May it please the Court, the State would call Ron Smith.
THE COURT: Mr. Smith, come around.

THE CLERK: Please place your left hand on the Bible and raise your right hand. Do you swear the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

MR. SMITH: I do.

THE CLERK: Please be seated and state your full name for the record?

MR. SMITH: My name is Ronald Smith.

WHEREUPON,

Ron Smith,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. LAWSON:

Q. And you are presently employed as an investigator for the public defender's office?

A. That's correct.

Q. For the last what 25 years or so you were employed in law enforcement?

A. That's correct with the Florence police department.

Q. And for how long were you employed?

A. Twenty-five years.

Q. I was pretty close.

A. Yeah, pretty close.

Q. And what position did you last hold at the police department?

A. For 15 years, I was the investigator with the Florence police department.
Q. And was that the position you held when you retired?
A. That's correct.
Q. And what year did you retire?
A. In 19 -- correction 2004.
Q. 2004. At the time of your retirement, were you working on a case involving a Defendant Marcus Martin?
A. Yes, sir, I was.
Q. And what was Mr. Martin accused of?
A. The reason I was working on the case is in reference to a shooting homicide that took place at Iola Jones park located here in Florence off Oakland Avenue on April the 20th of 2004.
Q. And what occurred in that case?
A. I was -- how I became involved I was working duty which that fell on that Sunday. And I got a call out through dispatch to respond to that location. Once I got there, I found that there had been two persons shot. Subsequently, we talked to various people that were at the park. Everyone can say that they heard shots, but no one could say that they saw what went on because everybody say they were busy hiding behind cars and ducking or running. All except there's one lady that stated she saw two black males dressed in T-shirts running through the crowd firing

several rounds of ammunition. After my investigator there, I went to the hospital to check on the persons that had been shot. Subsequently, I learn that Antonio McCall was gone to the hospital he had already passed away before I got there. And then there was a second gentleman by the name of Joseph Todd Wilson that had been shot also. I interviewed Mr. Wilson to see if he could shed any light on what had gone on. And he named a person by name white boy. I explain to him or asked him if he knew him by his real name, that particular day the only thing he told me was Marcus.

THE COURT: Now, we're getting into some hearsay now, sir. You don't object to this?

MR. FLOYD: Your Honor, I do.

Q. Did your investigation subsequently reveal a name?

A. Yes, sir, it did.

Q. And what was that name?

A. Marcus Martin.

MR. FLOYD: Your Honor, I believe he's testifying to hearsay again.

THE COURT: I'll permit that inquiry not for the truth of the matter asserted again, but only as a basis for his further investigation. So that the jury will know we have what's known as a hearsay rule. And under that rule, if somebody -- if some testimony comes into court, you're

entitled to hear him in open court for his credibility believability, so that the other side can cross-examine. Consequently, generally hearsay testimony is not produced in courtroom is not admissible. Now, as to that last statement, I'm going to permit it not as to the truth of the matter asserted, but only as a basis for this investigators further examination. Okay. Go ahead.

MR. LAWSON: May it please the Court.

Q. Now, I think you testified earlier that it was April of 2004?

A. It's 2003.

Q. Okay. The -- this incident that we're dealing with now occurred in December of 2003, the incident that you were investigating occurred before that?

A. That's correct.

Q. All right.

THE COURT: I'm going to let you go to the jury room just a moment.

MR. LAWSON: That's all I have, Your Honor.

THE COURT: Wait a minute, I want to get it on the record.

(WHEREUPON, the jury retired to the jury room.)

THE COURT: Mr. Lawson, obviously, his testimony about what somebody said identifying this defendant in another incident is clearly hearsay.

MR. LAWSON: No, Your Honor, he never identified this defendant. We put him up to show that there was in fact a shooting in which Joseph Todd Wilson, the victim, in this case was a witness because in the letter he states that he did it as a favor for WB who's Whiteboy.

THE COURT: I want the record to reflect that your sole purpose was to show that Wilson had been a previous victim is that what you want to show?

MR. LAWSON: Show that he was a witness and had named -- was cooperating with law enforcement. Well, you gone continue to tie that issue up?

MR. LAWSON: Your Honor, I thought we had, but...

THE COURT: No, that's fine then. Didn't he testify that Wilson identified somebody as having been the shooter?

MR. LAWSON: Yes, sir, White Boy, Marcus Martin.

THE COURT: All right. At no time that he identified this defendant?

MR. SMITH: No, sir.

THE COURT: All right, that's fine. Bring the jury back out. I just want to get that clear.

(WHEREUPON, the jury returned to the courtroom.)

THE COURT: All right. You may you proceed.

BY MR. LAWSON:

Q. And the investigation that you conducted did not involve this defendant; is that correct?

A. No, sir, it did not.
Q. But the victim in this case Joseph Todd Wilson was a witness for you in that case?
A. That's correct.
Q. And he had named the person that shot him?
A. That's correct.
MR. LAWSON: That's all the questions we have, Your Honor.
THE COURT: You may examine him.
MR. FLOYD: Your Honor, I don't have any questions.
THE COURT: All right, sir. You may come down.
(WHEREUPON, the witness leaves the witness stand.)
MR. SMITH: Thank you, Your Honor.
MR. LAWSON: I have just one moment, Your Honor.
THE COURT: Yes, sir.
(WHEREUPON, a pause in the proceedings.)
MR. LAWSON: May we approach?
THE COURT: Yes, sir.
(WHEREUPON, a bench conference was held in the presence of the jury, but out of the hearing of the jury.)
THE COURT: All right. We are waiting on another witness.
(WHEREUPON, a pause in the proceedings.)
MR. LAWSON: May it please the Court, the State would call Gregory Johnson.

THE COURT: All right, sir. And as I understand it, the other witness will be available after this witness?

MR. LAWSON: Yes, sir, Your Honor.

THE COURT: All right.

THE CLERK: Sir, come around and place your left hand on the Bible and raise your right hand please. Put your left hand on the Bible and raise your right hand. Do you swear the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

MR. JOHNSON: Yes, ma'am.

THE CLERK: Please be seated and state your full name for the record?

MR. JOHNSON: Gregory Johnson.

WHEREUPON,

Gregory Johnson,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. LAWSON:

Q. Mr. Johnson, you gone need to keep your voice up so that the jury can hear you as well as the court reporter. And when answer yes or no, say yes or no. Don't shake your head because she has to take it down, okay. And she can't take that down when she's trying to type up what you say. Okay.

A. All right.
Q. You go by Greg, Gregory or what name you go by?
A. Either one.
Q. Gregory, do you have a nickname?
A. Yes, sir.
Q. And what's that?
A. Gangsta Fred.
Q. And how long have you had that nickname?
A. Some years now.
Q. Okay. And do you remember who gave you that nickname?
A. Yes, sir.
Q. And who?
A. He passed.
Q. He's passed. Okay. And you are presently charged with the same with murder and conspiracy as well as I think accessory after the fact; is that correct?
A. Yes, sir.
Q. Excuse me just murder and conspiracy. You are represented by Mr. McEachin in this case; is that correct?
A. Yes, sir.
Q. And you -- you have a deal from the State?
A. My lawyer spoke to you on my behalf.
Q. All right. And what did your lawyer tell you you had to do?
A. For my testimony.

Q. And what do you have to testify you have to tell the truth? What do you have to do?
A. What I know what occurred that night.
Q. All right. And would that involve telling the truth or would that involve lying?
A. Telling the truth.
Q. All right. And your whole agreement involved telling truth, does it not?
A. Yes, sir.
THE COURT: I ask you to sit up and talk a little louder, so these folks on the far end can hear you. Thank you.
MR. LAWSON: Sit a little closer to that microphone.
THE COURT: Thank you.
Q. Now, do you remember December the 17th of 2003?
A. Yes, sir.
Q. Do you remember what you did on that particular day?
A. Yes, sir.
Q. Does that day stand out to you?
A. Yes, sir.
Q. And why is that?
A. Because a person died that day.
Q. Okay. And did you see what happened in that situation?
A. Yes, sir.

Q. How about tell me what had you done earlier in the day?
A. Earlier that day?
Q. Yes, sir.
A. Not too much nothing. I was just walking the hood, walking my neighborhood.
Q. All right. And did you at some point in time meet someone?
A. Yes, sir.
Q. And who was that?
A. Horn and Mack.
Q. All right. When you say Horn is that Islam Horn?
A. Yes, sir.
Q. And Mack which Mack are you talking about?
A. Terriel Mack.
Q. And is that the defendant in this case?
A. Yes, sir.
Q. And you recognize him?
A. Yes, sir.
Q. Where is he sitting?
A. Right there.
Q. All right. He's sitting beside a guy with what color shirt and tie?
A. Blue shirt, look like a black tie.
Q. All right. Let the record indicate he's identified

the defendant. And what time of day did you meet Islam Horn and Terriel Mack?

A. A little after 5:30.

Q. And were you in a car or were y'all walking the three of you?

A. I was walking until I met them in a car.

Q. All right. Who had the car?

A. Horn.

Q. All right. And what kind of car was it?

A. Buick.

Q. All right. What color?

A. Purple.

Q. And Horn, Islam Horn was driving?

A. Yes, sir.

Q. All right. And was anybody else in the car?

A. Mr. Mack.

Q. All right. Where was he sitting?

A. Passenger seat.

Q. Front or back?

A. Front.

Q. Front passenger seat?

A. Yes, sir.

Q. All right. And what did you get into the car?

A. After I ask for a ride home, I got in the backseat.

Q. Okay. And what happened then?

A. Horn was telling me that he wanted go to this girl house that was calling his cell phone. He needed to know where she stay, so he ask me did I want to go to. I was gone show him where she stay to.

Q. All right. Do you remember the girl's name?

A. Yes, sir.

Q. And what was that?

A. Alison White.

Q. And did you know where she stayed?

A. Yes, sir.

Q. Did you tell him you would show him?

A. Yes, sir.

Q. And where were you when you got picked up? Where were you when you got the ride?

A. On Barringer Street.

Q. All right. North Florence or East Florence?

A. East Florence.

Q. You were on Barringer in East Florence?

A. Yes, sir.

Q. And which way -- where did the girl live?

A. In North Florence.

Q. Okay. And so you were heading from East Florence to North Florence?

A. We didn't go directly to North Florence.

Q. All right. Where did you go directly?

A. My mother's house.
Q. Okay. And how long did you stay there?
A. Not too long. No more than about ten minutes.
Q. Okay. And what did you do when you left your mother's house?
A. Was on the way to North Florence.
Q. All right. If you would tell the jury what happened next?
A. We was going down Oakland Avenue going to Alison house and we had pass by the victim. Well, I didn't know it was the victim at the time, but Mack seen him and was asking me was -- then he ask me he made a remark about the necklace around his neck. And he ask me was that Todd who snitched on somebody else a guy by the name of White Boy I don't know him. And I tried to look, but I couldn't see him because we done pass him. So he spoke to Horn. I couldn't really hear in the backseat because the music was loud. I ain't know what he said what they talked about. And we turn back around. And ---
Q. All right. What street were you on at that time?
A. Before we turn around?
Q. Yeah.
A. Oakland Avenue.
Q. Okay. And when you talk about turning around, did you turn around right there on Oakland Avenue? You make a

U-turn?
A. No, sir.
Q. You know how you turn around?
A. We turned on Maxwell Street and we made two more rights and that brought us back to Oakland Avenue.
Q. All right. Do you know what street you were on coming up to Oakland Avenue that way?
A. No, sir.
Q. Okay. If you would look at State's Exhibit 5, if you can. This is Oakland Avenue and there's Maxwell Street. This is towards Quinby and that's toward Florence downtown. You say you came up to Maxwell Street?
A. Yes, sir.
Q. And see you took a right here would be on what street?
A. Rose Street.
Q. And then what did you do come down to the next street ---
A. Yes, sir.
Q. --- where you could take a right?
A. Yes, sir.
Q. That would be here?
A. Yes, sir.
Q. At what street?
A. Layton Street.
Q. All right. And where did you go from there?

A. To the corner of Oakland Avenue and Layton.
Q. All right. So that would be up here?
A. Yes, sir.
Q. All right. And what happened then?
A. Well, just get out the car he said, I'll talk to him. And I want to see who he was talking about, so I got out of the car. And when I got to the corner, I seen a person with a chain on. So I ain't know what was gone happen the remark about the chain made me think about it, I thought he was gone take his chain. And so I seen the police coming down the street and cars behind him and I told him don't even worry. Don't need to do that. So I tried to talk him out of it, but he kept going. And so I cross the street trying to talk him out of it, but he call the victim back. When the victim turn around, they was coming to each other talking and I stopped. And I seen when they met each other, I seen him shoot the victim in the head.
Q. All right. Now, what kind of clothes did -- what kind of shirt did he have on?
A. The victim?
Q. No, Mr. Mack?
A. I can't remember the shirt, but he had on a coat. He was wearing a coat.
Q. What kind of coat?
A. I believe it was a black coat.

Q. All right. And -- I mean, did it -- how were the pockets on it?
A. In the front like a hoody. It was like a hoody. I know it had a hood on the back of it.
Q. All right. And it had pockets ---
A. In the front.
Q. --- you put both hands in?
A. Yes, sir.
Q. You can shake hands with yourself on the inside the pocket?
A. Yes, sir.
Q. All right. How did he talk to the -- how did he get Todd Wilson to or stop turn around?
A. He ask -- he had yelled through the projects like is that Tellie and he turned around like who is that. And he was like you know this somebody cousin. I ain't heard the name, but they was coming to each other. And I was back when they met each other and I seen him shot the victim in the head.
Q. All right. Now, you say they were talking towards each other?
A. Yes, sir.
Q. And when they -- I'm gone walk toward you. You tell me when they stopped as far as coming together or was Todd Wilson walking towards him and Mr. Mack walking towards him

or just Mack walking towards Wilson?
A. They was walking toward each other.
Q. All right. And as they walked, how close did they get to each other?
A. Arm's length.
Q. Okay. So about this or closer?
A. Closer.
Q. Okay. How much closer?
A. That's about it. The gun was like right by his head.
Q. All right. So as they get this close together, then what happens?
A. He shot him in the head.
Q. All right. Had they argued or fussed at each other?
A. No, sir.
Q. Had Mr. Wilson pulled out a gun or knife any kind of weapon?
A. No, sir.
Q. So he -- when they got this close together, how long did they look at each other before he actually shot him?
A. Well, wasn't nothing but a couple seconds.
Q. So it was -- they just walked together, bam?
A. Yes, sir.
Q. All right. What happened at that time?
A. I ran the first shot. I ran pass them. When I was running pass them, he was standing over him and he shot him

three more times in the back.
Q. Did you see that?
A. Yes, sir.
Q. Where were you when that happened?
A. Running pass.
Q. All right. And where were you running to?
A. Through the projects, through the projects.
Q. All right. Did you know where you were going at that time?
A. No, not at the time.
Q. Let me ask you this, you said you had seen a police car go by?
A. Yes, sir.
Q. How long before this happened did you see the police car go by?
A. When -- when he shot, when he shot, I was turned like sideways from the street where they were standing. When I looked, I seen the police car was right there. And I look back, that's when he shot him.
Q. Okay. So the police car just gone by?
A. Yes, sir.
Q. You had told him, had you not, that the police were in the vicinity?
A. Yes, sir.
Q. Did that make any difference?

A. No, sir, not to him.
Q. Did he say anything about it?
A. He was like F that.
Q. All right. Now, as you ran, did -- when you first started running, Defendant Mack wasn't running with you?
A. When I first started, no, sir.
Q. He was standing over Todd Wilson?
A. Yes, sir.
Q. And at some point, did Defendant Mack catch up with you?
A. Yes, sir.
Q. Where was that?
A. When I got -- when I noted that my grandmother -- I was by my grandmother house when I got like outside her house, that's when I see he came running up behind me. I was going in her yard.
Q. All right. So did he go with you to your grandmother's house then or did he follow you to your grandmother's house?
A. Yes, sir.
Q. And this is Ms. Robinson?
A. Yes, sir.
Q. She lived on Roberts Street?
A. Yes, sir.
Q. All right. So you went straight from the projects to

Roberts Street; is that correct?
A. Yes, sir.
Q. Did you walk around the neighborhood at all or stop?
A. No, sir.
Q. For any period of time?
A. No, sir.
Q. You went straight to your grandmother's house?
A. Yes, sir.
Q. All right. And how long did you stay there?
A. Probably like an hour 30 minutes, for like an hour and 30 minutes.
Q. About an hour and a half?
A. Yes, sir.
Q. And who did you talk to most while you were there with?
A. My sister.
Q. And what's her name?
A. Michelle Lane.
Q. All right. And you spent a lot of time talking with her?
A. That night?
Q. Yeah.
A. We talk, we talk, but she went in the room while I was sitting in the living room.
Q. All right. What did you have on? What kind of

clothes?
A. I had on, I had on a blue coat -- blue coat, some blue jeans and a black shirt.
Q. Okay. So you had on dark clothes?
A. Yes, sir.
Q. And Defendant Mack what did he have on?
A. Black.
Q. And did you at any point while you were at Roberts Street did you feel bad or get sick to your stomach or anything?
A. No, sir.
Q. All right. Did you ever ask Ms. Lane if she had anything that you could eat?
A. No, sir.
Q. Okay. Did you have a gun with you that night?
A. Yes, sir.
MR. LAWSON: May it please the Court, Your Honor, it's unloaded and empty.
THE COURT: As I said, it's pointing toward the lawyers.
MR. LAWSON: Yes, sir.
Q. I ask you if you could, Mr. Johnson, can you identify this weapon?
A. Yes, sir, that's mine.
Q. And who obtained that weapon? Who got it from you?

A. Who got it from me?
Q. Yeah.
A. They found it when they arrested me.
Q. Okay. The police got it?
A. The police, the police.
Q. Okay. And you had this with you on the 17th?
A. Yes, sir.
Q. And did you shot it?
A. No, sir.

MR. LAWSON: Your Honor, we'd move to introduce this as State's Exhibit 33.

THE COURT: What says, Mr. Floyd?

MR. FLOYD: Your Honor, no objections.

THE COURT: All right, sir, without objection.

(WHEREUPON, State's Exhibit Number 33 was admitted into evidence.)

Q. Now, how did you leave Robert Street?
A. In a cab.
Q. How did you get a cab?
A. Mack called a cab.
Q. Okay. And where did you go from Robert Street?
A. Barringer Street.
Q. And who lives on Barringer Street?
A. Maurice Bostic.
Q. And did you go to his house?

A. Well, I got dropped off in front of his house and I left his house.
Q. All right. And where did you go from there?
A. Marcus May's house.
Q. And when was the last time you saw Defendant Mack?
A. When I left Marcus May house.
Q. All right. He went to Marcus May's house with you?
A. Yes, sir.
Q. How did you get from Maurice Bostic's house to Marcus May's house?
A. Well, they stay like cross the street from each other, so I just walk.
Q. Okay. And how long did you stay there?
A. Not even 30 minutes.
Q. Okay. Where did you go from there?
A. Home.
Q. All right. And do you know where Defendant Mack went from there?
A. No, sir.
Q. All right. Did you see him any more between then and when you were arrested?
A. No, sir.
Q. When were you arrested?
A. January 29th.
Q. So it was over a month before you were arrested?

A. Yes, sir.
Q. And you didn't see Defendant Mack during that period of time?
A. No, sir.
Q. All right. Do you know when Islam Horn was arrested?
A. I believe New Year's Eve. I believe it was New Year's Eve.
Q. Okay. You don't really know; is that correct? I mean, you were with Islam Horn?
A. Either it was New Year's Eve or New Year's day one of them.
Q. Were you -- you weren't with him when he was arrested?
A. No, sir.
Q. Were you with him at all between the time of Mr. Wilson's murder and his arrest?
A. No, sir.
Q. All right. So you didn't see him and you didn't see Mr. Mack either one between the incident and when you were arrested; is that correct?
A. Yes, sir.
Q. Let me ask you, I received this. Do you recall having written that?
A. Yes, sir.
Q. And is that your handwriting?
A. Yes, sir.

MR. LAWSON: May it please the Court, the State move to introduction as State's Exhibit 34. It's just a handwritten document by Mr. Gregory Johnson.

THE COURT: You seen this document?

MR. FLOYD: Yes, sir, Your Honor.

THE COURT: Without objection?

MR. FLOYD: Without objection.

(WHEREUPON, State's Exhibit Number 34 was admitted into evidence.)

Q. Mr. Johnson, is this your normal every day handwriting?

A. Yes, sir.

Q. And you don't have any letters from the defendant written to you while you been incarcerated?

A. I gave it to my lawyer.

Q. And to your knowledge does he have any from you?

A. I did wrote him, but I don't know if he got it.

Q. Okay. And would the handwriting be similar to this?

A. It be the same.

Q. Okay.

MR. LAWSON: Permission to publish?

THE COURT: Yes, sir.

(WHEREUPON, a pause in the proceedings.)

MR. LAWSON: That's all I have. Answer any questions that Mr. Floyd has.

CROSS-EXAMINATION

BY MR. FLOYD:

Q. Mr. Johnson, where have you been living since you got arrested in -- was it January of 2004 when you got arrested?

A. Yes, sir.

Q. Is that right?

A. Yes, sir.

Q. Where have you been living since then? Been living at the detention center?

A. Yes, sir.

Q. At Effingham. You still in there?

A. Yes, sir.

Q. What part of the jail are you in now?

A. I'm in maximum segregation right now.

Q. Of course, you been charged in this murder as well; is that correct?

A. Yes, sir.

Q. You been charged with conspiracy; is that right?

A. Yes.

Q. And have you had any discussions with the Solicitor's office about a plea agreement?

A. My lawyer spoke to the Solicitor on my behalf.

Q. You haven't spoken to him directly?

A. No, sir, my lawyer spoke to him on my behalf.

Q. Okay. All right. And do you know the specific plea agreements been offered to you right now?
A. I have no idea.
Q. After you give your testimony, you expect you'll get a specific plea offer?
A. Well, that's up to them. I don't expect that. I'm just giving this testimony.
Q. So you're just doing that out of the kindness of your heart?
A. I have nothing to do with it anything, so I'm telling the truth.
Q. Okay. But you don't expect to get a plea agreement until after you testify; is that right? Is that your understanding?
A. I ain't say that.
Q. Well, none was offered to you up 'til today; is that right?
A. My lawyer spoke to the Solicitor on my behalf.
Q. Well, I am asking you?
A. I have no idea.
Q. So you don't know of an offer that's been made to you up to today?
A. No, sir.
Q. So if you get one, it will be made after you testify; is that right?

A. I guess.
Q. Okay. Now, after the incident that you described on the 17th, where did you go?
A. After the 17th?
Q. Uh-huh (affirmative response).
A. You mean after ---
Q. Immediately after you went home; is that right?
A. Yes, sir.
Q. Okay. And the next day where did you after that?
A. The next day?
Q. Did you stay in Florence?
A. I stayed in Florence. Matter of fact, the next day I went to a hospital because I came down with the flu.
Q. Okay. All right. Did you stay in Florence the entire time until you got arrested?
A. No, sir.
Q. Okay. Where did you go?
A. I was out of town.
Q. Where did you go out of town?
A. Coward.
Q. To Coward. Okay. Did you go anywhere else?
A. No, sir.
Q. Okay. Where did you go in Coward?
A. A friend house.
Q. A friend's house?

A. Yes, sir.
Q. What's the name of that friend?
A. I don't know his real name.
Q. You don't know his real name?
A. No, sir.
Q. Where is his house, is it in the town of Coward or is it in the country?
A. I think it's like the country. It's looks all like the country. When you go to his house, it's all like the country.
Q. Do you know what street it's on?
A. I don't know the street.
Q. You don't know the name of the road?
A. I'm not from Coward.
Q. How long did you stay there?
A. I stay there not long because I came back to Florence. I probably -- probably a week, a couple days.
Q. Why did you leave Florence?
A. Because I was scared to get locked up for something I ain't do.
Q. So you ran from the police basically is what you were doing?
A. Yes, sir.
Q. But if you were innocent, why did you run?
A. I ain't know no better. I was only 16. I ain't know.

I was scared.
Q. Okay. Have you been living on the same cell block with your co-defendant Islam Horn?
A. In the same pod?
Q. Uh-huh (affirmative response).
A. Yes, sir.
Q. How long have y'all been living over there together?
A. I can't really recall, but it was a little while by now.
Q. Maybe over a year even?
A. Yes, sir.
Q. You talk to him frequently over there?
A. Well, we keep separate. They don't let us talk like that.
Q. But you have talk to him?
A. Not about the case if that what you trying to get at.
Q. You haven't talked about this case?
A. No, sir.
Q. But you talk to him?
A. We talk.
Q. The year and a half with murder charges pending against both of you and y'all don't discuss the case?
A. We can't talk like that because we separated. You can't even talk to people behind the doors. My rotation out they want let us talk to other people behind the doors.

Q. But you said you did talk to him; is that correct?
A. Yes, sir.
Q. How many times have you talk to Mr. Horn? Do you speak to him every day?
A. I wouldn't say every day.
Q. A little earlier when you testified just now, you said you were in a car; is that correct?
A. Yes, sir.
Q. And you said that you couldn't hear what they were talking about; is that right?
A. Yes, sir.
Q. They -- when I say they, I mean Mr. Mack and Mr. Horn?
A. Yes, sir.
Q. They were having a conversation that you couldn't hear?
A. Yes, sir.
Q. Is that correct?
A. Yes, sir.
Q. And it wasn't until after you got out of the car, is that right, that you heard something about Todd Wilson?
A. It was his -- when he got out the car -- when he was getting out the car, I heard him like say that.
Q. Okay.
A. Like go holler at him something to that.
Q. Okay. And I believe you also just testified that you

saw Mr. Mack shoot Mr. Wilson in the head; is that right?
A. Yes, sir.
Q. And do you recall giving a statement about what you saw when you were arrested on January 29th of 2004?
A. Yes, sir.
Q. You remember giving a statement?
A. Yes, sir.
Q. Let me give you a copy of that, okay. First of all, I want you to look at it and make sure that that's a statement you gave, okay.
THE COURT: You have an extra copy of it?
MR. FLOYD: Yes, sir, Your Honor, I do.
Q. Okay. Is that your statement?
A. Yes, sir.
Q. And on page 4, you were talking about what happened you said you saw the victim drop; is that right?
A. Yes, sir.
Q. Okay. And then the officer ask you where Tellie got shot; is that right?
A. Yes, sir.
Q. You said I guess in his head I don't know?
A. I did say that.
Q. Okay. You just saw the body drop; is that right?
A. No, I said that then. I seen the whole thing.
Q. So you didn't tell the whole truth when you gave a

statement; is that right?
A. No, I said that I see it for myself, but I did seen him get shot in the head.
Q. Well, you said you thought he got shot in the head you didn't really know. You seem to be speculating there. A little while ago you said you actually saw it?
A. I saw him.
Q. But that's not exactly what you told the officer that night; is it?
A. Not what I seen it.
Q. Okay. All right. Now, he ask if you had a gun on you; is that right?
A. Yes, sir.
Q. And you did have a gun, didn't you?
A. Yes, sir.
Q. Okay. You always carried a gun?
A. Not always.
Q. When did you start carrying a gun?
A. I wasn't -- probably like age 15 or 16.
Q. And you had a .38 and that was that gun you just showed?
A. Yes, sir.
Q. You told us about your nickname Gangsta Fred. You told us how long you had it and who gave it to you. Why did you get a name like that?

A. That was -- that's like a rap name. They just gave me that name.
Q. Doesn't have anything to do with selling drugs?
A. No, sir.
Q. You didn't sell drugs?
A. No, sir.
Q. You're a friend of Islam Horn?
A. Yes, sir.
Q. Did he sell?
A. I don't know, sir.
Q. You don't know. You were around him a lot; is that right?
A. Well, coming up when we was younger, but before we got locked up, he was in a different area of the neighborhood.
Q. But y'all were still friends and you stayed together a good bit; is that right?
A. Stayed together?
Q. Uh-huh (affirmative response). You hung out together?
A. Every now and then.
Q. So you deny knowing about any drug selling activities by Mr. Horn?
A. I'm not denying nothing.
Q. In this statement that you gave to the police that you have there in your hand, did you make any reference to seeing the victim shot in the back three times in that

statement?
A. I believe I did say that in this statement.
Q. You know where that is?
A. No, sir, not off the top of my head.
Q. So you can't show me where you said that?
A. I have to sit here and read from the beginning.
Q. All right. Well, on page 6, I believe you said you heard some shots; is that right?
A. I'm trying to find where you talking about.
Q. About the middle of the page.
A. I see it.
Q. You said you heard some shots; is that right?
A. Yes, sir.
Q. You said you were already running; is that right?
A. Yes, sir.
Q. So you didn't say you saw that when you gave the statement to the police, did you?
A. I don't see it.
Q. Right. So the story you're giving here today is a little different from the story you gave to the police; is that right?
A. Well, you can say, but it's same thing. I didn't tell him I saw it. I see it says I heard, I heard three shots.
Q. Now, you said that that you went to -- you refer to as your grandmother; is that correct?

A. Yes, sir.
Q. Your grandmother's house; is that right?
A. Yes, sir.
Q. And you stayed there for an hour and a half?
A. Yes, sir.
Q. And you were claiming that you didn't really want to be around Shawn at that time; is that right?
A. Yes, sir.
Q. But that's what you testified to you were trying to get him to leave?
A. Yes, sir.
Q. Is that right? Why did you decide to get in a cab with him after that, share a cab ride and go somewhere else?
A. Because I ain't had no other ride home. My PO she was telling me the other day that she was gone violate me if I came home late again. I ask my grandmother could my sister take me home, but she said no. So I ain't had no other choice, but to ride in the cab.
Q. So you claim that -- claim you were with what you call basically a murderer and you're more worried about your probation officer calling you down for being late coming home?
A. I ain't wanted to get in no trouble. I ain't want nothing to do with that or be violated?

Q. You didn't think you would get in trouble by getting in a cab with somebody who you say just shot somebody?
A. I wasn't thinking.
Q. But you were thinking clear enough to get home in time so your probation officer wouldn't find out; is that right?
A. That's all I was worried about.
Q. Guns, how many guns have you owned in your life?
A. Not too many.
Q. You've owned a few?
A. Yes, sir.
Q. Involving .38's?
A. No, sir.
Q. What other calibers did you have?
A. A .9 millimeter.
Q. Did you ever have another .38 besides that one right there?
A. No, sir.
Q. But you were out in the parking lot that night; weren't you?
A. Yes, sir.
Q. And you were actually behind Mr. Wilson, weren't you?
A. Behind him, no, sir.
Q. Didn't you go one way?
A. No, sir.
Q. And Mr. Mack went the other?

A. No, sir.
Q. Where were you in relation to him?
A. I was kinda to the side. I was behind him to the side a little bit.
Q. You were behind him, but you were to the side?
A. Not behind the victim, behind Mr. Mack.
Q. All right. But you claim you never shot your gun that night; is that right?
A. I know I ain't shot that gun that night.
MR. FLOYD: Your Honor, could I have one minute?
THE COURT: Yes, sir.
MR. FLOYD: Thank you.
(WHEREUPON, a pause in the proceedings.)
MR. FLOYD: Your Honor, that's all I have. Thank you.
THE COURT: Any redirect?
MR. LAWSON: Yes, Your Honor, May it please the Court.

REDIRECT EXAMINATION

BY MR. LAWSON:
Q. Mr. Johnson, the statement that you gave was on January 29th 2004; is that correct?
A. Yes, sir.
Q. That was when you were initially arrested?
A. Yes, sir.

Q. So you immediately gave a statement to the police?
A. Yes, sir.
Q. In that statement, you basically said the same thing that you're testifying to today; is that correct?
A. Yes, sir.
Q. That -- and that was before you had been locked up with anyone; isn't that right?
A. Yes, sir.
Q. You had not had any conversation nor had you even seen either Islam Horn or Terriel Lashawn Mack since the occurrence on December the 17th, had you?
A. I ain't seen none of them, sir.
Q. All right. Between the 17th and January the 29th?
A. That's correct.
Q. All right. And what you said was that the three of y'all were riding, you and Mr. Mack got out. And Mr. Mack shot Todd Wilson and then y'all ran to your grandmother's house; correct?
A. Yes, sir.
Q. Same basic thing that you said today; right?
A. Yes, sir.
Q. And acknowledge that you did in fact have a gun?
A. Yes, sir.
MR. LAWSON: All right. Thank you. That's all I have.

THE COURT: Is it to scale?

MR. LAWSON: It's not to scale.

THE COURT: You seen it. I don't see where it -- probably as I would guess, it would be helpful in his presentation of the testimony for the juries concern.

MR. LAWSON: Correct, Your Honor.

(WHEREUPON, State's Exhibit Number 37 was marked for identification only.)

THE COURT: Okay, let's get on the record now regards to an alleged statement made by the defendant. As I understand it, the State does not intend to introduce that in chief?

MR. LAWSON: Correct, Your Honor.

THE COURT: That there well maybe -- well, may or may not be some Miranda issues. But under any event, if the defendant testifies and if his testimony be contrary to that statement and as I understand the rule, that prior statement by him if it was, can be used to contradict him. You agree with that?

MR. FLOYD: Yes, sir, Your Honor. And I've discussed that with ---

THE COURT: All right. I'm not -- the State's not -- there may or may not be a Miranda issue, but regardless of that, the State does not intend to introduce it. But if he testifies and if his testimony is contrary to that

statement, they can use it to impeach him. All right. What other issue we need to consider?

MR. LAWSON: That's all from the State.

THE COURT: All right, sir. How about you sir, Mr. Floyd? Any issues for you this morning?

MR. FLOYD: Nothing further, Your Honor.

THE COURT: All right, sir. Now, the record will continue to reflect that by agreement of all parties including the defendant the one witness -- one juror was excused yesterday because he recognized during the course of the trial that he may have a conflict with the family of the defendant. You agree with that?

MR. FLOYD: Yes, sir, Your Honor.

THE COURT: All right.

(WHEREUPON, the jury returned to the courtroom.)

THE COURT: Mr. Foreman, on yesterday, I excused one of the jurors and I may have told you why I may not have, but he recognized during the pendency of the trial that he might have known or been friends with some of the family members of some of the participants. And he felt uncomfortable in that position. There's no adverse inference to be derived from his dismissal. He just simply did what a good jury would do and say, Hey, Judge, I'm not sure, but I could have a conflict here. So that's why at his request we excused him. And having said that let me

say good morning to you. I'm glad we're all on time and I thank you for that.

All right, sir. Call your next case or witness please.

MR. LAWSON: Your Honor, can I have just one minute?

THE COURT: Yes, sir.

(WHEREUPON, a pause in the proceedings.)

MR. LAWSON: May it please the Court, the State would call Corporal Michael Brandt.

THE COURT: All right.

THE CLERK: Please place your left hand on the Bible and raise your right hand. Do you swear the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

MR. BRANDT: I do.

THE CLERK: Please be seated and state your full name for the record?

MR. BRANDT: My name is Corporal Michael Christopher Brandt. I'm a police officer with the City of Florence police department.

WHEREUPON,

Michael C. Brandt,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. LAWSON:

Q. Corporal Brandt, how long have you been with the City of Florence?
A. For a little over seven years now.
Q. And what is your job classification at this time?
A. For a little over two years now, I been assigned to the crime scene unit as a crime scene technician.
Q. And in that capacity, what is your major duties or what are major duties?
A. My primary responsibility is responding to crime scenes and documenting preserving and protecting evidence, collecting it, packaging it, and ensuring it's transport to storage and to the laboratories at SLED in Columbia.
Q. Now, in December of 2003, were you with the crime scene unit at that time?
A. Yes, sir, I was.
Q. And did you have occasion to respond to a shooting at -- on Oakland Avenue in December of 2003?
A. Yes, sir, I did. I was working the evening duty that night.
Q. If you would tell the jury what -- how it was that you receive that call?
A. My sergeant notified me. He was in route home and notified me of radio traffic that there was a shooting with a victim. And he gave me the location. So I responded and was met on scene by Officer Gowdy who gave me a briefing

and walk through of the scene.
Q. All right. And where did you end up when you responded to that call?
A. Okay. The location I responded to was [redacted]-- well, the [redacted] buildings of Oakland Avenue in the City of Florence in the County of Florence.
Q. Now, in relation to evidence, the State has submitted item 35, State's Exhibit 35 and 36, which if you could use the evidence number and describe that?
A. State's Exhibit 36 is a projectile I recovered at the scene underneath the victim's body. And it -- I packaged it in this package, heat seal the top and initialed and dated after -- while it was still in my control.
Q. And have you had any more contact with that piece of evidence?
A. Yes, sir, I collected it from SLED this past Friday and transported it back to my crime scene lab and secured it in my crime scene safe until I transported it up to the courtroom.
Q. All right. As to exhibit 35?
A. Thirty-five, State's Exhibit 35 are three projectiles that were recovered from the victim's body at the autopsy. Transported back to me by Investigator William Hester. I took custody of these and logged them in with the assistance of Sergeant Boyd into evidence. And they were

transported to SLED for analysis by crime scene technician Hardee. And I brought them back this past Friday secured them in my safe until I brought them to court.

Q. All right. And State's Exhibit 33?

A. Demonstrate that it's unloaded for you. Okay. State's Exhibit 33 is a pistol that was recovered by I believe Sergeant Godwin and Corporal Camlin of the Florence police department. It was turned over to crime scene technician Hardee who processed it, packaged it. And I transported this weapon to SLED for analysis. And I picked it up last Friday, brought it back to my crime scene lab. Secured it in my safe until the time that I brought it to court.

Q. All right. And number 32?

A. Okay. State's Exhibit 32 is a weapon -- demonstrate that it's unloaded for the jury. State's Exhibit 32 is .38 caliber Rom pistol that was recovered -- that I recovered -- photographed and recovered on the night of the murder from a wheel well on top of a wheel in the area of Jefford Street and Pine Street. I brought it back to my crime scene safe, secured it, packaged it for -- packaged it for transport to SLED. Investigator -- I'm sorry crime scene technician Hardee transported it to SLED for analysis. And I picked it up last Friday. Secured it in my crime scene safe and brought it to court.

Q. And now, on December the 17th of 2003, approximately what time did you arrive at the scene?
A. Okay. I was notified at 6:14 pm and I arrived on scene at approximately 6:23 pm.
Q. All right. And at 6:23 pm when you arrived, what did you do at that point?
A. I met with Gowdy, Officer Gowdy. I noticed first thing when I got to the scene that officers had already secured the crime scene with crime scene tape in an effort to try to protect the scene. So I -- after that was completed, I went and met with Gowdy who was the first officer on the scene. He walk me through and pointed out different items of evidence that he observed.
Q. All right. And what did you do after that?
A. I began photographing the scene. I use a Sony Mavica digital camera and also a 35 millimeter camera to document the scene photographically. Sergeant Boyd also arrived and he assisted in videoing the crime scene.
Q. And were there any -- well, what did you do in relation to the crime scene if anything?
A. Okay. When we photograph a crime scene, we take raw photographs exactly the way it's seen. And then we come back through and mark pieces of evidence with evidence cones and take additional photographs before we manipulate any of the evidence. I did that before photographing the

body. The body had been covered by a hospital sheet by EMS. And I photograph the evidence prior to photographing the body. Once I completed that task, I had emergency services personnel drape blankets around the body. We uncovered the body and I continued photographing -- photographically documenting the scene. At that time ---

Q. Excuse me, Corporal, if you would explain to the jury what you mean by draping sheets around the body what?

A. Basically, we try to shield the public from seeing exactly the graphic nature of the incident in order to protect the victim, the victim's family and the public from seeing things -- this type of thing people just don't need to see.

Q. And at the time that you were photographing this scene, there were people around, people had started gathering?

A. Yes, sir, as I recall, there was a very large crowd outside the perimeter of our crime scene tape. I couldn't guesstimate how many people were there because I was more focused on my duties. But I know that there was a large crowd gathering along with the media.

Q. And if you would there are some photographs. And I would ask you if you could refer to them by State's Exhibit number. Tell us -- let's go ahead and get the screen set up.

THE COURT: If you would tilt it just a little bit so I can see too, that they can see it. Everybody else see the screen that's fine. Thank you.

MR. BRANDT: If it please the Court, may I stand up to point out?

THE COURT: Yes, sir.

MR. BRANDT: Thank you, sir.

THE COURT: However, it's most convenient to you.

MR. BRANDT: Thank you, sir. Douse the lights.

THE COURT: You need to douse the lights?

MR. JEPERTINGER: Yes, sir. Let reflect that the defendant can come to see these photographs as well.

THE COURT: Let the record reflect that defendant and his attorney are in the viewing position for the demonstration.

MR. LAWSON: The witness be allowed to come down.

THE COURT: Yes, sir, I have told him that.

BY MR. LAWSON:

Q. Okay.

A. This is a overview diagram, crime scene diagram that I drew using a rough sketched that I sketched at the scene.

Q. Is this to scale, Corporal?

A. No, sir, as I indicated on the diagram, it is not to scale. It is just a general overview to give a depiction of what I saw that night.

Q. And this State's Exhibit 37; is that correct?
A. Yes, sir. Yes, sir. As you can see [redacted] Oakland Avenue and [redacted] it's apartment building to the west right here. The body was located in the parking lot. He was face down slightly on his side with the arm tucked under. The victim's head is here. There was a pool of blood underneath. Number 9 is the victim's necklace. There was a -- excuse me I'm having difficulty seeing it give me just one second. I believe that's a little bit better. Personal effects, there was a cigarette butt, a cellular phone, bullet which was located underneath the victim's body after he rolled him over. Number 5 ---
Q. Was that one of the bullets that you just testified to?
A. Yes, sir, I believe it's excuse me real quick.
Q. It's the single bullet?
A. It's the single bullet recovered at the scene State's Exhibit 36, which was found underneath the victim. As we rolled him over, it appeared to be on his side. I'm sorry I'm having trouble reading the... Number 6 at the knee level was the original position of the victim's hat. Gowdy notified me that he moved it to cover up the baggie of drugs -- what appeared to be drugs at this location. And there was areas of body tissue seven and five were body tissue and down here is a utility pole that I used for a

measurement point. You'll later see a photograph of that just to give an idea of the proximity to the victim or mailbox some barrier poles, trees and a housing authority sign.

Q. All right. Now, where is Oakland Avenue in relation to that diagram?

A. Oakland Avenue would be to the east. It would actually -- it's a larger -- there is a driveway at this median, that goes to the east and Oakland Avenue runs parallel. It would -- it would effectively be parallel to the bottom of the screen.

Q. If I could real quick ask you on State's Exhibit 5 is this -- this is an aerial photograph do you recognize?

A. Yes, sir, State's Exhibit 5 shows the parking lot and the driveway that I'm talking about. This is Oakland Avenue running right here. This is the driveway. The grass area depicted in the lower portion of my diagram and the approximate location of the victim was right here in this little corner right here.

Q. All right. And the utility pole, light pole, telephone pool?

A. Yes, sir, light a pole was right here several feet from the parking spaces at the grass areas.

Q. And is that the only telephone pole light pole in that vicinity?

A. In the vicinity of the victim's body, yes, sir.
Q. All right. And that dark part of this picture is grass?
A. It's a dirt grass area, yes.
Q. It's not part of the drive, parking lot?
A. No, sir, it's not an improved driving surface.
Q. All right. And that's what you found when you arrived?
A. Yes, sir, this is a general overview of what I found.
Q. Okay. And this would be after you had an opportunity to actually look over the scene; is that correct?
A. Yes, sir, yes, sir.
Q. All right. Now, was there -- you say there was blood under the victim; is that correct?
A. Yes, sir, there was a pool of blood underneath the victim. He had a gunshot wound to his head and the blood was coming from that -- still coming from that location.
Q. All right. Was there any other blood on the parking lot around the victim?
A. No, sir, the only evidence body material was marked at cones five and cone seven which was some sort of body tissue.
Q. All right. Were there blood drops appear to be droplets anywhere?
A. No, sir.

Q. Did you look the around in the area to see if there was a trail or anything coming to the body?
A. Yes, sir, the area that we had roped off in the crime scene was well outside of my diagram. All -- there's a fence line at the back of the apartment complex had officers searching this area. And myself and Sergeant Boyd did a walk through at the -- after we had completed the crime scene diagram, collected all of the evidence, collected all of our equipment, we do an additional walk through to try to ensure that we don't miss any evidence. And at that time, we located no additional evidence.
Q. Was there any indication that the victim was shot in another part of the parking lot and walked to this area?
A. No, sir. There is no evidence to indicate that there was any other crime scene other than this location.
Q. All right, sir. And it would appear from the observable evidence that the victim was killed in this spot or very close to this spot?
A. The evidence indicates that that is the location where he was shot and killed.
Q. All right. There are some -- the photographs that is if you could just go through these and show them?
A. Okay. I will now be showing State's Exhibit 12. This is a 35 millimeter photograph that I took at the scene. And it is a depiction -- the shot is shooting from the

north to the south. This is -- I'm standing north of the victim shooting south with a 35 millimeter camera. The hat is right here at the feet. This is the victim covered by the hospital sheet and the surrounding area. It was at night, so it was very dark. You can barely make out the grassy area at this point right here.

Q. All right. And those lights are those car lights?

A. Yes, sir, these are patrol units shinning their lights back toward the scene to try and assist in lighting the scene for my photographs.

Q. All right. And Oakland Avenue would be behind those vehicles?

A. Yes, sir, Oakland Avenue would be -- it would actually be a little bit off to the side.

Q. All right. Approximately, how far from the body of Oakland Avenue?

A. It would be approximately I believe it was 128 feet. I believe approximately.

Q. All right. And this is what you observed when you arrived on the scene?

A. Yes, sir, this is one of the raw photographs that I told you about. Before we manipulate the scene to collect evidence, this is how we view it and document prior to doing anything else to the crime scene.

Q. And by manipulating, you mean move things so you can

pick things up?
A. Like removing the blanket, marking or collecting evidence in that manner.
Q. All right.
A. Show you very quickly State's Exhibits 17, 18 and 19. Seventeen and 18 show the address the apartment address numbers at [redacted] and [redacted]. [redacted] refer back to the crime scene diagram. [redacted] is the apartment to the southwest of where the victim's body was.
Q. On State's Exhibit Number 5 the aerial photograph?
A. On the aerial [redacted] is located here [redacted] and [redacted] are adjoining in the same building. So these buildings are right here in the -- in relation to the victim's body which was right about here, right about here on the end.
Q. And this is the path going...
A. The light street in this -- in this photograph is a foot path that leads to Brunson Street right here and this is Oakland Avenue.
Q. And the gate, the fence that you spoke about is this fence that you can see?
A. It is a faint black line that encompasses the apartment complex. There is a gate here and then a driveway opening here to Oakland Avenue.
Q. And that is photographs of the building that you just pointed out?

A. Yes, sir, those are 35 millimeter shots I took that night of the buildings. State's Exhibit 19 is the pole. The pole numbers also indicated in the diagram its point of reference, so we can triangulate. We can go back and find the same spot that we been talking about.

Q. So you have three points of reference?

A. Yes, sir. Yes, sir. State's Exhibit 13 is a view with my back toward Oakland Avenue photographing toward building [redacted] You can see the victim's body right here. This will be [redacted]. This is a concrete walkway that leads back toward the gate that opens to Brunson Street.

Q. And that's the condition of the area when you arrived?

A. Yes, sir, the condition upon my arrival. And this is one of my photograph 35 millimeter photographs from that night. Next photograph is State's Exhibit 10 is prior to rolling the victim over. This is the victim's head and neck area. This is the victim's jacket still on him. And you see two bullet wounds or bullet holes in the jacket in close proximity to each other. And then a singular shot off to the side kind of makes a triangular pattern.

Q. And that's the victim's back prior to him being moved?

A. Yes, sir, this is just after the scene was encompassed by blankets. And I removed the sheet covering the victim. This is the first photograph -- one of the first photographs of the victim.

Q. All right. Do you know when EMS -- was EMS already there when you got there?
A. Yes, sir.
Q. And do you know whether or not they moved the body, rolled it over or did anything?
A. No, sir, I do not have direct knowledge. I do not believe that they manipulated -- did anything with the victim other than visual examination and they covered him.
Q. All right. There's no indication?
A. No indication that the body had been rolled over or manipulated.
Q. And that would be based on observable evidence at the scene?
A. One reason that I believe this is true is in this photograph you'll see the necklace on the victim. When I rolled the victim over to check for additional evidence and continue photographing, the necklace rolled off of his head. It rolled -- it came from around his neck. So that makes me believe that he had not been rolled over.
Q. Or else the necklace would already be off?
A. Yes, sir. Yes, sir.
Q. Okay.
A. State's Exhibit 14 is after the victim had been rolled over, this is the projectile I found underneath the victim, that had been underneath the victim. Once he was rolled

over, it was revealed and I began photographing it.
Q. Based on the evidence at the scene, is it your belief that that bullet went through the defendant -- the victim?
A. I did not examine or attend the autopsy to know, but I believe it did. And I'll show you another 35 millimeter photograph of more close range 35 millimeter photograph of the same projectile at a different angle.
Q. What State's Exhibit is that?
A. I'm sorry State's Exhibit 15. State's Exhibit 16 is a close upshot using the Sony Mavica digital camera has a date and time stamp. The 17th and the time that I took the photograph. And this is a close upshot of the projectile as I found it. It is flattened right here I believe that to be an impact with the consistent to be impact of the ground.
Q. At that location, the ground is covered by what surface?
A. It's a concrete driveway.
Q. And that is -- and that's a bullet in that picture; is that correct?
A. Yes, sir, this is a fire projectile from a gun.
Q. All right. That's the same thing that's in State's Exhibit 15?
A. It's a close-up of the same projectile that I located and documented in State's Exhibit 14 and 15. It's just a

close-up shot. And it's from my digital photographs.
Q. Digital?
A. In the same area, I returned to the scene the next day and took additional photographs. State's Exhibit 22 is a daytime photograph -- follow-up photograph to depict in daylight the scene. After we left the scene, there was some graffiti sprayed on the pavement memorials, but this is the area where the victim was. You see it in relation to the grassy area parking. This is the area where the victim had been laying. This is approximate position of the victim's head and body.
Q. All right. And this area up here would be?
A. This is the dirt grass area in the center of the diagram that I showed you.
Q. So Oakland Avenue would be out this way?
A. Yes, sir.
Q. And the building would be back on this?
A. Buildings would be back in this direction and over on this side.
Q. All right.
A. Over to the bottom and the left side of the screen. State's Exhibit 22 is a daytime photograph of the apartment to give better reference point in daylight.
Q. And that's ---
A. That's [redacted] Oakland Avenue the apartments. State's

Exhibit 23 is another daytime photograph of that point of reference. The utility pole, light pole that I use a point of reference in my diagram. This is a shot from the grassy area shooting back toward 505 building. Just off screen right here is the edge of the building and the path leading back to Brunson Street off to the right side. This area right here, this red area right here is the area where the victim had been laying that night. And Oakland Avenue would be off to the lower left corner of the your screen.

Q. And these were taken on the 18th?

A. Yes, sir, taken on the 18th around two p.m.

Q. And later that evening on the 17th, did you -- were you call to another location?

A. Yes, sir. State's Exhibit 24 is a photograph that I took at a location where Horn -- Islam Horn was located. This location was near Pine and Jefford Street just outside the city limits. After I completed my task at the crime scene, Sergeant Godwin notified me that I needed to respond to this location to assist him in collecting evidence. One of the items that they pointed out was a pistol on this tire behind the trailer. It was located right here before manipulating, touching, moving, maneuvering, I photographed the scene. This is one of my digital photographs of that scene is State's Exhibit 24. State's Exhibit 25 is a close-up of the weapon. It is one of my digital

photographs from the 17th at approximately 8:52 p.m.

Q. This is a tire?

A. Yes, sir. That is a tire on that white vehicle that in State's Exhibit 24. It is a close-up and that pistol is the Rom .38 caliber revolver.

Q. And that's the pistol that you identified earlier in State's Exhibit 32?

A. Yes, sir.

Q. And that's the pistol that you -- that was sent to SLED and you picked it up on Friday ---

A. Yes, sir.

Q. --- brought it back?

A. Yes, sir, it is the same pistol. It is the pistol depicted in that photograph.

Q. And that was recovered on the 17th?

A. Yes, sir, the night of the 17th. I recovered it just after I took these photographs. So it's probably 8:54, 8:55 approximately time that I recovered that I weapon from the wheel well.

Q. So approximately two hours after the -- this incident?

A. Yes, sir.

Q. All right, sir. Now, that's all the photographs that are in evidence that relate to you; is that correct?

A. Yes, sir. Yes, sir.

Q. You've took many more photographs than this?

A. Yes, sir.
Q. Have a seat back there. The other photographs that you took would have been basically repetitive of these very same photographs; is that correct?
A. Yes, sir, as a crime scene technician, I been trained to. And I train my technicians now to photograph everything. We take general, mid range, and close-up photographs off everything at the scene even if it doesn't appear to be important at the time. It doesn't appear to have significance. We try to photograph it because later developments and investigator might development something that makes that item significant. So what we try to do is document thoroughly enough to account for any new developments.
Q. As it relates to this case, the photographs has it been introduced pretty much tell the story as to what you found at that scene?
A. Yes, sir.
Q. And if you would tell the jury what your investigation involved?
A. When I respond to the scene, I photographically document the scene. We try to do the diagrams and measurements and walk through the video -- do a video walk through of the scene to recreate the scene and search the scene thoroughly to try to discover any of the evidence,

any evidence that may exist or any items that may be pertinent at a later time. At that time, we -- I located the projectile exhibit 36 I believe it is along with other items. Documented them, collected them and secured them in my crime scene lab safe.

Q. And those projectiles are they important?

A. Yes, sir, this would be the instrument that we believed cause the death of the victim.

Q. And there's a way that they can be tested and that is -- is that done in your lab here?

A. No, sir, we're responsible for mainly collection and preservation and documentation of the scene. What we do is we package it and we send it to the state laboratory, the South Carolina Law Enforcement Division has a forensic laboratory in Columbia. And they have specific sections to analyze firearms and projectiles along with many other task DNA for example that we don't have the resources to do in our agency. And they provide those services for us.

Q. All right. And that's SLED?

A. Yes, sir, SLED.

Q. Commonly known as SLED?

A. Yes, sir.

Q. Do you have the ability to do these tests here locally?

A. Firearms testing, no, sir. No, sir.

Q. It's not like on TV y'all just can't walk in your lab and stick something in the computer and get an answer?
A. No, sir. No, sir, unfortunately, it's not like CSI and we can't develop analysis results in 30 seconds or have data bases that just instantly pull up all the information that we desire. It is a long process. We have evidence -- crime scene technicians that have to transport the evidence to SLED and that takes a period of time. And then each examiner has a case load that they get from around the state, so that takes a period of time. So you don't see the instant results that you might see on your favorite show on your local channel.
Q. Now, when you responded to Officer Godwin's call, did you observe a vehicle other than the white vehicle in that location?
A. Yes, sir, the white vehicle appeared to be disabled behind the residence, but there was also a blue Buick that Sergeant Godwin advised that needed to be processed. So we had that brought to the police department and excuse me I need some water. I'm sorry excuse me. We had the -- Agent Davis with our narcotic's unit wore gloves, drove it to the police department. And Sergeant Boyd and myself photographed it, documented the items inside the vehicle and then processed it for latent prints.
Q. All right. And as I understand it, you can process

for prints and that kind of thing here?
A. Yes, sir, that is part of evidence recovery. We can process items and recover latent prints, but as far as doing analysis on those prints for identification, we do not have that capability. The state law enforcement division has the automated fingerprint identification system. And we utilize their assets and their personnel to make our identifications of latent prints.
Q. And as I understand it, this automobile did not produce any usable prints; is that correct?
A. Let me refer back to my notes, but seven latent prints were collected, but the SLED report if you have the latent print SLED report, they would have the results from the identification.
Q. What do you have those results?
A. They were sent back to the department. I don't have them in my notes, but they weren't -- I do not believe any identifications were made from those prints.
Q. Off the top of your head, you can't recall any?
A. I don't recall any identifications being made from those prints, no, sir.
Q. As a matter of fact in relation to the accumulation of evidence in this case, there was nothing that could be used that you obtained as identification type evidence; is that correct?

A. No, sir, the only items that we recovered at the scene only were identified to the victim nothing that would indicate a suspect.
Q. So it's like the blood at the scene was the victim's blood?
A. Yes, sir.
Q. No one else?
A. Directly underneath the victim's head, yes, sir.
Q. And the -- there were some clothes found in the vehicle; is that correct?
A. Yes, sir, there was a blue and white -- appear to be a racer's jacket like a motor-cross jacket something like that. That jacket was sent to SLED for analysis and no items of evidence were recovered from that jacket.
Q. And you say blue and white, was it half and half -- what was blue and what was white?
A. As I recall, I believe the body of the coat was white and the arms were blue. And I believe it had some emblem sign on it.
Q. All right. And is it my understanding that you can do initial test here?
A. Yes, sir. We have what's called a presumptive blood test kit. It uses a phenolphthalein agent. It breaks down the substance. And it's a three phase test. And at the end of the third chemical being added to the test swab, if

it is blood, human or otherwise, if it is blood, we get an instantaneous pink reaction on the swab. We tested the jacket at the time that we recovered from the vehicle and we got no indication that there were any blood on the jacket. However, we went ahead and sent it off for processing because we don't have all of the state of the art equipment to do DNA testing and all. So we rely on the state lab for advance processing techniques. And it was sent to them and no other evidence was recovered from there.

Q. And it did not yield any evidence against any of the suspects in this case?

A. No, sir.

Q. All right. And if you would tell the jury what else you did in relation to this case?

A. Okay. Basically, the time line was I went to the scene processed the scene. When I cleared the scene, I met with Sergeant Godwin in reference to the vehicle and the pistol recovery. After I finished documenting and collecting items at the second scene, we returned to the police department where Sergeant Boyd and I processed the vehicle. At the -- after we completed processing the vehicle and collecting items from there, I was notified by Sergeant Godwin that I needed to come up to his office where I recovered Islam Horn's clothes and collected a

gunshot residue kit from Mr. Horn. These items were all sent to SLED and the results that we received back from SLED were of no evidentiary value in this case.

Q. So the gunshot residue test as it relates to Mr. Horn was negative?

A. The gunshot residue results came back negative for his.

Q. And gunshot residue, can you explain to jury what that is?

A. Yes, sir, my working knowledge of gunshot residue when a gun is fired especially an automatic handgun. The powder that propelled that had burnt to propel the bullet out of the gun, expands as smoke and other parts and expands when you're ripping a weapon. When you're gripping a weapon, when the projectile is fired the gunshot residue ---

Q. You got to point it at us. Always.

A. When the weapon is fired, the gas smoke and particle expand all around. Well, when it lands, it coats the exterior surfaces of the hand. It can't coat the interior surface of the hand because it's gripping a weapon. Typically, when you find positive gunshot residue results on the hand, it's results on the interior portion of the hand with none on the exterior portion the hand. It is indicative of a defensive posture or it's indicative of touching something that has gunshot residue on it. It's

not consistent with firing, not typically consistent with firing a weapon if it's only on the interior surfaces of the hand.

Q. All right. And you said an automatic is a pistol similar is one that you just shoot and pull trigger and release ---

A. Yes, sir.

Q. And it throws out bullets?

A. Yes, sir, it's similar to the weapon on my hip. It has a large metal slid on the top when the weapon is fired. The gas expansion -- the physical force of the bullet being fired forces that slid back to eject the shell and the gases escape with the shell.

Q. All right. The other weapon that's in evidence is not what we would call -- and, of course, both weapons in this case are called revolvers?

A. Revolvers. Because it has a revolving ammunition magazine in the center of the weapon. And with each shot, the cylinder revolves, that's why we refer to it as a revolver. The automatic relies on -- automatic or semiautomatic handgun relies on the force of the fired shell to recock itself. Where is this revolver, relies on -- most of them rely on the trigger being pulled to advance the cylinder.

Q. It's a mechanism within the firearm that causes the

casing to go round round around ---
A. Yes, sir.
Q. --- to get a new bullet every time you pull the trigger ---
A. Yes, sir.
Q. --- until you shoot them all up. And the gun that you have on your side produces more gunshot residence typically?
A. Typically, it would produce better positive results. You get more of a sample on clothing or on hands with that item, with that type of weapon than you would with a revolver because the revolver has -- when the chamber revolves, it is a tight fit between barrel and the chamber, so more of the gases are expelled out of the barrel with the revolver it's -- with an automatic half of the gases go out the front, half of the gases go out the back to ensure the shell gets ejected. And also with an automatic weapon, cases are left behind. Casings are ejected from the weapon where's a revolver you have to physically unload the weapon after it's been fired.
Q. And to your knowledge would gunshot residue be considered fragile or firearm evidence that stays a long time?
A. It is a very fragile time sensitive trace evidence that we try collect. In general, the general guidelines

set forth by SLED the state law enforcement that does our testing is six hours from the time of the shooting to the time that the outside time that we could collect gunshot residue from a living victim, that's because skin -- you're skin renews itself and you shed your skin and you shed whatever particles are on the skin at the time. Therefore, after a certain period of time even if you had fired a gun without washing your hands, the gunshot residue will have a very low probability of being on your hands.

Q. So in this case, the call came in new at 6:14 p.m.?

A. Yes, sir.

Q. So by six a.m. the next morning the 18th, you would not look to find gunshot residue if someone where arrested after that point?

A. Actually by midnight that same night, I would not be able to collect a gunshot residue. It's only six hours.

Q. Oh, that's right 12 hours?

A. Yes, sir. By midnight, the gunshot residue kits would not be accepted for analysis by SLED.

Q. So as it relates to this case to your knowledge, the only suspect arrested prior to midnight on the 17th would have been Islam Horn?

A. Yes, sir, Islam Horn.

Q. And his GSR was negative?

A. Yes, sir. We also recovered from that vehicle that he

was in the blue Buick. We recovered and submitted for testing gloves from that vehicle submitted them for gunshot residue testing and those came back negative for gunshot residue along with his clothing.

Q. And it was -- the clothes were negative for blood detection and gunshot residue?

A. Yes, sir.

Q. So there was no blood found on his clothes?

A. I believe there was blood, but the analysis of that blood, the DNA results were not the profile of the items found from his jacket were not consistent with the profile of the victim's DNA, so it would not be relevant in this case. This is a copy of the South Carolina Law Enforcement Division forensic services lab report from the evidence processing department. Item 21 was the clothes taken from Islam Horn, which included brown gloves results no blood detected, blue jeans no blood detected, black shirt no blood detected, blue jeans no blood detected, red hiking boots no blood detected, four ankle socks no apparent blood sustains present, black jacket simple collected and sent to DNA for blood identification, that was item 21.7.

Q. And that's the one you testified to was negative for DNA for his victim?

A. Yes, sir. And 21.9 samples were collected and submitted to DNA for blood testing. Those results came

back negative for the victim's blood.
Q. And, of course, SLED was provided a sample of the victim's blood which is normally done in a homicide case; is that correct?
A. Yes, sir, as far as a homicide case, the body would be sent for an autopsy. As you heard yesterday, Deputy Hester testified that he attended the autopsy recovered, those samples of blood and other items along projectiles that brought them back to me in the crime scene lab.
Q. And then from you, they went to SLED?
A. Yes, sir.
Q. Did you -- you went to the scene where Islam Horn was arrested?
A. Yes, sir.
Q. Did you go to the scene when Gregory Johnson was arrested?
A. No, sir, I didn't have any involvement with that portion of the case.
Q. And when the defendant in this case, Mr. Mack, when he was arrested?
A. He was arrested on 12-19.
Q. Yes.
A. Yes, as far as a search warrant, yes, sir, I was apart of that -- I was a part of that detail.
Q. All right. And were you able to your knowledge did

you obtain any evidence at his arrest?
A. There were two weapons recovered and a baggy of marijuana that were recovered in the area where he was arrested. And those were the weapons were sent to SLED submitted to SLED for analysis.
Q. Do you remember the caliber of those weapons?
A. One was a semiautomatic nine millimeter, I believe, it's a Narenco (sic), a chinese pistol. And the other was a .32 caliber. I believe it was a Harrington and Richardson revolver.
Q. Neither was a .38?
A. No, sir. No, sir.
MR. LAWSON: I don't have any further questions, Your Honor.
Answer any questions, Mr. Floyd has.
MR. FLOYD: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. FLOYD:
Q. So you were present on the night that Mr. Mack was arrested?
A. Yes, sir, I was. Yes, sir.
Q. Yes, sir. And was that -- were those items that you discussed were they recovered in a house?
A. They were recovered in a crawl space of [redacted] Barringer Street.

Q. But those items were not recovered on Mr. Mack; is that right?
A. No, sir.
Q. And there were other individuals present ---
A. Yes, sir.
Q. --- in that area; is that right? And you said you didn't perform a gunshot residue test on Mr. Mack?
A. There was no gunshot residue performed because it would not have been accepted on a live person six hours after the time of the incident is the -- from the incident time to six hours is the only time that GSR can be collected for analysis. So the state lab will not even accept a kit if it's collected after the six hour window.
Q. Is there not a test where you can swab the inside of a nose and ears for gunshot residue?
A. As I said before -- well, I'm not aware of any test for nasal or ear swabs for gunshot residue. Typically, it's from the hands and also a collection -- it's called a controlled point not normally gunshot would normally not be found there. I typically use the left rear calf as my control point. The backside of your leg shouldn't be especially if you're wearing long pants in the winter time, you shouldn't have gunshot residence on the back. If that comes back positive, there's something wrong with the test, that's where I do my control. However, that's the only

other portion of the body that is tested for a human. Gunshot residue can be collected from clothing, but from a person, it cannot be collected six hours after the shooting incident. At the time of his arrest, it was more than two days, more than 48 hours. So it would -- the lab would not have accepted the kit had I performed one.

Q. The -- when you were doing the pictures a little earlier for us ---

A. Yes, sir.

Q. --- and there was a picture of a bullet ---

A. Yes, sir.

Q. --- that was lying on the concrete?

A. Yes, sir.

Q. What exhibit number is that bullet please?

A. Exhibit number 36.

Q. And that's the bullet that's in that bag?

A. Yes, sir.

Q. And you collected that?

A. Yes, sir. The brown paper bag is the original packaging I put it in at the scene. And the seal plastic bag is the bag that I sealed it in at the time that I logged it into our evidence room.

MR. FLOYD: Thank you very much.

MR. BRANDT: Thank you, sir.

THE COURT: Any further examination by the State?

MR. LAWSON: Nothing from the State.

THE COURT: You can come down, Officer.

MR. BRANDT: Thank you, sir.

MR. LAWSON: Can we take a morning break?

THE COURT: Yes, sir. The juries been here very tentative for about an hour and a half. Let's take a short break and get you some refreshments. We'll be calling you back in about 10, 15 minutes. Thank you.

(WHEREUPON, the jury retired to the jury room.)

(WHEREUPON, a break was taken.)

THE COURT: All right, sir. Your next witness ready gentlemen?

MR. JEPERTINGER: He is.

(WHEREUPON, the jury returned to the courtroom.)

THE COURT: All right, sir, jury present call your next witness.

MR. JEPERTINGER: Please the Court, Your Honor, we would call Sergeant Melvin Godwin to the stand.

THE CLERK: Please place your left hand on the Bible and raise your right hand. Do you swear the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

SERGEANT GODWIN: I do.

THE CLERK: Please be seated and state your full name for the record?

SERGEANT GODWIN: My name is Sergeant Melvin Junior Godwin.

WHEREUPON,

Melvin Godwin,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. JEPERTINGER:

Q. Sergeant Godwin, for whom are you employed?

A. I'm employed with the City of Florence as a police officer.

Q. And what are your special responsibilities there, if any?

A. I'm assigned to the investigation unit investigating all criminal matters. And I also work with the juvenile justice system.

Q. Were you so employed back in December of 2003, sir?

A. Yes, I was.

Q. And how long have you done investigations?

A. I been with the City of Florence for 16 years. And I been assigned to investigations for 12 of those years.

Q. What was your responsibilities in terms of the case we have before this jury this morning?

A. On December 17th, I was the on-call duty investigator which means you come in at three o'clock and work until six or eight in the morning. So I was the on-call investigator

for that particular day.
Q. All right. And did you have an occasion to respond to this scene or how did this work out that you got involved in this case?
A. Yes, sir. Patrol Officer Gowdy was in the area and called that he needed assistance possible reference to a subject being shot and possibly dead. At that time, we have our radio was monitoring the system. And I heard the call and immediately responded over to Oakland Avenue.
Q. All right. And when you got over to Oakland Avenue, what did you do?
A. Upon my arrival, there was a large crowd gathered in the parking lot, other officers was on the scene. We started to clear people back so we can put up crime scene tape secure the area. I noticed a young man that was apparently about face down on the concrete large -- in a pool of blood.
Q. Okay. And then what did you do?
A. Once I got the scene secured, try to find out was there any witnesses. I understand that they had one individual in a patrol car a Mr. Reed.
Q. Was that the gentleman with the white T-shirt on?
A. Yes, sir. I was informed by him they had him in a car. And I went over and interviewed him about his activity and what was his involvement.

Q. All right. And what did you find out about his activity he was involved in over there?
A. What he told me that he was just a witness that was out there, but he didn't know who did it. He saw the young man get shot, but he didn't know who did it. And they ran off towards Brunson Street through that gated area to the back of Oakland Plantation.
Q. All right. And at that point, did you have other than Reed did anybody else provide any information to you in terms at that time?
A. No, not at that time. A lot of people in the crowd was highly upset, kind of volatile situation people upset about this young man being shot. Nobody directly came up and gave me any confirmed information of who did the shooting.
Q. So what did you do at that point? Where did your investigation lead at that point?
A. Once crime scene arrived to start processing, I maintained stayed in the area until they arrived and let them know what I had as far as what information I have already gained and then begin working the scene process and collecting evidence. Then I departed along with Investigator Smith to further our investigation to see can we locate possible suspects involved in this.
Q. Okay. And you were working nonstop at this point on

this case; correct?
A. That's correct.
Q. Okay. And I understand that there might have been obviously there other crimes that are occurring in Florence at that time and were you investigating anything else at that time?
A. Yes, sir, Assistant Ron Smith -- Investigator Smith a crime that he had of a prior shooting.
Q. Okay. And that shooting had occurred the night before?
A. That's correct on the 16th.
Q. Okay. And at that point, did you have any leads in terms of that case as well?
A. Yes, sir, we had talked to an individual by the name of Keith Johnson that was given up some information that we wanted to go back to and talk to reference possible suspects that were involve with this homicide that we had on the 17th. I contact -- this location was out in the county, so I contacted the narcotics unit, Florence sheriff department their on-call investigators and deputies and we all got together at Levy Park and planned out exactly what where we was going which was a trailer on Jeffries Street. We all got together and went over there. Upon our arrival to that location, a blue Buick pulled up and the individual got out. And at that time, we all approached that

individual. He stepped around the corner of a trailer and came back around to the door trying to knock to get into the house

Q. Let me ask you, was it dumb luck that that individual -- on your part that that individual just happen to be there at that time?

A. That's correct. We were just going on just to see if we can get further information. We didn't have any affirmative lead that anybody was going to show up over at that location.

Q. Okay. And who was that individual that was doing the knocking, sir?

A. Upon our approach and challenging that individual, we discovered that that was Islam Horn.

Q. Okay. And did you see the vehicle that he was operating?

A. Correct. It was a blue four-door Buick.

Q. And at that point what did you all do?

A. Like I say, he was challenged put into handcuffs for investigation detention at that time. I went round where he came back from around the trailer and I went to the back because it was kind of strange he went around and come quickly back to the door. So when I walked around, I saw at the point was a hand gun on the wheel well of an old white I think that was a Grand Prix that was disabled to

the back of the trailer.
Q. Okay.
MR. JEPERTINGER: May I approach?
THE COURT: Yes, sir.
Q. Let me show you State's Exhibit 25 and State's Exhibit 24. If you could just stand please and tell the jury what's on State's Exhibit 25 and 24?
A. State's Exhibit 24 is the Grand Am. And there is the front wheel where the handgun was placed like somebody just reached in and sat it on top of the wheel well and left it there. This is a more blown up shot State's Exhibit 25 of the same thing of the handgun which turn out to be a .38 placed on top of the wheel well right there.
Q. Okay. And when you found that gun, what did you do with that gun or did you call anybody?
A. Yes, I left the gun in place where it was at and contacted Corporal Brandt from crime scene to come and collect that item.
Q. All right. And the point of reference in State's Exhibit 29 what is that, sir?
A. Okay. This is where one -- the trailer on East Pine Exhibit 29 is the trailer on East Pine Street where Gregory Johnson was later ---
Q. This is not the one where Islam Horn?
A. That's correct.

Q. All right. And at that point, you called the police?
A. Crime scene.
Q. You are the police. Okay. You called crime scene to pick up that weapon?
A. That is correct.
Q. All right. And I think Officer Brandt has just testified what happened with that?
A. Right.
Q. What did you do then in terms of this investigation?
A. Once he was placed into custody, he was interviewed at the time. He didn't want to make any statements. And like I say he was in the county, apparently he had marijuana on his person. And he was arrested at that time.
Q. Okay. Through your investigation, did you talk to other individuals?
A. That is correct. Ms. Virginia Robinson this is later not that same night later date and Melissa Lane had contacted the authorities which information got -- people wasn't calling me directly they was giving it to other officers they would feed it to me because I was the lead investigator on this case. So I taken that information and made contact with Mrs. Robinson at her home at [redacted] Roberts Street.
Q. Okay. And what information did you get from both Ms. Robinson?

A. They gave information that two young males one being a family member that they hadn't seen in a long time showed up at they house the night of this homicide. They gave me information that one of the individuals went by the nickname of Black and the other one was Gregory Johnson a relative.

Q. And is that -- did you speak with Ms. Michelle Lane as well about that?

A. That's correct.

Q. Okay. And through your investigation, did you tie in name Black with Terriel Mack?

A. Yes, sir, I like say there was some ongoing other issues from the night prior where there was a shooting and his name had already been up.

MR. FLOYD: Your Honor, I object to testimony ---

THE COURT: Yes, sir, I sustain that what may or may not have occurred prior thereto has absolutely nothing to do with this case and I tell the jury specifically to disregard that comment.

Q. Did you happen to prepare -- I show you State's Exhibit 1 and State's Exhibit 3. Did you prepare or did you have excuse me -- well, let me show those to you and ask you did you have crime scene prepare those lineups for you?

A. That is correct.

Q. Okay. And you showed those to Michelle Lane?
A. That's correct.
Q. Okay. And can you tell us if she identified the individuals?
A. Yes, she did. She identified the subject in the photo ---
MR. FLOYD: Your Honor, I think Ms. Lane has already testified concerning this matter.
THE COURT: Were you there at the time?
SERGEANT GODWIN: Yes, sir. I showed them.
THE COURT: He's testifying of his own recollection. I'll let the jury determine that.
Go ahead.
A. Yes, sir. I showed her photo lay down number two with her relative Gregory Johnson. She positively identified him as number five as one of the individuals came to her house the night of the shooting. And also photograph lay down number one subject and number five as a defendant Terriel Lashawn Mack as the other individual who came to her house that night.
Q. Which one was Mack?
A. On the photograph lineup number one, he's number five.
Q. And that's the one she picked out?
A. Yes, sir.
Q. Now, let me ask you this, based on that information

that you received, did you try to go find Gregory Johnson?
A. Yes, sir. Both individuals were definitely looked for.
Q. Okay. And did you ultimately find both of Gregory Johnson and Terriel Mack?
A. Gregory Johnson was located at a later date. I think the next year January 29th, but Mr. Mack was arrested on the 19th.
Q. Okay. And I think Mr. Brandt testified to that fact?
A. That's correct.
Q. A few minutes ago. When you arrested Johnson and I'm going to show you State's Exhibit 29, is that -- what is that photo?
A. This is a trailer located on East Pine Street here in the City of Florence -- well in the county of Florence. This is where Mr. Gregory Johnson was held up at. And we received information that he would be at this trailer on this night that we located him on January the 29th of 2004. He had been on the run since the homicide.
Q. All right. And I'm going to also show you State's Exhibit 26, 28, 27, and ask if you could identify those and tell the jury what those things are?
A. State's Exhibit 26 is a closer shot of a handgun in a trash can in the room that Mr. Johnson was arrested in. It was a trash can right by there with a clear plastic bag

with trash it. When I went in, I noticed the trash can and once he was secured and arrested, I checked that garbage can and there was the gun. This is another shot of the same thing the handgun in a trash bag which was in a can, that was exhibit 27 and exhibit 28 is a shot of the bedroom looking in where he was at located in and this is another shot of the trash can in the trash bag. This is a shot toward the room area.

Q. Okay. And you found that weapon that you found in the trash bag I think that's on State's Exhibit 33; is that the gun you found in the trash?

A. Yes, it is.

Q. All right. And what did you do with that gun, sir, once again?

A. It was turned over to crime scene the next morning.

Q. All right. Okay. At that point, did you arrest Gregory Johnson, sir?

A. Yes, he was placed under arrest under the warrant. He was brought back here to the complex and he was interviewed on the second floor in my office.

Q. And that statement that the defense attorney cross-examined Johnson with yesterday is that the statement that you took from him?

A. Yes, sir.

Q. Okay. And was that another piece of information that

you had in the investigation of this case ---

A. That's correct.

Q. --- and used?

A. That's correct.

Q. All right. And based on that information that you got from Johnson and that you got from Virginia Robinson and Michelle Lane and the blue Buick that you saw Horn associate with, did you make this case for murder against Mr. Mack?

A. Yes, sir.

Q. Okay. Was there anything else that you did in relation to this case that this jury needs to know about?

A. No, sir.

MR. JEPERTINGER: Please answer any questions that Mr. Floyd might have for you.

CROSS-EXAMINATION

BY MR. FLOYD:

Q. Mr. Godwin, were you present the night that Mr. Mack was arrested?

A. No, sir.

Q. You were not there?

A. No, sir.

MR. FLOYD: Thank you. That's all that I have.

THE COURT: You may come down, officer. Thank you.

(WHEREUPON, the witness leaves the witness stand.)

THE CLERK: Ma'am, please place your left hand on the Bible and raise your right hand. Do you swear the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?

DR. ROSS: I do.

THE CLERK: Please be seated and state your full name for the record?

DR. ROSS: Janice Edwards Ross.

WHEREUPON,

Dr. Janice Ross,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. LAWSON:

Q. And I believe that's Dr. Ross; is that correct?

A. Yes.

Q. If you would for the record state your educational background, Doctor?

A. Yes, I have a bachelor's degree from the University of South Carolina. I received my MD from Syracuse Upstate Medical Center in Syracuse, New York in 1972. And then did further education residency training in pathology. And was board certified in three areas of pathology surgical, clinical and forensic pathology in 1976 to 1985.

Q. And what is your present area of practice?

A. I work with the Newberry pathology associates,

forensic pathology.

Q. And how long have you been involved with specialty in forensic pathology?

A. For almost 29 years.

Q. And have you testified in court before, Dr. Ross?

A. Yes.

THE COURT: I qualify her as an expert in forensic pathology. She testified in my court in many courts of this state on numerous occasions.

MR. LAWSON: Forensic pathology, Your Honor?

THE COURT: Yes, sir.

MR. LAWSON: Thank you.

Q. Dr. Ross, in your capacity as a forensic pathologist, did you receive a or were you requested to do an autopsy on a Joseph Todd Wilson?

A. Yes.

Q. Would you explain to the jury how that came about?

A. The coroners of many counties of South Carolina ask us to do their autopsies because of our expertises in that area. And Coroner Matthews called and asked me to do this autopsy. The autopsy was done at Newberry hospital.

Q. All right. If you would for the jury, would you explain to them what forensic pathology is?

A. Yes, pathology is the study of disease and we use the laboratory and we use a microscope actually looking at

tissue. For instance, if you have a tumor taken out in surgery, we'll look at it and see if it's cancer or not cancer. Forensic pathology, the word forensic means legal. So forensic pathologist uses that medical knowledge of diseases and patterns of injury for legal matters when you're looking at things like accidents and homicides and suicides. So forensic pathologist does autopsies and looks at the patterns of injury to help access a crime or not a crime.

Q. And you were requested in this case to do an autopsy?

A. Yes.

Q. And did you perform an autopsy?

A. Yes.

Q. When was that done?

A. That was December 18th 2003.

Q. And if you would explain to the jury what you did in relation to the autopsy?

A. Yes, first of all, we do a thorough investigation and the view of the external body including the clothing and look for injuries or patterns of injuries. And we do an internal review of all the organs in a systematic manner.

Q. And did you do that in this case?

A. Yes.

Q. And what did your finding reveal to you in relation to this case?

A. We found that this gentleman had four gunshot wounds. One to the head and three which entered the back and two of those which entered the back came out the front when we found a total of three bullets.
Q. All right. And you said that two that entered the back came all the way through the body?
A. Yes, and one of those was caught inside the clothing. One continued all the way out through the clothing.
Q. All right. And the one that was in the clothing you recovered at the autopsy?
A. Yes.
Q. I would ask you State's Exhibit 35 for identification if you could look at that exhibit and tell me if you recognize what's contained in that bag?
A. These are our labels and the way we put bullets as we procure them from an autopsy and submit them for evidence. So that for instance, this one number one is from the head. And I can say that this has a marking on it. This is from Joseph Wilson from the head from the autopsy. The one label number two was -- in the underneath the skin in the back of the neck. Again, that has our mark on it.
Q. Did that bullet actually enter in the neck, Dr. Ross?
A. No, sir, that went in the back and travel up underneath the skin and ended up in the back of the neck underneath the skin. I'm sorry. And number three again is

the one found in the clothing and that has a mark on it that those are -- these are bullets we retrieved from this autopsy.

Q. And that's State's Exhibit 35 and you turn these over to William Hester who was present at the autopsy?

A. Yes, we did.

Q. And that assume would be the last that you saw of the bullet?

A. Yes.

Q. All right. When you did your initial or did the autopsy, what did you find in relation to any injuries that Mr. Wilson may have suffered prior to his having died?

A. Are you referring to the gunshot wounds themselves?

Q. Yes, ma'am.

A. There was one gunshot wound -- we number these according to -- not according to when they occurred in sequence, but just for anatomic purposes from top to bottom or from front to back. So number one went in the left forehead basically and went backwards and across through the brain, that one was what we call an intermediate range shot. It was the barrel of the gun was a little bit closer than a distant shot but not a contact wound.

Q. All right. And that would be somewhere in the range of 18 inches to as close as three inches?

A. It could be depends on the gun, the ammunition, the

length of the barrel and a lot of variations. So if you want an exact, more exact distance then you have to take the exact gun and the exact ammunition and do target shooting to verify the pattern.

Q. Okay. Eighteen inches would be a fairly safe distance?

A. Between those -- that range three or four inches to 18 inches.

Q. All right. And was anything found on the outside of the head that would assist you in making that determination?

A. There was what we call tattooing when a bullet comes out of a gun, so there's some burning powder and when that powder hits the skin, it causes a little burn or a little abrasion mark. But that powder doesn't go very far, that's why, you know, if it were more than 25 inches away, you wouldn't see that that's called tattooing.

Q. And that was present in this case?

A. Yes.

Q. The gunshot wound to the head what type of wound would you classify that as?

A. A medium caliber.

Q. Okay. And in relation to its affect on the body what ---

A. That would cause immediate unconsciousness and a clasp

of the person.

Q. So the body would almost immediately clasp?

A. Yes.

Q. And is -- would that wound or that gunshot wound be classified as a fatal gunshot wound?

A. Yes.

Q. And were there -- you said there were other wounds that you went down the body?

A. Yes, in the back, we found a wound in the back just to the left of the middle, which is as I say we arbitrarily call number two because of the -- where it's found on the body. And that one went underneath the skin was found under the skin in the back of the neck and it did not hit any vital organs or arteries, so it would not be fatal. The third wound was in the left back. Again, it was going from back to front and a little bit and upward and that one went through the heart and caused a lot of bleeding in the chest cavity, so that one was fatal. And the forth wound was in the back. It went through all the lobes of the right lung and before it came out of the body and that caused a lot of bleeding internally, so that one would have been fatal also by itself.

Q. So out of the four wounds three of them would have been fatal if inflicted separately?

A. Correct.

Q. Are pictures routinely taken during an autopsy?
A. Yes.
Q. I would ask you just for purposes of would you look through and these are all marked would you look through and see if as a group those are appear to be autopsy photographs?
A. Yes, they are.
Q. All right. And are -- I think two of them are copies of pictures of x-rays; is that correct?
A. Correct.
Q. And you have the actual x-rays with you?
A. Yes, I do.
Q. But are these -- these are pictures of the x-ray or are they accurate as to the x-ray what the x-ray itself shows?
A. Yes.
Q. And is it easier to use the photographs and the x-rays?
A. I believe so.
MR. LAWSON: May the witness come down, Your Honor.
THE COURT: Certainly, Doctor, you may do so.
Q. State's Exhibit 6 if you could, Doctor, identify this photograph?
A. This is the left side of the head, left side of the head of Joseph Wilson. At the time of the autopsy, this

has been washed off, so the excess blood been washed off. This is the entrance gunshot wound. And I think you can appreciate the little dots here, that's what we call tattooing and that's caused by the powder coming out of the gun and hitting the skin.

Q. And that is what you had referred to as gunshot wound number one?

A. Correct.

Q. And that wound you testified would be consistent with a collapse of the body?

A. Yes.

Q. The next photograph is State's Exhibit 11.

A. This is the back of Joseph Wilson at the time of autopsy. You can see an autopsy number. Again, we number these from top to bottom. We've already numbered the one in the head is number one. So this is number two. This we had is number three and this one number four.

Q. All right. And number two the path of that projectile through the body?

A. It goes up to the area of the neck just staying underneath the skin.

Q. And number three?

A. Three goes towards the front and goes -- and upward. So it goes up somewhat. And it comes out the front of the chest.

Q. And is that the one that hit the heart?
A. Yes, it goes somewhat to the victim's right going through the heart.
Q. And you said it caused internal bleeding?
A. Yes.
Q. And then ---
A. Almost three units of blood in one what chest cavity.
Q. And then a gunshot wound number four?
A. Four again goes upward forward and goes through the right lung and out the right chest.
Q. And that one would be the one that was not recovered at autopsy?
A. That's correct.
Q. And that wound also caused internal bleeding?
A. Yes, it was like 650 cc's of blood in the right chest cavity.
Q. And is the bleeding that was within the body was it a lot of blood?
A. Yes, it was significant. It be over a third of the total body amount of blood.
Q. And is that blood the lost of blood in those situations is what would render those shots fatal?
A. Yes.
Q. Now, State's Exhibit Number 7 is a picture of the x-ray can you bring it down?

A. X-ray of the skull. You can see the mouth and the teeth here. This would be bullet number one and it's little fragments of lead of the bullet that come off as it goes through the head. And this little -- it's kind of faint here, but this is a bullet that was under the skin in the back of the neck.

Q. All right. So on the actual photograph when the jury looks at this exhibit, there's a little faint mark on this x-ray down here and that is the bullet that's under the skin in the neck?

A. Yes.

Q. Okay. This is also State's Exhibit 8 which is a picture of the x-ray. You may have to just use this one. Hold it up and if you could show the jury?

A. I think you can see this is a chest x-ray. You can see the ribs. This bullet you can even tell that it's outside the body. The bullet was found in the clothing. It came out of the chest that but stayed within the clothing. This right over here is an EKG leads where it snapped. These are not bullets, but that's the bullet that was free in the clothing.

Q. This is State's Exhibit Number 9?

A. This is just a documentation of the back of the shirt and those arrows show where the wounds are in the shirt, clothing had wounds as well as the skin.

Q. And that was done at the autopsy?
A. Yes.
Q. All right. And that showing the three holes through the back of -- is that a shirt or a jacket?
A. I guess that's a jacket. He had a shirt and jacket on dark, a dark blue jacket.
Q. Okay. All right, that's all the photographs. Doctor, there were a number of photographs taken at the autopsy; is that correct?
A. Yes.
Q. Would you say that these pretty much highlight the wounds that you found as a result of gunshot in relation to Mr. Wilson's autopsy?
A. Yes.
Q. And in relation to the manner and cause of death, did you reach a decision as to the cause of death?
A. Yes, I did.
Q. And what was that?
A. Exsanguination which means bleeding out and contusion of the brain due to laceration of the brain, heart and lung, due to gunshot wound to the head and chest -- head and back.
Q. And did you based on your experience determine a manner of death?
A. Yes.

Q. And what was?
A. Homicide.
Q. And so based on your findings at autopsy, the victim, Joseph Todd Wilson, died as a result of gunshot wounds that caused other problems?
A. Yes.
MR. LAWSON: Dr. Ross, thank you. Answer any questions Mr. Floyd may have.
MR. FLOYD: Your Honor, I don't have any questions for this witness.
THE COURT: Dr. Ross, we appreciate your attendance and you are now excused from the subpoena. Good to see you again.
(WHEREUPON, the witness leaves the witness stand.)
THE COURT: All right. Call your next witness.
MR. LAWSON: We ask that Dr. Ross be excused. I'm sorry, Your Honor, I'm hard of hearing. May it please the Court, the State would call Lieutenant Ira Parnell.
THE CLERK: Put your left hand on the Bible and raise your right hand. Do you swear the testimony you give in this case to be the truth, the whole truth, and nothing but the truth so help you God?
LT. PARNELL: I do.
THE CLERK: Please be seated and state your full name for the record?

LT. PARNELL: My name is Ira Byrd Parnell, Jr. P-a-r-n-e-l-l.

WHEREUPON,

Ira Parnell,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. LAWSON:

Q. And is Lieutenant Parnell?

A. Yes, sir.

Q. And who do you work for, Lieutenant?

A. I'm employed by the state law enforcement division also known as SLED.

Q. And how long have you been so employed?

A. Thirty-three years.

Q. And where of what capacity are you employed with SLED at this time?

A. I'm the supervisor of the firearm and tool mark identification laboratory at SLED headquarters in Columbia.

Q. And how long have you been in the firearms and tool mark department?

A. Thirty-two years.

Q. And how long have you been the supervisor over that?

A. Almost 20 years.

Q. All right. In that capacity, do you perform test in relation to firearms and weapons?

A. Yes, sir, I do.
Q. And ammunition?
A. I do.
Q. And what training background do you have in relation to firearms or ammunition testing?
A. Well, I graduated from the University of South Carolina with a degree in the area of criminal justice. At the latter part of my college career, I was also employed at SLED and undergoing an internship program in the three court qualified firearm and tool mark examiners. At that time, there was no college degree or college course or upper level learning facility that you could go to to learn the science of firearm identification. So you had to learn by watching and observing and assisting other qualified examiners in doing their work. This program lasted approximately two and half years. During that time, I test fired weapons, did microscopic work, attended specialized courses that were offered at the criminal justice academy. And upon completion of that portion of my training, I then began doing firearms identification and tool mark identification cases on my own. Since that time which would be been about 1975, I examined many hundreds of thousands of individual bullets, cartridge cases, firearms in related evidence. I've attended specialized courses at the FBI national academy where I graduated. And after

that, I also attended additional courses offered by the FBI and our state criminal justice academy. I'm a member of the international organization of firearm and tool mark examiners which is called APTE where we meet once year a for a week to discuss latest developments in firearm tool mark identification, see what everybody else is doing. There's any new ways to do examinations that we learn in there. And I testified approximately 565 times as a firearms expert.

MR. LAWSON: Your Honor, the State would move at this time to qualify Lieutenant Parnell as an expert in the area of firearm and tool mark identification.

MR. FLOYD: No objection, Your Honor.

THE COURT: He's an expert. He's testified too in my courtroom on many occasions. He's an expert in that area.

Q. May it please the Court. Lieutenant Parnell, I would ask you first if you could identify what's contained in State's Exhibit 35 and 36?

A. State's Exhibits 35 and 36 all bear my case markings in that these items have been in the laboratory and they're my special number case number and initials. The three items contains State's Exhibit 35 are three fired .38 caliber bullets. And in State's Exhibit 36, it also bears my case numbers and specimen number and initials. This a

fourth fired .38 special caliber bullet, each of these items bears my case number specimen number and initials. And I have examined them all.

Q. All right, sir.

MR. LAWSON: Your Honor, I would now move item State's Exhibit 35 and 36 into evidence.

THE COURT: They are admitted.

(WHEREUPON, State's Exhibits 35 and 36 was admitted into evidence.)

THE COURT: As I told you before, Mr. Foreman, these matters that I have permitted into evidence will be with you in the jury room during your deliberations.

Q. Now, what examinations were you requested to do in relation to those items contained in exhibits 35 and 36?

A. State's Exhibits 35 and 36 the four fired bullets were submitted along with other items for comparison. The request was made to first of all determine caliber, type of bullet. In other words, construction of the bullet was it a hollow point or was it a round nose. What type of bullet were they or bullets were they. There's also a firearm submitted at that time. It was requested to know whether or not that particular firearm fired these bullets or not.

Q. All right. I believe that at some point two firearms were submitted in relation to these particular bullets one would have been this firearm?

A. State's Exhibit 32?
Q. Yes, sir.
A. It was also submitted along with these four fired bullets at one time.
Q. And also State's Exhibit 33?
A. State's Exhibit 33 was submitted at a later date. The request was made to determine whether or not the four bullets in State's Exhibits 35 and 36 were or were not fired either in State's Exhibit 32 or State's Exhibit 33.
Q. All right. And was a -- or did you conduct test to determine whether or not these bullets were fired by these guns?
A. Yes, sir, I did.
Q. And would you tell the jury what your findings were?
A. As a result of microscopic comparisons of State's Exhibits 35 and 36, the four fired bullets three from the body and one from the scene and test bullets that I fired from State's Exhibit 32, the revolver that came in along with these bullets and State's Exhibit 33 the later submission, I was able to conclude that the markings that were found on these four bullets State's Exhibits 35 and 36 were different from those that were on the test that I fired out of State's Exhibit 32 and 33. And these four bullets were not fired in either one of these two firearms.
Q. All right. And what tells you that, Lieutenant

Parnell, if you could explain to the jury what you do and what you look for in comparison?

A. First of all, when State's Exhibits 35 and 36 the four fired bullets came in along with State's Exhibit 32, I examined the four fired bullets first. I determined that they were all .38 special or .357 Magnum caliber. In other words, .35 caliber .357 inches. I then compared them with each other. And I was able to determine through microscopic comparison that the markings on these four bullets were all made by one firearm barrel. In other words, they were all fired in one gun. The gun that fired State's Exhibits 35 and 36 as you need markings just like every other firearm does, but it has what we call five lands and groves. Now, it's a new term on you, but when a firearm is made such as State's Exhibit 32 or 33 the one I'll use 33 because the barrel is little longer. Inside the barrel, markings are left during the manufacturing process that are unique to this gun in this gun barrel and no other barrel ever made. The first operation is that the barrel the hole is drilled into the barrel that's approximately the same size as the bullet that's going to be fired out of it. In addition to that, processes called riffling are done which remove metal in the case of State's Exhibit 33 and six evenly spaced areas. If you look down the barrel of State's Exhibit 33, you would see six evenly

spaced for approximately evenly spaced what appeared to be square bottom ditches for lace of a better term. And if you look down the barrel with a light, it would look like spiralling lines. And the purpose of the riffling inside the barrel is to stabilize the bullet and spin it in a certain direction much like a quarter back throwing football. The bullet goes out spinning. Then it's stabilized and it goes straighter and farther and better towards the target which it's aimed. If you were to throw a football sideways, it would wobble it wouldn't go straight. So if you spiral it, it stabilize and it goes straight where you throwing it. As I said State's Exhibit 33 has six lands and six groves in the barrel as oppose to five lands and groves on the evidence. State's Exhibit 35 and 36. State's Exhibit 32 has the same type of riffling processes only it has eight lands and groves. Eight spiralling lines in the barrel as oppose to five on the evidence. So there's no way that State's Exhibit 32 or 33 could have fired State's Exhibits 35 and 36. Now, the reason I can identify these four bullets is having been fired in one gun barrel as during that drilling process little random unique and unusual areas of damage are left inside the gun barrel, so when a bullet is fired out of it, these little unique and random imperfections cause scratches on the outside of the bullet that are highly

unique. And microscopically, there are very evident, so I could match State's Exhibits 35 and 36 to each other and eliminate them from the test bullets from State's Exhibit 32 and 33.

Q. Could you tell what type of ammunition State's Exhibit 35 and 36 was? I mean, was it brown nose or hollow point?

A. They were the three bullets in State's Exhibit 35 and the one bullet in State's Exhibit 36 were all consistent with semijacketed hollow point ammunition.

Q. And what is semijacketed ammunition?

A. That means that part of the bullet is covered in cooper and the cooper jacket. The nose of it or the upper end of it is exposed lead which is there to cause it to mushroom or enlarge when it hits a target of the back of it. I don't know whether y'all can see it, but you can look later is a copper jacketed material in the core and the nose is lead alloy.

Q. For the purposes of demonstration to the jury, would that be consistent with a semijacketed hollow point?

A. Yes, it would.

Q. And it's because it's hollowed out in there is why they call it hollow point?

A. Right and it's got a semijacketed because it's not a fully jacket. Part of it's jacketed with cooper and the expose nose is not.

Q. And that's this part here where it changes from copper color to lead color?
A. That's correct.
Q. All right. And what is the effect of ammunition there hollow point on the object that it hits?
A. The hollow point projectile no matter what caliber it is is design to expend its energy within the first target that it encounters to cause more shook, knock down and not to over penetrate in most cases. A round nose is just as sounds. The end of it is round and doesn't have a hollow cavity in the end. Additionally, the jackets on a semijacketed hollow point typically have little notches in them that allow the bullet mushroom or expand in a controlled manner.
Q. And is a hollow point more as far as a weapon in relation to a person. Would it be a more deadly form of ammunition than a round point?
A. I don't know that you can say it was any more deadly, but like I said earlier, it is design to expend all of its energy within the first target that it encounters. So it may in that respect have more energy when it hits something.
Q. All right. And if I understand, these bullets in State's Exhibit 35 and 36 are fired from the same gun?
A. That's correct.

Q. But it is not one of the two guns that we had to submit to you?

A. That's correct.

MR. LAWSON: Thank you, Lieutenant Parnell, answer any questions Mr. Floyd may have.

THE COURT: Mr. Floyd, you may examine, sir.

MR. FLOYD: Your Honor, I don't have any questions for this witness.

THE COURT: All right. Lieutenant, you may come down. I thank you. I'm going to excuse -- Solicitor, I'm going to excuse this lieutenant from his subpoena.

MR. LAWSON: Thank you, Your Honor.

(WHEREUPON, the witness leaves the witness stand.)

THE COURT: All right, sir, next witness please.

MR. LAWSON: That completes the State's case, Your Honor.

THE COURT: All right, sir.

I'm going to let you go to the jury room just a minute and I'll be calling you back very shortly.

(WHEREUPON, the jury retired to the jury room.)

THE COURT: All right, Mr. Floyd, any motions?

MR. FLOYD: Your Honor, at this time, I move for a directed verdict on the grounds there's not been any credible evidence of a crime.

THE COURT: The evidence I believe is overwhelming

THE COURT: All right, the record will reflect that the State has now rested.

Now, Mr. Floyd.

MR. FLOYD: Your Honor, the defense rest.

THE COURT: All right, sir. Now, ladies and gentlemen, in this case as I indicated to you at the beginning, this defendant comes into this court under absolute presumption of innocence. He doesn't have to prove a thing. The State's got to prove him guilty beyond a reasonable doubt. He doesn't have to testify. Now, with regards to the fact that this defendant did not take the stand, I charge you as strongly as I can I charge you, Mr. Foreman and members of the jury, that the fact that this defendant does not testify in his own behalf cannot and must not be considered against him under any circumstances or in any manner whatsoever. The fact that this defendant did not take the witness stand and testify in his own behalf does not, does not create any presumption against him. And I tell you now that you must not permit that fact to weigh in the slightest degree against this defendant.

Mr. Foreman, the fact that he did not testify must not even enter into your deliberations in the jury room. It is his, mine and your constitutional right not to testify. He is presumed innocent and he doesn't have to prove to a thing.

Now, this morning I had indicated that we would probably conclude this case in the morning, but since it's three o'clock, we have adequate opportunity to conclude it today. And by doing it today, I will not be requiring you to come back in the morning at 9:30. So I would think that you rather go ahead and let's conclude this case this afternoon.

Now, ordinarily in the trial of a case, we have final summation of counsel and then the judge charges you the law. Jurors in the past few years have said to me, judge, I wish you would have told me the law even prior to their final arguments I believe I could have followed their positions better. And as a result of that, it simply makes sense. And as a result of that, I have in the last few years by and with the consent of the attorneys gone ahead and charged you prior to summation as I propose to do now. And in that connection, I'll have some concluding remarks after they make their final arguments. And, Mr. Foreman, during your deliberations, if you have any questions about the law, there will be pencil and paper provided in the jury room, you write that question down let the bailiff know and I will answer it. But remembering that and I can answer any questions of law for you, cannot answer any questions of fact. You 12 folks are my good judges of the facts in this case.

Now, as you are well aware, the State of South Carolina charges this defendant, Terriel Lashawn Mack, with the offense of murder. And thus it is I now I'm going to charge you with regards to that offense.

Now, to this indictment with regards to murder, this defendant specifically pleads not guilty, which places a burden upon the State of South Carolina by proving the defendant guilty if they can. A person charged with committing a criminal offense in South Carolina is never ever required to prove himself innocent. I charge you that is a vital important rule of law of evidence that a defendant in a criminal case no matter how great or serious may be the offense, which he's charged must always be presumed innocent until his guilt has been proven to your satisfaction unanimously beyond a reasonable doubt. This presumption of innocence, Mr. Foreman, remains with the defendant at all times from the moment of his arraignment throughout the trial and until you, the jury, have upon the testimony and evidence presented reached a verdict of guilty beyond a reasonable doubt. For it is the solemn duty of the jury, if not clearly convinced of his guilt beyond every reasonable doubt to acquit the defendant of this charge.

Now, I've discussed with you reasonable doubt. The State has the burden of proving the defendant guilty beyond

a reasonable doubt. Some of you may have served as jurors in civil cases where you were told that it is only necessary to prove a fact that is more likely true than not. In criminal cases, the State's proof must be more powerful than that. It must be beyond a reasonable doubt.

Proof beyond a reasonable doubt, ladies and gentlemen of the jury, is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this wide world that we know with absolute certainty. And in criminal cases, the law does not require truth that overcomes every possible doubt. There are very few things that we know without absolute certainty as I've indicated. If based on your consideration of the evidence, you 12 unanimously are firmly convinced that the defendant is guilty of the crime charged to wit murder, you must find him guilty under your oath. If on the other hand, you think there is a real possibility that he is not guilty, you must give him the benefit of that doubt and thereafter find him not guilty.

Now, ladies and gentlemen, as I indicated earlier under the constitution and laws of South Carolina, you 12 are the sole and only finders of the facts in this case. I as presiding judge are not entitled to a factual opinion. I absolutely have none. If any word, ruling or mannerism of mine might tend to indicate to any of you 12 how I feel

about any factual situation, please disregard that. I am not entitled to a factual opinion and I have none. You good folks, you 12 are judges of the facts in this case. I can tell you that you are also the judges, the sole judges of the credibility. Meaning the believability of all the witnesses who testified. I discussed it with you yesterday some tools that we use in judging the truthfulness of credibility of witnesses. In passing upon credibility, you may if you choose take into consideration many things as an example the appearance and manner of a witness sometimes referred to as the demeanor, was a witness forthright or hesitant, was a witness' testimony consistent or inconsistent with other testimony in the case. You can consider if you choose what was the ability of a particular witness to know about the facts which he or she may have testified. Obviously, you would always consider whether or not a particular witness had a cause or reason to be biased or prejudiced in favor of the testimony that he or she has given. You may if you choose consider whether the testimony of the witness was corroborated or made stronger by other testimony and witness or was it weakened or impeached.

As jurors, ladies and gentlemen, you have a right to believe all of a witnesses testimony or none. You may believe a small portion and disregard the larger or the

other way around. You may if you choose believe one witness against that of many or the other way around. Most certainly, you do not determine the matter of credibility by counting up the number of witnesses who may have testified on one side or the other. Mr. Foreman, throughout this process with regards to judging credibility and believability, you have but one single objective, just one, that is to seek the truth, to seek the truth from the witnesses who have testified under various issues of the trial of this case.

Now, by the same token that makes unto you the finders of the facts, our constitution and laws make unto me the instructor in the law. And under our system of government and our under our constitution, you are required under your oath to accept the law of this case as I give it to you even though you or I for that matter might disagree with what the law is or ought to be. Please for the purpose of this trial, now accept the law as being the correct law. Should I be wrong, there's an appellate court that can reverse me with regards to the law, but you are finders of the facts. An appellate court can't reverse findings of the facts, but please for the purposes of this case, accept the law as I charge it to you.

Now, as you know as I've indicated, this defendant was his absolute, constitutional right did not testify. I

charge you again Mr. Foreman and members of the jury that the fact that he did not testify in his own behalf raises absolutely no presumption against him, cannot even be considered by you. Mr. Foreman, do not let that issue come up in your jury deliberations, had nothing to do with it. He's presumed innocent. Doesn't have to prove a thing. The State's got to prove him guilty to your satisfaction unanimously beyond a reasonable doubt.

Now, I have during the course of this trial qualified several witnesses as expert witnesses. Expert witnesses who by training, education and experience are considered experts in a particular field. And they may give their opinions in that field based upon their experience and the facts of a matter. Their conclusions and opinions constitutes evidence to be considered by you in connection with all the other testimony and evidence in the case. You, the jury, however may give such weight as you think it is entitled to in the consideration of experts opinions.

Now, ladies and gentlemen, in the trial of a case, there are two types of evidence which are generally presented during a trial direct evidence and circumstantial evidence. Direct evidence is the testimony of a person who asserts a claim to have actual knowledge of a fact such as an eyewitness. Circumstantial evidence is proof of a chain

of facts and circumstances indicating the existence of a fact. The law makes absolutely no distinction between the weight or value to be given either direct or circumstantial evidence nor is a greater degree of certainty required of circumstantial evidence than of direct evidence. You should weigh all the evidence in this case. After weighing all the evidence if you are not convinced of the guilt of the defendant beyond a reasonable doubt, you must find him not guilty.

Now, as you are well aware upon this indictment, this defendant is indicted for murder and some other indictments. The State for the purposes of this case is proceeding on the indictment for murder. So it is become necessary for me to instruct you as to the law of that crime in South Carolina.

Now, what is murder by definition. Murder may be defined as the willful, felonious killing of a human being by a human being with malice aforethought. Thus in order to convict of murder, the State must not only prove the killing of the deceased by this defendant, but that also must prove that it was done with malice aforethought and such proof must be beyond a reasonable doubt.

Now, let's talk about malice. Malice is a word suggesting wickedness, hatred, a determination to do what one knows to be wrong without cause or excuse or legal

provocation. Malice need not be in the mind of the one doing the killing any particular length of time before the act of killing to render the killing murder. If it is present in the mind of the one doing the killing any length of time before the act, then it's presence would be sufficient to render the killing murder. Malice is said to be expressed when there is a manifestation a violent, deliberately, intention unlawfully to take away the life of another human being. Malice may be implied where one intentionally and deliberately does an unlawful act which he or she then knows to be wrong and in violation of his duty to another. Malice may be implied where no excuse of legal provocation for the killing appears. And when the circumstances of tending a killing show an abandoned heart, a malignant heart fatally bent on upon mischief, such implications or inferences are not conclusion and the jury depending upon their view of the evidence may accept or reject the same.

The law says that if one intentionally kills another with a deadly weapon, the implication of malice may arise. If facts are proven beyond a reasonable doubt sufficient to raise an inference of malice to your satisfaction, this inference would simply be another evidentiary fact to be taken into consideration along with the other evidence in the case. You, the jury, along with other evidence in the

case and you, the jury, may give that implication such weight as you determine it should receive. In other words, the inference of malice from the use of a deadly weapon is simply an evidentiary fact to be taken and considered by the jury along with the other evidence. And you again as I've indicated may give that fact such weight as you 12 determine it should receive.

The law says that if one intentionally kills another during the commission of a felony, the implication of malice may a rise. If facts are proven beyond a reasonable doubt sufficient to raise an inference of malice to your satisfaction, this inference would be simply an evidentiary fact to be taken again into consideration by you, the jury, along with such other evidence. And you may again give it such weight as you determine it should receive.

Now, ladies and gentlemen, you have been selected as fair and impartial jurors sworn to impartially try and determine the facts in this case. And when you comply with your oath to do so, then no one will have a right to criticize your verdict and you would have fully discharged your duty as jurors. You must not be influenced by opinions or expressions of opinions which you may have heard on the outside, but you are to decide this case according to the testimony that you have heard from the lips of the sworn witnesses in this courtroom and from such

other evidence as I have introduced in the trial of this case.

Now, Mr. Foreman, I have prepared a verdict form for you. In the case of the State of South Carolina vs. Terriel Lashawn Mack. And this verdict reads as follows, we, the jury, unanimously find the defendant, Terriel Lashawn Mack, with regards to count one murder either not guilty or guilty. Once your jury has reached a unanimous verdict, you would so signify whether you find him guilty or not guilty. Sign your name as foreman, date it, let me know and we'll accept the verdict at that time. Remember now, during your deliberations, if you have any further instructions required as to the law, write it down and let me know and I'll glad to discuss it with you. All right, as I understand it now, the State is entitled to open and closing. Defense counsel has waived the opening, so we will move now to defense counsel for further summation followed by the State's final summation.

You may proceed, Mr. Floyd.

MR. FLOYD: Thank you, Your Honor. May it please the Court, Mr. Lawson. Thank you, ladies and gentlemen. I have a college professor who I became friends with. We kinda got close after little incident one time. I slept through one of his exams actually. My alarm clock went out and he ask me when I told him I slept through it he ask me

where I was night before and I explain to him I been at the library late that night before, so I just had one question for you were you at the library here at Thomas Cooper or you at the library down on Rosewood at the Library club, that's what he was talking about. And so I assured him I was in the actual library not the club by the same name. We became kind of friends after that and we kept in touch over the years. And I see him, you know, about once a year or so. Kind of keep up with his family because his daughters are little girls at the time when I graduated. Now, they're big girls. They're actually married now and with their own families. The last one who got married married a guy from Boston who -- he rewrites scripts for Hollywood. So the scripts come in and they're written and the powers that be decide whether or not they like the base on the story. And then, you know, rarely do they actually take it as a script and send it to apparently a rewriter and that's what his son-in-law does. And so he kind of gets to have final word on what the story is. It's a script.

And, you know, that's kind of like what a jury does. They get to hear a story. They get a story delivered, but you decide, you know, what the final version of that story is. You know, and you've heard obviously stories out of various witnesses mouth that, you know, the primary script

that you been given here was given to you by Islam Horn and Gregory Johnson and those were the two co-defendants in this case. And I want to take a minute and talk what about they said and why they said it. Mr. Horn got up here yesterday and, of course, he said yesterday that he saw Mr. Mack after he heard shot he pulled up in his car and then he saw three shots in the back delivered by Mr. Mack. And, you know, that's -- certainly that's his story and he was entitled to say it, but should we believe what he said. Mr. Horn was on that stand and, you know, he admitted he was a drug dealer. He admitted he wrote those letters that we went over to my client. And in those letters, he threaten to murder my client. It's a redrum backwards for you, that's what he said, just threaten to murder him. And the last line was you should have stuck to the script. The script that he wrote. He was afraid that my client was going to start singing from a different script. The script where he had to take all the blame, that's why he wrote those letters. So would a man like that have any hesitation to sit on a witness stand and tell a lie. I don't think so. He threatened to murder him and you heard him. You think he would have done it. I do. I think he would have done it in a heart beat. I wouldn't believe anything that came out of his mouth, but in addition to that, he had other motivation.

He's charged with murder too. He wasn't tried here this week, but he has a charge. And he said he sat up there and he said that he didn't have a deal. Well, he may not have one yet, but you see he's still sitting in jail and he still has these charges hanging over his head. So I think we can all take that into consideration when we consider his word on what happened.

Now, he also said that Mr. Mack delivered him a letter in prison by slipping it under a door under the eyes of a deputy, a jailer while he was out at rec. time. And that they had a conversation before even though Mr. Mack was behind a steel door with a thick glass pane. And he was alert that he was going to slip him a letter while the deputies sitting there. There's nothing in that letter that Islam Horn didn't already know. He knew those details in that letter. He says that my client wrote it, but the only word that we have on this subject is Islam Horn's word.

And I know that that we had, you know, some forensic testimony this week where certain things have been discussed. Gunshot wounds that sort of thing, but, you know, that piece of evidence right there that letter, which they say came to my client is really the only thing physical that's here that's tide to my client. Did we hear a handwriting expert talk about whether or not my client

wrote that letter. We just heard Islam Horn that's all we heard and his word is just worthless. We heard Gregory Johnson and he sat up on the stand yesterday. And, of course, he gave his testimony about what happened, but now, his testimony yesterday that wasn't exactly what he said back in January 29th 2004, when he first gave a statement to the police. He didn't really say that he actually saw the first shot. He say he heard a boom and he looked and he turned and saw a body drop and then he turn around and start running and then he heard three more shots that's what he said. But yesterday, he sits up here, Oh, I saw it. I saw the whole thing. I saw a gun being pointed. I saw it shot and then I saw three shots in the back. Well, you know, the basic story is the same, but he's being a lot more sure now about what he's saying and the stories are different.

And let's talk about his motivations for saying what he said. But out of his own mouth and Islam Horn's mouth, he was there in that parking lot. He had a gun a .38 kind of gun that the forensic's person said most likely fired those bullets .38 caliber, that's what he said he had that night. Of course, you know, he says that the one that was found on him when he was arrested on the 29th was the same gun. Well, if he had fired a gun that night, do you think he would have kept it around. I don't think so, but he

certainly wasn't going to go around without one. He testified about the guns he owned. He love guns. He carried a gun every where he went apparently as did Mr. Horn.

But now, let's look at the way he acted after this. He says he went to his grandmamma's house and he was scared. And he wanted to get away from Mr. Mack because he was scared. Well, and then, you know, a little while later he gets in a cab with him and drives off. They drive off together in a cab. Nobody made him get in that cab. He said the reason he gave was I didn't want to be late because of my probation officer, my probation officer. He don't want to be late. I mean, that's just unbelievable. I mean, the man had supposedly just seen somebody shoot somebody else and he's worried about being late at his house for a probation officer. I mean, it just makes no sense. And then let's look at what he did after that, he ran he left town. The story he gave yesterday he seem pretty innocent didn't he. He didn't really know what was going to happen before it happened. And he certainly didn't do it, did he even though he was there and he had a .38, but then he ran. He ran and he left town. He says he went to Coward, but when I asked him on the stand where in Coward what was his friend's name, he wouldn't tell you. He said he didn't know. He didn't know his friend's name,

that he stayed with for a week in a half. I mean, come on. I mean, he says he didn't know where or what the street name was. I don't know where he was for a month and a half. I have no idea. He was away apparently at least six weeks before they caught him here in Florence, but, you know, he ran. You know is that something an innocent person does or something a guilty person does, take off, leave town on the run. And Mr. Johnson just like Mr. Horn he has murder charges sitting over his head, okay, and just like Mr. Horn he claim he didn't have a deal yet. But he knows after this case is over after his testimony is done, he knows there's a good chance. I mean, I don't really know what other motivation a person would need to lie than being at a crime scene with a gun in their hand having a murder committed, running away, and then trying to blame it on somebody else. I mean, that says it all. And what those two witnesses said that's really and truly the evidence that ties Mr. Mack to that crime, to actually committing murder.

Now, Mr. Mack and Mr. Horn apparently have been living over there in Effingham in the same little cell pod for the last, I think, Mr. Horn said since April of 2004. I could be a little wrong, but I'm certain he told me it was over a year. And both of them denied talking to one another about this case. And the whole time both of them

have a murder charge hanging over their head, but they didn't talk to each other about what they were going to say absolutely not. Once again, just unbelievable. And the story that they gave and the script that they gave was Mr. Johnson's statement that he gave back on January 29th that was the story. Mr. Horn basically gave that story as well.

Ladies and gentlemen, I think that that was the script that they came up with and Mr. Horn got word that my client wasn't going to stick to the script that he's talking about in that letter. The script the reason he was going to murder him for and he said so. Those two individuals are certainly not believable or not trustworthy.

Now, the other evidence that we had presented to, of course, then the doctor who testified earlier Dr. Ross. And, of course, you know, we admit certainly that a gunshot wound caused the death in this case. There's no question about that. We heard from Lieutenant Ira Parnell who is the firearms person from SLED. And he testified about the marks on the bullet that was taken from the victim's body and how he concluded that they had not come from either of the handguns that he had in his possession. One of those guns obviously came from Gregory Johnson when he was arrested six weeks after the incident in this case, at

least six weeks. I mean, I understand his conclusion, but there's no conclusion that's the gun that Gregory Johnson had just because he said so. I mean, that's really all we have to go on. His word once again that that was the gun on his person that night. Once again, his word means absolutely nothing.

The officers, of course, have testified collection of the evidence at the crime scene and also their investigation as to who they talked to and so forth. But if you look at all of that, okay none of that goes directly to Mr. Mack. Obviously, we have the testimony of the two ladies here who said he appeared at their house with Gregory Johnson after the murder, but appearing at a house is a lot different than murder. And, ladies and gentlemen, if you really want to look at the words that have been said in here that tie my client, Mr. Mack, to these deeds, they come out of the mouths of just unbelievable and untrustworthy to say the least people. And I would just ask that you consider the law that the judge has read you. Judge the credibility of who spoken here, okay. What they said and the reasons for doing what they did. And I want you to be able to write your own script on that, okay. And when you write your script, I like you to write not guilty. Thank you.

THE COURT: Thank you, Mr. Floyd.

The State is entitled to their final argument.

MR. LAWSON: May it please the Court, Mr. Floyd. Mr. Foreman, members of the jury, I want to first I am Jack Lawson. I'm a deputy solicitor here. It has been my pleasure to try this case in front of you. I want to thank you both John Jepertinger also an assist solicitor and I both would like to thank you for your time and energies in this case. The fact that you have paid close attention and have listened to the case is greatly appreciated by the State of South Carolina and I know the defendant as well. Were it not for you people, our system would not operate at all. It's because of citizens that are willing to come in and sit in on jury and make factual determinations, that we have the best criminal justice system in the world because we have citizens that are willing to get involved in the system and on behalf of the people of the State of South Carolina and defendant that may be on trial to come and to give of themselves is critical. And I want to thank you and we do appreciate it.

Now, I agree with Mr. Floyd in one respect makes no sense. This is a senseless killing. This is just a senseless killing. It is without question a murder pure and simple.

There is evidence in the record on which you, the jury, can find this verdict guilty beyond a reasonable

doubt. And as a result of that, it is your duty to so find. Now, you know, it's interesting because Mr. Johnson gave a -- Gregory Johnson gave a statement on January the 29th 2004, the day he was arrested. In that statement, he says basically the same thing that he says on the witness stand today -- yesterday or in this case. With the exception of some minor details, but as far as who did the killing and what happened, he is totally consistent in every respect. Nobody said he did the killing. Islam Horn didn't say Gregory Johnson was the murderer. Gregory Johnson didn't say Islam Horn was the murderer. His statement in January of 2004 was that the defendant was the killer. He's the one that murdered Joseph Todd Wilson in a senseless and brutal fashion. And why do I say brutal because the pathologist testified out of the four shots three were fatal, that's three times dead, ladies and gentlemen. And it don't take but one, but to make sure this wasn't just bam. It was bam, bam, bam, bam standing over Joseph Todd Wilson pumping lead. And the handgun submitted from the person of Islam Horn on the night of the occurrence just two hours difference based on the photographs that were taken be Corporal Brandt. That gun was recovered the .38 caliber pistol from Islam Horn was recovered that evening. And Ira Parnell testified it was not the weapon that shot the bullet that killed Joseph Todd

Wilson.

However, the interesting part of Lieutenant Parnell's testimony is that all four bullets retrieved from the body and from the scene were fired by the same gun. They were not fired by the gun retrieved from Islam Horn on the evening of the murder of Joseph Todd Wilson. The arrest of Gregory Johnson no indication Mr. Johnson had another gun. But if you know you didn't do anything, there's no reason to get rid of the gun. Mr. Horn and Mr. Johnson knew that they didn't shoot the fatal bullet into Joseph Todd Wilson, so they didn't need to hide a gun. The only way they would get the gun is if they picked up another one. And what risk would Greg Johnson run to pick up another .38 not knowing where it may have been or who may have had it, which may then turn out to be the murder weapon. As long as he's got the same gun he had that night, he's safe because this was not the murder weapon. You know, this letter is a confession to supplemental autopsy allegedly pin by the defendant, Islam Horn says that he got it from the jail from cell where the defendant was alone in the cell where they were on different rotations. They got out at different times and what did Sergeant Hennighan say to validate what Islam Horn said. Yes, they were in pod -- A pod in April of 2004. They were on different rotations which means one was locked up while

the other one was out. They could not get together on the outside just as Islam Horn said it happened, yes, Sergeant Hennighan said that's the way it would have happened. And yes, it's against the rules to pass notes to each other, but Sergeant Hennighan testified that it happens. Yes, it happens.

In our letter from Gregory -- from the defendant to Islam, there's certain things about this case and this crime that's validated and verified. You know, Mr. Horn says that he wrote the defendant and ask him to tell him what went down. He also admitted writing the two letters that the -- to the defendant in which he admitted that, yeah, I threatened him. Now, those letters weren't signed. He could have denied sending those letters and there would have been no evidence that he sent them, but he acknowledged it and he said, yes, I sent them. And I told him that I showed him the ropes. Thank you for showing me the ropes. I showed you the ropes. Letters written admittedly by Islam Horn. You'll have the original of this letter in your jury room. This is Islam Horn. This Islam says is the defendant's. You, the jury, decide if the same person wrote these two.

Gregory Johnson third defendant. Gregory Johnson his handwriting. He was there consistently said, yeah, I was there. The defendant, Mack, killed Joseph Todd Wilson.

First shot I took off. Now, he says I saw the other three shots maybe he turned around maybe he didn't. But as to the first shot is fatal, it's in the head and the body falls like a rag doll exactly what the pathologist says would have happened. You look at the pictures from the autopsy and on the coat, there are three little tabs showing you where the wounds are look at the picture of Joseph Todd Wilson's back. See if that diagram is not consistent with the injuries on Joseph Todd Wilson's back. This came from the defendant in and of itself. It tells us who committed this crime and redrum, ladies and gentlemen, is backwards for murder. And Gregory didn't get to taste the redrum because he ran off. I got drunk on the redrum, got drunk on the murder. The thrill of the killing, like a hunter going in a deer stand.

Well, ladies and gentlemen, we not gone have that in Florence. A favor for WB, White Boy, Marcus Martin. Joseph Todd Wilson was a witness against WB. What a big favor for the witness to go away, but that attacks the very foundation of this system. The very foundation on which we stand here is that witnesses will come into this court and be willing to testify as to what happened in cases. Just as Ms. Robinson and Ms. Lane were willing to do in this case to come into this courtroom and to testify that Gregory Johnson and Terriel Lashawn Mack, Black, the

defendant came by the house at [redacted] Roberts Street right there, right there is the incident location, that they came by my house. She was willing to come in this courtroom and testify and to identify people that came by our house. Ms. Lane called the police that night because these two people were suspicious, were acting suspicious. They were dressed like the people that she heard in the street had been the people that she heard talk in the street about what the people had on and these people had the same thing on.

Officer Gowdy testified that he saw three people standing together and almost immediately thereafter heard a shot. As he testified, he didn't even get all the way out of the complex that he was just down Oakland Street just in here when he heard the shots. And he said he was so close to it that he ducked his head when he heard it. And he turns around and by the time he gets back, there's a body. Joseph Todd Wilson was already dead before he could get back because he went over and checked his pulse.

The handwriting, there's so many verifications of what Islam Horn testified to in this little piece of paper. And this paper we see the outline and the description of a cold blooded murder. A senseless useless killing of a young man. His life ripped away from him for no reason other than for somebody to get drunk off of the redrum.

It is truly a difficult situation when murders

occur, but we have to know that justice will be done, that evidence that proves guilt beyond a reasonable doubt will not be overlooked. Yes, the evidence comes from co-defendants, but they were eyewitnesses. They have come into this courtroom and testified as to what they saw, what they observed. Direct evidence is that evidence which comes from the senses. Those things we see, hear, smell, touch, feel, and that's what we have here is the testimony of witnesses that saw something, heard something and reacted to it.

Two eyewitnesses, yes, they're co-defendants, but there's nothing to indicate that they are here lying on this defendant. You add to that the observation of Ms. Lane what she saw, what she believed, what she felt. Those facts are consistent with the evidence testified to by Islam Horn and Gregory Johnson. And she has no reason, none to lie. Ms. Robinson no reason to lie, saw and observed the same thing. Officer Gowdy saw what he saw, heard what he heard all consistent with what the witnesses have testified to. A shot in the head, a pause and three shots in the back consistent with the findings of the autopsy. A fairly close range shot in the head. One with stipplings and burning 18 to three inches, 18 inches to three inches. And when Gregory Johnson was testifying and I walked up to him, I got this -- I actually got this close

to him when he said stop, that's how close they were together. The shots on the ground to the body, to the back. Pathologist didn't testify as to distance. They were further away. No powder around the coat. No findings of burning consistent with the body having clasped like a rag doll with spaghetti legs and then being shot from someone standing up.

Do not forget that every thing that could be verified had been verified. They were in -- the defendant and Islam Horn were in the same pod in April of 2004, but they were on different rotations which means the letter could have been passed. It is very possible to pass them from this testimony of Officer Hennighan. The handwriting is different in all three cases. Islam Horn didn't write it. Gregory Johnson didn't write this. Defendant, Terriel Lashawn Mack, wrote this. The defendant, Terriel Lashawn Mack, killed Joseph Todd Wilson on December the 17th of 2003 on Oakland Avenue right over yonder. You can almost see from here where this took place in cold blood.

Yes, this is murder. Killing of another human being with malice aforethought, evil and wicked design, bent on doing that which is wrong to help somebody out makes no sense, but it happened.

Now, the State has prosecuted. The judge has charged. You have heard the evidence. It is now up to you

to judge the evidence. I ask you for a fair and honest deliberation. If you do that, I know what your verdict will be and I appreciate it. Thank you.

THE COURT: Thank you, Mr. Lawson.

Thank you, Mr. Floyd.

MR. FLOYD: Thank you, Your Honor.

THE COURT: Ladies and gentlemen, I have previously given you the law of this case and ask that you keep those concepts in mind during your deliberation. I have previously charged you as I do again that this defendant comes into this court under the presumption of innocence. He doesn't have to prove a thing. The State's got to prove him guilty beyond a reasonable doubt. I've told you too that the fact that he did not testify must not to be used against him. I have given you the charge of murder, which is the felonious killing of a human being with malice aforethought. And that connection I have charged you the law with regards to malice. I have given you the law in regards to expert testimony as well as circumstantial and direct evidence.

Now, as I've indicated to you, and I think you're fully aware whatever your verdict is either not guilty or guilty, must be the unanimous verdict of all 12, cannot be a verdict of majority. Obviously, it would not be one of minority. I'm going to ask that you go to the jury room in

it.

THE COURT: Let the record reflect that the alternate is being removed from the jury room prior to deliberations.

(WHEREUPON, the jury began deliberations at 4:24 p.m.)

THE COURT: Madam alternate, I wish I could let you go, but my experience most recently here in Florence, South Carolina, everybody looked healthy and one of the jurors family's got into a bad wreck and I had to let her go. In another case in Charleston, I had to let my alternate go because he had epileptic attack, so you never know about what things happen. I'm gone ask that you stay with us. It's not likely that something will happen, but I've seen it happen right here in Florence. You remember when that juror got sick and I had to let her go?

MR. JEPERTINGER: Yes, sir.

THE COURT: So take care of her give her some refreshments she desire. I want her around just in case we have to recharge the jury.

(WHEREUPON, court in recess.)

THE COURT: Gentleman, at pretrial or in my chambers a moment ago, I reviewed with counsel for the State and the defendant with communications that I have receive from the jury which would be made a part of the record. I will wait

until the defendant is in the courtroom.

(WHEREUPON, a pause in the proceedings.)

THE COURT: Gentleman, in as much as the indictments were previously read to them, which included other counts that we are not herewith concerned with. I'm concerned about the juries first inquiry, Will we also be charged with the duty determining guilt or innocence as to count of charge of conspiracy. Of course, our verdict form doesn't even say that. They were never told that, but I'm going to obviously tell that will be dealt with later and given their concerns about the conspiracy, I am going to charge hand of hand of all. They ask, too, may we have a copy of the witnesses testimony of Horn and Johnson. And I will tell them that copy is not available. They can listen to all of it or any part of it. And thirdly, they indicate that they have a divided jury at this time. I think then I'm going to read the total indictments, the total counts of this indictment since it's much as read originally and tell them that the State is their right as proceeding at this time only count one as to one defendant operation of law will take care of the other. You understand that, Solicitor?

MR. LAWSON: Yes, Your Honor.

THE COURT: You understand that?

MR. FLOYD: Yes, Your Honor. Your Honor?

THE COURT: Yes, sir.

MR. FLOYD: Your Honor, could I raise an objection to the charge on hand of one hand of all?

THE COURT: Yes, sir, you are entitled to that, but I think that's it's appropriate. I started to do it at the time and did not do it, but in as much as they are -- in as much as considering back there conspiracy, I think it ought to be charged. I think I should have done it before probably with reversible error not to. So I note your objection, but I'm going to charge it.

MR. FLOYD: Yes, sir, Your Honor.

THE COURT: But you are protected on the record as to the issue. All right bring the jury in.

(WHEREUPON, Court's Exhibit Number 1 was marked for the record.)

(WHEREUPON, the jury returned to the courtroom at 6:15 p.m.)

THE COURT: Mr. Foreman, I have received your three communications and I thank you for that that was exactly in accordance with my instructions. Will we also be charged with the duty of determining guilt or innocence as to count for conspiracy. The answer at this time is no. And I'll explain that why to you. May we also have a copy of the witnesses accounts of Horn and Johnson. We don't have a copy of their testimony, but we are in a position to play

back all or any part of it that you care to. And you have indicated that you are a divided jury at this time, which is not unusual. You know, the parties themselves can't agree initially as to what occurred, so don't worry about that that often happens that a jury -- this case has been going on for three days now. And obviously, no one would expect you to reach a unanimous decision very quickly, so don't worry about the fact that you are divided at this time.

Now, there may be some confusion in your minds because of the reading of the original indictments. And I'm going to read that to you again and explain what we doing here. This indictment which I hold in my hand is the allegations of the State of South Carolina against this defendant and against two other defendants. The State as is it's absolute right their right, their right to try these defendants one at a time and this is what they have elected to do. So it's not for your consideration as to when or where the other two defendants will be tried, that's the State prerogative.

Now, with regards to murder being this indictment, the State alleges that Islam Horn, Gregory Johnson and Terriel Mack, did in Florence County on or about December the 17th, kill with malice aforethought, willfully and feloniously one, Joseph Todd Wilson, by means of shooting

him with a pistol and that the said Joseph Todd Wilson died as approximately result thereof. First, you have to conclude as beyond a reasonable doubt, that a murder occurred and then you got to conclude as to who did it, and that's got to be proven beyond a reasonable doubt.

Now, this count -- this indictment was read to you originally. Count two says that Horn, Johnson and Mack did in Florence County on or that date unlawfully, willfully, knowingly, wickedly and feloniously combine, conspire, confederate, agree among themselves and had tacit understanding with each other for committing the crime of murder. Those charges will be dealt with at later time by the State of South Carolina as they are entitled to do. They can sign individual solely try two of them or three of them, but for your concerns, the State has the absolute right to try this defendant for murder at this time. You are not to be concerned with the trial of conspiracy. It's not before you. It's whether or not this defendant did on that date feloniously with malice aforethought take the life of Joseph Todd Wilson.

Now, I should have charged you earlier and I do so at this time an additional charge of law under what is known as the hand of one is the hand of all. I charge you, ladies and gentlemen, that it is the law of this state that if a crime is committed by two or more persons who are

acting together in the commission of an offense the act of one is the act of both or all. By way illustration, two people can be guilty of killing another of murder when only one of the two had a pistol and only one of the individuals fired the fatal shot. If both are acting together assisting each other in the commission of the offense, the law says that under those circumstances the act of one is the act of all. And it is sometimes said the hand of one is the hand of all.

Now, mere presence of someone at the scene is not sufficient. And therefore, I charge you if several persons agree to commit a crime each of the persons is criminally responsible for the act of his associates or confederates which have done in furtherance of or in prosecution of the common purpose for which they are combined. The common purpose may not have included or may not have been involved in the killing in the murder of anyone, but if in executing the common design or purpose and if it were unlawful and the execution of this common purpose or homicide is committed by one, the confederates or the associates and, you, the jury, determine the proof beyond a reasonable doubt that the homicide was a probable or natural consequences of the acts, then the hand of one is the hand of all.

As an example and as an example only, if several

people attempt to rob a bank and the bank teller is killed by one of them, it makes no difference who fired the fatal shot if it was in furtherance of the crime of bank robbery. They hand of one is the hand of all. I charge you that in as much as in your deliberations, you are considering the act of conspiracy. I tell you that conspiracy will be dealt with as a matter of law at another time. But I started to charge it under concept of hand of one is the hand of all earlier and I do so now, that is a long lasting proposition of law in South Carolina under appropriate circumstances that the hand of one is the hand of all and both are equally guilty if proven beyond a reasonable doubt.

Now, with regards to the testimony of Horn and Johnson, we can start and play it all back or some portion of it. You might want to go in and discuss with your jury do they want to hear it all or one of them or both of them or any part of it. Customarily, we find that jurors are concerned with some little segment of a person's testimony and once they've heard that, they're satisfied. I want you to know that we here prepared to play the whole testimony back of all of them or any part of it. You understand?

MR. FOREMAN: Yes, sir.

THE COURT: And don't be concerned about this. We been here three days. I'm prepared to be here all night

and tomorrow too. We been here for three days. This is a serious matter for the State of South Carolina, serious matter for the defendant. So go back and tell me if you want to hear it all, or which part you like to hear first and let me know. And we'll be right back with you.

(WHEREUPON, the jury retired to the jury room at 6:25 p.m. to continue deliberations).

MR. JEPERTINGER: Nothing from the State, Your Honor.

MR. FLOYD: Nothing further, Your Honor.

THE COURT: All right, we'll hear what they say.

Let the record reflect that defendant was in the courtroom during those additional charge to the jury including further instructions.

(WHEREUPON, court in recess.)

THE COURT: Now, ladies and gentlemen, I understand that the jury has reached a verdict. I have no idea what the verdict is. And I recognize that this is an emotional issue for the families of the deceased and families of the defendant, but I want everyone in the sound of my voice to understand firmly, that I will not accept any remarks, any outbreaks, any comment of any kind. If that occurs, that individual will be arrested immediately, found in contempt of court, sent straight to jail. Now, if anybody feels that they cannot live with the verdict whatever it is, I

respectfully request that you leave at this time. Bring the jury in.

(WHEREUPON, the jury returned to the courtroom with a verdict at 7:43 p.m.)

THE COURT: Mr. Foreman, have you and your distinguished jury reached a unanimous verdict?

MR. FOREMAN: Yes, sir, we have.

THE COURT: If this is an unanimous verdict, please signify everyone by raising your right hand. Let the record now reflect that the jury has indicated a unanimity of the verdict. Please accept the verdict madam clerk.

(WHEREUPON, a pause in the proceedings.)

THE COURT: Please publish the verdict for me.

THE CLERK: The State of South Carolina, County of Florence, The State of South Carolina vs. Terriel Lashawn Mack, in the court of general sessions, case number 2004-GS-21-1084. We, the jury, unanimously find the defendant, Terriel Lashawn Mack, with regard to Count 1 murder, guilty. Dated October 26, 2005, signed Ralph Vinson, Jr., foreperson.

THE COURT: Thank you. You may be seated. Have the defendant come around please.

MR. JEPERTINGER: Your Honor?

THE COURT: Yes, sir.

MR. JEPERTINGER: We would have to fill out a

sentencing sheet, Your Honor.

THE COURT: Well, we can do that later let the defendant come around. We'll do that at the appropriate. I don't want to keep this distinguished jury here any later than necessary. Give me the defendant's prior record, if any.

MR. LAWSON: Your Honor, he has no adult record. He has a juvenile record. And he has pending charges of assault and battery with intent to kill three counts of that and I think that's all that's pending.

THE COURT: Mr. Foreman, ladies and gentlemen, apparently reading in the paper tomorrow, you may find that he had some prior assault and battery with intent to kill three. And you may wonder, well, why in the world weren't we told about that. Well, under our law and properly so, we say that if a person be convicted is convicted on facts in this case and not what might be pending or not some type of prior charges. I have nothing to say about your verdict except that. It certainly confirms with the law and the evidence in the case.

I tell you and I congratulate you as defense counsel, you were court appointed, and that's the very essence of our system when an individual charged with a serious crime can't afford one, but can have the fine representation that you did. And I thank you for the State

opportunity you will kill again. I propose, sir, that you never receive that opportunity. It is the sentence and judgment of this court that you be confined in the state penitentiary for the balance of your natural life.

Take him away.

Mr. Foreman and ladies and gentlemen, none of you ask to come into court this week. None of you ask to sit in this particular trial. Given the facts in this case and your duty under the law, you have done that duty as you see fit. The people of this state, this court and particularly the folks of Florence County are indebted to you for your services in this case. As I indicated to him a moment ago, the evidence was just absolutely simply overwhelming, overwhelming and I could conclude that he has been and is and will be a dangerous instrumentality if permitted to pursue that type of conduct. You are now discharged for the day and for the week and you go with my deepest gratitude. Thank you so much.

END OF REQUESTED TRANSCRIPT

STATE OF SOUTH CAROLINA	)	
	)	COURT OF COMMON PLEAS
COUNTY OF FLORENCE	)	2009-GS-21-609
	)	
	)	
	)	
	)	
State Of South Carolina	)	)
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	)
Terriel Lashawn Mack	)	)
APPLICANT	)	January 25, 2010
		Florence, South Carolina

B E F O R E:

THE HONORABLE THOMAS A. RUSSO, JUDGE.

A P P E A R A N C E S:

JOSEPH MCLEAN, ESQ.
Attorney for the Applicant

JULIE M. THAMES, ASSISTANT ATTORNEY GENERAL
Attorney for the State

KESHIA REED
Official Court Reporter

MRS. THAMES: You ready, Your Honor?

THE COURT: Yes, ma'am.

MRS. THAMES: This is Terriel Mack vs. The State, he's docketed at 2009-CP-21-609. Mr. Mack was indicted for murder and conspiracy and he did have a jury trial, that was in October of 2005. He was represented by Scott Floyd at that time. He was convicted of murder and he was sentenced to life. He did have a direct appeal, that was an Anders brief that was filed and the Court of Appeals affirm the conviction in 2008. And he has filed this P.C.R. and is here today, I believe, ready to go forward. And just for the Court's information, we do have the mother of the victim in this case in the courtroom today along with some other family members of the victim. And with that, I'll turn it over to Mr. McLean.

THE COURT: All right, Mr. McLean, I'll be happy to hear from you, sir.

MR. MCLEAN: Thank you, Your Honor. We call Terriel Mack.

THE COURT: All right, Mr. Mack, if you would please come around and take the stand, sir.

THE CLERK: Put your left hand on the Bible and raise your right hand as much as possible. Do you swear or affirm the testimony you give in this case will be the truth, the whole truth, and nothing but the truth so help

you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Please be seated and state your full name for the record.

THE WITNESS: My name is Terriel Leshawn Mack.

WHEREUPON,

Terriel L. Mack,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. MCLEAN:

Q Mr. Mack, you're the petitioner in this post-conviction relief action; correct?

A Yes, sir.

Q You were convicted in October of 2005 of murder; correct?

A Yes, sir.

Q And your attorney is Mr. Scott Floyd?

A Yes, sir.

Q Do you believe Mr. Floyd effectively represented you at trial?

A No, sir.

Q You believe that his ineffective representation of you resulted in you getting an unfair trial?

A Yes, sir.

Q And do you believe that had Mr. Floyd effectively

represented you, that the outcome of your trial might have been different?

A Yes, sir.

Q Now, your petition that you filed, your application for post-conviction relief merely alleges ineffective assistance of counsel. It doesn't allege any particulars in the pleadings you filed with the court; correct?

A Yes, sir.

Q Can you please tell the judge specifically what your grounds for post-conviction relief are? Why do you think Mr. Scott Floyd ineffectively represented you?

A All issues at once or one issue at a time?

Q One issue at a time.

A All right. My first issue is the fact that my trial lawyer never objected to the character evidence pertaining to -- that violated Rules 404 and Rule 403 of the South Carolina Rules of Evidence.

Q Okay. What was the character evidence that he failed to object to?

A A letter that was introduced by my allege co-defendant Islam Horn.

Q Okay. So there was a letter introduced?

A Yes, sir.

Q And what did that letter contain? What evidence did that letter contain about your character?

A My allege character.
Q Your allege character?
A That I was suppose to had been a member of a gang and that I had just recently got out of jail and things of that nature.
Q Did you testify at trial?
A No, sir.
Q Did you put your character into evidence at trial?
A No, sir.
Q Was there anything else in the letter that you had previously been in jail, that you were a member of a gang, these things were stated in this letter?
A And that I allegedly also carried handguns upon my exit from jail.
Q All right. Now, did your attorney object to that letter coming into evidence?
A He objected, but he objected to the letter under the grounds that it was -- it never got -- it was improperly that -- pardon me -- that it wasn't ---
Q Authenticated?
A Authenticated properly, yes, sir.
Q And was there another objection to the letter?
A No, sir.
Q Did he object on the basis of hearsay? Do you recall?

A Might have, I'm not too sure?
Q Okay. Did he object to the introduction of the letter coming in because it contained evidence of your character?
A No, sir.
Q Did he object to the letter coming into evidence because it contained evidence that you had previously been in jail?
A No, sir.
Q Did he object to the letter based on the fact it contained allegations that you were a gang member?
A No, sir.
Q Did he object to the letter based upon the fact that it contained allegations that you had been known to carry a gun?
A No, sir.
Q The letter that we're referring to that came into evidence, it was written in a slang language, wasn't it?
A Yes, sir.
Q What -- how would you describe that language? It had to be interpreted for the jury?
A Yes, sir, it was like street language.
Q Street language, okay. Now, did you write that letter?
A No, sir.

Q Did you tell your lawyer that you didn't write that letter?
A Yes, sir, I informed him of that prior to the trial.
Q Did you ask your lawyer to look into hiring a handwriting expert?
A Yes, sir.
Q Did he -- what did he tell you about whether or not he was going to pursue possibly retaining a handwriting expert?
A He told me that we weren't going to do that, that it was too close to my trial, that we wasn't going to go that route, that it would prolong the trial situation, so he never pursued it.
Q Okay. Did you ask him to request a continuance of your jury trial so that the handwriting expert might be consulted?
A Yes, sir, that was all in the same conversation.
Q Okay. In addition to this jailhouse letters, what I call it, it was testified to by Islam Horn; correct?
A Yes, sir.
Q And the letter is a letter -- it was interpreted to that you had committed the crime?
A Yes, sir, allegedly.
Q But you deny that?
A Yes, sir, I deny that.

Q What other evidence was there at the trial of this case indicating that you committed the crime, there's testimony from what witnesses?

A Islam Horn and Gregory Johnson.

Q And weren't they charged with the same crime that you were charged with?

A Yes, sir.

Q But they testified that you committed the crime not them?

A Yes, sir.

Q But they were facing the same charges?

A Yes, sir.

Q Did they -- do you think that gave them a reason to save their own skins?

MRS. THAMES: Your Honor, I object. He can't testify to what they thought, what the co-defendants thought.

MR. MCLEAN: I think it is -- their credibility is doubtful for obvious reasons. They were facing the same charge and their testimony or their veracity was doubtful for obvious reasons to the jury and that was gone into that they had or were seeking a deal with the Solicitor's office, that was part of the trial transcript which Mr. Mack is familiar with. They testified at trial that their lawyers were seeking deals from the Solicitor's

office.

MRS. THAMES: I believe the record says they don't know if they were seeking deals.

MR. MCLEAN: Your Honor, we can refer to the record. My interpretation is that their lawyers were going to talk to solicitors after they testified, but they had not been offered a specific deal at that time, but we can refer to the record. I have it at -- I think their credibility and their veracity was doubtful for obvious reasons.

MRS. THAMES: But that was before the jury, Your Honor. I was just objecting to him speculating as to what they thought. I mean, if they testified to one thing, that's fine.

THE COURT: Well, he can clearly testify as to what they testified to, but I don't think any witness can testify as to what another witness thought.

BY MR. MCLEAN:

Q Have you reviewed the trial transcript in this case, Mr. Mack?

A Yes, sir.

Q And have you reviewed the testimony of Islam Horn?

A Yes, sir.

Q Is his testimony indicate that he was hoping or seeking a -- to receive some sort of deal from the

Solicitor's office after his testimony?
A Yes, sir, he was expecting a plea to accessory after fact, if I'm not mistaken.
Q Have you read the transcript concerning the testimony of Mr. Johnson, Mr. Gregory Johnson?
A Yes, sir.
Q And does it indicate that he too was hoping to receive some sort of deal from the Solicitor's office after his testimony in your trial?
A The only thing I know is that he said that he answered the question that the Solicitor ask him pertaining to the -- what his agreement with the State. And he stated that his agreement was to tell the truth, but it doesn't say as to whether he knew what he was going to receive for telling the truth, that's all I know.
Q Okay. Do you have any other issues for post-conviction relief that we need to tell the judge about? We talked about the character evidence and the letter that came in that you requested a continuance for a handwriting expert. What are your other issues for post-conviction relief?
A That my trial counsel was ineffective for failure to object to all the irrelevant and prejudicial evidence which it was handguns, that had nothing at all to do with the trial of the case.

Q Were those your handguns?
A No, sir.
Q They were handguns of Mr. Horn and Mr. Johnson, weren't they?
A Yes.
Q Okay. And counsel fail to object to the introduction of their guns?
A Yes, sir.
Q Okay. What else?
A Also, I wanted to raise ineffective assistant of counsel claim pertaining to counsel being ineffective for failure to object to the malice instructions made by the trial judge.
Q On the malice instruction?
A Yes, sir.
Q What part of the malice instruction should your trial counsel have objected to?
A Is it all right if I read this paper right here that I wrote my notes down on?
THE WITNESS: Do I have time to do that, sir?
THE COURT: You can use it to refresh your memory.
MR. MCLEAN: He has a paper that he's written out concerning a jury instruction.
THE COURT: Sure.

A It says right here prior to closing arguments, the Court gave the following instruction to the jury on malice as recorded. Malice may be implied where one intentionally and deliberately does an unlawful act which he or she then knows to be wrong and in violation of his duty to another, trial transcript page 258 lines nine through 12. The law says that if one intentionally kills another with a deadly weapon, the implication of malice may arise, trial transcript page 258, 19 through 20. The Court has just told the jury that the malice -- that malice may be implied where one intentionally and deliberately does an unlawful act which he or she then knows to be wrong and in violation of his duty to another. The trial court further told the jury that the law says that if one intentionally kills another with a deadly weapon, the implication of malice may arise. Counsel should have objected to this. I don't know how to pronounce that word erroneous.

THE COURT: Erroneous.

A Erroneous charge for that the Court has also told the jury that if they could find that the petitioner was doing an unlawful act, then they could imply malice. This was very damaging given the circumstances of petitioner's case, for it was clearly proven through testimony of allege co-defendant Islam Horn, that the petitioner was

planning to do an unlawful act purchasing drugs, marijuana. The jury has just been told that they need to look no further than the unlawful act to hang a guilty verdict on. The Court further told the jury that if they could find malice from the unlawful act also if a deadly weapon was use, then malice was mandatory.

Q So you felt that the jury instruction was wrong because it gave rise to a presumption of malice?

A Yes, sir, shifted the burden of proof from the State to myself being a defendant.

Q Okay. And did your attorney object to that jury instruction?

A No, sir.

Q Are there any other issues that we need to tell the Court about that that you believe were ineffective assistance of counsel at your criminal trial?

A Not at this time, right. But I want to ask a question as to whether I have to state the case law pertaining to my issues?

THE COURT: No, sir.

THE WITNESS: Do I have to state the error and the prejudice?

THE COURT: Well, you have to state how your counsel was ineffective and how that prejudiced you. But you don't have to state any case law to support that.

THE COURT: All right. He'll certainly do that and I'll consider anything ---

MR. MCLEAN: And the rules of evidence which, you know, we've gone into the character evidence and the other crimes Rule 404 and ---

THE WITNESS: 403.

MR. MCLEAN: We'll discuss all that.

THE COURT: Okay.

BY MR. MCLEAN:

Q Are there any other factual grounds for ineffective assistance of counsel that you need to tell the Court about?

A No, sir.

MR. MCLEAN: That's all we have. Answer any questions Mrs. Thames has.

THE COURT: Mrs. Thames.

MRS. THAMES: Thank you, Your Honor.

CROSS-EXAMINATION

BY MRS. THAMES:

Q Just very briefly, Mr. Mack. You said that trial counsel didn't object to -- he did object to the letter; correct?

A Yes.

Q Of Islam Horn testified that you wrote to him?

A Yes, ma'am.

Q But you're saying he didn't object to specific things within that letter?
A He objected to authentication issue of the letter.
Q Right.
A He never objected to what the contents of the letter.
Q Okay. But he did object to the whole thing going in?
A Of its authentication, yes, ma'am?
Q And did -- do you recall if trial counsel did anything during the trial to try to mitigate that letter?
A No, ma'am, not that I can recall.
Q You don't remember whether your trial counsel introduced some other letters?
A Yes, ma'am, that has nothing to do with the -- mitigating evidence has nothing to do with the authentication of this document that we speaking about right now.
Q But the ones I'm speaking about are the ones that were introduced by your trial counsel? Your trial counsel did enter to other letters in evidence, did he not?
A Yes, ma'am.
Q And who wrote those letters?
A If I'm not mistaken Islam Horn admitted to writing those letters.
Q Okay. Did you meet with your trial counsel before the trial and discuss this case?

A Yes, ma'am.
Q And how soon before the trial did you tell him that you wanted a handwriting expert hired?
A Upon his first visit.
Q Okay. And two of the co-defendants are the ones that said that you were the one that fired the gun; is that correct?
A Yes, ma'am.
Q Did your co-defendants testify that you were the one that shot Mr. Wilson?
A Yes, ma'am.

MRS. THAMES: Thank you that's all I have for this witness, Your Honor.

THE COURT: Anything further?

MR. MCLEAN: Nothing further.

THE COURT: All right. Thank you, Mr. Mack. You may have a seat, sir.

(WHEREUPON, the witness leaves the witness stand.)

MR. MCLEAN: That's all we have, Your Honor, in petitioner's case.

THE COURT: All right. Thank you, sir.

Mrs. Thames.

MRS. THAMES: Thank you, Your Honor. The State will call Scott Floyd.

THE COURT: Mr. Floyd, if you'll come around, sir, to be sworn.

THE CLERK: Do you swear or affirm the testimony you give in this case will be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

THE CLERK: Please be seated and state your name for the record.

THE WITNESS: My name is Scott Floyd.

MRS. THAMES: May it please the Court.

THE COURT: Yes, ma'am.

WHEREUPON,

Scott Floyd,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MRS. THAMES:

Q Okay. Mr. Floyd, how long have you been practicing law?

A Gosh, 20 years.

Q Do you know what percentage of that is in criminal law?

A Well, for the last couple of years a hundred percent. Before that, I don't know at least half.

Q And you do primarily criminal defense; is that correct?

A Yes.
Q And you remember representing Mr. Mack?
A I do.
Q Were you appointed to represent him?
A I was.
Q And do you recall when in terms of, you know, timeframe as to the incident or the trial? When were you appointed?
A I don't recall exactly when I was appointed, but I can -- I left my file right there and I can look in the file and tell you when I was appointed.
Q Were you appointed far enough in advance to have time to prepare for the case?
A Oh, yeah.
Q Okay. And what did you do in preparing for the trial?
A Well, of course, I received discovery materials. This case had actually been assigned, I think, to two other lawyers prior to me, if I am not mistaken. And it went to another and then I got it, okay. I got -- received all the discovery from the last lawyer that had it, who I believe was Elizabeth York, if I recall. She was pregnant was due with a child and she had some complications arising from that. Anyway, I was appointed after she was relieved. I received all the stuff from

her. Then, of course, I check with the Solicitor's office to make sure I had, you know, everything that they had at that time. And then after I reviewed that, I went and spoke to Mr. Mack on a number of occasions.

Q And did you discuss all that discovery with him?

A Yeah, we went over the discovery.

Q And the primary evidence against Mr. Mack during the trial was the two co-defendants, was it not?

A Oh, yes.

Q And they both testified that Mr. Mack was the shooter in this incident?

A They did.

Q Do you recall a letter that we been discussing that came in when Islam Horn was testifying?

A I do recall that letter.

Q And Islam Horn was he one of the co-defendants?

A Islam Horn was a co-defendant?

Q And did you object to that letter?

A I did.

Q Do you recall what that letter was, when it was written?

A Well, Islam Horn maintained that Mr. Mack wrote that letter when they were house together at Effingham and that he got that letter to him in Effingham. The letter was not dated and it was -- did not have a signature on it,

okay. But Mr. Horn maintained that Mr. Mack got him that letter.

Q And you objected to that letter coming in?

A I did.

Q And you were not successful on that objection?

A I was not.

Q Do you remember the substance of the letter?

A Well, the main substance was it was an alleged admission by Mr. Mack that he shot the decedent in the case. And I mean, that was obviously the most damning thing, it was an admission basically.

Q And did you attempt to object to portions of the statement?

A I don't recall attempting to object to any particular portion of the statement. I did -- like I said I do recall trying to object to the letter, you know, in total being admitted into evidence. Obviously, the admission part of it there was a reference to having a gun. I mean, if you admit to shooting somebody, of course, you have a gun. So, I mean, if he was going to let the admission in, I didn't see any need to object to the reference to a gun because it was a murder by gun. He let the letter in and I think there was one sentence in there that referenced him having a parole officer, maybe, yeah.

Q And I'm not sure if were you -- were you talking just

about the statement or did you say because the statement came in there was not really a reason to object to the other testimony outside the statement about the gun?

A No, I was just talking about the letter itself.

Q Okay. The other reference when Islam Horn referenced Mr. Mack getting out of jail carrying a gun. Did you object to that?

A When Mr. Horn testified on the stand, I did not object to that.

Q Okay. And you feel like maybe you should have objected?

A I think I should have.

Q Do you think from a reading of the transcript as a whole, do you think that that might have effected the outcome of the trial?

A From the trial as a whole, I don't think so. I mean, you know, I think both of the eye witnesses testified that they were there. They were present and they saw Mr. Mack brandish a weapon and shoot the individual in that -- you know, the decedent in that trial. And then, of course, you know, the judge allowed the letter in. You know, I thought there was obviously plenty other direct evidence that, you know, I don't think it would have made any difference as far as that one reference that Mr. Horn made.

Q Both co-defendants also testified that they had guns, didn't they?
A They did.
Q They all admitted that they had guns?
A They admitted that.
Q Did you in response to that letter coming in the one from Islam Horn, did you get some letters in Islam Horn actually wrote to Mr. Mack?
A I did.
Q And what was the substance of those letters. Do you recall? What was the reason for getting those in?
A The one that I really remember that jumps out at me Mr. Horn wrote a letter to Mr. Mack and threatened his life in that letter or I took it as a threat. In fact, I think it was a direct threat. I don't have the letter in front of me, but he threaten his life if he didn't stick to the script is what the letter said.
Q And the reason for getting that in? What was your purpose in that?
A Well, my purpose in that was that -- I mean, I was trying to basically, I guess, demonstrate to the jury that Mr. Horn, you know, had some credibility problems in the case obviously and trying to put it in their minds that he was there at the scene by his own admission toting a gun and that maybe he wasn't telling the truth about who

pulled the trigger. I was trying to put that in their minds. I mean, he threaten Mr. Mack in that letter.

Q So you were attempting to attack his -- Mr. Horn's credibility?

A Sure, absolutely.

Q And did you do a similar thing with Mr. Johnson? Didn't have the letters obviously, but did you try to attack his credibility?

A I did. If I recall, I don't recall Mr. Johnson having written a letter. I'm not sure, I can't remember if he did or not. But I did question him about his knowledge of whether or not he was going to receive a plea agreement as a result of his testimony.

Q And didn't he say that he -- well, he did say that he was telling the truth, but did he also indicate that he thought he was going to plead to something later?

A He did. He indicated that after the trial was over that he expected that he would receive some firm plea offer. I believe is what his testimony was.

Q And Mr. Horn testified to a similar type of deal?

A I think so.

Q And so you put as much of that before the jury as you could?

A Yes.

Q Did you ever discuss with Mr. Mack getting a

handwriting expert in regard to that statement?
A I don't recall discussing getting a handwriting expert, I just don't recall that.
Q Is that something you think you -- I mean, would you normally do something like that?
A No.
Q So you just basically tried to attack the credibility of the statement itself through Mr. Horn?
A Sure. Yeah, I mean, like I said, the letter was not dated. It was unsigned. And, of course, the circumstances by which Mr. Horn alleged he came into possession of it, you know, down at the jail, we went into that such as where he was housed and that sort of thing.
Q Okay. Did you see -- did you notice any error in the jury instructions?
A I think I objected to hand of one hand of all charge, if I recall, I believe.
Q But you didn't object to the malice instruction?
A No, I didn't.
Q Did you see any error in the malice instruction as given?
A I don't recall seeing any error. And if I had, I would have objected to it.
Q Okay.
A I didn't recall that.

Q Did you feel like you were prepared for this trial?
A Yeah, I felt like I was prepared.
Q And you met with Mr. Mack several times and discuss the strategy with him?
A Uh-huh, yes.

MRS. THAMES: That's all I have.

CROSS-EXAMINATION

BY MR. MCLEAN:

Q Mr. Floyd, there two witnesses that testified against Mr. Mack, we establish Islam Horn and Gregory Johnson?
A That's correct.
Q And then the other evidence that came in and establish or was evidence of his guilt was the letter?
A That's correct.
Q The jailhouse letter?
A That's correct.
Q So we got two witnesses testifying and we got a letter that came in. Now, you acknowledge and you admitted that Mr. Horn and that Mr. Johnson which were not only witnesses, they were co-defendants?
A That's correct.
Q They were charged with the murder too?
A That's correct.
Q And you in fact brought out at trial and raise to the jury their credibility as witnesses?

A Sure.
Q Because of the fact they were facing the same charges?
A Yes.
Q And you brought out the fact that they were -- their lawyers were in communication with the Solicitor's office and they were hoping to have some sort of deal struck for them after they testified; isn't that correct?
A Yes.
Q Okay. So we're in agreement that their credibility was doubtful. You agree with that credibility of the witnesses were doubtful?
A I doubted their credibility.
Q Sure you did.
A I mean, but ultimately that's a jury question.
Q And you brought that out?
A Sure.
Q Sure. Now, the letter was a third piece of evidence that came in and you objected to the letter. And you -- do you recall that you objected to it on the fact it was not properly authenticated?
A I did.
Q Did you object on any other grounds?
A I think I might have raised a hearsay objection to it, I believe.

Q I think you raised hearsay objection.
A I think so. I think that was it.
Q Did you object on the basis that it was in violation of Rule 404 admission of character evidence to prove conduct?
A I did not.
Q Did you object on the basis of Rule 404 that it was evidence of other crimes or other bad acts?
A I did not.
Q Okay. And in fact, the letter did contain references and indications of things such as alleged gang activity; correct?
A I don't recall any specific crimes so to speak that it referred to. I mean, I guess you could...
Q Do you recall it was written as Mr. Mack called it a street slang?
A Oh, yeah.
Q And it had to be interpreted by Mr. Horn to the jury?
A Some of the words and phrases, yeah.
Q Some of the words he had to say what they meant on the street?
A Some of them, yeah.
Q Do you recall that the letter contained references to Mr. Mack carrying a gun ever since he had gotten out of jail?

A I don't remember the letter saying that. I thought Islam testified to that, but, I mean, I could be wrong.
Q Do you recall that it made reference to the sell of drugs?
A The letter itself?
Q Yes, sir.
A I don't recall, but it's in the transcript if it did.
Q The letter made Mr. Mack sound like a pretty bad guy, didn't it?
A Well, the letter contained an admission that whoever wrote it shot the decedent, so absolutely it made them sound like a bad guy.
Q And it was put in for the purpose of proving that Mr. Mack wrote it. I mean, was put in and Islam Horn testified that Mr. Mack wrote it?
A He did.
Q But you didn't move to exclude the letter in whole or in part except on the basis of hearsay and not ---
A I said it on the grounds that I just said, yes, that's correct.
Q You didn't move to redact portions of it and character evidence?
A I did not.
Q Or evidence of prior crimes or time in jail or gang activity anything like that?

A I did not.
Q And the letter itself you heard Mr. Mack testify earlier that he denies writing it?
A Yes.
Q And it's not signed and it's not dated?
A That's correct.
Q You said that hiring a handwriting expert is not something you would normally do; correct?
A No, it's not.
Q Have you ever hired a handwriting expert?
A I don't think I have, not that I recall.
Q Well, if you got an undated-unsigned letter and your client tells you he didn't write it and it's got -- would consider ---
A I don't recall having that particular conversation with Mr. Mack, that's what I'm telling you.
Q Your testimony is that he didn't tell you that's not my writing?
A That's correct.
Q Okay. All right. But it was unsigned and undated?
A Absolutely.
Q Did Mr. Mack ask you to request a continuance of the trial to get a handwriting expert?
A I don't recall ever having that conversation.
MR. MCLEAN: Beg the Court's indulgence for just

a moment.

THE COURT: Yes, sir.

(WHEREUPON, a pause in the proceedings.)

BY MR. MCLEAN:

Q Do you remember arguing in your closing statement and it's in the transcript at the bottom of page 263 that the State had failed to bring handwriting expert to testify about whether or not Mr. Mack wrote that letter?

A I very well may have because it was their burden to prove he wrote it.

Q Okay.

A Not mine.

Q So you were aware of the fact that handwriting experts could have been brought into court to examine the document and examine the handwriting sample and so forth?

A Absolutely and I felt like I said it was the State's burden to prove it and that's why I argued it.

MR. MCLEAN: Just a moment.

(WHEREUPON, a pause in the proceedings.)

BY MR. MCLEAN:

Q The State introduced handguns that belong to the co-defendants Horn and Mack, you remember that? Horn and Johnson excuse me Horn and Johnson?

A You know, I really -- I don't have any independent recollection of that right now. I don't remember that.

Q Okay. All right.
A But obviously, it's in the transcript when they did it.
Q So you don't remember that phase of the trial at all?
A I just don't have any memory of that -- of that happening. Certainly not saying it didn't, but I just don't recall.

MR. MCLEAN: Pardon me just a moment.

(WHEREUPON, a pause in the proceedings.)

BY MR. MCLEAN:
Q You say you don't remember the handguns coming in?
A I don't. I mean, it may be in the transcript, but I don't remember it.
Q Do you remember -- therefore, do you remember for what purpose those handguns may have been offered into evidence?
A I don't -- I certainly don't know right now. I have to review that portion of the transcript which I'll be glad to do.

MR. MCLEAN: That's all we have, Your Honor.

MRS. THAMES: Just a couple quick questions.

REDIRECT EXAMINATION

BY MRS. THAMES:
Q You just stated that it was pointed out that in closing arguments the State didn't have a handwriting

expert because it was their burden to prove it; correct?
A Correct.
Q Isn't it entirely possible that if you gotten a handwriting expert, it could have been very detrimental to your client?
A That possibility certainly existed.
Q And I know you said you don't remember anything about the guns coming in for the other two co-defendants. Certainly, if those guns did come in, wouldn't that be more prejudicial for Horn and Johnson as oppose to your client, Mr. Mack?
A I would think so. I mean, I certainly -- and I don't have any independent recollection as to guns coming in, but certainly if those guns were admitted into evidence and they were identified as Mr. Horn's and Mr. Johnson's guns, which I assume they were, I don't see how that would have prejudiced Mr. Mack. I think, it would have affected their credibility more to the detriment.

MRS. THAMES: Thank you that's all I have.

RECROSS EXAMINATION

BY MR. MACK:
Q Would you have an knowledge of why the handguns of the co-defendants would be relevant to the trial of Mr. Mack?
A I have read that portion of the transcript again, but

the fact that they were carrying guns, okay, that's not something that -- at the time that I think -- if they were willing to admit it, that's not something that I want to hide from the jury. I mean, if they were willing to say, yeah, we had guns and here they are, you see what I'm saying. I mean, I just didn't want -- that's not something I want hidden from them.

MR. MCLEAN: Okay. Thank you, that's all we have.

THE COURT: Thank you, Mr. Floyd.

(WHEREUPON, the witness leaves the witness stand.)

MRS. THAMES: No further witnesses.

THE COURT: All right.

Anything to address in closing?

MR. MCLEAN: Yes, sir, Your Honor. We like to cite the Court's attention. I'll be glad to hand up a copy of the case of Mitchel vs. State 298 S.C. 186 379 Southeastern Second 123, a 1989 case. It was a P.C.R. case, which it was found that there was ineffective assistance of counsel when trial counsel failed to object to testimony and evidence that the defendant worshipped the devil and was a member of the Mafia, very similar to this case here. There is evidence through the letter that came in that Mr. Mack had previously been in jail and was

STATE OF SOUTH CAROLINA COUNTY OF MARION	COURT OF GENERAL SESSIONS 2004-GS-21-01084
State of South Carolina vs. Terriel L. Mack DEFENDANT	TRANSCRIPT OF RECORD February 19-20, 2019 Marion, South Carolina

B E F O R E:

THE HONORABLE WILLIAM H. SEALS, JR.

A P P E A R A N C E S:

JOHN JEPERTINGER, DEPUTY SOLICITOR
DUDLEY SALEEBY, ASSISTANT SOLICITOR
Attorneys for the State

MARSHALL WEAVER, ESQ.
BRIE R. RUSSELL, ESQ.
Attorneys for the Defendant

KESHIA REED
Official Court Reporter

THE COURT: All right. I'm ready whenever you all are.

MR. JEPERTINGER: Your Honor, we are here on 2004-GS-21-1084. This is a resentencing hearing person to Miller vs. Alabama and Aiken vs. Byars. In that regard, that this accused Terriel Mack and convicted murderer was found guilty of murder back in October of 2005. He was 18 almost 19 when the trial took place. He was 17 when the crime was committed. The first thing that I would like to do, Judge, if possible since we are in Marion County and not in Florence County, I would ask that the defendant would waive venue to have the hearing held in Marion County.

THE COURT: All right, Mr. Weaver.

MR. WEAVER: We do waive venue, Your Honor.

MR. JEPERTINGER: And does his client waive venue?

THE COURT: And how about you, Mr. Mack?

MR. WEAVER: The defendant does waive venue, Your Honor.

THE COURT: All right, thank you.

MR. JEPERTINGER: And I take that for the record, Your Honor, because I just don't want an issue to come up later should he not receive whatever benefit of this trial. So I take it he does waive venue.

proceed to sentencing. I would ask to hear from Melvin Godwin in this case from the Florence Police Department to take the stand right there. If you could give us just some circumstances of the crime -- I know everything's included in the transcript. And also how you view this crime.

THE COURT: Do you want to go ahead and swear him in?

MR. JEPERTINGER: Does he need to be sworn in? This is just a sentencing hearing, Judge. And normally at sentencing hearings it's not a litigation case.

THE COURT: Any objections to that, Mr. Weaver?

MR. WEAVER: Your Honor, I believe he's about to elicit testimony from this witness. I would ask that he be sworn in.

THE COURT: Why don't we just swear him out of an abundance of precaution, have him sit down and we go from there. It will take 15 seconds.

THE CLERK: Do you swear or affirm to tell the truth, the whole truth and nothing but the truth so help you God?

THE WITNESS: I do.

WHEREUPON,

Melvin Godwin,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. JEPERTINGER:

Q The defendant has been convicted of murder. Can you tell His Honor basically some of the circumstances of the crime?

A Yes, sir. My name is Detective Melvin Godwin. I'm employed by the City of Florence as a police officer. At the time of this homicide, I was assign to the detective bureau of investigation on this incident, which occurred on December the 17th of 2003 in an area called North Florence off Oakland Avenue. A uniform officer doing patrol had just past several subjects standing in a parking lot on Oakland Avenue. As he past, he heard several gunshots, turned around come back, that's when he found the victim, Todd Wilson, down on the parking lot concrete, called for all emergency services to respond to that location in reference to a shooting.

Q All right. And as a result of that, how did your investigation go? How did it lead up to Mack and his co-defendants?

A Several investigators was assign to this case to follow up. I was lead. We obtained the description of a vehicle. We have had some other violence going on, so we was at max man power for those several days. And then when this occurred, we already had people out on the

street. We was able to locate a vehicle with several subjects who provided information led us back to the defendant.

Q All right. As a result of that, he was arrested for murder?

A That is correct.

Q Okay. And you had an opportunity to speak with him I take it?

A That is correct. He was interviewed, given his rights and allowed to give a statement on what happened.

Q Did he ever admit to killing Todd Wilson?

A Yes, he did.

Q Okay. And did he say why he killed him?

A Apparently there was another homicide in the park and they was on the look for Todd Wilson seeking him out. That Todd was apparently going to be a witness in another homicide that occurred in North Florence. And the defendant was friends or associates with the possible suspect at the time and Todd was -- had to be silenced.

Q And was it your understanding that the guy that he was -- Todd Wilson was suppose to testify against was a guy named Marcus Martin?

A That is correct.

Q And also known by the nickname of White Boy, right?

A That's correct.

Q Or WB?
A Correct.
Q All right. And that was the reason that Terriel Mack sought him out?
A That's correct.
Q Now, both Islam Horn and a Gregory Johnson known as Gangster Fred were with Terriel Mack back on December 17th 2003, correct?
A Information we tender, yes.
Q Okay. Horn was the driver?
A That's correct.
Q And Mack and Johnson got out of the vehicle?
A That is correct.
Q And when they got out of the vehicle, they spotted the individual they knew as Tellie, correct?
A That's correct.
Q And that would be Todd Wilson?
A Todd Wilson.
Q And they found him in the parking lot of the Oakland Plantation apartments?
A Correct.
Q And they walked up to him?
A That's correct.
Q And apparently Mack got his attention by yelling yo or something of that nature?

A Correct.

MR. WEAVER: Your Honor, objection. I don't mine some leading, but this is just overboard.

MR. JEPERTINGER: Well, Judge, let me point this out, let's start this. This is a sentencing hearing. Rule 1101 of the South Carolina Rules of Evidence state that in a sentencing hearing the rules of evidence don't apply.

THE COURT: All right, overruled. I understand. Go head.

MR. WEAVER: Yes, Your Honor.

BY MR. JEPERTINGER:

Q They said he said yo to Tellie?

A Todd Wilson, correct, the victim.

Q The victim in the case. And he walked up to him with Johnson, correct?

A That is correct.

Q And then he shot a -- he shot Wilson in the head, correct?

A That's correct.

Q At the first gunshot Gangster Fred ran from the scene, correct?

A That is correct.

Q And at that point the victim just clasped after getting shot in the head, correct?

A Correct. He never moved from the spot he was at.
Q And at that point Mack then puts three bullets in his back, correct?
A That's correct.
Q All right. And then they leave the scene; is that correct?
A That is correct.
Q And later they were spotted by a relative of Mack and Johnson. They were spotted by a relative of Johnson; is that correct Virginia Robinson?
A Correct.
Q And also seen them was a woman name -- by the name of Melissa Lang?
A Correct.
Q Okay. And that kind of led to further investigation that they were together, correct?
A That is correct.
Q Okay. Now, a gun -- two guns were seized by law enforcement during the tenure of your investigation, correct?
A Correct.
Q One that belong to Islam Horn?
A Correct.
Q All right. And that was found on a tire over at some other location?

A Correct. East Florence.
Q In East Florence. That gun was tested to see if that gun had killed Mr. Wilson, correct?
A Correct.
Q And it didn't fire the bullets that killed Wilson, correct?
A That's correct.
Q There was a gun that was retrieved from Gangster Fred or Gregory Johnson also tested and that also showed that that wasn't the murder weapon?
A That is correct.
Q All right. The murder weapon was never recovered in this instance?
A No.
Q Okay. So you talked to Mack. Did you talk to Horn?
A That's correct. Everybody involved was interviewed.
Q All right. And Johnson?
A Correct.
Q All right. And at this point all you knew was that there was some involvement by all three in this case; is that correct?
A That is correct.
Q All right. Did you know anything about the motive about wanting to silence Wilson in terms of testimony against White Boy initially?

A Nope not initially.
Q Okay. Eventually Islam Horn was represented by Shannon Prosser of the Florence County Bar, correct?
A Correct.
Q Okay. Islam Horn provided his attorney, who provided to the State, a letter that he received from Mack when they were in the same pod at the Florence County Law Enforcement Center at the jail?
A That's correct.
Q All right. Mack slipped this note under his cell to Horn who was on the outside of his cell while the jailer wasn't paying attention; is that correct?
A That's correct.
Q All right. And I'm going to show you State's Exhibit 31 from the trial which was a blow up of the letter and show this to the Court. And I think it's referred to in the transcript in here, but there were a couple things I saw in here other than talking about the murder. He drop like a rag doll like he had spaghetti legs or some shit, put three in his back. And then he put three dots almost -- it's almost consistent with autopsy photos in this case.
A That's correct.
Q And then red rum, I guess, that's murder backwards. So then he had this statement in here that I the one drop

that nig by myself. So at that point you knew that Johnson hadn't done the shooting?

A That's correct.

Q All right. I did that shit for WB and my nig and I can't read those initials and said rest in peace R-I-P. So when you saw that WB, you knew that was White Boy, correct?

A Correct.

Q For Marcus Martin?

A Correct.

Q All right. And then he stated that rank wasn't the only thing gained. For you who's been an investigator for so long, you knew rank referred to going up in the gang culture; is that correct?

A That's correct.

Q But the respect was earned and loyalty got portrayed for whatever that means?

A Right.

Q All right. So when you saw this letter, you saw motive?

A Yes.

Q You saw an admission of guilt?

A Correct.

Q Did you see any remorse in killing Todd Wilson in this letter?

A Not with that letter there and statement of gaining rank, no, I did not.
Q All right.
MR. JEPERTINGER: Beg the Court's indulgence.
(WHEREUPON, a pause in the proceedings.)
BY MR. JEPERTINGER:
Q Now, when you dealt with Terriel Mack as an investigator in the case, how would you character his ability to deal with you? Was he forthcoming, was he -- did he seem to understand your questions?
A Yes, he did clearly.
Q Did you or Sergeant Drayton or anybody put any, I guess, pressure on him to talk to you or did you take into account his age at the time?
A That's correct. We didn't -- he answered the question. We read him his rights. He understood and he responded in kind.
Q Did he ever ask for his mother to be present for any of these hearings?
A Not to my knowledge.
Q Not hearings. These questions?
A Correct, not to my knowledge.
Q All right. Was he alert?
A Yes.
Q Was he in touch with what was going on, what you're

basically talking about?

A Yes.

Q Was he deceptive or evasive in any way shape or form with you?

A No, he told -- give a statement on what happened, who did what.

Q All right. After he got an attorney, did you ever have the ability to talk to Mr. Floyd prior to trial?

A Most likely I had to, yes, been a while. I can't remember dates and stuff, but I'm sure I did.

Q Right. Did Mr. Floyd bring up to you at any time that I don't think this guy knows what's going on or that he's just got a mental problem of some sort or he just dumb as a bag of rocks or anything of that nature?

A No.

Q He received a life sentence for this crime of killing Todd Wilson shooting him in the head and three times in the back. And I think the forensic pathologist said three out of the four shots could have been deadly?

A That's correct.

Q What's law enforcement's feeling in terms of the sentence he received in this case, was it just?

A Fair, yes.

MR. JEPERTINGER: Thank you.

THE COURT: All right, Mr. Weaver.

MR. WEAVER: Yes, Your Honor.

CROSS-EXAMINATION

BY MR. WEAVER:

Q How you doing, Officer?

A Good morning.

Q Detective Godwin, correct?

A That is correct.

Q Now, Detective Godwin, when you interviewed Terriel Mack, there were other officers present that day; is that correct?

A That's correct. It should be on the statement that you have or the audio. Everybody would say their name or I would recognize them during the statement.

Q Do you remember that day somewhat? I know it's 15 years ago.

A I would probably have to see the report, sir, or names of who you referring to.

Q In the transcript, it says Drayton?

A Correct.

Q Was he present?

A Correct. There were several investigators involved with this homicide other than myself.

Q It says there was a Yarborough?

A Correct.

Q Present?

A Correct.
Q And it has Godwin which would be you present?
A Correct.
Q Those are all the individuals that were actually questioning him. I don't know if anyone else was actually in the room, but those individuals that were questioning him?
A That would be it. If you in the room, we gone put you on tape.
Q Okay. Now, do you recall where this interview took place?
A Should have been at the Florence sheriff department or should be at the top of the tape. It would say where we at and what time it is on the statement. So I have to see the statement you're talking about. He could have been already at the jail or at the complex where we do the statement.
Q Okay. What are the size of those interview rooms? Are they -- would you categorize them as a big room, small room? How many people could fit in that room?
A You can fit several. Most time we would do it in our conference room where we have morning meetings which sits about ten to 11 subjects, investigators with a huge table, so there would be space.
Q All right. And that's at which location?

A Complex.
Q That's at the complex. Okay. Now, at the time of this interview, how old was Mr. Mack?
A Our report says 17 on the incident report.
Q Okay. Now, how long have you been in law enforcement?
A Twenty-nine years in a couple of months.
Q So at 29 years this is 15 years ago, so at the time you had been a law enforcement officer for 14 years?
A That's about right.
Q And you were well trained on administering Miranda rights?
A That's correct.
Q Okay. And on this day during this line of questioning when you interviewed Mr. Mack, did you administer him his rights?
A I have to see the statement you referring to, but most times we going to talk to a suspect rights are given. They are read from a card that we carry either before we start the interview or that should be a waiver of rights form that we have him sign that should be with your case file.
Q Now, in regards to the document that you keep referencing, you say that it may be in the transcript. I just want you to take a look at this. Does this appear to

be the transcript from the interview that you conducted with Terriel Mack or portion of the transcript. It's a lot bigger than that actually. That's just the first full page?

A Correct, correct. It appears to be our case number and the statement.

Q And it has Yarborough, Godwin and Drayton as officers that were doing the questioning; is that correct?

A That's correct.

Q Now, let's talk about Miranda rights. When you Mirandize someone, what do you do if they request an attorney?

A If they request an attorney, the interview or questioning stops.

Q When you say it stops ---

A It's left to the defendant if he want to reinitiate the interview with us.

Q When you say the interview stops, are you permitted to ask any more questions once he said -- if a defendant says, I want a lawyer?

A Questioning, no. I can make a statement, but no questioning.

Q On page three of this transcript.

MR. JEPERTINGER: Which page?

MR. WEAVER: Page three of the transcript.

MR. JEPERTINGER: Is it the trial transcript?

MR. WEAVER: No, no, not the trial transcript of the defendant's statement.

MR. JEPERTINGER: Okay.

BY MR. WEAVER:

Q Beginning right here where it says Godwin, I would like for you to read all the way to here where it says Godwin into the record please? Matter of fact, read from Godwin right here all the way to Godwin right there?

A Okay. You got some serious serious serious charges there. What I did like for you to do is listen up as I read something to you so you -- so we can discuss the matter and get some things cleared up that need be cleared up. You understand? Defendant, Uh-huh. Godwin, yes or no? Mack, yes, sir. All right. This is your Miranda warnings. You have the right to remain silent. Anything you say can and will be used against you in the court of law. You have the right to talk to a lawyer and have him present while being questioned. If you cannot afford to hire a lawyer, one will be appointed to represent you before -- represent you or any questioning if you wish one. Do you understand each of these -- and it's scribbled out here. These rights as I have explain them to you. Mack, I need and it's inaudible. Godwin, having these rights in mind, do you wish to talk to us now?

Mack, inaudible I need to talk to a lawyer or something like that. Godwin, excuse me. Mack, I wish to talk to a lawyer.

Q Okay. Now, let's go one more line right here where it says Godwin. You don't want?

A You, you don't want to discuss the case at all about why you, why you that's coming down on you. He stopped in the answer.

Q Now, that last phrase that you read, that was a question, wasn't it?

A Yeah, right in front of it has a question mark by it.

Q Yeap, it's a question. And in your previous testimony, you said that once a person says I wish to talk to a lawyer which is what he said, that you can't ask any more questions, that you could make a statement, but you couldn't ask any questions?

A Correct.

Q But that's not what happened here; is that right? You did ask him a question?

A Yeah, I did ask a question.

Q Now, so -- just so I'm clear, at the time you stated that my client was 17 years old, right?

A By my report correct.

Q There were three officers. At the time you had been in law enforcement for 14 years. Drayton, who's my NCO in

National Guard, I know Sergeant Drayton very well and Yarborough?
A Correct.
Q Were both of those individuals seasoned officers as well?
A Correct.
Q So there were three seasoned officers, a 17 year old in the room and he said I wish to talk to a lawyer. And he wasn't afforded that opportunity, was he?
A That's a complete statement.
Q Okay. Now, when Attorney Jepertinger was questioning you, you stated that my client, Terriel Mack, did make a statement that day?
A Not that day, sir. We had to follow up, not that day. We didn't catch everybody that day of the murder. He eventually made a statement, yes, when he was located.
Q He made a statement. And in that statement I believe you said that he admitted that he said he killed Mr. Wilson?
A My report, yes, sir. I don't know what you got there, but yes, sir. Right ---
Q But I have what the State provided to me?
A Okay. Well, let me...
MR. JEPERTINGER: Did he answer the question?

A Do you have this supplement here, sir? I don't know.
Q I do have this supplement. I'm asking you about your previous testimony when Attorney Jepertinger was questioning you. Now, you stated that Mr. Mack made a statement. And in his statement he said that he killed Mr. Wilson because he was going to testify against someone else?
A Yeah, if you see that letter that he wrote, it's in the letter. It's other stuff that was going on with that. He didn't say it. We got a letter that was intercepted at the jail which laid that out.
Q Okay. So he never said that to you?
A No, we gained information from the other suspects and co-defendants. He ain't said all that, no.
Q Okay. All right.
A No.
Q Now, the letter that Attorney Jepertinger showed you that had, of course, this terrible language and describe a scene and described a terrible murder. Now, you allege that Terriel Mack wrote that letter; is that correct?
A I didn't allege nothing, sir. You saying I allege that?
Q Well ---
A It was intercepted that he passed it, that's the information came to me. I didn't allege that he wrote

that.
Q Okay. All right. Well, at the time that he passed that letter, how old was he?
A Probably still 17 or 18. I don't know the date on the letter, but it was intercepted. He was already arrested in jail. So I don't know exactly his date of birth, but it was intercepted in jail -- while he was in jail.
Q And since Mr. Mack has been incarcerated have you had any other contact with him?
A No.
Q Prior to this incident, did you ever have contact with Mr. Mack?
A No.
Q You don't know anything about the way that he was raised or any abuse that he may have been subjected to prior to this incident occurring?
A No, sir.
Q And you don't know anything about any rehabilitation that he may have went through or any changes in his life that he may have had following this incident; is that correct?
A That is correct.
MR. WEAVER: No further questions.
THE COURT: Solicitor.

REDIRECT EXAMINATION

BY MR. JEPERTINGER:

Q Okay. Just looking at the transcript, do you remember testifying at trial?

A That's correct.

Q Okay. I don't think you ever brought up any statement that he gave to you. We did not introduce any statement; is that correct?

A That's correct.

Q All right. And that supplement you just read that -- Can I look at it please, sir? Okay. And the thing you have marked is Mack stated that he and Gregory Johnson and Islam Horn were the onces who searched out the victim and killed him?

A That is correct.

Q Mack stated that they all had pistols and Horn was the driver of the blue Buick?

A Correct.

Q And that was corroborated at trial; is that correct?

A That is correct.

Q All right. Okay. The last question he asked you about abuse of his home life so on and so forth that you had no knowledge of. In your 29 years of doing detective work and dealing with people, that's not uncommon to have someone that had a shotty home life growing up that winds

up in the criminal justice system?

A Sadly correct.

Q Okay.

MR. JEPERTINGER: Thank you very much.

THE COURT: You may step down.

(WHEREUPON, the witness leaves the witness stand.)

MR. JEPERTINGER: Your Honor.

THE COURT: Yes, sir.

MR. JEPERTINGER: Your Honor, I had the clerk bring the evidence in this case other than the two guns retrieved because they did not -- were not the murder weapon in this case. If you would like to look at them if you find it necessity. If not, I would ask that I could give this information back to the clerk and ask that she be excused from her subpoena.

THE COURT: All right. Mr. Weaver, any objections to that?

MR. WEAVER: I have no objection, Your Honor.

THE COURT: I don't need them. All right, you can give them back.

MR. JEPERTINGER: I'm going to give them back, Judge. I'm going to give the clerk her file and her evidence.

MR. SALEEBY: May I proceed, Your Honor?

THE COURT: Yes, sir.

MR. SALEEBY: Your Honor, this being a sentencing hearing, of course, prior criminal history of the defendant would be relevant. And, of course, because cause of his age, he had no adult record at the time of the commission of this crime is what I would propose to do is hand up to the Court at this time a printout from the department of juvenile justice that shows his prior engagement with the juvenile justice system convictions of vehicle damage and tampering. And then a violation of his probation.

I would also advise the Court that defense counsel has access to the DJJ records, has a copy. And Dr. McKee and their psychiatrist have access to it. And he's prepared a brief that also has access to that because I'm going to hand up to the Court as well part of the DJJ record. And, of course, they would be free to do the rest of it as well, but part of it is an evaluation performed [redacted]. I think the first intake which I think observes behaviorally that Mr. Mack was emotionally isolated, angry with a chip on his shoulder as evidence by his tone of voice, perfunctory responses, that one of his profiles AMCI said he was cool and indifferent to the feeling of others, not interested in developing close relationship with others and ties to others are

generally based on sharing similar antisocial or unempathetic attitudes. I make reference to those because I think that would be important with regard to the lack of peer pressure and his independent activity. And then likewise a report from earlier in the year of the commission of the crime 2003 that indicates that Terriel is enmeshed in street justice and views it as his responsibility to take the law into his own hands, which we think is consistent with the notes that he wrote in jail with regard to the motive for killing the victim.

THE COURT: All right, anything else?

MR. SALEEBY: That's all we have on that.

THE COURT: Okay.

MR. WEAVER: Your Honor, I would just like to correct the date that he gave of the actual report. He said [redacted] that's actually Terriel's birthdate. The date of this report is June 27th 2002.

MR. SALEEBY: Thank you. I stand corrected. My error, sir.

THE COURT: Sure.

MR. SALEEBY: May we proceed?

THE COURT: Yes.

MR. SALEEBY: Your Honor, we would like to call Mr. Michael Stobbe to the stand.

THE CLERK: Do you swear to tell the truth, the

whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

THE CLERK: Thank you.

WHEREUPON,

Michael Stobbe,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SALEEBY:

Q Could you spell your last name?

A Stobbe S-T-O-B-B-E.

Q You're Michael Stobbe?

A Yes, sir.

Q Mr. Stobbe, please tell the Court who you work for and in what capacity?

A South Carolina Department of Corrections. I'm the branch chief of records management and release.

Q Would you be what we would call in terms of the law official custodian?

A Whenever they need to be, yes, sir.

Q Yes, sir. And just for the information, would you introduce to the Court this young lady who came with you today?

A Christina Bigelow. She's -- hopefully I got the title right assistant general counsel for SCDC.

Q All right. And I will ask you have you been

forwarded a copy of your file to the defense at their request?

A To my knowledge, yes, sir.

Q And have you also forwarded a copy to the State at our request?

A Yes, sir.

Q All right, sir. I will ask you if a little bit earlier I ask you to put together or to have an outline summary of the disciplinary infractions that Mr. Mack had been imposed upon him during his time in the department of corrections?

A Yes, sir.

Q All right.

MR. SALEEBY: Your Honor, we'll hand this up later.

BY MR. SALEEBY:

Q But I would ask you first of all as to this document called display inmate offense history. What is that?

A It's basically an automated printout off the OMS system that's used at the department of corrections to keep track of inmate disciplinaries.

Q Okay. So if I understand correctly, I'm not trying to put words in your mouth. If some sort of a disciplinary action is initiated against an inmate, is a formal record made of it?

A Yes, sir.
Q Is that required under your rules of regulations?
A Yes, sir.
Q And this would be a summary not an exposition situation?
A Correct. I mean, those other documents that are produced at the time of the offense and basically this just documents the date of the offense, the date of the hearing officers review and what actually happened to the inmate as far as whether he was found guilty, not guilty, given administrative penalties and basically documents, whether he's guilty, not guilty or whether administrative penalties are placed against him.
Q All right, sir. And with each incident report, is a detailed report made by the officers involved at the institution at the time and made a permanent part of your record?
A Yes, sir, in a long -- with the automated system that you have in your right hand, there's a narrative that's typed out to coincide with the results of the hearing.
Q And have you had the opportunity to review these incident reports which lay out the details of the offenses summarized in this report?
A Yes, sir.
Q And are these accurate copies of your records?

A Yes, sir.
Q All right, sir. Without asking you to read all of them, but for the court record -- and by the way, it's our understanding we start on the beginning of page one and go from the bottom to the top. I call it page one.
A Yes, sir. It's marked page three, but you are correct it's built sort of like a pyramid.
Q All right. The most recent would be on what I have stapled together at the third page at the top?
A Correct, yes, sir.
Q All right, sir. So if you would look at your summary and I will ask you if we have here an indication on 12-21-05 the charge of striking an inmate?
A And I'm sorry, sir, that date again?
Q I'm sorry 12-21-05 striking an employee?
A Yes, sir.
Q Okay. 1-4-06 flooding his toilet administrative?
A That would be January 4th of 2016.
Q January 4th my bad?
A That's okay. Yes, sir.
Q 9-4-06 threatening to inflict harm?
A Correct.
Q 9-4-06 sexual assault of public masturbation?
A Yes, sir.
Q 9-27-06 out of place?

A Yes, sir.
Q 2-27-07 destroying property?
A Yes, sir.
Q Okay. 4-5-07 sexual conduct public masturbation?
A Yes, sir.
Q 12-12-07 use of marijuana or narcotics?
A Yes, sir.
Q 4-16 out of place?
A Yes, sir.
MR. JEPERTINGER: What was the year, Dudley?
BY MR. SALEEBY:
Q 4-16-06. Thank you. 7-23-06 ---
A Sir, I believe that 4-16 is 2008?
Q 2008, I'm sorry thank you for that. 7-23-08 narcotics?
A Yes, sir.
Q 8-28-08 refusing or failing to comply?
A Yes, sir.
Q Okay. 2-6-10 soliciting employee to bring him some money?
A Yes, sir.
Q 2-19-10 exhibitionism or public masturbation?
A Yes, sir.
Q 3-10 exhibitionism or public masturbation?
A Yes, sir.

Q 4-29 possession of contraband?
A Yes, sir.
Q 2-23-11 throwing chemicals on a guard?
A Yes, sir.
Q And striking an employee?
A Same date, yes, sir.
Q Yes, sir. I think this is 3-13-11 or 3-31-11 or 3-13 or 3-23 threatening -- refusing to comply with an order. Beg your pardon evading a security device?
A And what was the date on that, sir?
Q 2-23-11 my bad.
A Okay. All right. Yes, evading the security device, yes, sir.
Q 3-13-11 threatening to inflict harm?
A Yes, sir.
Q Bear with me. 4-21-11 exhibition or public masturbation?
A Yes, sir.
Q 4-4, 9-14-13 disorderly conduct?
A Yes, sir.
Q Okay. 5-15-14 striking an employee two counts?
A Yes, sir.
Q 6-14-14 exhibition and public masturbation?
A Yes, sir.
Q 1-3-16 exhibitionism and public masturbation?

A Yes, sir.
Q 6-28-16 possession of a weapon?
A Yes, sir.
Q 7-13-17 possession of a weapon?
A Yes, sir.
Q 3-8-18 threatening to inflict harm?
A Yes, sir.
Q And 4-15-18 homicide investigation no charges move to another facility?
A Yes, sir, he's presently under investigation.
MR. SALEEBY: Thank you, Mr. Stobbe, that's all that I have.
THE COURT: All right, Mr. Weaver.
MR. WEAVER: Yes, Your Honor.
MR. SALEEBY: Oh, I'm sorry. I forgot something beg your pardon.
THE COURT: Go ahead.
MR. SALEEBY: I'm sorry, Mr. Weaver, my bad.
BY MR. SALEEBY:
Q Did you have any indication he engaged in any of the work projects?
A Yes, sir. He's attended school for a while and he's had several jobs along the way.
Q How did those jobs end?
A Seven of them would be place in lock up pending

disciplinary.

Q He was terminated from work because of disciplinary?

A Yes, sir.

MR. SALEEBY: I'm sorry, Mr. Weaver. Appreciate you coming.

CROSS-EXAMINATION

BY MR. WEAVER:

Q I'm sorry, sir, what did you say your name was again?

A Michael John Stobbe.

Q Okay. Mr. Stobbe, in your capacity as records custodian, I believe's that's what you said it was?

A Yes, sir.

Q What your official title, sir?

A Branch chief of records management and release.

Q I think I'll say records custodian for short if that's okay?

A That's work with me, sir.

Q And I appreciate that. In your capacity as records custodian, you come across I would guess almost all these different offenses that these inmates commit within that are housed in the department of corrections; is that correct?

A Yes, sir, I mean, through the years certainly.

Q Okay. Now, at the SCDC prison facilities do rapes occur? Does rape ever occur there?

A I again, I never witnessed one, but I'm sure they do.
Q Have you ever seen records of anyone who been charged with rape or been convicted of rape?
A I believe I have to be honest.
Q Has Terriel ever been convicted of raping anyone in his time that he's been incarcerated at SCDC?
A There's nothing here for rape. There are a couple of sexual misconducts, but I don't -- without doing a whole bunch of digging in my paper, I don't have the specifics of what those would be.
Q Now, murder occurs occasionally within the confines of SCDC, doesn't it?
A Unfortunately, yes, sir.
Q Has Terriel ever been convicted of a murder?
A No, sir.
Q Manslaughters occurs as well, is that correct? Manslaughter occurs as well, correct?
A Yes, sir.
Q And Terriel has never been convicted of a manslaughter; is that right?
A Yes, sir.
Q Inmates at SCDC get stabbed occasionally by other inmates, don't they?
A Yes, sir.
Q Has Terriel ever been convicted of stabbing anyone?

A I'm not trying to be cute, I just want to make sure.
Q No, sir, take your time, take your time.
A Based on the -- for lack of a better term, the title of the disciplinary -- I hope I remember how you phrased your question. My answer would be no he has not stabbed anybody.
Q Okay. Now, do inmates ever get beat to death within the confines of SCDC?
A I don't believe I could honestly answer that one way or the other.
Q Okay. That's fine. So would you agree with me that although Terriel has been found guilty of some offenses, there are much more serious offenses such as murder, rape, manslaughter, things of that nature that actually occur within the walls of SCDC that he has not been found guilty of. Would you agree with that statement?
A I would agree that he has not been found guilty of those three offenses that you mentioned, yes, sir.
Q Okay. Now, SCDC prioritizes offenses into -- do you prioritize your offenses into the categories of assaultive or non-assaultive?
A I'm not real sure I'm the guy that should be answering that question just basically to the nature of what I do. And I don't have anything in front of me that would tell me that.

Q Okay.

MR. WEAVER: Beg the Court's indulgence.

BY MR. WEAVER:

Q I would like to talk about a couple of offenses that were read to you that you were questioned about by Attorney Saleeby. First is going to be -- this is a assaultive charge -- I'm sorry sexual assault charge on September 6, 2006 and this took place at Lee Correctional Institute.

A What was the date of that, sir?

Q September 6, 2006.

A I got a couple that's September 4th, January of 2006.

Q Correction, it's September 4th 2006.

MR. SALEEBY: Excuse me what year?

MR. WEAVER: 2006. I'm sorry September 4th 2006.

MR. SALEEBY: Thank you, sir:

A I have two, sir. I'm not trying to give you a hard time. What was the title of the one you wanted?

Q It's a sexual assault.

A Okay, I'm with you.

Q Now, do you have the incident report there with you as well?

A No, sir, but I have a narrative of what supposedly went down.

Q Okay. Could you go ahead and refresh your memory by reading the narrative silently?
A Okay, sir.
Q Now, in the narrative that you read, was this an incident in which he was actually masturbating while looking at a corrections officer?
A According to the narrative I have, yes, sir, that's exactly what was read in here.
Q And then she caught him and he ran out of that room and into another room; is that correct?
A The narrative doesn't go that far, but I do believe I did saw the actual, you know, incident report that I believe that is what it says.
Q Okay. But he didn't -- the narrative does not say that he touched anyone else other than himself; is that correct?
A That's correct.
Q Even though this is a charge of sexual assault he only touched himself? I just want to make sure we're clear on that.
A That's what the narrative says, yes, sir.
Q Okay. Has Terriel ever been convicted of fighting another inmate? I see that on just six -- just to make things a little bit easier, I see that June 28th 2016 on the records summary sheet he was charged with it, but it

appears as though that charge was dropped; is that right?
A Yeah, if you'll -- I got a list of the dropped offenses. We keep them separate.
Q Okay.
A All right. What was the date again, sir?
Q That was June 28th 2016?
A Yes, sir. The fighting without a weapon it was dismissed on July 19th 2016.
Q And Terriel's been incarcerated for 15 years. In his 15 years of incarceration, do you have any record there that ever shows him fighting another inmate, that any record that he was convicted of ever fighting another inmate?
A To answer your question, no. He has struck employees. He's been charged with threaten to inflict, but without having the actual offense narrative, I'm not sure who he's threatened.
Q Yes, sir.
A So to answer your question, no, he's not.
Q Okay. Now, when Attorney Saleeby -- one of the very last questions he asked you was pertaining to an offense that Terriel is currently under investigation for; is that correct?
A Yes, sir.
Q Now, is that offense regarding the riots that were

held at Lee Correctional?
A Well, for -- not to, you know, cut the hair too fine, yes, sir.
Q Okay. Have any inmates been charged in those murders that occurred at Lee Correctional?
A Sir, that's sort of out of my realm of knowledge.
Q Are you familiar with the investigation practices of SCDC?
A No, sir, I am not.
Q In your capacity as a records custodian, are you aware that every inmate that was in the vicinity of that area is currently under investigation?
A No, sir, I mean, I'm not aware of that simply because the only reason I knew he was under investigation is because I was asked to pull his records and review them.
Q But you did not review the files of every one else that was on that cell block with him?
A No, sir.
Q This was the only one that you reviewed. So everyone on that block could be under investigation as far as you know?
A I couldn't say one way or the other, sir.
MR. WEAVER: One moment please. Beg the Court's indulgence.
THE COURT: All right.

(WHEREUPON, a pause in the proceedings.)

MR. WEAVER: No further questions.

THE COURT: All right, yes, sir.

MR. SALEEBY: Just a couple, sir.

REDIRECT EXAMINATION

BY MR. SALEEBY:

Q First of all, based on your experience, what percentage of the inmates pass through the department of corrections don't have any disciplinaries?

A Approximately 60 percent.

Q Sixty percent. And I think you and I have gone over a couple of dozen here that occurred between 2003 and 2018. And by my count at least four or five different institutions Lee, Lieber, Broad River, McCormick; that's correct?

A Yes, sir.

Q And just a couple follow up on what Mr. Weaver said. If you would turn to your event of September the 4th 2006 and take your time, you find it let me know.

A September...

Q September 4 of '06.

A Okay, sir.

Q You got that one?

A Yes, sir.

Q All right. And, of course, the charge as you pointed

out he was masturbating. As I'm reading the report, I told him to close the door. At that time he ran out of that room. Officer McFadden started toward that room he ran out into another room. I went to lock my wing door. What's a wing door?

A Sir, I don't work in an institution.

Q Okay. All right. And he ran up and pushed against the wing door to try to prevent me from closing it. Is that correct?

A Yes, sir.

Q All right. And then I like you to look at the incident that happened at McCormick January the 3rd of 2016. I'm sorry June the 28th of 2016 just let me know when you find it.

A June 28th 2016?

Q Yes, sir.

A Yes, sir.

Q Okay. Tell me if I'm reading... Inmate Mack was fighting in his room 163. He was escorted out to something I can't read that. I, Correctional Officer Taylor, went and deadlocked his door so the roommate could not go in. I went back to shake down his room and do an inventory for lock up and he had a homemade knife in the inside of his mattress and a sharp pointed stick. Is that what that report reads?

A That's what it says, sir.

MR. SALEEBY: Okay, sir. Thank you. That's all that I have.

THE COURT: All right. Anything else, Mr. Weaver?

MR. WEAVER: Yes, Your Honor, very very briefly.

RECROSS-EXAMINATION

BY MR. WEAVER:

Q South Carolina Department of Corrections houses any inmates that are serving 366 days all the way up to life without parole; is that correct?

A 91 days.

Q 91 days I apologize. 91 days all the way to life without parole; is that correct?

A Yes, sir.

Q So when 60 percent of individuals that pass through South Carolina Department of Corrections don't have disciplinary, that could be anyone who serving anywhere between 90 days and life without the possibility of parole; is that correct?

A 91 days, yes, sir.

Q 91 days. Now, what is the percentage of individuals who are serving life without the possibility of parole that have no disciplinaries?

A Specifically I don't know the answer to that, sir.

Q Okay. Now, in the report that is dated June 28th that Attorney Saleeby referenced and he said something about a -- it was a shake down of the room, inventory for lock up and handmade knife was found in the side of his mattress and a sharp pointed stick. Clearly by this report it was something that was in his cell. It wasn't something that was found on his person; is that correct?

A That's correct.

Q That's my interpretation of this. Also on the fourth line of the report, it says that his roommate couldn't go in, so therefore he had a roommate in that cell with him as well, correct?

A That's correct, sir. Well, I mean, based on the narrative, I don't see how else you could figure that.

Q Based on that narrative. And in your previous testimony -- you previously testified in Terriel's 15 years of incarceration he's never convicted of stabbing another inmate?

A Based on the titles of the disciplinaries, yes, sir.

MR. WEAVER: No further questions.

MR. SALEEBY: I don't have any more questions, Your Honor. And I would ask if Mr. Stobbe and Ms. Bigelow could be excuse.

THE COURT: Any objections?

MR. WEAVER: No objection, Your Honor.

THE COURT: All right. You have good day. You're excused.

(WHEREUPON, the witness leaves the witness stand.)

THE COURT: All right, Mr. Jepertinger.

MR. JEPERTINGER: Call Mr. Perry Mungo to the stand.

THE CLERK: Do you swear or affirm to tell the truth, the whole truth and nothing but the truth so help you God?

THE WITNESS: I do.

WHEREUPON,

Perry Mungo,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. JEPERTINGER:

Q Please state your name for the record?

A Perry Mungo.

Q What relationship did you have with Joe Todd Wilson?

A He's my son.

Q When Terriel Mack murdered your son, how old was your son?

A Eighteen.

Q Did he have any family?

A Me, my wife and he had one child just was born

October the 1st 2002.

Q So she would have been one year old when this crime happened?

A Yes.

Q And is she in the courtroom with you today?

A Yes, she is.

Q Okay. Can you tell us what impact that this terrible crime committed against your family by Terriel Mack has had on your family?

A Well, really it's been a -- turn our whole life around really. I mean, because, you know, between my wife she was the first family member at the scene. And she saw her son laying there in a pool of blood dead. And, you know, it was in December and it was cold and all. She had proper clothing on, but that just destroyed her life ever since then. She passed away in 2012.

Q Was it natural causes that she passed? Did she have a medical condition?

A I'm not a doctor, but I say she was heart broken because when the incident happened, she just got off the phone with him. We live three streets over from where the incident happened. And she just got off the phone with Todd. She just got off the phone with him and he said he was coming to get the car. So when she hung up the phone with him, she right after that she heard the gunshots.

And she wanted to know what was going on, so people start calling, that's the way the neighborhood is, you know. And she found out somebody got shot on Oakland, so she went over there because she try to call Todd back and didn't get no answer. So she went over there and that when she saw the body laying in the pool of blood. And then my other son he saw it, I think that when he call me.

Q I notice if you drive down Oakland Avenue since probably the early 2000's, you see a wreath, a floral wreath that's tied to the telephone pole right by where your son was murdered by Terriel Mack?

A Right.

Q Who puts that wreath up?

A I do.

Q How long have you been putting that wreath up?

A I been doing it ever since he pass, that's in his memory I put one up.

Q And what have you done for a living, sir? What was your type work?

A Well, I was a manager of a automotive paint store.

Q How long did you work there, sir?

A I been doing that particular business about almost 40 years.

Q How have you dealt -- I know you felt your wife was heartbroken. How's this crime affected you?

A A lot.
Q Just tell the, Judge.
A It took away my life because I always in his memory I always remember his birthday coming. We always celebrate his birthday, Christmas. And then I turn around I had to be the father and, you know, like most of us when we want to be the grandparent -- grandparent is different from the parent itself. They discipline -- the parent disciplines the child. The grandparent suppose to keep them happy and enjoy them, that's our time in our life when we got older we can enjoy being with the kids -- our own kids are grown, just took all that away from me.
Q I think you said Haley was born in October of 2002. What's her life been like?
A Well, I mean, basically the same misery at times, birthday time and because we share in that together the whole family when it's his birthday we do something. We buy ballons put on his grave. We change out his flowers on his grave. And, you know, like I say, I put the cross up. Sometimes I be four or five times a year I have to put it up because of the environment and the weather. Sometime the weather storms come and I just get another one and put it up there. We always remember that. And a lot his friends do the same thing now whenever his birthday come up they go by there because I seen people

when I get ready to change it, they come up. A lot of people don't even know I'm the one that's doing it.

Q And you been doing it since he's been -- he was murdered by Mack?

A Yes.

Q Since 2003 going forward?

A Right.

Q Fifteen?

A Right. I think I started on his birthday I believe.

Q Earlier in the day when we were speaking to prepare you for this whole situation, this hearing that we're in that's going today and some tomorrow I guess. I told you that it's in this judge's hands to decide whether to reduce his sentence from the life sentence that he received. He can reduce it all the way to 30 years. He can't go any lower than that and it's 30 to life. What do you feel ---

MR. WEAVER: Objection, Your Honor.

THE COURT: Overruled.

MR. WEAVER: If I may just put on the record please?

THE COURT: You may go ahead.

MR. WEAVER: Pursuant to United States Supreme Court Payne vs. Tennessee 808 at 822 and 830, 1991 victim impact evidence if it is allowed at all should be strictly

limited to a quick glimpse of the life of the victim and may not include the victim's family members, characterizations and opinions about the crime, the defendant or the appropriate sentence. Thank you, Your Honor.

MR. JEPERTINGER: I withdraw that, Judge.

THE COURT: All right.

MR. JEPERTINGER: I withdraw that.

BY MR. JEPERTINGER:

Q Was your son worthy of putting up this wreath that you put up every year for the last 15 years?

A Yes, every day.

Q Did your son talk to you about his hope and aspirations what he wanted to do with his life? You said he was 18?

A A lot of time, you know, we just talked about the kids. He was into sports. We always talked about sports all the time, you know. I just thought about his kid what he do when she get older and things like that.

Q Now, that burden's fallen to you, correct?

A Yes, sir, I have to handle all that. She stays with me.

Q How old are you now, sir, if I can ask?

A I'm 68 years old.

Q Okay. And she's 16?

A She's 16, yes.

Q All right.

MR. JEPERTINGER: You can answer any questions Mr. Weaver may have.

MR. WEAVER: Mr. Wilson, I just want to give you my deepest condolences. I have two sons I can't imagine what you going through. You have a good day, sir.

THE COURT: You may step down.

(WHEREUPON, the witness leaves the witness stand.)

THE COURT: All right.

MR. JEPERTINGER: Judge, if you have any questions for the daughter who is present, I don't want to put her on the stand 16 year old having to talk about her father.

THE COURT: I have no questions. I'm satisfied.

MR. JEPERTINGER: All right, but she's here for the Court's questions or for the defense questions if you like.

THE COURT: Anything else from the State?

MR. JEPERTINGER: Beg the Court's indulgence. I think that's it, Judge. Thank you so much.

THE COURT: Thank you.

Mr. Weaver, you ready to begin?

MR. WEAVER: Your Honor, may I have a brief

recess?

THE COURT: All right. Let's take a 15 minute break. We'll come back at 20 'til 12.

MR. WEAVER: Thank you, Your Honor.

THE COURT: Thank you.

(WHEREUPON, a break was taken.)

THE COURT: I'm ready when you are, Mr. Weaver.

MR. WEAVER: Yes, Your Honor. Defense calls Dr. Geoffrey McKee.

THE CLERK: Place your left hand on the Bible and raise your right hand. Do you solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

WHEREUPON,

Dr. Geoffrey McKee,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WEAVER:

Q Good morning, Dr. McKee.

A Good morning.

Q For another 15 minutes here. You please state your full name for the record?

A Sir?

Q You please state your full name for the record?

A My name is Geoffrey R. McKee. First name is spelled G-E-O-F-F-R-E-Y R. M-C-K-E-E.

Q And where do you work, Dr. McKee?

A I have a private practice in forensic psychological services.

Q What is your title there?

A Founder, owner, chief executive.

Q And how long have you been the founder, owner, chief executive of your practice?

A For -- since 1986. So some 32 years.

Q What degrees do you possess? What degrees do you possess?

A I hold a bachelor's degree from Coe College in Cedar Rapids, Iowa.

MR. SALEEBY: Your Honor, we'll be glad to stipulate to the doctor's qualifications.

THE COURT: All right, thank you.

MR. WEAVER: Thank you very much.

BY MR. WEAVER:

Q Now, Dr. McKee, are you being paid for your time here today?

A For my time, yes.

Q And who exactly is paying you?

A I was retained by you and Ms. Russell.

Q And does the fact that you are being paid have any

influence on your evaluations and conclusions in this matter?

A No.

Q Now, Dr. McKee, the correspondence I just handed you is that your report?

A It is.

Q And does that report pertain to a Mr. Terriel Mack?

A It does.

Q And is ---

MR. SALEEBY: Your Honor, just to tell the Court, we've had the opportunity and Mr. Weaver sent us a copy of it. We have a copy now. We have no objection of it being entered into the record.

THE COURT: All right, thank you.

MR. WEAVER: Yes, Your Honor, I would like to admit Dr. McKee's report into the record as a Defense Exhibit Number 1.

THE COURT: Sounds good.

MR. WEAVER: Thank you, Your Honor.

(WHEREUPON, Defendant's Exhibit No. 1 was admitted into evidence.)

BY MR. WEAVER:

Q Okay. Dr. McKee, what is an assessment approach?

A Well, it is the way in which the forensic psychologist of which I am one would decide how to

approach, to what procedures, what tests, what inventories depending on what the issues are, the particular procedures that that clinician would use to address the issues that he or she was ask to address.

Q Will you please describe what -- describe the assessment approach that you used in this matter?

A Well, this is a forensic psychological evaluation pursuant rulings under Miller v. Alabama and it's essentially now a resentencing hearing. And in cases like this, if I'm retained before trial and before sentencing, then I would interview the patient one or more times. I would review a host of records that would be provided to me. I would administer a variety of different tests to access the individuals current functioning, as recent personal history and his likelihood of future danger. And as it would pertain to a juvenile or a young adult, I would address issues of again future danger, sophistication in maturity and amenability for treatment which were issues that were elucidated in Kent vs. United States United States Supreme Court opinion back in the mid 1960's.

Q Now, in your report, I noticed that you actually under the subsection of relevant history you use a chronological order to structure your report. The first section is entitled childhood to age ten?

A Yes.

Q In our own words, could you please describe Terriel's childhood up until age ten and give your expert opinion on the affect that it had on him?

A Well, Mr. Mack's childhood started out rocky in the sense that his mother was middle teenager at the time she gave birth to him. I believe she was 16 years old. And his biological father according to Mr. Mack and also corroborated by his birth certificate refused to acknowledge paternity of him. That being said though, he was raised by his mother. His maternal great grandmother was also a significant influence on his life early on until her death when he was about 12. His mother became involved with a man name Nathaniel. And according to Mr. Mack, Nathaniel was a man who was very significant in his life. He described him as a man who would help him to focus on his school work and to become responsible as a young man. And that's reflected in his school work. His Florence County records first six years that he was in school he was doing quite well. I believe also a couple of times on the honor roll. And he was regularly promoted from one grade to the next. And the records also reflected that his reading levels he was pretty much at grade level for his reading and math. And he was attending school regularly. He was not in trouble for

truancy or for tardiness to school. Then when he was approximately if I could just refer to my notes for a minute here.

Q Sure.

A When he was approximately eight years old, his stepfather Nathaniel severely beat and injured his mother resulting in his first of two criminal domestic violence charges and I believe convictions on his mother. And when he was approximately ten years old he actually contact law enforcement after his mother had severely beaten him and that result in his placement at -- with his maternal grandmother. For a period of time, DSS was involved and he was placed away from his biological parent. After the second criminal domestic violence assault by Nathaniel, that led to Nathaniel and his mother separating. And it was notable to me that despite this very rocky period of time between eight and ten -- actually ten and 12 years old that he still was quite bonded to Nathaniel. He made the comment to me that when Nathaniel was packing his bags he started to pack his. He has very fond memories of Nathaniel despite the abuse that he not only experience but also witnessed. That period of time had episodes of certainly emotional instability with mom being a single mother. His mom being a single mother, but also some periods of stability initially with Nathaniel, but then

closing with episodes of violence which are common as well recognized situations that can led to posttraumatic stress disorders and other anxiety related disorders.

Q Now, just to summarize some of your testimony regarding Nathaniel, it sounds as if Nathaniel was a significant influence on his early life?

A That as he remembers it, yes.

Q As he remembers it. And Nathaniel you also said committed some pretty violent offenses against his mother; is that correct?

A That's correct.

Q Now, in your report you mentioned that -- that some -- these traumatic fear inducing episodes has been forgotten or repressed by Terriel yet such experiences are common cause for a child to develop anxiety related disorders such as post-traumatic stress disorder?

A That's correct.

Q So it's possible that Terriel could have developed post-traumatic stress disorder at that young of an age?

A That's correct.

Q As apart of your report under sources of information, you reviewed the incident reports from Florence County Sheriff Office; is that right?

A That's correct.

Q And in those incident reports, was there an accident

report in which Nathaniel was arrested for criminal domestic violence?

A Yes.

MR. WEAVER: Your Honor, I would like to move that incident report in as exhibit number two.

MR. SALEEBY: No objection.

(WHEREUPON, Defendant's Exhibit No. 2 was admitted into evidence.)

BY MR. WEAVER:

Q And there were two incidences of domestic violence by Nathaniel upon his mother; is that correct?

A That's correct.

Q And both of those incidences were violent offenses; is that correct?

A That's my understanding, yes, from the records.

MR. WEAVER: Your Honor, I seek to enter in the second incident report.

MR. SALEEBY: No objection.

MR. WEAVER: Defense Exhibit Number 3.

(WHEREUPON, Defendant's Exhibit No. 3 was admitted into evidence.)

BY MR. WEAVER:

Q Now, at one point you said that he called regarding his mother hitting him; is that correct?

A That's what was in the record that I reviewed, yes.

Q And he was removed from the home; is that right?
A That's correct. DSS apparently was involved and they moved both Mr. Mack and his siblings to his -- I believe it was his maternal grandmother Peggy Mack.
Q Do you recall the injuries that Terriel sustained that day?
A Not off the top of my head. They're in the record. They're in the Florence County incident report I believe.
Q Just to refresh your memory, he was hit beside the head. His shirt was ripped and knocked onto the ground. He was struck with such force that he had a lump on the side of his head. And also during this same instance one of the young ladies that was at his house, she struck her so hard that she had a bloody nose; is that correct?
A That's correct.
Q And this happen -- this was happening before my client was ten years old; is that right?
A I believe he was ten years old yes ---
Q Ten year olds.
A --- when he contacted law enforcement.
MR. WEAVER: Your Honor, I seek to move that incident report in as Defense Exhibit Number 4.
THE COURT: All right.
MR. SALEEBY: Without objection.

(WHEREUPON, Defendant's Exhibit No. 4 was admitted into evidence.)

BY MR. WEAVER:

Q Now, proceeding in chronological order as is the order of the relevant history portion of your report, the preadolescent to age 13 which I imagine that to be ten to 13 since the first section ---

A That's correct ten, 11 to 13, yes.

Q Ten to 13. In your own words, please describe Terriel's childhood from age ten to 13 and give your expert opinion on how that age group affected his life?

A Well, it struck me when I started asking him had he had any traumas during this period, he immediately stated to the day and to the year and month the day that his maternal great grandmother died. And he went on to describe her as the rock of the family, as the one who apparently kept the family together, certainly provided a lot of support and nurturance for Mr. Mack, but he noted to me that after she died, the family seam to fall apart. And he was quite sadden by her lost, by his lost of her. And I saw that as a traumatic event certainly an upsetting event. The kind of event that could stimulate even in a child major depressive episode with emotional ability, crying, tearfulness, sadness, anxiety, worry about the future. He then mentioned that there was another

stepfather in his life -- came into his life. He didn't mention the man's name, but he recall that one of the things that the man had done was to get rid of any reference, any pictures, any kinds of materials that pertain to Nathaniel as if wiping out this man whom he revered as a role model and a father figure. And that particular man in doing that was really forcing Mr. Mack to in essence deny that Nathaniel had been in his life or was no longer relevant to his life from a psychological standpoint. What he was doing was enacting his own biological father's denial of him in the paternity of him. Mr. Mack also mention that when he was about nine years old -- nine or ten years old that another paternity suit, I guess, had been brought against the biological father where either blood test or DNA had been taken to confirm his paternity of Mr. Mack. And yet his biological father continued to deny that he was his father. For any child boy or girl, very distressing and emotionally upsetting event in his life. He then had another trauma that he did not describe as a trauma. When he was -- I happen to ask him as a common question that we ask in forensic evaluations when the first time was that he had had intercourse if he had ever had intercourse. And he just blindly said when he was 12 years old. And I said, well, how old was the female that you had sex with. He said she

was 17 a former baby sitter of mine. And he did not see that as a traumatic event, but it can be for a young man. Certainly is for a young girl plenty of evidence of that. There's a growing body of evidence of traumatic offense affects of early sexualization in preteen boys especially when the partner is legally an adult or certainly has capacity to consent to sex. And so here was another event maybe not as overtly traumatic but still upsetting, unusual if you will in a young boy's life. And the combination of traumas here during this three-year period, I believe were extremely upsetting. Some of them actually being recurrent major depressive episodes. And one of the things we know about depression is that once you have major depression, you're increasingly vulnerable to additional major depressive episodes. As well know we that once again for decades of research now on post-traumatic stress disorder once you experience PTSD episodes, reexperiencing those episodes can even deepen the post-traumatic stress disorder. So here was a young man who had for a period of time some apparent stability, but now his life is going off track and his situation is going off track and in his environment is becoming increasingly unstable. When I asked him about his drug and alcohol use, again routine sorts of questions that we ask for in forensic psychological evaluation and forensic

psychiatric evaluations, he mention that he started drinking he was about 12 years old and started using marijuana about that same time. And by the time he was 13 and 14 years old he was using alcohol on a daily basis and certainly marijuana -- alcohol on a near daily basis and marijuana on a daily basis. Even to the point when he mentioned that when he couldn't have marijuana, he would start getting really cranky and uncomfortable, which may have been some withdrawal effects from the drug. It's possible. But the main thing is that I think from a psychological standpoint not uncommon with teenagers, early teenagers with drug alcohol problems, they turn to these substances to medicate themselves, so alcohol is a very reliable friend for reducing anxiety. Marijuana is certainly a relaxant in that way. And he began developing what I believe ultimately was an addiction and dependence to both alcohol and cannabis or marijuana. He then seem to sample many other drugs, but certainly those two drugs were a prominent in his life.

Q Okay. Doctor, just summarize and feel free to correct me if I am wrong in my summation, but between the ages of zero to 13, by the time he turn 13, Terriel was experiencing post-traumatic stress disorder due to seeing the violence that had been committed to his mother by Nathaniel. He had suffered major depressive episodes and

those MDE were due to his great grandmother passing away as well as the other individuals who move into the residence and threw away the things that Nathaniel -- pictures and things of an individual who he had formed a connection with. Also he had another traumatic experience due to premature sex at a very young age and another major depressive episode that he experience was the fact that his father even though blood test was conducted and he was proven to be the paternal father, he still denied being his father?

A That's correct. These were probable major depressive episodes or if not major depressive episodes certainly clinically diagnosable depression.

Q And as a result of that PTSD, the major depressive episodes, the premature sex, his father's denial of him, he turned before the age of 13 to marijuana and alcohol and actually began to develop a dependency before the age of 13 alcohol -- on drugs and alcohol; is that correct?

A That's my analysis of his childhood to date.

Q Now, throughout those years that we've already discussed from zero to 13, did Terriel report to you that he attempted to run away on occasion?

A Yes, he did.

Q And so on one occasion he reported that DSS removed him from the residence, right?

A That's correct.
Q And at least on two other occasions, he attempted to run away but was returned back to the residence?
A I believe that's correct, yes.
MR. WEAVER: Beg the Court's indulgence, Your Honor.
(WHEREUPON, a pause in the proceedings.)
MR. WEAVER: Your Honor, defense moves in the incident report wherein Terriel ran away from home dated December 21st 1996 as Defense Exhibit Number 5.
MR. SALEEBY: Without objection.
THE COURT: All right.
(WHEREUPON, Defendant's Exhibit No. 5 was admitted into evidence.)
MR. WEAVER: Defense also moves to admit incident report dated October 21st 1999 in which Terriel ran away as Defense Exhibit Number 6.
MR. SALEEBY: Without objection.
(WHEREUPON, Defendant's Exhibit No. 6 was admitted into evidence.)
BY MR. WEAVER:
Q Now, let's move forward a little bit more. Now, moving forward in your report in chronological order to adolescence until the age of 17, which I believe to be the ages of 13 to 17. Now, did anything change for Terriel

for the better between those ages?

A Well, no. He started to get into trouble at school. He was suspended from school and he started to have incidents that ended up with him coming to the attention of the department of juvenile justice.

Q Okay. Now, was Terriel a witness to any more violence in his residence during that time frame?

A I'm not as sure about that. The best data that I had for that period of time was the DJJ report done by -- done or supervised by Dr. Parel (sic) who's a licensed psychologist. That report summarize this period in his life again with a number of different incidents at school and the running away incidents and it led ultimately to him being placed at an evaluation center for DJJ where the evaluation took place.

MR. WEAVER: Your Honor, defense seeks to admit, incident report dated December 7th 1999 in which Ms. Dorothy Mack, Terriel's mother, was a victim of domestic violence yet again as Defense Exhibit Number 7.

THE COURT: All right.

MR. SALEEBY: No objection.

(WHEREUPON, Defendant's Exhibit No. 7 was admitted into evidence.)

MR. WEAVER: Furthermore, the State seeks to admit incident report dated January 22nd 2000.

MR. SALEEBY: I think that's defense, but the State has no objection.

MR. WEAVER: I'm sorry. Defense seeks to admit incident report dated January 22nd 2000 involving another domestic violence that his mother was a victim of as Defense Exhibit Number 8.

(WHEREUPON, Defendant's Exhibit No. 8 was admitted into evidence.)

MR. WEAVER: And defense presents incident report dated August 16th 2002 of another incident report in which his mother was the victim of domestic violence as Defense Exhibit Number 9.

MR. SALEEBY: No objection.

(WHEREUPON, Defendant's Exhibit No. 9 was admitted into evidence.)

BY MR. WEAVER:

Q Did Terriel disclose to you, Doctor, that he at some point attempted to help his mother deal with these abusive men?

A Yes.

Q He did.

MR. WEAVER: Your Honor, defense admits an incident report dated September 4th 2002 where in domestic violence occurred against his mother and Terriel fought the individual who was hitting his mother.

MR. SALEEBY: Without objection.

THE COURT: All right.

MR. WEAVER: As Defense Exhibit Number 10.

(WHEREUPON, Defendant's Exhibit No. 10 was admitted into evidence.)

BY MR. WEAVER:

Q Now, I wanted to ask you, Doctor, in your professional opinion all those domestic violences that I just admitted into the record that were committed in the residence that Terriel lived in with his mother because as previously stated every time he tried to run away and brought him back, DSS took him away. He had to come back. What would that do to those impact -- what impact would that have on that major depressive episodes?

A Well, it would actually have more impact on his PTSD in that each of those episodes is an reenactment of reexperience the trauma that led to the symptoms of PTSD, which also include anxiety and depression. So here he is with now a new stepfather, that stepfather physically abusive to his mother to the point where he finally steps between them in an attempt to stop the abuse on his mother. So it would be very deleterious to his emotional health and to his feelings of stability and nurturance and also those things that constitute a loving and caring family.

Q Also the -- him attempting to come to his mother's aid and fight off the individual who was attacking her is there anyway that you can reconcile that with your report?

A It's not uncommon. A common question that I ask is as you were growing up did you see any violence in your home. And frequently young men that I evaluate will report that that has happened. And the follow up to that question is did you ever step between your mother and the man and many of them will say that they did.

MR. WEAVER: Your Honor, at this time I submit Defense Exhibit Number 11, which is the copy of the McLeod Regional Medical Center report wherein following his intervention in the dispute Terriel suffered from a bite to the right side his head, left side of his neck and other minor injuries from -- that resulted from that assault.

THE COURT: All right.

MR. SALEEBY: No objection.

MR. WEAVER: Defense Exhibit Number 11.

(WHEREUPON, Defendant's Exhibit No. 11 was admitted into evidence.)

BY MR. WEAVER:

Q Moving forward in your report, you have a section that is titled current mental status. It's actually Terriel's current mental status and psychological testing

results. How would you describe Terriel's current mental status? It's on page eight.

A Well, when I saw him, he was alert. He was oriented. He was cooperative. He was responsive to questions. He gave forth good effort on all psychological testing that I did with him on two of the three sessions that I saw him spanning over all some six hours of direct contact with him. His answers often exceeded the scope of the question that I would ask. He had good eye contact. He was not especially restless or hyperactive suggestive of attention deficit hyperactivity disorder. He -- his expressive vocabulary which means his ability to convey his feelings and his thoughts to others was in the average range. His receptive vocabulary which means his ability to understand and comprehend questions or statements to him was within the normal limits. And there were no overt signs of a psychotic symptom which is to say evidence of delusions which are fixed-false beliefs that persist even despite contradictory, realistic information or hallucinations, auditory and visual experiences of seeing things that aren't really there or hearing things that aren't really there. At the time I was seeing Mr. Mack he was prescribed and had been prescribed for some by this time seven years, I believe, of an anti -- various antipsychotic medications that would manage and control

those kinds of symptoms. And he was also had been taking antidepressant -- a series of different antidepressants that have been prescribed over the years. So some of the lack of psychotic symptoms or depressive symptoms were probably mediated to some extent by those medications, but all in all he was responsive and cooperative. And I felt he gave good effort throughout the entire assessment procedurally.

Q And in your professional opinion can Terriel be rehabilitated? I believe you speak to that on page nine.

A Yes. Yes, you know, I believe that he's amenable for treatment, variety of tests to assess that, showed in particular -- what the testing shows is that Terriel wasn't malingering symptoms. And I administered a variety of different tests to assess that so that the symptoms that he was reporting are probably realistic. And that he was not trying to exaggerate his emotional distress for some secondary gain purpose, for example evading or avoiding legal proceedings as an example and as well all of the testing that I administered did not indicate that he was being excessively defensive. When someone is excessively defensive, they are very difficult to rehabilitate because essentially they're saying in lay terms I'm fine. I'm all right Jack. I don't need any treatment. And because his test results were

non-defensive and non-malingered and other instruments that I use that we haven't talk about indicated a positive amenability for treatment. It's my opinion that he remains amendable for treatment and his likelihood of rehabilitation is not dissipated.

Q Thank you, Doctor. Now, in the section of your report which is titled sources of information, it states in line item ten that you reviewed several affidavits in your preparation for today and in reaching your conclusions in your report?

A Yes, let me just get to that. The affidavits of Terry McLaughlin, Shante McLaughlin, Maurice McLaughlin, yes.

Q Now, you were given one other affidavit as well, that's the affidavit of Dawn Renee Simmons; is that correct?

A Yes, I received that this morning.

Q And Dawn Renee Simmons affidavit states that Terriel ---

MR. SALEEBY: Your Honor, I hate to be trouble, but we haven't received any of these exhibits, so we're not in a position to do anything but object to them.

THE COURT: Right.

BY MR. WEAVER:

Q Now, the affidavit of Dawn Renee Mack in that

affidavit she states that Terriel did write a letter for a book that which she published ---

MR. SALEEBY: Your Honor, I haven't had a chance to look at these if you just give me a minute I think we can get along with it.

THE COURT: Take your time.

MR. WEAVER: Yes, sir.

(WHEREUPON, a pause in the proceedings.)

MR. SALEEBY: We have no objection. Thank you.

THE COURT: Thank you.

Go ahead.

MR. WEAVER: Thank you very much. Thank you, Your Honor.

BY MR. WEAVER:

Q Now, the affidavit which was written by -- written and sign by Dawn Renee Mack states that Terriel Mack did in fact write a letter for a book entitled letters to our sons that she subsequently published; is that correct?

A That's my understanding, yes.

MR. WEAVER: Your Honor, I would like to move this in as Defense Exhibit Number 12.

THE COURT: All right.

(WHEREUPON, Defendant's Exhibit No. 12 was admitted into evidence.)

MR. WEAVER: And Mrs. Nourise McLaughlin she wrote an affidavit which was very detailed regarding to Terriel and in her affidavit she states that she is his aunt. She states that Terriel's mother work multiple jobs, that she was not present for Terriel and the other boys. She calls him Shaun. She says that he ran free in the neighborhood. They did not have a lot of leadership provided. She also says that Dawn had different relationship with men and she would put those men before her children. And many of the men were arrested and didn't treat her or the children properly. And that she would stand up for the men and tell the children to toughen up. That these young men are intelligent young men, but everything they learned was in school and in the streets and that was written by Maurice McLaughlin. I like to move that in as Court's Exhibit Number 13.

MR. SALEEBY: No objection.

(WHEREUPON, Defendant's Exhibit No. 13 was admitted into evidence.)

MR. WEAVER: And Shante McLaughlin was also a cousin of Terriel. And she goes on to mention that when he went to DJJ and by the time he return from DJJ, he was different. She goes on to even say that he was very bright and also that at one point he was in the chest club in the mornings and he enjoyed playing sports when he was

younger, that's the gist of her affidavit and I submit that affidavit as Defense Exhibit Number 14.

MR. SALEEBY: Without objection.

(WHEREUPON, Defendant's Exhibit No. 14 was admitted into evidence.)

MR. WEAVER: And there is the affidavit of Terry McLaughlin, which is Terriel's father says that Terriel is his son. If released, he could have a job working for his brother, Barry McLaughlin, and himself. That he is very bright. And he knows he can pick up the work easily. And he will be available if his son needs anything for a place to stay, to a warm meal and he'll help him make transition back into the community, that's Mr. Terry McLaughlin. And I would submit that as Defense Exhibit Number 15.

MR. SALEEBY: Without objection.

(WHEREUPON, Defendant's Exhibit No. 15 was admitted into evidence.)

MR. WEAVER: And finally -- well, not finally. Last affidavit I would like to submit is the affidavit of Rodrigues Doe. And she says in her affidavit she states that Terriel was a tutor in the education department at Lieber when she was there very intelligent. Actually, this is a Mister. His name is Rodrigues. This is the individual who's affidavit states that Terriel helped him to obtain his GED and he tutored him and tutored others to

help others to obtain their -- other inmates to obtain their GEDs while they were incarcerated. And I submit that as Defense Exhibit Number 16.

MR. SALEEBY: No objection.

(WHEREUPON, Defendant's Exhibit No. 16 was admitted into evidence.)

MR. WEAVER: And finally I submit the official transcript of the GED test for Terriel showing that he has in fact received his GED.

MR. SALEEBY: No objection.

MR. WEAVER: I would submit that as Defense Exhibit Number 17.

(WHEREUPON, Defendant's Exhibit No. 17 was admitted into evidence.)

BY MR. WEAVER:

Q Doctor, have you had the opportunity to review the report of forensic psychiatrist Matthew Gaskins?

A I have.

Q Did it affect your opinion at all in this matter?

A No.

MR. WEAVER: I have no further questions, Your Honor.

THE COURT: All right.

CROSS-EXAMINATION

help others to obtain their -- other inmates to obtain their GEDs while they were incarcerated. And I submit that as Defense Exhibit Number 16.

MR. SALEEBY: No objection.

(WHEREUPON, Defendant's Exhibit No. 16 was admitted into evidence.)

MR. WEAVER: And finally I submit the official transcript of the GED test for Terriel showing that he has in fact received his GED.

MR. SALEEBY: No objection.

MR. WEAVER: I would submit that as Defense Exhibit Number 17.

(WHEREUPON, Defendant's Exhibit No. 17 was admitted into evidence.)

BY MR. WEAVER:

Q Doctor, have you had the opportunity to review the report of forensic psychiatrist Matthew Gaskins?

A I have.

Q Did it affect your opinion at all in this matter?

A No.

MR. WEAVER: I have no further questions, Your Honor.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. SALEEBY:

Q Dr. McKee, I'm looking at your report. I like to refer to a few pages of it. I know that you don't need to read it, but I do because there's some of this language that I want you to make sure that you and I are together on.

A Very good.

Q And I will start with page one. And I think in what you call assessment repub reproach, you say that in cases like this where there's a long interval, your job is to conduct a retrospective evaluation to psychometrically -- whatever that means reconstruct the best estimate of the inmate's psychological emotional behavior, cognitive function as it might have been. So you got to look back and estimate?

A That's right.

Q Yeah, I mean, it's not somebody you got here today and you're looking forward you're saying ---

A It's retrospective.

Q Mr. Reese (sic) over here if you had to analyze him 13 years ago, you'd have make your best estimate?

A That's correct. Another psycho legal issue with forensic psychologist become involved with it is the issue of legal insanity and doing an insanity evaluation. What we're doing there is trying to reconstruct

psychometrically means through the use of various quantitative tests and instruments. Psychometrically reconstruct how that individual was functioning at some earlier point.

Q And so you've got to go back and find what's there and what's not there?

A That's correct. With -- especially, in terms of these kinds of cases where there's a long delay if you're going to use certain kinds of tests and instruments, they have to be testing instruments that would have been available at that earlier time. So had someone done the evaluation at that earlier time, these would be the date and information that would have been available to the court for review and evaluation.

Q Well, in your professional expertise, some degree you might have speculated what might have been there. I noticed on page four when you're talking about his sexual experience, you say adolescent boys who experience clinically significant depression such as MDE's he likely had that means likely maybe he did, maybe he didn't more likely than not but who knows?

A More likely than not as I said earlier in my earlier testimony probable.

Q And when you talk about on page five his adolescence and his adjudication -- I'll come back to that. I'm

sorry page five down at the bottom. His psychological testing to attest how Terriel was most likely functioning?

A That's correct..

Q Once again the acknowledgment of the retrospective?

A That's correct.

Q You say on page seven about the dangers domain either would have likely fallen in the low risk area or once again that's because we handicapped by the passage of years?

A That I'm saying likely?

Q Yes.

A Yes.

Q When you have opinions and recommendations, you say if Terriel had been referred from pretrial forensic these -- his testimony could have been presented. The expert's testimony could have highlighted it, but that's all could have, would have, should have nothing that you have concrete that you have to deal with now?

A Yes.

Q Okay. The sources that you have available to you I see that you had transcripts and you had a chance to read the transcript?

A Yes.

Q And did you read the facts and circumstances of how the crime was committed?

A I did, I believe, yeah.
Q Do you recall?
A Do I recall it right now?
Q That's right. If you read it how he said the crime was committed?
A Yes.
Q And you had the records of DJJ, the department of corrections and other items?
A That's correct.
Q Now, would it be correct to say as you find here on page eight that you found no psychosis?
A Where I say on page eight?
Q Yeah. No overt signs or symptoms of a psychotic disorder?
A Yes.
Q Okay.
A Secondary to most likely due to the fact that he's taking anti-psychotic medications, that's what the medicine is for.
Q You found in another previous report from DJJ any evidence of the psychotic disorder, did you?
A I did not.
Q Okay. You found nothing indicating mental retardation?
A That's correct.

Q Nothing indicating organic brain damage?
A No, in the DJJ report, they did a little screening test for that and that was within normal limits. There's no ---
Q You found no evidence of disorganize speech or bizarre behavior?
A That's correct.
Q His judgment and reasoning was intact and realistic regarding his ability to assist his attorneys. He understands his situation?
A That's correct.
Q In your opinion then, he would have the capacity to comply with the rules and regulations of the department of corrections if he chose to?
A Yes.
Q Okay. A couple of items I know that you looked at the DJJ report, but as the DJJ report which was issued in 2002, which was then -- would have been a year before this particular offense was committed. I find here he presents as emotionally isolated, angry with a chip on his shoulder as evidence by his tone of voice, perfunctory responses to questions and body language. The MAIC profile was valid and indicated that he was cool and indifferent to the feelings and welfare of others. He may tend to take advantage of others to obtain personal advantage or to

achieve personal goals. He does not appear interested in developing a close relationship with others and ties to others are generally based on sharing similar antisocial or unempathetic attitudes. Relationships tend to be shallow and likely unloyalties. Did you have that information?

A I did, yes.

Q Does that reflect what he would have been a year later in 2013?

A Yes.

Q Does it reflect how he is today?

A Not as much today I would say.

Q Okay. He was diagnosed anger with management in 2002 or 2003?

A Right, he received sessions for anger management, yes.

Q Okay. Did you see the report on March of 2003 that says Terriel is enmeshed in street justice and views it as his responsibility to take the law into his own hands?

A I did.

Q Did you pair that with the fact that the letter that he wrote from jail said that one of his motivating factors for killing this man was because this man was a potential witness against one of his friends and it was street related?

A I did not.

Q Okay. April 8th of '03, Terriel Mack was placed in lock up following a physical altercation with another juvenile. He acknowledge that it's gang related. He reports that he has been associating with both the blood and the folk gang and juveniles felt that he was betraying his allegiance. Did you tie that gang allegiance thing to the facts and circumstances of his killing the victim in part because it would move his status up in the gang?

A Yes.

Q Okay. You had a chance look at his disciplinary record?

A I have.

Q Okay. I won't ask you to verify by numbers, but I count 29 over 13 years?

A 29 total.

Q Just those events?

A After those being major, half minor sometime.

Q Half major and half minor. But does that in any way reflect to you his ability to rehabilitate, to adjust his conduct to the norms of the department of corrections?

A Well, the problem is we don't have all the information. All we have is the incidents themselves or the description of the title of the disciplinary.

Q Well, we have the actual reports. They've been

admitted into evidence. And those are part of the records that you saw, correct?

A It would have been, I guess, yes.

Q You understand my question is in view of that does that change your opinion whatsoever on his ability to conform to the norms of the department of corrections?

A He is capable of conforming to the norms of the regulations of the department of corrections.

Q But he consistently has not?

A He has not often, yes.

Q Okay. And that would bear on his ability to adjust to the norms of society?

A Yes.

MR. SALEEBY: No more questions.

THE COURT: All right. Any follow up?

MR. WEAVER: Yes, Your Honor, very quickly.

REDIRECT EXAMINATION

BY MR. WEAVER:

Q Doctor, the disciplinaries that Attorney Saleeby was just referring to, if those disciplinaries fell off over the course of his 13 year incarceration, what would that be indicative of?

A Say that again?

Q If the number of disciplinaries decreased over the course of his 13 years of incarceration and you can see

that the number of disciplinaries that he's actually being involved in is decreasing as he gets older, what would that be indicative of?

A Could be indicative of a number of different things, but it could be increasing maturity.

Q Now, all the DJJ records that you just heard that Attorney Saleeby just went through, how old was Terriel when those records were actually -- when the acts were committed that created those records?

A He was 15, 16 years old middle adolescent.

Q And how old is he today?

A He's 32.

Q And do you feel based on your professional opinion that he's changed since the age of 15 and 16 years old to the person that he is today?

A I believe he has.

Q And if the judge were to sentence him for another 15 years, do you believe that he would change from today until at the end of that 15 years?

A I would hope so. And if he has the kinds of therapies and medication that he needs, he still has post-traumatic stress disorder. It's a chronic intractable disorder and it takes a long time to recover from it. If he has that kind of treatment, I think he will be a different man in 15 years.

Q And that's the post-traumatic stress disorder that you previously testified he had since before the age of ten?

A I believe as early as ten and 12 years old. He likely met the symptoms of it.

Q And you reviewed the SCDC records and also there were several offenses that were stated, a number of offenses. In everything that you reviewed and everything that you been presented with, has there been any mention of any gang related activity since Terriel's time of incarceration with South Carolina Department of Corrections?

A I don't believe so. I'm not sure about that.

MR. WEAVER: No further questions, Your Honor.

THE COURT: All right.

MR. SALEEBY: Your Honor, if I might.

RECROSS-EXAMINATION

BY MR. SALEEBY:

Q On page four of your report, you stated quite candid as you have before, I believe these events resulted in having an undiagnosed and untreated MDE's, but those things never diagnosed by DJJ, never diagnosed or tested in the school system, by department of mental retardation or anybody else. There was nothing rather than your retrospective psychometrically reconstruction that brought

you to that point?

A Psychometric reconstruction.

MR. SALEEBY: Okay, thank you.

THE COURT: All right.

MR. WEAVER: No further questions.

THE COURT: Anything else for today?

MR. WEAVER: Your Honor, if I may, if I could just have five minutes to confer with mitigation specialist?

THE COURT: Sure. And he free to go?

MR. WEAVER: And if I may ask that Doctor ---

MR. SALEEBY: No objection.

(WHEREUPON, the witness leaves the witness stand.)

THE COURT: Okay. Well, go ahead and check with your client and let me know.

MR. WEAVER: May Dr. McKee be excused for the day?

THE COURT: It's fine with me. Have a good day.

(WHEREUPON, a pause in the proceedings.)

MR. JEPERTINGER: Your Honor, in speaking with the defense, there was a report of Dr. Gaskins a forensic psychiatrist. We have been provided as the State that report of Dr. Gaskins and we would stipulate as if to come into evidence as it is, Judge, and we will not have the

ability to cross examine Dr. Gaskins, but that's okay with the State.

THE COURT: Okay. Thank you. You want to save everything ---

MR. WEAVER: Your Honor, one final thing ---

MR. JEPERTINGER: We have defense 18 and wherever the report. Do you have a copy of the report?

THE COURT: You got a copy for us?

MR. WEAVER: Yes, Your Honor.

THE COURT: Thank you.

MR. WEAVER: Thank you very much, Your Honor.

(WHEREUPON, Defendant's Exhibit No. 18 was admitted into evidence.)

THE COURT: All right, anything else?

MR. WEAVER: Yes, Your Honor. One final matter which -- this is -- I would like for the Court to take judicial notice of the report of Vera Dolan. Vera Dolan is an epidemiologist who was hired by South Carolina Department of Indigent Defense to conduct a life expectancy study. This life expectancy study shows the actual life expectancy of individuals whether they hispanic, white, black whatever the nationality race is after they enter the South Carolina Department of Corrections dependent upon what page they enter it as. I would like to ask that the Court allow me to move this

into evidence as well as Defense Exhibit 19.

THE COURT: Any objections?

MR. JEPERTINGER: We'll just ask that you take judicial notice of that, Your Honor. And if you want to include it as Defense 19, we would not object to that.

THE COURT: All right, number 19.

(WHEREUPON, Defendant's Exhibit No. 19 was admitted into evidence.)

THE COURT: All right. Anything else? Thank you very much. We'll be back at 9:30 in the morning to finish it up.

MR. WEAVER: One more issue I'm sorry.

THE COURT: Okay.

MR. WEAVER: And this is it. This is it. The last issue I have is that the State has not entered any evidence in this proceeding. And I would ask that the State place all evidence which was given to the judge for consideration into evidence and we preserve the record for my client's appeal if he has to.

MR. JEPERTINGER: Your Honor, the only thing that we provided to you with the defense's knowledge was the transcript and there may have been the letter.

THE COURT: It was in the transcript.

MR. JEPERTINGER: It was in the transcript.

MS. RUSSELL: The SCDC incident reports?

MR. JEPERTINGER: Excuse me.

MS. RUSSELL: SCDC incident reports.

MR. JEPERTINGER: Were they introduced, Dudley, the SCDC incident report?

MR. SALEEBY: Yes, they were introduced.

MR. JEPERTINGER: If they have not been moved into -- we're talking about the SCDC records.

MR. SALEEBY: And the DJJ. We would move those in as State's 1 and 2.

THE COURT: Does the court reporter have those?

COURT REPORTER: No, sir.

THE COURT: You do not? I think we have them up here. If you want to go through this real quick and make sure what it is exactly that you're looking for. Let's take at a look those and make sure.

MR. SALEEBY: Your Honor, that's my -- I didn't mark them because it was a sentencing hearing.

THE COURT: Right.

MR. SALEEBY: This is one DJJ and this is two SCDC summary and summary reports. I'm sorry I should have done that earlier.

(WHEREUPON, State's Exhibit No. 1 and 2 was admitted into evidence.)

(WHEREUPON, the proceedings were concluded for the day to be reconvened on February 20, 2019.)

THE COURT: All right. Is the State ready to proceed forward with your summation?

MR. JEPERTINGER: I think the defendant wanted to do his allocution first.

THE COURT: Yes, sir, you recognize.

MR. WEAVER: Yes, Your Honor. At the Court's discretion my client would like to address the Court.

THE COURT: If you want to go first, you're welcome to it. Generally, I hear from the State and then the defense. In other words, your client wants to testify?

MR. WEAVER: I'm sorry, Your Honor.

THE COURT: Does your client want to get up here and testify or he just wants to tell me his position?

MR. WEAVER: He just wants to tell you his position, Your Honor.

THE COURT: All right, I'm ready when he is.

MR. WEAVER: Your Honor, he can address the Court from here, Your Honor?

THE COURT: Yes, that's fine with me.

THE DEFENDANT: Good morning.

THE COURT: Good morning.

THE DEFENDANT: First and foremost, I want to thank the Christ as well as this honorable court for blessing me with the opportunity to finally address the

Court on my own behalf after serving 15 years. I would like to sincerely apologize for my involvement in the death of Mr. Wilson. And I ask that his love ones as well as this court find in their heart to forgive me for the mistakes I made as a child. At the time of my arrest, I was a 17-year-old child that was the under false impression that I was a grown man because at least since the age of 13 I have been running around town with people I thought were my friends doing what we thought grownups did alcohol, doing drugs and living every day like life was a game people press restart -- press a restart button on. I was not giving any thought about tomorrow or how the consequences of our actions would affect us or those around us because that was all we saw everyone doing part of me -- that was all we saw everyone -- that was how we saw everyone around us acting on a daily basis.

I was raised by my mother who I love dearly, although I know she loves all her children she was really hard on us and was especially hard on me because I am the oldest. So hard on me that I often ran away from home to get away from her extreme physical abuse and from receiving the same from whatever male friend she had at the time. The men often chose fighting her which led to all of us fighting because I tried so hard to protect her from those people. I could only take it from either of

them so long -- for so long before I would run away and get drunk and high to get away from the reality of what I was facing at home.

I'm not trying to shift the blame on anyone, but that's what led me to run the streets and become friends with people who never had my best interest at heart. At times she kick me out. At times I chose to leave, but no matter what children do not belong in the street and children need rules and proper guidance, some things that I never had. Between getting high and drunk and doing what we thought we had to do to service in the streets, I'm quite sure myself and all of my so called friends at the time chose the wrong role model. A lot of that is probably because we also did not have our fathers in our lives at all. So people who sold drugs and did many other things, I know now are wrong were put on pedestals.

Before I know anything about living life in general, I found myself sitting in Florence County Detention Center. It was just 38 days after I turn 17 years old. And there I was with no knowledge of the law or legal system. One attorney was appointed to me who I never actually got to discuss my case with. A year later another one was appointed to me and she was on my case for seven months but never discussed the evidence with me, talk to me about plea offers or consider trial strategy.

All things I now know are important, but at the time I didn't even know to ask about. Then 81 days before my trial started, I got a third attorney. We spoke a few times briefly, but I did not know what to expect, what to ask or what to do. I never understood what the hands of one hands of all was, what a plea offer was or the pros or cons of going to trial. After I stood trial and was found guilty, I found myself on the prison yard just days after I turn 19, still yet a child mentality only now in a closed environment of adults, that is not structured to breed faith in anything positive.

There were a few -- there were very few limited opportunities provided by administration to do anything constructive. I wound up growing up in the penitentiary and learning the hard way. I received disciplinary infractions as a result of many things, some entirely my fault, but others range from being unable to communicate with staff, misunderstandings. And on numerous occasions being falsely accused and unable to prove my innocence of the infraction due the fact that the staffs' word were always taken as more credible than mine. After a while, I began to learn how prison operates and my disciplinary infractions became lesser and lesser to the point where I was able to refrain -- to remain disciplinary free for years at times. And I also being ten years drug free.

Along with my efforts to stay out of trouble, I began to take my own initiative and to learn more and do positive things in the environment I was in. At 22 years old I obtained my GED. After that, myself and a few others in my dorm started a tutoring program to help others get their GED as well. The more I learn, the more I strive to help others learn. I became apart of a culture awareness committee which organize educational programs to spread a positive message and promote change in spite of prison conditions. I also contributed in a collective effort to reach out to the youth and stop violence and mass incarceration of the youth in the book Led Us To Our Sons.

As I have gotten older and learned more, I have accepted Christ in my life in part and became apart of prison ministry Ciro program. Over the last 15 years, I witness people die because of staff neglect. I have been assaulted by staff and other inmates and have seen gang murders, riots and rapes. This is not a place where I want to spend one more day let alone the rest of my life. This experience has changed me entirely from my core and expose me to an institution of lifestyle I never thought imaginable especially here in America.

My overall message to you, Your Honor, is that when you know better you can do better. I know a lot more

now than I did when I was 17. And I have been given the opportunity to grow, mature and develop into a rational, compassionate adult. I believe I will make this Court proud if a sentence -- if a fair sentence was pass down to me, so that I may spend a portion of my life with my family to work hard in our community and be an upstanding citizen in today's society. Thank you.

THE COURT: All right, thank you.

MR. WEAVER: Thank you, Your Honor.

THE COURT: All right.

MR. JEPERTINGER: Your Honor, in this case, I know we're here for an Aiken vs. Byars hearing, but one of the functions of sentencing is to look at the crime in total. The defendant, Mr. Mack, convicted of murder is asking for a second chance to be a productive citizen. I wish we had Todd Wilson here to also live out the dreams of being a productive citizen. He can never bring that back. Haley Sellers, the victim's daughter, will never be able to converse with her father, will never have the opportunity to have her father walk her down the aisle. It is a crime in and of itself that was horrific. And in total it was something that was malignant and planned.

The defendant has mentioned a letter to our son that he wrote that's going to be included in a memorandum. I take it that the defense has sent to the Court and is

going to make a court exhibit. He wrote the letter in 2013. Nowhere in that letter did he express any remorse, ask for any forgiveness for his involvement and his not involvement, his planned act, his planned murder, how he characterized the crime at that time and it was all **self-focused**. What he said was the next thought that comes after that is I'm only 27. I spent the last ten years of my life incarcerated for mistakes I made as a child. It's not a mistake he made as a child. It is a murder that he committed without remorse until Aiken vs. Byars comes up. That shows his character and he wrote that letter back in 2013 when he was 27 years of age after he been incarcerated for at least ten years from 2003 until the present.

Judge, I ask you to consider this case as a whole, the heinousness of the crime. One of the factors that you do look at when you are considering it to the circumstances of the homicide offense. The circumstances was he wanted to make rank, so rank could be gained is what he wrote in a letter. He also did it to help someone get rid of a witness, get rid of Wilson to help White Boy, WB. That shows a premeditated plan.

Judge, if you look at his participation in this conduct, Gregory Johnson didn't fire a shot. He fired a shot. He fired four shots. One in the head and three in

the back, three of those four shots would have been potentially fatal as you saw the transcript of what Dr. Ross testified to. There was no familiar pressure for him to do that or peer pressure. There was one element there in the transcript where Islam Horn said I'm going to show you to ropes. The showing the ropes for Islam Horn was talking about guns and self dope. There was nothing in there in terms of going to kill someone.

They also talk about in the Aiken vs. Byars matter about incompetency associated with youth. For example, his inability to deal with police officers and prosecutors. Now, he just alluded to that he had three attorneys. One of them was Michael Nettles who was elevated to the bench. The other one was Beth York who -- that would have been the second attorney she had some complications due to pregnancy and could not continue with his case. The third attorney was Scott Floyd who represented him at trial. And the transcript speaks for itself. Mr. Floyd did a fine job for him. In fact, when he talks about not understanding the plea bargain, a plea bargain was offered. If you consider, he's been through post-conviction relief in that matter of no plea bargain being offered is not true. He was offered a plea bargain to voluntary manslaughter for 20 years. He rejected it. And he knew that he had killed, murdered Joseph Todd

Wilson. How do we know that. Melvin Godwin had him in the supplemental report Mack said I killed him.

We're not contesting his family and home environment. I'm sorry, Judge, that this has been his upbringing. However, Your Honor, in your tenure on the bench, I would say the vast majority of the people that are in front of you have terrible and shotty home lives. It is not uncommon to have an abusive father, abusive mother, to see violence around you, to be raised in poverty, to have absent fathers in his case. He had a father that did not recognize him. But, Judge, just because someone is born poor, subject to abuse, it doesn't mean that they cannot succeed.

We have many famous people throughout history who have been subjected to the crimes and horrors of the world and have triumphed. I think of Elie Wiesel the author of the book Night who saw his family murdered in the gas ovens. At 15, he was taken hostage by the Nazis. He did not turn to murder when he was finally liberated and he saw the horrors of the universe. Tyler Perry, Oprah Winfrey, Oprah Winfrey often talks about being raped and abused as a child and she has succeeded.

It's a terrible situation when people make the wrong choices and that's what Terriel Mack did in this case. He made the wrong choice. And that gets to a point

of -- in the terms of possibility of rehabilitation, Judge. They tried to rehabilitate Terriel Mack through the department of juvenile justice. That is its purpose to make sure that the juvenile offender once released will not come back in that system. There was no psychosis noted in DJJ. He was not intellectually disabled. There's no organic brain problem or anything of that nature. What did we see in DJJ, he was interested in street justice.

Now, it is interesting that we had Dr. McKee come in here and try to psychometrically, I guess, reconstruction history of what Terriel Mack would have been like at 17. He said it would probably be a whole lot better looking forward then going backwards, but he tried to reconstruct what he did. But in everything he looked at in his current status, everything came down to choice. He's had 29 separate infractions in the South Carolina Department of Corrections as Mr. Michael Stobbe said yesterday. And ultimately he did not have to chose to do those things for which he was accused in the South Carolina Department of Corrections. Inclusive of those things were striking an employee, safety regulations, threatening to inflict what they referred to as sexual assault, a sexual misconduct, being out of place, damaging or destroying property, another sexual misconduct, youth

in possession of marijuana, being out of place, being out of place, use of possession of narcotics or marijuana, refusing or failing orders, soliciting an employee, exhibition, exhibitionism and public masturbation, exhibitionism, and public masturbation, possession of contraband, throwing or exposure, striking an employee, evading security, refusing or failing to order, threatening to inflict injury, Judge, all those things.

And one of the things that concern me is here is a man in the South Carolina Department of Corrections making choices of those 29 infractions making choices including to have a weapon -- and actually two weapons a shank and a pointed stick. He's made choices that show that he cannot conduct his to the norms of a prison situation. He has -- and there's no guarantee that he could show himself to conduct to the norms of society where there is no control. He would be in control to himself. And his history in the department of corrections shows he cannot control himself.

Judge, he was 17 when he committed the crime. He was almost 19 when he was tried. Under the Byars hearing, they ask you to consider the immaturity and impetuosity and failure to appreciate the risk consequences. He knew what the risk and consequences were. For example, if you look at his letter -- and

excuse the hard term that I'm about to use, but if they find the gun, I'm fucked. And he knew that if they found the murder weapon his goose was cooked. He knew about the consequences of his actions. Impetuous that means acting or doing something quickly without thought or care. Judge, he acted with a deliberate mind set. He wanted to make rank. He want street justice. He is part of the gang culture. And he was doing it not so much because Wilson had done something to him rather he was doing it for someone else. It was a hit, Judge. It wasn't over drugs. It wasn't over robbery. It wasn't over marijuana. It wasn't over the things that he said he was participating in getting drunk and getting high. It was an assassination, Judge, no more no less. I ask you and the State ask you and the victim -- the victims ask you for a just and fair sentence. I believe life without parole based on the circumstances and facts of this case was a fair sentence in 2005 and it will be a fair sentence in 2019. Thank you.

THE COURT: Thank you.

All right. You recognize.

MR. WEAVER: Thank you, Your Honor. Beg the Court's indulgence for just one moment.

(WHEREUPON, a pause in the proceedings.)

MR. WEAVER: May it please the Court, Your

Honor.

THE COURT: Yes, sir.

MR. WEAVER: Your Honor, Miller v. Alabama 2012 case which states that anyone under the age of 18 that is sentenced to life without possibility of parole violates the Eighth Amendment of the Constitution of cruel and unusual punishment. That decision was accepted by South Carolina and Aiken v. Byars was applied retroactively. South Carolina when it was applied, they said that each juvenile has to have individualize consideration. Now, of those individualize consideration, they identified five specific factors which must be used to determine if a reduction from life without parole is appropriate for a judge to grant. Those five factors were immaturity, impetuosity and failure to appreciate the risks, the circumstances of the homicide itself and the participation -- offender's participation and how the conduct and familial peer pressures may have affected him, the family and home environment of the defendant, the incompetency to associate with youth. For example, inability to deal with police officers and prosecutors and also the inability, incapacity to assist his own attorney. And finally the possibility of rehabilitation.

Your Honor, I want to take these factors one by one. First, I want to discuss the immaturity and

impetuosity and failure to appreciate the risk and consequences. Before you are things that were in his DJJ records that have been submitted to the Court and have them placed in the Court's -- into the court as evidence by the State. DJJ placed in their records although he was 16 years old on March 26, 2003, he was still acting childishly in class and was written up for not obeying instruction because he was involved in horse play. That was nine months before the murder of Joseph Wilson. Of course, Your Honor, none of these are a defense. However, this is just one factor of five that show that he was immature and impetuous and that was nine months where he was documented as being immature.

On August 8th 2003, Terriel was given a suggestion to work on his impulsive behavior, that was once again at DJJ. That was a mere four months before the murder of Joseph Wilson. Terriel on October 25th which I actually -- was October 15th, Your Honor, that's a typo, but on October 25th Terriel was reprimanded for childish behavior and placed in detention for a disagreement with another juvenile. That was two months before the murder of Joseph Wilson. Now, it actually says that he had childish behavior that was two months before that murder. And, of course, that particular factor is for -- one of the main adjectives for that particular factor is

immaturity, Your Honor. So I would just state that the DJJ records nine months prior to this murder and up until the time of this murder do reflect that he did have a -- and it says impulsive which is a synonym for impetuous. He did have immature and impetuous behavior.

Now, the circumstances of the homicide offense including the extent of the offenders participation and the conduct and how familial peer pressure may have affected him. And these are the circumstances of the actual murder, Your Honor. On the day of this murder, Terriel Mack was with two other individuals who eventually would be his co-defendants. There were Islam Horn and Gregory Johnson. Islam Horn testified at the trial that while riding down Oakland Avenue they saw the victim Joseph Wilson in the parking lot of an apartment complex. He states that Terriel ask him to stop the vehicle, so he could talk to Joseph because he knows he sells dro and dro is a certain type of marijuana. I put on here as well the State's contention. The State contends that this murder occurred to stop the victim from testifying. The facts stated above are from the test -- the facts that I'm stating here are from the testimony of Islam Horn. Islam Horn remained inside the vehicle while Terriel and Gregory approached the victim and about 40 seconds later he heard gunshots. At that time he drove the vehicle to the stop

sign and observed Terriel standing over Joseph and shoot him three times so says his testimony. Now, so those are the circumstances and that's the extent my client's participation.

Now, I want to talk about how familial and peer pressures have affected Terriel which is also one of the factors that the Court should consider pursuant to Aiken vs. Byars. In the trial transcript on page 80 lines 23 through 25, Islam Horn testifies that Terriel thanked him for showing him the ropes while Islam Horn -- and Islam Horn states that when he refers to showing him the ropes, he's talking about the game, dope game selling weed and that's a direct quote from the trial. The testimony continues on page 81 line six through eight to state that the statement about the ropes refers to guns and shit. And that's a direct quote as well. Furthermore, the transcript continues on page 85 line five through seven stating that respect got earned to which Islam Horn interprets that to mean Terriel felt that by killing someone he got respected.

Your Honor, all three of those things reflect peer pressure particularly the last one where Islam Horn states that when Terriel says respect got earned, that he meant that Terriel felt that he got respected by killing someone. I think that's a direct reflection that Terriel

was directly influence by peer pressure. And, Your Honor, just so you know I only have 18 slides. So this is not going to be very lengthy. I don't want you to sit there thinking I'm going to have a hundred.

Now, the family and home environment that surrounded the offender. I want to talk about this Your Honor. And this is going to go over all the things that have been submitted into evidence. Well, most of the items that were submitted into evidence. In 1995, while Terriel was eight years old, Terriel was witness to a documented brutal attack against his mother by her live-in boyfriend Nathaniel Smith. Dr. McKee testified that Terriel admired Nathaniel Smith, that he looked up to him.

At the age of nine, blood tests were conducted which confirmed that Terry McLaughlin was in fact Terriel's paternal father, but even then he denied his fatherhood and refused to allow Terriel to visit or live with him. I believe that's particularly important, Your Honor, because the only male role model he had was an individual who apparently was beating on his mother. And his own blood father -- his biological father who had blood test that confirm that he was the biological father just wouldn't even allow him to visit with him. Therefore, he was more susceptible to the aforementioned peer pressure from the other individuals, from individuals

that were his own age that he admired and wanted to impress and I believe that made him susceptible to that.

In 1997, when Terriel was only ten years old, he was witness to another brutal attack against his mother by Nathaniel Smith, that was the second time that is documented that this has happened. Of course, when it comes to domestic violence, Your Honor, when the police are called, that's usually -- I wouldn't know how many episodes -- of course, I wouldn't know how many episodes of domestic violence have occurred, but usually police are only called in the most extreme circumstances when there's domestic violence. These are just the ones that are documented. These are not all of the ones that he actually was witness to. And I would also submit that to have someone actually striking your mother probably has an even more profound affect than what it would be if you just saw someone hitting a woman who was a stranger to you. This is the actual mother.

The first time Terriel ran away from home was in 1996. This is when he was ten years old. Now, he's going through all these things from age eight, age nine, age ten. His mother's getting beat. His father's denied him. And he's trying to escape this environment. When at some point, Dr. McKee testified he testified that this young man at one point in his life up until the sixth grade was

actually doing very well in school, was an honor roll student. And also was in an affidavit that was submitted he was actually even a member of the chess club. So he was at that time he was actually a very bright young man and he had potential. In 1996 that -- this is -- 1996 that would be fifth grade. He's trying to run away from the situation trying to get away from it. However, he was found and he was brought back home. 1997 at the age of ten, Terriel call Florence County Sheriff's Office. This is the same age at which he ran away. He called the sheriff's office and reported his mother for child abuse for striking him against the head so hard he had a lump. Now, when this incident happened, two other children were in the house with him when his mother beat him this time. The two young ladies that were there that were not even hers, she struck them as well. It was reported to DSS by one of the children in the house, that was one of the young ladies in the house that Ms. Mack does this type behavior a lot. And that's a direct quote, Your Honor.

It was reported that Ms. Mack had a history of twisting Terriel's wrists and hands to cause pain. So it's not just Terriel that said this and this is actually in the report, Your Honor. It's not just Terriel that's saying this activity happened. These were other children that were in the residence with him when the police got

there and they reported this. And they said listen she does this all the time to him. On this particular occasion, DSS removed Terriel from the residence and he was placed with his grandmother. And his grandmother who was in Hanna Pamplico and the whole time he was in Hanna Pamplico, Your Honor, at the age of ten I believe until the age of 11, he did not have any problems at all. And then his grandmother passed away and he had to go back to that residence. So he went right back to the same environment that he's tried to run away from that his mother was getting beat at and all this stuff is going on.

In 1999, when Terriel was 13 years old, his mother's boyfriend Kendrick Cannon arrived at the residence and was threatening Terriel's mother. Kendrick was subsequently arrested for violence -- for domestic violence as a result this accident. On January 22nd still at the age of 13, he was witness to another brutal attack against his mother by Kendrick Cannon. In that 1999 incident, Your Honor, I believe there was only property damage that was actually on the accident report -- on the incident report. However, he was arrested for domestic violence, so I believe it must have been an extreme case of property damage because they wouldn't just arrest him for breaking glass for domestic violence. So I believe it must have been an extreme case, but it does -- it just

says that there was property damage. And I think it says something about breaking a mirror or something like that. Note Dr. McKee testified that by this age, by the age of 13 and after experiencing the documented episodes that we discussed, plus any other inter-immediate episodes that have occurred, that Terriel was experiencing post-traumatic stress disorder at the age of 13, that he had major depressive episodes. And he had already began drinking alcohol and smoking marijuana as coping mechanisms.

Now, Your Honor, when my vehicle is broken, if I go to start my truck and it won't start and if it's anything other than the battery, I have to take it to the shop. And the reason I got to take it to the shop is because I'm not a mechanic. And if I'm sick and I can't take a cold medicine or over-the-counter medicine, I have to go to a doctor because I'm not a doctor. Dr. McKee is a doctor. And Dr. McKee is my expert witness. The State had an opportunity to provide an expert witness to combat his testimony. The State did not. He's an expert with very high qualifications and this is his conclusion and he testified that his conclusion came without coercion because he was paid.

Now, August 16th 2002, witness to another brutal attack against his mother by her boyfriend at that time

Fernando Ford. I didn't bother to go into the facts, Your Honor. All of the incident reports are in evidence, but if you read some of these incident reports, these are brutal attacks. I believe in this one she had a front tooth broken out. It was something like. These are brutal attacks. On September 4th when Terriel was 15 years old, Terriel was witness to another brutal attack against his mother by Fernando Ford. This particular one involved a knife. And I did make some more notes on this one because this one stands out to me, Your Honor. Now, he's 15 years old. Terriel came to his mother's aid and sustained injuries that required medical treatment. One hour following the assault, Terriel was treated at McLeod Regional Medical Center for bites to his thumb, to the right side of his head, left side of his neck, swelling and lacerations.

Now, this occurred on a Wednesday night at 11:35. This is a school night. And when I was going over this, I was thinking to myself age of 15 on a school night, Wednesday night, what would I be doing. And the truth is at age 15 my biggest worry was I had to pass Algebra, that was my biggest concern. This kid was 15 years old on a Wednesday night, on a school night, fighting a 25-year-old man 5'10 175 pounds trying to keep him off his mother.

Now, I know the State says that people have a difficult time, that, you know, people are -- people are abused and they have rough childhoods all the time, Your Honor, but this is extraordinary at least it is to me. This is not something that I come into contact with every time I represent one of my defendants.

However, his inability to deal with police officers or prosecutors or the offenders -- or prosecutors or the offenders in capacity to assist his own attorney is the next factor, Your Honor. Now, beginning on page two of the transcribed statement of Terriel Mack, Your Honor, I want to go over this testimony. And I'm not going over this testimony to talk about officer -- at the time Investigator Godwin. I'm sure he's a great officer, but this is what happened. This is the transcribed testimony of Terriel Mack. Although this -- Godwin, although this is your Miranda warnings, you have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to an attorney and have him present while being questioned. If you cannot afford to hire an attorney, one will be appointed to represent you on any question if you wish one. Do you understand each of these rights as I have explain them to you? Mack, I need a inaudible. Of course, Your Honor, we don't have this recording for me to

be able to see if I can make out what inaudible is. This is the transcript of Godwin. It says I need a parenthesis open. Godwin, having these rights in mind, do you wish to talk to us now? Mack, inaudible I need to talk to a lawyer or something like that. That's the first time that he request an attorney. I would -- moving on, Your Honor. Godwin, excuse me. Mack, I, I wish to talk to a lawyer. At that time, Your Honor -- first of all, he's already requested one time, previously that interview should have stopped. Now, this is the second time requesting it. Interview definitely should have stopped. Godwin, you don't want to discuss the case at all about why you -- that's coming down on you. He continued to ask the subsequent question. I asked Investigator Godwin on the witness stand was it okay to ask a question following request to talk to a lawyer. He said no. Therefore, this was incorrect. This a violation of my client -- it's a violation of my client's Fifth Amendment right.

Now, Your Honor, I would also -- the reason that this is important and how this applies this factor is it applies because of his inability to deal with police officers. At this time he was 17 years old. If you recall the testimony, I asked Godwin about all the officers that were present. He stated that it was him. It was Officer Drayton, Sergeant Drayton at the time. It

was Sergeant Yarborough at the time. I asked him were these officers seasoned. He said, yes, he was seasoned and the other two were seasoned as well. So we have a 17 year old getting -- that's getting questioned by three seasoned officers who's requested to talk to his attorney and was not afforded one. And the reason I believe that is Your Honor because he was 17 years old. He was intimidated. I believe if he had been able to actually -- if he been older and able to deal with these police officers, he would have been able to assert himself and say I want a lawyer. However, I believe that this -- I believe this is evidence that he -- of his inability to deal with police officers.

Now, Your Honor, I do want to say this. When I look at the trial transcript, I did not see where this statement was actually used in trial. I want to make sure the Court is aware of that. However, I believe Attorney Jepertinger did go on in his closing statement to state the -- state one of the statements of Melvin Godwin supplemental report in which he says that my client said -- told him in the supplemental report that I killed him. I would submit, Your Honor, that's fruit of the poisonous tree, Your Honor. If this interview doesn't happen, if that interview doesn't happen, I would submit that that statement would be irrelevant.

Also, Your Honor, moving on. Inability to deal with police officers and prosecutors or incapacity to assist his own attorney. Now, Your Honor, I'm going to talk specifically about his incapacity to assist his own attorney. Following Terriel's arrest, Attorney Michael Nettles was appointed as his counsel on January 30th 2004. Attorney Nettles served as counsel -- of course, that's Judge Nettles, Your Honor. Attorney Nettles served as counsel for Terriel until February 9th 2005, that's when he was appointed to the bench. And then he was substituted as counsel by Attorney Elizabeth York. Attorney York served as counsel for Terriel until August 3rd 2005 when she was substituted as counsel by Attorney Scott Floyd due to complications with her pregnancy.

On October 25th approximately 81 days after being appointed as counsel, the trial for Terriel Mack began. So once Attorney Scott Floyd was appointed to this case, 81 days later this case was in trial and my client was being tried for murder and facing life in prison. Now, I'm sure that -- I know that all these attorneys were great attorneys, that's not the issue. The issue is did it incapacitate his ability to assist his attorney. I would argue to the Court that, yes, it did. The fact that he only had 18 days, the fact that he was 17 years old, I believe that that did incapacitate his ability to assist

his attorney. And also, Your Honor, there was a jury note just to demonstrate the importance of his ability to -- the importance of his ability to communicate with his attorney. This was not a trial in which the jury went out and come back in 30 minutes and said he's guilty. This is the jury note and in the jury note which was entered as Court's Exhibit 1. I don't know if you have this or not.

MR. JEPERTINGER: We got it.

MR. WEAVER: As Court Exhibit 1, it says on this note which was passed to the Court, we have a very divided jury at this time. And the words very divided are underlined two times for each word. Very is underlined two times and divided underlined two times. So the fact that there were only 81s days and the fact that this was -- that this trial was not a very decisive trial or a very decisive verdict. I would just say that the fact there were only 81 days did have a detrimental affect. And if my client had been given more time, he may have been able to communicate better with his attorney who knows how this decision would have turned out.

Now, I would also like to say that Mr. Mack was never evaluated by the South Carolina Department of Mental Health for his ability to stand trial as an adult. The reason I say that's important, Your Honor, is because -- because he was never evaluated, it is no foregone

conclusion that he was able to effectively communicate with counsel. Had he been evaluated, I believe it would be much more difficult to assume that he was able to communicate, but he was never evaluated, so it's not a foregone conclusion that he was able to effectively communicate.

Now, Attorney Floyd states as in mitigation on page 289 line 69 of the transcript. Your Honor, I think Shaun's had a hard family life, Your Honor. I think he found his family with the wrong people unfortunately. Your Honor, I would just ask that you provide him as much mercy. And, Your Honor, that was the full extent of mitigation. And I know everything that is here is accurate hard family life, found the wrong people, and he ask for mercy. It's accurate, but I believe had my client been given more than 81 days to fully disclose everything that he had been through, that Scott could have had more mitigation to provide to the Court. He wasn't able to disclose to him all of the beatings that he endured at the hands of his mother. He wasn't able to disclose to him all the beatings he witnessed his mother's taken. All the violence that he had been emersed in from the time that he was young. And all of those things I believe, Your Honor, affected his capacity to assist an attorney with his case, Your Honor.

Next, Your Honor, I want to talk about the possibility of rehabilitation and I'm not going to harp on the expert witnesses for very long. I just want to give their conclusions. And like I said, Your Honor, these are my experts and no expert was provided to impeach their testimony. It is my opinion that Terriel was at age 17, 18 and still is now capable of rehabilitation based on the results of this evaluation, that's Dr. Geoffrey McKee. That is a forensic psychologist. Dr. Matthew Gaskins, the forensic psychiatrist, writes Mr. Mack has had behavior problems in corrections parenthesis fights, write ups, disciplinary actions parenthesis close. He attributes most of these to either defending himself or taking actions necessary to survive prison. The latter point clarified to me that he is not able to show weakness in prison because others would then view him as a target. Your Honor, this is prison. This isn't the Boyscout and because he's charged with murder and because he is right now currently sentenced to life without, he is in the worse facilities. He's not at Palmer Correction. And here has he had disciplinary actions, the answer is, yes, he has had disciplinaries. Has he had some fights, he's had fights. However, I would like to point out that he's never been found guilty of fighting another inmate. However, he has had fights and he admits that.

Go to the next one. Mr. Mack -- I'm sorry Dr. Gaskins, the forensic psychiatrist, my expert witness continues by saying Mr. Mack has shown the ability to improve myself and others during his incarceration. Mr. Mack obtained his GED and helped others obtain their GED. That is substantiated, Your Honor, through one of the affidavits that we have of an individual who was incarcerated with Mack who in his affidavit says that he's not friends. He doesn't talk to him any more. However, while he was at this particular location, Mack did help him get his GED and he did see him help others get their GED. Mr. Mack has been involved in tutoring in helping other inmates. Mr. Mack engages in cultural awareness program. Mr. Mack has had extended periods of time without behavior or interactions, that is Dr. Gaskins speaking on his ability to be rehabilitated.

Now, furthermore on the possibility of rehabilitation, as I previously stated, been incarcerated for 15 years and hasn't been convicted of fighting an inmate which I find somewhat to be remarkable. But moving on, now we've talked about the things that he has done. When I cross examined the records custodian, I talked about the things that he has not done and sometimes we can lose emphasis on that because we sit here and say what he did. I asked him does murder occur at these institutions.

He said yes. Has Terriel ever committed a murder? No. Rape? Same testimony, manslaughter same testimony, stabbing same testimony. There are much more serious offenses that occur in prison than the ones that Terriel has been found guilty of committing. And I would ask that the Court give that the appropriate weight.

Also, Your Honor, it's important to note that in the 15 years even though he entered at a very young age, at age of 18, there's no testimony at all of gang activity while incarcerated at SCDC. As the general knowledge, gangs prevalent in the prison system. However, there's no testimony of gang activity. And in the discovery that I received and I looked, I didn't see any evidence of any gang activity.

Finally, his letter from the published book Letters To Our Sons, Your Honor, what I think is very very important about this letter, Your Honor, is when it was written. It was written December 31st 2013. He wrote it December 31st 2013 and he ended it on January 4th 2014. So he wrote it as the new year -- he wrote it as the year of 2013 ended and he wrote through midnight up until the new year. Now, the reason that's so important Your Honor is because Aiken v. Byars is a 2014 case. So this letter was written before Aiken v. Byars existed, so it could not have been written in contemplation of litigation. This

letter was written from him without any coercion, without any duress and without any hope of benefit from writing it. And these are the words of that letter Your Honor. To black youth who is also the future of our great African legacy at this moment 10:13 p.m. December 31st 2013, I sit inside this prison cell with thoughts rapidly running through my head. One of my thoughts is going to be the first day of the new year. The next thought that comes after that is I'm only 27 and I spent the last ten years of my life incarcerated for the mistakes I made as a child. Some may consider 17 as being a grown man, but in all reality age ain't nothing but a number. What defines your manhood, womanhood is your conscious state of mind and not your age. At times I would sit back and reflect on my childhood and I ask myself a question how can I myself, a grown man, when I had no idea of what being a man was all about because there was none to show me how to be a man. Your Honor, I'm going to read the entire letter. I wanted to read that first paragraph because Attorney Jepertinger took a sentence out of that paragraph and I wanted to give the Court the full context of that sentence. However, the letter itself is in evidence Your Honor for your review.

Your Honor, also Dora Vera, the life expectancy table, this was the expert who was hired by South Carolina

Department of Indigent Defense to compile all the information and give the projective life expectancy of individuals that enter SCDC at different ages in life. And pursuant to her report, a black male defendant that enters SCDC at the age of 18 is 38.2. The life expectancy here is 38.2 years. The predicted age of death of someone who enters -- of a black male who enters at 18 is 56 years old. Therefore, the sentence equivalent to LWOP is 38 plus years, is an exact quote from her report.

Now, Your Honor, it is important to note that this is a sentencing hearing not a resentencing hearing. Pursuant to Aiken v. Byars, the Court orders resentencing of all petitioners who note individualize consideration -- according to Aiken vs. Byars, resentencing for all petitioners who know individual consideration of the adequacy of the original sentence hearing -- with no individual consideration of the adequacy of the original sentence. And what that means, Your Honor, when it says with no individualize consideration of the adequacy of the original sentencing hearing means that the first sentencing should not have any bearing on this sentencing. This is not a resentencing hearing Your Honor. This is a sentencing hearing pursuant to Miller vs. Alabama and Aiken v. Byars. And the citation, Your Honor, is Aiken at 548 on that.

Your Honor, also I have submitted to the Court a proportionality of sentencing, that's in my memo on page 20. And what I've done with that Your Honor is just compiled some facts on some other cases and what those individuals were sentence to who committed murder. In some cases, I believe the facts were extremely egregious as they are in this case, Your Honor, extremely egregious in this case as well. I would ask that the Court review that in my memo on page 20 and see how those individuals -- how those individuals were sentenced. And, Your Honor, I would just submit to this court that Terriel Mack is a young man who was -- who just got the worse end of the stick of anyone that I've ever sat across the table from. And I'm sure there are people who have it worse.

Attorney Jepertinger talked about Oprah Winfrey and those other individuals that he mentioned, Your Honor, but I would submit to the Court that different people react to different circumstances differ. And I'm sure there are some people who had it worse than me who went on to do better. And I'm sure there are some people who had it better than me who went on to do worse. It doesn't -- the fact of the matter is I had him evaluated by a psychologist and by a psychiatrist, that psychologist said that since the age of 13 this young man has had PTSD from the events that occurred to him that he witnessed. He

also said that he suffered from major depressive episodes since that age. And he also said at the age of 13 he was on drugs and alcohol as a coping mechanism. I don't know what kind of life that is. I'm happy I don't. I hope my children never do, but I would just ask the Court to take everything into consideration. I believe in light of all these circumstances, in light of these factors, in light of the decision in Alabama v. Miller -- I'm sorry Miller v. Alabama and in Aiken v. Byars that my client is entitled to a reduction in the sentencing, Your Honor. I appreciate your time. Thank you very much.

MR. JEPERTINGER: Just one matter. Your Honor, Mr. Weaver wanted to make the sentencing memo apart of this record. He did not do that. And I would ask if he's going to do that that he present it. I know he sent it to you and to me.

MR. WEAVER: Yes, Your Honor, I would like to make this defense exhibit. Thank you very much.

(WHEREUPON, Defendant's Exhibit No. 20 was admitted into evidence.)

MR. JEPERTINGER: And if we could have the kindness of providing the power-point presentation to us where you can e-mail it to us.

THE COURT: And what I'll do is I'll take it under advisement. I'll think about it. I'll read

everything and I'll make a decision. Next time I'm in general sessions in Florence, which I think we'll be in the next two or three weeks. I think it's the 18th of March. And you all did a good job, very good job. The 18th that week.

MR. JEPERTINGER: So would you like to do it on that Monday, March 18th?

THE COURT: Let's do it that Wednesday.

MR. JEPERTINGER: That Wednesday that's March 20th. Okay. I bring him back to Florence okay, that's why I need to know the date. So 9:30 March 20th.

THE COURT: That will work 9:30.

MR. WEAVER: Thank you.

THE COURT: Thank you.

END OF REQUESTED TRANSCRIPT

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF FLORENCE)

STATE OF SOUTH CAROLINA)

v STATE,)

TRANSCRIPT OF RECORD
v.) 2004-GS-21-1084

TERRIEL LESHAWN MACK,)

DEFENDANT.)

March 20, 2019
Florence, South Carolina

B E F O R E :

THE HONORABLE WILLIAM H. SEALS, JUDGE

A P P E A R A N C E S:

JOHN C. JEPERTINGER, ESQ.
Assistant Solicitor

MARSHALL S. WEAVER, ESQ.
Attorney for Defendant

FRANCES B. RAY, RPR
Circuit Court Reporter

MR. JEPERTINGER: If it please the Court, Your Honor, we are here to finish the sentencing on Terriel Leshawn Mack on 2004-GS-21-1084. Let the record reflect that we conducted a hearing pursuant to an Aiken v. Byers on February 19th and 20th in Marion County with the defendant waiving venue. The court reporter at that time was Keshia Reed. We are now ready to finish the sentencing. Today is March the 20th of 2019. We are in Florence County and Frances Ray is the court reporter.

THE COURT: All right.

Mr. Weaver, anything you want to say before sentencing?

MR. WEAVER: No, Your Honor, prepared to move forward.

THE COURT: All right. Pursuant to Aiken v. Byers I have codified my thoughts in an order which I have signed, I'm gonna file, and it's a part of this record. In that regard, the sentence of the Court is that Mr. Mack is committed to the State Department of Corrections for a term of life.

MR. JEPERTINGER: Thank you, Your Honor.

THE COURT: You all did a good job and I appreciate your records.

MR. WEAVER: Thank you, very much. Your

Honor, I do have one more thing to add, Your Honor. I will object to the sentencing as it being cruel and unusual and in violation of the Eighth Amendment of the United States Constitution.

THE COURT: Your objection is noted, thank you, overruled.

MR. JEPERTINGER: Thank you, Your Honor.

THE COURT: Thank you, and appreciate your efforts.

MR. JEPERTINGER: Your Honor, you have the sentencing sheet. I think that we'll need to get a copy for the transport.

THE COURT: And I have the order if anybody would like a copy.

* * * END OF TRANSCRIPT OF RECORD * * *

***** CONFIDENTIAL *****

SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE
MIDLANDS EVALUATION CENTER
PSYCHOSOCIAL EVALUATION

DATE: June 27, 2002
NAME: Terriel LeShawn Mack **MIS: #235445** **DOB:** [redacted]
COMMITTING COUNTY: Florence

OFFENSES: Breaking and Entering a Motor Vehicle (Five Counts)
Petit Larceny (Four Counts)

REASON FOR REFERRAL

The Family Court of Florence County committed Terriel Mack, a fifteen-year-old African-American male, to the South Carolina Department of Juvenile Justice Midlands Evaluation Center (MEC) on May 23, 2002. A comprehensive evaluation was ordered to make recommendations regarding the most appropriate custodial or correctional care and any other interventions that might hold him accountable for the current offenses and reduce the likelihood of future offending. There were no specific referral questions.

NOTICE

This report is confidential and meant for use by qualified professionals only and others involved from a legal perspective with this evaluation for disposition. No unauthorized disclosure of this report or information contained in this report is allowed. Any person who, without proper authorization, discloses information contained in this report assumes all liability associated therewith. Some individuals and family members may tend to misunderstand and/or distort the information enclosed in this report. This may result in significant psychological distress to the individual or may interfere with any treatment and eventual recovery from psychological illness, if present. For individuals with self-destructive or assault tendencies, the consequences of ill-advised disclosure of this report may be serious. Release should be limited to that information pertinent to the needs of the requesting party and jargon and scores may need to be omitted or explained thoroughly.

Terriel was informed of the purpose of the evaluation and was informed that the results would be shared with SCDJJ staff, family court officials, qualified professionals, and others involved from a legal perspective. He was informed that suspected child abuse or neglect must be reported to the proper authorities. He indicated that he understood the limits of confidentiality.

SOURCES OF INFORMATION

Clinical Interviews with Juvenile, Terriel Mack
Collateral Interview with Terriel's Mother, Ms. Dawn Mack
Telephone Interview with Florence County DJJ Community Specialist, Denise Baker
DJJ File Information
Behavioral Observations
Psychological Testing:
Beck Depression Inventory-Second Edition (BDI-II)
Developmental Test of Visual-Motor Integration (VMI)

[redacted]

Millon Adolescent Clinical Inventory (MACI)
Rotter Incomplete Sentences Blank (RISB)
Substance Abuse Subtle Screening Inventory (SASSI)
Wechsler Abbreviated Scale of Intelligence (WASI)
Wechsler Individual Achievement Test (WIAT)-Selected subtests

SUMMARY OF CURRENT OFFENSES AND OFFENSE HISTORY

According to the Florence County Commitment Order dated May 23, 2002, Terriel pled guilty to five counts of Breaking and Entering a Motor Vehicle and four counts of Petit Larceny. Subsequent to his adjudicatory hearing, he was committed to MEC for a comprehensive evaluation. The police incident report related that Terriel, who was fifteen years of age at the time, and two co-defendants, ages fourteen and sixteen years old, broke into several cars and stole a number of cell telephones. The car break-ins occurred after midnight and during the early hours of the morning.

Terriel's referral history dates back to 1999, at which time he was twelve years old. He was referred to legal authorities on the offense of Runaway. This charge was subsequently dismissed. Terriel was referred for several offenses in 2001 at age fourteen. These were school-related offenses that included an Assault and Battery on School Personnel, Disturbing Schools, and Resisting an Officer. The remaining charge was diverted to the mentor Program. The assault offense and Disturbing Schools offenses were dismissed. Although he has had several referrals overtime, some skirting on the serious side, this is the first adjudication for him in the state of South Carolina.

Juvenile's Account of the Offenses

Terriel admitted to his current offenses. As an explanation for his offenses, he stated that "I guess we committed the offenses, because we were bored and were looking for something to do." Terriel reported that all of his current offenses occurred during one night. He reported that on the night of the offenses, he had gotten permission from his mother to spend the night at a friend's house. This friend and another boy, who spent the night, were also involved in the offenses. Terriel related that he and his friends left the house during the early hours of the morning while his friend's parents were asleep. Terriel acknowledged that he knows what he did was wrong, and in retrospect, he should not have done it. He related that he is very sorry and does not want to spend the rest of his life in jail. He reported that he plans to modify his behavior in the future and stay out of trouble.

FAMILY FUNCTIONING

This information was obtained primarily from Terriel and to a lesser extent from his mother. Several unsuccessful attempts were made early on in the evaluation process to contact Terriel's mother. She was finally reached toward the end of the evaluation period.

Terriel related that prior to his commitment, he was living with his 31-year old mother, his stepfather of five months, Mr. Fernando Ford, and his identical twin 13-year old brothers. He related that his mother is employed at a local gas stations as a cashier where she works from 6:00 a.m. to 2:00 p.m. weekly. Ms. Mack related that sometimes she works on the third shift at her job. Terriel reported that when his mother is not at work, she is at home to supervise him.

He related that his stepfather also supervises him and that one of the adults is at home at all times. Terriel related that he has good relations with his mother and his twin brothers. However, he related that he has a strained relationship with his stepfather. He stated, "My stepfather took down the family pictures of my previous stepfather who raised me for ten years, and I did not like that; he can't replace my stepfather." Terriel reported that he was approximately 12-years old when his first stepfather and mother broke up. He related that the breakup was hard for him, "but I got over it."

Overtime, Terriel reported that there is also conflict and tension between him and his mother. He gave some indication that he feels his standing and relationship with his mother has been altered since his current stepfather became a part of his family. Terriel reported that he lived with his maternal grandmother from age 11 to 13 and that he had good behavior in her home and also did well in school during this time. Terriel related that he would not mind living with his grandmother again.

Terriel's mother, Ms. Dawn Mack related that Although Terriel is "basically a good boy, he does not listen sometimes and is rebellious." She reported that she believes that he is currently in trouble because he is associating with a negative crowd. Ms. Mack related that often Terriel is not at home and she does not know his whereabouts. She indicated that on the night of his current offenses, she recalls that she was working and that he had apparently violated her rule for him to stay at home. This differs from Terriel's account in that he stated that he had gotten permission to spend the night at his friends house.

Regarding his current behavior at home, Terriel related that he attempts to be obedient and to do all of the things that his mother asks him to do voluntarily. He indicated that he has chores to do, to include washing the dishes, cleaning his room, and assisting with other chores as they are assigned. He initially had difficulty citing family rules. He later mentioned one rule, a 9:00 p.m. curfew and stated, "That's it." Terriel reported that his mother disciplines him "by just making me stay in the house." He related that this discipline works, "but I mean, everytime, she disciplines me, I understand, she gets her point across."

Terriel described extremely positive relations between himself, his mother, and younger brother. He did, however, admit to being viewed by his mother as a behavior problem. Terriel was reluctant to discuss his father, stating only that they had no current relationship, that he last saw his father about two years ago, and did not, currently, know his whereabouts. When questioned regarding the relationship between his mother and father, he denied awareness, stating only that he and his mother "never" discuss his father. Terriel identified restriction to the house, and assignment of household chores, as the primary form of discipline employed within the home.

Regarding other personal family issues, Terriel denied any family criminal/legal history. Terriel denied that he has been physically or sexually abused or that there has been any DSS involvement with the family. Terriel denied that any family members have any substance abuse problems.

Terriel related that he and his family do fun activities together and his family attends church regularly. Terriel reported that Sunday is the only day that he does not use drugs, "because I can't see myself going to church high; it ain't me." Regarding significant losses, Terriel reported that his great grandmother to whom he was very close died in 1999 when he was 11-years old. He related that "the littlest thing can remind me of her, and I can't help but to cry." He stated

that his grandmother now lives in his great grandmother's old house, and when he visits his grandmother, he is reminded of his great grandmother.

ADOLESCENT FUNCTIONING

Relevant History

Regarding his early childhood development, Terriel's mother related that he accomplished his developmental milestones within the normal ranges. Terriel related that he has been healthy overall and denied any major illnesses or hospitalizations. Terriel denied any out of home placements. Terriel denied experiencing significant medical or physical problems. He denied being currently prescribed medication. He denied hospitalizations or experiencing seizures. He reported losing consciousness, on one occasion at the age of seven or eight, when he accidentally fell into a door jam and cut his head. He added that he had required stitches.

Terriel reported out-of-home placements being limited to living with his maternal grandmother for a "couple of months" about two years ago, siting his desire to have a "break from the regular routine" as the motivating factor for this arrangement. Terriel denied that he has had any previous mental health counseling. He denied any past suicidal ideations or attempts.

Current Symptomatology

Terriel identified his primary problem areas as his spending too much time "on the streets" and exhibiting a negative attitude at school. When confronted with his alcohol and drug use, he denied that these were problem areas and indicated no intent to cease his use of illicit substances.

According to Terriel, he plans to modify future behaviors by spending more time at home, and exhibiting a more positive attitude at school. He denied being currently, or in the past, either homicidal or suicidal. Terriel denied being currently anxious or depressed. He denied experiencing hallucinations of any type.

Terriel reported that he initially became involved with alcohol at the age of fourteen, generally drinking daily. He admitted to often becoming intoxicated. While he denied developing a tolerance, he admitted to experiencing black outs. He reported that his involvement with drugs is confined to marijuana, which he reported using daily since the age of twelve. He indicated having last used both alcohol and marijuana the day prior to his MEC commitment. To the MEC social worker, he related that he would get it from other people "because I know a lot of people." He related that at age 12, he would smoke on the weekends and would smoke a "blunt" by himself. He reported that he continues to smoke and has been smoking daily for the past year, sometimes more than a blunt. He stated, "If I went to school high, I did better. It made me have a good day." He denied that his marijuana use got him in trouble at school. He related, "it don't affect me none; I am the same person." He denied involvement in drug sales. While the SASSI, a measure focusing on substance use, indicated a low probability of substance dependence, there is indication that he was not entirely truthful when responding to questions as evidenced by his failing to endorse items, previously admitted to in his interview,

for example, using alcohol and drugs simultaneously. On the SASSI, Terriel endorsed such items as taking drugs to improve thinking and feeling, and taking drugs to enhance enjoyment of sex. Terriel denied knowledge of any family history of substance abuse. He denied awareness of the drug and alcohol habits of his father.

Behavioral Observations

Terriel is a fifteen year-old male, who stands 5'10" tall, weighs 159 pounds, and who has a tattoo of the word "BLACK" on his right arm. He denied involvement in gang activity. He was casually, but appropriately dressed when seen for a psychological evaluation. He presented as an emotionally isolated individual, who was angry with a "chip" on his shoulder, as evidenced by his tone of voice, perfunctory responses to questioning and body language. He was alert, attentive, and fully oriented. Terriel's memory and motor activity appeared to be within normal limits. He reluctantly responded to questions asked, but exhibited minimal amounts of spontaneous conversation. He exhibited moderate amounts of direct eye contact. His thoughts appeared logical and goal directed. His mood appeared euthymic. Affect appeared situationally appropriate and his associations were intact. Perception, insight, and judgement appeared lower than that which would be generally expected from same age peers.

Terriel appeared comfortable during testing. He responded to questions asked in a relevant and coherent manner. Motivation and concentration appeared to be within acceptable levels. Test results are, therefore, thought to be a valid indication of his current levels of intellectual and emotional functioning.

Behavioral/Emotional/Personality Measures

The MACI profile was valid and indicated that Terriel is cool and indifferent to the feelings and welfare of others. He may tend to take advantage of others to obtain personal advantage or to achieve personal goals. He does not appear interested in developing close relationships with others, and ties to others are generally based on sharing similar antisocial or unempathetic attitudes. Relationships that are formed tend to be shallow and lacking in loyalties. The BDI-II indicated the presence of minimal depressive symptoms. He did indicate that he often feels like crying but he can not. The RISB indicated that Terriel enjoys sports, particularly football. He indicates regret at being sent to jail, suffers as a result of doing bad things, and indicates that he cannot return to jail. He describes his nerves are being "itchy." He indicates that he perceives himself as thinking differently from peers, and also indicates that peers are not "comfortable" around him. He added, however, that "sometimes he likes being around people. "

He described his mother in positive terms, also stating that he wants to go home to see his mama, but regarding his father he simply states that his father "is not around." He also indicated a desire to return home. Overall, Terriel appears able to interpret his environment in a basically rational and conventional manner. No evidence for a thought disorder was indicated.

Cognitive Functioning and Academic Achievement

Terriel was administered the WASI, a brief IQ test, whose scores tend to change more over time than scores of more comprehensive IQ tests. IQ tests measure some of the abilities that

contribute to academic success. However, many abilities are not measured by IQ tests. On the WASI, Terriel obtained a Full-4 IQ score of 100 (Average range), which was comprised of Verbal IQ Score of 99 (Average range) and a Performance IQ Score of 99 (Average range). The lack of a discrepancy between the Verbal and Performance domains indicates that his abilities to perform non-verbal tasks are equally developed with his abilities to perform verbal tasks. The chances that the range of scores from 94-106, includes his true IQ are 95 out of 100.

On the Wechsler Individual Achievement Test (WIAT), Terriel obtained age based Standard Scores of 96 and 89, respectively, in reading comprehension and numerical operations skills. Both his reading comprehension and numerical operations skills scores are generally consistent with his performance on the verbal portion of the WASI. The VMI was administered to further sample visual-motor integration. Terriel obtained a Scaled Score of 89, which is considered consistent with his functioning on the performance portion of the WASI.

Test scores indicate that Terriel is intellectually capable of performing better academically, than his self reported average grades, given adequate motivational levels, positive classroom behaviors, and regular school attendance.

SCHOOL/JOB FUNCTIONING

Terriel related that he had been attending the alternative school since April 2001 after being assigned there due to cumulative behavior problems at the regular school. He was in the 9th grade. Terriel related that he was expelled from the alternative school in November 2001 after he got into an argument with the assistant principal. Terriel reported, "He just kept saying smart stuff to me and I was not going to have that." School records for this year indicated that Terriel was expelled from school on 11/30/2001 "for threatening a staff member" and his threat was verbal. It was related that Terriel had passing, but marginal grades, during the first quarter, and he was absent from school for 14 days during the first quarter and 19 days during the second quarter.

Terriel related that he began having behavior problems in the 6th grade and has had a number of suspensions and has been expelled four times. Terriel's mother related that she thought that he began having significant behavior problems in the 7th grade and was involved in a number of fights. She related that his grades dropped and that he repeated the 7th grade. Terriel acknowledged that he made poor grades in the 7th grade and repeated it. However, he and his mother related that he had made the honor roll in previous years. Terriel's drop in grades appears o be related to that start of his drug and alcohol use.

PEER RELATIONSHIPS

Terriel related that his friends are approximately his same age. He acknowledged that some of them are involved in delinquent activities, as were his co-defendants, and that some of his friends exert a negative influence on him. He denied that he is involved in gang activities or sells drugs. He related that he enjoys spending time with his friends in their homes, going to the malls, to the Movie Theater, and playing video games with them. He related that his mother knows some of his friends and disapproves of his friends who get him into trouble. Ms. Mack related that she does not know many of Terriel's friends, but that she believes that the majority of them are a negative influence on him. Terriel denied that he is currently engaged in any risky

sexual activities.

COMMUNITY FUNCTIONING

Terriel related that he lives in the city of Florence in a house. He related that his house is nice and that he has his own room. He denied that he has to worry about significant crime and violence in his neighborhood. He related that a number of community recreational and sports activities are available for him to participate in.

ADJUSTMENT TO THE EVALUATION CENTER PLACEMENT

The Residential Life Program staff related that Terriel had good grooming and good manners. He got along with his peers and participated in planned activities. His personality was quiet and easygoing. He got along with staff, obeyed the rules, and had a good attitude toward supervision. He volunteered for several work details and demonstrated that he was responsible. He stayed out of trouble and made a good adjustment while at DJJ.

Terriel's teachers at MEC indicated that he behaved appropriately in a large group setting. He had a positive attitude toward his education and attempted to complete his assignments with good effort. He stayed on task despite distractions. According to his teachers, he "frequently" displayed the following positive behaviors: follows oral directions, respects authority, respects the rights of others, adapts to class structure, demonstrates self-control, demonstrates responsibility, and demonstrates age-appropriate social skills.

SUMMARY

Terriel is a 15-year old African American male currently committed to DJJ. This is his first adjudication, although he has several referrals dating back to 1999 when he was 12-years old. He acknowledges that he was associating with a negative crowd and attributes this as one reason for his current offenses. This age also corresponded with the start of his alcohol and drug use. He also related that he was bored and did not have anything to do. It is noted that he had a great deal of idle and unstructured time when his offenses occurred because he was expelled from school. Terriel lives with his mother, stepfather, and twin younger brothers. He acknowledged that he has conflict and problems in his family with his mother and stepfather, but particularly with his mother.

Terriel is currently charged with Breaking and Entering a Motor Vehicle (five counts), and Petit Larceny (four counts). These offenses occurred on one night. Terriel also had significant problems in school since the 6th or 7th grade, indicating a pattern of problematic behaviors. He is currently expelled from the alternative school. These behaviors are most likely exacerbated by his regular use of illicit substances. He tends to employ the defense mechanism of denial, as evidenced by his concerted attempts to deny that he is affected by his father's lack of involvement in his life. He also appears to be expending significant amounts of energy denying his need for emotional closeness and support. There is evidence, that he perceives himself as being different and not readily accepted by peers, and, in an effort to feel better about himself, he presents as though he is superior and does not require or want the acceptance of his peers. He appears to be an angry individual, who readily rejects others, in order to avoid being

rejected first, by them. His regular involvement in substance abuse also indicates an attempt to numb uncomfortable feelings.

Terriel functions within the average range of intellectual abilities, and is currently placed in regular academic programming. Both his reading comprehension and numerical operations skills scores are consistent with obtained levels of intelligence. He is capable of passing the subjects of a traditional academic setting given regular attendance, motivation, and positive classroom behaviors and participation.

Personality testing revealed the presence of an individual who minimizes his problems, and who tends to be emotionally and socially isolated. He appears to feel positively about his mother, with his reference to his father being somewhat neutral and lacking. He fails to accept responsibility for his antisocial behaviors, stating only that he "regrets coming to jail." In general, Terriel appears able to interpret his environment in a basically rational and conventional manner. No evidence for a thought disorder was indicated.

STRENGTHS

- Terriel is capable of being a polite and cooperative youth.
- Terriel is intellectually capable of passing academics at the high school level, given sufficient motivational levels, regular attendance, and sufficient motivational levels.
- Terriel enjoys sports.

DSM-IV DIAGNOSTIC IMPRESSIONS

Axis I:	312.8	Conduct Disorder (moderate)
	305.00	Alcohol Abuse
	305.20	Cannabis Abuse
	V61.20	Family-Child Relational Problems
Axis	V71.09	No Diagnosis
Axis III:	Diagnosis Deferred	
Axis IV:	Stressors: Father's lack of involvement in Terriel's life	
Axis V:	GAF-60	

NEEDS AND RECOMMENDATIONS

1. It is recommended that Terriel be given a disposition of probation. The terms and conditions of his probation should be made clear to him. The Florence County Department of Juvenile Justice should supervise his probation.
2. Terriel should be returned home to the community on a trial basis. If his delinquent behavior continue, or if he is non-compliant with his probationary terms, he should be considered immediately for an alternative placement of moderate management level. Upon his return home, his mother should provide increased structure and supervision. Terriel should have supervised recreational and leisure time.

3. Terriel should be referred to the Local Drug and Alcohol Commission. Terriel would benefit from Drug and Alcohol Education and rehabilitative services, combined with random drug screens, to assist him in ceasing his use of illicit substances. Community service work in a substance abuse rehabilitation program might be helpful in educating Terriel regarding the negative impact of drugs on individuals and society as a whole.
4. Terriel needs to be referred for general counseling to uncover and deal with his anger, to fully accept responsibility for his behaviors, to learn socially acceptable coping skills, and to resolve conflicts related to his father's absence in his life. This may be incorporated into his drug and alcohol counseling.
5. It is recommended that Terriel's mother be required to successfully complete parenting classes, if she has not already done so in the past, in an effort to learn skills to enable her to more effectively parent Terriel.
6. It is essential that Terriel's activities and associates be monitored during non school hours, encouraging him to become actively involved in a well supervised community program, or church youth activities offering organized sports could provide him with positive outlet during free time.
7. Terriel could benefit from involvement in a mentoring program or the services of a positive role model should be enlisted to assist him in making independent decisions that are in his best interest, and to assist him in learning how avoidance of involvement in use of illicit substances, could be beneficial in the long run.
8. If Terriel is not successful in re-entering school, a referral to a GED program should be considered.

Kathleen Knox-Whitney, MSW, LISW, J.D.
Social Worker IV

Deanna Lanier, M.A.
Contract Psychologist

Terry L. Fender, LMSW
Social Work Manager

Silke K. Parl, Psy. D.
Licensed Clinical Psychologist
Supervising Psychologist

11/10/2003	**11/10/2003 Aftercare Order (Parole)** 07/05/2005 -- Unconditional Release From Parole -- Juvenile Parole Board	**Juvenile Parole Board**
02/06/2003	**02/06/2003 Indeterminate Sentence Order** 11/10/2003 -- Conditional Release from DJJ Institution (Parole) -- Juvenile Parole Board	**Caldwell Jr, Wylie H**
01/15/2003	**01/15/2003 Probation:Violation for Cat. III** 01/15/2003 -- Rule To Show Cause Issued -- Solicitor 12th Circuit 01/30/2003 -- Continued Scheduling -- Morehead III, A E 02/06/2003 -- Committed to DJJ, Indeterminate Sentence -- Caldwell Jr, Wylie H	**Florence**
07/25/2002	**07/25/2002 Probation Order** 11/14/2003 -- Probation Requirement Ended -- Court Judge (Unknown)	**Caldwell Jr, Wylie H**
07/01/2002	**06/26/2002 Assault:Assault and Battery of a High and Aggravated Nature** 08/13/2002 -- Prosecute -- Solicitor 12th Circuit 10/24/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H 06/17/2005 -- Dismissed -- Buchan, Mary E	**Florence PD**
05/23/2002	**05/23/2002 Evaluation Order**	**Morehead III, A E**
05/20/2002	**05/02/2002 Domestic:Criminal Domestic Violence - 1st/2nd offense** 06/24/2002 -- Divert With Behavior Contract -- Solicitor 12th Circuit	**Florence County SD**
12/12/2001	**12/09/2001 Vehicle:Damaging or Tampering with** 01/17/2002 -- Prosecute -- Solicitor 12th Circuit 03/07/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H 04/04/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H 05/23/2002 -- Committed To An Evaluation Center -- Morehead III, A E 07/25/2002 -- Probation -- Caldwell Jr, Wylie H -- Suspended Commitment To DJJ Institution -- Caldwell Jr, Wylie H -- Community Services Restitution -- Caldwell Jr, Wylie H	**Florence PD**

12/09/2001 Vehicle:Damaging or Tampering with **Florence PD**
01/17/2002 -- Prosecute -- Solicitor 12th Circuit
03/07/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H
04/04/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H
05/23/2002 -- Committed To An Evaluation Center -- Morehead III, A E
07/25/2002 -- Probation -- Caldwell Jr, Wylie H
-- Suspended Commitment To DJJ Institution -- Caldwell Jr, Wylie H
-- Community Services Restitution -- Caldwell Jr, Wylie H

12/09/2001 Vehicle:Damaging or Tampering with **Florence PD**
01/17/2002 -- Prosecute -- Solicitor 12th Circuit
03/07/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H
04/04/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H
05/23/2002 -- Committed To An Evaluation Center -- Morehead III, A E
07/25/2002 -- Probation -- Caldwell Jr, Wylie H
-- Suspended Commitment To DJJ Institution -- Caldwell Jr, Wylie H
-- Community Services Restitution -- Caldwell Jr, Wylie H

12/09/2001 Vehicle:Damaging or Tampering with **Florence PD**
01/17/2002 -- Prosecute -- Solicitor 12th Circuit
03/07/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H
04/04/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H
05/23/2002 -- Committed To An Evaluation Center -- Morehead III, A E
07/25/2002 -- Probation -- Caldwell Jr, Wylie H
-- Suspended Commitment To DJJ Institution -- Caldwell Jr, Wylie H
-- Community Services Restitution -- Caldwell Jr, Wylie H

12/09/2001 Vehicle:Damaging or Tampering with **Florence PD**
01/17/2002 -- Prosecute -- Solicitor 12th Circuit
03/07/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H
04/04/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H
05/23/2002 -- Committed To An Evaluation Center -- Morehead III, A E
07/25/2002 -- Probation -- Caldwell Jr, Wylie H
-- Suspended Commitment To DJJ Institution -- Caldwell Jr, Wylie H
-- Community Services Restitution -- Caldwell Jr, Wylie H

	12/09/2001 Larceny:Petit or Simple Larceny 01/17/2002 -- Prosecute -- Solicitor 12th Circuit 03/07/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H 04/04/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H 05/23/2002 -- Committed To An Evaluation Center -- Morehead III, A E 07/25/2002 -- Probation -- Caldwell Jr, Wylie H -- Suspended Commitment To DJJ Institution -- Caldwell Jr, Wylie H -- Monetary Restitution -- Caldwell Jr, Wylie H	**Florence PD**
	12/09/2001 Larceny:Petit or Simple Larceny 01/17/2002 -- Prosecute -- Solicitor 12th Circuit 03/07/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H 04/04/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H 05/23/2002 -- Committed To An Evaluation Center -- Morehead III, A E 07/25/2002 -- Probation -- Caldwell Jr, Wylie H -- Suspended Commitment To DJJ Institution -- Caldwell Jr, Wylie H -- Monetary Restitution -- Caldwell Jr, Wylie H	**Florence PD**
	12/09/2001 Larceny:Petit or Simple Larceny 01/17/2002 -- Prosecute -- Solicitor 12th Circuit 03/07/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H 04/04/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H 05/23/2002 -- Committed To An Evaluation Center -- Morehead III, A E 07/25/2002 -- Probation -- Caldwell Jr, Wylie H -- Suspended Commitment To DJJ Institution -- Caldwell Jr, Wylie H -- Monetary Restitution -- Caldwell Jr, Wylie H	**Florence PD**
	12/09/2001 Larceny:Petit or Simple Larceny 01/17/2002 -- Prosecute -- Solicitor 12th Circuit 03/07/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H 04/04/2002 -- Continued Scheduling -- Caldwell Jr, Wylie H 05/23/2002 -- Committed To An Evaluation Center -- Morehead III, A E 07/25/2002 -- Probation -- Caldwell Jr, Wylie H -- Suspended Commitment To DJJ Institution -- Caldwell Jr, Wylie H -- Monetary Restitution -- Caldwell Jr, Wylie H	**Florence PD**
12/05/2001	**11/30/2001 Assault:Simple common law assault, no battery** 12/19/2001 -- Divert With Behavior Contract -- Solicitor 12th Circuit	**Florence PD**
	11/30/2001 School:Disturbing Schools 12/19/2001 -- Divert With Behavior Contract -- Solicitor 12th Circuit	**Florence PD**
04/19/2001	**04/17/2001 Assault: Assault & battery by student upon a school employee** 09/10/2001 -- Dismissed -- Solicitor 12th Circuit	**Florence PD**

	04/17/2001 School:Disturbing Schools 09/10/2001 -- Dismissed -- Solicitor 12th Circuit	**Florence PD**
	04/17/2001 Resisting:Oppose/resist/assault law enforcement officer serving process 09/10/2001 -- Divert To Mentor Program -- Solicitor 12th Circuit	**Florence PD**
10/21/1999	**10/19/1999 Juvenile:Runaway**	**Parent-Guardian**
10/19/1999	**10/19/1999 Pickup Order** 10/22/1999 -- Child Has Been Picked Up -- Unknown Or Obsolete	**Unknown Or Obsolete**

430

SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE
SOCIAL WORK SERVICES

Form # 350.07B

WEEKLY GROUP REPORT

Name: Jerriel Mack

Date: 3/26/03

Name of Group: Victim Impact Group

Duration: 12:30 - 1:30 pm

Social Worker: Gayle Shellenberg

GROUP DESCRIPTION:
The objectives of the group was for juveniles to be able to define assault, list types of assault and explain the impact of assault on victims.

Assessment of Client's Participation:

____ Client's participation during group was excellent. Client was well behaved and offered feedback to other members on the group topic.

✓ Client's participation during group was satisfactory. Client was well behaved and joined the discussion when addressed by the social worker. Client did not offer feedback to other members.

____ Client's participation during group was Unsatisfactory. Client did not participate in the group discussion or offer feedback to other members.

____ Client's participation during group was poor and client was not well behaved. Client was disruptive and rude to other members.

PARTICIPATION RATING

Poor
1 2 3 (4) Enthusiastic 5

RATING 4

ADDITIONAL COMMENTS:

Jerriel is enmeshed in street justice and views ~~at this~~ CS it as his responsibility to take the law into his own hands.

350.01A

SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE

SERVICE NOTES

NAME: Terriel Mack MIS# 235445

4/8/03 S- Lock up for fighting
O- Terriel was placed in lock up following a physical altercation with another juvenile. Terriel acknowledges that it was gang related. He reports he has been associating with both the Blood and the Folk gang and juveniles felt he was betraying his allegiance. He states several juveniles had confronted him and alleged the other juvenile struck him in the head. Terriel reports he let it go, but followed it up later by striking juvenile Smith
Gang Related

350.01A

SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE

SERVICE NOTES

NAME: Jerriel Mack MIS# 235445

7/8/03 Contacted family to notify them of Jerriel's placement on Rock up and transfer to the STAR program. Left message with Jerriel's brother to return call

SOUTH CAROLINA BOARD OF JUVENILE PAROLE

DJJ INSTITUTION REPORT FOR THE MONTH OF: May 2003

Juvenile: Terriel Mack **MIS:** 235445

Social Worker: Gayle Shellenberg **Institution:** John G. Richards

INSTRUCTIONS: This report may be handwritten if legible, otherwise it must be typed. DO NOT LEAVE ANY QUESTIONS BLANK. If an answer demands an explanation or description, you must complete that portion. You are not limited by the space allocated in the narrative sections, use the back of the page or additional paper, if necessary. If a question is not applicable, please insert N/A and explain.

I. Juvenile:

A. Is there a history of substance use or abuse? YES X NO☐

If yes, explain. Terriel acknowledges daily use of marijuana and indicates he used approximately ¼ ounce on the weekdays and ½ ounce on the weekends. He reports using alcohol on the weekends and often becoming intoxicated. His SASSI results indicate a low probability of substance dependence, but Terriel acknowledges manipulating the assessment tool by being dishonest.

B. Are there significant health issues? YES☐ NO ☒

If yes, explain.

C. Are there any serious psychological/emotional issues? YES ☒ NO☐

If yes, explain. Terriel has a diagnosis of conduct disorder (moderate), cannabisand alcohol abuse. .Personality testing reveals the presence of an individual that minimizes his problems and tends to isolate himself both emotionally and socially. He struggles with abandonment associated with the absence of his stepfather in his life. He dislikes the man his mother is currently involved with and has a lot of anger associated with their relationship

D. Are other agencies involved with this juvenile? YES☐ NO ☒

If yes, explain.

E. Is juvenile currently on medications? YES☐ NO ☒

If yes, what are they?

(DJJ Institution Report – Revised 7-1-01)
The information provided herein is specifically for the purpose of parole consideration and is protected by state and federal confidentiality laws.

F. Is juvenile compliant with taking medication? YES☐ NO ☐

If no, explain. N/A

G. Are there any unusual family dynamics? YES☒ NO ☐

If yes, explain.
Terriel lived with his mother, twin brothers and his current stepfather prior to his incarceration. He reports this stepfather has lived with the family for the past year and returned to live with them after completing a prison sentence. Terriel indicates he was about four since they last had contact. He indicates his stepfather is a crack addict, but is trying to quit. Terriel reports that the father who raised him has had no contact with him in the past year and a half. This has been difficult for Terriel. He reports using alcohol and cannabis as a means of self medication instead of addressing the issues

H. is juvenile lacking in his/her family support system? YES☒ NO ☐

If yes, **explain.** Terriel's mother is supportive and involved. Terriel is angry at his mother for maintaining a relationship with his current stepfather and wants nothing to do with him. Terriel can be defiant and resistant to authoritative directives in the home as a result.

II. Institutional Progress and Adjustment

A. Treatment Goals:

1. Goal: Terriel will learn to express his anger appropriately.

Progress: Terriel acknowledges he would keep his anger to himself and self medicate with marijuana prior to his incarceration. He has difficulty addressing his feelings and tends to isolate himself emotionally. This is being addressed in individual counseling and continues to be a treatment focus.

2. Goal: Terriel will perform to his academic capacity.

Progress: Terriel functions in the average range of intellectual functioning. He has the ability to obtain average to above average grades. He was accepted into the Communities in Schools program based upon his academic abilities and is doing well. He has only been in the program about a month so it is difficult to assess his overall abilities at this time

3. Goal: Terriel will address his feelings of loss and abandonment associated with the absence of his stepfather.

The information provided herein is specifically for the purpose of parole consideration and is protected by state and federal confidentiality laws.

Progress: Terriel has just begun individual counseling to address these issues. He has only been at CIS for a short time but has established a therapeutic relationship and is making some progress in this area.

4. Goal: Terriel will develop an understanding of the disease process of chemical addiction and it's effects.

Progress:Terriel will be enrolled on an alcohol and drug psycho-educational group while at CIS. He has basic knowledge of the disease process but minimizes its effect on him physically and emotionally.

B. Strengths and Accomplishments (i.e. leadership skills, special program participation, awards, honors):

He has applied for the work program but has not been involved in the program long enough to qualify at this time.

Behavioral Adjustment Summary (Describe behavior over the last reporting period):

1. For major incidents, please note the date, offense, description and action taken:

DATE	OFFENSE/DESCRIPTION	ACTION TAKEN

NONE

2. Summary and explanation of minor infractions:

2/4/03 Out of Place

III. Institutional Release Plans:

A. What special treatment services do you recommend for juvenile upon release?

Terriel would benefit from outpatient alcohol and drug counseling to address his substance abuse.

B. What special conditions do you recommend for successful parole?

(DJJ Institution Report – Revised 7-1-01)
The information provided herein is specifically for the purpose of parole consideration and is protected by state and federal confidentiality laws.

None at this time

IV. Recommendation Summary:

A. Do you recommend release? YES☐ NO ☒

If yes, check one: Conditional Release ☐ Unconditional Release ☐

C. Rationale: Although Terriel is doing well in the living unit and the Communities in Schools program, he has not been engaged in treatment services for an extensive period of time. Therefore, it is recommended that Terriel remain in the institution where he will have an opportunity to gain a better understanding of his involvement in criminal activity. He will also be afforded an opportunity to gain pro-social skills and learn how to manage his behavior for a consistent period of time.

Gayle Shellenberg, LMSW
Type Reporter's Name/Title/Date
Name/Title/Date

Signature: Gayle Shellenberg, LMSW 3/18/03

Ray Hoskins, CCS, CACII
Type Supervisor's

Signature: 3/18/03

(DJJ Institution Report – Revised 7-1-01)
The information provided herein is specifically for the purpose of parole consideration and is protected by state and federal confidentiality laws.

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 01/10/19
DISCIPLINARY SYSTEM C001714

SCDC ID: 312070 **DISPLAY INMATE OFFENSE HISTORY**

MACK, TERRIEL L. CURR LOC: **BROAD RIVE**

OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV

SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00013	OUT OF PLACE	ADMINIST	04/16/08	/ /	00000	CONVICTED	3
_	00012	OUT OF PLACE	ADMINIST	04/04/08	/ /	00000	CONVICTED	3
_	00011	USE,POSS NARC,MARIJ,U	MAJOR DI	12/12/07	01/04/08	00000	CONVICTED	1
_	00009	SEXUAL MISCONDUCT	MAJOR DI	04/05/07	04/24/07	00000	CONVICTED	2
_	00008	DAMAGE,DESTROY,PROP.V	MAJOR DI	02/27/07	03/12/07	00000	CONVICTED	2
_	00007	OUT OF PLACE	ADMINIST	09/27/06	/ /	00000	CONVICTED	3
_	00006	SEXUAL MISCONDUCT	MAJOR DI	09/08/06	09/27/06	00000	CONVICTED	2
_	00005	SEXUAL ASSAULT	MAJOR DI	09/04/06	09/21/06	00000	CONVICTED	1
_	00004	THREATENING TO INFLIC	MAJOR DI	09/04/06	09/21/06	00000	CONVICTED	2
_	00003	SAFETY REGULATIONS	ADMINIST	01/04/06	/ /	00000	CONVICTED	5
_	00002	STRIKING AN EMPLOYEE	MAJOR DI	12/21/05	01/31/06	00000	CONVICTED	2
_	00001	STRIKING AN EMPLOYEE	OTHER AC	12/21/05	/ /	00000	CLOSED	2

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PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU



15:48:02 Thursday, January 10, 2019

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 01/10/19
DISCIPLINARY SYSTEM C001714

SCDC ID: 312070 **DISPLAY INMATE OFFENSE HISTORY**

MACK, TERRIEL L. CURR LOC: **BROAD RIVE**

OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV

SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00029	THREATENING TO INFLIC	MAJOR DI	03/13/11	03/22/11	00000	CONVICTED	2
_	00028	REFUSING OR FAILING O	MAJOR DI	02/23/11	03/15/11	00000	CONVICTED	3
_	00027	EVADING A SECURITY DE	MAJOR DI	02/23/11	03/15/11	00000	CONVICTED	3
_	00026	STRIKING AN EMPLOYEE	MAJOR DI	02/23/11	03/15/11	00000	CONVICTED	2
_	00025	THROWING/EXPOSURE OF	MAJOR DI	02/23/11	03/15/11	00000	CONVICTED	2
_	00023	REFUSING OR FAILING O	OTHER AC	08/15/10	08/19/10	00000	CLOSED	3
_	00022	POSSESSION OF CONTRAB	MAJOR DI	04/29/10	06/03/10	00000	CONVICTED	3
_	00021	EXHIBITIONISM AND PUB	MAJOR DI	03/10/10	03/25/10	00000	CONVICTED	2
_	00020	EXHIBITIONISM AND PUB	MAJOR DI	02/19/10	03/11/10	00000	CONVICTED	2
_	00019	SOLICIT EMPLOYEE,I/M,	ADMINIST	02/06/10	02/08/10	00000	CONVICTED	3
_	00015	REFUSING OR FAILING O	ADMINIST	08/28/08	/ /	00000	CONVICTED	3
_	00014	USE,POSS NARC,MARIJ,U	MAJOR DI	07/23/08	08/12/08	00000	CONVICTED	1

PAGE 0002

PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 01/10/19
DISCIPLINARY SYSTEM C001714

SCDC ID: 312070 **DISPLAY INMATE OFFENSE HISTORY**

MACK, TERRIEL L. CURR LOC: **BROAD RIVE**

OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV

SERIOUS MENTAL ILLNESS: **N**

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00056	HOMICIDE	UNDER IN	04/15/18	/ /	00000		1
_	00055	THREATENING TO INFLIC	MAJOR DI	03/08/18	04/04/18	00000	CONVICTED	2
_	00054	POSSESSION OF A WEAPO	MAJOR DI	07/13/17	07/31/17	00000	CONVICTED	1
_	00051	POSSESSION OF A WEAPO	MAJOR DI	06/28/16	07/19/16	00000	CONVICTED	1
_	00048	EXHIBITIONISM AND PUB	MAJOR DI	01/03/16	01/11/16	00000	CONVICTED	2
_	00042	EXHIBITIONISM AND PUB	MAJOR DI	06/14/14	07/08/14	00000	CONVICTED	2
_	00041	STRIKING AN EMPLOYEE	MAJOR DI	05/15/14	06/03/14	00000	CONVICTED	2
_	00040	STRIKING AN EMPLOYEE	MAJOR DI	05/15/14	06/03/14	00000	CONVICTED	2
_	00039	DISORDERLY CONDUCT	ADMINIST	09/14/13	09/20/13	00000	CONVICTED	3
_	00034	UNAUTH I/M ORGAN/PART	MAJOR DI	04/04/12	04/23/12	00000	CONVICTED	3
_	00032	POSSESSION OF CONTRAB	OTHER AC	02/09/12	02/15/12	00000	CLOSED	3
_	00030	EXHIBITIONISM AND PUB	MAJOR DI	04/21/11	05/12/11	00000	CONVICTED	2

PAGE 0001

SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY

PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

12B 2114
W440 3

05-12-560

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

Institution/Center:	Lee CI				
Date of Report:	12/21/05		Time of Report:	11:40 AM	
Reporting Official:	Sgt E. MIMS 023166		Date of Incident:	12/21/05	
Location of Incident:	Darlington (N)		Time of Incident:	9:20 Approx	
Inmate(s)/Resident:	SCDC#	Age Race Sex	Employee(s) Involved:		
1. MACK Terriel	312070	B4K M	1. OFC H. FINKLEA		
2. SMA 116	573		2. OFC J. Herny		
3.			3.		
4.			4.		
5.			5.		

On the above date and approximate time: I/M MACK Terriel # 312070 WAS given A directive to remove His Toboggan HAT, He refused, At THAT time I gave I/M MACK A directive to go back to the Dorm I then RADIO OFFicer J. Herny And told Him to place I/M MACK in His room until I return From the CAFeteria, I then return to the Unit And requested the ASSISTANCE OF OFC H. FINKLEA And Wing OFC J. Herny. We then went to I/M MACK room, At THAT time I gave I/M MACK A directive to give me the toboggan, He refused. I/M MACK then state FUCK you Sgt MIMS I not giving you shit, At THAT I/M MACK then turn AWAY From heading towards His bed. I then gave Him A directive to stop, He AGAin refused.

Signature: Sgt E Mims

807 Striking An EMPLoyee with or without A weapon

Evidence:

Witness(es):

Supervisor's Comments: He informed he would be Charged

Signature: Johnson Title: Capt. Date/Time: 12/21/05 12:30 PM

Major / Responsible Authority:

Refer to DHO

Signature: Mary Bell Title: AW Date: 12/22/05

STG Related - Refer to STG Committee
( ) Yes (X) No ( ) Unknown

This Incident is DRUG related 12-28-05
( ) Yes (X) No ( ) Unknown

Action Taken

( ) Informal Resolution
( ) Administrative Resolution
(X) Refer to Disciplinary Hearing

KM 2114
M1.3

05-12-

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

441

INCIDENT REPORT

Page 2 of 2

Institution/Center: Lee CI			
Date of Report: 12/21/05		Time of Report: 11:40 AM	
Reporting Official: Sgt E. Mims 023166		Date of Incident: 12/21/05	
Location of Incident: Darlington North		Time of Incident: 9:20 AM Approx	
Inmate(s)/Resident:	SCDC# Age Race Sex	Employee(s) Involved:	
1. Mack Terriel	312070 BLK M	1. Officer H. Finklea	
2.		2. OFC J. Herny	
3.		3.	
4.		4.	
5.		5.	

On the above date and approximate time: I/M MACK then turn around and Lunged towards me, at that time I sprayed I/M MACK in the FACIAL AREA with 5.5 pepper spray. I/M Mack then Fell onto his bed, I then attempted to Secure him. I/M MACK then punched me in the upper Chest several times. I then Again sprayed I/M MACK in the FACIAL AREA, However at that time he Kicked Officer J. Herny in the Groin AREA. I then sprayed I/M MACK AGAIN in the FACIAL AREA and Placed him on the Floor, and at that time I was able to Secure him by placing HANDCUFFS on both ARMS. The EAST YARD was then radio For ASSISTANCE because there WAS several Inmates who would not clear the AREA. The East Yard OFFICERS then Enter the UNIT and ESCORTED I/M MACK out OF UNIT and to Medical

Signature: Sgt E Mims

Evidence:

Witness(es):

Supervisor's Comments: I/M informed he would be Charged

Signature: Johnson Title: Capt. Date/Time: 12/21/05

Major / Responsible Authority:

Signature: Title: Date:

STG Related - Refer to STG Committee
( ) Yes ( ) No ( ) Unknown

This Incident is DRUG related
( ) Yes ( ) No ( ) Unknown

Action Taken

( ) Informal Resolution
( ) Administrative Resolution
( ) Refer to Disciplinary Hearing

442

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 2 Inmate Name: TERRIEL MACK SCDC#: 312070

Living Area: SMU 316-7 Job: N/A Custody: ST3

Offense Date: 12/21/05 Offense Time: 9:20AM AM/PM Offense Location: LEECI - DARLINGTON UNIT

Offense Description:

807- Striking an Employee With or Without a Weapon

Charging Officer/Employee: SGT. E. MIMS

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☑ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING
- ~~☐ I WANT A COUNSEL SUBSTITUTE~~
- ~~☐ I DO NOT WANT A COUNSEL SUBSTITUTE~~

Date & Time Notified: 1/3/06 1:15 AM/PM By (Print):

Inmate Signature: Date: 1/13/06

HEARING INFORMATION:

Hearing Date: 1/31/06	Hearing Time: 10:46 am/pm	Tape: 96	Side: B	Start: 000	End: 137

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING.

OFFENSE CODES	807			
INMATE PLEA (G, NG, None)	NG			
FINDINGS (G, NG, DS)	G			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: B) Officer's Report

HEARING LENGTH: 10 (MINUTES)

SANCTIONS:

Loss of Privileges (Days): Reprimand: Loss of Good Time (days):

Property (Days): Extra Duty: Restitution: $**

Canteen (Days) 180 Contact Visit Suspension Thru 1/1/80

Other (Days) 180 Cell Restriction (Days):

Disciplinary Detention (Days): 180

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: Nature of Offense

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS

DATE INMATE PLACED IN PHD / /

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: DATE: 1/31/06

HEARING OFFICER (PRINT NAME) S. Hatfield 1/31/06

APPROVE/REVERSE/MODIFY REASON

Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record
Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition)
Pink - Central Record

**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Operations

REPORT ON THE USE OF FORCE

Date:	Time: approx.	Institution/Building:	Location Within Institution/Bldg.:
12-21-05	9:20 a.m.	Lee CI / Darlington Unit	Darlington North

Employee Involved:
Sergeant Ernest Mims, Officer Jemeel Henry, Officer Herman Finklea

Witnesses (4-ACRS-2B-01):

Inmate(s) or Others Involved (Name and SCDC#):
Terriel Mack, #312070, B/M, Age 19

Type Force Used:
(X) Gas... State Type 5.5% Pepper Spray
(X) Other... Explain (e.g. weapon type) Hands On / Handcuffs

STATEMENT OF EMPLOYEE (Reason for use of force)

On December 21, 2005, at approximately 9:20 a.m., Inmate Terriel Mack, #312070, was given several directives to give me his toboggan hat and he refused. Inmate Mack stated, "Fuck you, Sergeant Mims, I'm not giving you shit." I, Sergeant Ernest Mims, then administered 5.5 % pepper spray into the facial area of Inmate Mack. Inmate Mack then punched me in the chest several times and kicked Officer Jemeel Henry in the groin area. I then sprayed Inmate Mack again and placed him on the floor. Officer Henry secured the right leg and Officer Finklea secured the left leg. I then placed handcuffs on both arms. Inmate Mack was then escorted out of the unit and taken to Medical.

Canister #88	
Beginning Weight	117 grams
Ending Weight	105 grams
Total Used	12 grams

RECEIVED
JAN 23 2006
OPERATIONS

DATE: 1/18/06 TIME: 9:42 AM Signature of Employee: Sgt E Mims

EXTENT OF INJURY(IES): (This section to be filled out by a Qualified Medical Staff Member.) Redness noted to eyes. No SOB. Cuffs WNL
TREATMENT AFFORDED: afforded eyewash
Date: 1/12/06 Time: 1350
Signature of Qualified Medical Staff Member: C E Kelly K

Shift/Immediate Supervisor Review: Mark A. Rice, Major
Institutional Division Director Review: James F. Stevenson 1/25/06
Warden/Associate Warden/Division Director Review: Margaret J Bell (1/20/06)

cc: Inspector General
SCDC 19-5 (Rev. January 2003)

444

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
[redacted] CORRECTIONAL INST[redacted]ON
MEMORANDUM

TO: A. J. Padula
Warden

FROM: S. Patterson
Disciplinary Hearing Officer

SUBJECT: DISCIPLINARY HEARING EXTENSION

DATE: January 12, 2006

I am requesting a 21-day disciplinary hearing extension on the following case:

Terriel Mack	312070	2
INMATE NAME	#	CASE #

This case has been extended at the request of:

____ Counsel Substitute
__✓__ DHO
____ Inmate

For the following reason:

____ Unable to contact accuser
____ Charges not served 24 hours prior to hearing
____ Inmate did not meet with counsel substitute
__✓__ Other

S/ Sharon Patterson
Sharon Patterson

~~APPROVE~~/DISAPPROVE

[redacted]
Warden/Designee

SMU Cell 16 North

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

445

INCIDENT REPORT

06-01-058

Page 1 of 1

Institution / Center:	Lee C.I.
Date of Report:	1-4-06
Time of Report:	Approx: 2:45pm
Reporting Official:	Ofc. R. Thompson
Date of Incident:	1-4-06
Location of Incident:	SMU North side Cell 16
Time of Incident:	Approx: 10:19 AM

Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:
1. Terriel Mack	312070		B	M	1.
2.					2.
3.					3.
4.					4.
5.					5.

On the above date and approximate time: Inmate Terriel Mack #312070 was observed with water running from under his cell door. Inmate Terriel Mack #312070 Flood out DJ constantly flushing his toilet. Inmate Terriel Mack #312070 is being charged with 849 Safety Regulation.

Signature: R. Thompson

Evidence:

Witness(es):

Supervisor's Comments: INMATE is BEING CHARGED With 849 SAFETY Regulation

Signature: V. McCall Title: SgT Date/Time: 1-4-06 3:10 p.m.

~~Major~~ / Responsible Authority:

Two inmates were assigned to the cell. Both inmates should have been charged. Informally

4:45pm

Signature: Brenda Thomas Title: Captain Date: 01-11-2006

STG Related - Refer to STG Committee
( ) Yes (X) No ( ) Unknown

This Incident is DRUG related
( ) Yes (X) No ( ) Unknown

Action Taken

(X) Informal Resolution
( ) Administrative Resolution
( ) Refer to Disciplinary Hearing

SCDC 19-20A (Rev. February 2004)

446

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE DISCIPLINARY SYSTEM
INFORMAL RESOLUTION/ADMINISTRATIVE RESOLUTION

Inmate Name: Terriel Mack	Inmate SCDC Number: 312070
Number/Type of Violation: (SCDC Form 19-29, "Incident Report" attached) 849 Safety Regulation	
Date of Violation: 01-04-2006	Institution: LEECI

I find the inmate committed the charge(s) specified, offer the inmate the option to resolve the violation (place check in appropriate box)

☑ **INFORMALLY** ☐ **ADMINISTRATIVELY**

and impose the following sanction(s):

Sanction		**Number of hours/days of sanction or amount of restitution**
Counseling	(Check box if imposing this sanction)	☑
Instructions or directives	(Check box if imposing this sanction)	☑
Verbal reprimand	(Check box if imposing this sanction)	☑
Extra duty or chores up to 40 hours		_____ Hours
Restriction of recreation time (general population only) up to 30 days		_____ Days
Restriction of canteen, visitation, or other privileges up to 90 days		_____ Days
Restriction of television viewing and/or radio up to 90 days for Informal Resolution or up to 120 days for Administrative Resolution		_____ Days
Payment of restitution		$
Cell restriction up to 30 days for Informal Resolution or up to 60 days for Administrative Resolution		_____ Days
ADMINISTRATIVE RESOLUTION ONLY: Disciplinary detention up to seven (7) days time in an institutional Special Management Unit.		_____ Days
ADMINISTRATIVE RESOLUTION ONLY: Failure to earn good time		_____ Days

☐ The above sanctions are suspended for (UP TO 90 DAYS) _____ days. If the inmate commits no additional disciplinary infractions during that time period, the sanctions will be lifted and the inmate will not have to serve them. If the inmate commits an additional disciplinary infraction, s/he will have to serve the above sanctions and may be subject to additional disciplinary action.

Brenda Thomas	LEECI	Brenda Thomas	01/11/2006
~~Major~~/Responsible Authority (Print Name)	Institution	Signature	Date

INMATE'S ACCEPTANCE OF INFORMAL OR ADMINISTRATIVE RESOLUTION:

This is to certify that I, Terriel Mack, understand that as a result of the above incident, I have been offered the option to resolve the violation (place check in appropriate box)

☑ **INFORMALLY** ☐ **ADMINISTRATIVELY**

☑ **Yes,** I accept the sanctions listed above. I understand that I have the privilege of requesting this case be referred to a disciplinary hearing, and I waive that privilege. I further agree that by accepting this informal or administrative resolution, I waive all appeals, including those pursuant to Al-Shabazz v. State.

☐ **No,** I **do not** want to accept the sanctions listed above and request that this case be referred to a disciplinary hearing.

01/11/2006	S/ Terriel Mack
Date	Inmate's Signature

White: Central Records Green: Institutional Records Goldenrod: Inmate cc: **Financial Accounting (forward copy only when restitution is to be paid)

SCDC Form 19-106 (February 2004)

SEP 0 5 2006

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

0609041

447

Institution/Center: Lee CI

Date of Report: 9-4-06 Time of Report: 1205 pm

Reporting Official: OFC. M. McFadden Date of Incident: 9-4-06

Location of Incident: Sumter South Time of Incident: 1140 Am

Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:
1. Mack, Terriel	312070		B	M	1.
2. Sum 1257, MEZ					2.
3.					3.
4.					4.
5.					5.

On the above date and approximate time: OFC. McFadden observed Inmate Mack, Terriel L. #312070 in Rm# 2132 with the door open Looking down directly at me Stroking his Penis in a back and forth motion. I Instructed I/m Terriel, Mack to close the room door, I/m Mack at that time ran out of that room into Rm# 2124. When I OFC. McFadden started toward that room I/m Mack ran out of that room into another room. At that time I went to Lock my wing door and I/m Mack ran up and pushed against the wing door to try and prevent me from closing it. I called for assistant. I/m Mack was found in Rm# 1146 in the bed under the covers by Sgt. Richardson. I/m Mack Live in Sumter North Rm# 1257 He is being Charged With 802 sexual Assault and 828 Out of Place + Striking employee 807

Signature: OFC. McFadden

Evidence:

Witness(es):

Supervisor's Comments: I/m MACK was place on PhD in the Unit and Informed of the charge.

Signature: Lt C Title: C/O II Date/Time: 09-04-06 8:59 PM

Major/Responsible Authority:

Refer to DHO for 802 + 809 (5) (4)

Signature: Title: Date: 9/5/06

STG Related - Refer to STG Committee
( ) Yes (~~)~~ No ( ) Unknown

This Incident is DRUG related
(~~)~~ Yes ( ) No ( ) Unknown

Action Taken

( ) Informal Resolution
( ) Administrative Resolution
(~~)~~ Refer to Disciplinary Hearing

2)
448

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 06 Inmate Name: Terrial Mack SCDC#: 312070

Living Area: Sm #1257 Job: N/A Custody: M3

Offense Date: 09 / 04 / 06 Offense Time: 11:40am AM/PM Offense Location: LeeCI - Sumter South

809 - Threatening to Inflict Harm on/Assaulting an Employee and/or Members of the Public: Communications, either by gesture, by an inmate to an individual that s/he intends to injure that person or commit a violent or unlawful act dangerous to human life, presently or in the future; or one who commits a physical act of a threatening nature, and the probable result of such threats or action is to place the individual in fear of bodily injury; or one who causes evacuation of a building; or one who creates serious disruption or alarm. Any unauthorized body contact of an employee or member of the public which creates serious alarm, but does not result in bodily injury.

Charging Officer/Employee: Officer M. McFadden

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☑ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING
- ☐ ~~I WANT A COUNSEL SUBSTITUTE~~
- ☐ ~~I DO NOT WANT A COUNSEL SUBSTITUTE~~

Date &Time Notified: 9 / 06 / 06 902 AM/PM By (Print): R. Jenkins, Sgt.

Inmate Signature: Terrial Mack Date: 9 / 06 / 06

HEARING INFORMATION:

Hearing Date: 9 / 21 / 06	Hearing Time: 9:26 am/pm	Tape: 128	Side: B	Start: 715	End: 901

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING.

OFFENSE CODES	809			
INMATE PLEA (G, NG, None)	NG			
FINDINGS (G, NG, DS)	G			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: B) Officer's Report

HEARING LENGTH: 8 (MINUTES)

SANCTIONS:

Loss of Privileges (Days) _____ Reprimand: _____ Loss of Good Time (days): _____

Property (Days) _____ Extra Duty: _____ Restitution: $_____**

Canteen (Days) 180 Contact Visit Suspension Thru ___/___/180

Other [illegible] (Days) 180 Cell Restriction (Days): _____

Disciplinary Detention (Days): _____

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: Nature of Offense

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS _____

DATE INMATE PLACED IN PHD ___/___/___

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: Terrial Mack DATE: 9/21/06

HEARING OFFICER (PRINT NAME) S. Patterson

APPROVED/REVERSE/MODIFY _____ REASON _____

Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record Canary - Inmate (Service of Disciplinary Report)

Golden Rod - Inmate (Service of Disciplinary Hearing Disposition) Pink - Central Record

** (Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

449

0609041

Page 1 of 1

Institution / Center:	Lee CI				
Date of Report:	9-4-06			Time of Report:	1205 pm
Reporting Official:	OFC. M. McFadden			Date of Incident:	9-4-06
Location of Incident:	Sumter South			Time of Incident:	1140 Am

Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:
1. Mack, Terriel	312070		B	M	1.
2. Sum 1257 MI3					2.
3.					3.
4.					4.
5.					5.

On the above date and approximate time: OFC. McFadden observed Inmate Mack, Terriel L. #312070 in Rm# 2132 with the door open Looking down directly at me Stroking his penis in a back and forth motion. I Instructed I/m Terriel, mack to close the room door I/m Mack at that time ran out of that room into Rm# 2124. When I OFC. McFadden started toward that room I/m mack ran out of that room into another room. At that time I went to Lock my Wing door and I/m mack ran up and pushed against the wing door to try and prevent me from Closing it. I called for assistant. I/m Mack was Found in Rm# 1146 in the bed under the Covers by Sgt. Richardson. I/m mack Live in Sumter North Rm # 1257 He is being Charged with 802 Sexual Assault and 828 Out of Place + Striking employee 807

Signature: OFC. McFadden

Evidence:

Witness(es):

Supervisor's Comments: I/m MACK was place on PhD in the Unit and Informed of the charge.

Signature: Lt C Title: C/O II Date/Time: 09-04-06 859 PM

Major / Responsible Authority:

Refer to DHO for 802 + 809 (5) (4)

Signature: Title: Maj Date: 9/5/06

STG Related - Refer to STG Committee
( ) Yes (~~) No~~ ( ) Unknown

This Incident is DRUG related
(~~) Yes~~ ( ) No ( ) Unknown

Action Taken

( ) Informal Resolution
( ) Administrative Resolution
(~~) Refer to Disciplinary Hearing~~

SCDC 10-204 (Rev. February 2004)

450

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 5 Inmate Name: Terriel Mack SCDC#: 312070

Living Area: Sum #1257 Job: N/A Custody: M3

Offense Date: 09/04/06 Offense Time: 11:40am AM/PM Offense Location: LeeCI - Sumter South

Offense Description:
802 - Sexual Assault: Forcing another person, violence or threats of violence, to perform a sexual act(a sexual act is any intentional contact between the genitals of one inmate and the genitals, mouth, anus, of hands of another person). In addition, sexual assault may occur when an inmate engages in sexual acts or willfully exposes his/her private body parts under circumstances where it is reasonable to believe that the inmate may intend to harm a staff member or other person.

Charging Officer/Employee: Officer M. McFadden

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☐ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING
- ☐ ~~I WANT A COUNSEL SUBSTITUTE~~ YS
- ☐ ~~I DO NOT WANT A COUNSEL SUBSTITUTE~~

Date &Time Notified: 9/06/06 903 AM/PM By (Print): R Fisher S/T

Inmate Signature: Terriel Mack Date: 9/06/06

HEARING INFORMATION:

Hearing Date: 9/21/06	Hearing Time: 9:02 am/pm	Tape: 128	Side: B	Start: 715	End: 901

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING

OFFENSE CODES	802			
INMATE PLEA (G, NG, None)	NG			
FINDINGS (G, NG, DS)	G			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSSION OF GUILT; (B)OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: B/ Officer's Report

HEARING LENGTH: 6 (MINUTES)

SANCTIONS:

Loss of Privileges (Days) _____
Property (Days) _____
Canteen (Days) 120
Other Pink (Days) 120
Disciplinary Detention (Days): _____

Reprimand: _____
Extra Duty: _____
Contact Visit Suspension Thru __/__/ 30 days
Cell Restriction (Days): _____ Pink program 90 days

Loss of Good Time (days): _____
Restitution: $_____ **

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: Nature of Offense

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS _____

DATE INMATE PLACED IN PHD __/__/__

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: Terriel Mack DATE: 9/21/06

HEARING OFFICER (PRINT NAME) S. Patterson

APPROVE/REVERSE/MODIFY _____ REASON _____
Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record
Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition)
Pink - Central Record

**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SCDC 19-68 (Rev. January 2004)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

06-09-113

451 6

Institution/Center: Lee Correctional Institution	
Date of Report: 9-8-06	Time of Report: 9:30 pm
Reporting Official: Sgt K. Smith (02615)	Date of Incident: 9-8-06
Location of Incident: Sumter North	Time of Incident: Approx 7:45 pm

Inmate(s)/Resident: SCDC# Age Race Sex	Employee(s) Involved:
1. Mack, Terrick / 11/11/86 / #312070 BM	1.
2. Che 2250, 1107 3	2.
3.	3.
4.	4.
5.	5.

On the above date and approximate time: While Conducting Count in Sumter North, I Sgt. K. Smith approached room 1257 with its lights off. I asked the inmate, who was standing at the window to turn his cell lights on so that I could see inside the room. The inmate turned the lights on stood in front of his window with his pants pulled down, his penis exposed with his right hand on it moving his hand in and up and down motion. I informed inmate that I would not tolerate his behavior and that I needed his I.D. and he would be charged with 822. Inmate was identified as Mack Terrick by his identification card. I Sgt. K Smith 02615 Charge Inmate Mack, Terrick #312070 with 822 Sexual misconduct.

Signature: Sgt. K Smith

Evidence:

Witness(es):

Supervisor's Comments:

Informed Inm Mack of the Charges for his actions.

10:45 Hrs

Signature: L. Graves Title: Lt Date/Time: 9-8-06

Major/Responsible Authority:

Refer to DHO

Signature: Margaret Bell Title: AW Date: 9/12/06

STG Related - Refer to STG Committee
( ) Yes (/) No ( ) Unknown

This Incident is DRUG related
( ) Yes (/) No ( ) Unknown

Action Taken

( ) Informal Resolution 9/14
( ) Administrative Resolution
(/) Refer to Disciplinary Hearing

452

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 06 Inmate Name: Terriel Mack SCDC#: 312070

Living Area: One #2250 Job: N/A Custody: M3

Offense Date: 09/08/06 Offense Time: 7:45pm AM/PM Offense Location: LeeCI - Sumter North

Offense Description:
822 - Sexual Misconduct - Engaging in sexual acts or intimate physical contact of a sexual nature alone or with others; or (2) indecent and/or unnecessary exposure or private body parts; or (3) soliciting sexual acts from others.

Charging Officer/Employee: Sgt. K. Smith (#2)

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☑ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING
- ☐ ~~I WANT A COUNSEL SUBSTITUTE~~
- ☐ ~~I DO NOT WANT A COUNSEL SUBSTITUTE~~ 7.8

Date &Time Notified: 09/14/06 9:05 AM/PM By (Print): L. L Canty

Inmate Signature: Terriel Mack #312070 Date: 09/14/06

HEARING INFORMATION:

Hearing Date: 9/27/06	Hearing Time: 8:48 am/pm	Tape: 130	Side: A	Start: 357	End: 411

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING

OFFENSE CODES	822			
INMATE PLEA (G, NG, None)	G			
FINDINGS (G, NG, DS)	G			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: A) Admission of guilt B) Officers report

HEARING LENGTH: 6 (MINUTES)

SANCTIONS:

Loss of Privileges (Days) _____
- Property (Days) _____
- Canteen (Days) 180
- Other Phase (Days) 180
- Disciplinary Detention (Days): _____

Reprimand: _____
Extra Duty: _____
Contact Visit Suspension Thru __/__/ 360 days
Cell Restriction (Days): _____ pink Juniper u/4 90 days

Loss of Good Time (days): _____
Restitution: $_____**

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: Nature of Offense

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS _____

DATE INMATE PLACED IN PHD __/__/__

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: Terriel Mack DATE: 9/29/06

HEARING OFFICER (PRINT NAME) S. Patterson

~~APPROVE~~/REVERSE/MODIFY _____ REASON _____
Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record
Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition)
Pink - Central Record

** Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SCDC 19-59 (Revised January 2004)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

453

06-09-352

Page 1 of 1

Institution / Center:	Lee CI				
Date of Report:	Sept 27, 2006			Time of Report:	10:25 am
Reporting Official:	Lt L Hodges 01672			Date of Incident:	Sept 27, 2006
Location of Incident:	Sumter Unit			Time of Incident:	10:20 am
Inmate(s)/Resident:	SCDC#	Age	Race / Sex	Employee(s) Involved:	
1. Terrell Mack	312070		B M	1.	
2.				2.	
3.				3.	
4.				4.	
5.				5.	

On the above date and approximate time: I was monitoring movement coming into the Sumter unit. I saw inmate Terrell Mack SCDC 312070 coming in the front door. Since inmate Mack lives in Chesterfield Unit I am charging him with (828) out of place.

Signature: Lt L Hodges

Evidence:

Witness(es): AG

Supervisor's Comments: ~~Lt Brown spoke to Lt.~~ He had ~~him~~ Mack in the Gym ~~talking to him~~ ~~Mr~~ Mack Terrell # 312070 will be charge with (828) 11.41 pt 1

Signature: ~~Mack~~ Title: ~~Lt~~ Date/Time: 9/27/06

Major / Responsible Authority:

Signature: ABN Title: Capt. Date: 10-02-06

STG Related - Refer to STG Committee
( ) Yes ( ) No (✓) Unknown

This Incident is DRUG related
( ) Yes ( ) No (✓) Unknown

Action Taken

( ) Informal Resolution
(✓) Administrative Resolution
( ) Refer to Disciplinary Hearing

454

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE DISCIPLINARY SYSTEM
INFORMAL RESOLUTION/ADMINISTRATIVE RESOLUTION

Inmate Name: Terrell Mack	Inmate SCDC Number: 312070
Number/Type of Violation: (SCDC Form 19-29, "Incident Report" attached) 828 out of place	
Date of Violation: 9-27-06	**Institution:** Lee

I find the inmate committed the charge(s) specified, offer the inmate the option to resolve the violation (place check in appropriate box)

☐ **INFORMALLY** ☒ **ADMINISTRATIVELY**

and impose the following sanction(s):

Sanction		**Number of hours/days of sanction or amount of restitution**
Counseling	(Check box if imposing this sanction)	☑
Instructions or directives	(Check box if imposing this sanction)	☐
Verbal reprimand	(Check box if imposing this sanction)	☑
Extra duty or chores up to 40 hours		_____ Hours
Restriction of recreation time (general population only) up to 30 days		_____ Days
Restriction of canteen, visitation, or other privileges up to 90 days		10 Days
Restriction of television viewing and/or radio up to 90 days for Informal Resolution or up to 120 days for Administrative Resolution		_____ Days
Payment of restitution		$
Cell restriction up to 30 days for Informal Resolution or up to 60 days for Administrative Resolution		_____ Days
ADMINISTRATIVE RESOLUTION ONLY: Disciplinary detention up to seven (7) days time in an institutional Special Management Unit.		_____ Days
ADMINISTRATIVE RESOLUTION ONLY: Failure to earn good time		_____ Days

☐ The above sanctions are suspended for (UP TO 90 DAYS) _____days. If the inmate commits no additional disciplinary infractions during that time period, the sanctions will be lifted and the inmate will not have to serve them. If the inmate commits an additional disciplinary infraction, s/he will have to serve the above sanctions and may be subject to additional disciplinary action.

Capt. A.S. Dean	Lee	Capt. A.S. Dean	10/02/06
Major/Responsible Authority (Print Name)	**Institution**	**Signature**	**Date**

INMATE'S ACCEPTANCE OF INFORMAL OR ADMINISTRATIVE RESOLUTION:

This is to certify that I, Terrell Mack, understand that as a result of the above incident, I have been offered the option to resolve the violation (place check in appropriate box)

☐ **INFORMALLY** ☒ **ADMINISTRATIVELY**

☒ **Yes,** I accept the sanctions listed above. I understand that I have the privilege of requesting this case be referred to a disciplinary hearing, and I waive that privilege. I further agree that by accepting this informal or administrative resolution, I waive all appeals, including those pursuant to Al-Shabazz v. State.

☐ **No,** I **do not** want to accept the sanctions listed above and request that this case be referred to a disciplinary hearing.

10/02/06	S/ Terrell Mack
Date	Inmate's Signature

White: Central Records Green: Institutional Records Goldenrod: Inmate cc: **Financial Accounting (forward copy only when restitution is to be paid)

SCDC Form 19-106 (February 2004)

SMH

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

455

Page 1 of 1

Institution / Center: LIEBER					
Date of Report: FEBUARY 27 2007				Time of Report: APPROX 9:20 AM	
Reporting Official: OFC EARNEST JACKSON				Date of Incident: FEBUARY 27 2007	
Location of Incident: ASHLEY A-WING #52				Time of Incident: APPROX 7:55 AM	
Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:
1. SHANTE DANIELS	[redacted]	AA52	B	M	1. OFC E. JACKSON
2. TERRIEL MACK	[redacted]	AA52	B	M	2. SGT. L. DELACRUZ
3.	312070				3. LT. A. LOTT
4. ST3 MB145	12-3-17				4. CPL E. WILSON
5. ST3 MA220	49				5.

On the above date and approximate time: I, OFC EARNEST JACKSON, BEING ASSIGNED TO ASHLEY A-WING. I WAS IN PROCESS OF DOING COUNT AS I CAME TO AA-52 CELL OCCUPIED BY (I/m) INMATE SHANTE DANIES B/m [redacted] 288424 AND (I/m) TERRIEL MACK B/m 312070 [redacted] THE WINDOW WAS BEING BROKEN OUT. I OFC E. JACKSON CALLED FOR DORM SGT. L. DELACRUZ TO COME FOR ASSISTANCE. THEN UNHOLSTERED MY MK-4 GAS AN ADMINISTERED INTO CELL THROUGH HOLE IN WINDOW.

MY MK-4 CANNISTER #267 WAS SIGNED OUT BY MYSELF STARTING WEIGHT 108.7 gm. ENDING WEIGHT 103.4 gRAMS USED WEIGHT 5.3 gRAMS

SGT L. DELACRUZ ARRIVED ON SCENE, LT. ALPHONSO LOTT AND CPL ERNEST WILSON ALSO ARRIVED.

Both Inmates being charged with (820) Distroying State properties.

Signature: Earnest Jackson Jr. EARNEST D. JACKSON JR. #255 Callon Window

Evidence:

Witness(es):

Supervisor's Comments: Inmates Broken the window in room # 52 and they were place on Restraint cuff. charged as stated.

Signature: SgtaC Title: Sgt Date/Time: 2-27-07 9:25 AM

Major / Responsible Authority:

Refer to Hearing off. for Inm Mack admitted he Broke the window Charged with 8.20

Signature: [redacted] Title: MC Date: 3/5/07

STG Related - Refer to STG Committee
( ) Yes (X) No ( ) Unknown

This Incident is DRUG related
( ) Yes (X) No ( ) Unknown

Action Taken (820)
( ) Informal Resolution
( ) Administrative Resolution
(X) Refer to Disciplinary Hearing

SCDC 19-20A (Rev. February 2004)

456

SOUTH [redacted] ROLINA DEPARTMENT OF CORR[redacted] TIONS

INCIDENT REPORT

(SMU)

Institution / Center: LCI	
Date of Report: 2-27-07	Time of Report: Approx 9:20 Am
Reporting Official: Sgt Loreto DelaCruz	Date of Incident: 2-27-07
Location of Incident: Ashley A-wing Cell # 52	Time of Incident: Approx 7:55 Am
Inmate(s)/Resident: SCDC# Age Race Sex	Employee(s) Involved:
1. J/m Mack Terriel B/m # 313070	1. Sgt Loreto DelaCruz
2. J/m Shante Daniel B/m # 288424	2. OFC Jackson
3.	3. LT Lott
4. ST3 MA220 49	4. Cpl Wilson
5. ST3 MB145 12-3-17	5.

On the above date and approximate time: I Sgt Loreto DelaCruz was assigned to Ashley Unit. As Unit Sgt. When Officer Jackson call me via radio to assist him. As I approached the Top tier. I saw a shattered window in room # 52 And officer Jackson was standing in the Corner. I then Unholster my Gas Ashley LT Top Cop. And Administered a burst in the cell # 52 thru the broken window door. First Responder has been called to assist restraining both Inmates. and escorted to the SMU holding cell. Minutes later officer Jackson was Informed me that. The back window has been shattered also. The following Inmates was Identified. J/m Mack Terriel B/m # 313070. and J/m Shante Daniels B/m # 288424. Starting weight 129.4. Ending 109.4. used 20.0 groms. Both Inmates was being with (820) Distroying state properties.

Signature: Loreto DelaCruz

Evidence:

Witness(es):

Supervisor's Comments: See Ofc Jacksons 19-29A dated 2/27/07 same Incident. Charge Both inmates as stated

Signature: [redacted] Title: Capt Date/Time: 2/27/07 1345

Major / Responsible Authority:

(820)

Signature: [redacted] Title: Maj Date: 3/5/07

STG Related - Refer to STG Committee
( ) Yes ( ) No ( ) Unknown

This Incident is DRUG related
( ) Yes ( ) No ( ) Unknown

Action Taken 820

( ) Informal Resolution
( ) Administrative Resolution
(X) Refer to Disciplinary Hearing

SCDC1B-294 (Rev. February 2004)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 8 Inmate Name: Mack, Terriel SCDC#: 312070

Living Area: MA 220 Job: _____ Custody: ST3

Offense Date: 2/27/07 Offense Time: 755 AM/PM Offense Location: Lieber Ashley A 52

Offense Description: 820 Damage, Loss, Destruction, or Defacing of Property with any Value

Charging Officer/Employee: Ofc. Earnest Jackson

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☑ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING
- ~~☐ I WANT A COUNSEL SUBSTITUTE~~
- ~~☐ I DO NOT WANT A COUNSEL SUBSTITUTE~~

Date &Time Notified: 2/9/07 3 AM/PM By (Print): _____

Inmate Signature: Terriel Mack Date: 3/9/07

HEARING INFORMATION:

Hearing Date: 3/12/07	Hearing Time: 9:52 am/pm	Tape: 07-024	Side: A	Start: 077	End: 155

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING.

OFFENSE CODES	820			
INMATE PLEA (G, NG, None)	G			
FINDINGS (G, NG, DS)	G			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: ~~naughtiness~~ and testimony of Ofc. Jackson; Inmates admission of guilt. Inmate pled guilty of damaging state property

HEARING LENGTH: 8 (MINUTES)

SANCTIONS:

Loss of Privileges (Days) _____ Reprimand: _____ Loss of Good Time (days): _____

- Property (Days) _____ Extra Duty: _____ Restitution: $25.00 **
- Canteen (Days) 180 Contact Visit Suspension Thru C180days) Cell Window $25.00
- Other 180 (Days) Telephone Cell Restriction (Days): _____
- Disciplinary Detention (Days): 160

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: Level 2 offense. 1st counselor for this offense. Most recent major 9/06. Inmate given appeal rights.

CREDIT FOR PHD TIME SERVED: YES/NO IF YES, DAYS 13

DATE INMATE PLACED IN PHD 2/27/07

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: Terriel Mack DATE: 3/12/07

HEARING OFFICER (PRINT NAME) Deborah Rowe

APPROVED/REVERSE/MODIFY _____ REASON _____
Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record
Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition)
Pink - Central Record

**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
LIEBER CORRECTIONAL INSTITUTION
MEMORANDUM

TO: Deborah Rowe, Disciplinary Hearing Officer

FROM: Thierry Nettles, Major

SUBJECT: REQUEST FOR RESTITUTION

DATE: 3-9-07

In reference to SCDC Policy ADM-15.01, Repayment of Cost by Inmates, restitution is requested in the following case:

INMATE NAME Mark Terrell **SCDC #** 312070

INFRACTION DATE 2-27-07

DISCIPLINARY RULES VIOLATION 820

DESCRIPTION OF DAMAGED ITEM cell door window

INDIVIDUAL CONTACTED TO OBTAIN COST M. Spann

COST OF ITEM $25.00

PURCHASE ORDER # (if applicable) _____

WORK ORDER # _____

Fred B. Thurgood

T. Nettles, Major

Note: For restitution of $50 or more, a copy of this memo and a copy SCDC Form 19-79 will be forwarded to the Financial Accounting Branch - HQ

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Operations

459

RECEIVED
MAY 08 2007
OPERATIONS

REPORT ON THE USE OF FORCE

Date:	Time:	Institution/Building:	Location Within Institution/Bldg.:
2-27-07	7:55 Am	LCI	Ashley A 52

Employee Involved:
Ofc Jackson Sgt DelaCruz D. Howard RN

Witnesses (4-ACRS-2B-01):

Inmate(s) or Others Involved (Name and SCDC#):
I/m Mack Terriel I/m # 312070 | I/m Shonte Daniel I/m # 288424

Type Force Used: Top Cop LT Ashley starting weight 129.4. Ending w. 109.4
(✓) Gas... State Type Total used 20.0 Grams.
( ) Other... Explain (e.g. weapon type) Canister MK-4 #267. weight 108.7. Ending 103.4 Used w. 5.3

STATEMENT OF EMPLOYEE (Reason for use of force)

I, Ofc. Earnest Jackson was assigned to Ashley A Wing on the above date and approximate time. I arrived at cell A52 housed by I/M Daniels, Shante 288424 and I/M Mack, Terrell 312070 were breaking the window out of the door. I called for assistance from Sgt. Loreto DelaCruz and then administered a burst of MK-4 through the hole in the window but the still refused to stop breaking the window. Sgt. DelaCruz arrived administered a burst of Top Cop into the cell through the broken window and they stopped. First Responders were called and assisted in restraining the inmates and escorting them to the holding cell. Canister #267 weight before use, 108.7 grams. After use, 103.4 grams for a total of 5.3 grams used. Lt. Top Cop Canister weight before use, 129.4 grams. After use, 109.4 grams for a total of 20 grams used.

DATE: 2-27-07 TIME: 7:55 am Signature of Employee: [signature]

EXTENT OF INJURY(IES): (This section to be filled out by a Qualified Medical Staff Member.) None

TREATMENT AFFORDED: None required

Date: 2-27-07 Time: 8 AM

Signature of Qualified Medical Staff Member: D Howard RN

Shift/Immediate Supervisor Review: [signature]

Institutional Division Director Review: [signature] 5/14/07

Warden/Associate Warden/Division Director Review [signature]

cc: Inspector General
SCDC 19-5 (Rev. January 2003)

460

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

4/12/07 B

Page 1 of 1

Institution / Center: Lieber	
Date of Report: 4-5-07	Time of Report: Approxemetely 11:10pm
Reporting Official: Bessie White	Date of Incident: 4-5-07
Location of Incident: MAX - A-WING	Time of Incident: Approxemetely 8:27pm
Inmate(s)/Resident: / SCDC# / Age / Race / Sex	Employee(s) Involved:
1. MACK, TERRIEL / 312070 / B/M	1.
2.	2.
3. DD3 / MAZ220 / 49	3.
4.	4.
5.	5.

9

On the above date and approximate time: AS I OFC B. White was ASSigned to MAX A-WING, While doing Cell CLEANING I Approached Rm 220 Which housed I/M MACK, TERRIEL SCDC# 312070 B/m. AS I turnaround to pass him the dust pan I noticed the I/m [redacted] with his right hand on his Penis with an up & down motion. I gaved him a directive to Stop, he refused, I/M MACK, TERRIEL is being Charged with 822. My Starting weight was 125.5, Ending = 119.0 my usuage was 6.5. I/m MACK WILL BE CHARGED WITH (822) Sexual Misconduct.

Signature: Ofc B. White

Evidence:

Witness(es):

Supervisor's Comments: Charge as indicated above. On Call briefed. Min completed.

Signature: [redacted] Title: Lt Date/Time: 04-05-07 2330 HRS

Major / Responsible Authority:

Refer to Hearing Officer I/m Charged with 822

Signature: [redacted] Title: Mr. - Date: 4/6/07

STG Related - Refer to STG Committee
( ) Yes (X) No ( ) Unknown

This Incident is DRUG related
( ) Yes (X) No ( ) Unknown

Action Taken

( ) Informal Resolution 822
( ) Administrative Resolution
(X) Refer to Disciplinary Hearing

SCDC 10.29A (Rev. February 2003)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Operations

RECEIVED 461
APR 2 3 2007
OPERATIONS

REPORT ON THE USE OF FORCE

Date:	Time:	Institution/Building:	Location Within Institution/Bldg.:
April 5, 2007	827 pm	Lieber Corr. Inst.	Max A Wing

Employee Involved:
Ofc. Bessie White, Jean Dunne RN

Witnesses (4-ACRS-2B-01):

Inmate(s) or Others Involved (Name and SCDC#):
I/m TERRIEL MACK, 312070

Type Force Used:
(XX) Gas... State Type TOP COP CANISTER #350 STARTING WT - 125.5, ENDING WT 119.0, TOTAL USED 6.5 grams
( ) Other... Explain (e.g. weapon type)

STATEMENT OF EMPLOYEE (Reason for use of force)

On the above date and approximate time, I, Ofc. Bessie White was assigned to Max A Wing. As I approached cell A220 to do cell cleaning, I/M Mack, Terrell 312070 asked me to pass him the dustpan. When I turned back around, I observed I/M Mack standing with his penis exposed and masterbating. I gave him a direct order to cease his actions but he refused to comply. I administered a burst of MK-4 at I/M Mack and he ceased his actions. Canister weight before use, 125.5 grams. After use, 119.0 grams for a total of 6.5 grams used.

DATE: 4-5-07 TIME: 827 pm Signature of Employee: Ofc B. White

EXTENT OF INJURY(IES): (This section to be filled out by a Qualified Medical Staff Member.) I/m TERRIEL MACK, 312070

TREATMENT AFFORDED: No treatment needed

Date: 4/5/07 Time: 1038pm

Signature of Qualified Medical Staff Member: Jean Dunne RN

Shift/Immediate Supervisor Review: Jack L. Langenstein Jr. Sgt

Institutional Division Director Review: James F. Stevenson Jr. 4/24/07

Warden/Associate Warden/Division Director Review: Catherine Addison, AW

cc: Inspector General

462

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 9 Inmate Name: Mack, Terriel SCDC#: 312070

Living Area: MA220 Job: Custody: D03

Offense Date: 04 /05 /07 Offense Time: 8:27 AM/PM Offense Location: Lieber Max A-wing

Offense Description: (822) SEXUAL MISCONDUCT

Charging Officer/Employee: Ofc. White, Bessie

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☑ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING
- ☐ ~~I WANT A COUNSEL SUBSTITUTE~~
- ☐ ~~I DO NOT WANT A COUNSEL SUBSTITUTE~~

Date &Time Notified: 4 /12 /07 630 AM/PM By (Print): C. Hooks

Inmate Signature: Date: / /

HEARING INFORMATION:

Hearing Date: 4/24/07	Hearing Time: 12:25 am/pm	Tape: 07039	Side: A	Start: 139	End: 227

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING.

OFFENSE CODES	822			
INMATE PLEA (G, NG, None)	NG			
FINDINGS (G, NG, DS)	G			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: narrative and testimony of Ofc. White that she observed inmate Mack engage in sexual misconduct. Inmate is guilty of sexual misconduct

HEARING LENGTH: 9 (MINUTES)

SANCTIONS:

Loss of Privileges (Days) Reprimand: Loss of Good Time (days):

Property (Days) Extra Duty: Restitution: $ **

Canteen (Days) 180 Contact Visit Suspension Thru / / (1yr)

Other 180 (Days) Telephone Cell Restriction (Days):

Disciplinary Detention (Days): 90

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: Found 2 offenses. 2nd conviction. Both offenses were aggravated sexual conduct. Inmate given appeal rights

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS

DATE INMATE PLACED IN PHD / /

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: Terriel Mack DATE: 4/24/07

HEARING OFFICER (PRINT NAME) Deborah Rowe

APPROVED/REVERSE/MODIFY Warden REASON

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record
Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition)
Pink - Central Record

**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

Institution / Center: Lieber Correctional Inst	
Date of Report: 12-12-07	Time of Report: Approx 0040 AM
Reporting Official: Cpl Ernest Wilson III	Date of Incident: 12-12-07
Location of Incident: Med Visitation Room	Time of Incident: Approx 0020 AM
Inmate(s)/Resident: SCDC# Age Race Sex	Employee(s) Involved:
1. Mack, Terriel L SCDC # 312070 B/m AB32	1.
2.	2.
3. MI3 AB32 49	3.
4.	4.
5.	5.

On the above date and approximate time: I Cpl Ernest Wilson was Administering Random and Target Inmate Drug test in the Med Visitation Room For THC Marijuana and Cocaine when I tested I/m Mack Terriel L SCDC #:312070 B/m AB32. I/m Mack urine tested Positive For THC Marijuana. I then gave I/m Mack a confirmation test which also tested Positive For THC Marijuana. Ontrak and Americanbiomedico test was used so For the Above listed Incident Im charging I/m Mack, Terriel L # 312070 B/m AB32 with 903

Signature: Cpl [illegible]

Evidence: 19-79 for Positive THC

Witness(es):

Supervisor's Comments: I/m Mack charged with 903 use of drugs

Signature: [illegible] Title: Capt. Date/Time: 12 Dec 07 2:00 A.M.

Major / Responsible Authority:

903

Signature: [illegible] Title: Maj Date: 12/12/07

STG Related - Refer to STG Committee
( ) Yes ( ) No ( ) Unknown

This Incident is DRUG related
( ) Yes ( ) No ( ) Unknown

Action Taken

( ) Informal Resolution
( ) Administrative Resolution
( ) Refer to Disciplinary Hearing

464

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 11 Inmate Name: Mack, Terriel SCDC#: 312070

Living Area: AB64 #__ Job: ____ Custody: MI3

Offense Date: 12/ 12 07 Offense Time: 12:20 AM/PM Institution: Lieber Medium Visitation Room

Offense Description: (903) THE USE OR POSSESSION OF NARCOTICS, MARIJUANA, OR UNAUTHORIZED DRUGS, INCLUDING PRESCRIPTION DRUGS OR INHALANTS: The actual or constructive possession of any item which was not issued to the inmate officially or which cannot be purhcased by him/her in the prison canteen, or which has not been authorized by the Agency Director or Warden. Any inmate testing positive for any unauthorized drug, refusing to submit to a drug test, or failing to produce a specimen within three (3) hours as specified in SCDC Policy/Procedure GA-03.03.

Charging Officer/Employee: Wilson, Ernest Title: Cpl Echo

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☑ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING SMU/SEGREGATION ONLY
- ☐ [redacted]
- ☐ [redacted]

Date & Time Notified: 12/20/07 9:10 AM/PM By (Print): [illegible]

Inmate Signature: ____ SCDC#: ____ Date: / /

HEARING INFORMATION:

Hearing Date: 1/4/08	Hearing Time: 10:16 am am/pm	Tape: 08002	Side: A	Start: 333	End: 379

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING

OFFENSE CODES	903				Rel.date 99-99-99
INMATE PLEA (G, NG, None)	N.G				
FINDINGS (G, NG, DS)	G				

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: The officials Report Evidence attached to SCDC form 5.23 (12-99)

HEARING LENGTH: 10 (MINUTES)

SANCTIONS:

Loss of Privileges (Days) ____
- * Property (Days) ____
- * Canteen (Days) 360
- * Other None (Days) 360
- * Disciplinary Detention (Days): 60

Reprimand: ____
Extra Duty: ____
Visit Suspension Thru 360/ /
Cell Restriction (Days): ____
Appeal Rights given

Loss of Good Time (days): ____
Restitution: $____**

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: This is the 2/n 1st charge of this nature

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS ____

DATE INMATE PLACED IN PHD / /

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: [signature] DATE: 1/4/08

HEARING OFFICER (PRINT NAME) James Haughtaloo

APPROVED/REVERSE/MODIFY [signature] Warden REASON ____

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record
Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition)
Pink - Central Record

**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SCDC 19-69 (Rev., May 2007)

SOUTH [redacted]NA DEPARTMENT OF CORREC[redacted]ON

INCIDENT REPORT

4/18/08 B

465

Institution/Center: Lieber					
Date of Report: Apr 16, 2008					Time of Report: ~~10:00 am~~ 3:30pm
Reporting Official: Mr. P. Armstrong					Date of Incident: 4/16/08
Location of Incident: Education					Time of Incident: ~~8:30 am~~ 2pm
Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:
1. Mack, Terriel	312070		B	M	1. P. Armstrong
2.					2. Lt. Stewart
3. MC 31 Rm 121 49					3. Lt. Easterlin
4.					4.
5.					5.

On the above date and approximate time:

I/M T. Mack , B /M, # 312070 falls the under twenty one mandatory school policy and has not been attending school. He has received monthly Order toReport(s), but has ignored them. I am charging him with 827:OP 2.15 Refusing to attend the compulsory (Mandatory) program and 828: OP 2.15; Out of Place. Attached are copies of the monthly attendance reports showing his nonattendance.

I called Lt. Stewart at 1:45pm and specially asked for all the Ashley A & B side students to report to school. When he brought the Ashley A students he reported that he could not locate I/M Mack.

Signature:

Evidence: Education monthly attendance record(s)

Witness(es): Officer ~~Emrhein~~ Easterlin

Supervisor's Comments: Hm will be charged w/ 827 Refusing/Failing to obey Ordinance and 828 Out of Place

Signature: A Mapper Title: Lt. Date/Time: 4/16/08 4:30

Major/Responsible Authority: 30 DAYS PROPERTY TAKEN - I/M WILL NOT RECEIVE PROPERTY BACK UNTIL HE ATTENDS SCHOOL.

Signature: Title: Capt. Date: 17 APR 08 10:30 pm

STG Related-Refer to STG Committee
( ) Yes (X) No ( ) Unknown

This Incident is DRUG related
( ) Yes (X) No ( ) Unknown

Action Taken (828)
( ) Informal Resolution
(✓) Administrative Resolution
( ) Refer to Disciplinary Hearing

466

SOUTH [redacted] ROLINA DEPARTMENT OF CORREC [redacted] NS

INCIDENT REPORT

4/4/08 B

Institution/Center: Lieber					
Date of Report: April 4, 2008					Time of Report: 10:00 am
Reporting Official: Mr. P. Armstrong					Date of Incident: 4/4/08
Location of Incident: Education					Time of Incident: 8:30 am
Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:
1. Frazier, Earl	317645	AH	B	M	1. P. Armstrong
2. Glover, Herbert	310880	CB	B	M	2.
3. Johnson, Derrick	310654	EA	B	M	3.
4. Mack, Terriel	312070	AB	B	M	4.
5.					5.

On the above date and approximate time:

I/M See above , /M, # falls the under twenty one mandatory school policy and has not been attending school. He has received monthly Order toReport(s), but has ignored them. I am charging him with 827:OP 2.15 Refusing to attend the compulsory (Mandatory) program and 828: OP 2.15; Out of Place. Attached are copies of the monthly attendance reports showing his nonattendance.

Signature: [signature]

Evidence: Education monthly attendance record(s)

Witness(es): Officer Emrhein

Supervisor's Comments: As stated the aforce inmates will charged as stated.

Signature: [signature] Title: Capt Date/Time: 4/4/08 3:50 pm

Major/Responsible Authority:

CO: [redacted]

Signature: [signature] Title: Maj Date: 4/5/08

STG Related-Refer to STG Committee
( )Yes ( )No ( )Unknown

This Incident is DRUG related
( )Yes ( )No ( )Unknown

Action Taken
( )Informal Resolution
(✓)Administrative Resolution
( )Refer to Disciplinary Hearing

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE DISCIPLINARY SYSTEM
INFORMAL RESOLUTION/ADMINISTRATIVE RESOLUTION

Inmate Name: Mack, Terrell	**Inmate SCDC Number:** 362070
Number/Type of Violation: (SCDC Form 19-29, "Incident Report" attached) 928 Out of Place	
Date of Violation: 4/16/08	**Institution:** Lieber

I find the inmate committed the charge(s) specified, offer the inmate the option to resolve the violation (place check in appropriate box)

☐ **INFORMALLY** ☒ **ADMINISTRATIVELY**

and impose the following sanction(s):

Sanction		**Number of hours/days of sanction or amount of restitution**
Counseling	(Check box if imposing this sanction)	☑
Instructions or directives	(Check box if imposing this sanction)	☑
Verbal reprimand	(Check box if imposing this sanction)	☑
Extra duty or chores up to 40 hours		_____ Hours
Restriction of recreation time (general population only) up to 30 days		_____ Days
Restriction of canteen, visitation, or other privileges up to 90 days PROPERTY TAKEN		30 Days
Restriction of television viewing and/or radio up to 90 days for Informal Resolution or up to 120 days for Administrative Resolution		_____ Days
Payment of restitution		$
Cell restriction up to 30 days for Informal Resolution or up to 60 days for Administrative Resolution		_____ Days
ADMINISTRATIVE RESOLUTION ONLY: Disciplinary detention up to seven (7) days time in an institutional Special Management Unit.		_____ Days
ADMINISTRATIVE RESOLUTION ONLY: Failure to earn good time		_____ Days

☐ The above sanctions are suspended for (UP TO 90 DAYS) _____ days. If the inmate commits no additional disciplinary infractions during that time period, the sanctions will be lifted and the inmate will not have to serve them. If the inmate commits an additional disciplinary infraction, s/he will have to serve the above sanctions and may be subject to additional disciplinary action.

CAPT. COTE, M.	LIEBER		04/17/08
Major/Responsible Authority (Print Name)	**Institution**	**Signature**	**Date**

INMATE'S ACCEPTANCE OF INFORMAL OR ADMINISTRATIVE RESOLUTION:

This is to certify that I, TERRELL MACK, understand that as a result of the above incident, I have been offered the option to resolve the violation (place check in appropriate box)

☐ **INFORMALLY** ☒ **ADMINISTRATIVELY**

☑ **Yes,** I accept the sanctions listed above. I understand that I have the privilege of requesting this case be referred to a disciplinary hearing, and I waive that privilege. I further agree that by accepting this informal or administrative resolution, I waive all appeals, including those pursuant to Al-Shabazz v. State.

☐ **No,** I **do not** want to accept the sanctions listed above and request that this case be referred to a disciplinary hearing.

04/17/08	S/ Terrell Mack
Date	Inmate's Signature

White: Central Records Green: Institutional Records Goldenrod: Inmate cc: **Financial Accounting (forward copy only when restitution is to be paid)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE DISCIPLINARY SYSTEM
INFORMAL RESOLUTION/ADMINISTRATIVE RESOLUTION

Inmate Name: MACK, TERRIEL	Inmate SCDC Number: 312070
Number/Type of Violation: (SCDC Form 19-29, "Incident Report" attached) 828 OUT OF PLACE	
Date of Violation: 4-4-08	**Institution:** LIEBER

I find the inmate committed the charge(s) specified, offer the inmate the option to resolve the violation (place check in appropriate box)

☐ **INFORMALLY** ☑ **ADMINISTRATIVELY**

and impose the following sanction(s):

Sanction		**Number of hours/days of sanction or amount of restitution**
Counseling	(Check box if imposing this sanction)	☐
Instructions or directives	(Check box if imposing this sanction)	☐
Verbal reprimand	(Check box if imposing this sanction)	☐
Extra duty or chores up to 40 hours		_____ Hours
Restriction of recreation time (general population only) up to 30 days		30 Days
Restriction of canteen, visitation, or other privileges up to 90 days		30 Days
Restriction of television viewing and/or radio up to 90 days for Informal Resolution or up to 120 days for Administrative Resolution		30 Days
Payment of restitution		$
Cell restriction up to 30 days for Informal Resolution or up to 60 days for Administrative Resolution		_____ Days
ADMINISTRATIVE RESOLUTION ONLY: Disciplinary detention up to seven (7) days time in an institutional Special Management Unit.		_____ Days
ADMINISTRATIVE RESOLUTION ONLY: Failure to earn good time		_____ Days

☐ The above sanctions are suspended for (UP TO 90 DAYS) _____ days. If the inmate commits no additional disciplinary infractions during that time period, the sanctions will be lifted and the inmate will not have to serve them. If the inmate commits an additional disciplinary infraction, s/he will have to serve the above sanctions and may be subject to additional disciplinary action.

CHARLES WHITTEN	LIEBER	Charles Whitten	4/9/08
Major/Responsible Authority (Print Name)	**Institution**	**Signature**	**Date**

INMATE'S ACCEPTANCE OF INFORMAL OR ADMINISTRATIVE RESOLUTION:

This is to certify that I, TERRIEL MACK, understand that as a result of the above incident, I have been offered the option to resolve the violation (place check in appropriate box)

☐ **INFORMALLY** ☒ **ADMINISTRATIVELY**

☒ **Yes,** I accept the sanctions listed above. I understand that I have the privilege of requesting this case be referred to a disciplinary hearing, and I waive that privilege. I further agree that by accepting this informal or administrative resolution, I waive all appeals, including those pursuant to Al-Shabazz v. State.

☐ **No,** I **do not** want to accept the sanctions listed above and request that this case be referred to a disciplinary hearing.

4/9/08	S/ Terriel Mack
Date	Inmate's Signature

White: Central Records Green: Institutional Records Goldenrod: Inmate cc: **Financial Accounting (forward copy only when restitution is to be paid)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

469

Page 1 of 1

Institution / Center: Lieber						
Date of Report: 7/23/08					Time of Report: 9:30 p.m. approx	
Reporting Official: Ofc L. Simmons					Date of Incident: 7/23/08	
Location of Incident: Ashley Bldg front door					Time of Incident: 9:00 p.m	
Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:	
1. Mack, Terrell	312070		B	M	1.	
2.					2.	
3. MI3 A06A 49					3.	
4.					4.	
5.					5.	

On the above date and approximate time: I Ofc L. Simmons gave Inm Terrell L. Mack a directive to get dressed to take a drug test in relation to not consume any liquids. Inm Mack Terrell L 312070 went downstairs. I called Inm Mack name several times. Inm Mack 312070 did not answer or respond. Inm Mack Terrell 312070 is being charged with violation of 903

Signature: [signature]

Evidence:

Witness(es):

Supervisor's Comments: Inm Mack is being charged with 903

Signature: [signature] Title: Lt Date/Time: 7/23/08 4:20 p.m.

Major / Responsible Authority:

903.

Signature: [signature] Title: Major Date: 7/24/08

STG Related - Refer to STG Committee
( ) Yes ( ) No ( ) Unknown

This Incident is DRUG related
( ) Yes ( ) No ( ) Unknown

Action Taken

( ) Informal Resolution
( ) Administrative Resolution
( ) Refer to Disciplinary Hearing

SCDC 19-29A (Rev. February 2004)

470

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 14 Inmate Name: Mack, Terrial SCDC#: 312070

Living Area: A564 Job: Custody: M3

Offense Date: 07/23/08 Offense Time: 9:00 AM/PM Institution: Lieber Ashley B-Wing Front Door

Offense Description: (903) The Trafficking and/or Use or Possession of Narcotics, Marijuana, or Unauthorized Drugs, including prescription drugs, or Inhalants; The acutal or constructive possession of any item which was not issued to the inmate officially or which cannot be purchased by him/or in the prison canteen, or which has not been authorized by the Agency Director or Warden. Any inmate testing positive for any unauthorized drug, refusing to submit to a drug test, or failing to produce a specimen within three (3) hours, as specified in SCDC Policy GA-05.03.

Charging Officer/Employee: Simmons, Wilson Title: Ofc Echo

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☒ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING

SMU/SEGREGATION ONLY:

[redacted]

Date & Time Notified: 7/31 0801 AM/PM By (Print): Memphis Stafford

Inmate Signature: [redacted] SCDC#: 312070 Date: 7/31/08

HEARING INFORMATION:

Hearing Date: 8/12/08	Hearing Time: 1:06pm am/pm	Tape: 02068	Side: A/~~B~~	Start: 501	End: 735

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING:

Inm stated he was in his cell and when he came down it was too late

OFFENSE CODES	903			
INMATE PLEA (G, NG, None)	N:G			
FINDINGS (G, NG, DS)	G			

reldate 99-99-99

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: The officer Report Evidence attached to SCDC Form 19-79 and Refusal

HEARING LENGTH: 8 (MINUTES)

SANCTIONS:

Loss of Privileges (Days) _____ Reprimand: _____ Loss of Good Time (days): _____

- * Property (Days) _____ Extra Duty: _____ Restitution: $_____ **
- * Canteen (Days) 360 Visit Suspension Thru 360 1/
- * Other Non-Contact (Days) 360 Cell Restriction (Days): _____
- * Disciplinary Detention (Days): 45 Appeal Rights Given

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: This is the Inm 1st Charge of this nature

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS _____

DATE INMATE PLACED IN PHD / /

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: [redacted] DATE: 8/12/08

HEARING OFFICER (PRINT NAME) Joseph Strickland II

APPROVED/REVERSE/MODIFY [redacted] REASON _____
Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition) Pink - Central Record
**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SCDC 19-69 (Rev. May 2007)

ORIGINAL

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

471

Page 1 of 1

9/4/08

Institution / Center: Lieber	
Date of Report: 8/28/08	Time of Report: 1:00 pm
Reporting Official: Sgt. Franklin Jones	Date of Incident: 8/28/08
Location of Incident: Ashley B- Cell # 64	Time of Incident: Approx 11:55 am

Inmate(s)/Resident: SCDC# Age Race Sex	Employee(s) Involved:
1. Terriel Mack 312070 B/M	1. Sgt. Franklin
2. Thomas Butler 325328 B/M	2. Ofc. Owe
3.	3. Lt. McGhee
4.	4.
5.	5.

RECEIVED
AUG 29 2008
MAJORS OFFICE

On the above date and approximate time: I Sgt. Franklin Jones, while ~~LIBERATING~~ the Inmates on B-wing out of their Cells. Approached Cell # 64, which houses Inmates Terriel Mack # 312070, and Thomas Butler # 325328 to release on Inmate Butler. Inmate Mack was instructed on yesterday morning 8/27/08 that was going to on dead-lock for 24 Hrs, when the wing is release. Inmate Mack attempted to exit the Cell. I then gave him a direct order to step back into Cell, and he refuse to do so. I then unholstered my Top Cop Canister # 31 and administered one burst into his facial area. Inmate Mack then complied and entered his cell. My Supervisor Lt. McGhee along with medical was notified of the incident.

refusing to obey orders.

I/m Terriel Mack # 312070 is being Charge with (825) Failing or

Seen in Medical Debra Austin, RN

Signature: Jones, Sgt.

Beginning weight: 111.1 grams / Ending weight: 106.6 grams / Amount used: 5.5 grams

Evidence:

Witness(es):

MFR # 08-08-0421-0073

Supervisor's Comments: I/M Terriel MACK # 312070 B/M

Will be Charge accordingly

2:10 PM

Signature: Title: Lt. Date/Time: 8/28/08

Major / Responsible Authority:

Signature: Date: 8/29/08

STG Related - Refer to STG Committee
( ) Yes (X) No ( ) Unknown

This Incident is DRUG related
( ) Yes (X) No ( ) Unknown

Action Taken (825)
( ) Informal Resolution
(X) Administrative Resolution
( ) Refer to Disciplinary Hearing

SCDC19-29A (Rev. February 2004)

472

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Operations

REPORT ON THE USE OF FORCE

Date:	Time:	Institution/Building:	Location Within Institution/Bldg.:
8-28-08	1155 am	Lieber Corr. Inst.	Ashley B 64

Employee Involved:
Sgt. Franklin Jones, Lt. Darryl McGhee, Debra Austin RN

Witnesses (4-ACRS-2B-01):

RECEIVED
SEP 10 2008
OPERATIONS

Inmate(s) or Others Involved (Name and SCDC#):
Terriel Mack 312 070

Type Force Used:
(~~x~~ Gas... State Type Tkop Cop #31
( ) Other... Explain (e.g. weapon type)

STATEMENT OF EMPLOYEE (Reason for use of force)

While releasing inmates on Ashley B Wing on above date and approximate time I, Sgt. Franklin Jones approached cell #64 housed by inmates Mack, Terriel #312070 and I/M Butler, Thomas #325328. As I went to release I/M Butler, I/M Mack attempted to exit the cell. He was put on 24 hour dead-lock on Aug. 27, 2008 and the 24 hours had not expired. I gave him a direct order to step back into the cell but he refused to comply. I unholstered my Top Cop and administered a burst to his face. He complied with my directive and was secured in his the cell. Beginning weight 111.1 grams. After use, 106.6 grams for a total of 5.5 grams used.

DATE: 8/28/08 TIME: 1155 pm Signature of Employee:

EXTENT OF INJURY(IES): (This section to be filled out by a Qualified Medical Staff Member.)
Swelling (L) wrist. No SOB or Resp problems R/T Gassing
TREATMENT AFFORDED:
Ice, motrin → send RTS if no improvement
Date: 8/28/08 Time: 1200pm
Signature of Qualified Medical Staff Member: Debra Austin, RN

Shift/Immediate Supervisor Review:

Institutional Division Director Review: 09/16/2008

Warden/Associate Warden/Division Director Review

1

cc: Inspector General
SCDC 19-5 (Rev. January 2003)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE DISCIPLINARY SYSTEM
INFORMAL RESOLUTION/ADMINISTRATIVE RESOLUTION

Inmate Name: Terrel MACK	Inmate SCDC Number: 312070
Number/Type of Violation: (SCDC Form 19-29, "Incident Report" attached) 825 Refusing To obey orders	
Date of Violation: 8-28-8	**Institution:** LIEber

I find the inmate committed the charge(s) specified, offer the inmate the option to resolve the violation (place check in appropriate box)

☐ **INFORMALLY** ☒ **ADMINISTRATIVELY**

and impose the following sanction(s):

Sanction		**Number of hours/days of sanction or amount of restitution**
Counseling	(Check box if imposing this sanction)	☐
Instructions or directives	(Check box if imposing this sanction)	☐
Verbal reprimand	(Check box if imposing this sanction)	☑
Extra duty or chores up to 40 hours		_____ Hours
Restriction of recreation time (general population only) up to 30 days		_____ Days
Restriction of canteen, visitation, or other privileges up to 90 days		_____ Days
Restriction of television viewing and/or radio up to 90 days for Informal Resolution or up to 120 days for Administrative Resolution		_____ Days
Payment of restitution		$
Cell restriction up to 30 days for Informal Resolution or up to 60 days for Administrative Resolution		_____ Days
ADMINISTRATIVE RESOLUTION ONLY: Disciplinary detention up to seven (7) days time in an institutional Special Management Unit.		_____ Days
ADMINISTRATIVE RESOLUTION ONLY: Failure to earn good time		_____ Days

☐ The above sanctions are suspended for (UP TO 90 DAYS) _____ days. If the inmate commits no additional disciplinary infractions during that time period, the sanctions will be lifted and the inmate will not have to serve them. If the inmate commits an additional disciplinary infraction, s/he will have to serve the above sanctions and may be subject to additional disciplinary action.

CHARLES WHITTEN	LIEber	C Randolph White	9/3/8
Major/Responsible Authority (Print Name)	**Institution**	**Signature**	**Date**

INMATE'S ACCEPTANCE OF INFORMAL OR ADMINISTRATIVE RESOLUTION:

This is to certify that I, Terrel mack, understand that as a result of the above incident, I have been offered the option to resolve the violation (place check in appropriate box)

☐ **INFORMALLY** ☑ **ADMINISTRATIVELY**

☑ **Yes,** I accept the sanctions listed above. I understand that I have the privilege of requesting this case be referred to a disciplinary hearing, and I waive that privilege. I further agree that by accepting this informal or administrative resolution, I waive all appeals, including those pursuant to Al-Shabazz v. State.

☐ **No,** I **do not** want to accept the sanctions listed above and request that this case be referred to a disciplinary hearing.

9/3/8	S/ Terrel Mack
Date	Inmate's Signature

White: Central Records Green: Institutional Records Goldenrod: Inmate cc: **Financial Accounting (forward copy only when restitution is to be paid)

SCDC Form 19-106 (February 2004)

474

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

2/8/10

Page 1 of 1

Institution / Center: Lieber	
Date of Report: 2-6-10	Time of Report: Approximate: 10:00 P.M.
Reporting Official: Ofc. Timothy Phillips	Date of Incident: 2-6-10
Location of Incident: Cooper A wing	Time of Incident: Approximate: 7:15pm

Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:
1. Terriel L. Mack	#312070	CA/32	B/m		1. Ofc. Timothy Phillips
2.					2.
3.					3.
4.					4.
5.					5.

On the above date and approximate time: I ofc Phillips was sitting at the ofc. Desk on cooper A wing when inmate Terriel L. Mack #312070 CA/32 B/m approached the desk wanting to talk. Inmate Mack asked about my pay and how happy I was with my salery. Inmate Mack let me know that he didn't want to talk about policy and then proceded to ask if I could bring him in some money. Inmate Mack said He could come up with a plan where I would get paid for bringing him in some money. For the above incident Inmate Mack is being charged with 838 Soliciting Improper Relations. Sgt John Carrall and Cpt Mark Cote were notified.

Signature: Ofc Timothy Phillips

Evidence:

Witness(es):

Supervisor's Comments: Inm MACK CHARGED WITH 838 SOLICITING.

Signature: [signature] Title: CAPT. Date/Time: 2 FEB 10 Approx 5:00 AM

Major / Responsible Authority:

Admin Resolution 2/7/10

Approx 10:30 AM

Signature: [signature]

STG Related - Refer to STG Committee
( ) Yes ( ) No ( ) Unknown

This Incident is DRUG related
( ) Yes ( ) No ( ) Unknown

Action Taken 838

( ) Informal Resolution
(X) Administrative Resolution
( ) Refer to Disciplinary Hearing

CA 475-32

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE DISCIPLINARY SYSTEM
INFORMAL RESOLUTION/ADMINISTRATIVE RESOLUTION

Inmate Name: Terriel L. Mark	Inmate SCDC Number: 312070
Number/Type of Violation: (SCDC Form 19-29, "Incident Report" attached) 838 Soliciting	
Date of Violation: 2-6-10	Institution: Lieber

I find the inmate committed the charge(s) specified, offer the inmate the option to resolve the violation (place check in appropriate box)

☐ **INFORMALLY** ☒ **ADMINISTRATIVELY**

and impose the following sanction(s):

Sanction		Number of hours/days of sanction or amount of restitution
Counseling	(Check box if imposing this sanction)	☐
Instructions or directives	(Check box if imposing this sanction)	☐
Verbal reprimand	(Check box if imposing this sanction)	☐
Extra duty or chores up to 40 hours		_____ Hours
Restriction of recreation time (general population only) up to 30 days		_____ Days
Restriction of ~~canteen~~, visitation, or other privileges up to 90 days		10 Days
Restriction of television viewing and/or radio up to 90 days for Informal Resolution or up to 120 days for Administrative Resolution		_____ Days
Payment of restitution		$
Cell restriction up to 30 days for Informal Resolution or up to 60 days for Administrative Resolution		10 Days
ADMINISTRATIVE RESOLUTION ONLY: Disciplinary detention up to seven (7) days time in an institutional Special Management Unit.		_____ Days
ADMINISTRATIVE RESOLUTION ONLY: Failure to earn good time		_____ Days

☐ The above sanctions are suspended for (UP TO 90 DAYS) _____ days. If the inmate commits no additional disciplinary infractions during that time period, the sanctions will be lifted and the inmate will not have to serve them. If the inmate commits an additional disciplinary infraction, s/he will have to serve the above sanctions and may be subject to additional disciplinary action.

CHARLES WHITTEN	LIEBER	[signature]	2/7/10
Major/Responsible Authority (Print Name)	Institution	Signature	Date

INMATE'S ACCEPTANCE OF INFORMAL OR ADMINISTRATIVE RESOLUTION:

This is to certify that I, Terriel, Mark, understand that as a result of the above incident, I have been offered the option to resolve the violation (place check in appropriate box)

☐ **INFORMALLY** ☒ **ADMINISTRATIVELY**

☒ **Yes,** I accept the sanctions listed above. I understand that I have the privilege of requesting this case be referred to a disciplinary hearing, and I waive that privilege. I further agree that by accepting this informal or administrative resolution, I waive all appeals, including those pursuant to Al-Shabazz v. State.

☐ **No,** I **do not** want to accept the sanctions listed above and request that this case be referred to a disciplinary hearing.

2/7/10	S/ Terriel Mark
Date	Inmate's Signature

White: Central Records Green: Institutional Records Goldenrod: Inmate cc: **Financial Accounting (forward copy only when restitution is to be paid)

SCDC Form 19-106 (February 2004)

476

INCIDENT REPORT

Institution / Center: Lieber

Date of Report: 2/19/10 Time of Report: 2:38pm approx

Reporting Official: ofc Stacey Stein Date of Incident: 2/19/10

Location of Incident: Cooper A Rm 32 Time of Incident: 2:25pm approx

Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:
1. Mack Terriel	312070		B	M	1.
2.					2.
3.					3.
4.					4.
5.					5.

On the above date and approximate time:

ofc Stacey Stein was conducting count on the Cooper A wing. when ofc Stein approached room 32, Inmate Mack Terriel Scdc # 312070 was standing at the door with his penis exposed rubbing it in a back and forth motion ~~Inmate Mack~~ I ofc Stein completed the count of A wing and then asked inmate Mack for his identification for verification. Inmate Mack Terriel Scdc #312070 is being charged with exhibitionism and public masterbation - 854

Signature: [signature]

Evidence:

Witness(es):

Supervisor's Comments: I/m Mack is being charge as stated above

Signature: [signature] Title: Lt Date/Time: After 3:50 p.m. 2-19-10

Major / Responsible Authority:

(854)

Signature: [signature] Title: A/W Date: 2/22/10

STG Related - Refer to STG Committee
( ) Yes (X) No ( ) Unknown

This Incident is DRUG related
( ) Yes (X) No ( ) Unknown

Action Taken (854)

( ) Informal Resolution
( ) Administrative Resolution
(X) Refer to Disciplinary Hearing

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case No. 2010-[illegible] Inmate Name: Mack, Terriel SCDC#: 312070

Living Area: CA32 Job: Custody: M3

Offense Date: 02/19/10 Offense Time: 1:25 AM/PM Institution: Lieber Cooper A-32

Offense Description: (854) Exhibitionism and Public Masturbation: (1) Engaging in acts of indecent and/or unnecessary exposure of genitals or other private body parts to a staff member or other persons; or (2) engaging in acts of masturbation or any manual stimulation of one's exposed or unexposed genitals in a public setting, or in theview of a staff member or other person. A conviction of this charge will result in a loss of the inmate's visitation privileges EX for one (1) year.

Charging Officer/Employee: Stein, Stacy Title: Ofc A-1

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☒ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☒ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING
- SMU/SEGREGATION ONLY
- ☒ I WANT A COUNSEL SUBSTITUTE
- ☐ I DO NOT WANT A COUNSEL SUBSTITUTE

Date & Time Notified: 2/20/10 [illegible] AM/PM By (Print): [illegible]

Inmate Signature: [illegible] SCDC#: [illegible] Date: 2/20/10

HEARING INFORMATION:

Hearing Date: 3/11/10	Hearing Time: 10:02 am/pm	Tape: 10-013	Side: B	Start: 089	End: 238

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE, IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING.

I'm wanted Sgt Smith as witness, Sgt Smith provided a statement to Mr. Mims which was read into records.

OFFENSE CODES	854			
INMATE PLEA (G, NG, None)	NG	I		
FINDINGS (G, NG, DS)	G			

Time called 3 Max out 99-99-99 9:55 am

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: The officers Report & Testimony

HEARING LENGTH: 8 (MINUTES)

SANCTIONS: 1 yr PNK.

Loss of Privileges (Days):
- * Property (Days) 180 + 180
- * Canteen (Days) 180 + 180
- * Other TV (Days) 180 + 180
- * Disciplinary Detention (Days): 180

Reprimand:
Extra Duty:
Visit Suspension Thru 3/01/20[illegible]
Cell Restriction (Days):

Loss of Good Time (days):
Restitution: $ **

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: This is the 2nd charge of this nature within 2yrs

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS

DATE INMATE PLACED IN PHD / /

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: [illegible] DATE: 3/11/10

HEARING OFFICER (PRINT NAME) [illegible]

APPROVED/REVERSE/MODIFY [illegible] REASON
Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record
Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition)
Pink - Central Record

**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SCDC 19-69 (Rev. May 2007)

478

INCIDENT REPORT

Page of

Institution / Center: Lieber C I	
Date of Report: 3-10-10	Time of Report: 630 Am
Reporting Official: Jeanette Maxley	Date of Incident: 3-10-10
Location of Incident: Cooper A	Time of Incident: 545 Am

Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:
1. Mack Terriel	312070	B	M		1. Jeanette Maxley
2.					2.
3.					3.
4.					4.
5. Mack Terriel	312070	B	M		5.

On the above date and approximate time:

On 3-10-10 Wednesday at Approximately 545 Am while collecting sheets, I Officer Jeanette Maxley happened to see inmate Mack Terriel masterbating with his right hand in an up and down motion I/M Mack Terriel 312070 BM is being charged with (854) Public Masterbation

Signature: Jeanette Maxley

Evidence:

Witness(es):

Supervisor's Comments: I/M Mack being Charged as indicated above and Placed in the Max Holding Cell per Capt Brightharp. I/M Mack is a threat to Female Staff. Approx 7:00 Am

Signature: [illegible] Title: SGT Date/Time: 3-10-10

Major / Responsible Authority:

(854)

Signature: Fred B Hughes Title: A/W Date: 3/10/10

STG Related - Refer to STG Committee
( ) Yes (X) No ( ) Unknown

This Incident is DRUG related
( ) Yes (X) No ( ) Unknown

Action Taken (854)
( ) Informal Resolution
( ) Administrative Resolution
(X) Refer to Disciplinary Hearing

SCDC 19-24A (Rev. February 2004)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

Institution/Center: Lieber Correctional

Date of Report: 3-10-10 | Time of Report: approx 6:35 am

Reporting Official: Ofc Ronald Metts | Date of Incident: 3-10-10

Location of Incident: Cooper A-wing | Time of Incident: approx ~~6~~ 5:50 am

Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:
1. Mack, Terriel	312070		B	M	1. Ofc D. Mosley
2.					2. Ofc P. High
3.					3. Sgt Lumpkins
4.					4.
5. MB 3/CD 30/14 j					5.

On the above date and approximate time: I, Ofc Ronald Metts, was advised by Ofc D. Mosley that inmate Terriel Mack SCDC 312070 B/m was masturbating at her. Myself and Ofc Mosley entered A-wing and did not see him. When B-1 shift arrived Ofc P. High and myself got Inm Mack and had Sgt. Lumpkins escort him to operations.

Signature: Ofc R Metts

Evidence:

Witness(es):

Supervisor's Comments: Inm Mack Placed in the Max holding

Approx - 7:00 pm

Signature: [illegible] Title: Lt Date/Time: 3-10-10

Major / Responsible Authority:

Signature: Title: Date:

STG Related - Refer to STG Committee
( ) Yes ( ) No ( ) Unknown

This Incident is DRUG related
( ) Yes ( ) No ( ) Unknown

Action Taken

( ) Informal Resolution
( ) Administrative Resolution
( ) Refer to Disciplinary Hearing

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 321 Inmate Name: Mack, Terrial SCDC#: 312070

Living Area: Max A 122 Job: Custody: DD3

Offense Date: 3/10/10 Offense Time: 545 AM/PM Institution: Lieber Cooper A Wing

Offense Description: (854) Exhibitionism and Public Masturbation: (1) Engaging in acts of indecent and/or unnecessary exposure of genitals or other private body parts to a staff member or other person; or (2) engaging in acts of masturbation or any manual stimulation of one's exposed or unexposed genitals in a public setting, or in the view of a staff member or other person. A conviction of this charge will result in a loss of the inmate's visitation privileges MX for one (1) year.

Charging Officer/Employee: Jeanette Moxley Title: Ofc.

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☑ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING

SMU/SEGREGATION ONLY

- ☑ I WANT A COUNSEL SUBSTITUTE
- ☐ I DO NOT WANT A COUNSEL SUBSTITUTE

Date & Time Notified: 3/18/2010 8:42 AM/PM By (Print): Cpl John G... / Ofc. James Jones

Inmate Signature: Terrial Mack SCDC#: 312070 Date: 3/18/2010

HEARING INFORMATION:

Hearing Date: 3/25/10	Hearing Time: 8:55 am am/pm	Tape: 10 016	Side: A	Start: 047	End: 219

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING

The states he was NG and the officer report did not go far enough to convict him.

OFFENSE CODES	854				Rel. Date 9999
INMATE PLEA (G, NG, None)	N.G				
FINDINGS (G, NG, DS)	G				

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: The officer report Testimony of the accuser

HEARING LENGTH: 8 (MINUTES)

SANCTIONS: 1yr pink suit

Loss of Privileges (Days)
- Property (Days) 180+180
- Canteen (Days)
- Other Phone (Days) 180+180
- Disciplinary Detention (Days): 180

Reprimand:
Extra Duty:
Visit Suspension Thru 360/1180
Cell Restriction (Days):

Loss of Good Time (days):
Restitution: $ **

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: This is the 2nd charge of this nature with 2yrs

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS 15

DATE INMATE PLACED IN PHD 3/10/10

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: Terrial Mack DATE: 3/25/10

HEARING OFFICER (PRINT NAME): [illegible]

APPROVED/REVERSE/MODIFY [illegible] REASON
Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition) Pink - Central Record
** (Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SCDC 19-60.2 Revised May 2007

312070 481

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF CLASSIFICATION AND INMATE RECORD

PRE-HEARING DETENTION PLACEMENT/EXTENSION

PHD EXTENSION

Inmate Name _____ SCDC # _____

Date: ___/___/___

Reason for Extension:

RECEIVED
MAR 11 2010
MAJOR'S OFFICE
LIEBER C.I.

Length of Extension: (up to 10 days only) _____

Requesting Official: _____ Title: _____

Approved/Disapproved: _____ Date: ___/___/___
Warden/Duty Warden

NOTICE OF PLACEMENT IN PHD

Inmate Name: Terriel Mack **SCDC#:** 312070 **Custody:** _____

Reason for Placement in PHD:
- ☐ Current Escape Risk
- ☐ Maintain the Integrity of an Investigation
- ☐ Protective Concerns
- ☑ Inmate is a threat to the physical safety of other inmates or staff
- ☐ Inmate's presence in the population would create a threat to the safety, security, and/or order of the institution

Female

S/ Wm. Braithwaite
Warden, Associate Warden, Major, Captain,

Date 3/10/10 Time: 7:07 AM/PM

I certify that I was given a copy of this notice within 72 hours of my placement in PHD. I also certify that this notice is clear and readable and that I will appear before the Institutional Classification Committee within seven (7) calendar days of my placement in PHD.

Inmate/Witness Signature: Terriel Mack Date 3/10/10 Time: 3:00 AM/PM

Serving Officer/
Witness Signature: Raydell Dean Date 3/10/10 Time: 3:00 AM/PM

SCDC 19-67 (Rev., August 1999) White: Institutional Record
Canary: Central Record
Pink: Inmate

482

ORIGINAL

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

5/7/10 B

Institution / Center:	Lieber / SMU
Date of Report:	29 April 2010
Time of Report:	approx 745pm
Reporting Official:	Sergeant Marado Smalls
Date of Incident:	29 April 2010
Location of Incident:	SMU - Max cell 122
Time of Incident:	approx 720 pm

Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:
23 1. JW Miller III / MA122	330546		B	M	1. Ofc Skyler Norris
2.					2. Ofc David Hall
22 3. Terriel Mack / MA122	312070		B	M	3. Cpl Justin Aranda
4.					4. Lt. Roger Stewart
5.					5. Nurse Shana Morrall

On the above date and approximate time: On April 29, 2010 at approx 720 pm I, Sergeant Marado Smalls was called to A-wing by Officer Skyler Norris. I was then informed the following Inmate had fallen and hit his head in cell MA122. JW Miller III Blk SCDC# 330546, seemed to be having a seizure. His cellmate Terriel Mack Blk SCDC# 312070 was restrained after the seizure had stopped. I, Sgt Smalls was assisted by Officer David Hall and Corporal Justin Aranda to enter the cell. At that time Blk Mack exited the cell and restraints were placed on Blk Miller. (Security Handcuffs and Belly Iron). He was not responding well and could not remember his SCDC# or where he was at. Nurse Shana Morrall and Lieutenant Roger Stewart was then informed. Nurse Morrall stated that Blk Miller's actions were not normal and asked him three times if he had taken anything. He replied No. At that time a cell search was conducted and (6) six pills were found in the legal box of Blk Mack by Cpl Aranda. It was verified that (2) two pills were not prescribed for either Inmate: Neurontin 400mg - multi color / Neurontin 300mg - yellow. The other (4) four were Nortriptilyne 50mg - white / which are for Blk Mack and are dose by dose. Both Inmates were secured in their cell afterward.

Signature: Marado O. Smalls

Evidence: (1) Neurontin / 300 mg and (1) Neurontin / 400 mg also (4) Nortriptilyne / 50 mg each

Witness(es):

Supervisor's Comments: True Statement. Both Inm will be charged as Stated.

Signature: [signature] Title: LT Date/Time: 4-29-10 Approx 9:30pm

Major / Responsible Authority: (817)

Signature: [signature] Title: A/W Date: 4/30/2010

STG Related - Refer to STG Committee
( ) Yes ( ) No ( ) Unknown

RECEIVED
MAY 03 2010
MAJOR'S OFFICE
LIEBER C.I.

This Incident is DRUG related
(X) Yes ( ) No ( ) Unknown

Action Taken (817)

( ) Informal Resolution
( ) Administrative Resolution
(X) Refer to Disciplinary Hearing

SCDC19-29A (Rev. February 2004)

SC H CAROLINA DEPARTMENT OF CC ECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case: 22 Inmate Name: Mack, terriel SCDC#: 312070

Living Area: MA122 Job: Custody: DD3

Offense Date: 04/29/10 Offense Time: 7:20 XX:PM Institution: Lieber SMU A-122

Offense Description: (817) Possession of Contraband: The possession of any unauthorized, altered or excessive property, including money, tobacco products, gambling paraphernalia, unauthorized publications and unauthorized clothing. The possession of tobacco in a quantity larger than 40 gram is enough to reasonably assume that the intent of th possession was for distrubutiaon to other inmates and can be heard as a major disciplinary. Unauthorized property is any item to include keys not assigned to the inmate by the Department or purchased by the inmate from the canteen.

Charging Officer/Employee: X MSmalls, Marado Title: Sgt XXXX B-2

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☑ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING SMU/SEGREGATION ONLY
- ☑ I WANT A COUNSEL SUBSTITUTE
- ☐ I DO NOT WANT A COUNSEL SUBSTITUTE

Date &Time Notified: 05/07/10 7:50 AM/PM By (Print): Sgt. WAYNE NUNNERY

Inmate Signature: [signature] SCDC#: 312070 Date: 05/07/10

HEARING INFORMATION: 5-3-10 9:05 am

Hearing Date: 5/27/10	Hearing Time: 9:33 am am/pm	Tape: 10-032	Side: B	Start: 000	End: 140

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING

OFFENSE CODES	817				
INMATE PLEA (G, NG, None)	NG				
FINDINGS (G, NG, DS)	G				

6-3-10
maxout
99-99-99

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: The officer Report evidence attached to same form 5-21 (Photo 4 19-74)

HEARING LENGTH: 8 (MINUTES)

SANCTIONS:

Loss of Privileges (Days)
- * Property (Days)
- * Canteen (Days) 30
- * Other None (Days) 30
- * Disciplinary Detention (Days):

Reprimand:
Extra Duty: GP
Visit Suspension Thru 20/ /
Cell Restriction (Days):

Loss of Good Time (days):
Restitution: $ **

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: Several attempts made [illegible] Supervisor was contacted. This is the 2nd 1st offense of this nature

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS

DATE INMATE PLACED IN PHD / /

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: DATE: 5/27/10

HEARING OFFICER (PRINT NAME) Sonny J. Blackwell

APPROVED/REVERSE/MODIFY [signature] REASON
Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record
Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition)
Pink - Central Record

**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SCDC 19-69 (Rev. May 2007)

1484 ORIGINAL

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT SUPPLEMENT

Institution/Center: Lieber / SMU	Date of Report: 29 April 2010
Reporting Official: Sgt Marado Smalls	Date of Incident: 29 April 2010
Location of Incident: SMU - Max cell 122	Time of Incident: approx 720 pm

Inmate(s)/Resident(s) SCDC# Age Race Sex	Employee(s) Involved
1.	1.
2.	2.
3.	3.

Details of Incident: Inm Mack admitted that the (4) four Nortriptilyne were his and that he will be charged with possession of contraband for having more than were prescribed for him. Nurse Morrall stated that the signs and symptoms that Inm Miller were having is a reaction from the Nortriptilyne. Therefore he also will be charged.

Inmate JW Miller III B/M SCDC# 330546 and Inmate Terriel Mack B/M SCDC# 312070 of cell A 122 are charged with the Possession of Contraband (817) for having Medications not prescribed. Lt. Stewart was informed The charge of Possession of Narcotic was not issued because the medications are not considered a narcotic. Nurse Brenda Kaey verified it along with Nurse Shana Morrall.

RECEIVED
MAY 03 2010
MAJOR'S OFFICE
LIEBER C.I.

00025
3.3.11
RDB

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

12.8

SO227A
ST3

RECEIVED
FEB 25 2011
BRCI MAJOR'S OFFICE

485

Page of

Institution / Center: BRCI					
Date of Report: 2-23-11				Time of Report: 7:60 PM	
Reporting Official: OFC. L. COOK 043193				Date of Incident: 2-23-11	
Location of Incident: Saluda A-wing Cell 227				Time of Incident: Approx 5:10 pm	
Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:
1. Mack Terriel	312070		B	M	1.
2.					2.
3.					3.
4.					4.
5.					5.

On the above date and approximate time: At approximately 5:10pm during feeding of the Saluda unit I approached cell 227 inmate Mack, Terriel 312070 threw a liquid substance that made contact with my face shield. I used 10p Cap chemical munitions to gain control of the situation. Inmate backed away from the flap and I quickly secured it without any further incident. Notified Sgt. Glass of incident.

STARTING Weight 67 GRAMS
~~Ending~~ Weight 0 GRAMS
Total Used 67 GRAMS

Signature: Larry Cook

Evidence:

Witness(es):

Supervisor's Comments: Forward to Major Sutton for further action

Signature: [signature] Title: LT Date/Time: 2/23/11 7:37 PM

Major / Responsible Authority: 813 Throwing Substance on an Employee

Signature: [signature] Title: Captain Date: 2-25-11

STG Related - Refer to STG Committee
( ) Yes ( ) No (✓) Unknown

This Incident is DRUG related
( ) Yes ( ) No (✓) Unknown

Action Taken

( ) Informal Resolution
( ) Administrative Resolution
(✓) Refer to Disciplinary Hearing

SCDC19-29A (Rev. February 2004)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 00025 Inmate Name: Mack, Terriel SCDC#: 312070

Living Area: SQ227A Job: Locked-Up Custody: ST3

Offense Date: 02/23/11 Offense Time: 5:10 AM/PM Institution: BRCI

Offense Description: 813/Throwing of any Substance or Object on an SCDC Employee or other Government Employee, Contract Employee, or Volunteer:...

Charging Officer/Employee: ~~[redacted]~~ L. Cook Title: Ofc

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☒ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☐ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING
- SMU/SEGREGATION ONLY
- ☐ I WANT A COUNSEL SUBSTITUTE
- ☐ I DO NOT WANT A COUNSEL SUBSTITUTE

C.S. T James

Date & Time Notified: 3/7/11 1:55 AM/PM By (Print): Bunch

Inmate Signature: _____ SCDC#: _____ Date: 3/7/11

HEARING INFORMATION:

Hearing Date: 3/15/11	Hearing Time: 11:00 am/pm	Tape: 001-002	Side: A	Start: 406	End: 492

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING

OFFENSE CODES	813			
INMATE PLEA (G, NG, None)	NG			
FINDINGS (G, NG, DS)	G			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: _____

HEARING LENGTH: 7 (MINUTES)

SANCTIONS:

Loss of Privileges (Days) _____ Reprimand: _____ Loss of Good Time (days): _____

- * Property (Days) 120
- * Canteen (Days) 120
- * Other Phone (Days) 120
- * Disciplinary Detention (Days): 120

Extra Duty: _____ Restitution: $_____ **

Visit Suspension Thru 1/1/2012

Cell Restriction (Days): _____

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: Nature of the offense

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS _____

DATE INMATE PLACED IN PHD _____

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: Terriel Mack DATE: 3/15/11

HEARING OFFICER (PRINT NAME) Ernest Kinard

APPROVED/REVERSE/MODIFY _____ REASON _____

Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record — Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition) — Pink - Central Record

**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

S-227

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OPERATIONS
SPECIAL MANAGEMENT CONFISCATION REPORT & REVIEW

Inmate Name: Terrel Mack SCDC#: 312070 MH Level:

Offense Incident On: 2/23/11 at ~~a.m.~~ p.m., the above referenced inmate was found to have ~~damaged/destroyed the following property item(s):~~ Thrown Liquid Substance on Employee

This item(s) was confiscated on 2/23/11 at

(Signature of Unit Supervisor)

Committee Review: The ICC met on 2/24/11 and recommends that the above property items(s):

- [x] Remain confiscated for a period of 3 days
- [ ] Returned to the inmate

S/ D. W. Whitaker (ICC Chairperson)

Disciplinary Hearing: On / / at a.m./p.m., the above referenced inmate was found to have damaged/destroyed the following property item(s):

This item(s) was confiscated on / / at

(Signature of Unit Supervisor)

Warden's Review: The ICC met on 2/28/11 and recommends that the above property items(s):

- [ ] Remain confiscated for a period of days
- [x] Returned to the inmate

S/ D. W. Whitaker (ICC Chairperson/designee)

Subsequent Reviews:

Week 2: The ICC met on / / and recommends that the above property items(s):

- [ ] Remain confiscated for a period of days
- [ ] Returned to the inmate

S/ (ICC Chairperson/designee)

Week 3: The ICC met on / / and recommends that the above property items(s):

- [ ] Remain confiscated for a period of days
- [ ] Returned to the inmate

S/ (ICC Chairperson/designee)

Week 4: The ICC met on / / and recommends that the above property items(s):

- [ ] Remain confiscated for a period of days
- [ ] Returned to the inmate

S/ (ICC Chairperson/designee)

Week 5: The ICC met on / / and recommends that the above property items(s):

- [ ] Remain confiscated for a period of days
- [ ] Returned to the inmate

S/ (ICC Chairperson/designee)

cc: Institutional Record
Central Record
ICC Chairperson

SCDC Form 19-40 (April, 1997)

5/20/10

487

00026
4883-3-11
RJB

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT 50227A
12.8 ST3

RECEIVED
FEB 24 2011
BRCI MAJOR'S OFFICE

Institution / Center:	BRCI				
Date of Report:	2/23/2011			Time of Report:	6:05 pm
Reporting Official:	Sgt Furman R Glass #048462			Date of Incident:	2/23/2011
Location of Incident:	Saluda / CELL# 227			Time of Incident:	5:25 pm
Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:
1. Terrill Mack	312070		B	M	1. Furman R Glass 048462
2.					2.
3.					3.
4.					4.
5.					5.

On the above date and approximate time: While serving evening dinner I/m Mack, Terrill ~~sex~~ RM #227 would NOT pull his arm in after he got his food. ~~I~~ I (Sgt Glass) Had I/m Mack T spray with Chemical spray and while Try To get his arm out of The Food Flap I/m Mack grabbed my arm and cut me with his nail. LT Parker Has BEEN Informed of The IncidenT.

Signature: Sgt Furman R Glass

Evidence:

Witness(es):

Supervisor's Comments: Report forwarded to the Major for action

Signature: [signature] Title: CPT. Date/Time: 2-23-11 7:00pm

Major / Responsible Authority: 807 Striking Employee

Signature: [signature] Title: Captain Date: 2-28-11

STG Related - Refer to STG Committee
( ) Yes ( ) No (X) Unknown

This Incident is DRUG related
( ) Yes ( ) No (X) Unknown

Action Taken

( ) Informal Resolution
( ) Administrative Resolution
( ) Refer to Disciplinary Hearing

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 00026 Inmate Name: Mack, Terril SCDC#: 312070

Living Area: S0227A Job: Locked-Up Custody: ST3

Offense Date: 02/23/11 Offense Time: 5:25 AM/PM Institution: BRCI

Offense Description: 807/Striking an SCDC Employee or other Government Employee, Contract Employee, Volunteer, or Members of the Public:...

Charging Officer/Employee: F. Glass Title: Sgt

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☑ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING SMU/SEGREGATION ONLY
- ☑ I WANT A COUNSEL SUBSTITUTE
- ☐ I DO NOT WANT A COUNSEL SUBSTITUTE

Date & Time Notified: 3/7/11 2:05 AM/PM By (Print): Bunch C.S. J Jeanes

Inmate Signature: _____ SCDC#: _____ Date: __/__/__

HEARING INFORMATION:

Hearing Date: 3/15/11	Hearing Time: 11:26 am/pm	Tape: 11-006	Side: A	Start: 492	End: 616

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING

OFFENSE CODES	807			
INMATE PLEA (G, NG, None)	NG			
FINDINGS (G, NG, DS)	G			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: _____

HEARING LENGTH: 8 (MINUTES)

SANCTIONS:

Loss of Privileges (Days): _____
* Property (Days) _____
* Canteen (Days) 180 ; 270
* Other Phone (Days) 180; 270
* Disciplinary Detention (Days): 270

Reprimand: _____
Extra Duty: _____
Visit Suspension Thru __/__/180; 270
Cell Restriction (Days): _____

Loss of Good Time (days): _____
Restitution: $_____ **

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: Value of the Offense

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS _____

DATE INMATE PLACED IN PHD __/__/__

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: _____ DATE: 3/15/11

HEARING OFFICER (PRINT NAME) Steve Kline

APPROVED/REVERSE/MODIFY _____ REASON _____
Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record — Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition) — Pink - Central Record
**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SCDC 19-68 (Rev. May 2007)

490 00027 – 815
00028 – 825
3-3-11
RDB

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT 50227A

12.8 9T3 Page of

Institution / Center:	BRCI				
Date of Report:	2/23/11			Time of Report:	7:30 pm
Reporting Official:	Lt. E Hambrick			Date of Incident:	2/23/2011
Location of Incident:	Saluda 227			Time of Incident:	6:10 pm
Inmate(s)/Resident:	SCDC#	Age	Race Sex	Employee(s) Involved:	
1. Mack, Terriel	312070	Sal-227	B/m	1.	
2.				2.	
3.				3.	
4.				4.	
5.				5.	

On the above date and approximate time: I Lt. E Hambrick gave Inmate Mack Terriel #312070 Saluda 227 to back up to the cell door to be restrained. I/m Mack refused and said come in & get me. At that time I/m Mack had his jacket, jumpsuit and sheets tied to the cell door and bed so the door could not open. I Lt. E Hambrick gave I/m Mack several more directives to remove those items and back up to the door. I/m Mack refused again and said come and get me. I Lt. Hambrick then Administered 30.0 grams of MK-9 Foggon to the facial area of I/m Mack Terriel

Signature: Lt. E Hambrick

Evidence:

Witness(es):

Supervisor's Comments: Refer to Major Sutton for Further Action

Signature: [signature] Title: LT Date/Time: 2/23/11 8:00 pm

Major / Responsible Authority: 815 Evading Security Device; 825 Refusing to obey. Being refered to DHO because of the seriouness of incident.

Signature: [signature] Title: Captain Date: 2-28-11

STG Related - Refer to STG Committee
( ) Yes ( ) No ( ) Unknown

This Incident is DRUG related
( ) Yes ( ) No ( ) Unknown

Action Taken

( ) Informal Resolution
( ) Administrative Resolution
(✓) Refer to Disciplinary Hearing

SCDC19-29A (Rev. February 2004)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 00027 00028 Inmate Name: Mack, Terriel SCDC#: 12070

Living Area: SO227A Job: Locked-Up Custody: ST3

Offense Date: 02/23/11 Offense Time: 6:10 AM/PM Institution: BRCI

Offense Description: 00027/815/Evading a Security Device:....

00028/825/Refusing or Failing to Obey Orders:....

Charging Officer/Employee: E. Hambrick Title: Lt

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☐ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING SMU/SEGREGATION ONLY
- ☐ I WANT A COUNSEL SUBSTITUTE
- ☐ I DO NOT WANT A COUNSEL SUBSTITUTE

Date &Time Notified: 3/7/11 2:05 AM/PM By (Print): C.S. James Burch

Inmate Signature: _____ SCDC#: _____ Date: __/__/__

HEARING INFORMATION:

Hearing Date: 3/15/11	Hearing Time: 10:45 am/pm	Tape: 11-006	Side: A	Start: 329	End: 404

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING.

OFFENSE CODES	815	827		
INMATE PLEA (G, NG, None)	NG	NG		
FINDINGS (G, NG, DS)	G	G		

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: _____

HEARING LENGTH: 9 (MINUTES)

SANCTIONS:

Loss of Privileges (Days) _____
- * Property (Days) _____
- * Canteen (Days) 90/120/180/270/360
- * Other Phone (Days) 90/120/180/270/360
- * Disciplinary Detention (Days): 30/120/160

Reprimand: _____
Extra Duty: _____
Visit Suspension Thru __/__/90/120/180/270/360
Cell Restriction (Days): _____

Loss of Good Time (days): _____
Restitution: $_____**

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: Nature of the offense

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS _____

DATE INMATE PLACED IN PHD __/__/__

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: _____ DATE: 4/1/11

HEARING OFFICER (PRINT NAME): Ernest Rowe

APPROVED/REVERSE/MODIFY _____ REASON _____
Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record
Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition)
Pink - Central Record

**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SCDC 10-80 (Rev. May 2007)

#00029
4923.15.11
EAB

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT SO227A ST3

12.8

RECEIVED
MAR 14 2011
BRCI MAJOR'S OFFICE

Page of

Institution / Center: BRCI					
Date of Report: 3/13/11				Time of Report: 1100 AM	
Reporting Official: Sgt Furman R GLASS 048462				Date of Incident: 3/13/11	
Location of Incident: Saluda, SMU, Cell 227				Time of Incident: 945 AM	
Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:
1. Mack, Terrell	312070		B	M	1. Sgt Furman R GLASS 048462
2.					2.
3.					3.
4.					4.
5.					5.

On the above date and approximate time: While doing rounds on A-Wing upper level of Saluda (SMU). I/m Mack, Terrell SCDC # 312070 Rm # 227 ask to talk To me (Sgt GLASS). AT ThaT Time I/m Mack, T. Told me (Sgt GLASS) AND I (Sgt GLASS) quote "The Frist chance I (I/m MACK) get "I Am going To Kill your cracker ASS." I did NOT reply AND left and Than I wrote This Incident report. LT Parker has been informed of the situation.

Signature: Sgt Furman R Glass

Evidence:

Witness(es):

Supervisor's Comments: FORWARD to Major Sutton to Disciplinary

Signature: [signature] Title: Lt Date/Time: 3/13/11 5:00 pm

Major / Responsible Authority: 809 Threatening Employee

Signature: [signature] Title: Captain Date: 3-14-11

STG Related - Refer to STG Committee
( ) Yes (X) No ( ) Unknown

This Incident is DRUG related
( ) Yes (X) No ( ) Unknown

Action Taken

( ) Informal Resolution
( ) Administrative Resolution
(X) Refer to Disciplinary Hearing

SCDC19-29A (Rev. February 2004)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 00019 Inmate Name: Mack, Terrell SCDC#: 312070

Living Area: 60237A Job: Locked-Up Custody: ST3

Offense Date: 03/13/11 Offense Time: 9:45 AM/PM Institution: BRCI

Offense Description: 809/Threatening to Inflict Harm on/Assaulting an Employee and/or Members of the Public....

Charging Officer/Employee: F. Glass Title: Sgt

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☐ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING SMU/SEGREGATION ONLY
- ☐ I WANT A COUNSEL SUBSTITUTE
- ☐ I DO NOT WANT A COUNSEL SUBSTITUTE

C.S.G. Hubbard

Date & Time Notified: 3/16/11 3:07 AM/PM By (Print): Bunch

Inmate Signature: _____ SCDC#: _____ Date: / /

HEARING INFORMATION:

Hearing Date: 3/22/11	Hearing Time: 1:15 am/pm	Tape: 011-007	Side: A	Start: 347	End: 434

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING

OFFENSE CODES	809			
INMATE PLEA (G, NG, None)	NG			
FINDINGS (G, NG, DS)	G			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: _____

HEARING LENGTH: 8 (MINUTES)

SANCTIONS:

Loss of Privileges (Days) _____
- * Property (Days) _____
- * Canteen (Days) 15D + 15D
- * Other Phone (Days) 15D + 15D
- * Disciplinary Detention (Days): 14D

Reprimand: _____
Extra Duty: _____
Visit Suspension Thru 1/1/2012 15D
Cell Restriction (Days): _____

Loss of Good Time (days): _____
Restitution: $_____**

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: Nature of the offense

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS _____

DATE INMATE PLACED IN PHD / /

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: _____ DATE: _____

HEARING OFFICER (PRINT NAME) _____

APPROVED/REVERSE/MODIFY _____ REASON _____
Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record
Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition)
Pink - Central Record

**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SCDC 19-69 (Rev., May 2007)

#00030
4945.11
AB

MH4

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

RECEIVED

APR 22 2011

INCIDENT REPORT 50227A DD3 12.8

Institution / Center: Broad River	BRCI MAJOR'S OFFICE
Date of Report: 4/21/11	Time of Report: 11:00pm
Reporting Official: Sgt. K. Fogle #041317	Date of Incident: 4/21/11
Location of Incident: A- Top-Tier solata	Time of Incident: 10:30pm

Inmate(s)/Resident: SCDC# Age Race Sex	Employee(s) Involved:
1. Terriel Mack 312070 Rm#227BM	1. Nurse R. Foster
2.	2.
3.	3.
4.	4.
5.	5.

On the above date and approximate time: I Sgt. K. Fogle was escorting Nurse Foster on A- Top Tier to pass medication. When we came upon cell #227, I/m Terriel Mack SCDC# 312070, was at his flap masturbating with his right hand in a back and forth motion.

Signature: K. Fogle (#041317)

Evidence:

Witness(es):

Supervisor's Comments: I/m Mack will be Charged Accordingly

Signature: Donnie Robi Title: CPT Date/Time: 4-22-11 AM

Major / Responsible Authority:

854

Signature: [illegible] Title: Major Date: 4/23/11

STG Related - Refer to STG Committee
( ) Yes (✓) No ( ) Unknown

This Incident is DRUG related
( ) Yes (✓) No ( ) Unknown

Action Taken

( ) Informal Resolution
( ) Administrative Resolution
(✓) Refer to Disciplinary Hearing

SCDC19-29A (Rev. February 2004)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case #: 200080 Inmate Name: Mack, Terrell SCDC#: 312070

Living Area: 30227A Job: Locked-Up Custody: DD3

Offense Date: 04 / 21 / 11 Offense Time: 10:30 AM/PM Institution: BRCI

Offense Description: 854/ Exhibitionism and Public Masturbation:....

Charging Officer/Employee: K. Fosle Title: Sgt

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

reserved

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☑ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING
- SMU/SEGREGATION ONLY
- ☐ I WANT A COUNSEL SUBSTITUTE
- ☑ I DO NOT WANT A COUNSEL SUBSTITUTE

C.S. G. Robinson

Date & Time Notified: 5 / 4 / 11 8:50 AM/PM By (Print): Bunch

Inmate Signature: Terrell Mack SCDC#: [redacted] Date: 5 / 4 / 11

HEARING INFORMATION:

Hearing Date: 5/12/11	Hearing Time: 11:06 am/pm	Tape: 011-011	Side: B	Start: 369	End: 509

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING:

Dr. Quinn Mental Health Statement received and approved by Capt Counselman H. Carter, #156 on 4/29/11

OFFENSE CODES	854			
INMATE PLEA (G, NG, None)	NG			
FINDINGS (G, NG, DS)	G			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL:

HEARING LENGTH: 8 (MINUTES)

SANCTIONS:

Loss of Privileges (Days):
Reprimand:
Loss of Good Time (days):
* Property (Days):
Extra Duty:
Restitution: $ **
* Canteen (Days): 360+360
Visit Suspension Thru / / 360+360 360 days pending Fin
* Other: 240 (Days) 360+360
Cell Restriction (Days):
* Disciplinary Detention (Days): 360

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: Nature of the offense

CREDIT FOR PRE-HD TIME SERVED? YES/NO IF YES, DAYS

DATE INMATE PLACED IN PHD: / /

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: DATE: 5/12/11

HEARING OFFICER (PRINT NAME):

APPROVED/REVERSED/MODIFY: Warden REASON

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

Canary - Inmate (Service of Disciplinary Report)
Pink - Central Record
(Service of Disciplinary Hearing Disposition)
(If monetary restitution, a copy of this form should be forwarded to Financial Accounting.)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 00830 Inmate Name: Mack, Terriel SCDC#: 312070

Living Area: RO227A Job: Locked-Up Custody: DD3

Offense Date: 04/21/11 Offense Time: 10:30 AM/PM Institution: BRCI

Offense Description: 854/ Exhibitionism and Public Masturbation:....

Charging Officer/Employee: K. Fogle Title: Sgt

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☑ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING
- **SMU/SEGREGATION ONLY**
- ☐ I WANT A COUNSEL SUBSTITUTE
- ☑ I DO NOT WANT A COUNSEL SUBSTITUTE

Date & Time Notified: 4/27/11 1115 AM/PM By (Print): Kevin Poole

Inmate Signature: SCDC#: Date: 4/27/11

HEARING INFORMATION:

Hearing Date: 5/4/11	Hearing Time: 8:40 am/pm	Tape: 011-010	Side: B	Start: 571	End:

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING:

OFFENSE CODES	854			
INMATE PLEA (G, NG, None)				
FINDINGS (G, NG, DS)	-			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL:

HEARING LENGTH: 1 (MINUTES)

SANCTIONS:

Loss of Privileges (Days): 0
- * Property (Days):
- * Canteen (Days):
- * Other (Days):
- * Disciplinary Detention (Days): 1

Reprimand:
Extra Duty:
Visit Suspension Thru ___/___/___
Cell Restriction (Days):

Loss of Good Time (days):
Restitution: $ **

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED:

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS

DATE INMATE PLACED IN PHD ___/___/___

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: DATE:

HEARING OFFICER (PRINT NAME) Evans Lewis

APPROVED/REVERSE/MODIFY: Warden REASON

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record — Canary - Inmate (Service of Disciplinary Report)
Green Rec - Inmate (Service of Disciplinary Hearing Disposition) — Pink - Central Record
(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SCDC 10-69 (Rev. May 2010)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 34 Inmate Name: Mack Jerrel SCDC#: 312070

Living Area: Cy 18 Job: LIU Custody: DDS

Offense Date: 04/04/12 Offense Time: 330 AM/PM Institution: Perry

Offense Description: **832: Unauthorized Inmate Organization Activity or Participation in a Security Threat Group (STG) or STG Activity:** Any participation of any inmate in any organization which has not been approved or any informal organization, association, or group of three (3) or more inmates that has a common name, and whose members or associates engage in activities that include planning, organizing, threatening, or committing unlawful acts of misconduct classified as serious threats or potential to the safety and security of the public, the Department, employees, visitors, or any other group that has been designated a Security Threat Group by the Agency Director. ~~Possession of STG material is sufficient to warrant this charge.~~

Charging Officer/Employee: D. Wilson SGT Title: 10.5

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS: (S. E. Muhammad)

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☒ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING

SMU/SEGREGATION ONLY

- ☒ I WANT A COUNSEL SUBSTITUTE
- ☐ I DO NOT WANT A COUNSEL SUBSTITUTE

Date &Time Notified: 04/18/12 1:12 AM/PM By (Print): Wilson

Inmate Signature: SCDC#: 312070 Date: 04/18/12

HEARING INFORMATION:

Hearing Date: 4/23/12	Hearing Time: 1159 am/pm	Tape:	Side:	Start:	End:

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING.

MHS attached;

OFFENSE CODES	832			
INMATE PLEA (G, NG, None)	NG			
FINDINGS (G, NG, DS)	G			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: Picture of evidence

HEARING LENGTH: 8 (MINUTES)

SANCTIONS:

Loss of Privileges (Days) _____
- * Property (Days) _____
- * Canteen (Days) 30
- * Other PHD (Days) 30
- * Disciplinary Detention (Days): _____

Reprimand: _____
Extra Duty: _____
Visit Suspension Thru ___/___/30
Cell Restriction (Days): _____

Loss of Good Time (days): _____
Restitution: $_____**

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: Nature of Offense

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS _____

DATE INMATE PLACED IN PHD ___/___/___

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: _____ DATE: 4-23-12

HEARING OFFICER (PRINT NAME): Sylvia Patterson

APPROVED/REVERSE/MODIFY: _____ Warden _____ REASON _____

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record
Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition)
Pink - Central Record
**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

5/15/14 # 165

498 #140

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

5/16/14 (6/5)

Page 1 of 1

Institution / Center: Perry Correctional	
Date of Report: 15 May 14	Time of Report: Approx. 11:10A
Reporting Official: Sgt C. Wilson	Date of Incident: 15 May 14
Location of Incident: B4 Sallyport	Time of Incident: Approx. 10:42 AM

Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:
1: Terrell Mack	#312070	NA	B	M	1. Lt. D. Cotter
2.					2. OFC Rivera
3.					3.
4.					4.
5.					5.

On the above date and approximate time: First responders were called to B4 for one to the holding cell. I stepped off of B wing into the Sallyport to see what was happening and was informed by OFC Rivera that inmate Terrell Mack #312070 had refused to obey a directive from OFC Rivera and was arguing with OFC Rivera. Lt. Cotter entered the Sallyport to escort inmate Mack to the holding cell he refused to be cuffed and turned and strung with right fist at Lt. Cotter and struck me with his right fist on the right side of my face. I then placed my hand on his back got a hold of his shirt turned him placed my arm around his head and took him to the floor and held him until we were able to restrain him. I received lacerations to my face and eye.

Signature: Sgt C Wilson 4972

Evidence:

Witness(es):

Supervisor's Comments: SUI

Signature: C Wilson Title: Capt Date/Time: 5-16-14

Major / Responsible Authority: SOJ

Assault and/or Battery of an SCDC Employee

Signature: Title: Capt Date: 5/16/14

STG Related - Refer to STG Committee
( ) Yes ( ) No (✓) Unknown

This Incident is DRUG related
( ) Yes (✓) No ( ) Unknown

Action Taken

( ) Informal Resolution
( ) Administrative Resolution
(✓) Refer to Disciplinary Hearing

SCDC19-29A (Rev. February 2004)

5/15/14 # 165

#41

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

499

INCIDENT REPORT

5/16/14 (6/5)

Institution / Center:	Perry Correctional						
Date of Report:	5/15/14				Time of Report:	11:30 AM	
Reporting Official:	Lt. Daniel Cotter #42204				Date of Incident:	5/15/14	
Location of Incident:	Q4 Sally Port				Time of Incident:	Approx. 10:42 AM	
Inmate(s)/Resident:	SCDC#	Age	Race	Sex	Employee(s) Involved:		
1. Terriel Mack	312070		B	M	1. ofc. Rivera		
2.					2. Sgt. Wilson		
3.					3. Lt. Horne		
4.					4.		
5.					5.		

On the above date and approximate time: I reported to Q4 because I/M Mack was refusing to go to the holding cell. I seperated I/M Mack from ofc. Rivera because I/M Mack was yelling at him. I took hold of I/M Mack's wrist and told him to turn around because he was going to the holding cell to cool off. When I did he said, "Don't do this cotter." Inmate Mack then spun around and punched me on the left side of the head with his right fist. Inmate Mack continued to throw punches at myself, Sgt. Wilson, ofc. Rivera and Lt. Horne. I assisted in placing I/M Mack on the ground. I took hold of his left arm and an unknown officer placed handcuffs on him. During the incident I/M Mack punched me in the head 4-5 times. Inmate Mack was taken to lock-up where he was checked for injuries by Nurse Harris.

As a result of the assault I suffered a contusion to the left side of my face and recieved numerous scratches to my cheeks and head.

Signature: Lt. Daniel Cotter

Evidence: None

Witness(es):

Supervisor's Comments: 801

Signature: C. Williams Title: Capt Date/Time: 5-15-14 12 p.m.

Major / Responsible Authority:

801 - Assault and/or Battery of an SCDC Employee

Signature: [illegible] Title: Capt Date: 5/16/14

STG Related - Refer to STG Committee
( ) Yes (X) No (✓) Unknown

This Incident is DRUG related
( ) Yes (X) No ( ) Unknown

Action Taken

( ) Informal Resolution
( ) Administrative Resolution
(✓) Refer to Disciplinary Hearing

500

NMH

GT.Ø

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 41 Inmate Name: MACK, TERRELL SCDC#: 312070

Living Area: DX 5 Job: Lock-up Custody: S3

Offense Date: 5/15/14 Offense Time: 10:42 AM/~~PM~~ Institution: PCI

Offense Description: 807 **Assault and/or Battery of an SCDC Employee or other Government Employee, Contract Employee, Volunteer, or Member of the Public with Means/and/or Intent to Kill or Injure:** The willfull hitting, striking, or unauthorized touching of an SCDC employee or other government agency employee, contract employee, or volunteer with or without a weapon or the throwing of any substance at or on an SCDC employee.

Charging Officer/Employee: D. Corley Title: L.T.

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS: 12.8

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☑ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING

SMU/SEGREGATION ONLY

- ☑ I WANT A COUNSEL SUBSTITUTE (Lt)
- ☐ I DO NOT WANT A COUNSEL SUBSTITUTE

Date &Time Notified: 5/30/14 2125 AM/PM By (Print): OIC Center

Inmate Signature: _____ SCDC#: 312070 Date: 5/30/14

HEARING INFORMATION:

Hearing Date: 6/3/14	Hearing Time: 1112 am/pm	Tape:	Side:	Start:	End:

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED W/ EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDE FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS THE HEARING

Charge reduced to Lesser Included Offense of Striking Employee due to serious bodily injury

OFFENSE CODES	807			
INMATE PLEA (G, NG, None)	NG			
FINDINGS (G, NG, DS)	G			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT (B)OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: (B) Hearing Officer reviewed Lt Corley report that was submitted as evidence without objection

HEARING LENGTH: _____ (MINUTES)

SANCTIONS:

Loss of Privileges (Days) _____ Reprimand: _____ Loss of Good Time (days): ---

- * Property (Days) _____ Extra Duty: _____ Restitution: $_____**
- * Canteen (Days) 520 (Mar 18) Visit Suspension Thru 520 (Mar 18)
- * Other Rec (Days) 520 (Mar 18) Cell Restriction (Days): _____
- * Disciplinary Detention (Days): 360 - 20 = 340

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: 546.7, Loss of privileges for 60 in cell

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS _____

DATE INMATE PLACED IN PHD 5/15/14

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: refused to sign DATE: 6/3/14

HEARING OFFICER (PRINT NAME) R. Jones

APPROVED/REVERSE/MODIFY [signature] Warden REASON _____

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record 546 Canary - Inmate (Service of Disciplinary Report)

Golden Rod - Inmate (Service of Disciplinary Hearing Disposition) 160 Pink - Central Record

**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

M/D:9999

6-14-14 –

#42

5076

6/20/14 (7/10)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

Institution / Center: PCI	
Date of Report: 6/14/14	Time of Report: 6PM
Reporting Official: Patricia Rinker LPN 052354	Date of Incident: 6/14/14
Location of Incident: Delta Dorm x wing	Time of Incident: 2:15PM

Inmate(s)/Resident: SCDC# Age Race Sex	Employee(s) Involved:
1. Terrell Mack 312070	1.
2.	2.
3.	3.
4.	4.
5.	5.

On the above date and approximate time: Nurse turned from giving meds to Centerline down hall & observed inmate masturbating.

Signature: P. Rinker LPN

Evidence:

Witness(es):

Supervisor's Comments: Sexual Misconduct

Signature: Springs Title: Capt Date/Time: 6-14-14 6:30pm

Major / Responsible Authority:

854 - Exhibitionism and Public Masturbation

Signature: Title: Capt Date: 6/17/14

STG Related - Refer to STG Committee
( ) Yes (✓) No ( ) Unknown

This Incident is DRUG related
( ) Yes ( ) No ( ) Unknown

Action Taken

( ) Informal Resolution
( ) Administrative Resolution
(✓) Refer to Disciplinary Hearing

502

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 4[illegible] Inmate Name: MACK Turner SCDC#: [illegible]

Living Area: DX 5 Job: LOCK UP Custody: [illegible]

Offense Date: 6/14/14 Offense Time: 2:15 AM/PM Institution: RCI

Offense Description: **854: Exhibitionism and Public Masturbation: (1) Engaging in acts of indecent and/or unnecessary exposure of genitals or other private body parts to a staff member or other person; or (2) engaging in acts of masturbation or any sexual stimulation of one's exposed or unexposed genitals in a public setting, or in the view of a staff member or other person.**

Charging Officer/Employee: P. Rivera Title: LPN

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS: 10.3

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☐ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING
- SMU/SEGREGATION ONLY
- ☑ I WANT A COUNSEL SUBSTITUTE: Program Sgt.
- ☐ I DO NOT WANT A COUNSEL SUBSTITUTE

Date &Time Notified: 7/3/14 3:15 AM/PM By (Print): LBowman

Inmate Signature: _____ SCDC#: _____ Date: __/__/__

HEARING INFORMATION:

Hearing Date: 7/8/14	Hearing Time: 9:26 am/pm	Tape:	Side:	Start:	End:

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING

OFFENSE CODES	854			
INMATE PLEA (G, NG, None)	NG			
FINDINGS (G, NG, DS)	G			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: (B) [illegible]

HEARING LENGTH: _____ (MINUTES) 15 [illegible]

SANCTIONS:

Loss of Privileges (Days) _____ Reprimand: _____ Loss of Good Time (days): _____

- * Property (Days) _____ Extra Duty: _____ Restitution: $_____ **
- * Canteen (Days) 270 (LP) Visit Suspension Thru 4/5/2015 Cell Restriction (Days): _____
- * Other 1&2 (Days) 270 (LP) 270 DAYS ENTERED
- * Disciplinary Detention (Days): 90

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: [illegible]

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS _____

DATE INMATE PLACED IN PHD __/__/__

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: X _____ DATE: 7/8/14

HEARING OFFICER (PRINT NAME) R.L. Turner

APPROVED/REVERSE/MODIFY _____ REASON _____

Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record
Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition)
Pink - Central Record
**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

M/D 9999

SCDC 19-69 (Rev.; May 2007)

F4 1 01

DHO 48
Ed 4 10.9
MG 3
MH-4

503

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

Page 1 of 1

Institution/Center: McCormick	Date of Report: January 3, 2016
Reporting Official (Full Name): C.T. S. Holmes	Time of Report: 10:30pm
Employee ID #: OKH91	Date of Incident: January 3, 2016
Location of Incident: F4A Room #161	Time of Incident: 9:30pm

Inmate(s)/Resident:	SCDC #	Age:	Sex:	Race:	Employee(s)/Witnesses Involved:
1. Mack, Terriel	312070		M	B	1. Nurse Johnson
2.					2.
3.					3.
4.					4.
5.					5.

On the above date and approximate time: While Escorts Nurse Johnson with Medications To Empalls Rooms. I C.T. Holmes Alone with Nurse Johnson observed I/M Mack, Terriel SCDC#312070 B/M standing at his Room Door # 161 Masturbating.

Signature: S. Holmes Title: CT

Evidence:

Disposition of Evidence:

Supervisor's Comments: 854
MH-4

Printed Name: R. Griffin

Signature: Title: CT Date/Time: 2330hrs 1-3-16

Major/Responsible Authority:

854

Printed Name: F. Murrow 8:30 Am

Signature: Title: R Date/Time: 01-04-16

STG Related - Refer to STG Committee

( ) Yes ( ) No ( ) Unknown

This incident is DRUG related

( ) Yes ( ) No ( ) Unknown

Responsible Authority

Action Taken

( ) Informal Resolution

( ) Administrative Resolution

( ) ~~Refer~~ to Disciplinary Hearing

504

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 48 Inmate Name: Mack, Terrel SCDC#: 312070

Living Area: F-4 P/61 Job: N/A Custody: MED

Offense Date: 1/3/16 Offense Time: 9:30 AM/PM Institution: McCormick

Offense Description: 854: Exhibitionism and Public Masturbation

Charging Officer/Employee: S. Helms Title: Lt.

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☒ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING
  SMU/SEGREGATION ONLY
- ☑ I WANT A COUNSEL SUBSTITUTE
- ☐ I DO NOT WANT A COUNSEL SUBSTITUTE

Date &Time Notified: 1/6/16 8:32 AM/PM By (Print): Sgt. M. Neuman

Inmate Signature: _____ SCDC#: _____ Date: __/__/__

HEARING INFORMATION:

Hearing Date: 1/11/16	Hearing Time: 10:45 (am/pm)	Tape:	Side:	Start:	End:

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING

All statement attached #C/S Kersey

The witness statement attached

OFFENSE CODES	854			
INMATE PLEA (G, NG, None)	NG			
FINDINGS (G, NG, DS)	G			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B)OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: (B)(C)

HEARING LENGTH: 4 (MINUTES)

SANCTIONS:

Loss of Privileges (Days) _____
- * Property (Days) 60 x30
- * Canteen (Days) 60 x30
- * Other: NOP (Days) 60x30
- * Disciplinary Detention (Days): 30

Reprimand: _____
Extra Duty: _____
Visit Suspension Thru __/__/__ 60x30
Cell Restriction (Days): _____

Loss of Good Time (days): _____
Restitution: $_____**

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: 2nd 854 in a year

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS _____

DATE INMATE PLACED IN PHD __/__/__

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: Refused to sign DATE: 1/11/16

HEARING OFFICER (PRINT NAME) [illegible]

APPROVED/REVERSE/MODIFY _____ REASON _____
Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record
Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition)
Pink - Central Record

**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

A4-233

0405
5004
MF3
Equip

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

Page of

Institution/Center: McCormick	Date of Report: 6/28/16
Reporting Official (Full Name): Rhodesia Taylor	Time of Report: 1700
Employee ID #: 034278	Date of Incident: 6/28/16
Location of Incident: F-4 Rm# 123	Time of Incident: 1615

Inmate(s)/Resident: SCDC # Age: Sex: Race:	Employee(s)/Witnesses Involved:
1. Mack Terrell #312070 M BLK	1.
2.	2.
3.	3.
4.	4.
5.	5.

On the above date and approximate time: I/m Mack was fighting in his room #123 and he was escorted out to RHU. I/M Taylor went and dead locked his door so the roommate couldn't go in. I/M Taylor went back to shake Down his room and do his Inventory for Lock up and he had a homemade knife in the inside of his mattress and a sharp pointed stick.

Signature: [signature] Title: I/M

Evidence:

Disposition of Evidence:

Supervisor's Comments: SH MH

Printed Name: J. McLeod Date/Time: 6/28/16

Signature: [signature] Title: Lt Date/Time: 6/29/16

Major/Responsible Authority:

SH MH

Printed Name: J. Stevens 6-29-16

Signature: [signature] Title: Major Date/Time: 8:40 AM

STG Related - Refer to STG Committee

( ) Yes (✓) No ( ) Unknown

This incident is DRUG related

( ) Yes (✓) No ( ) Unknown

Responsible Authority Action Taken

( ) Informal Resolution

( ) Administrative Resolution

(✓) Refer to Disciplinary Hearing

506

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 01 Inmate Name: MACK, Patrick SCDC#: 21[illegible]

Living Area: 14-225 Job: NWI Custody: MC3

Offense Date: 6/28/16 Offense Time: 4:15 AM/PM Institution: McCormick

Offense Description: 811: Poss of Weapon

Charging Officer/Employee: K. Taylor Title: C/O

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☒ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING
  SMU/SEGREGATION ONLY
- ☐ I WANT A COUNSEL SUBSTITUTE
- ☒ I DO NOT WANT A COUNSEL SUBSTITUTE

Date &Time Notified: 7/11/16 11:53 AM/PM By (Print): C. Taylor

Inmate Signature: _____ SCDC#: _____ Date: __/__/__

HEARING INFORMATION:

Hearing Date: 7/19/16	Hearing Time: 11:55 am/pm	Tape:	Side:	Start:	End:

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING

Picture of weapon submitted as evidence

OFFENSE CODES	811			
INMATE PLEA (G, NG, None)	NG			
FINDINGS (G, NG, DS)	G			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: Inmate was found guilty based on B

HEARING LENGTH: 5 (MINUTES)

SANCTIONS:

Loss of Privileges (Days) _____
- * Property (Days) 365
- * Canteen (Days) 120
- * Other ADA (Days) 120
- * Disciplinary Detention (Days): _____

Reprimand: _____
Extra Duty: _____
Visit Suspension Thru 12/01
Cell Restriction (Days): _____

Loss of Good Time (days): _____
Restitution: $_____**

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: This is the inmate 1st Charge of this nature done

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS _____

DATE INMATE PLACED IN PHD __/__/__

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: [signature] DATE: 7/11/16

HEARING OFFICER (PRINT NAME): [illegible] Brown

APPROVED/REVERSE/MODIFY: [signature] REASON _____
Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record
Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition)
Pink - Central Record

**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

F4-233

DHCS 507+4 ME3 EQUIP

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

Page 1 of 1

Institution/Center: McCormick CI	Date of Report: 7-13-17
Reporting Official (Full Name): Sgt. McCory	Time of Report: approx: 1025am
Employee ID #: 040997	Date of Incident: 7-13-17
Location of Incident: F4 Cell 233 - Terriel Mack	Time of Incident: approx: 1020am

Inmate(s)/Resident: SCDC # Age: Sex: Race:	Employee(s)/Witnesses Involved:
1. Terriel Mack 312070 BM	1. Agency Search Team
2.	2. RBT
3.	3.
4.	4.
5.	5.

On the above date and approximate time: Sgt. McCory along with members of the agency search team and RBT conducted a search of F4 Cell 233 and found 2 shanks (6inch and 9inch) in the window seal. Inmate Terriel Mack 312070 will be charged with 811.

Signature: [signature] Title: [illegible]

Evidence: 6inch + 9inch shank

Disposition of Evidence: Given to contraband

Supervisor's Comments: 811

Printed Name: K. McCurry 022308 10:30am

Signature: [signature] Title: LT. Date/Time: 7-13-17

Major/Responsible Authority: 811

Printed Name: [illegible] Marshall 016449

Signature: [signature] Title: Capt Date/Time: 7-14-17 12:20p

STG Related - Refer to STG Committee

( ) Yes ( ) No ( ) Unknown

This incident is DRUG related

( ) Yes ( ) No ( ) Unknown

Responsible Authority Action Taken

( ) Informal Resolution

( ) Administrative Resolution

(X) Refer to Disciplinary Hearing

SCDC Form 19-29A (Rev. January 2005)

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT AND HEARING RECORD

Case#: 34 Inmate Name: [illegible] SCDC#: 311270700

Living Area: [illegible] Job: [illegible] Custody: [illegible]

Offense Date: 7/15/17 Offense Time: 10:50 AM/PM Institution: [illegible]

Offense Description:

[illegible]

Charging Officer/Employee: [illegible] Title: [illegible]

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

INMATE WAIVERS:

- ☐ I GIVE UP MY RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING
- ☐ I DO NOT WANT TO BE PRESENT AT MY HEARING
- ☑ I DO WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING
- ☐ I WAIVE MY RIGHT TO A HEARING
  SMU/SEGREGATION ONLY
- ☐ I WANT A COUNSEL SUBSTITUTE
- ☒ I DO NOT WANT A COUNSEL SUBSTITUTE

Date &Time Notified: 7/31/17 15:30 AM/PM By (Print): C.T. Hall

Inmate Signature: [illegible] SCDC#: _____ Date: __/__/__

HEARING INFORMATION: Victim not testifying Charge(s) withdrawn by Sgt. Jones

Hearing Date: 7/31/17	Hearing Time: 1033 am/pm	Tape:	Side:	Start:	End:

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING:

Waived Presence

OFFENSE CODES	211			
INMATE PLEA (G, NG, None)	NG			
FINDINGS (G, NG, DS)	G			

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: D Dis Violence

HEARING LENGTH: _____ (MINUTES)

SANCTIONS:

Loss of Privileges (Days): _____
- * Property (Days) 90
- * Canteen (Days) 90
- * Other [illegible] (Days) 90
- * Disciplinary Detention (Days): _____

Reprimand: _____
Extra Duty: _____
Visit Suspension Thru 90
Cell Restriction (Days): _____

Loss of Good Time (days): _____
Restitution: $_____**

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: Level 1 Offense

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS _____

DATE INMATE PLACED IN PHD __/__/__

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: [illegible] DATE: 7/31/17

HEARING OFFICER (PRINT NAME) [illegible]

APPROVED/REVERSE/MODIFY [illegible] REASON _____
Warden

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

White - Institutional Record Canary - Inmate (Service of Disciplinary Report)
Golden Rod - Inmate (Service of Disciplinary Hearing Disposition) Pink - Central Record
**(Note: When there is restitution, a copy of this form should be forwarded to Financial Accounting.)

SCDC 19-69 (Rev., May 2007)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

Institution/Center: Lee Correctional Institution					Date of Report: 03/08/18
Reporting Official (Full Name): Burley III, William					Time of Report: Apx 2:00 PM
Employee ID #: 042720					Date of Incident: 03/08/18
Location of Incident: West Yard / F3					Time of Incident: Apx 1:35 PM
Inmate(s)/Resident:	SCDC #	Age:	Sex:	Race:	Employee(s)/Witnesses Involved:
1. Mack, Terriel L.	312070	31	M	B	1.
2.					2.
3.					3.
4.					4.
5.					5.

On the above date and approximate time:

I, Sgt. Burley III, William (042720), while clearing the West Yard in preparation for count, observed I/M Mack, Terriel L. (312070) around the front of the F3 Unit. I/M Mack had tried to enter the unit but stopped when he was told not to. I/M Mack was then asked to return to his Unit(F1). I/M Mack refused. I/M Mack was given several other directives to return to his unit but would not comply. During this time I/M Mack made several threats that, "It's going to take a lot more than just you to get me off this yard." He threatened to "beat up" U/C Williams. He also made the statement that he had "retired plenty of officers under his belt" and that he would do the same to me. I/M Mack was finally taken to the unit by U/M Stuart. I/M Mack is charged with 809 Threatening to Inflict Harm on/Assaulting an Employee and/or Members of the Public, 825 Refusing or Failing to Obey Orders, and 828 Out of Place.

RECEIVED
MAR 12 2018
LEE CI MAJOR'S OFFICE

Control Number: 18-03-066

Signature: [signature] Title: Sgt.

Evidence:

Disposition of Evidence:

Supervisor's Comments: Refer to DHO

Printed Name: D.A. Stewart Approx 2:30 p.m.

Signature: D.A. Stewart Title: L/M Date/Time: 03-08-18

Major/Responsible Authority:

809

Printed Name: Arenda Thomas Approx 2:35pm

Signature: Arenda Thomas Title: Captain Date/Time: 3-13-2018

STG Related - Refer to STG Committee

☐ Yes ☐ No ☑ Unknown

This incident is DRUG related

☐ Yes ☐ No ☑ Unknown

Responsible Authority Action Taken

☐ Informal Resolution

☐ Administrative Resolution

☑ Refer to Disciplinary Hearing

10:13:08 Thursday, January 10, 2019

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LA0360D SOUTH CAROLINA DEPARTMENT OF CORRECTIONS 01/10/19
CUSTODY REVIEW C060646

LOCATION...: **BROAD RIVER**
SCDC #: **00312070** REVIEW DATE: 08/07/18
NAME..: **MACK,TERRIEL L.** REVIEW TYPE: **STATUS**
N

NO. OF CLASS I ESCAPES .....: **00** NO. OF CLASS II ESCAPES.....: **00**
IN PAST 24 MOS...: **00** IN PAST 6 MOS.....: **00**
OVER 24 MOS.....: **00** OVER 6 MOS.....: **00**
MAJOR DISTURB. OR RIOT: **N** CURRENT VIOLENT OFFENSE..: **Y**
OFFENSE DISQUALIFIED FOR LEVEL 1: **N** HIGHEST CATEGORY DETAINER: **1**
RESIDENT STABILITY: **NA** NOT APPLICABLE MAXOUT DATE.....: **99/99/99**
APPROVED SECURITY.....: **L3**
RECOMMENDED CUSTODY.....: **ME**
ASSIGNED CUSTODY.....: **SD** APPROVED BY: **M MACON**
OVERRIDE.....:
STATE APPROVED CUSTODY.....: **SD** APPROVED BY: **K GAUSE** **08/10/18**
OVERRIDE.....:
REVIEW REASON.....: **T** SECURITY DETENTION
ICC HELD IN RHU, COMMITTEE RECOMMEND SD DUE TO INVOLVEMENT IN THE LEE INCIDENT DISTURBANCE/HOMICIED ON 4/15/18.//RHU-APPROVE SD; PER POLICE SERVICES,INMATE IS A SUBJECT IN THE INVESTIGATION OF THE 7 HOMICIDES AT LEE ON 4/15/18
CUSTODY REVIEW RECORD PART II DISPLAYED ...

<PF12>PRINT SD REPT

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF CLASSIFICATION AND INMATE RECORDS

RHU CLASSIFICATION COMMITTEE REVIEW

Inmate Name: Terric Mack SCDC #: 312670

Institution: BRCI Date Inmate Placed in RHU: 4/19/18

Inmate Assignment (if applicable): ☑ Security Detention ☐ Death Row ☐ Statewide Protective Custody

---

The Institutional Classification Committee met on 8/7/18 to conduct a ☐ Initial Seven-Day Review
☐ Regularly Scheduled _____ Day Review

The Committee recommends that the above referenced inmate be:

☐ Released from RHU and Returned to the General Population.

☑ INITIALLY Placed in Security Detention in Behavioral Level 3

☐ Advanced/Reduced/Remain in Behavioral Level Assignment: _____

☐ Advanced/Reduced/Remain Death Row Level Assignment: ☐ Level I ☐ Level II ☐ Level III

☐ Remain in Protective Custody Status.

☐ Released from Protective Custody and Returned to the General Population.

The Committee further recommended that the inmate be placed in SD custody
(list any other special restrictions/needs here)

The justification for this decision was: involved in hcc incident disturbance/homicide on 4-15-18

S/ [signature] Date: 8/7/18
Institutional Classification Committee Person

S/ [signature] Date: 8/7/18
Warden/Duty Warden (only for placement and release from SD)

PAPER WORK done over to correct hcc incident date inmate given corrected copy

SCDC 19-30 (Rev., April 2015)

White: Institutional Record
Canary: Central Record
Green: Inmate

512

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF CLASSIFICATION AND INMATE RECORDS

RHU CLASSIFICATION COMMITTEE REVIEW

Inmate Name: Mack, Terriel SCDC #: 312070

Institution: Broad River Date Inmate Placed in RHU: 6/10/18

Inmate Assignment (if applicable): ☑ Security Detention ☐ Death Row ☐ Statewide Protective Custody

---

The Institutional Classification Committee met on 01/10/19 to conduct a ☐ Initial Seven-Day Review, ☑ Regularly Scheduled 90 Day Review

The Committee recommends that the above referenced inmate be:

☐ Released from RHU and Returned to the General Population.

☐ INITIALLY Placed in Security Detention in Behavioral Level _____

☑ Advanced/Reduced/Remain in Behavioral Level Assignment: 2

☐ Advanced/Reduced/Remain Death Row Level Assignment: ☐ Level I ☐ Level II ☐ Level III

☐ Remain in Protective Custody Status.

☐ Released from Protective Custody and Returned to the General Population.

The Committee further recommended that the inmate Remain in SD.
(list any other special restrictions/needs here)

The justification for this decision was: investigation on Lee disturbance

S/ MS. Shiver Date: 01/10/19
Institutional Classification Committee Person

S/_____ Date: ___/___/___
Warden/Duty Warden (only for placement and release from SD)

SCDC 19-30 (Rev., April 2015)

White: Institutional Record
Canary: Central Record
Green: Inmate

Geoffrey R. McKee, PhD, ABPP
Forensic Psychological Services
1728 Main Street, Suite 110
Columbia, SC 29201
(803) 251-3499



9 February 2019

Marshall S. Weaver, Esq.
The Weaver Law Firm, LLC
2137 Hoffmeyer Rd., Suite B
Florence, SC 29501

Brie R. Russell, Esq.
Law Office of Brie Russell, LLC
900 Elmwood Drive, Suite 200
Columbia, SC 29201

Re: **Terriel Mack, age 32**
Age at arrest on current conviction: 17 years, 1 month (2003)
Age at SCDC incarceration on current conviction: 18 years, 2 months (2005)

Dear Mr. Weaver & Ms. Russell:

At your request, I conducted a forensic psychological evaluation of Terriel on 1/11/19, 1/14/19, and 1/22/19 to assess his current diagnoses, risk of harm to others, sophistication and maturity, and amenability for treatment pursuant to *Aiken, et al. v. Byers* (SC Supreme Court Opinion 27465; filed 11/12/2014) and *Miller v. Alabama* 132 S. Ct. 2455 (2012). At the time of the evaluation, Terriel was in his 15th continuous year of jail and SCDC prison confinement since his arrest at age 17 years-1 month in December 2003 on a charge of murder with co-defendants. He was sentenced to Life Without Parole at age 18 on 10/26/05. It is my understanding from you, that in light of *Miller v. Alabama*, he is currently without a definitive sentence pending a hearing in General Sessions court where he could subsequently receive anywhere between 30 years and Life imprisonment for his conviction of murder.

Assessment Approach:
In cases such as these—a (long-delay interval since trial) post-conviction rather than a pre-trial evaluation to address *Miller* factors—the task of the criminal forensic psychologist is to conduct a retrospective evaluation; that is, to psychometrically reconstruct the best estimate of the inmate's psychological, emotional, behavioral, and cognitive functioning as s/he might have been at the age when s/he was first eligible for sentencing in light of the U.S. Supreme Court's opinion in *Miller v. Alabama*. When the juvenile is assessed on a pre-trial status, the assessment is a contemporaneous evaluation; that is, that the clinical and psychometric data collected represents the defendant's current psychological, emotional, behavioral, and cognitive functioning.

Mr. Mack was confined in the Florence County Detention Center (FCDC) at age 17 and convicted at age 18 in 2005, therefore, for this retrospective evaluation, I only used those psychological tests and instruments which would have been peer-reviewed, published, widely-used and applicable for mid-teen—not adult—defendants had I conducted a contemporaneous pre-trial evaluation. Therefore, I administered tests and criminal recidivism risk inventories that were applicable and normed (researched and standardized) with males his current age *and* his age when he was first confined as a teenager on the charge for which he is in prison. These tests and instruments included the Jesness Inventory-Revised (with norms for males including age groups of 15-17 and 18-34), the Substance Abuse Subtle Screening Inventory—3rd Edition (SASSI-3)

which permits an individual to quantitatively estimate his/her substance use over a lifetime or for a 6-month period prior to a significant event: in Terriel's case, the six months before his arrest at age 17 years.

Following the last evaluation date of 1/22/19, I calculated four different quantitative estimates of Terriel's likely developmental maturity and dangerousness/criminal recidivism risk at the time of his arrest at age 17. I scored the Risk-Sophistication-Treatment Inventory (RSTI) which empirically assesses a teenager's level of Dangerousness, Sophistication (Developmental Maturity), and Treatment amenability—factors suggested by the United States Supreme Court in *Kent v. United States* (383 U.S. 541; 1966) for juvenile waiver (and later *Miller*) cases. While the RSTI scoring requires one or more direct interviews with the individual as well as review of available records, documents, and psychological testing, the remaining three were developed expressly without the interview requirement so that probation/parole officers and/or correctional personnel could empirically estimate from available records and reports an offender's risk of criminal recidivism if he/she were released into the community. These instruments included the Salient Factor Score (SFS; 7 risk factors) used for decades by the US Probation Office, the SC Department of Probation, Parole, and Pardon Services' Parole Risk Assessment (PRA; 10 risk factors), and the nationally-used Level of Service Inventory-Revised (LSI-R; 54 risk factors). In all, these instruments comprise over 70 risk factors which have been shown to be highly correlated with an individual's risk of criminal reoffending and/or violation of community supervision.

To assess Terriel's *current* mental status and psychological functioning I administered the Personality Assessment Screener (PAS; 22 items) and the Trauma Symptom Inventory (TSI; 100 items) in addition to a review of his SCDC medical/mental health records and the clinical interviews of him on: 1/11/19 for 1.5 hours with you (to assess the ever-recurrent issue of Competency to Stand Trial/Proceed and ability to assist his attorneys, his abstract reasoning ability, and his expressive/receptive vocabulary) and on 1/14/19 (~3 hours also with testing) and 1/22/19 (1 hour also with testing) without his attorneys.

Each of the quantitatively-scored tests and risk instruments described above were selected precisely to maximize inter-rater reliability as the foundation for the opinions in this report: that other similarly-trained and experienced criminal forensic psychologists using the same methods and procedures would likely arrive at similar conclusions and opinions regarding Terriel.

NOTIFICATION:
On 1/11/19 and in your presence, I explained to Terriel that I had been retained by you to conduct an evaluation of him and that the results of the assessment would be protected as work product under attorney-client privilege. Terriel had no difficulty understanding the conditions of the evaluation and agreed to participate in the clinical interviews and the psychological testing.

SOURCES OF INFORMATION (ADDITIONAL TO INTERVIEWS AND TESTING):

1. Transcript of Record (10/25-26/05) State of SC vs. Terriel Lashawn Mack Court of General Sessions
2. SC Birth Certificate of Terriel Lashawn Mack DOB [redacted] (1 page)
3. Florence County School District records (262 KB)
4. Florence County Medical Records (262 KB)
5. McLeod Hospital (Florence) Medical Records (765 KB)
6. SCDJJ Institutional Records, including 6/27/02 Psychosocial Evaluation by Silke K. Parl, PsyD Licensed Clinical Psychologist and Terry L. Fender LMSW Social Work Manager 9 pages) *and*
7. SCDJJ Discharge Summary of 11/14/03 by Shirley R. Fleming, Youth Counselor. (5 pages)
8. SCDC Inmate Records of Terriel Mack 12/2003- (56,597 KB)

9. SCDC Medical Records of Terriel Mack 12/2003- (62,755 KB)
10. 2/5/19 Affidavits of Terry McLaughlin, Shante McLaughlin, and Nourise McLaughlin
11. Florence County Sheriff's Office incident reports

RELEVANT HISTORY:

Childhood to age 10. Terriel stated that he was born at McLeod Hospital on 11/11/1982 and was initially raised by his biological mother: "my real father denied me (corroborated by Terriel's Birth Certificate) even after blood tests were done when I was about 9; he said I wasn't his child. He never let me visit or live with him." When asked if he could remember any traumas or emotionally upsetting events before he entered public school, he reported "yes, I was in Pre-K(indergarten). I'd gone to sleep but woke up somewhere else in another house. I didn't know where my mother was." He stated he now thinks that he might have been in foster care, but still doesn't know why he would have been placed outside his home. When asked if he had had any step-fathers during this time in his life, he replied "Yes. His name was Nathaniel and he was with us for many years until I was in the 6th grade." He stated that Nathaniel "raised me up and kept me even though I was not his child. He kept me in sports and stayed on me about my grades:" Florence school records corroborated that Terriel was regularly promoted from Kindergarten through the 6th grade at which time he was reading at grade-level indicating that he had been persistently studying and completing his homework during his elementary school grades. When asked to describe his early childhood, he replied "Mom always tried to do her best for us but after Nathaniel left when I was about 11, I had three or four step-fathers, none of them were good." Though Terriel recalled his years with Nathaniel and his mother positively, Florence County Sheriff's Office (FCSO) incident records indicated that when Terriel was 8 years old, Nathaniel was arrested for Criminal Domestic Violence (CDV) on his mother and for extensive damage within their residence. According to FCSO records, when Terriel was only 10 years old, he contacted law enforcement after his mother had physically hit him and his two siblings resulting in the Department of Social Services placing all three children with their grandmother, Peggy Mack. Two months later, Nathaniel was arrested again for assaulting Terriel's mother. These traumatic, fear-inducing episodes have perhaps been forgotten (or repressed) by Terriel, yet such experiences are a common cause for a child to develop anxiety-related disorders such as Posttraumatic Stress Disorder (PTSD). Though this part of his life seemed to be very happy and productive for him, Terriel was about to experience a series of traumas to his family system and his emotional stability; none which was initiated by his behavior.

Pre-adolescence to age 13. When Terriel was asked whether he'd experienced any traumas during this time period, he immediately stated "February 12, 1997 when my (maternal) great-grandmother died of cancer. She was the rock of the family and after she died the family came apart and we were never the same again." He stated that because his mother was only 16 when she gave birth to him, he was his great-grandmother's first great-grandchild and that he had a very special and close relationship with his mother's grandmother. That Terriel could quickly recall the exact date of his great-grandmother's death suggests how important and potentially disruptive the event was to him.

His next trauma occurred shortly after his great-grandmother's death: he stated that his mother and his step-father, Nathaniel, were having many arguments which culminated (when Terriel was 11) in Nathaniel leaving their house and never returning. When asked if he ever knew why his mother and Nathaniel separated, he replied "No, but when I saw him packing his bags, I packed mine." He stated after Nathaniel left, he said "I'd see him around, but when he moved to North Carolina it was the last time I saw him."

The next trauma happened shortly thereafter: Terriel stated he had another step-father enter his life, but this man proceeded to remove or destroy any pictures or other mementos of Nathaniel; in effect, another episode

(as with his biological father's rejection of him at age 9) of being forced to deny having a relationship and history with an adult male figure in his life. I believe that these very upsetting and destabilizing events in his pre-adolescent life resulted in Terriel having a series of undiagnosed and untreated Major Depressive Episodes (MDEs) which significantly altered his future. SCDJJ Dr. Parl's psychological evaluation (p. 6) indicated that he "began having behavior problems in the 6th grade and has had a number of suspensions and has been expelled four times. His mother related that she thought that he began having significant behavior problems in the 7th grade and was involved in a number of fights. She related that his grades dropped and that he repeated the 7th grade." Dr. Parl's report noted that Terriel's behavior had significantly changed because he'd been on the honor roll in previous years. The report also indicated that during this time Terriel had begun using alcohol and drugs.

The next trauma that Terriel experienced during this period from ages 10 to 13 was less apparent and not even recognized by Terriel as a trauma: he lost his virginity at age 12 to a 17 year-old female: "she used to be my babysitter and would help me with my homework. I know it was not her first time (having sex)." Young teenage boys who have sex with females who are of legal age to consent often do not perceive the event(s) as traumatic; rather, they feel like they had "gotten lucky." However, decades of research regarding pre-teen sexualization experiences have shown that the episodes can be very emotionally upsetting and disruptive to the child's psychological and interpersonal development with depression and anxiety-related disorders (e.g., Posttraumatic Stress Disorder [PTSD] and Acute Stress Disorder [ASD]) being common diagnoses. Adolescent girls who experience clinically-significant depression often engage in self-punitive, self-damaging behavior including suicide attempts, self-mutilation (cutting their forearms, etc.), social withdrawal, and prolonged periods of crying. However, adolescent boys who experience clinically-significant depression (such as the MDEs Terriel likely had as described above) express their depression externally in the form of aggression, rage, fighting, and overt disobedience especially to parents and other authority. These differences have been highlighted by prior research; for example McKee and Dwyer (2015) found that boys account for more than 95% of physically and sexually aggressive behavior which result in delinquency charges being brought against the teenager. As well, in a study of 92 adolescent boys in South Carolina (Shumaker and McKee, 2001), 63% of boys charged with homicide and 81% of boys charged with other violent offenses had been diagnosed with at least one Axis I disorder including depression, substance abuse, conduct disorder, oppositional-defiant disorder or adjustment disorder. More recent research represented in the American Psychiatric Association's Diagnostic and Statistical Manual-5th Edition (DSM-5) has recognized the link between depression and aggressive/defiant behavior in pre-adolescent children: the diagnosis of Disruptive Mood Dysregulation Disorder (DMDD) is manifested by severe recurrent verbal or physical temper outbursts and persistent near-daily anger and irritability which is grossly out of proportion to the situation in which it occurs.

Terriel reported that he first started drinking alcohol at age 12: "it was beer that I'd get from friends or I'd get someone to buy it for me. I really started drinking alcohol often when I was about 15 after my mother and I had a falling out and I was on the streets. I was drinking every day." He stated that he never received any counseling for his alcohol abuse/dependence. He stated that he began smoking marijuana when he was 12 and had increased to daily consumption when he was 13 years old: "I'd smoke it all day and be cranky in the morning if I didn't have it." He denied ever in his life of using cocaine ("my uncle died from it"), intravenous drugs, inhalants, variants of methamphetamine, or pills ("I was too scared of them"). He denied ever trying LSD but stated when he was 15 "I tried mushrooms a few times with some white guys", but never took any hallucinogenic drugs again. These statements were also corroborated by SCDJJ reports.

Adolescence until arrest at age 17 and conviction at age 18. Dr. Parl's SCDJJ report of 6/27/2002 was the first formal psychological evaluation Terriel has had; he was by then almost 16 years old (age 15 years-7 months). The report noted that Terriel had had a number of interactions with the Family Court as a young adolescent beginning at age 12 for running away and school-related incidents (many of them dismissed). However the report verified (p. 2) that his commitment to DJJ for five counts of Breaking and Entering a Motor Vehicle and four counts of Petty Larceny (all occurring on the same night with co-defendants) "was the first adjudication for him in the state of South Carolina." The report found that Terriel's intelligence level by testing was most likely in the Average range and that his reading comprehension and numerical operation skills by testing were also within the Average range for his age-group. The examiners found no deficits in Terriel's visual-motor integration capacity, a test to screen for cognitive-neurological impairments. The evaluation also found that there was no evidence of a psychotic disorder but noted his chronic alcohol and marijuana abuse. The report found that overall, "Terriel appears able to interpret his environment in a basically rational and conventional manner." The examiners concluded that Terriel's had Alcohol Abuse, Cannabis Abuse, Family-Child Relational Problems, and Conduct Disorder (Moderate).

That the examiners concluded that his Conduct Disorder (CD) was at a Moderate level is significant: if his CD was at a Severe level, that specification would have indicated much more violent, aggressive behavior which "cause considerable harm to others" such as rape/sexual assault, physical cruelty, and/or use of a weapon in offenses like armed robbery (DSM-IV, p. 87). The diagnosis of Conduct Disorder, rendered *after* Terriel was 15 years old is also significant for any future diagnoses he might have as an adult (see current mental status description of SCDC mental health records below); that is, DSM-IV diagnosis of Antisocial Personality Disorder (ASPD)—the most common diagnosis of incarcerated male inmates—requires that the diagnosis of Conduct Disorder must be established *before* age 15. Terriel was placed on probation, which had been recommended by Dr. Parl but was subsequently committed to DJJ on an indeterminate sentence on 2/6/2003. According to his SCDJJ Form 5 and a Family Court order he'd been committed for violating his probation for non-violent behaviors including failing to attend school regularly and failure to pay court-ordered restitution.

Terriel entered DJJ custody on 2/6/03 (age 16 years-1 month) and was discharged on 11/14/03 at age 17 years-0 months. The SCDJJ Discharge Summary report of 11/14/03 by Shirley R. Fleming, Youth Counselor noted his diagnoses at Admission were Alcohol Abuse (DSM-IV 305.00) and Cannabis Abuse (DSM-IV 305.20) and that his diagnoses at Discharge remained the same. Notably, SCDJJ did not continue his previous diagnosis of Conduct Disorder, Moderate nor did they include any other diagnosis of adolescent aggression/violence (e.g. Oppositional Defiant Disorder, Intermittent Explosive Disorder). The discharge report noted that Terriel participated in daily morning and afternoon treatment groups, alcohol and drug counseling, victim awareness sessions, anger management, and activity therapy as well as school classes every day. The report also noted that Terriel is "intellectually capable of academic sufficiency" and is "capable of being polite and cooperative." Further, the report indicated that he has "made some progress with anger management" but had had some behavior problems. Terriel was paroled on 11/14/03 returning to the community to live with his mother, step-father, and siblings.

PSYCHOLOGICAL TESTING ESTIMATING HIS PRE-TRIAL (2003-04) FUNCTIONING AND CRIMINAL RECIDIVISM RISK:

To assess how Terriel was most likely functioning following his arrest for murder at age 17 years-1 month, I administered the Jesness Inventory-Revised (JI-R) and, because his only documented DSM-IV diagnoses were Alcohol Abuse and Cannabis Abuse, I also administered the Substance Abuse Subtle Screening Inventory-3rd Edition (SASSI-3) focusing on the few weeks following his discharge from SCDJJ. I also

scored the Risk-Sophistication-Treatment Inventory (RSTI) to assess his level of dangerousness, developmental maturity, and amenability for treatment. I also calculated quantitative estimates of his dangerousness and criminal recidivism by scoring the Salient Factor Score (SFS), SCDPPPS' Parole Risk Assessment (PRA), and the Level of Service Inventory-Revised (LSI-R). These results are described below.

Jesness Inventory-Revised (JI-R). The Jesness Inventory-Revised (JI-R) is a 160-item objective adolescent personality inventory specifically developed to quantitatively assess male and female criminal offenders in confined and community-supervision settings. Since its inception, the instrument has been among the most-widely used tests in juvenile corrections in the past 50 years and has researched delinquent juveniles in age-groups of 8-11, 12-14, and 15-17 as well as convicted adults ages 18-34 and over 35 years old. The juvenile's responses result in his/her placement into one of 3 empirically-determined levels of personality integration (I-Levels) and one of 9 subgroups from a poorly-integrated, most socially maladjusted subtype ("Undersocialized/Active") to the least maladjusted/most mature adult-like subtype ("Adaptive"). On the JI-R, Terriel's results—whether using the 15-17 or the 18-34 age-groups—were the same indicating that his personality characteristics had not changed since he was 17 years old: his two highest scale scores at age 17—Social Maladjustment and Immaturity were the highest scales when scored at his present age in the 18-34 year old group. Individuals who score high on Social Maladjustment are described as having a negative self-concept, feeling misunderstood, unhappy, and worried; they show a marked distrust of authority, tend to blame others (low insight, poor self-understanding) for their difficulties, have trouble controlling their emotions, and are highly sensitive to criticism. Individuals who score high on Immaturity are described as having attitudes, viewpoints, perceptions, and reasoning/problem-solving abilities of much younger persons. Further at both age 17 and currently, his JI-R results placed him in the lowest (least cognitively mature) I-Level and in the subtype of "Undersocialized Active" individuals. Respondents in the lowest I-Level are described as simplistically seeing others as givers or withholders, they view the world in concrete, inflexible ways not seeing finer distinctions among individuals' differences; as a result, they have difficulty in decision-making and problem-solving and become easily frustrated/angry because of their delayed development in interpersonal and cognitive maturity. Individuals in the "Undersocialized Active" subtype are described as persons who have come from (emotionally, financially, and/or parentally) deprived backgrounds; they commonly have poor morale, are distrustful of some of their family members and feel a lack of affection from them, and perceive others as being hostile towards them. Though Undersocialized Active individuals try to seek out affiliation with their peers' groups, they are often rejected by these adolescents because of their emotional volatility. These JI-R results indicate that although he may have been chronologically 17 years old at the time of his arrest and subsequent confinement in jail awaiting trial, he was emotionally, perceptually, and cognitively (decision-making, problem-solving) a much younger person.

The Substance Abuse Subtle Screening Inventory-3rd Edition (SASSI-3). Determination of whether an individual might have—or have had at an earlier chronologically-defined period—a diagnosis of alcohol or drug dependence on the SASSI-3 is based on 9 different "rules"; any rule scored 'Yes' would indicate that the individual had a "High Probability of having a Substance Dependence Disorder (Test Manual)." Regarding his alcohol use at age 17, he reported that he was "drinking every morning and throughout the day and using drugs before and after school." On the test's items, he indicated that he "repeatedly": took drinks to help him express his feelings or ideas, to give him energy to keep going, and to experience recurrent effects of excessive alcohol consumption. He indicated that "several times" he: had physical problems (nausea, dizziness, etc.) after drinking, became depressed after having sobered up, and had argued with his family and friends about his drinking. Regarding his drug use, he indicated that he had "repeatedly": taken drugs to improve his thinking and feeling, to feel better about a problem, to become more aware of his senses, to enhance his enjoyment of sex, to forget feeling he was helpless and unworthy, to spend his time in

drug-related activities, to use drugs and alcohol at the same time, and to continue to use drugs to avoid the physical pain of drug withdrawal. As a result of his answers to the test's items, two of the 'rules' of Terriel's SASSI-3 results involving alcohol *and* drug use were scored 'Yes' thus it was likely that in the six months before his arrest at 17, his alcohol and drug use rose to a level of Alcohol and Drug Dependence Disorders.

The Risk-Sophistication-Treatment Inventory (RSTI). The RSTI was developed by a team of forensic psychologists to provide a peer-reviewed, published, and quantitative method to assist forensic clinicians' and courts' decision-making regarding juveniles' and young adults' characteristics as highlighted by *Kent v. United States* (383 U.S. 541; 1966) and subsequent cases. In particular, the RSTI focuses on *Kent's* three-pronged analysis of the juvenile's "risk for dangerousness", "sophistication and maturity", and "amenability to treatment." The RSTI is based on an interview and records review focused on the child's: 1) history with his/her family and parents, relationships, school/education, employment, and legal/delinquency/criminal behavior; 2) developmental maturity; 3) treatment/mental health history; and 4) personal responsibility. Following the RSTI interview, the post-graduate-trained forensic clinician scores the juvenile's responses on a three-level scale in three areas: **Risk for Dangerousness** (in the future) [15 items; item-clusters of Violent and Aggressive Tendencies, Planned and Extensive Criminality, and Psychopathic Features]; **Sophistication-Maturity** [15 items; item-clusters of Autonomy, Cognitive Capacity, and Emotional Maturity], and **Treatment Amenability** [15 items; item-clusters of Psychopathology—Degree and Type, Responsibility and Motivation to Change, and Consideration and Tolerance for Others]. The juvenile's scores in Dangerousness, Sophistication-Maturity, and Treatment Amenability can then be compared to samples of detained and non-detained, chronic and first-time, and/or violent and nonviolent males or females from states in the Southeastern and/or Midwestern United States.

On the RSTI—calculated from his SCDJJ records and evaluation reports as well as his JI-R and SASSI-3 results described above when he was age 17, Terriel's score on the Dangerousness domain would have likely fallen in the Low Risk category, a large majority of juvenile offenders (~66%) would pose a greater potential risk to society. On the Sophistication-Maturity domain his score would also likely have fallen in the Low range: a large majority of juvenile/young adult offenders (~81%) would display more maturity; and on the Treatment Amenability domain, his score would have likely been in the Middle range, approximately 43% of juvenile/young adult offenders would display higher motivation and personal responsibility in treatment.

Records'-based estimates of Terriel's criminal recidivism risk at age 17.
NOTE: The following risk instruments were scored based on records and reports which would have been available during 2003-04 for a pre-sentence forensic psychological evaluation. Each has been scored in a light most favorable to the prosecution; that is, an assumption that Terriel would have been/had been convicted of murder.

Salient Factor Score (SFS). On the SFS, Terriel's score of 6 (11 best score) fell in the "Good" Parole prognosis category; the other categories include "Very Good", "Fair", and "Poor." Over 40 years of research on the SFS has shown that the category placements are highly correlated to future criminal recidivism/ violations of community supervision: the "Very Good" group has the lowest rate of criminal reoffending but parolees in the "Poor" group had the highest rate of recidivism and violations of parole/probation.

SCDPPPS Parole Risk Assessment (PRA). On the PRA, over 77 % of SC probationers/parolees with Terriel's score of 6 (20-41 = High criminal recidivism/violation of probation/parole) successfully complete their community supervision; **less than 5%** were revoked due to the commission of a new violent crime.

Level of Service Inventory-Revised (LSI-R). On the LSI-R, less than 32% of men with his score of 17 (maximum score = 47) violated their supervision. His LSI-R results fell in the "Low/Moderate Risk/Needs (for prosocial/therapeutic support services)", better than the other categories of "Moderate Risk/Needs" (48% recidivism risk), "Medium/High Risk/Needs" (57% recidivism risk), and "High Risk/Needs" (76% recidivism risk) but worse than the "Low Risk/Needs" group with less than 12% recidivism.

TERRIEL'S *CURRENT* MENTAL STATUS AND PSYCHOLGICAL TESTING RESULTS

Current Mental Status: Terriel was cooperative with the evaluation and appeared to give forth his best effort to questions and testing. He was alert and oriented to person, place, location, date, and situation. His speech was clear and articulate. He was dressed in SCDC inmate clothing and appeared to be sufficiently neat and clean. He maintained good eye contact throughout the interview and was not restless or hyperactive. He was never disruptive or actively oppositional; often his answers exceeded the scope of the question asked. He did not display facial or motor tics. His answers were consistent with his average intelligence, receptive vocabulary (ability to understand spoken words), and expressive vocabulary (ability to speak and use words correctly). There was no evidence of any overt signs or symptoms of a psychotic disorder, but his SCDC Medical/Mental Health records indicated that he has been prescribed various anti-psychotic medications (Geodon, Risperdal, Geodon, Loxitane, and most recently Thorazine) as well as anti-depressants (Zoloft, Remeron, Nortriptyline) for diagnoses of Psychosis NOS (Not Otherwise Specified), Posttraumatic Stress Disorder (PTSD), and since 2/9/17 additional diagnoses of Antisocial Personality Disorder (ASPD) as well as Rule/Out Intermittent Explosive Disorder (IED) and Rule/Out Malingering and Rule/Out Depressive Disorder. There was no evidence of disorganized speech, or bizarre behavior or expressions. His perfect score of 14 (14 maximum score) on the Information and Orientation scale from the Wechsler Memory Scale-3rd Edition (WMS-III) suggested that his long-term/remote memory was not impaired nor was he attempting to malinger cognitive/intellectual deficits. He was able to repeat a list of four words in order and was able to recall 2 of the 4 words (and the 2 other words with category prompting) after a number of minutes of distracting tasks: his performance suggested that his working/short-term memory was also intact. His judgment and reasoning are intact and realistic regarding his ability to assist his attorneys before and during his pending re-sentencing hearing. He has a factual and rational understanding of his current legal situation.

Psychological test results assessing Terriel's current emotional functioning.

Trauma Symptom Inventory (TSI). On the TSI, Terriel produced a non-defensive and non-malingering valid test profile. Men with similar TSI results are commonly described as extremely traumatized individuals with recurrent, intrusive symptoms. Scales measuring Intrusive Experience (IE), Defensive Avoidance (DA), and Anxious Arousal (AA) were highly elevated though all other scales measuring Depression (D), Anger/Irritability (A/I), Dissociation (DIS; brief, transient disruptions of attention and concentration), Sexual Concerns (SC), Dysfunctional Sexual Behavior (DSB), Impaired Self Reference (ISR; low self-esteem), and Tension Reducing Behavior (TRB; impulsive acting-out, physical aggression) were all within normal limits. Men with elevations on IE, DA, and AA often display chronic symptoms of PTSD which have become integrated into their personality. Additionally, they likely exhibit significant symptoms of nervousness, jumpiness, hyperalertness and hypervigilance, excessive worrying, and fears of being physically harmed by others. The IE/DA/AA pattern is seen as a very serious psychological disability requiring regular ongoing counseling and psychotherapy augmented by psychiatric medication.

Personality Assessment Screener (PAS).

On the PAS, Terriel produced a non-defensive and non-malingering valid profile. Approximately 88% of men with similar results will likely report and/or display psychological/psychiatric symptoms—the potential for emotional and/or behavioral problems is substantially greater than is typical for individuals within a non-

incarcerated community. Men with these results are likely seen as having marked problems with symptoms of persecutory thinking and suspiciousness toward others, social withdrawal and disinterest in interactions with others, thoughts of death and suicide, and sleep disorders with recurrent anxiety and fatigue. Notably, scales measuring hostility control and anger control were not markedly elevated and a scale measuring alienation (feeling unloved, unsupported, and misunderstood) was well within normal limits.

OPINIONS/RECOMMENDATIONS:
It is my opinion that if Terriel had been referred for a pre-trial criminal forensic psychological evaluation when he was 17, expert forensic psychological testimony could have been presented about these above-described readily-available tests' and instruments' results in mitigation (with a written report for prosecution cross-examination as well as the Court's questioning) once the jury was dismissed by the Judge after rendering its verdict of Guilty. The expert's report and testimony could have also highlighted Terriel's personal history of: 1) achievements, family stability, and happiness before age 10; 2) devastating traumas and reactive depression between ages 10-13; and 3) adolescent "self-medication" of his depression and emotional/behavioral volatility by substance dependence from ages 14 until his arrest for murder,

It is my opinion that if Terriel had been referred for a Competency to Stand Trial (CST) evaluation by the SC Department of Mental Health (SCDMH), his history as described above, the content of the SCDJJ evaluation report and Discharge Summary, and his diagnoses—as required by 44-23-420 for CST reports—would have been available for the court's consideration.

It is my opinion that Terriel was at age 17/18, and still is now, capable of rehabilitation based on the results of this evaluation and his current mental status, diagnoses of PTSD and possible psychosis and psychological functioning as reflected in the results from the TSI and PAS. These data indicate that he would profit from recurrent mental health treatment including regular group and/or individual counseling sessions augmented by appropriate psychiatric medication for the foreseeable future.

Please contact me at (803) 251-3499 or (803) 463-7573 (cell phone) if you have questions regarding this report or would like further information about Terriel. I have attached a one-page CV summary for your and the Court's review.

Geoffrey R. McKee, PhD

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&
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Medical University of South Carolina

[1]McKee, G.R. & Dwyer, R.G. (2015). Physically and sexually violent females. In C.A. Pietz & C. Mattson (Eds.) Violent offenders: Understanding and Assessment. New York: Oxford University Press.

[2]Shumaker, D. & McKee, G.R. (2001). Characteristics of homicidal and violent juveniles. *Violence and Victims.16,* (4), 401- 409.

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Curriculum Vitae Summary as of 2019

-Board-certified in Forensic Psychology, American Board of Professional Psychology (ABPP)
-Clinical Professor, Department of Neuropsychiatry, U. of South Carolina School of Medicine (pro bono). 2007 Chairman's Award for Outstanding Contributions to Forensic Psychiatry Training.
-Affiliate Professor, Department of Psychiatry, Medical University of South Carolina (pro bono)
-Private practice in criminal and domestic Forensic Psychology since 1976; licensed psychologist in AZ (1972-80), ND (1981-85), MN (1984-85), NC (1996-99; 2011-12), and SC since 1985 (#370)
-Chief Psychologist, Division of Forensic Evaluation Services, SCDMH 1998-2011.
-SCDMH representative to Multidisciplinary Team of SC Sexually Violent Predator Act 1998-2011
-Chief Psychologist, Forensic Psychiatry Division, Hall Psychiatric Institute, 1986-98. Director of Training, Forensic Psychology Rotation, APA-approved clinical psychology internship
-Consultations/evaluations to state and county child protection services agencies on issues of child sexual assault (victims and perpetrators) in AZ, ND, and SC since 1976
-Child custody and parenting capacity evaluations and expert testimony for Family Courts in AZ, ND, and SC since 1976
-Forensic psychological evaluations in over 500 murder cases at state and federal level including gang-related homicides as well as other major felonies.
-Retained by defense or prosecution for evaluation, consultation, and expert testimony in state and federal courts in over 200 criminal and 30 death penalty trials or appeals in SC, ND, IN, NC, CA, and KY.
-Expert testimony before the SC Supreme Court twice.
-Past President, American Academy of Forensic Psychology, 1992-94
-Invited Continuing Legal Education lectures to State Bar, Family Court judges, and public defenders associations in VA, WI, and SC and law students in SC and NY.
-Former Consulting Faculty, National Advocacy Center, US Department of Justice
-Former Consulting Faculty, National Advocacy Center, National District Attorneys Association
-Author, Why Mothers Kill: A Forensic Psychologist's Casebook (2006; Oxford University Press).
www.whymotherskill.com
-Publications in peer-reviewed journals and book chapters on maternal filicide, juveniles' trial competency, violent adolescents, violent females, MMPI/MMPI-2 profiles of adult criminal defendants/sex offenders, and criminal forensic psychology practice.
-Peer-reviewed research presentations/workshops on homicide, violent crimes, and sex offenders
-Case analyst/commentator on "Wicked Attractions" television series, 2009-2012 (final episode)

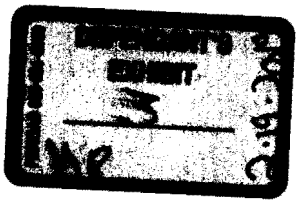
NARRATIVE

ON 7-27-95 MYSELF ALONG WITH DEPUTY MARION YARBOROUGH RESPONDED TO [redacted] ARD STREET, FLORENCE WHICH IS LOCATED OFF OF PAMPLICO HIGHWAY IN REFERENCE TO A DOMESTIC. UPON ARRIVAL I SPOKE WITH THE VICTIM DAWN MACK WHO STATED THAT THE SUBJ NATHANIEL SMITH WHO IS HER BOYFRIEND WAS AT HER RESIDENCE AND ASSAULTED HER AND DESTROYED SOME PROPERTY INSIDE OF THE RESIDENCE. YOU COULD SEE IN THE BEDROOM WHERE HE TOOK THE LAMP AND THREW IT AGAINST THE WALL AND IT BOUNCED BACK ONTO THE TABLE BREAKING THE GLASS THAT WAS IN THE LAMP. ALSO THE TABLE IN THE LIVING ROOM WAS DAMAGED BY THE SUBJ PICKING UP THE TV AND THROWING IT ON THE GLASS TABLE. ALSO IN THE DEN THE SUBJ TOOK ANOTHER TV AND THREW IT ON THE FLOOR BUSTING THE BACK OF THE TV. ESTIMATED VALUE OF THE DAMAGE IS $200. THE VICTIM STATED THAT THIS IS NOT THE FIRST TIME THAT THE SUBJ HAS ASSAULTED HER. SHE HAD HIM ARRESTED BEFORE. THE VICTIM STATED THAT THE SUBJ STRUCK HER IN THE BACK OF THE HEAD A COUPLE OF TIMES AND THE SUBJ PUT HIS HAND IN HER FACE AND WAS PUSHING HER HEAD BACK. THE VICTIM STATED THAT THE SUBJ WAS DRUNK AND HE DID SMELL STRONGLY OF ALCOHOL ON HIS PERSON AS I WAS INTERVIEWING HIM. I ADVISED THE VICTIM THAT THIS WOULD JUST SOLVE HER PROBLEM FOR TONIGHT AND SHE WOULD NEED TO GO AND TALK WITH A MAGISTRATE IN REFERENCE TO HAVING HIM EVICTED OR WHATEVER LEGAL ACTION SHE NEEDED TO TAKE. THE SUBJ WAS ARRESTED AND TRANSPORTED TO FLORENCE COUNTY DETENTION CENTER FOR CRIMINAL DOMESTIC VIOLENCE. HE WAS ISSUED TICKET NO. 04752XL.



NARRATIVE

ON 021697 AT 5:58 HOURS I RESPONDED TO THE ABOVE ADDRESS AND SPOKE WITH THE COMPLAINANT, DAWN MACK, IN REFERENCE TO AN ASSAULT. THE COMPLAINANT STATED HER BOYFRIEND, NATHANIEL SMITH, HAD GOTTEN ANGRY AT HER BECAUSE SHE HAD GONE OUT TO A RESTAURANT FOR SUPPER WITH SOME OF HER FRIENDS. THE COMPLAINANT STATED WHEN SHE GOT HOME, THE SUBJECT STRIPPED ALL OF HER CLOTHES OFF OF HER AND STARTED ACCUSING HER OF HAVING A BOYFRIEND. WHEN THE SUBJECT STARTED TAKING THE COMPLAINANT'S CLOTHES OFF, SHE TRIED TO MAKE HIM STOP. THE SUBJECT WOULD NOT STOP. THE SUBJECT CONTINUED TO ASSAULT THE COMPLAINANT BY RIPPING HER SHIRT, AND HE ALSO HIT HER IN THE LEFT EYE AREA. THE SUBJECT HIT THE COMPLAINANT IN THE MOUTH WITH HIS FIST AND BROKE ONE OF HER FRONT TEETH. THE COMPLAINANT STATED THIS IS NOT THE FIRST TIME THIS TYPE OF INCIDENT HAD HAPPENED. THE COMPLAINANT STATED THE SUBJECT WAS ARRESTED APPROXIMATELY THREE YEARS AGO FOR CDV. I ADVISED THE COMPLAINANT IF SHE THOUGHT SHE NEEDED TO GO SOMEWHERE SAFE, I WOULD GET IN TOUCH WITH PEE DEE COALITION FOR HER. THE COMPLAINANT STATED SHE DID NOT. SHE STATED SHE DID NOT NEED MEDICAL ATTENTION. I ADVISED THE COMPLAINANT TO CONTACT THE SHERIFF'S OFFICE IF SHE NEEDED US TO HELP HER ANY FURTHER. THE SUBJECT WAS ARRESTED ON TICKET #01329XO.

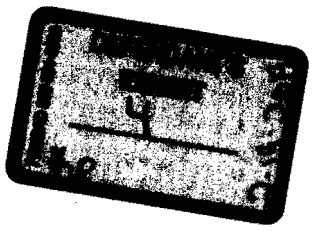


NARRATIVE

ON 012397 AT 1732 THE REPORTING OFFICER WAS DISPATCHED TO THE ABOVE ADDRESS IN REFERENCE TO CHILD ABUSE. UPON MY ARRIVL, I SPOKE WITH THE COMPLAINANT, THE COMPLAINANT STATED THAT HIS MOTHER, DAWN MACK, CAME HOME. HE STATED HE AND HIS TWO GIRLS, AND , WERE PLAYING IN THE ROOM, LAUGHING AND HAVING FUN. THE SUBJECT, DAWN MACK, WENT TO THE ROOM AND ASKED WHAT WAS GOING ON. THE COMPLAINANT STATED HE TOLD HER. HE STATED THE SUBJECT GOT UPSET AND STARTED HITTING ALL THREE OF THEM. THE SUBJECT HIT BESIDE THE HEAD AND RIPPED HIS SHIRT AND KNOCKED HIM TO THE GROUND. HE HAD A LUMP ON THE SIDE OF HIS HEAD. WAS SLAPPED ON THE LEFT SIDE OF THE FACE AND PUNCHED ON THE RIGHT SIDE AND HER NOSE WAS BLEEDING. THE SUBJECT HIT IN THE BACK WITH HER HAND. AFTER THE SUBJECT STRUCK THE VICTIMS, SHE TOLD THE COMPLAINANT TO BRING HER CHAIR INTO THE LIVINGROOM. THE COMPLAINANT THEN WENT TO HIS ROOM TO DO HIS HOMEWORK. THE SUBJECT TOLD THE COMPLAINANT NOT TO GO OUT OF THE DOOR. THE SUBJECT THEN LEFT THE RESIDENCE, AND THE COMPLAINANT CALLED FLO. CO. SHERIFF'S OFFICE. AFTER TALKING WITH THE COMPLAINANT, I CONTACTED DSS AND ALSO INV. PROSSER. BOTH OF THEM RESPONDED TO THE RESIDENCE. ALL THREE VICTIMS STATED THE SUBJECT DOES THIS TYPE OF BEHAVIOR ALOT. THEY ALSO STATED THE SUBJECT TWISTED THE COMPLAINANT'S WRIST AND HANDS. DSS CASEWORKER, ANDREA GREGG, GOT IN CONTACT WITH THE GRANDPARENTS OF THE VICTIMS. THE GRANDMOTHER, PEGGY MACK, WAS GOING TO PICK UP THE THREE JUVENILES.

VICTIM
NAME:. TYPE: INDIVIDUAL
USINESS:
ADDRESS:. PHONE: OCCUPA:
BUS.PH: RACE: B SEX: M AGE:0108
ETHN: N DATE OF BIRTH: ' /87
** VICTIM RELATION TO SUBJECTS **
SUBJECT# 001

VICTIM
NAME: TYPE: INDIVIDUAL
USINESS:
ADDRESS:. PHONE: OCCUPA:
BUS.PH: RACE: B SEX: F AGE:0108
ETHN: N DATE OF BIRTH: / /87
** VICTIM RELATION TO SUBJECTS **
SUBJECT# 001



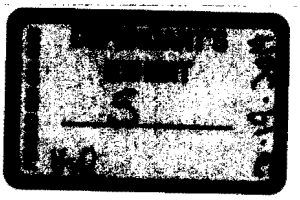
NARRATIVE

ON 12/21/96 AT 1521 HRS I RESPONDED TO [redacted]ARD STREET & SPOKE WITH COMPL, DAWN MACK, IN REFERENCE TO A MISSING JUVENILE. MS. MACK STATES THAT APPROX 12:00 ON 12/21/96 HER SON, . LEFT THEIR RESIDENCE. WAS DRESSED IN A DALLAS COWBOYS JUMPSUIT AND AN ORLANDO MAGIC STARTER JACKET. MS. MACK STATES THAT SHE THINKS THE REASON LEFT IS BECAUSE SHE TOLD HIM IF HE GOT SUSPENDED FROM SCHOOL AGAIN THAT HIM & HER WERE GOING TO HAVE IT OUT. MS. MACK STATED THAT . DID GET SUSPENDED FROM SCHOOL ON 12/19/96. HE HID THE SUSPENSION SLIP FROM MS. MACK IN HIS ROOM. MS. MACK STATED THAT WHENEVER SHE WAS CLEANING UP THE ROOM, SHE FOUND THE SLIP. SHE ADVISED THAT KNEW THAT SHE WAS STARTING TO CLEAN UP AND SHE FEELS LIKE HE KNEW SHE WAS GOING TO FIND THE SLIP, SO HE LEFT THE RESIDENCE. MS. MACK ADVISED THAT SHE DID NOT THINK HE WAS IN ANY DANGER, SHE JUST THOUGHT HE WAS BEING HARD HEADED AND HE WAS HIDING SOMEWHERE IN THE NEIGHBORHOOD. I TALKED WITH APPROX 15 TO 20 PEOPLE IN THE NEIGHBORHOOD AND ADVISED THEM TO BE ON THE LOOKOUT FOR AND IF THEY SPOTTED HIM, TO CALL THE SHERIFF'S OFFICE. I ALSO WENT OUT TO THE FAST POINT STORE, THE QUIK FILL, ALSO THE BARBEQUE RESTAURANTS ON PAMPLICO HIGHWAY AND ADVISED ALL THAT IF THEY SAW THE SUBJECT COME IN, TO CONTACT THE SHERIFF'S OFFICE. I ALSO ADVISED MS. MACK TO CONTACT THE SHERIFF'S OFFICE IF RETURNED HOME.

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*SEE CASE FILE.



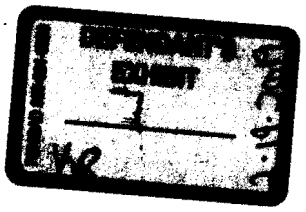
NARRATIVE

ON 102199 I, DEPUTY CHAD COLLINS, WAS DISPATCHED TO A CALL TO RESPOND TO [redacted] ARD STREET IN FLORENCE, SC IN REFERENCE TO A MISSING JUVENILE AND TO MEET WITH COMPLAINANT/VICTIM, DAWN MACK. UPON ARRIVAL, MS. MACK RELATED THAT HER SON, HAS BEEN MISSING SINCE APPROXIMATELY 20:30 HRS ON 101899. . LEFT THE RESIDENCE AFTER HAVING AN ARGUMENT WITH HIS MOTHER, DAWN MACK. IS DESCRIBED AS A BLACK MALE 12 YRS OF AGE, 5'9", 145 LBS, HAIR BLACK, EYES BROWN. LAST SEEN WEARING A WHITE TEE SHIRT BLUE JEAN OVERALLS AND WHITE SOCKS WITH NO SHOES. NO KNOWN LOCATION ON . DAWN MACK ALSO STATED THAT IF UNABLE TO REACH HER, TO CALL HER MOTHER AS A SECOND CONTACT INDIVIDUAL, MAGGIE PHONE NCIC FORM COMPLETED AND SUBJECT WAS ENTERED INTO NCIC.



NARRATIVE

ON 120799 I, DEPUTY JOLLY HICKS, WAS DISPATCHED TO RESPOND TO THE CITY-COUNTY COMPLEX TO MEET WITH THE COMPLAINANT, IN REFERENCE TO CDV. UPON ARRIVAL, I MET AND SPOKE WITH THE COMPLAINANT, DOROTHY MACK. THE COMPLAINANT STATED HER BOYFRIEND CAME BACK TO THE RESIDENCE ON THIS DATE. SHE STATED THE SUBJECT THREATENED HER. SHE STATED SHE TRIED TO LEAVE THE RESIDENCE. SHE STATED THE SUBJECT BROKE THE MIRROR OFF THE TRUCK. SHE STATED SHE HAD TO LEAVE THE RESIDENCE FOR HER SAFETY. THIS UNIT ESCORTED THE COMPLAINANT BACK TO THE RESIDENCE. THE COMPLAINANT WANTED TO PICK UP SOME OF HER BELONGINGS. SHE WAS GOING TO STAY WITH ANOTHER FAMILY MEMBER UNTIL SHE COULD GO TO COURT. WHEN WE ARRIVED TO THE LOCATION, THIS UNIT WENT INTO THE RESIDENCE WITH THE COMPLAINANT. THE SUBJECT WAS HIDING UNDER THE BED AREA. THE SUBJECT WAS ARRESTED FOR CDV. HE WAS TRANSPORTED TO THE LEC. THE TICKET NUMBER IS 97580BH. THE COMPLAINANT WAS GIVEN VICTIM FORMS.



SC0210000 FLORENCE COUNTY SHERIFF'S OFFICE
INCIDENT REPORT CASE# 00 01 656 PAGE 2

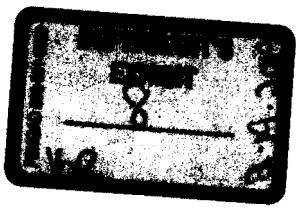
ADMINISTRATION ACTIVE: ARREST: X UNDER 18:
JURISDICTION - THEFT: UNF: EX.CLD: 18&OVER: X
RECOVERY: TYPIST: BARBARA ROSE
REPORTING OFFICER: JAMES RHODES NUMBER: 1005 REPORT DATE: 1/24/00
INVESTIGATOR: NUMBER: ASSIGN.DATE: 0/00/00
VICTIM ADVOCATE: NUMBER: 000

NARRATIVE

ON 012200 WHILE ON PATROL IN FLORENCE COUNTY I MET AND SPOKE TO COMPLAINANT MS. DAWN MACK IN REFERENCE TO A DOMESTIC DISPUTE THAT OCCURRED AT [redacted] TRIPLE CROWN ROAD IN CHURCHHILL DOWNS SUBDIVISION OFF OF POSSUM ROAD IN FLORENCE. MS. MACK STATED SHE WAS AT A FRIEND'S RESIDENCE WHO WAS DOING SOME NEW CONSTRUCTION IN THE SUBDIVISION AND WAS HELPING HIM CLEAN UP WHEN THE SUBJECT, MS. MACK'S EX-BOYFRIEND, MR. KENDRICK CANNON WAS ALSO AT THE LOCATION KEPT ANNOYING HER TRYING TO TALK TO HER. MS. MACK STATED THAT THE MALE PARTY WAS TRYING TO TALK TO HER BECAUSE HE WANTED TO GET BACK WITH HER AND REFORM THEIR RELATIONSHIP. MS. MACK STATED SHE DID NOT WISH TO RESTORE THE RELATIONSHIP WITH THE SUBJECT BECAUSE THERE WAS VIOLENCE AND AT THAT TIME THE SUBJECT BECAME VERY DISORDERLY TOWARDS HER. MS. MACK STATED THEY GOT INTO A VERBAL ARGUMENT WITH THE MALE PARTY ATTEMPTING TO TALK TO THE FEMALE AND ONCE THIS FAILED, HE GOT MORE DISORDERLY WITH HER AND PUNCHED HER IN THE FACE WITH HIS FIST SEVERAL TIMES. THIS WAS BROKEN UP BY FAMILY MEMBERS OF THE MALE PARTY AND FRIENDS OF THE FEMALE PARTY WHO WERE ALSO THERE DOING SOME WORK AROUND THE HOUSE AND TRYING TO CLEAN UP. MS. MACK STATED THEY LOCKED THE SUBJECT OUTSIDE OF THE HOUSE DUE TO THE FACT THAT THEY DIDN'T WANT TO HEAR HIS TIRADES ANYMORE. THE SUBJECT STAYED AROUND OUTSIDE AND WAITED. MS. MACK STATED THAT AS IT GREW DARKER DURING THE COURSE OF THIS INCIDENT DECIDED TO PACK IT IN AND LOCK THE DOORS AND AT THE TIME SHE ATTEMPTED TO LEAVE WITH HER MINOR CHILDREN WHEN THE MALE PARTY CONFRONTED HER ONCE AGAIN AND WORDS WERE EXCHANGED ONCE AGAIN. MS. MACK STATED THAT SHE THEN GOT INTO HER JEEP CHEROKEE WHICH WAS DESCRIBED AS A 1989 MODEL GRAY 4DR WITH SC TAG [redacted]. THE MALE PARTY TRIED TO TALK TO HER AND TRIED TO GET INTO THE VEHICLE AND MS. MACK STATED SHE LOCKED HIM OUTSIDE THE CAR. AT THAT TIME THE MALE GOT MAD THEN KICKED THE WINDOW ON THE DRIVER'S SIDE FRONT AND WAS UNABLE TO GET ENTRANCE. HE THEN KICKED A SECOND TIME AND SHATTERED THE WINDOW OUT. MS. MACK STATED SHE THEN JUMPED OUT THE CAR WITH HER MINOR CHILDREN AND BEGAN WALKING ON FOOT AND THE MALE PARTY LEFT THE AREA IN THE VEHICLE. MS. MACK STATED THE SUBJECT DID NOT HAVE HER CONSENT TO DRIVE THE VEHICLE. I OBSERVED THAT MS. MACK DID HAVE SOME SWELLING TO HER FACE WHERE THE SUBJECT HAD PUNCHED HER. MS. MACK DECLINED ANY MEDICAL ATTENTION. I THEN ISSUED THE COMPLAINANT A VICTIM WITNESS NOTIFICATION FORM AND BROCHURE AND ADVISED HER TO SEEK ASSISTANCE FROM THE MAGISTRATE'S OFFICE FOR FURTHER ACTION.

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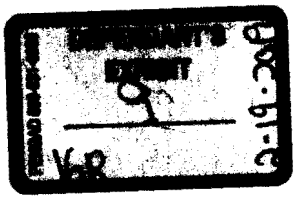


SUPPLEMENT
NAME: KENDRICK CANNON
LOCATION: LEC
INCIDENT DATE: 012600 1520 / 012600 1520 ZONE:
DISPATCH DATE: 012600 1520 ARRIVED: 1520 DEPARTED: 1520

ON 012600 I, DEPUTY JAMES KIZER, SERVED ARREST WARRANT G-408005 ON THE SUBJECT, FOR THE CHARGE OF SIMPLE ASSAULT. THE SUBJECT WAS ALSO SERVED WARRANT NUMBER G-408006 FOR THE CHARGE OF VANDALISM. THE SUBJECT WAS ALSO SERVED WARRANT NUMBER G-408007 FOR THE CHARGE OF GRAND LARCENY. THE WARRANT WAS SERVED ON THE SUBJECT AT THE LEC. THE SUBJECT WAS CURRENTLY IN MAGISTRATE'S COURT ON A CDV HEARING. THE SUBJECT WAS SERVED THE THREE WARRANTS AT THAT TIME. HE WAS ESCORTED TO THE BOOKING AREA.

NARRATIVE

ON 081602 I, SGT. MIKE BUXTON, RECEIVED A CALL IN REFERENCE TO A 911 HANG UP CALL. WHEN I ARRIVED AT [redacted] ARD STREET, I SAW A BLACK MALE CHASING A BLACK FEMALE ACROSS THE YARD. HE TACKLED HER IN THE FRONT YARD. I GOT OUT OF MY CAR, WENT OVER GOT THE INDIVIDUAL AND PUT HIM ON THE HOOD OF MY CAR. SEARCHED HIM AND ALSO PLACED HIM UNDER ARREST FOR CDV. LATER ON, I FOUND THAT HE HAD ALREADY PLED GUILTY TO CDV, 1ST OFFENSE. AS A MATTER OF FACT, I HAD ARRESTED HIM FOR CDV, 1ST OFFENSE. HE WAS CHARGED WITH CDV, 2ND OFFENSE; TICKET #23579BT. THE COMPLAINANT HAD SCRATCHES ON BOTH SIDES OF HER NECK, AND THE LEFT SIDE OF HER FACE WAS CUT. THIS UNIT ADVISED THE COMPLAINANT THAT THE INDIVIDUAL WOULD BE PLACED IN THE DETENTION CENTER. I FILLED OUT A VICTIM'S RIGHTS FORM AND ISSUED IT TO HER.



NARRATIVE

ON 090402 SGT. CLINT CALDWELL AND I, DEPUTY PAT O'HARA, WERE DISPATCHED TO THE ABOVE ADDRESS, IN REFERENCE TO A DISORDERLY PERSON OUTSIDE THE RESIDENCE. PRIOR TO MY ARRIVAL, SGT. CALDWELL ARRIVED ON THE SCENE. HE THEN GOT ON THE RADIO STATING HE NEEDED MORE HELP. ONCE THIS UNIT ARRIVED ON THE SCENE, SGT. CALDWELL HAD THE SUBJECT BY ONE ARM. HE WAS LAYING ON THE GROUND, BUT WAS BLEEDING FROM THE RIGHT SIDE OF HIS FACE, NEAR HIS EYE AREA. HE DID HAVE A LOT OF BLOOD ALREADY ON HIM, BUT IT WAS ALREADY DRIED UP. AT THAT TIME, SGT. CALDWELL ADVISED ME TO CALL FOR EMS TO HAVE THEM COME DOWN AND TRANSPORT THE SUBJECT TO GET MEDICAL ATTENTION ON A QUICK STATEMENT. I THEN ASKED WHAT HAPPENED. THEY STATED THAT THEY GOT INTO A VERBAL FIGHT, AND THEN IT TURNED INTO HER HAVING TO DEFEND HERSELF. AFTER EMS ARRIVED, I THEN ASKED THE COMPLAINANT/VICTIM TO GIVE ME A STATEMENT OF WHAT HAPPENED. SHE DID SO. SHE STATED THE SUBJECT CAME HOME, SO SHE FIXED HIM SOME DINNER. SHE STATED SHE WAS GETTING UNDRESSED TO TAKE A BATH WHEN THE KIDS CAME IN, AND ACCORDING TO THE COMPLAINANT, THE SUBJECT'S ATTITUDE HAD CHANGED. ACCORDING TO THE COMPLAINANT, SHE DID NOT GET UNDRESSED, BECAUSE SHE FELT HIS ATTITUDE WAS CHANGING FOR THE WORSE AND HE WAS BECOMING AGITATED AND SOMEWHAT THREATENING. THE COMPLAINANT STATED THE SUBJECT STARTED TO BECOME VERY BELLIGERENT AND OUT OF CONTROL. SHE TRIED TO CALM HIM DOWN. SHE STATED SHE SAT ON THE BED AND TALKED TO HIM. SHE STATED SHE REACHED UNDER HIS PILLOW, SHE FOUND A KNIFE AND A LITTLE SCREWDRIVER. SHE STATED SHE PULLED OUT THE KNIFE, AND HE GRABBED IT FROM HER. THE SUBJECT STARTED SWINGING THE KNIFE IN A VIGOROUS WAY, SAYING ALL HE HAD GOTTEN DOWN. WHILE THIS WAS GOING ON, VICTIM NUMBER THREE WAS CUT ON THE SIDE OF HIS CHEST AREA BY THE KNIFE. AT SOME POINT DURING ALL THIS ALTERCATION, VICTIM NUMBER ONE STATED THEY DID GET THE SUBJECT TO GO OUTSIDE. ONCE OUTSIDE, THE SUBJECT WAS STILL SWINGING THE KNIFE AT THAT TIME. ACCORDING TO VICTIM NUMBER ONE, THEY DEFENDED THEMSELVES. THEY HIT THE SUBJECT WITH A POOL STICK AND STARTED HITTING THE SUBJECT SEVERAL TIMES. AT SOME POINT DURING THE FIGHT OUTSIDE OR INSIDE, VICTIM NUMBER ONE WAS BIT ON HER RIGHT, ~~INSIDE KNEE AREA. VICTIM NUMBER TWO WAS BIT ON BOTH SIDES OF HEAD, AND~~ VICTIM NUMBER THREE WAS CUT ON THE RIGHT SIDE OF HIS CHEST AREA. THERE WAS NO MARKS OR INJURIES ON VICTIM NUMBER FOUR. VICTIM NUMBER FOUR IS THE ONE WHO CALLED 911. VICTIM NUMBER ONE THEN SHOWED THIS OFFICER A VICTIM'S RIGHT FORM FROM LAST MONTH, WHERE THE SUBJECT WAS ARRESTED FOR CDV, A SECOND TIME. AT THAT TIME, THIS UNIT DID GET IN CONTACT WITH INV. KATHLEEN STREETT. THIS UNIT ADVISED HER OF WHAT HAD TRANSPIRED. I STATED I WAS GOING TO GET PICTURES OF THE INCIDENT LOCATION AND STATED THE SUBJECT WAS GOING TO THE HOSPITAL TO BE EVALUATED AND CHECKED OUT. INV. STREETT ADVISED THAT IF THE SUBJECT WAS GOING TO BE ADMITTED TO GET A PROBABLE CAUSE SHEET. SHE STATED IF HE WAS NOT GOING TO BE ADMITTED, TO ARREST HIM AND TRANSPORT HIM TO THE LEC. AFTER EMS LEFT WITH THE SUBJECT, THIS UNIT THEN STAYED ON THE SCENE A LITTLE BIT LONGER. THIS UNIT DID TAKE SEVERAL PICTURES OF THE SCENE, TOOK TEN PICTURES. THE PICTURES CONSISTED OF THE BEDROOM AREA, THE PILLOW WHERE THE KNIFE AND SCREWDRIVER WAS SUPPOSED TO BE, THE KITCHEN AREA, WHERE THE SUBJECT DID MINOR DAMAGE, CAUSING SOME ITEMS TO GO OUTSIDE THE DOOR, BEING EGGS AND HAIR CURLERS, OUT IN THE FRONT OF THE YARD, WHERE THE SUBJECT WAS BLEEDING. ALSO, ONE OF THE PICTURES CONSISTED OF THE FRONT OF THE HOUSE AND ALL DOORS. THIS UNIT ALSO HAD A PICTURE OF THE SUBJECT AND ALL OF THE VICTIMS AT THE INCIDENT LOCATION. ALSO COLLECTED AT THE SCENE, WAS THE KNIFE THAT THE SUBJECT USED, ALONG WITH THE SCREWDRIVER THE SUBJECT USED, AND THE POOL STICK VICTIM NUMBER ONE USED TO DEFEND HERSELF AGAINST THE SUBJECT. ALL THAT WAS COLLECTED BY THIS UNIT AND TURNED OVER TO EVIDENCE. THE PICTURES WERE TURNED OVER TO INV. STREETT. AFTER LEAVING THE INCIDENT LOCATION, THIS OFFICER THEN WENT TO CAROLINAS HOSPITAL SYSTEM TO SPEAK WITH THE SUBJECT. WHILE AT CAROLINAS HOSPITAL,



I THEN WENT IN AND TALKED WITH THE SUBJECT. THIS UNIT STATED TO THE SUBJECT IF THERE WAS ANYTHING HE WANTED TO SAY AND TELL ME WHAT WAS GOING ON. ACCORDING TO THE SUBJECT, THEY WERE ARGUING AND HE WAS TRYING TO LEAVE. HE STATED WHILE HE WAS IN THE YARD, THAT THEY JUMPED HIM. WHILE IN THE YARD ACCORDING TO THE SUBJECT, THEY SAT ON HIM FOR ABOUT TWENTY MINUTES, HITTING HIM WITH THE POOL STICK, FISTS AND SPITTING ON HIM. HE STATED HE DID NOT DO ANYTHING TO THEM AND DID NOT TOUCH THEM. HE STATED HE DID NOT KNOW WHY THEY DID THIS TO HIM. THE SUBJECT ALSO MADE A STATEMENT SAYING THAT IF LAW ENFORCEMENT WOULDA SHOW, THEY WERE GOING TO KILL HIM AND PUT HIM IN A DITCH. THE SUBJECT DID HAVE SEVERAL MARKS ON HIS HEAD AND SWELLING OVER HIS RIGHT EYE AND CHEEK AREA, AND SEVERAL SCRATCHES TO HIS CHEST. PICTURES OF THE SUBJECT AND HIS INJURIES WERE TAKING BY THIS UNIT.

VICTIM
NAME: TYPE: INDIVIDUAL
USINESS:
ADDRESS:1 PHONE: OCCUPA:ALT. SCHOOL
BUS.PH: RACE: B SEX: M AGE:15
ETHN: N DATE OF BIRTH: / /86
** VICTIM RELATION TO SUBJECTS **
SUBJECT# 001 SC STEPCHILD

VICTIM
NAME: TYPE: INDIVIDUAL
USINESS:
ADDRESS: PHONE: OCCUPA:ALT. SCHOOL
BUS.PH: RACE: B SEX: M AGE:14
ETHN: N DATE OF BIRTH: / /88
** VICTIM RELATION TO SUBJECTS **
SUBJECT# 001 SC STEPCHILD

VICTIM
NAME: TYPE: INDIVIDUAL
USINESS:
ADDRESS: PHONE: OCCUPA:ALT. SCHOOL
BUS.PH: RACE: B SEX: M AGE:14
ETHN: N DATE OF BIRTH: / /88
** VICTIM RELATION TO SUBJECTS **
SUBJECT# 001 SC STEPCHILD

McLeod Regional Medical Center
The Choice For Medical Excellence
555 East Cheves Street - PO Box 100551 - Florence, SC 29501-0551

MR: 00-13-76-82 **PN:** 102856572 **PT:** Mack, Terriel Leshawn
DATE SEEN: 09/05/2002 **ED PHYSICIAN:** JIMMY R. KLUGH, MD
DOB: [redacted]

CC: HUMAN BITE TO THE RIGHT HAND

HPI: This is a 15-year-old African-American gentleman who comes in complaining of a bite to the right thumb which occurred approximately 1 hour prior to arrival. The patient also has a bite to the right side of his head and to the left side of his neck. The patient denies any other injuries. The patient also complains of some right wrist pain which started yesterday after wrecking his bicycle. The patient does have good range of motion, flexion and extension but with forced extension. The patient does have some pain over the volar surface of his wrist.

PMH: The patient has no past medical history. The patient has an unknown tetanus status.

MEDS: He is on no medicines.

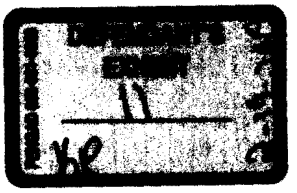
AL: Not allergic to any medicines.

SH: The patient denies tobacco and alcohol use.

ROS: As stated in HPI. Otherwise, all systems reviewed and negative.

PE: GENERAL: The patient is awake and alert. In no acute distress. HEENT: Head is normocephalic. The patient does have some swelling over the right frontal temporal area with a small laceration there. Eyes are PERRL. Extraocular movements are intact. Ears, nose, and throat exams are unremarkable. NECK: Supple. Nontender. LUNGS: Clear to auscultation bilaterally. HEART: Regular rate and rhythm. ABDOMEN: Soft and nontender. SKIN: Shows a small puncture wound to the right dorsal surface of the thumb across the interphalangeal joint. LYMPH: Showed no pedal edema. NEUROLOGIC: Showed no focal motor or sensory deficits. MUSCULOSKELETAL: The patient does have tenderness to the proximal phalanx of the right thumb. The patient also has lots of tenderness over the volar surface of the wrist but no bony tenderness over the distal radius or ulna and no snuff box tenderness. No tenderness to palpation with axillary loading.

EDC/MDM: The patient will have his tetanus up dated. He will be given prescriptions for Augmentin and Motrin.



McLeod Regional Medical Center
The Choice For Medical Excellence
555 East Cheves Street - PO Box 100551 - Florence, SC 29501-0551

MR: 00-13-76-82 **PN:** 102856572 **PT:** Mack, Terriel Leshawn
DATE SEEN: 09/05/2002 **ED PHYSICIAN:** JIMMY R. KLUGH, MD

(continued)
IMP: 1) Human bite to the right thumb and right hand. 2) Right wrist sprain.

PLAN: Follow up with his regular doctor.

Jimmy R. Klugh, MD

DD: 09/05/2002 02:05
DT: 09/06/2002 04:42/ET/1242
JOB#: 2267

McLeod REGIONAL MEDICAL CENTER
The Choice For Medical Excellence

Patient History Da

102856572 08-13-76-82 09/05/02
MACK ,TERRIEL LESHAWN
15 M INT: TIME:

(a)

Primary Triage at Ambulance W/C (Walk) Carried

Date: 9/5/02 Time: 0101

Patient's Name: Terriel Mack Age: 15 DOB: [redacted] SS# _____

Emergency Contact: _____ Phone #: _____ Primary Care MD: Ø

Treatment prior to arrival: _____

Have you been seen by a physician today?	[ ] Y [ ] N	If yes, physician name:
Were you referred by another physician to come to the ED?	[ ] Y [ ] N	If yes, physician name:
Is a McLeod Physician expecting you in the ED?	[ ] Y [ ] N	If yes, physician name:

Chief Complaint
1. Human bite (@thumb) @ Hand
2.
3.

Onset 30min

Initial Pain Score 0 – 10
0 1 2 3 4 5 6 7 8 9 10
Initial Priority Level: I II (III) IV V
Triage Interventions: [ ] X-Ray [ ] Labs [ ] Meds

Brief Assessment: Reports involved in altercation, human bite to @ thumb Noted swelling to area, Also noted break in skin.

Primary Triage RN: Susan Jordan

EXPOSURE RISK Y (N)

Health History	Pt	Fam		Pt	Fam
Diabetes	N		Infectious Dz.	N	
Hypertension	N		Sickle Cell	N	
CVA/TIA	N		Anemia/Bleeding	N	
GI Disorder	N		Kidney Dz.	N	
Cardiovascular Dz.	N		Psych. Disorders	N	
Pulmonary Dz.	N		Alcohol/Tobacco	N	NA
Seizures/Parkinsons	N		Illegal Drugs	N	NA
History of Abuse	N	NA	Sexually Transmit	N	NA
Pacemaker	N	NA	Other	N	
Cancer	N				

Surgeries or Previous Hosp	Date
Ø	

Immunizations:	Y	N	Date
Childhood UTD			
Tetanus	✓		

Cough Screen	Y	N
Cough > 2 Weeks (complete below)		✓
Hemoptysis		✓
Hx Pos PPD		✓
Fatigue / Weakness		✓
Fever		✓
Night Sweats		✓
Weight Loss		✓
Pt placed in isolation		✓
Time placed in isolation		

Allergies/ Reactions: Ø / / / /

Latex Allergy [ ] Y [✓ N
Blood Transfusion [ ] Y [✓ N
Transfusion Reaction [ ] Y [✓ N

Medications : None [✓] Listed Below [ ] Do you take any Herbal/Vitamins or OTC Drugs? [ ] Yes [ ] No

Name of Medication	Dose/Frequency	Date/Time of Last Dose	Name of Medication	Dose/Frequency	Date/Time of Last Dose
Ø					

Did you bring your medication with you? Yes [ ] No [ ] Medication sent home with: (Name) _____

ER Vital Signs: Temp 98.8 Oral / Rectal P 75 R 24 BP 123/68 Sitting _____ Standing

Ht 5'10" [ ] Act. [ ] Stated Wgt 177 [ ] Act [ ] Stated IMP _____ Pulse Ox 100% Visual Deficit L ____ R ____ Hearing Deficit L ____ R ____

Valuables [ ] Hearing Aid [ ] Cane/Crutches [ ] Purse/Wallet $ _____ / Credit Cards ____ [ ] Wheel Chair
[ ] Glasses/Contacts [ ] Dentures [✓] Clothes [✓] Jewelry [ ] Prosthesis [ ] X-Rays [ ] Walker
Description: _____

[ ] Patient Locker [ ] With Patient
[ ] Safe (Security) Officer's Name: _____ [✓] Sent Home with (Name): _____
Patient / Family informed that hospital is not responsible for valuables. [✓] Yes [ ] No

TRIAGE CONTINUATION ON BACK

Seq # 1924 6/02

102856572 00-13-76-82 09/05/02
MACK ,TERRIEL LESHAWN
15 M INT:_____TIME:_____

TIME	BP>2 YRS	PULSE			RESP	O2 SAT	TEMP			PAIN	SCORE	INITIAL
								O	R			
								O	R			
								O	R			
								O	R			

POST TRIAGE CATEGORY: I II III IV V
UPGRADED [ ] Y [ ] N **DOWNGRADED** [ ] Y [ ] N **(IF YES) REASON:** _____

PAIN ASSESSMENT (REQUIRED ON ALL PATIENTS)
NONE CHEST EXTREMITY ABDOMEN HEADACHE BACKPAIN OTHER: LOCATION _____
INTENSITY 0-10 10 ONSET: AM PM Gradual Sudden
QUALITY:
DULL SHARP ACHING THROBBING BURNING STABBING OTHER:_____
INCREASES OR WORSE WITH:
MOVEMENT DEEP BREATH HEAT COLD SITTING LYING WT BEARING EATING
PHYSICAL ACTIVITY OTHER:_____
IMPROVES WITH:
HEAT COLD LYING DOWN RELAXATION MEDS OTHER: _____

PSYCHOSOCIAL ASSESSMENT:
Religious/Cultural Practices Relating to Care Yes No
Motor/Speech Deficit
Hearing Deficit Deaf HOH
Visual Deficit Blind Partial Blind Color Blindness Corrective Lens
Primary Language: English
Unable to read/write
Significant other can read/write
Interpreter Notified Y N/A

Support System
Family/Significant Other
Lives alone

Any suspected or admitted abuse or neglect: ☐ Y ☑ N

DEVELOPMENTAL STATUS
Appropriate for age: Yes No
Head Circm (<18 month) ____ cms Full Term
_____wks
Birth Wt. (<1 Yr) _lbs. _____Ozs Premature
_____wks
Current Diet: _____

AGE YEAR/MONTH	HEAD CIRCUMFERENCE CENTIMETERS
BIRTH	35
3 MONTHS	40.4
6 MONTHS	43.4
9 MONTHS	45.3
1 YEAR	46.6
18 MONTHS	47.9

TRIAGE DATA COLLECTED BY: _____
REVIEWED BY: _____ **RN** _____ **RN @** _____ **AM PM**
Signature *Printed Name*

102856572 00-13-76-82 09/05/02
MACK, TERRIEL LESHAWN
15 M INT: TIME:

Pediatric Developmental Age Assessment

☐ **0 – 3 months** Smiles Coos Holds head steady	☐ **4 – 8 months** Turns to voice Rolls over Sits without support	☐ **9 – 12 months** Feeds self finger foods Pulls self up Says "da da", "ma ma"
☐ **12 – 18 months** Three words besides "ma ma", "da da" Walks well Drinks from cup	☐ **18 – 24 months** Walks up and down steps Knows "8" body parts Combines words meaningfully	☐ **2 – 4 years** Jumps, hops, and skips Uses pronouns and plurals Sings song from memory
☐ **4 – 8 years** Prints first name Throws and catches ball Does jigsaw puzzles/builds models Likes rewards	☐ **8 – 12 years** Independent play Concerns about health, school career Enjoys team sports Relates well with peers	☐ **12 – 14 years** Loud, boisterous, rowdy behavior Talking becomes major past time Makes independent decisions Identifies feelings of self and others

Development appropriate for age: [ ] Yes [ ] No Comments: _____

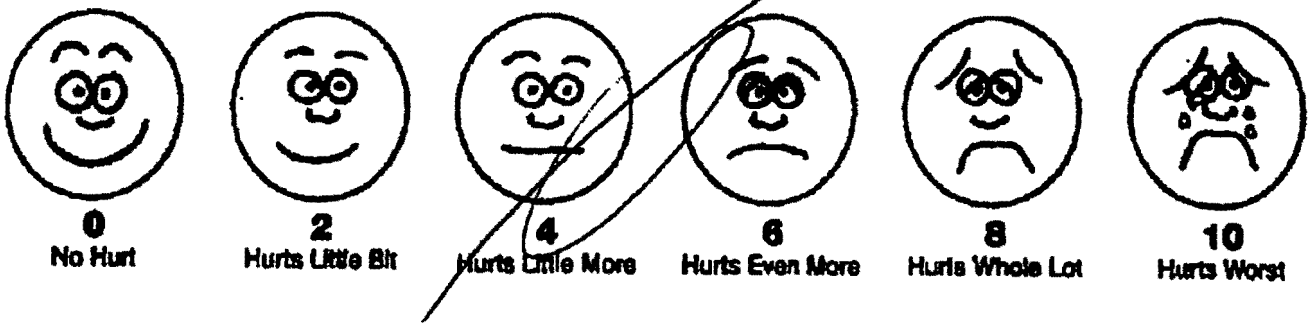
NON-COGNITIVE PAIN SCALE

	0	1	2
Quality of cry	No Cry	Moderate Frequency can be distracted by sound	Screaming, painful, high pitched
Consolability	Calm before 1 minute	Quiet after 1 minute of effort	None after 2 minutes
Sleep Cycle	Sleep > 10 minutes	Short naps between 5 – 10 minutes	Short naps < 5 minutes
Motor activity (tone)	Normal; relaxed	Moderate agitation and tonicity	Constant thrashing, agitated, hypertonic
Facial expression	Calm, relaxed expression	Intermitted grimace; tension	Marked constant grimace; tension

If score: > 5 = needs prn meds 4-5 = Pain medications as ordered. 0-3 = Comfort measures

Adapted from Attia, J., Amiel-Tison C., Mayer MN et al: Measurement of postoperative pain and narcotic administration in infants using a new clinical scoring system. Anesthesiology 67:A 532, 1987

WONG-BAKER FACES PAIN RATING SCALE



Medical professional please note:
Explain to the person that each face is for a person who feels happy because he has no pain (hurt) or sad because he has some or a lot of pain. **Face 0** is very happy because he doesn't hurt at all. **Face 2** hurts just a little bit. **Face 4** hurts a little more. **Face 6** hurts even more. **Face 8** hurts a whole lot. **Face 10** hurts as much as you can imagine, although you don't have to be crying to feel this bad. Ask the person to choose the face that best describes how he is feeling.

Rating scale is recommended for persons aged 3 years and older.

From Wong DL Hockenberry-Eaton M, Wilson D. Winkelstein Mt, Abram E. DiVito-Thomas PA, *Whaley and Wong's Nursing Care of Infants and Children, 6th ed.*, St. Louis, MO Mosby Year Book Inc. 1999 1153. Copyrighted by Mosby-Year Book, Inc. Reported by permission.

McLeod
REGIONAL MEDICAL CENTER
The Choice For Medical Excellence

102856572 08-13-76-82 09/05/02
MACK, TERRIEL LESHAWN
15 M INT: TIME:

Continued Emergency Department Nurses Notes

Time	Temp	Pulse	Resp	B/P	Pulse Ox	Pain Score	Nurses Notes
0415							pt arrived to room 9 pt states he was in an altercation tonight states he was hit on (R) thumb, on the (R) side of head and (R) side neck pt also complains of (R) wrist pain pts mother present and states police report done and information verified pt ALONE no LEO on board
0430							Awaiting md + Disposition time. Betadine Brush Soap Used Sw. Cleanse & Scrubbed Wounds & Sink Mother Given Water
0240							Pt med Given Vitals Retaken Discharged Amb c Rx / Exit & Steri-Strips Dressing

Emergency Services Nursing Assessment

Respiratory
Airway
- [X] Patent
- [ ] Intubated
- [ ] Oral/Nasal Airway
- [ ] Other: _____

Breathing
- [ ] Normal
- [ ] Abnormal

Breath Sounds
- [ ] L [ ] R Clear
- [ ] L [ ] R Wheezing
- [ ] L [ ] R Crackles
- [ ] L [ ] R Diminished

Cough
- [ ] Productive
- [ ] Nonproductive

Additional Notes: _____

* indicates entry in nursing notes

Circulatory
Pulse
- [L] [R] Radial [ ] Present [ ] Absent
- [ ] L [ ] R Pedal [ ] Present [ ] Absent

Rhythm
- [X] Regular
- [ ] Irregular

Neck Veins
- [ ] Distended
- [X] Flat

Heart Sounds
- [X] Regular
- [ ] Irregular

Capillary Refill
- [X] Normal
- [ ] Delayed

AV Shunt
- [ ] Patent
- [ ] Obstructed

Edema
- [X] Absent
- [ ] Present
- [ ] Pitting
- [ ] Nonpitting
- [ ] Location: _____

Additional Notes: _____

Neuro
LOC
- [X] Alert/Oriented x 3
- [ ] Responds to verbal
- [ ] Unresponsive

Pupils
Right pupil reaction 3
- [X] Brisk
- [ ] Sluggish
- [ ] Nonreactive

Left pupil reaction 3
- [X] Brisk
- [ ] Sluggish
- [ ] Nonreactive

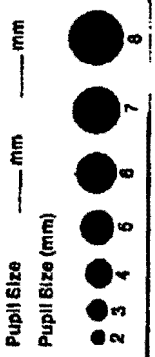
Extremities
- [X] Moves all extremities
- [ ] Deficit *see nurses notes

Speech
- [X] Clear
- [ ] Slurred
- [ ] Aphasia

[ ] For any abnormals start neuro flow sheet

Pediatric (18 mos & <)
LOC
- [ ] Alert/Oriented x ____
- [ ] Responds to verbal
- [ ] Lethargic
- [ ] Irritable
- [ ] Shrill Cry

Anterior Fontanel
- [ ] Soft
- [ ] Tense
- [ ] Bulging
- [ ] Flat
- [ ] Full
- [ ] Sunken
- [ ] Closed



Integumentary
Temp
- [X] Normal
- [ ] Cold
- [ ] Hot

Color
- [X] Normal
- [ ] Cyanotic
- [ ] Pale
- [ ] Other: _____

Breakdown
- [ ] Present
- [X] Absent
- [ ] Location (Note on figure)

Trauma
- [ ] Present
- [ ] Absent

Location (Note on figure)

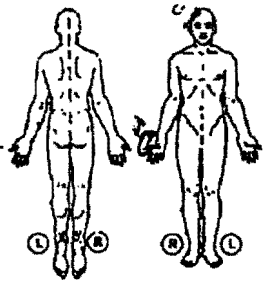


Figure Legend
- A = Abrasion
- C = Contusion
- L = Laceration
- P = Decreased Pulse
- X = Tenderness
- Stb = Stab Wound
- LS = Sutured
- OFx = Open Fracture
- Amp = Amputation
- GSW = Gunshot Wound
- CFx = Closed Fracture
- BS = Burns
  - BSA % _____
- PAR = Paralysis
- S = Decreased Sensation

Mode of arrival	WALK
Time in room	0145
Room number	9

Home Aids
- [ ] Pic Line
- [ ] Peg Tube
- [ ] Ventilator
- [ ] Colostomy
- [ ] Tank-Off
- [ ] Ash/Split Cath
- [ ] Port-a-Cath
- [ ] Other: _____

Denies

GI
- [ ] Nausea
- [ ] Vomiting
- [ ] Diarrhea Denies
- [ ] Loss of appetite
- [ ] Home diet: _____

Bowel Sounds
- [X] Present
- [ ] Absent

Abdominal
- [X] Normal
- [ ] Distended
- [ ] Guarded
- [ ] Rigid

GU
- [ ] Flank Pain
  - [ ] Left
  - [ ] Right
- [ ] Dysuria Denies
- [ ] Frequency
- [ ] Urgency
- [ ] Hematuria

Penile Discharge Denies
- [ ] None
- [ ] Present
- Color: _____

We are routinely screening for domestic violence. Have you been hit, kicked, verbally or sexually abused by a family member or significant other?
- [ ] Yes
- [X] No

Do you want help with this today?
- [ ] Yes
- [X] No

GYN
Bleeding
- Number of Pads: _____

Vaginal Discharge
- Color _____
- Odor: Y N

LMP _____

Preg/Delivery Date: _____

FHT _____
- G _____
- P _____
- A _____

Pediatric:
- [ ] See Pediatric Developmental Age Assessment
- [X] Not Applicable 15 years or > use adult assessment form only

Psychosocial / Psychiatric
Affect
- [ ] Flat
- [X] Normal

Behavior
- [X] Cooperative
- [ ] Uncooperative
- [ ] Agitated
- [ ] Other: _____

Ideations
- [X] None
- [ ] Harm to self
- [ ] Harm to others

Hallucinations
- [ ] Auditory
- [ ] Visual

Restraints/Seclusions
- [ ] Yes If yes, see seclusion flowsheet
- [X] No

Forensic Restraints
- [ ] Yes If yes, police officer must be present
- [X] No

Security Notified
- [ ] Yes
- [X] No

Patient searched
- [ ] Yes If yes, searched by whom: _____
- [X] No

Notes: _____

Initial Nurse Signature _____

102856572 00-13-76-82 09/05/02
MACK,TERRIEL LESHAWN
15 M INT:_____TIME:_____

PAIN ASSESSMENT

Date	Time	Pain Level	Location	Intervention	Follow up	Initials
9/5/02	0145	3/10	Bilateral			

INPUT

Time	PO	NG	IV	Other
		Ø		

IV

Time	Gauge	Site	By	Number Attempts	Time	Dc'd W/O Complications	BY
			Ø				

OUTPUT

Time	Urine	NG	Emesis	Chest Tube	Other
		Ø			

Time	Medication / IV Fluids	Dose	Route / Site	Signature
0220	Motrin	200mg	po	RNC
0220	Tylenol	2 pills	po	RNC
0220	Phy Martin	375mg	po	

Discharge Disposition Time: 0240

☐ Home ☐ Other _____ Accompanied with ☐ Self ☐ Family ☐ EMS

Via ☐ W/C ☐ Ambulatory ☐ Stretcher ☐ Carried ☐ In Custody

☐ Pt/S.O. verbalized understanding of discharge instructions: Human Bite

☐ Medication Education completed with patient Tetanus Injection

☐ Discharge vital signs: BP 114/ P 68 R 57 T _____

Resource Needs:

☐ None ☐ Case Manager Notified @ _____ AM PM

☐ Spiritual Care ☐ Assistance with ADL's

☐ Other: _____ ☐ Assistance with medical equipment

☐ Financial Counselor ☐ Assistance getting medications

☐ Pee Dee Coalition ☐ Assistance with referral: Type: _____

Safety

Side rails up x2 ☐ Yes ☐ No

Call light within reach ☐ Yes ☐ No

Stitches consider y'bod NOK

Admit

Time report called: _____ Transported with:

Room # _____ ☐ Monitor ☐ O2

Report to: _____ ☐ Pulse Ox ☐ RN

Time to floor: Ø

INITIALS	PRINTED NAME	SIGNATURE
RNC	Roebare N'Elmore	Roebare N'Elmore
DBL	Deborah Bradley LEE	Deborah Bradley Lee

102856572 00-13-76-82 09/05/02
MACK, TERRIEL LESHAWN
15 M INT: TIME:

STATE OF NEW YORK)
)
COUNTY OF NEW YORK)

AFFIDAVIT

Personally, appeared before me, the undersigned, who being duly sworn, deposes and states as follows:

1. That I am a citizen and resident of the County of New York, State of New York.

2. I attest and affirm that I, Dawn Renee Simmons, am the author of *"Letters To Our Sons, A Collection of Letters By Prisoners & Ex-prisoners To Stop Mass Incarceration of Our Youth."*

3. I attest and affirm that I, Dawn Renee Simmons, did have my book Letters To Our Sons, published on October 31, 2018.

4. I attest and affirm that Mr. Terriel Mack did submit a letter to me which was published in my book.

5. I attest and affirm that the letter I received from Mr. Terriel Mack is dated December 31, 2013 and I received it in January 2014.

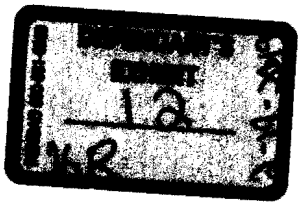
6. I attest and affirm that the letter which was submitted to me by Mr. Terriel Mack appears in my book on pages 42-43.

Dawn Renee Simmons

SWORN TO before me this
18th day of February, 2019

NOTARY PUBLIC FOR NEW YORK
My Commission Expires: July 16, 2019

Jackye N. Stephenson
Notary Public State of New York
Commission #01ST6048677
Qualified in New York County
My Commission expires July 16, 2019



STATE OF SOUTH CAROLINA)
) AFFIDAVIT
COUNTY OF FLORENCE)

Personally, appeared before me, the undersigned, who being duly sworn, deposes and states as follows:

1. That I, Nourise McLaughlin, am a citizen and resident of the County of Florence, State of South Carolina. I am over the age of eighteen and attest and affirm the following to be true.

2. Terriel Shawn Mack is my brother's son, my nephew. I have known him his entire life. Shawn grew up living with his mother Dawn and spent some time with his father and our family.

3. Shawn's mother worked multiple jobs at times which kept her from being present in Shawn and his brother's lives. The boys ran free in the neighborhood and did not have much guidance growing up. From my experience with Shawn and his brothers, Dawn did not provide a lot of support or leadership for her children. She was very inconsistent with parenting them and the boys just seemed to make their own choices of where to be and when.

4. Throughout Shawn's life Dawn had many different relationships with men. These men would often live with her and the boys and be the main male role models in their lives. Her relationships seemed much more important to her than being a parent to her kids so she would put the men before her children whenever problems came up.

5. Many of these men have been arrested and did not treat Dawn or her kids the way they deserved to be treated. Dawn would stand up for the men and tell her children to toughen up now or you will get your [behind] beat later. I have always known you cannot get a right out of two wrongs and when both parental figures are not acting as they should the results can be predicted. Dawn deserved better for herself and should have brought better men into her kids' lives if she was going to have relationships at all.

6. Shawn and his brothers are all intelligent young men but everything positive they learned was in school and everything else was learned in the streets. They are all very bright but did not have anyone to help them appreciate the importance of an education, so they did not succeed in school as they got older.

7. I live in Florence County and will be here to support Shawn if he is released. My brothers, daughters, and entire family will do everything we can to help him be successful in our community.

Nourise McLaughlin
Nourise McLaughlin

SWORN TO before me this
5th day of February, 2019
Bill Russell
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 3/24/27



STATE OF SOUTH CAROLINA)
) AFFIDAVIT
COUNTY OF FLORENCE)

Personally, appeared before me, the undersigned, who being duly sworn, deposes and states as follows:

1. That I, Shante McLaughlin, am a citizen and resident of the County of Florence, State of South Carolina. I am over the age of eighteen and attest and affirm the following to be true.

2. Terriel Shawn Mack is my uncle's son and I have known him his entire life. We went to school together until Shawn went to the Department of Juvenile Justice. He was involved in the Chess Club in the mornings and enjoyed playing sports.

3. Shawn was a really good student and even helped me and our other cousins with our school work. To me, he was just a normal, smart kid. I enjoyed spending time with him and our friends after school and at family gatherings.

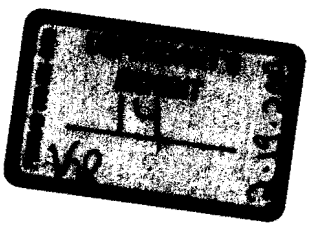
4. Before he went to DJJ, we spent a lot of time together but when he came back it was like a switch flipped. After he was released from DJJ he stopped hanging out with us and only spent time with the three or four guys in our neighborhood that were in DJJ with him. I was sad that he did not want to hang out with us anymore but I did not think the guys he had started hanging out with were very good people.

5. The guys that he was hanging out with seemed to change his way of thinking and how he spent his time. He did not seem to focus on school at all and was mostly just spending time the neighborhood with them.

6. I have two children and work hard to provide for them every day. If Shawn is released, I will help him and support him with anything he needs including making sure he has somewhere to live and somewhere to work. We have a large family, and will all work together to make sure he has a successful transition back into our community.

Shante' McLaughlin
Shante McLaughlin

SWORN TO before me this
5th day of February, 2019
Brie Russell
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 3/24/27



STATE OF SOUTH CAROLINA)
) AFFIDAVIT
COUNTY OF FLORENCE)

Personally, appeared before me, the undersigned, who being duly sworn, deposes and states as follows:

1. That I, Terry McLaughlin, am a citizen and resident of the County of Florence, State of South Carolina. I am over the age of eighteen and attest and affirm the following to be true.

2. Terriel Shawn Mack is my son.

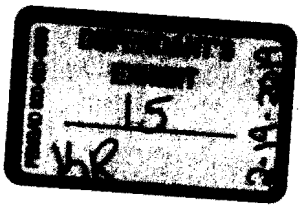
3. If Shawn is released, he will be able to come to work for my brother, Barry McLaughlin, and myself. We opened McLaughlin Floor Coverings in 1990 and have been working in the Florence area and throughout South Carolina ever since.

4. Shawn is very bright and I know he would be able to easily pick up on the work we do and be successful in helping our business grow.

5. I will also be available to my son for anything he needs, from a place to stay to a warm meal. I know that making a transition back into the community will be a process and I will be by his side every step of the way.

Terry McLaughlin

SWORN TO before me this
5th day of February, 2019
Bonni Russell
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 3/24/27



STATE OF SOUTH CAROLINA)
)
)
COUNTY OF ALLENDALE)

AFFIDAVIT

Personally, appeared before me, the undersigned, who being duly sworn, deposes and states as follows:

1. That I, Rodrigues Demetress Doe, am a citizen and resident of the County of Florence, State of South Carolina. I am over the age of eighteen and attest and affirm the following to be true.

2. Terriel Mack was a tutor in the education department at Lieber when I was there in 2009. Mack was very intelligent and just a good dude. He was always down at the schoolhouse helping others get their GEDs.

3. I was never housed with Mack so we did not ever have a chance to hang out or become friends. I only knew him in his role as a tutor for those working on education credits.

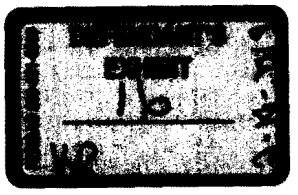
4. Mack worked with me and tutored me and I was able to successfully complete the program and get my GED before I was released. I do not think I would have been able to do it without his help.

R. Doe
Rodrigues Demetress Doe

SWORN TO before me this
6th day of February, 2019

Billie Russell
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 3/24/27



Official Transcript of GED Tests

Issued by:
SCDE Office of Adult Education
1401 Senate Street
Columbia, SC 29201

ed.sc.gov/instruction/adult-education/

Candidate Information

Last Name: **MACK** First Name: **TERRIEL** MI:

Address: [redacted]**WILBORN AVE DOC- LCI**
RIDGEVILLE, SC 29472

DOB: [redacted] SSN: **XXX-X**[redacted]

Test Name	Standard Score	Percentile Rank	Test Date	Test Form
Language Arts, Writing	500	50	11/13/2008	II
Social Studies	480	42	11/13/2008	II
Science	480	42	11/13/2008	II
Language Arts, Reading	580	79	11/13/2008	II
Mathematics	460	34	11/13/2008	II
Pass/Non Pass: Pass	**2500**	**Avg Score:**	**500**	

GED Administrator:

Date Printed: Friday, February 8, 2019

Center Name: *Not available.*
Center ID: 3000430036
Test Format: EP
Date Passed: November 13, 2008
Language: English

* The scores on this report are the highest scores achieved by the candidate and not neccessarily the most recent. If the latest scores are lower than the scores previously achieved, the retest scores are not reported.



INDEPENDENT PSYCHIATRIC EVALUATION

EXAMINEE: Terriel Mack
DATE OF BIRTH: [redacted]
ATTORNEYS FOR MR. MACK: Marshall S. Weaver, Esq.
Brie R. Russelll, Esq.



DATE OF EVALUATION: February 15, 2019
DATE OF REPORT: February 17, 2019

EXAMINER: Matthew E. Gaskins, MD
Forensic Psychiatrist

IDENTIFYING INFORMATION

Mr. Mack is a 32-year-old African American male who is currently serving a sentence of Life Without Parole (LWOP) after being found guilty in 2005 for the charge of Murder based on events from 2003. At the time of the crime for which he was convicted he was a juvenile (17 years old). Based on the rulings of *Miller v. Alabama* 132 S Ct 2455 (2012) and *Aiken v. Byars* 410 S.C. 534 (2014), Mr. Mack is scheduled for a resentencing hearing. This examination was requested by Mr. Mack's attorneys to provide a psychiatric assessment and provide feedback as it relates to the factors to be considered for resentencing.

STATEMENT OF NON-CONFIDENTIALITY

Prior to the interview Mr. Mack was warned about the limitations in confidentiality associated with forensic evaluations. He was informed the evaluation was requested by his attorney and work products produced based on the evaluation were controlled by his attorney. He was told that this evaluation did not establish a doctor-patient relationship and that no treatment would be provided as a result.

SOURCES OF INFORMATION

1. Initial conversation with Mr. Mack's attorney, Marshall Weaver, requesting the evaluation.
2. Florence County school records.
3. Records from SC Department of Juvenile Justice (SCDJJ).
4. Birth certificate for Mr. Mr. Mack.
5. Psychological evaluation report completed by Geoffrey R. McKee, PhD, dated February 4, 2019.
6. Florence County Family Court commitment order 2002-JU-21-21.
7. Statement from Carolina Hospital System (no records for review).
8. Statement from Circle Park Behavioral Health Services (no records for review).

9. Statement from SC Department of Special Needs (SCDDSN) (no records for review).
10. Immunization record from SC Department of Health and Environmental Control (SCDHEC).
11. Medical records from McLeod Health.
12. Statement from PeeDee Regional Family Medicine (no records for review).
13. Statement from SC Vocational Rehabilitation (no records for review).
14. Statement from SC Department of Mental Health (SCDMH).
15. Medical records from SC Department of Corrections (SCDC).
16. Medical records from Greenville Memorial Medical Center (GMMC).
17. Medical records from University of Specialty Clinics (University of South Carolina School of Medicine).
18. General Education Development (GED) certificate.
19. Two hour and 45-minute psychiatric interview conducted at Broad River Correctional Institution.
20. City of Florence incident report and accompanying documents for case numbers 2003-12-373 and 2003-012408.
21. Crime scene, autopsy, and investigative photographs.

BRIEF LEGAL HISTORY

On January 15, 2003, Mr. Mack was adjudicated delinquent and committed to SCDJJ.

Mr. Mack was arrested in connection with a shooting death which occurred in December 2003. He was charged with two codefendants. He was found guilty of Murder on October 25, 2005. He was sentenced to LWOP and placed in the custody of SCDC. Since that time, he has transferred to various prisons within SCDC.

REVIEW OF AVAILABLE RECORDS

SCDMH

A letter dated May 1, 2017, states that Mr. Mack received treatment from October 2001 through January 2002 for an unspecified diagnosis. The letter states, "These records are no longer available due to our retention policy of ten years."

FLORENCE COUNTY SCHOOL RECORDS

Mr. Mack's records show academic decline in middle school with some failing grades. Prior to this he was performing in the average range.

SCDJJ

The records include a psychosocial evaluation dated June 27, 2002 (at age 15). The evaluation noted that Mr. Mack had "several referrals dating back to 1999 when he was 12-years-old." During this evaluation Mr. Mack told the evaluator "that he was associating

with a negative crowd and attributes this as one reason for his current offenses" and "[t]his age also corresponded with the start of his alcohol and drug use." The report states, "It is noted that he had a great deal of idle and unstructured time when his offenses occurred because he was expelled from school." Diagnoses offered in this evaluation include Conduct Disorder (moderate), Alcohol Abuse, Cannabis Abuse, and Family-Child Relationship Problems. Additionally, the stressor of "Father's lack of involvement in Terriel's life" is listed as a diagnostic impression. Recommendations in this report included referral for substance use treatment and "counseling to uncover and deal with his anger." It was also recommended that Mr. Mack's "mother be required to successfully complete parenting classes." It is unclear if these recommendations were implemented.

An intake note dated February 27, 2003, states Mr. Mack was assessed after being adjudicated delinquent for auto breaking and petit larceny. The records state, "He acknowledges responsibility for his offense, but minimizes the severity." He is described as having an affect (i.e. observed expression of mood) that "was positive" with a "somewhat defensive" attitude. He was assigned to "individual counseling to address treatment goals and personal issues and concerns to effect positive change." Later in this document Mr. Mack is described as having "great deal of anger" and self-reported "his biggest problems are his substance use and that he aligns himself with negative peers much to the detriment of his own needs."

Additional relevant information from this source of information include:

- References to "a poor relationship with his stepfather and mother" throughout indicating significant family discord.
- Multiple reports of Mr. Mack having difficulty controlling anger (e.g. "poor management skills and impulse control," "anger management problems").
- Statements regarding substance use (including alcohol and marijuana) starting at an early age.
- Mr. Mack's attendance and participation in therapy groups was inconsistent. It is noted that he had multiple changes in location during this time.
- Behavioral infractions including multiple instances of fighting.

MCLEOD HEALTH

Mr. Mack received treatment for a chief complaint of "human bite to the right hand" on September 5, 2002. There were multiple other injuries noted on exam.

SCDC

Mr. Mack was first evaluated for mental health concerns starting in 2006. Initially there was no "acute emotional/psychological distress." The first evaluations were requested as "security referral[s]." He had multiple assessments, but the first psychiatrist note available for review is dated May 2, 2011, when he was evaluated by Robert M. Poiletman, MD. Dr. Poiletman offered diagnoses including Posttraumatic Stress Disorder (PTSD) and Psychosis Not Otherwise Specified (NOS). In this note, Dr. Poiletman states he saw Mr.

Mack "one time before" due to symptoms Mr. Mack attributed to being attacked by a corrections officer. Dr. Poiletman prescribed Risperdal® (risperidone), an antipsychotic medication; and prazosin, a blood pressure medication often used to treat nightmares associated with PTSD. His medications were adjusted under Dr. Poiletman's care with varying degrees of success.

Mr. Mack was transferred to Perry Correctional Institution where his medications were stopped on April 17, 2012. The note is signed by Eileen Delany, but it is not clear her classification, and the reasons for discontinuing are not outlined. During the following years, the majority of his mental health care at SCDC was not provided by psychiatrist but more often by health service coordinators. Based on their notes, they did not believe Mr. Mack was being truthful regarding his current symptoms. Mr. Mack reported paranoia and atypical hallucinations (i.e. descriptions of hallucinations not commonly associated with severe and persistent mental illness) most often related to traumatic encounters with corrections officers.

His next psychiatric evaluation was on May 30, 2015, when he was evaluated by Jimmy Pacheco, MD. Dr. Pacheco offered the diagnosis of Antisocial Personality Disorder (ASPD) with a rule out diagnosis of Impulse Disorder NOS. Dr. Pacheco prescribed Thorazine® (chlorpromazine), an antipsychotic. It is noteworthy that while there was not a diagnosis associated with hallucinations present at this time, his treatment goals included "to decrease hallucinations both auditory and visual hallucinations."

He was assessed by another psychiatrist, Michael Ferlauto, MD, on October 29, 2015. Dr. Ferlauto agreed with the diagnosis of ASPD and included a rule out of "psychotic [disorder] vs malinger." Dr. Ferlauto continued Thorazine® (chlorpromazine) but noted a "low threshold for discontinuing since ASPD seems to be primary pathology." Dr. Ferlauto continued to provide care and on April 28, 2016, it was noted that Mr. Mack received/took medication inconsistently and added a rule out diagnosis for a depressive disorder. Mr. Mack reported continued depressive symptoms throughout his treatment with Dr. Ferlauto. In the note dated July 27, 2017, Dr. Ferlauto writes, "Offered to start him on an antidepressant b/c he always seems depressed but he declined."

After he was transferred to Lee Correctional Institution his psychiatric care was taken over by Beverly Wood, MD, who offered diagnoses of ASPD and Unspecified Psychosis with a rule out diagnosis of PTSD. Dr. Wood agreed with Thorazine® (chlorpromazine) and prazosin. Dr. Wood continued to provide treatment throughout the year. Mr. Lee was housed at the Lee Correctional Institution during the riots which occurred on April 15, 2018. He reported to Dr. Wood on May 11, 2018, that he was "not doing well" because "he saw dead bodies stacked up during the recent riot and it replays in his mind over and over."

In a counseling/psychiatric progress note dated June 15, 2018, Mr. Mack reported that "he was found hanging in the shower" and had to be cut down. The writer of this report, Melissa Gambrell, NP, describes Mr. Mack as guarded in discussion. The records state that Mr. Mack has on more than one occasion reported suicidal ideation which resulted

on his being placed on suicide watch unrelated to the riot. The treatment plan includes "PTSD from Lee riot" as a concern which required treatment. Another note with the same date states, "Depression is significant" and describes him as "cooperative and non-communicative."

A physician note dated September 20, 2018, completed by Halford Meyer, MD, lists diagnoses including Psychosis, Malingering, Unspecified Anxiety Disorder, and ASPD. The most recent progress note available for review dated December 18, 2018, states that he continues to receive antipsychotic medication for treatment of psychotic symptoms.

Additional medications prescribed through SCDC include Zoloft® (sertraline), an antidepressant; Cogentin® (benztropine), a medication used to treat/prevent side effects of antipsychotics; Loxitane® (loxapine), an antipsychotic; Cymbalta® (duloxetine), an antidepressant often used to treat neuropathic pain; and Geodon® (ziprasidone), an antipsychotic. The medication administration record (MAR) provided for review confirm that administration was inconsistent.

The records also describe general medical concerns including shoulder dislocation in 2012.

PSYCHOLOGICAL REPORT GEOFFREY MCKEE

Dr. McKee conducted a psychological evaluation on January 11, 14, and 22, 2019, "to assess [Mr. Mack's] current diagnoses, risks of harm to others, sophistication and maturity, and amenability for treatment."

Dr. McKee's evaluation outlines reasons that Mr. Mack's "defense attorney could have offered expert forensic psychological testimony." These reasons include the results of psychological instruments outlined in Dr. McKee's report; "descriptions of [Mr. Mack's] personal history of achievements, family, stability, and happiness before age 10;" "devastating traumas and reactive depression between ages 10-13;" and "adolescent 'self-medication' by substance dependence and emotional/behavioral volatility from ages 14 until his arrest for murder." Dr. McKee uses retrospective assessments to determine how Mr. Mack was likely functioning at the time of his arrest and subsequent trial. One of these instruments was the Jesness Inventory-Revised (JI-R). Dr. McKee writes, "These JI-R results indicate that although he may have been chronologically 17 years old at the time of his arrest and subsequent confinement in jail awaiting trial, he was emotionally, perceptually, and cognitively (decision-making, problem-solving) a much younger person."

In the report Dr. McKee outlines numerous tests and instruments frequently utilized in "pre-trial criminal forensic evaluation[s]" which were available at the time of Mr. Mack's trial. Dr. McKee expresses concern that research has shown "differences between juvenile and adults in certain CST [competency to stand trial] capacities, particularly in more abstract elements such as understanding plea bargaining." Dr. McKee notes, based on available information, Mr. Mack was not referred to SCDMH for CST evaluation. Dr.

McKee states that such an "evaluation would have addressed these issues as well as provided for the court's consideration a summary of Terriel's personal history and perhaps the findings from the previous SCDJJ psychological evaluation and SCDJJ Discharge Summary."

Dr. McKee ends the report by stating:

> It is my opinion that Terriel was at age 17/18, and still is now, capable of rehabilitation based on the results of this evaluation and current mental status, diagnoses of PTSD and possible psychosis and [the results of psychological testing]. These data indicate that he would profit from recurrent access to mental health treatment including regular group and/or individual counseling sessions augmented by appropriate psychiatric medication for the foreseeable future.

FORENSIC INTERVIEW

CLINICAL PRESENTATION AND PSYCHIATRIC HISTORY

Mr. Mack was interviewed at Broad River Correctional Institution. Prior to the interview Mr. Mack's attorney, Brie Russell, had a brief discussion with Mr. Mack and facilitated the introduction. Ms. Russell then left the interview room so that the interview could be conducted on a one on one basis.

Mr. Mack reported the following information: He is currently held in Broad River Correctional Institution. He is complaint with treatment, but medications are not always given to him. There have been times when he was given incorrect medicines, or his medicine was given to other inmates. Mr. Mack believes he has PTSD based on several traumatic events which occurred throughout his life. He witnessed domestic violence by his mother's partners directed at her. He would try to intervene which would lead to his being assaulted by these men. In one of these instances he was bitten and had to go for treatment (see medical records above). Additionally, these men often were hostile and dismissive of the men that preceded them (i.e. remove pictures of them, talk bad about them). This led to him lacking a consistent positive paternal figure. His own father "never claimed [him]" and has had a casual relationship with him described as saying "what's up?" and nodding when they pass. During most of his childhood two consistent and empathetic caregivers were his maternal grandmother and maternal great grandmother. His great grandmother died from cancer when he was 13 years old which was a chaotic event. Shortly after his maternal grandmother moved to North Carolina. He believes his childhood experience has made him more cautious and suspicious of others. After his great grandmother died, he started living "street life" and using drugs and alcohol to help cope. This was due to a permissive parenting style of his mother. He witnessed gang culture even though he was not directly affiliated. This exposed him to further violence and drug use. Upon arriving at SCDC he quickly noticed many similarities to "life on the street" and "prison culture." In corrections he has witnessed violence, gang culture, and drug use. In order to survive he has to remain on guard at all times. The basis for this

stance is his past experiences. He has been the victim of violence from other inmates as well as corrections officers. He has had multiple behavioral infractions including fighting with corrections officers, fighting with peers, and possession of contraband. In one instance he was found to have a sharpened stick. This was at the same time that he had shoulder surgery and "was a one-armed man" making him feel "like a sitting duck." His experiences have led him to knowingly push boundaries and break rules in order to "survive" while incarcerated (i.e. have a potential weapon when limited physically, fight an officer/inmate who disrespects him publicly). He has an attitude of acceptance of this as the status quo ("it is what it is"). The violence prior to and during his incarceration has caused him to experience recurrent intrusive thoughts and nightmares related to the trauma. He tries to "keep to [him]self" to avoid possible conflicts but this is not a viable option given his incarceration (i.e. he has to go where he is told). He was present in Lee Correctional Institution during the riot. He witnessed extreme violence and was personally threatened by others. It was the intervention of someone involved in the riot that saved him from possible harm or death during the riot. His nightmares and intrusive thoughts of violence have intensified as well as incorporated events from the riot. He has "seen" dead bodies stacked and blood on the walls. In discussion, the word *seen* to refers to nightmares and intrusive, unwanted images of things he witnessed opposed to hallucinations. He believes medications help with these symptoms. When he does not have medicine, he become paranoid and will "refuse to eat" because a belief that people are "messing with [his] food." The medicine has helped to lessen the intensity of the nightmares and intrusive thoughts.

He wanted to make clear that he has also had extended periods free from write-ups including up to two consecutive years being disciplinary free.

Mr. Mack reported one past suicide attempt by hanging. This occurred after following the events at Lee Correctional Institution. He stated he tried to hang himself and had to be cut down. He does not describe recurrent depressive episodes but a chronic low mood. He stated he tries to maintain a positive outlook but understands his mood acutely worsens when there is a setback or other stressor added (e.g. placed on lockdown, friend/family member dies, bad news from home).

Mr. Mack reported that he also "hear[s] voices" of unseen others that "tell [him] to do things." When pressed, he was unable to provide details.

ALCOHOL AND SUBSTANCE USE HISTORY

Mr. Mack reported heavy use of alcohol and marijuana as an adolescent. He does not believe that his use caused problems and did not describe symptoms of physiologic dependence. He stated he has largely avoided the drugs and alcohol available within SCDC.

MEDICAL HISTORY

Mr. Mack reported a shoulder surgery which resulted from "an officer assaulting [him]." He added that he is otherwise healthy.

FAMILY MEDICAL HISTORY

Mr. Mack stated that his great grandmother died due to unknown cancer. He reported his mother has an unknown mental health diagnosis and a history of abusing alcohol.

SOCIAL HISTORY

Mr. Mack reported the following information: He was born and raised in Florence, SC, by his mother along with three brothers. He has two paternal half-siblings. He has never had a meaningful relationship with his biological father because his father will not "claim [him]." He was close with his mother, but she would put her children second when in a relationship. The men with whom his mother associated were often violent toward her. He and his brothers would attempt to interfere and leading to his being injured "by grown men." He was briefly placed in foster care while in kindergarten for unknown reasons. At age 10 he moved in with his grandmother. His grandmother had problems related to use of crack cocaine early in his life but was able to turn her life around. His grandmother was an inspiration for him and the person to whom he turned when upset. He spent a year with his grandmother before returning to his mother's. He lived there until his arrest for Murder. His mother continued to ignore her responsibilities throughout this time and there was often no food in the refrigerator. His brothers started stealing food from elsewhere, and Mr. Mack started living the "street life" to make money. This included dealing drugs to earn money "to buy food for [his] brothers." He was "doing fine" in school "for the most part" but did get in trouble for rules violations. He dropped out of school in the 10th grade because going to school became dangerous because of "stuff in the neighborhood." He continued to live "just surviving the street." He briefly worked at a car wash and with his mother preparing a restaurant for opening. He turned to using substances to help self-medicate himself in order to relieve the stress and frustration associated with his lifestyle.

ARREST AND TRIAL

Mr. Mack stated that others placed him at the scene of the crime and identified him as the shooter. He stated that the motive for the shooting was reported by witnesses and codefendants to be either robbery or to obtain marijuana. He stated that the Murder occurred on December 17, 2003, and he was arrested two days later. During the interview he did not want to discuss his version of events as he has an appeal pending at this time. He acknowledged that he was convicted as the shooter and therefore found responsible for the death. He added that he had other charges which were ultimately dropped prior to trial with the exception of "Criminal Conspiracy."

He stated he was initially appointed Michael Nettles as his attorney in January 2004. In February 2005, his case was transferred to Elizabeth York because Mr. Nettles was elected to the circuit court. Ms. York was his attorney until August 2005 when she took a

leave from work due to pregnancy. Mr. Mack reported that during this time he was not able to discuss the details his charges with either of his first two attorneys as the investigation and discovery was ongoing. In August 2005, Scott Floyd was appointed his attorney. Mr. Mack stated that 81 days later his trial began. Mr. Mack stated that he was frustrated with the multiple changes in representation and did not believe that the attorneys were invested in his case. He repeatedly said, "Only 81 days to get ready for a Murder case is not enough." He stated that he did not have meaningful conversations regarding the evidence against him or the likelihood of conviction at trial with his attorneys. He reported that he was "naïve" about his chances. He felt frustrated for the nearly two years of uncertainty at the detention center while awaiting trial. He believes he was likely showing signs of "depression and anxiety symptoms" at the time including frequent episodes of tearfulness. He reported that he was able to cover it up by being "very optimistic" that the jury would find in his favor. He reported that he told his attorneys about his past mental health treatment including his evaluation at SCDJJJ but was not evaluated by mental health in the detention center and did not have a CST evaluation. As the evidence and witnesses were presented at trial, he continued to believe he would be found not guilty. The jury required additional information regarding the case and asked to re-hear testimony making him believe he was "almost right." He described feeling surprised by the verdict because he did not think the jury would believe the witnesses/statements due to their own questionable pasts.

After his conviction he was sent to prison at the age of 19. He stated he experienced shock at the amount of violence and drug use he encountered in prison. He realized he was still a teenager in a prison "full of grown men" all who had more experience than he. Despite this frustration, he believed his conviction would be overturned on appeal. With encouragement from others on the outside he decided to obtain his GED to educate himself and be better prepared to return to society. He found "going to school [to be] [his] escape" from the frustrations of prison life. He described feeling pride in this accomplishment that made him want to give back to others. He reported that this led him to volunteer and help other inmates complete the GED program. He reported he is most proud of helping another inmate score higher than himself on the GED examination. He has spent a lot of time educating himself in preparation for various legal motions. He believes he now is able to discuss elements of his case as he prepares for the resentencing hearing and possible appeals. He reported becoming more involved in the church community in prison to meet other like-minded individuals who "want to give back" to others and "stay positive." He stated that he was part of getting a cultural awareness program going which focuses on educating inmates about multiple cultures and belief systems (e.g. Irish culture, African history, Buddhism) to help broaden the horizons. He stated he also started a "current events group" where he would obtain coffee, donuts, and newspapers for a group of inmates. The goal being to discuss the topics of the day outside the prison to remind the inmates that the world continues to move on while they are in prison and to be educated about "the events of the day." He reported being involved with a group that are publishing a collection of advice called "Letters to Our Sons" designed to break "the cycle of mass incarceration."

MENTAL STATUS EXAMINATION

Mr. Mack was escorted to the evaluation by corrections officers. He was wearing a jumpsuit provided the prison and was in belly-chains and ankle restraints. There were no abnormal movements noted. He was well-groomed with appropriate hygiene. He had a pair of broken eyeglasses with him with thick lens. He had a stack of papers in an envelope which he said were records for the pending re-sentencing hearing. He pulled out appropriate papers when discussing his case (e.g. school records when discussing education, court documents when discussing his case). He was cooperative with the evaluation and answered questions appropriately. He was alert and oriented to person, place, time, and situation. His memory and concentration were intact. He described his mood as tired and he was observed to have a full range of affect. For the majority of the interview he was in good spirits with a bright affect. He appeared frustrated when discussing his trial and tearful when discussing the past violence he witnessed as well as current nightmares. Near the end of the evaluation Mr. Mack's food service trays were dropped off. While inspecting his tray a roach crawled out of his food. This caused him to become angered stating, "You see this shit?" He reiterated frustrations with the detention center's level of cleanliness and care toward inmates. He was able to calm himself after a few minutes without difficulty laughing it off as relatively normal. He stated he was not experiencing suicidal or homicidal ideation. He reported he was not experiencing auditory or visual hallucinations during the events. He described some fear of corrections officers which is believed to be within normal limits and not part of paranoia or delusional thinking.

DIAGNOSTIC IMPRESSION

It is opined to a reasonable degree of certainty that Mr. Mack meets the diagnostic impression for Posttraumatic Stress Disorder. This diagnosis is based on Mr. Mack having clinically significant symptoms that result from his exposure to multiple traumas (e.g. witnessing and experiencing abuse as a child; witnessing and participating in violent acts while incarcerated; witnessing intensely violent acts during the riot of April 2018). Based on the totality of information Mr. Mack's has experienced symptoms of PTSD including intrusive memories, nightmares, increased psychological stress when exposed to reminders of the violence, attempts to avoid reminders of trauma, avoidance of discussing trauma (e.g. minimally communicative with providers), persistent negative emotional state (i.e. descriptions of appearing depressed), feeling estranged from others (i.e. feeling alone), irritability/anger outbursts with little to no provocation, hypervigalence, and sleep disturbance.

Medical records, notably those of SCDC, have also offered the diagnosis of malingering. The diagnosis *malingering* is the intentional feigning or exaggeration of symptoms in order to obtain secondary gain (e.g. medication, preferential placement, money, removal of restrictions). This is important because *malingering* cannot be offered based on evidence of feigning or exaggerating alone as the diagnosis implies to know the intended goal of the person feigning or exaggerating symptoms. The records do not outline suspected motivations for the suspected behavior other than in reference to the suicidal ideation following the riot Lee Correctional Institution. Additionally, while it is available in SCDC,

psychological testing for malingering has not been administered for Mr. Mack making the opinion on feigning a clinical suspicion and not a confirmed diagnosis. It is also worth noting that the most common form of malingering is exaggeration and should not be dismissed. For example, when a person is seen by a doctor and asked how much something hurts on a 10-point scale. Many people will claim 10 out of 10 pain even though they know they have felt worse. This is common example of someone who is technically malingering with the intent of having their symptoms heard. In correctional settings this is often necessary due to the limited resources available.

Another diagnosis mentioned in the records is *Antisocial Personality Disorder.* Mr. Mack does show clinically significant signs/symptoms of this diagnosis, but it should be viewed cautiously. Personality diagnoses are not generally offered until a person has become an adult. The difficultly with Mr. Mack is that he has been detained or incarcerated as an adolescent and has not been able demonstrate his adult behavior/personality outside of correctional settings. Mr. Mack has demonstrated antisocial personality traits including aggressiveness, lack of remorse, and impulsivity while in corrections. These traits added with the evidence of conduct disorder and other violations of the rights of others as an adolescence meets the diagnostic criteria for Antisocial Personality Disorder. However, these traits seem to have been adaptively beneficial for Mr. Mack to survive "street life" and while in prison. It is not clear that he would continue this pattern of behavior as an adult in a non-correctional setting. This is an important consideration as the diagnosis itself is often used in pejorative contexts. For these reasons, this diagnosis is not offered at this time.

CONCLUSIONS

In *Aiken v. Byars* the Supreme Court of South Carolina adopted the considerations outlined in *Miller v. Alabama* by the Supreme Court of the United States for resentencing of juveniles sentenced to life without parole for Murder convictions. The factors and psychiatric considerations our outlined below (the enumerated quotations are from the decision of *Aiken v. Byars* with the internal quotations being cited from *Miller v. Alabama*):

1. "the chronological age of the offender and the hallmark features of youth, including 'immaturity, impetuosity, and failure to appreciate the risks and consequence'"
    - Mr. Mack's chronologic age at the time of the offense for which he was convicted is 17 years old. He is therefore considered an *adolescent* (clinically) and a *juvenile* (legally) at the time of the offense. The mindset of late adolescence often is accompanied by idealistic and optimistic views on potential problems. That is to say that either nothing bad can happen or that everything will work itself out. This can lead to overconfidence as described by Mr. Mack.
    - Dr. McKee's testing, in particular the JI-R, indicated that Mr. Mack was functioning below average given his chronological age. This means that Mr. Mack's ability to weigh the evidence against him and assess the likelihood of conviction against a potential plea bargain would have been less sophisticated than those of similar age peers.

- Mr. Mack reported that he was not adequately explained his chances of conviction given the evidence against him (e.g. witnesses and co-defendant attributing the Murder to him as well as his own statements to police). He stated he was unable to fully appreciate the risks of taking the case to trial at the time and may have had a "very optimistic" attitude about the trial. He believes he was "almost right" because the jury requested guidance and additional information during deliberation. Whether or not this information was conveyed, it is opined that the above factors contributed to his decision to take the case for trial. Similarly, as the case went on with the evidence lining up against him, he did not seek to discuss or reconsider his plea.
- Mr. Mack described feeling frustrated that he had gone through multiple attorneys in the lead up to his trial. He reported that he did not appreciate the finality of verdict in part because he was naïve.

2. "the 'family and home environment' that surrounded the offender"
    - Mr. Mack's home life was chaotic for most of his life.
    - He did not have meaningful interactions with his biological father and was never "claimed" by him. His various parental figures (i.e. mother's paramours) were often volatile and abusive toward his mother and the children. He did not have a strong male role model in the home. He found some mentorship in the "street life" but acknowledges in retrospect that this was not the solution to his problem. This issue continue to bother him to this day.
    - His mother was fairly attentive except when involved in a romantic relationship. When his mother was involved with a partner, she put the relationship above the needs of the family. This is evidenced in the records through multiple refences to parent-child relationship problems and the need for parenting classes for his mother. As Mr. Mack was the oldest child, he took it upon himself to act as a patriarch, at the age of 12, in order to help care for his siblings. This led to his becoming involved in "street life" in order to obtain money to buy food for himself and his brothers.
    - The available information shows Mr. Mack started being negatively influenced by peers around age 12. While he states that he was not in a gang, he acknowledges that he was known in the community as being associated with gangs and other peers known to get in trouble. The continued impact of these experiences is evident by his repeated use of the term "street life" in an almost romanticized way. While this statement seems bizarre at face value, Mr. Mack's comparisons are the chaotic home environment where he feared "grown men" hurting himself and his life at SCDC.
    - Mr. Mack had access to alcohol and drugs at an early age demonstrating the lack of structure and supervision required of adolescences. For individuals who have shown behavioral problems (e.g. trouble in school, arrests) the supervision is of the utmost importance. The records indicate that this permissive environment was a significant problem in that there were recommendations that Mr. Mack's mother complete parenting classes.

3. "the circumstances of the homicide offense, including the extent of the offender's participation in the conduct and how familial and peer pressures may have affected him"
    - Mr. Mack did not want to discuss the events that led to his arrest and subsequent conviction. He based this on a pending appeal and did not want to provide information that may later be held against him outside of the re-sentencing hearing.
    - Based on the available information, Mr. Mack was involved in a shooting death. He initially had two co-defendants. He was found guilty based on evidence including the statements of witnesses and the co-defendant that identified Mr. Mack as the shooter. Based on the incident report Mr. Mack told police that the death was essentially a drug deal gone bad and that he shot the victim in self-defense after the victim pulled a gun on him. He also said that he had been smoking marijuana and drinking alcohol prior to the shooting.
    - In summary for this point, it is worth considering Mr. Mack was convicted as the shooter, the listed motivations are connected to "street life" (e.g. money, drugs), and that Mr. Mack was likely intoxicated at the time of murder.
4. "the 'incompetencies associated with youth – for example, [the offender's] inability to deal with police officers or prosecutors (including on a plea agreement) or [the offender's] incapacity to assist his own attorneys'"
    - The available records make multiple references to Mr. Mack having difficulty controlling his anger. While recommendations were made to address this issue, it is unclear if these recommendations were ever implemented. His inability to control anger indicates that Mr. Mack did not have adequate coping skills as a youth. His description of increasing frustration during the time between his arrest and conviction shows that he likely never developed adequate coping skills to deal with his emotions including fear and anger which may have clouded his judgment during the trial.
    - Similar to previous points, Mr. Mack was likely operating at levels below his chronologic age. This means that his attorneys, solicitors, police officers, and jurors likely overestimated his functioning at the time of his arrest and subsequent trial. As Dr. McKee outlines in his report, there were readily available instruments which could have been used to assess Mr. Mack's functioning and relay that information to the people involved.
    - Mr. Mack had a history of past mental health treatment but was not referred for an evaluation to assess CST. While there is no specific evidence that this evaluation was necessary, the combination of past mental health treatment, frustration/depressive symptoms in the detention center, the apparent overconfidence, and the seriousness of the allegations and consequences would have justified requesting such an evaluation.
5. "the 'possibility of rehabilitation'"
    - Mr. Mack has shown the ability to improve himself and others during his current incarceration:
        - Mr. Mack obtained his GED while in SCDC.
        - Mr. Mack has helped others obtain GED.

  - Mr. Mack has been involved in tutoring and mentoring other inmates.
  - Mr. Mack engages in the cultural awareness program.
  - Mr. Mack has had extended periods of time without behavioral infractions.
- Mr. Mack has had behavioral problems in corrections (e.g. fights, writeups, disciplinary actions). He attributes most of these to either defending himself or taking actions necessary to "survive" prison. The latter point clarified to mean that he is not able to "show weakness" in prison because others would then view him as a target. This adaptation is similar to steps he took while living the "street life" in order to survive.

The opinions expressed in this report are expressed to a reasonable degree of medical certainty.

Respectfully submitted,

Matthew E. Gaskins, MD

STATE OF NEVADA)
) AFFIDAVIT
COUNTY OF CLARK)

Vera F. Dolan who appeared personally before me, affirms and states the following:

1. I, Vera F. Dolan, am an epidemiologist and consultant. My business is located in Las Vegas, Nevada.

2. *Referral Question:* In 2015, I was asked by a lawyer representing a juvenile previously sentenced to life without parole to conduct an investigation and develop a life table with life expectancies specific to male inmates in the South Carolina Department of Corrections ("SCDC"). The question to be answered by my investigation was: what is the proper and accurate life expectancy for a male entering SCDC at the time he was a juvenile?

3. *Qualifications:* I am an epidemiologist[1] with a Bachelor's degree in public health from Johns Hopkins University and a Master's of Science in Public Health in epidemiology from the University of North Carolina, Chapel Hill. I have over 30 years of experience in the life and health insurance industries. I am a Fellow of the Academy of Life Underwriting, which is the highest credential in life insurance underwriting. I am currently a private consultant for the life insurance industry and related industries.

4. I have published over 33 peer reviewed articles in which I prepared a mortality ratio analysis from raw population data. I have prepared life tables for over 35 years, beginning when I was a student studying for my Masters of Science in Public Health. My current curriculum vitae is attached as Exhibit 1.

5. I have been qualified as an expert in life expectancy, life insurance, and epidemiology in state and federal courts throughout the country. In South Carolina, I was qualified as an expert in life expectancy and epidemiology in the Williamsburg County Court of General Sessions. In that court, I testified about my South Carolina study and life expectancy findings for SCDC inmates.

6. *Definition of Relevant Terms:*

    a. **Life expectancy:** the statistical calculation of the average length of life expected for an individual of a certain age, sex, race, and/or other risk factor.

    b. **Life table:** data laid out in a table format to show how a statistical calculation of life expectancy is done.

[1] An epidemiologist is similar to an actuary in that both are professionals who create life tables to determine life expectancies for various populations. Epidemiologists, unlike actuaries, have a medical background and specialize in the study of health and disease in populations statistically.

c. **Mortality rate:** the rate at which people die within a given age, sex, race and/or other risk factor group. A mortality rate is calculated by dividing the number of deaths occurring within a given population by the total number of that population at risk of death.

7. *South Carolina Code Life Expectancy Tables:* The South Carolina legislature adopted life expectancy tables, which are contained in S.C. Code § 19-1-150. The tables found in the South Carolina Code were derived from the 2001 Commissioners Standard Ordinary Mortality Tables ("CSO Mortality Tables"). The CSO Mortality Tables were created by the Society of Actuaries in conjunction with the National Association of Insurance Commissioners to provide statutory guidance to state insurance commissioners in figuring out what statutory reserves should be for insurers in their state. The CSO Mortality Tables do not reliably predict the life expectancy for the general population or an incarcerated population because they are based on the lives of insured people, essentially selecting a portion of the population that is much healthier than the general population. An additional problem with the tables is that they were created in 2001 with data much older than 2001 causing concerns that the data relied upon by the tables is outdated and unreliable.

8. *Methodology:* To determine life expectancies for male inmates in SCDC, I reviewed approximately 68,000 male inmate records provided to me by SCDC.[2] The SCDC information included a unique identifier for each inmate (in place of the inmate's name), their date of entry to SCDC, their age at entry, and the date of release or death (where applicable). Those records originally included all inmates incarcerated from 1996-2015 and included follow-up data through the first half of 2016. Of the 68,000 records, I identified 3,000 duplicate records and excluded them from my final data set. I also identified and excluded a small number of records where the dates of admission and dates of death or release were incongruent. After making these exclusions, I reviewed the records of the remaining 64,204 unique inmates. For purposes of this affidavit, the records of the 64,204 inmates reviewed are referred to as the "SCDC Population."

9. In the SCDC records provided to me was information from the South Carolina Department of Health and Environmental Control ("DHEC") on all of those individuals who died between 1996 and 2016. As part of the preparation of the records provided to me, DHEC used the identifying information provided by SCDC to link the SCDC database with DHEC's information. I was thus provided with the

[2] I did not receive data from the South Carolina Department of Juvenile Justice, so I did not have sufficient data to calculate the mortality rates of 15, 16, or 17 year olds. This does not affect the accuracy of the reported life expectancies for inmates 18 years old and older because, as discussed below, life expectancy is based on mortality rates for people the same age as the individual and those older than that individual.

date of death and the age at the time of death for each individual within the SCDC population who died at some point after they entered SCDC.[3]

10. *Mortality Rate Calculation:* To determine life expectancies from the SCDC Population, I first needed to determine the mortality rates for each year of age of people incarcerated in SCDC. Exhibit 2 shows my mortality rate calculations for all individuals incarcerated in SCDC between 1996 and 2015 (Exhibits 3 and 4 show my calculations for black inmates only and white inmates only, respectively). The following is a description of my mortality rate calculations, using column references to the tables in Exhibits 2, 3, and 4.

    a. The first column labeled **Age** lists ages 15 through 97. This range was used because an individual who was incarcerated at SCDC at some point between 1996 and 2015 was alive at each age between 15 and 97.

    b. The second column labeled **Alive** represents the number of men from the SCDC Population who passed through a given age during the time period between 1996 and 2015.

    c. The third column labeled **Dead** provides the number of men within the SCDC Population who died at a given age any time between 1996 and 2016.

    d. The fourth column labeled **Total** provides the total of the "Alive" and "Dead" columns, which is the total population at risk of death during a given age.

    e. The fifth column labeled **Mortality Rate** provides the rate at which men in the SCDC population die at any given age. The mortality rate is calculated by dividing the number of people who died (column three) at a given age by the total number of people at risk of death (column four) during the same age.

    f. The sixth column labeled **Smoothed Mortality Rate** provides the trend of the mortality rate. In statistics, when dealing with raw data like the data relating to the population considered in this case, the rate calculations can have anomalies and bumps such that smoothing is necessary to identify the actual trend over time. To find the trend for the SCDC population mortality

[3] The individuals died either during their incarceration or after their release from SCDC. Reliance on mortality information both during incarceration and after release is standard methodology in the actuarial field for calculating the life expectancy of individuals who have been incarcerated. Using this data provides the most reliable calculation for the life expectancy of a juvenile sentenced to a prison term of any length of time. Other analyses, including a study of deaths of incarcerated individuals serving life sentences shows the observed age at the time of death for those individuals who died while incarcerated is substantially lower than the life expectancy calculated from the data obtained from DHEC. *See* ¶¶ 17-18.

rate, I calculated the three-year moving average of the mortality rates by averaging a given age's mortality rate with the two ages surrounding it. As the data became sparser at the older ages, I used a five-year moving average, which included the mortality rate at a given age and the two ages above and below it. This calculation found the trend in these mortality rates for a more accurate calculation of life expectancies at each age.

11. *Mortality Ratio Calculation:* I next compared the SCDC Population mortality rates with the general United States population mortality rates.

    a. The seventh column on Exhibits 2-4 labeled **US Population Mortality Rate** provides the most current mortality rates by age for males in the US population available at the time of this analysis. These mortality rates were determined by the Centers for Disease Control ("CDC") and is used in life tables published in the CDC's Vital Statistics Reports. The CDC mortality rates are calculated for life tables for the all US males, for black US males only, and for white US males only; these life tables are attached as Exhibits 5, 6, and 7 respectively.[4] On SCDC Population Mortality Rate tables (Exhibits 2-4) for various races, the US Mortality rate was obtained from the US Life Table for the same race.

    b. The eighth, and final column, on Exhibits 2-4 labeled **Mortality Ratios** compares the smoothed mortality rate from the SCDC Population at a given age with the US Population mortality rate for the same age. The mortality ratio is calculated by dividing the SCDC Population mortality rate by the US Population mortality rate, meaning any mortality ratio over 1.0 indicates the SCDC Population mortality rate is higher than the US Population mortality rate. Mortality ratios are provided only for ages in which there were at least five deaths among the SCDC Population in order to ensure the accuracy of the resulting ratios and life expectancies.

12. *Race Specific Calculations:* I created mortality rate and mortality ratio tables for all races, blacks only, and whites only because doing so is consistent with the CDC analysis of the US population, which shows that race has a significant effect on mortality rates.

13. *Creation of Life Tables:* Life tables provide life expectancies based on mortality rates from a given population. Using the mortality ratios calculated in Exhibits 2-4, I created life tables for the SCDC Population. I created individual life tables for all males, all black males, and all white males, which are attached as Exhibits 8, 9, and 10, respectively. The following is a description of the life expectancy calculations, using column references to the tables in Exhibits 8, 9, and 10.

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[4] The mortality rates on the CDC US Population Life Tables are found in the column labeled **Probability of dying between ages x and x + 1** on Exhibits 5-7.

a. The first column labeled **Age** lists all ages 0-100.

b. The second column labeled **Basic Mortality** provides the mortality rate at a given age from the US Population Life Tables (Exhibits 5-7).

c. The third column labeled **Mortality Risk Factor** is the mortality ratio calculated on the SCDC Population Mortality Rate Tables in Exhibits 2-4.

d. The fourth column labeled **Adjusted Mortality** provides the US mortality rate for a given age adjusted by the mortality risk factor (mortality ratio) using multiplication.[5] At ages where there was sufficient mortality data (five or more deaths at any given age) from the SCDC Population, the adjusted mortality rate equals the mortality rate calculated from the SCDC Population data.[6] At ages where there was insufficient mortality data (four or less deaths at any given age) from the SCDC Population, the adjusted mortality rate equals the US Population mortality rates.

e. The fifth column labeled **Population at Risk** starts with a hypothetical cohort, or population of 100,000 at age 0. This population is decreased at each successive age by the number of deaths that occurred at the previous age. For example, in the SCDC Life Table for all races (Exhibit 8), the population at risk in age 0-1 is the full hypothetical cohort of 100,000 less 658 deaths that occurred during the first year of life.

f. The sixth column labeled **Deaths** provides the number of deaths expected to occur at a given age. This number is calculated by multiplying the adjusted mortality rate (column four) by the population at risk (column five).

g. The seventh column labeled **Interval Person-years** provides the number of years lived by the remaining population during a given age. This is calculated by subtracting one half of the number of deaths during that age from the population at risk during a given age (this assumes the individuals who die during that year live an average of half the year before dying).

h. The eighth column labeled **Cumulative Person-years** provides the total number of years left to be lived by the entire population surviving to a given

---

[5] I used the mortality ratio (comparing the SCDC Population mortality rates to the US Population mortality rates) because I did not have mortality rates for all ages from the SCDC Population data. Specifically, there is not sufficient data for male SCDC inmates at the very youngest and very oldest ages. In order to create a credible life table, one needs to have mortality rates for all of the ages. Use of the mortality ratio to create an adjusted mortality rate is standard practice in the actuarial field when reviewing populations that do not have enough data to calculate credible mortality rates for all ages.

[6] These ages are designated by highlighting in the Mortality Risk Factor column.

age. This is calculated by totaling the interval-person years for a given age and all of the ages after that age.

i. The ninth column labeled **Life Expectancy** provides the remaining life expectancy for any SCDC inmate surviving to a given age. It is calculated by dividing the cumulative person-years (column eight) by the population at risk (column five) at a given age.

j. To use the life expectancy to calculate the age to which an SCDC inmate is expected to live, on average, locate the age of the inmate in the age column and identify the corresponding life expectancy, then add the person's age to the life expectancy. For example, on the Life Table for blacks only (Exhibit 9), a black male inmate in SCDC at age 18 has a remaining life expectancy of 38.2 years. This individual would, therefore, be expected to live to age 56 (18 + 38.2).

14. *Notes on Using Life Tables:* Because race is a risk factor affecting life expectancy, it is most appropriate to use the life table for the race corresponding to the actual inmate to determine the life expectancy for that inmate. For example, a black male inmate's life expectancy is most accurately determined by using the Life Table for black males only (Exhibit 9). A white male inmate's life expectancy is most accurately determined by using the Life Table for white males only (Exhibit 10). Hispanic or Latino inmates' life expectancies are most accurately calculated by using the Life Table for white males only (Exhibit 10) because SCDC classifies them as white.[7] Life expectancies for inmates of other races can most accurately be calculated by using the Life Table for all races[8] (Exhibit 8).

15. *Findings:* The SCDC Population Life Tables (Exhibits 8-10) can be compared to the US Population Life Tables (Exhibits 5-7). Comparing the life expectancy for 18 year old males of any race in the general US Population and the SCDC Population reveals that an 18 year old in the general US Population has a remaining life expectancy of 59.1 years (expected death at 77 years old) and an 18 year old male in SCDC has a remaining life expectancy of 37.3 years (expected death at 55 years old). The 18 year old who is incarcerated in SCDC, accordingly, has a life expectancy that is 21.8 years shorter than a male in the general US Population.

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[7] Because SCDC does not classify Hispanic or Latino inmates separately from whites, the white male only mortality rates and life table include data from Hispanic and Latino inmates.

[8] In addition to classifying inmates as black or white, SCDC uses classifications for Pacific Islander, Asian, American Indian, unknown, and other, but these categories of inmates did not include a sufficient number of inmates to allow for creation of a life table specific to them. Thus, all races are included in the Life Table for all races and that table can be used for inmates who do not fall within the black, white or Hispanic/Latino categories.

16. The Life Tables created based on the SCDC Population clearly indicate that any person who has been incarcerated in SCDC has a lower life expectancy than a person in the general US Population.

17. *Observed Data on Deaths in SCDC:* SCDC also provided me with information on all inmates serving a life sentence who died in SCDC between January 2001 and June 2016. The number of deaths during this period was not sufficient to create a credible life table for inmates serving life sentences who died while incarcerated.[9] I was, however, able to compare the actual life span of the individuals who died to their expected age of death based on the US Population Life Tables.[10] I grouped these individuals by the age of their last admission to SCDC and calculated the average number of years difference between their actual age at death and their expected age at death in the table below.

Age at Last Admission Group	Average Difference Observed vs Expected Age at Death
16 to 19	-31.8
20 to 24	-26.5
25 to 29	-21.4
30 to 39	-21.7
40 to 49	-16.8
50 to 59	-10.0
60 up	-4.9

As this table shows, the individuals sentenced to life who entered SCDC between the ages of 16 and 19 died while incarcerated an average of 31.8 years earlier than predicted by the US Population life expectancies.

18. The SCDC Population Life Table for all races shows (Exhibit 8) a life expectancy for a 16 year old male incarcerated in SCDC for any length of time is 39.2 years, which is 21.8 years less than the life expectancy of a 16 year old male in the general US Population. The calculations above, based on observed deaths, show the actual

[9] In order to create a credible life table, the population data must include five deaths at each age. During the period of 2001 to 2016, there were 262 deaths among inmates serving a life sentence. This was insufficient data to create a life table. While the data set is not large enough to create a life table, it is sufficient to show the mortality risk trend of people serving life imprisonment in SCDC as compared to the general US Population.

[10] Because these deaths occurred between 2001 and 2016, I used the life expectancies published in 2000 for the general US Population. Since 2000, the life expectancies for the general population have increased.

life span of a 16 year old serving life imprisonment was 31.8 years less than the life expectancy of a 16 year old male in the general US Population. This demonstrates that a male incarcerated in SCDC for life is at a much higher risk of mortality and has a significantly shorter life expectancy than the general US Population.

19. *Other Notes:* My life expectancy calculations were completed in 2016 with records from 1996 to 2015 and mortality data through 2016. I recommend updating mortality data and mortality ratios every five years. I recommend a full twenty-year look back, as was completed here, be completed again in ten years.

I affirm, under the penalty of perjury, that the foregoing is true and correct.

VERA F. DOLAN

Sworn to and subscribed before me
This 5 day of May, 2017

Notary Public for the State of Nevada
My commission expires: 10-18-2020

PATRICIA A. GLASPER
Notary Public, State of Nevada
Appointment No. 12-9064-1
My Appt. Expires Oct 18, 2020

Exhibit 1

Vera F. Dolan

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EDUCATION and PROFESSIONAL CERTIFICATIONS

MSPH University of North Carolina at Chapel Hill, Epidemiology, 1981
BA The Johns Hopkins University, Public Health, 1979
FALU Fellow of the Academy of Life Underwriting, 1998
ELS Editor in the Life Sciences, 2003

EXPERIENCE

Principal, VFD Consulting, Inc., 1989 to Present
Providing life and health insurance and related industries mortality and underwriting research, market research, product development, business development and technology, underwriting education and training, and litigation support to multinational clients, including:

AIG American General Life Cos.
American Family Life Insurance Co.
AVS Underwriting
Bank of America
Calypte Biomedical
Canada Life Reinsurance
Charles Schwab & Co.
Clinical Reference Laboratory
decydeWARE
Drinker, Biddle & Reath
Edwards Lifesciences
EMSI (formerly PMSI)
Farmers Mutual Insurance Co.
FaxWatch
Federal Home Loan Bank (San Francisco)
First Financial Underwriting Services
General American Life Insurance Co.
Golden Gateway Financial
Hank George, Inc.
Health Net of California
Heritage Labs
HSBC Insurance Services
Independent Order of Foresters
Insure.com
Lab*One*
Life Settlement Consulting & Management
Los Angeles County Crime Laboratories
MetLife Canada
MIB Group
Millennium Pharmaceuticals
Mutual of Omaha
North Coast Opportunities
On The Risk – The Journal of the Academy of Life Underwriting
PartnerRe Life (formerly Winterthur Life Reinsurance)
Pacific Blue Cross
PPO Oklahoma
Protective Life Insurance Co.
Safe Harbor Resources
Sagicor Financial Corporation
Society of Actuaries
Thomson Management Solutions
21st Services
Wells Fargo Bank
Western Reserve Life Assurance Co. of Ohio
Xcelerate Corporation

Vera F. Dolan
Curriculum Vitae, continued

Expert witness services provided to the following:

Multiple retentions:

Andres, Andres & Moore, Santa Ana, CA
Barger & Wolen, Irvine, CA and New York, NY
County of Hawaii, Hilo, HI
Donahue Horrow, El Segundo, CA
Lewis & Roca, Phoenix, AZ
McCue-Pauley & Associates, Dallas, TX
Taylor Anderson, Denver, CO
U.S. Department of Justice
Wilson Elser Moskowitz Edelman & Dicker, Los Angeles and San Diego, CA

Expert witness brokers:

AMFS / Medical Experts Nationwide
Consolidated Consultants
Insurance Expert Network
ForensisGroup
LITILI
Medical Advisors, Inc
Medical Consultant Services
The TASA Group
Thomson Reuters Expert Witness Service

Single cases:

Andrews Kurth, Dallas, TX
Bolt Keenley Kim, Berkeley, CA
Campano Law Group, Lancaster, CA
Carlin & Buchsbaum, Long Beach, CA
Carmody Torrance Sandak Hennessey, Waterbury, CT
City of Torrance, Torrance, CA
Corr Cronin Michelson Baumgardner Preece, Seattle, WA
Coughlin Law Firm, San Diego, CA
Cozen O'Connor, Wilmington, DE
Deitchman & Deitchman, Placerville, CA
Demas Law Group, Sacramento, CA
Dressler Law Office, New Haven, CT
Egan & Pechtel, Kennewick, WA
Epstein Becker & Green, Los Angeles, CA
Evan Freinch, Boulder, CO
Fairchild, Price, Haley & Smith, Nacogdoches, TX
Fallgatter Farmand & Catlin, Jacksonville, FL
Ferguson, Skipper, Shaw, Keyser, Baron & Tirabassi, Sarasota, FL
Friedman, Rubin & White, Anchorage, AL
Gilchrist & Rutter, Santa Monica, CA
Graves & King, Riverside, CA
Greenberg Traurig, Denver, CO
Greene Broillet & Wheeler, Santa Monica, CA
The Healy Law Firm, Chicago, IL
Hinshaw & Culbertson, Los Angeles, CA
Hoagland, Fitzgerald & Pranaitis, Alton, IL
Diana Holt, LLC, Columbia, SC
Jardine Law Office, DeForest, WI
Kent D. Jensen Law Office, Burley, ID
Johnson Schachter & Lewis, Sacramento, CA
Kantor & Kantor, Northridge, CA
Katten Muchin Rosenman, Los Angeles, CA
Kitch Drutchas Wagner Valitutti & Sherbrook, Detroit, MI
Knapp Petersen Clarke, Glendale, CA
Koch Degn & Gomez, Visalia, CA
Law Office of Andy Basseri, Beverly Hills, CA
Law Offices of Benjamin Blakeman, Los Angeles, CA
Law Offices of Robert A. Brenner, Woodland Hills, CA
Law Office of Sean Brew, San Diego, CA
Law Offices of James Matthew Brown, San Diego, CA
Law Offices of Clyde I. Butts, Walnut Creek, CA
Law Offices of Michael Jay Green, Honolulu, HI
Law Office of Katherine MacKinnon, St. Louis Park, MN
Law Office of Stephen W. Penn, Morgan Hill, CA
Law Office of Charles M. Ray, Newport Beach, CA
Law Office of Kenneth C. Reyes, Los Angeles, CA
Law Offices of Cary T. Tanaka, Honolulu, HI
Law Office of Edward J. Thomas, Bakersfield, CA
Littler Mendelson, San Jose, CA
MacMorris & Carbone, Stockton, CA
Daniel Q. Mahone, Frederick, MD
McArdle, Frost & Brinton, Chicago, IL
McDermott Will & Emery, Chicago, IL
McDowell & Osburn, Manchester, NH
McFall Burnett & Brinton, Manteca, CA
Meyers McConnell Reisz Siderman, Los Angeles, CA
Milavetz Gallop & Milavetz, Edina, MN
Morris Polich & Purdy, San Francisco, CA
Myers & Gomel, Las Vegas, NV
Nicholas & Tomasevic, San Diego, CA
Norton Rose Fulbright US, Houston, TX
Ogden Murphy Wallace, Seattle, WA
Pyle Sims Duncan & Stevenson, San Diego, CA
Renaud Cook Drury Mesaros, Phoenix, AZ
Riverside County Public Defender, Riverside, CA
Saur Law Office, Laguna Hills, CA
Schumacher Francis & Nelson, Charleston, WV
Segal and Kirby, Sacramento, CA
Seyfarth Shaw, Chicago, IL
SGH Martineau, London, England
Shook Hardy & Bacon, Kansas City, MO
Sigelman Law Corporation, Beverly Hills, CA
Snell & Wilmer, Phoenix, AZ
South Carolina Commission on Indigent Defense, Columbia, SC
Stanley Law Offices, Syracuse, NY
Stennett & Casino, San Diego, CA
Vaka Law Group, Tampa, FL
Webb Bordson Law Group, San Diego, CA
David K. Wilson & Associates, Sherman, TX
Whitfield & Eddy, Des Moines, IA
Winters & Associates, San Diego, CA

Consulting Projects – Underwriting

- Life Underwriting Requirements Research, 2004 to Present Providing methodologies, analysis and write-up of insurance testing laboratory data to initiate new products and services. Conducting cohort mortality studies to improve life underwriting risk assessment.
- Life Policy and Procedures Manual, 2014 Revised and updated life insurance policy and procedures manual based on current underwriting and business operations.
- Health Medical Underwriting Manual, 2010 Adapted medical underwriting manual for supplemental health insurance products.
- Structured Settlement Underwriting Manual, 2008 Developed underwriting manual for structured settlements based on current processes.
- Life Claims Audit, 2007 Performed random selection of cases and designed case data extraction sheet for large life insurance claims study.
- Critical Illness and Disability Income Training, 2006 Prepared and presented training to life underwriters in critical illness and disability income underwriting.
- Underwriting Manual Research and Writing, 2006 Adapted traditional life underwriting manual for simplified life, disability and waiver of premium products.
- Life Settlement Experience Analysis, 2006 Analysis of life settlement mortality to determine predictive factors.
- Life Underwriting Research, 2001 to 2003 Constructed life tables from medical literature to validate life underwriting guidelines. Produced quantitative and qualitative life underwriting manual guidance.
- Life Settlement Underwriting Research, 1998 to 2004 Provided model and design of automated life expectancy calculation system, data collection instruments, evaluation scoring and impairment risk factor weights.
- Insurance Services Product Development, 1997 to 1998 Provided analysis of disease mortality, incidence and prevalence to develop new insurance services product.
- Pension Underwriting Research, 1994 Provided biostatistical research basis to a multinational consortium for a new type of impaired risk European pension product.

Consulting Projects - Business Development and Technology

- Simplified Products Survey and Report, 2005 Conducted survey of top-selling simplified products for underwriting and business process lessons learned.
- New Business Process Review and Optimization, 2004 to 2005 Examined current life new business processes to identify opportunities for decreasing redundancies, handoffs, and inefficiencies.
- Underwriting Decision Software Development, 2004 to 2005 Product and market development of life underwriting software that uses advanced logic engine
- Freelance Writing and Editing, 2004 Editing and writing summaries of medical articles, medical conferences, and insurance topics for physicians and consumers.
- Underwriting Operations Annual Report, 2004 Assisted in editing, writing and analysis of metrics presented in life underwriting operations report for 2003.
- Business Process Improvement, 2003 Interviewed underwriting and business support staff to prepare future improvement in life insurance business process workflow.

Vera F. Dolan
Curriculum Vitae, continued

Consulting Projects - Banking

- Enterprise Technology Plan, 2000 Collaborated on design of three-year technology plan for a Federal bank.
- Financial Services Experience Analysis and Strategy, 1995 to 1998 Provided statistical analysis and models to select business and consumer customers for acquisition and retention programs. Estimated bank account life expectancies using actuarial life table methods.
- Human Resources Automation Plan, 1993 Collaborated in development of plan and prototype for automated human resources management.

Certificate of Appreciation for 30 Years of Contribution, *On The Risk - Journal of the Academy of Life Underwriting*, May 4, 2016
Associate Editor, *On The Risk - Journal of the Academy of Life Underwriting*, 2004-Present
Contributing Editor, *On The Risk - Journal of the Academy of Life Underwriting*, 1994-1997

Kaiser Foundation Health Plan, Oakland, California
Medical Economics and Statistics, 1988 to 1989
Converted community-based pricing approach to experience-based rating for a $2.5 billion premium enterprise. Conducted underwriting market study of 20,000 employers. Conducted analyses to determine competitive pricing for 2+ million member optical and pharmaceutical programs.

Transamerica Occidental Life Insurance Company, Los Angeles, California
New Business Underwriting Research, 1985 to 1988
Provided analysis of company data and medical literature to support management and underwriting decisions. Developed original methods for actuarial analyses now used for automated systems underwriting $1.5 billion in annual business.

Lincoln National Reinsurance, Ft. Wayne, Indiana
Underwriting Research, 1982 to 1985
Provided analysis of company data and medical literature to support management and underwriting decisions.

University of North Carolina, Chapel Hill, North Carolina
Department of Biostatistics, 1981 to 1982
Performed statistical analyses for multinational clinical trials.

National Institute of Occupational Safety and Health, Cincinnati, Ohio
Industrywide Studies Branch, Biometry Section, Summer 1980
Performed proportionate mortality analysis of death certificate data for evidence of excess brain tumors among petrochemical workers. Performed analysis of medical records for evidence of excess birth anomalies among railroad workers exposed to dioxin.

PUBLICATIONS - INSURANCE

"Advantages of a Life Expectancy Using Life Insurance Underwriting and Life Settlement Methods in the Legal Setting" VFD Consulting, Inc.

"Highlights of the 2016 CLIMOA Annual Scientific Meeting" On The Risk - Journal of the Academy of Life Underwriting, Vol. 32, No. 4, 2016

"Hemoglobin Screening Independently Predicts All-Cause Mortality" J. Insurance Medicine, Vol. 45, No. 2, 2015, with Michael Fulks and Robert L. Stout

"Adjusting Measured Creatinine for Low Serum Glucose to Improve Mortality Prediction" On The Risk - Journal of the Academy of Life Underwriting, Vol. 31, No. 3, 2015, with Michael Fulks and Robert L. Stout

"Changing the 'Normal Range' for Blood Pressure from 140/90 to 130/any Improves Risk Assessment" J. Insurance Medicine, Vol. 45, No. 1, 2015, with Michael Fulks and Robert L. Stout

"2014 CRL Blood Pressure Study of Life Insurance Applicants" J. Insurance Medicine, Vol. 45, No. 1, 2015, with Michael Fulks and Robert L. Stout

"Which eGFR Calculation Offers the Best Mortality Prediction for Insurance?" On The Risk - Journal of the Academy of Life Underwriting, Vol. 31, No. 2, 2015, with Michael Fulks and Robert L. Stout

"Using Urine Protein Creatinine Ratio Alone or Reflexing to Urine Albumin in the Applicant with HbA1c Elevation" On The Risk - Journal of the Academy of Life Underwriting, Vol. 31, No. 1, 2015, with Michael Fulks and Robert L. Stout

"Basic Laboratory Testing" In: Basic Life Insurance Underwriting, ALU 101 Textbook, Sixth Ed. Academy of Life Underwriting, 2014, with Michael Fulks and Robert L. Stout

"Evaluating the Risk of Renal Disease Using Urine Proteinuria or Urine Albuminuria in the Applicant with HbA1c Elevation" On The Risk - Journal of the Academy of Life Underwriting, Vol. 30, No. 4, 2014, with Michael Fulks and Robert L. Stout

"Advantages of a Life Expectancy Using Life Insurance Underwriting and Life Settlement Methods in the Legal Setting" Defense Research Institute Life, Health and Disability Newsletter, Vol. 25, Issue 2, June 26, 2014

"Serum Globulin Predicts All-Cause Mortality for Life Insurance Applicants" J. Insurance Medicine, Vol. 44, No. 2, 2014, with Michael Fulks and Robert L. Stout

"NT-proBNP as a Predictor of All-Cause Mortality in a Population of Insurance Applicants" On The Risk - Journal of the Academy of Life Underwriting, Vol. 30, No. 2, 2014, with Michael Clark, Valerie Kaufman, Michael Fulks and Robert L. Stout

PUBLICATIONS - INSURANCE, continued

"Beware That Low Urine Creatinine!" On The Risk - Journal of the Academy of Life Underwriting, Vol. 30, No. 1, 2014, with Michael Fulks and Robert L. Stout

"NT-proBNP as a Predictor of All-Cause Mortality in a Population of Insurance Applicants" J. Insurance Medicine, Vol. 44, No. 1, 2014, with Michael Clark, Valerie Kaufman, Michael Fulks and Robert L. Stout

"Scoring Life Insurance Applicants' Laboratory Results, Blood Pressure and Build to Predict All-Cause Mortality Risk" J. Insurance Medicine, Vol. 43, No. 3, 2012, with Michael Fulks and Robert L. Stout

"Urine Protein/Creatinine Ratio as a Risk Predictor in Non-Diabetics with Normal Renal Function" J. Insurance Medicine, Vol. 43, No. 2, 2012, with Michael Fulks and Robert L. Stout

"Trends in Mortality of Insurance Applicants with HIV Infection" J. Insurance Medicine, Vol. 43, No. 2, 2012, with Robert L. Stout and Michael Fulks

"PSA: What Values Predict Increased Mortality Risk?" On The Risk - Journal of the Academy of Life Underwriting, Vol. 27, No. 3, 2011, with Michael Fulks and Robert L. Stout

"Letter to the Editor: The Use of Modeling for Associating Test Values and Mortality Risk" J. Insurance Medicine, Vol. 43, No. 1, 2012, with Michael Fulks and Robert L. Stout

"Isolated Hematuria as a Mortality Risk Predictor" On The Risk - Journal of the Academy of Life Underwriting, Vol. 27, No. 4, 2011, with Michael Fulks and Robert L. Stout

"Highlights of the 2011 AHOU Annual Conference" On The Risk - Journal of the Academy of Life Underwriting, Vol. 27, No. 3, 2011

"Correction to article: Association of Cholesterol, LDL, HDL, Cholesterol/HDL and Triglyceride with All-Cause Mortality in Life Insurance Applicants" J. Insurance Medicine, Vol. 42, No. 2-4, 2011, with Michael Fulks and Robert L. Stout

"CDT and Serum Alcohol: What Is the Risk?" On The Risk - Journal of the Academy of Life Underwriting, Vol. 27, No. 1, 2011, with Robert L. Stout and Michael Fulks

"Albumin and All-Cause Mortality Risk in Insurance Applicants" J. Insurance Medicine, Vol. 42, No. 1, 2010, with Michael Fulks and Robert L. Stout

"Mortality Associated with Positive Hepatitis C and B Test Results" On The Risk - Journal of the Academy of Life Underwriting, Vol. 26, No. 3, 2010, with Robert L. Stout and Michael Fulks

"Glucosuria as a Mortality Risk Predictor When Blood Is Not Collected" On The Risk - Journal of the Academy of Life Underwriting, Vol. 26, No. 2, 2010, with Robert L. Stout and Michael Fulks

PUBLICATIONS - INSURANCE, continued

"Mortality Associated with Positive Cocaine Test Results" On The Risk - Journal of the Academy of Life Underwriting, Vol. 26, No. 1, 2010, with Robert L. Stout and Michael Fulks

"Association of Cholesterol, LDL, HDL, Cholesterol/HDL and Triglyceride with All-Cause Mortality in Life Insurance Applicants" J. Insurance Medicine, Vol. 41, No. 4, 2009, with Michael Fulks and Robert L. Stout

"Letter to the Editor: The Authors Reply" J. Insurance Medicine, Vol. 41, No. 3, 2009, with Michael Fulks and Robert L. Stout

"Underwriting Implications of Elevated Carcinoembryonic Antigen" On The Risk - Journal of the Academy of Life Underwriting, Vol. 25, No. 3, 2009, with Robert L. Stout and Michael Fulks

"Mortality Associated with Bilirubin Levels in Insurance Applicants" J. Insurance Medicine, Vol. 41, No. 1, 2009, with Michael Fulks and Robert L. Stout

"Non-Cigarette Tobacco Use – What is the Risk?" On The Risk - Journal of the Academy of Life Underwriting, Vol. 25, No. 2, 2009, with Robert L. Stout and Michael Fulks

"Hemoglobin A1c and Mortality in Insurance Applicants: A 5-Year Follow-Up Study", On The Risk - Journal of the Academy of Life Underwriting, Vol. 25, No. 1, 2009, with Robert L. Stout and Michael Fulks

"Using Liver Enzymes as Screening Tests to Predict Mortality Risk" J. Insurance Medicine, Vol. 40, No. 4, 2008, with Michael Fulks and Robert L. Stout

"Underwriting Integrity: Lessons from the Subprime Mortgage Crisis" On The Risk - Journal of the Academy of Life Underwriting, Vol. 24, No. 4, 2008

"Highlights from the 2007 AHOU Meeting" On The Risk - Journal of the Academy of Life Underwriting, Vol. 24, No. 1, 2008

"Increased Mortality Associated with Elevated Carcinoembryonic Antigen in Insurance Applicants" J. Insurance Medicine, Vol. 39, No. 4, 2007, with Robert L. Stout, Michael Fulks, Mark E. Magee and Luis Suarez

"Relationship of Hemoglobin A1c to Mortality in Nonsmoking Insurance Applicants" J. Insurance Medicine, Vol. 39, No. 3, 2007, with Robert L. Stout, Michael Fulks, Mark E. Magee and Luis Suarez

"Highlights from the 2006 AHOU Meeting" On The Risk - Journal of the Academy of Life Underwriting, Vol. 23, No. 1, 2007

"The Reproductive System" In: Intermediate Medical Life Insurance Underwriting ALU 201, 1st ed., Education Committee of the Academy of Life Underwriting, chapter 4, 2006

PUBLICATIONS - INSURANCE, continued

"Highlights from the 2006 CIU Meeting" On The Risk - Journal of the Academy of Life Underwriting, Vol. 22, No. 3, 2006

"Improvements in Cotinine Testing of Insurance Applicants" On The Risk - Journal of the Academy of Life Underwriting, Vol. 22, No. 2, 2006 with Robert L. Stout and Mark Magee

"Highlights from the LOMA Emerging Technology Conference: Understanding How to Use New Technology" On The Risk - Journal of the Academy of Life Underwriting, Vol. 22, No. 2, 2006

Panelist, "Contemplating Pandemic Risk" by Steven C. Siegel, The Actuary, Vol. 3, Issue 3, 2006

"Highlights of the 2005 AHOU Conference" On The Risk - Journal of the Academy of Life Underwriting, Vol. 22, No. 1, 2006

"Simplified Products: Something Old, Something New, and Something That May Just Make You Blue!" On The Risk - Journal of the Academy of Life Underwriting, with Ernest A. Testa, Vol. 22, No. 1, 2006

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Last update March 31, 2017

Exhibit 2

South Carolina DC men admitted 1996 to 2015, followed to 2016
Last admission only, duplicate IDs removed, admission year errors removed
Exposure for all races; N=64,204
Mortality rates are smoothed for ≥ 5 deaths (running average of 3 or 5 raw rates, previous age, current age & next age)

	All races			Mortality	Smoothed Mortality	US Population Mortality	Mortality Ratios
Age	Alive	Dead	Total	Rate	Rate	Rate	(≥5 deaths only)
15	3	0	3	0.000000		0.000439	
16	90	0	90	0.000000		0.000552	
17	831	0	831	0.000000		0.000675	
18	2,272	6	2,278	0.002634	0.002701	0.000807	3.3
19	4,322	12	4,334	0.002769	0.003011	0.000942	3.2
20	6,585	24	6,609	0.003631	0.003233	0.001085	3.0
21	8,457	28	8,485	0.003300	0.003812	0.001216	3.1
22	9,725	44	9,769	0.004504	0.004359	0.001310	3.3
23	10,374	55	10,429	0.005274	0.005486	0.001353	4.1
24	10,409	70	10,479	0.006680	0.006254	0.001358	4.6
25	10,065	69	10,134	0.006809	0.006646	0.001351	4.9
26	9,552	62	9,614	0.006449	0.007431	0.001349	5.5
27	8,993	82	9,075	0.009036	0.007899	0.001353	5.8
28	8,454	70	8,524	0.008212	0.008922	0.001371	6.5
29	8,014	77	8,091	0.009517	0.009048	0.001399	6.5
30	7,681	73	7,754	0.009414	0.009188	0.001432	6.4
31	7,465	65	7,530	0.008632	0.010131	0.001464	6.9
32	7,199	90	7,289	0.012347	0.010670	0.001496	7.1
33	6,904	77	6,981	0.011030	0.011365	0.001528	7.4
34	6,738	73	6,811	0.010718	0.010614	0.001563	6.8
35	6,473	66	6,539	0.010093	0.010348	0.001613	6.4
36	6,288	65	6,353	0.010231	0.011223	0.001682	6.7
37	5,989	81	6,070	0.013344	0.012599	0.001764	7.1
38	5,823	84	5,907	0.014220	0.014226	0.001857	7.7
39	5,670	87	5,757	0.015112	0.015292	0.001964	7.8
40	5,529	93	5,622	0.016542	0.016436	0.002083	7.9
41	5,286	95	5,381	0.017655	0.017101	0.002227	7.7
42	5,114	89	5,203	0.017106	0.017659	0.002414	7.3
43	5,012	93	5,105	0.018217	0.018047	0.002653	6.8
44	4,901	94	4,995	0.018819	0.019173	0.002939	6.5
45	4,734	99	4,833	0.020484	0.021675	0.003243	6.7
46	4,545	120	4,665	0.025723	0.025268	0.003563	7.1
47	4,164	127	4,291	0.029597	0.027663	0.003922	7.1
48	3,971	113	4,084	0.027669	0.030107	0.004320	7.0
49	3,715	127	3,842	0.033056	0.032962	0.004749	6.9
50	3,453	137	3,590	0.038162	0.038314	0.005193	7.4
51	3,193	146	3,339	0.043726	0.041608	0.005647	7.4
52	2,920	131	3,051	0.042937	0.044710	0.006122	7.3
53	2,669	133	2,802	0.047466	0.045803	0.006630	6.9
54	2,372	117	2,489	0.047007	0.050491	0.007181	7.0
55	2,068	125	2,193	0.057000	0.053517	0.007779	6.9
56	1,852	111	1,963	0.056546	0.055167	0.008415	6.6
57	1,624	89	1,713	0.051956	0.057715	0.009074	6.4
58	1,418	98	1,516	0.064644	0.061413	0.009727	6.3
59	1,213	88	1,301	0.067640	0.069713	0.010371	6.7
60	1,057	88	1,145	0.076856	0.078531	0.011034	7.1
61	878	88	966	0.091097	0.082366	0.011738	7.0
62	733	63	796	0.079146	0.086399	0.012489	6.9
63	635	62	697	0.088953	0.083857	0.013335	6.3
64	549	50	599	0.083472	0.085654	0.014319	6.0
65	444	41	485	0.084536	0.087103	0.015482	5.6
66	379	39	418	0.093301	0.096722	0.016824	5.7
67	324	41	365	0.112329	0.097724	0.018330	5.3
68	271	26	297	0.087542	0.091657	0.019900	4.6
69	234	19	253	0.075099	0.089544	0.021539	4.2

South Carolina DC men admitted 1996 to 2015, followed to 2016
Last admission only, duplicate IDs removed, admission year errors removed
Exposure for all races; N=64,204
Mortality rates are smoothed for ≥ 5 deaths (running average of 3 or 5 raw rates, previous age, current age & next age)

	All races				Smoothed	US Population	Mortality
Age	Alive	Dead	Total	Mortality Rate	Mortality Rate	Mortality Rate	Ratios (≥5 deaths only)
70	194	23	217	0.105991	0.095649	0.023396	4.1
71	152	20	172	0.116279	0.090170	0.025476	3.5
72	136	14	150	0.093333	0.096203	0.027794	3.5
73	125	8	133	0.060150	0.097922	0.030350	3.2
74	102	12	114	0.105263	0.091534	0.033204	2.8
75	85	11	96	0.114583	0.094742	0.036345	2.6
76	76	7	83	0.084337	0.109378	0.039788	2.7
77	57	7	64	0.109375	0.111855	0.043720	2.6
78	52	8	60	0.133333	0.114580	0.048335	2.4
79	45	6	51	0.117647	0.116462	0.053650	2.2
80	34	5	39	0.128205	0.125356	0.059565	2.1
81	29	3	32	0.093750		0.065848	
82	22	4	26	0.153846		0.072956	
83	20	1	21	0.047619		0.080741	
84	19	0	19	0.000000		0.089357	
85	17	1	18	0.055556		0.099650	
86	14	2	16	0.125000		0.110901	
87	13	1	14	0.071429		0.123146	
88	10	3	13	0.230769		0.136412	
89	13	0	13	0.000000		0.150710	
90	9	0	9	0.000000		0.166038	
91	8	0	8	0.000000		0.182374	
92	7	0	7	0.000000		0.199676	
93	10	0	10	0.000000		0.217880	
94	15	1	16	0.062500		0.236903	
95	2	0	2	0.000000		0.256636	
96	2	0	2	0.000000		0.276954	
97	2	0	2	0.000000		0.297713	
	Total deaths	4,239					

Exhibit 3

South Carolina DC men admitted 1996 to 2015, followed to 2016
Last admission only, duplicate IDs removed, admission year errors removed
Exposure for blacks only; N=40,454
Mortality rates are smoothed for ≥ 5 deaths (running average of 3 or 5 raw rates, previous age, current age & next age)

Age	Alive	Black Dead	Total	Raw Mortality Rate	Smoothed Mortality Rate	US Population Mortality Rate	Mortality Ratios (≥5 deaths only)
15	2	0	2	0.000000		0.000655	
16	60	0	60	0.000000		0.000822	
17	543	0	543	0.000000		0.001004	
18	1,504	5	1,509	0.003313	0.003033	0.001206	2.5
19	2,898	8	2,906	0.002753	0.003351	0.001421	2.4
20	4,498	18	4,516	0.003986	0.003383	0.001654	2.0
21	5,847	20	5,867	0.003409	0.004059	0.001874	2.2
22	6,867	33	6,900	0.004783	0.004333	0.002041	2.1
23	7,453	36	7,489	0.004807	0.005139	0.002134	2.4
24	7,508	44	7,552	0.005826	0.005656	0.002168	2.6
25	7,216	46	7,262	0.006334	0.005943	0.002186	2.7
26	6,842	39	6,881	0.005668	0.006574	0.002212	3.0
27	6,426	50	6,476	0.007721	0.007412	0.002230	3.3
28	5,938	53	5,991	0.008847	0.008178	0.002245	3.6
29	5,604	45	5,649	0.007966	0.008357	0.002259	3.7
30	5,284	44	5,328	0.008258	0.007893	0.002267	3.5
31	5,059	38	5,097	0.007455	0.008957	0.002276	3.9
32	4,786	54	4,840	0.011157	0.009753	0.002300	4.2
33	4,554	49	4,603	0.010645	0.010648	0.002350	4.5
34	4,392	45	4,437	0.010142	0.010346	0.002426	4.3
35	4,152	43	4,195	0.010250	0.009901	0.002527	3.9
36	3,937	37	3,974	0.009311	0.010548	0.002646	4.0
37	3,679	45	3,724	0.012084	0.012161	0.002772	4.4
38	3,525	54	3,579	0.015088	0.013441	0.002896	4.6
39	3,452	46	3,498	0.013150	0.015186	0.003027	5.0
40	3,291	58	3,349	0.017319	0.015133	0.003179	4.8
41	3,101	47	3,148	0.014930	0.015972	0.003369	4.7
42	3,016	48	3,064	0.015666	0.015002	0.003607	4.2
43	2,941	43	2,984	0.014410	0.014833	0.003902	3.8
44	2,870	42	2,912	0.014423	0.015822	0.004251	3.7
45	2,739	52	2,791	0.018631	0.019842	0.004616	4.3
46	2,611	71	2,682	0.026473	0.024402	0.005016	4.9
47	2,421	70	2,491	0.028101	0.026482	0.005513	4.8
48	2,274	58	2,332	0.024871	0.026654	0.006129	4.3
49	2,127	59	2,186	0.026990	0.028625	0.006838	4.2
50	1,988	70	2,058	0.034014	0.032107	0.007586	4.2
51	1,830	67	1,897	0.035319	0.035336	0.008344	4.2
52	1,681	64	1,745	0.036676	0.038086	0.009145	4.2
53	1,541	68	1,609	0.042262	0.041294	0.010011	4.1
54	1,360	64	1,424	0.044944	0.046430	0.010959	4.2
55	1,183	65	1,248	0.052083	0.049429	0.011995	4.1
56	1,055	57	1,112	0.051259	0.050691	0.013107	3.9
57	937	48	985	0.048731	0.056749	0.014274	4.0
58	794	60	854	0.070258	0.061732	0.015455	4.0
59	677	48	725	0.066207	0.072218	0.016630	4.3
60	585	51	636	0.080189	0.082261	0.017888	4.6
61	466	52	518	0.100386	0.093277	0.019207	4.9
62	363	40	403	0.099256	0.093367	0.020451	4.6
63	320	28	348	0.080460	0.093350	0.021595	4.3
64	269	30	299	0.100334	0.089763	0.022717	4.0
65	206	20	226	0.088496	0.097257	0.023933	4.1
66	183	21	204	0.102941	0.107622	0.025369	4.2
67	152	23	175	0.131429	0.114021	0.027104	4.2
68	116	14	130	0.107692	0.117090	0.029089	4.0
69	95	12	107	0.112150	0.107763	0.031191	3.5

South Carolina DC men admitted 1996 to 2015, followed to 2016
Last admission only, duplicate IDs removed, admission year errors removed
Exposure for blacks only; N=40,454
Mortality rates are smoothed for ≥ 5 deaths (running average of 3 or 5 raw rates, previous age, current age & next age)

Age	Alive	Black Dead	Total	Raw Mortality Rate	Smoothed Mortality Rate	US Population Mortality Rate	Mortality Ratios (≥5 deaths only)
70	78	9	87	0.103448	0.115344	0.033429	3.5
71	60	9	69	0.130435	0.116942	0.035780	3.3
72	55	4	59	0.067797		0.038397	
73	48	3	51	0.058824		0.041254	
74	39	5	44	0.113636		0.044174	
75	30	5	35	0.142857		0.047704	
76	27	2	29	0.068966		0.051047	
77	18	3	21	0.142857		0.054624	
78	17	3	20	0.150000		0.059628	
79	15	2	17	0.117647		0.064976	
80	11	2	13	0.153846		0.070676	
81	9	1	10	0.100000		0.076651	
82	8	0	8	0.000000		0.085516	
83	7	0	7	0.000000		0.092664	
84	6	0	6	0.000000		0.100307	
85	5	0	5	0.000000		0.108460	
86	4	1	5	0.200000		0.117140	
87	5	0	5	0.000000		0.126357	
88	4	0	4	0.000000		0.136120	
89	3	0	3	0.000000		0.146432	
90	2	0	2	0.000000		0.157294	
91	3	0	3	0.000000		0.168701	
92	2	0	2	0.000000		0.180641	
93	3	0	3	0.000000		0.193099	
94	7	0	7	0.000000		0.206052	
95	1	0	1	0.000000		0.219470	
96	1	0	1	0.000000		0.233321	
97	1	0	1	0.000000		0.247561	
Total deaths		2,351					

Exhibit 4

South Carolina DC men admitted 1996 to 2015, followed to 2016
Last admission only, duplicate IDs removed, admission year errors removed
Exposure for whites only; N=22,081
Mortality rates are smoothed for ≥ 5 deaths (running average of 3 or 5 raw rates, previous age, current age & next age)

Age	Alive	White Dead	Total	Raw Mortality Rate	Smoothed Mortality Rate	US Population Mortality Rate	Mortality Ratios (≥5 deaths only)
15	1	0	1	0.000000		0.000414	
16	28	0	28	0.000000		0.000522	
17	268	0	268	0.000000		0.000641	
18	717	1	718	0.001393		0.000773	
19	1,325	4	1,329	0.003010		0.000909	
20	1,944	6	1,950	0.003077	0.003181	0.001053	3.0
21	2,427	8	2,435	0.003285	0.003500	0.001185	3.0
22	2,647	11	2,658	0.004138	0.004806	0.001283	3.7
23	2,697	19	2,716	0.006996	0.006919	0.001333	5.2
24	2,676	26	2,702	0.009623	0.008440	0.001349	6.3
25	2,620	23	2,643	0.008702	0.009056	0.001354	6.7
26	2,466	22	2,488	0.008842	0.010391	0.001365	7.6
27	2,316	32	2,348	0.013629	0.009974	0.001379	7.2
28	2,265	17	2,282	0.007450	0.011864	0.001401	8.5
29	2,173	32	2,205	0.014512	0.011735	0.001432	8.2
30	2,161	29	2,190	0.013242	0.013335	0.001467	9.1
31	2,177	27	2,204	0.012250	0.013876	0.001502	9.2
32	2,195	36	2,231	0.016136	0.013753	0.001536	9.0
33	2,147	28	2,175	0.012874	0.013955	0.001570	8.9
34	2,150	28	2,178	0.012856	0.012136	0.001609	7.5
35	2,131	23	2,154	0.010678	0.011928	0.001665	7.2
36	2,177	27	2,204	0.012250	0.013112	0.001742	7.5
37	2,158	36	2,194	0.016408	0.014128	0.001829	7.7
38	2,156	30	2,186	0.013724	0.016339	0.001921	8.5
39	2,078	40	2,118	0.018886	0.016139	0.002023	8.0
40	2,117	34	2,151	0.015807	0.019133	0.002135	9.0
41	2,066	48	2,114	0.022706	0.019370	0.002273	8.5
42	2,001	40	2,041	0.019598	0.022267	0.002459	9.1
43	1,991	50	2,041	0.024498	0.023331	0.002703	8.6
44	1,956	52	2,008	0.025896	0.024755	0.002997	8.3
45	1,922	47	1,969	0.023870	0.025127	0.003309	7.6
46	1,864	49	1,913	0.025614	0.027223	0.003631	7.5
47	1,684	56	1,740	0.032184	0.030095	0.003984	7.6
48	1,638	55	1,693	0.032487	0.035454	0.004366	8.1
49	1,540	67	1,607	0.041693	0.039239	0.004768	8.2
50	1,428	65	1,493	0.043537	0.046941	0.005179	9.1
51	1,325	78	1,403	0.055595	0.050285	0.005596	9.0
52	1,210	66	1,276	0.051724	0.054307	0.006034	9.0
53	1,104	65	1,169	0.055603	0.052714	0.006508	8.1
54	990	53	1,043	0.050815	0.057024	0.007026	8.1
55	868	60	928	0.064655	0.060073	0.007591	7.9
56	780	54	834	0.064748	0.062302	0.008191	7.6
57	672	41	713	0.057504	0.060358	0.008812	6.8
58	608	38	646	0.058824	0.062585	0.009425	6.6
59	520	40	560	0.071429	0.068333	0.010028	6.8
60	458	37	495	0.074747	0.076123	0.010645	7.2
61	402	36	438	0.082192	0.072227	0.011305	6.4
62	362	23	385	0.059740	0.079569	0.012031	6.6
63	308	33	341	0.096774	0.074694	0.012880	5.8
64	276	20	296	0.067568	0.082340	0.013896	5.9
65	233	21	254	0.082677	0.085880	0.015110	5.7
66	191	18	209	0.086124	0.079940	0.016503	4.8
67	169	18	187	0.096257	0.074702	0.018045	4.1
68	153	11	164	0.067073	0.079705	0.019623	4.1
69	139	6	145	0.041379	0.083840	0.021262	3.9

South Carolina DC men admitted 1996 to 2015, followed to 2016
Last admission only, duplicate IDs removed, admission year errors removed
Exposure for whites only; N=22,081
Mortality rates are smoothed for ≥ 5 deaths (running average of 3 or 5 raw rates, previous age, current age & next age)

Age	Alive	White Dead	Total	Raw Mortality Rate	Smoothed Mortality Rate	US Population Mortality Rate	Mortality Ratios (≥5 deaths only)
70	116	14	130	0.107692	0.086566	0.023146	3.7
71	92	11	103	0.106796	0.085347	0.025278	3.4
72	81	10	91	0.109890	0.097071	0.027630	3.5
73	77	5	82	0.060976	0.095204	0.030219	3.2
74	63	7	70	0.100000	0.092364	0.033126	2.8
75	55	6	61	0.098361	0.088990	0.036255	2.5
76	49	5	54	0.092593	0.095477	0.039716	2.4
77	39	4	43	0.093023		0.043757	
78	35	5	40	0.125000		0.048405	
79	30	4	34	0.117647		0.053785	
80	23	3	26	0.115385		0.059839	
81	20	2	22	0.090909		0.066176	
82	14	4	18	0.222222		0.073348	
83	13	1	14	0.071429		0.081302	
84	13	0	13	0.000000		0.090236	
85	12	1	13	0.076923		0.100743	
86	10	1	11	0.090909		0.112235	
87	8	1	9	0.111111		0.124750	
88	6	3	9	0.333333		0.138311	
89	7	0	7	0.000000		0.152931	
90	6	0	6	0.000000		0.168603	
91	5	0	5	0.000000		0.185302	
92	5	0	5	0.000000		0.202980	
93	7	0	7	0.000000		0.221569	
94	8	1	9	0.111111		0.240976	
95	1	0	1	0.000000		0.261085	
96	1	0	1	0.000000		0.281762	
97	1	0	1	0.000000		0.302853	
Total deaths		1,874					

EXHIBIT 5

Table 2. Life table for males: United States, 2011

Spreadsheet version available from: ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/Publications/NVSR/64_11/Table02.xlsx.

Age (years)	Probability of dying between ages x and $x+1$ q_x	Number surviving to age x l_x	Number dying between ages x and $x+1$ d_x	Person-years lived between ages x and $x+1$ L_x	Total number of person-years lived above age x T_x	Expectation of life at age x e_x
0–1	0.006575	100,000	658	99,427	7,629,389	76.3
1–2	0.000445	99,342	44	99,320	7,529,961	75.8
2–3	0.000301	99,298	30	99,283	7,430,641	74.8
3–4	0.000240	99,268	24	99,256	7,331,358	73.9
4–5	0.000183	99,244	18	99,235	7,232,101	72.9
5–6	0.000169	99,226	17	99,218	7,132,866	71.9
6–7	0.000150	99,210	15	99,202	7,033,648	70.9
7–8	0.000134	99,195	13	99,188	6,934,446	69.9
8–9	0.000115	99,181	11	99,176	6,835,258	68.9
9–10	0.000097	99,170	10	99,165	6,736,082	67.9
10–11	0.000085	99,160	8	99,156	6,636,917	66.9
11–12	0.000092	99,152	9	99,147	6,537,761	65.9
12–13	0.000132	99,143	13	99,136	6,438,613	64.9
13–14	0.000213	99,130	21	99,119	6,339,477	64.0
14–15	0.000323	99,109	32	99,093	6,240,358	63.0
15–16	0.000439	99,077	43	99,055	6,141,265	62.0
16–17	0.000552	99,033	55	99,006	6,042,210	61.0
17–18	0.000675	98,979	67	98,945	5,943,204	60.0
18–19	0.000807	98,912	80	98,872	5,844,259	59.1
19–20	0.000942	98,832	93	98,785	5,745,387	58.1
20–21	0.001085	98,739	107	98,685	5,646,602	57.2
21–22	0.001216	98,632	120	98,572	5,547,917	56.2
22–23	0.001310	98,512	129	98,447	5,449,345	55.3
23–24	0.001353	98,383	133	98,316	5,350,898	54.4
24–25	0.001358	98,250	133	98,183	5,252,582	53.5
25–26	0.001351	98,116	133	98,050	5,154,399	52.5
26–27	0.001349	97,984	132	97,918	5,056,349	51.6
27–28	0.001353	97,852	132	97,785	4,958,431	50.7
28–29	0.001371	97,719	134	97,652	4,860,646	49.7
29–30	0.001399	97,585	137	97,517	4,762,994	48.8
30–31	0.001432	97,449	140	97,379	4,665,477	47.9
31–32	0.001464	97,309	143	97,238	4,568,098	46.9
32–33	0.001496	97,167	145	97,094	4,470,860	46.0
33–34	0.001528	97,021	148	96,947	4,373,766	45.1
34–35	0.001563	96,873	151	96,797	4,276,819	44.1
35–36	0.001613	96,722	156	96,643	4,180,022	43.2
36–37	0.001682	96,565	162	96,484	4,083,378	42.3
37–38	0.001764	96,403	170	96,318	3,986,894	41.4
38–39	0.001857	96,233	179	96,144	3,890,576	40.4
39–40	0.001964	96,054	189	95,960	3,794,432	39.5
40–41	0.002083	95,866	200	95,766	3,698,472	38.6
41–42	0.002227	95,666	213	95,560	3,602,706	37.7
42–43	0.002414	95,453	230	95,338	3,507,147	36.7
43–44	0.002653	95,223	253	95,096	3,411,809	35.8
44–45	0.002939	94,970	279	94,830	3,316,713	34.9
45–46	0.003243	94,691	307	94,537	3,221,882	34.0
46–47	0.003563	94,384	336	94,216	3,127,345	33.1
47–48	0.003922	94,047	369	93,863	3,033,129	32.3
48–49	0.004320	93,679	405	93,476	2,939,266	31.4
49–50	0.004749	93,274	443	93,052	2,845,790	30.5
50–51	0.005193	92,831	482	92,590	2,752,738	29.7
51–52	0.005647	92,349	522	92,088	2,660,148	28.8
52–53	0.006122	91,827	562	91,546	2,568,060	28.0
53–54	0.006630	91,265	605	90,963	2,476,514	27.1
54–55	0.007181	90,660	651	90,335	2,385,551	26.3
55–56	0.007779	90,009	700	89,659	2,295,216	25.5
56–57	0.008415	89,309	752	88,933	2,205,557	24.7
57–58	0.009074	88,557	804	88,156	2,116,624	23.9
58–59	0.009727	87,754	854	87,327	2,028,469	23.1
59–60	0.010371	86,900	901	86,450	1,941,141	22.3
60–61	0.011034	85,999	949	85,525	1,854,692	21.6

See footnote at end of table.

Table 2. Life table for males: United States, 2011—Con.

Spreadsheet version available from: ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/Publications/NVSR/64_11/Table02.xlsx.

Age (years)	Probability of dying between ages x and $x+1$ q_x	Number surviving to age x l_x	Number dying between ages x and $x+1$ d_x	Person-years lived between ages x and $x+1$ L_x	Total number of person-years lived above age x T_x	Expectation of life at age x e_x
61–62	0.011738	85,050	998	84,551	1,769,167	20.8
62–63	0.012489	84,052	1,050	83,527	1,684,616	20.0
63–64	0.013335	83,002	1,107	82,449	1,601,089	19.3
64–65	0.014319	81,895	1,173	81,309	1,518,641	18.5
65–66	0.015482	80,723	1,250	80,098	1,437,332	17.8
66–67	0.016824	79,473	1,337	78,804	1,357,234	17.1
67–68	0.018330	78,136	1,432	77,420	1,278,430	16.4
68–69	0.019900	76,703	1,526	75,940	1,201,010	15.7
69–70	0.021539	75,177	1,619	74,367	1,125,070	15.0
70–71	0.023396	73,558	1,721	72,697	1,050,702	14.3
71–72	0.025476	71,837	1,830	70,922	978,005	13.6
72–73	0.027794	70,007	1,946	69,034	907,083	13.0
73–74	0.030350	68,061	2,066	67,028	838,049	12.3
74–75	0.033204	65,995	2,191	64,900	771,021	11.7
75–76	0.036345	63,804	2,319	62,645	706,121	11.1
76–77	0.039788	61,485	2,446	60,262	643,477	10.5
77–78	0.043720	59,039	2,581	57,748	583,215	9.9
78–79	0.048335	56,458	2,729	55,093	525,467	9.3
79–80	0.053650	53,729	2,883	52,287	470,374	8.8
80–81	0.059565	50,846	3,029	49,332	418,086	8.2
81–82	0.065848	47,817	3,149	46,243	368,754	7.7
82–83	0.072956	44,669	3,259	43,039	322,511	7.2
83–84	0.080741	41,410	3,343	39,738	279,472	6.7
84–85	0.089357	38,066	3,402	36,366	239,734	6.3
85–86	0.099650	34,665	3,454	32,938	203,368	5.9
86–87	0.110901	31,211	3,461	29,480	170,430	5.5
87–88	0.123146	27,749	3,417	26,041	140,950	5.1
88–89	0.136412	24,332	3,319	22,672	114,910	4.7
89–90	0.150710	21,013	3,167	19,429	92,237	4.4
90–91	0.166038	17,846	2,963	16,364	72,808	4.1
91–92	0.182374	14,883	2,714	13,526	56,443	3.8
92–93	0.199676	12,169	2,430	10,954	42,918	3.5
93–94	0.217880	9,739	2,122	8,678	31,964	3.3
94–95	0.236903	7,617	1,804	6,715	23,286	3.1
95–96	0.256636	5,812	1,492	5,067	16,571	2.9
96–97	0.276954	4,321	1,197	3,722	11,505	2.7
97–98	0.297713	3,124	930	2,659	7,782	2.5
98–99	0.318755	2,194	699	1,844	5,123	2.3
99–100	0.339914	1,495	508	1,241	3,279	2.2
100 and over	1.000000	987	987	2,038	2,038	2.1

SOURCE: CDC/NCHS, National Vital Statistics System.

EXHIBIT 6

Table 17. Life table for non-Hispanic black males: United States, 2011

Spreadsheet version available from: ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/Publications/NVSR/64_11/Table17.xlsx.

Age (years)	Probability of dying between ages x and $x+1$ q_x	Number surviving to age x l_x	Number dying between ages x and $x+1$ d_x	Person-years lived between ages x and $x+1$ L_x	Total number of person-years lived above age x T_x	Expectation of life at age x e_x
0–1	0.012502	100,000	1,250	98,927	7,173,820	71.7
1–2	0.000674	98,750	67	98,716	7,074,893	71.6
2–3	0.000494	98,683	49	98,659	6,976,177	70.7
3–4	0.000356	98,634	35	98,617	6,877,518	69.7
4–5	0.000316	98,599	31	98,584	6,778,901	68.8
5–6	0.000258	98,568	25	98,555	6,680,317	67.8
6–7	0.000224	98,543	22	98,532	6,581,762	66.8
7–8	0.000193	98,521	19	98,511	6,483,230	65.8
8–9	0.000161	98,502	16	98,494	6,384,719	64.8
9–10	0.000128	98,486	13	98,480	6,286,225	63.8
10–11	0.000107	98,473	11	98,468	6,187,746	62.8
11–12	0.000118	98,463	12	98,457	6,089,278	61.8
12–13	0.000183	98,451	18	98,442	5,990,821	60.9
13–14	0.000310	98,433	31	98,418	5,892,379	59.9
14–15	0.000481	98,402	47	98,379	5,793,961	58.9
15–16	0.000655	98,355	64	98,323	5,695,583	57.9
16–17	0.000822	98,291	81	98,250	5,597,260	56.9
17–18	0.001004	98,210	99	98,160	5,499,010	56.0
18–19	0.001206	98,111	118	98,052	5,400,849	55.0
19–20	0.001421	97,993	139	97,923	5,302,797	54.1
20–21	0.001654	97,854	162	97,773	5,204,874	53.2
21–22	0.001874	97,692	183	97,600	5,107,101	52.3
22–23	0.002041	97,509	199	97,409	5,009,501	51.4
23–24	0.002134	97,310	208	97,206	4,912,092	50.5
24–25	0.002168	97,102	211	96,997	4,814,886	49.6
25–26	0.002186	96,891	212	96,786	4,717,890	48.7
26–27	0.002212	96,680	214	96,573	4,621,104	47.8
27–28	0.002230	96,466	215	96,358	4,524,531	46.9
28–29	0.002245	96,251	216	96,143	4,428,173	46.0
29–30	0.002259	96,035	217	95,926	4,332,030	45.1
30–31	0.002267	95,818	217	95,709	4,236,104	44.2
31–32	0.002276	95,600	218	95,492	4,140,395	43.3
32–33	0.002300	95,383	219	95,273	4,044,904	42.4
33–34	0.002350	95,163	224	95,052	3,949,631	41.5
34–35	0.002426	94,940	230	94,825	3,854,579	40.6
35–36	0.002527	94,709	239	94,590	3,759,755	39.7
36–37	0.002646	94,470	250	94,345	3,665,165	38.8
37–38	0.002772	94,220	261	94,089	3,570,820	37.9
38–39	0.002896	93,959	272	93,823	3,476,730	37.0
39–40	0.003027	93,687	284	93,545	3,382,908	36.1
40–41	0.003179	93,403	297	93,255	3,289,363	35.2
41–42	0.003369	93,106	314	92,949	3,196,108	34.3
42–43	0.003607	92,793	335	92,625	3,103,159	33.4
43–44	0.003902	92,458	361	92,277	3,010,533	32.6
44–45	0.004251	92,097	392	91,901	2,918,256	31.7
45–46	0.004616	91,706	423	91,494	2,826,355	30.8
46–47	0.005016	91,282	458	91,053	2,734,861	30.0
47–48	0.005513	90,824	501	90,574	2,643,807	29.1
48–49	0.006129	90,324	554	90,047	2,553,233	28.3
49–50	0.006838	89,770	614	89,463	2,463,186	27.4
50–51	0.007586	89,156	676	88,818	2,373,723	26.6
51–52	0.008344	88,480	738	88,111	2,284,905	25.8
52–53	0.009145	87,742	802	87,340	2,196,794	25.0
53–54	0.010011	86,939	870	86,504	2,109,454	24.3
54–55	0.010959	86,069	943	85,597	2,022,950	23.5
55–56	0.011995	85,126	1,021	84,615	1,937,352	22.8
56–57	0.013107	84,105	1,102	83,553	1,852,737	22.0
57–58	0.014274	83,002	1,185	82,410	1,769,184	21.3
58–59	0.015455	81,817	1,264	81,185	1,686,774	20.6
59–60	0.016630	80,553	1,340	79,883	1,605,589	19.9
60–61	0.017888	79,213	1,417	78,505	1,525,705	19.3

See footnotes at end of table.

Table 17. Life table for non-Hispanic black males: United States, 2011—Con.

Spreadsheet version available from: ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/Publications/NVSR/64_11/Table17.xlsx.

Age (years)	Probability of dying between ages x and $x+1$	Number surviving to age x	Number dying between ages x and $x+1$	Person-years lived between ages x and $x+1$	Total number of person-years lived above age x	Expectation of life at age x
	q_x	l_x	d_x	L_x	T_x	e_x
61–62	0.019207	77,796	1,494	77,049	1,447,201	18.6
62–63	0.020451	76,302	1,560	75,522	1,370,151	18.0
63–64	0.021595	74,742	1,614	73,935	1,294,629	17.3
64–65	0.022717	73,128	1,661	72,297	1,220,695	16.7
65–66	0.023933	71,466	1,710	70,611	1,148,398	16.1
66–67	0.025369	69,756	1,770	68,871	1,077,787	15.5
67–68	0.027104	67,986	1,843	67,065	1,008,915	14.8
68–69	0.029089	66,144	1,924	65,182	941,851	14.2
69–70	0.031191	64,220	2,003	63,218	876,669	13.7
70–71	0.033429	62,216	2,080	61,177	813,451	13.1
71–72	0.035780	60,137	2,152	59,061	752,274	12.5
72–73	0.038397	57,985	2,226	56,872	693,214	12.0
73–74	0.041254	55,759	2,300	54,608	636,342	11.4
74–75	0.044174	53,458	2,361	52,278	581,733	10.9
75–76	0.047704	51,097	2,438	49,878	529,456	10.4
76–77	0.051047	48,659	2,484	47,417	479,578	9.9
77–78	0.054624	46,175	2,522	44,914	432,161	9.4
78–79	0.059628	43,653	2,603	42,352	387,246	8.9
79–80	0.064976	41,050	2,667	39,716	344,895	8.4
80–81	0.070676	38,383	2,713	37,026	305,178	8.0
81–82	0.076651	35,670	2,734	34,303	268,152	7.5
82–83	0.085516	32,936	2,817	31,528	233,849	7.1
83–84	0.092664	30,119	2,791	28,724	202,321	6.7
84–85	0.100307	27,328	2,741	25,958	173,597	6.4
85–86	0.108460	24,587	2,667	23,254	147,639	6.0
86–87	0.117140	21,920	2,568	20,637	124,386	5.7
87–88	0.126357	19,353	2,445	18,130	103,749	5.4
88–89	0.136120	16,907	2,301	15,757	85,619	5.1
89–90	0.146432	14,606	2,139	13,537	69,862	4.8
90–91	0.157294	12,467	1,961	11,487	56,326	4.5
91–92	0.168701	10,506	1,772	9,620	44,839	4.3
92–93	0.180641	8,734	1,578	7,945	35,219	4.0
93–94	0.193099	7,156	1,382	6,465	27,274	3.8
94–95	0.206052	5,774	1,190	5,179	20,809	3.6
95–96	0.219470	4,584	1,006	4,081	15,630	3.4
96–97	0.233321	3,578	835	3,161	11,548	3.2
97–98	0.247561	2,743	679	2,404	8,388	3.1
98–99	0.262144	2,064	541	1,794	5,984	2.9
99–100	0.277019	1,523	422	1,312	4,190	2.8
100 and over	1.000000	1,101	1,101	2,878	2,878	2.6

NOTE: This life table is based on death rates that have been adjusted for race and ethnicity misclassification on death certificates.
SOURCE: CDC/NCHS, National Vital Statistics System.

EXHIBIT 7

Table 14. Life table for non-Hispanic white males: United States, 2011

Spreadsheet version available from: ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/Publications/NVSR/64_11/Table14.xlsx.

Age (years)	Probability of dying between ages x and $x+1$ q_x	Number surviving to age x l_x	Number dying between ages x and $x+1$ d_x	Person-years lived between ages x and $x+1$ L_x	Total number of person-years lived above age x T_x	Expectation of life at age x e_x
0–1	0.005524	100,000	552	99,517	7,643,091	76.4
1–2	0.000413	99,448	41	99,427	7,543,575	75.9
2–3	0.000273	99,407	27	99,393	7,444,148	74.9
3–4	0.000229	99,379	23	99,368	7,344,755	73.9
4–5	0.000156	99,357	15	99,349	7,245,387	72.9
5–6	0.000160	99,341	16	99,333	7,146,038	71.9
6–7	0.000146	99,325	14	99,318	7,046,705	70.9
7–8	0.000132	99,311	13	99,304	6,947,387	70.0
8–9	0.000114	99,298	11	99,292	6,848,082	69.0
9–10	0.000095	99,286	9	99,282	6,748,790	68.0
10–11	0.000082	99,277	8	99,273	6,649,509	67.0
11–12	0.000088	99,269	9	99,264	6,550,236	66.0
12–13	0.000125	99,260	12	99,254	6,450,972	65.0
13–14	0.000201	99,248	20	99,238	6,351,718	64.0
14–15	0.000305	99,228	30	99,213	6,252,480	63.0
15–16	0.000414	99,197	41	99,177	6,153,268	62.0
16–17	0.000522	99,156	52	99,130	6,054,091	61.1
17–18	0.000641	99,105	64	99,073	5,954,960	60.1
18–19	0.000773	99,041	77	99,003	5,855,888	59.1
19–20	0.000909	98,964	90	98,920	5,756,885	58.2
20–21	0.001053	98,875	104	98,822	5,657,965	57.2
21–22	0.001185	98,770	117	98,712	5,559,143	56.3
22–23	0.001283	98,653	127	98,590	5,460,431	55.3
23–24	0.001333	98,527	131	98,461	5,361,841	54.4
24–25	0.001349	98,395	133	98,329	5,263,380	53.5
25–26	0.001354	98,263	133	98,196	5,165,051	52.6
26–27	0.001365	98,130	134	98,063	5,066,855	51.6
27–28	0.001379	97,996	135	97,928	4,968,792	50.7
28–29	0.001401	97,860	137	97,792	4,870,864	49.8
29–30	0.001432	97,723	140	97,653	4,773,072	48.8
30–31	0.001467	97,583	143	97,512	4,675,419	47.9
31–32	0.001502	97,440	146	97,367	4,577,907	47.0
32–33	0.001536	97,294	149	97,219	4,480,540	46.1
33–34	0.001570	97,145	153	97,068	4,383,321	45.1
34–35	0.001609	96,992	156	96,914	4,286,252	44.2
35–36	0.001665	96,836	161	96,755	4,189,338	43.3
36–37	0.001742	96,675	168	96,591	4,092,583	42.3
37–38	0.001829	96,506	177	96,418	3,995,992	41.4
38–39	0.001921	96,330	185	96,237	3,899,574	40.5
39–40	0.002023	96,145	195	96,047	3,803,337	39.6
40–41	0.002135	95,950	205	95,848	3,707,290	38.6
41–42	0.002273	95,745	218	95,637	3,611,442	37.7
42–43	0.002459	95,528	235	95,410	3,515,805	36.8
43–44	0.002703	95,293	258	95,164	3,420,395	35.9
44–45	0.002997	95,035	285	94,893	3,325,231	35.0
45–46	0.003309	94,750	313	94,594	3,230,338	34.1
46–47	0.003631	94,437	343	94,266	3,135,744	33.2
47–48	0.003984	94,094	375	93,907	3,041,479	32.3
48–49	0.004366	93,719	409	93,515	2,947,572	31.5
49–50	0.004768	93,310	445	93,088	2,854,058	30.6
50–51	0.005179	92,865	481	92,625	2,760,970	29.7
51–52	0.005596	92,384	517	92,126	2,668,345	28.9
52–53	0.006034	91,867	554	91,590	2,576,220	28.0
53–54	0.006508	91,313	594	91,016	2,484,630	27.2
54–55	0.007026	90,719	637	90,400	2,393,614	26.4
55–56	0.007591	90,081	684	89,739	2,303,214	25.6
56–57	0.008191	89,397	732	89,031	2,213,475	24.8
57–58	0.008812	88,665	781	88,274	2,124,444	24.0
58–59	0.009425	87,884	828	87,470	2,036,169	23.2
59–60	0.010028	87,056	873	86,619	1,948,700	22.4
60–61	0.010645	86,183	917	85,724	1,862,081	21.6

See footnotes at end of table.

Table 14. Life table for non-Hispanic white males: United States, 2011—Con.

Spreadsheet version available from: ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/Publications/NVSR/64_11/Table14.xlsx.

Age (years)	Probability of dying between ages x and $x+1$	Number surviving to age x	Number dying between ages x and $x+1$	Person-years lived between ages x and $x+1$	Total number of person-years lived above age x	Expectation of life at age x
	q_x	l_x	d_x	L_x	T_x	e_x
61–62	0.011305	85,265	964	84,783	1,776,357	20.8
62–63	0.012031	84,301	1,014	83,794	1,691,574	20.1
63–64	0.012880	83,287	1,073	82,751	1,607,780	19.3
64–65	0.013896	82,214	1,142	81,643	1,525,029	18.5
65–66	0.015110	81,072	1,225	80,459	1,443,386	17.8
66–67	0.016503	79,847	1,318	79,188	1,362,927	17.1
67–68	0.018045	78,529	1,417	77,821	1,283,739	16.3
68–69	0.019623	77,112	1,513	76,355	1,205,919	15.6
69–70	0.021262	75,599	1,607	74,795	1,129,563	14.9
70–71	0.023146	73,991	1,713	73,135	1,054,768	14.3
71–72	0.025278	72,279	1,827	71,365	981,633	13.6
72–73	0.027630	70,452	1,947	69,478	910,268	12.9
73–74	0.030219	68,505	2,070	67,470	840,789	12.3
74–75	0.033126	66,435	2,201	65,335	773,319	11.6
75–76	0.036255	64,234	2,329	63,070	707,985	11.0
76–77	0.039716	61,905	2,459	60,676	644,915	10.4
77–78	0.043757	59,447	2,601	58,146	584,239	9.8
78–79	0.048405	56,845	2,752	55,470	526,093	9.3
79–80	0.053785	54,094	2,909	52,639	470,623	8.7
80–81	0.059839	51,184	3,063	49,653	417,984	8.2
81–82	0.066176	48,122	3,184	46,529	368,331	7.7
82–83	0.073348	44,937	3,296	43,289	321,802	7.2
83–84	0.081302	41,641	3,385	39,948	278,513	6.7
84–85	0.090236	38,256	3,452	36,530	238,565	6.2
85–86	0.100743	34,804	3,506	33,050	202,035	5.8
86–87	0.112235	31,297	3,513	29,541	168,985	5.4
87–88	0.124750	27,785	3,466	26,052	139,444	5.0
88–89	0.138311	24,319	3,364	22,637	113,392	4.7
89–90	0.152931	20,955	3,205	19,353	90,755	4.3
90–91	0.168603	17,750	2,993	16,254	71,402	4.0
91–92	0.185302	14,758	2,735	13,390	55,149	3.7
92–93	0.202980	12,023	2,440	10,803	41,758	3.5
93–94	0.221569	9,583	2,123	8,521	30,955	3.2
94–95	0.240976	7,459	1,798	6,561	22,435	3.0
95–96	0.261085	5,662	1,478	4,923	15,874	2.8
96–97	0.281762	4,184	1,179	3,594	10,951	2.6
97–98	0.302853	3,005	910	2,550	7,357	2.4
98–99	0.324194	2,095	679	1,755	4,807	2.3
99–100	0.345609	1,416	489	1,171	3,052	2.2
100 and over	1.000000	926	926	1,881	1,881	2.0

NOTE: This life table is based on death rates that have been adjusted for race and ethnicity misclassification on death certificates.
SOURCE: CDC/NCHS, National Vital Statistics System.

EXHIBIT 8

Appendix A. 2011 U.S. General Population Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
All races

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy $\dot{e}_x$
0-1	0.006575	1.0	0.0065750	100,000	658	99,427	5,474,009	54.7
1-2	0.000445	1.0	0.0004450	99,342	44	99,320	5,374,582	54.1
2-3	0.000301	1.0	0.0003010	99,298	30	99,283	5,275,262	53.1
3-4	0.000240	1.0	0.0002400	99,268	24	99,256	5,175,979	52.1
4-5	0.000183	1.0	0.0001830	99,244	18	99,235	5,076,723	51.2
5-6	0.000169	1.0	0.0001690	99,226	17	99,218	4,977,488	50.2
6-7	0.000150	1.0	0.0001500	99,209	15	99,202	4,878,271	49.2
7-8	0.000134	1.0	0.0001340	99,194	13	99,188	4,779,069	48.2
8-9	0.000115	1.0	0.0001150	99,181	11	99,176	4,679,882	47.2
9-10	0.000097	1.0	0.0000970	99,170	10	99,165	4,580,706	46.2
10-11	0.000085	1.0	0.0000850	99,160	8	99,156	4,481,541	45.2
11-12	0.000092	1.0	0.0000920	99,152	9	99,148	4,382,385	44.2
12-13	0.000132	1.0	0.0001320	99,143	13	99,137	4,283,238	43.2
13-14	0.000213	1.0	0.0002130	99,130	21	99,120	4,184,101	42.2
14-15	0.000323	1.0	0.0003230	99,109	32	99,093	4,084,982	41.2
15-16	0.000439	1.0	0.0004390	99,077	43	99,056	3,985,889	40.2
16-17	0.000552	1.0	0.0005520	99,034	55	99,007	3,886,833	39.2
17-18	0.000675	1.0	0.0006750	98,979	67	98,946	3,787,827	38.3
18-19	0.000807	3.3	0.0027013	98,912	267	98,779	3,688,881	37.3
19-20	0.000942	3.2	0.0030114	98,645	297	98,497	3,590,103	36.4
20-21	0.001085	3.0	0.0032334	98,348	318	98,189	3,491,606	35.5
21-22	0.001216	3.1	0.0038118	98,030	374	97,843	3,393,417	34.6
22-23	0.001310	3.3	0.0043592	97,656	426	97,443	3,295,574	33.7
23-24	0.001353	4.1	0.0054859	97,230	533	96,964	3,198,131	32.9
24-25	0.001358	4.6	0.0062542	96,697	605	96,395	3,101,168	32.1
25-26	0.001351	4.9	0.0066459	96,092	639	95,773	3,004,773	31.3

Appendix A. 2011 U.S. General Population Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
All races

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy $\dot{e}_x$
26-27	0.001349	5.5	0.0074312	95,453	709	95,099	2,909,001	30.5
27-28	0.001353	5.8	0.0078989	94,744	748	94,370	2,813,902	29.7
28-29	0.001371	6.5	0.0089216	93,996	839	93,577	2,719,532	28.9
29-30	0.001399	6.5	0.0090478	93,157	843	92,736	2,625,956	28.2
30-31	0.001432	6.4	0.0091878	92,314	848	91,890	2,533,220	27.4
31-32	0.001464	6.9	0.0101313	91,466	927	91,003	2,441,330	26.7
32-33	0.001496	7.1	0.0106698	90,539	966	90,056	2,350,328	26.0
33-34	0.001528	7.4	0.0113651	89,573	1,018	89,064	2,260,272	25.2
34-35	0.001563	6.8	0.0106137	88,555	940	88,085	2,171,208	24.5
35-36	0.001613	6.4	0.0103475	87,615	907	87,162	2,083,123	23.8
36-37	0.001682	6.7	0.0112230	86,708	973	86,222	1,995,961	23.0
37-38	0.001764	7.1	0.0125987	85,735	1,080	85,195	1,909,740	22.3
38-39	0.001857	7.7	0.0142256	84,655	1,204	84,053	1,824,545	21.6
39-40	0.001964	7.8	0.0152915	83,451	1,276	82,813	1,740,492	20.9
40-41	0.002083	7.9	0.0164363	82,175	1,351	81,500	1,657,679	20.2
41-42	0.002227	7.7	0.0171008	80,824	1,382	80,133	1,576,179	19.5
42-43	0.002414	7.3	0.0176592	79,442	1,403	78,741	1,496,046	18.8
43-44	0.002653	6.8	0.0180473	78,039	1,408	77,335	1,417,306	18.2
44-45	0.002939	6.5	0.0191735	76,631	1,469	75,897	1,339,971	17.5
45-46	0.003243	6.7	0.0216755	75,162	1,629	74,348	1,264,074	16.8
46-47	0.003563	7.1	0.0252682	73,533	1,858	72,604	1,189,727	16.2
47-48	0.003922	7.1	0.0276631	71,675	1,983	70,684	1,117,123	15.6
48-49	0.004320	7.0	0.0301072	69,692	2,098	68,643	1,046,439	15.0
49-50	0.004749	6.9	0.0329621	67,594	2,228	66,480	977,796	14.5
50-51	0.005193	7.4	0.0383143	65,366	2,504	64,114	911,316	13.9
51-52	0.005647	7.4	0.0416080	62,862	2,616	61,554	847,202	13.5

Appendix A. 2011 U.S. General Population Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
All races

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy $\dot{e}_x$
52-53	0.006122	7.3	0.0447095	60,246	2,694	58,899	785,648	13.0
53-54	0.006630	6.9	0.0458032	57,552	2,636	56,234	726,749	12.6
54-55	0.007181	7.0	0.0504908	54,916	2,773	53,530	670,515	12.2
55-56	0.007779	6.9	0.0535175	52,143	2,791	50,748	616,986	11.8
56-57	0.008415	6.6	0.0551671	49,352	2,723	47,991	566,238	11.5
57-58	0.009074	6.4	0.0577152	46,629	2,691	45,284	518,248	11.1
58-59	0.009727	6.3	0.0614132	43,938	2,698	42,589	472,964	10.8
59-60	0.010371	6.7	0.0697133	41,240	2,875	39,803	430,375	10.4
60-61	0.011034	7.1	0.0785312	38,365	3,013	36,859	390,573	10.2
61-62	0.011738	7.0	0.0823663	35,352	2,912	33,896	353,714	10.0
62-63	0.012489	6.9	0.0863986	32,440	2,803	31,039	319,818	9.9
63-64	0.013335	6.3	0.0838569	29,637	2,485	28,395	288,780	9.7
64-65	0.014319	6.0	0.0856537	27,152	2,326	25,989	260,385	9.6
65-66	0.015482	5.6	0.0871033	24,826	2,162	23,745	234,396	9.4
66-67	0.016824	5.7	0.0967221	22,664	2,192	21,568	210,651	9.3
67-68	0.018330	5.3	0.0977241	20,472	2,001	19,472	189,083	9.2
68-69	0.019900	4.6	0.0916566	18,471	1,693	17,625	169,612	9.2
69-70	0.021539	4.2	0.0895439	16,778	1,502	16,027	151,987	9.1
70-71	0.023396	4.1	0.0956488	15,276	1,461	14,546	135,960	8.9
71-72	0.025476	3.5	0.0901705	13,815	1,246	13,192	121,415	8.8
72-73	0.027794	3.5	0.0962033	12,569	1,209	11,965	108,223	8.6
73-74	0.030350	3.2	0.0979219	11,360	1,112	10,804	96,258	8.5
74-75	0.033204	2.8	0.0915335	10,248	938	9,779	85,454	8.3

Appendix A. 2011 U.S. General Population Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
All races

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy $\dot{e}_x$
75-76	0.036345	2.6	0.0947418	9,310	882	8,869	75,675	8.1
76-77	0.039788	2.7	0.1093784	8,428	922	7,967	66,806	7.9
77-78	0.043720	2.6	0.1118552	7,506	840	7,086	58,839	7.8
78-79	0.048335	2.4	0.1145796	6,666	764	6,284	51,753	7.8
79-80	0.053650	2.2	0.1164621	5,902	687	5,559	45,469	7.7
80-81	0.059565	2.1	0.1253563	5,215	654	4,888	39,911	7.7
81-82	0.065848	1.0	0.0658480	4,561	300	4,411	35,023	7.7
82-83	0.072956	1.0	0.0729560	4,261	311	4,106	30,612	7.2
83-84	0.080741	1.0	0.0807410	3,950	319	3,791	26,506	6.7
84-85	0.089357	1.0	0.0893570	3,631	324	3,469	22,716	6.3
85-86	0.099650	1.0	0.0996500	3,307	330	3,142	19,247	5.8
86-87	0.110901	1.0	0.1109010	2,977	330	2,812	16,105	5.4
87-88	0.123146	1.0	0.1231460	2,647	326	2,484	13,293	5.0
88-89	0.136412	1.0	0.1364120	2,321	317	2,163	10,809	4.7
89-90	0.150710	1.0	0.1507100	2,004	302	1,853	8,646	4.3
90-91	0.166038	1.0	0.1660380	1,702	283	1,561	6,793	4.0
91-92	0.182374	1.0	0.1823740	1,419	259	1,290	5,233	3.7
92-93	0.199676	1.0	0.1996760	1,160	232	1,044	3,943	3.4
93-94	0.217880	1.0	0.2178800	928	202	827	2,899	3.1
94-95	0.236903	1.0	0.2369030	726	172	640	2,072	2.9
95-96	0.256636	1.0	0.2566360	554	142	483	1,432	2.6
96-97	0.276954	1.0	0.2769540	412	114	355	949	2.3
97-98	0.297713	1.0	0.2977130	298	89	254	594	2.0
98-99	0.318755	1.0	0.3187550	209	67	176	341	1.6
99-100	0.339914	1.0	0.3399140	142	48	118	165	1.2
100+	1.00000	1.0	1.0000000	94	94	47	47	0.5

EXHIBIT 9

Appendix B. 2011 U.S. General Population Non-Hispanic Black Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
Black men only

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy $\dot{e}_x$
0-1	0.012502	1.0	0.0125020	100,000	1,250	99,007	5,516,944	55.2
1-2	0.000674	1.0	0.0006740	98,750	67	98,717	5,417,937	54.9
2-3	0.000494	1.0	0.0004940	98,683	49	98,659	5,319,221	53.9
3-4	0.000356	1.0	0.0003560	98,634	35	98,617	5,220,562	52.9
4-5	0.000316	1.0	0.0003160	98,599	31	98,584	5,121,946	51.9
5-6	0.000258	1.0	0.0002580	98,568	25	98,556	5,023,362	51.0
6-7	0.000224	1.0	0.0002240	98,543	22	98,532	4,924,807	50.0
7-8	0.000193	1.0	0.0001930	98,521	19	98,512	4,826,275	49.0
8-9	0.000161	1.0	0.0001610	98,502	16	98,494	4,727,763	48.0
9-10	0.000128	1.0	0.0001280	98,486	13	98,480	4,629,269	47.0
10-11	0.000107	1.0	0.0001070	98,473	11	98,468	4,530,790	46.0
11-12	0.000118	1.0	0.0001180	98,462	12	98,456	4,432,322	45.0
12-13	0.000183	1.0	0.0001830	98,450	18	98,441	4,333,866	44.0
13-14	0.000310	1.0	0.0003100	98,432	31	98,417	4,235,425	43.0
14-15	0.000481	1.0	0.0004810	98,401	47	98,378	4,137,009	42.0
15-16	0.000655	1.0	0.0006550	98,354	64	98,322	4,038,631	41.1
16-17	0.000822	1.0	0.0008220	98,290	81	98,250	3,940,309	40.1
17-18	0.001004	1.0	0.0010040	98,209	99	98,160	3,842,060	39.1
18-19	0.001206	2.5	0.0030332	98,110	298	97,961	3,743,900	38.2
19-20	0.001421	2.4	0.0033507	97,812	328	97,648	3,645,939	37.3
20-21	0.001654	2.0	0.0033826	97,484	330	97,319	3,548,291	36.4
21-22	0.001874	2.2	0.0040591	97,154	394	96,957	3,450,972	35.5
22-23	0.002041	2.1	0.0043329	96,760	419	96,551	3,354,015	34.7
23-24	0.002134	2.4	0.0051386	96,341	495	96,094	3,257,465	33.8
24-25	0.002168	2.6	0.0056559	95,846	542	95,575	3,161,371	33.0
25-26	0.002186	2.7	0.0059428	95,304	566	95,021	3,065,796	32.2

Appendix B. 2011 U.S. General Population Non-Hispanic Black Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
Black men only

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy $\dot{e}_x$
26-27	0.002212	3.0	0.0065743	94,738	623	94,427	2,970,775	31.4
27-28	0.002230	3.3	0.0074117	94,115	698	93,766	2,876,349	30.6
28-29	0.002245	3.6	0.0081778	93,417	764	93,035	2,782,583	29.8
29-30	0.002259	3.7	0.0083570	92,653	774	92,266	2,689,548	29.0
30-31	0.002267	3.5	0.0078932	91,879	725	91,517	2,597,282	28.3
31-32	0.002276	3.9	0.0089569	91,154	816	90,746	2,505,765	27.5
32-33	0.002300	4.2	0.0097525	90,338	881	89,898	2,415,019	26.7
33-34	0.002350	4.5	0.0106481	89,457	953	88,981	2,325,122	26.0
34-35	0.002426	4.3	0.0103458	88,504	916	88,046	2,236,141	25.3
35-36	0.002527	3.9	0.0099009	87,588	867	87,155	2,148,095	24.5
36-37	0.002646	4.0	0.0105482	86,721	915	86,264	2,060,941	23.8
37-38	0.002772	4.4	0.0121608	85,806	1,043	85,285	1,974,677	23.0
38-39	0.002896	4.6	0.0134407	84,763	1,139	84,194	1,889,393	22.3
39-40	0.003027	5.0	0.0151857	83,624	1,270	82,989	1,805,199	21.6
40-41	0.003179	4.8	0.0151330	82,354	1,246	81,731	1,722,210	20.9
41-42	0.003369	4.7	0.0159715	81,108	1,295	80,461	1,640,479	20.2
42-43	0.003607	4.2	0.0150020	79,813	1,197	79,215	1,560,019	19.5
43-44	0.003902	3.8	0.0148330	78,616	1,166	78,033	1,480,804	18.8
44-45	0.004251	3.7	0.0158215	77,450	1,225	76,838	1,402,771	18.1
45-46	0.004616	4.3	0.0198424	76,225	1,512	75,469	1,325,934	17.4
46-47	0.005016	4.9	0.0244018	74,713	1,823	73,802	1,250,465	16.7
47-48	0.005513	4.8	0.0264818	72,890	1,930	71,925	1,176,663	16.1
48-49	0.006129	4.3	0.0266542	70,960	1,891	70,015	1,104,738	15.6
49-50	0.006838	4.2	0.0286250	69,069	1,977	68,081	1,034,724	15.0
50-51	0.007586	4.2	0.0321075	67,092	2,154	66,015	966,643	14.4
51-52	0.008344	4.2	0.0353362	64,938	2,295	63,791	900,628	13.9

Appendix B. 2011 U.S. General Population Non-Hispanic Black Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
Black men only

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy $\dot{e}_x$
52-53	0.009145	4.2	0.0380858	62,643	2,386	61,450	836,838	13.4
53-54	0.010011	4.1	0.0412941	60,257	2,488	59,013	775,388	12.9
54-55	0.010959	4.2	0.0464298	57,769	2,682	56,428	716,375	12.4
55-56	0.011995	4.1	0.0494287	55,087	2,723	53,726	659,947	12.0
56-57	0.013107	3.9	0.0506911	52,364	2,654	51,037	606,221	11.6
57-58	0.014274	4.0	0.0567492	49,710	2,821	48,300	555,184	11.2
58-59	0.015455	4.0	0.0617318	46,889	2,895	45,442	506,885	10.8
59-60	0.016630	4.3	0.0722177	43,994	3,177	42,406	461,443	10.5
60-61	0.017888	4.6	0.0822606	40,817	3,358	39,138	419,038	10.3
61-62	0.019207	4.9	0.0932768	37,459	3,494	35,712	379,900	10.1
62-63	0.020451	4.6	0.0933672	33,965	3,171	32,380	344,188	10.1
63-64	0.021595	4.3	0.0933499	30,794	2,875	29,357	311,808	10.1
64-65	0.022717	4.0	0.0897633	27,919	2,506	26,666	282,452	10.1
65-66	0.023933	4.1	0.0972571	25,413	2,472	24,177	255,786	10.1
66-67	0.025369	4.2	0.1076218	22,941	2,469	21,707	231,609	10.1
67-68	0.027104	4.2	0.1140207	20,472	2,334	19,305	209,902	10.3
68-69	0.029089	4.0	0.1170901	18,138	2,124	17,076	190,597	10.5
69-70	0.031191	3.5	0.1077634	16,014	1,726	15,151	173,521	10.8
70-71	0.033429	3.5	0.1153442	14,288	1,648	13,464	158,370	11.1
71-72	0.035780	3.3	0.1169415	12,640	1,478	11,901	144,906	11.5
72-73	0.038397	1.0	0.0383970	11,162	429	10,948	133,005	11.9
73-74	0.041254	1.0	0.0412540	10,733	443	10,512	122,058	11.4
74-75	0.044174	1.0	0.0441740	10,290	455	10,063	111,546	10.8

Appendix B. 2011 U.S. General Population Non-Hispanic Black Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
Black men only

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy $\dot{e}_x$
75-76	0.047704	1.0	0.0477040	9,835	469	9,601	101,484	10.3
76-77	0.051047	1.0	0.0510470	9,366	478	9,127	91,883	9.8
77-78	0.054624	1.0	0.0546240	8,888	485	8,646	82,756	9.3
78-79	0.059628	1.0	0.0596280	8,403	501	8,153	74,111	8.8
79-80	0.064976	1.0	0.0649760	7,902	513	7,646	65,958	8.3
80-81	0.070676	1.0	0.0706760	7,389	522	7,128	58,313	7.9
81-82	0.076651	1.0	0.0766510	6,867	526	6,604	51,185	7.5
82-83	0.085516	1.0	0.0855160	6,341	542	6,070	44,581	7.0
83-84	0.092664	1.0	0.0926640	5,799	537	5,531	38,511	6.6
84-85	0.100307	1.0	0.1003070	5,262	528	4,998	32,980	6.3
85-86	0.108460	1.0	0.1084600	4,734	513	4,478	27,982	5.9
86-87	0.117140	1.0	0.1171400	4,221	494	3,974	23,505	5.6
87-88	0.126357	1.0	0.1263570	3,727	471	3,492	19,531	5.2
88-89	0.136120	1.0	0.1361200	3,256	443	3,035	16,039	4.9
89-90	0.146432	1.0	0.1464320	2,813	412	2,607	13,005	4.6
90-91	0.157294	1.0	0.1572940	2,401	378	2,212	10,398	4.3
91-92	0.168701	1.0	0.1687010	2,023	341	1,853	8,186	4.0
92-93	0.180641	1.0	0.1806410	1,682	304	1,530	6,333	3.8
93-94	0.193099	1.0	0.1930990	1,378	266	1,245	4,803	3.5
94-95	0.206052	1.0	0.2060520	1,112	229	998	3,558	3.2
95-96	0.219470	1.0	0.2194700	883	194	786	2,561	2.9
96-97	0.233321	1.0	0.2333210	689	161	609	1,775	2.6
97-98	0.247561	1.0	0.2475610	528	131	463	1,166	2.2
98-99	0.262144	1.0	0.2621440	397	104	345	704	1.8
99-100	0.277019	1.0	0.2770190	293	81	253	359	1.2
100+	1.00000	1.0	1.0000000	212	212	106	106	0.5

EXHIBIT 10

Appendix C. 2011 U.S. General Population Non-Hispanic White Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
White men only

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy $\dot{e}_x$
0-1	0.005524	1.0	0.0055240	100,000	552	99,517	5,349,849	53.5
1-2	0.000413	1.0	0.0004130	99,448	41	99,428	5,250,332	52.8
2-3	0.000273	1.0	0.0002730	99,407	27	99,394	5,150,905	51.8
3-4	0.000229	1.0	0.0002290	99,380	23	99,369	5,051,511	50.8
4-5	0.000156	1.0	0.0001560	99,357	15	99,350	4,952,143	49.8
5-6	0.000160	1.0	0.0001600	99,342	16	99,334	4,852,793	48.8
6-7	0.000146	1.0	0.0001460	99,326	15	99,319	4,753,459	47.9
7-8	0.000132	1.0	0.0001320	99,311	13	99,305	4,654,141	46.9
8-9	0.000114	1.0	0.0001140	99,298	11	99,293	4,554,836	45.9
9-10	0.000095	1.0	0.0000950	99,287	9	99,283	4,455,544	44.9
10-11	0.000082	1.0	0.0000820	99,278	8	99,274	4,356,261	43.9
11-12	0.000088	1.0	0.0000880	99,270	9	99,266	4,256,987	42.9
12-13	0.000125	1.0	0.0001250	99,261	12	99,255	4,157,722	41.9
13-14	0.000201	1.0	0.0002010	99,249	20	99,239	4,058,467	40.9
14-15	0.000305	1.0	0.0003050	99,229	30	99,214	3,959,228	39.9
15-16	0.000414	1.0	0.0004140	99,199	41	99,179	3,860,014	38.9
16-17	0.000522	1.0	0.0005220	99,158	52	99,132	3,760,835	37.9
17-18	0.000641	1.0	0.0006410	99,106	64	99,074	3,661,703	36.9
18-19	0.000773	1.0	0.0007730	99,042	77	99,004	3,562,629	36.0
19-20	0.000909	1.0	0.0009090	98,965	90	98,920	3,463,626	35.0
20-21	0.001053	3.0	0.0031812	98,875	315	98,718	3,364,706	34.0
21-22	0.001185	3.0	0.0035003	98,560	345	98,388	3,265,988	33.1
22-23	0.001283	3.7	0.0048065	98,215	472	97,979	3,167,601	32.3
23-24	0.001333	5.2	0.0069188	97,743	676	97,405	3,069,622	31.4
24-25	0.001349	6.3	0.0084401	97,067	819	96,658	2,972,217	30.6
25-26	0.001354	6.7	0.0090557	96,248	872	95,812	2,875,559	29.9

Appendix C. 2011 U.S. General Population Non-Hispanic White Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
White men only

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy $\dot{e}_x$
26-27	0.001365	7.6	0.0103911	95,376	991	94,881	2,779,747	29.1
27-28	0.001379	7.2	0.0099736	94,385	941	93,915	2,684,867	28.4
28-29	0.001401	8.5	0.0118636	93,444	1,109	92,890	2,590,952	27.7
29-30	0.001432	8.2	0.0117347	92,335	1,084	91,793	2,498,063	27.1
30-31	0.001467	9.1	0.0133350	91,251	1,217	90,643	2,406,270	26.4
31-32	0.001502	9.2	0.0138762	90,034	1,249	89,410	2,315,627	25.7
32-33	0.001536	9.0	0.0137534	88,785	1,221	88,175	2,226,218	25.1
33-34	0.001570	8.9	0.0139552	87,564	1,222	86,953	2,138,043	24.4
34-35	0.001609	7.5	0.0121357	86,342	1,048	85,818	2,051,090	23.8
35-36	0.001665	7.2	0.0119280	85,294	1,017	84,786	1,965,272	23.0
36-37	0.001742	7.5	0.0131122	84,277	1,105	83,725	1,880,487	22.3
37-38	0.001829	7.7	0.0141275	83,172	1,175	82,585	1,796,762	21.6
38-39	0.001921	8.5	0.0163393	81,997	1,340	81,327	1,714,178	20.9
39-40	0.002023	8.0	0.0161387	80,657	1,302	80,006	1,632,851	20.2
40-41	0.002135	9.0	0.0191327	79,355	1,518	78,596	1,552,845	19.6
41-42	0.002273	8.5	0.0193702	77,837	1,508	77,083	1,474,249	18.9
42-43	0.002459	9.1	0.0222673	76,329	1,700	75,479	1,397,166	18.3
43-44	0.002703	8.6	0.0233308	74,629	1,741	73,759	1,321,687	17.7
44-45	0.002997	8.3	0.0247547	72,888	1,804	71,986	1,247,928	17.1
45-46	0.003309	7.6	0.0251269	71,084	1,786	70,191	1,175,942	16.5
46-47	0.003631	7.5	0.0272227	69,298	1,886	68,355	1,105,751	16.0
47-48	0.003984	7.6	0.0300949	67,412	2,029	66,398	1,037,396	15.4
48-49	0.004366	8.1	0.0354544	65,383	2,318	64,224	970,999	14.9
49-50	0.004768	8.2	0.0392386	63,065	2,475	61,828	906,775	14.4
50-51	0.005179	9.1	0.0469414	60,590	2,844	59,168	844,947	13.9
51-52	0.005596	9.0	0.0502853	57,746	2,904	56,294	785,779	13.6

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White men only

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52-53	0.006034	9.0	0.0543075	54,842	2,978	53,353	729,485	13.3
53-54	0.006508	8.1	0.0527141	51,864	2,734	50,497	676,132	13.0
54-55	0.007026	8.1	0.0570244	49,130	2,802	47,729	625,635	12.7
55-56	0.007591	7.9	0.0600728	46,328	2,783	44,937	577,906	12.5
56-57	0.008191	7.6	0.0623023	43,545	2,713	42,189	532,970	12.2
57-58	0.008812	6.8	0.0603584	40,832	2,465	39,600	490,781	12.0
58-59	0.009425	6.6	0.0625852	38,367	2,401	37,167	451,182	11.8
59-60	0.010028	6.8	0.0683332	35,966	2,458	34,737	414,015	11.5
60-61	0.010645	7.2	0.0761226	33,508	2,551	32,233	379,278	11.3
61-62	0.011305	6.4	0.0722265	30,957	2,236	29,839	347,046	11.2
62-63	0.012031	6.6	0.0795687	28,721	2,285	27,579	317,207	11.0
63-64	0.012880	5.8	0.0746940	26,436	1,975	25,449	289,628	11.0
64-65	0.013896	5.9	0.0823396	24,461	2,014	23,454	264,180	10.8
65-66	0.015110	5.7	0.0858800	22,447	1,928	21,483	240,726	10.7
66-67	0.016503	4.8	0.0799398	20,519	1,640	19,699	219,243	10.7
67-68	0.018045	4.1	0.0747021	18,879	1,410	18,174	199,544	10.6
68-69	0.019623	4.1	0.0797052	17,469	1,392	16,773	181,370	10.4
69-70	0.021262	3.9	0.0838395	16,077	1,348	15,403	164,597	10.2
70-71	0.023146	3.7	0.0865662	14,729	1,275	14,092	149,194	10.1
71-72	0.025278	3.4	0.0853467	13,454	1,148	12,880	135,102	10.0
72-73	0.027630	3.5	0.0970708	12,306	1,195	11,709	122,222	9.9
73-74	0.030219	3.2	0.0952045	11,111	1,058	10,582	110,514	9.9
74-75	0.033126	2.8	0.0923638	10,053	929	9,589	99,932	9.9

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White men only

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75-76	0.036255	2.5	0.0889904	9,124	812	8,718	90,343	9.9
76-77	0.039716	2.4	0.0954766	8,312	794	7,915	81,625	9.8
77-78	0.043757	1.0	0.0437570	7,518	329	7,354	73,710	9.8
78-79	0.048405	1.0	0.0484050	7,189	348	7,015	66,357	9.2
79-80	0.053785	1.0	0.0537850	6,841	368	6,657	59,342	8.7
80-81	0.059839	1.0	0.0598390	6,473	387	6,280	52,685	8.1
81-82	0.066176	1.0	0.0661760	6,086	403	5,885	46,405	7.6
82-83	0.073348	1.0	0.0733480	5,683	417	5,475	40,521	7.1
83-84	0.081302	1.0	0.0813020	5,266	428	5,052	35,046	6.7
84-85	0.090236	1.0	0.0902360	4,838	437	4,620	29,994	6.2
85-86	0.100743	1.0	0.1007430	4,401	443	4,180	25,375	5.8
86-87	0.112235	1.0	0.1122350	3,958	444	3,736	21,195	5.4
87-88	0.124750	1.0	0.1247500	3,514	438	3,295	17,459	5.0
88-89	0.138311	1.0	0.1383110	3,076	425	2,864	14,164	4.6
89-90	0.152931	1.0	0.1529310	2,651	405	2,449	11,301	4.3
90-91	0.168603	1.0	0.1686030	2,246	379	2,057	8,852	3.9
91-92	0.185302	1.0	0.1853020	1,867	346	1,694	6,796	3.6
92-93	0.202980	1.0	0.2029800	1,521	309	1,367	5,102	3.4
93-94	0.221569	1.0	0.2215690	1,212	269	1,078	3,735	3.1
94-95	0.240976	1.0	0.2409760	943	227	830	2,658	2.8
95-96	0.261085	1.0	0.2610850	716	187	623	1,828	2.6
96-97	0.281762	1.0	0.2817620	529	149	455	1,206	2.3
97-98	0.302853	1.0	0.3028530	380	115	323	751	2.0
98-99	0.324194	1.0	0.3241940	265	86	222	429	1.6
99-100	0.345609	1.0	0.3456090	179	62	148	207	1.2
100+	1.00000	1.0	1.0000000	117	117	59	59	0.5

STATE OF SOUTH CAROLINA	)	**IN THE COURT OF GENERAL SESSIONS**
	)	**TWELFTH JUDICIAL CIRCUIT**
COUNTY OF FLORENCE	)	
	)	
State of South Carolina	)	2004-GS-21-1084
	)	
Plaintiff,	)	
	)	
vs.	)	**SENTENCING MEMORANDUM**
	)	
Terriel Mack,	)	
	)	
Defendant.	)	
	)	

FILED
2019 FEB 19 PM 2:32
DOUGS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

I. Introduction.

In *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014), the South Carolina Supreme Court vacated all life without parole sentences imposed on juvenile offenders concluding that such sentences violated the Eighth Amendment's ban against cruel and unusual punishment. The Court further held that all such defendants were entitled to new sentencing hearings that must be "individualized" and at which "courts [must] fully explore the impact of the defendant's juvenility on the sentence rendered." *Id.* at 545, 765 S.E.2d at 578. The *Byars* Court set forth five key factors that must be taken into consideration when juvenile life without parole is a possible sentence:

> (1) the chronological age of the offender and the hallmark features of youth, including "immaturity, impetuosity, and failure to appreciate the risks and consequence";
>
> (2) the "family and home environment" that surrounded the offender;
>
> (3) the circumstances of the homicide offense, including the extent of the offender's participation in the conduct and how familial and peer pressures may have affected him;
>
> (4) the "incompetencies associated with youth—for example, [the offender's] inability to deal with police officers or prosecutors (including on a plea agreement) or [the offender's] incapacity to assist his own attorneys"; and

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(5) the "possibility of rehabilitation."

410 S.C. at 544, 765 S.E.2d at 577 (citing *Miller v. Alabama*, 132 S.Ct. at 2468).

Terriel Mack, the lead petitioner in *Aiken v. Byars* and the defendant in this case, had his sentence vacated and is now before this court for re-sentencing. This sentencing memorandum addresses each of the *Aiken v. Byars* factors in turn with regard to how they apply to Terriel Mack. Considered collectively, the sentencing factors demonstrate that Mr. Mack should be sentenced to thirty years imprisonment.

II. Social History of Terriel Mack

The social history of Terriel Mack is the history of an individual that had the intellectual capacity to do or be anything he set his mind to. Unfortunately for him, he was born into circumstances that failed to foster his intellect and even worse, promoted violence and stifled his ability to function in society as an ordinary child. Terriel Lashawn Mack was born on [redacted] Terriel's mother and father never married. His dad denied being his biological father and never signed his birth certificate. This is a foreshadowing event of what is to come as Terriel's family unit subsequently was a constant source of abuse at the hands of his mother and other men that would enter Terriel's life for short periods of time. Terriel is the eldest child of Dawn Marie Mack; he has two younger brothers, Darrell and Donnell Mack. Terriel is a very bright young man who can be rehabilitated and can have a future that contributes to society.

Examples of Terriel's intellect are evident at certain times throughout his early childhood, middle childhood and young adolescence. At the young age of five, Terriel scored a perfect score of 75 on his kindergarten reading test, making it clear that Terriel was a bright student. In the first grade, Terriel's grades were all excellent and satisfactory. In the second grade all of Terriel's grades were excellent and satisfactory. In the third grade, Terriel scored all A's and was a honor roll student. In the fourth grade, Terriel's grades were: Math 90, Reading 98, English

Comprehension 95, Spelling 98, Social Studies 100, Science 96, and Health 97. In the fifth grade, Terriel's grades were: Math 89, Reading 91, English 88, Spelling 98, Social Studies 75, Science 90, and Health 90. In the sixth grade, Terriel's' grades were: Math 83, Reading 83, English Comprehension 81, Spelling 90, Social Studies 75, Science 72, and Health 83. At this point, Terriel experienced a traumatic event in his life and the effects of that event are tremendously evident. In the seventh grade, Terriel's grades were: Language Arts 50, Science 58, Health 83, Art 67, Careers 90, Math 60, Social Studies 55, Physical Education 95, Service 35, Computer 90. It is important to note that there was a significant drop off in his grades from 6th to 7th grade. At some point between the 6th and 7th grade, his great grandmother passed away. He was very close to her and went through a significant grieving process. This is significantly important as it demonstrates the fragility of Terriel's circumstances and how effected he was once the person that provided stability in his life was removed. It is at this point in life that Terriel begins to go awry and it is not until he is incarcerated that he finds his true self again. The primary question which must be asked at this juncture is, why does a young man, who clearly had the ability to excel, make such a drastic change after the loss of a stabilizing factor?

The circumstances of Terriel's childhood were fragile and without stability. With his grandmother deceased, his environment was empowered and it was as if Terriel did a complete one-eighty. Terriel Mack did not have a childhood that he can look back on with fondness. Terriel's childhood was filled with abuse from his mother, abuse from men that were allowed to live at his residence, and witnessing violent assaults against his mother on a consistent basis. One incident Terriel recalls is being in second grade and getting into trouble for talking in class. His punishment for this was being beaten by his mother, then being forced to wear duct tape over his mouth to school. Of course, similar incidents happened often and Terriel was subject to beatings

on a regular basis even though he was only 7 years old. However, through this difficult time, Terriel maintained good grades as mentioned above. Terriel also witnessed domestic abuse at a level that no child should ever be subjected to under any circumstances. In 1995, while Terriel was only 8 years old, Terriel was witness to a documented brutal attack against his mother by her live in boyfriend, Nathaniel Smith. Per the incident report (See Exhibit 1), police were called to the residence in reference to a domestic dispute. Nathaniel had taken a lamp and thrown it against the wall, he took the television set and threw it on the glass table breaking it. In the Den he took another television set and threw it on the floor causing it to break into pieces. Nathaniel also struck Terriel's mother in the head numerous times and pushed her in the face. A similar incident occurred in 1997 when Terriel was only 10 years old. On this occasion, Nathaniel stripped off all Terriel's mothers clothes and accused her of having an affair. His mother attempted to stop the assault but to no avail as she was struck in the eye and struck in the mouth so hard that it broke one of her front teeth (See Exhibit 2). Again in 1999, when Terriel was 13 years old, his mother's boyfriend, Kendrick Cannon arrived at the residence and was threatening Terriel's mother. Property damage occurred in this instance and Kendrick was arrested for domestic violence after he was found hiding under the bed (See Exhibit 3). Of course, for every incident that was documented, there were numerous incidents that were not which Terriel was a witness to. For Terriel and for any young child, bearing witness to this level of violence against your own mother will have a detrimental effect on their life.

Terriel tried to escape the abuse and overall level of dysfunction he experienced at his mothers residence. The first time Terriel ran away from home was in 1996 when he was 10 years old (See Exhibit 4). In this report, he ran away because he got suspended at school and was afraid of what his mother would do. I believe this report is a clear indication of an abused child that would

rather run away, even though he had no place to go, than to be abused. At the age of 11, due to the abuse and overall dysfunction that existed in his home, following an investigation by DSS, Terriel's grandmother took him in to live with her in Hannah Pamplico. This is a memory that Terriel has from his childhood that he looks back on fondly. Unfortunately, Terriel's stay was brief, leaving Terriel with no option but to return to his mothers home. In 1999, the same year that his grandmother died and he was forced to return to his mothers residence; again, Terriel ran away (See Exhibit 5). In this incident, he left the residence after an argument with his mom caused him to be afraid of what may happen to him if he remained in the home. It is well documented that Terriel reached out for help and attempted to escape this violent environment.

In 1997, at the age of 10, Terriel called Florence County Sheriffs Office and reported his mother for child abuse for striking him and 2 of his friends in the face and head causing swelling and bruising. In this instance, Terriel was struck so hard he had a lump on the side of his head. Ms. Mack struck one of the young ladies so hard in the face that her nose was bleeding. It was reported to DSS that Ms. Mack "does this type of behavior a lot." It was also reported that Ms. Mack had a history of twisting Terriel's wrist and hands to cause pain (See Exhibit 6). Terriel, as a young child did all he could to escape this environment, unfortunately the circumstances were out of his control and he was unable to escape it. Th above described circumstances are indicative of the abusive environment that Terriel was subjected to every single day of his childhood. Again, on January 22, 2000, Terriel was a witness to domestic violence committed against his mother. On this occasion her boyfriend, Kendrick Cannon, punched Terriel's mother several times in the face before she attempted to flea in a Jeep vehicle. Once she got the children into the vehicle, including Terriel, Mr. Cannon became so enraged that he kicked in the window and shattered it. At that point, Terriel's mother gathered the children and began walking down the street to get away from

the assault. Mr. Cannon eventually left the scene before being apprehended for domestic violence (See Exhibit 7).

Thus far, all of the violence and abuse that I have stated happened before my client was 13 years of age. From the time that he was born, with no father listed on his birth certificate, and for the first 13 years of life, there are well documented instances of violence and abuse that Terriel witnessed and was subjected to. This was not an environment that any child deserves to be a part of and this was not an environment that any child could come out of without it having an extremely detrimental effect.

By the age of 15 Terriel began to develop physically. He was at a developmental stage in life where he felt he needed to defend his mother. On August 16, 2002, Terriel was a witness to yet another violent CDV against his mother with her then boyfriend, Fernando Ford. On this occasion, Fernando tackled Terriel's mother in the front yard before Terriel intervened and pulled him off of her. Unfortunately, injuries were sustained by his mother who suffered scratches on both sides of her face and a cut to the left side of her face (See Exhibit 8). Again, on September 4, 2002 when Terriel was 15 years old, Terriel once again attempted to come to his mother's aid when her boyfriend, Fernando, violently assaulted her and was wielding a knife threatening to kill her (Exhibit 9). In this episode of violence, Terriel sustained injuries that required medical treatment. One hour following the assault, Terriel was treated at McLeod Regional Medical Center for bites to the thumb, right side of head, left side of neck, swelling and lacerations (Exhibit 10).

Terriel's entire childhood history, throughout his formative years, is marked with documented abuse and episodes of serious domestic violence incidents which he was present for and witnessed.

III. Characteristics of the Juvenile

Miller was based on the premise that juveniles are less morally culpable because they "have a lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking." 132 S. Ct. at 2464 (internal quotation marks omitted). The Jesness Inventory-Revised (JI-R) is a 160-item objective adolescent personality inventory specifically developed to quantitatively assess male and female criminal offenders in confined and community-supervision settings. Since its inception, the instrument has been among the most-widely used tests in juvenile corrections in the past 50 years and has researched delinquent juveniles in age-groups of 8-11, 12-14, and 15-17 as well as convicted adults ages 18-34 and over 35 years old.[1]

After evaluation and application of the JI-R test, Dr. Mckee states, "These JI-R results indicate that although he (Terriel Mack) may have been chronologically 17 years old at the time of his arrest and subsequent confinement in jail awaiting trial, he was emotionally, perceptually, and cognitively (decision-making, problem-solving) a much younger person."[2]

The first factor for consideration in *Aiken v. Byars* requires that the Court consider the "hallmark features of youth," which include "immaturity, impetuosity, and failure to appreciate

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[1] Dr. Geoffrey Mckee, a forensic psychologist, has conducted a forensic psychological evaluation of Terriel Mack to assess his current diagnoses, risk of harm to others, sophistication and maturity, and amenability for treatment. Dr. McKee has prepared a report in this case detailing his findings. See Report Prepared by Geoffrey Mckee, Attached.

[2] Studies show that black children are perceived as more responsible for their actions than white children of a similar age. This is linked to perceiving these juveniles as older than they actually are. Law enforcement officers have been shown to overestimate the ages of black juveniles by up to 4.5 years. One result of this misperception is the increased likelihood that black children are sentenced as adults. Black children are 18 times more likely than white children to be sentenced as adults, and represent 58% of children sentenced to adult facilities, where they are exposed to a greater risk of assault, sexual abuse, and suicide. Phillip Atiba Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children*, 106 J. PERSONALITY AND SOC. PSYCHOL. 526, 531 (2014).

the risks and consequence." 410 S.C. at 544, 765 S.E.2d at 577 (internal quotation marks omitted). Per Dr. Mckee's report, Terriel was emotionally a much younger person. This emotional immaturity is likely to result in immature and impetuous behavior. Dr. McKee also states that Terriel was cognitively a much younger person. I contend that this cognitive immaturity could affect his ability to appreciate the risks and consequences of his actions.

The records from DJJ describe Terriel as immature in numerous ways in the months leading up to his arrest for this offense. On February 26, 2003 he is reported to see no correctional between drug dealing and victimization, which is very common in juveniles. The following day, February 27, 2003, he acknowledges responsibility for his offense but minimizes its severity because he has a tendency to focus on his criminality and negative actions in the presence of his peers and expresses a strong desire and need to be accepted by them. Research has shown that peer pressure has a significantly higher effect on juveniles than adults. Although he was 16 years old, on March 26, 2003, he was still acting childishly in class and was written up for not obeying instruction because he was involved in horse-play. That same day he discussed in a group session how he believed in street justice and viewed his responsibility to take the law into his own hands. This clearly shows a lack of consideration of long-term consequences and ability to rely on more traditional means (i.e.-law enforcement) to reasonably solve problems. On August 8, 2003 Terriel was given a suggestion to work on his impulsive behavior. It is clear that in the weeks leading up to this offense, Terriel was seen by professionals as having difficulty controlling his impulsive behaviors, just as the Supreme Court explained most juveniles do. On October 25, 2003—just days before he is released from DJJ—Terriel is reprimanded for childish behavior and placed in detention for a disagreement with another juvenile. Thus, two months before this offense occurred and days before he is released from DJJ, Terriel is described as struggling with the exact

characteristics the Court used to overturn every life sentence for juveniles in the *Miller* case. Therefore, when taking into consideration the first factor in *Byars*, the Court should conclude that the evidence favors a reduction from a life sentence.

IV. Family and Home Environment

Terriel's family and home environment was turbulent from the very beginning and was not an environment that any child could live through without being detrimentally effected. Terriel was born in Florence, South Carolina at McLeod Hospital on [redacted] At the time of his birth, Terriel's mother, Dawn Marie Mack, was 16 years old. Two years later Terriel's mother gave birth to twin boys, Darrell and Donnell Mack, making Terriel the oldest of 3 siblings. Terriel initially lived with and was raised by his mother at [redacted] Oakland Ave., Florence, SC. Terriel's biological father was not in his life and initially denied that Terriel was his child. At the age of 9, blood tests were conducted which confirmed that Terry McLaughlin was in fact his paternal father, but even then he denied fatherhood and refused to allow Terriel to visit or live with him. This is corroborated by Terriel's birth certificate upon which no father is listed. Terriel's mother worked at the local Seafood restaurant on Oakland Avenue and earned low wages; therefore, money was constantly an issue for his family. Of course, Terriel's biological father did not provide child support to support him financially as he never accepted his paternity.

Despite the turbulent conditions of Terriel's childhood, he appeared to do well in academics at a young age. He scored well on his reading tests and received satisfactory and exceptional remarks on his report cards. He eventually went on to have good grades as he progressed through primary and middle school and at one point he was even a member of the chess club. Unfortunately, the turbulent environment that he was in along wit the violence and abuse that he was subjected to on a regular basis was not conducive with sustaining a high level of academic

achievement. The negative factors of his environment, which he was subjected to during his formative years, would eventually converge and begin to overshadow the potential that he possessed.

It is well documented and there can be no argument that Terriel grew up in a household in which violence and abuse were constant. By the time Terriel was 10 years old, he had been a witness to numerous documented violent domestic abuse incidents, and had been beaten to such an extreme that he called the Sheriffs Office, which ended with him being removed from the home and a DSS investigation. These are only the incidents that were reported and documented. Terriel admits that his mother was very violent towards all of her children and beatings were a constant norm in his household. He states that his mother would beat him "with anything that she could get her hands on" and he was constantly struck on various areas of his body including his head and face.

Until the age of 12, Terriel had his great grandmother in his life, whom he describes as the rock of his family. Terriel was the oldest great grandchild and he had a special relationship with his great grandmother. When she deceased, there is a noticeable difference which can be easily observed from his records. Terriel's great grandmother died on February 12, 1997. Before that date, Terriel did not have any contact with SCDJJ and had not so much as even failed a class in school. Almost immediately following her death, Terriel began failing classes in school, scoring a 50 in Language Arts, a 58 in Science, a 67 in Art, a 60 in Math and a 35 in Service. It was following her death that he was expelled from school four times[3] and it was at this time that he entered the

[3] It is important for this Court to bear in mind that increased rates of suspension for minor offenses—such as insubordination, skipping class, profanity, etc.—are a characteristic of what has come to be known as the "school-to-prison pipeline." Libby Nelson & Dara Lind, *The School to Prison Pipeline, Explained*, THE JUSTICE POLICY INSTITUTE (Feb. 24, 2015), http://www.justicepolicy.org/news/8775. In South Carolina, black males in secondary school are

SCDJJ system for the first time as a runaway. It is also around this time that Terriel began using drugs and alcohol.

Between the ages of 13 and 17, Terriel was the witness of 5 additional violent domestic abuse assaults committed against his mother in their home and he began to go in and out of SCDJJ for various offenses. These domestic violence incidents are documented and detailed previously in this memorandum. Terriel states that these five reports are merely the ones that were documented, but violence and abuse were a constant during this time frame as well. Also, by the time Terriel was 17 years old, he had lived at 7 different locations, which is not indicative of the stability that a child would need to be successful and establish meaningful relationships.

In *Miller*, The United States Supreme Court recognized the profound impact that a juvenile's environment may have on him. The Court noted that one of the reasons that juveniles are less morally culpable is because they are "more vulnerable . . . to negative influences and outside pressures, including from their family and peers; they have limited control over their own environment and lack the ability to extricate themselves from horrific, crime-producing settings." *Miller*, 132 S. Ct. at 2464 (internal quotation marks omitted). The Court noted that evidence of abuse and neglect in cases involving a juvenile is "particularly relevant—more so than it would have been in the case of an adult offender." *Id.* at 2467 (internal quotation marks omitted).

Terriel's home environment was characterized by exactly the type of parental failure, abuse, and neglect that *Miller* and *Aiken* considered to be "particularly relevant." Terriel's mothers' beatings and physical abuse coupled with her inability or indifference to understand the

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nearly twice as likely to be suspended as other children. THE CENTER FOR CIVIL RIGHTS REMEDIES AT THE CIVIL RIGHTS PROJECT, www.schooldisciplinedata.org. Terriel's history of suspensions is likely skewed by the school-to-prison pipeline and the disproportionate suspension rates of black males in South Carolina.

negative effect that witnessing all of these domestic violence assaults were having on Terriel, foreclosed any possibility that Terriel would get the support he needed to be successful in school and find an appropriate career path suited to his limitations and needs. Furthermore, Terriel's father's denial of paternity and failure to provide financial support left him without a proper male role model and contributed to his inability to have a permanent and stable residence. Terriel's family and home environment and his inability to remove himself from it, offered few of the positive influences that a child needs to find the right path in life. Therefore, when taking into consideration the second factor in *Byars*, the Court should conclude that the evidence favors a reduction from a life sentence.

V. Circumstances of the Offense and how familial and peer pressure may have affected him

On the day of this murder, Terriel Mack was with two other individuals whom would eventually be his co-defendants, Islam Horn and Gregory Johnson. The co-defendant, Islam Horn testifies that on December 17, 2003, he, Terriel and Gregory Johnson were driving down Oakland Avenue in Florence when they saw the victim, Joseph Todd Wilson, in the parking lot of an apartment complex on the [redacted] block. Terriel asked Islam to stop the vehicle so he could talk to Joseph. Terriel stated he wanted to talk to him because he knows he sells "drow" (a certain type of marijuana). Islam Horn drove the vehicle to a parking lot close enough for Terriel and Gregory to walk over to Joseph. Islam Horn remained inside the vehicle while Terriel and Gregory exited the vehicle and about 40 seconds later he heard gunshots. Islam states in his testimony, at that time he drove the vehicle to the stop sign and observed Terriel stand over Joseph and shoot him three times. After Islam observed the shooting, he drove away from that area of Florence.

The co-defendant, Gregory Johnson, corroborated the testimony of Islam Horn by testifying that he observed Terriel shoot, Joseph in the head, then stand over him and shoot him

three more times. The statements given by both of the aforementioned co-defendants were heavily disputed by Terriel and Attorney Scott Floyd and the jury did not easily reach the verdict of guilty as is evidenced in the note that was provided to Judge Cottingham from the deliberation room (See Exhibit 11).

When Terriel was arrested on December 31, 2003, Terriel made a statement admitting involvement in the offense, and also took police officers to two locations where he said the guns were. By the time they got to these locations, the guns were not there, but it is important to note that Terriel did attempt to assist law enforcement with the recovery of evidence. Terriel was subsequently tried for the Murder of Joseph Wilson on October 25, 2005 and was convicted on October 26, 2005 after which a very brief mitigation statement was made by Attorney Floyd, followed by Terriel being sentenced to life without the possibility of parole by Judge Cottingham.

This crime was a result of juvenile impulsivity and immaturity, combined with judgment impairment from alcohol and drugs. Familial pressure, as well as peer pressure and drug and alcohol dependency all played a vital role in Terriel being involved in the murder of Joseph Wilson on December 17, 2003. Terriel's history of abuse and exposure to constant violence are well documented and are outlined in this memorandum. As a result of those experiences, Terriel was unknowingly desensitized and predisposed to violent and erratic behavior. This exposure led Terriel to use drugs and alcohol as coping mechanisms. On June 27, 2002, at the age of 15, Terriel was administered a psychological evaluation. The evaluation found that there was no evidence of a psychotic disorder but noted his chronic alcohol and marijuana abuse. The examiners concluded that Terriel suffered from Alcohol Abuse, Cannabis Abuse, Family-Child Relational Problems, and Conduct Disorder (Moderate). It is important to note that the alcohol abuse and cannabis abuse are listed alongside family-child relational problems which is a direct indication that the abuse and

violent environment he previously experienced within his family unit was a major factor in his drug and alcohol usage.

It is clear that peer pressure and the desire to be accepted certainly had an effect on Terriel's decision making. In the trial transcript on P.80, L23-25, Islam Horn testifies that Terriel thanked him for showing him the ropes, which Islam states refers to as "the game, dope game selling weed." The testimony continues on P.81, L6-8, to state that the statement about the ropes refers to "guns and shit." The transcript continues on P.85, L5-7 stating that, "respect got earned" to which Islam Horn interprets that to mean, Terriel felt that "by killing someone he got respected." It is clear from Horns testimony that Terriel desired the respect of his peers and that peer pressure had a major influence over his decisions. By thanking Islam Horn for "showing him the ropes," it is also clear that Terriel looked up to him for showing him the "dope game" and teaching him about "guns and shit." Due to his young age, lack of parental guidance and desire to be accepted by his peers, these were the type of individuals that Terriel selected as role models. This is evidence that peer pressure played a vital role in Terril's decision making. Therefore, when taking into consideration the third factor in *Byars*, the Court should conclude that the evidence favors a reduction from a life sentence.

VI. Inability and incapacity to assist his own attorney

Terriel was arrested on December 31, 2003 for the murder of Joseph Wilson which occurred on December 17, 2003. Following his arrest, Attorney Michael Nettles was appointed as his counsel on January 30, 2004. Attorney Nettles served as counsel for Terril until February 9, 2005 when he was substituted as Counsel by Attorney Elizabeth York. Attorney York served as counsel for Terril until August 3, 2005 when she was substituted as counsel by Attorney Scott Floyd due to complications with her pregnancy. On October 25, 2005, approximately 81 days

after being appointed as counsel, the trial for Terril Mack began in Florence County General Sessions Court. Perhaps due to the inconsistency of continuous Counsel, Mr. Mack was never evaluated for his ability to stand trial as an adult. This is extremely important for several reasons: first, due to lack of testing, there is no conclusive evidence that he was able to effectively communicate with counsel because he was never tested for that ability. Second, with Attorney Scott Floyd only having 81 days to prepare this case for trial, the time constraint made Terriel's ability to communicate effectively and efficiently with his counsel more important than usual.

Terriel simply did not have the ability to communicate the extreme level of abuse and violence he was subjected to his entire life. Evidence of Terriel's inability to communicate with his attorney is evidenced by Attorney Floyd's statement for mitigation before sentencing. Attorney Floyd states on P. 289 L. 6-9 of the transcript, "Your honor, I think Shawn's had a hard family life, your honor. I think he found his family with the wrong people unfortunately. Your honor, I just ask that you provide him as much mercy." Attorney Floyd's statement is accurate, but it lacks the necessary elaboration to really paint a clear picture for mitigation to the Court. Terriel was not capable of communicating to him all of the abuse he himself experienced at the hands of his mother. Terriel was not capable of communicating to him that he never had a constant father figure in his life so neighborhood drug dealers filled the void which was left behind. Terriel was not capable of communicating to him all of the violence he saw his mother endure and all of the times that police officers were called to his residence for incidents of domestic violence. Due to Terriel's age and lack of exposure to what a "normal" environment should be for a child growing up, Terriel could not properly assist his attorney with mitigation, because at the time his violent environment was all that he knew. Terriel didn't realize that there was anything wrong with his environment or that it would affect him in the manner that it did.

As a result of inconsistency of counsel, Attorney Floyd only having 81 days to prepare this case for trial, thereby intensifying the necessity for proper communication and Terril's age resulting in lack of understanding, Terril possessed an inability and an incapacity to assist his attorney. Therefore, when taking into consideration the fourth factor in *Byars*, the Court should conclude that the evidence favors a reduction from a life sentence.

VII. Possibility of Rehabilitation

Terril is living proof that rehabilitation can and does occur. Evidence of rehabilitation of a juvenile offender shows that they are not "irreparably corrupt" and therefore should have the opportunity of release. Since being in prison, Terriel has demonstrated the types of behaviors which demonstrate the potential for complete rehabilitation. Some of the factors that this Court should consider when making the determination as to whether or not Terriel has the possibility of rehabilitation are: a) Terriel had no adult record when he was sentenced to Life without parole, b) the reports and testimony of the Forensic Psychologist and the Forensic Psychiatrist, c) the letter, written by Terriel which was published in the book "letters to our sons" and d) Terriel is a mentor and tutor for other inmates that seek to obtain their GED.

a. Terriel had no adult record when he was sentenced to life without parole

If Terriel's sentence is not reduced, it will truly represent the epitome of "no second chances." As discussed in this memorandum at length, Terriel had a very troubled, abusive and violent childhood, all of which were out of his control. From the day of his birth, this young man has been abandoned, abused and exposed to violence against his mother that would be detrimental to any child's future. Terriel attempted to run away from home on numerous occasions, he tried to get away from this toxic environment, but he was always forced to return home. He was never given the opportunity to spend considerable time away from the environment that was exposing

him to violence. This is why the fact that Terriel had no previous adult record is so important. Terril had previous exposure to DJJ, but at DJJ he was around boys his own age that were there for less serious offenses than Terril would encounter at a state penitentiary. Also, Terriel was never detained at DJJ for any considerable period of time. It is highly possible that Terriel would have found himself and changed his self-destructive habits and environment, if he had been previously incarcerated for a moderate period of time in a state penitentiary. Unfortunately for him, the first time that he was able to break free of the very environment that fostered violence, was after he was sentenced to life in prison. He never had a chance.

b. The reports and testimony of the Forensic Psychologist and the Forensic Psychiatrist

During Terriel's time in prison, he has matured. The Jesness Inventory-Revised (JI-R), which is was previously explained, has been used as tests in juvenile corrections for the past 50 years and has researched delinquent juveniles. These JI-R results indicate that although he (Terriel) may have been chronologically 17 years old at the time of his arrest and subsequent confinement in jail awaiting trial, he was emotionally, perceptually, and cognitively (decision-making, problem-solving) a much younger person.

The fact that he has been incarcerated for 15 years has given him time to mature and find himself as an adult, as opposed to being a child that was heavily influenced by his violent environment and neighborhood drug dealers. The maturity that he has developed since the time of his incarceration allows him to be successfully rehabilitated. Dr. McKee states in his conclusion, [i]t is my opinion that Terriel was at age 17/18, and still is now, capable of rehabilitation based on the results of this evaluation and his current mental status, diagnoses of PTSD and possible psychosis and psychological functioning." Therefore, the clinical psychologist has concluded that Terril Mack is fully capable of rehabilitation.

c. The letter written by Terril Mack, which was published in the book "letters to our sons."

Terril wrote the following letter which was published in the book, "letters to our sons" and I believe it truly encapsulates the strides that Terriel has made towards rehabilitation thus far and is indicative of his ability to be completely rehabilitated in the future:

> "TO THE BLACK YOUTH WHO IS ALSO THE FUTURE OF OUR GREAT AFRICAN LEGACY At this very moment 10:13 pm Dec. 31, 2013, I sit inside this prison cell with thoughts rapidly running through my head. One of my thoughts is its going to be the first day of a New Year. The next thought that comes after that is Im only 27 and I've spent the last 10 years of my life incarcerated for mistakes I made as a child. Some may consider 17 as being a grown man. But in all reality, 'Age aint nothing but a number.' What defines your manhood/womanhood is your conscious state of mind, not your age. At times I sit back and reflect on my childhood and I ask myself this question: 'How could I call myself a grown man when I had no idea of what being a man was all about because there was none there to show me how to be a man?" When I say show me how to be a man I'm not speaking about being able to use your sexual organs to make babies. I'm speaking on the morals and values a real man holds close to his heart or what are the responsibilities of a real man/woman.
>
> I look at the reality of the situation and realize that although there were different individuals that played roles in my life, they never showed me how to be a real man because they didn't know what a real man was themselves. As you can see I have 'know' underlined. That's because know is the root word of Knowledge. Knowledge is the key to get us where we need to go. If you're reading this letter you may be asking 'knowledge' of what? The answer is to have knowledge of who you really are and knowledge of the lineage of great leaders, real men and women, kings and queens, princes and princesses, warriors, architects, scientists, musicians, doctors that you come from. You come from a lineage of Africans that built great countries such as Egypt and Ethiopia. These black men and women built monuments such as the Pyramid and the Sphinx. These black Africans performed the first brain and open heart surgery. Our ancestors created math, astrology, and science. Those things are what real men and women do.
>
> The Honorable Marcus Garvey said, 'Man is the individual who is able to shape his own character, master his own will, directs his own life and shape his own ends.' So if you want to be who you really are, be a man/woman and the world will be changed by you. Nelson Mandella said, 'it always seems impossible until its done.' I say to you, 'It's not going to be done until you do it.' The only way you gonna know what to do to be a real man/woman and change the world to make it better for those people coming after you is to first know who you are. You find that out by seeking knowledge. Knowledge is a powerful key that unlocks the door that keeps boys/girls from crossing that threshold and becoming man/women needed to carry on our African legacy. Peace, Zam Zam—Terril Mack SCDC #312070 – January 1, 2014 12:03 a.m."

There are several details contained in this letter that are relevant and important regarding Terriel's ability to be rehabilitated. The most important detail is the date which this letter was written. Terriel began writing this letter on December 31, 2013 at 10:13 p.m. and finished writing on January 1, 2014 at 12:03 a.m. These dates and times are incorporated in the letter so the reader can comprehend that he is writing this letter as the new year (2014) comes in. *Aiken v. Byars*, which held that *Miller* was to be applied retroactively to all juvenile offenders who may be subject to a life sentence without parole, was not decided until November 12, 2014. Therefore the above letter was written by Terriel 11 months prior to it having any relevance for litigation.

I will not interpret the language of this letter for the Court other than to say, the language used in this letter is *prima facie* evidence that a great deal of rehabilitation has already occurred, and that Terriel clearly has the capacity and desire to be rehabilitated.

d. Terriel is a mentor and tutor for other inmates that seek to obtain their GED

This memorandum began by reviewing Terriel's educational history and stating that when Terriel was young, he had the mental capacity to excel academically. I went on to list numerous grades which show Terriel was an honor role student in his early childhood and maintained good grades until the 7th grade when his environment began to take it's toll on his life. Since the time of his incarceration, Terriel has obtained his GED (See Exhibit 12) and he didn't stop there; not only did he obtain his GED, but he has also mentored and tutored other inmates to obtain their GED as well. This is yet another obvious sign of growth, maturity and rehabilitation which has already occurred. It is also an indication of Terriel's ability and desire for future rehabilitation. Therefore, when taking into consideration the fifth factor in *Byars*, the Court should conclude that the evidence favors a reduction from a life sentence.

VIII. Proportionality of the Sentence

A sentence of 30 years would be proportionate to other sentences given for murder in the State of South Carolina:

- Dana Andrew Butler Jr. a black male, received a 30 year sentence for a 2011 murder and armed robbery. Butler shot a 19-year-old man in a drug deal robbery set-up. Butler was 19 years old at the time of the crime.

- In 2011, Ronald Smith, a black, 24-year-old male, received a 31-year sentence for a 2010 murder. After a fight between two rival gangs broke out at a gas station, he shot an innocent bystander.

- Carlos Jordan Kemp, a black male, received a 30-year sentence for a 2012 murder. Kemp beat his girlfriend to death in a domestic dispute, and then dumped her body in a pile of trash, where she was not found for several months. Kemp was 26 years old at the time of the crime.

- In 2013, Deshawn Fordham, a black, 20-year-old male, received a 30-year sentence for a 2012 murder and attempted murder. Fordham and others opened fire on a van after seeing its driver cash a check. The passenger was killed.

- In 2014, Sonny Ray Jones Jr., a white, 38-year-old male, received a 30-year sentence for a 2013 murder and armed robbery. Jones snuck up behind his step-grandfather, with whom he lived, shot him in the back of the head, and then took $44 and a checkbook from his car.

- In 2014, Brian Richburg, a black, 24-year-old male, received a 30 year sentence for a 2013 murder. Richburg was arguing with an acquaintance when he shot the man 4 times.

- In 2015, Kenneth Franklin Cutter, a white, 40-year-old male, received a 31 year sentence for a 2012 murder. Cutter killed Kimberly Parrish, a 40-year-old mother of two. He then burned her body. Cutter plead guilty to the murder. The victim's body was never recovered.

Given the sentences outlined above, 30 years would be an appropriate sentence for the crime at issue. When taking into consideration the violent and abusive childhood that Terriel was exposed to, and all other factors which indicate that rehabilitation has occurred and will continue to occur throughout the course of his confinement, a sentence in line with those above is warranted.

IX. Conclusion

Considering the five *Aiken* factors, it is clear that Terriel is one of the "vast majority of juvenile offenders" who have the "capacity for change" rather than the very few "incorrigible juvenile offenders" for whom life without parole is a constitutional sentence. *Graham v. Florida*, 560 U.S. 48, 74 (2010), *Montgomery*, 136 S.Ct. at 734. Terriel's crime was not the product of an irredeemable individual, but rather was the product of his immaturity as a juvenile compounded by his abusive and violent environment. Terriel has clearly demonstrated his capacity for rehabilitation and the ability to change into a productive member of society.

Therefore, this Court should sentence Terriel Mack to a term of thirty years imprisonment allowing for a meaningful opportunity for release, rather than life imprisonment without the possibility of parole.

RESPECTFULLY SUBMITTED,

MARSHALL S. WEAVER, ESQUIRE
ATTORNEY FOR DEFENDANT

February 19, 2019
Florence, South Carolina

FILED
2019 FEB 19 PM 2:32
DORIS POULOS O'HARA
C.C.P. & G.S.
FLORENCE COUNTY, SC

CERTIFIED A TRUE COPY
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

EXHIBIT

1

NARRATIVE

ON 7-27-95 MYSELF ALONG WITH DEPUTY MARION YARBOROUGH RESPONDED TO [redacted]ARD STREET, FLORENCE WHICH IS LOCATED OFF OF PAMPLICO HIGHWAY IN REFERENCE TO A DOMESTIC. UPON ARRIVAL I SPOKE WITH THE VICTIM DAWN MACK WHO STATED THAT THE SUBJ NATHANIEL SMITH WHO IS HER BOYFRIEND WAS AT HER RESIDENCE AND ASSAULTED HER AND DESTROYED SOME PROPERTY INSIDE OF THE RESIDENCE. YOU COULD SEE IN THE BEDROOM WHERE HE TOOK THE LAMP AND THREW IT AGAINST THE WALL AND IT BOUNCED BACK ONTO THE TABLE BREAKING THE GLASS THAT WAS IN THE LAMP. ALSO THE TABLE IN THE LIVING ROOM WAS DAMAGED BY THE SUBJ PICKING UP THE TV AND THROWING IT ON THE GLASS TABLE. ALSO IN THE DEN THE SUBJ TOOK ANOTHER TV AND THREW IT ON THE FLOOR BUSTING THE BACK OF THE TV. ESTIMATED VALUE OF THE DAMAGE IS $200. THE VICTIM STATED THAT THIS IS NOT THE FIRST TIME THAT THE SUBJ HAS ASSAULTED HER. SHE HAD HIM ARRESTED BEFORE. THE VICTIM STATED THAT THE SUBJ STRUCK HER IN THE BACK OF THE HEAD A COUPLE OF TIMES AND THE SUBJ PUT HIS HAND IN HER FACE AND WAS PUSHING HER HEAD BACK. THE VICTIM STATED THAT THE SUBJ WAS DRUNK AND HE DID SMELL STRONGLY OF ALCOHOL ON HIS PERSON AS I WAS INTERVIEWING HIM. I ADVISED THE VICTIM THAT THIS WOULD JUST SOLVE HER PROBLEM FOR TONIGHT AND SHE WOULD NEED TO GO AND TALK WITH A MAGISTRATE IN REFERENCE TO HAVING HIM EVICTED OR WHATEVER LEGAL ACTION SHE NEEDED TO TAKE. THE SUBJ WAS ARRESTED AND TRANSPORTED TO FLORENCE COUNTY DETENTION CENTER FOR CRIMINAL DOMESTIC VIOLENCE. HE WAS ISSUED TICKET NO. 04752XL.

EXHIBIT

2

NARRATIVE

ON 021697 AT 5:58 HOURS I RESPONDED TO THE ABOVE ADDRESS AND SPOKE WITH THE COMPLAINANT, DAWN MACK, IN REFERENCE TO AN ASSAULT. THE COMPLAINANT STATED HER BOYFRIEND, NATHANIEL SMITH, HAD GOTTEN ANGRY AT HER BECAUSE SHE HAD GONE OUT TO A RESTAURANT FOR SUPPER WITH SOME OF HER FRIENDS. THE COMPLAINANT STATED WHEN SHE GOT HOME, THE SUBJECT STRIPPED ALL OF HER CLOTHES OFF OF HER AND STARTED ACCUSING HER OF HAVING A BOYFRIEND. WHEN THE SUBJECT STARTED TAKING THE COMPLAINANT'S CLOTHES OFF, SHE TRIED TO MAKE HIM STOP. THE SUBJECT WOULD NOT STOP. THE SUBJECT CONTINUED TO ASSAULT THE COMPLAINANT BY RIPPING HER SHIRT, AND HE ALSO HIT HER IN THE LEFT EYE AREA. THE SUBJECT HIT THE COMPLAINANT IN THE MOUTH WITH HIS FIST AND BROKE ONE OF HER FRONT TEETH. THE COMPLAINANT STATED THIS IS NOT THE FIRST TIME THIS TYPE OF INCIDENT HAD HAPPENED. THE COMPLAINANT STATED THE SUBJECT WAS ARRESTED APPROXIMATELY THREE YEARS AGO FOR CDV. I ADVISED THE COMPLAINANT IF SHE THOUGHT SHE NEEDED TO GO SOMEWHERE SAFE, I WOULD GET IN TOUCH WITH PEE DEE COALITION FOR HER. THE COMPLAINANT STATED SHE DID NOT. SHE STATED SHE DID NOT NEED MEDICAL ATTENTION. I ADVISED THE COMPLAINANT TO CONTACT THE SHERIFF'S OFFICE IF SHE NEEDED US TO HELP HER ANY FURTHER. THE SUBJECT WAS ARRESTED ON TICKET #01329XO.

EXHIBIT

3

NARRATIVE

ON 120799 I, DEPUTY JOLLY HICKS, WAS DISPATCHED TO RESPOND TO THE CITY-COUNTY COMPLEX TO MEET WITH THE COMPLAINANT, IN REFERENCE TO CDV. UPON ARRIVAL, I MET AND SPOKE WITH THE COMPLAINANT, DOROTHY MACK. THE COMPLAINANT STATED HER BOYFRIEND CAME BACK TO THE RESIDENCE ON THIS DATE. SHE STATED THE SUBJECT THREATENED HER. SHE STATED SHE TRIED TO LEAVE THE RESIDENCE. SHE STATED THE SUBJECT BROKE THE MIRROR OFF THE TRUCK. SHE STATED SHE HAD TO LEAVE THE RESIDENCE FOR HER SAFETY. THIS UNIT ESCORTED THE COMPLAINANT BACK TO THE RESIDENCE. THE COMPLAINANT WANTED TO PICK UP SOME OF HER BELONGINGS. SHE WAS GOING TO STAY WITH ANOTHER FAMILY MEMBER UNTIL SHE COULD GO TO COURT. WHEN WE ARRIVED TO THE LOCATION, THIS UNIT WENT INTO THE RESIDENCE WITH THE COMPLAINANT. THE SUBJECT WAS HIDING UNDER THE BED AREA. THE SUBJECT WAS ARRESTED FOR CDV. HE WAS TRANSPORTED TO THE LEC. THE TICKET NUMBER IS 97580BH. THE COMPLAINANT WAS GIVEN VICTIM FORMS.

EXHIBIT
4

NARRATIVE

ON 12/21/96 AT 1521 HRS I RESPONDED TO [redacted] ARD STREET & SPOKE WITH COMPL, DAWN MACK, IN REFERENCE TO A MISSING JUVENILE. MS. MACK STATES THAT APPROX 12:00 ON 12/21/96 HER SON, . LEFT THEIR RESIDENCE. WAS DRESSED IN A DALLAS COWBOYS JUMPSUIT AND AN ORLANDO MAGIC STARTER JACKET. MS. MACK STATES THAT SHE THINKS THE REASON LEFT IS BECAUSE SHE TOLD HIM IF HE GOT SUSPENDED FROM SCHOOL AGAIN THAT HIM & HER WERE GOING TO HAVE IT OUT. MS. MACK STATED THAT DID GET SUSPENDED FROM SCHOOL ON 12/19/96. HE HID THE SUSPENSION SLIP FROM MS. MACK IN HIS ROOM. MS. MACK STATED THAT WHENEVER SHE WAS CLEANING UP THE ROOM, SHE FOUND THE SLIP. SHE ADVISED THAT KNEW THAT SHE WAS STARTING TO CLEAN UP AND SHE FEELS LIKE HE KNEW SHE WAS GOING TO FIND THE SLIP, SO HE LEFT THE RESIDENCE. MS. MACK ADVISED THAT SHE DID NOT THINK HE WAS IN ANY DANGER, SHE JUST THOUGHT HE WAS BEING HARD HEADED AND HE WAS HIDING SOMEWHERE IN THE NEIGHBORHOOD. I TALKED WITH APPROX 15 TO 20 PEOPLE IN THE NEIGHBORHOOD AND ADVISED THEM TO BE ON THE LOOKOUT FOR AND IF THEY SPOTTED HIM, TO CALL THE SHERIFF'S OFFICE. I ALSO WENT OUT TO THE FAST POINT STORE, THE QUIK FILL, ALSO THE BARBEQUE RESTAURANTS ON PAMPLICO HIGHWAY AND ADVISED ALL THAT IF THEY SAW THE SUBJECT COME IN, TO CONTACT THE SHERIFF'S OFFICE. I ALSO ADVISED MS. MACK TO CONTACT THE SHERIFF'S OFFICE IF RETURNED HOME.

*

*

*SEE CASE FILE.

EXHIBIT

5

NARRATIVE

ON 102199 I, DEPUTY CHAD COLLINS, WAS DISPATCHED TO A CALL TO RESPOND TO [redacted] ARD STREET IN FLORENCE, SC IN REFERENCE TO A MISSING JUVENILE AND TO MEET WITH COMPLAINANT/VICTIM, DAWN MACK. UPON ARRIVAL, MS. MACK RELATED THAT HER SON, HAS BEEN MISSING SINCE APPROXIMATELY 20:30 HRS ON 101899. . LEFT THE RESIDENCE AFTER HAVING AN ARGUMENT WITH HIS MOTHER, DAWN MACK. IS DESCRIBED AS A BLACK MALE 12 YRS OF AGE, 5'9", 145 LBS, HAIR BLACK, EYES BROWN. LAST SEEN WEARING A WHITE TEE SHIRT BLUE JEAN OVERALLS AND WHITE SOCKS WITH NO SHOES. NO KNOWN LOCATION ON . DAWN MACK ALSO STATED THAT IF UNABLE TO REACH HER, TO CALL HER MOTHER AS A SECOND CONTACT INDIVIDUAL, MAGGIE PHONE NCIC FORM COMPLETED AND SUBJECT WAS ENTERED INTO NCIC.

EXHIBIT
6

NARRATIVE

ON 012397 AT 1732 THE REPORTING OFFICER WAS DISPATCHED TO THE ABOVE ADDRESS IN REFERENCE TO CHILD ABUSE. UPON MY ARRIVL, I SPOKE WITH THE COMPLAINANT, THE COMPLAINANT STATED THAT HIS MOTHER, DAWN MACK, CAME HOME. HE STATED HE AND HIS TWO GIRLS, AND , WERE PLAYING IN THE ROOM, LAUGHING AND HAVING FUN. THE SUBJECT, DAWN MACK, WENT TO THE ROOM AND ASKED WHAT WAS GOING ON. THE COMPLAINANT STATED HE TOLD HER. HE STATED THE SUBJECT GOT UPSET AND STARTED HITTING ALL THREE OF THEM. THE SUBJECT HIT BESIDE THE HEAD AND RIPPED HIS SHIRT AND KNOCKED HIM TO THE GROUND. HE HAD A LUMP ON THE SIDE OF HIS HEAD. WAS SLAPPED ON THE LEFT SIDE OF THE FACE AND PUNCHED ON THE RIGHT SIDE AND HER NOSE WAS BLEEDING. THE SUBJECT HIT IN THE BACK WITH HER HAND. AFTER THE SUBJECT STRUCK THE VICTIMS, SHE TOLD THE COMPLAINANT TO BRING HER CHAIR INTO THE LIVINGROOM. THE COMPLAINANT THEN WENT TO HIS ROOM TO DO HIS HOMEWORK. THE SUBJECT TOLD THE COMPLAINANT NOT TO GO OUT OF THE DOOR. THE SUBJECT THEN LEFT THE RESIDENCE, AND THE COMPLAINANT CALLED FLO. CO. SHERIFF'S OFFICE. AFTER TALKING WITH THE COMPLAINANT, I CONTACTED DSS AND ALSO INV. PROSSER. BOTH OF THEM RESPONDED TO THE RESIDENCE. ALL THREE VICTIMS STATED THE SUBJECT DOES THIS TYPE OF BEHAVIOR ALOT. THEY ALSO STATED THE SUBJECT TWISTED THE COMPLAINANT'S WRIST AND HANDS. DSS CASEWORKER, ANDREA GREGG, GOT IN CONTACT WITH THE GRANDPARENTS OF THE VICTIMS. THE GRANDMOTHER, PEGGY MACK, WAS GOING TO PICK UP THE THREE JUVENILES.

VICTIM
NAME:. TYPE: INDIVIDUAL
USINESS:
ADDRESS:. PHONE: OCCUPA:
BUS.PH: RACE: B SEX: M AGE:0108
ETHN: N DATE OF BIRTH: ' /87
** VICTIM RELATION TO SUBJECTS **
SUBJECT# 001

VICTIM
NAME: TYPE: INDIVIDUAL
USINESS:
ADDRESS:. PHONE: OCCUPA:
BUS.PH: RACE: B SEX: F AGE:0108
ETHN: N DATE OF BIRTH: / /87
** VICTIM RELATION TO SUBJECTS **
SUBJECT# 001

EXHIBIT

7

ADMINISTRATION ACTIVE: ARREST: X UNDER 18:
JURISDICTION - THEFT: UNF: EX.CLD: 18&OVER: X
RECOVERY: TYPIST: BARBARA ROSE
REPORTING OFFICER: JAMES RHODES NUMBER: 1005 REPORT DATE: 1/24/00
INVESTIGATOR: NUMBER: ASSIGN.DATE: 0/00/00
VICTIM ADVOCATE: NUMBER: 000

NARRATIVE

ON 012200 WHILE ON PATROL IN FLORENCE COUNTY I MET AND SPOKE TO COMPLAINANT MS. DAWN MACK IN REFERENCE TO A DOMESTIC DISPUTE THAT OCCURRED AT [redacted] TRIPLE CROWN ROAD IN CHURCHHILL DOWNS SUBDIVISION OFF OF POSSUM ROAD IN FLORENCE. MS. MACK STATED SHE WAS AT A FRIEND'S RESIDENCE WHO WAS DOING SOME NEW CONSTRUCTION IN THE SUBDIVISION AND WAS HELPING HIM CLEAN UP WHEN THE SUBJECT, MS. MACK'S EX-BOYFRIEND, MR. KENDRICK CANNON WAS ALSO AT THE LOCATION KEPT ANNOYING HER TRYING TO TALK TO HER. MS. MACK STATED THAT THE MALE PARTY WAS TRYING TO TALK TO HER BECAUSE HE WANTED TO GET BACK WITH HER AND REFORM THEIR RELATIONSHIP. MS. MACK STATED SHE DID NOT WISH TO RESTORE THE RELATIONSHIP WITH THE SUBJECT BECAUSE THERE WAS VIOLENCE AND AT THAT TIME THE SUBJECT BECAME VERY DISORDERLY TOWARDS HER. MS. MACK STATED THEY GOT INTO A VERBAL ARGUMENT WITH THE MALE PARTY ATTEMPTING TO TALK TO THE FEMALE AND ONCE THIS FAILED, HE GOT MORE DISORDERLY WITH HER AND PUNCHED HER IN THE FACE WITH HIS FIST SEVERAL TIMES. THIS WAS BROKEN UP BY FAMILY MEMBERS OF THE MALE PARTY AND FRIENDS OF THE FEMALE PARTY WHO WERE ALSO THERE DOING SOME WORK AROUND THE HOUSE AND TRYING TO CLEAN UP. MS. MACK STATED THEY LOCKED THE SUBJECT OUTSIDE OF THE HOUSE DUE TO THE FACT THAT THEY DIDN'T WANT TO HEAR HIS TIRADES ANYMORE. THE SUBJECT STAYED AROUND OUTSIDE AND WAITED. MS. MACK STATED THAT AS IT GREW DARKER DURING THE COURSE OF THIS INCIDENT DECIDED TO PACK IT IN AND LOCK THE DOORS AND AT THE TIME SHE ATTEMPTED TO LEAVE WITH HER MINOR CHILDREN WHEN THE MALE PARTY CONFRONTED HER ONCE AGAIN AND WORDS WERE EXCHANGED ONCE AGAIN. MS. MACK STATED THAT SHE THEN GOT INTO HER JEEP CHEROKEE WHICH WAS DESCRIBED AS A 1989 MODEL GRAY 4DR WITH SC TAG [redacted] THE MALE PARTY TRIED TO TALK TO HER AND TRIED TO GET INTO THE VEHICLE AND MS. MACK STATED SHE LOCKED HIM OUTSIDE THE CAR. AT THAT TIME THE MALE GOT MAD THEN KICKED THE WINDOW ON THE DRIVER'S SIDE FRONT AND WAS UNABLE TO GET ENTRANCE. HE THEN KICKED A SECOND TIME AND SHATTERED THE WINDOW OUT. MS. MACK STATED SHE THEN JUMPED OUT THE CAR WITH HER MINOR CHILDREN AND BEGAN WALKING ON FOOT AND THE MALE PARTY LEFT THE AREA IN THE VEHICLE. MS. MACK STATED THE SUBJECT DID NOT HAVE HER CONSENT TO DRIVE THE VEHICLE. I OBSERVED THAT MS. MACK DID HAVE SOME SWELLING TO HER FACE WHERE THE SUBJECT HAD PUNCHED HER. MS. MACK DECLINED ANY MEDICAL ATTENTION. I THEN ISSUED THE COMPLAINANT A VICTIM WITNESS NOTIFICATION FORM AND BROCHURE AND ADVISED HER TO SEEK ASSISTANCE FROM THE MAGISTRATE'S OFFICE FOR FURTHER ACTION.

*

*

SUPPLEMENT

NAME: KENDRICK CANNON
LOCATION: LEC
INCIDENT DATE: 012600 1520 / 012600 1520 ZONE:
DISPATCH DATE: 012600 1520 ARRIVED: 1520 DEPARTED: 1520

ON 012600 I, DEPUTY JAMES KIZER, SERVED ARREST WARRANT G-408005 ON THE SUBJECT, FOR THE CHARGE OF SIMPLE ASSAULT. THE SUBJECT WAS ALSO SERVED WARRANT NUMBER G-408006 FOR THE CHARGE OF VANDALISM. THE SUBJECT WAS ALSO SERVED WARRANT NUMBER G-408007 FOR THE CHARGE OF GRAND LARCENY. THE WARRANT WAS SERVED ON THE SUBJECT AT THE LEC. THE SUBJECT WAS CURRENTLY IN MAGISTRATE'S COURT ON A CDV HEARING. THE SUBJECT WAS SERVED THE THREE WARRANTS AT THAT TIME. HE WAS ESCORTED TO THE BOOKING AREA.

REPORTING OFFICER: JAMES KIZER REPORT DATE: 031800
KEYED BY: ELEANOR BROWN

COMPLAINANT
NAME: JAMES C. KIZER
ADDRESS: [redacted] FRIENDFIELD ROAD PHONE: OCCUPA:
EFFINGHAM, SC 29541 BUS.PH: 6652121 RACE: W SEX: M AGE:35
ETHN: N DATE OF BIRTH: 0/00/00

** COMPLAINANT RELATION TO SUBJECTS **

EXHIBIT

8

NARRATIVE

ON 081602 I, SGT. MIKE BUXTON, RECEIVED A CALL IN REFERENCE TO A 911 HANG UP CALL. WHEN I ARRIVED AT [redacted] ARD STREET, I SAW A BLACK MALE CHASING A BLACK FEMALE ACROSS THE YARD. HE TACKLED HER IN THE FRONT YARD. I GOT OUT OF MY CAR, WENT OVER GOT THE INDIVIDUAL AND PUT HIM ON THE HOOD OF MY CAR. SEARCHED HIM AND ALSO PLACED HIM UNDER ARREST FOR CDV. LATER ON, I FOUND THAT HE HAD ALREADY PLED GUILTY TO CDV, 1ST OFFENSE. AS A MATTER OF FACT, I HAD ARRESTED HIM FOR CDV, 1ST OFFENSE. HE WAS CHARGED WITH CDV, 2ND OFFENSE; TICKET #23579BT. THE COMPLAINANT HAD SCRATCHES ON BOTH SIDES OF HER NECK, AND THE LEFT SIDE OF HER FACE WAS CUT. THIS UNIT ADVISED THE COMPLAINANT THAT THE INDIVIDUAL WOULD BE PLACED IN THE DETENTION CENTER. I FILLED OUT A VICTIM'S RIGHTS FORM AND ISSUED IT TO HER.

EXHIBIT
9

NARRATIVE

ON 090402 SGT. CLINT CALDWELL AND I, DEPUTY PAT O'HARA, WERE DISPATCHED TO THE ABOVE ADDRESS, IN REFERENCE TO A DISORDERLY PERSON OUTSIDE THE RESIDENCE. PRIOR TO MY ARRIVAL, SGT. CALDWELL ARRIVED ON THE SCENE. HE THEN GOT ON THE RADIO STATING HE NEEDED MORE HELP. ONCE THIS UNIT ARRIVED ON THE SCENE, SGT. CALDWELL HAD THE SUBJECT BY ONE ARM. HE WAS LAYING ON THE GROUND, BUT WAS BLEEDING FROM THE RIGHT SIDE OF HIS FACE, NEAR HIS EYE AREA. HE DID HAVE A LOT OF BLOOD ALREADY ON HIM, BUT IT WAS ALREADY DRIED UP. AT THAT TIME, SGT. CALDWELL ADVISED ME TO CALL FOR EMS TO HAVE THEM COME DOWN AND TRANSPORT THE SUBJECT TO GET MEDICAL ATTENTION ON A QUICK STATEMENT. I THEN ASKED WHAT HAPPENED. THEY STATED THAT THEY GOT INTO A VERBAL FIGHT, AND THEN IT TURNED INTO HER HAVING TO DEFEND HERSELF. AFTER EMS ARRIVED, I THEN ASKED THE COMPLAINANT/VICTIM TO GIVE ME A STATEMENT OF WHAT HAPPENED. SHE DID SO. SHE STATED THE SUBJECT CAME HOME, SO SHE FIXED HIM SOME DINNER. SHE STATED SHE WAS GETTING UNDRESSED TO TAKE A BATH WHEN THE KIDS CAME IN, AND ACCORDING TO THE COMPLAINANT, THE SUBJECT'S ATTITUDE HAD CHANGED. ACCORDING TO THE COMPLAINANT, SHE DID NOT GET UNDRESSED, BECAUSE SHE FELT HIS ATTITUDE WAS CHANGING FOR THE WORSE AND HE WAS BECOMING AGITATED AND SOMEWHAT THREATENING. THE COMPLAINANT STATED THE SUBJECT STARTED TO BECOME VERY BELLIGERENT AND OUT OF CONTROL. SHE TRIED TO CALM HIM DOWN. SHE STATED SHE SAT ON THE BED AND TALKED TO HIM. SHE STATED SHE REACHED UNDER HIS PILLOW, SHE FOUND A KNIFE AND A LITTLE SCREWDRIVER. SHE STATED SHE PULLED OUT THE KNIFE, AND HE GRABBED IT FROM HER. THE SUBJECT STARTED SWINGING THE KNIFE IN A VIGOROUS WAY, SAYING ALL HE HAD GOTTEN DOWN. WHILE THIS WAS GOING ON, VICTIM NUMBER THREE WAS CUT ON THE SIDE OF HIS CHEST AREA BY THE KNIFE. AT SOME POINT DURING ALL THIS ALTERCATION, VICTIM NUMBER ONE STATED THEY DID GET THE SUBJECT TO GO OUTSIDE. ONCE OUTSIDE, THE SUBJECT WAS STILL SWINGING THE KNIFE AT THAT TIME. ACCORDING TO VICTIM NUMBER ONE, THEY DEFENDED THEMSELVES. THEY HIT THE SUBJECT WITH A POOL STICK AND STARTED HITTING THE SUBJECT SEVERAL TIMES. AT SOME POINT DURING THE FIGHT OUTSIDE OR INSIDE, VICTIM NUMBER ONE WAS BIT ON HER RIGHT, INSIDE KNEE AREA. VICTIM NUMBER TWO WAS BIT ON BOTH SIDES OF HEAD, AND VICTIM NUMBER THREE WAS CUT ON THE RIGHT SIDE OF HIS CHEST AREA. THERE WAS NO MARKS OR INJURIES ON VICTIM NUMBER FOUR. VICTIM NUMBER FOUR IS THE ONE WHO CALLED 911. VICTIM NUMBER ONE THEN SHOWED THIS OFFICER A VICTIM'S RIGHT FORM FROM LAST MONTH, WHERE THE SUBJECT WAS ARRESTED FOR CDV, A SECOND TIME. AT THAT TIME, THIS UNIT DID GET IN CONTACT WITH INV. KATHLEEN STREETT. THIS UNIT ADVISED HER OF WHAT HAD TRANSPIRED. I STATED I WAS GOING TO GET PICTURES OF THE INCIDENT LOCATION AND STATED THE SUBJECT WAS GOING TO THE HOSPITAL TO BE EVALUATED AND CHECKED OUT. INV. STREETT ADVISED THAT IF THE SUBJECT WAS GOING TO BE ADMITTED TO GET A PROBABLE CAUSE SHEET. SHE STATED IF HE WAS NOT GOING TO BE ADMITTED, TO ARREST HIM AND TRANSPORT HIM TO THE LEC. AFTER EMS LEFT WITH THE SUBJECT, THIS UNIT THEN STAYED ON THE SCENE A LITTLE BIT LONGER. THIS UNIT DID TAKE SEVERAL PICTURES OF THE SCENE, TOOK TEN PICTURES. THE PICTURES CONSISTED OF THE BEDROOM AREA, THE PILLOW WHERE THE KNIFE AND SCREWDRIVER WAS SUPPOSED TO BE, THE KITCHEN AREA, WHERE THE SUBJECT DID MINOR DAMAGE, CAUSING SOME ITEMS TO GO OUTSIDE THE DOOR, BEING EGGS AND HAIR CURLERS, OUT IN THE FRONT OF THE YARD, WHERE THE SUBJECT WAS BLEEDING. ALSO, ONE OF THE PICTURES CONSISTED OF THE FRONT OF THE HOUSE AND ALL DOORS. THIS UNIT ALSO HAD A PICTURE OF THE SUBJECT AND ALL OF THE VICTIMS AT THE INCIDENT LOCATION. ALSO COLLECTED AT THE SCENE, WAS THE KNIFE THAT THE SUBJECT USED, ALONG WITH THE SCREWDRIVER THE SUBJECT USED, AND THE POOL STICK VICTIM NUMBER ONE USED TO DEFEND HERSELF AGAINST THE SUBJECT. ALL THAT WAS COLLECTED BY THIS UNIT AND TURNED OVER TO EVIDENCE. THE PICTURES WERE TURNED OVER TO INV. STREETT. AFTER LEAVING THE INCIDENT LOCATION, THIS OFFICER THEN WENT TO CAROLINAS HOSPITAL SYSTEM TO SPEAK WITH THE SUBJECT. WHILE AT CAROLINAS HOSPITAL,

I THEN WENT IN AND TALKED WITH THE SUBJECT. THIS UNIT STATED TO THE SUBJECT IF THERE WAS ANYTHING HE WANTED TO SAY AND TELL ME WHAT WAS GOING ON. ACCORDING TO THE SUBJECT, THEY WERE ARGUING AND HE WAS TRYING TO LEAVE. HE STATED WHILE HE WAS IN THE YARD, THAT THEY JUMPED HIM. WHILE IN THE YARD ACCORDING TO THE SUBJECT, THEY SAT ON HIM FOR ABOUT TWENTY MINUTES, HITTING HIM WITH THE POOL STICK, FISTS AND SPITTING ON HIM. HE STATED HE DID NOT DO ANYTHING TO THEM AND DID NOT TOUCH THEM. HE STATED HE DID NOT KNOW WHY THEY DID THIS TO HIM. THE SUBJECT ALSO MADE A STATEMENT SAYING THAT IF LAW ENFORCEMENT WOULDA SHOW, THEY WERE GOING TO KILL HIM AND PUT HIM IN A DITCH. THE SUBJECT DID HAVE SEVERAL MARKS ON HIS HEAD AND SWELLING OVER HIS RIGHT EYE AND CHEEK AREA, AND SEVERAL SCRATCHES TO HIS CHEST. PICTURES OF THE SUBJECT AND HIS INJURIES WERE TAKING BY THIS UNIT.

VICTIM
NAME: TYPE: INDIVIDUAL
USINESS:
ADDRESS:1 PHONE: OCCUPA:ALT. SCHOOL
BUS.PH: RACE: B SEX: M AGE:15
ETHN: N DATE OF BIRTH: / /86
** VICTIM RELATION TO SUBJECTS **
SUBJECT# 001 SC STEPCHILD

VICTIM
NAME: TYPE: INDIVIDUAL
USINESS:
ADDRESS: PHONE: OCCUPA:ALT. SCHOOL
BUS.PH: RACE: B SEX: M AGE:14
ETHN: N DATE OF BIRTH: / /88
** VICTIM RELATION TO SUBJECTS **
SUBJECT# 001 SC STEPCHILD

VICTIM
NAME: TYPE: INDIVIDUAL
USINESS:
ADDRESS: PHONE: OCCUPA:ALT. SCHOOL
BUS.PH: RACE: B SEX: M AGE:14
ETHN: N DATE OF BIRTH: / /88
** VICTIM RELATION TO SUBJECTS **
SUBJECT# 001 SC STEPCHILD

EXHIBIT
10

McLeod REGIONAL MEDICAL CENTER
The Choice For Medical Excellence

Patient History Da

102856572 08-13-76-82 09/05/02
MACK ,TERRIEL LESHAWN
15 M INT: TIME:

(9)

Primary Triage at Ambulance W/C (Walk) Carried

Date: 9/5/02 Time: 0101

Patient's Name: Terriell Mack Age: 15 DOB: [redacted] SS# ___

Emergency Contact: ___ Phone #: ___ Primary Care MD: Ø

Treatment prior to arrival: ___

Have you been seen by a physician today?	[ ] Y [ ] N	If yes, physician name:	
Were you referred by another physician to come to the ED?	[ ] Y [ ] N	If yes, physician name:	
Is a McLeod Physician expecting you in the ED?	[ ] Y [ ] N	If yes, physician name:	

Chief Complaint
1. Human bite (@thumb)
2. (Hand)
3. ___

Onset
30min
___
___

Initial Pain Score 0 – 10
0 1 2 3 4 5 6 7 8 9 10
Initial Priority Level: I II (III) IV V
Triage Interventions: [ ] X-Ray [ ] Labs [ ] Meds

Brief Assessment: Reports involved in altercation, human bite to @thumb Noted swelling to area, also noted break in skin.

Primary Triage RN: Susan Jordan EXPOSURE RISK Y (N)

Health History	Pt	Fam		Pt	Fam
Diabetes	N		Infectious Dz.	N	
Hypertension	N		Sickle Cell	N	
CVA/TIA	N		Anemia/Bleeding	N	
GI Disorder	N		Kidney Dz.	N	
Cardiovascular Dz.	N		Psych. Disorders	N	
Pulmonary Dz.	N		Alcohol/Tobacco	N	NA
Seizures/Parkinsons	N		Illegal Drugs	N	NA
History of Abuse	N	NA	Sexually Transmit	N	NA
Pacemaker	N	NA	Other	N	
Cancer	N				

Surgeries or Previous Hosp	Date
Ø	

Immunizations:	Y	N	Date
Childhood UTD			
Tetanus	✓		

Cough Screen	Y	N
Cough > 2 Weeks (complete below)		✓
Hemoptysis		✓
Hx Pos PPD		✓
Fatigue / Weakness		✓
Fever		✓
Night Sweats		✓
Weight Loss		✓
Pt placed in isolation		✓
Time placed in isolation		

Allergies/ Reactions: Ø

Latex Allergy [ ] Y [~~N~~]
Blood Transfusion [ ] Y [~~N~~]
Transfusion Reaction [ ] Y [~~N~~]

Medications : None [✓] Listed Below [ ] Do you take any Herbal/Vitamins or OTC Drugs? [ ] Yes [ ] No

Name of Medication	Dose/Frequency	Date/Time of Last Dose	Name of Medication	Dose/Frequency	Date/Time of Last Dose
Ø					

Did you bring your medication with you? Yes [ ] No [ ] Medication sent home with: (Name) ___

ER Vital Signs: Temp 98.8 Oral / Rectal P 75 R 24 BP 123/68 Sitting ___ Standing

Ht 5'10" [~~Est~~] Stated Wgt 77.4 Act [ ] Stated IMP ___ Pulse Ox 100% Visual Deficit L ___ R ___ Hearing Deficit L ___ R ___

Valuables [ ] Hearing Aid [ ] Cane/Crutches [ ] Purse/Wallet $ ___ / Credit Cards ___ [ ] Wheel Chair
[ ] Glasses/Contacts [ ] Dentures [✓] Clothes [✓] Jewelry [ ] Prosthesis [ ] X-Rays [ ] Walker
Description: ___

[ ] Patient Locker [ ] With Patient
[ ] Safe (Security) Officer's Name: ___ [✓] Sent Home with (Name): ___
Patient / Family informed that hospital is not responsible for valuables. [✓] Yes [ ] No

TRIAGE CONTINUATION ON BACK

Seq # 1924 6/02

102856572 00-13-76-82 09/05/02
MACK ,TERRIEL LESHAWN
15 M INT:____TIME:____

TIME	BP>2 YRS	PULSE			RESP	O2 SAT	TEMP			PAIN	SCORE	INITIAL
								O	R			
								O	R			
								O	R			
								O	R			

POST TRIAGE CATEGORY: I II III IV V
UPGRADED [ ] Y [ ] N **DOWNGRADED** [ ] Y [ ] N **(IF YES) REASON:** _____

PAIN ASSESSMENT (REQUIRED ON ALL PATIENTS)
NONE CHEST EXTREMITY ABDOMEN HEADACHE BACKPAIN OTHER: LOCATION _____
INTENSITY 0-10 10/10 ONSET: AM PM Gradual Sudden
QUALITY:
DULL SHARP ACHING THROBBING BURNING STABBING OTHER: _____
INCREASES OR WORSE WITH:
MOVEMENT DEEP BREATH HEAT COLD SITTING LYING WT. BEARING EATING
PHYSICAL ACTIVITY OTHER: _____
IMPROVES WITH:
HEAT COLD LYING DOWN RELAXATION MEDS OTHER: _____

PSYCHOSOCIAL ASSESSMENT:
Religious/Cultural Practices Relating to Care Yes No
Motor/Speech Deficit
Hearing Deficit Deaf HOH
Visual Deficit Blind Partial Blind Color Blindness Corrective Lens
Primary Language English
Unable to read/write
Significant other can read/write
Interpreter Notified Y N/A

Support System
Family/Significant Other
Lives alone

Any suspected or admitted abuse or neglect: ☐ Y ☒ N

DEVELOPMENTAL STATUS
Appropriate for age: Yes No
Head Circm (<18 month) ___ cms Full Term
_____wks
Birth Wt. (<1 Yr) _lbs. ____Ozs Premature
_____wks
Current Diet: _____

AGE YEAR/MONTH	HEAD CIRCUMFERENCE CENTIMETERS
BIRTH	35
3 MONTHS	40.4
6 MONTHS	43.4
9 MONTHS	45.3
1 YEAR	46.6
18 MONTHS	47.9

TRIAGE DATA COLLECTED BY: _____
REVIEWED BY: _____ **RN** _____ **RN @** _____ **AM PM**
Signature *Printed Name*

102856572 08-13-76-82 09/05/02
MACK,TERRIEL LESHAWN
15 M INT:_____TIME:_____

Pediatric Developmental Age Assessment

☐ **0 – 3 months** Smiles Coos Holds head steady	☐ **4 – 8 months** Turns to voice Rolls over Sits without support	☐ **9 – 12 months** Feeds self finger foods Pulls self up Says "da da", "ma ma"
☐ **12 – 18 months** Three words besides "ma ma", "da da" Walks well Drinks from cup	☐ **18 – 24 months** Walks up and down steps Knows "8" body parts Combines words meaningfully	☐ **2 – 4 years** Jumps, hops, and skips Uses pronouns and plurals Sings song from memory
☐ **4 – 8 years** Prints first name Throws and catches ball Does jigsaw puzzles/builds models Likes rewards	☐ **8 – 12 years** Independent play Concerns about health, school career Enjoys team sports Relates well with peers	☐ **12 – 14 years** Loud, boisterous, rowdy behavior Talking becomes major past time Makes independent decisions Identifies feelings of self and others

Development appropriate for age: [ ] Yes [ ] No Comments: _____

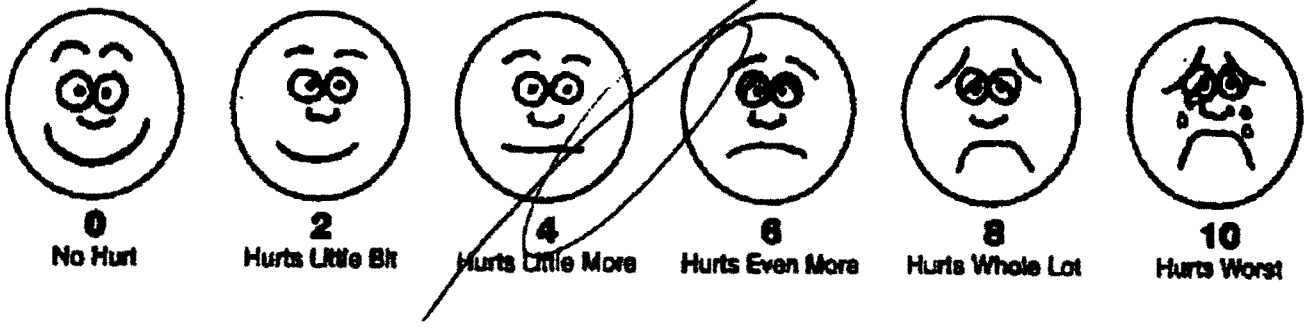
NON-COGNITIVE PAIN SCALE

	0	1	2
Quality of cry	No Cry	Moderate Frequency can be distracted by sound	Screaming, painful, high pitched
Consolability	Calm before 1 minute	Quiet after 1 minute of effort	None after 2 minutes
Sleep Cycle	Sleep > 10 minutes	Short naps between 5 – 10 minutes	Short naps < 5 minutes
Motor activity (tone)	Normal; relaxed	Moderate agitation and tonicity	Constant thrashing, agitated, hypertonic
Facial expression	Calm, relaxed expression	Intermitted grimace; tension	Marked constant grimace; tension

If score: > 5 = needs prn meds 4-5 = Pain medications as ordered. 0-3 = Comfort measures

Adapted from Attia, J., Amiel-Tison C., Mayer MN et al: Measurement of postoperative pain and narcotic administration in infants using a new clinical scoring system. Anesthesiology 67:A 532, 1987

WONG-BAKER FACES PAIN RATING SCALE



Medical professional please note:
Explain to the person that each face is for a person who feels happy because he has no pain (hurt) or sad because he has some or a lot of pain. **Face 0** is very happy because he doesn't hurt at all. **Face 2** hurts just a little bit. **Face 4** hurts a little more. **Face 6** hurts even more. **Face 8** hurts a whole lot. **Face 10** hurts as much as you can imagine, although you don't have to be crying to feel this bad. Ask the person to choose the face that best describes how he is feeling.

Rating scale is recommended for persons aged 3 years and older.

From Wong DL Hockenberry-Eaton M, Wilson D. Winkelstein Mt, Abram E. DiVito-Thomas PA, *Whaley and Wong's Nursing Care of Infants and Children, 6th ed.*, St. Louis, MO Mosby Year Book Inc. 1999 1153. Copyrighted by Mosby-Year Book, Inc. Reported by permission.

McLeod
REGIONAL MEDICAL CENTER
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102856572	00-13-76-82	09/05/02
MACK ,TERRIEL LESHAWN		
15	M	INT: TIME:

Continued Emergency Department Nurses Notes

Time	Temp	Pulse	Resp	B/P	Pulse Ox	Pain Score	Nurses Notes
0145							pt arrb to room 9 pt states he was in an altercation tonight states he was hit on (R) thumb, on the (R) side of head and (R) side neck pt also complains of (R) wrist pain pts mother present and states police report done and information verified, pt ABCDEB no ass on board
0150							awaiting md + disposition time. Betadine Brush from OSAPE Dsl. cuts pt (R) thumb, wrinkle c Steri-Strip Mother @ bedside — DC'd
0245							Po Red Slows Vitals Reflex Lungs clear Abdomen soft Ext FROM Neuro intact Voided — DC'd

Respiratory

Airway
- [X] Patent
- [ ] Intubated
- [ ] Oral/Nasal Airway
- [ ] Other _____

Breathing
- [X] Normal
- [ ] Abnormal

Breath Sounds
- [X] L [X] R Clear
- [ ] L [ ] R Wheezing
- [ ] L [ ] R Crackles
- [ ] L [ ] R Diminished

Cough
- [ ] Productive
- [ ] Nonproductive

Additional Notes: _____

* indicates entry in nursing notes

Circulatory

Pulse
- [X] L [X] R Radial [ ] Present [ ] Absent
- [X] L [X] R Pedal [ ] Present [ ] Absent

Rhythm
- [X] Regular
- [ ] Irregular

Neck Veins
- [ ] Distended
- [X] Flat

Heart Sounds
- [X] Regular
- [ ] Irregular

Capillary Refill
- [X] Normal
- [ ] Delayed

AV Shunt
- [ ] Patent
- [ ] Obstructed

Edema
- [X] Absent
- [ ] Present
- [ ] Pitting
- [ ] Nonpitting
- [ ] Location: _____

Additional Notes: _____

Neuro

LOC
- [X] Alert/Oriented x 3
- [ ] Responds to verbal
- [ ] Unresponsive

Pupils

Right pupil reaction 3
- [X] Brisk
- [ ] Sluggish
- [ ] Nonreactive

Left pupil reaction 3
- [X] Brisk
- [ ] Sluggish
- [ ] Nonreactive

Extremities
- [X] Moves all extremities
- [ ] Deficit *see nurses notes

Speech
- [X] Clear
- [ ] Slurred
- [ ] Aphasia

[ ] For any abnormals start neuro flow sheet

Pediatric (18 mos & <)

LOC
- [ ] Alert/Oriented x _____
- [ ] Responds to verbal
- [ ] Lethargic
- [ ] Irritable
- [ ] Shrill Cry

Anterior Fontanel
- [ ] Soft
- [ ] Tense
- [ ] Bulging
- [ ] Flat
- [ ] Full
- [ ] Sunken
- [ ] Closed

Pupil Size ___ mm ___ mm Pupil Size (mm)



Integumentary

Temp
- [X] Normal
- [ ] Cold
- [ ] Hot

Color
- [X] Normal
- [ ] Cyanotic
- [ ] Pale
- [ ] Other: _____

Breakdown
- [ ] Present
- [X] Absent
- [ ] Location (Note on figure)

Trauma
- [X] Present
- [ ] Absent

Location (Note on figure)

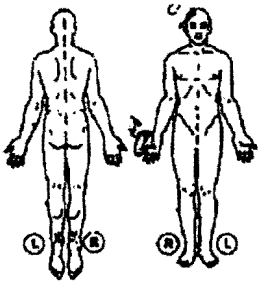


Figure Legend
Include Size in Centimeters

A = Abrasion
C = Contusion
L = Laceration
P = Decreased Pulse
X = Tenderness
Stb = Stab Wound
LS = Sutured
OFx = Open Fracture
Amp = Amputation
GSW = Gunshot Wound
CFx = Closed Fracture
BS = Burns
BSA % _____
PAR = Paralysis
S = Decreased Sensation

Emergency Services Nursing Assessment

Mode of arrival: Walk
Time in room: 0145
Room number: 9

Home Aids
- [ ] Pic Line
- [ ] Peg Tube
- [ ] Ventilator
- [ ] Colostomy Denis
- [ ] Tenk-Off
- [ ] Ash/Split Cath
- [ ] Port-a-Cath
- [ ] Other: _____

GI
- [ ] Nausea
- [ ] Vomiting Denies
- [ ] Diarrhea
- [ ] Loss of appetite
- [ ] Home diet: _____

Bowel Sounds
- [X] Present
- [ ] Absent

Abdominal
- [X] Normal
- [ ] Distended
- [ ] Guarded
- [ ] Rigid

GU
- [ ] Flank Pain
  - [ ] Left
  - [ ] Right
- [ ] Dysuria Denies
- [ ] Frequency
- [ ] Urgency
- [ ] Hematuria

Penile Discharge Denies
- [ ] None
- [ ] Present

Color: _____

We are routinely screening for domestic violence. Have you been hit, kicked, verbally or sexually abused by a family member or significant other?
- [ ] Yes
- [X] No

Do you want help with this today?
- [ ] Yes
- [X] No

GYN

Bleeding
Number of Pads: _____

Vaginal Discharge
Color _____
Odor: Y N

LMP _____

Preg/Delivery Date: _____

FHT _____

G _____

P _____

A _____

Pediatric:
- [ ] See Pediatric Developmental Age Assessment
- [X] Not Applicable 15 years or > use adult assessment form only

Psychosocial / Psychiatric

Affect
- [ ] Flat
- [X] Normal

Behavior
- [X] Cooperative
- [ ] Uncooperative
- [ ] Agitated
- [ ] Other: _____

Ideations
- [X] None
- [ ] Harm to self
- [ ] Harm to others

Hallucinations
- [ ] Auditory
- [X] Visual

Restraints/Seclusions
- [ ] Yes If yes, see seclusion flowsheet
- [X] No

Forensic Restraints
- [ ] Yes If yes, police officer must be present
- [X] No

Security Notified
- [ ] Yes
- [X] No

Patient searched
- [ ] Yes If yes, searched by whom: _____
- [X] No

Notes: _____

Initial Nurse Signature _____

102856572 00-13-76-82 09/05/02
MACK,TERRIEL LESHAWN
15 M INT:_____TIME:_____

PAIN ASSESSMENT

Date	Time	Pain Level	Location	Intervention	Follow up	Initials
9/5/02	0145	3/10	Buttock			

INPUT

Time	PO	NG	IV	Other
		Ø		

IV

Time	Gauge	Site	By	Number Attempts	Time	Dc'd W/O Complications	BY
			Ø				

OUTPUT

Time	Urine	NG	Emesis	Chest Tube	Other
		Ø			

Time	Medication / IV Fluids	Dose	Route / Site	Signature
0220	Motrin	200mg	po	RNC
0220	Tetanus	0.5cc	IM	RNC
0220	Phenergan	25mg	po	RNC

Discharge Disposition Time: 0240

☑ Home ☐ Other _____ Accompanied with ☐ Self ☑ Family ☐ EMS

Via ☐ W/C ☐ Ambulatory ☐ Stretcher ☐ Carried ☐ In Custody

☑ Pt/S.O. verbalized understanding of discharge instructions: Human Bite

☐ Medication Education completed with patient Tetanus Dysphenia

☐ Discharge vital signs: BP 114/ P 68 R 57 T _____

Resource Needs:

☑ None ☐ Case Manager Notified @ _____ AM PM

☐ Spiritual Care ☐ Assistance with ADL's

☐ Other: _____ ☐ Assistance with medical equipment

☐ Financial Counselor ☐ Assistance getting medications

☐ Pee Dee Coalition ☐ Assistance with referral: Type: _____

Safety

Side rails up x2 ☐ Yes ☐ No

Call light within reach ☐ Yes ☐ No

Admit Stitches considered by Ortho pt

Time report called _____ Transported with:

Room # _____ ☐ Monitor ☐ O2

Report to: _____ ☐ Pulse Ox ☐ RN

Time to floor: Ø

INITIALS	PRINTED NAME	SIGNATURE
RNC	Barbara McElveen	Barbara McElveen
DAC	Deborah Bradley Lee	Deborah Bradley Lee

102856572 00-13-76-82 09/05/02
MACK, TERRIEL LESHAWN
15 M INT: TIME:

McLeod Regional Medical Center
The Choice For Medical Excellence
555 East Cheves Street - PO Box 100551 - Florence, SC 29501-0551

MR: 00-13-76-82 **PN:** 102856572 **PT:** Mack, Terriel Leshawn
DATE SEEN: 09/05/2002 **ED PHYSICIAN:** JIMMY R. KLUGH, MD
DOB: [redacted]

CC: HUMAN BITE TO THE RIGHT HAND

HPI: This is a 15-year-old African-American gentleman who comes in complaining of a bite to the right thumb which occurred approximately 1 hour prior to arrival. The patient also has a bite to the right side of his head and to the left side of his neck. The patient denies any other injuries. The patient also complains of some right wrist pain which started yesterday after wrecking his bicycle. The patient does have good range of motion, flexion and extension but with forced extension. The patient does have some pain over the volar surface of his wrist.

PMH: The patient has no past medical history. The patient has an unknown tetanus status.

MEDS: He is on no medicines.

AL: Not allergic to any medicines.

SH: The patient denies tobacco and alcohol use.

ROS: As stated in HPI. Otherwise, all systems reviewed and negative.

PE: GENERAL: The patient is awake and alert. In no acute distress. HEENT: Head is normocephalic. The patient does have some swelling over the right frontal temporal area with a small laceration there. Eyes are PERRL. Extraocular movements are intact. Ears, nose, and throat exams are unremarkable. NECK: Supple. Nontender. LUNGS: Clear to auscultation bilaterally. HEART: Regular rate and rhythm. ABDOMEN: Soft and nontender. SKIN: Shows a small puncture wound to the right dorsal surface of the thumb across the interphalangeal joint. LYMPH: Showed no pedal edema. NEUROLOGIC: Showed no focal motor or sensory deficits. MUSCULOSKELETAL: The patient does have tenderness to the proximal phalanx of the right thumb. The patient also has lots of tenderness over the volar surface of the wrist but no bony tenderness over the distal radius or ulna and no snuff box tenderness. No tenderness to palpation with axillary loading.

EDC/MDM: The patient will have his tetanus up dated. He will be given prescriptions for Augmentin and Motrin.

McLeod Regional Medical Center
The Choice For Medical Excellence
555 East Cheves Street - PO Box 100551 - Florence, SC 29501-0551

MR: 00-13-76-82 **PN:** 102856572 **PT:** Mack, Terriel Leshawn
DATE SEEN: 09/05/2002 **ED PHYSICIAN:** JIMMY R. KLUGH, MD

(continued)
IMP: 1) Human bite to the right thumb and right hand. 2) Right wrist sprain.

PLAN: Follow up with his regular doctor.

Jimmy R. Klugh, MD

DD: 09/05/2002 02:05
DT: 09/06/2002 04:42/ET/1242
JOB#: 2267

EXHIBIT
11

1) Will we also be charged with
of determining guilt or innocence
Count for charge of Conspiracy?

2) May we have a copy of the wit
Islam Horne and Gregory Johns

3) We have a very divided

EXHIBIT
12

Scribbles software

Certified + Secured
TRUSTED

TERRIEL MACK

TRANSCRIPT

District: SOUTH CAROLINA DEPARTMENT OF EDUCATION

Sealed On: FRI FEB 08 12:54:21 EST 2019

Sealed By: AADAMS

Pages: 1

Digitally signed by [illegible] Services
Date: 2019.02.08 12:54:21 UTC

Official Transcript of GED Tests

Issued by:
SCDE Office of Adult Education
1401 Senate Street
Columbia, SC 29201

ed.sc.gov/instruction/adult-education/

Candidate Information

Last Name: **MACK** First Name: **TERRIEL** MI:

Address: [redacted]**WILBORN AVE DOC- LCI**
RIDGEVILLE, SC 29472

DOB: [redacted] SSN: **XXX-X**[redacted]

Test Name	Standard Score	Percentile Rank	Test Date	Test Form
Language Arts, Writing	500	50	11/13/2008	II
Social Studies	480	42	11/13/2008	II
Science	480	42	11/13/2008	II
Language Arts, Reading	580	79	11/13/2008	II
Mathematics	460	34	11/13/2008	II
Pass/Non Pass: Pass	**2500**	**Avg Score:**	**500**	

GED Administrator:

Date Printed: Friday, February 8, 2019

Center Name: *Not available.*
Center ID: 3000430036
Test Format: EP
Date Passed: November 13, 2008
Language: English

* The scores on this report are the highest scores achieved by the candidate and not necessarily the most recent. If the latest scores are lower than the scores previously achieved, the retest scores are not reported.

MACK, TERRIEL L. (00312070) BROAD RIVER (0211)

Enrollment	Assessments	HS	WorkKeys	ESC	DOL	VOC	OJT	PD	Archived

Archived Certifications

Certificate Date	Location	Code	Certificate	Created
01/05/2009	LIEBER	02	HIGH SCHOOL (GED)	01/09/2009 (MOSLEY)

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[Version: *2.2.5* Built: *01/31/2019 10:18:53 AM* Time: *11:15:01 AM*]

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF FLORENCE	)	TWELFTH JUDICIAL CIRCUIT
	)	
STATE OF SOUTH CAROLINA	)	CASE NO.: 2004-GS-21-1084
	)	
v.	)	MOTION FOR RESENTENCING
	)	
TERRIEL L. MACK,	)	
	)	
Defendant.	)	
	)	

NOW COMES the Defendant in the above-captioned matter, hereby moving for resentencing pursuant to Aiken v. Byars, 410 S.C. 534, 765 S.E.2d (2014). In support of this motion, the Defendant would show unto this Honorable Court the following:

FILED
2016 APR 28 AM 11:08
JANE REED GOSA CLERK OF COURT
FLORENCE COUNTY, S.C.

In Aiken, the Supreme Court of South Carolina determined that Miller v. Alabama, 2012 U.S. LEXIS 4873,132 S.Ct. 2455 (2012) (holding that imposing a life without parole sentence on a juvenile offender without considering the hallmark characteristics of juveniles in general and the particular mitigating circumstances in the defendant's individual case violated the Eighth Amendment), applied retroactively in South Carolina. 410 S.C. at 540, 765 S.E. 2d at 575. The Court next opined that applying the constitutional principles articulated in Miller to South Carolina's pre-Miller sentencing practices, all life without parole sentences imposed on juveniles in this State prior to Miller and Aiken constituted cruel and unusual punishment. See Aiken, 410 S.C. at 545, 765 S.E. 2d at 577. For that reason, the Court ordered that all juveniles sentenced to life without parole in South Carolina prior to Aiken were "entitled to resentencing to allow the inmates to present evidence specific to their attributes of youth and allow the judge to consider such evidence in the light of its constitutional weight." Id. at 544; 765 S.E.2d at 577. Finally, on July 23, 2015, following the United States Supreme Court's denial of the Attorney General's petition for writ of certiorari, the South Carolina Supreme Court entered an order permitting any

individual "affected by our holding in Aiken [to] file a motion for resentencing within one year of the date of this order in the court of general sessions where he or she was originally sentenced." Aiken v. Byars, Appellate Case No. 2012-213286 (July 23, 2015).

Via an Administrative Order issued on March 16, 2016, the South Carolina Supreme Court has set out the procedures to be followed in the assignment of judges to these resentencing cases and the appointment of counsel. S. Ct. Admin. Order 2016-03-16-01. That states the following procedure for the appointment of counsel:

> Appointment of an attorney for an indigent petitioner shall first be attempted through the public defender's office. If no public defender is available, the assigned judge shall then determine whether a qualified attorney is available from the contract attorney list, maintained by the South Carolina Commission on Indigent Defense, pursuant to S.C. Code Section 17-3-310(G)(6). If no such attorney is available, the judge shall then determine whether there is a qualified attorney available pursuant to Rule 608 of the South Carolina Appellate Court Rules. If no qualified attorney is available from any of these three sources, then the judge may appoint another qualified attorney.

The defendant in this case is eligible for the benefit of Aiken, because he was sentenced to life without parole for an offense committed when he was 17 years old, and this motion is timely filed because it is filed within a year of July 23, 2015. Therefore, he is entitled to a new sentencing proceeding conducted in conformity with the constitutional principles set forth in Miller and Aiken v. Byars. As the defendant is currently incarcerated, he is indigent and requests that the Court appoint counsel to represent him in this matter.

Sworn to and subscribed before
me this 25th day of April 2016
Penny L Mack
notary public
My Commission Exp: Feb 28, 2018

Respectfully submitted,

Terriel Mack
Terriel L. Mack
Defendant
Terriel Mack

STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
)	TWELFTH JUDICIAL CIRCUIT
COUNTY OF FLORENCE)	2004-GS-21-1084
)	
State of South Carolina,)	
)	
-vs-)	
)	**SENTENCING ORDER**
Terriel Leshawn Mack,)	
)	
Defendant.)	
)	

Defendant appeared before this Court on or about February 19-20, 2019, for a sentencing hearing pursuant to *Aiken v. Byars*. Florence County venue was waived for this case by the Defendant and the hearing occurred in Marion, South Carolina. Appearing on behalf of the State of South Carolina was retired Solicitor of the Twelfth Judicial Circuit Dudley Saleeby, Jr. and current Deputy Solicitor for the Twelfth Judicial Circuit, John Charles Jepertinger. Defendant was present with his attorneys Marshall Solomon Weaver, Sr. and Brie Rust Russell. Pursuant to *Aiken v. Byars*, the Court considered the following factors: (1) the chronological age of the offender and the hallmark features of youth, (2) the circumstances of the homicide offense, (3) the incompetencies associated with youth, (4) the possibility of rehabilitation, (5) and the family and home environment that surrounded the offender.

In regards to the age of the offender, Defendant was 17 years old at the time of the murder, and was 18 years old when he was convicted. The court considered that at the time of the murder, the Defendant was within one year of being able to serve in the military to possibly fight and die for this country and had a driver's license. The Defendant was within one year of an age whereby he would have immense responsibilities and be considered an adult by law.

In regards to the circumstances of the homicide offense, the Court considered the fact that Defendant was the actual shooter. Also the Court considered that the Defendant intentionally shot the victim in the head at "point blank range", and then stood over the victim shooting him three more times in the back while the victim was on the ground. Several years later, the Defendant wrote a letter whereby he essentially brags about the offense and shows no remorse for this crime. Furthermore, the murder was for the purpose of killing a witness to another crime so as to benefit an associate of the Defendant. The murder was premeditated, and was essentially a cold-blooded assassination. The Court considered the ruthlessness and violent nature of the crime, along with Defendant's lack of remorse for the murder. The record tends to reflect that the Defendant was actually proud of the killing.

Additionally, the Court examined the Defendant's alleged mental deficiencies and the incompetencies associated with youth. In this regard, the investigating officer testified that the Defendant displayed no problems communicating with law enforcement. Also, the investigating officer testified that the Defendant clearly understood all questions, easily communicated with law enforcement, and was alert. Furthermore, the Defendant was represented by a competent attorney at trial, Scott Poston Floyd, who is now the Chief Public Defender for the Twelfth Judicial Circuit. Mr. Floyd never once suggested that the Defendant had any mental deficiencies or any incompetencies. Furthermore, the Defendant's statements during this sentencing hearing reflect that he is very intelligent, communicates well, and shows no signs of any mental deficiencies.

In regards to the possibility of rehabilitation, The Court considered that the Defendant has committed numerous offenses since the murder, while in the custody of the Department of Corrections, which are listed as follows:

- Out of Place
- Out of Place
- Use or Possession of a Narcotic
- Sexual Misconduct
- Damage or Destruction of Property
- Out of Place
- Sexual Misconduct
- **Sexual Assault**
- **Threatening to Inflict Harm**
- **Striking an Employee**
- **Threatening to Inflict Harm**
- **Refusing or Failing to Obey Orders**
- **Evading a Security Device**
- **Striking an Employee**
- **Throwing a Substance or Object on a Government Employee**
- Possession of Contraband
- Exhibitionism and Public Masturbation
- Exhibitionism and Public Masturbation
- Soliciting an Employee
- **Refusing or Failing to Obey Orders**
- Use or Possession of Marijuana
- **Threatening to Inflict Harm**
- **Possession of a Weapon**
- **Possession of a Weapon**
- Exhibitionism and Public Masturbation
- Exhibitionism and Public Masturbation
- **Striking an Employee**
- **Striking an Employee**
- **Disorderly Conduct**
- **Unauthorized Inmate Organization/Participation in a Security Threat Group/or Security Threat Group Activity**
- Exhibitionism and Public Masturbation

To this Court, many of these offenses are serious and violent in nature. Additionally, the Defendant was investigated for the homicides that occurred during the riots at Lee Correctional Institution in 2018. The multitude of infractions committed while in the custody of the Department of Corrections indicates to this Court that the Defendant's ability Defendant's ability to be rehabilitated is unlikely. In fact, this Court is concerned for the safety of the public should the Defendant ever be released from the Department of at any age.

While examining the Defendant's family and home environment, the Court acknowledges that the Defendant grew up in a bad home environment, whereby he witnessed several traumatic events in his childhood, and was affected by these events as well as many other things in his life. However, the court recognizes that many successful people grew up in chaotic and violent environments, and were able to adhere to the law and become productive members of society. Additionally, the State highlighted the childhoods of Elie Wiesel, Oprah Winfrey, and Tyler Perry, and how they all were able to overcome traumatic experiences in their childhoods and home life and become good, law-abiding, citizens in the community.

While the Defendant presented some mitigating evidence including his immaturity at the time of the murder, some mental health diagnoses, and growing up in a difficult environment, this Court believes these limited mitigating factors are substantially outweighed by the areas mentioned above pursuant to *Aiken v. Byars*. This Court is extremely concerned by the cold-blooded nature of the killing, and the fact that the Defendant has shown little to no signs of rehabilitation. Furthermore, the Defendant and has shown no remorse for his crime until this hearing, whereby he potentially has something to gain. The Court carefully and deliberately considered all the factors as outlined in *Aiken v. Byars*, and after doing so, based on the above and the entire record of the sentencing hearing, this Court sentences the Defendant to life in the custody of the Department of Corrections.

Signature Page to Follow

IT IS SO ORDERED.

The Honorable William H. Seals, Jr.
Circuit Court Judge
Twelfth Judicial Circuit

Florence, SC

March 20, 2019

WITNESSES

LT. RON SWAGGARD FPD

Godwin

PROS: JWL

12-17-2003

ARREST WARRANT NO.

I301320 (1), I301321 (1), I301322 (1);

I301320 (2), I301321 (2), I301322 (2);
I301350 (3); I301322 (3), I301349 (4).

ACTION OF GRAND JURY

TRUE BILL

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury *Date:*

DOCKET NO. 2004 - GS - 21 - 01084

The State of South Carolina,

County of FLORENCE

JWL

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2004

THE STATE

vs.

ISLAM HORN

GREGORY JOHNSON

TERRIEL LESHAWN MACK

RASHAWN WOODBERRY Nol Pros on Plea to other Chargers 10/19/04

Indictment for

MURDER,
CONSPIRACY,
ACCESSORY AFTER THE FACT
AND
MISPRISION OF FELONY

INDICTMENT FOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

MURDER, CONSPIRACY, ACCESSORY AFTER THE FACT AND MISPRISION OF FELONY

At a Court of General Sessions, convened on SEPTEMBER 9, 2004, the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE - MURDER

That ISLAM HORN, GREGORY JOHNSON AND TERRIEL LESHAWN MACK did in FLORENCE County on or about December 17, 2003, violate Sections 16-03-0010, 0020 of the Code of Laws of South Carolina (1976), as amended, in that they did feloniously, wilfully and with malice aforethought kill one Joseph Todd Wilson by means of shooting him with a pistol, and that the said Joseph Todd Wilson did die as a proximate result thereof.

COUNT TWO - CONSPIRACY

That ISLAM HORN, GREGORY JOHNSON AND TERRIEL LESHAWN MACK did in FLORENCE County on or about December 17, 2003, violate Section 16-17-0410 of the Code of Laws of South Carolina (1976), as amended, in that they did unlawfully, wilfully, knowingly, wickedly and feloniously unite, combine, conspire, confederate, agree between and among themselves and have tacit understanding with each other and with divers other persons whose names are unknown to the Grand Jurors for the purpose of committing the crime of Murder.

COUNT THREE - ACCESSORY AFTER THE FACT

That ISLAM HORN and RASHAWN WOODBERRY did in FLORENCE County on or about December 17, 2003, violate Section 16-01-0055 of the Code of Laws of South Carolina (1976), as amended, in that they did render assistance after the fact to felons, namely Gregory Johnson and Terriel Lashawn Mack, who, on or about December 17, 2003 committed the felony of Murder, in that the said ISLAM HORN and RASHAWN WOODBERRY hid evidence they knew was associated with the crime and they assisted the principal felons in avoiding apprehension and by obstructing the police investigation.

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR MURDER, CONSPIRACY, ACCESSORY AFTER THE FACT AND MISPRISION OF FELONY WITH THE AFORESAID NAME(S) OF ISLAM HORN, GREGORY JOHNSON, TERRIEL LESHAWN MACK AND RASHAWN WOODBERRY SHOWN THEREON:

COUNT FOUR - MISPRISION OF FELONY

That RASHAWN WOODBERRY did in FLORENCE County between December 17, 2003 to January 6, 2004, violate Common Law and Section 17-25-0030 of the Code of Laws of South Carolina (1976), as amended, in that he did withhold information and/or evidence from the Florence Police Department, a law enforcement agency of this State, by hiding evidence and withholding information about a firearm which was used in the Murder of Joseph Todd Wilson on December 17, 2003, thus engaging in criminal neglect.

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

E. L. Clements III

SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)
STATE VS. Terrel L. Mauk)
AKA:)
Race: B Sex: M Age: 18)
DOB: [redacted] SS#: [redacted])
Address: [redacted] Tutson Alley)
City, State, Zip Florence, SC 29505)
DL# SID#)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 04 -GS- 21 - 1084
A/W#: 1-301320
Date of Offense: 12/17/03
S.C. Code §: 16-3-10, 20
CDR Code #: 0 1 1 1 6
☐ CASE RESTORED
SENTENCE
☐ PLEA ☒ TRIAL

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Murder
in violation of § 16-3-10, 20 of the S.C. Code of Laws, bearing CDR Code # 0 1 1 1 6
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 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:

Solicitor | Defendant | Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ **State Department of Corrections**, ☐ **County Detention Center**, for a determinate term of Life ~~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 the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
Total: $ _____ plus 20% fee: $ _____
Payment Terms:
☐ set by SCDPPPS

Recipient:

*Fine:		$
§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	$
§ 35.13 (Public Def/Prob)	$500	$
§73.3, 1B TP (Law Enforce. Funding)	$25	$ 25.00
§33.7, 1B TP (Drug Court Surcharge)	$100	$
§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

PTUP
_____ days/hours Public Service Employment
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 $ TBA beginning 30 DAYS
$ _____ paid to Public Defender Fund
Other:

☐ Appointed PD or appointed other counsel, §35.13 TP Requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk
Court Reporter: Reed

PRESIDING JUDGE
Judge Code:
Sentence Date: 10/26/05

White – Clerk *Green* – Corrections *Canary* – Probation *Pink* – Defendant SCCA/217 (7/2003)

STATE OF SOUTH CAROLINA)
COUNTY OF Florence)
STATE VS.)
Terriel Leshawn Mack)
AKA:)
Race: Black Sex: M Age: 32)
DOB: [redacted] SS#:)
Address: [redacted] TUTSON ALLEY)
City,State,Zip: FLORENCE, SC 29505)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 04-GS-21-1084
A/W#: I301320
Date of Offense: 12/31/2003
S.C. Code § : 16-03-0010; 16-03-0020
CDR Code #: 0116

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Murder / Murder (30-Life)
in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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:

Solicitor	SC Bar#	Defendant	Attorney for Defendant	SC Bar#
John C. Lepelmeier	9826			

WHEREFORE, the Defendant is commited to the ☑ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of Life 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 the 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**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 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	$ 95.00
§ 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

Clerk of Court/ Deputy Clerk E Ragin
Court Reporter: F.B. Ray

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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 _____
Judge Code: 2157
Sentence Date: March 20, 2019

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED
Jul 27 2020
SC Court of Appeals

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

This 27th day of July, 2020.