

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Jun 24 2020

SC Court of Appeals

Appeal from Aiken County

Honorable Thomas W. Cooper, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TEQUAN MARTRELL HOLMES,

APPELLANT

APPELLATE CASE NO 2019-001313

RECORD ON APPEAL

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1 stand and tell you what happened. A person has to do
2 that.

3 Mr. McCarley made a big deal about not fingerprinting
4 the gun, but that we made this big presentation about the
5 Defendant's fingerprints being in his own car. Well,
6 ladies and gentlemen, the Defendant himself denied ever
7 sitting in the passenger seat of his own car, so I'd
8 submit to you that is important evidence for you to
9 consider. He denied it. A beer can't tell you who
10 shot somebody. Witnesses have to come and do that.

11 And, lastly, Tiquan Oakman and Tequan have similar
12 names and we might have messed those up by making that
13 human error, but the witnesses came in here and they had
14 those names straight and they told you what happened.
15 Tequan Holmes, the Defendant, shot Tiquan Oakman, and
16 he's guilty of murder.

17 THE COURT: Thank you, Ms. Young.

18 Ladies and gentlemen, I'm now to prepared to instruct
19 you on what the law is in this case. You've been in here
20 a little over an hour -- almost an hour. My charge on
21 the law will take about twenty-five minutes and I'm
22 prepared to do it right now. If any of you need to take
23 a brief break -- any one of you need to take a brief break
24 to refresh yourselves before I begin and if you'll let me
25 know, I'll declare a brief recess to a allow you to do

1 that.

2 Hearing no request, I'll -- oh, hands up.

3 Okay. All right. Now that's three. That's all it
4 takes. One is enough. I'm gonna send you to your jury
5 room for just a few moments, ladies and gentlemen, to
6 refresh yourself.

7 Mr. Foreman, if you will knock on the door and let
8 the bailiffs know when you're ready to come out. You're
9 still not at liberty to talk about this case among
10 yourselves. Do not discuss the case among yourselves.

11 Thank you.

12 (Whereupon, the jury retires to the jury room at
13 1:20 PM.)

14 THE COURT: Okay, folks. We'll just stand down
15 for a few minutes until we hear from the jury.

16 Thank you.

17 (Recess taken at 1:21 PM.)

18 (Back on the record at 1:31 PM.)

19 BAILIFF: All rise. Court's now in session.

20 THE COURT: Bring us the jury, please, sir.

21 (Whereupon, the jury return to the jury room at
22 1:32 PM.)

23 THE COURT: Mr. Foreman and ladies and gentlemen of
24 the jury, now we proceed to the very final stage of the
25 trial in this case, and that is the instructions on the

1 law, which I will give you. I commend you, again, for
2 your attention throughout this trial. Please give me that
3 same attention for the next few moments as I instruct
4 you as to what the law is in this case because it is my
5 responsibility under our Constitution to charge you or
6 instruct you as to what the law is in this case and it is
7 your duty as jurors to accept the law and to apply the
8 law as I state it to you.

9 As jurors, it is your exclusive duty to decide all
10 of the issues of fact in this case, and for that purpose
11 you have to determine the effect and the value and the
12 weight of the evidence. Both the State and the Defendant
13 have the right to expect that you will conscientiously
14 consider and evaluate the evidence and that you will
15 apply the law of the case to that evidence to the end
16 that both the State and the defense will receive a fair
17 and impartial trial at your hands.

18 Throughout the course of this charge, ladies and
19 gentlemen, when I use the word "Defendant", I'm referring
20 to Mr. Tequan Martrell Holmes. Mr. Holmes has been
21 indicted by the grand jury of Aiken County and charged in
22 Indictment Number ending in Number 828 for the crime of
23 murder. That indictment accuses Mr. Holmes here in Aiken
24 County, on or about June the 18th of 2016, feloniously,
25 willfully and with malice aforethought murdering Tiquan

1 Oakman by means of shooting him with a handgun and that
2 he did die in Aiken County at ■■■ Boucher Drive in
3 Warrentville as a result thereof in violation of the law.

4 Mr. Holmes is next indicted in indictment ending in
5 Number 829 with possession of a firearm by a person
6 convicted of a violent crime and that indictment says
7 that Mr. Holmes did in Aiken County, at the same time and
8 place, knowingly and unlawfully possessed a .32 caliber
9 handgun and that he had previously been convicted of
10 attempted common law burglary in the second degree in
11 violation of the law, a violent crime, and, therefore,
12 has been indicted for possession of a firearm by a person
13 convicted of a violent crime.

14 And, finally, in the indictment ending in Number 830,
15 Mr. Holmes is indicted for a separate crime accusing him
16 on the same date with possessing or visibly displaying
17 a firearm during the commission of a violent crime,
18 specifically murder, in violation of the law.

19 Now, ladies and gentlemen, I remind you again, as I
20 told you before this case started, that the indictments
21 are not evidence, nor are they proof of the charges that
22 they contain. They're simply legal documents, charging
23 documents, that tell you or me or anybody else who reads
24 them what this case is all about.

25 To the charges contained in these indictments,

1 Mr. Holmes has entered pleas of not guilty and has asked
2 for the jury trial, which you have given and in which
3 we're still in the course of conducting. The plea of a
4 defendant in a criminal case of not guilty places the
5 burden of proof upon the State to prove by evidence the
6 guilt of the accused beyond a reasonable doubt before
7 you, as the jury, can convict him and find him guilty.

8 He is presumed in law to be innocent of the charges
9 contained in these indictments. It is a fundamental rule
10 of our law of evidence that a defendant, regardless of
11 the nature of the charges against him, the seriousness of
12 the charges against him, the number of charges against
13 him, will always be presumed innocent of the crimes for
14 which he's been indicted unless and until his guilt has
15 been proven by evidence, evidence that satisfies you of
16 his guilt beyond a reasonable doubt.

17 The presumption of innocence is not a mere legal
18 phrase, it is not an empty saying. It is a substantial
19 right to which every defendant, including this Defendant,
20 is entitled to receive. The presumption of innocence has
21 been likened to a robe of righteousness, which is placed
22 about the shoulders of a defendant, and it assigns to
23 that defendant the class known as the innocent, and that
24 presumptive robe of righteousness continues to rest about
25 the shoulders of a defendant, in this case Mr. Holmes,

1 unless and until you, the jury, reach the conclusion that
2 that presumptive robe of righteousness has been stripped
3 from his person by evidence, evidence that satisfies you
4 of his guilt beyond a reasonable doubt.

5 The presumption of innocence accompanies the
6 Defendant throughout this trial. It even follows him as
7 you go into your jury room to deliberate and reach your
8 verdict. The presumption of innocence continues to exist
9 to the benefit of a defendant unless and until you reach
10 the conclusion that the State has proven his guilt beyond
11 a reasonable doubt. So that then is the burden of the
12 State in this and every case like this to prove the
13 Defendant guilty beyond a reasonable doubt.

14 Some of you may have served as jurors in civil cases
15 before, and if you did serve as a juror in a civil case
16 the judge simply told you that in that particular case
17 the party having the burden of proof simply has to
18 introduce evidence to you that is more convincing than
19 the evidence is on the other side. In other words, to
20 prove that the charge is more likely true than not true,
21 but in criminal cases the State's proof has to be more
22 powerful than that. Here it must be proven beyond a
23 reasonable doubt.

24 So what do we mean by proof beyond a reasonable
25 doubt? Proof beyond a reasonable doubt is proof that

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

13 Now reasonable doubt can arise from evidence in the
14 case or it might arise from the lack of evidence in the
15 case, but you, ladies and gentlemen, have to determine
16 whether or not reasonable doubt exists as to the guilt
17 of this Defendant. I tell you that the Defendant is
18 entitled to every reasonable doubt arising in the case
19 and so if on any issue of fact which is essential to a
20 conviction and a verdict of guilty you have a reasonable
21 doubt as to how that issue should be resolved, it is your
22 duty to resolve that reasonable doubt in favor of the
23 Defendant. I remind you the Defendant is not required
24 to prove his innocence. The State is required in law to
25 prove every essential element of the offense charged

1 against him by evidence that satisfies you of his guilt
2 beyond a reasonable doubt before you can convict him and
3 find him guilty.

4 And so if then from the whole case you have a
5 reasonable doubt as to his guilt or innocence, he is
6 entitled to that reasonable doubt and would be entitled
7 to an acquittal and a verdict of not guilty. But on the
8 other hand, if upon the whole case you find that the
9 State has proven by evidence that satisfies you, the
10 jury, of his guilt beyond a reasonable doubt, then in
11 such circumstances it is equally your duty to convict
12 him and find him guilty.

13 Now during this trial, ladies and gentlemen, each
14 of us, you and I, have had our separate duties to perform.
15 As the trial judge, as I told you before we started, it
16 is my responsibility to preside over the trial of this
17 case and I also have the duty of ruling upon or passing
18 upon the admissibility of the evidence that is presented
19 during the progress of this trial and so you're to only
20 consider the competent evidence before you and disregard
21 anything that is not a part of the evidence of this case.
22 In other words, you are to consider only the testimony
23 which has been offered from this trial -- this chair right
24 here between you and me and those items of evidence that
25 you will have before you when you go into the jury room.

1 I have the additional duty then to instruct you as
2 to what the applicable law of the case is because I'm the
3 sole judge of the law and it is your duty to accept and
4 apply the law as I instruct it to you now to be the
5 correct law. You may have brought with you into your
6 service this week as jurors some preconceived ideas of
7 what you'd like the law to be or you might have some
8 preferences in your heart that -- what you would like the
9 law to be, but I tell you if your preconceived ideas about
10 the law and if your preferences about what you want the
11 law to be disagree with what I'm telling you what the law
12 actually is, you're obligated under your oath to forget
13 whatever you think the law is or what you'd like for it
14 to be because you're sworn under your oath to accept the
15 law as I charge it to you now to be the correct law.

16 Now in every case tried before this Court, then you,
17 as the jury, become the sole and the exclusive judge of
18 the facts of the case. You're the judge of the facts and
19 I'm the judge of the law. I can't comment upon the facts
20 of the case, I can't make any statement to you, suggest
21 to you any opinion that I might have about the facts of
22 the case, and since you're the sole judge of the facts of
23 the case you're not to gather from anything that I have
24 said during this trial or anything that I'm saying to you
25 right now that I have an opinion about the facts of the

1 case. The law does not allow me to have such an opinion.
2 It is solely a matter for you, as the jury, to determine.
3 And for that purpose, as I've said, you determine the
4 effect and the value and the weight of the evidence
5 presented during the course of the trial.

6 Now as you determine what the facts of the case are,
7 you must necessarily pass upon the credibility, and
8 that's just another word that means believability, of
9 the witnesses, and you must decide what weight will you
10 give or value would you give to the testimony that's been
11 offered. You and you alone then have to decide the force
12 and the effect and the believability of the testimony
13 which has been offered.

14 Now as you make this decision about believability
15 and credibility, there are a lot of things that you can
16 take into account. You can take into account the
17 appearance or the manner of the witness as he or she
18 testified from the witness stand. We sometimes call that
19 the demeanor of the witness. How did the witness appear
20 to you as he or she testified before you? Was the witness
21 forthright or was the witness hesitant? Was the witness's
22 testimony consistent or did it contain discrepancies or
23 inconsistencies? What was the ability of that witness
24 to tell you or to know the facts about what the witness
25 was telling you about? Did the witness have an interest

1 to be served by the testimony that he or she was giving?
2 In other words, a cause or a reason to be biased in favor
3 of that testimony. Was the testimony of a witness
4 corroborated, made stronger, by other evidence or was it
5 made weaker by other evidence in the case?

6 You have heard in this particular case, ladies and
7 gentlemen, witnesses who have been qualified as experts
8 before this court. Normally lay witnesses like you or
9 me are not allowed to give our opinion about things. We
10 can tell what we saw or what we heard, but we can't tell
11 you what our conclusions about those things that we saw
12 or heard actually are. But expert witnesses, who because
13 of their experience and their education or their knowledge,
14 because they have become expert in some field, they're
15 allowed to state their opinions as to the relevant and
16 material matter and can state the reasons that they've
17 given for those opinions, and so you'll consider any
18 expert opinion received as evidence in this case just
19 like any other evidence you'll receive in the case and
20 you'll give it the weight you think it should receive and
21 if you decide that the opinion of an expert is not based
22 on sufficient knowledge and experience or if the reasons
23 given for that opinion are not supported by other evidence
24 or outweighed by other evidence, you can disregard them
25 entirely. An expert witness's testimony is then to be

1 given no greater weight than that of any other witness
2 simply because that witness is an expert because, ladies
3 and gentlemen, as jurors you've got the right to believe
4 a small portion of the testimony of a single witness and
5 to disbelieve a larger portion of that same witness or
6 the other way around. You can believe -- believe it
7 all, believe it less, you can believe all of it, you
8 can believe none of it. But you don't exercise these
9 considerations arbitrarily, ladies and gentlemen. There's
10 got to be some good reason to do that because what we ask
11 you to do as jurors to is exercise your mental process and
12 when you consider what the facts are in this particular
13 case, the law simply requires that you exercise your good
14 judgment, your common sense, your sense of logic and
15 reason, your experiences in life, and you apply these
16 abilities that each of you brings from your separate
17 walks of life and for your own -- from your own individual
18 experiences to bear on what you heard in this courtroom,
19 and then you will determine what the facts are in this
20 case, and once you determine what the facts are, then you
21 will apply the facts that you find to the law that I'm
22 now giving you and those two things will come together to
23 reach a verdict in this particular case.

24 I tell you, ladies and gentlemen, that in this
25 particular case there has been alleged evidence of a

1 prior record of the Defendant in this case and that
2 evidence was admitted for the most part for a limited
3 person and you can consider it if you believe it to be
4 true for the limited purpose of deciding the credibility
5 or the believability of that witness in this case and for
6 no other purpose. You cannot consider a prior record of
7 a defendant as evidence of the crime for which he is now
8 charged and on trial, but accepting the case of Mr. Holmes
9 there's one case in which the evidence which has been
10 presented is an element of one of the crimes in this
11 particular case, and that is the crime of possession of
12 a weapon by a person convicted of a crime of violence.
13 One of the elements for the State to get a conviction of
14 that particular charge they have to prove that Mr. Holmes
15 has a conviction of a crime of violence.

16 State's Exhibit Number 25 is a sentencing sheet
17 alleging -- of which Mr. Holmes has signed in which he
18 pled guilty to attempted common law burglary, that is a
19 crime of violence. You can consider that evidence if you
20 believe it to be true only on the question of his guilt
21 or his innocence on the crime of possession of a weapon
22 by a person convicted of a crime of violence. You cannot
23 consider that evidence in consideration of his guilt or
24 his innocence on the charge of murder in this particular
25 case.

1 Now, ladies and gentlemen, let me instruct you now
2 as to what the elements of the offenses that Mr. Holmes is
3 charged with, and the first indictment charges him with
4 the crime of murder. Murder is defined in our law as the
5 unlawful killing of a person with malice aforethought,
6 either expressed or implied. And so in order for the
7 State to prove the Defendant guilty of murder it has to
8 be proven beyond a reasonable doubt that he killed the
9 victim in this case and that the killing was done with
10 malice aforethought. The State does not have to prove
11 any motive for the killing, but it does have to prove
12 the element of malice beyond a reasonable doubt.

13 So then what is malice in the eyes of the law?
14 Malice is the intentional doing of a wrongful act without
15 just cause or excuse and with an intent to inflict injury.
16 Malice aforethought is a deliberate and well-formed
17 purpose to do the unlawful act. Aforethought means that
18 the intention to do the unlawful act was conceived and
19 planned sometime before the actual commission of the
20 unlawful act, but the malice need not exist for any
21 particular length of time prior to the act to render
22 the act of murder. Malice is a word that suggests a
23 wickedness or a hatred or a determination to do what one
24 knows to be wrong without just cause or excuse or without
25 legal provocation. Malice need not be in the mind of

1 the one doing the act for any particular length of time
2 before the act of killing in order to render the killing
3 murder. If it is present in the mind of the one doing
4 the killing any length of time before the act, then
5 its presence would be sufficient to render the killing
6 murder.

7 Malice can be express malice where they're showing
8 a violent, deliberate intention to take away the life
9 of another human being. Malice can be inferred where
10 there's no excuse or a legal provocation for the killing
11 appears and when circumstances surrounding the killing
12 show an abandoned heart, a malignant heart, a heart
13 fatally bent on mischief.

14 The Defendant is next charged with possession of a
15 firearm during the commission of a violent crime. Our
16 law makes it illegal to possess a firearm or visibly
17 display what appears to be a firearm during the commission
18 of a violent crime. Our law states that the offense of
19 murder is a violent crime. And so for you to find the
20 Defendant guilty of this separate statutory offense of
21 possessing a weapon during the commission of a violent
22 crime, you must first find that the State has proven
23 beyond a reasonable doubt that he committed the murder
24 in this case as I've just instructed those elements to
25 you. If you find that he has -- is guilty of the crime

1 of murder, then you must determine whether or not the
2 State has proven beyond a reasonable doubt that he was in
3 possession of a firearm during the commission of such a
4 violent crime.

5 And, finally, the Defendant is charged with
6 possession of a firearm by a person -- person convicted
7 of a crime of violence. To meet its burden of proof in
8 that regard, the State must first prove to you beyond a
9 reasonable doubt that Mr. Holmes did at the date and time
10 alleged possess or visibly display a firearm and that he
11 had previously been convicted of the attempted burglary
12 in the second degree, a violent crime, in violation of
13 the law.

14 Now, ladies and gentlemen, the State attempts to
15 meet its burden of proof with regard to the elements of
16 those three crimes as I instructed you by offering both
17 direct evidence and circumstantial evidence. Direct
18 evidence is evidence that directly tends to prove a fact.
19 It doesn't need any other conclusions. It's what --
20 it's the evidence that the witness presents by telling
21 you this is what I heard or this is what I saw.
22 Circumstantial evidence, however, is proof of a chain
23 of facts that leads to the conclusion or circumstances
24 indicating the existence of another fact. Now crimes can
25 be proven by circumstantial evidence. The law doesn't

1 make any distinction between the weight or value to be
2 given to either direct or circumstantial evidence.
3 However, to the extent that the State relies on
4 circumstantial evidence, all of the circumstances have
5 to be consistent with each other and when taken together
6 they must point conclusively to the guilt of the accused
7 beyond a reasonable doubt. If the circumstances merely
8 portray the Defendant's behavior as suspicious, then the
9 proof has failed. So the State has the burden then of
10 proving the Defendant guilty beyond a reasonable doubt
11 and the burden rests upon the State regardless of whether
12 it relied on direct evidence or circumstantial evidence
13 or some combination of the two.

14 Now, ladies and gentlemen, let me tell you, finally
15 -- that's a word you've been hanging on for a while to
16 hear -- finally, I will tell you that you don't serve as
17 partisans or advocates for the State of South Carolina
18 or this Defendant. You don't serve as jurors to award
19 your friends or to punish your enemies. Obviously, that
20 wouldn't be a justice system. Justice wouldn't be justice
21 at all. You have been selected by both the State and the
22 Defendant to be fair and impartial jurors. It is your
23 duty to have by your joint deliberation to determine the
24 truth of this -- to determine the facts of this case
25 giving to this Defendant the benefit of every reasonable

1 doubt on each and every issue and then when you determine
2 the facts of this case, you apply the law that I've just
3 been giving you by this Court and arrive at a verdict
4 in this case. And when you have accomplished those
5 responsibilities, applied the facts which you find to
6 the law which I have given you, you will have discharged
7 your responsibility to this Court and you will have
8 satisfied the oath which you just took before you began
9 the trial of this case the other day.

10 Now I'm going to instruct you as to what the forms
11 of the verdict are in this particular case. There are
12 three verdicts because there are three separate charges.
13 You will write a separate verdict as to each charge
14 depending upon your view of the evidence on that
15 particular charge. Your verdict in one case does not
16 necessarily determine your verdict in another case.
17 You can acquit or convict the Defendant of any or all of
18 these charges according to your view of the evidence;
19 however, of course, you can't convict him of possession
20 of a weapon during the commission of a violent crime
21 unless you find he's guilty of murder and you can't
22 convict him of possession of a weapon by a convicted
23 felon unless you find that he possessed the weapon and
24 is a convicted felon, but otherwise you are independently
25 to decide the guilt or the innocence of each of these

1 charges independently of the other.

2 Now the order in which I have written the verdict
3 forms on these sheets of paper doesn't mean anything at
4 all. I simply write them in the order that I find easiest
5 to explain and so you're not to reach any conclusion or
6 draw any inference at all from the order in which I have
7 written them down. As I said, I write them in the form
8 that I find easiest to explain.

9 Mr. Richardson, will you give this to the foreman,
10 please?

11 BAILIFF: (Handing.)

12 THE COURT: I've given the verdict form to the
13 foreman, ladies and gentlemen, because he's the one
14 that's got to fill it out. The top verdict form that
15 you have there, Mr. Foreman, is as to the offense of
16 murder, we find the Defendant either guilty or not
17 guilty, according to your view of the evidence. If the
18 State has failed to meet its burden of proof as to the
19 elements of murder as I have instructed those to you
20 beyond a reasonable doubt, not guilty would be the choice
21 of verdict and you would indicate that by putting an X
22 or a checkmark in the space that you see we've provided
23 to the left of that form.

24 The other possible verdict form is we -- as to the
25 offense of murder, we find the Defendant guilty. That's

1 a verdict that you will arrive at if you find that the
2 State has proven the guilt of the Defendant as to the
3 elements of murder beyond a reasonable doubt as I have
4 instructed you and, likewise, you will indicate that by
5 putting an X or a checkmark in the space provided.

6 The other two verdict forms, the choices are the
7 same. As to possession of a firearm by a person
8 convicted of a violent felony, not guilty if the State
9 has failed to meet its burden of proof, guilty if the
10 State has met its burden of proof.

11 And, finally, likewise, on possession of a weapon
12 during the commission of a violent crime, not guilty or
13 guilty depending upon your opinion as to whether or not
14 the State has met its burden of proof.

15 Now, ladies and gentlemen, just because the foreman
16 has seen these verdicts because he's got to fill them
17 out, it's not gonna be his verdict alone. The verdicts
18 have to be unanimous. All twelve of you must agree as
19 to what the verdict is and, Mr. Foreman, you're not
20 authorized to write the verdict or sign that form until
21 all twelve of your number have agreed as to what the
22 verdict shall be.

23 I'm gonna send you to your jury room now. I ask
24 you one last time not to talk about this case among
25 yourselves. I've got to talk to the lawyers to see if

1 I've left something out or if I have misstated something
2 and if I have, I'll have to bring you out to correct
3 that. But if I do not have to bring you out, we will
4 send in these items of evidence and once the items of
5 evidence are delivered to you, that will be your signal
6 to begin your deliberations. You will begin your
7 deliberations at that point and you will deliberate until
8 you reach verdicts in these cases and then, Mr. Foreman,
9 you will fill out the verdict form and you will sign it
10 and knock on the door and we'll bring you out to receive
11 the verdicts at that time.

12 If you-all will retire to your jury room, please.

13 Ms. Hodson, if you'll stay right where you are for
14 the time being, please.

15 ALTERNATE JUROR: Okay.

16 (Whereupon, the jury retires to the jury room at
17 1:58 PM.)

18 THE COURT: Ms. Young, any exceptions or requests
19 for additional charges from the State?

20 MS. YOUNG: Your Honor, with regard to the
21 reasonable doubt charge, I didn't hear a couple of
22 sentences in it, and if you said it and I just didn't
23 hear it, I apologize, but I didn't hear you say there
24 are very few things in this world that we know with
25 absolutely certainty. In criminal cases, the law does

1 not require proof that overcomes every possible doubt.
2 The law does not require that.

3 If you didn't say it and that's part of your charge,
4 we request it.

5 THE COURT: Okay. I said it, but I'm -- I'm just
6 glad you were able to stay awake that long in the trial
7 until you dozed off, but I did say --

8 MS. YOUNG: Okay.

9 THE COURT: -- there are very few things in this
10 world that we know with absolute certainty and then in
11 criminal cases the law does not require proof that
12 overcomes every possible doubt.

13 MS. YOUNG: Your Honor, I trust you and I was trying
14 to listen very diligently, but, you know, my mind might
15 have wandered briefly thinking about --

16 THE COURT: Well, that's okay. I have left out
17 things equally important in the past, Ms. Young, and I
18 stand to be instructed if I -- but I just happen to
19 remember that, so that's the only reason I know it.

20 Mr. McCarley, any request for additional charges
21 from the defense?

22 MR. MCCARLEY: No, sir.

23 THE COURT: Okay. Thank you.

24 MR. MCCARLEY: I did catch that part. I might have
25 missed some other stuff.

1 THE COURT: Yeah, I'm sure you were right on top of
2 that.

3 All right, folks. If you-all will go through this
4 and make sure that the things are all together and then
5 you can take them in.

6 (Whereupon, the alternate juror was excused at
7 1:59 PM.)

8 (Whereupon, the evidence and the verdict form was
9 sent back at 2:09 PM.)

10 (Recess taken at 2:09 PM.)

11 (Back on the record at 3:05 PM.)

12 THE COURT: Counsel, will you-all approach, those
13 involved in the trial.

14 (Proceedings held at the bench; not reported.)

15 (Pause in proceedings.)

16 (Court's Exhibit Number 4 was marked for
17 identification.)

18 THE COURT: Ladies and gentlemen, we got a message
19 from the jury a few moments ago that reads: Can we see
20 the testimony of both Richardson brothers? Of course,
21 they can't see it under our technology, but they can hear
22 it, especially since Ms. Johnson bought some new speaks
23 that she's about to put to work.

24 Mr. DeMarco Richardson, according to my notes was
25 the first witness to testify and Quentin Richardson

1 testified a couple of witnesses after that, so we will
2 play the testimony back of those two witnesses.

3 Is everybody ready to go on that?

4 MS. YOUNG: Yes, Your Honor.

5 MR. MCCARLEY: Yes, sir.

6 THE COURT: Okay. Bring us the jury, please.

7 (Whereupon, the jury return to the courtroom at
8 3:27 PM.)

9 THE COURT: Ladies and gentlemen, we have a note
10 that you sent us asking can we see the testimony of the
11 Richardson brothers. Well, we don't have the capacity to
12 give you a transcript of that obviously, but it was
13 tape-recorded or video -- or audio of sort, some sort of
14 medium, I'm not sure exactly what it is, and our court
15 reporter has been able to recall that and will replay it so
16 that you can hear it again just as you heard it the first
17 time.

18 The testimony of DeMarco Richardson was the first
19 witness who testified. According to my notes his testimony
20 was about twenty-three or four minutes long. Quentin
21 Richardson testified a couple of witnesses after that. His
22 testimony began at 2:47 and lasted until about 3:15 or
23 thereabouts, so we'll replay it for you now.

24 Thank you.

25 Madam Reporter.

1 (Whereupon, the testimony of DeMarco Richardson
2 and a portion of the testimony of Quentin Richardson was
3 played back for the jury.)

4 THE COURT: Excuse me. I'm sorry. Can you stop
5 it right there, Madam Reporter? I've got a hand from a
6 juror.

7 Yes, sir.

8 JUROR: I really need to go to the bathroom.

9 THE COURT: Okay.

10 All right. Let's stop it right there and take a
11 brief break. Ladies and gentlemen, retire to your jury
12 room and we'll stay in place right here until you-all get
13 back, okay?

14 Thank you.

15 THE FOREPERSON: Was that enough of the second? Was
16 that enough of the second testimony or do we need to hear
17 more of the second testimony?

18 THE COURT: I tell you what, you-all can talk about
19 that back in this corridor right there. If you need any
20 more, come back out and if you don't need any more you send
21 word out that you don't need any more testimony, okay?

22 (Whereupon, the jury retires to the jury room at
23 4:03 PM.)

24 THE COURT: Folks, I'll just stand down and you-all
25 can stand down for a minute. This will take five or ten

1 minutes. There's no point in us sitting around here
2 looking at each other.

3 (Recess taken at 4:04 PM.)

4 (Back on the record at 4:17 PM.)

5 BAILIFF: Court is back in session. You may remain
6 seated.

7 THE COURT: Thank you.

8 Folks, I got a note back from the jury. We do not
9 need to hear additional testimony. I have instructed the
10 jury to resume their deliberations.

11 MR. McCARLEY: Thank you, sir.

12 THE COURT: Thank you-all.

13 Madam Reporter, will you mark that.

14 (Court's Exhibit 5 was marked for identification.)

15 (Recess taken at 4:19 PM.)

16 (Back on the record at 5:55 PM.)

17 BAILIFF: All rise, please. Court's again in
18 session.

19 THE COURT: Thank you, ladies and gentlemen. Please
20 be seated.

21 Ladies and gentlemen, we are advised that the jury
22 has reached a verdict. We'll bring the jury in momentarily
23 to receive the verdict. Before the verdict is announced,
24 folks, I recognize that some of you were with me on both
25 sides of this courtroom throughout the course of the trial

1 because obviously you all have interest in this case. And
2 I can appreciate the fact that emotions are involved in
3 things of this nature and that when the verdicts are read
4 that there might be disappointment on one side of the
5 courtroom and relief on the other side. I'm not sure how
6 that's gonna happen, but I want to remind you that the
7 rules of decorum and dignity and restraint that have
8 applied throughout this trial will apply when the jury's
9 verdict is read, and so I expect all of you to continue
10 to conduct themselves with the dignity and the restraint
11 that you have throughout this trial. And if you feel
12 that you're not sure that you can control your emotions
13 when the verdict is read, then I'll ask you to leave the
14 courtroom now before the verdict is read because if you
15 remain in the courtroom I'm going to demand that you
16 abide by the rules of the Court as far as order is
17 concerned.

18 Thank you.

19 Is the State ready to receive the verdict?

20 MS. YOUNG: We are, Your Honor. Thank you.

21 THE COURT: Okay. Is the defense ready?

22 MR. McCARLEY: Yes, sir, Your Honor.

23 THE COURT: Bring us the jury.

24 (Whereupon, the jury return to the courtroom at
25 5:59 PM.)

1 THE COURT: Mr. Clerk.

2 THE CLERK: Mr. Foreman, has the jury reached a
3 unanimous verdict?

4 FOREPERSON: Yes, sir.

5 THE CLERK: Would you, please, hand it to the
6 bailiff?

7 FOREPERSON: (Handing.)

8 BAILIFF: (Handing.)

9 THE COURT: Thank you.

10 Mr. Clerk, you may publish the verdict.

11 THE CLERK: Yes, sir.

12 Your Honor, in the case of the State of South
13 Carolina versus Tequan Martrell Holmes, Indictment
14 2017-GS-02-00828, as to the offence of murder, we,
15 the jury, find the Defendant guilty.

16 Indictment 2017-GS-02-00829, as to the offense
17 of possession of a firearm by a person convicted of a
18 violent felony, we, the jury, find the Defendant guilty.

19 As to Indictment 2017-GS-02-00830, as to the offense
20 of possession of a weapon during the commission of a
21 violent crime, we, the jury, find the Defendant guilty.

22 Mr. Foreman and members of the jury, if this is
23 your verdict, please signify by raising your right hand.

24 All hands are raised, Your Honor.

25 THE COURT: Thank you.

1 Mr. McCarley, does the defense desire polling the
2 jury?

3 MR. MCCARLEY: Yes, sir, Your Honor.

4 THE COURT: Thank you.

5 Mr. Clerk, if you will poll the jury.

6 THE CLERK: Yes, Your Honor.

7 THE COURT: Thank you.

8 Ladies and gentlemen, please give your attention to
9 the clerk as your number is called, and you'll call by
10 number, please, sir --

11 THE CLERK: Yes, sir.

12 THE COURT: -- you'll be given certain instructions
13 and, please, answer the appropriate answer as he poses
14 his questions to you.

15 THE CLERK: Juror Number 138.

16 THE COURT: Please stand -- just stand in place for
17 us. Thank you.

18 THE CLERK: Is this your verdict?

19 JUROR NUMBER 138: Yes, sir.

20 THE CLERK: Is it still your verdict?

21 JUROR NUMBER 138. Yes, sir.

22 THE CLERK: Thank you.

23 Juror 171, is this your verdict?

24 JUROR NUMBER 171: Yes, sir.

25 THE CLERK: Is it still your verdict?

1 JUROR NUMBER 171: Yes, sir.
2 THE CLERK: Juror 131, is this your verdict?
3 JUROR NUMBER 131: Yes, sir.
4 THE CLERK: Is it still your verdict?
5 JUROR NUMBER 131: Yes, sir.
6 THE CLERK: Juror 181, is this your verdict?
7 JUROR NUMBER 181: Yes, sir.
8 THE CLERK: Is it still your verdict?
9 JUROR NUMBER 181: Yes, sir.
10 THE CLERK: Juror 177, is this your verdict?
11 JUROR NUMBER 177: Yes, sir.
12 THE CLERK: Is it still your verdict?
13 JUROR NUMBER 177: Yes, sir.
14 THE CLERK: Juror 40, is this your verdict?
15 JUROR NUMBER 40: Yes, sir.
16 THE CLERK: Is it still your verdict?
17 JUROR NUMBER 40: Yes, sir.
18 THE CLERK: Juror 170, is this your verdict?
19 JUROR NUMBER 170: Yes, sir.
20 THE CLERK: Is it still your verdict?
21 JUROR NUMBER 170: Yes, sir.
22 THE CLERK: Juror 14, is this your verdict?
23 JUROR NUMBER 14: Yes, sir.
24 THE CLERK: Is it still your verdict?
25 JUROR NUMBER 14: Yes, sir.

1 THE CLERK: Juror 78, is this your verdict?

2 JUROR NUMBER 78: Yes, sir.

3 THE CLERK: Is it still your verdict?

4 JUROR NUMBER 78: Yes, sir.

5 THE CLERK: Juror 128, is this your verdict?

6 JUROR NUMBER 128: Yes, sir.

7 THE CLERK: Is it still your verdict?

8 JUROR NUMBER 128: Yes, sir.

9 THE CLERK: Juror 60, is this your verdict?

10 JUROR NUMBER 60: Yes, sir.

11 THE CLERK: Is it still your verdict?

12 JUROR NUMBER 60: Yes, sir.

13 THE CLERK: Juror 122, is this your verdict?

14 JUROR NUMBER 122: Yes, sir.

15 THE CLERK: Is it still your verdict?

16 JUROR NUMBER 122: Yes, sir.

17 THE CLERK: All have answered affirmatively,

18 Your Honor.

19 THE COURT: Thank you.

20 Is there anything further before the jury is
21 dismissed from the State, Ms. Young?

22 MS. YOUNG: No, sir, Your Honor.

23 THE COURT: From the defense, Mr. McCarley?

24 MR. MCCARLEY: No, sir.

25 THE COURT: Thank you.

1 Ladies and gentlemen of the jury, I want to thank
2 you for your service this week, for your punctuality
3 throughout the trial and for your conscientious
4 consideration of the issues that you were presented with.
5 You understood the seriousness of it, you did not rush to
6 judgment, you took your time and you deliberated and you
7 looked at the evidence and you asked questions. I never
8 commend a jury, nor do I condemn a jury for the verdicts
9 that they reach. As I told you, you were the judges of
10 the facts and I don't quarrel with your verdicts. I
11 simply comment upon the quality of your service. You've
12 been here, you've paid attention, you have been patient
13 with us on the few delays that we've had bringing you out
14 here and things of that nature, and all of those, of
15 course, are the standards by which we as court personnel
16 view the service that folks like you render.

17 You are free now to go and you are free now also to
18 discuss this case with anybody if you want to. The
19 restrictions which I have imposed upon you throughout the
20 trial no longer apply and so if someone asks you about
21 this case and if you care to discuss it with them, you
22 have every right to do that, but you don't have to. And
23 so if someone were to ask you about this case and you
24 don't care to discuss it, just tell them you don't care
25 to discuss it, and I'm sure that will end the discussion

1 right there. But for some reason if it does not, if they
2 persist and get to be abusive to you, if you'll find out
3 who they are, please, and let the clerk's office know and
4 we will -- we will handle that situation for you.

5 You have been exposed in the trial to a segment of
6 life and to circumstances of tragedy and -- and loss that
7 most folks don't have to go through. We apologize for
8 having to put those matters before you where you have
9 listen to and then to decide. As I told you before we
10 started this trial on Monday, we have to put issues like
11 that before good people like you for our system of law
12 and order to continue to exist.

13 You have gained an exemption now that will not
14 require you to serve as a juror in the next three years
15 in our circuit courts and if you get called, just tell
16 the judge that you served in July of 2019 and if that's
17 within three years, they won't make you serve again.

18 You'll get a check in the mail sometime before too
19 long. It's not --

20 THE CLERK: We pay by debit card and it will be
21 activated by 5:00 tomorrow.

22 THE COURT: By 5:00 tomorrow, a debit card. That's
23 pretty quick.

24 THE CLERK: Yes, sir.

25 THE COURT: It's not gonna begin to pay you really

1 for the true contribution that you have made of your time
2 and of your emotions in this case. We can afford to pay
3 you -- we cannot, again, afford to pay you the true value
4 of your services, so please add to the small amount of
5 that debit card the gratitude of everybody who's a part
6 of this court system for what you've done and I hope you
7 will be in some way compensated for what you've done this
8 week and I hope you've gained a better appreciation of how
9 important folks like you are to us.

10 You're free to go, folks. Thank you very much.

11 THE CLERK: Please wait in the jury room and I'll
12 be right there with excuses if anybody needs them.

13 (Whereupon, the jury was discharged from their
14 service at 6:06 PM.)

15 MR. McCARLEY: Your Honor?

16 THE COURT: Mr. McCarley.

17 MR. McCARLEY: Do you require Mr. Holmes to sign the
18 sentence sheets or not?

19 THE COURT: No.

20 MR. McCARLEY: Okay.

21 THE COURT: Not in a trial.

22 Mr. McCarley, I have noted down the renewal of
23 prior motions made and the renewal of my earlier rulings.
24 I'll be glad now to hear any additional motions and any
25 additional grounds raised that have not yet been before

1 me.

2 MR. McCARLEY: Nothing from the defense, Your Honor.

3 THE COURT: All right. I note the renewal of the
4 other earlier motions and renew my rulings. This was --
5 this was a good quintessential facts case for a jury to
6 decide and certainly their verdicts in these cases are
7 well within the evidence and so I find no difficulty in
8 affirming those verdicts and reaffirming my -- my rulings
9 on prior motions that I made.

10 All right. Is the State ready to proceed to the
11 matter of sentencing?

12 MS. YOUNG: We are, Your Honor.

13 THE COURT: All right.

14 Is the defense ready?

15 MR. McCARLEY: Yes, sir.

16 THE COURT: All right.

17 All right, Ms. Young.

18 MS. YOUNG: Thank you, Your Honor.

19 Your Honor, with regard to the Defendant's prior
20 record, he has the following convictions. From 2007,
21 simple possession of marijuana. From 2010, common law
22 robbery, grand larceny 1,000 to \$5,000, intimidation of
23 court official, jurors or witness, as well as shoplifting
24 less than 2,000. In 2012, malicious injury to personal
25 property. 2014, shoplifting less than \$2,000, entering

1 premises after warning, assault and battery third degree,
2 2014, and malicious injury to personal property less than
3 2,000, malicious injury to real property less than 2,000,
4 2015. Burglary, attempted burglary violent second degree,
5 unlawful carrying of a weapon in 2016. That would have
6 been April 12th of 2016. I believe he was on probation
7 for that offense at the time of this crime -- or he was
8 on probation I should say to be correct.

9 THE COURT: All right.

10 MS. YOUNG: That's the extent of his record, Your
11 Honor.

12 THE COURT: All right. Does anybody from the
13 victim's family wish to be heard?

14 MS. YOUNG: No, sir, Your Honor. I've ask them
15 and they have asked me to speak on their behalf, Your
16 Honor. You've heard the facts of the crime, the
17 basically heartless and unnecessary murder of Tiquan
18 Oakman in cold blood by the Defendant, the steps he took
19 to try to flee and cover up his crime.

20 Your Honor, we would ask for a sentence of at least
21 fifty years.

22 THE COURT: Okay. Thank you.

23 Mr. McCarley, I'll then hear from you and from
24 Mr. Holmes or anyone on his behalf.

25 MR. MCCARLEY: Thank you very much, Your Honor.

1 To give Your Honor a little bit of context, I don't
2 think -- it didn't come out for obvious reasons, the
3 victim in this case and Mr. Holmes actually were both
4 involved a couple of days prior in some breaking into
5 cars and -- and walking into garages and the -- at some
6 point during that conduct it's alleged that my client,
7 and he would -- he would tell you differently, but
8 somebody fell and money fell out of their pocket and then
9 there began a disagreement between the four people in the
10 car, all of whom's names you know now. One was my client
11 and -- and one was the victim, and that's from -- from
12 whence maybe this -- this disagreement over the finances
13 just to give Your Honor kind of the full context. It
14 didn't necessarily come out in trial for a number of
15 different reasons.

16 Judge, Mr. Holmes is thirty years old. As he told
17 you when he testified, he tells me that he was working
18 just previous to his arrest. He's been joined all week
19 here -- he's been -- been in jail for three years, a
20 little bit over. I think it's three years and a month.
21 I can actually tell you the amount of days so we can get
22 that right, Judge.

23 THE COURT: Okay.

24 Mr. McCARLEY: Yes, sir.

25 I've got -- the jail has 1,132 days. He is on

1 probation, Your Honor. We would ask that you terminate
2 that probation. We would ask that you give him credit
3 for the time he has served, Your Honor. We would ask
4 that you consider just how, in my opinion, harsh the
5 mandatory minimum is in this case. I think that -- I
6 think that deserves very serious consideration in a
7 case like this when you consider obviously what we
8 normally think of when we think of the years somebody
9 gets sentenced to and the fact that this is day for day
10 and the fact that thirty years being the mandatory
11 minimum in and of itself is harsh.

12 If Your Honor -- you know, I would just ask you to
13 consider as I've said the harshness of that number and we
14 all understand that that's statutory; Your Honor has no
15 discretion.

16 I do not know if Mr. Holmes wants to address Your
17 Honor. I would imagine he's in a pretty bad tough state
18 of mind at this juncture. I do believe his mom would
19 like to. His family, as you've seen, has been here all
20 week.

21 Would you like to speak to the judge real quick?
22 If you do want to talk, you need to come up here.

23 THE COURT: Yes, ma'am. You can speak into the
24 microphone right there in front of you.

25 MR. MCCARLEY: Oh, I'm sorry. I pointed her the

1 other way, Judge. I'm sorry.

2 THE COURT: That's okay. Wherever they normally
3 speak.

4 Will you give me your name, please, ma'am? Your
5 name, please.

6 LaTONDRA HOLMES: LaTondra Holmes.

7 THE COURT: Ms. Holmes.

8 LaTONDRA HOLMES: Right now really I don't know
9 what to say. I would like to say I'm sorry to the family.
10 I am so sorry about all of this. I just hate to see him
11 having to spend the rest of his life, he's thirty years
12 old, and, you know, he's just -- I don't know. He just
13 made some bad decisions, not thinking for his self
14 straight and getting out there with other people not,
15 you know, doing what he's supposed to do and following
16 things that he's supposed to do. And I would like to,
17 you know, thank everybody for what they did do as taking
18 their time looking into it, but I still hate to see him
19 in jail for the rest of his life.

20 THE COURT: Yes, ma'am. Thank you, Ms. Holmes.

21 MR. McCARLEY: I'd also ask Your Honor to consider
22 the DMH evaluations that -- that we passed up I think it
23 was Monday morning maybe --

24 THE COURT: Right.

25 MR. McCARLEY: -- to kind of point Your Honor. I

1 know it's about twenty pages worth. Just his diagnoses,
2 Your Honor, persistent depressive disorder, antisocial
3 personality disorder, which obviously I didn't bring out
4 on direct, but I think when you have a diagnosis for
5 something like this it is mitigation, too, once you're
6 convicted of conduct such as this, Your Honor, to have
7 perhaps some medical issues that play into that.

8 We would ask Your Honor for the -- for a thirty
9 year day for day sentence. We would ask Your Honor for
10 concurrent sentences.

11 Do you want to say anything?

12 Your Honor, my client does not wish to talk right
13 now.

14 THE COURT: I understand. Thank you.

15 MR. McCARLEY: Yes, sir.

16 Your Honor, I apologize for interrupting you, but I
17 think probation might have something they need to talk to
18 you about in regards to this case.

19 THE COURT: All right.

20 Ms. Watson?

21 AGENT WATSON: Your Honor, Mr. Holmes is currently
22 under supervision with our department. He's on probation
23 for attempted common law burglary violent second degree.
24 Judge Early sentenced him on April 12, 2016. He was
25 sentenced to twelve years suspended to five years

1 probation. He was to pay \$275 plus a twenty percent
2 handling fee in restitution and complete 500 hours of
3 public service employment.

4 We would ask for you to allow the case just to
5 terminate as of today, a civil judgment for his court
6 fines, and no administrative monitoring.

7 THE COURT: Thank you, ma'am.

8 AGENT WATSON: Thank you.

9 THE COURT: Mr. Holmes, if you'll come around,
10 please.

11 MR. McCARLEY: May I join him, Your Honor?

12 THE COURT: Yes, sir. Please.

13 Mr. Holmes, on Indictment 830 that charges you with
14 possession of a weapon during the commission of a violent
15 crime, the sentence is five years.

16 On Indictment 829 charging you with possession of a
17 firearm by a person convicted of a violent felony, the
18 sentence is time served.

19 On Indictment 828 charging you with murder, you're
20 to be committed to the State Department of Corrections
21 for a period of forty years. These sentences run
22 concurrent to each other with credit for time served.

23 Thank you, ladies and gentlemen.

24 MS. YOUNG: Thank you, Your Honor.

25 MR. McCARLEY: Thank you, sir.

1 THE COURT: All right. Thank you.

2 (Whereupon, the proceedings were concluded at

3 6:27 PM.)

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C E R T I F I C A T E

1
2
3 I, Stacy S. Johnson, Official Court Reporter
4 for the Eleventh Judicial Circuit of the State of South
5 Carolina, do hereby certify that the foregoing is a true,
6 accurate and complete transcript of record of all the
7 proceedings had and the evidence introduced in the hearing
8 of the captioned case in Circuit Court on July 22nd-25th,
9 2019.

10 This transcript may contain quoted material. Such
11 material is reproduced as read by the speaker.

12 I do further certify that I am neither of kin,
13 counsel, nor have an interest to any party hereto.

14
15 November 28, 2019

16
17 /s/ Stacy S. Johnson
18 STACY S. JOHNSON
19 CIRCUIT COURT REPORTER
20
21
22
23
24
25

WITNESSES

Aiken County Sheriff

Inv. James Criscillis

Law Enforcement Case #: 16-034666

DOCKET NO. 2017GS0200828

The State of South Carolina

County of Aiken

BAY

COURT OF GENERAL SESSIONS

MAY TERM 2017

ARREST WARRANT NUMBER

2016A0210200986

FILED 18 May 2017

Robert J. Bente
C.C.P. & G.S. *ode*
Frank D. Robinson Jr.
Deputy Clerk

THE STATE

vs.

TEQUAN MARTRELL HOLMES

ACTION OF GRAND JURY

true bill

CDR #: 0116

Indictment for

MURDER

§ 16-03-0010; 16-03-0020

[Signature]
Foreperson of Grand Jury

Date: May 18, 2017

VERDICT

J. STROM THURMOND, SOLICITOR

[Signature]
Foreperson of Petit Jury

Date:

5/18/17

RECEIVED

AUG 06 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
MURDER
§ 16-03-0010; 16-03-0020

At a Court of General Sessions, convened on May 22, 2017, the Grand Jurors of Aiken County present upon their oath:

That **TEQUAN MARTRELL HOLMES** did in Aiken County on or about June 18, 2016, feloniously, wilfully and with malice aforethought, murder Tiquan Oakman by means of shooting him with a handgun and the victim did die in Aiken County at [REDACTED] Boucher Drive, Warrenville as a proximate result thereof. All in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

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

Elizabeth B. Housh
J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Inv. James Criscillis

Law Enforcement Case #: 16-034666

DOCKET NO. 2017GS0200829

The State of South Carolina

County of Aiken

BAY

COURT OF GENERAL SESSIONS

MAY TERM 2017

ARREST WARRANT NUMBER

2016A0210700220

FILED 18 May 20 17

Robert J. White
C.C.P. & G.S. *ode*
Deputy Clerk

THE STATE

vs.

TEQUAN MARTRELL HOLMES

ACTION OF GRAND JURY

true bill

[Signature]
Foreperson of Grand Jury
Date: May 18, 2017

VERDICT

CDR #: 3434

Indictment for

POSSESSION OF A FIREARM BY
PERSON CONVICTED OF VIOLENT
CRIME

§ 16-23-0500(A)

[Signature]
Foreperson of Petit Jury
Date: *5/18/17*

J. STROM THURMOND, SOLICITOR

RECEIVED
AUG 06 2019
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
POSSESSION OF A FIREARM BY PERSON
CONVICTED OF VIOLENT CRIME

§ 16-23-0500(A)

At a Court of General Sessions, convened on May 22, 2017, the Grand Jurors of Aiken County present upon their oath:

That **TEQUAN MARTRELL HOLMES** did in Aiken County on or about June 18, 2016, knowingly and unlawfully possess a .32 caliber handgun and Tequan Martrell Holmes, having been previously convicted of Burglary Second Degree-Violent, violated section §16-23-500 of the South Carolina Code of Laws (1976), as amended, which prohibits such possession by a person convicted of a violent felony.

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

Elizabeth B. Young
J. STROM THURMOND, SOLICITOR

RECEIVED
AUG 06 2019
SC Court of Appeals

WITNESSES

Aiken County Sheriff

Inv. James Criscillis

Law Enforcement Case #: 16-034666

DOCKET NO. 2017GS0200830

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MAY TERM 2017

BAY

ARREST WARRANT NUMBER

2016A0210700222

FILED 18 May 20 17

Robert J. White
C.C.P. & G.S. *John*
Thomas D. Robertson Jr.
Deputy Clerk

THE STATE

vs:

TEQUAN MARTRELL HOLMES

ACTION OF GRAND JURY

true bill

Lang/KP

Foreperson of Grand Jury

Date: May 18, 2017

CDR #: 0549

Indictment for

POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT
CRIME

§ 16-23-0490

VERDICT

R. J. ...

Foreperson of Petit Jury

Date: *5/18/17* *Lang*

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)

INDICTMENT FOR
POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

§ 16-23-0490

At a Court of General Sessions, convened on May 22, 2017, the Grand Jurors of Aiken County present upon their oath:

That **TEQUAN MARTRELL HOLMES** did in Aiken County on or about June 18, 2016, possess or visibly display a firearm during the commission or attempted commission of a violent crime, to wit: Murder, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

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

Elizabeth B. Young
J. STROM THURMOND, SOLICITOR

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
Jun 24 2020
SC Court of Appeals

s/Adam Ruffin
Adam Sinclair Ruffin
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 24th day of June, 2020.