

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Allendale County

Honorable Carmen T. Mullen, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JAMEL DAJOUR WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2020-000101

RECORD ON APPEAL

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CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 A Yes, sir. Yes, sir.

2 Q Okay. So, then that situation is over and you are
3 inside, correct?

4 A Actually, I don't know if that situation was over
5 or not. Because when I went in the house I tried to get
6 Bernard to come in the house too. But he didn't make it
7 into the house, so I can't tell you what happened outside
8 the door with Mr. Granger and Bernard.

9 Q Well, you just told this jury that you were
10 telling Bernard to stay put until the situation was over, so
11 you were inside the house and the robbery that you were
12 talking about had ended?

13 A No, sir. At the time of the robbery we was on the
14 front porch.

15 Q After this robbery that you talked about?

16 A After the robbery I went into the house and trying
17 to get Bernard to come in the house. Instead of Bernard
18 coming into the house Mr. Tyrek came into the house, behind
19 me, and slammed the door.

20 Q You didn't tell me that you rushed inside to
21 holdup?

22 A Why would I rush into my own house?

23 Q Because you had just seen somebody get robbed
24 right outside of it with a gun?

25 A I'm trying to get them to leave.

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 Q But you didn't pull a gun at that point?

2 A No, sir, I didn't thought necessarily of pulling
3 the gun because I kept asking them to leave, along with
4 everybody else.

5 Q You never --

6 A I didn't know that it was going to escalate to
7 that point right there.

8 Q So, these people are waiving guns around for an
9 extended period of time and you have a gun. You never use
10 it to just show it. (demonstrating) You are just holding
11 it, hidden in your pants, and you just keep asking them to
12 leave?

13 A Yes, sir.

14 Q And you never call the police?

15 A I mean, I didn't have the chance. My phone was
16 dead.

17 Q Never asked anybody else to call the police?

18 A I mean, they never did call the police neither.

19 Q But you -- exactly. Nobody else called the police
20 until after you shot Ty and Raheme?

21 A Nobody called the police when they say the tablet
22 was missing.

23 Q Couldn't that be because nobody else was afraid?

24 A Could that be, could that believe -- could that be
25 because they wanted to take the law into their own hands?

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 Q I would like an answer to my question, not another
2 question.

3 MR. PLEXICO: I believe that was an appropriate
4 answer, Your Honor.

5 THE COURT: Please answer the question.

6 BY MR. EVANS:

7 Q Could that be because nobody else was afraid,
8 except you claiming to be so today?

9 A I mean.

10 THE COURT: Sir, you need to answer yes or no and
11 then explain.

12 A I don't know.

13 BY MR. EVANS:

14 Q In the moments leading up to the shooting of Ty,
15 you testified on direct examination that Raheme was not in
16 the home; is that right?

17 A Can you repeat your question again, sir?

18 Q In the moments before the shooting of Ty, you
19 testified on direct, to your lawyer, Mr. Plexico, a moment
20 ago that Raheme Granger was not in your home; is that
21 correct?

22 A Like, what are you asking me? Like, before the
23 shooting took place or during the shooting?

24 Q I'm asking you, in the moments before the shooting
25 of Ty, Raheme Granger was not in your home; is that correct?

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 Was that your testimony?

2 A He was left outside with Bernard Elmore on the
3 front porch.

4 Q He was left outside, and you were inside?

5 A Yes, sir.

6 Q You said that Ty said that he would air this bitch
7 out?

8 A Yes, sir.

9 Q Referring to his gun?

10 A Yes, sir.

11 Q What kind of gun was it?

12 A I mean, like I say, I don't know what type of a
13 gun it was. I never seen his gun. The only time I seen his
14 gun, he lift his shirt up. But he never did fully pull it
15 out.

16 Q Was it a revolver?

17 A I mean, I don't know.

18 Q You said that he would air this bitch out, and
19 that is what you tried to do; isn't that right?

20 A No, sir.

21 Q You shot off five rounds?

22 A No, sir.

23 Q There is five empty shells in there.

24 A I mean, I can't dispute how many shell cases in
25 that gun. All I can say, I shot Tyrek Mitchell three times

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 and Mr. Granger one time. Four shots.

2 Q And you didn't know where the first shot went, a
3 gun just went off; that is what you testified to, is that
4 right?

5 A I don't know.

6 Q But you know that there were no shell casings
7 found?

8 A I don't know that, because I don't know anything
9 about the crime scene after I left.

10 Q The -- one of the bullets was misfired?

11 A I don't know that either. I only go off of what
12 you are telling me.

13 Q So you kept pulling the trigger?

14 A No, sir. After I shot Mr. Granger I dropped my
15 weapon and I ran.

16 Q Where did you drop it?

17 A All I can tell you is, I dropped it somewhere in
18 the living room. I can't tell you the exact spot.

19 Q And you locked the door?

20 A No, sir, I never locked the door. If I would have
21 locked the door Mr. Granger would never be able to try to
22 attempt to come in.

23 Q And you left the scene?

24 A I mean, I left the scene because the family, the
25 victim family got there before the officer did.

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 Q So, you did -- you lingered at the scene enough
2 time to see the family of the man that you just killed?

3 A No, sir, I ran straight to the woods and hid in
4 the woods.

5 Q Which is it?

6 A I hid in the woods until the next following
7 morning and I turn myself in.

8 Q If this is your home and you are defending it, you
9 don't know that the danger is over because you saw Mr.
10 Granger run, right?

11 A Yes, sir.

12 Q So you knew he wasn't dead?

13 A There was no need to chase Mr. Granger and shoot
14 Mr. Granger again, when he clearly dropped his weapon.

15 Q He clearly dropped his weapon?

16 A Yes, sir.

17 Q So there is three guns total?

18 A Yes, sir.

19 Q And you ask this jury to believe that somehow two
20 went missing and it is the right two to frame you?

21 A I'm not asking the jury to believe that, because
22 honestly I don't know what happened to those guns. The
23 paper say silver revolver, that is a black revolver.

24 Q You asked Katie McCallister about the car?

25 A Yes, sir.

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 Q What did she tell you?

2 A She told me that she searched the car.

3 Q Didn't find a gun?

4 A I mean, I can't dispute what happened to the gun.

5 Q They only found the gun that you admit today was
6 yours, that you used?

7 A I understand that. But if you recall back to
8 Mr. Granger's testimony, he said that he went back into the
9 house to retrieve keys. And Ms. Katie testified she
10 received his property, but she didn't come up with no keys.

11 Q When did the lights come back on?

12 A I can't tell you that because after --

13 Q Because you ran?

14 A Yes, sir.

15 Q Ran away from your home?

16 A I mean, if I would have stayed and then I would
17 have probably got shot and killed, who would be on this
18 stand here today to tell the truth.

19 Q You had a loaded gun?

20 A I mean, everyone had a loaded gun.

21 Q Everyone?

22 A Mr. Granger, Tyrek Mitchell, and I.

23 Q So, everyone had a loaded gun and you had just
24 shot --

25 A And they use to me --

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 Q Hang on. Everyone had a loaded gun, you had just
2 shot two people and you decided to run away, but leave your
3 gun?

4 A I mean, I ran out in the field. After I shot
5 Mr. Granger, I dropped the weapon and ran.

6 Q So, we agree. So, the danger to you must have
7 been over, otherwise why would you give up your protection?

8 A I mean --

9 Q But everybody had a gun.

10 You testified, I just want to make it clear.
11 You testified on direct that you don't know where that first
12 shot came from when you were struggling?

13 A I don't know, because both of our hands was on the
14 gun.

15 Q Both of your hands were on the gun?

16 A Yes, sir, but I can't leave myself out to say that
17 I wasn't involved in the first shooting, my hand was on the
18 gun. But I know for sure I shot the second, third, and
19 fourth shot.

20 Q And the fifth --

21 A I never did shoot the fifth shot.

22 Q -- that is in Mr. Granger?

23 A If I shot the fifth shot, who did it hit, where it
24 went? I know for sure I didn't shoot the fifth shot.

25 Q In Mr. Granger's face.

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 A You are saying that the fifth shot went into
2 Mr. Granger's face?

3 Q He was shot, correct?

4 A You are saying that the fifth shot went into
5 Mr. Granger's face?

6 Q There's -- there's five empty shells.

7 A I know, you just told me that. But you just also
8 said that the fifth shot went into Mr. Granger's face.

9 Q You admitted to shooting Mr. Granger in the face?

10 A With the fourth shot.

11 Q With the fourth shot. So, that means that of the
12 five empty shells in this gun, when APD found it, you are
13 not responsible for them?

14 A I mean, once I left the scene I dropped that gun.
15 So I can't tell you who touched that gun or did anything,
16 because it clearly in paperwork that other people's hands
17 was on that gun also.

18 Q Not Tyrek Mitchell's?

19 A I mean, to my knowledge it was.

20 Q And you -- not on the trigger.

21 A I mean.

22 Q Your DNA is on that trigger?

23 A Both our hands was on it.

24 Q Other hands were on it and you said that you
25 received it from somebody else; is that right?

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 A I did say that, I'm not going to lie. I had said
2 that, I had said that out of fear because I'm not supposed
3 to have a gun. I am a convicted felon.

4 Q You are. And you got out of prison recently,
5 isn't that right, before this event?

6 A Yes, sir.

7 Q And you came out a man?

8 A Yes, sir.

9 Q You are proud of that?

10 A I'm proud of that because I was immature. And I
11 was just like Mr. Loadholt and all of the rest of these
12 gentlemen before I went in. But I can truly say, I am a
13 changed man. I am not like that anymore.

14 Q You are not like that anymore, but you did go to
15 the police and lie?

16 A I mean, if you want to say that I lied,
17 Mr. Granger also lied. Mr. Granger said two female --

18 Q No, Mr. Williams, I'm talking to you, I'm asking
19 about you.

20 A Can I make a statement?

21 THE COURT: You need to answer the question.

22 THE WITNESS: I had answered the question.

23 THE COURT: Rephrase the question.

24 BY MR. EVANS:

25 Q You lied to the police, did you not?

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 A Yes, sir.

2 Q You didn't say, tell them that you did this until
3 they told you about self-defense and protecting the babies;
4 is that right?

5 A I mean.

6 Q Is that right?

7 A I didn't know anything about self-defense, but
8 yes, sir. Which is the truth?

9 Q You had two days to think about it.

10 A No, sir, I been asking to speak with the agents,
11 but I didn't have their number or anything.

12 Q But it was two days between the two interviews?

13 A I don't -- I don't know.

14 THE WITNESS: Your Honor, can I say something?

15 THE COURT: Sir, no, it has to be in response to a
16 question. Your attorney is going to get an opportunity
17 to question you.

18 THE WITNESS: It was in response to a question.

19 THE COURT: I said that it needs to be in response
20 to a question, just wait.

21 THE WITNESS: Yes, ma'am.

22 THE COURT: That's all of the questions that I
23 have, Your Honor.

24 THE COURT: Mr. Plexico, any redirect?

25 MR. PLEXICO: None, Your Honor.

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 THE COURT: Okay. You may step down, sir.

2 THE COURT: Anything further, Mr. Plexico?

3 MR. PLEXICO: The Defense rests, Your Honor.

4 THE COURT: Ladies and gentlemen, at this time the
5 Defense has rested its case as well. Are there any
6 further witnesses for the State?

7 MR. EVANS: May I have a moment briefly?

8 THE COURT: You may.

9 (Pause.)

10 MR. EVANS: No, ma'am.

11 THE COURT: Ladies and gentlemen, at this time the
12 Defense has now rested their case. And what we have
13 left to do in this trial is you hear the closing
14 arguments of the lawyers and then I'll charge you on
15 the law that is applicable to this case. However,
16 there's a matter of law that I need to take up with the
17 attorneys before we can do that. So, ladies and
18 gentlemen, I will ask you to go back to your jury room
19 and refresh yourselves.

20 I am going to remind you, do not discuss this
21 case. Again, while you have heard all of the evidence,
22 you have not heard the arguments of the lawyers and I
23 have not charged you on the law that is applicable and
24 it would not be appropriate for you to discuss this
25 case at this time. Again, we will be back with you

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 shortly to let you know where we are going from here.

2 Okay. You are excused back to your jury room.

3 (The jury exits courtroom at 11:06 a.m.)

4 THE COURT: Okay. Any motions?

5 MR. PLEXICO: Your Honor, I would renew my prior
6 motion based on a preponderance of the evidence
7 standard for a directed verdict for attempted murder
8 and murder and possession of a weapon during commission
9 of a violent crime, in that I don't believe that the
10 jury has any more evidence that would allow them to do
11 more than speculate as to my client's guilt, Your
12 Honor. And I would move for a directed verdict of not
13 guilty based on that.

14 THE COURT: Mr. Evans.

15 MR. EVANS: I renew my previous arguments.

16 THE COURT: All right. Respectfully, again, I'm
17 going to deny your motions. You both were given a copy
18 last night of the proposed jury charges and I
19 understand that you both agree and want him a defense
20 of habitation, which we have put in. Also, as to the
21 attempted murder charge, have they seen what is now
22 being put in?

23 MR. EVANS: I haven't had a chance to print it,
24 Judge, but I'll look at it.

25 MR. PLEXICO: I haven't looked at it, Judge.

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 THE COURT: Okay. What we will do is this: We
2 are going to go ahead and take about ten minutes, 10 or
3 15 minutes, and you two look at it and get yourselves
4 prepared for closing arguments. And by the clock in
5 the back of the courtroom it is 11:10, so let's come
6 back at 11:25 and we will go ahead and do closing
7 arguments.

8 All right. We will be at ease for 15 minutes.

9 (Brief recess.)

10 THE COURT: Any exceptions or additions to the
11 charges from the State?

12 MR. EVANS: No, ma'am. My primary concern was
13 just making sure that we had that fresh State V King
14 language in the attempted murder, and I think it's
15 covered now.

16 THE COURT: Okay. Mr. Plexico, any exceptions or
17 additions?

18 MR. PLEXICO: Yes, Your Honor. Let me get it in
19 order here by page number. Page 8, on attempted
20 murder, the third paragraph, after -- in the third
21 paragraph, after the first sentence, I believe that the
22 rest of the paragraph reads like an implied malice
23 charge. And I believe that it'll be confusing to the
24 jury. And I think that it borders on implied malice
25 and I would ask that the rest of that third paragraph

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 of item two, attempted murder, on Page 8, be stricken
2 from the jury charge.

3 THE COURT: Okay, I think it's appropriate. I
4 think the only way that you can say or show that
5 someone has specific intent to commit attempted murder
6 is by the act. And, of course, the acts and conduct
7 would be the use of a gun, the use of shooting three
8 times. I think that that can only be shown by the
9 facts and circumstances that the jury finds. So,
10 again, I think it is appropriate.

11 MR. PLEXICO: My next exception is number 11, on
12 Page 11, excuse me.

13 THE COURT: Let me get to it, hang on? What is
14 this about?

15 MR. PLEXICO: It is -- after the first -- after
16 the first full paragraph, beginning the next paragraph
17 begins with examples and ends with -- excuse me, the
18 first sentence of the next paragraph begins with
19 examples and ends with place. I believe that those are
20 comments on the facts and I would ask that those be
21 stricken. And it is a limited -- it appears to be a
22 limited -- I think that the effect would be that it
23 would confuse the jury and it would be limited.

24 THE COURT: I agree with you. I think that
25 pointing a gun goes too close to commenting on the

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 facts.

2 MR. PLEXICO: I would ask for the whole sentence
3 to be struck.

4 THE COURT: Which whole sentence?

5 MR. PLEXICO: "Examples of assault would include."

6 THE COURT: Two sentences, you want all of that
7 struck?

8 MR. PLEXICO: Yes.

9 THE COURT: I will strike that, I agree. That is
10 too close to the potential facts that the jury will get
11 from some of the testimony. Okay.

12 MR. PLEXICO: Then, on Page 13, I believe that on
13 the defense of habitation and the second paragraph in
14 the second sentence, I think that the word "or a guest"
15 should be added because it seems to be limiting it to a
16 defendant or a member of the household. I believe that
17 it should read, and I think it's proper under the law,
18 that a Defendant or a member of the Defendant's
19 household or a guest is attacked in the Defendant's
20 home.

21 THE COURT: We took this straight from what you
22 gave us.

23 MR. PLEXICO: Well, I guess I wanted to improve
24 it.

25 THE COURT: So, where do you want to put it?

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 MR. PLEXICO: Just after a member -- or a member
2 of the Defendant's household, comma, or a guest.

3 THE COURT: Or their guest.

4 MR. PLEXICO: Or their guest. That would be fine.

5 MR. EVANS: May I, Your Honor?

6 THE COURT: Yes.

7 MR. EVANS: I think that's all covered by the
8 defense of others and self-defense.

9 THE COURT: I think it is too.

10 MR. EVANS: The defense of habitation, if it means
11 anything, is different and applies to your home. If he
12 wanted just self -- I mean, he has got self-defense
13 that applies universally already in a separate defense.

14 THE COURT: I'm not the one that put defense of
15 habitation in there. I'm putting it in there because
16 you requested it. I took it out. Because I believe
17 the original charge was the best about self-defense of
18 themselves and other people. I mean, we discussed when
19 you are in your house there is no duty to retreat. You
20 are the one requesting it.

21 MR. PLEXICO: Yes, Your Honor. Further, Your
22 Honor, the last two paragraphs of my defense of
23 habitation charge were left out and I think that they
24 are necessary. They were on the following page and was
25 not the law. I think that they were omitted

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 accidentally on my defense of habitation, because it's
2 not the part that starts with -- on mine, do you have
3 mine up there?

4 THE COURT: Yes.

5 MR. PLEXICO: Page 2, the two paragraphs ending
6 the actual jury charge were left out. And I believe
7 those were necessary to have a complete charge of
8 defense of habitation.

9 THE COURT: Okay. Is that because, just so I
10 understand it, is that because there was alleged
11 testimony that the shooting of Mr. Granger, I heard
12 some testimony that occurred on the doorstep, and there
13 was a question of whether or not it was in or outside
14 of the door.

15 MR. EVANS: I think that is a question for them
16 and I -- I will concede that these two paragraphs are
17 fair because of that, and I recognize them from the
18 charge, so I think they are.

19 THE COURT: Okay, we will go ahead and put those
20 back in. Okay.

21 MR. PLEXICO: Thank you, Your Honor.

22 THE COURT: Absolutely. Anything further?

23 MR. PLEXICO: Since my client fortunately brought
24 it up, I would ask that you charge my charge, number
25 14, unlawful possession of a firearm. A person can be

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 acting lawfully even if he's in unlawful possession of
2 a weapon he's entitled to arm himself in self-defense
3 at the time of the shooting. That is my 14 and my
4 client fortunately brought it up.

5 THE COURT: I think it is appropriate as well.

6 MR. PLEXICO: With that, I'm prepared to go
7 forward if the Solicitor has nothing else.

8 THE COURT: All right. And we will bring the jury
9 in.

10 (The jury enters the courtroom.)

11 THE COURT: All right. Welcome back, ladies and
12 gentlemen. At this time what we are going to do is
13 hear the closing arguments of the attorneys, I'll
14 charge you on the law applicable to this case. And
15 your Clerk of Court, Ms. Sabb, has ordered, as I
16 understand, some pizza, and it'll hopefully be here
17 around 1:00 or so. And whenever it comes we will break
18 and get it to you so it's hot. Thank you all. If you
19 will give your attention to Mr. Evans.

20 CLOSING ARGUMENT BY THE STATE

21 MR. EVANS: Thank you, Your Honor. May it please
22 the Court, Your Honor.

23 THE COURT: Yes, sir.

24 MR. EVANS: Mr. Plexico. Ladies and gentlemen of
25 the jury.

CLOSING ARGUMENT BY THE STATE

1 (Video playing.)

2 That is not a man concerned with the safety of
3 others. That is not a man who walked in to admit
4 responsibility. That is not a man who came in because
5 other people were threatening him. That is a man who
6 feels confident that he's talking his way out of the
7 murder.

8 That is not a man who just confessed to shooting
9 somebody outside to a SLED agent. This is serious
10 business and he's resting his head and grinning. I
11 know y'all have taken this seriously. We have been
12 here for days. And I know that you know that you have
13 some serious business left to do.

14 When I'm through talking and Mr. Plexico is
15 through talking, the Judge is going to tell you about
16 that business. She is going to tell you what the law
17 is. She is going to say that you are here to consider
18 whether Jamel Williams is guilty of the murder of Tyrek
19 Mitchell, the attempted murder of Raheme Granger, and
20 possession of a weapon during the commission of a
21 violent crime.

22 She is going to explain what those crimes are.
23 She is going to say that murder is the killing of
24 another person with malice aforethought. What is
25 malice? An evil intent. It doesn't have to be planned

CLOSING ARGUMENT BY THE STATE

1 for a weekend. It can exist for a very short period of
2 time before you take the fatal action.

3 What is attempted murder? Basically, just what it
4 sounds like, you are trying to commit a murder, in this
5 case, another murder, and but for a happy accident you
6 would have succeeded. It is a miracle that you were
7 able to hear from that victim two days ago, that he's
8 able to be here in this courthouse. Those are going to
9 be hard decisions.

10 The good news, maybe the only good news this
11 morning is that your third decision is possession of a
12 weapon during the commission of a violent crime. That
13 is going to be easy. This crime could only have been
14 committed with a firearm, with this firearm. And
15 Mr. Williams told you today that that is what he did.
16 So, if you find either of those two first offenses, if
17 you find him guilty of either of those, easy decision
18 on the third one.

19 But the Judge is going to tell you all about the
20 law. She is the judge of the law, you are the judge of
21 the facts. I'm only the prosecutor. So, if she says
22 anything different than what I say or Mr. Plexico says,
23 listen to her. Okay.

24 Let's talk about the facts. Let's talk about what
25 we heard from this witness stand and in these exhibits.

CLOSING ARGUMENT BY THE STATE

1 And remember, that is what you have to evaluate when
2 you are considering the evidence that is before you
3 this week. Who did we hear from? It started with
4 Ervin Ford, veteran police officer from Allendale PD,
5 good cop, tough guy, big guy. You saw how this
6 affected him. This isn't even his case. This was
7 turned over to SLED. So, Allendale PD doesn't even
8 have a dog in the fight.

9 And while we are on this subject, this is
10 something that the Judge is going to talk to you about,
11 the credibility of the witnesses. Because obviously
12 y'all already know, some of this testimony is going to
13 go against each other. You have to determine who to
14 believe, what to believe. You can believe some of a
15 witness' testimony and not other parts. You can
16 believe all of it, you can believe none of it. How do
17 you make that determination to decide who is credible?
18 How do you decide that? Who has something to gain, who
19 has something to lose?

20 Ervin Ford has nothing to gain. He got there, he
21 secured the scene. He made sure that our next witness,
22 John Lawson, and his people with the EMS crew could get
23 in there safely and try to save Tyrek Mitchell's life.
24 That is what he did. That is what he was there for.
25 But he served another important purpose, he didn't just

CLOSING ARGUMENT BY THE STATE

1 secure the scene, he secured this. He saw this gun
2 next to Tyrek Mitchell, picked it up and made sure that
3 it was safe. Because it was important. He did not see
4 any other gun on the scene.

5 I already told you about John Lawson. He's not
6 here to prove guilt or innocence. He doesn't know
7 anything about who shot who or why. But he told y'all
8 about how Tyrek Mitchell was still alive when he got
9 there, laying on the floor gasping, dying. And how
10 they did everything they could.

11 Next, we heard from our first witness from SLED.
12 Nicklaus Sprouse. Again, not really a dog in the
13 fight. He doesn't make the decisions about who to
14 arrest, why this happened. He is an information
15 gatherer. He's doing his job. He's good at it. Y'all
16 can tell that. You see how he presented himself, how
17 he was able to tell me what he did so clearly. He
18 knows what he is doing, and he did it. And what did he
19 tell you? First of all, he's thorough, he searched the
20 whole place.

21 What did he find? Blood, a lot of it, all over.
22 Went inside, right, marker A, which is on the couch,
23 and the victim's blood saturating that carpet. Blood
24 outside B, C, D, E and F. He said that it looked like
25 a trail of blood. And he told you that based on his

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1 experience because he goes to crime scenes all over the
2 state, sees blood more times in a week probably than we
3 see in a lifetime, but he said it was a spitting
4 pattern. Whose blood could that be? Raheme Granger is
5 shot in the mouth, that he's spitting.

6 And what did they do with that blood? Well, we
7 will get there. But they collected it. He's thorough
8 but he has got common sense too. He knows that he
9 doesn't need to collect the blood saturating the
10 carpet, because he has only got five, he can give five
11 samples to the lab.

12 And he found some weird blood on the couch, he
13 collected that. That is neither Mr. William's or
14 Mitchell's, but it shows you how thorough they are. If
15 you look at that photo -- and by the way, you will have
16 all of these photos in the jury room with you. That is
17 why they are printed out. You can take them back. If
18 you look at that photo, you can't even tell that it is
19 blood. That is how good they are. Folks who can find
20 blood that small in a scene that is secure within
21 minutes, if there were two other guns, they would have
22 found them.

23 If there were shells from a different gun on the
24 floor or in the parking lot, they would have found
25 them. They do this everywhere, everyday. And they

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1 found one gun. There are nine bullets. And it was
2 fully loaded with the exception of the bullets that
3 were already fired.

4 And then you heard from a man that I don't want
5 you to forgot because this is a murder trial. And I
6 know Mr. Granger would say that it is about Tyrek
7 Mitchell most of all, but it's about him too. He came
8 down here from New York just like he did two years ago,
9 not for his family this time, but to tell y'all the
10 truth. He didn't know any of these people. He had a
11 tablet with him. Why? Because he took the train,
12 13-hour ride, it gets a little dull, needs something to
13 entertain him.

14 It used to be that we would bring books, don't
15 need to do that anymore. If you have got a tablet you
16 can watch a movie, you can play a game. Get tired of
17 that one, you can move to the next one, not like a
18 book. That is what the tablet is brought for. When it
19 went missing, he wanted it. A couple of hundred
20 dollars. Not unreasonable to want to figure out where
21 that is.

22 So, they go back to the people who had last been
23 seen with it. Not seen with it, but seen in the area
24 in the car with it. All right. Go back to where they
25 dropped them off, Pinewood Apartments.

CLOSING ARGUMENT BY THE STATE

1 They knew that they were going to go and start
2 waving guns around, don't you think they might have
3 reconsidered looking for that tablet if they knew that
4 one of them wasn't coming home? But he didn't start a
5 fight. He didn't make any threats. He didn't pull a
6 gun. He asked people. He didn't even accuse them of
7 stealing. He asked Bernard Elmore, Smack, Hey, have
8 you seen my tablet, you were in the car. Smack gave
9 him \$80. Okay. Argument is over.

10 What does he tell you that he did next? He stayed
11 outside and he had a cigarette. This brings up another
12 point that y'all are going to have to consider, where
13 do the witnesses corroborate each other, whose
14 testimony matches. The testimony of two different
15 people matches up, that makes it stronger.

16 Who else told you that Jamel Williams was outside
17 smoking a cigarette? Joe Loadholt said that he was
18 smoking a cigarette. Takes him about 15 minutes he
19 said. He got about halfway through, seven minutes at
20 least. He's outside minding his business smoking his
21 cigarette. He's not in the house, he's not robbing
22 people, he is just having a cigarette until
23 (demonstrating) gunshots from where his cousin is.
24 What would any of us do?

25 He ran to the house. Afraid of what is happening,

CLOSING ARGUMENT BY THE STATE

1 afraid of what might happen to his cousin that he knows
2 is still in there. And what happens to him when he
3 gets to the door? That is a fine welcome to South
4 Carolina, he gets shot in the mouth. Spitting blood
5 all over. But they want you to believe that he's
6 composed enough to drop his gun that he supposedly
7 has -- first of all, if he drops it, that is not
8 exactly a great way of hiding it. And it's gone when
9 the police get there. But okay, yeah, he drops his
10 gun, runs away, then somehow we are supposed to believe
11 that he took Ty's gun, which nobody else saw, except
12 one guy. We will get to him though, don't worry.

13 He is spitting up blood all over the parking lot.
14 He has been shot in the mouth. But he has got a master
15 plan. That is what they want you to believe. Use your
16 common sense, folks. You are not required to check
17 that at the courthouse door.

18 Mr. Granger also, I think this is significant.
19 And normally prosecutors look to people who can make
20 identifications and Mr. Granger couldn't. That makes
21 him more credible. Why? Because if he was here to lie
22 and put away somebody for something they didn't do,
23 wouldn't he have stood up and said, That is the guy.
24 But he's not here to lie, he is here to tell the truth.

25 Another witness, who is credible for a weird

CLOSING ARGUMENT BY THE STATE

1 reason I think, is Joe Loadholt. He did not want to be
2 here to talk to me and talk to y'all. Again, that
3 makes him more credible. If he wanted to come in and
4 put Jamel Williams away for something that he didn't
5 do, wouldn't he have seemed a bit more enthusiastic?
6 What did Joe Loadholt say? Yeah, there were kids
7 there, kids live there. But what did Jamel do? He
8 locked the door.

9 If you are trying to get people out of your house
10 who are in your house, why are you locking the door?
11 He said that Jamel pulled out a gun and said, I'm going
12 to air this bitch out. Now, where else have we heard
13 that before, or in this case, in this trial later? We
14 heard that phrase again on this screen and this morning
15 from that witness stand. Jamel Williams used that
16 phrase. He is saying Ty said it. It is a funny thing
17 about phrases, when you use them, they come up in your
18 head.

19 So, Joe Loadholt said, You have got 30 seconds or
20 I'm going to air this bitch out. He's going to empty
21 that gun. What did he say that Ty said? He said that
22 Ty fell. And he said that he was begging for his life.
23 And that testimony was not challenged. I've got more,
24 but that ought to be enough right there.

25 He said he saw Jamel shoot his best friend in the

CLOSING ARGUMENT BY THE STATE

1 head more than once. That is malice. He shot him in
2 the arm and then he ran out the door. And Joe Loadholt
3 knows who Jamel Williams is, he IDd him in court, he
4 IDd him in the line-up. There's no mistaken identity
5 here.

6 I have already went over this, but he told y'all
7 Raheme Granger, who he didn't know before but he knew
8 he was Ty's relative, he was outside smoking a
9 cigarette, not inside. He never saw either of them
10 with a gun. Well, maybe you say, he just met Raheme
11 Granger. But what did he know about Ty? Who was Ty to
12 him? His best friend. He said it right there. First
13 thing he said.

14 You also heard from family of Mr. Williams, two
15 ladies. That makes them credible because you know that
16 they don't want to be here. They are here because they
17 have to tell the truth. Ronisha Hightower. What did
18 she say about this argument? It was not violent. It
19 was not an armed robbery. An armed robbery takes place
20 in a parking lot of an apartment complex where there
21 are all of these people around and no one is going to
22 know except for the man on trial. She wasn't afraid
23 for her safety. She wasn't afraid for the babies'
24 safety. She didn't see any guns.

25 Yes, they asked them to leave. You can ask

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1 somebody to leave for anything, for being a jerk. If
2 somebody has got a gun in your home, you act
3 differently. She said that she was in the kitchen with
4 the children and with Laquia, her sister, when the
5 shots went off. And she heard no threats, no struggle.
6 She certainly didn't hear Tyrek Mitchell and Raheme
7 Granger saying that they would bring people down from
8 New York and kill everybody in the house.

9 And she didn't see Jamel Williams after the shots.
10 He ran away. You heard from Latoya Patterson, the
11 actual tenant of apartment [REDACTED]. She told you Jamel
12 stayed there sometimes, other times he stayed with his
13 mama. Counsel told you that his address is in Fairfax.
14 More importantly, she and somebody agreed they were not
15 afraid, they didn't think anything like this would
16 happen, they didn't see any guns.

17 And where was she when the shots were fired?
18 Outside where apparently Raheme Granger is putting guns
19 up to everybody's head, or at least to Bernard Elmore's
20 head and demanding money. Did she see any of that?
21 Wouldn't that be important to tell y'all if she saw it
22 with her cousin inside? She didn't see any guns and
23 she didn't see Jamel Williams after the shooting
24 either.

25 Again, he fled what is supposed to be his home

CLOSING ARGUMENT BY THE STATE

1 that he is protecting. And that was everybody who was
2 on the scene. Now, we get to the most credible folks
3 of all, the expert witnesses. I'm not telling you that
4 they are credible just because they are smart, they
5 have had training, but again, remember, they don't have
6 a dog in the fight.

7 The most credible witness in this whole case is
8 Dr. Ross. She's done so many autopsies she can't even
9 count. She knows what is going on. And Mr. Plexico
10 didn't challenge her testimony because it's right. And
11 she told you that Ty Mitchell died because there was a
12 bullet in his brain. And she pulled it out.

13 What else did she tell you? There was no soot or
14 stippling on any of these wounds. Why does that
15 matter? Because it means it is not a shot at close
16 range. When you shoot a gun more than the bullet comes
17 out, gunpowder and heat come with it. And that leaves
18 a mark if you are close enough. None of that. None.

19 Mr. Plexico didn't ask about that. He asked her
20 about the drugs that were in his system. First of all,
21 that is not her area. The next witness testified to
22 that. He just wants you to think Ty uses illicit drugs,
23 marijuana. Just like his client.

24 That is not what this case is about. Ty didn't
25 get shot because he uses marijuana and no one is going

CLOSING ARGUMENT BY THE STATE

1 to shoot because he uses marijuana, okay. He wanted to
2 make you think that Ty was an illicit drug user, so he
3 asks about the Morphine. They took him to the
4 hospital. They were trying to save his life. They
5 tried to ease the pain.

6 Then you heard from Tracy McKinnon who actually
7 found those things. You heard from Ryan Dewane, also
8 from SLED, an expert in DNA. She knows what she's
9 doing, she knows what she's looking for. And what did
10 she tell you? First of all, she told you that Ty and
11 Jamel did not have any blood outside except marker F,
12 marker F right by the car, that has got Ty's blood on
13 it. Yes, it does. That was the highest number she
14 gave y'all.

15 Who cares how the keys got outside? Mr. Plexico
16 wanted to challenge Mr. Granger on, did he go get the
17 keys or did somebody else get the keys. Mr. Granger
18 remembered the gay guy getting the keys. Who cares.
19 We know he was in his car, that is where he met the
20 police. That is where he met Erwin Ford. The victim's
21 blood was found on those keys next to where? The car.
22 But there's no gun.

23 What Mr. Plexico wants you to believe is that he
24 took the gun, I don't know which gun because there is
25 so many at this point, he took a gun Ty had. Well, he

CLOSING ARGUMENT BY THE STATE

1 magically didn't take it, I guess, until his other
2 witness saw it first. Oh, don't worry, I'll get to
3 that. And then managed to hide it. Again while he's
4 spitting. Excuse me, I don't want to spit in the
5 courtroom. And y'all, it's logic, it's common sense.
6 You have to believe so much to buy into his story.

7 What else do we know about this blood? I guess
8 that we know that it's Raheme Granger's blood because
9 Ty and Jamel were excluded. They are the ones that she
10 had the known samples for. They didn't need a known
11 sample for Raheme Granger because he says that he's
12 spitting blood. Sprouse says that the blood is in a
13 spit pattern. And y'all Can see it for yourself.
14 Raheme's blood.

15 Where was Raheme's blood not? It is not inside.
16 And it is not on his face, it is in his mouth. Ford
17 didn't even know that he was hurt. Nobody knew that he
18 was hurt when they got there. He had to tell them.

19 What else did Ryan Dewane tell us? She told us
20 about DNA that she looked for here. She examined --
21 she didn't hold the gun, you all know that. She had a
22 swab that other people had made for her. She examinaed
23 a swab from here, the trigger, the grip, and the
24 handle. What did she tell you? What did she tell you
25 about that trigger? Jamel Williams 580 times more

CLOSING ARGUMENT BY THE STATE

1 likely than not contributed to the mixture. Okay. We
2 know that it is a mixture. We know more than one
3 person has touched it. We also know that Jamel got it
4 from somebody else because he told you that.

5 What did she tell you about Ty's DNA? It is
6 excluded from the trigger. Not on it. Last witness
7 you heard from from SLED, Chad Smith. And not only is
8 this guy a credible witness, but he's got what sounds
9 like a real fun job, he gets to shoot guns all day and
10 not hurt anybody. He told you that, revolvers are
11 different. If it's a gun that expels shells, they can
12 take a shell and compare it to a test shell that they
13 have fired in the lab. Can't do that. Can't do that.
14 Wish we could. Because the shells are still in the gun
15 when they get it. So you can't say that this shell
16 came from this gun because we already know it.

17 He told that you this gun was in good working
18 order. And he told you that these are the kinds of
19 bullets and shells that work with this gun. And he
20 told you -- he examined these items, and they are too
21 damaged for him to say that they definitely came from
22 that gun. Because ironically, as these bullets are
23 tearing up Raheme and tearing up Ty's head, the head is
24 tearing up the bullets. But they are consistent with
25 this type of gun. And we now know this morning that

CLOSING ARGUMENT BY THE STATE

1 Jamel Williams says, Yeah, that is the gun that I used.
2 So I would like this to come from Chad Smith if he had
3 the science to say so, but we know this is the murder
4 weapon.

5 That was our case. Mr. Plexico and the Judge are
6 going to have more to say to you about defenses,
7 self-defense, defense of others, and defense of
8 habitation. Y'all basically know what these are
9 already. The Judge is going to instruct you in great
10 detail. She is going to tell you that for self-defense
11 to apply the Defendant, the accused, must be without
12 fault in bringing on the difficulty, without fault
13 after he locked the door and pulled the gun out and
14 said, I'm going to air this bitch out.

15 He's got to -- you have got to believe that there
16 was actual imminent danger and that there was no other
17 way to avoid it other than taking a life, or trying to
18 in the case of Mr. Granger. Actual imminent danger or
19 a reasonable belief, a belief that a reasonable,
20 prudent person would have. This kid is in your house,
21 he is acting like an idiot. Is that actual imminent
22 danger? Is there no way to avoid it other than locking
23 the door and not letting him leave and shooting him in
24 the head?

25 This guy from New York who you don't know is

CLOSING ARGUMENT BY THE STATE

1 outside for seven minutes. Is that imminent danger?
2 Then he's coming to check on his cousin that you just
3 shot, and that is automatically a threat to you? You
4 can't find self-defense if you don't find these other
5 missing, mystery guns. Period.

6 The Judge and Mr. Plexico are going to talk to
7 you about defense of others too. That is -- I mean,
8 again, she is going to explain in great detail, but
9 it's really pretty simple, self-defense from somebody
10 else. That is a good thing, you want people to protect
11 you. That is a good thing. It is not a good thing of
12 using it when those people were not in danger, because
13 they were not in the house. Latoya said that she had a
14 baby outside, or not in the room where Ronisha said she
15 was with the others. They were in the kitchen.

16 They were not in the room where the shooting
17 happened. She didn't even hear any of this. And yet
18 he wants y'all to believe that he's defending other
19 people by shooting wildly in the dark through these
20 walls Mr. Plexico keeps bringing up that bullets can
21 fly right through apparently. If they can fly right
22 through from Ty allegedly, they can fly right through
23 from this gun if you are shooting randomly in the dark.
24 That is what he told you. How does he defend the
25 others who are not even in the house? They are

CLOSING ARGUMENT BY THE STATE

1 outside.

2 He is also going to talk to you about the defense
3 of habitation. Pretty similar. These are all kind of
4 built on each other. But again, you have to use
5 reasonable force to expel a trespasser or an unwelcome
6 guest, someone who is out standing -- reasonable force.
7 You can't just use deadly force because you don't like
8 what they are saying. You can't just use deadly force
9 because you are tired and you want to go to bed. You
10 can call the cops. You can maybe even grab them and
11 throw them out the door. That is not deadly force.

12 All of these self-defense, defense of others,
13 defense of habitation, what you have to keep in mind is
14 reasonableness and proportionality. Proportionality
15 means meeting force on an equal level. That is why you
16 can't just shoot someone for being a jerk, getting in
17 an argument. Even if they both say they are welcome.
18 Ben Franklin said fish and guests stink after three
19 days. Wasn't wrong. What he didn't say was, blow the
20 fishes brains out.

21 Let's talk about Timothy Myers. Other than the
22 man who is on trial, this is the only person who came
23 in here and said he saw a second gun. The only person.
24 And by the way, after this morning, we are looking for
25 three, okay. He didn't say that he saw a third.

CLOSING ARGUMENT BY THE STATE

1 Mr. Williams' other witness doesn't match his own
2 testimony. And he is -- this guy is a man with 20/20
3 vision but the lousy hearing because he heard one shot
4 and we know there were five because there's five empty
5 cartridges and four wounds in people. But he heard
6 one. But he gets to the door and he sees a man dying
7 on the floor and he sees one gun, a revolver, and then
8 study that, that is a Smith and Wesson. From outside,
9 from outside he looks in and he can see two guns.

10 Now bear in mind, obviously this photo was later,
11 the body and the murder weapon has been removed, okay,
12 but it shows you the perspective that he's talking
13 about. You cannot even see the bloodstain from this
14 angle, let alone the bloodstain, obviously, where the
15 victim was -- let alone the rest of this scene from
16 further inside. This is State's 9. That is where that
17 gun would have been. And you -- and these pictures,
18 State's 9 from inside and State's 5 from outside.
19 These don't match.

20 He could not have seen some other magic gun, Smith
21 and Wesson, and he sure as heck fire couldn't have read
22 the little logo on the gun to know what it was. That
23 is not believable. This man is a relative of the
24 defendant who told you that. He has an interest to see
25 this guy set free. This story is just wild. It's

CLOSING ARGUMENT BY THE STATE

1 wild. And what is even wilder is, just like we heard
2 this morning from his counsel, oh yeah, I already
3 talked to him, I already talked to him, shooting in
4 Allendale. Allendale City turned over to SLED. Who
5 did you talk to? Fairfax Police Department. Who else
6 would you talk to about a shooting in Allendale but the
7 Fairfax Police? An officer that he couldn't name.
8 Bounced around a couple of different names. Do we
9 really believe -- do we really believe? This is a
10 small town. This is a tight-knit community, and that
11 goes double for law enforcement. Do we really believe
12 he said, Hey, I saw a second gun at that shooting, and
13 that Fairfax wouldn't have told SLED or at least
14 Allendale PD? Come on.

15 To believe him, you have to believe that somebody,
16 Mr. Granger, or somebody else came up to the apartment,
17 saw three guns, knew which was the right one to leave
18 behind to frame Jamel Williams. You get to the scene
19 and you see someone with a gunshot to the head, they
20 don't know which one did it. But they knew which was
21 the right one to take. And took two guns. Well,
22 actually, he said only one gun. It is just not
23 credible at all. It defies logic.

24 And that is because he came here, did y'all notice
25 this, to tell his truth. That is what he said. He

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1 said, I am here to tell my truth. Not the truth, my
2 truth. And he's got that in common with somebody else,
3 the last witness. The most important one of all. You
4 heard from the Defendant three times. An interview not
5 even 24 hours after, the morning after. This one right
6 here. I don't think that that time stamp is correct.
7 Supposedly it was around 11, I think was the testimony.
8 But we know that the date is right. 3-22-18. The
9 shooting, the murder was the night before. This was
10 the perfect opportunity. Well, maybe not perfect.
11 Perfect would have been, shoot somebody, shoot another
12 guy, go back and lock yourself in your own room with
13 the gun and call the police. That would be perfect.
14 That would be the perfect way to do self-defense,
15 defense of others, defense of habitation. Not to flee.
16 How do you defend your home by fleeing? That would be
17 perfect.

18 But let's just say, let's just say that he came in
19 on this morning and didn't just sit there asking, What
20 happened? Oh, somebody got hit? How many people got
21 hit? You know that. When they say somebody got hit he
22 said, How many people? Because he knows that he shot
23 them both. They didn't say that two people were dead.
24 He knows exactly what is going on. And he knows that
25 he's about to spin a whopper. He says he was outside

CLOSING ARGUMENT BY THE STATE

1 when the shots went off. And then he ran, well, yeah,
2 I mean, you ran way from your home and you are outside
3 and you hear shots going off and you don't know where
4 they are coming from. I get that. But that is just
5 the first story.

6 He keeps going. It is a different story every
7 time. But let's just say that he did come in and told
8 the chief, my truth, all right. Let's say that he came
9 in and said, Oh my God, I have got to tell y'all, and
10 oh, by the way, I just told the officer outside too,
11 who walked me in and introduced me, but I'm here, I
12 cannot believe the last half day, 14 hours, whatever.
13 I never thought this would happen. I shot two people.
14 I can't believe it. I guess maybe I have heard, you
15 know, heard around that I may have killed this guy.
16 And I shot another guy. I'm so sorry, I'm hear to
17 answer any question that you have.

18 But they were waving guns around. They were
19 attacking me. They were robbing my friends. And I
20 have little children in the house. And I just felt,
21 when they pulled the gun out for the last time, that I
22 needed to do something about it in my home. Let's say
23 that he told that story on the 22nd, that would make
24 sense. If that were true. The perfect opportunity.
25 And what is he doing? Lounging and smiling.

CLOSING ARGUMENT BY THE STATE

1 Two days later he has had a chance to think and he
2 knows he's in trouble now, he asks to speak with them
3 again. And so, when we start that interview, you are
4 thinking, okay, he's going to, he's going to come
5 clean. It takes an hour -- y'all watched the whole
6 thing. It takes him an hour to even say that he pulled
7 the trigger. He doesn't come up with it on his own.
8 Special Agent McCallister, she told you the technique,
9 you offer him an out. Because any information is good
10 information. We need to know, so if they will keep
11 talking, we want them to talk.

12 So, she offers up that hypothesis. Because, what
13 does he say before? Where is the gun that shot them,
14 where is the gun that shot them? He knows where the
15 gun that shot them is, he told you this morning. He
16 told you this morning, he dropped it right where he did
17 it. But he's asking them, where is the gun that shot
18 them. I can't figure that out.

19 He's not confessing, not for an hour, not until
20 she pulls it out of him like a string. Can you really
21 believe that? If he had a guilty conscious and if he
22 knew that he had done something tragic, would it have
23 taken him that long? Now, I know that he cried. I
24 watched it. I saw him cry. What was he saying when he
25 cried? "My life is over". No, no, no, no. His life

CLOSING ARGUMENT BY THE STATE

1 is over. He has never cried about what he did to Ty.
2 He said, They are setting me up. It can't be a set-up
3 and self-defense, defense of others, defense of
4 habitation. It cannot be the same.

5 Did he show remorse? Did he show fear? He showed
6 remorse for getting caught. He said that, Everybody
7 knew that that boy was connected to powerful people, I
8 think that's what he said. Powerful people from New
9 York. He said that they said that they were going to
10 bring people and kill everyone in the house. One
11 minute later, what does he say, well, I didn't know his
12 family. He literally said that. Everybody knew, but I
13 didn't know that. How could he rely on everybody knew
14 their reputation, these guys were dangerous and serious
15 people. But he didn't know it at the time, he only
16 found out later. You can't use it if you didn't know
17 about it. It doesn't make sense.

18 And by the way, who are these people? A kid, a
19 high school senior from Allendale. Everybody knew that
20 he had powerful people in New York. The guy from New
21 York is from New York, so he's half right. He doesn't
22 know him. Nobody knows him. Nobody even knew his
23 name. And everybody who saw him said he was cool. He
24 was asking about the tablet. He wasn't threatening
25 anybody, he wasn't starting anything. It doesn't make

CLOSING ARGUMENT BY THE STATE

1 sense.

2 More than half an hour into that interview he's
3 still saying that he heard the shots. Nearly an hour
4 in, I know it's here, he finally said he shot him. One
5 minute later, he said, No, I didn't shoot him. He's
6 not telling them, I am sorry, I exercised self-defense
7 and I want to help you. He's trying to get out of it
8 because he knows he's at fault. That is why he's
9 crying.

10 And it continued today. He said that the shots
11 were with the lights off in a crowded room. He didn't
12 know where the shot went, he didn't know what gun. He
13 didn't know which gun was that first shot. Just on and
14 on and on and on. He says that he, right before this,
15 he told us today, yeah, I told the officer outside that
16 I was involved in the shooting. And then he came in
17 and he denied everything.

18 He went there, and then he called two days later,
19 Katie McCallister, and then he came up on this stand to
20 tell his truth. You are going to go in the jury room
21 and tell us the truth. What is that truth? The truth
22 is that he senselessly stole Tyrek Mitchell's life. He
23 shot a young man, a student, in the head twice and in
24 the arm. He fled the home he claims to be protecting.
25 He shot another man that he hadn't seen in several

CLOSING ARGUMENT BY THE STATE

1 minutes who was checking on his cousin, shot him in the
2 mouth and dropped the gun.

3 Remember what else Chad Smith told you? There's a
4 misfired bullet. He kept shooting. And it is a
5 miracle that this isn't a double murder. Let's say,
6 let's just say that you believe all of this stuff about
7 Ty, let's just say you do for the sake of argument,
8 then this man, I don't want you to forget him, I
9 definitely don't want you to forget his cousin, but you
10 do not forget him either, he comes to protect his
11 cousin and he gets shot in the face. How do you commit
12 self-defense in two directions if there was no other
13 gun?

14 Let's just say, let's just say that you decide to
15 acquit him for murder, you cannot -- you cannot say
16 that this was not an attempted murder right there
17 because he is not defending himself, he has not seen
18 this man. And it is not imminent. And there's not no
19 other way to avoid the danger, period. He shot them
20 both and he meant to do it, he did it in cold blood,
21 and then he ran away. And then he lied and he lied and
22 he lied. Why? The truth shall set you free, so why
23 lie? He lied because he was wrong.

24 Mr. Plexico likes to talk about how he defended
25 America. This was wrong in America. This was wrong in

CLOSING ARGUMENT BY THE STATE

1 South Carolina. And this is wrong in Allendale. Go
2 into that jury room, tell us the truth and give justice
3 to these men.

4 THE COURT: Mr. Plexico.

5 MR. PLEXICO: May it please the Court, Your Honor.

6 THE COURT: Yes, sir.

7 CLOSING ARGUMENT BY THE DEFENSE

8 MR. PLEXICO: Mr. Solicitor, Madam Forelady,
9 ladies and gentlemen of the jury, I'm delighted to be
10 here. And I know that I have a lot to talk about.
11 Don't get angry at me if you get hungry now. I get to
12 get my fair shot too. I want to make this real easy
13 for you.

14 I appreciate Mr. Evans going over all of the stuff
15 in detail. But I'll begin with, give y'all some food
16 for thought. I don't care if the other people had a
17 gun. First off, what do we have? We have got a group
18 that came over. I think that no reasonable juror could
19 disagree with that. We have the apartment number too.
20 Who lives there? My client, the women, and the
21 children.

22 No reasonable juror could disagree with the fact
23 that this group, including Mr. Granger, Tyrek, and Man
24 Man, Devontre Priester, did not live in that apartment.
25 So, we have got the people in the home. We have got

CLOSING ARGUMENT BY THE DEFENSE

1 the other group. Okay. I don't think that there's
2 anything to dispute. Okay.

3 Now, a person in the home, I don't care whose
4 home, in America or Allendale or Kentucky or wherever
5 else it is, now you can't have people walking in your
6 house. What do you do? Hey Beau, you hit the road
7 walking, what are you doing in my home. You get out.
8 Nobody is going to disagree with that. That would be
9 the homeowner's right. That would be the person who
10 lives there. Fellow, hit the road walking, get out.
11 They have got a right to eject you. All right. We all
12 agree there. Nobody. How many times did you have to
13 hear from the witness stand, nobody invited them in.
14 They barged in, bum rushed. All right.

15 Now, we have got Tyrek inside unquestionably. No
16 reasonable jurors are going to say that somebody
17 invited them in. No reasonable juror is going to say
18 that. So, we have got a man in his home. Okay. Now,
19 he's in his home ordering an invader to leave who comes
20 up, assaults him and attempts to take an item from him.
21 I don't care if it's a candy bar. You know what I call
22 that in America? A robbery.

23 When you try to take my gun from me in my home as
24 I order you to leave my home and you attack me, what is
25 going to happen? Bam, bam, bam, bam. And I have got

CLOSING ARGUMENT BY THE DEFENSE

1 every right to do it. And no reasonable juror can
2 disagree with that.

3 Now, that takes care of Tyrek. Now, let's address
4 him. When the other invader, who has already been put
5 out, comes back in my house after I just shot that man
6 and he's coming in uninvited, bam. He is getting a pop
7 in the head too. And who is going to say that is
8 wrong? Who is going to say that you cannot defend your
9 home? Who is going to say that you have to stand there
10 in your own home and have stuff stolen off of you?
11 Where is that going to happen? Not in America. Not in
12 America.

13 They read this case wrong from the start. What
14 has happened to that man is just wrong, wrong. And of
15 course he freaked out. They want to concentrate on all
16 of this other stuff. He is not a smart man, but nobody
17 can dispute what I just said. It just can't be
18 happening.

19 And then he doesn't have -- you don't have rights
20 because you are white or you are black or you are rich,
21 or you are poor or you are powerful in Washington or
22 you are a peon here somewhere under a rock. We all
23 have the same right to defend ourselves, to keep our
24 property. And you can't just barge into somebody's
25 house, attack them and take stuff off of them.

CLOSING ARGUMENT BY THE DEFENSE

1 What is wrong with this prosecution? From the
2 start, a hundred percent, everything. It is just
3 wrong. It is just -- it is discombobulated. I cannot
4 understand what is happening in this case, why this man
5 is on trial today.

6 Now, I want to go into some of the detail. Don't
7 forget the way that I opened because there's no way
8 that they are -- the other people were just in the
9 wrong. You try to do stupid stuff, you try to rob a
10 man in his home, you might get shot. Okay. You might
11 get shot. And if you do and you know, don't go
12 uninvited into people's homes and try to take stuff off
13 of them. All right.

14 Now, I have to catch my breath after that. If you
15 give me a second. Now, they have to disprove beyond a
16 reasonable doubt self-defense. All right.
17 Self-defense is without fault in bringing on the
18 problem. He wasn't invited over. Tyrek wasn't invited
19 over. Okay. Did he bring the problem over? No. What
20 did he do? Leave. Leave. Leave. But they were not
21 leaving, as Joe said, until they got something. And
22 money wasn't enough.

23 My client says they are armed. I have no doubt.
24 Now, why they didn't take the other gun, I don't know.
25 Remember, you had Joe in there, his best friend. Is he

CLOSING ARGUMENT BY THE DEFENSE

1 going to take his friend's gun? Probably. My client
2 freaked out and ran. And they want to blame him for
3 that. Well, it was a horrible experience. Think about
4 how a normal person would react after shooting a couple
5 of people. You know, these are no trained soldiers.
6 Okay.

7 You know, when Captian Ford got there, and one
8 thing that we figured out together, it was about 11
9 minutes plus. All right. So, there was a lot of
10 people around. Anybody could have been in and out.
11 Anybody could have. He had to retrieve his gun, okay,
12 or somebody did, Devontre did. Okay. Someone had
13 plenty of opportunities with all of these people that
14 are standing around.

15 Now, then I would submit where marker F is here on
16 one of these photographs, what makes sense is, by his
17 car he is the one that went in and got the blood on his
18 feet of Tyrek Mitchell and he's over by his car.

19 Now, you know what disturbs me about Mr. Granger?
20 Is that if Mitchell was at school that day and y'all
21 believe, you know, he probably did have that gun. He
22 may have had that gun, did he carry it to school? If
23 he had a mind, he shoots you. There is a guy that I
24 ain't getting along with over in that other class. Or
25 did the big, fancy man from New York have the gun for

CLOSING ARGUMENT BY THE DEFENSE

1 him? Okay. Where did that gun come from? Who was
2 holding it for him? Now, picked him up from school and
3 hung out all day. So, if y'all think he had a gun,
4 what older person is helping him with that? Think
5 about it. In their car. Okay.

6 You know who I would like to have heard from,
7 Bernard Elmore. Who is he? Where is he? In a ditch?
8 I don't know. Devontre Priester didn't come. Now, why
9 couldn't they call the police about the tablet? What
10 was on the tablet? Becuase, you know, the police would
11 want to see the tablet. Was there something on it that
12 they couldn't see? What kind of important information?
13 The man from New York down here in little old
14 Allendale. Okay. What kind of important info did he
15 have on this? I was curious about that, but that is
16 something that we will never know.

17 And how did Granger get in if my client locked the
18 door? That ain't what happened. Give me a minute.
19 (Pause.)

20 MR. PLEXICO: All right. Now, it's kind of
21 laughable, you know. You get a kid, they are easy to
22 impress, you are from Brooklyn, you are a tough guy.
23 Okay. And now it is funny because he can't drive and,
24 you know, he is hoofing it on foot and, you know, he
25 can talk a good game I am sure being from Brooklyn, but

CLOSING ARGUMENT BY THE DEFENSE

1 you know, from his bicycle going down the road. And,
2 you know, he wants to be something that he's not. And
3 he is not a powerful man from New York, he is a guy
4 hitching a ride and riding a bicycle, all right. And
5 that is probably the best way to see him.

6 But children are easy -- young people are easy to
7 impress. You had Ty Mitchell and his best friend,
8 Mr. Loadholt, and what a presentation as a witness for
9 Mr. Loadholt, Joe Loadholt. I won't ever forget that
10 one in my career, and I have been doing this for 30
11 years.

12 Now, why are people best friends? People are best
13 friends because they think alike, they act alike.
14 Okay. They can about predict each other's sentences
15 and finish them for them. You know, that is why --
16 that is what a best friend is. You have the same
17 values. Okay. That is why you get along together.
18 Okay. Okay, all right. That goes for girls and guys.
19 You know, you are just alike.

20 What was his attitude? Joe said, my dog, my dog
21 didn't back down. So you know that he attacked the
22 man, the homeowner. You might as well call it the
23 homeowner, whatever. All right. Let's give a renter,
24 an apartment dweller, and a guy in a trailer, and a
25 lady in a trailer and a man living in a truck the same

CLOSING ARGUMENT BY THE DEFENSE

1 dignity as a homeowner has. Why? Because they all
2 deserve it. No matter how rich or poor, you are living
3 in the White House or the poor house, you have for the
4 same right, the same dignity as the homeowner. All
5 right.

6 Now, so they are good friends. And he says my
7 client, my client was attacking him. Okay. He went up
8 and tussled with him over his own gun in his own home.
9 Who the heck are to do that when you are not even
10 invited and you are not getting out. He stood his
11 ground. He didn't say he was blocked from leaving. He
12 stood his ground and attacked. That is what his dog
13 did, stood his ground and the dog attacked. Joe's dog
14 attacked the homeowner as he was armed in an attempt to
15 take his own gun. You have got to be kidding.

16 What happens when you do something like that?
17 That is how you get shot dead. Why? Becuase it is
18 justified. You go into a home and steal the man's gun
19 out of his hand, not from under his pillow while he
20 sleeps, but steal the gun from his hand. That is an
21 assault and a robbery. Come on. How crazy is that?
22 They read the entire case wrong.

23 Now, who is going to go to the projects at night
24 in a town you don't know? Okay. To find somebody to
25 go collect merchandise that you don't want the police

CLOSING ARGUMENT BY THE DEFENSE

1 to know about, at night, in the projects, unarmed? I
2 would suggest that don't make a whole lot of sense to
3 me. All right. He ain't that big of a guy. All
4 right. You know they had a gun. You know in your
5 heart for them to be that brassy, they had to have a
6 gun because you ain't doing that unarmed. Because you
7 have got some back up. Common sense.

8 Solicitor wanted you to, Could you pretty please
9 give me back the stuff that you stole from me? Come
10 on. They want to portray him like he is just a New
11 York gentleman in a top hat and a cane going to dinner,
12 but you know the truth is not that. The truth is not
13 that.

14 Now, he claimed that he never went in. Everybody
15 else disagreed with that. People that are respectful.
16 That means people who live there. Okay. You know, he
17 testified himself that he said, Don't play with me and
18 he made physical gestures. All right. Well, you know,
19 he got money from Elmore but he denied taking it from
20 him. Now, I don't owe you anything, I did not steal
21 your property. How are you going to get money off of
22 me when you are going to thug me? I am sitting here
23 crying. Do you doubt that he was crying? No. He
24 didn't want to go outside because he knew that
25 something bad was going to happen to him. Okay.

CLOSING ARGUMENT BY THE DEFENSE

1 A mob is running a rich man down by my house. I
2 let him in. The mob comes to my house. I get out my
3 gun and fire in the air and say disperse. Forget that,
4 I get out my gun and point at the mob. Okay. I don't
5 need to say nothing, my gun speaks for me. All right.
6 Now, they come on in to get the rich man, bam, bam, bam
7 because you ain't invading my home. Am I going to
8 jail?

9 Say it was a poor man, say it was a black man, say
10 it was a white man, say it was a widow, say it was a
11 widower I was protecting, I wouldn't go to jail, would
12 I? Because you can't go and invade people's homes and
13 property. You can't do that. I don't care who you
14 are, you can't do it. And I don't care who that
15 homeowner is, they have got a right to stand their
16 ground there. If you ain't safe in your house, they
17 ain't a whole lot of places to go to.

18 Now, how intense had this gotten if he's outside
19 seven to ten minutes. Ronisha said that she was gone
20 for about 30. Okay. And this is going on and on and
21 on and perculating like coffee, and building up. That
22 is what led to the shooting, they wouldn't let it go.
23 What did Joe Loadholt say? He wasn't letting it go
24 until he got the tablet. But there was no tablet. So,
25 there was nothing else for him to do except escalate

CLOSING ARGUMENT BY THE DEFENSE

1 the matter. I don't care who saw his gun or didn't.
2 You heard from two witnesses that said they did have a
3 gun. Okay. And I can flash that up and show you my
4 gun or not. Okay.

5 Now, how quick does that go back down? That
6 doesn't mean Ronisha saw anything, that doesn't mean
7 Latoya saw a gun. Okay. But you know this, they were
8 worried about what was happening and how hyped up Ty
9 was. That was the general description. Okay.

10 Now, you know, he admits, Mr. Granger admits
11 running in that apartment because that is when he got
12 shot. And remember, you know, I pour the concrete, all
13 right, I build the porch, I make sure that it's square
14 to the house and my wife is not breaking her ankle.
15 All right. I put my bench out there. That is my
16 porch. Okay. I go rent a house with a porch, I rent
17 an apartment with a porch, that is my porch. You need
18 my permission to come up on it.

19 And you don't come after being ordered out of my
20 house to barge back in after I had to shoot somebody.
21 Hey, I know what time it is. He is getting plugged
22 too. He is getting plugged too. Because he ain't
23 coming to help me. He ain't coming to console me.
24 That is what happened to him, over a situation that he
25 created over his silliness over a pad and then left

CLOSING ARGUMENT BY THE DEFENSE

1 that young man in there thugging those people in their
2 own home. Okay.

3 So, if you are going to be a robber, be a man
4 about it. Left a boy to do an adult robber's job that
5 he wouldn't do. Put it on the kid. Put it on the
6 teenager. Yeah, we lost a teenager, it is sad. But,
7 you know, you don't go robbing people in their homes.
8 Sorry he put him up to it. He couldn't have said, Boy,
9 you come on with me, I got my money, I am happy. He
10 wasn't happy. He left him to do the job. That is what
11 happened. Think about it.

12 And what did Joe say? They better come up with
13 the tablet. He didn't care about nothing but that.
14 Not the kids, not anybody that would expect to have
15 habitation in their houses or anything else. He said
16 that the house was packed full. He admitted that
17 Elmore was going to get hurt. He was worried, yeah,
18 that he was going to get hurt. Because that is where
19 it was angled. If I give refuge to somebody in my
20 home, ain't nobody coming in there to hurt them. That
21 is just the way that it's going to be. Okay.

22 If you are running down the street and there is a
23 mob after you and I say, Beau, come here. All right.
24 It is like, I don't care if it's a mob or a pack of
25 dogs, I don't have to let a neighbor, just somebody

CLOSING ARGUMENT BY THE DEFENSE

1 that I take a liken to. Okay. If I give -- you know,
2 what do you call that? Human decency. Okay. Oh, no,
3 you have got to go on and get eaten up by that pack of
4 wolves. What has become of us? He wanted to let
5 Elmore stay there, he's crying, he knows that he's
6 going to get hurt, but at least he's doing the decent
7 thing. But now he is a bad man. That is just absurd,
8 totally absurd.

9 You know, and he admitted checking up on his boy.
10 Okay. After the shooting. Another opportunity to take
11 the gun. And remember the other people that were
12 around. So, you know, nobody is there guarding the
13 stuff, ain't no telling what was happening. And you
14 know he bragged about him attacking my client and
15 standing his ground. Okay. And this thing that I
16 heard repeatedly was, It got silent. Okay. And then
17 they heard a gunshot or a break and more gunshots.
18 Silence. There was nobody begging for their life or
19 the women could have heard that. Joe is the only one
20 who said they would want to dramatize it. Okay. Who
21 lost his friend in that thuginess instead of going up
22 and stopping the boy and saying, get out of here, I'm
23 going with you, Dude, you are my bud, ain't nothing
24 going to happen bad here. Okay. Because that is what
25 he should have done. No. No. I mean, think about it.

CLOSING ARGUMENT BY THE DEFENSE

1 None of this stuff here makes a whole lot of sense.

2 So, he couldn't have said that or somebody else would
3 have heard it.

4 And he said Bernard Elmore, crying like a baby or
5 sobbed like a woman. I thought that was sexist, but
6 you know, men can cry too, because they can get scared.
7 They can get scared as a child. A woman can cry. She
8 can get scared as a child. Okay. All right. There's
9 nothing wrong with people having emotions. He was
10 scared. And I am glad that he had an emotion, because
11 it showed his fear. Because that is what it was. All
12 right. And I'm innocent. I'm innocent is what he is
13 saying. He didn't get -- he wasn't going to get a
14 trial. You heard from Ronisha. Ronisha tried to get
15 them out repeatedly. Okay.

16 And the robbery happened, she was inside. Okay.
17 Now, the robbery happened on the stoop. They wouldn't
18 have known about that. Okay. Then the stuff moved
19 inside. And then he leaves, leaving Tyrek in there
20 after Tyrek rushes in. You know, she was never asked
21 by the solicitor exactly what she heard. You know,
22 they simply -- Ty may simply not have flashed his gun
23 in front of her. All right. Who was the point?
24 Bernard and Jamel, that was the point. Okay.

25 Now, you heard from Latoya. All right. She

CLOSING ARGUMENT BY THE DEFENSE

1 wasn't asked exactly what she heard either. She said
2 that Bernard let himself in, and that was unusual. He
3 was seeking some help. Jamel lived there, you know.
4 He bought household goods. Everyone told him to leave.
5 She told him to leave five or six times herself.

6 And she talked about how hyped up Ty Mitchell was.
7 And that is the one that you see in the picture over
8 here. All right. And how he had taken his jacket off.
9 And they were determined to get what they wanted. And
10 she doesn't know what happened after she left. She was
11 gone, she says, about 30 minutes. Okay.

12 And after the shooting the door was wide open.
13 You know, I'll talk to you a little bit about -- I'm
14 sure that there is a lot of stuff that I've missed. I
15 know that you are hungry and I thank you for being
16 patient with me. You know, Jamel loved those kids, and
17 that is true.

18 And I have another supposition for you. And of
19 course, essentially what the SLED agent testified to,
20 Ms. McCallister, is we give somebody an out. In other
21 words, we mislead you and lie to you, okay, to get a
22 confession from you. Okay. We give you an out in
23 order so you say you did it because this is an
24 investigative technique, lying is okay if you are a
25 government officer. Okay.

CLOSING ARGUMENT BY THE DEFENSE

1 Well, what happens when what they are trying, they
2 are using, the fact that they are using is the same
3 fact that motivated you to act? Does that make why he
4 did it in the first place a lie? Who was in the house?
5 Jamel, the kids, and the women. And like I said, I
6 respect a man that stands up for women and children in
7 America today because it doesn't look like to me I see
8 a whole lot of people do it, unfortunately. All right.
9 You know, all you see are broken homes and divorces and
10 just unhappy people it seems like. I wish we had more
11 togetherness and family, unfortunately we don't.

12 But, you know, the man testified, I don't have any
13 children. I tried, but I, you know, keep coming up
14 short. You know, that happens to some of us. But, you
15 know, he is welcome over there, he contributes to the
16 household, takes care of the kids, acts like an
17 appropriate parent. Okay. I'm sure that he's enjoying
18 that little bit of fatherhood because that is
19 probably -- which was taken away from him -- probably
20 all that he is going to get. He won't ever have his
21 own kids.

22 There's nothing wrong with that. Because they hit
23 on that and used that, that is fine, it doesn't make it
24 less true. It doesn't give him less of a right. I
25 don't care who Johnny or Javare Homeowner is, with his

CLOSING ARGUMENT BY THE DEFENSE

1 sister staying there or/and their children, I don't
2 care where it is at, whether it is at that apartment or
3 anywhere else, he would have a right to defend his
4 sisters and defend his nieces and nephews. Wouldn't
5 he? I don't care if it's Johnny, Javare or a fellow
6 named Jamel. They would all have the same right.
7 Okay. And we can't let him lose that right. That is
8 very important.

9 I'll talk to you a little bit about the law. The
10 Defendant is presumed to be innocent. They have to
11 take away -- this is like a robe of righteousness, the
12 Judge I think will tell you. Whatever I say about the
13 law doesn't matter, what Her Honor says about the law,
14 she is the judge of the law. Y'all take that as
15 scripture. Not what I say or what the Solicitor says.

16 Y'all are the judges of the fact. Y'all determine
17 what the facts are in view of what the law is. And
18 nobody can take that right away from you. Individually
19 your conscious must be clear that you have followed
20 your oath. And as a group you need to be clear you
21 have followed your oath and done what was right.

22 And that presumption of innocence, they have to
23 overcome that. That by itself, you can just stop it
24 and say, no, not guilty. All right. Now, they have to
25 disprove self-defense beyond a reasonable doubt. There

CLOSING ARGUMENT BY THE DEFENSE

1 ain't no question about, did my client shoot them.

2 Yeah. Is there self-defense? That is number one. Can
3 I attack a man in his own home and rob him of any
4 chattel, of any goods, of anything after I have been
5 ordered to leave? That is ridiculous. That is just
6 crazy. Of course not. Of course he has got to have
7 self-defense. It just stops there.

8 Then can he invade my client's home to back up the
9 man I just had -- was justified in shooting? Blank no.
10 He gets shot too. That is over and done with. All
11 right. Who caused the problem. Because I leave my
12 back-up nearby when I rob the bank doesn't make me less
13 of a bank robber, does it? No. No. Just think
14 general here, common sense. Common sense.

15 Okay. Now, he also -- you have to overcome
16 defense of others. What about the nut? Just how nutty
17 was Joe going to get? He can act on appearances. If I
18 think he's getting nutty and I'm getting threatened, I
19 am getting assaulted, the women or the children can
20 easily be hurt, and he also has a right to defend them.
21 Because you can't do that in someone's home.

22 And then you have defense of habitation. Defense
23 of habitation is different. Okay. You think that you
24 are going to reasonably get assaulted. Okay. You or
25 an occupant or a guest, you have got a right to defend

CLOSING ARGUMENT BY THE DEFENSE

1 yourself and your home and the curtilage. The
2 curtilage is the garden, the yard, the door stoop, the
3 porch. Okay. The foyer. Whatever you have an
4 exclusive right to the curtilage around the building.
5 Okay. It is called defense of habitation. Okay.
6 Listen to that.

7 You have got self-defense, defense of others, and
8 then you have defense of habitation. That is when,
9 what happened in one of those movies with the little
10 middle earth and lower earth and upper earth where they
11 fell back through the keep. Remember the knights got
12 out and they got on their horses and fell back through
13 the keep. And then the little midgets and all came and
14 attacked the keep. What was that? It was the cas --
15 the keep was the big castle carved into the rock.
16 Okay. Your final stand. A man's castle is his home.
17 That is your final stand. It is called defense of
18 habitation. You defend it like a castle. Listen to
19 her standards when she gives you that on defense of
20 habitation. And you will see that that is also a
21 defense to my client's actions in his own home.

22 Now, I know there's another thing. To find a
23 murder of Tyrek Mitchell, it is the -- murder is the
24 unlawful taking of a life by another with malice
25 aforethought, all right, expressed or implied. Now,

CLOSING ARGUMENT BY THE DEFENSE

1 that is what you have got to have for murder. Now, I
2 pull out my gun and just shoot Joe, I mean to do it.
3 You can have that malice just for a second. But I
4 stand there and I'm ordering you out of my house, and
5 then you attack me. How could that man ever have
6 malice? He couldn't have malice. They ain't supposed
7 to be there to start with. He couldn't have malice.
8 All right.

9 And he has to intend to kill him with an evil
10 heart. Not when you are ordering somebody off of your
11 property and they attack you, that is not malice. It
12 couldn't be murder.

13 Then you have got attempted murder where you have
14 to have, not malice expressed or implied, but you have
15 got to have for attempted murder a specific intent to
16 commit murder. It is an intent to commit murder, a
17 specific intent. When that man invaded, came back to
18 re-invade the house after you shot somebody that wasn't
19 a murder, you couldn't have that specific intent to
20 murder. You meant to stop him and defend your castle,
21 defend your keep, defend yourself, defend the children,
22 and defend the women.

23 And for self-defense, you have got to be without
24 fault in bringing on the difficulty. He wasn't part of
25 that craziness that they brought over. I just -- I

CLOSING ARGUMENT BY THE DEFENSE

1 just happened on the door step from somebody who was
2 trying to get to safety who said that you are accusing
3 me wrongly. And then you have got -- he had to be in
4 imminent danger. I mean, yeah, if you attack a man who
5 is holding a gun and you are trying to take a gun from
6 him, let's say that I'm not even armed, that is
7 dangerous. And I'm being ordered out, out of the house
8 and I go on the attack. Yeah. That is what happens.
9 Okay. That is how you get shot. Okay.

10 Now, you have a right to act on appearances.
11 Okay. And something else is, let me say this before I
12 move to that: Words, okay, combined with actions, you
13 can, I am going to F this place up, you are going to
14 get hurt, I'm getting my tablet or whatever evil was
15 testified to that he was saying, I can act on that.
16 Okay.

17 You ain't supposed to be here anyway. You coming
18 in and saying somebody is going down. Whoa, man, this
19 is my keep, this is my castle. All right. You come
20 play with me, you are playing for keepsies in my
21 castle. All right. I mean, that is just wrong. You
22 have got a right to stand your ground.

23 The Judge is going to tell you, I believe, that
24 you have the right to act on appearances in
25 self-defense. All right. And you have got to look at

CLOSING ARGUMENT BY THE DEFENSE

1 all of those hostile acts. And you put the words with
2 the hostile acts about, He is going to get it or else,
3 that is -- you can act on that. And act in
4 self-defense. Of course, it always has to be
5 reasonable. But if I'm threatening your life or the
6 life of others, well you know, one for the other.

7 What did Joe Loadholt say? Take a life to keep a
8 life, as if the invader -- I mean, this is street talk.
9 As if the invader of the castle could go shoot the
10 knight defending the gates and say, Take a life to keep
11 a life. This isn't the way it works. Okay.

12 And, you know, prior difficulties. I woke up in
13 bed last night and sat up. I do that sometimes. And I
14 just didn't think prior difficulties fit into the case.
15 Once he left and the difficulty was him robbing
16 somebody on his stoop was gone, that severed it, it was
17 over. When he ran back up, based on the fact that he
18 got that money, okay, through a gun, threats, what have
19 you. You don't even have to believe it was a gun,
20 because it could have been a common law robbery. A
21 robbery is a robbery, whether it's armed, okay, or it's
22 just a snatch and grab. All right. A robbery is a
23 robbery.

24 Now, okay, he just witnessed a robbery. You know
25 he got the money. All right. From an unwilling man

CLOSING ARGUMENT BY THE DEFENSE

1 that took persuading. And you know it wasn't lawful.
2 Now, you just witnessed that. That is a prior
3 difficulty. Now, prior difficulty with Mr. Granger is,
4 he is a robber, I just had to shoot his accomplice,
5 okay, and he's invading my house. Bam. Completely
6 justified. Completely justified. Completely
7 justified. Then threats can be considered. Don't
8 think about those threats.

9 Now, the Judge is also going to tell you there is
10 no other way to -- you know, you are going to have to
11 find he didn't have any other way to avoid the danger.
12 When he got out his gun and said, Hey, you are not
13 hurting anybody in here, you have got to get out, and
14 then he gets attacked. What can he do? There is no
15 other way to avoid the danger. He didn't cause it. He
16 has got a right to protect his home. Unless, of
17 course, you want to say, him, that citizen, for some
18 reason, doesn't have a right to protect himself. Okay.

19 And everybody has a right to self-defense. I
20 don't care if you are a prior criminal or not. Okay.
21 And I don't care if you are in lawful possession of a
22 gun, it could be a stolen gun. I don't care. I'm not
23 in possession of it lawfully. But I think that you
24 should consider that everybody has the right to
25 self-defense. And you can lawfully defend yourself

CLOSING ARGUMENT BY THE DEFENSE

1 whether you are supposed to have a gun or not. I think
2 that is an important issue.

3 Remember what I said to start with. Just take
4 away all of this. Okay. Just get down to the real,
5 bear facts. You can't come in the home, okay, being
6 ordered to leave, uninvited, and start taking property.
7 When I go in your house, or not your house, but I go in
8 a house, uninvited and take property, Mr. Plexico goes
9 to jail for burglary if you are not home. And if I'm
10 taking your wallet or your ring off your finger or the
11 cake or the gun out of your hand, then I'm going to
12 jail for robbery. And if I have a gun, I'm going to
13 jail for burglary and armed robbery. That is what
14 happened to these people. And they didn't see it, they
15 didn't get it.

16 You get in a fight. I might not start it. I win
17 the fight. I pulverize the other guy. Well, you know,
18 he shouldn't have been jumping on me. He won't be
19 doing it in here, I assure you. All right. But I'm
20 reasonable. But, you know, I twist my fist, my fist a
21 little better when I pop him above his eye and that
22 cuts your eye. Okay. They teach boxers to do that.
23 All right. And he's all bloody. You know. I can
24 dance better than him. Okay. I'm not hurt. I got a
25 bloody lip. They look at him and go, Oh, he was

CLOSING ARGUMENT BY THE DEFENSE

1 excessive. The police would misread the situation by
2 arresting me, okay, and not investigating further.

3 They jump the gun and did the easy thing. All
4 right. They didn't read the situation right. Give him
5 his rights back. Think for the police. You cannot
6 abandon the fact that he has a right to defend himself
7 and they are just all clearly in the wrong. He has
8 nowhere else to go.

9 I can appeal. I don't think I have ever heard of
10 a successful appeal with the Judge, but if she makes an
11 error of law you can appeal an error of law to the
12 appellate court. And they will correct an error of
13 law. There is no such thing as an error of fact. And
14 what is your sworn duty? It is to decide what the
15 facts are. If you misapply the law and misapply the
16 facts to the law and come up with the wrong verdict,
17 you can never change it. Stand your ground.

18 I am asking you, return a verdict of not guilty.
19 They could not, in all honesty, have proved beyond a
20 reasonable doubt, a doubt for which you can give a
21 reason, he did not have the right to self-defense,
22 defense of others. And he did not have the right to
23 defense of habitation. Then, even if you don't, can't
24 agree on that, in this situation, there is no malice
25 that is required for murder. And there's no expressed

CLOSING ARGUMENT BY THE DEFENSE

1 malice that is required for attempted murder.

2 And if you don't find him guilty of murder or
3 attempted murder, he can't be found guilty of
4 possession of a weapon during the commission of a
5 violent crime because that is the two violent crimes.
6 The predicate must come first before he can be guilty
7 of having a weapon when he did them. Possession of a
8 weapon is like an Adam charge. Okay. But then -- it
9 is okay that they had a weapon, he didn't commit
10 murder, he can't be guilty of the third one.

11 And he didn't commit attempted murder. I don't
12 think they crossed the bar, nearly, that they needed to
13 prove beyond a reasonable doubt that he's guilty. It
14 would be incredulous and wrong to bring back guilty
15 verdicts in this case.

16 I want to thank y'all for your time. And I'm
17 sorry for losing my breath to start with, but I just
18 feel impassioned about the case and that is -- you
19 know, I have to argue it from the heart. Thank you
20 very much.

21 THE COURT: All right. Ladies and gentlemen, your
22 pizza is back there. So what we are going to do right
23 now is we are going to go ahead and take a break, I'll
24 send you back to your jury room. I want you to eat
25 your pizza. Do not begin discussing the case. I have

CLOSING ARGUMENT BY THE DEFENSE

1 not charged you on the law applicable to it. Grab a
2 bite.

3 Ladies and gentlemen, I just need you to knock on
4 the door when you are ready to come back in. Okay?
5 And again, go ahead and eat. And as soon as you are
6 done, ladies and gentlemen, let us know because we will
7 be waiting on you. Okay. Thank you. And do not
8 discuss the case.

9 (The jury exits the courtroom at 1:25 p.m.)

10 THE COURT: We will be in recess for about 20
11 minutes or so. I am going to ask, I don't want y'all
12 to go anywhere. I think they will be back pretty
13 quick. And we can charge, and once I charge I think
14 that they are going to need a little bit of time, so at
15 that point if you want to run home and grab a bite you
16 can. But let's just sit tight. If you have something
17 in the building or around, that will be fine. Okay?

18 MR. EVANS: Thank you, Judge. Just for the
19 record, I guess the bell is rung, but I was planning to
20 offer a brief rebuttal. I do realize that we went
21 long.

22 THE COURT: I apologize. I didn't mean to cut you
23 off. You can go ahead and do a brief rebuttal. Let
24 them eat and then I'll let you do a brief rebuttal. I
25 apologize. Absolutely, absolutely. Okay.

CLOSING ARGUMENT BY THE DEFENSE

1 MR. EVANS: Thank you.

2 (Brief recess.)

3 THE COURT: Please be seated. Wait a sec, we
4 need your client.

5 MR. PLEXICO: Yes, ma'am.

6 THE COURT: No objection?

7 MR. EVANS: No, Your Honor.

8 THE COURT: Okay. Mr. Plexico, the law clerk
9 showed you the verdict forms. Any objection?

10 MR. PLEXICO: No objection.

11 THE COURT: Okay. I will come out and tell the
12 jury that you are allowed rebuttal because you carry
13 the burden and then I'll start the charge. All right.
14 So, let them in.

15 (The jury enters the courtroom.)

16 THE COURT: Thank you, Your Honor. Welcome back,
17 ladies and gentlemen. I hope that you had a chance to
18 grab a bite of pizza. Ladies and gentlemen, at this
19 time the Plaintiff has an opportunity to respond to the
20 defense because, that is the State, and the reason is,
21 is the State has the burden of proving the Defendant's
22 guilt on all of the charges beyond a reasonable doubt
23 so he is allowed a short response to what the Defendant
24 said in his closing. So, Mr. Evans, whenever you are
25 ready. And just after that I will charge.

REBUTTAL CLOSING ARGUMENT BY THE STATE

1 REBUTTAL CLOSING ARGUMENT BY THE STATE

2 MR. EVANS: May it please the Court. Mr. Plexico.
3 Ladies and gentlemen, I will be brief. Mr. Plexico's
4 closing argument dealt a lot, talked a lot about what
5 it means to be a man. Well, man doesn't lie if he's
6 done the right thing. He talked to you about his
7 castle. A man doesn't flee his castle. That is the
8 point. And he did.

9 A man can beg for his life. Still nothing
10 contradicting that testimony. Ty begged for his life.
11 He asked you, how did Granger get in if my client
12 locked the door. He didn't get in. His blood was all
13 outside. He wants to have it both ways. He wants you
14 to believe that Joe Loadholt stole that gun. But he
15 also wants you to believe that his witness, Myers, saw
16 the same gun. Loadholt was in the room. Myers said he
17 heard it from his car. You can't have it both ways,
18 ladies and gentlemen. It doesn't add up, just like the
19 rest of the story.

20 It is his truth. Tell us the truth. Go find him
21 guilty.

22 JURY CHARGE

23 THE COURT: Ladies and gentlemen, you have
24 followed very patiently and listened very attentively
25 to the presentation of the evidence in this case, and I

JURY CHARGE

1 want to thank you for that. It now becomes the duty of
2 the trial judge to charge and instruct you on the law
3 that is applicable to this case. And as jurors, it is
4 your duty to accept and apply the law as the Court will
5 now state it to you. As jurors, it is your exclusive
6 duty to determine all issues of fact in this case. You
7 must determine the effect, the value, and the weight of
8 the evidence.

9 Now, both the State and the Defendant, Mr.
10 Williams, have the right to expect that you will
11 carefully consider and evaluate the evidence and apply
12 the law of the case to the evidence. And by doing
13 this, both the State and the Defendant will receive a
14 fair and impartial trial in this matter.

15 Now, the State of South Carolina, by the Bills of
16 Indictment in this case, charges the Defendant Jamel
17 Williams with the offenses of murder, attempted murder,
18 and possession of a weapon during the commission of a
19 violent crime.

20 Now, I remind you that the fact that the Defendant
21 was arrested, charged, and indicted in this case is not
22 evidence in this case and cannot be considered by you
23 as evidence of guilt in this case. Nor does it create
24 any presumption or inference of guilt.

25 An indictment is simply the formal written

JURY CHARGE

1 instrument which contains the charge made against the
2 Defendant. It is the formal document by which the case
3 is brought into this courtroom.

4 Now, the Defendant, Mr. Williams, has pled not
5 guilty to these indictments. And that plea puts the
6 burden on the State to prove the Defendant guilty
7 beyond a reasonable doubt. Now, a person charged with
8 committing a criminal offense in South Carolina is
9 never required to prove himself innocent.

10 I charge you that it is an important rule of law
11 that a Defendant in a criminal trial, no matter what
12 the seriousness of the charge may be, will always be
13 presumed innocent of the crime for which an indictment
14 was issued unless guilt has been proven by evidence
15 satisfying you, the jury, of that guilt beyond a
16 reasonable doubt. And this presumption of innocence
17 does not end when you begin your deliberations, but it
18 accompanies the Defendant throughout the trial until
19 you reach a verdict of guilt based on evidence
20 satisfying you of that guilt beyond a reasonable doubt.

21 Now, the presumption of innocence is like a robe
22 of righteousness that is placed about the shoulders of
23 the Defendant and it remains with the Defendant until
24 it has been stripped away by evidence satisfying you of
25 the Defendant's guilt beyond a reasonable doubt.

JURY CHARGE

1 The presumption of innocence is not a mere legal
2 theory. It is not just a legal phrase we use. It is a
3 substantial right to which every Defendant is entitled
4 unless you, the jury, are satisfied, from the evidence
5 of the Defendant's guilt beyond a reasonable doubt.

6 So, what is a reasonable doubt in the law? A
7 reasonable doubt is the kind of doubt that would cause
8 a reasonable person to hesitate to act in their most
9 important decisions.

10 The State has the burden of proving the Defendant
11 guilty beyond a reasonable doubt. And, again, the term
12 must be given its plain and ordinary meaning. Again,
13 to the extent that I may define it for you, a
14 reasonable doubt is the kind of doubt that would cause
15 a reasonable person to hesitate to act in the most
16 important of their personal decisions. The Defendant
17 is entitled to every reasonable doubt arising in this
18 case. If, upon any issue of fact essential to a
19 conviction, you have a reasonable doubt as to how that
20 issue should be resolved, you must resolve that
21 reasonable doubt in favor of the Defendant.

22 Now, some of you may have served as jurors in
23 civil cases where you were told that it was only
24 necessary to prove that a fact is more likely true than
25 not true, and we call that by the greater weight or the

JURY CHARGE

1 preponderance of the evidence. In criminal cases, the
2 State's proof must be more powerful than that. It must
3 be beyond a reasonable doubt.

4 Suspicion, no matter how strong, is insufficient
5 to convict a person charged with a crime. That the
6 facts and circumstances presented may seem suspicious
7 and the Defendant's guilt may seem probable, this is
8 not sufficient in the law to convict.

9 Proof beyond a reasonable doubt is proof that
10 leaves you firmly convinced of the Defendant's guilt.
11 Now, ladies and gentlemen, there are very few things in
12 this world that we know with absolute certainty. And
13 in criminal cases the law does not require that proof
14 overcomes every possible doubt. If, based on your
15 consideration of the evidence, you are firmly convinced
16 the Defendant is guilty of the crime charged, you must
17 find the Defendant guilty. If, on the other hand, you
18 think there is a real possibility that the Defendant is
19 not guilty, you must give the Defendant the benefit of
20 the doubt and find him not guilty.

21 Now, I remind you that, during this trial, you and
22 I have certain duties to perform. As a judge it is my
23 responsibility to preside over the trial of this case,
24 and I also have the duty to rule on the admissibility
25 of evidence that was offered. You are to consider only

JURY CHARGE

1 the competent evidence before you. You are to consider
2 only the testimony which has been presented from the
3 witness stand and any other exhibits which have been
4 made a part of the record.

5 I have the additional duty to charge you the law
6 that is applicable in this case. I am the sole judge
7 of the law. And it is your duty as jurors to accept
8 and apply it as I now state it to you. If you have any
9 idea as to what the law is or what you think the law
10 ought to be and it does not agree with what I now tell
11 you the law is, you must abandon this idea because you
12 are sworn to accept the law and apply the law exactly
13 as I state it to you.

14 In every case tried in this court before a jury,
15 the jury is the sole and exclusive judge of the facts.
16 A trial judge cannot intimate, comment on, or make any
17 statement to a trial jury about the facts in a case.
18 And since you, the jury, are the sole judge of the
19 facts in this case you are not to infer from what I
20 have said during the progress of this trial, in ruling
21 upon the admissibility of evidence, or otherwise, or
22 anything that I say now during the course of this
23 instruction to you that I have an opinion about the
24 facts in this case. The law does not allow me to have
25 an opinion about the facts in this case. Again, this

JURY CHARGE

1 is a matter solely for you, the jury, to determine.

2 Now, you must not consider for any purpose any
3 offer of evidence that was rejected or stricken by the
4 Court, or that you were told by the Court to disregard
5 as not appropriate. Such matter is to be treated as
6 though you had never known of it. You are to consider
7 only the competent evidence before you. And if there
8 was any testimony ordered stricken from the record
9 during the trial, you must disregard that testimony.
10 You are to consider only the testimony presented from
11 the witness stand, and any exhibits which have been
12 made a part of the record, and any stipulations of
13 counsel.

14 Now, there are two types of evidence which are
15 generally presented during a trial: direct evidence and
16 circumstantial evidence. Direct evidence is the
17 testimony of a person who claims to have actual
18 knowledge of a fact, such as an eyewitness. It is
19 evidence which immediately establishes a main fact to
20 be proved. Circumstantial evidence is proof of a chain
21 of facts and circumstances indicating the existence of
22 a fact. It is evidence which immediately establishes
23 collateral facts from which the main fact may be
24 inferred. Circumstantial evidence is based on
25 inference and not on personal knowledge or observation.

JURY CHARGE

1 Ladies and gentlemen, crimes may be proven by
2 circumstantial evidence. The law makes no distinction
3 between the weight or value to be given to either
4 direct or circumstantial evidence. However, to the
5 extent the State relies on circumstantial evidence, all
6 of the circumstances must be consistent with each
7 other, and when taken together, point conclusively to
8 the guilt of the accused beyond a reasonable doubt. If
9 these circumstances merely portray the Defendant's
10 behavior as suspicious, the proof has failed.

11 The State has the burden of proving the Defendant
12 guilty beyond a reasonable doubt. And this burden
13 rests with the State regardless of whether the State
14 relies on direct evidence, circumstantial evidence, or
15 some combination of the two.

16 Now, ladies and gentlemen, it is your duty to
17 determine the credibility of the witnesses who have
18 testified in this case. And credibility simply means
19 believability. It is your duty as jurors to analyze
20 and to evaluate the evidence and determine which
21 evidence convinces you of its truth.

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

JURY CHARGE

1 testimony of a witness and reject the remaining part of
2 the testimony of that same witness. You may believe
3 the testimony of a witness in its entirety or reject
4 the testimony of a witness in its entirety. And you
5 may consider whether any witness has exhibited to you
6 any interest, bias, prejudice, or other motive in this
7 case. And you may also consider the appearance and
8 manner of a witness while on the witness stand.

9 Now, ladies and gentlemen, in determining whether
10 any statement made by the Defendant was made
11 voluntarily, you should consider both the
12 characteristics of the accused and the details of the
13 interrogation. Some of the factors you may consider
14 are: The age and youth of the accused; his education
15 or lack thereof; his mental ability and capacity; his
16 background and environment; the advice, or lack
17 thereof, to the accused regarding his constitutional
18 rights.

19 And these rights include, but are not limited to:
20 procedural safeguards, known as Miranda rights, which
21 concern the accused's right to remain silent, his right
22 to know any statement he makes could be used against
23 him, his right to have a lawyer present, his right to
24 stop making a statement or answering questions at any
25 time, and if indigent, then he has a right to have a

JURY CHARGE

1 lawyer appointed to represent him for no cost; his
2 ability to understand any Miranda warnings that were
3 given; and to understand the effect of waiving his
4 constitutional rights. And you can also look at the
5 place and length of detention and the nature of the
6 questioning.

7 You, the jury, must carefully scrutinize all the
8 surrounding circumstances. Before you give any weight
9 to any alleged statement made by the Defendant, you
10 must be satisfied beyond a reasonable doubt that it was
11 made by the accused when he was uninfluenced by the
12 promise of reward, threat of injury, or diminution of
13 his rights.

14 It is for you, the jury, to determine if the
15 accused in this case had the ability or capacity to
16 comprehend the meaning and effect of waiving his
17 constitutional rights; and, if so, whether any
18 subsequent statement was made freely and voluntarily.

19 If you should find, pursuant to the guidelines
20 just instructed, that the statement was not voluntarily
21 and freely given, then you should disregard it and give
22 it no consideration whatsoever in your deliberations.
23 If you should find that these guidelines have been
24 satisfied, it is then up to you to determine what
25 weight, if any, to give that statement.

JURY CHARGE

1 Normally, ladies and gentlemen, normally in a
2 trial a person cannot give opinion testimony. Normally
3 when a person testifies they must testify as to what
4 they either saw, heard, did, or sensed by smell, or
5 something of that nature. However, there is an
6 exception when someone is qualified because of
7 education and/or experience. They are permitted to
8 give their opinion in certain areas if the Court
9 qualifies them that way. And that evidence is for you
10 to use in any way you see fit, and give it the weight
11 and credibility you believe is appropriate.

12 And ladies and gentlemen, there are three
13 indictments in this case. And each indictment charges
14 a separate and distinct offense. You must decide each
15 indictment separately on the evidence and the law
16 applicable to it. The Defendant may be convicted or
17 acquitted of any or all of the offenses charged. And,
18 Madam Foreperson, you will be asked to write a separate
19 verdict of guilty or not guilty for each indictment.

20 Now, the first offense the Defendant, Mr.
21 Williams, is charged with is the murder of Tyrek
22 Mitchell. Ladies and gentlemen, murder is the killing
23 of any person with malice aforethought, either
24 expressed or implied.

25 Malice is hatred, ill will, or hostility towards

JURY CHARGE

1 another person. It is the intentional doing of a
2 wrongful act without just cause or excuse and with an
3 intent to inflict an injury or under circumstances that
4 the law will infer an evil intent.

5 Malice aforethought does not require that malice
6 exists for any particular time before the act is
7 committed, but malice must exist in the mind of a
8 Defendant just before and at the time the act is
9 committed. Therefore, there must be a combination of
10 the previous evil intent and the act.

11 Ladies and gentlemen, malice aforethought may be
12 expressed or inferred. And these terms, "express" and
13 "inferred" do not mean different kinds of malice but
14 merely the manner in which malice may be shown to
15 exist. That is either by direct evidence or by
16 inference from the facts and circumstances which are
17 proved. Malice may be inferred from conduct showing a
18 total disregard for human life.

19 Now, ladies and gentlemen, the Defendant is also
20 charged with the attempted murder of Rahame Granger.
21 In order to prove this crime, the State must prove the
22 Defendant attempted to kill another person with malice
23 aforethought.

24 Again, ladies and gentlemen, malice is hatred, ill
25 will, or hostility towards another person. It is the

JURY CHARGE

1 intentional doing of a wrongful act without just cause
2 or excuse, and with an intent to inflict an injury or
3 un -- excuse me, under circumstances that the law will
4 infer evil intent.

5 Now, to prove this charge, the Defendant must have
6 had a specific intent to kill. An intent means
7 intending the result which actually occurs; not
8 accidentally or involuntary. Intent may be shown by
9 acts and conduct of the Defendant and other
10 circumstances from which you may naturally and
11 reasonably infer intent. Evidence of the character of
12 the act, the character of the instrument used, the
13 manner in which it was used, the purpose to be
14 accomplished, and the resulting wounds or injuries may
15 be considered in determining the intent with which the
16 act was committed. Intent may also be inferred when it
17 is demonstrated that the Defendant voluntarily and
18 willfully commits an act, the natural tendency of which
19 is to destroy another's life.

20 Ladies and gentlemen, malice aforethought, again,
21 does not require that malice exists for any particular
22 time before the act is committed. But, again, malice
23 must exist in the mind of the Defendant just before and
24 at the time the act is committed. Therefore, there
25 must be a combination of the previous evil intent and

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1 the act.

2 Now, last, ladies and gentlemen, the Defendant is
3 charged with possession of a weapon during the
4 commission of a violent crime. To prove this charge,
5 the State must prove beyond a reasonable doubt the
6 Defendant was in possession of a firearm or visibly
7 displayed what appeared to be a firearm during the
8 commission of a violent crime.

9 Ladies and gentlemen, a firearm means any machine
10 gun, automatic rifle, revolver, pistol, or any other
11 weapon which will, is designed to, or may be readily
12 converted to, expel a projectile.

13 Now, in order to find the Defendant guilty of
14 possession of a weapon during the commission of a
15 violent crime, you must first find the Defendant guilty
16 of committing a violent crime. Ladies and gentlemen,
17 therefore under -- I instruct you that under the laws
18 of the State of South Carolina, the offenses of murder
19 and attempted murder are violent crimes.

20 Ladies and gentlemen, lastly, to prove possession
21 of a weapon during the commission of a violent crime,
22 the State must prove that the weapon furthered,
23 advanced, or helped in the commission of the crime.

24 Now, ladies and gentlemen, in this case the
25 Defendant has made a claim that he acted in

JURY CHARGE

1 self-defense. Self-defense is a complete defense and,
2 if established, you must find the Defendant not guilty.

3 The State has the burden of disproving
4 self-defense by proof beyond a reasonable doubt. If
5 you have a reasonable doubt of the Defendant's guilt
6 after considering all the evidence, including the
7 evidence of self-defense, then you must find the
8 Defendant not guilty. On the other hand, if you have
9 no reasonable doubt of the Defendant's guilt after
10 considering all the evidence, including the evidence of
11 self-defense, then you must find the Defendant guilty.
12 Now, the following elements are required to establish
13 self-defense. The State must disprove only one of the
14 elements of self-defense for it not to apply.

15 First, the Defendant must be without fault in
16 bringing on the difficulty. If the Defendant's conduct
17 was the type which was reasonably calculated to, and
18 did, provoke a deadly assault, the Defendant would be
19 at fault in bringing on the difficulty and would not be
20 entitled to an acquittal based on self-defense.

21 The second element of self-defense is that the
22 Defendant was actually in imminent danger of death or
23 serious bodily injury or that the Defendant actually
24 believed he was in imminent danger of death or serious
25 bodily injury.

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1 If the Defendant was actually in imminent danger,
2 it must be shown that the circumstances would have
3 warranted a person of ordinary firmness and courage to
4 strike a blow to prevent death or serious bodily
5 injury. If the Defendant believed he was in imminent
6 danger of death or serious bodily injury, it must be
7 shown that a reasonably prudent person of ordinary
8 firmness and courage would have had that same belief.

9 Whether the Defendant actually was, or believed he
10 was, in imminent danger of death or serious bodily
11 injury, you should consider all the facts and
12 circumstances surrounding the crime, including the
13 physical condition and characteristics of the Defendant
14 and the victims.

15 Now, under the law of self-defense, the Defendant
16 may take another's life in the defense of others. The
17 right to intervene to protect another person is subject
18 to the same rights and limitations as the right of
19 self-defense.

20 The Defendant may take the life of a person who
21 assaults a friend, relative, or bystander if that
22 friend, relative, or bystander would have had the right
23 of self-defense.

24 Ladies and gentlemen, assault is the intentional
25 creation of fear of immediate bodily harm. It is not

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1 necessary that the attempted injury or harm actually
2 takes place. For example, ladies and gentlemen, if I
3 walk up to you, and when we are within arm's reach of
4 me, I draw my hand back to hit you, that is an assault.

5 Now, while words alone do not constitute an
6 assault, if by words and conduct a person intentionally
7 creates a reasonable fear of bodily harm, it is an
8 assault.

9 To show that the person being defended had the
10 right of self-defense, it must first be shown that the
11 person being defended and the Defendant were both
12 without fault in bringing on the difficulty. If the
13 conduct of the person defended or the Defendant was the
14 type which was reasonably calculated to, and did,
15 provoke a deadly assault, the person would be at fault
16 in bringing on the difficulty and would not have the
17 right of self-defense. Therefore, the Defendant would
18 not have the right to use deadly force in defending
19 that person.

20 The defense of another person is excusable if the
21 Defendant had reasonable grounds to believe, and in
22 good faith did believe, that the person being defended
23 was in imminent danger of death or serious bodily harm
24 from the victims.

25 Now, in deciding whether the person defended

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1 actually was, or that the Defendant actually believed
2 the person was, in imminent danger of death or serious
3 bodily injury, you should consider all the facts and
4 circumstances surrounding the crime, including the
5 physical condition and characteristics of the parties.

6 Now, the Defendant does not have to show that he
7 was actually in danger. It is enough if the Defendant
8 believed he was in imminent danger and a reasonably
9 prudent person of ordinary firmness and courage would
10 have had that same belief. The Defendant has the right
11 to act on appearances, even though the Defendant's
12 beliefs may have been mistaken. It is for you, the
13 jury, to decide whether the Defendant's fear of
14 immediate danger of death or serious bodily injury was
15 reasonable and would have been felt by an ordinary
16 person in the same situation.

17 Now, words accompanied by hostile acts may,
18 depending on the circumstances, establish self-defense.

19 And evidence of prior difficulties between the
20 Defendant and the victims may be considered in deciding
21 whether a threat existed, whether the Defendant had a
22 reason to believe a threat existed, and how serious
23 that threat was.

24 The relative size, ages, and weights of the
25 Defendant and the victims may be considered in deciding

JURY CHARGE

1 the apparent or actual need for force in self-defense,
2 and the amount of force needed.

3 Now, the reputation of the victims may be
4 considered in deciding whether there was a need for
5 force, whether the Defendant had reason to believe
6 there was a need for force, and whether deadly force
7 was reasonably necessary.

8 Now, threats made by the victims may be considered
9 in determining whether the Defendant actually was, or
10 believed he was, in imminent danger.

11 Now, ladies and gentlemen, the final element of
12 self-defense is that the Defendant had no other
13 probable way to avoid the danger of death or serious
14 bodily injury than to act as the Defendant did in this
15 particular instance. Ordinarily one is not justified in
16 shooting or employing a deadly weapon after an
17 adversary has been disarmed or disabled. However, when
18 a person is justified in firing the first shot, he is
19 justified in continuing to shoot until it is apparent
20 that the danger to his life and body has ceased.

21 Also if the Defendant is in a place where he is
22 rightfully allowed to be, such as his home or place of
23 business, then the Defendant has no duty to retreat
24 before acting in self-defense, because there is no duty
25 to retreat where an attack occurs in one's home or

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1 place of business. Additionally, once the right to
2 fire or respond with deadly force in self-defense
3 arises, the Defendant is not required to wait until his
4 adversary is on equal terms or until his adversary has
5 fired or aimed his weapon or leveled a blow upon him.

6 Now, ladies and gentlemen, I instruct you that it
7 is the law of this state that a person can be acting
8 lawfully, even if he is in unlawful possession of a
9 weapon, if he was entitled to arm himself in
10 self-defense at the time of the shooting.

11 Now, lastly the Defendant has raised the defense
12 of habitation. The defense of habitation is the
13 defense of one's dwelling house. If the Defendant or a
14 member of the Defendant's household or their guest is
15 attacked in the Defendant's own home, the Defendant may
16 use the force which appears to be needed to protect
17 himself or his household from death or serious bodily
18 injury. When attacked in his own house, the Defendant
19 may justify or excuse the killing of his assailant if
20 such act is apparently necessary to save his own life
21 under -- or to protect himself from great bodily
22 injury.

23 If a trespasser refuses to leave the dwelling
24 house at the request of the householder Defendant, the
25 Defendant may use the necessary force to eject the

JURY CHARGE

1 trespasser. If, in the effort to eject the trespasser,
2 the life or safety of the Defendant or a member of the
3 Defendant's household is jeopardized, the Defendant may
4 kill the trespasser. However, the Defendant may not
5 use more force than is reasonably necessary to eject
6 the person from the premises.

7 The Defendant should not in the first instance
8 resort to immediate force to repel the intruder. The
9 kind and degree of force which are justified depend on
10 the conduct of the intruder.

11 Even though a person has entered the dwelling at
12 the invitation of a Defendant or a member of the
13 household, his subsequent conduct may be such as to
14 justify the Defendant in ordering his departure. The
15 person becomes a trespasser if the person refuses to
16 leave when asked. Upon the person's refusal to depart,
17 the Defendant is not required to yield as a mode of
18 avoiding an altercation and apprehended violence, but
19 may use force reasonably necessary or apparently
20 necessary to eject him, and no more. The defendant
21 should not, in the first instance, resort to force to
22 repel the intruder. The kind and degree of force which
23 are justified depend on the conduct of the intruder.

24 If, while legitimately exercising in good faith
25 the right to eject a trespasser, the Defendant is

JURY CHARGE

1 attacked by the trespasser and fears death or serious
2 bodily harm, the Defendant would be without fault in
3 bringing on the difficulty. An element that is
4 necessary to the defense of habitation is that the
5 Defendant be without fault in bringing about the
6 difficulty. Whether the Defendant was acting in good
7 faith in attempting to eject the victim and was
8 attacked in the process is a question for you, the
9 jury, to determine.

10 The law permits the occupant of a home to use such
11 force, even to the taking of human life, as may be
12 reasonably necessary to accomplish an expulsion. If
13 engaged in the exercise in good faith of his right to
14 eject such trespasser, he is without fault in bringing
15 on the difficulty. He would not have a duty to
16 retreat. The belief in the necessity of using deadly
17 force in the defense of habitation must be reasonable.
18 The right of an occupant to expel a trespasser and to
19 use such force as is necessary, even to killing him, is
20 limited to the place of habitation and curtilage.

21 Ladies and gentlemen, there is no duty to retreat
22 where an attack occurs in one's home or place of
23 business. The absence of a duty to retreat also
24 extends to the curtilage of a home. Curtilage is the
25 space that is necessary and convenient, and is

JURY CHARGE

1 habitually used for family purposes, including the
2 adequate yard and garden and room for necessary
3 outbuildings around a home. Curtilage includes
4 outbuildings, yards around the dwelling, and gardens.
5 It includes garages, driveways, courtyards, and parking
6 areas. Yards, courtyards, in apartment houses,
7 condominiums, or other such complexes with other
8 occupants constitute a part of the curtilage of a
9 specifically described apartment or condominium or
10 living unit therein.

11 Ladies and gentlemen of the jury, as you retire to
12 begin your deliberation in this case, I wish to express
13 the hope that y'all are mindful of the importance of
14 your responsibility here today. You are not called
15 upon very often to serve as jurors, and the proper
16 performance of that duty requires that each of you
17 reach the height of freeing your mind of all improper
18 influences.

19 Please don't get the idea that I am trying to
20 intimate to you how I think you should decide this
21 case. As I have already told you, under the laws of
22 this state, you, the Jury, are the sole judge of all
23 facts in this case. And it would be highly improper
24 for me to try to influence you in your performance of
25 that duty.

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1 However, ladies and gentlemen, I am vitally
2 concerned as the officer of this court that you confine
3 your deliberations and your consideration in this case
4 to the evidence you have heard here in this courtroom,
5 weighing it fairly and impartially, as I have every
6 confidence that you will. Ladies and gentlemen, you
7 owe no support or symptahy to anyone.

8 Now, Madam Foreperson, I remind you that your
9 verdict must be unanimous, it must be the verdict of
10 all 12 jurors. So, you all must be in agreement. And
11 the verdict form has the case caption, it says the
12 State of South Carolina versus Jamel Williams and it
13 has three questions, all of which you must ask --
14 answer. Okay? The first question says, as to the
15 charge of the murder of Tyrek Mitchell, we find the
16 Defendant, Jamel Williams, and it says either not
17 guilty or guilty. Ladies and gentlemen, please don't
18 infer the way I put not guilty or guilty first. Every
19 trial we just reverse them, okay.

20 The second question is, As to the charge of
21 attempted murder of Raheme Granger, we find the
22 Defendant, Jamel Williams, and again you check either
23 not guilty or guilty.

24 And then, lastly, as to the charge of possession
25 of a weapon during commission of a violent crime, we

JURY CHARGE

1 find the Defendant, Jamel Williams, either not guilty
2 or guilty. There is a little asterick, Madam
3 Foreperson, that says: Reminder, the Defendant cannot
4 be guilty, found guilty of this charge, this last
5 charge of possession of a weapon during the commission
6 of a violent crime, without the jury first finding the
7 Defendant guilty of one of the two charges, one of the
8 two first. Okay?

9 So, after that, Madam Foreperson, there is a line
10 for you to sign and also date at the bottom of this
11 form. When the jury has reached a unanimous verdict
12 and the foreperson has filled out this form, signed it
13 and date it, I am asking that you knock on the jury
14 room door. We are going to accept you back in the jury
15 room to take your verdict.

16 Madam Foreperson, I will also tell you a couple
17 more things just so you know and know what to expect.
18 You are going to have all of the evidence that has been
19 submitted in this case back in the jury room with you.
20 If it is not back there with you, you are not entitled
21 to it and you can't ask for it, okay, because it is not
22 in evidence.

23 Secondly, while my court reporter has been taking
24 down everything anyone says in this courtroom, there is
25 not a typed transcript of these proceedings. If you

JURY CHARGE

1 want certain testimony played back, what we can do is
2 bring you back into the courtroom and we will play the
3 audiotape of it back for you. I just need to caution
4 you or tell you, if you ask me for a specific witness'
5 testimony, I am required to play that witness' entire
6 testimony which means the direct examination, the cross
7 examination, any redirect, and recross. All right?

8 Additionally, ladies and gentlemen, I know that we
9 have shown you some videos. If there is any of those
10 video, either interviews or tapes or anything that you
11 would like to have seen again, I can bring you back in
12 here and play them for you again. Okay? So, Madam
13 Foreperson, if you need to ask me any of those
14 questions, you are welcome to. Okay?

15 You will have paper and pens so if there is any
16 issue or any questions you may have, you can ask me.
17 And I am just going to write simply back to you what I
18 can and cannot do. There could be something I say, you
19 know, "I am not premitted to do that. You have
20 everything you need to decide this case." Or, again,
21 if it is something that has been presented to you
22 during trial I will bring you back out here and we will
23 show it to you again. Okay? Everyone fine?

24 I am going to go ahead and excuse you back to your
25 jury room. For the very last time I am going to tell

JURY CHARGE

1 you, do not discuss this case. When you leave I am
2 going to ask these lawyers whether or not there is
3 anything further on the law they want me to charge you.
4 If there is, I am going to bring you back out and I am
5 going to charge you further. If not, Madam Foreperson,
6 you are going to get the verdict form and you are going
7 to get all of the evidence that is in this case and
8 that is going to be your signal to start talking about
9 the case and to start beliberating. Okay?

10 All right, ladies and gentlemen, you are excused
11 back to your jury room. We will be right back with you
12 shortly. Okay? And, again, when you get the verdict
13 form and the evidence, start your deliberations. Okay?
14 Thank you.

15 (The jury exits the courtroom.)

16 THE COURT: Any exceptions or additions from the
17 State?

18 MR. EVANS: Not from the State.

19 THE COURT: From the Defense?

20 MR. PLEXICO: None.

21 THE COURT: Okay. Go through the evidence and
22 make sure that we have everything that is entered.

23 THE COURT: All right.

24 (Evidence goes back to the jury at 2:40 p.m. Jury
25 begins deliberating.)

VERDICT

1 THE COURT: All right. Ladies and gentlemen,
2 those of you that are here watching the court
3 proceeding, obviously we don't know what the jury's
4 verdict is. I just want to make sure that whenever the
5 verdict is read, whatever it is, that everyone can
6 contain themselves. If for some reason you have any
7 type of outburst, regardless of what it is, we are
8 going to have to take you into custody. And you can
9 see that there's a lot of deputies around here to do
10 it. Okay?

11 I would hate to have to do that, but of course we
12 have to keep ourselves collected and exercise courtroom
13 decorum. So, I just want to make sure that you all
14 understand that. If for any reason you think you can't
15 contain yourselves, I'm asking you right now to leave
16 the courtroom. Again, I don't want to have to put
17 anyone in custody. Okay?

18 Thank you. Let's bring the jury in.

19 (The jury enters the courtroom.)

20 THE COURT: Madam foreperson, Members of the Jury,
21 thank you. I understand that you have reached a
22 verdict. And I'm going to have Ms. Sabb, Clerk of
23 Court, publish it. Okay? I need you to please rise,
24 sir.

25 THE CLERK: In the Court of General Sessions, the

VERDICT

1 14th Circuit, the County of Allendale, the State of
2 South Carolina versus Jamel Williams. Please -- as to
3 the charge of murder of Tyrek Mitchell, we find we, the
4 Defendant, Jamel Williams, guilty. As of to the charge
5 of attempted murder of Raheme Granger, we find the
6 Defendant, Jamel Williams, guilty. As of to the charge
7 of possession of a weapon during a violent crime, we
8 find the Defendant, Jamel Williams, guilty.

9 THE COURT: Signed by the foreperson?

10 THE CLERK: Yes, certified for the Court.

11 THE COURT: Thank you. All right, Mr. Plexico, if
12 you and your client will take a seat, I am going to
13 poll this jury. Ladies and gentlemen, what is going to
14 happen at this time is I am going to call your number
15 and your name, and I'm going to ask you if this is your
16 verdict and is it still your verdict. All right? So,
17 what I'm going to ask you is just wave to me so I know
18 who I'm speaking with as to each one of you. Okay?

19 Juror No. 168, Ms. Hurt, ma'am, is this your
20 verdict?

21 THE JUROR: Yes.

22 THE COURT: Is it still your verdict?

23 THE JUROR: Yes.

24 THE COURT: Thank you.

25 Juror No. 255, Mr. Redd. Sir, is this your

POLLING OF THE JURY

1 verdict?

2 THE JUROR: Yes.

3 THE COURT: Is it still your verdict?

4 THE JUROR: Yes.

5 THE COURT: All right. And I apologize, I have to
6 ask you to speak up. I can hear you, but I have to
7 make sure that it's on the record.

8 Juror No. 274, Mr. Robinson. Mr. Robinson, sir,
9 is this your verdict?

10 THE JUROR: Yes.

11 THE COURT: Is it still your verdict?

12 THE JUROR: Yes.

13 THE COURT: Is that a yes?

14 THE JUROR: Yes.

15 THE COURT: Okay.

16 Ms. Carter, ma'am, is this your verdict?

17 THE JUROR: Yes.

18 THE COURT: Is it still your verdict?

19 THE JUROR: Yes.

20 THE COURT: Thank you.

21 Mr. Williams, sir, is this your verdict?

22 THE JUROR: Yes.

23 THE COURT: Is it still your verdict?

24 THE JUROR: Yes.

25 THE COURT: Mr. Hurst, sir, is this your verdict?

POLLING OF THE JURY

1 THE JUROR: Yes.

2 THE COURT: Is it still your verdict?

3 THE JUROR: Yes.

4 THE COURT: Thank you, sir.

5 Mr. Capers, sir, is this your verdict?

6 THE JUROR: Yes.

7 THE COURT: Is it still your verdict?

8 THE JUROR: Yes.

9 THE COURT: Mr. Badger, sir, is this your verdict?

10 THE JUROR: Yes.

11 THE COURT: Is it still your verdict?

12 THE JUROR: Yes.

13 THE COURT: Ms. Broom, is this your verdict?

14 THE JUROR: Yes.

15 THE COURT: Is it still your verdict?

16 THE JUROR: Yes.

17 THE COURT: Ms. Gray, is this your verdict?

18 THE JUROR: Yes.

19 THE COURT: Is it still your verdict?

20 THE JUROR: Yes.

21 THE COURT: Mr. Graham, sir, is this your verdict?

22 THE JUROR: Yes.

23 THE COURT: Is it still your verdict?

24 THE JUROR: Yes.

25 THE COURT: And lastly, Ms. Doe, is this your

POLLING OF THE JURY

1 verdict?

2 THE JUROR: Yes.

3 THE COURT: Is it still your verdict?

4 THE JUROR: Yes.

5 THE COURT: Thank you, ma'am. Anything further
6 required of the jury by the State?

7 MR. EVANS: Not from the State.

8 THE COURT: From the Defense?

9 MR. PLEXICO: No, Your Honor.

10 THE COURT: Ladies and gentlemen, at this time
11 I'll excuse you for the remainder of the week, with
12 your thanks and my thanks, ladies and gentlemen. You
13 have resolved this case for us. And I will tell you
14 that for the rest of the afternoon and tomorrow I'll be
15 hearing guilty pleas and setting bonds and other things
16 to dispose of other matters here in Allendale County.
17 But at this time we are going to go ahead and excuse
18 you and make sure that everyone gets to their car.
19 Everyone here remain seated. No one leaves the
20 courtroom. You all are excused. If you need a work
21 excuse, simply ask the bailiffs and they will provide
22 you one, all right. Thank you.

23 And I'll also tell you, you are permitted now,
24 when you go home, to discuss what you have been doing
25 here. You are not required to tell anyone anything,

SENTENCING

1 but please understand that when you do go home you can
2 speak of the issues. All right. Thank you. You are
3 excused.

4 MADAM FORELADY: Thank you.

5 (Jury exits the courtroom.)

6 THE COURT: All right. Do you need a moment?

7 MR. EVANS: They are on the printer, ma'am.

8 THE COURT: Mr. Plexico, if you would like to
9 speak to his family to see if anyone wants to speak on
10 his behalf.

11 MR. PLEXICO: Yes. Here or at the table?

12 THE COURT: That is fine. And if you could
13 identify yourself.

14 MS. ESTHER DEVOE: Esther Devoe and I'm Jamel's
15 aunt.

16 THE COURT: What would you like to tell me?

17 MS. ESTHER DEVOE: From a child he always was a
18 quiet child and he always will like to stay with
19 himself. You know, he would play with the children,
20 but he was off to himself a lot. And he was very
21 respectful.

22 THE COURT: Thank you.

23 MS. DAISY ROBERTS: My name is Daisy Roberts, I'm
24 Jamel's mother. And Jamel always was a home child. I
25 really never had no problem with him coming up. You

SENTENCING

1 know, he was always well mannered and he always had
2 respect of me. That is all that I have to say.

3 THE COURT: Thank you, ladies. I appreciate it.
4 Mr. Plexico.

5 MR. PLEXICO: I think Jamel testified he's 30,
6 Judge. He was helping out family, keeping the
7 children. This did happen at his house, at his
8 property, with people that were uninvited, who were
9 uninvited. And he didn't go out and find this problem,
10 Judge. And we would ask that you give him a
11 sentence -- this is a minimum of 30 years on the
12 murder, and we would ask that you give him the lighter
13 sentence on the attempted murder and make the
14 possession of a weapon during the commission of a
15 violent crime, make that concurrent with whatever
16 sentence you decide to give him. And we would ask for
17 a ten-year sentence on the attempted murder. Thank
18 you, Your Honor.

19 THE COURT: Okay. Do the victims want to speak or
20 anyone? Obviously I heard Mr. Granger's testimony, so
21 I certainly know about it, but I am glad to hear
22 whatever from him if he wants.

23 MR. EVANS: I do believe that he does, and at
24 least one other member.

25 THE COURT: Okay. That is fine. Let's just --

SENTENCING

1 I'll keep you there at the bar, and of course, sir, I
2 know that you are Mr. Granger, you have been here
3 during the entire trial. What would you like to tell
4 me, sir?

5 MR. GRANGER: I am happy with the verdict. It's
6 bad that my little cousin was not here. I would ask
7 you not go light on the sentence. Coming to the
8 evidence and finding out that he tried to shoot me
9 again and that would have been my life. Come to find
10 out in the record like the gun, the guy said it is very
11 rare and, you know, my family always tells me that I'm
12 lucky. I'm not lucky, I'm blessed. I have worked for
13 everything that I have in my life. And the Lord spared
14 me, so that is my opinion. Other than that I wasn't
15 the one that caused the whole, caused the whole on his
16 (inaudible).

17 THE COURT: Okay. Who else would like to speak?
18 Identify yourself and relationship to the victim.

19 TYREK'S SISTER: Tyrek was my brother and I was
20 (inaudible), and I was also guardian because at an
21 early age. I bust my butt for my siblings and to see
22 him dying because school was like a fast pace and I
23 couldn't do it myself, but to know that he came down
24 here and he was actually graduating and he was
25 finished, and his life was taken over a tablet. From

SENTENCING

1 a -- and to hear people say that this guy locked the
2 door and not shot my brother only once, but multiple
3 times. And his parents still get to see him and speak
4 to him. I will never be able to speak to my brother
5 again.

6 THE COURT: Thank you. Does the Defendant want to
7 speak, Mr. Plexico?

8 MR. PLEXICO: Do you want to speak?

9 THE DEFENDANT: Yes.

10 MR. PLEXICO: He wants to speak.

11 THE DEFENDANT: Ma'am, for the record, I know I am
12 innocent because at the end of the day I don't feel
13 sorry for protecting those kids. (Inaudible) whatever.

14 MR. PLEXICO: I would ask for leniency based on
15 that.

16 THE COURT: On Indictment 2018GS3045, it is for
17 murder, the sentence of this Court is that you be
18 committed to the Department of Corrections for a period
19 of life. For Indictment 2018GS-3044, on the sentence
20 of attempted murder, the sentence of this Court is that
21 you shall be committed to the Department of Corrections
22 for a period of 30 years.

23 And on Indictment 2018GS-3043, for possession of a
24 weapon during the commission of a violent crime, the
25 sentence is Department of Corrections for a period of

SENTENCING

1 five years. Those are all to run concurrent to each
2 other. Good luck to you, sir.

3 MR. PLEXICO: Thank you, Your Honor.

4 MR. EVANS: Thank you, Your Honor.

5 THE DEFENDANT: (Inaudible).

6 THE COURT: Here is the sentencing sheet. And we
7 will be at ease until 11:30, roughly, tomorrow morning.

8 (Trial concluded.)

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SENTENCING

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CERTIFICATE

STATE OF SOUTH CAROLINA:

COUNTY OF BEAUFORT:

I, MONA L. MANLEY, Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 27th day of April, 2020.

Mona L. Manley /s/

MONA L. MANLEY
Official South Carolina Court Reporter
Circuit Reporter for the 14th Circuit
(850) 893-6662
mmanley@sccourts.org

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

HENRY D. MCMASTER
Governor



MARK A. KEEL
Chief

Mary McCallister
South Carolina Law Enforcement Division
4400 Broad River Road
Columbia, SC 29210

TOXICOLOGY DEPARTMENT

May 18, 2018
SLED No: L18-04315
Your Case No: 31180021
Incident Date: 03/21/2018

[V-Deceased] Tyrek Antonio
Mitchell
[V] Raheme Abdula Granger

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE

Item: 18 **Sample Type: Blood (Toxicology) - Femoral blood labeled "MITCHELL, TYREK FA18-211"**

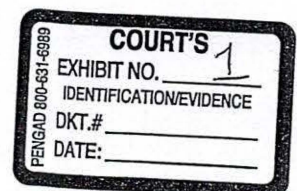
Analysis by Headspace Gas Chromatography (GC) and/or Headspace Gas Chromatography/Mass Spectrometry (GC/MS)

Analyte	Result	Units	Threshold
Ethanol	Negative	% (g/dL)	0.010
Methanol	Negative	% (g/dL)	0.010
Acetone	Negative	% (g/dL)	0.010
Isopropanol	Negative	% (g/dL)	0.010

JUN 20 '18 PM 4:13



AN ASCLD/LAB-International ACCREDITED TESTING LABORATORY SINCE 09/19/2014
P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351



SLED No :L18-04315

Page 2 of 3

5/18/18

Screen by Enzyme Linked Immunosorbant Assay (ELISA)

Analyte	Result	Units	Threshold
Amphetamine	Negative	ng/mL	100.000
Buprenorphine	Negative	ng/mL	1.000
Carisoprodol	Negative	ng/mL	500.000
Cocaine Metabolite	Negative	ng/mL	200.000
Methadone	Negative	ng/mL	50.000
Methamphetamine	Negative	ng/mL	100.000
Oxycodone	Negative	ng/mL	75.000
Tramadol	Negative	ng/mL	50.000
Zolpidem	Negative	ng/mL	20.000

Analysis by Gas Chromatography/Mass Spectrometry (GC/MS)

Analyte	Result	Units	Threshold
Tetrahydrocannabinol Synonyms: THC	3.2	ng/mL	2.000
11-carboxy-Tetrahydrocannabinol Synonyms: THC metabolite	8.2	ng/mL	2.000
Morphine Synonyms: MS Contin®, Astramorph®, Duramorph®	65	ng/mL	

Liquid Chromatography/Tandem Mass Spectrometry (LC/MS/MS)

Analyte	Result	Units	Threshold
Midazolam Synonyms: Versed®	34	ng/mL	

Item: 19**Sample Type: Blood (Toxicology) - Iliac blood labeled "MITCHELL, TYREK FA18-211"****No Analysis Performed**

5/18/18

Item: 20 **Sample Type: Blood (Toxicology)** - Aortic blood labeled "MITCHELL, TYREK FA18-211"

No Analysis Performed

Item: 21 **Sample Type: Ocular fluid** - labeled "MITCHELL, TYREK FA18-211"

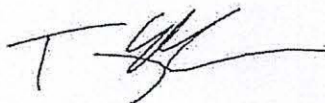
Analysis by Headspace Gas Chromatography (GC) and/or Headspace Gas Chromatography/Mass Spectrometry (GC/MS)

Analyte	Result	Units	Threshold
Ethanol	Negative	% (g/dL)	0.010
Methanol	Negative	% (g/dL)	0.010
Acetone	Negative	% (g/dL)	0.010
Isopropanol	Negative	% (g/dL)	0.010

Item: 22 **Sample Type: Gastric** - labeled "MITCHELL, TYREK FA18-211"

No Analysis Performed

This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.



Tracy McKinnon
Forensic Toxicologist

CC: Marion Riley - Allendale County Coroner's Office

CC: Melody Reid Martin - Newberry Pathology

For any additional interpretation of results please contact the Toxicologist above at the SLED Toxicology Department , (803) 896-7385.



AN ASCLD/LAB-International ACCREDITED TESTING LABORATORY SINCE 09/19/2014
P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

WITNESSES

K. McCallister, SLED

DOCKET NO. 2018GS0300045

The State of South Carolina

County of Allendale

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

615

Defendant

COURT OF GENERAL SESSIONS

March Term 2019

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

ARREST WARRANT NUMBER

2018A0310100031

Date of Arrest: March 24, 2018

ACTION OF GRAND JURY

Zane Bell

Judy P. Kinard

Foreperson of Grand Jury

Date: 03-14-2019

VERDICT

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

Defendant

Witness:

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

616 WITNESSES

K. McCallister, SLED

DOCKET NO. 2018GS0300043

The State of South Carolina

County of Allendale

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

Defendant

COURT OF GENERAL SESSIONS

March Term 2019

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

ARREST WARRANT NUMBER

2018A0310100029

Date of Arrest: March 24, 2018

THE STATE

vs.

Jamel Dajour Williams

ACTION OF GRAND JURY

Ima Bill

Indictment For

Possession of Weapon During
Violent Crime

SC Code: 16-23-490

CDR Code: 0549

Judy P. Howard
Foreperson of Grand Jury
Date: *03-14-2019*

Defendant

VERDICT

Witness:

Foreperson of Petit Jury
Date:
INDICT

C.C.C. PLS. and G.S.

WITNESSES

K. McCallister, SLED

DOCKET NO. 2018GS0300044

The State of South Carolina

County of Allendale

After being fully advised ⁶⁴⁷as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

March Term 2019

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

ARREST WARRANT NUMBER

20180A0310100030

Date of Arrest: March 24, 2018

THE STATE

vs.

Jamel Dajour Williams

ACTION OF GRAND JURY

True Bill

Indictment For

Attempted Murder

SC Code: 16-3-29

CDR Code: 3410

[Signature]
Foreperson of Grand Jury
Date: *03-14-2019*

Defendant

VERDICT

Witness:

Foreperson of Petit Jury

Date:
INDICT

C.C.C. PLS. and G.S.

CERTIFICATE OF COUNSEL FOR APPELLANT

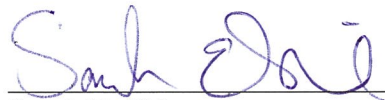
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Dec 01 2020

SC Court of Appeals



Sarah E. Shipe
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 1st day of December, 2020.