

VOLUME II of II

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Eugene C. Griffith, Circuit Court Judge

RECEIVED

Oct 29 2021

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MARKESE CHRISTOPHER WILSON,

APPELLANT

APPELLATE CASE NO. 2020-001425

RECORD ON APPEAL

SARAH E. SHIPE
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

SCOTT MATTHEWS
Assistant Attorney General

P. O. Box 11549
Columbia, SC 29211
(803) 734-3727

SAMUEL R. HUBBARD, III
Solicitor, Eleventh Judicial Circuit

205 East Main Street
Lexington, SC 29072
(803) 785-8352

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

TRIAL TRANSCRIPT DATED OCTOBER 12th – 16th, 2020 1

 OPENING STATEMENT BY MR. BOYKIN 15

 OPENING STATEMENT BY MR. WILLIAMS 23

TESTIMONY

 DUSTIN POLLARD

 Direct Examination by Mr. Scott 31

 Cross Examination by Mr. Williams 39

 JOSHUA MITCHELL HALE

 Direct Examination by Mr. Scott 44

 Cross Examination by Mr. Williams 51

 PATRICK WARD

 Direct Examination by Ms. Boykin 53

 Cross Examination by Mr. Williams 70

 Redirect Examination by Ms. Boykin.....78

 Re-Cross Examination by Mr. Williams.....78

 GEORGE SAMELLAS

 Direct Examination by Mr. Scott 79

 Cross Examination by Mr. Stitely.....97

 Redirect Examination by Mr. Scott 103

 ANTHONY ADAM CREECH

 Direct Examination by Mr. Scott 105

 Examination by Mr. Scott (In Camera).....114

 Continued Direct Examination by Mr. Scott 120

 Cross Examination by Mr. Williams 134

 Redirect Examination by Mr. Scott 149

 CAMERON SHERBAN

 Direct Examination by Mr. Scott 156

 Cross Examination by Mr. Williams 177

 Redirect Examination by Mr. Scott 195

 SHYROD MHARQUIS WANNAMAKER

 Direct Examination by Mr. Scott 200

MOTION FOR MISTRIAL	240
RULING OF THE COURT	246
SHYROD MHARQUIS WANNAMAKER	
Continued Direct Examination by Mr. Scott	258
Cross Examination by Mr. Williams	269
Redirect Examination by Mr. Scott	308
Re-Cross Examination by Mr. Williams.....	313
ANDRE MCFADDEN	
Direct Examination by Mr. Scott.....	314
Cross Examination by Mr. Stitely.....	366
Redirect Examination by Mr. Scott	395
Re-Cross Examination by Mr. Stitely.....	396
BRITTANY WHITMORE	
Direct Examination by Ms. Boykin	399
Cross Examination by Mr. Stitely.....	409
BRANDON MARTHERS	
Direct Examination by Mr. Scott.....	415
Voir Dire Examination by Mr. Scott (In Camera)	426
Voir Dire Examination by Mr. Stitely (In Camera).....	435
Continued Direct Examination by Mr. Scott	440
Cross Examination by Mr. Stitely.....	468
WALTER BENTLEY	
Direct Examination by Ms. Boykin	479
SHANNON DYKES	
Direct Examination by Mr. Scott.....	481
Examination by Mr. Scott (In Camera).....	485
Continued Direct Examination by Mr. Scott	497
Cross Examination by Mr. Stitley.....	500
THE STATE RESTS	501
DEFENDANT’S MOTION	503
RULING OF THE COURT	506
COLLOQUY WITH THE DEFENDANT ON HIS RIGHT TO TESTIFY.....	514
CLOSING ARGUMENT BY MR. SCOTT	520

CLOSING ARGUMENT BY MR. WILLIAMS.....	548
CHARGE ON THE LAW	564
VERDICT	597
MOTION FOR A NEW TRIAL	601
RULING OF THE COURT	601
SENTENCING	621
STATE’S EXHIBIT #44 (TEXT MESSAGE THREAD).....	622
STATE’S EXHIBIT #60 (TEXT MESSAGE THREAD).....	628
STATE’S EXHIBIT #61 (TEXT MESSAGE THREAD).....	629
INDICTMENTS	630
CERTIFICATE OF COUNSEL	640

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBITS #33, 36, 37, 38, 47 (PHOTOGRAPHS); STATE’S EXHIBIT #53
(CELL PHONE PLOT ANIMATION), STATE’S EXHIBIT #54 (CELL PHONE
VIDEOS), STATE’S EXHIBIT #62 (KEY FOR STATE’S 53)**

1 A. Yes, sir.

2 MR. STITELY: No other questions. Thank you.

3 THE COURT: Anything on redirect, Solicitor?

4 MR. SCOTT: No, sir, Your Honor.

5 THE COURT: All right. Investigator, you may
6 step down. See you soon.

7 (Witness excused.)

8 THE COURT: Are they getting your next witness?

9 MR. SCOTT: Sir?

10 THE COURT: Are you sending for your next witness?

11 MR. SCOTT: No, Your Honor.

12 THE COURT: Okay. I thought you were telling him
13 to send in the next witness.

14 MR. SCOTT: No, sir.

15 Are you ready, Judge? We're gonna rest now.

16 THE COURT: Okay. Okay. I'm sorry. I thought
17 you were calling to let Ms. Frick clean the --

18 MR. SCOTT: I'm sorry.

19 THE CLERK: I didn't want to get between the two
20 of you.

21 MR. SCOTT: At this time the State does rest,
22 Your Honor.

23 THE COURT: Okay.

24 All right, folks. I've got to put some stuff on
25 the record at the end of the State's -- I'm sorry.

1 Let me get back on the microphone. When the State's
2 presented for its case in chief all the witnesses and
3 evidence it intends, I have to put some legal matters
4 on the record, which I won't need you-all in here for,
5 so I'm gonna go ahead and send you-all to lunch and
6 then it will then be determined -- the defense has not
7 told, and they don't have to, whether they want to
8 present any evidence or not. It's up to them. They
9 may take their lunch and let the Court know after
10 lunch, so I don't want to say they're gonna call their
11 witnesses, they have the opportunity to call witnesses,
12 but they've got nothing to prove thus far.

13 I've got to put some matters on the record now
14 that the State's rested, so you-all go to lunch, we've
15 got a few more minutes, but if we come back at 2:00 or
16 1:45 --

17 MR. WILLIAMS: Two.

18 THE COURT: You-all be in the jury room before
19 two and I'll try to start at 2:00 sharp, okay? You
20 can't begin discussing the case quite yet, okay?

21 Thank you-all.

22 (Whereupon, the jury was excused for lunch at
23 12:06 PM.)

24 THE COURT: All right, Mr. Williams. Let's hear
25 your motions.

1 MR. WILLIAMS: Your Honor, I have two rather
2 specific motions --

3 THE COURT: Okay.

4 MR. WILLIAMS: -- and that is dealing with,
5 number one, the assault and battery first degree
6 charge or the indictment. In that, in the indictment
7 itself, it alleges physical injury to a person,
8 against Catherine Samellas. There's been no, I
9 guess, sufficient evidence to indicate what type of
10 injury Ms. Samellas had like -- like from a doctor of
11 medicine or medical board or whatever and, indeed,
12 in regard to -- referring to my client, the only
13 evidence that my client was -- in terms of looking
14 for the money if you believe what the co-defendant
15 said, the other defendant -- the other co-defendant
16 said that he was in charge of watching Ms. Samellas
17 and so, Your Honor, we would say that the evidence in
18 the light most favorable to the State is insufficient
19 to -- to go forward on the charge of assault and battery
20 in the first degree because first degree would normally
21 be resolved for, I don't know, injuries of a great and
22 significant amount, such as -- this may be an assault
23 and battery third, if, indeed, it is any kind of assault,
24 but certainly not an assault and battery first degree.
25 That's number one or I can move on, Judge, if you

1 want me to.

2 THE COURT: All right. I'm not gonna rule on that
3 one yet, so I'm gonna let the solicitor respond to it.
4 Once you get all yours up, I'll let him respond, but
5 you may be entitled to some lesser includeds on the
6 assault and battery first --

7 MR. WILLIAMS: Yes, sir.

8 THE COURT: -- but my recollection is that
9 Wannamaker says I didn't lay a hand on her, she was
10 there and I watched her, the inference being it should
11 have been somebody else.

12 MR. WILLIAMS: Right.

13 THE COURT: But go ahead.

14 MR. WILLIAMS: Your Honor, the other specific
15 motion deals with safecracking. The indictment alleges
16 the use of explosives, tools and other implements with
17 intent to commit larceny or another crime. Your Honor,
18 I don't think the safecracking indictment anticipated
19 someone is simply gonna use somebody's key and open it
20 up. That doesn't constitute safecracking in my mind in
21 the way the indictment is written.

22 And -- and I'll go ahead and cover the other
23 indictments, Your Honor. The other indictment deals
24 with burglary first -- well, again, with the burglary
25 first, it's kind of unusual that the burglary first

1 indictment would be written this way, but it talks
2 about entering a residence and causing injury during
3 the nighttime hours. I would have thought that
4 burglary first tends to be in terms of entering a
5 residence with the intent to commit a crime.

6 Your Honor, I don't think anybody has ever
7 indicated that anyone ever intended to commit a crime
8 in regards to an injury to Ms. Samellas. I think the
9 intent, if there is an intent to entering the house
10 in the nighttime, it is to steal money and that's the
11 way the indictment is written. I'm not sure why it
12 was written that way, but I think on the face of it,
13 Your Honor, we would move to dismiss that burglary
14 first charge there.

15 And the -- in regards to the armed robbery, the
16 kidnapping and the possession of a weapon during the
17 commission of a crime, we would allege there's been
18 insufficient evidence presented compared in the light
19 most favorable to the State for any of those charges
20 -- for the jury to return a verdict of guilty on any
21 of those charges, and I think that's it.

22 THE COURT: All right. Give me the indictments,
23 Ms. Frick.

24 THE CLERK: Yes, sir. I've got them in numerical
25 order for you.

1 THE COURT: Okay.

2 All right. Mr. Williams, I believe I'm gonna go
3 with safecracking first. I'm gonna deal with that one
4 first.

5 MR. WILLIAMS: All right, sir.

6 THE COURT: And I can't quote the law, you don't
7 get very many safecracking cases in front of you, but
8 in the light most favorable to the State the plan was
9 to go in the house and look for the safe. That was
10 the command upon entry. Where's the safe, where's the
11 safe. And I understand -- I think the law has several
12 different verbs, but use of explosives, tools or any
13 other implement in or about a safe. I'm presuming that
14 that's to open the safe to get to the goods inside.
15 The fact that the implement used was the key because
16 Ms. Samellas after some talking to provided the key to
17 them, but in the light most favorable to the State,
18 that's an implement.

19 MR. WILLIAMS: Yes, sir.

20 THE COURT: So denied on that one.

21 MR. WILLIAMS: All right, sir.

22 THE COURT: On the burglary first, I've read that
23 one, Defendant Wilson went in January 21st, belonging
24 to Ms. Samellas, without consent, with the intent to
25 commit a crime. Their intent was to commit the crime

1 of taking the money, they were armed at night and
2 caused injury to the person. That's kind of a
3 superfluous sentence, I don't think it's needed, but
4 on the burglary first it's alleged went in there without
5 consent with the intent to commit a crime at night in
6 violation of Code Section 16-11-311, and I think the
7 State's -- in the light most favorable to the State,
8 they get all that. The fact that Mr. Samellas was
9 injured was just an additional factor that --

10 MR. SCOTT: It's another aggravator.

11 THE COURT: I mean, it's just --

12 MR. WILLIAMS: Your Honor, I think you're reading
13 a different indictment than I am.

14 THE COURT: I'm --

15 MR. WILLIAMS: I'm reading -- a burglary first
16 indictment says that Defendant Markese Christopher
17 Wilson did on or about January 21st, 2019, in
18 Lexington county, enter a dwelling, which is true,
19 belonging to Catherine Samellas, without consent,
20 and with intent to commit -- well, with the intent
21 to commit a crime therein.

22 THE COURT: That's where I'm -- I can almost stop
23 there.

24 MR. WILLIAMS: Okay.

25 THE COURT: The aggravating factors under 311 is

1 the gun at nighttime.

2 MR. WILLIAMS: I got you. I understand.

3 THE COURT: I think they've got it all there in
4 general terms.

5 MR. WILLIAMS: Yes, sir.

6 THE COURT: The fact that she was injured is not
7 even necessary for their proof to burglary first.

8 MR. WILLIAMS: Yes, sir.

9 MR. SCOTT: That's another aggravator though.

10 THE COURT: Well, it can be because it's not a
11 participant, but a gun, nighttime. They've got enough
12 to get to the jury on that.

13 MR. WILLIAMS: Yes, sir.

14 THE COURT: And on other three, in the light most
15 favorable to the State, the armed robbery, kidnapping,
16 possession of a weapon, I think in the light most
17 favorable to the State, the State has enough evidence
18 presented for the jury to consider that fact question
19 and then get it to the jury.

20 Now just on the assault and battery first, is --
21 the assault and battery first language, is that the
22 fact that it occurs -- an injury occurs during the
23 commission of a violent offense? Is that what gets
24 the aggravating factor in the State's allegation?

25 MR. SCOTT: Yes, sir. So that is --

1 THE COURT: I mean, if there weren't a burglary
2 and she was just injured, perhaps they're right.

3 MR. SCOTT: It probably would be an A & B third
4 or second, but it's due to the fact that it occurred
5 during the burglary, the robbery and kidnapping and
6 theft --

7 THE COURT: And use of a weapon.

8 MR. SCOTT: -- and use of a weapon, so it's
9 really -- that one is all or nothing. If his defense
10 is I wasn't there, I don't think he gets any --

11 THE COURT: This is like an assault and battery
12 third with these enhanceable provisions.

13 MR. SCOTT: Yes, sir:

14 THE COURT: So I'll reread the statute on that
15 and make certain it's what he just alleged. That's
16 what I thought it was, is those other factors is what
17 runs up the assault. It wasn't a horrific assault,
18 but the aggravating factors ramp it up to the first
19 degree. If that's the case, then I'll probably deny
20 it. I'll read that over lunch. I'm gonna take that
21 one under advisement. I think it's the assault and
22 battery first, but I'm gonna sit on that one.

23 MR. SCOTT: And, furthermore, accomplice liability
24 holds him just as accountable. That's why McFadden is
25 facing the same charge and he didn't go inside. So I

1 don't know whether he did it or I don't know whether
2 Wannamaker did it. She got that injury while they were
3 in there and accomplice liability is gonna put him in
4 the same pot as the other two.

5 THE COURT: Okay.

6 MR. WILLIAMS: Your Honor, for the Court's
7 edification, too, just in an effort to prove my worthy
8 opponent wrong on something, I am now telling him since
9 I am a defense lawyer that we do not intend to put up
10 our client or a defense.

11 THE COURT: Okay. So you-all are gonna argue and
12 charge?

13 MR. WILLIAMS: We are.

14 THE COURT: All right. What -- I'm glad we're
15 going until two. You-all -- I mean, I've got pretty
16 well the charge put together, but anything in particular
17 you-all want to suggest while I'm eating lunch you can
18 think of that ought to be in there because there's -- I
19 don't see any -- the accomplice liability, hand of one,
20 hand of all, that goes in, but -- identification, expert
21 witness, that's in. There's really no statements, so
22 I'm not worried about that.

23 What do you-all have that you-all would need with
24 particularity? I don't see -- I mean, tell me if I'm
25 wrong, but I don't see lesser included. I mean --

1 MR. WILLIAMS: What about a mere presence charge,
2 Your Honor? No, I -- I'm kind of serious about this,
3 Judge, because, you know, with his -- if he shows up
4 when they're counting the money, then that could be his
5 -- the mere presence that he was there when they're
6 finishing their criminal act doesn't mean that he's
7 guilty of the violations of assault and battery first
8 and all the other stuff. He has to be proven to be a
9 participant in the crime.

10 MR. STITELY: Material witness.

11 MR. SCOTT: Right, and I think --

12 THE COURT: Well, I don't know that there was --
13 I don't think the State's presented any evidence that
14 he was merely present. I think they've presented he
15 was not merely a participant, he was one of the lead
16 three, if not lead two. That's -- their two witnesses,
17 if you believe them --

18 MR. WILLIAMS: Right.

19 THE COURT: -- he was there and he led the way into
20 the house and he looked for the safe and he came out with
21 the pillowcase, so he's either the lead dog or he's not
22 in the chain.

23 MR. WILLIAMS: Okay.

24 THE COURT: I don't think mere presence has been
25 testified to even circumstantially.

1 MR. WILLIAMS: Yes, sir.

2 THE COURT: If you think of something you want,
3 you-all, I mean, you-all have agreed on most everything,
4 but I think the standard charges, the hand of one, the
5 hand of all, I'll put in there even though that's
6 probably more applicable, but...

7 MR. WILLIAMS: And I assume that the solicitor
8 goes first and we're second?

9 THE COURT: Yes, then he can rebut.

10 MR. STITELY: We haven't --

11 MR. SCOTT: I think they entered something in
12 evidence.

13 MR. STITELY: No.

14 MR. SCOTT: No? Are you sure?

15 THE COURT: They made it a Court's exhibit.

16 MR. STITELY: I asked the kid about the thing,
17 but then you stopped me before I could put it in.

18 THE COURT: Yeah, I don't think they put a single
19 -- the defense put nothing in?

20 THE COURT REPORTER: No.

21 THE COURT: All right. Well, we're gonna go eat
22 first and come back and work on the charge, so we'll
23 be back in the courthouse by 1:30 easy, probably 12
24 -- I mean, 1:15, so if you-all want to find me you-all
25 know where I park.

1 MR. STITELY: I don't think we anticipate any
2 charge specifics.

3 THE COURT: I just don't see any unusual requests
4 to charge needed, but if something comes up, let me
5 know.

6 All right. See you-all back here in about an
7 hour.

8 (Whereupon, a luncheon recess was taken at
9 12:20 PM.)

10 (Back on the record at 2:00 PM.)

11 THE COURT: Are you ready?

12 MR. STITELY: Yes, sir.

13 MR. SCOTT: Yes.

14 THE COURT: Okay. I think I did not fully rule
15 on the assault and battery, but now my ruling is your
16 motion for directed verdict on assault and battery
17 first is denied because of the other issues of
18 occurring during a burglary with a weapon and all
19 that. That -- that enhances it up as the State's
20 allegations are there, so I think it goes to the
21 jury, the assault and battery first.

22 MR. WILLIAMS: Your Honor, there is -- there's
23 two things.

24 THE COURT: Okay.

25 MR. WILLIAMS: Number one, I would request the

1 Court to inquire as to whether or not my client wishes
2 to take the stand or not even though he and I have
3 talked about it. And, number two, I was gonna renew
4 the motions since there is a possibility there would be
5 a different standard if we had presented evidence and
6 you would rule the same way on those.

7 THE COURT: On those motions if you had presented
8 evidence, my rulings would be the same.

9 Mr. Wilson.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: You've been here throughout -- sitting
12 in this trial since Monday, today's Thursday, so three
13 and a half days.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You've had two lawyers and all the
16 witnesses the State's gonna call have testified. You
17 have the opportunity to testify or to not testify.
18 You've discussed that decision with your lawyers?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Did you discuss it before today?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Okay. Well, I figured you did. I
23 mean, you-all didn't just talk about it over lunch,
24 did you?

25 THE DEFENDANT: No, sir.

1 THE COURT: Okay. You've talked about it several
2 times?

3 THE DEFENDANT: Yes. Not several, but...

4 THE COURT: Okay. Now has anybody promised you,
5 threatened you, suggested to you whether you should
6 testify or not testify?

7 THE DEFENDANT: No, sir.

8 THE COURT: Have you made that decision of your
9 own free choosing?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And have you had sufficient time
12 to speak with your lawyers about the benefits and
13 detriments of testifying or not testifying?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. And you understand by not
16 testifying I'm gonna instruct the jury --

17 THE DEFENDANT: Yes, sir.

18 THE COURT: -- that your failure to testify is
19 not to be discussed during deliberations. Do you
20 understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Okay. Now do you need any more time
23 to talk to your lawyers about whether you wish to
24 testify or not?

25 THE DEFENDANT: No, sir.

1 THE COURT: Have you made that decision?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And what it is?

4 THE DEFENDANT: I will not be testifying.

5 THE COURT: Okay. Fair enough. You've been so
6 admonished.

7 MR. WILLIAMS: Thank you, Your Honor. I think
8 that's it.

9 THE COURT: All right. Solicitor, do you have
10 anything?

11 MR. SCOTT: No, sir.

12 THE COURT: All right. Go get them.

13 MR. WILLIAMS: Judge, the solicitor's just asked
14 if I need to rest on the record. I don't know that I
15 need to rest on the record, but the record is here
16 right here, so I do rest.

17 THE COURT: Okay. And, implicitly, I think you
18 did. You said if we had put up evidence, would you
19 rule the same.

20 MR. WILLIAMS: Yes, sir.

21 THE COURT: So you've rested and I've ruled that
22 my ruling on the directed verdict motion would be the
23 same.

24 MR. WILLIAMS: Yes, sir.

25 THE COURT: Okay.

1 (Whereupon, the jury returns to the courtroom
2 at 2:05 PM.)

3 THE COURT: All right. Good afternoon. I hope
4 you enjoyed your long lunch. We did a little more work
5 and then we went and ate lunch.

6 The State rested. They've presented all the
7 testimony and evidence they're gonna present. As I
8 told you, the defense will make the decision whether to
9 present or not present. They've decided to not present
10 anything and that's their decision. That's their choice
11 because as I told you earlier -- can you-all hear me
12 pretty good when I stand there close? And I can take
13 this down a little bit.

14 But a defendant doesn't have to disprove anything.
15 He doesn't have to prove anything. The State's got the
16 burden of proving the case beyond a reasonable doubt.
17 I'll define that in my instructions, but first you get
18 to hear from the lawyers. The lawyers are gonna
19 summarize. The State, this is what we believe we've
20 proved, the defense will present its summary of what
21 the proof's not proven or whatever they want to suggest.
22 I don't have a clock on them, they talk as long as
23 they're comfortable. If -- my guess would be I'm gonna
24 let the summaries go, then take a short break and call
25 you back in the courtroom and then give you my

1 instructions. That way there's a little break in there.

2 Now do you-all remember when we were selecting the
3 jury and one juror says I can't take that oath and I
4 said you'll have to say here? Do you know he's been
5 here the whole time with you-all sitting over here?
6 And he's been taking notes. He's one of the best court
7 observers I've ever had and that's just a practice I
8 make because that way he can't take the easy way out
9 the side door and doesn't do his civic responsibility.
10 He's been sitting here and participating by observing
11 and that's why I asked that he stay, and so I've been
12 very impressed.

13 Mr. Dibble, thank you for very politely staying
14 and taking good notes I'm told. He told me he did.

15 Now the lawyers' summaries are just that, they're
16 summaries. There gonna present and review the evidence
17 and whatnot with you. I'll give you my instructions.
18 I have not selected a foreperson. It's generally my
19 practice to select one and I do it a variety of
20 different ways.

21 But tell me your name.

22 JUROR: Heyward Glenn.

23 THE COURT: Glenn?

24 JUROR: Heyward Glenn.

25 THE COURT: Mr. Glenn, will you be my foreperson?

1 JUROR: Yes, sir.

2 THE COURT: So I've got thirteen votes supporting
3 you and you were unanimously elected just now.

4 Anybody got an objection to me putting him in
5 charge?

6 JURORS: (In unison) No.

7 THE COURT: They never do.

8 All right. You're my foreperson. You just have
9 to preside and carry the conversation. You don't need
10 to change seats or anything like that, then you'll sign
11 the verdicts once they're reached, okay? So you'll
12 preside when you go and start deliberating. Other
13 than that, you get paid the same.

14 All right. I think that's it.

15 Oh, I told you-all I'll have a computer. This is
16 the computer. It's not the one they've been using over
17 here, but this is the computer you-all will have in the
18 jury room. I presume we've got somebody in here that's
19 familiar enough with IT and stuff. Some of the younger
20 ones can do that. So anything that's electronic, the
21 DVDs and things, can be played on this one. If not,
22 I'll send Lauren back there and she'll help you-all get
23 it to play. So it will be for you-all's use whenever you
24 need.

25 All right. Those are my opening remarks for the

1 closings. Let me get seated.

2 Solicitor, I'll let you start.

3 MR. SCOTT: All right. Thank you, Your Honor.

4 May it please the Court?

5 THE COURT: Yes, sir.

6 MR. SCOTT: Me and Kese did the other old lady
7 wrong. We don't care. Money come first. I'm sorry
8 to tell you, if you didn't already know, that there are
9 people out there like that. People who would kick your
10 door in, smack you upside the head, take what you got.
11 In my line of work, I've come to be accustomed to some
12 of the worst things people will do with one another, to
13 one another. People like Andre McFadden, people like
14 Shyrod Wannamaker, people like Markese Wilson. They're
15 the takers and they count on others to create, to make,
16 to earn so they can swoop in and take it. That's what
17 a taker does.

18 That old lady they keep talking about, she had a
19 name. Her name was Kathy Samellas, okay? So lest you
20 forget, she wasn't some old lady. That may be all she
21 was to this guy, some old lady who had something he
22 wanted, but she was a creator. She was a maker. She
23 was an earner.

24 She and her husband, Charles, they had businesses.
25 They owned and operated Granby's Ice Cream and Sandwich

1 Shop, a popular place in downtown Columbia. She was
2 instrumental helping her George, her son, get up and run
3 Greek Boys, a restaurant downtown running today, I think
4 going on fifteen, sixteen years now. That old lady was a
5 fixture of Holy Trinity Church downtown, a Greek orthodox
6 church. If you ever went to the Greek Festival downtown,
7 that's where it was. She was instrumental in running that
8 festival, a very popular event every year. I think most
9 importantly to her though she created and made a family.
10 Andrea, her daughter, George, her son, and she made a home
11 here at 1423 Beaver Dam Road.

12 All of us probably subscribe to the notion that once
13 we get home, unlock the front door, step into the house,
14 we're safe from the hustle and the bustle and the grind.
15 I don't know who -- I'm not gonna say it's a fallacy,
16 but we all have that idea that once we step through the
17 door into our home we kind of shake all that off. The
18 realities of the world we live in, that's all behind us
19 on the outside, but once we step into our home there's
20 the idea of safety or so we hope. It's a good feeling.
21 When you get inside, you're finally on home base. And,
22 I mean, I'm not gonna say that is a complete fallacy,
23 but cases like this to me illustrate that the sanctity
24 and the safety of home is sometimes just an illusion.

25 George was telling us April -- I believe the

1 specific day was April 22nd of 2018, his father, Kathy's
2 husband, George -- rather Charles Samellas passed away.
3 We heard he was a Korean war vet, a Marine, beloved
4 husband of Kathy, and the months leading up to his
5 passing were tough. He was at home and he had gotten to
6 the point where he needed hospice and, of course, with
7 hospice comes caregivers who are in and out of the house.
8 We heard how he was a child of the Great Depression.
9 When the economy failed and factories laid off everyone,
10 the banks closed, many men like Charles' father, they
11 lost everything. He was forced to live in -- in a
12 relative's attic for a period of time and that had an
13 effect on him. That event as a child had a profound
14 effect on him it seems because I think he vowed never
15 to let that happen to him. And so to that end, over
16 the years, he'd get a paycheck, he'd deposit this one,
17 but this one he might cash and put into the safe because
18 it was important to him that he didn't wind up in
19 someone's attic again. It was important to him to have
20 a safety net for him. It was important for him more so
21 that he had a safety net and a cushion for his beloved
22 Kathy. And we were told over time, decades of doing
23 so, decades of earning, decades of making a living and
24 decades of creating, he amassed a hundred thousand
25 dollars give or take in that safe in cash.

1 It's unclear how the takers got wind of that money,
2 that safe and its contents. It's been suggested that
3 maybe the link was one of those nurses. Maybe one of
4 these nurses told someone else who told someone else
5 who ended up telling someone who then eventually tipped
6 off the takers. It's been suggested that a man named
7 D.K. was the link. Others have mentioned a Terrence
8 Haigler. At any rate, we do know that that information
9 fell into the hands of Andre McFadden, Shyrod Wannamaker
10 and Markese Wilson.

11 Fate is hateful sometimes because if that
12 information fell into the ears of someone who is not
13 a taker, they may say that lady has a hundred thousand
14 dollars, well, good for her, that's good that she has
15 that safety net.

16 But in this case fate allowed that information to
17 fall onto the ears of a taker, somebody who doesn't
18 create, somebody who takes from people, like Markese
19 Wilson. They don't wish anyone well. You've got
20 something, they don't have it, they're gonna take it
21 from you and they're gonna do it the easy way.

22 All three of these guys, they're childhood friends.
23 They've all known each other since they were little. We
24 know Shyrod Wannamaker and Markese Wilson are family.
25 They've known each other their whole lives. They're

1 cousins. McFadden worked at Starbucks at the bean
2 roasting facility, but he was fired. Shyrod Wannamaker
3 was a driver for some period of time. He was fired. I
4 don't know that Wilson's ever had a job.

5 On January 21, 2019, these three lifelong friends
6 set in motion a hellish plan. They met at [REDACTED]
7 Lane down in St. Matthews. You heard about that. That's
8 the trailer where McFadden lived and it was right down
9 the street from his mother's home, and it's where Brittany
10 Whitmore lived with him. They had a child together.
11 You heard about that.

12 Mr. Wilson left a red Pontiac he borrowed from a
13 relative there, left his phone inside, okay? I think
14 if we haven't been clear, I want to be clear, the State
15 believes he left his phone in the car then and there.
16 Was it an accident? I don't know. Was he just a savvy
17 taker? I don't know. But the State is telling you he
18 left his phone in that Pontiac at [REDACTED] Lane,
19 gets into the passenger seat of the Infiniti that
20 Mr. McFadden owned and they went up I-26 to Irmo where
21 Shyrod Wannamaker was living. They picked up Wannamaker,
22 who got into the back seat, they drove to a nearby
23 parking lot. We've been told it was the parking lot of
24 that plaza on Harbison Boulevard. Some of you may be
25 familiar with it. There's a Publix there, there's a

1 Target there, a few other stores. I know there's a
2 West Marine there. They talked about a Buffalo Wild
3 Wings being there.

4 But any rate, it's dark. They discuss some of the
5 final details of this home invasion. That's what it
6 is. They've come equipped with latex gloves, they're
7 wearing hoodies and the idea is that they'll wrap white
8 T-shirts just under their eyes and put their hood on so
9 they won't be seen. They enter the neighborhood and
10 I've at different times tried to describe where this
11 neighborhood is. It's, I guess at the top of Harbison
12 just before you cross the railroad tracks and get onto
13 St. Andrews just to the right of there close to that
14 plaza where they staged. They circle the block, they
15 identify the house, they circle once more. Mr. McFadden
16 parks the car and at that point Mr. Wannamaker and
17 Mr. Wilson get out, put gloves on their hands, hoodies
18 up, T-shirts covering their face.

19 Just to orient you where the neighborhood is, this
20 -- this would be Harbison Boulevard as I've described,
21 this would be St. Andrews. A couple of landmarks. We
22 see Irmo High School here, the Target I'd referenced is
23 right here, there's a Longhorn Steakhouse here. All
24 this, this is Quail Valley. This is the neighborhood
25 where 1423 Beaver Dam Road is located and it's marked

1 right here. So the way they describe it, they staged
2 in this parking lot, they enter into the neighborhood,
3 circle around under cover of darkness.

4 The testimony was -- at least from Mr. Wannamaker,
5 this was the entry point, the front left of the house.
6 You go to the front left of 1423 Beaver Dam.

7 Let me ask you, am I -- can everyone see the
8 screen right now?

9 UNIDENTIFIED JUROR: It's kind of blocked off by
10 that. That's good.

11 MR. SCOTT: This was the entryway. He talked about
12 a wooden fence just to the left of the house. Left of
13 the house, this is the wooden fence. And the defense
14 attorney mentioned the top being broken as they went
15 over. That's what he's talking about. This is the rear
16 of 1423 Beaver Dam. This would have been the direction
17 of the travel from -- if you're facing the front, that
18 would have been the left. This is our entry point.

19 This is the direction Mr. Wannamaker and Mr. Wilson
20 took just before kicking down the door. And it occurs
21 to me once they jump that fence with this hellish plan
22 in mind -- because they weren't expecting anybody to be
23 home and then when they looked through that window there
24 and they see Ms. Samellas sitting there in the sanctity
25 of her home watching the nightly news, they could have

1 backed away right then. It could have been all over,
2 nobody hurt, and we wouldn't be here today.

3 When they looked through that window and they see
4 her, they could have said hey, Shyrod, she's home, man,
5 this woman, let's don't do this, man, this is dirty,
6 let's just back up and leave. But, no, that's not what
7 happened because the taker is there to take and he's
8 already there. You heard Mr. Wannamaker say Wilson
9 said well, we're already here, might as well do it.

10 They circle around to this door. Here's another
11 angle of it right here. This is our entry point. Kick
12 it in, okay? 79-year-old Kathy Samellas is in the next
13 room watching TV when she hears a loud bang. That's
14 enough to give almost anyone a heart attack. This is
15 79-year-old Kathy Samellas home alone. They kick the
16 door so hard the knob bust through the sheetrock. This
17 is the chair that Mr. Wannamaker said Kathy was sitting
18 in when they came in. She jumps up. How did you come
19 in here? How did you get into my house? Where's the
20 safe? Where's the safe? How do you know I have a safe?
21 How did you get in here? Who are you? Where's the safe?

22 Mr. Wannamaker, he admitted this to you, he stands
23 there with a Glock pistol with an extended clip -- you
24 saw the blue clip, we'll see again -- pointed at this
25 woman, an unarmed woman. A 79-year-old woman doing

1 nothing to anybody, sitting at home watching the news.
2 He admitted that to you-all. This guy, he's running
3 through the house, where the dam key? Where's the safe?
4 Where's the key? A 79-year-old woman. She tries to
5 play dumb at first. I don't know, I don't know. Yes,
6 you do. Screaming at this woman. They get her up,
7 march her back to the front of the house, make her show
8 them the key and give it over to them, and this guy
9 opens the safe.

10 Just -- I can see him smiling now and just laughing
11 as he loads it into a pillowcase. You know what Kathy
12 said? Leave my mom's jewelry. Just take it, leave my
13 mom's jewelry. He doesn't care, man. He's a taker.
14 That doesn't mean anything to him, but he's gonna take
15 it anyway. It's hateful, but he's a taker.

16 So a hundred thousand dollars is gone like that.
17 It took Mr. Charles decades to accumulate it, but it's
18 gone. That jewelry she wanted to give to Andrea, her
19 granddaughters, that's gone. Kathy Samellas went from
20 sitting in her living room watching the news to having
21 pistols in her face, suffering injury in her own home
22 by two people she had never met a day in her life.

23 How did this happen? I don't know. I don't know.
24 It wasn't like that before they came in there. Did
25 they smack her in the head? Did they push her down?

1 I don't know, but they injured this poor lady, took
2 everything she had in one fell swoop because he's a
3 taker.

4 But a hundred thousand dollars and \$35,000 of
5 jewelry must not be enough because then they went
6 through the lady's bedroom and jerked out the drawers
7 and left them on the floor, tried to find what else they
8 could. This is the closet we talked about where they
9 finally found the safe. Mr. Wilson, as he looks at me,
10 drug it into the living room, opened it while Wannamaker
11 stood there with a pistol on her.

12 Then it's out they go. They left we're told
13 through the gate. They jumped the fence on left of
14 the house and they left out the gate on the right,
15 shot across the yard, and at that point we're told
16 Wannamaker is calling McFadden come get us, come get
17 us, man, we're out. Where are you, where are you?
18 We're told McFadden, unfamiliar with the neighborhood
19 or at least not as familiar as somebody who lived in
20 the neighborhood, was circling around waiting on the
21 call to pick them up. He's the getaway, right? So
22 they're running. They're -- of course, this picture's
23 taken during the day, but this happened at night.
24 They're running through the dark, they're calling for
25 him to come find us, come get us, we're done, we've got

1 the goods, let's get back to St. Matthews, but let's
2 break the old lady's phones first that we took. Because
3 you heard how they didn't want her to call 9-1-1 lest
4 the police catch them on the way out with the goods.
5 They took her iPhone and took her handset they found
6 and they smashed it right across the street as they ran
7 to find Mr. McFadden, who was circling.

8 This was the testimony. This would have been the
9 front yard looking to the right. There was Rail Fence
10 Road. The testimony said that that's where they ran to
11 and at this next street is about where Mr. McFadden
12 picked them up.

13 Now you've got this in evidence. These are phone
14 records, okay? You heard them testify how it's in UTC
15 time and you've got to convert it by subtracting five
16 hours to get Eastern time, which we all are familiar
17 with. This is Mr. McFadden's phone. Do you-all remember
18 the testimony that said 6:51 PM is when Ms. Samellas
19 was able to make the 9-1-1 call, which thank goodness
20 they didn't find her other handset. She's still one of
21 the few people that had a landline. I don't have a
22 landline, but luckily she did because they took her cell
23 phone and crushed it. They took one of the handsets to
24 her landline and crushed it, but there was still one that
25 they didn't find.

1 At 6:51, we know this, she calls 9-1-1, okay? And
2 I know you-all have been taking notes, so I don't have
3 to tell you twice, but that's what I recall the testimony
4 being. Phone records show at 6:39 all the way down to
5 6:51 Mr. McFadden is trying to call Mr. Wannamaker,
6 Mr. Wannamaker is trying to call Mr. McFadden. So here
7 you see one, two, three, four, five events between 6:39
8 and 6:47 when McFadden is trying to call Wannamaker.
9 You-all about done? What's taking so long, man?
10 You-all done? I'm still circling around. Let me know
11 when you're done.

12 Then we've got three events between 6:49 and 6:51
13 where Wannamaker's calling McFadden. We're done. Where
14 are you, man? Me and Markese got the goods. Where are
15 you at? 6:51 are the last two events where they're
16 calling and then, again, like I said, Samellas' 9-1-1 at
17 6:51 PM. 7:29, okay? Remember, 6:51 is when she gets
18 the phone and she's able to call 9-1-1. And it probably
19 only took her enough time to find that extra handset,
20 dial 9-1-1 and get connected and tell them what happened.

21 You heard the testimony. You-all remember this
22 video? If I never have to see it again after this day,
23 I'll be a very happy person and you-all are probably
24 feeling the same way, but it's so noteworthy because
25 here they are, what, forty minutes later in St. Matthews

1 at [REDACTED] Lane, okay, at Mr. McFadden's home, and
2 this is what nabbed them.

3 Remember when they get McFadden's phone on that
4 other incident, the officers start seeing this stuff and
5 they go wait a minute, we had a home invasion from that
6 date on Harbison. These are the guys.

7 (Whereupon, State's Exhibit Number 54 was played.)

8 MR. SCOTT: He's got a way with words, doesn't he?
9 They're ecstatic, they are so happy, and we know this is
10 Mr. Wannamaker's gun. I don't know if that's Wilson's
11 gun or that is, but isn't that interesting there's three
12 guns around that pile of money? Because we know there
13 were three people involved. And isn't it interesting
14 that at 7:30 the three people we see in the videos are
15 Mr. Wilson, Mr. McFadden and Mr. Wannamaker? And I know
16 they want it so bad to be Brittany. I know they want to
17 say Brittany Whitmore was the guy or the -- the driver
18 and it wasn't him, but the evidence shows otherwise.

19 (Whereupon, State's Exhibit Number 54 was played.)

20 MR. SCOTT: See that right there? That's
21 Mr. Wilson. See the three males in that picture at [REDACTED]
22 [REDACTED], forty minutes right after this incident --
23 or 9-1-1 is called? See that guy in the back you keep
24 seeing by the money counter? You-all can watch --
25 you-all will get these videos by the way. You can watch

1 them as many times as you want, you can slow them down,
2 you can freeze frame them. I'm just showing you things
3 I think are noteworthy.

4 I just kept seeing this air-conditioner and I kept
5 seeing this fella with no shirt and his gray underwear
6 hanging out the top of his pants and it just reminded me
7 of a picture I had where I could see that air-conditioner
8 and I can see him not wearing a shirt and I can see his
9 underwear here and so to me it's -- it's really not a
10 question of whether he was there. We've got testimony
11 that he was there and here's the picture proof. This
12 picture was taken at 7:33 at [REDACTED] Lane. This
13 is a good picture because -- let's play devil's advocate.
14 Let's say that the defense attorney is right about it
15 and that Mr. Wilson had no involvement. I want to know
16 how come at 10:48 that night you see this picture.
17 They're in two different places. Well, unless the
18 defense is to be believed and it's common for people in
19 the same room to FaceTime one another, but I think
20 typically it's safe to say people are in two different
21 places when they FaceTime one another. But here at
22 10:48, later that night, you see these two lifelong
23 Facebook buddies FaceTiming one another showing off
24 their ill-gotten gains. It's just noteworthy to me.
25 Maybe it's not to you.

1 You've heard multiple times about the six counts,
2 six charges Mr. Wilson's facing, and I'm gonna go over
3 them briefly. I'll try to explain them in common sense
4 terms.

5 Burglary first, that's the one I'll start off with.
6 The judge is gonna give you -- and really I can't tell
7 you not to take notes, but if you do take notes I would
8 do it when the judge gives -- he's gonna give you the
9 law and so I'm gonna try to explain it to you, but if
10 -- if I explain it any different than he does, you always
11 go with what the judge describes the law as.

12 The way I would describe the burglary first is it's
13 the unlawful entering of a dwelling, okay? A dwelling
14 is a home. The law distinguishes between a dwelling and
15 a building. A dwelling would be a home which we have
16 here at 1423 Beaver Dam. Without consent and with the
17 intent to commit a crime inside, okay?

18 Burglary first has different aggravating factors
19 is what we call them. One of them could be if when you
20 enter the dwelling you're armed with a deadly weapon.
21 That can bump it up to burg first. Or if you cause
22 some kind of physical injury to someone or you threaten
23 to use a deadly weapon or you display a pistol or it's
24 nighttime. Here we've kind of hit through the cycle
25 because what he did fits every one of those. The

1 testimony was he entered with a pistol. The testimony
2 was that Ms. Samellas, and you saw it in the picture,
3 she sustained an injury to her head. The threat of a
4 deadly weapon is there by the very display of the
5 weapons as you run through and threaten her where's the
6 safe. Of course, there it had to have been displayed
7 to make the threat. And then the entering occurs at
8 nighttime. That's what the testimony was. So if you
9 think Mr. Wilson did those things, then you must find
10 him guilty of burglary first.

11 Armed robbery. The law says it's unlawful to
12 commit a robbery while armed with a pistol or other
13 deadly weapon or while alleging that you're armed with
14 a pistol or a deadly weapon, okay? Armed robbery,
15 the legal definition is kind of like the generally
16 understood definition of armed robbery. Here we have
17 Mr. Wilson going into the house, committing a burglary,
18 using a gun to forcefully take money and jewelry from
19 Ms. Samellas. If you think the evidence proves to you
20 beyond a reasonable doubt that he committed an armed
21 robbery, you've got to find him guilty of armed robbery.

22 Kidnapping. Now this is kind of an antiquated
23 definition of a kidnapping. A kidnapping in the movies
24 is -- you know, it's always kind of you grab the person,
25 you duct tape their ankles, you duct tape their wrists,

1 put tape over their mouth and throw them in your trunk
2 and then take them somewhere. A kidnapping under our
3 law is really just an unlawful confining of someone and
4 restricting them freedom to move about. So whoever
5 shall unlawfully seize, confine, inveigle, decoy,
6 kidnap, abduct or carry away any other person by any
7 means whatsoever without authority of law is guilty of
8 a kidnapping. And you even hear Ms. Samellas say in
9 the body cam video that she couldn't move because she
10 didn't know if they were gonna shoot her or not. That's
11 a kidnapping. If you're sitting in that seat because
12 there's a guy holding a gun at you telling you not to
13 move, you ain't gonna move. Especially if you think he
14 means it, he's gonna pull the trigger and shoot you.
15 Under our law that is a kidnapping. If you think by
16 threat of violence they restricted her movement and
17 did not allow her to leave freely, then he's guilty of
18 a kidnapping, and if you find that I've proven that
19 beyond a reasonable doubt, you must find him guilty of
20 kidnapping.

21 Safecracking. You know, this law exists because by
22 the very nature a safe contains valuables. You know,
23 you typically don't put a worthless thing in a safe and
24 lock it up. No, our very -- our most sacred belongings,
25 our most valuable belongings are stored in safes. That's

1 why it's got its own law of safecracking. It is unlawful
2 for a person to use explosives, tools or any implement
3 in or about a safe used for keeping money or other
4 valuables with intent to commit a larceny or any other
5 crime. A larceny is stealing. So he didn't use any
6 explosives, we know that. I don't know of any tools he
7 used to open the safe, but he did use, he used another
8 implement, and you know what that was? It was a key he
9 had no right of possessing. A key he had no right of
10 using, okay? So Mr. Wilson unlawfully used another
11 implement to open a safe that he had no business going
12 through. He certainly had no business taking the
13 contents of. If you think I've proven it guilty -- or
14 proven him guilty of this beyond a reasonable doubt,
15 you must find him guilty of safecracking.

16 Possession of a weapon during the commission of
17 a violent crime. The title kind of says it all. If
18 you commit any kind of violent crime and you're armed
19 with a weapon at the time, you're guilty of this, okay?
20 In our state, kidnapping's a violent crime. In our
21 state, armed robbery is a violent crime. In our state,
22 burglary first is a violent crime, okay? So if you
23 believe beyond a reasonable doubt that he committed any
24 of these crimes while armed with that nice Glock, that
25 40-caliber Glock that he had -- I think it's interesting

1 that these three musketeers, these childhood friends,
2 all had matching guns. Isn't that cute? They all had
3 matching Glocks. I don't know if that means anything
4 to you, but that's compelling to me. That says it, it's
5 a nice gun, and I'm sure he used it convincingly on
6 Ms. Kathy Samellas, that 79-year-old woman, in her own
7 home. But if you believe he did that and you believe
8 I've proved it beyond a reasonable doubt, you've got to
9 find him guilty of it.

10 Assault and battery first degree. You saw the knot
11 on Ms. Samellas' head, okay? Dare I say if she got a
12 paper cut that night while they were committing that
13 armed robbery and that burglary while they're in her
14 house, he'd be guilty of that. Any injury sustained by
15 a victim of a robbery, a burglary, a kidnapping or a
16 theft, any injury bumps it up to an assault and battery
17 first degree. If you think Ms. Samellas sustained that
18 injury while they were burglarizing her, while they were
19 robbing her, while they were holding her against her will
20 and you think I've proved it beyond a reasonable doubt,
21 you must find him guilty of assault and battery first
22 degree.

23 I keep saying this if you find him guilty beyond a
24 reasonable doubt. You-all heard how the defense has
25 nothing to prove and that is one of really our most

1 sacred rights really. Any of us. And I respect that
2 right. And the judge earlier was talking about how we
3 have the greatest criminal justice system in the world.
4 I can't argue with it because we have the right to be
5 tried by a jury of our peers, people from where, you
6 know, the crime happens, the citizens of the community
7 where that crime happens, and we don't have to offer a
8 shred of evidence.

9 The State's gonna have to -- you've got to put the
10 State to the test, they've got to prove it to you, and
11 if they don't, you're innocent, you walk out of the
12 courtroom the same as you entered it. And he wears it
13 like a robe of righteousness that judge will tell you.
14 He's innocent until proven guilty. The only way I can
15 prove him guilty is if I can do it to you guys, a jury
16 of his peers, beyond a reasonable doubt. And what makes
17 it so great is that's the highest standard really in the
18 world.

19 Because they're gonna talk, you know, if it's a
20 civil case, it's a car wreck case, I've got to prove it
21 just a little bit more than the other guy, right? A
22 preponderance of the evidence. But in this case, in a
23 criminal case, I've got to prove it to you something
24 like that. It's beyond a reasonable doubt.

25 And the best way, I guess, I can describe it to you,

1 and the judge is gonna tell you -- I believe he's gonna
2 say it twice. He's gonna use the term "firmly convinced".
3 If you're firmly convinced of his guilt, if the evidence
4 shows that he did it and you're firmly convinced he did
5 it, that's beyond a reasonable doubt. Does that mean
6 beyond all doubt? I mean, do I have to answer every
7 single question you've got? No. Because the only
8 person who can answer every single question you've got
9 are the parties who were there that night. I've never
10 had a case where I could answer every single question
11 about the case and that's not what reasonable doubt
12 requires. What it requires, it means that if you have
13 a doubt that is reasonable and based on logic, you
14 should find him not guilty.

15 And I don't know, I don't know if a lot of
16 prosecutors say this, but I'm gonna tell you acquit the
17 guy if you've got a real logical belief based in reason
18 that he wasn't there and you think the proof doesn't
19 reasonably show that he committed these acts. Let him
20 walk out of that door. I'm telling you that because
21 that's the law. But if your doubt is not reasonable or
22 your doubt is not really logical, you should find him
23 guilty.

24 Does it mean you have to be a hundred percent
25 certain? What the judge is gonna tell you -- I've tried

1 a lot of cases in front of this judge, so I'm -- I'm not
2 putting words in his mouth, but what I believe he'll tell
3 you is no, you don't have to find him one hundred percent
4 -- or you don't have to be one hundred percent certain.
5 He's gonna say there are few things in the world we know
6 with absolute certainty. In criminal cases, the law
7 does not require proof that overcomes every possible
8 doubt. If, based on your consideration of the evidence,
9 you are firmly convinced the Defendant is guilty of the
10 crime, you must find him guilty. That's what beyond a
11 reasonable doubt is. You have to apply that standard
12 when you look at each one of those six charges, okay?

13 Now you're gonna -- you know, when I try a case
14 like this -- how should I put it? Well, the saying
15 goes when you have plans hatched in hell you never have
16 angels as witnesses, okay? So when I'm calling a crime
17 as dirty and dastardly as this and I call the other
18 players involved, you're not gonna get to hear from
19 teachers and pastors and Sunday school teachers because
20 they're not the kind of people that team up with
21 Mr. Wilson to rob women who are home alone. The people
22 who would do that are people like Andre McFadden and
23 Shyrod Wannamaker. That's who I've got to put on the
24 stand. I'm sorry I didn't have some angels up there,
25 but, you know, what was credible to me they were both

1 throwing themselves down in the dirt, too. You know, it
2 occurs to me if I -- if I put a co-defendant up there
3 and they say well, Mr. Scott, I really didn't do too
4 much, I didn't know what they were gonna do and -- and
5 he's the one who jumped out and did this and did that,
6 I mean, Wannamaker got up there, he admitted to every
7 one of the crimes. I mean, he confessed up there on
8 the stand to a burglary first, an armed robbery. He
9 confessed to a kidnapping, he confessed to the
10 safecracking or his part in it.

11 I talked about the assault and battery first,
12 and I'm gonna talk to you about some accomplice
13 liability-type, and possession of a weapon during a
14 violent crime. He admitted to all those things. That
15 gives him built-in credibility that he's not shirking
16 his responsibility. He's saying yeah, I went in
17 there. Yeah, I went in that woman's house without her
18 permission. Yeah, I had a part in stealing that. But
19 guess what? My own cousin was with me, right? That's
20 his cousin he's telling you about who all this evidence
21 points to. What's he got -- what's he got to throw him
22 in it for if he wasn't there? Why couldn't he have
23 just told us oh, it was some guy named Sam Brown or it
24 was a guy, I can't remember his name, or I only knew him
25 by the nickname of so and so? No, he named Mr. Wilson,

1 okay, while at the same time throwing himself down
2 there, too.

3 And it occurs to me, too, well, you know, if
4 Wannamaker wanted to lie, why wouldn't he say well, I
5 was just the getaway driver? No, he put himself in it.
6 He names McFadden as the getaway driver and, of course,
7 they're in McFadden's car. Why would he name his own
8 family in it if he knew Brittany Whitmore was involved?
9 Wouldn't it be much easier -- because I'm trying to
10 figure out what their theory is.

11 I think it -- this is what it is, that Brittany
12 Whitmore was the driver. Why wouldn't he just say it
13 was her? He'd only known her for like three years is
14 what he said. I mean, I guess they'd say McFadden is
15 trying to clear Brittany because that's the mother of
16 his daughter. Why is Wannamaker doing that? Just
17 something to think about. We know at least three people
18 were involved because we know there were two black males
19 inside and we know there was a getaway driver, okay?
20 We know there were two males that entered. If we're
21 supposed to believe that Wannamaker and McFadden went to
22 the house and that Brittany was the driver, go back to
23 that slide I showed you. Why would they be calling each
24 other right after the robbery? Does that make sense?
25 In other words, if Mr. McFadden and Mr. Wannamaker are

1 the ones inside, why do we have them calling each other?
2 You don't call somebody right beside you while you're
3 running out of the house, do you? No. Wannamaker's
4 calling McFadden because McFadden's the driver. If
5 Brittany was the driver, wouldn't we see phone calls to
6 her frantically right after the robbery? It's just a
7 thought.

8 I've had a lot of time to look at this case, I
9 guess. I know you-all probably feel like you're
10 drinking water out of a firehose, but I just bring
11 these points up just like I bring up the point that
12 Mr. Wilson's phone is ping off the same tower at
13 [REDACTED] Lane solidly from 5:11 PM to 7:41 PM.
14 It's sitting there ping off a tower right near
15 [REDACTED], okay, but we know he lives in Orangeburg.
16 So why's his phone just sitting there ping off that
17 one tower during the exact window of time it would take
18 to run up to Harbison and then get back to St. Matthews?

19 That's just a thought. I don't know if it's
20 compelling to you or not. I want to know -- maybe
21 there's a good explanation, but what is he doing posing
22 with the money at [REDACTED] directly after the
23 incident? How come we don't see Brittany Whitmore in any
24 of these pictures if she was the driver, you know? And
25 like I said earlier, why is he in a different location

1 FaceTiming Andre McFadden showing off his money if he
2 didn't have anything to do with it? Is that weird? I
3 just want to see one picture of Brittany holding up stacks
4 of money at [REDACTED] Lane forty minutes after the
5 robbery. All I've got is these three, three musketeers;
6 Nose, Lips and Dre.

7 These things, these texts, you know -- and this
8 is a month later, February 20th. They're still riding
9 the high. They're still on top of the world with all
10 this money they got, you know. They're trying to figure
11 out what they're gonna buy. Mharquis Wannamaker, he
12 says he's blessed. And this -- this is ironic to me, I
13 guess. I don't know what the term is, but Mr. McFadden
14 in response: Would never ever forget the happiest day
15 of my life. That's how he was still feeling in February
16 because he hadn't been nabbed on this yet. And then
17 Mr. Wannamaker: All that shit falling out that bag
18 when Kese flipped it? It was like a movie. Why would
19 they say that? I mean, nobody's been arrested yet. How
20 come a month later they're still talking about Kese with
21 them that night? I don't know.

22 His buddies, the guys that were telling about how
23 everything went down, tried to pull off another robbery
24 in April, okay? And they talked about how they were
25 kind of, I don't know, disappointed in themselves because

1 it didn't really go as planned. And McFadden: Had the
2 money. What the fuck. Rod should have killed her ass,
3 man. And what does Mharquis -- or rather -- well, his
4 name is Shyrod Mharquis Wannamaker, what does he say?
5 LOL. Just push her out the damn way. Grab the
6 pocketbook. Shit. Me and Kese did the other old lady
7 wrong. We don't care. Money come first. Why are they
8 still talking about Markese Wilson in April? They still
9 haven't been caught for this.

10 I don't know. It just occurs to me that if Brittany
11 was the one, the driver, why don't they ever talk about
12 her participating in the happiest day of their life?
13 How come January 23rd, two days after this incident
14 while they're all talking about what they're gonna do
15 with their money, how come Markese Christopher Wilson
16 says: All right, you-all, get my drift. We ain't gonna
17 say no mo 'til we link. Why doesn't he want to talk
18 about it in a text message? You think maybe he's savvy
19 enough to know better? Think maybe he's savvy enough to
20 leave his phone behind when he's going to do some dirty
21 deeds? I don't know. It just seems compelling that two
22 days after this this is what he's talking about.

23 This is what I love. Two days after this incident.
24 I mean, I don't know what -- if there's anything anymore
25 clear. Here he is January 23rd, 10:41 AM. Shit feel

1 good to know you-all got it with me. We all got it.
2 We're family. Money come first. That's just -- that's
3 their mindset. I mean, is it so you can buy fancy
4 things? So you can flex on Instagram? So you can get
5 followers or fans? Is it some -- some of that or all of
6 the above? I don't know. I mean, it just could be as
7 simple as some people are takers.

8 You've seen the evidence. Do you remember earlier
9 when the defense was saying we selected all of you
10 because you-all have one thing in common and that is
11 this vein of common sense? And that's what a case like
12 this takes, common sense, logic, and you're gonna have
13 all this, you're gonna remember all the testimony,
14 you're gonna get to look at your notes and everything,
15 and really all the evidence, all of the common sense,
16 it just points in one direction, okay?

17 Andre McFadden and Shyrod Wannamaker, they're gonna
18 have their day in court, okay? You see her? She types
19 down everything anybody says. Anything I said this
20 whole trial, it's gonna be on a transcript just like
21 anything and everything Mr. McFadden said, it will be
22 on a transcript. Just like anything and everything
23 Mr. Wannamaker said, that's gonna be on a transcript,
24 okay? They have admitted to all those things. They're
25 gonna have their day in court, but this week, this is

1 Mr. Wilson's day in court, okay?

2 All the evidence points to one conclusion. That
3 is guilt beyond a reasonable doubt on all six charges
4 he's faced with. That's the burglary first, the armed
5 robbery, the kidnapping, the assault and battery first,
6 the safecracking, the possession of a weapon during the
7 commission of a violent crime. I ask you to consider
8 all the evidence, use your common sense. When you
9 deliberate, I ask you to find him guilty of all six
10 charges.

11 Thank you.

12 THE COURT: All right, Mr. Williams.

13 MR. WILLIAMS: May it please the Court?

14 THE COURT: Yes, sir.

15 MR. WILLIAMS: Good afternoon, ladies and gentlemen
16 of the jury. And I'm going to try to talk up so people
17 can hear me. I have a little hearing issue, too. A
18 little bit. I'm gonna close up all this stuff right
19 here. Not because I don't want you to see it, but you
20 can see it a little bit later on.

21 You know, what we do in opening argument is we
22 try to -- try to tell you what our view is of what is
23 important and what is not as important. We're not
24 witnesses to anything. Lawyers aren't witnesses to
25 anything. What we say is not evidence. Well, thank

1 goodness it's not because we'd have to have it correct
2 if we were gonna use it as evidence. It's a red
3 Chrysler, it's not a red Pontiac. What we say is not
4 evidence. What we don't show you is not evidence.
5 Pictures of Brittany with money that's not introduced
6 into evidence is just that. Something that you don't
7 have before you to use in your consideration.

8 I thought maybe I would kind of start this off with
9 little bit of explanation about what I think about the
10 trial and the jury system and -- and what your jobs are.
11 You know, you twelve jurors were chosen out of some
12 pretty careful consideration. You come from different
13 walks of life, different ages and we -- we selected you
14 because we thought that you individuals could choose
15 what you thought the truth was in the case and that's
16 an honorable situation to be in.

17 I thought about what the jury system is. I think
18 it's a system of honor. I heard the theme coming from
19 the solicitor about takers and -- and non-takers. Well,
20 I think it's all about honor. I think you were honored
21 to be selected. I think I am honored to be trying this
22 case before you. We call him Your Honor because we
23 respect him. The system is honorable.

24 When I talked to you at the beginning of this trial,
25 I talked to you about all of the turmoil that is going

1 through, how we're supposed to dislike each other, how
2 we're not supposed to reach together. We -- we celebrate
3 our differences, but there's always the truth which comes
4 forth when you put a mass of people together. The truth
5 will always come out.

6 And I'll tell you who else is honorable. I -- and
7 I heard the solicitor talk about -- about Ms. Samellas
8 and about what a wonderful person she was. I don't
9 disagree about that. I don't know how her son feels
10 about me making that comment, but I don't disagree about
11 that at all. She was a lovely person and we all have
12 people in our family who are lovely people and we love
13 them. His father, a Korean war vet. I know -- I know
14 my law partner probably got -- got the blood flowing a
15 little bit because he's -- he is proud of his father.
16 He should be. I thank him for his service.

17 When I think of honor, I think of people that we
18 honor. I think about my mother who raised children with
19 no daddy. Her first husband died at St-Lo. My father
20 died when I was six months old. And I went in the Army.
21 These are honorable things, but, you know, you don't
22 decide cases on who the players are. You don't decide
23 cases on who the victims are. You don't. You don't.
24 And I thank God we don't.

25 I've been burglarized twice. So what the heck am

1 I doing representing this guy? Because you've got to
2 believe in the system. Maybe he's not guilty. We don't
3 think he is. We don't think that they've proven it
4 because you've got to believe that they have to prove
5 him guilty beyond a reasonable doubt. And if you don't
6 believe in that system, then we've got nothing left.

7 Well, when I start thinking about beyond a
8 reasonable doubt, then I -- actually, you know, the
9 whole case -- the whole case is kind of built on
10 an early witness which testified because this is
11 a cellphone case. I mean, everybody knows it's a
12 cellphone case because what can you believe about
13 anything if you can't believe the one thing that can't
14 supposedly be changed around. I mean, that's really
15 true. It is a cellphone case. There's no question
16 but that my client's cellphone never went to Irmo. No
17 question about it. So the big question you've got to
18 figure out is whether or not my client was using his
19 cellphone as we suggest that he's on there because
20 there's obviously someone using data, there's someone
21 using the cellphone during the time in which the robbery
22 was supposed to have been committed, which is what we
23 would suggest to you is happening.

24 But then I keep remembering, you know, it's not my
25 burden. We don't have to prove anything. The State

1 has to prove my client guilty beyond a reasonable doubt.
2 But, I mean, when you pull out these records, that's
3 what it shows.

4 Did you notice how when I told you at the beginning
5 of this case how you start with a conclusion and then
6 you reach around and then you try it make all the things
7 fit, you try to hit that round hole or the square hole
8 depending on what you're hitting and make it fit? Well,
9 that's not the way you solve, that's not the way the
10 jury system works. Do you know how I know that?
11 Because His Honor has told you at the beginning of
12 this case that what you do is you listen to all the
13 testimony and you don't start deliberating until you've
14 heard everything and at that point in time is when you
15 start to make decisions on things. You don't reach a
16 conclusion and say in the first hour, you know, he's got
17 to be guilty. Because there is a difference between
18 committing the crime and being there after the crime was
19 committed. There's a big difference because if that
20 weren't true, then I guess we would still be trying
21 Brittany today because she was in videos after the --
22 after the crime was committed.

23 The solicitor has a picture. I don't know how many
24 pictures there are of other people who were there. You
25 heard at least the solicitor -- or at least one of the

1 witnesses say that there's at least one or two other --
2 or two -- possibly two people who are in their pictures
3 that they have holding money.

4 You know, the most telling thing -- I try to cut to
5 the -- to the quick on things and if you listened about
6 the timing of things and you saw up there at 7:30 they
7 were showing the videos of the money that's already been
8 divided, it's already been spilt on the table, the
9 jewelry has already been separated. This is at 7:30 PM.
10 You saw it. It was just shown to you. You know that
11 there was a 9-1-1 call. And I'm just using the
12 solicitor's argument for you. There was a 9-1-1 call
13 that was at 6:51. You know early on that it was
14 testified it took fifty minutes to get from the house
15 to St. Matthews. Well, I mean, I don't think I have to
16 do the math, so something's wrong. The time is wrong.
17 Just wrong. Not off, it's just wrong, but it's wrong
18 on the back end; meaning that the pictures are wrong on
19 the back end. The timing of the pictures is wrong on
20 the back end. The pictures are obviously the pictures,
21 but if they were taken later, that does make a difference,
22 doesn't it? If it's taken, I don't know, after they
23 come back and after my client comes over there and he's
24 partying with his buddies -- and that's another thing.

25 I don't pretend to understand what that's all about.

1 You know, I don't know that you call that taking. That's
2 some sort of ritual or something where you -- you play
3 music and -- see, what's interesting, I don't know if
4 you heard how it was done, it was done like someone was
5 making a movie, you know, it was done like this is a
6 rap thing or something like that. Well, why would you
7 record something like that? Why would you put it out
8 on social media like that? I don't know. I don't think
9 -- I don't think anybody knows the answer to that
10 question.

11 My client wasn't there when someone came into the
12 house of Ms. Samellas and took her money. He might have
13 been there later on because we've seen him. Who says
14 it's got to be three people? Who says it's got to be
15 three people that come in there? Why couldn't it have
16 been two people? Why couldn't it have been too young
17 black males who went in there? They'd already parked
18 the car, they rushed in, got whatever they were gonna
19 get, it's dark and they both get kind of lost going to
20 wherever they parked their car, one's calling the other
21 one, where are you? Why does it have to be three people?
22 Which three people does it have to be? You know, I kept
23 seeing -- there's Mr. White, whoever Mr. White is. They
24 went to the trouble of getting his cell phone records.

25 You're not supposed to speculate. See, that's the

1 key. You're supposed to have these things proven to you.
2 So I'm a silly old man. I sit down there and I want to
3 cross-examine police officers who, by the way, are also
4 honorable. I've only been doing this, I don't know,
5 forty-four years, 1976. We all have honorable jobs, but
6 the point of all this -- and I'm kind of saying it so you
7 know that obviously I respect law enforcement just like
8 everybody else, but you've got to prove my client guilty.
9 Everybody has to do their job and if you're gonna find
10 somebody guilty, you don't just choose my guy because
11 you see him on a video at some point in time later on
12 and say he must have been there.

13 So why is it important if you check to see if
14 there's fingerprints in the house? Why is it important
15 to see if there was a footprint on the door? Why is it
16 important if you don't talk about gloves? Why is it
17 important if you call something a cotton white glove
18 when there's nothing in a report about it being a cotton
19 glove? Why is it important that there are gloves on the
20 floor and they happen to be white? Why is it important
21 that the two defendants say that it's purple gloves?
22 Because the truth doesn't have any faces. The truth only
23 has one face. Why is it important to say that people go
24 through a house looking for jewelry and looking for guns
25 -- I'm sorry, looking for cash, and nobody wants to talk

1 about a gun safe which is wide open in the garage? It
2 doesn't even exist, but yet it does. Why it is that --
3 that people don't take the guns out of the gun safe unless
4 it's just too cumbersome? Who knows? We are left to
5 speculate. You're not twelve speculators, you're twelve
6 jurors. So you move on.

7 The case happened on January the 21st of 2019.
8 Everybody's wanting to talk about what time who got
9 where, what the conditions were. Well, I don't know.
10 Why don't you just get something from like the weather
11 advisory that says what time it turned dark on that
12 day? It was dark, it was January. People couldn't see
13 anything. Why is it important -- why do you pick up a
14 hat the next day and you turn it into the police officer
15 in charge of your case and it's got blood on it, it's
16 got DNA, it's got -- not if it's a question of whether
17 it does or doesn't have DNA or blood, that's not the
18 question. Not whether or not you could pull something
19 off of it or not. You see, that's not the question.
20 It is evidence of something. You send it to SLED in
21 March of 2019 and you don't check on it because you know
22 what would happen if it turned out that maybe that hat
23 might have some connection to somebody else or it might
24 have connection to the two that were already charged, but
25 we don't want to talk about that. That doesn't have

1 anything to do with anything.

2 Why do we open up a case and we talk about the two
3 defendants who have already pled guilty in this trial
4 and we don't even talk about Brittany? Why do we not talk
5 about that? Because everybody wants to put you in one
6 direction. It's like cattle. You've got a chute, we're
7 gonna get you-all all going in one direction. We're
8 gonna all have you pointed right at my client because we
9 don't want you thinking. All of this stuff's important.

10 So in April when the same two defendants commit the
11 crime that they had done before, that's when it comes to
12 light. But guess what? They don't charge -- they don't
13 charge my client back in April when they pulled the
14 cellphone, they charge Brittany. And the reason they
15 charge Brittany is because her cellphone -- notice she
16 was charged at the time as both of the other two guys,
17 McFadden and Wannamaker. She was charged at the same
18 time. All three were charged at the same time. They
19 had already done the same cellphone information then.
20 Oh, we made a mistake. The other guy, he's not here
21 now, the guy who made the first mistake. Oh, he made a
22 plotting mistake on him. Wouldn't you hate it if there
23 was a plotting mistake made on somebody else? Why don't
24 you put the guy back up here and let him testify what the
25 error was? I know you're thinking about it. I know you

1 remember that, that originally the plotting showed Brittany
2 as being there and law enforcement determined that, but
3 now we don't believe it's that way.

4 You know, you shouldn't be left with questions. If
5 you're left with questions, then my client's not guilty.
6 Why not explain them?

7 So we go through time, my client gets arrested. I
8 don't know, they go out and search his car. The thing
9 that always bothers me about cases like this, when you
10 -- you know, you can represent anybody and the first --
11 a road patrol deputy is gonna go through your house and
12 look for the black clothing that you have in the house,
13 they're gonna look for any kind of mask that you have,
14 they're gonna look for what kind of gloves you might
15 have been using, they're gonna look for what -- some
16 kind of guns that you'd been using. You know what
17 this case is remarkably full of and that's the lack of
18 evidence. You've got no guns. We know somebody's got
19 a gun, Malik, but we don't exactly know where Malik
20 lives. He's got at least somebody's gun. We've got no
21 clothing, we've got no masks, we've got no gloves, we've
22 got no pillowcase, we've got no money, we've got no
23 jewelry.

24 And what's interesting about jewelry? You talk
25 about the two individuals who testified about who got rid

1 of the jewelry. What did they say? Who dropped the
2 jewelry out the window? Who was in the car when the
3 jewelry was dropped out the window? When was it dropped
4 out the window? I think you'll remember that there was
5 some question as to whether or not -- who dropped the
6 jewelry out the window and who dropped what.

7 You know, these two guys, and I know that there were
8 some comments made about them, but the first -- the first
9 time they start off no one knows anything. Wannamaker
10 starts off by saying McFadden knows D.K. D.K. learned
11 the information from a cousin of his. He's been bringing
12 it up for two months. McFadden called, he didn't know
13 he was coming. He gets there and Wilson's a passenger in
14 the front. He jumps in the back, doesn't exactly know
15 where he's going. First time he saw the house. Wilson
16 threw it out, threw the jewelry out. Money was split
17 three ways.

18 You remember that there was some big deal and I was
19 objecting to -- a third versus 30 percent versus 33 and
20 a third. I want to really know because then we
21 subsequently learn that it wasn't split that way later
22 on. Now we believe it was \$25,000 out of a hundred
23 thousand dollars. If it's \$25,000, four people got a
24 split if it's a hundred thousand dollars total. I don't
25 know how much money it was. I didn't count it shortly

1 before the event occurred.

2 So Mr. McFadden says he didn't know anything about
3 it. Markese Wilson and Wannamaker asked for a ride to
4 St. Andrews. Of course, they all have vehicles.
5 Wannamaker had been there before, claimed he didn't know
6 anything about getting any money. Do you remember the
7 first time he gave his first statement he didn't get any
8 money at all? Then lo and behold he -- he didn't really
9 talk about the jewelry very much. I don't know why we
10 have to fill the holes in on all this case.

11 You know, if I had to bet, speculate, who was the
12 smart one in the crowd, I'd probably say it's Brittany
13 because Brittany got the best deal cut. She did. So
14 she's -- she's pled guilty to conspiracy. It turns out
15 that she didn't do anything. She didn't hide any guns.
16 She didn't tell people, you know, this is a good case or
17 this is a bad case in terms of who you rob, who you don't
18 rob. Brittany's the same person who's getting all the
19 money that night, a bunch of it. She's on -- she's on
20 the chart. You know what's interesting? What's really
21 interesting is when you see -- see, I think the charge
22 is actually pretty interesting. You see her cellphone,
23 you see Wilson's cellphone. They leave that area and
24 then she catches up for a minute with the cellphone of
25 Wannamaker and then she goes a different direction.

1 I don't -- you know, I hesitate about how much to
2 talk about this because -- because there is no evidence.
3 You learn something about these people when you watch
4 these videos. You know, one thing you don't do, one
5 thing you don't do is make statements like I don't even
6 know if Wilson had a job or not. Because you know what?
7 Wilson hadn't testified. He doesn't have anything to
8 prove.

9 Do you remember how the -- the cellphones were
10 talked about? The first witness said -- he was led into
11 saying well, that's when he went back to the car to get
12 the cellphone and then he testified later well, I don't
13 know if he had a cellphone or not, then the next witness
14 comes up, yeah, I know he had a cellphone. They have to
15 do that so that you don't believe that Mr. Wilson was
16 there. That's the key. That's kind of like a reverse
17 burden of proof, isn't it? That's just not right. What
18 is more likely than not is that he came there later on.
19 Isn't that the truth? But you can't prove that he's
20 there any more than you can prove that Brittany was there
21 or that Maurice was there. You can't. I mean, you just
22 can't. The only thing you can prove is at some point in
23 time after the robbery that they were together.

24 If I have forgotten something to go over with you,
25 I'm sorry. You've seen enough of it. I think it's real

1 interesting about the fact that, you know, you've got one
2 mother that owns an AT&T store. Everybody -- this is a
3 cellphone case. It really is. I wish I knew where all
4 the money was, but I don't know where it is. But your
5 job is to find out if the State has proven my client's
6 guilt beyond a reasonable doubt.

7 I hope that you maintain the honor -- because this
8 is a case about honor. You know the one thing there's
9 not? There's no honor among thieves. You know where
10 that expression really came from? You've heard it a
11 million times. There's no honor among thieves. The
12 suggestion is that when it comes to one thief and he's
13 in a crack or he has to be trusted with the money, he
14 takes the money from the other -- from the other thief,
15 so he cannot be trusted. That may be a situation where
16 you have -- you want to know what -- what one guy has to
17 gain in a situation. Well, he may be getting his charges
18 reduced, he's trying to point the finger at somebody
19 else, but what's really funny about the whole case is
20 actually -- it came from something 2000 years ago in
21 Rome and supposedly it meant that thieves have their own
22 code, but it's changed. It's changed. I would say that
23 it's more accurate to say that there is no honor among
24 thieves.

25 And I'd like to thank you at this time because I

1 don't know how many more trials I'll do in my lifetime.
2 I've done it for forty-four years. You have been a
3 wonderful jury. You came out here when probably a lot
4 of people wouldn't want to get out here with the COVID
5 and all that stuff and you've performed a great service.
6 Regardless of whichever way you want to return your
7 verdict, I sincerely want to thank you for coming. It's
8 been an honor to be in front of you and don't let your
9 feelings about people who have been victims of crimes
10 influence your decision-making. They're certainly
11 honorable people, but make your verdict an honorable
12 verdict.

13 Thank you.

14 THE COURT: Thank you, sir.

15 Solicitor, briefly.

16 MR. SCOTT: May I approach?

17 THE COURT: You-all approach.

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

19 THE COURT: All right, folks. You-all step in the
20 jury room. I've got my instructions ready for you, so
21 step in the jury room, stretch your legs, use the
22 restroom. As soon as you-all are ready, let me know
23 and I'll have you back up here, but you can't discuss
24 the case until you've heard my instructions, so we'll
25 see you back in a few minutes.

1 (Whereupon, the jury retires to the jury room at
2 3:29 PM.)

3 THE COURT: All right. About ten minutes maybe.

4 (Recess taken at 3:30 PM.)

5 (Back on the record at 3:40 PM.)

6 THE COURT: All right. Are we ready?

7 Okay. Go get them.

8 (Whereupon, the jury returns to the courtroom at
9 3:40 PM.)

10 THE COURT: All right, folks. I think I'm within
11 the bounds of the COVID protocol up here if I take my
12 mask off as long as I'm standing here.

13 I'm gonna present my instructions to you. I read
14 some of them, I tell you some of them, I kind of do a
15 combination, and so I apologize for having to use my
16 Tears, but it just helps because I wear contact lenses.

17 But, anyway, once I finish my instructions, I'll
18 give the lawyers an opportunity to comment to me on
19 whether I omitted something or went too -- glossed over
20 something and they can comment on that and then we'll --
21 after that we'll let you-all start your deliberations.

22 Mr. Glenn and members of the jury, the State of
23 South Carolina has charged the Defendant, Markese Wilson,
24 with multiple indictments. I'll try to identify the
25 specifics of each later, but you bear in mind that he

1 has pled not guilty and by that plea he's denied the
2 charges alleged in all six indictments.

3 Mr. Wilson comes into this court clothed in the
4 presumption of innocence and that presumption of
5 innocence continues throughout the case and entitles
6 him to a verdict of not guilty unless and until it is
7 dispelled by the evidence satisfying you, the jury,
8 beyond a reasonable doubt of his guilt of the offenses
9 charged, and the State must have proved each and every
10 element of each of the alleged crimes beyond a reasonable
11 doubt.

12 Now the Constitution and law which makes you, the
13 jury, the finders of the facts and the evidence as I've
14 discussed with you throughout the trial, the Constitution
15 also makes me the sole and only instructor of the law.
16 You must accept the law as I'm instructing you here today
17 because that's my direction and role in this trial. If I
18 should make an error in instructing you, there's another
19 time we can correct that and it can be considered, but
20 for our purposes today you must accept the law as I am
21 instructing it to you. We really don't have the
22 opportunity to discuss whether that's a correct law or
23 incorrect law. That's what the General Assembly and the
24 Supreme Court does.

25 Now during this trial, you and I have had certain

1 duties. Our duties have differed slightly. As the trial
2 judge, it's been my responsibility to preside over the
3 trial and to rule on the admissibility of a few items of
4 evidence. Now I do note most of the evidence was agreed
5 upon. The State presented evidence and virtually all
6 of it was without objection, so it was a relatively easy
7 legal case for me to judge. The instructions are a
8 little bit different. I've got a lot to instruct you on.

9 Now you're only to consider the evidence which
10 has been introduced in this trial. I did order a brief
11 bit of testimony stricken from the record. You must
12 disregard that testimony and consider only the testimony
13 which has been presented from the witness stand and all
14 the exhibits which have been introduced as part of the
15 record.

16 Now as I told you, I'm the presiding judge and I'm
17 the sole instructor of the law. It's your duty to accept
18 and apply the law as I state it to you. Now I told you
19 earlier, and I'll tell you again, if you have an idea of
20 what the law is or what it ought to be or what you heard
21 it might be and it disagrees with what I'm instructing
22 you now, you must dissociate your misunderstanding of the
23 law and accept it as I am giving it to you here today.

24 Now in every case tried by a jury, the jury becomes
25 the sole and exclusive judge of the facts in the case.

1 I'm not allowed to have an opinion on any of the facts.
2 I can't suggest, intimate, comment on or make any
3 statement to a jury such as yourselves about any of the
4 facts. You are the judges of the facts and you're to
5 find -- make findings of fact in this case. You're not
6 to infer from anything I've said or done during the
7 progress of the trial in ruling on any admissibility --
8 or on any issue for that matter or anything I've said
9 during the course of this instruction that I have any
10 opinion about the facts whatsoever because I'm not
11 allowed to. The law does not allow me to have that
12 opinion. It is solely a matter for you as a group of
13 jurors to determine the facts, the value, weight and
14 truth of the evidence presented during the trial.

15 Now I did allow you-all to take notes. Some judges
16 don't allow jurors to do that. I allow it, I think it's
17 a good thing, but what I want you to understand is the
18 juror's notes are for that juror. If someone didn't
19 take notes and they just listened attentively, observed
20 the witnesses, whatever, a notetaker's notes are no
21 better than a recollector's memory. Everyone's on equal
22 footing. One does not trump the other. Twelve votes,
23 your verdict must be unanimous, and so one person's notes
24 does not obviate another person's recollection of what
25 they heard.

1 Now in a criminal prosecution such as a trial like
2 this, the State has the burden of proof. The defense
3 has no burden whatsoever as the Defendant's presumed
4 innocent. The prosecution must prove all of its cases
5 to the standard of proof called beyond a reasonable doubt
6 before a finding of guilt can occur. If the State fails
7 to meet that burden, then a finding of -- the Defendant's
8 entitled to a verdict of not guilty.

9 Now I'm gonna discuss weighing evidence. The
10 weighing of evidence is not putting evidence on a scale
11 and watching what happens. It's kind of a mental
12 exercise. You-all are considering what you've heard and
13 mentally evaluating. You weigh the evidence using your
14 good judgment and your common sense.

15 Now as the factfinders, you-all's primary job
16 is to evaluate and determine the credibility of the
17 witnesses who presented the evidence to you. You-all
18 have got to decide who do you believe and what you
19 believe in judging a person's credibility. That's
20 believability. To pass upon credibility, you take
21 into consideration things like what was the manner and
22 appearance of the witness who testified, were they
23 straightforward or were they hesitant in answering. You
24 can consider how did the witness come to know certain
25 facts that he or she testified to, what was his or her

1 ability to recollect those facts. You can consider is
2 there some reason a witness would want to give testimony
3 which would help or hurt one side or the other. In other
4 words, was a witness biased or prejudiced in any manner
5 to anyone. You can consider was the testimony of a
6 witness strengthened or weakened by other testimony or
7 other evidence. You can believe as much or as little of
8 each witness's testimony as you deem appropriate and
9 proper. You can believe the testimony of one against
10 many, many against one, however you-all believe the
11 testimony be done. You can believe part of a witness's
12 testimony and disagree -- disbelieve the rest.

13 Now the fact that the testimony is not controverted
14 does not mean that you must accept it as true. You still
15 gauge the credibility of the witness who presented that
16 testimony to you to determine the believability or the
17 truth of the facts which has been offered during this
18 trial.

19 Now I'm gonna instruct you and emphasize the fact
20 that Mr. Wilson did not testify and his electing to not
21 testify is not a factor for you to consider in any manner
22 whatsoever in your deliberations. It's not to be
23 considered in your consideration of the question of guilt
24 or innocence of him. It must not be considered by you in
25 any manner whatsoever. He has a constitutional right to

1 remain silent and his assertion of this right is not to
2 be considered or discussed in your deliberations. So
3 under your oath you're not to draw any conclusions
4 whatsoever from the fact that he elected to not testify.
5 I tell you also that the fact he didn't testify should
6 not even be discussed in the jury room. You must
7 consider the testimony presented, the evidence presented.
8 It's the State's responsibility to prove guilt beyond a
9 reasonable doubt and you have to consider what was
10 presented by the State.

11 Now the State presented two types of evidence and
12 generally in every trial there are two types of evidence.
13 There's direct evidence and there's circumstantial
14 evidence. Direct evidence is testimony of a person who
15 asserts or claims to have actual knowledge, such as an
16 eyewitness. I saw, I smelled. That's direct testimony
17 from a witness. Circumstantial evidence is slightly
18 different. It is the proof of a chain of facts and
19 circumstances indicating the existence of another fact.
20 Our law makes no distinction between the weight or value
21 to be given to either direct or circumstantial evidence.
22 There's not a greater degree of certainty required of
23 circumstantial evidence than that of direct evidence, but
24 for circumstantial evidence to be sufficient to warrant
25 the finding of that fact, the circumstances must lead to

1 that fact with reasonable certainty. The facts and
2 circumstances should be considered in light of ordinary
3 experience and common sense. The existence of a fact
4 cannot be based upon speculation, surmise or conjecture.
5 So you weigh the evidence presented no matter whether
6 direct or circumstantial, you weigh all the evidence,
7 and if you believe the State's proved its case beyond a
8 reasonable doubt, then you may find the Defendant guilty.
9 If you believe the State has failed to prove its case
10 with the evidence you weigh, then you find the Defendant
11 not guilty.

12 This term "reasonable doubt", what is a reasonable
13 doubt? It's defined different ways, but I'll give you
14 my definition is that a reasonable doubt is the kind of
15 doubt which would cause a reasonable person to hesitate
16 to act. Reasonable doubt may arise from the evidence
17 which is in the case or from a lack of evidence which is
18 in the case. Proof beyond a reasonable doubt is proof
19 that leaves you firmly convinced of the Defendant's
20 guilt. It is the kind of doubt which one can assign a
21 reason if the assignment can be done reasonably, firmly
22 and convincingly. A reasonable doubt is the kind of
23 doubt that would make a reasonable, conscientious and
24 honest person to hesitate to act in a manner important
25 in his own affairs. I charge you that a defendant is

1 entitled to every reasonable doubt that may arise in this
2 case and what that means is that if you have any doubt
3 about something in the trial, you're required to resolve
4 it in Mr. Wilson's favor.

5 Now you-all are gonna have a very full and free
6 discussion. The very fact you-all have a full and free
7 discussion on the guilt or innocence does not in and of
8 itself create a reasonable doubt. You must make the
9 determination of whether or not a reasonable doubt
10 exists as to his guilt, and I'll tell you again if the
11 State has not met its burden, he should be found not
12 guilty. If the State has met its burden of proof beyond
13 a reasonable, he should be found guilty.

14 Criminal intent is a necessary element of each
15 crime must be proven by -- I'm sorry. Criminal intent
16 must be proven by the State also beyond a reasonable
17 doubt. Criminal intent is always a matter determined
18 by the jury from the circumstances surrounding the
19 situation. There's no way to prove intent to a
20 mathematical certainty. There's no way medical science
21 can dissect a person's brain to determine what he or she
22 had in mind, so our law states that criminal intent may
23 be inferred from the circumstances which are shown to
24 have existed both before and after the fact, and that's
25 how you, the jury, make that determination of whether or

1 not the element requiring intent was present. Criminal
2 intent is a state of mind that operates jointly with an act
3 or omission in the commission of crime.

4 Criminal intent is a conscious state of wrongdoing.
5 It is up to you as a jury to determine what the Defendant
6 intended to do based upon the circumstances shown to have
7 existed at that time and I tell you the State must prove
8 criminal intent beyond a reasonable doubt just as it must
9 prove the other elements of the crime.

10 Now in this instruction I've got the elements of
11 the offenses to which Mr. Wilson is charged. In my
12 instruction, I have the indictments numbered one, two,
13 three, four. They have some other numbers unique to
14 Lexington county that I've not put in here, but I'm
15 gonna define the statutory requirements of the required
16 elements which the State must prove for the individual
17 indictments.

18 Indictment Number 1, being armed robbery -- now
19 I'll also tell you this. The six indictments all stand
20 on their own. They stand independently of one another.
21 The State can prove guilt beyond a reasonable doubt on
22 one, but not two, could do it on three and not four and
23 five. You are to consider each indictment independent
24 of another. It's not all or nothing. It's not zero to
25 six and six to zero. It can be guilty on five, not

1 guilty on one. It can be not guilty on three and guilty
2 on three. They all stand independently. Each separate
3 crime is an independent charge the State must prove.

4 All right. Armed robbery. The Defendant's charged
5 about armed robbery in this case. In order for the
6 State to sustain a conviction for that, the State must
7 prove beyond a reasonable doubt that the Defendant took
8 personal property from the person or presence of another.
9 Property is in the presence of a person if it is within
10 that person's reach, inspection, observation or control
11 so that the person could have -- if not overcome with
12 violence or prevented by fear from keeping possession of
13 the property. The State must prove beyond a reasonable
14 doubt that the Defendant carried that property away
15 intending to permanently deprive the owner of the
16 property and to keep the property for his own use. The
17 slightest removal or the complete possession of the
18 property even for an instant by the Defendant is
19 sufficient to show a taking and carrying away of the
20 property. The taking and carrying away of the property
21 must have been done by violence or by putting the owner
22 of the property in fear of violence.

23 The State must also prove beyond a reasonable doubt
24 that the Defendant was armed with a deadly weapon during
25 the robbery. A deadly weapon is defined as an article,

1 instrument or substance likely to cause death or great
2 bodily harm. Whether an instrument has been used as a
3 deadly weapon depends on the facts and circumstances of
4 each case. There's several examples of instruments which
5 may be deadly weapons, which include a pistol, shotgun,
6 rifle, dagger, knife, and I also tell you that a gun may
7 be a deadly weapon even if it's not operating.

8 Kidnapping. Mr. Wilson's charged with the offense
9 of kidnapping under Code Section 16-3-910. In order
10 for the State to sustain a conviction on the offense
11 of kidnapping, the State must prove beyond a reasonable
12 doubt that the Defendant knowingly and unlawfully seized,
13 confined, inveigled, abducted, carried away, kidnapped
14 another person without authority of law. To do a thing
15 unlawfully is to do it willfully against the law.
16 Knowingly means with knowledge, consciously and not
17 accidentally. Seize means to hold -- I'm sorry. Seize
18 means to take hold of suddenly or forcefully. Confine
19 means to limit, restrict or enclose within bounds, shut
20 up or keep in. Kidnap is to remove a person against
21 their will by unlawful force or by fraud. And abduct
22 means to carry off secretly or by force for an illegal
23 purpose and carry away means to remove.

24 Now the State does not have to prove the Defendant
25 did all of these things. Instead, if you find beyond a

1 reasonable doubt that the Defendant did any of those
2 things, you can find the Defendant guilty of kidnapping.
3 Something done without authority of law is something
4 which the law does not sanction, permit, allow, condone
5 or provide justification for. The kidnapping does not
6 have to be for any personal or monetary gain or for any
7 illegal purpose but may be for any reason whatsoever.

8 Burglary first degree is defined under 16-11-311.
9 Mr. Wilson is charged with that offense. In order to
10 sustain a conviction, the State must prove beyond a
11 reasonable doubt that the Defendant entered a dwelling
12 without consent with intent to commit a crime therein.
13 A dwelling is any building or any portion of a building
14 in which a person ordinarily sleeps. A building
15 constructed as a dwelling that has never been occupied
16 cannot be considered a dwelling for the purpose of a
17 burglary, but a building is a dwelling even if the
18 resident is temporarily absent. In order for the
19 Defendant -- I'm sorry. In order to prove that the
20 Defendant entered the dwelling, the State does not have
21 to show the defendant entered his entire body into the
22 dwelling. The smallest entry is sufficient. It may be
23 any part of his body, such as a hand or a foot or even
24 an instrument. In addition, the State does not have to
25 prove that force was used to gain entry.

1 Additionally, the State must prove beyond a
2 reasonable doubt the Defendant intended to commit a
3 crime therein, either a felony or a misdemeanor, at
4 the time of the entry. The mere entry into a dwelling
5 without consent is not a burglary if the -- if the intent
6 to commit a crime is formed after the entry, it's not
7 a burglary. On the other hand, if the Defendant intended
8 to commit a crime -- I'm sorry. If the Defendant intended
9 to commit a crime at the time of the entry it is a
10 burglary, even if the intent was abandoned after the
11 entry. It does not matter that the intended crime was
12 not completed. Intent may be shown by acts or conduct of
13 the Defendant or other circumstances from which you could
14 naturally and reasonably infer intent.

15 And, lastly, the State must prove beyond a
16 reasonable doubt that when entering or while in the
17 dwelling or when fleeing the Defendant or accomplice was
18 armed with a deadly weapon or explosive. A deadly weapon
19 is an article or instrument which is likely to cause death
20 or great bodily harm. When an instrument -- whether an
21 instrument has been used as a deadly weapon depends on
22 the facts and circumstances of each case. I've already
23 defined some examples which may be considered a deadly
24 weapon, which include a pistol, shotgun, rifle, dirk or
25 knife. A gun may be a deadly weapon even if it's not

1 operating.

2 When entering or while in the dwelling or when
3 fleeing the Defendant caused physical injury to anyone
4 not participating in the crime. When entering or while
5 in the dwelling or when fleeing the Defendant used or
6 threatened to use a dangerous object. When entering or
7 while in the dwelling or when fleeing the Defendant
8 displayed what appeared to be a pistol, revolver, rifle,
9 shotgun or other type of firearm. Defendant entered or
10 remained in the dwelling during the nighttime. Nighttime
11 is the period from sunset to sunrise during which time
12 there's not enough daylight to recognize a person's face
13 except by artificial light or moonlight.

14 Now I believe I want to be clear on the burglary
15 first. A person enters a dwelling without consent with
16 the intent to commit a crime with a weapon or at night
17 or caused great bodily injury or becomes armed or appears
18 at the time of fleeing. Those are "ors. They don't have
19 to all be there.

20 First degree assault and battery defined under
21 16-3-600. The Defendant's charged with first degree
22 assault and battery. In order to sustain a conviction
23 on that offense, the State must prove beyond a
24 reasonable doubt the Defendant committed an unlawful act
25 of a violent injury to a person by circumstances of

1 aggravation. An assault occurs when a person unlawfully
2 attempts or offers to commit a violent injury upon
3 another person and had the present ability to complete
4 the attempted injury. An assault is the intentional
5 creation of reasonable fear of immediate bodily harm.
6 It is not necessary that the attempted injury or harm
7 actually to take place. If I were to walk up to you and
8 it was within arms reach and I threatened to strike you,
9 that would be an assault. It is the threat to commit a
10 battery. A battery is an unlawful touching of another
11 by the person who has committed the assault. An unlawful
12 touching can be caused by a part of the accused's body or
13 an object the accused puts in motion. A battery is the
14 completion of the assault by using or applying force to
15 another however slight in a rude or angry or resentment
16 manner without justification for doing so. So my example
17 is when I hit you and I strike you assault, battery.

18 The State must also prove the circumstance of
19 aggravation. Aggravating circumstances include the use
20 of a deadly weapon, intent to commit a felony, infliction
21 of a serious bodily injury, a great disparage of the
22 ages or physical condition of the party, a difference
23 in genders of the party, the purposeful infliction of
24 disgrace and the resistance of lawful authorities. Those
25 are circumstances of aggravation which can be considered

1 present if the State's proved those beyond a reasonable
2 doubt.

3 Possession of a weapon during the commission of a
4 violent crime is defined under 16-23-490. The Defendant
5 is charged with possession of a weapon during the
6 commission of a violent crime. The State must prove
7 beyond a reasonable doubt the Defendant was in possession
8 of a firearm or visibly displayed what appeared to be a
9 firearm during the commission of a violent crime. A
10 firearm means a machine gun, automatic rifle, revolver,
11 pistol or any weapon which is designed or can readily be
12 converted to expel a projectile. In order to find the
13 Defendant guilty of possession of a weapon, you must
14 first find the Defendant guilty of either committing a
15 violent crime or attempting to commit a violent crime.
16 I tell you under our law violent crimes are listed.
17 First degree burglary, armed robbery and kidnapping are
18 all defined under our laws as violent crimes.

19 Lastly, safecracking defined under 16-11-390.
20 Mr. Wilson's charged with safecracking. In order to
21 sustain a conviction to safecracking, the State must
22 prove beyond a reasonable doubt that the Defendant
23 used explosive tools or any other implement about a
24 safe used for safekeeping of money or other valuables
25 with the intent to commit a larceny of those items.

1 Intent may be shown by the acts and conduct of the
2 Defendant and other circumstances which may naturally
3 and reasonably infer intent. Larceny is the taking and
4 carrying away of goods or personal things which the other
5 person intent to -- I'm sorry -- things of another person
6 with the intent to permanently deprive the owner of that
7 property and convert it to the taker's use.

8 These are some general instructions of the law.
9 Those are my specifics on the statutory definitions of
10 the six offenses which are on the indictments.

11 So I instruct you, the law in South Carolina states
12 that if a crime is committed by two or more people who
13 are acting together in the committing of a crime, the act
14 of one is the act of all. A person who joins with another
15 to commit an unlawful act is criminally responsible for
16 everything done by the other person which happens as a
17 probably or natural consequence of the acts done in
18 carrying out a common plan or purpose.

19 For example, two people can be guilty of killing
20 another person but only one of the two had a gun. There's
21 only one bullet and only one of the two fired the shot
22 that caused the death. If two or more people are together
23 -- acting together assisting each other in committing the
24 offense, then the act of one is the act of all, or, as
25 is sometimes said the hand of one is the hand of all.

1 Prior knowledge that a crime is going to be
2 committed without more is not sufficient to make a
3 person guilty of that crime. Mere knowledge that
4 another person's going to commit a crime, even if the
5 Defendant is present when the crime is committed, is
6 not sufficient to convict the Defendant as a principal.
7 Guilt as a principal is shown by the actual constructive
8 presence at the scene as a result of a prior arrangement.
9 The finding of a prior arranged plan or common scheme
10 is necessary to find him guilty as a principal and the
11 State must prove by a reasonable doubt by competent
12 evidence the theory of the hand of one is the hand of
13 all. A principal in a crime is one who either actually
14 commits the crime or is present aiding, abetting or
15 assisting in committing the crime. When person does a
16 act in the presence of and with the assistance of another
17 the act is being done by both. When two or more acting
18 with a common plan or common intent are present in the
19 commission of a crime, it does not matter who actually
20 commits the crime. All are guilty. The hand of one is
21 the hand of all. Present at the commission of a crime
22 means sufficiently near to aid, abet and assist in the
23 commission of the crime; however, mere presence at the
24 scene of the crime is not sufficient to convict one as a
25 principal on the theory of aiding and abetting. Intent

1 is also a necessary element where there must have been a
2 common scheme or design to commit the crime the crime
3 must have been pursuant thereto that the person aiding
4 and abetting by some overt act. Intent means intending
5 the result which actually occurs, not accidentally or
6 involuntarily. Intent may be shown by acts and conduct
7 of the Defendant or other circumstances from which you
8 may naturally and reasonably infer intent and the State
9 must prove those elements beyond a reasonable doubt.

10 I'll define for you identification because it was
11 potentially an issue in this case. The identification
12 of the Defendant as the person who committed the crime
13 charged. The State has the burden of proving identity
14 beyond a reasonable doubt. You must be satisfied beyond
15 a reasonable doubt of the accuracy of the identification
16 of the Defendant before you may convict him.

17 Identification testimony is an expression of belief
18 or impression by a witness. You must determine the
19 accuracy of the identification of the Defendant and
20 consider the believability of each identification witness
21 the same as any other witnesses. You may consider
22 whether a witness had the adequate opportunity to observe
23 the offender at the time of the offense. This could be
24 affected by things like how long or how short of time
25 was available, how far or close the witness was, lighting

1 conditions, whether the witness had a chance to see or
2 know the person in the past. The burden of proof is
3 upon the State in all the elements of the crime and this
4 specifically includes the burden of proving beyond a
5 reasonable doubt the identity of the Defendant as the
6 person who committed the crime. So if you -- after
7 examining the testimony, you have a reasonable doubt as
8 to any accuracy of any identification, you must find the
9 Defendant not guilty.

10 Now, in summary, the State has the burden of
11 proving. I've said this over and over, but it's
12 emphasized again in courts of General Session. The
13 defense has no burden whatsoever to disprove anything as
14 the Defendant comes into court presumed innocent. The
15 prosecution must prove their case to a standard of proof
16 called beyond a reasonable doubt before a finding of
17 guilt may occur. If the State fails to meet that burden,
18 a finding of not guilty should occur. If the State
19 meets this burden, the State is entitled to a verdict
20 of guilty. So after weighing all the evidence you may
21 determine as to whether or not a reasonable doubt exists
22 as to his guilt. I tell you again the very fact you-all
23 may have a full and free discussion on the guilt or
24 innocence does not in and of itself create a reasonable
25 doubt.

1 Now your verdict may not be based upon conjecture
2 or speculation. Mere suspicion is not sufficient to
3 prove or support a conviction. I emphasize the fact
4 to you that the Defendant, Mr. Wilson, did not testify
5 and that is not a factor that you may discuss or
6 consider in any way during your deliberations in your
7 consideration on the question of his guilt or his
8 innocence. It must not be considered in any manner
9 whatsoever. He has a constitutional right to remain
10 silent and his assertion of that right must not be
11 considered in your deliberations. So the fact that
12 he didn't testify should not be discussed in your
13 deliberations. The burden of proof is on the State.
14 The Defendant has no burden whatsoever.

15 Now in conclusion, Mr. Glenn and other members of
16 the jury, I wish to express and hope each of you-all,
17 all you jurors, be mindful of the importance of your
18 responsibilities here today. You're not called very often
19 to be jurors. You're acting as a group for Lexington
20 county and this state. It's been my responsibility as
21 the judge presiding to see that every person that comes
22 to trial has fair and impartial justice. It's my job
23 to make certain the trial's conducted fairly and
24 impartially. It is your job to make certain that your
25 verdict is just, so I emphasize to you that you -- that

1 whatever verdict you find will be the result of you going
2 in the jury room and confining your consideration to the
3 evidence presented in this courtroom, applying the law as
4 you've heard from me today, weighing the evidence fairly
5 and impartially, and in reaching a unanimous verdict.

6 All right. Those are my instructions. I'll show
7 you the indictments briefly so you'll know where to sign
8 them. These are the indictments. This is the face.
9 This is the back. The verdict will be written here. You
10 write guilty or not guilty, sign your name and date it.
11 All of them stand independently of one another. You
12 consider them separately. You-all can consider them in
13 any order whatsoever. Six, five, four, three, one, two,
14 three. It does not matter it.

15 Now if you have a question about the law, I read a
16 lot of law to you, if you have a question about the law,
17 me re-instructing any portions of the law, write me a
18 note, give it to the bailiff, the bailiff will come to
19 me, I'll discuss it with lawyers and make a decision on
20 how to respond. It may be we bring you back in and give
21 you more instructions, it may be I send a portion of my
22 written instructions I just read to you to you. So write
23 your question down, let me see it, we'll respond.

24 Now the computer here, if you have any trouble with
25 it, you need help, send me a note also. We'll get

1 somebody above my pay grade to get the computer working
2 for you properly. If you need -- now another thing is
3 I'm gonna put all of you in the jury room, all fourteen
4 of you. I'm gonna ask the lawyers about my instructions;
5 were they complete, have I missed anything, did I gloss
6 over anything. If they were complete, then this evidence
7 will come to you kind of collectively. That is the time
8 you can begin your deliberations once you get this in
9 your hands. Until then you can't.

10 So now once you-all begin your deliberations, it's
11 a little after four, deliberate and if you want to take
12 a break, somebody wants to step outside, get some fresh
13 air, stop your deliberations. You're not required to
14 deliberate any length of time, minimal or maximum, but
15 you are required to deliberate with all twelve people
16 there. So if somebody needs a break, you stop, reconvene,
17 deliberate more. If you need a break, you want to step
18 outside, just tell the bailiff we're gonna step outside
19 a few minutes and get some fresh air. You need not ask.
20 You have that permission. It's on your time then. We're
21 gonna be waiting somewhere here on the courthouse on the
22 fourth floor, so if you need a break, you-all take it; if
23 you don't, so be it.

24 If you have a question, write it down. If you need
25 further instructions, let me know. Don't begin your

1 deliberation until I tell you to. I think that's it.

2 Okay. You-all step in the jury everyone. Once I
3 send this down I'll call the two alternates out and the
4 alternates and Mr. Dibble will be free to go.

5 All right. You-all step in the jury room.

6 BAILIFF: Bring your notes with you this time.

7 THE COURT: Yeah, good call.

8 (Whereupon, the jury retires to the jury room at
9 4:23 PM.)

10 THE COURT: Any objections, suggestions,
11 corrections, additional instructions from the State?

12 MR. SCOTT: No, Your Honor.

13 MR. WILLIAMS: Your Honor, I only had one question
14 and law my partner tells me that, if I'm wrong, he
15 deserves it, you did tell each and every one of the
16 jurors they have one vote, et cetera? I know you said
17 it had to be unanimous.

18 THE COURT: I think I did. I think I did. And I.

19 Did -- I did that also when I talked to them about
20 notetakers' notes and the listeners listening, that all
21 stands independent with everybody having equal votes.

22 MR. WILLIAMS: Yes, sir.

23 THE COURT: All right. Did you-all inventory the
24 evidence?

25 Is there anything, Stacy?

1 (Discussion off the record.)

2 THE COURT: The thumb drive will stay here in the
3 courtroom unless they ask for it.

4 (Whereupon, the evidence and verdict form was sent
5 back to the jury room at 4:29 PM.)

6 (Recess taken at 4:31 PM.)

7 (Back on the record at 4:36 PM.)

8 THE COURT: I want the foreperson up here. They
9 sent me a note when you weren't looking.

10 THE CLERK: I'll go get him.

11 (Court's Exhibit Number 3 was marked for
12 identification.)

13 (Whereupon, the foreperson returns to the
14 courtroom at 4:40 PM.)

15 THE COURT: All right. You wrote this note?

16 FOREPERSON: Yes, sir.

17 THE COURT: Okay. That's what I need. Now I
18 want to make certain was this note --

19 FOREPERSON: From me.

20 THE COURT: -- from you. Just so -- for your
21 understanding what your job is as a foreperson?

22 FOREPERSON: Correct.

23 THE COURT: You-all didn't begin deliberations
24 before everything got down there?

25 FOREPERSON: No.

1 THE COURT: You just want to know what happens if
2 the votes are not unanimous.

3 FOREPERSON: Right. How do I proceed?

4 THE COURT: All right. Each indictment stands
5 on its own. Six. Consider it in any order. It's
6 got to be unanimous for guilty. If you can't reach a
7 unanimous vote -- if it's unanimous either way, it's
8 easy. When it's in between, you-all try to resolve
9 that. Discuss it. Listen to each -- each juror has
10 their own vote. One person can't try to overwhelm
11 another, but every person's vote stands equally with the
12 other.

13 If you can't reach a unanimous verdict on any one
14 of those, try to resolve that. If you can't do it after
15 discussing thoroughly, then let me know, send me another
16 note, and I may have additional instructions then, okay?

17 FOREPERSON: Okay.

18 THE COURT: Any time you do a note -- see I wrote on
19 it to send this to you. Your verdict must be unanimous
20 on each indictment. I'm just gonna hang onto that because
21 that's kind of what I told you and we've got a record of
22 it.

23 So I'm gonna hold this. Any time you send me a
24 note, we're gonna mark it because it stays in the record.

25 Now any other questions while you're up here?

1 FOREPERSON: No.

2 THE COURT: Okay. Good deal.

3 FOREPERSON: Thank you.

4 (Whereupon, the foreperson returns to the jury
5 room at 4:41 PM.)

6 (Recess taken at 4:42 PM.)

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

8 (Court's Exhibit Number 4 was marked for
9 identification.)

10 THE COURT: The response to Court's 4 is to send
11 back the instructions.

12 (Court's Exhibit Number 5 was marked for
13 identification.)

14 (Whereupon, the jury returns to the courtroom at
15 6:25 PM.)

16 THE COURT: All right. You asked earlier what
17 would happen if? All right. This is kind of how it
18 works. Here's the thing. You-all have deliberated
19 and I'm not gonna ask you any questions. I'm just
20 gonna make a couple of suggestions to you. You-all
21 twelve were selected from Lexington county jurors. And
22 both -- the lawyers both had please seat the jurors left
23 when they got you-all twelve, so they were more or less
24 in agreement on the twelve of you-all. You-all have
25 heard all the testimony of all the witnesses, seen the

1 evidence, heard my instructions. You-all twelve are just
2 as equipped or better equipped than anybody else because
3 it's fresh. You-all heard the testimony. It's been
4 presented to you. Will you go back and deliberate a
5 little bit more and try to resolve whatever difference
6 you have. I've provided my instructions to you, but
7 listen openly to whose ever opinion disagrees with yours.
8 Listen, see if you can resolve whatever difference it
9 is, and try to reach a unanimous verdict one way or the
10 other, all right? And if you can't, it's okay, but I
11 really, really -- I guess commend you for working as hard
12 as you have, but ask you to go back and deliberate little
13 bit longer and try to listen openly. If somebody has a
14 counter-position to you or you to them, listen openly
15 and, you know, let people talk and speak freely and try
16 to resolve it and reach a unanimous verdict one way or
17 the other?

18 Can you do that? Do you think that would be
19 fruitful?

20 FOREPERSON: Yes.

21 THE COURT: All right. Go back and deliberate a
22 little bit more and see what you can do and if you
23 can't, let me know.

24 (Whereupon, the jury retires to the jury room at
25 6:27 PM.)

1 MR. WILLIAMS: We would object to the Allen charge
2 that was given to the jury. It wasn't the Allen charge
3 that -- that I would -- that I'm used to being the
4 proper Allen charge because it doesn't include the fact
5 that one juror is not expected to change his own view to
6 be. I think that's the Anderson charge where he actually
7 instructs the jurors that they don't have to change their
8 opinions.

9 THE COURT: Okay. And I think I -- I didn't use
10 those specific words, but I alluded to if a person
11 disagrees with your understanding and finding, then listen
12 openly and see if you can resolve these differences.
13 That's how I worded it. And that's not the exact wording.
14 I'll agree with that, but --

15 MR. SCOTT: And what I would ask if we're gonna
16 redo it or part of it, the typical Allen charge I'm
17 accustomed to gives them information on what happens if
18 they do remain hung up, that another jury, another time
19 will hear the same facts and the same witnesses and the
20 same evidence.

21 THE COURT: I almost said that and didn't.

22 MR. WILLIAMS: I don't disagree that that's the
23 charge.

24 THE COURT: If you want me to do, I will. I think
25 mine was sufficient. I kind of want to leave it like it

1 is, but if you-all want me to do that and you-all are in
2 agreement, I'll do that.

3 MR. SCOTT: What I'm saying is I agree -- I'm fine
4 like it is, but if you bring them back to do one thing
5 I'd ask you to supplement it with my request.

6 THE COURT: Okay. Respectfully, Mr. Williams, I'm
7 gonna leave it alone.

8 MR. WILLIAMS: Thank you, Your Honor.

9 (Recess taken at 6:28 PM.)

10 (Back on the record at 7:02 PM.)

11 (Court's Exhibit Number 6 was marked for
12 identification.)

13 (Whereupon, the jury returns to the courtroom
14 at 7:02 PM.)

15 THE COURT: All right. Stacy's got it cued
16 up. We'll start there. You-all listen. We're just
17 sitting here. Nobody's gonna present anything, so
18 you-all listen.

19 (Whereupon, the testimony of Shyrod Wannamaker
20 was played back for the jury.)

21 THE COURT: Mr. Glenn got my attention. You-all
22 heard what you wanted to hear?

23 FOREPERSON: Yes.

24 THE COURT: All right. Return to your
25 deliberations.

1 MR. STITELY: Judge, just for the record's sake,
2 we would just ask -- we would object to them stopping
3 and not hearing the whole testimony. They did say they
4 wanted to hear the testimony and I think it's unfair for
5 them only hearing a portion when it was specifically
6 stated.

7 THE COURT: Well, my posture generally is if they
8 ask for testimony or a portion thereof or a transcript
9 of the testimony and I can provide either, if we could
10 give them the testimony and go to the jury room they
11 could listen to exactly what they wanted and we wouldn't
12 know any different and so when they said they'd heard
13 enough, I returned them back. And I understand your
14 argument, but they're in the factfinding mode and it's
15 not in our evidence preservation mode, so the completeness
16 rule I don't believe applies on a replay of testimony.
17 But I understand your objection.

18 So we'll stand at ease.

19 (Recess taken at 7:30 PM.)

20 (Back on the record at 7:43 PM.)

21 (Court's Exhibit Number 7 was marked for
22 identification.)

23 THE COURT: Folks, you-all know the jury's coming
24 in. They worked hard. I don't want any shows of
25 emotion, good or bad. I want poker faces. If you

1 can't maintain your emotions one way or another, please
2 just give the jury the respect they deserve and step out
3 and you can hear about it in a few minutes, but I don't
4 want to disrespect them and the work they've done. They
5 put in close to three hours and a half of deliberation
6 time, not to mention being here all week with the COVID
7 situation.

8 (Whereupon, the jury returns to the jury room at
9 7:52 PM.)

10 THE COURT: All right, Mr. Glenn. Has the jury
11 reached a verdict on five of the indictments?

12 FOREPERSON: Yes.

13 THE COURT: And the assault and battery first
14 you're unable to reach an unanimous verdict one way
15 or the other; is that correct?

16 FOREPERSON: (Nods head.)

17 THE COURT: Now do we have the indictments?

18 BAILIFF: No, sir.

19 THE COURT: Are they downstairs? Go ahead and
20 bring them to me, please.

21 Normally the jury's in a room right here, so it's
22 really close.

23 (Pause in proceedings.)

24 THE COURT: All right. Any objection to the
25 indictment for assault and battery first, which is 168,

1 the Court's gonna declare a mistrial on that offense
2 and not write anything on that indictment.

3 The other five indictments appear to be properly
4 signed and dated with the verdict on them, so I'll ask
5 the clerk to publish them.

6 THE CLERK: Indictment 2020-GS-32-00169, the State
7 versus Markese Christopher Wilson, indicted for burglary
8 first degree, verdict guilty.

9 Indictment 2020-GS-32-00170, State versus Markese
10 Christopher Wilson, indicted for armed robbery, verdict
11 guilty.

12 Indictment 2020-GS-32-00171, the State versus
13 Markese Christopher Wilson indicted for kidnapping,
14 guilty.

15 Indictment 2020-GS-32-00172, State versus Markese
16 Christopher Wilson, indicted for possession of a weapon
17 during the commission of a violent crime, verdict guilty.

18 And indictment 2020-GS-32-00173, the State versus
19 Markese Christopher Wilson, indicted for safecracking,
20 verdict guilty.

21 They are all signed by the foreman, Heyward Glenn,
22 October 15, 2020.

23 Mr. Foreman, ladies and gentlemen of the jury, if
24 these are your verdicts please indicate each of you by
25 raising your right hand.

1 All hands raised, Your Honor.

2 THE COURT: Any further issue for the jury,
3 Mr. Williams?

4 MR. WILLIAMS: Yes, Your Honor. We will request
5 individual polling.

6 THE COURT: We'll be glad to do that. And the
7 clerk and I discussed this, it's been a practice of
8 mine to adopt a polling by juror number, not by name.
9 So you should remember your juror number. If not,
10 Ms. Frick's pretty good at helping.

11 THE CLERK: As I call your name -- number, please
12 raise your right hand where I can recognize you. I
13 will ask you as to the verdicts were these your verdicts
14 and are they still your verdicts and once I finish, then
15 give me your response, please.

16 Number 181. As to the verdicts, were these your
17 verdicts and are they still your verdicts?

18 JUROR NUMBER 181: Yes.

19 THE CLERK: 85. As to the verdicts, were these
20 your verdicts and are they still your verdicts?

21 JUROR NUMBER 85: Yes.

22 THE CLERK: 109. As to the verdicts, were these
23 your verdicts and are they still your verdicts?

24 JUROR NUMBER 109: Yes.

25 THE CLERK: 46. As to the verdicts, were these

1 your verdicts and are they still your verdicts?

2 JUROR NUMBER 46: Yes.

3 THE CLERK: 36. As to the verdicts, were these
4 your verdicts are they still your verdicts?

5 JUROR NUMBER 36: Yes.

6 THE CLERK: Number 1. As to the verdicts, were
7 these your verdicts and are they still your verdicts?

8 JUROR NUMBER 1: Yes, ma'am.

9 THE CLERK: 211. As to the verdicts, were these
10 your verdicts and are they still your verdicts.

11 JUROR NUMBER 211: Yes.

12 THE CLERK: 92. As to the verdicts, were these
13 your verdicts, are they still your verdicts.

14 JUROR NUMBER 92: Yes.

15 THE CLERK: 158. As to the verdicts, were these
16 your verdicts, are they still your verdicts?

17 JUROR NUMBER 158: Yes.

18 THE CLERK: Number 60. As to the verdicts, were
19 these your verdicts, are they still your verdicts?

20 JUROR NUMBER 60: Yes, ma'am.

21 THE CLERK: 26. As to the verdicts, were these
22 your verdicts, are they still your verdicts?

23 JUROR NUMBER 26: Yes, ma'am.

24 THE CLERK: 39. As to the verdicts, were these
25 your verdicts and are they still your verdicts?

1 JUROR NUMBER 39: Yes.

2 THE CLERK: All jurors polled, Your Honor.

3 THE COURT: Thank you, ma'am.

4 Anything else from the jury?

5 MR. WILLIAMS: Nothing for the jury, Your Honor.

6 THE COURT: All right. I'll -- I'm gonna ask

7 Mr. Williams and Mr. Scott one question.

8 (Discussion between the Court and counsel.)

9 THE COURT: All right, folks. Thank you for your
10 service. I'm gonna follow you-all out.

11 You're gonna take them down the elevator?

12 BAILIFF: We've been going down the stairs, Your
13 Honor.

14 THE COURT: Okay. Well, I want to step outside
15 and speak to you and come right back in. I've got a
16 little more work to do just yet, so you-all head out
17 and I'll come out my door. I'll just talk to you
18 right here in the ante room. We're not going back
19 to the back room.

20 (Whereupon, the jury was dismissed at 8:00 PM.)

21 (Recess taken at 8:00 PM.)

22 (Back on the record at 8:06 PM.)

23 THE COURT: Motions.

24 MR. STITELY: Judge, at this time we make a motion
25 to, of course, renew any and all previous objections

1 and renew any and all previous motions that were ruled
2 upon by the Court. Additionally, at this time we'd ask
3 you -- make a motion to set aside the verdict of the
4 jury, grant a new trial based on the evidence in a whole
5 it was insufficient for a finding of guilty and ask for
6 a new trial.

7 THE COURT: And already on the record, the assault
8 and battery first has been mistried, so that indictment
9 it's up to the solicitor whether to move forward or not,
10 but on the other five there were questions of fact. The
11 State puts up enough facts for the jury to consider, the
12 jury weight the evidence and considered the appropriate
13 law and made their decision, so respectfully I gonna deny
14 your motion for a new trial. And the jury was polled and
15 they all confirmed with their decisions on the verdicts.

16 All right. Solicitor, did you get me an answer?

17 MR. SCOTT: Yes, sir. They'll be available
18 tomorrow.

19 THE COURT: All right. Probation is gonna be in
20 here. Do you want to do it at 10:00 or do you want
21 to do it first up and then -- which would suit them
22 better?

23 MR. SCOTT: We'll do first up.

24 THE COURT: I'll do them whenever they want to do
25 it. I just want to eat.

1 MR. SCOTT: We'll to do first up.

2 THE COURT: I'll tell you what. Stacy's asked me
3 -- nine, is that too early, Judge, and so I said maybe
4 9:15. Probation's planning on being here at nine. They
5 can wait, so is 9:15 okay? Is that too much for you?

6 MR. SCOTT: No, that's fine. We're fine.

7 THE COURT: Stacy, 9:15.

8 Thank you-all.

9 MR. WILLIAMS: Thank you, Your Honor.

10 (Whereupon, the proceedings were concluded for
11 October 15, 2020, at 8:08 PM.)

12 (The following proceedings were held October 16,
13 2020, beginning 9:17 AM.)

14 BAILIFF: All rise. The Honorable Eugene C.
15 Griffith, Jr., presiding.

16 THE COURT: Stacy, are you ready?

17 THE COURT REPORTER: Yes.

18 THE COURT: Hope, are you ready?

19 THE CLERK: Yes, sir.

20 THE COURT: All right. Let's go.

21 THE CLERK: This is the matter of the State versus
22 Markese Johnson, convicted by jury last night.

23 MR. SCOTT: That's Markese Wilson.

24 THE CLERK: I mean, Markese Wilson. I'm sorry.
25 What did I say?

1 THE COURT: Johnson.

2 THE CLERK: I was looking at you. I apologize.

3 Markese Wilson. This is for sentencing purposes
4 only.

5 THE COURT: All right. Solicitor, I know the
6 victims may want to have an opportunity to present,
7 but can you -- any of the State's recommendation,
8 suggestion or whatever the State's ideas are thus far
9 and then I'll hear from the victim and then I'll hear
10 from Mr. Williams.

11 MR. SCOTT: Yes, sir. Judge, you've seen the
12 evidence. You've seen how ugly the case is. You
13 understand who the victim was. And I always say if the
14 law can't protect the most vulnerable among us, which
15 is our children, our elderly -- you know, that should
16 be our main thrust and our main goals. And she certainly
17 was just a lovely lady. I got a chance to know her over
18 the last year and a half or so. She's been up in this
19 courtroom countless times for bond hearings of the
20 co-defendants and Mr. Wilson and modifications and
21 everything else. It took a toll on her and I would ask
22 for that to be taken into consideration, this enormous
23 amount of lifesavings that was taken, the heirloom
24 jewelry. I mean, the way they kind of callously take
25 it while she begs them just leave my mother's jewelry

1 and then throw it out the window like it's a cigarette
2 butt. I want all of that to be taken into account.

3 I have asked these co-defendants help me get the
4 money, help me get the jewelry, help me identify the
5 person who tipped you off and told you about this safe.
6 I've got cooperation to some degree from the other ones.
7 Mr. Wilson has all but told me to pack sand. He's never
8 really offered any information whatsoever. I don't
9 know. Perhaps we can -- after the sentence we can
10 explore some downward departure in the future if he
11 does become motivated to help me identify people that
12 would wrap this whole thing up, but as is we've got
13 all the principals folded up now.

14 The two co-defendants, as I said, they've confessed
15 to every crime that Mr. Wilson has now been convicted
16 of, so it's all over but the crying for them. We just
17 need to schedule a plea date.

18 I just want a sentence that -- that fits the crime.
19 I mean, it -- the stress it put on Ms. Samellas, and I
20 think George will probably be able to describe that a
21 little bit more. It really did take a toll on her. And
22 I don't know if he appreciates that other not, but I
23 would like a sentence that would reflect that, Your
24 Honor.

25 THE COURT: I think he does.

1 MR. SCOTT: Again, you've heard the facts, so I
2 don't have to rehash those, but, Your Honor, I think
3 George would like to address the Court.

4 Andrea, do you? And Andrea as well, Your Honor.

5 THE COURT: Okay. If you-all want to stand there.
6 I know you're name is George Samellas and I'm not
7 certain --

8 MS. ANDREA JUDY: I'm Andrea. Andrea Judy.
9 Samellas.

10 THE COURT: Okay. That's just for Stacy's benefit.
11 That's why I was asking.

12 MS. ANDREA JUDY: Oh, okay.

13 THE COURT: So you-all can stay there and if I can
14 hear, you can stay right there and tell me whatever
15 you'd like.

16 MR. GEORGE SAMELLAS: Your Honor, first and
17 foremost, I -- I would just like for you to see my
18 mother. This is a picture of my mom just because
19 unfortunately there's no face with a name or name with
20 a face in this case for you to -- to see. And that's
21 my mother, Katherine.

22 I just -- I just want to say that ever since this
23 horrific night my mom has never been the same or was
24 never the same. She called me every night shaking,
25 crying and she said I can't sleep, George, I can't

1 sleep, I can't -- I can't think, I can't -- her life
2 was obviously turned upside down.

3 So I just -- I just ask that -- that -- you know,
4 I just -- I don't even know -- I'm trying to put it
5 into words of what I'm trying to say because I'm a
6 little at a loss for words, but she -- she had a really
7 hard time. I mean, you know, for the last year and a
8 half of her life she lived in fear and that's not what
9 anyone wants for their mother's last year and a half
10 of their -- their life. For someone to go into her
11 home, her sanctuary, and to hold guns to her is just
12 totally inhumane. My mom called it animalistic. She
13 can't -- she could not fathom what kind of people would
14 do this.

15 My parents instilled in me honesty, integrity.
16 I don't see this. My mother is not a hateful person,
17 but she does and would want justice. She -- in fact,
18 I -- I don't know, August or -- no, even in September
19 she said I can't wait to go to court October the 12th.
20 She said she never has ill will towards people, but
21 she'd want justice to be served. She -- my mom was a
22 fighter and she didn't deserve any of this. She -- and
23 she was excited to come to court and, unfortunately, she
24 couldn't make it. She -- I'm not gonna go into details,
25 but she had a massive brain hemorrhage and that was it.

1 But, Your Honor, I just ask you to give the
2 sentence that -- that you feel is acceptable and -- and
3 I just -- I just wanted you to see my mother to put a
4 face -- I mean, you know, as Dale said her name is
5 Mrs. Kathy Samellas and I just think that's important
6 for you to see her. And that's all I have, Your Honor.

7 THE COURT: Okay. All right.

8 MR. GEORGE SAMELLAS: Thank you.

9 MS. ANDREA JUDY: Okay. I'm gonna try to do this.

10 THE COURT: Okay. Do your best.

11 MS. ANDREA JUDY: I'm not as good as him. I get a
12 little nervous standing in front of people, but I miss
13 my mom so much, sir. And when this happened she was so
14 -- like I live in Virginia and I talked to her and sh
15 said Andrea, it's just awful, you know, guns -- two men
16 and guns and they took everything, you know, and I just
17 wanted to be there with her. I flew out the very next
18 day to be with her, sir.

19 And -- and like George said, every single day of
20 her life she thought about this from -- from the day in
21 January that it happened until the day she passed. She
22 -- she actually developed this tremor that we had never
23 seen before. It was kind of like this (demonstrating).
24 I don't know. Just a tremor, you know, like she was
25 scared, you know. Her sense of security was never the

1 same. She had racing thoughts at night about, you know,
2 the two men coming in, she kept seeing that vision of
3 them.

4 And she just kept thinking of the -- the money that
5 my father saved. She felt guilty herself because she let
6 this happen and he worked so hard. I'm 51 years old and
7 my dad was saving, you know, and -- and she felt -- she
8 just felt guilty about that and she just felt violated.
9 I mean everything, that was yours was gone.

10 And the jewelry. My God, I mean, I wish they just
11 would have left it there. Just throwing it out the
12 window. That was my grandmother's, my great-grandfather's
13 jewelry. My daughter, my niece, my mom was gonna give
14 it to them. You know, my -- sons, my nephew, you know,
15 they're angry. Our kids are angry, you know, and -- and
16 my mom's this -- about this tall, you know, a feisty,
17 lovely woman full of grace, sir. Full of grace.
18 genuine.

19 At her funeral, my brother and I were sitting next
20 to each other and a good friend of mine was sitting
21 behind me and the priest said something like -- something
22 about sins and my friend said my brother and I looked at
23 each other at the same time and said none because my mom,
24 she never lied, she never cheated. Yeah, she cussed just
25 a little, but that was about it, okay? Let me tell you

1 this woman was -- I don't even know why this happened to
2 her.

3 And, yeah, we kick ourselves about the safe in the
4 house. I mean, why didn't we do anything, but, you know,
5 we're trustworthy. I mean, we grew up in a house that
6 they taught us the right way and I guess we trusted other
7 people and if I could just -- I just -- I just wish you
8 just would have thought twice and made better choices
9 that day, sir. I thought about your grandmother and
10 that could be your grandmother. I just -- I just want
11 justice to be served. And I'm not a hateful person
12 either. I'm -- people say I'm a lot like my momma, but
13 I just -- I really -- I mean, I know he's a young man,
14 but he made a bad choice, sir, and I just want -- I want
15 justice to be served.

16 All right. Thank you. I'm sorry.

17 THE COURT: That's all right. You did fine.

18 All right, Mr. Williams.

19 MR. WILLIAMS: You know, Judge, in the closing
20 argument yesterday, it probably wasn't my best argument
21 I've ever done in my lifetime because when I sat down I
22 didn't -- I didn't feel like I had done -- touched on
23 everything in the correct order that I wanted to. I
24 don't know if it was maybe the mask or what have you,
25 but, you know, I tend -- when I'm in -- when I'm in

1 front of a jury, I kind of talk what I have in my heart
2 a lot and when I talked about honor it was very important
3 for some reason that honor be mentioned and that's why
4 I actually was talking to -- to Mr. Samellas because,
5 you know, a lot of times people think that we don't
6 appreciate what happens to them and I -- obviously I
7 know other people with his last name and used to be
8 friends with them, Judge, and -- and I know that
9 sometimes it's hard to step away from that. Obviously
10 these are honorable people. Obviously his mother was a
11 wonderful person. The father was a wonderful person.

12 I meant it about the service. I know what that's
13 all about. That's why I wanted to make sure that the
14 jury looked at what was being presented in front of them
15 because they have a real tough job, Judge. They have to
16 try to step away from the emotion. Contrary to me. I
17 mean, I don't -- you know, they have to step away from
18 the emotion and they have to do what they think is the
19 correct factual determination of what the facts were. I
20 can't really complain about that, Judge, you know. They
21 took a hard task on.

22 My client is just another individual, another young
23 guy. He's a human being. He's had a life. He's had a
24 momma and a daddy. He has a lovely mother. She's been
25 back here with me the whole week. He's had family back

1 here. He obviously didn't take the stand and testify,
2 but that was a decision made based on evidence and
3 things of that nature. Had he taken the stand I feel
4 certain he probably would have said that he was there
5 at -- when the money was being counted and everything.
6 Your Honor picked up on what the theory was --

7 THE COURT: Uh-huh.

8 MR. WILLIAMS: -- and that was obviously that he
9 hooked up with these guys later and he was involved in
10 the money.

11 The one thing that I noted, something you can tell
12 about a video, sometimes you can kind of tell who the
13 bad guy is and who the -- and who the not really bad
14 guy is. Ms. Samellas doesn't have enough opportunity
15 to see bad guys, I don't think, and that's a good thing.

16 THE COURT: Yeah.

17 MR. WILLIAMS: You don't need to see enough stuff
18 like that, but you've got the young kid who testified
19 and he was all cleaned up. He had a wonderful life with
20 his mother who lived at the country club, who lived on
21 Longest Drive. And he was the good looking guy and had
22 the wife and the kid and all that. He sounded like a
23 piece of work in that video. That's the kindest I can
24 say.

25 You didn't hear from my guy. My guy looked like

1 he was kind of spaced out there in all honesty. If you
2 look at a picture of him, he looked like he was just
3 spaced out, his eyes were kind of down, stuff like that.
4 I don't know why he chose that day to be involved in
5 these two guys' lives, but he did.

6 What's interesting, Your Honor, obviously knows
7 he's got another charge in Orangeburg. He's never had
8 a conviction before that day -- before this date.
9 Before this date he's never had a conviction. His life
10 was not headed in this direction where he's gonna go to
11 jail. He -- he finished high school, he went to South
12 Carolina State for a year. The solicitor asked about
13 whether or not he was working or not. He actually had
14 worked at Amazon and at UPS, so he was not a deadbeat --

15 THE COURT: You know, that -- that puzzled me.
16 All three of them worked and then all -- well, the
17 jury decided all three of them, two by admission and
18 one by their factfinding, that they committed these
19 offenses. It was surprising all three of these young
20 men had jobs, respectable jobs.

21 MR. WILLIAMS: And it was a stunner because I --
22 you know, I sat obviously during the bond hearings and
23 stuff, I knew the other two guys. I don't know why
24 they did that, you know.

25 But, Judge, going back to my client, he's a --

1 he's a gentle person and I guess really if I had to
2 focus on something more than anything else, you know,
3 he had that accident in September of last year where he
4 had his arm severed from his body and that was actually
5 -- he was on a dirt bike, he got hit by a car and he
6 had surgeries on it, and he ended up being arrested in
7 December. And I know -- I know Dale thinks I'm a jerk
8 for filing all these motions to have the medical
9 treatment and get him out, he's not been able to get
10 the medical treatment. He wakes up and he has these --
11 these stinging needle things in his arm. I think it's
12 probably, Judge, like RSD, you know, when you have the
13 pain even though the -- the item's not there. So his
14 existence in the Lexington county jail with the COVID
15 since December has not been a pleasant one. That's --
16 that's probably -- probably an understatement.

17 He knows he's going to jail, Judge. Obviously.
18 Obviously. And the thing -- if there's anything that
19 I would like to say for him, he's still a young man,
20 Judge. We've got enough -- we've got a throwaway
21 generation and when I was talking about all the turmoil
22 between everybody now and COVID and all this other stuff,
23 I don't want him just to be another life that's been
24 thrown away because his life -- his life is worth
25 something and if Your Honor could see it in your heart

1 when you do justice is to consider that he's got to do
2 -- even if you wanted to do something different, you
3 couldn't do any better than fifteen years. I mean, any
4 worse -- any better, any better than fifteen years
5 violent for him. That's -- I mean, that's the minimum.
6 i mean, the sky's the limit. We could put him in jail
7 for a real long time. I'd ask that you consider that,
8 give him a sentence that would be -- something that
9 would satisfy the victim in terms of what they've lost.

10 And, you know, the thing about that, even if they
11 get the money back, Judge, you know, as you get older
12 you find out money is not everything, that that loss of
13 their mother will -- and what she went through is
14 probably the worst thing. They don't realize it yet,
15 but it is because I lost my mother. And I don't know if
16 Your Honor has a mother or not.

17 THE COURT: I don't have either parent.

18 MR. WILLIAMS: But I think guys know about their
19 mothers. I mean, they do. They do. I'd asked that
20 you think about he's still got a mother alive and
21 hopefully he'll be able to get out and enjoy his mother.

22 I don't know what else to say, Judge. I guess I'm
23 just asking for leniency and justice, the same thing.
24 Do both if you can, Judge.

25 I think that's all I have, Your Honor, and I don't

1 think his mother has anything to say. Oh, she does.

2 I'm sorry. I didn't know.

3 THE COURT: Let's have her stand and tell me her
4 whole name.

5 MR. WILLIAMS: Stand and tell him your whole name
6 and you can say it from back there.

7 MS. WANDA WILSON: My name is Wanda Wilson. I'm
8 the mother of Markese Wilson. First of all, I'd like
9 to give me condolences to the family who's lost their
10 mother. My mother is still alive. I don't have a dad,
11 but my mom is still here.

12 And, Judge, I stand here today on behalf of my son,
13 which is my baby. I just ask you to be lenient for the
14 situation. I know that we can't bring the victim back
15 and I know by him serving time that won't bring her back
16 as well and I just ask you to do -- you know, to be
17 lenient on him.

18 I know these are serious charges on him and just
19 to look -- look over there at him knowing that he was a
20 good child, went to a good school. The accident, after
21 that, which we thought that was the road he was gonna
22 take, but due to the incident -- I mean, he come from
23 a good family. His dad died at a young age. Being a
24 single mom I think I did, you know, a good job of
25 raising him and his brother. I mean, he's smart. He

1 was listed on the school's -- on the Miracle Team and
2 also asked to be in gifted class when he was in high
3 school as well.

4 It seems like, you know, when he turned eighteen
5 that just seemed like -- you know, that's when things
6 had start happening, like something was coming after
7 him, trying to distract his goal, his future.

8 And I'm not just standing here just to try to
9 elaborate on my son, but he has a good heart. He's
10 very smart and feeling of people he comes in contact
11 with. He will give them his last -- he'll do anything
12 for them. He loves his family. He has a loving heart,
13 but the choice of friends I can't choose for him. I
14 can't watch over him 24/7. The only thing I can do is
15 be a mom and advise him to do right and raise him up,
16 and that's what I have done. And I know all these months
17 he's sat in that cell over and over, he knows, you know,
18 he hurt me because he would call are you all right, yes,
19 I'm all right, you know.

20 I work a full-time job. I work with the public and
21 that's what -- all the things you have to do, but I --
22 as a mom I went to work each day and I still smiled, I
23 still treat, you know -- my customers I came in contact,
24 they never knew what I was going through. Each day I
25 went to work. Even through the COVID I never missed

1 work. I never -- I slept at night, I never was on
2 medication, you know. The inner pain was like I'm
3 gonna lose it, you know, I'm gonna have a nervous
4 breakdown, but each day I told God, I'm strong, I can
5 do it.

6 You know, it's a shame, you know, you go in front
7 of people and knowing the child you raised and the things,
8 but people are gonna talk. They're gonna say what they
9 want to do and I know what I did and I know my son.
10 He's a good boy, a very good boy, and people -- it can
11 be anyone, whether a coach or a teacher or a friend or
12 anyone who I've come in contact with, older people,
13 they have appealed to me, you have a nice son, is that
14 your son. You know they have told me good things about
15 him. I never had anyone come to me and said your son
16 is bad, you know. No one never came to me and tell me
17 anything negative about my son. When I came in contact
18 with anyone, they always told me something good about my
19 son.

20 But when that day -- you know, when I got the phone
21 call that said your son was hit by a car, your heart
22 just races whether he's gonna be alive when you get
23 there, but you go in the hospital to see him and he was
24 still, you know, mom are you good, are you good. He's
25 a strong person, but I thank God he's here with me today.

1 Even though he might have one arm, which was his right
2 arm, his main arm, but he still will -- still holds his
3 head up. And I know that he has -- in his heart know he
4 hurt me, he knows he hurt the victim's family, but I
5 don't think what he's being accused of he was a part of.

6 Like Mr. Williams said, he was there after the fact
7 and -- but actually doing the crime himself, no. And
8 just sitting here for these couple of days, you know,
9 actually going through, going through, no, he didn't
10 took part in it, but I just ask that you-all be lenient
11 on my son. And as I say, I send my condolences to the
12 family.

13 Thank you.

14 MR. WILLIAMS: Your Honor, I think the Defendant
15 wants to say something.

16 THE COURT: All right.

17 THE DEFENDANT: How are you doing, Your Honor?

18 THE COURT: Good morning.

19 THE DEFENDANT: First off, I would like to send
20 my condolences to the family on their loss because
21 even though I didn't know Ms. Samellas or I never seen
22 her or didn't have a relationship with her, I lost my
23 dad when I was six and I lost my uncle when I was
24 eighteen and I lost my granddad when I was nineteen
25 and I just lost my little brother this year, so I know

1 what it's like to lose someone.

2 One of the reasons why I never spoke to Mr. Dale
3 about anything was because I never knew anything about
4 the robbery. The only thing I knew about was what the
5 pictures was proving after the fact, you know, taking
6 pictures of the money, but it wasn't my idea to take
7 pictures, to take pictures of the money, it was
8 Mr. McFadden's idea when he was talking about trying
9 and getting more followers and stuff on Instagram.

10 I've been through a lot. I used to play basketball,
11 I was in the honor society when I in high school, A.C.
12 Flora, and then I went to Orangeburg Preparatory School.
13 That's where I graduated from, it's a private school.
14 So after high school I went to South Carolina State and
15 I was majoring in mechanical engineering and then I
16 started working. So I thought I'd take a semester off
17 and I started working more and -- and fast-forward to
18 last year in September. Well, my whole life what I
19 liked to do is ride dirt bikes, so I had like two dirt
20 bikes since 2017. My first dirt bike was a YZ125.
21 That's kind of a small one, but I was like I need
22 something faster, so I sold that one and bought a YZ450
23 -- a KTM450 and then after that one, it got broken, so
24 I sold that and bought a YZ450 and that's the one I got
25 in an accident on in September. I was riding when I got

1 hit by a drunk driver. So then after that happened I
2 couldn't believe I already lost my arm, but I was still
3 satisfied that I was still here, so I just tried to look
4 at the big picture. And then come December -- come
5 December I get locked up, so I'm trying to figure out
6 like what's going on, like why I kept getting attacked,
7 why something happens to me, but I don't know what's
8 going on. I try to keep my head up, try to stay focussed
9 on the main focus, but I do send my condolences on their
10 loss.

11 THE COURT: Does anybody have a count of number of
12 days to write on the sentencing sheet so far?

13 MR. STITELY: I can do it real fast, Judge. It's
14 316.

15 THE COURT: 316?

16 MR. STITELY: Yes, sir.

17 And while you're writing, *Stacy S. Johnson* that
18 you put that sentence on the kidnapping one that didn't
19 have an element of -- I just had to deal with SCDC on
20 that -- on another one.

21 THE COURT: All right. As you-all know, just
22 so that everybody understands, I didn't make the
23 determination of whether or not Mr. Wilson did these
24 acts, the jury did that, that wasn't my decision, but
25 I'm just to give what I believe to be an appropriate

1 sentence considering the facts of the case and what
2 went on.

3 On indictments -- I'm gonna put them in order.
4 Indictments are 169, burglary first degree, 170 is armed
5 robbery, 171 is kidnapping and 173 is safecracking. On
6 those three, the sentence is thirty years all running
7 concurrent. Credit for 316 days. On the weapon charge,
8 172, an additional five. That's consecutive to the
9 thirty, so by my math that's thirty-five years at
10 85 percent.

11 Good luck.

12 MR. SCOTT: Thank you, Your Honor.

13 MR. WILLIAMS: Thank you, Your Honor.

14 (Whereupon, the proceedings were concluded at
15 9:53 AM.)

16

17

18

19

20

21

22

23

24

25

+18033488770

Made a article

Status: Sent

1/22/2019 5:39:24 PM(UTC-5)

+18034560916 Quis

Ian see one early femme look again

Status: Read

Read: 1/22/2019 5:39:46 PM(UTC-5)

1/22/2019 5:39:44 PM(UTC-5)

+18033488770

It's up

Status: Sent

1/22/2019 5:39:54 PM(UTC-5)

+18034560916 Quis

Way at

Status: Read

Read: 1/22/2019 5:40:09 PM(UTC-5)

1/22/2019 5:40:07 PM(UTC-5)

+18034560916 Quis

Ion see nun

Status: Read

Read: 1/22/2019 5:43:10 PM(UTC-5)

1/22/2019 5:40:46 PM(UTC-5)

+18034560916 Quis

Not even worth making a article if it look like a inside job cause who know she got that much money

Status: Read

Read: 1/22/2019 5:43:10 PM(UTC-5)

1/22/2019 5:41:15 PM(UTC-5)

+18034560916 Quis

She got no in her bank she ain't worried

Status: Read

Read: 1/22/2019 5:43:10 PM(UTC-5)

1/22/2019 5:41:30 PM(UTC-5)



+18034560916 Quis

3 bands fa all dat? No way

Status: Read

Read: 1/23/2019 8:59:49 AM(UTC-5)

1/23/2019 8:17:18 AM(UTC-5)

+18036146444 Maurice

no taxes this year that's the only thing

Status: Read

Read: 1/23/2019 9:08:59 AM(UTC-5)

1/23/2019 9:07:03 AM(UTC-5)

+18034560916 Quis

U crazy that bout to come back the wall shit dead he ain't reach his goal

Status: Read

Read: 1/23/2019 9:08:59 AM(UTC-5)

1/23/2019 9:08:00 AM(UTC-5)

+18033488770

Ion want it but shit crazy how we got enough to cash out on anything really

Attachments:

Size: 4343463
File name: IMG_0248.PNG
IMG_0248.PNG

Size: 4857288
File name: IMG_0249.PNG
IMG_0249.PNG

Status: Sent

1/23/2019 10:01:52 AM(UTC-5)

+18034560916 Quis

Invest 10 into sum make it flip

Status: Read

Read: 1/23/2019 10:39:56 AM(UTC-5)

1/23/2019 10:29:59 AM(UTC-5)

+18034560916 Quis

Or 5

Status: Read

Read: 1/23/2019 10:39:56 AM(UTC-5)

1/23/2019 10:30:01 AM(UTC-5)

+18036148291 Kese

Gotta do it together

Status: Read

Read: 1/23/2019 10:39:56 AM(UTC-5)

1/23/2019 10:30:09 AM(UTC-5)

+18034560916 Quis

I'm tryna do it the right way tho start a business fuckdat weed

Status: Read

Read: 1/23/2019 10:39:56 AM(UTC-5)

1/23/2019 10:30:30 AM(UTC-5)

+18036148291 Kese

Ite y'all get my drift wean gone say nomo

Status: Read

Read: 1/23/2019 10:39:56 AM(UTC-5)

1/23/2019 10:31:36 AM(UTC-5)

+18036148291 Kese

Till we link

Status: Read

Read: 1/23/2019 10:39:56 AM(UTC-5)

1/23/2019 10:31:44 AM(UTC-5)

+18034560916 Quis

I be down there tomorrow

Status: Read

Read: 1/23/2019 10:39:56 AM(UTC-5)

1/23/2019 10:31:58 AM(UTC-5)

+18033488770

Hell yea together

Status: Sent

1/23/2019 10:40:12 AM(UTC-5)

+18033488770

So we can't go broke

Status: Sent

1/23/2019 10:40:17 AM(UTC-5)

+18036148291 Kese

Great minds think alike

Status: Read

Read: 1/23/2019 10:41:09 AM(UTC-5)

1/23/2019 10:40:56 AM(UTC-5)

+18033488770

Yessir at the bank changing my bills rn

Status: Sent

1/23/2019 10:41:21 AM(UTC-5)

+18036148291 Kese

Shut feel good to know y'all got it suhnd

Status: Read

Read: 1/23/2019 10:41:37 AM(UTC-5)

1/23/2019 10:41:25 AM(UTC-5)

+18036148291 Kese

Wit me

Status: Read

Read: 1/23/2019 10:41:42 AM(UTC-5)

1/23/2019 10:41:42 AM(UTC-5)

+18033488770

Istg we all got it

Status: Sent

1/23/2019 10:41:51 AM(UTC-5)

+18034560916 Quis

Stg

Status: Read

Read: 1/23/2019 10:42:05 AM(UTC-5)

1/23/2019 10:41:56 AM(UTC-5)

+18036148291 Kese

Na we can put our fan in position

Status: Read

Read: 1/23/2019 10:42:14 AM(UTC-5)

1/23/2019 10:42:13 AM(UTC-5)

+18033488770

Shit gone be a lifetime memory

Status: Sent

1/23/2019 10:42:18 AM(UTC-5)

+18036148291 Kese

Family

Status: Read

Read: 1/23/2019 10:42:25 AM(UTC-5)

1/23/2019 10:42:25 AM(UTC-5)

+18033488770

Man duh look wa I sent n snap chat

Status: Sent

1/23/2019 10:42:41 AM(UTC-5)

+18034560916 Quis

*kids fuck family nobody set me up n they got bank

Status: Read

Read: 1/23/2019 10:42:44 AM(UTC-5)

1/23/2019 10:42:44 AM(UTC-5)

+18033488770

Nigga we finna have fans

Status: Sent

1/23/2019 10:42:50 AM(UTC-5)

+18034560916 Quis

Really really

Status: Read

Read: 1/23/2019 10:43:06 AM(UTC-5)

1/23/2019 10:43:06 AM(UTC-5)

+18033488770

Omm bra

Status: Sent

1/23/2019 10:43:06 AM(UTC-5)

+18033488770

Had fans wit 7 bands

Status: Sent

1/23/2019 10:43:12 AM(UTC-5)

+18033488770

Na dam near 30

Status: Sent

1/23/2019 10:43:17 AM(UTC-5)

+18033488770

Watch all hoes after we flex they will set you up n get you gone

Status: Sent

1/23/2019 10:43:37 AM(UTC-5)

+18033488770

Don't be no fool

Status: Sent

1/23/2019 10:43:45 AM(UTC-5)

+18034560916 Quis

Duh why ian press bout em nomo

Status: Read

Read: 1/23/2019 10:43:58 AM(UTC-5)

1/23/2019 10:43:49 AM(UTC-5)

+18034560916 Quis

No cap every other day I been living shit I dreamed already this shit so crazy

Status: Read

Read: 1/24/2019 3:44:21 AM(UTC-5)

1/24/2019 12:53:36 AM(UTC-5)

+18036146444 Maurice

i still can't believe y'all hit fa that much

Status: Read

Read: 1/24/2019 10:57:52 AM(UTC-5)

1/24/2019 10:56:19 AM(UTC-5)

+18033488770

Kese n jail

Status: Sent

1/24/2019 10:58:05 AM(UTC-5)

+18034560916 Quis

Blessed

Status: Read

Read: 2/20/2019 3:20:25 PM(UTC-5)

2/20/2019 3:18:46 PM(UTC-5)

+18033488770

Wouldn't never ever forget the happiest day of my life

Status: Sent

2/20/2019 3:20:48 PM(UTC-5)

+18034560916 Quis

All dat shit falling out dat bag when Kese flip it was a movie

Status: Read

Read: 2/20/2019 3:24:00 PM(UTC-5)

2/20/2019 3:23:58 PM(UTC-5)



+18033488770

had the money wtf

Status: Sent

Delivered: 4/18/2019 6:25:12 PM(UTC-4)

Read: 4/18/2019 6:25:16 PM(UTC-4)

4/18/2019 6:25:12 PM(UTC-4)

+18033488770

Bra I shoulda kill her ass mane

Status: Sent

Delivered: 4/18/2019 6:25:18 PM(UTC-4)

Read: 4/18/2019 6:25:19 PM(UTC-4)

4/18/2019 6:25:18 PM(UTC-4)

+18033488770

Status: Sent

Delivered: 4/18/2019 6:25:23 PM(UTC-4)

Read: 4/18/2019 6:25:23 PM(UTC-4)

4/18/2019 6:25:23 PM(UTC-4)

+18034560916 Quis

Lol just push push her out the damn way grab the pocket book shit me and kесе did the other old lady wrong we don't care money com first

Status: Read

Read: 4/18/2019 6:25:58 PM(UTC-4)

4/18/2019 6:25:58 PM(UTC-4)

WITNESSESSgt. Anthony Creech**WARRANT NUMBER**

2019A3610201680

TRUE BILL
Christopher

Foreman of the Grand Jury

Date: 2/10/20**VERDICT**

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

COURT OF GENERAL SESSIONSFebruary 2020 Term,
Indictment # 2020-CS-32-00169**THE STATE**

vs.

MARKESE CHRISTOPHER WILSON

INDICTMENT FORBurglary, First Degree
SC Code: § 16-11-0311

CDR: 0079

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA**COUNTY OF LEXINGTON****INDICTMENT FOR****Burglary, First Degree
§16-11-0311**

At a Court of General Sessions, convened on the 10th day of February 2020, the Grand Jurors of Lexington County present upon their oath:

The defendant, Markese Christopher Wilson, did on or about January 21, 2019, in Lexington County, South Carolina, enter a dwelling belonging to Katherine Samellas without consent and with intent to commit a crime therein. The defendant while in the dwelling caused physical injury to a person who is not a participant in the crime and was armed with a deadly weapon . Furthermore, the defendant entered or remained in the residence in the nighttime hours. All in violation of 16-11-0311, Code of Laws of South Carolina (1976, as amended).

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



C. Dale Scott
Deputy Solicitor

WITNESSESSgt. Anthony Cress**WARRANT NUMBER**

2019A3610201681

TRUE BILL
Adrian L. Smith

Foreman of the Grand Jury

Date: 2/19/20**VERDICT**

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

COURT OF GENERAL SESSIONS

February 2020 Term

Indictment # 2020-GN-32-00170

THE STATE

vs.

MARKESE CHRISTOPHER WILSON

INDICTMENT FOR

Armed Robbery

SC Code: § 16-11-0330(A)

CDR: 0139

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA**COUNTY OF LEXINGTON****INDICTMENT FOR****Armed Robbery
§16-11-0330(A)**

At a Court of General Sessions, convened on the 10th day of February 2020, the Grand Jurors of Lexington County present upon their oath:

The defendant, Markesc Christopher Wilson, did on or about January 21, 2019, in Lexington County, South Carolina, while armed with a deadly weapon or while displaying what a person present during the robbery would reasonably believe to be a deadly weapon, take by means of force, threats, or intimidation, goods or monies described as U.S. Currency and Jewelry from the person or presence of Katherine Samellas . All in violation of 16-11-0330(A) of the South Carolina Code of Laws (1976, as amended).

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



C. Dale Scott
Deputy Solicitor

WITNESSESSgt. Anthony Creech**WARRANT NUMBER**

2019A3610201682

TRUE BILL

Foreman of the Grand Jury

Date: 2/10/20**VERDICT**

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

COURT OF GENERAL SESSIONSFebruary 2020 Term,
Indictment # 2020-CGS-32-00171**THE STATE**

vs.

MARKESE CHRISTOPHER WILSON

INDICTMENT FORKidnapping
SC Code: § 16-03-0910

CDR: 0095

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

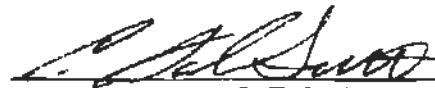
COUNTY OF LEXINGTON

INDICTMENT FOR**Kidnapping
§16-03-0910**

At a Court of General Sessions, convened on the 10th day of February 2020, the Grand Jurors of Lexington County present upon their oath:

That Markese Christopher Wilson did in Lexington County, South Carolina, on or about the on or about January 21, 2019, unlawfully seize, confine, inveigle, decoy, kidnap, abduct, or carry away Katherine Samellas, by any means whatsoever, without the authority of law. All in violation of 16-03-0910 Code of Laws of South Carolina (1976, as amended).

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



C. Dale Scott
Deputy Solicitor

WITNESSESSgt. Anthony Creach**WARRANT NUMBER**

2019A3610201683

TRUE BILL
Creach

Foreman of the Grand Jury

Date: 2/10/20**VERDICT**

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

COURT OF GENERAL SESSIONSFebruary 2020 Term,
Indictment # 2020-GS-32-00172**THE STATE**

vs.

MARKESE CHRISTOPHER WILSON

INDICTMENT FOR

Possession Of A Weapon During The Commission Of A

Violent Crime

SC Code: § 16-23-0490

CDR: 0549

I hereby waive presentment to the Grand Jury.

Defendant

Sgt. Anthony Creach
Witness:

THE STATE OF SOUTH CAROLINA**COUNTY OF LEXINGTON****INDICTMENT FOR****Possession Of A Weapon During The Commission
Of A Violent Crime
§16-23-0490**

At a Court of General Sessions, convened on the 10th day of February 2020, the Grand Jurors of Lexington County present upon their oath:

The defendant, Markese Christopher Wilson, did on or about January 21, 2019, in Lexington County, South Carolina, while committing the violent crimes of Burglary 1st degree, Armed Robbery and Kidnapping, possess a firearm. All in violation of 16-23-0490, South Carolina Code of Laws (1976, as amended).

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



C. Dale Scott
Deputy Solicitor

WITNESSESSgt. Anthony Creed**WARRANT NUMBER**

2019A3610201684

TRUE BILL
Calvin M. [Signature]

Foreman of the Grand Jury

Date: 2/10/20**VERDICT**

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

COURT OF GENERAL SESSIONSFebruary 2020 Term,
Indictment # 2010-GS-32-00173**THE STATE**

vs.

MARKESE CHRISTOPHER WILSON

INDICTMENT FORSafe cracking
SC Code: § 16-11-0390

CDR: 0141

I hereby waive presentment to the Grand Jury.

Defendant

Sgt. Anthony Creed
Witness:

THE STATE OF SOUTH CAROLINA

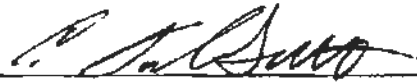
COUNTY OF LEXINGTON

INDICTMENT FOR**Safecracking
§16-11-0390**

At a Court of General Sessions, convened on the 10th day of February 2020, the Grand Jurors of Lexington County present upon their oath:

The defendant, Markese Christopher Wilson, did on or about January 21, 2019, in Lexington County, South Carolina, use explosives, tools, or any other implement in or about a safe used for keeping money or other valuables with intent to commit larceny or any other crime. All in violation of 16-11-0390, South Carolina Code of Laws (1976, as amended).

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

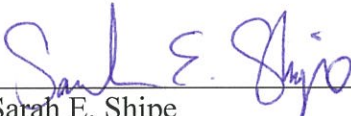


C. Dale Scott
Deputy Solicitor

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Sarah E. Shipe
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED
Oct 29 2021
SC Court of Appeals

This 29th day of October, 2021.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Oct 29 2021
SC Court of Appeals

Appeal from Lexington County

Honorable Eugene C. Griffith, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

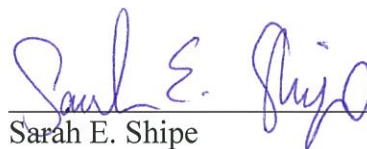
MARKESE CHRISTOPHER WILSON,

APPELLANT

APPELLATE CASE NO. 2020-001425

CERTIFICATE OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Scott Matthews, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 29th day of October, 2021.



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