

VOLUME II OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Lexington County

Honorable Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOSEPH RANDOLPH HENRY,

APPELLANT.

APPELLATE CASE NO. 2020-001404

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT NO. 1 (9-1-1 CALL), STATE’S EXHIBIT NOS. 24 – 25, AND 27 (PHOTOGRAPHS), STATE’S EXHIBIT NO. 28 (VIDEO MINICLIP FROM TRANSPORT), STATE’S EXHIBIT NO. 42 (DVD/CORLEY’S COLLISION), STATE’S EXHIBIT NOS. 43 – 50 (PHOTOGRAPHS), STATE’S EXHIBIT NO. 52 (DVD/WINDSOR WEST DAYCARE), STATE’S EXHIBIT NOS. 53 – 56, 58, 63 – 65, 67, 72 – 75, 98, 106 – 112, 115 – 116 (PHOTOGRAPHS), STATE’S EXHIBIT NO. 124 (EYEGLASS LENS), STATE’S EXHIBIT NO. 131 (PHOTOGRAPH), AND STATE’S EXHIBIT NO. 144 (SHIRT WITH HOLE).

1 When we got back from picking up M.J., we were all hanging
2 out at the shop and then later that night is when Josh had
3 -- we had dropped Josh off I think at Wal-Mart earlier and
4 that's when he showed back up with Lexi.

5 Q. Okay. I want to talk a little bit about Lexi, okay?

6 A. (Nods head.)

7 Q. You knew her as Lexi?

8 A. (Nods head.)

9 Q. You were introduced to her as Lexi?

10 A. Yes, ma'am.

11 Q. How did she appear when she came in the shop?

12 A. Wide awake.

13 Q. When you say wide awake, go ahead and tell us what you
14 mean -- what you mean by that.

15 A. She was high as a kite.

16 Q. Okay. What else do you remember about her?

17 A. She was very bubbly. She came in kind of like
18 bebopping and was like hey, and I was like hi.

19 Q. Your first time ever meeting her?

20 A. Yeah.

21 Q. And what happened next?

22 A. She asked me if I could hit her with a shot.

23 Q. What does that mean?

24 A. Administer a shot of methamphetamine.

25 Q. Did you do that?

1 A. Yes.

2 Q. What happened next?

3 A. Kind of hung out for a few minutes, talked. I think
4 at this time she walked out. I was in there talking to
5 Pluto and that's when she walked back in with Josh and it
6 was kind of like a lot going on at once. There was talk
7 about us getting a hotel room or going to a boat and the
8 next thing I knew is everybody was packing up and leaving
9 and I went out and I thought we were taking Pluto's car and
10 that's when, I guess, they all decided we was gonna take
11 Lexi's car, so we all got in Lexi's car.

12 Q. Okay. And did that mean Pluto's car would have
13 remained where?

14 A. At the shop.

15 Q. And when you say Lexi's car, what do you remember her
16 car being?

17 A. A white -- forgive me because I'm not really good with
18 cars.

19 Q. I'm gonna show you a photograph. I'm gonna show you
20 what is State's 38 and ask you whether or not that looks
21 familiar?

22 A. Yep.

23 Q. And 32.

24 A. That's the car we got into.

25 Q. Where did you-all go next?

1 A. First we went to somebody's house and Josh said he had
2 to handle some business and then we went out -- or we all
3 -- I stayed in the car with Lexi and at this time Pluto was
4 asleep, and M.J., we were all sitting in the car, and Josh
5 came out and we were supposed to be going to get a hotel
6 room, but I guess we didn't have the money for the hotel
7 room, I don't really know what was going on, but that's
8 when Lexi was like well, we can go to my parents' boat, so
9 we drove to this like boat landing, a nice area in Chapin.
10 I guess that's where it was.

11 Q. Okay. I'm gonna ask you a little bit about that. Now
12 you mentioned that M.J. had gone to the tavern at some
13 point, but is he back with you-all now?

14 A. Yeah, we -- we had picked him up the night before, a
15 couple of hours before Lexi got with us.

16 Q. Okay. I'm gonna show you this, it is State's 132, and
17 just ask you to take a look at this, this being a map at
18 Yacht Club Point.

19 A. Yeah.

20 Q. Does that look familiar?

21 A. Yes. We were like parked over where like the parking
22 area is.

23 Q. Near the water?

24 A. Yeah, because I remember the sun was coming up. At
25 first we were kind of just chilling in the car, listening

1 to music, talking, and then I had said something about
2 getting on the boat and I was like well, where's your
3 parents' boat, are we getting on your parents' boat, I said
4 which one's your parents' boat and she said well, it's not
5 my parents' boat and I was like well, I'm not gonna get on
6 a boat unless it's your family's, like I'm not going to
7 jail, and she was like okay. And then we just sat in the
8 car and listened to music and that's when we had decided
9 that we were gonna leave and I said I would drive because I
10 have my license and I got in the front seat and started
11 driving and then we ended up switching not long after that
12 because I don't know a lot about the Lexington area so I
13 really couldn't keep up with the traffic, so I let Josh get
14 in the driver's seat.

15 Q. Okay. And, Katie, you think you-all stayed here
16 around Yacht Club Point pretty much until you saw the sun
17 rise?

18 A. Yeah, because I remember the sun rising over the
19 water.

20 Q. All right. Where did you-all go next?

21 A. Then we went to a gas station because I had to switch
22 with Josh and then that's when I got in the backseat with
23 M.J. and Pluto and then we were driving and M.J. had wanted
24 to go back to the shop and he was acting real irate and
25 like agitated, so we took him back to the shop and he was

1 trying to get me to get out of the car, but I was trying to
2 wake Pluto up because it was starting to rain and it was
3 colder outside and I was in shorts and a T-shirt, and I
4 was asking him if I could get the keys to his car, but I
5 couldn't get him like to give me the keys and wake up and
6 then when he woke up, he just told Josh to go and Josh took
7 off.

8 Q. Okay. So did M.J. get out -- you-all went back to
9 Lexington from Chapin?

10 A. Yeah.

11 Q. You-all came back right there on -- I know you're not
12 familiar with Lexington, but it's that same shop you showed
13 us a little while ago?

14 A. Uh-huh.

15 Q. And who got out of the car then?

16 A. M.J.

17 Q. And who would have been left in the car at this point?

18 A. Me, Pluto, Josh and Lexi.

19 Q. All right. I want to show you this picture, Katie.

20 Can you take us through this point after you dropped M.J.

21 off as to who's sitting where? Who's driving the vehicle?

22 A. Josh was driving, Lexi was in the passenger seat, I
23 was sitting directly behind Lexi and then Pluto was sitting
24 next to me behind Josh.

25 Q. All right. So Josh is driving. Lexi's here?

1 A. Uh-huh.

2 Q. You're directly behind Lexi?

3 A. Yes, ma'am.

4 Q. And then who was sitting over here --

5 A. Pluto.

6 Q. -- behind the driver?

7 A. Pluto.

8 Q. What did you-all do next?

9 A. Lexi had said she needed to go get some money or
10 something or other from a friend, so we went to -- I don't
11 really know where it was. All I know is we pulled up and
12 there was like some guy standing outside and she talked to
13 him -- got out of the car and talked to him for a minute
14 and then they walked a little bit up the road, turned
15 around and walked back, and then she said that he was gonna
16 go with us, but we didn't want him to because he was
17 supposed to be, I guess, an informant or a snitch of some
18 sort, and we were supposed to be going to boost. I don't
19 know if you -- to shoplift.

20 Q. Okay. Let me stop you right there. You've covered a
21 lot of stuff. So you remember that -- when you-all got to
22 this place, was it a house that this person was at?

23 A. Yes.

24 Q. You remember when you got to this place that Lexi
25 briefly got out of the car?

1 A. Yes.

2 Q. And then she came back to the car and there was a
3 discussion about this person?

4 A. Yes.

5 Q. Do you remember whether or not there was a discussion
6 about this person getting in the car with you-all?

7 A. Yes.

8 Q. And what was the reaction in the car between -- well,
9 by the Defendant, as well as others in the car?

10 A. Oh, no, you ain't letting him get in the car with us.

11 Q. And your understanding based on that communication
12 is that this person -- does the name Chad Andrews sound
13 familiar?

14 A. That's who it was, yes.

15 Q. Your understanding was that this person was what?

16 A. Affiliated with the law of some sort, either an
17 informant, a CI. He was known to have worked for a
18 bondsman in Lexington, like a bounty hunter of some sort
19 is what I was told, and they were -- she was trying to get
20 us to let him come with us to go do illegal activities.

21 Q. All right. So when you say CI --

22 A. Confidential informant.

23 Q. -- a confidential informant? Is that a snitch on the
24 street?

25 A. Yeah, it's what you call a snitch.

1 Q. How did the Defendant, Joseph Henry, Pluto, react to
2 that?

3 A. He was like oh, hell, no, you better take me back to
4 my car. He was like ain't no way, he's not getting in this
5 car with us.

6 Q. What happened next?

7 A. Lexi and Chad, she said bye to him and got back in the
8 car, and then they started arguing about why -- why was she
9 gonna allow the law go with us to go boost, like that just
10 don't make sense.

11 Q. What happened next?

12 A. They were arguing back and forth. She was telling him
13 some -- it was -- some discussion was brought up about her
14 being a snitch, either she said I don't know why people
15 think I'm a snitch, I'm not a snitch, and then he was like
16 well, you was about to let, you know, the law go with us
17 to go boost, like where does that even seem plausible, and
18 they started arguing back and forth and then she -- he had
19 said something or other and then she said well, then you're
20 -- you're gonna have to F-ing kill me and --

21 Q. Let me stop you right there. Did Lexi seem to get it
22 about him being a snitch and not being allowed in the car?

23 A. No. No.

24 Q. Why do you say that?

25 A. It was almost like -- you can tell Lexi came from

1 money, you know, like she was a good girl --

2 MR. MAULDIN: Objection, Your Honor.

3 THE COURT: Sustained.

4 MR. MAULDIN: Move to strike.

5 BY MS. MAYES:

6 Q. Katie, let me ask it like this. Did she seem -- did
7 she seem to belong in this circle?

8 A. She -- no. It wasn't -- you could tell it wasn't like
9 her forte. Like --

10 Q. Did she seem to appreciate or understand the
11 discussion --

12 MR. MAULDIN: Objection, Your Honor.

13 THE COURT: All right. Solicitor, I'm gonna have
14 to sustain that objection. By her testimony, she only
15 knew her for a few hours. I don't think that she's
16 developed enough of a -- let's, if we could, stick to
17 the facts and not go off on some tangent that's not
18 relevant to the issue here, okay?

19 BY MS. MAYES:

20 Q. Did she seem to get the issue about him being a
21 snitch --

22 MR. MAULDIN: Objection, Your Honor.

23 THE COURT: Sustained.

24 BY MS. MAYES:

25 Q. All right. What happened next, Katie?

1 A. They were arguing about the fact that, you know, she
2 was trying to get him to go boost with us and, you know,
3 you don't take a snitch to a boost, and then I want to say
4 Pluto had said something and she was like well, then you
5 better F'ing kill me.

6 Q. All right. So let me stop you right there. Do you
7 remember some of the words that were being said?

8 A. (Nods head.)

9 Q. Do you remember the words that you heard Pluto say to
10 Lexi?

11 A. I mean, I remember him calling her a C-U-N-T and the
12 B word and --

13 Q. Do you remember what he said before she said well,
14 then you're gonna have to kill me?

15 A. Sort of. Kind of. It was like a -- you know, this is
16 what the snitches get on the street, something like, you
17 know what I mean, like that's -- you handle snitches a
18 certain way, you know what I mean?

19 Q. And what was her response to that?

20 A. Well, then you better F'ing kill me.

21 Q. And what else did she say after that, you better F'ing
22 kill me?

23 A. Bitch.

24 Q. She called him a bitch?

25 A. (Nods head.)

1 Q. What happened next?

2 A. He picked up the bag and put it on his lap and I
3 looked and said don't and he cut his eyes at me kind of
4 like to shut me down, so I just put my head down in my
5 hands like this because I knew then what was gonna come.

6 Q. When you say the bag, what bag are you referring to?

7 A. The brown bag you slowed.

8 Q. What happened next?

9 A. I closed my eyes and then I started to kind of drift
10 off to sleep and then the next thing I knew was I heard the
11 bam and I opened my eyes and it was really smokey in the
12 car and I was like you -- you fucking shot her.

13 Q. And what did he say in response to that, Katie?

14 A. You know who I am, you know what I do and I do what I
15 say.

16 Q. When you saw him put the bag in his lap, what was his
17 expression?

18 A. When I told him don't, he just cut his eyes at me like
19 be careful what you say, you know what I mean? Like he cut
20 me down.

21 Q. How did that make you feel?

22 A. Intimidated.

23 Q. Did you challenge him?

24 A. No.

25 Q. Did you try to stop it?

1 A. No.

2 Q. What was he doing when he made that statement after
3 the gunshot?

4 A. He was wrapping the gun back up in a black shirt and
5 he just -- he was yelling at me.

6 Q. What was he yelling?

7 A. He said you know who I am, you know what I do and I do
8 what I say, and it was like -- you know the expression all
9 the lights are on but nobody's home? It was like his eyes
10 were soulless, like --

11 MR. MAULDIN: Objection, Your Honor.

12 MS. MAYES: Goes to state of mind, Your Honor.

13 THE COURT: All right. She can describe what she
14 observed. Overruled.

15 BY MS. MAYES:

16 Q. Can you describe that, Katie?

17 A. It was just -- it was like his eyes were just, you
18 know, pitch black like there was nothing there, like --
19 almost like -- like I said, the lights are on, but
20 nobody's home. Like there was nothing there. It was just
21 emptiness, like coldness.

22 Q. What happened after that?

23 A. Josh pulled over into the church. He -- he told us to
24 pull the car around back.

25 Q. When you say he told you to pull the car around back,

1 who said that?

2 A. Pluto. Me and Josh told him no, he needed to get the
3 hell out of the car. He got out of the car, Josh looked
4 at him and said I've got to do what I've got to do, bro,
5 like this girl's gonna die, and he dapped up Josh and was
6 like do what you gotta do, bro, and just walked off all
7 nonchalant.

8 Q. When you say walked off nonchalant, who are you
9 referring to?

10 A. Pluto.

11 Q. Okay. Did Josh ever pull in the back of that church
12 like he was told to?

13 A. No, ma'am.

14 Q. How long did it take once you-all pulled into that
15 parking lot for Josh to come out of the car?

16 A. Not long.

17 Q. Did you ever hesitate about calling for help?

18 A. No. Immediately I told Josh to give me what he had on
19 him and I was gonna put it with my paraphernalia and that
20 he needed to hurry up and flag somebody down because we had
21 no working phones, Pluto was the only one that had a phone
22 that worked, and at that time I wasn't thinking about the
23 fact you can still call 9-1-1 on a cell phone. So I told
24 him, you've got to flag somebody down. It was like 7:00,
25 you know, early morning traffic, there were cars going

1 past, and I told him -- I was like you've got to flag
2 somebody down, you've got to get help, this girl's gonna
3 die, and we were -- at that time I was coming out the
4 backseat and he was coming around and we opened up the door
5 and she was sitting there and I could tell she was still
6 breathing and I went to stash my bag real quick and then I
7 came right back to her while Josh was trying to flag
8 somebody down and that's when he got this white lady to
9 stop and call for 9-1-1.

10 Q. All right. I want to kind of go back through some of
11 those things that you just described. You said after --
12 after you-all stopped he gave him daps. What did you mean
13 by that?

14 A. Like you like hug him up, you know what I mean? He
15 was like I've gotta do what I've gotta do, bro, this girl's
16 gonna die, and he was like do what you gotta do, bro, and
17 walked off.

18 Q. Josh said that to Pluto and then Pluto left?

19 A. (Nods head.)

20 Q. You mentioned getting rid of what you had and what
21 Josh had. I want to ask you a little bit about that. What
22 did you have on you, Katie?

23 A. My needles because I -- I'm an intravenous drug user.
24 I was trying to make sure I didn't have those on me
25 because --

1 Q. You can -- can you go to jail for that?

2 A. You can go to jail, uh-huh.

3 Q. The needles that you had, Katie, were in what kind of
4 bag?

5 A. Like a little like -- like a wallet purse thing. It
6 had a little flap that came down and you open it up and
7 when you open it up, there was like a zipper right here and
8 then a button up here that you folded down.

9 Q. And then in addition to you having needles or drug
10 paraphernalia, do you know whether or not Josh had some
11 type of illegal substance on him?

12 A. He had -- it was either crack or meth, I'm not sure
13 exactly. I know it was a large enough amount that me and
14 him would both go to jail.

15 Q. All right. And what did he do with that?

16 A. He handed it to me, I put it in my brown bag and I
17 went and hid it under the bush.

18 Q. Okay.

19 A. Because I knew EMS and the police were coming and I
20 just didn't want to have it on my person, do you know what
21 I mean?

22 Q. Did you believe that you could go to jail for the
23 drugs that were found in the vehicle as well or even on
24 Josh?

25 A. (Nods head.) Hand of one is the hand of all in South

1 Carolina.

2 Q. So what happens after you put the kit away?

3 A. I immediately go right back over to Alexis and tell
4 her it's okay, just stay with us, they're coming. I kept
5 telling her I could hear the sirens, they'll be here in a
6 minute. I told her to just keep breathing, everything was
7 gonna be okay.

8 Q. Did she ever respond to that at all?

9 A. No. She never once opened her eyes at me.

10 Q. What happened --

11 A. And when the gun had first went off, I thought it was
12 -- like get out of me, you know? Like in the movies you
13 hear the bang, you see the smoke, but nothing really -- I
14 noticed she started to slump and my feet got squishy and
15 warm because there was blood pooling out of her because he
16 had really shot her.

17 Q. And where you were behind her, there was blood pooling
18 down into that area?

19 A. At my feet. I was wearing sandals and I noticed that
20 my toes got squishy.

21 Q. And which way did you see her fall when you-all were
22 at the church?

23 A. When we were -- when I looked forward when the smoke
24 was kind of clearing, I noticed she was starting to slump
25 like towards the center console towards Josh. She was

1 laying on Josh's shoulder.

2 Q. What happened next?

3 A. He stopped the car, he slid her -- like pushed her up
4 into the seat, Pluto took off walking, and we both walked
5 around to check on her and we could tell she was still
6 breathing.

7 Q. Okay. And then when that first officer got there,
8 Dustin Pollard, is his name, do you recall whether or not
9 you spoke with him?

10 A. I just remember there was a lot of cops. There was a
11 kind of stockier white man cop. He was really nice to me.
12 He kept -- I just kept telling him that they needed to find
13 him because there was still one bullet in the gun and that
14 he took off walking towards --

15 Q. Okay. All right.

16 A. -- like a preschool, it sounded like a daycare, and I
17 didn't want him to hurt anybody else.

18 MR. MAULDIN: Objection, Your Honor. 804.

19 THE COURT: Overruled.

20 BY MS. MAYES:

21 Q. So when Pluto left, were you able to tell the
22 direction that he left in, Katie?

23 A. Yes.

24 Q. Which way was he walking towards?

25 A. If you're sitting in the car, like in the passenger

1 or in the -- where I was sitting, he took off walking --
2 like the car's like this, he started walking that way.

3 Q. Would that be back towards the shop?

4 A. Yes.

5 Q. Okay. And at this point when law enforcement was
6 asking you questions, can you tell us whether or not you
7 gave information as to his description?

8 MR. MAULDIN: Objection, Your Honor. 801.

9 THE COURT: Whether she gave information to the
10 officer about the description?

11 MS. MAYES: Yes.

12 THE COURT: All right.

13 MR. MAULDIN: She's going over the description.

14 THE COURT: All right. She can testify as to what
15 she told the officer, so overruled.

16 Go ahead.

17 BY MS. MAYES:

18 Q. Were you able to provide a name that you knew him by?

19 A. Pluto.

20 Q. Were you able to describe a general description, like
21 what he was wearing?

22 A. Black man, scruffy face, glasses, dark jeans.

23 Q. You mentioned his glasses. What, if anything, do you
24 remember about his glasses that day or that morning, Katie?

25 A. Just that he had mentioned he had to get new ones

1 because the lens kept popping out. It popped out I want to
2 say twice while I was with him and he had to put it back
3 in.

4 Q. So you saw that yourself?

5 A. Yes.

6 Q. And did you tell them that he had glasses?

7 A. Yes.

8 Q. And do you remember whether a description was given
9 of the vehicle that he was in --

10 A. Yes.

11 Q. -- or that he was going to?

12 A. I told him that he had a -- like a blue vehicle that
13 was like something like a RAV4.

14 Q. Do you recall whether or not you told law enforcement
15 that he still had a bullet in the gun?

16 A. Yes, I do. I was adamant on making sure they knew
17 that he had one left in the chamber or in the gun itself
18 and I just didn't want anybody else to get hurt.

19 Q. All right. So while you're there talking with police,
20 was this a full interview about every single thing you
21 knew?

22 A. No.

23 Q. What was the focus of this interview?

24 A. Where he -- where he took off walking towards, that
25 there was -- he was armed and that's about it.

1 Q. That statement that you told us he made --

2 A. And, I mean, I -- I told him about, you know, I was
3 worried because he seemed like he had done it maybe before
4 or --

5 MR. MAULDIN: Objection, Your Honor.

6 THE COURT: All right. Sustained. The jury is
7 instructed to disregard that.

8 Let's move along, please.

9 MS. MAYES: Yes, sir, Your Honor.

10 BY MS. MAYES:

11 Q. That statement that you told us about today that he
12 made, did you tell the police that night about that
13 statement as well?

14 A. Yes.

15 Q. All right. So, Katie, did you ever move that bag that
16 night?

17 A. (Shakes head.)

18 Q. You left it -- you left it where it was there in the
19 bushes?

20 A. Yeah, in the bushes.

21 Q. And ultimately did somebody give you a car to sit in
22 so that you could talk to the police?

23 A. Yes.

24 Q. All right. And that particular night, did -- who took
25 you home?

1 A. The victim's advocate.

2 Q. A member of law enforcement?

3 A. Yes, ma'am. Law enforcement.

4 Q. So was law enforcement with you from the time they
5 arrived there at the church until the time that you were
6 taken home?

7 A. Yes, ma'am.

8 Q. And did you go back home to Kershaw county?

9 A. Yes, ma'am.

10 Q. Okay. Katie, just to clarify, in 2016 do you have a
11 conviction for shoplifting?

12 A. Yes, ma'am.

13 Q. All right. And following that, do you have a
14 conviction in 2019 for a drug offense?

15 A. Yes, ma'am.

16 Q. This bag, Katie, that you identified earlier, State's
17 119, can you tell us whether or not that's the same bag you
18 saw him put in his lap --

19 A. Yes, ma'am.

20 Q. -- when you said he cut his eyes at you?

21 A. (Nods head.)

22 MS. MAYES: I beg the Court's indulgence.

23 BY MS. MAYES:

24 Q. Katie, let me cover something real quick. I know you
25 said you were in the backseat of that car, your testimony

1 was, along with Pluto. Did you ever see Alexis, who you
2 knew as Lexi, ever turn around and strike Pluto?

3 A. No, ma'am.

4 Q. Did you ever see her charge at or attempt to assault
5 Pluto?

6 A. No, ma'am.

7 Q. Did you ever see any weapons back there or around
8 Alexis?

9 A. No, ma'am.

10 MS. MAYES: Thank you, Katie.

11 THE COURT: Mr. Mauldin.

12 MR. MAULDIN: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. MAULDIN:

15 Q. Hello.

16 A. Hello.

17 Q. You said you were at a friend's house when M.J. came
18 to pick you up; is that right?

19 A. Yes, sir.

20 Q. What's the name of that friend?

21 A. Courtney Spires.

22 Q. Okay. So that's somebody you know here in Lexington,
23 isn't it?

24 A. Yeah, but other than the place I was at, M.J. was the
25 only person I knew. I had to leave because her mom was

1 supposed to take me home, but her mom didn't have enough
2 gas so I had to find a ride.

3 Q. So he was this only body -- person you knew except for
4 this other person?

5 A. Other than where I was at.

6 Q. Other than that. And that's -- that's all you knew?

7 A. (Nods head.)

8 Q. Okay. And they picked you up and they went to a
9 hotel?

10 A. Yes.

11 Q. And that was M.J., Pluto and Josh, right?

12 A. Yes.

13 Q. And it was at the hotel when Pluto had his gun out and
14 was cleaning it and that sort of thing in the hotel room in
15 front of everyone?

16 A. Yes, sir.

17 Q. Okay. And from the hotel room you went to the shop
18 where Pluto works, right?

19 A. Yes.

20 Q. Where Joe works. And then somehow M.J. got taken to
21 his job over at the mall or at the bar or whatnot; is that
22 right?

23 A. Yeah.

24 Q. Who rode him over there?

25 A. Me and this other girl. I can't remember her name.

1 Q. Was she friends with Josh?

2 A. I don't -- I'm not sure. I think she knew all of
3 them.

4 Q. Okay. She was at the shop?

5 A. I want to say she was at the hotel room.

6 Q. She was at the hotel room?

7 A. (Nods head.)

8 Q. Okay. Well, she must have been at the shop if M.J.
9 got from the shop to the --

10 A. She was at the hotel room with us when I got -- the
11 one that we -- we originally went to, the first motel, she
12 was there. She rode with us to the shop.

13 Q. Right. So she was at the shop?

14 A. (Nods head.)

15 Q. Okay. When you-all went up to -- was it all four of
16 you that went up there or was it just you and her and M.J.?

17 A. To take M.J. to work?

18 Q. Yes, ma'am.

19 A. It was just me, her and M.J.

20 Q. And what car did you-all take on that trip?

21 A. Pluto's.

22 Q. And then you-all came back to the shop; is that right?

23 A. (Nods head.)

24 Q. And then sometime later Josh came back to the shop or
25 he was at the shop the whole time?

1 A. He -- I think he was at the shop the whole time.

2 Q. Okay. And then you-all rode Josh over to Wal-Mart?

3 A. Yes.

4 Q. And who -- who rode Josh over to Wal-Mart?

5 A. I want to say it was me, that girl and I can't
6 remember if Pluto was with us or not.

7 Q. And what car did you-all take then?

8 A. Pluto's.

9 Q. Okay. And you dropped him off at Wal-Mart and then
10 you went back to the shop?

11 A. Yeah. There was only two vehicles I was ever in and
12 that was Pluto's blue vehicle and Lexi's white car.

13 Q. Okay. I got you. So any time it would be -- okay. I
14 got you. Now so you and -- you end up back at the shop and
15 then sometime later Josh comes back to the shop with Alexis
16 in her car?

17 A. Yeah.

18 Q. Is that right?

19 A. (Nods head.)

20 Q. Okay. And you-all are hanging out at the shop a
21 little bit, somebody goes to pick up M.J., right? Did M.J.
22 get picked up before Josh came back with Alexis?

23 A. Yeah, we picked him up before Josh got back.

24 Q. Okay.

25 A. Because we were worried about being late.

1 Q. About how long was Josh at Wal-Mart -- how long do you
2 think it was after you dropped Josh off before he and
3 Alexis arrived at the shop?

4 A. I'm not sure.

5 Q. Okay. Did you-all pick up M.J. after you drop off
6 Josh at Wal-Mart?

7 A. Yeah, I want to say it was because we were -- we were
8 late picking up M.J. from work.

9 Q. Okay. Now is the -- that pub, is that further away
10 than the Wal-Mart?

11 A. I don't know.

12 Q. You don't?

13 A. I don't know the area.

14 Q. Okay.

15 A. I know nothing about really Richland, Lexington,
16 anything other than Kershaw county.

17 Q. Okay. So -- and you had met Josh that day?

18 A. Yes, sir.

19 Q. Okay. And so after you picked up M.J., come back,
20 Josh comes back with Alexis in her car, people are hanging
21 out, talking about maybe getting a hotel room, bla-bla-bla,
22 then you-all decide to go to the Yacht Cove place with the
23 dock and the boats; is that right?

24 A. Yes, sir.

25 Q. Okay. And then at some point in time you're driving

1 away from that area?

2 A. I drove from the -- the boat landing area we were at
3 to a gas station, but I couldn't really keep up with the
4 early, like beginning of daybreak traffic.

5 Q. And why were you driving?

6 A. Because I had a license and M.J. didn't feel like
7 driving and Pluto was asleep in the backseat.

8 Q. Okay. And you said M.J. was acting irritated?

9 A. When Josh started driving, he started acting really
10 irritated.

11 Q. Okay. But he didn't like Josh's driving or --

12 A. I'm guessing.

13 Q. You're guessing?

14 A. I don't know why he was irritated. I could just tell
15 he was agitated.

16 Q. Okay. And was there anything going on in the car
17 besides that you could see that might have agitated
18 somebody or irritated somebody?

19 A. No.

20 Q. All right. So you-all get back to the shop and M.J.
21 gets out; is that right?

22 A. (Nods head.)

23 Q. And then you-all are trying to get Pluto out, but he
24 won't wake up; is that right?

25 A. I was trying to wake him up and get the keys so that

1 I could -- we could sit in the car or he could get out with
2 us. I just know that Lexi said that she had to go pick up
3 money from somebody, from a friend.

4 Q. But you couldn't get him up to get him out of the car;
5 is that right?

6 A. No.

7 Q. He's groggy and like leave me alone, I'm sleeping,
8 leave me alone; is that right?

9 A. Yeah.

10 Q. Okay. Couldn't you just have waited in the slop? Did
11 the shop have heat and stuff?

12 A. I don't -- I didn't know whose shop that was and I --
13 I didn't feel comfortable being in a place a don't know,
14 you know what I mean?

15 Q. Well, you'd been hanging out with them most of the
16 day, weren't you?

17 A. With Pluto and Pluto wasn't getting out of the car.
18 That's why I stayed in the car because he didn't get out.

19 Q. I know that at that time, but earlier you-all had been
20 hanging out at the shop for a period of time --

21 A. But I was hanging that time --

22 Q. -- taking people to work and bringing them back?

23 A. I was either in Pluto's car or I was in the shop with
24 Pluto.

25 Q. I thought you were -- you were in the room with the

1 couch and the TV and that kind of thing.

2 A. And Pluto stayed in there talking to me and then he'd
3 go back and work on the car and then he'd come back and
4 then talk to me.

5 Q. So you didn't see anybody else?

6 A. I seen a white guy --

7 Q. What about that girl?

8 A. -- and a white lady, but...

9 Q. All right. So he wouldn't wake up and then you stay
10 in the car with him who's asleep and then they end up going
11 to see this other guy; is that right?

12 A. Yeah.

13 Q. And you say Alexis gets out of the car with this other
14 guy and they go over like by a dumpster or something to do
15 with a dumpster, behind the dumpster?

16 A. They walked -- they walk to the dumpster, turn around
17 and come back.

18 Q. Okay. Did they go behind the dumpster or anywhere
19 they'd have been out of eyeshot?

20 A. I mean, yeah, but it wasn't for more than maybe
21 three seconds, four seconds.

22 Q. So they walked away and were out of eyeshot for just
23 three or four seconds and they come back to the car and, I
24 guess, the guy's wanting to get in the car; is that right?

25 A. Yeah.

1 Q. Did you wake up Pluto at that time?

2 A. Yeah.

3 Q. And you told him that that guy's the police and I
4 don't want him to get in the car?

5 A. No, I woke him up and I was like get up, she's trying
6 to let Chad Andrews get in the car with us, and he was like
7 unh-unh.

8 Q. Okay. So you knew Chad Andrews?

9 A. I knew who he was.

10 Q. You knew who he was, so --

11 A. Because my friend Courtney, the one who picked -- they
12 had picked me up from his house -- her house, she had just
13 told me the night before I got picked up about a guy named
14 Chad Andrews that stayed three or four houses up who was a
15 known informant.

16 Q. Okay. So you're waking -- you're waking up him and
17 saying hey, she's trying to let this Chad Andrews in the
18 car and he's bad news; is that right?

19 A. Yeah, but I'm pretty sure everybody already knew who
20 Chad Andrews was without me explaining anything.

21 Q. Uh-huh. So that means that's what happened, right?

22 A. (Nods head.)

23 Q. Okay. And then, I guess, the decision was made to go
24 off and leave him there; is that right?

25 A. Yeah.

1 Q. Okay. And after which this argument ensues, right,
2 between Pluto and -- and Alexis?

3 A. Yes, sir.

4 Q. And she went by Alexis out in the open; is that right?

5 A. (Nods head.)

6 Q. That's what everybody called her, right, Alexis?

7 A. I met her as Lexi.

8 Q. Okay. Lexi. Everybody called her Lexi; is that
9 right?

10 A. (Nods head.)

11 Q. Okay. And so the argument starts and I think you
12 mentioned before to someone that there's like a -- a road
13 that goes over a railroad track and there's a light and by
14 the time they got to the light is when the gun went off; is
15 that right?

16 A. No.

17 Q. No?

18 A. We were at the rail -- we were stopped at the light
19 and they were arguing. It's like the light is like right
20 at the hump of the railroad track --

21 Q. Uh-huh.

22 A. -- and right after we turned off there we started
23 going to the left. When we started going, that's when the
24 gun went off.

25 Q. That's when the gun went off, but you didn't see it go

1 off because you had your eyes shut, right?

2 A. Uh-huh.

3 Q. Now so you hear these people arguing back and forth
4 and you see Joe pick up this bag and put it on his lap and
5 you know there's a gun in it and then you close your eyes
6 and almost doze off; is that right?

7 A. I told him -- I said don't and he cut his eyes at me
8 kind of like, you know, watch what you say and so I put my
9 head down and just...

10 Q. Dozed off I think you told Ms. Mayes; is that right?

11 A. Yes, sir. I was dope sick.

12 Q. And you told some of the cops -- the officers at the
13 scene that day that you were trying to go to asleep or you
14 were asleep and the gunshot woke you up; isn't that right?

15 A. I was trying to go to sleep. I was just starting to
16 doze off when the gunshot went off.

17 Q. And -- and when your eyes went up you saw her slump
18 over towards Josh; is that right?

19 A. It was real smokey and I -- I said you F'ing shot her
20 and then that's when I looked and realized like he really
21 did because she was starting to slump and my feet were
22 getting squishy.

23 Q. Okay. So there's blood all over your shoes?

24 A. I was wearing flip-flops --

25 Q. Blood all over your flip-flops --

1 A. All over my toes.

2 Q. -- at least the toes part? So was the blood all over
3 the -- on your toes?

4 A. Like --

5 Q. Was there blood on your toes?

6 A. My feet were underneath the seat --

7 Q. Okay.

8 A. -- and there was blood pooling down the side, like the
9 center console, down in between the center console and her
10 chair.

11 Q. Okay. And -- and then she slumped over onto -- onto
12 Josh, the driver; is that right?

13 A. (Nods head.)

14 Q. So she's sitting up, it's like you don't know what's
15 going on, it's like a movie, she's sitting there like this
16 and then she just kind of goes over like that?

17 A. I mean, not that fast, but, yes.

18 Q. Well, I mean, not that fast, but slower?

19 A. (Nods head.)

20 Q. Okay. Okay. Now so Joe -- you-all get out of the
21 car in the church parking lot and then Josh tells you that
22 you've got to hide the seven grams of crack for me; is that
23 right?

24 A. He was like here and handed me it and I put it in my
25 bag and I went and put my bag up under the bushes.

1 Q. So he had you hide his seven grams of crack. And --
2 and you said you used lots of drugs since you were eleven.
3 You know the difference between meth and crack, don't you?

4 A. (Nods head.)

5 Q. So it was crack, wasn't it?

6 A. I mean, it was crack.

7 Q. Okay. Sure. So it was crack that you hid and it was
8 seven grams of it?

9 A. That's what he had said earlier --

10 Q. Okay.

11 A. -- when he acquired it.

12 Q. Okay. That's quite a bit, isn't it?

13 A. I mean, it's a decent -- it's a substantial amount.

14 Q. Substantial amount. And when you were talking to any
15 of those officers that day, the six or seven, you didn't
16 tell them about hiding that that day?

17 A. No, because that really wasn't my main concern.

18 Q. Well, it was concerning enough for you to put that
19 away before you-all started flagging down people. That was
20 concerning, wasn't it?

21 A. It was concerning that I put it away while Josh was
22 flagging somebody down.

23 Q. Uh-huh. And some officers came and talked with you,
24 I think it was Officer Burt and Marthers were the names,
25 but they came out and talked to you at the Food Lion about

1 a week later; is that right?

2 A. (Nods head.)

3 Q. And that's when you told them about your rigs, is that
4 right, but you didn't tell them about the crack?

5 A. I did tell them about the crack.

6 Q. You did tell them about the crack?

7 A. (Nods head.)

8 Q. If they didn't put that in the report, why do you
9 think they wouldn't have put that in a report?

10 MS. MAYES: Objection, Your Honor. Calls for
11 speculation. She can't testify about somebody else's
12 report.

13 THE COURT: Fair enough. Sustained.

14 MR. MAULDIN: Okay.

15 BY MR. MAULDIN:

16 Q. Now -- and you say you went back to the car and you
17 stayed with her and you tried to reassure her that
18 everything was gonna be all right and -- and everything
19 like that?

20 A. Yes, sir.

21 Q. And was that until the police came?

22 A. Yes, sir.

23 Q. And after all this, you and Joshua would talk over
24 Facebook like every -- every day for a period of time,
25 wouldn't you?

1 A. Yeah, he would write me every day and check on me and
2 make sure I was doing okay.

3 Q. Okay. And -- and in making sure you were doing okay
4 he would give you money for places to stay; is that right?

5 A. I never received any money from Josh.

6 Q. Well, he would give you places to stay?

7 A. No. I haven't seen Josh nor -- I haven't spoken to
8 him. I talked to him for up to a month after it happened,
9 he wrote me every day, and then I stopped talking to him
10 because all of a sudden he stopped messaging me and when I
11 was messaging he wouldn't reply back, but I have not seen
12 or anything with Josh since the day that everything
13 happened.

14 Q. Okay.

15 A. I haven't been back to Lexington since it happened.

16 Q. Do you remember talking to a lady investigator in
17 August of this year near Rock Springs Road in Lugoff where
18 you were staying?

19 A. Yeah.

20 Q. And you told her about speaking with Josh Murray on a
21 daily basis through Facebook messenger; is that right?

22 A. Yeah, for up to a month.

23 Q. And -- and she said that -- did you tell her that he
24 would check in on you and make sure you had what you needed
25 from a room, food and necessities?

1 A. No, he just would write me on Facebook and check in
2 and make sure I was doing okay.

3 Q. Okay. And after that period of time, you had no more
4 contact with him; is that right?

5 A. We talked for about a month and then he just stopped
6 writing me.

7 MR. MAULDIN: I beg the Court's indulgence.

8 THE COURT: Yes, sir.

9 BY MR. MAULDIN:

10 Q. When you went -- when law enforcement drove you back
11 to Kershaw, did they -- did you still have your flip-flops
12 with you?

13 A. I was wearing them.

14 Q. Okay. Did you have your phone?

15 A. Yeah.

16 Q. Okay. And -- that's it.

17 MR. MAULDIN: No further questions.

18 THE COURT: Redirect.

19 REDIRECT EXAMINATION

20 BY MS. MAYES:

21 Q. Did your phone, Katie, have anything at all to do with
22 the crime that Joseph Henry committed that morning?

23 A. No. That's why nobody asked about it.

24 MR. MAULDIN: Objection, Your Honor.

25 THE COURT: Hold on. Hold on.

1 What's the objection?

2 MR. MAULDIN: She's -- she's going on like that's
3 a forgone conclusion.

4 THE COURT: All right. I'll sustain it as to the
5 form of the question.

6 MS. MAYES: Yes, sir, Your Honor.

7 THE COURT: You can rephrase.

8 BY MS. MAYES:

9 Q. Katie, did your phone have anything at all to do with
10 the shooting of Alexis Azarigian?

11 A. No.

12 Q. Mr. Mauldin was asking you just then about
13 communication that you had through Facebook with Josh,
14 Josh Murray, after this.

15 A. Yes.

16 Q. You said that he'd check in on you to see if you were
17 doing okay?

18 A. He would just message me on Facebook and ask me if I
19 was doing all right, how I was holding up.

20 Q. And were you doing okay?

21 A. No, not really.

22 MR. MAULDIN: Objection, Your Honor.

23 THE COURT: Sustained.

24 BY MS. MAYES:

25 Q. Was there a reason that he was checking on you?

1 A. I mean, I'd just seen a girl die in front of me.

2 MR. MAULDIN: Objection, Your Honor.

3 MS. MAYES: Thank you, Katie.

4 THE COURT: Nothing on recross, I assume? No
5 recross?

6 MR. MAULDIN: No recross.

7 THE COURT: You can step down.

8 (Witness excused.)

9 THE COURT: Ladies and gentlemen of the jury,
10 we're gonna go ahead and take an afternoon break here
11 for a few moments and I'll have you back in here as
12 soon as I can. Adjourn downstairs, make yourselves
13 comfortable, don't talk about the case, and I'll have
14 you back up here in about probably fifteen or twenty
15 minutes, okay?

16 Thank you.

17 (Whereupon, the jury retires to the jury room at
18 3:31 PM.)

19 THE COURT: Before we take a brief break for
20 ourselves, there were two objections and one second
21 objection also had a motion for a mistrial. The first
22 one involved -- the first objection involved the
23 testimony of Lieutenant McCann where at sidebar there
24 was an objection made by the defense to her testimony
25 about gunshot residue. The defense's position was that

1 that was probably testimony for an expert witness and
2 Lieutenant McCann had not be qualified as an expert
3 witness. The State replied at -- at the bench that it
4 was -- the questions which were elicited of Ms. McCann
5 were elicited to explain why GSR was not performed
6 based on her experience in investigating other cases.

7 Was that the objection that had the mistrial
8 motion?

9 MS. MARTIN: No, sir.

10 THE COURT: Okay. Yes, sir or no? I couldn't
11 hear you?

12 MR. MADSEN: She was vouching for the credibility
13 of witnesses.

14 THE COURT: That's right. And then she started
15 testifying about the consistency between the witness
16 who has just testified and the witness who testified
17 immediately before lunch that their statements were
18 consistent with each other. Basically the defense
19 took the position that that was witness vouching or
20 a witness commenting on the credibility of a particular
21 -- or another witness and the State took the position
22 that that question was being asked to explain why --
23 or rather to refute the -- the line of questioning
24 by the defense that this was a rush to judgment
25 essentially, that they interviewed two people and

1 immediately arrested the Defendant forty-five minutes
2 later without considering other suspects.

3 The defense did move for a mistrial. I instructed
4 the jury as I instructed them. The record will reflect
5 how I instructed them.

6 And does that accurately convey what was said at
7 the sidebar to the best of your recollection?

8 MR. MADSEN: Yes, sir.

9 THE COURT: It does?

10 And you-all's, too?

11 MS. MARTIN: Yes, sir, Your Honor.

12 Just specifically Mr. Madsen asked about them --
13 the sheriff's department not getting corroboration and
14 that's where I went from there, but other than that,
15 yes, sir, that's accurate.

16 THE COURT: Well, my remarks to the jury are
17 reflected in the record and the way I handled it is
18 reflected the same way. Of course, I did indicate
19 I was gonna deny the motion for mistrial. That's
20 obvious since we're still conducting the trial.

21 All right. Let's take a few moments for
22 ourselves.

23 You have how many more?

24 MS. MAYES: We're done.

25 THE COURT: You're done?

1 MS. MAYES: Yes, sir, Your Honor.

2 THE COURT: We'll take a few moments for ourselves
3 and we'll take up motions and kind of see where things,
4 are, okay?

5 MS. MAYES: Thank you, Your Honor.

6 THE COURT: I thought you were gonna call an
7 additional -- I though you said you had one left. No?

8 MS. MARTIN: It changed.

9 THE COURT: Okay. Very good.

10 (Recess taken at 3:35 PM.)

11 (Back on the record at 3:50 PM.)

12 BAILIFF: All rise. Court's back in session.

13 THE COURT: All right. We'll go back on the
14 record. The State has rested. I presume the defense
15 renews all prior motions, including the motions which
16 have been made for a mistrial. All prior objections
17 are, of course, renewed and you do move for a directed
18 verdict?

19 MR. MAULDIN: We are and those prior motions
20 and objections individually and in the cumulative
21 nature we would move for a mistrial, and we do move
22 for a directed verdict on Mr. Henry's behalf taking
23 the evidence in the light most favorable to the State
24 that they haven't presented a case to submit to the
25 trier of fact.

1 THE COURT: I appreciate your position. Based
2 upon the testimony of the two witnesses who were
3 purportedly in the car with Mr. Henry, that is direct
4 evidence that the Defendant did, in fact, shoot the
5 decedent. It is sufficient -- there is sufficient
6 direct and circumstantial evidence, therefore, to submit
7 the case -- or allow the case to continue at this point
8 in time.

9 May I inquire -- and obviously we're not gonna be
10 doing it today, but does the defense intend to offer a
11 defense?

12 MR. MAULDIN: No, we don't, Your Honor.

13 THE COURT: All right. What we will do then,
14 we'll bring the jury in, we'll release them for the --
15 for the weekend, we'll reconvene around 9:30 Monday
16 and at that point in time you can rest -- you can go
17 ahead and rest in front of the jury today and then
18 you can rest Monday morning, if that's okay?

19 MR. MAULDIN: Uh-huh.

20 THE COURT: And we'll move forward Monday morning
21 with -- with argument and instructions.

22 The jury instructions that I've -- that my clerk
23 and I have worked up, I'll e-mail those to you sometime
24 -- if not later this evening, over the weekend, Saturday
25 or Sunday, if that's okay? And it's -- it's just up or

1 down on murder. I don't think there are gonna be any
2 surprises there. If there's something that you want
3 me to tweak or rework, just e-mail me back and we'll
4 have that discussion over e-mail over the weekend.

5 Let us have the jury, please.

6 (Whereupon, the jury returns to the courtroom at
7 3:56 PM.)

8 THE COURT: All right. The record will reflect
9 that the jury is back and seated.

10 Ms. Martin -- or, sorry, Ms. Mayes.

11 MS. MAYES: Yes, sir, Your Honor. At this time
12 the State will rest.

13 THE COURT: Okay. Very good.

14 Ladies and gentlemen of the jury, due to the fact
15 that I don't think it would be advisable to get this
16 jury -- or to proceed further with this jury trial
17 tonight, we're gonna go ahead and break for the weekend.
18 I'm gonna ask that you please be back in the jury room
19 Monday morning at 9:30. We're gonna do 9:30. And I do
20 believe that we should be in a position, knock on wood,
21 hopefully to get this case to you for your deliberations
22 come Monday, okay? Just like the song says, come Monday
23 it will be all right.

24 So I want you to stay all right over the weekend.
25 That is very, very key. So stay healthy, stay good,

1 stay nourished. Enjoy the weekend.

2 Please, again, don't discuss anything with anyone
3 about this case over the weekend. When we reconvene
4 Monday, we'll resume with the trial of the case and,
5 again, anything -- any decision that you-all have to
6 make in this case can't be influenced by anything that
7 someone has said to you no matter how well intentioned
8 their comments might be. So please just talk about
9 anything else.

10 I mean, there is some football on TV this weekend.
11 You're probably not gonna see -- you'll probably see
12 some great football around noon at least from one team.
13 We'll see how it goes later on in the day with another
14 team, you'll probably see some great football then, so
15 you've got two opportunities to see two great teams.

16 With that, have a great weekend, take care of
17 yourselves. I'll see you back here Monday morning at
18 9:30. You-all take care.

19 (Whereupon, the jury was excused for the day at
20 3:58 PM.)

21 THE COURT: All right. The jury is out. We will
22 stand in recess until 9:30 Monday. I hope everyone has
23 a pleasant weekend. You-all take care.

24 MS. MAYES: Thank you, Your Honor.

25 (Whereupon, the proceedings were concluded for

1 October 2, 2020, at 4:00 PM.)

2 (The following proceedings were held October 5,
3 2020, beginning at 9:30 AM.)

4 BAILIFF: All rise.

5 THE COURT: Good morning, everyone. Please find
6 a seat.

7 If we can, we'll go on the record. I trust
8 everyone had a pleasant weekend and thank you for being
9 back here. We're still, of course, in the case of the
10 State versus Mr. Henry.

11 Housekeeping matters, I assume the defense still
12 intends to not present a defense?

13 MR. MAULDIN: That's correct, Your Honor.

14 THE COURT: All right. Very good. I'll turn to
15 you when the jury comes in and call on you, Mr. Mauldin,
16 and you can say the defense rests, okay?

17 MR. MAULDIN: Thank you, Your Honor.

18 Just for the record now though, after I rest I
19 would have renewed all my motions made and the directed
20 verdict at the end of the State's case. I would renew
21 those motions at this point in time.

22 THE COURT: Very good. Same rulings as before,
23 and I was about to do exactly that -- or address exactly
24 that.

25 I did e-mail the instructions. They're pretty

1 standard.

2 Anything about the instructions from the State?

3 MS. MARTIN: Nothing other than we sent you an
4 e-mail back and we would request voluntary intoxication
5 is not a defense. We think there's been ample evidence
6 from M.J. and Katie and Joshua Murray that said everybody
7 was doing drugs. That is in the record, it is the law,
8 and we'd ask that you would charge it.

9 THE COURT: Any thoughts on that?

10 MR. MADSEN: I mean, no one's testified that Joe
11 was under the influence, that that's how it took place.
12 I mean, we would object. We don't think it's -- we
13 don't think that there's evidence enough to charge.

14 THE COURT: All right. Do you intend to argue
15 that he was under the influence?

16 MR. MAULDIN: No, Your Honor.

17 THE COURT: Okay. I think we're okay.

18 MS. MARTIN: Okay. Ms. Mayes may mention something
19 about that in her closing though.

20 THE COURT: Sure. That is the law. If it's
21 referred to or alluded to, that's perfectly fine, not a
22 problem, and if they have a question about it, I'm sure
23 they'll ask it.

24 Any other thoughts before we bring the jury in?

25 All right. Hearing none, let's have the jury,

1 please.

2 If you could, ladies and gentlemen of the gallery,
3 while the attorneys are closing, please don't move
4 about or leave courtroom unless you have an absolute,
5 100 percent comfort emergency of some kind. Please,
6 if you could, just minimize your movements so that
7 there's nothing distracting from the attorneys' closing
8 arguments, okay? Thanks.

9 (Whereupon, the jury enters the courtroom at
10 9:36 AM.)

11 THE COURT: All right. Madam Forelady, ladies and
12 gentlemen of the jury, thank you for being back here.
13 It's good to see all fourteen of you-all this Monday
14 morning. I trust that you-all had a pleasant weekend.

15 We are still involved, of course, in the case
16 of the State v. Henry, so at this point in time,
17 Mr. Mauldin.

18 MR. MAULDIN: Your Honor, the defense rests.
19 We're not putting up any evidence.

20 THE COURT: Thank you very much.

21 Ladies and gentlemen, we've reached that portion
22 of the trial where the attorneys will present to you
23 their closing arguments and you've now received all
24 the evidence that you're gonna have in order to assess
25 this case or judge this case.

1 Normally the lawyers will refer to testimony or
2 things that have been introduced into evidence in the
3 case. Obviously you are the judges of the facts. I've
4 explained that several times. I'll explain it again in
5 my instructions to you. So if at any point in time one
6 of the lawyers says something about the testimony or the
7 evidence and that statement or that assertion about what
8 was testified to differs from your recollection of the
9 facts, obviously go with your recollection of the facts
10 as opposed to theirs. For example, if they were to say
11 that Saturday night USC performed brilliantly and won
12 against Florida and your recollection of that game is
13 slightly different, you may want to go with your
14 recollection -- you must go with your recollection as
15 opposed to what they say about that particular event,
16 okay?

17 The way we'll proceed is Ms. Mayes will go first
18 on behalf of the State and she'll be followed by
19 Mr. Mauldin.

20 So at this point in time, Ms. Mayes, you're
21 recognized for your closing, ma'am.

22 MS. MAYES: Your Honor, may it please the Court?

23 THE COURT: Yes, ma'am.

24 MS. MAYES: It's been 589 days since Alexis was
25 murdered, murdered in the early morning hours of

1 February 21, 2019, in her own car surrounded by people
2 she thought she knew. She didn't really know him. She
3 had no idea what he was capable of.

4 You heard when Josh and Katie testified and they
5 talked about Alexis and how she fell into this world
6 with them. She was in way over her head as Josh put it.
7 She didn't get it. She didn't know the rules of the
8 street. Way out of her element. And the number one
9 rule of the street is you don't affiliate with snitches.

10 You heard Lieutenant McCann take the stand Friday
11 and say Chad Andrews, he was a confidential informant.
12 That's true. He had worked for law enforcement.
13 Confidential informants on the street are snitches, but
14 you heard what Lieutenant -- Lieutenant McCann said
15 about Alexis, she wasn't an informant. She never had
16 been. She didn't know that that friendship with Chad
17 Andrews would cost her her life and she didn't know
18 what Pluto was capable of.

19 And so there they are. You heard about how that
20 night unfolded. It started at the shop, the shop where
21 he works, the shop that's pretty much a hangout for
22 people to do drugs, to get high. Alexis at twenty-five,
23 she'd lost her way, and she ended up at that shop that
24 night. You heard what Katie said, that Alexis appeared
25 high when she got there.

1 Addiction is something that has been a theme
2 throughout this case from start to finish. You heard
3 what Katie said, that she had first been exposed to
4 drugs, Katie had, when she was just eleven or twelve
5 years old. A childhood thrown away to drugs and now
6 here she is on that witness stand talking about a
7 murder that was committed in cold blood right before
8 her eyes.

9 Addiction is a struggle that anyone can face and
10 battle regardless of their background, regardless of
11 their potential, but let me make this point clear. At
12 no point would addiction devalue the life Alexis
13 Azarigian. That is not the law, nor will it ever be.
14 Her life has the same value as all lives.

15 So that night they start out in the shop and then
16 from there they all get together in Alexis' car.
17 Pluto's blue Toyota is left right behind there at the
18 shop. Everybody agreed on that; Josh, Katie and M.J.
19 So they end up driving around and they go out to Chapin
20 by the water. And you heard Josh describe how he spent
21 that last night with Alexis just out on the dock just
22 watching the water until the -- until the sunrise as
23 Katie put it. That night watching the sunrise Alexis
24 had no idea that her life would come to an end, and it
25 never should have.

1 Murder in South Carolina is actually a very simple
2 statute and the judge will charge you in just a little
3 while on the elements of murder, but I'm gonna go ahead
4 and kind of lay it out now so you'll know what we're
5 dealing with when the judge charges you momentarily.

6 Murder in South Carolina is the killing of any
7 person with malice aforethought, either express or
8 implied. So I'm gonna talk just in a moment about
9 malice and how it applies in this case and the
10 undeniable proof of malice in this case, but that's
11 it. Those are the two elements that Your Honor will
12 charge you on. First, the killing of any person.
13 Has the State proven beyond a reasonable doubt? Yes,
14 Alexis was killed in the early morning hours of
15 February 21st. That's been proven beyond all reasonable
16 doubt.

17 Secondly, with malice aforethought, either express
18 or implied. What is malice? Malice can be expressly
19 stated. In this case, malice, which is anger, hostility,
20 ill will towards another, malice came directly from
21 his mouth when, as Katie put it, he yelled -- he yelled
22 at her when she said you shot her? His response, you
23 know who I am, you know what I do and I do what I say.
24 Malice.

25 Now as Your Honor will charge you, malice does

1 not have to be premeditated and thought up minutes in
2 advance. Malice can occur momentarily at the time of
3 the murder if there is anger, ill will and hostility
4 present. And here we know that about beyond a
5 reasonable doubt. You heard Katie describe how he
6 picked up that shoulder bag and puts it in his lap.
7 She looks over at him and says (shakes head) and he
8 cuts his eyes at her. She said when he cut his eyes
9 at her, he shut her down, he silenced her. She already
10 knew there was a gun in that bag because she had seen
11 it the night before at the Econo Lodge. He knew then
12 what he was gonna do. He had already made up his mind.

13 But why? You heard about the words that were
14 thrown back and forth. Alexis was strong willed. Yes,
15 she was. Chad was her friend, she didn't get that, and
16 she was still gonna meet back up with Chad later. He
17 wouldn't let it go. You heard about the words tossed
18 back and forth. He calls her a C-U-N-T and then there's
19 an insinuation by him about what happens to snitches,
20 some type of threat or insinuation that snitches get
21 killed, and her final words well, then you're gonna
22 have to kill me, bitch. And that was it. That was it.

23 He made up his mind in that moment that she
24 challenged him and that she didn't back down. She
25 spoke up and it wasn't gonna happen. That is malice

1 aforethought when he pulled that gun out of that bag,
2 points it directly at her head and pulls that trigger.

3 You heard from Agent Cromer that trigger requires
4 over nine pounds of pressure to pull. She tried pulling
5 that trigger at nine pounds over and over and over again
6 and it wouldn't fire. It took nine pounds and a quarter
7 to make that gun fire. Imagine picking up a nine-pound
8 infant with one finger. That's what it took to pull
9 that trigger. He had malice and the intention to do it.

10 And then let's talk about that shot. That wasn't
11 a shot to send a warning. That was shot to execute her.
12 That's what it was. Nothing more, nothing less than an
13 execution. And you heard the doctor say coming in back
14 to front, slightly left to right because he's on the left,
15 she's on the right; he's behind the driver, she's on the
16 opposite side in the front seat. That very angle that
17 Dr. Reimer identified as the trajectory of that bullet
18 is absolutely corroborated by what we know about their
19 seating positions in Alexis' car.

20 So malice. Let's take a look here at how we know
21 malice is present and I submit we know malice is present
22 simply because he puts that bag on his lap and cuts his
23 eyes at Katie. That alone tells us there was malice,
24 but there's so much more than that. As I said, the
25 location of that gunshot wound, the fact that he points

1 it directly at her head. And you heard Josh say she's
2 looking straight ahead. She never saw it coming. She
3 didn't know what or who she was dealing with.

4 We talked about his words, unmistakable words of
5 malice. You know what I am, you know what I do and I
6 do what I say. You heard Josh and Katie both say that
7 after the shooting when Josh pulls into the church, he's
8 telling them to pull behind the church. Why? Why? What
9 was he gonna do? Dump her body back there? You know,
10 Josh was his friend. That's the thing. Josh said he'd
11 known Pluto two to three years. He was able to identify
12 him immediately in that photo -- from that photograph
13 because he said he'd know him even in a dark room. He's
14 the one that was able to tell police Pluto lived on
15 Kennerly Road in Irmo. They'd been friends for years.
16 Did he think Josh was gonna have his back? Did he think
17 Josh was gonna pull behind that church and help him dump
18 her body back there? Because that's not Josh.

19 Josh explained that when he got out of that car he
20 was so in shock from the situation he hadn't even
21 realized or processed yet what had happened. He didn't
22 know to be mad or yell or anything other than to appease
23 him and get him out of there because he just murdered
24 one of them. What else was he capable of? So when you
25 see on that video Josh and Pluto giving dap, Josh

1 explained that. He wanted him out of there. Josh and
2 Katie stayed. They stayed. They risked everything to
3 save her. Nothing could have saved Alexis from that
4 gunshot wound. That bullet went straight to her brain.
5 There was no chance of survival. He knew it when he
6 pulled that trigger, but Josh and Katie didn't know that.

7 Yeah, they ditched that little kit she had with the
8 needles in it, with her needles and his meth, his crack.
9 Whatever dope they had in that car that night, and
10 believe me -- or I submit there would have been a lot
11 of dope because we know they started out at the shop
12 and then they move out to Chapin and are still doing
13 drugs out there, whether it's crack, whether it's meth,
14 whether it's one gram or more than one gram, what
15 difference does that make? They acknowledge they had
16 dope in that bag and they got rid of it, which is what
17 anyone would do in that situation. They'd just witnessed
18 a murder, they were trying to get help for Alexis, but
19 they didn't want to have to go to jail on top of that.
20 And that's an instinctive act for an addict right there,
21 to hide their dope, but not once did they hesitate about
22 flagging down help, calling 9-1-1 and doing what they
23 needed to do to save her while he walked away.

24 Not just walked away, he leaves the scene and has
25 the only working phone. Their phones didn't work

1 without a hotspot. We know his phone worked because
2 he calls M.J. when he's walking down to the shop. Does
3 he call 9-1-1? No. Why? Because he wanted Alexis to
4 die. That was the whole point in pulling the trigger in
5 the first place. Evidence of malice. Not once or twice
6 or multiple times, it's over and over again. His final
7 actions even after he leaves the scene are actions of
8 malice.

9 You know, when Katie and Josh were up there, there
10 were a lot of questions about did you say this, did you
11 say that. We know they were absolutely distraught that
12 night. All the witnesses confirmed that. Jane Council,
13 the lady who worked at Advance Auto Parts and ended up
14 calling 9-1-1 for them, she talked about how Josh stood
15 between her and a semi truck in the middle of the road
16 to flag her down. The witnesses there talked about
17 Katie and she was distraught beyond words, but you know
18 what Katie told the police, and this is uncontroverted,
19 the defense doesn't challenge that Katie told the police
20 that night --

21 MR. MAULDIN: Objection, Your Honor, burden
22 shifting.

23 THE COURT: Sustained. The burden is always on
24 the State.

25 Please continue.

1 MS. MAYES: You heard Katie testify. She told
2 the police that night he's got another bullet in the
3 gun. How did she know that? Because she had seen it
4 the night before at the Econo Lodge.

5 Remember about M.J.? Let's talk a little bit about
6 M.J. Wasn't it clear that M.J. really had probably the
7 strongest connection to Pluto of anyone? He called him
8 his cousin, they'd known each other ten to fifteen years,
9 and yet here M.J. is. Alexis was his friend, too. It's
10 not easy for him, it's not easy for M.J. at all to be in
11 that situation, yet M.J. talked about that shoulder bag,
12 that bag that he would recognize anytime as his bag. And
13 he talked about how when he last saw that bag it was in
14 his cousin Pluto's possession and then he told you what
15 he uses that bag for. That's the bag he carries his gun
16 in. Well, that's the same bag that he was showing Katie
17 at the Econo Lodge the night before when she said he had
18 the gun out, he was cleaning it, and he told her he had
19 two bullets. So when Katie told the police he's still
20 got another bullet in that gun, it turns out she was
21 right because when they stop him and find that gun, what
22 did we learn about that gun? It had one bullet left and
23 that bullet is in the chamber as both CSI officer Nathan
24 Twigg and Agent Cromer from SLED testified that bullet
25 ended up in the chamber because it had been fired. He

1 had just fired it.

2 Now Your Honor will charge you at the close of the
3 case about the different forms of evidence, and under
4 the law and in this case particularly both forms of
5 evidence will equate to undeniable proof, and that's
6 direct evidence and circumstantial evidence. What is
7 direct evidence? Direct evidence is evidence that comes
8 from an eyewitness, for example, someone who actually
9 sees it as it's happening. In this case, that's Joshua
10 Murray and Katie. Is there any doubt whatsoever that
11 they saw this murder, that they know the person who is
12 seated there in the backseat behind the driver and who
13 pulled the trigger? There's no doubt whatsoever that
14 Katie and Josh saw and witnessed this event.

15 Next, circumstantial evidence. When we talk about
16 circumstantial evidence, that's a chain of evidence
17 where each piece unites to form proof, and in this case
18 the circumstantial evidence is overwhelming and that
19 circumstantial evidence is in addition to the direct
20 evidence that we heard from Katie and Josh. The
21 circumstantial evidence in this case includes how
22 everyone else stayed to help except him. His actions
23 are circumstantial evidence. His actions that he
24 leaves and walks away with the murder weapon.

25 Secondly, the video surveillance where we see him

1 getting out of that backseat right behind the driver
2 just prior to leaving the scene. And we're gonna take
3 a look at that clip now and as we do so keep in mind we
4 can see Josh get out from the driver's side, we can see
5 a male -- what appears to be a male subject getting out
6 from behind the driver and then later we see Katie come
7 around. So right there we saw him get out and we saw a
8 person exit from behind that driver and then take off
9 walking.

10 You heard the testimony from Detective Marthers
11 that he was able to match up the video surveillance
12 from both Corey's Automotive that we're looking at
13 right there and the video surveillance from the Windsor
14 West Daycare right beside the shop, right beside where
15 he ultimately gets apprehended. And there we see him.
16 Camo pants, some type of gray jacket, that distinctive
17 gray beanie and something white hanging right here
18 below the chest. We later got a good look once that
19 search warrant was executed of his car and we saw right
20 there where the phone was plugged into the charger
21 right beside that driver's seat. What did we see? That
22 white visor sitting right there. That white visor
23 sitting right beside the console, the same -- I submit
24 the same white visor he's wearing as he's walking away.

25 Well, what about the gray jacket? You see him

1 walking away. There appears to be some type of gray
2 jacket. We know that that shop was an absolute mess, a
3 chaotic scene. We know he had access to it because he
4 worked there. We know he had access to it because he
5 had to get in there to ultimately get to his car. We
6 know that's where he met up with M.J. There's no way
7 law enforcement's gonna find that gray jacket amidst
8 that chaotic scene. In fact, at that point they had
9 no idea that's -- what potential evidence was even in
10 existence. They were looking for the murder weapon.

11 And just like he gets rid of that gray jacket,
12 what about the casing? What about that casing that
13 when he fires the gun would have probably rico --
14 ricocheted either directly back on him or just within
15 an arm's reach away in the confined space of that
16 little Ford Focus? This is someone who destroyed
17 potential evidence in his own shirt on the way to the
18 detention center. There's no way he's gonna leave that
19 casing in the car. It's right there within arm's reach.
20 He picks it up, gets rid of it on the way to the shop
21 or while he's in the shop, just like he got rid of that
22 gray jacket.

23 And then you heard testimony that he also tried to
24 get rid of that beanie once he had been arrested. We
25 know he's wearing it when he's arrested because we see

1 it right here, but by the time he gets to the jail he's
2 already trying to distance himself from that beanie too.
3 And that shirt, that shirt that Detective Carvajal
4 spotted that bloodstain on or what was believed to be
5 a bloodstain, and he knows Detective Carvajal is
6 photographing it, he's looking down right here just as
7 that photo's being taken. He hears Detective Carvajal
8 say save that evidence, save that shirt. Here's the
9 stain and here he is arriving at the detention center.

10 You heard about the manipulation described by
11 Deputy McManus going on in the back seat, chewing a hole
12 through that shirt to destroy evidence. Is this someone
13 that's gonna leave the casing that can be matched to his
14 gun right there in the backseat? No way. He takes that
15 casing like he takes his bag like he takes the gun and he
16 leaves, as Josh said, cold, as if nothing had happened.

17 It's impossible for me to predict what arguments
18 Mr. Mauldin may make when he's up here. I don't know.
19 I'm still not sure whether it's gonna be that Joseph
20 Henry was never in that car at all and this is someone
21 else who just happens to look like him and just happens
22 to be wearing camo pants and a beanie walking in the
23 same direction as he's leaving the scene. Here we see
24 him on the Windsor West video. Camo pants and the
25 beanie. Here we see him just minutes later at the

1 arrest maybe less than half a football field away now
2 in his blue Toyota over at the shop. Is there any doubt
3 whatsoever this is the same individual? I submit there's
4 not.

5 So I don't know whether the argument's gonna be
6 that was never Joseph Henry, it's just some other random
7 person wearing camo, wearing a beanie walking in the
8 same direction, but we all know it's Joseph Henry
9 because Josh and Katie said it's Pluto. We also know
10 it's Joseph Henry because he's arrested with the missing
11 lens in his glasses, the same missing lens that's found
12 right here in State's Exhibit 87 in Alexis' car when
13 they executed that search warrant. Take a look at this
14 photo. As Nathan Twigg explained, this is when they're
15 searching the backseat. Take a look at that seat, the
16 seatbelt. That's the left side pocket of the backseat
17 where you'd be sitting if you were sitting behind the
18 driver. It's his lens and his glasses.

19 But it doesn't stop there. When they start
20 executing that search warrant in the trunk of Alexis'
21 car, what did they find? DMV paperwork in the name of
22 Joseph Randolph Henry. There's no doubt he was in
23 Alexis' car that night. There's no doubt that's him
24 leaving the scene from behind the driver.

25 So now is it gonna be well, maybe Pluto was in the

1 car, but he didn't kill Alexis. Joshua Murray did not
2 kill Alexis. He did not sit on that dock with her and
3 watch the sun rise and then take her life. That did not
4 happen. Katie did not kill Alexis. Josh and Katie
5 risked everything to stay behind and save her. That's
6 the man that walked away and that's the man that took
7 her life.

8 When we look at all this evidence, we end up with
9 that bullet in the chamber and the DNA on that gun.
10 Whose DNA is on the trigger? His. Now there's two
11 other unknown people that aren't Josh or Katie or
12 Alexis that also had DNA on that gun and we have no
13 idea who he ever got that gun from or who all he showed
14 it to or who might have handled it over at the Econo
15 Lodge and all the history of that gun that led to that
16 morning. That doesn't matter. What matters is that
17 Joshua's DNA is excluded from that trigger, Katie's DNA
18 is excluded from that trigger. His DNA is on the
19 trigger, and that's the undeniable evidence in this
20 case.

21 The thing about addiction for someone like Alexis
22 or anyone in this world who battles addiction is that
23 even when you go astray you can always find your way
24 back. There is always hope and there's always that
25 chance. Alexis would have found her way back. He

1 robbed her of that. She never got that chance.
2 Twenty-five years old, a friend, a daughter, with her
3 entire future and every chance at redemption in front
4 of her. He took her life with no regard for humanity
5 at all. That's malice. That's murder. The past can't
6 be undone. It's too late for Alexis. There's nothing
7 that can be said or done in this courtroom to change
8 the events of February 21st, but it's not too late for
9 justice. It's never too late.

10 The State has proven this case beyond a reasonable
11 doubt. Proof of murder, proof of malice, and this
12 crime, ladies and gentlemen, cannot and will not be
13 tolerated in society. The only just verdict in this
14 case is guilty of murder.

15 Thank you.

16 THE COURT: Thank you, Ms. Mayes.

17 Mr. Mauldin, you're recognized for your closing at
18 your leisure, sir.

19 MR. MAULDIN: Thank you, Your Honor.

20 You know, it got me thinking when Rob was
21 cross-examining the old phone guy up there, the phone
22 expert who was looking at the phones, and Rob says to
23 him well, an expert's only as good as the information
24 he receives, and the guy agreed with him, and it just
25 got me thinking. Shouldn't the expert be a little bit

1 better than that? Shouldn't an expert be on top of
2 things and want more information? I couldn't open five
3 of the phones. I asked them, you know, if they would
4 try to do something about that, I never heard back from
5 them. Never mind that some guy's gonna be on trial for
6 murder. Wouldn't you expect a little bit more than just
7 be passive and take the information you receive and
8 that's it?

9 That's what the police did with this case and that's
10 what the prosecution's done with this case. They've
11 taken the information that they received from those two
12 people, did scarce to no followup at all, and now expect
13 you to find Joe guilty beyond a reasonable doubt.

14 What things -- three things do they have as
15 evidence? Those two people's stories, they found a gun
16 in his car that had his own DNA on it when it was right
17 under his legs, and he poked a hole in his shirt. Those
18 are the three pieces of evidence that they have in this
19 case. Only one of them is direct, one is circumstantial,
20 they have a gun and they can't show it's the gun that
21 actually did the shooting, and the one they're trying to
22 make you suspicious of him after. That's it. That's all
23 they have. Those two people, that gun and that hole.

24 Those two people described a black male, six foot
25 two, 200 pounds, gray beanie, gray sweats. If we

1 heard that description once, we must have heard it a
2 hundred times in this trial. They knew him. They
3 could describe him. We heard it like twice from every
4 witness and if the witness made a recording, we heard
5 it on the recording. It's almost like they were just
6 trying to hypnotize you with that. Black male, six
7 foot two, 200 pounds, gray beanie, okay, because that's
8 all they had so they just had to play it over and over.

9 The hole in the shirt. He's stopped in his car,
10 his buddy's with him. He gets told you match the
11 description in a shooting. There's a whole bunch of
12 cops around, he doesn't know what's going on, and then
13 they talk about taking his shirt. And maybe he did
14 something stupid, but you're gonna have all these
15 pictures there back with you and you can see that shirt
16 wasn't what he wore in the car. There's a gray coat or
17 a sweater. And we know they searched his car. We didn't
18 hear about the inventory and the search of the car. You
19 know there had to be stuff in the backseat and stuff in
20 the trunk, but all we heard about was that phone and the
21 gun in the front. They probably had that gray shirt in
22 evidence and they just never bothered to go test it.
23 They had that visor in evidence, but they never went to
24 go test that.

25 And their CSI guy, they didn't even send it to

1 SLED, that shirt, he just eyeballed it and said I guess
2 there's no more blood and didn't send it up to the
3 experts to use whatever swabs or enzymes or however
4 they determine if there's blood on that shirt or not.
5 But you're gonna have these photos in the back and
6 you'll see the color and the shape of that spot on his
7 shirt and you're also gonna see the color of the blood
8 on Joshua Murray's clothes and you're also gonna see
9 the color of the blood on the fabric seat of that car,
10 and you're gonna see they look nothing alike. Nothing
11 alike. And they didn't have some person that does blood
12 splatter to come in and say oh, yeah, if the blood came
13 out of her head it would make that size and shape hole
14 or would it be more of a streak or lines -- I mean, not
15 hole, a spot. They could have done that to show that,
16 but more importantly, there was blood on his pants, but
17 did you hear any of the CSI guys talked about his pants
18 and I took a picture of this spot on his pants? Did you
19 hear the State elicit from their DNA expert that I tested
20 the pants and it was his DNA? Why didn't they do that?
21 Because they were trying to hide it from you because it
22 didn't match the story that those two people told.

23 So he's trying to hide something? Well, does
24 somebody that has something to hide just walk away from
25 a shooting nonchalant? Does somebody that has something

1 to hide just stay two blocks away? They said it only
2 takes a couple of minutes to walk there where his car
3 was. For over half an hour until the people -- the
4 police get there or is he gonna get in the car and go?
5 He walked that way because he had nothing to run away
6 from. He stayed there for thirty minutes because he had
7 nothing to run away from.

8 When the K-9 people came up to him, he stopped his
9 car and got out and didn't run away because he had
10 nothing to run away from. And you see the K-9 guys
11 stop him, get him out of the car and they search him
12 right away. You know what the police did? They saw
13 those two people, they didn't search them, somebody shot
14 in the head, didn't pat them down. As far as we know,
15 Kaitlyn said they didn't even take her phone or her
16 shoes that had blood on them. Didn't search their
17 stuff. They probably didn't even need to hide whatever
18 it was they hid because they never even got searched.
19 That was probably an extra precaution that they didn't
20 even need to take because the police just took them at
21 their word, but go and search Joe and Mark right away.

22 And what didn't they find on their search? They
23 didn't find that shell casing. The windows were up in
24 that car. It didn't go out of the window. The K-9
25 tracked him all the way to the shop. They didn't find

1 any shell casing along that track. They searched that
2 building, they searched his car. Unless they want to
3 believe -- or the solicitor wants you to believe that
4 the police do a half-A job. I don't want you to believe
5 that, but they didn't find it there. He's smart enough
6 to get rid of this little shell casing, but he doesn't
7 get rid of his gun. Smart enough to get rid of this
8 shell casing, but he leaves his eyeglass piece in the
9 car. He's smart enough to get rid of the shell casing,
10 but he's still wearing the beanie. He's smart enough to
11 get rid of the shell casing, but he doesn't change his
12 pants. He didn't get rid of the shell casing because no
13 shell casing came out of the gun in that car.

14 And then they didn't conduct gunshot residue. What
15 is that? Just a swab. They open a packet and take a
16 swab and do a swab, gunshot residue, send it off to
17 SLED. But we didn't do it because they just believed
18 what those two people said and just ran with that. They
19 didn't tell you whether or not the swab showed somebody
20 had a higher concentration of gunshot residue on their
21 hand or not. They didn't tell you that if you swab
22 somebody and they didn't have gunshot residue, why they
23 may not have been around with the gun was fired. So not
24 only -- and then they realize that that's a problem, so
25 near the end of their case they brought up this

1 Detective McCann to talk about oh, well, I made the
2 decision not to do it and because of this and that and
3 the other, it was raining and he had touched stuff and
4 da da da. When you're holding a gun, your palm and
5 the things you use to touch stuff is on the inside.
6 It's almost insulting their intelligence. They knew
7 that it was going wrong and so they put somebody up to
8 try to explain that away. And you never heard from the
9 CSI guy well, I was instructed by Detective McCann
10 never to -- not to do it. It didn't enter into his
11 equation, but if they didn't find it on his clothes, on
12 his hands, on the gun -- or how about this shirt that
13 was wrapped in the bag that would have been in the
14 bag and not out when the gun was supposedly fired
15 according to them, that would have gunshot residue on
16 it, too, after he stuck the gun in there, but they
17 didn't test that either. All that stuff just sitting
18 around, just sitting around, that would be a problem
19 because it didn't fit with what those two people said.

20 And we talked about the trajectory of the bullet
21 and the head wound. They say it entered from the rear
22 or from the side or the rear, I don't know, it's behind
23 the ear, the side or the rear, slightly forward,
24 slightly left to right, slightly downward. She didn't
25 talk about what angle. What was the angle left to

1 right? What was the angle downward? Slightly? What
2 kind of angle is that? Where -- where could it have
3 come from? Well, it could have come from anywhere
4 because we don't know what position her head was in
5 when she was shot, whether she's sitting in the car
6 straight ahead, whether she's bent over to look at
7 something on the floorboard, whether she's looking to
8 the right out of the driver's side door maybe and sees
9 a gun and turns her head real quick. You don't know
10 what position her head was in. All you've got is the
11 word of those two people.

12 I found it interesting when they talked about
13 stippling, the little marks that gunpowder makes when
14 it comes out of the end of the gun, and they said the
15 end of the gun had to be one and a half to two feet
16 away from the wound to leave no marks like that.
17 Ladies and gentlemen, this is not a real big car. This
18 isn't a limousine, this isn't an SUV. This is a little
19 sedan. And Joe's six feet two and 200 pounds. He's
20 gonna fill up that backseat quite a bit. Now try to
21 imagine a position that he could be in with the gun and
22 be a foot and a half to two foot away from somebody
23 sitting in that passenger seat on the driver's side.
24 Just logistically in your mind try to think where could
25 that gun be or how could he have held it to both be that

1 far away and to cause that kind of wound. He can't do
2 it, but yet they want you to believe those two people
3 on the stand, one of who said that he saw the gun come
4 between the seats. Well, if the gun came between the
5 seats, then it was definitely closer than a foot and a
6 half to that girl's head. Well, it was in my peripheral.
7 I tried and I know you-all can try in the back, but when
8 you talk about your peripheral, I think it's about right
9 here and if I'm sitting in the driver's seat and there's
10 a passenger sitting right there, that's still closer than
11 a foot and a half to two feet from her head. I don't
12 think somebody could have shot her in that car and been
13 a foot and a half to two feet. It would have to be
14 somebody from outside of the car pointing the gun in to
15 be that far away in that little car.

16 And finally that expert talked about the wound being
17 three-eighths of an inch. If you do the math, that's
18 .375 inches. The gun expert says a 9-millimeter is
19 .355 inches. So the hole of the wound is bigger than
20 the bullet. What else could they have done to show the
21 bullet may have been fired where those two people said
22 it was fired from? They've got all these pictures of
23 the car. They don't have a lot pictures of the front
24 of the car, maybe the dashboard or things to show where
25 the blood is. Could they have gotten a crime scene

1 expert maybe or a blood spatter expert to say well, if
2 the blood's here and here and here and here, then that
3 would be consistent with the firing being from this
4 direction or her head being in this direction? They
5 didn't do any of that because all they did was take the
6 information that they got from those two people. They
7 didn't question it at all, didn't follow up, didn't do
8 a blessed thing really.

9 Now let's talk about those two people. You saw how
10 bad they looked up on the stand and that was when they
11 knew they had to come to court. I don't know if they
12 reckoned they cared or not. So you've got Josh and
13 Katie. Josh and Katie. They had an argument about
14 Chad and then shot her. He was sitting there and he's
15 a black male and he's wearing a beanie and gray sweats.
16 That's pretty much the only same thing that they have
17 running throughout their entire account of what happened
18 that night. She's supposedly his girlfriend according
19 to one of the cops. He's acting -- he said I'm upset
20 with my girlfriend, but she wasn't his girlfriend. He
21 only called her up because that girl Cat from the hotel
22 decided to go away. He knew her as Nicole. She only
23 went by Nicole, but Katie said she was going by Lexi
24 all night. And when they were going away from the Yacht
25 Club, Josh said I had to drive because I was the most

1 sober and Katie said well, I drove away because I was
2 the only one that had a driver's license and we ended
3 up pulling over at a gas station and switching out
4 because they didn't like the way I drive because I
5 didn't know the area. Joe's awake when they meet
6 Chad Andrews according to Josh. Joe's dead asleep or
7 awake according to Kaitlyn. I think she told it two
8 different ways. So dead asleep a couple of minutes
9 before they couldn't even wake him up and then she
10 finally wakes him up telling him they want to let
11 this snitch in the car supposedly if that's the way it
12 happened. I don't know if I could believe a thing they
13 say.

14 So the argument happens, the shooting happens and
15 then after she's shot according to Josh the body
16 immediately goes (demonstrating) and she hits the window
17 with her head and she's on the door and then he jerks to
18 the right and then she slumps right over to him, but
19 according to Katie she sat there slowly (demonstrating),
20 slower, slower than I could do, and fell over onto Josh's
21 side.

22 You know what I am, you know what I do, I do what I
23 say. That's what Katie said he said. Do you remember I
24 asked Josh didn't you just tell cops he said I'm not
25 lying about what I am? He said well, maybe. They

1 didn't have their story together 100 percent at that
2 time.

3 The gun, a 9-millimeter goes off in a closed
4 vehicle, bam (demonstrating). That's all you're gonna
5 hear. You're not gonna hear some bad-ass gangster stuff.
6 That's just some kind of color to their story and you
7 know that they had contact since after it happened.
8 Both of them stayed with her, tried to comfort her or
9 do whatever until the police came. You can watch that
10 video. You can watch it again and again. They didn't
11 do that. He went over a couple of times. They were
12 more concerned about themselves. If they were gonna
13 risk everything, they wouldn't have hid the drugs and
14 whatever else they might have hidden. They didn't risk
15 everything. They made him risk everything. Oh, I
16 walked up and hugged him. I walked up and hugged the
17 man that just shot my girlfriend because I didn't know
18 what to do, so I walked up and hugged him. It doesn't
19 make any sense at all. I'm in shock, so I walked up
20 and hugged him. Nonchalant, you watch the video, and
21 he walks away slowly because he has nothing to hide.

22 When you watch the video, and it's over a minute
23 or so, you see Josh bend back in the car like this and
24 then it's over a minute before they start flagging
25 people down. They're not -- they don't care about her.

1 They cared about themselves and that's all they cared
2 about. Themselves or their next fix. And they hid
3 whatever it was they hid and they didn't say anything
4 about it at all to whatever, fifty cops, twenty cops
5 that were there when they responded to the shooting.
6 Because Detective Marthers, who pulled this video, sees
7 that she goes way over there and so they do a followup
8 with her a week later and she just says oh, it was just
9 my kit, but she knew that Josh had went and gotten it
10 because they had been in communication. He went and got
11 whatever it was they hid and if it wasn't for that video
12 the police would have never known they went and hid
13 something.

14 Josh Murray, who Katie said they had to stop
15 because he had to do business. Josh Murray, who's an
16 addict for fifteen years, says he had a substantial
17 amount of drugs. Josh Murray, who watches his girlfriend
18 get out of the car with the snitch, walk down the street
19 and go behind the dumpster, but according to him nobody
20 got out of the car, they just drove off after making a
21 plan. Josh Murray, who has a substantial amount of
22 drugs that Katie would want, that Katie's probably still
23 getting from him because they've been in contact after.

24 Katie. I saw him put the gun in his lap and cut
25 his eyes at me, so you know what I did? I closed my

1 eyes and I dozed off. She knew that he had that gun
2 and he meant business, so she closed her eyes and dozed
3 off and went to sleep.

4 They risked everything. They didn't risk a thing.
5 They told some sob story to the police and police
6 swallowed it hook, line and sinker, haven't done a thing
7 to corroborate or contradict it, didn't go into this
8 with any mode of critical thought. All they went in
9 with was the reptile brain, dot, dot, dot, oh, there
10 must be a killer, we must go get him.

11 But we need to expect more than that from our
12 government, especially if you're gonna be on trial for
13 murder. The police shouldn't have believed what those
14 two people said, you shouldn't believe what those two
15 people said, and because of that there's a real
16 possibility it could have happened some other way than
17 those people said. The wounds, the trajectory, no
18 evidence that the gun was the one that did the shooting.
19 That's not proof beyond a reasonable doubt. That's
20 speculation. Those two people. If you give those two
21 people \$10 to go to McDonald's and buy you a Happy Meal
22 and expect to get the change back, then go ahead and
23 convict him or if you think they're just gonna run away
24 with it, you need to find him not guilty.

25 THE COURT: Thank you, Mr. Mauldin.

1 All right. Now, ladies and gentlemen, it becomes
2 my obligation at this point in time to instruct you on
3 the law that applies and I will tell you that the way
4 many judges do this, the way that it's traditionally
5 been done in this state, is that the judge would simply
6 sit up here and read you roughly fifteen or so pages
7 taken from the law books and traditionally judges expect
8 a jury just to sit there and understand in fifteen
9 minutes what took me three years to -- to learn. I
10 think the reason most judges typically and historically
11 have done it this way is back when we started this job,
12 back when our state was formed, most people couldn't
13 read. Well, now pretty much everybody can read.

14 So long story short, what I'm telling you, Madam
15 Forelady, is I'm gonna give you a copy of these
16 instructions that you can refer to during the course of
17 your deliberations. If you have any questions about the
18 instructions, just knock on the door, give a note to the
19 bailiff and I'll bring you back in here and try to answer
20 whatever question you may have concerning the law.

21 Understand though at this point in time, ladies
22 and gentlemen, the record is closed, so if you have any
23 questions concerning the facts, odds are I'm not gonna
24 be able to answer that for you. There's no mechanism by
25 which we can reopen this case and present additional

1 testimony. So if you've got a legal question, I can
2 probably help you. If you've got a factual question,
3 I'm probably not going to be able to do that, all right?

4 Now, ladies and gentlemen, again, the indictments
5 in this case charge Mr. Henry with the offense of murder
6 and the possession of a weapon during the commission of
7 a violent crime. I'll remind you that the fact that
8 Mr. Henry was arrested, charged and indicted in this case
9 is not evidence in this case and cannot be considered
10 by you as evidence of guilt; nor do the indictments
11 create any presumption or inference of guilt. Again,
12 the indictments are merely the formal written instruments
13 which contain the charges made against Mr. Henry.
14 They're the formal documents by which this case is
15 brought into court.

16 In this case, ladies and gentlemen, the Defendant
17 has pled not guilty to these charges and that plea puts
18 the burden on the State to prove the Defendant's guilt.
19 A person charged with committing a criminal offense in
20 this state is never required to prove himself innocent.
21 I instruct you that it's an important rule of law that
22 the defendant in a criminal trial no matter what the
23 seriousness of the charge may be will always be presumed
24 to be innocent of the crime for which the indictments
25 were issued unless guilt has been proven by evidence

1 satisfying you of his guilt beyond a reasonable doubt.

2 Ladies and gentlemen, this presumption of innocence
3 does not end when you begin your deliberations, rather
4 it accompanies the Defendant throughout the trial until
5 you reach a verdict of guilty based on evidence satisfying
6 you of that guilt beyond a reasonable doubt.

7 The presumption of innocence is not merely a legal
8 theory, it's not just a legal phrase. It's a substantial
9 right to which every one is entitled unless you, the jury,
10 are satisfied from the evidence of his guilt beyond a
11 reasonable doubt.

12 Well, what is a reasonable doubt in the law? A
13 reasonable doubt is the kind of doubt that would cause
14 a reasonable person to hesitate to act. The State has
15 the burden of proving the Defendant's guilt beyond a
16 reasonable doubt. And some of you may have served as
17 jurors in civil cases where you were told that it was
18 only necessary to prove that a fact is more likely true
19 than not true, such as by the greater weight or the
20 preponderance of the evidence. In criminal cases, the
21 State's proof must be more powerful than that and must
22 be proof beyond a reasonable doubt. Proof beyond a
23 reasonable doubt is proof that leaves you firmly
24 convinced of the Defendant's guilt.

25 Now there are very few things in this world that

1 we know with absolute certainly and in criminal cases
2 the law does not require proof that overcomes every
3 possible doubt. If, based on your consideration of the
4 evidence, you're firmly convinced that the Defendant
5 is guilty of the crimes charged, you should find him
6 guilty. If, on the other hand, you think there's a
7 real possibility that the Defendant is not guilty, you
8 should give him the benefit of the doubt and find him
9 not guilty.

10 Now, again, ladies and gentlemen, I remind you
11 that during this trial you and I have certain duties
12 to perform. As the trial judge it's been my job to
13 preside over the trial and I also have to rule on the
14 admissibility of evidence offered during the trial.
15 You are to consider only the competent evidence before
16 you, so that testimony which was ordered stricken from
17 the record during the trial you have to disregard that
18 testimony because you are to consider only the testimony
19 which has been presented from the witness stand, as well
20 as any exhibits which have been made a part of the record
21 in this case.

22 An additional duty is to charge you the law and as
23 the presiding judge I'm the sole judge of the law. It's
24 your duty as jurors to accept and apply the law as I now
25 state it to you. So if you already have any ideas as

1 to what the law is or what the law should be and it
2 does not agree with what I now tell you the law is,
3 you have to abandon that idea because you're sworn to
4 accept and apply the law exactly as I state it to you
5 now.

6 Again, you, the jury, are sole and exclusive judges
7 of the facts in this case. A trial judge cannot
8 intimate, state, comment on or make any statement to a
9 trial jury about the facts of the case. Since you, the
10 jury, are the sole judges of the facts, you're not to
11 infer from what I've said during the progress of this
12 trial in ruling upon the admissibility of evidence or
13 otherwise or anything that I say to you now that I have
14 any opinion about the facts in this case. Ladies and
15 gentlemen, the law does not permit me to have any opinion
16 about the facts. This is a matter solely for you, the
17 jury, to determine.

18 As jurors, it's your duty to determine the effect,
19 value, weight and truth of the evidence presented during
20 the trial. There are two types of evidence generally
21 presented during a trial, direct evidence and
22 circumstantial evidence. Direct evidence directly proves
23 the existence of a fact and does not require deduction,
24 such as testimony by an eyewitness. Circumstantial
25 evidence is proof of a chain of facts and circumstances

1 indicating the existence of a fact. I instruct you that
2 crimes may be proven by circumstantial evidence and the
3 law makes no distinction between the weight or value
4 given to either direct or circumstantial evidence;
5 however, to the extent the State relies on circumstantial
6 evidence, all of the circumstances must be consistent
7 with each other and when taken together point conclusively
8 to the guilt of the accused beyond a reasonable doubt.
9 If these circumstances merely portray the Defendant's
10 behavior as suspicious, the proof has failed. The State
11 has the burden of proving the Defendant guilty beyond a
12 reasonable doubt and this burden rests with the State
13 regardless of whether the State relies on direct evidence,
14 circumstantial evidence or some combination of the two.

15 Now as I explained previously, necessarily you
16 must determine the credibility of witnesses who have
17 testified in this case. Again, credibility simply means
18 believability. You alone are the sole judges on the
19 question of whether any witness's testimony is credible
20 or not. It becomes your duty as jurors to analyze and
21 to evaluate the witnesses and the evidence and determine
22 which evidence convinces you of its truth.

23 In determining the believability of witnesses who
24 have testified, you can believe one witness over several
25 witnesses or several over one witness. You may believe

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

9 I further instruct and emphasize that the fact
10 that the Defendant in this case did not testify is not
11 a factor to be considered by you in any way in your
12 deliberation and in your consideration on the question
13 of the guilt or the innocence of the Defendant. It must
14 not be considered by you any manner whatsoever. The
15 Defendant has the constitutional right to remain silent
16 and the assertion of this right must not be considered
17 by you during your deliberations. I repeat. Under
18 your oath you're to draw no conclusion whatsoever from
19 the fact that the Defendant in this case didn't testify.
20 The fact that he did not testify should not even be
21 discussed in the jury room. The burden of proof as I
22 stated to you is on the State. The Defendant is not
23 required to prove his innocence. The burden of proof
24 remains on the State to prove guilt beyond a reasonable
25 doubt.

1 Now I further instruct you that a person who has a
2 past criminal record is competent to testify during a
3 trial. A past record does not affect the ability of
4 that witness to testify, rather the past record may only
5 be considered by you, if at all, in determining the
6 witness's believability. Remember, you are the sole
7 judges of the facts in this case and of the believability
8 of any and all of the witnesses who have testified.

9 Now as I previously explained, ladies and gentlemen,
10 normally the rules of evidence do not permit witnesses to
11 testify as to opinions or conclusions, but an exception
12 to this rule exists for expert witnesses. A witness who
13 by education and experience has become an expert in some
14 art, science or profession may give an opinion as to the
15 subject the witness claims to be an expert in and they
16 can also give their reasons for the opinion. You should
17 consider any expert opinion given by a witness and, like
18 any other evidence, give it the weight you think it
19 deserves. If you decide that an expert witness's opinion
20 is not based on sufficient education and experience or
21 if you decide that the reasons given in support of the
22 opinion are not sound or that the opinion is outweighed
23 by other evidence, you may disregard the opinion entirely.
24 An expert witness's testimony is to be given no greater
25 weight than that of any other witness simply because

1 the witness is an expert and you do not have to accept
2 an expert's opinion even though it's uncontradicted.

3 Excuse me. Now, ladies and gentlemen, the Defendant
4 is charged with murder. The State must prove beyond a
5 reasonable doubt that the Defendant killed another
6 person with malice aforethought. Malice is hatred,
7 ill will or hostility towards another person. It's the
8 intentional doing of a wrongful act without just cause
9 or excuse and with an intent to inflict an injury or
10 under circumstances that the law will infer an evil
11 intent. Malice aforethought does not require that
12 malice exist for any particular time before the act is
13 committed, but malice must exist in the mind of the
14 Defendant just before and at the time of the act being
15 committed. Therefore, there must be combination of the
16 previous evil intent and the act.

17 Malice aforethought may be express or inferred.
18 These terms "express" and "inferred" don't mean different
19 kinds of malice, but merely the manner in which malice
20 may be shown to exist, that is either by direct evidence
21 or by inferences from the facts and circumstances which
22 are proven. Express malice is shown when a person speaks
23 words which express hatred or ill will for another person
24 or when the person prepared beforehand to do the act which
25 was later accomplished. For example, laying in wait for

1 somebody or any other acts of preparation going to show
2 that the deed was within the Defendant's mind would be
3 express malice. Malice may be inferred from conduct
4 showing a total disregard for human life.

5 The Defendant is also charged with the offense of
6 possession of a weapon during the commission of a violent
7 crime. The State must prove beyond a reasonable doubt
8 that the Defendant was in possession of a firearm during
9 the commission of a violent crime. In order to find the
10 Defendant guilty of possession of a weapon during the
11 commission of a violent crime, you must first find the
12 Defendant guilty of committing a violent crime, and under
13 South Carolina law murder is classified, of course, as a
14 violent crime. The State must prove beyond a reasonable
15 doubt the weapon furthered, advanced or helped in the
16 commission of that violent crime.

17 Now, ladies and gentlemen, Madam Forelady, there
18 are two possible verdicts which you can find in this
19 case; guilty of murder or not guilty of murder and guilty
20 of possession of a weapon during the commission of a
21 violent crime or not guilty of possession of a weapon
22 during the commission of a violent crime.

23 Please understand that there's no significance
24 whatsoever in the order in which I state these possible
25 verdicts. It's just that one has to be stated first.

1 Madam Forelady, I've prepared this verdict form and
2 it's pretty self-explanatory. You're gonna understand it,
3 but the law makes me explain it to you anyway, okay? It
4 gives the jury -- it basically makes this statement. On
5 the first charge we, the jury, in the above-captioned
6 case on the charge of murder, unanimously find Joseph
7 Henry, and then there are two mutually exclusive options,
8 either not guilty or guilty. If you find the State has
9 failed to meet its burden of proving the Defendant's
10 guilt beyond a reasonable doubt, you would initial next
11 to not guilty and then sign the verdict form as foreperson
12 and let the bailiff know.

13 If you find, however, that the State has proven
14 its burden of proving the Defendant's guilt beyond a
15 reasonable doubt, you would initial next to guilty and
16 go down to the next statement. The next statement asks
17 the exact same question about the other charge, possession
18 of a weapon during the commission of a violent crime,
19 not guilty or guilty. The same standard applies beyond
20 a reasonable doubt to each of those verdicts.

21 Now, again, Madam Forelady, ladies and gentlemen of
22 the jury, if you have any questions concerning the law or
23 you otherwise need to communicate with me, simply do so
24 by writing a brief note. Write a note, hand it to the
25 bailiff, he'll give it to me and I'll try to assist you

1 in any way I possibly can. However, please, Madam
2 Forelady, at no time should the jury ever indicate any
3 kind of numerical division. In all your communications,
4 please don't ever say well, we're 10-2 one way or we're
5 split 6-6 or we're split 11-1 or 7-5. I don't want the
6 number division at any point in time. That's totally
7 something you need to keep to yourselves, so never
8 communicate any kind of division to me if you-all are
9 working on a verdict or while you're working on a verdict.

10 Ladies and gentlemen, your verdict has to be
11 unanimous. That means all twelve of you have to agree
12 on the outcome. Again, when you've reached your verdict,
13 Madam Forelady, simply write your verdict on the verdict
14 form, sign your name as foreperson, knock on the door,
15 let the bailiff know, I'll reassemble everyone in here
16 and we'll get you back into the jury room as soon as
17 possible.

18 Ladies and gentlemen, I'll remind you that you've
19 been chosen as fair and impartial individuals. In other
20 words, you have no friends to reward, you have no enemies
21 to punish. Your job is to render a verdict based solely
22 upon the evidence presented and the law as I have
23 instructed you and your verdict cannot be based upon
24 passion, caprice, prejudice or any consideration which
25 is not in evidence or in the record in this particular

1 case.

2 Now, ladies and gentlemen, just a few housekeeping
3 matters. The videos which were introduced into the
4 record in this case, if you want to review those, just
5 send me a note and let me know. For all twelve of you
6 -- for all twelve of you-all to review those at the
7 same time, I'll need to bring you back in here into the
8 courtroom. If maybe you want to review them in the jury
9 room, that's fine. I can probably find you a laptop,
10 but this is very important. I want you to maintain the
11 same sort of social distancing that we've been attempting
12 here, so a whole bunch of people crowding around a laptop
13 is probably a bad idea because you're not gonna be able
14 to stay six feet away from each other. So if you need
15 to see something again with all twelve of you, let me
16 know and I'll be more than happy to bring you back in
17 here and we can play whichever video it is that you
18 want to see. Just let me know in a note. If you're
19 comfortable kind of passing the laptop around or if one
20 person really wants to look at it, that's perfectly
21 fine. Understand that if at any point in time you take
22 a break or you need a break or need to step outside
23 for just a mental health break or whatever, jury
24 deliberations have to cease. You can only discuss this
25 case in the presence of all twelve jurors.

1 Additionally, if you feel like -- what's the
2 timeframe for getting the sandwiches? Usually we have
3 to put in the order --

4 THE CLERK: It's about an hour.

5 THE COURT: About an hour.

6 THE CLERK: About an hour, hour and a half.

7 THE COURT: All right. Ladies and gentlemen, what
8 I'm gonna do is when you adjourn to the jury room I'll
9 go ahead and let the clerk go downstairs and take your
10 lunch orders. It's sandwiches from --

11 THE CLERK: Jimmy Johns.

12 THE COURT: Jimmy Johns. Yum.

13 So Jimmy Johns is what we will order for you. If
14 you have any specific dietary restrictions or anything,
15 let us know and we'll try and accommodate those, but
16 generally we order from Jimmy Johns.

17 Ladies and gentlemen, if you would, adjourn to the
18 jury room, but don't begin your deliberations yet. Your
19 cue to begin your deliberations will be receipt of the
20 instructions, as well as the exhibits which have been
21 introduced into the record in this case.

22 One thing, one note that I will make, the firearm
23 involved in this case has been -- it's got a trigger
24 lock on it so that it cannot be fired, but still out of
25 an abundance of caution at no point in time do we ever

1 send down live ammunition and gun at the same time. So
2 I think there's one live round which was introduced into
3 the record in this case. That will stay here. If you
4 need to look at that round, simply let the bailiff know.
5 He'll take the gun out and give you the live round and
6 then switch back whenever you ask him to, okay? So
7 that's just a little safety thing that we do out of an
8 abundance of caution to keep ammunition and gun separate
9 at all times, all right?

10 With that, if you will all fourteen adjourn to the
11 jury room. The two alternates, you'll go down there
12 one last time. Your cue to begin your deliberations,
13 Madam Forelady, will be receipt of the evidence, my
14 instructions and the verdict form. So as soon as all
15 that is taken down there by the bailiff, that's when
16 you can start your deliberations, okay? At that point
17 I'll ask the two alternates to come back up here and
18 I'll say good-bye to you guys, okay?

19 With that, if you'll all adjourn to the jury room.
20 You know what your cue is to begin deliberations.

21 Thank you very much.

22 BAILIFF: Judge?

23 THE COURT: Yeah, you can take the -- yeah, please.
24 Everybody's got their tablets.

25 Thank you very much.

1 (Whereupon, the jury retires to the jury room at
2 10:57 AM.)

3 THE COURT: All right. The jury is out. With
4 the exception of my reluctance to charge involuntary
5 intoxication, no additional exceptions from the State?

6 MS. MAYES: None from the State, Your Honor.

7 THE COURT: None from the defense?

8 MR. MAULDIN: No, Your Honor.

9 THE COURT: Very good.

10 Let's make sure that we're square on the exhibits.
11 You may just want to leave the videos up here since I
12 kind of told them what we're gonna do, so leave the
13 videos up here and the bullet if you could.

14 (Pause in proceedings.)

15 (Whereupon, the evidence, the jury instructions
16 and the verdict form was sent back to the jury at
17 11:26 AM.)

18 BAILIFF: Judge, we have the alternates.

19 THE COURT: Oh, perfect. Just have them step in
20 real quick.

21 (Pause in proceedings.)

22 (Whereupon, the alternates were dismissed at
23 11:32 AM.)

24 (Recess taken at 11:36 AM.)

25 (Back on the record at 1:56 PM.)

1 BAILIFF: All rise. Court is back in session.

2 THE COURT: Thank you. Please have a seat.

3 We're back on the record. The record, of course,
4 will reflect Mr. Henry is present with counsel. I'm
5 informed by the bailiff that the jury has reached a
6 verdict.

7 Anything prior to receiving the jury back from the
8 State?

9 MS. MAYES: Nothing from the State, Your Honor.

10 THE COURT: From the defense?

11 MR. MAULDIN: No, Your Honor.

12 THE COURT: Go ahead and let's have the jury,
13 please.

14 While the jury is making its way back into the
15 courtroom, I want to say to everyone who is here I
16 understand that this has been a very contested trial
17 obviously and the circumstances by which I've come to
18 make your acquaintance are less than ideal and I'm sorry
19 to have to make your acquaintance in the way that I have
20 these last couple of days.

21 I do want to ask one thing of everyone in
22 attendance, please. Obviously this jury didn't volunteer
23 for this duty, they didn't ask to be called in here. I
24 have no idea what their verdict is going to be. Please,
25 when the verdict is announced I would ask that there be

1 no celebrating or no outward displays of emotion. I
2 don't expect you to behave like robots obviously, but
3 to the extent that you feel yourself unable to contain
4 your emotions when the verdict is read, if you would,
5 kindly if you can't contain -- can't contain yourself,
6 can't keep your emotions under control, just feel free
7 to quietly stand up and -- and exit through the back of
8 the courtroom, okay?

9 I'll give you an opportunity to -- to get things
10 under control if you do leave prior to proceeding
11 further if there is any further proceedings on this,
12 okay?

13 (Whereupon, the jury returns to the courtroom at
14 1:59 PM.)

15 THE COURT: All right. The record will reflect
16 that the jury is back and seated.

17 Madam Forelady, I'm told that the jury has reached
18 a verdict; is that correct?

19 FOREPERSON: Yes, sir.

20 THE COURT: All right. And all twelve of you-all
21 agree as to the outcome?

22 FOREPERSON: Yes, sir.

23 THE COURT: If you would hand the verdict form,
24 please, to the bailiff for me.

25 FOREPERSON: (Handing.)

1 THE BAILIFF: (Hanging.)

2 THE COURT: Madam Clerk, if you'll publish, please.

3 THE CLERK: Indictment 2020-GS-32-00606 and
4 2020-GS-32-00607, the State versus Joseph Randolph Henry.
5 We, the jury, in the above captioned case on the charge
6 of murder unanimously find Joseph Henry guilty. We,
7 the jury, in the above-captioned case on the charge of
8 possession of a weapon during the commission of a violent
9 crime unanimously find Joseph Henry guilty, and it is so
10 signed by the forelady, October 5, 2020.

11 Madam Forelady, ladies and gentlemen of the jury,
12 if these are your verdicts, please indicate each of you
13 by raising your right hand.

14 All hands were raised, Your Honor.

15 THE COURT: The record will reflect all twelve
16 jurors did raise their hand.

17 Anything prior to discharge of the jury from the
18 State?

19 MS. MAYES: Nothing from the State, Your Honor.

20 THE COURT: From the defense?

21 MR. MAULDIN: The defense would request polling,
22 Your Honor.

23 THE COURT: All right.

24 Ladies and gentlemen, in a moment the Clerk is
25 gonna call your names individually and she's gonna ask

1 this question. Basically she's gonna ask is this your
2 verdict and is it still your verdict and simply reply
3 as appropriate, okay?

4 If you'll poll the jury, please.

5 THE CLERK: Should I call them by name or number?

6 THE COURT: Number's fine.

7 Does everyone remember their jury number?

8 Okay. If we don't get a response, then we'll call
9 by name, but start by calling by juror number.

10 THE CLERK: All right, sir.

11 As I call your number, if you'll hold your hand up
12 where I can recognize you. I'll ask you as to the
13 verdicts if these were your verdicts and if they're
14 still your verdicts and at that time give me your
15 response.

16 Number 188, as to the verdicts, were these your
17 verdicts and are they still your verdicts?

18 JUROR NUMBER 188: Yes.

19 THE CLERK: Number 13, as to the verdicts, were
20 these your verdicts and are they still your verdicts?

21 JUROR NUMBER 13: Yes.

22 THE CLERK: Number 172, as to the verdicts, were
23 these your verdicts and are they still your verdicts?

24 JUROR NUMBER 172: Yes.

25 THE CLERK: 74, as to the verdicts, were these your

1 verdicts and are they still your verdicts?

2 JUROR NUMBER 74: They are.

3 THE CLERK: 37, as to the verdicts, are these your
4 verdicts and are they still your verdicts?

5 JUROR NUMBER 37: Yes, ma'am.

6 THE CLERK: 89, as to the verdicts, were these
7 your verdicts, are they still your verdicts?

8 JUROR NUMBER 89: Uh-huh.

9 THE CLERK: 215, as to the verdicts, were these
10 your verdicts, are they still your verdicts?

11 JUROR NUMBER 215: Yes, ma'am.

12 THE CLERK: 138, as to the verdicts, were these
13 your verdicts, are they still your verdicts?

14 JUROR NUMBER 138: Yes, ma'am.

15 THE COURT: 201, as to the verdicts, were these
16 your verdicts, are they still your verdicts?

17 JUROR NUMBER 201: Yes, ma'am.

18 THE CLERK: 178, as to the verdicts, were these
19 your verdicts, are they still your verdicts?

20 JUROR NUMBER 178: Yes, ma'am.

21 THE CLERK: 104, as to the verdicts, were these
22 your verdicts, are they still your verdicts?

23 JUROR NUMBER 104: Yes.

24 THE CLERK: Number 12 -- excuse me, Number 133, as
25 to the verdicts, were these your verdicts and are they

1 still your verdicts?

2 JUROR NUMBER 133: Yes.

3 THE CLERK: All jurors polled, Your Honor.

4 THE COURT: The jury has been polled, the verdict
5 stands.

6 Anything further from the jury from the defense?

7 MR. MAULDIN: Not from the jury, Your Honor.

8 THE COURT: Ladies and gentlemen of the jury, I
9 want to thank you for your service this last week and
10 tell you how much I appreciate you doing this. Jury
11 service is hard under the best of circumstances, but
12 obviously with the situation that we're in as a state
13 and nation, it's probably a little bit more challenging
14 now than at any time in our history, so thank you for
15 your willingness to do this, thank you for your
16 willingness to participate in this process and thank you
17 for your attention to this case.

18 In a moment I'm going to release you and the Clerk
19 of Court -- your elected Clerk of Court, who's done an
20 absolutely fantastic job of getting this term of court
21 ready, Ms. Comer's gonna meet you downstairs in the jury
22 room. She has just a few things she needs to say to you
23 and tell you about.

24 I will let you know that you'll also receive a
25 letter from me in probably in the next couple of days.

1 The purpose of the letter is twofold. First, it's to
2 formally thank you for your service here this week, but
3 it's also to solicit feedback, okay? I've changed the
4 way that court operates based on feedback from jurors
5 who have served. And this court doesn't belong to me,
6 it doesn't belong to any party, the State, the defense,
7 it belongs to the people of South Carolina and the people
8 of South Carolina should have a voice in how it is run.

9 So if there's anything that you liked about jury
10 service, I want you to tell me. Anything that you did
11 not like about jury service, definitely tell me, do not
12 hold back. I have a thick skin. I can hear it. It's
13 not gonna hurt my feelings, so I definitely want to hear
14 about anything that we could do better. Please, again,
15 let me know. You'll have my contact information, e-mail,
16 phone numbers, snail mail, et cetera, so you'll have a
17 way to reach me.

18 Additionally, because what we are trying in this
19 current environment is somewhat new, my office will
20 likely be contacting you two weeks from now just to make
21 sure that you guys are still doing okay, all right? Not
22 that you-all are guinea pigs or anything like that, but
23 if -- if there is some possibility that maybe you-all
24 have gotten sick because of your service here, then we
25 need to re-evaluate what we are doing going forward, so

1 that is the reason I am going to be calling you or my
2 staff is gonna be calling you just to check in and make
3 sure that you're still healthy, okay?

4 With that, I'm not gonna keep you any further. The
5 clerk, again, will be meeting you downstairs in the jury
6 room. At this point in time what will happen is the
7 State will need to prepare sentencing sheets for the
8 Defendant and we'll be moving forward with sentencing.
9 I'll hear from the family of the decedent and I'll be,
10 of course, hearing from anything that the attorneys and
11 the family of Mr. Henry may want to say to me. If you
12 want to stick around for sentencing, that's perfectly
13 fine. Just for security reasons, what I'll ask you to
14 do is after the clerk finishes talking with you, just
15 come on back up to the fourth floor and we'll have an
16 area -- the deputies and the gentlemen and ladies in the
17 red jackets, the bailiffs, they'll have an area set aside
18 for anyone who wants to stick around for sentencing. At
19 the same time if you don't want to stay, that's perfectly
20 fine. You are free to go, all right?

21 With that, if you'll adjourn back to the jury room
22 for just a few moments so that the clerk can speak with
23 you. Again, thank you-all very much.

24 And, Madam Forelady, I need your signature on these
25 actual indictments as far as the verdicts, so if you'll

1 come up this way and the rest of you-all can just go
2 back downstairs.

3 (Whereupon, the jury was excused at 2:07 PM.)

4 THE COURT: We'll give everyone a few moments.

5 Solicitor, if you'll go ahead and prepare some
6 sentencing sheets and I'll address the Defendant's
7 post-trial motions when we reconvene in about -- let's
8 say about fifteen -- ten or fifteen minutes, okay?

9 All right. We'll be at ease about fifteen
10 minutes.

11 (Recess taken at 2:08 PM.)

12 (Back on the record at 2:24 PM.)

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

15 BAILIFF: All rise.

16 THE COURT: Thank you. Please take a seat.

17 All right. Procedurally, Mr. Mauldin, I presume
18 that you do, of course, renew all previous motions, all
19 previous objections and you do move for a new trial?

20 MR. MAULDIN: That is correct, Your Honor. We
21 move for new trial, renewing all previous motions and
22 objections, so taken individually and as a whole, the
23 cumulative effect, and also that no reasonable jury
24 could have come to a verdict of guilty beyond a
25 reasonable doubt.

1 THE COURT: Okay. Based upon the evidence that was
2 presented, I'll deny your motion for a new trial, and all
3 prior rulings on evidentiary matters, et cetera, stand.
4 The Court does specifically find that there is sufficient
5 direct and circumstantial evidence to prove Mr. Henry's
6 guilt and meet the State's burden of proof beyond a
7 reasonable doubt, so I will deny your motion.

8 Solicitor, I -- you shared with me that --
9 previously that Mr. Henry has a prior conviction for
10 shoplifting. Is there anything else of concern on his
11 criminal history?

12 MS. MAYES: Your Honor, Ms. Martin will present
13 the information regarding the record.

14 THE COURT: Okay. Sure.
15 Ms. Martin.

16 MS. MARTIN: Thank you, Your Honor. May it please
17 the Court?

18 Your Honor, Mr. Henry does have a 2013 conviction
19 for shoplifting. He has a 2013 possession of marijuana,
20 for shoplifting, and he has a 2016 unlawful carrying
21 of a pistol that was in transfer court from 2016.

22 THE COURT: Thank you.

23 Ms. Martin, Ms. Mayes, I'm happy to hear anything
24 that you-all may want to present or anything that you
25 may want to say to me. And certainly the family of

1 Ms. Azarigian, I'm happy to hear from them as well.

2 MS. MAYES: Yes, sir, Your Honor.

3 We'd like to begin with a little bit of information
4 about Alexis, Your Honor, that was not presented during
5 the trial, but for purposes of victim impact are
6 important to know.

7 Alexis had a normal childhood growing up in the
8 Chapin area of Lexington County. She was an
9 accomplished equestrian and played softball in high
10 school. She attended Chapin High and then was a
11 graduate of Newberry Academy. After graduation, Your
12 Honor, she worked as a paralegal at a real estate firm
13 and then she went onto become a personal trainer at
14 Gold's Gym in Irmo, which was a job she loved.

15 What we know about Alexis, Your Honor, is that
16 she had a prescription for Adderall and that Adderall
17 prescription led to an addiction and then eventually
18 to opiate use. Approximately five months before her
19 murder she attended a rehab program in North Carolina.
20 It was an inpatient program, but she was still struggling
21 and relapsed. Her addiction was one small chapter of
22 her life, but did not define her. She has a loving
23 family and an incredible support system. Your Honor,
24 it's our belief -- all of our beliefs that she would
25 have found her way back.

1 First, Your Honor, is Sergeant Sandy Black with
2 the Lexington County Sheriff's Department and also
3 Captain Jesse Laintz who, at the time of this murder,
4 was the lieutenant over the major crimes division.

5 SERGEANT BLACK: I'm Sergeant Sandy Black with
6 the Lexington County Sheriff's Department. Alexis was
7 a twenty-five-year-old female who was just starting
8 her adult life. Her parents fully expected her to live
9 -- to outlive them, but she did not. Approximately a
10 year and a half ago they were forced by Joseph Henry to
11 do probably the hardest thing a parent would have to do
12 and something no parent should have to do, and that's
13 bury their daughter. Why? Because Joseph Henry murdered
14 Alexis to stop an argument. There was no other reason
15 than to stop an argument. The punishment for arguing is
16 not murder.

17 Joseph Henry is twenty-nine years old, he was
18 twenty-eight at the time, and the only way he knew how
19 to stop an argument was to kill the person he was arguing
20 with. Allowing him to be released from prison even as
21 a fifty-nine-year-old man endangers everyone he comes
22 in contact with because prison will not teach him a
23 different way to resolve conflicts. I can only believe
24 that his parents and the military tried and failed to
25 teach him right from wrong. His actions on February 21,

1 2019, show that Joseph was a danger to the community in
2 which he lives and in the community in which he visits.
3 The brutality of this -- of this execution-style shot
4 shocks the community and shocks the conscience. Joseph
5 Henry should not be allowed to endanger another citizen
6 in this county, state or country.

7 We would ask for a life sentence because his
8 decision to take a life should result in the rest of
9 his life being spent in prison.

10 THE COURT: Thank you.

11 CAPTAIN LAINTZ: Hello, Your Honor. I'm Jesse
12 Laintz with the Lexington County Sheriff's Department.
13 I'm a captain over investigations and special operations.

14 So we as the sheriff's department are taking the
15 stance that we are asking for life and the reason is
16 threefold. One is this case, like a lot of our cases,
17 has to deal with narcotics. This is a losing battle.
18 This is something we're not winning, we're losing right
19 now. We're losing so much that we are stopped from
20 looking at trying to stop the supply and we're starting
21 to look at demand. What does that mean? Is we as a
22 department are actually trying to work with people to
23 get them off narcotics to try to stop it and I think
24 that plays a big role in this case because you'll see
25 shortly from when the family talks is that this victim

1 was a normal person. She was someone that I could see
2 my daughter growing up to be and the problem is that a
3 little thing turned into a big problem with the use of
4 narcotics, turned into heroin, and heroin takes people
5 over. With the interaction that we've had with people
6 at the Dickerson Center and other places it is literally
7 taking people's lives over. So drugs are a battle that
8 we're losing and we need help and that's why I'm here
9 asking for life is because we need help to influence
10 that.

11 The other part is that -- number two of three
12 is that a lot of this had to do with a confidential
13 informant, someone that works with law enforcement.
14 Someone who is asking for law enforcement help to
15 deal with issues. And a person died that wasn't a
16 confidential informant, but happened to be a friend of
17 them and I think that speaks volumes. That's something
18 that we as a society can't accept, we can't allow that
19 to happen.

20 And the third one is probably the biggest one, is
21 the crime itself. So this was an execution. Riding
22 in the backseat of a car this individual shoots her in
23 the back of the head, in front of people, walked away
24 like nothing ever happened. An individual who has a
25 relatively small criminal history has the ability to

1 shoot someone in the back of the head and walk away
2 like nothing ever happened and carry on a conversation
3 saying, you know, I do what I say I'm gonna do, that's
4 scary. And because of that as a deputy of this county,
5 we can't stand for that. Our society expects more out
6 of people that live here and that is completely
7 unacceptable. As a deputy it is our job to stand
8 against evil. Our job is to separate society from the
9 evil that's present. There are times that we do our job
10 so good people think they don't need us. That wasn't
11 one of these, but protecting against evil, this is what
12 we're facing. Someone who executed someone because of
13 a possible CI because of a drug problem, it's our job
14 to stand in the way so society doesn't see that.

15 So the jury's now done their job and now I'm gonna
16 ask for your help to help us do our job, is that we can't
17 allow this to happen anymore. Those three things are big
18 to us and we can't allow those to happen, so for that
19 reason we're asking for your help to provide justice in
20 this and I think justice is life.

21 Thank you.

22 THE COURT: Thank you.

23 MS. MAYES: Your Honor, first is Jessica Deluca.
24 She is Alexis' older sister. And her brother, Jason
25 Azarigian.

1 JESSICA DELUCA: Good afternoon, Your Honor.

2 THE COURT: Good afternoon.

3 JESSICA DELUCA: My name is Jessica Deluca. I'm
4 Alexis' older sister and this is my brother, Jason
5 Azarigian. From the time we were in elementary school,
6 both of us dreamt about one day having a baby brother or
7 sister to love. This dream did not come true until we
8 were both in our later years of high school. We were
9 elated and could not wait to welcome our sweet baby
10 sister into our family.

11 From the moment she was born, Alexis was our life.
12 We were honored to be given the opportunity to be
13 positive role models and help create a loving and
14 nurturing upbringing for our little sister, Alexis. It
15 came naturally to us because we only knew love. We
16 adored the countless times spent with her as a baby.
17 Alexis had the most precious curls that melted our
18 hearts daily. She absolutely adored being with both
19 her big brother and big sister and we felt the same
20 way about being with her.

21 Throughout Alexis' childhood both of us were
22 creating our own paths into adulthood, but continuously
23 were a part of the amazing childhood opportunities and
24 experiences that were given to our little sister by our
25 mother and father. These experiences were endless and a

1 true gift. Alexis had nothing but a beaming smile on
2 her face whenever we saw her. Her love for her entire
3 family was matchless.

4 When Alexis was ten years old she was given the
5 honor of becoming an auntie to a niece and nephew. She
6 took this role very seriously. She spent many hours
7 entertaining them both with her vivid imagination. They
8 were both in love with their Auntie Alexis right from
9 the beginning.

10 As Alexis became a young adult, she worked very
11 diligently finding herself. She went to cosmetology
12 school, became a personal trainer and also worked at a
13 law office. No different than anyone else, she had ups
14 and downs and times where she doubted herself.
15 Unfortunately, that doubt took over and she became lost.
16 Not once did we as her brother and sister lose hope
17 because we knew Alexis had a firm foundation for love
18 and what was right. She was an extremely strong and
19 smart young lady.

20 On February 21, 2019, Alexis' chance of hope was
21 forever taken away by a malicious act of violence. She
22 was never given the chance to become the person we knew
23 she could be. She was never given the chance to be a
24 mother, she was never given the chance for her siblings
25 to become an aunt or an uncle, she was never given the

1 chance for her niece and nephew to have little cousins,
2 and it's because of those reasons and many more that
3 we feel like a life sentence is definitely what is
4 necessary to create safety for us in the future.

5 We will forever remember our sister in our hearts
6 and will never lose sight on what she was as a person.
7 Ever, ever. We love you, Alexis.

8 THE COURT: Thank you, Ms. Deluca.

9 MS. MAYES: Your Honor, Alexis' dad, Gary
10 Azarigian, is present in the courtroom. His victim
11 impact statement is a statement that he created in a
12 video format and we will play that for the Court at
13 this time. He made and created this all by his own
14 hands.

15 (Whereupon, Court's Exhibit Number 5 was played.)

16 MS. MAYES: Your Honor, Vicki Azarigian, Alexis'
17 mom.

18 MRS. AZARIGIAN: Good afternoon, Your Honor.

19 THE COURT: Good afternoon.

20 MRS. AZARIGIAN: I am Vicki Azarigian. This is
21 my husband, Gary. I am the mom of the victim, Alexis
22 Azarigian. I want to thank you for the opportunity to
23 speak in court.

24 Your Honor, this trial represents the journey for
25 justice. Justice for our precious daughter, Alexis

1 Victoria Azarigian.

2 As I speak today, my voice will be strong, direct,
3 clear, factual, intelligent, intense, and ever so
4 powerful for my daughter and justice for her. I'm an
5 unwavering force for justice for Alexis. I am her heart,
6 I am her soul, I am Alexis' voice.

7 I would imagine there is an overwhelming percentage
8 of people in this courtroom who have children and I ask
9 you at this moment to please take a second and think
10 about how your life would be when you as a parent
11 received a phone call. How when you went to bed the
12 night before and all was well with the world and the
13 next morning you get a phone call from the hospital
14 telling you that you need to get here right away. Your
15 child has been severely injured, you must get here now.
16 You ask unending questions. They tell you nothing. And
17 when you get there in what seems like an eternity they
18 place you in a small room and you wait. The doctors
19 come in with very solemn faces to tell you we are sorry,
20 we did everything we could, there's nothing more we could
21 do. We suggest you start making arrangements.

22 You sit there stunned, speechless. Your world has
23 stopped and your insides start to crumble and then you
24 have to wait an eternity again before they take you to
25 see your child and there she is lying motionless and the

1 machines are keeping her alive barely. I sincerely hope
2 that not a one of you will ever have to experience this.
3 The loss of your child is not natural, it's cruel and the
4 worst torture any parent could have inflicted upon them.

5 Bottom line, it doesn't really matter what happened
6 that morning because none of it can or will ever excuse
7 cold-blooded murder. The argument that preceded this
8 horrific act was an argument of deciding where to go
9 and when this evil, soulless person got his way it wasn't
10 good enough, a point had to be made, and so his vengeance
11 didn't stop.

12 Our Alexis was sitting in the front seat facing
13 forward with absolutely no knowledge whatsoever that
14 there was a gun in the car, let alone -- let alone that
15 this despicable, evil person would use it to kill her,
16 and that's what he did. He murdered our child and being
17 so smitten with himself proclaimed you know who I am, I
18 do what I say. Pluto had every intention of killing
19 Alexis with that statement he made. No remorse, no
20 sorrow, no panic, no feeling, no emotion. He just put
21 his gun back in his backpack and calmly walked away as
22 if nothing had happened, walked away leaving the scene
23 of a crime where he just murdered my child.

24 This heinous, evil and despicable violent crime
25 was committed out of anger and a total disregard for

1 human life. A soulless and cowardly act that is
2 unforgiveable and is not acceptable. Nothing can
3 excuse this deplorable, horrific, vengeful crime.

4 My daughter did not know these people. She was
5 not friends with them. She was a trusting soul of
6 people in need and didn't belong in this world that
7 destroyed her. Her addiction did not nor ever will
8 define who she was.

9 Alexis was raised in a very loving and compassionate
10 home. Alexis was always smiling and just exuded joy.
11 My child had the most giving heart and was always
12 wanting to make others feel loved and cared for. There
13 wasn't ever a time that when Alexis would have friends
14 over for a play date she would take them into her
15 playroom and say here, take one of my toys home with you,
16 I want you to have it.

17 She participated in many normal growing up
18 activities; dancing, tumbling, jump rope team, softball,
19 swimming lessons. Even when she would come up from
20 under the water during swimming lessons she would have a
21 smile on her face. I would call her my little Esther
22 Williams. But her most phenomenal achievement was her
23 extremely accomplished equestrian dream, a sport that
24 commands complete discipline, focus, determination and a
25 skill that was so fine tuned there was only perfection

1 that resulted. My girl always placed in the top three
2 during competitions, but that never really had any
3 impact on her at all. She was just having fun and doing
4 what she loved. Her passion. She will always be my
5 grand champion.

6 Alexis had a heart of gold to help others and a
7 very important fact is that heart continues to beat
8 proudly today. Our daughter was an organ donor and
9 selfishly gave the gift of life to others. Her mark in
10 this world, a mark of heroism, kindness and good, the
11 ultimate act of sacrifice.

12 It was so easy to fall in love with Alexis. Her
13 smile, her beautiful eyes, her infectious laugh and her
14 very large loving heart. She could truly mesmerize you.
15 She had an uncanny sense of humor and would get us caught
16 up with her silliness and lighthearted approach. She was
17 extremely whimsical, but she had her feet on the ground.
18 She kept us grounded and always put a positive spin on
19 any situation.

20 We did so many things with Alexis. It's impossible
21 to drive down the street or watch a television program,
22 a commercial, a song, a smell, a certain food, without
23 it triggering a gut-wrenching raw feeling of loss and
24 despair. We will never get this quality time back. We
25 will never have dinner together, vacations, lunch,

1 shopping, nothing.

2 I will never stop talking about the deep cellular
3 love for my Alexis. I will never stop honoring her
4 daily. I will never stop sharing her life and I will
5 never stop fighting for justice for her. Her life was
6 brutally ripped away from her, her dreams, her goals,
7 her successes, her path in life on this Earth destroyed
8 by an act that was callus, cruel, heartless and full of
9 intention by this person to kill her. He destroyed her
10 life and in doing so destroyed us, her parents, her
11 brother and sister, and the rest of our family leaving
12 us in utter despair, loneliness and sorrow for our
13 Alexis.

14 If it weren't for COVID, I could fill this courtroom
15 a million times over with people to show the strength and
16 support for Alexis and for absolute justice in her name.
17 That justice and sentence for Joseph Henry being life in
18 prison until his natural death.

19 Our society has lost all sense of right and wrong
20 and it is time to stop that and make accountability
21 forefront in the brains of the criminals and let the
22 repercussions equal the crime so the next person will
23 think twice before they murder someone. There is no
24 gray area. Gray causes chaos and no adherence to what
25 is morally and legally right. It will not stop until

1 our society has the guts to reel it in and get it under
2 control. No one in this room is exempt from this
3 happening to them. No one. Joseph Henry, Joe, Joe
4 Brown, Pluto, whatever you want to call him had every
5 intention of murdering my child. He targeted only my
6 child; otherwise, he would have killed them all leaving
7 no witnesses.

8 As I've said before, there will be no new memories
9 with Alexis and us, no more smiles or laughter, no tears,
10 no successes or defeats, no adventure, no wedding day or
11 the birth of her child. Nothing. This message should be
12 pulling at your heartstrings for justice. Justice for my
13 child's life that was brutally ripped away from her, from
14 us. Anyone who thinks they have unlimited power to take
15 one's life and does is clearly delusional and is void of
16 the value of life, is heartless and guilty. This was a
17 crime full of hate. It was a hate crime. There is no
18 other course of action but to find Joseph Henry guilty of
19 murder, the murder of my child, and to spend what is left
20 of his natural life in prison.

21 I'm a mom who has lost her child, her best friend,
22 her mortality. I am pleading with you to see the
23 unfathomable devastation this serpent has forced upon
24 us and I know you will in your infinite wisdom and the
25 trust this court has placed upon you, you will find him

1 guilty of murder in the highest degree and choose the
2 punishment that fits the crime. We want to see the
3 maximum sentence possible. That sentence for Joseph
4 Henry is life in prison until his natural death.

5 Thank you.

6 THE COURT: Thank you, Mrs. Azarigian.

7 MS. MAYES: Your Honor, you have seen photos of
8 Alexis in life and we are going to pass up now for the
9 Court a copy of the autopsy report and the autopsy photo
10 depicting the nature of the gunshot wound that took her
11 life.

12 THE COURT: I pre -- I've obviously seen the photo
13 previously. I presume that the autopsy report is
14 pretty much similar to what was testified to by the
15 forensic psychiatrist {sic}?

16 MS. MAYES: Yes, sir, Your Honor.

17 THE COURT: All right. Anything further from the
18 State?

19 MS. MAYES: Yes, sir, Your Honor.

20 That's all.

21 THE COURT: Okay. I asked if there was anything
22 further. Okay.

23 MS. MARTIN: She couldn't hear you.

24 THE COURT: All right. Mr. Mauldin, Mr. Madsen,
25 I'm happy to hear from you and certainly Mr. Henry or

1 any member of his family that wants to speak on his
2 behalf.

3 MR. MAULDIN: Thank you, Your Honor.

4 Obviously you've seen Joseph's side of the courtroom.
5 He does have family support and there are friends and
6 family that have come in and out that you may or may not
7 have noticed.

8 He is thirty years old, twenty-nine when arrested.
9 He's from the Irmo area. His family is from South
10 Carolina. His father is an attorney. He graduated
11 Dutch Fork -- Dutch Fork High School in 2008. In 2009,
12 he went into the Air Force. He had an accident in
13 training about six months in dislocating his shoulder
14 and received a discharge out because of that. He's
15 worked with his father at the law office for several
16 years answering the phones, composing letters, that sort
17 of thing. He did work for DSS for a period of time as a
18 court liaison where he would take notes on hearings and
19 prepare orders for the judges to sign about the results
20 of those hearings.

21 He did go to Midlands Tech for three semesters
22 studying for his Associate of Arts and around the time
23 of his arrest he had still been studying there as an
24 EKG specialist to try to become a member of that field.

25 Obviously he's twenty-nine years old, Your Honor.

1 His record's very minimal. There are no prior assaults
2 or anything of that nature on his record and we hope
3 Your Honor would certainly consider that.

4 Obviously we all know the penalty for the crime
5 here today, Your Honor, and I fail to see how thirty
6 years day for day is getting away with something and I
7 would ask Your Honor obviously to consider going towards
8 that side of the sentencing range.

9 That's all I would have to say. I believe some of
10 his family did wish to speak.

11 THE COURT: Certainly.

12 MR. HENRY, SENIOR: Good afternoon, Your Honor.

13 THE COURT: Good afternoon, sir.

14 MR. HENRY, SENIOR: I'm Attorney Joseph Henry.
15 This is my wife Senna (ph.). I'm the father of Joseph
16 Henry and I've sat here in your courtroom throughout this
17 week listening to the presentation of State's case against
18 my son for murder. I understand and can appreciate the
19 sincere and profound sense of loss experienced by the
20 Azarigian family. I also am experiencing a loss. I
21 have a son who's been brought into this system, who has
22 been accused of a heinous crime. That accusation does
23 not fit the son that I know. I've heard characterizations
24 by people who have never met my son. People who have
25 never even been face to face with him, but they have

1 summed up what they believe to be his character before
2 this Court. What is that based upon? What basis do any
3 of these people have for the characterizations that
4 they've presented?

5 The evidence in this case has been presented and
6 you heard and saw the flaws in the investigation which
7 means that there's a lot -- there are a lot of questions
8 here that have not been answered. There are a lot of
9 questions which could have been answered, but because
10 decisions were made to not pursue the avenues to gain
11 answers to those questions, those questions remain even
12 now.

13 It is astonishing to me that the jury was able to
14 come to a decision and a verdict of guilty on a murder
15 case with those kind of questions lingering in the air.
16 Standard operational procedures that were not followed
17 that could have answered a lot of these questions. No
18 testing of gunpowder, stippling, no checking into the
19 background of the people who are telling you what
20 happened at the scene who were present there and who
21 themselves should have been suspects. Not even so much
22 as questioning or being taken to the station to have
23 their stories evaluated properly. Their word was taken.
24 They were not even checked out before the word of those
25 were taken I don't think by the officers I do believe,

1 so why was their word so valid? Why were they not
2 suspects in the very case that they -- that they came
3 to testify in? What is it that made them credible? You
4 heard their histories, you heard their background, you
5 heard their inconsistencies in their stories. The young
6 lady, Katie, testified that when the victim was shot she
7 was sitting up in the car, she slowly slumped over, fell
8 onto the shoulder of Josh. Where was the blood on his
9 shoulder? Josh testified that the victim fell over in
10 his lap when he turned into -- when he turned into the
11 church's parking lot. Where was the evidence of the
12 blood in his lap? Katie also testified that Josh pushed
13 the victim off of him when she fell on him. Why didn't
14 Josh tell you that? And the officers trusted Josh,
15 they trusted Katie, and what did we find out in their
16 testimony? That that trust was not even worthy of being
17 given to them because, A, they were committing a crime
18 right under the nose of the officers.

19 Now I sympathize with the Azarigian family. Anybody
20 who loses a child is certainly suffering a tremendous
21 loss and that's certainly not something to take lightly,
22 but, Judge, when you suffer a loss it is not justice
23 simply to bring someone before the court on suspicious
24 evidence and seek to have them -- have their lives
25 changed and ruined as well. That doesn't bring you back

1 your loved one. That doesn't fix the thing that
2 happened.

3 We need to be sure that in our justice system we
4 do not fall into trying to resolve something by putting
5 someone through an improper punishment simply because
6 we suffered a loss and we feel grief. It is certainly
7 not a surprise to any of us that there have been a number
8 of cases that have had to be revisited years after the
9 fact because of that very thing. We've had people
10 released from prison after twenty or thirty years of
11 serving because of what, rushing to judgment, not
12 answering questions that needed to be answered before
13 judgment is rendered. Jury trials. A lot of these
14 people were tried by jury -- juries. Excuse me. This
15 is an indication that the jury system is not perfect,
16 that juries can be and often are wrong. In this instance,
17 I believe this is one of those cases, but the jury has
18 spoken so we have to abide by what the jury has decided
19 and trust in this system of justice that we have. That
20 will have to do, but that does not mean that the Court
21 should go down the road of allowing for severe punishment
22 while this issue lingers.

23 Ms. Azarigian had a life, so does Joseph. Joseph
24 has a loving family as well. I've known Joseph for
25 thirty years. I know him personally. I am his father.

1 I saw him from birth through today. I experienced the
2 growth in his life. I experienced the happiness that
3 we have with him. And, yes, just like Alexis and many
4 others he has fallen into drug usage. Is that something
5 that we wanted for him? No. He's also gone to a rehab
6 program, he's also relapsed. What I want the Court to
7 keep in mind is that we don't punish people for having
8 addictions. A case of addiction does not make you a
9 murderer.

10 Joseph, I can tell you from my own knowledge of him,
11 is not an animal or the murderer that he has been made
12 out to be here. He is a loving and kind gentle soul.
13 He's been made out to be a cold-blooded killer, someone
14 without emotion, someone whose eyes turned black when
15 he's threatening someone. I have lived for sixty-one
16 years. I have yet to experience anyone whose eyes change
17 color and turn into some demonic possessed person I guess
18 when they get angry. He has been portrayed as someone
19 who can't control his anger, some animalistic being who
20 gets in an argument and his only way of resolving the
21 argument is to kill the person that he's arguing with.

22 He's had plenty of arguments in his life. I've
23 never known him to kill anyone or even injure someone.
24 His former friend, the one that they say is his former
25 friend, Ms. Winters, he was bitten by her so badly on his

1 finger that he had to go and seek medical attention and
2 had to seek physical therapy to try to rehabilitate his
3 finger. Did he kill her? No, because that's not who he
4 is. And he's gonna kill you simply because he gets in
5 an argument? Why wouldn't he kill you if you bite his
6 finger to the bone and leave it mangled? If that's what
7 we're dealing with, it seems like we would have more of
8 a history of violence. He doesn't have a violent history
9 because he's not a violent person. He's been a loving
10 son to us. He's been a loving nephew, cousin and big
11 brother, and the person portrayed before this Court is
12 not the person I know, and I know him personally.

13 So a life sentence is not appropriate for someone
14 who is in his position. He is not a murderer despite
15 the verdict here which we think he needs to be reviewed.
16 He's not a violent murdering person who has no soul like
17 he's been portrayed before this Court.

18 Thank you.

19 THE COURT: Thank you, Mr. Henry.

20 THE COURT: Yes, ma'am.

21 MRS. HENRY: Good afternoon.

22 THE COURT: Good afternoon.

23 MRS. HENRY: My name is Senna Henry and I am
24 Joseph's mother. It is said that it does not matter
25 what happened that morning, but I disagree. It matters.

1 Your daughter was killed and then my son was chosen to
2 be the murderer, so it matters what happened. My son's
3 name is Joseph Randolph Henry. Not the Joe Brown that
4 he was called by certain witnesses that swore they knew
5 him so well. Not the Henry Randolph that he was called
6 when they were searching for pictures of him. His name
7 has always been Joseph Randolph Henry. People call him
8 Joe. So I question how well the so-called credible
9 witnesses actually knew him. It's easy to find out where
10 someone lives. All you've got to do is Google it.

11 Now a Chad Andrews was mentioned as being Alexis'
12 great friend, so obviously she knew him, must have known
13 him pretty well. She was willing to transport him, ride
14 with him, have him go out with them. She went behind a
15 dumpster with him, so obviously she knew him well. Did
16 she know his record, his long record of criminal activity?
17 She could have. And they knew. All you've got to do is
18 Google it.

19 Josh. Josh Murray. Well, she went off with Josh.
20 There was different stories about she picked up Josh, he
21 went with her in her car, they came back, so obviously
22 she knew Josh very well. The other witness that
23 testified against my son, well, did she know that he had
24 a long criminal record? That he had been in prison? It
25 was mentioned during the trial that Josh had convictions

1 of assault and battery. That's a deliberate action to
2 hurt someone. And also conspiracy, which means from --
3 from what I understand, a willingness to get together
4 with someone and make a plan happen. A criminal act.
5 All of them. Oh, and the other thing about Chad Andrews,
6 her great friend that she knew and she trusted, he was
7 recently arrested for impersonating police officers, him
8 and two other people. That was -- you can Google it. It
9 was in the news. He bonded out for impersonating police
10 officers with two others, all of which is a criminal act.
11 But you say you know my son. You never met him, you
12 never talked to him. You didn't know my son. I knew
13 him the moment I heard his heart beat at six weeks inside
14 of me and at that moment I fell in love with my son.

15 Some things about my son that no one took time to
16 find out, and I'm gonna refer back to that incident my
17 husband mentioned about Ms. Winters, who was his
18 girlfriend. Yes, she attacked him. She injured him and
19 when Lexington county police department came they didn't
20 take my son because he was a threat to her, they took her
21 in and kept her. So if someone physically attacks you,
22 injures you so much that you get an infection and have
23 to go to the hospital and you did not retaliate in any
24 manner, that is not the son of someone who will kill
25 someone for a simple disagreement.

1 Now Chad Andrews is known for some other things
2 besides being an informant. People need to do their --
3 their history. They need to -- they need to review the
4 history because he has a long record, him and Josh. The
5 other thing about my son, that same girlfriend he had,
6 he met her on the street. She had been kicked out of
7 her home by her grandmother. She's living on the street.
8 He met up with her somewhere, maybe at a Dunkin' Donuts
9 or something, and when he heard her story he offered her
10 a place to stay. He invested something like \$3,500 total
11 to help care for her.

12 He had a home. He was trying to help care for this
13 girl and then I guess as things happened they decided to
14 date and then they moved to the home that she had been
15 kicked out of, the home that her grandmother had kicked
16 her out of, the home that her grandmother owned, and he
17 lived there and he paid -- he paid some of the bills
18 there. The grandmother at some point didn't want either
19 one of them there, so she tried to evict. They went to
20 court. He had to present that situation to a judge and
21 guess what? They found for him and actually he was in
22 the process because he was advised to countersue so he
23 could get his money back because he cared for her when
24 her own family didn't care about her. This is not the
25 action of someone who will murder someone.

1 All of us saw the film during the motion hearing.
2 We saw a young man who questioned why was he being
3 stopped. All of us saw that. He questioned why am I
4 being stopped? I'm not wearing the clothing that you
5 said the perpetrator was wearing. What they didn't --
6 they said I'm wearing all gray. What about these big
7 old camo pants? Everybody saw that. And then when he
8 was eventually taken into the, what, LCDC to be, I
9 guess, interrogated my son broke down and cried because
10 he couldn't understand what happened. That is not the
11 behavior of a cold-blooded murderer no matter what any
12 of you have tried to -- to display. You know it's a
13 lie.

14 My son was a fencer. So good, in fact, that when
15 he was at USC it was recommended to him, to his father,
16 that he train for the Olympics. My son was a classical
17 guitarist. He was able to finger that thing, what,
18 six finger playing that was something that most people
19 couldn't master. He sang on the chorus in high school
20 and for good and bad he was a social butterfly. My son
21 believed pretty much that everyone was his friend. And
22 he was the type of person that if he felt you needed
23 something, he would try to help.

24 That is who Joseph has been since he was a toddler.
25 As a toddler he told a grown man please don't smoke and

1 the man's asking him why. Because God loves you and you
2 shouldn't smoke. My son was raised with values. He was
3 not a beast. It was not that his parents didn't have
4 values or faith or religion so much so that when all of
5 this stuff happened I told one of their people that was
6 with them because she approached me and said something,
7 I said I pray that the family's heart will heal. There's
8 my Christian values.

9 THE COURT: Mrs. Henry? Ma'am? Mrs. Henry?

10 MRS. HENRY: Well, I'm sorry. They have spoken.

11 THE COURT: No, no. I understand. I would --
12 sincerely though it will probably be better if you
13 address your -- your remarks -- I will give you all day
14 long to talk for as long as you want to talk, but if you
15 would address them to the Court as opposed to the other
16 side I think that will be more productive and perhaps
17 more beneficial to your son's cause.

18 MRS. HENRY: Okay. And I apologize if I was doing
19 something inappropriate.

20 THE COURT: Mrs. Henry, I understand that there's a
21 great deal of emotion involved here. You have no -- no
22 obligation or need to apologize, ma'am. Just, if you
23 could, talk to me, please.

24 MRS. HENRY: Okay. My son wanted to join the Air
25 Force and he did and the reason I didn't want him to

1 join was because as much as we value our military, we
2 know that when you go to war you will have to kill very
3 often and I knew my son did not have that spirit within
4 him. He was more an artist, a musician, a joke teller,
5 not someone I thought would be a great candidate for the
6 military as far as the actions that would need to take
7 place. My son's heart breaks when he sees others injured
8 or in trouble. So, yes, he went in there willing. I
9 tried to be supportive, you know, and he came home
10 because of an injury and then he started with the VA.
11 He started his benefits, but when that injury came to be
12 they loaded him down with medications. My concern was
13 that they would be addictive and as we find out most
14 painkillers are, but he worked with the VA for a while.
15 They had him in a position of trust fiduciary because he
16 had that kind of trust, he had that kind of clearance
17 because he was a decent person.

18 My son also practiced the martial arts. He's a
19 quick learner. He did well. There were children in
20 those programs and they all gravitated toward him
21 because my son has a big heart. He loves people, he
22 loves children and they tend to love him, too.

23 My son does not have anger management issues. He's
24 like any other person, but his anger has never led him
25 to try to kill someone. Even I have thought about

1 killing someone that has made me angry. I've never
2 done it. My son has not done it and this trial has
3 not convinced me one iota that he did this.

4 From what I recall seeing in some of this hearing
5 was also that there was a K-9, but the K-9 never alerted
6 on my son. The K-9 alerted on someone else. And because
7 they didn't have a problem with that person, they let
8 that person go. So although my son wasn't dressed the
9 way the witnesses said he was dressed, even Ms. Council
10 got that mixed up until we heard the video -- I mean,
11 the audio. I guess she was encouraged to say one
12 thing, but the audio found that she lied about how he
13 was dressed. Mistaken. Mistaken. I'm sorry. I'm not
14 an attorney, I'm a mom. And I guess I feel on some
15 level that if this mother who I respect because she is
16 a mother, who my heart breaks for because she lost a
17 daughter, the same fear that I had in me about my son,
18 but if she can speak to my son and about my son like
19 that, excuse me, if I say one or two things that are --
20 that aren't appropriate.

21 Even while my son has sat in Lexington County
22 Detention Center for what I think is nineteen months,
23 the person that he is and has always been has been
24 consistently revealed. When I send money for my son to
25 have to buy something on the canteen, he shares that

1 with anyone else that's there. And I asked him why
2 because me, I don't know if I could be that generous,
3 because, one, I would be so angry to have been placed
4 in that position and knowing that I wasn't guilty of
5 anything, I don't know how I would respond. He tells
6 me mom, there are people here whose family never calls,
7 there are people here who no one ever visits and no one
8 certainly puts money on their account. So, yeah, mom,
9 buy the extra and if I see someone sitting around and
10 they hadn't had anything, I share it with them. This is
11 not a murderer, a cold-blooded murderer, a cold-blooded
12 human being, a beast, which I -- I have to say is a term
13 that many black men have been called, a beast, an animal,
14 just because of what they look like.

15 Can I just ask my husband if I'm permitted to say
16 something?

17 THE COURT: Sure. Yes, by all means, Mrs. Henry.

18 MRS. HENRY: My husband is an attorney as he said.
19 I've worked in his office for a number of years assisting
20 in civil and criminal matters and I have seen very often
21 how the system does not always work and I think all of
22 us have to agree that that's not an exaggeration. I'm
23 not lying. I'm not using hyperbole. It happens and it
24 happens a lot. I'm just very concerned in part that
25 there was no diversity in this investigation at all and

1 that the only person that was seen as a suspect was my
2 son who looked vastly different from every single person
3 in the car and during the investigation and I think
4 there's something wrong with that because the facts do
5 not add up.

6 And I just want to know as the mother of the victim
7 inquired, think about how you would feel if it was your
8 child. Well, one, I thought about that. I thought about
9 that for all the time that my son was out there like her
10 daughter, like Josh and -- and Chad and -- and Katie
11 using drugs, what would happen if something happened to
12 him, would anyone call me even, would anyone even call
13 me because of what he looks like.

14 But I also say that while my heart breaks for the
15 mother and father and family, think about how you would
16 feel if it was your child who was accused without anyone
17 else being suspected simply because they just seemed
18 credible. Why? Why did they just seem credible? My son
19 didn't run, he didn't hide. And to be truthful, I don't
20 know what happened or how it happened, but he didn't run,
21 he didn't hide. He was there, he didn't fight. He did
22 what he was asked to do, the things that we all tell our
23 sons in particular what to do when you are stopped, and
24 that is to cooperate, and that is what he did.

25 I have always admonished him -- I have always

1 admonished him to stay out of Lexington county. Not
2 that I never come to Lexington to do some shopping, but
3 then I'm not a young black male hanging out with people
4 who are doing drugs with the potential of being stopped.

5 I like justice, but justice has to be fair. It has
6 to be balanced. Justice has to be balanced and fair and
7 I just don't see the justice of that decision. I don't
8 see the justice of what happened on the prosecution side
9 because there was so much that they didn't do, they chose
10 not to do, they wouldn't look into doing and, to me,
11 that's not just. And it's not just to condemn someone
12 innocent to a life sentence for something they didn't do.

13 Thank you.

14 THE COURT: Thank you, Mrs. Henry.

15 Mr. Mauldin? Mr. Madsen?

16 MR. MADSEN: Judge, just briefly. I can tell you
17 in the entire time that I have dealt with Joe he has
18 always been respectful, he's always asked intelligent
19 questions. As you can imagine, I've handled more murder
20 cases over the last decade than I care to count and that
21 is not always the case when dealing with some of my
22 clients. I've never seen him get angry, I've never
23 seen him yell. Like I said, he's always struck me as
24 being an intelligent young man.

25 I will tell you I've known his dad for probably

1 twenty years and he has a stellar reputation as an
2 attorney and I've handled cases against him decades ago
3 and known him ever since then.

4 I would echo, Judge, the sentence Mr. Mauldin told
5 the Court. I don't think that a thirty year day for day
6 sentence is a slap on the wrist. I certainly think that
7 would be an appropriate punishment and that's what we'd
8 ask Your Honor to consider.

9 THE COURT: Thank you Mr. Madsen.

10 Mr. Henry, I always -- the Defendant in all cases
11 that I try and most judges try, the Defendant always has
12 the last word and I'm more than happy to hear anything
13 you may want to say to me or any concerns that you want
14 to express, sir.

15 THE DEFENDANT: Well, Your Honor, there's not much
16 that I would like to say. I would just say that I love
17 my family and that I'm sorry for their loss.

18 THE COURT: Thank you very much, Mr. Henry.

19 I am correct, Mr. Mauldin, that Mr. Henry's been
20 in jail since the incident date, February 27th?

21 MR. MAULDIN: February 19th, Your Honor.

22 THE COURT: The sentencing sheet --

23 MR. MAULDIN: I mean, February 21st of '19.

24 THE COURT: The sentencing sheet said February 27th,
25 but I think you're right, it was February 21st. Yeah,

1 it was February 21st.

2 All right. To Mr. Henry and to his family and to
3 the family of Alexis Azarigian, what I -- what I said
4 before the jury came back in, it -- it still stands. I
5 don't know any of you and possibly one of the hardest
6 parts of this job is to come into a situation as tragic
7 as this one is and to deliver something which is maybe
8 loosely called justice.

9 And, Mr. and Mrs. Azarigian, justice in this case
10 would be your daughter being able to be brought back to
11 life, okay, and for her to be with you and for you to be
12 the grandparents of her kids and for her to drop them off
13 at your house and for you to take the exact same sort of
14 pictures of them as you took of Alexis. That would be
15 justice.

16 And, Mrs. Henry, I do hear what you are saying,
17 ma'am, and I don't disagree with a lot of it. Some of
18 it I do, but I do hear in your voice and what I'm hearing
19 you tell me more than anything else is that you have a
20 mother's love for your son and that's not going to change
21 and that regardless of what people say he did, even if
22 you believed it, which obviously you do not, you still
23 love him, and I hear that loud and clear. And the fact
24 that we have two families here who have so much love for
25 their children, maybe it's the one positive thing that

1 I'm going to take away from this moment personally.

2 On a personal level, perhaps one of the best -- as
3 best a position as anybody to have a certain measure of
4 empathy for both sides of this case, Mr. Azarigian,
5 Mrs. Azarigian, my daughter is not much younger than your
6 daughter was when she was killed and, Mrs. Azarigian,
7 when you say that the absolute horror of having to bury
8 your daughter, the way that time stops when you got that
9 phone call and you showed up at the hospital and you were
10 waiting in that room, as a father of a daughter I can
11 promise you I -- I understand where you are coming from.
12 Not that I've experienced what you have experienced, and
13 I'm with you, I pray that it never happens to me, but I
14 can imagine it happening and I can only imagine, only
15 imagine, not fully appreciate, but I can only imagine
16 what you and your family have been through and I am
17 eternally sorry that you have had to experience that.

18 I'm also the father of a son who sometimes screws
19 up and I love that boy as much as I love my daughter
20 and so, Mr. and Mrs. Henry, I understand where you are
21 coming from. I would be in my son's corner in five
22 minutes if he were accused of any kind of wrongdoing
23 and it would take more evidence than could possibly ever
24 be generated for me to believe that he was capable of
25 something like what they have accused your son of, so I

1 understand where you are coming from.

2 Mr. Azarigian, the same pictures that you showed a
3 short while ago, I've got the same photos of my daughter.
4 We live on a lake, too, and I've got shots of her in the
5 water, in the pumpkin patch at Halloween, her favorite
6 holiday, riding a horse that belongs to my in-laws. I've
7 got those same photographs.

8 And I've got the same memories, Mr. and Mrs. Henry,
9 that you shared as far as your son is concerned.

10 Folks, I am not here to judge a person, I am here
11 to judge a crime. There are times when I do hope to
12 send a message with the sentence that I give to the
13 broader community. To the extent that this sentence
14 is a message, then so be it, but what I am trying to do
15 more than anything else in this case is to do justice to
16 both sides.

17 And, Mr. Azarigian, Mrs. Azarigian, I don't know
18 that it will come as any comfort, but in my faith
19 experience there's a passage from John basically that
20 said that no greater love hath a man than he would lay
21 down his life for his friends. That passage in my faith
22 journey is often interpreted as granting eternal life
23 to anyone who is willing to give up their life so that
24 someone else lives, and both literally and figuratively
25 your daughter's heart, it still lives on. It lives on

1 in someone else's body and it lives on in your memory
2 and I want you to cling to that.

3 Mr. Henry, you have been convicted of a very, very
4 serious crime. It's the most serious crime under the
5 law. Again, I am here not to judge you, sir, I am here
6 to judge a crime. If I believed for a moment that you
7 were not guilty of this crime, sir, I would grant your
8 attorney's motion for a new trial, and that's simply
9 where I am. Were there problems with the State's case?
10 Yes. Could it have been stronger? Perhaps. But at
11 the end of the day, Mr. Henry, I'm not gonna call you a
12 murderer, but you are guilty of the crime of murder.

13 I've taken into account your relatively minor
14 prior criminal history, I've taken into account that
15 this was a defensible case, and that's key. This was a
16 defensible case. It's not a situation where someone is
17 simply wasting the time of the Court. I've also taken
18 into account, of course, your service to the Air Force.

19 I've taken into account also, of course, that you
20 have snuffed out an innocent life and we can never get
21 that back. I believe that you did it in a moment of
22 obscene rage, but it still stands that she did not need
23 to die, you did not need to kill her.

24 Mr. Henry, on the charge of murder, and that's
25 Indictment 606, the sentence of the Court is that

1 you're committed to the Department of Corrections for
2 thirty-five years. On Indictment 607, that's the
3 weapons charge, the sentence of the Court is that
4 you're committed to the Department of Corrections for
5 five years. The five year sentence will be consecutive
6 to the thirty-five year sentence, so you do have forty
7 years to serve for these crimes. You will receive
8 credit for time served since February 21st of 2019.

9 Mr. Henry, you have ten days to file a notice of
10 intent to appeal in this matter and I'm certain your
11 attorneys will go ahead and take care of that. You
12 have one year from the exhaustion of any appeal to file
13 any action for post-conviction relief.

14 Mr. and Mrs. Henry, Mr. and Mrs. Azarigian, I'm
15 terribly sorry to make you-all's acquaintance under
16 these circumstances. I wish everyone within earshot of
17 my voice peace and hope.

18 This matter is concluded and Godspeed to you-all.

19 We're off the record.

20 (Whereupon, the proceedings were concluded at
21 3:44 PM.)

22

23

24

25

2019A3210200373
STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Lexington

THE STATE 19003503
against

Joseph Randolph Henry

Address:

Irmo, SC 29063-8640

Phone: _____ SSN: _____
Sex: M Race: B Height: 6 2 Weight: 180
DL State: SC DL #: _____
DOB: _____ Agency ORI #: SC0320000
Prosecuting Agency: Lexington County Sheriff
Prosecuting Officer: Sandra K Black - A00861
Offense: Murder / Murder

Offense Code: 0116
Code/Ordinance Sec: 16-03-0010

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of _____
The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Joseph Randolph Henry
on 02-27-2019
Sammuel E Owens, LCSP
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
Mark H. Westbrook Judicial Center
205 East Main Street
Lexington, SC 29072

ORIGINAL

Lexington City Sheriff's Dept.

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Lexington

Personally appeared before me the affiant Sandra K Black who
being duly sworn deposes and says that defendant Joseph Randolph Henry
did within this county and state on or about 2/27/2019 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Lexington)
in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

On 02-21-19 at approximately 07:44 am, the defendant, Joseph Randolph Henry, did with malice aforethought kill the victim,
Alexis Azarigian by shooting her. The defendant threatened the victim saying, "I'll kill you" before shooting the victim in the head.
The defendant then fled the scene on foot. The victim died as a result of her injuries on 02-22-19. Law Enforcement obtained
voluntary statements from several witnesses and photographed the scene. This incident occurred at the 3900 Block of Augusta Rd.,
which is in the West Columbia area of Lexington County South Carolina. The case number for this incident is 19003503.

Signature of Affiant

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Lexington

Affiant's Address 521 Gibson Road
Lexington, SC 29072-
Affiant's Telephone _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/27/2019 defendant Joseph Randolph Henry
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Lexington) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me
on 2/27/2019

Signature of Issuing Judge
Brian Norman Buck
Judge Code: 7322

(L.S.)

Judge's Address 521 Gibson Road
Lexington, SC 29072-
Judge's Telephone (803)951-2518

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

RECEIVED

OCT 15 2020

SC Court of Appeals

A TRUE COPY
Lex. Co. C.O.C.P., G.S. & F.C.

BAIL set by

Judge

on

Type and Amount:

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS



2005-5-11 4:27

2019A3210200374

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Lexington

THE STATE

19003503

against

Joseph Randolph Henry

Address:

Irmo, SC 29063-8640

Phone:

SSN:

Sex: M Race: B Height: 6 2 Weight: 180DL State: SC DL #:DOB: Agency ORI #: SC0320000Prosecuting Agency: Lexington County SheriffProsecuting Officer: Sandra K Black - A00861Offense: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathOffense Code: 0549Code/Ordinance Sec: 16-23-0490This warrant is **CERTIFIED FOR SERVICE** in the☐ County/☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Joseph Randolph Henry on 02-27-2019Danniel E Owens, LCSD
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

Mark H. Westbrook Judicial Center FEB 27 2019

205 East Main Street

Lexington, SC 29072

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Lexington City Sheriff's Dept.

Signature of Issuing Judge

Brian Norman Buck

Judge Code: 7322

(L.S.)

on or about 2/27/2019defendant Joseph Randolph Henry

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/☐ Municipality of

Lexington

) as set forth below.

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 2/27/2019Judge's Address 521 Gibson RoadLexington, SC 29072-Judge's Telephone (803)951-2518Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Lexington

Affiant's Address 521 Gibson RoadLexington, SC 29072-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/27/2019defendant Joseph Randolph Henry

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/☐ Municipality of

Lexington

) as set forth below.

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 2/27/2019Judge's Address 521 Gibson RoadLexington, SC 29072-Judge's Telephone (803)951-2518Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

☒ County/☐ Municipality of

Lexington

Personally appeared before me the affiant Sandra K Black whobeing duly sworn deposes and says that defendant Joseph Randolph Henrydid within this county and state on or about 2/27/2019

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/☐ Municipality of

Lexington

in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 02-21-19 at approximately 07:44 am, the defendant, Joseph Randolph Henry, did with malice aforethought kill the victim, Alexis Azarigian by shooting her. The defendant threatened the victim saying, "I'll kill you" before shooting the victim in the head. The defendant then fled the scene on foot. The victim died as a result of her injuries on 02-22-19. Law Enforcement obtained voluntary statements from several witnesses and photographed the scene. Murder is considered a violent crime according to SC State Law Section 16-01-60. This incident occurred at the 3900 Block of Augusta Rd., which is in the West Columbia area of Lexington County South Carolina. The case number for this incident is 19003503.

RECEIVED

OCT 15 2020

A TRUE COPY

Lex. Co. C.O.P., G.S. & F.C.

BAIL set by
Judge BW2
on 2/18/19
Type and Amount: DENIED
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____

Decision: _____

DISPOSITION before
Judge _____
on _____
by _____
(Indicate jury trial, bench trial, plea, not pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



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OCT 15 2020

SC Court of Appeals

WITNESSES

Lexington County Sheriffs Department

Sandra K Black

Law Enforcement Case #: 19003503

LSM

ARREST WARRANT NUMBER

2019A3210200373

ACTION OF GRAND JURY**TRUE BILL**Foreperson of Grand Jury
Date: 3/09/20

VERDICT

Guilty

Foreperson of Petit Jury
Date: Oct. 5, 2020DOCKET NO. 2020GS3200606**The State of South Carolina**

County of Lexington

COURT OF GENERAL SESSIONS

MARCH TERM 2020

THE STATE

vs.

Joseph Randolph Henry

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

S.R. Hubbard III, SOLICITOR**A TRUE COPY**

Lex. Co. C.C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

also known as to the State of South Carolina)

INDICTMENT FOR

Murder

§ 16-3-10010

SCANNED 3/10/2020

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

That **Joseph Randolph Henry** did in Lexington County on or about February 21, 2019, unlawfully kill one Alexis Azarigian with malice aforethought, either express or implied, to wit: did shoot the victim with a firearm, resulting in her death, in violation of § 16-3-10, Code of Laws of South Carolina, 1976, as amended.

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



Suzanne Mayes
DEPUTY SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Sandra K Black

Law Enforcement Case #: 19003503

ARREST WARRANT NUMBER

2019A3210200374

ACTION OF GRAND JURY**TRUE BILL**Foreperson of Grand Jury
Date: 3/09/20**VERDICT***Guilt*Foreperson of Petit Jury
Date: Oct. 5, 2020DOCKET NO. 2020GS3200607**The State of South Carolina**
County of Lexington**COURT OF GENERAL SESSIONS**

MARCH TERM 2020

THE STATE

vs.

Joseph Randolph Henry

CDR #: 0549

Indictment for

Possession of a weapon during
Commission of a Violent Crime

§ 16-23-0490

S.R. Hubbard III, SOLICITOR**RECEIVED**

OCT 15 2020

SC Court of Appeals

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

INDICTMENT FOR
Possession of a weapon during commission of a
Violent Crime

§ 16-23-490

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

That **Joseph Randolph Henry** did in Lexington County, South Carolina, on or about
February 21, 2019, knowingly and willfully, possess a firearm during the commission of
a violent crime or attempt to commit a violent crime, to wit: Murder, resulting in the
death of one **Alexis Azarigian**, such weapon described as a handgun, in violation of §
16-23-490 of the Code of Laws of South Carolina, 1976, as amended.

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

Suzanne Mayer



STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

Joseph Randolph Henry

AKA:

Race: Black Sex: M Age: 30

DOB: SS#:

Address:

City, State, Zip: Irmo, SC 29063-8640

DL#: SID#: SC02088247

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020GS3200606

A/W#: 2019A3210200373

Date of Offense: 2/21/2019

S.C. Code §: 16-03-0010

CDR Code #: 0116

RECEIVED

OCT 15 2020

SC Court of Appeals

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

64191

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 35 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOS☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$25

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$

3% to County (if paid in installments) \$

TOTAL

\$125

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

§ Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 259

Sentence Date:

October 5, 2020

A TRUE COPY
Lex. Ct. of App. Sec. 601.17

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.Joseph Randolph Henry

AKA:

Race: Black Sex: M Age: 30DOB: SS#:

Address:

City, State, Zip: Irmo, SC 29063-8640DL#: SID#: SC02088247*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathin violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

R. Smalls
Solicitor64191
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2020 - 05 - 32 - 606☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5%) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 600

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso (Public Def/Probation) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ 125Clerk of Court/ Deputy Clerk Lisa ComerCourt Reporter: A. Johnson

SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020GS3200303A/W#: 2019A3210200374Date of Offense: 2/27/2019S.C. Code § : 16-23-0490CDR Code #: 0549

SENTENCE SHEET

RECEIVED
OCT 15 2020
SC Court of Appeals

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☒Random Drug/Alcohol testing ☒

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

§Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge Julia D. H.Judge Code: 2159Sentence Date: October 5, 2020A TRUE COPY
Lex. Co. C.C.P. (04/2018)

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.”

RECEIVED**Jan 06 2022****SC Court of Appeals**

Respectfully Submitted,

s/David Alexander

Appellate Defender

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

ATTORNEY FOR APPELLANT

This 6th day of January, 2022.