

VOLUME II OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Jun 17 2020

Appeal from Charleston County

SC Court of Appeals

Honorable Jennifer B. McCoy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BYRON LABRON RIVERS,

APPELLANT

APPELLATE CASE NO 2019-001253

RECORD ON APPEAL

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1 THE COURT: Okay. I will allow the State to respond. Is
2 there any testimony as to anything?

3 MR. LIETZOW: Are we revisiting that, Your Honor?

4 THE COURT: It is not a directed verdict motion though.
5 He included I believe -- we can look about the transcript. In
6 his directed verdict motion he sort of incorporated all of the
7 armed robbery of the victims into one. So I guess technically
8 he made that motion at the stage.

9 I am not really sure -- you know, at this point that
10 motion was denied, so your objection is preserved for the
11 record and with regards to this victim.

12 Possessions, I mean I believe the testimony was this was
13 his home. Is that correct, Solicitor -- or, no, his brother's
14 home?

15 MR. LIETZOW: Correct.

16 THE COURT: Okay. His brother's home. And I believe the
17 testimony of several of the witnesses included that they were
18 all -- or several them inside were forced to remove their
19 pants, I think which is enough -- was enough evidence for me
20 to conclude that they were all victims of an armed robbery.

21 MR. LIETZOW: May I add one ---

22 THE COURT: That would include the intent to deprive them
23 of their possessions. Okay. What -- anything else you need
24 to add to that, Mr. Lietzow?

25 MR. LIETZOW: I would just add that the testimony from

1 the witness stand beared out that the defendant -- the
2 defendants were walking around filling a plastic bag with
3 items belonging to the victims.

4 THE COURT: Right.

5 MR. LIETZOW: And I think that would also be evidence
6 that an armed robbery occurred on all the individuals inside
7 of the house.

8 THE COURT: Right. I mean I -- you know, again, it will
9 be a jury questions on whether or not they find elements
10 requisite to each victim.

11 And on that note, while we are talking about this, let's
12 talk about verdict forms. Because the method I prefer when we
13 have several counts of a charge involving different victims is
14 to list the victim's name on the verdict forms. I think that
15 is the clearest way to get an accurate verdict from the jury.

16 I think trying to confuse them with which indictment
17 numbers match which victims gets very confusing and results in
18 an unclear verdict. And I want to avoid that at all costs.

19 So for the verdict forms -- so, for example, on the
20 verdict form -- and we will have a separate verdict form for
21 each indictment.

22 It will say we the jury by unanimous consent find the
23 defendant Byron Labron Rivers on the charge of armed robbery
24 of, for example, Johnell Lamar Watson guilty or not guilty.
25 And it will differentiate between each victim. That way same

1 with the two counts of the attempted murder. So that is how
2 we plan to go forward. Just so you know that information. I
3 think that makes it the clearest verdict.

4 Okay. So any objections to the Court doing that as
5 proposed?

6 MR. LIETZOW: None from the State.

7 THE COURT: Okay. Any from the defense?

8 MR. MACK: Judge, no objection to listing the victim's
9 names.

10 THE COURT: Okay. All right. Thank you very much. All
11 right. Well, we will be at ease at least until 1:30.

12 (WHEREUPON, break to check on lunch for jury - flood issues
13 causing road closures.)

14 MR. OSBORNE: Your Honor, if I may, just one issue. And
15 I am sure Mr. Mack wouldn't do this, but for his closing to
16 save us an objection I would ask the court to instruct him not
17 to mention anything about Stacy Green already pleading and
18 receiving a 30-year sentence. I didn't hear any evidence on
19 the record that he could infer to the jury.

20 THE COURT: I didn't hear any evidence whatsoever about
21 that. Were you planning on doing that?

22 MR. MACK: Judge, actually Detective Bailey testified
23 that he spoke to Stacy Green. And I intend to reference that
24 in my closing.

25 THE COURT: That he spoke to Stacy Green?

1 MR. MACK: Yes.

2 THE COURT: But not that he has already been convicted
3 and sentenced; is that right?

4 MR. MACK: Yes.

5 THE COURT: Okay. So you don't intend to state that he
6 has been convicted and sentenced to 30 years; ---

7 MR. MACK: Correct.

8 THE COURT: --- for the record? Okay. Thank you. All
9 right. Anything else? We will be at ease, everybody. Why
10 don't you check back in in about half an hour, okay. I will
11 give you at least a half an hour.

12 (WHEREUPON, break 6/12/19, approximately 1:10 p.m.)

13 (WHEREUPON, resume 6/12/19, 1:45 p.m.)

14 THE COURT: I am going to allow the attorneys to come
15 forward and review these verdict forms as printed one more
16 time.

17 (WHEREUPON, attorneys review verdict forms.)

18 THE COURT: The State has rested. The defense is going
19 to call any witnesses at this point in time?

20 MR. MACK: (Shakes head.)

21 THE COURT: Okay. Well, the jury will come in and I will
22 allow the defense to rest, and I will of course have to of
23 course dismiss them once again and then we will go from there.

24 We can have the jury come back in whenever they are
25 ready.

1 (WHEREUPON, break awaiting jury.)

2 (WHEREUPON, jury enters 6/12/19, 1:50 p.m.)

3 THE BAILIFF: All right. Jurors are all present, Your
4 Honor.

5 THE COURT: Thank you very much. Please be seated.

6 Okay. Ladies and gentlemen, the State has rested and we
7 dismissed you. I hope you had enough time to eat the lunch
8 that took a long time to get here from the weather if you
9 ordered lunch. Sorry about that. But anyway we are doing the
10 best we can given the circumstances.

11 And I have yet to appoint a foreperson; so, sir, tell me
12 your jury number in the jacket here in the front closest to
13 me.

14 THE FOREPERSON: Eighty-six.

15 THE COURT: Eighty-six. Lucky winner. Appointed the
16 foreperson as a result of sitting in that chair right there.
17 You don't have any additional duties in terms of -- you don't
18 have an additional weight or anything like that with regards
19 to jury deliberations at all. Your only added duty as the
20 foreperson is that you will actually be the person to sign and
21 date the verdict forms when we get to that stage of the trial.
22 Other than that there is nothing else you need to do special.
23 Okay. All right. Now the State has rested. Mr. Mack,
24 any -- you may call your first witness.

25 MR. MACK: The defense has no witnesses, Judge.

1 THE COURT: Okay. The defense rests?

2 MR. MACK: Yes, the defense rests.

3 THE COURT: All right. Thank you very much.

4 Ladies and gentlemen, once again I am going to have to
5 dismiss you from the courtroom at this point into the trial.
6 There is one more matter I have got to discuss with the
7 attorneys. This however will not last very long and we will
8 see you back here in just a couple of minutes.

9 Okay. Thank you very much.

10 (WHEREUPON, jury exits 6/12/19, 1:51 p.m.)

11 THE COURT: Okay. I am happy to entertain any motions
12 from either side at this point in time. Any from the State?

13 MR. LIETZOW: Nothing from the State, Your Honor.

14 THE COURT: Any from the defense?

15 MR. MACK: We renew all prior objections, Judge.

16 THE COURT: All prior objection and all prior motions ---

17 MR. MACK: Right.

18 THE COURT: --- are renewed for purposes of the record,
19 and my prior rulings stand for the reasons stated previously
20 in the record as well.

21 Now we will move on to the closing arguments and the jury
22 charge portion of the trial. Who will be closing for the
23 State?

24 MR. LIETZOW: I will, Your Honor.

25 THE COURT: All right. And who will be closing for the

1 defendant?

2 MR. MACK: That will be me, Judge.

3 THE COURT: Okay. All right. So obviously Mr. Mack will
4 be entitled to last close today. And so Mr. Lietzow will
5 start off. And you will close in full, Mr. Lietzow.

6 MR. LIETZOW: Yes, ma'am. Thank you.

7 THE COURT: All right. We can bring the jury back in
8 here now. Are the attorneys ready to proceed?

9 MR. LIETZOW: The State is ready.

10 MS. NORRIS: The defense is ready, Judge.

11 THE COURT: Great. You can bring them back in here.
12 They probably haven't even made it all the way back to the
13 jury room.

14 (WHEREUPON, pause awaiting jury.)

15 (WHEREUPON, jury enters 6/12/19, 1:55 p.m.)

16 THE COURT: All right. Ladies and gentlemen, thank you
17 very much. Welcome back. We have presented the evidence in
18 this case, so it is now time for the attorneys to make their
19 closing argument.

20 The arguments of the attorneys are not evidence in this
21 case, ladies and gentlemen. Their statements and arguments
22 are meant to help you understand the evidence and apply the
23 law to the evidence. You should just disregard any remark,
24 statement, or argument which is not supported by the evidence
25 presented during the trial or the law that I will explain to

1 you after the arguments are over.

2 Now I will direct your attention to Mr. Lietzow.

3 MR. LIETZOW: Thank you, Your Honor. May it please the
4 court.

5 **CLOSING BY MR. LIETZOW:**

6 Ladies and gentlemen, you don't go to the Macon unless
7 you live there or you are looking for trouble. Byron Rivers
8 went there that night on July 15, 2016, for a specific reason.
9 He went there looking for trouble. He went there with evil
10 and malicious intent. He went barging in to [REDACTED]
11 Street guns blazing.

12 Kirby Fyall ended up dead. Antonio Fyall took a shot in
13 the face that exited out of the back of his head. Johnell
14 Watson took a round in the rear end. And everyone in that
15 house was robbed at gunpoint. They were forced to take their
16 pants off and lie down the ground while this man and his
17 codefendant walked around the house helping themselves to
18 items that didn't belong to them.

19 And you saw the witnesses and the victims that came in.
20 To be frank, they were pissed. They told you that. They
21 caught the man that had just killed their brother, that had
22 just killed their cousin, that had just killed their friend
23 and robbed them. And they tried to take a little bit of
24 street justice.

25 Ladies and gentlemen, the real justice takes place in

1 this courtroom. You guys are the real justice that takes
2 place in this system. And Byron River's action that night has
3 consequences.

4 After my closing argument and the defense's closing
5 argument Judge McCoy is going to charge you guys on the law
6 and is going to give you an extensive reading of the law that
7 applies in this case. But I will submit to you right now that
8 the State has the burden of proving all of the charges in this
9 case beyond a doubt.

10 What is beyond a reasonable doubt? Reasonable doubt is
11 the kind of doubt that causes a reasonable person to hesitate
12 to act. The law does not require proof that overcomes every
13 possible doubt. That is not possible.

14 Beyond a reasonable doubt is evidence that leaves you as
15 jurors firmly convinced of Byron Rivers' guilt. I submit to
16 you that we will and have proved all of the charges in this
17 case beyond a reasonable doubt.

18 Byron River is charged with murder. What is murder? It
19 is the killing of another person with malice aforethought.
20 Obviously the two elements, the two first elements speak for
21 themselves, killing another person. So what is malice?

22 Malice is conduct that shows a total disregard for human
23 life. It is evil intent. And it can also be shown when the
24 deed is done with a deadly weapon.

25 We know that Byron Rivers murdered Kirby Fyall. When he

1 started firing his weapon that night inside of that house he
2 had total and utter disregard for the lives of other people
3 inside. He did not even have a regard for his own life
4 because he ended up shooting himself in the leg.

5 When Kirby jumped up from behind that couch and rushed
6 towards him Byron shot him three times, one time in the neck,
7 once in the lung, and one in the back.

8 Take a look at the crime scene photos that you guys will
9 have back with you when you are deliberating. Do you remember
10 when Frederick Smalls told you that Kirby flipped the couch
11 right before he was shot? You can see in those photos that
12 the couch is flipped up and Kirby's body is right in line with
13 where Frederick said it happened.

14 You saw the pictures of Kirby's wounds at the autopsy.
15 And the doctor told you that he died from gunshot wounds and
16 that was the result of a homicide.

17 And Chad Smith testified earlier this morning that those
18 were hollow points that came out of Kirby Fyall at that
19 autopsy. And I submit to you that you do not load your gun
20 with hollow point rounds unless you are trying to kill whoever
21 you are shooting with those hollow point rounds. They are
22 designed to expand on impact and cause maximum damage.

23 One of the most important pieces of evidence that we have
24 in this case are the two wool gloves that were recovered from
25 both Byron Rivers and Stacy Green. And I will talk more about

CLOSING BY MR. LIETZOW

1 the gloves later, but for right now I would ask why was Byron
2 wearing a single wool glove on his right hand on a hot summer
3 night in Charleston in July.

4 He didn't want to leave any evidence behind at the crime
5 scene. He didn't want to leave his DNA at the crime scene.
6 He didn't want to leave his fingerprints on anything at the
7 crime scene. Because he came with malicious and evil intent.
8 It didn't work out so well for him because his DNA was on the
9 murder weapon. But those gloves are the very definition of
10 evil and malicious intent.

11 And do you remember what Frederick Smalls told you guys
12 about them coming in and not wearing masks? He told you where
13 he comes from in the Macon when two guys come barging into a
14 house with guns and they are not wearing masks everybody in
15 that house is supposed to die. You are not suppose to leave
16 any witnesses behind. Evil intent.

17 Byron Rivers is also charged with two counts of attempted
18 murder, Antonio Fyall and Johnell Watson. And attempted
19 murder is similar to murder in that attempted murder is
20 attempting to kill another with the specific intent to kill
21 that person.

22 As to Antonio Fyall, Byron Rivers burst into that door
23 and shot Antonio Fyall in the face. You do not shoot somebody
24 in the face unless you are trying to kill them. The bullet
25 entered his face and came out of the back of his head.

1 You take a look at the crime scene photos and the crime
2 scene sketch you will see that one of the projectiles was
3 recovered on the front porch. I would submit to you that that
4 is the projectile that went through Antonio Fyall's face and
5 came out the back of his head. Right where he said he was
6 when he opened that door and Byron Rivers walked in and shot
7 him in the face.

8 And Dr. Privette came in and testified as the trauma
9 surgeon who treated Antonio Fyall when he came to the
10 hospital. She told you that he could have died from that
11 wound. Any time you get a gunshot wound to the head it is the
12 most serious situation. He came in as a Category A to the
13 trauma team which does not get more serious than a Category A.

14 And she testified about the GCS, the glac- -- the GCS.
15 We will call it that. The coma scale. And that runs from a
16 three to a fifteen. Fifteen being what I would hope that I am
17 right now and that all you guys are, fully alert and wholly
18 conscious. Three would be a rock. It would be brain dead
19 essentially.

20 When Antonio Fyall got to the hospital he was at a four,
21 one step above brain-dead. She told you that his condition
22 likely deteriorated between the time that he was shot and the
23 time that he got to the hospital. As he lost blood, as that
24 brain injury had time to set in, his condition deteriorated
25 more and more. She mentioned that sometimes with a skiing

1 accident somebody can fall and an hour later they can drop
2 dead from a brain injury.

3 And there is a lot of evidence about Antonio Fyall
4 running around on the scene after getting shot in the head.
5 And he even told you he didn't know what happened at first.
6 His adrenaline was sky high when he got shot in the head.

7 But the doctor was clear that as the time progressed his
8 condition got worse. And when he got to the hospital it was
9 the most critical condition he could possibly be in. And he
10 is lucky to be alive. And Byron Rivers definitely attempted
11 to kill him.

12 Johnell Watson. Byron Rivers shot Johnell Watson in the
13 rear end after he started shooting. And Dr. Privette also
14 told you that the round could have killed Johnell Watson
15 especially if it punctured his colon. Entered in through here
16 (pointing). And there's a lot of very sensitive organs in
17 this area, and the colon being one of them. And she said if
18 that had been perforated he could have died.

19 And they never took that round out. He is going to carry
20 that round around with him the rest of his life, and there is
21 going to be a permanent reminder of what happened on this
22 night.

23 And if I am being perfectly honest, I wish that Johnell
24 Watson had come in to testify. That would have been nice.
25 But you heard about the code of silence from Frederick Smalls.

1 And some of the boys on the streets in that area they live by
2 that code and they don't tell law enforcement what happened.

3 But there was ample evidence. Frederick Smalls told you
4 he saw Johnell Watson gets shot. And Dr. Privette told you
5 that he suffered a gunshot wound as a result of the incident
6 that happened and that that gunshot wound could have ended his
7 life.

8 Byron Rivers is also charged with six counts of armed
9 robbery; Kirby Fyall and Antonio Fyall, Theodore Fyall,
10 Frederick Smalls, Johnell Watson, Sanquan Fyall, all six of
11 those individuals were inside of the house when Byron Rivers
12 and Stacy Green came storming in.

13 The elements of armed robbery are the taking and carrying
14 away of the personal property of another with the intent to
15 deprive them of possession by use of force, threats or
16 intimidation while armed with a deadly weapon. I think this
17 one speaks for itself.

18 Byron River and Stacy Green both barged into that house
19 armed with guns. Bryon had his Hi-Point 9 mm. Stacy had his
20 Walther 40 cal. And all six of those individuals were in the
21 living room when they came storming in.

22 You heard testimony that Eleanor Delesline was in the
23 back room. We are not presenting an indictment for her being
24 in the house. We are just presenting indictments for the
25 individuals that were in the living room when those

1 individuals came in.

2 And when Byron and Stacy entered that house they held
3 them all at gun point. They forced them to empty their
4 pockets. And even that wasn't enough. So they made them take
5 off their pants, hand their pants over; and they made them get
6 down on the ground and lie face down while Stacy Green walked
7 around the house filling a bag full of items that belonged to
8 the victims.

9 And then after shooting and killing Kirby they tried to
10 make their escape. Byron shot himself in the leg, so he was
11 unable to run out.

12 Stacy Green collected the bag that had all of the
13 victim's belongings. He took the 9 mm that Byron Rivers just
14 got done shooting the place up with and stuffed that 9 mm into
15 that bag.

16 He then took his 40 caliber, held it in the other arm,
17 and Byron Rivers climbed up onto his shoulders and Stacy Green
18 carried Byron, the bag, and his gun out of the house trying to
19 make their escape. Because the victims at this point are
20 ticked off. They just got robbed, their cousin just got
21 murdered, and they just got shot.

22 And you heard that as soon as Antonio took that round in
23 the face he ran around the side of the house and he tried to
24 kick through the glass window and he eventually was able to
25 jump out of it. And he went to the neighbors and he said, yo,

1 they are robbing the house, they are shooting, we need help.

2 And Antonio Cummings came over with Antonio Fyall and the
3 whole Macon welcoming committee came back with them and
4 confronted those individuals, Byron Rivers and Stacy Green, as
5 they were walking out of the house.

6 And Antonio Cummings confronted Stacy Green and Byron
7 Rivers and said you guys aren't going anywhere, do you hear
8 that, the police are coming, those are sirens.

9 And at that point Stacy Green had had enough. He had
10 tried to help his man out. But at this point he is trying to
11 save his own skin. So he dumps Byron Rivers onto the ground,
12 takes that bag, throws it away. And he takes his Walther 40
13 caliber and he throws it behind the trashcan. And then he
14 takes off.

15 And what did that bag have in it? Detective Bailey
16 testified and told you that that bag had the victims' pants
17 inside of it. It had a TWIC card which belonged to Frederick
18 Smalls. It had a PayPal card. It had some other
19 miscellaneous items. And the most important item that that
20 bag had was the Hi-Point 9 mm weapon.

21 Later Stacy Green was caught with Theodore Fyall's wallet
22 and his identification card in his pocket. Remember Officer
23 Fortier testified that at first that caused a little bit of
24 confusion. They thought they had Theodore Fyall in custody.
25 Once they got more information on the scene they got a better

1 understanding of what was happening. They put two and two
2 together and realized that Stacy Green actually had belongings
3 from the victims in his pocket from the armed robbery that
4 they had just committed.

5 And you heard other evidence of some of the witnesses and
6 the victims running around the streets in their boxers. Why
7 aren't they wearing pants? Because these guys made them take
8 their pants off so they could steal all of their belongings.

9 Byron River is also charged with burglary in the first
10 degree. Elements of burglary are entering a dwelling without
11 consent with the intent to commit a crime inside. And for
12 burglary in the first degree there must be at least one
13 aggravating circumstance that accompanies it. Some of the
14 aggravating circumstances that apply in this case are that the
15 burglary takes place at night time, that physical injury was
16 caused by the people committing the burglary to
17 nonparticipants of the crime, that the participant displayed a
18 pistol or was armed with a deadly weapon.

19 A dwelling is simply the place where you sleep at night.
20 It is the place where you keep your stuff. [REDACTED] Street
21 is where Sanquan Fyall and where Antonio Fyall live. They
22 told you that. And certainly when those individuals came
23 barging in they did not have the consent to be there.

24 And every single one of those circumstances has been met,
25 aggravating circumstance. And obviously they had the intent

1 to commit a crime inside. The first thing they did was shoot
2 the man when he opened the door. And they robbed them. They
3 shoot the place up. They kill Kirby. They shoot Antonio.
4 They shoot Johnell. There was evidence of intent to commit a
5 crime inside that house.

6 And finally Byron Rivers is charged with possession of a
7 weapon during the commission of a violent crime. Elements of
8 this charge are possessing a weapon. I would submit to you
9 that that would be a firearm in this case. During a violent
10 crime. And violent crimes in the State of South Carolina
11 include murder, armed robbery, attempted murder, and burglary
12 in the first degree.

13 All of the elements for all of these charges have been
14 met. So why Byron Rivers? Well, there is an eyewitness
15 identification. Byron Rivers is caught at the scene. Hand of
16 one is the hand of all. The murder weapon had Byron Rivers'
17 DNA on it. And Byron tells you in his own words on his jail
18 call exactly what he did that night.

19 Eyewitness identification, starting with Frederick Cam
20 Smalls. Frederick was out he told you celebrating his
21 birthday on July 13th at the Lions Den, a club in North
22 Charleston. And he sees Byron Rivers at that club with
23 Sanquan Fyall's girlfriend Latoya Mack. Latoya Mack and
24 Sanquan Fyall have a child together. And Frederick sees Byron
25 Rivers at that club with Latoya Mack and another man. And it

CLOSING BY MR. LIETZOW

1 bothered him a little bit.

2 He even told Sanquan, hey, man, I saw your baby mama at
3 the club with another guy. But that was the first time that
4 he had ever seen Byron River. And then two days later on July
5 15th he sees Byron Rivers shoot his friend in cold blood. He
6 said, man, I reckon that that was the same guy from the club I
7 saw from two nights before. And when he was on that witness
8 stand he looked at Byron Rivers and said that is the man that
9 killed Kirby Fyall. Unequivocally.

10 And Sanquan Fyall, you heard him on the officer body cam.
11 You saw him. He was hysterical. He had just witnessed his
12 family member be murdered in cold blood. And he had just been
13 the victim of a violent home invasion. And he screamed out:
14 That is the man that shot my brother, man; I stomped him.

15 And he pointed to the officers in the direction of Byron
16 River in the location that Stacy Green had dropped him off.
17 (WHEREUPON, play portion of video.)

18 Next, Bryon Rivers was caught at the scene. He is caught
19 on the scene by the victims and their neighbors a block from
20 where he had just committed murder.

21 You can see up there the icon where [REDACTED] Street
22 was. And the witnesses and the officers testified where they
23 made contact with Byron Rivers. And the witnesses told you
24 where they dropped him off, where Stacy Green dropped him off
25 before Stacy tried to make his escape. He was caught less

1 than a scene -- less than a block from where he had just
2 committed murder.

3 And those witnesses are all emotional, like I have been
4 mentioning over and over again. In fact, those witnesses and
5 those victims just witnessed what I would say is one of the
6 most horrifying things another -- another human being can do
7 to another human being. They had just seen their loved one
8 and their family member get murdered in cold blood. And they
9 are all saying that is the guy right there that killed Kirby
10 and did this do them.

11 When police got there all of those witnesses were saying
12 that is the man right there, pointing at Byron Rivers. The
13 hand of one is the hand of all. This is a very important
14 principle that Judge McCoy will give you more detail at the
15 close of this case. But I would like to draw your attention
16 to a few points on the hand of one is the hand of all.

17 When two or more people act together to commit a crime in
18 the State of South Carolina the act of one is the act of all.
19 A person who joins with another to accomplish something
20 illegal is criminally responsible for everything done by the
21 other person which occurs as a consequence.

22 Two people can be guilty of killing another person when
23 only one of the two had a gun, there was only one bullet, and
24 only one of the two fired the shot that caused the death.

25 If two or more people are together, acting together,

CLOSING BY MR. LIETZOW

1 assisting each other in committing the offense, the hand of
2 one in the State of South Carolina is the hand of all.

3 Byron Rivers and Stacy Green acted together from the very
4 beginning. They came into that house together. Both were
5 armed. They acted in concert with each other. They both
6 robbed the victims together.

7 After Byron River shot himself in the leg Stacy Green
8 tried to help him escape. Multiple witnesses told you that
9 Stacy Green carried Byron Rivers out of that house on his
10 shoulders. But once Antonio Cummings confronted Green and
11 said you ain't going anywhere Green had had enough and dropped
12 Stacy -- or I mean dropped Byron and then he ran off.

13 I submit to you that Byron Rivers is the shooter in this
14 case. He is the one that ended Kirby Fyall's life. He is the
15 one that shot Antonio Fyall and Johnell Watson. But if you
16 have any doubt about that when you are back in the jury room
17 deliberating remember the hand of one is the hand of all, so
18 everything that Byron Rivers did that night Stacy Green owns.
19 And everything that Stacy Green did that night Byron Rivers
20 owned. Because they were acting together.

21 Mr. Mack stood up in opening and told you that in this
22 case, in this case, the hand of one is only the hand of one.
23 Remember about those gloves I mentioned earlier, Byron Rivers
24 and Stacy Green literally shared one pair of gloves in this
25 case.

1 It is July. It is hot out. They get to that crime scene
2 and they realize, oh, man, we only have one pair of gloves;
3 well, here, you take one; here, you take one. And they both
4 put it on their right hand. They shared a pair of gloves that
5 night to cover their tracks, and they share the responsibility
6 equally for what happened that night.

7 Let's talk about the Hi-Point 9 mm, the murder weapon.
8 The layout of the crime scene and what was collected in the
9 living room that night around Kirby Fyall's body is very
10 important. What was not collected is also important.

11 Take a look at State's Exhibit 152. Anita Moore drew a
12 crime scene sketch of where all of the important pieces of
13 evidence in this case were located.

14 And you heard testimony that when a semi-automatic gun
15 fires a bullet the projectile is the object that goes down the
16 barrel at the intended target and the shell casing is the
17 object that gets shot out of the side of the gun.

18 Take a look at the evidence collected at the scene.
19 There are multiple projectiles recovered. One is recovered on
20 the front porch, Item Number 15.

21 Chad Smith, the firearms expert testified that that round
22 was consistent with a nominal 38. It was consistent with a
23 380 or a 9 mm. Item Number 23 was a bullet that was found in
24 the couch. That is also consistent with a 9 mm. Two bullets
25 were recovered from Kirby Fyall at autopsy in the chest, in

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1 the back. Both of those bullets were consistent with a 9 mm.

2 All of the shell casings collected on that scene
3 including the 380 were all definitively fired by that Hi-Point
4 9 mm pistol.

5 What was not recovered on the scene? The single 40
6 caliber shell casing. The Walther hadn't even been fired. It
7 had an eight-round capacity magazine. And when it was
8 recovered it had seven rounds in the magazine and one round in
9 the chamber. When the Hi-Point was recovered it was
10 completely empty; Byron Rivers pulled that trigger until that
11 gun ran dry.

12 All the shell casings were fired by that gun found on the
13 scene. And the projectile that killed Kirby Fyall were
14 consistent with having been fired by that gun. So I would
15 argue that that is the murder weapon in this case. And you
16 heard evidence and testimony that Byron Rivers' DNA was on the
17 trigger and the handle of the murder weapon.

18 Who had which gun, I have already talked about that. I
19 would argue that Stacy Green threw his Walther behind the
20 trashcan and after Byron Rivers shot himself and killed Kirby
21 and shot the whole place up he collected that gun, put it in
22 the trash bag, and they ran out of the house.

23 And there was testimony that that bag was recovered on
24 the scene by some individuals and eventually it got to Rickey
25 Fyall. And Rickey Fyall was a little hesitant to testify,

1 didn't remember certain items. But what he was consistent
2 with was that he gave that bag to Detective Bailey because he
3 thought it was the right thing to do. He told you he didn't
4 plant any evidence on that gun.

5 Once they got that weapon Detective Bailey immediately
6 sent it to Anita Moore who collected swabs from the trigger
7 and the grip to try to test to see if they could find some DNA
8 on it.

9 Detective Bailey took a buccal swab from everybody
10 involved in this case including Byron Rivers. And they sent
11 that gun to SLED and that DNA swab to SLED, and that SLED
12 agent Sara Goodman testified that that was Byron Rivers' DNA
13 on the trigger and the grip of the murder weapon that killed
14 Kirby Fyall.

15 But don't take my word for it. We've proved to you that
16 Byron is guilty. Take his word for it. Listen to what he
17 says on those jail calls.

18 And look, I get it; on that jail call, a little bit hard
19 to understand. We have arranged to have headphones available
20 for you back in the jury room if you feel like that will
21 assist you in listening to that jury call -- or that jail
22 call. Don't hesitate to ask for that.

23 And when you listen to that call carefully you can tell
24 who he is talking to on that phone. He is talking to his
25 getaway driver that night, the driver of that white Chrysler

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1 that several of the witnesses told you that Stacy Green and
2 Byron Rivers were trying to get to after they had committed
3 that crime.

4 Uzi. Brandy White told you it was Uzi. Byron Rivers had
5 a contact in his phone, Uzi. Uzi was the getaway driver that
6 night.

7 And I have had the benefit of listening to that call a
8 hundred times. Investigators in the office, prosecutors in
9 the office, we have all listened to it over and over again.
10 And I see some of you were taking notes. And let me make it
11 easier for you. If you go to 2:20 to 2:30 on that call Byron
12 says bro (sic) was carrying me ---

13 MR. MACK: Judge, objection.

14 THE COURT: Approach.

15 (WHEREUPON, bench conference 6/12/19, 2:28 p.m.)

16 THE COURT: Thank you so much. Please continue.

17 2:20 to 2:30 bra (ph) was carrying me. Byron Rivers just
18 tells you how Green carried him out of the house and helped
19 him make a getaway.

20 (WHEREUPON, publish portion of audio.)

21 Bra was soldiering on. He was carrying me. From 4:02 to
22 4:06 Byron Rivers says somebody tried to grab me. I let off
23 pow, pow, pow.

24 (WHEREUPON, publish portion of audio.)

25 4:56 to 5:04, he leave me right there, tried to run off

1 himself.

2 (WHEREUPON, publish portion of audio.)

3 9:13 to 9:49 Byron says -- I'm sorry, Uzi says both of
4 y'all been shooting or something. And then Bryon says, nah,
5 it was not even, man; man had a full clip at the end of the
6 day.

7 (WHEREUPON, publish portion of audio.)

8 (WHEREUPON, publish portion of audio again.)

9 There is another part in that call where Byron says man
10 was acting fooly; I let off pow, pow, pow.

11 You can have that jail call and listen to it over and
12 over again. But if you listen to those clips that I just gave
13 you Byron tells you in his own words what happened that night.

14 I would like to take this opportunity to talk about a few
15 of the points that Mr. Mack made in his opening statements.
16 And one of the tactics in this case that the defense engaged
17 in was distractions.

18 The defense's job is to focus on all of the things that
19 aren't there that don't exist. That strategy is designed to
20 distract you from the things that do exist and the things that
21 are there that are in the midst.

22 And the fact is the evidence points to one conclusion,
23 that Byron Rivers is guilty of all the charges that the State
24 of South Carolina has charged him with.

25 The defense mentioned in the opening that Byron went

1 there to buy drugs from the victims. Judge McCoy is going to
2 tell you in a minute that nothing Mr. Osborne said in his
3 opening statement is considered evidence, nothing Mr. Mack
4 said in his opening statement is considered evidence, and
5 nothing that is being said right now is considered evidence.
6 The evidence that you can consider is the evidence that came
7 from that witness stand. And you did not hear a single
8 witness testify that Byron Rivers went to that house with the
9 intention of buying drugs from anybody in that house.

10 Byron Rivers went to that house to commit an armed home
11 invasion that turned deadly. And they did have drugs in the
12 house. There was a scale, a little baggie of cocaine, a
13 little baggie of marijuana. Kirby has some marijuana in his
14 system at the autopsy. It is what it is. I never told you
15 that these people were saints.

16 What is the point of introducing this evidence? Is it to
17 somehow suggest that these victims were bad people and because
18 of that they deserve to die? I don't know.

19 But the reason that I did object to that evidence coming
20 in was because that evidence served only one purpose and that
21 was to distract you from the elements and the evidence in this
22 case that actually mattered.

23 And in Mr. Mack's opening he said that Stacy Green was
24 the shooter, that Stacy Green ended up shooting Byron. This
25 is certainly not our position. Our position's that Byron

1 Rivers was the shooter and the only shooter that night.

2 Mr. Mack said Kirby popped up from behind the couch after
3 Byron Rivers told Stacy Green to look under it for more of the
4 victim's stuff and then when Kirby pushed the couch Stacy
5 Green ended up shooting him.

6 Why would the witnesses and the victims chase down Byron
7 Rivers like they did if Stacy Green was the shooter? Antonio
8 Cummings chased down Stacy Green and held him, but all of the
9 other witnesses were focused on Byron Rivers. They were the
10 ones that were hysterical, screaming, emotion, that is the man
11 that shot our brother.

12 You saw a clip of Stacy Green in the back of Officer
13 Fortier's police cruiser. And in that clip Stacy Green says
14 the man shot himself in the leg. Talking about Byron.
15 (WHEREUPON, publish portion of audio.)

16 And I know that is hard to listen to and hear, and you
17 will have headphones if you want that for that as well.

18 And then there is Sanquan's excited utterance where he
19 said, hey, man, you just killed my brother; I stomped him.
20 Talking about Rivers. Not talking about Green.

21 Byron Rivers tells you in his jail call that he was the
22 one that shot, that at the end of the day that man Stacy Green
23 had a full clip.

24 And if Stacy shot everyone and shot Byron why in the
25 world would he try to help Byron escape? He would run out of

CLOSING BY MR. LIETZOW

1 there and save himself. But he didn't. He tried to help his
2 friend out. Just another reason they were acting as the hand
3 of one is the hand of all. But when you are in the raw
4 emotional state like Sanquan, Antonio, Frederick, Theodore all
5 were, you know they are telling the truth. They don't have
6 the mental capacity to create some fabrication or make up some
7 lie about what happened.

8 And Stacy Green's DNA wasn't on the murder weapon. He
9 didn't have GSR particles. The gun he threw behind the
10 trashcan, the Walther, left no shell casings on the scene.
11 There was no evidence that gun had been fired.

12 And let's say you still don't believe all of that. Let's
13 say that for some reason you do believe that Stacy Green
14 pulled the trigger. And that is why the hand of one and the
15 hand of all in the State of South Carolina is so important.
16 They acted together. So if you do buy that Byron River's
17 wasn't the shooter and Stacy Green was, Byron Rivers still
18 owns everything that Stacy Green did that night.

19 And Mr. Mack made a big deal about the fact that the
20 witnesses or the victim said that the whole incident lasted
21 seven to ten minutes. And for those people inside of the
22 house it probably felt like a lifetime to them. It probably
23 seemed like 30 minutes. And I seriously doubt any of them hit
24 a timer on their watch on their cell phone when the two guys
25 came barging in. And even if they had, Byron and Stacy would

1 have stolen it from them anyway. But what felt like seven to
2 ten minutes for them, who knows. It could have been an
3 eternity. It could've been two minutes, three minutes. The
4 timeline is designed to distract you.

5 And the defense would have you believe that there is a
6 conspiracy in this case, a conspiracy to convict Byron Rivers
7 of all of these charges and the prime piece of evidence for
8 that would be that the DNA on the murder weapon was
9 contaminated or planted.

10 Rickey told you that he didn't plant any evidence on that
11 bag and he gave it to Bailey because it was the right thing to
12 do.

13 Nothing in that bag that the gun came with belonged to
14 Byron Rivers. So there is no cross-contamination that could
15 have occurred. His pants were not in that bag. His pants
16 were recovered on the scene when EMS had to take them off.

17 And Byron Rivers left his blood on the scene. The DNA
18 analyst was real clear that the DNA that was found on that
19 weapon wasn't blood DNA, it was touch DNA. So there is no way
20 that somebody could have taken Byron's blood and planted it on
21 the trigger or the handle of the gun anyways.

22 And, seriously, did it look like anyone on the scene had
23 the sophistication or the mental ability or the time or the
24 desire to contaminate or fabricate or plant evidence?

25 To suggest that one of them somehow got particles of DNA

CLOSING BY MR. LIETZOW

1 from Byron Rivers and then meticulously and carefully planted
2 it right on the trigger and the handle where somebody's hand
3 would be on the gun is foolish.

4 Those people were not looking to create some conspiracy
5 against Byron River. They were looking to get some revenge
6 for Byron River in the form of beating up Byron Rivers,
7 holding him there until the police got there.

8 And they didn't have time to join lines and figure out a
9 way that they could pin this all on Byron. The police got
10 there real quickly. And when police got there there was
11 hysteria. Everybody was saying this and that and that is the
12 man that stomped -- that is the man that shot Kirby.

13 One in thirty-two billion I believe is the DNA expert's
14 testimony about Byron Rivers mistakenly DNA being on that gun.
15 To suggest that one of those witnesses somehow contaminated or
16 planted that DNA is only designed to distract you, take your
17 attention away from what actually matters in this case.

18 And all of those victims and witnesses came in and told
19 what happened from different perspectives. Another reason you
20 know that this wasn't a grand conspiracy is if all of them
21 had come in and given the exact same statement from beginning
22 to end it would have seemed rehearsed. It would have seemed
23 like they had planned it. And that's not what happened. They
24 all came in, and from their vantage point they told you what
25 they saw what they remembered. And you should be suspicious

1 if they came in and said something that lined up from end --
2 from start to end. That is not what happened.

3 The defense's job is to focus on the things that are not
4 there, that don't exist. That is their strategy. It is
5 designed to distract you from what is there, what does exist.

6 And the fact is, the overwhelming evidence proves that
7 Byron Rivers is guilty of committing murder, two counts of
8 attempted murder, six counts of armed robbery, one count of
9 burglary in the first-degree, and one count of possession of a
10 weapon during commission of a violent crime.

11 None of these witnesses had any reason to lie. You saw
12 how emotional and you saw how raw they were. They had just
13 lost a loved one and they were victims of one of the most
14 brutal things that one human can do to another human being.
15 And they were all consistent with one thing. When the police
16 got there they said that is the man that killed Kirby.

17 The forensic evidence backs up exactly what they said.
18 The forensic evidence in this case is what it is. And that is
19 that that Hi-Point .9 millimeter was the gun that ended Kirby
20 Fyall's life and was the gun that shot Antonio Fyall and
21 Johnell Watson; and the forensic evidence is that that man's
22 DNA was on where the business end of that gun is, the grip and
23 the trigger.

24 And remember when you share a pair of gloves at a crime
25 scene you share responsibility for what goes on at that crime

CLOSING BY MR. LIETZOW

1 scene. Wearing a single glove in July is evil intent. Find
2 Byron Rivers guilty. Hold him accountable for his actions.
3 Thank y'all.

4 THE COURT: Mr. Mack.

5 MR. MACK: Thank you, Judge.

6 **CLOSING BY MR. MACK:**

7 Summertime in the Macon, and the usual suspects are
8 there. Nashishi Walker, Antonio Cummings, Leutonia Traxler,
9 and Drit (ph). They are walking up and down Leland Avenue,
10 probably high, scored a rock off the Fyall boys.

11 Byron Rivers, Stacy Green, don't pay them much mind.
12 They are headed in the same direction, [REDACTED] Avenue.
13 Byron Rivers has 50 bucks in his pocket. Just got paid. His
14 work stub is in the other pocket. The schedule for the next
15 week is on that work stub. They either walked there or maybe
16 they got dropped off by a car. It doesn't really matter. But
17 they are headed in that same direction.

18 Byron Rivers has a Walther PPS 40 caliber in his
19 possession. He may or may not be wearing a black glove.
20 Definitely does not have a mask. Stacy Green has a Hi-Point 9
21 mm in his possession. He may or may not have a glove. His
22 dreads are hanging over his eyes in his face.

23 What do they do? They walk to the front door of [REDACTED]
24 [REDACTED]. Through the door they can hear laughter, guys having
25 a good time, maybe the sound effects from a video game. And

1 they knock on that door. The door opens. They step inside.
2 Walk closer to the kitchen. And some words are exchanged.
3 They talk about a deal. Frederick Smalls goes back into the
4 kitchen. He is going to cut up some coke and put it into a
5 bag.

6 MR. LIETZOW: Objection, Your Honor.

7 THE COURT: Sustained.

8 MR. MACK: And as they are waiting there there is a scale
9 on the stove. Somebody was in the kitchen. But the scale and
10 some coke. And as they are waiting there in the living room
11 somebody recognizes him from the Lion's Den two days prior.
12 He is the guy Byron Rivers who was talking to Latoya, Sanquan
13 Fyall's baby mamma, the mother of his children who used to
14 live under his roof and no longer does.

15 No deal goes down that day. An argument starts. And it
16 escalates. Kirby Fyall attacks Byron Rivers in that living
17 room. Flips the couch. Stacy Green has no idea what is going
18 on. He has one thought in his head, crack cocaine.

19 So he unloads that 9 mm Hi-Point; and Byron Rivers hears
20 pop, pop, pop, everybody get down on the ground and take off
21 your pants.

22 Stacy Green leaps over the couch and runs back in the
23 bedroom. He pulls a pillow off of the bed, rips the
24 pillowcase off, runs back inside ---

25 MR. LIETZOW: Objection, Your Honor.

CLOSING BY MR. MACK

1 THE COURT: I am going to need to see you all at the
2 bench, please.

3 (WHEREUPON, bench conference 6/12/19, 2:49 p.m.)

4 THE COURT: Thank you.

5 MR. MACK: Grabs a bat. Runs back into the living room
6 and starts picking up pants.

7 When he fired those shots Byron Rivers hit the ground.
8 So did Stacy Green -- or, I'm sorry, so did Kirby Fyall. He
9 hits Antonio Fyall as he is running for the window and Johnell
10 Watson sees him. He starts grabbing what he can off the
11 floor.

12 He feels guilty for shooting Byron Rivers, the man he
13 showed up with. He throws him on his back, puts that 9 mm in
14 the bag and grabs the Walther PPS that Byron Rivers dropped on
15 the floor, and he exits that living room.

16 Cash in the bottom drawer dresser. The Crown Royale bag
17 is untouched. Stacy Green has no drugs in his possession. He
18 makes it out with a TWIC card, Theo Fyall's wallet, a couple
19 of debit cards, cell phone, and some pants.

20 His guilt for Byron Rivers only makes it about half a
21 block. Because when he hears sirens he drops him right there
22 and he keeps running. He is headed for the train tracks.
23 Antonio Cummings is on his tail, and Deputy Fortier was not
24 far behind.

25 Byron Rivers is getting bludgeoned on the front steps or

1 not far from [REDACTED]. Meanwhile Antonio Cummings -- I'm
2 sorry, Antonia Fyall is running through the living room
3 cleaning up a crime scene, picking up cocaine and throwing it
4 in the tote in the living room. Who knows what else he grabs.

5 Ladies and gentlemen, that is the story of Kirby Fyall's
6 death and Byron Rivers' visit to death's doorstep. You don't
7 have to believe the whole story. And Byron Rivers doesn't
8 have to explain it.

9 But if that story puts a reasonable amount of doubt in
10 your mind you cannot convict that man. I told the State this
11 story was coming in my opening. And they have presented no
12 evidence from you to doubt otherwise.

13 Even beyond that story there is a whole lot of doubt in
14 this case, ladies and gentlemen. This theory that Byron River
15 shot himself in the crotch, take a look at those pants. There
16 is a bullet hole here (pointing) and a bullet hole here
17 (pointing).

18 And then he shoots Kirby three times in the chest, snipes
19 Antonio Fyall who is running for the window and then Johnell
20 Watson? Hard to believe. You heard the doctor testify his
21 pelvis was shattered.

22 So why would the alleged victims make up this story?
23 Because they are drug dealers.

24 MR. LIETZOW: Objection.

25 THE COURT: Overruled.

CLOSING BY MR. MACK

1 MR. MACK: That simple. With a litany of convictions of
2 trying to avoid new arrest warrants, trying to catch a break
3 on pending charges. And it worked. No charges were brought
4 against those individuals being in possession of drugs. No
5 charges were brought against those individuals for the
6 attempted murder of Byron River. At the hands with a
7 sledgehammer and at the foot of Sanquan Fyall.

8 Only half of them showed up. Only one of them cared
9 enough to stick around for a day. Uncle Rickey, a man who
10 meant well, wanted to do the right thing, didn't even stick
11 around.

12 These guys were pissed. That is what the solicitor said.
13 Richard Smalls said it himself, Kirby Fyall doesn't have a
14 voice and that is why he showed up today. He is exactly
15 right, Kirby Fyall is dead. And that is very unfortunate. At
16 the hands of Stacy Green.

17 But his brother, Sanquan Fyall, has a voice. His friend,
18 Johnell Watson, has a voice. And Johnell Watson's girlfriend
19 Eleanor Delesline has a voice.

20 None of them showed up to testify in this case. Why?
21 Because the State doesn't want you to know how their stories
22 don't align with those who testified.

23 You cannot trust a single bit of testimony that came out
24 of that house. All you can trust is a handful of first
25 responders. Deputy Fortier deserves an award. You do not

1 hear that often from public defenders.

2 She chased down the murder suspect in this case on foot,
3 put him in cuffs in the back of her cop car with the
4 wherewithal to turn on the camera facing the back seat where
5 if you listen closely you will hear Stacy Green say I don't
6 want to go back to jail.

7 He knows that camera is on. This isn't the first time he
8 has been in a cop car.

9 MR. LIETZOW: Objection, Your Honor.

10 THE COURT: Sustained.

11 MR. MACK: In Stacy Green's flight path first responders
12 find the loot, Byron's 40 caliber Walther PPS, the gun that
13 didn't fire a shot. No shell casing was found on the scene.

14 Also if you count Uncle Rickey as a first responder, he
15 finds a bag in Stacy Green's path with the alleged murder
16 weapon, that Hi-Point 9 mm along with the belongings of the
17 people inside.

18 So what has the State got? A couple of pretty good
19 arguments. They have got a SLED report that says Byron's DNA
20 is on the trigger of that Hi-Point 9 mm with two other
21 unidentified individuals. They got a SLED report that only
22 focuses on the shell casings inside of the house and makes no
23 account for the bullets.

24 In my opening I told you to ask yourselves that question
25 when you heard their argument, and their expert couldn't

CLOSING BY MR. MACK

1 testify to where those bullets the projectiles came from,
2 which gun was fired.

3 A jail call, Number 3, a jail call from Byron's former
4 lover -- or sorry, a jail call introduced by Byron's former
5 lover, a negative gunshot residue showing Stacy Green's gloved
6 right hand and a still photo from a body worn camera of Byron
7 wearing the glove.

8 Those are their best arguments. Five of them. And we
9 are going to address them all in order. It is going to take a
10 bit. But this is too important.

11 SLED report saying Byron's DNA is on the trigger of the 9
12 mm with two identified individuals. That gun was hidden from
13 the police. In a case where witnesses have testified to
14 tampering with evidence. Antonio Fyall told you himself he
15 went back through that murder scene and hid evidence.

16 None of the people who were in possession of that 9 mm
17 before Rickey Fyall testified during the course of this trial.
18 The State said and Rickey Fyall said he wanted to do the right
19 thing. But do not put it past him to put DNA evidence on a
20 trigger. He is the uncle of known felons.

21 MR. LIETZOW: Objection, Your Honor.

22 MR. MACK: He told him ---

23 THE COURT: Sustained. Please strike the last statement
24 made by the defense attorney. Facts not in evidence.

25 MR. MACK: The victims of this crime have convictions on

1 their record. They have been through the system. They know
2 how DNA works.

3 We have crime scene detective too -- sorry, crime scene
4 forensics detective, Moore, testified. She means well. She
5 doesn't have a dog in this fight. Don't put it past her to
6 mess up buccal swabs either. Woman said she made a mistake,
7 she put the wrong date on the buccal swab for the DNA on that
8 gun.

9 She said a lot of evidence was in this case. She had a
10 hard time keeping track. Who is to say she didn't mix up the
11 buccal swabs herself. That DNA could have come from anywhere.
12 You heard the DNA expert testify; sweat, saliva, blood.

13 While we are on Detective Moore there are a couple of
14 other issues I would like to bring to your attention in terms
15 of forensics. That living room was about the size of this
16 jury box. You will not see a single bullet hole in any of
17 those pictures presented into evidence.

18 The autopsy expert said the next shot passed through.
19 Antonio Fyall said and the doctor said that that shot went
20 through his head.

21 What are they hiding? There was not a single picture in
22 evidence that shows you the wall, which door was located in
23 that living room. The curtains are all drawn. The wall far
24 on the side is not pictured either. Shell casings are all
25 over that living room. The State mentioned one in the

1 doorway. There is one on the couch, and there are shell
2 casings all around Kirby Fyall's body. Just a sidebar along
3 the forensics.

4 Back to my list. Number two, SLED report that only
5 focuses on shell casings and does not identify guns shot from
6 bullets. Again, we have no idea how many guns were in that
7 house. We have five unidentified bullets. You could have had
8 or we could have had as many as seven guns including the
9 Walther PPS and the Hi-Point .9 mm inside to that house.

10 Any one of those weapons could have been removed by the
11 victims in this case; Rickey Fyall, Antonio Traxler, Nashishi
12 Walker, Antonio Fyall.

13 Moving on to Number 3, a jail call introduced by Byron's
14 former lover. This one is easy. We have no idea who was on
15 that phone. The person on the call identifies themselves as
16 DJ. And he reads off Bryan Rivers' arrest warrants and
17 affidavits. That is information that is easily accessible at
18 the jail. That is information that if you wanted to tomorrow
19 you could go down to the first floor, Clerk of Courts Office,
20 in this building and acquire yourself.

21 So what does the State do, they bring in Britney White.
22 She identifies Byron's voice. The woman likely upset that
23 Byron broke it off with her for Latoya Mack. Sanquan Fyall's
24 baby mamma.

25 Detective Bailey is not an expert on SIM Cards, but he

1 stood up there -- sat up there and told you that he was able
2 to download the contact information from Byron Rivers' phone
3 which had a 9 mm bullet hole through the center and on -- or
4 in that contact information he located the name Uzi. That was
5 his testimony. You will not see a single screenshot of a
6 computer showing you the name Uzi, a single report to that
7 regard.

8 Who is this guy? I would certainly like to know. Don't
9 be fooled by Brittany White's testimony too. She said her
10 number twice. She never said Uzi's number.

11 If I had his number right now I would probably call it
12 after this trial. I would like to know who he is. And I bet
13 if we called his number he would testify that that call never
14 took place, that he has no idea who Byron Rivers is or what
15 happened on July 15th, 2016. I guarantee it.

16 Did the State call Uzi? No. They had his number.

17 Number 4, negative gunshot residue for Stacy Green's
18 gloved right hand. Another easy one. Ladies and gentlemen,
19 it is very difficult to take GSR on a gloved hand.

20 Detective Bailey is not a expert in GSR either. It's not
21 rocket science though. It just takes a little bit of sweat,
22 brushing up against your clothes, maybe the carrying of
23 another person, for that stuff to brush off.

24 And you saw Stacy Green in the back of that cop car. He
25 is sweating profusely. It is dripping down his face. He just

CLOSING BY MR. MACK

1 ran for his life from a murder scene. Deputy Fortier is on
2 his tail.

3 Nobody else was tested for GSR. Not Sanquan Fyall, not
4 Johnell Watson, not Theo Fyle, not Antonio Fyall, not
5 Frederick Smalls, and not Byron Rivers.

6 You heard a lot about buccal swab from Detective Bailey.
7 He made sure to take everybody's. He wanted to keep track of
8 everybody's DNA that was inside of that house. But he said it
9 himself, he felt he did not need to take GSR. He already had
10 his mind made up. He already had his theory. He said he had
11 enough evidence in the case.

12 Finally, saved the best for last. Still photo from a
13 body worn camera of Byron Rivers wearing a black glove. That
14 is the best statement due -- that is their best argument. And
15 if it looked like I was surprised when they introduced that
16 evidence it is because I was.

17 All of those binders, incident reports from police
18 officers, there was an ocean of blue lives on the scene that
19 day all wearing cameras and the best they can do is a blurry
20 of one individual who was passing by Byron Rivers and said to
21 another cop, hey, that looks important, somebody should grab
22 that.

23 Not one of the other cop's body cam videos captured a
24 photo of that glove. Not for one person who was inside of
25 that house said Byron Rivers was wearing a glove.

1 Not any of the cops from North Charleston Police
2 Department who were milling around at that crime scene said
3 Byron Rivers was wearing a black glove. Nobody. Not Sanquan
4 Fyall, not Johnell Watson, not Theo Fyall, not Antonio Fyall,
5 not Frederick Smalls, and not Eleanor Delesline.

6 Byron Rivers, just stand up for us. Hold out your hand.
7 (WHEREUPON, Mr. Rivers complied.)

8 That is a massive hand. Those are kid gloves. They
9 wouldn't fit my little sister. This case is a mess. As I
10 told you, the State's theory does not clean it up. It makes
11 matters worse.

12 This is a killing at the hands of Stacy Green. The man
13 arrested with the guns and the loot in his flight path. The
14 man with the dreadlocks, the man who lost his cool during a
15 drug deal gone bad.

16 MR. LIETZOW: Objection. Facts not in the record.

17 THE COURT: Sustained. Continue.

18 MR. MACK: The man who spoke with Detective Bailey the
19 night of the incident, the conversation for which we have no
20 details. Not how long, not what was discussed, not whether he
21 confessed. The man who acted not as the hand of all, but as
22 the hand of one was Stacy Green.

23 THE COURT: Thank you very much. Ladies and gentlemen,
24 now would normally be the time when I would read you the
25 charge and the law on the case. However, I have been apprised

1 that there are court personnel that the Clerk of Court here,
2 Julie Armstrong, has decided due to the inclement weather and
3 the flooding conditions downtown that the courthouse will be
4 closing at 3:30 this afternoon very shortly here in about 20
5 minutes.

6 It would take me longer than that to read you the law of
7 the case. And then of course you would have to deliberate.
8 So what I am going to do is ask you to come back once more in
9 the morning. At that point in time I will then charge you on
10 the applicable law and I will let you retire to deliberate on
11 this case.

12 I am going to release you now for the afternoon and ask
13 that you come back at 9:15. I am going to instruct you once
14 again do not discuss the case. Don't look anything up. Don't
15 conduct any indepent research whatsoever about these parties
16 or the attorneys representing them.

17 And once again, we will dismiss you to the hands of the
18 bailiffs and we will see you back here at nine -- excuse me,
19 9:15.

20 (WHEREUPON, jury exits 6/12/19, 3:12 p.m.)

21 THE COURT: Thank you. We will be at ease until 9:15.

22 (WHEREUPON, recess for the day due to weather, 6/12/19, 3:13
23 p.m.)

24 (WHEREUPON, resume 6/13/19, 9:18 a.m.)

25 THE COURT: Anything from the State or the defense before

1 we bring the jury back in to begin the charge?

2 MR. LIETZOW: No, ma'am. Thank you.

3 MR. MACK: No, Judge.

4 THE COURT: All right. You have already had an
5 opportunity to review the charge and the verdict forms. They
6 are the same as they were yesterday the last time you reviewed
7 them. But if you need another opportunity you can at this
8 time.

9 MR. MACK: Nothing.

10 THE COURT: Okay. All right. We can bring the jury back
11 in then whenever you are ready.

12 THE BAILIFF: Yes, ma'am.

13 (WHEREUPON, jury enters 6/13/19, 9:23 a.m.)

14 THE COURT: Good morning, ladies and gentlemen. Thank
15 you once again for being so prompt this morning. And I am
16 sorry for yesterday's weather delay so to speak. But better
17 safe than sorry when you are Downtown. I understand there are
18 some areas that flood around the high traffic zone, so I
19 understand why the clerk made a decision to close the
20 courthouse when she did.

21 We will now move on to the last phase of the trial,
22 ladies and gentlemen. This is the portion when I will charge
23 you on the law that is applicable to this case.

24 You will notice that I will be reading you this law,
25 ladies and gentlemen. And it is lengthy. The reason that I

1 read it is to state the law as accurately as possible, okay.

2 **CHARGE ON LAW:**

3 All right. Ladies and gentlemen, it now becomes my duty
4 as trial judge under the constitution of this state to charge
5 and instruct you as to the law applicable to this case. It is
6 your duty as jurors to accept and apply the law as the court
7 will now state it to you in your exclusive duty to determine
8 the effects, the value, the weight, and the credibility of the
9 evidence.

10 Both the State and Mr. Rivers have a right to expect that
11 you will conscientiously consider and evaluate the evidence
12 and apply the law of the case thereto and to that end both
13 parties will receive and obtain a fair and impartial trial in
14 this case.

15 When I use the word defendant I refer to Mr. Byron Labron
16 Rivers. The defendant here has been accused in what we call
17 indictments. Each indictment is a piece of paper on which
18 accusations against the defendant are placed. They are not
19 exhibits. You will have a number of exhibits in this case,
20 and those are part of the evidence in the case.

21 The indictment in this case allege multiple offenses
22 against the defendant. The charges are: One count of murder,
23 two counts of attempted murder, six counts of armed robbery,
24 one count of burglary in the first degree, and one count of
25 possession of a weapon during the commission of a violent

1 crime.

2 Each indictment charges a separate and distinct offense.
3 You must decide each indictment separately on the evidence and
4 the law applicable to it, uninfluenced by your decision as to
5 any other indictment.

6 The defendant may be convicted or acquitted on any or all
7 of the offenses charged. You will be asked to write a
8 separate verdict of guilty or not guilty for each indictment.

9 Now to these indictments the defendant has rendered a
10 plea of not guilty which then places upon the State the burden
11 of proving beyond a reasonable doubt that the defendant is
12 guilty.

13 In this state and in this country a person who is accused
14 with the commission of a criminal offense is never required to
15 come in and prove himself or herself innocent. This principle
16 of law is called the presumption of innocence. Each of you is
17 required under our law and by your oath to actively presume
18 that the defendant is not guilty.

19 The presumption of innocence is maintained at all times
20 throughout the trial of this case. It is removed when and if
21 the State brings in enough evidence to persuade you beyond all
22 reasonable doubt that the defendant is guilty.

23 So what is reasonable doubt? A reasonable doubt is a
24 doubt which makes an honest, sincere, conscientious juror
25 hesitate to act.

1 Proof beyond a reasonable doubt is proof that leaves you
2 firmly convinced of the defendant's guilt. There are very few
3 things in this world that we know with absolute certainty.
4 And in criminal cases the law does not require proof that
5 overcomes every possible doubt.

6 If based on your consideration of the evidence you are
7 firmly convinced that the defendant is guilty of the crimes
8 charged you must find him guilty.

9 If on the other hand you think there is a real
10 possibility that he is not guilty you must give him the
11 benefit of the doubt and find him not guilty.

12 Reasonable doubt may arise from evidence which is in the
13 case or from the lack of or absence of evidence in the case.
14 It is up to you, ladies and gentlemen, to determine whether a
15 reasonable doubt exists as to the guilt of this defendant.

16 I charge you that the defendant is entitled to every
17 reasonable doubt arising in the whole case. If upon any issue
18 of fact essential to conviction in a verdict of guilty you
19 have a reasonable doubt as to how that issue should be
20 resolved it would be your duty to resolve that reasonable
21 doubt in favor of the defendant.

22 Now as the sole fact finders in this case you should have
23 listened closely to the evidence that was presented. Weighing
24 the evidence is entirely a mental process. You must weigh the
25 evidence using your good judgment and your common sense.

1 Ladies and gentlemen, cases can be presented or evidence
2 can be presented in one of two ways, direct evidence or
3 indirect evidence which is also called circumstantial
4 evidence.

5 Direct evidence is when someone comes in and testifies to
6 the commission of a crime that they perceive through their own
7 senses, for example, if a witness saw someone commit a crime.
8 Indirect evidence or circumstantial evidence is when someone
9 testifies as to different events that occur and when you link
10 all of them together they point to the commission of a crime.

11 One or both methods can be used to present a case.
12 Crimes may be proven by circumstantial evidence. The law
13 makes absolutely no distinction between the weight or value to
14 be given to either direct or circumstantial evidence, nor is a
15 greater degree of certainty required of circumstantial
16 evidence than of direct evidence.

17 You should weigh all of the evidence in the case. To the
18 extent that the State relies on circumstantial evidence the
19 law says it has to meet a certain test. First, the State has
20 to prove each event or circumstance it relies on beyond a
21 reasonable doubt. Additionally, these facts must point
22 conclusively to the guilt of the accused beyond a reasonable
23 doubt and they must be wholly perfectly consistent with each
24 other in every particular respect.

25 The mere fact that the circumstances brought out in a

1 case are strongly suspicious of guilt or the circumstances are
2 such that a defendant's guilt is probable is not enough. If
3 these circumstances merely portray a defendant's behavior as
4 suspicious the proof has failed. It is not sufficient to
5 sustain a conviction. Because the proof offered by the State
6 has to be more than suspicion. It has to be more than someone
7 being probably guilty. It has to be proof that satisfies you
8 beyond a reasonable doubt.

9 The State has the burden of proving the defendant guilty
10 on all charges beyond a reasonable doubt. This burden rests
11 with the State regardless of whether the State relies on
12 direct evidence, circumstantial evidence, or some combination
13 of the two.

14 The evidence you are to consider consists of the
15 testimony of the witnesses and the exhibits that have been
16 offered and received during the trial.

17 Objections and rulings in matters that may have been
18 excluded from the record are not to be considered by you in
19 any fashion. If it appears to you that I have so commented
20 during either the trial or the giving of the instructions you
21 must disregard such comment entirely.

22 Also the remarks of the attorneys are not evidence.
23 Their statements and their arguments are intended to help you
24 understand the evidence and apply the law. You should
25 disregard any remark, statement, or argument which is not

1 supported by the evidence or the law as given to you by the
2 court.

3 I instruct you and I emphasize that the fact that the
4 defendant did not testify is not a factor to be considered by
5 you in any way in your deliberations and in your consideration
6 of the question of the defendant's guilt or innocence. It
7 must not be considered by you in any manner whatsoever.

8 A defendant has the constitutional right to remain silent
9 and the assertion of this right must not be considered by you
10 in your deliberations. I repeat, you are to draw no
11 conclusion whatsoever from the fact that the defendant in this
12 case did not testify. The fact that this defendant did not
13 testify should not even be discussed in the jury room.

14 The burden of proof, as I have stated to you, is on the
15 State. The defendant is not required to prove his innocence.
16 The burden of proof remains on the State to prove guilt beyond
17 a reasonable doubt.

18 So how do you decide the facts of this case? You do it
19 through the exercise of your good judgment, your common sense,
20 and your sense of logic and reason and your experiences in
21 everyday life.

22 Every day in our lives you judge credibility. You make
23 decisions with regard to whether people are believable,
24 persuasive, convincing or not. You do the same thing as a
25 juror.

1 In deciding believability you may consider the witness's
2 manner and appearance, was he or she straightforward or
3 hesitant in answering, was the testimony of a witness
4 consistent or inconsistent, how did the witness come to know
5 the facts that he or she testified to or what was his or her
6 ability to know these facts, is there some reason a witness
7 would want to give testimony which would help or hurt one side
8 or the other. In other words, was the witness biased or
9 prejudiced.

10 In making this determination you may consider whether a
11 particular witness has a motive to testify favorably for one
12 party versus the other. Thus, you may consider whether a
13 particular witness may gain some other reward, payment,
14 personal advantage, or vindication through testimony.

15 In determining the question of credibility or
16 believability of a witness you may believe one witness as
17 against several witnesses or several witnesses as against one.
18 You may believe a part of the testimony of one witness and
19 reject the remaining part of that witness's testimony.
20 Likewise, you may believe the testimony of a witness in its
21 entirety or reject the same witness's testimony in its
22 entirety.

23 You are to consider all of the evidence in this case and
24 determine what you believe to be the facts of this dispute.

25 Now the rules of evidence ordinarily do not permit

1 witnesses to testify to opinions or conclusions. An exception
2 as we discussed during this trial to this rule exists for
3 witnesses we call expert witnesses. A witness who by
4 education and experience has become an expert in some art,
5 science, profession, or calling may state an opinion as to
6 relevant and material matter in which the witness claims to be
7 an expert and the reasons for that opinion.

8 You can -- you should consider any expert opinion
9 received in evidence in this case and like any other evidence
10 give it the weight you think it deserves.

11 If you decide that the opinion of an expert witness is
12 not based on sufficient education and experience or if you
13 conclude that reasons given in support of the opinion are not
14 sound or that the opinion is outweighed by other evidence you
15 may disregard the opinion entirely.

16 An expert witness's testimony is to be given no greater
17 weight than that of any other witnesses simply because the
18 witness is an expert. Further, you are not required to accept
19 an expert's opinion even though it is not contradicted.

20 If you believe there has been evidence presented that a
21 witness has made prior statements which are not consistent
22 with the witness's present testimony you may use this evidence
23 to decide whether to believe this witness. You may also use
24 evidence of the earlier contradictory statements to determine
25 the truth of those statements.

1 It is up to you to decide whether to believe the earlier
2 statements or the testimony given at trial. If a witness is
3 shown to have knowingly testified untruthfully concerning any
4 material matter you may consider this in determining whether
5 to trust the witness's testimony as to any other matter. You
6 may also reject all testimony of that witness or give all or
7 part of the testimony the weight you think it deserves.

8 A person who has a past criminal record is competent to
9 testify during the trial. A past record does not affect the
10 ability of that witness to testify. The past record may only
11 be considered by you if at all in determining the witness's
12 believability. Remember, you are the sole judges of the facts
13 in the case and the believability of any and all of the
14 witnesses.

15 Now as the presiding judge in this trial I am the sole
16 judge of the law in this case, and it is your duty as jurors
17 to accept and apply the law as I will now state it to you.

18 As I have already told you, you are given a wide latitude
19 in regard to determining believability and determining the
20 facts in the case. When it comes to the law though you have
21 to accept the following legal principles as I will now give
22 them to you.

23 You obviously can't change the law. You must take the
24 law as I give it to you. You find the facts as you see them
25 and apply the law to those facts. And that is the way you

1 reach your verdict.

2 In order to establish criminal liability criminal intent
3 is required. For example, the mental state required to be
4 proven by the State for a particular crime might be purpose,
5 intent, knowledge, recklessness, or criminal negligence.

6 Criminal intent must be proven by the State beyond a
7 reasonable doubt. Criminal intent is always a matter that
8 must be determined by the jury from the circumstances
9 surrounding the situation.

10 There is no way to prove intent to a mathematical
11 certainty. There is no way medical science can dissect a
12 person's brain and determine what the person had in mind. So
13 the law says criminal intent may be inferred from the
14 circumstances shown to have existed. This is how you make a
15 determination of whether the element requiring intent was
16 present.

17 It is not necessary to establish intent by direct and
18 positive evidence. Intent may be established by inference in
19 the same way as any other acts, by taking into consideration
20 the act of the parties and all the facts and circumstances of
21 the case.

22 Criminal intent is a mental state, a conscious
23 wrongdoing. It is up to you to determine what the defendant
24 intended to do based on the circumstances as shown to have
25 existed.

1 In this case the defendant is charged with murder of
2 Kirby Fyall. Section 16-3-10 of the South Carolina Code
3 defines murder as the killing of any person with malice
4 aforethought either expressed or implied.

5 The State must prove beyond a reasonable doubt that the
6 defendant killed another person with malice aforethought.
7 Malice is hatred, ill will, or hostility towards another
8 person. It is the intentional doing of a wrongful act without
9 just cause or excuse and with an intent to inflict an injury
10 or under circumstances that the law will infer an evil intent.

11 Malice indicates a formed purpose and design to do a
12 wrongful act under circumstances that exclude any legal right
13 to do it.

14 Further, there must be malice aforethought which means
15 that the malice must have been conceived in the mind of the
16 defendant prior to the act producing the fatal result.

17 The word aforethought is easily understood to refer to
18 the time when the evil is conceived. The law does not require
19 that the malice must exist for any appreciable length of time
20 before the commission of the act. It may be conceived at the
21 very moment the action is taken which results in the death of
22 another.

23 Therefore, there must be a combination of the previous evil
24 intent and the act.

25 Malice aforethought may be expressed or inferred. The

1 terms expressed and inferred do not mean different kind of
2 malice but merely the manner in which the malice may be shown
3 to exist. This is either by direct evidence or by inference
4 from the facts and circumstances which are proved.

5 Expressed malice is shown when a person speaks words
6 which express hatred or ill will for another or when the
7 person prepared beforehand to do the act which was later
8 accomplished. For example, lying in wait for a person or any
9 other acts of preparation going to show that the deed was
10 within the defendant's mind would be expressed malice.

11 Malice may be inferred from conduct showing a total
12 disregard for human life. If facts are proved beyond a
13 reasonable doubt sufficient to raise an inference of malice to
14 your satisfaction this inference would be simply an
15 evidentiary fact to be considered by you the jury along with
16 other evidence in the case and you may give it such weight as
17 you find it should receive.

18 If malice is present in the mind of the one doing the
19 killing any length of time before the act then its presence
20 would be sufficient to render the killing murder.

21 As I previously stated, criminal intent is a necessary
22 element of the crime of murder and that must be proved by the
23 State beyond a reasonable doubt.

24 Criminal intent is always a matter that must be
25 determined by the jury from the circumstances surrounding the

1 situation, so the law states that criminal intent may be
2 inferred from the circumstances shown to have existed. This
3 is how the jury makes a determination of whether or not the
4 element requiring an intent was present.

5 The State is not required to prove motive. Although the
6 presence or absence or -- or of evidence of motive may be
7 considered in making your determination in this case.

8 Criminal intent is a state of mind that operates jointly
9 with an act in the commission of a crime. Intent includes
10 those consequences which, A, represent the very purpose for
11 which an act is done, or, B, are known to be substantially
12 certain to result regardless of desire.

13 Criminal intent is a mental state, a conscious
14 wrongdoing. It is up to you the jury to determine what the
15 defendant intended to do based on the circumstances shown to
16 have existed.

17 I tell you that the State must prove criminal intent as
18 it must prove every other element beyond a reasonable doubt.

19 This -- excuse me, the defendant is also charged with the
20 attempted murders of Antonio Shamar Fyall and Johnell Lamar
21 Watson.

22 An attempt is an effort to accomplish a crime which does
23 not succeed. An attempt includes the specific intent to do a
24 particular criminal act along with an act falling short of the
25 act intended.

1 The State must show more than the mere preparation and
2 intent; there must be some overt act committed in the effort
3 to commit the crime.

4 Intent means intending the result which actually occurs.
5 Not accidentally or involuntary. Intent may be shown by acts
6 and conduct of the defendant in other circumstances from which
7 you may naturally and reasonably infer intent.

8 In order to prove the defendant is guilty of attempted
9 murder beyond a reasonable doubt the State must prove the
10 defendant attempted to kill another person or persons with
11 malice aforethought either expressed or implied.

12 Once again, malice is hatred, ill will, or hostility
13 towards another person. It is the intentional doing of a
14 wrongful act without just cause or excuse and with an intent
15 to inflict an injury or under circumstances that the law will
16 infer an evil intent.

17 Malice aforethought does not require that malice exist
18 for any particular time before the act is committed, but
19 malice must exist in the mind of the defendant just before and
20 at the time of the act -- that the act is committed.
21 Therefore, there must be a combination of the previous evil
22 intent and the act.

23 Again, malice aforethought may be express or inferred.
24 The terms expressed and inferred do not mean different kinds
25 of malice but merely the manner in which malice may be shown

1 to exist. That is either by direct evidence or by inference
2 from the facts and circumstances which are proved.

3 Expressed malice is shown when a person speaks words
4 which express hatred or ill will for another or when the
5 person prepared beforehand to do an act which was later
6 accomplished. For example, once again, lying in wait for a
7 person or any other acts of preparation going to show that the
8 deed was within the defendant's mind would be expressed
9 malice.

10 If facts are proved beyond a reasonable doubt sufficient
11 to raise an inference of malice to your satisfaction this
12 inference would -- it would be simply an evidentiary fact to
13 be considered by you along with the other evidence in the case
14 and you may give it the weight you decide it should receive.

15 Specific intent to kill is an element of attempted
16 murder. Intent means intending the result which actually
17 occurs. Not accidentally or involuntary.

18 Intent may be shown by acts of conduct of the defendant
19 and other circumstances from which you may naturally and
20 reasonably infer intent.

21 Evidence of the character of the act, the purpose to be
22 accomplished, and the resulting wounds or injuries may be
23 considered in determining the intent with which the act was
24 committed.

25 Intent may also be inferred when it is demonstrated that

1 the defendant voluntarily and willfully commits an act the
2 natural tendency of which is to destroy another's life.

3 The defendant is also charged with the armed robberies of
4 Frederick Smalls, Johnell Lamar Watson, Kirby Fyall, Antonio
5 Shamar Fyall, Theodore Gerard Fyall, and Sanquan Fyall.

6 In order to prove these offenses the State must first
7 prove beyond a reasonable doubt that the defendant took
8 personal property from the person or presence of another
9 person. The property is in the presence of a person if it is
10 within the person's reach, inspection, observation, or control
11 so that the person could if not overcome with violence or
12 prevented by fear keep possession of the property.

13 The State must also prove beyond a reasonable doubt that
14 the defendant carried the property away intending to
15 permanently deprive the owner of the property and to keep the
16 property for the defendant's own use. The slightest removal
17 of the property or the complete possession of the property
18 even for an instant by the defendant is sufficient to show a
19 taking and carrying away of the property.

20 The taking and carrying away the property must have been
21 done with violence or by putting the owner of the property in
22 fear of violence.

23 Finally, the State must prove beyond a reasonable doubt
24 that the defendant was armed with a deadly weapon during the
25 robbery.

1 A deadly weapon is any article, instrument or substance
2 which is likely to cause death or great bodily harm. Whether
3 an instrument has been used as a deadly weapon depends on the
4 facts and circumstances of each case. A gun is an example of
5 a deadly weapon. A gun may also be a deadly weapon even if it
6 is not operating.

7 The defendant is also charged with one count of
8 first-degree burglary. The State must prove beyond a
9 reasonable doubt that the defendant entered into a dwelling
10 without consent.

11 A dwelling is any building or portion of a building in
12 which a person ordinarily sleeps. A building constructed as
13 the dwelling that has never been occupied cannot be considered
14 a dwelling for purposes of burglary. But a building is a
15 dwelling even if the residents are temporarily absent from the
16 building.

17 In order to prove that the defendant entered the dwelling
18 the State does not have to show that the defendant's entire
19 body entered the dwelling. The smallest entry is sufficient.
20 It may be any part of the body such as the hand or foot or
21 even an instrument such as a hook or other instrument.

22 In addition, the State does not have to prove that the
23 force -- that force was used to gain entry. If a person
24 enters a building by using deception, artifice, trick, or
25 misrepresentation to get consent to enter this is an entry

1 without consent.

2 Next the State must prove beyond a reasonable doubt that
3 the defendant intended to commit a crime, either a felony or
4 misdemeanor, at the time of the entry. The mere entry into a
5 dwelling without consent is not burglary. If the intent to
6 commit a crime is formed after the entry it is not burglary.

7 On the other hand, if the defendant intended to commit a
8 crime at the time of the entry it is a burglary even if the
9 intent was abandoned after the entry. It does not matter that
10 the intended crime was not completed.

11 Intent may be shown by acts and conduct of the defendant
12 and other circumstances from which you may naturally and
13 reasonably infer intent.

14 Finally, the State must prove beyond a doubt that when
15 entering while in the dwelling or when fleeing the defendant
16 or an accomplice was armed with a deadly weapon or explosive.

17 A deadly weapon is any article, instrument, or substance
18 which is likely to cause death or great bodily harm. Whether
19 an instrument has been used as a deadly weapon depends on the
20 facts and circumstances of each case. A gun is a deadly
21 weapon. And a gun may be a deadly weapon even if it is not
22 operating.

23 The State must prove beyond a reasonable doubt that when
24 entering, while in the dwelling, or when fleeing the defendant
25 or an accomplice caused physical injury to anyone not

1 participating in the crime.

2 The State must prove beyond a reasonable doubt that when
3 entering, while in the dwelling, or when fleeing the defendant
4 or an accomplice displayed what was or appeared to be a knife,
5 a pistol, revolver, rifle, shotgun, machine gun or other
6 firearm.

7 Finally, the defendant is also charged with possession of
8 a weapon during the commission of or attempt to commit a
9 violent crime.

10 The State must prove beyond a reasonable doubt that the
11 defendant was in possession of a firearm or visibly displayed
12 what appeared to be firearm during the commission of a violent
13 crime.

14 A firearm means any machine gun, automatic rifle,
15 revolver, pistol, or any weapon which will, is designed to, or
16 may be readily converted to expel a projectile.

17 In order to find the defendant guilty of possession of a
18 weapon during the commission of a violent crime you must first
19 find that the defendant is guilty of either committing a
20 violent crime or attempting to commit a violent crime.

21 Murder, attempted murder, armed robbery, and first-degree
22 burglary are violent crimes in South Carolina. The State must
23 prove beyond a reasonable doubt that the weapon furthered,
24 advanced, or helped in the commission of the violent crime.

25 If a crime is committed by two or more people who are

1 acting together in committing a crime the act of one is the
2 act of all. A person who joins with another to commit an
3 unlawful act is criminally responsible for everything done by
4 the other person which happens as a probable or natural
5 consequence of the acts done in carrying out the common plan
6 and purpose.

7 For example, two people can be guilty of killing another
8 person when only one of the two had a gun, where there was
9 only one bullet, and only one of the two fired the shot that
10 caused the death.

11 If two or more people are together acting together
12 assisting each other in committing the offense the act of one
13 is the act of all. Or as it is sometimes said, the hand of
14 one is the hand of all.

15 Prior knowledge that a crime is going to be committed
16 without more is not sufficient to make a person guilty of that
17 crime. Mere knowledge that another person is going to commit
18 a crime even if the defendant is present when the crime is
19 committed is not sufficient to convict the defendant as the
20 principle.

21 Guilt as a principle is shown by actual or constructive
22 presence at the scene as a result of prior arrangement.
23 Therefore a finding of a prior arranged plan or common scheme
24 is necessary for a finding of guilt as a principle.

25 The State must prove beyond a reasonable doubt by

1 competent evidence the theory of the hand of one is the hand
2 of all.

3 A principle in a crime is one who either actually commits
4 the crime or who was present aiding, abetting, or assisting in
5 committing the crime.

6 When a person does an act in the presence of and with the
7 assistance of another the act is done by both. Where two or
8 more acting with a common plan or intent are present at the
9 commission of a crime it does not matter who actually commits
10 the crime. All are guilty. The hand of one is the hand of
11 all.

12 Present at the commission of a crime means to be
13 sufficiently near to aid and abet and assist in the commission
14 of the crime. However, mere presence at the scene of a crime
15 is not sufficient to convict one as a principle on the theory
16 of aiding and abetting.

17 Intent is also a necessary element. For there must have
18 been a common design or intent to commit the crime and the
19 crime must have been committed pursuant thereto with the
20 person aiding and abetting by some overt act.

21 Intent means intending the results which naturally --
22 which actually occurs. Not accidentally or involuntarily.
23 Intent may be shown by acts and conduct of the defendant and
24 other circumstances from which you may naturally and
25 reasonably infer intent. The State must prove these elements

1 beyond a reasonable doubt.

2 Like I just mentioned, mere presence at the scene is not
3 sufficient to prove someone guilty of a crime. A defendant's
4 presence where a crime is being committed or mere association
5 with a person who commits a crime does not make a defendant an
6 accomplice or an aider and abettor of the person committing
7 the crime.

8 The burden is on the State to prove every element of the
9 crimes charged. If you find after reviewing all of the
10 evidence that the State has proved that the defendant was only
11 present at the scene of the crime and that they have not
12 proved beyond a reasonable doubt any other participation in
13 the crime then you must find the defendant not guilty.

14 The law is that proof of at the scene of the crime is not
15 -- proof of being at the scene of the crime is not sufficient
16 to find someone guilty.

17 Ladies and gentlemen, you are not partisans or advocates
18 for the State of South Carolina or this defendant. You do not
19 serve as jurors to reward friends or punish enemies. You have
20 been selected by both the State and this defendant as fair and
21 impartial jurors. It is your duty then by your joint
22 deliberations to determine the facts in this case giving to
23 this defendant the benefit of every reasonable doubt. Then
24 you take and you apply the law which has been given to you by
25 this court to the facts which you have determined to be and

1 thus you arrive at a verdict.

2 When you have accomplished this and you have written your
3 verdicts you will have satisfied your oath as jurors and you
4 will have discharged your duty to the State, to Mr. Rivers,
5 and to the court.

6 Now there are several possible verdicts which you may
7 find in this case. And there's no significance whatsoever in
8 the order in which I state these possible verdicts. It is
9 simply that one may be stated first.

10 You will have several verdict forms with you in the jury
11 room, which I will hand to the bailiffs shortly. There is a
12 separate verdict form for each indictment.

13 Each verdict form allows you to find the defendant either
14 guilty or not guilty. You will check the appropriate line and
15 then you will -- the foreperson will then sign the verdict
16 form and date it. When you have completed these you will
17 knock on the jury room door and inform the bailiff.

18 Ladies and gentlemen, your verdict must be unanimous,
19 meaning all 12 of you must agree. Mr. Foreperson, once again,
20 when the jury agrees on the verdicts in this case you will
21 indicate by checking the line next to the verdict and signing
22 your name. You will then knock on the door of the jury room
23 and inform the bailiffs that you have reached a verdict. At
24 that time we will receive you back into the courtroom.

25 Ladies and gentlemen, I will now ask that you return to

1 your jury room but do not yet begin deliberations until you
2 are told to do so by either the clerk or the bailiff.

3 There are some matters which I must discuss with these
4 attorneys once more before you begin your deliberations. And
5 I will now release you to the hands of the bailiffs.

6 And please separate the two alternates.

7 THE CLERK: Yes, ma'am.

8 (WHEREUPON, jury exits courtroom 6/13/19, 9:52 a.m.)

9 THE COURT: Please be seated.

10 Any exceptions or objections to the charges read by the
11 court from the State?

12 MR. LIETZOW: Judge, the only thing that I was thinking
13 about was we elected to indict Mr. Rivers under burglary first
14 for the nighttime and/or causing violence inside the house.
15 And I don't think Your Honor mentioned the nighttime provision
16 to the jury. And that is one thing that I would ask that you
17 include in the jury charge.

18 THE COURT: Okay. Obviously we didn't catch that
19 yesterday when we all went over ---

20 MR. LIETZOW: Yes, ma'am.

21 THE COURT: --- that yesterday together when you had the
22 opportunity to do that. That would have been appreciated at
23 that time. But you have had time to review it.

24 All right. Mr. Mack, do you want to respond? Any
25 objection to me recharging and adding in the nighttime

1 element?

2 MR. MACK: Yes, of course, Judge.

3 THE COURT: So you object to that.

4 MR. MACK: They had their opportunity to review ---

5 THE COURT: It is the law ---

6 MR. MACK: --- the jury charge.

7 THE COURT: --- in South Carolina; however, and I do find
8 it would be appropriate to include that as part of the
9 elements. So I do find it necessary for me to recharge that
10 one portion of the jury charge. Of course I will also
11 recharge -- let me review that portion.

12 (WHEREUPON, pause for court's review of charge.)

13 THE COURT: I am not going to recharge it. I think you
14 have waived your right to have me recharge it yesterday when
15 we went through this yesterday, frankly. And, you know, we
16 are going to have to go forward with what we had. All right?

17 MR. LIETZOW: Understood. Thank you.

18 THE COURT: So your objection is noted for the record.

19 All right, Mr. Mack, any objections or exceptions from
20 the defense to the charges read from this court?

21 MR. MACK: No objection.

22 THE COURT: All right. Yeah, I think, you know, we had a
23 whole charging conference. We didn't bring it up then. I am
24 not inclined to recharge. And I think it would be prejudicial
25 at this point to recharge one particular section.

1 So with that, any other objections that I need to note
2 before we get the evidence and the verdict forms to the jury?

3 MR. LIETZOW: Nothing from the State, Your Honor.

4 MR. MACK: Just renew all previous objections ---

5 THE COURT: Sure. Yeah -- yes, all previous objections,
6 motions made or renewed on behalf of the defense. And I stand
7 by my previously ruling to all of those. But you have renewed
8 them at every stage of the trial. So appreciate your
9 attention to that.

10 Now let's see. If the attorneys could come forward and
11 assure that the evidence that goes back to the jury is the
12 correct evidence I would appreciate that. I will also hand
13 the verdict forms.

14 (WHEREUPON, exhibits reviewed by attorneys 6/13/19, 9:57 a.m.)

15 (WHEREUPON, clerk presents evidence and verdict form to jury,
16 6/13/19, 10:05 a.m.)

17 (WHEREUPON, resume 6/13/19, 10:47 p.m.)

18 THE COURT: Thank you. Please be seated.

19 All right. We received a note which we will mark as the
20 next court exhibit.

21 THE COURT REPORTER: Number 3.

22 (WHEREUPON, Court's Exhibit Number 3, jury note, marked for
23 identification.)

24 THE COURT: Court's Exhibit 3 states for armed robbery
25 does any item technically have to be taken from the

1 individual. And then it says are we able to ask if it was
2 determined whose pants were found outside of the house.

3 So in response to Question Number 1 I will recharge them
4 on the armed robbery portion of the charge, the entire armed
5 robbery portion.

6 And then obviously as to their second question I would
7 tell them that they have all the evidence in the case, that I
8 cannot answer any questions regarding factual issues.

9 All right. So we can bring the jury in.

10 (WHEREUPON, pause awaiting jury.)

11 (WHEREUPON, jury enters 6/13/19, 10:49 a.m.)

12 THE COURT: Be seated please.

13 THE BAILIFF: All jurors are present, Your Honor.

14 THE COURT: All right. Thank you. Ladies and gentlemen,
15 we received your note. There is sort of a two-part question
16 on there. The first part says for armed robbery does any item
17 technically have to be taken from the individual.

18 I will now recharge you on that portion of the charge,
19 okay. So listen carefully.

20 The defendant is also charged with the armed robberies of
21 Frederick Smalls, Johnell Lamar Watson, Kirby Fyall, Antonio
22 Shamar Fyall, Theodore Gerard Fyall, and Sanquan Fyall.

23 In order to prove these offenses the State must first
24 prove beyond a reasonable doubt that the defendant took
25 personal property from the person or presence of another

1 person. The property is in the presence of a person if it is
2 within the person's reach, inspection, observation, or control
3 so that the person could if not overcome with violence or
4 prevented by fear keep possession of the property.

5 The State must also prove beyond a reasonable doubt that
6 the defendant carried the property away intending to
7 permanently deprive the owner of the property and to keep the
8 property for the defendant's on use. The slightest removal of
9 the property or the complete possession of the property even
10 for an instant by the defendant is sufficient to show a taking
11 and carrying away of the property.

12 The taking and carrying away the property must have been
13 done with violence or by putting the owner of the property in
14 fear of violence.

15 Finally, the State must prove beyond a reasonable doubt
16 that the defendant was armed with a deadly weapon during the
17 robbery.

18 A deadly weapon is any article, instrument or substance
19 which is likely to cause death or great bodily harm. Whether
20 an instrument has been used as a deadly weapon depends on the
21 facts and circumstances of each case. A gun is an example of
22 a deadly weapon. A gun may also be a deadly weapon even if it
23 is not operating.

24 As to the second part of your question which states are
25 we able to ask whose pants were found outside of the house,

1 ladies and gentlemen, you have all of the evidence in this
2 case. I cannot answer any specific factual question other
3 than to tell you that you have all of the evidence that you
4 need to reach a verdict in this case.

5 Now we will once again let you retire to the jury room.
6 If there are any other needs for me to recharge any other
7 portion just let the bailiff know. Okay.

8 (WHEREUPON, jury exits 10:52 a.m.)

9 THE COURT: Thank you very much. All right. We will be
10 back at ease.

11 (WHEREUPON, recess.)

12 (WHEREUPON, resume 6/13/19, 11:51 p.m., following jury note
13 marked Court's Exhibit 4.)

14 THE COURT: All right. Court's Exhibit 4 is another jury
15 note that says can we have a written copy of the armed robbery
16 law.

17 Now there is a case out in the Court of Appeals which
18 states if you give the jury a copy of the charge it must be
19 the charge in its entirety, not merely one section. So if I
20 were to honor this request I would obviously give them the
21 entire charge. I am happy to hear from either side on this.

22 MR. LIETZOW: No objection from the State, Your Honor.

23 THE COURT: Okay.

24 MS. NORRIS: We are fine as long as the Court gives the
25 entire charge.

1 THE COURT: The entire charge. Okay. We will do that
2 then. So before -- there is really no necessity for the jury
3 to come in. We will just print off another clean copy of the
4 charge and I will allow the attorneys to review it one more
5 time and then we will send it back, okay. All right.

6 (WHEREUPON, recess 6/13/19, 11:52 a.m.)

7 (WHEREUPON, resume 6/13/19, 12:00 p.m. for attorneys to review
8 printed charge.)

9 THE COURT: This will be marked as the next court's
10 exhibit.

11 (WHEREUPON, Court's Exhibit Number 5, charge, was marked for
12 identification.)

13 THE COURT: This will be marked as Court's Exhibit 5.
14 And this will be handed to the bailiff. You can take that to
15 the jury room.

16 All right. We are back at ease.

17 (WHEREUPON, recess 6/13/19, 12:01 p.m.)

18 (WHEREUPON, resume 6/13/19, 1:48 p.m.)

19 (WHEREUPON, Court's Exhibit 6, jury note, marked for
20 identification.)

21 THE COURT: We have another note from the jury. We have
22 marked it as Court's Exhibit 6. And it states an armed
23 robbery, comma, when it states, comma, quote, in order to
24 prove these offenses the State must first provide beyond a
25 reasonable doubt that the defendant took personal property

1 from the person or presence of another person, comma, quote.
2 Is this stating that a victim must lose his or her property in
3 order for the defendant to be guilty or, underlined, can a
4 victim be in the mere presence of someone else who loses
5 property but not lose his or her own property specifically.
6 Signed the foreperson, 86.

7 I am not inclined to give any more specific instruction
8 other than what they have been charged. I think if I make any
9 other specific instruction or answer their specific question
10 that will result in me specifically commenting on the facts of
11 this case which obviously would be inappropriate.

12 So my plan at this point is to -- I can either bring them
13 in and tell them that I can't answer this question or I can
14 write back on this note I cannot answer this question and sign
15 my name and let you see the note and pass it back to them.
16 Whichever you prefer.

17 MR. OSBORNE: We are fine with you writing on the note.

18 THE COURT: Okay. Preference?

19 MR. MACK: Either is fine, Judge.

20 THE COURT: Okay.

21 (WHEREUPON, the Court complied.)

22 THE COURT: All right. I will allow the attorneys to
23 come view my response on the note and then I will send it
24 back.

25 Any objection to the response as written? It saves the

1 time of them coming in here and me saying that.

2 (WHEREUPON, attorney's reviewed note.)

3 MR. MACK: Good.

4 THE COURT: Okay. Thank you. We will send it back to
5 them.

6 (WHEREUPON, note returned by clerk to jury.)

7 (WHEREUPON, break 6/13/19, 1:51 p.m.)

8 (WHEREUPON, resume 6/13/19, 2:14 p.m.)

9 THE COURT: Mr. Bailiff, I understand the jury has
10 reached a verdict; is that correct?

11 THE BAILIFF: Yes, ma'am.

12 THE COURT: All right. If you will bring the jury in we
13 will receive them at this time.

14 (WHEREUPON, jury enters 6/13/19, 2:17 p.m.)

15 THE COURT: Mr. Foreman, I understand the jury has
16 reached a verdict; is that correct?

17 THE FOREMAN: Yes, ma'am.

18 THE COURT: All right. If you could please pass those
19 forms to the bailiff I would appreciate it.

20 (WHEREUPON, complied.)

21 THE COURT: The forms have all been filled out and
22 signed. I will pass them to the clerk for publications.

23 Will the defendant please rise.

24 (WHEREUPON, defendant complied.)

25 THE WITNESS: The case of the State of South Carolina

1 versus Byron Labron Rivers, Indictment Number 2017-GS-10-
2 02174, we the jury by unanimous consent find the defendant
3 Byron Labron Rivers on the charge of the murder of Kirby Fyall
4 guilty. Signed by the presiding juror June 13th, 2019.

5 In Indictment Number 2017-GS-10-02107, we the jury by
6 unanimous consent find the defendant Byron Labron Rivers
7 guilty on the charge of the attempted murder of Antonio Shamar
8 Fyall guilty. Signed by the presiding juror June 13th, 2019.

9 Indictment Number 2017-GS-10-02106, we the jury by
10 unanimous consent find the defendant Byron Labron Rivers on
11 the charge of attempted murder of Johnell Lamar Watson guilty.
12 Signed by the presiding juror June 13th, 2019.

13 Indictment Number 2017-GS-01891, we the jury by unanimous
14 consent find the defendant Byron Labron Rivers on the charge
15 of armed robbery of Sanquan Quantez Fyall guilty. Signed by
16 the presiding juror June 13th, 2019.

17 Indictment Number 2019-GS-10-01893, we the jury by
18 unanimous consent find the defendant Byron Labron Rivers on
19 the charge of the armed robbery of Theodore Gerald Fyall
20 guilty. Signed by the presiding juror June 13th, 2019.

21 Indictment Number 2019-GS-10-01894, we the jury by
22 unanimous consent find the defendant Byron Labron Rivers on
23 the charge of armed robbery of Frederick K. Smalls guilty.
24 Signed by the presiding juror June 13th, 2019.

25 Indictment Number 2019-GS-10-01890, we the jury by

1 unanimous consent find the defendant Byron Labron Rivers on
2 the charge of armed robbery of Antonio Shamar Fyall not
3 guilty. Signed by the presiding juror June 13th, 2019.

4 Indictment Number 2019-GS-10-01899, we the jury by
5 unanimous consent find the defendant Byron Labron Rivers on
6 the charge of armed robbery of Herbie Fyall not guilty.
7 Signed by the presiding juror June 13th, 2019.

8 Indictment Number 2019-GS-10-01889, we the jury by
9 unanimous consent find the defendant Byron Labron Rivers on
10 the charge of armed robbery of Johnell Lamar Watson not
11 guilty. Signed by the presiding juror June 13th, 2019.

12 Indictment Number 2019-GS-10-02143, we the jury by
13 unanimous consent find the defendant Byron Labron Rivers on
14 the charge of burglary first degree guilty. Signed by the
15 presiding juror June 13th, 2019.

16 Indictment Number 2017-GS-10-02108, we the jury by
17 unanimous consent find the defendant Byron Labron Rivers on
18 the charge of possession of a weapon during the commission of
19 a violent crime guilty. Signed by the presiding juror by --
20 June 13th, 2019.

21 THE COURT: Thank you very much.

22 Mr. Foreman, is that the jury's verdict?

23 MR. FOREMAN: Yes, ma'am.

24 THE COURT: All right. Any post-verdict motions from the
25 State?

1 MR. LIETZOW: None from the State, Your Honor.

2 THE COURT: Requests or motion at this time from the
3 defense?

4 MR. MACK: Judge, if we may poll the jury.

5 THE COURT: Sure.

6 If you don't mind polling the jury.

7 THE CLERK: When I call your juror number please raise
8 your hand to identify yourself. I will then ask you two
9 question. Please answer with yes or no.

10 THE CLERK: Juror Number 86, is this your verdict?

11 THE JUROR: Yes, ma'am, it is.

12 THE CLERK: Is it still your verdict?

13 THE JUROR: Yes, ma'am, it is.

14 THE CLERK: Juror Number 212, is this your verdict?

15 THE JUROR: Yes, ma'am.

16 THE CLERK: Is it still your verdict?

17 THE JUROR: Yes, ma'am.

18 THE CLERK: Juror Number 110, is this your verdict?

19 THE JUROR: Yes, ma'am.

20 THE CLERK: Is it still your verdict?

21 THE JUROR: Yes, ma'am.

22 THE CLERK: Juror Number 4, is this your verdict?

23 THE JUROR: Yes, ma'am.

24 THE CLERK: Is it still your verdict?

25 THE JUROR: Yes.

1 THE CLERK: Juror Number 269, is this your verdict?
2 THE JUROR: Yes.
3 THE CLERK: Is it still your verdict?
4 THE JUROR: Yes.
5 THE CLERK: Juror Number 4, is this your verdict?
6 THE JUROR: Yes.
7 THE CLERK: Is it still your verdict?
8 THE JUROR: Yes.
9 THE CLERK: Juror Number 287, is this your verdict?
10 THE JUROR: Yes, ma'am.
11 THE CLERK: Is it still your verdict?
12 THE JUROR: Yes, ma'am.
13 THE CLERK: Juror Number 28, is this your verdict?
14 THE JUROR: Yes, ma'am.
15 THE CLERK: Is it still your verdict?
16 THE JUROR: Yes, ma'am.
17 THE CLERK: Juror Number 267, is this your verdict?
18 THE JUROR: Yes, ma'am.
19 THE CLERK: Is it still your verdict?
20 THE JUROR: Yes, ma'am.
21 THE CLERK: Juror Number 135, is this your verdict?
22 THE JUROR: Yes.
23 THE CLERK: Is it still your verdict?
24 THE JUROR: Yes, ma'am.
25 THE CLERK: Juror Number 19, is this your verdict?

1 THE JUROR: Yes, ma'am.

2 THE CLERK: Is it still your verdict?

3 THE JUROR: Yes, ma'am.

4 THE CLERK: And Juror Number 92, is this your verdict?

5 THE JUROR: Yes, ma'am.

6 THE CLERK: Is it still your verdict?

7 THE JUROR: Yes, ma'am.

8 THE CLERK: Your Honor, the jury has been polled.

9 THE COURT: Thank you. Any other requests or motions
10 before the jury is released?

11 MR. MACK: No, Judge.

12 THE COURT: All right. Ladies and gentlemen -- you can
13 be seated now. Thank you very much.

14 Ladies and gentlemen, we appreciate your time and
15 consideration in reaching your verdict. You have obviously
16 been very diligent in taking your time in considering these
17 matters.

18 I never -- I make it a comment never to comment -- make
19 it a point never to comment on a jury's verdict. But I will
20 thank you for your service on behalf of the State of South
21 Carolina today and all week this week in removing yourselves
22 from your regular routine in daily life.

23 At this point in time in the trial we will move on to the
24 sentencing phase. You are welcome to stay if you want to, but
25 you are also free to leave. You are officially discharged of

1 your jury service at this time. If you want to leave, just
2 simply get up and the bailiffs will escort you out. You can
3 leave anytime you want and you won't offend anybody. Okay.

4 So with that I would ask that the State prepare some
5 sentencing sheets and make sure that we have the correct
6 indictments corresponding to the charges which came back
7 guilty.

8 And if you need to check with the clerk I suggest you do
9 so to be sure you have the correct indictment.

10 I am going to ask too that you put what I do in Plea
11 Court which is the possible sentence I want you to write that
12 on the sheets for clarification for the record.

13 (WHEREUPON, pause awaiting sentencing sheets.)

14 THE COURT: All right. I have reviewed the sentencing
15 sheets and confirmed that they do indicate the indictment
16 numbers on which the guilty verdicts were returned. I will
17 return these verdict forms back to the clerk.

18 All right. As is customary I am happy to hear from the
19 State first on sentencing.

20 MR. LIETZOW: Thank you, Your Honor. I would ask you to
21 first hear from Kirby Fyall's widow.

22 THE COURT: Okay.

23 Yes, ma'am. If you don't mind just come up to the corner
24 there, and before you begin if you could just state your name
25 for the record I would appreciate it.

1 MS. ALEXANDRIA WARD: My name is Alexandria Ward.

2 THE COURT: Ward, W-A-R-D?

3 MS. ALEXANDRIA WARD: Yes.

4 THE COURT: Yes, ma'am.

5 MS. ALEXANDRIA WARD: And I just wanted to thank the
6 State of South Carolina. I'm sorry (pause for composure).
7 The State of South Carolina, the prosecutor's office, the
8 investigator, and everyone that has worked on this so
9 diligently on this case. I do thank everybody.

10 I want to ask you for the maximum sentencing in the case.
11 What Byron took from us that day we can never replace. You
12 know, Kirby, my husband, taken physically from him; but his
13 life was stolen that day. So was ours. And I want to ask you
14 for the maximum sentencing. Thank you.

15 THE COURT: Yes, ma'am. I am sorry you have to be here
16 under these circumstances.

17 MS. ALEXANDRIA WARD: Thank you.

18 THE COURT: Yes, ma'am. There is somebody else.

19 If you could tell me your name?

20 MS. CATHY WARD: Sure. My name is Cathy Ward. W-A-R-D.

21 THE COURT: Thank you.

22 MS. CATHY WARD: And I do reiterate my gratitude, extreme
23 gratitude, to the State of South Carolina, the Solicitor's
24 Office, and the investigator on this.

25 And what I just want to say just briefly what the court

1 isn't -- wasn't able to hear is who Kirby was. Kirby was a
2 Christian, loving man. He was a husband. He was a father to
3 his daughter Corrie who is entering her teenage years without
4 the guidance of a loving Christian man.

5 And I please ask and beg the court to sentence him to the
6 maximum sentence. I will learn to forgive and move on. But
7 may God have mercy on his soul. Thank you.

8 THE COURT: Thank you.

9 MR. LIETZOW: Judge, starting with Byron River's record.
10 He has been convicted of a burglary third-degree in 2012,
11 assault and battery third-degree by mob in 2012. And he has a
12 2015 conviction for malicious injury to personal property.

13 THE COURT: Okay.

14 MR. LIETZOW: Your Honor, the facts in this case are
15 horrendous. This is one of the most evil things that one
16 individual can do to another. The callousness that Byron
17 River's displayed that night by barging into that house with
18 every intent to commit an armed robbery and a home invasion
19 that resulted in the death of one individual and two other
20 individuals being shot.

21 I really don't think that the rehabilitative aspect of
22 the criminal justice system is appropriate in this case, Your
23 Honor. And we do think that the punitive aspect of the
24 justice system is the most important thing here. Because of
25 that we would ask Your Honor to impose a life sentence on the

1 murder and the burglary in the first-degree.

2 I would like to point out for the court's clarification
3 that all of the victims in this case work. They had work
4 schedules. And that is one of the large reasons that they
5 were not able to stick around this entire week. And without
6 their cooperation this case would have never been able to come
7 to court. So they deserve the lion's share of the
8 appreciation for the conviction in this case.

9 Byron Rivers in jail-calls that were not published to the
10 jury that were not brought forward, tried to take steps to
11 intimidate witnesses, tried to get his codefendant to fall in
12 line and make sure that these charges never got brought in
13 front of a court.

14 For all those reasons, Your Honor, the only appropriate
15 sentence as far as the State is concerned is a life sentence,
16 and we would ask Your Honor to impose life without parole.

17 Thank you.

18 THE COURT: All right. I will turn it over to the
19 defense. Who will be presenting sentencing? I understand it
20 is a strange position for an attorney to be in after -- upon a
21 trial. But Mr. Mack I am happy to hear from you.

22 MR. MACK: Thank you, Judge. We respectfully request of
23 course the minimum sentence in this case of 30 years. Byron
24 literally has no idea what happened that night, given the
25 extent of his injuries from the sledgehammer, from the

1 kicking, and from the gunshot wound.

2 He is a quiet man. As you can see he keeps to himself.
3 He is a man of conviction. Since day one he has wanted this
4 trial. He is a man who has believed in me all along and got
5 behind this theory.

6 I think all of the evidence in this case -- a lot of it
7 suggests that something was going on in that house before and
8 after Byron was inside it.

9 As far as the State's claims that Byron was threatening a
10 witness I have listened to those jail calls and I do not hear
11 it. His co-defendant in this case did confess, Judge. He
12 claimed Byron was the shooter. We have no reason to believe
13 his co-defendant whatsoever. During that confession he lied
14 several times to police. First he said he had no gun. Then
15 he said he had a toy gun. Then he said he had a 380. And
16 then he said he had a 40 caliber handgun.

17 Only after he was told by police that a 380 shell casing
18 was found on the scene did he tell them that he had a 40
19 caliber handgun, Judge.

20 The allegations of gang affiliation in this case also
21 have no merit, Judge. They were made by Latoya Mack his
22 former girlfriend and the mother of Sanquan Fyall's child.
23 She made them to police only after the police confronted her
24 about how Sanquan Fyall was trying to post bond for her.

25 She was just as scared of Sanquan Fyall as she was of

1 anybody else in this case. And when -- when police told her
2 that Sanquan Fyall was at the jail to post bond for her all of
3 a sudden she goes on about talking that -- or she goes on to
4 say that Bryon is involved in a gang, and he found out about
5 whatever was in that house through the gang and not through
6 her, in order to alleviate herself from any sort of threat
7 that may come from the people inside of that house.

8 Judge, Byron Rivers has never seen the guns in this case
9 before in his life.

10 His prior record, Judge, you will see armed robbery
11 mistrial. That is a case of mistaken identity.

12 The burg-third in his case is a conviction that resulted
13 in a guilty plea. He received a time-served offer from the
14 State. And his co-defendant implicated him through a
15 receiving stolen goods charge. The cops approached this co-
16 defendant and the co-defendant pointed at him.

17 For those reasons we request the minimum sentence.

18 THE COURT: Does your client wish to say anything at this
19 time?

20 MR. MACK: I don't believe so, Judge.

21 THE COURT: Well, this is certainly a tragedy for several
22 lives on the night that it took place. And there are
23 obviously a lot of people who were affected by it. Obviously
24 A great community concern in this area for acts such as this.

25 Of course I want to make it clear for the record that the

1 only facts upon which I consider -- I will consider in
2 crafting the sentence are those that bore out in the evidence
3 that was presented at trial. I am not considering allegations
4 that weren't charged or brought forth in any charges from the
5 State or allegations of gang violence or anything of that
6 nature. I don't find that to be appropriate.

7 But given the signs of premeditation with the gloves, the
8 fact that South Carolina does recognize that the hand of one
9 is the hand of all and that a life was lost that night is of
10 great concern to me. And I obviously take all of those things
11 into consideration.

12 I know there was some comment during the trial or some
13 evidence presented during the trial obviously that there was
14 some -- some drug activity obviously going on in the house.
15 But I don't value the lives of those who were killed or those
16 who were victims of this crime any less than I would value the
17 lives of someone in my own neighborhood if this had taken
18 place down the street from me. So I think it would be wholly
19 inappropriate for me to consider their lives to be worth any
20 less or their fears or their concerns to be somehow valued
21 less than somebody else's. So for that reason I will be
22 imposing the maximum sentence in this case, which of course is
23 life without parole.

24 So specifically on the indictments I will go through them
25 individually so it is clear for the record. 2017-GS-10-02108,

1 this is the possession of a weapon during the commission of a
2 violent crime charge. Obviously the penalty on that is five
3 years. You will receive a sentence to the State Department of
4 Corrections for five years.

5 And that will run concurrent with the sentence on 2019-
6 GS-10-02143, burglary in the first-degree I sentence you to
7 the State Department of Corrections for a term of life without
8 parole.

9 It will run concurrent with the sentence on 2019-GS-10-
10 01894, armed robbery. I sentence you to the State Department
11 of Corrections for a term of 30 years.

12 That will run concurrent with the sentence on Indictment
13 2019-GS-10-01893, armed robbery, South Carolina Department of
14 Corrections for 30 years.

15 That will run concurrent with the sentence on Indictment
16 2019-GS-10-01891, armed robbery, I sentence you to the South
17 Carolina Department of Corrections for a term of 30 years.

18 Also concurrent to the sentence on 2017-GS-10-02107,
19 attempted murder, I sentence you to the South Carolina
20 Department of Corrections for a term of murder 30 years.

21 That will run concurrent with Indictment 2017-GS-10-
22 02106, I sentence you -- again, the second count of attempted
23 murder I sentence you to the South Carolina Department of
24 Corrections for a term of 30 years.

25 And finally that will run concurrent with the sentence on

1 the operative indictment which is 2017-GS-10-02104, I sentence
2 you in the murder of Kirby Fyall to South Carolina Department
3 of Corrections for a term of life without parole.

4 I wish you luck. Court is adjourned.

5 (WHEREUPON, the trial concluded.)

ECK/0319900
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER
2016-021530

ARREST WARRANT NUMBER
2016A1010203281

DATE OF ARREST
07/22/2016

ACTION OF GRAND JURY

Foreperson
TRUE BILL APR 11 2017
Foreperson of Grand Jury Date

VERDICT

Guilty

Travis Folk 0-13-19
Foreperson of Petit Jury Date

DOCKET NO. 2017-GS-10-02104

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
APRIL TERM 2017

THE STATE

VS.

BYRON LABRON RIVERS


Indictment for

MURDER

SC Code: § 16-03-0010
CDR Code: 0116

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened April 2017, the Grand Jurors of Charleston County present upon their oath:

MURDER

That in Charleston County, South Carolina on or about July 15, 2016, the defendant, Byron Labron Rivers, alone or while acting in concert with others feloniously, willfully and with malice aforethought, did kill and murder Kirby Fyall by means of Gunshot, and Kirby Fyall did die in Charleston County as a proximate result thereof on or about July 15, 2016; in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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



CULVER KIDD
ASSISTANT SOLICITOR

ECK/0319900
WITNESSES

DOCKET NO. 2017-GS-10-02106

North Charleston Police Department

The State of South Carolina
County of Charleston

AGENCY CASE NUMBER
2016-021530

COURT OF GENERAL SESSIONS
APRIL TERM 2017

ARREST WARRANT NUMBER
2016A1010203378

DATE OF ARREST
07/22/2016

THE STATE

VS.

ACTION OF GRAND JURY

BYRON LABRON RIVERS

True Bill
TRUE BILL APR 11 2017
Foreperson of Grand Jury Date:

VERDICT

Indictment for

ATTEMPTED MURDER

SC Code: § 16-03-0029
CDR Code: 3410

Guilty

Kevin Folk
Foreperson of Petit Jury

4/13/19
Date:

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

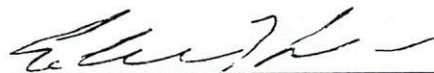
INDICTMENT

At a Court of General Sessions, convened April 2017, the Grand Jurors of Charleston County present upon their oath:

ATTEMPTED MURDER

That in Charleston County, South Carolina, on or about July 15, 2016, the Defendant, Byron Labron Rivers, alone or while acting in concert with others did, with intent to kill and malice aforethought, attempt to kill Johnell Lamar Watson. This is in violation of Section 16-3-29 of the South Carolina Code of Laws (1976) as amended.

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



CULVER KIDD
ASSISTANT SOLICITOR

ECK/0319900
WITNESSES

DOCKET NO. 2017-GS-10-02107

North Charleston Police Department

The State of South Carolina
County of Charleston

AGENCY CASE NUMBER

2016-021530

COURT OF GENERAL SESSIONS

APRIL TERM 2017

ARREST WARRANT NUMBER

2016A1010203377

DATE OF ARREST

07/22/2016

THE STATE

VS.

BYRON LABRON RIVERS
[REDACTED]

ACTION OF GRAND JURY

TRUE BILL

APR 11 2017

Foreperson of Grand Jury

Date:

VERDICT

Indictment for

ATTEMPTED MURDER

SC Code: § 16-03-0029
CDR Code: 3410

Guilty

Travis Folk
Foreperson of Petit Jury

4/13/19
Date:

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened April 2017, the Grand Jurors of Charleston County present upon their oath:

ATTEMPTED MURDER

That in Charleston County, South Carolina, on or about July 15, 2016, the Defendant, Byron Labron Rivers, alone or while acting in concert with others did, with intent to kill and malice aforethought, attempt to kill Antonio Shamar Fyall. This is in violation of Section 16-3-29 of the South Carolina Code of Laws (1976) as amended.

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



CULVER KIDD
ASSISTANT SOLICITOR

ECK/0319900
WITNESSES

DOCKET NO. 2017-GS-10-02108

North Charleston Police Department

The State of South Carolina
County of Charleston

AGENCY CASE NUMBER
2016-021530

COURT OF GENERAL SESSIONS
APRIL TERM 2017

ARREST WARRANT NUMBER
2016A1010203376

DATE OF ARREST

07/22/2016

THE STATE

VS.

BYRON LABRON RIVERS


ACTION OF GRAND JURY

TRUE BILL

APR 11 2017

Foreperson of Grand Jury

Date

VERDICT

Indictment for

POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT
CRIME

SC Code: § 16-23-0490
CDR Code: 0549

Guilty

Foreperson of Petit Jury

6-13-19
Date:

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened April 2017, the Grand Jurors of Charleston County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That in Charleston County, South Carolina, on or about July 15, 2016, the Defendant, Byron Labron Rivers, did possess a firearm or did visibly display what appeared to be a firearm or did visibly display a knife during the commission of or attempted commission of a violent crime, to wit: Murder and Armed Robbery; in violation of Section 16-23-490, Code of Laws of South Carolina, (1976, as amended).

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



CULVER KIDD
ASSISTANT SOLICITOR

AMW/0319900
WITNESSES

DOCKET NO. 2019-GS-10-01891

The State of South Carolina
County of Charleston

North Charleston Police Department

AGENCY CASE NUMBER
2016-021530

COURT OF GENERAL SESSIONS
APRIL TERM 2019

ARREST WARRANT NUMBER
2016A1010203371

DATE OF ARREST
07/22/2016

THE STATE

VS.

BYRON LABRON RIVERS A.K.A. Byron Rivers
~~XXXXXXXXXXXXXXXXXXXX~~

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury Date: APR 02 2019

VERDICT

Indictment for

ARMED ROBBERY

SC Code: § 16-11-0330(A)
CDR Code: 0139

Guilty

[Signature] 6-13-19
Foreperson of Petit Jury Date:

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

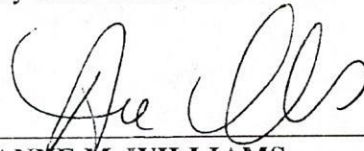
INDICTMENT

At a Court of General Sessions, convened April 2019, the Grand Jurors of Charleston County present upon their oath:

ARMED ROBBERY

That on or about July 15, 2016, in Charleston County, South Carolina, the Defendant, Byron Labron Rivers, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did take and carry away goods and/or monies from the person or immediate presence of Sanquan Quatez Fyall with the intent to permanently deprive the victim of possession thereof, in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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



ANNE M. WILLIAMS
ASSISTANT SOLICITOR

AMW/0319900
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER
2016-021530

ARREST WARRANT NUMBER
2016A1010203373

DATE OF ARREST
07/22/2016

ACTION OF GRAND JURY
TRUE BILL

[Signature]
Foreperson of Grand Jury Date: APR 02 2019

VERDICT

[Signature]
Foreperson of Petit Jury Date: 10/12/19

DOCKET NO. 2019-GS-10-01893

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
APRIL TERM 2019

THE STATE

VS.

BYRON LABRON RIVERS A.K.A. Byron Rivers
[Redacted]

Indictment for

ARMED ROBBERY

SC Code: § 16-11-0330(A)
CDR Code: 0139

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

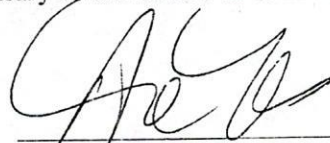
INDICTMENT

At a Court of General Sessions, convened April 2019, the Grand Jurors of Charleston County present upon their oath:

ARMED ROBBERY

That on or about July 15, 2016, in Charleston County, South Carolina, the Defendant, Byron Labron Rivers, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did take and carry away goods and/or monies from the person or immediate presence of Theodore Gerard Fyall with the intent to permanently deprive the victim of possession thereof, in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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



ANNE M. WILLIAMS
ASSISTANT SOLICITOR

AMW/0319900
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER
2016-021530

ARREST WARRANT NUMBER
2016A1010203374

DATE OF ARREST
07/22/2016

ACTION OF GRAND JURY
TRUE BILL

[Signature]
Foreperson of Grand Jury APR 02 2019

VERDICT

Guilty
Travis Fole 6-13-19
Foreperson of Petit Jury Date:

DOCKET NO. 2019-GS-10-01894

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
APRIL TERM 2019

THE STATE

VS.

BYRON LABRON RIVERS A.K.A. Byron Rivers
[Redacted]

Indictment for

ARMED ROBBERY

SC Code: § 16-11-0330(A)
CDR Code: 0139

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

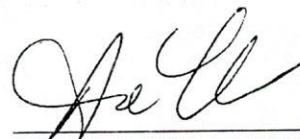
INDICTMENT

At a Court of General Sessions, convened April 2019, the Grand Jurors of Charleston County present upon their oath:

ARMED ROBBERY

That on or about July 15, 2016, in Charleston County, South Carolina, the Defendant, Byron Labron Rivers, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did take and carry away goods and/or monies from the person or immediate presence of Frederick K Smalls with the intent to permanently deprive the victim of possession thereof, in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

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



ANNE M. WILLIAMS
ASSISTANT SOLICITOR

AMW/0319900
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER
2016-021530

ARREST WARRANT NUMBER
2019-GS-10-02143

DATE OF ARREST
07/22/2016

ACTION OF GRAND JURY
TRUE BILL

[Signature]
Foreperson of Grand Jury APR 02 2019 Date:

VERDICT

[Signature]
[Signature]
Foreperson of Petit Jury Date: 6-13-19

DOCKET NO. 2019-GS-10-02143

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
APRIL TERM 2019

THE STATE

VS.

BYRON LABRON RIVERS A.K.A. Byron
Rivers



Indictment for

BURGLARY FIRST DEGREE

SC Code: § 16-11-0311
CDR Code: 0079

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

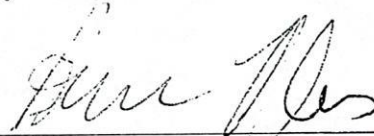
INDICTMENT

At a Court of General Sessions, convened April 2019, the Grand Jurors of Charleston County present upon their oath:

BURGLARY FIRST DEGREE

That in Charleston County, South Carolina on or about July 15, 2016, the Defendant Byron Labron Rivers, did enter the dwelling of Sanquan Quatez Fyall without consent and with the intent to commit a crime therein. That, in addition, said entry or remaining occurred in the nighttime; and/or the defendant caused physical injury to a person who was not a participant in the crime; and/or the defendant displayed what was or appeared to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearm; and/or the defendant was armed with a deadly weapon or explosive; in violation of § 16-11-311 of the South Carolina Code of Laws (1976) as amended.

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



ANNE M. WILLIAMS
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE VS.

BYRON LABRON RIVERS

AKA: Byron Rivers

Race: [redacted] Sex: [redacted]

DOB: [redacted] SS#: [redacted]

Address: [redacted]

City, State, Zip: [redacted]

DL# [redacted] SID# [redacted]

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

INDICTMENT/CASE#: 2017-GS-10-02104 ✓
A/W: 2016A1010203281
Date of Offense: 07/15/2016
S.C. Code §: 16-03-0010
CDR Code #: 0116

SENTENCE SHEET

TO: Murder (30-1A)

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. Negotiated Sentence, Recommendation by the State.
The plea is: Without Negotiations or Recommendation, Recommended by the State.

ATTEST:

[Signature]

76463

102068

Anne M. Williams, Assistant Solicitor

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 LWOP days/months/years or life without parole 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 Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on 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 PTUP _____ days/hours Public Service Employment

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Obtain GED

Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

*Fine: _____ \$ _____

Substance Abuse Counseling

§14-1-206 (Assessments 107.5%) \$ _____

Random Drug/Alcohol Testing

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

pmts. of \$ _____ Beginning _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

\$ _____ Paid to Public Defender Fund

§56-1-286 (DUI Breath Test) \$25 \$ _____

Other: _____

Proviso (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BU1 Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ \$ 3.75

TOTAL \$ 128.75

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: *[Signature]*

Court Reporter: *[Signature]*

Presiding Judge: *[Signature]*

Judge Code: 2786

Sentence Date: 6/13/19

COUNTY OF CHARLESTON

STATE VS.

BYRON LABRON RIVERS

AKA: Byron Rivers

Race: [redacted] Sex: [redacted]

DOB: [redacted] SS#: [redacted]

Address: [redacted]

City, State, Zip: [redacted]

DL# [redacted] SID# [redacted]

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

INDICTMENT/CASE#: 2017-GS-10-02106

A/W: 2016A1010203378

Date of Offense: 07/15/2016

S.C. Code §: 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

TO: Attempted Murder (D-30x15)
In violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

CONVICTED OF or PLEADS

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. _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

[Signature] 76463 102068
Anne M. Williams, Assistant Solicitor 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 30 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 Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on 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 PTUP _____ days/hours Public Service Employment
Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____

Obtain GED

Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

*Fine: _____ \$ _____

Substance Abuse Counseling

§14-1-206 (Assessments 107.5%) \$ _____

Random Drug/Alcohol Testing

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

pmts. of \$ _____ Beginning _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

\$ _____ Paid to Public Defender Fund

§56-1-286 (DUI Breath Test) \$25 \$ _____

Other: _____

Proviso (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

Appointed PD or appointed other counsel,

3% to County (if paid in installments) \$ \$ 3.75

Proviso requires \$500 be paid to Clerk

TOTAL \$ 129.75

during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: [Signature]
Court Reporter: [Signature]

Presiding Judge: [Signature]
Judge Code: 2786
Sentence Date: 6/13/19

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE VS.

BYRON LABRON RIVERS

AKA: Byron Rivers

Race: [redacted] Sex: [redacted]

DOB: [redacted] SS#: [redacted]

Address: [redacted]

City, State, Zip: [redacted]

DL# [redacted] SID# [redacted]

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

INDICTMENT/CASE#: 2017-GS-10-02107
A/W: 2016A1010203377
Date of Offense: 07/15/2016
S.C. Code §: 16-03-0029
CDR Code #: 3410

CONVICTED OF or PLEADS

TO: Attempted Murder (6-364ms.)

In violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

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. (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Anne M. Williams 76463 Defendant [Signature] 102068 Attorney for Defendant SC Bar # SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 30 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 Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: —

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on 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 PTUP — days/hours Public Service Employment
Total: \$ — plus 20% fee: \$ —

Payment Terms: —

Set by SCDPPPS —

Recipient: —

*Fine: — \$ —

§14-1-206 (Assessments 107.5%)		\$	<u>—</u>
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	<u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	<u>—</u>
§56-5-2995 (DUI Assessment)	\$12	\$	<u>—</u>
§56-1-286 (DUI Breath Test)	\$25	\$	<u>—</u>
Proviso (Public Def/Probation)	\$500	\$	<u>—</u>
§14-1-212 (Law Enforce. Funding)	\$25	\$	<u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$	<u>—</u>
§50-21-114 (BUI Breath Test Fee)	\$50	\$	<u>—</u>
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	<u>—</u>
3% to County (if paid in installments)	\$	\$	<u>3.75</u>
TOTAL		\$	<u>128.75</u>

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.

Clerk of Court/Deputy Clerk: [Signature]
Court Reporter: [Signature]

Presiding Judge: [Signature]
Judge Code: 2786
Sentence Date: 6/13/19

COUNTY OF CHARLESTON

STATE VS.

BYRON LABRON RIVERS

AKA: Byron Rivers

Race: _____ Sex: _____

DOB: _____ SS#: _____

Address: _____

City, State, Zip: _____

DL# _____ SID# _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

CONVICTED OF or PLEADS

TO: Possession Of A Weapon During The Commission Of A Violent Crime

(0-5 yrs.)

In 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. _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Anne M. Williams 76463 Defendant _____ 102068 Attorney for Defendant SC Bar # _____ 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 Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on 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 PTUP _____ days/hours Public Service Employment

Total: \$ _____ plus 20% fee: \$ _____ Obtain GED

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 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 129.75

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.

Clerk of Court/Deputy Clerk: Quynh Mason

Court Reporter: Phyllis Norton

Presiding Judge: McClay

Judge Code: 2764

Sentence Date: 6/13/19

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE VS.

BYRON LABRON RIVERS

AKA: Byron Rivers

Race: [redacted] Sex: [redacted]

DOB: [redacted] SS#: [redacted]

Address: [redacted]

City, State, Zip: [redacted]

DL# [redacted] SID# [redacted]

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes new the Defendant who was CONVICTED OF or PLEADS

TO: Armed Robbery (1D-3D w/SS)

In violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

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. (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

[Signature] 76463 Defendant [Signature] 102068 Attorney for Defendant SC Bar # SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 30 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 Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on 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 PTUP _____ days/hours Public Service Employment

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____

Obtain GED

Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Recipient: _____

Substance Abuse Counseling

*Fine: _____ \$ _____

Random Drug/Alcohol Testing

§14-1-206 (Assessments 107.5%) \$ _____

Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

pmts. of \$ _____ Beginning _____

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

\$ _____ Paid to Public Defender Fund

§56-5-2995 (DUI Assessment) \$12 \$ _____

Other: _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: [Signature]

Presiding Judge: [Signature]

Court Reporter: [Signature]

Judge Code: 2763

Sentence Date: 2/13/19

BYRON LABRON RIVERS

AKA: Byron Rivers

Race: [redacted] Sex: [redacted]

DOB: [redacted] SS#: [redacted]

Address: [redacted]

City, State, Zip: [redacted]

DL# [redacted] SID# [redacted]

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

CONVICTED OF or PLEADS

TO: Armed Robbery (16-30415)

In violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

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. _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST

[Signature] 76463 Defendant [Signature] 102068 Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 30 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 Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on 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 PTUP _____ days/hours Public Service Employment

Total: \$ _____ plus 20% fee: \$ _____

Obtain GED

Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

*Fine: _____ \$ _____

Substance Abuse Counseling

§14-1-206 (Assessments 107.5%) \$ _____

Random Drug/Alcohol Testing

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

pmts. of \$ _____ Beginning _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

\$ _____ Paid to Public Defender Fund

§56-1-286 (DUI Breath Test) \$25 \$ _____

Other: _____

Proviso (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§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) \$ \$ 3.75

TOTAL \$ 128.75

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: [Signature]
Court Reporter: [Signature]

Presiding Judge: [Signature]
Judge Code: 2763
Sentence Date: 3/6/13/19

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE VS.

BYRON LABRON RIVERS

AKA: Byron Rivers

Race: [redacted] Sex: [redacted]

DOB: [redacted] SS#: [redacted]

Address: [redacted]

City, State, Zip: [redacted]

DL# [redacted] SID# [redacted]

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Armed Robbery (1B-30415)

In violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

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. _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

[Signature] 76463 Defendant [Signature] 102068 Attorney for Defendant SC Bar # SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 30 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 Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on 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 PTUP _____ days/hours Public Service Employment

Total: \$ _____ plus 20% fee: _____ \$ _____ Obtain GED

Payment Terms: _____

Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____ May serve W/E beginning _____

*Fine: _____ \$ _____ Substance Abuse Counseling

§14-1-206 (Assessments 107.5%) \$ _____ Random Drug/Alcohol Testing

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00 Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____ pmts. of \$ _____ Beginning _____

§56-5-2995 (DUI Assessment) \$12 \$ _____ \$ _____ Paid to Public Defender Fund

§56-1-286 (DUI Breath Test) \$25 \$ _____ Other: _____

Proviso (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ \$ 3.75

TOTAL \$ 128.75

Presiding Judge: [Signature]

Judge Code: 2764

Sentence Date: 6/13/19

Clerk of Court/Deputy Clerk: [Signature]

Court Reporter: [Signature]

BYRON LABRON RIVERS

AKA: Byron Rivers

Race: [REDACTED] Sex: [REDACTED]

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED] SID# [REDACTED]

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

INDICTMENT/CASE#: 2019-GS-10-02143

A/W: 2019-GS-10-02143

Date of Offense: 07/15/2016

S.C. Code §: 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

CONVICTED OF or PLEADS

TO: Burglary First Degree (15-life)
In violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

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. (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

[Signature] 76463 Defendant 102068
Anne M. Williams, Assistant Solicitor SC Bar # Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of LWOP ^{life without parole} 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 Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on 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 PTUP _____ days/hours Public Service Employment

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____

Obtain GED

Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

*Fine: _____ \$ _____

Substance Abuse Counseling

§14-1-206 (Assessments 107.5%) \$ _____

Random Drug/Alcohol Testing

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

pmts. of \$ _____ Beginning _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

\$ _____ Paid to Public Defender Fund

§56-1-286 (DUI Breath Test) \$25 \$ _____

Other: _____

Proviso (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ \$ 3.75

TOTAL \$ 128.75

Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: *[Signature]*

Court Reporter: *[Signature]*

Presiding Judge: *[Signature]*

Judge Code: 2764

Sentence Date: 6/13/19

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,

RECEIVED

Jun 17 2020

SC Court of Appeals

s/ Kathrine H. Hudgins

Kathrine H. Hudgins
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 17th day of June, 2020.