

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

—————
Certiorari to Lexington County

Honorable Brooks P. Goldsmith, Circuit Court Judge

—————
CURTIS T. JOHNSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-001694

—————
SUPPLEMENTAL APPENDIX
—————

SARAH E. SHIPE
Appellate Defender

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

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

CAROLINE M. SCRANTOM
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

RECEIVED

Apr 15 2020

S.C. SUPREME COURT

INDEX

INDEX i

TRANSCRIPT OF SENTENCING HEARING HELD OCTOBER 21, 2009.....1

ORIGINAL

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
 COUNTY OF LEXINGTON)

State of South Carolina,)	SENTENCING HEARING
)	2007-GS-32-1473
PLAINTIFF,)	2007-GS-32-1474
)	2007-GS-32-1475
-VS-)	2007-GS-32-1476
)	2007-GS-32-1540
Kerwin Parker and Curtis)	2007-GS-32-1541
Johnson,)	2007-GS-32-1542
)	
DEFENDANTS.)	
_____)	

BEFORE THE HONORABLE ROBIN B. STILWELL, JUDGE

OCTOBER 21, 2009

LEXINGTON, SOUTH CAROLINA

A P P E A R A N C E S:

Donald Myers, Esq.
 Colleen Dixon, Esq.
 For the State

Jack Duncan, Esq.
 Beth C. Fullwood, Esq.
 For the Defendants

REMA K. GANTT THOMAS
 CIRCUIT COURT REPORTER

I N D E X

	PAGE NO.
Exhibit List.	3
Motions.	6
Sentence of the Court.	31
Court Reporter's Certification	35

E X H I B I T S

PAGE NO.

Court's Exhibit Number 1A, Black Binder with
Letters. 32

Court's Exhibit Number 1B, Plastic Case with
Letters. 32

Court's Exhibit Number 1C, Yellow Envelope
11/14. 32

Court's Exhibit Number 1D, Red Folder with
Letters. 32

1 (The defendants,
2 together with counsel, were personally present in
3 the courtroom.)

4 THE COURT: Ladies and gentlemen, please
5 take your seats.

6 Good afternoon. Thank you all for being
7 here. I apologize that I'm running a little bit
8 late, but what I was doing was allowing everyone the
9 opportunity to review all of the documents that I
10 have had the benefit of reviewing.

11 And it was quite a substantial amount of
12 documents, and I have reviewed it all. So this
13 afternoon obviously we are here on a sentencing of
14 Mr. Johnson and Mr. Parker.

15 As I indicated to you, I have had the
16 benefit of reviewing a voluminous amount of
17 documents, letters from people on either side. I
18 have also had the benefit of the presentence
19 investigation I received from the Department of
20 Probation.

21 So the way I would like to proceed this
22 afternoon is I would like to hear from the State,
23 counsel for the State, then I'll hear from counsel
24 for the defendants, and then I'd be happy to hear
25 from the defendants as well.

1 With respect to everyone else in the
2 courtroom, I have read everything that I have
3 received, and I have read it more than once. So I
4 hope that that is sufficient.

5 If either side takes exception to that,
6 then please let me know and I will consider
7 listening to others as well. But know that I have
8 read all of the statements that have been submitted
9 to me, and have spent a significant amount of time
10 reviewing all of those documents, and feel like I
11 have a substantial flavor of the relative positions
12 of most everyone in the courtroom.

13 Mr. Duncan, you appear to have something
14 to say.

15 MR. DUNCAN: Your Honor, if Your Honor is
16 finished.

17 THE COURT: Yes, sir. Well, yes, sir, I'm
18 done.

19 MR. DUNCAN: Your Honor, at this time I'd
20 like to take up a matter of law and move for a new
21 trial for Mr. Parker. On October 12, 2009, the
22 South Carolina Supreme Court indicated they had
23 carefully scrutinized the historical antecedent to
24 the permissive inference that a jury may infer
25 malice from the use of a deadly weapon in a

1 prosecution for murder and/or assault and battery
2 with intent to kill.

3 The Supreme Court held that that is no
4 longer good law in South Carolina where evidence is
5 presented that would reduce, mitigate, excuse, or
6 justify the homicide. And the remedy granted was to
7 remand for a new trial.

8 As the Supreme Court has held repeatedly
9 in cases such as State v. Gregori, cited February 7,
10 2000; State v. Robinson, April 9, 1985; State v.
11 Washington, May 13, 1985, the decision in this case
12 here is not final until sentencing.

13 The only remedy that is available to Mr.
14 Parker would be the granting of a new trial. As
15 Belcher indicates, the use of that jury charge is
16 unconstitutional, illegal under state law, and
17 constitutes reversible error.

18 As this case is not final, Mr. Parker is
19 entitled to the benefit of this case. And that
20 would be our motion at this time.

21 THE COURT: All right. Thank you, sir. I
22 appreciate that.

23 Ms. Dixon, Mr. Myers, any response to
24 that?

25 MR. MYERS: Yes, sir. This case is final

1 as to the trial. The only thing left pending is a
2 sentence being imposed. State versus Johnny Rufus
3 Belcher, which Mr. Duncan was citing, overturned
4 about 114 years of law in South Carolina.

5 In that case, the Supreme Court said,
6 "Because our decision represents a clear break from
7 our modern precedent, today's ruling is effective in
8 this case and for all cases which are pending on
9 direct review or not yet filed where the issue is
10 preserved."

11 No issue was preserved because that matter
12 was not raised to the Court and no exception was
13 taken to your charge. And, therefore, the law and
14 the facts are final and the issue was not preserved
15 and was not raised. The only thing we have to do
16 today is impose a sentence.

17 THE COURT: All right, any reply to that,
18 sir?

19 MR. DUNCAN: Your Honor, the only thing
20 would be at the time, it could very easily be held
21 that that would have been a specious objection to
22 the law. As the Belcher case indicates, it applies
23 to any cases not final.

24 This is not final. This case is not
25 final. It is pending. The only remedy would be to

1 grant him a new trial. Judicial economy, whether
2 it's here through an ineffective assistance claim,
3 the remedy would be a new trial. And so on those
4 bases, we would renew the motion.

5 THE COURT: All right. Thank you, sir. I
6 appreciate it. Your motion is well received, sir.

7 I have had the benefit of reviewing the
8 case of Belcher, and the question obviously which
9 arose in my mind is what impact does it have upon
10 this case that came out subsequent to the jury's
11 verdict and after the issuance of the jury charge.

12 Certainly, you could not or would not have
13 objected to the charge under the circumstances,
14 because, just like you had indicated, it would have
15 been specious because that was well settled South
16 Carolina law.

17 However, not having objected at the time,
18 the trial court did not have the opportunity to give
19 any curative charge, did not have the opportunity to
20 revise the charge that was given to the jury.

21 And based on the evidence that was
22 presented during trial and based on the jury, the
23 verdict, which seemed to me -- and I think it's a
24 fair characterization of that verdict, to call it a
25 compromise verdict -- that it was not prejudicial to

1 your client.

2 Therefore, having made that determination
3 collectively, I will respectfully deny your motion.
4 Thank you, sir.

5 All right, I'll be happy to hear from the
6 State.

7 MR. MYERS: Your Honor, the State has
8 presented its evidence. The only thing we would
9 have is some of the victims family would like to
10 make a statement.

11 THE COURT: Okay, all right. How many?

12 MS. DIXON: We have two separate groups,
13 Your Honor. One is from the Isaac Wilson family,
14 and one is from the A. J. Wilson family. And I
15 believe A. J. and his father would like to speak as
16 well.

17 THE COURT: Okay, all right. As I told
18 you, I have already read everything into the record.
19 However, I do recognize that this is very important
20 for the victims. Therefore, notwithstanding the
21 fact that I had anticipated moving forward, I'll be
22 happy to hear from you.

23 MS. DIXON: Yes, sir.

24 MR. JEROME WILSON: I'm Jerome Wilson.
25 Your Honor, we certainly thank you for allowing us

1 to say a few more words. Like you said, you've
2 already read over the documents. And we are here
3 today to hear sentencing, even though we have
4 received our sentencing almost three years ago.

5 And we live with it, and we pray that God
6 can live with it as well. Every time we think about
7 our son in his condition, we have to also focus on
8 my nephew Isaac as well, and it's been devastating
9 for us, because everybody knows him.

10 But it just means so much to us to be able
11 to support him. He was just getting his life
12 together at that point, and we just ask that you do
13 give them the maximum sentence that there is.

14 We've done well the past three years
15 struggling with it. And we are happy to see some
16 conclusion to it so we can at least move forward and
17 put this behind us, dealing with it. So thank you
18 very much, Your Honor.

19 THE COURT: Thank you, sir. I appreciate
20 your being here.

21 MR. ANTHONY WILSON: Your Honor, I am
22 Anthony Wilson. I just want to say, you know, it
23 has changed me and changed my whole life around. I
24 can't use the bathroom no more. I've got to wear a
25 leg bag so I don't wet up my clothes.

1 I can't control my bladder. It's just
2 hectic, just the whole three years and my cousin's
3 gone. We had a music thing going. All that's been
4 kind of pushed under the rug for right now.

5 So, like my father just said, we just want
6 justice. And that's about it. I appreciate you
7 letting me talk.

8 THE COURT: Thank you, Mr. Wilson, and I
9 appreciate it, sir.

10 MRS. MICHELLE WILSON: I'm Anthony's
11 mother, Your Honor, Michelle Wilson, and his
12 siblings are here.

13 THE COURT: Okay, certainly.

14 MS. MELISSA WILSON: My name is Melissa
15 Wilson, and Isaac was my oldest brother. Your
16 Honor, my brother meant the world to me. He was
17 like a father figure after my father died.

18 He took care of me, took me places, and
19 also lived right by our mother. The last time I saw
20 my brother Isaac was when he took me and my brother
21 to the fair. We had so much fun with him, and now
22 it is all just memories.

23 Isaac had great plans for his life, Your
24 Honor. I love my brother. I love my oldest
25 brother. He was such a good person. I miss him so

1 much. I really care deeply for my brother.

2 My biggest memory that I will not forget
3 was when he escorted me in an elementary school
4 parent. I would like to say to those boys who
5 killed my brother the following is why why would
6 you kill him?

7 What if the story was turned? Do you
8 think it was right? Do you believe that you
9 accomplished something? No, all that you have done
10 is bring heartbreak to me and my family, and you
11 have brought hate.

12 I may only be 13, but I know that having a
13 gun doesn't make you a bigger person. This is what
14 I think of you. You are a coward, and you should be
15 ashamed of yourself.

16 You deserve to hold your head down in
17 shame. You deserve the sentence that you get, and I
18 hope it's a long one.

19 THE COURT: Thank you, ma'am.

20 MR. WILSON: Mr. Carson Wilson.

21 THE COURT: Yes, sir.

22 MR. CARSON WILLSON: Judge, I was ten
23 years old, and my father was in a car accident. And
24 so I really didn't know him that well. And the
25 closest thing I had to a father was my brother.

1 And I always spent time with him and was
2 at his apartment or was hanging out with him. He
3 was my best friend, father figure, a brother to me.
4 He meant everything to me.

5 And the night everything happened, I was
6 supposed to be there at the apartment that night.
7 So I wonder if I was there, would I be dead right
8 now, too. Would I have been shot multiple times?
9 Would I be in a wheelchair?

10 So the story is if I was shot, what would
11 be the case then? So I have no words to say what I
12 feel and how I can explain how I feel, because there
13 are no words. That's all I've got to say.

14 THE COURT: Thank you, sir.

15 MR. WILSON: Your Honor, my name is
16 Michelle Wilson. I'm the mother of Isaac Wilson, my
17 son, and these are my three children. My oldest
18 daughter doesn't want to speak.

19 And I brought them here today because I
20 have kept them away from all of the proceedings and
21 everything, because we've been through a lot as a
22 family. And I wanted them to come today because I
23 wanted to bring closure to everything that has
24 happened in our lives.

25 I stand before you, Your Honor, because

1 these are three very strong children. And we have
2 been to hell and back since losing my husband and
3 then losing my son less than two years later.

4 And it's been rough, and we have went
5 through some challenges as a family. But I wanted
6 them to be here today so that they could bring some
7 closure to everything that has happened.

8 I know you've read the letter that I
9 wrote. I had brought it, and I was going to go over
10 it all again today. But I just need a moment of
11 your time --

12 THE COURT: Yes, ma'am.

13 MS. WILSON: -- because I need to cleanse
14 me.

15 THE COURT: Yes, ma'am.

16 MS. WILSON: First of all, as a family, as
17 the Wilson family, I would just like to thank A. J.
18 right now in front of this courtroom, because my
19 nephew had made it back into the house, and he was
20 safe.

21 And he went back out because of the love
22 that he had for my son, his first cousin. And for
23 that, A. J. is sentenced to that wheelchair for the
24 rest of his life.

25 And, A. J., I just want to say in this

1 courtroom today that I thank you for the love.

2 And I know that we as a family taught our
3 children love. And I think it showed the night when
4 he went back out there to help his first cousin,
5 because they were like brothers.

6 And, A. J., I would like to say thank you.

7 And my heart hurts so much when I think
8 about everything that he has to go through and deal
9 with on a daily basis just to survive. And for a
10 period of time, I went through the thing that if he
11 had not went back out, where he would be today.

12 So I have dedicated my life to being there
13 for A. J., because he basically was willing to give
14 his life for my son. I would also like to say in
15 the letter that I wrote to you that through my son's
16 high school, Lake Marion High School in Orangeburg
17 School District Three, I have started a foundation
18 in his honor.

19 And through that, I am going to address --
20 first of all, I've given scholarships to students
21 that graduated that were in the sports or the
22 activities that Isaac was in in his high school.

23 But I also hope to also address domestic
24 violence in teens, which was something that was not
25 allowed in court to be brought out. I would like to

1 address some of those things and gun violence and
2 everything, because we need to set an example, and
3 it needs to start today, that our children have to
4 stop killing each other.

5 And they can't continue to do it and get a
6 slap on the wrist and just go on, because it's
7 horrible when my son and A. J. can be shot, and my
8 son killed, and their bodies still stomped in the
9 ground.

10 It has to stop somewhere. We had an
11 incident, we have all of these incidents going on
12 where we are just killing each other. And it has to
13 stop somewhere.

14 And I ask you -- I ask you today -- for
15 the maximum sentence that these young men can
16 receive for the crimes that they have committed.
17 And I also would like to say today that I have
18 watched and paid attention to the defendants' mom.

19 And I want you to know that I do feel your
20 care. I know that you are hurting, and I feel your
21 care as a mom, and we're both struggling. But I
22 think what it is, is that you can touch your
23 struggle, and you can hug your struggle, and you can
24 talk to your struggle.

25 But I can't do that to mine. I can't do

1 that to mine. So I ask you today - because I do
2 not understand how the jury came back with the
3 verdict they did. But I have to live with that,
4 because that's the judicial system.

5 And there's nothing that I can do about
6 that. But I ask you today to please give the
7 maximum sentence that's allowed by the law. And I
8 also would like to say to the defendants, if I may,
9 that I pray one day that these boys will come to me
10 and admit everything that was done that night and
11 admit everything, because it's quite obvious I have
12 got a good dose of the judicial system when I was at
13 trial for my son.

14 I had never been in a courtroom before in
15 my life, never even for jury duty. But I got a good
16 dose of the judicial system, and I see exactly how
17 it works now. And it is really not fair from what I
18 saw, because I saw what the defense will use by any
19 means necessary -- any means necessary.

20 And I also would like to say that all
21 black males are not involved in drugs, or gangs, or
22 anything like that. It is not like that, because I
23 know my son was not involved in that.

24 But when nothing else fits the M.O. of a
25 black male, you say that it's drugs. So it was

1 quite obvious that it was a thing of any means
2 necessary. But I can sleep at night because I truly
3 feel that A. J. has told me what happened, because,
4 as Solicitor Myers said, A. J. did not have a dog in
5 this fight at all.

6 And I do believe what he said happened
7 that night, so I can sleep and I can rest at night.
8 I don't know how some people do. But I know that I
9 can do that.

10 And I ask you to please give the maximum
11 sentence allowed by the law, because we have to set
12 an example for our young people. The violence has
13 to stop, and let's let it stop in the Lexington
14 courtroom today. Thank you.

15 THE COURT: Thank you, ma'am. I
16 appreciate that.

17 All right, Ms. Dixon, Mr. Myers, anything
18 further?

19 MR. MYERS: That's all the State has.
20 We've announced our decision and our opinions and
21 the presentence report which we stand by.

22 THE COURT: Yes, sir. Thank you very
23 much. We appreciate that.

24 All right, Mr. Duncan, Ms. Fullwood, as I
25 had indicated initially, I have read all the

1 statements that have been submitted. If you would
2 like to have a representative of the defendants'
3 families speak to me, I would be happy to hear from
4 it.

5 I just want to give everyone the equal
6 opportunity to be heard. I'm not suggesting that
7 you should. I just want to make sure everyone is
8 being treated fairly.

9 MS. FULLWOOD: The parents, Ms.
10 Richardson, is standing up.

11 Do you want to speak, Ms. Richardson?

12 MS. RICHARDSON: Yes.

13 THE COURT: Sure, you're welcome to,
14 ma'am. You're very welcome to. You can come
15 forward and stand at the podium, ma'am, so that
16 everyone can hear you.

17 MS. FULLWOOD: How about here with the
18 microphone?

19 THE COURT: That's just fine.

20 MS. RICHARDSON: Honorable Judge Stilwell,
21 I'm just going to keep this short. First off, I'd
22 like to express to the family, to the Wilson family
23 and everybody that's involved to let them know that
24 I'm so sorry for all that has happened.

25 This has actually been a mother's worst

1 nightmare for all of us, and we all do share the
2 same suffering and pain. And I'd also like them to
3 know that I do -- as a parent raising children that
4 I do feel your pain of what you've been going
5 through, because I just recently lost the death of
6 my 17-year-old nephew and the death of my 2-year-old
7 stepdaughter -- granddaughter.

8 I'm not much of a speaker. I'm very
9 nervous, first of all.

10 A. J., like I said, I'll keep you in my
11 prayers, and I know God is good all the time. I am
12 a Christian woman, you know. I believe in God's
13 faith that He is there for all of us.

14 And whatever happened and transpired that
15 night, we all know that He was there. And I pray to
16 the Lord to at least find some type of closure
17 toward this incident.

18 On behalf of my son, I raised my son to
19 try hard, to get a career, be a part of society, to
20 do what's necessary to have a family. This is not
21 what I thought would have occurred at any time.

22 But we all never know when we have
23 children, and I'm so sorry. You know, the only
24 thing I say, Your Honor Stilwell, is that I throw
25 myself on the mercy of the Court.

1 I pray and ask for leniency toward my son
2 and toward this sentencing and also to give him a
3 chance to give back in the community and uphold if
4 there's any way they can help, what's good. And if
5 there's any way that they can help with the Wilson
6 family, you know.

7 THE COURT: All right, thank you, ma'am.
8 I appreciate that.

9 Yes, sir?

10 STEPFATHER: Good evening, Your Honor, I'm
11 Frank (inaudible), stepfather of Kerwin and Curtis.
12 And I just want to say, having been around them for
13 about 12 years, they are the most respectful,
14 honest, and decent people that I have ever met.

15 Kerwin is the type that would work on two
16 jobs for 30 years, retire, and be happy.

17 Curtis, on the other hand, is the type
18 that had plans to change the world through
19 technology. If given the opportunity, I think he
20 would have achieved great things.

21 And tragedy comes in all of our lives. I
22 lost a two-year-old granddaughter last week. It was
23 a homicide by child abuse. Tragedy is no stranger
24 in this world. But most of the time, tragedy just
25 don't walk on two. Everybody has to take a little

1 blame for everything that happens. Thank you.

2 THE COURT: Thank you, sir.

3 MS. RICHARDS: And, Your Honor, there's
4 one more thing I wanted to say --

5 THE COURT: Yes, ma'am.

6 MS. RICHARDS: -- especially to Mr. Isaac
7 Wilson's mom. I understand her grief, yes, that she
8 may not be able to touch her son. And I just want
9 to express the fact that, even though it may seem
10 like I can touch my son, but it's not the same.

11 It still feels like there is a closed door
12 when I have to come and see him, and he sits in this
13 type of situation. I still feel a part of that and
14 it's beside me also, and I just wanted to stress
15 that.

16 THE COURT: All right, thank you very
17 much. I do appreciate that.

18 Ms. Fullwood, Mr. Duncan?

19 MS. FULLWOOD: Your Honor, if I just may
20 make some brief remarks.

21 THE COURT: Yes, ma'am.

22 MS. FULLWOOD: I'm not going to rehash
23 what you have in the sentencing reports or the
24 materials that we provided you. At least I hope I'm
25 not going to do that. You can see from those

1 materials that prior to that night, Curtis was
2 living life the way he should have lived it.

3 He was a high school graduate. He was a
4 college student studying computer technology, and
5 working at Wal Mart. He had no prior record. In
6 his youth, he was a Boy Scout. He had played on the
7 B team football at Columbia High School.

8 He participated in middle school in the
9 Department of Justice Junior Special Agent Program.
10 He was doing everything right. And very fortunately
11 -- and I think very much thanks to Ms. Richardson
12 and Mr. (inaudible) he had not succumbed to the
13 temptations and pressures that unfortunately so
14 often beckon our youth these days.

15 His relatives describe him as a very
16 focused and nurturing young man. I, of course, did
17 see that focus. In my opinion, he is much more
18 mature at 22 than people in similar circumstances
19 twice his age.

20 He was always very realistic and focused,
21 is just a good word. On dealing with this case, he
22 was appropriately concerned about it, as I say, just
23 very mature for his age.

24 I only saw it a little -- I think given
25 the fact that anyone facing criminal charges is

1 under a lot of tension and pressure. But I also had
2 a chance to see there is another side to Curtis, a
3 very, kind, loving sort of person.

4 His family tells me he was the sort of kid
5 that was always bringing in hurt animals and pets
6 and, you know, just loving all things. I think that
7 explains why he had gotten so attached to Ms.
8 Fleming, because she had those three children, and
9 to him that truly even though he was young, that
10 was a big attraction.

11 He loved those children. You know, his
12 own biological father had never paid him much
13 attention. And in spite of the club that was was
14 something he'd always missed. And I think he felt a
15 real connection with those kids.

16 And I think that was a big attraction in
17 that relationship to him, a big responsibility he
18 felt and probably at his age, with the
19 responsibility and those feelings he wasn't ready to
20 take on.

21 Your Honor, we would ask for concurrent
22 sentencing in this case. We ask you to consider his
23 youth as a factor in the sentencing. We ask you to
24 consider his good conduct in the past.

25 We would ask you to consider remorse in

1 this case. He has expressed his remorse to me. As
2 Ms. Richardson has told you, this family has
3 recently experienced their own losses.
4 Specifically, as far as it affected Curtis, while
5 he's been incarcerated awaiting trial, a close
6 cousin was the random victim of a homicide.

7 And I think he tells me it really let him
8 see how the Wilson family felt and how his conduct
9 would have affected them. And more than ever after
10 that, he - it really was sort of sobering and
11 really brought completely to his heart the impact
12 that this had on a lot of people.

13 We'd also ask that you consider in
14 sentencing, of course, all the facts and
15 circumstances in this case under the evidence that
16 you've heard. That's all I have to tell the Court.
17 I believe that Curtis, though, would like to address
18 Your Honor.

19 THE COURT: Curtis, I'll be happy to hear
20 from you, sir.

21 MR. JOHNSON: Thank you, Your Honor.

22 THE COURT: Yes, sir.

23 MR. JOHNSON: May it please the Court,
24 Your Honor, I would like to say to everyone here
25 today, most especially family and friends and

1 everybody whose lives have been affected, Your
2 Honor, that truly from my heart and soul that I'm
3 really sorry, Your Honor.

4 I pray for everyone every night and keep
5 them in my prayers and that God blesses them and
6 keeps them also. It's a rough situation, Your
7 Honor, every day, and I feel their pain every day.
8 Every day, I feel their pain, Your Honor.

9 You know, I'm really feel sorry for A. J.
10 and Isaac Wilson. And we was supposed to come out
11 to a peaceful outcome, Your Honor. I never expected
12 anyone to get hurt, Your Honor, and I'm hurting for
13 that every day.

14 Like I said, Your Honor, I keep everyone
15 in my prayers. I'm going to try my best to be a
16 more positive role model, be more productive in
17 society, and still continue to take care of them and
18 be there for them to help them.

19 I pray that God always keep them, and that
20 God blesses everyone here. I hope God blesses
21 everyone here, Your Honor. You're all in my
22 prayers. I just wish peace and love for everyone,
23 Your Honor. Thank you.

24 THE COURT: Thank you. I appreciate that,
25 sir.

1 MS. FULLWOOD: Thank you, Your Honor.

2 THE COURT: Yes, ma'am.

3 Mr. Duncan?

4 MR. DUNCAN: Your Honor, both Curtis and
5 Kerwin have other family members here who want to
6 support these boys as much as they can. They have
7 responded by writing the letters that you've seen.

8 The fellow workers -- I was a little
9 astounded that he could generate that sort of
10 letter-writing campaign from people who he had not
11 seen in three years. These were strangers to him
12 before that job.

13 You've seen his employment evaluation.
14 Kerwin was a law-abiding citizen all of his life up
15 to this point. His remorse and sadness over this
16 whole tragedy is reflected in the mental health
17 records.

18 My mental health notebook that I meant to
19 bring up here is over an inch thick with records
20 from the mental health records of the detention
21 center reflecting those problems. Kerwin had always
22 been involved in service to the community type jobs,
23 the Babcock Center at Palmetto Richland.

24 He had tried to serve in the military, but
25 he suffered from panic attacks. And even with the

1 medication, he wasn't able to complete his service
2 there. He's what I call a workhorse.

3 He wasn't a show horse. He was just a
4 solid person, do anything that family or friends
5 would ask. He wanted to help his brother here.
6 That night, everything fell apart, and it is such a
7 tragedy on both sides.

8 I would join Ms. Fullwood in asking Your
9 Honor to consider concurrent sentencing. I do
10 believe that Kerwin wanted to say a few words.

11 THE COURT: Mr. Parker, I'll be happy to
12 hear from you, sir.

13 MR. PARKER: Your Honor, this is my first
14 time having an opportunity to be able to speak. I
15 just want to first off thank you for this
16 opportunity.

17 THE COURT: Yes, sir.

18 MR. PARKER: For a long time, I've been
19 having serious thoughts in my head on how to address
20 this issue as well as the Wilsons. I wanted to make
21 sure -- I know that from the bottom of my heart, I
22 have for y'all and what happened.

23 This tragic event has changed a lot of
24 people's lives. I know and I feel your pain, and
25 I'd change it if I could. But it's not possible.

1 It's hard to put into words what I'm
2 trying to say. It's very hard.

3 THE COURT: All right, thank you, Mr.
4 Parker. I appreciate that, sir.

5 All right, ladies and gentlemen, I don't
6 have any type of prepared speech or anything
7 prepared to say. So if you will just grant me,
8 please, the latitude to just speak a little bit to
9 you.

10 This is an absolute tragedy. It's a
11 tragedy for everyone in the courtroom. After this
12 case came to a conclusion, I too went home that
13 evening, and before I went to bed, I said a prayer
14 for Isaac and A. J., and I said one for Curtis and
15 Kerwin as well, because obviously we have any number
16 of victims in this case.

17 And it was tragedy all the way around.
18 There's nothing that I can do to go back and change
19 that, as much as I'd like to. I'd like to reverse
20 time and make it all stop. The thing that is
21 particularly tragic, as Ms. Wilson said, is it is
22 young boys who just let a situation spiral out of
23 control and, instead of handling it like adults,
24 chose to handle it in a way which was entirely
25 inappropriate.

1 The jury's verdict, as I indicated to you,
2 seemed to me to be somewhat of a compromise verdict.
3 And I don't know what they heard, but it seems to me
4 that what they took away from it is that there was
5 some blame to go on both sides of the equation.

6 I don't know that that's the truth. I
7 don't know that that's the case, but that's what it
8 seems like they found in this matter. If, in fact,
9 that is what they decided, and the victims were to
10 some degree to blame for what happened, then I can
11 tell you now that the victims received their
12 sentence.

13 And their sentence in one instance was a
14 death penalty, and in the other instance, it was a
15 life committed to a wheelchair. So if, in fact,
16 that was a compromise verdict and they decided that
17 there was blame to be shared, then the punishment to
18 the victims has been exacted.

19 Now, I'm saddled with the responsibility
20 of deciding what the punishment for the defendants
21 will be. And I have read and reread the letters and
22 the submissions that I have received.

23 And I can read one side, and I can be
24 persuaded that they should receive the absolute
25 maximum under the law. And then I'll read the other

1 side, and I will be persuaded that perhaps they
2 should not and that they should be treated
3 significantly more leniently because of their prior
4 lives before the incident.

5 And every time I read it, I go back and
6 forth and I vacillate. And I just come to the
7 conclusion again that this is just an unfortunate
8 and senseless tragedy all the way around.

9 So I ask myself as I drive up and down the
10 road for the last month coming back and forth to
11 Lexington County, what am I going to do? What am I
12 going to do? How am I going to get it right? How
13 am I going to serve justice?

14 And I've come to this conclusion. I'm not
15 going to get it right, because this can't be made
16 right. And my sentence is not going to serve
17 justice, and that's because here on this earth, as
18 we walk this earth, justice is not to be had.

19 Justice to us in this world is simply a
20 word, and we all interpret it differently. Both
21 sides of the aisle have a different idea of what
22 justice is in this case. So I would tell you this.
23 Don't look to my sentence for justice.

24 There's only one measure of justice, and
25 it is not to be measured and doled out on this

1 earth. Justice will be doled out by your Lord and
2 Maker. So when you go home tonight, not
3 withstanding what I may decide today, I would submit
4 to you that it's really not relevant, because that
5 is not the justice that ultimately should be doled
6 out in this case.

7 I would suggest that you should look into
8 your hearts and try to find peace. Whatever side of
9 the aisle you're on, look into your heart and try to
10 find peace, and renew that relationship with your
11 Lord and Maker to have closure on this case,
12 because, as I indicated, I'm not going to get it
13 right.

14 I'm not going to serve justice, because,
15 as I indicated, I can't do it. There's no sentence
16 that I can give you that's going to be right and
17 that's going to serve justice.

18 Having said that, with the worldly means
19 that are at my disposal, I will try and I will
20 impose a sentence. Gentlemen, the sentence of the
21 Court is as follows.

22 Mr. Parker, on Indictment 2007-1542,
23 assault and battery with intent to kill, you are
24 committed to the State Department of Corrections for
25 20 years.

1 On Indictment Number 2007-1541, possession
2 of a firearm during the commission of a violent
3 crime, the sentence of the Court is five years.
4 That is concurrent.

5 Mr. Johnson, on Indictment Number 2007-
6 1473, voluntary manslaughter, the sentence of the
7 Court is that you be committed to the State
8 Department of Corrections for 30 years.

9 On Indictment Number 2007-1476, assault
10 and battery of a high and aggravated nature, the
11 sentence of the Court is ten years.

12 On Indictment Number 2007-1474 for assault
13 and battery of a high and aggravated nature, the
14 sentence of the Court is ten years.

15 For Indictment 2007 1475, the sentence of
16 the Court is five years.

17 For the two assault and battery of a high
18 and aggravated nature, each with ten-year sentences,
19 those shall run concurrent to each other and the
20 voluntary manslaughter. The five-year sentence for
21 possession of a firearm during the commission of a
22 violent crime will run consecutive.

23 All right, ladies and gentlemen, such is
24 the order of the Court. Let me say this. I extend
25 my sincere personal condolences to everyone in the

1 courtroom. Thank you very much, and I wish you all
2 the luck.

3 And, for matters of the record, I am
4 presenting all of the submissions to the Court to
5 include the presentence investigation to the Clerk
6 of Court to be an exhibit. Thank you very much.

7 (Court's Exhibit Number 1A, Black
8 Binder with Letters; Court's Exhibit Number 1B,
9 Plastic Case with Letters; Court's Exhibit Number
10 1C, Yellow Envelope 11/14; and Court's Exhibit
11 Number 1C, Red Folder with Letters, were entered in
12 the record.)


STATE OF SOUTH CAROLINA)
 COUNTY OF LEXINGTON)

COURT REPORTER'S CERTIFICATION

I, REMA K. GANTT THOMAS, OFFICIAL COURT REPORTER, AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE ABOVE CAPTIONED CASE ON OCTOBER 21, 2009, IN LEXINGTON, SOUTH CAROLINA.

I FURTHER CERTIFY THAT I AM NEITHER OF COUNSEL NOR KIN TO ANY OF THE PARTIES TO THIS CAUSE OF ACTION, NOR AM I INTERESTED IN ANY MANNER IN ITS OUTCOME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL AT LEXINGTON, SOUTH CAROLINA, THIS THE TWENTY NINTH DAY OF NOVEMBER, 2009.



 REMA K. GANTT THOMAS
 OFFICIAL COURT REPORTER
 NOTARY PUBLIC FOR SOUTH CAROLINA
 MY COMMISSION EXPIRES 11/13/2013