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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County

Honorable Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TOBIAS M. THOMAS,

APPELLANT

APPELLATE CASE NO. 2021-000843

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JULY 19-20, 2021.....	1
VOIR DIRE	5
JURY SELECTION.....	13
OPENING STATEMENT BY MR. MCMILLIAN	32
OPENING STATEMENT BY MR. FARLEY	36
TESTIMONY	
MICHAEL PARRISH	38
DANTAVIUS ISLES-LYTES.....	57
JEREMY HEMBREE.....	93
JASON GRIFFIN.....	99
THE STATE RESTS	117
COLLOQUY WITH THE DEFENDANT REGARDING HIS RIGHT TO TESTIFY	118
TESTIMONY	
TOBIAS THOMAS	125
CLOSING ARGUMENT BY MR. MCMILLIAN.....	175
CLOSING ARGUMENT BY MR. FARLEY	187
CHARGE ON THE LAW	194
VERDICT	210
MOTION FOR A NEW TRIAL	214
RULING OF THE COURT	214
SENTENCING	223

STATE’S EXHIBIT #1 (PHOTO (GUN))	225
STATE’S EXHIBIT #2 (LATENT FINGER PRINT REPORT)	226
STATE’S EXHIBIT #3 (SENTENCING SHEETS OF MR. THOMAS)	227
INDICTMENTS AND SENTENCE SHEETS	228

**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE’S EXHIBIT #4 (VIDEO)**

I N D E X

WITNESSESPAGEMONDAY, JULY 19, 2021

Voir Dire.....	5
Jury Selection.....	13
Judge's Instructions.....	24
Opening Statement by Mr. McMillian.....	32
Opening Statement by Mr. Farley.....	36

Witnesses:

Michael Parrish:

Direct Examination by Mr. McMillian.....	38
Cross-Examination by Mr. Farley.....	51
Redirect Examination by Mr. McMillian.....	56

Danatavius Isles-Lytes:

Direct Examination by Mr. Grimes.....	57
Cross-Examination by Mr. Farley.....	75
Redirect Examination by Mr. Grimes.....	88

TUESDAY, JULY 20, 2021

Jeremy Hembree:

Direct Examination by Mr. Grimes.....	93
Cross-Examination by Mr. Farley.....	97

Jason Griffin:

Direct Examination by Mr. McLillian.....	99
Cross-Examination by Mr. Farley.....	113

1	<u>WITNESSES</u>	<u>PAGE</u>
2	Defendant Rights.....	118
3	Tobias Thomas:	
4	Direct Examination by Mr. Farley.....	125
5	Cross-Examination by Mr. McMillian.....	154
6	Redirect Examination by Mr. Farley.....	169
7	Closing Arguments-Ms. McMillian.....	175
8	Closing Arguments-Mr. Farley.....	187
9	Judge's Charge.....	194
10	Verdict.....	210
11	Post Trial Motions.....	214
12	Sentencing.....	222
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>EV.</u>
S-1	Photo (gun)	71
S-2	Latent Finger Print Report	96
S-3	Sentencing Sheets of Mr. Thomas	99
S-4	Video	104

1 MONDAY, JULY 19, 2021

2 _____ (WHEREAS, this matter was scheduled for a trial, the
3 defendant appeared along with his attorney of record. The
4 proceedings began at 11:45 a.m.)

5 THE COURT: All right. Good afternoon, folks. We
6 are now going to select a jury for the first trial, the
7 first criminal case is going to be tried this week. That is
8 the case of the State of South Carolina versus Tobias
9 Thomas. I know I've been through a number of questions
10 with you already but I'm going to ask you some different
11 questions now that are more specific to the case that will
12 be tried to determine your fitness to serve as jurors for
13 the trial of that particular case. So I'm actually going
14 to have the clerk place you under oath one more time.

15 THE CLERK: Please stand and raise your right hand.
16 You shall true assertate to all such questions that shall
17 be propounded to you by this court or an order thereof, you
18 shall speak the truth, the whole truth, and nothing but the
19 truth so help you God, for you shall so affirm please
20 respond, I do?

21 (Whereupon, the jury panel responds)

22 THE CLERK: If you were able to take the oath
23 please be seated.

24 (Whereupon, the jury panel takes their seats)

25 Voir Dire:

1 THE COURT: All right. Folks, as I told you this
2 is the case of the State of South Carolina versus Tobias
3 Marques Thomas. Mr. Thomas is charged with three crimes.
4 Those crimes are attempted armed robbery, possession of a
5 weapon during the commission of a violent crime, and
6 possession of a weapon by a person convicted of a crime of
7 violence. Essentially, he is charged with attempted to
8 commit an armed robbery in Aiken County on or about March
9 26, 2020. He tried to take cash from the victim, Michael
10 Parrish, and allegedly had a handgun while he was doing
11 that. My first question is does anybody know anything about
12 this case or think that they know anything about this case,
13 think that you witnessed it at all at all, if so, please
14 stand?

15 (Whereupon, no one is standing)

16 THE COURT: All right. So I told you the person
17 accused in the case is Tobias Marques Thomas. Mr. Thomas,
18 if you would stand and face the jury panel. Is any member
19 of the jury panel related by blood, connected by marriage
20 or have any close personal relationship with Mr. Thomas or
21 think that you know him at all, if so, please stand?

22 (Whereupon, no one is standing)

23 THE COURT: Thank you, Mr. Thomas, you may have a
24 seat. Mr. Thomas is represented in this case by Andrew
25 Farley. I'm not sure where Mr. Farley's office is

1 MR. FARLEY: Your Honor, my office is Lexington
2 County.

3 THE COURT: A Lexington County attorney. Is any
4 member of the jury panel related by blood, connected by
5 marriage, or have any close personal relationship with Mr.
6 Farley, think that you are or have been represented by him
7 in the past or currently represented by him or have any
8 relationship with him whatsoever to Mr. Farley who
9 practices throughout the State but has an office in
10 Lexington County, if so, please stand?
11 (Whereupon, no one is standing)

12 THE COURT: Thank you. You may have a seat, Mr.
13 Farley. This case is prosecuted by folks from the Aiken
14 County solicitor's office. Mr. Bradley McMillian and

15 MR. GRIMES: Sam Grimes.

16 THE COURT: Right. Two assistant solicitors of the
17 Aiken County Solicitor's Office. Is any member of the jury
18 panel related by blood, connected by marriage, or have any
19 close personal relationship with either of these gentlemen?
20 Have you been represented by them in the past or do you
21 have any dealings with either of them whatsoever, if so,
22 please stand?

23 (Whereupon, no one is standing)

24 THE COURT: All right. There are several potential
25 witnesses who may testify in this case and the question is

1 the same as to each of them and that's whether you are
2 related by blood, connected by marriage or have any
3 relationship with any of them whatsoever: Michael Parrish,
4 is the first witness. Detective Jason Griffin, who is
5 standing before you from the Aiken -- I don't know acronyms
6 ---

7 MR. GRIFFIN: Aiken Department of Public Safety.

8 THE COURT: Aiken Department of Public Safety.

9 Thank you. Lieut. Jeremy Hembree, Aiken Department of
10 Public Safety, who is standing in the back. Lieut. Clay
11 Adams, Aiken County Sheriff's Office, Dantavius Isle-Lytes.
12 Is any member of the jury panel know any of those potential
13 witnesses at all, if so, please stand? I need your name
14 and jury number, sir?

15 POTENTIAL JUROR #67: Michael Grant, 67.

16 THE COURT: Mr. Grant, who do you know?

17 POTENTIAL JUROR #67: Griffin, Hembree, Clay Adams.

18 THE COURT: Okay. And how do you know them?

19 POTENTIAL JUROR #67: Former co-workers.

20 THE COURT: Do you socialize with any of them?

21 POTENTIAL JUROR #67: No.

22 THE COURT: So you don't have any current
23 relationship with any of them?

24 POTENTIAL JUROR #67: Not currently.

25 THE COURT: Okay. Would your history with them

1 affect your ability to get both the State and the Defendant
2 fair and impartial trial in this case?

3 POTENTIAL JUROR #67: I can be fair and impartial.

4 THE COURT: Okay. Thank you, sir. You may have a
5 seat. Your name injury number?

6 POTENTIAL JUROR #27: Susan Callis.

7 (Whereupon, the audio was not clear to make out what the
8 juror was saying)

9 THE COURT: Do you socialize with him at all?

10 POTENTIAL JUROR #27: Nope.

11 THE COURT: And do you still have a business
12 relationship with him?

13 POTENTIAL JUROR #27: Nope.

14 THE COURT: Would the fact that you used to have a
15 business relationship with him affect your ability to give
16 both the State and the Defendant a fair and impartial trial
17 in this case?

18 POTENTIAL JUROR #27: Not at all.

19 THE COURT: Thank you. You may have a seat.

20 POTENTIAL JUROR #2: Tina Allison, number 2. Hembree,
21 we used to do little league softball. The name sounds
22 familiar so I thought his son may have played but I don't
23 know the name or whatever you said but it just sound
24 familiar.

25 THE COURT: Okay. Would, let's assume that it is

1 his son, would that affect your ability to get both the
2 state and the defendant a fair and impartial trial in this
3 case?

4 POTENTIAL JUROR #2: No.

5 THE COURT: Thank you. You may have a seat.

6 MR. FARLEY: What was her juror number?

7 THE COURT: Two.

8 MR. GRIMES: If we could introduce one more person,
9 our investigator will be at our table assisting us, Norwood
10 Bodie.

11 THE COURT: All right. Is any member of the jury
12 panel related by blood, connected by marriage, have a close
13 personal relationship with Investigator Bodie, if so,
14 please stand? Your name injury number, sir?

15 POTENTIAL JUROR #29: Billy Cantwell, number 29.

16 THE COURT: Yes, sir.

17 POTENTIAL JUROR #29: I was at the law enforcement
18 with Mr. Bodie and we are friends on social media.

19 THE COURT: Okay. Do you actually socialize
20 outside of social media?

21 POTENTIAL JUROR #29: Not outside of social media
22 unless we run in to each other some.

23 THE COURT: Okay. But you don't hang out together
24 on the weekends or vacation together or anything?

25 POTENTIAL JUROR #29: (Shaking of the head no)

1 THE COURT: The fact that you have that
2 relationship with Investigator Bodie would it affect your
3 ability to give both the State and the Defendant a fair and
4 impartial trial in this case?

5 POTENTIAL JUROR #29: Yes. Fair and impartial.

6 THE COURT: Okay. Yes, you can be fair and
7 impartial?

8 POTENTIAL JUROR #29: Yes.

9 THE COURT: All right. Thank you. Has any member
10 of the jury panel already formed an opinion about the
11 allegations in this case, if so, please stand?

12 (Whereupon, no one is standing)

13 THE COURT: Any member of the jury panel aware of
14 any bias or prejudice toward either the State or the
15 Defendant in this case?

16 (Whereupon, no one is standing)

17 THE COURT: Has any member of the jury panel served
18 on the grand jury which issued the indictments in this
19 case?

20 (Whereupon, no one is standing)

21 THE COURT: Is there any member of the jury panel
22 who is a member of or a contributor to any group that
23 promotes law enforcement rights or victims rights such as
24 MADD, SADD, The State Troopers Association, Sister Care, or
25 anything along those lines, if so, please stand? Your name

1 and jury number, sir?

2 POTENTIAL JUROR #81: Juror number 81, Horace
3 Hilderbrand, Jr.

4 THE COURT: Yes, sir.

5 POTENTIAL JUROR #81: A member of sheriff's and
6 police, um, ---

7 THE COURT: Okay. Would that affect your ability
8 to give both the State and the Defendant a fair and
9 impartial trial in this case?

10 POTENTIAL JUROR #81: No.

11 THE COURT: Thank you. You may have a seat. Does
12 any member of the jury know of any reason whatsoever why
13 you should not serve as a juror in the trial of this case?
14 In other words, if there is any reason whatsoever why you
15 cannot be fair and impartial to both the State and the
16 Defendant in the trial of this case, if so, please stand?
17 (Whereupon, no one is standing)

18 THE COURT: Any additional voir dire from the
19 State?

20 MR. McMILLIAN: None, Your Honor.

21 THE COURT: From the defense?

22 MR. FARLEY: No, Your Honor.

23 THE COURT: All right. Folks, we are now going to
24 select a jury for the trial of this case. We will -- the
25 strikes five and five, I believe, two alternates. And,

1 ladies and gentlemen, if you will listen to the clerk while
2 we select a jury.

3 (Whereupon, the clerk takes a moment to get organized)

4 **Jury Selection:**

5 THE CLERK: Ladies and gentlemen, as I call your
6 name please come forward, stand in front of this
7 microphone, turn and face the clock. Juror number 102,
8 Shelishea T. Littlejohn.

9 (Whereupon, the juror comes forward)

10 THE CLERK: What says the State?

11 MR. McMILLIAN: Please excuse the juror for the trial
12 of this case.

13 THE CLERK: Have your seat please, ma'am. Juror
14 number 32, Chace M. Cervantes.

15 (Whereupon, the juror comes forward)

16 THE CLERK: What says the State?

17 MR. McMILLIAN: Please present the juror.

18 THE CLERK: What says the Defense?

19 MR. FARLEY: Please seat the juror.

20 THE CLERK: Please take this sheet and return to
21 your seat and I'll explain what to do later. Juror number
22 86, William H. Hutto.

23 (Whereupon, the juror comes forward)

24 THE CLERK: What says the State?

25 MR. McMILLIAN: Please present the juror.

1 THE CLERK: What says the Defense?

2 MR. FARLEY: If you'd give me just one moment, sir.
3 Please excuse the juror.

4 THE CLERK: Please return to your seat. Juror
5 number 19, Annie E. Bruno.

6 (Whereupon, the juror comes forward)

7 THE CLERK: What says the State?

8 MR. McMILLIAN: Please present the juror.

9 THE CLERK: What says the Defense?

10 MR. FARLEY: Please present the juror.

11 THE CLERK: Please take this sheet and return to
12 your seat. Juror number 104, Earl E. Lockhart, III.

13 (Whereupon, the juror comes forward)

14 THE CLERK: What says the State?

15 MR. McMILLIAN: Please present the juror.

16 THE CLERK: What says the Defense?

17 MR. FARLEY: Please excuse the juror.

18 THE CLERK: Please return to your seat. Juror
19 number 168, Kara Sims.

20 (Whereupon, the juror comes forward)

21 THE CLERK: What says the State?

22 MR. McMILLIAN: Please present the juror.

23 THE CLERK: What says the Defense?

24 MR. FARLEY: Please seat the juror.

25 THE CLERK: Please take that sheet that we've

1 handed you and return to your seat. Juror number 1,
2 Arielle L. Adams.

3 (Whereupon, the juror comes forward)

4 THE CLERK: What says the State?

5 MR. McMILLIAN: Please excuse the juror from the trial
6 of this case.

7 THE CLERK: Please return to your seat. Juror
8 number 54, Melora A. Fagan.

9 (Whereupon, the juror comes forward)

10 THE CLERK: What says the State?

11 MR. McMILLIAN: Please present the juror.

12 THE CLERK: What says the Defense?

13 MR. FARLEY: Please excuse the juror.

14 THE CLERK: Please return to your seat. Juror
15 number 9, Julie W. Bell.

16 (Whereupon, the juror comes forward)

17 THE CLERK: What says the State?

18 MR. McMILLIAN: Please present the juror.

19 THE CLERK: What says the Defense?

20 MR. FARLEY: Please seat the juror.

21 THE CLERK: Please take that sheet, ma'am. Juror
22 number 197, Brandi M. Williams.

23 (Whereupon, the juror comes forward)

24 THE CLERK: What says the State?

25 MR. McMILLIAN: Please present the juror.

1 THE CLERK: What says the Defense?

2 MR. FARLEY: Just a moment. Please seat the juror.

3 THE CLERK: Just take that sheet. Juror number 67,
4 Michael A. Grant.

5 (Whereupon, the juror comes forward)

6 THE CLERK: What says the State?

7 MR. McMILLIAN: Please present the juror.

8 THE CLERK: What says the Defense?

9 MR. FARLEY: Please excuse the juror.

10 THE CLERK: Please return to your seat. The State
11 has used two challenges and the defense four, is that
12 correct?

13 MR. McMILLIAN: It is.

14 MR. FARLEY: Say it again, I'm sorry.

15 THE CLERK: The State has used two and defense
16 four?

17 MR. FARLEY: That's correct.

18 THE CLERK: Thank you. Juror number 115, Beatriz
19 A. Mendez.

20 (Whereupon, the juror comes forward)

21 THE CLERK: What says the State?

22 MR. McMILLIAN: Please present the juror.

23 THE CLERK: What says the Defense?

24 MR. FARLEY: Please seat the juror.

25 THE CLERK: Please take a sheet, ma'am. Juror

1 number 60, Wayne L. Friday, Jr.

2 (Whereupon, the juror comes forward)

3 THE CLERK: What says the State?

4 MR. McMILLIAN: Please present the juror.

5 THE CLERK: What says the Defense?

6 MR. FARLEY: Please seat the juror.

7 THE CLERK: Please take a sheet. Juror number 130,
8 Marie G. Murray.

9 (Whereupon, the juror comes forward)

10 THE CLERK: What says the State?

11 MR. McMILLIAN: Please present the juror.

12 THE CLERK: What says the Defense?

13 MR. FARLEY: Please seat the juror.

14 THE CLERK: Please take that sheet, ma'am. Juror
15 number 50, Danielle E. Druce.

16 (Whereupon, the juror comes forward)

17 THE CLERK: What says the State?

18 MR. McMILLIAN: Please present the juror.

19 THE CLERK: What says the Defense?

20 MR. FARLEY: Please seat the juror.

21 THE CLERK: Please take a sheet, ma'am. Juror
22 number 80, Alan W. Herrin.

23 (Whereupon, the juror comes forward)

24 THE CLERK: What says the State?

25 MR. McMILLIAN: Please present the juror.

1 THE CLERK: What says the Defense?

2 MR. FARLEY: Please seat the juror.

3 THE CLERK: Just take one of those sheets. Juror
4 number 27, Susan D. Callis,

5 (Whereupon, the juror comes forward)

6 THE CLERK: What says the State?

7 MR. McMILLIAN: Please present the juror.

8 THE CLERK: What says the Defense?

9 MR. FARLEY: Please seat the juror.

10 THE CLERK: Please take one of those sheets, ma'am.
11 Juror number 160, Donna D. Russell-Cook.

12 (Whereupon, the juror comes forward)

13 THE CLERK: What says the State?

14 MR. McMILLIAN: Please present the juror.

15 THE CLERK: What says the Defense?

16 MR. FARLEY: Please seat the juror.

17 THE CLERK: Please take one of them sheets. Your
18 Honor, I have 12 jurors.

19 THE COURT: Yes.

20 THE CLERK: First alternate strikes are one and
21 one? Is that correct, Your Honor?

22 THE COURT: One -- one and two.

23 THE CLERK: I always have a problem with that.

24 THE COURT: I think they're one and two. They're
25 one and two.

1 THE CLERK: Strikes are one and two. Juror number
2 122, Christina D. Mode.

3 (Whereupon, the juror comes forward)

4 THE CLERK: What says the State?

5 MR. McMILLIAN: Please present the juror.

6 THE CLERK: What says the Defense?

7 MR. FARLEY: Please seat the juror.

8 THE CLERK: Please take one of the sheets.

9 Alternate number two, juror number 112, Marcus M. Mathis.

10 (Whereupon, the juror comes forward)

11 THE CLERK: What says the State?

12 MR. McMILLIAN: Please present the juror.

13 THE CLERK: What says the Defense?

14 MR. FARLEY: Please seat the juror.

15 THE COURT: All right. Any objections to jury
16 selection from the State?

17 MR. McMILLIAN: No, Your Honor.

18 THE COURT: From the Defense?

19 MR. FARLEY: No, Your Honor.

20 THE COURT: All right. I'm going to let the clerk
21 instruct you as to what to do next.

22 THE CLERK: If you do not have one of those sheets
23 in your hand, if you do not have one of those sheets in
24 your hand we're going to excuse you at this time and ask
25 you to call the number that we gave y'all on the little

1 white sheet after 5 o'clock today and that will give you
2 some further instructions as to what you need to do next.
3 If you do have one of those sheets please stay. Don't
4 leave. Those who do not have a sheet you're free to go at
5 this time.

6 (Whereupon, the non-selected jury panel exits at 12:25
7 p.m.)

8 THE CLERK: Ms. Mode, if you would have a seat in
9 the first black chair over here. Mr. Mathis, if you would
10 have a seat in the second chair, if would let him have that
11 seat. You two our alternates to the jury and we would
12 asked that you always sit in those chairs. The rest of you
13 please come forward and sit somewhere in the first three
14 rows of the others.

15 (Whereupon, the jury complies)

16 THE COURT: All right. Folks, it is now lunchtime
17 so we're going to begin the trial of this case after lunch.
18 You have been selected as the jurors for the trial of this
19 case and so you are not permitted to talk to anyone about
20 the case. That includes any family members, friends of
21 yours or the parties involved in this case. You're not
22 permitted to discuss this case with anyone. Not amongst
23 each other or not with anyone else. You are not permitted
24 to do any research about the case. Everything that you
25 learned about the case must come from within this

1 courtroom. So I am going to excuse you for lunch and as I
2 said we'll begin the trial of the case after lunch. When
3 you step out of the courtroom you're going to follow the
4 bailiffs to your jury room so that you know where to come
5 back to after lunch. Be back at 2 o'clock. Don't discuss
6 the case amongst yourselves or with anyone else. Don't do
7 any research about the case. We'll start the trial at that
8 time. So if you will go ahead and follow, who should they
9 be following?

10 THE CLERK: That lady right there.

11 THE COURT: That lady right there in the back.
12 She'll show you where to be back at 2 o'clock.
13 (Whereupon, the jury exits at 12:28 p.m.)

14 THE COURT: All right. Folks, I'm prepared to take
15 a lunch break. Is there anything of a pre-trial nature that
16 we need to handle before we start.

17 MR. McMILLIAN: Not from the State, Your Honor.

18 MR. FARLEY: Not from defense, Your Honor.

19 THE COURT: Wonderful. I'll see y'all back at 2
20 o'clock. Just so that I know, is your client on bond?

21 MR. FARLEY: No, Your Honor. My client is
22 incarcerated.

23 THE COURT: Okay. All right. Good enough.

24 MR. McMILLIAN: Thank you.

25 THE COURT: See you at 2 o'clock.

1 (Whereupon, the court takes a recess for lunch at 12:31
2 p.m.)

3 THE CLERK: Be seated please.

4 (Whereupon, the court is back on the record at 2:06 p.m.)

5 THE COURT: Is the State ready?

6 MR. McMILLIAN: We are, Your Honor.

7 THE COURT: Is Defense ready?

8 MR. FARLEY: We are, Your Honor.

9 THE COURT: All right. Before we begin I just want
10 to say to all parties, spectators, family members, friends
11 that I want to be crystal clear that if you feel like you
12 cannot control your behavior in this courtroom or in this
13 building you need to leave now. When I say control your
14 behavior I also mean control your emotions. I don't want
15 to hear any outburst of any kind. I don't want to hear any
16 laughter, shouting, crying, being upset, any of that. This
17 is not a football game. It is a court of law. And so if
18 you are not able to behave like a court of law, like you
19 are in a court of law then you need to leave.

20 In addition, no one, including the attorneys, the
21 defendant, spectators, family members, should have any
22 contact whatsoever with any jurors in this case. If you
23 see them stepping on the elevator with you, you step off of
24 the elevator and let them use it. You do not have any
25 conversations with them. There is no need for any

1 spectator in this room, during the course of this trial, to
2 go by the solicitor's office, go by the public defenders
3 office to try to talk to any witnesses or anything of that
4 sort. If you are unable to control your behavior, unable
5 to control your actions, you may be held in contempt of
6 court, you may be removed from the courtroom for the
7 duration of the trial, and I just don't want that to
8 happen. I want everybody to be calm, cool, collected. Not
9 trying to have any conversations that you're not supposed
10 to have. I'm not trying to stand in anybody's peripheral
11 vision where they can see you when it's just unnecessary,
12 um, none of that should be happening. And should I find
13 out about it you may be held in contempt, you may be
14 removed from the courtroom, you may be banned from the
15 courtroom. I'm not entirely sure what those consequences
16 will be it depends on the behavior that I'm advised of. So
17 I just want that to be crystal clear to everyone within the
18 sound of my voice. With that said, let's bring the jury
19 in.

20 (Whereupon, the jury enters the courtroom at 2:09
21 p.m.)

22 THE COURT: All right. We have the entire jury
23 panel present it looks like. All right. Folks, we are
24 about to begin the trial of this case. Before we do that
25 I'm going to give you some preliminary remarks but even

1 before that I'm going to have the clerk place you under
2 oath one more time.

3 THE CLERK: Please stand and raise your right hand.
4 You shall well and truly try, and true deliverance make,
5 between the State of South Carolina, and the Defendant at
6 bar, and a true verdict render according to the law and
7 evidence in this case so help you God, and we shall so
8 trust.

9 (Whereupon, the jury all respond)

10 THE CLERK: You may be seated.

11 THE COURT: All right. And before I give my
12 preliminary remarks I just want to ask you since I've let
13 you go for lunch before beginning the trial, is there any
14 member of the jury panel whose had any conversations over
15 the lunch break with any attorney, witness, friend or
16 family member or someone that you know to be involved in
17 the trial of this case, if so, please stand?

18 (Whereupon, no one is standing)

19 THE COURT: No one is standing.

20 **Judge's Instructions:**

21 All right. Folks, the case we're about to try is the
22 case of the State of South Carolina versus Tobias Marquez
23 Thomas. Before we begin this trial I want to tell you that
24 this trial will probably be different than what you might
25 expect. Many people do not have the chance to attend

1 actual court sessions as you're doing now and may think
2 from watching television or movies or reading books that
3 trials are always full of high drama, intense action and
4 riveting circumstances. While all of these things may be
5 true at times this trial is not for entertainment. It is a
6 fundamental part of our democracy. An effort to make sure
7 that justice is done between the parties before the court.
8 Making sure that justice is done is often slow, deliberate
9 and or repetitive. The opposite of what you may have seen
10 on television or movies or read in books.

11 This courtroom is a place of honor dedicated to the
12 protection and preservation of citizens rights through what
13 many have called the greatest justice system ever created.
14 The attorneys appearing before you are advocates for the
15 parties they represent, but first and foremost they are
16 officers of the court sworn to uphold the integrity and
17 fairness of our judicial system and to help you and
18 understanding the evidence. You should expect them to be
19 professional, competent, and ethical in the representation
20 of their clients interest. Remember that you have just
21 taken an oath to try this case and reach a fair and just
22 verdict. So you are also expected to be professional,
23 reasonable, and ethical. Thank you for accepting the
24 important responsibility of jury service and for your
25 contribution today to our justice system.

1 What I will now say is intended to serve as an
2 introduction to the trial of this case. These remarks are
3 not the charge of the law in this case. I will instruct
4 you on the law applicable to this case at the end of the
5 trial before you retire to consider your verdict. This is
6 merely an explanation of the procedures that we will follow
7 in the trial so that you may better understand what will be
8 happening.

9 The defendant is charged in three indictments filed in
10 this court with the crimes of attempted armed robbery,
11 possession of a weapon during the commission of a violent
12 crime, and a possession of a weapon by a person convicted
13 of a crime of violence. I will explain the elements of
14 those crimes to you at a later time.

15 The indictments are simply the charge by which the
16 case is brought into court. They are not, in any sense,
17 evidence of the allegations they contain. The Defendant
18 has pled not guilty to each of these indictments. The
19 State, therefore, has the burden of proving each of the
20 elements of each of the indictments beyond a reasonable
21 doubt. It will be your duty, ladies and gentlemen, to
22 decide whether the State has met that burden. Your
23 purpose, as jurors, is to find and determine the facts.
24 You're the sole judges of the facts. If at any time I make
25 any comment regarding the facts you must disregard them.

1 You are determined the facts from the testimony you
2 hear and the other evidence introduced in court. It is up
3 to you to determine the inferences which feel may properly
4 be drawn from the evidence.

5 It is especially important that you perform your duty
6 of determining the facts diligently and conscientiously
7 because ordinarily there is no way to correct an erroneous
8 determination of the facts by a jury.

9 On the other hand and with equal emphasis, the same
10 law that makes you the judges of the facts, makes me the
11 judge of the law. The law, as given by the court, is the
12 only law that you may consider. You must accept it and
13 follow it even though you may disagree with that. I cannot
14 tell you what the facts are and you cannot disagree with me
15 about what the law is or what the law should be. Your job
16 is to take the law as I give it to you and apply it to the
17 facts as you find them from the testimony of the witnesses
18 and any other evidence that is introduced. After doing
19 that you will render your verdict under the solemn oath
20 that you just took as jurors.

21 Until I advise you to begin your deliberations you
22 must not discuss the case at all with anyone including your
23 fellow jurors, friends, family members, and anyone involved
24 in the case. This includes discussions face-to-face and
25 those by telephones, emails, text, blogs or any other

1 method of communication. You may not use a computer, cell
2 phone, or other electronic devices communication
3 capabilities at any time while in court or during
4 deliberations, during breaks for meals or overnight, of
5 course, you may use those devices. However, you may not at
6 any time use those devices to get or send information about
7 the case. This includes information about a party, a
8 witness, an attorney, or a court officer, news accounts
9 about the case, research on any topics raised, any topics
10 you think would be helpful in deciding the case or any
11 testimony presented by any witness. During the trial do
12 not read, listen to, or watch any news reports about the
13 case. This is includes anything that may be in the
14 newspaper or on the Internet, radio, or television. You
15 must not consider anything you may have read or heard about
16 the case outside of the courtroom whether before or during
17 the trial.

18 After the case is submitted to you, you must discuss
19 it only in the jury room with your fellow jurors. The
20 attorneys and parties in this case have been advised they
21 are not to talk to you at all. So if you see one involved
22 in the case and they don't even say hello to you they're
23 not being unfriendly they are simply following my
24 instructions.

25 On the other hand, if you see someone involved in the

1 case and they attempt to engage in conversation with you,
2 please report that to the bailiffs who will reported to me
3 and I will handle it.

4 It is important that you keep an open mind and not
5 decide any issue in the case until all of the evidence has
6 been presented, the parties have made their closing
7 arguments, and I have instructed you on the law in this
8 case.

9 It is your solemn responsibility to determine the
10 guilt or innocence of the Defendant and your verdict must
11 be based solely on the evidence as it is presented to you
12 during this trial and on the law as I instruct you during
13 and at the close of the trial.

14 Now, in just a moment the solicitor will make what is
15 called an opening statement. In which, the solicitor will
16 explain to you the issues in this case or at least what the
17 solicitor thinks the issues are in this case. The attorney
18 for the Defendant may also make an opening statement,
19 although, he's not required to do so. What the attorneys
20 tell you during their opening statements is not evidence in
21 this case. It is only their contention as to what the
22 issues are. The evidence in this case will be presented to
23 you by the testimony of sworn witnesses from the witness
24 stand and by exhibits that may be introduced into evidence.

25 Now, from time to time, during the trial you may hear

1 one of the lawyer say something like, Your Honor I believe
2 we have a question of law or a matter of law or may we
3 approach the bench or sometimes I, myself, might find it
4 necessary to excuse you from the courtroom for short while
5 so the attorneys and I can discuss matters of law. The
6 reason for this is because you are the judges of the facts
7 and sometimes when I'm discussing the matters of law with
8 the attorneys it might be necessary for me to make some
9 comment as to the facts in connection with my determination
10 as to whether a particular law applies or does not apply.
11 I'm not supposed to tell you what I think the facts are so
12 I'll excuse you from the courtroom for a short while, while
13 those discussions take place so that you will not in any
14 way be influenced by anything that I might say or do in
15 connection with the facts.

16 In determining what the facts are in this case, you
17 must decide whether or not the testimony of a witness is
18 believable. It will be my responsibility to determine as a
19 matter of law whether the testimony is admissible or not.
20 But once the testimony is admitted whether or not you
21 believe it is solely for you to determine. In deciding
22 whether to believe a witness you have the right to consider
23 the interest of the witness, the bias of any witness, the
24 prejudice of any witness, the opportunity for the witness
25 to have seen the matters and things about which the witness

1 may testify, and the way the witness acts on the witness
2 stand. You have a right to consider anything that's in the
3 record that will help you evaluate the testimony of the
4 witnesses. That means it is your duty to pay close
5 attention to these witnesses, to observe them, to listen to
6 them, and to pay close attention to the attorneys and to
7 the court. Do not let your thoughts wander, but give
8 strict attention to the testimony in this case so that at
9 the end of the trial, after all of the testimony and the
10 arguments of counsel and the charge of the law by the
11 court, you will then be in a position to determine what the
12 facts are, to apply the law to those facts, and; thus,
13 render a true and just verdict. It will be the added duty
14 of the person to preside in the jury room and be the jury
15 spokesperson here in court, but we'll talk more about that
16 later and I'm actually going to ask you, as members of the
17 jury, to select the foreperson yourselves and let me know
18 who it is. It could be any of the first 12 jurors. He
19 cannot be either of the two alternates, but you communicate
20 back to me at a later time.

21 Now, before we begin the trial and in order to
22 preserve everyone's rights, I'll give the attorneys an
23 opportunity to object to anything that I've said to you.
24 Any objection from the State?

25 MR. McMILLIAN: No, Your Honor.

1 THE COURT: From the Defense?

2 MR. FARLEY: No, Your Honor.

3 THE COURT: We're now ready to begin the trial of
4 the case. I'll call on the State for their opening
5 statement.

6 MR. McMILLIAN: Thank you, Your Honor. May it please,
7 the court?

8 THE COURT: Yes, sir.

9 MR. McMILLIAN: Mr. Farley?

10 **Opening Statement- Mr. McMillian**

11 Ladies and gentlemen, good afternoon. We're here
12 because this Defendant is charged with attempted arm
13 robbery, possession of a weapon during the commission of a
14 violent crime, possession of a weapon by a person convicted
15 of a crime of violence.

16 On March 26th, Michael Parrish, who you will hear from
17 today was living in Hahn Village. Hahn Village is located
18 maybe 2 miles that way. Above Hampton Avenue just off of
19 Highway 19 or Florida Street here in Aiken, probably, but
20 it's Highway 19 and above.

21 Michael had moved to Hahn Village relatively recently
22 with his mother from Jackson, South Carolina. He didn't
23 know anybody in the City of Aiken. He had never lived in
24 the City of Aiken. He's a good ole boy from Jackson.
25 You'll here for Michael and Michael is going to sound like

1 a good kid. He's a scholarship track athlete. He's in
2 school studying to be a minister.

3 On this particular day Michael was leaving his
4 apartment from Hahn Village heading to the hospital. He
5 does what any teenager or a twenty something-year-old kid
6 does. He walked from his apartment to the driver seat of
7 his car. He gets in. Sits down and starts the car. And
8 immediately goes to setting up his music. When I was once
9 a twenty something-year-old kid that's exactly what I
10 would've done.

11 Let's talk a minute about the specifics and what Mr.
12 Thomas is charged with. Attempted arm robbery is simply
13 the attempting of taking up something from somebody by
14 means of force or intimidation while armed with a deadly
15 weapon. You're going to hear from Michael Parrish that
16 while he was sitting in the driver seat messing with the CD
17 player getting his music ready that two men approached him
18 from over his left shoulder across the parking lot. "Run
19 that shit, fuck boy" that's what the two men said to him.
20 He's going to explain to you what that meant to him and
21 what he knew that to mean. One of the men gets into the
22 backseat behind him and the other goes around the front of
23 the vehicle and enters the front passenger seat. They both
24 have handguns. They asked him, "Where's the money at,
25 don't play with me?" You're going to see a video of the

1 incident. It's going to play out exactly like that.

2 Now, let's talk about the possession of a weapon
3 during the commission of a violent crime. Under South
4 Carolina law attempted arm robbery is a violent crime. It
5 means exactly what it sounds like. We have to prove to you
6 that this Defendant possessed a weapon during that violent
7 crime.

8 This last charge sounds awful lot like that. This
9 Defendant is charged with possession of a weapon by a
10 person convicted of a crime of violence. In South Carolina
11 there's a little bit of difference between a violent crime
12 and a crime of violence and the judge will explain that to
13 you, but some crimes of violence some include burglary, or
14 robbery, certain assaults, but we'll get to that at the
15 end. We just have to prove to you that this Defendant has
16 qualifying convictions and that this Defendant possessed a
17 firearm.

18 Now, finally in, kind of, summation, you're going to
19 hear a lot about the investigation that went into this
20 case. Two investigators are going to testify before you,
21 Investigator Jeremy Hembree from the Department of Public
22 Safety is going to tell you that Michael Parrish came to
23 report this at Public Safety. He brought his car in and
24 that he was able to lift fingerprints from that vehicle,
25 from the back driver side door where I told you one of the

1 Defendants sits in from the front passenger side door. And
2 you're going to hear that the fingerprints on that front
3 passenger side door belong to that Defendant.

4 You're going to hear that Investigator Jason Griffin,
5 who seated in the courtroom, obtained the video from Hahn
6 Village which you'll see, that he combs that video
7 diligently, that he's able to pick out some identifying
8 marks of the vehicle and, ultimately, generated a couple of
9 suspects. You're going to hear that, eventually, he comes
10 to the name of that Defendant, Tobias Thomas. That he gets
11 a line-up and despite the fact that Michael Parrish has
12 never seen that Defendant, doesn't know him, they didn't go
13 to school together, they didn't run track together, that
14 he was able to identify this person who got in this
15 vehicle, pulled a gun on him and asked him where the money
16 was.

17 Ladies and gentlemen, this isn't going to be a long
18 trial. We don't anticipate having you here all week. But
19 at the end of all of this, I'm gonna come back before you,
20 we're gonna talk about what the law is and what I think
21 we've proven and the State is gonna ask you to go back to
22 the jury room and find that Defendant guilty of all three
23 of these crimes.

24 Thank you.

25 THE COURT: Mr. Farley?

1 MR. FARLEY: Thank you, Your Honor. May it please,
2 the court?

3 THE COURT: Yes, sir.

4 MR. FARLEY: Mr. McMillian? Mr. Grimes?

5 Opening Statement- Mr. Farley:

6 Good afternoon, ladies and gentlemen. Hopefully, no
7 one got caught in the rain too bad. I tell you what we all
8 want to get back to normal but I'm sure this probably
9 wasn't the normal you expected to get back to.

10 But we are here today as you heard the solicitor say
11 because of my client, Mr. Thomas, has been accused of on
12 robbery and possession of a weapon in occurrence of a
13 violent crime. You're going to hear during the course of
14 the trial from several witnesses. And as you heard the
15 solicitor explain the burden of proof in this matter is not
16 on the defense, it's on the State. The State has to prove
17 that he's guilty of these charges. And they're going to
18 bring up several witnesses and we may bring up a witness as
19 well. And certainly I would ask that you listen to every
20 bit of testimony that these witnesses are going to provide.
21 Because I think that once you hear these witnesses, once
22 you hear all of the testimony that comes forward then, what
23 the evidence is going to show that this isn't an armed
24 robbery. That this was simply what was a mistake in a drug
25 transaction. It turned out that they simply got the wrong

1 guy. It was absolutely a mistake. And we think that after
2 you've heard the testimony, you know, from the investigator
3 of the -- as well as the victim that is what is going to
4 be born out and that's what the evidence is going to show.
5 Because the real issue here is whether this was an
6 attempted armed robbery. That's what you have to decide.
7 Not whether if he's guilty of any other crime or whether
8 he's guilty of that crime, attempted arm robbery and a
9 possession of the weapon in reference to a violent crime.

10 The standard here is reasonable doubt. So that's kind
11 of like more likely than not standard. So if there's any
12 reasonable doubt that that's what this is, then that would
13 make the average person kinda stop and question as to
14 whether this is really the case or not. That's reasonable
15 doubt. If you find that, then you have to return a verdict
16 and we think the verdict that will be born out by the
17 evidence you'll hereby the testimony and that's the verdict
18 of not guilty of these charges of Mr. Tobias Thomas.

19 Thank you, ladies and gentlemen.

20 THE COURT: All right. The State can call its
21 first witness?

22 MR. McMILLIAN: Your Honor, the State would call
23 Michael Parrish.

24 THE CLERK: Mr. Parrish, place your left hand on
25 the Bible and raise your right hand. The testimony you

1 should give the court in this case should be the truth, the
2 whole truth, and nothing but the truth so help you God?

3 MR. PARRISH: I do.

4 THE CLERK: Have a seat in the witness chair and
5 watch your step when you go up there. When you're seated
6 state your full name.

7 MR. PARRISH: My name is Michael Deon Parrish.

8 MICHAEL PARRISH, first being
9 duly sworn, testified as follows:

10 Direct Examination by Mr. McMillian:

11 Q. And Michael would you spell your last name for the
12 court reporter?

13 A. P-a-r-r-I-s-h.

14 Q. Thank you. How old are you, Michael?

15 A. Twenty-one.

16 Q. And are you in school?

17 A. Yes, sir.

18 Q. Are you involved in -- what are you studying?

19 A. Church ministry.

20 Q. And what you, ultimately, going to do with that?

21 A. Become a youth pastor and help out the youth in the
22 community.

23 Q. Are you involved in any sports?

24 A. Yes, sir. Track and field.

25 Q. How long have you been running track and field?

1 A. Close to about six or seven years.

2 Q. So you've been running track and field since high
3 school?

4 A. Yes, sir.

5 Q. Okay. How long have you been running track and field
6 in college?

7 A. Three years.

8 Q. Where are you from, originally?

9 A. Jackson, South Carolina.

10 Q. And, I guess, when did you move to Aiken or to the
11 City of Aiken?

12 A. Me and my mother moved to the City of Aiken in the
13 summer of 2020, 2019, somewhere in there.

14 Q. Okay. And where did y'all move to the City of Aiken?

15 A. We moved to Hahn Village.

16 Q. Do you know, in particular, kind of where you live
17 there in Hahn Village?

18 A. Um, the address?

19 Q. What street you live on?

20 A. [REDACTED] Lane.

21 Q. Okay. And that's in the City Limits of Aiken?

22 A. Yes, sir.

23 Q. Were you living there at Freiday Lane on March 26,
24 2020?

25 A. Yes, sir.

1 Q. Tell us a little bit about what was going on, on March
2 26th?

3 A. So on March 26, 2020, I received a text message from
4 my aunt about my uncle, at the time he was sick and it was,
5 kinda of like, you know, the final call. They were about
6 to pull the plug and everything so at that time I began to
7 get dressed and I walked out my house. And as I'm walking
8 out I see a blue ---

9 Q. Let me -- let me pause you right there. I need you to
10 slow down a little bit.

11 A. Okay.

12 Q. About what time were you getting ready to leave the
13 apartment?

14 A. Around one, two in the afternoon.

15 Q. Okay. So just after lunch?

16 A. Yes, sir.

17 Q. Okay. So as you were getting ready to leave, after
18 leaving the apartment, what did you see?

19 A. As I'm walking out I see a blue Honda Civic, I believe
20 it was the model, was coming down the street and began to
21 park. But I wasn't paying any mind because I didn't know
22 who that was so I'm just going straight to my car.

23 Q. Your car?

24 A. Yes, sir.

25 Q. What kind of car do you have?

1 A. A black 2000 Infinity.

2 Q. And is that, does that have two-doors or four-doors?

3 A. Four-doors.

4 Q. Okay. And it was, I guess, parked there in the same
5 parking lot?

6 A. Yes, sir.

7 Q. And who - and who approached your car? What happened?

8 A. So as I'm getting to my car, you know, I'm just
9 starting my car up and I got my head down just on my phone
10 sending out text messages, getting the music ready, hooking
11 up to my Bluetooth in my car. And as I'm sitting there two
12 young man approached my car and, like, knock on my window
13 and then proceed to open my door and began to ask me a
14 couple questions. The first question was, you know, do you
15 have a cigar? And my reply was, no, I don't smoke.

16 Q. Have you ever smoked?

17 A. No, sir, not a day in my life.

18 Q. It would be really difficult to smoke and run track,
19 huh?

20 A. Mmm, hmm.

21 Q. And what happened next?

22 A. The next question was, you know, where do you people
23 stay at? So, basically, like where do I live and I'm
24 pointing in the direction of where I was staying at
25 currently. And then the next thing ---

1 Q. And your ---

2 A. Huh?

3 Q. --- just a second, again. Your apartment is kind of
4 at the back of Freiday, Freiday Lane?

5 A. It's kind of like when you come down, yeah, it's right
6 in the back kind of, you know, towards the back.

7 Q. Okay.

8 A. After he asked that second question the young man
9 behind him pulls out the gun and you know says, "Run that
10 S, you know, F Boy."

11 Q. What - what did that gun look like?

12 A. It was silver on the top and black under the bottom.

13 Q. Okay. And you said -- did they say "Run that Shit,
14 Fuck Boy"?

15 A. Yes, sir.

16 Q. And what did you understand that to mean?

17 A. That means, you know, just give me what you have, you
18 know, whatever is of value that you have I want it, you
19 know.

20 Q. Turn your pockets out?

21 A. Pretty much, yes, sir.

22 Q. Is that slang for "give me all your money"?

23 A. Pretty -- yes, sir. Yeah, like I said anything of
24 value, phones, jewelry, money. Yes, sir, just give it up.

25 Q. And what did you think about that?

1 A. Um, at that time I just began to just panic. I got my
2 hands up I'm, you know, I was kind of screaming saying,
3 woe, because I don't know what's going on, you know, I'm
4 kind of out of it so no words are really coming out. I'm
5 just saying, woe, because I'm, you know, kind of in shock.

6 Q. Have you ever had a gun held on you?

7 A. No, sir.

8 Q. And what happened then?

9 A. Um, after he pulls the gun and I'm just kinda got my
10 hands up, just a panicking, he gets in the back seat and
11 that's the last of, you know, my encounter with him. I
12 don't have any encounter with the guy with the gun, with
13 the first gun. Um, his partner goes around, you know, and
14 gets in my passenger side, like, right beside me like this
15 and, you know, he tells me to turn my car off. So, you
16 know, I just do what he says. I'm compliant. I just turned
17 my car off, um, he's in just, you know, looks at me and he
18 says, you know, now where's the money at? So at that time
19 I told him I don't have any money. I still got my hands
20 up. I said I don't have any money. So I'm beginning to
21 reach into my pocket and I'm pulling out my phone, my
22 wallet, showing him everything I got, cards, license, just
23 whatever is in my wallet I'm showing and opening my wallet
24 showing him I ain't got no money. And that he begins, he
25 lifts up my hand rest and, you know, ask like what's in

1 here? That he looks in my compartment right there. And
2 then he, you know, looks at me kind of like whatever, a
3 laugh or a smirk, or whatever and he says don't play with
4 me. And I'm still telling him I don't have anything.

5 Q. Let me --- let me ask you another question.

6 A. Mmm, hmm.

7 Q. You're interaction with the person in the passenger
8 seat, did he have a gun?

9 A. Yes, sir, he did. It was like I want to say it was a
10 pistol. It look like a small pistol, but it was laying in
11 his lap. He wasn't he wasn't pointing it towards me.

12 Q. Right.

13 A. But I guess he was laying it in his lap to let me
14 know, like, you know, I got a gun so if you try something I
15 can possibly shoot you.

16 Q. So the person behind you had a gun?

17 A. Yes, sir.

18 Q. And the person sitting next to you had a gun?

19 A. Yes, sir.

20 Q. Okay. So after he opened the glove box ---

21 A. Mmm, hmm.

22 Q. --- and your center console, what happens then?

23 A. Um, like I said, he says, you know, he looks at me
24 kind of like with a smirk and says, um, don't play with me
25 and then he began to pull his mask over his face. And

1 then, um, he looks back at his partner and they're kind of
2 like laughing or whatever. And then the guy in the back
3 seat he gets out and just goes back to the car. He looks
4 at me and he says we've gotta go. And then they -- he gets
5 out of the car and runs back to his car like a slight jog
6 or whatever and gets in and they drive off.

7 Q. And -- so what did you do when they left?

8 A. At that time, um, just processing what had happened.
9 I'm looking back to see where they're going, like, where
10 their car is, where they're going because I don't know if
11 they're going to do anything else so I'm just, you know,
12 making sure the area is clear. And once the area is clear
13 I back out and I leave and I began making phone calls to
14 family members and friends about what just happened.

15 Q. Did you call the Department of Public Safety
16 immediately?

17 A. Not immediately. I waited until I got to a safe place
18 to call.

19 Q. And why was that?

20 A. Just nervous, you know, just nervous and I'm just
21 letting everybody know. I'm thinking of family first to
22 let them know, you know, that, you know, I was just in
23 danger. But let them know that I'm okay, you know.

24 Q. So where -- who did you go see down in Jackson?

25 A. One of my close friends of mine that I went to high

1 school with, ran track with. He's someone I can trust.
2 Like I said, a close friend of mine so I go to him.

3 Q. And after you went there ---

4 A. Mmm, hmm.

5 Q. --- did you decide to call the police?

6 A. Yes, sir, I did.

7 Q. About how much time lapsed?

8 A. Between the time I left Aiken to the time I got there
9 ---

10 Q. To the time you were ---

11 A. --- to call?

12 Q. --- at -- the Public Safety call?

13 A. Fifteen, twenty minutes, I want to say.

14 Q. You got -- got down to Jackson ---

15 A. Yes, sir.

16 Q. --- and then called them?

17 A. Yes, sir.

18 Q. Okay. And did you -- did you go in and talk to the
19 people at public safety?

20 A. Yes, sir.

21 Q. You told them what happened?

22 A. Yes, sir.

23 MR. McMILLIAN: I beg the court's indulgence.

24 THE COURT: Yes, sir.

25 Q. Michael, I need you circle back to a couple of things.

M. Parrish- Direct Examination by Mr. McMillian

47

1 A. Okay.

2 Q. The parking lot of the apartment complex there in Hahn
3 Village ---

4 A. Mmm, hmm.

5 Q. --- you told us it was in the City of Aiken?

6 A. Yes, sir.

7 Q. Is it in the Aiken County?

8 A. Yes, sir.

9 Q. Okay. And the two fellows who got in your car ---

10 A. Mmm, hmm.

11 Q. --- wanted to know where the money was ---

12 A. Yes, sir.

13 Q. --- did they, did they take anything from you?

14 A. No, sir. They didn't get anything. I didn't really
15 have anything -- I did have things of value but they didn't
16 take anything so I guess they were just looking for money.

17 Q. Okay. So you came in and, eventually, you met with
18 Investigator Griffin?

19 A. Yes, sir, I did.

20 Q. Okay. Like you said you told him what happened?

21 A. Yes, sir.

22 Q. And how long were you at Public Safety?

23 A. Anywhere from twenty to thirty minutes.

24 Q. Okay. And did you ever get called back to Public
25 Safety?

1 A. Yes, sir, I did.

2 Q. When was that?

3 A. Two - two days after. Yeah, two days after I had made
4 the report.

5 Q. And what was that about?

6 A. They wanted me to come in and look at a line-up?

7 Q. And did you come in and look at that line-up?

8 A. Yes, sir.

9 Q. And they told you -- what did they tell you?

10 A. They just told me they were going to show me a line-
11 up, um, of people who were, who were believed suspects.
12 They just, you know, laid out two pieces of paper and they
13 just showed me and I had to pick out, you know, who
14 resembled the guys who attempted to rob me.

15 Q. And did you pick anybody out?

16 A. From the first one, no, I did not, from the first
17 line-up I did not. From the second one I did.

18 Q. Okay. And do you see that person in the courtroom?

19 A. Yes, sir.

20 Q. Can you tell me what he's wearing?

21 A. Today?

22 Q. Today? Yes, sir.

23 A. It looks like a black tie, a vest, and a white shirt.

24 Q. He's the Defendant sitting here at the table?

25 A. Yes, sir.

1 Q. Okay. Now, I'm going to skip ahead ---

2 A. Mmm, hmm.

3 Q. --- to several months ---

4 A. Mmm, hmm.

5 Q. --- did you ever hear from this Defendant?

6 A. Yes, sir, I did.

7 Q. Tell us about that?

8 A. In the month of October, I received a text message
9 from a former high school classmate and a teammate and she
10 asked for my phone number and I thought it was about a job
11 fair that we had went to earlier, I had seen her at
12 earlier, I think the month before. So me just thinking
13 it's about that I gave her my number. When she called it
14 wasn't, it wasn't her. It was the voice of two other young
15 men. And they were telling me, basically, I'm in here with
16 so-and-so with, you know, with my friend, you know, or my
17 brother or whatever and your name came back on his
18 statement and he needs you to come to Aiken and drop the
19 charges.

20 Q. And did they offer any -- do they offer you anything -
21 --

22 A. Yes, sir.

23 Q. --- to drop the charges?

24 A. They said if you come and do this then we'll pay you
25 some money. They didn't say the amount of money they just

1 said they'll pay you some money.

2 Q. Okay.

3 MR. McMILLIAN: I beg the court's indulgence one last
4 time.

5 THE COURT: Okay.

6 Q. And while you were on the phone with the Defendant,
7 did you -- what did you tell them?

8 A. I'm just telling them I don't want any trouble, um,
9 I'm just, I'm just trying, you know, to get my life
10 together. I don't want any trouble. I don't want, you
11 know, anything to happen to me. And at first I'm kind of
12 going along with it because I'm just, I'm afraid. I don't
13 know, you know, what's going to happen. So at first I'm
14 going along with it. Then I make several phone calls to
15 trusted family members and they telling me, you know, that
16 doesn't sound too smart to do. That sounds like a plan to
17 put you in harm's way so they told me not to do it. And so
18 I just blocked the numbers and everything.

19 Q. Did you ever meet them and get any money?

20 A. No, sir.

21 Q. Just one last thing.

22 A. Okay.

23 Q. This is one of the two people who got in the car with
24 you and tried to rob you?

25 A. Yes, sir.

M. Parrish- Cross-Examination by Mr. Farley

51

1 MR. McMILLIAN: Judge, I don't have any further.

2 THE COURT: Cross-examination?

3 MR. FARLEY: Thank you, Your Honor.

4 Cross-Examination by Mr. Farley:

5 Q. Good afternoon, Mr. Parrish.

6 A. Good afternoon.

7 Q. Mr. Parrish, I just want to clarify a few points?

8 A. Okay.

9 Q. And just to make sure that the jury understands that
10 there were two gentlemen who approached your vehicle on
11 March 26th, right?

12 A. Yes, sir.

13 Q. And just to be clear there was a person who got in the
14 backseat?

15 A. Yes, sir.

16 Q. And the person who got into the passenger side ---

17 A. Yes, sir.

18 Q. --- of the front seat?

19 A. Yes, sir.

20 Q. The person who got in the passenger side of the front
21 seat you identified as Tobias Thomas, is that correct?

22 A. No, sir.

23 Q. This gentleman right here?

24 A. I remember him wearing, um, he's getting in the
25 backseat behind me.

1 Q. This gentleman?

2 A. Yes, sir.

3 Q. Okay. Are you positive?

4 A. Yes, sir.

5 Q. That this is the gentleman in the backseat?

6 A. Yes, sir.

7 Q. All right.

8 MR. FARLEY: I beg the court's indulgence for just
9 one second?

10 THE COURT: Yes, sir.

11 Q. All right. Mr. Parrish, let me, let me get ask you
12 this, the two gentlemen ask if you had a cigar when they
13 approached the vehicle?

14 A. Yes, sir.

15 Q. And you may not know and that perfectly fine, but do
16 you know why they would've asked you for that or

17 A. I do not know.

18 Q. Do you have any idea?

19 A. No, sir.

20 Q. Okay. And when the person got into the passenger seat
21 never presented a weapon, is that correct?

22 A. In the passenger seat, beside me, a weapon?

23 Q. The one in the front passenger seat?

24 A. Mmm, hmm. He had a weapon on his lap.

25 Q. But he never presented it at you?

1 A. He never pointed it at me, no, sir.

2 Q. Okay. He just made you aware that he had a weapon?

3 A. Yes, sir.

4 Q. All right. And the person in the front passenger seat

5 ---

6 A. Yes, sir.

7 Q. --- did you -- well, I know he said, do you have any,
8 do you have the money, right?

9 A. Where's the money at, yes, sir.

10 Q. Where's the money at. And you then said that you had
11 a phone and you had a wallet and

12 A. No, sir, I did not say that. I said I don't -- I'm
13 pulling out my wallet and my phone ---

14 Q. Okay.

15 A. --- showing them that, you know, I'm showing my wallet
16 showing that I don't have any money.

17 Q. But they didn't take any of the other items of value?

18 A. No, sir.

19 Q. Okay. And at no time, did they seem to want to take
20 your cards to ATM so you would withdraw money?

21 A. No, sir.

22 Q. Okay. Did you offer to do that?

23 A. No, sir.

24 Q. Okay. And did you -- so did you think that they were
25 there to try to rob you or for any and other reasons?

1 A. I don't know why they were there because I don't, I
2 didn't know them so I don't know.

3 Q. Mmm, hmm. But they didn't take anything of value?

4 A. No, sir.

5 Q. Okay. Why did you wait an hour after this occurred in
6 order to contact law enforcement?

7 A. At the time, I just wasn't thinking with a clear mind
8 to go ahead and call them. I'm thinking to call family
9 first because, you know, those of the people that I really
10 trust.

11 Q. Okay. Is it fair to say that you were still trying to
12 figure out exactly what, exactly happened or

13 A. Yes, sir. Just, like I said processing it. Just
14 trying to figure out why it happened. But it was clear
15 what it was.

16 Q. Well, let me - let me ask you this, did you feel more
17 threatened by the person backseat than in the passenger
18 seat or

19 A. I felt threatened by both. They had weapons.

20 Q. Oh, I understand. Okay. But it was the person -- is
21 it fair to say that the person in the backseat was the one
22 making the threatening remarks, is that correct?

23 A. Yes, sir, in the backseat.

24 Q. Not necessarily the person in the passenger seat?

25 A. No.

1 Q. All right. Is it fair to say that the person in the
2 front passenger seat seem more transactional than anything
3 else?

4 A. In the front seat, you ask?

5 Q. (Shaking of head yes)

6 A. Yes, sir. Like I said he was asking me questions like
7 where's the money at, you know, so

8 Q. Okay. Do you think he was trying to exchange
9 something for money?

10 A. No, take it. Just take money ---

11 Q. Okay.

12 A. --- from me.

13 Q. How long do you think the entire incident lasted, do
14 you recall?

15 A. Maybe two minutes, two, three minutes.

16 Q. Okay. And then they exited the vehicle without any
17 incident, right?

18 A. Yes, sir.

19 Q. All right. And just, Mr. Parrish, let me make sure I
20 do understand, you said that you believe that Mr. Tobias
21 Thomas, the Defendant sitting at this table right here ---

22 A. Yes, sir.

23 Q. --- where was he in the car?

24 A. In the backseat.

25 Q. All right.

1 MR. FARLEY: Thank you, Mr. Parrish. No further
2 questions.

3 THE COURT: Any redirect?

4 MR. McMILLIAN: Yes, Your Honor, briefly.

5 Redirect Examination by Mr. McMillian:

6 Q. Mr. Parrish?

7 A. Yes, sir.

8 Q. Just one question?

9 A. Mmm, hmm.

10 Q. When these two individuals were in the car with you --
11 -

12 A. Yes, sir.

13 Q. --- were they trying to rob you?

14 A. Yes, sir.

15 MR. McMILLIAN: Nothing further, judge.

16 THE COURT: Anything further from this witness?

17 MR. FARLEY: No, Your Honor.

18 THE COURT: All right. Thank you, sir. You may
19 step down. Call your next witness.

20 MR. GRIMES: Your Honor, the State calls Dantavius
21 Isle-Lytes and he is outside the courtroom. We'll bring
22 him in.

23 THE COURT: Yes, sir.

24 (Whereupon, the court is waiting on witness to enter)

25 THE COURT: Mr. Isles-Lytes?

1 MR. ISLES-LYTES: Yes, ma'am.

2 THE COURT: Come on forward. Come around here.
3 You're going to stand right in front of this lady?

4 THE CLERK: Place your left hand on the Bible and
5 raise right hand. The testimony you shall give the court
6 and jury in this case shall be the truth, the whole truth,
7 and nothing but the truth so help you God?

8 MR. ISLES-LYTES: Yes, ma'am.

9 THE CLERK: Have a seat in the witness box. Please
10 state your full name and spell your last name.

11 MR. ISLES-LYTES: Dantavius Isles-Lytes, I-s-l-e-s-
12 L-y-t-e-s.

13 THE COURT: Okay. I'm gonna ask that you, I know
14 you pulled your mask down but if you'll take it off, if you
15 don't mind. It's just easier to understand you, okay. And
16 you're little soft-spoken so speak into that microphone.
17 Your witness?

18 MR. GRIMES: Do you want to pull it a little closer
19 to you?

20 DANTAVIUS ISLES-LYTES, first being
21 duly sworn, testified as follows:

22 **Direct Examination by Mr. Grimes:**

23 Q. All right. Can you say your name again so we can all
24 hear it?

25 A. Dantavius Isles-Lytes, I-s-l-e-s-L-y-t-e-s.

- 1 Q. All right. Dantavius, how old are you?
- 2 A. I'm twenty-seven.
- 3 Q. Twenty-seven. And where are you from?
- 4 A. Aiken.
- 5 Q. Like the city area or the county?
- 6 A. The city.
- 7 Q. You grew up here?
- 8 A. Yes, sir.
- 9 Q. Do you work?
- 10 A. Yes, sir.
- 11 Q. Were you working in March of last year, 2020?
- 12 A. No, sir.
- 13 Q. Did you have a car last March?
- 14 A. No, sir. I was using my girlfriend's car.
- 15 Q. You had a girlfriend at the time?
- 16 A. Yes, sir.
- 17 Q. And did you use her car?
- 18 A. Yes, sir.
- 19 Q. And when would you be able to use her car?
- 20 A. Only when she was at work.
- 21 Q. Did she work during the daytime?
- 22 A. Yes, sir.
- 23 Q. All right. I know you're not excited, but you're
- 24 going to have to, you gonna have to speak up a little bit.
- 25 I can barely hear you. I think some people sitting behind

1 me may have a difficult time, okay?

2 A. Yes, sir.

3 Q. All right. So what kind of car were you driving?

4 A. A blue Honda Civic.

5 Q. All right. And on March 26, 2020, were you driving
6 that car?

7 A. Yes, sir.

8 Q. All right. And were you here in Aiken County driving
9 the car?

10 A. Yes, sir.

11 Q. And where - where did you go while your girlfriend was
12 at work that day?

13 A. Well, my little brother had just had surgery on his
14 hand so I had went to Hahn Village. I was supposed to go
15 see him, but he was having his surgery which I had forgot
16 he was having that morning.

17 Q. So your brother lived in Hahn Village?

18 A. Yes, sir.

19 Q. And he was having surgery?

20 A. Yes, sir.

21 Q. And you were going -- and you were going to see him?

22 A. Yes, sir.

23 Q. And was he there in Hahn Village when you got there?

24 A. No, sir.

25 Q. And why was that?

1 A. Because he was away having his surgery that morning.

2 Q. Okay. So when you got there he was still at the
3 hospital?

4 A. Yes, sir.

5 Q. Okay. And who else was there in Hahn Village or who
6 did you see at Hahn Village?

7 A. It was just me and my cousin and two other guys. When
8 I pulled up they was out there just talking. That was it.

9 Q. All right.

10 THE COURT: Hold on a second. Can you just pull
11 the microphone so where you don't have to like turn your
12 head. So when you looking at him you're still talking into
13 it.

14 Q. So you said there was your cousin and two other guys
15 there?

16 A. Yes, sir.

17 Q. And what were they doing?

18 A. Just out there talking, chilling.

19 Q. All right. And did you talk to them?

20 A. Yeah. For a while I was out there talking to them.

21 Q. I'm sorry, I didn't hear the last part.

22 A. Yes, sir, for a while I was out there talking to them.

23 Q. All right. And then -- at any point did the Defendant
24 show up?

25 A. Well, he walked up.

1 Q. All right. And what happened when he showed up?

2 A. We was just out there talking for a while. That's it.

3 Q. You talked to him too?

4 A. Yeah.

5 Q. Did those other guys leave, your cousin and the other
6 two guys?

7 A. Yeah, they left.

8 Q. Where did they go?

9 A. I don't know.

10 Q. They just walked off?

11 A. Yes, sir.

12 Q. And after they left who was still there, you and

13 A. Me and - me and the Defendant, we was smoking in my
14 car, well in my girlfriend's car.

15 Q. Okay. Still there in the parking lot at Hahn Village?

16 A. Mmm, hmm.

17 Q. All right. When you say the Defendant, you're talking
18 about Tobias Thomas?

19 A. Yes, sir.

20 Q. Okay. And while y'all were smoking in the car, did
21 you notice anybody?

22 A. Seen the dude walking out the apartment.

23 Q. You saw him walking out of the apartment?

24 A. Mmm, hmm. Well, the Defendant brought it to my
25 attention that dude owed him money.

1 Q. Okay. So there was a guy walking out of the
2 apartment?

3 A. Mmm, hmm.

4 Q. And who noticed him first?

5 A. Tobias noticed him first. I was in my phone.

6 Q. All right. What did Tobias tell you about this
7 person?

8 A. That he just owed him money.

9 Q. Tobias told you that the person walking owed him
10 money?

11 A. Mmm, hmm.

12 Q. What did - what did you say about that?

13 A. He ain't really say too much. We walked over there --
14 -

15 Q. I can't - I can't hear you again.

16 A. He ain't really say too much. We walked over there
17 and hi, to the dude and we got in the car and that's when
18 everything happened. I hopped out the car fast.

19 Q. Well, we'll get to that in just, in just a minute but
20 -- so where was this car parked compared to where your car
21 was?

22 A. Probably in a couple of spaces, a couple of parking
23 spaces over but behind my car.

24 Q. On the other side of the parking lot?

25 A. Yeah.

1 Q. So about how far would you have to walk to get to that
2 car from where you were parked?

3 A. Not far.

4 Q. This - this distant right here?

5 A. Yeah, just a couple of paces.

6 Q. So did you and Tobias walk over to that car?

7 A. Yes, sir.

8 Q. Did he say why he was going to go over to that car?

9 A. He said the dude owed him money.

10 Q. He said the person owed him money? You said dude, I'm
11 talking about the person in that car?

12 A. Yes, sir.

13 Q. He said they owed him money?

14 A. Yes, sir.

15 Q. Did they owe you any money?

16 A. No, sir.

17 Q. Did you know who it was?

18 A. No, sir.

19 Q. Have you ever seen him before?

20 A. No, sir.

21 Q. So what - what were you wearing?

22 A. What was I wearing?

23 Q. Mmm, hmm.

24 A. I was wearing a gray hoodie and some gym shorts.

25 Q. Gym shorts and a gray hoodie. And what was Tobias

1 wearing?

2 A. I don't remember exactly what he was wearing.

3 Q. Do you remember what color it was?

4 A. Black.

5 Q. Okay. When y'all get over to that car, is the person
6 still sitting in the driver seat?

7 A. Yes, sir.

8 Q. And did you talk to him or Tobias talk to him?

9 A. I ain't say nothing to him. I just hopped in the back
10 seat. That's it.

11 Q. Well, what was said to him?

12 A. Run that shit, fuck boy.

13 Q. And what - what do you think that means?

14 A. It means if you tell somebody to "run that shit" you
15 already know, technically, what it means.

16 Q. All right. So after he said that what did you do?

17 A. I hopped out the car.

18 Q. Now, when y'all first approached the car -- well, what
19 side of the car were you on? When you first get to the car
20 what side are you on?

21 A. Passenger -- the driver side.

22 Q. All right. Did you get in the car?

23 A. Yeah. The back behind the driver.

24 Q. You got in the backseat?

25 A. Yes, sir.

1 Q. What side of the car did you get in from?

2 A. The driver side.

3 Q. The driver side. And what did Tobias do?

4 A. Got in the passenger side.

5 Q. He went to the passenger side?

6 A. Mmm, hmm.

7 Q. How did he get in over there? Did he get in through
8 the passenger front door?

9 A. Yes, sir.

10 Q. And, at this point, you're in the car, Tobias is in
11 the car and the drivers in the car, right?

12 A. Yes, sir.

13 Q. You still don't know who the driver is, right?

14 A. No, sir.

15 Q. Did you have a gun on you that day?

16 A. Yes, sir.

17 Q. All right. And when you are in the car where was that
18 gun?

19 A. On the backseat.

20 Q. When - when you walked from your car over to that car,
21 when you walked across the parking lot, where was the gun?

22 A. In my pocket.

23 Q. Okay. When you got into the backseat, you put it on
24 the backseat?

25 A. Yes, sir.

1 Q. It was out?

2 A. Yes, sir.

3 Q. It was visible?

4 A. Yes, sir.

5 Q. And did Tobias have a gun?

6 A. I didn't see one, initially.

7 Q. Okay. When y'all were sitting in your car, did you
8 know whether he had a gun or not?

9 A. No, sir.

10 Q. When y'all were sitting in the driver's car and he was
11 in the front seat, did you know whether he had a gun?

12 A. Yes, sir.

13 Q. And why is that?

14 A. When it got pulled out.

15 Q. He pulled it out?

16 A. Yes, sir.

17 Q. And what - and what did he say when he pulled the gun
18 out?

19 A. Run that shit, fuck boy.

20 Q. Okay. Do you remember him saying anything else?

21 A. No, sir.

22 Q. And when he said that what did you think was
23 happening?

24 A. I hopped out and walked back to my car.

25 Q. What did you think was happening?

1 A. I mean, it don't take a rocket scientist to figure out
2 what you thought what would be happening and I hopped out
3 and walked back to my car.

4 Q. I understand it doesn't take a rocket scientist, but
5 we need you to say it.

6 A. Yeah.

7 Q. Did you think it was a robbery?

8 MR. FARLEY: Objection. Leading.

9 THE COURT: Overruled.

10 A. Yes, sir.

11 Q. Let me ask you this, you said you didn't know, you
12 didn't know the person in that driver seat, was there a
13 black male in the driver seat?

14 A. Yes, sir.

15 Q. What was he doing during all of this?

16 A. Panicking.

17 Q. You said he was panicking?

18 A. Yes, sir.

19 Q. What makes you say that?

20 A. Just cuz the way, the way he acted, I guess.

21 Q. What could you tell by the way he acted?

22 A. He acted scared.

23 Q. He acted scared? Did he seem like he knew what was
24 going on?

25 A. Nah.

1 Q. What was he trying to do? Or what was he doing?

2 A. He wasn't doing nothing really. He was trying to --
3 he tried to hand over some credit card. That's it.

4 Q. You said he tried to hand over some credit cards?

5 A. Yeah.

6 Q. Did he have his wallet out?

7 A. I - I can't even remember.

8 Q. You don't remember?

9 A. No, sir.

10 Q. But you remember that he was trying to hand over some
11 credit cards?

12 A. Yes, sir.

13 Q. Did he - did he say anything?

14 A. He just said that's all he had was some credit cards.

15 Q. Did he say he didn't have any money?

16 A. Yes, sir.

17 Q. Did you see Tobias do anything?

18 A. I hopped out, sir. I just seen when the gun got
19 pulled out and I hopped out. That was it.

20 Q. When you got out, did you take your gun with you?

21 A. Yes, sir.

22 Q. And where did you go?

23 A. Got back in my girlfriend's car.

24 Q. You got back in your girlfriend's car. What did
25 Tobias do?

1 A. Ran to the car and I dropped him off down the road.

2 Q. Did he get out of the car at the same time you got out
3 of the car?

4 A. No, sir.

5 Q. Was it shortly after you got out of the car?

6 A. Yes, sir.

7 Q. Did he come over to your car?

8 A. Yes, sir.

9 Q. Did you drive off in your car?

10 A. Yes, sir.

11 Q. How - how far did you take him?

12 A. Just up the street.

13 Q. I'm sorry, I couldn't hear you?

14 A. Just up the street.

15 Q. Up the street. A short distance?

16 A. Mmm, hmm.

17 Q. And then where did you go?

18 A. I went to my girlfriend's job and sat there.

19 Q. Did -- is that something you would normally do?

20 A. Yeah, I always used to go to her job and just sit
21 there.

22 Q. So during the daytime you would be in her car where
23 she works, in the parking lot?

24 A. Yeah, most of the time, I ain't had nowhere to go or
25 anything, you know.

1 Q. You would just sit there?

2 A. Yeah.

3 Q. After she got off work were you in the car with her
4 later that day?

5 A. Yes, sir.

6 Q. And, um, where did y'all go?

7 A. We went to Hahn Village to see my brother because he
8 was finally out of surgery.

9 Q. So you ended up back at Hahn Village?

10 A. Mmm, hmm.

11 Q. And y'all were in that car?

12 A. Yes, sir.

13 Q. You and your girlfriend?

14 A. Yes, sir.

15 Q. All right. Did the police come up to you then?

16 A. Yeah, they ran - they ran - they ran in Hahn Village
17 and blocked us off.

18 Q. I'm sorry, I didn't hear you.

19 A. They ran in Hahn Village and blocked us off.

20 Q. They blocked you while you were in Hahn Village?

21 A. Yeah, so we don't pull out.

22 Q. Okay. So y'all, y'all were still in the car, then?

23 A. Yes, sir.

24 Q. They pulled in behind you?

25 A. Yes, sir.

D. Isle-Lytes- Direct Examination by Mr. Grimes

71

1 Q. Did you talk to them?

2 A. No, sir. They just - they just ask about the car.

3 Then they searched the car and found -- the gun.

4 Q. Okay. You said they searched the car and found a gun?

5 A. Mmm, hmm.

6 Q. I'm gonna show you what's been marked as State's
7 Exhibit One, what's that?

8 A. That's the gun.

9 Q. Say it in the microphone.

10 A. That's the gun he found out of my car.

11 Q. That's the gun they found in your car?

12 A. Yeah.

13 Q. This is the gun you had with you during the robbery?

14 A. Yes, sir.

15 MR. GRIMES: Judge, at this time the State would
16 moved to introduce State's Exhibit One into evidence?

17 THE COURT: Any objection?

18 MR. FARLEY: No objection, Your Honor.

19 THE COURT: State's one is it admitted without
20 objection.

21 (Whereupon, the Gun (photo) has been marked and entered
22 into evidence as State's Exhibit No. 1)

23 MR. GRIMES: Your Honor, I'm gonna publish it to the
24 jury?

25 THE COURT: Yes, sir.

1 Q. It's a relatively small picture but I don't think we
2 need to much detail. This is -- what color is this?

3 A. Black and silver.

4 Q. Black and silver?

5 A. Mmm, hmm.

6 Q. Why did you say you got out of the car?

7 A. I got out of the car once I realized that it wasn't
8 what it was. I got out the car real fast and went back to
9 my car.

10 Q. Do you see Tobias Thomas in this courtroom?

11 A. Yes, sir.

12 Q. All right. What is he wearing?

13 A. He's got on a white with a gray vest.

14 Q. Is that the Defendant seated over here?

15 A. Yes, sir.

16 Q. All right.

17 MR. GRIMES: Please let the record reflect the
18 witness identified the Defendant.

19 Q. Dantavius, you have a lawyer, right?

20 A. Yes, sir.

21 Q. And he represent you on some criminal charges?

22 A. Yes, sir.

23 Q. Is he here?

24 A. Yes, sir.

25 Q. Before we get to that, you had a prior conviction for

1 criminal conspiracy?

2 A. Yes, sir.

3 Q. In 2013, and a burglary second-degree and unlawful
4 carrying of a weapon?

5 A. Yes, sir.

6 Q. You have charges pending against you right now, right?

7 A. Yes, sir.

8 Q. Neglect by a legal custodian?

9 A. Yes, sir.

10 Q. Unlawful carrying of a weapon?

11 A. Yes, sir.

12 Q. Possession of a weapon by a person convicted of a
13 crime of violence?

14 A. Yes, sir.

15 Q. You were charged in this incident, right?

16 A. Yes, sir.

17 Q. Attempted armed robbery, possession of a weapon during
18 a violent crime, and possession of a person or a possession
19 of a weapon by a person convicted of a crime of violence?

20 A. Yes, sir.

21 Q. And you have a charge for possession with intent to
22 distribute?

23 A. Yes, sir.

24 Q. Unlawful carrying of a weapon and pointing and
25 presenting a firearm by a person?

1 A. Yes, sir.

2 Q. So you got some history and you got some current
3 issues, right?

4 A. Yes, sir.

5 Q. Is that what your lawyer -- is that what you have a
6 lawyer for?

7 A. Yes, sir.

8 Q. You're not too excited to be here?

9 A. Nah, I'm not.

10 Q. We're you promised anything about these charges for
11 your testimony today?

12 A. No, sir.

13 Q. There is no deal? No ---

14 A. No, sir.

15 Q. Are you hoping that cooperating and testifying will
16 help you out in your case?

17 A. Yes, sir.

18 Q. You hope that's - you hope that's what's gonna happen?

19 A. Yes, sir.

20 Q. But you weren't promised anything like that?

21 A. No, sir.

22 MR. GRIMES: Please answer any questions Mr. Farley
23 has for you, okay.

24 A. Mmm, hmm.

25 THE COURT: Cross-examination?

1 MR. FARLEY: Thank you, Your Honor.

2 Cross-Examination by Mr. Farley:

3 Q. Mr. Isles-Lytes, Again, I just want to clarify a few
4 points. You said that you had a familiarity with Hahn
5 Village, is that correct?

6 A. No, sir. My brother just stayed out there and he had
7 just moved out there, really. I said, no, sir. My brother
8 just stayed out there.

9 Q. That's what I mean so you have some familiarity with
10 Hahn Village, right?

11 A. Yes, sir.

12 Q. --- because your brother lives there?

13 A. Yes, sir.

14 Q. How many times have you been there?

15 A. Probably like four or five times.

16 Q. So you have some familiarity of Hahn Village?

17 A. Yes, sir.

18 Q. Okay. So it's not the first time you've been there?

19 A. No, sir.

20 Q. How many people did you know it Hahn Village?

21 A. Not many. I don't go out there like that.

22 Q. But on the day in question you were out there talking
23 to a bunch of other folks?

24 A. No, not a bunch of other folks. My cousin and two
25 other people that he was out there with.

1 Q. Did they also live in Hahn Village?

2 A. No.

3 Q. Okay. They were just there?

4 A. Yes, sir.

5 Q. Okay. So you were just hanging out with a bunch of
6 people?

7 A. Yes, sir.

8 Q. Okay. And -- but your brother wasn't there?

9 A. No, sir.

10 Q. So you had been there and parked there and you just
11 hanging out with those folks on the grounds of Hahn
12 Village?

13 A. Yes, sir.

14 Q. Okay. Had you met Mr. Parrish before?

15 A. No, sir.

16 Q. But he lived in Hahn Village, you've never seen him
17 before?

18 A. No, sir.

19 Q. Okay. And -- well, let me ask you this, how long have
20 you known Mr. Thomas?

21 A. I've known him for a while.

22 Q. And what's a while?

23 A. Like, I can't put no number on it, but I know it's
24 been a long time.

25 Q. Years? Months?

1 A. Years. Years.

2 Q. You've known him for years. Five years? Three years?

3 A. I can't put no number on it. I just know it's been a
4 long time.

5 Q. Is it fair to say several years?

6 A. Yes, sir.

7 Q. Okay. Is he a friend of yours?

8 A. I mean, we wasn't chillin every day or nothin like
9 that. It's just like I knew him from a long time ago.

10 Q. Is he just an acquaintance or you see a business
11 acquaintance?

12 A. Acquaintance.

13 Q. Did you ever do any business together?

14 A. No, sir.

15 Q. Okay. Well, at the time on March 26th, you weren't
16 working, correct?

17 A. No, sir.

18 Q. Were you doing anything to make money?

19 A. No, sir. Not at that moment.

20 Q. Okay. And the only way you know Tobias is through
21 mutual friends or

22 A. It's just been mutual friends from back in the day
23 like a long time ago.

24 Q. Okay. And now had you called Tobias earlier in the
25 day or did you just see him walk up in Hahn Village?

1

2

A. He just walked up.

3

Q. And you hadn't -- when was the last time you had

4

contact with him before then?

5

A. A long time ago.

6

Q. How long?

7

A. I can't put no number on -- I can't put no number on

8

it. It probably ---

9

Q. Months?

10

A. --- years ---

11

Q. Weeks?

12

A. Years.

13

Q. Years?

14

A. Yeah.

15

Q. Okay. But you've known him for several years?

16

A. Yes, sir.

17

Q. And it had been several years when you heard from him?

18

A. Yes, sir.

19

Q. Okay. So how long do you think that you were with Mr.

20

Thomas in your car before you saw Mr. Parrish walk up?

21

A. About forty-five minutes.

22

Q. So you were in your car for forty-five minutes?

23

A. About forty-five minutes. We was chillin period.

24

Q. What were you doing in your car for forty-five

25

minutes?

D. Isle-Lytes- Cross-Examination by Mr. Farley

79

1 A. Smoking.

2 Q. Okay. What were you smoking?

3 A. Marijuana.

4 Q. Okay. Do you just smoke marijuana or do you sell
5 marijuana too?

6 A. I just smoke it.

7 Q. Okay. Do you know if Mr. Tobias Thomas sales
8 marijuana?

9 A. No.

10 Q. You don't know?

11 A. I don't know.

12 Q. Okay. And you said that while you were waiting in the
13 car, Mr., I mean, according to your previous testimony
14 that Mr. Thomas pointed out Mr. Parrish walking up, is
15 that correct?

16 A. Yes, sir.

17 Q. But you've never see Mr. Parrish before?

18 A. No, sir.

19 Q. And you did not know who he was?

20 A. No, sir.

21 Q. And Mr. Thomas said he knew who he was?

22 A. Yes, sir.

23 Q. Okay. And what did he say he wanted to do?

24 A. He said he owed him some money.

25 Q. Did he say what he owed him money for?

- 1 A. No, sir.
- 2 Q. Did he say how much money?
- 3 A. No, sir.
- 4 Q. Okay. So what did he say after that?
- 5 A. He said we was going to go over there and check it
- 6 out, basically.
- 7 Q. Sorry?
- 8 A. He said we was going to go over there and check it
- 9 out, basically, and then that's we went over there and
- 10 that's when we got in the car.
- 11 Q. So when you say you and over there and check it out,
- 12 what did you think that meant? He was just gonna talk to
- 13 him?
- 14 A. I don't know. I thought he was just going to go ask
- 15 him for his money or ---
- 16 Q. Okay.
- 17 A. --- or see if he had the money.
- 18 Q. And you felt you needed to go with him?
- 19 A. I mean, I just walked over there for, I guess, ---
- 20 Q. You just walked over there with him?
- 21 A. Yes, sir.
- 22 Q. Okay. But you took your gun?
- 23 A. Yes, sir.
- 24 Q. The black and silver gun?
- 25 A. Yes, sir.

1 Q. Okay. Why did you think you needed a gun if you were
2 just going to go talk to him?

3 A. I mean, it wasn't right for me to have a gun, but
4 everything that's goes on out there.

5 Q. I'm sorry?

6 A. Everything that goes on out there.

7 Q. Everything that goes on out at Hahn Village?

8 A. Out here. I didn't say anything about Hahn.

9 Q. Out here, where do you mean when you say out here?
10 Aiken County? City of Aiken?

11 A. Yeah.

12 Q. Just Aiken in general?

13 A. Anywhere.

14 Q. Anywhere in South Carolina?

15 A. Any state. Any city.

16 Q. You felt like you needed to have a handgun is what
17 you're saying?

18 A. Protect - you got to protect yourself with something.

19 Q. You felt you needed to protect yourself against Mr.
20 Parrish?

21 A. No, sir.

22 Q. But you still brought your gun?

23 A. (Shaking of the head yes)

24 Q. And then -- so you extensively thought that you were
25 going to go over and do what with Mr. Thomas?

1 A. I thought he was about to ask him about his money and
2 that was gonna be it.

3 Q. But you hadn't seen Mr. Thomas in years, right?

4 A. Yes, sir.

5 Q. According to your testimony?

6 A. Yes, sir.

7 Q. And then you decided to walk over with Mr. Thomas with
8 a gun?

9 A. Just walked over there. That's it.

10 Q. Okay. And then when you walked over there what did
11 you do next? You got in the car, right?

12 A. Yes, sir.

13 Q. Where did -- what did you do, you got in what? Where
14 did you get in the car?

15 A. In the back seat.

16 Q. You got in the backseat?

17 A. Yes, sir.

18 Q. What did you do when you get in the backseat?

19 A. I got in the backseat and I was fixin to start rolling
20 up.

21 Q. Sorry?

22 A. I said I was fixin to start rolling up.

23 Q. What is that mean, you fixing to start rolling up,
24 what is that mean?

25 A. I was fixin to start rollin a blunt.

1 Q. You're gonna start rolling marijuana?

2 A. Yeah.

3 Q. I -- forgive me, I'm just trying to understand. You
4 went with your friend and inquired about some money. You
5 got in this gentleman's car and then you started rolling a
6 marijuana joint?

7 A. Because it was supposed to be him asking about the
8 money and I was just going to chill. We was gonna smoke.
9 I thought everything was gone be good.

10 Q. So you thought that Mr. Thomas was just going to ask
11 about the money and everybody would smoke marijuana?

12 A. Everything was going be al'ight.

13 Q. Did you know if Mr. Parrish smoked marijuana?

14 A. No, I didn't.

15 Q. You just decided that that would be courtesy to share?
16 I'm not sure it just seems strange, but you had your gun
17 out, right?

18 A. Because I had on gym shorts and if I sit down my gun
19 is gone fall out on the floor so I put it on the seat.

20 Q. So you got in the backseat of this man's car that you
21 didn't know and pulled your weapon out and started to roll
22 a joint, is that correct?

23 A. Yes, sir.

24 Q. Okay. And then what happened after that?

25 A. And then when the gun was pulled out on Mr. Parrish --

1 -

2 Q. Your gun?

3 A. --- I got out of the car.

4 Q. Wait! Your gun, you said you pulled your gun out,
5 right?

6 A. No. I'm talking about when the gun got pulled out in
7 the front passenger seat I got out the car.

8 Q. Okay. But you already had your gun out, right?

9 A. Yes, sir, on the seat.

10 Q. So you already had your gun out first, but you got out
11 the car when you said Mr. Thomas had his gun on his lap, is
12 that correct?

13 A. I got out of the car when he pulled it out and said
14 "Run that shit, fuck boy", that's when I got out the car.

15 Q. Oh, Mr. Thomas said, "Run that shit, fuck boy," is
16 that correct?

17 A. Yes, sir.

18 Q. And what did you think that meant?

19 A. A robbery.

20 Q. That's what you thought it meant?

21 A. Yes, sir.

22 Q. And at that time what happened then? Did you say
23 anything else?

24 A. No, I ain't said nothing at all. I got out the car.

25 Q. You got out of the car and what did you do then?

1 A. Walked back to my girlfriend's car.

2 Q. Okay. With the joint?

3 A. Yes, sir.

4 Q. And your firearm, right?

5 A. Yes, sir.

6 Q. And then what did you do just wait?

7 A. Nah, because a few seconds later he was on his way to
8 my car and I dropped him off down the road.

9 Q. Mr. Thomas?

10 A. Yes, sir.

11 Q. But if you thought he had just tried to rob somebody,
12 why did you let him get back in your car?

13 A. I don't know. Stupidity.

14 Q. So somebody you hadn't seen in years comes and hangs
15 out with you. Says somebody owes him money. So you walk
16 over there with a weapon and get into the car and then get
17 out of your car and then, extensively, you said you thought
18 he tried to rob him but you let him back into your car and
19 then you both left together, is that correct?

20 A. Yes, sir.

21 Q. You would agree a lot of that doesn't make a whole lot
22 of sense, does it, Mr. Isles-Lytes?

23 A. I dropped him off down the road like a short distance
24 down the road and I went to my girlfriend's job and then
25 that was it. And then that's when we got ran upon in Hahn

1 Village by the police officers.

2 Q. Because you went back to Hahn Village later that
3 evening, right?

4 A. Yes, sir.

5 Q. Did you see Mr. Parrish again?

6 A. Right there.

7 Q. No, did you see him that night again?

8 A. Uh, uh.

9 Q. He didn't see him that night?

10 A. (Shaking of the head no)

11 Q. Okay. Well, let me ask you this, though, you didn't
12 walk over to Mr. Parrish's car to rob him?

13 A. No, sir.

14 Q. You had no intention of doing that, correct?

15 A. No, sir.

16 Q. When you walked over there, did you think Mr. Thomas
17 had any intention of doing that?

18 A. No, sir.

19 Q. No one had any plans, nor did you ever at any time
20 before walking to Mr. Parrish's car have any plan, to rob
21 Mr. Parrish?

22 A. No, sir.

23 Q. Or attempt to rob Mr. Parrish?

24 A. No, sir.

25 Q. All right. And even though you brought your weapon at

1 no point did you ever think that you would robbing Mr.
2 Parrish, is that correct?

3 A. No, sir.

4 Q. All right. And just in conclusion, I just want to
5 ask, though, Mr. Isles-Lytes, you are here today to testify
6 against your co-defendant?

7 A. Yes, sir.

8 Q. But you acknowledge that you're accused of exactly the
9 same crimes, right?

10 A. Yes, sir.

11 Q. And that's attempted armed robbery and also possession
12 of a weapon in the presence of a violent crime, is that
13 correct?

14 A. Yes, sir.

15 Q. Which you already have a conviction for, isn't that
16 right?

17 A. Yes, sir.

18 Q. Okay. And yet you are here today hoping that your
19 testimony will help you in your own case which you could be
20 tried for, correct?

21 A. Yes, sir.

22 Q. So we're here to believe, you know, Mr. Isles-Lytes
23 even though you haven't seen him for years which you known
24 him for years, but you went to go over there, but you're
25 not sure why, is that correct?

1 A. I went - I went to Hahn Village for my little brother
2 because he had just surgery on his hand or was supposed to
3 have surgery on his hand already, but that morning when I
4 pulled up out there he was away having his surgery.

5 Q. But is it often you practice you go up to talk to
6 strangers that you don't know with a weapon?

7 A. No, sir.

8 Q. Just that one time? But, again, I mean, lastly, in no
9 way did you ever plan, on your own or with Mr. Thomas, to
10 ever rob or attempt to rob Mr. Parrish, is that correct?

11 A. No, sir.

12 Q. All right.

13 MR. FARLEY: Thank you. No further questions.

14 THE COURT: Any redirect?

15 **Redirect Examination by Mr. Grimes:**

16 Q. Dantavius, when - when y'all left your car was Tobias
17 Thomas going over to this driver to get money?

18 A. He said he owed him money.

19 Q. He didn't say any other reason to go over there, but
20 to get money, right?

21 A. Yes, sir.

22 Q. And, regardless, of what y'all talked about before
23 while y'all were in that car there was an attempted
24 robbery, correct?

25 A. Yes, sir.

1 MR. GRIMES: That's it.

2 THE COURT: Anything further from this witness, Mr.
3 Farley?

4 MR. FARLEY: No, Your Honor.

5 THE COURT: All right. Thank you, sir. You may
6 step down. All right. Folks, let's take a break.

7 MR. GRIMES: Your Honor ---

8 THE COURT: Go ahead.

9 MR. GRIMES: I was just going to let you know our
10 next witnesses are scheduled for tomorrow morning.

11 THE COURT: Wonderful. All right. Ladies and
12 gentlemen, then we're going to wrap things up for the day.
13 I'm going to excuse you for the balance of the day. Do not
14 discuss the case amongst yourselves or with anyone else. Do
15 not do any research about the case. And do not talk to
16 anyone involved in the case. Be back in your jury room
17 tomorrow at 9:30. Have a good night.

18 (Whereupon, the jury exits the courtroom at 3:37 p.m.)

19 THE COURT: Anything from the State before we break
20 for the day?

21 MR. GRIMES: Nothing from the State, Your Honor.

22 THE COURT: From the Defense?

23 MR. FARLEY: No, Your Honor.

24 THE COURT: Are there any additional matters at the
25 solicitor's office. I know you guys are in this trial so

1 you may not know. Is there anything else to do today?

2 MR. GRIMES: I don't think we have anybody here from
3 --normally, we keep people here on standby from the jail
4 and we may do that tomorrow but I don't think we have
5 anybody here today.

6 THE COURT: Okay. Then we'll call it for the day,
7 9:30 tomorrow.

8 MR. GRIMES: Thank you, Your Honor.

9 MR. FARLEY: Thank you, Your Honor.

10 (Whereupon, court is adjourned for the day at 3:38 p.m.)

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1 TUESDAY, JULY 20, 2021

2 _____ (WHEREAS, this matter was scheduled for a trial, the
3 defendant appeared along with his attorney of record. The
4 proceedings began at 9:51 a.m.)

5 THE COURT: All right. Good morning, everybody.
6 Is the State ready to proceed?

7 MR. GRIMES: We are, Your Honor.

8 THE COURT: Is the Defense ready?

9 MR. FARLEY: We are, Your Honor.

10 THE COURT: All right. Before we proceed I
11 understand that one of the jurors, Juror Number 197, has
12 had to go to the hospital and so she would not be able to
13 continue to participate in the trial. We have two
14 alternates and so we are going to select one of the two
15 alternates to take the place of juror 197. Mr. Clerk?

16 THE CLERK: Do you want to draw them?

17 THE COURT: Sure. Two numbers have been put in a
18 cup here so that we can select one at random.

19 THE CLERK: This juror, Marcus Mathis, Juror Number
20 112.

21 THE COURT: Juror number 112 is now a member of the
22 jury. He's been promoted. And I'll tell him that when we
23 bring the jury in.

24 THE CLERK: Thank you, Your Honor.

25 THE COURT: All right. I'm ready to bring the

1 jury. You can bring the jury.

2 (Whereupon, the jury enters the courtroom at 9:53 a.m.)

3 THE COURT: All right. Good morning, folks. One
4 of your fellow jurors, juror 197, is unable to join us
5 today. Had some medical issues and so we have selected one
6 of the alternates to take that jurors place. Juror Number
7 112, Mr. Mathis, you are promoted and you are now no longer
8 an alternate. You are one of the 12 members of the jury so
9 you can take your seat with them. And, of course, that
10 puts you in the position of now being able to, ultimately,
11 deliberate on the case and return a verdict. Our other
12 alternate out there, 122, you never know what will happen,
13 maybe, you know, maybe you get promoted maybe not, we'll
14 see. But I asked that you, of course, all be attentive to
15 everything that's going on just cuz you never know. So
16 we're ready to resume with the State's case. The State can
17 call his next witness?

18 MR. GRIMES: The State calls Detective Jeremy
19 Hembree.

20 THE CLERK: Place your left hand on the Bible and
21 raise your right hand. The testimony you shall give the
22 court and the jury in this case shall be the truth, the
23 whole truth, and nothing but the truth so help you God?

24 MR. HEMBREE: I do.

25 THE CLERK: Have a seat in the witness chair and

1 state your full name when you're seated.

2 MR. HEMBREE: Lieut. Jeremy Hembree, J-e-r-e--y, H-e-
3 m-b-r-e-e.

4 THE COURT: Can pull that microphone a little bit
5 closer maybe?

6 MR. HEMBREE: Yeah. This one?

7 THE COURT: Yes.

8 MR. HUMBREE: Okay.

9 THE COURT: Perfect. Thank you.

10 JEREMY HEMBREE, first being
11 duly sworn, testified as follows:

12 **Direct Examination by Mr. Grimes:**

13 Q. Let me back here just to make sure we can hear you.
14 Where do you work?

15 A. The Aiken Department of Public Safety.

16 Q. And how long have you been there?

17 A. I've been with apartment since 1998 and on the law
18 enforcement side since 2001.

19 Q. Okay. And I think you just said you are a lieutenant?

20 A. That's correct.

21 Q. And you work in -- what part -- what division do you
22 work in?

23 A. The Investigation Division for the Department of
24 Public Safety.

25 Q. Okay. How long have you been a detective there?

1 A. Since June of 2013.

2 Q. And one of your duties as detective at Aiken public
3 safety processing potential evidence for latent
4 fingerprints?

5 A. That's correct.

6 Q. All right. How long have you been doing that?

7 A. Since June of 2013, when I was promoted to an
8 investigator.

9 Q. Okay. And you have done that pretty regular since
10 then?

11 A. That's correct.

12 Q. Did you play a role in the investigation of this case?

13 A. I did.

14 Q. And what was that role?

15 A. I processed the vehicle that was involved in the
16 incident.

17 Q. Okay. And where was that vehicle when you processed
18 it?

19 A. At our headquarters on Beaufort Street.

20 Q. Who brought it there?

21 A. The victim.

22 Q. Okay. And when he brought it there, you processed it,
23 how did you go about doing that?

24 A. We actually had him bring it around to the backside of
25 the building under of what we call "porter cove" so it was

1 shaded and away from the elements and then once he parked
2 it in the porter cove he exited while he was continuing
3 speaking with detective Griffin. And at that point, I
4 began photographing as it sat and take four corners so
5 there's 360 of the vehicle, pictures all the way around it
6 so that we'll know what it looks like before we process it.
7 And then take fingerprint dust and the fingerprint brush
8 and began to process the common areas that people touch
9 when they access the vehicle.

10 Q. Did you - did you already kinda have an idea -- well,
11 at the time you had done that had you already seen a video
12 related to this case?

13 A. I had.

14 Q. Okay. What's a latent fingerprint?

15 A. It's a - it's a print that's left behind from the oils
16 in your fingers of things that you touch. So is the oil
17 residue from your finger. Once you touch something if
18 there's enough moisture on it or oil, when you touch it, it
19 leaves that oil behind and it's identical to your
20 fingerprint that's on your fingers.

21 Q. So is it a copy of what the fingerprints are on your
22 finger?

23 A. That's correct.

24 Q. And are fingerprints unique?

25 A. They are.

1 Q. So would each person have different fingerprints?

2 A. That's correct.

3 Q. All right. And did you lift any latent fingerprints
4 from this vehicle?

5 A. I did.

6 Q. All right. Did you lift one from the front passenger
7 door?

8 A. I did.

9 Q. All right.

10 MR. GRIMES: Your Honor, at this time, I have a
11 stipulation to introduce in evidence State's Exhibit 2.

12 THE COURT: Is that correct, Mr. Farley?

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

14 THE COURT: State's Exhibit Two is admitted by
15 stipulation.

16 (Whereupon, the Latent Fingerprint Report has been marked
17 and entered into evidence as State's Exhibit No. 2)

18 MR. GRIMES: And I'd like to publish that to the
19 jury at this time.

20 THE COURT: Yes, sir.

21 MR. GRIMES: "The State and the Defendant stipulate
22 that the latent fingerprint lifted on March 26, 2020 from
23 the passenger side front door of the black infinity vehicle
24 driven by Michael Parrish matches the fingerprint of the
25 right little finger of Tobias Thomas." I don't have any

1 further questions, Detective Hembree.

2 MR. HEMBREE: Thank you.

3 THE COURT: Cross-examination?

4 **Cross-Examination by Mr. Farley:**

5 Q. Very briefly. It's Detective Hembree, right?

6 A. I'm sorry?

7 Q. It is Detective Hembree?

8 A. Lieutenant

9 Q. Lieutenant Hembree?

10 A. Yes, sir.

11 Q. Please excuse me, I'm sorry.

12 A. That's okay.

13 Q. And I'll be very brief.

14 A. Yes, sir.

15 Q. You said that you observed the video and that you
16 picked up latent fingerprints, is that correct?

17 A. That's correct.

18 Q. And you just testified that the latent fingerprint was
19 on the passenger door of the front of the vehicle?

20 A. That's correct.

21 Q. There is no indication that Mr. Thomas had entered the
22 rear of the vehicle on either side, is that correct?

23 A. Without looking back at all the prints that we
24 recovered I'm not sure.

25 Q. But you are sure that his latent fingerprint was on

1 the front passenger door?

2 A. That's correct.

3 Q. All right. And was that also consistent with the
4 video that you observed?

5 A. I was unable to identify who was, who in the vehicle,
6 but in observing the video there's two people that enter
7 the vehicle and then exited the vehicle.

8 Q. So all you can testify to is the fingerprint that was
9 found on the front passenger door?

10 A. That's correct.

11 Q. All right. Thank you.

12 MR. FARLEY: No further questions.

13 THE COURT: Any redirect?

14 MR. GRIMES: No, Your Honor.

15 THE COURT: All right. Thank you, sir. You may
16 step down.

17 MR. HEMBREE: Thank you.

18 THE COURT: Call your next witness?

19 MR. GRIMES: Your Honor, we have another item of
20 evidence to move to admit prior to our last witness. At
21 this time, we would move to introduce State's Exhibit Three
22 which is a certified copy of the sentencing sheet where the
23 Defendant pled guilty and has a conviction for strong armed
24 robbery, State's Exhibit Three.

25 THE COURT: No objection?

J. Griffin- Direct Examination by Mr. Millian .

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1 MR. FARLEY: No objection.

2 THE COURT: Okay. State's Exhibit Three is
3 admitted without objection.

4 (Whereupon, the Sentencing Sheet of Mr. Tobias Thomas has
5 been marked and entered into evidence as State's Exhibit
6 No. 3)

7 THE COURT: Yes, sir.

8 MR. McMILLIAN: Your Honor, at this time the State
9 would call Investigator Jason Griffin.

10 THE CLERK: Place your left on the Bible and raise
11 your right hand. The testimony you shall give the court in
12 this case and jury in this case be the truth, the whole
13 truth, and nothing but the truth so help you God?

14 MR. GRIFFIN: I do.

15 THE CLERK: Have a seat in the witness chair.
16 State your full name.

17 MR. GRIFFIN: My name is Jason Griffin, G-r-i-f-f-i-
18 n.

19 JASON GRIFFIN, first being
20 duly sworn, testified as follows:

21 **Direct Examination by Mr. McMillian:**

22 Q. Investigator Griffin, how long have you been at the
23 public safety?

24 A. I've been with them for a total of nineteen years,
25 seventeen in law enforcement.

1 Q. Where were you at prior to public safety?

2 A. I worked at the Aiken County Sheriff's office.

3 Q. For how many years before going there?

4 A. Roughly about two and half years.

5 Q. And how long you been an investigations at public
6 safety?

7 A. Since 2015.

8 Q. And what, I guess, what division of investigation do
9 you work?

10 A. I work in the Criminal Investigation Division.

11 Q. And our y'all further divided up in criminal
12 investigations?

13 A. We - we are. We can work any type of crime. Some of
14 us work different types of crimes.

15 Q. What - what type of crimes do you typically work?

16 A. I primarily work major crimes and violent crimes.

17 Q. Okay. Were you working on March 26, ---

18 A. Yes, I was.

19 Q. --- 2020?

20 A. Yes.

21 Q. And tell me a little bit about how you got involved in
22 this case?

23 A. I was working during the normal, you know, daytime and
24 it was in my office I was approached by one of the patrol
25 officers, Officer Marshall, who told me there was a victim

1 in the lobby that came up to report he was robbed at
2 gunpoint earlier in the morning.

3 Q. And did you have her collect a written statement?

4 A. I went ahead and told her to bring him back to our
5 hallway so I can go ahead and start the investigation since
6 he was there present in our lobby.

7 Q. And how did he get up there?

8 A. He came up there with, um, I believe it was a friend
9 of his, to the lobby.

10 Q. Did he come in his car?

11 A. I don't recall him coming in his car, at that time.

12 Q. Were you able to review his written statement?

13 A. I did.

14 Q. Before you talked to him?

15 A. Yes.

16 Q. Did you interview him?

17 A. I did.

18 Q. Was the written statement and his interview
19 consistent?

20 A. It was consistent.

21 Q. How did he present, what, I guess, how did he act?

22 A. Very scared of what happened. You know, somebody that
23 -- he said that he never been through that before. Very
24 frightened. Very concerned.

25 Q. And you said somebody else had driven him up there?

1 A. Yes.

2 Q. What did you ask him to do about, about his car?

3 A. Once I read his statement and conducted a formal
4 interview in person, interview with him. I advised him
5 that we would need, you know, we needed his car to see if
6 we can obtain any evidence from the car. I asked him if he
7 would go get his car. He agreed to. And then brought to
8 public safety.

9 Q. So the car was -- did he tell you where the car was?

10 A. Somewhere in Jackson. I don't recall the exact
11 address.

12 Q. So while he was gone to get the car, what did you do?

13 A. We have access to video cameras in Hahn Village in the
14 neighborhood where this occurred at. They allow public
15 safety to actually have access to their video so we can
16 view it. That way we don't have to call people in the
17 middle of the night or day time when something occurs. So
18 we were able to view the video of what he reported.

19 Q. Were you able to download the video?

20 A. Yes.

21 Q. And did you include it in your investigation packet?

22 A. Yes, I did.

23 Q. In - in viewing the video, I guess, what did you see?

24 A. We observed the Freiday, Freiday Lane is where the
25 incident happened at. There's a video camera that shoots

1 all the way down it's, basically, a dead-end street. We
2 observed the victim walking out from his apartment.
3 Walking down the sidewalk. He gets into his vehicle which
4 is parked in the parking lot. Then we observe the blue
5 Honda. Two males walk across the parking lot and then get
6 into or approach the victims car on the driver side. Then
7 they, ultimately, get into the vehicle.

8 Q. I guess at the end of the video were you able to tell
9 anything about the blue Honda?

10 A. We were.

11 Q. What identifying information were you able to get?

12 A. The -- there was some things on the car,
13 imperfections, that would, you know, can pick up if it was
14 seen later on. It was missing a front hubcap as well as
15 the windshield busted. More importantly, we were able to
16 zoom in and freeze a shot and actually capture the tag
17 number of the car.

18 Q. Okay. And I'm gonna show you what's been marked as
19 State's Exhibit Four, you know what that is?

20 A. This is the Hahn Village video with my initials.

21 Q. And why did you put your initials on it?

22 A. To say that, you know, we're the one that obtained it
23 and viewed it.

24 Q. Did you watch it?

25 A. I have.

1 Q. It's the video that you obtain from the Hahn village
2 recorder?

3 A. That's correct.

4 MR. McMILLIAN: Your Honor, at this time the State
5 would move Exhibit Four into evidence.

6 THE COURT: Any objection?

7 MR. FARLEY: No objection, Your Honor.

8 THE COURT: State's Four is admitted without
9 objection.

10 (Whereupon, the Video has been marked and entered into
11 evidence as State's Exhibit No. 4)

12 MR. McMILLIAN: Permission to publish, Your Honor?

13 THE COURT: Yes, sir.

14 (Whereupon, the video is played for the jury)

15 Q. Investigator Griffin, can I ask you to step down here?

16 A. Yes.

17 Q. Without the microphone I'm gonna need you to use your
18 cop voice and speak up and kinda tell the jury what we're
19 watching as we watch it.

20 A. So this is the main entrance to Hahn Village. There's
21 only one way in and one way out of this neighborhood. And
22 that is the main entrance and the blue Honda Civic pulling
23 in to Hahn Village. This is Freiday Lane, the street that
24 the incident happened on. As you can see it's a dead end
25 street.

1 Q. And is Freiday Lane, the street that's running away
2 from us?

3 A. I guess, looking straight down to the very dead end
4 that is Freiday Lane. Maurice Terrace is, the little cross
5 road to the left.

6 MR. McMILLIAN: Would you pause that. Your Honor,
7 could we have the court's permission to allow the alternate
8 to kinda shift over into the ---

9 THE COURT: Absolutely.

10 MR. McMILLIAN: She's having to look -- I'd hate for
11 her ---

12 THE COURT: For any juror who needs to see better
13 I'm happy for you to move to wherever you can see best and
14 that includes those on this end of the row if you need to.
15 Stand up and walk closer to the wall or the screen there,
16 I'm happy for you to do that.

17 Q. And the vehicle we just saw pulled in right there, was
18 that the suspect vehicle?

19 A. That's correct. The blue Honda Civic.

20 Q. Okay. Will you play? And where should we be looking
21 for the victim's vehicle?

22 A. The victim's vehicle, if you see where the Honda Civic
23 parked, it's across the parking lot about midways, the
24 black vehicle and you'll clearly see the victim walk out
25 shortly and get in his car.

1 Q. There's two dark or three dark colored vehicles along
2 that right side, which vehicle ---

3 A. It's the one to the right of that last white car.

4 Q. Okay. And where exactly is [REDACTED] Lane in this
5 picture?

6 A. It's the very last apartment. If you see the big tree
7 right there it blocks majority of it, but there's a tree
8 limb kinda of sticking out where you'll see the victim come
9 out on his front porch and onto a sidewalk just in the very
10 back.

11 Q. Okay. So just kinda of straight back in this picture?

12 A. That's correct.

13 Q. My eyes aren't great, detective, but what are we
14 seeing now?

15 A. The victim just walked off his front porch. He's
16 walking on the same side of the street his car is parked on
17 down the sidewalk. That's Mr. Parrish right there that you
18 see walking. He's going and getting into the driver side
19 of his vehicle.

20 Q. And, Norwood, would you pause it? As you watch this
21 next little bit tell the jury what you were able to discern
22 about the two individuals?

23 A. The side of the car they approached, um, kinda the
24 description of what they were wearing.

25 Q. And what was that description?

1 A. One was wearing all black clothing. The other was
2 wearing a, like, a gray hoodie.

3 Q. Okay. Thank you.

4 (Whereupon, the video is still being played for the jury)

5 Q. And what did we just see?

6 A. Both of the defendants get into the victim's vehicle.
7 One in the back seat and one in the front passenger seat.

8 Q. And now?

9 A. This is Mr. Isles-Lytes getting out of the car going
10 back over to the blue Honda. And shortly after that Mr.
11 Thomas is jogging back to the blue Honda and after getting
12 out of the front passenger seat of the car. And you can
13 see the front driver side hubcap missing that I spoke of
14 earlier and this is the vehicle leaving incident.

15 Q. What's the speed limit through Freiday Lane?

16 A. It's -- I don't know exactly I would say -- I don't
17 know I don't want to say -- it's very low because the
18 amount of traffic being a one way in and one way out. It's
19 not posted but it's no more than twenty but I don't know
20 exactly.

21 Q. And when that car takes a left right there, where is
22 it headed?

23 A. It's headed to Laurens Street. So the next road up
24 there is Laurens Street where there is a stop sign up
25 there. That seafood restaurant right there on Laurens

1 Street and Columbia

2 Avenue.

3 Q. Okay. All right. Go take a seat. Detective Griffin,
4 is Hahn Village closed now?

5 A. It -- most, I think, all residents have moved out of
6 there, yes.

7 Q. Were there people living there last year?

8 A. They were.

9 Q. A lot of people?

10 A. I would say so.

11 Q. Okay. Before we talked about the video you mentioned
12 that you were able to get the tag from the car?

13 A. That's correct.

14 Q. What did you do with that information?

15 A. We ran it through the Department of Motor Vehicle
16 website and came up with the register owner.

17 Q. And who was that registered owner?

18 A. It was registered in two people's name, a Keith Fuller
19 and a Fallon Yankee.

20 Q. Okay. And had that vehicle had any contact with law
21 enforcement?

22 A. Yes, it had.

23 Q. Were you able to develop a suspect from that
24 information?

25 A. We - we did. We developed a name from a prior

1 involvement with public safety and that's how we got one of
2 the names.

3 Q. And what was that name?

4 A. Dantavious Isles-Lytes.

5 Q. And from the information you were able to take about
6 the car, the tag number and the damages, what did you do
7 with that information?

8 A. Basically, we put out what they call a BOLO, which is
9 be on the lookout, for other officers that may can spot
10 vehicle and find it later on the day, the night or the next
11 day, just to be on the lookout for it.

12 Q. And did that - did that turn up any information?

13 A. It did on the same evening of the incident.

14 Q. Did law enforcement make contact with the vehicle?

15 A. Yes.

16 Q. And who was in the vehicle?

17 A. Fallon Yankee was the driver or in the driver seat,
18 Dantavious Isles-Lytes was in the front passenger seat and
19 I believe a juvenile victim or a juvenile was in the
20 backseat.

21 Q. What, if any, evidence was taken in at that point?

22 A. Officers searched the car based on given consent by
23 the owner. We recovered a, they recovered a black and
24 silver handgun and a gray hoodie.

25 Q. It was this handgun?

1 A. It was.

2 Q. So the handgun that the victim described was recovered

3 ---

4 A. From the car.

5 Q. Okay. And you mentioned a gray hoodie was taken out
6 the car also?

7 A. That's correct.

8 Q. And that one of the suspects on the video appeared to
9 be wearing a gray hoodie?

10 A. That's right.

11 Q. It's the suspect who got in the back of the vehicle?

12 A. Correct.

13 Q. That was the night of March 26th, what happened next
14 in your investigation?

15 A. On the next day on the 27th, we went to a location in
16 Midland Valley Country Club to try to conduct interviews
17 with the register owner of the vehicle.

18 Q. And the location in the country club was it the golf
19 shop?

20 A. It was.

21 Q. Okay. And when you got to the golf shop what did you
22 find?

23 A. We found a blue Honda Civic parked in the front of the
24 parking lot with a male inside in the driver seat of the
25 car.

1 Q. And who was that male?

2 A. Dantavious Isles-Lytes.

3 Q. And at that time did you interview Mr. Isles-Lytes?

4 A. I did.

5 Q. And as a result of talking with Mr. Isles-Lytes, what
6 did you do?

7 A. We developed another name, a suspect, from that
8 interview.

9 Q. And what was that name?

10 A. Tobias Thomas.

11 Q. And that's the Defendant seated here?

12 A. That's correct.

13 Q. And once you had his name, what did you do?

14 A. We went back to our office and submitted what we call
15 a photo line-up from the State Law Enforcement Division
16 also known as SLED out of Columbia. They do our line-ups.
17 And then we had the victim come back to public safety to
18 present the line-up to him.

19 Q. And why do y'all get line-ups from SLED?

20 A. We remain neutral. We don't our own line-ups. SLED
21 have analyst that, you know, pull from multiple databases
22 and we let them compile the photos of the person that we've
23 sent them with other individuals that have like
24 characteristics so there's nothing ---

25 Q. Such as? You said like characteristics ---

1 A. Yeah. Hairstyles, you know, facial features, skin
2 tone, things of that nature so when we display this line-up
3 one person doesn't stick out over another.

4 Q. And was the victim able to pick somebody out of that
5 line-up?

6 A. He was.

7 Q. Was it Tobias Thomas?

8 A. Yes, it was.

9 Q. Moving forward a couple of days, frankly, we've
10 already heard about the fingerprints, did you submit those
11 fingerprints?

12 A. I did.

13 Q. And they were identified pursuant to that stipulation
14 we talked about?

15 A. That's correct.

16 Q. And when did you seek warrants for Mr. Thomas?

17 A. On, let's see - give the date exactly - on March 31st
18 we obtained warrants on Mr. Thomas.

19 MR. McMILLIAN: I beg the Court's indulgence.

20 THE COURT: Yes, sir.

21 MR. McMILLIAN: Detective Griffin I don't have any
22 further questions. If you would answer anything that Mr.
23 Farley has.

24 MR. GRIFFIN: Thank you.

25 THE COURT: Cross-examination?

1 **Cross-Examination by Mr. Farley:**

2 Q. Investigator Griffin, I just want to clarify a
3 few points. We saw on the video the car pull in to Hahn
4 Village and then park and then, of course, we saw the two
5 individuals walk over to what you determine what's Mr.
6 Parrish's vehicle. When the car, when the blue Honda pulls
7 in, were you able to determine who was in the blue Honda at
8 that time?

9 A. No, sir.

10 Q. So you don't know who was occupying the vehicle when
11 it pulls into Hahn Village?

12 A. That's correct.

13 Q. So there's no determination that could be made at this
14 time as to who, if the two individuals were in that vehicle
15 or if they were outside of that vehicle, is that correct?

16 A. Can you -- say that again?

17 Q. There's no way to know who was, necessarily, in the
18 blue Honda when it pulls into the parking lot, correct?

19 A. Right. I do not know that.

20 Q. There's no indication that Mr. Thomas was in the
21 vehicle at that time, right?

22 A. No, sir.

23 Q. All right. Okay. And according to the video would
24 you say -- how long do you think Mr. Isles-Lytes was in the
25 backseat of that vehicle?

1 A. May be fifteen, twenty seconds.

2 Q. Do you think it was even that long?

3 A. It may not of been. It wasn't a long period of time.

4 It wasn't -- it was less than thirty seconds.

5 Q. I don't even think I counted ten seconds.

6 A. That - that could be true.

7 Q. And I think I counted even less than ten seconds for
8 Mr. Thomas.

9 A. Okay.

10 Q. So ---

11 A. The whole incident would be less than thirty seconds I
12 would say.

13 Q. Right. A very quick amount of time. Well then -- I
14 guess, the other point I was going to clarify, according to
15 your testimony you said that you were involved in or you
16 testified that the blue Honda had been pulled over that
17 evening?

18 A. It was.

19 Q. Okay. And that there were several other suspects or
20 other people occupying the vehicle, is that correct?

21 A. There were - there were three.

22 Q. And one of those people were Dantavious Isles-Lytes?

23 A. Yes, sir.

24 Q. And his girlfriend, at the time, Fallon Yankee?

25 A. Yes, sir.

1 Q. And some juvenile?

2 A. That's right.

3 Q. Okay. And they were located exactly the same parking
4 lot?

5 A. On the 300 block of Freiday Lane.

6 Q. So almost exactly the same place that this incident
7 took place earlier in the day?

8 A. Yes.

9 Q. All right. And just to make sure I understood
10 correctly, did you say you recovered the gray hoodie and
11 the pistol?

12 A. I didn't recover it physically. The officers that
13 stopped the car did recover that.

14 Q. I guess that's what I meant.

15 A. Yes

16 Q. But Mr. Isles-Lytes wasn't arrested at the time?

17 A. He was not.

18 Q. Even though he had the gray, he had a pistol on him?

19 A. He didn't have the gray hoodie -- he didn't have the
20 pistol on his person.

21 Q. But it was in the vehicle?

22 A. That's correct.

23 Q. Okay. But it was later determined to be, at least, if
24 not his pistol the one that had been, he had earlier in
25 that day?

1 A. Correct.

2 Q. All right. And then it was -- so, I guess, at that
3 point they just kept the pistol and the hoodie and then let
4 them, let them go?

5 A. They did let them go.

6 Q. Okay. So then it was the following day that they
7 wanted to interview Mr. Isles-Lytes again, is that correct?

8 A. Right.

9 Q. Okay. And was he arrested at that time?

10 A. He was not arrested.

11 Q. Okay. At what time was Mr. Isles-Lytes arrested?

12 A. He was arrested on -- well, we obtain warrants on him
13 and he was arrested on May 5th.

14 Q. Okay. But that was due to his interviews or the
15 investigation as it proceeded?

16 A. The investigation as it proceeded.

17 Q. All right. And how many times did you interview Mr.
18 Isles-Lytes?

19 A. I interviewed him twice.

20 Q. Okay. Was that just because you needed more
21 information or

22 A. Yeah. I mean, we didn't have enough to, you know,
23 arrest him at the time so we kept the investigation going.

24 Q. Okay. All right.

25 MR. FARLEY: No further questions. Thank you.

1 MR. GRIFFIN: Thank you.

2 THE COURT: Any redirect?

3 MR. McMILLIAN: No, Your Honor.

4 THE COURT: All right. Thank you. You may step
5 down. Call your next witness?

6 MR. McMILLIAN: Your Honor, if we may have just a
7 moment?

8 THE COURT: Sure.

9 MR. McMILLIAN: Your Honor, at this time the State
10 rest.

11 THE COURT: All right. Ladies and gentlemen, of
12 the jury there are certain matters of law that I need to
13 discuss with the attorneys outside of your presence. Please
14 return to your jury room. Don't discuss the case amongst
15 yourselves. We'll bring you back shortly.

16 (Whereupon, the jury exits the courtroom at 10:32 a.m.)

17 THE COURT: Any motions?

18 MR. FARLEY: Your Honor, the Defense does have a
19 motion. At this time the Defense would like to make a
20 motion for a directed verdict. Certainly, we base that on
21 the fact that we believe that prosecution has not been able
22 to prove all elements of the armed robbery or the pistol,
23 possession of a firearm commission of a violent crime. So
24 we would ask that the court grant a directed verdict at
25 this time.

1 THE COURT: Respectively denied.

2 MR. FARLEY: Thank you. And, Your Honor, we would
3 also have a motion just to preserve all objections and all
4 previous motions made at this time in the trial. Thank
5 you, Your Honor.

6 THE COURT: Understood. My rulings remain the
7 same.

8 MR. FARLEY: Yes, Your Honor.

9 THE COURT: Do you have any witnesses?

10 MR. FARLEY: Your Honor, I do believe that after
11 consultation with my client, Mr. Thomas would be the
12 witness for the Defense.

13 THE COURT: Okay. Let me go ahead and advise him
14 of his rights. Mr. Thomas, would you stand up please?
15 Let's place Mr. Thomas under oath.

16 **Defendant's Rights:**

17 THE CLERK: Raise your right hand. The testimony
18 that you give the court in this case be the truth, the
19 whole truth, nothing but the truth so help you God?

20 MR. THOMAS: I do.

21 THE CLERK: He's sworn, Your Honor.

22 THE COURT: All right. Mr. Thomas, at this time
23 I'm going to explain to you certain of your rights. If you
24 do not understand anything I say please let me know. If you
25 want me to explain anything in more detail please let me

1 know, do you understand?

2 MR. THOMAS: Yes, ma'am.

3 THE COURT: We've now reached the stage of the
4 trial where you may present your defense. You have the
5 right to claim the protections given to you by the Fifth
6 Amendment to the Constitution of the United States. This
7 amendment states in part "no person shall be compelled in
8 any criminal case to be a witness against himself. This
9 means that you cannot be required to testify in this case.
10 You have the right to testify on your own behalf. However,
11 no one can make you testify. This is a personal right and
12 no one can waive this right except you. If you decide to
13 testify you will be subject to the same rules that govern
14 the other witnesses and you may be examined and cross-
15 examined on any relevant issue in this case. In addition,
16 if you have any convictions involving dishonesty or false
17 statements or for crimes punishable by imprisonment for
18 more than one year and this court determines that the
19 probative value of admitting this evidence outweighs its
20 prejudicial effect to you, the solicitor will be able to
21 introduce your record to attack your credibility. If you
22 decide to testify this decision on your part must be
23 freely, voluntarily and intelligently made with knowledge
24 of the protections given to you by the Fifth Amendment and
25 the consequences of your decision to testify. If you

1 decide not to testify, I will instruct the jurors that they
2 cannot give the fact that you did not testify any
3 consideration whatsoever. And that there is to be,
4 absolutely, no prejudice to you because you did not
5 testify. It is left entirely up to you whether or not you
6 testify. You may talk with your attorney, your family and
7 friends, or anyone else, but the final decision will be
8 left entirely up to you." Do you understand what I've
9 explained to you?

10 MR. THOMAS: Yes, ma'am.

11 THE COURT: Do you have any questions about what
12 I've explained to you?

13 MR. THOMAS: No, ma'am.

14 THE COURT: Have you discussed with your lawyer
15 whether you should testify or not?

16 MR. THOMAS: Yes, ma'am.

17 THE COURT: Do you wish to talk to your lawyer
18 anymore about that issue at this time?

19 MR. THOMAS: No, ma'am.

20 THE COURT: Do you wish to testify?

21 MR. THOMAS: Yes, ma'am.

22 THE COURT: Okay. Wonderful.

23 MR. FARLEY: Your Honor, before we take any
24 testimony from the Defendant, is it possible and,
25 obviously, refer to the prosecution as well, if we could

1 just have a like ten minute ---

2 THE COURT: Absolutely.

3 MR. FARLEY: --- just to have a little break.

4 THE COURT: Absolutely.

5 MR. FARLEY: If that's all right with ---

6 THE COURT: Absolutely.

7 MR. GRIMES: Certainly.

8 THE COURT: I was gonna take a break anyway.

9 MR. FARLEY: Yes, ma'am.

10 THE COURT: Mr. Tobias, you can have a seat. We're
11 going to take fifteen minutes and we'll come back to it.
12 Okay, a fifteen break.

13 (Whereupon, the court takes a short recess)

14 THE CLERK: Be seated, please.

15 THE COURT: All right. Folks, are there any issues
16 that we need to take up before the Defendant's case to
17 include maybe Defendant's criminal record, if any?
18 Anything at all to talk about?

19 MR. McMILLIAN: Your Honor?

20 THE COURT: Yes.

21 MR. McMILLIAN: Just for purposes of that, his prior
22 strong armed robbery conviction is already in evidence, but
23 out of that same incident he has an assault and battery,
24 first degree. That's his prior record, Your Honor. So
25 it's a felony that carries up to ten years.

1 THE COURT: When was the assault and battery first
2 conviction?

3 MR. McMILLIAN: In 2015.

4 THE COURT: And you intend to introduce that into
5 evidence?

6 MR. McMILLIAN: We would, Your Honor. I understand a
7 lot of times we had to not call it what it is, but I would
8 intend to call it a felony that carried, um, a felony
9 conviction.

10 THE COURT: Mr. Farley?

11 MR. FARLEY: I mean, Your Honor, obviously, I think
12 if they've already introduced the YOA charge in order to
13 reach the, you know, a felon in possession of a firearm
14 through a commission of a crime. I think this is certainly
15 unnecessary and, you know, turpitude. I think it would
16 only prejudice the client as far as the jury is concerned.
17 It's not probative. It's just, you know, piles more on top
18 of the Defendant as far as, you know, the jury is
19 concerned, Your Honor. So, obviously, we think that this
20 should be excluded.

21 THE COURT: All right. For what purpose would the
22 State be seeking to introduce evidence of that conviction?

23 MR. McMILLIAN: Your Honor, it speaks to the
24 Defendant's credibility. Under the Rule I think the State
25 is allowed to impeach the Defendant with any conviction in

1 the prior ten years and that carries more than that amount
2 of time.

3 THE COURT: Did you not tell me the convict - of
4 2015?

5 MR. FARLEY: Your Honor, if I could just respond to
6 that.

7 THE COURT: Certainly.

8 MR. FARLEY: I would respectfully disagree with
9 counsel in that, yes, the prosecution can introduce
10 convictions that are, that are certainly related to the
11 credibility. I would certainly say that's a crime of
12 certain moral turpitude or dishonesty, like passing
13 fraudulent checks, etc. I don't see how an assault and
14 battery can go to the credibility of my client's testimony.
15 And, therefore, that's what we would ask that it be
16 included. It just has no relevance in this matter, Your
17 Honor.

18 MR. McMILLIAN: Your Honor, under the rule because it's
19 been less than ten years it doesn't have to be a crime of
20 moral turpitude.

21 THE COURT: Does it not?

22 MR. McMILLIAN: We -- I'm happy to grab a rule book and
23 ---

24 MR. FARLEY: Your Honor, we would assert that it
25 certainly would need to be relevant and it would be

1 relevant to credibility. Again, we don't believe that an
2 assault and battery has anything to do with credibility of
3 the Defendant.

4 THE COURT: All right. I find that the probative
5 value of introducing that conviction is outweighed by its
6 prejudicial effect. Pursuant to Rule 609 that will not be
7 admitted.

8 MR. McMILLIAN: Thank you, Your Honor.

9 THE COURT: Thank you. All right. Let's bring the
10 jury.

11 (Whereupon, the jury enters the courtroom at 11:07 a.m.)

12 THE COURT: All right. Welcome back, folks. As
13 you heard the State rested its case prior to you leaving
14 the courtroom. That means that you have heard the State's
15 witnesses. It is now time for the Defendant to present its
16 case and chief. I'll call Mr. Farley to call his first
17 witness.

18 MR. FARLEY: Thank you, Your Honor. Your Honor, at
19 this time we would call Mr. Tobias Thomas, the Defendant.

20 THE COURT: Mr. Thomas, come forward. Place your
21 left hand on the Bible, raise your right hand. Do you
22 solemnly swear or affirm the testimony you give the court
23 will be the truth, the whole truth, and nothing but the
24 truth so help you God?

25 MR. THOMAS: Yes, ma'am, I do.

T. Thomas- Direct Examination by Mr. Farley

125

1 THE COURT: All right. Come around to the witness
2 stand here. And if you would state your full name for the
3 record, sir?

4 MR. THOMAS: Tobias Marquez Thomas, T-h-o-m-a-s.

5 THE COURT: All right. I want you to pull that
6 microphone like right in front of your mouth so that when
7 you're -- let's see, there's nowhere to put it, uh? Let's
8 turn it -- much better. Okay. Your witness, sir?

9 MR. FARLEY: Thank you, Your Honor. And Mr. Thomas
10 I was gonna say just a preliminary matter since it's all,
11 you know, Covid protocol and whatnot make sure that you
12 speak loudly and clearly because we all have these
13 partitions and microphones, okay?

14 MR. THOMAS: Yes, sir.

15 MR. FARLEY: All right. Thank you.

16 TOBIAS THOMAS, first being
17 duly sworn, testified as follows:

18 **Direct Examination by Mr. Farley:**

19 Q. Please state your name for the record?

20 A. Thomas Marquez Thomas, T-h-o-m-a-s.

21 Q. And how old are you, Mr. Thomas?

22 A. Twenty-three.

23 Q. Twenty-three?

24 A. Yes, sir.

25 Q. All right. And how long have you lived in South

1 Carolina?

2 A. My whole life.

3 Q. All right. Are you from Aiken County?

4 A. Yes, sir.

5 Q. Okay. And do you remember the events of March 26,
6 2020?

7 A. Yes, sir.

8 Q. All right. And do you remember how that, how that day
9 began?

10 A. Really -- yes, sir.

11 Q. All right. And where were you on the morning of March
12 26, 2020?

13 A. The morning I was in Augusta.

14 Q. Augusta, Georgia?

15 A. Yes, sir.

16 Q. Okay. What were you doing in Augusta, Georgia?

17 A. I was really at a relative's house.

18 Q. You were living at a relative's house?

19 A. No. I was like over there at his house.

20 Q. You were over at ---

21 A. A relative's house ---

22 Q. --- a relative's house?

23 A. Yes, sir.

24 Q. Again, make sure you speak very clearly and
25 articulately, okay. So were you staying the night there?

T. Thomas- Direct Examination by Mr. Farley

127

1 A. Nah. I was just over there just chillin for a little
2 bit.

3 Q. All right. And how did you end up in Aiken County?

4 A. I got a call from Dantavius. He was asking me do I
5 have some marijuana and so I was like ---

6 Q. Hold on. Let me pause you there. When you say
7 Dantavius do you mean Mr. Dantavius Isles-Lytes?

8 A. Yes, sir.

9 Q. Your co-defendant in this case?

10 A. Yes, sir.

11 Q. All right. So you were in Augusta, Georgia at a
12 relative's house and you received a call from Mr. Isles-
13 Lytes?

14 A. Yes, sir.

15 Q. All right. Please continue.

16 A. He was asking me do I have any marijuana so I was
17 like, why, what's up?

18 Q. Hold on one second. Let me just remind you please
19 slow down a little bit, okay?

20 A. Yes, sir.

21 Q. So, I'm sorry, you said that he asked you did you have
22 any marijuana?

23 A. Yes, sir.

24 Q. And you said, yes, what's up?

25 A. Yes, sir.

1 Q. All right. Please continue.

2 A. When I ask him what's up, he was like I got a jud (ph)
3 which is like a sale ---

4 Q. I'm sorry, a what?

5 A. A jud.(ph) They call -- like, it's a sale. Like
6 someone ---

7 Q. Can you spell that for the record?

8 A. A sale?

9 Q. No. What you said before?

10 A. A jud. (ph) That's like me serving someone marijuana.
11 Selling it.

12 Q. Okay. But it was to sale?

13 A. Yes, sir.

14 Q. Okay. Go ahead.

15 A. So I was like, what do you want? Well, how much you
16 want? He was like really you got three bands, \$3,000.

17 Q. Okay.

18 A. So I was like, man, al'ight. I'll be down there soon
19 just give me a minute. And then I think like thirty minutes
20 later I end up down in South Carolina.

21 Q. So thirty minutes later you ended up where?

22 A. In South Carolina, Aiken.

23 Q. Oh, you drove to Aiken?

24 A. I didn't drive. I got dropped off.

25 Q. You got dropped off?

T. Thomas- Direct Examination by Mr. Farley

129

1 A. Yes, sir.

2 Q. Okay. And what did you bring with you to Aiken?

3 A. Marijuana.

4 Q. How much marijuana?

5 A. Live over, over 440 something grams.

6 Q. Okay. And what did you intend to do with this?

7 A. Whoever was purchasing the marijuana I will sell it to
8 them.

9 Q. Okay. Did you meet his offer?

10 A. Yes, sir.

11 Q. All right. And then you arrived in Aiken County and
12 got dropped off where?

13 A. Hahn Village.

14 Q. Hahn Village?

15 A. Yes, sir.

16 Q. Okay. Had you been there before?

17 A. Yes, sir.

18 Q. How many times?

19 A. A couple of times, really, like, not, like, before I
20 came home which was last year, I been out there, like, two
21 or three times.

22 Q. So it had been at least a year since you had been
23 there?

24 A. Yes, sir.

25 Q. All right. So you got dropped off at Hahn Village and

1 what happened next? Do you remember what time this was?

2 A. I really can't recall.

3 Q. Morning? Afternoon?

4 A. Closer to the afternoon.

5 Q. Around lunchtime?

6 A. Yes, sir.

7 Q. All right. Well, you got dropped off and then what
8 occurred?

9 A. I got dropped off and I called his phone back. I
10 called Dantavius.

11 Q. You called Dantavius' phone?

12 A. Yeah. I was, like, where you at?

13 Q. Huh, huh.

14 A. And he was, like, I'm over here. As soon as you come
15 in all the way to the back. So I walked over there where
16 he was. I seen a bunch of people. I sent him a text
17 message, like, who are you around?

18 Q. Well, let me -- let me stop you right there, you saw a
19 bunch of people?

20 A. Yes, sir.

21 Q. How many people did you see?

22 A. At least, four or five of them.

23 Q. And what were they doing?

24 A. Just gathering around the car.

25 Q. Around what car?

1 A. Dantavius car.

2 Q. And what kind of car do you recall him having?

3 A. The blue Honda Civic.

4 Q. Okay. Please continue?

5 A. I walked over there -- well, so he text me back and he
6 was like, ah, you straight. These my people over there.
7 Don't worry about nothin. I was like al'ight.

8 Q. Well, hold on a second. What did he text?

9 A. I texted him and asked him who was he round because I
10 seen a lot of people.

11 Q. So you were asking him who he was talking to?

12 A. Yes, sir.

13 Q. Okay. Why were you asking that?

14 A. Well, he asked -- I don't really -- I don't mess with
15 a lot of people down here.

16 Q. Okay.

17 A. So when he asked -- when he text me back he was, like,
18 ah, around my people you al'ight. So I was like al'ight.
19 I walked over there where he was.

20 Q. So he said around my people you are all right?

21 A. Yes, sir.

22 Q. And what did you think he meant by that?

23 A. I'm good, like, don't worry about who we round, like,
24 everything will be al'ight.

25 Q. Okay. So you shouldn't have any concerns?

1 A. No, sir.

2 Q. All right. So what happened next?

3 A. He asked me -- so I showed him the marijuana. I said
4 where he at ---

5 Q. Wait, you showed Mr. ---

6 A. --- Isles ---

7 Q. --- Isles-Lytes ---

8 A. Yes, sir.

9 Q. --- the marijuana?

10 A. Yes, sir.

11 Q. And, okay, was this outside?

12 A. It was inside the car.

13 Q. So you walked up to ---

14 A. We walked up to ---

15 Q. --- the gathering ---

16 A. We walked up to the vehicle.

17 Q. Okay.

18 A. And he was, like, get in the car real quick.

19 Q. Okay.

20 A. So we sat in the car. I rolled up some marijuana.

21 Q. Well, let me stop you for a second. How long were you
22 in the vehicle?

23 A. A good little minute.

24 Q. Okay. It was probably more than a minute, right?

25 A. I said a good little minute.

1 Q. Well, can you define what a good little minute is?

2 A. Like at least thirty or forty minutes.

3 Q. Okay. All right. Thank you. So you're in the
4 vehicle for thirty or forty minutes and what are you doing
5 inside of the vehicle?

6 A. Smoking marijuana.

7 Q. Okay. Anything else?

8 A. I mean, we was smoking marijuana. I asked him I was,
9 like, who's supposed be buying the marijuana?

10 Q. Huh, huh.

11 A. I ain't fixin to be out here to long. I fixin to
12 leave and go back to Augusta.

13 Q. Right.

14 A. So he said, man, he coming just wait a minute. So I
15 was, like, al'ight. So I pulled my phone out just
16 strolling through Facebook and I kept asking him, where he
17 at? So I'm like, where the dude at? I ain't fixin to sit
18 out here to long. You gonna have to call me back out here
19 cuz I fixin to leave from around here. He was like, man,
20 you al'ight. Just chill. He fixin to come. So I was,
21 like, al'ight.

22 Q. Just to make sure I understood. You were saying that
23 you're waiting on him and you're getting impatient?

24 A. Yes, sir.

25 Q. And then Mr. Isles-Lytes said he's coming?

1 A. Yes, sir.

2 Q. Okay. Please continue?

3 A. So I told him I'ma leave, if it ain't here by another
4 ten or fifteen minutes, I'ma leave.

5 Q. Huh, huh.

6 A. So soon, I, like, as soon as I pulled my head down
7 going through my phone, he was, like, there he go right
8 there. So I look up. I'm looking around me I don't see
9 nothing but the same people. I seen the same people and
10 they was standing up under the tree. So I looked and I
11 said, I don't know this dude. I ain't never see him, where
12 he from? So he was, like, he's my people. You straight.
13 You al'ight. I was, like, al'ight. So I go and we get out
14 the car together. We get out the car ---

15 Q. Can I back you up for just a second. You said that
16 Mr. Isles-Lytes said what?

17 A. On what part?

18 Q. Well, just before you get out of the vehicle, you said
19 he said there is the guy, is that

20 A. He say, there go the dude right there.

21 Q. There goes the dude right there?

22 A. Yes, sir.

23 Q. Okay. And who did he indicate?

24 A. Mr. Parrish.

25 Q. Okay. Did you know Mr. Parrish?

T. Thomas- Direct Examination by Mr. Farley

135

1 A. I never seen him. Never know who he was.

2 Q. Okay. Was this -- where was Mr. Parrish in relation
3 to the group of people that you had encountered before?

4 A. He wasn't no where around none of them. He was on the
5 opposite side of where everybody was standing.

6 Q. Behind you?

7 A. Yeah, like, I'm stand -- the car, how the car was
8 parked ---

9 Q. Huh, huh.

10 A. --- I turned around and look all the way around me.

11 Q. Okay.

12 A. I looked behind me I seen a dude walking. I wasn't
13 expecting him to talk about him.

14 Q. Huh, huh.

15 A. I never seen this dude.

16 Q. Okay.

17 A. So he was, like, that him right there. So I was,
18 like, al'ight, come on.

19 Q. Huh, huh.

20 A. That's his people.

21 Q. So what happened next ---

22 A. Sir?

23 Q. What happened next?

24 A. I told him, I said, come on. We got out of the car.
25 We started walking across and he asked me, he was, like,

1 man, what you gone let me get out the deal? I said, I'ma
2 holler at you after that. After all that is done I'ma
3 holler at you.

4 Q. Let me stop for just a second. Then he ask me, you
5 mean Mr. Isles-Lytes?

6 A. Yes, sir.

7 Q. And what did he ask?

8 A. I much I would let him profit, basically, like, he
9 know I'm gettin it for the low, for a low price. So what
10 you're saying \$3,000 for what he wanted.

11 Q. You mean, he was expecting a little bit of something
12 from hooking the deal up?

13 A. Yes, sir.

14 Q. Okay. Go ahead.

15 A. So I was, like, al'ight. I'ma holler at you after
16 everything is over with, I'ma see what going on. Then, we
17 get to the car I asked the victim, Michael Parrish, have
18 you got a cigar? He said, nah. I don't have no cigar.

19 Q. Well, why did you ask him did he have a cigar?

20 A. So he can see what the weed smoke like before, before
21 I sell it to them.

22 Q. Well, can you explain that?

23 A. Like ---

24 Q. Why would he -- how can he tell what marijuana is like
25 through a cigar?

T. Thomas- Direct Examination by Mr. Farley

137

1 A. So if he can see if it's good or not.

2 Q. I'm not sure -- how do you do that?

3 A. You smoke it.

4 Q. Huh?

5 A. You smoke it. You roll it up. Then you smoke it.

6 Q. Okay. You're saying through the cigar?

7 A. I'm asking him for a cigar due to the fact this man
8 who we came to wanted to buy some marijuana ---

9 Q. Well, what do you do with the cigar? Why would you
10 use a cigar?

11 A. To roll up marijuana.

12 Q. What do you do with the tobacco?

13 A. You dump the tobacco out.

14 Q. Oh, okay. And then -- all right. Is that something
15 you often do?

16 A. I smoke - I smoke. Yes, sir.

17 Q. No, I'm saying, test the product that way?

18 A. Yes, sir.

19 Q. Okay. What happened next?

20 A. So I said, like, man listen, you ain't got no cigar so
21 I look, at look at Dantavius, I look at him, he was, like,
22 ah, and what's up? I was, like, the man said he ain't got
23 no cigar. So I ask him do he have one. He ain't say
24 nothing to me. So I backed away from the door. When I
25 backed away from the door I stepped to the sidewalk. I

1 stepped to the sidewalk I turn around, like, facing the
2 road, watch and see, see if I see the police or anybody
3 around me.

4 Q. Huh, huh.

5 A. So I was, like, man listen, man, dude talking to much.
6 Man, what going on? Like, what he really trying to do?

7 Q. Who said this?

8 A. I say, Mr. Parrish was talking too much.

9 Q. Huh, huh.

10 A. Saying he don't smoke. He don't smoke no marijuana
11 and he don't have no cigar.

12 Q. Huh, huh.

13 A. So I'm confused, like, he ain't got no cigar. He
14 don't smoke.

15 Q. Right.

16 A. So I look at him. I ain't say nothin to him. Stood
17 right there for a minute, I was, like, listen you say you
18 don't smoke so, obviously, you either smoke it or you
19 selling it one or the two.

20 Q. Mmm, hmm.

21 A. I say, man, I'm not gonna pull out all this weed in
22 the open knowing there's a lot of cameras out here.

23 Q. Right.

24 A. So I ask him I said, man, you don't mind if I get in
25 your vehicle, do you? He was, like, nah and he unlocked

1 the door.

2 Q. Right.

3 A. I was standing on the sidewalk and I heard the door
4 unlock. I walked to the passenger side. When I walked to
5 the passenger side I opened the door, I left the door,
6 like, all the way open. I had my feet outside the car. I
7 asked ---

8 Q. What was Mr. Isles-Lytes doing at this time?

9 A. Which you mean, like, where he was at?

10 Q. Yeah. I mean, did you notice -- I mean, you were
11 staying outside the vehicle, was he standing out there with
12 you? What happened to him?

13 A. He standing there. He standing with his gun out. So
14 really I'm really paranoid because I know for a fact I
15 don't be in this area and ain't supposed to be in this area
16 period.

17 Q. Uh, huh.

18 A. So I said, man, listen, get in the car, man. I told
19 him to get in the car. So I heard the door unlock. I know
20 he ain't unlock it. The victim unlocked the doors.

21 Q. Uh, huh.

22 A. I said, man, get in the car. He was, like, al'ight.
23 He got -- before he got in the car he put the gun with him.
24 When he had it, he sat it on the back seat. So I ask the
25 victim, I said, man, listen I don't do all that playin. I

1 don't do too much playin period. You know, what I'm
2 saying, where the money at? I came down to sell you
3 marijuana. You steady saying you don't smoke marijuana.

4 Q. Let me back you up a second. So you got in to the
5 passenger side of the car, correct?

6 A. Yes, sir.

7 Q. Okay. And this is the discussion you're having with
8 Mr. Parrish?

9 A. Yes, sir.

10 Q. Okay. And what were you - what were you talking about
11 with Mr. Parrish after you got into the passenger seat of
12 the car?

13 A. When I got in I say, I got the weed on me right now,
14 the marijuana.

15 Q. Uh, huh.

16 A. I said I got the marijuana on me now. You saying you
17 don't smoke or you don't sale. You do one or the two, you
18 smoke it or you selling, one or the two. He was, like, I
19 don't do nothin. I run track. I'm not from around here.
20 So I was like you not from around here, where you from? He
21 was, like, man, I'm not from around here. So I never
22 pushed the issue to keep asking him where he was from. I
23 said, man, listen, you say you ain't smoking marijuana and
24 you don't sell marijuana, what y'all call me down here for?

25 Q. What was the last thing?

T. Thomas- Direct Examination by Mr. Farley

141

1 A. I say, what did y'all call me down here for.

2 Q. What did they call you for?

3 A. Yeah, like, what you called me, like, I'm thinking ---

4 Q. Okay.

5 A. Okay. I said what you call me for? He say, man, I
6 ain't call you. I don't - I don't got nothing to do with
7 whatever going on. I promise you I don't want no trouble.

8 Q. And that was Mr. Parrish?

9 A. Yes, sir.

10 Q. Okay. What is Mr. Isles-Lytes doing at this time?

11 A. He sitting in the backseat breaking down the cigar.

12 Q. Okay. He's breaking down a cigar?

13 A. Yes, sir.

14 Q. Okay. What did he do next?

15 A. So he sitting in the backseat with a gun on the, ah,
16 on the seat.

17 Q. Huh, uh.

18 A. So I turned around, I had a corona mask on. So I
19 pulled my mask down, like, I pulled it over, like, it was
20 over my nose, I pulled it down and say, man, listen, I
21 don't which one of y'all playin with me but I'm not the
22 person you fixin to sit here and play with. I ain't going
23 for nothing strange period. He sitting in the backseat ---

24 Q. And what you mean by that?

25 A. Like, what I mean about what?

1 Q. You said that you weren't somebody to play with?

2 A. Yeah, I mean, like, I ain't, like, fixin to sit here
3 and let you think you fixin to rob me. That's what's going
4 on.

5 Q. Right.

6 A. From what it was looking, like, you ain't got no
7 money. You don't smoke marijuana.

8 Q. Mmm, hmm.

9 A. He in the backseat, he back here laughing.

10 Q. Who was laughing?

11 A. Dantavius. So he laughing ---

12 Q. Mr. Isles-Lytes was laughing?

13 A. Yes, sir.

14 Q. Okay. Why do you think he was laughing?

15 A. I don't have no idea.

16 Q. Okay.

17 A. So I pulled my mask down I was, like, what y'all got
18 going on? So he asked me say, Mr. Parrish, he say, do you
19 want the bank card or the phone or something like that? I
20 say ---

21 Q. Mr. Parrish ask that of whom?

22 A. He asked that of me.

23 Q. He asked you did you want the bank card ---

24 A. The bank card ---

25 Q. --- from him?

T. Thomas- Direct Examination by Mr. Farley

143

1 A. Yes, sir.

2 Q. And what did you say?

3 A. I told him, nah. I ain't come down here for bank card
4 or nothing crazy. I just came down and get the money and
5 go back where I came from.

6 Q. Huh, uh.

7 A. And so he say, what money? I don't got no money and I
8 don't smoke marijuana. So I turn about around and look at
9 Dantavius, like, man, you play a dangerous game, man. I
10 don't know who you playing with but you playing a dangerous
11 game.

12 Q. Playing a dangerous game?

13 A. A dangerous game ---

14 Q. Okay. Go ahead.

15 A. I pulled my weapon out. I put it on my lap. When I
16 put it on my lap I never pointed it at nobody. I never put
17 my hand around the trigger, no nothing. I just ---

18 Q. Well, why did you put a gun in your lap anyway?

19 A. You said, why did I put it on my lap?

20 Q. Yeah.

21 A. From a deal it look like it's already fishy and when I
22 mean, fishy, I mean, like I don't know this man at all. So
23 when -- me letting you know I got a weapon on you whatever
24 y'all thinking about trying it ain't gonna be complete.

25 Q. Are you saying that you put your weapon on your lap

1 out of abundance of caution?

2 A. Yes, sir.

3 Q. Okay. And what happened after that?

4 A. Dantavius, he say -- he started laughing. He said
5 something. I couldn't understand what he say.

6 Q. Huh, uh.

7 A. So when I turned about around he was getting out of
8 the car. When he got out the car I looked at the victim,
9 he was still shaking scared. So I was like, man, listen, I
10 don't know what's going on, but you ain't never got a worry
11 about me. And I got out the car right behind him.

12 Q. Okay. And then what happened?

13 A. I got out the car. Dantavius, we got in Dantavius'
14 car. I ask him I said, man, what you got going on? You
15 call me down here. Ain't nobody want nothin so what's on
16 your mind? What you got going on?

17 Q. Mmm, hmm.

18 A. He was like, man, I promise I ain't trying to rob you
19 or whatever you're thinking. I said so what is it? You
20 called me all the way from Augusta to down here. I like,
21 man, you playing a dangerous game. Man, you got me all the
22 way down here with all this stuff knowing I suppose to be
23 around this area.

24 Q. Huh, uh.

25 A. So he was like, man, I fixin to drop you off. I'm

T. Thomas- Direct Examination by Mr. Farley

145

1 gonna drop you off. I was like, al'ight, come on. So he
2 dropped me off. I ain't speak to him no more.

3 Q. What did you do after you were dropped off?

4 A. You said, what I do?

5 Q. What -- yeah, what did you do after you were dropped
6 off?

7 A. I went and smoke some marijuana with my little
8 homeboy.

9 Q. In Aiken or

10 A. We was in Aiken still.

11 Q. Okay. All right. And how did you remain in South
12 Carolina?

13 A. Probably like thirty minutes and I caught a ride and
14 went back to Augusta.

15 Q. Okay. All right.

16 (Whereupon, Mr. Farley wants to set up the video to be
17 played)

18 Q. Mr. Thomas, I'm gonna to replay the video and I just
19 want you to help us do the narrative if you would, okay?

20 A. Yes, sir.

21 Q. Can you see well enough or do you need to come down
22 here?

23 A. I can see.

24 Q. You sure?

25 A. Yes, sir.

1 Q. All right. Do you recognize this right here?

2 A. Yes, sir.

3 Q. All right. And what is -- and what is this we're
4 looking at?

5 A. The entrance of Hahn Village.

6 Q. Sorry?

7 A. The entrance of Hahn village.

8 Q. The entry to Hahn Village?

9 A. Yes, sir.

10 Q. Okay. And can you identify that vehicle?

11 A. Yes, sir.

12 Q. What is that vehicle?

13 A. Dantavius Isles-Lytes' vehicle.

14 Q. Is that his blue Honda?

15 A. Yes, sir.

16 Q. Okay. Now, do you recall -- were you inside that
17 vehicle?

18 A. Not right at that time.

19 Q. And this -- that's what I'm saying, at this time were
20 you inside this vehicle?

21 A. No, sir.

22 Q. All right. And this is almost 2 o'clock in the
23 afternoon by the time date stamped on this video recording.
24 Were you in Hahn Village at this time?

25 A. I just paid - I just paid the video attention. I was

T. Thomas- Direct Examination by Mr. Farley

147

1 in the car right around this time, right here. This is
2 when he parked in the first parking spot and he asked me he
3 say, I'm about to park right here. I said, nah, man, go
4 ahead and park somewhere in the shade and park backwards.

5 Q. So what I'm saying is -- you testified earlier you had
6 been dropped off, correct?

7 A. Yes, sir.

8 Q. So this is the vehicle just pulling into Hahn village,
9 correct?

10 A. Yes, sir.

11 Q. So it's 1:50 in the afternoon on March 26th, right?

12 A. Yes, sir.

13 Q. So had you already arrived at Hahn village at this
14 time?

15 A. Nah, no, sir. I just paid -- I'm looking at the video
16 now from the time frame you're saying now.

17 Q. So it's 1:50 in the afternoon, it's almost 2 pm,
18 right?

19 A. Yes, sir.

20 Q. Can you remember what time you arrived at Hahn
21 village?

22 A. I really don't.

23 Q. Do you know if it was sometime around this time?

24 A. It was like a little bit before this.

25 Q. Okay. So did you get into the vehicle at any time

1 before your approached Mr. Parrish's car?

2 A. Yes, sir.

3 Q. Okay. And that's when you sat and had smoked
4 marijuana, correct?

5 A. Yes, sir.

6 Q. Okay. And so you waited thirty or forty minutes to
7 meet this person that he was supposed to hook you up with
8 for the sale, correct?

9 A. Yes, sir.

10 Q. Okay. And so you're parked to the left of the video
11 and you're -- did you say you had gotten into the vehicle,
12 -- we can't really see the vehicle because of that tree,
13 but you said you had gotten into the vehicle at this point,
14 right?

15 A. Yes, sir.

16 Q. Okay. And I know Mr. Parrish emerges from the right
17 side of the vehicle, but you testified earlier you didn't
18 know Mr. Parrish nor had you gone to that side of Hahn
19 Village?

20 A. No, sir.

21 (Whereupon, the video is played for the jury)

22 Q. All right. I believe that's Mr. Parrish coming out
23 right there. Did you say you had -- you said you had
24 marijuana with you, is that correct?

25 A. Yes, sir.

1 Q. On your person?

2 A. Yes, sir. I had a fanny, like, a package on, like, a
3 back strap, like, it go around my shoulders.

4 Q. Is this -- you said that you walked up to the vehicle,
5 you said you walked up -- is that the point where you
6 walked up and asked him to unlock the vehicle?

7 A. Nah, this is the part right here where I walk up to
8 the vehicle and asked him did he have a cigar. He said,
9 no. And, like, a moment later I step back to the sidewalk,
10 like, - that part should be coming up - that's when I
11 stepped back right to the sidewalk, like, ask him can he
12 open the door. I stood right there for minute and he said,
13 yes, so I came around.

14 Q. And that's you leaving right there, is that correct?

15 A. Yes, sir.

16 Q. Okay. And I don't know if you counted but I counted
17 it and it seems as if Mr. Isles-Lytes was in the car for
18 about twenty-seconds and I think you were in the car for
19 about thirty-six seconds. Does that sound right?

20 A. Yes, sir.

21 Q. All right. Why did -- and you got back in the car Mr.
22 Isles-Lytes right there, right?

23 A. Yes, sir.

24 Q. And what did you say to Mr. Isles-Lytes at that time?

25 A. That's when I asked him I said, man, what you, what

1 you got going on. You got me coming all the way down here
2 with all these, with all these drugs.

3 Q. Let me pause you. All right. On the video like I
4 say, you returned to the vehicle, the blue Honda, is that
5 correct?

6 A. Yes, sir.

7 Q. All right. And when you returned to the blue Honda
8 after being in the vehicle, I'm sorry, let me back up --
9 when you got into the vehicle you're speaking to Mr.
10 Parrish, correct?

11 A. Yes, sir.

12 Q. And you offered him whatever you brought, correct?

13 A. Yes, sir.

14 Q. And what, pick it up from there, what was the
15 conversation at that point?

16 A. You talking about with Mr. Parrish?

17 Q. Was Mr. Parrish inside the vehicle? Dantavius -- you
18 said -- you last testified that Mr. Isles-Lytes was
19 giggling in the back seat or laughing in the backseat or
20 something ---

21 A. Yes, sir.

22 Q. What happened after that?

23 A. He was giggling so I told him what you got going on?
24 And he asked me, what you talking about? And he still was
25 giggling. So when I pulled my gun out, I pulled my gun out

1 and sit it on my lap and I asked the victim, like, man
2 listen y'all boys want to play a dangerous game. What
3 y'all got going on?

4 Q. Wait, what did you ask Mr. Parrish?

5 A. Why y'all want to play a dangerous game?

6 Q. Okay.

7 A. What y'all got going on? And he tell me I don't know
8 what you talking about. I don't smoke no marijuana. I
9 don't got no money. So I like al'ight. That's when I
10 turned around again and ask him, Dantavius, what's on your
11 mind, man? What you got going on? The dude say he don't
12 smoke, he don't do nothing. He get out the back seat.

13 Q. He didn't answer you?

14 A. Nah, he get out the back seat. When he got the
15 backseat that's when I looked at the victim I said, man,
16 listen you ain't never gotta worry about me. I don't know
17 who you is, but y'all playin a dangerous game and I got out
18 the car right behind him.

19 Q. Okay. And then you got into the car ---

20 A. With Dantavius.

21 Q. Okay. Why did you get into the car with Mr. Isles-
22 Lytes?

23 A. Cuz this is the reason I came down here from the
24 beginning saying he, well, he called me saying somebody
25 want something. Come to find out nobody ain't want

1 nothing. So I'm down here on some, I'm in the blind type
2 stuff.

3 Q. So what was the conversation in the blue Honda after
4 you left Mr. Parrish?

5 A. I asked him I said why you got me come all the way
6 down here from Augusta if this man ain't really wanting
7 nothin, well, you must be crazy or something.

8 Q. What did Mr. Isles-Lytes say?

9 A. He kept on - he kept on laughing like, man, listen I
10 don't know what he got going on. He trippin. He trippin.

11 Q. Mr. Isles-Lytes said, I don't know what he's got going
12 on or that's your assessment of Mr. Isles-Lytes?

13 A. That's what he stated about Mr. Parrish.

14 Q. Mr. Isles-Lytes stated about Mr. Parrish, what?

15 A. He don't know what he got going on.

16 Q. Okay.

17 A. I was like what you mean -- what you mean you don't
18 know what he got going on. This is the one you say wanted
19 marijuana, ain't it? Why you say he wanted the weed?

20 Q. Huh, uh.

21 A. He said, yeah, but he must've changed his mind. So I
22 was like al'ight. I said drop me off in the hood which is
23 the projects where I'm from so he dropped me off. I got
24 dropped off I ain't talk to him no more.

25 Q. Okay. And you've never met Mr. Parrish prior to this?

T. Thomas- Direct Examination by Mr. Farley

153

1 A. I've never seen this man. Never spoke to him or
2 nothin.

3 Q. Okay. And how well do you know Mr. Isles-Lytes?

4 A. I mean, I know him since we was little.

5 Q. Okay. So, I mean, you've known him for years?

6 A. Yes, sir.

7 Q. How many years would you say you have known him?

8 A. Close, at least, our childhood.

9 Q. So ten years? Fifteen years, something?

10 A. Close to fifteen.

11 Q. Fifteen years? Okay.

12 A. Yes, sir.

13 Q. And you've been friends for all that time?

14 A. Nah. We been really like we associate, but I don't go
15 around him too much or unless he call me, like, man, what
16 you got going on? Pull up. Come mess with me.

17 Q. Is it fair to say your acquaintances?

18 A. Yes, sir.

19 Q. Okay. Have you been out to Hahn Village to visit him
20 before?

21 A. Nah. I ain't never seen him out there, but like one
22 time. We ain't really, like, that we shut up and kept
23 going.

24 Q. So how -- when did you socialize with Mr. Isles-Lytes
25 before?

1 A. Like really through social media.

2 Q. Oh, okay. But you've known him since childhood?

3 A. Yes, sir.

4 Q. I guess, just around Aiken County?

5 A. Like, Aiken County and we went to prison together.

6 Q. Okay. All right. Is there anything else that you'd
7 like to tell the jury about that incident on the afternoon
8 of the 26th of March?

9 A. I mean, the only thing I can really say is I came out
10 to sell someone marijuana and it don't look like it went
11 that way.

12 Q. Okay. All right.

13 MR. FARLEY: Thank you. Please answer any questions
14 that Mr. McMillian or Mr. Grimes may have, okay?

15 A. Yes, sir.

16 THE COURT: Cross-examination?

17 MR. McMILLIAN: Thank you, Your Honor.

18 **Cross-Examination by Mr. McMillian:**

19 Q. Mr. Thomas, just to be clear, you admit that you were
20 in Hahn Village on March 26th and that that's you on that
21 video?

22 A. Yes, sir.

23 Q. You admit that you had a gun?

24 A. Yes, sir.

25 Q. You admit to asking the victim about money?

1 A. Yeah. For the purchase of marijuana, yes, sir.

2

3 Q. Let's talk about that marijuana a little bit. You
4 said \$3,000 ---

5 A. Yes, sir.

6 Q. --- was what you were expecting to make?

7 A. Yes, sir.

8 Q. And that was for 440 grams?

9 A. Yes, sir.

10 Q. How much marijuana is that?

11 A. I mean, it's like, they call it a pound.

12 Q. They call it a pound?

13 A. Yes, sir.

14 Q. How big of a package does that fit in?

15 A. It can fit in a package, like, a fanny pack what I had
16 it in.

17 Q. So is it the size of a shoebox?

18 A. Nah. No, sir.

19 Q. Is it a size of -- well, let's back up a little bit.
20 You were in Augusta that morning?

21 A. Yes, sir.

22 Q. And you were over there visiting a relative?

23 A. That's where I stay in Augusta, but I was at a
24 relative's house.

25 Q. Well, you said that you had lived in Aiken all of your

1 life ---

2 A. I mean, yes ---

3 Q. --- but were you living in Augusta at this time?

4 A. Due to my last case I was staying in Augusta.

5 Q. Okay. How did you get - how did you get from Georgia
6 to South Carolina?

7 A. I mean, the person I communicate with.

8 Q. Who is that?

9 A. You said who was it?

10 Q. Right.

11 A. It was a female.

12 Q. Do you ---

13 A. I call her my sista.

14 Q. --- know her name?

15 A. You say who?

16 Q. Do you know her name?

17 A. Yes, sir.

18 Q. What's her name?

19 A. Ebony Davenport.

20 Q. What time did she pick you up?

21 A. I don't remember no time limit. I just know it was
22 around like lunch and beverages just about ready to be over
23 in the restaurants.

24 Q. Okay. And where does she pick you up from in Augusta?

25 A. In the projects.

- 1 Q. And where is that?
- 2 A. It's called River Glen.
- 3 Q. Augusta? And where did she drop you off at?
- 4 A. Hahn Village.
- 5 Q. Where at in Hahn Village?
- 6 A. It's a cut, when you come in, before you get to the
- 7 entrance.
- 8 Q. Okay. So not in, in actual Hahn Village but ---
- 9 A. She ain't drop me off ---
- 10 Q. --- kinda of just outside?
- 11 A. Yeah. Yes, sir.
- 12 Q. Okay.
- 13 A. Like I say, the outside of the road I think it's
- 14 Hampton, Plunkett, one road right there. I don't know
- 15 what's the name of that road. But it's as soon as you come
- 16 out of Hahn Village that main road right there.
- 17 Q. What kind of car was she driving?
- 18 A. You say what kind of car was she driving?
- 19 Q. Right.
- 20 A. She was driving a Chrysler.
- 21 Q. Chrysler what?
- 22 A. Three hundred.
- 23 Q. Okay. You also testified that when you walked up you
- 24 spent maybe thirty or forty minutes with Tay, is that
- 25 right?

1 A. I ain't necessary when I walked to the area but we
2 walked to where I got dropped off at. I stayed right there
3 for a minute and I told him he was, like, where you at? I
4 came at the cut, he picked me up. He picked me up that's
5 where we came in. That's when I seen everybody out there
6 posted up.

7 Q. Okay. Hold on! So now he picked you up and drove
8 you in?

9 A. See, you misunderstanding what I'm saying, the whole
10 time everyone was already out here. So I asked him where
11 he was? He was already moving.

12 Q. Okay.

13 A. He was moving already so I was, like, man where you
14 at? They all was posted up by the tree. I don't know if
15 you seen on the video, you couldn't really see it, but it's
16 a tree like behind all the cars and all that.

17 Q. Right. We're going to talk about that in just a
18 minute.

19 A. Al'ight. So I was, like, ah, I say, man, hurry up,
20 man. So he was, like, where you at? I said I'm over here
21 behind the house. It's only one house, like, it's a house
22 beside, like, beside the projects ---

23 Q. Right.

24 A. --- where I be at. So he was like al'ight. Walk over
25 to this area right here. So I walked from the cut.

1 Q. So now you walked to him?

2 A. Yeah.

3 Q. Okay. All right. You said he was standing out there
4 with four or five people?

5 A. Them his people.

6 Q. Do you know any of them?

7 A. I mean, the only thing I know is the last case I had
8 caught some of them was his homeboys so I ain't trust none
9 of them that's why I ask him who he was with.

10 Q. But when you -- how close did you get to them, I mean
11 ---

12 A. We was a good little distance.

13 Q. Okay. You didn't recognize any of them?

14 A. I recognized like two of them, but I don't know them,
15 like, dealing with them, I don't know them like that. I
16 just ---

17 Q. Do you know their names?

18 A. --- heard they names and know what they look like.

19 Q. Do you know their names?

20 A. I don't know them by heart, no, sir.

21 Q. Okay. And so when you walked up that's when you got
22 into Tay's car?

23 A. Yes, sir.

24 Q. And earlier you said you spent thirty four, thirty or
25 forty minutes in Tay's car smoking a peck?

1 A. Yes, sir.

2 Q. Okay. And so let's talk a little bit about when you
3 walked up to the car. Did you have your gun out then?

4 A. My gun was never presented period, like, until I sat
5 inside the car and seen this man don't smoke marijuana,
6 Michael Parrish, don't smoke marijuana or he say he ain't
7 had no money to purchase no marijuana. He offered me a
8 card. And he in the back, Dantavius in the back seat
9 laughing. That's what made me present by firearm, like,
10 man, what's going on?

11 Q. Okay.

12 A. And they both seen it. Both of them was surprised.

13 Q. Where was your gun at?

14 A. My gun was on my hip.

15 Q. In a holster?

16 A. No, sir.

17 Q. Just tucked in your waist ban?

18 A. Yes, sir.

19 Q. Okay. And you've never seen Mr. Parrish before in
20 your life?

21 A. Never seen him, spoke to him or nothin until that
22 first time.

23 Q. And we talked a little bit about what the conversation
24 was when y'all approached him, you asked him about a cigar?

25 A. Yes, sir.

1 Q. And he told you he didn't smoke?

2 A. He said, man, I don't smoke. So I was like al'ight.
3 I never pushed the issue about him smoking or anything
4 about marijuana. I stepped away. When I stepped away I
5 stepped to the sidewalk in front of the car. I said, man,
6 listen ask him can I get in the car? He was, like, yeah,
7 so he unlocked the doors. That's when I came around and
8 got in the car.

9 Q. Well, if he told you he didn't smoke why didn't you
10 know that wasn't the guy you were supposed to be selling
11 weed to then?

12 A. Oh, that's something I don't know. I done served
13 people marijuana who don't smoke, they sell. So I don't
14 know what his intention was.

15 Q. Okay. And you ask him for his permission to get in
16 the car?

17 A. Yes, sir.

18 Q. And while y'all were in the car you're frustrated
19 because you thought you were coming over to sell weed?

20 A. I didn't say frustrated. I really was cautious.
21 Something on my mind, like, I done been in tough situations
22 a couple of times. Well, the same situation turn out to be
23 you being the one getting robbed. So I'm, like, okay I
24 don't know if he's planning on robbing me or which one is
25 planning on robbing me, pull the gun first. I'm gonna pull

1 mine out first. Whoever has an advantage it's just gonna
2 have to go that way.

3 Q. Okay. So after your gun came out, the victim offered
4 you his cell phone and his debit card?

5 A. This is already before my gun came out.

6 Q. Let's talk about the end of the video. You kind of
7 jogged back across the parking lot and you get in the car
8 with Dantavius, where did he take you?

9 A. He took me to where I'm from, like, an area where I'm
10 from.

11 Q. Where is that?

12 A. Close to Lucky Seven.

13 Q. Is that the Lucky Seven on Hampton Avenue?

14 A. Yes, sir.

15 Q. Okay. And you got out the car there?

16 A. Yes, sir. I ain't necessarily gone say, you say there,
17 I mean, like it's house beside it and that's where I got
18 dropped off to. The house and I came through the cut from
19 the back of the house and I came to the store. The post on
20 the side of the store.

21 Q. You came back to the Lucky Seven?

22 A. I was -- the store -- it's a house ---

23 Q. Right.

24 A. --- right beside Lucky Seven. This is Lucky Seven and
25 they're houses lined up all the way down the line.

1 Q. Okay.

2 A. I came to the house right here. I told my little
3 homeboys like I'm up here at the house. I wait on y'all to
4 pull up. So they was like al'ight. I sat back there for a
5 little minute, walked through the cut and met them.

6 Q. You met them at the Lucky Seven?

7 A. Yes, sir, on the side of it.

8 Q. Okay. How long was that?

9 A. Time, I don't remember. I'm so frustrated -- well, I
10 ain't gonna say, excuse my language, pissed off about the
11 whole incident that just happened. I'm ready to leave.
12 I'm ready to get from down here in South Carolina.

13 Q. So you hung out on the side of the Lucky Seven waiting
14 on your homeboys?

15 A. Yes, sir.

16 Q. And where did you go after that?

17 A. I went to Augusta.

18 Q. And your homeboys took you over there or did somebody
19 come and picked you up?

20 A. Somebody come and picked me up.

21 Q. And who come and picked you up?

22 A. I don't want to speak about they name.

23 Q. I'm sorry.

24 A. I said I don't want to speak about that person's name.
25 The person that took me to Augusta.

1 Q. You have -- you're under oath, you have to tell us.

2 A. Okay. I have to tell you, but I don't know real,
3 like, his real name is Kenneth, but I don't know his last
4 name. That's why didn't want to tell you. The first name
5 is not gonna matter to you that's what I'm saying. You want
6 to know the whole name I don't know his whole name.

7 Q. Okay. So this is March 26, 2020, when did you become
8 aware that you were a suspect?

9 A. The day of Dantavius' arrest, May 5th.

10 Q. Really?

11 A. Yes, sir. That's ---

12 Q. How - how did you become aware then?

13 A. The news. Everybody seen on the news, called my
14 phone. You on the news! You on the news! I said I ain't
15 on the news for what? They said attempted armed robbery.
16 I said attempted armed robbery. I don't rob people. So
17 y'all got - y'all got me confused with somebody else. They
18 was like, man, go look at the news. They send me
19 screenshots. I said, man, I'm not worried about it, man,
20 listen, I'm not gonna turn myself in. They gonna have to
21 catch me whenever they catch me. I ain't running from
22 them. I'm shot. Like, I'm literally at my mama house. He
23 came ---

24 Q. I'm sorry, you were shot?

25 A. Yes, sir.

T. Thomas- Cross-Examination by Mr. McMillian

165

1 Q. When did that happen?

2 A. March 27th.

3 Q. So the day after this?

4 A. Yes, sir.

5 Q. Where did that happen?

6 A. In Augusta.

7 Q. Okay. So you don't have any idea what's going on
8 before May 5th when Dantavius got arrested?

9 A. No, sir.

10 Q. All right. And so on May 5th when you found out, did
11 you call Public Safety to talk to them and tell them they
12 had it all wrong?

13 A. Nah. I talked to my parole officer in Augusta,
14 Georgia. And he told me ---

15 Q. And he told you to keep ---

16 A. He told me he said, man, it's not ---

17 Q. --- avoiding ---

18 A. Nah, he didn't say avoid. He said it's not showing up
19 in is computer or database saying I got warrants. He said,
20 y'all -- he looked it up. I showed him the screenshots
21 people was showing me, he said, man, it's not in the
22 database over here in Augusta. We in Augusta, Georgia. We
23 don't have nothing to do with South Carolina. I said,
24 al'ight, what you want me to do about the situation, come
25 down and talk to you? He said, I just seen you, like, last

1 week. I came to your house and you was straight. I don't
2 need to see. Now, if they come down there and arrest you,
3 you ain't had no choice, do what you got to do. Turn
4 yourself in or whatever you want to do that's on you. I
5 said I'm not gonna turn myself in due to my condition me
6 being shot. And I know it's not gonna get taken care of in
7 Aiken County.

8 Q. So you weren't - you were shot, I guess, it's fair to
9 say that you didn't want to go to jail in that condition?

10 A. Yes, sir.

11 Q. Were you traveling?

12 A. What you mean? I was traveling before and after I got
13 shot.

14 Q. So it wasn't so bad that it stopped you from going
15 places and doing things?

16 A. I mean, yes, sir.

17 Q. Did you go anywhere else?

18 A. What you mean?

19 Q. Other than Augusta?

20 A. I mean, I done been to plenty, like, different states,
21 all over.

22 Q. But you didn't come back to South Carolina?

23 A. Nah, cuz I know I don't supposed to be over there and
24 I was never called for another, like, somebody called me
25 saying somebody wanted this or somebody wanted that, I

1 never came back over here.

2 Q. And you didn't come and talk to Investigator Griffin?

3 A. No. Because they never contacted my mama or they
4 never contacted my cell phone saying they wanted to talk to
5 me about nothin. I was never contacted to come speak to
6 your office about nothin.

7 Q. But you knew that you were wanted from the news?

8 A. Okay. The news tell me I'm wanted, but nobody
9 contacted me about from your office or the law firm down
10 here in South Carolina saying they wanted me to come talk
11 to them. So I said I'm not gonna push the issue if they
12 not.

13 Q. What other states did you go to?

14 A. I mean, I done been to Texas, Alabama, Columbus. I've
15 been to a bunch of states.

16 MR. McMILLIAN: I beg the court's indulgence.

17 THE COURT: Yes, sir.

18 Q. Mr. Thomas, you were in Texas when you were taken into
19 custody, right?

20 A. Yes, sir.

21 Q. And that was June 24th?

22 A. Yes, sir.

23 Q. How long did it take you to get back to South
24 Carolina?

25 A. What you mean, take -- what do you mean? I never got

1 back to South Carolina cuz, I guess, they had an anonymous
2 tip, somebody told them I was up there.

3 Q. Well, I mean, you're here now. You had to come from
4 Texas ---

5 A. Oh, yes, sir.

6 Q. --- how many days before you come back to the
7 detention center?

8 A. I came back, I think, June 30th.

9 Q. Okay. So a few days?

10 A. Yes, sir.

11 Q. Do you remember talking to Investigator Griffin after
12 that?

13 A. Yes, sir, I do.

14 Q. Do you remember telling him that you didn't know
15 anything about this. You didn't know Michael Parrish and
16 you didn't go in Hahn Village?

17 A. No, I said I can't recall going to Hahn Village. I
18 never said I didn't do nothing. It was recorded and
19 monitored like it's supposed to be you will hear on the
20 recording I said I can't recall.

21 Q. So you didn't recall any of the details that you told
22 this jury about today?

23 A. I mean, no, sir. I got a lot of stuff going on in the
24 streets and when I came to jail ---

25 Q. What kind of stuff you got going on in the streets?

T. Thomas- Cross-Examination by Mr. McMillian

169

1 A. What do you mean what kind of stuff -- I be
2 everywhere. I be going to state to state.

3 Q. Running?

4 A. No. Rapping.

5 Q. Oh, okay. But you told Investigator Griffin that you
6 didn't remember being in Hahn Village on March 26th?

7 A. I couldn't recall being out there. I didn't say ---

8 Q. Well, I ---

9 A. --- I never remembered.

10 Q. I don't recall and I don't remember are the same
11 thing, right?

12 A. No, sir. Recall is you can't, you remember you just
13 don't plan out, you don't know where you been at. (sic)

14 Q. When did you remember that you were in Hahn Village on
15 March 26th?

16 A. When I seen the videos and I seen the motion
17 discovery. I said, oh, man, no way you talking about this
18 incident right here. I never occurred a robbery happening
19 period. (sic) And this all ---

20 Q. Right.

21 A. --- hit me in my - it hit me then.

22 MR. McMILLIAN: I don't have anything further, Your
23 Honor.

24 THE COURT: Redirect, Mr. Farley?

25 MR. FARLEY: Just very briefly.

Redirect Examination by Mr. Farley:

Q. Mr. Thomas, did you go out there with the intention to try to rob Mr. Parrish of any money?

A. Nah, I never had no intentions of robbing anybody period.

Q. What was your intention to go out there to Hahn Village on that day?

A. To serve, well, to sell the marijuana to the person Dantavius told me wanted to buy something.

Q. All right. Thank you.

MR. FARLEY: No further questions, Your Honor.

THE COURT: Anything further from this witness?

MR. McMILLIAN: Nothing, Your Honor.

THE COURT: All right. Thank you, sir. You may step down. Mr. Farley, call your next witness.

MR. FARLEY: Your Honor, that's the only witness that Defense has at this time.

THE COURT: Defense rest?

MR. FARLEY: Defense will rest.

THE COURT: All right, folks. Is lunch here?

THE CLERK: Yes, ma'am.

THE COURT: It's time to take a lunch break. I'm gonna send you to your jury room. Don't discuss the case amongst yourself or with anyone else. Don't do any research about the case. If they would like to have their cell

1 phones while eating lunch they can have their cell phones.
2 We're going to break until 1:15. You don't have to stay in
3 your jury room but don't get in your car and go anywhere.
4 If you want to step outside for a breath of fresh or to
5 make a phone call or something like that that's fine. We
6 ordered lunch and it'll help shorten the lunch break but I
7 don't want you to try to go anywhere. Just be back at
8 1:15. Thank you.

9 (Whereupon, the jury exits the courtroom at 12:00 pm)

10 THE COURT: All right. Any motions?

11 MR. FARLEY: Not from the Defense, Your Honor.

12 THE COURT: Nothing from the State?

13 MR. McMILLIAN: No, Your Honor.

14 THE COURT: Do you have any proposed jury charges
15 from the State?

16 MR. McMILLIAN: No, Your Honor.

17 THE COURT: From the defense?

18 MR. FARLEY: No, Your Honor.

19 THE COURT: All right. Let me tell you what I plan
20 to charge. Of course, the presumption of innocence,
21 reasonable doubt, direct and circumstantial evidence,
22 credibility of witnesses, prior record of a witness,
23 criminal intent, the elements of attempted armed robbery,
24 possession of a weapon during the attempt to commit a
25 violent crime, possession of a weapon by a person convicted

1 of a crime of violence, and prior record of the defendant.
2 I, initially, had mere presence and hand of one hand of all
3 in there, but I don't know that anyone's positions supports
4 that, but if y'all, I mean, let me know if either of those
5 need to be included. Mere presence at the scene of a crime
6 and/or hand of one hand of all. I, you know, I thought
7 that perhaps there would be some finger-pointing. I don't
8 really see that, though.

9 MR. FARLEY: No, I don't see that, Your Honor.

10 MR. GRIMES: Yet, judge, they didn't take the
11 position that the co-defendant attempted to commit a
12 robbery.

13 THE COURT: Right. I just wanted to make sure that
14 wasn't come up in any closing or something like that.
15 Okay. I'll remove those two. And that's all I've got.
16 It's pretty short and sweet. I will email it to you if
17 you'd like.

18 MR. GRIMES: Your Honor?

19 THE COURT: Yes.

20 MR. GRIMES: You mentioned record of the Defendant
21 and normally that comes up in the context of record of the
22 Defendant for impeachment purposes only. I'm assuming
23 there's going to be some sort of for purposes of his charge
24 of possession of a weapon during or by a person convicted
25 of a crime of violence only, is that

1 THE COURT: Correct. And so the standard language
2 is, you know, for impeachment, motive intent, whatever, I
3 have edited it to read: "you've heard evidence that the
4 Defendant was convicted of a crime other than the one for
5 which the Defendant is now on trial. This testimony, if
6 you conclude it is true, may only be considered by you on
7 the question of whether the State has proved all elements
8 of the crime of a possession of a weapon by a person
9 convicted of a crime of violence. It may not be considered
10 by you for any other reason or purpose. You may give this
11 evidence the weight and value, if any, which you find it
12 should have on the sole issue of the elements of that
13 crime."

14 MR. GRIMES: And do you generally send the jury
15 charges back to the jury?

16 THE COURT: I didn't plan to this time. I do
17 sometimes. I'm not opposed to it, but I hadn't planned on
18 it.

19 MR. GRIMES: We're not opposed to it. I just was --

20 -

21 THE COURT: Are you requesting it?

22 MR. GRIMES: No, Your Honor. However, you'd like to
23 deal with it is fine.

24 THE COURT: Okay.

25 MR. FARLEY: That's fine. I think that language is

1 fine as far as we're concerned.

2 THE COURT: Wonderful. And I will email it to you
3 just so that you can review it over the lunch break but I
4 think it's pretty simple, pretty standard. Okay. I'll see
5 y'all at 1:15.

6 MR. GRIMES: Thank you.

7 MR. McMILLIAN: Thank you, Your Honor.

8 (Whereupon, the court takes a lunch break at 12:06 pm)

9 (Whereupon, the court returns from lunch break at 1:21 pm)

10 THE COURT: All right. Is the State ready to
11 proceed with closing arguments?

12 MR. McMILLIAN: We are, Your Honor.

13 THE COURT: Is Defense ready?

14 MR. FARLEY: Yes, Your Honor.

15 THE COURT: I neglected to ask about sending the
16 indictments back to the jury. I've not prepared a verdict
17 form. I've reviewed the indictments. I don't think that
18 there is any offensive language, you know, there's no
19 second offense or anything like that on the indictments.
20 Any problem with the jury writing the verdict on the
21 indictments from the State?

22 MR. McMILLIAN: Not from the State, Your Honor?

23 THE COURT: From the defense?

24 MR. FARLEY: No, Your Honor.

25 THE COURT: All right. Sounds good. Let's do it

1 then. Bring the jury please.

2 (Whereupon, the jury enters the courtroom at 1:23 p.m.)

3 THE COURT: Welcome back, folks. I hope you
4 enjoyed your lunch. As you heard before you left the
5 courtroom the Defense also rested their case which means
6 you heard all the testimony and received all the evidence
7 that will be received in this case. All that remains is the
8 closing arguments of the attorneys followed by my charge to
9 you on the law that applies to this case. You'll then
10 retired to consider your verdict. So I ask you to give the
11 attorneys your undivided attention for their closing
12 arguments. Is the State ready for closing argument?

13 MR. McMILLIAN: We are, Your Honor.

14 THE COURT: Mr. McMillian?

15 MR. McMILLIAN: May we please, the court, judge?

16 THE COURT: Yes, sir.

17 MR. McMILLIAN: Mr. Farley?

18 **Closing Argument- Mr. McMillian:**

19 ____Ladies and gentlemen, I indicated to y'all not long
20 after this yesterday that this wouldn't be a long trial, a
21 little under 24 hours is pretty good, a day. This might be
22 the last time I get to talk to y'all so we got a lot of
23 stuff to go over. Y'all bear with me, okay. I want to
24 start by talking a little bit about the law that applies in
25 this case. We talked about it at the offset, but we need

1 to discuss it now.

2 The Defendant is charged with three crimes. I'm gonna
3 start with what I think is probably the most open and shut
4 charge and that's possession of a weapon by person
5 convicted of a crime of violence. All that means is that
6 this defendant has a crime of violence on his record and
7 that he was in possession of a pistol on the date
8 referenced in the indictment, March 26th, like y'all heard
9 out at Hahn Village. Nobody says he didn't have a gun. He
10 sat up there and told you he had a gun. State's Exhibit
11 Three, which y'all will have back there, is a certified
12 sentencing sheet for prior convictions for strong armed
13 robbery, dates March 23, 2015. It's indicated on here up
14 in the corner that he pled to this. Whether you plead
15 guilty or get found guilty it's still a conviction. And
16 despite the fact that this box beside non-violent is
17 checked, strong armed robbery is a convict, is a crime of
18 violence in South Carolina and the judge will explain that.
19 We don't agree with the Defense about a lot in this case,
20 but it does, ultimately, boil down to one thing that Mr.
21 Farley told you, the biggest decision we need y'all to
22 make, did an attempted armed robbery occur that day? Like
23 I said, the Defendant admitted that he was in possession of
24 a gun. There isn't any debate about that.

25 Now, attempted armed robbery is trying to take

1 something from somebody by force or intimidation while
2 armed with a deadly weapon. Again, there isn't any debate
3 that he had a gun that day.

4 Michael Parrish got on the stand and talked to y'all
5 yesterday about what he was doing on March 26, 2020. He
6 told you he was headed out, he had a relative, end-of-life,
7 and he was headed to the hospital. He walked out of his
8 apartment [REDACTED] Day Lane, going to his car across the
9 parking lot, He got in the passenger seat, started the
10 car, send a couple of text messages, and set up his music.
11 He told you that two men approached from the opposite side
12 of the parking lot and asked him about a cigar. He told
13 him he didn't smoke. It's not his cup of tea. He's a -
14 he's a college athlete. At that point, he told you they
15 said "run that shit, fuck boy" and that might as well be a
16 modern day version of "stick'em up". He told you that
17 meant empty your pockets. He told you that meant give me
18 what you got. He told you that as the conversation
19 progressed once the two people got in the car they asked
20 him, where the money was. And the man in the front seat
21 went to the glove box and the center console. He told you
22 that the gun was out when he offered his cell phone or his
23 card or anything of value. He screamed, panicked. He's a
24 good kid. He's a kid of Jackson who didn't know anybody in
25 Aiken. He'd only lived in Hahn Village for a year. He's

1 never seen anything like this. He's never been a part to
2 anything like this. And I think when he identified Mr.
3 Thomas he told you that he's the person they got in the
4 backseat. Michael Parrish didn't come in here and lie to
5 you. He didn't come in here to tell you he got in the
6 backseat. That's his memory of it. And that's the memory
7 of a young man who just got a two guns waved around at him
8 and then attempted to rob. Was un-controverted State's
9 Exhibit Two, the stipulation that all of us agree that
10 Defendant was in Hahn village on March 26th, his
11 fingerprints were lifted from the passenger side of Michael
12 Parrish's car. You got to think about why he might be or
13 how you know that's right. His fingerprints were lifted.
14 This is the Defendant and he was able to pick out of a
15 line-up. This Defendant got in the front seat. On the video
16 he's the first person in the car. He's the last person out
17 of the car. He sitting every bit as close as these two
18 fellows right here. Arms length away.

19 I want to talk to you a little bit about credibility
20 because the judge is going to tell you that credibility is
21 entirely up to y'all. Y'all sat out here a tentatively,
22 and I thank you for that. The witnesses sat up there and
23 y'all get to decide whether to believe all of what a
24 witness said or none of what a witness said or you can pick
25 and choose. You can consider what brought them here to

1 testify. You can consider their demeanor on the stand.
2 How they answered questions. Dantavius Isles-Lytes came in
3 here yesterday and confessed to attempted armed robbery.
4 Why in the world would he come in here and confess to the
5 exact same crime as that Defendant is charged with and tell
6 you that they did it together that it didn't happen?
7 Everybody told you that they approached him and made small
8 talk, ask him about a cigar. I think Mr. Parrish told you
9 they wanted to know where he lived. How long had he been
10 there? Who his people were? Something like that. Mr.
11 Isles-Lytes and the victim even agreed about what was said.
12 Mr. Thomas can't remember what was said because that would
13 make him guilty of attempted armed robbery. I think this
14 is probably the best time to let's go ahead and talk about
15 Mr. Thomas's story.

16 When Mr. Thomas took the stand this morning y'all
17 heard those details at the exact same time. He told you
18 his story chapter and verse. He told you, essentially,
19 that this was also grand frank (ph) by Dantavius Isles-
20 Lytes. That Dantavius Isles-Lytes called him over here
21 from Augusta to sell \$3,000 worth of weed. Four hundred
22 and forty grams is what he said. That's a pound. Weed
23 doesn't weigh a lot but that's a lot of weed. And we're
24 gonna see on video in a few minutes he's not carrying that
25 weed. That's entirely too big of a package for him to have

1 on him. He's wearing gym shorts and black T-shirt. He
2 tells you that he came over here to sell weed to this guy
3 Dantavius told him about and, essentially, that they picked
4 the wrong guy. They walked up and asked him if he wanted
5 to sample the weed, you have a cigar? You want to try this
6 weed before you buy it? He tells them he doesn't smoke.
7 He tells you that despite the fact that he's overly
8 cautious, he so cautious he brought his gun. He so
9 cautious he doesn't want to walk up to people that are
10 there. He so cautious he doesn't go to Hahn village. He
11 goes, you know, what, man, maybe, maybe if we get your car
12 we'll talk about it and the victim gave him permission to
13 get in the car. At some point while they're in the car
14 wires get crossed. Mr. Thomas, whether he was frustrated
15 with Dantavius or frustrated with the victim, pulls his gun
16 out and that when this is all said and done he apologizes,
17 said, you don't have to worry about me and leaves and the
18 victim just mistakenly thinks he got robbed.

19 Ladies and gentlemen, he might be a little naive but
20 he knows what a robbery is. The Defendant would have you
21 to believe that the only person, because Dantavius told you
22 he determined it was a robbery, the Defendant would have
23 you to believe that the only person who didn't think this
24 was a robbery is the first person to approach the victim.
25 Was the first person to get in the car in the front seat.

1 He's the person going through the glove box and the center
2 console and he's the last person to give up on whatever's
3 going on, making this sale, and get out of the car, he was
4 there for his sale of marijuana.

5 (Whereupon, the video is being set up to play)

6 Now, if you recall, we heard a couple of different
7 versions by Mr. Thomas' story today. The first version
8 says up there behind that tree there's a street sign and
9 there's a tree and then there's a couple of cars on the
10 left side of the parking lot. The first story was that Tay
11 was already there and he was talking with four or five
12 people. When we start this video I'm gonna ask you to
13 watch out for four or five people at the entry. Because
14 they run back across the parking lot and speed out there
15 like their hair is on fire. And four or five people don't
16 react, they don't move. They stay conveniently hidden
17 behind this tree. Ask yourself if that's believable.

18 Part of this first version Mr. Thomas' story is that
19 he walks into Hahn village. He walks up to Tay with these
20 four five people after he gets the text message that's it's
21 okay these are my people, come on. I want you to watch
22 anywhere in that upper part of that screen of where Mr.
23 Thomas walks anywhere or where he walks out.

24 Finally he tells you that at some point right here he
25 called Dantavius and said, where you at? And Dantavius

1 comes out of Hahn Village and then brings him back in and
2 he directs Dantavius where to park. He told his lawyer,
3 no, to park over there in the shade and back in. If you
4 need re-hear part of his testimony, all you have to do is
5 ask.

6 (Whereupon, the video is played)

7 I'm gonna ask y'all to pay special attention to that
8 timestamp running up there in the corner. He told you he
9 was in the car with Tay smoking for thirty or forty
10 minutes. He hasn't walked in on that screen yet. This
11 whole video is going to be over in less than a second.
12 They're going to be driving out of there like their hair is
13 on fire. He tells you that him and Tay were smoking. He's
14 getting impatient with Tay because Tay set up this sale and
15 this whole bunch of times passing.

16 Now, there he is, the figure, on top of the screen
17 cutting across the grass right there heading toward the
18 car. Dantavius told you that's when they noticed him.
19 Takes him a second to get into his car and get seated. I'm
20 gonna ask you to pay particular attention to the two
21 individuals walking. The one that would be closest to us,
22 the one on the bottom. He's gonna approach the driver side
23 back seat so that's Dantavius, right? And really look at
24 the one in the front. Everybody agrees that's Mr. Thomas.
25 Where in the world does he have a pound of marijuana

1 stashed? Again, he's wearing black shorts, a black T-shirt
2 and he says he's carry some kind of a bag. But it ain't a
3 bag that can hold a pound of marijuana. Makes it to the
4 driver side door at 13:54:07. Mr. Thomas is in the car
5 first. Dantavius gets in the car. And Dantavius gets out,
6 13:54:54, and crossing the parking lot and Mr. Thomas
7 leaves right behind him. The Defendant would have you to
8 believe that in that amount of time he asked him did he
9 have a cigar. For some reason, determined that he might
10 still be interested in this marijuana if I get in the car
11 and try to talk with him about it, where's the money at?
12 The victim told you he went through his glove box and
13 console. He didn't have any marijuana. He didn't sit in
14 there and have some discussion with Tay about why y'all
15 playing with me? He was telling the victim give me the
16 money. He pulled his gun out so the victim knew he didn't
17 have a choice in the matter. The victim panicked and
18 screamed and offered him his cell phone, his debit card,
19 he's trying his best, his very best to get out of this
20 without getting shot. And they determine there isn't
21 anything he's got to give them, they take off. You noticed
22 Mr. Thomas is jogging across the parking lot. He's not
23 jogging because this some kind of mistake. He's jogging
24 because he doesn't want to be there when the police get
25 there. He's jogging and they're speeding out of Hahn

1 Village because they just committed an attempted armed
2 robbery.

3 In just a second I want you to pay special attention
4 to when they get to the stop sign leaving. They almost
5 pull out in front of two different cars because they are so
6 desperate to get out of Hahn Village. One, there's a car.
7 Two, there's another car. And now they get out of there.

8 Ladies and gentlemen, that's, that's not even the most
9 absurd part. Mr. Thomas told you that he got in there and
10 had this discussion about where the money was and whatever
11 and that he thought he was getting robbed. That Dantavius
12 might be in on it. He's in the back laughing. But when he
13 leaves he told you he got in the car with Dantavius who he
14 knew was armed and he thought he was trying to rob him. If
15 that sounds absurd to y'all it's because it is absurd.
16 Maybe you think, well, yeah, but why in the world with that
17 Defendant tell that lie? I mean, this is one of those
18 things maybe it was so crazy it has to be true. Make no
19 mistake he didn't want to tell you this story. He's stuck
20 with this story. He had to conjure up a story that left
21 him able to be not guilty despite all the things he
22 couldn't deny. His fingerprint was on the front passenger
23 door. And two people put inside the car with a gun. He
24 couldn't contradict the victim's story. Y'all heard from
25 Michael Parrish, he wasn't trying to buy weed and I think

1 that was clear. He certainly wasn't trying to buy 440
2 grams of weed which the Defendant told you he expected him
3 to make \$3,000. Michael Parrish didn't have a dime to his
4 name in that car. He had a cell phone and a debit card.
5 But if he was trying to buy weed, but he just didn't have
6 no money for it, why would he call the police? Why does
7 everybody not just leave and go their separate ways, you
8 know? More, importantly, we talked about this, why would
9 Dantavius Isles-Lytes get up there, swear on a Bible and
10 tell you that he was a participant in a armed robbery and
11 that he helped that Defendant get away, if it wasn't the
12 truth?

13 So this crazy cockamamie story has to do with a couple
14 of things. It has to put him in a position when physical
15 evidence sort of matches and still makes him not guilty.
16 And when you're faced with that situation this kind of
17 crazy story is where we wind up. Again, not because he
18 wanted to tell you this story and definitely not because it
19 makes sense. Certainly not because it's true. Because he
20 has to.

21 Despite all of that, ladies and gentlemen, the one
22 glaring thing that the Defendant story doesn't explain, why
23 wasn't he in Georgia? Why fled to Texas? And why -- he
24 was arrested in Texas on June 24th, he said it took him
25 three or four days to get back over here and three or four

1 days sitting in jail. He didn't have a lot of places to
2 be, nothing to do. He couldn't remember why he was in Hahn
3 Village on March 26th because when he talked to
4 Investigator Griffin he told Investigator Griffin he didn't
5 recall and we talked about that. I don't remember and I
6 don't recall is the same exact thing. Y'all know that. I
7 don't remember any of this almost a year ago. But suddenly
8 today he takes the stand he remembered the chapter and
9 verus, who picked him up, what kind of car they were
10 driving. It truly is just absurd. It absolutely is.

11 You know, kind of to wrap up, the most important thing
12 that's happened in this case happened yesterday 2:11. I
13 know it because I circled it when it happened. I wrote it
14 down and circled it. That's what time y'all took the oath
15 for the trial of this case. You swore oath to try this
16 case based on the facts. Based on the evidence presented
17 from the witness stand. The evidence that's in the case
18 including the video. It's not about being who you like
19 more, whether you like me or Mr. Farley or Mr. Grimes,
20 whether you like Dantavius or whether you like the
21 Defendant. It's not about whether you like Michael
22 Parrish. It's about the facts. It's who you believe,
23 what's credible.

24 When you all go back to the jury room I'm gonna ask
25 that you at least -- that you find that Defendant guilty on

1 all three charges. Thank you.

2 THE COURT: Mr. Farley?

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

5 THE COURT: Yes, sir.

6 MR. RILEY: Mr. McMillian? Mr. Grimes?

7 Closing Argument- Mr. Farley:

8 Ladies and gentlemen of the jury, good afternoon. I
9 thank you again for being our jury today. I know it's
10 probably difficult with all of our Covid stuff. There were
11 a lot, a lot of evidence in this case. You had a lot of
12 things to consider in this case. And I wanted to touch on
13 something that prosecution reminded you that I actually
14 said earlier and that is, what would you determine what the
15 issue for today is? Is whether an armed robbery occurred
16 and he possessed a weapon and further into that a violent
17 crime? You already knew that he had the evidence. So we
18 understand that he did have a weapon and we're not
19 contesting that he didn't. We're not contesting that he
20 wasn't there. He freely admitted that he was there. The
21 question is not whether he had a weapon nor was he there.
22 The question is what were they doing there? And I know the
23 prosecution would have you think there's all kind of our
24 theory but this is a pretty straightforward case. And I
25 think if you go back and think about the witness testimony

1 you can see that this is a pretty straight forward case.
2 And I would put it to your recollection that if you take
3 the testimony of Mr. Parrish and the testimony of Mr.
4 Thomas it's pretty consistent. You decide who is credible
5 and is being credible or un-credible. And I think that if
6 you think about the testimony they're certain consistencies
7 that y'all have. I'm certain Mr. Parrish testified he
8 doesn't know Mr. Thomas. You heard Mr. Thomas say he
9 didn't know Mr. Parrish. He certainly, certainly Mr.
10 Parrish did state Mr. Thomas is the person who got in the
11 backseat and not in the front seat. We can certainly say,
12 yeah, I'm sure he was panicking. I'm sure his memory was a
13 little bit off. I would just say that grant it I'm sure
14 he's was scared to death. He's not used to this. He's not
15 use to this at all. If he misidentified the person he
16 could've misidentified the situation. He got placed into
17 this. So maybe when somebody, and if I recall Mr. Parrish
18 testified it was the person in the backseat who said "run
19 that shit, fuck boy" and his perception was it was a
20 robbery but he, himself, doesn't know, he doesn't know
21 exactly what's going on. He runs track. He's a good kid.
22 We don't doubt that.

23 However, we heard from Mr. Isles-Lytes as he got up
24 here who didn't seem to be consistent. Who wasn't seem to
25 be able to answer any questions in any kind of

1 straightforward manner. He did testify that he got in the
2 backseat of the car and even ask you to believe him there
3 except that was corroborated by law enforcement. He did
4 get in the backseat of the car. You think about Mr.
5 Parrish's testimony, he said the guy that got in the
6 backseat he's the one that literally scared the heck out of
7 him. He's the one who said "run that shit". He's the one
8 who flashed a weapon around, the weapon that was found
9 later as Mr. Isles-Lytes'. That was the person in the
10 backseat. You saw on the video Mr. Thomas coming around
11 the vehicle when Mr. Isles-Lytes said "run that shit, fuck
12 boy" it's very possibly that he wasn't even in the car.

13 Again, Mr. Parrish is panicking, confused. See, I
14 would be scared. I'm sure you guys would be scared. I
15 would - I wouldn't know what to do, you know. It's not a
16 situation I'm accustomed to. It's not a situation Mr.
17 Parrish is accustomed to, but that doesn't mean that it's
18 an armed robbery, though. Mr. Thomas said that he got into
19 the car to sell him drugs. That he had some kind, he
20 testified that he a pack on with the marijuana in order to
21 make that sale. I think it's perfectly possible, I mean, I
22 guess, it makes sense if you want to make drug sales, don't
23 do it out in the open, you'd want some kind of privacy.

24 Mr. Parrish testified he offered him the debit card,
25 telephone, whatever else he had. Mr. Thomas said the same

1 thing. He testified, yeah, he offered me all this stuff, I
2 mean, you know, he didn't take any of it. Mr. Parrish said
3 he didn't take any of it. I mean, he had some things about
4 him, but they, you know, that wasn't why Mr. Thomas was
5 there that's why he didn't take any of it. He was there to
6 make a drug deal. And listen I understand that does not
7 make my client in the best of light. My client is not an
8 angel. You know, he's a drug dealer. And in that
9 profession, I'm not saying he should carry a weapon, I'm
10 just saying some people do because they feel like it's part
11 of the job. Maybe Mr. Isles-Lytes felt the same way. Mr.
12 Thomas, then, gets out of the car, runs back -- I mean,
13 obviously, he said he didn't know what was going on, was
14 his testimony. Mr. Isles-Lytes, he didn't know if he was
15 going to rob him or Mr. Parrish, he didn't know and,
16 obviously, I guess if you're in that profession things like
17 that can happen and situations can change just like that.
18 He returned to the car, apparently, or, you know, to find
19 out exactly why Mr. Isle-Lytes told him that this was the
20 guy who wanted to purchase the marijuana and turns out the
21 guy has no idea what he's talking about. Mr. Isle-Lytes
22 testimony here was also, and he's accused of the very same
23 crime, he's in the very same hot water and - I'm gonna
24 respectfully disagree with the prosecution because I didn't
25 hear him confess. I heard him try to say that everybody

1 else was to blame but Mr. Isle-Lytes that he just happened
2 to be there flashing is weapon around, but I didn't
3 remember him confessing to trying to rob the guy. But it
4 certainly seems that Mr. Isle-Lytes because he finds
5 himself in hot water just like Mr. Thomas because he's the
6 one who set up this drug deal. He's the one who lured.
7 And he's the one who got the wrong guy. And now he will
8 throw anyone under the bus so he, himself, doesn't have to
9 get in any kind of trouble. He testified, he told he was
10 hoping to get some kind of deal.

11 Again, I would just ask, you know, the testimony
12 that's taken together, I'm looking at who's credible here
13 and his testimony is consistent. And which testimony is
14 inconsistent. I think if you take all that together the
15 actions it's the only way the actions make sense. It's the
16 only way the facts come out that any kind of sense. Mr.
17 Thomas testified he asked the guy for a cigar. He only did
18 that because that is apparently the way people test
19 marijuana when they're making a sale. I'm sure he did ask
20 him for the money because he thought he was getting a
21 transaction. That could easily be misinterpreted by Mr.
22 Parrish who certainly not in this role as some kind of
23 threat. But again it seems consistent with the drug deal
24 with all the behaviors where Mr. Thomas thinks this is the
25 guy who supposed to be making a transaction with. And

1 maybe Mr. Isles-Lytes saw that this was the only thing to
2 do because the guy is supposed to sell, he didn't show up
3 and so he picked on a nice Boy Scout who lives in Hahn
4 Village. Because the only person who also is familiar with
5 Hahn Village, in any real way, was Mr. Isles-Lytes because
6 his brother lives there. So Mr. Isles-Lytes is there all
7 the time, knows who comes and goes, knows who's there,
8 knows what's going on. Probably knows Mr. Parrish.
9 Probably at least seen him coming and going. The very fact
10 that Mr. Isles-Lytes is just hours later back in the same
11 parking lot. I don't know it seems a little odd that you
12 just tried to commit an armed robbery there that you would
13 turn around in the same parking lot. It certainly would
14 seem much more like he calls Mr. Thomas to do the drug deal
15 and then couldn't follow through on that promise. And now
16 he's trying to find anyway to save his skin here and not
17 try and look bad in front of Mr. Thomas or now, not trying
18 to ---

19 In essence, I think that Mr. Isles-Lytes fingered the
20 wrong guy. Either out of accident or for his own
21 opportunity. But what we don't have here is an attempted
22 armed robbery. And again I would just point out nothing of
23 value was taken. I understand Mr. Parrish was scared to
24 death. I don't blame him. But to me it's the only way all
25 of this makes sense.

1 And, again, the burden of proof, in any of these
2 cases, is on the State. The State has to show that this is
3 an armed robbery. The State has to show that that's what
4 these people admit to having a weapon -- you are the ones
5 who weigh the credibility of the witnesses. You're the
6 ones who have to keep all of this in balance. And you're
7 the ones who have to determined whether there are
8 reasonable doubt in this case. Reasonable doubt, again,
9 you'll hear more about reasonable doubt from Judge Newman,
10 but reasonable doubt is and it causes a reasonable person
11 to stop and take stock of things. Many of you, you know,
12 is it more likely than not. Any reasonable person might
13 pause and say I don't know, I don't know if this if this is
14 exactly right or wrong. We would point out that after
15 hearing all of this testimony we believe there's definitely
16 reasonable doubt here because, again, the only way that
17 this makes sense if you were a drug dealer.

18 We believe that if you, when you go back to deliberate
19 and you think about all the testimony, you think about the
20 credibility, and you think about the burden of proof, and
21 you think about all of these things and you weigh the facts
22 and you think about the video, again, one more time and put
23 all of this together we think that you're going to return,
24 the only verdict that you can return when you put all the
25 pieces of the puzzle together, and that is that Mr. Thomas

1 may be a drug dealer but he didn't commit armed robbery and
2 he wasn't trying to use that firearm to engage in an armed
3 robbery. Thank you.

4 **Judge's Charge:**

5 THE COURT: All right, folks, is now time for me to
6 charge you on the law that applies to this case.

7 I remind you that during this trial you and I have
8 certain duties to perform. As the trial judge it is my
9 responsibility to preside over the trial of this case. And
10 I also have the duty to rule on the admissibility of the
11 evidence offered during this trial. You are to consider
12 only the evidence before you.

13 If there was any testimony ordered stricken from the
14 record during this trial you must disregard that testimony.
15 You are to consider only the testimony which is been
16 presented from this witness stand. Any exhibits which have
17 been made a part of the record in this case and any
18 stipulation of the parties.

19 I have the additional duty to charge you a law
20 applicable to this case. It is your duty as jurors to
21 accept and apply the law as I now state it to you. If you
22 think you have any idea as to what the law is or what the
23 law ought to be and it does not agree with what I tell you
24 the law is then you must forget that idea because you are
25 sworn to accept the law and apply the law exactly as I

1 state it to you.

2 In every case tried in this court before a jury, the
3 jury becomes the sole and exclusive judge of the facts. A
4 trial judge cannot comment on or make any statement about
5 the facts in a case. Since you are the sole judges of the
6 facts do not think by anything that I have said during this
7 trial that I have any opinion about the facts in this case.
8 The law does not allow me to have an opinion about the
9 facts.

10 The indictments in this case charged the Defendant
11 with attempted armed robbery, possession of a weapon during
12 the commission of a violent crime, and possession of a
13 weapon by a person convicted of a crime of violence. I
14 remind you that the fact that the Defendant was arrested,
15 charged, and indicted in this case is not evidence in this
16 case and cannot be considered by you as evidence of guilt
17 in this case. Nor does it create any presumption or
18 inference of guilt. The documents are simply the formal
19 written instruments which contain the charges made against
20 the Defendant. They are the formal documents by which this
21 case was brought into this court.

22 The Defendant has pled not guilty to each of these
23 indictments and that plea puts the burden on the State to
24 prove the Defendant guilty. A person charged with
25 committing a criminal offense in South Carolina is never

1 required to prove himself innocent. I charge you that it is
2 an important rule of law that the Defendant in a criminal
3 trial, no matter what the seriousness of the charge may be,
4 will always be presumed to be innocent of the crimes for
5 which the indictments were issued unless guilt has been
6 proven by evidence satisfying you of that guilt beyond a
7 reasonable doubt.

8 This presumption of innocence does not end when you
9 begin your deliberations. But it accompanies the Defendant
10 throughout the trial until you reach a verdict of guilt
11 based on evidence satisfying you of that guilt beyond a
12 reasonable doubt.

13 The presumption of innocence is like a robe of
14 righteousness placed about the shoulders of the Defendant
15 which remains with the Defendant until it has been stripped
16 from him by evidence satisfying you of the Defendant's
17 guilt beyond a reasonable doubt. The presumption of
18 innocence is not a mere legal theory. It is not just a
19 legal phrase. It is a substantial right to which every
20 Defendant is entitled unless you, the jury, are satisfied
21 from the evidence of the Defendant's guilt beyond a
22 reasonable doubt.

23 Now what is a reasonable doubt in the law? A
24 reasonable doubt is the kind of doubt that would cause a
25 reasonable person to hesitate to act. The State has the

1 burden of proving the Defendant guilty of each of the
2 charges against him beyond a reasonable doubt. Some of you
3 may have served as jurors in civil cases where you were
4 told that it is only necessary to prove that a fact is more
5 likely true than not true such as by the greater weight or
6 preponderance of the evidence.

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

20 There are two types of evidence generally presented
21 during a trial. Direct evidence and circumstantial
22 evidence. Direct evidence is the testimony of a person who
23 claims to have actual knowledge of a fact such as an
24 eyewitness. It is evidence which immediately establishes
25 the main fact to be proved. Circumstantial evidence is

1 proof of a chain of facts and circumstances indicating the
2 existence of a fact. It is evidence which immediately
3 establishes collateral facts from which the main fact may
4 be inferred. Circumstantial evidence is based on inference
5 and not on personal knowledge or observation. The law makes
6 absolutely no distinction between the weight or value to be
7 given to either direct or circumstantial evidence nor is it
8 a greater degree of certainty required of circumstantial
9 evidence than of direct evidence. You should weigh all of
10 the evidence in this case. After weighing all of the
11 evidence if you are not convinced of the guilt of the
12 Defendant beyond a reasonable doubt you must find the
13 Defendant not guilty.

14 Necessarily, you must determine the credibility of
15 witnesses who have testified in this case. Credibility
16 simply means believability. It becomes your duty as jurors
17 to analyze and to evaluate the evidence and to determine
18 which evidence convinces you of its truth. In determining
19 the believability of witnesses who have testified in this
20 case you may believe one witness over several witnesses or
21 several witnesses over one witness. You may believe a part
22 of the testimony of a witness and reject the remaining part
23 of the testimony of that same witness. You may believe the
24 testimony of a witness in its entirety or reject the
25 testimony of a witness and its entirety. You may consider

1 whether any witness has exhibited to you any interest,
2 bias, prejudice, or other motive in this case. You may also
3 consider the appearance and manner of a witness while on
4 the witness stand.

5 A person who has a past criminal record is competent
6 to testify during a trial. A past record does not affect
7 the ability of that witness to testify. The past record may
8 only be considered by you, if that all, in determining the
9 witness' believability. Remember you are the sole judges of
10 the facts in the case and the believability of any and all
11 of the witnesses. In order to establish criminal
12 liability criminal intent is required. For example, the
13 mental state required to be proven by the State for a
14 particular crime might be purpose, intent, knowledge,
15 recklessness, or criminal negligence. Criminal intent must
16 be proven by the State beyond a reasonable doubt. Criminal
17 intent is always a matter that must be determined by the
18 jury from the circumstances surrounding the situation.
19 There is no way to prove intent to a mathematical
20 certainty. There is no way medical science can dissect a
21 person's brain and determine what the person had in mind.
22 So the law says that criminal intent may be inferred from
23 the circumstances shown to have existed. This is how you
24 make a determination of whether or not the element
25 requiring intent was present. It is not necessary to

1 establish intent by direct and positive evidence. But
2 intent may be established by inference in the same way as
3 any other fact by taking into consideration the acts of the
4 parties and all the facts and circumstances of the case.
5 Criminal intent is a mental state, a conscious wrongdoing.
6 It is up to you to determine what the Defendant intended to
7 do based on the circumstances shown to have existed.

8 The Defendant is charged with attempted armed robbery.
9 In order to prove this crime, the State must first prove
10 beyond a reasonable doubt that the Defendant attempted to
11 take property from the person or presence of another
12 person. Property is in the presence of a person if it is
13 within the person's reach, inspection, observation, or
14 control so that the person could if, not overcome with
15 violence or prevented by fear, keep possession of the
16 property. The State must also prove beyond a reasonable
17 doubt that the Defendant attempted to carry the property
18 away intended to permanently deprive the owner of the
19 property and to keep the property for the Defendant's own
20 use. The attempted taking of property must have been done
21 with violence or by putting the owner of the property in
22 fear of violence.

23 Finally, the State must prove beyond a reasonable
24 doubt that the Defendant was armed with a deadly weapon
25 during the attempted robbery. A deadly weapon is any

1 article, instrument, or substance which is likely to cause
2 death or great bodily harm. A gun may be a deadly weapon
3 even if it's not operating.

4 The Defendant is also charged with possession of a
5 weapon during the attempt to commit a violent crime. The
6 State must prove beyond a reasonable doubt that the
7 Defendant was in possession of a firearm or visibly
8 displayed what appeared to be a firearm during the
9 commission of a violent crime. A firearm means any machine
10 gun, automatic rifle, revolver, pistol, or any weapon which
11 will, is designed to, or made readily be converted to expel
12 a projectile. In order to find the Defendant guilty of
13 possession of a weapon during the attempt to commit a
14 violent crime you must first find the Defendant guilty of
15 attempted to commit the violent crime. Armed robbery is a
16 violent crime.

17 The State must also prove beyond a reasonable doubt
18 that the weapon furthered advanced or helped in the
19 commission of the violent crime.

20 Finally, the defendant is charged with possession of a
21 weapon by a person convicted of a crime of violence.
22 Therefore, the State must first prove beyond a reasonable
23 doubt that the Defendant was in possession of a weapon. The
24 State must also prove beyond a reasonable doubt that the
25 Defendant has previously been convicted of a crime of

1 violence in any court of the United States. Strong armed
2 robbery is a crime of violence. You have heard evidence
3 that the Defendant was convicted of a crime other than the
4 one for which the Defendant is now on trial. This
5 testimony, if you conclude it is true, may only be
6 considered by you on the question of whether the State has
7 proved all elements of the crime of possession of a weapon
8 by a person convicted of a crime of violence. It may not be
9 considered by you for any other reason or purpose. You may
10 give this evidence the weight and value, if any, which you
11 find it should have on the sole issue of the elements of
12 that crime.

13 As to each of the charges against the Defendant there
14 are two possible verdicts which you may reach, guilty or
15 not guilty. There is no significance whatsoever in the
16 order in which I state these possible verdicts. It's
17 simply that one must be stated first.

18 Now, ladies and gentlemen, your verdict must be
19 unanimous. All of you must agree as to each of the verdicts
20 and who is the foreperson, did you choose a foreperson?
21 (Whereupon, the jury indicates no)

22 Okay. You'll choose one when you go back there and
23 let me know. You will write it on the note the juror number
24 and send it out to me. But, for that foreperson, when the
25 jury agrees on the verdict the foreperson will write the

1 verdict on each of the indictments. There are three
2 indictments, one for each of the crimes charged. And if
3 you flip there is a description of the crime charge, and if
4 you flip them over there is a place in the bottom left-hand
5 corner for the verdict. So the foreperson will write the
6 verdict, guilty or not guilty, will sign and date each of
7 the indictments. Once you have done that and agree
8 unanimously on those verdicts before their written, then
9 you will knock on the door and informed the bailiff that
10 you have a verdict and we will receive you back into the
11 courtroom at that time. I'm now going to excuse you from
12 the courtroom to the jury room. This is the last time I
13 will tell you don't discuss the case yet. Do not begin your
14 deliberations yet and that's only because there's matters
15 of law that I need to discuss with the attorneys before you
16 begin. However, when the bailiff brings you these
17 indictments and the evidence that is your signal to begin
18 deliberating. You'll continue to deliberate until you have
19 reached a verdict. Please return to your jury room.

20 (Whereupon, the jury exits the courtroom at 2:22 p.m.)

21 THE COURT: Any objection to the jury charge from
22 the State?

23 MR. GRIMES: We don't have any objection, Your
24 Honor.

25 THE COURT: From the Defense?

1 MR. FARLEY: No objection, Your Honor.

2 THE COURT: All right. Let's check the evidence
3 and make sure, there should be four or five exhibits ---

4 MR. McMILLIAN: Four, Your Honor.

5 THE COURT: Can you bring the alternate when you
6 take those ---

7 MR. McMILLIAN: Judge, one other ---

8 THE COURT: Yes.

9 MR. McMILLIAN: --- one other item ---

10 THE COURT: Yes.

11 MR. McMILLIAN: --- we have kind of what we refer to as
12 a clean laptop that has a jury profile that we usually send
13 back to the jury so they can watch the videos. I don't
14 know how you're use to having them watch videos. That's
15 the way we usually do it but we are happy to do it however
16 you'd like.

17 THE COURT: I'm happy to do it that way as long as
18 the Defense doesn't have a problem with it.

19 MR. FARLEY: I have no objection to the clean laptop
20 which they can ---

21 THE COURT: Okay.

22 MR. FARLEY: --- observe.

23 THE COURT: We'll send the laptop back with the
24 video.

25 MR. McMILLIAN: There are four items of evidence here

1 on this counter.

2 THE COURT: Okay. Yes. The bailiff will take one,
3 two, three, four pieces of evidence. Y'all will hand over
4 that clean laptop and if y'all will sit tight. He's just
5 gonna bring the foreperson out for me to dismiss, not the
6 foreperson, the alternate. The alternate will come out and
7 I can dismiss her on the record before we take a break.
8 Y'all just sit tight for a second.

9 (Whereupon, the judge waits for the alternate juror)

10 THE COURT: Counsel, just so you know the
11 foreperson is Juror Number 160. Madam Alternate, thank you
12 for being with us. All 12, well not all 12, obviously, we
13 had to seat one of the alternates, but we didn't need you
14 as the second alternate to replace one of the jurors so you
15 are now free to go. Does she need to call back? Somebody
16 tell me if she's on the callback system or if she's done
17 for the week. We thank you for your participation and
18 thank you for your attention. You are now free to discuss
19 the case with whoever you want to discuss it with. You are
20 also no longer qualified to serve on a jury in Circuit
21 Court for the rest of this calendar year. If you are
22 summoned for jury duty in Circuit Court, can't help you
23 with the other courts, but in Circuit Court in 2022 or 2023
24 you'll probably have to show up that Monday, but tell the
25 judge that you served on this jury and you can exercise an

1 exemption. They should dismiss you. You can talk to the
2 attorneys, the parties, the family, your family, your
3 friends, whoever you want to talk to about this case at
4 this point. Do we know if she needs to call back or if
5 she's released? Do we have a whole new pool? I think we
6 might be starting another trial tomorrow and I just want to
7 make sure that you're not, potentially, in that pool of
8 jurors before let you go.

9 THE CLERK: Yes, she would be, Your Honor,
10 technically unless you excuse her.

11 THE COURT: Okay.

12 THE CLERK: I'm gonna probably put a message on
13 there to call back after five today or six.

14 THE COURT: Okay.

15 THE CLERK: And then follow whatever instructions
16 that are on there.

17 THE COURT: Okay. Madam Alternate, do you have the
18 call-in information?

19 ALTERNATE JUROR: I do.

20 THE COURT: Okay. You will need to call after five
21 tonight. You are, potentially, in that pool of other
22 jurors so we may need you for another case, but you're free
23 to go for now. Make sure you call after five tonight and
24 maybe we'll see you again this week, okay. Thank you. And
25 we can be off the record.

1 I'm sorry, do we need to put something on the record.

2 MR. GRIMES: With her remaining in the pool is she
3 still allowed to talk to the parties?

4 THE COURT: Why not? In this case? I mean, about
5 this case?

6 MR. GRIMES: Yes. Yes, Your Honor. I just wanted
7 to clarify it.

8 THE COURT: Oh, yeah.

9 MR. GRIMES: Okay.

10 THE COURT: I mean, she can talk about this case or
11 do whomever. The only people who can't discuss the case
12 are the jurors who are locked in their jury room now so.
13 She shouldn't have occasion to run into them because we're
14 going to get a verdict today or not at all I've decided
15 so....

16 MR. GRIMES: I understand, Your Honor. I was just
17 wondering because she's going to be in the pool for
18 tomorrow.

19 THE COURT: Right. I think it's fine. Okay. We
20 can go off the record. We'll be at ease while we wait for
21 the jury. Y'all don't go far.

22 (Whereupon, the jury starts to deliberate at 2:29 p.m.)

23 THE COURT: All right, folks, we are back on the
24 record, the jury has indicated that they are having trouble
25 using the laptop, that clean laptop, provided by the State.

1 We've had Mr. IT Guru to try to fix it once and we thought
2 it was working. They say it's still not working for them
3 so I think the only thing to do is to bring them into the
4 courtroom to watch the video. I hate to do that but if
5 they can't make it work, you know, I don't want to send
6 anyone into room with them to manipulate it in any way. So
7 my solution is to bring the jury in to watch the video. So
8 let's bring the jury in.

9 MR. GRIMES: Judge, do you want the foreman, the
10 foreperson to say start, stop and pause or do you just want
11 to play it or how do you want to do that?

12 THE COURT: Probably just play it, but we'll find
13 out when they come out.

14 (Whereupon, the jury enters the courtroom at 3:39 p.m.)

15 THE COURT: All right, folks, welcome back to the
16 courtroom. I know that you're in the midst of your
17 deliberations. I understand there was some difficulty in
18 using the laptop computer provided by the State to view the
19 video. We tried to fix it once and you were still having
20 trouble so I brought you back into the courtroom to watch
21 the video. I know that this may put you at a little bit of
22 a disadvantage because you're not able to start and stop it
23 at places that you want to. I guess, I would ask of the
24 foreperson whether it is necessary to play the video and
25 its entirety, if you know? Or is there a specific time in

1 the video that you wanted to see? Or is it the safest bet
2 to just play the video? Yes, ma'am.

3 THE FOREPERSON: Your Honor, playing the video from
4 the time that the Defendant's went from the Honda to the
5 Infinity and forward from there. That's the needed place
6 that we would like to see.

7 THE COURT: Okay. All right. We will queue that
8 up and get the lights.

9 (Whereupon, the video is played for the jury)

10 THE COURT: Ladies and gentlemen, raise your hand
11 if you would like it played again?

12 (Whereupon, no one has raised their hands)

13 THE COURT: No one has raise their hands. Okay.
14 Is there any other portion of the video, Madam Foreperson,
15 that you're aware of?

16 THE FOREPERSON: No, ma'am.

17 THE COURT: Okay. Please return to your jury room.
18 If you need to see it again send a note out and let me
19 know.

20 THE FOREPERSON: Thank you.

21 THE COURT: Thank you.

22 (Whereupon, the jury exits the courtroom at 3:47 p.m.)

23 THE COURT: All right, folks, we'll let the jury
24 continue to deliberate.

25 (Whereupon, the judge takes a recess to do other things)

1 (Whereupon, the jury has reached a verdict)

2 **Verdict:**

3 THE COURT: All right. Let's bring the jury
4 please.

5 (Whereupon, the jury enters the courtroom at 6:31 p.m.)

6 THE COURT: All right. Madam Foreperson, has the
7 jury reached a verdict as to all three charges?

8 THE FOREPERSON: Yes, ma'am.

9 THE COURT: Are those verdicts unanimous?

10 THE FOREPERSON: Yes, ma'am.

11 THE COURT: If you would hand those to that
12 gentleman there. All right, folks, I'm gonna reiterate my
13 comments before we started the trial that I don't want any
14 outburst of any kind, no celebrations, no screams, no
15 crying, positive or negative. Certainly, security is on
16 standby and should any of that happen you will be held in
17 contempt. Mr. Clerk, if you'll publish the verdict.

18 THE CLERK: Your Honor, in case 2020-GS-02-02072,
19 The State of South Carolina versus Tobias Marques Thomas
20 indictment for possession of a weapon by a person convicted
21 of a crime of violence the verdict of the jury is guilty
22 signed by the foreperson of the jury.

23 In regards to indictment 2020-GS-02-02070, The State
24 of South Carolina versus Tobias Marques Thomas, indictment
25 for attempted armed robbery, the verdict is guilty signed

1 by the foreperson of this jury.

2 With regards to indictment 2020-GS-02-02071, The State
3 versus Tobias Marques Thomas, indictment for possession of
4 a weapon during the commission of a violent crime the
5 verdict is guilty signed by the foreperson of the jury.
6 Madam Foreperson, and ladies and gentlemen of the jury, if
7 this is your verdict please signify by raising the right
8 hand.

9 (Whereupon, all the jurors raised their hands)

10 THE CLERK: All hands are raised, Your Honor.

11 THE COURT: Thank you. Anything from the jury, Mr.
12 Farley before they are dismissed?

13 THE CLERK: No, Your Honor.

14 THE COURT: All right. Ladies and gentlemen, thank
15 you for your service. Thank you for your time, your
16 attention, your focus, and your clear interest in doing
17 what you believe to be the right thing and taking the time
18 to analyze the evidence. I say that because, obviously,
19 you deliberated for a considerable period of time and that
20 shows me that you didn't just go back there and just take a
21 vote and come on back out. You actually thought about it,
22 discussed it, and rendered your verdict. So on behalf of
23 everyone involved, the attorneys, the parties, the citizens
24 of Aiken County and of the State of South Carolina I thank
25 you. I know jury service is an inconvenience and many

1 people do not want to participate in jury service, but I'm
2 glad that you did. I hope that you are glad that you did. I
3 hope you found the experience educational and you've made a
4 real contribution to our justice system and for that I
5 thank you.

6 The next phase of this would be for me to sentence Mr.
7 Thomas. I will do that this evening before we leave here
8 tonight. You are not required to stay. In fact, your jury
9 service is complete. It is complete for this trial. It is
10 complete for this week. It is complete for this year. You
11 are no longer eligible to serve on a jury in Circuit Court
12 in 2021. If you are summoned to jury duty in 2022 or 2023
13 you can exercise an exemption. You'll need to show up to
14 that jury service, that roll call on Monday morning, and
15 just tell the judge that you served on this jury this week
16 and they will let you go. What else do I want to say?
17 Work excuses ---

18 THE CLERK: We have their -- first of all, we have
19 their phone in the jury-assembly room and we will have a
20 clerk there with the forms if they want work excuses.

21 THE COURT: Okay. So when you get your phones you
22 can get work excuses. The check is in the mail, I'm sure.
23 And we do have another trial this week, but we've got
24 enough jurors that we're going to exclude you from that
25 jury pool since you've worked on this case we won't require

1 you to potentially serve on another case. You are now free
2 to discuss the case with whoever you want to discuss it
3 with. Your friends, family, these attorneys. Anyone that
4 you want to talk to about it. If you don't want to talk to
5 anybody about it you don't have to. If anyone is bothering
6 you, harassing you about this case whether it be these
7 attorneys which I would not expect at all or anyone else,
8 again, which I would not expect but should it happened
9 notify the Clerk of Court's Office. They will get a message
10 to me and I will make sure that that gets handled. So you
11 are now free to go. As I said I will sentence Mr. Thomas
12 this evening. We'll take just a five, ten minute break or
13 so before that happens. So you're welcome to come on back
14 into the courtroom if you're interested in participating in
15 that or not participating, but watching that. Otherwise,
16 you have a good night and thank you for your service.

17 (Whereupon, the jury exits the courtroom at 6:36 p.m.)

18 THE COURT: And I'm going to assume that the State
19 was not so presumptuous as to have sentencing sheet's ready
20 so we'll take five or ten minutes while you get the
21 sentencing sheets.

22 MR. McMILLIAN: Your Honor, one additional thing ---

23 THE COURT: Yes, sir.

24 MR. McMILLIAN: --- I spoke with my victims witness
25 advocate maybe fifteen minutes ago and despite the fact

1 that the victim kind of told us when he left yesterday that
2 he didn't have anything to add. He's asked to provide a
3 statement so we are attempting to get that as quickly as we
4 can but that may take a few extra minutes.

5 THE COURT: Okay.

6 MR. FARLEY: And, Your Honor, can we make some post
7 trial motions?

8 THE COURT: Oh, right, I'm sorry. Yes, let's do
9 that in fifteen minutes or so.

10 MR. FARLEY: No problem, Your Honor.

11 THE COURT: Okay. Let's take a quick break.

12 (Whereupon, the judge takes a short recess)

13 **Post Trial Motions:**

14 THE COURT: All right. Mr. Farley, post trial
15 motions?

16 MR. FARLEY: Your Honor -- thank you, Your Honor.
17 And, Your Honor, the Defense at this time would make a
18 motion for a new trial notwithstanding the verdict of this
19 trial, Your Honor. We certainly feel like the burden
20 hasn't been met notwithstanding verdict of the jury.

21 THE COURT: It's respectfully denied, sir.

22 MR. FARLEY: I understand. And, Your Honor, also
23 just another motion for appeal, to renew any previous
24 motions and objections in this matter?

25 THE COURT: Absolutely. It's noted for the record

1 and my rulings remain the same.

2 MR. FARLEY: Thank you, Your Honor.

3 THE COURT: All right. Do we have sentencing
4 sheets prepared?

5 MR. McMILLIAN: Your Honor, they are prepared and I
6 have them right here.

7 THE COURT: Okay.

8 MR. McMILLIAN: If I can hand them up to

9 THE COURT: You can hand them without having to
10 come up here. Let me hear first from the State.

11 MR. McMILLIAN: Thank you, Your Honor. Your Honor, the
12 facts are all, kind of, on the record in this case and you
13 heard it all here from the witness stand. You saw Michael
14 Parrish and heard him testimony. As to the testament to
15 the kind of person he is, like I told you, he sent in a
16 statement he asked me to read to Your Honor. "Judge
17 Newman, I wanted to write this statement not for pity but
18 to explain how this whole process made me feel. The
19 robbery was a life altering experience and changed me in
20 many ways, good and bad. For the good I'm more aware of my
21 surroundings and who I'm talking to and more careful to who
22 I trust. For the bad, it affected me in a very emotional
23 way and I had to overcome a lot of trauma and get
24 counseling. There were days when I was afraid to go out of
25 my room or in my car because I was afraid of what would

1 happen to me. But with the help of my Lord and Savior I
2 was able to overcome all of those things and I'm a better
3 person today. I hope the Defendant learns from his
4 mistakes and I do forgive him for all he's done. I will
5 continue to pray for him and his family. I hope in my
6 situation I can help others going through the same thing.
7 Thank you. Michael Parrish."

8 Judge, we talked about the Defendant's prior record.
9 He has a prior assault and battery, first, and strong armed
10 robbery. Judge, factually, what doesn't come out in the
11 case is this Defendant he fled South Carolina and after
12 being arrested, he took extraordinary efforts to try and
13 reach Michael Parrish personally, he didn't know through
14 another Defendant at the jail who went to high school with
15 Mr. Parrish. He used his girlfriend to call him and offer
16 him money to dismiss these charges. This is a habit and,
17 of course, a conduct as late as a month ago, I monitored
18 his jail calls probably far more than I ever should. It
19 takes a lot of time. But this Defendant, through his
20 mother and family members, was reaching out to people in an
21 effort to tell them that the co-defendant plan on
22 testifying against him. Mr. Isles-Lytes reported to our
23 office that he was beat up not less than three times for
24 his willingness to come in here and say what happened. If
25 that doesn't warrant a maximum sentence nothing does. I

1 think Investigator Griffin and Investigator Hembree have
2 been involved with Mr. Thomas from his first set of
3 charges. They've been involved in any investigation to
4 where things come up. I think they would join that
5 sentiment. I think the department as a whole would join
6 that sentiment. And I think --- do y'all want to speak?

7 MR. GRIFFIN: I'll say something, Your Honor, if I
8 may?

9 THE COURT: Yes, sir.

10 MR. GRIFFIN: I agree with Mr. McMillian. On behalf
11 of Public Safety we would ask for a maximum sentence. Every
12 time we dealt with Mr. Thomas it's been with the gun and
13 this is no different. I think he's an extreme danger to
14 our community. I'm a praying man so I'll pray for him to
15 but with what he's been involved in and done in our
16 community we would support a maximum sentence. Thank you.

17 THE COURT: Thank you, sir. What's your name for
18 the record.

19 MR. GRIFFIN: Jason Griffin.

20 MR. McMILLIAN: Your Honor, while he was incarcerated
21 in Texas his cell phone was abstracted. Obviously, we had
22 to comb him that to see what's there and what's not. We
23 talked a little bit about it in court. What we didn't get
24 to talk about was the number of text messages where he
25 bragged about his body count to where he told people that

1 he had a body count and to be sure that that's how they
2 wanted this to go down. He didn't get up here and show any
3 remorse. I don't think he has any remorse. I'm not sure
4 he's capable of it. To echo what Investigator Griffin said
5 I don't know if you noticed him but Captain Marty Sawyer
6 with the Department and Chief Barranco (ph) have both
7 intermittently been in here. Captain Sawyer waited with us
8 for the verdict until just before 6 o'clock before he left.
9 So I think that's the State's position on sentencing, Your
10 Honor. I'm sorry, Investigator Hembree.

11 MR. HEMBREE: It's Jeremy Hembree. I felt like I
12 needed to speak and echo what's been said. I've been in
13 investigation, as I testified, just over eight years and
14 that entire career Mr. Thomas' name has -- and like
15 Griffin said every time it's with a gun. That there is a
16 true definition of gentlemen who is a danger to our
17 community this is it. You see Mr. Parrish walk out to go
18 to visit a family member who is dying and he takes it upon
19 himself and the other Defendant to go rob him.
20 Fortunately, it turned out the way it did. But as he said
21 every time we've dealt with him he's got a gun. Mr. Thomas
22 has been shot numerous times based upon the lifestyle that
23 he lives. There's been conversation with him and his
24 family. He's either going to end up in prison or dead.
25 And that's neither place that we want him to be. So we

1 tried to tell that prior to but he never took the advice.
2 And here we are at a sentencing of a very serious crime
3 that Mr. Parrish will live with for the rest of his life
4 even it overcomes it. So as another member of our
5 department and even the community that I live in, this is a
6 gentleman that we feel like needs to go away for the amount
7 of time maximum that you'll give.

8 THE COURT: Thank you, sir.

9 MR. McMILLIAN: Thank you, Your Honor.

10 THE COURT: Thank you.

11 MR. FARLEY: Your Honor, should we address it from
12 the table or from ---

13 THE COURT: Come forward.

14 MR. FARLEY: Thank you, Your Honor. Your Honor, I
15 would say we've spent the last two days in here litigating
16 this case going over these facts. I understand the jury has
17 returned a verdict of guilty here but I would also like to
18 remind everybody that no matter what their emotions are
19 this is a verdict of attempted armed robbery. So what other
20 crimes real or imagined that's what we're here for not to
21 pile any other imagined or potential issues on top of Mr.
22 Thomas' head. This is the crime that he was found guilty
23 of. Not all these other crimes and I haven't seen any -- I
24 understand there has been some allegation that there were
25 some kind of intimidation or something of this nature. I

1 don't know if there's been any real connection made there.
2 Again, you know, I understand the concerns of law
3 enforcement. I understand the concerns of the community.
4 However, I would say that as far as the record is concerned
5 which is what we have to concerns ourselves with, the
6 record here is, is that he's got a strong armed YOA and
7 he's got a assault and battery, if I'm not mistaken. And,
8 obviously, those things do need to be taken into
9 consideration. I would also point out Mr. Thomas is 23
10 years old. He certainly is rather young. He certainly can
11 turn his life around at this point. He reached the tenth
12 grade. I'm certain that he'll be able to at least achieve
13 his GED while he's doing whatever punishment you require
14 him to do. He is currently single. He does have a
15 daughter who is six years old who does live in Aiken.
16 Again, Your Honor, I know my client still maintains that
17 this was certainly a misunderstanding. I understand the
18 jury found him guilty and he is here, you know, obviously,
19 to take whatever sentence. However, we would say that,
20 although, he does have a prior record we wouldn't say it's
21 extremely extensive. We would ask that the court balance
22 that when they look at sentencing Mr. Thomas as far as the
23 potential that he does have, as far as - as well as the
24 criminal background he does have. We would certainly ask
25 for something, obviously, more lenient. Just as Mr.

1 Parrish, obviously has, you know, not altogether ask for
2 leniency but certainly asked for forgiveness. We would ask
3 this court not, necessarily, for forgiveness but at least
4 for leniency.

5 Your Honor, we certainly think a balance here would be
6 something that could be at least struck with this Defendant
7 where he could learn a lesson, however, he's not punished
8 for some of the most important years of his life. We would
9 also add that Mr. Thomas has been incarcerated for the last
10 thirteen months. Certainly, time served, you know, he
11 should get the credit for that and whatever else that you
12 would put on him. We certainly would ask for some kind of
13 sentence that was certainly around, you know, five years or
14 so, if the court can see that way, concurrent on the other
15 charges as well. But, obviously, we leave that up to the
16 discretion of the court in its sentencing, Your Honor.
17 Thank you.

18 THE COURT: Mr. Thomas, is there anything that you
19 would like to say?

20 MR. THOMAS: No, ma'am.

21 THE COURT: Not at all?

22 MR. THOMAS: No, ma'am.

23 THE COURT: Any member of the family or friends,
24 I'm not sure the relation of Mr. Thomas. Anybody else want
25 to say anything?

1 (Whereupon, no one speaks)

2 THE COURT: I take that as a no.

3 MR. FARLEY: Well, Your Honor, his mother is here in
4 support. She did not want to enter the courtroom given the
5 emotional state of things and I supported that decision.

6 THE COURT: Understood.

7 MR. FARLEY: Yes, ma'am.

8 THE COURT: Yes.

9 (Whereupon, the recording could not make out what was being
10 said)

11 **Sentencing:**

12 THE COURT: All right. Mr. Thomas, I heard your
13 testimony and I know the jury's verdict. I have no doubt
14 that the jury got the right verdict. Frankly, your story
15 doesn't even really make sense. I was hoping that you had
16 something to say to the court to help me understand what
17 I'm missing. Maybe the jury didn't get it right. I don't
18 know but based on the testimony I heard, the evidence that
19 I saw is simply doesn't add up. It doesn't make any sense.
20 That is what it is. And based on that and based on
21 everything that I've heard I have no doubt that you're a
22 little bit of a troublemaker around town. Around the
23 county, I'm not sure. And I think that's really
24 unfortunate because you're very young and could use your
25 confidence, cockiness, assertiveness for very good reasons

1 instead of very bad reasons. And it's unfortunate that you
2 made the choices that you have. It's unfortunate for you,
3 for your family, for your daughter.

4 So taking all of that into consideration on indictment
5 2020-GS-2-2070, attempted armed robbery, the sentence is
6 that you be committed to the State Department of
7 Corrections for ten years.

8 On indictment 2020-GS-2-2072, that is possession of a
9 weapon by a person convicted of a crime of violence, the
10 sentence is that you be committed to the State Department
11 of Corrections for five years. That is consecutive to the
12 previous indictment.

13 And on 2020-GS-2-2071, possession of a weapon during
14 the commission of a violent crime the sentence is that you
15 be committed to the State Department of Corrections for
16 five years. That is consecutive to the two previous
17 indictments. You'll get credit for the thirteen months
18 that you served. Good luck to you, sir.

19 (Whereupon, court is adjourned for the day)
20
21
22
23
24
25

CERTIFICATE

I, the undersigned Lisa S. Carter, Official Court Reporter for the Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete excerpt of transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Second Circuit Court for Aiken County, South Carolina, on the 19th and 20th day of July, 2021. This hearing was conducted by DCRP.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.

Lisa S. Carter

Lisa S. Carter

Circuit Court Reporter

November 11, 2021



STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
STATE OF SOUTH CAROLINA,
VS.

IN THE COURT OF GENERAL SESSIONS
SECOND JUDICIAL CIRCUIT

STIPULATION

TOBIAS THOMAS,

DEFENDANT.

Indictment Nos.: 2020GS0202070-72

(Attempted Armed Robbery, Possession of
Weapon during Violent Crime, Possession of
Pistol by Person Convicted of Crime of
Violence)

The State and the Defendant stipulate that the latent finger print lifted on March 26, 2020, from the passenger side front door of the black Infinity vehicle driven by Michael Parrish matches the fingerprint of the right little finger of Tobias Thomas.

STATE'S
EXHIBIT

2 250
7-20-21

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken
STATE VS.
Tobias Patterson Thomas

AKA:

Race: Black Sex: M Age: 17DOB: [REDACTED] SS#: [REDACTED]Address: 319 Morgan Street N WCity, State, Zip: Aiken, SC 29801DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☒ CMV Yes ☐ No ☒ Hazmat Yes ☐ No ☒In disposition of the said indictment comes now the Defendant who was
TO: Robbery / Common law robbery, strong arm robberyINDICTMENT/CASE#: 2014GS0201561A/W#: 2014A0220100654Date of Offense: 8/24/2014S.C. Code §: 16-11-0325CDR Code #: 0137

SENTENCE SHEET

0-15 years☐ CONVICTED OF or ☒ PLEADSin violation of § 16-11-0325 of the S.C. Code of Laws, bearing CDR Code # 0137☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: David Warren 109553 Tobias Thomas Barry Thomas 72900
Miller, David Warren 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 6 days/months/years or ☒ under the Youthful Offender Act not to exceed 6 yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:	\$	
§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL	\$	\$ <u>133.90</u>

PTUP days/hours Public Service EmploymentObtain 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 FundOther: 111 16 2014

☐ Appointed PD or appointed other counsel;
§ 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Court Reporter:

SCCA/217 (03/2011)

Presiding Judge Judge Code: Sentence Date: March 23, 2015STATE'S
EXHIBIT12-02-14
017
3

WITNESSES

Aiken Department Of Public Safety

Ronald J Griffin

Law Enforcement Case #: 20-01688

DOCKET NO. 2020GS0202070

The State of South Carolina

County of Aiken

ARREST WARRANT NUMBER

2020A0220100352

3 December 2020

COURT OF GENERAL SESSIONS

DECEMBER TERM 2020

THE STATE

vs.

TOBIAS MARQUEZ THOMAS

ACTION OF GRAND JURY

True Bill

CDR #: 0026

Indictment for

ATTEMPTED ARMED ROBBERY

§ 16-11-0330(B)

Foreperson of Grand Jury

Date: December 3, 2020

VERDICT

Guilty

Foreperson of Petit Jury

Date: 7/20/2021

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN)
)

INDICTMENT FOR
 ATTEMPTED ARMED ROBBERY

§ 16-11-0330(B)

At a Court of General Sessions, convened on December 7, 2020, the Grand Jurors of Aiken County present upon their oath:

That TOBIAS MARQUEZ THOMAS did in Aiken County on or about March 26, 2020, while armed with a deadly weapon or while alleging either by action or words that he was armed with a handgun, attempt to feloniously take from the person or presence of Michael Parrish by means of force or intimidation goods or monies of Michael Parrish, to wit: cash, in violation of §16-11-330 of the Code of Laws of South Carolina (1976), as amended.

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

Elizabeth B. Young
 J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Aiken

STATE

VS.

Tobias Marquez Thomas

AKA:

Race: Black Sex: M Age: 23DOB: [REDACTED] SS#: [REDACTED]Address: 137 East Butler Street, Suite 1City, State, Zip: Lexington, SC 29072DL# [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020 - GS - 02 - 02070AW#: 2020A0220100352Date of Offense: 3/31/2020S.C. Code §: 16-11-0330(B)CDR Code #: 0026SENTENCE SHEET 0 - 20 years*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Robbery / Attempted armed, or allegedly armed, robberyIn violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026
☐ 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:

M.B. M.M. 100386 Tobias Thomas [Signature] 75281
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #
WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 10 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ 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 SDOC.13 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

DOCKET NO. 2020GS0202071

WITNESSES

Aiken Department Of Public Safety

Ronald J Griffin

Law Enforcement Case #: 20-01888

The State of South Carolina

County of Aiken

MBM

ARREST WARRANT NUMBER

2020A0220100353

3 December 20

COURT OF GENERAL SESSIONS

DECEMBER TERM 2020

THE STATE

vs.

TOBIAS MARQUEZ THOMAS

ACTION OF GRAND JURY

True Bill

CDR #: 0549

Indictment for

POSSESSION OF A WEAPON DURING
COMMISSION OF A VIOLENT CRIME

§ 16-23-0490

J. STROM THURMOND, SOLICITOR

Foreperson of Grand Jury
Date: December 3, 2020

VERDICT

Guilty

Foreperson of Petit Jury

Date: 7/30/21

Danna Russell-Cook

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
POSSESSION OF A WEAPON DURING
COMMISSION OF A VIOLENT CRIME

§ 16-23-0490

At a Court of General Sessions, convened on December 7, 2020, the Grand Jurors of Aiken County present upon their oath:

That TOBIAS MARQUEZ THOMAS did in Aiken County on or about March 26, 2020, possess or visibly display a firearm or visibly display a knife during the commission or attempted commission of a violent crime, to wit: Attempted Armed Robbery, all 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.

Elizabeth B. Harg
J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Alken

STATE

INDICTMENT/CASE#: 2020 - GS - 02 - 02071

VS.

Tobias Marquez Thomas

AKA:

AW#: 2020A0220100353Race: Black Sex: M Age: 23Date of Offense: 3/31/2020DOB: [REDACTED] SS#: [REDACTED]S.C. Code §: 16-23-0490Address: 137 East Butler Street, Suite 1CDR Code #: 0549City, State, Zip: Lexington, SC 29072DL# SID# SENTENCE SHEET 5 years*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathIn violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

MB N. M. D. 100386 Tobias Thomas [Signature] 5281
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2020 GS0202072 (July 20, 2021)☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.☐ 13 days/months To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

Mar 21 2022

SC Court of Appeals

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,



Kathrine H. Hudgins
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 21st day of March, 2022.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Mar 21 2022

SC Court of Appeals

Appeal from Aiken County

Honorable Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TOBIAS M. THOMAS,

APPELLANT

APPELLATE CASE NO. 2021-000843

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above referenced case have been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Tobias M. Thomas, SCDCID #363452, at Limestone County Detention Center, 910 North Tyus Street, Groesbeck, TX, 76642 this 21st day of March, 2022.


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