

VOLUME II of II

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Charleston County  
Honorable Deadra L. Jefferson, Circuit Court Judge

**RECEIVED**  
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SC Court of Appeals

THE STATE,

RESPONDENT

v.

MONTRELLE LAMONT CAMPBELL,

APPELLANT

APPELLATE CASE NO 2018-000115

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:  
STATE'S NO. 95 (SURVEILLANCE VIDEO FOOTAGE)  
STATE'S NO. 118 (HOME SURVEILLANCE VIDEO FOOTAGE)**

1 because she knew officers where already on their way. So  
2 just because she didn't mention things in her 911 call  
3 doesn't mean she's changing her story. And somethings might  
4 be a little fuzzier two years later. But the bottom line is  
5 that police did not send anyone out, the detective or  
6 anyone. They talked to numerous people, other people;  
7 people that had nothing to do with this case just to, like,  
8 little things to checkup on. They didn't bother talking to  
9 her. Even over two years later up to this trial, they  
10 didn't bother talking to her.

11 And Marty (ph), well, her observations are not  
12 consistent. We don't get to hear -- that the State has,  
13 that Detective Tuttle has. They pretty much wrote her off.  
14 I mean, she's kooky, you know. So they don't think she's  
15 the most reliable. But just because she believed that, you  
16 know, hearing a whole bunch of gunshots might mean that ISIS  
17 is involved doesn't mean that she's not a credible person.  
18 It doesn't mean that she would take it upon herself when she  
19 was seeing to her son, when she was clearly startled and  
20 shaken up herself, that she would just call police and just  
21 make up something or say something that wasn't true. For  
22 what purpose? Why would she make -- why would she put  
23 herself, get herself involved? She went out and talked to  
24 place that night. It is not as though she was trying to get  
25 involved in like, you know, running down to the police

1 station saying I want to be involved, hear me out. She  
2 thought that they knew what was going on so she let it go.  
3 She wasn't seeking attention or anything like that.

4 And you heard from Detective Tuttle today trying to  
5 repeat the testimony about the car. Well, cameras don't  
6 pick up everything. We know that because sometimes they'll  
7 seem to be getting somewhere and it moves around. This car  
8 pulled off. It wasn't speeding in a weird way. It could've  
9 pulled off and stopped for all we know. She doesn't know.  
10 She just saw it pulled over. And the city cams, they don't  
11 necessarily show color. So even though Detective Tuttle may  
12 have gone back two years later to look to see if he could  
13 find the lime green car, maybe the color just didn't come  
14 off that well. It doesn't mean it doesn't exist. Because  
15 at the end of the day, does it makes sense that Peggy Blake  
16 would have just lied about that. That makes zero sense.

17 The reason the police were stuck on Montrelle is  
18 because of the -- so I want to talk about that. And  
19 Mr. Simpson stated this, but yeah, I mean it does not make  
20 sense at all. Based on this minor altercation that  
21 Montrelle would've gone back the next night and shot up the  
22 place. It just makes no sense. So what we know about that  
23 Thursday evening is that Kadeshia, Montrelle's sister, went  
24 over to Katrina's. She was really more friends with Kerri  
25 and Katrina. They hadn't seen each other in a while because

1 Katrina -- or Kerri had been living out of town. They go  
2 over there showing -- they get together though like the next  
3 night. So a lady comes in and says, hey, Kadeshia, your  
4 brother wants to talk to you. And so Kadeshia is still  
5 catching up with her old good friend. So hey go outside and  
6 so a man walks in. He and Kadeshia clearly know each other.  
7 He doesn't try to start a scene, he doesn't say anything to  
8 anyone. You know, he's there to see his sister. And  
9 they're acting like this is some horrible person who barged  
10 in her house without permission. I mean, even if, you know,  
11 on that night Katrina didn't let just random people in.  
12 Clearly, that's not something that is uncommon. He went  
13 into see his sister.

14 Katrina tried to minimize things, but I think she  
15 ultimately admitting that State -- information from her --  
16 that she is somebody -- but he left. He didn't say  
17 anything. He left. But she wasn't done yet. She was still  
18 upset, and she admitted that she and Kadeshia had words at  
19 the time. That she felt Kadeshia should apologize to her  
20 brother. But could Kadeshia was like, what you talking  
21 about. And so they had words, Kadeshia left. Well,  
22 initially, Trina said she went outside to smoke a cigarette.  
23 But then she admitted that initially she did tell the  
24 officer that she did follow Katrina -- or Kadeshia. That  
25 her intent, at least what she had told Detective Tuttle, was

1 to apologize for overreacting essentially. But she did say  
2 and she told us that it is possible that Montrelle hit her.  
3 He could have been thinking that she was going after his  
4 sister. And that's very likely what happened. The State  
5 has made it sound like he's a monster and he just hit her  
6 just because he was mad that she asked him to leave. While  
7 a man should never hit a woman -- I mean, I'm not trying  
8 it's appropriate or the right thing to do -- he was  
9 defending his sister. And we heard again from Trina that  
10 she can get -- that's very possible that she went out there,  
11 she approached Trina to attack. So that's what happened  
12 that night. Yes, she was hit. She fell down. But she  
13 didn't grab any -- she didn't call police. And then we  
14 heard typically people are not just going to call the police  
15 just, you know, for something like that. But she also said  
16 pretty much, you know, it was over, whatever. It wasn't a  
17 big to do. She actually sad there weren't many people  
18 outside. It wasn't a big deal. Why would he had to have  
19 been so threatened or feel so much shame or be mad when he  
20 was just defending his sister. It makes no sense, zero  
21 sense, that that would be a motive. They kind of suggested  
22 that maybe he looked to be reaching or something. But he  
23 never presented a gun that night. He never threatened them.  
24 He didn't say anything, you know, I'll be back to get you.  
25 None of that. Nothing to indicate that he was going to come

1 back the next night to do this horrible thing.

2       The State's case against Montrelle primarily -- because  
3 just an incident happening the day before obviously is not  
4 evidence that he's the one who did this. And obviously you  
5 can believe a man with a gun assuming that he is the shooter  
6 if you do assume that, and we'll get to that later, but  
7 there's -- identify that person as Montrelle but Trivell.  
8 Detective Tuttle tried to act like they looked similar. I  
9 mean, yes, they are black men. They have facial hair.  
10 That's his description of the people. He tried to say, oh,  
11 they're 6-feet tall. But there's no way you can see from  
12 that video how tall that man was. Is not like a -- where  
13 you can walk out and they have that ruler -- he tried to  
14 act -- about Montrelle. The police talked to people. They  
15 talked to his sister. They talked to Tomeka who you heard  
16 from. Someone who sounds like they had not been dating  
17 long, but they had known each other for quite some time.  
18 And even though she was the person who testified in this  
19 trial who probably knows him best, she did not identify that  
20 man -- as Montrelle. She did not identify that shirt as  
21 belonging to Montrelle. Only Trivell identifies that person  
22 as being Montrelle. And did he do that back in 2015? No,  
23 he didn't. Quite the contrary.

24       He adamantly denies that he was even downtown. He got  
25 on the stand and he seems to take his testimony seriously.

1 He did. He swore on the Bible and he told his version of  
2 what happened, or today's version. But we know from him and  
3 Detective Tuttle that was not the version he gave over two  
4 years ago. And while he swore on the Bible in court, back  
5 then he swore on his -- on my kid, I was not there. He was  
6 adamant. Even when he was shown pictures, even when they  
7 said we have DNA evidence -- adamant he was not there. He  
8 did eventually admit, well, okay, I was there. But that's  
9 still -- but I was downtown. I walked there. I was  
10 certainly not in that car. He talked to Detective Tuttle  
11 several times after that. Still didn't admit that he was  
12 there. That he had any knowledge of this. So a year and a  
13 half goes by that he's sitting in jail under no bond. Even  
14 if he was to get -- couldn't bond out because his bond has  
15 been revoked from his previous charge, and he didn't have a  
16 bond on the murder charge. So year and a half, over a year  
17 and a half or about that, he decides to give the State what  
18 they wanted to hear.

19 Now, I mean, obviously, I'm not suggesting that the  
20 State said this is going to be mentioned here. Of course  
21 not. And the State did not make comment with him that this  
22 is what we'll give you. But he's a smart guy. I mean, he  
23 knows what they want to hear. He's charged with -- he knows  
24 what they're saying happened. I mean, obviously, he knows  
25 Montrelle is charged. He knows what they want to hear.

1 And, yes, he said the bargain is dependent on telling the  
2 truth. But what is the truth? Mr. Simpson wasn't there  
3 that evening. Detective Tuttle wasn't there. They don't  
4 know the truth. They can only speculate. So there's no way  
5 they can ask a witness of the truth. There are certain  
6 things that they can say, no, we know you're there and there  
7 by the video of, you know, the phone maps. But they do not  
8 know the truth because they were not there. And Mr. Simpson  
9 pointed out that a lot of what he said was corroborated. It  
10 is corroborated. It's corroborated that he was there, not  
11 Montrelle. Nothing he said other than him pointing out at  
12 the man and saying that's Montrelle. Nothing is  
13 corroborated about Montrelle. It's just him, his  
14 whereabouts.

15 You heard from Ms. President that she thought Montrelle  
16 was with Trivell. That they live -- like he basically lives  
17 in the back, or she lived in some apartments. I think the  
18 testimony said he pretty much lived behind her. Even as the  
19 State argued that Montrelle lived in North Charleston, that  
20 is actually -- there is no evidence of that. Tomeka said  
21 that he stayed there once, actually. And you heard from  
22 Tomeka and Detective Tuttle that his family home, you know,  
23 is on Cedar Street downtown Charleston. So even though we  
24 know he came down to North Charleston from Tomeka, no one  
25 actually said he lived there. Tomeka said he had a couple

1 of outfits there. She was clear that he did not live there.  
2 So it is possible that Trivell could have gotten this car  
3 from someone giving him the key in North Charleston or very  
4 possible that Montrelle did not leave with him. From  
5 Montrelle records that night, I believe it shows that he  
6 was -- Tomeka testified he went to bed with her about  
7 midnight. She wakes up later when she gets up for work --  
8 and he's not there. But it's unknown when he left the  
9 house. The record, I think, show that he was downtown at  
10 5:50 a.m. But that's it. But we don't know exactly where  
11 he was. We do know from the night before that it's not  
12 unusual for Montrelle to be downtown. The State said, oh,  
13 he was stewing for several hours. There's no evidence of  
14 that. What the phone records show from the night before is  
15 that Montrelle hangs out and stays out late. I think it was  
16 almost 4:00 a.m. when he was last using his phone in  
17 downtown Charleston. And then it was close to 7:00 a.m.  
18 that he was back in North Charleston, but obviously awake  
19 because he was using his phone that morning. So Montrelle  
20 hanging out downtown in the early morning hours and then  
21 going back to North Charleston fairly early in the morning,  
22 the evidence actually suggests that's not unusual because  
23 the same thing happened the night before.

24 Even though Trivell has not been promised anything yet,  
25 we know that he has already gotten the benefit. And,

1 unfortunately, you know, he hasn't been able to make the  
2 bond, he did get a very significant advantage -- initially  
3 he had no bond. And yet after, and only after he talked to  
4 the State, he came to court for a bond hearing to have the  
5 bond reconsidered to see if the bond could be set. And the  
6 judge set the bond for murder, two counts of attempted  
7 murder, and then two other pending charges he had, for  
8 \$50,000. And he told you -- and my point in asking him the  
9 question, you've been in jail since -- which is he knows  
10 from everybody talking about the low bond. He admitted  
11 that. He as like I know that's a low bond, I just can't  
12 make it. So he had gotten a benefit. And so he has every  
13 reason to believe that if he got on the stand that he would  
14 get a major benefit from doing so and from saying what he  
15 knows the State wants to hear.

16 Trivell has also been charged with murder. But the  
17 State made it clear that he was never accused of being the  
18 shooter. He was charged more for being there, you know,  
19 being in that car I guess with the other witness. But that  
20 doesn't make sense from the evidence, the surveillance  
21 video, or from his testimony. And I say that because --  
22 like the State is mainly saying that Montrelle more or less  
23 had some plan to go down there and do this. And that does  
24 not add up. Even if you believe that the man in the jersey  
25 is on trial, it doesn't make sense that he goes -- well,

1 first of all, he decides to go shoot up a house wearing a  
2 very distinctive outfit. I mean, that is like the last  
3 outfit that anybody would wear I would think to go shoot up  
4 an apartment. You wear the basic black and white, whatever,  
5 something generic; not something so very distinctive and  
6 attention grabbing. But he tells Trivell to go move the  
7 car. And so the surveillance shows that he moves the car,  
8 but it doesn't show that there's anything suggesting that it  
9 was done to get away. Because first of all, he didn't stay  
10 in the car. He left. You can see he's just roaming about.  
11 He doesn't look in a hurry. He didn't rush. He's just  
12 chilling with Ace. And we also know the car was parked the  
13 wrong way. So that's just a little unusual because if  
14 you're trying to get away, just doesn't make sense you're  
15 going to parking in a a way that could be difficult. But it  
16 makes no sense that he's the getaway driver if he wasn't  
17 sitting in the car. Like he just got out and was just  
18 walking.

19 So, ultimately, Trivell doesn't even point to Montrelle  
20 as being the shooter. He doesn't say he saw Montrelle shoot  
21 anybody. He doesn't say that he heard Montrelle talk about  
22 shooting anyone either before or after. He said that he and  
23 Montrelle went downtown. They were supposed to go to the  
24 store but didn't. The State tried to elicit that it was  
25 enough concern, but he was like -- really didn't think

1 anything of it. They get downtown and -- so they got  
2 downtown. Montrelle gets out of the car. Doesn't say  
3 anything about seeing a gun, certainly not gun like you see  
4 in the surveillance footage. But they get out of the car --  
5 or Montrelle gets out and, you know, walks away. Tells him  
6 to park and he does it. They stay in the car and anything  
7 like that. And he says that -- and you see from the  
8 surveillance, that the State showed you they do something  
9 what looks like Ace and Trivell were walking. You know, you  
10 get a shot from the distance. They had it zoomed in of him  
11 going down there. And then they're trying -- see the shot.  
12 You do not see a man with an Italia jersey shoot up [REDACTED]  
13 Norman Street. That is not on the video. Obviously, if  
14 that was on that video, there would be all kind of --  
15 zooming. Something that -- it doesn't show that. Again,  
16 it's people trying to see something that's not there.  
17 Seeing what they want to see after not being able to find  
18 something out. And again, it's not necessarily intentional.  
19 I'm not suggesting that. It's just human nature. And it  
20 doesn't look like from that -- surveillance video that  
21 Trivell and Ace, again, they're just walking and chilling.  
22 It doesn't look like they're, like, on the lookout. It  
23 doesn't look like they stopped because they see someone like  
24 Montrelle who they recognized. They're just walking past.  
25 Doesn't make sense that if Montrelle was the shooter --

1 they're just walking past. There's no connect here from  
2 that video to suggest that they saw somebody that they knew.

3 The State also -- another thing he provided was this so  
4 called smoking gun. Okay. But that does not make any  
5 sense. Mr. Simpson showed you -- so it would've been  
6 several minutes before the man with the gun got to Trivell's  
7 car. Several minutes after the shooting, at least a couple  
8 of minutes. A gun does not smoke that long. You didn't  
9 hear from a firearms expert -- but a gun does not smoke for  
10 minutes longer. It just doesn't. That was said for  
11 dramatization. It didn't happen. He said that because it  
12 sounds good. Because it sounds like, just like Mr. Simpson  
13 said, the smoking gun.

14 So in the end, Trivell doesn't even really offer actual  
15 direct evidence against Montrelle. Again, if you believe  
16 that that person is Montrelle, even though, again, no  
17 evidence other than Trivell saying it's him, you have  
18 someone in the general area there for an unknown amount of  
19 time. Mr. Simpson indicated they weren't quite sure how  
20 long or what time that he would've been dropped off on Nunan  
21 Street. You have no talk of a plan, no hint of a plan. You  
22 don't see anybody get out of the car with a gun, but it's  
23 Trivell. There's no indication there's any conspiracy. You  
24 have in the night before that it's typical for him to be  
25 hanging out downtown at weird hours of the night and then

1 going up to North Charleston when he happened to come into  
2 possession of a gun at some point. But you don't know how  
3 it came to be. You know he left the car without it. He  
4 came back with it, but who knows the circumstance. And I  
5 know it's frustrating sometimes when you're talking in ifs  
6 and who knows, but at the end of the day, the State has the  
7 burden to prove to you of what happened. And he can't do it  
8 in this case. They can't do it because there are many  
9 unanswered questions . . .

10 Much of -- you may have heard me, I know I objected on  
11 multiple times occasions throughout this trial. And one  
12 objection was speculation. And that objection is just like  
13 -- I am basically saying they're speculating and he  
14 shouldn't be able to testify about it. Because in the court  
15 of law, you're not supposed to speculate. A witness  
16 certainly isn't suppose to speculate. They're supposed to  
17 testify to that, to what they actually know from their  
18 personal observation. And in this case, there is a lot of  
19 speculation because they're simply isn't true. Detective  
20 Tuttle, they made assumptions based on what they want to  
21 believe. Detective Tuttle assumed that the man in the photo  
22 with a gun was the shooter. And, yeah, I mean, obviously,  
23 crazy suspicion. He was right when he was reviewing the  
24 surveillance footage to say, wow, there's a man with a gun.  
25 But it doesn't mean that there are no other possibilities.

1 And perhaps -- other things to look at like talking to other  
2 people, them talking to Peggy Black instead of just brushing  
3 her off like she's no one, may be something could have come  
4 from that. It's simply, at the time, Montrelle Campbell was  
5 just the lead that they had from Katrina. I mean, you're  
6 looking at if the State has proven to you that Montrelle  
7 Campbell is guilty beyond a reasonable doubt. You can look  
8 to things such as credibility -- and he would argue that  
9 Trivell is credible simply because the evidence backs it up.  
10 Again, it backs up that he was there. But Trivell is not  
11 credible. He has much to lose. He has everything to gain  
12 by testifying against Montrelle. And while the two we're  
13 friendly, they weren't great friends. The State asked about  
14 their communication, like how they communicated. And  
15 Trivell had indicated that Montrelle, he would call him if  
16 he wanted -- and obviously Montrelle had just started dating  
17 Tomeka about a month or so earlier. And Trivell lived  
18 nearby, so they were probably talking then. But it's not  
19 unusual that their conversations stopped or they wouldn't be  
20 talking much. They were not great friends. Again, hey,  
21 dude, cut my hair. That's the type of friends they were.  
22 Chilling, hanging out, nothing suggests that they're tight  
23 buddies. And that is a big deal for Trivell to testify  
24 against Montrelle.

25 This is very much a circumstantial evidence case. and

1 Judge Jefferson will explain that as well to you. But I do  
2 want to go over it again as well. So direct evidence is  
3 that there's something directly, like someone were to say, I  
4 saw Montrelle Campbell shoot at the apartment, if they  
5 directly see that. We don't have that here. Sometimes you  
6 are allowed to take different circumstances, a couple, and  
7 if you put them together and say based on everything I  
8 believe that he's -- guilty beyond a reasonable doubt. But  
9 to the extent that the State relies on circumstantial  
10 evidence, all the circumstances must be consistent with each  
11 other, and when taken together point conclusively to the  
12 guilt of the accused beyond a reasonable doubt. If the  
13 circumstances merely portray the defendant's behavior as  
14 suspicious, the proof has failed. So here, while things may  
15 be suspicious, the evidence certainly does not lead  
16 conclusively that he's guilty. And that's not consistent  
17 because we have Peggy Blake. And again, even though some  
18 may -- they think she's kooky, zero motive why she would  
19 call the police that night and say that she saw a man with a  
20 rifle get into a lime green car. She is the most credible  
21 person you've heard because she has literally nothing to  
22 gain or lose from this. If anything, to lose, you know,  
23 nobody really wants to testify. She has nothing to lose.

24 Another legal concept the judge will instruct you on is  
25 mere presence. And that does mean that mere presence is not

1 sufficient to establish guilt -- or better. Because that's  
2 the other thing Mr. Simpson went into is the hand of one is  
3 the hand of all. The tricky thing about that is there has  
4 to be proof that there was some type of plan or conspiracy.  
5 You have to believe that -- there has to be evidence that  
6 more than one person -- here, they don't necessarily have to  
7 be charged, but it does have to be evident. Peggy Blake is  
8 another person. Clearly, that person was not the person in  
9 the Italia shirt. Clearly, that man was dark-skinned,  
10 wearing dark clothing with a hoodie. Clearly, not the  
11 person in the Italia shirt. But she doesn't say I saw him  
12 talking to another man. There's no evidence that that man  
13 was . . .

14 And then you have Trivell Richardson. He's charged.  
15 He's the codefendant, which no one else is charged in the  
16 case. But according to his testimony, he didn't know  
17 anything. He knew nothing; nothing at all. He didn't --  
18 doesn't involve. And he didn't know anything. That's his  
19 testimony. So he is saying that he's not guilty and the  
20 State hasn't presented any evidence to the contrary that  
21 he's guilty either. So there's no other person that you can  
22 see that or that you heard of to establish that there was a  
23 plan to do this. Nothing like that. There's no evidence  
24 that he aided someone or contributed. Even though there is  
25 a gun that, again, if you believe that person was Montrelle,

1 which it wasn't, but if you believe that person was  
2 Montrelle, you don't know exactly when that person came into  
3 contact with that gun. Yet there's a very short turnaround.

4 But things are crazy. Obviously, it was super crazy.  
5 People in the apartment was shot at. You saw the video; it  
6 was very traumatic inside. The outside was very scary too.  
7 It was scary for people who called the police who heard all  
8 those shots. Multiple people called the police. That's a  
9 really scary thing to wake up to -- see someone that  
10 something shot up, you're going to get the hell out of  
11 there. Who's gonna stick around for that? So someone could  
12 have just run to get away doesn't mean that they knew what  
13 happened. Because that's the thing, he would've had to have  
14 known beforehand what was going to happen -- but here we  
15 don't have that. There's no testimony from anyone including  
16 Trivell Richardson that there was any type of plan  
17 beforehand. There's no evidence of a plan. And so to find  
18 him guilty on the hand of one, the hand of all, makes no  
19 sense at all. It's simply -- the State did not present any  
20 evidence to that. And again, the person that Peggy talked  
21 about, there's no indication that he was . . .

22 It is horrific -- obviously -- it's a tragic ending for  
23 his mom -- for family and for all involved. It's very  
24 difficult -- and I hope to never be in that position.  
25 Something traumatic happened for Mr. Frost and the Browns

1 and other people in that apartment that night. It's natural  
2 to them to -- to Antwan Frost. That's understandable. And  
3 the State says that it's his day too. And it's natural to  
4 feel that way, but at the end of the day this trial is not  
5 about determining something-- this trial -- and we're not  
6 disputing that there was a murder. This trial is not to  
7 determine if he was murdered -- this trial is to determine  
8 if the State has proven beyond a reasonable doubt, the  
9 highest burden there is, that Montrelle Campbell is the one  
10 who did it. The facts don't prove Montrelle did it. The  
11 evidence shows Peggy Blake -- saw the shooter. Large black  
12 man in a hoodie with a rifle. She saw him go to his lime  
13 green car. That's the shooter. Not the man in the Italia  
14 shirt and not Montrelle. Montrelle was shown to be downtown  
15 at around 5:50 a.m. I believe was the time, 5:51 perhaps.  
16 But there's no proof that he was downtown at that moment  
17 other than Trivell's word -- and Trivelle -- someone who  
18 swore on his family that he' telling the truth when he later  
19 changed his mind. Someone who is adamantly deny -- someone  
20 who tried to get his mom involved -- someone who sent the  
21 police on a wild goose chase talking to the child's mother,  
22 other people about his supposed whereabouts. He didn't  
23 think -- so why would he think twice in falsely accusing  
24 Montrelle. It just means at the end of the day that he  
25 did -- that his charges are dismissed, which are all . . .

1           The facts do not conclusively point -- of Montrelle.  
2           The reason they don't conclusively point to that is because  
3           Montrelle Campbell is not guilty. And again, I totally  
4           understand the nature of what you're going to have to do, we  
5           ask you to please consider everything we talked about. And  
6           after, you return a verdict of not guilty on all charges.  
7           Because it's simply not true, and the State has not proven  
8           his guilt.

9           THE COURT: Is everybody so comfortable. Does anybody  
10          need a restroom break? (No response.) Okay. You may  
11          proceed.

12          AST. SOL. SIMPSON: Thank you, Your Honor.

13          THE COURT: You're welcome.

14          AST. SOL. SIMPSON: Ladies and gentlemen, it has been a  
15          long week and it's been a long day. So I'm going to take  
16          the opportunity -- to address some points -- take a few  
17          moments to case in point to address this. One point made by  
18          Ms. Ford is is he happens to -- presence of Katrina and  
19          them. You didn't hear from them. You did hear, however,  
20          testimony about Katrina being punched in the head the night  
21          before and falling to the ground and her not calling the  
22          police. And most of us -- like, why would -- why has he  
23          knocked you to the ground in front of people -- you heard  
24          it. It's not in dispute that happened -- why would you not  
25          call the police? In the Gadsden Green area, I asked her and

1 she explained it to you, because contact with police is not  
2 really encouraged down there. Okay. And the more serious  
3 the event, the less likely people want to entangled in it.  
4 And so in that respect, I -- it happens. And so we get the  
5 witnesses that are willing to come in and cooperate. It's  
6 not -- that community is not really . . .

7 Mary Ford keeps referring to that, however, getting  
8 punched in the head by man, blindsided, knocked on to the  
9 ground. It's a minor altercation. I don't think that's a  
10 real minor altercation. In fact, I think that's a pretty  
11 telling event. Because I had addressed with you in my  
12 closing argument, murder is not rational. That's why we  
13 punish it. That's why we call it murder. It's not about  
14 the outfit of the shooter. Yeah, that was dumb. That's not  
15 rational. Going in and shooting up a house because you were  
16 disrespected is not rational. You know, a lot of this when  
17 we're disrespected, we handle it by just ignoring it. Some  
18 people handle it by, like Katrina and others, by speaking  
19 her mind. That's a rational way to do it. Murder and  
20 violence isn't. Punching someone in the head as Montrelle  
21 did and then shooting up a house as Montrelle certainly did  
22 isn't -- the murder isn't rational. That's why we punish  
23 it. You don't look at it and say, oh, that doesn't make  
24 sense; you must not be guilty of that.

25 And so we really get through and sum up the defense's

1 closing. To really whittle it down, it comes down to this:  
2 Only Trivell identified Montrelle. Only Trivell. In order  
3 to go back there and find him guilty, you just have to take  
4 Trivell's word for it. Wasn't that sort of the basic  
5 closing that you just got from Ms. Ford? But don't forget  
6 how I went through slide by slide, point by point, only  
7 Trivell, only Trivell, points to the gunman as Montrelle  
8 Campbell? You have to believe Trivell? Only Trivell and  
9 Montrelle's phone calls, contact between the two while  
10 Trivell is parking the car. Only Trivell in the car that  
11 belongs to Tomeka President. The car who the only people  
12 who had access to were Tomeka President and the gentleman  
13 sitting right there because the keys were in his  
14 apartment -- her apartment on her counter. But only  
15 Trivell; just take Trivell's word for it. Only Trivell and  
16 the cell tower records that showed Montrelle right there in  
17 the area of Gadsden Green not the area of his grandmother's  
18 house downtown, but the area of Gadsden Green. Only Trivell  
19 and the cell tower record that show him down right in the  
20 area at 5:51 and then right after, right backs up there was  
21 Trivell back to where he had -- he better have gotten that  
22 Buick back because his girlfriend had to get to work an hour  
23 and nine minutes later. But you only have to rely on the  
24 word of Trivell. And Tomeka President at the time, no dog  
25 in the fight, wakes up, Montrelle's gone. Her car is gone.

1 The car we see downtown that show up mysteriously late.  
2 Only Trivell and all the other evidence we have spent a week  
3 of your time presenting to you pointing to the guilt of  
4 Montrelle Campbell.

5 When you hear testimony, you don't hear it in a vacuum.  
6 You take and you're like, I wonder if I believe this or not.  
7 And you fit it with the other evidence. And when it fits  
8 and when it corroborates, you know it is the truth. What's  
9 required of hand of one, this is not a conspiracy case, but  
10 what is required for guilt under hand of one is knowing  
11 participation in something. You know, you don't have to  
12 have evidence that, oh, at 9:00 a.m. we met at a conference  
13 room and discussed the pros and cons of committing a murder  
14 and decided that after two deliberations we decided to  
15 commence this offense. What's required for hand of one is  
16 participation. Participation like, hey, drive me downtown.  
17 Participation like caring AR15 on a video. Participation  
18 like talking on the phone to other participants.  
19 Participation like getting in the car and saying, go, drive.  
20 That's the kind of thing required in evidence for guilt  
21 under hand of one. You don't have to rely on Trivell.  
22 Please do rely on Trivell, but rely on Trivell confidently  
23 knowing that you're relying on Trivell and all of this which  
24 points to the guilt of Montrelle Campbell.

25 People in different situations have some type --

1 theories. Peggy Blake gave a statement about a lime green  
2 car. I would suggest to you -- you heard some phrases from  
3 Ms. Ford. She's doing her job. She's doing a good job.  
4 You head her say a couple of phrases that I want you to  
5 think about. She said, they just thought she was a liar;  
6 they just went and wrote her off; and, finally, they just  
7 brushed her off like a no one. We heard testimony. There  
8 as skepticism. There was some healthy skepticism. But we  
9 heard testimony that they spent hours -- they're looking for  
10 a lot of things -- but one of the things they're looking  
11 for, a lime green car, hours scouring the city cams. And  
12 you saw them. They rotate. But we're not talking about a  
13 rotating camera. We're talking about five rotating cameras  
14 that even when they rotate down one street, we'll see it in  
15 the clip, they did turn and rotate down the other. And you  
16 see the map, in the map there of, of Gadsden Green -- on all  
17 these corners. And this -- this fictitious lime green car  
18 drives past, depending on where they went, anywhere between  
19 two and all five of them, no lime green car. No one wrote  
20 her off. No one brushed her aside like she was no one. It  
21 was -- I believe Ms. Ford said something like, oh, just  
22 because she's little kooky doesn't mean she's a liar. You  
23 know who agrees with that statement? Me, Detective Tuttle,  
24 the Charleston Police Department. They thought she was  
25 little kooky, but nobody wrote her off like a liar. They

1 went and followed up. And it's a great contrast. It's such  
2 a contrast. Trivell's story, everything fitting: cell tower  
3 Records, video surveillance, timing, everything coming  
4 together. Peggy Blake's story, none of that. Peggy Blake  
5 who even in the 15 minutes she was on the stand couldn't  
6 keep her story straight. I looked out the front window of  
7 that great view. No, it wasn't in the front window; it was  
8 the back room. I told the police. I called 911. I told  
9 them I saw a guy in a hoodie with a gun. You heard the 911  
10 tape. She didn't mention the lime green car. She didn't  
11 mention anything. She just has a hard time keeping things  
12 together. And you've gotta see it in a ten-minute span, not  
13 to mention a two-year span. The one way you determine truth  
14 is to take what you hear and put it with the evidence. If  
15 it fits, believe it. And when nothing fits, as with Peggy  
16 Blake, to not believe it. Sweet lady, but it's . . .

17 Thank you so much for your time -- it's Montrelle  
18 Campbell's day. I know you are going to take it seriously.  
19 It's also Antwan Frost's day, Brother Dusty. You have to do  
20 something hard. But go there, work hard, do your duty, and  
21 I am confident you will return a just, a difficult, but just  
22 and fair verdict in this case which is Montrelle Campbell is  
23 guilty of murder and two counts of attempted murder. Thank  
24 you.

25 THE COURT: Mr. Foreman, ladies and gentlemen, I'm

1 going to give you a brief comfort break. During this break,  
2 please do not discuss the case. Please leave your notepads  
3 in your seats. As soon as everyone is refreshed we will  
4 resume with the Court's instruction. If you will go with  
5 the bailiff, please.

6 (The jury exits the courtroom.)

7 THE COURT: You may take your seats. I'm thinking I'll  
8 take them probably five minutes depending on how many  
9 restrooms are available. And I think they needed to walk  
10 around a bit. They looked a little sleepy. So we'll resume  
11 as soon as indicate to me they're ready which I think should  
12 be about five minutes. We'll be at ease. I had no.

13 (Brief recess.)

14 THE COURT: You may be seated. State ready to proceed?

15 AST. SOL. SIMPSON: Yes, Your Honor.

16 THE COURT: Defense ready to proceed.

17 MS. FORD: Yes, Your Honor.

18 (The jury enters the courtroom.)

19 JURY CHARGE

20 THE COURT: You may be seated. During this trial  
21 ladies and gentlemen, you and I have certain duties to  
22 perform. As the trial judge, it is my responsibility to  
23 preside over the trial of the case. I also have the duty to  
24 rule on the admissibility of evidence offered during this  
25 trial. You are to consider only the competent evidence that

1 is before you. And you are to disregard and disabuse from  
2 your mind any testimony ordered stricken from the record in  
3 this case during the progress of this trial. You are to  
4 consider only the testimony which has been presented from  
5 the witness stand together with any exhibits which have been  
6 introduce or made a part of the record in this case.

7 I also have the additional duty to charge or instruct  
8 you on the law applicable to this case. As the presiding  
9 judge, I'm the sole judge of the law in this case, and it is  
10 your duty as jurors to accept and apply the law as I now  
11 state it to you. If you have a preconceived ideas as to  
12 what the law is or what the law ought to be in a case, or in  
13 this case, and it should not agree with what I now tell you  
14 the law is, you are obligated under your oath to abandon  
15 this preconception on your part because you are sworn to  
16 accept the law and apply the law precisely as I now state it  
17 to you.

18 In every case tried in this court before a jury, the  
19 jury becomes the sole and the exclusive judges of the facts.  
20 You the jury are the judges of the facts in this case. This  
21 court is the judge of the law. The constitution of our  
22 State has declared that a trial judge shall not intimate,  
23 state, comment upon, or make any statement to a trial jury  
24 about the facts in a case. Since you the jury are the sole  
25 judges of the facts in this case, you are not to infer

1 anything from what I've said during the progress of this  
2 trial in ruling upon the admissibility of evidence or  
3 otherwise, or anything that I say now to you during the  
4 course of this instruction that I have any opinion about the  
5 facts. The law does not permit me to have an opinion about  
6 the facts. This is a matter solely for you the jury to  
7 determine.

8 As jurors then it is your duty as I've instructed to  
9 determine the effect, the value, the weight, and the truth  
10 of the evidence presented during this trial. Necessarily,  
11 you must assess the credibility of witnesses who have  
12 testified in this case. Credibility is simply a legalistic  
13 term which means believability. It becomes your duty as  
14 jurors to analyze and to evaluate the evidence. Some of the  
15 things you may consider as you decide whether or not to  
16 believe a witnesses testimony about a particular matter  
17 include: What was the manner and appearance of the witness  
18 who testified? Was he or she straight forward or hesitant  
19 in answering? Was the testimony of a witness consistent or  
20 inconsistent? How did the witness come to know the facts  
21 that he or she testified to? Or what was his or her ability  
22 to know these facts? Is there some reason a witness would  
23 want to give testimony which would help or hurt one fact or  
24 the other? In other words, was the witness biased or  
25 prejudiced? And was the testimony of a witness strengthened

1 or weakened by other testimony or evidence?

2 I further instruct you that in determining the  
3 questioning of the credibility or believability of witnesses  
4 who have testified, you may believe one witness as against  
5 several witnesses, or several witnesses as against one  
6 witness. You may believe a part of the testimony of a  
7 witness and reject the remaining part of the testimony of  
8 that same witness. If you have good and sound reason, you  
9 may believe the testimony of a witness in its entirety or  
10 reject the testimony of a witness in its entirety. You can  
11 believe as much or as little of each witnesses testimony as  
12 you think proper. You may consider the demeanor of a  
13 witness. That is the manner and the appearance of the  
14 witness from the witness stand.

15 I further instruct you that a person who has a past  
16 criminal record is competent to testify. A past record does  
17 that affect the ability of that witness to testify. The  
18 past record may only be considered by you if at all in  
19 determining the witnesses believability. Remember, ladies  
20 and gentlemen, you are the sole judges of the facts in this  
21 case and the believability of any and all of the witnesses.

22 Our rules of evidence ordinarily do not permit  
23 witnesses to testify to opinions or conclusions. An  
24 exception to this rule exists for witnesses we call expert  
25 witnesses. A witness who by their education, training, and

1 experience has become an expert in some art, science,  
2 profession, or calling may state an opinion as to relevant  
3 and material matters in which the witness claims to be an  
4 expert. And they also state the reasons for the opinion.  
5 You should consider any expert opinion received in evidence  
6 in this case like any other evidence, give it the weight  
7 that you think it deserves. If you decide that the opinion  
8 of an expert witness is not based on sufficient education,  
9 training, and experience, or if you conclude that the  
10 reasons given in support of the opinion are not sound, or  
11 that the opinion is outweighed by other evidence, you may  
12 disregard the opinion entirely. An expert witness's  
13 testimony is to be given no greater weight than that of  
14 other witnesses simply because the witness is an expert.  
15 Further, you are not required to accept an expert's opinion  
16 even though it is uncontradicted.

17 Ladies and gentlemen, there are two types of evidence  
18 which are generally presented during a trial: direct  
19 evidence and circumstantial evidence. Direct evidence is  
20 the testimony of a person who asserts or claims to have  
21 actual knowledge of a fact such as an eyewitness.  
22 Circumstantial evidence is proof of a chain of facts and  
23 circumstances indicating the existence of a fact. The law  
24 makes absolutely no distinction between the weight or value  
25 to be given to either direct or circumstantial evidence. Nor

1 is a greater degree of certainty required of circumstantial  
2 evidence than of direct evidence. And as I instruct it,  
3 crimes may be proven by circumstantial evidence. And again,  
4 the law makes no distinction between the weight or value to  
5 be given to either direct or circumstantial evidence.

6 However, to the extent the State relies on  
7 circumstantial evidence, all of the circumstances must be  
8 consistent with each other. And when taken together quite  
9 conclusively to the guilt of the accused beyond a reasonable  
10 doubt. If these circumstances merely portray the  
11 defendant's behavior as suspicious, the proof has failed.  
12 The State has the burden of proving the defendant guilty  
13 beyond a reasonable doubt. This burden rests with the State  
14 regardless of whether the State relies on direct evidence,  
15 circumstantial evidence, or some combination of the two.

16 Ladies and gentlemen, you should weigh all of the  
17 evidence in the case. After weighing all of the evidence,  
18 if you are not convinced of the guilt of the defendant  
19 beyond a reasonable doubt, you must find the defendant not  
20 guilty. Conversely, if you convinced of the guilt of the  
21 defendant beyond a reasonable doubt, then you must find him  
22 guilty.

23 I instruct you that the fact that the defendant was  
24 arrested, charged and indicted is not evidence in this case,  
25 and cannot be considered by you as evidence of guilt in this

1 case, nor, does it create any presumption or inference of  
2 guilt. This documentation, ladies and gentlemen, are simply  
3 the formal written instrument which contain the charge or  
4 charges made against the defendant. They simply serve as  
5 the formal documentation by which the case is processed or  
6 brought into the court. The defendant has pled not guilty  
7 to the indictments. And that plea casts the burden on the  
8 State to prove the defendant guilty. Because the person  
9 charged with committing a criminal offense in South Carolina  
10 is never required to prove himself innocent. I instruct you  
11 that it is an important rule of the law of evidence. That a  
12 defendant in a criminal trial, no matter what the  
13 seriousness of the charge or charges made against him may  
14 be, will always be presumed to be innocent of the crime for  
15 which he is indicted unless his guilt has been proven by  
16 evidence satisfying you that guilt beyond a reasonable  
17 doubt. This presumption of innocence does not cease when  
18 you retire to deliberate, but it accompanies the defendant  
19 from the time of his appearance throughout the trial until  
20 you reach a verdict in this case. Our Supreme Court has  
21 said that the presumption of innocence is like a robe of  
22 righteousness placed about the shoulders of the defendant,  
23 and it remains with him and it -- him -- the innocent until  
24 the presumptive robe of righteousness has been stripped from  
25 his person by evidence satisfying view that guilt beyond a

1 reasonable doubt. The presumption of innocence is not a  
2 mere legal theory. It is not just a legal phrase. It is a  
3 substantial right to which every defendant is entitled  
4 unless you the jury are satisfied from the evidence of his  
5 guilt beyond a reasonable doubt.

6 The State has the burden of proving the defendant  
7 guilty beyond a reasonable doubt. Some of you may have  
8 served as jurors in civil cases where you were told that it  
9 is only necessary to prove that a fact is more likely true  
10 than not true such as by the greater weight or the  
11 preponderance of the evidence. In criminal cases, the  
12 State's proof must be more powerful than that. It must be  
13 beyond a reasonable doubt. Proof beyond a reasonable doubt  
14 is proof that leaves you firmly convinced of the defendant's  
15 guilt. There are very few things in this world that we know  
16 with absolute certainty. And in criminal cases, the law  
17 does not require proof that overcomes every possible doubt.  
18 If based on your consideration of the evidence you are  
19 firmly convinced that the defendant is guilty of the crime  
20 charged, you must find the defendant guilty. If on the  
21 other hand you think there is a real possibility that the  
22 defendant is not guilty, you must give the defendant the  
23 benefit of the doubt and find him not guilty.

24 I instruct you and emphasize that the fact that the  
25 defendant did not testify is not a factor to be considered

1 by you in any manner whatsoever in your deliberation of this  
2 case, and in your consideration on the question of whether  
3 the State has met its burden of proof in this case. It must  
4 not be considered by you in any manner whatsoever. A  
5 defendant has the constitutional right to remain silent.  
6 And the assertion of this right must not be considered by  
7 you in your deliberations. I repeat, under your oath, you  
8 are to draw no conclusion whatsoever from the fact that the  
9 defendant in this case did not testify. The fact that this  
10 defendant did not test should not be discussed in any manner  
11 whatsoever during your jury deliberations. The burden of  
12 proof as I have instructed to you is on the State. The  
13 defendant is not required to prove his innocence. The  
14 burden of proof remains on the State to prove his guilt  
15 beyond a reasonable doubt.

16 The defendant is charged with murder. The State must  
17 prove beyond a reasonable doubt that the defendant killed  
18 another person with malice aforethought. Malice is hatred,  
19 ill will, or hostility towards another person. It is the  
20 intentional doing of a wrongful act without just cause or  
21 excuse and with an intent to inflict an injury or under  
22 circumstances that the law will infer an evil intent.  
23 Malice aforethought does not require that malice exists for  
24 any particular time before the act is committed. But malice  
25 must exist in the mind of the defendant just before and at

1 the time the act is committed. Therefore, there must be a  
2 combination of the previous evil intent and the act.

3 Malice aforethought may be expressed or inferred.

4 These terms express and infer do not mean different kinds of  
5 malice but merely the manner in which malice may be shown to  
6 exist. That is either by direct evidence or by inference  
7 from the facts and circumstances which are proven.

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

14 Malice may be inferred from conduct showing a total  
15 disregard for human life. Inferred malice may also arise  
16 when the deed is done with a deadly weapon. A deadly weapon  
17 is any article, instrument, or substance which is likely to  
18 cause death or great bodily harm. Whether an instrument has  
19 been used as a deadly weapon depends on the facts and  
20 circumstances of each case. The following are examples of  
21 instruments which may be a deadly weapons: a pistol, a  
22 shotgun, a riffle, a dirk, a dagger, a knife, a slingshot,  
23 metal knuckles, a razor, gasoline, a firebomb or Molotov  
24 cocktail, and lighter fluid. A gun may be a deadly weapon  
25 even if it is not operating. If facts are proven beyond a

1 reasonable doubt sufficient to raise an inference of malice  
2 to your satisfaction, this inference, ladies and gentlemen,  
3 would be simply an evidentiary fact to be taken into  
4 consideration by you along with all the other evidence in  
5 this case. And you may give it the weight, value, and  
6 effect you decide it should received.

7 I further instructed that if the defendant with malice  
8 aforethought attempts to kill another person that by mistake  
9 injures or kills of different person, the defendant still  
10 has -- I apologize. If the defendant with malice  
11 aforethought attempts to kill another person that by mistake  
12 injures or kills another person, the intent is transferred  
13 from the original person the defendant intended to kill or  
14 killed or injured. The defendant would be guilty of murder  
15 as if it had resulted in the death or injury of the person  
16 the defendant intended to kill.

17 Bear with me one second, ladies and gentlemen. (Brief  
18 pause.)

19 I want you to disregard, ladies and gentlemen, any  
20 reference I made to transferred intent because I think I  
21 inadvertently made a mistake that I'm going to need to  
22 correct. And I would ask that you bear with me. However,  
23 I'm going to continue with the remainder of the instruction.  
24 And that is as follows:

25 The defendant is charged with attempted murder. In

1 order to prove this crime the State must prove the defendant  
2 attempted to kill another person with malice aforethought  
3 either expressed or implied. Malice is hatred ill will or  
4 hostility towards another person. It is the intentional  
5 doing of wrongful act that just cause or excuse and with an  
6 intent to inflict an injury or under circumstances that the  
7 law will infer an evil intent. Malice aforethought does not  
8 require that malice exist for any take your time before the  
9 act is committed.. That malice must exist in the mind of the  
10 defendant just before and at the time the act is committed.  
11 Therefore, there must be a combination of the previous evil  
12 intent and the act. Malice aforethought may be expressed or  
13 inferred by as I've explained. These terms express and  
14 inferred do not mean different kinds of malice. But merely  
15 the manner in which malice may be shown to exist. That is  
16 either by direct evidence or by inference from the facts and  
17 circumstances which are proven. Express malice is shown  
18 when a person speaks words which express hatred or ill will  
19 for another, or when the person prepared beforehand to do  
20 the act which was later accomplished. For example lying in  
21 wait for person or any other acts of preparation going to  
22 show that the deed was within the defendant's mind would be  
23 expressed malice. Malice may be inferred from conduct  
24 showing a total disregard for human life. Inferred malice  
25 may also arise when the deed is done with a deadly weapon.

1 A deadly weapon is any article, instrument, or substance  
2 which is likely to cause death or great bodily harm.  
3 Whether an instrument has been used as a deadly weapon  
4 depends on the facts and circumstances of each case. Is  
5 I've instructed, the following are examples of instruments  
6 which may be deadly weapons: of pistol a shotgun, a rifle,  
7 dirk, a dagger, a knife, a slingshot, metal knuckles, a  
8 razor, gasoline, a firebomb or Molotov cocktail, and lighter  
9 fluid. A gun may be a deadly weapon even if it is not  
10 operating. If the facts are proven beyond a reasonable  
11 doubt sufficient to raise an inference of malice to your  
12 satisfaction this inference would simply -- would simply be  
13 an evidentiary fact to be considered by you the jury along  
14 with the other evidence in the case. And you may give it  
15 the weight, value, and effect if any you decide it should  
16 receive.

17 Intent means intending the result which actually  
18 occurs, not accidentally or involuntarily. Intent may be  
19 shown by acts and conduct of the defendant and of the  
20 circumstances from which you may naturally and reasonably  
21 infer intent. Evidence of the character of the act,  
22 character of the instrument used, the manner in which it was  
23 used, the purpose to be accomplished, and the resulting  
24 wounds or injuries may be considered in determining the  
25 intent for which the act was committed. Intent may also be

1 inferred when it is demonstrated that the defendant  
2 voluntarily and willfully commits an act the natural  
3 tendency of which is to destroy another's life.

4 I further instructed that an attempt is an effort to  
5 accomplish a crime which does not succeed. An attempt  
6 includes a specific intent to do a particular criminal act  
7 along with an act falling short of the act intended. The  
8 State must show more than mere preparation and intent.  
9 There must be some overt act committed in the effort to  
10 commit the crime. Intent means intending a result which  
11 actually occurs, not accidentally or involuntarily. Intent  
12 may be shown by acts and conduct of the defendant and other  
13 circumstances in which you may naturally and reasonably  
14 infer intent.

15 I further instruct, ladies and gentlemen, that criminal  
16 intent is a mental state, a consciousness of wrongdoing. It  
17 is up to you the jury to determine what the defendant  
18 intended to do based on the circumstances shown to have  
19 existed. I further instruct you to find the defendant  
20 guilty of attempted murder, the State prove beyond a  
21 reasonable doubt that the defendant had an intent to kill  
22 the alleged victim.

23 (Brief pause.)

24 THE COURT: Would counsel approach for me, please. And  
25 ladies and gentlemen, I apologize for this delay. It's my

1 oversight and I take full responsibility.

2 (A bench conference was held off the record and out of  
3 the hearing of the jury panel.)

4 THE COURT: Ladies and gentlemen, we appreciate your  
5 indulgence. And I further instruct you as follows:

6 If the defendant with malice aforethought attempts to  
7 kill another person but by mistake injures or kills a  
8 different person, the defendant still has the intent to  
9 kill. The intent to kill is merely transferred from the  
10 original person the defendant attempted to kill to the  
11 actual person he killed or injured. The defendant would be  
12 guilty of murder just as if he attempted -- just as if the  
13 attempt had resulted in the death or injury of the person  
14 that the defendant attempted to kill.

15 I further instructed, ladies and gentlemen, that if a  
16 crime is committed by two or more people who are acting  
17 together and committing a crime, the act of one is the act  
18 of all. A person who joins with another to commit an  
19 unlawful act is criminally responsible for everything done  
20 by the other person which happens as a probable or natural  
21 consequence of the act done in carrying out the common plan  
22 and purpose. For example, two people can be guilty of  
23 killing another person. When only one of the two had a gun,  
24 there is only one bullet, and only one of the two fired the  
25 shot that caused the death. If two or more people are

1 acting together, are together, acting together, assisting  
2 each other and committing the offense, the act of one is the  
3 act of all. Or it is sometimes said, the hand of one is the  
4 hand of all.

5 Prior knowledge that a crime is going to be committed  
6 without more is not sufficient to make a person guilty of  
7 that crime. Mere knowledge that another person is going to  
8 commit a crime, even if the defendant is present when the  
9 crime is committed, is not sufficient to convict the  
10 defendant as a principal. Guilt as a principal is shown by  
11 actual or constructive presence at the scene as a result of  
12 prior arrangement. Therefore, a finding of a prior arrange  
13 plan or common scheme is necessary for a finding of guilt as  
14 a principal. The State must prove beyond a reasonable doubt  
15 by confident evidence the theory of the hand of one is the  
16 hand of all. Principle of a crime is one who either  
17 actually commits a crime or who was present aiding and  
18 abetting or assisting in committing the crime. When a  
19 person doesn't act in the presence of and with the  
20 assistance of another, the act is done by both. Where two  
21 or more acting with the common plan or intent to present at  
22 the commission of a crime, does not matter who actually  
23 commits the crime. All are guilty. The hand of one is the  
24 hand of all.

25 Present at the commission of a crime means to be

1 sufficiently near to aid in the bed and assist in the  
2 commission of the crime. However, mere presence at the  
3 scene of the crime is not sufficient to convict one as a  
4 principal on the theory of aiding and abetting. Intent is  
5 also a necessary element, but there must be a common design  
6 or intent to commit the crime. And the crime must've been  
7 committed pursuant thereto with the person aiding and  
8 abetting by some overt act. Intent means intending the  
9 result which actually occurs, not accidentally or  
10 involuntarily. Intent may be shown by acts and conduct of  
11 the defendant and other circumstances from which you may  
12 naturally and reasonably infer intent. The State must prove  
13 these elements beyond a reasonable doubt.

14 Another issue in this case, ladies and gentlemen, is  
15 the identification of the defendant as the person who  
16 committed this crime charged. The State has the burden of  
17 proving identity beyond a reasonable doubt. You must be  
18 satisfied beyond a reasonable doubt that the accuracy of the  
19 identification of the defendant before you may convict the  
20 defendant. Identification testimony is an expression or  
21 belief or an impression by a witness. You must determine  
22 the accuracy of the identification of the defendant. You  
23 must consider the believability of each identification  
24 witness in the same way as any other witness. You may  
25 consider whether the witnesses had an adequate opportunity

1 to observe the offender at the of the offense. This will be  
2 affected by things like how long or short a time was  
3 available, how far or close the witness was, the lighting  
4 conditions, and whether the witness had a chance to see or  
5 know the person in the past. Once again, I instruct you the  
6 burden of proof on the State extends to every element of the  
7 crime charged. And this specifically includes the burden of  
8 proving beyond a reasonable doubt the identity of the  
9 defendant as the person who committed the crime. If after  
10 examining the testimony you have a reasonable doubt as to  
11 the accuracy of the identification, you must find the  
12 defendant not guilty.

13 I further instructed that mere presence at the scene is  
14 not sufficient to prove someone guilty of a crime. And  
15 defendants presence where crime is being committed or mere  
16 association with the person who commits the crime does not  
17 make a defendant and accomplice or aider and abettor of the  
18 person committing the crime. The burden is on the State to  
19 prove every element of the crime charged, that if you find  
20 after viewing all of the evidence that the State has proven  
21 that the defendant was only present at the scene of a crime  
22 and that they have not proven beyond a reasonable doubt any  
23 other participation in the crime, then you must find the  
24 defendant not guilty. The law is that proof of at the scene  
25 of the crime is not sufficient to find someone guilty.

1 Ladies and gentlemen, there are multiple indictments in  
2 this case. They are indictments 2016-GS-10-2070, murder;  
3 and 2071 and 2072 which are attempted murder. Each  
4 indictment charges a separate and distinct offense. You  
5 must decide each indictment separately on the evidence and  
6 the law applicable uninfluenced by your decision as to any  
7 other indictment. The defendant may be convicted or  
8 acquitted on any or all of the offenses charged. And you  
9 will be asked to write a separate verdict of guilty or not  
10 guilty for each indictment.

11 Ladies and gentlemen, you've also heard reference to a  
12 penalty a person can serve for the crimes alleged in the  
13 indictments. In determining whether the State has met their  
14 burden of proof regarding the defendant, you cannot consider  
15 any possible penalty for any particular crime. The  
16 punishment for crime is a matter of law for the Court  
17 determine and should never be considered by you in any  
18 manner whatsoever in arriving at a fair and impartial  
19 verdict in this case.

20 There are two possible options for verdicts on each of  
21 the indictments. And I will go through each of them with  
22 you -- you don't have to try to write this down -- you don't  
23 have to try and write it down. The verdict form will go  
24 into the jury room with you. And I emphasize that there's  
25 absolutely no significance to the order in which I state

1 these potential verdicts. It is simply that one must be  
2 stated first. And the options for the verdicts are as  
3 follows:

4 As to indictment 2016-GS-10-2070, we the jury by  
5 unanimous consent find the defendant guilty of murder or not  
6 guilty. And as to indictments 2071 and 2072, they both read  
7 identically which is, "We the jury by unanimous consent find  
8 the defendant guilty of attempted murder or not guilty."  
9 Again, there is no significance whatsoever to the order in  
10 which I state these potential verdicts. One simply must be  
11 stated first.

12 Ladies and gentlemen, instructed that your verdict must  
13 be unanimous which means all 12 of you must agree in order  
14 to reach a verdict on each indictment. Mr. Foreman, once  
15 the jury has reached a verdict, it will be your  
16 responsibility to fill each verdict form out and sign and  
17 date the form, and also knock on the door and advise the  
18 bailiffs that the jury has reached a verdict on each  
19 indictment.

20 It is also your responsibility to write out any  
21 questions that the jury may have during deliberations. And  
22 you should write those out on the notebook that you've been  
23 provided and sign and date the note. Also, I will instruct  
24 you that no note should ever reveal any numerical breakdown  
25 of the jury. As jury deliberation should remain within the

1 confine of the jury room. Ladies and gentlemen, if you have  
2 any questions during deliberations, please note that there  
3 will be a delay in our response and that's because there's a  
4 process that we have to follow in answering your questions.  
5 So know if you have a question, there will be a delay.

6 Again ladies and gentlemen, I've instructed that your  
7 verdict must be unanimous which means all 12 of you must  
8 agree. I'm going to ask that you return to your jury room  
9 but do not yet begin your deliberations. There are some  
10 brief matters of law that I need to take it with counsel  
11 that may require the Court to give an additional instruction  
12 or to correct an instruction. However, if there's no  
13 further instruction, we will send in your notebooks and the  
14 evidence, and at that time will excuse the alternate, and  
15 you will be allowed to begin your deliberation.

16 I also tell you advance that I know it's 4:33, we do  
17 not have any options for dinner. I also recognize that you  
18 all have may have familial or other obligations in the  
19 evening. If you reach a point where you would like go home,  
20 just let us know. And at that time you'll be allowed to  
21 recess for the evening and return in the morning to resume  
22 your deliberations. I just want you to know you're not  
23 going to be held captive at the courthouse against her  
24 wishes. So if you desire -- you know once you reached a  
25 point where you think you may want to recess for the

1 evening, please let us know and we will accommodate that  
2 request.

3 Again, if you'll go with the bailiffs, please. Please  
4 do not yet begin your deliberations and leave your notepads  
5 in your seats.

6 (The jury exits the courtroom.)

7 THE COURT: You can take your seats. I'm sorry. other  
8 than what we covered in charge conference, any exceptions  
9 from the State.

10 AST. SOL. SIMPSON: No, Your Honor.

11 THE COURT: From the defense?

12 MS. FORD: Not in addition to my prior objections.

13 THE COURT: Can y'all just one more time make sure for  
14 me all of the evidence -- have y'all already done that  
15 again?

16 AST. SOL. SIMPSON: We probably need to tidy it up a  
17 little bit, Your Honor.

18 THE COURT: If you all can go ahead and get through  
19 with court reporter. You might want to go get a cart  
20 because it's a lot of it and go ahead and start putting it  
21 on their. Go ahead and get the notebooks but the  
22 alternate's on the banister so that we can excuse the  
23 alternate and allow the jury to begin the deliberations.

24 (Brief pause.)

25 THE COURT: -- you time and your attention to this

1 case. I know being an alternate can seem thankless. You do  
2 all the work that you don't, as they say, don't get any of  
3 the glory I guess. That you've been attentive. Even  
4 timely. And we appreciate your service. I hope it's been  
5 educational for you. I hope you learned it's nothing like  
6 what you see on TV and how very valuable you are, your  
7 service, is to us. But you're welcome to hang around with  
8 us if you want. We can put you in a room back here, one of  
9 the we multipurpose rooms, so that you can relax while the  
10 jury is deliberating. But you're also welcome to leave if  
11 you'd like. The bailiffs will destroy your notes unless you  
12 want to do it. It's up to you. They're adept at it. Do  
13 you need a work excuse today?

14 JUROR: No, ma'am.

15 THE COURT: Okay. We'll mail that to you along with  
16 your check. You're welcome to discuss this case if you  
17 would like. But I would ask that you not do it until the  
18 entire panel is excused. I hope you have a wonderful  
19 afternoon and a wonderful rest of the year, and we thank you  
20 for your time on behalf of both the State and the defense  
21 for your service to his. Have a great day.

22 JUROR: Thank you.

23 THE COURT: You're welcome, ma'am. Okay. The record  
24 should reflect that the alternate was excused at 4:40 and  
25 the jury has begun his deliberations. Y'all stay close for

1 me, I'd appreciate it, in case they have any questions.

2 (Jury begins deliberations at 4:40 p.m.)

3

4 THE COURT: -- as follows: The jury has established the  
5 process for deliberation but would like to start fresh on  
6 Friday morning. Is this okay?

7 So they're in the hallway. I'm going to let them go  
8 home and resume in the morning. Any exception from the  
9 State?

10 AST. SOL. SIMPSON: No, Your Honor.

11 THE COURT: From the defense.

12 MS. FORD: No, Your Honor.

13 THE COURT: And I've had the note marked as a Court's  
14 exhibit.

15 (Court's Exhibit No. 11, Jury Note, was marked for  
16 identification.)

17 (The jury enters the courtroom at 5:07 p.m.)

18 THE COURT: You may be seated. We received your note,  
19 ladies and gentlemen. And absolutely it is okay for you all  
20 to start fresh in the morning. So I will excuse you for the  
21 afternoon. I would emphasize that you should have no  
22 discussion about this case with anyone else were among  
23 yourselves. Please do not watch, read, or listen to any  
24 media accounts about this case if there would be any in the  
25 newspaper, on the radio, television, or Internet. And don't

1 do any independent of any type on the Internet. When you  
2 return in the morning at 9:00, you will come directly to  
3 your jury room. And again, please don't have any contact  
4 with anyone in or about the courthouse. We would not want  
5 an innocent conversation to be observed and misinterpreted.  
6 Everything will be left in your jury room undisturbed. That  
7 room will be locked. And as soon as all 12 have returned  
8 then you'll be allowed to begin -- resume your  
9 deliberations. Again, you will return in the morning at  
10 9:00. Have a great evening.

11 (The jury exits the courtroom at 5:08 p.m. and are  
12 excused for the evening.)

13 THE COURT: Anything before we break for the evening?  
14 From the State?

15 AST. SOL. SIMPSON: No, Your Honor.

16 THE COURT: From the defense?

17 MS. FORD: No, Your Honor.

18 (The proceedings adjourned for the evening at 5:08 p.m.)

19

20 (The proceedings resume with deliberations on Friday,  
21 January 12, 2018, at 9:04 a.m.)

22 (Questions from the jury at 11:05 a.m.)

23 THE COURT: All right. We have four notes from the  
24 jury debt. Three are dated and have the times attached.  
25 One is dated and doesn't have the time attached. I will

1 have each marked as court's exhibits:

2 Were fingerprints taken from shell casings? Is  
3 evidence available? That is timed at 10:40.

4 Was the DNA from the two cigarettes but analyzed? Did  
5 the DNA match that of Trivell Richardson? That's at 10:55.  
6 Although they gave it to me all at one time.

7 Is the photograph Montrelle Campbell during the time of  
8 the shooting and his arrest available to the jury? That is  
9 timed eleven o'clock.

10 And the last: For the two cell phones collected at the  
11 scene by Ms. Gladwell analyzed and identified?

12 My response to all four of these notes will be as  
13 follows: Ladies and gentlemen of the jury, all of the  
14 evidence in this case has been presented to you. The Court  
15 cannot answer factual questions. You must only consider the  
16 testimony and evidence that has been submitted into the  
17 record for the purposes of your deliberations. You cannot  
18 conduct your own independent investigation or fact-finding  
19 outside of the evidence and testimony presented to you  
20 during the course of this trial. You are not to speculate  
21 or draw any inferences or conclusions from this response to  
22 your inquiry during your deliberations. If you desire to  
23 have any testimony -- to have the testimony of any witness  
24 replayed or rehear any portions of the law, please advise  
25 the bailiff and we will accommodate you your request

1 immediately.

2 Any exception from the State?

3 AST. SOL. SIMPSON: No, Your Honor.

4 THE COURT: From the defense?

5 MS. FORD: No, Your Honor.

6 THE COURT: Okay. I will mark each of those  
7 individually. And then I'm going to attach --, well, I don't  
8 know. All of these need to be marked individually. And  
9 then I'll put them all together as court's exhibits.

10 (Court's Exhibit Numbers 12-15, Jury Notes, were  
11 marked for identification.)

12 (Court's Exhibit No. 16, Judge's Response, was marked  
13 for identification.)

14 (Proceedings at ease while deliberations continue.)

15 THE COURT: Please be seated. Okay. We have another  
16 note. It says: Can the jury review the testimony of Tomeka  
17 President?

18 I've already instructed the court reporter to queue up  
19 both days of her testimony. Is there any exception from the  
20 State?

21 AST. SOL. SIMPSON: No, Your Honor.

22 THE COURT: From the defense?

23 MS. FORD: No, ma'am.

24 THE COURT: How long is each part of the testimony?

25 COURT REPORTER: The first day was about 40 minutes.

1 The second day ---

2 THE COURT: Was about five minutes? Three minutes?  
3 Something like that?

4 COURT REPORTER: Yeah.

5 THE COURT: And none of it would include any matters of  
6 law? I can't remember. I left my notes in my office.

7 COURT REPORTER: I know yesterday didn't. But let me  
8 look back at Wednesday. There was a short bench conference  
9 on the first time. Real short. But it's at the end.

10 THE COURT: It's at the end?

11 COURT REPORTER: Uh-huh.

12 THE COURT: But there are no matters of law in her  
13 testimony?

14 COURT REPORTER: No.

15 THE COURT: Okay. What I will do -- I'm going to send  
16 the court reporter in with the bailiff to replay the  
17 testimony. Any exception from the State?

18 AST. SOL. SIMPSON: No, Your Honor.

19 THE COURT: From the defense?

20 MS. FORD: No, Your Honor, as long as it's played in  
21 full.

22 THE COURT: It will play until they indicate they don't  
23 want to hear it anymore. I'm not going to tell them what to  
24 do. They're entitled to relisten to the testimony, and if  
25 they say to the court reporter we've heard all we want to

1 hear, that's going to be the end of it. I'm not going to  
2 make them -- they're deliberating. It's deliberate process.  
3 And if they were in the courtroom and they raised their hand  
4 and said that's all we want to hear, they don't have to  
5 listen to all of it. I don't have -- but the bailiff will  
6 be in there. They will be instructed that they are not to  
7 discuss the case at all. But if they tell her they want to  
8 hear, then that's in the short of it -- then that's on them.

9 MS. FORD: Yes, Your Honor.

10 THE COURT: All right. And we'll have the note marked  
11 as a court's exhibit.

12 (Court's Exhibit No. 17, Jury Note, was marked for  
13 identification.)

14 (Proceedings at ease while deliberations continue.)

15 (Replay of Tomeka President's testimony begins play at  
16 12:30 p.m.)

17 (The proceedings resume at 3:15 p.m.)

18 THE COURT: Is the State ready to proceed? Is the  
19 State ready to proceed?

20 AST. SOL. SIMPSON: Yes, Your Honor.

21 THE COURT: Is a defense ready to proceed?

22 MS. FORD: Well, other than Mr. Williams.

23 THE COURT: He's second chair. Is he essential to the  
24 proceedings to be taking a break?

25 MS. FORD: Well, I guess not, Your Honor.

1 (Brief pause.)

2 THE COURT: And I know that this might-- well not --  
3 that this could be emotional for those in the gallery.  
4 However, I do not expect there to be any audible responses  
5 upon publication of the verdict. If you feel that this is  
6 too difficult for you to handle, I would ask that you excuse  
7 yourselves from the gallery at this time.

8 (The jury enters the courtroom at 3:15 p.m.)

9 VERDICT OF THE JURY

10 THE COURT: You may be seated. Mr. Foreman, is it  
11 correct that the jury has reached a verdict?

12 FOREMAN: Yes, ma'am.

13 THE COURT: If you will give the verdict forms to the  
14 bailiff for me, please.

15 Sir, if you would stand for the publication of the  
16 verdicts.

17 THE CLERK: In the matter of state of South Carolina,  
18 County of Charleston, Ninth Judicial Circuit, versus  
19 Montrelle Lamont Campbell, as to indictment number  
20 2016-GS-10-2070, we the jury unanimously -- by unanimous  
21 consent find the defendant guilty of murder signed this day  
22 January 12th by the foreperson of the jury.

23 In the matter of indictment number 2016-GS-10-2071,  
24 the State of South Carolina versus Montrelle Lamont  
25 Campbell, we the jury by unanimous consent find the

1 defendant guilty of attempted murder signed this day  
2 January 12th by the foreperson -- 2018 by the foreperson of  
3 the jury.

4 In the matter of the State of South Carolina versus  
5 Montrelle Campbell as to indictment number 2016-GS-10-2072,  
6 we the jury by unanimous consent from the defendant guilty  
7 of attempted murder signed this day January 12, 2018,  
8 foreperson of the jury.

9 THE COURT: Ladies and gentlemen, if this is your  
10 verdict or these are your verdicts, please indicate by  
11 raising your right hands.

12 (Jurors comply.)

13 THE COURT: Let the record reflect that all have raised  
14 her right hands and the verdict stands. You may put your  
15 right hand down. You may take your seat.

16 Is there any request for the State to poll the jury?

17 AST. SOL. SIMPSON: No, Your Honor.

18 THE COURT: From the defense?

19 MS. FORD: Yes, Your Honor.

20 THE COURT: Ladies and gentlemen, the clerk is going to  
21 ask you two questions after calling your name and/or juror  
22 number. One is, "Is this your verdict and is this still  
23 your verdict?" And I would ask that that you follow his  
24 instructions. You may proceed.

25 CLERK: Ladies and gentlemen of the jury, as Your Honor

1 MS. FORD: Just a moment. No, Your Honor.

2 THE COURT: Sir, is there anything that you'd like to  
3 say for the record on your behalf?

4 THE DEFENDANT: No, ma'am.

5 THE COURT: I can't hear you, sir.

6 THE DEFENDANT: No, ma'am.

7 THE COURT: Sir, if would stand for sentencing. On  
8 both attempted murder charges, you're sentenced to the State  
9 Department of Corrections for a period of 30 years. On the  
10 murder charge, you're sentenced to the State Department of  
11 corrections for a period of life. The sentences run  
12 concurrent with one another. You'll get credit for any time  
13 that you served to be calculated and abided by the  
14 Department of Corrections. Thank you very much.

15

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(End of Record)

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BCS/0310557  
WITNESSES

DOCKET NO. 2016-GS-10-02070

Charleston City Police Department

The State of South Carolina  
County of Charleston

AGENCY CASE NUMBER

2015-16094

COURT OF GENERAL SESSIONS

APRIL TERM 2016

ARREST WARRANT NUMBER

2015A1010500010

DATE OF ARREST

11/02/2015

THE STATE

VS.

ACTION OF GRAND JURY

**TRUE BILL**

MONTRELLE LAMONT  
CAMPBELL  
B/M DOB: [REDACTED]-1981

*[Signature]* APR 11 2016  
Foreperson of Grand Jury Date:

VERDICT

Indictment for

MURDER

*Guilty*

SC Code: § 16-03-0010  
CDR Code: 0116

*[Signature]* 01/2/16  
Foreperson of Petit Jury Date:

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

## INDICTMENT

At a Court of General Sessions, convened April 2016, the Grand Jurors of Charleston County present upon their oath:

**MURDER**

That in Charleston County, South Carolina on or about September 19, 2015, the defendant, Montrelle Lamont Campbell, with malice aforethought, did kill and murder Antwan Lamont Frost by means of shooting him, and Antwan Lamont Frost did die in Charleston County as a proximate result thereof on or about September 19, 2015; in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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

  
\_\_\_\_\_  
**BENJAMIN CHAD SIMPSON**  
ASSISTANT SOLICITOR

BCS/0310557  
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER  
2015-16094

ARREST WARRANT NUMBER  
2015A1010900656

DATE OF ARREST  
11/02/2015

ACTION OF GRAND JURY

**TRUE BILL**

*[Signature]* APR 11 2016  
Foreperson of Grand Jury Date:

VERDICT

*Guilty*

*[Signature]* 01/12/18  
Foreperson of Petit Jury Date:

DOCKET NO. 2016-GS-10-02071

The State of South Carolina  
County of Charleston

COURT OF GENERAL SESSIONS  
APRIL TERM 2016

THE STATE

VS.

MONTRELLE LAMONT  
CAMPBELL  
B/M DOB: [REDACTED]-1981

Indictment for

ATTEMPTED MURDER

SC Code: § 16-03-0029  
CDR Code: 3410

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

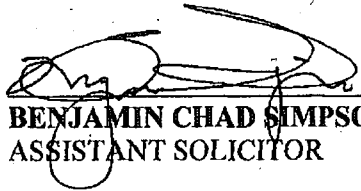
## INDICTMENT

At a Court of General Sessions, convened April 2016, the Grand Jurors of Charleston County present upon their oath:

**ATTEMPTED MURDER**

That in Charleston County, South Carolina, on or about September 19, 2015, the Defendant, Montrelle Lamont Campbell, did, with intent to kill and malice aforethought, attempt to kill Terre Brown. This is in violation of Section 16-3-29 of the South Carolina Code of Laws (1976) as amended.

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



BENJAMIN CHAD SIMPSON  
ASSISTANT SOLICITOR

BCS/0310557  
WITNESSES

DOCKET NO. 2016-GS-10-02072

Charleston City Police Department

The State of South Carolina  
County of Charleston

AGENCY CASE NUMBER  
2015-16094

FILED

4/15/2016 9:25:46 AM  
JULIE J. ARMSTRONG  
CLERK OF COURT

ARREST WARRANT NUMBER  
2015A1010900660

COURT OF GENERAL SESSIONS  
APRIL TERM 2016

DATE OF ARREST

11/02/2015

THE STATE

ACTION OF GRAND JURY

VS.

**TRUE BILL**

MONTRELLE LAMONT  
CAMPBELL  
B/M DOB: [REDACTED]-1981

*[Signature]* APR 17 2016  
Foreperson of Grand Jury Date:

VERDICT

Indictment for

ATTEMPTED MURDER

SC Code: § 16-03-0029  
CDR Code: 3410

Foreperson of Petit Jury Date:

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

## INDICTMENT

At a Court of General Sessions, convened April 2016, the Grand Jurors of Charleston County present upon their oath:

**ATTEMPTED MURDER**

That in Charleston County, South Carolina, on or about September 19, 2015, the Defendant, Montrelle Lamont Campbell, did, with intent to kill and malice aforethought, attempt to kill Kerri Brown. This is in violation of Section 16-3-29 of the South Carolina Code of Laws (1976) as amended.

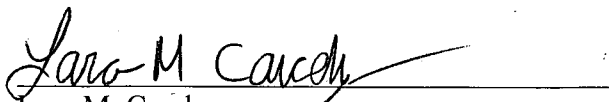
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
BENJAMIN CHAD SIMPSON  
ASSISTANT SOLICITOR

## CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Lara M. Caudy  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 29th day of July, 2019.