

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Steven H. John, Circuit Court Judge

RECEIVED

May 13 2022

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DONNIELLE K. MATTHEWS,

APPELLANT.

APPELLATE CASE NO. 2021-000677

RECORD ON APPEAL

LARA M. CAUDY
Appellate Defender

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

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

SCOTT MATTHEWS
Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211
(803)734-5253

JIMMY A. RICHARDSON
Solicitor, Fifteenth Judicial Circuit
PO Box 1276
Conway, SC 29526
(843) 915-5460

ATTORNEYS FOR RESPONDENT

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THE FOLLING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE'S EXHIBIT #1 (DVD MARTIN BODY CAMERA), STATE'S EXHIBIT #14 (DVD BEAUDOIN BODY CAMERA), STATE'S EXHIBIT #33 (DVD FRANKLIN BODY CAMERA); AND STATE'S EXHIBIT #89 (DVD MATTHEWS INTERVIEW)

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CLOSING BY WILSON

837

1 one, I want to thank you for your service. I know it's an
2 imposition to be here all week long. You've got things that
3 you need to do at home, probably got kids, got a husband or
4 wife, got a job, and you had to leave all of those things and
5 come here and be with us this week. I want you to know that
6 we appreciate it. On behalf of Donnielle Matthews, I
7 appreciate it. I appreciate it on behalf of the State of
8 South Carolina.

9 And let me say this outset, you have no friends to
10 reward, you have no enemies to punish. You have but one
11 responsibility, to render a verdict that speaks the truth.
12 That's it.

13 Let's talk about the State of South Carolina. You see,
14 the state gets to decide who they're gonna try. They get to
15 make that decision. You don't get a choice if you're a
16 defendant. The state makes that decision for you. They get
17 an indictment, and then they bring you in here, and then you
18 got to come in here and you have to defend yourself. But the
19 good thing is, the law says that the State of South Carolina
20 has the burden of proving every element of the crime that they
21 charge you with. That is not placed on the defendant. It's
22 placed on the State of South Carolina, and that's for a
23 reason, because you can't always prove you didn't do
24 something. Say I'm home at 3 o'clock in the morning in my bed
25 resting. Somebody breaks in Conway National Bank, they come

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CLOSING BY WILSON

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1 knocking on my door at 4:30 a.m. and they say, hey, Ralph
2 Wilson, we heard you broke in Conway National Bank. Come on
3 down and give us a statement. I go down there, I give them a
4 statement, I say, I didn't do it. So, you're lying, we don't
5 believe you. We're gonna lock you up, and they lock me up. I
6 got no alibi; I'm home by myself tending to my own business.
7 How am I gonna prove that? How am I gonna prove that I didn't
8 do it? You can't. Which is why the State of South Carolina
9 is saddled with the burden of proving, not just that you
10 didn't do it, but that beyond a reasonable doubt they must
11 prove it.

12 In Civil Court, we have what we call by preponderance of
13 the evidence. Well, that's a lessor burden, 51 percent of
14 winning the case. Not true here. 51 percent don't win here.
15 It's beyond a reasonable doubt.

16 The state has the burden of proving these things each and
17 every element of every crime that they charge you with, and
18 they have to prove it beyond a reasonable doubt. They cannot
19 do that in this case. Do you know why they can't do it in
20 this case? Because there is no evidence to prove it with.
21 They said, well, she lied. So, let's -- we can't get her for
22 anything else, let's get her for lying. Okay. Then you
23 charge her with lying, and you convict her of lying, if that's
24 what you think, and if that's what you think you can prove.
25 But lying doesn't equal murder. Lying does not equal

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CLOSING BY WILSON

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1 manslaughter. Lying doesn't equal anything except lying.

2 Well, let me tell you this. See, the problem the State
3 of South Carolina has in this case, there was nobody in that
4 car but two people. Two people in that car. Antoinette was
5 not in that car when this crime happened. She wasn't there.
6 She doesn't know what happened. The state doesn't know what
7 happened, and they haven't proven to you what happened in that
8 car, which is what they must do. Not what happened at
9 Denny's, not what happened in May, or not what she said in
10 May. That is not what she's charged with. She's not charged
11 with sending a threat in May. She is charged with murdering
12 Dennis Green on July the 7th in that car.

13 Where is the proof? Not one -- you haven't heard one
14 single person say this is what she did in that car. This is
15 how she was acting in that car. She was outraged, she was
16 angry, she was mad. Not a single person. In fact, ladies and
17 gentlemen, remember Dennis, when they left Denny's -- and when
18 we brought Ms. Jackson in here who was the waitress. She
19 said, no, I didn't hear anybody arguing. They were getting
20 along okay. Everybody was getting along fine when they left
21 Denny's. The only person, the only person who says anything
22 physical happened is who? The tall girl, the third wheel, or
23 whatever she is; the only one. Is that self-serving on her
24 part? Yeah. Yeah. She's upset because things didn't go that
25 way that night that she wanted them to go, her and Dennis.

1 You know, a victim, talking about a victim, here's one
2 right there. Beaten, and then you get charged with murder and
3 you have to come in and defend that, of your husband, who was
4 beating you. Where was all the concern about this when she
5 was being beaten by the State of South Carolina? Where was
6 all that concern then? It didn't exist. And, everybody knew
7 it. You heard me time and time again ask, did you see these
8 text messages, did you see these emails from family members
9 who knew that she was being beaten. They knew it. Did they
10 do anything about it? No. Nobody came to her rescue. And
11 when she got tired, when he grabbed her this one time, it was
12 one time too many. It was one time too many. Enough was
13 enough.

14 You know, the state might have its theory of what they
15 think happened; that's not evidence. Because I think it
16 doesn't make it be true. I can think I'm King of England;
17 that don't make it true. So, they come in here and they say,
18 oh, you know, we want y'all to guess, because we don't really
19 know what happened in there. We don't know, and she's told us
20 some different stories about it. So, we don't know what
21 happened, so y'all just guess, because we like this version.
22 So, y'all take that and run with it. That's what they're
23 asking you to do, because they certainly haven't proven to you
24 what happened in that car. There ain't no doubt about that
25 part, because they don't know. He said, oh, well, she might

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CLOSING BY WILSON

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1 have had this, and she might have been like this, and she
2 might -- no, that's not proof. That's his theory. That's not
3 evidence. What I say is not evidence, what they say is not
4 evidence, and it's not proof.

5 And, yeah, I know that their lifestyle was different than
6 ours -- than mine or maybe yours. I don't know. But I ask
7 you not to hold that against her, whatever their lifestyle is.
8 People are entitled to live their lives as they want, whether
9 I agree with it or disagree with it; that's their business.
10 When you get over 21, you make your own decisions. And I'd
11 ask you to not judge them with that, because she's not on
12 trial for her lifestyle. Yeah, she chose to be with a drug
13 dealer in an abusive man. Not good choices. I'm not saying
14 they were.

15 Let's talk for a minute, ladies and gentlemen, about what
16 we do know in this case, because I think that's important.
17 And, and -- and if you noticed, three times during the time
18 the solicitor was standing up here, he was saying to you that
19 the expert says that her story was probable; right? I mean
20 that's what the solicitor said. He said, well, that's what
21 the expert said, said that her story is probable. Well, if
22 her story is probable, that's reasonable doubt, because that's
23 what that is. If her story is probable, that means that, and
24 even if they have a story that's probable, you're to give her
25 the benefit of the doubt, because that is the law. So, if you

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CLOSING BY WILSON

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1 get in your jury room and you say to yourself, well, you know,
2 what the solicitor said, that could be true, too, and -- but
3 what she says, that could be true, too; then you've just
4 decided she's not guilty, because the law says you must give
5 her the benefit of any reasonable and every reasonable doubt
6 that you have. And if there are two probable stories, if
7 there are two probable stories, then you got to find her not
8 guilty. That's not because I think that's a good way to do
9 it, that's because that's our rule; that's our law.

10 But even beyond that, folks, even beyond that, all you've
11 got to do is look at the physical evidence in this case. You
12 see, physical evidence don't lie. It doesn't lie. You can't
13 change it; it is what it is. It is what it is, and you can't
14 make it be different if it's physical evidence. Bruises on
15 his knuckles; that's physical evidence. You can't change it;
16 it's there. You got a picture of it. It's in evidence,
17 you'll have it. You can't change that, it's there. Now, you
18 can argue all day about how it got there, but it's there.
19 Those fingernails inside that car, scattered all over the
20 place, under where? Under where he's got his foot on the gas,
21 right down up under there, fingernails broken off down under
22 there. Fingernails broken off down under the passenger side
23 front seat. Fingernails all in the back. What you think is
24 going on in there? Are they having church? No, he was
25 beating the daylights out of her.

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CLOSING BY WILSON

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1 And, you know, the solicitor asked you about, well, those
2 stab wounds, you know, they're right here. Folks, remember
3 when she was on the witness stand -- and the solicitor was
4 trying to trick her is what he was trying to do, he handed her
5 the knife. He said, well, show me how you were holding this
6 knife, and he was hoping that she was gonna grab it with her
7 right hand, right? She didn't. Which hand did she grab it
8 with? The left, because that's what she did. And if you'll
9 remember, that's where she had the marks in her hand, in the
10 left hand. Because when you grab a knife like this and you
11 ain't got -- thank you. You grab a knife like this, it has
12 little ridges at the bottom of it, which has imprints. So, if
13 you hold it tight enough, which you're gonna have to do if
14 you're gonna stab somebody, because you can't hold it like
15 this here and stab them. So, if you grab it normally like
16 this and you hold it in your hand, especially if you're a
17 woman and your hands are softer than some hardhead like me,
18 you're gonna have something in your hand.

19 The evidence in the car, let's go back to that. The
20 scuff marks, remember we talked about that, but the officer,
21 well, I don't know when he got there. Well, I know that
22 they're there. Yeah, there are scuff marks there; I don't
23 know when they got there. Well, that's true. You don't know
24 when the fingernails got there either, right? They don't know
25 that. They know when they got that car those scuff marks were

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CLOSING BY WILSON

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1 in there. Yeah, there as a fight in that car. And, you know,
2 I don't even like using the word fight, because when you got a
3 200 -- six-foot, 225-pound man wailing on a 5'1" woman who is
4 a 125 pounds, that ain't no fight. That is a beat down by
5 anybody's imagination.

6 You know, and think about this for a second, will you,
7 they're out this night, they're at Denny's. Really? And --
8 and they want you to believe that there's nothing going on
9 with any of them all night long, right? But then when all of
10 a sudden when they get in the car -- and you know what's
11 important about this is, when they get in the car, nobody is
12 there except who? The three of them. So, she can say
13 whatever she wants to say about what happened in the car,
14 right? Because she can't lie about what happened in Denny's.
15 She tried to even lie about that. I'm talking about
16 Antoinette. She wanted to lie about that, but she couldn't
17 because why? There is a video. There is a video. Look at
18 that video. When they come out of Denny's -- they leave Thee
19 DollHouse and they go to Denny's, right? And she says, oh,
20 well, I ain't never showed her my piercings. She didn't even
21 want to admit that she told her about it, but then she
22 couldn't deny that because she's either got them or she
23 doesn't have them, right? But she knew about it, and so what
24 did they do? When they leave Thee DollHouse, they go straight
25 to Denny's. What do they do? Because now she knows about the

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CLOSING BY WILSON

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1 -- she knows that is, Donnielle, knows about the piercings.
2 What do they do? And you watch the video, they walk straight
3 right behind each other, like ducks in a row, gonna straight
4 to the bathroom, where they stayed for 12 minutes until Dennis
5 goes and knocks on the door, hey, what are y'all doing in
6 there, come on out of there. What do you think they're doing
7 in there, praying? No. They were looking at them piercings;
8 that's what they were doing.

9 Folks, the other thing that's important, she says, oh,
10 well, you know, I just, you know, I haven't been comfortable,
11 you know, I wasn't comfortable. Watch that video at Denny's.
12 They come out of the bathroom, what are they doing? Arms
13 around each other, holding hands, coming out of the bathroom.
14 But she's uncomfortable. No, she wasn't uncomfortable.

15 Ladies and gentlemen, really -- and I say this, you are
16 almost judging the State of South Carolina. You're judging
17 whether or not they have made out their case; that's what
18 you're really judging. Has the state presented you with
19 evidence beyond a reasonable doubt of the guilt of Donnielle
20 of murder or manslaughter?

21 Now, murder, unlawful killing of one person by another
22 with what we call malice. Malice is hatred, ill will, an
23 intentional killing; not an accident, not in a fight,
24 intentional killing. I could just walk over to you and I take
25 something and stab you, or I walk up to you and I stick my gun

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CLOSING BY WILSON

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1 and shoot you intentionally, for no reason, just because I
2 want to. That'd be murder.

3 Manslaughter would be more like if you -- because you
4 have got to have two things to have manslaughter. All right?
5 You've got to have sudden and passion, and sudden is the key
6 word. It has to be sudden. Sudden heat and passion. It
7 can't be something that happened a month ago or two years ago;
8 it's got to be sudden, now, right then, that causes you to
9 lose your cool, become enraged. But, the second thing that
10 you must have, and you must have them both, is you must have a
11 legal provocation for doing the act. You have to have both
12 those things to have manslaughter.

13 There is no sudden heat and passion here. Sudden heat
14 and passion would be let's say you're a man or let's say
15 you're a woman, either way, it doesn't matter. You come home
16 from work, you've been working all day, you come home from
17 work, there is your husband or your wife in the bed with a
18 third party who you don't know, undressed. You get angry, you
19 grab the gun up, and you shoot him. Manslaughter, not murder.
20 Sudden heat and passion, because you walked in that house and
21 as soon as you saw it, you grabbed that gun and you shot him.
22 That would be manslaughter; that's not murder.

23 She's not guilty of either of those things. The only
24 thing she's guilty of, the only thing she's guilty of she
25 picked a bad partner. She picked a bad partner. And you can

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CLOSING BY WILSON

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1 tell she loved him. Listen, even after, even after he's
2 trying to beat her head in in the floor and she stabs him,
3 what does she do? She drives him to the hospital, 90 miles an
4 hour, passing the EMS people who then followed her from the
5 hospital -- followed her from when they passed her as she's
6 going to the hospital. Ninety miles an hour trying to get him
7 to the hospital, running red lights. You heard that from the
8 police, not from me. Does that really sound like somebody is
9 trying to murder somebody? No. No.

10 You see, justice is justice. It don't matter where you
11 find it, it don't matter. It is what it is. Justice is
12 justice, and it applies equally in every situation. You know,
13 when I was growing up, I always thought -- and my momma used
14 to clean an insurance agency, she'd do the cleaning for them.
15 And she -- me and her would walk past, not this courthouse,
16 but it was the old courthouse, which is just up there on Third
17 Avenue, and we'd walk -- we didn't have a car, so we'd walk
18 and I would help her clean up. And every time I'd pass the
19 courthouse, I always thought as a little boy, that's where you
20 go to get justice. That's where justice is. That's where
21 people do the right thing. That's what I always thought. But
22 once I became a lawyer and I got to understand, no, this
23 building is not justice. This is not justice. These walls
24 are not justice. The outside frame of this building is not
25 justice; it's you. It only exists if it exists in your hearts

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CLOSING BY WILSON

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1 and in your minds. If justice doesn't exist in your hearts
2 and your minds, it doesn't exist in Horry County in this case,
3 because it's you. You are it. You are the law in this case.
4 You decide the facts. His Honor will tell you and all of us
5 what the law is, and you're to take the law as he gives it to
6 you, but not even His Honor will tell you what the facts are.
7 That's your job. That's your job.

8 Ladies and gentlemen, I know you've seen all of this
9 evidence, okay, over the last four days, and I'm not gonna sit
10 here and go back through piece by piece of what you already
11 saw. You heard every witness. And I do know, because I paid
12 attention to you, you were watching everything that went on in
13 this courtroom. You were listening, you were paying
14 attention, and we appreciate that so much.

15 But I do want to talk about a couple a more things. I
16 want to talk about Donnielle's story to you, because the
17 solicitor has already told you that it's plausible, and it is.
18 It's plausible, because it's the truth. That's why it's
19 plausible. Because as I said, you can't change the facts.
20 You can't change anything that happened in that car. When the
21 police got there, the first thing they did, was they took
22 pictures of the interior of the car. Do you know why they do
23 that that? To see exactly what existed at the time they
24 arrived. And what we do know, cause we saw this, too,
25 remember? When they pulled up to the Seacoast Hospital, they

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CLOSING BY WILSON

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1 both got out; that is both Donnielle and Mr. Green, they both
2 got out and walked into the door of the emergency room. They
3 never got back to the car after that. So, whatever was in
4 that car when they walked into that emergency room, stayed
5 there until the police got there and took those pictures.
6 Nobody went back to the car. She was the -- in there on video
7 the entire time, laying down in the floor crying. You saw the
8 pictures. So, you don't have to question whether or not,
9 okay, well she ran back to the car and she got some stuff and
10 put it in the floorboard and then she ran back and got
11 something else and pulled the card out and laid it in the
12 middle of the floor, and she puts some scuff marks in -- no.
13 No. And she was driving 90 miles an hour from the time it
14 happened to get to the hospital, and we know that because law
15 enforcement told you that. So, when was she gonna fix the
16 scene? When was she gonna plant the evidence? No.

17 But, you know, the other thing is self-defense. Let me
18 -- let me tell you -- and again, His Honor is gonna give you
19 the law, and if I say something that's inconsistent with
20 anything His Honor tells you, you disregard what I say. He is
21 the instructor of the law and you're to take the law as he
22 gives it to you. When -- when they go back, when this car is
23 -- is taken and they go through it and they look at it, all
24 the pieces, if you look at them, will show you that this is
25 self-defense.

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CLOSING BY WILSON

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1 Self-defense. One, you must not be at fault in bringing
2 on the difficulty. Well, there's nobody in the car, so how do
3 we know what happened? Who was at fault? Did he grab her and
4 snatch her in the front seat as she said, hit the brakes, made
5 her jerk forward, and then start beating her? Is that how it
6 happened? I don't know; I wasn't there. The solicitor wasn't
7 there either. He doesn't know either. That's why the law
8 places the burden of proof on them because they're the ones
9 who elected to charge her, so then they got to prove what
10 happened in that car. They can't, because they don't know,
11 but they want you to guess. So, you got to first prove or
12 establish that you are not at fault in bringing on the
13 difficulty. They said, oh, well, you know, at Denny's, she
14 says that -- Verlene says, oh, well, she hit him. Well, it
15 didn't happen then. Ain't nobody says it happened then. They
16 drove, what ten, 12 minutes to her house to drop her off, and
17 then another ten, 12 minutes to wherever they got before they
18 got to the hospital. Right? That didn't happen then. So,
19 they go what in May, she wrote these texts. Let's talk about
20 that for a second. She is talking to her girlfriend about her
21 man. All right. Listen, I hope never get any conversations I
22 have with some of my male friends. I tell them, sometimes I
23 want to wring my children's neck, because Lord knows I've said
24 it. All right. So, if something happened to one of them,
25 they gonna come looking at me. But my point simply is, is

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CLOSING BY WILSON

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1 that we say things, especially when we're talking to somebody
2 that we like or we're comfortable with. We do. Okay? You
3 talk to your girlfriends or your boyfriends or male friends
4 about stuff that you're not gonna really do, but you certainly
5 say it. Okay? Now, I ain't planning on wringing nobody's
6 neck. Now, I said it, but I, you know, I got four kids; I
7 ain't trying to wring their necks, but they make me feel like
8 it sometimes. I'm just saying. My point, ladies and
9 gentlemen, is, is that we all say things, and every one of
10 those text messages had what, LOMA or LMAO, whatever the word
11 is, with me laughing, you know -- I ain't gonna say all them
12 other words, but it says all that stuff. Okay? Clearly, she
13 is having fun joking with her friend about her man, and the
14 friend, you know, we don't know what the friend said back,
15 because that would be hearsay, so you couldn't hear that. But
16 I can imagine similarly.

17 So, first thing, not at fault in bringing on the
18 difficulty, and if it happened the way she says it happened,
19 and this expert says that that's certainly plausible, that he
20 -- he -- when she reached to put that cord in there to plug it
21 up to her phone and he hit the brakes and brought her forward,
22 and the things is, is that what is -- when she comes forward,
23 her left side is to his right side, and she is left-handed.
24 Well, she's ambidextrous, actually. She is face down. Now,
25 if you look, you will see scratches on the side of the door of

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1 where the passenger door is, there are scratches on that door.
2 Did she put them there? I don't know. I wasn't there either,
3 but it ain't my burden to prove anything. It's their burden
4 to prove how those scratches got there, not mine. I can tell
5 you this, her nails are over there where those scratches are;
6 I can tell you that, because I see that on the pictures that
7 we put into evidence.

8 Second thing, not at fault for bringing on the
9 difficulty. And you got to know that you're in reasonable --
10 you're in reasonable fear of your own life or being seriously
11 injured in some way. And folks, if you think driving down the
12 road in a car and somebody hit the brakes and cause you to
13 shove forward and they're beating you in the back with their
14 fists, if that ain't gonna cause you serious bodily injury,
15 then I got a used car for you. And my thing is, when you look
16 at the size of these people, the size of this defendant, and
17 the size of Mr. Green, it don't even matter. That would be
18 like me getting a five-year-old child and figure I would start
19 beating them and saying, oh, well it's self-defense, but you
20 know, I can beat you if I want to, I just say self-defense.
21 No, no, you don't get to beat your wife. That is not
22 something we get to do as husbands.

23 They are people, they are human beings just like us, just
24 like me. Yeah, sometimes you get a little upset. That don't
25 give you the right to hit them. They will get you if you beat

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1 your dog and you get caught at it, they will come and get you
2 and put you in jail; they will. But you can beat your wife.
3 I ain't never seen the likes of it. I love dogs; don't get me
4 wrong, I'm a dog man, but that doesn't make sense to me. I
5 can't beat my dog; I can darn sure beat my wife. No. No.

6 So, she's not at fault in bringing on the difficulty.
7 She was in fear of sustaining bodily injury or worse. She had
8 no reasonable means of avoiding the harm or the danger. How
9 was she gonna avoid it? How? You're in a car, you're in the
10 backseat; how you gonna get out. He's driving down the road.
11 Then when he hits the brakes and you fall forward, how are you
12 gonna get out the car? You can't avoid it. You've got to
13 defend yourself. There's nothing left to do, ladies and
14 gentlemen, except to defend yourself. And had she not, we
15 might be here with him charged with murder.

16 I say all that, but then, again, I keep coming back to it
17 is not the defendant's burden to prove these things. The
18 state has to disprove them, and they have to disprove each
19 element of each of those things beyond a reasonable doubt,
20 which they cannot do because it's impossible to do under these
21 circumstances. When they admit -- when the solicitor has
22 stood up here and said to you, oh, yeah, the expert testified
23 that her story is really probable. And did you hear anybody
24 get up there from the state and say, oh, no, what he says
25 ain't true. That ain't probable; it couldn't happen that way.

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1 Did you hear one person say that? No. You know why? Because
2 they can't. Because if they could, believe me, you saw how he
3 had that expert from -- that come up here and, what's his
4 name, Dr. Nelson, I believe it was, to come here with a big
5 chart and tell you about trauma and all that stuff. They
6 would've done the same thing -- they would have done exactly
7 the same thing if they had somebody who could say that, that
8 what you're saying, sir, is not true. It is not correct.

9 Another thing is, remember she kept saying -- that is
10 Donnielle says I told these family members, Sabrina, and she
11 called them out by name. Said I told them; they knew for
12 years about the abuse. They knew why I left. Did you hear
13 one of them get up and say that ain't true; I didn't know
14 about that. No. Why? Because they knew. They knew. That's
15 why they didn't get up here and say it, because it's true.
16 And believe me, you see how after I finished my case, and they
17 did rebuttal, and they called the doctor to get up there to
18 testify. They would've done the same thing with the evidence.
19 They had the option to do that, if they wanted to. They
20 didn't do it, because they couldn't.

21 I'm not gonna be much longer, and I know you've been here
22 for four days like the rest of us, and you're tired and you
23 were here last night until after 7:00. It's been a long week
24 for all of us. It has been. And I want you to remember that
25 Donnielle has no burden of proof, that the state has to

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CLOSING BY WILSON

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1 disprove -- they have to disprove by evidence that -- beyond a
2 reasonable doubt they have to prove to you that self-defense
3 didn't exist in this case. They have to prove that, and they
4 have to prove that all the elements of murder and/or all the
5 elements of manslaughter existed. They can't do that either,
6 because they weren't in the car and they don't know, and they
7 don't know what happened in the car, and they've had nobody
8 testify as to what happened in the car other than Donnielle.
9 The only person who testified as to what happened in that car.
10 That's uncontradicted in this record. Nobody else.

11 I know that when I -- when I sit down, I will think of
12 ten more things that I wanted to tell you, but I can't get
13 back up. Those are rules that we operate under. And I said
14 to you at the outset of this trial, our system is the best I
15 know. It's the best I know. I don't know of a system that's
16 better. Is it perfect? No, it ain't perfect. It's got its
17 flaws, but it's better than the next closest thing to it, I
18 can tell you that. And if I had to take my chances, I'd
19 always want to take it to a jury, because you represent the
20 community. You represent society. You represent truth and
21 justice. You know, those are not just words that we plaster
22 on the wall or put on the back of -- of -- of money or
23 something, those words have meaning. Those words have
24 meaning. And for our system to have meaning and to have to
25 work, it can only work if you, if you believe those words,

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CLOSING BY WILSON

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1 truth, justice, fairness.

2 I have, for the last number of years now, carried this
3 case with Donnielle. I have done my job. I have done my job.
4 And when I sit down, my job will be over. Yours will just
5 begin. Under our rules, the state is represented by the
6 solicitor's office; defendants are represented by counsel.
7 The difference is, as a defense lawyer, my sole job is to
8 represent my client within the rules that the Court sets.
9 That's my sole job. I have no other responsibility.
10 That's not true with the state. The state is not to represent
11 anybody. What they're supposed to do is seek justice, no
12 matter where that justice is. That's their jobs. It's not to
13 convict people; it is to seek justice on behalf of the State
14 of South Carolina. That is what they're supposed to be doing.

15 I want to say thank you for your attention. And as I
16 said, I'm going -- I'm gonna think of some other stuff, but I
17 wish I could tell you; I can't get back up here to tell you.
18 So, but I do ask you, as I turn this case from my hands to
19 yours, I ask you to protect the rights of Donnielle Matthews.

20 Thank you.

21 THE COURT: Final argument.

22 MR. OSKIN: Thank you.

23 REPLY CLOSING BY OSKIN:

24 MR. OSKIN: I just want it to be very clear to you, the
25 jury, that we do not have to show every detail of what

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REPLY CLOSING BY OSKIN

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1 happened in that car. We just have to prove to you with the
2 evidence that she acted with malice aforethought when she
3 stabbed her husband twice and killed him. We have done that.
4 There's been no evidence presented from that stand, from that
5 testimony from any of this -- of these exhibits, that shows
6 she is being beaten when she reacts by stabbing him in the
7 car. There's no evidence other than her testimony.

8 What has her testimony consistently proven to be? Lie
9 after lie after lie after lie.

10 She said she grabbed the knife out of instinct. What I
11 wanted to show you from that stand was how quick she could
12 open the knife, how quickly she opened it. I don't care what
13 hand it was, she was quick with a knife, quick to use it.

14 Do not -- the state does not have to show you exactly
15 what happened in that car. Otherwise, all you have to do --
16 all anyone would ever have to do is get somebody alone. If
17 you killed someone and it's just and him, does that
18 automatically mean not guilty? It does not. You have to look
19 at the rest of the evidence, and that evidence has shown you
20 that she stabbed him with malice aforethought. That's
21 simple. It is that simple. She killed with malice
22 aforethought; she's guilty of murder. When you have a six-
23 foot, strong, angry, mean dude, you're gonna have more
24 injuries than a scratch to your cheek here? If he slammed on
25 his brakes and threw her into the front of the car, do you

1 remember asking her -- wouldn't her face get smashed up;
2 wouldn't her nose be broken; wouldn't her lips be busted?
3 Proven by the evidence and it's not her burden at all to prove
4 her innocence. It's our burden to show you, and that's how
5 we've shown that it's just another story from her.

6 You were told that I said her story was probable; that's
7 not true, I didn't say that. You were also told that Alethia
8 left him previously because he was beating her; that wasn't
9 true either. This case is about the truth.

10 Mr. Wilson was talking about a plausible story, and if
11 making up a plausible story four years later means you're not
12 guilty, and that's what you find, then so be it. But ladies
13 and gentlemen, that's why you judge the credibility of the
14 witnesses and the evidence. People lie when they're charged
15 with murder. That's what the defendant has done here, not
16 once, twice, three times, four times, five times.

17 This comes down to malice. We want you to take in all of
18 the texts, or messages, or comments about killing Dennis in
19 context and jest, and that was jut LMAOs, and that was just
20 funny, joking around or telling Antoinette that he was gonna
21 kill her -- or that she was gonna kill him. Then she actually
22 did. She was stewing in that back seat at 5:06, mad. She
23 sees the text from Antoinette. Antoinette didn't appreciate
24 the BS of that night. Jealous rage turned into malice that
25 she had already had in her heart. She stabbed her husband two

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REPLY CLOSING BY OSKIN

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1 times in the car. She didn't just come forth. She's now on
2 trial and context absolutely matters. Context matters after
3 you've seen a story -- after you've seen the evidence and you
4 make your story fit that, and that story is not true. That's
5 proven by the photos and the photos who no serious injury.
6 She wasn't in fear for her life at that moment.

7 The only person in this courtroom who said she was beaten
8 is her. The only thing that their expert had to rely on in
9 making a determination, was her and her stories. But the
10 objective tests show that she was malingering, lying, faking.
11 Now, their expert had a different version of what happened,
12 but you'll recall that Solicitor Spratlin also got their
13 expert to say that it was plausible that she stabbed him from
14 behind in the car, and it was plausible that her hand was
15 bruised from gripping the knife so hard. He did his best to
16 diminish the stab and he called it a jab. He said it barely
17 pierced the heart. It barely pierced the heart? He also said
18 the knife was talking as it moved. She stabbed him in the
19 heart. Malice aforethought. The only person that says
20 otherwise is her. Are you gonna take her word for it or are
21 you gonna rely on the evidence? Are you gonna rely on the
22 evidence in the verdict that it demands of you, that it tells
23 you that you -- that you have to. You didn't check your
24 common sense at the door. You didn't leave it.

25 Mr. Wilson is right, justice does come from y'all when

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CHARGE TO JURY

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1 you're in that jury room. Lady justice is gonna be in there
2 with you, and if you listen to her, she's gonna say what that
3 this evidence commands, the defendant is guilty of killing
4 Dennis Green with malice aforethought.

5 BY THE COURT:

6 THE COURT: All right, ladies and gentlemen, I want you
7 to go to your jury room for about five minutes and take a
8 short break. Come back and I'll give you the law in this
9 particular matter.

10 Thank you.

11 (REPORTER'S NOTE: Jury exits courtroom @ 11:24 a.m.)

12 THE COURT: All right. We'll take a short break for
13 about five minutes. Thank you very much.

14 RECESS - 11:24 A.M.

15 *****OFF THE RECORD*****

16 ON THE RECORD - 11:32 A.M.

17 THE COURT: Is the state ready for the jury to come in?

18 MR. SPRATLIN: Yes, Your Honor.

19 THE COURT: Defense?

20 MR. WILSON: Yes, sir.

21 THE COURT: Ask the jury to come in, please

22 (REPORTER'S NOTE: Jury enters courtroom @ 11:33 a.m.)

23 CHARGE TO JURY:

24 THE COURT: All right, ladies and gentlemen, it's now my
25 duty and responsibility to give you the law that you will

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1 apply to the facts and evidence you've heard in this case. I
2 told you at the very beginning, I would not indicate to you in
3 any way what I think the facts of this case are; it's not my
4 job. It's your job and your responsibility. But, if you came
5 into this courtroom with any preconceived ideas of what the
6 law is, what it ought to be, what it should, what you hoped it
7 would be, you'll disregard that. You will take the law as I
8 give it to you and apply to the facts and evidence you've
9 heard.

10 I told you at the very beginning, one of your jobs,
11 duties, and responsibilities was to judge the credibility that
12 is the believability of the witnesses that came before you and
13 testified in this case. You can believe one witness against
14 several, several against one, you can believe a portion of
15 what a witness says, disregard the other portion of it, you
16 can disregard it in its entirety the testimony of a particular
17 witness if you've got a good and sound reason for doing so.
18 You look at whether or not they exhibited to you any kind of
19 interest, motive, bias, prejudice they may have in giving you
20 the testimony. You obviously consider the opportunity for
21 knowledge. Your job is to examine the facts. You don't have
22 any friends to reward. You don't have any enemies to punish.
23 It is examination of the facts.

24 Now, I allowed y'all to take notes, and I told you
25 something about that at the beginning, and I'll remind you

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1 again, some people are just better at it than others. Just
2 because somebody writes something down on a piece of paper,
3 does not make it more true than somebody's memory. We are
4 relying on your collective wisdom in this particular matter.

5 In this particular case and virtually every case that's
6 tried, there is two kinds of evidence, direct and
7 circumstantial evidence. Direct evidence, that's the
8 testimony of a person who claims to have knowledge of a fact.
9 This is what I saw; this is what I heard; this is what took
10 place in my presence. Circumstantial evidence is proof of a
11 chain of facts indicating the existence of a fact. The law
12 doesn't make any distinction between the two. But, to the
13 extent that the state relies on circumstantial evidence, the
14 circumstances have to be consistent with each and when taken
15 together, point conclusively to the guilt of the accused
16 beyond a reasonable doubt.

17 I told you at the very beginning and I'll tell you again
18 a couple of times. The state has the burden of proving the
19 defendant guilty of the crime or crimes charged beyond a
20 reasonable doubt. And that rests with the state whether they
21 use direct evidence, circumstantial evidence, some combination
22 of the two.

23 The rules of evidence allow the Court to qualify some
24 witnesses to give their opinion. Sometimes we call them
25 expert witnesses. What they really are is people we're

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1 allowing to give their opinion, because normally we don't
2 allow you to do that. You have to tell us what I saw, what I
3 heard, what took place in my presence. But some witnesses, by
4 reason of their education, experience, and training in a
5 certain field will allow you to give their opinion. But that
6 doesn't give them any kind of special status. You judge all
7 of the witnesses the same. You judge all of their credibility
8 and believability the same under the rules that I've told you
9 about just a minute ago.

10 Rules of evidence also provide that a witness may be
11 discredited or impeached by showing the witness has been
12 convicted of a crime. Now, as to this evidence, it's only on
13 the issue of credibility or believability. A person who has a
14 past criminal record can testify during a trial, and their
15 past record doesn't affect their ability to testify. The past
16 record may be considered by you, if it's to be considered at
17 all, in the determining the witness' credibility or
18 believability.

19 A statement alleged to have been made by the defendant
20 has been admitted by the Court as evidence in this case. Now,
21 while the Court determined that was proper as evidence in this
22 case, you are the judges of the facts. That includes the
23 statement. So, you determine was the statement made by the
24 defendant, was it made voluntarily of their own freewill; was
25 it caused or not caused by any kind of pressure, force, fear,

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1 threats, coercion, intimidation, hope, or promise of leniency,
2 or reward of any kind; you consider the characteristics of the
3 defendant, the details of the questioning; you can consider
4 the person's age, education, lack thereof, their mental
5 ability or capacity, their background, environment, place and
6 length of detention, and the nature of the question, and the
7 advice or lack thereof of their constitutional rights. Any
8 statement can and will be used against you in a court of law.
9 You have the right to have a lawyer present. If you cannot
10 afford one, one will be appointed to represent you. You can
11 stop making a statement at any time. The state has the
12 burden, as with everything, proving beyond a reasonable doubt
13 that the alleged statement was the statement of the defendant
14 and was made freely and voluntarily to you. And, if you so
15 determine, then you give it whatever weight you believe it
16 should have.

17 Voluntary intoxication is not an excuse or a defense to
18 any crime. A person who voluntarily becomes intoxicated is
19 just as responsible for the acts committed while intoxicated,
20 as if the acts had been committed while they were sober.
21 Voluntary intoxication does not relieve an intoxicated person
22 from responsibility and cannot be considered as a defense to a
23 crime.

24 I told you at the very beginning, the state brought the
25 indictment, the charge, levied that against the defendant.

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1 The defendant, at that point in time, pled not guilty. That
2 put the burden of proof on the State of South Carolina to
3 prove the defendant guilty beyond a reasonable doubt. When
4 the defendant pled not guilty, the presumption of innocence
5 came upon the defendant. That presumption of innocence didn't
6 end at the start of the trial, it hasn't ended now. It does
7 not end unless and until you believe from the evidence
8 presented, the state has proved the defendant guilty beyond a
9 reasonable doubt. We liken the presumption of innocence to a
10 robe of righteousness. It's placed on the shoulders of the
11 defendant, and it stays on the shoulders of the defendant,
12 unless the state, if it can, rips that robe of righteousness
13 from the shoulders of the defendant by evidence that convinces
14 you of the guilt of the defendant of the crime or crimes
15 charged beyond a reasonable doubt. It's not just some legal
16 theory or legal phrase, it's an important right to which every
17 defendant is entitled that you, the jury, must be satisfied
18 from the evidence of the defendant's guilt beyond a reasonable
19 doubt.

20 So, what's reasonable doubt? The kind of doubt that
21 would cause an ordinary, reasonable person to hesitate to act.
22 Proof beyond a reasonable doubt is proof that leaves you
23 firmly convinced of the defendant's guilt. Now, there are
24 very few things we can know with absolute certainty, and the
25 law doesn't require the State of South Carolina to give you

1 that kind of proof. What is required is based upon your
2 consideration of the evidence, you are firmly convinced the
3 defendant is guilty of the crime charged, you must find the
4 defendant guilty. On the other hand, if you are not firmly
5 convinced that the defendant is guilty of the crime charged,
6 you must give the defendant the benefit of the doubt and find
7 them not guilty.

8 So, what is the defendant charged with? The defendant is
9 charged with the crime of murder. The state must prove beyond
10 a reasonable doubt that the defendant killed another person
11 with malice aforethought. Malice is hatred, ill will,
12 hostility towards another person. It's in the intentional
13 doing of a wrongful act without just cause or excuse with an
14 intent to inflict an injury, or it's under circumstances that
15 the law would infer an evil intent. A malicious killing is
16 where the act is done without legal justification or excuse.
17 It indicates a wicked or depraved spirit, intent on doing
18 wrong. Now, malice aforethought does not require that malice
19 exists for any particular time before the act is committed,
20 but it has to exist in the mind of the defendant just before
21 and at the time the act is committed. It's a combination of
22 the intent and the act. Malice aforethought could be
23 expressed or inferred. That's merely the manner in which they
24 are shown to exist, either by direct or circumstantial
25 evidence from the facts and circumstances proven. Remember,

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CHARGE TO JURY

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1 the defendant is not required to prove the absence of malice.
2 And again, the state is required, as with everything, to prove
3 the existence of malice beyond a reasonable doubt.

4 Now, if you find the state has failed to prove to you
5 beyond a reasonable doubt the defendant committed the crime of
6 murder, you may consider the lesser included offense of
7 voluntary manslaughter. Again, the state has to prove this
8 crime to you beyond a reasonable doubt. The state must prove
9 regarding voluntary manslaughter that the defendant took the
10 life of another in the sudden heat of passion based upon
11 sufficient legal provocation. Both heat of passion and
12 sufficient legal provocation must be present at the time of
13 the killing to constitute voluntary manslaughter.

14 Now, sudden heat of passion, may for a time, affect a
15 person's self-control. It may temporarily disturb a person's
16 reasoning. Sudden heat of passion must be the type that would
17 make an ordinary, reasonable person unable to coolly reflect
18 on their actions and would produce an uncontrollable impulse
19 to do violence.

20 Legal provocation must be the type that would make an
21 ordinary, reasonable person become enraged and lose their
22 control temporarily. Provocation needed for voluntary
23 manslaughter must come from some act of or related to the
24 victim. Now, words alone, however vulgar or insulting, are
25 not enough. Where death is caused by the use of a deadly

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1 weapon, the words must be accompanied by some overt, some kind
2 of act which could've produced that heat of passion.

3 Now -- excuse me -- if the heat of passion had cooled off
4 or there was enough time between the provocation, if any, and
5 the killing for an ordinary, reasonable person to cool off,
6 the killing is not voluntary manslaughter. You consider all
7 the circumstances surrounding the killing, you may consider
8 the nature of the provocation, if any, the defendant's mental
9 and physical state, and the circumstances and relationships
10 between the parties. If you have a reasonable doubt as to
11 whether the defendant is guilty of a greater or a lesser
12 offense, you must resolve that doubt in favor of the defendant
13 and find the defendant guilty of the lesser offense, if the
14 state has proved it to you beyond a reasonable doubt.

15 Now, in this matter, there has been raised the issue of
16 self-defense. Now, even though the issue is raised by the
17 defense, the state has the burden of disproving self-defense
18 beyond a reasonable doubt. Again, no burden on the defendant.
19 Self-defense, that's a complete defense, and if established,
20 you must find the defendant not guilty, and that includes the
21 defense of battered person syndrome. And again, the state has
22 the burden of disproving self-defense or battered person
23 syndrome by proof beyond a reasonable doubt. That's the
24 state's burden all the time. If you have a reasonable doubt
25 of the defendant's guilt after considering all the evidence

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1 including self-defense or the battered person syndrome, you
2 must find the defendant not guilty. On the other hand, if you
3 have no reasonable doubt of the defendant's guilt after
4 considering all the evidence, including self-defense, battered
5 person syndrome, you must find the defendant guilty.

6 So, what's self-defense? There are certain elements and
7 certain sub-parts to it. First element, without fault. The
8 defendant must be without fault in bringing on the difficulty.
9 If the defendant's conduct was the type which would reasonably
10 calculated to and did provoke the deadly assault, the
11 defendant would be at fault in bringing on the difficulty and
12 would not be entitled to self-defense. Under battered person
13 syndrome, if a defendant killed her abuser during a
14 confrontation when the abuser clearly is the aggressor, the
15 element may be satisfied. It also may be possible to be
16 satisfied to characterize a battered person as the victim of a
17 continuing assault at the hands of the batterer and that might
18 be satisfied even though the battered person acts at a time
19 when the batterer is not then being physically abusive.

20 The second element of self-defense, imminent danger. The
21 defendant was actually in imminent danger of death or serious
22 bodily injury or the defendant actually believed she was in
23 imminent danger of death or serious bodily injury. If the
24 defendant was actually in imminent danger of death or serious
25 bodily injury, it must be shown that the circumstances would

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1 again warrant an ordinary, reasonable person to have the
2 firmness and courage to strike the fatal blow to prevent death
3 or serious bodily injury. If the defendant believed she was
4 in imminent danger of death or serious bodily injury, it must
5 be shown that an ordinary, reasonable person, one of ordinary
6 firmness and courage, would have had that same belief. In
7 deciding whether the defendant was or believed she was in
8 imminent danger of death or serious bodily injury, you
9 consider all the facts and circumstances surrounding the
10 matter including the physical condition, the characteristics
11 of the defendant and the victim.

12 Right to act on appearances. The defendant does not have
13 to show that she was actually in danger. It is enough that
14 the defendant believed she was in imminent danger of death or
15 serious bodily injury if a reasonable, ordinary person, one of
16 ordinary firmness and courage would have had that belief.
17 It's up to you to decide whether the defendant's fear of
18 immediate danger of death or serious bodily injury was
19 reasonable and would have been felt by an ordinary person in
20 the same situation.

21 Under battered person syndrome, a battered person
22 actually is in imminent danger of violence when they act,
23 depending on the facts of the case. The defendant may act in
24 self-defense if they believe they were in imminent danger of
25 death or serious bodily harm even though the batterer is not

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1 right then being physically abusive when the defendant acts.
2 This is because a battered person can experience a heightened
3 sense of imminent danger arising from the terror of physical
4 and mental abuse. Often the terror does not decrease even
5 when the batterer is absent or asleep. Where torture appears
6 interminable, escape impossible, the belief that only death of
7 the batterer can provide relief may be reasonable in the mind
8 of a person of ordinary firmness and courage.

9 Prior difficulties. Evidence of prior difficulties
10 between the defendant and the victim may be considered in
11 deciding whether a threat exists. Whether the defendant had a
12 reason to believe a threat existed and how serious that threat
13 was.

14 Size and age. The relative sizes, ages, weights, of the
15 parties may be considered in deciding the apparent or actual
16 need for force in self-defense and the amount of force needed.

17 The reputation of the victim, if any, as a violent person
18 may be considered in deciding whether there was a need for
19 force, whether the defendant had a reason to believe there was
20 a need for force, and whether deadly force was reasonable and
21 necessary.

22 Prior instances of violence by the victim, if any, may be
23 considered in deciding whether the defendant actually believed
24 she was in imminent danger of death or serious bodily injury
25 or was actually in imminent danger of death or serious bodily

1 injury.

2 Threats made by the victim, if any, may be considered in
3 determining whether the defendant actually was or believed she
4 was in imminent danger.

5 The third element of self-defense, no other way to avoid
6 danger. The defendant had no other probable way to avoid the
7 danger of death or serious bodily injury than to act as the
8 defendant did in this particular circumstances.

9 Duty to retreat. The defendant has no duty to retreat,
10 if by doing so, the danger of being killed or suffering
11 serious bodily injury would increase. Under battered person
12 syndrome, a battered person who is held hostage by the
13 batterer, may have no other means of avoiding a battering than
14 to kill the batterer in self-defense. A batterer who acts
15 while on their own premises or who has no means of escape has
16 no duty to retreat.

17 A person cannot be required to make an exact calculation
18 as to the degree or amount of force which may be needed to
19 avoid death or serious bodily harm. Therefore, in self-
20 defense, the defendant has the right to use the force needed
21 to avoid death or serious bodily harm. The force used in
22 self-defense does not have to be limited to the degree or
23 amount of force used by the victim, if any. The defendant has
24 the right to use so much force as would reasonably appear to
25 be necessary for complete self-protection, that is what an

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CHARGE TO JURY

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1 ordinary, reasonable person would have believed to be needed
2 to prevent death or serious bodily harm. And, if the
3 defendant is justified in defending themselves, then the
4 defendant is also justified in continuing to defend themselves
5 until it is apparent that the danger of death or serious
6 bodily injury has ended.

7 So again, three elements: without fault, imminent danger,
8 no other way to avoid danger with all of the subsets and
9 qualifiers that I talked to you about, including but obviously
10 not limited to the battered person syndrome.

11 All right, ladies and gentlemen, that's the law. That's
12 the law you have to apply to facts and evidence you've heard
13 in this case.

14 Now, I have prepared for you a verdict form that will aid
15 you in writing your verdict. Pretty self-explanatory, State
16 of South Carolina versus Donnielle Matthews Green. Murder, on
17 the charge of murder, we the jury, by unanimous consent, find
18 the defendant -- you have two choices. I have to put on --
19 had to put one before the other. Don't assign anything to
20 that, ones got to go before the other; not guilty or guilty.
21 If you find the defendant guilty of murder, that's the end of
22 it. Knock on the door, let the bailiff know you reached a
23 unanimous verdict. If you find the defendant not guilty of
24 murder, you then proceed to the lessor included offense of
25 voluntary manslaughter.

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1 Voluntary manslaughter. On the charge of voluntary
2 manslaughter, we, the jury, by unanimous consent find the
3 defendant -- again, two choices; not guilty or guilty.

4 So, Madame Forelady, your jury deliberates and reaches a
5 unanimous decision in this matter, take the verdict form,
6 check the appropriate blocks, you sign your name, put today's
7 date, knock on the door, and let the bailiff know that your
8 jury has reached a verdict.

9 Unanimous, I've said it several times. It means exactly
10 what you think it means, 12/0, not 11/1, 10/2, any combination
11 thereof. So, Madame Forelady, you check the block, you're
12 saying every single member of the jury agrees that's their
13 verdict. So, after the verdict is read by the clerk's
14 representative and the clerk's representative asks you to
15 raise your right hand to affirm that is your verdict, all
16 members of the jury will be able to do so. That's what you're
17 saying, Madame Forelady, when you check the block and sign
18 your name.

19 So, what I'm gonna ask that you do, Madame Forelady, is
20 to take the 12 members of the jury to the jury room. Do not,
21 do not begin your deliberations until the bailiff hands to you
22 the verdict forms and all the exhibits. And you will have a
23 laptop sent in with you if you want to play any of the discs
24 or flash drives.

25 The two alternates, please stay with us.

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BY THE COURT

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1 Madame Forelady, take the other members of the jury to
2 the jury room.

3 (REPORTER'S NOTE: Jury exits courtroom @ 12:04 p.m.)

4 BY THE COURT:

5 THE COURT: Alternates, is there any reason the Court
6 should not excuse them at this particular point in time?

7 MR. SPRATLIN: I see no reason why, Your Honor.

8 THE COURT: Defense?

9 MR. WILSON: No, Your Honor.

10 THE COURT: All right. I want to thank both of you for
11 your service. You weren't used in this case, but I'll tell
12 you, I think in the last three or four cases I've had, I've
13 had to substitute in an alternate for various reasons,
14 somebody gets sick, whatever. It happens honestly, more often
15 than you think, it just didn't happen in this particular case,
16 but I appreciate your service. You were very valuable and we
17 couldn't have continued without you, so I appreciate that.
18 I'll excuse you from your jury service for this week, and also
19 you have an exemption for three years from coming back to
20 Circuit Court jury duty. So, with that, you are now excused.

21 Thank you very much.

22 (REPORTER'S NOTE: Alternates excused and exit courtroom @
23 12:05 p.m.)

24 THE COURT: All right. Exceptions, deletions, additions
25 to the charge from the state?

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BY THE COURT

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1 MR. SPRATLIN: No, Your Honor.

2 THE COURT: From the defense?

3 MR. WILSON: Your Honor, I don't have any additions or
4 deletions. I would just renew my -- my objections that I
5 stated earlier to voluntary manslaughter -- I'm sorry -- both
6 the voluntary manslaughter charge and to the battered spouse
7 of battered person syndrome.

8 THE COURT: All right. So -- and I understand that you
9 presented a battered spouse charge and I did not read it word
10 for word.

11 MR. WILSON: Yes, sir.

12 THE COURT: But it is there some sentence, some paragraph
13 in there that you believe that I did not, in talking to the
14 jury, tell them?

15 MR. WILSON: I think ---

16 THE COURT: Or you just wanted it the way you presented
17 it?

18 MR. WILSON: Yes, sir, and -- and, Your Honor, I think
19 part of that was, when I read the entire charge that I
20 presented, I think it -- it says pretty much that, that -- and
21 the Court discussed this the other day, that it sounds almost
22 like a directive to tell them that if they find this, then
23 they got to find them not guilty, and that's really, I think
24 the essence of the battered spouse statute.

25 THE COURT: Okay. All right. What I was trying to say,

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BY THE COURT

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1 if I didn't say it properly, I thought your charge more was me
2 telling them this is what you have to do, you have to do this,
3 not that it's your decision. That's how I took that charge,
4 not that, as I explained, self-defense is a complete defense
5 including battered person syndrome, I told them that at the
6 very beginning, and the state has to disprove it. So -- but
7 it's their job. I took how you presented it to me as I was
8 just directing them, you go in there and find them not guilty,
9 that's how I took that charge, and that's why I didn't read it
10 as such as you had presented it. But -- but I believe, and
11 point it out to me if I didn't, I think I took every element
12 of it and everything you said in there that -- that
13 encompasses battered person syndrome, and did tell them that
14 in my charge.

15 MR. WILSON: I understand, Your Honor.

16 THE COURT: All right. Very good.

17 MR. WILSON: Thank you.

18 THE COURT: All right. So, the defendant is now
19 delivered into the custody and control of the sheriff's office
20 while the jury deliberates.

21 Before y'all come forward, I want to tell all three of
22 you, I respect and commend all three of you. You did exactly
23 what the Court would expect you to do in representing your
24 respective interest, the state or the defense. I commend you
25 on the job that you did in presenting the matter to the jury,

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BY THE COURT

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1 and I appreciate that.

2 MR. WILSON: Thank you, Your Honor.

3 MR. SPRATLIN: Thank you, Your Honor.

4 MR. OSKIN: Thank you, Your Honor.

5 THE COURT: If y'all would come forward and look at the
6 exhibits and make sure we've got the correct ones going to the
7 jury please.

8 (REPORTER'S NOTE: Exhibits reviewed and consented to by
9 counsel. Deliberations commence at 12:19 p.m.)

10 **RECESS - 12:19 P.M.**

11 *****OFF THE RECORD*****

12 **ON THE RECORD - 1:27 P.M.**

13 COURT'S EXHIBIT NUMBER 1

14 MARKED FOR IDENTIFICATION

15 THE COURT: We have a note from the jury and we've marked
16 it as Court's Exhibit Number 1 and they some questions, and
17 basically what they're asking is if either the state or the
18 defense on State's Exhibit 89 has a timestamp where they could
19 just go to these things rather than -- because it's what, two
20 and a half hours or something like that long. So, that's what
21 they're asking, does that exist?

22 MR. SPRATLIN: No, not with the redactions.

23 THE COURT: Okay. All right. So, we'll just have to
24 tell them that they have to find these things on their own.
25 All right.

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VERDICT OF THE JURY

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1 Thank you, gentlemen.

2 MR. SPRATLIN: Thank you, sir.

3 **RECESS - 1:28 P.M.**

4 *****OFF THE RECORD*****

5 **ON THE RECORD - 5:15 P.M.**

6 VERDICT OF THE JURY

7 THE COURT: All right, ladies and gentlemen, y'all can
8 have a seat. I understand the jury has returned a verdict in
9 this particular matter. I do not know what it is. We'll all
10 receive the verdict at the same time. That verdict will be
11 received with respect and silence. I will not tolerate any
12 kind of showing of emotion, outbursts, anything like that. If
13 you cannot follow these directions, please leave the courtroom
14 now, because if that happens, you will be detained by an Horry
15 County Sheriff's Officer, and I will hold a contempt of court
16 hearing whereby I can send you to the Department of
17 Corrections for a period of one year. I don't want to do
18 that, but I will do that. So, please, if you cannot control
19 yourself, avail yourself at this time to leave the courtroom.

20 The state ready for the verdict?

21 MR. SPRATLIN: State's ready, Your Honor.

22 THE COURT: Defense?

23 MR. WILSON: Your Honor, I'm ready except that the family
24 is on their way.

25 THE COURT: I mean they might ---

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VERDICT OF THE JURY

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1 THE DEPUTY: They're on their way over.

2 THE COURT: I'll be glad to wait. That's fine. I'll
3 have to go everything with them again, but that's all right.

4 MR. WILSON: I'm sorry, Your Honor.

5 THE COURT: No, that's all right. That's not a problem.
6 Anybody else?

7 THE DEPUTY: Just a couple more, yes, sir, coming up,
8 yes, sir.

9 THE COURT: Is that everybody then?

10 MR. WILSON: Yes, sir.

11 THE COURT: All right. All right. Let me -- let me go
12 over this again. We're all gonna receive this verdict
13 together. The only people that know what the verdict is right
14 now is the jury themselves. The verdict will be received with
15 respect and silence. I will not tolerate any kind of showing
16 of emotion, outbursts, of any kind. If that happens, you'll
17 be detained by the Horry County Sheriff's Office. I will hold
18 a contempt of court hearing. I can send you to the Department
19 of Corrections for a period of one year. I don't want to do
20 that, but I will do that. So, please, if you cannot follow
21 these instructions, leave the courtroom now.

22 Ask the jury to come in.

23 (REPORTER'S NOTE: Jury enters courtroom @ 5:25 p.m.)

24 THE COURT: Madame Forelady, has the jury reached a
25 verdict in this matter?

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VERDICT OF THE JURY

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1 MADAME FORELADY: Yes, Your Honor.

2 THE COURT: All right. Can you hand the verdict form to
3 the clerk's representative? She'll come to you.

4 You may publish the verdict.

5 THE CLERK: 2017-GS-26-04252, the State of South
6 Carolina, County of Horry v. Donnielle Matthews Green. On the
7 charge of murder, we the jury, by unanimous consent, find the
8 defendant not guilty.

9 On the charge of voluntary manslaughter, we the jury, by
10 unanimous consent, find the defendant guilty. Signed by
11 foreperson Tiffany Crauder, dated June the 18th, 2021.

12 THE COURT: All right, Madame Forelady, ladies and
13 gentlemen of the jury, if this is your verdict, please so
14 indicate by the raising of your right hand.

15 Put them down. All jurors having affirmed the verdict by
16 the raising of their hand.

17 Does the state wish the jury polled?

18 MR. SPRATLIN: No, Your Honor.

19 THE COURT: Does the defense wish the jury polled?

20 MR. WILSON: No, sir.

21 THE COURT: As to the jury itself, are there -- is there
22 any objection to the Court excusing the jury from the state?

23 MR. SPRATLIN: No, Your Honor.

24 THE COURT: From the defense?

25 MR. WILSON: No, sir.

1 THE COURT: Ladies and gentlemen, I want to thank you for
2 your service. You did exactly what the Court asked you to do.
3 That is to listen to the facts and the evidence, apply the law
4 that the Court gave to you, and reach a unanimous verdict in
5 this particular matter. We understand we asked you to do a
6 difficult thing, something you did not volunteer to do, but
7 the criminal justice system cannot operate without the
8 participation and the presence of its citizens. I want to
9 thank you for your service. You've got an exemption now from
10 coming back to Circuit Court jury duty for the next three
11 years, and with that, you are now excused. Thank you very
12 much.

13 (REPORTER'S NOTE: Jury exits courtroom @ 5:28 p.m. The
14 following takes place outside the presence of the jury.)

15 THE COURT: Mr. Wilson?

16 MR. WILSON: Yes, sir.

17 THE COURT: Any motions at this point in time?

18 MR. WILSON: Yes, sir.

19 MOTIONS:

20 MR. WILSON: Your Honor, at this time, I would move for a
21 judgment of acquittal notwithstanding the verdict, and ask for
22 a new trial. I think that, Your Honor, during both my
23 directed verdict motion and after when His Honor was charging
24 the jury, I asked that voluntary manslaughter not be charged,
25 and -- and the reason for that is, I did not believe that

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MOTIONS

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1 there was any evidence in the record to support a manslaughter
2 charge. And -- and what my fear now is, is that the jury did
3 a compromised verdict as a result of that being one of the
4 charges that was submitted to them. And so, I would, on that
5 basis, ask the Court to set aside the verdict and to grant us
6 a new trial in that regard.

7 The other thing, Your Honor, is I would also renew all of
8 the motions that I made and objections that I made at the end
9 of the state's case and at the end of the defense's case, and
10 the motions and objections that I entered after the Court had
11 -- was preparing to charge the jury.

12 THE COURT: All right, sir.

13 MR. WILSON: I would renew that.

14 THE COURT: All right. Thank you. As to all of the
15 motions, obviously they've been made part of the record, and
16 the Court's ruling on that, all your objections, are and have
17 been preserved when you made them, at that time. The Court's
18 ruling, I would respectfully again deny those objections that
19 you made based upon the Court's ruling at the time.

20 MR. WILSON: Yes, sir.

21 THE COURT: Regarding your motion for a new trial, I
22 believe that there was competent evidence presented in this
23 matter that would sustain the jury's verdict in this matter.
24 I do believe that there was evidence presented at the trial,
25 and if that evidence was to be believed, and that again was

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BY THE COURT

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1 the jury's job, and by the verdict have so rendered they
2 believed that evidence. It's more than sufficient evidence to
3 convict the defendant of the crime of voluntary manslaughter.
4 The statements she made on the night of the killing, previous
5 comments she had made, the testimony as preserved in recorded
6 messages, her various statements to law enforcement, the
7 testimony of Antoinette Vereen, and the various aspects of
8 comments that she said the defendant made at Dockside,
9 comments she made outside Denny's, comments she made at her
10 house when Antoinette was left off, her testimony about
11 striking the victim, the testimony of the defendant's crime
12 reconstruction expert about the gripping of the knife in
13 response to cross-examination, the photos either indicating no
14 or minor injuries to the defendant, some not being observable
15 at either hospital where the victim was taken; all those
16 things just as a subset of all of the evidence that has been
17 presented in this case, I respectfully decline to grant your
18 motion for a new trial.

19 MR. WILSON: Thank you, Your Honor.

20 BY THE COURT:

21 THE COURT: Now, regarding the sentencing in this -- in
22 this matter, when there have been allegations of spousal
23 abuse, 16-25-90 comes into play. Where the defense may make a
24 request of the Court regarding a declaration of the defendant
25 being a victim of spousal abuse, and that affects the length

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BY THE COURT

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1 of any sentence, if a sentence is imposed that confines the
2 defendant to the Department of Corrections.

3 So, Mr. Wilson, are you prepared to make those arguments;
4 do you need some time? Like I say on Monday or ---

5 MR. WILSON: Yes, sir, I would ask the Court to allow me
6 to have until either Monday or Tuesday to make that.

7 THE COURT: All right. So, again, the Code Section is
8 16-25-90, and I would want those arguments made at the time
9 that the Court would impose the sentence, so I do not intend
10 to levy a sentence at this point in time. I would do it at
11 that point in time. Obviously, the Court retains jurisdiction
12 of this matter, this being a motion of the defense, as I
13 understand it.

14 MR. WILSON: Absolutely, Your Honor.

15 THE COURT: All right, sir. So, I obviously retain
16 jurisdiction over the matter and so, what we will do is, you
17 can sit down, Mr. Wilson, I'm sorry. What we will do is we'll
18 reconvene -- I'm trying to balance trials next week. Let's
19 reconvene Tuesday morning at 9:30. We'll reconvene Tuesday
20 morning at 9:30. That will give the state and the defense
21 time to make their arguments regarding that particular issue.
22 And obviously, I'll hear from the state and the defense at
23 that point in time as to any sentence to be imposed on the
24 defendant. All right?

25 MR. WILSON: Yes, sir.

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BY THE COURT

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1 THE COURT: So, I will see y'all Tuesday morning at 9:30.

2 MR. WILSON: Thank you, Your Honor.

3 THE COURT: We'll be at ease until then. Thank you very
4 much.

5 MR. SPRATLIN: Thank you, Your Honor.

6 **ADJOURNED - 5:37 P.M.**

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY)

2017-GS-26-04252

STATE OF SOUTH CAROLINA,)

Plaintiff,)

Transcript of Record

(Sentencing Hearing)

vs.)

June 22, 2021

DONNIELLE MATTHEWS GREEN,)

Defendant.)

B E F O R E:

Honorable Steven H. John
Horry County Courthouse
Conway, South Carolina

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

Martin D. Spratlin, Esquire
Seth A. Oskin, Esquire
Attorney for Plaintiff

Ralph J. Wilson, Sr., Esquire
Attorney for Defendant

Kay H. Richardson
Circuit Court Reporter

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E X H I B I T SNo.IDEV

(No exhibits were marked or admitted.)

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BY THE COURT

3

1 **JUNE 22, 2021**

2 **ON THE RECORD - 9:37 A.M.**

3 THE COURT: All right. Gentleman, just for your
4 information, I have with me Judge Steven DeBerry, newly
5 elected Circuit Judge. He's with me this particular week.

6 All right. We are here in the matter of the State of
7 South Carolina versus Donnielle Matthews Green, that being --
8 being docket number 2017-GS-26-4252, whereby the defendant was
9 convicted by a jury this past Friday, June 18th, of the crime
10 of voluntary manslaughter. The purpose of today's hearing is
11 for the Court to hear from the parties pursuant to 16-25-90 as
12 to whether or not the Court should declare the defendant a
13 victim of spousal abuse. This declaration if made by the
14 Court would allow the defendant to be eligible for parole
15 after serving one-fourth of any prison term, if such is given
16 by the Court. Also, in conjunction with this, we will be
17 doing the sentencing of the defendant.

18 Does the state have the sentencing sheet?

19 MR. OSKIN: Yes, sir, Your Honor.

20 THE COURT: All right. Have you shown that to Mr.
21 Wilson?

22 MR. WILSON: Yes, sir.

23 THE COURT: All right. Thank you.

24 MR. OSKIN: If I approach?

25 THE COURT: If you'd bring that up, please.

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ARGUMENT BY OSKIN

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1 All right. If you don't mind, probably I would like for
2 y'all to address the Court on both matters at the same time.
3 So, if the state would just give me your position regarding
4 the request under 16-25-90, and any information you would like
5 the Court to consider regarding sentencing, including if
6 there's anyone that wants to speak to the Court.

7 MR. OSKIN: Yes, sir. Your Honor, if it may please the
8 Court?

9 THE COURT: All right. Yes, sir.

10 ARGUMENT BY OSKIN:

11 MR. OSKIN: First, in regards to sentencing under 16-25-
12 90, the state would respectfully request that you do not find
13 her as a battered spouse for purposes of sentencing. Your
14 Honor, this is based off *State v. Grooms*, the preponderance of
15 the evidence standard, which clearly states that you are to --
16 you are able to interpret credible evidence specifically
17 stating that the use of the term credible evidence indicates
18 that the legislature intended the defendant's evidence to be
19 in fact trustworthy.

20 Your Honor, we would argue that most of the testimony
21 came from the defendant in this matter, and for reasons proven
22 at jury trial that that evidence is untrustworthy. As you
23 know, you do have discretion in this matter under *State v.*
24 *Hawes*. The only evidence presented in this matter from the
25 defendant's testimony. We would first ask that you rule in

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ARGUMENT BY OSKIN

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1 accordance with the jury's decision. They were charged on
2 self-defense and battered spouse. They decided that she was
3 not either of those things and convicted her of voluntary
4 manslaughter. She told many different stories throughout this
5 investigation. She first stated that the victim was stabbed
6 when he was buying cigarettes. She said she didn't know what
7 happened. Then it was she accidentally stabbed him, and then
8 now it has become she stabbed him because he's -- she's
9 battered.

10 The statement to Detective Greg Lent did indicate mutual
11 combat. She said fighting with him was like fighting with his
12 brother -- with her brothers. There was no reason to get
13 police involved, no bumps, no bruises. She often stated that
14 she was the primary aggressor and that she would get in his
15 face. Other evidence presented at trial stated that -- text
16 messages between her and a close friend, she stated that, you
17 know, Dennis wasn't used to a woman like her getting back in
18 his face. She specifically stated that she was not scared of
19 him in those same text messages. And photos of any bruising
20 on her leg were from a month before and there was no evidence
21 that the victim in this matter committed anything like that.

22 I want to focus on Dr. Danso's testimony. She relied
23 solely, again, on what she was told by this defendant.
24 However, objective tests that she administered showed that
25 this defendant was exaggerating her stories. I believe the

1 simple term was she was faking bad. Her -- and she even
2 clearly stated on the record that her evidence -- that her job
3 was to diagnose and to not verify, and she said that she
4 simply relied on statements by the defendant.

5 Her sister also testified on her behalf, Your Honor. I
6 would simply indicate there was some very obvious credibility
7 issues with the sister. I would respectfully submit to the
8 Court that the truth wasn't in her. During that testimony,
9 she got up and told about wild stories that occurred while she
10 was present. She also told stories that lined up exactly with
11 how the event of this stabbing occurred.

12 Further, Your Honor, there's no history of police
13 reports, there's no history of medical records, no long
14 history of photos or documented abuse. I think that she
15 clearly stated that she was the primary aggressor as much as
16 he was. There was -- they would fight and, you know, she'd
17 give it as good as she got it ever. This relationship status,
18 no matter what they consented to, I mean, it has several
19 dynamics. She certainly should be punished for that, but
20 those dynamics did lead to jealousy, and the state believes
21 that's the still the reason for the killing of Dennis Green.
22 And just that there's not enough credible evidence as proven
23 by her conviction last week in order for Your Honor to find
24 her battered. We would ask -- it's untrustworthy, and she
25 should not be found battered.

State v. Matthews Green - 2017-GS-26-04252
ARGUMENT BY OSKIN

7

1 In regard to sentencing, Your Honor, as you know, on July
2 7th, 2017, Dennis Green was killed by the defendant while
3 driving his vehicle in the Little River, North Myrtle Beach
4 section of Horry County. She admitted to doing that stabbing.
5 She stabbed him twice in the ribcage piercing his liver and
6 piercing his heart. Your Honor, the defendant does have no
7 prior record, however, this intentional killing certainly
8 speaks for itself in that regard.

9 Your Honor, the defendant has been on an ankle monitor
10 since August of 2017. During that time, Your Honor, she's not
11 been restricted to her house. She's been free to go on about
12 her life. She's even been able to engage in other
13 relationships. You know Dennis Green was a father of three,
14 he was a son, he was a brother, he was a cousin. He's greatly
15 missed by his family, and he's the one person who could rebut
16 these accusations, but obviously he's not here to do that.

17 Mr. Derrell Stevenson is present on behalf of the
18 family.

19 Your Honor, the state would -- it's a two to 30-year
20 sentence. If battered spouse syndrome is not found by Your
21 Honor, then that's what the family asks for, what they want to
22 ask for in this matter with regards to sentencing range.

23 THE COURT: All right, sir. Did ---

24 MR. OSKIN: Mr. Derrell Stevenson.

25 THE COURT: All right. Very good. Yes, sir. If you

State v. Matthews Green - 2017-GS-26-04252
ARGUMENT BY OSKIN

8

1 want to come around. Come right around there and if you'd
2 just state your name for the record and then I'll be glad to
3 hear from you, sir.

4 MR. STEVENSON: My name is Derrell Stevenson. Dennis was
5 my first cousin. I call him my brother from another mother.
6 My aunt had a help in raising me as well as being part of my
7 life, too. I just want to thank Your Honor for letting me
8 speak today.

9 THE COURT: Yes, sir.

10 MR. STEVENSON: Sunday was Father's Day. I got up Sunday
11 morning, got my kids dressed, made them breakfast, and I went
12 and sat at the graveyard for a hour talking to him and letting
13 him know that I was still here, I still love him, and I miss
14 him. And this situation has caused a lot strain and stress on
15 my family. His mother, when this happened, she was in the
16 hospital for a couple of weeks because of she lost her son and
17 to a senseless act that could've been prevented. He's leaving
18 three boys, young boys to grow up without a father. They ask
19 questions, you know, and I really ask Your Honor that you
20 could give the max on this because this was a very senseless
21 act, and it really could've been prevented.

22 Thank you.

23 THE COURT: Thank you, sir.

24 Anything else, Solicitor?

25 MR. OSKIN: Your Honor, we would just again indicate to

State v. Matthews Green - 2017-GS-26-04252

9

ARGUMENT BY WILSON

1 the Court that we stand with our victim and our victim's
2 family on this matter.

3 THE COURT: All right. Thank you.

4 MR. OSKIN: Yes, sir.

5 THE COURT: All right. Mr. Wilson, let me hear from you,
6 please.

7 ARGUMENT BY WILSON:

8 MR. WILSON: Thank you. Your Honor, in regards first of
9 all to sentencing under 16-25-90, I've prepared a memo that I
10 submitted to the Court.

11 THE COURT: Yes, sir.

12 MR. WILSON: And I'd just ask that it be made part of the
13 record.

14 Your Honor, in that regard, let me say first of all that
15 the evidence of her being battered is not contradicted in any
16 way whatsoever by the state. There is nothing that I know of
17 that was placed in the record in the trial of this case that
18 contradicted the fact that she was being beaten or abused by
19 her -- even by her own testimony.

20 And second of all, the sister did testify. And the
21 sister testified consistent with what Ms. Green had already
22 testified to, that she had been battered, and that she
23 observed those batterings personally. This was not secondhand
24 information. She said I saw it, I was there, it happened, I
25 saw it. Uncontradicted. Nobody got up and said that didn't

1 happen. The other thing is that I think is supported here is
2 the fact that Greg Lent, when he went down to Orangeburg to do
3 his interview of Ms. Green, he says that he looked in her
4 phone and he saw pictures of bruises on her body, as best I
5 recall his testimony. But even more importantly, Dr. Danso,
6 in her presentation indicated that she talked to her and that
7 she also saw these memos or these text messages that had gone
8 back and forth between the defendant and her family members of
9 Mr. Green indicating that there had been abuse. Now, the
10 Court did not allow those documents into evidence during the
11 trial of the case, but it was certainly testified to that
12 these were emails or text messages or Facebook messages that
13 went back and forth for years between the family members of
14 Mr. Green and this particular defendant. Nobody has said that
15 that didn't happen, that she didn't have those conversations
16 with them. We just weren't able to put the documents into,
17 into the trial of this case. And the reason that we were able
18 to do that is because when we tried to serve them with
19 subpoenas to get them here, they hid from us, and we could not
20 -- we had process servers trying to track them down for weeks
21 and weren't able to get them because every house we went to,
22 they'd say, oh, well, they don't live here. And no that's not
23 in the record, but I just wanted the Court to understand
24 that's what happened.

25 In addition, Your Honor, the -- Dr. Danso, who is a

State v. Matthews Green - 2017-GS-26-04252
ARGUMENT BY WILSON

11

1 clinical psychologist, and her expertise is in the field of
2 battered people or battered persons, if you will. And, she
3 makes the conclusion that she was a battered person. Now,
4 yeah, she did say some other stuff, but that's not the issue.
5 The issue is was she a battered person, or at least is there
6 credible evidence in the record which suggests that she may
7 very well be, and that is some kind of proof by a
8 preponderance of the evidence at least. And I would submit to
9 the Court that there is not just a preponderance, this is
10 actually overwhelming evidence from her, from her sister, from
11 Dr. Danso, from Greg Lent, all who say yeah there is --
12 there's certainly evidence that she was abused.

13 Now, is there proof beyond a reasonable doubt? Arguably
14 -- you could argue that, well, maybe it's not beyond a
15 reasonable doubt because she lied about some other things that
16 happened. But that's not the test. The test is not whether
17 the proof rises to a level beyond a reasonable doubt. The
18 test is whether or not there is credible evidence from the
19 record that His Honor can make a determination based on her
20 believability, believability and credibility of all the
21 witnesses that by a preponderance of the evidence she was a
22 battered person. And I would submit to this Court that when
23 you consider all those things collectively, not just one of
24 them alone, but when you look at all of those things which are
25 indicia of what happened collectively, then I think that there

1 is certainly more than enough for preponderance of the
2 evidence that she was, in fact, a battered person.

3 Secondly, Your Honor, I would also ask this Court to
4 consider giving her credit for the four years that she spent
5 on an ankle monitor. For four years, she had an ankle
6 monitor, from August of 2017 when she was released, I think it
7 was August 6th, 2017, when she was released up until the end
8 of this trial, that monitor remained on her ankle the entire
9 time. The other thing is the order that was issued by the
10 Court at that time required her to live at a certain location.
11 So, as a -- she was not, as I could understand it, free to
12 move about. She had to live at that home in Orangeburg
13 because that was a condition of the order. So, she was in
14 some way confined and restrained from free movement in and
15 about different places. In order to live any other place, she
16 would've had to have come back to the Court and ask for
17 permission to do that because the order was very specific
18 about where she had to live. And that was because the victims
19 lived in Horry County and the Court, I'm sure, did not want
20 her here, and she had to reside at the residence of her
21 grandmother in Orangeburg, South Carolina. Of course, her and
22 her husband had been living in Atlanta prior to this. She was
23 not living in Orangeburg. So, so, for her to live in
24 Orangeburg was a change of residence for her.

25 Having said all that, Your Honor, I would ask the Court

State v. Matthews Green - 2017-GS-26-04252
ARGUMENT BY WILSON

13

1 to sentence her under 16-25-90, and also to sentence her --
2 and I understand that 24-13-40 is discretionary with this
3 Court. It is not mandatory as I understand it. I think it's
4 discretionary with this Court to make that determination. And
5 as to whether or not you're going to sentence her under 24-13-
6 40. And I would also ask the Court to consider the fact that
7 Donnielle is 36 years of age. And she and Mr. Green, I think
8 the testimony was that they'd been together basically since
9 2011, for a substantial period of time. And that they lived
10 in Atlanta for a number of those years, and they have no
11 children they have, but that she was a caretaker for his
12 children. And I think that's another thing that, that's clear
13 in this record that throughout this relationship she was
14 looking after his children and trying to be a good stepparent,
15 if you will, to those kids. I understand that that's not
16 necessarily a mitigating factor, I'm just trying to explain to
17 the Court that even though what the jury has found her guilty
18 of is a crime, and it's certainly something that -- that we
19 think is -- is not a good thing; obviously, getting found
20 guilty of any crime is not a good thing. And we just ask the
21 Court to take all those factors into consideration in the
22 sentencing of Ms. Green.

23 Thank you, Your Honor.

24 THE COURT: Thank you. And is there anyone that wanted
25 to speak on behalf of the defendant?

State v. Matthews Green - 2017-GS-26-04252
RULING AND SENTENCE OF THE COURT

14

1 MR. WILSON: No, Your Honor.

2 THE COURT: All right. Thank you.

3 All right. Gentlemen, if you don't mind, I'm gonna take
4 a short break, and I will come back in and give you the
5 Court's ruling on the 16-25-90 declaration as well as impose
6 the sentence on Ms. Matthews regarding the conviction of the
7 crime of voluntary manslaughter. So, just give me a few
8 minutes and I'll come back in.

9 Thank you very much.

10 MR. WILSON: Thank you, Your Honor.

11 **RECESS - 9:57 A.M.**

12 *****OFF THE RECORD*****

13 **ON THE RECORD - 10:11 A.M.**

14 **RULING AND SENTENCE OF THE COURT:**

15 THE COURT: In this matter under 16-25-90, regarding a
16 request to declare the defendant a victim of spousal abuse, if
17 the person convicted of the crime presents credible evidence
18 that shows a history of criminal domestic violence suffered at
19 the hands of the household member, they may be eligible for
20 parole -- that doesn't mean they are automatically granted it
21 but they are eligible for parole after serving one-fourth of
22 their prison term. The defendant must persuade the Court by
23 proof which leads the trier of fact, the Court, to find the
24 existence of domestic violence is more probable than its non-
25 existence. The defendant's evidence must be in fact

State v. Matthews Green - 2017-GS-26-04252
RULING AND SENTENCE OF THE COURT

15

1 trustworthy, not simply plausible. Basically, a greater
2 weight or the preponderance of the evidence standard, showing
3 that the existence is -- of domestic violence is trustworthy.

4 In this particular matter, while the Court did not allow
5 certain communications, email communications and messages into
6 evidence before the jury, they were in evidence for
7 identification. The defendant had an expert that the Court
8 allowed to give her opinion, Dr. Danso, that did testify that
9 in her opinion, based upon the results of her conversations
10 with the defendant, the tests administered, all the
11 information that was presented to her that the defendant was a
12 victim of spousal abuse. The defendant so testified to that.
13 Defendant's sister so testified. While there may be certain
14 questions about the sister's testimony, that evidence exists.
15 Using this standard that the existence of domestic violence is
16 more probable than its nonexistence, that the evidence is in
17 fact trustworthy and not just plausible, I am declaring that
18 the defendant in this matter, Donnielle K. Matthews Green is a
19 victim of spousal abuse.

20 As far as sentencing in this matter -- would the
21 defendant please rise? 2017-GS-26-4252, State of South
22 Carolina, County of Horry versus Donnielle K. Matthews
23 regarding voluntary manslaughter, the sentence of the court is
24 Defendant is committed to the State Department of Corrections
25 for a determinate term of 30 years. The defendant is given

State v. Matthews Green - 2017-GS-26-04252
RULING AND SENTENCE OF THE COURT

16

1 credit for the actual time she spent in jail, but the
2 defendant is not given credit for any time on electronic
3 monitoring.

4 I have also placed on the fact of the sentencing sheet
5 that the Court declares the defendant a victim of spousal
6 abuse under 16-25-90.

7 Thank you very much.

8 MR. WILSON: Thank you very much, Your Honor.

9 MR. SPRATLIN: Thank you, Your Honor.

10 THE COURT: Thank you, gentlemen.

11 MR. OSKIN: Thank you, Your Honor.

12 MR. SPRATLIN: Thank you, Your Honor.

13 **ADJOURNED - 10:17 A.M.**

14

15

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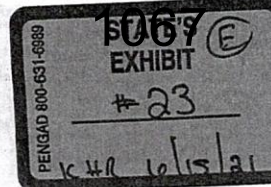
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Voluntary Statement



Case Number: 2017-16542

Time: 0745 Place: GRAND STRAND HOSPITAL Page of

I, DONNIELE GREEN am years old and live at
9185 CARR CIRC SW COLUMBIA GA Phone #: 678-431-5711

I am giving this statement to: BRANDON K BEADON #241

I volunteer the following information of my own free will, for whatever purpose it may serve:

We left Myrtlewood Villas on 45th Ave around 12:30pm, went to
Ricky's (Dick's) in Little River, stayed for about an
hour & left to go to Tree Doll House in North Myrtle. No
stopped for cigarettes somewhere between Bridges & the
BP gas station right past applebee's in North Myrtle.
Darius ST7 in the car gave me the cigarettes, drove
close to Riley's & pulled over & told me to take him to
the hospital.

I have read each page of this statement consisting of 1 page(s), each page of which bears my
signature, and corrections, if any, bear my initials and I certify that the facts contained herein are true
and correct. I also certify that I have received a copy of this statement.

Signature: Donniele K Green

Date: June 7, 2017

Witness: B K B #241

July

WITNESSES

Jack Johnson Jr Horry County Police Department

Jim Chatfield

DOCKET NO. 2017-GS-26-04252

The State of South Carolina

County of Horry

Seth Oskin

17H04339

ARREST WARRANT NUMBER

2017A2610202059

CDR: 0116 16-03-0010, 0020

DOA: 7/11/2017

ACTION OF GRAND JURY

TRUE BILL

Bill Keith

Foreperson of Grand Jury

Date: NOV 29 2017

VERDICT

Foreperson of Petit Jury

Date:

FILED
HORRY COUNTY

2017 NOV 30 AM 10:47

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM
GRAND JURY

RECEIVED
Jun 24 2021
SC Court of Appeals

THE STATE

vs.

Donnielle K Matthews
Carr Circle
Covington, GA 30014

B/F

DOB: 1985-
SSN: [REDACTED]

ATTORNEY: Byron Elvestad-Gipson

Ralph Wilcox, Sr.

Indictment for

MURDER

Jimmy A. Richardson, II, Solicitor

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on **November 13, 2017**, the Grand Jurors of Horry County present upon their oath:

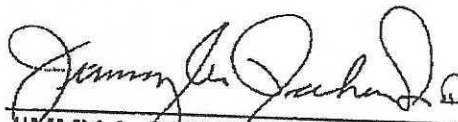
MURDER

CDR: 0116 16-03-0010,0020

Green

That **Donnielle K Matthews** did, in Horry County, on or about July 7, 2017, willfully, feloniously, and intentionally kill the victim, Dennis Green, with malice aforethought, either express or implied, by means of stabbing, and the victim did die as a proximate result thereof on or about July 7, 2017 in ~~the Little River section of~~ Horry County, in violation of Section 16-03-0010, S. C. 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.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

ORIGINAL

1070 OF
STATE

HORRY

VS.

Donnielle K Matthews

AKA:

Race: BLACK

Sex: F

Age: 36

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip:

Covington, GA 30014

DL#:

SID#:

*CDL ☐CMV ☐Hazmat ☐In disposition of the said indictment comes now the Defendant who was
TO: Voluntary Manslaughter

INDICTMENT/CASE#: 2017GS2604252

A/W#: 2017A2610202059

Date of Offense: 7/7/2017

S.C. Code § : 16-03-0010, 0020

CDR Code #: 0116

RECEIVED

Jun 24 2021

SENTENCE SHEET

SC Court of Appeals

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0050

of the S.C. Code of Laws, bearing CDR Code # 0217

☐ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS(CSC☐ §17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

w/minor 1st or Lewd Act)

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

(defendant's initials)

ATTEST:

Oskin, Seth

102340

SC Bar#

Defendant

Wilson, Sr., Ralph J.

Attorney for Defendant

SCB06176

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 ~~months~~ years or ☐ under the Youthful Offender Act not to exceed 30 years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference. 16-25-90 The Defendant is a Victim of Spousal Abuse. But☐ 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 SCDOC. ☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPS

Recipient:

*Fine:

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

TOTAL

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

Presiding Judge

Judge Code:

Sentence Date:

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees. 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 \$ 25.00 beginning 7/22/2021\$ paid to Public Defender FundOther: RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

FILED COPY

6/22/21

6/22/21

CERTIFICATE OF COUNSEL FOR APPELLANT

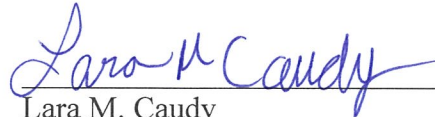
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised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

Respectfully Submitted,

RECEIVED

May 13 2022

SC Court of Appeals



Lara M. Caudy
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 13th day of May, 2022.