

Horlbeck gets life in prison

Date: 4/30/2010

By Glenn Smith

The Post and Courier

Solicitor credits conviction to witness cooperation

One of Charleston's most notorious criminals was sentenced to life in prison Thursday after a jury decided that he gunned down a 15-year-old boy over a \$200 drug debt.

Photo by Grace Beahm

Rafael Horlbeck glances back at the full gallery in the Charleston County Courthouse after a jury found him guilty of murder in the June slaying of Jermel Brown.

After 3 1/2 hours of deliberation, a Charleston County jury found 23-year-old Rafael Horlbeck guilty of murder in the June 29 slaying of Jermel Brown. Horlbeck was accused of firing two bullets into Jermel's brain as the teen struggled to escape from a Ford Explorer below an overpass near Huger Street.

Authorities dubbed Horlbeck a predator and one of the city's most dangerous offenders. He has been accused of beating or shooting a half-dozen people over the past four years, but he had never spent a day in prison. At the time of Jermel's death, Horlbeck was free on bail in connection with the rape of an 8-year-old, authorities said. On Thursday, however, Horlbeck ran out of second chances.

Rafael Sinclair Horlbeck

Leon Horlbeck

Shawn Jamaine Smalls

Chief Deputy Solicitor Bruce DuRant asked Circuit Judge Deadra Jefferson to impose the maximum sentence of life in prison, saying Horlbeck would present a serious threat to the community if ever released.

DuRant said Horlbeck beat a 2006 murder charge after witnesses felt threatened and recanted their stories. A week before Jermel was shot, Horlbeck reportedly sliced the throat of an acquaintance, but the man was so scared that he never reported the attack to police. Horlbeck also is accused of shooting co-defendant Shawn Smalls in the head last July to keep him from talking to police about Jermel's killing, he said.

"He is truly a psychopath, and I feel as his brother said ... that he is going to hurt or kill someone else if he ever gets out," DuRant said. "I truly believe that."

Mark Peper, an attorney representing Jermel's family, echoed the prosecutor's sentiments. "This family is scared literally to death of the defendant," he said. "We will continue to be scared if we thought he had any chance of being released into the community we call home."

Heavy security was in place for the sentencing, and officers moved in quickly to handcuff Horlbeck as soon as the verdict was read. Dressed in a rumpled, baggy blue shirt and dark slacks, Horlbeck looked on impassively, rolling his head around, as people discussed his fate.

Rodney Davis, one of Horlbeck's public defenders, said his client has been diagnosed with a psychotic disorder that has caused him to hear voices and hallucinate. He became distant in the months before the shooting, and his family would catch him talking to himself. He improves with medication, however, and recently began assisting with his defense, Davis said.

Davis urged the judge to impose the minimum sentence of 30 years so that Horlbeck could have a chance at freedom if he is rehabilitated in prison. Jefferson, however, opted to put him away for life.

READ MORE: Previous coverage of the trial

[Slain teen's twin testifies](#), published 04/27/10

[Brother, ex-friend take the stand](#), published 04/28/10

[Slaying suspect opts not to testify](#), published 04/29/10

Horlbeck showed no emotion as the sentence was read. He stole a glance at his family and simply shrugged as court security officers led him away.

Jermel's family declined to comment after the proceeding, but a few relatives clapped and said "hallelujah" as they left the courtroom.

Witnesses testified that Horlbeck targeted the teen because Jermel's twin brother owed the suspect \$200 for marijuana he was given to sell. With no murder weapon or fingerprints linking Horlbeck to the crime, the trial revolved largely around the testimony of witnesses, including his elder brother Leon, a co-defendant in the case.

In his closing argument, DuRant told the jury that Jermel was an innocent, a "lamb led to slaughter" to preserve Horlbeck's reputation as a drug dealer who was not to be trifled with.

"This is Rafael Horlbeck's day in court, but it's also Jermel Brown's day in court," he said as he held out a picture of the teen for the jury to see. "He's been waiting since June 29 of last year for justice, and he is entitled to justice."

Davis told the jury that prosecutors offered "a compelling story" but one that wasn't supported by evidence. He said the state relied on key testimony from witnesses who lied to save their own skins.

"Rafael Horlbeck is not guilty, and the trustworthy evidence does not point to him as Jermel Brown's killer," he said. "How many lies must you ignore to believe what the state wants you to?"

In the end, however, the jury didn't buy that argument.

Solicitor Scarlett Wilson said the case illustrates the importance of witnesses cooperating with police and prosecutors. "We didn't have any physical evidence that linked this defendant to the crime, no smoking gun," she said. "Without the community's involvement, we wouldn't have this conviction."