

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Beaufort County

Honorable William H. Seals, Circuit Court Judge

ADRIAN JENKINS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-001660

APPENDIX

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
COUNTY OF BEAUFORT) CASE NO.: 2015-GS-07-01617

THE STATE OF SOUTH CAROLINA,)
)
)
 v.) TRANSCRIPT OF RECORD
)
ADRIAN JENKINS,)
)
)
 DEFENDANT.)
_____)

APRIL 18TH - APRIL 20TH, 2016
COMMENCING AT
BEAUFORT COUNTY COURTHOUSE
BEAUFORT, SOUTH CAROLINA
BEFORE THE HONORABLE CARMEN T. MULLEN, JUDGE.

APPEARANCES:

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1 THE COURT: Welcome back, ladies and gentlemen. It
2 appears that I am now going to try the first case. I'm
3 going to go ahead and pull the first jury in this first
4 trial.

5 Ladies and gentlemen, the case has the caption of the
6 State of South Carolina v. Adrian Jenkins. He was charged
7 by the bill of indictment for the offense of burglary in the
8 first degree.

9 Ladies and gentlemen, I have a number of questions that
10 I'm required to ask you in regards to this first case. I
11 remind you that under the oath you took this morning, you
12 are required to answer or respond to these questions if they
13 are appropriate.

14 I'm going to begin though by asking the attorneys who
15 are trying this case to introduce themselves and whoever is
16 at counsel table with them. Ms. Swanson, I'm going to start
17 with the State.

18 ASST. SOL. SWANSON: Thank you, Your Honor. My name is
19 Hunter Swanson. I'm an Assistant Solicitor here in Beaufort
20 County and I've been with the Fourteenth Circuit for the
21 past nine years working for Solicitor Stone who is currently
22 running the Boston Marathon; so go, Duffy.

23 At the table with me is Anne Fitz. She is another
24 prosecutor with our office, as well as Investigator Jennifer
25 Snider with the Sheriff's Department. I do have a couple

1 witnesses here, Judge, but they can stand when you read the
2 witness list.

3 THE COURT: Absolutely. All right.

4 ASST. SOL. SWANSON: Thank you, Your Honor.

5 THE COURT: Ms. Campbell?

6 MS. CAMPBELL: Thank you. May it please the Court?

7 Good afternoon, my name is Trasi Campbell and I am the Chief
8 Public Defender for Beaufort County. Beaufort County is in
9 the Fourteenth Judicial Circuit and it comprises five
10 counties completely. We also have Jasper, Hampton, Colleton
11 and Allendale. Seated with me at counsel table is my
12 client, Adrian Jenkins. Can you stand up for me?

13 MR. JENKINS: Yes, ma'am.

14 MS. CAMPBELL: I do have a number of attorneys in my
15 office. Would Your Honor like for me to go through that list
16 as well?

17 THE COURT: No, we're fine. You may be seated. Ladies
18 and gentlemen, to begin with is any member of the jury
19 panel, related by blood or connected by marriage to the
20 defendant in this case, Mr. Adrian Jenkins? If so, please
21 stand.

22 (NO RESPONSE.)

23 THE COURT: Is any member of the panel a close personal
24 friend or share a special relationship with the defendant in
25 this case, Mr. Adrian Jenkins? If so, please stand.

1 (NO RESPONSE.)

2 THE COURT: Ladies and gentlemen, you've been
3 introduced to the attorneys trying this case and my first
4 question to you is anyone related by blood, connected by
5 marriage or have a close personal relationship or special
6 friendship with any of the attorneys trying this case?

7 (NO RESPONSE.)

8 THE COURT: Ladies and gentlemen, in addition, as you
9 know, we have the case being prosecuted by the Fourteenth
10 Circuit Solicitor's Office and it's being defended by the
11 Fourteenth Circuit Public Defender's Office. Is anyone on
12 the jury panel related by blood, connected by marriage, or
13 have a close personal relationship with any of the attorneys
14 in either of those two offices? If so, please stand.

15 (NO RESPONSE.)

16 THE COURT: Ladies and gentlemen, I am going to go
17 ahead and tell you what the allegations are in this case,
18 and they are just that, allegations. I want to make sure
19 that no one has any independent knowledge about this case
20 whatsoever. The allegations are that in Beaufort County, on
21 or about September 17th of 2015, it's alleged that Mr.
22 Jenkins entered the home of George Lawson at [REDACTED]
23 [REDACTED] in Shell Point without his consent and with the intent
24 to commit a crime therein.

25 Ladies and gentlemen, does anyone know anything

1 independently about this case or have any outside knowledge
2 about this case whatsoever? If so, please stand.

3 (NO RESPONSE.)

4 THE COURT: Ladies and gentlemen, the following is a
5 list of potential witnesses in this case. My question is
6 going to be the same, are you related by blood, connected by
7 marriage, or have a close personal friend with any of these
8 people?

9

10 And the question really goes to whether or not you can
11 be fair and impartial in the trial of this case knowing that
12 you may know a witness who could testify. Again, it doesn't
13 exclude you, necessarily, but again, you have to be able to
14 tell me that you can be fair and impartial in the trial of
15 this case if you happen to know the witness in one form or
16 the other. All right? If any of the witnesses are in the
17 courtroom, please stand when your name is called so the jury
18 can take a look at you.

19 The first is Miranda Brock, Stephanie Campbell, Beth
20 Cattenhorn, Stephen Knapp, Kelsey Krimmer, George Lawson,
21 Matthew Rios, and Jennifer Snyder. Additionally, ladies and
22 gentlemen, Deputy Tunis, Deputy Snider, Agent John Donahue,
23 Miranda Brock, Bob Harris, George Lawson and David Jenkins.
24 Again, the question is, is anyone related by blood,
25 connected by marriage, or have a close personal friendship

1 to any of these potential witnesses? If so, please stand.

2 (ONE JUROR STANDS.)

3 THE COURT: Yes, ma'am, your name and jury number?

4 JUROR: Tiffany Best, number 26.

5 THE COURT: Who do you know?

6 JUROR: Deputy Snyder.

7 THE COURT: And what is the nature of your
8 relationship?

9 JUROR: We were drill instructors together.

10 THE COURT: Drill instructors together. My
11 understanding is that is a potential witness in the trial of
12 this case. My question to you is that with that testimony,
13 can you be fair and impartial to both sides in the case?

14 JUROR: Yes, we have not spoken in many, many years.

15 THE COURT: All right. Thank you, ma'am. You may be
16 seated. Anyone else?

17 (NO RESPONSE.)

18 THE COURT: Ladies and gentlemen, I know you know
19 nothing about this case and I don't know that there was
20 anything in the newspaper on it, but my question to you is,
21 has any member of the jury panel ever seen, heard or read
22 anything about this case or again, have any other knowledge
23 about this case from any other source? If so, please stand.

24 (NO RESPONSE.)

25 THE COURT: Ladies and gentlemen, is any member of the

1 jury panel a member of, or contributor to, any group which
2 has as its primary concern the promotion of law enforcement
3 or victims' rights? This would include such groups as, but
4 certainly not limited to, Citizens Against Violent Crime,
5 CAVE, Mothers Against Drunk Driving, or SADD. Again, the
6 question is, is there any person who is a member of or
7 contributor to any of those types of groups? If so, please
8 stand.

9 (JUROR STANDS.)

10 THE COURT: Yes, ma'am, your name and juror number.

11 JUROR: Christy Jenner, 160.

12 THE COURT: Yes, Ms. Jenner?

13 JUROR: I have a relationship with the group, SADD, as
14 well as the MADD.

15 THE COURT: Mothers Against Drunk Driving; is that
16 correct?

17 JUROR: Yes.

18 THE COURT: All right, ma'am, you may be seated.
19 Anyone else?

20 (ONE JUROR STANDS.)

21 THE COURT: Yes, sir, your name and juror number.

22 JUROR: David Jenkins. I don't know why my name was
23 called.

24 MS. CAMPBELL: Oh, David, just have a seat. He's not
25 on the jury.

1 THE COURT: Okay. Go ahead and sit down, Mr. Jenkins.
2 Okay. Ladies and gentlemen, is any member of the jury panel
3 or a member of your immediate family any type of law
4 enforcement officer or work at any law enforcement agency?
5 If so, please stand.

6 (SEVERAL JURORS STAND.)

7 THE COURT: Sir, I'm going to start with you. Give me
8 your name and juror number.

9 JUROR: Number 25,

10 THE COURT: Yes, sir.

11 JUROR: My father retired from the South Carolina
12 Highway Patrol.

13 THE COURT: How long ago did he retire, sir?

14 JUROR: It's been a long number of years.

15 THE COURT: Okay. Thank you, Mr. Bethay, I appreciate
16 it. Yes, ma'am?

17 JUROR: My name is Ann Ferrelli. Juror number 95. My
18 two sons are Bluffton police officers.

19 THE COURT: All right. Ma'am, can you give me both of
20 their last names?

21 JUROR: Ferrelli.

22 THE COURT: Thank you. That makes it easier. I
23 appreciate it. All right, sir?

24 JUROR: I'm Gerald Lattarulo, juror 175. My father-in-
25 law is a retired state trooper. My nephew is in the police

1 academy in Durham, North Carolina, and one of my friends is
2 currently a police officer with the Raleigh Police
3 Department.

4 THE COURT: Thank you, sir. Yes, sir?

5 JUROR: John Abney, Your Honor. My sister is deceased,
6 but she was a New York City Police Officer.

7 THE COURT: And your name and juror number, sir?

8 JUROR: John Abney, Juror number one.

9 THE COURT: Yes, sir?

10 JUROR: Tyrone Jackson, number 153. I'm a retired
11 military policeman.

12 THE COURT: Thank you, Mr. Jackson. Yes, sir?

13 JUROR: Ethan George, 107. I worked for the Beaufort
14 County Sheriff's Office for about 15 years.

15 THE COURT: Thank you, sir. You may be seated.

16 JUROR: Lynn Bryce, juror number 41. My father-in-law
17 was a New Jersey Police Officer and retired years ago. He
18 is now deceased.

19 THE COURT: Thank you, Ms. Bryce. Anyone else?

20 (Juror stands.)

21 THE COURT: Yes, sir?

22 JUROR: Jason Seidner, juror 283. I was a corrections
23 educator for eight years in the State of Ohio.

24 THE COURT: Thank you, sir. Anyone else?

25 (NO RESPONSE.)

1 THE COURT: Is any member of the jury panel or any
2 member of your immediate family ever been employed by or
3 been close friends with anyone that is employed by the
4 Attorney General's Office or the Solicitor's Office, or any
5 prosecuting attorneys office? If so, please stand.

6 (NO RESPONSE.)

7 THE COURT: Ladies and gentlemen, has any member of the
8 jury panel ever been a witness in a criminal trial? If so,
9 please stand.

10 (NO RESPONSE.)

11 THE COURT: Has any member of the jury panel or a
12 member of your immediate family ever participated in the
13 Citizen's Police Academy with the Beaufort County Sheriff's
14 Office or a similar agency, for that matter?

15 JUROR: Erac Priester, juror 256. I've participated in
16 it.

17 THE COURT: How long ago was that?

18 JUROR: Last year.

19 THE COURT: Thank you, sir. You may be seated. Yes,
20 ma'am?

21 JUROR: Ann Ferrelli, number 95. Ten years ago.

22 THE COURT: Was that here or?

23 JUROR: Yes, Beaufort County.

24 THE COURT: Thank you, Ms. Ferrelli, you may be seated.
25 Anyone else?

1 (NO RESPONSE.)

2 THE COURT: Has any member of the jury panel or any
3 member of your immediate family ever been a volunteer for
4 any law enforcement agency? If so, please stand.

5 (NO RESPONSE.)

6 THE COURT: Ladies and gentlemen, is there anything in
7 the nature of the allegations of this case which would cause
8 any member of the panel any problem in sitting as an
9 impartial juror in a case that is alleging burglary? If so,
10 please stand.

11 (NO RESPONSE.)

12 THE COURT: Ladies and gentlemen, is any member of the
13 jury panel or any member of your immediate family ever been
14 the victim of a burglary or a property crime? If so, please
15 stand.

16 JUROR: Dorchester County, My name is Brenda Morris,
17 juror 213.

18 THE COURT: Was it you or someone in your family?

19 JUROR: Me.

20 THE COURT: And you said in Dorchester County?

21 JUROR: Yes, ma'am.

22 THE COURT: And is that where you had a home?

23 JUROR: It was.

24 THE COURT: How long ago was that ma'am?

25 JUROR: 1991.

1 THE COURT: Ma'am, do you understand the allegations in
2 this case are of a burglary. I want to make sure that you
3 can be fair and impartial in the case before you and make
4 sure that you can put anything that may have happened to you
5 in an alleged burglary case to the side and decide this case
6 on its own merits and what's presented to you in court, can
7 you do that?

8 JUROR: I do not feel I could.

9 THE COURT: All right, ma'am. I appreciate that. I'm
10 going to go ahead and excuse you from this trial. Just take
11 a seat and stay with us, because we have a couple of other
12 cases.

13 THE COURT: Okay. Sir?

14 JUROR: Arthur Bethay, 25. It's been about 25 years
15 ago, but I had a break and entering in my house and property
16 was stolen.

17 THE COURT: All right. Sir, again, the question I just
18 asked the previous witness. I need to know whether you can
19 be fair and impartial in the trial of this case,
20 understanding that you were previously a victim. The
21 concern is, is whether or not you can put your own
22 experience aside and decide this case based on the evidence
23 presented in the courtroom.

24 JUROR: I think I can.

25 THE COURT: All right. Mr. Bethay, you have to be sure

1 you can.

2 JUROR: Yes, ma'am, I can.

3 THE COURT: Are you positive?

4 JUROR: Yes, ma'am.

5 THE COURT: All right. Thank you, sir. You may be
6 seated. Yes, sir? Your name and number?

7 JUROR: Robert Brodt, number 35.

8 THE COURT: Okay.

9 JUROR: I had my home broken into 32 years ago.

10 THE COURT: Sir, like the other persons in this case,
11 or the other jurors who stood up, understanding that you
12 have been a victim of a property crime in the past, can you
13 put that aside and decide this case as it's presented to you
14 in the courtroom?

15 JUROR: Yes, I can.

16 THE COURT: Are you positive?

17 JUROR: Yes, I am.

18 THE COURT: Thank you, sir. You may be seated. Yes,
19 ma'am, your name and juror number?

20 JUROR: Tracie Highley, juror 132.

21 THE COURT: Yes, ma'am.

22 JUROR: We also had our home broken into probably 25
23 years ago.

24 THE COURT: All right. Same question for you, Ms.
25 Highley. Can you put that aside and decide this case based

1 on facts?

2 JUROR: Yes.

3 THE COURT: Thank you, ma'am. All right. Yes, ma'am?
4 Your name and juror number?

5 JUROR: Linda Vickers, 325. About -- I'm going to say
6 60 days ago, I had my vehicle broken into.

7 THE COURT: Your vehicle broken into? All right.
8 Ma'am, anything about that experience that would make you
9 hesitant that you could be fair and impartial in this case?

10 JUROR: No, ma'am

11 THE COURT: You sure?

12 JUROR: Yes, ma'am.

13 THE COURT: Thank you, ma'am. Okay, you may be seated.
14 Yes, ma'am.

15 JUROR: Deborah Walter, number 328; a home invasion.

16 THE COURT: How long ago was it?

17 JUROR: About 6 years ago.

18 THE COURT: Six years ago? All right. Ma'am, anything
19 about that experience that would make you be concerned about
20 being a juror in the trial of this case?

21 JUROR: I think I can be fair.

22 THE COURT: And you need to be sure.

23 JUROR: I do.

24 THE COURT: Okay. And understand that you need to put
25 aside anything that happened back then; is that correct?

1 JUROR: Yes.

2 THE COURT: Okay. I appreciate that, Ms. Walter. Yes,
3 ma'am?

4 JUROR: Susan Karch, 164. Also, a home burglary about
5 30 years ago.

6 THE COURT: All right. Ma'am, can you put that aside
7 and decide this case on the facts as they are presented in
8 the courtroom?

9 JUROR: Yes, Your Honor.

10 THE COURT: Thank you, ma'am. Yes, ma'am?

11 JUROR: Rose Reedy, juror 261. My brother's home in
12 Bluff Farms was broken into and robbed about 15 or more
13 years ago.

14 THE COURT: Ma'am, can you be fair and impartial in the
15 trial of this case?

16 JUROR: Yes, Your Honor.

17 THE COURT: Thank you, ma'am. You may be seated. Sir?

18 JUROR: Donald Carroll, juror 51.

19 THE COURT: Yes, sir?

20 JUROR: I had a break and entering in my business.

21 THE COURT: Okay. How long ago was that?

22 JUROR: Probably about five years ago.

23 THE COURT: All right. Sir, can you put that aside and
24 be fair and impartial in the trial in this case?

25 JUROR: I can.

1 THE COURT: Thank you, sir. You may be seated. Yes,
2 ma'am?

3 JUROR: Number 59, June Clifford. I was mugged once
4 and our vehicles were robbed twice.

5 THE COURT: Ma'am, can you be fair and impartial in the
6 trial of this case?

7 JUROR: Yes, I can. It was about 20 years ago.

8 THE COURT: So you have no problems whatsoever with
9 that?

10 JUROR: No.

11 THE COURT: Thank you, Ms. Clifford. Sir, finally?

12 JUROR: Your Honor, David Butler, juror 47. I was
13 burglarized in 1975.

14 THE COURT: Okay. Sir, anything about that experience
15 that would affect your ability to be fair and impartial in
16 the trial of this case?

17 JUROR: No.

18 THE COURT: Thank you, Mr. Butler. You may be seated.
19 Ladies and gentlemen, is any member of the jury panel
20 conscious of any interest, any bias, or any prejudice for or
21 against the defendant in this case, Mr. Jenkins? If so,
22 please stand.

23 (NO RESPONSE.)

24 THE COURT: Ladies and gentlemen, is there any reason
25 whatsoever that you cannot give the State of South Carolina

1 and the Defendant, Mr. Jenkins, a fair and impartial trial
2 in this matter? If so, please stand.

3 BAILIFF: One standing.

4 THE COURT: Sir, give me your name and juror number.

5 JUROR: Gerald Lattarulo, juror 175.

6 THE COURT: Sir, would you come up and talk to me for a
7 moment?

8 JUROR: I don't know how impartial I will be able to
9 be. I am biased in favor of law enforcement.

10 THE COURT: And I appreciate that. We need to know
11 that. I'll go ahead and excuse from the trial of this case.
12 Do you think your bias would be towards law enforcement
13 always?

14 JUROR: Yes ma'am, I think so.

15 THE COURT: You really should be transferred to a civil
16 term of court then, if you just can't be fair and impartial.
17 What I'm going to do is this, I'm going to excuse from the
18 rest of the week. And you may get another notice to come
19 for a civil term of court, which is fine. I just think that
20 is best.

21 All right. Number 175 is going to be excused from this
22 case and excused for the rest of the week. Okay? Thank
23 you.

24 Yes ma'am. Come on up. And state your name and juror
25 number as you're walking. I need her name and juror number,

1 Tom.

2 BAILIFF: Juror 104, Ms. Gardner.

3 THE COURT: Come on up, Ms. Gardner. Nice to meet you.

4 JUROR: It's nice to meet you. My brother was involved
5 in car break-ins, so I don't feel comfortable.

6 THE COURT: When you say he was involved, was he -- was
7 it alleged that he was involved in doing the break-ins?

8 JUROR: Yes. He was involved in -- yeah, break-ins. He
9 was the one breaking into cars, so I don't feel comfortable,
10 really.

11 THE COURT: Sitting in this, because it's a burglary
12 case?

13 JUROR: Yeah.

14 THE COURT: Okay. What I'm going to do is this, I'll
15 excuse you from the trial of this case, but we have other
16 cases that we are going to try; is that okay with you?

17 JUROR: Yes ma'am, that's fine.

18 THE COURT: I'll just excuse you. You don't need to
19 answer anymore questions that I'm going to ask you. But
20 after that, on the next cases, you do. Ms. Gardner's going
21 to be excused from the trial in just this case, but she is
22 eligible for the other cases. All right. Okay. Anyone
23 else?

24 (NO RESPONSE.)

25 THE COURT: All right. Other than Ms. Campbell, your

1 one objection, any further questions for the jury panel,
2 from the State? Ms. Swanson, anything else from you?

3 ASST. SOL. SWANSON: No, ma'am.

4 THE COURT: Okay. Ms. Campbell, other than the one,
5 anything further?

6 MS. CAMPBELL: No, Your Honor.

7 THE COURT: Thank you. All right, ladies and
8 gentlemen, those of you that have been qualified as jurors
9 in the trial of this case, your names are all being placed
10 into the computer right now. What that is going to do is
11 draft a list of names. What's going to happen is your name
12 and number are going to be called. You're going to simply
13 stand. You don't have to do or say anything. Each side has
14 an opportunity to exercise strikes, which means to choose
15 not to seat you. If you are accepted by both sides, you're
16 going to take a seat in the jury box. The bailiffs will
17 tell you where to go and make sure you bring all of your
18 belongings. If not, I'm going to ask you to sit right back
19 down in your seat where you are because Judge Tupper is
20 coming up next to pull the next jury trial.

21 So, he's going to come up. As long as no one needs a
22 break, if that's fine with you, we'll go ahead and just
23 start to pull the whole next trial so that case can get
24 going as well. I'm trying to get you out of here, y'all. I
25 promise. Okay? All right. So, this usually takes just a

1 few minutes and then we'll go ahead and pull this panel.

2 (Brief pause in the courtroom.)

3 All right. I'm ready to go. The strikes are five and
4 ten. And we're going to choose two alternates in this case.
5 Again ladies and gentlemen, when your name is called, just
6 stand. Okay?

7 MADAME CLERK: Juror number 88, Trey Elder. What says
8 the State?

9 ASST. SOL. SWANSON: Please present Mr. Elder.

10 MADAME CLERK: What says the defense?

11 MS. CAMPBELL: Please swear the juror.

12 THE COURT: Come on around, Mr. Elder. Welcome.

13 MADAME CLERK: Juror number 317, Catherine Trejo. What
14 says the State?

15 ASST. SOL. SWANSON: Please excuse this juror.

16 MADAME CLERK: Juror number 142, Michelle Holt. What
17 says the State?

18 ASST. SOL. SWANSON: Please excuse this juror.

19 MADAME CLERK: Juror number 99, Sandra Frazier. What
20 says the State?

21 ASST. SOL. SWANSON: Please present this juror.

22 MADAME CLERK: What says the defense?

23 MS. CAMPBELL: Please excuse the juror from this trial.

24 BAILIFF: What did you say Trasi?

25 MS. CAMPBELL: Please excuse the juror from the trial

1 of this case.

2 MADAME CLERK: Juror number 141, Sierra Holmes. What
3 says the State?

4 ASST. SOL. SWANSON: Please excuse this juror.

5 MADAME CLERK: Juror number 100, Stacy Fulton. What
6 says the State?

7 ASST. SOL. SWANSON: Please present this juror.

8 MADAME CLERK: What says the defense?

9 MS. CAMPBELL: Please swear the juror.

10 BAILIFF: Come around here, ma'am.

11 MADAME CLERK: Juror number 65, Shane Conrad. What
12 says the State?

13 ASST. SOL. SWANSON: Please present this juror.

14 MADAME CLERK: What says the defense?

15 MS. CAMPBELL: Please excuse the juror from this trial.

16 MADAME CLERK: Juror number 333, Michael Weiland. What
17 says the State?

18 ASST. SOL. SWANSON: Please present this juror.

19 MADAME CLERK: What says the defense?

20 MS. CAMPBELL: Please excuse the juror from this trial.

21 MADAME CLERK: Juror number 89, Janet Ellis. What says
22 the State?

23 ASST. SOL. SWANSON: Please present this juror.

24 MADAM CLERK: What says the defense?

25 MS. CAMPBELL: Please swear the juror.

1 BAILIFF: Come right around.

2 MADAME CLERK: Juror number 101, Antwan Furman. What
3 says the State?

4 ASST. SOL. SWANSON: Please present this juror.

5 MADAM CLERK: What says the defense?

6 MS. CAMPBELL: Please swear the juror.

7 BAILIFF: Please come around.

8 MADAME CLERK: Juror number 59, June Clifford. What
9 says the State?

10 ASST. SOL. SWANSON: Please present this juror.

11 MADAME CLERK: What says the defense?

12 MS. CAMPBELL: Please excuse the juror from this trial.

13 MADAME CLERK: Juror 292, Brian Simpson. What says the
14 State?

15 ASST. SOL. SWANSON: Please excuse this juror.

16 MADAME CLERK: Juror number 41, Lynn Bryce.

17 ASST. SOL. SWANSON: I'm sorry, what was the number
18 again?

19 MADAME CLERK: Juror 41. What says the State?

20 ASST. SOL. SWANSON: Please present Ms. Bryce.

21 MADAME CLERK: What says the defense?

22 MS. CAMPBELL: Please excuse the juror from this trial.

23 MADAME CLERK: Juror number 136, Susan Hohenwarter.

24 What says the State?

25 ASST. SOL. SWANSON: Please present this juror.

1 MADAME CLERK: What says the defense?

2 MS. CAMPBELL: Please swear the juror.

3 MADAME CLERK: Juror number 325, Linda Vickers. What
4 says the State?

5 ASST. SOL. SWANSON: Please present this juror.

6 MADAME CLERK: What says the defense?

7 MS. CAMPBELL: Please excuse the juror from this trial.

8 MADAME CLERK: Juror number 235, Michael Nyce. What
9 says the State?

10 ASST. SOL. SWANSON: Please present this juror.

11 MADAME CLERK: What says the defense?

12 MS. CAMPBELL: Please swear the juror.

13 BAILIFF: Come forward sir.

14 MADAME CLERK: Juror number 25, Harvey Bethea. What
15 says the State?

16 ASST. SOL. SWANSON: Please present this juror.

17 MADAME CLERK: What says the defense?

18 MS. CAMPBELL: Please excuse the juror from this trial.

19 MADAME CLERK: Juror number 160, Christie Jeter. What
20 says the State?

21 ASST. SOL. SWANSON: Please present this juror.

22 MADAME CLERK: What says the defense?

23 MS. CAMPBELL: Please excuse the juror.

24 MADAME CLERK: Juror number 131, Nancy Hibbett. What
25 says the State?

1 ASST. SOL. SWANSON: Please present this juror.

2 MADAME CLERK: What says the defense?

3 MS. CAMPBELL: Please swear the juror.

4 BAILIFF: Come forward, ma'am.

5 MADAME CLERK: Juror number 264, Jean Rio. What says
6 the State?

7 ASST. SOL. SWANSON: Please present this juror.

8 MADAME CLERK: What says the defense?

9 MS. CAMPBELL: Please swear the juror.

10 BAILIFF: Come forward, ma'am.

11 MADAME CLERK: Juror number 219, Donna Mullan. What
12 says the State?

13 ASST. SOL. SWANSON: Please present this juror.

14 MADAME CLERK: What says the defense?

15 MS. CAMPBELL: Please swear the juror.

16 BAILIFF: Come forward, ma'am.

17 MADAME CLERK: Juror number one, John Abney. What says
18 the State?

19 ASST. SOL. SWANSON: Please present this juror.

20 MADAME CLERK: What says the defense?

21 MS. CAMPBELL: Please excuse the juror from this trial.

22 MADAME CLERK: Juror 238, Gail Padgett. What says the
23 State?

24 ASST. SOL. SWANSON: Please present this juror.

25 MADAME CLERK: What says the defense?

1 MS. CAMPBELL: Please swear the juror.

2 BAILIFF: Come forward, ma'am.

3 MADAME CLERK: Juror number 153, Tyrone Jackson. What
4 says the State?

5 ASST. SOL. SWANSON: Please present this juror.

6 MADAME CLERK: What says the defense?

7 MS. CAMPBELL: Please swear the juror.

8 BAILIFF: Come forward, sir.

9 MADAME CLERK: Juror number 84, Wendy Doerr. What says
10 the State?

11 ASST. SOL. SWANSON: Please present this juror.

12 MADAME CLERK: What says the defense?

13 MS. CAMPBELL: Please swear the juror.

14 BAILIFF: Come forward, please.

15 MADAM CLERK: We will now be striking for our first
16 alternate. Juror number 283, Jason Seidner. What says the
17 State?

18 ASST. SOL. SWANSON: Please excuse this juror.

19 MADAME CLERK: Juror number 156, Cisely Jenkins. What
20 says the State?

21 ASST. SOL. SWANSON: Please present this juror.

22 MADAME CLERK: What says the defense?

23 MS. CAMPBELL: Please swear the juror.

24 BAILIFF: Come forward, ma'am.

25 MADAME CLERK: Okay. We will now be striking for our

1 second alternate. Juror number 77, Robert Dejianne. What
2 says the State?

3 ASST. SOL. SWANSON: Please present this juror.

4 MADAME CLERK: What says the defense?

5 MS. CAMPBELL: Please swear the juror.

6 BAILIFF: Come forward sir.

7 THE COURT: All right. From The State?

8 ASST. SOL. SWANSON: None from The State, Your Honor.

9 THE COURT: From the defense?

10 MS. CAMPBELL: No, Your Honor. Per consultation with
11 my client, we have no motions to make in the selection of
12 the jury.

13 THE COURT: No motions?

14 MS. CAMPBELL: No motions.

15 THE COURT: Thank you ma'am, I appreciate that. Well,
16 welcome ladies and gentlemen. As you all understand, you
17 are my jury for the trial of this first case. What I'm
18 going to do is I need to give you a few brief instructions
19 and then I'm going to go ahead and excuse you for the
20 remainder of the day. There's a number of matters that I
21 need to take up with the lawyers and I'm not going to have
22 you sit around and wait on us and start opening statements
23 at 4:00 this afternoon. I don't want to waste your time.

24 So I'll bring you back in the morning when everything
25 is done with us. To the rest of you that are here in the

1 jury booth, I need to excuse you out of the courtroom, just
2 for five minutes or so, ladies and gentlemen. Please
3 refresh yourselves, but do not leave the building, ladies
4 and gentlemen. For some reason, if you absolutely have to,
5 please let a bailiff know. Please just quickly refresh
6 yourselves. You cannot stay in here. I need you actually
7 to step out. Thank you.

8 (Whereupon, the jurors leave courtroom. Thereafter,
9 after a brief recess, the jurors return to courtroom and the
10 following is held on the record.)

11 THE COURT: I appreciate it. Again, ladies and
12 gentlemen, welcome. As you all know, I'm Carmen Mullen.
13 I'm going to be the trial judge for this case. I can tell
14 you that these attorneys tell me that this case will take us
15 until Wednesday, so I just wanted you all to know that for
16 timing purposes. I need to give you a few ground rules
17 before I excuse back to your jury room.

18 To begin with, ladies and gentlemen, if you were able
19 to get a cell phone in here, or a computer today, I need to
20 ask you to leave it back in your car or back at home; and
21 the reason why is you can get so much information off of a
22 cell phone these days.

23 Again, we'd never want you to be tempted in any way, so
24 we tell you to leave them back in your cars. If for some
25 reason while you're here, you're afraid someone may need to

1 reach you emergently, you tell them to call the Clerk Of
2 Court's Office. Give them your name and that you're a juror
3 in Carmen Mullen's trial and I'll get it to you immediately.
4 Sometimes you feel afraid to be out of touch. Secondly, if
5 for some reason you need to use a phone, simply ask the
6 bailiffs. They're going to take you to a phone and assist
7 you.

8 Ladies and gentlemen, also, I know you know very little
9 about this case, but I need to instruct you that you are not
10 to discuss this case with not only anyone at home, but with
11 each other until you've heard all the evidence, until you've
12 heard the arguments from the lawyers, and until you've heard
13 my charge in the law. And the reason why is, ladies and
14 gentlemen, someone is going to try and tell you something
15 about something, and they know absolutely nothing about this
16 case.

17 So, when I tell you, you cannot speak about it at all,
18 you cannot speak with the parties here involved, the lawyers
19 that are involved, the charges that are involved, any
20 potential witnesses. Again, that could be inappropriate, so
21 I need to order you not to speak about the case.

22 Additionally, I don't know and I don't think there is
23 anything in the newspaper about this case, but I'm going to
24 instruct you to disregard it. If you are to open a local
25 paper or turn on the news or the radio and there is

1 something about this case, you are to close it, disregard
2 it, and change the channel. I remind you, ladies and
3 gentlemen, you're going to have everything you need to
4 decide this case right here in this courtroom and it would
5 be highly inappropriate for you to be influenced by any
6 outside source. All right?

7 Additionally, if any of you are on any type of social
8 media, you are not to post anything in regards to being a
9 juror; it invites comment and it gets people to try to reach
10 out. So I'm going to caution you, I need you not to say
11 anything on Facebook or anywhere else that you are a juror.

12 Ladies and gentlemen, as I told you, again, you are
13 going to have everything you need to decide this case right
14 here in this courtroom. So I also don't want you going home
15 and doing any independent research in regards to this case.
16 Again, you don't even really need to know too much about
17 where it occurred, but you're also not to do any drive-by's
18 or anything along those lines. Again, that would be
19 inappropriate.

20 Ladies and gentlemen, the last thing that I need to
21 caution you on or tell you is that I need you all to be on
22 time tomorrow morning. I can't start until all fourteen of
23 you are here. So if something should happen over the
24 evening, if someone should fall ill and be very sick, I have
25 to have you call in immediately, because we're going to be

1 looking for a replacement, ladies and gentlemen. All right?
2 Or if you have any types of emergency along those lines.

3 I'm going, in this case, to go ahead and appoint Ms.
4 Rio as the foreperson in the trial of this case. The
5 foreperson is the person that communicates with me regarding
6 scheduling of the trial, how late a jury is going to work,
7 and how early they are willing to start. It's also the
8 person, when I send the case to you for your deliberations,
9 she's going to make sure that everybody is participating in
10 getting the ball rolling and everybody is talking in the
11 case. When we come back in tomorrow morning, I'm going to
12 ask that the foreperson take this seat right here. The rest
13 of you, ladies and gentlemen, can move about as you choose
14 in the trial of this case. The only thing I need is for my
15 alternates to stay in the back row. But if you want to move
16 down or wherever, then you are more than welcome to. All
17 right?

18 Lastly, ladies and gentlemen, I need to tell that when
19 you come and go from the courthouse during the trial of this
20 case, if you happen to see any of the witnesses in this case
21 or the parties or the attorneys, you are not to speak to
22 them and they are not to speak to you. And the reason why
23 is, again, even if an innocent conversation outside where
24 "Isn't it gorgeous out today?" could be misconstrued and
25 reportedly, ladies and gentlemen, I would have to ask you

1 about it. So if you pass any of these people in the
2 elevator or anywhere else and they don't even smile,
3 understand they are not being unfriendly; they're just
4 following my orders. All right?

5 Ladies and gentlemen, I'm going to also tell that for
6 your assistance this week, we have bailiffs. You can see
7 them sitting around the courthouse. We've got Tom and
8 Norman here and Rick over there. Their sole job is to take
9 care of you. If you need anything while you are here,
10 simply ask them. They are absolutely wonderful. And again,
11 they are here to help you. So if you need anything please
12 let me know.

13 I would like to start this trial at 9:30 in the
14 morning, if that is agreeable with everybody. Can everyone
15 be in the jury room by 9:30 tomorrow morning? I think I
16 only had one lady from Daufuskie here this morning and I let
17 her go, but anyone else? Anyone else have any problem with
18 9:30?

19 (NO RESPONSE.)

20 THE COURT: Very good. Well, all right. I look
21 forward to seeing you all in your jury room tomorrow morning
22 at 9:30, as we are going to go ahead and begin the trial of
23 this case. Okay? Thank you, ladies and gentlemen. You are
24 excused back to your jury room, which is where you'll report
25 in the morning.

1 (Whereupon, 2:26 p.m., the jury exits the courtroom and
2 the following is held on the record.)

3 BAILIFF: The jury is clear, Your Honor.

4 THE COURT: All right.

5 MS. CAMPBELL: Are we going to do our pretrial?

6 THE COURT: We are going to move over to Courtroom 3,
7 okay? So we're going to go ahead and move over to Courtroom
8 3 and we will do our pretrial there if you all are prepared
9 and ready to go.

10 (Whereupon, off the record briefly, while the Court and
11 personnel move to Courtroom 3. Thereafter, 3:00 p.m., the
12 following is placed on the record.)

13 THE COURT: All right. What motion do I need to hear
14 first?

15 ASST. SOL. SWANSON: Your Honor, if the Court and the
16 defense have no objection, I think we'd like to start with
17 the Neil v. Biggers hearing, because I do have the victim
18 here, as well as an officer who has to work night shift; so
19 if we could get them up.

20 And I will be moving to sequester all of the witnesses,
21 so I suppose at this point, since I'm going to call George
22 Lawson first. We probably need Deputy Rios to step out into
23 the hallway, but obviously, I would want any possible
24 defense witnesses to leave the courtroom.

25 THE COURT: Okay.

1 ASST. SOL. SWANSON: The State calls George Lawson.

2 THE COURT: Come on forward, Mr. Lawson. Go ahead and
3 swear him in. Right up here, sir. Place your left hand on
4 the Bible and raise your right hand.

5 (Whereupon, Mr. George Lawson is duly sworn.)

6 THE COURT: Take a seat right over here, Mr. Lawson.

7 MR. LAWSON: George Douglas Lawson. G-E-O-R-G-E D-O-U-
8 G-L-A-S L-A-W-S-O-N

9 ASST. SOL. SWANSON: Okay. Thank you.

10 DIRECT EXAMINATION

11 BY ASST. SOL. SWANSON:

12 Q Where do you live, Mr. Lawson?

13 A [REDACTED].

14 Q Is that in Beaufort County?

15 A Yes, it is.

16 Q What area of Beaufort County is that?

17 A Burton, I guess.

18 Q Shell Point area?

19 A Yes.

20 Q Did you call law enforcement about a crime on September
21 17th of 2015?

22 A Yes.

23 Q Okay. Tell us about what you called them about.

24 A Well, I noticed some objects missing in my home and

25 I've got a surveillance video. So I went back and checked

1 the video and seen that my home had been burglarized and I
2 called them after that.

3 Q Okay. And so, what was taken from your home?

4 A An X-box 360, X-box 360, high-def DVD player, two X-box
5 One controllers, probably fifty games, maybe sixty games or
6 more.

7 Q Okay. Who do those items belong to?

8 A They all belong to my son.

9 Q Is he the only other person that lives at your house
10 with you?

11 A Yes. There was also a television as well.

12 Q Okay. How old is your son?

13 A He's 10.

14 Q No females that live in the house?

15 A No.

16 Q You testified that you had surveillance?

17 A Yes.

18 Q And did you view that surveillance?

19 A Yes.

20 Q Did you recognize the person that came into your house
21 on that surveillance?

22 A I did.

23 Q Okay. Who did you recognize that person as?

24 A A gentleman by the name of Laron Jenkins.

25 Q Ron Jenkins?

1 A Uh-huh, yes.

2 Q And how had you met that gentleman?

3 A I met him the day before through Miranda Brock.

4 Q Tell us about that.

5 A She just showed up at my house, you know, and I asked
6 her what she was doing there, and she said she was waiting
7 for a ride. And you know, I don't know what kind of
8 timeframe, maybe ten minutes or so, and then there was
9 another knock. And this guy was standing outside my door
10 and that was the first time I had ever seen him.

11 Q Okay. And so did Ron Jenkins come inside your house?

12 A Yes, he asked me for a t-shirt.

13 Q Okay. He asked to borrow a shirt?

14 A Yes.

15 Q Did he have a shirt on?

16 A Yes.

17 Q Did he take the one he had off?

18 A Yes.

19 Q And did he change into yours?

20 A Yes.

21 Q And where did you get your shirt from?

22 A Out of my closet in my bedroom.

23 Q Where was he during this time?

24 A He was standing at the bedroom door.

25 Q Okay. About how long was Ron Jenkins at your

1 residence?

2 A No more than five, ten minutes, maybe; not very long at
3 all.

4 Q All right. And did you get a good look at him?

5 A Oh, yeah.

6 Q And in fact, did you spend any more time with him after
7 that?

8 A Well, yeah. Because once it was time for them to
9 leave, they -- I was told that their ride had left them.
10 So, then I was stuck giving them a ride out of there.

11 Q All right. And so, where all did you give them a ride
12 to?

13 A I took them to the Food Lion, and then they wouldn't
14 get out of the truck there. And then they said -- Jenkins
15 said to take him to the ball field, Burton Wells. I took
16 them out there and there was a police officer just sitting
17 there and they got out there.

18 Q Okay. Did you see any tattoos on Mr. Jenkins?

19 A Yeah, a lot.

20 Q Did you give law enforcement the name that you knew him
21 by?

22 A Yes.

23 Q Okay. And did a deputy come over to the barber shop
24 with a photo lineup?

25 A Yes.

1 Q Okay. I'm going to show you what's been marked as
2 Court's Exhibit One and ask if you can identify this item
3 for me.

4 A Yeah, that's the lineup.

5 Q Okay. So that's the photo lineup that was presented to
6 you?

7 A Yes.

8 Q Is that a fair and accurate depiction of the photo
9 lineup?

10 A Yes.

11 ASST. SOL. SWANSON: State would move Courts One into
12 evidence for the purpose of this hearing at this point.

13 (Whereupon, Court's Exhibit Number One, photo lineup,
14 is received into evidence.)

15 Q And so when Deputy Rios presented you with this lineup,
16 were you able to pick someone out?

17 A Yes.

18 Q How certain were you that that was the person?

19 A 100 percent.

20 Q And did you sign and date that?

21 A I did.

22 Q Okay. And do you see that man that burglarized your
23 house in the courtroom today?

24 A I do.

25 Q Can you point him out for me?

1 A Right there, Ron Jenkins. (Indicating the defendant.)

2 Q Okay. Sitting next to Ms. Campbell?

3 A Uh-huh.

4 ASST. SOL. SWANSON: Okay. I have nothing further at
5 this point. Thank you.

6 CROSS-EXAMINATION

7 BY MS. CAMPBELL:

8 Q Mr. Lawson, to clarify for the Court, you were not an
9 actual witness to your home being burglarized, correct? You
10 watched it on video, right?

11 A I watched it on video, yes.

12 Q And that's surveillance that you have set up at your
13 house, correct?

14 A Yes.

15 Q Okay. And you testified to the Solicitor that an
16 individual that was introduced to you as Ron Jenkins came to
17 your house after Miranda Brock had already come over there,
18 correct?

19 A They actually came together, yeah.

20 Q Okay. But when Miranda came over that day, you didn't
21 see them come up together. You watched the video later on
22 and determined that they came up together, right?

23 A Yes. Yes.

24 Q Okay. So let's be very clear about what you actually
25 saw. So, Miranda came in. You welcomed her into your home

1 because she is a friend of yours, correct?

2 A Right.

3 Q Okay. And then you heard a knock at the door and that
4 was the individual that you say is Adrian Jenkins, correct?

5 A Yes.

6 Q Okay. And -- and again, with the Solicitor you said
7 that the three of y'all left out of your house and headed
8 out in your truck. Was that in your truck?

9 A Yes.

10 Q That's your white truck?

11 A No.

12 Q What color is the truck?

13 A Silver.

14 Q Silver? Okay. Is that -- does that have a -- is that
15 a King cab? Do have just one seat or ---

16 A --- four door ---

17 Q --- several.

18 THE COURT: Let her finish her question first.

19 MR. LAWSON: Okay. I'm sorry.

20 Q So there's two rows of seats in that truck cab,
21 correct?

22 A Yes.

23 Q And where did Miranda sit?

24 A In the back.

25 Q In the back?

1 A Yes.

2 Q Where did the gentleman who knocked on your door, who
3 came in and you identified as Mr. Jenkins, where did he sit?

4 A In the passenger side, front.

5 Q Okay. Right next to you?

6 A Yes.

7 Q Okay. So you put Mr. Jenkins in the front seat, next
8 to you, and Miranda in the back seat, correct?

9 A Yes.

10 Q Okay. And you headed out. And you told the Solicitor
11 that you took them by Food Lion and then to the ball field,
12 correct?

13 A Right.

14 Q Isn't it true that the first place you went was a
15 trailer on the Roseida Road?

16 A Yes. I kind of -- I forgot about that.

17 Q I'm sorry, what?

18 A Yes. Yeah, we went to a trailer park, yes.

19 Q Okay. And you went to the trailer on Roseida Road and
20 what happened there?

21 A He went up and we were -- and I had some speakers that
22 was in the kitchen, okay? He said that he could sell them.
23 He'd call somebody. He went up and knocked on a door and no
24 one was -- well, a lady showed up, and then he left there.
25 She didn't know who he was, so he went down and knocked on

1 another door, nobody was there, and then they got back in
2 the truck and then I took them to the Food Lion.

3 Q To the Food Lion?

4 A Yes.

5 Q And then to the ball field?

6 A Yes.

7 Q Where you dropped Miranda and Adrian off?

8 A Yes.

9 Q So just so I'm clear, how long were you with Miranda
10 and Adrian that day?

11 A I -- I mean, however long it takes to drive from [REDACTED] to
12 that trailer park to the Food Lion and to the ball field.

13 Q Your best estimate?

14 A 20 minutes, maybe; 25 minutes?

15 Q Okay. And the speakers that were in the truck, those
16 were your speakers?

17 A Yes.

18 Q And you were trying to sell those speakers?

19 A They were for sale, yeah.

20 Q You were trying to sell the speakers, correct?

21 A Yes.

22 Q And Adrian was trying to help you sell those speakers,
23 correct?

24 A He made a phone -- he said he knew someone that would
25 be interested in them and made a phone call, yes. And

1 he -- allegedly, he got an answer; I don't know.

2 Q Uh-huh. So the three of y'all went out to sell your
3 speakers, correct?

4 A Right. Right.

5 Q Okay. That's all I have.

6 THE COURT: Anything further?

7 ASST SOL. SWANSON: Nothing further.

8 THE COURT: You may step down, Mr. Lawson.

9 MR. LAWSON: Okay.

10 THE COURT: Thank you.

11 ASST. SOL. SWANSON: And I would just ask that he be
12 allowed to stay in the courtroom as the victim in the case,
13 Judge.

14 THE COURT: Is that fine with defense counsel?

15 MS. CAMPBELL: Yes, it is.

16 ASST. SOL. SWANSON: The State calls Deputy Rios.

17 THE COURT: Come on up Deputy Rios. Be sworn in right
18 here.

19 DEPUTY RIOS: Yes, Your Honor.

20 CLERK: Please place your left hand on the Bible and
21 raise your right hand.

22 (Whereupon, Deputy Rios is duly sworn.)

23 DEPUTY RIOS: I do, ma'am.

24 MADAME CLERK: Thank you.

25 THE COURT: Please be seated.

1 DEPUTY RIOS: Yes, Your Honor.

2 THE COURT: Ms. Swanson, whenever you are ready.

3 ASST SOL. SWANSON: Thank you.

4 DIRECT EXAMINATION

5 BY ASST. SOL. SWANSON:

6 Q Deputy Rios, were you on duty on September 17th of
7 2015?

8 A I was, ma'am.

9 Q Okay. And did you respond to a burglary?

10 A I did.

11 Q Where did you respond?

12 A At [REDACTED] in Shell Point.

13 Q Okay. And who did you speak to once you got there?

14 A I spoke with a Mr. George Lawson.

15 Q All right. And after speaking with him, did you view
16 some surveillance?

17 A I did. After doing my initial interview with him, we
18 went inside and he showed me the surveillance that he had
19 from outside.

20 Q Okay. And did you actually record that surveillance on
21 a camera that you had?

22 A I used my department-issued camera to record the
23 footage, because he couldn't pull it at that time. He said
24 he would give us a copy of that surveillance when he was
25 able to pull it from that.

1 Q Did he give you any suspect's names as a possibility?

2 A A Ron Jenkins is what he gave me at that time.

3 Q All right. And then, did you -- what did you do with
4 that surveillance?

5 A From there, I went and spoke with two officers with the
6 Beaufort P.D. SGT. Kattenhorn and Officer Knapp. I spoke
7 with them and showed them the footage and they immediately
8 said that was Adrian Jenkins. Then from there, after
9 submitting everything, I did a photo lineup. After getting
10 the photo lineup, I went to Mr. Lawson and presented him
11 with that lineup. Going off of my general order here. This
12 document here, ma'am.

13 Q Is the general order just a procedural guideline from
14 the Sheriff's Department?

15 A Yes, ma'am. It's Beaufort County Sheriff's Office
16 policy; policy number 228, talking about eyewitness
17 identifications.

18 Q Okay. How many days after the burglary did you show
19 Mr. Lawson the photo lineup?

20 A I believe it was within the week after. It was a week
21 after the burglary.

22 Q Okay. Do you have your report in front of you?

23 A I do not, ma'am.

24 ASST. SOL. SWANSON: Okay. If I may, Your Honor,
25 approach the witness with his report so that he may refer to

1 it.

2 THE COURT: Any objection, Ms. Campbell?

3 MS. CAMPBELL: Without objection.

4 Q Okay. I'm going to hand you your initial report, plus
5 your supplemental -- I believe it's your supplemental, in
6 which the identification information is in.

7 A Yes, ma'am.

8 Q Do you see a date on there as to when you showed Mr.
9 Lawson the photo lineup?

10 A September 21st, 2015.

11 Q Okay. And so that was how many days after the burglary?

12 A Four days after.

13 Q Okay. And where did this take place?

14 A There at 2524 Boundary Street, which is George's barber
15 shop.

16 Q Okay. And did you read anything to him prior to
17 presenting him with the photo lineup?

18 A I read him the general order, eyewitness identification
19 228, explaining the procedure.

20 Q Okay. Did you tell him that the suspect may not appear
21 in the lineup?

22 A Yes, ma'am. What I told him was that the suspect may
23 or may not be in the lineup. I explained to him that the
24 suspect may not appear exactly as he did during the
25 incident. And after identifying the suspect, I was

1 asking him how confident he was of his choice. And once he
2 did identify, he signed above the picture.

3 Q Okay. I'm going to show you what's been entered as
4 Court's One and ask if this is the photo lineup that you
5 presented to him?

6 A Yes, ma'am.

7 Q Okay. And that's the same photo lineup that you
8 submitted into evidence?

9 A Yes, ma'am.

10 Q Okay. And those are George Lawson's initials on there?

11 A Yes, ma'am.

12 Q You actually watched him initial that?

13 A I did.

14 Q And how quickly did he identify someone?

15 A As soon as the paper was flipped over, he identified
16 the subject.

17 Q Okay. Thank you very much.

18 ASST. SOL. SWANSON: I have no further questions at
19 this time.

20 CROSS-EXAMINATION

21 BY MS. CAMPBELL:

22 Q Officer Rios, what exactly were your job duties in
23 September of 2015?

24 A I was a patrol officer with the Northern Division.

25 Q That's it? You're not an investigator?

1 A No, ma'am.

2 Q Okay. Okay. So you're a road deputy?

3 A Yes, ma'am.

4 Q Okay. So, why then, were you preparing or
5 participating in preparing a photo lineup?

6 A Because within my duties, that's something that I am
7 able to do.

8 Q Okay. So had the case been given to Investigator
9 Snyder yet?

10 A Not at that point, but I did discuss with her the case.

11 Q Okay. So five days after the initial -- four days
12 later, you're still the only officer working on the case; is
13 that correct?

14 A I'm not sure, ma'am.

15 Q You said on 9/21/2015, you put together the
16 photographic lineup; is that correct?

17 A Yes, ma'am.

18 Q And you said that you went over and videotaped the
19 surveillance, correct?

20 A Yes, ma'am.

21 Q Now, did you videotape the entire day that this is
22 occurring at Mr. Lawson's home or just the section that he
23 showed you?

24 A I videotaped the incident.

25 Q So, just the section he showed you, correct?

1 A Yes, ma'am.

2 Q Okay. Did you look at the videotape from the previous
3 day to see Mr. Jenkins coming or going the previous day with
4 a Miranda Brock?

5 A I did not.

6 Q Okay. Who put together the photographs that are listed
7 on this photographic lineup? Who actually put it together?

8 A Ms. Pam Brown.

9 Q Pam Brown. Okay. Once you received this from Pam
10 Brown, did you then take it directly to Mr. Lawson?

11 A I spoke to Investigator Snyder and then I went over
12 there to do my follow-up with him.

13 Q Okay. And you were aware that position number two
14 housed Adrian Jenkins' photo, correct?

15 A Yes, ma'am.

16 Q So when you showed the photographic lineup to Mr.
17 Lawson, you actually knew which person was the suspect,
18 correct?

19 A Yes, ma'am.

20 Q Okay. And what sort of training do you have in
21 presenting photographic lineups to witnesses? What classes
22 have you been to?

23 A I have not been to any classes, but I've gone over the
24 general order.

25 Q So you had no training in presenting photographic

1 lineups, correct?

2 A That's correct.

3 Q Are you aware that the officer who shows the
4 photographic lineup to the witness is not supposed to know
5 where the suspect is in the lineup?

6 A Say that again, ma'am.

7 Q Are you aware that the officer who shows the
8 photographic lineup to the witness is not supposed to know
9 where the suspect is in the lineup?

10 A Say that again, ma'am.

11 Q Are you aware that under proper procedure the officer
12 who shows the photographic lineup to the witness is not
13 supposed to know the position of the suspect?

14 A Like I said, I went off of the general order here,
15 ma'am.

16 Q So the answer is no, you were not aware of that?

17 A That's correct.

18 Q Having had no training and not being aware of that
19 aspect of presenting a photographic lineup, were you also
20 aware that most photographic lineups have a rather long
21 statement on the back of the photographic lineup that you
22 are required to read to the witness, correct?

23 A I was not aware, ma'am.

24 Q Okay. And so in not being aware of that and not
25 reading that statement to Mr. Lawson, what do you

1 independently remember telling him that day? Not something
2 from the SOP's from the Sheriff's Office. What do you
3 remember exactly saying to him that day?

4 A I gave him the procedures that were given here in the
5 general order, ma'am.

6 Q So you carried the general order, standard operating
7 procedures, with you to see Mr. Lawson?

8 A I wrote them down on a piece of paper.

9 Q Okay. You wrote them down on a piece of paper?

10 A Yes, ma'am.

11 Q Why? Why would you do that if you had them already
12 printed out? Why would you do that?

13 A Because it's the first time that I did that. I
14 believed I was doing the correct thing at that time.

15 Q So you thought it was better to write it all out rather
16 than just take the printed copies that you had in your hand?

17 A At that time, ma'am.

18 Q Okay. And so, tell us again that you have no
19 independent memory of what you said to him. You just read
20 to him from the standard operating procedures, correct?

21 A That's correct.

22 Q Okay. And what exactly did you read to him from the
23 standard operating procedures that you hand-wrote down?

24 A I read to him, "The suspect may or may not be one of
25 the subjects in the lineup and the witness is not compelled

1 to make an identification." I told him that the subject may
2 not appear exactly as they did during the incident because
3 the features such as hairstyles and facial hair may be
4 changed. And after that point, I asked him how confident,
5 after his choice, how confident he was of the person he
6 identified.

7 Q Did you tell him that it was okay for him not to
8 identify anyone?

9 A I believe so.

10 Q Do you have independent recollection of doing that?

11 A I do not, ma'am.

12 Q Okay. And based upon what you just testified that you
13 read to him, you did not tell him that, correct?

14 A (NO RESPONSE.)

15 Q You just testified that what you read off of the
16 standard operating procedures is what you said to him that
17 day, correct?

18 A Yes, ma'am.

19 Q Okay. And in what you say you told him, you never say
20 "Look here, Mr. Lawson, you do not have to make an
21 identification at all."

22 ASST. SOL. SWANSON: Your Honor, I'm going to object,
23 because he did read that the witness should not feel
24 compelled to pick someone out of the lineup. I believe that
25 was in what he read, so Ms. Campbell's just

1 mischaracterizing what has been read.

2 THE COURT: Okay. I've noted your objection.

3 Q Have you ever actually seen the proper form and what to
4 read to someone who's making an identification? Have you
5 ever seen that form?

6 A No, ma'am. This is my first time doing this.

7 Q So I could ask you all kind of questions about what's
8 on that form and you would have no idea how to answer it,
9 correct?

10 A The form you're speaking of, yes, ma'am.

11 Q Correct. Okay.

12 MS. CAMPBELL: That's all I have.

13 THE COURT: Okay. Ms. Swanson?

14 ASST. SOL. SWANSON: I don't have anything further at
15 this time for Deputy Rios and just ask that he be allowed to
16 be excused until tomorrow.

17 THE COURT: Okay. You're excused, sir.

18 DEPUTY RIOS: Yes, Your Honor.

19 ASST. SOL. SWANSON: All right. Those are all the
20 witnesses that the State has for the Neil v. Biggers
21 hearing.

22 THE COURT: Okay.

23 ASST. SOL. SWANSON: Your Honor, I would just ask that
24 because there's no evidence that the procedure was
25 suggestive in any way, Deputy Rios did read those warnings.

1 Regardless of the back, and whether, you know, they were on
2 the back of the form or on the back of the lineup or not.

3 THE COURT: Trasi, you don't have any witnesses, do
4 you?

5 MS. CAMPBELL: I do not.

6 THE COURT: Okay.

7 ASST. SOL. SWANSON: They were read. The
8 identification is reliable. Mr. Lawson was one hundred
9 percent. He had ample opportunity to observe the defendant
10 over the course of ten minutes at his house, perhaps, twenty
11 minutes in the car right next to him, and immediately picked
12 him out of the lineup, being one hundred percent certain
13 that it was him.

14 THE COURT: Okay. Ms. Campbell?

15 MS. CAMPBELL: And, Your Honor, briefly we're going to
16 argue that because of the fact that this particular officer
17 had absolutely no training, he was unfamiliar with the
18 proper procedures to effectuate a proper identification, and
19 the fact that he knew that the suspect was actually in slot
20 number two when he presented the lineup to the witness in
21 the case, that we would say that those factors combined
22 together, in terms of the law enforcement aspect of the
23 identification, make it fatally flawed and put it in the
24 category of being impermissibly suggestive. And really, the
25 State is giving Your Honor nothing to overcome that.

1 You know, just to have someone who has no training, no
2 experience whatsoever, just put them out there with a
3 witness, with a photographic lineup that they actually know
4 which position the suspect is in, you know, should be
5 impermissible. Thank you, Your Honor.

6 THE COURT: Okay. Well, respectfully, I'm going to
7 deny your motion. I don't think there's any suggestion
8 whatsoever that he indicated who the proper person was. I
9 don't think there's any substantial likelihood of
10 misidentification in this case. I think it's permissible.
11 What is our next motion?

12 ASST. SOL. SWANSON: Thank you, Your Honor. The next
13 motion would be the Jackson v. Denno Hearing. I have one
14 witness, Investigator Snider.

15 THE COURT: Okay.

16 MADAME CLERK: Please place your left hand on the Bible
17 and raise your right hand.

18 (Whereupon, Deputy Jennifer Snider is duly sworn.)

19 DIRECT EXAMINATION

20 BY ASST. SOL. SWANSON:

21 Q Investigator Snider, please state your name and spell
22 it for the record.

23 A Jennifer Snider, S-N-I-D-E-R.

24 Q And were you assigned to a burglary case involving
25 Adrian Jenkins?

1 A Yes.

2 Q Okay. Were you assigned sometime after Deputy Rios met
3 with George Lawson?

4 A I believe it was assigned to me on September 19th.

5 Q Okay. Did you at any point in time have the opportunity
6 to interview Mr. Jenkins?

7 A I did. Yes, I interviewed him on September 21st.

8 Q Okay. And because we're not in the presence of the
9 jury, we'll get into this, but where did the interview take
10 place?

11 A It took place in the Beaufort County Detention Center.

12 Q All right. And was it recorded?

13 A Yes. I had my handheld recording device.

14 Q All right. And did you administer Miranda?

15 A Yes, I did.

16 Q Okay. And can you go through the warnings that you
17 went through with him?

18 A Yes. I told him that he had the right to remain
19 silent. Anything he said can and will be used against him in
20 a court of law. You have a right to an attorney.

21 Q Did you advise him that he had the right to stop the
22 questioning at any time?

23 A Yes. Absolutely.

24 Q Okay. And did you actually use a Miranda form?

25 A I did. I used my Miranda card to read his Miranda

1 warning and I provided him with a piece of paper.

2 Q Okay. And did he initial by each right that he
3 understood those rights?

4 A Yes, he did.

5 Q Okay. And did you turn that -- where -- what did you
6 do with that Miranda form?

7 A Once I completed my supplement for the case, I turned
8 the Miranda form into our records department.

9 Q Okay. Where is that form now?

10 A I have no idea.

11 Q Okay. You were unable to locate the form at this
12 point?

13 A Correct, I was not able to locate it.

14 Q Okay. On the recording, did it capture the Miranda
15 that you went over with him?

16 A Yes, it did.

17 Q Did he seem to understand everything?

18 A Yes.

19 Q Did he wish to talk with you?

20 A Yes, he did.

21 Q Okay. And what was the first thing that y'all talked
22 about?

23 A The first question I asked him was, was he familiar
24 with Mr. Lawson, the victim. And he told me that yes, he
25 was. He purchased drugs for him. And when I asked him the

1 last time he had seen Mr. Lawson, he told me he had seen him
2 the week prior, which was the week of the burglary. I asked
3 him about the drugs, and when I asked him again about the
4 buying drugs for him, he changed his story and said, "Well,
5 I was going to buy drugs for him, but I never did."

6 Q Okay. Did he ask you if he was charged with anything?

7 A He did. He asked me if he was going to be charged with
8 burglary. I told him I had no charges on him.

9 Q Okay. Did he say he had had any discussions with
10 George Lawson?

11 A He said they talked about speakers; selling some
12 speakers.

13 Q Okay. And did you ask him about Miranda Brock?

14 A Yes, I did.

15 Q And what did he say about Miranda?

16 A He really didn't say too much about her. He said she
17 was just a friend.

18 Q Okay. Did he ask you what she had to do with it?

19 A He did. And I don't believe I answered his question.

20 Q Okay. Did he ever ask for a lawyer?

21 A He eventually did, yes.

22 Q Okay. And did you terminate questioning at that time?

23 A Yes, I did.

24 Q All right.

25 ASST. SOL. SWANSON: Nothing further at this time.

1 THE COURT: Ms. Campbell?

2 MS. CAMPBELL: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MS. CAMPBELL:

5 Q Officer Snider, essentially what you have is a
6 statement that Mr. Jenkins gives indicating that he knew Mr.
7 Lawson through Miranda Brock; is that fair?

8 A Not initially, no, I wouldn't say that. He gave me the
9 impression that he had known him, because he bought drugs
10 for him.

11 Q Okay. All right. But as far as the allegations that
12 you were actively investigating, which is a burglary, he
13 makes no statements about the burglary and you really don't
14 question him about the burglary, correct?

15 A That's correct.

16 Q Okay. And because you actually say, "I have no charges
17 on you", right?

18 A That's correct.

19 Q Okay. And when you give him the Miranda form rights,
20 you know, that you can hear on the audio, you basically say,
21 "Because of where we're at, I'm going to have to read you
22 your Miranda Rights." And you meant because you're in jail,
23 correct?

24 A That's correct.

25 Q He was incarcerated on something else?

1 A That's correct.

2 MS. CAMPBELL: That's all I have.

3 THE COURT: Okay. Anything further for Ms. Snider?

4 ASST. SOL. SWANSON: Nothing further. That's all the
5 State has.

6 THE COURT: Okay. You may step down, Investigator
7 Snider. Anything further on this issue?

8 MS. CAMPBELL: Your Honor, I would just -- do you have
9 anything to say?

10 THE COURT: You can argue.

11 MS. CAMPBELL: I just -- I would just take the position
12 that this is not really -- it's not a confession to
13 anything. He's not even questioned about the matters in
14 this case. She asked him something about knowing Mr. Lawson
15 and he says, "Yeah, I bought some drugs for him in the
16 past." That is the extent of anything to do with this case.

17 All the other matters, really, is very short about -- I
18 think it might be ten minutes or so, maybe a little bit
19 longer, don't have anything to do with why we are here. It
20 wouldn't be probative of any matter that the jury would have
21 to resolve. And so, I would just ask that anything be
22 limited to the fact that he had an acquaintance with Mr.
23 Lawson, you know, through the purchasing of drugs for Mr.
24 Lawson. Thank you, Your Honor.

25 THE COURT: How much do you want to play of that?

26

1 ASST. SOL. SWANSON: I don't intend to play any of it.

2 THE COURT: Okay.

3 ASST. SOL. SWANSON: Just -- I mean I'm just going to
4 elicit the testimony that I elicited avoiding the fact that
5 the defendant was incarcerated.

6 THE COURT: On another charge.

7 ASST. SOL. SWANSON: Right. I mean, just the fact that
8 he asked if he was charged with burglary before Investigator
9 Snider really actually was able to get anything out of him.
10 He said he knew George Lawson and had a couple different
11 stories about how he knew him, discussed selling some
12 speakers, asked what Miranda had to do with it, and that was
13 the end of the interview. It was clearly voluntary in
14 statements.

15 THE COURT: All right. Well, I think it certainly
16 passes under our Jackson v. Denno, and I'm going to go ahead
17 and allow it. Okay.

18 ASST. SOL. SWANSON: The next matter, if I may, refers
19 to the display of physical characteristics by the defendant.
20 He has a number of tattoos on his arms. They're like
21 sleeves, basically.

22 THE COURT: Some on his neck, as well.

23 ASST. SOL. SWANSON: Yes.

24 THE COURT: Okay. At least one.

25 ASST. SOL. SWANSON: And so, I do have a case that I

1 would like to provide for Your Honor, but at some point, I
2 would like him to display his tattoos in front of the jury.
3 It is non- testimonial. There is no Fifth Amendment
4 violation. It is not triggered. This is State v. Hart, a
5 South Carolina Supreme Court case from 1991; still good law.
6 If I may hand this up?

7 THE COURT: Okay. Thank you.

8 ASST. SOL. SWANSON: I mean, in the alternative, Judge,
9 we could take digital photos of the defendant's tattoos, but
10 since identity is something that the State must prove, I do
11 believe it's extremely probative.

12 THE COURT: Trasi, what do you have for case law?

13 MS. CAMPBELL: I would actually like -- this is the
14 first I've heard of wanting my client to disrobe in front of
15 the jury. And so I would like the opportunity to look at
16 this overnight and ---

17 THE COURT: Okay. And I would to.

18 MS. CAMPBELL: And come a few minutes early ---

19 THE COURT: Absolutely.

20 MS. CAMPBELL: --- tomorrow, and I would be more
21 prepared to address it.

22 THE COURT: And let me do a little research, as well.

23 MS. CAMPBELL: Okay.

24 THE COURT: Thank you.

25 ASST. SOL. SWANSON: And really, he wouldn't need to

1 disrobe. I mean, if he just pulled his sleeves up, that's
2 sufficient.

3 THE COURT: Okay.

4 ASST. SOL. SWANSON: Because, of course, in the video,
5 as you'll see, when we present it to the jury, you can see
6 that his arms are sleeved, you know, with tattoos. He
7 doesn't have a shirt on.

8 THE COURT: So you can see it in the video?

9 ASST. SOL. SWANSON: Yes ma'am.

10 THE COURT: Oh, okay. Thank you. That helps.

11 MS. CAMPBELL: And so to be clear, when I'm doing the
12 research tonight, the State is only asking him to roll his
13 sleeves up to the elbow, basically?

14 ASST. SOL. SWANSON: Yes, ma'am.

15 MS. CAMPBELL: Okay. If I could just have overnight to
16 take a look at that.

17 THE COURT: Yes, ma'am.

18 MS. CAMPBELL: Just rolled up sleeves to the elbow on
19 each arm. That's the extent of it, correct?

20 ASST. SOL. SWANSON: Well, if we're going to -- two
21 suggestions.

22 THE COURT: Okay.

23 ASST. SOL. SWANSON: If Your Honor's not inclined --
24 well, I mean, I guess, ideally, I would like to have him
25 photographed, as he does not have a shirt on in the

1 surveillance video. In the alternative, he could display
2 his forearms for the jury. If I may just show Your Honor,
3 and I've showed these to Ms. Campbell. These are still shots
4 from the video.

5 THE COURT: From the surveillance?

6 ASST. SOL. SWANSON: They're not as clear as the video,
7 but if I may hand them up.

8 THE COURT: Certainly.

9 ASST. SOL. SWANSON: To give The Court some
10 perspective.

11 THE COURT: Okay. Okay. Well, let me do the research
12 overnight and just let me look at it, if I could, and just
13 let me see what the best way to go about this.

14 ASST. SOL. SWANSON: Yes, ma'am.

15 THE COURT: Okay.

16 ASST. SOL SWANSON: I appreciate it.

17 THE COURT: Sure.

18 ASST. SOL. SWANSON: I'm sorry. If I may just grab
19 those back.

20 THE COURT: Sure.

21 ASST. SOL. SWANSON: Thank you. The last matter that
22 I'm aware of, Judge, is settling the record on the
23 defendant, as well as all the witnesses. The defendant is
24 charged with aggravated burglary due to two prior
25 convictions. I have provided certified convictions to the

1 defense for burglary in the second degree. Mr. Jenkins has
2 a burglary in the second degree from 2001, where Solicitor
3 Stone prosecuted him; Mr. Hood defended him. And also from
4 2010, a burglary second where Meredith Bannon prosecuted him
5 and James Bell defended him. Those are the two certified
6 convictions that I'm going to seek to enter as self-
7 authenticating documents before the jury, pursuant to State
8 v. Fenton, and I can hand that case up.

9 THE COURT: I've got it.

10 ASST. SOL. SWANSON: Okay. For the record, its 338,
11 S.C. 151. As far as impeachment, convictions that are
12 potential issues for impeachment on Mr. Jenkins ---

13 MS. CAMPBELL: Judge, can I just be heard briefly?

14 THE COURT: Sure.

15 MS. CAMPBELL: On the indictment and two previous
16 convictions, and then we can move along from there.

17 THE COURT: Sure.

18 MS. CAMPBELL: The defendant has been provided with
19 copies of the previous indictments and the previous
20 sentencing sheets. And we would take the position that
21 providing the sentencing sheets to the jury is
22 impermissible. That has matters that are not properly in
23 front of the jury, such as the amount of the sentencing that
24 he received, things like violent or nonviolent. And it
25 impermissibly ---

1 THE COURT: Didn't I just see a copy of the certified
2 conviction, Ms. Swanson?

3 ASST. SOL. SWANSON: Well, it is. I mean, the
4 certified conviction is the actual sentencing sheet, but the
5 only -- and we can certainly redact some of this
6 information. However, I would like to keep the identifying
7 information on there, which is his date of birth and social
8 security number, because I don't want him to say, "Oh no,
9 that wasn't me. She didn't prove that that was me."

10 MS. CAMPBELL: Well, I can assure you we're not going
11 to argue that. My concern is that the jury has information
12 like, again, I'm not sure it's relevant, who the Solicitor
13 was or who the defendant's attorney was. Perhaps his name,
14 his social security number, his signature, but things like,
15 again, the amount of years the he received or even the
16 sentencing judge. Dates are permissible. I'm just very
17 concerned that we may be setting ourselves up for a
18 situation where we are impermissibly putting information in
19 front of a jury that is not -- if it's not properly in front
20 of them.

21 THE COURT: I just need to look at it and see. I would
22 agree with Ms. Campbell. And most of the time, I probably
23 would just have certified convictions from the Clerk of
24 Courts office, something that verified it. I don't think I
25 have ever for a jury given them a sentencing sheet. I mean,

1 either as a Judge or as a lawyer. So, I don't think that's
2 typically -- many times I've had defense attorneys waive it
3 and say that we don't want to present it at all, which
4 obviously you have a right to present that it makes an
5 enhancement. But, we just need to look at it and see what
6 potentially needs to be redacted. I would agree that
7 whatever sentence he received on his prior has absolutely no
8 relevance in this case. I don't know if there's any victim
9 identifying information. I don't know if there was
10 restitution. I mean, I just haven't seen them, so.

11 ASST. SOL. SWANSON: I mean, what I can do is just --
12 it's the top part of the sentencing sheet. And I don't know,
13 the Clerk's office could answer us as to whether or not they
14 have some form that they can do a certified conviction on,
15 but I've always received sentencing sheets and indictments.

16 MS. CAMPBELL: I don't see why the Beaufort County
17 Clerk of Court couldn't on her letterhead put in her letter,
18 in a statement, you know, really for the Court that Adrian
19 Jenkins, giving his identifying information, has a burglary,
20 second degree conviction, on 3/15/2001 and on 2/23/11.
21 Because again, this sentencing sheet ---

22 THE COURT: But she's going to want something that's
23 got like a stamp or certified something.

24 ASST. SOL. SWANSON: Well, if the defense is willing to
25 stipulate and The Court explains to the jury that this is an

1 aggravated burglary because the defendant has two prior
2 convictions for burglary.

3 THE COURT: And they stipulated.

4 ASST. SOL. SWANSON: Right. As long as they're
5 instructed to that, then I'm fine with not even making these
6 an issue.

7 THE COURT: Okay. Ms. Campbell, can you do that?

8 MS. CAMPBELL: I can't -- and again, I can't stipulate
9 to the two prior burglaries, because, again, we would take
10 the position that that was the second part of my argument,
11 because even though I know about the case that the Solicitor
12 has cited, the State v. Fenton case, we would argue that
13 that's really a sentencing issue; I understand the
14 legislative intent and what the statute says. But again, to
15 protect my client and moving forward that those are elements
16 for sentencing but not for consideration by a jury. He is
17 charged with burglary in the first degree and the two prior
18 convictions, we would say would be improper even as elements
19 of the offense of burglary in the first degree. So, no I
20 cannot stipulate to that.

21 THE COURT: Okay. So what we need to do, Ms. Swanson,
22 is I think we need to take those sentencing sheets and we
23 need to redact the actual sentences on them and anything
24 else that I think is an identifier. So if you just want to
25 pass those up to me when we break, I'll take a look at them

1 and I'll tell you what I think should be taken off and we'll
2 go from there. Okay?

3 ASST. SOL. SWANSON: And should I just detach the
4 indictments from them. I mean, it has -- it's the
5 sentencing sheet along with the indictments. I'll just hand
6 everything up to Your Honor.

7 THE COURT: I think you'd want the indictment to go in.

8 ASST. SOL. SWANSON: Okay. I'm just making sure, you
9 know.

10 THE COURT: Yeah.

11 ASST. SOL. SWANSON: No. I mean, I'd rather have
12 everything in, but would you like these?

13 THE COURT: Yeah. Now, it's just different, because in
14 the olden days, they'd have written guilty on it -- on the
15 indictment, I mean, it's been like in the old, old days.

16 ASST. SOL. SWANSON: Okay. And those are my certified
17 convictions. So we will redact them at the Court's pleasure
18 in the morning or once you ---

19 THE COURT: I just need to look at them a minute.

20 ASST. SOL. SWANSON: Okay, sure.

21 THE COURT: Okay. Do we need to talk about the other
22 witnesses and what we can possibly use as far as prior
23 records for the other witnesses in this case? I've heard
24 something about that.

25 MS. CAMPBELL: We do need to finish Mr. Jenkins. You

1 want to do that first?

2 THE COURT: That'd be great.

3 ASST. SOL. SWANSON: Yes, ma'am, as far as what Mr.
4 Jenkins has within the past ten years, there is a 2007
5 strong arm robbery, which I understand is not a crime of
6 dishonesty, pursuant to the Broadnax case. However, it is
7 punishable by a year or more and occurred within the last
8 ten years, so it would be subject to the probative versus
9 prejudicial test. He also has a March 2010 shoplifting and
10 an April 2010 shoplifting, which I believe would certainly
11 be offenses for which he could be impeached with, due to the
12 facts that they are crimes of dishonesty.

13 THE COURT: Well, I would agree that the 2007 strong
14 arm robbery, obviously, it's punishable more than a year and
15 I do think it's more probative than prejudicial, so I'm
16 going to allow that. And I also would agree that the two
17 shoplifting are crimes of dishonesty, so I think those can
18 be brought in as well. Anything more on Mr. Jenkins that you
19 intend to use?

20 ASST. SOL. SWANSON: That's everything on Mr. Jenkins.

21 THE COURT: Okay. Who else do we need to discuss?

22 ASST. SOL. SWANSON: Mr. Lawson.

23 MS. CAMPBELL: Your Honor, and just so the record is
24 clear ---

25 THE COURT: Just object, yes.

1 MS. CAMPBELL: We do object to the 2007 strong armed
2 robbery under the Broadnax ruling. Thank you, Your Honor.

3 ASST. SOL. SWANSON: Mr. Lawson has an old record.
4 However, no convictions within the past ten-years. It's our
5 position that there's nothing that he can be impeached with.

6 THE COURT: Okay.

7 MS. CAMPBELL: We wouldn't necessarily be seeking to
8 look into Mr. Lawson's criminal record, in terms of his
9 reputation under the rules for veracity or truthfulness,
10 because he has a criminal sexual conduct in his past and
11 which is not with a minor, but with a woman, and because he
12 has repeated criminal domestic violence arrests, and a
13 number of other assault and battery type of cases against
14 women, we will be seeking, of course, when the women
15 testify, you know, to elicit testimony regarding his
16 reputation with them for violence toward women. And their
17 fear of Mr. Lawson when it comes to what he may or may not
18 do to them in terms of if they should not act as is he may
19 want them to.

20 These are women who are heavily involved in drug use,
21 who are heavily involved in a lifestyle of, you know, being
22 frequenting drug users and drug dealer's homes. They were
23 also frequenting, particularly Miranda Brock, was
24 frequenting Mr. Lawson's home. And we just feel like it's
25 imperative that the jury be informed that Miranda is

1 fearful, very fearful, of Mr. Lawson and why.

2 ASST. SOL. SWANSON: Your Honor, I would absolutely
3 object to any testimony of this sort. I don't think it's
4 proper. I don't think it's relevant. There is absolutely
5 no evidence that Miranda Brock in this investigation was at
6 all scared of Mr. Lawson. She's the one that showed up at
7 Mr. Lawson's house and then a few minutes later Adrian
8 Jenkins knocks on the door. Even though, as it turns out
9 when Mr. Lawson looks back at his surveillance video, the
10 two walk up together, and then I guess Adrian waits outside
11 for a while and knocks on the door after that to probably
12 case the place while he asks him to go get a t-shirt.

13 Miranda is a friend of George Lawson's. She has been
14 for many years. The other two women that are involved in
15 the case, Kelsey Krimmer and Stephanie Campbell, do not know
16 George Lawson. They didn't know they were going to George
17 Lawson's house. In fact, Adrian Jenkins told them he needed
18 to go pick up some of his stuff from his ex-girlfriend's
19 house. He didn't see them. They didn't see him.

20 You know, a witness -- character assassination of a
21 victim is not allowed under the rules of the Court. She can
22 certainly bring up any convictions within the last ten
23 years, but this has nothing to do with the elements of
24 burglary in the case against Adrian Jenkins; nothing at all.
25 I do not see how it's relevant. I can't see how any

1 extrinsic evidence in the form of, you know, cross-
2 examination by the defense is at all proper.

3 This is not, you know, the victim, George Lawson, on
4 trial. This is Adrian Jenkins on trial. I mean, the only
5 reason drug use is even relevant is because it was an excuse
6 that Adrian used as to how he knew George Lawson. You heard
7 George Lawson testify. He had never met the guy except for
8 the day before the burglary occurred and that was when
9 Miranda Brock, who he thought was his friend, brought him
10 over to his house.

11 THE COURT: Okay. Well, what we may have to do then is
12 a proffer on Miranda Brock, because as I'm hearing it all, I
13 think whether or not she testifies truthfully could be
14 easily influenced by either her friendship or a fear of the
15 victim in this case. And anything could affect her
16 testimony and its truthfulness. I do think it's probative.
17 I don't know what she's going to say. I don't know what
18 extent she's going to say. But I do know this, apparently,
19 the three of them got in a car together and drove away. So,
20 to the extent that obviously they were all fine at that
21 point to sell some speakers supposedly.

22 So I can tell you this, I don't know what this Kelsey
23 Krimmer and the other witness are going to testify to, but I
24 do think that there is certainly some potential questions to
25 ask Miranda Brock and whether or not she's fearful and see

1 whether or not what she is saying is truthful. It could
2 just simply mean she's friends with him and that's the
3 extent of it, but I don't know that. I don't know the back
4 story, because there clearly is a back story here.

5 MS. CAMPBELL: Okay. So I will reserve that then, Your
6 Honor.

7 THE COURT: Okay.

8 MS. CAMPBELL: Thank you.

9 THE COURT: Thank you.

10 ASST. SOL. SWANSON: As far as the other witnesses go,
11 there's potentially Stephanie Campbell, who has a 2008 minor
12 in possession of alcohol; that's all I saw. And I don't
13 think that's really ---

14 THE COURT: How old is this Stephanie Campbell?

15 ASST. SOL. SWANSON: She was born is 1990; 26. The
16 State wasn't able to serve her with a subpoena. I believe
17 she is currently homeless. I'm not sure if the defense had
18 any luck with that.

19 THE COURT: Okay.

20 ASST. SOL. SWANSON: Kelsey ---

21 THE COURT: Can I ask you, Miranda Brock, how old is
22 she?

23 ASST. SOL. SWANSON: She is older. Born 1984; 32.

24 THE COURT: And I'm sorry, I didn't mean to cut you
25 off. You were telling me about Kelsey Krimmer.

1 ASST. SOL. SWANSON: But while we're on Miranda Brock,
2 she did have an arrest for breach of trust, which has been
3 dismissed, but that was the only thing on her record.

4 THE COURT: Okay.

5 ASST. SOL. SWANSON: That was for Miranda Brock.
6 Kelsey Krimmer, who is 21 years old, and we've been trying
7 to track down. I've talked with her mother who works with
8 Beaufort County EMS, believe she was supposed to be here
9 this afternoon. She has a pending receiving stolen goods
10 that is not a conviction. It's an incident that happened
11 with her ex-boyfriend or something with that nature.

12 THE COURT: You're not going to go into it; is that
13 correct?

14 ASST. SOL. SWANSON: Yes ma'am. And in fact, if she
15 comes she's going to be a State's witness. I mean, I will
16 call her in my case.

17 THE COURT: All right. And for Miranda Brock, that
18 arrest for breach of trust, you didn't ever go into or
19 attempted to go into that.

20 ASST. SOL. SWANSON: No, ma'am, it's not a conviction.

21 THE COURT: Okay. I'm just asking.

22 ASST. SOL. SWANSON: Yes, ma'am.

23 THE COURT: Okay. Anything else or anyone else we need
24 to cover?

25 ASST. SOL. SWANSON: David Jenkins. Is he still going

1 to be a potential witness for you, Ms. Campbell?

2 MS. CAMPBELL: He is not.

3 ASST. SOL. SWANSON: Okay. Thank you. That's
4 everyone.

5 THE COURT: So I think, Ms. Campbell, from what I'm
6 hearing, we may end up doing a proffer on Miranda Brock. I
7 may just, you know, let it go and just let you ask. But I'm
8 going to take it under advisement for sure about the showing
9 of the tattoos.

10 I'm going to assume the video is a little clearer than
11 what is here. I can certainly see that there are tattoos.
12 You can certainly see that there's at least a tattoo on his
13 neck. I don't know if it's from the side or the video. I
14 haven't seen the whole video. I don't know what it shows.
15 Let me just do a little research. Ms. Campbell, you do a
16 little research as well. If you have anything, please e-mail
17 it to Leigh Ellen overnight and I'll read the Hart case, Ms.
18 Swanson. Anything else from anyone?

19 MS. CAMPBELL: The only thing I have left on my list, I
20 think is an easy one. Is the -- just to keep all of the
21 witnesses sequestered.

22 THE COURT: Sequestered, right.

23 MS. CAMPBELL: That's all I have.

24 THE COURT: That's it? All right. Mr. Jenkins is in
25 custody, correct?

1 MS. CAMPBELL: He is.

2 THE COURT: Okay. I just wanted to make sure. Okay.
3 So tomorrow morning, 9:00, 9:15 at the latest. The jury is
4 coming in at 9:30, so if that's okay with y'all?

5 ASST. SOL. SWANSON: Yes, ma'am.

6 THE COURT: Ms. Swanson, are you doing the openings for
7 y'all or is someone else?

8 ASST. SOL. SWANSON: Yes, ma'am, I am.

9 THE COURT: Okay.

10 ASST. SOL. SWANSON: I'll be handling the whole case.

11 THE COURT: All right. Well, very good. I'll see you
12 all in the morning. Okay?

13 ASST. SOL. SWANSON: Thank you.

14 THE COURT: Thank you. Oh, I think we could probably
15 take up these sentencing sheets. Right now, in looking at
16 these. Keep him here for just a second, if you would. As
17 far as the sentencing sheets are concerned, the things that
18 I think need to be redacted, that I think that matter in any
19 way. Well, I think arguably if you want it really clean, I
20 would take off whether or not it was a plea or a trial. I
21 would take off whether it's the nonviolent portion of it. I
22 don't think you can read or see anyone's name on it, so I
23 don't think that matters. I think you could take off the
24 actual amount of time of the sentence. Take off the other
25 probation to be when released. And I think the rest of it

1 is fine. I think as far as on both of them.

2 MS. CAMPBELL: Your Honor, on one of them, there's a
3 sentencing range at the top.

4 THE COURT: Oh, take that off as well. Thank you.

5 ASST. SOL. SWANSON: And would The Court and the
6 defense prefer that I just white it or mark through it with
7 a black marker. I'm not sure how -- if one or the other is
8 preferable.

9 THE COURT: No, I think you should black it out. I
10 think they should know that we've black something out. So I
11 think black it out and I'm going to explain to the jury that
12 it's just not relevant in this case and that that's not
13 information for them.

14 ASST. SOL. SWANSON: Thank you, Your Honor.

15 MS. CAMPBELL: Thank you, Your Honor.

16 THE COURT: Thank you. And on the one, why don't you
17 take off Meredith Bannon's name. It happens to be typed,
18 like all the rest of them. You can't read mine, that's for
19 sure. I think it's fine. Okay.

20 MS. CAMPBELL: Thank you, Judge.

21 (Whereupon, the trial in this case is adjourned for the
22 evening. Thereafter, at 9:15 a.m. on Tuesday morning, April
23 19, 2016, the following is held on the record outside the
24 presence of the jury.)

25 THE COURT: All right. The only big issue the other

1 night was the big issue of Mr. Jenkins showing his tattoos.
2 I read the case law provided to me by Ms. Swanson. Did you
3 come across anything, Ms. Campbell?

4 MS. CAMPBELL: Nothing that says anything different
5 than what the State's position is.

6 THE COURT: Right.

7 MS. CAMPBELL: I do know that it's argued that it's a
8 violation of his Fifth Amendment right against self-
9 incrimination. The Courts have not shown to that as a
10 viable argument. All I would ask, Your Honor, if you're
11 inclined to make in the Order that Mr. Jenkins display his
12 arms to the jury, and just for a note for the Court,
13 Identification is really not an issue for the defense in
14 this case. So I would factor that in as well. It's not as
15 if Mr. Jenkins is going to be denying that he was even ever
16 there.

17 THE COURT: Okay.

18 MS. CAMPBELL: But there are words on his arm, on both
19 arms. There are words tattooed onto his arms and I would
20 just like an opportunity for him to, you know, say what they
21 are and explain the meaning behind why a particular word is
22 on his arm, and that's the extent of it.

23 I just don't want the jury to be left with an
24 impression that would be a negative impression. For
25 instance, there are two names on his hands. That's for his

1 mother and his grandmother. And then, there's the word
2 struggle, and I think the other word is rail; is that
3 correct?

4 Mr. Jenkins: Yes.

5 MS. CAMPBELL: And that's all. Thank you, Your Honor.

6 THE COURT: Okay.

7 ASST. SOL. SWANSON: Your Honor, I believe the
8 appropriate time to do that would be if the defendant chose
9 to take the stand. I don't think that's going to be
10 relevant in any way. He doesn't even have to get close
11 enough for the jury to read the words on his tattoos. You
12 can't read them in the video.

13 THE COURT: And that's what I wanted to ask you.

14 ASST. SOL. SWANSON: Right.

15 THE COURT: Is whether or not in the video you could
16 see them. I mean, if reasons, for identification purposes,
17 I want to make sure that in the video, you could actually
18 see the tattoos and that this is for identification. So,
19 it's got to be as a purpose. You are admitting that he was
20 there, is that correct?

21 MS. CAMPBELL: We are.

22 THE COURT: Okay.

23 ASST. SOL. SWANSON: I mean if the defense wants to
24 stipulate that he was there, then I don't need to get into
25 the tattoos. I mean, if we are stipulating that that's

1 Adrian on the video.

2 MS. CAMPBELL: We'll stipulate to that.

3 THE COURT: Very good. I guess we don't have a problem
4 then. You are still going to play it, correct?

5 ASST. SOL. SWANSON: Yes, ma'am.

6 THE COURT: Okay. Then why don't we just do this; we
7 will go ahead, and if you want me to read a stipulation or
8 whatever, just play the video and say the defense stipulates
9 in this case that that is Mr. Jenkins.

10 ASST. SOL. SWANSON: Okay. In that case, I actually
11 can scratch one of my witnesses.

12 THE COURT: Okay.

13 ASST. SOL. SWANSON: Can you guys let Beth Kattenhorn
14 go? She was just going to testify as to identity. And Your
15 Honor, there's one other matter that's come to my attention.

16 THE COURT: Okay.

17 ASST. SOL. SWANSON: When we served Kelsey Krimmer, one
18 of our witnesses yesterday, she's here this morning. I
19 spoke to her at 8:30 this morning. She informed me that
20 Tammy Stone, the defendant's girlfriend who has been in the
21 courtroom since the beginning of the case -- she expressed
22 concern that Tammy Stone was going to be here in the
23 courtroom. I said, "Well, she has been here. What is your
24 concern?" She told me that the last time she saw Tammy
25 Stone, Tammy Stone poured bleach on her clothes. Told her to

1 stay away from Adrian and that she better not testify. This
2 is an obvious concern for the State.

3 THE COURT: I understand.

4 ASST. SOL. SWANSON: And I'm definitely going to have
5 law enforcement look into this and investigate it properly
6 to see if charges are appropriate in the matter. At this
7 point, though, Judge, I would ask that she not be allowed to
8 be in the courtroom for the remainder of the case and that
9 Your Honor instruct her not to have any contact with
10 witnesses or victim during the trial or after the trial.

11 MS. CAMPBELL: May it please the Court, Your Honor?

12 THE COURT: Is she here right now?

13 MS. CAMPBELL: Tammy? I had her sit outside right now.

14 THE COURT: Okay.

15 MS. CAMPBELL: I think that this is what the Solicitor
16 is telling the Court that Kelsey has told her. Kelsey's
17 reliability and credibility is obviously in question. I
18 think Kelsey should have to testify to that under oath, if
19 that's her allegation. I will tell you that there is a
20 police report that was filed about six weeks ago. Kelsey
21 and Tammy's niece were roommates. The niece came home,
22 caught Kelsey in bed with her boyfriend. They had an
23 argument and an incident ensued. The police were called.

24 THE COURT: Okay. Wait a minute. Back up a second.
25 So who came home and found someone in bed with who? I'm

1 sorry.

2 MS. CAMPBELL: Kelsey Krimmer was roommates with ---

3 THE COURT: With Tammy's niece.

4 MS. CAMPBELL: --- with Tammy's niece.

5 THE COURT: Okay.

6 MS. CAMPBELL: Tammy's niece came home and found Kelsey
7 Krimmer in bed with her boyfriend.

8 THE COURT: With her boyfriend?

9 MS. CAMPBELL: Correct. And the police were called ---

10 THE COURT: So they have reason not to like each other?

11 MS. CAMPBELL: Right. There's ---

12 THE COURT: I understand.

13 MS. CAMPBELL: --- there's a whole back story to this
14 family situation. And so, they called the police. There's
15 an incident report done on this situation, documented as to
16 what and who was there and what was going on. The only
17 reason that Tammy was there was to help remove clothing of
18 her niece from that home. I imagine some words were
19 exchanged, but I don't have a copy of the police report. I
20 would ask that if Kelsey has a problem with Tammy, we are
21 happy to have Tammy sit outside the courtroom during her
22 testimony, but I don't think it would be appropriate to
23 disallow her to be here in support of her boyfriend for the
24 entirety of this trial.

25 THE COURT: Okay. Well, I think she can be here, but

1 again, I would agree that she doesn't need to be here during
2 Kelsey Krimmers testimony, so we can keep her out there.
3 And I don't think it helps any for her to be sitting in the
4 anteroom, while we can see her straight from here. So we
5 need ---

6 MS. CAMPBELL: She'll go all the way outside when
7 Kelsey testifies. Thank you.

8 THE COURT: Okay. Thank you.

9 MS. CAMPBELL: May I bring her in here?

10 THE COURT: Sure.

11 MS. CAMPBELL: Thank you.

12 THE COURT: Anything further before we bring the jury
13 in?

14 ASST. SOL. SWANSON: Judge, I would still ask The Court
15 to just instruct her, briefly.

16 THE COURT: I will.

17 ASST. SOL. SWANSON: Thank you.

18 THE COURT: Don't worry, I will instruct everybody.

19 Other than the victim in this case, is there anyone else in
20 the courtroom that's testifying? I know we've got a
21 sequestration order, so there shouldn't be but ---

22 ASST. SOL. SWANSON: No ma'am.

23 THE COURT: All right.

24 (Off the record, briefly while Ms. Campbell brings in
25 Ms. Tammy Stone.)

1 THE COURT: Well, welcome, ma'am. Ms. Campbell asked
2 you to step out. I just want to make sure you understand
3 something. You're not to speak to any witness in this case.
4 You are not to intimidate any witness, say a word. We are
5 going to remove you during certain witness's testimony. The
6 one thing I want to make sure you understand, and everyone
7 in this matter, is when someone testifies, there's no head
8 bobbing, there's no nodding.

9 I will tell you that this entire courtroom, as well as
10 the entire courthouse, as well as the parking lot, is under
11 surveillance and cameras. We have what we call "the cave"
12 downstairs, where someone is continually monitoring anything
13 everyone does in here. So again, I just tell you that if
14 there is anything that happens or anything that occurs in
15 there, you'll be taken into custody. So I just want to make
16 sure everyone understands that. Okay?

17 MS. STONE: Yes, ma'am.

18 THE COURT: Thank you, I appreciate it. All right.
19 So, are we ready to go Ms. Swanson?

20 ASST. SOL. SWANSON: Yes ma'am.

21 THE COURT: Ms. Campbell?

22 Ms. Campbell: Yes ma'am.

23 THE COURT: All right. Let's bring them on in and we
24 will have the jury sworn in.

25 (Whereupon, 10:35 a.m., the jury enters the courtroom

1 and the following is held on the record.)

2 THE COURT: You may be seated. Good morning, ladies
3 and gentlemen of the jury. I hope everyone is well. Thank
4 you for waiting on us this morning. We were just working on
5 a few last legal issues so we can begin this trial, in which
6 we have done.

7 At this time, ladies and gentlemen, what we're going to
8 do is swear you in as the jury in this case. I'm going to
9 make just a few brief comments and then the attorneys are
10 going to make their opening statements for you. All right,
11 so if you would all please rise and raise your right hand to
12 accept the juror's oath in this case. When you do, just say
13 "I do" and sit down. All right?

14 (Whereupon, the jury is duly sworn.)

15 THE COURT: Thank you, you may be seated. Ladies and
16 gentlemen, what I'm going to tell you is intended to serve
17 as an introduction to the trial of this case. These remarks
18 are not a charge on the law. I'm going to charge you on the
19 law that's applicable to this case at the end of the trial.
20 This is just a road map, ladies and gentlemen, so you can
21 better understand what's happening during the case.

22 Now, the defendant in this case has been charged by an
23 indictment filed in this Court with the offense of burglary
24 in the first degree, the elements of which I'm going to
25 explain to you at the end of the trial.

1 Ladies and gentlemen, an indictment is simply the
2 charge by which a case is brought into the courtroom and
3 it's not, in any sense, evidence of any of the allegations
4 that it contains. Now, the defendant in this case, Mr.
5 Jenkins, has pled not guilty to this indictment. Therefore,
6 the State has the burden of proving each of the elements of
7 the indictment beyond a reasonable doubt. And it's your
8 duty, ladies and gentlemen of the jury, to decide whether
9 the State has met that burden.

10 Now, your purpose as jurors is to find and determine
11 the facts. You, the jury, are the sole judge of all facts.
12 If at any time I make any comment about the facts in this
13 case, you must disregard it. You are only to determine the
14 facts of this case from the testimony you hear up in the
15 witness stand as well as any other evidence if it's admitted
16 in this case. Please understand that it's up to you to
17 determine the inferences, which you feel may properly be
18 drawn from the evidence.

19 Also understand that it's especially important that you
20 perform your duty of determining the facts in this case,
21 diligently and conscientiously. Because ordinarily, there's
22 no way to correct an interest in determination of the facts
23 by a jury. The same law, ladies and gentlemen, that makes
24 you the jury, the judge of the facts, makes me the Judge of
25 the law.

1 The law given by the Court is the only law that you may
2 consider. You must accept and follow it, even though you
3 may disagree with it. I cannot tell you what the facts of
4 this case are and you cannot disagree with me about what the
5 law is or what you think the law ought to be. Your job is to
6 take the law as I give it to you and apply it to the facts
7 as you find them. And from there, render a true and just
8 verdict under that oath you just took.

9 Now, until I advise you to begin your deliberations,
10 you must not discuss this case with anyone, and that
11 includes your fellow jurors, any friends, family members or
12 colleagues, or anyone that's involved in this case. And
13 after the case is submitted to you, you must only discuss it
14 in the jury room.

15 Again, I remind you that the attorneys, the parties,
16 and the witnesses in this case have been instructed that
17 they are not to speak to you in coming or going from the
18 courthouse. I remind you, ladies and gentlemen, if you pass
19 them and they don't even say hello or smile, they're not
20 being unkind. They're simply following my orders.

21 Please understand that while I don't think there will
22 be anything in the news or in the newspaper about this case,
23 out of an abundance of caution, I have to instruct you that
24 you are not to read, watch, or do any independent research
25 this case. I remind you again that we're going to have

1 everything you need to determine this case right here in
2 this courtroom. It would be highly inappropriate for you to
3 be influenced by anything outside the Courts.

4 Please also understand, it's important that you keep an
5 open mind and not decide any issue of fact in this case
6 until all the evidence has been presented, the attorneys
7 have made their closing arguments, and I have charged you on
8 the law that is applicable to this case.

9 Ladies and gentlemen, it is your solemn responsibility
10 to determine the guilt or innocence of the defendant and
11 your verdict must be based solely on the evidence as its
12 presented during this trial and on the law that I instruct
13 at the end of this case.

14 Now ladies and gentlemen, in just a moment the
15 Solicitor is going to make an opening statement, where she
16 is going to tell you what she believes are the issues in
17 this case. And then the defendant -- defendant's attorney,
18 Ms. Campbell, is also going to make an opening statement.
19 What I want you to know is what these attorneys tell you in
20 their opening statements is not evidence in this case.
21 Again, it's just their contention as to what they believe
22 the issues are.

23 I remind you, again, the evidence comes from the
24 witness stand and any other evidence that's introduced in
25 the case and any stipulations that the attorneys may enter

1 into.

2 I also want you to know from time to time during the
3 trial of a case, you may hear the lawyers say something
4 like, "Your Honor, we have a matter of law we need to take
5 up," or I may motion them to the bench, or we may have a
6 bench conference over here, or I may even send you back to
7 your jury room.

8 I want you to understand something, we're not hiding
9 anything from you. Oftentimes, when I have to rule as a
10 matter of law, whether or not certain evidence is admitted,
11 I may make a comment on the facts of the case. Because I
12 would never want anything that I say or do influence you in
13 your determination of the facts, out of an abundance of
14 caution, we just do it outside of your presence.

15 In determining what the true facts are in this case,
16 you must decide whether or not the testimony of the
17 witnesses is believable. It's my responsibility to rule as a
18 matter of law whether or not certain testimony is admitted,
19 but once the testimony is admitted, whether or not you
20 believe it, is solely for you to determine.

21 In deciding whether to believe a witness, you have the
22 right to consider the interest of any witness, the bias of
23 any witness, the prejudice of any witness. And you can look
24 at the opportunity that the witness had to have seen the
25 matters and the things in which they are testifying. You can

1 also watch the way they act on the witness stand.

2 You have the right, ladies and gentlemen, to consider
3 anything that's in the record that will help you evaluate
4 the testimony of the witnesses. That means it's your duty to
5 pay close attention to the witnesses, to observe them, to
6 listen to them, so at the very end of the trial, ladies and
7 gentlemen, you'll be able to accurately remember the
8 testimony given. All right?

9 Ladies and gentlemen, at this time, we are going to go
10 ahead and begin the trial of this case. Any exceptions or
11 additions, from the State?

12 ASST. SOL. SWANSON: None from the State.

13 THE COURT: From the defense?

14 MS. CAMPBELL: No, Your Honor.

15 THE COURT: Ladies and gentlemen, we're going to go
16 ahead and begin the trial of this case. Ms. Swanson?

17 ASST. SOL. SWANSON: Thank you, Your Honor. May it
18 please the Court?

19 THE COURT: Yes, ma'am.

20 OPENING STATEMENT

21 BY ASST. SOL. SWANSON:

22 George Lawson is a small business owner here in
23 Beaufort. He has a barber shop on Boundary Street. He also
24 has a house in Shell Point that he lives in with his ten-
25 year-old son. He has a gate out in front of it. He has a

1 couple of dogs. And he locks his doors. He also has a
2 surveillance camera that's mounted on his shed.

3 He didn't want to be a victim. He did make a mistake,
4 though. The day before the burglary on September 16th of
5 2015, he allowed Adrian Jenkins into his home. Adrian had
6 arrived with a mutual friend and he allowed him in his home,
7 allowed him to borrow his shirt, giving him the chance to
8 case the joint. So on September 17th, 2015, when George was
9 at work, Adrian comes by and enters his home and steals
10 electronics belonging to his ten-year-old son, to George's
11 ten-year-old son. About fifty some-odd X-box games,
12 controllers, and a TV. He saw an opportunity and he just
13 couldn't help himself.

14 You're going to see the surveillance video with Adrian
15 going around to the back of the house, coming around in
16 front of the house and dumping these things outside of the
17 fence and loading them into a car. Adrian is charged with
18 burglary, which means that he entered a dwelling without
19 permission with the intent to commit a crime therein.

20 The crime that he committed, therein, was stealing
21 these items. And actually, Adrian is charged with
22 aggravated burglary. There are a number of reasons burglary
23 can be aggravated, but the reason Adrian is charged with
24 aggravated burglary is because he has two prior convictions
25 for burglary. This case is about the choices that Adrian

1 made. This case is not about George Lawson. And it's not
2 George Lawson versus Adrian Jenkins; it's the State. The
3 State is pursuing this case against Adrian Jenkins, and
4 George Lawson is one of our witnesses. Because we're
5 pursuing the case, we bear the burden of proof here, and I
6 must prove to you the case beyond a reasonable doubt. And
7 beyond a reasonable doubt means the sort of doubt that would
8 cause you to hesitate to act in some of your most important
9 affairs. It doesn't mean beyond any doubt, because everyone
10 can argue that anything is possible.

11 You guys are intelligent. Keep your common sense about
12 you. What makes sense? I ask that you don't get swayed by
13 emotion or a like or dislike for any of the witnesses or the
14 attorneys. That you keep your wits about you. Determine
15 the truth from the witness stand and the evidence that's
16 entered and follow the law. Those are the two things that I
17 ask of you. Speak the truth and follow the law. If you do
18 those two things, as you've vowed to do to this Court,
19 Adrian Jenkins will have to face the consequences of the
20 choices that he has made. Thank you so much.

21 THE COURT: Thank you. Ms. Campbell?

22 MS. CAMPBELL: May it please the Court?

23 THE COURT: Yes, ma'am.

24

25

1 OPENING STATEMENT

2 BY MS. CAMPBELL:

3 Good morning. We have a famous painter that many of us
4 may be familiar with, Pablo Picasso. And Pablo Picasso made
5 a statement about people and their faces and the paintings
6 that he did. And the statement was, or the question I
7 guess, he said, "Are we to paint what's on the face, what's
8 inside the face, or what's behind the face?"

9 I'm going to ask you to remember that and carry that
10 through the testimony that you hear in this case, because
11 you, as Judge Mullen told you, are the only people in this
12 courtroom that get to judge the bias, the motive, the
13 credibility or the people who testify for you. It's not my
14 responsibility, it's your responsibility.

15 And each one of you was selected as an individual to
16 bring with you to your responsibility those common sense
17 assessments as you do every day in your own lives, about
18 whether or not you can trust what someone is telling you. I
19 will tell you also, that I would term this case, the case of
20 the man with two faces. If you peel back the layers of what
21 you hear, look beyond what's been painted for you or is
22 going to be painted for you by the State of South Carolina
23 and their witnesses, you will see the true colors of all of
24 these folks and what really happened. We don't deny that
25 Adrian Jenkins was at George Lawson's on September 17th,

1 2015. We take issue with the reason that he was there. And
2 I will let you determine from the testimony why you believe
3 he was there.

4 Ask yourselves this, because you'll hear testimony from
5 law enforcement in this case and you'll see it on the video,
6 why bring with you two witnesses if you're going to commit a
7 burglary? As you'll see on the video, there are two young
8 women with Adrian in the car when he goes to pick up the
9 items from George's house. He knew George Lawson. He had
10 gotten money from George Lawson earlier that day: \$20 at
11 the barber shop to go and purchase cocaine for George
12 Lawson. He had gotten that money and he -- the day
13 previously, we believe the evidence will show that he and
14 George had taken off with a young lady by the name of
15 Miranda Brock, and they had taken off to see about trading
16 some speakers that George had for some drugs. They went to
17 a couple of different locations. They were not able to
18 obtain the trade that they wanted and so George dropped them
19 off at the Burton Wells Park, I think it is.

20 Now, Miranda Brock is a key witness in this case. Now
21 again, if I'm wrong, you know, hear what the State has to
22 say, but I don't even think they talked to Miranda. We
23 found her. We're going to bring her to you in our case. And
24 I believe Miranda will tell you she's had a history of
25 addiction troubles. She will tell you she's known George for

1 years. Sometimes she'd stay at his house for a couple of
2 days when she didn't have a place to stay. She has a lot to
3 tell you about behind the face. She has a lot to tell you
4 about George. She's a key witness. I encourage you to
5 listen to what she has to say. And again, as I close and we
6 begin to hear the testimony in this case, we're asking you
7 peel back the layers, see what the true colors of these
8 witnesses are. Bring back, as you swore to do so, a true
9 verdict. Thank you.

10 THE COURT: Thank you. The State will call their first
11 witness.

12 ASST. SOL. SWANSON: Thank you. The State calls Deputy
13 Matt Rios. And actually while we wait on Deputy Rios, at
14 this time pursuant to South Carolina Rules of Evidence 9024,
15 I'd like to enter States One and Two. These are copies of
16 Mr. Jenkins certified convictions.

17 MS. CAMPBELL: I have reviewed them and just subject to
18 my prior objections.

19 THE COURT: Okay. Thank you. We're going to admit to
20 the evidence. Do I need to look at them, Ms. Campbell? No?

21 MS. CAMPBELL: They're fine.

22 THE COURT: Okay. I appreciate it.

23 ASST. SOL. SWANSON: And portions of these have been
24 redacted and I believe the jury will be instructed on that.

25 THE COURT: They will. They are just portions that are

1 not relevant to you.

2 (Whereupon, State Exhibit Number One and State Exhibit
3 Number Two, certified copies of Mr. Adrian Jenkins'
4 convictions, are received into evidence.)

5 ASST. SOL. SWANSON: But these are State's One and
6 State's Two that you'll have in the jury room. It contains
7 the identifying information for the defendant, Adrian
8 Jenkins, and the dates of his convictions for burglary in
9 the second degree.

10 THE COURT: Come on up, Deputy Rios, to be sworn.
11 Please place your left hand on the Bible, raise your right
12 hand.

13 (Whereupon, Deputy Matt Rios is duly sworn.)

14 MADAME CLERK: State your full name for the record and
15 spell your last name.

16 WITNESS RIOS: Matthew Christopher Rios, R-I-O-S.

17 MADAME CLERK: Thank you. Please be seated.

18 ASST. SOL. SWANSON: Good morning, Deputy Rios.

19 WITNESS RIOS: Good morning.

20 DIRECT EXAMINATION

21 BY ASST. SOL. SWANSON:

22 Q Who do you work for?

23 A Beaufort County Sheriff's Office, Northern Patrol.

24 Q Okay. What are your duties on Northern Patrol?

25 A Deter crime, answer calls for service, conduct

1 follow-up investigations.

2 Q Okay. And on September 15th, 2015 -- I'm sorry,
3 September 17th of 2015, were you on duty?

4 A I was.

5 Q And did you respond to a call for assistance on a
6 burglary?

7 A I did. At [REDACTED]; the Shell Point area.

8 Q Okay. Is that within the county of Beaufort?

9 A Yes, ma'am.

10 Q All right. And who's residence was that?

11 A Mr. George Lawson.

12 Q Did you speak with Mr. Lawson?

13 A I did.

14 Q Did he give you the name of anyone that he thought may
15 have been the perpetrator?

16 A Yes ma'am. He gave me a Ron Jenkins.

17 Q Okay. And what else did he show you?

18 A Video surveillance from the incident.

19 Q Okay. Did you actually record that video surveillance?

20 A I used you my BCSO issued camera to record it at that
21 time. And Mr. Lawson said that he was going to give us a
22 hard copy once he was able to pull that video.

23 Q Did you process the scene at all?

24 A I did.

25 Q Okay. What did you do as far as that goes?

1 A I processed -- pulled DNA samples from the fence area
2 where the suspect can be seen jumping over the fence, as
3 well as the lock on the fence where he can be seen
4 manipulating the lock.

5 Q Okay. And when you say pulled DNA samples, did you
6 swab for potential DNA?

7 A Yes. It's -- I swabbed for a DNA sample for those
8 areas. And after submitting those, I collected a DNA
9 elimination swab from the residents of that home as well.

10 Q After watching the video, were you able to determine
11 what the most likely point of entry was?

12 A From the video, it looks as though he entered the rear
13 door of the residence.

14 Q Okay. And what kind of door was that?

15 A A sliding glass door.

16 Q All right. And did George Lawson show you how that door
17 worked?

18 A He did. And he showed me that by using a little bit of
19 force you can still -- when the door is locked you can still
20 force the door open.

21 Q Okay. Were you able to confirm a name, an alias, of
22 the person that appeared in that video?

23 A Yes, ma'am. After I left the scene, I took the video
24 that I recorded over to some Beaufort City Police Officers,
25 SGT. Kattenhorn and Office Knapp, and showed them the

1 surveillance and they immediately said it was Adrian
2 Jenkins.

3 Q Did they say he went by anything else?

4 A Ron Jenkins -- Adrian Ron Jenkins.

5 Q Do you know what his middle name is?

6 A LaRon.

7 Q LaRon?

8 A Yes, ma'am.

9 Q Okay. And at that point, did you obtain a photo lineup
10 with him in it?

11 A Yes, ma'am. I contacted Pam Brown from Intelligence
12 and she gave me a photo lineup.

13 Q And Pam Brown, does she work for the Sheriff's
14 Department?

15 A She does. She's with the Intelligence Division.

16 Q Okay. And is she the point of contact for any photo
17 lineup that deputies need?

18 A She is.

19 Q Okay. So you obtained a photo lineup from her and then
20 did you meet with the victim to present it to him?

21 A Yes. Four days after the -- after I initially met with
22 him. I met with him to conduct a follow up, at which time I
23 did the photo lineup for him.

24 Q Okay. And where did you meet with him?

25 A It was at 2524 Boundary Street, which is George's

1 barber shop.

2 Q All right. And did you follow all of your agency's
3 protocol and procedures in conducting that photo lineup?

4 A Yes, ma'am. I used BCSO General Order 228 eyewitness
5 identifications, and I followed the procedure that I needed
6 to.

7 Q Okay. And were you also trained at the police academy?

8 A Yes, ma'am.

9 Q Okay. And how many weeks of training do you have?

10 A Twelve weeks of training there at South Carolina
11 Criminal Justice Academy.

12 Q And how long have you been with the Sheriff's
13 Department?

14 A Approximately a year and a half.

15 Q Okay. When you -- or before you presented the photo
16 lineup to Mr. Lawson, did you read him any warnings?

17 A I did.

18 Q Can you please read those to the jury?

19 A I told Mr. Lawson that the suspect may or may not be
20 among the suspects in the lineup, and he is not compelled to
21 make an identification. I explained to him that the suspect
22 may not appear exactly as he did during the incident. And
23 that once he was able to make identification or not, I asked
24 him his level of confidence with that decision.

25 Q Okay. I'm going to hand you what's been entered as

1 Court's One and marked as State's Exhibit Three and ask that
2 you identify this, Deputy Rios.

3 A Yes, ma'am.

4 Q What is that?

5 A The photo lineup that I used.

6 Q Okay. That's the photo lineup that you turned into
7 evidence after showing to George Lawson?

8 A Yes, ma'am

9 Q Okay. And when you showed it to George Lawson what did
10 he do?

11 A When the photo lineup was flipped over, he immediately
12 identified number two as Adrian Jenkins.

13 Q Okay. And did he initial and sign that?

14 A He initialed, signed, dated above the photo.

15 ASST. SOL. SWANSON: Thank you. The State would move
16 three into evidence.

17 THE COURT: Subject to your prior objection?

18 MS. CAMPBELL: Yes, ma'am. It's evidence.

19 THE COURT: Thank you.

20 (Whereupon, State Exhibit Number Three, photo lineup,
21 is received into evidence.)

22 ASST. SOL. SWANSON: And I move to publish to the jury
23 at this time.

24 THE COURT: You may.

25 Q And so, those initials that are above number two,
26

1 who he identified as Adrian Jenkins or Ron Jenkins?

2 A Yes ma'am.

3 ASST. SOL. SWANSON: Courts indulgence, Your Honor?

4 THE COURT: Sure.

5 ASST. SOL. SWANSON: Nothing further at this time.

6 Thank you and please answer any questions that the defense
7 may have for you.

8 MR. RIOS: Yes, ma'am.

9 THE COURT: Ms. Campbell?

10 MS. CAMPBELL: Thank you, Your Honor.

11 THE COURT: Yes ma'am.

12 CROSS-EXAMINATION

13 BY MS. CAMPBELL:

14 Q Deputy Rios, the time that the call came in for you to
15 go out to Mr. Lawson's house on September 17th, 2015, was
16 about 9:00 p.m. at night, is that fair?

17 A Yes, ma'am.

18 Q Okay. And the information that you obtained from
19 George Lawson is that he had worked that day at the barber
20 shop, correct?

21 A Yes, ma'am.

22 Q And that he had arrived home around 4:00; is that
23 correct?

24 A Yes.

25 Q Okay. And so in those five hours between his arriving

1 home and his calling in this burglary, did he tell you what
2 he did in those five hours?

3 A He did not. He just said that he was working.

4 Q So no? He did not tell you what he did at the house in
5 those five hours, correct?

6 A Correct.

7 Q Okay. And when you were interviewing George Lawson and
8 he provided to you this video showing Mr. Jenkins coming to
9 the house, were you allowed to view the video of the entire
10 day or just what Mr. Lawson gave you?

11 A I viewed the incident.

12 Q So the answer to my question, no, just what Mr. Lawson
13 gave you, correct?

14 A Just the incident.

15 Q Thank you. Now, you obtained information from Mr.
16 Lawson during your visit with him there at the house that he
17 had met Mr. Jenkins, along with a woman by the name of
18 Miranda Brock, the day before what you were shown on the
19 video, correct?

20 A Yes.

21 Q And in your investigation, at some point, Mr. Lawson
22 got Miranda Brock on the phone; did he not?

23 A Yes.

24 Q Okay. And she was up to be a witness, correct?

25 A Correct.

1 Q Did you get Miranda Brock's phone number then?

2 A I believe I got it at that time.

3 Q Where is her phone number in your report?

4 A It's not on the initial report. It would be in the
5 involvement submittals. You won't see it on this initial
6 report, -- right here.

7 Q On your report, correct?

8 A Yes.

9 Q And did you then, as you testified, have her phone
10 number, did you then talk to Miranda Brock?

11 A I attempted to call, but was unable to make contact.

12 Q So your county-issued cell phone, from back in
13 September, is going to physically show that you attempted to
14 call Miranda Brock; is that correct? The phone number you
15 have listed for her. A I do not have a county-issued cell
16 phone.

17 Q Okay. Well, the cell phone that you have. If we were
18 to subpoena that, it would show you attempted to call her;
19 is that correct?

20 A I believe so.

21 Q You're not sure?

22 A I believe so.

23 Q So?

24 A I believe that you would be able to find that on my
25 phone.

1 Q Now, when you -- did you want the video from the prior
2 day when Mr. Jenkins was at the house the prior day?

3 A I was investigating that incident, so I was interested
4 in that incident.

5 Q Okay. Were you ever provided that video by Mr. Lawson?

6 A Of the incident?

7 Q Of the day before when Mr. Jenkins was at his house
8 with Miranda Brock.

9 A Not me, personally, that day.

10 Q This back door, okay? Well, let me ask you this, did
11 you take any photos when you went out there?

12 A I did.

13 Q Okay. I'm going to show you some photographs that
14 we've been provided. Let's see, how many photos did you
15 take?

16 A The night I was there, I took approximately two photos.

17 Q Okay. And that would be of what?

18 A A cigarette and the actual location of the residence.

19 Q The cigarette on the ground by the gate?

20 A Yes, ma'am.

21 Q Okay. I'm going to wait on that one. The rear door,
22 which would be on the back deck, that's a sliding glass
23 door, correct?

24 A Yes.

25 Q And you've been trained in how to lift fingerprints,

1 correct?

2 A Yes.

3 Q Okay. Did you attempt to lift any fingerprints off the
4 back sliding glass door?

5 A I did not.

6 Q And you were given information from Mr. Lawson in that
7 you were investigating, that he had traveled in his truck
8 the previous day with Mr. Jenkins and Miranda Brock,
9 correct?

10 A Correct.

11 Q And in those travels, they were trying to sell a set of
12 speakers, is that correct?

13 A The suspect was asking if they were for sale and Mr.
14 Lawson said that they were not.

15 Q Okay. Mr. Lawson's telling you that he did not put the
16 speakers in the truck, correct?

17 A Correct?

18 Q And that they did not go to try and sell the speakers.

19 A They did not.

20 Q But you did obtain information from Mr. Lawson that
21 they went to a trailer park on Roseida Road, correct?

22 A Yes.

23 Q That Mr. Jenkins got out of the truck and knocked on a
24 couple of doors, correct?

25 A Yes.

1 Q They left the trailer park and went to Food Lion,
2 correct?

3 A Yes.

4 Q Now, Food Lion has video surveillance, correct? Is
5 that yes for the record?

6 A I don't work at Food Lion, so I'm not sure if they have
7 surveillance outside.

8 Q I know you don't work at Food Lion. In your
9 investigation of this case, do you think you should've gone
10 to Food Lion to see if there was surveillance of the three
11 of them in Mr. Lawson's truck that day?

12 A I could have done that, yes.

13 Q And you did not?

14 A I did not.

15 Q And then you received information from Mr. Lawson that
16 he then took them to Burton Wells Park and dropped them off
17 there; is that correct?

18 A Yes.

19 Q Okay. And same question about Burton Wells Park. Did
20 you try to find any video evidence to document this -- at
21 Burton Wells Park?

22 A I did not.

23 MS. CAMPBELL: That's all I have for this officer.

24 Thank you, Judge.

25 THE COURT: Anything further?

Redirect examination of Deputy Matthew Rios by Asst. Sol. Swanson
Recross-examination of Deputy Matthew Rios by Ms. Campbell

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1 ASST. SOL. SWANSON: Just briefly.

2 REDIRECT EXAMINATION

3 BY ASST. SOL. SWANSON:

4 Q Ms. Campbell was asking you about Mr. Lawson taking
5 them to Food Lion. What else did Mr. Lawson tell you about
6 the trip to Food Lion? And if you need to refer to your
7 report, that's fine. It's at the bottom of page 3 of 23.

8 A Once they got to Food Lion, both Miranda Brock and Mr.
9 Jenkins did not want to exit the vehicle at that time. He
10 told them they needed to leave, but they did not want to
11 leave.

12 Q Okay. That's all I have. Thank you.

13 RECROSS EXAMINATION

14 BY MS. CAMPBELL:

15 Q Brief question to follow up on that. And the last
16 information that Mr. Lawson gave you about this riding
17 around with Miranda and Mr. Jenkins, to be clear, was that
18 since he left them at Burton Wells Park, he had not seen
19 either one of them; is that correct?

20 A Yes.

21 Q Thank you.

22 THE COURT: Anything further?

23 ASST. SOL. SWANSON: Nothing further

24 THE COURT: Any objections to Deputy Rios being
25 excused; from the State or the defense?

1 ASST. SOL. SWANSON: Not from the State

2 THE COURT: The defense?

3 MS. CAMPBELL: No objection.

4 THE COURT: You're excused. Thank you, sir.

5 DEPUTY RIOS: Thank you, Your Honor.

6 ASST. SOL. SWANSON: Thank you, Your Honor.

7 THE COURT: Call your next witness

8 ASST. SOL. SWANSON: The State calls George Lawson.

9 THE COURT: Thank you. Come on up Mr. Lawson and be
10 sworn, sir.

11 (Whereupon, Mr. Lawson is duly sworn.)

12 MADAME CLERK: State your full name for the record and
13 spell your last name.

14 MR. LAWSON: George Douglas Lawson, L-A-W-S-O-N.

15 DIRECT EXAMINATION

16 BY ASST. SOL. SWANSON:

17 Q Mr. Lawson, where do you work?

18 A At my barber shop on Boundary Street.

19 Q Okay. And where do you live?

20 A [REDACTED].

21 Q All right. Is that where you living on September 17th
22 of 2015?

23 A Yes.

24 Q Okay. And did you report a burglary on that day?

25 A I did.

1 Q Okay. Let's go back to the day before, September 16th.

2 A Uh-huh.

3 Q Okay. And as far as you can remember, were you working
4 that day?

5 A No.

6 Q So you were off on the 16th?

7 A Yes.

8 Q All right. Tell us what you remember about September
9 16th of 2015, the day before the burglary.

10 A I was asleep. I heard a knock at the door. I got up
11 and Miranda was there and she said someone was coming to
12 pick her up. So I let her in and she was probably there
13 maybe ten or fifteen minutes. And I heard another knock and
14 I went to the door. There was a black fellow standing
15 there. And I asked him who he was and she said, "Oh, that's
16 my ride", you know, and so I let him in, and then he asked
17 me to borrow a t-shirt. So I got him a t-shirt and
18 according to what he said, whoever dropped him off had
19 apparently ran off and left him and then I got stuck giving
20 them both a ride.

21 Q All right. And do you know who the black man that
22 knocked on your door was?

23 A I didn't at that time, no.

24 Q Were you ever told his name? Did he tell you his name?

25 A Yes.

- 1 Q What was that?
- 2 A Ron Jenkins.
- 3 Q Do you see that man sitting in the courtroom today?
- 4 A I do.
- 5 Q Can you point him out for us?
- 6 A Right there.
- 7 Q Okay. Sitting next to defense counsel, Ms. Campbell?
- 8 A Yes, ma'am.
- 9 Q Okay. And who is Miranda?
- 10 A She's just someone I know.
- 11 Q Someone that you've been familiar with for a while?
- 12 A Yeah, a good couple years.
- 13 Q Okay. And is she been over to your house before?
- 14 A Yes.
- 15 Q Has she been inside your house before?
- 16 A Yes.
- 17 Q Has she ever been inside your house without you before?
- 18 A I don't think so.
- 19 Q Okay. Who lives with you at [REDACTED]?
- 20 A My son.
- 21 Q Your son?
- 22 A My son, Ethan.
- 23 Q Okay. How old is your son?
- 24 A He's ten.
- 25 Q Is it just you and your son at that residence?

1 A Yes.

2 Q Do you have any female belongings or anything there?

3 A No.

4 Q Has Miranda ever lived with you?

5 A She stayed a couple days here and there. She's never
6 really lived there, though.

7 Q Never received mail there?

8 A No.

9 Q Never had a drawer full of belongings or anything?

10 A No.

11 Q Okay. So when Miranda came by, it was your
12 understanding Ron Jenkins was her ride?

13 A Yes.

14 Q And then he asked to borrow a shirt from you?

15 A Yes.

16 Q And where did you go get the shirt?

17 A In my closet in my bedroom.

18 Q Okay. In the master bedroom?

19 A Yes.

20 Q And did he follow you?

21 A Yes, to the door, yes.

22 Q All right. So he was standing in the door of your
23 master bedroom?

24 A Yes.

25 Q Did he change at that point?

1 A Yeah, I mean as soon as I gave him the shirt, he did,
2 yeah.

3 Q He took off the shirt he was wearing and put yours on?

4 A Yes.

5 Q Did you notice any tattoos on him?

6 A I did. I noticed he had a lot of tattoos.

7 Q Did you ever look back at the surveillance that you had
8 from September 16th of 2015?

9 A I did.

10 Q And what did you see?

11 A I seen Ron and Miranda -- well, actually, Miranda
12 walking up and then he came up behind her.

13 Q But they didn't come up to your door at the same time?

14 A No. She came in -- She came up first and he stood out
15 by the road and then he walked up to the fence. And then he
16 stood there for a while and then he walked back behind the
17 house and then he walked back out to the road and stood out
18 there for a while. And finally, he came and knocked on the
19 door, so.

20 Q Okay. And did he ask you about any items in your house
21 when he came in?

22 A He -- as we were leaving, as I was going to give them a
23 ride, he asked about some speakers that I had sitting in the
24 kitchen.

25 Q Okay.

1 A If they were for sale.

2 Q What'd you tell him about those?

3 A I told him, "Yeah, they were for sale." And he called
4 -- called someone and said he had somebody that was
5 interested in them. So we loaded them up and went to a
6 mobile home in -- I guess -- I think it was Roseida Road
7 maybe. And he knocked on one door and then a lady come
8 walking up like she didn't know him, so then he went to the
9 next one and knocking on the door and nobody answered. So I
10 mean, I don't even know what was up with that.

11 Q Okay. And then did they ask to go somewhere else?

12 A Food Lion.

13 Q And what happened when you got to Food Lion?

14 A Well, they didn't want to get out of the truck and I
15 told them I had to go pick my kid up. It was almost time to
16 pick him up and they had to get out of my truck, and they
17 refused and I wound up arguing with them there for a few
18 minutes and then I took them to Burton Wells. They asked to
19 go to Burton Wells and I dropped them off there.

20 Q And so they finally got out of the car at Burton Wells?

21 A Yes.

22 Q Okay. Have you seen Ron Jenkins since then?

23 A No.

24 Q Have you seen Miranda since then?

25 A Yes.

1 Q Okay. Let's talk about September 17th when you
2 reported the burglary. Did you go to work that day?

3 A Yep -- yes.

4 Q About what time did you go to work?

5 A Nine o'clock. Nine a.m.

6 Q Okay. And about what time did you get back?

7 A I'm guessing four, you know.

8 Q Is that your usual routine?

9 A Well, no. I mean, I picked my son up and I went home
10 early that day, right after I picked him up.

11 Q Did you immediately realize the items were missing?

12 A No.

13 Q Okay. Where were the items that you realized were
14 missing?

15 A Well, the X-box sits on the floor in front of the TV,
16 kind of up underneath the desk that it sits on. And the
17 games sit behind the door on a rack and the TV was in the
18 back bedroom and then the controllers and stuff were just
19 always laying around, you know.

20 Q Okay. About how many games did you determine were
21 missing?

22 A I would say at least fifty X-box 360 games and ten to
23 twelve Xbox One games, which are more expensive.

24 Q All right. And then how many controllers?

25 A Two X-box One controllers.

1 Q And then what else was missing?

2 A There was a X-box 360, Xbox 360 HD/DVD player, a flat
3 panel 32-inch TV with a DVD player, and one surround sound
4 speaker.

5 Q Who did these items belong to?

6 A Everything but the speaker, to my son.

7 Q And what did you do when you realized things were
8 missing?

9 A I called the police -- well or I went and checked the
10 video first to see what happened.

11 Q Okay. Why do you have a surveillance video?

12 A Someone tried to poison my dog, so.

13 Q Okay. And so you went to check the surveillance video
14 and what did you see on there?

15 A I seen a blue car pull up. I seen someone get out and
16 then when he jumped the fence, I realized who it was. I seen
17 him go in around towards the back of the house and then in a
18 few minutes he started loaded stuff over the fence to the
19 females that were waiting in the car.

20 Q Okay. All of these items were in your house?

21 A Yes.

22 Q Did Ron Jenkins have permission to enter your house?

23 A No, ma'am.

24 Q Did you owe Ron Jenkins any money?

25 A No.

1 Q Did you owe him any electronics?

2 A No.

3 Q What did you notice about your front door when you got
4 home?

5 A That the deadbolt was unlocked.

6 Q Do you usually lock that?

7 A I always lock it.

8 Q Tell us about the back door.

9 A Well, I mean, if you pull on it a little bit, you know,
10 it'll pop open. It locks, but it don't -- it's not real
11 solid.

12 Q Okay. After you reviewed the surveillance video, did
13 you call law enforcement?

14 A Yes.

15 Q We're going to look at some pictures, Mr. Lawson. I'm
16 going to show you a series of pictures -- and I've shown
17 these to defense counsel. These are labeled States Four,
18 Five, Six, Seven, Eight, and Nine. If you can please tell
19 me what's contained in these pictures. Just flip through
20 all them and let me know what they are pictures of.

21 A Well, that's the end of the house and my shed. That's
22 a picture of my storage shed and the end of the house --

23 ASST. SOL. SWANSON: Ms. Rowe has to take down
24 everything that you say, so if you could speak up.

25 MR. LAWSON: Okay.

1 A That is the view from above the house, and that is a
2 picture of the corner of the shed with a surveillance
3 camera, and that's a picture of the front of the house, and
4 that's a picture of the back door.

5 Q Okay. Are all of these exhibits depictions of your
6 house?

7 A Yes.

8 Q Are they all fair an accurate depictions of the way it
9 appeared back in September of 2015?

10 A Yes.

11 ASST. SOL. SWANSON: Okay. At this time, Judge, I
12 would move to enter State's Four through Nine, which are all
13 pictures of [REDACTED].

14 THE COURT: Any objections?

15 MS. CAMPBELL: No objections.

16 THE COURT: Without objection.

17 (Whereupon, State Exhibits Number Four, Five, Six,
18 Seven, Eight and Nine, all photos of the house at [REDACTED]
19 [REDACTED], are received into evidence.)

20 ASST. SOL. SWANSON: And if I may bring the witness and
21 publish them so we can tell the jury what we are looking at.
22 Come on down, Mr. Lawson. We're going to step over here.

23 THE COURT: You're identifying by exhibit?

24 ASST. SOL. SWANSON: Yes ma'am. So I'm first
25 publishing State's Four.

1 A That's the fence at the end of the house.

2 Q Okay. Let's speak into this microphone -- and actually
3 I'm going to have you kind of turn towards the jury and the
4 court reporter, if you could just describe what we are
5 looking at here.

6 A That's the fence at the end of the house and the
7 storage shed.

8 Q I'm going to publish State's Five.

9 A That is my storage shed with the camera on it.

10 Q Can you point out where the camera is?

11 A Mr. Lawson indicates where camera is.

12 Q Okay. This is State's Six. And if you can point out
13 the path that you saw Ron Jenkins take in the video.

14 A He come across the fence, went up between the shed and
15 the house. And then I seen him come back out the front and
16 toss a load over the fence.

17 Q Okay. That was State's Six. Now, State's Seven. What
18 are we looking at here?

19 A That's the back deck right there and then the camera.

20 Q Okay. State's Nine.

21 A That's the glass door.

22 Q That's the sliding glass door and that's the back door?

23 A Yes.

24 Q Is that the door that you generally use?

25 A Yes.

1 Q Okay. And then State's Eight. What are we looking at
2 here?

3 A That's the front of the house.

4 Q And is that screen door that we see open next to a
5 light?

6 A Yes.

7 Q Can you point that out? Is that the front door that
8 you deadbolt?

9 A Yes.

10 Q Okay. Okay. You can have a seat back in the witness
11 stand. Mr. Lawson, did you ever look at a photo lineup?

12 A Yes.

13 Q Okay. Did you pick anyone out of that lineup?

14 A I did.

15 Q All right. I want to show you what's been entered as
16 State's Three and ask if that is your signature above number
17 two.

18 A Yes, it is.

19 Q Okay. And how certain were you that you picked out the
20 correct person?

21 A One hundred percent.

22 ASST. SOL. SWANSON: May I have the Court's indulgence?

23 THE COURT: Yes.

24 Q All right. Now, when Deputy Rios came to your house,
25 did you speak with him?

1 A Yes.

2 Q Okay. And did you show him the surveillance?

3 A I did.

4 Q All right. And then did you later provide a downloaded
5 copy to the Sheriff's Department?

6 A I did.

7 Q All right. And what did you download that to? Was it
8 a thumb drive?

9 A Yes, thumb drive.

10 Q A thumb drive?

11 A Yes, ma'am.

12 Q Did it come straight from your surveillance system?

13 A From the hard drive, yes.

14 Q Okay. And did you provide that to Jennifer Snider?

15 A Yes.

16 Q The investigator?

17 A Yes, ma'am.

18 Q Okay. Did you meet with Jennifer Snider?

19 A I did.

20 Q Okay. I think that's all I have for now. Please
21 answer any questions that the defense may have for you.

22 MS. CAMPBELL: May it please the Court?

23 THE COURT: Of course.

24 CROSS-EXAMINATION

25 BY MS. CAMPBELL:

1 Q Mr. Lawson, the State has provided me with a number of
2 photos, some of which you've already viewed. I'm going to
3 hand you what's been marked Defendant's Exhibit One through
4 Twelve.

5 A Okay.

6 Q Go ahead, and same as you did for the State, take a
7 look at those. See if they accurately depict [REDACTED]
8 [REDACTED] both exterior and interior on or about September 17th,
9 2015.

10 A Yes, it's an accurate depiction.

11 Q It's an accurate depiction of your home at the time,
12 correct?

13 A Yes.

14 MS. CAMPBELL: Okay, Your Honor, we would move
15 Defendant's One through Twelve into evidence at this time.

16 THE COURT: Any objection?

17 ASST. SOL. SWANSON: Without objection.

18 (Whereupon, Defendant's Exhibits One through Twelve,
19 photos of [REDACTED], are received into evidence.)

20 THE COURT: Without objection; they are in evidence.

21 Q I don't need you to step down Mr. Lawson, but I'm going
22 to ask you about a couple of photos. Now, you've indicated
23 that this is an accurate depiction of what I would assume is
24 an area by the sliding glass door; is that fair?

25 A Yes.

1 Q On or about September 17th, 2015?

2 A A few days after, yeah.

3 Q And the reason that the law enforcement officers, I
4 guess, took this photo is because you told them that was
5 Adrian Jenkins shirt, correct?

6 A Yes.

7 Q In your kitchen table area, correct?

8 A Yes.

9 Q Okay. And then they took that from your home, right?

10 A Yes.

11 Q Okay. And again, just sort of a close-up there of the
12 same thing, correct?

13 A Yes.

14 Q All right. You've testified that you would come and go
15 through your sliding glass door, correct?

16 A I did.

17 Q Okay. And -- like rarely, if ever, come and go through
18 the dead bolted front door?

19 A Yes.

20 Q Okay. So when Miranda Brock came up to your home on
21 September 16th, she came to the sliding glass door; is that
22 correct?

23 A She did.

24 Q Okay. And when Adrian Jenkins came to your home on
25 September 16th, 2015, did he also come to the sliding glass

1 door?

2 A He did.

3 Q Okay. And you say he'd never been to your home before
4 that day; is that correct?

5 A Not to my knowledge.

6 Q Okay. And from your driveway, you cannot see the
7 sliding glass door in your back yard, correct?

8 A No.

9 Q But you can see the front door, correct?

10 A Yes.

11 Q Okay. And having never been to your home, as far as
12 you know, before September 16th, he approached and came,
13 your testimony is, to the back door, right?

14 A Yes.

15 Q To this sliding glass door, correct?

16 A Yes.

17 Q Okay. George -- Mr. Lawson, you've known Miranda Brock
18 for a number of years, have you not?

19 A I have.

20 Q And you've allowed her to stay with you when she's been
21 down on her luck, right?

22 A I've let her stay there a few nights, yes.

23 Q A couple of days at a time, correct?

24 A Yes.

25 Q Okay. And the times that she stayed with you at your

1 home when she was down on her luck and didn't have a place
2 to stay, that sort of thing, did you develop a sexual
3 relationship with Miranda during that period of time?

4 A That's been kind of an on again, off again thing, I
5 mean. Not during that time, no.

6 Q So in your history with Miranda, you have had a sexual
7 relationship with her, correct?

8 A I have.

9 Q You have?

10 A I have.

11 Q Thank you for giving us that. In your relationship
12 with Miranda, you are also aware that Miranda has a very
13 serious drug addiction problem, correct?

14 A I suppose so, yeah

15 Q You've seen her use drugs, have you not, Mr. Lawson?

16 A I have.

17 Q Okay. You've seen her -- what kind of drugs have you
18 seen her use, Mr. Lawson?

19 A I've seen her use cocaine.

20 Q Cocaine?

21 A Yes.

22 Q Have you ever seen her use crack -- smoke crack?

23 A I have.

24 Q You have?

25 A I have.

1 Q Is that it or do we need to go through the whole list?

2 A I don't know what your list is.

3 Q I'm asking you what drugs you've seen Miranda Brock use
4 in your presence.

5 ASST. SOL. SWANSON: Your Honor, I'm going to object to
6 relevance. I'm not sure how this at all goes to the
7 elements of burglary and what Adrian Jenkins is accused of
8 doing.

9 THE COURT: Okay. Y'all come here and see me for a
10 moment.

11 (Whereupon, a bench conference is held off the record
12 and out of the presence of the jury.)

13 MS CAMPBELL: Thank you, Your Honor.

14 Q Mr. Lawson, the times that you've seen Miranda Brock
15 use cocaine and smoke crack, some of those times were in
16 your home, were they not?

17 A No.

18 Q Never in your home?

19 A No.

20 Q Is that your testimony?

21 A No, never in my home.

22 Q Now, the day before on September 16th, 2015, I want to
23 make sure I heard you correctly. You said that you did load
24 the speakers in your truck, correct?

25 A Yeah, I did say that.

1 Q Did you tell Deputy Rios that you loaded them in the
2 truck?

3 A I believe I did.

4 Q Okay. And that the speakers were loaded in your truck
5 because you were trying to sell them; is that correct?

6 A Because Adrian said he knew someone that might be
7 interested in them and he made a phone call and said that
8 they were interested in them and to bring them to them.

9 Q Okay. Now, you got home, if I understood correctly,
10 from the barber shop at 4:00, correct? On the day of
11 September 17th?

12 A Yes.

13 Q Okay. And I think I heard you say that you had picked
14 your son up from school; is that correct?

15 A Yes.

16 Q Okay. And he was home with you that afternoon?

17 A Yes.

18 Q And when your son got home from school, what did he do?

19 A Watched TV, played with his computer; just kind of hung
20 out.

21 Q Okay. What TV did he watch?

22 A The one in the bedroom.

23 Q The one in the bedroom?

24 A Uh-huh.

25 Q So at no point did he then go try to play the X-box, is

1 that what you're saying?

2 A Yeah, that's what I'm saying.

3 Q So he got home from school, he did not try to get on
4 the X-box. He just tried to watch TV.

5 A Uh-huh. Yes, ma'am.

6 Q Because there was still a TV in your house; is that
7 correct?

8 A There were two of them, yeah.

9 Q Great. And so the video we're going to see will show
10 Mr. Jenkins with one of the televisions and the X-box and
11 some games, correct?

12 A Yes.

13 Q Okay. Yet, there's a television left in the home,
14 correct?

15 A There was two.

16 Q There are two left? You had a total of three
17 televisions in the home?

18 A Yes, I did.

19 Q One of them was taken, correct?

20 A Yes.

21 Q Okay. Thank you. Why the five hour wait, Mr. Lawson,
22 to call law enforcement?

23 A Because I didn't notice anything missing until I went
24 to put a DVD up that was in the DVD player that just
25 happened to be missing.

1 Q Okay. Now, did you have a dog on September 17th, 2015?

2 A I did.

3 Q Where was the dog?

4 A He was in the yard.

5 Q The dog was in the yard?

6 A Yes.

7 Q Now do you see the dog when Mr. Jenkins comes into the
8 yard?

9 A Yes.

10 Q Going up to greet Mr. Jenkins?

11 A He didn't go up to greet him. He was barking at him.

12 Q Okay. And then the dog goes away; is that correct?

13 A Yes.

14 Q I think just to be clear, you testified, that when you
15 come and go, it's the sliding glass door, correct?

16 A Yes.

17 Q Mr. Lawson, there's a video of Mr. Jenkins and Miranda
18 Brock coming to your home on September 16th, correct?

19 A Yeah. I guess -- I mean, yeah. If it's ---

20 Q You told law enforcement you watched it.

21 A Yes, there is, if it's the day before the burglary.

22 I'm not exactly clear on the date, but yes, the day before

23 the burglary they did come to the house. I have a video. I

24 can get it for you.

25 Q I understand, Mr. Lawson. But did you ever provide

1 that video to law enforcement?

2 A No.

3 Q Were you ever asked for that video from law
4 enforcement?

5 A No.

6 Q Because if they'd asked, you'd have given it to them,
7 correct?

8 A Yes.

9 Q Okay. And in that video, your truck is in that video,
10 correct?

11 A Yes.

12 Q And in that video, you can be seen putting the speakers
13 in your truck, right?

14 A Yes.

15 Q Okay. Now, the video from September 17th, did you give
16 law enforcement the entire day or just the portion with Mr.
17 Jenkins on it?

18 A The portion where they pulled up until they got
19 everything they wanted and drove away. That's what I gave
20 them.

21 Q And did law enforcement ask you for the entire day or
22 just what you'd given them?

23 A They didn't ask for the entire day. There was nothing
24 else to see.

25 Q I understand; but they didn't ask for it and you

1 didn't give it to them; is that correct?

2 A That's correct.

3 Q Mr. Lawson, do you have a Facebook?

4 A I do.

5 Q The Facebook that you have now, when did you open that
6 Facebook?

7 A I don't know.

8 Q Did you shut down a Facebook in September 2015 and open
9 a new one?

10 A Nope -- I don't know; I might have. I don't know.
11 Maybe.

12 Q Maybe? Okay. Thank you.

13 ASST. SOL. SWANSON: I'm not sure all that's relevant,
14 Judge. So, I would object.

15 THE COURT: Okay

16 MS. CAMPBELL: That's all I have.

17 THE COURT: Anything further, Ms. Swanson?

18 ASST. SOL. SWANSON: Just one more thing.

19 REDIRECT EXAMINATION

20 BY ASST. SOL. SWANSON:

21 Q Mr. Lawson, When you viewed the surveillance video from
22 the 17th from when the burglary occurred, did you recognize
23 anyone besides Adrian in it?

24 A No.

25 Q So you didn't recognize any of the other two people?

1 A No, I didn't recognize the car or anything.

2 Q Okay. Thank you, Mr. Lawson. Nothing further.

3 THE COURT: Okay. Thank you. Anything further, Ms.
4 Campbell?

5 MS. CAMPBELL: Not at this time.

6 THE COURT: You may step down, sir.

7 ASST. SOL. SWANSON: Your Honor, may Mr. Lawson be
8 excused?

9 THE COURT: Any objection?

10 MS. CAMPBELL: Your Honor, again, I may.

11 THE COURT: Subject to potential rebuttal?

12 MS. CAMPBELL: Correct. I may need to call him back.
13 Thank you, Your Honor.

14 THE COURT: As long as we have a way to get him back,
15 it's fine by me.

16 ASST. SOL. SWANSON: Yes, ma'am. We are in touch and
17 I'm going to allow him to leave with the Court's permission
18 at this time.

19 THE COURT: He can leave, subject to being called back,
20 Mr. Lawson. Thank you and we'll get good numbers?

21 ASST. SOL. SWANSON: Before ---

22 THE COURT: Ladies and gentlemen, do y'all need a
23 break? You okay? You're all alright?

24 FOREPERSON: We're good.

25 ASST. SOL. SWANSON: Your Honor, may we approach?

1 THE COURT: You may.

2 (Whereupon, a brief conference is held at the bench out
3 of the hearing of the jury.)

4 THE COURT: All right. Ladies and gentlemen, we are
5 just going to take a very quick ten-minute break. Madame
6 Foreperson, when everyone has refreshed themselves, if you
7 could knock on the door when y'all are ready to come back
8 into the courtroom. We only have so many restrooms back
9 there and I know the bailiffs will take you to other ones,
10 but when you are ready to go, please come on back. All
11 right? I have to tell you do not discuss the case. It
12 wouldn't be appropriate to do so. And we'll be back with
13 you. Thank you.

14 (Whereupon, the jury exits the courtroom. The
15 following is then placed on the record.)

16 BAILIFF: The jury is clear, Your Honor.

17 THE COURT: All right. We'll be at ease for about ten
18 minutes, y'all.

19 (Whereupon, the Court is in brief recess in the trial
20 of this case. Thereafter, the following is held on the
21 record.)

22 THE COURT: Let's bring the jury in, Rick.

23 (12:11 p.m., whereupon, the jury enters the courtroom
24 and the following is held on the record.)

25 BAILIFF: The jury is entering, Your Honor.

1 THE COURT: The State may call its next witness.

2 ASST. SOL. SWANSON: The State calls Kelsey Krimmer.

3 THE COURT: Ms. Krimmer, please come forward to be
4 sworn.

5 ASST. SOL. SWANSON: Your Honor, may defense counsel
6 and I approach?

7 THE COURT: Certainly.

8 (Whereupon, a bench conference is held off the record
9 and out of the hearing of the jury.)

10 THE COURT: Ladies and gentlemen of the jury, there is
11 a matter that I need to take up with the lawyers for just a
12 quick moment. I am going to send you back to your jury
13 room. I am going to send you to lunch at some point today;
14 don't worry about that. Again, don't discuss the case. It
15 would be inappropriate to do so and I will be right back
16 with you.

17 (12:13 p.m., whereupon, the jury exits the courtroom
18 and the following is held on the record.)

19 THE COURT: Ms. Swanson, will you step out with her and
20 ask her how she knows him.

21 (Off the record, briefly.)

22 ASST. SOL. SWANSON: Judge, Ms. Krimmer says that she
23 has known him for a few years. His name is Michael Nyce.

24 THE COURT: What is the nature of the relationship?

25 ASST. SOL. SWANSON: They are just friends.

1 THE COURT: Well, Ms. Campbell, I can bring him out
2 here and ask him what the nature of his relationship is with
3 her. Is Krimmer your married name or has that always been
4 your name?

5 MS. KRIMMER: I'm not married. It's always been my
6 name.

7 THE COURT: It's always been your name. So he should
8 have recognized it when it was read out. You're a potential
9 witness in the trial of this case. Ms. Campbell, if you
10 would like, I can bring him out here and question him or
11 would you just like for me to go ahead and remove him?

12 MS. CAMPBELL: Well, we don't have an objection and we
13 would like for him to stay on the jury. I think when you
14 questioned him in voir dire, he assessed the situation and
15 did not feel that it was problematic for him, as you
16 instructed him to do, you know, can you be fair and
17 impartial? These are a list of people who may be called to
18 testify. So we would strongly urge the Court, from our
19 position, we want him to stay on the jury; so we do not want
20 him removed.

21 THE COURT: Okay.

22 ASST. SOL. SWANSON: Well, the State has no objection
23 to having him on the jury. I just spotted a potential issue
24 and wanted to bring it to the Court's attention.

25 THE COURT: I appreciate you disclosing it as well.

1 Okay. There is no objection? You do not want me to question
2 him; is that correct, Ms. Campbell?

3 MS. CAMPBELL: I do not want him removed, no.

4 THE COURT: Okay.

5 ASST. SOL. SWANSON: Thank you.

6 THE COURT: All right. Bring them all back out.

7 (12:20 p.m., whereupon, the jury enters the courtroom
8 and the following is held on the record.)

9 THE COURT: Welcome back. All right. If the State
10 will call the next witness, please.

11 ASST. SOL. SWANSON: Thank you. The State calls Kelsey
12 Krimmer.

13 (Whereupon, Ms. Kelsey Krimmer is duly sworn.)

14 THE COURT: Ms. Krimmer, come right over here and have
15 a seat. You're going to need to speak loudly so everyone
16 can hear you. And my court reporter who is right below you
17 there can take down everything you say. Please state your
18 name.

19 MS. KRIMMER: Kelsey Elizabeth Krimmer, K-R-I-M-M-E-R.

20 THE COURT: Thank you.

21 DIRECT EXAMINATION

22 BY ASST. SOL. SWANSON:

23 Q Kelsey, did you want to be here today?

24 A No.

25 Q Are you here today under subpoena from the State?

1 A Yes.

2 Q Are you a little nervous to testify?

3 A Yes.

4 Q All right. Make sure that you speak up, because I'm
5 going to need you to speak loudly for Ms. Rowe. She is
6 going to have to take down everything that you say.

7 A Okay.

8 Q And please don't answer uh-huh or unh-unh, okay?

9 A Okay.

10 Q All right. Do you remember going over to [REDACTED]

11 [REDACTED] back in September of 2015?

12 A Yes.

13 Q Who did you go there with?

14 A Stephanie Campbell and Ron G.

15 Q Okay. And Ron G?

16 A I don't know his real name. That's how I know him.

17 Q Right. But Ron G -- do you see Ron G in the courtroom
18 today?

19 A Yes.

20 Q Okay. Can you point him out for me?

21 A (Witness complies.)

22 Q She pointed over to Mr. Jenkins seated by defense
23 counsel. Why were you going over to [REDACTED]?

24 A He said he had to get stuff from his ex-girlfriend's
25 house.

- 1 Q Okay.
- 2 A I was going to work.
- 3 Q And where do you work, Kelsey?
- 4 A At Yamma.
- 5 Q Do you still work there?
- 6 A Yes, ma'am.
- 7 Q Okay. Do you know who lived at [REDACTED]?
- 8 A No, ma'am.
- 9 Q All right. Was Stephanie giving you a ride to work?
- 10 A Yes, ma'am.
- 11 Q After the [REDACTED] stop?
- 12 A Yes, ma'am. I didn't know we were supposed to go to
- 13 [REDACTED] ---
- 14 Q Okay.
- 15 A --- until I got in the car.
- 16 Q And so, did you, in fact, go to work after [REDACTED]?
- 17 A Yes, ma'am.
- 18 Q All right. What happened when you guys got to [REDACTED]
- 19 [REDACTED]?
- 20 A He got out of the car and he went over the fence and he
- 21 went through the back door. He went to the back of the
- 22 house.
- 23 Q All right. He went to the back of the house and then
- 24 what did you see him do?
- 25 A He came back out with a TV and some games.

1 Q What did he do with those items?

2 A Put them in the car.

3 Q Did he say what the name of his ex-girlfriend was?

4 A No, ma'am.

5 Q Kelsey, let me ask you, were you using any drugs that
6 day?

7 A Yes, ma'am.

8 Q What were you using?

9 A Xanax.

10 Q And despite that you used Xanax that day, do you still
11 recall going to [REDACTED] and what happened there?

12 A Yes, ma'am.

13 Q All right. And tell us again, I may have already
14 covered this with you, but what kind of car does Stephanie
15 Campbell drive?

16 A A blue Toyota Corolla.

17 Q And do you know where Stephanie Campbell is today?

18 A No, ma'am.

19 ASST. SOL. SWANSON: Beg the Court's indulgence.

20 (Brief pause.)

21 Q Thank you, Kelsey. Please answer any questions that
22 Ms. Campbell might have for you.

23 MS. KRIMMER: Okay.

24 CROSS-EXAMINATION

25 BY MS. CAMPBELL:

1 Q Kelsey, you met with an investigator from my office,
2 right?

3 A Yes, ma'am.

4 Q And that investigator is -- well, in fact, she is
5 coming in the courtroom right now, Mr. Harris, right?

6 A Yes, ma'am.

7 Q Okay. And you met with him back in January of 2016,
8 right?

9 A Yes, ma'am.

10 Q Okay. And you're under subpoena to be in Court today
11 from me, too, aren't you?

12 A Yes, ma'am.

13 Q Okay. Great. Now, you also met with this investigator
14 from the Sheriff's Department, correct?

15 A Yes, ma'am.

16 Q Okay. And when you met with this investigator from the
17 Sheriff's Department, she actually recorded your interview,
18 right?

19 A Yes, ma'am.

20 Q And she actually read you your Miranda Rights before
21 she recorded you, correct?

22 A Yes, ma'am.

23 Q Okay. And you told her that you -- when you talk about
24 taking a Xanax bar, do you know how many milligrams you had
25 in your system that day?

1 A It wasn't a lot.

2 Q Okay. And that Xanax bar that you took, what time of
3 day did you take it?

4 A It was early in the day, before I went to work.

5 Q Okay. So early in the day before you went to work.
6 Would that be in the morning?

7 A Yes, ma'am.

8 Q Okay. Great. Are you on any Xanax today?

9 A No, ma'am.

10 Q Okay. Do you remember telling this investigator when
11 she taped your statement that you had no memory of that day,
12 that you had to ask Stephanie about that day to tell you
13 what happened; do you remember telling her that?

14 A Yes, ma'am.

15 Q And so when your interview -- around the time this
16 happened, you told this investigator, I don't remember
17 anything that happened that day because I was on Xanax. I
18 even had to ask Stephanie what happened, right?

19 A Yes, ma'am.

20 Q Okay. Now, when you say you saw Ron go over the fence
21 and around the back of the trailer, you didn't actually see
22 him go into the trailer? Let's just get that clear.

23 A Yes, ma'am.

24 Q So you did not see him go into the trailer?

25 A No, I did not.

1 Q Okay. And you did not see him come out of the trailer?

2 A No, ma'am.

3 Q Okay. That's all I have. Thank you.

4 THE COURT: Ms. Swanson?

5 ASST. SOL. SWANSON: Just briefly.

6 REDIRECT EXAMINATION

7 BY ASST. SOL. SWANSON:

8 Q You were Mirandized by Investigator Snider?

9 A Yes, ma'am.

10 Q And did you think you might be in trouble for being in
11 this car?

12 A Yes, I thought I was in trouble.

13 Q Okay. So were you scared when you were talking to
14 Investigator Snider?

15 A Yes. Yes.

16 Q Thank you.

17 ASST. SOL. SWANSON: Judge, that's all I have.

18 THE COURT: Anything further?

19 MS. CAMPBELL: No, Your Honor.

20 THE COURT: You may step down, ma'am. Can I release
21 her from both subpoenas?

22 ASST. SOL. SWANSON: Yes.

23 MS. CAMPBELL: Yes.

24 THE COURT: You're excused, ma'am. You may go.

25 MS. KRIMMER: Thank you.

1 THE COURT: All right. You may call your next witness.

2 ASST. SOL. SWANSON: Thank you. The State calls
3 Jennifer Snider.

4 THE COURT: Come on forward, Investigator Snider.

5 (Whereupon, Investigator Jennifer Snider is duly
6 sworn.)

7 MADAME CLERK: State your full name for the record and
8 spell your last.

9 MS. SNIDER: Jennifer Snider, S-N-I-D-E-R.

10 THE COURT: Thank you, Your Honor.

11

12 DIRECT EXAMINATION

13 BY ASST. SOL. SWANSON:

14 Q Investigator Snider, how long have you been with the
15 Sheriff's Department?

16 A I've been with the Sheriff's Department for about six
17 and a half years.

18 Q And how long in investigations?

19 A Coming up on two years now.

20 Q Thank you. Were you assigned a burglary case involving
21 Adrian Jenkins?

22 A Yes.

23 Q And tell us what the first thing you did once you were
24 assigned that case.

25 A Once I was assigned the case, I actually found out that

1 Mr. Jenkins was at ---

2 Q Just if you may take it ---

3 ASST. SOL. SWANSON: Your Honor, may we approach?

4 THE COURT: Okay.

5 (Whereupon, a bench conference is held off the record
6 and out of the hearing of the jury.)

7 Q Did you have the name of a potential suspect?

8 A Yes.

9 Q What was that name?

10 A Adrian LaRon Jenkins.

11 Q Okay. And did you have the opportunity to briefly
12 interview Mr. Jenkins?

13 A Yes, I did.

14 Q Okay. What date was that?

15 A That was on September 21st, 2015?

16 Q Okay. And did you read him his Miranda Rights?

17 A Yes, I did.

18 Q Okay. Can you go through those rights as you did with
19 him for the jury?

20 A Yes. I advised Mr. Jenkins that he had the right to
21 remain silent. Anything he said can and will be used
22 against you in a court of law. He had the right to an
23 attorney during questioning if he so wished. And at any
24 time he could stop the questioning and ask for an attorney.

25 Q All right. What did he tell you? Did he want to talk

1 to you at that point?

2 A He did. After I read his Miranda Rights to him, he
3 immediately asked if he was charged with burglary.

4 Q And what was your answer to him?

5 A I told him I wasn't charging him with anything, but
6 that I did want to speak to him regarding a burglary.

7 Q All right. And then what did you ask him about?

8 A I asked him if he knew George Lawson, which is the
9 victim in this case, and he told me, yes, he knew who he
10 was. I went on to question him about how he knew him and he
11 made the comment to me that he purchased drugs for him.

12 And I asked more on that statement as to what he meant by
13 that and he started talking about he was selling speakers
14 for him -- or trying to sell some speakers for him and then
15 when I inquired about the drugs again, the purchase of the
16 drugs for Mr. Lawson, he said he never purchased any drugs
17 for Mr. Lawson. That he was going to, but he never did.

18 Q All right. So he knew him from purchasing drugs, but
19 then it turns out, he never actually purchased drugs. He
20 was just supposed to have?

21 A That's correct.

22 Q Okay. Did you ask him about Miranda?

23 A I -- he made a comment during our very brief interview --
24 he made a comment that George normally dealt with Miranda,
25 and I assumed he was referencing the drugs. So I said

1 "Miranda Brock," and he said, "I don't know her last name."

2 And that was the end of the conversation involving Miranda.

3 Q Okay. And was that essentially the end of the
4 interview?

5 A Yes.

6 Q Did you meet with the victim, George Lawson, in this
7 case?

8 A Yes. I met with Mr. Lawson a couple of days later at
9 the office.

10 Q Okay. And you were in the courtroom for his testimony.
11 Was his testimony consistent with what he told you back in
12 September of 2015?

13 A Yes, it was.

14 Q Okay. When did he give you the thumb drive with the
15 surveillance on it?

16 A The day that he met with me at investigations. It was
17 the 23rd of September, I believe. He provided a thumb drive
18 with the video surveillance.

19 Q All right. And when you viewed that thumb drive, was
20 it in all different sections?

21 A Yes. It was in individual segments, probably a couple
22 minutes long.

23 Q Okay. And I'm going to show you what I've marked as
24 State's 10 and ask that you identify this disc that I'm
25 handing to you.

1 A Yes, this is the disc from yesterday.

2 Q Okay. Was this a disc that I gave you to review that
3 had all the sections of the surveillance spliced together?

4 A Yes.

5 Q And is it a fair and accurate depiction of the
6 surveillance that Mr. Lawson gave you from his house from
7 September 17th of 2015?

8 A Yes, it is.

9 ASST. SOL. SWANSON: Okay. The State would move
10 State's Exhibit 10 into evidence at this time.

11 THE COURT: Without objection. It's in evidence.

12 (Whereupon, State's Exhibit Number 10, DVD of
13 surveillance at [REDACTED], is received into evidence.)

14 ASST. SOL. SWANSON: And I ask to publish to the jury.

15 THE COURT: You may.

16 ASST. SOL. SWANSON: And just for the Court's
17 information. There is no sound on this.

18 THE COURT: Thank you.

19 (DVD begins play.)

20 ASST. SOL. SWANSON: Your Honor, there is another
21 minute or two on here, but I'm going to go ahead and stop it
22 as the car is pulling away.

23 THE COURT: Okay.

24 Q Investigator Snider, I'm going to show you what's been
25 marked as State's Exhibits 11 and 12, if you can please

1 identify what is in these pictures.

2 A Both of these pictures are of Adrian Laron Jenkins at
3 the residence.

4 Q Okay. Are those still shots from the video?

5 A Yes. They appear to be, yes.

6 Q Okay. Are those fair and accurate depictions of what
7 we saw in the video?

8 A Yes.

9 ASST. SOL. SWANSON: The State would move State's 11
10 and 12 into evidence.

11 THE COURT: Any objection?

12 MS. CAMPBELL: No objection.

13 THE COURT: Okay.

14 (Whereupon, State Exhibits 11 and 12, still pictures
15 from the State's Exhibit Number 10, DVD, is received into
16 evidence.)

17 ASST. SOL. SWANSON: I ask to publish them.

18 THE COURT: You may.

19 ASST. SOL. SWANSON: I am publishing State's 12 and
20 Then State's 11.

21 Q Did you go over to George Lawson's residence at some
22 point?

23 A Yes, I did.

24 Q And what did you do there?

25 A I collected a t-shirt. Mr. Lawson had contacted me

1 over the phone approximately a day or two after we had
2 spoken at the office and told me that he had a t-shirt there
3 that belonged to Mr. Jenkins. He stated that when Mr.
4 Jenkins had been there the day prior with Miranda Brock, for
5 some reason he had asked him for a t-shirt and took his t-
6 shirt off, left it there, and Mr. Lawson provided him with
7 one of his own t-shirts. I told him I would come over and
8 collect it. He thought it was important, obviously. I went
9 over there and while I was over there, I took some
10 photographs of the residence as well, the outside.

11 Q Okay. And the t-shirt that you collected is the one
12 that George said he saw him take off?

13 A That is correct.

14 Q Was that ever tested for DNA or anything?

15 A No.

16 Q Okay. You also took photographs -- were those some of
17 the photographs we saw with Mr. Lawson earlier?

18 A Yes, they are.

19 Q Did you ever contact Miranda Brock?

20 A Yes. On several occasions I attempted to make contact
21 with her. I spoke with her on the phone at least three
22 occasions and every time I asked her to come in, I got a
23 different excuse. And then, the final time I made contact
24 with her, I set up a time for the following day and she
25 never showed up. So I stopped after that.

1 Q So you reached out to her on a number of occasions and
2 she would never show up?

3 A That's correct.

4 Q Were you able to locate Stephanie Campbell?

5 A Yes.

6 Q Was it difficult to locate Stephanie Campbell?

7 A Yes, it was very difficult.

8 Q Did you interview Stephanie Campbell?

9 A I did.

10 Q Were you able to locate Kelsey Krimmer?

11 A Yes.

12 Q Was Kelsey Krimmer difficult to locate?

13 A Yes. I actually kind of accidentally, by chance,
14 located Kelsey when I was trying to locate Stephanie, so it
15 worked out.

16 Q And did you interview Kelsey?

17 A I did.

18 Q Did you advise both of them of their Miranda rights?

19 A Yes, I did.

20 Q Now, were the stories that they told you consistent
21 with each other?

22 A Yes, they were.

23 Q Were Kelsey and Stephanie ever charged in this
24 incident?

25 A No, they were not.

1 Q Why didn't you charge them?

2 A I didn't feel there was any evidence to support that
3 they knew that they were carrying Adrian Jenkins to that
4 house for him to burglarize. I felt that they had no idea
5 that that was his intent. I fully believed after I
6 interviewed both of them that they brought him to that
7 location because he was going to get his stuff from his ex-
8 girlfriend's house. So I just didn't have enough evidence
9 to prove otherwise.

10 Q Okay. Did you have any other suspects after you were
11 finished with your investigation and interviewing these
12 witnesses? Did you have any other suspects than Adrian
13 Laron Jenkins?

14 A No, I did not.

15 Q And eventually, did you charge him with burglary,
16 first?

17 A Yes, I did.

18 Q And was that based on confirming his identifying
19 information in two previous convictions?

20 A Yes, that's correct.

21 Q Can you tell us what Adrian's full name is, date of
22 birth, and what his social security number is?

23 A Yes, I can. His full name is Adrian Laron Jenkins.
24 His date of birth is [REDACTED], and his social
25 security number is [REDACTED].

1 Q Okay.

2 ASST. SOL. SWANSON: Beg the Court's indulgence.

3 Q To your knowledge, Investigator Snider, did Adrian ever
4 go by the name Ron or Ron G?

5 A Yes. He was known as -- his street name was known as
6 Ron G.

7 MS. CAMPBELL: Objection, Your Honor, to using his
8 street name. And I will put it on the record if I can do it
9 during the break.

10 THE COURT: Thank you. I appreciate it. Yes, ma'am.

11 ASST. SOL. SWANSON: Thank you. That's all I have.

12 THE COURT: Ms. Campbell?

13 MS. CAMPBELL: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MS. CAMPBELL:

16 Q Investigator Snider, the Solicitor asked you if you
17 thought George Lawson's testimony was consistent with what
18 he told you when you were investigating this case and when
19 he told this jury when he was sworn and told to tell the
20 truth. And you answered that yes, it was consistent; isn't
21 that correct?

22 A Yes.

23 Q When, in fact, it's not consistent, right? He
24 testified that he did load the speakers in the back of the
25 truck and go with Adrian and try to sell them. And during

1 the course of your investigation, that is not at all the
2 story that he told you and Officer Rios, is it?

3 A He did mention that Mr. Jenkins had offered to sell
4 some speakers for him. Knew somebody who would buy them.
5 We didn't speak of him getting into the truck. We didn't
6 speak of him loading the speakers in the truck. He just
7 made the statements that he drove to a couple of different
8 places.

9 Q You're the chief investigator in this case, correct?

10 A Yes.

11 Q You've reviewed all of the documents in this case,
12 correct?

13 A Yes.

14 Q Isn't it true that Mr. Lawson, in your investigation,
15 told you when you were looking into these matters, that he
16 told Adrian Jenkins that the speakers were not for sale?

17 A (NO RESPONSE.)

18 Q Would you like to see your report?

19 ASST. SOL. SWANSON: Your Honor, I would object. I
20 believe Ms. Campbell is handing a copy of Deputy Rios's
21 report to Investigator Snider. If she could refer to her
22 report ---

23 THE COURT: Well, if she has to ask a question in
24 reference to this, she can. If you want to allow her to
25 refresh her recollection.

1 MS. CAMPBELL: Thank you.

2 ASST. SOL. SWANSON: Sure. But let's just make it
3 clear that it's Deputy Rios's report.

4 THE COURT: She already has.

5 ASST. SOL. SWANSON: Thank you.

6 A This is Deputy Rios's report.

7 Q Right. And he is the initial investigator, correct?

8 A He was the responding officer to the original call.

9 Q And then you took over the case, correct?

10 A That's correct.

11 Q Right. And you reviewed his report, correct?

12 A I did, yes.

13 Q Okay. So you had the information that was in first
14 responder Rios's report, correct?

15 A Yes.

16 Q Which is Lawson told him that they were not for sale,
17 correct?

18 A Yes. That's what he told him. I wasn't there for
19 that. I was only there for the interview that I conducted
20 with him.

21 Q I understand that. But you reviewed this report. This
22 is correct, right?

23 A That's his report; that's not mine. I can't testify to
24 what he told to him. I can't testify to what he told to
25 Officer Rios.

1 Q Did you think it was important to figure out whether or
2 not the speakers had gone out for sale?

3 A I did not feel that the speakers were relevant to the
4 fact that Mr. Jenkins went into the house and burglarized
5 Mr. Lawson's home.

6 Q Okay. So now, when you interviewed Mr. Jenkins, you
7 taped that, did you not? Audiotaped it?

8 A Yes, I did.

9 Q Okay. And in that audiotaped statement, he tells you,
10 "Yeah, I know George Lawson. I've tried to purchase drugs
11 fro him before," correct?

12 A Yes.

13 Q Okay. And Mr. Jenkins tells you something else during
14 that interview. He says, "I was at George's Barber Shop
15 that morning, and if you go down there you can get the video
16 and see me and Miranda at the barber shop." Does he not
17 tell you that on the statement?

18 A He does.

19 Q Okay.

20 MS. CAMPBELL: I'd like to play that portion of the
21 statement, Your Honor, and introduce it at this time so that
22 we can have a full understanding of the information that was
23 provided to this officer by Mr. Jenkins.

24 ASST. SOL. SWANSON: Your Honor, I would object to
25 that. It's self-serving and it's hearsay. That's not

1 admissible. Investigator Snider does agree that that's what
2 he said. Ms. Campbell cannot play that without Mr. Jenkins
3 taking the stand.

4 MS. CAMPBELL: I'll move on.

5 THE COURT: Okay. Thank you.

6 Q Okay. So this is where we are. You're talking to Mr.
7 Jenkins. You've already talked to Mr. Lawson. You have
8 information that Mr. Jenkins and Miranda Brock were at the
9 barber shop on the morning that the burglary is supposed to
10 have happened, correct?

11 A If I recall correctly, Mr. Jenkins did not provide a
12 specific date that he was at the barber shop. When I asked
13 him if he knew Mr. Lawson and when the last time he had seen
14 him, he just said last week, which was the week of the
15 burglary, but he couldn't give me a specific date.

16 Q And he told you, "If you look at the video from the
17 barber shop, you will see me and Miranda there with George,"
18 correct?

19 A Yes.

20 Q Okay. Now, with that information in hand, during your
21 investigation, do you go to the barber shop? Do you
22 investigate the presence of a video to confirm or deny that
23 statement?

24 A No.

25 Q You do not?

1 A No.

2 Q Don't you think you should have?

3 A At that point, I had no reason to.

4 Q You had no reason to investigate whether or not Mr.

5 Jenkins and Mr. Lawson and Miranda Brock were meeting at the
6 barber shop?

7 A No.

8 Q Did you ever look at the video of the entire day of
9 September 17th, 2015?

10 A No.

11 Q You only have been provided what George Lawson thought
12 you should have, correct?

13 A Yes.

14 Q And you never asked for anything more, correct?

15 A That's correct.

16 Q Even though you had information that Mr. Jenkins and
17 Miranda Brock were at George's house the day before,
18 correct?

19 A That's correct.

20 Q And you never asked for that video, correct?

21 A No.

22 Q And Mr. Lawson never provided it to you?

23 A No.

24 Q You took DNA swabs off the fence, did you not?

25 A No, I did not.

1 Q That was Officer Rios?

2 A Yes.

3 Q Okay. What did you take DNA swabs of? Anything?

4 A I did a DNA swab from Mr. Jenkins.

5 Q Right. Right. So we've got Mr. Jenkins's DNA in
6 evidence in this case, correct?

7 A That's correct.

8 Q Okay. And a number of items were submitted to the
9 Beaufort County Sheriff's Office DNA lab, I assume by you,
10 correct?

11 A No. By Officer Rios.

12 Q Officer Rios?

13 A Yes.

14 Q Hopefully Officer Donahue from the DNA lab will be here
15 later to testify. Now, in the DNA submissions, did you swab
16 or think to swab the front deadbolt lock?

17 A No.

18 Q Now, let's be clear, that is the lock that you as an
19 investigator had been told is the point of exit or entry of
20 the suspected burglar, right?

21 A Correct.

22 Q Okay. So Mr. Lawson is telling you that he never
23 leaves that door unlocked and that is where the guy must
24 have gone out, correct?

25 A He spoke to Deputy Rios about those details.

1 Q When you're there investigating, you have all of that
2 information, don't you?

3 A Yes, I do.

4 Q Okay. Because you need to know where to swab for DNA,
5 right?

6 A It was several days later that I was at the house.

7 Q Answer my question. You need to know where to swab for
8 DNA evidence, correct?

9 A That's correct.

10 Q Okay. So that is a piece of information that you have
11 the suspected burglar had got in an out and used the
12 deadbolt lock, correct?

13 A Yes.

14 Q And the sliding glass doors, okay? The point of entry
15 is usually a door and any visitors he has. Did you
16 fingerprint the doors?

17 A No.

18 Q You know how to do that, correct?

19 A Yes.

20 Q Okay. So there's no fingerprint evidence and no DNA
21 evidence in any way to put Mr. Jenkins inside that home; is
22 that correct?

23 A That's correct.

24 Q In the original video that Mr. Lawson provided to you,
25 it has the wrong date and the wrong time on it, correct?

1 A That's correct.

2 Q Because this is what we watched was just a spliced-
3 together version from the State, correct?

4 A That's correct.

5 MS. CAMPBELL: That's all I have.

6 THE COURT: Ms. Swanson?

7 ASST. SOL. SWANSON: Thank you, just briefly.

8 REDIRECT EXAMINATION

9 BY ASST. SOL. SWANSON:

10 Q Investigator Snider, after Deputy Rios responded to [REDACTED]
11 [REDACTED], was it a few days later that you were assigned as
12 the investigator?

13 A It was approximately two days.

14 Q Okay. And so two days had passed since the suspected
15 burglary?

16 A Yes.

17 Q And Ms. Campbell asked you about the DNA submittals and
18 any findings, and you took a buccal swab of Adrian's DNA.
19 Did you review the DNA report as a part of your
20 investigation?

21 A Yes, I did.

22 Q And did anything come back to Adrian Jenkins?

23 A No. Nothing came back.

24 Q And although there's not DNA or fingerprints that place
25 Mr. Jenkins inside the home, are their items reported taken

1 from inside the home?

2 A Yes.

3 ASST. SOL. SWANSON: I've nothing further at this time.

4 MS. CAMPBELL: One last question.

5 RECROSS-EXAMINATION

6 BY MS. CAMPBELL:

7 Q The items that are reported being taken from inside the
8 home, that information comes from George Lawson; isn't that
9 correct?

10 A That's correct.

11 MS. CAMPBELL: That's all I have.

12 THE COURT: You may step down.

13 ASST. SOL. SWANSON: Your Honor, at this time, the
14 State rests its case.

15 THE COURT: All right. Ladies and gentlemen of the
16 jury, at this time the State rests its case and it's also a
17 good time for a lunch break. Ladies and gentlemen, I need
18 to tell you that there are some matters of law I need to
19 take up and I want to give you a lunch break and I am going
20 to ask you to be back in your jury room at 2:30 where we
21 will go ahead and continue the trial of this case. It gives
22 you about an hour and 20 minutes or so to grab a bite to
23 eat. I need to remind you not to discuss this case until
24 it's appropriate to do so. Don't do any independent
25 research. I will see you all at 2:30. Thank you.

1 THE COURT: Any motions, Ms. Campbell?

2 MS. CAMPBELL: Your Honor, at this time, the defendant
3 would make a motion for directed verdict. I think the lack
4 of evidence, the items that were removed from the home,
5 there's no -- the video clearly shows Mr. Jenkins at the
6 location, but not taking the items from the home. I would
7 say that would lead to speculation on the part of the jury
8 as to whether or not the items were removed from inside the
9 home. Thank you.

10 THE COURT: Ms. Swanson?

11 ASST. SOL. SWANSON: Thank you, Your Honor. Obviously,
12 the victim has testified that those items were inside the
13 home and located in various parts of the home that the
14 defendant did not have permission to enter and that those
15 items were missing. He was also seen. There are a number
16 of circumstantial links provided by the surveillance video
17 and so I believe in the light most favorable to the State,
18 the jury could deduce that Mr. Jenkins is guilty of
19 burglary.

20 THE COURT: All right. Well, taking obviously the
21 evidence in the light most favorable to the non-moving
22 party, I do think there is adequate evidence from which this
23 jury can determine that Mr. Jenkins committed burglary. I
24 respectfully deny your motion, Ms. Campbell. When we come
25 back, I pushed them until 2:30 or so, so the idea is that we

1 will give you an opportunity to put up your case.

2 You need to let me know at what point is the last
3 witness, so we can then break and I can talk to Mr. Jenkins
4 about his rights and whether or not he wishes to testify.
5 He can decide to testify or not testify.

6 So it's looking to me like we probably will argue and
7 charge in the morning, provided that is adequate for
8 everybody, depending on as long as it's not before 3:00. I
9 have a hard time believing we will get anything done before
10 3:00, so that's perfectly fine.

11 Anything else we need to take up during the lunch
12 break? Ms. Campbell, you need to put your objection on the
13 record; I apologize.

14 MS. CAMPBELL: Thank you for reminding me, Your Honor.
15 We would object to the characterization of Ron G as a street
16 name. We felt that it's an improper comment upon his
17 character and move for a mistrial at this point. Thank you,
18 Your Honor.

19 THE COURT: Okay. All right. I don't know what the
20 connotation of a street name is. I don't know if we would
21 call it a street name or a nickname, but go ahead. You can
22 argue.

23 ASST. SOL. SWANSON: I mean, it was certainly not
24 solicited testimony. I believe that the investigators used
25 to actually defendants and victims calling people, "Oh,

1 well, that's my street name." So it's just the terminology
2 in the industry. I don't think there was anything meant by
3 that. If Your Honor believes a curative instruction will
4 help, I believe it may just cause more attention to it, but
5 I don't believe it's something that a mistrial is
6 appropriate.

7 THE COURT: I would have concern if she said his
8 street name was sticky fingers or, I don't know, something
9 more derogatory maybe, or something directly having to do
10 with this case, but I don't think it goes to that. So I'm
11 going to respectfully deny your motion for a mistrial and we
12 will go ahead and keep going forward in this case.

13 MS. CAMPBELL: Thank you. And for this Court's
14 information, we will have three witnesses and then Mr.
15 Jenkins. We will have Stephanie Campbell, Miranda Brock,
16 and then John Donahue. Then, at the appropriate time, I
17 assume we need to advise Mr. Jenkins and go from there.

18 THE COURT: We will. Okay. Would you like for me to
19 when we come back after lunch maybe go over his rights with
20 him?

21 MS. CAMPBELL: That would be appropriate.

22 THE COURT: Let's do that. Okay. So I have them all
23 coming back at 2:30. If y'all would be back here about 2:20
24 and we will go ahead and do that at that time.

25 (1:15 p.m., whereupon, the Court is in recess in the

1 trial of this case for lunch. Thereafter, at 2:20 p.m., the
2 following is placed on the record outside of the presence of
3 the jury.)

4 THE COURT: Ms. Campbell is now a good time to talk to
5 your client about his rights?

6 MS. CAMPBELL: I would prefer to wait until all of the
7 testimony is in and then I think he can make a meaningful
8 choice.

9 THE COURT: All right. Let's bring the jury in then.

10 (2:55 p.m., whereupon the jury enters the courtroom and
11 the following is held on the record.)

12 THE COURT: Welcome back, ladies and gentlemen. I
13 trust everyone had a good lunch. At this time, it's the
14 opportunity for the defense to present their case if they
15 choose to do so. Ms. Campbell, you may call your first
16 witness.

17 MS. CAMPBELL: Thank you, Your Honor. May it please
18 the Court? The defense will call Stephanie Campbell.

19 THE COURT: Please come forward, Ms. Campbell to be
20 sworn.

21 (Whereupon, Ms. Stephanie Campbell is duly sworn.)

22 MADAME CLERK: State your full name for the record and
23 Spell your last name.

24 MS. CAMPBELL: Stephanie Renee Campbell. Last name C-
25 A-M-P-B-E-L-L.

1 THE COURT: Thank you.

2 DIRECT EXAMINATION

3 BY MS. CAMPBELL:

4 Q Stephanie, do you live in the Beaufort area?

5 A Yes, I'm from the Beaufort area, yes, ma'am.

6 Q Are you currently living anywhere now?

7 A No.

8 Q Are you homeless?

9 A Pretty much, yes, ma'am.

10 Q Do you recall talking to an Investigator Snider?

11 A Yes.

12 Q Okay. And when you talked to Investigator Snider about
13 this case, do you remember what you told her about what
14 happened that day?

15 A In a sense. I mean, I know I wasn't -- I was more
16 honest with the investigator than I was with her maybe.

17 Q Okay. Well, let's walk through that.

18 A Okay.

19 Q Okay. Were you afraid in any way when you were talking
20 to Investigator Snider?

21 A No, I just have a -- I mean, no. I wasn't afraid. I
22 just have a trust thing.

23 Q With the police officers?

24 A Yes.

25 Q Okay.

1 A With law enforcement.

2 Q Okay. When you look back on September 17th, 2015, do
3 you recall being with Adrian Jenkins and Kelsey Krimmer?

4 A Yes.

5 Q And do you remember how you came to be in their
6 company?

7 A I mean, me and Kelsey, we've been together. I remember
8 -- I just ran into him through a mutual friend.

9 Q Okay.

10 A But I don't remember what time of day it was or ---

11 Q And that's fine, Stephanie. Do you remember Adrian
12 getting in your car?

13 A Yes.

14 Q Okay. And do you remember going to a trailer on [REDACTED]
15 [REDACTED], maybe?

16 A Yes.

17 Q Okay. Do you remember why you were going there?

18 A To pick up some money is what I was told.

19 Q To pick up some money, okay. Now, on that particular
20 day, did you go to [REDACTED]?

21 A Yes.

22 Q Okay. And tell the jury what you saw or didn't see
23 when you pulled up in the driveway.

24 A Well, it was kind of hazy.

25 Q Right.

1 A But what I do remember is I just remember being in the
2 car. I didn't never see -- I mean, we were parked by the
3 bushes, so I didn't see him, like, go inside or anything
4 like that. I don't ---

5 Q That's all right. Tell us the truth. So you never saw
6 Mr. Jenkins -- Mr. Adrian Jenkins go in or out of the
7 trailer?

8 A No.

9 Q And I think what you're telling us is you felt like you
10 couldn't see it because of the bushes?

11 A Right. Yeah, I wasn't paying attention. I mean, the
12 bushes were in the view of me being able to see anything,
13 yes.

14 Q Good. Now, when you left from there, did you have some
15 items that were put in your car?

16 A Yes.

17 Q Do you remember what those items were?

18 A I think it was like an X-box, some games, a T.V.,
19 maybe, yeah.

20 Q Okay. Do you remember where you went after you left
21 [REDACTED]?

22 A Yes.

23 Q Okay. Where did you go after you left there?

24 A We went to Grays Hill.

25 Q Okay. And where did you go in Grays Hill?

1 A We went -- Titus -- Titus Singleton -- Titus
2 Singleton's house.

3 Q Does Titus Singleton go by any other names?

4 A Tight.

5 Q Tight -- tight man?

6 A Yes.

7 Q Did you know Titus before this day?

8 A No.

9 Q Did you come to know him after this day?

10 A Yes.

11 Q Okay. Are you -- when you left Titus Singleton's
12 house, where was the TV and where was the X-box?

13 A We left it there.

14 Q You left it at Titus Singleton's house?

15 A Yes.

16 Q Okay. Do you remember where you took Adrian Jenkins
17 after you left Titus Singleton's house?

18 A No. I mean, I think I took him to probation, maybe. I
19 don't know. I mean, like after we left there ---

20 Q You just don't know?

21 A I just don't remember, like, the order.

22 Q Okay.

23 A I mean, honestly. I'm sorry.

24 Q Have you been sick on your stomach?

25 A Yes.

1 Q Okay.

2 A I'm not feeling too well.

3 Q Okay. The day of September 17th, were you using any
4 drugs that day, Stephanie?

5 A Yes.

6 Q Okay. What were you using?

7 A I mean, I had been like -- over a three-day-period, I'd
8 been drinking, Molly, Xanax, smoked crack; a combination of
9 a lot of things.

10 Q Have you done your very best to remember what you can
11 for the jury?

12 A Yes. Yes, ma'am.

13 MS. CAMPBELL: I think that's all I have for Stephanie.

14 THE COURT: Okay. Ms. Swanson?

15 ASST. SOL. SWANSON: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY ASST. SOL. SWANSON:

18 Q Stephanie, you're a drug user, right?

19 A Yes, ma'am.

20 Q You're a drug addict, right?

21 A Yes, ma'am.

22 Q When was the last time you used drugs?

23 A About 3:00 this morning.

24 Q Okay. So less than 24 hours ago you used?

25 A Yes, ma'am.

1 Q Okay. Do you remember providing a statement to
2 Investigator Snider?

3 A Yes.

4 Q And do you remember her telling you about your rights?

5 A Yes.

6 Q And do you remember actually telling her that Adrian,
7 or Ron, that's ---

8 A --- that's what I know him by.

9 Q That's what you call Adrian?

10 A Yes, ma'am.

11 Q Wanted a ride to go get some stuff from his ex's house?

12 A Yes, I'm pretty sure that's what I told her, yes,
13 ma'am. I remember saying that, yes.

14 Q Okay. So you do admit to saying that?

15 A Yes, ma'am.

16 Q Okay. So now you're saying that you guys went over
17 there to get some money?

18 A Yes. Yes, ma'am.

19 Q But nobody was home, right?

20 A Right. As far as I know, right.

21 Q Right. No car out front?

22 A Right.

23 Q Okay. So you tell investigators when they question you
24 that you guys were going over there to get some stuff from
25 Ron's ex, and you actually go to an empty house to collect

1 money is your story now?

2 A Well, like I admitted to saying when I first talked to
3 the investigators, I lied to her, but the truth is that we
4 went to the house to get money. I mean, that's what I was
5 told as we were driving.

6 Q Okay. So were you told two different stories?

7 A Yes, ma'am.

8 Q You were told two different stories?

9 A No. I told two different stories.

10 Q You told two different stories?

11 A Yes. I started -- I admitted it was a lie.

12 Q Okay. So you're a liar?

13 A No, ma'am.

14 Q But you just admitted that you lied?

15 A Yes. I made a mistake. I'm human; I lied. But I'm
16 not a liar, no, ma'am.

17 Q Okay. And initially, you actually tell Investigator
18 Snider that you see Ron go inside the house?

19 A I don't remember saying that.

20 Q Okay.

21 ASST. SOL. SWANSON: Your Honor, I can cue up the tape,
22 if I may.

23 (Whereupon, State's Exhibit Number Ten, DVD, is
24 played.)

25 Q Did you hear that?

1 A Now I recall saying it, yes.

2 Q Okay. So that's your voice?

3 A Yes, ma'am.

4 Q And do you recall later backtracking and saying, "Oh, I
5 couldn't really see anything, because there were bushes in
6 the way"?

7 A Oh, yes, ma'am, I do. But my mindset when I was
8 talking to her, I mean, I was nervous, first of all, that
9 police investigators were at my house. I mean, I'm just
10 trying to be honest. I don't know what else to ---

11 Q Right. Like you were trying to be honest with Snider?

12 A No, that day I was not trying to be honest and I've
13 already admitted it. That day I was not trying to be
14 honest. Today I'm trying to be honest. Sorry.

15 Q Okay. Not when police were investigating a crime, but
16 now that Adrian Jenkins is on trial for burglary ---

17 A No.

18 Q --- the

19 A No.

20 Q --- first degree?

21 A No, ma'am. No, ma'am.

22 COURT REPORTER: Please let her finish her sentence.

23 Q So you also just testified that you went over to Grays
24 Hill to Titus Singleton's house; so you're familiar with
25 Titus?

1 A Now, I am, yes.

2 Q Okay. Now you are? As in ---

3 A I didn't know him when we went there. That was my
4 first time ever being there.

5 Q Okay. And you're familiar with the fact that he is a
6 major -- or was a major drug dealer before he was a
7 murdered?

8 A Now, I am, yes.

9 Q Okay. And you're aware that Titus Singleton was
10 murdered?

11 A Yes, ma'am.

12 Q And I can't call Titus Singleton to the stand to
13 testify because he was murdered, correct?

14 A Yes.

15 Q And so on September 17th, you testified that you were
16 on the third day of a major drug bender?

17 A Yes, ma'am.

18 Q And you just used at 3:00 a.m., prior to your testimony
19 here today?

20 A Yes, ma'am.

21 ASST. SOL. SWANSON: Thank you, Your Honor. I have no
22 more questions.

23 THE COURT: Ms. Campbell?

24 REDIRECT EXAMINATION

25 BY MS. CAMPBELL:

1 Q Stephanie, did I ask you to lie to this jury?

2 A No, ma'am.

3 Q Did I tell you to tell this jury the truth today?

4 A Yes, ma'am.

5 MS. CAMPBELL: That's all I have, Your Honor.

6 THE COURT: Anything further?

7 ASST. SOL. SWANSON: None from the State, Your Honor.

8 THE COURT: Any objection to her being excused from
9 either side?

10 MS. CAMPBELL: None at all.

11 THE COURT: Ma'am, you are excused.

12 (Stephanie Campbell leaves the courtroom.)

13 MS. CAMPBELL: Your Honor, may I step out and see if
14 the other witness is ready.

15 THE COURT: Sure. You may.

16 (Off the record, briefly. Ms. Campbell returns.)

17 THE COURT: Come on forward, ma'am. Right up here.

18 MS. CAMPBELL: Your Honor, at this time, the defense
19 calls Miranda Brock.

20 THE COURT: Hi, Ms. Brock. Come right around here. We
21 are first going to swear you in. Place your left hand on
22 the Bible and raise your right hand.

23 MS. BROCK: Absolutely.

24 (Whereupon, Ms. Miranda Brock is duly sworn.)

25 MADAME CLERK: If you would state your full name for

1 the record and spell your last name.

2 MS. BROCK: Miranda K. Brock Lucas, B-R-O-C-K L-U-C-A-
3 S.

4 DIRECT EXAMINATION

5 BY MS. CAMPBELL:

6 Q Miranda, is Beaufort your home?

7 A No, ma'am.

8 Q Where do you normally live?

9 A I'm from Nashville, Indiana.

10 Q Okay. When did you come to the Beaufort area?

11 A It's been seven years almost.

12 Q And in those seven years, have you worked and lived in
13 this community?

14 A Yes, I have.

15 Q Okay. Where are you currently living now?

16 A I'm at 1034 Marion with my parents. Well, I'm in
17 between right now.

18 Q I see that you're pregnant?

19 A Yep.

20 Q Okay. And you tell us if we need to stop or anything.

21 A Yes, I'm just still trying to get comfortable. Excuse
22 me.

23 Q Miranda, do you know George Lawson? Let's start there.

24 A Yes, I do.

25 Q Okay. How do you know George Lawson?

1 A I know George Lawson through Larry Jackson.

2 Q And have you ever visited George Lawson's home?

3 A Yes, I have.

4 Q Approximately how many time have you visited his home?

5 A I have lost count, but I know it's been well over a
6 dozen times.

7 Q Have you ever lived in George Lawson's home?

8 A I've not lived there, but I've been allowed to stay
9 there a couple of nights at a time.

10 Q And when you were allowed to stay there, did you
11 develop a sexual relationship with George Lawson?

12 A Yes, there was a sexual relationship.

13 Q And when you were living in George's house for a couple
14 of days at a time, did there come a time that you were put
15 out of the house or asked to leave?

16 A Yes.

17 Q Or something along those lines?

18 A Forced to leave.

19 Q Okay. Did you leave some items at the house?

20 A I did.

21 Q Okay. And when you left those items at the house, did
22 you make an attempt to come back and retrieve them?

23 A I made an attempt to contact him through the cell
24 phone. It took a couple of days, but I did contact him and
25 got permission to retrieve my items.

1 Q Okay. And the main items that you left there were your
2 wallet; is that correct?

3 A My wallet, yes, ma'am.

4 Q Okay. I know that you've talked to my investigator
5 about what happened, so did you get your wallet back?

6 A I did. A couple days later.

7 Q Tell us about that.

8 A I called him and asked permission to come and get my
9 things. I had to go to work at T. J. Maxx and I needed my
10 wallet. I'm sorry, this is uncomfortable. And he said I
11 could come and get it. You know, I had a timeframe to meet
12 and I had to be at work in 45 minutes. So I got a ride up
13 there with Josh and Ron -- well, Adrian, excuse me. And I
14 had Josh drop me off at the top of Peacock, because George
15 is really funny and very moody. So I know not to bring
16 anybody up there with me, especially if I didn't let him
17 know. So I told him I would come back. They were going to
18 the liquor store or the gas station and they were supposed
19 to come right back and pick me up and I asked for Adrian --
20 I call him Ron, I apologize, just to wait. Don't come with
21 me. He wanted to come with me. I said, please don't come.
22 So I get out and I'm walking and halfway down Peacock,
23 there's Adrian next to me. We got to George's driveway.
24 George's yard is all fenced in. He had a couple of dogs.
25 So I'm like, "Wait outside the fence for me, please. Let me

1 grab my items and then we will walk back to the top of the
2 road." I go in and Adrian is outside the fence. I close
3 the fence, go to George's.

4 Q Let me stop you one minute. What door did you go to?

5 A The back door. The door I always go in.

6 Q That's the sliding glass door?

7 A Yes. There's a back deck and there's a front door they
8 just go around to the deck and the sliding glass door. It
9 was open. He said the door was open. I knocked. He said
10 come on in. My items were in the kitchen and the kitchen
11 table and a bunch of -- a cluster of stuff. So I grabbed my
12 bag and Adrian steps right in.

13 Q Comes through the open door?

14 A Comes through the open door after I've retrieved my
15 bag. Thank you, George, da-da-da. And all of a sudden,
16 George is like, "Who is this?" He's like, "I'm Miranda's
17 ride." I'm like, "Yes, he's with me, but you were supposed
18 to, you know," the next thing I know, they have -- he
19 introduced himself. He asked George, "Do you have an extra
20 shirt I can get? I was sweaty. I've been working." George
21 is like, "Yeah, man, I got you." George got him a clean t-
22 shirt and then there was this huge speaker in the kitchen.
23 Some kind of speaker. And Adrian is like, "Do you want to
24 sell that? You trying to get rid of that?" George is like,
25 "Well, yeah." So it was -- they agreed to go trade it for

1 crack. And I just came to get my bag. The next thing I
2 know I have to ride with them -- well, ride with George in
3 the back seat. And they went toward 21, toward Roseida, the
4 crack man or whoever it is, they were going to trade, he
5 could not get in contact with him and he wasn't there, and
6 George got very upset about it, because he had intentions on
7 getting high, and he kicked us out of his truck and made us
8 walk from Burton Wells Park.

9 Q Do you remember going anyplace else like Food Lion or
10 anyplace in between?

11 A I asked him to take me to Food Lion so that I could go
12 to my sister's house. That was walking distance.

13 Q Now, when you got out of the truck that day, did you
14 see George again the next day?

15 A The next day I did see George at the barber shop.

16 Q Tell the jury where you saw George.

17 A At the barber shop.

18 Q Okay. And who was with you at the barber shop with
19 George?

20 A Adrian was in my truck, or the truck I was driving.

21 Q And what happened at the barber shop on the morning of
22 September 17th?

23 A George pulled out a 20 -- wanted a piece of crack, and
24 gave to Adrian to go get some crack.

25 Q Okay. And when you left from the barber shop, Adrian

1 had George's \$20 to get some crack and bring it back or
2 whatever?

3 A Right.

4 Q Did you drop Adrian off or did you keep Adrian with
5 you?

6 A Adrian and I went downtown to look for crack and he
7 used my phone. I didn't have time. I had to get the truck
8 back to the owner, so he was using my phone to call
9 Stephanie Campbell. I didn't know her at the time. So he
10 was on my phone. He asked me to go to the bricks and to the
11 tennis courts to meet Stephanie, and there was another girl.
12 I have no idea who she was. So I was like just go with her.
13 Do you know what I mean? I have to go. So he got out of
14 the truck and got into her car. Within like 30 minutes,
15 George was blowing my cell phone up looking for Adrian. "I
16 don't know, George. He's with a girl named Stephanie." So
17 I ended up calling Stephanie, because George was just going
18 crazy. She never answered, so I just let it go. And then,
19 that's the last I saw of Adrian and George. Then, two days
20 later -- or a day or two later, I got a call from George
21 going off about how I set everything up, a robbery.

22 Q He was trying to accuse you of ---

23 A Yeah, he was putting the blame on me.

24 Q Okay.

25 A Yeah.

1 Q Now, Miranda, do you remember Officer Snider, anybody
2 else from the Sheriff's Department, trying to reach out to
3 you and talk to you about this case? Do you have any
4 recollection of that?

5 A No.

6 Q Around the time this happened?

7 A No, I don't. I guess whenever a report was made, I
8 guess the police were up there. I remember George calling
9 me and I called him back and there were officers there, and
10 he asked me to find Adrian. So I ended up calling a mutual
11 friend of Adrian and I's, and I was like "Dude, where's
12 Adrian?" He said come on down here. I ended up going
13 downtown and I was like, I was actually kind of scared,
14 putting myself in danger for to go find this man because
15 they're going to issue a warrant for him, or they were
16 looking for him, and I was -- so I went down there and I saw
17 him with our mutual friend, and I just drove on. I just let
18 it go, because I had no idea what was going on at the time.
19 I did hear an officer -- I didn't personally talk to the
20 officer, but I heard him in the background.

21 Q Okay.

22 A Uh-huh (affirmative).

23 Q Okay. Now, Miranda, back in September 2015, were you
24 using drugs at the time?

25 A I did. I had a relapse. I was using. I was.

1 I had just got home from rehab at the end of July, so it was
2 one of my mess-ups.

3 Q What type of drugs were you using in September?

4 A Crack cocaine.

5 Q Is that the extent of it?

6 A I mean, I dabble dabbled in cocaine. I mean, crack
7 cocaine was the main ---

8 Q Was the main thing?

9 A Yes.

10 Q Miranda, I think that's all I have for you. The
11 Solicitor is going to ask you some questions now.

12 MS. BROCK: Thank you.

13 CROSS-EXAMINATION

14 BY ASST. SOL. SWANSON:

15 Q Miranda, you've known George Lawson for a couple of
16 years, right?

17 A Yes.

18 Q And he's helped you out?

19 A I guess you could call it that.

20 Q Right. He's given you a place to stay.

21 A Yes, he has.

22 Q And you testified that you were a crack user?

23 A Yes, I have been a crack user. I'm an addict.

24 Q All right. When was the last time you used?

25 A It was last week that I had a mess up.

1 Q And you're pregnant, right?

2 A Yes, ma'am. And yes, my doctor knows.

3 Q So is it possible that while you were using all of this
4 crack back in September of 2015, that you just don't
5 remember the several times that Investigator Snider
6 contacted you and set up meetings that you just never showed
7 up to?

8 A I didn't have a reliable transportation. And at that
9 time, I was on St. Helena, and the time that I did go meet
10 Mr. Snider ---

11 Q It's Ms. Snider.

12 A Oh, Ms. Snider, I apologize. They canceled the
13 appointment. When I actually, finally, got a ride to meet up
14 with her, she canceled, I mean. You know, I didn't have --
15 I was bouncing around on St. Helena.

16 Q Okay. So you didn't feel that it was important to tell
17 all of this information to law enforcement before Adrian
18 Jenkins is on trial for burglary in the first degree?

19 A Honestly, I didn't feel like I had any part of it
20 because I was not involved in the robbery.

21 Q Right. You weren't there for the robbery, right?

22 A I was not there.

23 Q Right. So you don't actually know what happened on
24 September 17th?

25 A Exactly. I just know that at the barber shop -- while

1 I was at the barber shop, you know what I mean, and then I
2 dropped him off at the Bricks and the tennis court. And
3 that's all I know.

4 Q At the barber shop, Adrian was going to deal some
5 drugs, because Adrian is a drug dealer in your words?

6 A No. He's not a drug dealer. He's a drug user. He
7 went to get 20 so that he could have something to smoke,
8 too.

9 Q Oh, okay. So these were not George's drugs; these were
10 just Adrian's drugs?

11 A No. Those were for George and Adrian.

12 Q Okay.

13 A As far as that's what I took it as, because \$20 was in
14 Adrian's hand to go get drugs for them.

15 Q Right. So Adrian was going to go buy drugs for himself
16 and distribute them to George?

17 A I mean, I don't know from there. All I know is that
18 \$20 was put in Adrian's hand for drugs.

19 Q You're a crack rock user. How much can you buy for
20 \$20?

21 A I am -- I mean, it depends on where you get it from.
22 It's not very much, though. You know what I mean? It just
23 depends.

24 Q All right. Enough to share between two people?

25 A Yeah. It's been done before.

1 Q Did you do that last week?

2 A Did I share with somebody? Yeah, I did cocaine last
3 week ---

4 Q Besides your baby?

5 A I'm sorry?

6 Q Besides your baby?

7 A What about my baby?

8 Q Sharing crack with your baby?

9 A Unfortunately, I did, because I have an addiction.

10 Q Okay. So you testified that you did see George after
11 this. And he was concerned that you set him up. That you
12 brought this guy, this burglar, to his house, right?

13 A That's what he accused me of, and I had no part of
14 that.

15 Q The bottom line is this, Miranda, you've never told
16 this story before, right?

17 A I mean, I just met with Ms. Campbell yesterday on this.

18 Q Right.

19 A This is my story. I have not been able to tell them.

20 Q But you don't know where Adrian went and whether or not
21 he went into the house on September 17th, because you
22 weren't with him at the house?

23 A Correct, I was not with him.

24 Q Thank you.

25 A You're welcome.

1 THE COURT: Counsel approach.

2 (Whereupon, a bench conference is held off the record
3 and out of the hearing of the jury.)

4 REDIRECT EXAMINATION

5 BY MS. CAMPBELL:

6 Q Miranda, the Solicitor asked you about the \$20 that
7 George gave to Adrian.

8 A Yeah.

9 Q And now, have you been with George when he bought \$20
10 drugs before or a \$20 piece of crack?

11 A Yeah. George and I have shared a \$20 piece of crack
12 with me several times at his house in the past.

13 Q So the answer is yes?

14 A Yes.

15 THE COURT: Solicitor?

16 ASST. SOL. SWANSON: Briefly.

17 RECROSS-EXAMINATION

18 BY ASST. SOL. SWANSON:

19 Q And you've certainly used \$20 worth of crack, too,
20 right, Miranda?

21 A Yes.

22 Q Okay. That's all I have.

23 THE COURT: Any objection to her being excused?

24 MS. CAMPBELL: No, Your Honor.

25 ASST. SOL. SWANSON: None from the State.

1 THE COURT: Ladies and gentlemen, we're going to go
2 ahead and take a very brief recess. I don't want you to
3 discuss this case. I'll be back with you shortly. Thank
4 you.

5 (3:25 p.m., whereupon, the jury exits the courtroom and
6 the following is held on the record.)

7 THE COURT: Ms. Campbell, has anyone from your office
8 offered that woman some help? Someone needs to go ask her
9 if she wants help. I don't know how far gone she is.

10 MS. CAMPBELL: Actually, Tammy Crooks from my office
11 has. We actually know the father of her child and we have
12 taken a great interest in Miranda's care moving forward. It
13 took us a long time to find her. And so, I don't want to
14 divulge her confidence about the paternity of her child, but
15 because of who the father is, we've taken an interest in the
16 child and are doing what we can to assist her.

17 THE COURT: Well, my question is what more can we do,
18 because obviously she is an addict.

19 MS. CAMPBELL: Well, Miranda needs to go back to rehab.

20 THE COURT: Clearly.

21 MS. CAMPBELL: She needs to stay away from any and all
22 substances. And you know, again, in working with Tammy, we
23 can certainly try and make that happen.

24 THE COURT: I understand that. Where is Tammy taking
25 her now? Is she just walking around the building?

1 MS. CAMPBELL: Well, Bob and Tammy were going to make
2 sure she is okay, emotionally, with the pregnancy.

3 THE COURT: Okay.

4 MS. CAMPBELL: But we know how to reach her at this
5 point now and we can get ahold of her and try and make sure
6 that if nothing else, the baby is not exposed.

7 THE COURT: Okay. We are going to go ahead and take a
8 quick break.

9 (Whereupon, the Court is in recess in the trial of this
10 case. Thereafter, at 4:00 p.m., the case is resumed back on
11 the record, out of the presence of the jury.)

12 THE COURT: All right. I apologize for the extended
13 break. Are we ready to go? How many witnesses do you have
14 left, Ms. Campbell?

15 MS. CAMPBELL: We just have Mr. Donahue from the DNA
16 lab, and that's it, and he'll be about maybe ten minutes
17 with me.

18 THE COURT: Perfect. Is now a good time for me to go
19 over Mr. Jenkin's rights? I think now might be a good time.

20 MS. CAMPBELL: We can do that.

21 THE COURT: Okay?

22 MS. CAMPBELL: Okay.

23 THE COURT: If you would stand up, Mr. Jenkins. I'm
24 going to swear you in sir. Just raise your right hand.
25 Raise your right hand.

1 (Whereupon, Mr. Adrian Laron Jenkins is duly sworn)

2 MR. JENKINS: Yes, ma'am.

3 THE COURT: All right, Mr. Jenkins. Sir, I'm going to
4 explain to you certain rights that you have. I know that
5 you've spoken with Ms. Campbell about whether or not you
6 wish to choose to testify in this case. I want you to
7 understand something. The Fifth Amendment protects you from
8 having to give testimony against yourself. So, basically,
9 you can never be required or forced to take the stand. But
10 of course, sir, I want you to know that you have the right
11 to take the stand if you would like to testify.

12 I just need you to understand that if you choose to
13 take the stand, the State is going to be allowed to ask you
14 any questions that I believe or deem are relevant to this
15 case. And also, they're permitted to ask you questions
16 about your past criminal history that have occurred within
17 the last ten years or if there are crimes of moral turpitude
18 or dishonesty.

19 I think we went over previously your record on the
20 record so you understood the potential questions that they
21 could ask you. And they would be permitted to ask you those
22 things that I deemed relevant. But I want to make sure you
23 just understand that if you choose to take the stand, they
24 can ask you those questions.

25 Sir, I also want you to know that if you choose not to

1 testify in this case, I'm going to tell the jury in my jury
2 charge that the fact that you didn't testify cannot even be
3 discussed back in the jury room. And the reason is because
4 you're not required to prove yourself innocent. The burden
5 is always on the State to prove your guilt beyond a
6 reasonable doubt to the offense charge. Do you understand
7 that?

8 MR. JENKINS: Yes, ma'am.

9 THE COURT: All right. Sir, I just want to make sure
10 that while you have had an opportunity to talk to Ms.
11 Campbell about whether or not you wish to testify, you
12 understand that that is a personal right and a personal
13 choice you make; do you understand that?

14 MR. JENKINS: Yes, ma'am.

15 THE COURT: All right. Sir, and have you spoken with
16 Ms. Campbell about whether or not you wish to testify?

17 MR. JENKINS: Yes, ma'am.

18 THE COURT: And have you understood your conversations
19 with her?

20 MR. JENKINS: Yes, ma'am.

21 THE COURT: Sir, have you made a decision as to whether
22 or not you want to testify?

23 MR. JENKINS: Yes, ma'am.

24 THE COURT: And do you want to testify?

25 MR. JENKINS: No, ma'am.

1 THE COURT: All right, sir. And I believe that that is
2 made freely and intelligently, certainly, and with full
3 knowledge. So to that end, sir, you can go ahead and you may
4 be seated.

5 All right. So at this point, what we have left to say
6 is Mr. Donahue or is it Ms. Donahue?

7 MS. CAMPBELL: Mr. Donahue.

8 THE COURT: Mr. Donahue, from the lab. He's been
9 sitting here all day. And at that point, you're going to
10 rest; is that correct?

11 MS. CAMPBELL: That is correct.

12 THE COURT: Okay. And then are we going to have
13 anything further from anyone? No?

14 ASST. SOL. SWANSON: Not from the State.

15 THE COURT: Very good. I intend on arguing charge in
16 the morning, obviously, today it's late. But I just wanted
17 to make sure there's nothing else. We'll do motions. We'll
18 talk about the jury charge, and then we'll go on break for
19 the evening. Okay? All right. So let's bring the jury back
20 in. Thank you.

21 (4:05 P.M., whereupon, the jury enters the courtroom
22 and the following is held on the record.)

23 THE COURT: You may be seated. All right. Welcome
24 back, ladies and gentlemen. We'll go ahead. If the defense
25 will call the next witness.

1 MS. CAMPBELL: The Defense calls John Donahue.

2 THE COURT: Mr. Donahue, come on up and be sworn.

3 Left hand on the Bible, raise your right hand.

4 (Whereupon, Mr. John Donahue is duly sworn)

5 MR. DONAHUE: I do.

6 MADAME CLERK: Thank you. State your full name for the
7 record and spell your last.

8 MR. DONAHUE: John Donahue, D-O-N-A-H-U-E.

9 THE COURT: Thank you. You may be seated.

10 DIRECT EXAMINATION

11 BY MS. CAMPBELL:

12 Q Mr. Donahue, what is your current employment position?

13 A I'm the DNA Technical Leader at the Beaufort County
14 Sheriff's Office Forensic Services Laboratory.

15 Q And how long have you held that position?

16 A Since January of 2008.

17 Q And before that, were you involved in the same line of
18 work?

19 A I was.

20 Q And where was that?

21 A I was the DNA Technical Leader for about five years and
22 the technical supervisor for about one year at the Charlotte
23 Mecklenburg Police Department.

24 Q Thank you.

25 MS. CAMPBELL: I believe by consent and stipulation

1 with the State of South Carolina, we would stipulate that
2 Mr. Donahue is an expert in the field of DNA analysis for
3 the purposes of the testimony today.

4 ASST. SOL. SWANSON: No objection.

5 THE COURT: All right, ladies and gentlemen, that
6 allows Mr. Donahue to give his opinions and the reasons for
7 his opinion. Typically, we don't let witnesses testify to
8 opinions, but for people we designate as an expert in some
9 science, art, or profession, he's allowed to do that. And of
10 course, that's for you to use as you see appropriate in as
11 compared to other evidence in this case.

12 MS. CAMPBELL: Thank you, Your Honor.

13 THE COURT: Thank you.

14 EXAMINATION CONTINUES:

15 Q Mr. Donahue, in your employment with the Beaufort
16 County Sheriff's Office in the DNA lab, were you asked to
17 analyze some evidence in this particular case?

18 A I was.

19 Q Okay. And I, of course, issued you a subpoena to come
20 here today, right?

21 A Yes, ma'am.

22 Q Okay. And did you bring your reports with you today?

23 A I did.

24 Q Okay. And in the course of working on this case, can
25 you tell the jury the items that you were asked by the

1 Sheriff's Department to analyze? Let's start there.

2 A Okay. I had three pieces of evidence, which were a
3 Newport cigarette, a swab from a lock on a fence, and then a
4 swab collected from the front chain link fence. And then I
5 had three known samples collected from known individuals,
6 one from George Lawson, one from Ethan Lawson, and one from
7 Adrian Jenkins.

8 Q Thank you. So, at no point during your work on this
9 case, were you asked to analyze any items, like a dead bolt
10 lock or anything from any doors, in this particular case, is
11 that correct?

12 A Not to my recollection. I can check my exam request,
13 if you'd like that.

14 Q Would you like to check that for us? We'd like to make
15 sure on that.

16 A (Witness examines records silently.) No. The request
17 I have is for the three pieces of evidence that I mentioned
18 and for the two reference standards and then I received a
19 later request for comparison to Adrian Jenkins.

20 Q Correct. And the results of your analysis on the
21 Newport cigarette, on the fence lock, and the chain link
22 fence were what? Can you tell the jury?

23 A From the Newport cigarette, I recovered a female DNA
24 profile, so the DNA test we use has markers that can tell
25 you whether the source of the profile is male or female. In

1 this case, it was female for the cigarette. For the swab
2 from the lock, I recovered mixed DNA from a mixture of at
3 least two people. And from the chainlink fence, I did not
4 recover anything.

5 Q Now on the lock from the front fence, did you exclude
6 anyone or anything from that?

7 A I was unable to subsequent to that. I tested the DNA
8 profile from that lock. Ran it through -- we have a
9 computer system called TrueAllele, which can look at the DNA
10 mixtures a lot better and a lot quicker than human beings
11 can, and when I processed this with the computer system, I
12 recovered a match to George Lawson. And then after seeing
13 him as a known contributor, I went back and looked at the
14 unknown part, told the computer to look at the unknown part
15 and eliminated Ethan Lawson, eliminated Adrian Jenkins, and
16 eliminated whoever the female was on the cigarette.

17 Q And so, just the short version. No match to Adrian
18 Jenkins on the lock on the fence, correct?

19 A Correct.

20 Q Okay. And then would the same be true or did you
21 analyze the fence itself?

22 A I did not have any DNA from that swab.

23 Q Right. Now, if you had been given a swab, let's talk
24 about that. When officers swab for DNA, they are swabbing
25 for touch DNA; is that correct in some instances?

1 A In some instances it depends on the stain. If you see
2 a visible blood stain, then you're going to collect the
3 blood stain. If you see something like a drink bottle,
4 obviously you're going to collect that. We swab that in the
5 lab looking for saliva. Sometimes, we can recover DNA from
6 items that are handled, for example, the lock in this case,
7 we did recover DNA from that. What the officer at the scene
8 can do, if it's something that can't be transported to the
9 lab, for example, a fence. You can swab -- the officer on
10 the scene can collect swabs from that item and then submit
11 that to us.

12 Q And touch DNA. What exactly does that mean? What --
13 how do we get touch DNA on something? If I touch something?

14 A Right. So normally, you -- the best thing that we can
15 test for is blood or a slide of semen, because those have a
16 lot of cells, a lot of DNA. But you also have DNA on your
17 hands, on your skin, that you can shed and leave. Just like
18 contact with things, like if I -- there are lots of other
19 things we can add to that.

20 For example, let's say I rub my eyes, I rub my nose,
21 there's a lot more DNA in fluid, your tears, or in your nose
22 and you can leave that. There's also DNA just naturally
23 occurring from skin cells as well as oil in your skin. We
24 can sometimes obtain DNA from items that individuals touch.
25 And the amount of contact matters; how long it's held, the

1 surface, if it's rough. We can get more DNA from that than
2 if it's something that's smooth and course. It just depends
3 on a lot of factors.

4 Q And let's say that I were to touch, you know, this item
5 here and walk away, best guestimate on how long my touch DNA
6 might stay on a particular item? Do you have a case that
7 you could reference or?

8 A It depends on the condition. So, conditions inside in
9 a controlled environment can last a lot longer than
10 something that's outside in hot and humid weather. DNA
11 degrades pretty fast, but things that are inside can stay
12 for a while. Touch DNA also depends on how much that item
13 is handled. So if you're looking at, say, something that's
14 not handled very much or very often, it can be there for a
15 while. I recollect a case that I worked on. It was a
16 break-in in a business and the security box had been pried
17 off the wall. I recovered a fingerprint off the back of the
18 security box which the officer couldn't do anything with. I
19 got DNA from that, but it ended up matching to the
20 employment who had installed the box originally. So, I
21 don't know how long that box had been on the wall, but it
22 was on there long enough and I was able to obtain DNA from
23 that.

24 Q It could be many, many months?

25 A Potentially, it depends on the handling. Something

1 like, say, the doorknob of the courtroom where people are
2 grabbing it many times on a daily basis, that could be worn
3 off pretty quickly, despite the next person that comes
4 through. Something that's not handled very much could be
5 there for quite a while.

6 Q And of course, you're not on scene, correct? You don't
7 go out into the field and swab things yourself at a crime
8 scene, correct, generally?

9 A Almost never.

10 Q Almost never. And you rely upon the officers that are
11 at a location to take that little -- looks like a q-tip,
12 right, and brush it on items that, you know, they believe,
13 based on the investigation, may have DNA on them, correct?

14 A Yes.

15 Q Okay. And that's how you come into play. What they
16 send you, you analyze, correct?

17 A Yes.

18 Q Thank you.

19 MS. CAMPBELL: That's all I have for this officer.

20 THE COURT: Ms. Swanson?

21 CROSS-EXAMINATION

22 BY ASST. SOL. SWANSON:

23 Q Mr. Donahue, how are you doing?

24 A Pretty good.

25 Q Good. I have just a few questions for you. You

1 testified that when something is handled frequently, any DNA
2 that may have been there, may not be there for as long, and
3 you used the example of a door knob.

4 A Right. So, as I said, the doorknob on the outside
5 coming in, something like that, that's public or in a
6 business or something like that, that's something that's
7 handled regularly. I touch it and then you come by and you
8 touch it and there's a decent chance that you could pick up
9 DNA that I left behind and transfer it onto your hand.

10 Q Right. So like, let's say a homeowner with a doorknob,
11 a door lock, or a sliding glass door latch, would that be
12 the same scenario?

13 A Based on my experience with home and business
14 burglaries, as well, touch DNA from those items, normally,
15 we only receive -- normally, we get the homeowners DNA from
16 those items; it's typical.

17 Q Right. So typically, you get the homeowners DNA from
18 those items. And would it be probative to test those items
19 if the suspect in the case had actually been invited to the
20 house the day before? And let's say a burglary.

21 A I don't know about the probative value. We could test
22 it.

23 Q Could you tell when the DNA was left though? Like when
24 he was invited versus when he broke in.

25 A No.

1 Q Right. You don't know when the DNA was left?

2 A Correct.

3 Q Okay. Just on touch DNA, generally, is it unusual not
4 to get touch DNA from something that we know has been
5 touched by someone?

6 A No. It's not unusual. There's just not as much DNA in
7 -- on your hands from those people as there is in, say, a
8 drop of blood. In a drop of blood, you get a lot of white
9 blood cells with a lot of DNA. When you touch something,
10 you're not leaving as much DNA behind. And again, it also
11 depends on the amount of contact: how long did you touch it,
12 did you handle it for a long time, was it something that was
13 held violently or something with a lot of friction. A
14 steering wheel, for example, we get quite a bit of touch DNA
15 off of the steering wheel. But a light switch, something
16 that you just flick real fast, we -- matter of fact, I
17 can't recall ever getting DNA from a light switch. So things
18 like that matter.

19 Q Okay. So would it surprise you -- let's say you
20 watched a video of Adrian Jenkins touching and hopping over
21 a fence and then the fence was swabbed and turned in as
22 evidence and you didn't get evidence off that fence. Would
23 that be surprising at all?

24 A No.

25 Q Okay.

1 ASST. SOL. SWANSON: Thank you. I have nothing further.

2 THE COURT: Anything further, Ms. Campbell?

3 REDIRECT EXAMINATION

4 BY MS. CAMPBELL:

5 Q Just that, Officer Donahue, you can't analyze something
6 you don't have, correct?

7 A That's correct.

8 MS. CAMPBELL: That's all I have.

9 THE COURT: Anything further?

10 ASST. SOL. SWANSON: No, ma'am.

11 THE COURT: Sir, you are excused. Thank you.

12 MS. CAMPBELL: May it please, The Court?

13 THE COURT: Yes, ma'am.

14 MS. CAMPBELL: At this time, the defense rests

15 THE COURT: Ladies and gentlemen, at this time the
16 defense has rested their case. What we have left to is hear
17 the closing arguments from the attorneys and my charge on
18 the law. And there are some matters of law I need take up
19 with the attorneys. So we're going to do that tomorrow
20 morning and then send the case to you for your
21 deliberations.

22 Madame Foreperson, and members of the jury, I'm going
23 to ask that you be back in your jury room tomorrow morning
24 at 10 a.m. I don't want to bring you any earlier than that
25 because there'll be enough for us to do. I'm going to try

1 and reduce as much as I can in the time that you are waiting
2 for us. But the intent is, ladies and gentlemen, is that
3 you come in at 10. You will hear closing arguments, I will
4 charge you on the law, and we will send the case to you.
5 All right?

6 Ladies and gentlemen, I'm going to have to remind you
7 again, even though you have heard all the evidence, you
8 have not heard the closing arguments or my charge on the
9 law, and it wouldn't be appropriate for you to discuss this
10 case with each other or anyone else. Additionally, you are
11 not to do any independent research in regards to this case.
12 Also, ladies and gentlemen, again, there has been nothing in
13 the newspaper or the news on this case, but again I put it
14 to caution that if tomorrow there is, you are to disregard
15 it. All right?

16 Ladies and gentlemen, I suggest you to go home, get a
17 good night's sleep. I look forward to seeing you all at 10
18 a.m. in your jury room tomorrow morning. Thank you.

19 (Whereupon, the jury exits the courtroom and the
20 following is held on the record.)

21 THE COURT: All right. I think we need to go ahead and
22 renew our motions for the record and talk briefly about the
23 jury charge. Let's go ahead.

24 MS. CAMPBELL: At this time, the defendant renews his
25 motion for direct verdict, and also his motion for a

1 mistrial. I think Your Honor ruled on that previously, and
2 all other pretrial motions and objections that we had during
3 the trial. Thank you.

4 THE COURT: Thank you, Ms. Campbell. These are in the
5 light most favorable to the non-moving party; I do find that
6 there is adequate evidence for which this jury could
7 determine your client committed the offense of burglary,
8 first degree, and I'm going to send it to them for their
9 deliberations. As far as any other previous motions, I
10 stand by my prior rulings and they are denied.

11 To speak very briefly about the jury charge, I don't
12 think there's anything that remarkable about this case.
13 Obviously, I'm going to charge that the defendant didn't
14 take the stand and it's not to be considered by the jury.
15 We're going to charge the lengthy circumstantial evidence
16 charge that says that if they do rely on circumstantial
17 evidence, all of them have to be together to have to be able
18 to point to the defendant's guilt. Anything particular any
19 side can think of as far as a jury charge, from the State?

20 ASST. SOL. SWANSON: Nothing as far as a jury charge,
21 but just to remind The Court to instruct the jury about the
22 stipulation as to the identity of the defendant in the
23 video.

24 THE COURT: Okay.

25 MS. CAMPBELL: Did you want us to draft something?

1 THE COURT: Do you mind? If you're okay with that.
2 All you have to do is say that the parties agree that the
3 person in the video is Mr. Jenkins.

4 MS. CAMPBELL: Perfect.

5 THE COURT: So make sure you give that to us in the
6 morning, if that's fine. Anything in particular you can
7 think of that you're looking for, Ms. Campbell?

8 MS. CAMPBELL: Well, I am wondering if a charge should
9 be given about the fact that he is indicted on two previous
10 burglaries being for burglary in the first degree, that
11 those previous convictions shouldn't be considered in
12 determining his guilt or innocence.

13 THE COURT: On this charge. It is an element of it.

14 MS. CAMPBELL: That's the dilemma. They are an
15 element, because the State chooses to make them part of the
16 elements that they have to prove ---

17 THE COURT: Right.

18 MS. CAMPBELL: --- in this case. But, you know,
19 outside of that, you know, it shouldn't shed any negative
20 light upon him in any other manner, and I'm not really sure,
21 and I'll try and prepare something for you tomorrow. I'd
22 like to look that up and see.

23 THE COURT: See if you can find anything.

24 MS. CAMPBELL: I will work on it.

25 ASST. SOL. SWANSON: I believe in State v. Fenton, they

1 just mention that the limited instruction to the jury was
2 something to effect of it shouldn't be taken as evidence
3 that he acted in conformity therewith. That it's just the
4 prerequisite for the aggravator for burglary first. I don't
5 know if that helps.

6 THE COURT: Trasi, why don't you pull State v. Fenton
7 and just look at it.

8 MS. CAMPBELL: We'll put something together.
9 Obviously, we've had expert testimony. We've had the
10 situation with, you know, the Solicitor mentioned in her
11 opening "Is Your Honor going to charge the full reasonable
12 doubt charge in addition to the hesitate to act." I usually
13 like to know that ahead of time.

14 THE COURT: I do the same one in all criminal cases and
15 it's the fuller one, I'm sure.

16 MS. CAMPBELL: And I think the first sentence in that
17 says the "hesitate to act."

18 THE COURT: It is the first sentence.

19 MS. CAMPBELL: Okay. I can't think of anything else.

20 THE COURT: I can't think of anything else either.
21 This is a straight -- it's a burg first or it's not.
22 There's no lesser.

23 MS. CAMPBELL: Nothing lesser, no.

24 THE COURT: Oh, Leigh Ellen was just asking if you want
25 any kind of charge on just as far as the redactions were

1 concerned. And it's just to explain to them that again, that
2 is not for your consideration. And it's not probative in any
3 way as to anything in this case or any elements in this
4 case. Thank you. Anything else?

5 MS. CAMPBELL: No, ma'am.

6 THE COURT: Okay. All right. So, let's plan on being
7 here about a quarter till 10 tomorrow morning. It always
8 takes us longer to get it together on the day we're
9 charging, so let's give us some time so we can be ready to
10 go. You're going to do the closing. You've done the whole
11 case.

12 ASST. SOL. SWANSON: Yes, ma'am.

13 THE COURT: Okay. Anything else we need to do before
14 the morning? No? Okay.

15 (5:00 p.m., whereupon, the case in this trial is
16 adjourned for the evening. Thereafter, on Wednesday
17 morning, 10:00 a.m., the following is held on the record.)

18 THE COURT: Okay. So no objections to the jury charge?

19 MS. CAMPBELL: Not from the defendant. Thank you.

20 THE COURT: From the State?

21 ASST. SOL. SWANSON: None from the State.

22 THE COURT: Very good. Let's bring the jury in, thank
23 you.

24 BAILIFF: Jury's entering the courtroom, Your Honor.

25 THE COURT: Thank you. You may be seated. Good

1 morning, ladies and gentlemen. It's a pleasure to see you
2 all. At this time as I told you, you are going to hear the
3 closing arguments from the attorneys. I'm going to charge
4 you on the law that's applicable to this case and we're
5 going to send it to you for your deliberations. All right?
6 So, whenever you're ready, Ms. Campbell.

7 MS. CAMPBELL: Thank you, Your Honor.

8 CLOSING ARGUMENT

9 BY MS. CAMPBELL:

10 Good morning. It's clear from the testimony you heard
11 that George Lawson told Officer Rios and Investigator Snider
12 that he did not load up the speakers when Adrian Jenkins
13 asked about the speakers. He told them that they're not for
14 sale. So George Lawson left the investigators in this case
15 with the impression that he just took Miranda Brock and
16 Adrian Jenkins for a ride. When in reality, he went with
17 them to sell the speakers for crack cocaine.

18 Deception by George Lawson. This is a recurrent in
19 these matters. He only admitted what really happened when I
20 questioned him, when I got deeper and deeper. And finally,
21 he came clean that they did, in fact, load up the speakers.
22 They did try to sell them.

23 Now, he wouldn't go so far as to say "Oh yeah, I was
24 trying to sell them for crack." Of course not. Because you
25 see, George Lawson has been from the very beginning as I

1 said at the start of this case, the man with two faces. And
2 remember when I asked him about the Facebook right after
3 this happened? He seemed caught off guard a little bit.
4 Like how did she know? Did you shut down the Facebook right
5 after this happened, so nobody could see what was going on?

6 And finally, he said, "Well, yeah, I think maybe I
7 did." And ask yourselves, why would a burglar leave two
8 televisions in the trailer? You can see in the video
9 there's plenty of time to take whatever you want. It goes
10 on and on and on. And I submit to you that Adrian Jenkins
11 only took what was owed to him or what he was given
12 permission to get out of the house, either to sell or trade
13 for crack cocaine. You can see in the video, the car is
14 slow coming up; it's slow leaving. And the dogs even seem
15 to know Adrian because they certainly don't try to attack
16 him or keep him out of the yard.

17 And if you look at the video again, and you have the
18 right to do that, he's not, like, wearing a hoodie. He's
19 not trying to disguise himself. And Officer Snider
20 testified about the video, "No, it didn't have the right
21 date. It didn't have the right time. We just took what
22 George Lawson gave us."

23 Now, I could ask George Lawson, "You know, George, did
24 you tell Adrian Jenkins to get that TV, that particular TV,
25 that X-box and take them to the dope man?" Okay, he's going

1 to say no. Doesn't do me any good to go down that road with
2 George Lawson, but I think based upon his behavior and the
3 deception in these matters and the masquerade, you can make
4 that assumption. You can make that inference. You're
5 allowed to do that.

6 And ask yourself, "What kind of people are you dealing
7 with? What kind of enemies have you made? Where people are
8 trying to kill your dogs." I mean, that's why he told you
9 he had the surveillance camera up. Why he was surveilling
10 his areas. "Who in the world are you associating with?"

11 And I want you to think, and we're going to talk about
12 this a little bit later, but those very important hours
13 between 4 p.m. and 9 p.m. and let's talk about why that's
14 important. George Lawson told you that he got home at 4:00.
15 He had picked his son up from school, they came in, and his
16 ten year old son went immediately to watching TV for five
17 hours.

18 Now, I submit to you, those five hours, George Lawson
19 was waiting. He was waiting on the crack. He was waiting
20 on Adrian to return, you know, the \$20 he gave him that
21 morning, the TV and the X-box later that day. That's the
22 reason he waited five hours. And you know, when he realized
23 Adrian wasn't coming back with the crack, that's when he
24 picks up the phone and he calls the Sheriff's Department and
25 he says, "Hey, I've been burglarized." He calls them out

1 there and they begin an investigation. Again, to that same
2 point, what ten year old boy do we know comes home and he's
3 got a PlayStation, like a gaming system, and 45 or so games,
4 and doesn't get right on that station. They're addicted to
5 it. You know, come in the door, throw down your book bag,
6 get you a snack and you are on your box. Right? Doesn't
7 make sense. Doesn't fit.

8 Remember what Miranda Brock told you. George Lawson
9 was calling her on the morning of September 17th saying,
10 "Hey, where's my crack?" You know, she testified, she was
11 there, she saw him, heard him give Adrian \$20 to go get him
12 some crack and bring it back to him. And again, a burglary
13 is the allegations, in broad daylight. Who brings two
14 witnesses with you to commit a burglary? Who tries not to
15 disguise themselves or hide themselves in any way? Again,
16 no hoodie.

17 In fact, not even no hoodie, you got your shirt
18 completely off where you can see every identifying tattoo on
19 you. You're not wearing a mask. You're not wearing gloves,
20 and in the middle of a neighborhood with neighbors around,
21 no attempt to conceal yourself. And you don't even get in
22 and get out quick. You're there for what appears to be a
23 very long time trying to get whatever you're supposed to be
24 there to pick up.

25 George Lawson told law enforcement that he believed the

1 burglar used the deadbolt to get out the front door, and
2 that's important. We'll talk about that in a minute.

3 Miranda Brock came here yesterday. You know, she
4 didn't have anybody to reward. She didn't have anybody to
5 try and hurt. She just came here to tell you the truth. She
6 swore to tell the truth. And how do we know Miranda Brock
7 was telling you the truth? Well, I would say that when the
8 Solicitor asked her, you know, "When's the last time you
9 used crack?" and she admitted the last time she used crack
10 was last week. That's honest. I mean, it's not as if we
11 are going to pull her down off the stand if she said, "No,
12 not in six months," and go drug test her and prove her
13 wrong. She was brutally, painfully honest with you. She
14 could've lied, but she didn't.

15 She also told you Adrian is a drug abuser. He's not a
16 dealer. Now, he may go and get a little something for
17 somebody on occasion, but she wouldn't characterize him as a
18 drug dealer like the man she knew as Titus Singleton. She
19 gave you that very important piece of information, that on
20 the morning of September 17th, they went together, she and
21 Adrian, to the barber shop and the \$20 exchanged hands.

22 Miranda also told you she'd smoked crack with George
23 before. There's a past; there's a history there. Now, she
24 also told you, interestingly enough, that when Adrian
25 followed her into George's house on September 16th, the day

1 before, that it was almost as if George and Adrian kind of
2 hit it off right away. You know, they talk about the
3 speaker, do you want to sell that? And sort of this fast
4 friendship came up to try and trade the speakers for some
5 crack. And George, eventually, drove them to Roseida road,
6 nobody home then dropped them off sometime later at Burton
7 Wells Park.

8 Oh, my gosh, Stephanie Campbell, law enforcement talked
9 to that poor girl back when all this was going on. She's
10 very sick. She's homeless. She's suffering from an
11 addiction to drugs. She was afraid. She came in here. You
12 saw her break down. She told you she was afraid. She had
13 been given her Miranda rights, told they were investigating
14 a burglary, and she was caught between the two. And what do
15 I mean by that? She was caught between law enforcement and
16 Titus Singleton, the drug dealer who was murdered. Now,
17 he's dead now. He can't hurt her now. So she comes in here
18 and she tells you the rest of the story. Which is yes, they
19 took that TV and that X-box out to Titus's trailer.

20 Officer Snider, oh, my gosh, she is -- she's a trained
21 Investigator. So, don't tell me she can't track down
22 Miranda Brock. A couple of phone calls, a couple of missed
23 meetings. My limited resources, I found Miranda Brock. I
24 sat down with her, had my investigator fully interview her.
25 All the resources of the Sheriff's Department at her

1 disposal, and a key person in this whole scenario is never
2 even spoken to. I don't believe she looked for her.

3 And remember what Adrian Jenkins' encounter with
4 Officer Snider was when he talked to her. He said "Hey,
5 there's a video at the barber shop. Go get it. It will
6 show you that I gave George -- that George gave me twenty
7 dollars. Go get that video. It shows what's really going on
8 here."

9 And Officer Snider, as she testified to you, she didn't
10 even go out there. She didn't even ask about the video;
11 certainly didn't secure it. And you know, what Adrian
12 Jenkins, what any man or woman in this courtroom deserves
13 from law enforcement when they are faced with accusations of
14 this kind, is a thorough, is a clean, is an investigation
15 that is warranted and deserved, every single one of us,
16 family members, mother, father, child deserves that kind of
17 investigation. Adrian did not get that. That kind of crack
18 in the foundation of law enforcement investigation is a
19 disservice to every single one of us.

20 She also testified she got no video from the day prior,
21 when they were all there at the house. All she got was what
22 George Lawson had edited and brought down to law
23 enforcement. What he gave them. She allowed George Lawson
24 to guide and to steer her investigation in this case.

25 Now, we had to bring to you Officer Donahue, from the

1 DNA lab. He's a lovely man. He's testified many times. And
2 he told you quite frankly, "You know, whatever they give me,
3 I will analyze. But if I don't have something, you know, I'm
4 not in the field. I can't tell them go out there and get
5 something. I cannot analyze it." And that's where the
6 deadbolt comes back into play.

7 George Lawson says that he specifically told them,
8 "This deadbolt has been touched by the person I'm saying
9 burglarized my house." Not a swipe of a swab, not a
10 fingerprint, nothing. They secured absolutely no evidence
11 in that particular element of this case. Take a look at the
12 photos that are in evidence, thoroughly. We didn't pick and
13 choose what we wanted you to see. We put them all in
14 evidence, and that's important. We gave you everything.

15 Remember, The State of South Carolina, in their opening
16 statement to you, they tried to present a picture of George,
17 the barber, and his son living at this house on Peacock
18 Street -- Run, that was horrifically burglarized by Adrian
19 Jenkins. This is a picture that they are painting for you.
20 And so, you know, they didn't show you the photos from the
21 interior of the house. We had to do that. Ask yourselves
22 why. I think it can be clearly seen why.

23 The photos on the interior of that house really depict
24 the state of squalor that this ten year old was living in.
25 What's going on in that house? Again, peel back t

1 he layer, peel back the layer of paint that the State of
2 South Carolina has applied for you and the true color of
3 this case is going to show up.

4 You know, I had to bring to you, on behalf of my
5 client, the reality of this case, and it's just not pretty,
6 it's not, but it's the truth. And you deserve the truth.
7 George Lawson, the truth is, he used crack. He bought
8 crack, tried to sell speakers to the dope man with Miranda
9 Brock and Adrian Jenkins. And he gave Adrian Jenkins \$20 on
10 September 17th, to buy him a twenty dollar piece of crack.
11 And sometimes, the truth comes in packages that are kind of
12 hard to handle. They're not wrapped up in a pretty little
13 pink bow, and that's what we had with Stephanie and Miranda.
14 Young women who are addicts, using crack when they're
15 pregnant, being homeless, but these things are the truth and
16 they're real, and we brought them here for you.

17 Now, the State, obviously because they did not bring
18 them here, didn't want real. They didn't want the truth.
19 And when the State is confronted with anything that
20 challenges or tries to peel back the layer of paint that
21 they have put on this for you, they attack. And just like
22 Stephanie Campbell and Miranda Brock saw and felt yesterday,
23 teary-eyed, suffering to be here, but still being here and
24 bringing you the truth.

25 Now, you might ask yourselves at some point during your

1 deliberations, "What is this thing called reasonable doubt?"
2 And Judge Mullen will tell you that a reasonable doubt is
3 the kind of doubt that would cause a reasonable person to
4 hesitate to act. Now, there's some more that goes along with
5 that, but I think that the brevity of that is very important
6 because it gets to heart of the matter, which is each one of
7 you, each individual one of you was carefully selected,
8 because we believe that you carry with you the ability to be
9 reasonable and discuss the testimony in this case without
10 bias, without prejudice, and to evaluate the credibility of
11 the witnesses. And in doing so, make a determination as to
12 whether or not you can believe what that person is telling
13 you.

14 Now, The State of South Carolina said in their opening
15 statement, "You know, this case is not about George Lawson.
16 This case does not attack his credibility. You know, on and
17 on about that, but it really -- really, George Lawson, if I
18 don't bring you the truth of George Lawson, who's going to
19 do it? That's my responsibility as Adrian's attorney. And
20 I'm going to do my responsibility in this courtroom.

21 When you try and attempt to discover the truth and sit
22 in judgment, look at the evidence in this case and consider
23 the elements of reasonable doubt. And for a very long time
24 it had been explained to me many years ago, and I still use
25 this example, and I think it's very helpful. If you were in

1 the mountains, and you were on the top of one peak of a
2 mountain and there's another peak of a mountain, and George
3 Lawson built you a wooden bridge between the two peaks, and
4 there's clearly a great divide in the cavern below, and
5 obviously, not a good thing to fall off that bridge or have
6 it not hold you. Can you step upon that bridge -- well,
7 first of all, can you take George Lawson's hand and can you
8 step your feet out upon that bridge and walk across that
9 great divide with him? Depending upon him to have built you
10 the kind of bridge that would protect you and save your
11 life? That's a huge, important personal decision that we
12 make every day, judging and assessing the reliability and
13 the character of the people we have to depend upon.

14 I would say to you, also, that if you cannot take his
15 hand, if you cannot walk across that bridge, that is a
16 verdict of not guilty. That is reasonable doubt.

17 Now, there's something in the law called the
18 presumption of innocence, and Her Honor explains it very
19 well, and I will leave that explanation to her, but what the
20 importance for me is, is that the presumption of innocence,
21 kind of, is the bed rock, the foundation, the concrete
22 foundation of this building of criminal justice.

23 And that now rests upon your shoulders, the sustaining
24 of the integrity of what we do, and really our American
25 system of criminal justice. And if the bar is lowered in

1 any way by anyone on reasonable doubt, on the presumption of
2 innocence, that provides, however tiny, or however great, a
3 crack in the foundation. And that crack in the foundation
4 affects every single one of us.

5 Now, sometimes it's difficult to do the tough thing and
6 it might be difficult to come back here and say to the State
7 of South Carolina, "You know, you didn't meet your burden.
8 We can't believe this witness and the investigation in this
9 case is lacking." But as citizens of this county, and the
10 burden that is placed upon you, and the oath that you took,
11 you may be called upon to do the difficult thing.

12 Every single American, every single one of us has the
13 right to remain silent and require the State to prove guilt
14 beyond reasonable doubt. It's a sacred right. And so Judge
15 Mullen will tell you, when Adrian made the decision not to
16 testify in this case, can't even be in your mind, certainly
17 can't be talked about during your jury deliberations.
18 Again, one of the pillars of our criminal justice system and
19 our rights as Americans.

20 Remember, and I think it's important for you to
21 remember, Adrian's already talked about this. He's already
22 talked to law enforcement. And what did he learn? "I'm
23 telling them about evidence that proves I'm innocent and
24 they don't even get it. They don't even ask about it."

25 And what kind of feeling can that leave you with about

1 how you might be able to help yourself? And certainly as I
2 began my work sometime later on this case, I'm limited when
3 evidence has not been secured properly.

4 Judge Mullen will also tell you about the fact that
5 this is characterized as an aggravated burglary case. That
6 the State of South Carolina has placed two indictments and
7 two sentencing sheets in evidence. Take your time. Look at
8 them. See what's there, what's not there. See whether or
9 not the State has met that element of aggravated burglary.
10 You're going to ask yourselves and consider the fact that
11 common sense, common knowledge, can come into this and
12 factor into this.

13 Every day defendants come into this courtroom and they
14 plead guilty, and it appears from the indictments and
15 sentencing sheets that you have, that Adrian Jenkins did
16 that twice before; and as he stands here today saying to
17 you, "I'm not guilty. This is not something that I did."

18 I'm confident that you'll honor your obligation to the
19 rule of law and at some time there will come a time for you
20 to take a vote, and your Forelady, you know who's presiding
21 over your deliberations, individual thought processes,
22 individual feelings, those are yours, and you don't have to
23 give them up for anyone. You may hold onto them.

24 I believe that when the time comes and you'll tear off
25 the piece of paper and you will write down what you believe

1 to be the proper decision in this case, and you will fold it
2 up and you will pass it down the line to your Forelady and
3 she will open them up and she will read them. I believe
4 that the words "not guilty" will be written upon those
5 pieces of paper.

6 This is my last opportunity to speak to you. The State
7 of South Carolina's going to talk to you in just about two
8 minutes; I'm about done. And I just ask you, if the State
9 of South Carolina says something in their closing, perhaps
10 you might think in your mind, "Well, what might Ms. Campbell
11 say in reply to that, since I don't have an opportunity to
12 reply.

13 I thank you for your attention. I thank you for your
14 time. And on behalf of Adrian, I thank you for your oath to
15 take seriously this case and to judge the credibility of
16 those witnesses and to return a true verdict.

17 As I said at the beginning, the great painter, Pablo
18 Picasso, looking at the face, what's inside the face, and
19 what's behind the face. Part of your responsibility in this
20 matter is to peel back those layers of paint that the State
21 and George Lawson have given to you. Look behind it.
22 Determine what you believe the true colors are. And ask
23 yourselves one last time, "Who in the world comes in at 4:00
24 and takes them five hours to realize that they are missing
25 items from their home? Items that are used every single

1 day."

2 The truth of the matter is George Lawson lied to the
3 police, he lied to you. And has never shown the police or
4 you his true face. As I said at the beginning, this is the
5 man with two faces. I'm confident that you'll see the true
6 face and that you'll see the true facts and return a verdict
7 in this case of not guilty. Thank you so much.

8 ASST. SOL. SWANSON: Thank you, Your Honor. May it
9 please The Court?

10 THE COURT: Yes.

11 CLOSING ARGUMENT

12 BY ASST. SOL. SWANSON:

13 The problem with the theory that the defense has spoken
14 to you about is that there are absolutely no facts in the
15 record to support it. Ms. Campbell wants you to make giant
16 leaps of reasoning to assume facts that are not in evidence,
17 facts that didn't come from this witness stand, facts that
18 were not in the video, facts that are not in the pictures,
19 and the only thing that you can consider are the facts that
20 are in evidence. Our arguments are not evidence. They're
21 merely things that should help you reach your conclusion.
22 You can consider them in reaching your conclusion.

23 There's been absolutely no testimony by Miranda or
24 Stephanie that there was some agreement between George and
25 Adrian that he be allowed to enter his house and go take his

1 kids' stuff and take it over to some drug dealer. None of
2 that was testified to on this stand. Those facts are not in
3 evidence. But let's start with what is in evidence. Let's
4 talk about the facts that both sides agree on. And there
5 are a number of uncontroverted facts. Facts that you
6 shouldn't even have to spend any time discussing, because
7 they're facts that we both agree on.

8 Number one, Miranda and Adrian went to George's house
9 on [REDACTED] on September 16, 2015. Number two, Adrian
10 went inside. Number three, Adrian asked to borrow a shirt.
11 And number four, George gave it to him. Number five, there
12 was a discussion about speakers for sale. No discussions
13 about any other electronics. There was a discussion about
14 speakers for sale.

15 Number six, they went to several locations in George's
16 truck. Seven, Adrian went back to George's the next day.
17 He went back in Stephanie Campbell's car. Kelsey Krimmer
18 was present. Number eight, Adrian is the man in the video
19 that you see fumble with the lock on the fence, hop the
20 fence, go towards the back of the house, disappear for
21 several minutes inside the house while he's searching for
22 whatever he can grab and get his hands on, and then come
23 around the front of the house and dump electronics over the
24 fence. You also see him go back to the front, disappear for
25 a few more minutes and come out with another load of items,

1 put them in the car and drive away. All of these facts are
2 things that the defense has agreed happened and are true.

3 Also, I want to address a few things that Ms. Campbell
4 has harped on and I would classify as red herrings in this
5 case. Lack of DNA. John Donahue, DNA Analyst for Beaufort
6 County Sheriff's Office. We've worked on a number of cases
7 together. He testified that in burglary cases, typically, if
8 a door knob, a door handle, or something of that nature had
9 been swabbed, it comes back as the homeowners. Well, in
10 this case, we had the lock that Adrian fumbled with and
11 whose DNA comes back on it? Well, George Lawson's. Okay,
12 nothing unusual about that. Well, Adrian also hopped the
13 fence, touched the fence, you clearly saw that in the video.
14 His DNA didn't come back on that. Well, that's because we
15 don't always get touch DNA. It's very finicky. Very few
16 cases does touch DNA actually come back to help us and John
17 Donahue testified to that.

18 The other problem, is that Adrian had been invited
19 into the house the day before. His DNA could've been there
20 from when he was invited in the house. If we had been lucky
21 enough to get his DNA in the house, the defense would say,
22 "Well, how do we know it wasn't from when he was invited in
23 there?" Well, we wouldn't, because as John Donahue said he
24 can't tell you when DNA was left behind.

25 Let's talk about drug use. Apparently, everybody in

1 this case uses drugs to a different degree. But that
2 doesn't give Ron license to go traipsing through somebody's
3 house without permission and take their stuff. It just
4 doesn't. The State doesn't choose their victim. Criminals
5 choose their victim, and the law protects all victims.

6 Shoddy investigation; let me address this. You guys
7 saw the video. You heard George's testimony that he was one
8 hundred percent certain that that number two guy in the
9 lineup was Ron Jenkins, who burglarized his house. This was
10 never an identity case, okay? So we are lacking on
11 forensics. It was not an identity case. What was the focus
12 was interviewing witnesses.

13 Stephanie Campbell was interviewed. Kelsey Krimmer was
14 interviewed. And back in September of 2015, they told a
15 consistent story. A consistent version of what happened.
16 Adrian Jenkins, Ron, told them, "Hey, I need a ride because
17 I need to go pick up some of my stuff from my ex-
18 girlfriend's house." Really? Well, there was no woman that
19 lived at George's house. That was no ex-girlfriend's house.
20 If everything was on the up and up, why did Adrian tell that
21 lie?

22 Investigator Snider tried to interview Miranda. She
23 called her several times. Set up several meetings with her.
24 Miranda had several excuses for her and she finally never
25 showed up to the meetings that they could set up. You know,

1 Miranda, who knows what state she was in back in September
2 of 2015. I mean, she told you that she had used crack a
3 week ago. I mean, I ask you to remember her demeanor on the
4 stand. It would shock me if she wasn't under the influence
5 of something yesterday. She didn't even realize that
6 Investigator Snider, who had left message after message for
7 her, was a woman. And she's sitting right here, "Oh well, I
8 -- he never called me. He never talked to me." I don't
9 know, she's been on a bender for months and months and you
10 can't trust what she says.

11 Let's move onto what does need to be discussed and
12 that's the credibility of the witnesses. I want to remind
13 you what Ms. Campbell promised you in her opening statement,
14 because it turns out to be an empty promise. She promised
15 you that Miranda Brock was going to be the key witness. She
16 was going to bust this case wide open. Is that what you got
17 from her testimony? She's sad. She's a pregnant, crack
18 addict who had used George from time to time as a place to
19 fall. He eventually gets sick of it, asked her to leave at
20 some point. I don't know, was she upset about having to
21 leave his place? You know, does she have an axe to grind
22 because he made her leave? What did she even testify to?

23 I got a little confused during her testimony. It was
24 rambling. It was incoherent at times. But the just of it
25 was that George at some point gave Adrian \$20 to go buy some

1 crack for them to share. She never said he gave him
2 permission to go in his house. In fact, I think she said
3 Adrian stayed in the truck. So there wasn't even any
4 exchange between George and Adrian. She never said anything
5 about electronics to go buy drugs. Just gave him \$20.

6 Well, let's think back to Adrian's statement to
7 Investigator Snider, where he tells her he knows George
8 because he was supposed to go buy some crack for him one
9 time but never did. Well, so I guess that means he stole his
10 20 bucks, too, and his kids' stuff. George didn't report
11 that part. But when he unlawfully entered his house and
12 stole his kids' stuff, yeah, he called the police and he
13 called the police immediately upon realizing that.

14 And let's not forget that she has no idea what happened
15 on [REDACTED] on the 17th for what she calls the robbery,
16 because she wasn't there. What is important about her
17 testimony, though, if it's true, is that Ron knew George was
18 at work before he went by his house. He knew George was not
19 going to be there and his house was free for the picking.
20 Ron saw his opportunity and he took it.

21 I do need to ask you, if she's willing to jeopardize
22 the health of her unborn child, what else is she willing to
23 do? Does she have a conscience? And is that somebody who
24 we should trust? Remember, that's the defense's key witness.

25 What about Stephanie? Stephanie is another sad case.

1 Homeless. She had used crack the morning of her testimony.
2 She had been on a self-proclaimed three-day-bender at the
3 time of the burglary on the 17th. Pretty sure what she told
4 Jen Snider, in September of 2015, is going to be more
5 accurate then whatever she remembers after what's been going
6 on in her life the past several months, because she was not
7 in a good state.

8
9 She's an admitted liar. She didn't want to admit that
10 she was a liar, but she had to. And now, she comes in here
11 to say that they went to [REDACTED] for money, not to go
12 get some stuff from Ron's ex-girlfriend's house. Okay,
13 well, what does it even matter? Let's say they did go there
14 for money. They went to an empty house while George was at
15 work to go get money.

16 Well, Ron didn't come out with money. He came out with
17 George's kid's stuff. Doesn't matter. Doesn't prove
18 anything. Doesn't prove that Ron had permission. Doesn't
19 prove that Ron was getting the items to sell for drugs to
20 give to George. Doesn't prove any of that. And then they go
21 dump the items at some drug dealer's house, who's since been
22 murdered? What does that even have to do with George? And
23 these are George's kid's things. If he's going to give
24 anything, why would he give his ten year old son's things to
25 a drug dealer? That doesn't even make any sense. And why

1 would he call police about it?

2 I also want you to remember that she denied saying Ron
3 went inside the house, probably because she thought she was
4 protecting him. And then I had to play the recording of her
5 interview with Snider, where she clearly says he went inside
6 the house and he asked us to help him load up the X-box
7 games and TV.

8 And then later in the interview, I got out of her on
9 the stand, she back tracks and says, "Oh, well, I didn't
10 really see very much. There were bushes." And she starts
11 thinking, maybe I shouldn't have said that. The truth is,
12 he went inside that house and she knew he wasn't supposed to
13 be inside that house because why else would she be trying to
14 protect him?

15 I'm not asking you to like my witnesses or their
16 lifestyles, but I am asking you to judge their demeanor and
17 compare them to the two witnesses that the defense brought
18 to you. We've got apples and oranges. George and Kelsey,
19 while they may have used drugs in the past from time to
20 time, they have jobs. They have stability. They were
21 consistent with their prior statements and they have
22 credibility. They were coherent on the stand. They answered
23 all their questions. They did not dodge any questions.

24 It was the complete opposite for Miranda and
25 Stephanie.

1 Let's talk about the video. You can watch the video and
2 tell that he went inside. You can watch the video as many
3 times as you need to, all you have to do is ask.

4 You can look at all these pictures. Actually, I'm
5 going to publish State Exhibit's Six.

6 (State's Exhibit Six, DVD, begins play as Ms. Swanson
7 speaks.)

8 And it's very clear on the video that he goes around
9 back, into the house to get whatever items he can, because
10 remember, he came by on the 16th and cased it while George
11 went to go get him that t-shirt. He followed George over to
12 his bedroom, checked out what he had there, checked out what
13 he had in this other room.

14 Oh, let's talk about these speakers. Wonder what else
15 this guy has? Grabbed whatever he could get his hands on
16 and was easy to carry and then unlocked the deadbolt.
17 Remember, George said it was unlocked when he came home, and
18 came around front, dumped the items over the fence right
19 here.

20 (DVD is ended.)

21 Remember, also, George testified that although he locks
22 his sliding glass door, if you pull hard enough on the
23 locked door, it comes open, but that's the door that he
24 uses. He doesn't use the front door. And you can tell in
25 these pictures, there's a well-worn trail to the back door.

1 That back door is the one he uses. So that front deadbolt
2 shouldn't have been unlocked.

3 Remember your common sense when you're watching that
4 video. He went inside. George never gave him permission.
5 He testified to that. He testified that the items taken
6 were located inside the house and what he testified to was
7 direct evidence that Adrian committed an unlawful entry into
8 the dwelling of another without permission. That's the
9 first part of the burglary law.

10 The statement I played for you from Stephanie about
11 Adrian going inside the house is also direct evidence. The
12 video, because you can't see the actual entry, is
13 circumstantial evidence. You weigh it just the same as
14 direct evidence. The unlocked deadbolt, also circumstantial
15 evidence, but it's weighted the same and you consider that
16 as well.

17 George also testified that the TV, the fifty to sixty
18 X-box games and two X-box controllers belonging to his son
19 that were missing from the house were not items that he had
20 given Ron permission to take. That he did not owe Ron
21 anything. In fact, if you're to believe what the defense
22 witnesses say, it sounds like Ron still owes George 20
23 bucks, or at least 20 bucks worth of crack.

24 The theft, or larceny, of these items satisfies the
25 second requirement under the burglary law. And that's that

1 we must show that the defendant had the intent to commit a
2 crime in that dwelling. Okay? The intent to. We don't
3 even have to show that he did commit the crime. But here,
4 we have the theft and larceny of George's son's X-box games
5 and TV.

6 The third part of aggravated burglary is the aggravated
7 part. And here, we've entered Adrian Jenkins' two prior
8 convictions for burglary. Jennifer Snider testified to his
9 identifying information, which is also on those certified
10 convictions. That should be somewhere in this stack, but
11 they will certainly be going back to the jury with you.
12 They are sentencing sheets and indictments. They have his
13 name on them. They have his date of birth. They have his
14 social security number. And they have convictions for
15 burglary in the second degree. I ask that you look at
16 those. Those are uncontroverted. They are him. He's got
17 those prior convictions.

18 I don't want to beat a dead horse and I don't want to
19 make you like me less than you already probably do.
20 Sometimes, as prosecutors, we do have to ask tough questions
21 to get to the truth, but the bottom line is that I'm still
22 asking you the same two things that I asked you to do
23 yesterday, and that's to speak the truth and to follow the
24 law.

25 The law protects all victims. We don't choose our

1 victims. Ron chose his victim. But we do choose who to hold
2 responsible for breaking the law. And it's time that Adrian
3 Ron Jenkins is held responsible for the choices that he made
4 and the law that he broke. Please remember that reasonable
5 doubt is just that. It's reasonable. Keep your common
6 sense. Don't let your emotions sway you. And I'm going to
7 ask you to return a verdict of guilty against Adrian Jenkins
8 for burglary in the first degree. Thank you.

9 JURY CHARGE

10 BY THE COURT:

11 Thank you. Madame Foreperson, members of the jury,
12 you've followed very patiently and listened very attentively
13 to the presentation of the evidence in this case and I want
14 to thank you for that. It now becomes the duty of the trial
15 judge and the Constitution of this state to charge and
16 instruct you on the law that applicable to this case.

17 Ladies and gentlemen, it is your duty as jurors to
18 accept the law as I state it to you. As jurors, it is your
19 exclusive duty to decide all issues of fact in this case.
20 You must determine the effect, the value, the weight, and
21 the truth of the evidence. But the State of South Carolina
22 and the defendant have a right to expect that you will
23 carefully consider and evaluate the evidence and apply the
24 law of the case to the evidence.

25 By doing so, the State of South Carolina and the

1 defendant, Mr. Jenkins, will receive and obtain a fair and
2 impartial trial in this case. I remind you, ladies and
3 gentlemen, that the fact the defendant was arrested,
4 charged, indicted in this case is not evidence in this case,
5 and cannot be considered by you as evidence of guilt in this
6 case. Nor does it create a presumption or inference of
7 guilt.

8 An indictment is simply the formal written instrument
9 that contains a charge made against a defendant. It is the
10 formal document by which a case is brought into this
11 courtroom. The defendant, Mr. Jenkins, has pled not guilty
12 to this indictment. Therefore, the State has the burden of
13 proving him guilty beyond a reasonable doubt.

14 Ladies and gentlemen, a person charged with committing
15 a criminal offense in South Carolina is never required to
16 prove themselves innocent. I charge you that it's an
17 important rule of law that the defendant in a criminal
18 trial, no matter what the seriousness of the charge may be,
19 will always be presumed innocent of the crime in which an
20 indictment was issued, unless guilt has been proven by
21 evidence satisfying you the jury of that guilt beyond a
22 reasonable doubt.

23 This presumption of innocence does not end when you
24 begin your deliberations. It accompanies the defendant
25 throughout the trial, until you, the jury, reach a verdict

1 of guilt based on evidence satisfying you of that guilt
2 beyond a reasonable doubt.

3 Ladies and gentlemen, a presumption of innocence is
4 like a robe of righteousness. It's placed about the
5 shoulders of the defendant. It remains with the defendant
6 until it's been stripped away by evidence satisfying you of
7 the defendant's guilt beyond a reasonable doubt. The
8 presumption of innocence is not a mere legal theory. It's
9 not just a legal phrase we use. It's a substantial right to
10 which every defendant is entitled, unless you, the jury, are
11 satisfied from the evidence of the defendant's guilt beyond
12 a reasonable doubt.

13 As I stated, The State has the burden of proving the
14 defendant guilty beyond a reasonable doubt. And the term
15 reasonable doubt must be given its plain and ordinary
16 meaning. However, to the extent I may define it for you, a
17 reasonable doubt is a kind of doubt that would cause a
18 reasonable person to hesitate to act in the most importance
19 of their personal decisions.

20 The defendant is entitled to every reasonable doubt
21 arising in this case. If, upon any issue of fact essential
22 to a conviction, you have a reasonable doubt as to how that
23 issue should be resolved, you must resolve that reasonable
24 doubt in favor of the defendant. Some of you may have
25 served as jurors in civil cases in the past, where you were

1 told that it was only necessary to prove that a fact is more
2 likely true than not true. Something we call by the greater
3 weight or the preponderance of the evidence.

4 In criminal cases, the State's proof must be more
5 powerful than that. It must be beyond a reasonable doubt.
6 Proof beyond a reasonable doubt is proof that leaves you
7 firmly convinced of the defendant's guilt. Now ladies and
8 gentlemen, there are very few things in this world that we
9 know with absolute certainty, and in criminal cases, the law
10 does not require proof that overcomes every possible doubt.
11 If, based upon your consideration of the evidence, you are
12 firmly convinced that the defendant is guilty of the crime
13 charged, you must find the defendant guilty. If, on the
14 other hand, you think there's a real possibility that the
15 defendant is not guilty, you must give the defendant the
16 benefit of the doubt and find him not guilty.

17 I remind you that you and I have certain duties to
18 perform during this trial. As the judge, it's my
19 responsibility to preside over the trial of this case and I
20 also have the duty to rule on the admissibility of evidence
21 that's offered during the trial.

22 You are to consider only the confident evidence that's
23 before you. If there was any testimony ordered to be
24 stricken from the record in this case during this trial, you
25 must disregard this testimony. You are to consider only the

1 testimony which has been presented from the witness stand
2 and any exhibits which have been made a part of the record
3 and any stipulations of counsel.

4 Ladies and gentlemen, a stipulation is an agreement
5 between the attorneys in this case regarding a certain fact
6 or issue. And in this case, the State of South Carolina and
7 the defendant, Adrian Jenkins and his lawyer, hereby
8 stipulate and agree that the video, which was placed in
9 evidence in this matter, depicts Adrian Jenkins at [REDACTED]
10 [REDACTED].

11 I have the additional duty to charge you on the law
12 that's applicable to this case. I am the sole judge of the
13 law, and it's your duty as jurors to accept and apply the
14 law as I now state it to you. If you have any ideas as to
15 what you think the law is or what the law ought to be, and
16 it does not agree with what I now tell you the law is, you
17 must abandon this idea, because you are sworn to accept the
18 law exactly as I state it to you.

19 In every case tried in this Court before a jury, the
20 jury becomes the sole and exclusive judge of the facts. The
21 trial judge cannot comment on or make any statement to a
22 trial jury about the facts in a case. And since you, the
23 jury, are the sole judge of the facts in this case, you're
24 not to infer from what I said during the process of this
25 trial and ruling upon the admissibility of evidence or

1 otherwise, or anything that I will say now during the course
2 of this instruction to you, that I have any opinion about
3 the facts in this case. The law does not allow you to have
4 an opinion about the facts in this case. This is a matter
5 solely for you, the jury, to determine.

6 As jurors, it is your duty to determine the effect, the
7 value, the weight and truth of the evidence presented during
8 the case. Now, there are two types of evidence that are
9 generally presented during a trial, direct evidence and
10 circumstantial evidence.

11 Direct evidence is the testimony of a person who claims
12 to have actual knowledge of a fact, such as an eyewitness.
13 Circumstantial evidence is proof of a chain of facts and
14 circumstances indicating the existence of a fact. Crimes
15 may be proven by circumstantial evidence. The law makes no
16 distinction between the weight, or value, to be given to
17 either direct or circumstantial evidence.

18 However, the extent the State relies on circumstantial
19 evidence, all of the circumstances must be consistent with
20 each other, and when taken together quite conclusively to
21 the guilt of the accused beyond a reasonable doubt.

22 If these circumstances merely portray the defendant's
23 behavior as suspicious, the proof has failed. The State has
24 the burden of proving the defendant guilty beyond a
25 reasonable doubt. And this burden rests with the State,

1 regardless of whether the State relies on direct evidence,
2 circumstantial evidence, or some combination of the two.

3 Ladies and gentlemen, it is your duty to determine the
4 credibility of witnesses who have testified in this case,
5 and credibility simply means believability. It becomes your
6 duty as jurors to analyze and evaluate the evidence and to
7 determine which evidence convinces you of its truth.

8 In determining the believability of witnesses who have
9 testified in this case, you may believe one witness over
10 several witnesses or several witnesses over one witness.
11 You may believe a part of a witness's testimony and reject
12 the remaining part of a testimony of that same witness. You
13 may believe the testimony of the witness in its entirety or
14 reject the testimony of a witness in its entirety.

15 You may consider whether a witness has exhibited to you
16 any interest, any bias, prejudice, or other motive in this
17 case. You may also consider the appearance and manner of a
18 witness while on the witness stand.

19 The Rules of Evidence ordinarily do not permit
20 witnesses to testify to opinions or conclusions. An
21 exception to this rule exists for witnesses we call expert
22 witnesses. A witness, who by education and experience, has
23 become expert in some art, science or profession. They give
24 an opinion as to the subject a witness claims to be an
25 expert in. They may also give the reasons for giving it.

1 You should consider any expert opinion given by a witness
2 and like any other evidence, give it the weight you think it
3 deserves.

4 If you decide that an expert witness's opinion is not
5 based on sufficient education and experience, or if you
6 decide if the reasons given in support of the opinion are
7 not sound, or that the opinion is outweighed by other
8 evidence, you may disregard the opinion entirely.

9 An expert witness's testimony is to be given no greater
10 weight than that of other witnesses simply because the
11 witness is an expert. And you do not have to accept an
12 expert's opinion, even though they can be uncontradicted.

13 I instruct you and emphasize that the fact that the
14 defendant did not testify is not a factor to be considered
15 by you in any way in your deliberation and in your
16 consideration on the question of the guilt or innocence of
17 the defendant. It must not be considered by you in any
18 manner whatsoever. A defendant has the constitutional right
19 to remain silent, and the exertion of this right is not to
20 be considered by you in your deliberation.

21 I repeat, under your oath, you are to draw no
22 conclusion whatsoever from the fact that the defendant in
23 this case did not testify. The fact this defendant did not
24 testify should not even be discussed in the jury room. The
25 burden of proof as I have stated to you is on the State.

1 The defendant is not required to prove his innocence.
2 Again, the burden of proof remains on the State to prove
3 guilt beyond a reasonable doubt.

4 Now, there has been evidence presented that witness's
5 had made prior statements which are not consistent with the
6 witness's present testimony. You may use this evidence to
7 decide whether to believe the witness. You may also use the
8 evidence of the early contradictory statements to determine
9 the truth of those statements.

10 It is up to you to decide whether to decide to believe
11 the earlier statements or the testimony given at trial. If
12 a witness is shown to have knowingly testified truthfully
13 concerning any material in the matter, you may consider this
14 and determine whether to trust the witness's testimony as to
15 other matters. You may reject all testimony of that witness
16 or give all or part of the testimony the weight you think it
17 deserves.

18 Now, in this case, Mr. Jenkins is charged with first
19 degree burglary. To prove first degree burglary, first, the
20 State must prove beyond a reasonable doubt that the
21 defendant entered a dwelling without consent. A dwelling is
22 any building, or portion of a building, which a person
23 ordinarily sleeps. A building constructed as a dwelling
24 that has never been occupied cannot be considered a dwelling
25 for purposes of burglary. But a building is a dwelling even

1 if the residents are temporarily absent from the building.

2 In order to prove the defendant entered the dwelling,
3 the State does not have to show that the defendant's entire
4 body entered the dwelling. The smallest entry is
5 sufficient. It may be any part of the body, such as a hand
6 or a foot, or even an instrument, such as a hook or other
7 instrument.

8 In addition, the State does not have to prove that
9 force was used to gain entry. If a person enters a building
10 by using deception, artifice, trick, or misrepresentation to
11 get consent to enter, this is entry without consent.

12 Next, the State must prove beyond a reasonable doubt
13 that the defendant intended to commit a crime, either a
14 felony or a misdemeanor at the time of the entry. The mere
15 entry into a dwelling without consent is not burglary. If
16 the intent to commit a crime is formed after the entry, it
17 is not burglary.

18 On the other hand, if the defendant intended to commit
19 a crime at the time of the entry, it is a burglary even if
20 the intent was abandoned after the entry. It does not
21 matter if the intended crime was not completed. Intent may
22 be shown by acts and conduct of the defendant and other
23 circumstances from which you may naturally and reasonably
24 infer intent.

25 Finally, the State must prove beyond a reasonable doubt

1 that the defendant has a prior record of two or more
2 convictions for burglary and/or house breaking. Sentencing
3 sheets pertaining to the defendant have been entered into
4 evidence in this case and are available for your
5 consideration. Portions of those sentencing sheets have
6 been redacted to remove information not relevant to this
7 case, and you are not to presume anything from these
8 redactions, ladies and gentlemen.

9 Evidence of prior offenses committed by the defendant
10 was not offered to prove the defendant has a bad character
11 or to prove that the defendant committed the burglary on
12 this occasion. The prior convictions may be considered by
13 you only for the purpose of determining whether or not it
14 satisfies that element of the offense that makes it first
15 degree burglary if you enter a dwelling without consent to
16 commit a crime therein and you have two prior convictions
17 for burglary and/or house breaking.

18 Before you even consider the evidence in the
19 defendant's prior burglary and/or house breaking
20 convictions, you must first find the State has proved beyond
21 a reasonable doubt that a burglary was committed by the
22 defendant. If you find beyond a reasonable doubt that the
23 burglary was committed, then you may consider the evidence
24 of the prior convictions as evidence of one of
25 circumstances, which would make it burglary or a burglary in

1 the first degree.

2 If you do not find beyond a reasonable doubt the
3 defendant committed these alleged prior offenses, you cannot
4 return a verdict of first degree burglary.

5 Madame Foreperson, ladies and gentlemen of the jury, as
6 you retire to begin your deliberations in this case, I must
7 express to you that I hope that each of you are mindful of
8 the importance of your responsibility here today. You're
9 not called upon very often to serve as jurors and the proper
10 performance of that duty requires that each of you reach the
11 height of freeing your mind of all improper influences.

12 Ladies and gentlemen, don't get the idea that I'm
13 trying to intimate to you how you should decide this case.
14 As I've already told you, under the laws of the State of
15 South Carolina, you, the jury, are the sole judge of all
16 facts, and it would be highly improper for me to influence
17 you in your decision making and your performance of that
18 duty.

19 So again, I'm not trying to tell you how you should
20 find your verdict. However, as the presiding officer of this
21 Court, I am vitally concerned that whatever verdict you
22 reach, will represent truth and justice for everyone
23 involved in this case.

24 Ladies and gentlemen, you owe no support or sympathy to
25 anyone. The Court is of the confirmed opinion that whatever

1 verdict you reach will be unanimous and fair to all parties.

2 Ladies and gentlemen, to that end, my law clerk has
3 prepared a verdict form. It has a case caption. It simply
4 says, the State of South Carolina vs. Adrian LaRon Jenkins,
5 and there is one question and it simply says, please circle
6 the appropriate verdict below.

7 As to the charge of burglary in the first degree, we,
8 the jury, unanimously find the defendant -- and it's either
9 guilty or not guilty.

10 Madame Foreperson, you would sign whichever is
11 appropriate and then there is a place for you to sign your
12 name and date the verdict form. I remind you, ladies and
13 gentlemen, that your verdict must be unanimous. It must be
14 the verdict of all twelve jurors. So to that end, ladies and
15 gentlemen, I have completed my jury charge to you, and for
16 the very last time, I am going to send you back to your jury
17 room and I'm going to tell you not to begin your
18 deliberations.

19 If there's further law the lawyers want me to instruct
20 you, I'm going to bring you back out to the courtroom and
21 I'm going to instruct you further. If not, I'm going to
22 send the verdict form, Madame Foreperson, and the other
23 evidence that was entered into this case, back to your jury
24 room, and that's going to be your signal to begin your
25 deliberations.

1 Additionally, when you have reached a unanimous
2 verdict, I need you to knock on the jury room door so we can
3 accept you back in here. All right?

4 Ladies and gentlemen, I also want to let you know that
5 while you've seen my court reporter has taken down
6 everything that's been said during the trial of this case,
7 we do not have a transcript -- a printed transcript of the
8 trial. If there is any testimony that you would like to
9 rehear, what I can do is bring you back into the courtroom
10 and I can play the audiotape of that testimony. I just need
11 to inform you that if you ask for a certain testimony of a
12 witness, I am required to play the entire testimony of that
13 witness. So that means both direct, cross, and any redirect
14 and recross, all right? But we certainly can do that if you
15 need us to because, of course, we have a backup audio tape
16 which is how we do it. All right?

17 So ladies and gentlemen, thank you for your time and
18 attention. I'm going to ask you to return to your jury
19 room. Do not begin your deliberations until you receive the
20 verdict form and the evidence.

21 (11:46 a.m., whereupon, the jury exits the courtroom
22 and the following is held on the record.)

23 BAILIFF: Jury is clear and the door is closed, Your
24 Honor.

25 THE COURT: Thank you, Norman. Any exceptions or

1 additions to the charge, from the State?

2 ASST. SOL. SWANSON: None from the State.

3 THE COURT: From the defense?

4 MS. CAMPBELL: No, Your Honor.

5 THE COURT: All right. Let's make sure we have all the
6 evidence and then we will send it back to them.

7 (Both lawyers come to the court reporter stand where
8 the exhibits are and verify that all of the exhibits are
9 there and ready to go back.)

10 THE COURT: All right. Does the State agree that all
11 the exhibits are there and you agree that they, along with
12 the verdict form, can be taken back to the jury to begin
13 their deliberation?

14 ASST. SOL. SWANSON: Yes, Your Honor.

15 THE COURT: From the Defense?

16 MS. CAMPBELL: Yes, Your Honor.

17 THE COURT: All right, Norman, you may take the
18 exhibits and the verdict form to the jury.

19 (11:49 a.m., whereupon, the bailiff takes the exhibits
20 and verdict form back into the jury room to instruct the
21 jury to begin deliberations.)

22 BAILIFF: Are you ready for the alternates, Judge?

23 THE COURT: At this time, I am going to go ahead and
24 excuse you. You are, at this point, permitted to discuss
25 the case if you want to. Sometimes the attorneys want to

1 ask you your thoughts. Of course, you are not required to
2 speak to anyone. When you go home, you can tell your
3 colleagues or your family what you've been doing here;
4 that's permissible. The only thing I need to ask if that if
5 you've made friends with any of these other jurors, I don't
6 want you speaking with them until we've reached a verdict,
7 if for some reason they were to go overnight.

8 Additionally, you all are also welcome, if you are
9 interested, in knowing what the verdict is, simply talk to
10 the Clerk of Court's office and you can ask about what the
11 verdict is. Thank you all for being here. I appreciate
12 your patience and really appreciate you being here. If
13 anybody needs a work excuse or anything, let Norman know and
14 he can direct you on where to go in the Clerk's office to
15 get one.

16 (11:50 a.m., whereupon, the alternate jurors exit the
17 courtroom and the following is held on the record.)

18 THE COURT: All right. We will be at ease while we
19 await the jury's verdict.

20 (11:51 a.m., whereupon, the Court is in recess while
21 awaiting the jury's verdict in this case. Thereafter, at
22 12:06 p.m., the bailiff informs the Court that the jury has
23 reached a verdict.)

24 THE COURT: It's my understanding that we have a
25 verdict in this case. I just want to let anyone know that

1 if you can't contain yourself, please remove yourself at
2 this time. I would hate to take anyone into custody. All
3 right? So if that is all, let's bring the jury out.

4 BAILIFF: Yes, Your Honor.

5 (12:19 p.m., whereupon, the jury enters the courtroom
6 and the following is held on the record.)

7 BAILIFF: The jury is entering the courtroom, Your
8 Honor.

9 THE COURT: Ladies and gentlemen of the jury, y'all may
10 be seated. Madame Foreperson, I understand the jury has
11 reached a verdict.

12 FOREPERSON: We have.

13 THE COURT: Please hand it to the bailiff. Ms.
14 Campbell, would you and your client please rise. In the
15 case of the State of South Carolina v. Adrian Laron Jenkins,
16 as to the charge of burglary in the first degree, we, the
17 jury, unanimously find the defendant guilty. Signed by our
18 foreperson and dated today's date.

19 Ladies and gentlemen of the jury, if this is your
20 verdict, would you please indicate by raising your right
21 hand?

22 (Jurors comply.)

23 THE COURT: I note that everyone has raised their right
24 hand. Thank you, you may be seated. Ms. Campbell, would
25 you like this jury individually polled?

1 MS. CAMPBELL: Thank you, Your Honor, please.

2 THE COURT: All right. Ladies and gentlemen, what is
3 going to happen is I'm going to ask you, each one of you
4 individually, if this is your verdict and if this is still
5 your verdict. All right? So when I call your name, I just
6 want you to raise your hand so I know who I'm looking at and
7 who I'm speaking to.

8 Trey Elder, sir, is this your verdict?

9 JUROR: Yes, ma'am.

10 THE COURT: Is it still your verdict?

11 JUROR: Yes, ma'am.

12 THE COURT: Ms. Fulton, ma'am, is this your verdict?

13 JUROR: Yes.

14 THE COURT: Is it still your verdict?

15 JUROR: Yes.

16 THE COURT: Thank you, ma'am. Ms. Ellis, is this your
17 verdict?

18 JUROR: Yes.

19 THE COURT: Is it still your verdict?

20 JUROR: Yes.

21 THE COURT: Mr. Furman, sir, is this your verdict?

22 JUROR: Yes.

23 THE COURT: Is it still your verdict?

24 JUROR: Yes.

25 THE COURT: Ms. Hohenwarter, is this your verdict?

1 JUROR: Yes.

2 THE COURT: Is it still your verdict?

3 JUROR: Yes.

4 THE COURT: Mr. Nyce, sir, is this your verdict?

5 JUROR: Yes, Your Honor.

6 THE COURT: Is it still your verdict?

7 JUROR: Yes, Your Honor.

8 THE COURT: Ms. Hibbett, is this your verdict?

9 JUROR: Yes.

10 THE COURT: Is it still your verdict?

11 JUROR: Yes.

12 THE COURT: Ms. Rioux, is this your verdict?

13 JUROR: Yes.

14 THE COURT: Is it still your verdict?

15 JUROR: Yes.

16 THE COURT: Ms. Mullan, is this your verdict?

17 JUROR: Yes.

18 THE COURT: Is it still your verdict?

19 JUROR: Yes.

20 THE COURT: Ms. Padgett, is this your verdict?

21 JUROR: Yes.

22 THE COURT: Is it still your verdict?

23 JUROR: Yes.

24 THE COURT: Mr. Jackson, is this your verdict?

25 JUROR: Yes.

1 THE COURT: Is it still your verdict?

2 JUROR: Yes.

3 THE COURT: And lastly, Ms. Doerr, is this your
4 verdict?

5 JUROR: Yes.

6 THE COURT: Is it still your verdict?

7 JUROR: Yes.

8 THE COURT: Thank you. All right. Anything further
9 required of this jury?

10 ASST. SOL. SWANSON: No, Your Honor.

11 THE COURT: From the defense?

12 MS. CAMPBELL: No, Your Honor.

13 THE COURT: Ladies and gentlemen of the jury, I want to
14 thank you all. I know it's not easy to sit and judgment in
15 criminal cases, and I appreciate that. I know most of the
16 time people always say to me that this is a difficult job
17 and what you had to do here is difficult. What remains in
18 this case is for me to go ahead and sentence Mr. Jenkins,
19 which I'm going to do right now. You are welcome to stay if
20 you want to or not. But I would like to tell you a couple
21 of things before I go ahead and do that, and then I'll give
22 you the opportunity to leave if you choose to, or if not,
23 you can just stay in your place.

24 You are now permitted to go home and tell people what
25 you've been doing here; that's allowed. Sometimes, the

1 attorneys may want to ask you what you would offer. Of
2 course, you're not required to talk to anyone. If anyone
3 persists, you simply call up here to the Clerk's office and
4 let them know and I will take care of them. Again, you are
5 not required to talk to anyone.

6 Ladies and gentlemen, I want you to know again that not
7 only did you resolve this case for the county, but
8 additionally, there were many other cases that started on my
9 docket at the beginning of the week and by way of guilty
10 plea or dismissals or diversionary programs, we were able to
11 get rid of most of those cases on the docket. So again,
12 your simple job is to serve. You have no idea what that
13 does for us and to be able to move our docket, because we
14 certainly couldn't try every case that is before us. We
15 just simply don't have the time or the people power to do
16 it, or the money, for that matter.

17 So to that end, ladies and gentlemen, thank you. We
18 really appreciate it. Also, if you need a work excuse, you
19 can get that from the bailiff as well or anything else you
20 need before you leave.

21 Ladies and gentlemen, I am going to go ahead and now
22 sentence Mr. Jenkins, so you are welcome, like I said, to
23 either stay in your place or to go ahead and excuse
24 yourself. So we have some, ladies and gentlemen, if you
25 would like to leave, now is the time to go ahead and do it.

1 If you would like to stay, you are welcome to stay. All
2 right?

3 (Off the record, briefly. Then, back on the record.)

4 MS. CAMPBELL: Your Honor, I understand that you are
5 intending to proceed to sentencing at this point.

6 THE COURT: Yes.

7 MS. CAMPBELL: I would renew all of my objections made
8 during the course of the trial on behalf of my client for
9 the record, and I would prefer to go ahead and make my
10 motion for a new trial today, subsequent to the sentencing
11 and just kind of resolve all the matters today so that we
12 can move forward.

13 THE COURT: And while it's fresh in your mind. I think
14 that's an excellent idea.

15 MS. CAMPBELL: Correct, with the appeal process.

16 THE COURT: Yes, the only thing I will tell you is I do
17 have a 1:00 hearing, civil hearing, so depending on our
18 timing and how much time you need, I will stay here as long
19 as you need me to, to deal with that. I will note that you
20 have renewed all of your previous objections. Again, I rest
21 on my earlier rulings on all those objections.

22 ASST. SOL. SWANSON: If I may hand up the sentencing
23 sheet. And the State would like to be heard in regards to
24 sentencing at the appropriate time.

25 THE COURT: All right. I would like to know his entire

1 prior record, please.

2 ASST. SOL. SWANSON: What I have starts in 1999 with
3 CDV. In 2000, receiving stolen goods, trespassing, burglary
4 second, two counts of assault and battery of a high and
5 aggravated nature, strong arm robbery, auto breaking,
6 attempted strong arm robbery.

7 THE COURT: These are all in 2000?

8 ASST. SOL. SWANSON: Yes, ma'am.

9 THE COURT: Okay.

10 ASST. SOL. SWANSON: In 2006, strong arm robbery. 2007
11 ---

12 THE COURT: If I can ask you, what was his sentence on
13 the 2000's; do you know?

14 ASST. SOL. SWANSON: Five years, suspended to three
15 years' probation is what ---

16 THE COURT: Can you see where he served on probation?

17 ASST. SOL. SWANSON: And then in 2001, at some point,
18 it looks like one of those charges was converted to a YOA,
19 probably during a probation violation.

20 THE COURT: Okay.

21 ASST. SOL. SWANSON: And so it was five years, not to
22 exceed or -- I'm sorry. YOA not to exceed six years. And
23 then possibly converted to a five year sentence on the
24 remaining charges. That would have ---

25 THE COURT: Ms. Campbell might be able to clear that up

1 for us.

2 ASST. SOL. SWANSON: We do need probation here, because
3 he's currently on probation.

4 THE COURT: Okay. Thank you. So if you can continue
5 while she is going to get probation.

6 ASST. SOL. SWANSON: Okay.

7 THE COURT: So is that the entire record?

8 ASST. SOL. SWANSON: No, ma'am.

9 THE COURT: Let me hear the rest of it.

10 ASST. SOL. SWANSON: So in 2006, strong arm robbery.

11 2007, strong arm robbery. 2010, simple possession of
12 marijuana, shoplifting times two, driving under suspension,
13 financial transaction card fraud \$500 or less. In 2011,
14 entering premises after warning, false information, drug
15 conspiracy, strong arm robbery and burg second.

16 THE COURT: Do you know, Ms. Campbell, if he's on
17 probation for the strong arm robbery in 2011 and drug
18 conspiracy and burg second?

19 MS. CAMPBELL: That's correct.

20 THE COURT: Okay. What was his sentence on that?

21 MS. CAMPBELL: It's close to time served; maybe like a
22 year.

23 THE COURT: Time served? What was the sentence, sir?

24 MR. JENKINS: It was 90 days.

25 MS. CAMPBELL: Ninety days.

1 THE COURT: Ninety days suspended to time served. I
2 find that hard to believe.

3 MS. CAMPBELL: Well, I can explain it in mitigation.

4 THE COURT: Okay. Do you have, Ms. Swanson, the
5 original sentencing sheets, before they were redacted?

6 ASST. SOL. SWANSON: Let me see if I did keep one of
7 them. It looks like on the burg second, he received six
8 years, provided upon the service of seven months and three
9 years probation.

10 THE COURT: Right.

11 MS. CAMPBELL: And that was seven months, time served
12 that he had spent in the detention center awaiting the
13 disposition of his case.

14 THE COURT: I understood that. So it was a six year
15 sentence, suspended. Was it a youthful offender? Was it a
16 six year youthful offender or ---

17 MS. CAMPBELL: I think it was straight time.

18 THE COURT: Your client is 33 now, Ms. Campbell?

19 MS. CAMPBELL: That's correct.

20 THE COURT: Okay. What's the State position on
21 sentencing, and I don't see Mr. Lawson here, so I presume he
22 doesn't want to speak in reference to sentencing, but what
23 is the State's position?

24 ASST. SOL. SWANSON: He does not. He is back at his
25 barber shop today. The State's position is that Mr. Jenkins

1 deserves a hefty sentence. He has literally been on our
2 docket every time he's come out of prison, you know, within
3 the month. He has been -- it's been a revolving door for
4 him. He's been given chance after chance and leniency after
5 leniency. I believe that a sentence of at least 40 years is
6 appropriate in this case. He's demonstrated the ability to
7 not be able to follow the laws of society. He just can't do
8 it. He just can't help himself.

9 THE COURT: Thank you. All right, Ms. Campbell, what
10 would you like to tell me, and certainly, anyone that would
11 like to speak on his behalf, I'm happy to hear from them.

12 MS. CAMPBELL: Thank you, Your Honor, may it please the
13 Court? I think if you look at Adrian's record, and again,
14 if you look at the names of the two women on the burglary
15 second indictments, everything that Adrian has been involved
16 in has ultimately involved players in the drug scene and
17 drug game within Beaufort County. Gina Barnett and Rochelle
18 Jenkins, same situations. They were burglaries that were
19 called out against Adrian over allegations of these women
20 having long histories, long records of drug abuse, and
21 criminal records within this county.

22 Same thing with the strong arm robberies, players
23 within the game of the drugs here in this county. No
24 innocent bystander, you know, going into the Circle K and
25 committing some robbery there. Whoever was involved in

1 these situations was a player in the game. We, of course,
2 argued and submitted that was exactly the same situation
3 here.

4 I can tell you that last week, or the week before, the
5 State offered a plea bargain in this case to Adrian of four
6 years ---

7 ASST. SOL. SWANSON: That is incorrect. The State
8 offered a 10-year recommendation on burg second, which Mr.
9 Jenkins had several opportunities to take and was more
10 lenient than it should have been.

11 MS. CAMPBELL: In any event, our understanding was that
12 upon his guilty plea, he would have been sentenced to four
13 years. Every single time Adrian has been under indictment
14 in this county, he has pled guilty. And the position that
15 he took in this case was, "I didn't do this. I'm going to
16 trial. I've admitted my guilt repeatedly for everything
17 I've ever done." He would sit in the detention center, he
18 would come to court, he would plead guilty and do his time
19 and move on. And he was not of the mind to do that in this
20 situation as he continued to maintain his innocence to me.
21 Very difficult to prove yourself innocent. Clearly, they
22 were short sentences. They were plea bargained down because
23 of the players that were involved. Adrian, as Your Honor
24 knows, is facing a minimum sentence of 15 years; a maximum
25 sentence of life in prison upon the conviction at trial

1 today.

2 THE COURT: These are -- it's a most serious offense,
3 obviously.

4 MS. CAMPBELL: Correct.

5 THE COURT: Additionally, it's an 85-percenter.

6 MS. CAMPBELL: Yes, correct. Violent; he will be
7 housed with violent offenders. I will tell you that we
8 would ask, obviously, for the minimum sentence. The maximum
9 time that Adrian has ever spent actually in the Department
10 of Corrections was when he received a three year sentence.
11 Every time he's been in the detention center, pled out, put
12 on probation, never received anything more than a three year
13 sentence that sent him to the Department of Corrections.
14 And so, you know, that is the situation that brings us
15 forward to today.

16 Obviously, I've known Adrian a long time. And I've
17 actually -- the sentencing sheet shows my boss, Gene Hood,
18 and one of the attorneys that work with me, James Bell,
19 having assisted him in entering the guilty pleas on the two
20 prior burglaries. But I've actually known Adrian a good
21 while and have worked with him in different capacities.

22 Adrian knows, again, I'm not a player. So we have a
23 different relationship. So Adrian's relationship with me is
24 one of extremely respectful. He always defers to me and
25 makes good choices on things that we're working on. He

1 requests, respectfully, of Your Honor, a minimum sentence.
2 He is 33 years old. Move away the non-parole aspect of
3 this, he would be 50 years old, roughly, when he could
4 return to this community and his family.

5 Adrian is a part of the Jenkins family from the
6 downtown Beaufort area, a long Beaufort family; many of whom
7 support and stand beside him and would be here if they
8 could. I think that's all I have on Adrian's behalf. I
9 will ask him if he wishes to address the Court at this time.

10 THE COURT: Okay.

11 MS. CAMPBELL: Did anyone else want to speak on
12 Adrian's behalf? I know we have a family member here and
13 his girlfriend is here. Thank you, Your Honor.

14 THE COURT: And Mr. Jenkins, would you like to speak,
15 sir?

16 MR. JENKINS: No, ma'am.

17 THE COURT: All right, sir. On Indictment 2015-GS-07-
18 1617, for burglary in the first degree, the sentence of this
19 Court is that you should be committed to the Department of
20 Corrections for a term of 20 years. Good luck to you, Mr.
21 Jenkins. And credit for the time he's served.

22 MS. CAMPBELL: Thank you, Your Honor. And we will try
23 to take up that motion for a new trial, maybe, this
24 afternoon.

25 THE COURT: Maybe 2:00; is that acceptable to you?

1 MS. CAMPBELL: Perfect. Thank you, Your Honor.

2 PROBATION AGENT: Your Honor, Mr. Jenkins is currently
3 on probation. Is it okay for me to terminate his probation?

4 THE COURT: Yes, you may. Bring me the paperwork.

5 (1:23 p.m., whereupon, the trial in this case is
6 adjourned. Thereafter, at 2:17 p.m., the defense's motion
7 hearing for a new trial in this case begins and the
8 following is placed on the record.)

9 THE COURT: Thank you, Ms. Campbell, for your written
10 motion for a new trial. I appreciate it. I'm ready to go
11 on this whenever you're ready.

12 MS. CAMPBELL: Thank you, Your Honor. May it please
13 the Court, Your Honor?

14 THE COURT: Yes, ma'am.

15 MS. CAMPBELL: Clearly, in this case, the bulk of our
16 argument would rest upon item number two. As far as one,
17 three and four, we would not have an argument at this time
18 on that. The Court heard our arguments during the trial.
19 They would be the same now in reference to that, except for
20 the fact that we take the position that the evidence did not
21 support the verdict, raising only a mere suspicion.

22 The most concern that we have in our motion for new
23 trial, and again, protecting Mr. Jenkins' rights, is that he
24 did not receive a fair trial. It's stated in the written
25 motion that as the jury returned the guilty verdict after 15

1 minutes of deliberation, we take the position that there is
2 no possible way the jury could have reviewed all of the
3 pieces of evidence; many of which were not published to them
4 during the trial. There were single items of evidence.

5 There's no way 12 people could have viewed all of the
6 pieces of evidence in that period of time, and then engage
7 in any meaningful deliberation or consideration of the
8 charge in this case. That the return in 15 minutes was
9 flippant and did not conduct themselves in the manner
10 according to the seriousness of the criminal trial and a
11 respect, really, of the charge that Your Honor gave them
12 about some of their duties and to their oath as jurors that
13 they took. Thank you, Your Honor. And again, we rest on
14 the Sixth Amendment.

15 THE COURT: Okay. I appreciate that. I don't know if
16 I need you to respond or if you want to respond, Ms.
17 Swanson. I can tell you in this case, you stipulated, of
18 course, that it was Mr. Jenkins in the video. It was there.
19 I think that they can find many portions of him coming to
20 the place and then leaving with the minimum that I saw was a
21 TV. Of course, I have no idea what was in the backpack or
22 whatever. I couldn't begin to speculate. But again, I
23 think that was simply enough to send it to the jury,
24 clearly.

25 I will also state that as far as the jury, I think your

1 word you said, they were very "flippant." I will tell you
2 that in my time here, this was probably one of the most
3 attentive juries I have ever had in a criminal trial. I
4 think, Ms. Campbell, you did a very good job trying to put
5 out your theory of what occurred, and quite frankly, I think
6 you had the best shot in front of this 12 that you ever
7 would have had. It was, my understanding, a very bright
8 jury, well educated. They were very attentive during the
9 trial of this case.

10 There was no issue -- I don't think I've ever had a
11 two-day trial where I didn't have to wait on one juror, or
12 someone ran late, or someone was not necessarily on their
13 toes, or we didn't have to keep people awake. They were
14 interested at times. I think this jury was very thoughtful.
15 I think they've listened very attentively during the trial
16 of this case. I thought also, too, as far as the jury
17 charge was concerned, it wasn't a very complex jury charge.
18 It didn't have to be, which I think is also helpful for
19 jurors to come to a more quick deliberation. I think they
20 weighed it all. I think they listened to it. And
21 respectfully, I'm denying your motion for a new trial. I
22 just don't think because they came back in 15 minutes means
23 they didn't consider everything in the case. So
24 respectfully, I'm going to deny your motion for a new trial.
25 MS. CAMPBELL: Thank you, Your Honor.

1 THE COURT: I see it's already been filed. All right.

2 Anything further in this matter?

3 ASST. SOL. SWANSON: Nothing from the State.

4 THE COURT: From the defense?

5 MS. CAMPBELL: No, Your Honor.

6 THE COURT: Thank you. Good luck, Mr. Jenkins.

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STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON) CERTIFICATE

I, REBECCA H. HILL, Official Court Reporter for the
Judicial Department of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had in the
hearing of the captioned case, in the Court of General
Sessions for Beaufort County, South Carolina, on the 18th
day of April 2016.

I do further certify that I am neither of kin, counsel,
nor interest to any party hereto.

July 29, 2016

Rebecca H. Hill

Rebecca H. Hill,
Official Court Reporter

STATE OF SOUTH CAROLINA)

County of Beaufort)Adrian Jenkins #273602)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

2018-CP-07-190
IN THE COURT OF COMMON PLEAS

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention S.C. Dept. of Corrections; Lieber Corr. Inst. P.O. Box 205 Ridgeville, S.C. 29472
2. Name and location of Court which imposed sentence Beaufort Co. Court of General Sessions, Hon. Carmen T. Mullen, Judge, and a jury; Beaufort, SC
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2015-65-07-01617; Burglary, first degree
 - (b) _____

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) April 18th-20th, 2016; twenty (20) years
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty N/A
- (b) after a plea of not guilty ✓
- (c) after a plea of nolo contendere N/A
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) N/A

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Assistance of Trial Counsel
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) _____
- (b) _____
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? No
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? No
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

(c) the disposition thereof:

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

(d) the date of each such disposition:

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. N/A
- ii. N/A
- iii. N/A

(b) the proceedings in which each ground was raised:

- i. N/A
- ii. N/A
- iii. N/A

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented: Ineffective Assistance of Trial Counsel
 (a) Claims of ineffective assistance of trial counsel must be
 (b) in collateral proceedings in SC - §17-27-50; Drayton v. Evgitt,
 (c) 312 S.C.4, 430 S.E.2d 517 (1993); Al-Shabazz v. State, 338 S.C. 354, 527
S.E.2d 742 (2000)
17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? _____
 (b) your trial, if any? Yes
 (c) your sentencing? Yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
No

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 i. Ms. Traci Campbell, Esq. 14th Circuit Public Defender's Office
P.O. Box 525 Beaufort, SC 29901
 ii. Mr. David Alexander, Appellate Defender, S.C. Comm. on Ind-
igent Defense, Div. of Appellate Defense P.O. Box 11589 Colu-
 iii. mbia, SC 29211-1589

- (b) the proceedings at which each such attorney represented you:

- i. trial and sentencing
 ii. Direct Appeal (Anders Brief)
 iii. _____



19. State clearly the relief you seek in filing this application: Conviction and sentence vacated and remanded for a new trial and any other relief the court may deem just and proper.

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)

County of Beaufort)

VERIFICATION

2018 JAN 31 PM 12:24
CLERK OF COURT
BEAUFORT COUNTY, S.C.

I, Adrian Jenkins #273602, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

AC

SWORN to and subscribed before me this 20th
day of December, 2017.

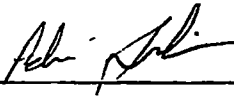
Luchean Bayard (L.S.)
Notary Public

My Commission Expires: May 26, 2020

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Adrian Jenkins #273602, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.



Applicant

SWORN or affirmed to and subscribed before me this
20th day of December, 2017.


Notary Public

My Commission Expires: May 26, 2020

2018 JAN 31 PM 12:24
CLERK OF COURT
DEPT. OF COURT
S.C.

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FOR THE 14 th JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	Case No.: 2018-CP-07-00190
Adrian L. Jenkins, #273602,	)	
	)	
Applicant,	)	AMENDED POST-CONVICTION
	)	RELIEF APPLICATION
v.	)	
	)	
State of South Carolina.	)	
_____	)	

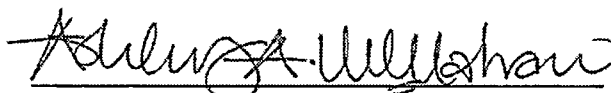
The Applicant, by and through his undersigned attorney, hereby amends his PCR application filed on December 28, 2016, to add the following allegations:

1. Trial counsel failed to argue in closing that the video of the Applicant was manipulated. The video had the wrong date and time on it and had been modified before shown to the jurors. Had Applicant known she was not going to argue this, he would have testified at the trial. Also, Applicant was never allowed to view the video before the trial.
2. Trial counsel failed to question George Lawson about the video and the chain of custody during the trial and did not object to the question about whether he thought somebody in the house.
3. Trial counsel failed to address the fact that the DNA on the cigarettes found at the scene came back as female.
4. Trial counsel was ineffective when she allowed Applicant's indictments that contained highly prejudicial details about previous crimes to be admitted as proof of prior convictions for burglary.
5. Trial counsel failed to argue that the State never proved entry into the dwelling and that the items were actually left outside for him to pick up.
6. Trial counsel did not move to quash the indictment. *See e.g. Old Chief v. US*, 519 US 172 (1997).
7. Trial counsel did not question Miranda Brock-Lucas if she told the Applicant those were her items in the yard.

Furthermore, the Applicant requests that he be permitted to amend his PCR application to conform to the evidence presented at the PCR hearing should any new or unaddressed issues arise during the course of the hearing that have not been

specifically addressed in the Application. *See Simpson v. Moore*, 367 S.C. 587, 627 S.E.2d 701 (2006).

Respectfully submitted,



ASHLEY A. MCMAHAN, ESQUIRE

McMAHAN TAYLOR ATTORNEYS, LLC

PO Box 5501

West Columbia, SC 29171

803-219-1110

ashley@mcmahantaylor.com

SC Bar No. 71676

ATTORNEY FOR APPLICANT

March 12, 2019

CERTIFICATE OF SERVICE

I certify that I have served this document via email to:

Benjamin H. Limbaugh
Assistant Attorney General
blimbaugh@scag.gov

This 12th Day of March, 2019.



ASHLEY A. MCMAHAN, ESQUIRE

Attorney for Applicant

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	
	)	
Adrian Jenkins, #273602,	)	Case No.: 2018-CP-07-0190
	)	
Applicant,	)	
	)	RETURN AND MOTION FOR
v.	)	MORE DEFINITE STATEMENT
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

Respondent, making its Return to the application for Post-Conviction Relief ("PCR") filed on January 31, 2018, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Beaufort County Clerk of Court. In January 2016, the Beaufort County Grand Jury indicted Applicant for first-degree burglary (2015-GS-07-1617). The charge arose from a September 2015 incident in which Applicant stole approximately fifty X-box videogames, a television, and other electronics from a home he had "cased" the day before with a friend who was borrowing a shirt from the victim. Tr. p. 96, ll. 3-19. Applicant already had two prior burglary convictions. Tr. p. 96, ll. 20-25. Trasi Campbell, Esquire, represented Applicant at trial. Assistant Solicitor Hunter Swanson prosecuted the case. On April 18, 2016, Applicant proceeded to trial before the Honorable Carmen T. Mullen. The jury found Applicant guilty of first-degree burglary. On April 20, 2016, Judge Mullen sentenced Applicant to imprisonment for twenty years.

Applicant filed a timely notice of appeal. Appellate Defender David Alexander, Esquire, filed a brief on behalf of Applicant pursuant to Anders v. California, 386 U.S. 738 (1967). Applicant

subsequently filed a pro se brief. The South Carolina Court of Appeals dismissed Applicant's appeal in an unpublished opinion filed October 4, 2017. State v. Jenkins, Op. No. 2017-UP-363 (Ct. App. 2017). The remittitur was returned to the circuit court on October 20, 2017.

Attached to this Return and incorporated by reference are the records of the Beaufort County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's appellate records, and the application. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his application for post-conviction relief, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of trial counsel
 - a. "Drayton v. Evatt, 312 S.C. 4, 430 S.E.2d 517 (1993)."
 - b. "Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000)."

III.

Respondent submits Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland v. Washington, 466 U.S. 668. First, Applicant must prove

that counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Respondent submits Applicant can satisfy neither requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRCPP. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file

amendments to this application. See Rule 11, SCRPC. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRPC.

V.

Respondent also hereby moves for a more definite statement. Applicant has failed to set forth any facts to "support each ground" or to explain with any specificity whatsoever the facts upon which his claims are based. The Uniform Post-Conviction Procedure Act requires the Applicant to "*specifically set forth the grounds upon which the application is based.*" S.C. Code Ann. § 17-27-50 (1985) (emphasis added). Respondent respectfully submits that it is incumbent upon Applicant, through counsel, to amend his application to set forth specific facts upon which his allegations are based so that Respondent may adequately prepare for an evidentiary hearing. Therefore, Respondent requests that Applicant be required to amend his application to set forth specifically the grounds on which his claims are based.

VI.

Respondent therefore requests that this Court convene an evidentiary hearing on the allegations of ineffective assistance of counsel. As to all other allegations, Respondent moves for summary dismissal pursuant to § 17-27-70 of the South Carolina Code of Laws on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

VII.

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this Return is hereby denied.

[Signature block on following page]

VIII.

WHEREFORE, Respondent requests that an evidentiary hearing be held on the claims of ineffective assistance of trial counsel.

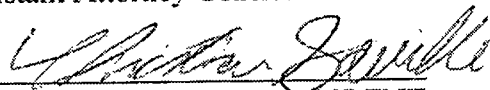
Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

CHRISTIAN SAVILLE
Assistant Attorney General

By: 
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5/1, 2018

STATE OF SOUTH CAROLINA	)	THE COURT OF COMMON PLEAS
	)	
COUNTY OF BEAUFORT	)	DOCKET NO. 2018-CP-07-0190
	)	
	)	
ADRIAN JENKINS	)	
	)	
Applicant	)	
	)	
vs.	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
Respondent	)	
	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD

April 2, 2019
 Beaufort, South Carolina

B E F O R E:

THE HONORABLE WILLIAM H. SEALS, JR., JUDGE

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

ASHLEY A. MCMAHAN, ESQ.
 Attorney for the Applicant

BENJAMIN LIMBAUGH, ESQ.
 Attorney for the Respondent

JOYCE C. RUEGER, CVR-M
 Circuit Court Reporter

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No Exhibits were introduced

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PROCEEDINGS

THE COURT: Good morning. The State may call your case.

MR. LIMBAUGH: Your Honor, may I approach?

THE COURT: Yes, sir.

[Whereupon, Mr. Limbaugh provides documents to the Court]

MR. LIMBAUGH: May it please the Court?

THE COURT: Yes, sir.

MR. LIMBAUGH: This is Benjamin Limbaugh for the State. First we're doing Mr. Adrian Jenkins; case number 2018-CP-07-0198 [sic]. He is represented by Ms. Ashley McMahan. Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Beaufort County Clerk of Court.

In January of 2016 Beaufort County Grand Jury indicted Applicant for first degree burglary. The charge arose from a September 2015 incident in which Applicant stole approximately 50 Xbox video games, a television and other electronics from a home he had cased the day before with a friend.

Applicant already had two burglary convictions. Traci Campbell, Esq. represented Applicant at trial. Assistant Solicitor Hunter Swanson prosecuted the case. On April 18th, 2016 Applicant proceeded to trial before

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1 the Honorable Carmen T. Mullen. The jury found Applicant
2 guilty of first degree burglary. On April 20, 2016 Judge
3 Mullen sentenced Applicant to prison for 20 years.
4 Applicant filed a timely notice of appeal. Appellate
5 Defender David Alexander, Esq. filed a brief on behalf of
6 Applicant pursuant to Anders v California.

7 Applicant subsequently filed a pro se brief. The
8 South Carolina Court of Appeals dismissed Applicant's
9 appeal in an unpublished opinion filed October 4th, 2017.
10 The remittitur was returned to the Circuit Court on
11 October 20th, 2017.

12 In his original application for post-conviction
13 relief Applicant alleged he was being held in custody
14 unlawfully for the following reasons: Ineffective
15 assistance of trial counsel and cites Drayton v Evitt
16 [phonetic] and Al-Shabazz v State.

17 Applicant through counsel filed an amended PCR
18 application to include the following allegations: Trial
19 counsel failed to argue at closing that the video of the
20 Applicant was manipulated. The video had the wrong date
21 and time on it and had been modified before showing to
22 the jurors.

23 Had Applicant known she was not going to argue this
24 he would have testified at trial. Also Applicant was
25 never allowed to view the video before the trial. Trial

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1 counsel failed to question George Larson about the video
2 on the chain of custody during the trial and did not
3 object to the question about whether he thought somebody
4 went in the house.

5 Trial counsel failed to address the fact that the
6 DNA on cigarettes found at the scene came back as female.
7 Trial counsel was ineffective when she allowed
8 Applicant's indictments that contained highly prejudicial
9 details about the previous crimes to be admitted as proof
10 of prior convictions for burglary.

11 Trial counsel failed to argue the State never proved
12 entry to the dwelling and that the items were actually
13 left outside for him to pick up. Trial counsel did not
14 move to quash the indictments. Trial counsel did not
15 question Miranda Brock Lucas as she told Applicant those
16 were her items in the yard. I'll now hand the case over
17 to Ms. McMahan at this time.

18 MS. MCMAHAN: Yes sir, and before I call the Mr.
19 Jenkins I just want to correct the case number it's 190;
20 not 198.

21 THE COURT: Okay.

22 MS. MCMAHAN: The Applicant calls Mr. Jenkins.

23 THE COURT: Go ahead and call your first witness.
24
25

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1 [Whereupon, Mr. Jenkins comes forward]
2 [Whereupon, the witness is duly sworn by the Clerk
3 of Court]
4 - - - - -
5 ADRIAN JENKINS,
6 Having been first duly sworn,
7 Was examined and testified as follows:
8 DIRECT EXAMINATION
9 BY MS. MCMAHAN:
10 Q. Mr. Jenkins, did you file this PCR application?
11 A. Yes, ma'am.
12 Q. And you understand if you are successful today that
13 you start over and you have a new trial?
14 A. Yes, ma'am.
15 Q. Is that what you want?
16 A. Yes, ma'am.
17 Q. Okay. Who were you represented by at your trial?
18 A. Ms. Traci Campbell, ma'am.
19 Q. And in your main application you say ineffective
20 assistance of counsel and you cite Drayton v Evitt
21 [phonetic] and Al-Shabazz. Can you kind of get into a
22 little bit of that for everybody?
23 A. Earlier in I wasn't -- like I wasn't as good, like I
24 wasn't as...
25 Q. Knowledgeable?

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1 A. Yes, as I was now about my situation.

2 Q. So we can kind of skip over that one?

3 A. Yes, ma'am.

4 Q. Okay. So let's talk about your amended --

5 amendments. So we have a discussion about that Ms.

6 Campbell didn't argue in closing about the video being

7 manipulated and had she done so you would have testified.

8 So tell the Court about that today.

9 A. Yes, ma'am. Well, I know that burglary consists of
10 entering a dwelling. And me knowing that -- well, if I
11 would have saw the video before trial then I would have
12 testified myself but I didn't.

13 And my first and only time ever seeing the video was
14 during trial. And I knew for a fact that there wasn't no
15 video of me entering any dwelling.

16 So, when they showed the video or whatever you know
17 I kept tapping Ms. Traci Campbell so that she could
18 emphasize on the fact that it had the wrong date and time
19 on the video and that didn't happen. So I just, I
20 just...

21 Q. So let's talk about the video a little bit.

22 A. Okay.

23 Q. So describe what you saw the day of trial in the
24 video.

25 A. It started exactly when we pulled up to the

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1 driveway. It didn't start who was there before me. But
2 anyway the video only shows us driving to the driveway,
3 me getting out of the car, me jumping over the fence, me
4 retrieving somebody else's things, putting it across the
5 fence, me going to get the rest of her stuff, me putting
6 it back across the fence, me jumping back over the fence,
7 us leaving and taking it where she wanted us to take it
8 to.

9 Q. And what did the date and time say on it?

10 A. It was 20 hours prior to this incident. The date
11 was I think it was 9:50 September 16, 2015.

12 Q. So when was the actual alleged date?

13 A. It was 10:50 ---

14 Q. --- so it was about ---

15 A. --- September ---

16 Q. --- so it was like about a month off?

17 A. No, it wasn't; it was a day off.

18 Q. Oh, a day off; I'm sorry.

19 A. Yes, ma'am.

20 Q. In the video you said it just shows you the
21 beginning. So is your issue that you didn't get to see
22 the entire day's worth of video or you didn't know that
23 it was just going to be sort of a redacted bit of video
24 or what?

25 A. Yes ma'am, an edited version. I didn't know.

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1 Q. And did you -- and you never saw any of it before
2 you went to trial?

3 A. No, ma'am. I didn't know I could. I didn't know I
4 was able to see the video before trial. I didn't know
5 that.

6 Q. And did you and Ms. Campbell have a conversation
7 about the video?

8 A. She told me it was damning but I never saw it. But
9 I didn't care because I knew that it wouldn't show me
10 entering a dwelling. I knew I trespassed but I didn't
11 never go in no house.

12 Q. And when you saw it at trial did it show you going
13 into the house?

14 A. No, it can't. It won't.

15 Q. Okay. And so you said that you and Ms. Campbell had
16 a conversation that it was damning. Was there any other
17 conversation about it and what was your -- what would --
18 did you guys talk about any ways to challenge that video?

19 A. No, I didn't have that type of knowledge; no.

20 Q. So she just said it was damning. Did she kind of
21 describe to you what was in it?

22 A. I had my motion for discovery and you know and
23 basically you know she did give me my motion for
24 discovery so it does explain what the video shows and
25 stuff. But me seeing the actual video never happened.

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1 Q. Did you have any pictures of the video or any still
2 shots?

3 A. No, ma'am.

4 Q. Okay. And did you ever ask if you could see it
5 beforehand?

6 A. No, ma'am. No, I didn't.

7 Q. Did she tell you that you could view it beforehand?

8 A. No, ma'am.

9 Q. Okay. And then because she didn't address the video
10 in closing what would that have made you do if you knew
11 that she wasn't going to address the video in closing
12 what would you have done?

13 A. I would have testified myself to the whole incident.

14 Q. Okay. And why would that have made you want to
15 testify?

16 A. Because it's like its missing parts. Like the video
17 is missing who was there but they got DNA evidence on who
18 was there and...

19 Q. Did you feel like you could have explained by
20 testifying the situation to the jury?

21 A. Yes, ma'am.

22 Q. And what was that situation?

23 A. The situation was I got a phone call from my friend.
24 And he put her stuff out. She used to live with him for
25 days at a time. He put her stuff out and she called me

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1 to go get it and I didn't mind because he have a
2 background for hurting, for fighting women and you know.
3 Q. And so you felt like you were?
4 A. The muscle to go get her stuff out the yard. I had
5 to ---
6 Q. --- so you were there to kind of be there in case he
7 showed up and started having words or something with her?
8 A. Yes, ma'am.
9 Q. And did you know the guy's house who it was?
10 A. Yeah, I had met him the day before. When we went
11 there he wouldn't give her her purse. She was working at
12 TJ Maxx so I went with her that day to help her get her
13 purse. She got it and we did other things too but...
14 Q. And so if you had testified is that what you would
15 have testified to?
16 A. What do you mean?
17 Q. What you just said that you went, that she asked you
18 to go help her get her stuff?
19 A. Yes, ma'am.
20 Q. Okay. And did you feel like Ms. Campbell had
21 adequately addressed that video in that closing argument?
22 A. No, I don't.
23 Q. And do you feel like if she had addressed that video
24 adequately in the closing argument specifically that the
25 video was sort of manipulated and that the time was wrong

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1 that the outcome of the trial would have been different?
2 A. Yes, ma'am. But I think -- I mean I think that she
3 could have, she could have like, she could have had that
4 thrown out because all she had to do was challenge that
5 video because it's already manipulated and tampered with
6 being that it got the wrong date and time on it.

7 And the date of the incident happened on September
8 17th and the officers allowed the victim to bring it in
9 six days later for him to make a hard copy of it and
10 bring it to the Sheriff's Office.

11 And it took him six days later to do that and it got
12 the wrong date and time on it. So I felt as if if she
13 would have challenged it they wouldn't have been able to
14 show it because it's not authentic.

15 Q. So you felt like if she had just adequately
16 challenged even the video coming in as evidence all
17 together ---

18 A. --- she could have had it suppressed.

19 Q. Okay. And there were no suppression hearings before
20 your trial?

21 A. No, it wasn't ma'am. No motion had; no ma'am.

22 Q. And the six days later they actually -- the person
23 didn't actually report the burglary until ---

24 A. --- no, on the 17th he came home at 4 o'clock and he
25 didn't contact the police until 9 o'clock.

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- 1 Q. So it was quite a few hours later?
- 2 A. Enough hours to do what he did which is erase what
3 happened before I came there.
- 4 Q. So do you know if what the video was shown was that
5 what the police had or was it what they were given by the
6 victim?
- 7 A. That's what they was given by the victim, which I
8 can prove in my transcript also.
- 9 Q. It's in the transcript ---
- 10 A. --- everything I'm speaking on was in my transcript.
- 11 Q. Okay. Anything else you want to talk about with
12 the video?
- 13 A. I just...
- 14 Q. If you remember something we can go back to it. So
15 let's move onto number two for right now, okay?
- 16 A. Okay.
- 17 Q. So what was the issue -- George Lawson was the guy
18 whose house you were at, right?
- 19 A. Yes, ma'am; in the yard.
- 20 Q. So we kind of segued into that a little bit when you
21 talked about moving -- failing to suppress the video..
22 Did that relate to the chain of custody during the trial
23 with the video?
- 24 A. Yes, ma'am.
- 25 Q. Can you kind of explain that a little bit further in

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1 your own words?

2 A. What do you mean?

3 Q. Well, you talk about George Lawson wasn't challenged
4 enough about the ---

5 A. --- yes, about the video about why it took so long
6 for him if this happened why would it take six days for
7 you to make a hard copy of the surveillance video to turn
8 it into the Sheriff's Office. And why does it have the
9 wrong date and time on it if it's so authentic?

10 Q. So you felt like if he was going to -- if he had
11 called the police five hours later to report it he
12 probably should have gone ahead and had the video at the
13 same time?

14 A. I feel as if -- the officers should have took the
15 original version. The original version was never shown
16 and even when they did get it it was still sliced. So it
17 done been from hand to hand to hand before the trial. So
18 I don't know.

19 Q. So you felt like at a minimum you should have been
20 able to see at least prior to your arrival the entire
21 incident and then ---

22 A. --- I should have been able to see the video before
23 trial. I should have -- that video should have never
24 been at trial after it done been touched, you know what
25 I'm saying, edited. That's how I feel.

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1 Q. Okay. And do you feel like Ms. Campbell adequately
2 discussed this with Mr. Lawson at the trial?

3 A. No, ma'am.

4 Q. What -- do you have any specifics that you felt like
5 she should have asked or you just feel like she should
6 have kind of explored it a little bit more with some more
7 in depth questions?

8 A. Exactly. I feel like she just should have -- she
9 did good. I'm just saying she should have asked more
10 about like why it took so long for him to contact the
11 police and why it took him six days to turn in the video.

12 If your stuff is -- Your Honor, please bear with me.
13 I'm nervous and I'm fighting for my life and that's the
14 only reason I'm struggling right now.

15 THE COURT: Take your time.

16 Q. [Ms. McMahan] And about why it took so long to get
17 the video to the police if he was so concerned about some
18 of the stuff that was taken?

19 A. Yes, ma'am.

20 Q. Okay. And then what was the deal with the DNA on
21 the cigarettes. Kind of explain that.

22 A. It came back as a female DNA profile. And the two
23 females I was with that day never crossed the fence. And
24 I feel like that should have been more investigated also.

25 Q. Was there any DNA taken from anywhere else?

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- 1 A. No, ma'am. Yes, the fence.
- 2 Q. Did it come back as anything?
- 3 A. Excluded but I did jump the fence.
- 4 Q. Because you're in the video doing it. You're in the
5 video jumping the fence.
- 6 A. Yes, ma'am.
- 7 Q. So you're saying that the cigarette with the female
8 DNA on it that could be somebody that had something else
9 to do with this?
- 10 A. That would -- if I would have testified that would
11 have proved everything. It would have showed who was
12 there, why I was there; everything.
- 13 Q. Do you feel like the DNA on the cigarette probably
14 was somebody that you knew or ---
- 15 A. --- yes, ma'am.
- 16 Q. Okay. Who did you think it might have been?
- 17 A. [No response]
- 18 Q. Was it the girl that you were there with or you
19 think it was somebody else?
- 20 A. It was somebody -- well, it was somebody who I was
21 there with the day prior, Miranda ---
- 22 Q. --- okay. When you were trying to get the purse
23 back?
- 24 A. Yes, ma'am.
- 25 Q. And you and Miranda both know Mr. Larson -- Lawson?

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1 A. Yes, ma'am.

2 Q. Okay. And so do you know if that DNA was ever run
3 through CODIS to see if it could be hit on anybody or
4 anything like that?

5 A. No, ma'am. I just, I was worrying about myself at
6 the time.

7 Q. So what did you and Ms. Campbell talk about with the
8 DNA?

9 A. I don't recall at all even speaking on it.

10 Q. So how did you find out about it?

11 A. I got it through the mail. It came through the
12 mail; the results came through the mail.

13 Q. And this was before or after you were convicted?

14 A. This was before I was convicted.

15 Q. Okay. Who mailed it to you; Ms. Campbell?

16 A. I really don't recall; probably.

17 Q. Okay. So this was while you were waiting for trial
18 at the detention center you got it or it was at your
19 house?

20 A. I was in the county jail.

21 Q. Okay. And then talk about the issue with the
22 indictments because I know the indictments that came in
23 to prove ---

24 A. --- well, that's another reason why I would have
25 testified too. I think they know that they could bring

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1 up the past. Ms. Campbell told me that if I didn't
2 testify that it was my rights that my past wouldn't come
3 about so I didn't testify.

4 I just was going to let the case prove itself that I
5 never entered a dwelling which is a crucial element in
6 the offense of burglary.

7 You have to enter a dwelling and there is no
8 material evidence that proved me entering any dwelling
9 throughout my whole trial. And I feel as if when they
10 admitted those two indictments from the past I was like,
11 it wasn't fair for me.

12 Q. So let's back up a little bit.

13 A. Yes, ma'am.

14 Q. So the indictments were introduced for what reason?

15 A. For -- see a burglary first consists of entering a
16 dwelling during night, entering the dwelling with a
17 weapon or if you have two priors from the past and I had
18 a burglary second in 2000 and another one in 2010.

19 But it was used -- but in my situation it was used
20 for an element of proof of this charge but not at
21 sentencing factors. And I know that's what it is used
22 for.

23 Q. So the Solicitor in your case was proving that you
24 were convicted -- that you had committed a burglary first

25 ---

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1 A. --- yes, ma'am ---

2 Q. --- by submitting the indictments of the prior
3 convictions?

4 A. Yes, ma'am.

5 Q. What did the indictments have in them that was ---

6 A. --- it has details in like -- like at the beginning
7 they was asking the -- the Judge, Mullen, was asking the
8 jury if they had any personal relationships through
9 marriage or friends with anybody in my case, Ms.

10 Campbell, Stephanie, Kelsey Crammer [phonetic], Hunter
11 Swanson, the police, my victim but it left out the two
12 names from the indictments. And they specifically had
13 the names, I got them, I got them right here.

14 Q. So the prior indictments are ultimately admitted as
15 prior convictions by the State listed these victims of
16 these prior convictions?

17 A. Yes, ma'am. They had, they admitted a sentencing
18 sheet, a burglary second degree, and an indictment which
19 have a burglary first degree on it and it also got the
20 details of those burglaries. And you know when the jury
21 sees that they ain't going even care about ---

22 Q. --- and these are part of your record on appeal so
23 they're obviously already in the record.

24 A. Yes, ma'am. I would have give it to the Judge.

25 Q. But it has the victim's name like Rachelle Jenkins

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1 is one in there ---

2 A. --- yes, ma'am.

3 Q. So your thoughts were if you had known that those
4 were going to be admitted that at some point they should
5 ask if anybody knows those people because somebody on
6 your jury could know that person and then have some sort
7 of issue with you just because they'd feel like oh, well
8 he robbed Rachelle ---

9 A. --- yeah, and this happened before exactly, so.

10 Q. So do you feel like they should have just submitted
11 like the sentencing sheets that said what you were
12 convicted of and not the indictments that went along with
13 them?

14 A. Yes, ma'am because in my indictment it says that I
15 have two prior burglary second degrees but the jury is
16 seeing first degrees.

17 Q. Yes.

18 A. So the jury is seeing first degree burglary so.

19 Q. So and like for example one of these, this
20 sentencing sheet looks like you were charged with
21 burglary first but you actually pled to burglary second.

22 A. Exactly.

23 Q. But then the indictment that they entered was the
24 burglary first indictment.

25 A. Yes ma'am, and the details.

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1 Q. And the victim's name and all that?

2 A. Exactly.

3 Q. So you felt like having just the indictments entered
4 was prejudicial?

5 A. Yes, ma'am. And not only that I just feel as if the
6 indictment for the burglary first degree that I went to
7 trial for should have been quashed because even after
8 trial you still had -- it still wasn't proven that
9 anybody entered the dwelling.

10 Like they you know there ain't no broken window or
11 there ain't no fingerprints on no doorknob, ain't no
12 footprints on no porch. I just feel like that could have
13 been quashed you know what I'm saying.

14 I feel like my lawyer could have questioned that
15 indictment because they failed like whether they used in
16 my original -- in this indictment what did they prove ---

17 Q. --- okay, so that ---

18 A. --- that I entered? How did they prove that I ever
19 entered like how did they even get that? Like what did
20 the Grand Jury see ---

21 Q. --- yeah ---

22 A. --- or knew for me to be indicted for that burglary?

23 Q. So that kind of rolls us into six; I mean we can
24 skip around; that's not a problem. And that's that old
25 chief case that we talked about. So you said so the

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1 indictment that you were indicted on for this case, which
2 was the burglary first ---

3 A. --- yes, ma'am ---

4 Q. --- did you and Ms. Campbell ever have a
5 conversation about quashing that indictment?

6 A. I didn't have the knowledge that I do now to be
7 honest with you about it but I'm pretty sure she did.

8 Q. And that's because the elements of proving burglary
9 first ---

10 A. --- is entering the dwelling ---

11 Q. --- yeah and so you don't know and you guys never
12 challenged whether or not that was actually presented to
13 the Grand Jury the elements of entering the dwelling?

14 A. Yes, ma'am.

15 Q. Okay. And then -- so that gets us right back to
16 number five failed to argue that they never showed you
17 entering the dwelling.

18 A. Yes, ma'am. Or anybody even saying that they saw me
19 entering the dwelling.

20 Q. So there was no evidence presented at the trial that
21 anybody saw you enter the dwelling?

22 A. There is no evidence presented at the trial where
23 anybody even lied saying that they saw me enter a
24 dwelling.

25 Q. It was just jumping the fence?

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1 A. That's it, trespassing. I was never charged with
2 what was on the video; I'm charged with what's not on
3 video.

4 They charged me with burglary but they didn't charge
5 me with trespassing or larceny or receiving stolen goods.
6 I didn't understand that.

7 Q. Do you remember if Ms. Campbell made a directed
8 verdict motion for you?

9 A. Yes, I do ma'am.

10 Q. And that motion was obviously denied because the
11 case went forward?

12 A. Yes, ma'am.

13 Q. And then number seven is Miranda, about not
14 questioning Miranda about whether or not she said that
15 those were actually her things in the yard and that you
16 were there to help her retrieve them so talk about that.

17 A. It wasn't that I was there to help her retrieve it.
18 She called me and she wanted me to get the rest of her
19 stuff. But it was more than just what he said was in
20 there also; I admit. It was more than just games and the
21 T.V. It was some other stuff ---

22 Q. --- the stuff that you were picking up for Miranda?

23 A. He missed stuff too, yes ma'am --

24 Q. Okay. Was Miranda in the car with you when you got
25 there?

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1 A. No, she wasn't. She was on the Island and we was in
2 Beaufort at the tennis court when I got the phone call.

3 Q. So Miranda had called you and asked you to go pick
4 this stuff up for her?

5 A. Yes, ma'am.

6 Q. Was that because you were already in ---

7 A. --- in Beaufort. I was closer to -- than she was.
8 She was on the Island.

9 Q. Okay. So she asked you to do this as a favor for
10 her?

11 A. Yes, ma'am. But she was going to pay for that
12 favor.

13 Q. Okay. So how many times did you meet with Ms.
14 Campbell before you went to trial?

15 A. Quite a few.

16 Q. Were you always in the detention center?

17 A. Yes, ma'am.

18 Q. What did you guys talk about?

19 A. We talked about basically this case but like you
20 know like we didn't -- I don't know how to say it -- like
21 we didn't have -- like I gave her my input and my trial
22 strategy and tactic on how I wanted to go about it and
23 certain questions and stuff like that.

24 Q. Did she tell you what some of the legal issues were
25 that you had to face to be convicted of this?

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1 A. I don't remember going over that because I kind of
2 was arrogant about this situation to be honest with you
3 because I knew I never entered a dwelling.

4 I was hoping that the video would actually show who
5 went in which would have you know because I've been in a
6 situation like that before when the video handle
7 everything ---

8 Q. --- yeah ---

9 A. --- and that's what I was banking on also; the video
10 so.

11 Q. Did she sit down and explain to you the elements
12 that you had to meet for burglary first?

13 A. Yes, ma'am.

14 Q. Did you always have Ms. Campbell as your attorney or
15 did you have anybody prior to her?

16 A. Yes, I had --

17 THE COURT REPORTER: --- I'm sorry; what was your
18 answer?

19 A. I had people prior to her but not for this offense.

20 Q. [Ms. McMahan] So you had other people from her
21 office that had represented you in different offenses
22 like the ones we were talking about ---

23 A. , --- yes ma'am, yes ma'am.

24 Q. Okay. So were there any plea offers or anything you
25 guys were talking about?

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1 A. Yes, ma'am. They offered me zero to ten and that
2 was before the DNA results came back and then it dropped
3 down to four. But I still wasn't taking it because they
4 were still speaking on burglary and she will tell you
5 that.

6 Q. So you wouldn't have taken a plea to burglary ---

7 A. --- I would have took five years; larceny, receiving
8 stolen goods and trespassing but not burglary. She will
9 tell you that.

10 Q. Because you felt like ---

11 A. --- I never entered the dwelling ---

12 Q. --- that that one main element was never met.

13 A. That's right.

14 Q. So when you guys were talking back and forth at what
15 point after all these plea offers were you like I just
16 want to go to trial?

17 A. Well, she came to see me and she told me that they
18 wanted to give me four but only for burglary second so I
19 mean I just felt like I wasn't taking it. I wasn't
20 taking it.

21 Q. You just weren't going to ---

22 A. --- for that offense ---

23 Q. --- yeah ---

24 A. --- I wasn't taking no more burglaries because I
25 didn't go in.

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1 Q. So if they had come in and said we'll give you four
2 for larceny and trespassing ---

3 A. --- I would have took it. She know that. She'll
4 tell you that.

5 Q. And then so at that point that's when you were like
6 no, we're just going to have a trial ---

7 A. --- yeah ---

8 Q. --- unless you're going to offer me something else.

9 A. It wasn't even about the offer. It was about that
10 charge.

11 Q. Yes, I mean offer you to plead to a different
12 charge.

13 A. Yes, ma'am.

14 Q. And how long after you were in the detention center
15 did it switch to that point where they weren't going to
16 come back with anything other than burglary and that you
17 were going to go to trial?

18 A. Like nine months.

19 Q. Okay. And how many times once you switched to a
20 trial did you meet with Ms. Campbell?

21 A. What do you mean by that?

22 Q. So you guys were talking back and forth about these
23 plea offers. You were like hey, I don't I'm not going to
24 plead to burglary. If they offer me something else, a
25 different charge I'll plead to it. And then you figure

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1 out that they're only going to offer you burglary and
2 you're going to move to a trial, right?

3 A. Yes, ma'am.

4 Q. How many times from that point on do you think you
5 guys met in order to prepare for trial?

6 A. Two.

7 Q. And do you remember what you guys talked about at
8 all or what witnesses you were going to call, if any, or
9 how you were going to challenge some of the other
10 witnesses?

11 A. Yeah. She just told me that she was going to use
12 the same DNA guy to testify for me.

13 Q. Okay. The same DNA person that found the female
14 DNA?

15 A. Yes, ma'am. But I didn't understand the reason for
16 Miranda even testifying.

17 Q. Okay.

18 A. I didn't understand that.

19 Q. So you didn't understand why she was even called?

20 A. No, I don't.

21 Q. And who called her as a witness?

22 A. My attorney, my trial counsel.

23 Q. Okay. So you feel like if Miranda just hadn't been
24 called at all then...

25 A. I don't even understand why the trial even continued

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1 after all the State witnesses failed to prove the element
2 of burglary.

3 Q. So at that point you felt like Ms. Campbell just
4 shouldn't have presented anything and just let it go ---

5 A. --- yeah, after that it could have been left right
6 there.

7 Q. Did you guys talk about possibly presenting your
8 case or what would happen if you didn't present a case?

9 A. She only told me that if I needed to testify then
10 she would allow me to go on the stand to testify if it
11 was necessary.

12 Q. So earlier she alluded to the fact that if you
13 testified your prior convictions would come out while you
14 testified?

15 A. Yeah.

16 Q. But you didn't know that these prior convictions
17 were going to come out regardless of whether or not ---

18 A. --- exactly, yeah because they told me that my past
19 -- well, she told me that my past wouldn't be brought up.

20 Q. If you didn't testify.

21 A. Yeah, but that didn't happen. That messed my trial
22 up. That messed my jury up.

23 Q. Okay. What else do you want to tell the Court
24 today? Have we missed anything? I know you have some
25 notes and stuff that you wanted, that you brought with

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1 you that you wanted to talk about.

2 A. Will I be able to come back?

3 Q. If we need to recall you we can recall you. But if
4 you've got something you want to talk about now ---

5 THE COURT: --- just take your time and go ahead
6 and tell me everything you want to tell me.

7 Q. [Ms. McMahan] Yeah.

8 A. Because I'm nervous ---

9 THE COURT: --- that's fine. Just take your time
10 ---

11 Q. [Ms. McMahan] --- it's okay ---

12 A. --- I don't want to rush anything ---

13 THE COURT: --- then don't rush.

14 A. I just feel like I was denied counsel at a critical
15 stage.

16 Q. [Ms. McMahan] I know, I handed you back your notes
17 earlier so let's go through those.

18 [Whereupon, the witness reviews documents]

19 Q. So this letter from Mr. Alexander you included in
20 your Anders response ---

21 A. --- yeah, but he denied me too.

22 Q. So in your response to the Anders brief that Mr.
23 Alexander filed for you you actually included a letter
24 that he wrote about the issue with the indictments, is
25 that correct?

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1 A. Yes, ma'am.

2 Q. Okay.

3 A. I can submit that?

4 Q. Well, it's actually already a part of the record
5 because you had; because the Anders brief should have
6 already been included in there. So it will be in there
7 and so Judge Seals will already have that and he can
8 review it.

9 What -- along with all these other exhibits there
10 were entered at trial they're already in the record so
11 Judge Seals has that. And then you wanted to talk about
12 the old chief case with the indictments. We brought that
13 up.

14 A. And carrying the evidence.

15 Q. And then what else?

16 A. I just wasn't -- I just...

17 Q. Just take your time. You're not being rushed
18 because I know you've done a lot of research on this.

19 A. They just never met the burden of proof; like they
20 never met the burden of proof. That's very important in
21 my trial.

22 It was never no DNA fingerprints or eyewitness that
23 placed me inside the residence and I just feel like the
24 only reason I was found guilty was because of those
25 indictments which could have been suppressed. And if she

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1 a -- had my trial counsel reviewed it I don't think they
2 were going to be able to admit it and ---

3 Q. --- so at a minimum if the indictments were going to
4 be admitted the names and everything should have been
5 redacted out of them; blacked out. But the one with the
6 burglary first ---

7 A. --- those are sentencing factors though. The two
8 burglary prior convictions are sentence factors; not
9 elements of proof ---

10 Q. --- but ---

11 A. --- under section 16-11-311.

12 Q. Okay. But also you have that one indictment that
13 says burglary first but you actually had a conviction for
14 burglary second.

15 A. Exactly. And had she had seen that I don't think
16 she would have allowed it. And I got it in my transcript
17 where she said they was fine when it wasn't. It wasn't
18 fine.

19 Q. Did you have, and you've brought up before with me
20 at least some issues with Ms. Swanson and signing all the
21 indictments and everything. Do you feel like Ms. Swanson
22 was ---

23 A. --- prejudiced against me?

24 Q. Yes.

25 A. Yeah, I have proof of that but I didn't bring it

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1 though ---

2 Q. --- that's okay ---

3 A. --- I have proof of that.

4 Q. It's okay. But that's because you had one
5 indictment that was dismissed in a prior case that Ms.
6 Swanson had signed off on.

7 A. Yes, ma'am.

8 Q. And then she re-indicted you on these cases?

9 A. Yes, ma'am.

10 Q. So Hunter had signed several indictments?

11 A. Not several but that one before that.

12 Q. Well two at least; so a few, a couple?

13 A. Yes, ma'am.

14 Q. And so you felt like she kind of had it out for you
15 because she had already signed these other indictments
16 for you?

17 A. Yes, ma'am. But that ain't the case. The cases
18 that -- this indictment could have been quashed in the
19 very beginning.

20 Q. Do you feel like Ms. Campbell should have challenged
21 what was said to the Grand Jury or at least try to find
22 out what was said to the Grand Jury?

23 A. Yes, ma'am.

24 Q. Did she explain to you that at least for now all of
25 that in South Carolina is done in secrecy but you could

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1 have asked ---

2 A. --- I didn't know anything about like the
3 indictments and stuff like that.

4 Q. Did she explain to you like the indictment process
5 at all?

6 A. No, ma'am.

7 Q. Okay.

8 A. I never asked either though.

9 Q. Okay. So for now I'll turn it over to Mr. Limbaugh
10 but I'll ask some follow-up questions..

11 MR. LIMBAUGH: May it please the Court?

12 THE COURT: Yes, sir.

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Post-Conviction Relief-Adrian Jenkins-Cross-Examination by Mr. Limbaugh
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1 CROSS-EXAMINATION

2 BY MR. LIMBAUGH:

3 Q. Good morning, Mr. Jenkins.

4 A. Good morning, sir.

5 Q. So about how many times did you say that you met
6 with Ms. Campbell?

7 A. Quite a few.

8 Q. Quite a few? And I believe you said that she
9 reviewed the discovery and the case with you during those
10 visits?

11 A. She sent her investigator and he went over more of
12 the stuff but...

13 Q. Okay. What kind of things did he go over with you?

14 A. He went over the fact that the video was damning and
15 that they're offering four years, who would testify
16 against me and stuff like that.

17 Q. Okay. Did they happen to explain why they thought
18 the video was damning?

19 A. Yes.

20 Q. Okay. What was your understanding of that?

21 A. My understanding was because I was on the scene at
22 the time.

23 Q. Okay.

24 A. But I also understood what I was charged with.

25 Q. Right. So was your major problem -- what was your

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1 major problem with the video again?

2 A. Say it -- can you repeat it?

3 Q. My apologies. What was your major problem with the
4 video again?

5 A. The date and time.

6 Q. Okay.

7 A. And also the lacking of showing the element of
8 burglary.

9 Q. Okay. You said Ms. Campbell went over the elements
10 of burglary with you?

11 A. Yes.

12 Q. Okay. Did she ever bring up circumstantial
13 evidence? Did that ever come up?

14 A. I don't recall.

15 Q. Okay. So what exactly did you want her to question
16 George Lawson about?

17 A. About, mainly about them not -- like he told the
18 officers that the person or the subject entered and
19 exited through his front door.

20 And I wonder why she didn't question him as to why
21 he didn't persuade them to fingerprint the deadbolt lock,
22 which was the entry and exit point of this offense.

23 And why -- also I wanted her to question him about
24 the original video, the whole day of the video. Why
25 would it take -- I wanted her to question him about him

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1 taking five hours to contact the police. And also why it
2 would take six days for him to submit the video to the
3 Sheriff's Office instead of the officers -- she did good
4 now because she questioned the officers. But she
5 questioned the wrong person with what I had strategized.

6 Q. Did she go over that strategy with you, the trial
7 strategy; what she was trying to do at trial?

8 A. Yes, ma'am. I meant to say -- my fault, yes sir;
9 sorry.

10 Q. That's fine. And you said trial counsel failed to
11 address the DNA on the cigarettes being female, is that
12 correct?

13 A. --

14 THE COURT REPORTER: I'm sorry; what was your
15 answer?

16 A. [No response]

17 THE COURT REPORTER: I didn't hear you. I didn't
18 hear your answer. Could you repeat it?

19 A. Adequately. Adequately.

20 Q. [Mr. Limbaugh] And you say you think you know who
21 that DNA was?

22 A. Yes, sir.

23 Q. I think we've gone over your issues with the
24 indictments pretty thoroughly, don't you think?

25 A. [Indicates]

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1 THE COURT REPORTER: Was that yes?

2 A. To a degree, yes sir.

3 Q. [Mr. Limbaugh] Is one of your major issues that you
4 don't think the State proved beyond a reasonable doubt
5 that you entered the dwelling?

6 A. Yes, sir.

7 Q. Okay. And was it -- whose idea was it to call
8 Miranda Lucas or to have her as a witness?

9 A. Definitely not me, sir; my trial counsel.

10 Q. Okay. Did you ever have or tell trial counsel
11 different stories about what happened that day?

12 A. What do you mean tell her different stories?

13 MR. LIMBAUGH: I'll move on, Your Honor.

14 Q. [Mr. Limbaugh] You said if you saw the video you
15 would have testified?

16 A. Yes, sir.

17 Q. And counsel explained that you could be cross-
18 examined and the risk of you testifying?

19 A. Yes, sir.

20 Q. Okay.

21 MR. LIMBAUGH: That's all I have for this witness,
22 Your Honor.

23 THE COURT: All right.

24 MS. MCMAHAN: Just a brief follow-up.

25

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1 REDIRECT EXAMINATION

2 BY MS. MCMAHAN:

3 Q. When Mr. Limbaugh asked you if you discussed the
4 trial strategy with Ms. Campbell what did she tell you
5 that trial strategy was?

6 A. We both had our own little thing you know because I
7 didn't want to sway the jury. I don't want to do that.
8 I just wanted to show and prove that the burglary never
9 happened. There was never a burglary.

10 Q. And her idea was to more sway the jury that ---

11 A. --- it was more to attack George Lawson's character.

12 Q. Okay.

13 A. But that wasn't...

14 Q. So you wanted to prove that hey, that element of
15 entry doesn't even exist.

16 A. Exactly.

17 Q. So why are we beating on George Lawson over ---

18 A. --- exactly. I just felt like it was more focused
19 on his character.

20 Q. And did you guys have conversations about that?

21 A. Yes, ma'am.

22 Q. Did it get heated at all or?

23 A. You mean Ms. Campbell?

24 Q. Yes?

25 A. No.

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1 Q. Okay. And so anything else you want Judge Seals to
2 know right now about your case; anything else in your
3 notes that we haven't discussed yet or that I've
4 forgotten to bring up?
5 A. No, I'm pretty sure we covered everything.
6 Q. Okay.
7 MS. MCMAHAN: Nothing further.
8 THE COURT: All right. Anything further?
9 MR. LIMBAUGH: Nothing further from the State, Your
10 Honor.
11 THE COURT: You may step down.
12 MS. MCMAHAN: Mr. Jenkins, you can come and sit.
13 [Whereupon, the witness is excused and exits the
14 witness stand]
15 THE COURT: Call your next witness ---
16 MS. MCMAHAN: --- the Applicant rests.
17 THE COURT: All right. The State is recognized.
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1 MR. LIMBAUGH: The State would call Ms. Campbell,
2 Your Honor.

3 [Whereupon, Ms. Campbell comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 MR. LIMBAUGH: May it please the Court, Your Honor?

7 THE COURT: Yes, sir.

8 - - - - -

9 TRASI CAMPBELL,

10 Having been first duly sworn,

11 Was examined and testified as follows:

12 DIRECT EXAMINATION.

13 BY MR. LIMBAUGH:

14 Q. Good morning, Ms. Campbell.

15 A. Good morning.

16 Q. How long had you been at the Public Defender's
17 office when you took this case?

18 A. I started as a public defender in Beaufort County in
19 1991. I left for maybe three or four years, came back in
20 '97 '98 perhaps and have been there ever since.

21 Q. Okay. So do you characterize most of your career as
22 dealing with criminal defense?

23 A. Exclusively, yes.

24 Q. Okay. To start off with can you tell us a little
25 bit about the State's evidence against the Applicant in

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1 this case; just generally?

2 A. Well, in preparation for my testimony I reviewed the
3 trial notebook and the record, the transcript. I recall
4 that Mr. Lawson had reported that someone had stolen
5 televisions and other items of personal property from his
6 home and turned over a videotape to law enforcement that
7 depicted my client, Mr. Jenkins, hopping over the fence.

8 This was some sort of personal security camera that
9 he kept. The only angle of vision you know was that side
10 yard driveway, the locked fence area.

11 And then a few minutes later it showed my client
12 coming back to the fence, handing moving these items of
13 personal property over the fence into the driveway and
14 then into the automobile that he was in and leaving that
15 area.

16 And it's my understanding then from reviewing the
17 report that Mr. Lawson contended that you know he didn't
18 have a relationship with Mr. Jenkins or know him in any
19 way and there would be no reason for Mr. Jenkins to be
20 hopping over his fence and jumping in his yard and taking
21 his things.

22 And so faced with what circumstantially looked like
23 Mr. Jenkins had gone in Mr. Lawson's home and taken his
24 things my client and I discussed a number of different
25 possible reasons for why Mr. Jenkins would have been

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1 hopping over Mr. Lawson's fence and taking his personal
2 property away from Mr. Lawson's home.

3 One of those theories that we discussed was that Mr.
4 Jenkins had been in Mr. Lawson's home and they had smoked
5 crack together and there was all this the property that
6 Mr. Jenkins was seen removing was a crack debt.

7 And then there was this other line or theory that
8 no, in fact it was that he was going to pick up or
9 retrieve some personal property items from there that
10 belonged to a woman and that Mr. Jenkins was just
11 assisting this woman in retrieving her items.

12 A further element of the first theory where Mr.
13 Lawson was using crack was that in fact according to Mr.
14 Jenkins they then took these items, the Xbox games, the
15 television, the other pieces of personal property and
16 took them to the locally well-known drug dealer Titus
17 Singleton [phonetic] and dropped the items off at Mr.
18 Singleton's house aka in payment for whatever debt was
19 owed.

20 So there were the dueling theories. And I feel like
21 again that the witnesses that we presented for the
22 defense were in an effort to follow down on behalf of Mr.
23 Jenkins those theories.

24 Q. Let's talk about the video for a second.

25 A. Okay.

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1 Q. Did you see any particular issue with the timestamp
2 being incorrect on the video?

3 A. I don't have an independent recollection of the
4 video timestamp. What I do recall is that I believe I
5 did my best to cross-examine Mr. Lawson about the delay
6 in the delivery of the tape. And I certainly did my best
7 to cross-examine the officers with regard to well, why
8 don't we have this day or that day.

9 So I certainly attempted to address those matters
10 although it didn't seem that the relevant portion was
11 certainly placed in evidence.

12 Q. Okay. But you do feel you did a solid job of
13 attacking ---

14 A. --- I certainly feel like I did, yes.

15 Q. Okay. And did you question Mr. Lawson about why it
16 took him so long to get the video to the police and
17 things of that nature?

18 A. I feel like I did, yes.

19 Q. Okay.

20 A. My notes reflect that.

21 Q. How was the DNA on the cigarettes being female
22 addressed; do you recall?

23 A. Well, I mean you know the State wasn't going to call
24 John Donahue from the BCSO lab so I had to call him in
25 the defense. And that was a strategic decision that Mr.

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1 Jenkins and I had to make together. You know because if
2 we presented any evidence at all he would lose the last
3 argument. And so putting up Stephanie Campbell, Miranda
4 Rock, and John Donahue were to try and establish points
5 of evidence that Mr. Jenkins felt was important.

6 And so I did that. And John Donahue was called and
7 he testified that this particular item of evidence didn't
8 contain male DNA; it contained female DNA.

9 And I think I asked him some other questions about
10 other items of evidence in the case that were tested that
11 weren't like maybe the fence or the doorknob and they
12 weren't a match to Mr. Jenkins. And so for what that's
13 worth we certainly put that in evidence.

14 Q. And I believe there was some discussion about touch
15 DNA and how it can be lost or if it was from the day
16 before or things of that nature.

17 A. I don't remember exactly but I know that Mr. Donahue
18 has testified previously on touch DNA and how that
19 occurs.

20 Q. Okay. Was there any particular reason you didn't
21 challenge the past indictments coming in?

22 A. I believe I did. I believe that there was a
23 pretrial motion regarding all of those matters. And I
24 certainly did my best to make a record of my objection to
25 the way the State was handling the introduction of the

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1 two prior burglary convictions. So I think I did my
2 best.

3 Q. Okay. Do you recall having a conversation with Mr.
4 Jenkins about circumstantial evidence?

5 A. I'm confident that we talked about it because it was
6 a circumstantial case. There were numerous discussions
7 regarding exactly what we talked about today, which is an
8 eyewitness.

9 And no, there was not an eyewitness to see any
10 entering taking place. And so that necessitated the
11 conversation about the circumstantial evidence, which you
12 know the -- and my explanation just like the Court
13 explained that each little piece connected.

14 And if each piece is strong then that could lead to
15 a conviction whether anybody saw you go in Mr. Lawson's
16 house or not.

17 Q. Okay. And he used the word damning about the video.
18 Did you discuss the video with him and how strong the
19 evidence was?

20 A. Well, yes I felt that it was very strong. And so
21 because it was so strong I tried to weave it into our
22 theory of the case which was look, Mr. Jenkins is not
23 wearing a hoodie.

24 You know its broad daylight you know trying to lay
25 it into what Mr. Jenkins had told me about his you know

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1 story of what was actually happening that day. But yes,
2 it was very difficult to overcome what you saw in the
3 video.

4 Q. I believe you said you did discuss with him the
5 strategy of having the last argument to the jury?

6 A. Yes, oh yes.

7 Q. Okay. And was it generally Mr. Jenkins idea or was
8 he pushing for you to put those witnesses up on his
9 behalf?

10 A. I wouldn't characterize it as pushing. You know I
11 definitely want to make decisions you know in line with
12 what Mr. Jenkins wanted to present to his jury. And so I
13 tried my best to do that.

14 Q. Okay.

15 MR. LIMBAUGH: A moment's indulgence, Your Honor.

16 [Whereupon, Mr. Limbaugh reviews documents]

17 Q. [Mr. Limbaugh] Did you explain to Mr. Jenkins the
18 risks of him testifying at trial?

19 A. Right, yes. We already had two burglary convictions
20 in front of the jury. If Mr. Jenkins were to testify we
21 would then be exposed to any and all other impeachable
22 prior record of Mr. Jenkins and that was not ideal.

23 And so it would be more than potentially in front of
24 the jury than just two prior burglaries; that's sort of
25 the weight of the decision.

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1 Q. Okay. What was the testimony of Miranda Lucas like
2 for the Defendant?

3 A. Well, I looked back at the transcript. One of the
4 things was it was very hard to locate her. But again,
5 she fell in line with the trying to elicit some testimony
6 that showed some sort of prior knowledge or relationship
7 or something between Mr. Jenkins and Mr. Lawson that
8 could support this theory or this notion that we had that
9 Mr. Jenkins had every right to go and retrieve these
10 items; that Mr. Lawson was making all of this up.

11 MR. LIMBAUGH: That's all I have for this witness,
12 Your Honor.

13 THE COURT: All right.
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Adrian Jenkins v State
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1 CROSS-EXAMINATION

2 BY MS. MCMAHAN:

3 Q. So in this case, and I'm sorry for moving so close
4 to you but its peak allergy season and my ears are quite
5 stopped up.

6 A. That's fine.

7 Q. So I cannot hear very well from over there. And I
8 believe you touched on why you were calling Miranda and
9 that was to kind of get to the pieces of the issue, the
10 idea that Mr. Jenkins was actually at the house to pick
11 up Miranda's stuff because Miranda had called him since
12 he was in Beaufort to get it for her and bring it back to
13 the Island.

14 A. Right. She was a critical piece of that puzzle for
15 Mr. Jenkins, yes.

16 Q. And then the other, I guess this might have been the
17 State's idea of what was going on with the case was the
18 issue with Titus Singleton [phonetic] and all that?

19 A. You know I know that Mr. Jenkins and I talked about
20 the fact that George Lawson or Mr. Jenkins brought to me
21 the fact that he believed Mr. Lawson was a crack user and
22 that this all involved a debt for crack and that they
23 were to take these items and you know pay the debt or
24 something like that.

25 Q. But Mr. Lawson thought they were taking the items to

Adrian Jenkins v State
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1 pay a debt for crack ---

2 A. --- no, no. That was Mr. Jenkins understanding you
3 know that I'm not breaking into someone's house.

4 Q. Yeah, I'm ---

5 A. --- I'm just carrying out what I've been asked to
6 do.

7 Q. Which was -- so it could have been a combination I
8 guess of the two really?

9 A. Maybe.

10 Q. Because maybe Miranda knew about that. But I mean
11 that's speculation obviously but ---

12 A. --- I don't know ---

13 Q. --- in any event so there were some pretrial
14 motions. There was a Neil v Biggers and there was a
15 Denno issue.

16 You know Neil v Biggers on the identification and I
17 think the photo lineup was addressed with Deputy Rios
18 [phonetic] and then George Lawson was part of that. And
19 then you had the Denno hearing.

20 I don't -- and obviously I'm just kind of flipping
21 through but I don't see anything about entering the
22 indictments as the prior convictions in the pretrial.

23 And if it is there I apologize; I've just missed it.
24 But at the time they were actually entered into the trial
25 that objection was not renewed. Was that something you

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1 felt like you should have objected to? That would have
2 been on page 100.

3 [Whereupon, the witness reviews document]

4 A. Well, again I read back through everything this
5 morning including the record on appeal. And I feel like
6 there was a notation that trial counsel objected to Judge
7 Mullen agreeing with the State to put the two indictments
8 in. And I -- but I think it said very clearly that when
9 asked at that time that I objected.

10 Q. And Judge Mullen allowed the two indictments and the
11 sentencing sheets. But the sentencing sheets were pretty
12 well redacted weren't they?

13 A. I assume so; I can't remember.

14 Q. And all of these were admitted after the jury was
15 already picked though.

16 A. I assume so.

17 Q. Okay. And then did you see any issues with the
18 lineup besides what was addressed in the pretrial?

19 A. I would think I addressed everything in pretrial.

20 Q. And then, if you could give me one second.

21 A. Uh Huh.

22 [Whereupon, Ms. McMahan confers with the Applicant]

23 [Whereupon, the witness is shown documents]

24 Q. Do you remember if these sentencing sheets were
25 redacted like that at the time they were admitted or was

Adrian Jenkins v State
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1 that just because they were admitted in the appellate
2 record and had to be redacted out?

3 A. I don't have an independent recollection. I'm
4 sorry.

5 Q. Okay. All right. And then Mr. Lawson in the Neil v
6 Biggers said that he recognized the person that went into
7 his house as Mr. Jenkins.

8 A. [Nods affirmatively]

9 THE COURT REPORTER: Was that yes?

10 A. I'm agreeing with her, yes. I'm sorry.

11 Q. [Ms. McMahan] And was there ever actually any camera
12 that showed or any video that actually showed him
13 entering the house at all?

14 A. No. The video only was like a personal security
15 camera that showed one angle of Mr. Lawson's property.
16 It did not show any of the doors.

17 Q. And was the entry based on like somebody kicking the
18 door down or just opening the door and walking in or do
19 you remember?

20 A. I don't think it was based on any sort of kicking in
21 a door, no.

22 Q. Okay. And was there any issue with the fact that
23 there wasn't any DNA or fingerprinting taken from the
24 door knob?

25 A. I think I did make an issue of that. I mean I

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1 talked about it in my closing and talked about it with
2 Donahue, excuse me; Officer Donahue from the lab when we
3 called him to testify.

4 Q. And Mr. Lawson in Neil v Biggers actually talks
5 about Adrian as being LaRon or Ron G. Is that another
6 name that Mr. Jenkins is known by? Did he tell you that
7 or anything?

8 A. I don't know about it but there was some mention of
9 him being known to one of the girls maybe or introduced
10 to one of the girls as Ron G.

11 Q. Okay ---

12 A. --- or something like that, right.

13 Q. And that would have been the two girls that you had
14 called as witnesses? Are you talking about Stephanie and
15 Miranda?

16 A. Yes.

17 Q. Okay. And then -- one second I just lost my train
18 of thought. Let me go back for a second.

19 [Whereupon, Ms. McMahan reviews documents]

20 Q. And talk to me about the plea negotiations that you
21 guys were having.

22 A. Yes.

23 Q. Tell me what those were.

24 A. Well, we were very close if not right at a four year
25 sentence. And that was communicated to Mr. Jenkins and

Adrian Jenkins v State
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1 he turned it down.

2 Q. And do you recall why he turned it down?

3 A. , I don't know his rational reasoning. He didn't say.

4 Q. So earlier when he testified that he just didn't
5 want to plead to a burglary charge and he wanted to plead
6 to something other than that do you recall any kind of
7 conversation about that?

8 A. I don't recall any conversation about that.

9 Q. What was his whole reasoning for wanting to go to
10 trial do you remember?

11 A. I don't remember, no.

12 Q. Do you remember how far into your representation of
13 him you decided to switch to the trial posture and you
14 guys were getting ready for trial?

15 A. I don't remember the timeline.

16 Q. Okay. And how many -- do you remember what you guys
17 discussed as what your defense strategy was going to be?

18 A. Well, the defense strategy was based off the
19 information from Mr. Jenkins. And again trying to pursue
20 this theory that you know if Mr. Lawson had left these
21 items for one of the girls or Mr. Jenkins then it
22 wouldn't be a crime. You know come and pick these things
23 up.

24 Q. Did you sit down and show him the video prior to
25 trial?

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1 A. I don't have a memory of doing that, no.

2 Q. And did you ever ask the Solicitor why there was --
3 I mean I know you asked George this I think in trial why
4 there is only that limited time shown.

5 A. Uh Huh.

6 Q. Do you recall if the police or anybody ever went and
7 asked for the entire day from Mr. Lawson prior to the
8 trial or anything like that?

9 A. I don't remember.

10 Q. Would you have been able to show it to him at the
11 detention center if you had needed to?

12 A. Then I'm not sure. I may have been able to show it
13 to him on a laptop. I can't -- I don't recall -- there
14 are a number of different computer programs that the
15 disks come to us on. I don't know.

16 I certainly if he had asked to see it you know we
17 would have done it but I don't recall him asking.

18 Q. Okay. And earlier he noted he had his discovery
19 that you had sent him but not the video obviously. Is it
20 your practice to kind of sit with them at the jail and go
21 through all the discovery or...

22 A. It really just depends on the case. Sometimes my
23 cases have 2,500 pages of discovery. So it may be that I
24 leave that at the detention center for someone to go
25 through and make their own individual notes on it. And

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1 then I go back and photocopy everything they made notes
2 on and give them back the originals. Then I go through
3 what they have written. It really is dependent upon the
4 type of discovery it is. And then other cases might have
5 20 videotaped interviews.

6 So what I started doing is putting them on flash
7 drives and work with the detention center director to
8 make sure that they have access to the computer room so
9 that they can watch them because there is no way, I mean
10 it would take me 10 days straight to sit and watch them
11 at the same time. But it just depends.

12 Q. So if you had a case with a bunch of documents you
13 would kind of leave them there and let them review them
14 all on their own time too ---

15 A. --- absolutely ---

16 Q. --- and then meet up with them ---

17 A. --- and then we would discuss it later ---

18 Q. --- and the same with a bunch of videos you'd kind
19 of allow them ---

20 A. --- we would have to manage how that was done. And
21 from a time perspective you know if it were -- there is
22 sometimes 20 hours you know of interview time and so ---

23 Q. --- so you really ---

24 A. --- it really would depend on how they wanted to
25 handle it, the client wanted to handle it and what was

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1 best. Now there have been times when I've actually sat
2 and watched there was a nine hour interview in a case
3 about a year ago and watched the entirety of it with my
4 client. So I guess I would say every case is different.

5 Q. And I guess some of that depends on the amount of
6 time involved that you have to sit there. Like if it was
7 20 hours you wouldn't assign 20 hours a week where you
8 could go sit with somebody individually to watch every
9 single video ---

10 A. --- I mean if the demands of the case you know
11 required it then yes, I would certainly have to do that.
12 I'm just saying that each case is individual unto its own
13 discovery and I just have to manage it as best I can.

14 Q. So besides telling Mr. Jenkins that the video is
15 damning do you recall what else you guys talked about the
16 video or telling him the details of what was on there?

17 A. Well, I said the same thing to him I'm sure that I
18 argued in closing to the jury which is well, on the
19 positive side you're not wearing a hoodie, you're not
20 covering your face, you're not wearing gloves.

21 You know these are things that would seem to
22 indicate that you were not trying to hide yourself and it
23 was broad daylight. So even though there is this very
24 negative aspect to it you know we do have some positives.

25 Q. One second.

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1 [Whereupon, Ms. McMahan confers with the Applicant]

2 Q. [Ms. McMahan] And ultimately Mr. Jenkins decision to
3 testify was that his or do you recall if the Court
4 questioning him about that or?

5 A. I would assume that Judge Mullen questioned him on
6 the record. It is her practice. And whether or not he
7 testified was solely his decision.

8 Q. So you would never have pressured him to tell him he
9 needed to testify or not?

10 A. Absolutely not.

11 Q. And in the video and all the issues surrounding the
12 video do you feel that you could have filed a Motion to
13 Suppress and would have been successful on it or anything
14 like that?

15 A. I did not see a basis to suppress the video.

16 Q. And why is that?

17 A. Again, I can't state a basis, just in my experience
18 a sustainable basis for suppressing the video. I am not
19 aware of one.

20 Q. So you don't think the totality of the date being
21 wrong and it being chopped up by Mr. Lawson would have
22 been an issue other than to suppress it?

23 A. If I didn't argue it I didn't think it had a legal
24 basis.

25 Q. Okay.

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1 MS. MCMAHAN: Court's indulgence.

2 [Whereupon, Ms. McMahan confers with the Applicant]

3 Q. [Ms. McMahan] And just to follow up the indictment
4 that he was on do you think that there would have been
5 any basis to quash that?

6 A. To quash the indictment?

7 Q. Yes?

8 A. No.

9 Q. What would have happened if the indictment had been
10 quashed?

11 A. I'm not sure I follow your question.

12 Q. Could the State have re-indicted him if the
13 indictment had been quashed?

14 A. I assume so. I mean I can't, I don't see how the
15 indictment would have been quashed but had it been I
16 assume the State would have tried to figure out another
17 manner in which to take Mr. Jenkins to trial.

18 Q. I mean the basis to indict somebody is probable
19 cause, correct?

20 A. Right.

21 Q. So it's more likely than not that Mr. Jenkins
22 committed this?

23 A. Right.

24 Q. Did you ever have a prelim on it?

25 A. Gosh, I'm sure we did. I would have to go back

Adrian Jenkins v State
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April 2, 2019

1 through the trial box.

2 Q. And the purpose of the prelim would have been
3 probable cause as well, is that correct?

4 A. Yes; to send the case to the Grand Jury for
5 consideration.

6 MS. MCMAHAN: Your Honor, I have no further
7 questions of this witness.

8 THE COURT: Any redirect?

9 MR. LIMBAUGH: No, Your Honor.

10 THE COURT: You have a good day.

11 THE WITNESS: Thank you, sir.

12 [Whereupon, the witness is excused and exits the
13 witness stand]

14 THE COURT: Call your next witness.

15 MR. LIMBAUGH: The State rests, Your Honor.

16 THE COURT: Y'all want to take a ten minute break
17 before your next one?

18 MS. MCMAHAN: Are you -- you're taking this under
19 advisement?

20 THE COURT: Yes.

21 *****END OF TRANSCRIPT OF RECORD*****
22
23
24
25

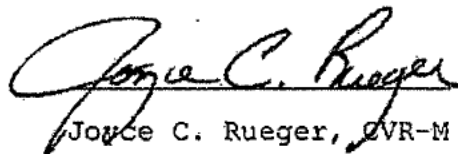
Adrian Jenkins v State
Certificate of the Court Reporter
April 2, 2019

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of Common Pleas for Beaufort County, South
Carolina on the 2nd day of April 2019.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

October 30, 2019

A handwritten signature in cursive script, reading "Joyce C. Rueger", written over a horizontal line.

Joyce C. Rueger, OVR-M
Court Reporter

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2018CP0700190

Adrian Jenkins

South Carolina State Of

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☒ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☒ Other: **Order of Dismissal**
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order ☐ Statement of Judgment by the Court:

ORDER OF DISMISSAL

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

For Clerk of Court Office Use Only

This judgment was entered on **September 19, 2019**, and a copy mailed first class or placed in the appropriate attorney's box on **Septemeber 20, 2019**, to attorneys of record or to parties (when appearing pro se) as follows:

Jenkins Adrian Lieber Corr. Inst. AA-0013-B Post Office
Box 205 Ridgeville, SC 29472
Ashley A. McMahan PO Box 5501 West Columbia, SC
29171

Sara Elyssa Gunton PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

MMK

Court Reporter

Jerri Ann Roseneau - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	
	)	
Adrian Jenkins, #273602,	)	Case No.: 2018-CP-07-0190
	)	
Applicant,	)	
	)	ORDER OF DIMISSAL
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

2019 SEP 19 PM 12:51
CLERK OF COURT
JENNIFER L. JONES, CLERK
JENNIFER L. JONES, CLERK
JENNIFER L. JONES, CLERK

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Beaufort County Clerk of Court. In January 2016, the Beaufort County Grand Jury indicted Applicant for first-degree burglary (2015-GS-07-1617). The charge arose from a September 2015 incident in which Applicant stole approximately fifty X-box videogames, a television, and other electronics from a home he had “cased” the day before with a friend who was borrowing a shirt from the victim. Tr. p. 96, ll. 3-19. Applicant already had two prior burglary convictions. Tr. p. 96, ll. 20-25. Trasi Campbell, Esquire, represented Applicant at trial. Assistant Solicitor Hunter Swanson prosecuted the case. On April 18, 2016, Applicant proceeded to trial before the Honorable Carmen T. Mullen. The jury found Applicant guilty of first-degree burglary. On April 20, 2016, Judge Mullen sentenced Applicant to imprisonment for twenty years.

Applicant filed a timely notice of appeal. Appellate Defender David Alexander, Esquire, filed a brief on behalf of Applicant pursuant to Anders v. California, 386 U.S. 738 (1967). Applicant subsequently filed a pro se brief. The South Carolina Court of Appeals dismissed Applicant’s appeal in an unpublished opinion filed October 4, 2017. State v. Jenkins, Op. No. 2017-UP-363 (Ct. App. 2017). The remittitur was returned to the circuit court on October 20, 2017.

In his application for post-conviction relief, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of trial counsel
 - a. "Drayton v. Evatt, 312 S.C. 4, 430 S.E.2d 517 (1993)."
 - b. "Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000)."

Applicant amended his application to include the following allegations:

1. Trial counsel failed to argue in closing that the video of Applicant was manipulated. The video had the wrong date and time on it and had been modified before shown to the jurors. Had Applicant known she was not going to argue this, he would have testified at the trial. Also, Applicant was never allowed to view the video before the trial.
2. Trial counsel failed to question George Lawson about the video and the chain of custody during the trial and did not object to the question about whether he thought somebody in the house.
3. Trial counsel failed to address the fact that the DNA on the cigarettes found at the scene came back as female.
4. Trial counsel was ineffective when she allowed Applicant's indictments that contained highly prejudicial details about previous crimes to be admitted as proof of prior convictions for burglary.
5. Trial counsel failed to argue that the State never proved entry into the dwelling and that the items were actually left outside for him to pick up.
6. Trial counsel did not move to quash the indictment.
7. Trial counsel did not question Miranda Brock-Lucas if she told the Applicant those were her items in the yard.

Findings of Facts and Conclusions of Law

This Court has thoroughly reviewed the record in its entirety. Additionally, this Court heard the testimony presented at the evidentiary hearing and was able to observe the witnesses presented, which allowed the Court to scrutinize the credibility presented. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985). The Sixth Amendment to the United States Constitution guarantees a defendant the right to effective assistance of counsel. U.S. Const. amend. VI; Strickland v. Washington, 466 U.S. 668 (1984); Lomax v. State, 379 S.C. 93, 665 S.E.2d 164 (2008).

In a post-conviction relief action, an applicant bears the burden of proving the allegations in his or her application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the

application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that “counsel’s conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” Strickland, 466 U.S. 668; Butler, 286 S.C. at 442, 334 S.E.2d at 814.

Strickland does not guarantee perfect representation, only a “‘reasonably competent attorney.’ ” 466 U. S. at 687 (quoting McMann v. Richardson, 397 U. S. 759, 770 (1970)); Representation is constitutionally ineffective only if it “so undermined the proper functioning of the adversarial process” that the defendant was denied a fair trial. Strickland, 466 U.S. at 686. Just as there is no expectation that competent counsel will be a flawless strategist or tactician, an attorney may not be faulted for a reasonable miscalculation or lack of foresight or for failing to prepare for what appear to be remote possibilities. See generally Id.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668. First, an applicant must prove that counsel’s performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Butler, 286, 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel’s deficient performance must have prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors,

the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Although courts may not indulge “post hoc rationalization” for counsel’s decision making that contradicts the available evidence of counsel’s actions, Wiggins, 539 U.S. at 526–527, neither may they insist counsel confirm every aspect of the strategic basis for his or her actions. There is a “strong presumption” that counsel’s attention to certain issues to the exclusion of others reflects trial tactics rather than “sheer neglect.” Yarborough v. Gentry, 540 U. S. 1, 8 (2003) (per curiam). After an adverse verdict at trial even the most experienced counsel may find it difficult to resist asking whether a different strategy might have been better, and, in the course of that reflection, to magnify their own responsibility for an unfavorable outcome. Strickland, however, calls for an inquiry into the objective reasonableness of counsel’s performance, not counsel’s subjective state of mind. Id. at 688; Harrington v. Richter, 562 U.S. 86 (2011)

With respect to prejudice, an applicant must demonstrate “a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome.” Id. at 694. It is not enough “to show that the errors had some conceivable effect on the outcome of the proceeding.” Id. at 693. Counsel’s errors must be “so serious as to deprive the defendant of a fair trial, a trial whose result is reliable.” Id. at 687; Harrington, 562 U.S. 86.

“Surmounting Strickland’s high bar is never an easy task.” Padilla v. Kentucky, 559 U.S. 356, 371 (2010). An ineffective assistance of counsel claim can function as a way to escape rules of waiver and forfeiture and raise issues not presented at trial, and so the Strickland standard must be applied with scrupulous care, lest “intrusive post-trial inquiry” threaten the integrity of the very adversary process the right to counsel is meant to serve. Strickland, 466 U.S. at 689–690. Even

under de novo review, the standard for judging counsel's representation is a most deferential one. Unlike a later reviewing court, the attorney observed the relevant proceedings knew of materials outside the record and interacted with the client, with opposing counsel, and with the judge. It is "all too tempting" to "second-guess counsel's assistance after conviction or adverse sentence." *Id.* at 689; see also *Bell v. Cone*, 535 U. S. 685, 702 (2002); *Lockhart v. Fretwell*, 506 U. S. 364, 372 (1993). The question is whether an attorney's representation amounted to incompetence under "prevailing professional norms," not whether it deviated from best practices or most common custom. *Strickland*, 466 U.S. at 690.

In assessing prejudice under *Strickland*, the question is not whether a court can be certain counsel's performance had no effect on the outcome or whether it is possible a reasonable doubt might have been established if counsel acted differently. *Wong v. Belmontes*, 558 U. S. 15 (2009); *Strickland*, 466 U.S. at 693. Instead, *Strickland* asks whether it is "reasonably likely" the result would have been different. *Id.* at 696. This does not require a showing that counsel's actions "more likely than not altered the outcome," but the difference between *Strickland*'s prejudice standard and a more-probable-than-not standard is slight and matters "only in the rarest case." *Id.* at 693, 697. The likelihood of a different result must be substantial, not just conceivable. *Id.* at 693; *Harrington*, 562 U.S. 86.

Based on this standard set forth above, this Court finds Applicant has failed to meet his requisite burden of establishing any constitutional ineffectiveness of counsel as to any of his various allegations. Applicant's allegation is addressed fully below:

Failure to Argue to Jury that the Video was Manipulated

Applicant alleges that counsel was deficient for failing to argue to the jury in closing that the video they saw had been manipulated and did not have the right date or time stamp on it.

Applicant testified that he did not see the video prior to trial. Applicant testified that he would have testified had he seen the video. Applicant testified that the video shows him taking stuff from the victim's house. Applicant testified that the time stamp on the video was not correct. Applicant testified that he was not aware that the video had been edited. Applicant testified that counsel told him that the video was damning evidence against him at trial. Applicant testified that the video did not show him entering the dwelling. Applicant testified that he never asked counsel to see the video prior to trial. Applicant testified that he would have liked to explain the video to the jury. Applicant testified that he does not believe the video should have come in after being edited. Counsel testified that the video showed Applicant taking items over the fence and putting them in a vehicle. Counsel testified that she cross-examined George Lawson and law enforcement about the video. This Court finds that counsel did in fact argue to the jury that the video had been manipulated. Counsel, in her closing argument, made note that the video presented did not have the correct date or time stamp. This Court finds that Applicant has failed to meet his burden and that counsel was not deficient in regards to this allegation. Therefore, this allegation is summarily dismissed.

Failure to Question George Lawson about Surveillance Video

Applicant alleges that counsel was deficient for failing to question George Lawson about the surveillance video and the chain of custody. Applicant testified that he felt counsel should have asked Lawson why it took him so long to get the video to the police. Counsel testified that she did cross-examine the witness about the surveillance video. The record indicates that counsel did in fact cross-examine the witness about aspects of the surveillance video. The record also indicates that counsel asked law enforcement officers about any potential chain of custody issues related to the surveillance video. Applicant has failed to show how counsel was ineffective in her

cross-examination of the witness or any alleged prejudice resulting therefrom. This Court finds that counsel did ask the witness about the surveillance video and directed any chain of custody questions toward the proper witnesses. Therefore, this Court finds that Applicant has failed to meet his burden and this allegation is summarily dismissed.

Failure to Address Female DNA

Applicant alleges that counsel was ineffective for failing to address the female DNA found to be on cigarettes recovered from the scene. Applicant testified that the DNA analyzed from the cigarettes came back as being female. Applicant testified that the female DNA found on the cigarettes was from the person he was with at the house the day before the crime. After review of the trial transcript, this Court finds that counsel did in fact address the fact that the DNA found on the cigarettes was female. Counsel cross-examined the State's DNA expert witness, allowing the jury to hear that the DNA found on the cigarettes was female and that the DNA found on the fence was mixed. Counsel, in her closing argument, calls into question the DNA evidence and puts the fact that none of the evidence was linked to Applicant in the minds of the jury. This Court finds that Applicant has failed to show deficiency on the part of counsel or any prejudice resulting therefrom. Therefore, this Court summarily dismisses this allegation.

Failure to Object to Prior Indictments Entering into Evidence

Applicant alleges that counsel was ineffective for failing to object to the entering of Applicant's indictments that contained highly prejudicial details about previous crimes to be admitted as proof of prior convictions of burglary. Counsel testified that she did challenge the old indictments and sentencing sheets being entered into evidence with the potentially prejudicial information being un-redacted. The record reflects that counsel did in fact challenge the records from the previous convictions being entered into evidence. The record shows that counsel argued

that any prejudicial information that should not be before the jury should be redacted from the records. The trial court was given the records and made redactions before they were entered into the record. This Court finds that counsel was not ineffective in arguing that any prejudicial information should be redacted from the records introduced. This Court finds that Applicant has failed to meet his burden and therefore this allegation is summarily dismissed.

Failure to Argue that State did not Prove Entry into the Dwelling

Applicant alleges that counsel was deficient for failing to argue that the State failed to prove that Applicant entered the dwelling and that the items were actually left outside of the house. Applicant testified that he never entered the dwelling the day of the crime. Applicant testified that he felt the State did not prove that he entered the dwelling. A review of the record indicates that counsel cross-examined the State's DNA expert and showed that there was no evidence to suggest that Applicant's DNA was recovered from inside the dwelling. The record also reflects that counsel made a directed verdict motion specifically arguing that the State failed to show that the Applicant ever entered the dwelling. Counsel argued that there was video showing Applicant at the location, but nothing showing him ever taking items from inside the dwelling. The Court ultimately denied the directed verdict motion. This Court finds that Applicant has failed to show any deficiency on the part of counsel or any prejudice resulting therefrom. This Court finds that Applicant has failed to meet his burden and therefore summarily dismisses this allegation.

Failure to Move to Quash Indictment

Applicant alleges that counsel was deficient for failing to move to quash the indictment. Applicant testified that counsel should have moved to quash the indictment because there was no proof he ever entered the dwelling. Counsel testified that she did not move to quash

the indictment as she did not feel there was any basis to do so. Counsel testified that she would expect the State to re-indict if the indictment was quashed. . An "indictment is a notice document." State v. Gentry, 363 S.C. 93, 102, 610 S.E.2d 494, 500 (2005). In considering a timely challenge to the sufficiency of an indictment, the trial judge should determine whether:

- (1) the offense is stated with sufficient certainty and particularity to enable the court to know what judgment to pronounce, and the defendant to know what he is called upon to answer and whether he may plead an acquittal or conviction thereon; and
- (2) whether it apprises the defendant of the elements of the offense that is intended to be charged.

Id. at 102-103, 610 S.E.2d at 500 (citing State v. Wilkes, 353 S.C. 462, 578 S.E.2d 717 (2003); see also S.C. Code Ann. § 17-19-20 (2003) (sufficiency of indictment)).¹ A court reviewing an indictment for sufficiency should consider the indictment “‘on its face,’ *and* consider the events at trial.” State v. Reddick, 348 S.C. 631, 636, 560 S.E.2d 441, 443 (Ct. App. 2002). The court must also observe the indictment with a practical eye in view of all the surrounding circumstances. Gentry, 363 S.C. at 103, 610 S.E.2d at 500 (citing State v. Adams, 277 S.C. 115, 283 S.E.2d 582 (1981)). In other words, a court should examine “the totality of the circumstances” to determine if Petitioner was cognizant of the crimes for which he was charged. Reddick, 348 S.C. at 636, 560 S.E.2d at 443. Moreover, a challenge to the indictment on the ground of insufficiency must be made before the jury is sworn. Gentry, 363 S.C. at 102, 610 S.E.2d at 500; S.C. Code Ann. § 17-19-90.

This Court finds that Counsel made no errors in advising Applicant on the sufficiency of the indictment and Applicant produced no evidence to support his allegations that the indictment is

¹ Section 17-19-20 provides:

Every indictment shall be deemed and judged sufficient and good in law which, in addition to allegations as to time and place, as required by law, charges the crime substantially in the language of the common law or of the statute prohibiting the crime or so plainly that the nature of the offense charged may be easily understood and, if the offense be a statutory offense, that the offense be alleged to be contrary to the statute in such case made and provided.

S.C. Code Ann. § 17-19-20.

defective. Furthermore, Applicant has failed to show that a challenge to the indictment would have been successful. This Court finds there is no reasonable probability that had Counsel challenged the sufficiency of the indictment, the result of the trial would have been different. Accordingly, this Court finds Applicant has failed to satisfy his burden of proving he was prejudiced by any alleged error of Counsel. Therefore, this allegation is denied and dismissed.

Failure to Question Witness about what she told Applicant about Items

Applicant alleges that counsel was deficient for failing to question the witness about whether or not she told Applicant that those were her items in the yard. Applicant testified that he went to go retrieve his friend's stuff out of the yard that day because she asked him to do so. Applicant testified that counsel reviewed her trial strategy with him prior to trial.

"Counsel's performance is accorded a favorable presumption, and a reviewing court proceeds from the rebuttable presumption that counsel 'rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.'" Strickland, 466 U.S. at 690. There is a strong presumption that counsel's decisions are based on tactical strategy rather than neglect. Yarborough v. Gentry, 540 U.S. 1, 8 (2003) (quoting Massaro v. United States, 538 U.S. 500 (2003)). "Accordingly, when counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel." Smith v. State, 386 S.C. 562, 567, 689 S.E.2d 629, 632 (2010) (citing Caprood v. State, 338 S.C. 103, 110, 525 S.E.2d 514, 517 (2000)). See also Stokes v. State, 308 S.C. 546, 419 S.E.2d 778 (1992) (holding where counsel articulates valid reasons for employing certain strategy, such conduct will not be deemed ineffective assistance of counsel); Ingle v. State, 348 S.C. 467, 470, 560 S.E.2d 401, 402 (2002) (holding counsel may avoid a finding of ineffectiveness if he articulates a valid reason for using a certain strategy). "[D]ecisions primarily involving trial strategy and tactics may be made by trial

counsel. Examples of such decisions include ‘which jurors to accept or strike, which witnesses should be called on the defendant’s behalf, what evidence should be introduced, whether to object to the admission of evidence, [and] whether and how a witness should be cross-examined.’ What motions to file and ‘whether to put on evidence so as to preserve the final word in closing argument’ are also strategic and tactical decisions to be made by trial counsel.” Abney v. State, 408 S.C. 41, 48, 757 S.E.2d 544, 547 (Ct. App. 2014) (internal citations omitted). Trial counsel’s strategy is reviewed under “an objective standard of reasonableness.” Magazine v. State, 361 S.C. 610, 617, 606 S.E.2d 761, 764 (2004).

Counsel testified that the strategy was to show that there was no evidence to suggest that Applicant ever entered the dwelling to retrieve any items. Counsel was attempting to cast doubt in the jury’s minds by highlighting the lack of DNA evidence and the drug deal that preceded the burglary. This Court finds that Applicant has failed to show any deficiency on the part of counsel or any resulting prejudice resulting therefrom. This Court finds that Applicant has failed to meet his burden and therefore dismisses this allegation.

CONCLUSION

Based on all the forgoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations before or during his trial and sentencing proceedings. Counsel was not deficient, nor was Applicant prejudiced by Counsel’s representation. Therefore, this PCR application must be denied and dismissed with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty days from PCR counsel’s receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel’s assistance in seeking review of the denial of post-

conviction relief. Rule 71.1(g), SCRPC, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. The application for post-conviction relief be denied and dismissed with prejudice; and
2. Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 14 day of September, 2019.


WILLIAM H. SEALS JR.
Presiding Judge

Marion, South Carolina

WITNESSES

DOCKET NO. 2015GS0701617

361
After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina
County of Beaufort

Defendant

COURT OF GENERAL SESSIONS

January Term 2016

I
hereby appear in my own proper person and plead guilty to the within indictment or to

THE STATE

- vs. -

Adrian Jenkins

Indictment For
Burglary 1st Degree

SC Code: 16-11-311

CDR Code: 0079

Defendant

Witness:

C.C.C. PLS. and G.S.

ARREST WARRANT NUMBER

2015A0710400400

foreperson of Grand Jury
Date: JAN 21 2016

VERDICT

True Bill

Foreperson of Petit Jury

Date:

INDICT

STATE OF SOUTH CAROLINA

INDICTMENT

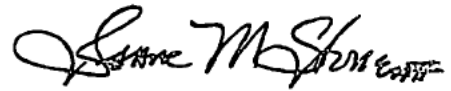
COUNTY OF BEAUFORT

At a Court of General Sessions, convened on January 21, 2016, the Grand Jurors of Beaufort County present upon their oath:

Burglary 1st Degree

That in Beaufort County, South Carolina, on or about September 17, 2015, the Defendant, Adrian Jenkins, did enter the dwelling of George Lawson at [REDACTED] in Shell Point without consent and with the intent to commit a crime therein, while having been convicted of Burglary 2nd twice previously, all in violation of Section 16-11-311 et al. of the Codes of Law of South Carolina.

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



Solicitor