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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Dillon County

Honorable Michael S. Holt, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOSHUA DAREK MANNING,

APPELLANT

APPELLATE CASE NO. 2022-000451

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA	)	Court of General Sessions
State of South Carolina	)	Fourth Judicial Circuit
Plaintiff,	)	Case No. 2020-GS-17-0073
vs.	)	2020-GS-17-0074;
Joshua Manning,	)	2020-GS-17-0075;
	)	2020-GS-17-0076 &
	)	2020-GS-17-0077
Defendant.	)	Transcript of Record

March 28-30, 2022

Dillon County, South Carolina

B E F O R E:

The Honorable Michael S. Holt, Presiding Judge, and a jury

APPEARANCES:

Shipp Daniel, Esquire
Kernard Redmond, Esquire, Deputy Solicitor

For the State.

Linward Edwards, Esquire

For the Defendant.

Official Court Reporter
Julie Kevish

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(Whereupon proceedings convened Monday, March 28, 2022)

The following proceedings were held in chambers with Court and counsel:

THE COURT: Court will come to order. We're actually in Chambers outside the presence of the jury panel. There are some issues that need to be addressed before we get actually in the courtroom, and what I'm going to do is ask the Solicitor to identify the action for the Court for the record and then I'll hear from counsel.

MR. DANIEL: Your Honor, may it please the Court. This is the State versus Joshua Manning. He has five true billed indictments, 2020-GS-17-0077 for Murder; 0076 for Armed Robbery; 0073 for Possession of a Weapon During Crime; 0074 for Petit Larceny; and 0075 for Criminal Conspiracy, all of these indictments were true billed by the Grand Jury on February 13, 2020 for the incident that allegedly did take place on December 12, 2019. We are prepared for trial.

MR. HOLT: Mr. Edwards, you represent the defendant, sir?

MR. EDWARDS: That is correct, Your Honor.

THE COURT: And you have matters you wish to take up with the Court?

MR. EDWARDS: That's correct, Your Honor.

THE COURT: I'll be happy to hear from you.

MR. EDWARDS: Thank you, Your Honor. May it please

the Court? Your Honor, I represent Mr. Joshua Manning in this action. Your Honor, at this point we would make a motion of continuance in this case and that motion of continuance would be based on the jury pool size. Your Honor, out of 175 jurors that should have been here this morning, I believe we have only 38. We believe that is not a sufficient and fair representation of Dillon County as a whole, and we would ask that this case be continued until we can have a proper jury that would represent Dillon County, Your Honor, to pick from.

THE COURT: Solicitor?

MR. DANIEL: Thank you, Your Honor. May it please the Court? I'm not sure what having a proper representation of Dillon County standard, what that standard would be. I've not seen any case law that supports that argument, the only case law that I'm familiar with that supports anything close to what the defense is arguing would be just not having enough jurors, qualified jurors, in order to pick 12, plus an alternate of two, and I think that we don't know that until we go through the qualification process. It is common that, and not just Dillon County, but every county that I'm familiar with, that the number of jurors who actually appear is far below that of the total number subpoenaed, for various reasons, and we've got people over 65 who don't have to show up, we've got people who have legitimate doctor's excuses that the Clerk accepts. I don't know how many of those we have in this case, but I do

know that it appears we have 39 jurors out there right now, so absent some case law that I'm just unfamiliar with, which is totally possible that I'm not familiar with it, but I think we need to attempt to pick a jury. If we get below the magic number in there then we won't have a choice but to come back and have another conversation about what to do next, but I don't know of any authority that would stop the process right here.

THE COURT: Mr. Edwards?

MR. EDWARDS: Yes, sir, Your Honor. I would just ask the Court to consider that this is a case of particular notoriety in Dillon County, as this is a high profile case, and we just want to make the Court aware of that, and we think that a jury pool of 39 jurors would not be a sufficient representation of Dillon County, especially when 175 folks were summoned to be here today, and we would ask that the Court continue the case based upon that, Your Honor.

THE COURT: Alright, sir. Counsel had given the Court some heads up as to this issue prior to this hearing, so I've had a little bit of time to think about it. Based on the lack of authority that I'm aware of, I'm inclined to deny the motion. I believe the Solicitor is correct, we have to at least attempt to do this, and in the event that we can't we can always utilize the Sheriff's Office to find those jurors who did not appear, so I'm going to deny the motion at this time,

sir.

MR. EDWARDS: Thank you, Your Honor.

MR. DANIEL: Thank you, Judge. If I could just add about the pre-trial publicity that the defense counsel mentioned. I agree with him, this case had a lot of pre-trial publicity, but there is also case law out there about how to handle that, and we are prepared to have those, again, tougher discussions, if need to, once we see, if we see, during the qualification that pre-trial publicity is going to cut our numbers down to the extent that we can't get a jury.

THE COURT: Alright, sir. Okay. Mr. Redmond, anything you need to add, sir?

MR. REDMOND: No, I will just hurt anything, so I'll just stay quiet.

THE COURT: Thank you, sir. Okay. If there's nothing further, so ordered, and we will reconvene in the courtroom, and we'll start with roll call then.

MR. EDWARDS: Yes, sir.

THE COURT: Thank you, gentlemen. We're adjourned.

(Recess taken)

THE COURT: Just a few brief comments before we identify the case and we go through some Voir Dire. It's going to be necessary if you are called for jury service this week that you off all pagers and phones, I don't believe they let them in the courthouse anyway, but in any event, you have to

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turn those devices off. It's also going to be important that you have no contact at all with any of the parties, lawyers or possible witnesses in this case which may come before the Court. Innocent conversations can be easily misconstrued, so just avoid any contact with any of the people who are going to participate in this trial. If people don't speak to you, don't take that as them being rude. The lawyers and witnesses are not supposed to talk to you and have conversations with you. Be prompt, it's not fair when we have to delay proceedings. Also, be here at the times that we ask you to. If there's an emergency that occurs at home or something that happens, please let the Clerk of Court, Ms. Hyatt, or her office know immediately. The numbers are labeled for you to call them to pass that information on.

Ladies and gentlemen of the jury, we are going go through a process called Voir Dire. There are some questions we have to have in order to assist the lawyers in this matter with selecting a jury. If I can have the Solicitor, if he would just identify those charges for the Court, sir.

MR. DANIEL: Thank you, Your Honor, if it pleases the Court, the State is calling the case of Joshua Darek Manning: 2020-GS-17-0077, that's indictment for Murder; 76 Armed Robbery; 73 Possession of a Weapon During a Violent Crime, 75 Criminal Conspiracy; and 74 Petit Larceny. All of these indictments were true billed by the Grand Jury on February 13,

2020. On indictment 74, the Petit Larceny, there is one amendment that the parties agreed to, but we can handle that later. The State is ready for trial.

THE COURT: State's potential witnesses are, you provided those to me, did you wish to --

MR. DANIEL: I have another sheet, I think this list has one additional name on it, and I've provided this to the defense.

THE COURT: Ladies and gentlemen, if you listen to these names carefully, these are names that will be called by the State in this action, if you know any of these individuals. First of all, is there any member of the jury panel -- well, Mr. Linward Edwards, if you would just introduce yourself and your client, please, sir.

MR. EDWARDS: Thank you, Your Honor. May it please the Court? Good morning, ladies and gentlemen, my name is Linward Edwards. I'm an attorney for Joshua Manning in this case, also present my legal assistant, and work the Law Office out of Florence and Dillon County.

THE COURT: Does the State have anything else they need to say?

MR. DANIEL: Thank you, Your Honor. May it please the Court? My name is Shipp Daniel. I'm an Assistant Solicitor here in the Fourth Judicial Circuit and my responsibilities are to handle the criminal docket here in

Dillon County. Seated with me is Deputy Solicitor, Kernard Redmond, and Allan Rogers of the Dillon County Sheriff's Department.

(Voir Dire)

THE COURT: Thank you, sir. Is there any member of the jury panel related by blood or marriage to any of the parties in this action? If so, if you would please stand. No one stood. Is there any member of the juror panel that has a close personal or social -- I'm sorry, did you respond to the first question?

THE JUROR: Yes, sir.

THE COURT: Tell me your name and juror number.

THE JUROR: Thurman Cook.

THE COURT: Mr. Cook, you indicated you were related by blood or marriage to?

THE JUROR: Not marriage, but my girlfriend is.

THE COURT: Who would that be with, sir?

THE JUROR: Missy --

THE COURT: Who is the party you were --

THE JUROR: Ryan --

MR. DANIEL: Judge, he's indicating a relationship with someone who is related to the victim's family.

THE COURT: Sir, there may be -- I'll come back to you. Okay? Thank you. And to follow up with the second question, does any member of the jury panel have a close,

personal or social relationship with any of the folks who have been introduced to you so far? No one stood. I have a list of possible witnesses in this case. Is any member of the jury panel related by blood or marriage to any of the people whose names I will call or have a close or social relationship with any of these people? The witnesses provided to the Court by the State include: Cliff Arnette who was a former captain with the Dillon County Sheriff's Department; Keith Bailey -- Alright, sir, you stood, and that's in response to Cliff Arnette?

THE JUROR: Yes, sir.

THE COURT: What's your relationship, sir?

THE JUROR: He's related on my mom's side. I'm not sure how far down the line, maybe a third cousin.

THE COURT: Thank you, sir.

MR. EDWARDS: Your Honor, what's his juror number?

THE COURT: Sir, give us your juror number.

THE JUROR: Juror number 8.

THE COURT: Austin Arnette?

THE JUROR: Yes, sir.

THE COURT: Thank you, sir. Bill Coward, Jr.; Se'Andrah Hamilton; Michelle Hughes; William Mason; Dr. Edward Proctor; Todd Schenk with the South Carolina Law Enforcement Division. Counsel has been introduced to you. We have Mr. Shipp Daniel with the Solicitor's Office and we have Mr.

Linward Edwards. We also have Mr. Kernard Redmond with the Solicitor's Office at the State's table. Has any member of the jury panel been represented by any of these attorneys involved in this case or by their law firms? Is any member of the jury panel related by blood or marriage to or have a close, personal or social relationship with any of the attorneys involved in this case or anyone in their law firms? Has any member of the jury panel formed or expressed an opinion about any issue or matter involved in this case? Is any member of this jury panel aware of any bias or prejudice toward any of the parties in this case? Is there any member of the jury panel who is a member of or contributor to any group which has as its primary concern the promotion of law enforcement or victim's rights, these groups would include but not limited to MADD, SADD or CAVE, which is Citizens Against Violent Crime? Does any member of the jury panel know of any reason whatsoever why they should not serve as a juror in this case with a particular emphasis being placed on your ability to be fair and impartial to all parties? Some additional questions. Does anyone on the jury panel or anyone in your immediate family currently or in the past been prosecuted by the Fourth Circuit Solicitor's Office? Have you or any member of your family or a friend been prosecuted in any jurisdiction for robbery, theft, weapons possession or murder? Yes, ma'am. You jury number?

THE JUROR: 95.

THE COURT: And that is Carolyn Locklear.
THE JUROR: My mother was murdered in 2016 and Mr. Mr. Kernard handled our case for us. Donovan Lewis just was sentenced maybe about a month ago.
THE COURT: Thank you, ma'am.
THE JUROR: And sir, to my understanding, were you saying was someone in my family prosecuted?
THE COURT: Let me re-read the question. Have you or any member of your family or a friend been prosecuted in any jurisdiction for robbery, theft, weapons possession or murder?
THE JUROR: Not me, but I got a family member that was arrested.
THE COURT: Tell me your number first, please.
THE JUROR: 43.
THE COURT: 43, that's Ms. Fletcher. And you had a family member who was prosecuted --
THE JUROR: Yes.
THE COURT: For --
THE JUROR: It was a murder, but I don't know -- I think he also had violated probation, but he was, like, being held for a possible murder, also, but at the same time he was violating his probation for being, you know, out of place.
THE COURT: Thank you, ma'am. Has any member of the jury panel or immediate family member ever been investigated by SLED or by any Dillon County Law Enforcement Agency for any

reason?

THE JUROR: I need to go back to the previous one. I'm Juror Number 7.

THE COURT: Juror Number 7, Sherry Anderson.

THE JUROR: In 1991, before I was married, right before I was married, he did get locked up for murder but he was released on six months time served.

THE COURT: Thank you. The question before the last juror stood was, has any member of the jury panel or an immediate family member ever been investigated by SLED or by any Dillon County Law Enforcement Agency for any reason? Do you or does anyone in your immediate family have a negative opinion of or a bias against law enforcement? Any additional questions from the State or from the defense?

MR. DANIEL: None from the State, Judge.

MR. EDWARDS: No, sir, Your Honor.

MR. HOLT: Counsel, can I get you to approach, please.

(Off the record discussion was held at the bench between Court and counsel.)

THE COURT: Alright, folks, an additional question needs to be asked of you. The victim in this matter is an individual by the name of J.W. Bailey who owned and operated a local convenience store. Does anyone know the victim or the victim's family?

THE JUROR: Number 28. I know the victim's family.
THE COURT: Ms. Coleman, can you be fair and impartial in this matter?
THE JUROR: I believe so.
THE COURT: Thank you, Ms. Coleman.
THE JUROR: Juror 117, Tiffany Miller. I'm related to the family.
THE COURT: You're related to the victim's family?
THE JUROR: Yes.
(Off the record discussion was held at the bench between Court and counsel.)
THE COURT: Ma'am, can I get you to come forward please?
The following proceedings were had at the bench by Court and counsel:
THE COURT: This is Ms. Tiffany Miller, Juror Number 117.
THE JUROR: Yes, sir.
THE COURT: The question is whether you knew the victim or the victim's family.
THE JUROR: Yes, sir.
THE COURT: And you indicated that did, that you were related to them?
THE JUROR: Yes, sir. My grandfather and the victim's mother were siblings, so I was -- the victim was my

second cousin.

THE COURT: And you, obviously, know all about this case then, I guess?

THE JUROR: Uh-huh, yes, sir.

THE COURT: Okay. I'm going to excuse you from this trial. Okay?

THE JUROR: Okay.

THE COURT: Thank you for being here. Good luck to you. Let the record reflect Juror 117 has been excused. Yes, ma'am?

THE JUROR: I do know Mr. Keith and his wife, but we are not close friends and I do think I would be --

THE COURT: Thank you, ma'am. That's Juror Number 7?

THE JUROR: Yes, Your Honor.

THE COURT: Thank you. Yes, sir?

THE JUROR: Number 8.

THE COURT: Mr. Austin Arnette.

THE JUROR: I'm related to one of the family members, Your Honor.

THE COURT: Mr. Arnette, can I get you to come forward?

The following proceedings were held at the Bench between Court and counsel at this time:

THE COURT: This is Juror Number 8, Austin Arnette. You're related to somebody who knew the victim?

THE JUROR: My first cousin.
THE COURT: Ryan --
THE JUROR: He's my first cousin. He is the guy in the police uniform. He is the victim's son in law. The victim's daughter is married to --
THE COURT: He's your cousin?
THE JUROR: Yes, sir.
THE COURT: Okay. And that relationship, you believe you would be able to be fair and impartial?
THE JUROR: I think so, yeah, I believe so.
THE COURT: Any objections?
MR. EDWARDS: Your Honor, I ask that he be excused.
THE COURT: Mr. Arnette, I'm going to excuse you from this trial, okay, sir. Thank you. The record will reflect that Juror Number 8 is excused. As indicated, there was some notoriety as a result of this case, and its been asked of the Court to see if there's anybody due to the notoriety that could not be fair and impartial in this matter? No one stood. Okay. I believe we are at the point where we need to give this jury panel a break. You've been sitting patiently. We're going to take a ten-minute break, allow you to step outside. We have some matters to take up. When we come back in we'll start with jury selection.
(Recess taken.)
THE COURT: Court will come to order. Are there any

other matters we need to take up the Court before we get to jury selection?

MR. DANIEL: Judge, may we approach?

THE COURT: Yes, sir.

(Off the record discussion was held at the bench between Court and counsel.)

THE COURT: Can I get Juror 131, Mr. Page to come forward, please? Come right up here, sir.

The following proceedings were had at the bench by Court and counsel:

THE COURT: This is Juror 131, Stamar Page.

THE JUROR: Yes.

THE COURT: Mr. Page, it came to the Court's attention that you may have approached somebody that you had something in your past that you wanted to disclose. What was that?

THE JUROR: I did have a robbery charge and I don't know --

THE COURT: You had the robbery. What was the disposition? What happened with that charge?

THE JUROR: I think they threw it out, but they sent me to some kind of class.

THE COURT: But you never pled guilty or were found guilty?

THE JUROR: I forgot what -- it was like 12 years

ago.

THE COURT: So do you have anything in the system --

MR. DANIEL: Lee Hayes, remember Lee Hayes, he was the shorter guy, he said that you were charged with armed robbery but it was dismissed. Does that ring a bell to you?

THE JUROR: I don't know if it was dismissed but I know they sent me to a class.

MR. REDMOND: It was dismissed March 1, 2011.

MR. DANIEL: And I think he started to say he knows somebody.

THE COURT: Was there something else?

THE JUROR: The boys' daddy, I'm real close friends with him.

THE COURT: The defendant's daddy or the victim?

THE JUROR: The defendant's.

THE COURT: You know the defendant's father?

THE JUROR: Yeah. I'm close friends with him. I can't hardly hear over there. I was friends with the defendant's father.

THE COURT: Can you be fair and impartial in the trial of this case?

THE JUROR: I don't want to.

THE COURT: As a citizen we don't ask our citizens to do a whole lot except vote, pay taxes and serve on a jury. Because you know the defendant's father does that make it so

that you can't be fair and impartial to both sides and listen?

THE JUROR: I really don't want to have any parts in it.

THE COURT: That's not the question. I understand it's uncomfortable because you have to sit in judgment of a fellow citizen, but can you be fair and impartial? You may not even get called, I don't know.

THE JUROR: I can try.

THE COURT: Well, that's all we can ask.

THE JUROR: Yeah.

THE COURT: I appreciate you bringing that information up to the Court. Okay?

THE JUROR: Yeah.

THE COURT: Thank you.

MR. DANIEL: While we're here, we want to amend the petit larceny, and I didn't write it in because I thought you would want to. We allege the tobacco products and cash were taken under the threshold amount of $2,000.00, so I consent to add "and cash" to that indictment.

MR. EDWARDS: No objections, sir.

THE COURT: Anything else?

MR. DANIEL: No, sir.

MR. EDWARDS: No, Your Honor.

THE COURT: Counsel, at this time we will begin the jury selection process. State has five, defense has ten.

When your juror number is called, if I can get you to come forward. Madam Clerk, where do you want them?

THE CLERK: Right there in front of the two tables.

THE COURT: If you would just come before the bench here, stand and face counsel's table, and then wait for further instruction. Okay? When you do come forward, if you have any personal belongings with you, if you would bring those forward with you, like a purse or anything like that. Okay?

(Jury Selection)

THE COURT: Juror Number 116, Renetta Miller. What says the State?

MR. DANIEL: Please present Ms. Miller.

THE COURT: What says the defense?

MR. EDWARDS: Please excuse Ms. Miller.

THE COURT: Ms. Miller, you've been excused, if you would just return to your seat. Thank you. Juror Number 119, Kimberly Monahan. What says the State?

MR. DANIEL: Please present Ms. Monahan.

THE COURT: What says the defense?

MR. EDWARDS: Please excuse this juror.

THE COURT: Ms. Monahan, you've been excused from this trial, ma'am, thank you. Juror Number 43, Tynitrice Fletcher. What says the State?

MR. DANIEL: Please excuse Ms. Fletcher from service in this case.

THE COURT: Ma'am, you're excused. Thank you. Juror 69, Joyce Hyatt. What says the State?

MR. DANIEL: Please present Ms. Hyatt.

THE COURT: What says the defense?

MR. EDWARDS: Please seat this juror.

THE COURT: Ms. Hyatt, I need you to come over here, ma'am. Have a seat. Juror Number 145, Christian Roberts. What says the State?

MR. DANIEL: Please present Mr. Roberts.

THE COURT: What says the defense?

MR. EDWARDS: Please seat this juror.

THE COURT: Mr. Roberts, if I can get you to come forward, sir. Juror Number 21, Crystal Bullock. What says the State?

MR. DANIEL: Please present Ms. Bullock.

THE COURT: What say the defense?

MR. EDWARDS: Please excuse this juror.

THE COURT: Ms. Bullock, you're excused from this trial, ma'am. Juror 101, Sharissa Marks. What says the State?

MR. DANIEL: Please present Ms. Marks.

THE COURT: What says the defense?

MR. EDWARDS: Please seat this juror.

THE COURT: Ms. Marks, if I can get you to come forward, ma'am, and have a seat, please. Juror Number 32,

Thurman Cook. What says the State?

MR. DANIEL: Please present Mr. Cook.

THE COURT: What says the defense?

MR. EDWARDS: Please excuse this juror.

THE COURT: Mr. Cook, you are excused, sir. Thank you. Juror Number 41, Avis Drake. What says the State?

MR. DANIEL: Please present Ms. Drake.

THE COURT: What says the defense?

MR. EDWARDS: Please seat this juror.

THE COURT: Ms. Drake, I need you to come forward and have a seat, please. Juror Number 28, Katherine Coleman. What says the State?

MR. DANIEL: Please present Ms. Coleman.

THE COURT: What says the defense?

MR. EDWARDS: Please excuse this juror.

THE COURT: Ms. Coleman, you've been excused. Juror 137, Jamesha Pinkney. What says the State?

MR. DANIEL: Please present Ms. Pinkney.

THE COURT: What says the defense?

MR. EDWARDS: Please seat this juror.

THE COURT: Ms. Pinkney, can I get you to come forward and have a seat, please. And folks, if you can come stand between the tables closer to the bench here so that everybody has enough space. Juror 46, Antonio Gaddy. Sir, you can back up toward us. What says the State?

MR. DANIEL: Please present Mr. Gaddy.
THE COURT: What says the defense?
MR. EDWARDS: Please seat the juror.
THE COURT: Mr. Gaddy, if I could get you to come have a seat. Juror 139, Renata Polson. What says the State?
MR. DANIEL: Please present Ms. Polson.
THE COURT: What says the defense?
MR. EDWARDS: Please seat the juror.
THE COURT: Ms. Polson. And she can actually go to the next one. Juror 160, Nick Small. What says the State?
MR. DANIEL: Please present Mr. Small.
THE COURT: What says the defense?
MR. EDWARDS: Please seat the juror.
THE COURT: Mr. Small, If I can get you to have a seat on the second row, sir. Juror 162, Tiffany Smith. What says the State?

MR. DANIEL: Please present Ms. Smith.
THE COURT: What says the defense?
MR. EDWARDS: Please seat the juror.
THE COURT: Ms. Smith, if I can get you to come forward, if you could have a seat on the second row. Thank you. Juror Number 5, Lori Altman. What says the State?
MR. DANIEL: Please present Ms. Altman.
THE COURT: What says the defense?
MR. EDWARDS: Please seat the juror.

THE COURT: Juror 131, Stamar Page. What says the State?

MR. DANIEL: Please excuse Mr. Page from service in this case.

THE COURT: Mr. Page, you've been excused, sir. Thank you. Juror 33, Harold Cooke. What says the State?

MR. DANIEL: Please present Mr. Cooke.

THE COURT: What says the defense?

MR. EDWARDS: Please excuse this juror.

THE COURT: Pastor, you've been excused. Juror 73, Mollie Jackson. What says the State?

MR. DANIEL: Please present Ms. Jackson.

THE COURT: What says the defense?

MR. EDWARDS: Please seat this juror.

THE COURT: Ms. Jackson, come have a seat. Juror 121, Stephanie Montgomery. What says the State?

MR. DANIEL: Please present Ms. Montgomery.

THE COURT: What says the defense?

MR. EDWARDS: Please seat this juror.

THE COURT: Ms. Montgomery, if I can get you to have a seat. Counsel, we're going to select two alternates. The State would have one strike and defense would have two. Juror 156, Allayssa Simmons. What say the State?

MR. DANIEL: Please present Ms. Simmons.

THE COURT: What says the defense?

MR. EDWARDS: Please seat the juror.

THE COURT: Ms. Simmons, if you would have a seat, please, in this front row. Juror 30, Teloia Coleman. What says the State?

MR. DANIEL: Please excuse this juror from service in this case.

THE COURT: Ms. Coleman, you've been excused. Juror 14, Ja'maries Bethea. Solicitor?

MR. DANIEL: I have no challenge for cause, Judge.

THE COURT: What says the defense?

MR. EDWARDS: Please seat this juror.

THE COURT: Mr. Bethea, if I can have you have a seat on this first row. Counsel, anything regarding the selection of the jury?

MR. DANIEL: Yes, sir. The State's going to make a motion.

THE COURT: And I believe you have a motion, as well?

(Off the record discussion was held at the bench between Court and counsel.)

THE COURT: There are some matters the Court needs to take up with counsel outside the presence of this potential jury, as well as the jury panel. What we're going to do next is, I've not sworn you as a jury yet, there's nothing to talk about, but don't discuss the case, and I'm speaking to the jury at this time. What we're going to do is the deputies here will

escort you out of the courtroom to a jury room and then I need to take up some matters with counsel. When we're finished with that, they'll bring you back in, we'll seat you and take up any further matters we need to take up before we let you go home for the day. For the jury panel, you've been patient with the Court, and I appreciate it, and we'll ask that you step out. Once we remove them from the courtroom then you'll be allowed to exit the courtroom, and we'll bring you back in. The deputies will let you know when it's time to the come back into the courtroom, and we may have no further service of you at that time, and the Court will alert you to that if that is the case. Okay? So at this time I'm going to ask if law enforcement could escort the jury out of the courtroom. At this time I'll have the remaining jury panel, if you would exit the courtroom I can take up matters with counsel and the bailiffs and deputies will let you know when it's appropriate to come back in. Okay? We'll be right with you.

(Jury exited the courtroom.)

THE COURT: Alright, are there any remaining members of the jury panel? It looks like they've all left the courtroom. Solicitor, you had a motion you wish to raise at this time.

MR. DANIEL: Thank you, Your Honor, I do. If it pleases the Court? The State would move under Batson versus Kentucky for the defense to give a racially neutral reason for

all of its strikes. It appears from my notes there were six individuals the defense struck: A white female, a white female, a white female, a white male, a white female and a white male. So since all six of the strikes he used were white individuals, I would ask that the defense give these racially neutral reasons for the strike.

THE COURT: With regard to Juror 116, Renetta Miller?

MR. EDWARDS: Your Honor, 116 was struck, she said that her husband worked at South Carolina Department of Transportation, and my client at that point in time did not want to go forward with that juror. That was the reason for the strike, Your Honor.

THE COURT: Mr. Daniel?

MR. DANIEL: Do you want to hear from us on each individual juror?

THE COURT: Yes, sir.

MR. DANIEL: Judge, pursuant to case law, that's not a valid reason. There has to be a racially neutral reason for the strike, and I don't see under current case law, obviously, Batson versus Kentucky, or the state case law, which there is a large body, I don't see that that's a valid answer.

MR. EDWARDS: Your Honor, our response is, my client is entitled to strike jurors as long as he's not using race, age or gender. We take that information and we get that information from the jurors so we can make a decision, and it's

my client's reason at that point in time that he didn't want someone employed by the Government who was married to a Government employee to be sitting on the jury.

THE COURT: Okay. Juror Number 119, Kimberly Monahan?

MR. EDWARDS: Your Honor, if I may, that juror works, I believe, for the Federal Bureau of Prisons, and that's the reason for the strike in that circumstance, or that juror's husband, I'm sorry.

MR. DANIEL: And the State does not have any objection to that juror, I understand that point.

THE COURT: Juror 21, Crystal Bullock.

MR. EDWARDS: Your Honor, I believe that Juror Number 21 stated that she knows the victim's family, and that was the reason for the strike of that juror.

MR. DANIEL: Okay.

THE COURT: Juror 32, Thurman Cook?

MR. EDWARDS: Your Honor, I believe Mr. Cook stated that he's related, or I think he's married into the victim's family?

MR. DANIEL: That's correct.

THE COURT: Juror 28, Katherine Coleman?

MR. EDWARDS: I believe Number 28 also stated she knows the victim's family.

MR. DANIEL: My notes say that as well.

THE COURT: Juror 33, Harold Cooke?

MR. EDWARDS: Your Honor, in regards to Juror 33, my client didn't want a pastor on the jury.

MR. DANIEL: Your Honor, Payton v. Kearse, 329 South Carolina 51, says that an insufficient reason for a strike and generalization about an entire group, which would apply here because a pastor is a group of people, and he said the reason that was just given was, my client didn't want a pastor, which is a group of people. Pastors can be classified as a group of people. The example in Spartanburg Hospital System was, a redneck or a democrat, those were insufficient reasons for strikes, so I believe that being a pastor would not qualify.

MR. EDWARDS: Your Honor, in response, we believe that it is my client's right to pick his jury and we ask the questions when we qualify the jury of their occupation, then he viewed that occupation and he did not want to have that person to sit on his jury, and we don't believe it's in violation of any race, gender or any bias, Your Honor.

THE COURT: He indicated his vocation as a pastor. I understand. Anything else on those issues before the Court rules?

MR. DANIEL: No, sir.

THE COURT: Nothing further?

MR. EDWARDS: Nothing further, Your Honor.

THE COURT: I'm going to respectfully deny the

State's motion at this time. Was there something else?

MR. DANIEL: Thank you, Judge. I don't have anything else.

MR. EDWARDS: Nothing further, Your Honor.

THE COURT: Do you have a motion that you wish to make regarding -- was there another motion you were going to renew in light of what's transpired, or are you satisfied?

MR. DANIEL: I'm satisfied, Your Honor, moving forward.

THE COURT: I'll let you all stand down a minute. Let's bring the panel back in and we'll bring the jury back in. I just don't want too many people coming in at one time, so if I can just ask the bailiffs if they can bring the panel back in, have them seated and we'll bring the jury in once they're seated. We'll swear the jury, pick a foreman and set a schedule. What time do you all want to start now that the pastor won't be on the jury?

MR. DANIEL: We'll be ready whenever you tell us to be.

MR. EDWARDS: 10:00 a.m., Judge?

THE COURT: That's fine.

(Jury entered the courtroom.)

THE COURT: The Court will come to order. We have the jury panel back in the courtroom. We also have a selected jury as well. Counsel, anything before we swear in the jury?

MR. DANIEL: Nothing from the State.

MR. EDWARDS: Nothing, Your Honor.

THE COURT: Madam Clerk?

(Jury sworn.)

THE COURT: Anybody that did not take an oath remain standing, please. Let the record reflect that everybody sat which we suggest they have taken the oath. Thank you. Before we dismiss you for today, Mr. Gaddy, I had you sit on the end here, sir. I'm going to ask that you serve as the Foreman of this jury. Okay?

THE FOREPERSON: Yes, sir.

THE COURT: I'll have further instructions for you at the appropriate time.

THE FOREPERSON: Yes, sir.

THE COURT: You've been sworn as jurors in this matter and so I have some simple instructions. We are not going to start this trial today. It is my understanding that opening statements, we will start at 10:00 a.m. in the morning. I ask that you be here a few minutes beforehand and the Clerk staff and bailiffs will show you where to -- Madam Clerk, if you'll have somebody present to show them to their jury room; is that right?

THE CLERK: Yes, sir.

THE COURT: They'll escort you to where you need to be when you arrive. My expectation is that if we start at

10:00, we will be breaking typically once every couple of hours, we will take a lunch break, we will likely send you out, we will have you go out on your own. If any arrangements need to be made we can assist you with that. We will not be going late into the evening. We want to use the working hours for this trial, and we should not have to go beyond that, and we will get into all of that later. I do ask that you not talk to anybody about your service or talk about this case in particular, okay? Don't do any outside research, any investigation on your own. Any additional instructions?

MR. DANIEL: Nothing, Judge.

MR. EDWARDS: Nothing.

THE COURT: I appreciate your willingness to serve. I know this can be a burden, but certainly free and democratic society, it's necessary that we have folks that do and are willing to serve as jurors, and I compliment you on that. At this time I'm going to allow you to exit the courtroom and we'll see you tomorrow morning at 10:00 a.m. Thank you. You all have a good rest of your day.

(Jury exited the courtroom)

THE COURT: Does the State need anything else of this jury panel before we excuse them?

MR. DANIEL: No, sir. That would be it for the week.

THE COURT: Ladies and gentlemen, it's my understanding this will be the only matter tried this week. We

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appreciate your service and being here. I know its been a lengthy morning for you. Madam Clerk, any instructions for them before they go?

THE CLERK: No, Your Honor. I can tell them we'll be sending them a check for today and a certification for their job.

THE COURT: We'll be sending a check for your time today and also certification for your employment to show you were here for court. Okay? And if there are any other matters that you need to have addressed you can see Clerk after we excuse you. Okay? The jury panel may be excused at this time. That you all, good luck to you all. Any matters we need to take up before we adjourn this afternoon?

MR. EDWARDS: I don't have any matters, Judge.

MR. DANIEL: I'm sorry, are you talking about for the trial?

THE COURT: Yes, sir.

MR. DANIEL: No, sir, I have none.

MR. EDWARDS: No, sir, Your Honor.

(Concluded for the day Monday, March 28, 2022 at 3:26 p.m.)

(Were upon proceedings reconvened Tuesday, March 29, 2022)

The following proceedings were held at the bench with Court and counsel at this time:

THE COURT: Court will come to order. This is the trial of Joshua Manning. We're about to bring the jury out and

start the trial. Solicitor alerted the Court, as well as defense counsel, that there were some concerns about one of the jurors having been seen talking to the defendant's family. We have present the officers who witnessed that, and Solicitor if you will just confirm that is what he your understanding took place, and the officers, before the Court.

MR. DANIEL: Yes, sir, Judge. If it pleases the Court. I had some information brought to me this morning that two of our city investigators who were in the courtroom all day yesterday witnessed at some point late in the jury selection process, Juror 121, she was the 12th juror chosen. They saw her speaking with, smiling with, talking with some members of the defendant's family. That what I know, but both of those guys are here and can give the Court the details of what they saw.

THE COURT: Investigator Turner?

THE INVESTIGATOR: Your Honor, yesterday during the jury selection we were here basically for security and just to be in the courtroom to watch the trial, we proceeded to the right over here all day. We were just watching the jury selection. While I actually had my attention turned this way, first Sergeant Monroe Herring pats me on the side and says, hey, look, she's talking -- that juror's talking to, I don't know if it's the defendant's dad or not, but it was the male sitting on the front row. When I turned and looked she was

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leaning back and they were both, they're heads were nodding. I didn't see their mouths, but they were talking or they were talking and maybe laughing about something or communicating something. I'm not saying it was improper, but there was some type of -- because she was leaned all the forward. When I turned she was leaning back and his head was turned. Now, Sergeant Herring may know more than the first part of it, Your Honor.

THE COURT: Mr. Herring?

MR. HERRING: Well, it caught my attention because there was an older gentleman sitting on the very end and he was smiling and then when he called her up, when she told him, seat the juror, he put his hand up like he was waving. I mean, it might have been, whatever, but his hand went up like he was waving and he was smiling, so I actually focused my attention on him so when they walked out the older was staring at me all the way out. Like, I felt as though he knew her.

THE COURT: Okay.

MR. EDWARDS: Your Honor, may I ask a question?

THE COURT: Yes, sir.

MR. EDWARDS: May it please the Court? Neither one of you gentlemen actually know what was communicated; is that correct?

THE INVESTIGATOR: No, sir, and we're not implying that anything improper -- no. The answer to your question is

no, and we're not implying anything improper. We just, we didn't want to get through this trial and have something come up later on and we have prior knowledge, we let someone know, and it might be something completely innocent, I just felt like somebody needed to know that, to me, it was a red flag and it could be completely innocent.

MR. DANIEL: And that is consistent, what heard is consistent with what they told me this morning. No one knows what was said. It could be totally innocent, but if she knows the family, that was not disclosed during your questioning, during voir dire. At no point, that my notes reflected, did she stand for any reason. Certainly not the one where the Court asked if anybody knows any party or any family member of the party, which I know was a questioned you asked, and no one on our side has noted that she responded.

MR. EDWARDS: Your Honor, based on evidence presented, I would ask that this motion be dismissed. I don't even think it rises to the level that we even need to question the juror, and that is the defense's position.

MR. DANIEL: If a seated juror knows a member of the defendant's family and did not disclose that information, then there is a whole body of case law under State v. Woods that describes how the Court is to handle that. I would ask that you question to the juror and see what she says just to get a response, Your Honor.

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MR. EDWARDS: I just have to say, nothing was presented here on the record stating that the juror knew any member of the family. It's just stated that they had some sort of exchange, that is it. I don't think it rises to the level that we even need to question the juror. Thank you.

THE COURT: The Court's going to ask her just the extent of her relations, if there is one, and we'll go from there and we'll handle it the same way we've done this. We'll bring her up here.

THE INVESTIGATOR: Judge, we're not trying to start trouble, we just didn't want --

THE COURT: I understand, I appreciate it. Initially, I was thinking this might have happened in the parking lot, at another place --

THE INVESTIGATOR: No, sir.

THE COURT: Another venue --

THE INVESTIGATOR: No, sir.

THE COURT: This was in the courtroom while we were actually selecting, it could be very well harmless, we'll find out. Thank you.

MR. DANIEL: I think if you would agree to bring them all out, and say, before we start, I want to ask one more time, make sure everybody can be fair and impartial.

(Jury entered the courtroom.)

THE COURT: Court will come to order. Good morning,

ladies and gentlemen of the jury. Sorry for your wait, we had some matters that we needed to take up outside of your presence this morning, but I do appreciate you being timely today. As indicated when you came in, if you wish to be -- we have enough seating, I think that we can spread out some, so I want you to be comfortable if you wish to do that, you're welcome to do it. You don't have to sit in this same seat each time that you come in, however, my experience is that most people do return to the same seat each time we come in and out. Just for the record, I'm going to ask that Ms. Hyatt, Juror Number 69, that she serve as Madam Forelady of the jury. I've already informed her of that, and I put her on the end here. Ms. Hyatt, as Forelady of the jury, there's certain responsibilities that you will have, and I'll tell you more about that at the end of the trial, but I would ask that you continue to use that seat each time that you come in and out, but there will be further instruction for you later. Counsel, anything before the Court provides the preliminary charge?

MR. DANIEL: Yes, sir, if the Court will just inquire of all the jurors like we normally do about fairness and impartiality?

THE COURT: Ladies and gentlemen of the jury, you've already been placed under oath, and what I would do is, what I'm going to do is, I'm going to ask you a question and if you answer in the affirmative, "yes," then you would just have a

seat. If you answer, "no," you would remain standing, if that makes sense. The question is going to be whether or not you can be fair and impartial to both parties in this trial. Okay? So if I can get all of you to please stand. As noted, you remain under oath. Ladies and gentlemen of the jury, the question to you is whether you can be fair and impartial to both parties in this trial. If your answer is in the affirmative, if your answer is yes, please have a seat. Let the record reflect that all the jurors have had a seat. I appreciate your patience with the Court. Yes, sir, would you like to approach?

MR. DANIEL: You just might want to turn your microphone on.

THE COURT: Alright, if there's nothing further, ladies and gentlemen of the jury, I have to provide you with a preliminary charge. This is just your initial instructions for this trial, and if you would just listen carefully, I understand some of you wanted to have a bottle of water or something, you're welcome to do that. There is a point in here about note taking, if you wanted to take notes, I have no objections to that, there's some further instruction about that, as well. Before we begin this trial, I want to tell you this trial will be probably be different from what you might expect. Many people do not have the chance to attend actual court sessions as you are doing now and may think from watching

television or movies or reading books that trials are always full of high drama, intense action and riveting circumstances. While all of these things may be true at times, this is not for entertainment. It is a fundamental part of our democracy, a search for the truth in an effort to make sure that justice is done between the parties before the Court. Making sure that justice is done is often slow, deliberate and repetitive, the opposite of what you may have seen on television or in movies or read in books. The courtroom is a place of honor dedicated to the protection of preservation of citizen's rights through what many have called the greatest justice system ever created. The attorney's who appear before you are advocates for the parties they represent, but first and foremost, they are officers of the Court, sworn to uphold the integrity and fairness for our judicial system and to help you in the search for the truth. You should expect them to be professional, competent and ethical in the representation of their client's interests. Thank you for accepting the important responsibilities of jury service and for your contributions today to our justice system. What I will now say is intended to serve as an introduction to the trial of this case. These remarks are not a charge of the law in this case. I will instruct you on the law applicable to this case at the end of the trial before you retire to consider your verdict. This is merely an explanation of the procedure that we will follow in

the trial of this case so that you may better understand what may be happening.

The defendant is charged by indictment filed in this court with the crime of murder, armed robbery, possession of a weapon during crime, petit larceny, and criminal conspiracy, the elements of which will be explained to you later. The indictment is simply the charge by which the case is brought into court and it is not in any sense evidence of any of the allegations it contains. The defendant has pled not guilty to this indictment. The State, therefore, has the burden of proving each of the elements of the indictment beyond a reasonable doubt, and it will be your duty to decide whether the State has met that burden. Your purposes as jurors is to find and determine the facts. You are the sole judge of the facts. If at any time I make any comment regarding the facts, you must disregard it. You are to determine the facts from the testimony you hear and the other evidence introduced in court. It is up to you to determine the inferences which you feel may properly be drawn from the evidence. It is especially important that perform your duty of determining the facts diligently and conscientiously because ordinarily there is no way to correct an erroneous determination of the facts by a jury. On the other hand, and with equal emphasis, the same law that makes you the judges of the facts makes me the judge of the law. The law as given by the Court is the only law you may

consider. You may accept and follow it even though you may disagree with it. I cannot tell you what the facts are and you cannot disagree with me about what the law is or should be. Your job is to take the law as I give it to you and apply it to the facts as you find them from the testimony of the witnesses and any other evidence that is introduced. After doing that you will render your verdict, a verdict under the solemn oath that you just took as jurors. Until I tell you that you may begin to deliberate, you must not discuss the case with anyone, including your fellow jurors, friends, family members, and anyone involved in the case. The attorneys and parties in this case have been advised that they are not to talk to you at all, so if you see anyone involved in the case and they do not even say, hello, they are not being unfriendly, they are just following my instructions. During your deliberations you may only discuss the case in the jury room with your fellow jurors because they have seen and heard the same evidence you have, however, you must not discuss the case with anyone else until you have returned a verdict and the case is at an end. You must decide this case based solely on the evidence presented here in this courtroom. This means that during the trial you must not conduct any independent research about this case, the facts of the case, the evidence represented in the case, or the people or organizations involved in any way in the case. Please do not try to find out information from any source

outside this courtroom. In other words, you must not look at dictionaries or other reference materials, search the internet, websites or blogs, or use any other electronic tool to get information about this case or to help you decide the case. You may not use computers, telephones, cell phones, smart phones, the internet, or other tools of technology with communication capabilities at any time while you are in the courtroom or during your deliberations. During your breaks for meals or overnight, if necessary, you may use these devices, however, you must not use these devices to communicate with anyone about the case until the case is over. This means you must not use phones calls, e-mails, text messages, instant messages, Twitter or websites, including Facebook, are any other social media website to send or receive information about this case. This includes information about a party, a witness, an attorney, or a court officer, news accounts about the case, research on any topics raised, any topics you may think will be helpful in deciding the case, or any testimony presented by any witness. During the trial do not read, listen to, or watch any news reports about this case. This includes anything that may be in the newspaper, the internet or radio or television. You must not consider anything you may have read or heard about the case outside the courtroom before or during the trial. The information on television, radio, the internet, or from other sources might be wrong or incomplete. In our judicial system

it is important that you are not influenced by anything or anyone outside of this courtroom. If you become aware of another juror's violation of these instructions, please inform me immediately. It is important that you keep an open mind and do not decide any issue in this case until all of the evidence has been presented and the parties have made their closing arguments and I have instructed you on the law in this case. It is your solemn responsibility to determine the guilt or innocence of the defendant and your verdict must be based solely on the evidence as it is presented to you in this trial and on the law as I instruct the jury and at the close of the trial. In just a moment the Solicitor will make what is called an opening statement in which the Solicitor will explain to you the issues in this case, or at least what the Solicitor thinks the issues are in this case. The attorney for the defendant may also make an opening statement, although, he is not required to do so. What the attorneys tell you during their opening statements is not evidence in this case, it is only their contention as to what the issues are. The evidence in this case will be presented to you by the testimony of sworn witnesses from the witness stand and/or by exhibits that may be introduced into evidence. From time to time during the trial you may hear one of the lawyers say something like, Your Honor, I believe we have a question of law or a matter of law to discuss with you, or Your Honor, may we approach the bench or,

sometimes I, myself might find it necessary to excuse you from the courtroom for a short while so the attorneys and I can discuss a matter of law. The reason for this is because you are the judges of the facts in this case, and sometimes when I'm discussing matters of law with the attorneys it may be necessary for me to make some comment as to the facts in connection with a ruling of whether or not a particular law applies. I'm not supposed to tell you what I think the facts are, so I'll excuse you from the courtroom while these discussions take place so that in no way will you be influenced by anything that I might say or do in connection with the facts. In determining what the true facts are in this case you must decide whether or not the testimony of the witness is believable. It will be my responsibility to rule as a matter of law as to whether certain testimony is admissible at all or not, but once the testimony is admitted, whether or not you believe it is solely for you to determine, in deciding whether to believe a witness you have the right to consider the interest of any witness, the bias of any witness, the prejudice of any witness, the opportunity for the witness to have seen the matters and things about which the witness may testify in the way the witness acts on the witness stand. You have a right to consider anything that is in the record that will help you evaluate the testimony of the witnesses. That means that it is your duty to pay close attention to these witnesses, to

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observe the witnesses, to listen to the witness, and to pay close attention to the attorneys and to the Court. Don't let your thoughts wander, but give strict attention to the testimony in this case, so at the end of all of the testimony after the arguments of counsel and the charge of the law by the Court, you will then be in a position to determine what the true facts are and to apply the law to those facts and thus render a verdict. It is your added duty, Madam Foreperson, to preside in the jury room and be the jury spokesperson here in court. It will also be your duty to write the verdict, but I'll give you further instructions about that at the conclusion of the case. In order to preserve everyone's rights I will give the parties an opportunity to object to anything that I have said. Any exceptions to anything that I have said to the jury by the State?

MR. DANIEL: None from the State, Judge.

THE COURT: By the defendant?

MR. EDWARDS: No, sir, Your Honor.

THE COURT: Ladies and gentlemen of the jury, we will now begin the trial.

(Attorney Daniel presented an opening statement on behalf of the State at this time.)

MR. DANIEL: Thank you, Your Honor. May it please the Court and Mr. Edwards, ladies and gentlemen, good morning.

THE JURY: Good morning.

MR. DANIEL: This is a case about some cash and some cigars, some cash and some cigars. That's what the defendant, Joshua Manning and his friend, William Mason, were after on the night of December 12, 2019 when they both, armed with weapons, walked into J.W. Bailey's convenient store and robbed him. They got their cigars and their cash. They also took the life of J.W. Bailey, a 77-year-old husband, father, grandfather, and they left him to die on the floor of the convenience floor he had owned and operated for more than 46 years. Ladies and gentlemen, there is not one thing that this criminal justice system can do to return Mr. J.W. to his family, but we are here to seek justice, justice for the family, justice for Mr. J.W. Now, let's talk about a few things before we present our case to you. First of all, as Judge Holt just said, forget everything you think you know about courtrooms and trials from watching television shows and movies, ain't none of it real on TV. Not every case has fingerprints, DNA, good looking prosecutors, it's not real life. This is real life. In real life there is no law that requires the State to prove to you fingerprints, DNA, eyewitnesses, anything like that. Some cases just don't give us all that. In this case, though, some of the evidence you're going to see is actually the surveillance video from the store that night. You're going to see the robbery, you're going to see the murder, but you're also going to see in that video, very clearly, that the

defendant and his friend, William Mason, wore masks and gloves, so naturally, we're not going to find any fingerprints and DNA of the defendant and his friend. In fact, the main evidence you're going to hear is from William Mason, the other guy charged in this same heinous crime. You're going to hear that several days after the murder, Mason was arrested and confessed to being one of the two young men you'll see in the video. You're going to hear from Mason himself on that witness stand, and Mason's going to tell you the story about how on that afternoon, he and Mr. Manning got together, decided to rob Mr. J.W.'s store. You'll also hear from some other players in the case, a few people with some other information that's relevant, and you're going to hear from the pathologist, the doctor who performed the autopsy on Mr. J.W., but as serious as this case is to the defendant, to his family, and of course, to the Bailey's, it's pretty straight forward, it won't be super long. Most of the State's case is going to come down to whether or not you believe William Mason when he gets on that stand, takes ownership of what he did, and when he tells you who was with him. Now, the defendant, as the judge just told you, faces five charges: Murder; armed robbery; possession of a weapon during a violent crime; criminal conspiracy and petit larceny. As he sits there right now, the defendant is presumed innocent of all of those charges, he has nothing to prove to you, the burden is mine. It is my burden to prove his guilt to you

beyond a reasonable doubt. Beyond a reasonable doubt, Judge Holt will tell you what that means at the end. Beyond a reasonable doubt does not mean beyond all doubt. It means beyond a doubt that would make a reasonable person hesitate to act. Now, the beyond a reasonable doubt burden that I have to meet is the same burden that's used in criminal courts every single day all across this country. It is a burden that I welcome, and I don't say that out of any arrogance on my part, but I'm that confident that the evidence we present to you will leave you firmly convinced of the defendant's guilt. Now, finally, I ask that you use your common sense. Like I said, this is a pretty straight forward case, use your common sense. It really is as straight forward as some cash, some cigars, Mr. J.W. Bailey, and the two men who robbed and killed him. I thank you for your jury service, I thank you for your attention throughout this pretty short trial, I look forward to presenting our case to you, and I am confident that once our case is presented to you, you will find the defendant, Joshua Manning, guilty of all charges.

Thank you.

THE COURT: Mr. Edwards?

(Attorney Edwards presented an opening statement on behalf of the Defendant at this time)

MR. EDWARDS: Thank you, Your Honor. May it please the Court, co-counsels. Good morning, ladies and gentlemen of

the jury.

THE JURY: Good morning.

MR. EDWARDS: Again, my name is Linward Edwards, and I'm privileged to stand before you again. I am proud to represent young Joshua Manning in this case. Now, why are we here this morning? And I want to be clear, we are here this morning, plain and simple, because Joshua claims his innocence and demands his right to a jury trial. Now, in a jury trial, the State has the burden of proof, which is proof beyond a reasonable doubt. What you heard the State make just now was a bunch of allegations, in fact, what you heard the State say just now is what type of case they do not have. The State didn't explain evidence to you, the State explained lack of evidence to you. Now, there is no question that everybody in this courtroom, everybody, has sympathy for the Bailey family for what happened on December 12, 2019, everybody, but this case is not about emotions, it's not about sympathy, this trial is about whether or not the State can carry their burden which is proving Joshua guilty beyond a reasonable doubt. Now, Joshua has been accused of murder along with a host of other crimes, okay, and Joshua, may not, he may not testify in this case, I don't want you to hold that against him, because that is not his decision, that is my decision alone, because it goes back to the State's job, which is proving his guilt beyond a reasonable doubt, and ladies and gentlemen, they cannot prove

it with sympathy and emotion, they have to prove it with evidence. Now, the Solicitor stated earlier, all of that. I think in his opening he said, all of that. Well, yes, in evidence you need eyewitnesses, you need DNA evidence, you need fingerprints, you have to prove your case, don't just bring the story. Now, when the State lays out its case, you will not hear us, the defense, you won't hear me be critical of the Dillon Police Department. As they lay out their case I will not be critical of the Dillon Sheriff's Department. We will not be critical of the SLED agents in this case or the DNA analysis that was conducted in Columbia. You won't hear us contest any of those important factors, because I know all of those agencies worked diligently to bring those responsible before you. Now, we will be critical of one important factor in the State's case, and that is Mr. William "Taco" Mason. You see, the evidence will show Mr. Mason was at Bailey Convenient Store on the night in question, he will admit to it. The State will not argue, as they've said earlier, fingerprints, and we won't be critical of that. Do you know why? There are no fingerprints that lead to Joshua. The State also stated when it comes down to DNA evidence, we're not going to be critical of the analysis that was done. Every piece of evidence, we won't be critical. Do you know why? No DNA evidence leads back to Joshua. You will see a video, we won't be critical of that video either. That video will not show Joshua, you know

what that video is going to show? That video is going to show William Mason, their star witness, their only link in this case to Joshua. So we are going to be critical of William, and as the evidence will show, "Taco" Mason. Now, in evaluating the evidence, once the State lays out its case, once again, evidence that they have to show you, you will be charged, you will be charged with the law by the judge, and your duty as jurors in this case, your duty is to look at the evidence that is presented by the case, and then make your decisions. Now, when the State made all of their allegations, I intend no rudeness when I say don't believe any of those allegations, because that's all they are, allegations. You don't know what the facts are until you've heard all of the evidence, and when you hear all the evidence I'm going to stand before you again, and I'm going to ask you to discharge your duties as jurors under the law. You've heard that judge state in his opening charges, you've heard the State, they have the burden of proof, and that is proof beyond a reasonable doubt. Now, proof beyond a reasonable doubt is not absolute certainty, but it is reasonable certainty. They have to prove that not only Joshua was present on the night in question, but that he committed those heinous acts, and based upon the evidence they are not going to be able to prove it, that is our position. Now, as I stated earlier, when all of the evidence is in, I'm going to stand before you again and ask you to discharge your duty as

jurors, and when I do -- well, let's do this for one second. I want all of you folks to look at young Joshua Manning who is 22 years old. When we look at our state and our country and our system of justice, you are presumed innocent until proven guilty. Imagine that Joshua has on one of these robes, you know, those robes that those munks used to wear over in England, that robe is the robe of innocence, and it's the State's job, it's their burden to remove that robe. Now, they can't remove the robe with stories, they can't remove the robe with sympathy and emotions, they have to remove that robe with evidence, and when all the evidence is in, I'm going to stand before you one last time and I'm going to ask you to return the only verdict, the only verdict that the evidence will show, not the emotions and sympathy, and that's a verdict of not guilty, because they can't carry their burden of proof beyond a reasonable doubt. And the last thing I'll say is I do want to thank you for your service as jurors, because without your service, and I hold that service only second to military service, without that service our system of justice cannot function and we function based on evidence. Thank you, ladies and gentlemen.

THE COURT: Ladies and gentlemen of the jury, you've heard the opening statements of counsel. We're going to take a 10-minute recess at this time. You've been sitting there a little while, I want you to refresh yourselves. We'll bring

you back out, I think we have to move some technology around a little bit, so we're going to take a break to do that, so if you all would step out at this time. Remember, do not discuss the case among yourselves while you're on break. We'll stand at ease.

(Recess taken.)

THE COURT: Court will come to order. We have the jury back in the courtroom. Is the State ready to go forward?

MR. DANIEL: Yes, sir.

THE COURT: You can call your first witness.

MR. DANIEL: Thank you, Your Honor, the State calls Cliff Arnette.

Clifford Arnette, Jr. being first duly sworn, testified as follows:

THE COURT: State your name for the record, please.

THE WITNESS: My name is Clarence Clifford Arnette, Jr. They call me Cliff for short.

THE COURT: Thank you, sir. Your witness.

MR. DANIEL: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. DANIEL:

Q. Mr. Arnette, where are you employed?

A. I'm employed with Dillon County in Emergency Management.

Q. Where were you employed in 2019?

A. Dillon County Sheriff's Office.

Q. In what capacity were you working for the Sheriff's Department?
A. I was Captain of Investigations.
Q. What does that mean? What were your responsibilities as Captain?
A. I oversaw the investigator in criminal cases on major cases, homicides, on burglaries, any property crimes, things of that nature.
Q. We're going to jump right into the case we're all here about today. Okay? When did you first learn that something had happened at Mr. J.W.'s Convenience Store?
A. I received a telephone call that night.
Q. And did you respond to the scene?
A. I did.
Q. What happened? What did you do when you got to the scene?
A. Upon me getting on the scene there were already law enforcement officers on the scene, EMS had already been there, and at that point in time I was briefed more than I was than when I initially got the telephone call what was going on at that time.
Q. Was any evidence collected from the scene?
A. There was.
Q. Who collected that evidence?
A. The South Carolina Law Enforcement Division, also known

as SLED.

Q. Why was SLED in Dillon working the scene?

A. We requested them to respond to Dillon to process that scene, and "we," meaning, the Dillon County Sheriff's Office.

Q. So we'll have another witness from that team to talk about some other stuff in a few minutes, but from the initial investigation, just what you saw when you got there, what did you see around Mr. J.W.'s body?

A. Well, upon me getting there, I did not go into the crime scene at that point in time. I was briefed on what they did see once they got into the scene, and from that I knew that we had a murder investigation.

Q. What was the other team from SLED that was called out to assist that night?

A. We also called out the SLED Bloodhound tracking team on that night.

Q. So we've already talked about -- was there a surveillance tape, or a surveillance system in the convenient store?

A. There was a surveillance system in the store.

Q. Were you able to access the video from that system that night on the 12th of December?

A. We were not able to access that at that time that night.

Q. It's kind of an older system so you weren't able to get into it?

A. That's correct.
Q. So you didn't know -- you didn't know what the scene had looked like as far as what happened when whoever came in the store and did something to Mr. J.W.?
A. No, I did not.
Q. Why was the dog team called out to track?
A. The dog team was called out at that point during the early stages of the investigation. We received some information from an individual, which we reference as a witness now, at that time. Within the timeline of the murder of J.W. Bailey, this individual saw two males running down Highway 301 away from the store. So from that information we felt that they were involved in this crime that occurred at J.W. Bailey's, so we requested the bloodhound tracking team to see if they could assist in tracking those two individuals.
Q. Now at that time you didn't have any idea if these two individuals had anything to do with the crime?
A. None at all.
Q. You just know that shortly after the law enforcement responded to the scene somebody saw two people running away from the scene?
A. That's correct.
(State's Exhibit No. 14 was marked for identification.)
Q. I'm going to show you, after I show the defense, pre-marked State's 14. Can you identify that, please?

A. Yeah, this here is a, I'm assuming, a Google map of the area of J.W. Bailey's and the location where the two males were seen running.

Q. And is that an accurate depiction of that area?

A. As far as I can tell, it is.

MR. DANIEL: Your Honor, at this time I would ask that State's 14 be admitted into evidence.

MR. EDWARDS: No objection, Your Honor.

THE COURT: Without objection.

MR. DANIEL: Permission to publish?

MR. EDWARDS: No objection, Your Honor.

THE COURT: Without objection. So ordered.

(State's Exhibit No. 14 was admitted into evidence.)

MR. DANIEL: There is a screen that you're looking at down there. Judge, you have a screen. Can I just get permission, Judge, for the witness to step down?

MR. EDWARDS: No objection, Your Honor.

THE COURT: You can step down, sir.

Q. Can you show me, show us, you can come over to this side so everybody can see. Can you point out J.W. Bailey's convenient store?

A. This right here (indicating,) would be J.W. Bailey's store.

Q. Where that "X" is, is that it?

A. That's correct.

Q. So is this then Highway 301, the big road --
A. That is, that's Highway 301 that runs between Dillon and Latta.
Q. Pointed in the direction of Dillon?
A. Okay. This would be back towards Dillon, and this would be going back towards Latta.
Q. You can have a seat. Okay. You said that a dog tracking team was called out because people saw -- someone saw two people running. So, and where about on the map, and I think it's just easier if you describe it from where you are and I'll mark it from here. Where about on the map did that witness, who we'll hear from later, where did that witness say they saw two males running?
A. From J.W.'s store, back north would be like going back towards Dillon.
Q. Right.

A. And if you'll see up to your left a dark green area there, appears to be a wooded area --
Q. Right.
A. -- and then --
Q. Is that right above where it says: PO Boy's Garage?
A. That's right. That area there. Just a little bit past that area there is another dark green area --
Q. Right there (indicating)?
A. -- wooded area, in that area right there where you see

it's marked, would be the area that the witness saw two people running.

Q. So the "X" at the top of the screen is where a witness said they saw two people running across the road. In which direction were those two people running? From left to right or from right to left?

A. Well, if they were -- in the wooded area they would have been running across the road. As I'm looking at it, it would have been to the right.

Q. Let's go back to that dog team. Was the dog team able to locate any suspects? Did they track any people?

A. The dog team did not locate any individuals, any suspects at that time, no.

Q. Did the dog team find anything?

A. The dog team did find some evidence.

Q. We're going to get into some of this with another witness, also. And let's talk about the evidence that the dog team found. I'm going to show you now what's been marked, and I believe -- I know the defense has seen all this.

MR. DANIEL: Are you okay with this? You've seen all of this?

MR. EDWARDS: Yes. No objection.

(State's Exhibits Numbers 3 and 4 were marked for identification.)

Q. I'm going to show you what's been marked State's 4 and

State's 3, and I'm going to ask that you open both of those.
A. I don't need any gloves or anything, just do it?
Q. No, not for that.
A. Take it out?
Q. Yes. What is that? And again, this is State's 3. What is that?
A. That is two one dollar bills.
Q. And now, State's 4, what's that?
A. This is a holster for a gun.
Q. This is a, you said a holster for a gun?
A. That's correct.
Q. And you said that the dog team tracked to those items?
A. That is correct.
MR. DANIEL: Your Honor, at this time I would move to introduce State's 3 and 4.
MR. EDWARDS: No objection, Your Honor.
THE COURT: Without objection, so ordered.
(State's Exhibit Nos. 3 & 4 were admitted into evidence.)
Q. Let's talk about where the dog team found those items. So how the dog team, and again, we're going to talk to another witness about some of this, but how the dog team works, give me a layman's definition of a dog team and how they work.
A. A dog team, under normal circumstances, it could be a different breed of dog, but the dog used mostly is what is

called a Bloodhound, which they have a good sense of smell.

Q. And in this case the dogs were brought, I believe it was two dogs, right?

A. That's correct.

Q. Brought to the store, the convenience store?

A. That's correct.

Q. And started sniffing around?

A. That's correct. The dog team handlers put the dogs out in an area near the store where possibly the individuals may have been, to see if they could, meaning the dogs, could pick up a scent.

Q. And the dogs tracked and found those two items, right?

A. That is correct.

Q. Where were those two items found?

A. Those items would have been behind J.W. Bailey's store. There is a water tower, a Trico Water Company tower with a fence, and behind that is a field used for planting corn, wheat, rye, beans, things of that nature. Then beyond it is a fence line, in that area there is where the two $1.00 bills and holster was located.

Q. Okay. So you're talking about, we'll put a check here, and you tell me if this was the right place (indicating.) Was that about right, on that fence line?

A. That's in close proximity to it.

Q. So let's continue with the investigation. That happens,

the dogs find that, the dogs continue their work and do they find anything else?

A. They did not find anything else.

Q. What were the conditions that night, weather conditions, do you remember?

A. It was clear, maybe a little cool, but it wasn't raining or anything like that.

Q. Alright. The next day, with just the information we have, right, because at this point this is all you got. You haven't seen a video yet because that's been taken to SLED for them to pull the video off the box.

A. That's correct.

Q. So at this point you've got, obviously, a victim of a crime, some things collected at a crime scene, and this witness who said he saw two people walking -- or coming from -- running across the street, and the dog?

A. That's right.

Q. Okay. Next, the next day, what did your investigators do?

A. The next day we got together and kind of went over where we were with things in the investigation. So a couple investigators with the Sheriff's Office, they went out to this mobile home park that you were just shown.

Q. Which mobile home park?

A. Where the two individuals were seen crossing the road

there by PO Boy's on 301.

Q. So right up here just to the right of that "X"?

A. That's right. They went to that mobile home park, they just canvased the area, go door to door, or people coming out, or anybody out in the yards or anything like that to see if they saw anything on that night prior.

Q. Did they take a statement from someone who lived out there?

A. They did. They took a statement from an individual who lived out in the mobile home park.

Q. What information did you all learn from that statement?

MR. EDWARDS: Your Honor, I would object and say hearsay. I would say let's bring those investigators to testify as to the statement that they collected.

MR. DANIEL: That's fine. I'll withdraw because the woman who gave that statement will be testifying shortly. Okay. We can move on.

Q. So later in your investigation did you learn any possible information about where the murder weapons may have been?

A. There was some information that came up about a possible location where the murder weapon or weapons may have been.

Q. Let's talk for a minute about investigations generally. You've been investigating for how long?

A. Twenty-nine, 30 years almost.

Q. Are people reluctant to talk to law enforcement?
A. Absolutely.
Q. But you're doing it, 2022?
A. Definitely in 2022.
Q. In this case did you talk with some people who had information but they didn't want to give their name?
A. Yes, we did.
Q. Some people who gave you information and they -- maybe it was information that you used but literally would not write their statement and sign their name to it?
A. That's correct. They would not give us their name and/or a statement to help us move forward, however, some of that information shared with us, we did use it to move forward in the investigation.
Q. But that's a common thing, happens all the time?
A. Correct, it does.
Q. And you wish it wouldn't be that way, but that's just kind of how life is, right?
A. Well, again, definitely wish it would not be that way because it would make it easier to bring people to justice for crimes, and certainly a crime of this magnitude against Mr. J.W. Bailey.
Q. But we have to play the cards we're dealt, right?
MR. EDWARDS: Objection, Your Honor. We're going into relevance where we're going with this question.

MR. HOLT: I respectively overrule the objection. Go ahead.

MR. DANIEL: Thank you.

Q. But we have to play the hand we're dealt, right?

A. That's correct, we do.

Q. You said you found the information about the possible location of the murder weapons.

A. That is correct.

Q. What was that location?

A. That location would have been in an area, a bridge, it was referenced on Highway 301 going to Latta.

Q. What did you do with that information?

A. From that information, and it was just strictly information, we had nothing to support it at all, but having received that information and the importance that it could have been, I asked DNR Dive Team if they would go to that location and check to see if we could find a weapon or weapons from that information.

Q. Who is DNR?

A. That's the South Carolina Department of Natural Resources, also they're referred to as game wardens, they have a dive team.

Q. And this dive team is trained to find things in the water?

A. They are.

Q. And this, in fact, happened on a cold day, I believe, in January?
A. Yes, it did.
Q. Did they find anything?
A. They did not find anything from that search.
Q. At some point in this investigation did you get from SLED the video from the surveillance camera?
A. Yes, we did.
(State's Exhibit No. 1 was marked for identification.)
MR. DANIEL: I'm going to show you what's been marked as a flash drive as State's 1. Are you familiar with that flash drive?
A. Yes, I am.
Q. Have you seen what's on it?
A. Not in its entirety, but I have seen it.
Q. And what is on that?
A. That is the video surveillance from J.W. Bailey's convenience store on the night of this murder and robbery.
Q. How many camera angles were available at the scene?
A. I think there were a total of four, but actually three that showed some footage from that.
MR. DANIEL: Your Honor, at this time I'm going to ask that that be entered into evidence as State's 1 and then permission to publish.
MR. EDWARDS: No objection, Your Honor.

MR. HOLT: Without objection and no objection to publish. So ordered.

(State's Exhibit No. 1 was admitted into evidence.)

MR. DANIEL: Thank you, Your Honor. I actually have another format of that that Mr. Edwards has seen on my laptop so I'm going to show that, and I am going to show the video. Judge, I just want to note, give the family an opportunity to exit the courtroom if they want.

Q. You said there were three cameras that showed something?

A. That's correct.

Q. We're going to go one at a time. Okay? The first angle, and you've reviewed this, right?

A. That's correct.

Q. And there is no audio on any of these, right?

A. There is no audio.

Q. First of all, before we hit play, what does this show?

A. What is shown at this point, this is a canopy that was over the front part of the store, and as I'm looking at the picture, to the right would be the front of the store in the entrance of the store.

Q. Okay. This is the front door --

THE WITNESS: May I step down?

MR. HOLT: Yes, sir.

A. In this area right here there's a canopy, what were gas tanks there, and this is the front of the store. This would be

the front door area of the store.
Q. Where is 301, Highway 301?
A. That would be in this area (indicating.)
Q. If you walk out of the store which way is Latta?
A. Latta would be that direction (indicating.)
(Video playing.)
Q. What did that just show?
A. That just showed two individuals entering the store of J.W. Bailey's and then two individuals exiting the front door of the store of J.W. Bailey's.
Q. Did they have masks on?
A. Yes, they did.
Q. So can you identify who those people are?
A. Not based on that, I cannot.
Q. Could you tell how long, with this time stamp up here, can you tell how long they stayed in the store?
A. It was approximately 39 seconds.
Q. Thirty-nine seconds. Thirty-nine seconds. Okay. Now, we're going have two views from inside the store. First of all, what do we see?
A. That is the inside of the store at the counter and then you can see an individual there behind the counter, that individual being the store owner, J.W. Bailey.
Q. It looks like his feet are propped up, right?
A. They are.

Q. He sat like that a lot, didn't he?
A. He did.
MR. DANIEL: I just wanted to say again, before I hit play, I'm sorry that we have to do this, this is no reflection on anyone, but this is our system. It's hard to see videos like this, but we don't have a choice but to show this to you. If there were another way I would do it.
(video playing.)
Q. What did you see there?
A. That was the two individuals as they entered into the store, and of course, as you saw they had guns pointed aiming at J.W. Bailey. They approached him very quickly, and of course you could tell by his reaction he knew what was getting ready to happen and they were right up on him, of course, obviously we don't know what was said by any of the individuals because we do not have audio, but once they got up on him and you saw him kind of move and then you saw some flashing, and that was J.W. Bailey being shot by the two individuals.
Q. This is the third angle.
A. That's correct.
Q. That third video showed the same thing the second one did, right?
A. It did, just at a different angle.
Q. At some point in your investigation did you come across any evidence involving this, what appears to be a dark

camouflaged jacket?
A. Yes.
Q. Were you able to at some point at least with all of your investigative materials identify the person in the camouflaged jacket?
A. Yes, they did.
Q. And who is that person?
A. That person is William Mason, AKA "Taco."
Q. William "Taco" Mason. Did law enforcement sign arrest warrants for William Taco Mason?
A. Yes, they did.
Q. At some point did he turn himself in?
A. He did turn himself in.
Q. Now, he had some other charges with the city with some unrelated stuff, right?
A. And that is correct.
Q. Did he give a statement to law enforcement?
A. Yes, he did.
Q. When he gave a statement about this incident did he volunteer that information or was law enforcement questioning him about it already?
A. He volunteered this information. He was being questioned by another police agency which was the Dillon Police Department in reference to separate cases that they were working on, and from that interview he asked to speak with

someone from the Sheriff's Office about the murder of J.W. Bailey.

Q. He asked to speak with someone in the Sheriff's Department, and did someone from the Sheriff's Department go talk to him?

A. Yes, they did.

Q. And in that conversation what did Mason tell them?

MR. EDWARDS: Objection, Your Honor. I believe he gave a statement to another officer. Anything that Mr. Arnette testifies to, that would be hearsay.

MR. DANIEL: That's fine, we're going to hear from Mason in a minute.

THE COURT: Alright, so withdrawn.

Q. Now, at some point during that investigation during that interview did Mr. Mason mention a possible co-defendant?

A. Yes, he did.

MR. EDWARDS: Objection, Your Honor. It's the same objection.

MR. DANIEL: I'm not asking that to be submitted for the truth.

THE COURT: I respectfully overrule the objection.

Q. What was the name that William Mason, who again, will testify shortly, what is the name that he gave as being the other person in the video?

A. The name that he gave was Josh Manning.

Q. Okay. I'm going to go back and show you the map that we looked at before. Through your investigation did you kind of know where Joshua Manning lives, or lived during this time on December 12, 2019?

A. Yes, we did.

Q. Where did he live?

A. He lived on Walker Court, the address being [redacted] Walker Court, Dillon.

Q. Can you identify Walker Court?

A. Yes. Do you want me to do it from here?

Q. Yes, just from there. Just tell me.

A. Alright. Where you've got your "X" marked at the top there, directly across Highway 301, you'll see some little white areas there, that first tribe there which is Walker Court, those areas are mobile homes there, and the third one the left from [redacted] would be [redacted] Walker Court, right there.

Q. The one I just circled?

A. Yes, sir.

Q. That's where he lived?

A. That's where he lived, from our information that we learned during the investigation.

Q. Isn't that right across the street from where someone saw two guys running?

A. That is correct.

Q. Did you attempt, you and your investigators, did you all

attempt to talk to Mr. Manning's family? At this point he's a suspect, did you all attempt to talk to his family?

A. Yes, sir. One of the investigators with the Sheriff's Office reached out to an individual here in our county that he knew who was related to Joshua Manning's family to see if he could make contact with the father and the mother, they lived in another state, and from that he did reach out to them.

Q. Did anybody in his family give a statement to law enforcement?

A. There was no statement given to law enforcement to my knowledge.

Q. Did the family at this time -- let me rephrase. Had law enforcement put out Joshua Manning's name as a person of interest? You all were trying to find him to question him about this?

A. That is correct.

Q. So his name was in the community as somebody who was wanted?

A. It was.

Q. At least for questioning?

A. For questioning, that's correct.

Q. So then you all go to the family and they won't talk to you?

A. Well, didn't give any information that was relevant in locating him.

Q. Is that unusual for a family member of a suspect in a crime to not talk to law enforcement?
A. That is not unusual, but especially a suspect in a murder.
Q. So did anybody in his family, once they learned his name was out there, come forward to you or anyone and say, wait, he didn't do that, he was with me at that point?
A. To my knowledge, that was not determined during the investigation that they reached out to say he was with me or whomever during the investigation.
Q. What did happen with Joshua Manning during this time after the family knew his name was out there?
A. Well, at a point in time his family filed a missing person report with the City of Dillon Police Department and, of course, the reason being with the Dillon County Police Department, that address [redacted] Walker Court is actually in the City of Dillon jurisdiction.
Q. So let's be clear. At the exact time that law enforcement was out looking for Joshua Manning he goes missing?
A. Well, he was not found by law enforcement, and then of course, he's reported missing by his family members.
Q. His family actually went to the police department to file a missing persons report on him?
A. That is correct.
Q. At the exact time that you guys were out looking for him

as a suspect in a murder?

A. Within the proximity of the time we were looking for him, yes.

Q. Did you all enlist the help of other law enforcement agencies to try to find Joshua Manning?

A. Yes, we did.

Q. Who did you talk to?

A. Of course, on a local level, you know, the Dillon County Sheriff's Department, local law enforcement, Dillon/Latta corporal reached out to SLED, their Fugitive Task Force, and also the Marshal's service.

Q. SLED's Fugitive Task Force -- a lot of local law enforcement people --

A. Right.

Q. SLED's Fugitive Task Force, and the US Marshals?

A. That's correct.

Q. The US Marshals, that's a federal agency?

A. That is a federal agency.

Q. What's their number one job?

A. Apprehending fugitives from justice.

Q. Finding people. So all these agencies get together trying to find Joshua Manning, do they find him?

A. They do.

Q. Where do they find him?

A. He is located in Florence County at a motel.

Q. To summarize, and to be clear, at the exact time that law enforcement puts Joshua Manning's name out in the public as someone who is wanted to talk about this crime, his family files a missing persons report and he is captured hiding in Florence?

MR. EDWARDS: Objection, Your Honor. Asked and answered, Your Honor.

THE COURT: I'll overrule the objection. Go ahead.

MR. DANIEL: I'll start over.

BY MR. DANIEL:

Q. At the exact time that law enforcement is looking for Joshua Manning and word is out that you all want to talk to him his family files a missing persons report, you have to enlist multiple law enforcement agencies to try to find him, and he's hiding in a motel in Florence?

A. That is correct.

Q. When you found him was he charged with a crime?

A. Yes, he was.

Q. Was he charged with these crimes that we're here about today?

A. Yes, he was.

Q. Now, he was charged based on what evidence?

A. The information that you saw in the video and corroborated with his co-defendant, William "Taco" Mason.

Q. Okay. Were there any fingerprints from the scene that

matched Mr. Manning?

A. There were no fingerprints that matched Mr. Mason.

Q. Mr. Manning?

A. I'm sorry, Mr. Manning, excuse me.

Q. Well, while we're at it, were there any fingerprints that matched Mr. Mason either?

A. No fingerprints that matched Mr. Mason.

Q. Any DNA that matched either one of them?

A. There was no DNA that matched either one of them.

Q. So really all you've got is the statement of the co-defendant?

A. That is correct.

Q. Now, in your law enforcement experience, is it normal or common to charge someone based solely on the statement of a co-defendant?

A. Yes, it is.

Q. Now, you would like to have more evidence?

A. Oh, absolutely, you want more evidence to help support a case and prosecute it.

Q. But some cases don't allow that, right?

A. Some cases do not, and this was one of them.

Q. And for an explanation of that, did you notice in the video, I'm sure you noticed in the video, were they wearing something to cover their faces?

A. Yes, they were.

Q. So you can't identify them from any of those three angles who is in the video, right?
A. No, you can not.
Q. Did you see if they were wearing anything on their hands in the video?
A. Yes, I did see, and they were not -- I'm sorry, they were not wearing -- I'm sorry, they were wearing gloves on their hands, both of the individuals that entered the store.
Q. So in your law enforcement experience, is someone wearing gloves going to leave fingerprints in DNA?
A. They are not.
Q. Does that mean that you never arrest someone because they didn't leave fingerprints at a crime scene?
A. It does not.
Q. Have there been any cases that you've arrested someone when you didn't have fingerprints at a crime scene?

A. Yes, there has.
Q. When you didn't have DNA at a crime scene?
A. Yes, there has.
Q. That's actually quite common, right?
A. Yes, it is.
Q. When you arrested Mr. Manning did he give a statement to law enforcement?
A. He did not.
Q. Now, this video that we've seen shows two individuals,

you've identified one as being William Mason, the first one in?
A. That's correct.
Q. Because Mr. Mason confessed to that?
A. That's correct.
Q. The second guy, he doesn't look quite as heavy as the Joshua Manning who is sitting in this courtroom today? This Joshua Manning looks just a little bit heavier?
A. That's right.
Q. How much, according to the jail records, upon his arrest in November of 2019, how much did he weigh when he was arrested?
A. According to the jail records at that time, approximately 187 pounds.
Q. And its been two years and three months since then, right?
A. That's right.
Q. Now, you've been an investigator, you said, for nearly three decades, right?
A. That's right. I've been in law enforcement for nearly three decades.
Q. Given all that evidence that was collected in this case you approved warrants to be signed on Joshua Manning?
A. That's correct.
Q. You stand by your approving warrants to be signed for all these crimes on Joshua Manning?

A. That is correct.
Q. If you had any doubt in your mind as a law enforcement agent that the second guy in that video was Joshua Manning would you have approved warrants to be signed on him?
A. If I had any doubts at all -- throughout my law enforcement career there has been difficult cases, and I would rather a guilty person go free than an innocent person arrested and locked up for a crime.
Q. And in this case?
A. In this case, yes, I believe everything that we've learned in this individual that is associated with the killing of J.W. Bailey, based on the witness -- or co-defendant's statement and William Mason, and also the video which supports that.

MR. DANIEL: Mr. Arnette, I have no further questions. Please answer any questions the defense may have.

THE WITNESS: Yes, sir.

THE COURT: Mr. Edwards?

MR. EDWARDS: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. EDWARDS:
Q. Good afternoon, Mr. Arnette.
A. How are you, sir?
Q. It's been a long time.
A. Yes, it has.

Q. Mr. Arnette, earlier you testified that there has been, in your opinion, a significant weight gain to Joshua, correct?
A. Well, I answered Solicitor Daniel's comment on the weight back then to agreeing with him that he weighs more now, appears to weigh more now.
Q. When you say he weighs more, how more do you think he weighs?
A. I would say, just a guesstimate, 30, 40 pounds more, maybe.
Q. So you agree that, as he sits here today, he doesn't look like the individual that's in that video, correct?
MR. DANIEL: Judge, may we approach briefly?
THE COURT: Yes, sir.
(Off the record discussion was held at the bench by Court and counsel at this time.)
THE COURT: Mr. Edwards, go ahead.
MR. DANIEL: Yes, Your Honor.
Q. So wouldn't you agree, Mr. Arnette, that the gentleman that sits here today looks different than the gentleman that's on that video?
A. I would say he looks different in respect to the weight difference, yes.
Q. Okay. When you say that?
A. He appears to be heavier today as he did back on 2019.
Q. They look like two different individuals, in your

opinion?
A. Well, I wouldn't say two different individuals, but I'd say a weight difference.
Q. Could you identify Joshua on this video?
A. I could not.
Q. Now, I'm not going to ask you many questions, I don't want to rehash your testimony, but there were no fingerprints found at the scene, correct?
A. There were no fingerprints.
Q. There was no DNA found at the scene, correct?
A. There were no DNA.
Q. Now, you referenced that, I guess, sniffing dogs were brought out to the scene, Bloodhounds were brought out to the scene?
A. That's right.
Q. And they found a holster and two $1.00 bills, correct?
A. That is correct.
Q. There was nothing on either pieces of those evidence that would lead you back to Joshua Manning, was there?
A. There was not.
Q. Also, earlier you testified to, I believe you used the words D & R, the diving team?
A. I did.
Q. Was there ever a murder weapon recovered in this case?
A. There was no murder weapon recovered in this case.

Q. Was there any weapon recovered in this case?
A. There was no weapon recovered in this case, to my knowledge.
Q. And you referenced a camouflage jacket on the video, correct?
A. That's correct.
Q. That jacket led you back to "Taco," correct?
A. It was linked to "Taco," yes.
Q. Was that, in fact, Taco's jacket?
A. We believe that was Taco's jacket.
Q. Did he admit that it was his jacket?
A. I don't know that I can answer that definitively at this point in time. Some others may, but I can't say that I can answer that definitively at this time.
Q. Yes, sir, understood. Now, there was a diagram shown earlier with two "X" marks on it, correct?
A. That's correct.
Q. What was the distance from those "X" marks, I'm just curious?
A. I couldn't give you an exact. I would say a quarter of a mile between those "X" marks, just a guesstimate.
Q. And what's the name of the trailer parks, I think it was 310?
A. The address was [redacted] Walker Court.
Q. And what's the name of that, that's a trailer park?

A. That's a mobile home park. Yeah, it's changed names a number of times. I think it's a different name now. I'm not sure exactly what the name of the park was at that time.

Q. Okay. And there was a statement where two individuals were crossing over Highway 301, correct?

A. That's correct.

Q. Now, let me ask this, how many mobile homes are in that park, and just an estimate?

A. Number-wise, maybe 30 or so, just guessing.

Q. Okay. So 30, we're guesstimating 30 families could live in that park?

A. That's correct.

Q. And two individuals crossed over 301, right?

A. That's correct.

Q. That was the evidence?

A. That was some evidence, yes.

Q. Was Joshua identified as one of the individuals that crossed that road?

A. He was not identified as one of the individuals that crossed that road at that time, no.

Q. So to summarize your testimony here today, the only evidence against Joshua would have been the statement by Taco, correct?

A. That is correct.

MR. EDWARDS: Thank you. No further questions.

THE COURT: Anything further from the State?

MR. DANIEL: Briefly.

REDIRECT EXAMINATION

BY MR. DANIEL:

Q. Have you ever signed warrants on someone for a murder case when you did not recover a murder weapon?

A. Yes.

Q. Is it, in fact, common?

A. It is common. I mean, most times the weapon is going to be discarded in some kind of way by the individual that used it.

Q. Are you aware that there was an opportunity this morning for Mr. Manning to be weighed?

A. Yes.

Q. Are you aware of that happening?

A. Yes.

MR. DANIEL: Your Honor, with defense permission, I'm going to show the document to the witness.

Q. First, do you remember what he weighed two years ago when he was arrested?

A. Based on the jail records information at that time, it was 187 pounds.

Q. And what did he weigh this morning?

A. According to this document that you just handed up to me, it shows 268 pounds.

Q. 187 to 268, is that what you said?
A. That's right.
MR. DANIEL: No further questions.
MR. EDWARDS: Just one question, Your Honor, based on the document.

RECROSS EXAMINATION

BY MR. EDWARDS:
Q. Mr. Arnette, based on the document you just read --
A. Yes, sir.
Q. -- I believe that document states that Joshua has gained 100 pounds?
A. Well, it wouldn't be quite 100, but it wouldn't be far from it.
Q. Very close, correct?
A. Yes.
MR. EDWARDS: Thank you. No further questions.

THE COURT: Anything else?
MR. DANIEL: Nothing from the State.
THE COURT: Sir, thank you for your testimony.
THE WITNESS: Yes, sir.
THE COURT: You can step down.
THE WITNESS: Thank you.
Todd Schenk being first duly sworn, testified as follows:
THE COURT: When you get comfortable, if you could

just state your name for the record, please.

THE WITNESS: Yes, sir. My name is Todd Schenk.

THE COURT: Could you spell your last name for the court reporter?

THE WITNESS: Yes. S-c-h-e-n-k.

THE COURT: Your witness.

MR. DANIEL: Thank you, Your Honor.

VOIR DIRE EXAMINATION

BY MR. DANIEL:

Q. Mr. Schenk, by who are you employed?

A. I'm employed with South Carolina Law Enforcement Division, also known as SLED.

Q. What is your title?

A. I'm a lieutenant with SLED.

Q. And what are your responsibilities with SLED?

A. Sir, I'm a crime scene investigator for the state.

Q. A crimes investigator?

A. A crime scene investigator.

Q. Okay. What does a crime scene investigator do, investigate crimes, right? But talk a little about the details you guys go into when you're at a crime scene.

A. Sure. So first, SLED is an assisting agency, so our job is when our local counter parts in law enforcement call for assistance with, for instance, a homicide, our job is to respond and to document the crime scene as best we can, collect

any evidence that we may find, and then we'll eventually write a report on all the evidence and documentation we completed and we'll submit all the evidence to the forensics lab to have different departments within the lab process evidence based on their discipline.

Q. How long have you been doing that at SLED?

A. I've been with SLED almost eight and a half years now.

Q. Do you know how many crime scenes you've investigated over the eight years?

A. Last time it was about 420, maybe a little more.

Q. And they are all major crimes, right?

A. Pretty everything we work with SLED are homicides or major violent crimes.

Q. Have you ever testified in court before in criminal courts in South Carolina about your work?

A. I have.

Q. Have you ever been qualified as an expert witness in criminal courts in South Carolina?

A. I have.

MR. DANIEL: Your Honor, at this time I would ask that Lieutenant Schenk be qualified as an expert in crime scene investigation.

MR. EDWARDS: No objection, Your Honor.

THE COURT: Without objection. So ordered.

DIRECT EXAMINATION

BY MR. DANIEL:

Q. Lieutenant Schenk, did you work the crime scene on December 12, 2019 in Dillon County?

A. I did.

Q. Did you collect any evidence?

A. We did.

Q. When you arrive on the scene and then secured already, hopefully by the time you get there, what kind of things are you looking for?

A. So pretty much what we're looking for, with a business like this first thing we'll do is we'll take what's called overall photographs, where my photographer will go around the building, document vehicles in the area, document the outside of the building, we're looking for damage, it could be bullet holes, it could be blood, there's anything that may not look right on the outside of a business as it operates on a normal basis, is kind of what we're looking for, so holes, broken windows, anything like that that may have been used to force entry, because we didn't really have a whole lot, we just knew that based on what we were originally told that two guys -- or someone broke into the store and -- or not broke in, but someone entered the store and shot the store owner.

Q. Are you also looking for things that might indicate who your suspects might be?

A. Absolutely. So for instance, in this case there was, we believed, damage to the front door, and we found a door knob, or a door handle out on the floor -- out on the ground in front of the business, so things like that are what we're looking for. We're looking for DNA, latent prints, footwear impressions, anything and everything that may point us in a direction of who possibly committed this crime.

Q. Okay. Let's take that doorknob you talked about. What are you going to do with that doorknob when you collect it and bag it and tape the bag up and all that and take it back to your lab in Columbia, what happens with that doorknob?

A. So for that doorknob, our job is to document it where it is and then to try to preserve it as best we can for any, in this case, DNA evidence is what we were looking for. Once it's sealed and packaged we will then submit it to the lab where it will then go to the DNA department for them to process it and see if they can't find any ongoing DNA on it.

Q. Let's talk briefly about DNA. Now, DNA is not your specialty, right?

A. That's correct.

Q. You're not the one in the lab with the white coat doing all the vials and stuff?

A. That's correct.

Q. You're collecting evidence and sending it to those DNA experts?

A. Correct.
Q. So with that doorknob, for example, you're taking that doorknob, and you said you would collect it and sent it to see if DNA can be pulled off of it. When you say "DNA," do you mean necessarily blood?
A. There is touch DNA, there's blood DNA, if you breathe on something and spit on it we could have your saliva on it, so their job is to look for -- and with touch DNA it could be something as simple as you touch something and some skin cells stay on the surface, so we would take swabs of where we think you might have touched. So their job is to look for DNA on the object and it could be any number of types of DNA.
Q. So if this bottle were something that you saw at a crime scene and it was around where the people were at the crime scene, people touch bottles, right?
A. Correct.
Q. So you would think, well, let me grab that and see if we can find something on it?
A. Correct.
Q. If I touch this bottle and then put it back down, is it possible that my DNA, there's no blood, but just from my oils on my hand, are going to be on that bottle?
A. Yes. We call that touch DNA.
Q. If I have a glove on my hand when I go and touch the bottle, am I going to leave DNA on there?

A. I would not expect to find DNA on it.
Q. So in this case you collected a whole bunch of stuff to send to see if there were fingerprints -- I'm sorry, to see if there was DNA, right?
A. I did.
Q. And a whole bunch of things to see if there were fingerprints?
A. That is also correct.
Q. Were any fingerprints or DNA found on anything that you were able to collect?
A. According to the reports, no.
Q. Not on anything?
A. No, nothing.
Q. Did you collect that holster and those dollar bills that the dog team found?
A. I did.
Q. Because that's considered part of the crime scene that you are responsible for, right?
A. Correct. It was linked based on the dog team tracking.
Q. Knowing what you know about this case, particularly the surveillance video, would you expect to find any DNA or any fingerprints on any of the items you collected?
A. Based on what we saw, no.
(State's Exhibit No. 10 was marked for identification.)
MR. DANIEL: I'm going to show you what has been

marked as State's 10.

MR. EDWARDS: No objection, Your Honor.

THE COURT: Without objection.

MR. DANIEL: Thank you.

BY MR. DANIEL:

Q. These are some of the items you collected. Can you identify what those items are? If you need to get into the bag you can.

MR. DANIEL: Beg the Court's indulgence.

THE COURT: Certainly.

Q. You don't have to take them out of their individual bags --

A. No, sir.

Q. -- unless you need to.

A. No, I can --

Q. Oh, great, okay.

A. So these would have been the cartridge cases I collected from within the business.

Q. Okay. How many cartridge cases are there?

A. I have a total of six.

Q. And what is a cartridge case?

A. So when it comes to cartridge we're very specific. A cartridge is the complete piece of ammunition. That would be bullet, the powder inside of the cartridge case is what the solicitor is holding, and the primer would be on the back. So

that entire piece is called a cartridge. When it's fired from the gun a bullet comes out of the end of the gun and this is usually ejected out of the side of the gun and this is what we call a cartridge case.

Q. So it's part of a bullet?

A. A cartridge, yes.

Q. -- a cartridge that had a bullet inside it, and a gun has fired a bullet out of that?

A. That's correct.

Q. How many again did you find at the scene?

A. We found a total of six.

Q. Did you send those off to the lab for analysis?

A. We did. They went to our firearms department.

Q. Why do you send these to a firearms -- what can a firearms department tell you about cartridges?

A. So the firearms department can -- or what they are looking for, it's a type of tool mark examination where they can look at the cartridge case to see if they can match different types of evidence that is left on a cartridge case if they are looking to compare it to a gun, or to themselves, for that matter.

Q. In this case there were no guns collected as evidence, right?

A. That is correct.

Q. So there were no guns to compare these bullets to?

A. That is correct.
Q. If there had been a gun, can the lab at SLED -- if they have a gun and a fired cartridge, or a cartridge, can the lab tell if this gun fired that cartridge?
A. They could, if they had something to compare it to, yes.
Q. But in this case there was nothing to compare it to?
A. That is correct.
Q. So what can you tell us that was found about those six cartridges?
A. So what I can tell you is there were four nine millimeter cartridge cases we located on scene and there were two .45 caliber cartridge cases on scene.
Q. There were four cartridges that came from nine millimeter, which is a kind of gun, right?
A. That is a size, or, yes, the caliber of the weapon.
Q. And two of the shell casings came from a .45, which is a different size gun?
A. That's correct.
Q. What does that indicate to you as a crime scene expert?
A. To me, that told us on scene that there was at least two guns in play that night.
Q. Now, you don't know who fired those guns?
A. That's correct.
Q. You don't know if that was one person holding two guns?
A. That is also correct.

Q. Or one person holding one gun and one person another?
A. That is also correct.
Q. But what you do know is two guns were fired that night?
A. Yes.
Q. Okay. Now, there were some other items, some other gun-type items, but bullets that were found at the scene, right?
A. That is correct.
(State's Exhibit No. 5 was marked for identification.)
MR. DANIEL: I'm going to show you what's been marked State's 5.
MR. EDWARDS: No objection.
THE COURT: So ordered.
Q. Can you identify State's 5, please?
A. Yes, sir. These are the fired projectile and fired projectile fragments we located on scene, and fire projectile, is our term, it's our technical term for a bullet.
Q. Okay. There were bullets that had been fired?
A. Yes.
Q. Okay. Now, those bullets, you don't know what they hit?
A. Couldn't tell you, no.
Q. And were those sent for analysis?
A. They were.
Q. And were they in a condition that the analyst could determine anything about?

A. From reading the report, I think they were able to say something along the lines of it could have been fired by certain types of handguns, but there's nothing to compare to say what it came from.

MR. DANIEL: I would ask that that be introduced in evidence, please, as State's 5.

MR. EDWARDS: No objection, Your Honor.

THE COURT: Without objection, so ordered.

(State's Exhibit No. 5 was admitted into evidence.)

MR. DANIEL: Thank you.

(State's Exhibit No. 2 was marked for identification and admitted into evidence.)

Q. Next I'm going to show you what's been marked State's Exhibit 2. You can take that out of the bag and identify that, please.

A. Yes. This is the black DVR from the fridge, this is the surveillance system from the store.

Q. Can you take it out and put it over here? Okay. And the reason you took it is why?

A. So once -- I don't have the ability to take the information off of that, but at SLED we have a computer crimes department, so I drove that back to Columbia and did a chain of custody with a lieutenant over computer crimes so that they could perform their analysis on that.

Q. The dog tracking team, as we continue with this --

actually, before we get to the dog tracking team, you said earlier that you prepared a report?

A. That is correct.

Q. Do you do that in every case?

A. Pretty much, yes.

(State's Exhibits 11 & 12 were marked for identification.)

Q. Let me show you what's been premarked as State's 11 and State's 12. Do you recognize those?

A. I do.

Q. What is State's 11?

A. State's 11 is my diagram from the inside of the building.

Q. And you do a diagram similar to that every time?

A. Depending on the case, yes.

MR. DANIEL: Your Honor, I'd ask that State's 11 be introduced. That is the diagram of the crime scene.

MR. EDWARDS: No objection, Your Honor.

THE COURT: Without objection, that would be State's 11 introduced. Solicitor, Court needs to take a quick break.

(State's Exhibit 11 was admitted into evidence.)

MR. DANIEL: Okay.

THE COURT: Let's just take a five-minute break. Sir, if you wish to sit there or if you wish to stand, you just can't talk to anyone about your testimony. I'll excuse the

jury at this time.

(Recess taken.)

THE COURT: Court will come to order. We have all our jurors back in the courtroom. We took a brief recess and it's my understanding the State has a few more questions of this witness and then followed by cross-examination, and just for everybody's benefit we'd be breaking for lunch after we finish with this witness.

MR. DANIEL: Thank you, Your Honor. Yes, I have just a few more questions and then I'm done.

THE COURT: Alright, sir, your witness.

MR. DANIEL: Thank you, Your Honor. May it please the Court?

DIRECT EXAMINATION (continued)

BY MR. DANIEL:

Q. Okay. We were at diagramming the crime scene, and I believe we put that into evidence as State's 11.

MR. EDWARDS: No objections.

THE COURT: That was done previously.

Q. You said you prepared a report of your crime scene and you diagrammed the scene?

A. Yes.

Q. Let's take a look at that diagram. Is this the diagram that you prepared from the scene?

A. It is.

Q. Now, it says up here that it's page 5 of 12 of your report, so your report has a bunch of other stuff in it, right?
A. It does.
Q. Okay. We're going to focus on a couple things. All these squares with numbers around here, what does that indicate?
A. Those are supposed to replicate, I'm sure you've seen them on TV, those yellow markers that have the big numbers, you see the guys taking photos of, we call those markers or placards. We'll put those markers out on the scene and then to designate what we deem or what we think is evidence, and then we will draw that into the diagram so it's a little easier to understand.
Q. Okay. This is what happened inside. The dog team, we've heard about the dog team, they were there, they go out, they find -- or they track to the holster and the two dollar bills, you collected those two, right?
A. That is correct.
Q. Did you prepare a map indicating where those things were found in relation to the store?
A. Yes.
Q. That is State's 12. Again, can you identify that?
A. I can.
Q. And it is, in fact, the map of where the holster and cash were found, right?

A. It is.

MR. DANIEL: Your Honor, I will as State's 12 be admitted and published.

MR. EDWARDS: No objection.

THE COURT: Without objection, so ordered.

(State's Exhibit No. 12 was admitted into evidence.)

Q. Alright. I'm showing you now that map, so describe what we're seeing here.

A. So as you look at it, the bottom of the map, that's highway 301 South. J.W. Bailey's store is that building in the bottom left corner, and you can see the white box with the description pointing with the arrow towards it. The water tower is that big white circle right behind the store where the mouse is. And back where that little red "X" is, that's the approximate location of the two one dollar bills and the leather holster, and then the location of the fence post is that small circle. So that fence line runs across the top of that field, and that's the fence line where we found the holster and the two one dollar bills.

Q. And again, the front of the store is here and the dogs tracked back to the back of -- through this field to that fence, there's a fence back there, right?

A. In some way around there. You know, I'm not sure exactly of where they tracked, but I know they tracked to that spot.

Q. Okay. And you collected that evidence too and prepared this map?
A. That's correct.
Q. And again, this is page 4 of 12 and there's a whole bunch of stuff in your report like a list of evidence that we've already talked about, that type of thing, right?
A. That is correct.
Q. And you also write a narrative of everything that you do?
A. That is also correct, yes.
Q. But you've already testified to all that, right?
A. Yes.
Q. Alright. Finally, of all the evidence you collected, sent to SLED, sent to the lab, DNA, fingerprints, all of that, nothing connects this defendant to this crime scene?
A. That is correct.
Q. Did anything connect William Mason to the crime scene?
A. Nothing connected anyone that I know of.
Q. So you're not here to testify as to who did what, but you do know that there were two guns fired that night?
A. That is correct.
Q. One of them was a nine millimeter, one of them was a .45 millimeter, right?
A. Yes.
Q. Four cartridges from the nine, two from the .45, right?

A. Yes.

MR. DANIEL: Thank you, Lieutenant Schenk. Please answer any questions defense counsel may have.

MR. EDWARDS: Thank you, Your Honor. May it please this Court?

THE COURT: Mr. Edwards?

CROSS-EXAMINATION

BY MR. EDWARDS:

Q. Lieutenant Schenk, correct?

A. Yes, sir.

Q. Awesome. I didn't mess it up like Solicitor did earlier.

A. Yes, sir, that's okay.

Q. Now, Lieutenant Schenk, I'm going to very, very brief. One, for the interest of time, I know everybody's getting close to lunch, but number two, because Solicitor did such a good job, and I believe the last question he asked you was: Everything you've testified here this afternoon, nothing connects to Joshua Manning, correct?

A. That is correct.

Q. Not the two one dollar bills do not connect back to Joshua Manning, correct?

A. That's correct.

Q. None of the bullet fragments -- or cartridges, right, none of the evidence you've spoke about here this afternoon

connects back to my client, does it?
A. No.
MR. EDWARDS: Thank you. I have no further questions.

REDIRECT EXAMINATION

BY MR. DANIEL:
Q. In had your 400-plus crime scenes that you have investigated, have you ever recovered a piece of evidence that had on it DNA or fingerprints if you knew that the suspect when touching that item wore gloves?
A. Not that I've ever found.
Q. Thank you.
MR. EDWARDS: One extra question, Your Honor.

RECROSS-EXAMINATION

BY MR. EDWARDS:
Q. Lieutenant Schenk, in terms of DNA, earlier you answered a question -- well, let me ask you this. If someone wears gloves, and earlier you testified that you wouldn't think that it would leave DNA on, I believe it was a water bottle, but it is possible, correct?
A. It is not impossible. It is possible, but we wear gloves on scene so that we're not leaving DNA evidence or latent print evidence of our own, so because we're constantly wearing gloves, to me it would make sense that we're not leaving our DNA, so if a subject or suspect is wearing gloves

they wouldn't leave their DNA or fingerprints either.

Q. So what you're stating is if Joshua was in Bailey's Convenience Store wearing gloves he may have left some of his DNA at the scene, correct?

A. It is possible that it could've been left somewhere, yes.

Q. Okay. But there was no DNA of Joshua Manning found, was there?

A. No, sir, there wasn't.

MR. EDWARDS: Thank you. No further questions.

THE COURT: Thank you, sir. Thank you for your testimony. You may step down.

MR. DANIEL: Your Honor, I would ask that Lieutenant be released from his subpoena and return to Columbia.

MR. EDWARDS: No objection.

THE COURT: So ordered. Have a nice day, sir. Be careful traveling.

THE WITNESS: Thank you, sir.

THE COURT: Solicitor, your next witness, I believe, is going to be electronic, and I know we needed some time to prepare for that.

MR. DANIEL: Yes, sir.

THE COURT: It may be a good time to break for lunch and come back and take that witness then.

MR. DANIEL: Yes, sir.

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THE COURT: Anything before we break for lunch?

MR. DANIEL: Nothing from the State.

MR. EDWARDS: Nothing from defense.

THE COURT: Ladies and gentlemen of the jury, I'm going to excuse you at this time. You're free to go. We'll come back here at 2:00. Don't talk to anybody about, don't discuss, avoid conversations with any of the parties involved in this trial, and certainly don't have conversations with anyone else, and don't start deliberating during your break. Okay? You all have a nice break and we'll see you back at 2:00. You're excused.

(Jury exited courtroom.)

THE COURT: The jury has been excused for lunch. We'll come back at 2:00. Let me tell everybody, anybody involved in this, you can't talk to any of the jurors. They are off limits, no conversations, no discussions with them, just off limits, and if I find out of any reports of anybody, the Court's going to address that. We have to preserve this and they are going to be leaving the grounds, do not talk to them, avoid them. I don't want to hear anything that they've been contacted or anybody's communicated with them. We're in recess, see you at 2:00.

(Recess taken.)

THE COURT: Court will come to order. We are back on the record. I trust that everybody had a pleasant break in

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their day. I appreciate you being back and being timely. We did have a couple procedural matters, we had to talk outside of the presence of the jury. I do apologize for causing you to wait. Solicitor, are you ready to call your next witness?

MR. DANIEL: I am, Judge. May it please the Court? The State calls, remotely, Dr. Edward Proctor.

THE COURT: Mr. Edwards, you have no objection to this witness being called remotely?

MR. EDWARDS: No, sir, Your Honor.

THE COURT: That's without objection.

MR. DANIEL: Dr. Proctor?

DR. PROCTOR: Yes, I can hear you.

MR. DANIEL: Judge, this is Dr. Proctor. Do we need to swear the witness.

Dr. Edward Proctor being first duly sworn, testified as follows:

THE COURT: Would you state your name for the record?

THE WITNESS: Yes, sir, my name is Edward Proctor, P-r-o-c-t-o-r, Jr.

THE COURT: Thank you, Dr. Proctor, I appreciate you appearing as a witness in this format. I understand you've got some illness, I appreciate you making yourself available. Solicitor, your witness, sir.

MR. DANIEL: Thank you, Judge, if it pleases the Court?

VOIR DIRE EXAMINATION

BY MR. DANIEL:

Q. First of all, Dr. Proctor, can you tell the jury who can all see and hear you, what your occupation was before you stepped down?

A. Yes. I am a pathologist. I have board certification in anatomic, clinical and forensic pathology, and I have, until I got COVID, I was doing a lot of forensic pathology work almost exclusively.

Q. What is forensic pathology?

A. Forensic pathology is the medical legal investigation of death where we get a request from authorizing authorities such as law enforcement, and we perform an examination, we do a postmortem exam, which is an autopsy, we collect samples, we do toxicology, and then we try to correlate the history with our findings and come up with a cause and manner of death.

Q. How many autopsies have you performed over your long and distinguished career?

A. Probably four or five thousand.

Q. Have you testified in criminal courts in South Carolina before?

A. Yes, sir, I have.

Q. Have you been qualified as an expert in those courts?

A. Yes, sir, I have.

MR. DANIEL: Your Honor, at this time I would ask

that Dr. Proctor be qualified as an expert in forensic pathology.

MR. EDWARDS: No objection, Judge.

MR. HOLT: Without objection. So ordered. This witness will be deemed such an expert.

MR. DANIEL: Thank you, Judge.

DIRECT EXAMINATION

BY MR. DANIEL:

Q. Dr. Proctor, first of all, the judge mentioned this this. You've had an illness lately, or in the last year, year and a half?

A. Yes. I unfortunately, got COVID in December of 2020 and was hospitalized through approximately mid-April of 2021, and I've been recuperating ever since, getting better.

Q. But you're going to make a full recovery, right?

A. Well, I hope so, I'm on the road to it, but it's going to be slow.

Q. But that's why you're testifying remotely today, because it's easier for you given, I know you're flying out in a couple days to New York for a doctor's appointment, so it was easier for you to testify remotely since you live down at the beach, right?

A. That is correct.

Q. Okay. To the matter at hand. Did you perform the autopsy on J.W. Bailey, which he is the victim of a crime that

occurred in Dillon in December of 2019?
A. Yes, sir, I did.
Q. Do you prepare a report with your findings every time you do an autopsy?
A. Yes, sir. I've got a copy of that report, plus the toxicology.
MR. DANIEL: Judge, at this time I've seen what Dr. Proctor has, he's seen what I have, the defense has seen, this is State's 13, and I would ask that this exhibit, I know this is a little difficult remotely, be introduced, State's 13.
THE COURT: Any objection?
MR. EDWARDS: No objection, Your Honor.
THE COURT: Without objection, State's Exhibit 13 is now introduced.
(State's Exhibit No. 13 was marked for identification.)
MR. DANIEL: Can you hold that up, just to be clear? What you're holding up looks just like what I'm holding, which is the same document, okay, great. Thank you. This is State's 13. Now, I'm going to ask you two questions about this report and that's it.
A. Alright.
Q. First of all, can you describe the wounds to Mr. J.W.?
A. Yes. Mr. Bailey had multiple gunshot wounds, somewhat difficult to determine whether they were all entrance or entrance and exit wounds, but they were a total of

approximately 11 wounds, most entered the body from the left side traversing in a left to right manner. There were about four through his left elbow area, there was one in his left leg, and then there were multiple in his left anterior, left lateral chest and left abdomen. These wounds caused significant damage, the most significant being one of the chest wounds penetrated heart and his right hung and the left lower abdomen and chest wounds went through multiple loops of his bowel, liver and there were approximately three, I think, three bullets and bullet fragments recovered from his right lower body.

Q. Okay. You mentioned the bullet fragments. I'm holding up to the jury what you have already seen, and we've already reviewed this and defense has seen this as well. This is State's 6, 7, 8 and 9, these are -- I'm reading from the evidence sticker, these are bullets recovered from Mr. J.W., so at autopsy, when you performed the autopsy you collected these bullets and sealed them and sent them to law enforcement, right?

A. That's correct. Usually there was a representative from Dillon County are at the autopsy and these bullets were either transferred directly to them or to the coroner if he was there.

MR. DANIEL: I'm going to ask these to be introduced.

MR. EDWARDS: No objection, Your Honor.

THE COURT: Without objection. Exhibits Numbers six

seven, eight and nine are so introduced.

(State's Exhibits Nos. 6, 7, 8 & 9 were admitted into evidence.)

Q. Briefly, Dr. Proctor, you testified that there were approximately 11 wounds, and you said you can't tell if that's a through and through. What's a through and through?

A. Well, a through and through wound is one that enters and exits the body. I know that one of the leg was a through and through, but I assume from the left side and some to the right side, it's hard to determine how many were true entrance and exit wounds, so we have a total of about 11 known wound sites on the body.

Q. And when you say "left side," I just want to be clear, you're talking about, like, your left side as your standing there? You're not talking about looking at somebody and the left that you appear -- you're talking about left hand, you raise your left hand, that side, right?

A. That's correct. When I say, "left side," those were wounds to the left side of the victim's body.

Q. Okay. And then, finally, can you describe, again, the particular wound that you believe would have ended Mr. J.W's life?

A. The most significant wound was the one to the, sort of the anterior left anterior chest, it passed left to right, and it went through the heart and into the right upper lung lobe

and it caused extensive damage to the heart itself.

Q. And so the cause of death for Mr. J.W. was what?

A. The cause of death would be multiple gunshot wounds with extensive visceral trauma and massive hemorrhage, visceral trauma meaning organ damage and massive hemorrhage, of course, when the bullet hit the heart and his lower body, it caused a lot of bleeding.

Q. And Dr. Proctor, you don't know who shot him, you just know he was shot, right?

A. That is correct.

MR. DANIEL: Please answer any questions defense counsel may have.

THE WITNESS: Certainly.

MR. EDWARDS: Thank you. May it please the Court?

CROSS-EXAMINATION

BY MR. EDWARDS:

Q. Good afternoon, Dr. Proctor.

A. Good afternoon.

Q. I'm going to be very brief, Dr. Proctor. You are here not to testify as evidence to the defendant, you are here just to testify as to the cause of death, correct?

A. That is correct.

Q. You have no evidence to present as far as any evidence against the defendant in this matter; isn't that correct?

A. That is correct.

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MR. EDWARDS: Thank you. I have no further questions, sir.

THE WITNESS: Yes, sir.

THE COURT: Anything further?

MR. DANIEL: Nothing from the State, Judge.

THE COURT: Doctor, thank you for your testimony. I'll conclude the Web.

MR. DANIEL: Hope you feel better, Dr. Proctor. Thank you.

THE WITNESS: Thank you, Mr. Daniel. Do you just want me to stop the video and leave?

MR. DANIEL: That's fine. You can close it all out. Judge is going to close the meeting, too. Thank you.

THE WITNESS: Thank you, Your Honor.

THE COURT: Thank you, sir.

MR. DANIEL: Judge, defense counsel needs to step out for two seconds, and I'm going to hook this up, but we don't have to move anybody.

THE COURT: Okay.

MR. DANIEL: Your Honor, the State calls William Mason.

THE COURT: You can have a seat right there, sir. Mr. Mason, you'll need to pull your mask down, sir.

William Mason being first duly sworn, testified as follows:

THE COURT: Mr. Mason, would you state your name for the record?

THE WITNESS: William Mason.

THE COURT: Mr. Mason, you've been called as a witness in this trial, and I don't know if you've ever testified in the courtroom before, but that microphone should amplify your voice, we have a court reporter who is keeping the record, more importantly, we have a jury that's listening to your testimony. Everybody needs to be able to hear you. I do need you to speak loud enough, I need you to speak with clarity. I need you to try to be as clear as possible so we all understand your words. Okay?

THE WITNESS: Yes, sir.

THE COURT: Thank you, sir. Your witness.

MR. DANIEL: Thank you, Your Honor. May it please the Court?

THE COURT: Yes, sir.

DIRECT EXAMINATION

BY MR. DANIEL:

Q. Mr. Mason, what is your full name?

A. William Latavion Mason.

Q. Where are you from?

A. Dillon.

Q. How long have you lived in Dillon, your whole life?
A. No, sir, since 2008.
Q. Where were you born?
A. Wrightville, North Carolina.
Q. But you've lived here since 2008?
A. Yes, sir.
Q. Did you go to school here?
A. Yes, sir.
Q. Did you finish high school?
A. No, sir.
Q. What year did you drop out?
A. Eleventh.
Q. Why did you dropout?
A. I got arrested at school.
Q. What were you arrested for?
A. Breaking into motor vehicle and burglary.

Q. So you've been in trouble before?
A. Yes, sir.
Q. Let's talk about your prior record. You've been in trouble, you said, for breaking into a motor vehicle?
A. Yes, sir.
Q. Burglary, what else?
A. And the same charges, it was the same charges.
Q. So you did them more than once?
A. Yes, sir.

Q. Have you ever been to prison?
A. Yes, sir.
Q. Are you in jail right now?
A. Yes, sir.
Q. We'll get into that. Obviously, you know why we're here today?
A. Yes, sir.
Q. You're testifying in this trial involving J.W. Bailey.
A. Yes, sir.
Q. Why are you here testifying today?
A. So that people could know the truth.
Q. Well, before we get into all the details about what you're testifying about, do you know Joshua Manning?
A. Yes, sir.
Q. Do you see Joshua Manning in the courtroom today?
A. Yes, sir.
Q. Can you point him out?
A. (Indicating.)
Q. Who are you pointing to?
A. The guy right there in the blue and white and looks like a brown tie.
MR. DANIEL: Please let the record reflect that the witness has pointed out the defendant.
Q. How long have you known Joshua Manning?
A. Probably like a year.

Q. Did you all hang out?
A. A little bit.
Q. And this is obviously before you were arrested back in 2019, right?
A. Yes, sir.
Q. You've been incarcerated, you've been in jail since 2019 since you were arrested, right?
A. Yes, sir.
Q. So before that you had hung out with Joshua Manning, you said, a bunch, right?
A. Yes, sir.
Q. You said you've known him for a year or so?
A. Yes, sir.
Q. How did you know him?
A. His cousin. Me and his cousin's cousin used to date.
Q. Alright. Slow down a little bit. You and his cousin's cousin used to date?
A. Yes, sir.
Q. So all of you would hang out?
A. Yes, sir.
Q. What did you do when you hung out?
A. We smoked.
Q. Smoked what?
A. Weed.
Q. And that was a pretty regular thing for you all to do?

A. Yes, sir.
Q. How did you come to be with Mr. Manning on December 12, 2019?
A. He had called my phone and wanted to chill.
Q. At that time where did you live?
A. In Deerfield.
Q. Those are apartments?
A. Yes, sir.
Q. Is that close or far from where Mr. Manning lived?
A. Kinda far.
Q. I'm going to show you a map and it's going to be on your screen down there. This is State's 14. On this map, can you point out where Mr. Manning lived?
A. On Walker circuit.
Q. Walker? Is that at the top right of the map?
A. Yes, sir.
Q. And again, you're looking at this little screen down there that's got the same thing you see up here, right?
A. Yes, sir.
Q. In that trailer park up there, is that what you're saying?
A. Yes, sir.
Q. Do you know which trailer it was?
A. I think the third one.
Q. At the top?

A. Yes, sir.
Q. That one right there, (indicating)?
A. Yes, sir.
Q. That one, (indicating)?
A. Yes, sir.
Q. So you said he calls you and you're, what, like, a mile or so away at your apartment complex, it's fairly far away you said?
A. Yes, sir.
Q. You're just home hanging out by yourself --
A. Yes, sir.
Q. -- or with your family.
A. Yes, sir.
Q. You got a call from --
A. From Josh.
Q. From the defendant?
A. Yes, sir.
Q. And what does he say?
A. Wanting to come through, wanting to chill.
Q. Do you remember about what time of day this was on the 12th of December, 2019?
A. Probably around five, six.
Q. He wanted to come through and chill, what did you take that to mean?
A. About to smoke.

Q. About to smoke, which was normal for you all to do, right?
A. Yes, sir.
Q. -- get together, hang out, smoke?
A. Yes, sir.
Q. Did you go?
A. Yes, sir.
Q. Did you walk there?
A. Yes.
Q. Did you have a gun on you?
A. Yeah.
Q. Why?
A. Protection.
Q. Was it normal for you to carry a gun for protection?
A. Yes, sir.
Q. So you walk to his house, you get there, what happens?
A. We go there, start smoking, talk, conversation came up about robbing.
Q. The conversation came up about robberies?
A. Robbing.
Q. About robbing. Okay. What was the conversation?
A. He wanted to rob some people who had robbed a couple stores in Florence, but I told him that I wasn't comfortable robbing stores or nothing, this was a drug deal, that's the only way I'd rob somebody.

Q. So you all talked about both wanting to rob something. You talked about stores in Florence. Did you ever make it to Florence that night?
A. No.
Q. But did you want to go to Florence?
A. Yup.
Q. And why didn't you make it to Florence that night to rob something?
A. The car wouldn't start.
Q. The car wouldn't start. Okay. So you didn't make it to Florence, but you talked about what you could do in Dillon?
A. Yup.
Q. And you said that your thought was you don't want to rob anybody but a drug dealer?
A. Yup.
Q. So you said, I'm okay robbing a drug dealer but not a store?
A. Right.
Q. Why would you be okay robbing a drug dealer and not a store?
A. Because I wouldn't have to worry about the police.
Q. Why would you not have to worry about the police if you rob a drug dealer?
A. Because he didn't call the police because he sell drugs.
Q. And is that the normal way that you thought about

robbing in your life is, well, I don't want to rob somebody who might call the cops on me?

A. Kind of.

Q. But this night you didn't rob a drug dealer, did you?

A. No.

Q. How did you all settle on J.W.'s store?

A. We didn't have no ride to get to where we were going so he was, like, we'll just do J.W.'s store right there, so alright.

Q. You said you didn't have a ride to get anywhere so you did J.W.'s store because it was right there?

A. Yes, sir.

Q. Can you point out on the map where J.W.'s store is, just, again?

A. Right there (indicating.)

Q. Tell me, are you looking at the top or the bottom?

A. Near the funeral home.

Q. Near the funeral home. So it would be about right there where that the "X" is?

A. Yes, sir.

Q. Okay. So it was close. You didn't have a car and it was close in proximity to where you all were hanging out, which again, is up here in this blue circle, right?

A. Yes, sir.

Q. So it was just out of convenience, out of all the places

you could have gone, it was just out of convenience, is that what you're saying?

A. Yes, sir.

Q. Because it was just close?

A. Yes, sir.

Q. Alright. You talked about robbing the store. Do you do anything before you go rob the store?

A. We went to Michelle Hughes house to see if she still sell cigarettes.

Q. Alright. You went to Michelle Hughes' house. Who is Michelle Hughes?

A. My homeboy's mama.

Q. And you knew Michelle Hughes?

A. Yes, sir.

Q. Where did she live?

A. On Mark Road.

Q. On Mark Road, that's up here and in the same trailer park?

A. Not really, but it's the same trailer park.

Q. It's not what?

A. It's the same trailer park.

Q. Okay. But Mark Road? So do you remember which trailer she lived in or about which trailer?

A. The second one to the left.

Q. The second one to the left, on the top or bottom of that

last row?
A. Bottom.
Q. So that one, maybe?
A. Yes, sir.
Q. But it was one of those in there?
A. Yeah, I see it right there.
Q. And Michelle Hughes, and you said you went there to buy cigarettes?
A. Yes, sir.
Q. Had you known Michelle for your whole life?
A. Not really.
Q. But did you know that she sold cigarettes in this neighborhood?
A. Yes, sir.
Q. So you walk up to the house, was Joshua Manning with you when you did this?
A. Yeah.
Q. Do you know what time this was?
A. Probably about 6:30.
Q. To get to the front door of her trailer, were there steps?
A. Yeah.
Q. Did you walk up those steps?
A. Yeah.
Q. What happened next?

A. I knocked on the door, she answered the door, I asked her did she still sell cigarettes.
Q. Hang on. Was the defendant with you when you did this?
A. Not when I walked up the steps.
Q. Was he around nearby?
A. Yes, sir.
Q. What?
A. Yes, sir.
Q. Where was he standing?
A. In the yard.
Q. So he was back in the yard way behind you?
A. Yes, sir.
Q. You're the only one who walked up the steps?
A. Yes, sir.
Q. Was it dark outside?
A. Yes, sir.

Q. So you said you walked up, you said, can I get a cigarette, can I buy a cigarette?
A. Yes, sir.
Q. And what did you say?
A. She didn't sell them, she had stopped.
Q. She said what?
A. She didn't sell them, she had stopped.
Q. She had stopped selling cigarettes. Okay. So what happens next?

A. We go back to his house and that's when he decided we was going to go to J.W. Bailey's store.
Q. So you go back to his house and then you say let's go to J.W. Bailey's store. At this point do you still have the gun -- your gun on you?
A. No. We had already traded guns.
Q. Hang on. Hang on. Did you have your gun still?
A. Oh, yup.
Q. What kind of gun was that?
A. A nine.
Q. A nine millimeter. And you owned this gun?
A. Yes, sir.
Q. Did the defendant have a gun on him?
A. Yes, sir.
Q. What kind of gun was that?
A. A .45.
Q. A .45?
A. .45, Yeah.
Q. So you have a nine, he has a .45. You decide, now it's time to go, let's go rob a store.
A. Yes, sir.
Q. Did you have a conversation or you all just started walking?
A. We just started walking.
Q. Okay. You said you all traded guns?

A. Yes, sir.
Q. What do you mean by that?
A. He wanted my gun because I had a Glock and he wanted it because the name, I guess, and I just traded him because the gun he had had extended clip on it.
Q. Okay. Let's slow down a little bit. He wanted to trade guns with you because what?
A. I had a Glock.
Q. You had a Glock. And what is a Glock, the kind of gun?
A. Yes, sir.
Q. Do you know why he wanted a Glock, do you know why?
A. No, sir.
Q. But you were okay with trading because his gun had a what?
A. An extended clip.
Q. An extended clip. What's an extended clip?
A. Extended mag, he had a 30-round clip on it.
Q. So it's a gun that holds more bullets than the Glock is what you're saying?
A. Yes, sir.
Q. So you wanted the one with more bullets?
A. Yes, sir.
Q. Why would you want a gun with more bullets if you weren't going to kill somebody, because that wasn't your intent, right?

A. Uh-uh, no, sir.
Q. So why would you want to trade guns for one that held more bullets?
A. Because the one I had only held 11 and I wanted more shots.
Q. So you all leave the trailer where Manning lives, right?
A. Yes, sir.
Q. And you walked to the store. What route to do you take to get to the store?
A. On the side of the road.
Q. Which road, 501 -- or 301?
A. 301.
Q. So is this the way you walked, (indicating) --
A. Yeah.
Q. -- right on the side -- well, the side of the main road, straight down, right?
A. Yes, sir.
Q. Okay. And then, it's dark, right?
A. Yes, sir.
Q. Okay. And you've got his gun and he's got your gun, right?
A. Yes, sir.
Q. Did you all talk about anything at this point, or you were just walking?
A. When we was walking I told him we gonna make it clean

and smooth, don't shoot nobody.

Q. You said, let's make this clean and smooth, don't shoot nobody?

A. Yes, sir.

Q. What does make it clean mean?

A. Go in and get out.

Q. What were you after, what did you want?

A. The money.

Q. So when you get to the store, what happens?

A. Um, we went inside the building and put our face masks on and stuff.

Q. Alright, wait. Sorry, let me stop you. You go on the side of the building -- alright. (indicating) Can you see it a little bigger now?

A. Yes.

Q. You go on the side of the building, which side of the building do you go on?

A. The one closest from to the same way that we came up.

Q. The one closest from the way that you came up?

A. Yes, sir.

Q. And you said you get to the side of the building and go put your masks on, and then what happens next?

A. I went in first and he came in behind me.

Q. You went in first. What were you wearing?

A. A camouflaged jacket and some black pants.

Q. And were you pointing the gun when you walked in?
A. Yes, sir.
Q. Do you remember what the defendant was wearing?
A. Yes, sir.
Q. What was he wearing?
A. A black jacket and black pants.
Q. And was he holding his gun up too?
A. Yes, sir.
Q. So you all walk in, and what happens when you get in there?
A. I tell J.W. to put his hands up, and when I got in there I tried to get around the counter, he was reaching for his gun so I tried to stop him from reaching for his gun.
Q. Okay. Wait a second. You told him to put his hands up and you start to go around the counter and you see him reaching for his gun?
A. Yes, sir.
Q. Was his gun on the left side or right side of him, can you remember?
A. On his right side.
Q. Okay. He starts reaching for his gun. What happens next?
A. When I'm trying to get it I heard a shot go off and that's when Josh reached around and he starts shooting.
Q. Do you remember how many bullets or how many times you

heard a gun go off?

A. Probably about five or six.

Q. Does your gun go off?

A. Yes, sir.

Q. So both of you shot J.W. Bailey?

A. Yes, sir.

Q. Because he went for his gun?

A. Yes, sir.

Q. After you shoot him, what happens?

A. He falls on me and I had moved out of the way and, um, he ran past me getting all the money and stuff.

Q. He fell on you because he had been shot?

A. Yes, sir.

Q. And you said you moved out of the way?

A. Yes, sir.

Q. And you all were grabbing stuff, right?

A. Yes, sir.

Q. What did you get --

A. Some money.

Q. -- for this?

A. Um, money.

Q. Some cash?

A. Yes, sir.

Q. What else?

A. Um, his gun, J.W. Bailey's gun.

Q. Was it in a holster?
A. Yes, sir.
Q. Did either one of you take anything else from behind the counter?
A. He had took some, um, some Blacks and cigars.
Q. Some cigars, and Blacks, Black and Mild cigars, right?
A. Yes, sir.
Q. Okay. Remember how many money you got?
A. Probably about $400.00.
Q. $400.00, some cigars and Mr. J.W.'s gun --
A. Yes, sir.
Q. -- and the holster that it was in?
A. Yes, sir.
Q. When you leave the store with all this stuff, how did you leave, which direction?
A. The same way we came, but we had went through the field that's on the side of the, um, store.
Q. Alright. So the same way -- so you came in from the Dillon side and you left the same way, right?
A. Yes, sir.
Q. And we're going to see the video of you going in and out in a minute.
A. Okay.
Q. So, and you said you went around the store?
A. Yes, sir.

Q. Like, to the back of the store?
A. Yes, sir.
Q. Did you go through this field that that green line just went through?
A. Yes, sir.
Q. And do you remember kind of how you went back through all the other parts after that?
A. Yes, sir. We had, um, came out on the side of the road. We had jumped the fence and went through the woods, we had come out to the road --
Q. Hold on. Slow down and talk into that microphone a little bit more if you can, please. Hold on, hold on. Okay. Go ahead.
A. I said, we had jumped the fence and we had went through the woods and came out on the side of the road.
Q. Alright, "fence," is there a fence right there?
A. Yes, sir.
Q. Okay. You jumped that fence, and what happens?
A. We go through the woods and we came out on the side of the road.
Q. Which road, right here (indicating)?
A. Yes, sir.
Q. So you come out over here, and then what?
A. We cut off on -- at Homewood Road.
Q. You go over here to Homewood, you go that way?

A. Yes, sir.
Q. Then what?
A. We go through the woods right behind the car dealership.
Q. Alright, you go to this, the car dealership, you're talking about up here (indicating,) this car dealership?
A. Yes, sir.
Q. Right?
A. Yes, sir.
Q. Aright. You go in those woods, and then what do you do?
A. We come out right there by his house, the trailer.
Q. Right in there somewhere (indicating)?
A. Yes, sir.
Q. And then you go back to Manning's house?
A. Yes, sir.
Q. When you get back to the house, what happened?
A. We start splitting the money.
Q. You started splitting the money. Did you split it evenly?
A. Yes, sir.
Q. So you both got about $200.00?
A. Yes, sir.
Q. Now, who had which guns at this point? You still had his gun, you still had your gun?
A. Yes, sir.
Q. Okay. The guns that had just both been fired into J.W.

Bailey, right?
A. Yes, sir.
Q. And who took the pistol, J.W.'s pistol away?
A. I did.
Q. You did? So you had that one?
A. Yes, sir.
Q. What did you do with that gun?
A. I sold it to Josh.
Q. You sold it to Josh?
A. Yes, sir.
Q. Right then that night at his house?
A. Yes, sir.
Q. Okay. How did that conversation go?
A. He wanted to buy it so I sold it to him for $50.00.
Q. He wanted to buy it, so for $50.00 you sold him the gun, so you got half of the $400.00 in cash you all had stolen, plus he paid you an extra $50 for him to be able to keep Mr. J.W.'s gun?
A. Yes, sir.
Q. What happened next?
A. His aunt was supposed to come take me home, and by the time we got done doing all that she was outside and she had came in the house.
Q. So when you all first got back to Joshua Manning's place she wasn't there?

A. No, sir.
Q. So you all get back, you go inside, you split the money, the gun, and all that, and did you keep the gun that you -- did you all trade guns back?
A. No, sir.
Q. How about the original gun that you brought?
A. No, sir.
Q. So when you left there later that night did you have a gun with you at all?
A. No, sir.
Q. So you didn't even get your original gun back?
A. No, sir.
Q. Why not?
A. Because they were dirty and he said he was going to get rid of them.
Q. I'm sorry, they were dirty?
A. Yes, sir.
Q. The guns were dirty?
A. Yes, sir.
Q. What's that mean?
A. They got a body on them.
Q. They had a body on them, what does that mean if a gun has a body on it?
A. Somebody just got killed with it.
Q. And you didn't want any part of that to have it in your

possession?
A. No, sir.
Q. So at this point you said you all -- someone called his aunt to give you a ride home?
A. Yes, sir.
Q. She shows up, does she give you a ride home?
A. Yes, sir.
Q. What happens when you all first get in the car and get back on 501?
A. She asked what happened down there and she asked if we wanted to go down there and see what happened.
Q. Are you talking about the J.W. Store?
A. Yes, sir.
Q. So she came and saying something's going on at J.W.'s store?
A. Yes, sir.

Q. Because blue lights and everything else?
A. Yes, sir.
Q. She said, do you all want to go down and see what happened?
A. Yes, sir.
Q. What did you say?
A. No. I was on the run for parole.
Q. You said, no, I don't want to go down there because you were on the run from parole?

A. Yes, sir.
Q. And you were, in fact, in trouble, right?
A. Yes, sir.
Q. For previous crimes, right?
A. Yes, sir.
Q. So you didn't want to be anywhere near the police?
A. No, sir.
Q. Did Joshua answer that question when his aunt said do you all want to go down and see what happened at J.W.'s?
A. Yes, sir.
Q. What did he say?
A. No, he ain't trying to go down there.
Q. So did you go down there?
A. No, sir.
Q. So she took you another way?
A. Yes, sir.
Q. Home?
A. Yes, sir.
Q. I'm going to show the surveillance video again.
MR. DANIEL: May I have the Court's indulgence? I'm going to hold off on that for a moment and go into a couple of other things first.
Q. So you get back home?
A. Yes, sir.
Q. Did you ever talk to Joshua Manning again after that?

A. No, sir.
Q. To this day have you ever spoken to Joshua Manning?
A. No, sir.
Q. After this night?
A. No, sir.
Q. Never talked about it again?
A. No, sir.
Q. You all never called each other and said, hey, man, don't say anything, don't get me in trouble, no comments were made to each other, right?
A. No, sir.
Q. At some point shortly after this did you find out that law enforcement wanted to talk to you?
A. Yes, sir.
Q. How did you find out?
A. I seen myself on Facebook.

Q. You saw yourself on Facebook?
A. Yes, sir.
Q. Like a picture of you being wanted or something?
A. Yes, sir.
Q. You saw your name everywhere?
A. Yes, sir.
Q. So what did you do?
A. I turned myself in.
Q. Were you charged?

A. Yes, sir.
Q. What were your charges?
A. Murder, possession of a deadly weapon, armed robbery, petit larceny.
Q. Are all those charges still pending?
A. Yes, sir.
Q. Did you give a statement to law enforcement?
A. Yes, sir.
Q. Upon your arrest?
A. Yes, sir.
Q. When you gave that statement did you all talk about some other crimes that you had been, some house break ins that you had been charged with in the city?
A. Yes, sir.
Q. During that conversation with law enforcement, the conversation with the city cops about the break ins, did you ask to speak to a county investigator?
A. Yes, sir.
Q. Why did you want to speak with the county investigator?
A. To tell them what happened.
Q. So you could tell them what happened with what?
A. The robberies.
Q. Why did you want to admit to them?
A. Well, my girlfriend was with his cousin's cousin, she was talking to me and she went up there and they told her to

talk to me to see if they could get me to talk.
Q. And you told law enforcement what you did, right?
A. Yes, sir.
Q. Now, once you told law enforcement your version of the story, is the story you told them that day the same story you told this jury here today?
A. Yes, sir.
Q. Is it exactly the same story?
A. Yes, sir.
Q. Now, you are obviously here testifying against your co-defendant, right?
A. Yes, sir.
Q. Why are you doing that?
A. So I can get home.
Q. So you can get home. So are you thinking you're going to get some cooperation from the State for your testimony here today?
A. I hope so.
Q. Okay. That's natural. Do you know what that help is going to be?
A. No, sir.
Q. You have no idea?
A. No, sir.
Q. Have you talked to me about it?
A. Yes, sir.

Q. A bunch of times?
A. Yes, sir.
Q. Have you asked me about a thousand times what kind of help we're going to give you?
A. Yes, sir.
Q. What have I told you every time?
A. You don't know, we're going to have to wait until after the trial.
Q. Have you asked Deputy Solicitor Kernard Redmond the same question?
A. Yes, sir.
Q. Did he tell you the same answer I did?
A. Yes, sir.
Q. So you have no idea what help you may receive for your cooperation here?
A. No, sir.
Q. But you want to get something?
A. Yes, sir.
Q. Now, have you made up this whole story just to get help from us?
A. No, sir.
Q. Have you put Joshua Manning into this just because you knew he was coming up for trial and we needed some evidence?
A. No, sir.
Q. So you're sure you're not making this up on Joshua

Manning?

A. No, sir.

Q. Do you have any beef with him?

A. No, sir.

Q. Any issues at all?

A. No, sir.

Q. Ever gotten in a fight with him?

A. No, sir.

Q. Are you still dating his cousin's cousin?

A. No, sir.

Q. Are you mad about that?

A. No, sir.

Q. You're mad at the girls and you're trying to get back at her cousin's cousin?

A. No, sir.

Q. So then why are you here?

A. So that people can know the truth and the victim's family can get justice.

Q. I'm going to show the video again.

(video playing.)

Q. You said you came up from the Dillon side. You know, you all walked down, you came around the Dillon side of the store, can you describe what we are going to see here?

A. Me going in the store first.

Q. Hang on. Hang on. Now, who is that going in first?

A. Me.
Q. And this is consistent with what you just said about coming up from this side of the store, right? So Manning's house is back there?
A. Yes, sir.
Q. Now, what do we see right now?
A. Josh about to leave out the door.
Q. And who was that?
A. Me.
Q. And what were you holding?
A. Money and a gun.
Q. Alright, this angle. What are you saying?
A. Put your hands up.
Q. Right there. You see that?
A. Yes, sir.
Q. You're saying, put your hands up. Does Josh say anything, do you remember?
A. No, sir.
Q. You don't remember, or he didn't?
A. He didn't.
Q. You're saying, put your hands up, and then you see an obviously startled Mr. J.W., and at this point you're thinking what, I'm going to do what?
A. Trying to take his gun off his side.
Q. Because you see him reach for his gun, right?

A. Yes, sir.
Q. You actually do see him reach on his right side for his gun, don't you?
A. Yes, sir.
Q. Right there. Okay. Because he reached for his gun, I believe your testimony is you both fire yours?
A. Yes, sir.
Q. I think you can see in the video muzzle fire, right?
A. Yes, sir.
Q. That you see the guns going off.
A. Yes, sir.
Q. Now, your testimony earlier was that after he was shot he fell on you, right?
A. Yes, sir.
Q. Look at this. Right there (indicating.)
A. Yes, sir.

Q. And you said you had reached over him. Because, look, you're still picking up cash. Manning's still reaching across and getting cigars, right?
A. Yes, sir.
Q. All the while, Mr. J.W. is lying there. Testimony has been riddled with bullets. Did you know that he had ten or so gunshot wounds, did you know that?
A. No, sir.
Q. The last angle. You're picking up all the cash you can

right there?
A. Yes, sir.
Q. Now, the testimony has been, and we talked about gunshot wounds, that a bunch of the wounds -- or most of the wounds occurred on the left side of Mr. J.W.'s body. Is that the side that you appear, that you both appear to be shooting him in?
A. Yes, sir.
Q. You're picking up cash, and you see who you say is Joshua Manning, who I believe is Joshua Manning, reach across and pick up something, what was that?
A. Cigars and Black and Milds.
Q. And then you leave?
A. Yes, sir.
Q. You said earlier that you were familiar with this store?
A. Yes, sir.
Q. Right? Had you ever met Mr. J.W.?
A. Yes, sir.
Q. Had you been in that store a bunch of times?
A. Yes, sir.
Q. Did you, in fact, used to live somewhere nearby there?
A. Yes, sir.
Q. And even at this point you lived close enough to walk? It was an apartment complex, but it was still close enough to walk, right?
A. Yes, sir.

Q. So you knew him for a long time?
A. Yes, sir.
Q. Did you know him to be a kind man?
A. Yes, sir.
Q. A selfless man?
A. Yes, sir.
Q. Who is that (indicating)?
A. Joshua Manning?
Q. Are you sure?
A. Yes, sir.
Q. Do you got any reason to lie on Joshua Manning?
A. No, sir.
Q. Do you got any reason to pin this on him because you're upset with him about something in your life?
A. No, sir.
Q. You're sure that's not somebody else?
A. No, that's him.
Q. Are you lying about it because you want to help us to help with your own charges?
A. No, sir.
Q. Who is that?
A. Joshua Manning.
Q. Do you see Joshua Manning in the courtroom today?
A. Yes, sir.
Q. Is there any doubt in your mind, you're under oath, is

there any doubt in the your mind that the person right here, the person you met up with on the evening of December 12, 2019, is there any doubt in the your mind that that man right there is that man right there?

A. No.

Q. Please answer any questions the defense might have.

THE COURT: Mr. Edwards?

MR. EDWARDS: Thank you, Your Honor. May it please the Court?

CROSS-EXAMINATION

BY MR. EDWARDS:

Q. Mr. Mason, or is it Taco?

A. Mason, it's both of them.

Q. Okay. Taco, you murdered J.W. Bailey, isn't that correct?

A. Yes, sir.

Q. Now, you stated earlier in the courtroom that you wanted justice for Mr. Bailey, correct?

A. Yes, sir.

Q. You stated that you knew Mr. Bailey and that he was a kind man, right?

A. Yes, sir.

Q. Yet, you wanted the firearm, in your words, that had more shots, correct?

A. Yes, sir.

Q. Now, you admit that you were one of the individuals that did the robbery, correct?
A. Yes, sir.
Q. You're the individual that entered the store first, correct?
A. Yes, sir.
Q. It was your plan to rob Bailey's convenient store on the night in question, was it not?
A. It wasn't.
Q. It was not?
A. No, sir.
Q. Whose plan was it?
A. Josh.
Q. Now, you have a good friend named Stank (phonetic), correct?
A. Yes, sir.

Q. What's Stank's real name?
A. Ty'kese (phonetic) Campbell.
Q. And you and Ty'kese (phonetic), you two break into homes together, correct?
A. Yes, sir.
Q. In fact, don't you have pending charges from breaking into homes with Stank (phonetic)?
A. Yes, sir.
Q. How many charges do you have pending right now with you

and Stank?
A. Two.
Q. Two burglary first charges, correct?
A. Yes, sir.
Q. That you can receive life in prison for those charges, isn't that right?
A. Yes, sir.
Q. Now, in those cases, you also blame those two charges on Stank, don't you?
A. No, sir.
Q. You take credit for those two burglary first charges?
A. Might as well, I was there, he did it, too.
Q. You might as well? Didn't you give information to the police --
A. He doing his time.
Q. -- that Stank was with you and involved in those burglary firsts as well?
A. Yes, sir.
Q. The same way that you're giving information that Josh was with you on this burglary, correct?
A. Yes, sir.
Q. On this murder charge, correct?
A. You say what now?
Q. On this murder case?
A. Yeah, he was there.

Q. No. You've given information against Stank the same way you are against Joshua, isn't that correct?
A. Yup.
Q. And you're hoping that the State gives you leniency for all of those cases, isn't that right?
A. I hope say, yup.
Q. Because those two burglary firsts that you have pending, those were not your fault, were they?
A. Yup.
Q. They were?
A. Yup.
Q. Alright. Let me back up for one second. Now, you stated -- well, let me ask you this: The two burglary first charges that you have pending right now, those two addresses are [redacted] East Main Street and [redacted] East Main Street, those are both here in Dillon, right?
A. Yes, sir.
Q. And broke into both of those residences; correct?
A. Yes, sir.
Q. Are you aware that one of the residences is occupied by a 92-year-old individual?
A. No, sir.
Q. Do you care?
A. No, sir.
Q. You do not care, do you?

A. I didn't.
Q. Now, you stated earlier that you knew Mr. Bailey, correct?
A. Yes, sir.
Q. And you knew that he was an elderly individual, correct?
A. Yes, sir.
Q. But you did not care to rob him, did you?
A. No, sir.
Q. You stated to this Court that you want justice for Mr. Bailey, correct?
A. Yes, sir.
Q. The same individual that you murdered, right?
A. Yes, sir.
Q. Now, the two burglaries, those two burglaries occurred on December 10th, isn't that right?
A. Yes, sir.
Q. Just two days before you broke into Mr. Bailey's convenient store you broke into two homes here in Dillon, correct?
A. Yes, sir.
Q. If you were caught robbing those two homes you would have never made it into Bailey's convenient store, isn't that correct?
A. Yes, sir.
Q. Do you regret not being caught?

A. Yes, sir.
Q. Now, you stated earlier that you were arrested when you were in high school. You were 17 years old, right?
A. Yes, sir.
Q. Was that about 2016?
A. Yes, sir.
Q. Were you arrested for burglary first degree?
A. No, sir.
Q. What were you arrested for in 2016?
A. Breaking into motor vehicles.
Q. Breaking into cars?
A. Yes, sir.
Q. Did you do some time for breaking into those vehicles?
A. Yes, sir.
Q. What type of time did you do when you were 17?
A. I caught a 90-day Shock.
Q. So you were in the Shock Program?
A. Yes, sir.
Q. Now, due to that did you ever graduate high school?
A. No, sir.
Q. Now, isn't it correct that not long after you served in the Shock Program you were arrested again in 2017 on another burglary charge?
A. Yes, sir.
Q. Were you sentenced to five years for that charge?

A. Yes, sir.
Q. How long did you serve in prison for that burglary charge?
A. Two years.
Q. Do you know what year, I guess, that you returned from that burglary charge?
A. 2019.
Q. 2019. Alright. Isn't it correct that also in 2019 you were convicted of a shoplifting?
A. Yes, sir.
Q. In connection with that shoplifting you were also charged with assault on a police officer, isn't that right?
A. Yes, sir.
Q. And also, you were also charged with giving false information, isn't that correct?
A. Yes, sir.
Q. Now, you have a pattern of burglaries, right?
A. Yes, sir.
Q. As well as giving false information, right?
A. Yes, sir.
Q. Now, you've been convicted of about three burglaries right?
A. Yes, sir.
Q. You have two pending burglary first degrees, isn't that correct?

A. Yes, sir.
Q. Now, you are aware that based on those burglaries alone you could spend the rest of your life in the prison, isn't that right?
A. Yes, sir.
Q. How old are you?
A. Twenty-two.
Q. 22 years old, and you've been going to jail since you were 17 for burglaries, correct?
A. Yes, sir.
Q. Are you a thief, Taco?
A. No.
Q. You're a burglar?
A. No, sir.
Q. Your a murderer?
A. No -- well, now.

Q. But you're not a thief?
A. That's the same thing, really.
Q. Do you recall giving a recorded statement to the police in this case?
A. Yes, sir.
Q. Do you recall in that recorded statement, you said you didn't fire any firearms?
A. I didn't know.
Q. You didn't know if you fired a firearm?

A. Because we were just tussling for the guns.
Q. So as you sit here now, you don't know if you fired a firearm; isn't that correct?
A. Yup, I know now.
Q. You know now. Didn't you testify that you saw a video and you knew what happened on that video?
A. Yeah.
Q. So you didn't know. Who told you that you fired a firearm, because you said you know now, who told you that you fired?
A. The paperwork.
Q. The paperwork. So the police officer told you that you fired?
A. Yeah, it's in the paperwork.
Q. And you don't remember firing; isn't that correct?
A. I didn't feel my gun going off.
Q. So you don't know whether you shot Mr. Bailey or not, isn't that correct?
A. Right.
Q. But, yet, you admitted that you are a murderer. Now, you told this Court that you shot Mr. Bailey. You just testified to that, right?
A. Yes, sir.
Q. But you also just testified that you didn't shoot. You don't know if you shot him or not, right?

A. Right.
Q. Were you lying to the police officers on the day you gave your recorded statement, or are you lying to this Court today?
A. No.
Q. No, what? Which is it?
A. I'm not lying to neither one. I didn't know my gun went off. I -- I was reaching for his gun, I didn't know I was applying pressure to mine.
Q. Okay. So did you fire your weapon or did you not?
A. Not intentionally.
Q. Not intentionally, you're dodging my question. I want to know, did you fire or did you not?
A. Yeah.
Q. You did, did you?
A. Yes, sir.

Q. So when you gave your recorded statement to the police you told them you did not fire; isn't that correct?
A. Yes, sir.
Q. So were you lying to the police then?
A. No, sir. I didn't know that it went off.
Q. You didn't know that it went off. You didn't know that you pulled the trigger and shot Mr. Bailey?
A. No, sir.
Q. And you don't know as you sit here today whether you

fired into Mr. Bailey or not, do you?
A. The paperwork said I did. He said with two different caliber cases that the gun was .45, I don't know if the bullets went in him, but I know that my gun went off twice, from what the paperwork said.
Q. Okay. Now, based on your answer, you know this fired because I know this fired, I know there are two different shell casings. That's what you just stated, correct?
A. Yes, sir.
Q. One was a nine millimeter, the other was a .45, correct?
A. Yes, sir.
Q. So your gun had to go off, correct?
A. Yes, sir.
Q. Who told you -- you said that's what the paperwork said. Weren't you the individual in the video?
A. Yes, sir.
Q. But you don't remember whether you fired or not?
A. I didn't feel my gun go off.
Q. Well, did your gun fire?
A. Yes, sir.
Q. It did. Who caused it to fire?
A. Me.
Q. And you caused it to fire because that's what the paperwork said or that's what you're testifying here today?
A. That's what I'm testifying here today.

Q. Okay. So going back to the confession, you stated to the police officer that you did not fire your weapon, correct? Isn't that correct?
A. Yes, sir.
Q. You said, I didn't shoot; isn't that correct?
A. (No audible response)
Q. Is that a yes?
A. Yes, sir.
Q. But based on your testimony today you're stating that you did shoot, correct?
A. Yes, sir.
Q. So you don't know whichever it is, you don't know which one it is, right?
A. I know that my gun did go off, and when I first got locked up I didn't know if my gun had went off until the time I was going over all my paperwork.
Q. So you didn't know until you met with the police and you looked at the paperwork as to what they could prove, isn't that correct?
A. Yes, sir.
Q. Now, you've stated that you're here today because you want justice for Mr. Bailey, correct?
A. Yes, sir.
Q. Did you turn yourself into the police out of the kindness of your own heart?

A. Yes, sir. I knew they was going to get me, regardless.
Q. Exactly. You didn't just turn yourself in, you were wanted by the police, isn't that correct?
A. Yes, sir.
Q. You couldn't go anywhere. Were you located in Dillon when you saw your face on Facebook?
A. No, sir.
Q. Where were you located?
A. In North Carolina.
Q. And you came back to Dillon because you were a wanted fugitive; isn't that correct?
A. Yes, sir.
Q. You didn't turn yourself in because you wanted justice, you turned yourself in because you was wanted, right?
A. Yes, sir.
Q. Now, you stated that you had known Joshua for close to a year, right?
A. Uh-huh.
Q. That's a yes?
A. Yes, sir.
Q. And you knew him just because you dated his cousin's cousin, correct?
A. Yes, sir.
Q. How often did you and Joshua see each other?
A. Every -- I want to say every day, but kind of, like, two

to three times a week.
Q. Were you offered a plea deal for you to testify here today?
A. No, sir.
Q. Now, you stated earlier that you're hoping to get something, correct?
A. Yes, sir.
Q. What are you hoping to get?
A. A lesser sentence.
Q. When you say, a lesser sentence, what type of sentence on are you looking for?
A. Probably 20 to 25.
Q. Twenty to 25 years --
A. Yes, sir.
Q. -- for murder and three burglary first degrees, at each count you could get life for, and you're looking to get 20 to 25 years?
A. Yes, sir.
Q. You also stated that you just want to come home, right?
A. Yes, sir.
Q. Would you do anything to come home?
A. No, sir.
Q. What wouldn't you do to come home?
A. Lie and say that he was there.
Q. So you wouldn't lie to come home?

A. I'm not lying now.
Q. When were you lying?
A. I never was. I never was lying, but I know he was there with me when we did that store robbery.
Q. Now, what I'm asking you, were you lying when you did the video confession?
A. No, sir.
Q. You weren't lying then?
A. No, sir.
Q. Let me ask you this, who is "Ghost"?
A. Ghost, I don't know Ghost.
Q. Who is Ja'Rule?
A. One of our homeboys.
Q. One of your homeboys. Don't you and Ja'Rule break into houses together as well?
A. No.
Q. You've never broken into a house with Ghost and Ja'Rule?
A. No.
Q. Weren't you supposed to break into a house with them?
A. No.
Q. Never?
A. No.
Q. Okay. Let me get back to the you and Stank. Let me ask you this, because you just got out of prison in 2019, correct?
A. Yes, sir.

Q. How many homes have you robbed in Dillon that you weren't caught?
A. Not that many.
Q. Not that many. How many? How many?
A. Four.
Q. So four other burglaries that you committed. So do you believe you committed about ten burglaries in your lifetime?
A. Less, probably eight or seven.
Q. Eight or seven, but you were caught on six of them, right?
A. (No audible response.)
Q. That's a yes?
A. No. I wasn't caught on six. I didn't get locked up for that many burglaries.
Q. You've been locked up for about three burglaries, correct? We've gone through your record.
A. I've been locked up for burglary third degree, and that's not breaking and entering, they were just trespassing.
Q. And I guess you broke into cars when you were 16, correct?
A. Yes, sir.
Q. Now, as you come out of the convenience store you're the individual holding all of the guns, and I guess the merchandise, correct?
A. Yes, sir.

Q. What all did you take from Bailey's convenience store?
A. Money and a gun.
Q. Money and a gun. What kind of gun?
A. A revolving, a .38.
Q. Whose revolver was it?
A. J.W. Bailey's.
Q. And you took the revolver?
A. Yes, sir.
Q. Was it in a holster?
A. Yes, sir.
Q. And you took the holster as well?
A. Yes, sir.
Q. Why didn't you keep the holster?
A. It fell off when I was running.
Q. Okay. So it dropped by mistake?
A. Yes, sir.
Q. Has Stank been arrested on the other burglary charges?
A. Yes, sir.
Q. Due to your statement?
A. Yes, sir.
Q. Is that the reason Josh was arrested?
A. No, sir.
Q. He wasn't arrested due to your statement?
A. No, sir. He was already arrested before I gave my statement.

Q. Is that what the paperwork said?
A. No.
Q. Did Stank rob the store with you? Did he rob Bailey's Convenient Store?
A. No, sir.
Q. Are you trying to protect Ghost?
A. No, sir.
Q. Ja'Rule?
A. No, sir.
Q. Do you guys sit down and plan robberies before you go on rounds?
A. No, sir, this was my first one.
Q. What about the ones you and Stank committed two days prior? Did you and Stank plan those robberies?
A. We just went to the couple houses that we seen.
Q. Did you guys plan it?
A. No, sir.
Q. Did you all watch the houses?
A. No, sir.
Q. Describe to me how you and Stank choose a house.
A. We'll walk past and see if the car there and we'll probably knock on the door, if nobody comes to the door we'll go in.
Q. And you guys did this, as I stated, two days prior, right?

A. Yes, sir.
Q. Describe the robberies for me, what did you take?
A. Jewelry and money.
Q. What did you do with your jewelry?
A. I kept most of it.
Q. Where is it today?
A. Gone.
Q. Gone where?
A. I don't know. I left it with my ex-girlfriend, but I don't talk to her so I know she don't got it no more.
Q. So you stole the jewelry from these houses and gave it to your ex-girlfriend?
A. I didn't give it to her with mines, but now that I'm gone she probably did something with it.
Q. What about the guns?
A. Which guns?
Q. The guns that you stole from your burglaries, what did you do with those guns?
A. I let Stank keep them.
Q. You gave the guns to Stank?
A. Uh-huh.
Q. And you want this Court to believe that you gave the guns from this robbery over to Joshua; isn't that correct?
A. Yup, I gave them to him. He bought one of them, he told me he was going to get rid of other one so I gave it to him. I

don't know what he did with them from there.
Q. Explain this to me. Why would you sell him one gun but give him the other?
A. He wanted that one. That one was clean. I sold it to him. It was clean. The other two dirtys, he was gonna get rid of them.
Q. To your knowledge, has Joshua ever been arrested?
A. I don't know, I don't think so.
Q. You don't so?
A. No, sir.
Q. Because you're using words like "clean" and "body." Aren't those slang terms?
A. Yes, sir.
Q. Did you pick those terms up in prison?
A. No, sir.
Q. Where did you pick those terms up from?
A. Home.
Q. So Joshua has never been arrested, right?
A. No, sir.
Q. And how many times have you been arrested?
A. Probably about five or six.
Q. Five or six times?
A. Yes, sir.
Q. You would say you're a seasoned burglar?
A. Yes, sir.

Q. You would? That's a yes?
A. Yes, sir.
Q. Whose idea was it to wear masks?
A. His.
Q. Okay. But you're the seasoned burglar, right?
A. Yes, sir.
Q. But you're the one who entered the store first?
A. Yes, sir.
Q. But you want the Court to believe that the whole idea was Joshua's, right?
A. Yes, sir.
Q. Because you would do anything to go home?
A. No, sir.
Q. Whose idea was it to wear gloves?
A. Mine.
Q. So it was your idea to wear gloves, why did you want to wear gloves?
A. I had gloves on, he didn't have any. I didn't want my fingerprints to come back to me.
Q. Okay. So Joshua didn't have gloves on?
A. No.
Q. You did?
A. Yes, sir.
Q. And you remember that vivid?
A. Yes, sir.

Q. So Joshua's fingerprints should be all over Bailey's Convenient Store, right?
A. Everything he touched.
Q. Did he touch things?
A. The cash register.
Q. Okay. So he touched, according to you, he touched everything, right?
A. Everything that he touched, cigars and all that stuff.
Q. And he did not have on any gloves, right?
A. Uh-uh.
Q. That's a no?
A. No, sir.
Q. So if he didn't have on gloves, as I stated earlier, his fingerprints should be at Bailey's Convenient Store, right?
A. Yes, sir.
Q. Why didn't you tell him to put on gloves?

A. I only had one pair of gloves.
Q. Okay. You came prepared?
A. Yes, sir.
Q. Now, also on your confession video, you stated that when you went to see Joshua you didn't have any firearms?
A. I didn't say that.
Q. You didn't? You stated you didn't have any and Josh gave you guns?
A. I don't remember saying that.

Q. You don't remember? So if you did state that you would be lying here today, correct?
A. Yes, sir.
Q. Or you could have misremembered at the time, right?
A. Yes, sir.
Q. Now, where are the guns from this robbery?
A. I don't know.
Q. What did you do with the guns from this robbery?
A. I left them with Josh. He said he was gonna get rid of them.
Q. What did you do with the money that you got from this robbery?
A. I spent it.
Q. Where did you spend it?
A. On shoes and stuff.
Q. When did you decide to ask for help with your sentence?
A. I didn't.
Q. You didn't? You never asked for help?
A. I don't want help.
Q. Didn't you ask for help? You just testified you asked both solicitors for help on your sentence, right?
A. Yeah.
Q. Did you ask any of the police officers for help on your sentence?
A. Uh-uh.

Q. Do you remember telling the investigator that you gave that confession to that you'll say anything to get home? Just ask you the question and you'll tell them everything you know?
A. Yes, sir.
Q. Do you remember saying, I'll do anything to get home?
A. Yes, sir.
Q. You do?
A. That was at the time when I was scared about everything that was going on.
Q. What were you scared of? You're the one doing the shooting. What possibly could you have been scared of?
A. Going to jail for a long time.
Q. Precisely, going to jail for a long time. So you would do anything not to go to jail for a long time, correct?

MR. EDWARDS: Thank you. I have no further questions for this witness.

MR. DANIEL: Briefly.

REDIRECT EXAMINATION

BY MR. DANIEL:

Q. You're a criminal, aren't you?
A. Yes, sir.
Q. You're a burglar?
A. Yes, sir.
Q. You're a robber?
A. Yes, sir.

Q. You're a stealer?
A. Yes, sir.
Q. Or a thief. You don't deny any of that, do you?
A. No, sir.
Q. You're also a murderer, aren't you?
A. Yes, sir.
Q. Isn't that what you're here talking about today?
A. Yes, sir.
Q. So there's testimony and you're asked questions about this 92-year-old individual who lived in a home that you burglarized. You ain't sitting up there saying you're a good guy, are you?
A. No, sir.
Q. You're a criminal --
A. Yes, sir.
Q. -- whose been to prison, right?
A. Yes, sir.
Q. Who's facing a ton of charges, right?
A. Yes, sir.
Q. Didn't you say all those same answers when I was asking earlier?
A. Yes, sir.
Q. So that's nothing new, right?
A. No, sir.
Q. You're a criminal?

A. Yes, sir.
Q. You're a bad criminal, actually?
A. Yes, sir.
Q. These burglaries with Stank, you gave a statement saying that Stank committed those with you, right?
A. Yes, sir.
Q. Stank's already confessed and pled guilty to those, hasn't he?
A. Yes, sir.
Q. So you were right, weren't you?
A. Yes, sir.
Q. So when you told law enforcement after you were arrested for burglary that Stank did it with you, you were right, you told them the truth, right?
A. Yes, sir.
Q. Right?

A. Yes, sir.
Q. Because Stank's already admitted his guilt for those same burglaries that he did with you, right?
A. Yes, sir.
MR. DANIEL: One more question.
Q. When you saw your name on Facebook and you saw, new stories, that you were wanted, police wanted you, right? Do you remember that?
A. Yes, sir.

Q. Did anybody in your family file a missing persons report on you?
A. No, sir.
Q. Did you go hide in a hotel in Florence?
A. No, sir.
Q. What did you do?
A. Turned myself in.
MR. DANIEL: No furthers questions.
THE COURT: Anything else of this witness?
MR. EDWARDS: Your Honor, I have absolutely no questions for this individual.
THE COURT: Thank you. Sir, thank you for your testimony. You can step down. This gentleman will escort you out. I'm going to give this jury a 15-minute recess. You all can step out at this time. Don't discuss the case while you're at recess.
(Recess taken.)
THE COURT: Court will come to order. We have our jury back. Ladies and gentlemen of the jury, thank you for your patience, once again. I believe the we are waiting on a witness to arrive, and I believe the State is ready to go forward at this time?
MR. DANIEL: Yes, sir.
THE COURT: Alright, you can call your next witness.
MR. DANIEL: Thank you, Your Honor, if it pleases the

Court, the State calls Bill Coward, Jr.

THE COURT: Sir, if I can have you come forward right up here, and if I can get you to place your left hand on the Bible, please, and raise your right.

Bill Coward, Jr. being first duly sworn, testified as follows:

THE COURT: Thank you, sir. You can be seated right here in this chair. Sir, would you tell me your full name.

THE WITNESS: William Edward Joseph Coward, they call me Bill Coward.

THE COURT: Bill Coward. Alright, Mr. Coward, I don't know if you testified before, but if you just keep your voice elevated, that microphone should amplify your voice. The Solicitor is going to ask you some questions and then after that Mr. Edwards at the defense table may ask you some questions. Your witness, sir.

MR. DANIEL: Thank you, Your Honor, if it pleases the Court?

DIRECT EXAMINATION

BY MR. DANIEL:

Q. Mr. Coward, good afternoon. Thanks for coming in today. Where do you live?

A. [redacted] Robson Street, Hamer.

Q. You've lived in Dillon all your life?

A. Yes, sir.

Q. Do you know the Bailey family?
A. Yes, sir.
Q. Did you know J.W. Bailey?
A. Yes, sir, good friend.
Q. Do you know why you're here?
A. Yes, sir.
Q. Do you know why we're all here?
A. Yes, sir.
Q. Did you give a statement to law enforcement on December 12th, thereabouts, 2019, about something that you witnessed --
A. Yes, sir.
Q. -- at that time?
A. Yes, sir.
Q. Okay. I'm going to show you what's been marked State's 14. There's a screen down to your right. Could you step down here, because it makes it a little easier if you come down.
THE COURT: You can step down, sir.
Q. Again, this is State's 14. You can stand right here just so you can see. Do you recognize this area?
A. Yes, sir.
Q. You're familiar with this because you've lived here all your life, right?
A. Yes, sir.
Q. Is this in Dillon County?
A. Yes, sir.

Q. Do you recognize J.W. Bailey's store? That's kind of hard to pick out, but can you tell?
A. If I get in front of it. Well, it would be --
Q. This is 301 and we go all the way down --
A. (Indicating.)
Q. Yes, so remember, your testimony is going to make it clear in a moment. So yeah, this is J.W.'s store right here (indicating.) Were you driving in this area on the night of December 12, 2019?
A. Yes, sir. Well, my mother-in-law and father-in-law live on Fairfield Road.
Q. Where about is that?
A. This is down here past the end of 4th. I left their house, I came down and went down to 1st Avenue, I guess this would be Old Latta Highway now.
Q. Okay.
A. And then I make a right on Mark Street, I go to the stop sign, Mark Street is between Dillon Auto Sales and the church, I don't know -- I can't remember the name of the church.
Q. Okay.
A. And I saw as I was pulling up to Mark at the stop sign on 301, I saw bunch of police officers and ambulance and stuff go by, so I just sat there and waited to ones I could see go by. So when they got by, just knowing J.W. and a friend of mine, so I seen that they were turning into his store, I guess

being a little nosey, I made a right and I went down Black Branch Road, which is right here (indicating.)

Q. Alright. So actually, this is Mark Road here?

A. That's right.

Q. So you said you were coming up this way, and there's that church you were talking about?

A. Yes, sir, and make a right.

Q. And you made a right, going all the way down, because you wanted to see what was going on?

A. That's right.

Q. And then --

A. I made a left here on Black Branch Road.

Q. Okay. You make a left on Black Branch Road.

A. And I went down to the Church, Dillon Congregational Holdings Church, and I made a left.

Q. And that's like way down here somewhere?

A. That's right, and it brings you back out on Mark Street up here.

Q. Right. And this is Mark Road, so you're back to Mark Road.

A. So I get to the stop sign and now I'm still looking to my left, there wasn't any cars coming either way. I sat there for just a minute looking at all the blue lights and stuff going on, and so I made a right going back towards town.

Q. So you would have gone this way (indicating)?

A. That's right.
Q. Okay.
A. When I got -- this is PO Boy's Garage. I got right on the other side of PO Boy's Garage about where your marker is at.
Q. This is PO Boy's Garage, right?
A. That's right.
Q. And you got about right -- is my drawing accurate? I don't want to put words in your mouth.
A. You're right.
Q. Okay.
A. So when I got there, you know, looking back, driving, looking back in the rear view mirror, I kind of -- kind of got -- when -- two guys ran out of the woods here.
Q. Okay. Wait a second. You said you were looking back, so you were driving looking back still at the blue lights?
A. Yeah, I was kind of looking back in the mirror and then I just --
Q. And you said two guys came out of the woods?
A. Yes.
Q. About where, can you point?
A. It was somewhere close to this little driveway here (indicating.)
Q. That little driveway. So it was somewhere right there?
A. That's right. And I could see -- as I was looking back

I could see that they were crossing the road, and they probably crossed in front of me by probably 10 yards in front of the truck, but I stopped and let them go by. They were walking kind of fast.

Q. Did you almost hit them?

A. Well, I probably would have if I -- you know, I kind of stopped, you know.

Q. But you weren't going the speed limit because --

A. No, no, I was like kind of -- I was just, like I said, being nosey, because I knew J.W --

Q. Sure.

A. I mean, I knew him and was hoping nothing bad happened.

Q. Right. So two people come out of the woods and you say they're walking fast or jogging, they're not at a sprint, but they're --

A. No, they wasn't running, like, you know, but they were kind of getting across the road, you know.

Q. Okay. And then what else did you see?

A. Well, I could tell they was two black guys, dark -- dark clothing, I can't pick nobody out, it ain't like I could pick them out of a lineup or anything, but as they walked past me I could see them with, you know, it looked dark clothing on, and then I got past them, you know, they still, you know -- they looked like they -- well, I could tell they was walking into the trailer park, you know, looking back at them.

Q. This trailer park here (indicating)?
A. Uh-huh.
Q. Okay. Because you would have gone on -- you continued and then you looked back in your rear view mirror, or turned around and looked back?
A. That's right.
Q. And saw that they had continued into this trailer park?
A. That's right.
Q. You can have a seat. So your testimony was just now that you couldn't identify them --
A. I can't identify them.
Q. -- you have no idea who they were?
A. No, sir. I don't know them, you know.
Q. Right. All you can identify -- or all you can say is there were two black males?
A. That's right, dark clothing.
Q. Two black males wearing dark clothing, and they crossed right in front of you and entered that trailer park?
A. That's right.
Q. And this was, you said at about the same time that law enforcement vehicles were still arriving at J.W. Bailey's?
A. They were still there, and like I said, I picked up the phone, my cell phone, and I called my nephew because he has a record service and he keeps up with what's going on.
Q. And eventually you reported this to law enforcement and

made a statement?

A. That's exactly right. They came into my house and took a statement.

Q. And just, again, to be clear, you don't know who they were?

A. I don't know who they are.

Q. But two black guys dressed in dark clothing crossed the road right after something had happened at J.W.'s store?

A. Yeah. You could tell that, you know, they was moving across the road, you know, not at a sprint but kind of walking fast, and you know, with all that going on behind me there, you know, I just kind of put two and two together.

Q. And again, you just thought, well, with all that going on at my friend's store let me just, it might not be anything, let me just call law enforcement and tell them, and you wrote a statement and at some point you talked to law enforcement?

A. That's right.

Q. And again, those two individuals that you saw went into that trailer park?

A. That's right.

MR. DANIEL: Please answer any questions the defense counsel may have.

THE WITNESS: Yes, sir.

THE COURT: Mr. Edwards?

MR. EDWARDS: Thank you, Your Honor. If it pleases

the Court?

CROSS-EXAMINATION

BY MR. EDWARDS:

Q. Good afternoon, Mr. Coward.

A. How are you doing?

Q. I'm doing good. How about yourself?

A. I'm fine.

Q. Yes, sir. Now, Mr. Coward, I could have been walking -- as far as you know, I could have been crossing over 301 in front of your vehicle, correct?

A. Well, you could have, I can't identify you.

Q. Exactly. I'm African American and have on dark clothes today, so it could have been me, right?

A. It wasn't a suit, it wasn't a suit.

Q. Yes, sir. Now, you stated that they were -- the two individuals, they weren't sprinting, but they were getting across the street, correct?

A. Yes, sir.

Q. Now, isn't that typical for anyone who is crossing the street if you're -- you said you were pretty close to them, correct?

A. Yes, sir.

Q. So anyone would kind of be hastily to get from the front of a moving vehicle, right?

A. Yes. Well, I had to stop.

Q. Is that the majore of --
A. Yes, that's right.
Q. So it wasn't anything out of the norm for individuals to sort of get hastily across, especially 301, correct?
A. Yes, sir. I would probably get across, too, I guess.
Q. And what time was it, what was the time frame?
A. Actually, I don't know the time when it happened. I mean, it was -- I do know that they had all law enforcement was -- I mean, when I saw the law enforcement go by I made a right after it cleared the way, and then I went down to Mark Street and made a pretty good size loop and came back, so it gives you -- I mean, it gives you a little time there. You know, it wasn't --
Q. And what I'm asking is, was it day or night?
A. It was night.
Q. It was night. So you couldn't really see the individuals, you just knew it was two, sort of, bodies, correct?
A. Well, I could tell it was black males. I mean, I could see good enough. I can't identify in the lineup, as I told, you know, Mr. Shipp there, but I could see that it's two black males. I mean, you know, that's kind of easy to tell when I'm probably ten feet, 15 feet from them, headlights shining on them.
Q. And my question is, was it day or night?

A. Headlights shining on them, night.
Q. Okay. So night. Is there any other lights out on 301, out in that area?
A. Well, you got the car -- well, that's down further. I think -- I don't think so. I mean, they got lights up around the car lots and stuff, but I don't know that they got streetlights.
Q. And is that a pretty big trailer park in that area?
A. Yes, sir. It's a pretty nice trailer park.
Q. Is it sort of normal for folks to be sort of near 301, sort of walking in that area?
A. I never had anybody to cross in front of me in that area. I mean, I never -- you know, like I said, it's a pretty nice trailer park and you don't find many people walking down 301 from that trailer park, you know, it's just something that happened.

Q. And I know you've said it two or three times already when the Solicitor asked. You didn't see those individuals faces, did you?
A. Well, I seen faces, but as far as the faces well enough to pick them as a lineup, I didn't see. I mean, this kind of happened, bam, bam, you know, kind of fast.
Q. Were any of those individuals wearing masks by chance?
A. No.
Q. Were they wearing gloves?

A. I mean, I can't get that kind of -- you know, I don't know, I really don't know.

Q. Do you know the color of the clothing that they may have had on?

A. The one that was closest to the truck had on dark colored black. I mean, you know, it looked black to me, you know, just a dark color.

MR. EDWARDS: No further questions. Thank you, sir.

THE COURT: Anything further from the State?

MR. DANIEL: Nothing further. Please excuse this witness from his subpoena.

THE COURT: No objection?

MR. EDWARDS: No objection, Your Honor.

THE COURT: Mr. Coward, thank you for your testimony. You're free to go, sir, have a nice day.

THE WITNESS: Thank you.

MR. DANIEL: Your Honor, at this time it is 4:04. We are prepared to end for the day. I've got two more witnesses. They are both very brief. We can take those up first thing in the morning and then we'll be done.

THE COURT: What's your preference on starting tomorrow?

MR. DANIEL: I beg the Court's indulgence.

THE COURT: Ladies and gentlemen of the jury, we have reached a stopping point. I understand they have two witnesses

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that aren't available now that will be available in the morning. I believe 10:00 would be a good starting point, so if you can get here a few minutes before 10:00 in the morning, we should have this thing wrapped up tomorrow, and I appreciate your patience and your service. Once again, please don't discuss these matters with anyone, and certainly, please don't have any contact with any of the parties to this case, and if anybody contacts you make sure that the Court's alerted to the that. Have a good nice rest of your afternoon and evening and we'll see you tomorrow. At this time we'll excuse the jury.

(Jury exited the courtroom.)

MR. DANIEL: A couple matters briefly.

THE COURT: Yes, sir.

MR. DANIEL: Thank you, Your Honor, just a couple of housekeeping matters. First of all, we can take this up in the morning, but I'd like the Court to voir dire the jury in the morning about any sort of extra judicial contact they may have received or they may receive overnight, if we can poll them in the morning. Secondly, we had an issue earlier this morning first thing this morning at lunch that we talked about. Under United States versus Dole, there is to be no contact on the silence of the defendant. I asked Investigator Cliff Arnette one question and it was: When he was arrested did the defendant, Joshua Manning, give a statement to law enforcement? The answer was no, which is true, he has not to this day given

a statement. And then we moved on. There was no objection, there were no other questions about it. Out of an abundance of caution, I want to bring that to the Court's attention, I did some research over lunch. I think we're fine, I'd offer a curative instruction if the defense were to agree because in no, way, shape or form was I arguing, was I intimating that the defendant is guilty because he did not give a statement to law enforcement. No defendant ever, obviously, has to give any statement to law enforcement, and I didn't want that to be perceived as being my argument. It was one question and one answer and it was factual. He didn't give a statement. In our conversations at the bar off the record, it didn't sound like defense counsel has a problem with it, it didn't sound like the Court did either, but I wanted to put on the record, again, I offered that curative instruction, and I don't think that's something the defense wants, which is totally fine, but it needs to be on the record.

THE COURT: Mr. Edwards?

MR. EDWARDS: Your Honor, in response. We did speak about the matters, myself and Solicitor. I didn't think that that's where he was going with his argument. When the question was asked he was sort of on the edge because we were questioning the officer and I was objecting because of certain information that was divulged and that was given to other officers, and I believe that's how that question sort of came

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in, but I don't believe the Solicitor had the intent of it being used as manner of guilt toward my client.

THE COURT: And therefore, it will not be necessary to provide a curative instruction to the jury, is that what I'm hearing?

MR. EDWARDS: Yes, sir, Your Honor, I think the instructions, once the case is in, will be more than sufficient.

THE COURT: Alright. Thank you.

MR. DANIEL: That's correct, I just wanted all of that on the record. Thank you.

THE COURT: Anything else before we recess for the evening?

MR. DANIEL: Nothing from the State.

MR. EDWARDS: Nothing from defense, Your Honor.

THE COURT: If there's nothing further, then we're in recess. We'll see you all back in here a little before 10:00 in the morning. Have a nice afternoon.

(Concluded for the day Tuesday, March 29, 2022 at 4:07 p.m.)

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(Whereupon proceedings reconvened Wednesday, March 30, 2022)

THE COURT: Court will come to order. Good morning, ladies and gentlemen of the jury. Sorry for your delay getting in here. There were a couple things that we needed to take care of that we were working on, but I do appreciate you being prompt this morning. Just a couple of announcements. It's my anticipation that this matter should conclude today, and we're going to make arrangements for lunch for you so that you will be able to have lunch here without having to go out. It's my further anticipation that you may get this case around lunchtime and I'll have some more instructions for you about that. Anything before we get started?

MR. DANIEL: Judge, if you would just voir dire the jury like we discussed yesterday afternoon?

THE COURT: Folks, what I'll do is, if you remain under oath, if I could just ask you to stand and we'll do it similar to the way we did the other day. I'll ask you a question and if your answer is in the affirmative, then you can sit down. If your answer is no you remain standing, if I could get everybody to stand. Solicitor, the voir dire is whether or not they've had any contact or communication; is that correct?

MR. DANIEL: Yes, sir. Thank you.

THE COURT: Ladies and gentlemen of the jury, as I've instructed you before, you're not allowed to have any contact, communication through third parties with any of the parties in

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this matter. Furthermore, you're not allowed to do any of your own research or anything like that. If you have not done that, you may sit down at this time. Let the record reflect that everybody's been seated. I think that that satisfies the voir dire request.

MR. DANIEL: Thank you, Your Honor.

THE COURT: Anything, Mr. Edwards, before we get started?

MR. EDWARDS: No, sir, Your Honor.

THE COURT: Mr. Daniel, are you ready to call your first witness?

MR. DANIEL: Yes, sir.

THE COURT: Alright, sir.

MR. DANIEL: Thank you, Your Honor, if it pleases the Court, the State calls Michelle Hughes.

Michelle Hughes being first duly sworn, testified as follows:

THE COURT: Ms. Hughes, I'm not sure if you've ever testified in court. That microphone will amplify your voice, and if you just speak toward it we should be able to hear you. Just make sure you speak loud enough and clear enough. If you need to pull your mask down, you certainly can so that you can speak more clearly.

THE WITNESS: Yes, sir.

THE COURT: That sounded perfect. Would you tell me

your name for the record?

THE WITNESS: Ryshandra Hughes.

THE COURT: Would you spell your first name?

THE WITNESS: R-y-s-h-a-n-d-r-a.

THE COURT: Thank you, Ms. Hughes. Your witness, sir.

MR. DANIEL: Thank you, Your Honor. May it please the Court?

DIRECT EXAMINATION

BY MR. DANIEL:

Q. Ms. Hughes, good morning.

A. Good morning.

Q. Thank you for being here this morning. Where do you live?

A. Mark Road.

Q. Do you live in a trailer park on Mark Road?

A. Yes, sir.

Q. Do you see that computer screen down there beside you?

A. Yes, sir.

Q. I'm showing you there and the jury what's been marked State's 14, and is in evidence as State's 14. Is this the trailer park up here on the top right of this where you live?

A. Yes, sir.

Q. Can you sort of identify which trailer you live in?

A. I stay in the second trailer from the last.

Q. On Mark Road?
A. Mark Road, [redacted].
Q. Now, do you know William Mason?
A. Yes, sir.
Q. What do you know him as, does he have a nickname?
A. Taco.
Q. Do you know of Mr. J.W. Bailey's store?
A. Yes, sir.
Q. That, in fact, is not far from your house, right?
A. Yes, sir.
Q. Right to the point. Did you see Taco --
A. Yes, sir.
Q. -- on the evening of December 12, 2019?
A. Yes, sir.
Q. Do you remember about what time that was?
A. No. It was like about to get dark and stuff like that.

Q. What happened when you saw him?
A. He knocked on my door, asked me did can I have a cigarette, and I told him, no. It was him --
Q. Okay. Hang on. He knocked on the door --
A. Yes, sir.
Q. -- you were in your house --
A. Yes, sir.
Q. And he asked you for a cigarette?
A. Yes, sir.

Q. What was Taco wearing?
A. A camouflage coat and some black pants.
Q. Was anybody with him?
A. Yes, sir.
Q. So to get up to your door, do you have to walk up steps?
A. Yes, sir.
Q. Taco had walked up the steps and was knocking on your door, right?
A. Yes, sir.
Q. Where was the other person who was with him?
A. Standing in my yard.
Q. And it was getting dark you said?
A. Yes, sir.
Q. So this person was several feet away from you?
A. Yes, sir.
Q. You said Taco asked you for cigarettes --
A. Uh-huh.
Q. You said you didn't have any, right?
A. Uh-huh.
Q. And then what happened?
A. He left.
Q. They left, right?
A. Uh-huh.
Q. The person who was standing in the yard --
A. Uh-huh.

Q. -- do you have any idea who that was?
A. No, sir.
Q. Could you see his face?
A. No, sir.
Q. Why couldn't you see his face?
A. Because he had his head down.
Q. What was that person who was standing in the yard with Taco that night, what was he wearing?
A. A black jumpsuit with the straps on it.
Q. So he was wearing all black.
A. Yeah, with the straps on it right here, the jumpsuit.
Q. But you don't know who it is?
A. No, sir.
Q. You're not saying you know who he is?
A. No, sir.
Q. But there was someone with Taco wearing all black?
A. Yes, sir.
Q. -- just as it got dark --
A. Yes, sir.
Q. -- on December 12, 2019?
A. Yes, sir.
MR. DANIEL: Thank you for being here. Please answer any questions the defense may have.
THE WITNESS: Yes, sir.
THE COURT: Mr. Edwards?

MR. EDWARDS: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. EDWARDS:

Q. Good morning, Ms. Hughes.

A. Good morning, sir.

Q. You can relax, I don't have many questions for you. Let me ask you this: Do you know Joshua Manning personally?

A. No, sir.

Q. Has Joshua ever bought cigarettes from you in the past?

A. No, sir, not that I know of.

Q. Now, you live in the same --

A. -- area that -- well, we all stay out -- we used to stay out in Willow Manor (phonetic), but I don't really know him. I have walked past him but never looked at him.

Q. So you've seen him before?

A. Not really.

Q. So you've never seen Joshua Manning before?

A. Not really, like, literally seen him, like, see him, like I see this person right now?

Q. Yes.

A. No. I just walked past. He stay like in front of my cousin. Like, they stay on the other street.

Q. So you rarely ever see Josh?

A. No, sir.

Q. And you didn't see Josh on the night in the question,

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correct?

A. No. I can't say tell you that was Josh in my yard.

Q. Okay. You only saw Taco, correct?

A. Yes, sir.

MR. EDWARDS: Thank you. I have no further questions.

THE COURT: Anything else?

MR. DANIEL: No, sir. Please allow this woman to be excused from her service with our thanks.

THE COURT: Ms. Hughes, thank you for your testimony the. You're free to go, ma'am.

THE WITNESS: Thank you.

THE COURT: The Sheriff will show you out. Good luck to you. Solicitor, your next witness?

MR. DANIEL: The State calls its final witness, Keith Bailey.

THE COURT: Mr. Bailey, can I get you to come forward?

Michael Keith Bailey being first duly sworn, testified as follows:

THE COURT: Mr. Bailey, would you state your name for the record, please?

THE WITNESS: Michael Keith Bailey.

THE COURT: Thank you, sir. Your witness.

MR. DANIEL: Thank you, Your Honor. May it please

the Court?

DIRECT EXAMINATION

BY MR. DANIEL:

Q. Keith, and I'm going to call you Keith because that's what I know you by. How old are you?

A. Fifty-three.

Q. Have you lived in Dillon all your life?

A. Yes, sir, I have.

Q. How are you related to J.W. Bailey?

A. He was my father.

Q. How long had your father owned and operated his convenience store?

A. Forty-six, 47 years.

Q. And you knew him to work really hard there, right?

A. Yes.

Q. Obviously, we're here under tragic circumstances, and I'm sorry that your whole family is going through this. Did you go to your dad's store that night?

A. Yes, sir. We were dispatched. I went out there when we were dispatched with the rescue, yes, sir.

Q. You said you were dispatched.

A. Yes.

Q. Do you work with -- what do you do?

A. I'm like, my occupation is Fire Chief, City of Dillon. I'm also a paramedic on the Dillon Rescue Squad and I was -- me

and my son, we were at the gym working out and they called on the pager, D8 Signal 15, which is a shooting, and it was at my dad's store?

Q. So you're at the gym and you hear that on your radio?

A. Yes, sir.

Q. You hear that there was a shooting and you hear that it was at your dad's store?

A. Yes.

Q. What did you do?

A. Told my son, let's go, we got a shooting at my dad's store. So I got in the car, called the store, got no answer, called my house. My mom, she called me back and said that, um, she said, you all went to the store? I said, yes, ma'am. I said I have a call, is he at the store? She says, yeah. Because he normally don't be there that time of night. He went out early because the guy that works for him was going to a Christmas party at church, so he went in that day about 4:00. Because most of the time he'll go out there like at nine, you know, to help with his closing stuff, and I didn't know he was there. So we get there and I pull up. They're roping the store off and I jumped out of the truck and two or three individuals grabbed me in the truck, I pulled them into the store with me. I go in the store and I get there, a couple of my buddies are kneeling over my dad, but he was -- he was gone. I mean, I worked many shootings over the last 30 years as a

paramedic, and I mean, there's nothing that could be done. He was laying there covered in blood, white, pretty much bled out. They looked up at me, I told them, I said, look, I got to -- there was nothing nobody could do, it was too late.

Q. Keith, did you know your dad to carry a gun on him?

A. Yes, sir. He always took a .38 revolver on his right side.

Q. A revolver on his right side?

A. Yes.

Q. And you're familiar with that gun?

A. I got that gun and the holster for him years ago.

Q. I'm going to show you what's been marked State's 4. Do you recognize that?

A. Yes. It's about wore out. He's had it so long, got a clip on the back. Yes, sir. He loved it, that's the one. He's had it for, I don't know, he had this gun and holster 15, 20 years or so. He had it a long time. That's his holster, the one I bought.

Q. Keith, you said you went to the scene, but that was after everything happened. You didn't see who did what, right?

A. No, sir.

Q. But you know what they did?

A. Yes, sir.

MR. DANIEL: I have no further questions.

THE COURT: Mr. Edwards?

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MR. EDWARDS: Your Honor, I have no questions for Mr. Bailey.

THE COURT: Mr. Bailey, thank you for your testimony. You can step down. Mr. Daniel?

MR. DANIEL: Your Honor, at this time the State respectfully rests its case.

THE COURT: Thank you, sir. Ladies and gentlemen of the jury, this is the point where I need to take up some matters with counsel, so I'm going to ask that you retire to the jury room. Please don't discuss the case among yourselves. We'll bring you right back out when I'm finished talking to them. Okay? Thank you.

(Jury exited courtroom.)

THE COURT: Counsel, can I get you to approach real quick?

(Discussion was held off the record at the bench with Court and counsel.)

THE COURT: The Court's going to take a recess in order to go over some matters with counsel, while the jury is retired we're going to take a recess.

(Recess taken.)

THE COURT: Court will come to order. We're back on the record. We took a break to go over some matters with counsel. I believe before we broke, Solicitor, you indicated the State had rested its case; is that right?

MR. DANIEL: Yes, sir, the State has rested.

THE COURT: Mr. Edwards, do you wish to be heard?

MR. EDWARDS: Yes, sir, Your Honor. May it please the Court? Your Honor, at this time defense would move for a directive verdict as a matter of law. We don't think that the State has produced enough evidence to prove that my client is guilty of these charges. They didn't produce any sort of evidence at the crime scene of any guilt by my client, actually they didn't produce any evidence at all. The only evidence they have against my client is a statement from a very undesirable witness, and we would just ask to be granted a directive verdict for the defense in this case.

THE COURT: Alright, sir. Solicitor, do you wish to be heard?

MR. DANIEL: Judge, there is plenty of evidence in the record to support the State meeting all of its burden in each element of each of the five charges. I would ask respectively that you would deny the motion.

THE COURT: At this time I will respectively deny the defendant's motion for directed verdict. Would there be anything else, Mr. Edwards? Any other motions?

MR. EDWARDS: No, sir, Your Honor.

THE COURT: Mr. Edwards, what is your client's position with regard to testifying?

MR. EDWARDS: Your Honor, my client will not be

testifying in this trial.

THE COURT: Alright, sir. Mr. William Manning, I have to go through some questions with you for the limited purposes of you understanding your right to testify and your right not to testify. Okay?

THE DEFENDANT: Yes, sir.

THE COURT: Your lawyer has likely talked to you about all of this, but I just have to put it on the record and be sure that you do understand.

THE DEFENDANT: Yes, sir, I do.

THE COURT: For the limited purpose of that, I have to place you under oath. Okay? I won't ask you anything else about this case, and if I do you're lawyer will be sure to object.

THE DEFENDANT: Yes, sir.

Joshua Manning being first duly sworn, and questioned as follows:

THE COURT: You are Joshua Manning, correct?

THE DEFENDANT: Yes, sir.

THE COURT: Mr. Manning, at this time I'm going to explain to you certain rights that you have. If you do not understand anything I say, please let me know. If you want me to explain anything in more detail, please let me know. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: We've reached the stage of the trial where you may present your defense. You have the right to claim the protections given to you by the fifth amendment to the Constitution of the United States. This amendment states in part that no person shall be compelled in any criminal case to be a witness against himself. This means that you cannot be required to testify in this case. You have the right to testify on your own behalf, however, no one can make you testify. This is a personal right and no one can waive this right except you. If you decide to testify you will be subject to the same rules that govern other witness and you may be examined and cross-examined on any relevant issues in this case. In addition, if you have any convictions involving dishonesty or false statement or for crimes punishable by imprisonment for more than one year and this Court determines that the probative value of admitting this evidence outweighs its prejudicial effect to you, the Solicitor would be able to introduce your record to attack your credibility. If you decide to testify, this decision on your part must be freely, voluntarily and intelligently made with knowledge of the protections given to you by the fifth amendment and the consequences of your decision to testify. If you decide not to testify, I will instruct the jurors that they cannot give the fact that you did not testify any consideration, whatsoever, and that there is to be absolutely no prejudice to you because

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you did not testify. It is left entirely up to you whether or not you testify. You may talk with your attorney, your family and friends, or anyone else, but the final decision will be left entirely up to you. Do you understand what I've explained to you?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Do you have any questions about what I've explained to you?

THE DEFENDANT: No, sir, I don't.

THE COURT: Have you discussed with your lawyer whether you should or should not testify?

THE DEFENDANT: I have discussed it with him, but I have already made up that I wasn't.

THE COURT: Do you wish to talk to your lawyer anymore about this right?

THE DEFENDANT: No, sir.

THE COURT: Thank you, sir. You may be seated. Counsel, is there anything else before I bring the jury back out?

MR. DANIEL: Nothing from the State, Judge.

MR. EDWARDS: Nothing further, Your Honor.

THE COURT: And it's my understanding that we'll bring the jury out. I'll ask, once again, Mr. Edwards, if there is anything from the defense, and we'll go straight into closing, and after closing we'll go straight to the jury

charges.

MR. EDWARDS: Yes, sir, Your Honor.

THE COURT: And the work that we've been doing is to prepare the jury charges to everyone's satisfaction, and I'll ask on the record if there are any objections to the charges once they've been read. Alright?

MR. DANIEL: Thank you, Judge.

THE COURT: I'm ready for the jury.

(Jury entered the courtroom.)

THE COURT: Ladies and gentlemen of the jury, thank you for your patience once again. Our recess was longer than anticipated. We had to go over a number of things that we're going to get into here in a moment so we wanted to make sure that everything was proper and ready. All jurors are here and counted for plus our alternates. The State has rested. Mr. Edwards, is it your plan to put up a defense at this time?

MR. EDWARDS: No, sir, Your Honor.

THE COURT: Alright. The defense rests?

MR. EDWARDS: Yes, sir, Your Honor.

THE COURT: Is the State ready to go forward with closing?

MR. DANIEL: Yes, sir, we are.

THE COURT: The floor is yours.

MR. DANIEL: Thank you, Your Honor.

(Attorney Daniel presented a closing argument to the jury at this time.)

If it pleases the Court, Mr. Edwards. Ladies and gentlemen, good morning. First of all, I want to thank you for your service. The criminal justice system cannot provide justice to anyone involved in any case without you. You can't provide justice to a victim's family, you can't provide justice to a defendant's family without a jury. I know this has been tough, it's tough to get out of your normal routine in life, being away from families, jobs, it's really tough when the stuff you have to see is as bad as this stuff is. I'm sorry for the content we had to show you and I'm about to show you again, but I don't have a choice, so thank you for your service. Now, as you are well aware, the defendant has been charged with five crimes: Murder; armed robbery; possession of weapon during a crime; criminal conspiracy and petit larceny. It is my burden to prove the defendant's guilt beyond a reasonable doubt. The defendant has nothing to prove. He doesn't have to testify, he doesn't have to give a statement to law enforcement, he doesn't have to do anything. It is my burden and my burden alone. Now, what is beyond a reasonable doubt? When I finish talking here in a few minutes, and I'm probably not going to be too long, Mr. Edwards will speak, and then the judge is going to read you a whole bunch of law. You're going to get a copy of that law to take back with you so

if you're confused about something, you'll be able to read it when you're in the jury room. The first thing he's going to tell you is what does it mean to be beyond a reasonable doubt? This is exactly what he's going to read to you: What is a reasonable doubt in the law? A reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act. Now, he's also going to read you these words: There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt. If, based on your consideration of the evidence you are firmly convinced that the defendant is guilty of the crime charged, you must find the defendant guilty. I submit to you, ladies and gentlemen, we have met our burden in this case. I submit to you there is no reasonable doubt here. I think we've proven, I know we've proven what we've got to prove. So what is left? What must the State prove to you beyond a reasonable doubt? That in Dillon County on or about December 12, 2019, Joshua Manning committed the crimes of murder; armed robbery; possession of weapon; criminal conspiracy; petit larceny, that's what we've got to prove: One, two, three and then we'll take all that together. We're going to go through each of these. First, in Dillon County, Cliff Arnette, our first witness yesterday, William Mason, Bill Coward, Keith Bailey, all said that J.W. Bailey's convenient store was in Dillon County, that's pretty

much common sense, Dillon County. On or about December 12, 2019, every single witness, except for Dr. Proctor, who had nothing to do with being here, every single witness said December 12, 2019. Therefore, those first two points, check. In Dillon County, proven, on the date, proven. Now, obviously the question here is, was it Joshua Manning? So we're going to skip that for a minute because we got a lot to talk about with that and come back to it.

So let's come back down to the crimes. Committed the crimes of: Murder. I have to prove that the defendant, these are legal definitions the judge will read to you, willfully, feloniously and intentionally killed J.W. Bailey with malice aforethought. We'll get to that in a minute. Armed robbery: The defendant while armed with a deadly weapon took property from J.W. Bailey by force. Possession of weapon during a crime, the defendant possessed a firearm during the commission of a violent crime. Criminal conspiracy, that the defendant combined with another person for the purpose of accomplishing a crime. And finally, petit larceny, that the defendant took cash and tobacco products from J.W. Bailey. Now, a little bit about murder. The definition of murder in the law: The Defendant willfully, feloniously and intentionally killed J.W. Bailey with malice aforethought. Even if you believe for a minute for this conversation right now that Joshua Manning is the person in the video, you may have doubts as to whether you

can find him guilty of murder, because was it his gun that went off, did his bullet hit and kill J.W? If you're not sure about that, let me tell you why you don't have to be. First of all, the SLED expert testified that not even the SLED analyst could determine which bullets were because we didn't have a gun to compare it to and they couldn't tell because of the bullets from J.W.'s body were so messed up that they couldn't identify what gun they came from, but Judge Holt is going to read you the felony murder rule. This is very important. He's going to read you these words: If two or more people combined together to commit an unlawful act such as robbery and any execution of that criminal act, a homicide is committed by one of the actors then all present participating in the unlawful undertaking are as guilty as the one who committed the fatal act. That is what he's going to read to you. The common purpose may have not been to kill and murder, Judge Holt will tell you. The common purpose may not have been to kill and murder, but if it was an unlawful act, for instance, to break in and steal and any execution of that common purpose a homicide is committed by one, then all present participating are as guilty as the slayer. Those are the words he'll read to you. If you're still not convinced that you can find the defendant guilty under the felony murder rule, Judge Holt's going to read you another one. You've probably heard of this one: The hand of one is the hand of all. It's a theory of law that's used every

day. Judge Holt will read to you: If a crime is committed by two or more people that are acting together in committing that crime, the act of one is the act of all. For example, two people can be guilty of killing another person when only one of the two had a gun. There was only one bullet and only one of the two fired the shot that caused the death. Judge Holt will read those words to you when he defines hand of one, hand of all. So if you're convinced that Joshua Manning is the second person walking in that door of that convenience store that night, then he is guilty of murder under three different options, pick one. The original definition, if it was his bullet, felony murder if it wasn't, hand of one if it wasn't. Now, if that's the case, then the State has proven beyond a reasonable doubt the location, the date, and all of these crimes. So what are we left here?

Who's that (indicating)? Ladies and gentlemen, I submit to you respectfully, that is Joshua Manning. Now, I wish that we had all kinds of evidence to show you. I wish that we had his fingerprints and DNA all over the place. I wish we had a confession from him, I wish we had statements from his aunt, from his family, from his friends saying that he did it, I wish we had a picture of him throwing the guns into a river over a bridge, I wish we had every bit of that, but we don't. Remember, this ain't the movies, this isn't a TV show. Defense counsel in his opening statement -- first, let me say

about defense counsel, Linward Edwards is my friend, he's a fine lawyer, but he was wrong, respectfully, in his opening statement when he said these words: You need DNA, you need fingerprints. That's what he said. That's not the law. It's simply not the law, and when Judge Holt reads you all these laws in a few minutes, you're not going to hear him say that.

Cliff Arnette said that in nearly 30 years in investigating major crimes, he said there were a ton of cases where you couldn't find any DNA, you couldn't find any fingerprints, that doesn't mean they didn't make arrests. That doesn't mean people weren't successfully prosecuted. So what do we have here proving that this is Joshua Manning? Michelle Hughes, you heard from her first thing this morning. She said she saw Mason hand, quote, a black male dressed in all black a few minutes before the murder. She couldn't identify him, but that's awfully coincidental, that a guy in camo jacket and black pants walked up to her house asking for a cigarette minutes, with a guy dressed in all black, minutes before a guy in camouflage jacket and black pants dressed in all black shows up on the surveillance video at J.W.'s store. Bill Coward said two black males dressed in dark clothing a few minutes after the murder run right in front of his truck, he almost hits them, and where are they? They are heading right in the direction where Joshua Manning lives. Is all of that just a coincidence? We have a surveillance video, can't tell who's in

it. They were smart, they wore masks, but that's still evidence.

We have a missing person to report, let's talk about this. At the exact moment in December of 2019 that law enforcement through its investigation determines that Joshua Manning is a person of interest, somebody they need to talk to about this case, what happens? He goes missing? His family files a police report? William Mason didn't go missing when he saw his name on Facebook. And you know what? There's nothing in the record, nothing we heard that explains what ever happened with that missing persons report. Oh, just a mistake, we knew where he was the whole time, our bad. No, there's no explanation for that, but there is one. SLED's Fugitive Task Force and the U.S. Marshals tracked Joshua Manning down in a motel in Florence. Joshua Manning wasn't missing. Joshua Manning was hiding because he knew the cops were onto him, he didn't want to get caught.

What else do we have? William Mason. That's pretty much what this whole thing comes down to, doesn't it? Now, his story is what we have. The law says, remember this, if you believe William Mason's story that Joshua Manning would come with him, if you believe William Mason beyond a reasonable doubt, then it's over, Joshua Manning's guilty. If you believe Mason's story, that's it, he's guilty. Let's talk about Mason's story. In his confession he gives the entire story,

right, and he was consistent from day one. He says Joshua called him, they had been friends for over a year. Mason was dating the cousin of the cousin of, that's how they knew each other. They hung out, they smoked weed together, whatever. It was a common thing they hung out. He said more than ten times during the course of the year they hung out, and it was not unusual, he said, for them to call each other and say, let's come chill. That's what happened this late afternoon in December. He said he walked all the way from his place carrying a gun that he uses for protection. Whatever. No, he carried a gun because he's a criminal. Maybe that means he needs protection, but he was carrying a gun, and he didn't deny that. He comes over here to the trailer on Walker Court. Well, what do they do? Let's get some money. How do we get some money? Let's rob someone, well, who do we rob? We can go to Florence, there's a place over there, plus, that's away from where we live, but the God darn car battery wouldn't work. How many car batteries would J.W. Bailey have given them? But it wouldn't start, so they couldn't drive anywhere, so what did they do? They picked the closest store to the house, because they could walk there real quickly, and they did. He tells you they walked the quickest path down 301/501, they go to the right side of the store, which you see in the video, that's the side they came in from, they go in the store, they do what they do, they come out of the store from the same side which you see

in the video, he was telling the truth about all that, and then they go back in this field back behind, and they drop J.W.'s holster and a couple of dollars while they were crossing that fence over there. We know it was J.W.'s holster because Keith told us it was, he bought it for him years ago. They drop that, and of course they don't want to walk back up 301/501 because they just committed murder, right? So he delves this path, they walk back, kind of skirt these woods a little bit, and then they go in these woods up by PO Boy's Garage, of course they're going back home, so they come out, and what a coincidence, that they come out right in front of Bill Coward. Bill almost hits them, right in front of the apartment complex where Joshua lives. Is all of that just a coincidence? They exchange money, whatever, exchange guns, whatever happened to the guns, and then Manning's aunt takes Mason home. They never talk again. Of course they don't, they don't talk about it. I don't want there to be any evidence that I talked to the guy that I just committed a murder with, of course they were picked up not long after this happened.

Now, let's talk a little bit about William Mason. William Mason is a bad person, no one has suggested otherwise. He has all kinds of criminal convictions. He's got several pending charges associated with this case and other cases, you've heard about all of that, he is not a good person. That does not make him a lier on that stand, but let's talk about

that one thing that, interestingly, the defense brought up, Stank, Ty'kese (phonetic) Campbell, is his name. Stank committed some burglaries with Taco a couple days before this crime happened. When Taco was arrested for those burglaries he confessed to those burglaries. He confessed to those burglaries, and when law enforcement talked to him about it he said, I did it and Stank was with me. So yep, Taco gave a statement implicating someone else. Well, then law enforcement arrests Stank, and what does Stank do? Stank says, yep, I did what William Mason said I did, I was with him during these burglaries. So then Stank comes to court, admits his guilt and serves time for it. So whatever point the defense was trying to make about Taco telling on a co-defendant, yeah, he's done that twice now. Taco, in his criminal life has told two times on somebody else. Now, he's implicated himself other times, but two times he's said somebody else was with him, but the first time he did it, he was telling the truth. He was right. Well, here he's doing it again, and I submit to you, he's right this time, too. He had a relationship with Manning. This isn't somebody who he had beef with. He knew him, had known him through family girlfriend, relationship, whatever, he had known him, he knew him. The consistency is in his story, we tried to find any consistencies we can and point those out, but obviously, because he gives him credibility, well, everything he said about Michelle Hughes was right. She told you that

today. Everything he said about going to her place, knocking on the door, asking for a cigarette, about Manning standing in the yard in dark clothes, not to be seen, everything he said about Michelle Hughes, she said, exactly the same story. The path to the store, the path back home, all of that is consistent with the evidence, Bill Coward is consistent with the evidence, it's all lined up with what Mason said. Mason is charged with murder; armed robbery; possession of a weapon and all those other ones. Who wouldn't want help with those charges? I would. If I were sitting over there and I knew what I was facing, I would want help. You can't blame him for that. What did he say over there? He said, I hope to get 20, 25 years, instead of the greater stuff that he's looking at, that doesn't mean he's lying. There are co-defendants all across this country who testify in courts just like this every single day, and this is how it works. My boss taught me this, we don't tell him what his deal is. We don't tell him what we're going to give him in exchange for his testimony, because we need him to answer honestly when we asked him: What you getting in exchange for your testimony today? I don't know, they won't tell me. And to be quite honest with you, we don't know, we haven't talked about it. We will give him something, though, because it takes a lot of guts for him to get up there and do what he had did, and we have to reward cooperation in any criminal justice case, we have to reward cooperation,

otherwise we don't get any, so certainly, he'll get some, some leniency, but make no mistake, he killed somebody!

Now, the defense has made a big issue about these fingerprints and DNA. Who wore gloves, who didn't wear gloves, what was touched, what wasn't touched. We know that Mason wore gloves. You can see that clear as day, he's got gloves on. Did Manning wear gloves? Debatable. He had on black sleeves that go all the way down to his wrists, but you can tell that for yourself. I'm about to show the video again, and when you're in the jury room you can watch the videos as much as you want, if you need to. Did he wear gloves? I don't know for sure. There were no fingerprints, no DNA found on any piece of evidence. There were a lot of pieces collected where they couldn't find a print that was liftable, we say lift the fingerprint to get it tested. They swabbed for DNA. Now, the testimony's been, if I touch that bottle I might leave fingerprints and oils from my hand. Why not? He said it just depends on many conditions. Okay? But the defense has made this issue, Manning didn't have any gloves on, so of course he would have left prints somewhere in that store, right? That's what they said. He didn't have gloves, of course he would have left prints. So that begs the question, what did Manning touch in the store? What did he touch that would have left a print? Well, let's look. First, watch this.

(Video playing.)

Manning is second, remember. He may have touched the door there, you can't tell. He may have touched the bottom of the door somewhere around the handle there, you can't totally tell, he obviously opened the door somehow, you can't really tell. Now, the testimony is that the crime scene investigators swabbed that door and were able to find no prints and no DNA, that's the testimony. They tried, couldn't find any. It's not like they found the print of some unknown person and we don't know who that is, therefore, it couldn't have been Manning, that's not what happened. They didn't find any prints or any DNA, but let's keep going, and let's look at the other two. What does Manning touch? Watch. He's picking up money there and he grabs cigars, and he leaves. What did he touch? One more, because you're going to see the same thing in this one. What does he touch? Not a single thing that he did not take with him out the door. He touched cash and cigars. Mason said when he testified that he thought Manning knocked the cash register over, or touched the cash register. Look who knocks the cash register over. J.W. Bailey knocks over his own cash register when he was trying to save his own life. This is the last time I'm showing the video. We're done with that.

This whole case comes down, should we believe William Mason? So should we? First of all, why not? He was believable. He's told a consistent story from day one. There has been no evidence of any conflict between Mason and Manning,

no reason for him to say, he did it, I'm gonna put this on him, it wasn't really him, but I'm gonna put this on him because I don't like him. No, no evidence of that. Been friends for over a year, hung out together frequently, smoking. What reason would he have to lie, again, on Manning? Why pick him out? I submit to you he didn't just pick him out of the blue, because he ain't lying. It doesn't matter whose plan it was. Remember that law I read earlier, felony murder, hand of one, it doesn't matter. There was some testimony with Mason about whose idea was it to rob anyone, then it's whose idea was it to go to that store, and Mason said, it was Manning, it was Manning, doesn't matter. He also said in my first interview I said the gun didn't -- my gun I don't remember going off, but that was -- through my lawyer I've looked at all the information from the case, investigation, and apparently I must have fired the gun. Listen, defendants every day try to make themselves look better than the other guy, but none of that really matters because we see what happened. You can see both guns going off in the video. I brought this up because I had not seen Mr. Manning in many months when I saw him Monday, and I am not trying to be disrespectful to pick on anybody's weight, but Mr. Manning weighs more today than he did when he was arrested. So just in case you looked at that video and you looked at Mr. Manning and you said, well, that guy is bigger than that guy, I wanted it known, in December of 2019 he

weighed 187 pounds. In March of 2022, he's about 80 pounds heavier, so that's out. Finally, as we talked about, again, we're talking about should we believe Mason? In his burglary cases he told the cops the truth about who did it with him. Right? Stank did it with me. Stank goes, yeah, I did, so Mason told the truth then. So now, if you believe Mason, is his testimony enough to convict Manning? The law says, yes, it is. I do not have to show you fingerprints. Do I wish I had them, of course I do. Do I have to show you DNA? No. Seeing his face on the surveillance video, not required for you to find him guilty. The law says that, yes, Mason's testimony is enough. Ladies and gentlemen, beyond a reasonable doubt does not mean beyond all doubt, it means beyond a doubt that would cause a reasonable person to hesitate to act, not beyond all doubt. A few things in this world, as Judge Holt will tell you, do we know with absolute certainty. Ladies and gentlemen, this is Joshua.

What do I have to prove? In Dillon County, on or about December 12, 2019, Joshua Manning committed those crimes, we've proven that, we've proven that beyond all reasonable doubt. Now, I have one final point. I've been prosecuting criminal cases for about 15 years. You could imagine in that time a bunch of heavy serious cases have come through our office like this one. All of those cases leave something with me that I kind of remember that case by. It might be a witness, it might

be a piece of evidence, but usually they all leave some piece of something that I take with me. That moment, that piece of evidence in this case for me came yesterday morning when former Captain Cliff Arnette was on the stand. I was curious, how long exactly were William Mason and Joshua Manning in that convenience store? How long did it take for William Mason and Joshua Manning to commit those crimes, to take the life of a 77 year old and to shatter three families? Listen, trust me when I tell you, it ain't just the Bailey family that's been dealing with this. No matter the outcome of this trial, this has forever changed that family, that family, and William Mason's family, no matter what happens in here. So Captain Arnette, how long did it take for these lives to be shattered?

(Video playing.)

Ladies and gentlemen, Joshua Manning is guilty beyond all reasonable doubt. Thank you for your jury service.

THE COURT: Mr. Edwards?

MR. EDWARDS: Thank you, Your Honor. Your Honor, before I begin, can we move that TV.

(Attorney Edwards presented a closing argument on behalf of the defense at this time.)

MR. EDWARDS: May it please the Court?

THE COURT: Yes, sir.

MR. EDWARDS: Mr. Daniel, Mr. Redmond, ladies and gentlemen of the jury, good morning. Now, I want to begin with

the presumption of innocence, and it's a principle that someone is innocent until proven guilty, that's how I started my opening statement. As the Solicitor stated, the State carries the burden of proving their case beyond a reasonable doubt, beyond a reasonable doubt, meaning they have to prove with reasonable certainty that Joshua Manning was not the only one present while committing those acts, reasonable certainty, and this is a court of law. Now, what that means is what I said in my opening. In a court of law we prove cases with facts and evidence, not sympathy. Now, I want to say it, we all feel emotions, we all feel sympathy for the Bailey family, for what they had to go through since that day and what they've gone through since this trial. There's no way anyone in this courtroom can watch that video, and it's been played countless times, and not feel sympathy and remorse, but this trial is not about sympathy and remorse. As I also stated, plain and simple, this trial is about whether or not Joshua Manning can be proven guilty beyond a reasonable doubt, and initially, I told you, when the State made a bunch of allegations, and I said it at that time, I said, listen, I intend no rudeness when I asked you all not to believe a word of it until you've seen all of the evidence, because you won't know what the facts are until you've seen all of the evidence, not lack thereof evidence. The State just got up here and told you, well, I wish we had some DNA, I wish we had some fingerprints, I wish

we had some witnesses who could testify and link young Joshua -- I wanted the TV removed because I wanted you folks to see him because it's been blocking your view, but you know what they were stuck with? They were stuck with William Mason, Taco, alright, their witness, not mine, their star witness, their whole case, not mine. The State admits, oh, Taco is a bad guy. Right? We want to get all of this stuff out about Taco, but guess what, we want you folks to believe, Taco, Taco was the only reason that Joshua Manning is in here, and he's on trial for his life, and it's going to take evidence, and you would have to prove that case beyond a reasonable doubt. Now, also during my opening statement I told you, I'm not going to be critical of the Dillon Sheriff's Department. I said I'm not going to be critical of the police department, neither the SLED agents nor the doctor presented, and I hope I kept my word in that. I believe I've been very respectful to those individuals when they testified. In fact, I said the only person that I was going to be critical of was Taco, the only person, the State's witness, not our witness. Now, they want you to believe William Taco Mason. The State has unpacked his history in this case, and they want you to believe him to be truthful, but you, folks, heard Taco on the stand yesterday. He was so inconsistent on the stand. There was one specific question that I asked. I asked Taco, I said, Taco, did you murder J.W. Bailey? He answered yes. Then I asked Taco the next question.

I said, do you remember in your statement to the police, when they asked you, you said, well, I didn't is shoot, I didn't shoot at all. And when I asked him about the inconsistent statement, what was his response? Taco's response was, well, I didn't know I shot him until I read the paperwork. Until he read the paperwork? Where do you think he read the paperwork from? Who told him that he shot him? He sat right there in the stand and said, I just want to go home, I'll do anything to go home. He's facing up to three life sentences, and the State wants you to believe that he's going to tell the truth. And oh, actually, Taco said, I want justice for J.W. Bailey. Taco, now, you folks remember Taco saying that: I want justice, that's why I'm here testifying. But yet, in the same breath he said, I want the weapon with the extended clip because I want to have the most shots. Those were his words, the State's witness, his words: I want the most shots.

Now, the State was telling you earlier about reasonable doubt, and I'm going to get into a little bit of reasonable doubt. If you believe that it could have been someone else on that video, Stank, if you believe that that could have been Stank, ladies and gentlemen, you have reasonable doubt. If you believe the State didn't produce any evidence in this case, then you have reasonable doubt. Now, there are a few reasons in this case that I want to point out and, there's a few reasons and I'm going to list some out for

you. Actually, there's a lot of reasons, and I don't think I have enough fingers and toes to list them all because this case is drowning in reasonable doubt, and I'm going to condense it to four, four specific reasons that reasonable doubt -- and when you think about reasonable doubt, I want you to think about a brick wall. Alright? I told you earlier about the robe of innocence, the State never referenced that. The robe of innocence that he's cloaked in, and I'm speaking of Joshua now. Well, think of reasonable doubt as a brick wall, a brick wall, and the State has to remove every brick of that wall in order for you to find him guilty. I can tell you that brick wall is standing. The first reason: The State produced plenty of bullet fragments; a holster; two one dollar bills. Evidence from the crime scene is what I'm getting to, evidence from the crime scene, that's all they produced: A holster; two one dollar bills; some bullet fragments. Every witness that testified in regards to the crime scene -- Mr. Arnette, before I can take the stand, he said, oh, everything I testify, I can't link it to Mr. Manning. I think every time I've come up to this podium I was only here for one or two minutes because before I could take the stand every witness said, well, I can't identify Mr. Manning, I can't identify Joshua. None of the bullet fragments come back to young Mr. Manning. The State, once again, they say, well, we wish we had some evidence at the crime scene. He actually pointed out the video, right: And

I'm not in no way have I ever admitted that that was Joshua Manning because that individual on that video was much, much smaller, you've got to see. Now, the State wants to put it on weight gain, that's what they want you to believe as jurors. Well, speculation does not belong in a court of law. You need facts and you need evidence. Alright? The lack of any evidence at a crime scene -- in fact, what I learned yesterday, I believe the gentleman from SLED, what I got most out of his testimony was the difference between a cartridge, a bullet and a shell casing, right? I learned, as you all did, I didn't know that, I thought it was all bullets. No. The bullet is what comes out, right, of the cartridge, and the cartridge case is what comes out the side of the gun. Now, when I got up to ask him some questions: No, I don't have anything to say in regards to the defendant, to young Joshua, he has nothing to say. No fingerprints, no DNA, but when we go back to the State, what is a their response? Well, I wish I had more. They wish. This is a trial. This young man is on trial for his life and you wish you had more. Reason number two: The video. The video that turns everybody's stomach every time we watch it. The video shows two individuals enter the store, we know the first individual was Taco because he stood on the stand and said it. We can't see any faces. That second individual, whoever that second individual is, did touch a ton of things on the video, in the store, but from the video, if

you remember, Cliff Arnette, he testified: I can't identify who that second individual is. I have nothing to say in regards to Joshua Manning being in the video. From the video it led us where? It led them straight to Taco. That's what you get out of that video, you get Taco. Now, the State wants you to believe that that second individual was Joshua. He says, hey, if you believe Taco, if you believe Taco -- because Stank who he had robbed two houses with two days earlier admitted to a burglary. Well, I bet you Stank ain't going away to prison for life, which is what they're facing in this case. Don't you think Stank would gladly go to jail for the burglary over the murder? Now, if you believe, if you believe that that second individual could be Stank, who Taco admitted: Oh, Stank and I robbed houses together, we rob places together, he said that, the State's witness, the State's star witness in chief: We rob places together. If you believe that that second individual could be Stank, ladies and gentlemen, you have reasonable doubt. That wall over there, that wall is getting bigger. Now, reason three, and I sort of separated reason three from reason one because the first was crime scene evidence, the last, the latter is lack of any hard evidence. That's when we get into the fingerprints. We didn't talk about fingerprints because as the State said, they wish they had it. Well, there isn't any fingerprints, none. We didn't get into DNA. Once again, the State wishes they had DNA. Now, it's

2022, we're in the "CSI." era. We're in "The First 48," everybody's familiar with those shows, there's always some sort of hard evidence, there's always something. The State hasn't produced a shred of evidence against Joshua, nothing, except for Taco, their bad guy, their witness. We heard testimony, I believe Mr. Arnette, we heard testimony about a firearm, they were hoping to recover the firearm. Well, no firearm. In fact, the DNA analysis, the SLED analysis said, I can't tell you about what kind of gun these bullets were fired from because I don't have a gun to compare it to. I can't tell you what fired what. I can tell you their caliber, but all I can tell you is that these are nine millimeters and these are forty fives. I can't tell you who fired them, what gun they were fired from. The whole time that the State's witnesses were testifying, I'm wondering why we're here, because not a single shred of evidence against Joshua Manning. Each witness, each witness: Mr. Coward. Mr. Coward said -- I think I believe I asked him, could I have been running across that street? He said, yeah, but you didn't have a suit on, right? He didn't know. Ms. Hughes, I was wondering what's the reason she was testifying. She said, well, look, I've seen Joshua Manning around, I can't tell you the last time I seen him. All I can tell you is Taco came to my door that night. Are you all seeing the commonality of Taco and everything the State's bringing on? Michelle Hughes testified: Taco came to my door,

somebody else was out there, I don't know who it was. I can't tell you that it was Joshua Manning. Before you even ask any questions, I can't tell you it was Joshua Manning, the same thing, witness after witness. Now, let's get to reason number four, and reason number four is going to be the State's chief witness, Taco. Let's get to Taco. And I can talk about Taco for the next 45 minutes or, really, probably the next 45 hours, I can talk about Taco, but I'm going to condense it down, alright? First off, let's talk about Taco's history, and this is getting into his truthfulness, let's get to Taco's history. In 2016, he was picked up from school for burglary, you guys heard him testify, he was picked up for burglary. A year later he did the Shock Program and got out. A year later, 2017, he gets picked up for burglary first again and goes to prison for a year and a half. He gets out in 2019 at that point, and guess what, he gets arrested again in 2019 for shoplifting, assaulting a police officer, and let's not forget, giving false information, State's witness, this is the person they want you to believe. This is 2019, this is five months before him going into Bailey's Convenient Store, but before we get to Bailey's Convenient Store, let's get to December 10th, two days before this robbery and murder. Taco admitted on the stand that he burglarized two homes, with Stank, by the way, two homes, and one of the homes the resident was a 92-year-old female. He said he didn't care. He testified on the stand that he and

Stank rob places all the time. In fact, he admitted, we burglarized maybe five or six places that we didn't get caught for. That young man, he's 22 years old, he's admitted to six burglaries. Now, the State are asking you, why would Taco lie? Well, I'm gonna tell you, Taco's facing up to three life sentences. No, they haven't cut a deal yet, but what did the Solicitor tell you? Oh, we're gonna give him some help, we're gonna give Taco some help. We're gonna go from up to three life sentences to maybe 20 to 25 years, while we have young Joshua on trial for his life. Taco said, oh, yeah, Joshua's never been convicted of a crime, he's never been to jail. I'm the career burglar, that's basically what Taco said, I'm a thief and I'm a burglar, their witness. And I really don't want to cross over the chief inconsistency in his testimony. The State wants you to trust Taco. I believe the Solicitor said why would he lie, he told the truth against Stank, why would he lie here? Why do you folks believe he would lie? Up to three life sentences and he might be able to get out of here with 20 years and be back in the Dillon community to do the exact same thing he's been doing, burglary first degrees.

After we heard from Taco, the robe that I told you earlier, the robe of innocence, well, it's turning into an armor of innocence at this point, because the evidence that has been presented to you -- I'm not going to say the evidence, I'm going to say the lack of evidence. There is no evidence in

this case. When you folks go back and after the judge charges you with the law, the only thing for you to look at and debate is whether or not you believe Taco, the individual we've been talking about, the reason we're here.

Now, I must say, ladies and gentlemen, that this is not a trial that can be proven with sympathy, with remorse and with emotions, we can't. I sympathize, as I've stated earlier, with the Bailey family. There was a reason I wouldn't ask Mr. Bailey one question while he was on the stand earlier. I can't imagine what they are going through as family, I can't imagine what they are going through and they're going to continue to go through. I can't imagine what it takes for them to sit during this trial, but as jurors, sympathy doesn't make its way into that jury room with you. The only thing that goes in there with you and your duty as jurors, and that's a duty that I hold only second to military service. It's the reason why we have the best criminal justice system in the world, it's because a jury of your peers must judge you based upon the evidence, the evidence in the case, plain and simple.

Now, the judge is going to tell you what reasonable doubt is. He's going to give you the law and the legal jargon, but use your common sense. You know, sometimes we put too many lawyers in a room and we start getting fancy and using a lot of legal terms, no, this is simple. Either they can prove and carry their burden, or they can't, and I submit to you, the

Solicitor wishes, you can't take his wishes back in that jury deliberation, don't take his wishes. You have to look at the evidence or the lack of evidence in this case, this case's evidence. With that being said, remember that reasonable doubt, it not only protects Joshua, it protects everybody that walks into this courtroom. It's how our court system is structured. I'm proud and privileged, once again, to stand before you, and I want to commend you guys. I know a lot of folks don't like to sit in the courtrooms all day. We don't pay you what you're paid on the job to sit here, but you folks have been very attentive, now you must go and do your duty and you must return the only verdict, the only verdict, based upon the evidence, I don't even think it's enough evidence, there's not enough evidence, very little evidence, very little evidence, you must return the only verdict that you can, and that's a verdict of not guilty in this case because the State has not done their job in this case. Thank you.

THE COURT: Counsel, would you approach? Ladies and gentlemen of the jury, I'm going to give you a quick break. We're not going to leave the courtroom, we're going to allow you to leave the courtroom. Please don't discuss anything during your break. We'll bring you back in and I'll be prepared to charge you with the law at that time. So this will be a short break and I want to give you a chance to refresh yourselves before you come back in here and do that. Okay?

We'll take a brief recess.

(Recess taken.)

THE COURT: Court will come to order. We're back on the record. We took a recess. Counsel, anything further?

MR. DANIEL: Nothing from the State.

MR. EDWARDS: Nothing from the defense, Your Honor.

(Jury Charge)

THE COURT: Ladies and gentlemen of the jury, at this time it's going to be necessary for the Court to instruct you on the law. I've mentioned this to you previously, but this will be an opportunity, and then you've actually heard it in part by the lawyers in their closing statements, but as part of the record it's necessary for the Court to read this to you. Okay? If I could have your attention. I'm going to give you a copy of these instructions in written form. During your deliberations you may refer to these instructions to guide your decision making. You must consider the instructions as a whole and not follow some and ignore others. Please return to the instructions to the Court at the time that your verdict is rendered. Madam, Forelady, at the appropriate time I'm going hand these to you. Okay?

The first is reasonable doubt. You've heard a great deal about that thus far. What is a reasonable doubt in the law? A reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act. The State has the

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burden of establishing every fact necessary to prove the defendant guilty beyond a reasonable doubt. The law presumes every person charged with a crime to be innocent and the burden of establishing guilt is placed solely on the State. Some of you may have served as jurors in civil cases where you were told that it is only necessary to prove a fact is more likely true than not true such as by the greater weight or preponderance of the evidence. Other civil cases use the clear and convincing evidence standard. In those cases it is necessary to prove that a fact is highly probable, but this is a criminal case and the State's proof must also be more powerful than those burdens of proof. In criminal cases the State's proof must be more powerful than that, it must be beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt. If based on your consideration of the evidence you are firmly convinced that the defendant is guilty of the crime charged you must find the defendant guilty. The defendant is not required to prove his innocence, but if on the other hand you think there is a real possibility that the defendant is not guilty you must give the defendant the benefit of every reasonable doubt and find him not guilty.

Direct and circumstantial evidence. There are two types of evidence which are generally presented during the trial, direct evidence and circumstantial evidence. Direct evidence is the testimony of a person who claims to have actual knowledge of a fact such as an eyewitness. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence, nor is a greater degree of certainty required of circumstantial evidence than of direct evidence. You should weigh all of the evidence in the case. After weighing all of the evidence, if you are not convinced of the guilt of the defendant beyond a reasonable doubt you must find the defendant not guilty.

Credibility of witnesses. Necessarily, you must determine the credibility of witnesses who have testified in this case. Credibility simply means believability. It becomes your duty as jurors to analyze and to evaluate the evidence and to determine which evidence convinces you of its truth. In determining the believability of witnesses who have testified in this case you may believe one witness over several witnesses or several witnesses over one witness. You may believe a part of the testimony of a witness and reject the remaining part of the testimony of that same witness. You may believe the testimony of a witness in its entirety or reject the testimony

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of a witness in its entirety. You may consider whether any witness has exhibited to you in any interest, bias, prejudice or other motive in this case. You may also consider the appearance and manner of a witness while on the witness stand.

Expert witnesses, we had some expert witnesses in this case. The rules of evidence ordinarily do not permit witnesses to testify to opinions or conclusions. An exception to this rule exists for witnesses we call expert witnesses, a witness who by education and experience has become expert at some art, science, profession or a calling, may state an opinion as to relevant and material matter in which the witness claims to be an expert and may also state the reasons for the opinion. You should consider any expert opinion received in evidence in this case, and like any other evidence, give it the weight you think it deserves. If you decide the opinion of an expert witness is not based on sufficient education and experience, or if you conclude that the reasons given in support of the opinion aren't sound or that the opinion is outweighed by other evidence, you may disregard the opinion entirely. An expert witness' testimony is to be given no greater weight than that of other witnesses simply because the witness is an expert. Further, you are not required to accept an expert's opinion, even though it is not contradicted.

Failure of defendant to testify. I instruct you and emphasize that the fact the defendant did not testify is not a

factor to be considered by you in any way in your deliberation and in your consideration on the question of the guilt or the innocence of the defendant. It must not be considered by you in any manner whatsoever. A defendant has the constitutional right to remain silent and the assertion of this right must not be considered by you in your deliberations. I repeat, under your oath you are to draw no conclusion whatsoever from the fact that the defendant in this case did not testify. The fact that this defendant did not testify should not even be discussed in the jury room. The burden of proof, as I have stated to you, is on the State. The defendant is not required to prove his innocence. The burden of proof remains on the State to prove guilt beyond a reasonable doubt.

Hand of one. If a crime is committed by two or more people who are acting together in committing a crime, the act of one is the act of all. A person who joins with another to commit an unlawful act is criminally responsible for everything done by the other person which happens as a probable or natural consequence of the acts done in carrying out the common plan and purpose. For example, two people can be guilty of killing another person when only one of the two had a gun. There was only one bullet and only one of the two fired the shot that caused the death. If two or more people are together acting together assisting each other in committing the offense, the act of one is the act of all, or as it is sometimes said, the

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hand of one is the hand of all. Prior knowledge that a crime is going to be committed without more is not sufficient to make a person guilty of that crime. Mere knowledge that another person is going to commit a crime, even if the defendant is present when the crime is committed, it is not sufficient to convict the defendant as a principal. Guilt as a principal is shown by actual or constructive presence at the scene as a result of prior arrangement. Therefore, a finding of a prior arranged plan or common scheme is necessary for a finding of guilt as principal. The State must prove beyond a reasonable doubt by competent evidence the theory of the hand of one is the hand of call. A principal in a crime is one who either actually commits the crime or who is present aiding, abetting or assisting in committing the crime. When a person does an act in the presence of and with the assistance of another, the act is done by both. Where two or more acting with a common plan or intent are present at the commission of a crime, it does not matter who actually commits the crime, all are guilty, the hand of one is the hand of all. Present at the commission of a crime means to be sufficiently near to aid and abet and assist in the commission of the crime, however, mere presence at the scene of a crime is not sufficient to convict one as a principal on the theory of aiding and abetting. Intent is also a necessary element or there must have been a common design or intent to commit the crime and the crime must have been

committed pursuant thereto with the person aiding and abetting by some overt act. Intent means intending the result which actually occurs, not accidently or involuntarily. Intent may be by shown by acts and conduct of the defendant in other circumstances from which you may naturally and reasonably infer intent. The State must prove these elements beyond a reasonable doubt.

Identification. An issue in this case is the identification of the defendant as the person who committed the crime charged. The State has the burden of proving identity beyond a reasonable doubt. You must be satisfied beyond a reasonable doubt of the accuracy of the identification of the defendant before you may convict the defendant. Identification testimony is an expression of belief or impression by a witness. You must determine the accuracy of the identification of the defendant. You must consider the believability of each identification witness in the same way as any other witness. You may consider whether the witness had an adequate opportunity to observe the offender at the time of the offense. This will be affected by things like how long or short the time was available, how far or close the witness was, the lighting conditions and whether the witness had the chance to see or know the person in the past. Once again, I instruct you, the burden of proof of the State extends to every element of the crime charged, and this specifically includes the burden of

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proving beyond a reasonable doubt the identity of the defendant as the person who committed the crime. If after examining the testimony you have a reasonable doubt as to the accuracy of the identification, you must find the defendant not guilty.

Intent. In order to establish criminal liability criminal intent is required. For example, the mental state required to be proven by the State for a particular crime might be purpose, intent, knowledge, recklessness or criminal negligence. Criminal intent must be proven by the State beyond a reasonable doubt. Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation. There is no way to prove intent to a mathematical certainty. There is no way medical science can dissect a person's brain and determine what the person had in mind, so the law says that criminal intent may be inferred from the circumstances shown to have existed. This is how you make a determination of whether or not the element requiring intent were present. It is not necessary to establish intent by direct and positive evidence, but intent may be established by inference in the same way as in any other fact by taking into consideration the acts of the parties and all of the facts and circumstances of the case. Criminal intent is a mental state, a conscious wrong doing. It is up to you to determine what the defendant intended to do based on the circumstances shown to have existed. Criminal intent can arise from action or a

failure to act. It may arise from negligence, recklessness or an indifference to duty or to consequences that is considered by the law to be the equivalent of criminal intent.

Armed robbery. The defendant is charged with armed robbery. In order to prove this offense the State must first prove beyond a reasonable doubt that the defendant took personal property from the person or presence of another person. Property is in the presence of a person, it is within the person's reach, inspection, observation or control so that the person could, if not overcome with violence or prevented by fear, keep possession of the property. The State must also prove beyond a reasonable doubt that the defendant carried the property away intending to permanently deprive the owner of the property and to keep the property for the defendant's own use. The slightest removal of the property or the complete possession of the property, even for an instant by the defendant is sufficient to show a taking and carrying away of the property. The taking and carrying away of the property must have been done with violence or by putting the owner of the property in fear of violence. Finally, the State must prove beyond a reasonable doubt that the defendant was armed with a deadly weapon during the robbery. A deadly weapon is any article, instrument or substance which is likely to cause death or great bodily harm. Whether an instrument has been used as a deadly weapon depends on the facts and circumstances

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of each case. Following are examples of instruments which may be deadly weapons: A pistol; shotgun; a rifle; a dirk; a dagger; a knife; a slingshot; metal knuckles; a razor; gasoline; a fire bomb or molotov cocktail and lighter fluid. A gun may be a deadly weapon even if it is not operating.

Conspiracy. The defendant is charged with conspiracy. The State must prove beyond a reasonable doubt that the defendant combined with one or more persons for the purpose of committing an unlawful act or of committing a lawful act by unlawful means, there must be a mutual understanding, agreement or common intention in the plan. Mere passive knowledge of or consent to the criminal conduct of another is not enough to make a person a conspirator. There must be guilty knowledge and participation. Similarly, the mere fact that the defendant may have associated with another person or met with another person and discussed common aims and interests does not necessarily establish proof of the existence of a conspiracy or that the defendant was involved in a conspiracy. On the other hand, it is not necessary that the agreement be a formal one, that it be in writing, that the person hold the meeting and expressly state the terms of a common plan or that the agreement be stated in words between them. The agreement of a criminal conspiracy may come into being through and implied mutual understanding. The willful intentional and knowing adoption by two or more persons of a common plan is

sufficient. No overt act needs to be shown to establish a conspiracy. A conspiracy may be shown by circumstantial evidence in the conduct of the parties. In order to convict the defendant of conspiracy the State must prove beyond a reasonable doubt not only that the defendant knew of the unlawful conduct, but that the defendant agreed to combine with the other person for the purpose of accomplishing the unlawful conduct.

Murder. The defendant is charged with murder. The State must prove beyond a reasonable doubt that the defendant killed another person with malice aforethought. Malice is hatred, ill will or hostility toward another person. It is the intentional doing of a wrongful act without just cause or excuse and with an intent to inflict an injury or under circumstances that the law will infer an evil intent. Malice aforethought does not require that malice exists for any particular time before the act is committed, but malice must exist in the mind of the defendant just before and at the time the act is committed, therefore, there must be a combination of the previous evil intent and the act. Malice aforethought may be expressed or inferred. These terms, "expressed" and "inferred," do not mean different kinds on malice, but merely the manner in which malice may be shown to exist, that is either by direct evidence or by an inference from the facts and circumstances which are proved. Expressed malice is shown when

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a person speaks words which express hatred or ill will for another or when the person prepared beforehand to do the act which was later accomplished. For example, lying in wait for a person or any other acts for preparation going to show that the deed was within the defendant's mind would be expressed malice. Malice may be inferred from conduct showing a total disregard for human life.

MR. DANIEL: Your Honor, I'm sorry to interrupt you. We need to approach for two seconds, please.

THE COURT: Yes, sir.

(Discussion was held off the record at the bench by Court and counsel.)

THE COURT: Felony murder. If two or more combined together to commit an unlawful act and in the execution of that criminal act a homicide is committed by one of the actors as a probable or natural consequence of the acts done in pursuant of the common design, all present participating in the unlawful undertaking are as guilty as the one who committed the fatal act. The common purpose may not have been to kill and murder, but if it was unlawful as for his instance to break in and steal and in the execution of this common purpose a homicide is committed by one as a probable or natural consequence of the acts done in pursuance of the common design, then all present in participating in the unlawful common design are as guilty as the slayer.

Possession of weapon during the commission or attempt to commit a violent crime. The defendant is charged with the possession of a weapon during the commission of or attempt to commit a violent crime. The State must prove beyond a reasonable doubt that the defendant was in possession of a firearm or visibly displayed what appeared to be a firearm during the commission of a violent crime. A firearm means any machine gun, automatic rifle, revolver, pistol, or any weapon which is designed to or may be readily converted to expel a projectile. A knife means an instrument or tool with a sharp cutting blade whether or not fastened to a handle which can be used to inflict a cut, slash or wound. In order to find the that defendant guilty of possession of a weapon during the commission of a violent crime, you must first find the defendant guilty of either committing a violent crime or attempting to commit a violent crime. Armed robbery and murder are violent crimes. The State must prove beyond a reasonable doubt that the weapon further advanced or helped in the commission of the crime.

Petit Larceny. Petit Larceny is the taking and carrying away of the property of the victim worth less than $2,000.00. In this case that property was cash and cigars.

Anything from counsel, any objections to the charges provided?

MR. DANIEL: None from the State, Judge.

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MR. EDWARDS: None from defense, Your Honor.

THE COURT: Madam Forelady, if I could get you to stand, please. Madam Forelady, your instructions are, when the Court excuses the jury, you all retire to the jury room or whatever else place the Clerk of Court has made available to you. Lunch will be provided to you all, and you may begin eating, if you are all are so inclined, before you deliberate or while you deliberate. It will be necessary for you to run the jury room. Certainly make sure that everyone is heard and is given an opportunity to participate. When you have reached a unanimous verdict it will be necessary for you to alert the bailiff or the Clerk, at such time you will need to notify them that you've reached a verdict. At that time you will be brought back into the courtroom and the verdict will be read in open court. I'm going to provide you with a copy of the jury charges that the Court just read into the record. That's a lot of information. I'm going to provide it to you and that you can use forth whatever benefit that helps you all reach a verdict in this matter. Okay? I'm also going to provide you with the verdict forms. As Madam Forelady, we have five verdict forms. The first is for murder: As to the charge of murder, we, the jury, find the defendant, Joshua Manning, guilty or not guilty, and you would check the appropriate place depending upon how the jury finds. At that point you will need as the Foreperson to sign the verdict form. The same would

apply for armed robbery: As to the charge of armed robbery, we, the jury, find the defendant, Joshua Manning, guilty or not guilty, and you would sign. Possession of a Weapon During the Commission of a Violent Crime: As to the charge of a Possession of a Weapon During the Commission of Violent Crime: We, the jury, find the defendant, Joshua Manning, guilty or not guilty. Criminal Conspiracy. As to the charge of Criminal Conspiracy: We, the jury, find the defendant, Joshua Manning, guilty or not guilty. Lastly, Petit Larceny. As to the charge of Petit Larceny: We, the jury, find the defendant, Joshua Manning, guilty or not guilty. And as indicated, you will sign in the appropriate place as the Foreperson. Do you have any questions about the verdict forms?

THE FOREPERSON: No, sir.

THE COURT: Counsel, any objections to the form of the verdict forms?

MR. DANIEL: No, sir.

MR. EDWARDS: No, sir, Your Honor.

THE COURT: Madam Forelady, I'm going to hand these documents to you, okay, and they will be in your custody. You may be seated. Anything further before we excuse the jury?

MR. DANIEL: We'll check and make sure the evidence is in place before we send it back.

THE COURT: Ms. Simmons and Mr. Bethea, you all have been patient with the Court. I'm going to ask that you remain

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with the Court after I excuse the jury. Okay? You will be fed, and we will provide you lunch, and if necessary we will provide transportation home if that's what you require. I appreciate your patience this week.

Madam Forelady, this is what we're going to do next. When I excuse the jury, you will retire to your jury room. You are not to begin deliberating. Food will be provided to you all at some point. You're not allowed to deliberate until the Clerk tells you that you can begin your deliberations. After we excuse you we're going to make sure that all the evidence that's in the record, that we have it that it's accounted for, and it's going to be brought to you, and it will be present in the jury room for your deliberations, and you can't deliberate until we get that to you. So do not deliberate until we have given you the go ahead. Madam Forelady, I've thrown a lot at you and you've been listening patiently. Do you have any questions?

THE FOREPERSON: No, sir.

THE COURT: Thank you. Yes, sir? You seemed eager to stand.

MR. DANIEL: I'm sorry. Are the alternates going to stick around for a while or are you letting them go?

THE COURT: I was going to excuse the jury and just have a couple words with them.

MR. DANIEL: Okay. I was going to say, if you were

going to keep them at all at this point forward, there's a room available to you, but I understand if you don't.

THE COURT: Thank you. Madam Forelady, you all may retire to the jury room.

(Jury retired to jury room at 1:12 p.m.)

THE COURT: Ms. Simmons, Mr. Bethea, it's like we let you start a race but we didn't let you finish the race, and I appreciate you being a part of this process. In the event another juror would not be able to serve or would have to leave, then we would have had to moved you up, so to speak. I believe there are, I'll check on refreshments and lunch for you, but I do want you to be able to have that, if that's your desire, and there's also a room where you can sit and be comfortable and that we can make available to you, the Clerk can make available to you. It's your choice if you wish to stay, it's your choice if you wish to speak to anybody, you don't have to, and if anybody insists on talking to you and they won't stop, let the Court know, but you're welcome to speak to whomever you want to or you don't have to. Do you have any questions?

THE JUROR: No, sir.

THE JUROR: No, sir.

THE COURT: Thank you for your service. You're free to go at this time.

MR. DANIEL: Judge, we're in agreement with the

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evidence and Exhibit 14, the Clerk agrees they were all admitted. My notes reflect that, too, so we're ready for those to go in.

THE COURT: So ordered. We'll have Madam Clerk carry the evidence to the jury room.

MR. DANIEL: Thank you.

The following proceedings were held in Chambers with Court and counsel:

THE COURT: Court will come to order. We're back on the record. We're actually meeting in chambers right now. I have both counsel present. I have Madam Forelady present. It's come to the Court's attention that the jury, perhaps, would like to see one of the videos or all the videos again; is that correct, Madam Forelady?

THE FOREPERSON: They want to see them all.

THE COURT: All? Okay. And so it's my understanding there are three videos.

MR. DANIEL: That's correct.

THE COURT: Madam Forelady, what do you recommend? I can have a computer, a laptop, sent into chambers which would allow you all, and we can show you how to function, operate the computer so that you all can see that in the jury room, or if that's not sufficient we could clear the courtroom and allow you into the courtroom and to watch on the big screen. What do you think would meet their expectations?

THE FOREPERSON: Well, I have one, too, that needs to see it right there, they need it right in front of them.

THE COURT: So a laptop might be sufficient?

THE FOREPERSON: Yes, sir.

THE COURT: In that event, I can have my law clerk along with the Clerk of Court, Ms. Hyatt, can come into the jury room and can set it up and show you all how to operate it. He's young, so we assume that he's technologically savvy, so we can do that if you think that would meet their needs.

THE FOREPERSON: That would be good.

THE COURT: Okay.

MR. DANIEL: I'll just say for the record, Judge, the zip drive, the only thing on that is three videos, and those are cut down to just the parts that have been shown. That's the only thing that's in evidence, so there's nothing that can be accessed that the jury can't see, so it's very clean just with that zip drive, that is I think Exhibit 1.

MR. EDWARDS: I would see no objection, Your Honor, it's already in evidence.

THE COURT: Alright. So Madam Forelady, we'll take that approach, we'll escort you down there, and then we'll bring the computer in and you all can look at it and then if you need any assistance just let the Clerk know. Okay?

THE FOREPERSON: Yes, sir.

THE COURT: Thank you.

THE FOREPERSON: Thank you.

THE COURT: We will adjourn this portion of the hearing.

(Recess taken.)

THE COURT: Court will come to order. It's my understanding, Counsel, that the jury has reached a verdict. If you would bring the jury in, please?

(Jury entered the courtroom.)

THE COURT: Let the record reflect our jury has returned. Madam Forelady, has the jury reached a verdict?

THE FOREPERSON: Yes, sir.

THE COURT: It's a unanimous verdict, correct?

THE FOREPERSON: Yes, sir.

THE COURT: Madam Clerk, if I can have you publish the verdict, please?

THE CLERK: Yes, sir.

THE COURT: I'm going to ask that everybody maintain decorum in the courtroom as the verdict is read. Madam Clerk?

(Verdict)

THE CLERK: Your Honor, on this docket, State of South Carolina versus Joshua Manning, indictment 2020-GS-17-0077, as to the charge of Murder: We, the jury, find the Defendant, Joshua Manning, guilty, signed by Foreperson, Joyce Hyatt.

On Your Honor's docket, State of South Carolina,

indictment 2020-GS-1776, for Armed Robbery, as to the charge of armed robbery: We, the jury, find the Defendant, Joshua Manning, guilty, signed by Foreperson Joyce Hyatt.

On Your Honor's docket as 2020-GS-17-00773, Possession of Weapon During the Commission of a Violent Crime, as to the charge of Possession of a Weapon During the Commission of a Violent Crime: We, the jury, find the Defendant, Joshua Manning, guilty, signed by Foreperson, Joyce Hyatt.

State of South Carolina versus Joshua Manning, indictment 2020-GS-0075, as to the charge of criminal conspiracy, we, the jury, find the defendant, Joshua Manning, guilty, signed by Joyce Hyatt, Foreperson.

On Your Honor's docket, State of South Carolina versus Joshua Manning, 2020-GS-17-0074, as to the charge of Petit Larceny: We, the jury, find for the Defendant, Joshua Manning, guilty, signed by Foreperson, Joyce Hyatt.

When I call your name I need for you to stand and I'll ask you a question and then you can sit back down. Okay? I'll start with the Foreperson, Joyce Hyatt. Was this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Still your verdicts?

THE JUROR: Yes, ma'am.

THE CLERK: Thank you, ma'am. Christian Roberts, are

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these your verdicts?

THE JUROR: Yes, ma'am.

THE CLERK: Still your verdicts?

THE JUROR: Yes, ma'am.

THE CLERK: Thank you, sir. Sharissa Marks, is this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Still your verdicts?

THE JUROR: Yes, ma'am.

THE CLERK: Thank you. Avis Drake, is this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Thank you, ma'am. Jamesha Pinkney, is this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Still your verdicts?

THE JUROR: Yes, ma'am.

THE CLERK: Antonio Gaddy, are these your verdicts?

THE JUROR: Yes, ma'am.

THE CLERK: Still your verdicts?

THE JUROR: Yes, ma'am.

THE CLERK: Thank you, sir. Renata Polson, are these your verdicts?

THE JUROR: Yes.
THE CLERK: Still your verdicts?
THE JUROR: Yes.
THE CLERK: Thank you. Nick Small, are these your verdicts?
THE JUROR: Yes, ma'am.
THE CLERK: Still your verdicts?
THE JUROR: Yes, ma'am.
THE CLERK: Thank you, sir. Tiffany Smith, are these your verdicts?
THE JUROR: Yes, ma'am.
THE CLERK: Still your verdicts?
THE JUROR: Yes, ma'am.
THE CLERK: Lori Altman, are these your verdicts?
THE JUROR: Yes, ma'am.
THE CLERK: Still your verdicts?
THE JUROR: Yes, ma'am.
THE CLERK: Thank you, ma'am. Mollie Jackson, are these your verdicts?
THE JUROR: Yes, ma'am.
THE CLERK: Still your verdicts?
THE JUROR: Yes, ma'am.
THE COURT: Thank you, ma'am. Stephanie Montgomery, are these your verdicts?
THE JUROR: Yes, ma'am.

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THE CLERK: Still your verdicts?

THE JUROR: Yes, ma'am.

THE COURT: Thank you, Madam Clerk.

THE CLERK: You're welcome, sir.

THE COURT: Anything from the State at this time?

MR. DANIEL: Nothing from the State, Your Honor.

THE COURT: Mr. Edwards?

MR. EDWARDS: Nothing at this time, Your Honor.

THE COURT: Thank you, sir. Ladies and gentlemen of the jury, that's going to conclude your service as jurors this week. On behalf of the State of South Carolina, I'm grateful for your service, you've worked very hard and we're all very appreciative. I do want to say a couple of things before I discharge you for the week. You've had an opportunity to see two very good lawyers try this case in front of you, and they've have certainly held up the highest ideals of the Bar and of the lawyers in South Carolina. I'm proud of their efforts, how they've conducted themselves, how they've tried this case, and I just hope that you will appreciate how they've served their respective interest, and this is how lawyers in South Carolina, this is how they work and this is how they behave, and so I do want to recognize them for their contributions this week. With that said, thank you. I know it's been a hard week for you, and a couple final comments. If you wish to talk with anybody about your service this week,

you're welcome to. If you don't want to you don't have to and if anyone frustrates you or causes you any distress, let the Court know and the Court will deal with that. I believe the Clerk will be in touch with you in regard to payment for your services this week. Okay?

THE CLERK: I will have your checks ready tomorrow in the morning and a certification for your job for being here all week.

THE COURT: The next phase will be sentencing. You are free to leave at this point if you would like to leave. If you wish to stay, you're welcome to stay, but at this time anybody that would like to leave the bailiff will escort you out of the courtroom and out of the courthouse. Good luck to you and thank you all so much. You are discharged. Thank you, Madam Foreperson.

(Jury discharged and exited the courtroom at this time.)

THE COURT: Is the State ready to be heard?

MR. DANIEL: Yes, sir. Judge, obviously, because you know we've got a little bit of paperwork that we need to complete, I can get to the particular checkmarks on the boxes after we do all this, but there certainly are some things that we would like to say. Would you like to hear from our whole crowd right now?

THE COURT: Yes, sir.

MR. DANIEL: Can you give me just a second, please?

THE COURT: Yes, sir.

LAUREN: I just thank you all for everything you all have done. You all have been so nice and we're grateful we just appreciate everything. We're just glad things turned out like they did.

THE COURT: Tell me your name, ma'am.

LAUREN: I'm sorry?

THE COURT: Tell me your name, ma'am.

LAUREN: I'm the granddaughter of the victim and I just wanted to say, we just wanted justice and we're very thankful for everybody who put in the work this week and represented this judicial system to its fullest. I feel like my granddaddy can rest in peace now, so thank you.

MR. DANIEL: Your Honor, I would just like to say a few things. First of all, thank you for your kind comments that you made about lawyers. Like I said during my closing, Mr. Edwards is a friend of mine and I think the world of him, so thank you for those comments. Also, as I also said during my closing statement, this incident that happened on December 12, 2019 shattered lives, and not just the Bailey's, but a couple of other families as well, and there is nothing, like I said in my opening, that can bring J.W. back to his family, but we do thank this jury for seeing things the way that we did. We knew that we were fighting an uphill battle here. We knew that because of the nature of this case that

evidence was limited, sometimes that's how cases are, but ultimately the jury believed William Mason. William Mason will still face his charges, William Mason will still serve a significant amount of time in prison upon his disposition of his case, but William Mason at least took ownership of what he did. As tragic as it was he took ownership of that, and that's why he is going to get a little bit of a break, a little bit of a break, but this jury today made sure that Joshua Manning was going to take ownership. He didn't do it until today, but now they've given him no choice. Again, we thank the jury for their service. I want to thank law enforcement. This crime happened under a different Sheriff's Administration, but that administration and this administration, they have worked tirelessly with me, with my office to get this case prepared for trial. This is no easy task, even though it only lasted three days, it's no easy job to get this all together, it takes the work of a lot of people and a lot of people pitched in and did their part, so I want to thank law enforcement. And then, finally, I knew Mr. J.W. All murder cases are tough when you know you're dealing with victims and you're trying to get justice for them no matter whether you know them or not, but when you know them it just makes it a little tougher, and I am just so thankful that we were able to get this family some justice today. Thank you.

THE COURT: Mr. Edwards?

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MR. EDWARDS: Yes, sir, Your Honor. Your Honor, would you allow the Manning family to speak as well?

THE COURT: Yes, sir.

MS. MANNING: Wanda Manning.

THE COURT: Wanda Manning?

MS. MANNING: Yes.

THE COURT: Yes, ma'am, I just need you to speak a little louder so I can hear you. Okay?

MS. MANNING: Wanda Manning.

THE COURT: Yes, ma'am, what would you like to tell me?

MS. MANNING: I would like to thank the Court. Some decisions we have to accept, and to the Bailey family, I have always said this, that your father didn't have to die. My thing is, and I always say it in my prayer, and I always said, you know, sometimes, is get the right person, just don't get anybody just to do anything. So we pray for you, even my grandson here. So we just look at -- we thank you for this court system and all that did an honest day work and right now the family, and I can understand and you know, the pain, the feeling and a lot of us feel the same thing, but to all that was said and done and all on Facebook, all on there everything that we still can't bring a life back. So I love your spirit when you got to talk about when you make a decision, you know, based on evidence, the facts, and if this jury feels like they

did the right thing I thank them, and I thank the Court. I appreciate that.

THE COURT: Thank you, ma'am. Mr. Edwards, anything else?

MR. EDWARDS: Yes, sir, Your Honor, if it pleases the Court? Your Honor, this has been a long trial and a relatively short trial. We feel like we put up a good defense, but with that being said, we'd like to thank everybody. Young Mr. Manning, Judge, he's 22 years old, first time he's ever been charged with any crime. He's born and raised here in Dillon County. His mother and his father moved to Charlotte a few years back. He lived in Charlotte at that time. He had a job at Fed Ex. He moved back to Dillon County because his friends that he went to school with and the majority of his family still lived here in Dillon, something he and I talked about a lot, because we spent some time, and I asked him that question. I said, why would you move back to Dillon if you were up there in Mecklenburg County? He moved back for a woman, Your Honor. He moved back home because all his friends were here, Your Honor. That's probably a decision that he regrets at this moment, but Your Honor, I want you to you understand, he's 22. He's never been charged before, pled his innocence, he was found guilty, we would ask that you show mercy. I'm not sure if he wants to speak, Your Honor. He's still processing, his family is still processing. He wouldn't like to speak at this

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time, Your Honor.

THE COURT: I understand. I respect that.

MR. DANIEL: If it pleases the Court, as to sentencing, Judge, I will pass up sentencing sheets after Mr. Edwards signs them. Obviously, these aren't prepared, we didn't prepare these ahead of time since we don't know what's going to happen, but as to sentencing, Judge, we know the sentencing ranges the statutes provide, 30 days on Petit Larceny, five years on Conspiracy, five years on Possession of a Weapon During a Crime, minimum 10 years, maximum 30 years on Armed Robbery and minimum 30 years, maximum life on the Murder charge. Your Honor, the State asks for nothing less than life here. Mr. Manning, unlike his co-defendant, exercised his constitutional right to a trial, and that's fine, but it matters when someone owns up to what they did, and it matters when someone doesn't. I think that this act is about as heinous as it could have been. We have a 77-year-old husband, father and grandfather who will never again be with his family and because of that I think that life in prison is the appropriate punishment.

MR. EDWARDS: May it please the Court, Your Honor. I just want to speak to that aspect of sentencing. Your Honor, I think it would be a travesty to allow the co-defendant in this case to receive less than 30 years in prison and sentence a young man who does not have a criminal record, whatsoever, to

life in prison. He exercised his right to a jury trial which is his right. He has never made any statements and didn't make a statement to this Court, he's still claiming his innocence. I don't think he should be punished for that, and I just wanted to say that for the record, Your Honor.

THE COURT: Thank you, sir. Mr. Edwards, can you have your client stand, please? Mr. Manning, this is certainly a very sad day in Dillon County. It's obviously heartbreaking that Mr. Bailey lost his life in such a terrible way, operating a business for over 40 years. You're a young man and you don't know how difficult it is to make your way in life yet, but the fact that he ran a business in Dillon County for all those years, I can't imagine all of the things that he overcame in that time, but to die so needlessly at a point in his life where you would hope that he was enjoying the fruits of his labor, having children and grandfather and enjoying their time, he was still working, and that's sad enough. It's also sad that a 22-year-old young man has put himself in this position. Mr. Edwards has done an outstanding job representing you this week, and I appreciate your family being here because you're still their baby. Even though you're a grown man now, you're still their baby. Your grandmama spoke. This family to my right, they're crushed, but your family is crushed, also. They didn't ask for this, nobody did, but you put yourself in the position that made everything so difficult.

Sentencing

With regard to indictment 75, Conspiracy, the sentence of the Court is five years in the Department of Corrections. With regard to indictment 74, Petit Larceny, the sentence of the Court is 30 days in the Department of Corrections, all concurrent. Indictment 73, Possession of a Weapon During a Violent Crime, the sentence of the Court is five years in the Department of Corrections. With regard to the indictment 76, Armed Robbery, the sentence of the Court is 30 years in the Department of Corrections. With regard to indictment 77, the charge of Murder, the sentence of the Court is life in prison. That is the sentence of the Court.

MR. DANIEL: Thank you, Your Honor.

THE COURT: So ordered. We are adjourned.

(Trial concluded Wednesday, March 30, 2022)

CERTIFICATE

STATE OF SOUTH CAROLINA

COUNTY OF DILLON

I, Julie A. Kevish, Official Court Reporter for 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 Court of General Sessions for Dillon County, South Carolina, on the 30th day of March, 2022.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

March 30, 2022

Julie Kevish

JULIE A. KEVISH
OFFICIAL COURT REPORTER

WITNESSES

Allan Rogers

Dillon County Sheriff

Law Enforcement Case #:
085

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2019A1710100661

ARRESTED ON: 2019-12-30

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

2-13-2020
Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2020-GS-17-0073

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
February 2020

THE STATE

vs.

Joshua Darek Manning

INDICTMENT FOR

Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

§16-23-0490

CDR Code: 0549

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DILLON)

INDICTMENT FOR

Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

§16-23-0490

At a Court of General Sessions, convened on February 13, 2020, the Grand Jurors of Dillon County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Joshua Darek Manning did in Dillon County, on or about December 12, 2019, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

FILED
GWEN T HYATT
2022 MAR 31 P 12:11
CLERK OF COURT
DILLON COUNTY

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

William B. Rogers Jr.

WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Allan Rogers

Dillon County Sheriff

Law Enforcement Case #:
085

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2019A1710100662

ARRESTED ON: 2019-12-30

ACTION OF GRAND JURY

TRUE BILL

William T. Rogers

Grand Jury Foreperson

1-13-2020

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2020-GS-17-0074

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
February 2020

THE STATE

vs.

Joshua Darek Manning

INDICTMENT FOR

Larceny/Petit or simple larceny - $2,000 or less; Penalty Statute 16-13-0030(A), Misdemeanor, Offense class: U

§16-13-30(A)

CDR Code: 3419

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DILLON)

INDICTMENT FOR

Larceny/Petit or simple larceny - $2,000 or less;
Penalty Statute 16-13-0030(A), Misdemeanor,
Offense class: U

§16-13-30(A)

At a Court of General Sessions, convened on February 13, 2020, the Grand Jurors of Dillon County present upon their oath:

PETIT LARCENY

CDR: 3419 16-13-0030(A)

That Joshua Darek Manning did in Dillon County on or about December 12, 2019, take and carry away the personal goods of JW Bailey, valued at two thousand ($2,000.00) dollars or less, described as follows: tobacco products, with intent to deprive the owner permanently of such property, and to convert the goods to his/her own use, in violation of Section 16-13-0030(A), S. C. Code of Laws, 1976, as amended.

FILED
GWEN T HYATT
2020 APR 27 P 12:10
CLERK OF COURT
DILLON COUNTY

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

William B. Rogers, Jr.

WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Allan Rogers

Dillon County Sheriff

Law Enforcement Case #: 2019-1286
085

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

_____
Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

_____

_____
Defendant

ARREST WARRANT NUMBER
2019A1710100663

ARRESTED ON: 2019-12-30

ACTION OF GRAND JURY

TRUE BILL

William T. [illegible]
Grand Jury Foreperson

2-13-2020
Date

VERDICT

_____
Petit Jury Foreperson

_____
Date

DOCKET NUMBER:
2020-GS-17-0075

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
February 2020

THE STATE

vs.

Joshua Darek Manning

INDICTMENT FOR

Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

§16-17-0410

CDR Code: 0049

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DILLON)

INDICTMENT FOR

Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

§16-17-0410

At a Court of General Sessions, convened on February 13, 2020, the Grand Jurors of Dillon County present upon their oath:

CRIMINAL CONSPIRACY

CDR: 0049 16-17-0410

That Joshua Darek Manning did in Dillon County on or about December 12, 2019 combine with another, and/or with other persons, for the purpose of accomplishing a criminal or unlawful object or an object that is neither criminal nor unlawful through criminal or unlawful means, to wit: Armed Robbery, in violation of Section 16-17-410, S. C. Code of Laws, 1976, as amended.

FILED
GWEN T HYATT
2022 MAR 31 P 12:11
CLERK OF COURT
DILLON COUNTY

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

William B. Rogers, Jr.

WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Allan Rogers

Dillon County Sheriff

Law Enforcement Case #: 2019-1286
085

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

_____
Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

_____

_____
Defendant

ARREST WARRANT NUMBER
2019A1710100660

ARRESTED ON: 2019-12-30

ACTION OF GRAND JURY

TRUE BILL

Wilmie T. [illegible]
Grand Jury Foreperson

1-13-2020
Date

VERDICT

_____

_____

_____

_____
Petit Jury Foreperson

_____
Date

DOCKET NUMBER:
2020-GS-17-0076

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
February 2020

THE STATE

vs.

Joshua Darek Manning

INDICTMENT FOR

Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

§16-11-0330(A)

CDR Code: 0139

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DILLON)

INDICTMENT FOR

Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

§16-11-0330(A)

At a Court of General Sessions, convened on February 13, 2020, the Grand Jurors of Dillon County present upon their oath:

ARMED ROBBERY

CDR: 0139 16-11-0330(A)

That Joshua Darek Manning did in Dillon County on or about December 12, 2019, while armed with a deadly weapon, to wit: and did take and carry away personal property of from or in the immediate presence of with intent to deprive JW Bailey of possession by use of force, threats or intimidation, in violation of Section 16-11-0330(A), S. C. Code of Laws, 1976, as amended.

FILED
GWEN T HYATT
2021 MAR 30 P 12:11
CLERK OF COURT
DILLON COUNTY

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

William B. Rogers Jr.

WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Allan Rogers

Dillon County Sheriff

Law Enforcement Case #: 2019-1286
085

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

_____
Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

_____

_____
Defendant

ARREST WARRANT NUMBER
2019A1710100659

ARRESTED ON: 2019-12-30

ACTION OF GRAND JURY

TRUE BILL

William T. Hg
Grand Jury Foreperson

2.13.2020
Date

VERDICT

_____

_____

_____

_____
Petit Jury Foreperson

_____
Date

DOCKET NUMBER:
2020-GS-17-0077

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
February 2020

THE STATE

vs.

Joshua Darek Manning

INDICTMENT FOR

Murder / Murder

§16-03-0010; 16-03-0020

CDR Code: 0116

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	
COUNTY OF DILLON	)	Murder / Murder
		§16-03-0010; 16-03-0020

At a Court of General Sessions, convened on February 13, 2020, the Grand Jurors of Dillon County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Joshua Darek Manning did in Dillon County, on or about December 12, 2019, willfully, feloniously, and intentionally kill the victim, JW Bailey, with malice aforethought, either express or implied, by means of shooting, and the victim did die as a proximate result thereof on or about December 12, 2019 in Dillon County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

FILED
GWEN T HYATT
2022 APR 31 P 12: 12
CLERK OF COURT
DILLON COUNTY

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

William B. Rogers

WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Dillon)
STATE)
VS.)
Joshua Derek Manning)
AKA:)
Race: Black Sex: M Age: 21)
DOB: [redacted] SS#: [redacted])
Address: [redacted] Walker Ct)
City, State, Zip: Dillon, SC 29536-4650)
DL#: [redacted] SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020-GS-17-0073

A/W#: 2019A1710100661
Date of Offense: 12/12/2019
S.C. Code §: 16-23-0490
CDR Code #: 0549

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

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

ATTEST:

Daniel, Shipp — 76085 SC Bar # — Defendant — Edwards, Linward, Attorney for Defendant — 100303 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,

NO SENTENCE BECAUSE "LIFE" SENTENCE ON 2020-GS-17-0077

for a determinate term of ~~1~~ days/months/years/Time Served ☐ Youthful Offender Act not to exceed____ years

MSH MSH

and/or to pay a fine of $_____ ; provided that upon the service of ____ days/months/years/Time Served and or payment of $ ____ ; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

FILED
GWEN HYATT
CLERK OF COURT
DILLON COUNTY
2022 APR 28 P 12:11

The sentence shall run
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
_____ days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

MSH

STATE OF SOUTH CAROLINA)
COUNTY OF Dillon)
STATE)
VS.)
Joshua Darek Manning)
AKA:)
Race: Black Sex: M Age: 21)
DOB: [redacted] SS#: [redacted])
Address: [redacted] Walker Ct)
City, State, Zip: Dillon, SC 29536-4650)
DL#: [redacted] SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020-GS-17-0074

A/W#: 2019A1710100662
Date of Offense: 12/12/2019
S.C. Code §: 16-13-0030(A)
CDR Code #: 3419

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Larceny/Petit or simple larceny - $2,000 or less; Penalty Statute 16-13-0030(A), Misdemeanor, Offense class: U

in violation of § 16-13-0030(A) of the S.C. Code of Laws, bearing CDR Code # 3419

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

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

ATTEST:

Daniel, Shipp 76085 SC Bar # Defendant Edwards, Linward 100303 SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☑ **State Department of Correction,** ☐ **County Detention Center,**

for a determinate term of 30 days/months/years/Time Served ☐ **Youthful Offender Act** not to exceed____ years

and/or to pay a fine of $_____ ; provided that upon the service of ____ days/months/years/Time Served and/or payment of $ ____ ; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

FILED GWEN HYATT CLERK OF COURT DILLON COUNTY 2020 APR 30 P 12:10

The sentence shall run
☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. _____ days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.
☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

MSH

STATE OF SOUTH CAROLINA)
COUNTY OF Dillon)
STATE)
VS.)
Joshua Derek Manning)
AKA:)
Race: Sex: M Age: 21)
DOB: [redacted] SS#: [redacted])
Address: [redacted] Walker Ct)
City, State, Zip: Dillon, SC 29536-4650)
DL#: [redacted] SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020-GS-17-0075

A/W#: 2019A1710100663
Date of Offense: 12/12/2019
S.C. Code §: 16-17-0410
CDR Code #: 0049

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

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

ATTEST:

Daniel, Shipp — 76085 SC Bar # — Defendant — Edwards, Linward — 100303 SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ **State Department of Correction,** ☐ **County Detention Center,**

for a determinate term of 5 days/months/years/Time Served ☐ **Youthful Offender Act** not to exceed____ years

and/or to pay a fine of $_____ ; provided that upon the service of ____ days/months/years/Time Served and or payment of $ ____ ; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

FILED
GWEN HYATT, CLERK OF COURT
DILLON COUNTY
2021 APR 30 P 12:11

The sentence shall run
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
_____ days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.
☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 It is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

MSH

STATE OF SOUTH CAROLINA)
COUNTY OF Dillon)
STATE)
VS.)
Joshua Darek Manning)
AKA:)
Race: Black Sex: M Age: 21)
[redacted] SS#: [redacted])
Address: [redacted] Walker Ct)
City, State, Zip: Dillon, SC 29536-4650)
DL#: [redacted] SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020-GS-17-0076

A/W#: 2019A1710100660
Date of Offense: 12/12/2019
S.C. Code §: 16-11-0330(A)
CDR Code #: 0139

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

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

ATTEST:

Daniel, Shipp 76085 SC Bar # Defendant Edwards, Linward 100300 SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ **State Department of Correction,** ☐ **County Detention Center,**

for a determinate term of 30 days/months/years/**Time Served** ☐ **Youthful Offender Act** not to exceed ____ years

and/or to pay a fine of $ _____ ; provided that upon the service of ____ days/months/years/Time Served and payment of $ _____ ; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

FILED
GWEN T HYATT
CLERK OF COURT
DILLON COUNTY
2020 APR 23 P 2:10

The sentence shall run
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
_____ days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.
☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

MSH

286

STATE OF SOUTH CAROLINA)
COUNTY OF Dillon)
STATE)
VS.)
Joshua Darek Manning)
AKA:)
Race: Sex: M Age: 21)
DOB: [redacted] SS#: [redacted])
Address: [redacted] Walker Ct)
City, State, Zip: Dillon, SC 29536-4650)
DL#: [redacted] SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020-GS-17-0077

A/W#: 2019A1710100659
Date of Offense: 12/12/2019
S.C. Code §: 16-03-0010; 16-03-0020
CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Murder / Murder

in violation of § 16-03-0010, of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

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

ATTEST:

Daniel, Shipp 76085 SC Bar # Defendant Edwards, Linward 100303 SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☑ **State Department of Correction,** ☐ **County Detention Center,**

for a determinate term of LIFE IN PRISON MSH days/months/years/Time Served ☐ **Youthful Offender Act** not to exceed____ years

and/or to pay a fine of $_____ ; provided that upon the service of ____ days/months/years/Time Served and or payment

of $ ____ ; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run
☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

FILED
GWEN HYATT
CLERK OF COURT
DILLON COUNTY
2021 APR 31 P 1 11

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
_____ days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.
☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 It is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

MSH

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,

Lara M Caudy

Lara M. Caudy
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED
Mar 10 2023
SC Court of Appeals

This 10th day of March, 2023.