

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Apr 27 2023

SC Court of Appeals

Appeal from Horry County

Honorable Paul M. Burch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SHAQUILLE KAYSON BLAKELEY,

APPELLANT

APPELLATE CASE NO. 2022-001313

RECORD ON APPEAL

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STATE'S EXHIBITS #16-#22 (PHOTOS)

1 STATE OF SOUTH CAROLINA) TRANSCRIPT OF RECORD
2 COUNTY OF HORRY) CASE NO.: 2022-GS-26-03609,
3 03610, 2021-GS-26-01316

4 ORIGINAL

5 -----
6 September 12-14-2022

7 BEFORE: The Honorable Paul Burch

8 -----
9 STATE OF SOUTH CAROLINA,
10 Plaintiff,
11 vs.
12 SHAQUILLE KAYSON BLAKELEY,
13 Defendant.

 ORIGINAL

14 -----
15
16 APPEARANCES:

17
18 James Stanko, Esq.
19 Joshua Holford, Esq.
20 Appearing for the State/Plaintiff.

21 Nicholas O'Neill, Esq.
22 Appearing for the Defendant.

23 Official Court Reporter
24 Natalie Dahl, RPR

25

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NOTE: Pursuant to Rule 607 (H)(1)(B), SCACR "A Court
REPORTER SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR
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All requests for a copy of the enclosed transcript
shall be sent to: Natalie Dahl, RPR

P.O. Box 762
Conway, SC 29526

* No pretrial motions were had *

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JURY SELECTION

P-R-O-C-E-E-D-I-N-G-S

(Whereupon, State's Exhibits 1-39 were premarked.)

THE COURT: All right. Ladies and gentlemen of the jury, good afternoon to you. We appreciate you working with the clerk's office to get qualified. We now will be seating a jury that the court is calling for trial on Indictments 2022-GS-26-3609, 3610, and 2021-GS-26-1316. With that said, I'll defer to the Solicitor to state the charges.

Do you need these indictments?

MR. STANKO: I have a copy, sir.

THE COURT: Okay.

MR. STANKO: Your Honor, State versus Shaquille Kayson Blakeley. He is charged under true bill 2021-GS-26-01316 with armed robbery; 2022-GS-26-03610 with possession of a weapon during the commission of a violent crime; and 2022-GS-26-03609 with kidnapping.

THE COURT: To these charges, the defendant, Shaquille Blakeley, has entered a plea of not guilty. He is present in court represented by counsel, and we will now go forward with the jury voir dire to seat a jury.

Counsel, anything before we proceed with the jury strikes?

MR. STANKO: Nothing from the State.

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JURY SELECTION

1 MR. O'NEILL: Nothing from the defense, Your
2 Honor.

3 THE COURT: Do you have any voir dire other than
4 my general?

5 MR. STANKO: No, sir.

6 MR. O'NEILL: No, Your Honor.

7 THE COURT: Do I have anyone on the jury panel
8 that is connected by blood or by marriage, has any
9 business, social, religious or fraternal relationship
10 with the defendant, Shaquille Blakeley, who is present
11 in court and seated up here in the white shirt? I'll
12 repeat it. Is anyone related or connected by blood or
13 by marriage to this defendant or have any business,
14 social, religious or fraternal relationship with him;
15 we need for you to raise your right hand or stand at
16 this time, but don't make any comment.

17 I'll have to defer back to Counsel to call out
18 the names of potential witnesses. You handed it to
19 me, but I may have left it -- oh, I've got it; thank
20 you.

21 Same question: Anyone related by blood or
22 marriage or have any connection that is social,
23 business, religious or fraternal relationship with any
24 of these individuals, and correct me if I'm wrong on
25 my pronunciation: Adam Powalie, Sharolyn Powalie,

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JURY SELECTION

1 MR. STANKO: Please present the juror.

2 THE CLERK: Defense?

3 MR. O'NEILL: Please seat the juror.

4 THE CLERK: Juror 133, Ryan Gamble; what say the
5 State?

6 MR. STANKO: Please present the juror.

7 THE CLERK: Defense?

8 MR. O'NEILL: Please seat the juror.

9 THE COURT: Any motions or matters concerning
10 jury selection?

11 MR. STANKO: Nothing from the State.

12 MR. O'NEILL: Nothing from the defense, Your
13 Honor.

14 THE COURT: Thank you, gentlemen. Making sure I
15 have the right instructions. This jury is seated.
16 The ones that remain in the back of the courtroom,
17 call in after 6:00. You are welcome to stay and watch
18 the proceedings if you would so desire. I know it is
19 right here at lunchtime. I have to speak with counsel
20 about our timing, but if you prefer, you can do that,
21 or if you would like to be excused for the rest of the
22 afternoon. We need you to call into that number that
23 is hopefully provided to you at 6:00 o'clock or after
24 for further instructions. Anyone have any questions
25 about the call-in procedure?

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1 MR. BLAKELEY: No, sir.

2 THE COURT: Thank you.

3 (WHEREUPON, THE PROCEEDINGS FOR SEPTEMBER 12,
4 2022 CONCLUDED. THE FOLLOWING WAS HAD ON SEPTEMBER
5 13, 2022 OUT OF THE PRESENCE OF THE JURY.)

6 THE COURT: You may be seated. All right. We
7 have a couple of matters we have to take care of. We
8 have a doctor's excuse for juror Ronald West, a kidney
9 stone situation; so we will need Madam Clerk to draw
10 the name. He's not one of the alternates, is he?

11 MR. STANKO: No, he's not, sir.

12 THE COURT: We'll have to go to our two
13 alternates.

14 MR. STANKO: That is Mr. Gamble or Ms. Miller.

15 THE COURT: All right. Everyone happy if we just
16 let Madam Clerk write the names on a piece of paper
17 and draw them out of a hat or a cup?

18 MR. O'NEILL: That's fine with me, Your Honor.

19 MR. STANKO: Your Honor, just for purposes of the
20 record, it is now 9:51 and the defendant was told to
21 be here, by Your Honor in fact, that we would be
22 beginning at 9:30. It is obviously past that, so the
23 State would indicate to the defense that we still
24 indicate to move forward.

25 THE COURT: Maybe he'll be here in a little bit.

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1 If he comes, Sheriff, waive and we'll get him in here.

2 MR. HOLFORD: Who is the juror, Your Honor?

3 THE CLERK: 389, Mr. West. Ryan Gamble.

4 THE COURT: So Ryan Gamble will move up.

5 MR. HOLFORD: What number was he?

6 MR. STANKO: 133.

7 (Defendant enters the courtroom.)

8 THE COURT: He's here. We were worried about
9 you, Mr. Blakeley.

10 MR. BLAKELEY: No, I was coming; I promise you.

11 THE COURT: All right. I'll catch you up to
12 snuff, as we country people say. One of the jurors
13 had a kidney stone attack and the doctor sent a note
14 up here, so we're replacing him with one of the
15 alternates. All right.

16 Are we ready to go?

17 MR. O'NEILL: The pretrial matter we spoke about
18 yesterday, there was some powder substances found on
19 Mr. Blakeley when he was arrested. He was not charged
20 with those as drugs, so we ask that any mention of
21 them in the record -- we just ask that they not be
22 mentioned at all, Your Honor.

23 MR. STANKO: Yes, Your Honor. We've explained
24 that to the police officers who will be testifying,
25 and they understand they will not mention the drugs.

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1 THE COURT: Please be careful about that, because
2 we hate to have to start all over again later on, so.

3 All right, we're ready.

4 MR. O'NEILL: Your Honor, I'm sorry. We also ask
5 that the witnesses be sequestered, obviously, except
6 for the victim in this case and the lead detective.

7 MR. STANKO: Our victim, Mr. Powalie, and our
8 lead investigator was Sean Wydra with the Horry County
9 Police Department.

10 THE COURT: All right. The rest of them will
11 step back to an appropriate room.

12 (A brief pause in the proceedings.)

13 (The jury enters at 9:56 a.m., and the
14 following is heard in the presence of the jury.)

15 THE COURT: Mr. Foreman, ladies and gentlemen,
16 good morning. Thank you for your patience this
17 morning. We've had a few logistical -- everyone was
18 here at 9:30, but had logistical things we needed to
19 take care of.

20 I'm sure you have noticed that you are missing
21 one of your colleagues; he had a kidney stone attack
22 apparently. The doctor sent in a note for him. So we
23 need to get on the record, again, the alternate that
24 has moved up?

25 THE CLERK: It is Ryan Gamble.

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1 THE COURT: 133.

2 Anything before we put the jury under oath?

3 MR. STANKO: Nothing from the State.

4 THE COURT: Madam Clerk.

5 (Whereupon, the jury was duly sworn.)

6 THE COURT: I just have a few remarks to let you
7 know how we'll proceed, and then I'll turn it over to
8 the attorneys. First thing that is going to happen,
9 after I get through, the attorneys will have an
10 opportunity to make opening statements to you if they
11 so desire. It is not mandatory, but most attorneys
12 take part in opening statements. They are basically
13 an outline to give to you about how the case is going
14 to be presented. What the attorneys say is not
15 evidence, though. The evidence will be testimony from
16 the witness stand and any exhibits introduced into
17 evidence.

18 With that said, the next phase of the trial will
19 be the evidentiary portion where you will receive the
20 evidence. The evidence may take different forms. It
21 could be testimony, it could be photographs, it could
22 be documents, it could be physical type of items,
23 could be demonstrative type of items, whatever
24 evidence it is, it is crucial that you listen and
25 observe the evidence because you will be the finders

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OPENING STATEMENT BY MR. STANKO

1 three televisions at the same time and keep up, and
2 I'm lucky to keep up with one television. So I'll
3 leave that up to your personal choice.

4 All right. The key to being a juror is to listen
5 and observe. Any problems, raise your hand and we'll
6 try to address them.

7 All right. The State has the burden of proof, so
8 they get to go first with opening statement.

9 MR. STANKO: Thank you, Your Honor. May it
10 please the Court?

11 THE COURT: Yes, sir.

12 MR. STANKO: October 9, 2020, Mr. Adam Powalie
13 pulls into the Taco Bell in Socastee. He goes up to
14 the board, orders himself some food, pulls up to the
15 window, pays for the food. They say it is not quite
16 ready yet, can you pull around just to the front door
17 there. He pulls up. While he is sitting there
18 waiting for his food, suddenly an SUV with four people
19 inside pulls right in front of him blocking his way.
20 A woman hops out of that vehicle, points a gun through
21 his windshield, tells him don't move. Of course, his
22 hands immediately go up. They ask him for money. He
23 tells them he doesn't keep any cash on him. He turns
24 to his side and sees a man in the back of that SUV
25 pointing a second firearm out the window at him.

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OPENING STATEMENT BY MR. STANKO

1 Before he can react any further, that woman jumps into
2 his car, sits in the passenger's seat, points a gun at
3 him, and tells him to follow that SUV.

4 For the next 45 minutes to an hour, they drive
5 around to several different ATMs, gas stations, at
6 least five different ones, all throughout the Socastee
7 and Myrtle Beach area having him pull out money the
8 whole time at gunpoint. He gets to the BB&T up in
9 Carolina Forest, pulls \$500 out of his account. While
10 he is doing this, you see him on the camera pull the
11 money, looks over to his left, off camera, holds up
12 the money, puts it back down in his pocket, and
13 immediately walks back off camera. Then you see two
14 vehicles pass by the camera.

15 Approximately 10 minutes later, those same
16 vehicles show up at the Circle K on Waccamaw
17 Boulevard, still in the Myrtle Beach section of Horry
18 County. You see a video of him going inside and
19 trying to use his card again at the ATM. About a
20 minute after he walks inside, a small black female
21 walks into the aisle behind him, acts like she's
22 looking at candy, but keeps peering over at him. You
23 see him -- I don't know what is going on, but he's not
24 able to pull any money. He has maximum money that has
25 been met, so he couldn't pull out money. So they had

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OPENING STATEMENT BY MR. STANKO

1 to regroup. They started to go right across the
2 street on the Days Inn on Waccamaw Boulevard. They
3 make him rent a room and tell the front desk clerk
4 that he's just a Uber driver, he'll be hanging out
5 with them. They go upstairs to a room on the
6 fifth floor of that Days Inn where they have a lengthy
7 conversation trying to figure how they will get more
8 money.

9 This whole time, two of them still had guns on
10 him. One of the women has a pistol, and the only man
11 who is with them had an AR-style pistol. It looks
12 like a rifle, just a bit shorter. It is the only one,
13 the entire time, that has possession of that rifle.
14 They even have Mr. Powalie call his wife to see if she
15 can sign over title to the truck, to see if she has
16 any extra money in savings. The whole time he's on
17 the phone with his wife, they are in the room at this
18 Days Inn with two different firearms pointed at him.

19 Now, he still owes money on the vehicle, so they
20 are not able to get money. There is a lien on it from
21 the bank; the bank owns that car, can't sign it over.
22 He has no more cash. He already gave them all his
23 cash. So they decide they are going to go to the DMV
24 and see if he can sign it over to them. They decide
25 they'll go to sleep and figure it out in the morning.

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OPENING STATEMENT BY MR. STANKO

1 They make him sleep on the ground, the far side of the
2 bed. So this is a standard Days Inn room; you have
3 two queen sized beds, and then they put him on the
4 floor. They give him a blanket, but he sleeps on the
5 floor.

6 While this is going on, as soon as they left the
7 Taco Bell, workers had called 911. Police respond to
8 Taco Bell, and they are told by the Taco Bell
9 employees exactly what went down. One of them points
10 to the drive-thru way and says, I think that fell out
11 of his car. Officers go over and look down at
12 Mr. Powalie's driver's license. So they have his
13 driver's license and license plate.

14 Several different police officers begin scouring
15 the area. They are looking at gas stations, ATMs,
16 looking for hotels, anywhere that they potentially
17 could find him.

18 Now, fast-forward probably about an hour and 15
19 minutes, hour-and-a-half. They are going to many,
20 many different areas. One of the officers finally
21 locates those vehicles. They go inside the hotel, get
22 a key from the clerk, go upstairs to the room, kick in
23 the door. Now, when they first tapped the key to the
24 lock, there is a chain on it, so it takes probably 15,
25 20 seconds for them to get inside.

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OPENING STATEMENT BY MR. STANKO

1 The police come in that room, and the three
2 females who were in the two vehicles have hands up.
3 Immediately, they are all on the beds. Police clear
4 the room. They think it is completely clear. One of
5 the officers notices a rifle against the wall. As he
6 steps towards getting that rifle, he realizes there is
7 a person hiding underneath the bed. They all
8 challenge him, guns drawn, flip the mattress to the
9 side and pull him out. That person struggles a little
10 bit, but ultimately they're able to put him in
11 handcuffs. That person, the only person who hid from
12 the police, the only person who you will hear
13 testimony about is the only person who handled that '
14 rifle is Mr. Shaquille Blakeley. As soon as they
15 secure all of those people, they notify Ms. Powalie's
16 wife that he has been rescued.

17 Mr. Blakeley is charged with armed robbery,
18 kidnapping, and possession of a weapon during the
19 commission of a violent crime.

20 Now, let's address the elephant in the room.
21 We've all seen it: Mr. Blakeley is in a wheelchair.
22 Most scenarios you would figure someone, a handicapped
23 person, might not be able to accomplish something like
24 this. He had three different people with him. Like
25 the old saying: A firearm is a great equalizer.

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OPENING STATEMENT BY MR. O'NEILL

1 At least half of this whole situation involved
2 people seated in vehicles. While Mr. Powalie is going
3 around to all of the ATMs, Mr. Blakeley is seated in
4 the other vehicle with that rifle on him; that is why
5 he has to hold up the money. He has to show him that
6 he's doing everything that has been required of him to
7 do. It is not a matter of him being able to suddenly
8 escape. None of us can run 3,000 feet per second; I
9 can't, he can't. He understands if he does anything
10 he is not supposed to, there is a likelihood that he
11 will fire that weapon. You don't need to be big or
12 small, fast or slow; someone with a rifle like that
13 has control over you.

14 Ladies and gentlemen, you are going to hear from
15 a number of witnesses everything that I've just laid
16 out; it will kind of outline our case. After you've
17 heard evidence from the box, there is only one
18 conclusion you can make: Mr. Blakeley is guilty of
19 all three charges. Thank you.

20 THE COURT: Thank you, Solicitor.

21 Counsel.

22 MR. O'NEILL: Morning. My name is Nick O'Neill.
23 I, along with Eric Fox, represent Mr. Blakeley.
24 Mr. Blakeley is charged with kidnapping, armed
25 robbery, and possession of a weapon during the

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OPENING STATEMENT BY MR. O'NEILL

1 commission of a violent crime.

2 On October 9, 2020, the police are looking for
3 Adam Powalie. They kick in a hotel room door. In
4 that hotel is Adam Powalie, Shaquille Blakeley, and
5 three women. Now, the police ask Mr. Powalie what
6 happened, and he tells him his story. After he tells
7 them his story, the police arrest everybody else,
8 charge them with kidnapping and armed robbery. But
9 the State has the burden in this case, and I want you
10 to look at what evidence the State has to have to
11 corroborate that story, support that story, and what
12 evidence you don't see.

13 They say this is a kidnapping and armed robbery,
14 but is this something else? When they kick in that
15 door, is Mr. Powalie tied up? When he's going around
16 to the ATMs around town, does he seem like he's
17 kidnapped? Is he acting like he's been arm robbed?
18 What evidence, if any, do they have that lays anything
19 on my client? Do they have his fingerprints on these
20 weapons? Any on the vehicles? His DNA? What about
21 any security camera footage? They are at a bunch of
22 ATMs, a Taco Bell, but is my client on anything that
23 shows that he was a part of these supposed crimes?

24 The State has the burden of proof in this case.
25 The burden is beyond a reasonable doubt. Like the

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AMANDA BURGESS - DIRECT EXAMINATION

1 Judge told you, he is going to explain more what that
2 means; but, really, it means at the end of the trial
3 being firmly convinced of Mr. Blakeley's guilt. If
4 you have a reasonable doubt in your mind about his
5 guilt, if you are not firmly convinced of it at the
6 close of all of the evidence and testimony, then you
7 must find him not guilty. As jurors, you brought your
8 common sense with you today. I just want you, when we
9 go through the evidence, to look at it with an open
10 mind. Look at what they show and what they don't
11 show.

12 At the end of everything, I think you will find
13 that the State can't reach its burden in this case.
14 They don't have the evidence to support these charges,
15 and that you will find my client not guilty.

16 THE COURT: Call your first witness.

17 MR. STANKO: Thank you, Your Honor. State calls
18 Amanda Burgess.

19 (AMANDA BURGESS, having been duly sworn,
20 testified as follows:)

21 DIRECT-EXAMINATION

22 BY MR. STANKO:

23 Q Ms. Burgess, good morning.

24 A Good morning.

25 Q Let me begin with where are you from?

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AMANDA BURGESS - DIRECT EXAMINATION

1 A I'm from New Jersey.

2 Q How long have you lived down here in Horry
3 County?

4 A Three years.

5 Q Three years. Okay. And back in October of 2020,
6 where were you working?

7 A Taco Bell.

8 Q And how long have you worked there?

9 A At that time, about a year-and-a-half.

10 Q Okay. Which Taco Bell was that?

11 A Socastee.

12 Q Do you happen to recall were you working on the
13 night -- I guess it would have been the night of
14 October 8th, or the October morning of October 9th of
15 2020?

16 A Yes, sir.

17 Q Are you familiar with the -- with the events that
18 took place in this case that evening?

19 A Yes; I saw it all.

20 Q Just from as far back as you can remember on that
21 day, could you tell us what happened?

22 A A guy had ordered food and it wasn't ready, so I
23 told him to pull on the side of the Taco Bell.

24 Q And is that -- what is the procedure, typically,
25 when they -- when someone orders like that?

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AMANDA BURGESS - DIRECT EXAMINATION

1 A So say someone is behind him, we try to do the
2 time. You know, it is like a time thing. So if it's
3 not ready, if his is not ready, we pull him, and then
4 we get the next order, and so on and so forth.

5 Q So he ordered at the kiosk or the speaker?

6 A The speaker, and then he came to the window and
7 paid with his card, and then I told him his food wasn't
8 ready.

9 Q And how far around do they typically pull you
10 when you tell them to move forward?

11 A Like, the drive-thru is right here, so like the
12 door on this side, like right around the corner.

13 Q Okay.

14 A The front doors.

15 Q I'm going to show you what is marked as State's
16 Exhibit 1; do you recognize that?

17 A Yeah. You would pull -- well -- okay. The
18 drive-thru is right here. Is that -- yeah, pull here,
19 and go -- that is the drive-thru.

20 Q So you are saying he pulled around to the area --

21 A Right here. Yeah. Right there.

22 Q Is there a door right in front of him?

23 A Yeah, like two -- yeah, one door, yes.

24 Q And that faces Socastee Boulevard?

25 A Yes. That's the door we come out of.

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AMANDA BURGESS - DIRECT EXAMINATION

1 Q So he was parked right there. Do you know about
2 how long, typically, people are parked there waiting
3 for food?

4 A Like, no more than five minutes, at the most.
5 Probably a couple of minutes. We were short-staffed
6 that night, too, so you know.

7 Q And after he pulled to the front waiting on his
8 food, did you -- did you notice anyone else around?

9 A I did actually, before I pulled him. There was a
10 white SUV kind of alongside, but I didn't think
11 anything of it, I mean, at the time.

12 Q Had they been there a while?

13 A So he had ordered and paid for his food, and I
14 just seen them out of the corner of my eye when he was
15 paying for his food, the white SUV on the side.

16 Q But they hadn't been there for 20 minutes or
17 anything like that?

18 A No. No. Just like right then and there. As
19 long as for him to pay for his food, that's it. And
20 then I guess he followed, but I didn't notice.

21 Q Okay. So walk us through what happened next.
22 His food was ready?

23 A Yeah, his food became ready. Yeah. I brought it
24 out, and the red truck was right here I guess when he
25 pulled in, and then there was a white SUV on the side

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AMANDA BURGESS - DIRECT EXAMINATION

1 of him. There was a bunch of people out there with
2 him, and there was someone in the back seat of the red
3 truck with the guy, and then there was another person
4 that had gotten out, two black people, but I think
5 there was like four altogether. I stood there for a
6 second because I was shocked, scared. The guy in the
7 red truck, in the back, told me to not move, and then
8 later on he told me to give the guy his food. The guy
9 that was being kidnapped, robbed, had his hands up like
10 this. I could see him in the car.

11 Q Did anyone get in his car with him?

12 A Yes.

13 Q And you testified just a moment before there was
14 another person in the back of the other car who had a
15 gun?

16 A There was two people that had guns, I believe, if
17 I'm -- yeah, I know for sure.

18 Q Okay. After that first person got into the --
19 got in the red truck, what happened next?

20 A They got into the passenger's of the red truck,
21 and then that's when -- I know it was a guy in the back
22 seat of the red truck told me to hand him the food, and
23 I hurried up. I honestly don't remember if he grabbed
24 it, but I believe I just tossed it to him. I was
25 scared. And then I just ran right back inside Taco

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AMANDA BURGESS - DIRECT EXAMINATION

1 Bell. Thankfully, I put a rock in the door, so.

2 Q Why would you need to put a rock in the door?

3 A Because it shuts and I couldn't get back in if I
4 didn't.

5 Q So late at night, the restaurant locks up?

6 A Yeah. Someone would have had to open the door
7 for me.

8 Q When you ran inside, what did you do next?

9 A I was like frantic and told my manager this guy
10 is getting robbed. I didn't know he was being
11 kidnapped at the time, but I knew robbed, that they
12 needed to call the police, because I didn't have my
13 phone on me at the time.

14 Q Do you know if anyone called the police?

15 A Yeah. My manager, Dominique, at the time did. I
16 believe she did, yes.

17 Q When she called police, what did you do next?

18 A Everybody came to me because I was scared. We
19 ran outside, and the white SUV had taken off to the
20 right on Socastee Boulevard, and then the red truck
21 followed. I tried to run after the red truck like an
22 idiot, just to see if he was okay, but by that time
23 they weren't stopping.

24 Q And, once again, to show this other map, you are
25 saying where they began here --

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AMANDA BURGESS - DIRECT EXAMINATION

1 A This way.

2 Q So they went that way down the street.

3 Did you happen to see if they went anywhere after
4 that, or they just disappeared?

5 A No. But the white Jeep's back door was opened at
6 the time. I think it was opened somehow when they
7 drove off.

8 Q Okay. All right. And they both took that right?
9 The red truck was following --

10 A The white SUV went first, and I seen -- the
11 person who jumped in the passenger's side, and I guess
12 was told, whatever, to follow him, because he went to
13 the right, too.

14 Q Okay. And after that, police arrived at the Taco
15 Bell?

16 A Yes.

17 Q They had a conversation with you?

18 A Yes. The whole staff, really, but, yes. But
19 mainly me.

20 Q Now, once police got there, did you observe
21 anything else?

22 A Yes. There was actually a book bag, like, right
23 where the two vehicles were. His license -- the guy
24 that had got robbed, his actual license was on the
25 ground, so they knew exactly who it was. That they had

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AMANDA BURGESS - DIRECT EXAMINATION

1 gotten --

2 Q Were you able to -- when those vehicles were
3 leaving, were you able to take down or remember any
4 license plate information?

5 A Honestly, no. It was just too much. I didn't.

6 Q But --

7 A It was a beat-up white SUV, I know that, and a
8 nice red truck.

9 Q But you were able to point out to the police that
10 the driver's license was in the drive-thru there?

11 A Yes. Yes. It was not even in the book bag. I
12 guess they went through his wallet, and it fell out,
13 apparently, which was a good thing.

14 Q And after you showed police the driver's license
15 there, did you have any further involvement in the
16 case?

17 A Well, they didn't let us leave, obviously, until
18 they got the people. So I guess they got them that
19 night because they finally let us leave after a couple
20 of hours.

21 Q All right.

22 MR. STANKO: I have nothing further for this
23 witness. Please answer any questions the defense may
24 have.

25

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AMANDA BURGESS - CROSS-EXAMINATION

1

2

CROSS-EXAMINATION

3

BY MR. O'NEILL:

4

Q Good morning.

5

A Morning.

6

Q Now, at the time you told police that you thought someone had a gun because you saw the driver with his hands up; is that right?

9

A I said I saw the driver with his hands up, but I also saw guns, too.

11

Q With the person who got out of the car?

12

A Yes, and one in the back seat when he rolled the window down.

14

Q And that is in the red truck?

15

A Yes.

16

Q And you told the police that you thought it was three or four black dudes?

18

A I thought it was. But I know the one in the back seat was a black dude because he talked to me and I had eye contact with him.

21

Q So you thought they were all black dudes?

22

A I mean, yeah, I did. I'm not going to lie; I thought they were.

24

Q And the ID on the ground, you saw that and told police about it?

25

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AMANDA BURGESS - REDIRECT EXAMINATION

1 A Yes.

2 MR. O'NEILL: Nothing further.

3 REDIRECT-EXAMINATION

4 BY MR. STANKO:

5 Q Just a bit of clarification. The victim in this
6 case, he was in a red truck?

7 A Yes.

8 Q And he was all by himself?

9 A All by himself.

10 Q And the second vehicle that pulled up was a white
11 SUV?

12 A Yes, sir.

13 Q And the black male who you said had the gun, he
14 was in that --

15 MR. O'NEILL: Objection; leading.

16 Q (MR. STANKO) Where was the black male with the
17 gun you saw?

18 A He went into the passenger's red truck, and the
19 other one was in the driver's back seat.

20 Q Okay. And, again, just by way of clarification,
21 the person who first got out of the SUV, the only
22 person who was outside of the vehicle, where did they
23 wind up?

24 A In the passenger's red truck.

25 Q Okay. And you mentioned that there was a person

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 in the driver's side, back seat?

2 A Yes. That is the one that talked to me. That is
3 how I knew he was a male, because I heard his voice.

4 MR. STANKO: Nothing further.

5 THE COURT: Anything further?

6 MR. O'NEILL: No, Your Honor.

7 MR. STANKO: Please excuse the witness.

8 MR. HOLFORD: We call Sharolyn Powalie.

9 (SHAROLYN POWALIE, having been duly sworn,
10 testified as follows:)

11 THE WITNESS: Sharolyn Kathleen Powalie.

12 DIRECT-EXAMINATION

13 BY MR. HOLFORD:

14 Q Hi, Ms. Powalie.

15 A Hi.

16 Q Will you tell this jury a little bit about
17 yourself, who you are, where you live.

18 A I'm Sharolyn Powalie. I live in Socastee in
19 Cimarron. I'm a hospice nurse.

20 Q Have you ever testified in a trial before?

21 A No.

22 Q Are you a little nervous?

23 A Yes.

24 Q How are you related to this case?

25 A The victim is my husband.

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 Q How long have you been married to Mr. Powalie?

2 A 28 years.

3 Q And how long have you guys lived in Horry County?

4 A 23 years.

5 Q Back on October 9th, early morning hours, 2020,

6 tell this jury what happened from your perspective.

7 Start with where was your husband and where were you?

8 A I was at home, and I was sleeping. My husband
9 had been over at his brother's house watching football.

10 It was Thursday night. He's a big football fan.

11 Q Where was his brother's house in relation to
12 yours?

13 A It is a little -- couple of miles, three or
14 four miles away over in Hunters Ridge.

15 Q If I showed you a map of that area, would you be
16 able to identify approximately where it is?

17 A Yes.

18 MR. HOLFORD: Your Honor, may I approach the
19 witness with what is marked as State's Exhibit 3?

20 THE COURT: Yes, sir.

21 Q (MR. HOLFORD) I'll show what is marked for ID as
22 State's 3; are you familiar with what this exhibit is?

23 A Yes.

24 Q Are you familiar with this area of the map?

25 A Yes.

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 Q Does it appear to be a true and accurate
2 reflection of that area?

3 A Yes.

4 MR. HOLFORD: Your Honor, at this time the State
5 seeks to introduce State's 3 in evidence.

6 MR. O'NEILL: No objection.

7 THE COURT: State's 3 in without objection.

8 (State's Exhibit 3 admitted.)

9 MR. HOLFORD: Can I have the witness step down to
10 point for the jury?

11 THE COURT: Sure.

12 Q (MR. HOLFORD) Remember, the court reporter has
13 to take down what you are saying. She's right there,
14 so speak loud enough for the jury and for her to hear.

15 All right. So we have 707 here. This is 501.
16 It branches off down do 544 and Dick Pond. About
17 where do you live on this map?

18 A I live right here (indicates).

19 Q You don't need to say your address, but right
20 down here?

21 A Yes.

22 Q And where does your brother-in-law or husband's
23 brother live?

24 A Right back here (indicates).

25 Q Okay. So tell the jury -- your husband is over

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 at his brother's house watching football; what happens?

2 A I was asleep. It was early in the morning, I
3 heard a knock on the door, but I was home by myself, so
4 I didn't answer it. I started calling my husband and
5 trying to get him, because I'm like who is trying to
6 get into my house in the middle of the night. I looked
7 out the window -- I wear contacts or glasses, and I
8 didn't have either one of them. I was looking out the
9 window, and all I saw was a person walking around in
10 the yard with a flashlight, which I thought maybe
11 someone was trying to get into the house, so I didn't
12 go to the door still.

13 I continued to call my husband. I was getting
14 mad because he always answers me and, you know, calls
15 me back at least. And then as that person -- I went
16 to sneak around the house to make sure no one was in
17 my house. Then I decided, well, maybe my husband --
18 he is not here or answering, maybe he was in an
19 accident. Maybe I should try to find him, and my
20 brother-in-law didn't answer me at that time either.

21 Q Did you leave your house?

22 A I did.

23 Q Show us which direction did you go and why did
24 you go that way, and where were you headed?

25 A I was trying to see if my husband's car or truck

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 was somewhere in between his house or my house. As I
2 started to wake up, you know, because you are not awake
3 when someone is knocking on the door, I thought maybe
4 it was a cop trying to tell me that he was in an
5 accident. So I thought, well, if I see an accident,
6 you know, I'll see his truck. So I started driving the
7 way we had always gone to his house.

8 Q Can you just show the jury on here the direction
9 you would have traveled to get to your brother-in-law's
10 house?

11 A My house is right here. I drove out this road
12 and then drove onto 707. I did see something going on
13 here, but I didn't stop because I did not see a truck,
14 my husband's truck, so I continued on. I came down to
15 here, and I believe this is the one that goes across
16 the waterway. I came across the waterway, and pretty
17 much the only way you can go -- you can go this way,
18 but we always go this way when we go to his house. I
19 came here. About right there is where I got the phone
20 call.

21 Q What phone call did you get when you are here on
22 the road? Are you still traveling at that point?

23 A I'm still driving at this point, but I got a
24 phone call from someone my husband works with and that
25 was a friend of my husband's and my son's. So I

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 answered it. He asked me where my husband was, and I
2 said I don't know, you tell me. I'm out looking for
3 him.

4 Q What was that person's name?

5 A Dalton Davis.

6 Q Who is Dalton Davis; how is he related to you?

7 A Like I said, my husband and he work together as
8 managers in restaurants. He is a good friend of my
9 husband's and of our family. I have known him since he
10 was in elementary school. They worked together at the
11 time. So, again, I answered the phone and I said, you
12 know, why are you asking. He said I was on the phone
13 with Adam and he said --

14 MR. FOX: Objection, Your Honor.

15 Q (MR. HOLFORD) You are not allowed to tell the
16 jury what your husband said, he'll testify.

17 A I'm not saying what he said; I'm saying what
18 Dalton said.

19 Q You can't say what Dalton said either.

20 A Oh, okay. Okay. So I continued on to see and
21 came here. I didn't see his truck there, didn't see
22 his truck anywhere. I came around and came back. And
23 then --

24 Q And then where did you go after you came to your
25 brother-in-law's house and didn't see his truck?

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 A I just kept driving.

2 Q Where did you drive back to?

3 A Taco Bell.

4 Q Why did you go to Taco Bell?

5 A Because I was told to by the phone call.

6 Q Okay. During the phone call with Dalton, you had
7 reason to go to Taco Bell?

8 A Uh-huh. You want me to sit down?

9 Q Yeah, if you don't mind.

10 Did you have reason to believe that your husband
11 might have been at that Taco Bell?

12 A Yes.

13 Q When you got to the Taco Bell, what did you see?

14 A A lot of cops. So I got out of my car and
15 started walking towards the Taco Bell to see if I could
16 figure out what was going on.

17 Q Did you see your husband or his truck there at
18 that time?

19 A No, I did not.

20 Q When you got there, were you able to determine
21 who they were looking for, who the police were looking
22 for?

23 A I was, yes.

24 Q And who was that?

25 A It was my husband they were looking for. I knew

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 that because the officer had my husband's driver's
2 license on his walkie-talkie -- microphone -- whatever
3 that is called.

4 Q So the officer has your husband's license. You
5 have been trying to call him; are you able to get in
6 touch with your husband at that point?

7 A No.

8 Q So what do you do?

9 A I talked with the cops and they were trying to
10 figure out where -- you know, what happened, what might
11 have -- who might have taken him, why he was taken,
12 what was going on. They asked me to look at some
13 evidence on the ground to see if it might have been my
14 husband's, which it wasn't. I talked to the Taco Bell
15 lady, and she told me what was going on.

16 Q Did you ever show anything to the police that
17 might have aided them in their investigation?

18 A Yes. They asked me -- we were trying to see if
19 we could figure out on the phone if T-Mobile could
20 figure out where he was on the phone, and we also
21 looked at bank accounts to see if he withdrew any
22 money.

23 Q And did you pull up your bank account on your
24 phone?

25 A I did.

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 Q I'll show you what is marked as State's 13 for
2 ID; are you familiar with what State's 13 is?

3 A Yes.

4 Q How are you familiar with that?

5 A I've been shown that and said it was correct.

6 Q Is this your phone?

7 A Yes.

8 Q Is that a picture of your phone showing your bank
9 account?

10 A Yes.

11 Q Is it a true and accurate copy of what you showed
12 the police that night?

13 A Yes.

14 MR. HOLFORD: At this time the State seeks to
15 introduce State's 13 into evidence.

16 MR. O'NEILL: No objection.

17 THE COURT: In without objection.

18 (State's Exhibit 13 admitted.)

19 Q (MR. HOLFORD) Did you see a withdrawal from your
20 bank account that night?

21 A I did.

22 Q Could you tell where that withdrawal was from?

23 A We couldn't exactly tell because it says, I
24 think, Conway Carolina Forest.

25 Q Were you able to tell what bank it was withdrawn

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 from?

2 A Yes.

3 Q What bank was that?

4 A The BB&T.

5 Q So you told police there has been a withdrawal
6 from my bank account from the BB&T?

7 A Yes.

8 Q All the while trying to assist them in finding
9 your husband?

10 A Yes.

11 Q Does your bank account also show a debit for a
12 Taco Bell in there?

13 A Yes.

14 Q After you showed the police the bank account --
15 well, let me ask you this: Is this picture, it has a
16 timestamp of your phone, did they take a picture
17 immediately when you showed it to them, or did you show
18 it to them and they did their investigation and then
19 later came back?

20 A They came back and asked for it later.

21 Q That way they could document what you had shown?

22 A Yes.

23 Q Now, while you are there at the Taco Bell, what
24 else occurred? What else were you able to help police
25 with their investigation?

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 A While I was at the Taco Bell, I got a phone call
2 from a unknown caller ID that they told me to answer.

3 Q Had you gotten any phone calls from your
4 husband's phone --

5 A No.

6 Q -- that night?

7 A No.

8 Q Let me ask you this: When you were calling your
9 husband's phone, was it ringing through?

10 A No.

11 Q What was happening?

12 A It was just hanging up and going right -- you
13 know, just like it was turned off or not getting any
14 service or something.

15 Q Now, you said you got a phone call from a no
16 caller ID, did you actually answer that phone call?

17 A I did answer the phone call, yes.

18 Q I'm going -- I'll show you what is marked as
19 State's 14 for identification.

20 A Yes.

21 Q Are you familiar with what this picture is?

22 A Yes; that's my phone with the phone call.

23 Q Is it a true and accurate copy of a picture of
24 your phone of that phone call?

25 A Yes.

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 MR. HOLFORD: State would seek to introduce
2 State's 14 into evidence.

3 MR. O'NEILL: No objection.

4 THE COURT: In without objection.

5 (State's Exhibit 14 admitted.)

6 Q (MR. HOLFORD) What time did that phone call come
7 in?

8 A It says 2:18.

9 Q 2:18 a.m. Does it say how long it lasted?

10 A About five minutes.

11 Q That came from a no caller ID?

12 A Yes.

13 Q But you answered it?

14 A Yes, because I was told to.

15 Q Have you heard a copy of that phone call?

16 A I have.

17 Q I'll show you State's 4; are you familiar with
18 what State's 4 is?

19 A I am.

20 Q And how are you familiar with what State's 4 is?

21 A I have been shown the CD with the phone call on
22 it.

23 Q Have you reviewed this DVD?

24 A I have.

25 Q And does it contain a true and accurate copy of

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 the phone call that you received that day?

2 A It does.

3 MR. HOLFORD: Your Honor, at this time the State
4 would seek to introduce State's 4 into evidence.

5 MR. O'NEILL: Your Honor, I object. I think that
6 lacks the foundation of -- the other side of the phone
7 call certainly, but the other side of the phone call
8 would be hearsay, Your Honor.

9 MR. HOLFORD: Your Honor, the foundation is the
10 phone call is what is purported to be; it's the phone
11 call that she heard. It is the phone call that the
12 police heard. She will be able to authenticate her
13 husband's voice, certainly, and the defense can either
14 say it is the defendant and, therefore, it is not
15 hearsay; or they can object and then they don't
16 necessarily a standing to object to whoever the other
17 person they claim is on there.

18 THE COURT: I'll overrule the objection. You may
19 proceed.

20 MR. HOLFORD: Thank you. Court's indulgence.

21 (A brief pause in the proceedings.)

22 Q (MR. HOLFORD) Ms. Powalie, can you see what is
23 on the TV screen here?

24 A Yes.

25 Q Pull up where -- where are we in this video?

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 A In the parking lot at Taco Bell.

2 Q And can you see the timestamp? Does it have a
3 date and timestamp?

4 A It does; I can't see it.

5 Q Okay. 10/9/2020 at 2:17; is that about the time
6 we're talking about?

7 A Yes. Yes.

8 Q You reviewed this video before?

9 A I have.

10 Q And you are on the video?

11 A I am.

12 (Published to the jury.)

13 Q (MR. HOLFORD) At 2:18:18, who is this on the
14 video?

15 A Me.

16 Q Is that you answering the phone call you told the
17 jury about?

18 A It is.

19 (Published to the jury.)

20 Q (MR. HOLFORD) Whose voice is that on the other
21 side of the phone?

22 A My husband's.

23 Q How long have you been married?

24 A 28 years.

25 Q You are sure that's him?

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 A I'm sure.

2 (Published to the jury.)

3 Q (MR. HOLFORD) Is there another person on that
4 phone call?

5 A There is.

6 Q Did you know who that was at the time?

7 A I did not.

8 (Published to the jury.)

9 Q (MR. HOLFORD) What request did he tell you
10 there?

11 A He is saying that he has a drug addiction.

12 Q Does your husband use drugs?

13 A No, he does not.

14 Q Have you ever known him to use drugs?

15 A No.

16 Q Has he ever been to rehab before?

17 A No.

18 Q Does he have a drug addiction?

19 A No.

20 Q Being married for 20-something years, would you
21 know if he had a drug problem?

22 A I would know.

23 (Published to the jury.)

24 Q (MR. HOLFORD) Did you have a joint bank account
25 with him?

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 A Yes.

2 Q Did you know him to be in debt to anyone?

3 A No.

4 Q To your knowledge, did he owe any sum of money to
5 anyone?

6 A No.

7 Q Did he owe anyone the title to the truck?

8 A No, he did not.

9 Q Did you actually own that truck outright?

10 A No, we did not. We were making payments on the
11 truck.

12 Q Did you or he, to your knowledge, owe any money
13 to anyone?

14 A No.

15 Q Is what he was telling you there strange? Was it
16 normal?

17 A It was very strange, confusing, as you can see in
18 the video.

19 (Published to the jury.)

20 Q (MR. HOLFORD) I don't want to belabor it, but
21 did you owe two grand?

22 A No.

23 Q Did you owe anyone one grand?

24 A No.

25 Q At the end of that, you said the car is not paid

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 for; what were you instructed to do?

2 A He said to get the title to that car.

3 Q After that phone call, you talked about a couple
4 of things that may have been off or different about
5 that phone call; tell the jury a little more why that
6 was strange to you.

7 A Well, it was strange because, I mean, my husband
8 should have come back home. He was just going to his
9 brother's house to watch football and coming straight
10 home. He didn't owe anyone money. He couldn't give
11 away a truck that he didn't own. You can't sign over a
12 title to something he didn't have. He told me he loved
13 me, which we don't really say on the phone, so I knew
14 that he was in trouble because of what he was saying to
15 me. You know, it was -- I knew -- the more I talked,
16 the other voice was getting louder, you know, trying to
17 say -- you know, tell him what to tell me to do, so.

18 Q In your experience of having been married 20-plus
19 years, was that normal behavior from your husband? Was
20 he out doing what he wanted to do just acting normally?

21 A No.

22 Q Acting out of his own volition?

23 MR. O'NEILL: Objection; speculation.

24 A No.

25 Q (MR. HOLFORD) Did it seem like he was making the

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SHAROLYN POWALIE - DIRECT EXAMINATION

1 decisions to you?

2 A No. He sounded very scared.

3 Q Were you eventually reunited with your husband
4 that early morning?

5 A I was.

6 Q About what time was that?

7 A Around -- between 5:00 and 6:00 in the morning.

8 Q Is there anything -- well, I mean, let me ask you
9 this: Did you, at the time, back on October 9, 2020,
10 did you know Shaquille Blakeley?

11 A I did not.

12 Q Did you or your husband have a relationship with
13 him?

14 A We did not.

15 Q Did you have his phone number?

16 A No.

17 Q Had you ever talked to him before?

18 A No.

19 Q Are you friends?

20 A No.

21 Q Did you have any interaction?

22 A No.

23 Q Acquaintances?

24 A No.

25 Q Did you know any of the females who were also in

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SHAROLYN POWALIE - CROSS-EXAMINATION

1 the hotel room?

2 A I did not.

3 Q Were they friends or acquaintances of you or your
4 husband's?

5 A No.

6 Q Did you owe any of them money?

7 A No.

8 Q Had you ever had any interaction, whatsoever,
9 with those people before?

10 A I did not.

11 Q You know who he is today?

12 A Today, yes.

13 Q But here we are two years later and you have been
14 living with this case, right?

15 A Yes.

16 MR. HOLFORD: No further questions for this
17 witness.

18 THE COURT: All right.

19 CROSS-EXAMINATION

20 BY MR. O'NEILL:

21 Q Ms. Powalie, during the phone call you talked
22 with the police?

23 A Yes.

24 Q So you don't know the scenario of the other side
25 of the phone call, what is going on in that time?

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SHAROLYN POWALIE - CROSS-EXAMINATION

1 A No, other than what I was told what happened.

2 Q And you were later told that there was some
3 females in the hotel room with him?

4 A Correct.

5 Q You didn't know that at the time, but later you
6 were told?

7 A Yes.

8 Q Were you aware there was another male at the
9 hotel?

10 A Not at that time.

11 Q Not at that time, but you learned later?

12 A Yes; but my understanding is that he wasn't in
13 the hotel room.

14 Q But he was at the hotel?

15 A Yes; in the car.

16 Q The things your husband said to you, you don't
17 think -- about having a drug problem, about being in
18 debt, you don't believe any of those to be true?

19 A No.

20 MR. O'NEILL: Thank you, ma'am.

21 MR. HOLFORD: I'll ask that this witness be
22 excused and remain in the courtroom with her husband.

23 MR. O'NEILL: No objection, Your Honor.

24 MR. STANKO: Next the State calls Donald
25 Kobithen.

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DONALD KOBITHEN - DIRECT EXAMINATION

1 (DONALD KOBITHEN, having been duly sworn,
2 testified as follows:)

3 THE WITNESS: Donald, K-O-B-I-T-H-E-N.

4 DIRECT-EXAMINATION

5 BY MR. STANKO:

6 Q Officer, good morning.

7 A Good morning.

8 Q Who is it you work for?

9 A Horry County Police Department.

10 Q How long have you worked there?

11 A About six-and-a-half years.

12 Q What is your official job title?

13 A Currently, corporal in the north precinct.

14 Q And describe for the jury what are some of your
15 job responsibilities?

16 A Respond to daily calls for service ranging from
17 anything like larceny to shootings or anything like
18 that.

19 Q And are you assigned to a particular area of the
20 county?

21 A I am. Anything north of 501 is pretty much my
22 current area.

23 Q You were working for the Horry County Police
24 Department back in October of 2020?

25 A Yes, sir.

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DONALD KOBITHEN - DIRECT EXAMINATION

1 Q Where were you assigned at that point?

2 A To the south precinct.

3 Q The south precinct?

4 A Pretty much from 501 south to the Georgetown
5 County line, from the beach to Highway 31, essentially.

6 Q Would that include the Socastee area?

7 A Yes, sir.

8 Q Were you on duty the evening of October 8th and
9 morning of October 9th?

10 A I was.

11 Q And did you happen to become involved in this
12 case?

13 A I did.

14 Q How did your involvement in this case begin?

15 A Original call for service was dispatched out as
16 an armed robbery, possible kidnapping. I responded to
17 the area of Taco Bell, 4720 Socastee Boulevard in the
18 Myrtle Beach section of Horry County. Once on scene
19 there, I received information that the victim was in
20 the drive-thru of the Taco Bell in a red pickup truck
21 when another vehicle approached his vehicle. A subject
22 got out of the vehicle. The victim was seen with his
23 hands raised in the air. Another subject got into his
24 vehicle, and the cars drove off. And, then, during the
25 investigation, it was then relayed to me that the

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DONALD KOBITHEN - DIRECT EXAMINATION

1 victim had been identified --

2 MR. O'NEILL: Objection; hearsay. He is saying
3 something that has been relayed to him.

4 Q (MR. STANKO) When you arrived at Taco Bell, what
5 did you specifically do?

6 A Sure. So when I arrived at the Taco Bell, I
7 talked to the original responding officer and a couple
8 of witnesses on scene.

9 Q Okay. And were you -- let me back up. About
10 what time did you arrive after the call for service
11 came out?

12 A Within a couple of minutes.

13 Q Do you recall about what time that call for
14 service would have been?

15 A I don't. Sometime after midnight. I'm not sure
16 exactly what time.

17 Q All right. And that call came out as a robbery,
18 slash, kidnapping?

19 A Yes.

20 Q Who else responded to the Taco Bell?

21 A Every officer in the south precinct.

22 Q So there were many of you?

23 A Yeah; probably six of us.

24 Q While at the Taco Bell, what investigative steps
25 did you take?

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DONALD KOBITHEN - DIRECT EXAMINATION

1 A Like I said, I started talking to the employees
2 with Taco Bell. I started talking to other officers on
3 scene, which is how that information got relayed to me.

4 Q Were you present for a phone call that occurred
5 between the victim and the victim's wife?

6 A I was.

7 Q And you were able to hear that entire phone call?

8 A I was able to hear a majority of it, yes, sir.

9 Q And you were able to obtain investigative
10 information related to that phone call?

11 A Yes.

12 Q After the call had ended, what was the plan of
13 action for the Horry County Police Department at that
14 point?

15 A To attempt to locate the vehicles involved,
16 especially the victim's vehicle.

17 Q What did you -- let me back up. Did several
18 officers at that point leave to attempt to locate, or
19 was it just you?

20 A Multiple. There were a few of us that did that.

21 Q Okay. And where did you begin your search?

22 A So I tried to cast a wide net, so I went to the
23 north side of the Carolina Forest area and worked my
24 way back towards the Socastee area.

25 Q Why did you go to Carolina Forest?

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DONALD KOBITHEN - DIRECT EXAMINATION

1 A Because of the good amount of time that had
2 passed by, I was casting a wide net and working my way
3 back down.

4 Q Okay. And you -- was this based upon a belief
5 they were leaving the area?

6 A So based on the phone call I heard, he, the
7 victim, had gone to a bank and tried to withdraw money
8 from an ATM, so I was checking a lot of the banks in
9 the Carolina Forest area and 501 and working my way
10 back towards the beach.

11 Q How did you discover that money had been taken
12 from an ATM?

13 A I believe it was from the victim's wife on scene.

14 Q She told you that the money had been taken out?

15 A Yeah; she had indicated that there was money
16 taken out from the ATM.

17 Q Did she indicate a specific bank that that
18 happened?

19 A She did, but I don't recall what bank it was.

20 Q But you mentioned it was in Carolina Forest?

21 A I don't know if the bank was in Carolina Forest,
22 but I was just looking at all of the banks making sure
23 that the victim wasn't being taken to other ATMs.

24 Q You cast a wide net, how far north did you begin?

25 A The International Drive area and I started

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DONALD KOBITHEN - DIRECT EXAMINATION

1 working my way back towards 501.

2 Q How many different areas do you think you
3 searched through?

4 A A lot. Several. 12 or 15, maybe.

5 Q What was it specifically you were looking for?

6 A Just vehicles, the description of the vehicles
7 that was provided.

8 Q What was that description?

9 A The victim's vehicle was a red pickup truck, and
10 the suspects' vehicle was a white SUV, possibly a GMC
11 Envoy or something of that, with a partial tag of, I
12 believe, 298.

13 Q What type of areas were you searching at that
14 point?

15 A Empty parking lots, banks, hotels, stuff like
16 that.

17 Q Any particular reason those were the areas that
18 you were searching in?

19 A Any time I'm looking for a specific -- like cars
20 involved in an incident, that is the kind of places I
21 would look.

22 Q Okay. Were you able to locate these vehicles?

23 A I was.

24 Q Where did you locate them?

25 A At the Days Inn on Waccamaw Boulevard towards 501

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DONALD KOBITHEN - DIRECT EXAMINATION

1 Forestbrook area.

2 Q Where were they parked?

3 A On the side of the hotel in a parking lot.

4 Q Not right in front?

5 A No, not right out front; on the side of the
6 building.

7 Q How did -- what did you do once you realized you
8 had discovered the vehicle?

9 A When I pulled into the -- I saw the truck when I
10 was on 501. I pulled into the parking lot to take a
11 closer look at the truck, confirmed the tag on the red
12 truck was registered to the victim. I then got out of
13 my vehicle, checked the truck to make sure no one was
14 inside, and I noticed a white SUV parked to the left of
15 the red pickup truck. There was a male asleep or
16 laying down in the back seat, so at that point I backed
17 up to my patrol vehicle and called for additional
18 officers to respond to my location. I then confirmed
19 with dispatch that the partial tag on the white SUV
20 also matched the partial tag that we were given for the
21 suspect vehicle.

22 Q Did back-up arrive?

23 A They did.

24 Q Once you had another officer there, what did you
25 do next?

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DONALD KOBITHEN - DIRECT EXAMINATION

1 A Once a couple of officers got on scene, we
2 approached the white SUV and attempted to make verbal
3 contact with the occupant in the back seat.

4 Q How did you do that?

5 A Loud verbal commands, screaming and knocking on
6 the window, which received no response. The person
7 appeared to be completely passed out.

8 Q What did you do next?

9 A I unlocked the door from reaching through the
10 window and gave more loud verbal commands, which was
11 met with a negative response again. I moved to the
12 side of the vehicle, which was the side of the vehicle
13 that the person was kind of asleep on the door. We
14 then opened the door and physically removed him from
15 the vehicle and detained him.

16 Q Did you investigate his involvement in this?

17 A I didn't not so much. We did later on. The
18 initial response there was to get him detained and then
19 attempt to find additional suspects and the victim.

20 Q What did you determine about that person that you
21 located inside the vehicle?

22 A We determined towards the end of the
23 investigation that he was not involved at all.

24 Q Do you recall about how old he was?

25 A He was a minor, 16, 17 years old.

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DONALD KOBITHEN - DIRECT EXAMINATION

1 Q Was his information ran through the national
2 database?

3 A He was listed as a runaway.

4 Q Once you determined that he was a runaway, what
5 did you do next?

6 A Contacted his parents who came and retrieved him.

7 Q Was that during the pendency of all of this, or
8 did you --

9 A That was at the end.

10 Q So what was done with him immediately after he
11 was detained?

12 A Detained and put in a car. He was passed off to
13 another officer who sat with him in the parking lot.

14 Q So his involvement -- his role in all of this was
15 something that was investigated later on?

16 A Correct. We were still not sure of his actual
17 involvement, so he was detained until we could find the
18 other people involved.

19 Q Once you had secured the person from inside that
20 vehicle, what happened next?

21 A I then waited for more officers to get on scene,
22 and then we went in the hotel where I spoke with the
23 hotel employees, who were able to provide suspect
24 information and a room number for the people registered
25 to the white SUV.

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DONALD KOBITHEN - DIRECT EXAMINATION

1 Q Okay. Was he able to provide you with
2 information as to what room they were located in?

3 A He was, yes. He gave us a room key for that
4 room. I believe it was Room 518.

5 Q On the fifth floor, I assume?

6 A Yes, sir.

7 Q Once you obtained that room key from the front
8 desk, what did you do next?

9 A We then -- a group of us, a small group of us,
10 went up to the fifth floor and made entry into the
11 room.

12 Q Do you recall who was with you, which officers
13 were involved?

14 A Yes. Detective Wydra was one of them. At the
15 time, Corporal Fletcher, Officer Koupach, Officer
16 Glazier and Sergeant Trietler.

17 Q Okay. Once you got to the room, who made initial
18 entry into the room?

19 A I was the number one person through the door.

20 Q You were the one who had the key?

21 A I had the key. I unlocked it. When we pushed
22 the door open, the chain lock or the latch was keeping
23 the door from opening completely.

24 Q With that chain barring entry, what did you do?

25 A I told Officer Koupach to forcibly kick the door.

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DONALD KOBITHEN - DIRECT EXAMINATION

1 Q Did you hold the door open or did it --

2 A So when we opened the door, I stuck my left foot
3 to prevent the door from closing completely again while
4 we attempted to kick the door open.

5 Q So you didn't have to use the key a second or
6 third time or anything?

7 A No.

8 Q About how long from the time you first tried to
9 push that door open until the door actually opened and
10 you were able to make entry into the room?

11 A Maybe 15, 20 seconds.

12 Q All right. And you did wind up going all the way
13 into that room?

14 A I did, yes, sir.

15 Q What did you first observe as you entered the
16 hotel room?

17 A So as I entered the room, there was a small
18 hallway bathroom to the left, and then it opened up to
19 where the bedroom area was. When we first entered the
20 doorway, there was a female who was standing on the --
21 in the hallway area on the foot of -- like on the foot
22 of the bed -- towards the foot of the bed, on the bed
23 that was closest to the door.

24 Q And what was done with that female?

25 A She was grabbed, pulled to the side, and I kept

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DONALD KOBITHEN - DIRECT EXAMINATION

1 moving forward into the room.

2 Q Is that standard procedure for you?

3 A In that type of situation, yes.

4 Q So anyone who might be detained is passed to
5 other officers who were stacked up?

6 A Correct. At this point it was considered to be a
7 hostage rescue. We knew the victim was kidnapped and
8 held against his will with multiple firearms involved,
9 so my role as the number one person through the door is
10 to get into the room and secure the victim as quickly
11 as possible.

12 Q Okay. And were you able to locate the victim?

13 A I was.

14 Q Where was he located?

15 A He was on the far side of the room laying on the
16 floor next to a bed.

17 MR. STANKO: Court's indulgence, Your Honor.

18 (A brief pause in the proceedings.)

19 Q (MR. STANKO) I'll hand you what is marked as
20 State's Exhibit 15; do you recognize this?

21 A Yes.

22 Q Could you describe that?

23 A That is the area of the room in which the victim
24 was laying when I entered the room.

25 Q Is that a fair and accurate representation of how

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DONALD KOBITHEN - DIRECT EXAMINATION

1 that was set up?

2 A Yes, it is.

3 MR. STANKO: We move to enter 15 into evidence.

4 MR. O'NEILL: No objection.

5 THE COURT: In without objection.

6 (State's Exhibit 15 admitted.)

7 MR. STANKO: May I publish to the jury?

8 THE COURT: Yes.

9 Q (MR. STANKO) Once you were able to locate the
10 victim, other officers also entered the room along
11 with you?

12 A Correct.

13 Q From your observation, after you first got the
14 victim, what happened next?

15 A We -- one female that was standing in the hallway
16 or in -- yeah, the hallway as soon as you come in the
17 room, she was detained and started to get pulled out of
18 the room. There were two other females laying on the
19 bed closest to the victim, and we gave them loud verbal
20 commands to show us their hands. They were detained
21 and started to be brought out of the room.

22 Q Okay. Initially, you mentioned you observed a
23 total of three individuals?

24 A Correct; three females.

25 Q How did -- from your observation, how did the

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DONALD KOBITHEN - DIRECT EXAMINATION

1 victim appear?

2 A He was very shaken up. He appeared to be very
3 scared.

4 Q At that point you had been a police officer for
5 approximately four years?

6 A Yeah, approximately.

7 Q And you've had the opportunity over your career
8 to observe people drunk, high, otherwise intoxicated?

9 A Correct.

10 Q The victim in this case, did he appear, based on
11 your training and experience, to be any of those
12 things?

13 A He did not. He appeared to be just visibly
14 scared.

15 Q Okay. So the first person was passed back, and
16 she was removed from the room. The two on the bed
17 closest to the victim, what was done with them?

18 A They were also detained and removed from the
19 room.

20 Q One at a time?

21 A Possibly as a group; I'm not sure. I was focused
22 on the victim, having conversation with the victim, as
23 the other females were being removed.

24 Q But your role at that point was just standing
25 with the victim?

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DONALD KOBITHEN - DIRECT EXAMINATION

1 A Yeah. I was making sure nothing happened to him.
2 I was trying to get the females out of the room to make
3 sure he was safe.

4 Q At any point was anyone else located in the room?

5 A Yes; the defendant.

6 Q Tell us about that interaction.

7 A So we were doing a scan of the room. We noticed
8 what appeared to be a rifle leaned up against the
9 corner. As soon as you come through the little
10 hallway, the first bed on the left, there was a rifle
11 between the bed and the wall leaning up against the
12 corner.

13 Q That was the -- that was the bed that you didn't
14 find anyone on when you entered the room?

15 A Correct. It was the bed in which the first
16 female was standing, kind of, in front of.

17 Q Okay. After noticing that rifle, what happened
18 next?

19 A Corporal Fletcher began approaching that. There
20 was -- the covers to the bed were half off the bed
21 laying on the floor. So as he removed those covers,
22 the defendant was located underneath the bed between
23 the wall and the bed.

24 Q And he was -- and he was the closest person to
25 that rifle at that point?

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DONALD KOBITHEN - DIRECT EXAMINATION

1 A He was.

2 Q What happened once the defendant was located
3 under the bed?

4 A I rushed towards the bed, pulled the bed a little
5 bit out, and then physically pulled the defendant out
6 from under the bed until we could detain him.

7 Q During the course of that detention, did he
8 surrender willingly?

9 A He was very verbally noncompliant. He didn't
10 physically resist. He was moving around, but we
11 controlled him pretty quickly.

12 Q And the two vehicles that you found in the
13 parking lot, do you recall any description about the
14 white SUV?

15 A It was a white Chevy Trailblazer with a partial
16 tag of 29 -- I believe it was 29.

17 Q Did that match the description that had gone out
18 specifically for what you were looking for?

19 A Correct. I mean, it was a white SUV with a
20 partial tag that matched what was on the car.

21 Q And between that vehicle and the red truck you
22 mentioned, how much space -- were they parked right
23 next to each other or other sides of the parking lot?

24 A Fairly close. I think there was maybe one or two
25 spots between them.

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DONALD KOBITHEN - CROSS-EXAMINATION

1 Q Okay. When you got there, you ran the plate for
2 the red truck?

3 A Yes.

4 Q And who was the registered owner of that truck?

5 A The victim.

6 MR. STANKO: Answer any questions the defense may
7 have.

CROSS-EXAMINATION

8
9 BY MR. O'NEILL:

10 Q You said you found out a passed out person in the
11 white SUV?

12 A I did; he was in the back seat.

13 Q And after the investigation he was found to be
14 not involved in the case?

15 A Correct.

16 Q Do you know what that investigation was?

17 A So I wasn't the one who really got into it. From
18 what I gathered on scene is that, based off of people
19 inside the vehicle, the victim's statement as well, is
20 that the person in the back seat was pretty much passed
21 out the entire time during the incident.

22 Q You don't know if he was interrogated or asked
23 questions about anything at the time?

24 A He was, I just wasn't personally asking him those
25 questions.

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DONALD KOBITHEN - REDIRECT EXAMINATION

1 Q And so you located the victim at the Days Inn?

2 A Yes, sir.

3 Q And you are a part of the people upstairs going
4 into the hotel?

5 A Correct.

6 Q You said that the defendant, Mr. Blakeley, was on
7 the ground when you went in there?

8 A Correct.

9 Q Did he say to you, I fell off the bed, I'm
10 paralyzed, anything of that nature?

11 A He did. He also made reference to us pulling him
12 off the bed.

13 Q Do you know anything about the minor that was
14 found in the car, besides the fact that he was a minor
15 and decided that he was not involved?

16 A I'm familiar with him, who he is, but that is
17 about it.

18 Q How are you familiar with who he is?

19 A He lives in the Socastee area, and that is the
20 area I worked for four years, five years.

21 MR. O'NEILL: Thank you. Nothing further.

22 REDIRECT-EXAMINATION

23 BY MR. STANKO:

24 Q You were the first one in the room, so you
25 observed both beds and everything in the room; did you

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DONALD KOBITHEN - REDIRECT EXAMINATION

1 pull or push Mr. Blakeley off that bed?

2 A No. He was on the floor underneath the bed as we
3 made entry into the room.

4 Q Did any officer pull or push him off the bed?

5 A Not off the bed. We pulled him out from under
6 the bed.

7 Q So the first time you observed him is once he was
8 discovered hiding under the bed?

9 A Correct.

10 MR. STANKO: Thank you.

11 THE COURT: Anything further?

12 MR. O'NEILL: No, Your Honor.

13 THE COURT: Do we need a brief recess? Let's
14 take 10 minutes.

15 (The jury exits at 11:20 a.m. A recess is
16 taken, and then the following is heard out of the
17 presence of the jury.)

18 THE COURT: Are you ready?

19 MR. HOLFORD: Mr. Stanko just stepped out of the
20 room.

21 MR. O'NEILL: Mr Blakeley had to use the
22 restroom, because of his condition, it takes him a
23 while. He has to get something from his car, because
24 of the condition he has.

25 THE COURT: Okay. That's fine.

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 (A brief recess was had.)

2 THE COURT: All right. Everyone is here, so,
3 Sheriff, bring them in.

4 (The jury enters at 11:46 a.m., and the
5 following is heard in the presence of the jury.)

6 THE COURT: All right. We have everyone,
7 Solicitor.

8 MR. STANKO: Next State calls Christian Fletcher.

9 (CHRISTIAN FLETCHER, having been duly sworn,
10 testified as follows:)

11 THE WITNESS: Sergeant Christian Fletcher with
12 Horry County Police Department.

13 DIRECT-EXAMINATION

14 BY MR. STANKO:

15 Q Good morning.

16 A Good morning.

17 Q You mentioned you worked for Horry County Police
18 Department?

19 A Correct.

20 Q How long have you worked there?

21 A Going on seven years.

22 Q What is your official job title?

23 A Currently I am a patrol sergeant in the north
24 precinct.

25 Q And describe for the jury what your job

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 responsibilities are.

2 A I'm a supervisor over a six-man team. I have a
3 corporal underneath me. I run a regular road shift
4 that rotates on and off on a biweekly basis. I'm in
5 charge of a group of patrolmen that are on my given
6 time and my given precinct.

7 Q Is that the same role you had in 2020?

8 A Similar. I was the corporal, so I was the second
9 in charge at the time.

10 Q You still had people under you at that point,
11 though?

12 A That's correct.

13 Q What area were you assigned to in the county?

14 A At the time of the incident, it would have been
15 south precinct.

16 Q And describe for us what -- what encapsulates the
17 south precinct.

18 A The general unincorporated areas of the southern
19 part of Myrtle Beach, Socastee, Burgess, Murrells
20 Inlet, Garden City, Forestbrook.

21 Q Were you on duty on the night of October 8,
22 slash, morning of October 9?

23 A I was.

24 Q And did you happen to become involved in this
25 case?

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 A I was.

2 Q How did you initially become involved in this
3 case?

4 A Initially, I heard the call for service come over
5 the radio. I was in the general area, so I notified
6 that I would be in route to the call.

7 Q Where did you go?

8 A Initially, I began to look for the victim and/or
9 suspect vehicle. I started to canvass down Socastee
10 Boulevard or Highway 707 towards the back gate of the
11 old Air Force base and 17 Bypass.

12 Q Were you able to locate either of those vehicles?

13 A No, I was not.

14 Q At some point during that investigation, did you
15 end up going to the Socastee Taco Bell?

16 A I did.

17 Q What did you do once you got there?

18 A From a supervisor's view, try to make sure that
19 everything was going in a direction that made sense,
20 checking on the officers to give them, you know,
21 assignments to the people that had responded.

22 Q Did you have an occasion to speak with any of the
23 Taco Bell employees?

24 A I did not, no; that was done prior to my arrival.

25 Q Did anyone point out to you anything in the

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 drive-thru lane?

2 A Yes, they did.

3 Q What did you observe in the drive-thru lane?

4 A Black book bag, a pizza box, I recall a single
5 slice pizza box, and a South Carolina driver's license
6 was located belonging to the victim.

7 Q Okay. And did you relay the victim's information
8 to other responding officers?

9 A Yes; that is correct.

10 Q What was the purpose of relaying that
11 information?

12 A At the point when we located it, it was our only
13 indication on what his identity may have been. I was
14 informed by the responding officers that the Taco Bell
15 employees had witnessed the victim being taken by force
16 or by gunpoint so, we obviously concluded that the ID
17 may belong to the victim since it was out of place in
18 the drive-thru.

19 Q Okay. At some point did you send a patrol
20 officer to the victim's house?

21 A Yes. On two indications I believe, yes.

22 Q Were they able to locate the victim at that
23 point?

24 A No.

25 Q At some point while you were still at Taco Bell,

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 did the victim or any of his family members show up?

2 A Yes.

3 Q Who showed up?

4 A The victim's wife and I believe his brother is
5 the relation.

6 Q Okay. And at some point while you were there at
7 Taco Bell, did the victim's wife receive a phone call?

8 A Yes.

9 Q Were you present for that phone call?

10 A I was.

11 Q What did you learn being present for that call?

12 A I learned that the victim was with a secondary
13 party that he was not with prior to the interaction at
14 Taco Bell, and through the course of that phone call
15 there was attempted negotiations for cash from the
16 victim's family to the third party on that phone call
17 in reference for, I guess, his release.

18 Q Do you recall anyone on that phone call asking
19 for anything?

20 A Yes; they were asking for money.

21 Q Were they also asking for a vehicle?

22 A Yes. That was negotiated in the ordeal, that the
23 vehicle would be sold or cash, one or the other.

24 Q Okay. After the phone call, what investigative
25 steps happened next?

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 A After the phone call, really, Detective Wydra was
2 doing a lot of things with cell phone providers in
3 attempts to locate the victim. We also had gotten some
4 information on scene that the victim was taken to
5 several BB&T branches and/or ATM locations in an
6 attempt to withdraw cash, so we started canvassing the
7 area of any BB&Ts and/or related ATMs.

8 Q Did you participate in that search, or did you
9 direct other officers to perform the search?

10 A I directed the other officers. I remained at the
11 Taco Bell.

12 Q With the victim's wife and his brother?

13 A Correct.

14 Q At some point, did a call come out indicating
15 that the vehicle was located?

16 A Yes; it came from Officer Kobithen.

17 Q What did you do?

18 A I responded to the location he was at, which was
19 a hotel on Waccamaw Boulevard.

20 Q And what city is that in?

21 A City of Myrtle Beach -- unincorporated area of
22 Myrtle Beach in the County of Horry.

23 Q Once you arrived on scene, what was happening at
24 that point?

25 A Officer Kobithen was in the process of obtaining

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 a room keycard from the front desk staff.

2 Q Was he able to obtain that card?

3 A Yes.

4 Q Do you recall who all was there in the lobby?

5 A In the lobby and on approach to the room was
6 myself, Sergeant Treitler, Officer Koupach, Officer
7 Kobithen, Detective Wydra, and Officer Glazier.

8 Q Once you got the keycard, what did you do next?

9 A We approached the room, I believe it was several
10 stories up. We made an approach through the stairwell.

11 Q And you mentioned you took the stairs up?

12 A Yes.

13 Q Was this a tactical approach?

14 A Yes.

15 Q What was the reason behind that?

16 A Well, elevators pose numerous tactical
17 disadvantages, largely in part because you could be
18 hurt and isolate you to one small area, so we typically
19 pick the stairs for these reasons.

20 Q Did you believe that this was a dangerous
21 situation you were in?

22 A Yes.

23 Q And that was the reason for the tactical
24 approach?

25 A Yes.

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 Q Once you entered the fifth floor, what happened
2 next?

3 A We made an approach down to the room. The room
4 number was provided by hotel staff, so we were
5 relatively close as we could be to the room. A keycard
6 was used to gain access to the room, which did work,
7 however, the chain lock was found secure, so we had to
8 force entry.

9 Q I'm showing you what is State's Exhibit 5; do you
10 recognize this?

11 A I do.

12 Q How do you recognize that?

13 A That is the jump drive that the video is stored
14 on that I watched.

15 Q Okay. How do you know that that is the video
16 that you watched?

17 A I initialed the jump drive and I watched it.

18 Q Could you turn that over and verify your
19 initials?

20 A Yes. Yes, those are my initials.

21 Q There you go. Is this a true and accurate
22 representation of what happened in that room?

23 A It is.

24 Q And you know that because you observed that?

25 A Yes; I was there.

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 MR. STANKO: At this time we move to enter
2 State's 5 into evidence.

3 MR. O'NEIL: No objection.

4 THE COURT: In without objection.

5 (State's Exhibit 5 admitted.)

6 MR. STANKO: Permission to publish to the jury?

7 THE COURT: Yes, sir.

8 MR. STANKO: Court's indulgence.

9 (A brief pause in the proceedings.)

10 MR. STANKO: Can you see this?

11 THE WITNESS: Yeah, I can see it.

12 Q (MR. STANKO) Officer, can you see the screen on
13 this?

14 A Yes, sir.

15 (Published to the jury.)

16 Q (MR. STANKO) That is probably, what, 20 seconds
17 from the time that the door was first keyed until you
18 were actually able to make entry?

19 A I would say that's accurate.

20 (Published to the jury.)

21 Q (MR. STANKO) Back here in the back, where we see
22 the left hand raised, who is that?

23 A That is the victim.

24 Q And we have one woman that came out, second one
25 just came off the bed; were those the only three people

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 you saw when you initially entered the room?

2 A Initially, yes.

3 Q What was done with those three people?

4 A They were removed from the room and secured in
5 the hallway.

6 Q What is the typical procedure for doing something
7 like that when you enter the hotel room?

8 A We would consider this from a tactical standpoint
9 a hostage rescue, meaning we either secure the victim
10 away from the incident location, or the either way
11 around, secure the incident location with the victim
12 inside and remove all potentially involved parties
13 inside.

14 Q It looks like you did the latter one?

15 A Correct.

16 Q What was the reason for that?

17 A Mostly just the positioning of persons in the
18 room; it was easier to control him there and remove the
19 parties involved instead of moving him past parties
20 involved.

21 Q Is that a safety situation?

22 A Yeah, just kind of on-the-fly discretionary call.

23 (Published to the jury.)

24 Q (MR. STANKO) During the search of the individual
25 who's in the back there in the green T-shirt, were any

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 guns located on him?

2 A No.

3 Q Did you locate anything on him?

4 A No.

5 Q He just said you all knocked me off the bed,
6 correct?

7 A That is what he said.

8 Q Did anyone knock him off the bed?

9 A No.

10 Q You were the second one into the room, I believe?

11 A I was.

12 Q You didn't observe anyone knocking him or pulling
13 him off?

14 A No. I thought I passed the first bed for the
15 occupied bed. No one even went towards the first bed.

16 Q Let's talk about the discovery that we just
17 observed on the camera there. What was the first thing
18 you noticed when you came back to that first bed
19 there?

20 A The first thing I noticed was the rifle leaned up
21 in the corner of the room.

22 Q Okay. And what did you do with that information?

23 A I passed it along to the guys in the room due to
24 the fact that the victim was still present in the room,
25 and then I progressed towards it.

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 Q At that point, you believed that all of the
2 occupants in the room had been accounted for?

3 A At that point, I did.

4 Q So they were all being, essentially, sequestered
5 away from the firearm?

6 A Correct.

7 Q After the third female exited the room, what did
8 you do next?

9 A Again, I located that firearm and began to move
10 toward it, and I ultimately located Mr. Blakeley.

11 Q How did you locate him?

12 A Force of habit, moving towards guns I check
13 everything extensively. I noticed the bulge in the bed
14 skirt that did not seem consistent with how a bed skirt
15 just flows. I moved the bed skirt and located
16 Mr. Blakeley's head.

17 Q Did it appear that he had pulled it over himself?

18 A Yeah. I mean, he was 95 percent under the bed.
19 I would say that the 5 percent that was out was
20 obscured by the bed skirt.

21 Q And it looked to your observation that he was
22 intentionally trying to obscure himself there?

23 A Yes.

24 Q Once you discover him, from the camera we saw,
25 what was the procedure that you all undertook?

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 A At that point, he was handled how everyone else
2 was handled, instructed to show his hands and comply
3 with our commands, remove himself from under the bed.

4 Q Did he?

5 A No; he was removed from the bed.

6 Q After being pulled out from under the bed, what
7 did you do next?

8 A He was secured and checked for any weapons about
9 his person, which were not located.

10 Q Okay. And at the time that you found him
11 underneath the bed, did you know whether or not he was
12 armed?

13 A No.

14 Q And is that the reason for the response that you
15 and your fellow officers had?

16 A Yes.

17 Q Was he combative or resisted in any way to your
18 attempt to put him in handcuffs?

19 A Yeah, he was resistant. He was not complying
20 with placing his hands behind his back; just general --
21 I guess what you would consider passive resistance.

22 Q He didn't take a swing or anything like that?

23 A No, he did not.

24 Q Because he was locking up and refusing to give
25 you his hands?

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 A Yes.

2 Q Until he actually told you so, did you know that
3 he was handicapped?

4 A No, I did not; I was unaware.

5 Q You didn't know that he was wheelchair bound?

6 A No, I did not.

7 Q Based upon your training and experience, could a
8 person confined to a wheelchair become a threat?

9 A Yes.

10 Q A person who is sitting in a wheelchair could
11 pull a firearm?

12 A Yes.

13 Q He could become a deadly threat to you?

14 A Yes.

15 Q Now, after you secured him in handcuffs, what did
16 you do next?

17 A I continued towards that rifle in the corner of
18 the room, and then I cleared it; meaning I rendered it
19 safe.

20 Q Did you wear gloves when you did that?

21 A I did not.

22 Q You just went straight to the weapon?

23 A Correct.

24 Q You say you rendered it safe, what does that
25 mean?

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 A In reference to the rifle, I removed the magazine
2 from the rifle, charged the charging handle to the rear
3 extracting a live round out of the chamber of the
4 weapon, and then locked the bolt to the rear so,
5 essentially, unloaded it, and locked the bolt in the
6 rear position so it is unable to be fired.

7 Q And is that standard procedure?

8 A Yes, in situations of similar magnitude.

9 Q And what was the -- what was the reasoning behind
10 clearing that as quickly as you could?

11 A With the victim still present in the room and the
12 discovery of a party hiding in the room, I wasn't
13 willing to chance that there was additional parties
14 hiding in the room and the possibility of someone
15 arming themselves with that weapon.

16 Q In a normal situation, or in a static or secured
17 situation, would you have put on gloves or some type of
18 a barrier to clear that weapon?

19 A Yes. In a static situation I probably wouldn't
20 have cleared the weapon.

21 Q Okay. So when you did that, obviously your
22 fingerprints, your DNA, wound up on that rifle?

23 A Correct.

24 Q Going back, you wouldn't consider this a rifle,
25 would you?

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 A No. I guess it is technically a pistol.

2 Q And what is the difference between an AR pistol
3 and an AR rifle?

4 A AR pistol is defined by barrel length, and then
5 the secondary consideration is whether or not the
6 weapon is designed to be shoulder fired or not. This
7 one is not equipped with a stock, therefore, it is
8 considered a pistol, but it is of rifle caliber.

9 Q I'll show you what has been marked as State's
10 Exhibit 11; could you open that up and have a look at
11 it?

12 A Yeah.

13 Q What is that?

14 A The AR pistol located beside the bed in the hotel
15 room that night.

16 Q Is this the form in which you located it?

17 A Yes -- I mean, with the exception of it had a
18 magazine in it, but, yes.

19 Q Okay. And is this the magazine that was in
20 there?

21 A Yes.

22 Q You mentioned that there were rounds; do you
23 recall how many rounds there were?

24 A I don't recall, other than the magazine had
25 ammunition in it. There was one chambered that I

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 ejected when I rendered it safe.

2 Q Obviously, the lock wasn't on it at the time;
3 this is for your preparation for court?

4 A Yes; the lock is for evidence preparation.

5 Q Okay. And, typically, is the ammunition stored
6 or is that something that your agency will take
7 possession of and destroy?

8 A Ammunition is never returned to owner under any
9 circumstances, especially under these. It is standard
10 procedure that live ammunition is destroyed by our
11 evidence division.

12 Q Understood.

13 MR. STANKO: At this time we request to move
14 State's 11 into evidence.

15 MR. O'NEILL: No objection, Your Honor.

16 THE COURT: In without objection.

17 MR. STANKO: May I publish by showing it?

18 (State's Exhibit 11 admitted.)

19 Q (MR. STANKO) After you cleared this weapon, what
20 did you do?

21 A I continued looking in the general vicinity where
22 Mr. Blakeley was located. Underneath that pillow on
23 that bed I located a second firearm.

24 Q Okay. And this was the first bed?

25 A Yes, the bed that Mr. Blakeley was located

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 underneath; so the first bed to the left when you come
2 in from the hallway.

3 Q Okay. Could you describe the second firearm?

4 A It was a black standard sized handgun,
5 semi-automatic handgun.

6 Q Where did you say it was located?

7 A Under the pillow on the bed that Mr. Blakeley was
8 located underneath.

9 Q What did you do once you located that pistol?

10 A I rendered it safe.

11 Q In the same essential way that you did with the
12 AR pistol?

13 A Essentially released the magazine, racked the
14 slide to the rear, which extracts a live round, if
15 there is one in the chamber, and lock the slide to the
16 rear making it unable to be fired unless manipulated.

17 Q Was this weapon also loaded?

18 A Yes.

19 Q There were -- there were rounds that were located
20 within the pistol?

21 A Yes.

22 Q I'll show you what is marked as State's 12; could
23 you look at that?

24 A Yes. This is the pistol that was located.

25 Q The magazine that is here, that is also the

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 magazine that was in that pistol?

2 A Correct.

3 Q The ammunition that was with this was the same as
4 with the AR that was turned into evidence per your
5 procedures?

6 A Yes, same procedure.

7 MR. STANKO: At this time State moves Exhibit 12
8 into evidence.

9 MR. O'NEILL: No objection.

10 THE COURT: In without objection.

11 MR. STANKO: Permission to publish to the jury?

12 THE COURT: Yes, sir.

13 (State's Exhibit 12 admitted.)

14 Q (MR. STANKO) After you cleared those weapons,
15 did you return to where Mr. Blakeley was?

16 A I believe so. I believe he was in the process of
17 being removed at that point.

18 Q Did you search his person?

19 A Yeah; that was prior to the clearance of the
20 weapons because -- yeah, we searched his person.

21 Q In conjunction with -- with putting the handcuffs
22 on him, you search him immediately at that time?

23 A Correct.

24 Q Did you remove a number of items from his
25 pockets?

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 A I did.

2 Q I'll show you first what is marked as State's
3 Exhibits 8, 9 and 10; could you look at these?

4 A Yes.

5 Q Were those some of the items that were removed
6 from the defendant's pockets?

7 A (Witness examines document.) Yes; they were
8 either removed from the defendant's pockets or the
9 vehicle. I know we had paperwork on them, but I don't
10 recall exactly which paperwork. But, yes, this is
11 familiar paperwork to me from the search of
12 Mr. Blakeley and the vehicle.

13 Q And what are those documents there?

14 A These are receipts of fees paid to the Department
15 of Motor Vehicles with the victim's name, a
16 registration to the victim's vehicle, also in the
17 victim's name, as well as a USAA Insurance card, also
18 in the victim's name.

19 Q And the name on all of those is Adam Powaliev?

20 A That is correct.

21 MR. STANKO: We move State's 8, 9, and 10 into
22 evidence.

23 MR. O'NEILL: Without objection.

24 THE COURT: In without objection.

25 (State's Exhibits 8-10 admitted.)

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 Q (MR. STANKO) Sergeant, I'll show you what has
2 been marked as State's Exhibit 7; would you look at
3 that. Where was that located?

4 A This was located on Mr. Blakeley's person in his
5 pocket.

6 Q What is it?

7 A A BB&T debit card belonging to the victim, Adam
8 Powalie.

9 Q The name again is Adam Powalie?

10 A Yes. That is the name printed on the card, the
11 victim's name.

12 MR. STANKO: At this time the State moves No. 7
13 into evidence.

14 MR. O'NEILL: Without objection.

15 THE COURT: In without objection.

16 (State's Exhibit 7 admitted.)

17 Q (MR. STANKO) I'll show you now State's Exhibit
18 6; where was that item located?

19 A This also was located in Mr. Blakeley's pocket.

20 Q Was it -- was it in his pocket? Was it around
21 his neck? Was it in a cargo pocket? Where did they
22 wind up coming from?

23 A I believe it came from one of his front pants
24 pockets, definitely from his person. I recall putting
25 it on the bed and taking a photograph of it.

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 Q Okay. And there is a keycard in the back there;
2 does that have a name on it?

3 A It does; it says "Adam."

4 Q Again, you removed this from the defendant's
5 person?

6 A From Mr. Blakeley's person, correct.

7 MR. STANKO: At this time the State moves Item 6
8 into evidence.

9 MR. O'NEILL: Without objection.

10 THE COURT: In without objection.

11 (State's Exhibit 6 admitted.)

12 Q (MR. STANKO) As you removed items from
13 Mr. Blakeley and from the room in general, you threw
14 most of it onto the bed; is that correct?

15 A That's correct; right beside where I was
16 searching him.

17 Q Officer, I'm going to show you what is marked as
18 State's Exhibit 16 through 22. If you would have a
19 look through -- through those photos, and just one at a
20 time let us know what is in each picture.

21 A In reference to 16, it's a photograph of what
22 appears to be a female's purse. You can see what looks
23 to be an insurance card to a "Sharolyn Powalie" inside
24 of it.

25 No. 17 is a United Healthcare card also that

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CHRISTIAN FLETCHER - DIRECT EXAMINATION

1 appears to be inside that same purse, and that is to
2 an "Adam Powalie."

3 No. 18 is kind of an overall of the hotel room
4 that we made entry to from the far back wall forward.
5 You can see a portion of the far bed and the entirety
6 of the bed that Mr. Blakeley was located under, along
7 with several items on top of it.

8 No. 19 is a photo of a sum of cash that was
9 removed from Mr. Blakeley's person on search; it is on
10 the bed as well.

11 Item 20 is a photograph of some contents on the
12 bed that exhibits several live rounds of rifle
13 ammunition from the AR pistol, a live round from the
14 handgun, the handgun in a safe position, some Ford
15 vehicle keys, and a Duke wallet, as well as some of
16 the cash removed from Mr. Blakeley, a blue iPhone,
17 cell phone.

18 No. 21 is that black Duke wallet opened. There
19 is a personal identification card that is hand filled
20 out to one "Adam Joseph Powalie."

21 No. 22, again, is of the bed, but this time
22 depicting the AR pistol after it was rendered safe,
23 along with several rounds of live ammunition and two
24 magazines.

25 Q And those seven pictures, are they a true and

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CHRISTOPHER FLETCHER - CROSS-EXAMINATION

1 accurate representation of your observation that
2 evening?

3 A They are.

4 MR. STANKO: At this time we move State's 16
5 through 22 into evidence.

6 MR. O'NEILL: Without objection.

7 (State's Exhibit 16-22 admitted.)

8 MR. STANKO: Your Honor, nothing further for this
9 witness.

10 CROSS-EXAMINATION

11 BY MR. O'NEILL:

12 Q Sergeant Fletcher.

13 A Yes, sir.

14 Q So you were at the Taco Bell -- you were both at
15 the Taco Bell and the Days Inn?

16 A Yes. Correct.

17 Q At the Taco Bell, were you aware if the Taco Bell
18 had any surveillance video?

19 A I believe we were looking into that. I'm unsure
20 if it was ever collected or not. We were not provided
21 it at that time, that is for sure.

22 Q So you are not aware if they had it or not, but
23 you know you didn't collect it?

24 A Correct.

25 Q I kind of want to use some of those photos. So

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CHRISTOPHER FLETCHER - CROSS-EXAMINATION

1 the items you said from the hotel room, you took
2 pictures of everything you took out of Mr. Blakeley's
3 pockets?

4 A Photographs were taken, yes; but I was not
5 responsible for taking them.

6 Q So you took everything that was on this person
7 and put it on the bed, right?

8 A Correct.

9 Q And then photographs were taken on the bed?

10 A Correct.

11 Q When you were showed these -- looks like these
12 are State's 8, 9 and 10; these items that have
13 Mr. Powalie's name on them, it is information from his
14 car?

15 A Correct.

16 Q You are not sure if they were on his person or if
17 they were in the car or in the hotel room, you just
18 remember seeing them?

19 A Yes; that's correct.

20 Q But you are not sure if those were on
21 Mr. Blakeley's person?

22 A Those documents, no, I'm not positive.

23 Q Okay. What about this credit card?

24 A That was on Mr. Blakeley's person.

25 Q You are sure about that?

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CHRISTOPHER FLETCHER - CROSS-EXAMINATION

1 A Yes, sir.

2 Q This is Exhibit 19. This shows, basically, all
3 of this money, and looks like a set of car keys there;
4 so this was all taken from Mr. Blakeley's person?

5 A Yes.

6 Q Would you say that looks like more than \$500
7 there?

8 A Yes.

9 Q How does -- \$1,369, does that sound about right?

10 A I wouldn't discredit you.

11 Q Sure. Were you aware that \$500 was the amount
12 that was supposedly taken from the ATM, BB&T?

13 A That seems familiar, yes.

14 Q Now, when you are on scene at the Days Inn, were
15 you aware of another male individual found in a car
16 outside?

17 A I was made aware of that. I don't recall if I
18 was made aware of it before or after entry into the
19 hotel room, but I was made aware of it.

20 Q Do you remember what time the entry into that
21 hotel room was around? 3:50, almost 4:00 in the
22 morning, something like that?

23 A Yeah. It was in the very early morning hours of
24 the 9th. Initial response was nearly 1 o'clock, so,
25 yeah, that's probably close; correct.

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CHRISTOPHER FLETCHER - RECROSS-EXAMINATION

1 Q Okay. One moment.

2 And so you said you weren't aware that
3 Mr. Blakeley was paralyzed until he told you, but he
4 told you at the time -- he said "I'm paralyzed" when
5 you were detaining him?

6 A I believe what he said is, I'm in a wheelchair,
7 man; something along those lines.

8 Q Okay. Thank you, Officer. No further questions.

9 REDIRECT-EXAMINATION

10 BY MR. STANKO:

11 Q The juvenile that was in the car, do you know if
12 he had a gun?

13 A I do not know. At the time, no, I did not know.
14 At the present time, no, he was not armed.

15 Q Do you know if he had any of the victim's items
16 on his person?

17 A No, there was no indication of that.

18 MR. STANKO: Nothing further, Your Honor.

19 THE COURT: Anything further?

20 RECROSS-EXAMINATION

21 BY MR. O'NEILL:

22 Q You talked about the fingerprints --

23 MR. STANKO: Objection; outside the scope of
24 redirect.

25 MR. O'NEILL: Nothing further, Your Honor.

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SEAN WYDRA - DIRECT EXAMINATION

1 the stand.

2 (SEAN WYDRA, having been duly sworn, testified
3 as follows:)

4 THE WITNESS: Detective Sean, S-E-A-N, W-Y-D-R-A.

5 DIRECT-EXAMINATION

6 BY MR. STANKO:

7 Q Good afternoon.

8 A Good afternoon.

9 Q Who do you work for?

10 A Horry County Police Department.

11 Q How long have you been there?

12 A For a little over ten years.

13 Q And what is your official job title there?

14 A Detective assigned to the homicide division.

15 Q What are your assigned duties in that role?

16 A Investigate cases, homicides, attempted murder,
17 robberies, kidnappings. During that time, we are also
18 on-call, so we get called out if something comes out on
19 our 911 call rotation. We do everything from
20 investigating cases, look at evidence, interview
21 witnesses, interview suspects, surveillance footage,
22 just really depends where it goes.

23 Q Okay. And was that your role back in 2020?

24 A Yes, sir.

25 Q You were a detective back then as well?

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SEAN WYDRA - DIRECT EXAMINATION

1 A Yes, sir.

2 Q Were you assigned to a specific area, or as a
3 detective are you just county in general?

4 A In the homicide unit, we're county-wide, so the
5 evening this incident occurred, I was on-call and
6 called out.

7 Q You just mentioned you were on-call, so what was
8 the procedure for getting you involved in this case?

9 A My supervisor or another supervisor, depending
10 whoever has the call phone, there is a rotation for the
11 call phone as well, they would call me. Typically, at
12 the time when this call came out, I was probably
13 sleeping, so they woke me up and I responded to the
14 scene.

15 Q Do you recall about what time this call went out?

16 A The call itself came out around 12:49 in the
17 morning.

18 Q And when you got that call, what did you do next?

19 A So that was the initial call from dispatch that
20 came out. Once patrol gets on scene and determines
21 they need a detective, they start that process and I
22 get called. So, initially, when I get called out, I
23 usually contact the shift supervisor and respond
24 directly to the scene, and then meet with the patrol
25 officers on scene and the supervisor and start figuring

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SEAN WYDRA - DIRECT EXAMINATION

1 out what we have as far as the investigation goes.

2 Q That night, where did you respond first?

3 A Taco Bell in Socastee, Myrtle Beach, Horry
4 County.

5 Q Who else was there?

6 A Corporal Fletcher, Sergeant Treitler, and a
7 number of their patrol officers on their shift as
8 well.

9 Q Would you say that your role at that point was
10 more supervisory, or were you an active participant in
11 the investigation?

12 A Both. I mean, it's me as lead detective. You
13 know, investigation is my responsibility at that point,
14 but, you know, some of what I do is task other officers
15 that are out with different jobs. I'm only one person,
16 so I can only be in so many places; so, typically, we
17 have officers that are at our disposal to help us in
18 the investigation and are ready to help however they
19 can.

20 Q What investigative steps did you take from the
21 Taco Bell parking lot?

22 A Once I arrived on scene, I met with the victim's
23 wife, spoke with her. I also began contacting the
24 victim's cell phone provider in an attempt to ping his
25 cell phone. We sent officers out to various locations.

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SEAN WYDRA - DIRECT EXAMINATION

1 We knew that the victim's ATM card had been in use, so
2 we sent officers to other ATMs and banks in the area.
3 Also, we were just out generally looking for the
4 vehicle. We contacted other agencies, provided what we
5 call a "BOLO," Be-On-The-Lookout, for those vehicles
6 and a description of what we had at that point in
7 time.

8 We have surrounding agencies like the City of
9 Myrtle Beach, City of Conway, Highway Patrol that can
10 assist us in their jurisdictions and areas. Also, we
11 had officers in other precincts within Horry County,
12 and officers in the south precinct.

13 Q You mentioned that you attempted to have his
14 phone pinged; was that successful?

15 A No.

16 Q Do you know why?

17 A I believe his phone was off, I believe, but I
18 can't -- I don't recall if they were ever successfully
19 able to ping it.

20 Q If a phone has been powered down, that is
21 something that a cell phone company wouldn't be able to
22 recover his location?

23 A You would just get the last known location of the
24 phone.

25 Q Okay. And you were present at the Taco Bell

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SEAN WYDRA - DIRECT EXAMINATION

1 along with the victim's wife?

2 A Yes, sir.

3 Q And you were there to observe the phone call that
4 occurred between the victim and his wife?

5 A I was.

6 Q As you have heard earlier, as soon as that phone
7 call finished, several officers began, basically,
8 canvassing the area to see if they could locate him; is
9 that correct?

10 A Yes, sir.

11 Q Were you one of the officers that went out on
12 patrol?

13 A No. Typically, I'm there at the incident
14 location to try to continue to run the investigation.
15 Like I said before, we have other officers that are
16 available to do that.

17 Q At some point, did a call come out indicating
18 that the vehicles had been located?

19 A Yes, sir.

20 Q Do you recall where?

21 A Hotel on Waccamaw Boulevard, I believe, Days Inn.

22 Q Where is that located?

23 A Waccamaw Boulevard. Kind of off of 501. I would
24 say kind of by River Oaks/Carolina Forest area.

25 Q Here within Horry County?

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SEAN WYDRA - DIRECT EXAMINATION

1 A Yes, it is.

2 Q And you arrived on scene?

3 A I did.

4 Q What actions did you take once you arrived?

5 A Once we arrived on scene, our primary -- our
6 primary purpose was, obviously, to recover the victim,
7 so first thing we did when we got there is figure out
8 what room he was in, and as soon as we figured out what
9 room he was in, we established a perimeter around the
10 hotel as well and proceeded to travel right up to that
11 room.

12 Q And how did you get to that room?

13 A Stairwell, as described earlier.

14 Q And this was in a tactical formation with several
15 other officers?

16 A It was.

17 Q You were on that stack of officers that made
18 entry into the hotel room?

19 A Yes, sir.

20 Q When you made entry into the room, what did you
21 observe?

22 A As the other officers have explained, when you
23 make entry, there is a bathroom immediately off to your
24 left. Straight in front of you proceeds into the hotel
25 room. To your left, you have two beds. And, then, you

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SEAN WYDRA - DIRECT EXAMINATION

1 know, to your right is, like, maybe a desk. You had
2 several females in the hotel room and the victim as
3 well. The victim was all the way in the back laying on
4 the floor. We had some females on the hotel bed, the
5 bed that was in there.

6 Q All three females were removed from the room?

7 A They were.

8 Q And, eventually, as we saw on that video, a
9 fourth person was located in the room?

10 A Yes, sir.

11 Q Did you assist other officers in placing that
12 individual into custody?

13 A So at the time he was taken into custody, I had a
14 female in my custody. Generally, when we enter a room,
15 like some of the officers described to you earlier, the
16 individuals that we detained get passed back. Where I
17 was in the stack was -- you had Officer Kobithen,
18 Sergeant Fletcher, and then Koupach, Sergeant Treitler,
19 myself, and then Officer Glazier. So as the initial
20 officers entered into the room and detained the
21 females, they passed them back. So my responsibility
22 at that point initially was grabbing ahold of one of
23 the females, taking her out, and detaining her.

24 Q Eventually, you relinquished custody of that
25 female?

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SEAN WYDRA - DIRECT EXAMINATION

1 A Yes.

2 Q And you did enter the hotel room?

3 A Yes, sir.

4 Q Once you re-entered the hotel room, what was your
5 role at that point?

6 A Basically, to document the scene, process the
7 scene, collect any evidence available, photograph the
8 scene.

9 Q Okay. I'll hand you State's Exhibit 15 through
10 22; can you look at those real quick?

11 A Yes, sir. (Witness examines documents.)

12 Q Now, you took all of these pictures?

13 A Yes, sir.

14 Q And that is the scene in the room as you recall
15 it to have been?

16 A Yes, it is.

17 Q I notice in the pictures there that it appears
18 everything is spread out on the bed. I assume from
19 that spread, that's not initially the way that things
20 were found?

21 A No. As I indicated earlier, items were kind of
22 placed there during the course of us coming into the
23 room and detaining the individuals in the room and
24 rendering the room safe, so to speak.

25 Q But by the time you got in there, all of these

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SEAN WYDRA - DIRECT EXAMINATION

1 items were laid out on the bed?

2 A I was in there initially -- when we initially
3 entered, but when I came back after securing the
4 female, once I had another officer available to pass
5 her off to, then, yes.

6 Q And you mentioned one of your roles in all of
7 this is the documentation and entrance of evidence,
8 correct?

9 A Yes, sir.

10 Q So several of these items have already been
11 entered into evidence to include these two firearms,
12 marked as State's 11 and 12; are you familiar with
13 those?

14 A I am.

15 Q What action did you take related to these
16 firearms?

17 A Once I went into the scene and processed them, I
18 collected them, and they were later placed in evidence.

19 Q I'm also going to show you State's 6 and 7; do
20 you recognize these items?

21 A I do. This is the BB&T debit card that says
22 "Adam J. Powalie," and that is the one that Corporal
23 Fletcher spoke about that was recovered off the
24 defendant.

25 This is the Duke lanyard that was also recovered

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SEAN WYDRA - DIRECT EXAMINATION

1 from him.

2 Q Both of these items -- once you found these items
3 on the bed, what actions did you take relating to
4 these?

5 A Again, collected them, enter them into evidence,
6 preserve them.

7 Q Just once more, I'm going to show you what is
8 marked as State's Exhibit 22. There is a rifle in the
9 center there, but is there also a cell phone?

10 A There is.

11 Q And did you take possession of that cell phone?

12 A I did.

13 Q What did you do with that phone?

14 A It was eventually downloaded and placed into
15 evidence, but I obtained a search warrant for it.

16 Q What was the purpose of downloading that phone?

17 A Typically, in criminal investigations, they can
18 contain a variety of evidence. Just as everyone here
19 knows, we use our cell phones on a daily basis. So
20 part of what we do is download a cell phone to see the
21 contents of the phone, what calls people are making,
22 who they are talking to, what they are saying, where
23 they've been, Internet searches; there is a variety of
24 things you can find on a cell phone.

25 Q Whose cell phone was that?

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SEAN WYDRA - DIRECT EXAMINATION

1 A The victim's cell phone.

2 Q You did a full cell phone extraction on that?

3 A Yes, sir.

4 Q During the course of your investigation, were you
5 able to determine cell phone numbers, not only for the
6 victim, but also for the defendants in this case?

7 A Yeah; we had cell phone numbers for everyone.

8 Q In the course of your download of that phone, did
9 you observe any interactions between the victim in this
10 case and any of the charged defendants?

11 A I did not. So the numbers I found or obtained
12 from the defendants in this case, none of the phone
13 numbers communicated with the victim's phone that I
14 could see.

15 Q You went through the download of the phone for
16 investigative purposes, correct?

17 A I did.

18 Q Did you observe any illegal activity, drug
19 activity, anything on that phone?

20 A I did not observe anything that the victim used
21 drugs or sold drugs or anything like that, no.

22 Q Any illegal activity in there, any mention of any
23 illegal activity?

24 A Not that I can recall.

25 Q Okay. Four defendants in this case, correct?

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SEAN WYDRA - DIRECT EXAMINATION

1 A Yes, sir.

2 Q At one point or another, your squad, your team,
3 arrested four different people here?

4 A That is correct.

5 Q Do you recall their names?

6 A Trianna (phonetic) Small, Lana Crole (phonetic)
7 and -- I'm not sure the last name, but it was Small as
8 well.

9 Q Who was the -- there was also one male?

10 A Shaquille Blakeley, the defendant; yes, sir.

11 Q And you observed him that evening -- morning in
12 the hotel room?

13 A I did.

14 Q You had personal interaction with him?

15 A I did.

16 Q That is the defendant in this case, Shaquille
17 Blakeley?

18 A That is.

19 Q Is he present in the courtroom today?

20 A He is.

21 Q Could you point at him?

22 A Defendant is seated right there (indicates).

23 Q Could you describe what he is wearing?

24 A White T-shirt or golf shirt.

25 Q Now, all four of these defendants, they were all

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SEAN WYDRA - CROSS-EXAMINATION

1 charged with the exact same charges?

2 A They were.

3 Q But we're only here today for Shaquille Blakeley?

4 A That is correct.

5 Q And is it possible whenever you have a group of
6 people all engaged in criminal activity for one common
7 goal, that all of those people would be charged with
8 the same thing?

9 A Correct.

10 MR. STANKO: Nothing further, Your Honor.

11 THE COURT: Okay.

12 CROSS-EXAMINATION

13 BY MR. O'NEILL:

14 Q Detective.

15 A Yes, sir.

16 Q You did an interview with Adam Powalie after the
17 fact?

18 A I did.

19 Q And he spoke to you about what happened that
20 night?

21 A He did.

22 Q And during the course of that interview, you
23 became aware that he was offered sex from the
24 kidnappers that night?

25 A I did.

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SEAN WYDRA - CROSS-EXAMINATION

1 Q And he was offered drugs from the kidnappers that
2 night?

3 A Yeah.

4 Q And you said you were at the Taco Bell and the
5 hotel?

6 A Yes, sir.

7 Q At the Taco Bell, was there any surveillance
8 video?

9 A So the surveillance video of Taco Bell was very
10 poor quality of the exterior, so it was limited in
11 nature.

12 Q But they did have surveillance video, but you
13 didn't collect it?

14 A I don't recall whether or not they had very much
15 exterior surveillance video. It was very poor quality
16 to the point it wasn't usable.

17 Q And there was surveillance video that you did
18 collect from some other places that these vehicles went
19 that night, including a few Circle Ks?

20 A That is correct.

21 Q And the hotel as well?

22 A That is correct, sir.

23 Q On that hotel surveillance video, you mentioned
24 in your report that there was the rifle that was
25 involved in this case, it was carried by someone other

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SEAN WYDRA - CROSS-EXAMINATION

1 than Mr. Blakeley?

2 A That is correct. What appeared to be -- you
3 could only see a large bulge bulging out of a person's
4 clothing.

5 Q Okay. Did you take any fingerprints of those
6 weapons in this case?

7 A I did not.

8 Q Are you wearing -- are you aware if anyone took
9 any?

10 A I am not.

11 Q How about -- was DNA collected in this case?

12 A From certain individuals to exclude them from
13 things.

14 Q There was DNA swabs done of the cars?

15 A I did not do any.

16 Q But you are aware of that?

17 A It would have been done by a crime scene tech,
18 yes.

19 Q You are aware it was done in this case?

20 A Yes.

21 Q And Corporal Fletcher spoke about he handled the
22 guns without gloves?

23 A Yes.

24 Q And you took a DNA sample from Detective Fletcher
25 so you could -- if his DNA was found so you could

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SEAN WYDRA - CROSS-EXAMINATION

1 exclude him?

2 A I did take a sample from him just in case we
3 needed it.

4 Q But those were never sent off to SLED or tested
5 or anything?

6 A No, not that I'm aware of.

7 Q And you talked about the extraction of the phone,
8 were you the one who personally got the information off
9 of the phone?

10 A I am not. So that gets sent out to someone who
11 has training to do that, to download the phones.

12 Q You just reviewed the information after it was
13 extracted?

14 A Once we obtained a search warrant, it gets sent
15 to a person who does the extraction, the extraction is
16 then sent to us.

17 Q But you were able to get video footage from a
18 Circle K, at least one, maybe two? Were you getting
19 any other video footage from anywhere?

20 A I have footage from a Circle K, the hotel itself,
21 and there was some footage from BB&T, but those were
22 mostly pictures as well.

23 Q Was Mr. Blakeley on any of those videos?

24 A He would have been on the Days Inn surveillance
25 video.

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SEAN WYDRA - REDIRECT EXAMINATION

1 Q But the other videos, when he goes to Circle K at
2 the ATM, is he on those videos?

3 A No.

4 Q Is he armed in the video from the hotel?

5 A No.

6 MR. O'NEILL: Thank you.

7 REDIRECT-EXAMINATION

8 BY MR. STANKO:

9 Q He mentioned briefly that Mr. Powalie told you he
10 was offered sex, offered drugs by the co-defendant in
11 this case; did he tell you that he turned both of those
12 down?

13 A He did.

14 Q The footage you were able to observe at Days Inn
15 that showed the defendant's -- excuse me, the group of
16 individuals, along with the victim, heading into the
17 hotel?

18 A That is correct.

19 Q Additionally, it was your investigative discovery
20 that one of the co-defendants -- possibly the one who
21 had the rifle -- used some kind of garment to obscure
22 and cover up the fact they were carrying the AR pistol
23 in there?

24 A That is correct. So at the time it was being
25 moved into the hotel, I don't -- you know, the purpose

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SEAN WYDRA - REDIRECT EXAMINATION

1 was to obscure it from any people from the hotel lobby,
2 including the employees, I would assume; that is what
3 it appeared to be in the video.

4 MR. STANKO: Nothing further, sir.

5 THE COURT: You may step down.

6 MR. HOLFORD: The State calls Adam Powalie.

7 (ADAM POWALIE, having been duly sworn,
8 testified as follows:)

9 THE WITNESS: Adam Joseph Powalie,
10 P-O-W-A-L-I-E. (witness crying)

11 DIRECT-EXAMINATION

12 BY MR. HOLFORD

13 Q Mr. Powalie, if you will, excuse me for a minute
14 while I get this set up.

15 Have you ever testified in a courtroom before?

16 A No.

17 Q Other than this occasion, have you ever been held
18 at gunpoint before?

19 A No.

20 Q What would you tell the jury about your mental
21 state at the moment, right now?

22 A Freaked out, scared.

23 Q This is not a common occurrence for you?

24 A No.

25 Q I'm going to ask you, if you can --

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SEAN WYDRA - REDIRECT EXAMINATION

1 MR. HOLFORD: Your Honor, may he step down?

2 THE COURT: Sure.

3 Q (MR. HOLFORD) This is State's 3 and already
4 entered into evidence.

5 Let's go back to October 9th, 2020. Earlier in
6 that night, prior to 12:00, where were you?

7 A Right here (indicates).

8 Q Off of Squealer Lake Trail, off of Hunters Trail?

9 A Yup.

10 Q Whose house were you at that day?

11 A My brother's.

12 Q What were you doing?

13 A Watching football.

14 Q After you left this location, show the jury where
15 you went. How did you travel? If you can step to the
16 side.

17 A Sorry. Down here, down Hunters Trail, down
18 Forestbrook, down to 707, here -- oh, so down here to
19 707 to Taco Bell.

20 Q As you were traveling to the Taco Bell, did you
21 make any phone calls?

22 A I did.

23 Q Have you seen a copy of the download from your
24 phone?

25 A I have.

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SEAN WYDRA - REDIRECT EXAMINATION

1 Q Have you reviewed it prior to today?

2 A Yes, sir.

3 Q I'll hand you what is marked as State's 23 for ID
4 at this point; are you familiar with what State's 23
5 is?

6 A Yes.

7 Q How are you familiar with State's 23?

8 A I reviewed it; it is from my cell phone.

9 Q Are those records from your cell phone that
10 night?

11 A Yes, sir.

12 Q Is that a true and accurate copy of your cell
13 phone records?

14 A Yes, sir.

15 MR. HOLFORD: Your Honor, at this time the State
16 seeks to enter State's 23 into evidence.

17 MR. O'NEILL: Your Honor, I would object. I
18 think they would have to have the person they
19 extracted this from the cell phone to lay a foundation
20 of what it is before he can put it in.

21 MR. HOLFORD: Your Honor, they are his cell phone
22 records. He already said they were his cell phone
23 records and familiar with them. I think that is
24 enough to authenticate that the records are true and
25 accurate.

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SEAN WYDRA - REDIRECT EXAMINATION

1 THE COURT: Overruled.

2 (State's Exhibit 23 admitted.)

3 Q (MR. HOLFORD) I'll show you on the screen;
4 hopefully we can see it. This call log says
5 12:31:14 a.m. to Dalton Davis; who is Dalton Davis?

6 A We work together. He's been a friend of mine and
7 with my son for 20 years.

8 Q Now, that call lasted about 10 minutes and 18
9 seconds?

10 A Uh-huh.

11 Q And then there is another outgoing call to Dalton
12 Davis -- actually there is a 4-second one, and then one
13 a minute and 17; tell me about this. At 12:44 a.m. you
14 make a call to Dalton Davis; tell me about that.

15 A Well, we spoke on the phone until I got to the
16 speaker box at Taco Bell. Once I ordered, I always get
17 pulled around. So after I pulled up to the window and
18 paid, I pulled around and was calling him back to say
19 that I got pulled around again, and then this happened.

20 Q "Pulled around again," meaning they didn't have
21 your food and you had to wait for it?

22 A Correct. Correct.

23 Q I'll show you -- this is for ID. This is State's
24 1; are you familiar with that?

25 A Yes, sir.

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SEAN WYDRA - REDIRECT EXAMINATION

1 Q How are you familiar with that?

2 A I reviewed it.

3 Q Is this the Taco Bell we are talking about?

4 A Yes, sir.

5 MR. HOLFORD: We seek to introduce State's 1.

6 MR. O'NEILL: No objection.

7 THE COURT: In without objection.

8 (State's Exhibit 1 admitted.)

9 Q (MR. HOLFORD) Can you show the jury on here
10 where the drive-thru -- how you were pulling around
11 and where you ended up waiting for your food. So if
12 this is 707 here, you have the high school.

13 A Okay. So I pulled in here. Speaker box is here.
14 I believe this is where the window is. And then after
15 I paid, I was told to pull around to about right there,
16 where that vehicle is.

17 Q That is not your vehicle, is it?

18 A I don't believe so.

19 Q We don't have live satellite; this is just Google
20 maps (laughing).

21 So you were pulled around right here?

22 A Yeah.

23 Q So as you are waiting for your food, we see that
24 there is this call, on State's 23, for a minute and 17
25 seconds, and then it goes off. Then, it looks like we

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SEAN WYDRA - REDIRECT EXAMINATION

1 have incoming calls from Dalton Davis with a zero
2 second call, and 12 second call, and then he text you;
3 tell me about that interaction. What happened?

4 A I'm assuming -- I mean, that is when they grabbed
5 my phone and turned it off, so.

6 Q I know we've heard it from other people, but from
7 your perspective, you are sitting in a car; what car
8 are you in?

9 A Red Ford F-150.

10 Q How many doors does that 150 have?

11 A It had four.

12 Q Four doors. As you're sitting here waiting for
13 your food, what happened?

14 A Waiting on my food, and then I heard commotion.
15 I looked out my passenger's side window, and the one
16 had a pistol at the window. So I was like, I'm going
17 to drive off. I turned around, and Blakeley was in the
18 SUV on the back driver's side sitting out the window
19 with a rifle pointed at my windshield.

20 Q You just told the jury it was Blakeley; did you
21 know who he was that night?

22 A Not a clue.

23 Q You know who he is today?

24 A I know who he is today, sure.

25 Q But the man, Blakeley, sitting in the courtroom,

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SEAN WYDRA - REDIRECT EXAMINATION

1 that is who was holding a rifle at you from the SUV?

2 A Yes, sir.

3 Q Are you certain?

4 A Yes, sir.

5 Q The person who came up to your passenger's side
6 window, was that a male or female?

7 A Female.

8 Q You said she was holding a pistol?

9 A Correct.

10 Q Was there anyone from the Taco Bell outside when
11 this happened?

12 A Yes. Yes. She came up and brought my food out.
13 I'm not sure of her name, but she testified today.

14 Q Was she able to observe what happened?

15 A She was.

16 Q Let me ask you this: Did you let the female into
17 your car? Did you invite her into your car?

18 A No, sir, she just came in the car.

19 Q And was she ever armed with an AR pistol?

20 A She had a pistol, smaller gun. I don't do guns,
21 so.

22 Q This has been entered as State's 12. Now, it is
23 secured and locked; there is no ammo in here, nothing
24 in the chamber. Is that the pistol the female had?

25 A Yes, sir.

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SEAN WYDRA - REDIRECT EXAMINATION

1 Q So State's 12 is what the female had?

2 She jumps in your passenger's side, and then what
3 happens?

4 A Then she told me -- after she told me to give her
5 all my money and --

6 MR. O'NEILL: Objection; hearsay.

7 Q (MR. HOLFORD) So we can't say what the female
8 said.

9 A I was instructed to follow the white SUV where we
10 went to BB&T, basically from Taco Bell right here, down
11 from Taco Bell.

12 Q Sorry. Let me back up. State's 2, are you
13 familiar with State's 2?

14 A Yes, sir.

15 Q Is that an accurate depiction of the area?

16 A Yes, sir.

17 MR. HOLFORD: State seeks to introduce State's 2.

18 MR. O'NEILL: No objection.

19 THE COURT: In without objection.

20 (State's Exhibit 2 admitted.)

21 Q (MR. HOLFORD) The male in the white GMC -- I'm
22 going to go around you. If you are in your truck,
23 your driver's side, the white SUV is over here?

24 A No. Actually, it's in front of me.

25 Q And so driver's side, back seat?

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SEAN WYDRA - REDIRECT EXAMINATION

1 A Driver's side, back seat.

2 Q That is where the defendant was?

3 A Uh-huh.

4 Q He was holding a rifle at you?

5 A Yes, sir.

6 Q I'll show you what is entered as State's 11.

7 Again, it is locked, no ammo, it is not able to be
8 fired; is this the gun that the defendant was holding?

9 A Yes, sir.

10 Q So you leave out of Taco Bell and you went to
11 BB&T across the street?

12 A Yes, sir.

13 Q Did you pull out any money from the BB&T?

14 A No, sir. Well, I didn't have my glasses and I
15 couldn't read the screen. I was nervous. At that
16 point, one of the officers, I guess, was responding to
17 the call and was flying by, so I was instructed to
18 follow the white SUV. At that time, I went down back
19 that way towards the bypass, towards Market Common
20 area. We then turned around came back to here
21 (indicates).

22 Q Now, tell me about this.

23 A I was instructed to get out of my vehicle, at
24 which case the one who had the pistol got in the
25 driver's side of my vehicle, and I was put in the

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SEAN WYDRA - REDIRECT EXAMINATION

1 vehicle in the front passenger's side of the white
2 vehicle.

3 Q So after this point, which vehicle are you in?

4 A The white SUV.

5 Q Where are you seated in the car?

6 A Front passenger.

7 Q Who is driving the white SUV?

8 A One of the females.

9 Q Is anyone in the back seat?

10 A Mr. Blakeley.

11 Q Was he armed at that time?

12 A Yes, sir.

13 Q And what was he armed with?

14 A The rifle.

15 Q Was there anyone else in that vehicle?

16 A There was, but at that time I didn't know there
17 was anyone else in the vehicle.

18 Q At that time, did you see another male in the
19 vehicle?

20 A No, sir.

21 Q Did you have -- could you see who was sitting in
22 the back seat there?

23 A I wasn't going to turn around with a gun pointed
24 at me, so.

25 Q Now, let me ask you this: How are you sure that

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SEAN WYDRA - REDIRECT EXAMINATION

1 it wasn't a juvenile and that it was the defendant
2 holding the gun?

3 A Because he was -- he was still speaking to me
4 after he I had seen his face when he had the gun to my
5 windshield.

6 Q No question it was not a juvenile holding the
7 gun?

8 A Correct, no question.

9 Q You switch, now you are in the white SUV. I'll
10 put back up State's 3. So we've come from the Taco
11 Bell to the BB&T, out this way, back to the fenced lot,
12 now you are in the white SUV; tell the jury where you
13 are going.

14 A From that point, we went to Carolina Forest, BB&T
15 in Carolina Forest.

16 Q Off of Carolina Forest Boulevard?

17 A Yeah. Up here. Here it is, yeah.

18 Q I'll show you for ID 24, 25, 26, 27, 28, 29, 30,
19 31, 32, 33, 34, 35, 36, 37 and 38; without showing them
20 to the jury, are you familiar with what those
21 photographs are?

22 A (Witness examines documents.)

23 (A brief pause in the proceedings.)

24 A Yes, sir.

25 Q (MR. HOLFORD) How are you familiar with those

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SEAN WYDRA - REDIRECT EXAMINATION

1 photos?

2 A I reviewed them.

3 Q Are those photos from you of that night,

4 October 9, 2020?

5 A Yes.

6 MR. HOLFORD: At this time State's seek to

7 introduce State's 24 through 38 into evidence.

8 MR. O'NEILL: No objection.

9 THE COURT: Without objection, State's 24 through

10 38.

11 (State's Exhibits 24-38 admitted.)

12 Q (MR. HOLFORD) These all have a date and

13 timestamp?

14 A Yes, sir.

15 Q We can look at each one. It is 10/9/2020 at

16 1:16:49 a.m.; is that right?

17 A Yes.

18 Q Carolina Forest site?

19 A Yes.

20 Q Is this a BB&T?

21 A Yes.

22 Q ATM. And who is that in the green shirt?

23 A Me.

24 Q 25, can you tell the jury what we are seeing?

25 A Me at the ATM machine.

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SEAN WYDRA - REDIRECT EXAMINATION

1 Q 26?

2 A Me at the ATM machine.

3 Q Now, we can see, but for the record, are you
4 inside a vehicle?

5 A No, sir.

6 Q Why not?

7 A Because they told me to get out and retrieve the
8 money.

9 Q 27?

10 A Looks like that is where I received the money,
11 and they wanted me to show it to them when I had it.

12 Q 28?

13 A Getting my card back.

14 Q Lookings like you are holding something?

15 A Holding the cash up walking back to the car.

16 Q 30?

17 A I'm not positive why I'm still at the ATM
18 machine, but still at the ATM machine.

19 Q 31?

20 A Walking back towards the vehicle.

21 Q How many vehicles are there at that point?

22 A Two.

23 Q 32?

24 A That is one vehicle which I was in.

25 Q This white vehicle, again, as you returned from

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SEAN WYDRA - REDIRECT EXAMINATION

1 the ATM, where are you seated?

2 A In the front passenger's seat.

3 Q Female is still driving; everyone is still the
4 same?

5 A Correct.

6 Q Someone is now driving your truck?

7 A Correct.

8 Q 33?

9 A White SUV.

10 Q 34?

11 A SUV.

12 Q 35?

13 A My truck.

14 Q 36?

15 A My truck.

16 Q That is not you driving, is it?

17 A No, sir.

18 Q 37?

19 A Looks like the back of my truck.

20 Q And 38 -- I got these out of order, but this is
21 38.

22 A Me.

23 Q So let's go back to 37; what is the timestamp on
24 that when you see the back of your truck leaving?

25 A 1:20:34 a.m.

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SEAN WYDRA - REDIRECT EXAMINATION

1 Q So you are up at the ATM 1:16 a.m., and got the
2 cash by 1:20?

3 A Yes, sir.

4 Q What did you do with that cash after you pulled
5 it out of the ATM?

6 A Gave it to Mr. Blakeley.

7 Q How much did you pull out?

8 A 500.

9 Q You have a joint bank account with your wife?

10 A That's correct.

11 Q This has been entered as State's 13; are you
12 familiar with that?

13 A Yes, sir.

14 Q Does this show your \$500 withdraw from BB&T?

15 A Yes, sir.

16 Q That is from this BB&T here?

17 A That's correct.

18 Q After you left this BB&T, where did you go?

19 A We went to Wells Fargo, which I'm not sure where
20 it is on the map, but near BB&T.

21 Q Were you able to pull any cash from that?

22 A No, sir; I had a 500 limit on the account. From
23 there, we went to gas stations in Carolina Forest; same
24 result. Then, from that point, not a hundred percent,
25 but there was another gas station before Circle K

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SEAN WYDRA - REDIRECT EXAMINATION

1 before --

2 Q So you eventually -- you are at multiple gas
3 stations and ATMs; are you attempting to pull cash
4 out?

5 A Yes, sir.

6 Q Are you able to?

7 A No, sir.

8 Q You eventually get to this Circle K?

9 A Yes.

10 Q That is before you go to the Days Inn.

11 A Correct.

12 Q Okay.

13 If you don't mind, return back to your seat.

14 Have you seen video from that Circle K of that
15 night?

16 A I have.

17 Q Are you on that video?

18 A Yes, sir.

19 Q Does it show you attempting to pull money as
20 you've told the jury?

21 A It does.

22 Q I'll show you State's 39 for ID.

23 A Yep, that is it.

24 Q How do you know that State's 39 is the video we
25 were talking about?

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SEAN WYDRA - REDIRECT EXAMINATION

1 A I reviewed it and it has my initials.

2 MR. HOLFORD: At this time we seek to introduce
3 State's 39.

4 MR. O'NEILL: No objection.

5 THE COURT: In without objection, State's 39.

6 (State's Exhibit 39 admitted.)

7 MR. HOLFORD: Permission to publish?

8 (A brief pause in the proceedings.)

9 Q (MR. HOLFORD) Can you see this video?

10 A Yes.

11 Q I paused it here. This also has a timestamp
12 10/9/2020 at 1:37 a.m.; is that correct?

13 A Yes.

14 Q Is that about the time you went to Circle K?

15 A Yes.

16 Q After you went to BB&T?

17 A Correct.

18 Q We just saw this white SUV here; how are you
19 familiar with that SUV?

20 A That's the one I was in.

21 Q Are we watching you get out the front passenger's
22 seat of the white SUV?

23 A Yes, sir.

24 Q What are you doing now on the video?

25 A I was followed to get as much money as I could

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SEAN WYDRA - REDIRECT EXAMINATION

1 out of the ATM machine.

2 Q Someone just came in with a hoody on; do you know
3 who that is?

4 A Yes.

5 Q Who is that?

6 A I don't know her name, but one of the females.
7 She was the one that was driving the white SUV.

8 Q Let me ask you this: You are inside a gas
9 station with a guy, and we just watched a security
10 guard walk out, why didn't you run away, call the
11 police, stop --

12 A I didn't want to get shot.

13 Q Did you think if you complied they would let you
14 live?

15 A I believe so. They never put their hands on me,
16 so I believe there was a possibility of it, and I was
17 going to give it my best shot.

18 Q Did you owe these people any money?

19 A No, sir.

20 Q Had you ever seen them before?

21 A No, sir.

22 Q In this video now, what's the female doing?

23 A Coming over, I assume, to make sure what I'm
24 doing, make sure that I have money.

25 Q Going to these gas stations and ATMs and being

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SEAN WYDRA - REDIRECT EXAMINATION

1 put in the front seat of the car, did you do that
2 willingly? Did you want to give them money?

3 A No.

4 Q 1:41, where are you going now?

5 A Back to the front passenger's seat of the SUV.

6 Q You said after you left the Circle K you went to
7 the Days Inn?

8 A That's correct.

9 Q Tell me what happened at Days Inn.

10 A So we pulled into the side entry of the Days Inn.
11 I was instructed to get out of the vehicle, told me to
12 stand on the sidewalk. I was standing on the sidewalk.
13 At that point, they were pulling I guess the younger
14 male out of the back seat of the vehicle. I was
15 shocked because I didn't realize there was anyone else
16 in the vehicle. When I did that, they told me to turn
17 the fuck around, they are going to kill my family,
18 blah, blah, blah. I turned around and complied, of
19 course. I'm not 100 percent what they did with him.
20 We went into the lobby of the hotel room and they had
21 -- Blakeley had my wallet, and they had me trying to
22 use my ATM machine in the lobby, in which case they got
23 a room. I guess they wanted a smoking room, so that is
24 why they wanted on the fifth instead of the first
25 floor, which I guess is handicapped accessible.

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SEAN WYDRA - REDIRECT EXAMINATION

1 So we went up to the room, and I had to use the
2 restroom. The girl walked in the restroom with me. I
3 used the restroom, and then they had me sit down at
4 the table. There was like a nightstand, bed, and a
5 table. Then he started speaking to me, asking if I
6 was married, how long I've been married.

7 MR. O'NEILL: Objection; hearsay.

8 MR. HOLFORD: It's the defendant's statements.

9 THE COURT: Continue.

10 Q (MR. HOLFORD) You are not going to be able to
11 say what any of the females said to you, but you can
12 say what the defendant said.

13 A So he asked me for marriage advice, in which case
14 I didn't know what to say. He told me to go sit back
15 down at the table over there. And then, at that point,
16 he said I looked stressed, and he wanted -- asked the
17 female that was driving the white SUV, said, Do you
18 want to have sex with me. I said, Please don't, I'm
19 married. He said, You don't want to have sex with this
20 fine white chocolate -- whatever, white chocolate
21 bitch, I think is the verbiage. Thankfully, nothing
22 happened there. She went back to the other side of the
23 room.

24 Then, at that point, the one that was driving my
25 vehicle came back into the room. I was sitting there.

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SEAN WYDRA - REDIRECT EXAMINATION

1 I assume she was done with the other male, I don't
2 know, but she came back in the room. They started
3 arguing. He started arguing -- the male started
4 arguing with the female that was driving the white SUV
5 about the money for the room, and then they actually
6 -- another female struck her, and then he took -- what
7 do you call it -- the clip, or whatever, out of the
8 pistol and took her into the bathroom, and I assume
9 then pistol whipped her, because when she came out,
10 she had knots on her head.

11 At that point, the one that was driving my
12 vehicle went in and took a shower. She got back on
13 the phone. I can't say what she was saying, but then
14 he told me that I needed to go to sleep. And I said,
15 Well, there is no way I can go to sleep. He said, You
16 can't be looking at me all night long, you need to go
17 to sleep. So I laid on the floor, and they put a
18 blanket on me. At some point after that is whenever
19 the officers broke in.

20 Q Now, during the time you were in the hotel room,
21 did you make any phone calls?

22 A No, sir -- oh, I'm sorry. I did not make the
23 phone calls; one of the females did. I had to call my
24 wife.

25 Q Were you able to make any phone calls from your

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SEAN WYDRA - REDIRECT EXAMINATION

1 phone?

2 A No, sir.

3 Q Why not?

4 A They had my phone and had it turned off.

5 Q Who had your keys, your wallet?

6 A The one driving my truck had my keys and my
7 wallet, yes.

8 Q Who is in charge of this whole situation?

9 A The one driving my vehicle as well as the male.

10 Q Now, when we say the "male," who are we talking
11 about?

12 A Blakeley.

13 Q Are you sure it is not the juvenile we've heard
14 about?

15 A No, sir.

16 Q Now that you know at this point in your story
17 that there was a juvenile, was he ever involved in
18 robbing you?

19 A No, sir.

20 Q Did he ever kidnap you?

21 A No, sir.

22 Q Did he ever hold a gun on you?

23 A No, sir.

24 Q Did he have anything to do with this situation?

25 A No, sir.

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SEAN WYDRA - REDIRECT EXAMINATION

1 Q You said you had to call your wife; have you
2 heard that recording prior to today?

3 A Yes, sir.

4 Q And you were in the courtroom earlier?

5 A Yes, sir.

6 Q This is State's Exhibit 4. This is 2:18 in the
7 morning, so we're back in the hotel room. You're in
8 the Days Inn, which is 1:40 a.m. You are making a
9 phone call, and we can see it is 2:18 now. Who is
10 this?

11 A My wife.

12 Q We asked her, but let's close the loop.

13 (Published to the jury.)

14 Q (MR. HOLFORD) Who is that voice we hear on the
15 phone?

16 A My voice.

17 Q Is that you?

18 A Yes.

19 Q Why are you saying you are okay?

20 A Because I wanted her to know that I was okay
21 because I was -- you know, I didn't want her freaking
22 out. I didn't want any issues when I had two guns
23 pointing at me.

24 Q At the time when you have this phone call, you
25 have two guns pointing at you?

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SEAN WYDRA - REDIRECT EXAMINATION

- 1 A Yes, sir.
- 2 Q Who is pointing the gun at you?
- 3 A Mr. Blakeley has a rifle pointed here, and the
- 4 one driving the SUV, she was holding the phone and a
- 5 pistol pointed at my ribs.
- 6 Q So while you are in the hotel room, Blakeley
- 7 still has the same rifle?
- 8 A That's correct.
- 9 Q Pointing it at you?
- 10 A That's correct.
- 11 Q Are you making this phone call of your freewill?
- 12 A No, sir.
- 13 Q Are you saying what you really want to say?
- 14 A No.
- 15 Q We hear a male's voice in the background, who is
- 16 that?
- 17 A Shaquille Blakeley.
- 18 Q And he was right beside you?
- 19 A Yes, sir.
- 20 Q It says that you are selling your car, doing
- 21 something suspicious; is any of that true?
- 22 A No.
- 23 Q Were you selling your car at the Taco Bell that
- 24 night?
- 25 A No.

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SEAN WYDRA - REDIRECT EXAMINATION

1 Q Did you have any intention to sell your car at
2 Taco Bell that night?

3 A No.

4 (Published to the jury.)

5 Q (MR. HOLFORD) Were you selling drugs?

6 A No.

7 Q Why would you tell your wife you were selling
8 drugs?

9 A I had two guns pointed at me; I didn't want to be
10 shot.

11 Q Are you being told what to say?

12 A Yes.

13 Q You just said I have a drug addiction, I'm
14 selling it; do you have a drug addiction?

15 A No.

16 Q Were you using drugs that night?

17 A No.

18 Q Do you use drugs?

19 A No.

20 Q Who is telling you to say that?

21 A Blakeley.

22 Q Initially it's you have to sell the car, and then
23 it's do you have two grand. Was there a specific
24 amount at the Taco Bell, or at any point, that you were
25 told, any significant amount you owed?

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SEAN WYDRA - REDIRECT EXAMINATION

1 A No.

2 Q Did you ever owe him any money?

3 A No.

4 Q I hate to keep bringing it up, but I want to make
5 sure: You did not know him?

6 A I did not know him.

7 (Published to the jury.)

8 Q What did the defendant tell your wife at the end
9 of the phone call?

10 A Find the title to the car.

11 Q That juvenile is not even in the hotel room at
12 the time, is he?

13 A Correct.

14 Q That was 2:18, 2:20, 2:22, something like that.

15 Now, the story seems like it's a movie or
16 something. You are told to have sex, drugs; you don't
17 do any of it. People are questioning, Can we believe
18 you? Did you sleep with any of those females that
19 night?

20 A No.

21 Q Did you do drugs that night?

22 A No.

23 Q This is State's 5, have you reviewed this video
24 prior?

25 A Yes, sir.

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SEAN WYDRA - REDIRECT EXAMINATION

1 Q It's been entered into evidence at this point.

2 Is that timestamp 3:56 in the morning?

3 A Yes.

4 Q So about an hour-and-a-half later?

5 A Uh-huh.

6 Q In between that phone call and the police making
7 entry into the room, tell the jury what happened.

8 A Well, I believe that is right whenever they had
9 me lay down and go to sleep. At that one point, when I
10 was sleeping, I heard them speaking. I heard him
11 speaking, We'll take him to North Carolina. We'll get
12 duct tape and take him to North Carolina.

13 Q Did you ever get duct taped that night?

14 A No.

15 Q Did you ever get tied up?

16 A No.

17 Q Were you held against your will?

18 A Yes.

19 Q Even without a rope?

20 A Yes.

21 Q Even without duct tape?

22 A Yes.

23 (Video published to the jury.)

24 Q (MR. HOLFORD) This first female, where was she
25 in that hotel room?

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SEAN WYDRA - REDIRECT EXAMINATION

- 1 A She was on the first bed they came to.
- 2 Q You talked about a female driving your red truck
- 3 and one driving the SUV; where was she? Who was this
- 4 one?
- 5 A She was in the passenger's seat of my vehicle.
- 6 Q In the red truck?
- 7 A Yes, sir.
- 8 Q So she's not the driver of the SUV?
- 9 A Correct.
- 10 Q There is two on the bed here, pink shirt on the
- 11 left, and a blue shirt on the right; can you tell the
- 12 jury which one they were in relation to who is in the
- 13 cars?
- 14 A Pink shirt was driving the white SUV; blue shirt
- 15 was driving my truck.
- 16 Q So when you told the jury earlier that the
- 17 defendant and another female seemed to be running the
- 18 show, it was the defendant and which one of these
- 19 females?
- 20 A In the blue shirt.
- 21 Q Let me ask you this: In that picture of the
- 22 truck, when it is passing the ATM, it looks like
- 23 someone is wearing a white shirt. I don't see any
- 24 females wearing a white shirt --
- 25 A The one in the blue shirt was wearing a white

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SEAN WYDRA - REDIRECT EXAMINATION

1 shirt, but she had taken a shower in the hotel room.

2 (Video published to the jury.)

3 Q (MR. HOLFORD) Is this you?

4 A Yes.

5 Q Right there it looks like officers just patted
6 you down; did you have any weapons on you?

7 A No, sir.

8 Q Did you have any cash on you?

9 A No.

10 Q Any drugs?

11 A No.

12 Q Did you have your wallet on you at that time?

13 A No.

14 Q Did you have anything on your person?

15 A I had a can of Coke, I believe.

16 Q You've seen the rest of this video?

17 A Yes.

18 Q Do they eventually find the defendant?

19 A Yes.

20 Q No question the guy in the video is the same guy
21 in the courtroom?

22 A Yes.

23 Q Who had your wallet? Who had your cash?

24 A Blakeley.

25 Q State's 19, you see stacks of cash?

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SEAN WYDRA - REDIRECT EXAMINATION

1 A Yes.

2 Q What are those denominations?

3 A Can I look again?

4 Q Yeah, sorry.

5 A (Witness examines document.) Looks like all 20s.

6 I see fives, some ones.

7 Q What did you pull out of the ATM?

8 A 500.

9 Q In what denominations?

10 A I have no idea; I don't remember.

11 Q State's 7, is that your debit card?

12 A Yes, sir.

13 Q That was found on the defendant?

14 A Yes.

15 Q Did you give it to him willingly?

16 A No.

17 Q Did you want him to have it?

18 A No.

19 Q Did you owe him any money?

20 A No.

21 Q Did you owe any of those people money?

22 A No.

23 Q That phone call, I want you to tell -- you are
24 saying you are okay. You're saying the police might
25 get you. You are saying some weird things. Will you

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ADAM POWALIE - CROSS-EXAMINATION

1 explain to the jury what is going on in your mind right
2 then?

3 A I'm just repeating exactly what I'm told to say
4 so I can survive and so that -- you know, just in case
5 somehow they found my family -- they had my wallet, so
6 clearly they knew where I lived.

7 Q Is there anything I haven't asked you that you
8 want this jury to know?

9 A No.

10 MR. HOLFORD: No further questions, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. O'NEILL:

13 Q Before the Taco Bell, you were watching football
14 with your brother?

15 A Correct.

16 Q It was Thursday night football?

17 A Correct.

18 Q NFL?

19 A Buccaneers versus Bears.

20 Q And it was an 8:20 kickoff?

21 A I would assume, yeah.

22 Q After the game, did you leave and go right to the
23 Taco Bell?

24 A Yes.

25 Q How long does it take you to get from your

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ADAM POWALIE - CROSS-EXAMINATION

1 brother's house to the Taco Bell?

2 A Ten minutes or so.

3 Q I mean, that NFL game, it ended around 11:30; it
4 doesn't take you an hour and 20 to get to the Taco
5 Bell?

6 A No. I'm sure we spoke a few minutes. I didn't
7 leave the second the game was over.

8 Q You spoke, but you didn't do anything in between?

9 A No; I just drove straight to the Taco Bell.

10 Q Did you have any beers while watching football?

11 A One.

12 Q I mean, it wouldn't be a football game if you
13 didn't have beer?

14 A But the reason I was at the Taco Bell is because
15 I was feeling sick because I don't drink beer.

16 Q All right. Game ends around 11:30, but you are
17 not at the Taco Bell until 12:50?

18 A Okay.

19 Q Right? At the Taco Bell, the woman gets out of
20 the car and pulls a gun on you, correct?

21 A Correct.

22 Q And then she gets in the car with you?

23 A Correct.

24 Q Before that happened, you had no interaction with
25 the people in the white SUV?

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ADAM POWALIE - CROSS-EXAMINATION

1 A That's correct.

2 Q Didn't talk to them, didn't cut them off in the
3 lane, nothing? You had no interaction?

4 A No interaction.

5 Q Just completely random?

6 A Completely random.

7 Q After that, you go to the BB&T?

8 A Yes, sir.

9 Q And you get to the Carolina Forest BB&T, and you
10 get the \$500?

11 A That's correct.

12 Q After that, you go to some gas stations and one
13 or two Circle Ks?

14 A Yes.

15 (Defendant's Exhibits 1-10 marked.)

16 (A brief pause in the proceedings.)

17 Q These are just -- we watched the video from the
18 Circle K, and this is just a different angle from that
19 same Circle K, but that is you in the Circle K?

20 A Yes, sir.

21 Q If you would look through them and make sure it
22 is you. Those aren't altered or changed in any way;
23 that looks like you in a Circle K?

24 A Yes, sir. (Witness examines documents.)

25 Correct.

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ADAM POWALIE - CROSS-EXAMINATION

1 Q So these are you in that Circle K that night?

2 A Yes, sir.

3 Q They have not been altered or changed in any way?

4 A Correct.

5 MR. O'NEILL: I would like to present Defense 1
6 through 10.

7 MR. HOLFORD: No objection.

8 THE COURT: In without objection.

9 (Defendant's Exhibits 1-10 admitted.)

10 Q (MR. O'NEILL) It is timestamped at 1:37 a.m.;
11 that is you walking into the Circle K?

12 A Yes.

13 Q Defense 3 is just you -- you go right to that ATM
14 as soon as you walk in?

15 A Yes.

16 Q So this is about 40 minutes after the happenings
17 at Taco Bell?

18 A Yeah.

19 Q So they have driven you around town a little bit?

20 A Yes.

21 Q So you are kidnapped at this point in time?

22 A Yes.

23 Q So you are in this Circle K, lights are on,
24 there's a clerk and other customers are there?

25 A Yep.

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ADAM POWALIE - CROSS-EXAMINATION

1 Q And you go right to the ATM. You don't say
2 anything to anyone?

3 A That's correct.

4 Q And it is only later that the -- the female
5 driving the car comes in, you know, 20 seconds, 40
6 seconds after?

7 A Right.

8 Q And then Defense 5, this guy that has "security"
9 on the back of his shirt, he walks right by you?

10 A I guess, yes.

11 Q You don't remember that happening?

12 A I don't remember seeing him. I was at the ATM
13 trying to do the ATM.

14 Q Okay.

15 A I mean, I've seen it on the video.

16 Q You reviewed that video and saw it happen. The
17 lights are on, you are in there, but you don't talk to
18 anyone, don't say anything?

19 A No. That is the power of a gun.

20 Q And right after this is when you go to the hotel?

21 A Yes.

22 Q So you go to the hotel, check in. They tell the
23 guy you are an Uber driver or something like that?

24 A Yes.

25 Q You walk in with them, you go upstairs. You

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ADAM POWALIE - CROSS-EXAMINATION

1 checked in around 1:56 a.m., does that sound about
2 right? 2 o'clock?

3 A Yeah, somewhere in that range.

4 Q And there is a guy at the front desk at the
5 hotel, and you don't say anything to him?

6 A No.

7 Q And when you are at the Circle K, you are saying
8 that Blakeley is in the car?

9 A Yes; back seat.

10 Q Did you know he was handicapped at that point?

11 A No. I did not know that until we got to the Days
12 Inn.

13 Q Until you got to the Days Inn?

14 A Yes.

15 Q And when you are in the hotel, they offer you
16 drugs?

17 A Yes.

18 Q And they offered you sex?

19 A Yes.

20 Q You declined both of those?

21 A Absolutely.

22 Q This whole time you are kidnapped, you don't --
23 when you walk in that Circle K, you don't say anything
24 to anyone? I mean, you are in there alone for a full
25 20 seconds, no one comes out of the car to follow you

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ADAM POWALIE - REDIRECT EXAMINATION

1 until later, there is a clerk, there is other people in
2 the store, security guard?

3 A Clerk is not a police officer. Clerk doesn't own
4 a gun. You have a nine at your head, you are not going
5 to make that decision that that clerk is the one that
6 is going to save you.

7 Q But you didn't say anything to anyone?

8 A No, sir.

9 MR. O'NEILL: No further questions, Your Honor.

10 THE COURT: Solicitor.

11 REDIRECT-EXAMINATION

12 BY MR. HOLFORD:

13 Q Mr. Powalie, did the fact that the defendant is
14 in a wheelchair, did that prevent him from holding a
15 gun on you?

16 A No.

17 Q Did that prevent him from directing you on what
18 to do that night?

19 A No.

20 Q Did that prevent him from taking your money from
21 you?

22 A No.

23 Q Did that prevent him from having your wallet or
24 debit card on him?

25 A No.

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ADAM POWALIE - REDIRECT EXAMINATION

1 Q Did that prevent him from having the females do
2 whatever they did?

3 A No.

4 Q It's easy for me to second guess what you did
5 that night; is that fair to say?

6 A Sure.

7 Q Tell this jury, so there is no question, when you
8 are in that Circle K, when you go to the ATM and you're
9 pulling it out, why don't you run away?

10 A I can't outrun a bullet. If you have guns at
11 you, you comply and do what they say and hope to God
12 you get out of there.

13 Q But he's in the car?

14 A He could get out. I didn't know he was
15 handicapped at that point.

16 Q There is a security guard, can't he save you?

17 A Not worth the risk.

18 Q At that morning in time, that night, what were
19 you doing?

20 A Praying.

21 Q Were you doing everything that they told you to
22 do?

23 A Absolutely.

24 Q Were you fighting with them?

25 A No.

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ADAM POWALIE - RECROSS-EXAMINATION

1 Q Aren't you bigger than he is?

2 A Not bigger than a gun. I guess I am bigger, but.

3 Q Can't you attack them?

4 A No. Never used a gun. Even if I took the guns,
5 I wouldn't know what to do with it.

6 Q There is all kinds of things you could have said,
7 could have done, should have done; does that change the
8 fact that they robbed you and took you against your
9 will?

10 A No.

11 Q You are not making it all up, are you?

12 A No.

13 Q You are not trying to accuse him of something he
14 didn't do, are you?

15 A No.

16 Q You don't owe him money, do you?

17 A No.

18 MR. HOLFORD: Nothing further.

19 RECROSS-EXAMINATION

20 BY MR. O'NEILL:

21 Q Mr. Powalie, you were never injured or anything
22 by any of these people?

23 A That's correct.

24 Q They never touched you?

25 A That's correct.

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MOTIONS

1 Q You were never duct taped?

2 A No.

3 MR. O'NEILL: Nothing further.

4 THE COURT: You can step down.

5 MR. STANKO: At this time, the State rests.

6 THE COURT: All right. Ladies and gentlemen, if
7 you will step back to your room, I have to take up
8 matters of law at this time. It is time for a break
9 anyway.

10 (The jury exits at 3:18 p.m., and the
11 following is heard out of the presence of the jury.)

12 THE COURT: Anything for the record at this time?

13 MR. O'NEILL: Yes, Your Honor. We would move for
14 a directed verdict on all three charges. We believe
15 that the State has failed to reach its burden as to
16 each element of the crimes in this case.

17 THE COURT: Any response?

18 MR. STANKO: Your Honor, all day we've heard from
19 six different witnesses who have testified, we have
20 put in exhibits, and there is an overwhelming amount
21 of evidence to present this to the jury as a question
22 for them.

23 THE COURT: I have to deny the motion for a
24 directed verdict based on the evidence that was
25 presented to the Court.

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1 decision about testifying or not?

2 MR. BLAKELEY: Yes, sir. I'm not going to do it.

3 THE COURT: That is your decision, yours alone,
4 freely and voluntarily entered into?

5 MR. BLAKELEY: Yes, sir.

6 THE COURT: If we could get everyone to agree, we
7 can go ahead and cover and rehash the matters of law
8 and, if everyone agrees, we'll bring the jury in and
9 then you can say the defense rests.

10 MR. O'NEILL: Yes, Your Honor. We would ask that
11 all motions and the directed verdict, we renew all of
12 those motions and objections, Your Honor, for the
13 record.

14 THE COURT: Any response?

15 MR. STANKO: The same response before as to the
16 objections that they had originally, along with the DV
17 motion. I don't know if you were going to make it now
18 or after you rested, but with nothing new being
19 entered, the State would have the exact same
20 argument.

21 THE COURT: All right. This particular case you
22 have direct evidence. I do not intend to get into
23 direct and circumstantial evidence, unless you all
24 insist on it. Normally, I don't do that unless it is
25 basically a circumstantial evidence case, give the

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1 jury some instruction on that; so I'll see what you
2 all have to say about that issue?

3 MR. STANKO: Your Honor, with the direct
4 evidence, State is fine with just that. Again, we ask
5 that -- none of this is circumstantial, and we are
6 fine with the direct evidence charge.

7 THE COURT: How about --

8 MR. STANKO: Or with no charge on that either.

9 MR. O'NEILL: No objection, Your Honor.

10 THE COURT: I have hand-of-one-hand-of-all.
11 Judge Verdin's is a little different than mine, but if
12 we want to do that during the break.

13 MR. O'NEILL: We can do it now.

14 THE COURT: Okay.

15 MR. O'NEILL: Your Honor, we -- because the
16 State's allegations seems to be that my client pointed
17 a gun at the victim in this case, that seems to be
18 that they are putting him as the principal actor, so I
19 don't understand why they would need a
20 hand-of-one-hand-of-all charge. If they believe the
21 testimony of Mr. Powalie, that my client was in it
22 directly, then no hand-of-one-hand-of-all is
23 necessary.

24 MR. STANKO: Your Honor, obviously there was
25 testimony that other people were acting in concert

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1 with all of this. Considering the role that each
2 person had, he wasn't directly involved with every
3 single thing in that, and based on everyone's action,
4 we still ask that that charge come out.

5 THE COURT: In reviewing the evidence, I'm going
6 to give them hand-of-one.

7 MR. STANKO: Thank you, sir.

8 MR. O'NEILL: Your Honor, does it have language
9 that mere presence is not enough to establish?

10 THE COURT: It does.

11 MR. O'NEILL: Thank you.

12 MR. HOLFORD: For the record, Your Honor, in
13 closing, the State will close in full, defense closes
14 in full, and then the State has an opportunity to do
15 rebuttal since evidence was admitted?

16 THE COURT: Right. Right.

17 MR. O'NEILL: That's my understanding.

18 THE COURT: All right. You all ready?

19 MR. STANKO: I believe so.

20 MR. O'NEILL: Yes, we're ready.

21 THE COURT: Bring them in.

22 (The jury enters at 9:53 a.m., and the
23 following is heard in the presence of the jury.)

24 THE COURT: Good morning, ladies and gentlemen.

25 THE JURY: Good morning.

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DEFENSE RESTS

1 THE COURT: I know some of you have been
2 thinking, Why did that judge tell us to be back at
3 9:30 and here it is ten till 10:00. I didn't get into
4 this in my preliminary remarks, but I did in a way.
5 You are the judge of the facts, and I'm the judge of
6 the law. I have to take time to sort out matters of
7 law. So, basically, we're way ahead of time because
8 counsel for the State and defense have worked with me
9 this morning and we have finished up the matters of
10 law. We are going to be able to resume the trial with
11 you all present. In fact, we were here at 9 o'clock
12 doing other matters, and we were able to complete all
13 of this, so we're in good shape time wise. I wanted
14 to say, too, thank you for your patience this morning.
15 Okay. With that said, I'll turn it over to the
16 defense.

17 MR. O'NEILL: At this time the defense rests.

18 THE COURT: Thank you, sir, anything else before
19 we get into closing arguments?

20 MR. STANKO: Nothing from the State.

21 THE COURT: We'll move straight into closing
22 arguments, okay.

23 All right, Solicitor.

24 MR. HOLFORD: Your Honor, may it please the
25 Court.

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CLOSING ARGUMENTS BY MR. HOLFORD

1 THE COURT: Yes, sir.

2 While the Solicitor is setting up, at 9 o'clock,
3 I can say this: None of us were enjoying coffee and
4 donuts, so you need to feel privileged.

5 (Jury laughing.)

6 THE COURT: We thank the clerk of court for her
7 graciousness in arranging all of that.

8 (A brief pause in the proceedings.)

9 MR. HOLFORD: Good morning, ladies and gentlemen.
10 Thank you for your time this week. We know that it
11 has been a couple of days, and you have been attentive
12 and I appreciate that. I know it is your service and
13 you don't have a choice in the matter, but certainly
14 we appreciate it because it is a serious matter. It
15 is serious for the defense, but also to the State, and
16 it is serious for the victim in this case.

17 On October 9, 2020, Adam Powalie was just going
18 home. He didn't do anything wrong. He did not do
19 anything to deserve to be here today. He is at the
20 Taco Bell waiting for his food, calls his friend and
21 says, Hey, I had to get pulled around; they didn't
22 have my food ready. You know, they always do this to
23 me. All the sudden, a white SUV pulls up. A woman
24 gets out with a gun and says, Give me your cash. Give
25 me your money. I don't have any cash. She hops in

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CLOSING ARGUMENTS BY MR. HOLFORD

1 his truck. There is a man, the defendant, in the back
2 seat of the white SUV pointing a rifle. From there,
3 they kidnap him against his will.

4 You know you'll hear this kidnapping charge that
5 says inveigle, decoy, take; it is taking someone
6 against their will. You don't have to tie them up.
7 You don't have to duct tape them. You don't have to
8 throw them in the back of the trunk. When they point
9 guns at him and make him drive his own vehicle away,
10 that is kidnapping. When they act together as a group
11 to accomplish the same act, they are acting as one.
12 You will hear the judge tell you that.

13 Now, the reason that is important is because I'm
14 going to tell you that Shaquille Blakeley, the
15 defendant, did enough by himself to be charged as the
16 principal in this matter. He held a gun and he robbed
17 him. He took Adam's money, wallet. He took
18 possession of his items from his person at gunpoint;
19 that is armed robbery. He held him at gunpoint
20 against his will and would not let him leave; that is
21 kidnapping. But if you say, Well, he is in the SUV at
22 the time. Well, with the other people involved who
23 are doing the same things together, they are working
24 together to kidnap him, to make him withdraw money
25 from the ATM, then they are all guilty of the same

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CLOSING ARGUMENTS BY MR. HOLFORD

1 thing; that is why you will hear about "the hand of
2 one is the hand of all."

3 So they leave this Taco Bell, force Adam to drive
4 this way to the BB&T. A police car is coming by, as
5 you heard him say, so they split out of the BB&T; that
6 is why they don't get cash out of the BB&T. They come
7 back to this fenced lot. What is important about the
8 fenced lot is that is where they take him from his own
9 vehicle and they put him in the white SUV. This is
10 the story he has told. How can we know the story he's
11 telling you is correct? Well, back at the Taco Bell
12 an independent person who doesn't know him, doesn't
13 know the defendant, doesn't know anything involved
14 says, Yeah, he's waiting here for his food and a white
15 SUV comes up, holds a gun -- the guy in the back seat
16 holding a rifle, and a girl is holding a pistol on
17 him, and they make him drive off; that is how we know
18 he's driving off. An independent person who has
19 nothing to do with it told you the same thing.

20 How do we know that at some point they change
21 cars? They make him get out of his own truck. They
22 start driving his truck, make him get in the front
23 passenger's seat of the white vehicle. How do we know
24 that's true? After they leave the fenced lot, they
25 travel around and end up at the BB&T. He said, They

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CLOSING ARGUMENTS BY MR. HOLFORD

1 are making me pull cash out. How do we know? There
2 is more evidence: The bank account shows a \$500
3 withdraw from a BB&T. You can see him withdrawing
4 money from the BB&T. You can see him holding up the
5 cash showing the people that are forcing him to do
6 this that he had to withdraw cash. You see the white
7 SUV pass first, then you see his truck closely behind.
8 Then you don't see him driving his truck.

9 Now, if you say, well, that is a little blurry;
10 it might be him, might not be. It is a white shirt;
11 he's wearing a green shirt. But guess what? There's
12 more. After they leave the BB&T, they come to the
13 Circle K. How do we know he went to the Circle K?
14 There is a video we've seen of him at the Circle K.
15 He's told you they are making me go to these ATMs to
16 pull cash. I hit my limit; I already took \$500 and it
17 wouldn't let me withdraw any more. How do we know
18 he's telling the truth? We watched him go inside the
19 Circle K, go inside the store, and what do we see? We
20 see a female acting with the defendant come in there
21 and check up on him, stand right by him while he's at
22 the ATM making sure he's doing what he's doing.

23 When you watch this video, where does he come
24 from? Well, he comes from the white SUV. That is not
25 his car. That's the car he told you they made him get

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CLOSING ARGUMENTS BY MR. HOLFORD

1 in at the fenced lot; that is how we know what he's
2 telling us is the truth.

3 Now, I usually don't get too animated, and I
4 think I did a little bit yesterday. I had to tell
5 him, Adam, I'm not picking on you, but you know you
6 are being asked questions like: Why didn't you have a
7 security guard stop him? Why didn't you tell the
8 police? I think it is absurd, ludicrous, that we're
9 blaming the victim who was kidnapped at gunpoint and
10 robbed of his money and possessions as to why he
11 didn't take certain actions to protect himself. That
12 is absurd that we would shift the blame to him. He
13 didn't do anything wrong. I wanted him to explain to
14 you in that moment of time, in the middle of the
15 night, at 1:35 at the Circle K in the morning, why
16 didn't you do something different?

17 Then, you can hear it on his call. What is
18 interesting about this telephone call that we've heard
19 twice is that he didn't know, and the defendant didn't
20 know, that his wife was with the police at the Taco
21 Bell. You know how you can tell that? Because he
22 asks, Are you still at home? He doesn't know that his
23 wife left. He doesn't know where his wife is. He is
24 making a phone call. They don't know that the police
25 are listening. Thank goodness for us, we do know the

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CLOSING ARGUMENTS BY MR. HOLFORD

1 police are listening and we have the video recording;
2 otherwise, he would be questioned, Is he telling the
3 truth? He said he made a phone call; can we believe
4 him? Sure we can. We listened to it.

5 Who is in the back of that phone call? That man,
6 the defendant, telling him what to say. Get the title
7 to your car. Tell them you have a drug habit. Tell
8 them you are a drug addict. Tell them not to get the
9 police involved or this will be a problem for you,
10 too. You know what, at the end of the day the police
11 got involved, and it has never been a problem for him.
12 Adam was never arrested, because Adam didn't do
13 anything wrong.

14 Now, I do want to address this, because you are
15 the judges of the facts. You get to decide what is
16 true and what is not; that is your role. You get to
17 decide if you believe him. You get to decide if you
18 believe something else. You get to decide if you
19 believe one witness, or multiple witnesses, or none.
20 So even if -- even if -- although there is no evidence
21 to support it, none, zero -- even if you believe that
22 Adam owed Blakeley money, or any of the females money,
23 guess what you are not allowed to do in the State of
24 South Carolina to retrieve that money? Kidnap him
25 from a Taco Bell in the middle of the night and make

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CLOSING ARGUMENTS BY MR. HOLFORD

1 him go to ATMs to repay you. Even if he owed you
2 money, that is robbery and kidnapping. But there is
3 zero evidence of that. Why do we have to address it?
4 Because a story that comes up during the phone call
5 that the defendant is trying to perpetuate; that is
6 something he is telling the wife. Well, he owes
7 money, he's in a bad situation. There is no amount,
8 though. We know that because they are trying to get
9 his truck, which he doesn't own, but they don't know
10 that. It's worth more than \$2,000.

11 And then when she says he doesn't own the truck,
12 we don't have the title to the truck, the bank owns
13 the truck, Well, can you get \$2,000? I don't have
14 \$2,000. Well, can you get \$1,000? That is how we
15 know there is no amount of money owed; they are just
16 trying to get whatever they possibly can.

17 This timeline develops. The call is at 2:18, so
18 we know the Taco Bell call is at 12:49; that is when
19 police respond. We know that the BB&T is at 1:20,
20 1:16. We know the Circle K video is 1:37, traveling
21 down. Now, he's told you he was in the Days Inn room
22 to make this phone call. He's told you he's being
23 held at gunpoint. The rifle and the pistol are both
24 being pointed at him. Everything he told you has been
25 true. That is also true. It is 2:18 in the morning.

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ONLY!!**

CLOSING ARGUMENTS BY MR. HOLFORD

1 We know that because the police took a picture of the
2 phone. No caller ID. That didn't come from Adam's
3 phone because we have his phone records. This came
4 from another phone that blocked his number to call his
5 wife. They are holding him hostage in that hotel
6 room. You know he said that there is a female with a
7 pistol. There is the defendant with the rifle.

8 The video of the entry into that room, I showed
9 you that (indicates). It is a tense situation. You
10 can tell that by the video. The police are yelling.
11 The police are cussing. They have firearms drawn.
12 When we tried to explain this in a way -- because in
13 our society it is easy to second guess and judge what
14 police actions are. Couldn't you have walked in the
15 room calmly? Couldn't you have said things nicer?
16 Did you have to have guns drawn? They are responding
17 to a hostage situation. That man was taken from his
18 own vehicle and held in a hotel room at gunpoint.
19 They don't know what they are walking into. They know
20 there are multiple firearms involved, and so they
21 respond as necessary.

22 If you watch what is going on here, you see
23 exactly that. You know the victim, Adam, he told you
24 he was told to lie down in the back here, and we see
25 that. When the police kick the door in, they come in

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CLOSING ARGUMENTS BY MR. HOLFORD

1 and there is three females: One on the first bed, two
2 females on the second bed. He's on the floor. Where
3 is the defendant? Hiding under the bed. He's hiding.
4 You watched the video. No one throws him off the bed.
5 No one pulls him off the bed. No one kicks him in the
6 face or punches him, anything like that. He's hiding
7 under the bed.

8 Now, where is he hiding next to? This rifle that
9 is leaned up against the wall in that corner. That is
10 what the officer is going to when he discovers where
11 the defendant is. The gun is under the pillow where
12 the defendant was laying before he hid under the bed.
13 How is he able to get off the bed and get under there?
14 He has about 20 seconds from the police opening the
15 door, or answering the door, as they are supposed to,
16 kicking down the door and busting in. That's how he
17 is able to hide under the bed. The females on top of
18 the covers are acting as if they are asleep. You can
19 tell that is not what is going on. They had 30
20 seconds to lay down and pretend like nothing is going
21 on here.

22 They find a bunch of cash on the defendant, a
23 bunch of 20s. He's not making up a story. I asked
24 him what kind of denominations did you get? ATMs
25 always give you 20s. But he doesn't know, and he told

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CLOSING ARGUMENTS BY MR. HOLFORD

1 you that because he didn't know. He wasn't sure. I
2 would submit to you that ATMs give you 20s. That is a
3 bunch of 20s.

4 Now, the premise there is more than \$500 so the
5 defendant couldn't have robbed him because he has cash
6 on him already, that doesn't even make sense. \$500 of
7 that cash there that is taken off of the defendant is
8 cash he pulled from the ATM that we already saw from
9 the BB&T. What is more telling is when I asked him --
10 I said, Who is in charge of this whole thing? It is
11 the defendant and the other female on the bed. Well,
12 his wife's insurance card from his wallet is in a
13 female's bag. His insurance card is in a female's
14 bag. But his wallet, his debit card, his lanyard and
15 keys are on the defendant. Why does he have his debit
16 card? Why does he have his wallet? Why did he have
17 his keys? Because he robbed him at gunpoint and held
18 him against his will. He kidnapped him.

19 Were there multiple people involved in this?
20 Absolutely. A hundred percent. There was another
21 female there with a gun. She's also guilty. But that
22 does not excuse his behavior. That doesn't let him
23 off the hook. He is involved -- if not more -- than
24 the females as well.

25 Ladies and gentlemen, all of the evidence that

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CLOSING ARGUMENTS BY MR. HOLFORD

1 we've introduced, the videos you get to see, they all
2 help you come to the same conclusion: That what Adam
3 told you from the stand, what he told police that
4 night, what the people at Taco Bell told you is all
5 true. That's what it shows. It all proves that it's
6 true. Do we wish Taco Bell had a video of it
7 happening? Sure. Wouldn't that be nice if in every
8 case you had DNA, fingerprints and had video? You had
9 the defendant smiling making a confession? Yeah, that
10 would be great.

11 In every single court in the United States there
12 is this burden of beyond a reasonable doubt; that is
13 the burden that we have. That is not an impossible
14 burden to reach. That doesn't mean you have to have
15 video of the actual crime as it occurs; that doesn't
16 mean you have to have a confession in every single
17 case. That means if we have given you enough to be
18 firmly convinced that the defendant did exactly what
19 the victim told you he did -- and I would point to
20 this and say you have enough, you have enough not to
21 doubt his story. You have enough not to believe some
22 ludicrous idea. Those are unreasonable doubts. You
23 have enough that proves that exactly what Adam told
24 you happened, happened.

25 In my line of work, I see this stuff often.

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CLOSING ARGUMENTS BY MR. HOLFORD

1 Defense counsel sees this stuff often. The police see
2 this stuff often. So during the course of the trial
3 you might have wondered, Why are we asking if he was
4 doing drugs? Why are we asking if he owes a debt?
5 Why are we asking if he is sleeping with someone, and
6 that is because 90 percent of the time there is
7 something else going on. It's strange for us to see a
8 true hostage situation; that happens in movies. It
9 happens in real life. I'm telling you, in Horry
10 County that doesn't happen very often. Most of the
11 time when someone is robbed, they are still robbed,
12 but there is something else going on. That doesn't
13 negate that the robbery happened or that kidnapping
14 happened, but there is something else. That is why
15 you saw in this trial the questions. That is why you
16 saw, Are you sure? Did you check his phone to see if
17 he knew them? Yeah, I checked his phone; there was no
18 contact between them. The reason you see that is not
19 because the police doubted what he was telling them,
20 it is not because I doubt it. The issue is when we
21 usually see this, there is usually something else.
22 Like, Why are you being robbed? Why are you being
23 held? I know it is strange if you don't deal in this
24 world every single day, but that is the reason we go
25 through some of that.

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CLOSING ARGUMENTS BY MR. HOLFORD

1 But what you have in this case is an innocent
2 victim who had nothing to do with these people. He
3 was held hostage, taken in the middle of the night,
4 taken from his own vehicle, had his possessions taken
5 from him all at gunpoint. I can't imagine anything
6 scarier. I would be on that phone saying anything
7 they told me to, anything. Please let me live. I'm
8 willing to do whatever it takes, take the cash, take
9 the truck let me get back to my family, and that is
10 what we heard. That is what we heard. That is the
11 emotion.

12 Ladies and gentlemen, there is more than
13 sufficient evidence to prove beyond a reasonable doubt
14 that the defendant, although confined to a wheelchair,
15 had a gun, robbed him, and kidnapped him; that is why
16 I'm asking you to find him guilty of those crimes.
17 Thank you.

18 THE COURT: Thank you, Solicitor.

19 Mr. Bobby, can you go back and get my law clerk
20 in; his key isn't working. Let's let him come in so
21 we are not interrupted.

22 Okay.

23 MR. O'NEILL: Yes, sir.

24 (A brief pause in the proceedings.)

25 THE COURT: Okay, Mr. O'Neill.

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CLOSING ARGUMENT - BY MR. O'NEILL

1 MR. O'NEILL: May it please the Court, Your
2 Honor.

3 Good morning, jury. Members of the jury, in my
4 opening statement I told you that Shaquille Blakeley
5 was in that hotel room when the police came to the
6 door. I said that Adam Powalie told a story to the
7 police, and after he told that story, the police
8 arrested Shaquille Blakeley and everyone else in the
9 room. I wanted you to look at the evidence in this
10 case and see what evidence that the State showed and
11 what evidence they didn't show to support
12 Mr. Powalie's story, because that is what they have.
13 They are trying to make you believe what Mr. Powalie
14 is saying because everything they told you is what
15 Mr. Powalie says. What evidence do they have that
16 Shaquille Blakeley was at any of these places doing
17 anything like Mr. Powalie says? What evidence do they
18 have that he had a gun? What Mr. Powalie says. What
19 evidence do they have that he was at the Taco Bell?
20 Mr. Powalie says. What evidence do they have to say
21 that he was in that white car at the Circle K? Well,
22 Mr. Powalie says it. All of this evidence they have,
23 and they don't have anything that shows my client,
24 anything that has his fingerprints, his DNA, anything
25 that belongs to him. He is not on any of the videos

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CLOSING ARGUMENT - BY MR. O'NEILL

1 you have seen. It is all what Mr. Powalie says
2 happened.

3 Let's talk about what Mr. Powalie says. I asked
4 him about before the Taco Bell what were you doing.
5 He said I was at my brother's house watching the
6 Buccaneers/Bears game. Kick off is 8:20; game ends at
7 11:30. It is a five, ten-minute drive to Taco Bell.
8 He's at Taco Bell at 12:45 a.m.; an hour and 15
9 minutes after the football game. What was he doing
10 for that hour and 15 minutes? Where was he? Who was
11 he with? Mr. Powalie didn't say. We don't know what
12 he was doing. He says he was never with these women;
13 that he didn't have sex with them; that he wasn't
14 doing drugs; that he wasn't with them at all; that he
15 didn't meet this woman who pointed a gun at him until
16 she pointed a gun at him at the Taco Bell parking lot.
17 He never had seen her before, and this is a completely
18 random occurrence.

19 The Solicitor said 90 percent of the time that is
20 not how things are done. Completely random kidnapping
21 in the middle of the morning? For no reason,
22 whatsoever? That is what Mr. Powalie is saying.

23 He said Shaquille Blakeley and three women
24 kidnapped him from Taco Bell at 12:45. He says that
25 they go to a BB&T bank. He says that he got \$500 out

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CLOSING ARGUMENT - BY MR. O'NEILL

1 under duress and gave it to Mr. Blakeley. They have
2 still shots of BB&T showing him getting money, but
3 they don't show Mr. Blakeley. They don't show any
4 guns; just him getting out of an ATM and going back.
5 It is his word that he is under duress that he gave
6 that money to Mr. Blakeley.

7 After that, they go to the Circle K. You have
8 seen the video of Circle K and you saw those
9 photographs. He walks in the Circle K, goes to the
10 ATM. He walks in alone. He is standing there for
11 30 seconds by himself in that Circle K. There is no
12 guns on him. He doesn't say anything to anybody.
13 Thirty seconds, and he doesn't say, Help; whisper to
14 the clerk. He doesn't look for the security guard in
15 there. He says he's afraid of the man who he says is
16 in the white car.

17 It's still not 30 seconds.

18 He says he is kidnapped that entire time. In
19 this photograph, he says he is kidnapped. This is a
20 kidnapped man right here? Does he seemed kidnapped?
21 You have common sense. Yes, he does not need to be in
22 restraints and thrown in the trunk of the car for it
23 to be a kidnapping, but if he's walking around of his
24 own freewill, then it isn't kidnapping.

25 Why it is important that he says that he has

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CLOSING ARGUMENT - BY MR. O'NEILL

1 nothing to do with these women and all of that -- and
2 the Solicitor is correct, you are not allowed to rob
3 someone to get money back, but it says that he is not
4 telling the whole story; that is why it is important.
5 If he's not telling the whole story, how do we know
6 that what he is saying is the truth? Because this
7 case revolves around trusting Adam Powalie, trusting
8 what he says to you. There is this giant gap in time
9 before the Taco Bell, and then there is him standing
10 in the Circle K alone. How are we to believe that
11 Shaquille Blakeley was a part of this? It is
12 Mr. Powalie that says so. He says he gives him money.
13 He says he has a gun on him; that's all.

14 Yes, he went to the BB&T. He went to the Circle
15 K, but that doesn't mean he's under duress. That
16 doesn't show -- that doesn't prove beyond a reasonable
17 doubt that he's kidnapped. They have these weapons.
18 They have this gun that no one says -- not even
19 Mr. Powalie says that my client had or handled. Then,
20 they have that rifle; big scary rifle. Adam Powalie
21 says Shaquille Blakeley had it on him. But when
22 Detective Wydra was on the stand, and I asked about
23 the video he collected from the hotel, which you never
24 saw, which was never in evidence, but he saw it and
25 reviewed it, and he said in that video there is

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CLOSING ARGUMENT - BY MR. O'NEILL

1 someone with what looks to have that rifle concealed
2 on a person -- a person that is not Shaquille Blakeley
3 had that rifle and they have it on a video and didn't
4 show it to you. Why did they do that? Because they
5 don't want to tell you the whole story. They want to
6 tell the story -- because you have to believe
7 everything that Adam Powalie tells you; that's all
8 they have. They have what Adam Powalie says.

9 They have these photographs of things in the
10 hotel room of Adam Powalie's things, that Adam Powalie
11 is in. They have a photograph of all of this money on
12 the bed that they took from Shaquille Blakeley. Yes,
13 it is a lot more than \$500. Yes, they are going to
14 say that \$500 of that money belongs to Adam Powalie.
15 How do you know that?

16 Furthermore, why would someone who has almost a
17 thousand dollars in his pocket rob someone? This is a
18 random kidnapping for a man that apparently doesn't
19 need money. He kidnapped you and asks for the title
20 of your truck? Mr. Blakeley can't drive a truck. He
21 does not have the use of his legs; why would he need
22 this truck? Why would he need this \$500 when he has a
23 thousand dollars in his pocket? They have no reason
24 for him to do these things, no motive. It is
25 completely random.

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CLOSING ARGUMENT - BY MR. O'NEILL

1 The State has the burden of proof in this case.
2 They have to prove to you beyond a reasonable doubt
3 that my client is guilty. No, it is not an impossible
4 burden, but it is a tough one. It is a tough one for
5 a reason. They are trying to put Shaquille Blakeley
6 in prison for these crimes. If you are going to put
7 someone in prison on serious charges, there needs to
8 be weight. All that burden means is it protects the
9 fact that you are innocent until proven guilty. They
10 are trying to do that, show you the evidence that they
11 say corroborates Mr. Powalie's story. I don't know
12 that it does. It shows that he was at a Taco Bell;
13 that he got money out, but it never shows that
14 Mr. Blakeley did anything. How do we know he did
15 things? Because Mr. Powalie says; that is all what we
16 have.

17 The State has to firmly convince you of my
18 client's guilt. If you have at the close of this
19 trial -- and you've seen all of the evidence -- if you
20 have reasonable doubt about his guilt, you must find
21 him not guilty. If you are not firmly convinced of my
22 client's guilt, you must find him not guilty. I think
23 there are doubts to Mr. Powalie's story. What was he
24 doing for that hour and 15 minutes before the Taco
25 Bell? Why is it that there is no other evidence

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REPLY CLOSING ARGUMENT - BY MR. HOLFORD

1 besides his word of Mr. Blakeley's involvement?

2 Ninety percent of the time there is something
3 else going on, but apparently this is the ten percent
4 where there isn't? Use your common sense. You can't
5 believe his whole story, and there is doubts.

6 Thank you, Your Honor.

7 THE COURT: Thank you.

8 Solicitor.

9 MR. HOLFORD: I've already hashed out why we can
10 believe his story, but if you want to listen to that
11 phone call again, you'll hear exactly how the
12 defendant is involved. You'll hear him telling him
13 what to say. You'll hear him telling his wife what to
14 do, how to get cash, how to get the title to the car.
15 You want direct evidence how he is involved? You hear
16 it. Why don't we see the man in the wheelchair get
17 out of the car at the Circle K? Because he's got the
18 female to do it for him who can walk into the Circle
19 K; that's why. You know what he wants to rely on? I
20 can't do it; I'm in a wheelchair. I don't feel sorry
21 for him (indicates). That doesn't stop him from
22 holding this gun on people. That doesn't stop him
23 from being driven around by his accomplices.

24 You know what, the defense attorney said we want
25 you to put him in prison. That's not your job. Your

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REPLY CLOSING ARGUMENT - BY MR. HOLFORD

1 job is to determine whether he's guilty of the crimes
2 he committed, and I'm telling you -- I'm asking you to
3 find him guilty of those crimes. The judge's job is
4 to put him in prison, if you do. That is exactly
5 where he belongs. When you take a man hostage from a
6 Taco Bell, take his items from him, drive him around,
7 put him in another car, hold him at gunpoint in a
8 hotel room, that is exactly where you belong. He's
9 capable of riding around in a car holding guns. He's
10 capable of telling this man's wife to get \$2,000, to
11 get the title to the truck. He's capable of all of
12 that, and that is what he did; that is why we're
13 asking you to find him guilty. It's not because how
14 he looks or because of his condition, not because
15 whether he can walk or not, but because of the actions
16 he took that night: Armed robbery and kidnapping.
17 That is all we're asking for. Thank you.

18 THE COURT: Thank you, Counsel.

19 All right. Ladies and gentlemen of the jury, the
20 charge that I'm going to give you in a few minutes is
21 probably going to take around 35, maybe 40 minutes.
22 Does anyone need a break?

23 All right. I'll ask you to bear with me. I may
24 have to interrupt this charge to take some sips of
25 water, because I've already convinced myself I'm

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REPLY CLOSING ARGUMENT - BY MR. HOLFORD

1 everyone as far as what I went over with you.

2 Mr. Bailiff, we need to -- I think we have one
3 alternate left; give them a room separate.

4 THE BAILIFF: Yes, sir.

5 THE COURT: Just make sure that the deliberations
6 haven't started, and we'll take it from there.

7 Mr. Foreman, it is a few minutes till 11:00. In
8 your deliberations, should you decide that you need
9 lunch brought in, we need to have ample time because
10 it will take about an hour to get lunch arranged and
11 brought in. It used to, years ago, when I held court
12 that we had restaurants that could handle a jury and
13 send all 12 to a local restaurant, but we don't have
14 that availability anymore because the restaurants stay
15 so busy now. They don't have extra space, so we have
16 to bring it in. Let me check in with the attorneys
17 and check off on the exhibits. If you will, follow
18 Mr. Bobby back. We'll be right with you in a few
19 minutes.

20 (The jury exits at 10:59 a.m., and the
21 following is heard out of the presence of the jury.)

22 THE COURT: Jury has retired. Anything for the
23 record?

24 MR. STANKO: No objection from the charge from
25 the State.

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VERDICT

1 MR. O'NEILL: None from the defense, Your Honor.

2 THE COURT: I want to thank you gentlemen for
3 getting this case tried and working together. It
4 makes my job so much easier when I have attorneys that
5 know what they are doing and get the case tried, and I
6 appreciate it.

7 (A brief pause in the proceedings.)

8 THE COURT: Madam Court Reporter, is everything
9 in order?

10 COURT REPORTER: Yes, sir.

11 THE COURT: Okay.

12 (Jury deliberations begin at 11:05 a.m.)

13 THE COURT: All right. We have a verdict.

14 Sheriff, if you will, tell them to bring them in.

15 (The jury enters at 12:45 p.m., and the
16 following is heard in the presence of the jury.)

17 THE COURT: We have everyone.

18 Mr. Foreman, has the jury reached a verdict?

19 FOREPERSON: Yes, Your Honor, we have.

20 THE COURT: If you will, pass it to Madam Clerk.

21 (A brief pause in the proceedings.)

22 THE COURT: It is signed and dated.

23 Madam Clerk, you may publish the verdict.

24 THE CLERK: The State of South Carolina, County
25 of Horry, versus Shaquille Kayson Blakeley.

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VERDICT

1 Indictment 2021-GS-26-1316: We, the jury, by
2 unanimous consent find the defendant guilty.

3 Signed by Foreperson Thomas Grogan. Dated
4 September 14, 2022.

5 The State of South Carolina, County of Horry,
6 versus Shaquille Kayson Blakeley. Indictment
7 2022-GS-26-03609 for the charge of kidnapping: We,
8 the jury, by unanimous consent find the defendant
9 guilty.

10 Signed by Foreperson Thomas Grogan. Dated
11 September 14, 2022.

12 The State of South Carolina, County of Horry,
13 versus Shaquille Kayson Blakeley. Indictment
14 2022-GS-26-03610, possession of a weapon during a
15 violent crime: We the injury by unanimous consent
16 find the defendant guilty.

17 Signed by Foreperson Thomas Grogan. Dated
18 September 14, 2022.

19 THE COURT: Mr. Foreperson, is this your jury
20 verdict?

21 FOREPERSON: It was.

22 THE COURT: Ladies and gentlemen of the jury, in
23 unison, is this your verdict and still your verdict;
24 if, so please raise your right hand.

25 Thank you.

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VERDICT

1 Counsel, anything further of the jury?

2 MR. STANKO: Nothing from the State.

3 MR. O'NEIL: Nothing from the defense, sir.

4 THE COURT: Okay. Thank you so much for your
5 patience, especially with the Court, because I know we
6 had some breaks in there where we were handling
7 matters of law and had you back there in the jury
8 room, and thank you for your willingness to serve.

9 The next phase of the case will be what we call
10 "mitigation and sentencing." It will be strictly left
11 up to you if you want to stay and watch that, okay.
12 You can remain in your seats, or you can step back
13 into the gallery back there, wherever is most
14 comfortable for you; or, if you would like to leave,
15 that will be fine. Good news for you is that we're
16 not going to have you call in. We have other matters
17 that we have already got scheduled. The Court of
18 Common Pleas is still going forward with their trial,
19 so we're not going to need to seat another jury
20 because of all the other matters are going on.

21 Now, I know they just brought lunch in. Whether
22 you stay in here or not, I would invite you to grab
23 lunch. You can stay back in the jury room and enjoy
24 it back there, or if you want to take some home with
25 you, that is fine, too.

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VERDICT

1 I know I'm probably convoluting everything, but
2 I'll immediately move into mitigation if you want to
3 stay and watch, or if you would like to depart, that
4 is fine. I didn't want you to leave here without me
5 expressing thanks. You won't be drawn again this
6 year. If you are drawn in the future, I hope you are
7 willing to come back and serve as a juror. Okay.

8 Those of you that would like to step back and
9 maybe grab some lunch, that is fine. If you would
10 like to stay in here, that is fine.

11 Anything before I release the jury?

12 MR. STANKO: Nothing, Your Honor. We are
13 printing out sentencing sheets, so that might take a
14 minute or two, but apart from that.

15 THE COURT: I'll leave it up to you all.

16 (A brief pause in the proceedings.)

17 THE COURT: Mr. O'Neil, we'll move into
18 mitigation. Anything from the defense?

19 MR. O'NEIL: Yes, Your Honor. At this time we
20 renew all of our previous motions and objections for
21 the record, and we would ask for a new trial on these
22 charges, Your Honor.

23 THE COURT: Any response from the State?

24 MR. STANKO: The jury was properly impaneled, and
25 they rendered a true verdict and delivered that within

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VERDICT

1 the court policies, and we would obviously oppose a
2 new trial.

3 THE COURT: I find no grounds to grant those
4 motions. Denied.

5 MR. O'NEIL: Thank you, Your Honor.
6 Mr. Blakeley, he is a young man. He has a minimal
7 record. He, of course, has been found guilty of those
8 charges. We would ask that you consider a sentence on
9 a lower end of the range. The range for armed robbery
10 is 10 to 30. Kidnapping zero to 30. We ask that you
11 do concurrent sentences on those charges in the lower
12 end of the 10 to 30 range.

13 He was also found guilty of possession of a
14 weapon during the commission of a violent crime, which
15 is a consecutive five. We would ask that you consider
16 his circumstances and his minimal record in
17 sentencing.

18 THE COURT: What is his age?

19 MR. O'NEIL: 29 years old. He turns 30 in
20 December.

21 THE COURT: I'll come over to the State, and then
22 I'll come back to Mr. Blakeley.

23 Solicitor.

24 MR. STANKO: Thank you, your Honor. You've heard
25 the facts of the case. The victim, he has shown up

**CERTIFIED ORIGINAL FOR THE USE OF S.C. INDIGENT DEFENSE
ONLY!!**

VERDICT

1 for every single situation that we've had in this. He
2 has been here for every hearing, every bond matter,
3 and he's met with us in our office many times on all
4 of this. He is -- he's shown substantial emotion
5 throughout all of this. You heard him speaking during
6 the trial. Considering the facts of this case -- I
7 mean, this is about as serious as kidnapping gets. We
8 have some charges for kidnapping that are simply
9 someone won't let someone leave. The fact that
10 firearms were involved, that he was taken against his
11 will and certainly a hostage for nearly four hours
12 renders this one of the most severe kidnappings that
13 we've seen in some time. Obviously, Your Honor, the
14 State would ask for the maximum for those reasons.

15 Mr. Blakeley's record, he has a 2018 simple
16 possession of marijuana, and a possession of heroin
17 first offense. He has a 2019 possession of a Schedule
18 1 through 5 drug, and also an unlawful carrying of a
19 pistol.

20 THE COURT: What year was the unlawful carrying
21 of a pistol?

22 MR. STANKO: 2019.

23 THE COURT: Mr. Powalie, I'll hear from you.

24 VICTIM: I'm good.

25 THE COURT: Mr. Blakeley.

**CERTIFIED ORIGINAL FOR THE USE OF S.C. INDIGENT DEFENSE
ONLY!!**

SENTENCING

1 MR. BLAKELEY: Yes, sir.

2 THE COURT: Anything you would like to say to the
3 Court at this time?

4 MR. BLAKELEY: Yes, sir. I would like to
5 apologize to the victim for having to endure or go
6 through or having to sit here and listen to all of
7 this and go through all of this and relive it again, I
8 apologize. I apologize to my family, and I just want
9 to say I'm sorry. That will be all.

10 THE COURT: All right.

11 MR. O'NEIL: One more matter. Because of the
12 kidnapping, we do need a finding on the record that
13 this was not a sexual offense. I believe it is on the
14 sentencing sheet that you have to check something
15 because of the kidnapping guilty plea -- charge.

16 THE COURT: Do we have jail days?

17 MR. O'NEIL: Yes. He was incarcerated for a
18 short period of time, but also on an ankle monitor for
19 15 months, Your Honor, under the home detention for 15
20 months. I do not have the exact dates.

21 THE COURT: So he was under house arrest for 15
22 months. He had no violations of that home detention
23 and was taken off of the monitor at a later date?

24 (A brief pause in the proceedings.)

25 THE COURT: Thank you for your patience. It

**CERTIFIED ORIGINAL FOR THE USE OF S.C. INDIGENT DEFENSE
ONLY!!**

SENTENCING

1 takes a while to work through rather complicated
2 sentencing sheets. All right. Mr. Blakeley, I
3 carefully listened to the evidence and testimony
4 presented in this case. The Court appreciates your
5 statement a few minutes ago with an apology. I really
6 can't recall the last time I heard a convicted
7 defendant make a statement like that. This case gives
8 me a lot of concern, though. I mean, I hope you
9 realize what you put that family through. That whole
10 process had to have terrorized that entire family.
11 What the victim went through, and then you add what
12 his wife had to go through, it is inexcusable for you
13 and the other defendants to pull something like that.

14 All right. On the armed robbery charge,
15 Indictment 2021-GS-26-01316, the sentence is 30 years
16 in the State Department of Corrections. I'm noting 15
17 months jail time, which includes the house arrest.

18 On indictment 2022-GS-26-03609 for kidnapping,
19 I'll give you a consecutive sentence of ten years in
20 the State Department of Corrections. Also, I note
21 that jail credit of 15 months. The Department of
22 Corrections will have to go through and analyze all of
23 that to determine what the appropriate amount will be
24 according to their rules and regulations.

25 2022-GS-26-3610 for possession of a weapon during

**CERTIFIED ORIGINAL FOR THE USE OF S.C. INDIGENT DEFENSE
ONLY!!**

SENTENCING

1 the commission of a violent crime, that is five years
2 consecutive and the same jail time credits noted.

3 I first had considered a more stiff sentence than
4 that. I mean, that right there is going to ensure
5 that you are not back out here working with another
6 crew to terrify anyone like that again; but, on the
7 other hand, it is a rare occurrence when a defendant
8 makes a statement to the Court apologizing, such as
9 you did; so I think everyone in this courtroom has to
10 recognize the fact that you did that.

11 With that said, your counsel will discuss with
12 you your rights. You certainly have a right to
13 appeal. The important thing you need to take from my
14 statement is that a notice of appeal has to be filed
15 within ten days of sentencing to preserve your right
16 to appeal.

17 All right. Sheriff, if you will, take
18 Mr. Blakeley into custody and deliver him to the
19 appropriate authorities.

20 Thank you for staying and watching. I know that
21 every juror I've talked to after a trial like this has
22 always asked why they didn't get to hear about the
23 prior record. The appellant courts have said it is a
24 big no-no. The case has to be tried on the evidence
25 from the actual case, so we can't get into allowing

**CERTIFIED ORIGINAL FOR THE USE OF S.C. INDIGENT DEFENSE
ONLY!!**

SENTENCING

1 those prior records. A lot of people do not agree
2 with that appellant decision, but that is what we have
3 to go by because they are the bosses on that. Thank
4 you.

5 MR. HOLFORD: Thank you, Your Honor.

6 (Whereupon the State of South Carolina versus
7 Shaquille Kayson Blakeley concluded.)
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CERTIFIED ORIGINAL FOR THE USE OF S.C. INDIGENT DEFENSE
ONLY!!

1
2 CERTIFICATE OF REPORTER

3 State of South Carolina)

4 County of Horry)

5
6 I, Natalie Dahl, Official Court Reporter for the
7 State of South Carolina, do hereby certify that the
8 foregoing is a true, accurate and complete Transcript
9 of Record of the proceedings had and evidence
10 introduced in the trial of the captioned case,
11 relative to appeal, in the Court of General Sessions
12 for Horry County, South Carolina, on the 12th through
13 14th days of September, 2022.

14 I do further certify that I am neither of kin,
15 counsel, nor interest to any party hereto.

16
17 November 1, 2022

18
19 Natalie Dahl, RPR

20 Natalie Dahl, RPR

21 Court Reporter
22
23
24
25

CERTIFIED ORIGINAL FOR THE USE OF S.C. INDIGENT DEFENSE
ONLY!!



5765	Call Log	Outgoing			10/9/2020 12:31:14 AM(UTC-4)	To: +18432517921 Dalton Davis	00:10:18 Source:	
5766	Call Log	Outgoing			10/9/2020 12:43:54 AM(UTC-4)	To: +18432517921 Dalton Davis	00:00:04 Source:	
5767	Call Log	Incoming			10/9/2020 12:44:40 AM(UTC-4)	From: +18432517921 Dalton Davis	00:01:17 Source:	
5768	Call Log	Incoming			10/9/2020 12:47:08 AM(UTC-4)	From: +18432517921 Dalton Davis	00:00:00 Source:	
5769	Call Log	Incoming			10/9/2020 12:49:11 AM(UTC-4)	From: +18432517921 Dalton Davis	00:00:12 Source:	
5770	SMS Messages	Incoming			10/9/2020 12:52:38 AM(UTC-4)	From: +18432517921 Dalton Davis	What the fuck dude are you okay? Source: Phone	

WITNESSES

Sean M Wydra Horry County Police Department

Thomas O'Leary

Dustin Small

JACKIE WITHERSPOO

ARREST WARRANT NUMBER

2020A2610202176

CDR: 0139 16-11-330(A)

DOA: 10/9/2020

ACTION OF GRAND JURY

TRUE BILL

Renald

Foreperson of Grand Jury

Date:

VERDICT

APR 21 2021

Gurly

Thomas

Foreperson of Petit Jury

Date:

Sept 14, 2021

DOCKET NO. 2021GS2601316

The State of South Carolina

County of Horry

James D Stanko

20H04867

COURT OF GENERAL SESSIONS

March, 2021 TERM

THE STATE

vs.

Shaquille Kayson Blakeley

B/ M

[REDACTED]

DOB: [REDACTED]

SSN: [REDACTED]

ATTORNEY: Sharde D. Crawford

Indictment for

Armed Robbery

CS **Jimmy A. Richardson, II, Solicitor**

CLERK OF COURT
RENEE N. ELVIS

SC Court of Appeals

SEP 20 2022

RECEIVED

DATE RECEIVED FROM
GRAND JURY

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

2021 APR 22 P 2:55

FILED
HORRY COUNTY

ORIGINAL

CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on March 25, 2021, the Grand Jurors of Horry County present upon their oath:

ARMED ROBBERY
 CDR: 0139 16-11-330(A)

That Shaquille Kayson Blakeley did in Horry County on or about October 9, 2020, while armed with a deadly weapon and/or while alleging, either by action or words, was armed while using a representative of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, take and carry away personal property of Adam Powalie from or in the immediate presence of Adam Powalie with intent to deprive Adam Powalie of possession by use of force, threats, or intimidation, in violation of Section 16-11-330(A), SC Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II
 FIFTEENTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

RECEIVED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry

STATE

SEP 20 2022

INDICTMENT/CASE#: 2021GS2601316

VS.

SC Court of Appeals

Shaquille Kayson Blakeley

AW#: 2020A2610202176

AKA:

Date of Offense: 10/9/2020Race: BLACK Sex: M Age: 29S.C. Code §: 16-11-0330(A)DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 0139Address: [REDACTED]City, State, Zip: [REDACTED]DL#: [REDACTED] SID#: [REDACTED]**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 ☐ PLEADSTO: Armed Robbery (10-30 years)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
 *NO PAROLE (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:

SC101376

Stanko, James D SC Bar # Defendant

SC Bar #

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.

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.☒ 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 § 16-25-30 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

 REBECCAH N. ELMIS
 CLERK OF COURT
 HORRY COUNTY, SC
 2022 SEP 14 P 2:56
 FILED
 HORRY COUNTY

STATE VS. Shaquille Kayson Blakeley INDICTMENT/CASE#: 2021GS2601316

SPECIAL CONDITIONS:

- ☐ PTUP after _____ months/years
And Other Terms Listed Below:
- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

FILED
HORRY COUNTY
2022 SEP 14 P 2:56
RENEE ELVIS
CLERK OF COURT
HORRY COUNTY, SC

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 25.⁰⁰ Beginning 10/1/2022

\$14-1-206 (Assessments 107.5 %)	\$100	\$100.00
\$14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
\$14-1-211(A)(2) (DUI Surcharge)	\$12	\$
\$56-5-2995 (DUI Assessment)	\$25	\$
\$56-1-286 (DUI Breath Test)	\$25	\$25.00
\$14-1-212 (Law Enforce. Funding)	\$150	\$
\$14-1-213 (Drug Court Surcharge)	\$41	\$
\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$50	\$
\$50-21-114(BUI Breath Test Fee)	\$40/ea	\$
\$56-5-2942(J) (Vehicle Assessment)	TBD	\$3.75
3% to County (if paid in installments)		

- ☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
- ☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

\$500 \$
TBD \$
TOTAL \$128.75

Clerk of Court/ Deputy Clerk:
Court Reporter:

Renee Elvis
Natalie Dahl

Presiding Judge:
Judge Code:
Sentence Date:

2048
9/14/2022

WITNESSES

Sean M Wydra Horry County Police Department

Stamps

ARREST WARRANT NUMBER

2020A2610202175

CDR: 0095 16-3-910

DOA: 10/9/2020

ACTION OF GRAND JURY

TRUE BILL

Randy Kins

Foreperson of Grand Jury
Date: *AUG 10 2022*

VERDICT

Guilty

Foreperson of Petit Jury
Date: *Sept 14, 2022*

DOCKET NO. 2022GS2603609

The State of South Carolina

County of Horry

James D Stanko

20H04867

COURT OF GENERAL SESSIONS

August, 2022 TERM

THE STATE

vs.

Shaquille Kayson Blakeley
B/ M

DOB: [REDACTED]
SSN: [REDACTED]

ATTORNEY: Nicholas O'Neill

Indictment for

Kidnapping

CLERK OF COURT
JIMMY A. RICHARDSON, II, Solicitor

HORRY COUNTY

2022 AUG 11 P 3:20

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM
GRAND JURY

RECEIVED
SEP 20 2022
SC Court of Appeals

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on August 10, 2022, the Grand Jurors of Horry County present upon their oath:

ORIGINAL

KIDNAPPING

CDR: 0095 16-3-910

That Shaquille Kayson Blakeley did in Horry County on or about October 9, 2020, unlawfully seize, confine, inveigle, decoy, kidnap, abduct, or carry away one Adam Powalle, without authority of law, in violation of Section 16-3-910, SC Code of Laws, 1976, as amended.

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


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

RECEIVED
CLERK OF COURT
HORRY COUNTY
AUG 11 2022
ORIGINAL COPY

STATE OF SOUTH CAROLINA

RECEIVED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry

SEP 20 2022

STATE

VS.

SC Court of AppealsINDICTMENT/CASE#: 2022GS2603609Shaquille Kayson BlakeleyAW#: 2020A2610202175

AKA:

Date of Offense: 10/9/2020Race: BLACK Sex: M Age: 29S.C. Code §: 16-03-0910DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 0095Address: [REDACTED]City, State, Zip: [REDACTED]DL#: [REDACTED] SID#: [REDACTED]**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 ☐ PLEADSTO: Kidnapping (0-30 years)in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
*NO PAROLE (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:

SC101376Stanko, James D SC Bar # Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 10 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: 2021 GS26 01316☒ 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.15 days/months☒ The Defendant is 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 § 16-25-30 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

FILED
Horry County
2022 SEP 14 P 2:56
RENEE N. ELYS
CLERK OF COURT
Horry County, SC

STATE VS. Shaquille Kayson Blakeley INDICTMENT/CASE#: 2022GS2603609

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☒ Other: Offense did not involve any sexual act. No registry is required.

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 25.00 Beginning 10/14/2022

§14-1-206 (Assessments 107.5 %)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Provviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender FundClerk of Court/ Deputy Clerk: Renee ElvisCourt Reporter: Natalie Dahl

Presiding Judge: _____

Judge Code: _____

Sentence Date: 9/14/2022

WITNESSES

Sean M Wydra Horry County Police Department

Hayes

ARREST WARRANT NUMBER

2020A2610202177

CDR: 0549 16-23-490

DOA: 10/9/2020

ACTION OF GRAND JURY

TRUE BILL

Randy Kud

Foreperson of Grand Jury

Date: **AUG 10 2022**

VERDICT

Guilty

Foreperson of Petit Jury

Date: **Sept 14, 22**

DOCKET NO. 2022GS2603610

The State of South Carolina

County of Horry

James D Stanko

20H04867

COURT OF GENERAL SESSIONS

August, 2022 TERM

THE STATE

vs.

Shaquille Kayson Blakeley

B/ M

DOB:

SSN:

ATTORNEY: Nicholas O'Neill

Indictment for

**Possession of a Weapon During the
Commission of a Violent Crime**

Jimmy A. Richardson, II, Solicitor

HORRY COUNTY

2022 AUG 11 P 3:20

**RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC**

**DATE RECEIVED FROM
GRAND JURY**

SC Court of Appeals

SEP 20 2022

RECEIVED

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on August 10, 2022, the Grand Jurors of Horry County present upon their oath:

**POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME**
CDR: 0549 16-23-490

That Shaquille Kayson Blakeley did in Horry County, on or about October 9, 2020, possess a firearm during the commission or attempted commission of a violent crime, in violation of Section 16-23-490, SC Code of Laws, 1976, as amended.

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


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

RECEIVED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry

SEP 20 2022

STATE

SC Court of Appeals

INDICTMENT/CASE#: 2022GS2603610

VS.

Shaquille Kayson Blakeley

AKA:

Race: BLACK Sex: M Age: 29DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#: [REDACTED] SID#: [REDACTED]AW#: 2020A2610202177Date of Offense: 10/9/2020S.C. Code §: 16-23-0490CDR 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 ☐ PLEADSTO: Possession of a weapon during a violent crime (5 years if not sentenced to life)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:

SC101376

Stanko, James D SC Bar # Defendant

SC Bar #

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.

The sentence shall run

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2021GS2607316 and 2022GS2603609☒ 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.☒ This includes 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 § 16-25-30 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

 RENEE N. LIVINGSTON
 CLERK OF COURT
 HORRY COUNTY, SC
 2022 SEP 1 P 2:56
 FILED

STATE VS. Shaquille Kayson Blakeley INDICTMENT/CASE#: 2022GS2603610

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 25.00 Beginning 10/14/22

§14-1-206 (Assessments 107.5 %)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

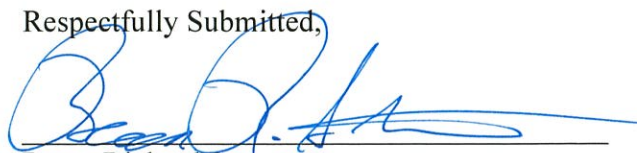
3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender FundClerk of Court/ Deputy Clerk:
Court Reporter:Renee Elvis
Natalie DahlPresiding Judge:
Judge Code:
Sentence Date:TOTAL \$ 128.7520489/14/2022

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,



Breen Richard Stevens
Appellate Defender

RECEIVED

Apr 27 2023

SC Court of Appeals

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

ATTORNEY FOR APPELLANT

This 27th day of April, 2023.

