

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Charleston County

Honorable R. Ferrell Cothran, Circuit Court Judge

CHRISTOPHER CAMPBELL,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-000755

APPENDIX

SARAH E. SHIPE
Appellate Defender

ALAN WILSON
Attorney General

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

DANIELLE E. DIXON
Assistant Attorney General
PO Box 11549
Rembert C. Dennis Building
Columbia, SC 29211
(803)734-3970

ATTORNEY FOR PETITIONER

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit
101 Meeting Street,
Charleston, SC 29401
(843) 958-1905

ATTORNEYS FOR RESPONDENT

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2 STATE OF SOUTH CAROLINA) GENERAL SESSIONS
)
 3 COUNTY OF CHARLESTON) CASE NO. 2014-002339

4 STATE OF SOUTH CAROLINA,)
)
 5 Plaintiff,)Transcript of Record
)
 6 vs.)
)Date: October 21, 2014
 7 CHRISTOPHER D. CAMPBELL,)October 22, 2014
)
 8 Defendant.)
)
 9)

* * * * *

10 B E F O R E:

11 THE HONORABLE WILLIAM JEFFREY YOUNG

12

13 A P P E A R A N C E:

14 ALEXANDER JABER ZIEGLER, ESQUIRE

15 BENJAMIN C. SIMPSON, ESQUIRE

16 Ninth Judicial Circuit

17 Solicitor's Office

18

19 JASON THOMAS KING, ESQUIRE

20 LUKE MALLOY, ESQUIRE

21 Charleston County

22 Public Defender's Office

23 * * * * *

24 Denise J. Lauder, RPR

25 Ninth Judicial Circuit

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1 (Following proceedings were had October
2 22, 2014, in re State v. Campbell.)

3 (PLF. EXH. 1, DVD, was marked for
4 identification.)

5 (PLF. EXH. 2, Photograph, was marked
6 for identification.)

7 (PLF. EXH. 3, Photograph, was marked
8 for identification.)

9 (PLF. EXH. 4, Photograph, were marked
10 for identification.)

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14 for identification.)

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16 for identification.)

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18 for identification.)

19 (PLF. EXH. 9, Photograph, was marked
20 for identification.)

21 (PLF. EXH. 10, Photograph, was marked
22 for identification.)

23 (PLF. EXH. 11, Photograph, was marked
24 for identification.)

25 (PLF. EXH. 12, Photograph, was marked

1 for identification.)

09:46:34AM 2 THE COURT: Thank you, ladies and
09:46:36AM 3 gentlemen. Please take your seats. Hope everyone
09:46:42AM 4 had a nice evening. Feels nice out there this
09:46:46AM 5 morning, doesn't it? Like we're in the mountains
09:46:50AM 6 or something.

09:46:50AM 7 State ready to call its next case?

09:46:52AM 8 MR. ZIEGLER: Yes, Your Honor. The
09:46:54AM 9 State calls State V Christopher D. Campbell.

09:46:58AM 10 THE COURT: Okay. All right. Ladies
09:47:04AM 11 and gentlemen, again, I'm Jeff Young. I'm the
09:47:08AM 12 Circuit Court Judge from Sumter. We have a lot of
09:47:10AM 13 you here today. We have them falling out into the
09:47:12AM 14 hallway there.

09:47:14AM 15 We're about to begin the case of State
09:47:16AM 16 V Christopher D. Campbell, and he's charged with
09:47:22AM 17 armed robbery and possession of a firearm during
09:47:28AM 18 the commission of a crime. And I will read you the
09:47:32AM 19 indictments at this point in time; that on or about
09:47:34AM 20 May 4th, 2011, in Charleston County, South
09:47:38AM 21 Carolina, at 357 King Street, there was a use of
09:47:40AM 22 force, threats, or intimidation, and while armed
09:47:44AM 23 with a deadly weapon, to wit: a handgun, the
09:47:50AM 24 Defendant, Christopher D. Campbell, while acting in
09:47:52AM 25 concert with another, did take and carry away goods

09:47:54AM 1 and/or monies from the person in his immediate
09:48:00AM 2 presence, i.e., of Christopher Riley, with the
09:48:04AM 3 intent to permanently deprive him of possession
09:48:06AM 4 thereof, in violation of Section 1611330(a) of the
09:48:12AM 5 South Carolina Code of Laws, 1976, as amended.

09:48:16AM 6 The second charge, possession of a
09:48:18AM 7 firearm during the commission of a violent crime,
09:48:20AM 8 states, that in Charleston County, South Carolina,
09:48:24AM 9 on or about May 4th, 2011, the Defendant,
09:48:28AM 10 Christopher D. Campbell, did possess a gun or did
09:48:32AM 11 visibly display what appeared to be a gun during
09:48:36AM 12 the commission or attempted commission of an armed
09:48:40AM 13 robbery and a violent crime, which is in violation
09:48:42AM 14 of Section 1623490 of the South Carolina Code of
09:48:50AM 15 Laws, 1976, as amended.

09:48:52AM 16 Now, ladies and gentlemen, let me
09:48:54AM 17 remind you, the fact that the Defendant was
09:48:58AM 18 arrested, charged, and indicted is in no way
09:49:00AM 19 indicative that he is guilty of the charges. The
09:49:06AM 20 Defendant has pled not guilty and, therefore, the
09:49:10AM 21 State has the burden of proving each and every
09:49:14AM 22 element of the charges beyond a reasonable doubt.
09:49:16AM 23 The Defendant does not have to prove anything.

09:49:18AM 24 Now, ladies and gentlemen, before we
09:49:22AM 25 select a jury, there's a number of questions that I

09:49:26AM 1 need to ask you so I would ask that the jurors
09:49:28AM 2 please be sworn.

09:49:28AM 3 JURY PANEL,

09:49:30AM 4 being first duly sworn, testified as follows:

09:49:30AM 5 THE CLERK: Please let the record
09:49:48AM 6 reflect that all jurors are sworn.

09:49:50AM 7 THE COURT: Now, ladies and gentlemen,
09:49:52AM 8 the reason that you're under oath is because this
09:49:54AM 9 is such a crucial stage of the trial. Just like a
09:49:58AM 10 building must be strong to protect those who dwell
09:50:00AM 11 in it, so must a jury be strong for the basis of a
09:50:08AM 12 fair and impartial trial for those who participate,
09:50:10AM 13 the Solicitor's Office for the State and the
09:50:12AM 14 Defendant who is on trial. And these attorneys are
09:50:14AM 15 relying on your truthful answers to these questions
09:50:18AM 16 in selecting a jury that they believe fits their
09:50:24AM 17 idea of what an ideal juror would be in this
09:50:26AM 18 situation.

09:50:26AM 19 So the first question I have, has
09:50:30AM 20 anyone ever been related by blood or marriage, or
09:50:32AM 21 had a close personal or business relationship with
09:50:38AM 22 the Defendant, Christopher Campbell, who is sitting
09:50:40AM 23 at this table right here? Mr. Campbell, if you
09:50:42AM 24 would please stand and turn around.

09:50:44AM 25 THE DEFENDANT: Yes, sir.

09:50:46AM 1 THE JURY PANEL: (None)

09:50:50AM 2 THE COURT: Thank you. Or with the
09:50:50AM 3 alleged victim, Mr. Christopher Riley? Is Mr.
09:50:56AM 4 Riley in the courtroom?

09:50:58AM 5 MR. ZIEGLER: No.

09:50:58AM 6 THE COURT: All right. So does anyone
09:51:02AM 7 have those type of relationships with either of
09:51:04AM 8 these two gentlemen? If so, please stand.

09:51:08AM 9 THE JURY PANEL: (None)

09:51:08AM 10 THE COURT: Thank you. No one is
09:51:08AM 11 standing.

09:51:10AM 12 Ladies and gentlemen, this is a list of
09:51:10AM 13 potential witnesses in this case and I will just go
09:51:14AM 14 down through it and then I will ask you if you have
09:51:16AM 15 any relationship with them: Allen Suman,
09:51:20AM 16 Christopher Riley, Christopher Freshman of the
09:51:24AM 17 Charleston Police Department, Richard Kennedy of
09:51:28AM 18 the Charleston Police Department, Leslie Green,
09:51:34AM 19 Sylvester Williams of the Charleston Police
09:51:38AM 20 Department, Ashley Dockery of the Charleston Police
09:51:44AM 21 Department, Mike Sherman of the Charleston Police
09:51:48AM 22 Department, Nada Piercing of the Charleston Police
09:51:50AM 23 Department, Richard Holmes of the Charleston Police
09:51:52AM 24 Department, and Tonya Mylette of the Charleston
09:51:56AM 25 Police Department, Martha Campbell, Leroy Campbell,

09:52:00AM 1 George Martin, Demetrius Grant, Robert Gibbs, Lee
09:52:08AM 2 Gin, Harry Long, Detective Richard Holmes of the
09:52:14AM 3 Charleston Police Department, and Russell Brown.

09:52:16AM 4 Does any member of the jury panel have
09:52:20AM 5 a close business or personal relationship, or
09:52:22AM 6 related by blood or marriage? If so, please stand.

09:52:26AM 7 THE JURY PANEL: (None)

09:52:28AM 8 THE COURT: Thank you. No one is
09:52:30AM 9 standing.

09:52:32AM 10 All right. Ladies and gentlemen, the
09:52:34AM 11 lead attorneys in this case are Mr. Alexander
09:52:38AM 12 Ziegler for the Solicitor's Office. And,
09:52:40AM 13 Mr. Ziegler, if you would introduce your co-counsel
09:52:40AM 14 and your office, please.

09:52:44AM 15 MR. ZIEGLER: My co-counsel is Chad
09:52:48AM 16 Simpson from the Ninth Circuit Solicitor's Office,
09:52:50AM 17 and I'm Alex Ziegler.

09:52:52AM 18 THE COURT: Thank you. Mr. King of the
09:52:58AM 19 Public Defender's Office, introduce yourself and
09:53:00AM 20 your co-counsel.

09:53:00AM 21 MR. KING: I'm Jason King with the
09:53:02AM 22 Charleston County Public Defender's Office, and my
09:53:06AM 23 co-counsel is Luke Malloy, and we're representing
09:53:08AM 24 Mr. Campbell.

09:53:08AM 25 THE COURT: Thank you. Ladies and

09:53:10AM 1 gentlemen, has any member of the jury ever been
09:53:14AM 2 represented by these attorneys, the Ninth Circuit
09:53:22AM 3 Solicitor's Office or the Ninth Circuit Public
09:53:24AM 4 Defender's Office, or related by blood or marriage
09:53:30AM 5 to anyone within those two offices, or have a close
09:53:30AM 6 personal relationship with anyone within those two
09:53:34AM 7 offices? If so, please stand.

09:53:36AM 8 THE JURY PANEL: (None)

09:53:36AM 9 THE COURT: Thank you. No one is
09:53:38AM 10 standing.

09:53:40AM 11 Has any member of the jury panel formed
09:53:44AM 12 or expressed an opinion about any issue involved in
09:53:50AM 13 these cases? If so, please stand.

09:53:52AM 14 THE JURY PANEL: (None)

09:53:54AM 15 THE COURT: Thank you. No one is
09:53:54AM 16 standing.

09:53:56AM 17 Have you or any member of your
09:53:58AM 18 immediate family ever been the victim of a violent
09:54:02AM 19 crime, and if so, I would like to speak to you down
09:54:04AM 20 here rather than in front of the whole crowd. If
09:54:08AM 21 so, please stand.

09:54:08AM 22 Please state your name and jury number
09:54:08AM 23 as you come down.

09:54:18AM 24 JUROR NUMBER 298: Kane Sanders, 298,
09:54:28AM 25 S-A-N-D-E-R-S.

09:54:36AM 1 (Off-the-record conference.)

09:54:36AM 2 THE COURT: Mr. Sanders' mother was
09:54:44AM 3 brutally beaten. She was battered in San Diego
09:54:46AM 4 seven years back. I'll let you explain that.

09:54:50AM 5 (Off-the-record conference.)

09:54:50AM 6 THE COURT: Would the fact that this
09:55:00AM 7 happened to your mother make it so you can't be a
09:55:02AM 8 fair and impartial juror to the State or the
09:55:06AM 9 Defendant in this case?

09:55:08AM 10 JUROR NUMBER 298: Probably can't. I
09:55:10AM 11 can't be fair.

09:55:10AM 12 THE COURT: Can't be. We'll strike him
09:55:12AM 13 for cause. You'll be off the list.

09:55:16AM 14 Thank you, sir. We have a few others.
09:55:26AM 15 Juror number 81, please come on down.
09:55:26AM 16 Yes, ma'am.

09:55:38AM 17 JUROR NUMBER 81: Jeanette Craparotta.

09:55:38AM 18 THE WITNESS: My sister and me, in high
09:55:40AM 19 school a man broke in our home and raped her. So I
09:55:46AM 20 consider that a violent crime.

09:55:46AM 21 THE COURT: That was.

09:55:48AM 22 JUROR NUMBER 81: I was 17, so probably
09:55:50AM 23 about 17 years ago.

09:55:52AM 24 THE COURT: Would the fact that that
09:55:52AM 25 happened to you when you were a teenager make it so

09:55:58AM 1 you can't listen to the evidence and be a fair and
09:56:00AM 2 impartial to the State and the Defense?

09:56:02AM 3 JUROR NUMBER 81: I don't think so.

09:56:04AM 4 THE COURT: You don't think you can be
09:56:04AM 5 fair?

09:56:06AM 6 JUROR NUMBER 81: No, I think I can be
09:56:06AM 7 fair.

09:56:08AM 8 THE COURT: You think you could be.
09:56:10AM 9 Okay. Thank you.

09:56:10AM 10 JUROR NUMBER 81: Thank you.

09:56:12AM 11 THE B: 175.

09:56:26AM 12 JUROR NUMBER 175: Shannon Huey. I
09:56:32AM 13 have been a victim of a crime and my husband is a
09:56:34AM 14 retired cop and he knows the officers. He knows
09:56:40AM 15 them all.

09:56:40AM 16 THE COURT: Your husband is a retired
09:56:44AM 17 officer with Charleston County and he knows some of
09:56:50AM 18 the officers?

09:56:52AM 19 JUROR NUMBER 175: He pretty much knows
09:56:52AM 20 everybody.

09:56:54AM 21 THE COURT: Would say that make it so
09:56:56AM 22 you can't be fair and impartial?

09:56:58AM 23 JUROR NUMBER 175: I guess not.

09:57:00AM 24 THE COURT: You could listen to the
09:57:00AM 25 evidence and make a decision based on what you

09:57:04AM 1 hear?

09:57:06AM 2 JUROR NUMBER: 175: Yes, sir.

09:57:06AM 3 THE COURT: Thank you.

09:57:06AM 4 THE BAILIFF: Juror number 67.

09:57:06AM 5 THE COURT: Good morning. What's your
09:57:06AM 6 name?

09:57:22AM 7 JUROR NUMBER 67: Alex Cepeda. About
09:57:26AM 8 six years ago, one of my best friends was robbed at
09:57:28AM 9 gun point.

09:57:30AM 10 THE COURT: Would the fact that your
09:57:32AM 11 friend was robbed make it so you can't listen to
09:57:34AM 12 the evidence and make your decision?

09:57:36AM 13 JUROR NUMBER 67: Absolutely not.

09:57:38AM 14 THE COURT: Thank you.

09:57:38AM 15 THE BAILIFF: 314, Your Honor.

09:57:54AM 16 THE COURT: Morning.

09:57:54AM 17 JUROR NUMBER 314: I was held at gun
09:57:58AM 18 point when I was working at the country club.

09:58:02AM 19 THE COURT: The fact that you were held
09:58:10AM 20 at gun point, would you be able to listen to the
09:58:18AM 21 evidence and make your decision based on what
09:58:20AM 22 happened in the courtroom rather than what happened
09:58:22AM 23 back then?

09:58:24AM 24 JUROR NUMBER 314: Yes, sir.

09:58:24AM 25 THE COURT: Okay. Thank you.

09:58:28AM 1 Anyone else? All right. Thank you.

09:58:28AM 2 THE COURT: Is there any member of the
09:58:40AM 3 jury panel who was also a member of the grand jury
09:58:42AM 4 that indicted this case? If so, please stand.

09:58:42AM 5 THE JURY PANEL: (None)

09:58:52AM 6 THE COURT: Is there any member of the
09:58:54AM 7 jury panel who is a member of or a contributor to
09:58:56AM 8 any group which has as its primary concern the
09:59:00AM 9 promotion of law enforcement? Such groups would
09:59:06AM 10 certainly consist of but wouldn't be limited to
09:59:06AM 11 Mothers Against Drunk Drivers, Students Against
09:59:14AM 12 Drunk Drivers, Students Against Violent Crime, or
09:59:14AM 13 any other group that has as its purpose the
09:59:18AM 14 promotion of law enforcement? If so, please stand.

09:59:22AM 15 Yes, ma'am, state your name and number.

09:59:24AM 16 JUROR NUMBER 83: Juror 83, Ceryl
09:59:26AM 17 Cromwell. I am a contributor of the Fraternal
09:59:28AM 18 Order of Police.

09:59:30AM 19 THE COURT: And the fact that you're a
09:59:34AM 20 contributor to the Fraternal Order or Police make
09:59:34AM 21 it so you can't be fair and impartial to the State
09:59:38AM 22 or the Defense in this case.

09:59:40AM 23 JUROR NUMBER 83: No, Your Honor.

09:59:42AM 24 THE COURT: All right. Thank you,
09:59:42AM 25 ma'am.

09:59:56AM 1 Have you or any members of your
09:59:58AM 2 immediate family ever had any criminal charges
10:00:04AM 3 adjudicated or -- by or currently pending with the
10:00:08AM 4 Charleston County Sheriff's Office? If so, please
10:00:10AM 5 stand.

10:00:12AM 6 THE JURY PANEL: (None)

10:00:14AM 7 THE COURT: Or does anybody you know,
10:00:16AM 8 closely have any charges pending with the
10:00:20AM 9 Charleston County Public Defenders Office? If so,
10:00:22AM 10 please stand.

10:00:24AM 11 THE JURY PANEL: (None)

10:00:30AM 12 THE COURT: Is there any member of the
10:00:30AM 13 jury panel who has previously been a witness in a
10:00:34AM 14 civil or criminal trial? If so, please stand.

10:00:42AM 15 I think we know the facts, but come
10:00:44AM 16 down and let's put it on the record.

10:00:58AM 17 What's name.

10:01:02AM 18 JUROR NUMBER 301: Nancy Schoedler. I
10:01:02AM 19 worked for DSS and been a witness for DSS.

10:01:02AM 20 THE COURT: Would that fact make to so
10:01:02AM 21 you could not be a fair and impartial juror in the
10:01:02AM 22 trial of this case?

10:01:02AM 23 JUROR NUMBER 301: No.

10:01:18AM 24 THE COURT: Thank you.

10:01:28AM 25 THE BAILIFF: Juror 314.

10:01:32AM 1 JUROR NUMBER 314: I was a witness in
10:01:36AM 2 an armed robbery case.

10:01:38AM 3 THE COURT: The fact that you were
10:01:40AM 4 involved in that armed robbery case, could you be
10:01:42AM 5 fair and impartial to this case?

10:01:46AM 6 JUROR NUMBER 314: Yes.

10:01:48AM 7 THE COURT: Okay. Thank you.

10:01:48AM 8 THE BAILIFF: Juror 298.

10:01:54AM 9 THE COURT: And I believe you were a
10:02:00AM 10 witness.

10:02:02AM 11 JUROR NUMBER 298: In a child abuse
10:02:04AM 12 trial.

10:02:04AM 13 THE COURT: And how long ago was that?

10:02:08AM 14 JUROR NUMBER 298: 11 years ago.

10:02:08AM 15 THE COURT: The fact that you were a
10:02:10AM 16 witness in a child abuse case 11 years ago, would
10:02:14AM 17 that make it so you couldn't be fair and impartial
10:02:14AM 18 in this case?

10:02:18AM 19 JUROR NUMBER 298: I don't think so.

10:02:18AM 20 THE COURT: Thank you very much.

10:02:26AM 21 MR. K: I thought he had already been
10:02:28AM 22 excused for cause.

10:02:32AM 23 THE COURT: Actually he has.

10:02:38AM 24 THE CLERK: Your Honor, that was 298.

10:02:38AM 25 THE COURT: Yes.

10:02:40AM 1 THE CLERK: Thank you.

10:02:42AM 2 THE COURT: Has any member of the jury
10:02:44AM 3 panel had any experience with law enforcement, in
10:02:48AM 4 the legal system, or the penal system that would
10:02:52AM 5 render you incapable of being -- and it could be a
10:02:54AM 6 good experience or it could be a bad experience,
10:02:56AM 7 that would make it so you couldn't be fair and
10:03:00AM 8 impartial to both the State and the Defendant in
10:03:04AM 9 this case? If so, please stand.

10:03:06AM 10 THE JURY PANEL: (None)

10:03:12AM 11 THE COURT: Do any of you know any
10:03:14AM 12 reason whatsoever why you cannot be fair and
10:03:20AM 13 impartial to the State or the defense in this case?
10:03:24AM 14 If so, please stand.

10:03:24AM 15 THE JURY PANEL: (None)

10:03:34AM 16 THE COURT: Does the state have any
10:03:36AM 17 additional questions they would like me to ask?

10:03:38AM 18 MR. ZIEGLER: No, Your Honor.

10:03:38AM 19 THE COURT: Does the defense have any
10:03:40AM 20 additional questions they would like me to ask?

10:03:42AM 21 MR. KING: No.

10:03:42AM 22 THE COURT: All right. Ladies and
10:03:46AM 23 gentlemen, what's going to happen now is kind of
10:03:48AM 24 like the other day. The computer will come up with
10:03:50AM 25 a list of names. When your name is called, please

JURY SELECTION

10:03:54AM 1 come to the podium and face the exit. The
10:03:58AM 2 attorneys will then have an opportunity to strike
10:04:00AM 3 you. Please does not take it personally if you are
10:04:04AM 4 stricken from the trial of the case. This will
10:04:08AM 5 probably be the jury trial for this week.

10:04:10AM 6 THE CLERK: We did confirm, we are
10:04:10AM 7 going to have them call the information line.

10:04:14AM 8 THE COURT: Okay. Thank you.

10:04:14AM 9 THE CLERK: Ladies and gentlemen, as
10:06:44AM 10 Judge Young indicated, when your name is called,
10:06:46AM 11 gather your belongings and make your way to the
10:06:50AM 12 podium in the middle of the courtroom. Once you
10:06:50AM 13 reach that podium, you're going to turn and face
10:06:52AM 14 the back of the courtroom and I will instruct you
10:06:54AM 15 from that point on.

10:06:56AM 16 Starting with Juror Number 99, William
10:07:14AM 17 Dowdy. What say you for the State?

10:07:18AM 18 MR. ZIEGLER: Please seat this juror.

10:07:22AM 19 THE CLERK: What say you for the
10:07:24AM 20 Defense?

10:07:24AM 21 MR. KING: Please excuse this juror.

10:07:28AM 22 THE COURT: Sir, please return to your
10:07:28AM 23 seat. You've been excused from the trial of this
10:07:28AM 24 case.

10:07:28AM 25 Juror Number 196, Christy Judd.

JURY SELECTION

10:07:54AM 1 What say you for the State?

10:07:56AM 2 MR. ZIEGLER: Please seat this juror.

10:07:58AM 3 THE CLERK: What say you for the

10:08:00AM 4 Defense?

10:08:00AM 5 MR. KING: Please excuse this juror.

10:08:06AM 6 MR. CLERK: Please return to your seat.

10:08:06AM 7 You've been excused from the trial of this case.

10:08:08AM 8 Juror number 6, John Allard.

10:08:20AM 9 What say you for the State?

10:08:24AM 10 MR. ZIEGLER: Please seat this juror.

10:08:26AM 11 THE CLERK: What say you for the

10:08:26AM 12 Defense?

10:08:26AM 13 MR. KING: Please seat this juror.

10:08:30AM 14 THE COURT: Please take a seat in the

10:08:30AM 15 jury box. You've been chosen as a juror for the

10:08:30AM 16 trial of this case.

10:08:36AM 17 Juror number 83, Cheryl Cromwell.

10:08:44AM 18 What say you for the State?

10:08:50AM 19 MR. ZIEGLER: Please seat this juror.

10:08:54AM 20 THE CL: What say you for the

10:08:54AM 21 Defendant?

10:08:54AM 22 MR. KING: Please excuse this juror.

10:08:56AM 23 THE CLERK: Please return to your seat.

10:08:56AM 24 You've been excused from the trial of this case.

10:09:02AM 25 Juror number 121, Stephanie

JURY SELECTION

10:09:02AM 1 Fluddsmalls.

10:09:12AM 2 What say you for the State?

10:09:22AM 3 MR. ZIEGLER: Please seat this juror.

10:09:26AM 4 THE CLERK: What say you for the

10:09:26AM 5 Defense?

10:09:26AM 6 MR. KING: Please seat this juror.

10:09:30AM 7 THE CLERK: Please take a seat in the

10:09:30AM 8 jury box. You've been chosen as a juror for the

10:09:32AM 9 trial of this case.

10:09:34AM 10 Juror number 104, John Easterby.

10:09:38AM 11 What say you for the State?

10:09:54AM 12 MR. ZIEGLER: Please seat this juror.

10:09:56AM 13 THE CLERK: What say you for the

10:09:58AM 14 Defense?

10:09:58AM 15 MR. KING: Please excuse this juror.

10:10:04AM 16 THE CLERK: Please return to your seat.

10:10:04AM 17 You've been excused from the trial of this case.

10:10:06AM 18 Juror number 245, Vicky Mitchum.

10:10:12AM 19 What say you for the State?

10:10:30AM 20 MR. ZIEGLER: Please seat this juror.

10:10:32AM 21 THE CLERK: What say you for the

10:10:32AM 22 Defense?

10:10:32AM 23 MR. KING: Please excuse this juror.

10:10:42AM 24 THE CLERK: Please return to your seat.

10:10:42AM 25 You've been excused from the trial of this case.

JURY SELECTION

10:10:46AM 1 Defendant has exhausted five of its ten
10:10:48AM 2 strikes.
10:10:48AM 3 Juror 316, Christopher Simon.
10:10:48AM 4 What say you for the State?
10:11:00AM 5 MR. ZIEGLER: Please seat this juror.
10:11:02AM 6 THE CLERK: What say you for the
10:11:02AM 7 Defense?
10:11:02AM 8 MR. KING: Please seat this juror.
10:11:06AM 9 THE CLERK: Please take a seat in the
10:11:06AM 10 jury box. You've been chosen as a juror for the
10:11:06AM 11 trial of this case.
10:11:14AM 12 Juror 332, Patricia Steel.
10:11:20AM 13 What say you for the State?
10:11:36AM 14 MR. ZIEGLER: Please seat this juror.
10:11:38AM 15 THE CLERK: What say you for the
10:11:38AM 16 Defense?
10:11:38AM 17 MR. KING: Please seat this juror.
10:11:44AM 18 THE CLERK: Please take a seat in the
10:11:44AM 19 jury box. You've been chosen as a juror for the
10:11:44AM 20 trial of this case.
10:11:48AM 21 Juror number 393, Arthur Wright.
10:11:56AM 22 What say you for the State?
10:12:16AM 23 MR. KING: Please seat this juror.
10:12:16AM 24 THE CLERK: I'm sorry, for the State?
10:12:30AM 25 MR. ZIEGLER: Please strike this juror.

JURY SELECTION

10:12:30AM 1 THE CLERK: Please return to your seat.
10:12:30AM 2 You've been excused from the trial of this case.
10:12:32AM 3 Juror number 344, Virginia Terry.
10:12:46AM 4 What say you for the State?
10:12:50AM 5 MR. ZIEGLER: Please seat this juror.
10:12:50AM 6 THE CLERK: What say you for the
10:12:52AM 7 Defense?
10:12:52AM 8 MR. KING: Please seat this juror.
10:12:58AM 9 THE CLERK: Please take a seat in the
10:12:58AM 10 jury box. You've been chosen as a juror for the
10:12:58AM 11 trial of this case.
10:13:04AM 12 Juror number 159, Kimberly Haynes.
10:13:12AM 13 What say you for the State?
10:13:24AM 14 MR. ZIEGLER: Please seat this juror.
10:13:26AM 15 THE CLERK: What say you for the
10:13:26AM 16 Defense?
10:13:26AM 17 MR. KING: Please seat this juror.
10:13:30AM 18 THE CLERK: Please take a seat in the
10:13:30AM 19 jury box. You've been chosen as a juror for the
10:13:30AM 20 trial of this case.
10:13:36AM 21 Juror number 317, Jessica Simpson.
10:13:40AM 22 What say you for the State?
10:13:50AM 23 MR. ZIEGLER: Please seat this juror.
10:13:52AM 24 THE CLERK: What say you for the
10:13:54AM 25 Defense?

JURY SELECTION

10:13:54AM 1 MR. KING: Please excuse this juror.

10:13:58AM 2 THE CLERK: Please return to your seat.

10:13:58AM 3 You've been excused from the trial of this case.

10:14:00AM 4 Juror number 337, John Suttle.

10:14:08AM 5 What say you for the State?

10:14:22AM 6 MR. ZIEGLER: Please seat this juror.

10:14:22AM 7 THE CLERK: What say you for the

10:14:24AM 8 Defense?

10:14:24AM 9 MR. KING: Please seat this juror.

10:14:28AM 10 THE CLERK: Please take a seat in the

10:14:28AM 11 jury box. You've been chosen as a juror for the

10:14:28AM 12 trial of this case.

10:14:32AM 13 Juror number 93, Jennifer Davis.

10:14:32AM 14 What say you for the State?

10:14:56AM 15 MR. ZIEGLER: Please seat this juror.

10:14:56AM 16 THE CLERK: What say you for the

10:14:58AM 17 Defense?

10:14:58AM 18 MR. KING: Please seat this juror.

10:15:02AM 19 THE CLERK: Please take a seat in the

10:15:02AM 20 jury box. You've been selected as a juror for the

10:15:02AM 21 trial of this case.

10:15:02AM 22 Juror number 103, Mary Durkee.

10:15:18AM 23 What say you for the State?

10:15:24AM 24 MR. ZIEGLER: Please seat this juror.

10:15:24AM 25 THE CLERK: What say you for the

JURY SELECTION

10:15:28AM 1 Defendant?

10:15:28AM 2 MR. KING: Please seat this juror.

10:15:30AM 3 THE CLERK: Please take a seat in the

10:15:30AM 4 jury box. You've been chosen as a juror for the

10:15:30AM 5 trial of this case.

10:15:36AM 6 Juror number 203, Sharon Klein.

10:15:40AM 7 What say you for the State?

10:16:04AM 8 MR. ZIEGLER: Please seat this juror.

10:16:06AM 9 THE CLERK: What say you for the

10:16:08AM 10 Defendant?

10:16:08AM 11 MR. KING: Please seat this juror.

10:16:10AM 12 THE CLERK: Please take a seat in the

10:16:10AM 13 jury box. You've been chosen as a juror for the

10:16:10AM 14 trial of this case.

10:16:14AM 15 Juror number 139, Lashonia Grampus.

10:16:22AM 16 What say you for the State?

10:16:44AM 17 MR. ZIEGLER: Please excuse this juror.

10:16:44AM 18 THE CLERK: Please return to your seat.

10:16:44AM 19 You've been excused from the trial of this case.

10:16:48AM 20 Juror number 102, Robert Driggers.

10:16:54AM 21 What say you for the State.

10:17:12AM 22 MR. ZIEGLER: Please seat this juror.

10:17:14AM 23 THE CLERK: What say you for the

10:17:14AM 24 Defendant?

10:17:14AM 25 MR. KING: Please seat this juror.

JURY SELECTION

10:17:18AM 1 THE CLERK: Please take a seat in the
10:17:18AM 2 jury box. You've been chosen as a juror for the
10:17:18AM 3 trial of this case.

10:17:22AM 4 Juror number 212, Tristan Lester.

10:17:30AM 5 What say you for the State?

10:17:44AM 6 MR. ZIEGLER: Please seat this juror.

10:17:44AM 7 THE CLERK: What say you for the
10:17:46AM 8 Defendant?

10:17:46AM 9 MR. KING: Please seat this juror.

10:17:48AM 10 THE COURT: If you would please make
10:17:48AM 11 your way to the jury box.

10:17:54AM 12 How many alternates, Your Honor?

10:17:56AM 13 THE COURT: Two.

10:17:58AM 14 THE CLERK: Now striking for the first
10:18:00AM 15 of two alternates. Strikes are one and two.

10:18:02AM 16 Juror number 340, Debra Taylor.

10:18:10AM 17 What say you for the State.

10:18:22AM 18 MR. ZIEGLER: Please seat this juror.

10:18:24AM 19 THE CLERK: What say you for the
10:18:26AM 20 Defendant?

10:18:26AM 21 MR. KING: Please seat this juror.

10:18:28AM 22 THE COURT: If you would please make
10:18:28AM 23 your way to the jury box. You've been selected as
10:18:28AM 24 a juror in the trial of this case.

10:18:38AM 25 Now striking for our second alternate.

JURY SELECTION

10:18:40AM 1 Strikes are one and two.

10:18:40AM 2 Juror number 1, Anthony Abramczyk.

10:18:46AM 3 What say you for the State?

10:19:02AM 4 MR. ZIEGLER: Please excuse this juror.

10:19:02AM 5 THE CLERK: Please return to your seat.

10:19:02AM 6 You've been excused from the trial of this case.

10:19:02AM 7 The State has exhausted it's one strike

10:19:02AM 8 for the alternate.

10:19:08AM 9 Juror number 173, Donald Houghton.

10:19:14AM 10 Any challenges from the State?

10:19:24AM 11 MR. ZIEGLER: None from the State.

10:19:24AM 12 THE CLERK: What say you for the

10:19:26AM 13 Defendant?

10:19:26AM 14 MR. KING: Please seat this juror.

10:19:28AM 15 THE CLERK: If you would please take a

10:19:28AM 16 seat in the jury box. You've been selected as the

10:19:28AM 17 second alternate in the trial of this case.

10:19:36AM 18 Thank you, Your Honor.

10:19:36AM 19 THE COURT: If you would call out the

10:19:38AM 20 names of all the jurors.

10:19:40AM 21 THE CLERK: Juror number six, John

10:19:46AM 22 Allard; juror 121 Stephanie Fuddsmalls; juror 316,

10:19:50AM 23 Christopher Simon; juror 332, Patricia Steel; juror

10:19:56AM 24 344, Virginia Terry; juror 159, Kimberly Haynes;

10:20:04AM 25 juror 337, John Suttle; juror 93, Jennifer Davis;

JURY SELECTION

10:20:12AM 1 juror 103, Mary Durkee; juror 203, Sharon Klein;
10:20:18AM 2 juror 102, Robert Driggers; juror 212, Tristan
10:20:26AM 3 Lester; juror 340, Debra Taylor; and, finally,
10:20:28AM 4 juror 173, Donald Houghton.

10:20:30AM 5 THE COURT: All right. Thank you,
10:20:32AM 6 ladies and gentlemen, for being a part of this
10:20:34AM 7 trial. I'm going to send you back to the jury room
10:20:36AM 8 for just a few minutes while we take up a few
10:20:40AM 9 matters here, but while you're back there, if you
10:20:42AM 10 could kind of decide amongst yourselves, of the 12
10:20:46AM 11 primary jurors, not the alternates, who you want to
10:20:50AM 12 be the foreperson of the jury.

10:20:52AM 13 The foreperson will be the spokesperson
10:20:54AM 14 here in court and in charge of the deliberations
10:20:58AM 15 when you start your deliberations. Kind of think
10:21:00AM 16 about who you want that person to be and then that
10:21:04AM 17 person will sit in this seat coming back out. The
10:21:06AM 18 rest of you can sit wherever you want to.

10:21:08AM 19 Please do not discuss anything about
10:21:10AM 20 the case while you're back there.

10:21:16AM 21 (Jury out 10:20 a.m.)

10:21:38AM 22 THE COURT: You may be seated. Are
10:21:40AM 23 there any exceptions to the jury that was selected
10:21:42AM 24 or the manner in which they were selected, from the
10:21:42AM 25 State?

JURY SELECTION

10:21:46AM 1 MR. ZIEGLER: No, Your Honor.

10:21:46AM 2 THE COURT: From the defense?

10:21:48AM 3 MR. KING: No, Your Honor.

10:21:50AM 4 THE COURT: All right. Thank you.

10:21:50AM 5 Ladies and gentlemen, we now have our

10:21:52AM 6 jury for this trial. I'm sorry you won't be here

10:21:56AM 7 with us for the rest of the day, but please call

10:22:00AM 8 back after 6:00 and maybe you'll have an

10:22:02AM 9 opportunity to be on another jury. Have a nice

10:22:08AM 10 afternoon and I won't tell anybody that you're

10:22:14AM 11 done. It's up to your conscience whether you want

10:22:18AM 12 to tell anybody that you're done for the day. Have

10:22:20AM 13 a great day.

10:22:22AM 14 How do you-all want to do this? Do you

10:23:12AM 15 want to let the jury go for a couple of hours or do

10:23:14AM 16 you want to let them go for lunch? How long do you

10:23:16AM 17 think these motions are going to take?

10:23:24AM 18 We could send them out and -- for an

10:23:24AM 19 early lunch and let them come back at 1:00 and

10:23:28AM 20 start the trial then. If it's going to be just an

10:23:32AM 21 hour for these hearings, or less, I would just as

10:23:34AM 22 soon let them sit there for a little while.

10:23:40AM 23 MR. ZIEGLER: Your Honor, my estimate

10:23:42AM 24 would be that the pretrial hearings will take about

10:23:44AM 25 an hour, not much more than that.

JURY SELECTION

10:23:48AM 1 THE COURT: Is that what you're
10:23:50AM 2 thinking?

10:23:52AM 3 MR. KING: I think so. I think that's
10:23:52AM 4 roughly right, Your Honor.

10:23:54AM 5 THE COURT: Then what I think I will do
10:23:58AM 6 is go ahead and get them some coffee and leave them
10:24:02AM 7 back there and we'll go ahead and do our pretrial
10:24:06AM 8 and then we'll get the trial started.

10:24:12AM 9 All right. Let's proceed.

10:25:54AM 10 MR. ZIEGLER: State will proceed with
10:25:56AM 11 Neil v. Biggers, and the State calls Officer
10:26:00AM 12 Richard Kennedy.

10:26:18AM 13 RICHARD KENNEDY,
10:26:20AM 14 being first duly sworn, testified as follows:

10:26:20AM 15 THE CLERK: You may be seated. Once
10:26:22AM 16 seated, please state your first and last name and
10:26:26AM 17 spell your last name.

10:26:26AM 18 THE WITNESS: Richard Kennedy, last
10:26:28AM 19 name is K-E-N-N-E-D-Y.

10:26:36AM 20 THE COURT: You may proceed.

10:26:36AM 21 DIRECT EXAMINATION

10:26:36AM 22 BY MR. ZIEGLER:

10:26:52AM 23 Q. Morning, Officer Kennedy.

10:26:54AM 24 A. Good morning.

10:26:56AM 25 Q. Mr. Kennedy, where are you currently

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

10:27:02AM 1 employed?

10:27:02AM 2 A. Charleston City Police Department,
10:27:04AM 3 South Carolina.

10:27:04AM 4 Q. And how long have you been employed
10:27:08AM 5 there?

10:27:08AM 6 A. Almost nine years.

10:27:10AM 7 Q. Can you give a brief background of what
10:27:12AM 8 positions you've held in the police department?

10:27:16AM 9 A. 2006, I started in Team 2 patrol as a
10:27:18AM 10 patrol officer and I was a Team 2 investigator for
10:27:20AM 11 a year after that, then I went up to Central
10:27:24AM 12 Investigations as a robbery/assault unit detective
10:27:28AM 13 for four years, and for about the last two years
10:27:28AM 14 I've been on Team 4 patrol.

10:27:30AM 15 Q. And as a detective with the Charleston
10:27:46AM 16 Police Department, were you involved with the case
10:27:48AM 17 of Christopher Campbell and the armed robbery of
10:27:54AM 18 Firehouse Subs?

10:27:54AM 19 A. Yes, I was.

10:27:54AM 20 Q. When did that armed robbery incident
10:27:58AM 21 occur?

10:27:58AM 22 A. If I remember correctly, it was -- just
10:28:12AM 23 a second and I'll give you an exact date, May 4,
10:28:24AM 24 2011, and it was located at 357 King Street.

10:28:28AM 25 Q. And did you -- were you assigned to

10:28:28AM 1 investigate that incident?

10:28:30AM 2 A. I was.

10:28:30AM 3 Q. And did you -- who did you interview in
10:28:38AM 4 regards to that incident?

10:28:40AM 5 A. I initially interviewed Christopher
10:28:44AM 6 Riley, who was employed there, and then also Leslie
10:28:48AM 7 Green, who was employed there.

10:28:54AM 8 Q. And in your interviews with Leslie
10:29:00AM 9 Green, did he identify the -- if you -- actually,
10:29:04AM 10 to back up, if you could explain to the Court very
10:29:08AM 11 briefly what happened -- what happened in this
10:29:12AM 12 particular incident?

10:29:12AM 13 A. Christopher Riley dialed 911, CPD
10:29:16AM 14 officers arrived on-scene. I was one of the
10:29:20AM 15 initial detectives responding to the scene. I
10:29:22AM 16 spoke to Christopher Riley. He stated he was the
10:29:24AM 17 victim of an armed robbery. Somebody came in,
10:29:28AM 18 pointed a gun to his head, the money came from the
10:29:30AM 19 safe in the back of the room. He described the
10:29:32AM 20 male to me, and that male fled.

10:29:36AM 21 Q. Okay. Did you interview Mr. Leslie
10:29:42AM 22 Green about who that unidentified person was that
10:29:44AM 23 came into the Firehouse Subs and took the money?

10:29:48AM 24 A. Yes, I did.

10:29:48AM 25 Q. And did he provide to you the name of

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

10:29:52AM 1 that person?

10:29:54AM 2 A. Yes, he did.

10:29:56AM 3 Q. And after he provided that name to you,
10:30:04AM 4 what was the next step in your investigation?

10:30:06AM 5 A. He stated it was his cousin and he gave
10:30:10AM 6 us the name of Christopher Campbell. So I went and
10:30:14AM 7 obtained a photo of Christopher Campbell, who he
10:30:20AM 8 stated was his cousin. And he was shown the
10:30:24AM 9 photograph of Christopher Campbell, which he stated
10:30:26AM 10 that was his cousin.

10:30:28AM 11 Q. Did Mr. Green indicate he knew Mr.
10:30:34AM 12 Campbell prior to this incident?

10:30:34AM 13 A. Yes. He said it was his cousin, they
10:30:38AM 14 had known each other for years. I believe he said
10:30:40AM 15 he may have lived with him. I know he said he knew
10:30:46AM 16 him well.

10:30:46AM 17 Q. And what type of -- what type of photo
10:30:50AM 18 did you present to Mr. Green in order to confirm
10:30:54AM 19 the identity of the Defendant in this case, the
10:30:58AM 20 subject in this case?

10:31:00AM 21 A. I know I checked the records management
10:31:02AM 22 system which our department has, and if I remember
10:31:04AM 23 correctly, I believe I went through DMV to get the
10:31:08AM 24 photo.

10:31:08AM 25 MR. ZIEGLER: May I approach the

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

10:31:10AM 1 witness, Your Honor?

10:31:10AM 2 THE COURT: You may.

10:31:10AM 3 BY MR. ZIEGLER:

10:31:14AM 4 Q. Officer Kennedy, I'm showing you a
10:31:18AM 5 Court's exhibit. It will be marked as Court's
10:31:22AM 6 Exhibit 1. Do you recognize this document?

10:31:24AM 7 A. I do.

10:31:26AM 8 Q. And what is this?

10:31:26AM 9 A. It's a photograph of Christopher
10:31:28AM 10 Campbell, which was shown to Leslie Green.

10:31:34AM 11 MR. ZIEGLER: Your Honor, the State
10:31:36AM 12 moves to admit Court's 1.

10:31:38AM 13 THE COURT: Any objection for the
10:31:40AM 14 purpose of this hearing.

10:31:40AM 15 MR. KING: No.

10:32:02AM 16 THE COURT: For purposes of this
10:32:02AM 17 hearing, it will be admitted.

10:32:02AM 18 (COURT EXH 1, DMV Photograph, marked
10:32:02AM 19 for identification.)

10:32:02AM 20 (COURT EXH. 1 in evidence.)

10:32:02AM 21 BY MR. ZIEGLER:

10:32:08AM 22 Q. Officer Kennedy, can you please explain
10:32:10AM 23 to the Court why you presented this single photo to
10:32:14AM 24 the Defendant as opposed to maybe a full lineup?

10:32:18AM 25 A. Well, Leslie --

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

10:32:20AM 1 Q. To Mr. Green, I'm sorry.

10:32:22AM 2 A. Leslie Green stated it was his cousin,
10:32:22AM 3 a family member he knew well. He described him to
10:32:26AM 4 us, that he had known him for years. He was --
10:32:30AM 5 obviously had intimate knowledge between the two;
10:32:34AM 6 he said he had ridden with him earlier in the day.

10:32:34AM 7 Through the investigation with Leslie
10:32:36AM 8 and his statements to us, he knew his cousin very
10:32:40AM 9 well. There was no doubt in our mind that he would
10:32:42AM 10 know a photograph of him. With his intimate
10:32:44AM 11 knowledge of the person, we showed him the one
10:32:48AM 12 photo.

10:32:50AM 13 Q. When this photo was shown to Mr. Green,
10:32:54AM 14 did he -- did he confirm that that was the person
10:33:00AM 15 who robbed the Firehouse Subs -- the person shown
10:33:02AM 16 in the photo was the person that robbed the store?

10:33:06AM 17 A. Yes, he did.

10:33:08AM 18 Q. And how -- how did he indicate that?

10:33:10AM 19 A. He stated, that's him, if I remember
10:33:16AM 20 correctly, but he had already named him. And then
10:33:20AM 21 he stated, yes, that is the person.

10:33:20AM 22 Q. And did he make any markings on the
10:33:24AM 23 photo?

10:33:24AM 24 A. If I remember correctly, I think it's
10:33:26AM 25 on there that he signed it.

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

10:33:28AM 1 MR. ZIEGLER: May I approach, Your
10:33:28AM 2 Honor?

10:33:28AM 3 THE COURT: You may.

10:33:30AM 4 THE WITNESS: He signed his name.

10:33:30AM 5 BY MR. ZIEGLER:

10:33:32AM 6 Q. I'm showing you Court's Exhibit 1.

10:33:34AM 7 A. That's correct. He signed his name,
10:33:36AM 8 saying that was Christopher Campbell and he
10:33:40AM 9 committed the robbery.

10:33:42AM 10 Q. Who is, he, that signed the photo?

10:33:44AM 11 A. Leslie Green.

10:33:50AM 12 MR. ZIEGLER: Okay. State has no
10:33:52AM 13 further questions for Officer Kennedy.

10:33:54AM 14 THE COURT: Mr. King?

10:33:54AM 15 MR. KING: Thank you, Your Honor.

10:33:54AM 16 CROSS-EXAMINATION

10:33:54AM 17 BY MR. KING:

10:34:04AM 18 Q. Is it Detective Kennedy or --

10:34:04AM 19 A. That or Officer, either one.

10:34:06AM 20 Q. Detective Kennedy, you testified that
10:34:12AM 21 you showed a single photograph --

10:34:14AM 22 A. Correct.

10:34:14AM 23 Q. -- to Mr. Green for identification?

10:34:18AM 24 A. Yes.

10:34:18AM 25 Q. And a lot of times when you do

RICHARD KENNEDY - CROSS EXAM BY MR. KING

10:34:22AM 1 identifications, is -- the typical procedure would
10:34:24AM 2 be to show a lineup?

10:34:24AM 3 A. It would depend on the circumstances.

10:34:26AM 4 Q. But you often show lineups in
10:34:28AM 5 identification; that's a big part of what you do?

10:34:30AM 6 A. Yes.

10:34:32AM 7 Q. A significant number would be photo
10:34:34AM 8 lineups?

10:34:36AM 9 A. Can you repeat the question?

10:34:36AM 10 Q. A significant number of identifications
10:34:38AM 11 that you conduct are going to be photo lineups, not
10:34:44AM 12 just single photos, correct?

10:34:44AM 13 A. Depends on the circumstance. Usually
10:34:48AM 14 due to the circumstances, there are usually
10:34:50AM 15 multiple individuals lined up.

10:34:50AM 16 Q. You testified that Leslie Green
10:34:56AM 17 identified his cousin, Christopher Campbell, in
10:34:58AM 18 that photo as the robber?

10:35:00AM 19 A. That's correct.

10:35:00AM 20 Q. But it's a little more involved than
10:35:04AM 21 that, right? There was some events leading up to
10:35:06AM 22 that. What I mean is, you interviewed Leslie Green
10:35:10AM 23 the day after the robbery, May 5, 2011?

10:35:16AM 24 A. Yes.

10:35:16AM 25 Q. That was recorded on video. That was

RICHARD KENNEDY - CROSS EXAM BY MR. KING

10:35:18AM 1 you and a lady detective, O'Dell maybe?

10:35:22AM 2 A. Possibly, yes.

10:35:22AM 3 Q. And you interviewed him for close to
10:35:24AM 4 two hours and he told you he did not know -- he
10:35:30AM 5 didn't know who it was. Do you remember that?

10:35:32AM 6 A. Yes.

10:35:34AM 7 MR. KING: And, Your Honor, is it okay
10:35:38AM 8 if I play just minor portions of the video as I'm
10:35:44AM 9 doing cross-examination here?

10:35:46AM 10 THE COURT: Yes.

10:36:10AM 11 MR. KING: I'm just to going to play a
10:36:14AM 12 clip from this interview.

10:36:16AM 13 (Video playing.)

10:36:16AM 14 BY MR. KING:

10:36:26AM 15 Q. Does that look familiar?

10:36:26AM 16 A. Yes.

10:36:30AM 17 Q. And that's when you interviewed him on
10:36:32AM 18 May 5, 2011?

10:36:38AM 19 (Video playing)

10:36:38AM 20 BY MR. KING:

10:36:58AM 21 Q. And that was kind of the gist of that
10:37:02AM 22 May 5th interview?

10:37:02AM 23 A. Correct.

10:37:04AM 24 Q. He continually said he didn't know who
10:37:08AM 25 it was, he wasn't involved?

RICHARD KENNEDY - CROSS EXAM BY MR. KING

10:37:10AM 1 A. Correct.

10:37:10AM 2 Q. And then the next day, you and

10:37:14AM 3 Detective Holmes go to the Firehouse Subs and pick

10:37:18AM 4 him up from there and drive him back?

10:37:20AM 5 A. Correct.

10:37:20AM 6 Q. And that's all recorded too; it's

10:37:24AM 7 audio, not video?

10:37:24AM 8 A. It should be mostly audio. I think

10:37:28AM 9 back at the station is video as well.

10:37:30AM 10 Q. All I have is audio.

10:37:32AM 11 A. It may be all audio.

10:37:34AM 12 Q. And at that point, if you remember, it

10:37:44AM 13 was you and Detective Holmes --

10:37:48AM 14 A. Correct.

10:37:48AM 15 Q. -- both talking to him? And at that

10:37:50AM 16 point he said that he might know who it was; do you

10:37:54AM 17 remember that? He said he didn't want to talk at

10:37:58AM 18 the Firehouse?

10:37:58AM 19 A. I remember that.

10:37:58AM 20 Q. He said he might know who it was?

10:38:00AM 21 A. I don't remember that, but I remember

10:38:04AM 22 he said he didn't want to talk at Firehouse.

10:38:06AM 23 Q. So then you got in the car and drove to

10:38:08AM 24 the police station?

10:38:08AM 25 A. Yes.

RICHARD KENNEDY - CROSS EXAM BY MR. KING

10:38:08AM 1 Q. Let me go ahead and just back up to
10:38:14AM 2 that interview on May 5. I left out one thing.
10:38:18AM 3 All right. He told you -- the video I just showed
10:38:20AM 4 you, backing back up to that, he said that he
10:38:22AM 5 didn't know who it was?

10:38:26AM 6 A. Right.

10:38:26AM 7 Q. You explained to him about armed
10:38:28AM 8 robbery, right? That's part of an interrogation;
10:38:32AM 9 you're going to explain to him what he's charged
10:38:32AM 10 with, right?

10:38:36AM 11 A. No, I wasn't telling him what he was
10:38:36AM 12 charged with at that time.

10:38:36AM 13 Q. You were telling him the penalty for
10:38:38AM 14 armed robbery?

10:38:40AM 15 A. I did. It's on the video.

10:38:42AM 16 Q. And I want to play this clip. He's not
10:38:46AM 17 telling you that he recognizes him. You tell him,
10:38:50AM 18 if you find out he's involved, you're coming at
10:38:54AM 19 him? I'll play the clip for you.

10:38:54AM 20 (Video played)

10:38:54AM 21 BY MR. KING:

10:39:14AM 22 Q. Okay. So in that first interview, he
10:39:18AM 23 said he didn't know who it was. And you told him
10:39:20AM 24 that if you find out that he doesn't cooperate,
10:39:22AM 25 you're coming at him?

RICHARD KENNEDY - CROSS EXAM BY MR. KING

10:39:24AM 1 A. Yes.

10:39:24AM 2 Q. 25 years of his life.

10:39:26AM 3 A. (No response)

10:39:28AM 4 Q. And then I'll go back to where I was.

10:39:30AM 5 And you pick him up the next day at the Firehouse

10:39:34AM 6 and he wants to talk at the station and there is a

10:39:36AM 7 car ride to the station. Do you remember Detective

10:39:40AM 8 Holmes talking to him in the car ride there?

10:39:42AM 9 A. I believe it's all audio-recorded.

10:39:46AM 10 Q. Do you remember Detective Holmes

10:39:58AM 11 telling him not to waste eight years of his life

10:40:00AM 12 for somebody?

10:40:02AM 13 A. If it's recorded. It would be

10:40:04AM 14 beneficial to listen to it.

10:40:06AM 15 Q. Okay. Do you remember this? This is

10:40:10AM 16 just audio.

10:40:10AM 17 (Audio played.)

10:40:10AM 18 BY MR. KING:

10:40:20AM 19 Q. Okay. And you can hear the outdoors

10:40:22AM 20 and the cars?

10:40:24AM 21 A. Yes.

10:40:24AM 22 Q. That's inside the police car?

10:40:26AM 23 A. I believe so, yes.

10:40:26AM 24 Q. Okay. And then Detective Holmes asked

10:40:32AM 25 him if he has any brothers and sisters; do you

RICHARD KENNEDY - CROSS EXAM BY MR. KING

10:40:34AM 1 remember that? He asked him about the little
10:40:36AM 2 brother?

10:40:36AM 3 A. This happened three years ago; you will
10:40:38AM 4 have to replay it for me.

10:40:44AM 5 (Audio played.)

10:40:46AM 6 Q. Do you remember that part now?

10:41:36AM 7 A. It's on the audio, yes.

10:41:38AM 8 Q. And when you're interrogating him,
10:41:42AM 9 there are different techniques that you use?

10:41:44AM 10 A. Correct.

10:41:44AM 11 Q. And you were asking him about his
10:41:46AM 12 family and appealing to his concern for his little
10:41:48AM 13 brother and how his little brother would feel if he
10:41:50AM 14 went to jail?

10:41:52AM 15 A. Correct.

10:41:52AM 16 Q. Or that Detective Holmes is actually
10:41:56AM 17 doing that. Do you remember telling -- Detective
10:42:00AM 18 Holmes telling him, I'll give you two lies, and the
10:42:02AM 19 second lie, I burn you?

10:42:06AM 20 MR. KING: Can I play that, Your Honor?

10:42:08AM 21 THE COURT: Yes.

10:42:10AM 22 (Audio played.)

10:42:10AM 23 BY MR. KING:

10:42:38AM 24 Q. Do you remember him telling him that?

10:42:40AM 25 A. It's on the recording, so...

RICHARD KENNEDY - CROSS EXAM BY MR. KING

10:42:42AM 1 Q. But you were there, you were there in
10:42:46AM 2 the car?

10:42:46AM 3 A. Yes.

10:42:46AM 4 Q. And then he gets down -- so that was
10:42:50AM 5 like your last warning before you got out of the
10:42:54AM 6 car and went into the station for the interview?

10:42:56AM 7 A. To know for sure, I'd have to listen to
10:43:00AM 8 the whole recording, but I trust you that you're
10:43:02AM 9 telling me that.

10:43:02AM 10 Q. And when he gets into the police
10:43:06AM 11 station, he said it was a guy named L, right?

10:43:08AM 12 A. I believe so, yes.

10:43:10AM 13 MR. KING: Can I play that, Your Honor?
10:43:16AM 14 (Video played.)

10:43:16AM 15 Q. Okay. So at this point, Leslie Green
10:43:40AM 16 is saying that it was a guy named L that lives on
10:43:44AM 17 Fort Johnson Road?

10:43:46AM 18 A. Yes.

10:43:46AM 19 Q. But he really couldn't give you any
10:43:48AM 20 other information about who this L was?

10:43:50AM 21 A. At that time, correct.

10:43:52AM 22 Q. And then Detective Holmes -- Detective
10:44:00AM 23 Holmes says, tell me who L is or you're not walking
10:44:02AM 24 out of here, you're not leaving here today?

10:44:08AM 25 (Video played.)

RICHARD KENNEDY - CROSS EXAM BY MR. KING

10:44:18AM 1 Q. Okay. So now he's given a choice, he
10:44:24AM 2 needs to tell who L is or, Detective Holmes says,
10:44:26AM 3 you're not leaving here today, you're not walking
10:44:30AM 4 out of here today. And now while all of this is
10:44:30AM 5 going on --

10:44:32AM 6 THE COURT: Can I interject?

10:44:32AM 7 MR. KING: Yes.

10:44:34AM 8 THE COURT: This is a Biggers hearing.
10:44:34AM 9 You seem to be going off on whether or not he
10:44:38AM 10 disclosed information after being questioned
10:44:44AM 11 extensively. The Biggers has to do with the
10:44:48AM 12 photographic lineup. This was his cousin. Where
10:44:50AM 13 are we going?

10:44:52AM 14 MR. KING: This is just how suggestive
10:44:52AM 15 the procedure is.

10:44:52AM 16 THE COURT: But then he said it's his
10:44:54AM 17 cousin, he knows who it is. That's a different
10:44:56AM 18 angle than Biggers.

10:44:58AM 19 MR. KING: I'm almost -- I'm almost
10:45:02AM 20 done, Judge. I have one more clip for the actual
10:45:04AM 21 identification and I'm hoping that it would make
10:45:08AM 22 sense, the argument I'm trying to make.

10:45:12AM 23 THE COURT: Okay.

10:45:12AM 24 BY MR. KING:

10:45:12AM 25 Q. I'm going to play the clip when he

RICHARD KENNEDY - CROSS EXAM BY MR. KING

10:45:16AM 1 actually makes the ID. And at that point, you-all
10:45:18AM 2 know that Christopher Campbell dropped him off on
10:45:20AM 3 that morning, right? Leslie Green has told you-all
10:45:24AM 4 that Christopher Campbell dropped him off, before
10:45:26AM 5 he -- he says it's Christopher Campbell before he
10:45:30AM 6 identifies him, right?

10:45:30AM 7 A. I would have to listen to the audio.
10:45:34AM 8 But if you're saying it, I believe it.

10:45:36AM 9 Q. So you get that picture and you go in
10:45:38AM 10 and show it -- this is when you go in and show it
10:45:42AM 11 to Leslie Green.

10:45:44AM 12 (Video played)

10:46:04AM 13 Q. Okay. The reason I'm playing that is,
10:46:04AM 14 he's shown that photograph and he makes the
10:46:08AM 15 identification. The first thing he says, it looks
10:46:10AM 16 like him, right? You heard that on there?

10:46:14AM 17 A. Yes.

10:46:14AM 18 Q. Do you need to hear it again?

10:46:16AM 19 A. No, I heard it.

10:46:18AM 20 Q. And when he says that, Detective Holmes
10:46:20AM 21 yells, like -- (Indicating), right? And then he
10:46:24AM 22 says, okay. It's him. It's him. Almost in
10:46:28AM 23 exasperation. Do you hear that?

10:46:28AM 24 MR. KING: May I play it again, Your
10:46:30AM 25 Honor?

RICHARD KENNEDY - CROSS EXAM BY MR. KING

10:46:30AM 1 THE COURT: You may.

10:46:30AM 2 BY MR. KING:

10:46:32AM 3 Q. And before he -- he starts off by
10:46:34AM 4 saying, you rolled the dice and you lied to me,
10:46:38AM 5 right? And we previously heard where Detective
10:46:42AM 6 Holmes says, I'll take two lies, and on the second
10:46:44AM 7 lie, I burn you. Do you remember that?

10:46:44AM 8 A. Right.

10:47:06AM 9 (Video played.)

10:47:06AM 10 Q. Do you hear that, where he starts to
10:47:08AM 11 say, it looks like him, and Detective Holmes
10:47:12AM 12 corrects him?

10:47:12AM 13 A. I think we're -- I would use a
10:47:16AM 14 different adjective, but go ahead.

10:47:16AM 15 Q. But he makes a loud noise --

10:47:20AM 16 A. He makes a noise.

10:47:20AM 17 Q. -- to -- to interrupt him from saying,
10:47:24AM 18 it looks like him.

10:47:26AM 19 MR. KING: I think that's all the clips
10:47:26AM 20 I had, Judge.

10:47:28AM 21 THE COURT: All right.

10:47:30AM 22 MR. KING: I think that's all the
10:47:32AM 23 questions I have.

10:47:32AM 24 THE COURT: Any redirect.

10:47:32AM 25 REDIRECT EXAMINATION

RICHARD KENNEDY - REDIRECT EXAM BY MR. ZIEGLER

10:47:32AM 1 BY MR. ZIEGLER:

10:47:46AM 2 Q. Officer Kennedy, is it common or
10:47:52AM 3 uncommon for someone that you're interviewing about
10:47:54AM 4 a crime, is it common or uncommon for them to hold
10:47:58AM 5 back some information, to hold back some of the
10:48:02AM 6 information that they know?

10:48:02AM 7 A. It's very common.

10:48:06AM 8 Q. And does that always mean that you
10:48:10AM 9 immediately cease questioning them, if you think
10:48:14AM 10 they're simply holding back?

10:48:14AM 11 A. No, you further investigate.

10:48:16AM 12 MR. ZIEGLER: Thank you.

10:48:18AM 13 THE COURT: Any recross based on his
10:48:20AM 14 redirect.

10:48:20AM 15 MR. KING: No.

10:48:20AM 16 THE COURT: I find that the photograph
10:48:22AM 17 -- he knows the guy, it's his cousin. The fact
10:48:26AM 18 that he was trying to cover up initially doesn't
10:48:30AM 19 change that. You'll have ample opportunity to
10:48:32AM 20 cross-examine him, and maybe that was the purpose
10:48:36AM 21 of the hearing, but I just -- I'm going to allow
10:48:38AM 22 him to identify him based on his knowing him
10:48:42AM 23 already and him saying that.

10:48:44AM 24 MR. KING: And this may -- I may be,
10:48:48AM 25 you know, pulling some of this stuff in the trial

RICHARD KENNEDY - REDIRECT EXAM BY MR. ZIEGLER

10:48:50AM 1 as well as for the hearing --

10:48:50AM 2 THE COURT: Right.

10:48:54AM 3 MR. KING: -- and for the search
10:48:54AM 4 warrant hearing. So this may save time later on.

10:48:54AM 5 THE COURT: Okay.

10:48:56AM 6 MR. KING: The argument I was making,
10:48:56AM 7 Judge, is that it was a single person showup --

10:49:00AM 8 THE COURT: It was somebody he knew and
10:49:02AM 9 has known for a long time, so I don't have a
10:49:04AM 10 problem with it.

10:49:04AM 11 MR. KING: I guess the argument I would
10:49:06AM 12 make is that the way it led up to that, with them
10:49:08AM 13 explaining to him about 25 years for robbery, I
10:49:14AM 14 only take two lies, I burn you, and they really get
10:49:16AM 15 him up to this point to where he's still saying, it
10:49:20AM 16 looks like him, but, you know, Detective Holmes is
10:49:24AM 17 not going to hear that, and he kind of exasperated
10:49:30AM 18 him, it's him.

10:49:32AM 19 THE COURT: I understand; but the trick
10:49:32AM 20 here is concerning the reliability of the photo and
10:49:36AM 21 who he sees. He knows who he sees. The fact that
10:49:38AM 22 it took him a while to get to that point is a
10:49:42AM 23 different matter, but you're going to be able to
10:49:44AM 24 cross-examine him. I will let him make the
10:49:46AM 25 identification based on the photo.

10:49:48AM 1 You may step down unless you need him
10:49:52AM 2 for the next --

10:49:52AM 3 MR. ZIEGLER: (Shaking head.)

10:49:52AM 4 THE COURT: Okay. Thank you.

10:50:10AM 5 How long do you think the next motion
10:50:12AM 6 is going to take? I may change my position about
10:50:12AM 7 the jury coming back.

10:50:16AM 8 MR. KING: Probably not as long as that
10:50:18AM 9 one, Judge. And then I don't think there's -- as
10:50:22AM 10 far as Denno goes, I don't really have -- I don't
10:50:24AM 11 have really any issues that I know of on Denno, so
10:50:26AM 12 I'm not going to waste your time with that. It's
10:50:28AM 13 really just the search warrant, which I don't think
10:50:34AM 14 should take too long.

10:50:34AM 15 THE COURT: Counsel, you may proceed.

10:50:44AM 16 MR. ZIEGLER: State calls Detective
10:50:48AM 17 Sylvester Williams.

10:51:04AM 18 SYLVESTER WILLIAMS,
10:51:04AM 19 being first duly sworn, testified as follows:

10:51:12AM 20 THE CLERK: You may be seated. Sir, if
10:51:12AM 21 you will, state your first and last name, spell
10:51:12AM 22 your last loudly and clearly and speak into the
10:51:12AM 23 microphone.

10:51:16AM 24 THE WITNESS: S. Lamar Williams,
10:51:18AM 25 W-I-L-L-I-A-M-S.

10:51:18AM 1 THE COURT REPORTER: Repeat your first
10:51:20AM 2 name, please.

10:51:20AM 3 THE WITNESS: S.

10:51:28AM 4 THE COURT: You may proceed.

10:51:32AM 5 MR. ZIEGLER: Thank you, Your Honor.

10:51:32AM 6 DIRECT EXAMINATION

10:51:32AM 7 BY MR. ZIEGLER:

10:51:40AM 8 Q. Morning, Detective Williams.

10:51:40AM 9 A. Morning, sir.

10:51:42AM 10 Q. Where are you employed, Detective
10:51:46AM 11 Williams?

10:51:46AM 12 A. City of Charleston Police Department.

10:51:48AM 13 Q. How long have you been employed in law
10:51:48AM 14 enforcement?

10:51:52AM 15 A. Twenty-two-plus years.

10:51:52AM 16 Q. And what is your current position?

10:51:54AM 17 A. Task force officer with the Bureau of
10:52:00AM 18 Alcohol, Tobacco, Firearms and Explosives.

10:52:00AM 19 Q. Was that your position in May of 2011?

10:52:04AM 20 A. It was not.

10:52:04AM 21 Q. What was your position then?

10:52:06AM 22 A. I was -- I think I was -- I was in the
10:52:14AM 23 violent crime unit.

10:52:18AM 24 Q. And was that a detective position?

10:52:20AM 25 A. Yes, a detective position.

SYLVESTER WILLIAMS - DIRECT EXAM BY MR. ZIEGLER

10:52:22AM 1 Q. And as a detective with the Charleston
10:52:24AM 2 Police Department, did you obtain a search warrant
10:52:28AM 3 for the residence of Christopher Campbell located
10:52:32AM 4 at [REDACTED] Champagne Lane?

10:52:34AM 5 A. I did.

10:52:40AM 6 MR. ZIEGLER: May I approach the
10:52:40AM 7 witness?

10:52:40AM 8 THE COURT: You may.

10:52:42AM 9 BY MR. ZIEGLER:

10:52:46AM 10 Q. Detective Williams, I'm showing you
10:52:48AM 11 what will be marked for identification purposes as
10:52:52AM 12 Court's Exhibit 2. Do you recognize this document?

10:52:58AM 13 A. I do.

10:53:08AM 14 Q. What is it?

10:53:10AM 15 A. It's a search warrant for the residence
10:53:12AM 16 of [REDACTED] Champagne Lane, Charleston, which is the
10:53:16AM 17 residence of the Defendant.

10:53:20AM 18 Q. And who -- did the Defendant provide
10:53:22AM 19 his address to you?

10:53:24AM 20 A. He did during an interview.

10:53:26AM 21 Q. Okay. And, Detective Williams, could
10:53:30AM 22 you please read for the Court the Affidavit section
10:53:34AM 23 of the search warrant?

10:53:38AM 24 A. Description of the property or the --

10:53:48AM 25 Q. Both, please.

SYLVESTER WILLIAMS - DIRECT EXAM BY MR. ZIEGLER

10:53:48AM 1 A. Okay. Description of property sought:
10:53:52AM 2 Book duffle bag type holder with straps, dark in
10:53:56AM 3 color; white long-sleeved hoodie sweater with hood
10:54:00AM 4 and horizontal stripes, dark in color; sneaker
10:54:04AM 5 shoes; any firearms, ammunition and accessories
10:54:06AM 6 pertaining to firearms. See number 1107282.
10:54:12AM 7 Description of premises to be searched.
10:54:16AM 8 Said residence was [REDACTED] Champagne Lane, Charleston,
10:54:20AM 9 South Carolina, 29412, single-story, white in color
10:54:22AM 10 structure -- house, with burgundy front porch,
10:54:24AM 11 spinning wheel with the numbers [REDACTED] over the front
10:54:26AM 12 porch.
10:54:28AM 13 Said residence is one house from the
10:54:30AM 14 end of a cul-de-sac on the south side of Champagne
10:54:32AM 15 Lane.
10:54:34AM 16 Reasons for affiant's belief that the
10:54:36AM 17 property sought is on such premises: On 5/4/11, at
10:54:42AM 18 approximately 8:30 a.m., unknown defendant entered
10:54:44AM 19 the Firehouse Subs located at [REDACTED] King Street,
10:54:48AM 20 Charleston, South Carolina, 29401, committed an
10:54:52AM 21 armed robbery, stealing in excess of \$1,000.
10:54:54AM 22 Defendant, Leslie Green, Junior, an
10:54:56AM 23 employee of the restaurant, identified Co-Defendant
10:54:58AM 24 Christopher Campbell as the gunman entering the
10:55:00AM 25 establishment. Co-Defendant, Campbell, was

SYLVESTER WILLIAMS - DIRECT EXAM BY MR. ZIEGLER

10:55:02AM 1 apprehended in the driveway of [REDACTED] Champagne Lane
10:55:06AM 2 by Charleston police officers. It is the belief of
10:55:10AM 3 detectives that items worn and carried by
10:55:12AM 4 Co-Defendant, Christopher Campbell, is at said
10:55:14AM 5 location. Co-Defendant advised that he was living
10:55:18AM 6 there for approximately two years.

10:55:24AM 7 MR. Z: Okay. Your Honor, the State
10:55:24AM 8 moves to admit Court's Exhibit 2.

10:55:24AM 9 THE COURT: Any objection?

10:55:26AM 10 MR. KING: No, Your Honor.

10:55:28AM 11 THE COURT: Without
12 objection.

13 (COURT EXH. 2, Copy of search warrant,
14 was marked for identification.)

15 (COURT EXH. 2 in evidence.)

16 BY MR. ZIEGLER:

10:55:46AM 17 Q. Detective Williams, did you present
10:55:46AM 18 this search warrant to a magistrate on being sworn?

10:55:52AM 19 A. I did.

10:55:54AM 20 Q. Did the magistrate sign that search
10:55:56AM 21 warrant?

10:55:56AM 22 A. Yes.

10:55:56AM 23 Q. And how long after the armed robbery
10:56:00AM 24 incident was this search warrant obtained, as far
10:56:06AM 25 as days? You stated the incident occurred on

SYLVESTER WILLIAMS - DIRECT EXAM BY MR. ZIEGLER

10:56:12AM 1 May 4th, 2011.

10:56:12AM 2 A. Right.

10:56:12AM 3 Q. And you stated the search warrant was
10:56:16AM 4 obtained on May 6, 2011.

10:56:18AM 5 A. Right. Two days.

10:56:18AM 6 Q. And when was the search warrant
10:56:28AM 7 executed?

10:56:30AM 8 A. An hour, or two hours maybe, right
10:56:32AM 9 after the signature.

10:56:44AM 10 MR. ZIEGLER: Beg the Court's
10:56:44AM 11 indulgence?

10:56:46AM 12 THE COURT: Yes.

10:56:46AM 13 BY MR. ZIEGLER:

10:57:02AM 14 Q. Detective Williams, did you interview
10:57:02AM 15 the Defendant in this case?

10:57:04AM 16 A. I did.

10:57:06AM 17 Q. Prior to that interview, did you advise
10:57:10AM 18 him of his Miranda Rights?

10:57:10AM 19 A. I did.

10:57:10AM 20 Q. How did you do that?

10:57:12AM 21 A. I read the Miranda Warnings to the
10:57:16AM 22 Defendant, Mr. Campbell, from a card.

10:57:20AM 23 Q. And did he waive his Miranda Rights
10:57:24AM 24 after being advised of them?

10:57:24AM 25 A. He did, and signed.

SYLVESTER WILLIAMS - DIRECT EXAM BY MR. ZIEGLER

10:57:28AM 1 MR. ZIEGLER: No further questions of
10:57:28AM 2 this witness, Your Honor.

10:57:30AM 3 THE COURT: Thank you.

10:57:30AM 4 Mr. King.

10:57:32AM 5 MR. KING: Thank you.

10:57:32AM 6 CROSS-EXAMINATION

10:57:32AM 7 BY MR. KING:

10:57:38AM 8 Q. Detective Williams, regarding the
10:57:38AM 9 Affidavit on the search warrant --

10:57:40AM 10 A. Yes, sir.

10:57:40AM 11 Q. -- did you supplement that with oral
10:57:42AM 12 testimony or just the -- just the search warrant?

10:57:44AM 13 A. Just the search warrant.

10:57:46AM 14 Q. Okay. So the probable cause is only
10:57:48AM 15 what was on the search warrant under reasons for
10:57:52AM 16 affiant's belief that property sought is on the
10:57:54AM 17 premises?

10:57:56AM 18 A. Yes, sir.

10:57:56AM 19 Q. Now, in this probable cause, this
10:58:00AM 20 paragraph here, the first sentence says, unknown
10:58:02AM 21 defendant entered Firehouse on a certain day.
10:58:06AM 22 That's just -- I guess you're just sort of setting
10:58:08AM 23 the scene there. That's not really any probable
10:58:10AM 24 cause, it's just letting him know that somebody
10:58:14AM 25 robbed this restaurant?

SYLVESTER WILLIAMS - CROSS EXAM BY MR. KING

10:58:14AM 1 A. Yes.

10:58:14AM 2 Q. The second sentence I guess establishes
10:58:18AM 3 the probable cause that Christopher Campbell is the
10:58:20AM 4 one that did it. That's the one that says,
10:58:24AM 5 Defendant Leslie Green, Junior, an employee of the
10:58:26AM 6 restaurant, identified Co-Defendant Christopher
10:58:28AM 7 Campbell as the gunman entering the establishment?

10:58:32AM 8 A. Yes.

10:58:32AM 9 Q. And then the next two sentences are
10:58:34AM 10 just explaining why you think the property might be
10:58:38AM 11 found at this particular address, because
10:58:40AM 12 Christopher Campbell was in the driveway and he
10:58:42AM 13 told detectives that that's where he was living for
10:58:44AM 14 two weeks?

10:58:46AM 15 A. Right.

10:58:46AM 16 Q. So really we've got one sentence that
10:58:50AM 17 is the probable cause for why Christopher Campbell
10:58:52AM 18 is the suspect in this case or why the police
10:58:58AM 19 believe that he committed the crime?

10:59:00AM 20 A. Right.

10:59:02AM 21 Q. Then it says, Defendant Leslie Green,
10:59:02AM 22 an employee of the restaurant, identified
10:59:04AM 23 Co-Defendant Christopher Campbell as the gunman
10:59:06AM 24 entering the establishment. But it doesn't
10:59:10AM 25 actually make clear that Leslie Green was present

SYLVESTER WILLIAMS - CROSS EXAM BY MR. KING

10:59:14AM 1 at the restaurant and personally observed these
10:59:16AM 2 things.

10:59:20AM 3 It says, Defendant Leslie Green, an
10:59:22AM 4 employee of the restaurant, identified Co-Defendant
10:59:24AM 5 Christopher Campbell as the gunman entering the
10:59:28AM 6 establishment. See what I'm saying? It could be
10:59:30AM 7 ambiguous. It doesn't actually spell out that
10:59:32AM 8 Leslie Green was present in the restaurant during
10:59:34AM 9 the robbery, right? That could have been put in
10:59:38AM 10 there, if it had been flushed out a little more?

10:59:40AM 11 A. Well, it could have, but, you know, not
10:59:44AM 12 necessarily.

10:59:44AM 13 Q. Right. And you could also put in there
10:59:48AM 14 that Leslie Green was able to get a good look at
10:59:54AM 15 the suspect, something like that?

10:59:54AM 16 A. Again, not necessarily, but could have.

10:59:58AM 17 Q. And you have -- you were in here for
11:00:02AM 18 the other hearing?

11:00:02AM 19 A. Yes.

11:00:04AM 20 Q. You heard the clips and stuff I was
11:00:06AM 21 playing?

11:00:06AM 22 A. Yes.

11:00:06AM 23 Q. How did you know that Leslie Green had
11:00:10AM 24 identified Christopher Campbell, because you
11:00:12AM 25 weren't involved in that identification, were you?

SYLVESTER WILLIAMS - CROSS EXAM BY MR. KING

11:00:14AM 1 A. Detective Kennedy advised me when I was
11:00:22AM 2 -- I was the evening shift detective that evening,
11:00:24AM 3 and he advised me of the situation and -- and of
11:00:28AM 4 the Defendant, which at the time had a -- an arrest
11:00:34AM 5 warrant and I was possibly needed to get the search
11:00:38AM 6 warrant if he was apprehended that night.

11:00:40AM 7 Q. So Detective Kennedy told you that
11:00:42AM 8 Leslie Green identified Christopher Campbell?

11:00:46AM 9 A. That's correct.

11:00:46AM 10 Q. So you weren't aware that there was a
11:00:50AM 11 long process leading up to that, that I kind of
11:00:52AM 12 went through in the last hearing that we had? You
11:00:56AM 13 weren't aware that Leslie Green said he didn't know
11:00:58AM 14 who it was in the beginning?

11:01:00AM 15 A. No. No.

11:01:02AM 16 Q. And none of that was told to that
11:01:04AM 17 magistrate, right?

11:01:04AM 18 A. No.

11:01:04AM 19 Q. That led --

11:01:06AM 20 A. I presented the magistrate with the
11:01:08AM 21 search warrant, he read it, signed it and that was
11:01:10AM 22 it.

11:01:12AM 23 Q. Okay. So the magistrate was unaware
11:01:14AM 24 that Leslie Green had initially said, I don't know
11:01:18AM 25 who did it, right? That's not in the Affidavit?

SYLVESTER WILLIAMS - CROSS EXAM BY MR. KING

11:01:20AM 1 A. That's correct.

11:01:22AM 2 Q. And that he said it was a guy named L,
11:01:26AM 3 not Christopher Campbell, right? That wasn't --
11:01:30AM 4 the magistrate wasn't aware of that?

11:01:32AM 5 A. No.

11:01:32AM 6 Q. And that he only made the
11:01:34AM 7 identification when he had sort of been backed into
11:01:38AM 8 a corner and was still trying to say it looked like
11:01:42AM 9 him? None of that was -- all of this was --

11:01:44AM 10 A. Again -- yeah. I can't say, you know,
11:01:48AM 11 all of that happened.

11:01:50AM 12 MR. KING: Okay. I have no further
11:01:52AM 13 questions.

11:01:52AM 14 THE COURT: Any redirect?

11:01:52AM 15 MR. ZIEGLER: Yes, Your Honor.

11:01:52AM 16 REDIRECT EXAMINATION

11:01:52AM 17 BY MR. ZIEGLER:

11:02:04AM 18 Q. Detective Williams, is it true that
11:02:06AM 19 there can always be more information added to a
11:02:10AM 20 search warrant?

11:02:10AM 21 A. That's correct.

11:02:10AM 22 Q. But is that always necessary to achieve
11:02:16AM 23 the standard for a search warrant?

11:02:18AM 24 A. No, it's not.

11:02:20AM 25 MR. ZIEGLER: Thank you.

SYLVESTER WILLIAMS - REDIRECT EXAM BY MR. ZIEGLER

11:02:20AM 1 THE COURT: Any recross?

11:02:22AM 2 MR. KING: No, Your Honor.

11:02:24AM 3 THE COURT: Thank you. You may step

11:02:24AM 4 down.

11:02:24AM 5 THE WITNESS: Yes, sir.

11:02:30AM 6 THE COURT: Anything further from the

11:02:30AM 7 State on this issue?

11:02:32AM 8 MR. ZIEGLER: No, Your Honor.

11:02:34AM 9 THE COURT: Would you-all like to make

11:02:36AM 10 arguments concerning this.

11:02:36AM 11 MR. KING: Your Honor, on the search

11:02:42AM 12 warrant, I'm moving to suppress the items found as

11:02:48AM 13 a result of the search warrant. My argument is

11:02:50AM 14 that the search warrant has to include some

11:02:54AM 15 information that was the basis of knowledge of

11:03:02AM 16 Leslie Green, if there is any.

11:03:02AM 17 You know, a lot of these cases are

11:03:04AM 18 about the confidential informants and there is some

11:03:06AM 19 good law about the --

11:03:08AM 20 THE COURT: Well, that wouldn't be what

11:03:10AM 21 we have here.

11:03:10AM 22 MR. KING: Right. Right.

11:03:10AM 23 THE COURT: Leslie Green says he did

11:03:10AM 24 it.

11:03:12AM 25 MR. KING: We're not dealing with that,

11:03:12AM 1 but there still has to be some information for the
11:03:16AM 2 magistrate to make a determination that Leslie
11:03:18AM 3 Green -- how he knew that Christopher Campbell
11:03:22AM 4 robbed the store.

11:03:22AM 5 THE COURT: Says he was the
11:03:24AM 6 Co-Defendant.

11:03:24AM 7 MR. KING: Right. It says,
11:03:26AM 8 Co-Defendant, Judge, but it doesn't say that he was
11:03:28AM 9 present in the store and personally observed this.
11:03:32AM 10 Doesn't really make that clear. It doesn't say in
11:03:36AM 11 the -- it doesn't say in the Affidavit that it is
11:03:38AM 12 his cousin. They could have put that in there,
11:03:40AM 13 that it's his cousin, or how that identification
11:03:44AM 14 was conducted, and there's not any specifics of it.

11:03:50AM 15 So now that could be made up for by
11:03:54AM 16 specificity in the warrant, if the witness gives a
11:03:56AM 17 lot of information to be corroborated. There's
11:03:58AM 18 really -- there's one sentence that establishes
11:04:02AM 19 that -- meant to establish probable cause that
11:04:04AM 20 Christopher Campbell is the person who did it. And
11:04:06AM 21 that one sentence I don't believe is enough to
11:04:08AM 22 establish the basis of knowledge of Leslie Green
11:04:12AM 23 and also his veracity.

11:04:16AM 24 The warrant didn't include what led up
11:04:20AM 25 to this identification. It sounds as if Leslie

11:04:22AM 1 Green just said, it was my cousin who did it and
11:04:26AM 2 here it is. But, you know, that's part of the
11:04:26AM 3 other hearing when I played all of those clips.
11:04:30AM 4 All of that information leading up to that, I think
11:04:32AM 5 the magistrate should have been aware of to be able
11:04:34AM 6 to make a determination of the veracity of Leslie
11:04:40AM 7 Green. And that would be my objection, Your Honor.

11:04:42AM 8 There is a case, State v. Bellamy, 336
11:04:46AM 9 South Carolina 140. That's a 1999 case that just
11:04:50AM 10 lays out some basic principles about the basis of
11:04:54AM 11 knowledge and veracity.

11:04:56AM 12 And the second part, Judge, it's
11:04:58AM 13 sometimes referred to as a Frank's issue, where if
11:05:02AM 14 false information is put in the Affidavit, or
11:05:06AM 15 there's a reckless disregard for the truth, that
11:05:08AM 16 could be an issue, or if information is omitted
11:05:10AM 17 from the search warrant. And that's under State V
11:05:16AM 18 Missouri, 337 South Carolina 548. That just talks
11:05:18AM 19 about, an omission from an affidavit that could be
11:05:22AM 20 misleading can negate the probable cause in that
11:05:26AM 21 situation.

11:05:26AM 22 So those are my arguments, Judge, that
11:05:30AM 23 in addition to no information about the basis of
11:05:32AM 24 knowledge and the veracity of Mr. Green, that there
11:05:36AM 25 were omissions in that affidavit that were made

11:05:38AM 1 with reckless disregard for the truth I guess, that
11:05:44AM 2 could be potentially misleading to the magistrate.

11:05:48AM 3 So I would object under the Fourth
11:05:50AM 4 Amendment of the United States Constitution, the
11:05:50AM 5 South Carolina Constitution under 1, Section 10,
11:05:52AM 6 and South Carolina Code 17-13-140, the search
11:05:56AM 7 warrant statute.

11:05:58AM 8 THE COURT: And you basically abandoned
11:06:02AM 9 your Jackson V. Denno question; is that correct?

11:06:02AM 10 MR. KING: Yes. I watched the video.
11:06:06AM 11 The Miranda is read, Mr. Campbell acknowledges he
11:06:10AM 12 understands and he initiates a conversation. I
11:06:12AM 13 don't believe I have really any argument to make on
14 that.

15 THE COURT: Any argument from the
16 Solicitor's Office?

17 MR. SIMPSON: Judge, thank you. I'll
18 be brief.

11:06:18AM 19 As to Mr. King's first point, I think
11:06:20AM 20 there's abundant law out there that says the
11:06:24AM 21 magistrate doesn't have to sit, sort of --

11:06:24AM 22 THE COURT: He doesn't have to try the
11:06:28AM 23 case ahead of time.

11:06:30AM 24 MR. SIMPSON: And he can make
11:06:30AM 25 commonsense assumptions based on the information

11:06:32AM 1 given. I don't think this is one single sentence
11:06:36AM 2 about Leslie Green; there's actually two. How it
11:06:40AM 3 reads in the Affidavit is, the Firehouse Subs was
11:06:42AM 4 robbed at such and such a time. Leslie Green, an
11:06:46AM 5 employee of the restaurant, identified the
11:06:46AM 6 Defendant.

11:06:48AM 7 I think the commonsense basis that the
11:06:54AM 8 magistrate had is that when they identify Leslie
11:06:56AM 9 Green as an employee of the restaurant, that he was
11:06:58AM 10 in fact present. And I don't think that's an
11:07:02AM 11 unreasonable basis, and I think probable cause is
11:07:04AM 12 pretty clear on the Affidavit.

11:07:06AM 13 I don't want to waste Your Honor's time
11:07:08AM 14 with a lot of extensive Frank's search warrant law,
11:07:14AM 15 but I do think that it's a bit more complicated
11:07:16AM 16 than Mr. King summarized, especially when you get
11:07:22AM 17 to Frank's violation done by omission.

11:07:24AM 18 I will concede that there has been a
11:07:24AM 19 very, very limited number of cases where you can
11:07:28AM 20 have the Frank's violation by omission, but what
11:07:30AM 21 the case law makes clear is that that definition
11:07:34AM 22 that Mr. King cited, the reckless disregard for the
11:07:36AM 23 truth, is a really high burden, and this is a
11:07:40AM 24 burden that the defense carries on a Frank's to
11:07:42AM 25 show reckless disregard for the truth. Really,

11:07:46AM 1 it's about as close as you can get to outright
11:07:50AM 2 lying: Omitting something that you know will
11:07:50AM 3 negate probable cause.

11:07:52AM 4 The case law is very clear that you
11:07:54AM 5 don't have to include impeachment evidence. You
11:07:56AM 6 don't have to include possible exculpatory
11:08:00AM 7 evidence. You know, in the application for a
11:08:02AM 8 search warrant you're just looking at common sense
11:08:06AM 9 and probable cause, and we believe that that search
11:08:08AM 10 warrant survives that analysis.

11:08:10AM 11 Thank you for indulging a couple of
11:08:12AM 12 Miranda questions. We understand they're not
11:08:14AM 13 objecting, but wanted to get that on the record.

11:08:16AM 14 THE COURT: All right. I'm satisfied
11:08:18AM 15 that the search warrant is sufficient and,
11:08:20AM 16 therefore, any evidence obtained through the search
11:08:24AM 17 warrant will be admissible, assuming a proper
11:08:28AM 18 foundation is laid.

11:08:30AM 19 MR. SIMPSON: Thank you.

11:08:32AM 20 THE COURT: Anything else we need noted
11:08:32AM 21 to take up, any pretrial?

11:08:34AM 22 MR. ZIEGLER: No, Your Honor.

11:08:36AM 23 THE COURT: Why don't we take a
11:08:38AM 24 ten-minute break and then we'll bring our jury back
11:08:42AM 25 in here and then you-all can start your case. All

11:08:44AM 1 right?

11:22:16AM 2 (A recess transpired.)

11:22:16AM 3 THE COURT: Anything before we bring in
11:22:16AM 4 the jury?

11:22:18AM 5 MR. KING: Nothing from the defense.

11:22:20AM 6 THE COURT: Let's bring our jury in.
11:22:22AM 7 They've been sitting back there long enough.

11:22:24AM 8 MR. SIMPSON: I apologize, we have an
11:23:28AM 9 issue with a juror that we just want to disclose.

11:23:40AM 10 THE COURT: Stop the jury.

11:23:40AM 11 Yes, sir?

11:23:42AM 12 MR. SIMPSON: Investigator Barfield is
11:23:44AM 13 an investigator with our office, and he's worked on
11:23:48AM 14 this case. I don't think he was in for jury
11:23:50AM 15 selection, but he noticed that there's a juror he
11:23:54AM 16 is an acquaintance with from church and wanted to
11:23:58AM 17 disclose that and make sure that the defense and
11:24:02AM 18 the Court was aware. He just made us aware of that
11:24:04AM 19 and is available to answer any questions about
11:24:06AM 20 their relationship.

11:24:06AM 21 THE COURT: Okay. Do you have any?

11:24:10AM 22 MR. KING: Which juror is it?

11:24:12AM 23 MR. ZIEGLER: Number 324, last name is
11:24:12AM 24 Terry.

11:24:22AM 25 MR. KING: Does she know that --

11:24:24AM 1 THE COURT: That's what you don't
11:24:26AM 2 always know. You know, you ask the question, close
11:24:28AM 3 personal friend, and maybe she doesn't consider him
11:24:28AM 4 to be a close personal friend.

11:24:28AM 5 MR. BARFIELD: During the instruction
11:24:34AM 6 she did not -- I was never introduced as being one
11:24:38AM 7 of the witnesses testifying in court, and she
11:24:40AM 8 didn't -- I saw who she was and I left to make a
11:24:44AM 9 phone call, came back and she was seated on the
11:24:44AM 10 jury.

11:24:44AM 11 THE COURT: You weren't listed as one
11:24:48AM 12 of the jurors, were you? I mean, not jurors, one
11:24:50AM 13 of the witnesses.

11:24:50AM 14 MR. BARFIELD: No, sir. No, sir. And
11:24:52AM 15 my relationship to her is that I coached a church
11:24:58AM 16 softball team, a women's softball team. She played
11:25:00AM 17 on an opposite team and we have crossed paths on
11:25:02AM 18 numerous occasions with activities with the two
11:25:04AM 19 churches. She goes to a separate church. We know
11:25:06AM 20 each other to speak on the street, and so I wanted
11:25:08AM 21 to bring it to the Court's attention.

11:25:10AM 22 THE COURT: I think I asked the
11:25:14AM 23 question, any close personal friends with any law
11:25:16AM 24 enforcement. Do you want me to bring her in here
11:25:18AM 25 and question her about it or do you want me to just

11:25:22AM 1 leave it? We have two alternates. Whatever
11:25:22AM 2 you-all want to do.

11:25:22AM 3 MR. KING: Well, does -- does she know
11:25:24AM 4 you work for the Solicitor's Office?

11:25:30AM 5 MR. BARFIELD: She knows I'm in law
11:25:30AM 6 enforcement. She didn't know I was here and she
11:25:34AM 7 had no idea what I did in law enforcement. We've
11:25:38AM 8 never socialized in social groups together. It's a
11:25:40AM 9 passing, her church and our church, but I've never
11:25:44AM 10 been to her house, she's never been to mine. We
11:25:46AM 11 have never sat down and had a meal together. So...

11:25:56AM 12 MR. KING: I think one of the questions
11:25:58AM 13 might have been, do they know anyone from law
11:26:02AM 14 enforcement, but it might have been close personal
11:26:04AM 15 -- close family or close friend. Sounds like
11:26:08AM 16 they're not very close friends.

11:26:12AM 17 THE COURT: I mean, I consider a close
11:26:14AM 18 friend as somebody that you've sat down with at
11:26:16AM 19 their house or your house.

11:26:16AM 20 MR. KING: Yes, sir.

11:26:18AM 21 THE COURT: Not in a fellowship hall
11:26:22AM 22 with a bunch of other people.

11:26:22AM 23 MR. BARFIELD: We haven't done that.

11:26:26AM 24 MR. KING: Out of an abundance of
11:26:28AM 25 caution, we would ask that an alternate take her

11:26:30AM 1 place.

11:26:30AM 2 THE COURT: Do you-all have any
11:26:32AM 3 problems with that?

11:26:32AM 4 MR. ZIEGLER: No.

11:26:32AM 5 THE COURT: I think we're going to have
11:26:34AM 6 enough. All right. So which juror is this now?

11:26:40AM 7 MR. ZIEGLER: Juror number 344.

11:26:42AM 8 THE COURT: Virginia Terry. Okay.

11:26:46AM 9 Well, when they come in, I will excuse her, and we
11:26:50AM 10 need to draw a name out of a hat as to which
11:27:02AM 11 alternate. Put the names of the first alternate --
11:27:06AM 12 put the numbers on a sheet of paper and it would be
11:27:10AM 13 340 and 173. Write them on a sheet of paper. Who
11:27:16AM 14 wants to draw.

11:27:18AM 15 Sam, do you want to draw?

11:27:18AM 16 THE CLERK: Absolutely, Your Honor.

11:27:20AM 17 HE COURT: Any objection to Sam drawing
11:27:22AM 18 the number out of here as to who would be the new
11:27:26AM 19 juror?

11:27:26AM 20 MR. ZIEGLER: No objection.

11:27:26AM 21 MR. KING: None.

11:27:28AM 22 THE CLERK: Juror number 340.

11:27:54AM 23 THE COURT: All right. Juror number
11:27:54AM 24 340, alternate juror, now will be a primary juror.

11:28:00AM 25 Bring them in.

11:28:02AM 1 (Jury in 11:27.)

11:28:08AM 2 THE BAILIFF: All seated, Your Honor.

11:28:28AM 3 THE COURT: All right. Thank you. You

11:28:30AM 4 may be seated. Ms. Terry.

11:28:32AM 5 THE JUROR: (Indicating)

11:28:34AM 6 THE COURT: There's a -- you haven't

11:28:36AM 7 done anything wrong. Let me explain it. I don't

11:28:38AM 8 want to scare you. There's a potential that you

11:28:42AM 9 know somebody who may be involved from --

11:28:44AM 10 THE JUROR: Yeah.

11:28:44AM 11 THE COURT: -- with the Solicitor's

11:28:46AM 12 Office, and so they brought that to light, but it

11:28:48AM 13 didn't fall under any of the specific questions of

11:28:52AM 14 being close personal friends or anything like that.

11:28:52AM 15 THE JUROR: No.

11:28:56AM 16 THE COURT: They brought it to light,

11:28:56AM 17 but they have passing-bys with you at church?

11:28:56AM 18 THE JUROR: Yes.

11:29:02AM 19 THE COURT: In an abundance of caution,

11:29:06AM 20 I'm going to -- I hope this doesn't break your

11:29:08AM 21 heart. I'm going to relieve you from jury duty.

11:29:08AM 22 THE JUROR: Okay.

11:29:14AM 23 THE COURT: Ms. Taylor?

11:29:14AM 24 THE JUROR: Yes.

11:29:16AM 25 THE COURT: You are now a primary

11:29:18AM 1 juror. Okay. Thank you.

11:29:28AM 2 And, Mr. Lester, you are now the
11:29:36AM 3 foreman. You will always sit in that seat. The
11:29:38AM 4 rest of you can sit wherever you want to, but I
11:29:42AM 5 have found it to be the case that jurors became
11:29:46AM 6 very territorial of their seats. It's kind of
11:29:50AM 7 funny how that works. If somebody is sitting in
11:29:52AM 8 your seat, you don't have to fight them.

11:29:54AM 9 A JUROR: Just like at church.

11:29:56AM 10 THE COURT: Just like at church.
11:29:56AM 11 People claim the pews whether or not their names
11:30:00AM 12 are on them.

11:30:00AM 13 A JUROR: That's right.

11:30:00AM 14 THE COURT: So now we have that
11:30:04AM 15 straight. Are you-all satisfied with that?

11:30:04AM 16 MR. KING: Yes.

11:30:06AM 17 MR. ZIEGLER: Yes, Your Honor.

11:30:06AM 18 THE COURT: Okay. Please, Sam, will
11:30:08AM 19 you swear the jury?

11:30:08AM 20 THE JURY,

11:30:12AM 21 being first duly sworn:

11:30:12AM 22 THE CLERK: Please let the record
11:30:42AM 23 reflect that all jurors were sworn.

11:30:44AM 24 THE COURT: All right. Thank you.

11:30:46AM 25 And, again, thank you, ladies and

11:30:48AM 1 gentlemen, for taking on this important
11:30:50AM 2 responsibility. Before we begin this trial, I want
11:30:52AM 3 to tell you that this trial will probably be
11:30:56AM 4 different from what you might expect. You know,
11:30:58AM 5 most people never have an opportunity to actually
11:31:00AM 6 participate in a trial as you are today and may
11:31:06AM 7 think from watching TV, movies or reading books
11:31:10AM 8 that trials are always full of high drama, intense
11:31:14AM 9 action, riveting circumstances. While all of these
11:31:18AM 10 things might be true, at times, this trial is not
11:31:22AM 11 for entertainment. This is a real trial, which is
11:31:24AM 12 a fundamental right of our democracy. It's a
11:31:28AM 13 search for the truth to ensure that justice is
11:31:32AM 14 done. And I will remind you that searching for the
11:31:36AM 15 truth and ensuring that justice is done is often
11:31:40AM 16 slow, deliberate, repetitive; the exact opposite of
11:31:44AM 17 what you've seen on TV, movies, or read in books.

11:31:48AM 18 Ladies and gentlemen, this courtroom --
11:31:48AM 19 and you-all have a beautiful courthouse here in
11:31:50AM 20 Charleston, you should be proud of that -- is a
11:31:54AM 21 place of honor that is dedicated to the protection
11:31:58AM 22 and preservations of our citizens' rights; what has
11:32:02AM 23 been called, and I truly believe in my heart to be,
11:32:04AM 24 the greatest justice system ever created by
11:32:08AM 25 mankind.

11:32:08AM 1 The attorneys who are appearing before
11:32:10AM 2 you are advocates for the parties that they
11:32:14AM 3 represent, but first and foremost, ladies and
11:32:18AM 4 gentlemen, they are officers of this court who are
11:32:20AM 5 sworn to uphold the integrity and fairness of our
11:32:24AM 6 judicial system and to help you as jurors in your
11:32:28AM 7 search for the truth.

11:32:28AM 8 Ladies and gentlemen, you should expect
11:32:30AM 9 them to be professional, competent and ethical in
11:32:34AM 10 the representation of their client's interest.
11:32:36AM 11 And, ladies and gentlemen, I remind you that you
11:32:40AM 12 also just took an oath to listen to the evidence in
11:32:44AM 13 this case and reach a fair and just verdict, and
11:32:48AM 14 you are expected to be professional, reasonable,
11:32:50AM 15 and ethical as well.

11:32:54AM 16 Now, ladies and gentlemen, what I'm
11:32:54AM 17 going to tell you now is just intended to be -- to
11:32:58AM 18 serve as an introduction to the trial of this case.
11:33:00AM 19 The remarks that I'm making are not a charge on the
11:33:04AM 20 law. I will charge you on the law that is
11:33:06AM 21 applicable to this particular case at the end of
11:33:10AM 22 the trial. This is merely an explanation so you
11:33:12AM 23 may better know what procedures that we will
11:33:16AM 24 follow, so you can understand what is happening.

11:33:18AM 25 And let me say up front that you will

11:33:20AM 1 not be allowed to take notes during the trial;
11:33:24AM 2 therefore, it is very important that you listen
11:33:26AM 3 throughout the trial.

11:33:30AM 4 Now, ladies and gentlemen, in this
11:33:32AM 5 case, the Defendant is charged by indictments filed
11:33:36AM 6 in this court of armed robbery and possession of a
11:33:40AM 7 weapon during the commission of a violent crime.
11:33:44AM 8 The specific elements will be explained to you
11:33:46AM 9 later, but let me remind you again that the
11:33:50AM 10 indictments charging the Defendant is simply the
11:33:52AM 11 documents by which this case is brought into court
11:33:56AM 12 and is not in any sense whatsoever evidence of any
11:34:02AM 13 of the allegations contained therein.

11:34:06AM 14 The Defendant has pled not guilty to
11:34:08AM 15 the charge of the indictments, so the State has the
11:34:10AM 16 burden of proving all the elements of each one of
11:34:16AM 17 the indictments beyond a reasonable doubt. And it
11:34:18AM 18 will be your duty, ladies and gentlemen, to decide
11:34:22AM 19 whether or not the State has met that burden. Now,
11:34:26AM 20 ladies and gentlemen, your purpose in the case is
11:34:28AM 21 to determine the facts.

11:34:30AM 22 You are to determine the facts from the
11:34:32AM 23 testimony that is presented from the witness stand
11:34:34AM 24 and any other evidence that is presented here in
11:34:38AM 25 court. And it will be up to you as jurors to

11:34:40AM 1 determine the inference which you feel may be
11:34:44AM 2 properly drawn from the evidence that's presented.
11:34:46AM 3 And, ladies and gentlemen, it is especially
11:34:48AM 4 important that you perform your duties diligently
11:34:52AM 5 and conscientiously because ordinarily there is no
11:34:54AM 6 way to correct an erroneous determination of facts
11:34:58AM 7 by a jury.

11:35:00AM 8 On the other hand, but with equal
11:35:06AM 9 emphasis, the same law that makes you the judges of
11:35:08AM 10 the facts makes me the judge of the law. The law
11:35:08AM 11 given to you by me is the only law that you may
11:35:12AM 12 consider. You must accept the law as I give it to
11:35:16AM 13 you and follow it, even though you might disagree.
11:35:20AM 14 And I'll make an agreement with you that I will not
11:35:22AM 15 tell you what the facts are and you cannot disagree
11:35:24AM 16 with me about what the law is or what you think the
11:35:28AM 17 law ought to be.

11:35:30AM 18 As I said, your job is to take the law
11:35:32AM 19 as I give it to you, apply it to the facts as you
11:35:34AM 20 find them from the testimony and from other
11:35:38AM 21 evidence, and after hearing the evidence you will
11:35:42AM 22 deliberate and render a true and just verdict under
11:35:46AM 23 the solemn oath that you just took as jurors.

11:35:50AM 24 Ladies and gentlemen, until I advise
11:35:52AM 25 you to begin your deliberations at the conclusion

11:35:54AM 1 of this case, you must not discuss the case with
11:35:58AM 2 others, including your fellow jurors. You may not
11:36:00AM 3 use a computer, cell phone, or any other electronic
11:36:06AM 4 device with communications capability while here in
11:36:10AM 5 attendance at trial or during your deliberations.

11:36:12AM 6 Now, if we break for lunch, you can
11:36:14AM 7 certainly use your cell phones and those items, but
11:36:18AM 8 even then you cannot use them to disclose any
11:36:22AM 9 information about the case when you're not in
11:36:24AM 10 court. Information about the case would include,
11:36:26AM 11 but certainly would not be limited to, any
11:36:30AM 12 information about a party, a witness, an attorney,
11:36:32AM 13 or a court officer, any news account about the
11:36:36AM 14 case, or any information collected through jury
11:36:36AM 15 research on any topic raised during the testimony
11:36:46AM 16 offered by any witness or any information collected
11:36:48AM 17 through jury research that you think would be
11:36:48AM 18 helpful in deciding the case.

11:36:52AM 19 Ladies and gentlemen, after the case is
11:36:54AM 20 submitted to you, you must discuss it only in the
11:36:58AM 21 jury room with your fellow jurors. Now, the
11:37:00AM 22 attorneys and the parties in this matter are
11:37:04AM 23 advised that they are not to talk to you at all.
11:37:06AM 24 So if you see someone who is involved in this case
11:37:10AM 25 around this small courthouse square and they don't

11:37:12AM 1 even say hello, they're not being unfriendly;
11:37:16AM 2 they're just following my instructions.

11:37:18AM 3 Now, ladies and gentlemen, it is very
11:37:18AM 4 important that you keep an open mind and not decide
11:37:22AM 5 any issue in this case until all of the evidence
11:37:26AM 6 has been presented, the attorneys have made their
11:37:30AM 7 closing arguments, and I have charged you with the
11:37:32AM 8 law. And, ladies and gentlemen, it's your solemn
11:37:36AM 9 responsibility to determine the guilt or innocence
11:37:38AM 10 of the Defendant and your verdict must be based
11:37:42AM 11 solely on the evidence as is presented to you in
11:37:46AM 12 this trial within the four walls of this courtroom
11:37:50AM 13 and on the law that I give you at the close of the
11:37:54AM 14 trial.

11:37:54AM 15 Now, ladies and gentlemen, in just a
11:38:00AM 16 moment the Solicitor will make what is called an
11:38:02AM 17 opening statement, where he will explain to you
11:38:04AM 18 what he believes the issues are in this matter.
11:38:08AM 19 The attorney for the Defendant may also make an
11:38:10AM 20 opening statement, although he is not required to
11:38:12AM 21 do so. But I will remind you, what they tell you
11:38:14AM 22 during their opening statements is not evidence.
11:38:18AM 23 It's only their contention as to what the issues
11:38:20AM 24 are.

11:38:22AM 25 Now, ladies and gentlemen, from time to

11:38:22AM 1 time during this trial you may hear one of the
11:38:26AM 2 attorneys or the lawyers say, Your Honor, I believe
11:38:30AM 3 we have a question on a matter of law that we need
11:38:32AM 4 to discuss with you, or, Your Honor, may we
11:38:36AM 5 approach the bench, or sometimes I might find it
11:38:38AM 6 necessary to excuse you from the courtroom for a
11:38:42AM 7 short period while the attorneys and I discuss a
11:38:46AM 8 matter of law.

11:38:46AM 9 Now, the reason for this is because, as
11:38:50AM 10 I told you earlier, you are the judges of the
11:38:54AM 11 facts. Sometimes when I'm discussing matters of
11:38:56AM 12 law with the attorneys, it may be necessary for me
11:39:00AM 13 to make some comment on the facts, as to whether or
11:39:04AM 14 not a particular law applies, in connection with
11:39:08AM 15 making that ruling. And, as I said, I'm not
11:39:10AM 16 supposed to tell you what the facts are, so I will
11:39:12AM 17 excuse you from the courtroom while these
11:39:16AM 18 discussions take place so you will in no way be
11:39:20AM 19 influenced by anything I say or do in connection
11:39:24AM 20 with the facts.

11:39:24AM 21 Also, during the trial you may hear one
11:39:26AM 22 of the attorneys make an objection to certain
11:39:30AM 23 evidence that is about to be presented. Whether I
11:39:32AM 24 sustain the objection, that would be to grant it,
11:39:34AM 25 or overrule the objection, that would be to deny

11:39:38AM 1 it, should not be construed that I favor one side
11:39:42AM 2 over the other; I do not. Nor should you infer
11:39:46AM 3 that the objecting party is trying to hide
11:39:48AM 4 something from you; they are not.

11:39:50AM 5 In this court, as in all situations in
11:39:52AM 6 life, there are specific rules that must be
11:39:56AM 7 followed. And the attorneys, as officers of this
11:40:00AM 8 court, are merely trying to follow the laws of
11:40:04AM 9 evidence in this court in making their objection,
11:40:06AM 10 and I am only ruling based upon what I believe the
11:40:10AM 11 law of the State of South Carolina to be concerning
11:40:14AM 12 the evidence being presented.

11:40:16AM 13 Now, ladies and gentlemen, in
11:40:16AM 14 determining what the true facts are, you must
11:40:20AM 15 decide whether or not the testimony of a witness is
11:40:24AM 16 believable. It will be my responsibility as the
11:40:28AM 17 presiding judge to rule as a matter of law as to
11:40:34AM 18 whether certain testimony is admitted, but once
11:40:36AM 19 testimony is admitted, whether or not you decide to
11:40:40AM 20 believe it will be entirely for you to decide.

11:40:44AM 21 In deciding whether to believe a
11:40:46AM 22 witness, you have the right to consider the
11:40:48AM 23 interest of any witness, the bias of any witness,
11:40:50AM 24 the prejudice of any witness, the opportunity for
11:40:54AM 25 the witness to have actually seen and observed the

11:40:58AM 1 things about which the witness may testify, and you
11:41:02AM 2 may consider how the witness acts on the witness
11:41:04AM 3 stand.

11:41:06AM 4 Ladies and gentlemen, you have the
11:41:08AM 5 right to consider anything that is in the record
11:41:12AM 6 that will help you evaluate the testimony of the
11:41:14AM 7 witnesses, and that means it's your responsibility
11:41:18AM 8 and duty to pay close attention to the witnesses,
11:41:20AM 9 to observe the witnesses, to listen to the
11:41:22AM 10 witnesses, and to pay close attention to the
11:41:26AM 11 attorneys and to the Court.

11:41:28AM 12 Ladies and gentlemen, please do not let
11:41:30AM 13 your thoughts wander, but give strict attention to
11:41:34AM 14 the testimony and the evidence, so that at the end
11:41:34AM 15 of all the testimony and the arguments of Counsel
11:41:36AM 16 and the charging of the law by me, you will then be
11:41:42AM 17 in a position to determine what the true facts are,
11:41:44AM 18 apply those to the law that I give you and, thus,
11:41:48AM 19 render a true and just verdict.

11:41:50AM 20 Now, Mr. Foreman, I said it would be
11:41:52AM 21 your additional duty to preside in the jury room
11:41:56AM 22 and be the jury spokesperson here in court. It
11:41:58AM 23 will also be your responsibility to write the
11:42:00AM 24 verdict on the verdict form, but I will give you
11:42:04AM 25 further instructions on that at the appropriate

OPENING STATEMENT BY MR. ZIEGLER

11:42:06AM 1 time. Now, to protect everyone's rights, I will
11:42:08AM 2 give the parties an opportunity to object to
11:42:10AM 3 anything that I've stated to you.

11:42:12AM 4 Does the State have any objection to
11:42:14AM 5 anything that I've stated to the jury?

11:42:14AM 6 MR. ZIEGLER: No objections, Your
11:42:16AM 7 Honor.

11:42:16AM 8 THE COURT: Does the defense have any
11:42:18AM 9 objections?

11:42:18AM 10 MR. KING: No objection.

11:42:20AM 11 THE COURT: All right. Ladies and
11:42:22AM 12 gentlemen, we will now begin the trial of the case.
11:42:24AM 13 Mr. Solicitor.

11:42:24AM 14 MR. ZIEGLER: Thank you, Your Honor.

11:42:42AM 15 Morning, ladies and gentlemen. This
11:42:44AM 16 case is a story of two young men, each of whom woke
11:42:50AM 17 up one morning to do a job. But these two young
11:42:54AM 18 men were very different. One of them wore a
11:43:00AM 19 uniform shirt, prepared food for customers, managed
11:43:04AM 20 employees and for that he received a paycheck. The
11:43:08AM 21 other one wore a hood over his head and sunglasses
11:43:14AM 22 over his eyes. He pointed a loaded pistol and
11:43:18AM 23 stole over a thousand dollars in cash. The man who
11:43:24AM 24 pointed that pistol and took that money has already
11:43:30AM 25 been introduced to you. He's the Defendant,

OPENING STATEMENT BY MR. ZIEGLER

11:43:32AM 1 Christopher Campbell.

11:43:38AM 2 The young man that -- who wore the
11:43:42AM 3 uniform shirt and worked for a paycheck was Chris
11:43:48AM 4 Riley. You will hear from him today. Chris Riley
11:43:50AM 5 was the shift leader at Firehouse Subs Restaurant
11:43:54AM 6 where this armed robbery occurred on May 4, 2011.

11:44:00AM 7 The Firehouse Subs is located on King
11:44:02AM 8 Street, it's between Calhoun and George Street in
11:44:06AM 9 downtown Charleston, near the middle of the block,
11:44:08AM 10 across from Five Guys. Now, the robbery occurred
11:44:10AM 11 relatively early on a weekday morning, shortly
11:44:14AM 12 before 8:30 a.m. King Street is relatively serene
11:44:20AM 13 at that time of day. There's not a lot of foot
11:44:24AM 14 traffic; perhaps a few college students walking to
11:44:28AM 15 class, commuters going to work, drivers making
11:44:32AM 16 deliveries.

11:44:32AM 17 On this particular morning, Chris
11:44:36AM 18 Riley, the shift leader at Firehouse, arrived early
11:44:38AM 19 to work, before the 8:00 a.m. shift. Alone in the
11:44:42AM 20 store, he began prepping food for the day as he
11:44:46AM 21 waited for the meat slicer, Leslie Green, to arrive
11:44:50AM 22 for his 8:00 shift. And that meat slicer was
11:44:54AM 23 Leslie Green, but that day he was late for work.

11:45:00AM 24 Meanwhile, Leslie Green was making his
11:45:04AM 25 way downtown from James Island, sitting in the

OPENING STATEMENT BY MR. ZIEGLER

11:45:06AM 1 passenger seat of his own car. The driver of that
11:45:10AM 2 car was Leslie Green's cousin, the Defendant. Once
11:45:18AM 3 on King Street, the Defendant stopped the car near
11:45:22AM 4 the front of Firehouse Subs. Leslie Green, the
11:45:24AM 5 meat slicer, got out and walked through the front
11:45:28AM 6 door of Firehouse Subs to go into work.

11:45:30AM 7 So Leslie Green was the second person
11:45:32AM 8 in the store that day, besides his shift leader,
11:45:40AM 9 Christopher Riley, but less than 30 seconds after
11:45:44AM 10 Leslie Green walked into the store, a third person
11:45:48AM 11 entered the store. But he was not an employee. He
11:45:50AM 12 was not wearing that Firehouse red uniform shirt.
11:45:54AM 13 He wore a hood over his head, sunglasses over his
11:45:58AM 14 eyes, and a backpack slung over his shoulder.

11:46:02AM 15 Chris Riley, the shift leader, saw him
11:46:06AM 16 as he walked into the store through the front doors
11:46:08AM 17 and said, we're closed. He kept walking towards
11:46:12AM 18 the counter. Chris Riley did not recognize this
11:46:18AM 19 person -- the third person that walked into the
11:46:20AM 20 store, but Leslie Green did. He had seen this
11:46:26AM 21 person just a minute ago. He had been sitting next
11:46:30AM 22 to him on the car ride to work. Leslie Green knew
11:46:34AM 23 this person was the Defendant, his cousin.

11:46:40AM 24 As the Defendant continued walking
11:46:44AM 25 through the store, he raised his right hand in

OPENING STATEMENT BY MR. ZIEGLER

11:46:48AM 1 stride and in that hand was a gun. He aimed that
11:46:56AM 2 gun directly at Chris Riley, and with his eyes on
11:47:00AM 3 that gun, Chris Riley cautiously walked to the back
11:47:04AM 4 of the store where the safe was.

11:47:10AM 5 As the Defendant followed Chris Riley,
11:47:14AM 6 the gun pointed, he brushed right past Leslie
11:47:20AM 7 Green. He even turned his back to Leslie Green,
11:47:24AM 8 keeping that gun trained on Chris Riley. The gun
11:47:28AM 9 was close enough to Chris Riley for him to identify
11:47:30AM 10 it as a 38-caliber snub-nose revolver. It was
11:47:36AM 11 close enough that he could see bullets in the
11:47:40AM 12 chamber.

11:47:42AM 13 And so Chris Riley sat down in the
11:47:46AM 14 office chair to open the safe on the floor. From
11:47:48AM 15 this vantage point, seated, Chris Riley had a
11:47:52AM 16 close-up view of the red and black Jordans on the
11:47:56AM 17 Defendant's feet. The Defendant stood over him,
11:48:00AM 18 stood over Chris Riley, and motioned with the gun
11:48:04AM 19 for the cash to be removed from the safe to the
11:48:08AM 20 backpack that was now in the Defendant's hands,
11:48:10AM 21 which had previously been slung over his shoulder.

11:48:14AM 22 Chris Riley placed over a thousand
11:48:16AM 23 dollars of cash into the Defendant's backpack.
11:48:20AM 24 Seeing he had cleaned out the safe, the Defendant
11:48:24AM 25 backed away. When he got out of the office area,

OPENING STATEMENT BY MR. ZIEGLER

11:48:30AM 1 he turned and fled the store, exiting through the
11:48:34AM 2 front doors that he entered through. Chris Riley,
11:48:40AM 3 shocked and scared after being robbed, immediately
11:48:44AM 4 called 911 and the police arrived shortly
11:48:50AM 5 thereafter to secure the scene.

11:48:54AM 6 You will see surveillance video during
11:48:56AM 7 the course of this trial that captures the entire
11:49:02AM 8 course of the robbery that happened inside
11:49:04AM 9 Firehouse Subs. You will hear from Leslie Green,
11:49:08AM 10 the meat slicer, the Defendant's cousin. Leslie
11:49:10AM 11 Green will tell you that the armed robber you saw
11:49:14AM 12 -- that you will see in that video was the same
11:49:16AM 13 person who drove him to work that day. He will
11:49:18AM 14 tell you he knew that person for years before the
11:49:22AM 15 robbery, that they spent time together, that they
11:49:26AM 16 are cousins. He will tell you that armed robber
11:49:28AM 17 was the Defendant. But you don't have to take
11:49:36AM 18 Leslie Green's word alone.

11:49:38AM 19 Shortly after the robbery, the Crime
11:49:42AM 20 Scene technician from the Charleston Police
11:49:44AM 21 Department came to the scene, processed the scene,
11:49:46AM 22 and he lifted fingerprints from both exterior door
11:49:52AM 23 handles of Firehouse Subs. Those fingerprints
11:49:58AM 24 belong to Christopher Campbell.

11:50:04AM 25 The Defendant is charged with two

OPENING STATEMENT BY MR. ZIEGLER

11:50:06AM 1 crimes, armed robbery and the possession of a
11:50:10AM 2 weapon during the commission of a violent crime.
11:50:16AM 3 Armed robbery is defined as a robbery while armed
11:50:18AM 4 with a deadly weapon, which includes a pistol or a
11:50:22AM 5 handgun. A robbery is defined as the unlawful
11:50:26AM 6 taking of money from the person of another, or in
11:50:34AM 7 his presence, by violence or by putting such person
11:50:40AM 8 in fear. Armed robbery is considered a violent
11:50:44AM 9 crime under South Carolina law. And it is a
11:50:48AM 10 separate offence for a person to be in possession
11:50:52AM 11 of a firearm while that person is committing a
11:50:54AM 12 violent crime.

11:50:58AM 13 I conclude by reminding you that this
11:51:02AM 14 case is about two young men, each of whom woke up
11:51:06AM 15 the morning of May 4th, 2011 to do a job. Chris
11:51:12AM 16 Riley went to Firehouse Subs to earn his paycheck
11:51:16AM 17 and he found himself staring at a gun. The
11:51:20AM 18 Defendant went to Firehouse Subs holding that gun,
11:51:22AM 19 looking for a different kind of payday.

11:51:26AM 20 After you have heard all the evidence
11:51:28AM 21 in this case, I'm going to ask you to hold this
11:51:32AM 22 Defendant accountable for his actions that day by
11:51:36AM 23 returning a verdict of guilty for the armed robbery
11:51:40AM 24 of Chris Riley at Firehouse Subs.

11:51:44AM 25 Thank you.

OPENING STATEMENT BY MR. KING

11:51:44AM 1 THE COURT: Thank you, Solicitor.

11:51:56AM 2 Mr. King.

11:51:56AM 3 MR. KING: The big question in this
11:51:58AM 4 case is going to be, why would Leslie Green say his
11:52:02AM 5 own cousin was the person who robbed the store?
11:52:06AM 6 Why would he blame it on his cousin? And I think
11:52:10AM 7 through the evidence you will see how that could
11:52:12AM 8 happen. You will see the surveillance video, and
11:52:16AM 9 the police watched the video. And based on the
11:52:20AM 10 interaction between the robber and Leslie Green,
11:52:26AM 11 they believed Leslie Green knew who it was and that
11:52:30AM 12 the robber knew who Leslie Green was.

11:52:34AM 13 So the police began to question Leslie
11:52:38AM 14 Green. They take him down the next day after the
11:52:42AM 15 robbery to the police station and for almost two
11:52:46AM 16 hours two detectives are interrogating him and
11:52:48AM 17 asking him who did it. And he says during that
11:52:54AM 18 interrogation he doesn't know; I'm not involved, I
11:52:56AM 19 don't know who did it.

11:53:00AM 20 And during that interrogation, one of
11:53:08AM 21 the detectives, trying to get him to talk, tells
11:53:10AM 22 him, look, if I find out you know and didn't
11:53:12AM 23 cooperate, I'm coming at you. Twenty-five years in
11:53:18AM 24 prison is what he tells him. So that interrogation
11:53:24AM 25 ends, Leslie Green leaves. The police aren't going

OPENING STATEMENT BY MR. KING

11:53:26AM 1 to give up, they're not accepting that. So they go
11:53:30AM 2 back the next day, May 6th, and pick up Leslie
11:53:34AM 3 Green from the Firehouse.

11:53:36AM 4 And there's recordings of this. There
11:53:38AM 5 is recordings of the interrogation the day before
11:53:42AM 6 and there's an audio-recording of this. And
11:53:44AM 7 they're driving to the police station. And while
11:53:48AM 8 they're driving, there's another detective,
11:53:52AM 9 Detective Holmes. Detective Kennedy and Detective
11:53:56AM 10 Holmes -- Detective Kennedy is going to be involved
11:53:58AM 11 in this case, sitting at the Solicitor's table.
11:54:02AM 12 And in that ride, they're again trying to get him
11:54:04AM 13 to say who did it.

11:54:06AM 14 And they ask him about his family,
11:54:12AM 15 about his brothers and sisters. And he says he had
11:54:14AM 16 a little brother. And they tell him, how would you
11:54:18AM 17 feel if somebody had to tell your little brother
11:54:22AM 18 that you're in jail? They used that against him
11:54:26AM 19 about his little brother. They give him -- before
11:54:30AM 20 they got into the police car, it's like one last
11:54:34AM 21 warning, you know, and Detective Holmes tells him,
11:54:40AM 22 I take two lies. The second lie, I burn you.
11:54:42AM 23 That's what they told him, Leslie Green, as they're
11:54:46AM 24 riding down to the police station.

11:54:48AM 25 They interrogate him there and Leslie

OPENING STATEMENT BY MR. KING

11:54:54AM 1 Green says, a guy named L did it. He gives them
11:54:56AM 2 whatever information he knows, but he doesn't know
11:54:58AM 3 very much about L, doesn't know his real name.
11:55:02AM 4 Says he lives on Fort Johnson Road, but can't give
11:55:04AM 5 them more information than that. The police want
11:55:06AM 6 to know, who is L? Who is this L?

11:55:08AM 7 And so Detective Holmes tells him, if
11:55:14AM 8 you don't tell me who L is, you're not walking out
11:55:18AM 9 of here.

11:55:18AM 10 Now at this point Leslie Green has been
11:55:22AM 11 backed into a corner. The police think he did it,
11:55:26AM 12 they think he knows who did it, and they want him
11:55:26AM 13 to say who it is. And they scared him with the
11:55:30AM 14 idea of going to prison, using his -- sympathy for
11:55:34AM 15 his little brother to try to get him to talk, so he
11:55:38AM 16 says it's L. It's just L. He can't give them any
11:55:38AM 17 more information than that.

11:55:44AM 18 So after what's now been hours of
11:55:46AM 19 interrogation, from the day before and now on
11:55:50AM 20 May 6th, they also know that Christopher Campbell
11:55:52AM 21 dropped him off, because Leslie Green told him.
11:55:56AM 22 Christopher Campbell did drop him off for work that
11:56:00AM 23 morning.

11:56:00AM 24 And they come to the point when he
11:56:02AM 25 finally -- he points his finger and says,

OPENING STATEMENT BY MR. KING

11:56:06AM 1 Christopher Campbell did it. And you will hear how
11:56:08AM 2 it happens. They show him a picture of Chris and
11:56:12AM 3 Leslie Green -- they said, you lied; you rolled the
11:56:16AM 4 dice, you lied to me. So Detective Holmes puts the
11:56:18AM 5 picture down, who is this? And Leslie Green says,
11:56:22AM 6 it's Christopher Campbell. It looks like him.

11:56:26AM 7 And when he says, it looks like him,
11:56:30AM 8 Detective Holmes interrupts him. (Indicating) You
11:56:32AM 9 will hear it on the recording. And Leslie Green
11:56:36AM 10 says, okay. It's him. In exasperation, being
11:56:38AM 11 backed into a corner, being threatened with prison
11:56:42AM 12 time, he's already told them he didn't know who it
11:56:48AM 13 was, he's already told them it was a guy named L.
11:56:50AM 14 Well, maybe that's his two lies. He's afraid that
11:56:54AM 15 he's going to get burned and he has no choice. So
11:57:00AM 16 he identifies Christopher Campbell.

11:57:04AM 17 You heard the Solicitor talk about
11:57:06AM 18 fingerprints. Well, this is a public restaurant.
11:57:10AM 19 You can't tell how old the print is, and
11:57:14AM 20 Christopher was there the night before. There's no
11:57:16AM 21 reason why his fingerprint wouldn't be on there.
11:57:20AM 22 And the theory is that he must be the robber
11:57:22AM 23 because the robber was the last person to touch the
11:57:26AM 24 door. And that's not true either.

11:57:26AM 25 You will see on the video the two

OPENING STATEMENT BY MR. KING

11:57:30AM 1 employees go out and in, out and in. That door is
11:57:34AM 2 touched more than once after the robbery. There
11:57:36AM 3 are also other prints they find on that door and
11:57:40AM 4 there are some prints they find that are not good
11:57:44AM 5 enough to make an identification. So that's not
11:57:50AM 6 complete.

11:57:50AM 7 The police search Christopher's
11:57:52AM 8 grandmother's house where he was living at the
11:57:56AM 9 time. He had been living in Columbia for a little
11:57:58AM 10 while and moved back here a couple of weeks before
11:58:02AM 11 this. They went there and searched that house.
11:58:06AM 12 They didn't find a gun, they didn't find the green
11:58:08AM 13 backpack the robber was wearing in the video, or
11:58:10AM 14 ammunition. They didn't find a thousand dollars.
11:58:14AM 15 They find a pair of Air Jordans, black Air Jordans.
11:58:18AM 16 A real common pair of shoes. And they're not even
11:58:24AM 17 Christopher's. They're his uncle's, Leroy
11:58:28AM 18 Campbell's.

11:58:28AM 19 Just a little bit of background.
11:58:28AM 20 Christopher was raised by his grandmother, Martha
11:58:34AM 21 Campbell. He calls her his mother. He grew up
11:58:38AM 22 with her son, Leroy Campbell, who is his uncle, but
11:58:44AM 23 he's like a brother. So if you hear that, so
11:58:46AM 24 there's no confusion about that, that's why it's
11:58:50AM 25 like that. He feels like his grandmother is his

OPENING STATEMENT BY MR. KING

11:58:54AM 1 mother and his uncle is his brother.

11:58:58AM 2 This is Christopher's day in court.

11:59:00AM 3 It's an important day for him. We're asking that

11:59:02AM 4 you do listen to the evidence, that you hold the

11:59:04AM 5 State to their burden. They have to prove beyond a

11:59:10AM 6 reasonable doubt. If there's any reasonable doubt,

11:59:12AM 7 he's not guilty; and Christopher Campbell is not

11:59:16AM 8 guilty and we're asking that you find him not

11:59:18AM 9 guilty.

11:59:20AM 10 THE COURT: Thank you. The State may

11:59:24AM 11 call its first witness.

11:59:26AM 12 MR. ZIEGLER: The State calls Mr. Allen

11:59:48AM 13 Suman.

11:59:48AM 14 ALLEN SUMAN,

11:59:48AM 15 being first duly sworn, testified as follows:

11:59:50AM 16 THE CLERK: You may be seated.

11:59:54AM 17 Sir, once seated, if you would please

11:59:56AM 18 state your name -- first and last name, spell your

11:59:58AM 19 last loudly and clearly into the microphone,

11:59:58AM 20 please.

12:00:00PM 21 THE WITNESS: Allen Suman, S-U-M-A-N.

12:00:04PM 22 THE COURT: You may proceed.

12:00:04PM 23 MR. ZIEGLER: Thank you, Your Honor.

12:00:04PM 24 DIRECT EXAMINATION

12:00:04PM 25 BY MR. ZIEGLER:

ALLEN SUMAN - DIRECT EXAM BY MR. ZIEGLER

12:00:12PM 1 Q. Good morning, Mr. Suman.

12:00:12PM 2 A. Good morning.

12:00:20PM 3 Q. Mr. Suman, what is your occupation?

12:00:20PM 4 A. I'm in sales and installation of

12:00:24PM 5 security cameras and other electronics.

12:00:28PM 6 Q. How long have you been working in that

12:00:30PM 7 field?

12:00:30PM 8 A. For my own business, since 1998.

12:00:34PM 9 Q. You own your own business?

12:00:36PM 10 A. I do. I'm self-employed, a sole

12:00:38PM 11 proprietor.

12:00:38PM 12 Q. And what do you -- what does that

12:00:44PM 13 business do? What do you do in that business?

12:00:46PM 14 A. We primarily sell and install

12:00:50PM 15 electronics, primarily security camera systems.

12:00:54PM 16 Q. Can you please provide the jury with a

12:00:58PM 17 brief explanation of how video surveillance

12:01:00PM 18 operates?

12:01:02PM 19 A. Most people have basically a good idea.

12:01:04PM 20 Like here, you have cameras located and these are

12:01:08PM 21 usually hard-wired into a recording device. This

12:01:12PM 22 recording device is similar to a computer, where

12:01:16PM 23 there is a hard drive inside. Typically, the

12:01:20PM 24 machines are recorded on-site, sometimes offsite as

12:01:26PM 25 well, through the Internet. There are different

12:01:30PM 1 grades and qualities of these recorders.

12:01:32PM 2 This particular entry-level grade, if
12:01:40PM 3 you will -- maybe I'm overstepping, but this is an
12:01:42PM 4 entry-level recorder and it records the data onto
12:01:46PM 5 the hard drive right there.

12:01:48PM 6 Q. And so the video is stored on the hard
12:01:56PM 7 drive?

12:01:56PM 8 A. That's correct.

12:01:58PM 9 Q. Did your business install a video
12:02:02PM 10 surveillance system at Firehouse Subs on King
12:02:06PM 11 Street prior to May 4th, 2011?

12:02:08PM 12 A. Absolutely, yes.

12:02:08PM 13 Q. I want to direct you, Mr. Suman, to the
12:02:10PM 14 morning of May 4, 2011. Did you go to Firehouse
12:02:14PM 15 Subs on King Street that morning?

12:02:14PM 16 A. I did. I rushed down there when I got
12:02:18PM 17 the phone call.

12:02:18PM 18 Q. What did you do when you got to the
12:02:20PM 19 store?

12:02:22PM 20 A. I met with the police, went right to
12:02:26PM 21 the machine as they were looking at the video
12:02:30PM 22 replay. It's pretty easy to do. You just hit the
12:02:32PM 23 rewind button, like on a VCR, so very simple to
12:02:40PM 24 operate.

12:02:40PM 25 Q. And did you find the video of an

ALLEN SUMAN - DIRECT EXAM BY MR. ZIEGLER

12:02:44PM 1 incident that the police were interested in?

12:02:46PM 2 A. They in fact had located the video and
12:02:50PM 3 were able to manipulate and remind rewind and
12:02:52PM 4 fast-forward, so I was --

12:02:56PM 5 Q. Did you provide a copy of that video?

12:02:58PM 6 A. We put a thumb drive into the machine
12:03:00PM 7 and downloaded that data, which would be the video
12:03:04PM 8 you guys are probably going to see, to that thumb
12:03:10PM 9 drive. We turned that over to the detectives and
12:03:14PM 10 really that was my only obligation. We don't even
12:03:18PM 11 charge the clients for that. It's just something
12:03:20PM 12 that I take pride in doing.

12:03:22PM 13 Q. Have you ever watched that video?

12:03:24PM 14 A. Oh, yes.

12:03:24PM 15 MR. ZIEGLER: May I approach the
12:03:26PM 16 witness, Your Honor?

12:03:26PM 17 THE COURT: You may.

12:03:26PM 18 BY MR. ZIEGLER:

12:03:30PM 19 Q. I'm now showing you what will be marked
12:03:32PM 20 for identification purposes as State's Exhibit 1.
12:03:36PM 21 Do you recognize this?

12:03:38PM 22 A. And my signature.

12:03:40PM 23 Q. What is it?

12:03:42PM 24 A. Oh, this is a copy of the video that we
12:03:44PM 25 recorded that day.

ALLEN SUMAN - DIRECT EXAM BY MR. ZIEGLER

12:03:48PM 1 MR. ZIEGLER: Okay. Your Honor, the
12:03:50PM 2 State moves to admit State's Exhibit 1.

12:03:52PM 3 THE COURT: Any objections, Mr. King?

12:03:54PM 4 MR. KING: No objection.

12:03:54PM 5 THE COURT: Without objection, State's
12:03:56PM 6 Exhibit Number 1 is admitted into
12:03:56PM 7 evidence.

12:03:56PM 8 (PLF. EXH. 1 in evidence.)

12:03:56PM 9 MR. ZIEGLER: Thank you, Your Honor.
12:03:58PM 10 The State will not publish the video at this time.
12:04:00PM 11 We'll wait for another witness.

12:04:00PM 12 BY MR. ZIEGLER:

12:04:24PM 13 Q. I want to ask you about your
12:04:26PM 14 professional experience with time stamps displayed
12:04:30PM 15 on surveillance systems that you have installed.
12:04:32PM 16 On your surveillance system, is it common or
12:04:34PM 17 uncommon for the time stamp to be inaccurate, that
12:04:40PM 18 is, to display a time that is different from the
12:04:42PM 19 actual time of day?

12:04:44PM 20 A. It's a zillion percent; happens all the
12:04:46PM 21 time, especially with these entry-level machines.
12:04:50PM 22 They don't have a way to communicate with the
12:04:52PM 23 national time server, so it's -- and I tell the
12:04:56PM 24 clients to keep up with it as best they can to make
12:04:58PM 25 sure that the time is accurate. This one may have

ALLEN SUMAN - DIRECT EXAM BY MR. ZIEGLER

12:05:02PM 1 been off a couple of minutes, but it was still from
12:05:10PM 2 that day.

12:05:10PM 3 Q. And even if the time stamp is
12:05:12PM 4 inaccurate, do these surveillance systems
12:05:16PM 5 nonetheless capture the events?

12:05:18PM 6 A. Absolutely. By just hitting the rewind
12:05:20PM 7 button, it goes from right now to just right then.
12:05:24PM 8 And right then happened to be the video that is
12:05:28PM 9 sitting right here.

12:05:30PM 10 MR. ZIEGLER: Okay. May I approach the
12:05:32PM 11 witness?

12:05:32PM 12 THE COURT: You may. And you don't
12:05:34PM 13 have to ask to approach.

12:05:34PM 14 BY MR. ZIEGLER:

12:05:42PM 15 Q. Mr. Suman, I'm going to show you
12:05:44PM 16 numerous exhibits that we've marked for
12:05:50PM 17 identification. I would like you to flip through
12:05:54PM 18 them and take a look and let me know if you
12:05:54PM 19 recognize them.

12:06:00PM 20 A. Would you like me to explain or talk
12:06:00PM 21 about either one?

12:06:02PM 22 Q. No, thank you. Just whether you
12:06:04PM 23 recognize what these are in general.

12:06:18PM 24 A. Yeah, it's chilling. Yes.

12:06:32PM 25 Q. And what are they?

ALLEN SUMAN - DIRECT EXAM BY MR. ZIEGLER

12:06:34PM 1 A. These are still shots from the video
12:06:38PM 2 footage of that morning.

12:06:42PM 3 Q. Are they an accurate portrayal of what
12:06:44PM 4 is on that video?

12:06:46PM 5 A. Yeah. It's not the video, it's just a
12:06:48PM 6 picture, but they came from that.

12:06:52PM 7 Q. Thank you.

12:06:52PM 8 MR. ZIEGLER: Your Honor, the State
12:06:54PM 9 moves to admit these exhibits into evidence. It
12:06:58PM 10 will be number 2 through 11.

12:07:12PM 11 THE COURT: Any objection, Mr. King.

12:07:14PM 12 MR. KING: Yes, sir. Just undue
12:07:16PM 13 emphasis on those photos. They'll have the video.
12:07:20PM 14 I would object.

12:07:22PM 15 THE COURT: Okay. Overruled. Exhibits
12:08:42PM 16 2 through 11 are admitted into
17 evidence.

18 (PLF. EXH. 2 in evidence.)

19 (PLF. EXH. 3 in evidence.)

20 (PLF. EXH. 4 in evidence.)

21 (PLF. EXH. 5 in evidence.)

22 (PLF. EXH. 6 in evidence.)

23 (PLF. EXH. 7 in evidence.)

24 (PLF. EXH. 8 in evidence.)

25 (PLF. EXH. 9 in evidence.)

ALLEN SUMAN - DIRECT EXAM BY MR. ZIEGLER

1 (PLF. EXH. 10 in evidence.)

12:08:42PM 2 (PLF. EXH. 11 in evidence.)

12:08:42PM 3 THE COURT: Mr. King.

12:08:42PM 4 CROSS-EXAMINATION

12:08:42PM 5 BY MR. KING:

12:08:44PM 6 Q. Mr. Suman, you said that the video

12:08:48PM 7 that's recorded, it's stored as data, right?

12:08:50PM 8 A. (Nodding)

12:08:50PM 9 Q. On a hard drive at the Firehouse Subs?

12:08:54PM 10 A. That's correct.

12:08:54PM 11 Q. And in that storage, that data can get

12:09:00PM 12 kind of large, right?

12:09:00PM 13 A. Excuse me?

12:09:02PM 14 Q. The data from the video, that could

12:09:02PM 15 take up a lot of storage space, right?

12:09:06PM 16 A. Depending on the quality of the camera,

12:09:08PM 17 it could potentially.

12:09:10PM 18 Q. Do you know -- are you aware that at

12:09:12PM 19 Firehouse, that they don't keep the video very

12:09:16PM 20 long, that it's overwritten every 30 days

12:09:18PM 21 approximately? Are you familiar with that?

12:09:20PM 22 A. Uh-huh.

12:09:22PM 23 Q. And the reason is because there is a

12:09:24PM 24 limited amount of storage?

12:09:24PM 25 A. It's kind of like an eight-track

12:09:26PM 1 player. It starts here and goes there.

12:09:30PM 2 Q. And that's because eventually you'd

12:09:32PM 3 have to get I guess just stacks and stacks of hard

12:09:36PM 4 drives for all that data. You don't save it

12:09:38PM 5 forever?

12:09:38PM 6 A. Right.

12:09:38PM 7 Q. So if I wanted to go back and get video

12:09:42PM 8 of the day before this, I wouldn't be able to do

12:09:44PM 9 that, right?

12:09:46PM 10 A. You just said 30 days.

12:09:46PM 11 Q. Right. In 30 days, that's gone?

12:09:52PM 12 A. Yes.

12:09:52PM 13 Q. Long gone?

12:09:52PM 14 A. But today, you could get yesterday and

12:09:54PM 15 you could get the day before and the day before and

12:09:56PM 16 the week before.

12:09:56PM 17 Q. Right. Back about 30 days, but that's

12:09:58PM 18 it.

12:09:58PM 19 A. Yes.

12:10:00PM 20 MR. KING: That's all the questions I

12:10:02PM 21 have.

12:10:02PM 22 THE COURT: Any redirect?

12:10:04PM 23 MR. ZIEGLER: No, Your Honor.

12:10:04PM 24 THE COURT: Thank you. You may step

12:10:06PM 25 down.

ALLEN SUMAN - CROSS EXAM BY MR. KING

12:10:06PM 1 Let me see the attorneys up

12:10:06PM 2 here.

12:10:40PM 3 (Off-the-record conference.)

12:10:40PM 4 THE COURT: Ladies and gentlemen, just
12:10:42PM 5 for your information, I was inquiring of the
12:10:44PM 6 attorneys. We will have one more short witness and
12:10:46PM 7 then we will take a lunch recess.

12:10:48PM 8 Okay. State may call the next witness.

12:10:52PM 9 MR. ZIEGLER: State calls Officer

12:10:56PM 10 Christopher Freshman.

12:10:56PM 11 CHRISTOPHER FRESHMAN,

12:10:56PM 12 being first duly sworn, testified as follows:

12:11:16PM 13 THE CLERK: Sir, once seated, please
12:11:18PM 14 state your first and last name and spell your last
12:11:20PM 15 loudly and clearly into the microphone.

12:11:22PM 16 THE WITNESS: Christopher Freshman,
12:11:22PM 17 F-R-E-S-H-M-A-N.

12:11:28PM 18 THE COURT: You may proceed.

12:11:28PM 19 DIRECT EXAMINATION

12:11:28PM 20 BY MR. ZIEGLER:

12:11:30PM 21 Q. Good morning, Officer Freshman.

12:11:32PM 22 A. Good morning.

12:11:32PM 23 Q. What law enforcement agency are you a
12:11:34PM 24 member of?

12:11:36PM 25 A. Charleston Police Department.

CHRISTOPHER FRESHMAN - DIRECT EXAM BY MR. ZIEGLER

12:11:36PM 1 Q. What is your current assignment,
12:11:40PM 2 current job?

12:11:40PM 3 A. I'm a patrol officer in Team 2.

12:11:42PM 4 Q. What shift are you working these days?

12:11:46PM 5 A. Well, I got off at 8:30 this morning
12:11:50PM 6 after working at 10:30 last night. I'm on third
12:11:54PM 7 shift right now.

12:11:54PM 8 Q. Could you briefly explain your duties
12:12:00PM 9 and responsibilities as a patrol officer?

12:12:02PM 10 A. The area I work is Team 2. I work
12:12:06PM 11 everything south of Calhoun Street, from The
12:12:08PM 12 Battery to Marion Square basically. My duties
12:12:12PM 13 day-to-day include traffic violations, answering
12:12:18PM 14 calls for service, assisting tourists with
12:12:22PM 15 directions to restaurants typically, but right now
12:12:24PM 16 that's pretty much what we do.

12:12:26PM 17 Q. How long in total have you worked for
12:12:28PM 18 Charleston Police Department?

12:12:30PM 19 A. Been in law enforcement for eight
12:12:30PM 20 years, been with Charleston for five.

12:12:32PM 21 Q. I want to direct you to May 4th, 2011.
12:12:42PM 22 Where in the city were you working that day?

12:12:42PM 23 A. The same place, Team 2, everything
12:12:48PM 24 south of Calhoun.

12:12:52PM 25 Q. What shift did you work that day,

CHRISTOPHER FRESHMAN - DIRECT EXAM BY MR. ZIEGLER

12:12:54PM 1 May 4, 2011?

12:12:54PM 2 A. I was on day shift; started at 7:30 in
12:12:58PM 3 the morning.

12:12:58PM 4 Q. And did you -- on that day did you
12:13:04PM 5 respond to 357 King Street, Firehouse Subs?

12:13:06PM 6 A. Yes, sir.

12:13:06PM 7 Q. In regards to what?

12:13:08PM 8 A. In regards to an armed robbery that had
12:13:10PM 9 just occurred.

12:13:12PM 10 Q. And, Officer Freshman, in what county
12:13:14PM 11 is that Firehouse Subs located?

12:13:16PM 12 A. In the City of Charleston, Charleston
12:13:20PM 13 County, on the peninsula.

12:13:22PM 14 Q. Now, when you responded to the
12:13:24PM 15 Firehouse Subs, where did you park your vehicle?

12:13:26PM 16 A. I approached from Burns Lane. The
12:13:30PM 17 dispatch came on and said they were running down an
12:13:32PM 18 alleyway. The only alley I could think of at the
12:13:36PM 19 time was Burns Lane. So I parked -- I came down
12:13:38PM 20 Burns Lane looking to see a suspect running. I
12:13:40PM 21 parked just behind -- where Five Guys is on the
12:13:44PM 22 corner, I parked just behind there to walk to the
12:13:48PM 23 corner, just to make sure it was clear, before I
12:13:50PM 24 made my way into the restaurant.

12:13:52PM 25 Q. Did you locate any subject?

CHRISTOPHER FRESHMAN - DIRECT EXAM BY MR. ZIEGLER

12:13:54PM 1 A. I did not at the time, no, sir.

12:13:56PM 2 Q. And were you the first officer on the
12:14:00PM 3 scene?

12:14:00PM 4 A. I was.

12:14:00PM 5 Q. And when you arrived at the Firehouse
12:14:08PM 6 Subs, what did you observe? Who was there? Who
12:14:12PM 7 was outside?

12:14:12PM 8 A. Really, the only two people outside
12:14:14PM 9 were the two people standing outside of Firehouse.
12:14:16PM 10 It was Christopher, the manager, and then
12:14:20PM 11 Mr. Green, if I remember correctly.

12:14:22PM 12 Q. And how did they appear? Both of these
12:14:28PM 13 young men, how did they appear to you?

12:14:30PM 14 A. You mean --

12:14:32PM 15 Q. As far as their demeanor.

12:14:34PM 16 A. Christopher, the manager, was extremely
12:14:38PM 17 shaken up. He was kind of fidgety. They were both
12:14:42PM 18 standing right outside the door and, to keep them
12:14:48PM 19 from contaminating the scene any more, I kept them
12:14:52PM 20 outside the door until other officers arrived and
12:14:52PM 21 we got the Crime Scene there.

12:14:54PM 22 The other party, Mr. Green, was a bit
12:14:56PM 23 more calm and collected than Christopher was.

12:15:00PM 24 Q. And who did you speak to when you got
12:15:06PM 25 there?

CHRISTOPHER FRESHMAN - DIRECT EXAM BY MR. ZIEGLER

12:15:06PM 1 A. I first talked to Christopher, the
12:15:08PM 2 manager.

12:15:10PM 3 Q. Did he give an account of what
12:15:12PM 4 occurred, without -- without telling us what the
12:15:14PM 5 account was, did he give an account of what
12:15:18PM 6 occurred to you?

12:15:20PM 7 A. Yes. He told me that someone came in
12:15:22PM 8 and robbed the store.

12:15:24PM 9 Q. Did he give a description of the person
12:15:26PM 10 that came in and robbed the store to you?

12:15:28PM 11 A. He did.

12:15:30PM 12 Q. And do you remember writing in the
12:15:36PM 13 report from that day that the suspect -- the
12:15:40PM 14 subject had gone into the store and robbed the
12:15:42PM 15 store? Do you remember from your report that he
12:15:44PM 16 was described at some point as having gold teeth?

12:15:48PM 17 A. I do remember that.

12:15:50PM 18 Q. Did Christopher Riley ever tell you
12:15:54PM 19 that the suspect had gold teeth?

12:15:56PM 20 A. I believe that information came from
12:16:00PM 21 what our dispatch put out over the radio. I do not
12:16:04PM 22 recall in particular Christopher saying he had gold
12:16:08PM 23 teeth.

12:16:08PM 24 Q. Do you remember whether he said he had
12:16:16PM 25 any facial hair?

CHRISTOPHER FRESHMAN - DIRECT EXAM BY MR. ZIEGLER

12:16:20PM 1 A. I believe Christopher Nolan (sic) said
12:16:24PM 2 that he did have a goatee.

12:16:28PM 3 Q. So you spoke to Mr. Riley, you secured
12:16:32PM 4 -- did you secure the scene?

12:16:32PM 5 A. I did.

12:16:34PM 6 Q. Did you do anything else to investigate
12:16:36PM 7 this incident?

12:16:36PM 8 A. I just spoke with Mr. Nolan for a
12:16:42PM 9 minute -- or Mr. Riley, excuse me.

12:16:44PM 10 Q. Did other officers arrive?

12:16:46PM 11 A. Yes. We had a few officers arrive, a
12:16:50PM 12 few investigators, including at that time Detective
12:16:54PM 13 Kennedy arrived and spoke to the two parties.

12:17:00PM 14 MR. ZIEGLER: Thank you, Officer
12:17:02PM 15 Freshman. Please answer any questions the defense
12:17:02PM 16 will have.

12:17:04PM 17 THE WITNESS: Yes, sir.

12:17:04PM 18 THE COURT: Mr. King.

12:17:04PM 19 MR. KING: Thank you, Your Honor.

12:17:04PM 20 CROSS-EXAMINATION

12:17:04PM 21 BY MR. KING:

12:17:18PM 22 Q. You testified that you were the first
12:17:20PM 23 responding officer?

12:17:20PM 24 A. That's correct.

12:17:22PM 25 Q. First one on the scene?

CHRISTOPHER FRESHMAN - CROSS EXAM BY MR. KING

12:17:24PM 1 A. Yes.

12:17:24PM 2 Q. And there are certain duties that you
12:17:26PM 3 would have as the first officer on the scene?

12:17:28PM 4 A. Yes, sir.

12:17:30PM 5 Q. One of those would be to talk to the
12:17:32PM 6 witnesses, right?

12:17:34PM 7 A. That's one of them.

12:17:36PM 8 Q. To find out what happened?

12:17:38PM 9 A. Correct.

12:17:38PM 10 Q. And get all the important information
12:17:40PM 11 that you could get I guess before the other
12:17:44PM 12 detectives and officers arrived?

12:17:44PM 13 A. Correct.

12:17:46PM 14 Q. And you testified that you got a
12:17:48PM 15 description of the suspect?

12:17:50PM 16 A. Yes.

12:17:50PM 17 Q. Okay. And that's important because
12:17:54PM 18 you're looking for the suspect, right?

12:17:56PM 19 A. Correct.

12:17:56PM 20 Q. So you want to know what he looks like
12:18:00PM 21 so you can find him?

12:18:00PM 22 A. Yes.

12:18:02PM 23 Q. And you document that in a report?

12:18:04PM 24 A. Yes.

12:18:04PM 25 Q. That's a big part of what your job is,

CHRISTOPHER FRESHMAN - CROSS EXAM BY MR. KING

12:18:08PM 1 is writing reports?

12:18:08PM 2 A. Right.

12:18:08PM 3 Q. And when you write a report, you know
12:18:18PM 4 it's important to be accurate in the report, right?

12:18:22PM 5 A. Correct.

12:18:22PM 6 Q. Because people are going to rely on
12:18:26PM 7 that, right?

12:18:28PM 8 A. Absolutely.

12:18:28PM 9 Q. Other officers are going to rely on
12:18:30PM 10 what you put in there when they investigate the
12:18:34PM 11 case further?

12:18:34PM 12 A. Yes.

12:18:34PM 13 Q. It eventually goes to the prosecutor
12:18:36PM 14 and eventually to me, too?

12:18:42PM 15 A. Correct.

12:18:42PM 16 Q. And you want it to be accurate so you
12:18:46PM 17 catch the right guy, right?

12:18:48PM 18 A. Correct.

12:18:48PM 19 Q. That's why you try to be as accurate
12:18:50PM 20 and as fair as you can in your reports?

12:18:52PM 21 A. Absolutely.

12:18:52PM 22 Q. Now, you wrote a report in this case?

12:18:58PM 23 A. I did.

12:19:00PM 24 Q. Okay. And you testified before, just a
12:19:02PM 25 minute ago, that you don't remember -- you don't

CHRISTOPHER FRESHMAN - CROSS EXAM BY MR. KING

12:19:06PM 1 remember Christopher Riley, the manager, telling
12:19:08PM 2 you that the robber had gold teeth?

12:19:12PM 3 A. That's correct.

12:19:14PM 4 Q. But you put that in the report?

12:19:16PM 5 A. I did.

12:19:16PM 6 Q. You said you think that came from on
12:19:18PM 7 the radio or something?

12:19:20PM 8 A. Yeah. We get information from three
12:19:22PM 9 different places, from the witness on-scene, from
12:19:26PM 10 our computer system that our dispatchers put notes
12:19:28PM 11 into so we can read it as we go, or if we're
12:19:32PM 12 moving, what the dispatcher tells us over the
12:19:34PM 13 radio.

12:19:34PM 14 Q. Have you reviewed the report?

12:19:36PM 15 A. I did.

12:19:36PM 16 Q. Because what you say in your report is
12:19:40PM 17 different. You said, responding officer, that's
12:19:46PM 18 you, R slash O?

12:19:48PM 19 A. Correct.

12:19:48PM 20 Q. Responding officer then asked victim 2,
12:19:52PM 21 Christopher Riley, for a better description -- for
12:19:54PM 22 a better suspect description, right?

12:19:56PM 23 A. Yes.

12:19:56PM 24 Q. He described the subject as being a
12:20:00PM 25 black male, 6 to 6, 3 in height, thin build,

CHRISTOPHER FRESHMAN - CROSS EXAM BY MR. KING

12:20:04PM 1 between the ages of 23 and 25, black and white
12:20:08PM 2 striped hoodie, black hat, sunglasses, dark shirt,
12:20:12PM 3 white pants. You added all these details because
12:20:14PM 4 the details were important, right?

12:20:16PM 5 A. Yes.

12:20:16PM 6 Q. He also stated that the subject had
12:20:24PM 7 gold teeth and a thin amount of facial hair,
12:20:28PM 8 including a goatee and moustache?

12:20:30PM 9 A. Yes.

12:20:30PM 10 Q. You wrote in the report that you asked
12:20:34PM 11 Christopher Riley for a better description, right?
12:20:36PM 12 And he told you the suspect had gold teeth and a
12:20:42PM 13 goatee? You put that in the --

12:20:44PM 14 A. That's what is in the report, but
12:20:46PM 15 that's not entirely accurate as to what happened.
12:20:50PM 16 To clarify, the gold teeth is what was told to our
12:20:54PM 17 dispatcher. And he may have said goatee, but what
12:20:58PM 18 our dispatcher told us was gold teeth, or that's
12:21:00PM 19 what it sounded like on the radio. So that was
12:21:04PM 20 what also went into that, as well as the video that
12:21:06PM 21 I saw.

12:21:06PM 22 Q. And did you discuss this with the
12:21:08PM 23 Solicitor before you testified today?

12:21:10PM 24 A. Yes, sir.

12:21:10PM 25 Q. Because it seems weird that you would

CHRISTOPHER FRESHMAN - CROSS EXAM BY MR. KING

12:21:14PM 1 put in your report, that back in 2011, three years
12:21:20PM 2 -- over three years ago, you would put that he told
12:21:22PM 3 you that he had gold teeth. And now you come in
12:21:26PM 4 and testify, well, that's not really true, that's
12:21:28PM 5 not accurate, right? It seems strange, doesn't it?

12:21:32PM 6 A. Well, that's the information I got on
12:21:34PM 7 the radio, is that he had gold teeth. So with all
12:21:38PM 8 of the information I collected that morning, I
12:21:38PM 9 spoke with Christopher Nolan (sic) a few minutes
12:21:42PM 10 after it happened.

12:21:44PM 11 I didn't write the report until later
12:21:44PM 12 that morning, just due to other duties, like
12:21:48PM 13 securing the crime scene and waiting for them to
12:21:50PM 14 finish all that information; I went back and
12:21:52PM 15 reviewed the notes from the computer and reviewed
12:21:54PM 16 the video to get more of a description and recalled
12:21:58PM 17 what he told me and put that into the report.

12:22:00PM 18 Q. So when I was asking you before how
12:22:04PM 19 important is it for the details to be accurate --

12:22:08PM 20 A. Uh-huh.

12:22:08PM 21 Q. -- that's so that other people can rely
12:22:10PM 22 on your report and the description you put in
12:22:12PM 23 there, right? So they can catch the right person?

12:22:16PM 24 A. Correct.

12:22:16PM 25 Q. And you are saying it's not accurate?

CHRISTOPHER FRESHMAN - CROSS EXAM BY MR. KING

12:22:20PM 1 A. I'm saying the report is accurate,
12:22:24PM 2 minus where that piece of information probably came
12:22:28PM 3 from.

12:22:28PM 4 Q. And nowhere in your report does it say
12:22:34PM 5 anything about gold teeth on the radio?

12:22:36PM 6 A. No, probably not.

12:22:42PM 7 MR. KING: That's all the questions I
12:22:42PM 8 have.

12:22:42PM 9 THE COURT: Thank you. Any redirect
12:22:44PM 10 from the State?

12:22:44PM 11 REDIRECT EXAMINATION

12:22:44PM 12 BY MR. ZIEGLER:

12:22:56PM 13 Q. Officer Freshman, you said that you
12:23:00PM 14 were a first responder and patrol officer?

12:23:02PM 15 A. Correct.

12:23:04PM 16 Q. Is it your -- is it a first responder's
12:23:06PM 17 role to speak with every single witness at the
12:23:10PM 18 scene?

12:23:10PM 19 A. No.

12:23:10PM 20 Q. All right. Who -- are there other
12:23:14PM 21 members of the police department who -- whose
12:23:18PM 22 responsibility it is to get further details and
12:23:20PM 23 speak with everyone they can think of?

12:23:24PM 24 A. Yeah, that would be the investigators
12:23:26PM 25 that respond to the scene.

CHRISTOPHER FRESHMAN - REDIRECT EXAM BY MR. ZIEGLER

12:23:28PM 1 Q. And when you are writing your incident
12:23:38PM 2 reports, what are -- what are the sources of
12:23:42PM 3 information that -- typical sources of information
12:23:44PM 4 that you get to put into the report?

12:23:46PM 5 A. Well, that day I used Mr. Riley's
12:23:50PM 6 information that he gave me. I also used the video
12:23:54PM 7 footage that I saw that morning from the security
12:23:58PM 8 cameras. I also used my computer that sits in my
12:24:00PM 9 vehicle; whatever notes the dispatcher puts in
12:24:04PM 10 there, I used those. And, also, what I recall
12:24:06PM 11 hearing from the original initial call-out for
12:24:10PM 12 service.

12:24:10PM 13 MR. ZIEGLER: Thank you. No further
12:24:12PM 14 questions.

12:24:12PM 15 THE COURT: Any recross based on his
12:24:14PM 16 redirect?

12:24:14PM 17 MR. KING: Just briefly, Your Honor.

12:24:14PM 18 RECROSS-EXAMINATION

12:24:14PM 19 BY MR. KING:

12:24:18PM 20 Q. You write down what witnesses tell you,
12:24:20PM 21 right?

12:24:20PM 22 A. Yes.

12:24:20PM 23 Q. So you would add notes?

12:24:22PM 24 A. Some.

12:24:24PM 25 Q. So when you're interviewing Christopher

CHRISTOPHER FRESHMAN - REDIRECT EXAM BY MR. ZIEGLER

12:24:28PM 1 Riley, you would have asked him, describe the
12:24:30PM 2 suspect, right?

12:24:30PM 3 A. Yes.

12:24:30PM 4 Q. And you have a pencil and some paper
12:24:34PM 5 and you're writing that down, right?

12:24:34PM 6 A. Correct.

12:24:34PM 7 Q. And then you review those notes when
12:24:38PM 8 you write your report?

12:24:40PM 9 A. Yes.

12:24:40PM 10 Q. You don't just jumble everything
12:24:42PM 11 together and mix everything up, do you?

12:24:44PM 12 A. I'm not exactly understanding your
12:24:48PM 13 question.

12:24:48PM 14 Q. Well, I guess, still getting back to
12:24:48PM 15 why you put in your report that that's what he said
12:24:52PM 16 and, today, you're coming in three years later and
12:24:54PM 17 saying, that's not what he said, after you met and
12:24:58PM 18 talked with the Solicitor's Office, that's coming
12:25:00PM 19 into issue in this case. I mean, if you have notes
12:25:04PM 20 that say, oh, here's my interview with Christopher
12:25:06PM 21 Campbell, (sic) and here's what he told me, if you
12:25:10PM 22 have notes about what went out on the radio, right,
12:25:12PM 23 you wouldn't just -- you wouldn't put that into the
12:25:16PM 24 list of what Christopher Riley described. You
12:25:18PM 25 should --

CHRISTOPHER FRESHMAN - RECROSS EXAM BY MR. KING

12:25:18PM 1 MR. ZIEGLER: Objection, Your Honor;
12:25:20PM 2 asked and answered.

12:25:20PM 3 THE COURT: I'll give him a little
12:25:20PM 4 leeway.

12:25:20PM 5 BY MR. KING:

12:25:24PM 6 Q. You should have had a piece of paper
12:25:26PM 7 that described -- had that description and those
12:25:28PM 8 notes written down, and you would have referred to
12:25:30PM 9 those notes and put it in your report. How in the
12:25:34PM 10 world do you get that mixed up? It's an important
12:25:38PM 11 fact.

12:25:38PM 12 A. Typically, it doesn't go as smooth as
12:25:38PM 13 possible or as you would like it when you're
12:25:42PM 14 on-scene sometimes. When you're dealing with
12:25:44PM 15 several different things happening at the same
12:25:46PM 16 time, it becomes difficult to keep track of
12:25:50PM 17 everything. Again, I didn't go into as much detail
12:25:54PM 18 as an investigator would when interviewing a
12:25:58PM 19 potential witness, just because of the lack of time
12:26:00PM 20 and I want that witness to talk to the
12:26:02PM 21 investigator.

12:26:04PM 22 Q. You put stuff in the report to help
12:26:06PM 23 refresh your memory, too, right?

12:26:08PM 24 A. Yes.

12:26:08PM 25 Q. How do you just all of a sudden

CHRISTOPHER FRESHMAN - RECROSS EXAM BY MR. KING

12:26:10PM 1 remember three and-a-half-years ago that he didn't
12:26:12PM 2 tell you he had gold teeth?

12:26:14PM 3 A. Because I remember what was said on the
12:26:16PM 4 radio. Some things stick out to me very, very
12:26:20PM 5 specifically, this case in particular. You don't
12:26:24PM 6 get to do a whole lot of stuff in Team 2 that is
12:26:28PM 7 exciting, as some people would say; however, when
12:26:32PM 8 something does happen, it tends to stick out in
12:26:34PM 9 your mind.

12:26:34PM 10 Q. Being the first responding officer
12:26:36PM 11 there, your description goes out on the radio,
12:26:40PM 12 right?

12:26:40PM 13 A. My description did not. The suspect
12:26:42PM 14 was already gone and the information had already
12:26:46PM 15 gone out over the radio once. There is no need to
12:26:50PM 16 tie up air traffic with me putting that information
12:26:52PM 17 out again when we have to call for Crime Scene
12:26:56PM 18 investigations and other units.

12:26:58PM 19 Q. So what I'm thinking is, it could have
12:27:02PM 20 just been out on the radio because that's the
12:27:04PM 21 description you wrote down? It got on the radio
12:27:06PM 22 because that's what Christopher Riley told you,
12:27:10PM 23 right? That's not the way it works?

12:27:10PM 24 A. No. The description went out from what
12:27:16PM 25 Mr. Riley told our dispatcher. And, then, that

CHRISTOPHER FRESHMAN - RECROSS EXAM BY MR. KING

12:27:18PM 1 information went out -- that's the person I was
12:27:20PM 2 looking for when I arrived on-scene and I got a
12:27:22PM 3 little more information from Mr. Riley.

12:27:26PM 4 Q. So you believe Mr. Riley told the
12:27:28PM 5 dispatcher that he had gold teeth?

12:27:30PM 6 A. Yes, that's exactly what I believe.

12:27:30PM 7 MR. KING: No further questions, Your
12:27:32PM 8 Honor.

12:27:32PM 9 THE COURT: Thank you. Any objection
12:27:32PM 10 to this witness being excused?

12:27:34PM 11 MR. ZIEGLER: No, Your Honor.

12:27:36PM 12 MR. KING: No, Your Honor.

12:27:36PM 13 THE COURT: Okay. Go get some sleep.

12:27:40PM 14 THE WITNESS: Thank you, Your Honor.

12:27:40PM 15 THE COURT: All right. Ladies and
12:27:42PM 16 gentlemen, now is a good time to break for lunch.
12:27:44PM 17 So we're going to -- by the time you get out of
12:27:48PM 18 here and get back in here will be about an hour and
12:27:52PM 19 a half. So be back here just a little bit before
12:27:54PM 20 2:00.

12:27:54PM 21 And don't go talking to anybody about
12:27:56PM 22 this; don't talk amongst yourselves. And if
12:28:00PM 23 somebody says, what are you doing, you don't need
12:28:02PM 24 to go tell them you have jury duty, because the
12:28:04PM 25 first thing they're going to say is, you know, I

12:28:06PM 1 had jury duty one time and this is what happened.

12:28:08PM 2 Well, you don't need to hear that. Everything

12:28:12PM 3 you're going to need for this case is going to come

12:28:14PM 4 from in here. I'm trying to keep your mind pure.

12:28:18PM 5 Ladies and gentlemen, have a nice lunch

12:28:18PM 6 and we'll see you back here just a little before

12:28:22PM 7 2:00. Thank you.

12:28:24PM 8 (Jury out, 12:27 p.m.)

12:28:50PM 9 THE COURT: Anything before we break?

12:28:52PM 10 MR. ZIEGLER: No, Your Honor.

12:28:52PM 11 THE COURT: Court's in recess until

12:28:56PM 12 2:00 p.m.

12:28:56PM 13 MR. KING: Oh, Your Honor. Mr.

12:28:58PM 14 Campbell is out on bond. I think this is the

12:29:02PM 15 time --

12:29:02PM 16 THE COURT: What's your position on

12:29:06PM 17 his being out on bond?

12:29:06PM 18 MR. ZIEGLER: No position on that.

12:29:08PM 19 THE COURT: You don't have any

12:29:10PM 20 objection?

12:29:10PM 21 MR. KING: He's appeared, Judge, for
12:29:12PM 22 numerous status conferences; he's always shown up.

12:29:14PM 23 THE COURT: Please remind your client

12:29:16PM 24 that if he does not appear, we will continue at

12:29:22PM 25 2:00 without him.

12:29:22PM 1 MR. KING: Yes, Your Honor.
12:29:22PM 2 (A luncheon recess transpired.)
12:29:22PM 3 (PLF. EXH. 13, Photograph, was marked
4 for identification.)
5 (PLF. EXH. 14, Photograph, was marked
6 for identification.)
7 (PLF. EXH. 15, Photograph, was marked
8 for identification.)
9 (PLF. EXH. 16, Photograph, was marked
10 for identification.)
11 (PLF. EXH. 17, Photograph, was marked
12 for identification.)
12:29:22PM 13 THE COURT: Anything we need to take up
02:04:34PM 14 before we bring the jury in?
02:04:34PM 15 MR. ZIEGLER: Nothing.
02:04:36PM 16 THE COURT: From the defense?
02:04:36PM 17 MR. KING: Nothing.
02:04:38PM 18 THE COURT: Bring the jury in.
02:06:24PM 19 (Jury in, 2:05 p.m.)
02:06:28PM 20 THE BAILIFF: All jurors present, Your
02:06:48PM 21 Honor.
02:06:50PM 22 THE COURT: Thank you. Please be
02:06:50PM 23 seated. Ladies and gentlemen, I hope you had a
02:06:52PM 24 nice lunch. Did you-all happen to see the war
02:06:56PM 25 planes flying over? They had the World War II

02:07:00PM 1 bombers. I saw a B24 Liberator out there, a B51.

02:07:06PM 2 A JUROR: Is that a propeller plane?

02:07:08PM 3 THE COURT: Yes, ma'am.

02:07:08PM 4 A JUROR: Wow.

02:07:10PM 5 THE COURT: I meant to tell you before

02:07:16PM 6 you went to lunch -- I'll tell you a funny story

02:07:16PM 7 about eating big lunches during trials. I had a

02:07:20PM 8 trial one time in Sumter. It was on a gloomy

02:07:24PM 9 winter afternoon, it was dark out and we had video

02:07:28PM 10 depositions going on. And I kind of scanned the

02:07:30PM 11 jury, and I saw -- it was warm in the courtroom.

02:07:34PM 12 And I saw one of the juror's head kind

02:07:36PM 13 of bobbing. And then it quit bobbing. I said,

02:07:40PM 14 stop the video and everybody stand up. Everybody

02:07:44PM 15 stood up except one juror; he was sound asleep,

02:07:48PM 16 snoring. You-all don't want to be that juror. If

02:07:50PM 17 you need to take a break or need some water, I'll

02:07:56PM 18 be glad to give you a break. It's very important

02:08:00PM 19 that you're staying awake.

02:08:02PM 20 State ready for your next witness?

02:08:02PM 21 MR. ZIEGLER: State is ready, Your

02:08:04PM 22 Honor.

02:08:04PM 23 THE COURT: You may call your next

02:08:06PM 24 witness.

02:08:06PM 25 MR. ZIEGLER: The State calls

02:08:08PM 1 Christopher Riley.

02:08:12PM 2 THE COURT: Mr. Riley.

02:08:32PM 3 CHRISTOPHER RILEY,

02:08:32PM 4 being first duly sworn, testified as follows:

02:08:36PM 5 THE CLERK: You may be seated. Sir,
02:08:40PM 6 once seated, if you could please state your first
02:08:42PM 7 and last name and spell your last loudly and
02:08:46PM 8 clearly into the microphone.

02:08:50PM 9 THE WITNESS: Christopher Riley,
02:08:52PM 10 R-I-L-E-Y.

02:08:54PM 11 THE COURT: You may proceed.

02:09:00PM 12 MR. ZIEGLER: Thank you, Your Honor.

02:09:00PM 13 DIRECT EXAMINATION

02:09:00PM 14 BY MR. ZIEGLER:

02:09:02PM 15 Q. Afternoon, Mr. Riley.

02:09:06PM 16 Do you go by Chris?

02:09:06PM 17 A. Yes, sir.

02:09:06PM 18 Q. Chris, how old are you?

02:09:08PM 19 A. 25.

02:09:10PM 20 Q. What part of town do you live in?

02:09:14PM 21 A. North Charleston.

02:09:16PM 22 Q. How long have you lived in Charleston?

02:09:18PM 23 A. My whole life.

02:09:20PM 24 Q. Say that again, please.

02:09:22PM 25 A. My whole life.

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:09:24PM 1 Q. How far did you go in school?

02:09:26PM 2 A. 11th grade.

02:09:26PM 3 Q. And do you have a family, any children?

02:09:30PM 4 A. I actually have a little girl, seven

02:09:34PM 5 years old.

02:09:34PM 6 Q. Do you have any criminal convictions

02:09:36PM 7 against you in the past?

02:09:38PM 8 A. Yes, I do.

02:09:38PM 9 Q. And what are those for?

02:09:42PM 10 A. I have one that's dated back in 2012

02:09:46PM 11 for simple possession.

02:09:50PM 12 Q. Simple possession of?

02:09:50PM 13 A. Marijuana. And I have recent forgery

02:09:58PM 14 charges.

02:10:00PM 15 Q. Okay. Were there -- was it two forgery

02:10:04PM 16 charges and two fraudulent check charges?

02:10:06PM 17 A. Correct.

02:10:06PM 18 Q. Okay. Did those occur after May 4,

02:10:14PM 19 2011?

02:10:14PM 20 A. Yes, sir.

02:10:14PM 21 Q. And what was your -- what was your

02:10:16PM 22 sentence for those charges?

02:10:18PM 23 A. I actually got probation.

02:10:20PM 24 Q. Okay. Chris, what is your -- what is

02:10:24PM 25 your employment history? How long did you work at

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:10:26PM 1 Firehouse Subs?

02:10:28PM 2 A. I was there five years, until -- up to
02:10:34PM 3 June 2012.

02:10:34PM 4 Q. And why did you leave the job?

02:10:38PM 5 A. I couldn't sleep, I couldn't really
02:10:46PM 6 eat, just messing with me hard.

02:10:48PM 7 Q. And was that because of what happened
02:10:56PM 8 -- something that happened at work, when you were
02:10:56PM 9 at work?

02:10:58PM 10 A. Pretty much, yes.

02:11:00PM 11 Q. Okay. Have you had some jobs since you
02:11:04PM 12 left Firehouse Subs?

02:11:04PM 13 A. A couple.

02:11:06PM 14 Q. Are you currently employed?

02:11:08PM 15 A. No, I'm not.

02:11:10PM 16 Q. Have you been looking and applying for
02:11:12PM 17 jobs?

02:11:12PM 18 A. Yes, sir.

02:11:12PM 19 Q. Do you want to be working?

02:11:16PM 20 A. Yes, sir.

02:11:16PM 21 Q. I want to direct you to May 4th, 2011.

02:11:22PM 22 A. Uh-huh.

02:11:22PM 23 Q. In the morning.

02:11:24PM 24 A. Uh-huh.

02:11:24PM 25 Q. Sometime after 8:00 a.m. Where were

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:11:28PM 1 you that morning?

02:11:30PM 2 A. I was in the store preparing.

02:11:34PM 3 Q. What store?

02:11:34PM 4 A. 357 King Street, Firehouse Subs,
02:11:40PM 5 preparing for the day.

02:11:40PM 6 Q. Okay. And do you remember a robbery --
02:11:44PM 7 an armed robbery that occurred that morning?

02:11:46PM 8 A. Yes, I do.

02:11:48PM 9 Q. Okay. I want to get the layout of the
02:11:52PM 10 area from you of the Firehouse Subs. So where
02:11:56PM 11 exactly is Firehouse Subs downtown?

02:12:00PM 12 A. It's located on King Street in between
02:12:02PM 13 George and Calhoun.

02:12:04PM 14 Q. Okay. And, approximately, what time
02:12:10PM 15 did this armed robbery occur, kind of your best
02:12:16PM 16 estimate of the time period?

02:12:16PM 17 A. Between the times of 8:10 and 8:20.

02:12:22PM 18 Q. Okay. What is King Street -- that part
02:12:28PM 19 of King Street, what is it like that time of
02:12:30PM 20 morning?

02:12:30PM 21 A. It's just very slow, there's nobody
02:12:34PM 22 really out there. I mean, except for the people
02:12:38PM 23 that's going to work early, going to school.

02:12:40PM 24 Q. Okay. Was the -- was the -- was the
02:12:44PM 25 Firehouse Subs store open for business at the time?

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:12:48PM 1 A. No, it wasn't.

02:12:48PM 2 Q. Now, were you the only person in the

02:12:54PM 3 store at first?

02:12:54PM 4 A. At first I was.

02:12:56PM 5 Q. You were the first person there?

02:12:56PM 6 A. I was the first person there every

02:12:58PM 7 morning.

02:12:58PM 8 Q. Did you unlock the store?

02:13:00PM 9 A. Yes, I did.

02:13:02PM 10 Q. As far as how the store is set up, is

02:13:08PM 11 it wide? Is it a narrow building?

02:13:10PM 12 A. It's actually narrow, straight back.

02:13:12PM 13 Q. Okay. I'm going to show you some

02:13:26PM 14 photos. I would like you to tell me if you

02:13:30PM 15 recognize these. These are premarked for

02:13:34PM 16 identification purposes as 12 through 17. If you

02:13:36PM 17 could please take a look at these.

02:13:42PM 18 A. Number 12 shows --

02:13:42PM 19 Q. If you'll just flip them all, please,

02:13:46PM 20 first and then I will show them to you up on the

02:13:50PM 21 screen.

02:13:50PM 22 A. Okay. I'm sorry.

02:14:08PM 23 Q. Do you recognize these?

02:14:10PM 24 A. Yes, I do.

02:14:10PM 25 Q. And what -- generally, what do they

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:14:12PM 1 show?

02:14:12PM 2 A. From the front door to the back of the
02:14:16PM 3 store.

02:14:16PM 4 Q. Okay. And is this a fair and accurate
02:14:22PM 5 portrayal of what the store looked like in 2011?

02:14:26PM 6 A. Yes, sir, it is.

02:14:26PM 7 MR. ZIEGLER: Your Honor, the State
02:14:26PM 8 moves to admit --

02:14:28PM 9 THE COURT: Any objection?

02:14:30PM 10 MR. KING: None.

02:14:30PM 11 THE COURT: Without objection, State's
02:14:32PM 12 Exhibits Numbers 12 through 17 are admitted into
02:14:34PM 13 evidence.

02:14:42PM 14 (PLF. EXH. 12 - 17 in evidence.)

02:14:42PM 15 MR. ZIEGLER: I'll publish them to the
02:14:44PM 16 jury at this time.

02:14:46PM 17 THE COURT: All right.

02:14:46PM 18 BY MR. ZIEGLER:

02:14:46PM 19 Q. Now displaying State's Exhibit 12.

02:14:50PM 20 A. That's actually the front of the store
02:14:52PM 21 outside.

02:14:56PM 22 Q. Is that on King Street -- from King
02:14:58PM 23 Street?

02:14:58PM 24 A. Yes, sir.

02:14:58PM 25 Q. State's Exhibit 13 is being displayed.

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:15:12PM 1 A. That's the front of the lobby.

02:15:14PM 2 Q. Okay. And now displaying State's 14.

02:15:28PM 3 A. The front counter.

02:15:30PM 4 Q. Is that the service counter?

02:15:34PM 5 A. Yes, sir.

02:15:34PM 6 Q. This is State's Exhibit 15.

02:15:46PM 7 A. That's the back office.

02:15:50PM 8 Q. Okay. State's 16?

02:16:00PM 9 A. The safe underneath the desk. That's

02:16:18PM 10 the back of the house.

02:16:20PM 11 Q. Where -- where is that angle pointing

02:16:24PM 12 towards?

02:16:24PM 13 A. The front door.

02:16:40PM 14 Q. Now, Chris, besides yourself, was

02:16:46PM 15 anyone else working at Firehouse Subs during this

02:16:50PM 16 armed robbery incident that occurred?

02:16:52PM 17 A. Yes.

02:16:52PM 18 Q. And who was that?

02:16:56PM 19 A. Leslie Green.

02:16:58PM 20 Q. And what was his job?

02:17:00PM 21 A. Meat slicer.

02:17:02PM 22 Q. What was -- what was your position at

02:17:08PM 23 the Firehouse in May 2011?

02:17:08PM 24 A. I was a shift leader.

02:17:12PM 25 Q. And what were your duties as shift

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:17:18PM 1 leader?

02:17:18PM 2 A. Basically manage the store, run it,
02:17:22PM 3 open it. Anything that needs to be done, I'd do
02:17:26PM 4 it.

02:17:26PM 5 Q. Do you -- are you a supervisor in any
02:17:30PM 6 capacity?

02:17:30PM 7 A. Say again.

02:17:30PM 8 Q. Do you supervise any of the other
02:17:34PM 9 employees?

02:17:34PM 10 A. Yes, I do.

02:17:34PM 11 Q. About what time did you get to work
02:17:38PM 12 that morning?

02:17:38PM 13 A. I got to work a little before 8:00.

02:17:42PM 14 Q. Okay. What time was Leslie Green, the
02:17:48PM 15 meat slicer, scheduled to work?

02:17:50PM 16 A. 8:00 a.m.

02:17:50PM 17 Q. Did he arrive on time?

02:17:52PM 18 A. No.

02:17:52PM 19 Q. Did you -- did you try to reach him
02:17:58PM 20 when he was not there on time?

02:18:00PM 21 A. Yes, sir.

02:18:00PM 22 Q. And what time -- what time did he
02:18:06PM 23 arrive, approximately?

02:18:08PM 24 A. Approximately, like -- it was like 10,
02:18:12PM 25 15 minutes late.

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:18:14PM 1 Q. Okay. And how did he get into the
02:18:16PM 2 store?

02:18:16PM 3 A. Walked through the front door.

02:18:18PM 4 Q. Was it -- had you left it unlocked?

02:18:20PM 5 A. Yes, I did.

02:18:22PM 6 Q. And why was that? Was it because --
02:18:26PM 7 did you know he was coming?

02:18:28PM 8 A. Yeah. Actually, he called me and told
02:18:30PM 9 me he was around the corner. And when he told me
02:18:34PM 10 he was around the corner, I unlocked the door so he
02:18:38PM 11 could get in.

02:18:38PM 12 Q. When Leslie Green came in through front
02:18:42PM 13 doors, where were you in the store?

02:18:42PM 14 A. I was actually behind the service
02:18:46PM 15 counter.

02:18:46PM 16 Q. Okay. Now, after Leslie Green arrived
02:18:52PM 17 at work, what did he do first of all?

02:18:56PM 18 A. He came towards -- he walked towards
02:19:00PM 19 the back of the store to clock in.

02:19:04PM 20 Q. Okay. Was he wearing a Firehouse Subs
02:19:06PM 21 uniform?

02:19:08PM 22 A. Yes, he was.

02:19:08PM 23 Q. Now, after Leslie Green came into the
02:19:12PM 24 store and after he began to clock in, could you
02:19:14PM 25 please tell the jury what happened then?

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:19:16PM 1 A. I actually stopped him and told him I
02:19:20PM 2 would clock him in, to let him know everything that
02:19:22PM 3 needed to be done, and --

02:19:24PM 4 Q. Speak up a little bit to make sure that
02:19:26PM 5 the jury can hear you.

02:19:26PM 6 A. All right. I'm sorry. Actually, I
02:19:28PM 7 stopped him to let him know everything that had to
02:19:32PM 8 be done and I told him that I would clock him in.

02:19:34PM 9 Q. Okay. And then what happened?

02:19:36PM 10 A. All right. And then I would say about
02:19:42PM 11 a few seconds later, a gentleman walked in and I
02:19:46PM 12 told him repeatedly that we were closed. Ten
02:19:52PM 13 seconds later, I had a gun in my face.

02:19:56PM 14 Q. What did he do when you said, we're
02:20:00PM 15 closed?

02:20:02PM 16 A. He just kept on walking.

02:20:02PM 17 Q. And how was it that you ended up with a
02:20:10PM 18 gun in your face? Who had the gun? Excuse me, who
02:20:20PM 19 -- did the man -- you said a man walked in and you
02:20:22PM 20 told him the store was closed?

02:20:24PM 21 A. Yes, sir.

02:20:24PM 22 Q. Did he have a gun?

02:20:28PM 23 A. Yes, sir.

02:20:28PM 24 Q. Did he point it at you?

02:20:30PM 25 A. Yes, sir.

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:20:30PM 1 Q. And did he say anything when he pointed
02:20:36PM 2 the gun when he first entered?

02:20:38PM 3 A. All I heard was, let me get it.

02:20:40PM 4 Q. And what did you do when he said that?

02:20:46PM 5 A. Proceeded to the back to go to the safe
02:20:48PM 6 underneath the desk and give him the money.

02:20:50PM 7 Q. Did he follow you all the way to the
02:21:00PM 8 back office?

02:21:02PM 9 A. Correct.

02:21:02PM 10 Q. And did you -- how did you access the
02:21:08PM 11 safe? Did you have to -- were you standing or were
02:21:10PM 12 you sitting?

02:21:10PM 13 A. I had to sit down.

02:21:10PM 14 Q. And then where was -- while you were
02:21:14PM 15 accessing the safe, where was the man with the gun
02:21:18PM 16 standing?

02:21:18PM 17 A. He was standing directly in front of
02:21:20PM 18 me, inches away.

02:21:22PM 19 Q. Where was Leslie Green while he was
02:21:24PM 20 standing over you?

02:21:26PM 21 A. Behind him.

02:21:28PM 22 Q. And at any point did -- the man with
02:21:34PM 23 the gun, did he say anything to Leslie Green or
02:21:38PM 24 respond to him in any way?

02:21:40PM 25 A. He said -- like I can't really give you

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:21:46PM 1 the correct pattern of the time I was -- he was
02:21:50PM 2 like -- he turned around and told him, come on over
02:22:00PM 3 here.

02:22:00PM 4 Q. Did you see -- did you see his face
02:22:02PM 5 when he was saying that? Was he doing -- what was
02:22:06PM 6 his expression?

02:22:08PM 7 A. He had a smile on his face.

02:22:10PM 8 Q. Who did?

02:22:14PM 9 A. The Defendant.

02:22:16PM 10 Q. The man with the gun?

02:22:18PM 11 A. Yes.

02:22:18PM 12 Q. And, approximately, how much cash did
02:22:24PM 13 you place into -- did you give that man?

02:22:28PM 14 A. At the time, it was 1400.

02:22:30PM 15 Q. It was 1400, you said?

02:22:34PM 16 A. Yes.

02:22:34PM 17 Q. Was that approximate?

02:22:36PM 18 A. Yes.

02:22:36PM 19 Q. Okay. But it was over a thousand
02:22:40PM 20 dollars?

02:22:40PM 21 A. Yes.

02:22:40PM 22 Q. Where did you -- I don't know if you
02:22:48PM 23 said this yet, but where did you put the money?

02:22:50PM 24 A. Inside a green and black bookbag.

02:22:54PM 25 Q. Did he have that -- did the gunman have

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:23:00PM 1 that with him?

02:23:00PM 2 A. Yes, sir.

02:23:00PM 3 Q. Chris, can you please provide the jury
02:23:12PM 4 your best description that you remember of the man
02:23:16PM 5 with the gun, some of the things that he was
02:23:18PM 6 wearing or carrying, had on his head, things like
02:23:24PM 7 that?

02:23:24PM 8 A. All right. He actually had on black
02:23:26PM 9 sunglasses, black and white zipped down hoodie,
02:23:32PM 10 gray sweatpants and black and red Jordans.

02:23:36PM 11 Q. Was he carrying anything?

02:23:38PM 12 A. Just the green and black bookbag.

02:23:42PM 13 Q. How was -- you said he was wearing a
02:23:46PM 14 hoodie. Was the hood up or down?

02:23:48PM 15 A. It was actually up on top of his head.

02:23:52PM 16 Q. Did he have any facial hair?

02:23:56PM 17 A. He had a goatee and a moustache.

02:24:00PM 18 Q. Did you ever tell any officers that he
02:24:14PM 19 had gold teeth?

02:24:14PM 20 A. No, I did not.

02:24:14PM 21 Q. But did you say anything to them that
02:24:22PM 22 sounded -- could have sounded like that?

02:24:22PM 23 A. I was talking fast at the time.

02:24:24PM 24 Q. What was it that you said that may have
02:24:30PM 25 sounded like gold teeth?

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:24:32PM 1 A. When I said goatee.

02:24:36PM 2 Q. And are you referring to facial hair
02:24:38PM 3 when you say goatee?

02:24:40PM 4 A. Yes, sir.

02:24:42PM 5 Q. Now, at one point when you called 911
02:24:48PM 6 and you were speaking with the dispatcher, at one
02:24:52PM 7 point you did say that the man with the gun, the
02:24:56PM 8 robber, was wearing khaki jeans?

02:25:00PM 9 MR. KING: Objection; leading.

02:25:02PM 10 THE COURT: Rephrase your question.

02:25:02PM 11 BY MR. ZIEGLER:

02:25:10PM 12 Q. What kind of pants was the -- was the
02:25:14PM 13 man with the gun, the robber, wearing?

02:25:16PM 14 A. Gray sweatpants.

02:25:18PM 15 Q. Did you ever give any description of
02:25:22PM 16 his pants?

02:25:22PM 17 A. Yes, I did.

02:25:24PM 18 Q. What was that?

02:25:24PM 19 A. I actually told the dispatcher that he
02:25:32PM 20 had on khaki jean -- jeans, but I was nervous.

02:25:34PM 21 Q. Okay. So was that -- was that a
02:25:38PM 22 mistake?

02:25:40PM 23 A. It was a misunderstanding.

02:25:42PM 24 Q. And why were you nervous?

02:25:44PM 25 A. Because it never happened before. It

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:25:46PM 1 was the first time ever.

02:25:48PM 2 Q. What was -- what hadn't happened?

02:25:56PM 3 A. That I actually got robbed.

02:25:58PM 4 Q. The man with the gun, can you describe
02:26:00PM 5 to the jury as well his -- how he was built, what
02:26:04PM 6 his -- how old he looked to you, what his
02:26:08PM 7 complexion was, his height?

02:26:10PM 8 A. All right. At that time, standing at,
02:26:16PM 9 I would say, 6,1 to 6,3, age 23 to 26, and he was
02:26:24PM 10 dark brown.

02:26:24PM 11 Q. This person with the gun that came into
02:26:42PM 12 Firehouse Subs, did you know who he was?

02:26:44PM 13 A. No, I did not.

02:26:44PM 14 Q. Had you ever seen him before?

02:26:50PM 15 A. No.

02:26:50PM 16 Q. You've testified that the man who came
02:26:54PM 17 into the -- the third person that came into the
02:26:56PM 18 Firehouse Subs, besides yourself and Leslie Green,
02:27:00PM 19 was carrying a gun?

02:27:00PM 20 A. Yes, sir.

02:27:00PM 21 Q. Can you describe that gun?

02:27:04PM 22 A. It was all black and it was a 38 Smith
02:27:10PM 23 and Wesson.

02:27:10PM 24 Q. Repeat that, please.

02:27:12PM 25 A. It was an all black 38 Smith and

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:27:14PM 1 Wesson.

02:27:14PM 2 Q. What style of weapon was it?

02:27:18PM 3 A. A revolver.

02:27:28PM 4 Q. Any other things about the style of it
02:27:30PM 5 that were -- that you noticed?

02:27:32PM 6 A. No. I noticed it -- at the time it had
02:27:38PM 7 all the rounds inside of it.

02:27:40PM 8 Q. Repeat that again, please.

02:27:40PM 9 A. I said, at the time it had all the
02:27:44PM 10 rounds inside.

02:27:44PM 11 Q. How could you tell that?

02:27:46PM 12 A. I saw it.

02:27:50PM 13 Q. Repeat that.

02:27:50PM 14 A. As he pointed the gun at me, I saw it
02:27:56PM 15 through the side.

02:27:58PM 16 Q. With what hand was he holding the gun?

02:28:02PM 17 A. His right.

02:28:04PM 18 Q. Did he point it at you?

02:28:06PM 19 A. Yes.

02:28:06PM 20 Q. What part of your body did he point it
02:28:12PM 21 at?

02:28:12PM 22 A. Mostly my upper part, the head part.

02:28:16PM 23 Q. Chris, how did you feel during and
02:28:24PM 24 right after the robbery?

02:28:24PM 25 A. I was stunned.

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:28:26PM 1 MR. KING: Objection; relevance.

02:28:28PM 2 THE COURT: Overruled.

02:28:32PM 3 THE WITNESS: I was stunned, shocked,
02:28:34PM 4 nervous, stomach twisted.

02:28:34PM 5 BY MR. ZIEGLER:

02:28:46PM 6 Q. Were you scared at all?

02:28:46PM 7 A. Yes.

02:28:48PM 8 Q. When did the man with the gun leave the
02:28:54PM 9 store?

02:28:54PM 10 A. Right after he got the money.

02:29:00PM 11 Q. Was it all the money that was in the
02:29:02PM 12 store?

02:29:02PM 13 A. Yes, it was.

02:29:02PM 14 Q. What did you do -- well, how did he
02:29:06PM 15 leave?

02:29:06PM 16 A. He backed out until he was clear of the
02:29:10PM 17 walkway, turned around and walked out of the store.

02:29:16PM 18 Q. What did you do after he was gone?

02:29:18PM 19 A. After he left out of the door, I
02:29:24PM 20 proceeded to dial 911.

02:29:26PM 21 Q. And did you -- the police arrived after
02:29:30PM 22 you called 911?

02:29:32PM 23 A. Yes, they did.

02:29:32PM 24 Q. Did you speak to them when they
02:29:34PM 25 arrived?

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:29:34PM 1 A. Yes.

02:29:36PM 2 Q. And did you tell them what happened?

02:29:36PM 3 A. No. I actually didn't tell the police

02:29:42PM 4 what happened. I told the detectives.

02:29:44PM 5 Q. Okay. How long did you work at

02:29:50PM 6 Firehouse Subs after the incident?

02:29:52PM 7 A. A year.

02:30:02PM 8 Q. Chris, I'm going to show you -- this is

02:30:12PM 9 State's Exhibit Number 1. Chris, can you tell what

02:30:34PM 10 this is on the screen? (Video playing)

02:30:36PM 11 A. It's the video of the store.

02:30:48PM 12 Q. Is it inside Firehouse Subs?

02:30:50PM 13 A. Yes, it is. And the back door.

02:30:54PM 14 Q. And is this the day -- on the day of

02:30:56PM 15 the robbery?

02:30:58PM 16 A. Yes.

02:31:16PM 17 Q. At your bottom left, Chris, who is

02:31:16PM 18 that?

02:31:20PM 19 A. That's me preparing for the --

02:31:24PM 20 preparing for the morning.

02:31:26PM 21 Q. Is that you at the top right?

02:31:36PM 22 A. Yes, it is.

02:31:38PM 23 Q. And at this point, is there anyone else

02:31:46PM 24 in the store?

02:31:48PM 25 A. No.

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:31:48PM 1 Q. Chris, at your middle left, what is
02:32:38PM 2 that camera showing? It just went off, sorry.
02:32:38PM 3 A. You say middle left?
02:32:46PM 4 Q. It will come back on in a second.
02:33:04PM 5 Chris, are these cameras activated by
02:33:06PM 6 motion?
02:33:08PM 7 A. Yes, they are.
02:33:08PM 8 Q. (Video playing) Where are you at this
02:33:38PM 9 point, Chris; do you know?
02:33:38PM 10 A. At the drink machine.
02:33:42PM 11 Q. Who is that, Christopher?
02:34:32PM 12 A. That's Leslie Green.
02:34:32PM 13 Q. Is this the first time you reported for
02:34:38PM 14 work this morning -- that morning?
02:34:40PM 15 A. Yes.
02:34:40PM 16 Q. What is Leslie getting ready to do
02:35:02PM 17 there, Chris?
02:35:02PM 18 A. Clock in.
02:35:04PM 19 Q. Who is that, Chris?
02:35:20PM 20 A. That's the robber.
02:35:24PM 21 Q. When did you see him? When did you
02:35:30PM 22 first see him?
02:35:32PM 23 A. When he opened the door.
02:35:38PM 24 Q. Chris, what are you doing here?
02:36:02PM 25 A. Me and --

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:36:04PM 1 Q. Which person are you?

02:36:06PM 2 A. I'm the one to the far left.

02:36:10PM 3 Q. To the top?

02:36:12PM 4 A. Yeah, I'm sorry.

02:36:14PM 5 Q. Which one is Leslie Green?

02:36:16PM 6 A. The one standing right there with the

02:36:18PM 7 cap on his head.

02:36:20PM 8 Q. This one? (Indicating)

02:36:20PM 9 A. Yes.

02:36:20PM 10 Q. Who is this, Chris?

02:36:34PM 11 A. The robber.

02:36:38PM 12 Q. What does he have his hands over?

02:36:42PM 13 A. Gun.

02:36:42PM 14 Q. Who was he pointing it at?

02:36:46PM 15 A. Me.

02:36:46PM 16 Q. Which one are you in this photo -- or

02:37:12PM 17 this image?

02:37:12PM 18 A. The one to the top.

02:37:14PM 19 Q. Okay. And where is Leslie?

02:37:16PM 20 A. In between.

02:37:18PM 21 Q. And who is that behind Leslie?

02:37:20PM 22 A. The robber.

02:37:20PM 23 Q. And who was he pointing the gun at

02:37:24PM 24 there?

02:37:24PM 25 A. Me.

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:37:24PM 1 Q. What's happening here, Chris?

02:37:50PM 2 A. He has the gun pointed at me and I'm

02:37:54PM 3 opening the safe.

02:37:56PM 4 Q. What's happening now?

02:38:20PM 5 A. Putting the money inside the bag.

02:38:22PM 6 Q. Chris, I just backed up the video

02:39:12PM 7 slightly. Is this another camera angle of what we

02:39:32PM 8 just watched?

02:39:32PM 9 A. Yes.

02:39:32PM 10 Q. What just happened there, Chris?

02:39:42PM 11 A. He told Leslie to get in the corner.

02:39:44PM 12 Q. What's he doing now, the man with the

02:40:38PM 13 gun?

02:40:40PM 14 A. Backing up, leaving out of the store.

02:40:42PM 15 Q. What are you doing on the cell phone

02:40:52PM 16 there in the picture on the left?

02:40:54PM 17 A. Calling 911.

02:41:26PM 18 Q. Who just ran back in, Chris?

02:41:28PM 19 A. Leslie.

02:41:30PM 20 Q. And what was going on at this point?

02:41:52PM 21 What were you doing?

02:41:52PM 22 A. I was outside on the phone talking to

02:41:54PM 23 911 dispatcher.

02:41:56PM 24 Q. Okay. And did you and Leslie Green

02:42:04PM 25 re-enter the store at all after that first time you

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:42:08PM 1 left right there?

02:42:10PM 2 A. Yes.

02:42:10PM 3 Q. Now, Chris, if the door is unlocked, do
02:42:18PM 4 you have to -- do you -- how is the handle of that
02:42:24PM 5 front door there set up?

02:42:26PM 6 A. All you have to do is pull it. If it's
02:42:28PM 7 unlocked, all you have to do is just pull it and it
02:42:32PM 8 opens.

02:42:32PM 9 Q. Is there a thumb latch on the handle?

02:42:34PM 10 A. There is.

02:42:34PM 11 Q. Do you have to press on that to open
02:42:38PM 12 the door if it's unlocked?

02:42:40PM 13 A. No.

02:42:40PM 14 Q. How many times a day did you go in and
02:42:50PM 15 out of the door if you were working? I mean, just
02:42:54PM 16 a guess.

02:42:56PM 17 A. If I was working, going out ten times a
02:43:00PM 18 day.

02:43:02PM 19 Q. Chris, is that video surveillance, is
02:43:42PM 20 that an accurate portrayal of what happened on
02:43:44PM 21 May 4, 2011?

02:43:46PM 22 A. Yes, it is.

02:43:46PM 23 Q. Chris, you testified that you called
02:43:56PM 24 911 after this robbery was over?

02:43:58PM 25 A. Uh-huh.

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:44:00PM 1 Q. I'm now showing you what would be
02:44:06PM 2 marked as State's Exhibit 19 for identification
02:44:10PM 3 purposes. Do you recognize this?

02:44:12PM 4 A. Yes, I do.

02:44:14PM 5 Q. And how do you recognize it?

02:44:16PM 6 A. It's my initials.

02:44:18PM 7 Q. And do you know what it is?

02:44:20PM 8 A. Yes, it's the -- talking to dispatch.

02:44:24PM 9 Q. The 911 call to dispatch, you said?

02:44:28PM 10 A. Yes.

02:44:32PM 11 MR. ZIEGLER: Your Honor, the State
02:44:34PM 12 moves to admit the 911 call. State's Exhibit --

02:44:42PM 13 THE COURT: Any objection?

02:44:44PM 14 MR. KING: Yes, Your Honor; bolstering
02:44:50PM 15 a prior consistent statement, and I don't know if
02:44:54PM 16 it's been authenticated properly without the 911
02:44:56PM 17 operator.

02:44:58PM 18 THE COURT: I think I have to agree at
02:45:02PM 19 this point in time. The right foundation has not
02:45:06PM 20 been laid, so the objection is sustained at this
02:45:10PM 21 time.

02:45:10PM 22 MR. ZIEGLER: Court's indulgence,
02:45:10PM 23 please, Your Honor.

02:45:10PM 24 BY MR. ZIEGLER:

02:45:28PM 25 Q. Mr. Riley -- Chris, have you listened

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:45:32PM 1 to this 911 call before?

02:45:32PM 2 A. Yes.

02:45:34PM 3 Q. And from listening to it in the past,
02:45:38PM 4 is it a fair and accurate representation of the
02:45:42PM 5 call you made to 911 dispatch the day of the
02:45:46PM 6 robbery?

02:45:46PM 7 A. Yes.

02:45:46PM 8 Q. It is?

02:45:48PM 9 A. (Nodding head.)

02:45:52PM 10 MR. ZIEGLER: Your Honor, the State
02:45:54PM 11 moves to admit the 911 call.

02:45:56PM 12 THE COURT: Now I think I will let it
02:45:58PM 13 in. He said he's listened to it and it's his
02:46:02PM 14 voice.

02:46:02PM 15 MR. KING: Same objection, Your Honor.

02:46:02PM 16 THE COURT: Objection overruled now.

02:46:06PM 17 MR. ZIEGLER: Thank you, Your Honor.

02:46:06PM 18 THE COURT: What exhibit is this?

02:46:34PM 19 THE COURT REPORTER: 19.

02:46:34PM 20 (PLF. EXH. 19, DVD, was marked for
02:46:34PM 21 identification.)

02:46:42PM 22 (PLF. EXH. 19 in evidence.)

02:46:42PM 23 MR. ZIEGLER: I'm now playing State's
02:46:50PM 24 Exhibit Number 19.

02:46:50PM 25 (911 call played.)

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:46:50PM 1 BY MR. ZIEGLER:

02:51:26PM 2 Q. Chris, what was it that you said right
02:51:26PM 3 there?

02:51:26PM 4 (CD played.)

02:51:34PM 5 A. He has a goatee and mustache.

02:51:38PM 6 Q. Did you say gold teeth there?

02:51:40PM 7 A. No, I did not.

02:51:42PM 8 Q. (CD played)

02:53:02PM 9 Chris, did you ever -- in that 911
02:53:06PM 10 call, did you ever say that the person with the gun
02:53:08PM 11 had gold teeth?

02:53:10PM 12 A. No.

02:53:28PM 13 MR. ZIEGLER: Your Honor, permission
02:53:30PM 14 for the witness to step down from the witness
02:53:32PM 15 stand.

02:53:32PM 16 THE COURT: You may. Please speak
02:53:34PM 17 loudly if you're down here speaking so we can hear
02:53:36PM 18 you.

02:53:36PM 19 (Left the witness stand.)

02:53:36PM 20 BY MR. ZIEGLER:

02:53:40PM 21 Q. Chris, I would like you to have a seat
02:53:42PM 22 in this chair and I will start a distance away from
02:53:46PM 23 you. I want you to stop me when I get as close to
02:53:52PM 24 you as the man with the gun did on May 4th of 2011.
02:53:56PM 25 Stop me when I get as close to you as he did that

CHRISTOPHER RILEY - DIRECT EXAM BY MR. ZIEGLER

02:53:58PM 1 day.

02:54:00PM 2 A. All right. Right there.

02:54:06PM 3 Q. Okay. Take your seat back.

02:54:24PM 4 MR. ZIEGLER: Court's indulgence, Your
02:54:26PM 5 Honor?

02:54:26PM 6 THE COURT: Yes, sir.

02:54:34PM 7 MR. ZIEGLER: The State has no further
02:54:36PM 8 questions for this witness.

02:54:36PM 9 Chris, please answer any questions
02:54:38PM 10 defense Counsel has for you.

02:54:40PM 11 THE WITNESS: Yes, sir.

02:54:40PM 12 THE COURT: Thank you.

02:54:40PM 13 Mr. King.

02:54:40PM 14 MR. KING: Thank you, Your Honor.

02:54:40PM 15 CROSS-EXAMINATION

02:54:40PM 16 BY MR. KING:

02:54:44PM 17 Q. Mr. Riley?

02:54:46PM 18 A. Yes, sir.

02:54:46PM 19 Q. I want to show you one part of the
02:54:50PM 20 video. (Playing video.)

02:55:00PM 21 What's going on here? Watch this one
02:55:04PM 22 for a moment. Talking about that.

02:55:12PM 23 A. I actually messed up on something and I
02:55:16PM 24 was already upset.

02:55:18PM 25 Q. You didn't like working there? You're

CHRISTOPHER RILEY - CROSS EXAM BY MR. KING

02:55:22PM 1 not happy being there at Firehouse Subs?

02:55:24PM 2 A. No. I actually had something else
02:55:28PM 3 going on.

02:55:28PM 4 Q. You left the door unlocked --

02:55:32PM 5 A. Yes.

02:55:32PM 6 Q. -- right, when it's probably supposed
02:55:38PM 7 to be locked; you hadn't opened yet?

02:55:40PM 8 A. I mean, we leave it unlocked all the
02:55:42PM 9 time.

02:55:42PM 10 Q. And you didn't tell Officer Freshman
02:55:46PM 11 that he had gold teeth and not a goatee?

02:55:50PM 12 A. No.

02:55:50PM 13 Q. But you did say he had khaki jeans when
02:55:56PM 14 he had on gray sweatpants, right?

02:56:00PM 15 A. Yes.

02:56:00PM 16 Q. You're not trying to throw off the
02:56:06PM 17 investigation by confusing -- you know, giving
02:56:10PM 18 conflicting information to the cops, are you?

02:56:12PM 19 A. No.

02:56:12PM 20 Q. And you're not involved in some sort of
02:56:16PM 21 fake armed robbery?

02:56:18PM 22 A. No.

02:56:18PM 23 Q. You told Detective Kennedy that the
02:56:26PM 24 robber weighed between 195 and 275 pounds. Do you
02:56:32PM 25 remember telling him that?

CHRISTOPHER RILEY - CROSS EXAM BY MR. KING

02:56:32PM 1 A. No.

02:56:32PM 2 Q. But you said he could be as tall as 6,

02:56:40PM 3 3?

02:56:40PM 4 A. Yes.

02:56:40PM 5 Q. The robber had his head covered with a

02:56:48PM 6 hood, right?

02:56:48PM 7 A. Correct.

02:56:48PM 8 Q. He had sunglasses on?

02:56:52PM 9 A. Correct.

02:56:52PM 10 Q. You gave a pretty good description of

02:56:58PM 11 the gun; you said --

02:56:58PM 12 A. That's correct.

02:56:58PM 13 Q. -- right? You were aware of even the

02:57:00PM 14 brand that it is, Smith and Wesson?

02:57:04PM 15 A. Correct.

02:57:04PM 16 Q. And you testified a minute ago, sitting

02:57:06PM 17 in the chair, how close the person was to you?

02:57:10PM 18 A. Correct.

02:57:10PM 19 Q. You would have gotten a good look at

02:57:14PM 20 his face?

02:57:14PM 21 A. Correct.

02:57:14PM 22 Q. Okay. And you have never been asked to

02:57:18PM 23 identify anyone?

02:57:20PM 24 A. No.

02:57:20PM 25 Q. And the video is showing there where

CHRISTOPHER RILEY - CROSS EXAM BY MR. KING

02:57:26PM 1 you and Leslie Green go out and back in the

02:57:30PM 2 store --

02:57:32PM 3 A. Uh-huh.

02:57:32PM 4 Q. -- right?

02:57:34PM 5 THE COURT: Sir, you need to say yes or

02:57:36PM 6 no.

02:57:36PM 7 THE WITNESS: I'm sorry. Yes.

02:57:36PM 8 BY MR. KING:

02:57:38PM 9 Q. And from what I saw, if you agree with

02:57:40PM 10 this, that you-all exit, Mr. Green runs back in to

02:57:48PM 11 get his cell phone. Do you remember that?

02:57:50PM 12 A. Yes.

02:57:50PM 13 Q. And then runs out. And then you enter

02:57:54PM 14 again and hold the door for Mr. Green and you come

02:57:58PM 15 in again?

02:58:00PM 16 A. Correct.

02:58:00PM 17 Q. And then Mr. Green goes back out and

02:58:04PM 18 then he re-enters again. Maybe three times between

02:58:08PM 19 the two of you the door was opened after this?

02:58:10PM 20 A. Yes.

02:58:10PM 21 Q. And you testified before that you've

02:58:20PM 22 been convicted of forgery, you said?

02:58:22PM 23 A. Yes.

02:58:22PM 24 Q. Fake checks, basically --

02:58:24PM 25 A. Yes.

CHRISTOPHER RILEY - CROSS EXAM BY MR. KING

02:58:24PM 1 Q. -- made out to you, that you made up?

02:58:28PM 2 A. Yes.

02:58:28PM 3 Q. And also fraudulent checks for your --

02:58:34PM 4 I guess your own checks that you wrote?

02:58:38PM 5 A. Yes.

02:58:42PM 6 MR. KING: That's all the questions I

02:58:44PM 7 have.

02:58:44PM 8 THE COURT: Any redirect?

02:58:46PM 9 MR. ZIEGLER: Yes, Your Honor.

02:58:46PM 10 REDIRECT EXAMINATION

02:58:46PM 11 BY MR. ZIEGLER:

02:59:02PM 12 Q. Chris, on the 911 call, there was a

02:59:04PM 13 point where you said khaki jeans, right?

02:59:06PM 14 A. Yes.

02:59:06PM 15 Q. Did you -- did you also say on that 911

02:59:14PM 16 call, prior to saying khaki jeans, that what was he

02:59:20PM 17 -- what was the man with the gun actually wearing

02:59:24PM 18 as far as pants?

02:59:24PM 19 A. Gray sweats.

02:59:26PM 20 Q. Did you also say that to the 911

02:59:30PM 21 dispatcher?

02:59:30PM 22 A. I actually said that first.

02:59:32PM 23 Q. Okay. Now, Chris, how long did you say

02:59:38PM 24 you worked at the Firehouse Subs after this

02:59:38PM 25 incident?

CHRISTOPHER RILEY - REDIRECT EXAM BY MR. ZIEGLER

02:59:40PM 1 A. A year.

02:59:42PM 2 Q. Do you think you would have been
02:59:46PM 3 allowed to continue working there if you were
02:59:48PM 4 involved in this at all?

02:59:50PM 5 A. No.

02:59:50PM 6 Q. And had you ever seen this man with the
02:59:56PM 7 gun before?

02:59:56PM 8 A. No.

02:59:56PM 9 Q. And, Chris, if that door -- if that
03:00:06PM 10 front door was unlocked, would you have to press
03:00:10PM 11 down on the thumb latch to open it?

03:00:12PM 12 A. No.

03:00:12PM 13 MR. ZIEGLER: No further questions,
03:00:14PM 14 Your Honor.

03:00:14PM 15 THE COURT: Any recross based on his
03:00:16PM 16 redirect?

03:00:18PM 17 MR. KING: No, Your Honor.

03:00:18PM 18 THE COURT: Thank you. You may step
03:00:20PM 19 down.

03:00:20PM 20 All right. Ladies and gentlemen, why
03:00:24PM 21 don't we take a ten-minute recess. If you would
03:00:26PM 22 like a Coca-Cola or need to step outside, the
03:00:30PM 23 bailiffs will take care of that.

03:00:34PM 24 Please do not discuss anything while
03:00:34PM 25 you're out.

CHRISTOPHER RILEY - REDIRECT EXAM BY MR. ZIEGLER

03:00:36PM 1 (Jury out 2:59 p.m.)

03:00:40PM 2 (A recess transpired.)

03:00:40PM 3 THE COURT: Anything before we bring

03:23:58PM 4 the jury in?

03:23:58PM 5 MR. ZIEGLER: No, sir.

03:24:00PM 6 MR. KING: No, sir.

03:24:06PM 7 THE COURT: Bring the jury in.

03:24:28PM 8 (Jury in, 3:25 p.m.)

03:24:32PM 9 THE BAILIFF: All jurors are present,

03:25:18PM 10 Your Honor.

03:25:18PM 11 THE COURT: Thank you. Please be

03:25:20PM 12 seated.

03:25:22PM 13 All right. The State may call their

03:25:24PM 14 next witness.

03:25:24PM 15 MR. ZIEGLER: State calls Leslie Green.

03:25:46PM 16 LESLIE GREEN,

03:25:46PM 17 being first duly sworn, testified as follows:

03:25:48PM 18 THE CLERK: You may be seated. Once

03:25:50PM 19 seated, sir, please state your first and last name

03:25:52PM 20 and spell your last loudly and clearly into the

03:25:52PM 21 microphone.

03:25:54PM 22 THE WITNESS: Leslie Green, G-R-E-E-N.

03:25:54PM 23 DIRECT EXAMINATION

03:25:58PM 24 BY MR. ZIEGLER:

03:25:58PM 25 Q. Afternoon, Mr. Green.

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:25:58PM 1 A. (No response.)

03:26:04PM 2 Q. Do you go by Leslie?

03:26:06PM 3 A. J. R.

03:26:08PM 4 Q. J. R. Can I call you, J. R.?

03:26:10PM 5 A. That's fine.

03:26:14PM 6 Q. J. R., how old are you?

03:26:14PM 7 A. 25.

03:26:14PM 8 Q. What part of town do you live in?

03:26:18PM 9 A. James Island.

03:26:20PM 10 Q. How long have you lived in the

03:26:20PM 11 Charleston area?

03:26:22PM 12 A. About 20 years.

03:26:22PM 13 Q. And how far did you make it in school?

03:26:28PM 14 A. I graduated. I'm in school now.

03:26:30PM 15 Q. You're currently in school?

03:26:32PM 16 A. Yes.

03:26:32PM 17 Q. Where at?

03:26:34PM 18 A. Palmetto Career Development in West

03:26:38PM 19 Ashley.

03:26:38PM 20 Q. Where did you go to high school?

03:26:40PM 21 A. James Island Charter High.

03:26:42PM 22 Q. Are you employed?

03:26:42PM 23 A. Yes.

03:26:44PM 24 Q. Where at?

03:26:44PM 25 A. At Mellow Mushroom in Mount Pleasant

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:26:48PM 1 and Island Industry on James Island.

03:26:52PM 2 Q. How long have you been employed in
03:26:54PM 3 those places?

03:26:56PM 4 A. About three weeks.

03:26:58PM 5 Q. Okay. Where did you work before that?

03:27:02PM 6 A. Taco Boy on Folly Beach.

03:27:06PM 7 Q. Now, J. R., do you have a pending
03:27:10PM 8 charge related to the incident that we're here
03:27:14PM 9 about today?

03:27:16PM 10 A. Yes.

03:27:16PM 11 Q. What is that charge?

03:27:18PM 12 A. Armed robbery.

03:27:18PM 13 Q. And have you entered into an agreement
03:27:24PM 14 with my office, the Solicitor's Office, to proffer
03:27:28PM 15 your testimony?

03:27:30PM 16 A. No.

03:27:30PM 17 Q. Have you -- I'll rephrase that. Have
03:27:36PM 18 you signed an agreement with our office that --
03:27:44PM 19 that provides that you will -- basically that you
03:27:46PM 20 will be cooperating with our office in this case?

03:27:50PM 21 A. Yes.

03:27:50PM 22 Q. Okay. But have you been -- have you
03:27:54PM 23 been promised anything --

03:27:56PM 24 A. No.

03:27:56PM 25 Q. -- as far as your case?

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:27:58PM 1 A. No.

03:27:58PM 2 Q. Have you received any benefits because

03:28:00PM 3 of the agreement?

03:28:02PM 4 A. No.

03:28:02PM 5 Q. And have you met with myself as well as

03:28:10PM 6 your attorney at my office before?

03:28:12PM 7 A. Yes.

03:28:12PM 8 Q. Now, the Defendant in this case, is he

03:28:18PM 9 related to you?

03:28:20PM 10 A. Yes.

03:28:20PM 11 Q. How is he related?

03:28:22PM 12 A. Third cousin.

03:28:26PM 13 Q. Okay. So is he a family member --

03:28:30PM 14 maybe distant, but a family member of yours?

03:28:34PM 15 A. Yes.

03:28:34PM 16 Q. Are you excited about being here today?

03:28:36PM 17 A. No.

03:28:36PM 18 Q. J. R., I want to direct you to May 4th,

03:28:42PM 19 2011, in the morning. Where were you that morning?

03:28:46PM 20 A. On my way to work.

03:28:48PM 21 Q. And before you went to work, where were

03:28:52PM 22 you?

03:28:54PM 23 A. I went to Chris's house. He was going

03:28:56PM 24 to take me to work, give me a ride to work.

03:29:00PM 25 Q. Chris who?

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:29:02PM 1 A. Campbell.

03:29:04PM 2 Q. Okay. And where was your house?

03:29:08PM 3 A. On Champagne Street, James Island.

03:29:10PM 4 Q. Where was Christopher Campbell's house?

03:29:12PM 5 A. Two doors down on Champagne Street.

03:29:16PM 6 Q. Okay. And you said he -- did he take

03:29:20PM 7 you to work?

03:29:20PM 8 A. Yes.

03:29:20PM 9 Q. In whose car?

03:29:24PM 10 A. In my car.

03:29:24PM 11 Q. Who drove?

03:29:26PM 12 A. He drove.

03:29:28PM 13 Q. What time were you scheduled to work

03:29:34PM 14 that morning?

03:29:34PM 15 A. 8:00.

03:29:36PM 16 Q. Do you remember anything about what

03:29:40PM 17 Christopher Campbell was wearing when he drove you

03:29:42PM 18 to work?

03:29:44PM 19 A. Gray sweatpants, gray sweatshirt.

03:29:48PM 20 Q. What type of sweatshirt?

03:29:50PM 21 A. Gray sweat jacket with a hoodie.

03:29:52PM 22 Q. Was he wearing anything on his face?

03:29:58PM 23 A. Not at the time when I picked him up.

03:30:00PM 24 Q. Now, did he drive -- how did you get

03:30:16PM 25 downtown?

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:30:16PM 1 A. Chris drove.

03:30:20PM 2 Q. And where did he take you?

03:30:22PM 3 A. Firehouse Subs on King Street.

03:30:24PM 4 Q. Where did he -- where did he drop you

03:30:32PM 5 off?

03:30:32PM 6 A. In the front.

03:30:32PM 7 Q. Prior to this incident -- prior to this

03:30:42PM 8 incident, did Christopher Campbell ask you anything

03:30:46PM 9 about Firehouse Subs or make any statements about

03:30:50PM 10 Firehouse Subs?

03:30:50PM 11 A. Yes.

03:30:50PM 12 Q. What were those things?

03:30:50PM 13 A. How much would be in the safe and was

03:30:56PM 14 my manager -- how many people worked on a Saturday

03:30:58PM 15 morning.

03:31:00PM 16 Q. Okay. Did he mention anything about

03:31:02PM 17 anything he planned to do?

03:31:04PM 18 A. No.

03:31:06PM 19 Q. J. R., you have testified that

03:31:20PM 20 Christopher Campbell is a third cousin of yours.

03:31:24PM 21 Is he older or younger than you?

03:31:24PM 22 A. Older.

03:31:26PM 23 Q. How long have you known him?

03:31:26PM 24 A. Since I was about 16 or 17.

03:31:30PM 25 Q. And what -- what was your prior

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:31:36PM 1 relationship -- before this incident, what was your
03:31:38PM 2 relationship with Christopher Campbell?

03:31:40PM 3 A. Just cousins that I'd hang out with
03:31:42PM 4 from time to time.

03:31:44PM 5 Q. Okay. How often did you -- prior to
03:31:46PM 6 the incident, about how often did you have contact
03:31:48PM 7 with him?

03:31:48PM 8 A. Maybe two, three days out of the week.

03:31:52PM 9 Q. Now, do you remember an armed robbery
03:32:06PM 10 incident that occurred May 4th, 2011?

03:32:10PM 11 A. Yes.

03:32:10PM 12 Q. And, J. R., please look around the
03:32:16PM 13 courtroom and tell the members of the jury whether
03:32:20PM 14 the person you observed go into the Firehouse Subs
03:32:24PM 15 that morning, May 4, 2011, and rob the store, can
03:32:28PM 16 you tell the jury do you see him in the courtroom
03:32:32PM 17 today?

03:32:32PM 18 MR. KING: Your Honor, note my
03:32:34PM 19 objection.

03:32:34PM 20 THE COURT: Objection noted; overruled.

03:32:36PM 21 THE WITNESS: Yes, sir, I do.

03:32:36PM 22 BY MR. ZIEGLER:

03:32:38PM 23 Q. And could you please point out the
03:32:42PM 24 robber of Firehouse Subs for the jury?

03:32:44PM 25 A. Christopher Campbell.

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:32:46PM 1 Q. Can you describe an article of clothing
03:32:50PM 2 that he's wearing, please?

03:32:50PM 3 A. Blue shirt, I think it's black pants,
03:32:56PM 4 black shoes.

03:32:56PM 5 Q. Okay. Thank you.

03:32:58PM 6 MR. ZIEGLER: Let the record reflect
03:32:58PM 7 that the witness has identified the Defendant.

03:33:02PM 8 THE COURT: The record will so reflect.
03:33:02PM 9 BY MR. ZIEGLER:

03:33:10PM 10 Q. J. R., you testified that your cousin,
03:33:12PM 11 Christopher Campbell, drove you in your own car and
03:33:18PM 12 you were in the passenger seat, drove you downtown
03:33:22PM 13 to the Firehouse Subs, dropped you off near the
03:33:24PM 14 front of the Firehouse Subs. What happened after
03:33:26PM 15 that? Did you go into work?

03:33:26PM 16 A. Yes.

03:33:28PM 17 Q. And what did you do when you got into
03:33:30PM 18 work?

03:33:30PM 19 A. Walked around the -- excuse me. Walked
03:33:34PM 20 around the corner and clocked in.

03:33:34PM 21 Q. And as you were clocking in, did you
03:33:40PM 22 notice anything? What happened then?

03:33:42PM 23 A. Somebody walked in. My manager told
03:33:46PM 24 him not to come in and he still came in.

03:33:50PM 25 Q. Who was that person?

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:33:50PM 1 A. Christopher Campbell.

03:33:52PM 2 Q. Was he holding anything?

03:33:56PM 3 A. Yes; a gun.

03:33:58PM 4 Q. Did he point it?

03:34:02PM 5 A. Yes.

03:34:02PM 6 Q. And what did he do then? What happened

03:34:06PM 7 then after he walked in?

03:34:08PM 8 A. He pointed it at me and Christopher and

03:34:12PM 9 he told us to get into the back. And I just went

03:34:14PM 10 back to the back.

03:34:16PM 11 Q. Which Chris did he point it at?

03:34:18PM 12 A. The manager. I don't know his last

03:34:20PM 13 name. I guess Riley.

03:34:22PM 14 Q. Did you -- both of you go to the --

03:34:24PM 15 where did you go?

03:34:24PM 16 A. I went to the back.

03:34:26PM 17 Q. And what happened in the back of the

03:34:34PM 18 store?

03:34:34PM 19 A. Christopher Riley gave Christopher

03:34:36PM 20 Campbell all the money and he told me to get into

03:34:38PM 21 the corner and I went to the corner.

03:34:40PM 22 Q. Who told you that?

03:34:40PM 23 A. Christopher Campbell told me to get

03:34:42PM 24 into the corner and I went to the corner. And then

03:34:46PM 25 he left out.

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:34:46PM 1 Q. And after that -- what did he do after
03:34:50PM 2 this?
03:34:50PM 3 A. He left.
03:34:52PM 4 Q. Okay. Did he take that money with him?
03:34:56PM 5 A. Yes.
03:34:56PM 6 Q. Do you know who called the police after
03:35:06PM 7 he left?
03:35:08PM 8 A. Christopher Riley.
03:35:10PM 9 Q. Did you have any contact with your
03:35:14PM 10 cousin, Christopher Campbell, after that incident?
03:35:16PM 11 A. No.
03:35:18PM 12 Q. Did you send him any messages or --
03:35:20PM 13 A. I told him, did you do that? And he
03:35:24PM 14 just said no.
03:35:24PM 15 Q. How did --
03:35:24PM 16 A. I texted him.
03:35:26PM 17 Q. Okay. How did you get home that day?
03:35:30PM 18 A. He dropped my car off back in the
03:35:34PM 19 parking lot and left the key on the -- on the
03:35:38PM 20 chair.
03:35:38PM 21 Q. So the car was brought back to the
03:35:48PM 22 Firehouse Subs?
03:35:48PM 23 A. Yes, after I got off.
03:35:50PM 24 Q. Say that again.
03:35:50PM 25 A. After I got off.

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:35:52PM 1 Q. Okay. Do you know who brought it back?

03:35:56PM 2 A. Christopher Campbell.

03:35:58PM 3 Q. Did he have help bringing it back from
03:36:04PM 4 anyone?

03:36:04PM 5 A. No.

03:36:04PM 6 Q. How do you know that?

03:36:10PM 7 A. I really don't know, but I know he told
03:36:12PM 8 me he was going to drop the car off.

03:36:16PM 9 Q. The car was brought back. The car was
03:36:18PM 10 back for you?

03:36:20PM 11 A. Yes.

03:36:20PM 12 Q. Okay. Did you work the rest of that
03:36:26PM 13 day?

03:36:26PM 14 A. Yes, sir.

03:36:28PM 15 Q. The next day after this robbery
03:36:36PM 16 occurred, did you -- did you go to the police
03:36:40PM 17 station to speak with the police?

03:36:42PM 18 A. Yes, sir.

03:36:42PM 19 Q. And at that time, did you tell them who
03:36:50PM 20 the person was that committed the robbery?

03:36:52PM 21 A. No.

03:36:52PM 22 Q. Why not?

03:36:52PM 23 A. Out of fear and protection for myself.

03:36:54PM 24 Q. And when was the next time you spoke to
03:37:06PM 25 the police after that?

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:37:06PM 1 A. Probably the next day after that.

03:37:10PM 2 Q. Okay. And did you -- on that day --

03:37:14PM 3 that would have been May 6th?

03:37:16PM 4 A. Yes.

03:37:16PM 5 Q. On that day, did you -- did you give

03:37:22PM 6 the police the name of anyone -- the nickname of

03:37:26PM 7 anyone who this could have been?

03:37:28PM 8 A. Yes.

03:37:28PM 9 Q. And what did you tell them?

03:37:30PM 10 A. I told them it was some guy named L.

03:37:34PM 11 Q. Was that the truth?

03:37:36PM 12 A. No.

03:37:36PM 13 Q. So even on May 6th, why didn't you tell

03:37:40PM 14 the truth that day?

03:37:42PM 15 A. Just out of fear and concern for

03:37:46PM 16 myself.

03:37:46PM 17 Q. So that day after you told the police

03:37:54PM 18 it was L -- does L exist?

03:37:56PM 19 A. No.

03:37:56PM 20 Q. After you told the police it was L, did

03:38:06PM 21 they know who L was?

03:38:08PM 22 A. They didn't believe me.

03:38:10PM 23 Q. Okay. Did they continue to ask you

03:38:14PM 24 questions about who it was?

03:38:14PM 25 A. Yes.

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:38:14PM 1 Q. And did you -- did you then tell them a
03:38:22PM 2 different person who it was other than L?
03:38:24PM 3 A. Yes.
03:38:24PM 4 Q. Who did you tell them it was?
03:38:28PM 5 A. Christopher Campbell.
03:38:28PM 6 Q. Was that the truth?
03:38:30PM 7 A. Yes, sir.
03:38:42PM 8 Q. J. R., I'm going to show you what has
03:38:44PM 9 been entered into evidence as State's Exhibit
03:38:48PM 10 Number 18. Do you recognize that document?
03:38:54PM 11 A. Yes.
03:38:54PM 12 Q. What is that?
03:38:56PM 13 A. Photo of Christopher Campbell.
03:39:00PM 14 Q. And who showed -- have you ever seen
03:39:06PM 15 this photo before?
03:39:10PM 16 A. In the interrogation room.
03:39:14PM 17 Q. Who showed it to you?
03:39:16PM 18 A. The officer.
03:39:18PM 19 Q. And that day did you identify the
03:39:20PM 20 person -- who did you identify the person in this
03:39:22PM 21 photograph to be?
03:39:22PM 22 A. Christopher Campbell, my cousin.
03:39:26PM 23 Q. Okay. And what did you tell them he
03:39:30PM 24 did?
03:39:30PM 25 A. That he did the robbery.

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:39:32PM 1 Q. Was that the truth?

03:39:34PM 2 A. Yes, sir.

03:39:34PM 3 Q. Whose signature is on that?

03:39:40PM 4 A. That's my signature.

03:39:42PM 5 Q. Okay. What date is on there?

03:39:44PM 6 A. 5/6/11.

03:39:44PM 7 Q. Thank you.

03:40:08PM 8 The morning of May 4th, 2011, what was

03:40:12PM 9 the first time you saw Christopher Campbell?

03:40:14PM 10 A. Around I guess like 7:45, because I

03:40:18PM 11 drove to his house.

03:40:20PM 12 Q. And when you were sitting in the car

03:40:26PM 13 next to him, did you have a good view of what he

03:40:30PM 14 looked like?

03:40:32PM 15 A. Yes.

03:40:32PM 16 Q. How close were you to him?

03:40:34PM 17 A. I was in the passenger seat and he was

03:40:36PM 18 in the driver's seat.

03:40:38PM 19 Q. After you got out of the car, when was

03:40:48PM 20 the next time you saw him?

03:40:48PM 21 A. I didn't see him after that. Well,

03:40:48PM 22 when he came into the store.

03:41:00PM 23 Q. Okay. How close were you? What was

03:41:02PM 24 the closest you were to him at that point? Or I

03:41:06PM 25 should say, did you -- did you have a good

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:41:08PM 1 opportunity to look at his -- what he looked like
03:41:12PM 2 or his face at that point?

03:41:12PM 3 A. That morning?

03:41:14PM 4 Q. In the store.

03:41:14PM 5 A. Yeah, for the most part. Yes.

03:41:18PM 6 Q. Was he the same person who was in the
03:41:24PM 7 car with you?

03:41:24PM 8 A. Yes, sir.

03:41:24PM 9 Q. Before that -- J. R., I'm going to show
03:41:56PM 10 you a couple of photos that were entered into
03:41:58PM 11 evidence. This is State's Exhibit Number 5. J.R,
03:42:18PM 12 in this photo, where are you?

03:42:20PM 13 A. I'm right there by the cash register on
03:42:26PM 14 the left-hand side, facing towards the camera.

03:42:28PM 15 Q. Is that you?

03:42:32PM 16 A. Yes.

03:42:32PM 17 Q. Where is Christopher Riley?

03:42:36PM 18 A. Right next to me.

03:42:38PM 19 Q. That's Christopher Riley?

03:42:40PM 20 A. Yes.

03:42:40PM 21 Q. Who is that?

03:42:40PM 22 A. That's Christopher Campbell.

03:42:44PM 23 Q. I'm now showing you State's Exhibit 10.
03:43:02PM 24 Where are you in this photo, J.R?

03:43:04PM 25 A. That's me in the back standing in the

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:43:08PM 1 red shirt.

03:43:08PM 2 Q. Okay. And from that -- from where you
03:43:14PM 3 were standing there, did you have a good view of
03:43:16PM 4 this person in the hooded sweatshirt?

03:43:20PM 5 A. Yes.

03:43:20PM 6 Q. Who was that person in the sweatshirt?

03:43:26PM 7 A. That's Christopher Campbell.

03:43:26PM 8 MR. ZIEGLER: Court's indulgence,
03:44:00PM 9 please?

03:44:00PM 10 THE COURT: Yes.

03:44:52PM 11 MR. ZIEGLER: Your Honor, I would like
03:44:52PM 12 to return to what has been marked for
03:44:56PM 13 identification purposes as State's Exhibit Number
03:44:56PM 14 18. And that actually was never admitted into
03:45:02PM 15 evidence.

03:45:04PM 16 THE COURT: Any objection?

03:45:04PM 17 MR. KING: Just my pretrial objection,
03:45:08PM 18 Judge.

03:45:08PM 19 THE COURT: Overruled. It is admitted
03:45:10PM 20 into evidence.

03:45:10PM 21 (PLF. EXH. 18 in evidence.)

03:45:10PM 22 BY MR. ZIEGLER:

03:45:16PM 23 Q. J.R., do you have any criminal
03:45:18PM 24 convictions on your past record?

03:45:18PM 25 A. No, sir.

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

03:45:20PM 1 MR. ZIEGLER: Thank you. Please answer
03:45:22PM 2 any questions that defense Counsel may have for
03:45:26PM 3 you.

03:45:26PM 4 THE COURT: Mr. King.

03:45:26PM 5 MR. KING: Thank you, Your Honor.

03:45:26PM 6 CROSS-EXAMINATION

03:45:26PM 7 BY MR. KING:

03:45:34PM 8 Q. Mr. Green, I think you slipped up a
03:45:40PM 9 minute ago. Do you remember when the Solicitor
03:45:42PM 10 asked you, after Christopher Campbell dropped you
03:45:46PM 11 off and you got out of the car, did you see him
03:45:48PM 12 after that? And you said no.

03:45:50PM 13 A. I was confused by the question.

03:45:54PM 14 Q. You didn't just slip up in your --

03:45:54PM 15 A. No.

03:45:56PM 16 Q. -- lies?

03:45:56PM 17 A. No.

03:45:56PM 18 Q. No? You signed a proffer agreement?

03:46:02PM 19 A. What is that?

03:46:04PM 20 Q. You signed that proffer agreement with
03:46:06PM 21 the Solicitor's Office where you've agreed to
03:46:08PM 22 cooperate?

03:46:08PM 23 A. Yes.

03:46:08PM 24 Q. You've sat down and met with the
03:46:16PM 25 Solicitors?

LESLIE GREEN - CROSS EXAM BY MR. KING

03:46:16PM 1 A. Yes.

03:46:16PM 2 Q. The first time you actually met with
03:46:22PM 3 another Solicitor with blond hair, a lady; do you
03:46:24PM 4 remember her?

03:46:24PM 5 A. Yes.

03:46:24PM 6 Q. Meg Sprinkle or Megan Andrews Sprinkle,
03:46:28PM 7 depending on if she was married or not; do you know
03:46:30PM 8 who I'm talking about?

03:46:30PM 9 A. It's been awhile.

03:46:32PM 10 Q. You met them January 10, 2014. Does
03:46:40PM 11 that ring a bell, in the Solicitor's Office?

03:46:42PM 12 A. I met them plenty of times in the
03:46:44PM 13 course of three years. I can't be exact.

03:46:46PM 14 Q. You've been charged with armed robbery?

03:46:54PM 15 A. Yes.

03:46:54PM 16 Q. And you know that's a serious charge?

03:46:56PM 17 A. Yes.

03:46:56PM 18 Q. You talked to your lawyer about that?

03:47:00PM 19 A. Yes.

03:47:00PM 20 Q. And you know it has -- carries a
03:47:04PM 21 minimum of ten years in prison, right?

03:47:06PM 22 A. Yes.

03:47:06PM 23 Q. So if you're convicted of armed
03:47:10PM 24 robbery, you have to do at least ten years in
03:47:12PM 25 prison?

LESLIE GREEN - CROSS EXAM BY MR. KING

03:47:14PM 1 A. Yes.

03:47:14PM 2 Q. And you can do as much as 30 years?

03:47:16PM 3 A. Yes.

03:47:16PM 4 Q. And it's a violent crime?

03:47:18PM 5 A. Yes.

03:47:18PM 6 Q. And that could affect -- if you had to

03:47:20PM 7 go to prison, you would be around other violent

03:47:24PM 8 criminals?

03:47:24PM 9 A. Yes.

03:47:24PM 10 Q. You'd have to do 85 percent of the

03:47:30PM 11 time?

03:47:30PM 12 A. Yes.

03:47:30PM 13 Q. You don't want to go to prison?

03:47:32PM 14 A. No, I do not.

03:47:32PM 15 Q. And you're hoping your charge gets

03:47:36PM 16 dropped?

03:47:36PM 17 A. I done nothing wrong, so, yes.

03:47:38PM 18 Q. You're still saying you had nothing to

03:47:40PM 19 do with this?

03:47:40PM 20 A. Yes.

03:47:40PM 21 Q. So what you're hoping is, after this

03:47:44PM 22 trial is over, you have cooperated and testified,

03:47:46PM 23 your charge will go away?

03:47:48PM 24 A. I don't know.

03:47:48PM 25 Q. That's what you hope though, right?

LESLIE GREEN - CROSS EXAM BY MR. KING

03:47:52PM 1 A. Yes.

03:47:52PM 2 Q. They didn't make you any kind of offer?

03:47:56PM 3 A. No.

03:47:56PM 4 Q. Did they tell you why they weren't

03:47:58PM 5 making you any kind of offer?

03:47:58PM 6 A. No.

03:47:58PM 7 Q. And you're saying Christopher Campbell

03:48:12PM 8 dropped you off in front of the store --

03:48:14PM 9 A. Yes.

03:48:14PM 10 Q. -- right? And then you walked in?

03:48:16PM 11 A. Yes.

03:48:16PM 12 Q. And then within seconds, he's right

03:48:20PM 13 behind you?

03:48:22PM 14 A. Yes.

03:48:22PM 15 Q. And do you think he left his car right

03:48:26PM 16 in the middle of King Street?

03:48:30PM 17 A. I don't know. I just walked in the

03:48:32PM 18 store.

03:48:32PM 19 Q. Christopher Campbell is your cousin,

03:48:36PM 20 you testified?

03:48:36PM 21 A. Yes, sir.

03:48:36PM 22 Q. You know he -- back then and now, he

03:48:40PM 23 was living with Martha Campbell?

03:48:42PM 24 A. Yes.

03:48:42PM 25 Q. That's his grandmother?

LESLIE GREEN - CROSS EXAM BY MR. KING

03:48:44PM 1 A. Yes.

03:48:44PM 2 Q. And Leroy Campbell, his uncle?

03:48:48PM 3 A. Yes, sir.

03:48:48PM 4 Q. At [REDACTED] Champagne Lane?

03:48:50PM 5 A. Yes, sir.

03:48:52PM 6 Q. And do you know he lived in Columbia

03:48:54PM 7 for a little while before this?

03:48:56PM 8 A. Yes.

03:48:56PM 9 Q. And he had just moved back from

03:48:58PM 10 Columbia maybe a couple of weeks before this

03:49:02PM 11 happened?

03:49:02PM 12 A. I think so.

03:49:04PM 13 Q. You told the Solicitors January 10,

03:49:10PM 14 2014, that he had been talking about robbing you

03:49:14PM 15 for eight or nine weeks before this?

03:49:16PM 16 A. When was this?

03:49:18PM 17 Q. When you met -- the first time you met

03:49:20PM 18 in the Solicitor's Office with the blond Solicitor,

03:49:24PM 19 thin, kind of tall, your lawyer was there,

03:49:30PM 20 Solicitor's investigator, I think Keith Hare, was

03:49:32PM 21 there, and they recorded it, and that's when you

03:49:36PM 22 signed that piece of paper?

03:49:38PM 23 A. If it was recorded, then, yes.

03:49:40PM 24 Q. And you told them during that meeting

03:49:46PM 25 -- it was just January of this year -- that he had

LESLIE GREEN - CROSS EXAM BY MR. KING

03:49:50PM 1 been talking about robbing you for eight or nine
03:49:52PM 2 weeks before this? And he wasn't even living here
03:49:56PM 3 until two weeks before?

03:49:58PM 4 A. Yes.

03:49:58PM 5 Q. And you testified that you didn't call
03:50:04PM 6 Christopher Campbell after this robbery happened?

03:50:08PM 7 A. I texted him.

03:50:10PM 8 Q. You texted him. You didn't call him
03:50:12PM 9 and tell him to bring the car back?

03:50:14PM 10 A. No.

03:50:14PM 11 Q. But he brought your car back?

03:50:16PM 12 A. Yes.

03:50:18PM 13 Q. Him and Leroy Campbell?

03:50:20PM 14 A. To my knowledge, it was just him.

03:50:22PM 15 Q. What do you think he did after he
03:50:24PM 16 brought the car back? How did he get back home?

03:50:28PM 17 A. I don't know.

03:50:28PM 18 Q. You didn't go tell Christopher later
03:50:34PM 19 that day about the robbery?

03:50:36PM 20 A. No. I didn't see him later that day.

03:50:38PM 21 Q. Now, you testified about this, the next
03:50:48PM 22 day you went down to Lockwood, down to the police
03:50:52PM 23 station on Lockwood?

03:50:52PM 24 A. Yes.

03:50:52PM 25 Q. And they questioned you for almost two

LESLIE GREEN - CROSS EXAM BY MR. KING

03:50:58PM 1 hours?

03:50:58PM 2 A. Something like that.

03:50:58PM 3 Q. Do you remember it was Detective

03:51:00PM 4 Kennedy, he was one of the ones questioning you?

03:51:04PM 5 A. Yes.

03:51:04PM 6 Q. And a lady detective, I think; Linda

03:51:10PM 7 O'Dell, I think, was her name?

03:51:10PM 8 A. Yes.

03:51:12PM 9 Q. And they were asking you who was the

03:51:12PM 10 robber; do you remember that?

03:51:12PM 11 A. Yes.

03:51:14PM 12 Q. And you told them you didn't know?

03:51:16PM 13 A. Right.

03:51:18PM 14 Q. You told them, I promise to God; do you

03:51:20PM 15 remember telling them that?

03:51:20PM 16 A. I don't know.

03:51:24PM 17 MR. KING: Your Honor, may I play the

03:51:24PM 18 clip?

03:51:26PM 19 THE COURT: You may.

03:51:36PM 20 (Video played.)

03:51:36PM 21 BY MR. KING:

03:51:58PM 22 Q. Do you recognize that setting?

03:51:58PM 23 A. Yes.

03:52:38PM 24 Q. (Video played.) Do you remember saying

03:52:40PM 25 that?

LESLIE GREEN - CROSS EXAM BY MR. KING

03:52:40PM 1 A. That's in the video, so, yes.

03:52:42PM 2 Q. Do you remember that?

03:52:44PM 3 A. It's in the video, so, yes.

03:52:46PM 4 Q. And do you remember during that

03:52:58PM 5 interview, the same interview, Detective Kennedy

03:53:00PM 6 was telling you about how serious armed robbery is?

03:53:04PM 7 A. Yes.

03:53:04PM 8 Q. And he told you, if you knew about

03:53:08PM 9 it --

03:53:08PM 10 MR. ZIEGLER: Objection, Your Honor;

03:53:10PM 11 hearsay.

03:53:12PM 12 THE COURT: Overruled.

03:53:12PM 13 BY MR. KING:

03:53:16PM 14 Q. Detective Kennedy told you, if you knew

03:53:18PM 15 about it and you never cooperated, I'm coming at

03:53:22PM 16 you, trying to put you in for 25 years of your

03:53:26PM 17 life; do you remember him saying that?

03:53:26PM 18 A. Yes.

03:53:34PM 19 Q. Detective Kennedy was acting like you

03:53:36PM 20 were involved, right?

03:53:36PM 21 A. Yes.

03:53:38PM 22 Q. And he kept telling you that, he

03:53:40PM 23 believed you were involved?

03:53:40PM 24 A. Right.

03:53:40PM 25 Q. You kept telling him, no, you weren't,

LESLIE GREEN - CROSS EXAM BY MR. KING

03:53:44PM 1 and on that same day, you didn't know who did it?

03:53:48PM 2 A. Right.

03:53:48PM 3 Q. So that interview ends after close to a
03:53:52PM 4 couple of hours; does that sound about right?

03:53:54PM 5 A. Yes.

03:53:54PM 6 Q. And they don't give up. They come back
03:53:58PM 7 the next day and pick you up from work, right?

03:54:00PM 8 A. Right.

03:54:02PM 9 Q. And this time it was Detective Kennedy
03:54:04PM 10 again and another detective, Detective Holmes; do
03:54:06PM 11 you remember that?

03:54:06PM 12 A. Yes.

03:54:08PM 13 Q. And you rode in the car, and they were
03:54:10PM 14 talking to you in the car on the way there?

03:54:12PM 15 A. Right.

03:54:12PM 16 Q. And that was recorded. Do you remember
03:54:16PM 17 Detective Holmes asking you if you had any brothers
03:54:18PM 18 or sisters?

03:54:20PM 19 A. Yes.

03:54:20PM 20 Q. And you told him you had a little
03:54:22PM 21 brother?

03:54:22PM 22 A. Yes.

03:54:22PM 23 Q. And he said things like, how would your
03:54:26PM 24 little brother feel if somebody had to tell him you
03:54:30PM 25 were in jail?

LESLIE GREEN - CROSS EXAM BY MR. KING

03:54:30PM 1 A. Yes.

03:54:30PM 2 Q. And you started telling him you might
03:54:36PM 3 know who it is?

03:54:36PM 4 A. Yes.

03:54:36PM 5 Q. Do you remember, before you get out of
03:54:40PM 6 the car -- you're driving in the car to the police
03:54:44PM 7 station, and before you get out, Detective Holmes
03:54:48PM 8 tells you one last warning: I take two lies. Do
03:54:52PM 9 you remember him saying that?

03:54:52PM 10 A. If it was recorded, then, yes.

03:54:54PM 11 Q. He said, I take two lies, an initial
03:54:58PM 12 and a backup. Once you tell me the backup lie, I
03:55:02PM 13 burn you. And do you remember that?

03:55:04PM 14 A. Yes.

03:55:04PM 15 Q. So then you tell Detective Holmes and
03:55:14PM 16 Detective Kennedy that it was a guy named L?

03:55:16PM 17 A. Yes.

03:55:16PM 18 Q. You said, I don't know his real name,
03:55:20PM 19 all I can give you is his name is L and he lives on
03:55:24PM 20 Fort Johnson Road?

03:55:24PM 21 A. Yes.

03:55:24PM 22 Q. And you were telling him you didn't
03:55:26PM 23 know any more information about it?

03:55:28PM 24 A. Right.

03:55:30PM 25 Q. And they kept trying to find out more

LESLIE GREEN - CROSS EXAM BY MR. KING

03:55:32PM 1 information, trying to find out who L is; do you
03:55:34PM 2 remember?

03:55:34PM 3 A. No.

03:55:34PM 4 Q. Do you remember -- you were telling
03:55:36PM 5 them it was L, right?

03:55:38PM 6 A. They didn't believe me when I said
03:55:40PM 7 that.

03:55:42PM 8 Q. You don't remember -- do you remember
03:55:44PM 9 Detective Holmes telling you --

03:55:46PM 10 A. I remember saying that, yes.

03:55:48PM 11 Q. Sorry?

03:55:48PM 12 A. I remember saying that, yes.

03:55:50PM 13 Q. Do you remember Detective Holmes, he
03:55:52PM 14 tells you, tell me who L is or else you ain't
03:55:58PM 15 walking out of here today?

03:55:58PM 16 A. I didn't know his real name so I told
03:56:02PM 17 him it was L.

03:56:04PM 18 Q. They were threatening to not let you
03:56:06PM 19 leave, to basically arrest you, right?

03:56:08PM 20 A. Right.

03:56:08PM 21 Q. And then that's when you end up signing
03:56:12PM 22 that photograph up there, after they told you all
03:56:16PM 23 this about, you know, if you're involved and don't
03:56:20PM 24 talk, we're coming after you for 25 years, right?
03:56:22PM 25 And Detective Holmes has told you, two lies and

LESLIE GREEN - CROSS EXAM BY MR. KING

03:56:26PM 1 he'll burn you, right?

03:56:28PM 2 A. Right.

03:56:28PM 3 Q. They put Christopher Campbell's picture
03:56:32PM 4 in front of you and say, who is that. And you say,
03:56:36PM 5 Christopher Campbell. And they asked you if he's
03:56:40PM 6 the one that robbed the store. And you said, it
03:56:42PM 7 looks like him. And then Detective Holmes yells.
03:56:46PM 8 And you say, yes, it was him?

03:56:50PM 9 A. Yes.

03:56:50PM 10 MR. KING: May I play that portion?
03:56:52PM 11 It's just for -- I guess to show what he would have
03:56:58PM 12 felt?

03:56:58PM 13 THE COURT: Any objection from the
03:56:58PM 14 State?

03:56:58PM 15 MR. ZIEGLER: Objection; based on
03:57:02PM 16 hearsay, Your Honor.

03:57:04PM 17 THE COURT: Well, it's his testimony
03:57:04PM 18 and he's on the stand. Isn't that testimony --

03:57:10PM 19 MR. KING: It's not offered for the --
03:57:14PM 20 it's for the effect that it had on Mr. Green.

03:57:18PM 21 THE COURT: I will allow it.
03:57:20PM 22 Overruled.

03:57:48PM 23 (Video played.)

03:57:48PM 24 BY MR. KING:

03:57:54PM 25 Q. Okay. Does that voice sound familiar?

LESLIE GREEN - CROSS EXAM BY MR. KING

03:57:54PM 1 A. Yes.

03:57:56PM 2 Q. Like Detective Holmes?

03:57:56PM 3 A. Yes.

03:57:56PM 4 Q. Did you hear him say, you rolled the

03:58:00PM 5 dice and you lied to me?

03:58:02PM 6 A. Yes, I heard.

03:58:02PM 7 Q. And that's after he told you he's going

03:58:04PM 8 to burn you, right?

03:58:06PM 9 A. Right.

03:58:30PM 10 (Video played.)

03:58:30PM 11 Q. Okay. Did you hear that?

03:58:30PM 12 A. Yes, I heard that.

03:58:32PM 13 Q. You were still saying to them, that

03:58:36PM 14 looks like him. You still weren't saying it was

03:58:40PM 15 him until Detective Holmes said, huh, right? And

03:58:44PM 16 he said, one more chance. And that's when you

03:58:46PM 17 said, it's him, right?

03:58:46PM 18 A. Right.

03:58:46PM 19 Q. And that's when you signed it?

03:58:54PM 20 A. Right.

03:58:54PM 21 Q. We talked about this meeting before,

03:59:02PM 22 but the day you signed that agreement with the

03:59:04PM 23 Solicitor's Office, the first time you met with him

03:59:06PM 24 on January 10, 2014, right? Do you remember we

03:59:12PM 25 talked about that before?

LESLIE GREEN - CROSS EXAM BY MR. KING

03:59:12PM 1 A. Yes.

03:59:12PM 2 Q. You're still telling them at that
03:59:16PM 3 meeting, just in this past January, you didn't know
03:59:20PM 4 who it was at the time. You watched the video. It
03:59:24PM 5 kind of looked like him. Do you remember telling
03:59:26PM 6 them that this past January?

03:59:28PM 7 A. I guess so, yes.

03:59:30PM 8 MR. KING: Well, may I play that
03:59:34PM 9 portion, Your Honor?

03:59:36PM 10 THE COURT: You may.

03:59:36PM 11 (Video played.)

03:59:36PM 12 BY MR. KING:

03:59:58PM 13 Q. Does that voice sound familiar?

03:59:58PM 14 A. Yes.

04:00:00PM 15 Q. Is it the previous Solicitor, named Meg
04:00:04PM 16 Hailey or Meg Sprinkle?

04:00:06PM 17 A. Yes.

04:00:20PM 18 (Video played)

04:00:20PM 19 Q. You say, a couple of cousins dropped me
04:00:22PM 20 off at work?

04:00:22PM 21 A. Yes.

04:00:24PM 22 Q. Is that true?

04:00:24PM 23 A. Yes, that's true.

04:00:24PM 24 Q. Who dropped you off?

04:00:26PM 25 A. My cousin, Laura Moore, and my cousin,

LESLIE GREEN - CROSS EXAM BY MR. KING

04:00:26PM 1 Leroy.

04:00:26PM 2 THE COURT REPORTER: I need you to
04:00:26PM 3 repeat that. Speak up.

04:00:34PM 4 THE WITNESS: My cousin, Laura Moore,
04:00:34PM 5 and my cousin, Leroy.

04:00:36PM 6 BY MR. KING:

04:00:36PM 7 Q. Didn't you testify today that
04:00:38PM 8 Christopher Campbell dropped you off?

04:00:40PM 9 A. That was -- my license was suspended at
04:00:42PM 10 the time so they were rotating.

04:00:44PM 11 Q. See, you're saying, a couple of my
04:01:08PM 12 cousins, dropped you off that morning that the
04:01:10PM 13 robbery was supposed to have taken place?

04:01:12PM 14 A. I guess so, yes. It wasn't a couple of
04:01:16PM 15 my cousins; it was just one person.

04:01:20PM 16 (Video played.)

04:01:46PM 17 Q. Still there -- this is just this past
04:01:48PM 18 January. You're still saying, kind of looked like
04:01:54PM 19 him. You don't tell them that when the person
04:01:58PM 20 walked in, your cousin that you've known a good
04:02:02PM 21 part of your life, that you rode to work with him,
04:02:06PM 22 right beside him, you're still saying, you didn't
04:02:08PM 23 know who it was. You just watched the video and it
04:02:10PM 24 kind of looked like him.

04:02:12PM 25 A. Yes.

LESLIE GREEN - CROSS EXAM BY MR. KING

04:02:12PM 1 Q. You were saying that just this past
04:02:16PM 2 January, after you already agreed to cooperate and
04:02:18PM 3 you're meeting with the Solicitor and your lawyer
04:02:20PM 4 and the Solicitor's investigator?

04:02:20PM 5 A. Yes.

04:02:22PM 6 Q. You enjoy music; is that right?

04:02:28PM 7 A. Yes.

04:02:28PM 8 Q. Are you like -- you would like to get
04:02:32PM 9 involved with like music and be a rapper and a
04:02:34PM 10 producer and stuff?

04:02:36PM 11 A. No.

04:02:36PM 12 Q. Back then, did you?

04:02:38PM 13 A. Back then, yes.

04:02:38PM 14 Q. I want you to remember the first
04:02:44PM 15 interview. This is the very first one, the day
04:02:48PM 16 after the video that we saw. And you were
04:02:52PM 17 interviewed by Detective Kennedy and Detective
04:02:54PM 18 O'Dell, the lady with the dark hair. Do you
04:02:58PM 19 remember she asked you, what is important to you?
04:02:58PM 20 Do you remember her asking you?

04:03:00PM 21 A. She asked a lot of questions.

04:03:02PM 22 Q. Do you remember what you said to that?

04:03:02PM 23 A. No.

04:03:04PM 24 Q. You said, music and me.

04:03:08PM 25 A. I don't remember saying that.

LESLIE GREEN - REDIRECT EXAM BY MR. ZIEGLER

04:03:10PM 1 MR. KING: May I play that, Your Honor?

04:03:12PM 2 THE COURT: You may.

04:03:14PM 3 MR. KING: Thank you.

04:03:14PM 4 (Video played.)

04:03:14PM 5 BY MR. KING:

04:03:36PM 6 Q. Do you remember saying that?

04:03:38PM 7 A. It's on the video, then, yes.

04:03:40PM 8 Q. You didn't say, my family, did you?

04:03:46PM 9 A. What she said before that?

04:03:50PM 10 Q. She asked you, what is important to
04:03:52PM 11 you. And you didn't say your mother. Maybe that
04:03:56PM 12 might have been a better answer.

04:03:56PM 13 A. She said to me.

04:03:58PM 14 Q. Right. What's important to you?

04:04:00PM 15 A. Uh-huh.

04:04:02PM 16 Q. Not your mother, not your family, not
04:04:06PM 17 your friends, not Christopher Campbell, right?

04:04:10PM 18 A. Okay.

04:04:12PM 19 MR. KING: I don't have any more
04:04:14PM 20 questions, Your Honor.

04:04:14PM 21 THE COURT: Any redirect?

04:04:14PM 22 REDIRECT EXAMINATION

04:04:14PM 23 BY MR. ZIEGLER:

04:04:30PM 24 Q. J. R., Mr. King just played some clips
04:04:32PM 25 for you. One of those, you said it's -- it you

LESLIE GREEN - REDIRECT EXAM BY MR. ZIEGLER

04:04:38PM 1 said -- you said you had no idea who that was?

04:04:40PM 2 A. Uh-huh.

04:04:40PM 3 Q. Was that true, that you had no idea?

04:04:46PM 4 A. No. No.

04:04:46PM 5 Q. It was not true?

04:04:48PM 6 A. It was not true.

04:04:50PM 7 Q. Did you -- did you have -- did you know

04:04:54PM 8 who it was --

04:04:54PM 9 A. Yes.

04:04:54PM 10 Q. -- who robbed the store at that time?

04:04:58PM 11 A. Yes.

04:04:58PM 12 Q. The person who robbed that store was

04:05:02PM 13 part of your family, right?

04:05:04PM 14 A. Yes.

04:05:04PM 15 Q. So were you excited about the idea of

04:05:10PM 16 getting your family member into trouble?

04:05:12PM 17 A. No.

04:05:12PM 18 Q. Was that something you would rather

04:05:16PM 19 avoid to do?

04:05:18PM 20 A. Yes.

04:05:18PM 21 Q. And did you lie to the police that day?

04:05:26PM 22 A. Yes.

04:05:26PM 23 Q. And, again, why did you do that?

04:05:32PM 24 A. Out of fear and protection of myself.

04:05:34PM 25 Q. And did you want to give up your

LESLIE GREEN - REDIRECT EXAM BY MR. ZIEGLER

04:05:40PM 1 cousin?

04:05:40PM 2 A. No.

04:05:42PM 3 Q. Now, another clip that you were shown,
04:05:48PM 4 J. R., said -- it was Detective Holmes saying, you
04:05:52PM 5 rolled the dice and you lied to me. And that was
04:05:56PM 6 at a time when he was showing you this photo that
04:06:02PM 7 you've looked at. Before they had shown you that
04:06:08PM 8 photo, had you already provided the name of the
04:06:10PM 9 person who -- who robbed the store that day?

04:06:14PM 10 A. That's part of the interview -- can you
04:06:18PM 11 repeat that?

04:06:18PM 12 Q. How did they get the name to pull that
04:06:20PM 13 photo to show it to you?

04:06:22PM 14 A. I told them that Christopher Campbell
04:06:26PM 15 dropped me off that day at work.

04:06:28PM 16 Q. Did you tell them that Christopher
04:06:30PM 17 Campbell robbed the store?

04:06:30PM 18 A. That same day?

04:06:32PM 19 Q. Yes.

04:06:32PM 20 A. No.

04:06:32PM 21 Q. Did you identify that day Christopher
04:06:36PM 22 Campbell as the person who robbed the store? Is
04:06:40PM 23 that why -- is that how they showed you that photo?

04:06:42PM 24 A. That's why they showed the picture,
04:06:46PM 25 yes.

LESLIE GREEN - REDIRECT EXAM BY MR. ZIEGLER

04:06:46PM 1 Q. But -- but -- but did you provide them
04:06:48PM 2 with that name?

04:06:50PM 3 A. Yes.

04:06:50PM 4 Q. Another clip you heard was from an
04:07:00PM 5 interview in my office, the Solicitor's Office.
04:07:06PM 6 Were you totally relaxed at the beginning of that
04:07:08PM 7 interview?

04:07:08PM 8 A. Of the first interview?

04:07:10PM 9 Q. The interview that you heard the clip
04:07:14PM 10 of, were you nervous that day?

04:07:16PM 11 A. Which clip was that?

04:07:16PM 12 Q. It's the female voice at my office
04:07:22PM 13 where the Solicitor is asking you what happened
04:07:24PM 14 that day. She said, just tell us what happened.

04:07:28PM 15 A. Was I relaxed?

04:07:28PM 16 Q. Were you nervous?

04:07:30PM 17 A. I was nervous the whole time.

04:07:32PM 18 Q. Okay. And another -- another item that
04:07:44PM 19 defense Counsel, Mr. King, brought up, you
04:07:48PM 20 mentioned that you had a couple of cousins,
04:07:50PM 21 multiple cousins. Can you clarify that? Who --
04:07:54PM 22 what were you referring to when you said cousins?

04:07:56PM 23 A. I was referring to how I got to work.
04:08:00PM 24 I had a couple of cousins that would drop me off at
04:08:04PM 25 work. Not saying a couple of cousins dropped me

LESLIE GREEN - RECROSS EXAM BY MR. KING

04:08:06PM 1 off to work that day.

04:08:06PM 2 Q. So was there a rotation of people
04:08:08PM 3 taking you to work?

04:08:10PM 4 A. If somebody was busy that morning, then
04:08:12PM 5 I would call the next one.

04:08:16PM 6 Q. Are you talking in general terms, like
04:08:18PM 7 prior to this incident?

04:08:20PM 8 A. Yes.

04:08:20PM 9 Q. So you're saying other cousins would
04:08:24PM 10 take you to work on a regular basis?

04:08:26PM 11 A. Yes.

04:08:26PM 12 Q. And on that particular day, May 4,
04:08:30PM 13 2011, how many cousins took you to work?

04:08:32PM 14 A. Just one.

04:08:32PM 15 Q. And who was that?

04:08:34PM 16 A. Christopher Campbell.

04:08:36PM 17 MR. ZIEGLER: Thank you. No further
04:08:36PM 18 questions.

04:08:36PM 19 THE COURT: Any recross based upon his
04:08:40PM 20 redirect?

04:08:40PM 21 MR. KING: Very briefly, Judge.

04:08:40PM 22 RECROSS-EXAMINATION

04:08:40PM 23 BY MR. KING:

04:08:44PM 24 Q. You lied a lot, right? You testified
04:08:46PM 25 to that? You told lies?

LESLIE GREEN - RECROSS EXAM BY MR. KING

04:08:48PM 1 A. I never said I told a lie. Well --

04:08:50PM 2 Q. You haven't lied?

04:08:52PM 3 A. I lied in the beginning of all of this,

04:08:54PM 4 yes.

04:08:54PM 5 Q. You said you lied, out of fear and

04:08:56PM 6 protection of myself?

04:08:56PM 7 A. Yes.

04:08:58PM 8 Q. So when you're afraid and you want to

04:09:00PM 9 protect yourself, you're ready to lie, right?

04:09:02PM 10 A. This particular thing, yes.

04:09:06PM 11 Q. You're willing to lie to keep from

04:09:08PM 12 going to prison, aren't you?

04:09:10PM 13 A. No.

04:09:12PM 14 MR. KING: I have no further questions.

04:09:12PM 15 THE COURT: Thank you. You may step

04:09:14PM 16 down.

04:09:24PM 17 State may call its next witness.

04:09:28PM 18 MR. ZIEGLER: State calls Officer

04:09:48PM 19 Richard Kennedy.

04:09:48PM 20 RICHARD KENNEDY,

04:09:48PM 21 being first duly sworn, testified as follows:

04:09:52PM 22 THE WITNESS: I do.

04:09:52PM 23 THE CLERK: You may be seated, sir.

04:09:54PM 24 Once seated, please state your first and last name

04:09:56PM 25 and spell your last loudly and clearly for the

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:09:56PM 1 record.

04:09:58PM 2 THE WITNESS: Richard Kennedy,

04:10:00PM 3 K-E-N-N-E-D-Y.

04:10:00PM 4 DIRECT EXAMINATION

04:10:02PM 5 BY MR. ZIEGLER:

04:10:02PM 6 Q. Afternoon, Officer Kennedy.

04:10:06PM 7 A. Afternoon.

04:10:06PM 8 Q. What law enforcement agency are you a

04:10:06PM 9 member of?

04:10:08PM 10 A. Charleston City Police Department.

04:10:10PM 11 Q. What is your current assignment?

04:10:10PM 12 A. I work West Ashley, Team IV patrol.

04:10:14PM 13 Q. And can you briefly describe your prior
04:10:18PM 14 assignments with the Charleston Police Department?

04:10:20PM 15 A. I started in 2006, Team 2 patrol, and
04:10:24PM 16 then I did one year as a Team 2 investigator, and
04:10:28PM 17 then I spent four years in the robbery/assault
04:10:32PM 18 unit, central division, investigating robberies for
04:10:34PM 19 the City of Charleston Police Department.

04:10:36PM 20 Q. I want to direct you to May 4th, 2011.

04:10:40PM 21 What was your position at that time?

04:10:42PM 22 A. I was working as a robbery detective.

04:10:44PM 23 Q. And where in the city were you working
04:10:48PM 24 that day?

04:10:48PM 25 A. I was coming into work and I heard that

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:10:50PM 1 a call -- a call come out as far as an armed
04:10:54PM 2 robbery occurred at 357 King Street, Firehouse
04:10:58PM 3 Subs.

04:10:58PM 4 Q. Did you respond to the report of an
04:11:02PM 5 armed robbery at 357 King Street?

04:11:04PM 6 A. I did.

04:11:06PM 7 Q. And in what county is that located?

04:11:08PM 8 A. In the City of Charleston, the County
04:11:10PM 9 of Charleston, South Carolina.

04:11:12PM 10 Q. Approximately, what time did you arrive
04:11:18PM 11 at the Firehouse Subs that morning?

04:11:20PM 12 A. Approximately, around 8:50. I believe
04:11:24PM 13 the chat had me at 8:44 checking on the scene.

04:11:30PM 14 Q. And, approximately, how long before you
04:11:34PM 15 arrived had the armed robbery occurred?

04:11:36PM 16 A. I think the call initially came out
04:11:38PM 17 around 8:27 in the morning, 8:30 in the morning.

04:11:44PM 18 Q. And who was there when you arrived?

04:11:50PM 19 A. Officer Freshman was on-scene, I
04:11:52PM 20 believe his street supervisor was on-scene as well.
04:11:58PM 21 I can't remember exactly all the officers that
04:12:00PM 22 showed up. When I showed up, I was tasked with
04:12:02PM 23 interviewing the victim, Christopher Riley.

04:12:06PM 24 Q. Was the scene secured when you arrived?

04:12:08PM 25 A. It was.

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:12:08PM 1 Q. Had a suspect been located or subject
04:12:12PM 2 been located when you arrived?

04:12:14PM 3 A. No.

04:12:14PM 4 Q. And did you speak to Christopher Riley?

04:12:20PM 5 A. I did.

04:12:20PM 6 Q. What was his demeanor?

04:12:22PM 7 A. He was afraid, you know, he was scared.
04:12:24PM 8 You could tell he had just been through something.
04:12:28PM 9 Normal reaction for what you would see with
04:12:32PM 10 somebody who's been through a traumatic event.

04:12:34PM 11 Q. Did he give you a statement?

04:12:34PM 12 A. Yes, he did.

04:12:36PM 13 Q. Did he give an account of what
04:12:38PM 14 happened?

04:12:38PM 15 A. Yes, he did.

04:12:38PM 16 Q. And did he provide a description of the
04:12:42PM 17 person that robbed the store?

04:12:42PM 18 A. Yes, he did.

04:12:44PM 19 Q. Did he ever tell you that the robber
04:12:46PM 20 had gold teeth?

04:12:48PM 21 A. No, he did not. We clarified that.

04:12:50PM 22 Q. You clarified -- how did you clarify
04:12:52PM 23 that with him?

04:12:52PM 24 A. Whenever I interview anybody, I'm just
04:12:56PM 25 going to go through from head down to toe. I

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:12:58PM 1 thought he'd said gold teeth. And I remember
04:13:02PM 2 hearing something about it on the radio seems like.
04:13:02PM 3 And I said, gold teeth? And he said, no, goatee.
04:13:06PM 4 And so we got that cleared up.

04:13:08PM 5 Q. Were there any other employees in the
04:13:10PM 6 store besides Christopher Riley when the robbery
04:13:18PM 7 happened?

04:13:18PM 8 A. Leslie Green, who I knew as J. R. at
04:13:22PM 9 the time.

04:13:22PM 10 Q. Did you speak to him that morning?

04:13:22PM 11 A. Not at the store, no.

04:13:24PM 12 Q. Were you assigned as the lead
04:13:30PM 13 detective?

04:13:30PM 14 A. I was. When I initially responded, I
04:13:32PM 15 was just the responding detective to do the initial
04:13:34PM 16 interviews. Early that afternoon, Sergeant
04:13:36PM 17 Bradley, who is the robbery unit supervisor,
04:13:40PM 18 assigned me the case around 1:30.

04:13:42PM 19 Q. And so on May 4, 2011, the day of the
04:13:46PM 20 robbery, did you identify -- were you able to
04:13:52PM 21 identify the person who went into the store with a
04:13:54PM 22 gun and robbed it?

04:13:56PM 23 A. No.

04:13:56PM 24 Q. And did you later speak to Leslie
04:14:08PM 25 Green, J. R. as you knew him then?

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:14:10PM 1 A. I did briefly over the phone that
04:14:12PM 2 afternoon. We had just talked, and I believe he
04:14:16PM 3 told me something about how he didn't know who did
04:14:18PM 4 it and he would be coming in the next day to talk
04:14:22PM 5 to me about it.

04:14:22PM 6 Q. And that was May 5th, 2011?

04:14:24PM 7 A. Would be the next day, correct.

04:14:26PM 8 Q. Okay. And did -- on that day, did he
04:14:32PM 9 give the name of the person who robbed the store?

04:14:36PM 10 A. No, he did not.

04:14:36PM 11 Q. Is it uncommon for someone -- how many
04:14:42PM 12 interviews -- approximately how many investigations
04:14:46PM 13 and interviews have you done?

04:14:48PM 14 A. Hundreds.

04:14:50PM 15 Q. Is it common or uncommon for them to
04:14:56PM 16 not tell you everything they know on that right
04:14:58PM 17 away?

04:14:58PM 18 A. I would love it if people just came in
04:15:02PM 19 and said who did it or would just tell us
04:15:04PM 20 everything they know right away. That's not how it
04:15:06PM 21 normally happens.

04:15:06PM 22 Q. And if someone -- if someone that --
04:15:10PM 23 you were interviewing someone and they said they
04:15:14PM 24 don't know anything and don't know who it was, do
04:15:16PM 25 you always -- do you stop there? Is that the end

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:15:18PM 1 of your inquiry?

04:15:20PM 2 A. No. We typically don't believe them.

04:15:22PM 3 Q. So in that situation, do you continue

04:15:28PM 4 to speak -- try to reach out and speak to the

04:15:30PM 5 person that you are interested in speaking to?

04:15:32PM 6 A. I do, especially with -- if that's the

04:15:34PM 7 way the investigation is going.

04:15:36PM 8 Q. And so Leslie Green --

04:15:40PM 9 THE COURT: Bailiff, please take the

04:15:40PM 10 phone.

04:15:52PM 11 Sorry for the interruption. Proceed.

04:15:52PM 12 BY MR. ZIEGLER:

04:15:54PM 13 Q. And so Leslie Green didn't provide the

04:15:58PM 14 name of the person that robbed the store on

04:16:02PM 15 May 5th. Did you meet with him again after that?

04:16:04PM 16 A. Yes.

04:16:04PM 17 Q. When was that?

04:16:06PM 18 A. On May 6th, at the Firehouse Subs.

04:16:08PM 19 Q. Did he agree to go to the police

04:16:12PM 20 station?

04:16:12PM 21 A. He did.

04:16:12PM 22 Q. And did you interview him there at the

04:16:18PM 23 police station?

04:16:18PM 24 A. Yes.

04:16:18PM 25 Q. Was anyone else present for that

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:16:20PM 1 interview?

04:16:20PM 2 A. Yes, Detective Holmes.

04:16:22PM 3 Q. Were you present at all times --

04:16:24PM 4 A. Yes, I was.

04:16:24PM 5 Q. -- when Mr. Green was being

04:16:28PM 6 interviewed?

04:16:28PM 7 A. Yes.

04:16:28PM 8 Q. Were you always in the room or --

04:16:34PM 9 A. I was either in the room or observing

04:16:36PM 10 it, so, yes.

04:16:36PM 11 Q. Now, on May 6th -- the May 6th

04:16:46PM 12 interview at the police station, did Leslie Green

04:16:50PM 13 provide the name of the person who robbed Firehouse

04:16:54PM 14 Subs?

04:16:54PM 15 A. Yes, he did.

04:16:54PM 16 Q. Who did he provide?

04:16:56PM 17 A. He said it was his cousin, Christopher

04:17:00PM 18 Campbell.

04:17:00PM 19 Q. Did he give the name of anyone before

04:17:04PM 20 Christopher Campbell?

04:17:04PM 21 A. Just the nickname, L.

04:17:06PM 22 Q. Did you continue to try to figure out

04:17:08PM 23 who L was and continue to question him?

04:17:10PM 24 A. We did, just because L really didn't

04:17:12PM 25 make sense, especially with this -- as you watched

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:17:16PM 1 the video, it seemed like there was some knowledge
04:17:20PM 2 between the subject who came in with the gun and
04:17:22PM 3 Leslie Green.

04:17:22PM 4 Q. What was it about -- what was it about
04:17:28PM 5 what you saw on the video that made you speak to
04:17:30PM 6 Leslie?

04:17:30PM 7 A. As you saw on the video, the victim,
04:17:34PM 8 Christopher Riley, had the gun pointed directly at
04:17:38PM 9 him. He acted afraid and you could tell he was
04:17:40PM 10 concerned about the gun. You could see J. R. in
04:17:42PM 11 the video not be so afraid.

04:17:44PM 12 Not only that, but the subject with the
04:17:48PM 13 gun was not worried about J. R. at all. He just
04:17:52PM 14 went right past him, almost put his hand on his
04:17:52PM 15 back as he was approaching Riley over by the safe.
04:17:56PM 16 And when you're watching that as a robbery
04:18:00PM 17 detective, it just puts a whole bunch of
04:18:02PM 18 exclamation points going off in your head that
04:18:04PM 19 something doesn't look right.

04:18:06PM 20 So it just led us -- led me to believe
04:18:08PM 21 that J. R. knew a lot more than he was telling us.

04:18:10PM 22 Q. Did you believe J. R. when he told you
04:18:14PM 23 Christopher Campbell was the person who robbed the
04:18:16PM 24 store?

04:18:16PM 25 A. Yes. With his knowledge that it was

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:18:18PM 1 his cousin, yes, I did.

04:18:20PM 2 Q. I'm now showing you what has been
04:18:22PM 3 marked as State's Exhibit Number 18. After
04:18:28PM 4 Mr. Green provided the name of Christopher
04:18:32PM 5 Campbell, what did you show him?

04:18:32PM 6 A. I showed him a photo that I received
04:18:38PM 7 from the South Carolina Department of Motor
04:18:40PM 8 Vehicles of his cousin.

04:18:40PM 9 Q. Can you identify this document?

04:18:42PM 10 A. That is the photo that I printed out.

04:18:44PM 11 Q. What is the name of the person -- the
04:18:48PM 12 person whose picture that is, what is his name?

04:18:50PM 13 A. Christopher D. Campbell, DOB 5/5/1986.

04:18:54PM 14 Q. And did -- on State's Exhibit Number
04:19:02PM 15 18, did J. R., Leslie Green, identify that person,
04:19:08PM 16 Christopher Campbell, as the one who robbed the
04:19:10PM 17 Firehouse Subs?

04:19:12PM 18 A. Yes, he did.

04:19:12PM 19 Q. And after the interview with J. R.,
04:19:24PM 20 what did you do to end the case, after he provided
04:19:26PM 21 that name and confirmed that picture?

04:19:30PM 22 A. Leslie Green was charged with armed
04:19:32PM 23 robbery and I obtained arrest warrants for
04:19:34PM 24 Christopher D. Campbell for armed robbery and
04:19:38PM 25 possession of a firearm during the commission of a

RICHARD KENNEDY - DIRECT EXAM BY MR. ZIEGLER

04:19:44PM 1 violent crime.

04:19:44PM 2 Q. Was Christopher Campbell arrested for
04:19:50PM 3 the Firehouse Subs armed robbery?

04:19:52PM 4 A. Yes, later that evening.

04:19:54PM 5 Q. And when he was -- when he was arrested
04:20:04PM 6 -- at the time when he was arrested, what was --
04:20:06PM 7 what was his age and approximate height?

04:20:10PM 8 A. I think he's approximately 6,2, 185-190
04:20:18PM 9 pounds, and approximately 25 years old.

04:20:20PM 10 Q. Did anything else occur in the
04:20:28PM 11 investigation of that case after Christopher
04:20:30PM 12 Campbell was arrested?

04:20:32PM 13 A. Yes. I was working day shift that day
04:20:34PM 14 and the oncoming evening shift detective was
04:20:38PM 15 Detective Williams. I advised him of where we were
04:20:40PM 16 in the case, with the active pending warrants in
04:20:42PM 17 the case, and that if Christopher Campbell was
04:20:46PM 18 arrested, give me a call, we might have to do a
04:20:50PM 19 search warrant on his residence.

04:20:54PM 20 Q. Was a search warrant issued and
04:20:56PM 21 executed?

04:20:56PM 22 A. Yes. A patrol officer located
04:20:58PM 23 Christopher Campbell in front of [REDACTED] I believe,
04:21:04PM 24 or 3, Champagne Lane and arrested him. That was
04:21:06PM 25 Christopher Campbell's place of residence.

RICHARD KENNEDY - CROSS EXAM BY MR. KING

04:21:10PM 1 Detective Williams did an initial interview with
04:21:12PM 2 him. Mr. Campbell confirmed that was his
04:21:16PM 3 residence. We issued a search warrant for that
04:21:20PM 4 residence.

04:21:20PM 5 MR. ZIEGLER: Court's indulgence,
04:21:22PM 6 please?

04:21:22PM 7 THE COURT: Yes.

04:21:40PM 8 MR. ZIEGLER: No further questions,
04:21:42PM 9 Your Honor. Officer Kennedy, please answer any
04:21:46PM 10 questions from defense Counsel.

04:21:48PM 11 THE COURT: Mr. King.

04:21:48PM 12 CROSS-EXAMINATION

04:21:48PM 13 BY MR. KING:

04:21:54PM 14 Q. Detective Kennedy, you've worked on
04:21:56PM 15 armed robbery cases before?

04:21:56PM 16 A. Yes.

04:21:56PM 17 Q. Before this, too, before 2011?

04:22:00PM 18 A. Yes.

04:22:00PM 19 Q. And you've seen -- it's probably not
04:22:02PM 20 the first surveillance video that you've seen and
04:22:08PM 21 observed?

04:22:08PM 22 A. Correct.

04:22:08PM 23 Q. So when you saw the surveillance video,
04:22:10PM 24 you knew something fishy was going on, right?

04:22:12PM 25 A. It stuck out, yes.

RICHARD KENNEDY - CROSS EXAM BY MR. KING

04:22:14PM 1 Q. You said some things on direct
04:22:18PM 2 testimony, that when Leslie Green walks in, the
04:22:20PM 3 robber is almost right on his heels. Within
04:22:26PM 4 seconds of him walking in, right?

04:22:26PM 5 A. I think it was approximately 17, 18
04:22:26PM 6 seconds, yes.

04:22:28PM 7 Q. Pretty quick, not much time passed.
04:22:32PM 8 You testified on direct that the robber walked past
04:22:36PM 9 Leslie Green?

04:22:36PM 10 A. He's very comfortable with him being
04:22:38PM 11 there, correct.

04:22:40PM 12 Q. Puts his back to him?

04:22:42PM 13 A. Yes.

04:22:42PM 14 Q. Which probably wouldn't -- it doesn't
04:22:44PM 15 make any sense --

04:22:46PM 16 A. It doesn't happen very often.

04:22:48PM 17 Q. At some point, Leslie Green, he's in a
04:22:50PM 18 position where he could have just ran out of the
04:22:52PM 19 store, right? Because they were in that corner
04:22:54PM 20 where the safe is and Leslie Green was behind them
04:23:00PM 21 and really would have had an exit, right?

04:23:02PM 22 A. That's possible, yes.

04:23:04PM 23 Q. And that's something that you wouldn't
04:23:06PM 24 normally see in a robbery?

04:23:08PM 25 A. I think the strangest part was probably

RICHARD KENNEDY - CROSS EXAM BY MR. KING

04:23:10PM 1 when the subject put his hand on Leslie Green's
04:23:14PM 2 back, almost to say, hey, move over here. And I
04:23:18PM 3 mean, that part really sticks out bad, because the
04:23:18PM 4 focus of the subject's Christopher Riley, not
04:23:24PM 5 Leslie Green.

04:23:24PM 6 Q. So, based on your experience, you knew
04:23:36PM 7 Leslie Green knew who the robber was?

04:23:38PM 8 A. I believe so, yes.

04:23:40PM 9 Q. That's what you saw on the video?

04:23:42PM 10 A. Yes.

04:23:42PM 11 Q. That's why you were interrogating him
04:23:44PM 12 so much; you were trying to get him to say who did
04:23:46PM 13 it, because you knew he knew?

04:23:50PM 14 A. Yes. Based on the video, it certainly
04:23:50PM 15 led to our suspicion.

04:23:50PM 16 Q. But Leslie Green is putting on a big
04:23:54PM 17 act in the video, right? At one point he like
04:23:56PM 18 throws his hat down, like, oh, I can't believe this
04:23:58PM 19 is happening, we're getting robbed. Do you
04:23:58PM 20 remember seeing that?

04:23:58PM 21 A. Yeah, I watched that. I wouldn't say
04:24:02PM 22 it was so much an act of -- it didn't come off to
04:24:04PM 23 me as an act of trying to put on an act of getting
04:24:08PM 24 robbed. It was more like an act of nervousness.
04:24:10PM 25 He's nervous about what's going on right now; not

RICHARD KENNEDY - CROSS EXAM BY MR. KING

04:24:12PM 1 because he's afraid, it's because he knows what
04:24:16PM 2 he's doing.

04:24:16PM 3 Q. And he is still saying he didn't do
04:24:24PM 4 anything wrong. He just testified a minute ago and
04:24:26PM 5 he said, I didn't do anything wrong, right?

04:24:28PM 6 A. That's what he said.

04:24:28PM 7 Q. But based on your experience with the
04:24:34PM 8 video, he knew who that robber was?

04:24:36PM 9 A. Yes, I believed he knew who it was. I
04:24:40PM 10 think he knew who it was within seconds of him
04:24:42PM 11 walking in; I think he knew who it was as soon as
04:24:46PM 12 the police showed up; I think he knew who it was
04:24:48PM 13 the whole time.

04:24:48PM 14 Q. You interviewed him the next day and he
04:24:52PM 15 tells you for maybe close to two hours that he
04:24:56PM 16 doesn't know who did it?

04:24:56PM 17 A. That's correct.

04:24:58PM 18 Q. And -- and you were trying to get him
04:25:02PM 19 to say who it was, so you were talking to him about
04:25:06PM 20 how serious armed robbery is, right?

04:25:08PM 21 A. Yes. Sometimes people need some time
04:25:10PM 22 before they come up and tell us the truth. Like I
04:25:14PM 23 said, I wish they told us the truth when they
04:25:16PM 24 walked in, but it doesn't typically happen.

04:25:20PM 25 Q. So sometimes you have to scare him a

RICHARD KENNEDY - CROSS EXAM BY MR. KING

04:25:22PM 1 little bit; at least sober him up and make him
04:25:22PM 2 realize how serious it is?

04:25:22PM 3 A. I wouldn't say scared is the right
04:25:24PM 4 word. I would just say, lay out the facts, what
04:25:26PM 5 the truth of the matter is.

04:25:28PM 6 Q. Well, I've talked about this quote from
04:25:30PM 7 you before, when you told him that, if you found
04:25:32PM 8 out that he knew about this and didn't cooperate,
04:25:36PM 9 I'll be coming at you, put you in jail for
04:25:40PM 10 25 years?

04:25:40PM 11 A. Yes. If you are part of an armed
04:25:42PM 12 robbery, we will charge you, if you had knowledge
04:25:46PM 13 of it as it's occurring and you don't assist in
04:25:48PM 14 telling the police right away when they show up.
04:25:52PM 15 It just kind of makes sense. You can't walk into a
04:25:54PM 16 bank and know the person who walks in the bank and
04:25:56PM 17 robs the bank and leaves, and not tell the police
04:25:58PM 18 right away.

04:26:00PM 19 Q. You're kind of putting him in the
04:26:02PM 20 position where either -- if you say you did it, I'm
04:26:06PM 21 coming at you, basically. You're kind of breaking
04:26:06PM 22 it down like that; is that right?

04:26:06PM 23 A. I was just advising him of what could
04:26:10PM 24 happen.

04:26:10PM 25 Q. But he says he doesn't know who it is,

RICHARD KENNEDY - CROSS EXAM BY MR. KING

04:26:14PM 1 right?

04:26:14PM 2 A. On May 5th, correct.

04:26:16PM 3 Q. And then the next day you go down and
04:26:18PM 4 pick him up. And I've already kind of gone through
04:26:22PM 5 this, the ride with Detective Holmes in the car all
04:26:24PM 6 the way there?

04:26:24PM 7 A. Right. When we showed up on May 6th at
04:26:28PM 8 Firehouse Subs, initially, we just wanted to talk
04:26:28PM 9 to him at Firehouse Subs. And then he ended up
04:26:32PM 10 telling us he didn't feel comfortable talking
04:26:36PM 11 there, he would rather go to the police station.
04:26:36PM 12 And we gave him a ride to go to the police station
04:26:38PM 13 and talk.

04:26:40PM 14 Q. And you heard Detective Holmes say
04:26:42PM 15 those things to him about -- asking about his
04:26:44PM 16 little brother and trying to, you know, establish
04:26:48PM 17 some kind of connection that way?

04:26:48PM 18 A. Yes.

04:26:50PM 19 Q. And saying, I give you two lies and
04:26:52PM 20 then I burn you?

04:26:52PM 21 A. Yes.

04:26:54PM 22 Q. And that's when he says, it's a guy
04:26:58PM 23 named L, right?

04:26:58PM 24 A. Well, this isn't -- you're not putting
04:27:02PM 25 an accurate time stamp on these things. This isn't

RICHARD KENNEDY - CROSS EXAM BY MR. KING

04:27:02PM 1 as if he mentions, you know, give me two lies and I
04:27:08PM 2 burn you, and, all of a sudden, he says L. We are
04:27:10PM 3 talking about some time lines through here.

04:27:12PM 4 Q. Like that was maybe a couple of hours
04:27:14PM 5 into the interview as well?

04:27:16PM 6 A. Correct.

04:27:16PM 7 Q. And you've testified like Leslie Green
04:27:24PM 8 just came out and said, it was Christopher
04:27:26PM 9 Campbell, but you've heard the recording of when he
04:27:32PM 10 says it's him and signs that paper, right? He's
04:27:36PM 11 still saying, it kind of looked like him?

04:27:38PM 12 A. There is a totality of things you have
04:27:40PM 13 to look at; you're looking at about six seconds. I
04:27:44PM 14 think if you watched the interview, you would sit
04:27:46PM 15 there and see that there is some time where -- you
04:27:48PM 16 can only see this when you're interviewing
04:27:50PM 17 somebody, especially if somebody is guilty of stuff
04:27:52PM 18 -- they have this front up.

04:27:54PM 19 And as they start breaking down and
04:27:56PM 20 they start realizing their situation and the truth
04:28:00PM 21 is usually going to come out, I'm going to see them
04:28:02PM 22 relax a little bit before -- we call it breaking
04:28:04PM 23 down, but they relax a little bit. By the time
04:28:06PM 24 Leslie Green identified his cousin as being the one
04:28:08PM 25 that did the armed robbery, he had broken down and

RICHARD KENNEDY - CROSS EXAM BY MR. KING

04:28:12PM 1 relaxed to the point that -- I had seen this happen
04:28:14PM 2 with other individuals in the interview room -- it
04:28:18PM 3 was the truth that was coming out at that time.

04:28:20PM 4 Q. But you don't know that. You're just
04:28:26PM 5 -- that's what you believe?

04:28:26PM 6 A. Based on my experience, I have not seen
04:28:30PM 7 it any other way.

04:28:30PM 8 Q. Because if that's not true, then we're
04:28:34PM 9 all wasting our time and the wrong man is on trial.
04:28:38PM 10 So of course it's what you're going to say?

04:28:40PM 11 A. That's what my job is.

04:28:50PM 12 MR. KING: I have no other questions.

04:28:52PM 13 THE COURT: Any redirect?

04:28:52PM 14 MR. ZIEGLER: Nothing further, Your
04:28:56PM 15 Honor.

04:28:56PM 16 THE COURT: Thank you. You may step
04:28:58PM 17 down. Let me see the attorneys up here.

04:28:58PM 18 (Off-the-record conference.)

04:28:58PM 19 All right. Ladies and gentlemen, we're
04:30:16PM 20 going to take a short break and then we're going to
04:30:18PM 21 come back and have two more witnesses and that will
04:30:20PM 22 be all the testimony that you will hear today. So
04:30:22PM 23 you will not be -- I wanted to work late into the
04:30:26PM 24 evening, but the attorneys did not want to. So we
04:30:30PM 25 won't be here late into the evening. Thank you,

04:30:34PM 1 ladies and gentlemen.

04:30:34PM 2 Please do not discuss anything while
04:30:36PM 3 you're back there. And we will take about 10 or 15
04:30:40PM 4 minutes.

04:30:40PM 5 (Jury out 4:29.)

04:30:44PM 6 (A recess transpired.)

04:30:44PM 7 THE COURT: How long do you think the
04:49:32PM 8 State's case will take tomorrow? Will you be done
04:49:36PM 9 by noon?

04:49:36PM 10 MR. ZIEGLER: Yes, Your Honor.

04:49:36PM 11 THE COURT: And how long do you think
04:49:38PM 12 you will be?

04:49:42PM 13 MR. KING: I would say maybe an
04:49:46PM 14 hour-and-a-half to two hours.

04:49:48PM 15 THE COURT: Do you think you will
04:49:48PM 16 finish tomorrow afternoon?

04:49:50PM 17 MR. KING: Yeah, I think so.

04:49:52PM 18 THE COURT: And do you want to charge
04:49:52PM 19 on Friday morning or do you want to charge
04:49:56PM 20 tomorrow? I guess that's not -- we're not supposed
04:49:58PM 21 to charge a jury after 3:30. Would you prefer to
04:50:06PM 22 start Friday morning arguing and then I'll charge?

04:50:10PM 23 MR. ZIEGLER: Doing that Friday
04:50:12PM 24 morning --

04:50:12PM 25 THE COURT: I'm just trying to -- we

04:50:18PM 1 don't have a whole lot left to do. We have one
04:50:18PM 2 hearing on Friday morning, a bond hearing that I
04:50:22PM 3 have to do, and that's all. So does that suit
04:50:24PM 4 you-all?

04:50:24PM 5 MR. ZIEGLER: Yes.

04:50:26PM 6 MR. KING: Yes.

04:50:28PM 7 THE COURT: That's what we'll do,
04:50:30PM 8 unless something happens and we end up being done
04:50:32PM 9 at 12:00 tomorrow.

04:50:44PM 10 Let's bring our jury in.

04:51:00PM 11 Hold the jury. Your phone went off.

04:51:02PM 12 What I'm going to require is that you make a \$100
04:51:04PM 13 contribution to your favorite charity, and that
04:51:08PM 14 could be your own church. You need to bring a
04:51:12PM 15 receipt to the Clerk of the Court's office and
04:51:14PM 16 we'll give you your phone back.

04:51:16PM 17 THE WITNESS: That's the only phone I
04:51:18PM 18 have. I don't have any phone in my house.

04:51:20PM 19 THE COURT: You don't have what?

04:51:22PM 20 THE WITNESS: I don't have any phone in
04:51:24PM 21 my house. I thought I turned it off. I really
04:51:26PM 22 did. I apologize.

04:51:32PM 23 THE COURT: I'll think about it.

04:51:36PM 24 Bring the jury in.

04:51:40PM 25 (Jury in, 4:50.)

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

04:51:42PM 1 THE BAILIFF: All jurors are present.

04:52:04PM 2 THE COURT: All right. Thanks.

04:52:10PM 3 State ready to proceed?

04:52:10PM 4 MR. SIMPSON: We are, Your Honor.

04:52:14PM 5 THE COURT: Call your next witness.

04:52:16PM 6 MR. SIMPSON: The State calls Detective

04:52:18PM 7 Williams of the Charleston Police Department.

04:52:18PM 8 (PLF. EXH. 20, Copy of DVD, was marked

9 for identification.)

10 S. LAMAR WILLIAMS,

04:52:40PM 11 being first duly sworn, testified as follows:

04:52:40PM 12 THE CLERK: State your first and last

04:52:42PM 13 name and spell your last loudly and clearly into

04:52:46PM 14 the microphone.

04:52:46PM 15 THE WITNESS: S. Lamar Williams,

04:52:50PM 16 W-I-L-L-I-A-M-S.

04:52:52PM 17 MR. SIMPSON: May I proceed?

04:52:54PM 18 THE COURT: You may.

04:52:54PM 19 DIRECT EXAMINATION

04:52:54PM 20 BY MR. SIMPSON

04:52:56PM 21 Q. Detective Williams, good afternoon.

04:52:56PM 22 A. Afternoon.

04:52:58PM 23 Q. What agency do you work for?

04:53:00PM 24 A. City of Charleston Police Department.

04:53:02PM 25 Q. How long have you been with that

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

04:53:04PM 1 agency?

04:53:04PM 2 A. Ten years.

04:53:08PM 3 Q. How long have you been a detective?

04:53:10PM 4 A. Twelve, thirteen years.

04:53:18PM 5 Q. As part of your duties as a detective,

04:53:22PM 6 does that include the interrogation of suspects?

04:53:26PM 7 A. Interrogation, interview, yes.

04:53:28PM 8 Q. How many interviews -- obviously, I'm

04:53:30PM 9 not looking for an exact number, but how many,

04:53:34PM 10 approximately, interviews do you think you have

04:53:36PM 11 conducted over your career?

04:53:38PM 12 A. Hundreds.

04:53:38PM 13 Q. Does part of your training as a

04:53:42PM 14 detective include certain interview techniques?

04:53:48PM 15 A. It does.

04:53:48PM 16 Q. And, again, you said you had real world

04:53:52PM 17 on-the-job training in that regard; is that true?

04:53:54PM 18 A. That's correct.

04:53:56PM 19 Q. You've been in the courtroom here

04:54:00PM 20 today?

04:54:00PM 21 A. Yes.

04:54:00PM 22 Q. You're familiar with the incident that

04:54:02PM 23 brings us here?

04:54:04PM 24 A. Yes.

04:54:04PM 25 Q. I would like, if you will, for you to

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

04:54:06PM 1 just sort of recount for the jury how you became
04:54:08PM 2 involved in the investigation of this case.

04:54:10PM 3 A. Just so happened I was the evening
04:54:16PM 4 shift detective on duty at the time, working from 4
04:54:18PM 5 to 12 in the evening. Detective Kennedy briefed me
04:54:22PM 6 when I was coming on shift that he had an arrest
04:54:26PM 7 warrant for a Mr. Campbell, the Defendant. And if
04:54:30PM 8 he was arrested, please -- he wanted me to give him
04:54:34PM 9 a call and it was possible that I would be
04:54:36PM 10 conducting or swearing out a search warrant for the
04:54:40PM 11 residence, looking for items involved in the
04:54:44PM 12 incident.

04:54:44PM 13 Q. Okay. And I guess we'll start there.
04:54:46PM 14 Did you -- did you compile that search warrant that
04:54:50PM 15 you referred to?

04:54:50PM 16 A. I did.

04:54:50PM 17 Q. Was it signed by a magistrate?

04:54:54PM 18 A. It was.

04:54:54PM 19 Q. And did you participate in the
04:54:56PM 20 execution of that search warrant?

04:54:56PM 21 A. I did.

04:54:58PM 22 MR. SIMPSON: Okay. Court's
04:55:00PM 23 indulgence?

04:55:00PM 24 THE COURT: Yes, sir.

04:55:00PM 25 BY MR. SIMPSON:

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

04:55:12PM 1 Q. Detective Williams, we'll be going into
04:55:16PM 2 more detail with another witness, but are you
04:55:20PM 3 familiar with anything that was seized as a result
04:55:20PM 4 of that search warrant?

04:55:22PM 5 A. Yes.

04:55:24PM 6 Q. And what items?

04:55:26PM 7 A. It was a pair of Nike sneakers.

04:55:32PM 8 Q. And that search warrant was executed --
04:55:34PM 9 was the residence that the search warrant -- let me
04:55:38PM 10 rephrase. Who was that residence associated with
04:55:40PM 11 that the search warrant was?

04:55:40PM 12 A. It was associated with Mr. Campbell,
04:55:44PM 13 Christopher Campbell.

04:55:44PM 14 Q. And did you have an opportunity to
04:55:48PM 15 conduct an interview of Christopher Campbell that
04:55:52PM 16 evening?

04:55:52PM 17 A. I did.

04:55:52PM 18 Q. Go ahead and take the suspense out of
04:55:58PM 19 the room; at any point in time during that
04:56:00PM 20 interview, did he confess to the armed robbery?

04:56:02PM 21 A. He did not confess. He denied he was
04:56:06PM 22 involved.

04:56:06PM 23 Q. I would like to go back, if I may, to
04:56:10PM 24 some of the techniques when it applies to
04:56:12PM 25 interviews. Is that okay?

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

04:56:14PM 1 A. Okay.

04:56:14PM 2 Q. Do you typically start an interview by
04:56:16PM 3 laying out all of your knowledge and evidence for
04:56:20PM 4 the person being interviewed?

04:56:22PM 5 A. No, I do not.

04:56:22PM 6 Q. Can you explain to the jury the
04:56:26PM 7 importance in interviewing a suspect of open
04:56:32PM 8 questions?

04:56:32PM 9 A. Yes. First, my approach when I'm
04:56:36PM 10 interviewing a suspect or defendant, starts off to
04:56:40PM 11 break the ice. In this case, the Defendant, Mr.
04:56:44PM 12 Campbell, started out with his Miranda Warnings. I
04:56:50PM 13 asked him simple questions, like his date of birth,
04:56:56PM 14 his address, his level of education. Then I
04:57:00PM 15 started the investigation with open-ended
04:57:02PM 16 questions, like, in this incident, do you know
04:57:06PM 17 anything about Firehouse Subs on King Street.

04:57:10PM 18 Q. Let's start -- you say you began with
04:57:14PM 19 Miranda Warnings?

04:57:14PM 20 A. Yes.

04:57:14PM 21 Q. And is that legally required?

04:57:16PM 22 A. Yes. If he's -- if I'm going to be
04:57:20PM 23 questioning about a specific crime.

04:57:22PM 24 Q. And in this interview, did you explain
04:57:26PM 25 to the suspect his Miranda Warnings?

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

04:57:28PM 1 A. I did.

04:57:28PM 2 Q. And did he appear to understand those?

04:57:30PM 3 A. He did. He signed that he understood.

04:57:34PM 4 Q. And did he agree to waive those Miranda

04:57:38PM 5 Rights and speak with you?

04:57:38PM 6 A. He did.

04:57:40PM 7 Q. You mentioned that you asked him some

04:57:44PM 8 open questions about the day in question?

04:57:46PM 9 A. Yes. I asked him -- I asked him about

04:57:52PM 10 -- did he know anything about Firehouse Subs on

04:57:56PM 11 King Street.

04:57:56PM 12 Q. Do you recall his answer to that

04:57:58PM 13 question?

04:57:58PM 14 A. He said didn't know anything about

04:58:00PM 15 Firehouse Subs.

04:58:06PM 16 MR. SIMPSON: May I approach, Your

04:58:06PM 17 Honor?

04:58:06PM 18 THE COURT: You may.

04:58:06PM 19 BY MR. SIMPSON:

04:58:10PM 20 Q. Detective, I'm handing you what's been

04:58:12PM 21 marked for ID only as State's Exhibit Number 20.

04:58:18PM 22 Do you recognize that item?

04:58:18PM 23 A. Yes. It's the -- it's the CD interview

04:58:22PM 24 with Christopher Campbell.

04:58:26PM 25 Q. And you've reviewed this?

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

04:58:30PM 1 A. Yes.

04:58:30PM 2 Q. Is it a fair and accurate
04:58:32PM 3 representation of the interview you conducted?

04:58:34PM 4 A. Yes.

04:58:34PM 5 MR. SIMPSON: Your Honor, at this time
04:58:34PM 6 the State would seek to admit State's Exhibit
04:58:40PM 7 Number 20 as evidence.

04:58:40PM 8 THE COURT: Any objection?

04:58:40PM 9 MR. KING: No objection.

04:58:42PM 10 THE COURT: Without objection, State's
04:58:44PM 11 Exhibit Number 20 is admitted. You may
04:58:46PM 12 publish.

04:58:46PM 13 (PLF. EXH. 20 in evidence.)

04:58:46PM 14 MR. SIMPSON: Thank you, Your Honor.

04:59:10PM 15 (CD was played.)

04:59:10PM 16 BY MR. SIMPSON:

05:03:16PM 17 Q. So you start pretty basic?

05:03:18PM 18 A. Yes.

05:03:18PM 19 Q. And might I add, you have one of the
05:03:24PM 20 greatest ring tones that I've ever heard. What is
05:03:28PM 21 the point of starting so generally?

05:03:30PM 22 A. Basically, for me to get a feel of the
05:03:36PM 23 person I'm interviewing. Where that person is
05:03:38PM 24 hostile, then I have to adjust how I'm going to
05:03:42PM 25 interview that person. If that person is meek and

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

05:03:46PM 1 mild, then I adjust to how that person is reacting.

05:03:52PM 2 Q. And what was the suspect's response to
05:03:54PM 3 any knowledge whatsoever of the existence of the
05:03:58PM 4 Firehouse Subs on King Street?

05:03:58PM 5 A. He didn't know anything about Firehouse
05:04:02PM 6 Subs on King Street.

05:07:24PM 7 (CD played.)

05:07:24PM 8 Q. So Detective Williams, did the
05:07:28PM 9 Defendant give you sort of a review of what he did
05:07:32PM 10 that morning on the morning of the armed robbery?

05:07:36PM 11 A. Yes, he did.

05:07:36PM 12 Q. And what did he say?

05:07:38PM 13 A. Basically, he started out saying that
05:07:42PM 14 he was -- he was at home, it was his birthday. He
05:07:48PM 15 started to go out to a job site and he changed his
05:07:52PM 16 mind and stayed home.

05:07:54PM 17 Q. Okay. And you -- he mentioned it was
05:07:56PM 18 his birthday?

05:07:58PM 19 A. Yes.

05:07:58PM 20 Q. Did you sense any confusion about what
05:08:02PM 21 day you were talking about?

05:08:04PM 22 A. No.

05:08:04PM 23 Q. And at any point in time in giving his
05:08:06PM 24 account of everywhere he was that morning, did he
05:08:12PM 25 mention the Firehouse Subs?

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

05:08:12PM 1 A. No, not at first. No, sir.

05:08:14PM 2 Q. Did he mention that he gave his cousin

05:08:18PM 3 a ride to the Firehouse?

05:08:20PM 4 A. No, not at first.

05:08:22PM 5 Q. Anything unlawful about giving somebody

05:08:24PM 6 a ride to the Firehouse Subs?

05:08:26PM 7 A. No.

05:08:26PM 8 Q. But he chose in answering one of your

05:08:30PM 9 open questions not to share that with you?

05:08:32PM 10 A. That's correct.

05:08:32PM 11 (CD played.)

05:08:32PM 12 Q. Detective Williams, did Christopher

05:09:38PM 13 Campbell ever admit to you that he went to the

05:09:40PM 14 Firehouse?

05:09:40PM 15 A. He admitted that -- after I asked him

05:09:44PM 16 about Leslie Green, Co-Defendant, he admitted that

05:09:50PM 17 he dropped him off at the Firehouse Subs where he

05:09:52PM 18 worked.

05:09:54PM 19 Q. What was the first question you asked

05:09:54PM 20 the Defendant?

05:09:56PM 21 A. Did he know anything about Firehouse

05:10:00PM 22 Subs.

05:10:00PM 23 Q. And his answer?

05:10:02PM 24 A. No.

05:10:02PM 25 Q. And, again, did he mention that in his

S. LAMAR WILLIAMS - DIRECT EXAM BY MR. SIMPSON

05:10:06PM 1 description of his morning at all when given the
05:10:08PM 2 opportunity to share that?

05:10:08PM 3 A. Not at first, no.

05:10:10PM 4 Q. Any other items of interest on the
05:10:32PM 5 search warrant you referenced earlier, other than
05:10:34PM 6 the shoes seized?

05:10:36PM 7 A. No. That was all that was collected
05:10:38PM 8 from the search warrant from his residence.

05:10:40PM 9 Q. In your experience as a -- many years
05:10:44PM 10 as a detective, do you find it relevant to your
05:10:52PM 11 investigation when a suspect doesn't share
05:10:56PM 12 something arguably as innocuous as giving a ride to
05:11:00PM 13 the Firehouse Subs?

05:11:00PM 14 A. Of course. He's starting to hold back
05:11:02PM 15 and not telling the truth about basic stuff.

05:11:10PM 16 MR. SIMPSON: Thank you, Detective
05:11:12PM 17 Williams. Answer any questions Mr. King has.

05:11:12PM 18 THE COURT: Mr. King.

05:11:14PM 19 MR. KING: Thank you, Your Honor.

05:11:14PM 20 CROSS-EXAMINATION

05:11:14PM 21 BY MR. KING:

05:11:18PM 22 Q. Detective Williams?

05:11:20PM 23 A. Yes, sir.

05:11:20PM 24 Q. Christopher was -- he was kind of angry
05:11:24PM 25 and kind of hostile, to use that word in direct,

S. LAMAR WILLIAMS - CROSS EXAM BY MR. KING

05:11:30PM 1 right? I mean, he started off --

05:11:30PM 2 A. He wasn't hostile as I'm accustomed to.

05:11:36PM 3 He was -- I would say he's questionable. He was

05:11:38PM 4 questioning why he was arrested. Why was he being

05:11:42PM 5 at the police department.

05:11:42PM 6 Q. He was kind of irritated?

05:11:44PM 7 A. A tad bit, I would say.

05:11:46PM 8 Q. He started off -- you asked him, are

05:11:50PM 9 you all right, man? And he said no, right? And

05:11:52PM 10 you were just trying to find out if the cuffs were

05:11:56PM 11 too tight or if he was in any discomfort?

05:11:56PM 12 A. Well, I didn't transport him. And

05:11:58PM 13 usually that's my first question to any defendant

05:12:02PM 14 coming in that I don't transport. So that's a

05:12:06PM 15 habit of mine, just in case they're injured and I

05:12:08PM 16 have to call EMS or whatever.

05:12:12PM 17 Q. Your phone was ringing like four times

05:12:16PM 18 while you're doing this interrogation, right?

05:12:16PM 19 A. Yes, sir.

05:12:18PM 20 Q. And you were looking at the phone and

05:12:18PM 21 you're getting up and walking out. You know what I

05:12:22PM 22 mean? I mean, you're not exactly focussing on this

05:12:24PM 23 interview at this time.

05:12:24PM 24 A. Well, I can explain that. I was the --

05:12:28PM 25 at the time, I was the only detective working,

S. LAMAR WILLIAMS - CROSS EXAM BY MR. KING

05:12:32PM 1 dealing with Mr. Campbell, I had phone call texts
05:12:38PM 2 from the lead detective. I called him and he was
05:12:40PM 3 at home, he was responding. And I had other
05:12:44PM 4 detectives doing other things, calling me, and
05:12:46PM 5 dispatch calling me to the case.

05:12:50PM 6 Q. Okay. But we saw on the video, you
05:12:54PM 7 know, he's irritated with the whole thing that's
05:12:58PM 8 going on with him, right?

05:12:58PM 9 A. Well, my perception on him was he was
05:13:04PM 10 irritated or he was mildly irritated because he was
05:13:06PM 11 being transported to 180 Lockwood Boulevard.

05:13:12PM 12 Q. He felt like him and his mother were
05:13:16PM 13 lied to about what -- why they were taking them
05:13:18PM 14 down there?

05:13:18PM 15 A. He did say that.

05:13:20PM 16 Q. But he didn't hide that he took Leslie
05:13:24PM 17 Green to work, right? He said, I took Leslie Green
05:13:26PM 18 to work, right?

05:13:28PM 19 A. He did say that after -- not at first,
05:13:32PM 20 but after a period of time.

05:13:42PM 21 Q. What he said later was that he took
05:13:44PM 22 Leslie Green to work and he was already back by
05:13:48PM 23 8:30, right?

05:13:50PM 24 A. He said he dropped him off -- he
05:13:56PM 25 dropped him off and then he returned back to James

S. LAMAR WILLIAMS - CROSS EXAM BY MR. KING

05:14:00PM 1 Island. I can't remember what time he said.

05:14:00PM 2 Q. I dropped him off probably like

05:14:04PM 3 7-something because he was going to let me use his

05:14:06PM 4 car?

05:14:08PM 5 A. Yeah. I think that came in later on

05:14:10PM 6 down the interview.

05:14:10PM 7 Q. And he told you he dropped him off and

05:14:16PM 8 went back home to James Island, right?

05:14:20PM 9 A. That's correct.

05:14:20PM 10 Q. He said, I don't have a gun?

05:14:22PM 11 A. He did say that.

05:14:22PM 12 Q. He didn't rob the store?

05:14:24PM 13 A. He denied it.

05:14:26PM 14 Q. And you said he didn't confess or

05:14:30PM 15 anything?

05:14:30PM 16 A. He did not.

05:14:30PM 17 Q. And you did a search warrant on his

05:14:32PM 18 house?

05:14:34PM 19 A. Yes.

05:14:34PM 20 Q. You didn't find the bookbag that's in

05:14:38PM 21 that video, the surveillance video, did you?

05:14:40PM 22 A. I did not.

05:14:42PM 23 Q. You didn't find any gray sweatpants or

05:14:44PM 24 a striped hoodie?

05:14:46PM 25 A. No, sir.

S. LAMAR WILLIAMS - CROSS EXAM BY MR. KING

05:14:46PM 1 Q. Or a gun?

05:14:48PM 2 A. Did not.

05:14:48PM 3 Q. Ammunition?

05:14:48PM 4 A. Did not.

05:14:48PM 5 Q. Cash?

05:14:50PM 6 A. No, sir.

05:14:50PM 7 Q. You found an old pair of Air Jordans

05:14:54PM 8 with no laces?

05:14:56PM 9 A. A pair of Nike sneakers that matched

05:15:00PM 10 the description that the victim observed on the

05:15:00PM 11 suspect.

05:15:06PM 12 MR. KING: I have no more questions,

05:15:08PM 13 Your Honor.

05:15:08PM 14 THE COURT: Any redirect?

05:15:10PM 15 MR. SIMPSON: Just briefly, Your Honor.

05:15:10PM 16 REDIRECT EXAMINATION

05:15:10PM 17 BY MR. SIMPSON:

05:15:16PM 18 Q. To be clear, you asked -- you gave the

05:15:18PM 19 suspect an opportunity to explain to you his

05:15:20PM 20 whereabouts that morning; is that correct?

05:15:22PM 21 A. I did.

05:15:24PM 22 Q. He explained to you what he had done

05:15:26PM 23 that morning?

05:15:26PM 24 A. That's correct.

05:15:26PM 25 Q. Any mention of the Firehouse?

S. LAMAR WILLIAMS - REDIRECT EXAM BY MR. SIMPSON

05:15:30PM 1 A. No mention of the Firehouse at first.

05:15:32PM 2 Q. Any mention of Leslie Green?

05:15:34PM 3 A. No, sir.

05:15:34PM 4 Q. Did he acknowledge that he knew what
05:15:38PM 5 the Firehouse was?

05:15:40PM 6 A. No. His statement was, he didn't know
05:15:42PM 7 anything about the Firehouse.

05:15:44PM 8 Q. And the admissions that Mr. King
05:15:46PM 9 brought up with you took place after what -- after
05:15:50PM 10 you told him what?

05:15:52PM 11 A. After I shed the light that I knew who
05:15:56PM 12 Leslie Green was, and then he determined to tell me
05:15:58PM 13 about how he dropped Leslie off.

05:16:00PM 14 Q. And that admission did not come when he
05:16:04PM 15 was given the opportunity to tell you about his
05:16:06PM 16 day, correct?

05:16:06PM 17 A. That's correct.

05:16:06PM 18 Q. Only after you let him know that you
05:16:12PM 19 had contrary information?

05:16:12PM 20 A. After I fed him a little bit of what I
05:16:16PM 21 knew that he should know, then he came off a little
05:16:20PM 22 bit more.

05:16:22PM 23 MR. SIMPSON: Nothing further.

05:16:22PM 24 THE COURT: Any recross based on his
05:16:22PM 25 redirect?

S. LAMAR WILLIAMS - REDIRECT EXAM BY MR. SIMPSON

05:16:22PM 1 MR. KING: Nothing further.

05:16:24PM 2 THE COURT: Thank you. You may step

05:16:26PM 3 down.

05:16:32PM 4 State may call its next witness.

05:16:34PM 5 MR. ZIEGLER: The state calls Ashley

05:16:58PM 6 Dockery.

05:16:58PM 7 ASHLEY DOCKERY,

05:16:58PM 8 being first duly sworn, testified as follows:

05:17:04PM 9 THE WITNESS: I do.

05:17:06PM 10 THE CLERK: Please be seated. Once

05:17:08PM 11 seated, please state your first and last name and

05:17:08PM 12 spell your last loudly and clearly into the

05:17:08PM 13 microphone.

05:17:12PM 14 THE WITNESS: Ashley Dockery,

05:17:14PM 15 D-O-C-K-E-R-Y.

05:17:14PM 16 (PLF. EXH. 21, Photograph, was marked

17 for identification.)

18 (PLF. EXH. 22, Shoe, was marked for

19 identification.)

20 (PLF. EXH. 23, Shoe, was marked for

21 identification.)

22 DIRECT EXAMINATION

23 BY MR. ZIEGLER:

05:17:30PM 24 Q. Good afternoon, Ms. Dockery.

05:17:34PM 25 What police agency do you work for?

ASHLEY DOCKERY - DIRECT EXAM BY ZIEGLER

05:17:36PM 1 A. I work for the Charleston Police
05:17:38PM 2 Department.

05:17:38PM 3 Q. And how long have you been employed in
05:17:42PM 4 law enforcement?

05:17:42PM 5 A. I've been there almost four years.

05:17:44PM 6 Q. What is your current position there?

05:17:46PM 7 A. I am a crime scene technician with the
05:17:52PM 8 print services division.

05:17:52PM 9 Q. Was that your position in May 2011?

05:17:56PM 10 A. Yes, it was.

05:17:58PM 11 Q. And could you please explain to the
05:18:00PM 12 jury briefly what your job is, what your duties are
05:18:04PM 13 as a crime scene technician?

05:18:06PM 14 A. My job responsibilities include
05:18:10PM 15 responding to crime scenes. My job is to process,
05:18:14PM 16 collect, document and preserve any type of evidence
05:18:18PM 17 that may be discovered on the scene.

05:18:20PM 18 Q. Ms. Dockery, I want to direct you to
05:18:26PM 19 the evening of May 6, 2011. As a crime scene
05:18:30PM 20 technician with the Charleston Police Department,
05:18:32PM 21 did you on that date participate in the execution
05:18:34PM 22 of a search warrant at [REDACTED] Champagne Lane on James
05:18:40PM 23 Island?

05:18:40PM 24 A. I did.

05:18:40PM 25 Q. What did you do while at [REDACTED] Champagne

ASHLEY DOCKERY - DIRECT EXAM BY ZIEGLER

05:18:44PM 1 Lane?

05:18:44PM 2 A. Well, I was contacted by one of our
05:18:50PM 3 detectives, Detective Kennedy, and he requested my
05:18:52PM 4 response to the aforementioned address. I was
05:18:56PM 5 notified upon arrival that during the search
05:18:58PM 6 warrant of the residence, that a pair of shoes had
05:19:02PM 7 been located in one of the bedrooms. I was then
05:19:06PM 8 asked to document the exterior of the residence as
05:19:08PM 9 well as the interior of the bedroom where the shoes
05:19:12PM 10 were located, and then to also collect the shoes.

05:19:16PM 11 Q. Ms. Dockery, I'm now showing you what
05:19:28PM 12 has been marked as Plaintiff's -- State's Exhibit
05:19:30PM 13 Number 21. Do you recognize this?

05:19:32PM 14 A. Yes.

05:19:32PM 15 Q. What is that?

05:19:34PM 16 A. That is the photograph that I took of
05:19:38PM 17 the bedroom in which I was -- I was told where the
05:19:42PM 18 shoes had been located in.

05:20:00PM 19 MR. ZIEGLER: Your Honor, the State
05:20:02PM 20 moves to admit State's Exhibit 21 into evidence.

05:20:04PM 21 THE COURT: Any objection, Mr. King?

05:20:06PM 22 MR. KING: Just my pretrial search
05:20:08PM 23 warrant motion, Judge.

05:20:10PM 24 THE COURT: All right.

05:20:10PM 25 Overruled.

ASHLEY DOCKERY - DIRECT EXAM BY ZIEGLER

05:20:10PM 1 (PLF. EXH. 21 in evidence.)

05:20:10PM 2 BY MR. ZIEGLER:

05:20:20PM 3 Q. I'm now publishing State's Exhibit 21.

05:20:26PM 4 Ms. Dockery, you took this picture?

05:20:28PM 5 A. I did.

05:20:28PM 6 Q. And what does it show?

05:20:30PM 7 A. It shows the shoes which were later

05:20:34PM 8 then collected by myself, and they're sitting on

05:20:36PM 9 top of the bed.

05:20:38PM 10 Q. Is this the room they were found in?

05:20:44PM 11 A. It was, yes.

05:20:46PM 12 Q. I'm now showing you what will be marked

05:21:20PM 13 for identification purposes as State's Exhibit 22.

05:21:22PM 14 Do you recognize this item?

05:21:24PM 15 A. I do.

05:21:24PM 16 Q. And what is it?

05:21:28PM 17 A. That's one of the shoes that I

05:21:30PM 18 collected while I was on-scene of the search

05:21:32PM 19 warrant.

05:21:32PM 20 Q. And I now show you what will be marked

05:21:42PM 21 for identification purposes as State's Exhibit 23.

05:21:48PM 22 Do you recognize this item?

05:21:50PM 23 A. I do.

05:21:52PM 24 Q. And what is that?

05:21:52PM 25 A. That's the second shoe that I

ASHLEY DOCKERY - DIRECT EXAM BY ZIEGLER

05:21:54PM 1 collected.

05:21:58PM 2 MR. ZIEGLER: Your Honor, the State
05:22:00PM 3 moves to admit State's Exhibits 22 and 23.

05:22:02PM 4 THE COURT: Any objection?

05:22:02PM 5 MR. KING: Same pretrial motion, Judge.

05:22:04PM 6 THE COURT: Overruled. They are
05:22:06PM 7 admitted into evidence as 22 and 23.

05:22:06PM 8 (PLF. EXH. 22 in evidence.)

05:22:06PM 9 (PLF. EXH. 23 in evidence.)

05:22:06PM 10 BY MR. ZIEGLER:

05:22:48PM 11 Q. When you collect evidence, what do you
05:22:50PM 12 do with it after you collect it at a crime scene?

05:22:54PM 13 A. Well, first I locate it, so I was
05:22:56PM 14 directed to the bed where the shoes had already
05:22:58PM 15 been placed. I then photographed them with and
05:23:02PM 16 without a measuring tool to document their size,
05:23:04PM 17 also their condition. And then at that point I
05:23:08PM 18 placed them into the packaging and the packaging is
05:23:12PM 19 sealed and I initial it.

05:23:18PM 20 MR. ZIEGLER: Thank you, Ms. Dockery.
05:23:20PM 21 No further questions.

05:23:22PM 22 THE COURT: Mr. King.

05:23:22PM 23 MR. KING: Judge, I have no questions
05:23:32PM 24 of this witness.

05:23:32PM 25 THE COURT: Thank you. You may step

ASHLEY DOCKERY - DIRECT EXAM BY ZIEGLER

05:23:34PM 1 down.

05:23:44PM 2 Ladies and gentlemen, that's all the
05:23:46PM 3 testimony that you will hear for today. So I'm
05:23:48PM 4 going to send you home for a nice evening with
05:23:50PM 5 instructions to please do not discuss the case with
05:23:54PM 6 anyone. Of course, if there's anything in the
05:23:58PM 7 media tomorrow morning or tonight, I don't expect
05:24:00PM 8 that there will be, but if something is, please
05:24:02PM 9 don't watch it.

05:24:04PM 10 Ladies and gentlemen, have a nice
05:24:06PM 11 evening and get a good night's rest. I think we
05:24:10PM 12 may have a fairly long day tomorrow. Have a nice
05:24:14PM 13 evening and see you in the morning at 9:30.

05:24:18PM 14 (Jury out 5:23 p.m.)

05:24:42PM 15 THE COURT: Please be seated. Anything
05:24:44PM 16 we need to take up?

05:24:46PM 17 MR. ZIEGLER: There is one item, Your
05:24:50PM 18 Honor.

05:24:50PM 19 THE COURT: Yes, sir.

05:24:52PM 20 MR. SIMPSON: Your Honor, this is Bill
05:25:02PM 21 Thrower. He represents Leslie Green that was the
05:25:04PM 22 testifying witness that you heard today.

05:25:06PM 23 THE COURT: Yes, Mr. Thrower.

05:25:08PM 24 MR. THROWER: Thank you, Your Honor. I
05:25:08PM 25 talked with Les yesterday, and I'll give you the

05:25:12PM 1 time line. Mr. Ziegler called me at 3:48 yesterday
05:25:14PM 2 afternoon and told me the trial would be starting
05:25:18PM 3 today and he needed him to testify.

05:25:20PM 4 I called Les at 3:50. I had a short
05:25:22PM 5 conversation with him and told him to meet me here
05:25:24PM 6 this morning at 9:30 at the snack bar. He called
05:25:26PM 7 me back at 4:08. And I was on the phone so I sent
05:25:30PM 8 him a message and said to leave me a message and
05:25:30PM 9 I'll call you back.

05:25:34PM 10 He didn't leave me a message, but I did
05:25:34PM 11 talk to him this morning. The first thing he said
05:25:36PM 12 was, I called you back at 4:00. Christopher called
05:25:40PM 13 me right after you did. And I said, what was the
05:25:44PM 14 conversation? He said that -- he goes, he called
05:25:46PM 15 and said, are you going to testify tomorrow? And
05:25:48PM 16 it was from a number he wasn't familiar with. And
05:25:52PM 17 he said, what are you talking about? He goes,
05:25:52PM 18 don't testify tomorrow, stay home, or something to
05:25:56PM 19 that effect.

05:25:56PM 20 And then Mr. Green hung up on him, but
05:26:00PM 21 he was intimidated by that and he felt like it was
05:26:04PM 22 a veiled threat. And he's intimidated for him to
05:26:06PM 23 be out this evening after he testified earlier
05:26:10PM 24 today.

05:26:10PM 25 That's all I wanted to communicate.

05:26:14PM 1 THE COURT: So you-all are asking for
05:26:16PM 2 his bond to be revoked?

05:26:18PM 3 MR. SIMPSON: I think we have to change
05:26:18PM 4 our position on that, you know, after hearing that.
05:26:20PM 5 And we are considering the possibility of
05:26:22PM 6 attempting, I'm sure over objections, to recall
05:26:26PM 7 Leslie Green to testify.

05:26:28PM 8 THE COURT: Yes, Mr. King?

05:26:30PM 9 MR. KING: I would just ask that you
05:26:32PM 10 allow him to remain out. He didn't bring this up
05:26:38PM 11 before. Mr. Campbell said he didn't make any
05:26:40PM 12 threats or anything like that.

05:26:40PM 13 THE COURT: Because of the level of the
05:26:44PM 14 felony that this is, this is a high-level felony,
05:26:46PM 15 I'm not going to take -- I mean, things change.
05:26:52PM 16 Postures change once the trial starts, so I am
05:26:52PM 17 going to revoke his bond. They'll have him brought
05:26:56PM 18 up here at 8:30 tomorrow morning so he'll be
05:26:58PM 19 available for you to speak to him. They'll need
05:27:04PM 20 to keep him here overnight, so you can discuss with
05:27:08PM 21 him what you need to later.

05:27:08PM 22 MR. THROWER: Your Honor, would you
05:27:12PM 23 like me to have Mr. Green here tomorrow?

05:27:14PM 24 THE COURT: I don't have to have him
05:27:16PM 25 here, but they may want to have him here.

05:27:18PM 1 MR. THROWER: Okay.

05:27:18PM 2 THE COURT: All right. Court is
05:27:20PM 3 adjourned until 9:30 tomorrow morning.

05:27:26PM 4 Ma'am, you need to bring -- I will give
05:27:26PM 5 the phone back because I don't want you to be
05:27:30PM 6 without a phone in your home, but I do want you to
05:27:30PM 7 bring in \$50 and give it to the Clerk of Court by
05:27:36PM 8 noon.

05:27:36PM 9 MS. CAMPBELL: \$50?

05:27:36PM 10 THE COURT: If you don't do that, then
05:27:38PM 11 I'm going to seize the phone and you won't get it
05:27:38PM 12 back.

05:27:38PM 13 MS. CAMPBELL: Okay.

05:27:44PM 14 THE COURT: Thank you. You can make
05:27:44PM 15 the contribution to any charity you want. It can
05:28:04PM 16 be your own church.

05:28:04PM 17 MR. KING: She's going to be testifying
05:28:08PM 18 tomorrow.

05:28:08PM 19 THE COURT: Okay. I won't interfere
05:28:08PM 20 with that.

05:28:10PM 21 You-all need to talk to your clients
05:28:12PM 22 about this stuff.

05:28:14PM 23 MR. KING: Yes, Your Honor.

05:28:16PM 24 THE COURT: I'm being a nice guy, being
05:28:18PM 25 out of town, but in my hometown, it's a hundred

05:28:22PM 1 bucks. So I guess I'm soft when I'm not at home.

05:28:28PM 2 MR. KING: I'm sorry.

05:28:30PM 3 THE COURT: Let her have her phone
05:28:32PM 4 back.

05:28:34PM 5 Do you-all intend -- I didn't see
05:28:36PM 6 anything here -- is there an alibi defense in this
05:28:42PM 7 case?

05:28:42PM 8 MR. KING: There is.

05:28:44PM 9 THE COURT: Has there been any
05:28:46PM 10 notification of that?

05:28:48PM 11 MR. ZIEGLER: It was e-mailed many
05:28:50PM 12 months ago.

05:28:50PM 13 MR. KING: The problem is, there's such
05:28:52PM 14 a small time frame and yet, you know, I sort of
05:28:56PM 15 have an alibi. It's such a small time frame, it's
05:28:58PM 16 not so clear that I can say, he was in another
05:29:02PM 17 county, or -- it's just such a short time frame
05:29:06PM 18 between dropping off -- and you can see the robbery
05:29:10PM 19 takes --

05:29:10PM 20 THE COURT: The whole thing was all
05:29:12PM 21 very short.

05:29:12PM 22 MR. KING: Right, so it's very short.
05:29:16PM 23 I sort of have an alibi, but it's just that time
05:29:20PM 24 frame, Your Honor. It is what it is.

05:29:22PM 25 THE COURT: Court's adjourned until

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

05:29:26PM 1 9:30 tomorrow morning.

05:29:26PM 2 MR. ZIEGLER: Thank you, Judge.

05:29:26PM 3 (These proceedings were adjourned at

09:11:32AM 4 5:29 p.m., October 22, 2014.)

09:11:32AM 5 (The following proceedings took place

09:11:32AM 6 10/23/14, in re State v. Campbell, Charleston

09:48:18AM 7 County.)

09:48:18AM 8 THE COURT: Yes, sir.

09:48:24AM 9 MR. ZIEGLER: The State will recall

09:48:28AM 10 Leslie Green back to the stand.

09:48:28AM 11 THE COURT: All right.

09:48:42AM 12 LESLIE GREEN,

09:48:42AM 13 having been previously sworn, testified as follows:

09:48:48AM 14 THE CLERK: You may be seated. Sir,

09:48:48AM 15 once seated, please state your first and last name

09:48:50AM 16 and spell your last loudly and clearly.

09:48:54AM 17 THE WITNESS: Leslie Green, G-R-E-E-N.

09:48:54AM 18 DIRECT EXAMINATION

09:48:56AM 19 BY MR. ZIEGLER:

09:48:56AM 20 Q. Hello, Leslie.

09:49:00AM 21 A. (No response)

09:49:00AM 22 Q. Did you receive a phone call this past

09:49:06AM 23 Tuesday?

09:49:08AM 24 A. Yes.

09:49:08AM 25 Q. Who was that phone call from?

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

09:49:12AM 1 A. Christopher Campbell.

09:49:16AM 2 Q. Do you know what number -- what phone

09:49:18AM 3 number that call originated from, what phone number

09:49:22AM 4 it came from?

09:49:22AM 5 A. I think a cell phone number.

09:49:26AM 6 Q. Is it in your phone?

09:49:26AM 7 A. Yes.

09:49:26AM 8 Q. Do you have your phone with you?

09:49:28AM 9 A. Yes. 843/822-6092.

09:49:46AM 10 Q. Thank you. Do you know approximately

09:49:52AM 11 what time of the day that call came in?

09:49:56AM 12 A. 4:05.

09:49:56AM 13 Q. Do you recognize that number?

09:50:00AM 14 A. Not really.

09:50:02AM 15 Q. Okay. How did you know it was

09:50:06AM 16 Christopher Campbell that was calling you?

09:50:08AM 17 A. Once I answered the phone he said, it's

09:50:12AM 18 Chris.

09:50:12AM 19 Q. Did you recognize his voice?

09:50:18AM 20 A. Yes.

09:50:18AM 21 Q. And have you heard his voice in the

09:50:22AM 22 past?

09:50:22AM 23 A. Yes.

09:50:22AM 24 Q. What was the content -- what did he say

09:50:32AM 25 to you on the phone?

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

09:50:32AM 1 A. If I was going to testify or not.

09:50:36AM 2 Q. Did he say anything else?

09:50:36AM 3 A. He said if I do testify, karma is a --

09:50:42AM 4 is a bitch.

09:50:42AM 5 THE COURT: Say what; I didn't hear

09:50:44AM 6 you?

09:50:44AM 7 THE WITNESS: He said karma is a bitch.

09:50:44AM 8 BY MR. ZIEGLER:

09:50:48AM 9 Q. What does -- what are you saying?

09:50:50AM 10 A. I guess what rolls around comes around.

09:50:50AM 11 Q. Are you saying karma?

09:50:54AM 12 A. Karma, K-A-R-M-A.

09:51:14AM 13 Q. And, Leslie, how did you perceive that

09:51:16AM 14 phone call, what Mr. Campbell said?

09:51:18AM 15 A. I told him to do what he had to do

09:51:20AM 16 because I'm going to do what I need to do.

09:51:24AM 17 Q. What did you take from that phone call?

09:51:28AM 18 A. I took it as a threat.

09:51:30AM 19 Q. Okay. And after you received the phone

09:51:46AM 20 call, who did you try to tell?

09:51:48AM 21 A. My lawyer.

09:51:50AM 22 Q. Say that again, please.

09:51:52AM 23 A. My lawyer.

09:51:52AM 24 Q. When did you -- when did you actually

09:51:56AM 25 -- when were you able to actually tell your lawyer

LESLIE GREEN - DIRECT EXAM BY MR. ZIEGLER

09:51:58AM 1 that you received this call?

09:52:00AM 2 A. Yesterday.

09:52:00AM 3 Q. Was that before or after you testified
09:52:04AM 4 yesterday?

09:52:04AM 5 A. It was before.

09:52:06AM 6 Q. That you told your lawyer about it?

09:52:08AM 7 A. Yes.

09:52:08AM 8 Q. So you -- was it --

09:52:14AM 9 A. I called him back right after he called
09:52:16AM 10 me, but then he sent me a text message. I never
09:52:20AM 11 sent him a text message because I wanted to talk to
09:52:24AM 12 him in person about it.

09:52:24AM 13 Q. Okay. And when were you able to talk
09:52:26AM 14 to him in person about it?

09:52:28AM 15 A. Yesterday morning.

09:52:28AM 16 Q. And are you aware that your attorney
09:52:40AM 17 made the State aware of that phone call?

09:52:42AM 18 A. Yes, sir.

09:52:42AM 19 Q. When did he make the State aware of
09:52:46AM 20 that?

09:52:46AM 21 A. Today or -- yesterday or today.

09:52:48AM 22 Q. Do you know whether it was yesterday?

09:52:52AM 23 A. It was yesterday, yes.

09:52:54AM 24 Q. Do you know when your attorney made the
09:52:58AM 25 State aware of that?

LESLIE GREEN - CROSS EXAM BY MR. KING

09:52:58AM 1 A. He told me about 5:00 I had to be back
09:53:02AM 2 here at 9:15, so I guess around 4 or 5:00
09:53:04AM 3 yesterday.

09:53:04AM 4 Q. Was that after your testimony?

09:53:06AM 5 A. Yes.

09:53:16AM 6 MR. ZIEGLER: No further questions,
09:53:16AM 7 Your Honor.

09:53:16AM 8 THE COURT: Mr. King.

09:53:16AM 9 CROSS-EXAMINATION

09:53:16AM 10 BY MR. KING:

09:53:26AM 11 Q. Mr. Green, have you had any contact
09:53:32AM 12 with Mr. Campbell like this year? You know, it's
09:53:36AM 13 been a little while since 2011, since all this
09:53:40AM 14 occurred, but did you have any kind of
09:53:42AM 15 confrontation or fight or anything back in February
09:53:46AM 16 on your street?

09:53:46AM 17 A. Only when he called me.

09:53:48AM 18 Q. You haven't -- you didn't see him at
09:53:54AM 19 the Taco Boy on Folly Beach and give him your
09:53:56AM 20 number at any point?

09:53:58AM 21 A. No.

09:53:58AM 22 Q. Do you know how he got your number?

09:54:02AM 23 A. No.

09:54:02AM 24 Q. Is that all he said, do the right thing
09:54:10AM 25 and the statement about karma?

LESLIE GREEN - CROSS EXAM BY MR. KING

09:54:14AM 1 A. Yes.

09:54:14AM 2 Q. He didn't actually physically threaten

09:54:16AM 3 you or -- outright on the phone?

09:54:18AM 4 A. I took it as a threat.

09:54:20AM 5 Q. But he didn't say anything like, if you

09:54:24AM 6 testify, I'll hurt you, or anything like that?

09:54:26AM 7 A. No.

09:54:26AM 8 Q. He didn't come out and say that?

09:54:28AM 9 A. No.

09:54:28AM 10 Q. And you didn't mention this to the

09:54:36AM 11 Solicitors or anything yesterday --

09:54:38AM 12 A. No.

09:54:38AM 13 Q. -- before your testimony or during the

09:54:38AM 14 your testimony?

09:54:40AM 15 A. No.

09:54:40AM 16 Q. I think you might have even testified

09:54:42AM 17 yesterday that you hadn't talked to him?

09:54:44AM 18 A. Yes.

09:54:46AM 19 Q. Right?

09:54:46AM 20 A. Yes.

09:54:46AM 21 Q. So you lied about that yesterday?

09:54:50AM 22 A. I -- I didn't bring it up.

09:54:52AM 23 Q. I just want to make it clear. You were

09:55:32AM 24 -- yesterday, the Solicitor asked you if you'd had

09:55:34AM 25 any contact or talked to Christopher Campbell since

LESLIE GREEN - CROSS EXAM BY MR. KING

09:55:38AM 1 the robbery, right?

09:55:40AM 2 A. Right.

09:55:40AM 3 Q. But you said, no, on the stand?

09:55:42AM 4 A. Right.

09:55:42AM 5 Q. Okay. That wasn't true. Now you're
09:55:46AM 6 saying that you got a phone call Tuesday at 4:00?

09:55:48AM 7 A. That's a phone call, not direct
09:55:52AM 8 contact.

09:56:00AM 9 Q. And you told your lawyer before you
09:56:02AM 10 testified like yesterday morning?

09:56:04AM 11 A. Yes.

09:56:12AM 12 MR. KING: That's all the questions I
09:56:12AM 13 have, Your Honor.

09:56:12AM 14 THE COURT: Thank you. Any redirect?

09:56:16AM 15 MR. ZIEGLER: No, Your Honor.

09:56:18AM 16 THE COURT: Okay. You may step down.

09:56:34AM 17 All right. I will hear from the State.

09:56:42AM 18 MR. ZIEGLER: Your Honor, the State's
09:56:44AM 19 position is that Mr. Green's testimony is

09:56:46AM 20 admissible. First of all, based on Rule 611 it's

09:56:52AM 21 in the Court's discretion whether a witness can be
09:56:54AM 22 recalled.

09:56:54AM 23 THE COURT: I mean, I've seen witnesses
09:56:56AM 24 recalled all the time. That's not unusual.

09:57:00AM 25 MR. ZIEGLER: And it's information that

09:57:02AM 1 the State received -- new information that the
09:57:04AM 2 State received after the Defendant -- or after
09:57:08AM 3 Mr. Green testified originally.

09:57:10AM 4 THE COURT: Mr. King.

09:57:12AM 5 MR. KING: Your Honor, we would ask to
09:57:14AM 6 exclude it. He didn't bring this up yesterday
09:57:16AM 7 before he testified.

09:57:18AM 8 THE COURT: I think that's fruitful
09:57:22AM 9 cross-examination. I think it is a potential bomb,
09:57:26AM 10 but that's their -- that's up to them. I think you
09:57:30AM 11 can recall a witness and you can ask him questions,
09:57:32AM 12 but it's certainly fodder to it. You know, you can
09:57:38AM 13 still cross examine. So I'm going to allow it in
09:57:42AM 14 if they decide to put it in, but that's up to them.

09:57:44AM 15 MR. KING: Thank you.

09:57:46AM 16 THE COURT: Anything else before we
09:57:48AM 17 bring the jury in and continue testimony?

09:57:52AM 18 MR. ZIEGLER: No, Your Honor.

09:57:52AM 19 THE COURT: All right. Bring our jury
09:57:56AM 20 in and see how they're feeling.

09:59:22AM 21 (Jury in 9:58 a.m.)

09:59:30AM 22 THE COURT: You may be seated.

09:59:52AM 23 THE BAILIFF: All seated, Your Honor.

09:59:52AM 24 THE COURT: All right. Please have a
09:59:54AM 25 seat.

09:59:54AM 1 Good morning, ladies and gentlemen.

09:59:56AM 2 How are you today? I was reading in the paper --

09:59:58AM 3 remember, I was telling you about those war

09:59:58AM 4 birds -- for a mere \$2200 for a half hour, you can

10:00:04AM 5 get a ride in a B51 Mustang, and for \$450 an hour,

10:00:10AM 6 you can ride in a B17. That's out at the

10:00:12AM 7 Charleston Airport. It would certainly be a

10:00:16AM 8 beautiful day to take that ride, but you won't be

10:00:20AM 9 able to pay for it on a juror's salary I assure you

10:00:24AM 10 that.

10:00:24AM 11 Is the State ready to proceed?

10:00:26AM 12 MR. ZIEGLER: Yes, Your Honor.

10:00:26AM 13 THE COURT: Is the defense ready to

10:00:28AM 14 proceed?

10:00:28AM 15 MR. KING: Yes, Your Honor.

10:00:28AM 16 THE COURT: The State may call its next

10:00:30AM 17 witness.

10:00:30AM 18 MR. SIMPSON: The State calls Russell

10:00:30AM 19 Brown.

10:00:30AM 20 RUSSELL BROWN,

10:00:30AM 21 being first duly sworn, testified as follows:

10:01:00AM 22 THE CLERK: Please be seated. Sir,

10:01:00AM 23 once seated, please state your first and last name

10:01:02AM 24 and spell your last loudly and clearly into the

10:01:04AM 25 microphone.

RUSSELL BROWN - DIRECT EXAM BY MR. SIMPSON

10:01:04AM 1 THE WITNESS: Russell Brown, B-R-O-W-N.

10:01:10AM 2 THE COURT: You may proceed.

10:01:10AM 3 DIRECT EXAMINATION

10:01:10AM 4 BY MR. SIMPSON:

10:01:14AM 5 Q. Good morning, Mr. Brown.

10:01:14AM 6 A. Morning.

10:01:16AM 7 Q. Mr. Brown, what is your occupation?

10:01:18AM 8 A. I'm the operator and owner of Firehouse
10:01:20AM 9 Subs in Charleston, South Carolina.

10:01:22AM 10 Q. How many stores is that?

10:01:28AM 11 A. We have five, two of them which I'm the
10:01:30AM 12 owner and operator of, and three of them which I'm
10:01:32AM 13 the operating partner of.

10:01:34AM 14 Q. And which are the two that you are the
10:01:40AM 15 owner and operator?

10:01:42AM 16 A. Store 389 at 3032 West Montague and
10:01:46AM 17 store 563 at 357 King Street.

10:01:52AM 18 Q. How long have you been involved in
10:01:54AM 19 Firehouse Subs?

10:01:54AM 20 A. I've been with Firehouse Subs a little
10:01:56AM 21 over 13 years. Fixing to go into my 14th.

10:02:00AM 22 Q. And, generally, what are your duties,
10:02:04AM 23 briefly, as the owner/operator of the store?

10:02:06AM 24 A. Briefly, I hire, train, run, report to
10:02:14AM 25 corporate, and the day-to-day operations and back

RUSSELL BROWN - DIRECT EXAM BY MR. SIMPSON

10:02:18AM 1 of the house with the finances.

10:02:20AM 2 Q. So you generally keep the business
10:02:26AM 3 running and overseeing everything?

10:02:28AM 4 A. Lately, I've been working seven days a
10:02:30AM 5 week, yes.

10:02:30AM 6 Q. And I want to talk specifically about
10:02:36AM 7 the King Street store. What are the hours of that
10:02:40AM 8 store?

10:02:40AM 9 A. Hours of operation are from 10:30 in
10:02:44AM 10 the morning until 9:00 p.m. at night.

10:02:44AM 11 Q. Is that what they were on May 4th,
10:02:48AM 12 2011?

10:02:48AM 13 A. Yes, sir.

10:02:48AM 14 Q. And I want to talk specifically about
10:02:58AM 15 the front doors of the King Street store, the
10:03:02AM 16 handles. Can you describe the handles to that King
10:03:10AM 17 Street store, the exterior of the front doors?

10:03:12AM 18 A. There are ornate handles on there,
10:03:16AM 19 they're fake. There is no mechanism inside the
10:03:20AM 20 door to actually pull a lever over to have both
10:03:24AM 21 doors locked together. There's actually a handle
10:03:26AM 22 with a button on top. The button is fake, it
10:03:30AM 23 doesn't do anything.

10:03:32AM 24 Q. So does the button move?

10:03:36AM 25 A. Yes, it does move.

RUSSELL BROWN - DIRECT EXAM BY MR. SIMPSON

10:03:38AM 1 Q. Okay. But does it have a mechanical
10:03:42AM 2 function?
10:03:44AM 3 A. No, sir.
10:03:44AM 4 Q. Okay.
10:03:44AM 5 A. It's just for looks.
10:03:46AM 6 Q. Mr. Brown, I'm going to present to you
10:04:04AM 7 State's Exhibit 12. Do you recognize this photo?
10:04:18AM 8 A. That's the front side entrance of
10:04:20AM 9 Firehouse Subs.
10:04:22AM 10 Q. On what street?
10:04:24AM 11 A. On 357 King Street.
10:04:26AM 12 Q. Okay. And can you point out the thumb
10:04:32AM 13 latch that you were referring to, if you can see
10:04:32AM 14 them on that image?
10:04:34AM 15 A. Above the handle you have a dead bolt
10:04:38AM 16 lock on each door. Right below the dead bolt lock
10:04:44AM 17 you will see the little thumb piece that's
10:04:46AM 18 connected to the top of the main handle.
10:04:52AM 19 Q. And under the thumb piece is --
10:04:52AM 20 A. It is a handle to pull the door open.
10:04:54AM 21 Q. And, Mr. Brown, what do -- what do the
10:05:06AM 22 employees of the store generally know about the
10:05:08AM 23 handle?
10:05:10AM 24 A. Well, they know the handle is a dummy.
10:05:12AM 25 They just grab the main handle. They know the

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:05:14AM 1 thumb piece is obsolete. So when they grab the
10:05:20AM 2 door and when I grab the door, we just grab it by
10:05:22AM 3 the handle and pull it open.

10:05:24AM 4 Q. Is it necessary for you or other
10:05:28AM 5 employees to place your thumb on the latch --

10:05:32AM 6 A. No, sir.

10:05:32AM 7 Q. -- for it to open the door?

10:05:34AM 8 A. No, sir; we know it doesn't work.

10:05:36AM 9 MR. ZIEGLER: Thank you. No further
10:05:36AM 10 questions.

10:05:38AM 11 THE COURT: Mr. King.

10:05:42AM 12 MR. KING: I have no questions.

10:05:42AM 13 THE COURT: Thank you. You may step
10:05:44AM 14 down.

10:05:44AM 15 Any objection to this witness being
10:05:44AM 16 excused?

10:05:48AM 17 MR. ZIEGLER: No, Your Honor.

10:05:48AM 18 MR. KING: No.

10:05:48AM 19 THE COURT: Have a nice day. Sell some
10:05:52AM 20 subs.

10:06:02AM 21 MR. SIMPSON: The State calls Mr. Mike
10:06:04AM 22 Sherman.

23 MICHAEL SHERMAN,

24 being first duly sworn, testified as follows:

25 THE CLERK: Please take a seat. Sir,

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

1 after you're seated, please state your first and
2 last name and spell your last loudly and clearly
3 into the microphone.

10:06:20AM 4 THE WITNESS: Mike Sherman,
10:06:22AM 5 S-H-E-R-M-A-N.

10:06:22AM 6 MR. ZIEGLER: Beg the Court's
10:06:22AM 7 indulgence?

10:07:40AM 8 Thank you, Your Honor.

10:07:40AM 9 THE COURT: Yes, sir.

10:07:40AM 10 DIRECT EXAMINATION

10:07:40AM 11 BY MR. ZIEGLER:

10:07:42AM 12 Q. Morning, Mr. Sherman.

10:07:44AM 13 A. How are you, sir?

10:07:58AM 14 Q. Very well. Mr. Sherman, are you
10:08:00AM 15 currently employed?

10:08:00AM 16 A. Yes, I am.

10:08:00AM 17 Q. What is your current job?

10:08:02AM 18 A. I'm head of security for Rawl's Auto
10:08:06AM 19 Auction in Leesburg, South Carolina.

10:08:08AM 20 Q. Did you travel today to get here?

10:08:12AM 21 A. Yes, I did.

10:08:12AM 22 Q. And before your current job, what was
10:08:20AM 23 your career in the past?

10:08:20AM 24 A. I retired from the Charleston Police
10:08:22AM 25 Department after 34 years of service as both a

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:08:26AM 1 police officer and a crime scene investigator.

10:08:30AM 2 Q. And what was your position in May 2001?

10:08:32AM 3 A. I was a supervisor of the crime scene
10:08:34AM 4 unit for Charleston Police Department.

10:08:36AM 5 Q. And overall, how long were you in the
10:08:42AM 6 crime scene unit?

10:08:42AM 7 A. I was in the crime scene unit for
10:08:46AM 8 12 years.

10:08:46AM 9 Q. And what did you -- what did you do as
10:08:48AM 10 a supervisor in the crime scene unit?

10:08:54AM 11 A. I reviewed reports from crime techs,
10:08:58AM 12 did scheduling and training rosters, responded to
10:09:06AM 13 major crimes, and responded to some other crimes
10:09:08AM 14 when people were busy.

10:09:10AM 15 Q. And if you had to make a guess, make an
10:09:20AM 16 estimate, how many crime scenes have you responded
10:09:24AM 17 to or processed?

10:09:26AM 18 A. It would be in the thousands. I would
10:09:28AM 19 not want to venture a guess.

10:09:30AM 20 Q. Okay. What kind of training and
10:09:30AM 21 education do you have?

10:09:32AM 22 A. I'm a graduate of Alabama State Trooper
10:09:36AM 23 Academy, graduate of the Criminal Justice Academy
10:09:38AM 24 of South Carolina, I attended Troy University for
10:09:40AM 25 two years in their criminal justice program.

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:09:42AM 1 Q. I want to direct you to the morning of
10:09:46AM 2 May 4, 2011. As a crime scene technician with the
10:09:54AM 3 Charleston Police Department, did you respond that
10:09:56AM 4 day to Firehouse Subs at 357 King Street?

10:09:58AM 5 A. Yes, sir, I did.

10:10:00AM 6 Q. At one point in your report, you noted
10:10:02AM 7 that you responded to the Firehouse Subs on May 9,
10:10:08AM 8 2011, was that correct? Was that in error?

10:10:10AM 9 A. It's a typographical error on my part.
10:10:12AM 10 It actually occurred on the 4th.

10:10:14AM 11 Q. And is that the date that you did
10:10:16AM 12 respond?

10:10:16AM 13 A. That's correct.

10:10:16AM 14 Q. Did you speak to anyone when you
10:10:26AM 15 arrived at the Firehouse Subs?

10:10:26AM 16 A. I spoke to the employees that were
10:10:30AM 17 there when the robbery took place and I spoke to
10:10:34AM 18 the officers -- the first responding officers.

10:10:36AM 19 Q. What did you do after you spoke with
10:10:38AM 20 these people?

10:10:38AM 21 A. After I spoke with the officers and the
10:10:38AM 22 people that were there, I had a good indication of
10:10:42AM 23 where the people -- where the robbers had touched
10:10:44AM 24 and hadn't touched, and I processed the areas that
10:10:48AM 25 they had touched trying to obtain latent

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:10:54AM 1 fingerprints they may have left behind.

10:10:56AM 2 Q. What is the process for processing the
10:11:02AM 3 latent fingerprints?

10:11:04AM 4 A. On the surfaces that I was working
10:11:06AM 5 with, which were door knobs and highly varnished
10:11:12AM 6 doors and glass, I used what's called powder print
10:11:16AM 7 technique. You use a commercially prepared powder
10:11:20AM 8 and you apply it with a fingerprint brush. You
10:11:24AM 9 remove the excess dust with a smaller fingerprint
10:11:28AM 10 brush, and you use a special type of tape to cover
10:11:30AM 11 them over, photograph the fingerprints in place,
10:11:34AM 12 indicate where they came from.

10:11:36AM 13 And then you actually lift them and
10:11:38AM 14 place them on a fingerprint card, and the cards are
10:11:42AM 15 turned in to be reviewed by a fingerprint examiner.

10:11:46AM 16 Q. And particularly in this case, where
10:11:48AM 17 did you focus your efforts to try to obtain
10:11:52AM 18 fingerprints?

10:11:52AM 19 A. The doors where the entry was made and
10:11:58AM 20 where the exit took place. That was the only place
10:12:00AM 21 the witnesses indicated that the person had
10:12:04AM 22 touched.

10:12:06AM 23 Q. So did you try to take fingerprints
10:12:10AM 24 from anywhere else in the store other than the
10:12:12AM 25 front door and window area?

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:12:16AM 1 A. No. Because I had spoken with them and
10:12:18AM 2 I also reviewed the tapes that were available, and
10:12:20AM 3 it was my opinion that was the only place that
10:12:22AM 4 would be worthwhile to process and that's what I
10:12:26AM 5 processed.

10:12:26AM 6 Q. Did you recover any fingerprints from
10:12:30AM 7 that Firehouse Subs?

10:12:30AM 8 A. Yes, I did.

10:12:30AM 9 Q. Mr. Sherman, I'm now showing you what
10:13:28AM 10 will be marked for identification as State's
10:13:28AM 11 Exhibits 24 through 30. Please look through these
10:13:40AM 12 and let us know if you recognize these photos.

10:14:16AM 13 A. Yes, sir. These are photocopies of the
10:14:18AM 14 photographs I took that day.

10:14:26AM 15 MR. ZIEGLER: Thank you, Your Honor.
10:14:28AM 16 The State moves to admit State's Exhibits Numbers
10:14:30AM 17 24 through 30.

10:14:34AM 18 THE COURT: Any objection?

10:14:34AM 19 MR. KING: No objection.

10:14:34AM 20 THE COURT: Without objection, State's
10:14:38AM 21 Exhibits 24 through 30 are admitted.

10:14:38AM 22 (PLF. EXH. 24 - 30, Photographs, was
10:14:38AM 23 marked for identification.)

10:14:38AM 24 (PLF. EXH. 24 - 30 in evidence.)

10:14:38AM 25 BY MR. ZIEGLER:

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:14:46AM 1 Q. Mr. Sherman, I'm now showing you

10:14:48AM 2 State's Exhibit 24. What is this photo,

10:14:56AM 3 Mr. Sherman?

10:14:56AM 4 A. That's a distant overall shot of the

10:14:58AM 5 exterior of the business.

10:15:00AM 6 Q. Now showing you State's Exhibit 25.

10:15:08AM 7 A. That's a close-up of the exterior

10:15:12AM 8 doors, showing my fingerprint tape in place with

10:15:16AM 9 the numbers in place for which items they are.

10:15:20AM 10 Q. Can you tell which numbers are shown

10:15:24AM 11 there?

10:15:26AM 12 A. Yeah. Item 1 would be the left-hand

10:15:28AM 13 door there. Item 2 is the right-hand door knob.

10:15:32AM 14 Q. And is there -- are there a third and

10:15:36AM 15 fourth there?

10:15:36AM 16 A. Yeah. That distance I can't see, but I

10:15:40AM 17 can see the numbers 3 and 4 here.

10:15:42AM 18 Q. Where is that number 3 from?

10:15:44AM 19 A. That would be on the right-hand door

10:15:50AM 20 knob right there.

10:15:50AM 21 Q. Would it be on the thumb --

10:15:54AM 22 A. On the thumb, when you press down.

10:16:10AM 23 That's the left-hand door with the number 1.

10:16:14AM 24 Q. Is that a closer image of the one we

10:16:16AM 25 just saw?

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:16:18AM 1 A. Yes, sir; it's a close-up of it.

10:16:28AM 2 That's a close-up showing 2, 3, and 4. That's

10:16:44AM 3 showing number 5, 7, 8, and 9.

10:17:06AM 4 Q. And where are these prints taken?

10:17:10AM 5 A. These are on the inside door, the

10:17:14AM 6 left-hand inside door.

10:17:16AM 7 Q. Are they from the glass?

10:17:18AM 8 A. They are from the glass, yes, sir.

10:17:20AM 9 Q. And these?

10:17:38AM 10 A. I've got a bad angle. Trying to -- I

10:17:46AM 11 can see 10 is up here and that should be -- I think

10:17:48AM 12 that's 9. Seven is over here, 8 and 10.

10:17:56AM 13 Q. Are they all from the glass?

10:17:58AM 14 A. That's from the glass also.

10:18:00AM 15 Q. Okay. Mr. Sherman, I'm now showing you

10:18:26AM 16 what will be marked for identification purposes as

10:18:28AM 17 State's Exhibits 31 through 40. Can you please

10:18:52AM 18 open that package?

10:18:56AM 19 A. (Witness complies)

10:18:56AM 20 (PLF. EXH. 31 - 40, Fingerprint cards,

10:18:56AM 21 was marked for identification.)

10:18:56AM 22 BY MR. ZIEGLER:

10:19:14AM 23 Q. And do you recognize these documents?

10:19:18AM 24 A. Yes. They are in a separate bag from

10:19:20AM 25 the one I originally turned them in. So, in other

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:19:24AM 1 words, another examiner has looked at them and
10:19:28AM 2 sealed them back up, but these are my fingerprint
10:19:32AM 3 cards. Yes, sir.

10:19:56AM 4 Q. And when did you take these documents?
10:20:02AM 5 Where did these documents come from?

10:20:06AM 6 A. When I'm at the scene, I actually place
10:20:08AM 7 the fingerprint cards -- the fingerprints that I
10:20:10AM 8 recover, on the card. Then I partially fill it in
10:20:14AM 9 so I know the location. When I get back to the
10:20:18AM 10 crime scene office, I put my name and the dates and
10:20:22AM 11 time on there.

10:20:22AM 12 Q. And so do these cards indicate where
10:20:26AM 13 each fingerprint came from?

10:20:28AM 14 A. That's correct.

10:20:30AM 15 MR. ZIEGLER: Your Honor, the State
10:20:32AM 16 would move to admit the fingerprint cards in
10:20:32AM 17 evidence.

10:20:32AM 18 THE COURT: Any objection?

10:20:34AM 19 MR. KING: No objection.

10:20:36AM 20 THE COURT: Without objection, these
10:20:36AM 21 would be 31 through 40.

10:20:36AM 22 (PLF. EXH. 31 - 40 in evidence.)

10:20:36AM 23 BY MR. ZIEGLER:

10:22:30AM 24 Q. Mr. Sherman, I'm now presenting to you
10:22:34AM 25 State's Exhibit 31. Can you explain to the jury

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:22:40AM 1 where that fingerprint came from?

10:22:44AM 2 A. Yes, sir. It's a fingerprint that I
10:22:46AM 3 recovered from Firehouse Subs at 357 King Street.
10:22:50AM 4 It would have been from the exterior door, the
10:22:52AM 5 right door handle, the thumb latch.

10:22:58AM 6 Q. Thank you. And I'm now showing you
10:23:04AM 7 State's Exhibit 32. Can you please explain to the
10:23:12AM 8 jury where that came from?

10:23:14AM 9 A. This came from Firehouse Subs, 357 King
10:23:16AM 10 Street. It would have been the exterior left door
10:23:18AM 11 handle, thumb latch.

10:23:20AM 12 Q. Thank you. And I'm now showing you
10:23:40AM 13 State's Exhibits 33 through 40. If you could
10:23:42AM 14 briefly tell the jury where each of these came
10:23:48AM 15 from.

10:23:48AM 16 A. Fingerprint 2, Firehouse Subs, 357 King
10:24:00AM 17 Street, exterior right door handle, top portion.
10:24:04AM 18 Fingerprint four, Firehouse Subs, 357 King Street,
10:24:08AM 19 exterior right door handle. Fingerprint 5,
10:24:14AM 20 Firehouse Subs, 357 King Street, interior door,
10:24:20AM 21 right window. Fingerprint 6, Firehouse Subs, 357
10:24:32AM 22 King Street, interior left door window.
10:24:36AM 23 Fingerprint 7, Firehouse Subs, 357 King Street,
10:24:40AM 24 interior left door window. Fingerprint 8,
10:24:46AM 25 Firehouse Subs, 357 King Street, interior left door

MICHAEL SHERMAN - DIRECT EXAM BY MR. ZIEGLER

10:24:50AM 1 window. Fingerprint 9, Firehouse Subs, 357 King
10:24:58AM 2 Street, interior left door window. Fingerprint 10,
10:25:04AM 3 Firehouse Subs, 357 King Street, interior left door
10:25:08AM 4 window.

10:25:10AM 5 Q. Thank you. Mr. Sherman, after you
10:25:32AM 6 lifted these fingerprints from the Firehouse Subs,
10:25:38AM 7 did you do anything else to investigate this case?

10:25:42AM 8 A. I took photos, general photos, and I
10:25:46AM 9 also took close-ups of the different items, and
10:25:50AM 10 before I took -- before I lifted the prints, I had
10:25:54AM 11 reviewed the tape that they had available, the
10:25:56AM 12 surveillance tape.

10:25:58AM 13 Q. And are these fingerprint cards in the
10:26:04AM 14 same condition as they were when you turned them
10:26:08AM 15 in?

10:26:08AM 16 A. Yes, sir. I turned them in in a
10:26:10AM 17 plastic sleeve with my initials and date, and then
10:26:12AM 18 they have been -- my plastic sleeve had been
10:26:14AM 19 unsealed and were inserted into another envelope.
10:26:18AM 20 That indicated that someone had taken them out,
10:26:20AM 21 looked at them and sealed them back up into another
10:26:24AM 22 envelope. Other than that, they were the same.

10:26:28AM 23 There were some notations made by the
10:26:30AM 24 examiners on them that are not my writing.

10:26:34AM 25 MR. ZIEGLER: Beg the Court's

MICHAEL SHERMAN - CROSS EXAM BY MR. KING

10:26:34AM 1 indulgence?

10:26:34AM 2 THE COURT: Yes, sir.

10:26:36AM 3 MR. ZIEGLER: No further questions from
10:26:38AM 4 Mr. Sherman.

10:26:38AM 5 THE COURT: Mr. King, do you have any
10:26:40AM 6 questions?

10:26:40AM 7 MR. KING: Thank you.

10:26:40AM 8 CROSS-EXAMINATION

10:26:40AM 9 BY MR. KING:

10:26:46AM 10 Q. Mr. Sherman, how are you doing?

10:26:48AM 11 A. Good.

10:26:48AM 12 Q. I can touch something and not even
10:26:50AM 13 leave a print; is that right?

10:26:52AM 14 A. That's correct.

10:26:54AM 15 Q. I can touch something and leave a
10:26:58AM 16 smudged print that could never really be
10:27:00AM 17 identified, right?

10:27:00AM 18 A. That's correct.

10:27:00AM 19 Q. And you encounter those I guess a good
10:27:04AM 20 bit when you're lifting latent prints?

10:27:06AM 21 A. Yes.

10:27:06AM 22 Q. Prints can last a long time; is that
10:27:10AM 23 right?

10:27:10AM 24 A. Depends on the surface and the
10:27:14AM 25 location.

MICHAEL SHERMAN - CROSS EXAM BY MR. KING

10:27:14AM 1 Q. But there's no real way to age a print
10:27:18AM 2 and tell how old it is, is there?

10:27:20AM 3 A. No. What we generally go by is the
10:27:24AM 4 surface and the location. A print on the inside of
10:27:28AM 5 a telephone when it was manufactured, it might stay
10:27:32AM 6 there forever. If it's on a busy door, or
10:27:36AM 7 something like that, friction would erase the print
10:27:36AM 8 relatively quickly.

10:27:38AM 9 Q. But the metal on the door handle,
10:27:40AM 10 that's -- is that the kind of material that would
10:27:44AM 11 hold a print?

10:27:44AM 12 A. Yes, sir; smooth metals, glass, highly
10:27:50AM 13 varnished items.

10:27:50AM 14 Q. And there was like an awning or a cover
10:27:54AM 15 over those doors, so it's not getting rained on or
10:27:58AM 16 anything, right?

10:27:58AM 17 A. As I remember during the investigation,
10:28:00AM 18 yes.

10:28:00AM 19 Q. So weather can make prints go away,
10:28:04AM 20 too?

10:28:06AM 21 A. Yes, it can.

10:28:06AM 22 Q. You took ten latent prints; is that
10:28:12AM 23 right?

10:28:12AM 24 A. I believe that's correct.

10:28:12AM 25 Q. And you're looking, like you testified

MICHAEL SHERMAN - CROSS EXAM BY MR. KING

10:28:14AM 1 to, for areas where the suspect may have touched?

10:28:18AM 2 A. That's right.

10:28:18AM 3 Q. And I want to show you -- this is the
10:28:22AM 4 surveillance video. It's been admitted into
10:28:26AM 5 evidence. You testified that you viewed this as
10:28:28AM 6 well to get an idea of where the suspect touched.

10:28:32AM 7 A. I don't know if I viewed what you're
10:28:34AM 8 showing or not. I viewed a surveillance -- some
10:28:40AM 9 sort of surveillance video.

10:28:44AM 10 Q. If you look up on the screen behind you
10:28:46AM 11 or this one -- (Indicating)

10:28:48AM 12 A. It's a little better over here.

10:28:52AM 13 Q. This has been admitted into evidence,
10:28:52AM 14 it's a surveillance video of the robbery. As I
10:28:54AM 15 said, you may remember seeing this before, but
10:28:58AM 16 there would be two chances to get -- for a suspect
10:29:02AM 17 to leave a fingerprint because he went in and he
10:29:04AM 18 went out, right?

10:29:06AM 19 A. In this case, as far as I know, yes,
10:29:08AM 20 sir.

10:29:08AM 21 Q. So there would have been prints left
10:29:12AM 22 going in and prints going out?

10:29:12AM 23 A. Right.

10:29:16AM 24 Q. And that's why you tested both sides of
10:29:20AM 25 the door?

MICHAEL SHERMAN - CROSS EXAM BY MR. KING

10:29:20AM 1 A. Yes.

10:29:20AM 2 Q. And in this case you will see here
10:29:28AM 3 (Video played) -- you can see that the door is
10:29:28AM 4 being touched right about where you're taking those
10:29:32AM 5 6, 7, 8 and 9 prints.

10:29:36AM 6 Let me play it again. Sorry, it's hard
10:30:20AM 7 to find the exact location on the surveillance
10:30:26AM 8 video. Can you see where it looks like he's taking
10:30:40AM 9 his left hand and pushing on that left door?

10:30:42AM 10 A. I can see he's going out the door, but
10:30:46AM 11 I can't see what he's --

10:30:50AM 12 Q. Let me try it one more time.

10:30:50AM 13 A. Maybe I'm not understanding the
10:30:50AM 14 questions, I'm sorry.

10:30:56AM 15 Q. I'm just trying to see where this
10:30:58AM 16 person in the surveillance video touched the inside
10:31:02AM 17 left door. That's where you watched and where you
10:31:04AM 18 focused your area where you got the prints from,
10:31:08AM 19 right?

10:31:08AM 20 A. I could tell he went out the door, but
10:31:12AM 21 I can't tell which part of the door he touched. Is
10:31:16AM 22 that what you're asking me?

10:31:18AM 23 Q. Yes. I'll play it again. Looks like
10:31:22AM 24 he's touching above the door handle on the left
10:31:24AM 25 door, maybe touching that glass. Do you see where

MICHAEL SHERMAN - CROSS EXAM BY MR. KING

10:31:28AM 1 he's pushing the door there?

10:31:30AM 2 A. I can see him going out the door, sir,
10:31:32AM 3 but I can't say for sure what he's touching.

10:31:34AM 4 Q. But you focused your area -- when you
10:31:46AM 5 searched for prints, you were looking on that left
10:31:50AM 6 door right there?

10:31:52AM 7 A. I was looking on both doors.

10:31:56AM 8 Q. But you took -- 6, 7, 8, 9 and 10, I
10:32:00AM 9 think were all taken from the inside of the left
10:32:02AM 10 door?

10:32:02AM 11 A. Because that's where they were.

10:32:04AM 12 Q. Right. And that's also kind of the
10:32:06AM 13 area where the suspect is touching the door --

10:32:10AM 14 A. I don't know which part he touched. I
10:32:12AM 15 just know he went out the door.

10:32:12AM 16 Q. I wanted to clear up one thing. I'm
10:32:26AM 17 showing you State's Exhibit Number 36 and 37, these
10:32:38AM 18 two. I want to clear up something for the jury.
10:32:42AM 19 On number 6, looking at fingerprint number 6.

10:32:46AM 20 A. Yes, sir.

10:32:46AM 21 Q. Looks like where -- you drew a little
10:32:50AM 22 diagram of where the print is; it says 7. That
10:32:56AM 23 should be a 6, right? I'm trying to --

10:33:00AM 24 A. Yeah. I'm sure that's exactly what it
10:33:02AM 25 was, sir.

MICHAEL SHERMAN - CROSS EXAM BY MR. KING

10:33:02AM 1 Q. Okay. I just want to make sure that's
10:33:04AM 2 clear. Fingerprint number 6 --
10:33:08AM 3 A. I didn't draw the little 6 in next to
10:33:12AM 4 it. I left that as 7.
10:33:16AM 5 Q. No. What I mean, it looks like on the
10:33:20AM 6 diagram, on number 6 --
10:33:22AM 7 A. Yes. I did not write the 6 on the
10:33:24AM 8 diagram there. I've got it listed and it's on the
10:33:26AM 9 photograph, but I didn't write the 6 on there.
10:33:30AM 10 Q. Right, it has 7 on there.
10:33:32AM 11 A. Yes.
10:33:32AM 12 Q. That should be 6?
10:33:34AM 13 A. It's the same area where 7 was. So
10:33:38AM 14 when I wrote that down, I made that 7 instead of 6.
10:33:44AM 15 Q. Okay. And I want to look at the photos
10:33:52AM 16 one more time, and I'm going to show you State's
10:34:14AM 17 Exhibit Number 38. Just trying to focus in again
10:34:38AM 18 on these prints. You see number 6 right about
10:34:48AM 19 there?
10:34:48AM 20 A. Yes, I see it.
10:34:50AM 21 Q. So that's on that left door right above
10:34:52AM 22 the door handle?
10:34:54AM 23 A. Correct, on the glass.
10:34:56AM 24 Q. And you can sort of see a little bit of
10:35:02AM 25 the other tape, the other prints, too?

MICHAEL SHERMAN - REDIRECT EXAM BY MR. ZIEGLER

10:35:04AM 1 A. Yes.

10:35:04AM 2 Q. I'll show you that -- that's the next
10:35:06AM 3 photograph. Now, here we've got number 7, 8, 9 and
10:35:20AM 4 10.

10:35:22AM 5 A. Right.

10:35:22AM 6 Q. I think you can see a little bit of the
10:35:24AM 7 tape for number 6?

10:35:26AM 8 A. Yes.

10:35:26AM 9 Q. And all of those are right in that left
10:35:30AM 10 area on the door?

10:35:32AM 11 A. Correct.

10:35:42AM 12 MR. KING: That's all I have for this
10:35:44AM 13 witness.

10:35:44AM 14 THE COURT: Any redirect?

10:35:46AM 15 MR. ZIEGLER: Yes.

10:35:46AM 16 REDIRECT EXAMINATION

10:35:46AM 17 BY MR. ZIEGLER:

10:35:56AM 18 Q. Mr. Sherman, in the video you just
10:36:00AM 19 viewed, could you tell exactly where the person
10:36:02AM 20 touched on the door as he was walking out? Is it
10:36:06AM 21 possible to tell exactly where?

10:36:08AM 22 A. I couldn't tell, no, sir. I knew he
10:36:10AM 23 went out the door, but I don't know what he
10:36:10AM 24 touched.

10:36:14AM 25 Q. And when you processed the scene, did

MICHAEL SHERMAN - REDIRECT EXAM BY MR. ZIEGLER

10:36:16AM 1 you process -- do you process -- would you have
10:36:20AM 2 processed those doors completely as you saw them?

10:36:24AM 3 A. I would have processed them completely,
10:36:26AM 4 and then where the prints are is what I lift, what
10:36:30AM 5 I could see to lift.

10:36:34AM 6 Q. In a commonly touched area, commonly
10:36:36AM 7 touched by people, how long -- I mean, I don't
10:36:42AM 8 think you can -- I don't know if you can estimate,
10:36:42AM 9 but how many prints last in a commonly touched
10:36:46AM 10 area?

10:36:48AM 11 A. We always use the example of a bank.
10:36:50AM 12 On the bank counter, the prints last a very short
10:36:54AM 13 period of time because of the amount of traffic and
10:36:58AM 14 the things being drug across it. On a door handle
10:37:00AM 15 to a business, the prints last for a short period
10:37:04AM 16 of time because of the traffic, the abrasion on the
10:37:06AM 17 handle. So in other words, if a print is on
10:37:08AM 18 something that's not touched and it's not exposed
10:37:12AM 19 to the weather, it will last a very long time. If
10:37:14AM 20 it gets exposed to weather or something that gets
10:37:18AM 21 touched a lot, it lasts a lot less time.

10:37:18AM 22 MR. ZIEGLER: Thank you. Nothing
10:37:22AM 23 further.

10:37:22AM 24 THE COURT: Any recross?

10:37:24AM 25 MR. KING: No.

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:37:24AM 1 THE COURT: Thank you. You may step
10:37:26AM 2 down.

10:37:26AM 3 Any objection to this witness being
10:37:26AM 4 excused?

10:37:26AM 5 MR. ZIEGLER: No.

10:37:42AM 6 MR. KING: No, Your Honor.

10:37:42AM 7 THE COURT: You may be excused.

10:37:50AM 8 MR. ZIEGLER: The State calls Anita
10:38:24AM 9 Kerstein.

10:38:24AM 10 ANITA KERSTEIN,
10:38:24AM 11 being first duly sworn, testified as follows:

10:38:28AM 12 THE CLERK: You may be seated. Ma'am,
10:38:30AM 13 once seated, please state your first and last name
10:38:32AM 14 and spell your last loudly and clearly into the
10:38:40AM 15 microphone, Anita Kerstein, K-E-R-S-T-E-I-N.

10:38:40AM 16 DIRECT EXAMINATION

10:38:44AM 17 BY MR. ZIEGLER:

10:38:44AM 18 Q. Morning, Ms. Kerstein.

10:38:46AM 19 A. Morning.

10:38:48AM 20 Q. Ms. Kerstein, where are you currently
10:38:54AM 21 employed?

10:38:54AM 22 A. I'm employed with the Charleston Police
10:38:56AM 23 Department.

10:38:56AM 24 Q. How long have you been working for
10:38:58AM 25 Charleston Police Department?

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:39:00AM 1 A. I've been with the police department
10:39:02AM 2 for ten years.

10:39:02AM 3 Q. And what is your position?

10:39:04AM 4 A. My title is senior criminal
10:39:08AM 5 identification specialist, also known as a latent
10:39:14AM 6 print examiner.

10:39:16AM 7 Q. What duties does that position entail?

10:39:20AM 8 A. I analyze and compare latent lifts that
10:39:26AM 9 are collected at scenes and for the purpose of
10:39:30AM 10 identification and elimination. I also classify
10:39:34AM 11 and compare ten-print cards for the records
10:39:38AM 12 departments, and I'm also certified to run the
10:39:44AM 13 Automatic Fingerprint Indication System known as
10:39:46AM 14 AFIS.

10:39:46AM 15 Q. And can you please describe the
10:39:50AM 16 experience that you've gained in fingerprint
10:39:52AM 17 analysis while on the job at Charleston Police
10:39:56AM 18 Department?

10:39:56AM 19 A. When I first started with the latent
10:40:00AM 20 fingerprint division, I had a structured training
10:40:02AM 21 program with them for a year and a half. My
10:40:04AM 22 background before I came to the latent print
10:40:08AM 23 division was in ten-print cards, which is the card
10:40:12AM 24 that's designed to capture the reproduction of the
10:40:18AM 25 friction ridges of the ten fingers and also the

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:40:22AM 1 simultaneous impression.

10:40:24AM 2 Since 2004, I've had about 12 to 15
10:40:30AM 3 training classes that consisted of week long, at
10:40:36AM 4 least 40-hour, classes, and most of those were with
10:40:38AM 5 instructors that have been in the business for
10:40:42AM 6 many, many years.

10:40:42AM 7 Q. And can you estimate how many trainings
10:40:50AM 8 and seminars you've been to in your field of
10:40:54AM 9 fingerprint analysis?

10:40:56AM 10 A. Like I said, 12 to 15, since 2004.

10:40:58AM 11 Q. Since 2004?

10:41:00AM 12 A. Correct.

10:41:02AM 13 Q. Are you a member of any professional
10:41:06AM 14 associations in the field of fingerprint analysis?

10:41:08AM 15 A. Yes. I am a member of the IAI, which
10:41:14AM 16 is the International Association for
10:41:14AM 17 Identification, and that is the organization that
10:41:20AM 18 holds my certification as a fingerprint examiner.

10:41:26AM 19 Q. Approximately, how many fingerprint
10:41:32AM 20 comparisons have you performed?

10:41:34AM 21 A. Between my case work and training and
10:41:44AM 22 proficiency test, I would say it's over 100,000,
10:41:44AM 23 but I don't have an exact number.

10:41:46AM 24 Q. Have you ever been qualified by a Court
10:41:50AM 25 as an expert witness in fingerprint analysis?

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:41:54AM 1 A. Yes, I have.

10:41:54AM 2 Q. Can you explain that time or those
10:41:56AM 3 times? Just briefly, when they were.

10:42:02AM 4 A. I have testified three times for the
10:42:08AM 5 State of South Carolina in criminal sessions court,
10:42:10AM 6 and two times for the State of South Carolina in
10:42:10AM 7 Colleton County.

10:42:22AM 8 MR. ZIEGLER: At this point, Your
10:42:22AM 9 Honor, the State would move to qualify Ms. Kerstein
10:42:24AM 10 as an expert in the field of fingerprint analysis.

10:42:26AM 11 THE COURT: Mr. King, would you like to
10:42:28AM 12 voir dire?

10:42:28AM 13 MR. KING: I have no objection.

10:42:30AM 14 THE COURT: You have no objection. All
10:42:30AM 15 right.

10:42:30AM 16 Ladies and gentlemen, normally a
10:42:32AM 17 witness can only testify as to what they see,
10:42:36AM 18 smell, taste, felt, some physical experience they
10:42:42AM 19 have. When somebody has a level of additional
10:42:46AM 20 education and experience, we allow them to testify
10:42:50AM 21 to an opinion, and that would be an expert witness.

10:42:54AM 22 So I'm going to qualify her as an
10:42:58AM 23 expert in fingerprint analysis. Now, whether or
10:43:02AM 24 not you decide to accept her opinions is totally up
10:43:06AM 25 to you to determine as a juror. And you should not

10:43:10AM 1 give her testimony any greater weight simply
10:43:14AM 2 because she's an expert, but just give her the
10:43:18AM 3 weight which you think is appropriate after hearing
10:43:22AM 4 the testimony. Thank you. You may proceed.

10:43:22AM 5 BY MR. ZIEGLER:

10:43:24AM 6 Q. Thank you. Ms. Kerstein, I would like
10:43:26AM 7 to briefly discuss the general principles of your
10:43:30AM 8 work of fingerprints analysis. What pieces of
10:43:32AM 9 equipment do you use in your work?

10:43:34AM 10 A. When I do my side-by-side comparisons,
10:43:40AM 11 I use two magnifying glasses and pointers and
10:43:44AM 12 sometimes additional light.

10:43:44AM 13 Q. What is a known print?

10:43:52AM 14 A. A known print is the reproduction of
10:43:56AM 15 the friction ridges on your fingers and your palms,
10:44:00AM 16 and it's rolled either in black printer's ink, it
10:44:04AM 17 can be done electronically, and they are placed on
10:44:06AM 18 a contrasting background such as a fingerprint
10:44:10AM 19 card. The ten-print card is designed to
10:44:12AM 20 capture the ten fingers individually and then
10:44:16AM 21 simultaneous impressions of the forefingers and
10:44:20AM 22 then the thumb prints.

10:44:22AM 23 Q. And so that's a known print. What is a
10:44:26AM 24 latent print?

10:44:26AM 25 A. Latent means hidden or not readily seen

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:44:30AM 1 by the naked eye. It is a chance impression that
10:44:34AM 2 is left when somebody puts their finger down on an
10:44:40AM 3 object. Usually it has to be developed with some
10:44:42AM 4 type chemical or powder for it to be seen.

10:44:46AM 5 Q. And when you're comparing fingerprints,
10:44:52AM 6 what types of fingerprints are you generally
10:44:54AM 7 comparing to each other? Do you compare a latent
10:44:58AM 8 print to a known print?

10:45:00AM 9 A. Yes. The process is, I have my latent
10:45:04AM 10 print on one side and I have my ten-print next to
10:45:08AM 11 it. I have two magnifying glasses and I'm going
10:45:12AM 12 back and forth between the latent fingerprint and
10:45:16AM 13 the ten-print card.

10:45:16AM 14 Q. And what's the methodology when you
10:45:22AM 15 compare the prints? What are you looking for?

10:45:24AM 16 A. The method that we use is called AC.
10:45:30AM 17 It's analysis comparison evaluation and then
10:45:34AM 18 verification.

10:45:34AM 19 Q. And what are you looking for when you
10:45:46AM 20 are analyzing fingerprints?

10:45:50AM 21 A. The analysis part of the methodology
10:45:54AM 22 is, you're taking the latent print card itself --
10:45:58AM 23 and what I'm looking for is an overall view of the
10:46:02AM 24 latent, if I can determine the pattern type, the
10:46:06AM 25 ridge flow. And then a step further would be to

10:46:10AM 1 see whether or not there are any characteristics in
10:46:12AM 2 that ridge flow that I can use for an
10:46:16AM 3 identification.

10:46:16AM 4 The identification process is, you
10:46:20AM 5 start with an area in the latent print and then you
10:46:24AM 6 look for that same grouping of characteristics in
10:46:28AM 7 the ten-print. And then from there, you work
10:46:30AM 8 around the entire print. And what I'm looking for
10:46:34AM 9 is that the characteristics are the same and in the
10:46:38AM 10 same order.

10:46:38AM 11 Q. I'm going to talk a little more
10:46:46AM 12 specifically about latent prints. Is it possible
10:46:50AM 13 for a person to touch a surface and not leave
10:46:54AM 14 fingerprints?

10:46:56AM 15 A. Yes. When you touch a surface, what
10:46:58AM 16 you're leaving is a combination of oils that are on
10:47:04AM 17 your fingers, moisture from when you sweat, any
10:47:06AM 18 kind of dirt or dust that might be on your finger.
10:47:10AM 19 When you touch an object, those are the things that
10:47:14AM 20 you are leaving. If you do not have moisture on
10:47:18AM 21 your hand, if your hands are cold or if they're
10:47:22AM 22 very rough, then you're not going to leave as much
10:47:26AM 23 as somebody who has a lot of moisture on their
10:47:30AM 24 finger.

10:47:32AM 25 So if you're touching a surface that's

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:47:34AM 1 not smooth, it's hard to leave an impression. If
10:47:38AM 2 you're touching something that is very smooth, like
10:47:42AM 3 glass, then you're going to leave something. You
10:47:44AM 4 might leave some moisture, you might leave an
10:47:48AM 5 entire print, but it depends on the surface and it
10:47:52AM 6 depends on your hand.

10:47:52AM 7 Q. And if someone does leave a fingerprint
10:47:56AM 8 on a surface, can that fingerprint be destroyed?

10:48:00AM 9 A. Yes. Fingerprints are very fragile.
10:48:04AM 10 They are made up mainly of some type of moisture,
10:48:08AM 11 either water or oils, and it's very fragile. It
10:48:14AM 12 can be wiped away very easily.

10:48:18AM 13 Q. And I want to go to fingerprints more
10:48:20AM 14 generally as far as their -- how to identify a
10:48:24AM 15 person through fingerprints. Why are fingerprints
10:48:26AM 16 a means of identifying a person? Why and how?

10:48:30AM 17 A. Fingerprints are permanent and they are
10:48:34AM 18 individual. Every finger of every person has a
10:48:40AM 19 ridge arrangement that is individual, meaning it
10:48:44AM 20 does not match to any other fingerprint on your
10:48:50AM 21 hand or anybody else's hand. They are permanent
10:48:52AM 22 through your entire life, barring any unforeseen
10:49:00AM 23 accidents, or sparing, or mutilation, but the ridge
10:49:02AM 24 arrangement you have when you were born is the same
10:49:06AM 25 ridge arrangement that you will have when you die.

10:49:08AM 1 And upon decomposition then, obviously, it gets
10:49:14AM 2 wiped away, but if there are no sparing or no
10:49:18AM 3 mutilation, that ridge arrangement is the one that
10:49:22AM 4 you have through your entire life.

10:49:24AM 5 Q. Can two people have the same
10:49:28AM 6 fingerprints?

10:49:28AM 7 A. No.

10:49:28AM 8 Q. In your experience, have you ever seen
10:49:30AM 9 two people with the same fingerprint?

10:49:32AM 10 A. No, I have not.

10:49:32AM 11 Q. Briefly, what are points of
10:49:38AM 12 identification in fingerprints? I think that
10:49:38AM 13 you've already explained this somewhat.

10:49:40AM 14 A. The points of identification are the
10:49:44AM 15 characteristics in the ridge arrangement. There
10:49:48AM 16 are basic characteristics. There's bifurcation
10:49:52AM 17 where the ridge runs along and then it splits;
10:49:56AM 18 there are dots; and then there are ending ridges
10:49:58AM 19 where the ridge ran and then stopped and there's
10:50:04AM 20 nothing beyond it, and the other ridges tend to
10:50:06AM 21 fill that in. Those are the three basic ones.

10:50:10AM 22 There are a lot of variations of those
10:50:14AM 23 three and there's a lot of different names that we
10:50:16AM 24 call them, but those are the basic three. And when
10:50:20AM 25 we're looking for characteristics that we can

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:50:24AM 1 identify, that's what we're looking for, the
10:50:26AM 2 different type of bifurcations, the ending ridges,
10:50:30AM 3 and the dots. And it's important that the ridges
10:50:32AM 4 have the same characteristic, but also in the same
10:50:36AM 5 order.

10:50:36AM 6 When I'm going back and forth, if I
10:50:38AM 7 have a bifurcation, then the ten-print has to have
10:50:44AM 8 a bifurcation in that same area. And if there are
10:50:46AM 9 two ridges and an ending ridge, the ten-print card
10:50:52AM 10 has to have that same characteristic in that same
10:50:54AM 11 order.

10:50:56AM 12 Q. Ms. Kerstein, I want to direct you
10:51:00AM 13 specifically to the case before the Court today.
10:51:02AM 14 Are you familiar with this case?

10:51:04AM 15 A. Yes.

10:51:04AM 16 Q. And in this case, were you comparing
10:51:08AM 17 latent prints to known prints?

10:51:10AM 18 A. Yes.

10:51:10AM 19 Q. And when you compare latent prints to
10:51:16AM 20 known prints, do you always find a match?

10:51:18AM 21 A. No.

10:51:18AM 22 Q. Are there times when a pair of latent
10:51:26AM 23 prints or some latent prints may not match up to
10:51:28AM 24 known prints?

10:51:30AM 25 A. Yes.

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:51:30AM 1 Q. And in this case, how many latent
10:51:36AM 2 fingerprints total were submitted to your unit in
10:51:40AM 3 this case?

10:51:40AM 4 A. Can I look at my report?

10:51:42AM 5 THE COURT: You may.

10:51:44AM 6 THE WITNESS: There were ten latent
10:51:52AM 7 print cards submitted on the case.

10:51:54AM 8 BY MR. ZIEGLER:

10:51:54AM 9 Q. Were all of them analyzed?

10:51:56AM 10 A. Yes.

10:51:56AM 11 Q. And were they -- were they all
10:52:00AM 12 sufficient for them to be compared to other prints?

10:52:02AM 13 A. Three of the latent print cards were
10:52:14AM 14 noncomparable, and that means there was not enough
10:52:16AM 15 ridge detail to make an identification.

10:52:18AM 16 Q. Were there any others that -- where a
10:52:24AM 17 comparison was not made?

10:52:26AM 18 A. Four of the latent print cards were
10:52:36AM 19 comparable, but did not identify to anybody. I'm
10:52:50AM 20 sorry five, not four.

10:52:52AM 21 Q. Okay. And were there -- any of these
10:53:00AM 22 fingerprints that were analyzed, were there any
10:53:04AM 23 that did have a match to a person?

10:53:06AM 24 A. Yes; two of the latent print cards were
10:53:08AM 25 identified to an individual.

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:53:30AM 1 Q. I'm now showing you State's Exhibit 32.

10:53:40AM 2 Do you recognize that?

10:53:40AM 3 A. Yes, I do.

10:53:42AM 4 Q. Are you familiar with it? What is it?

10:53:46AM 5 A. This is latent lift number 1. I

10:53:50AM 6 examined this on June 2nd of 2011.

10:53:54AM 7 Q. And where does that print -- where does
10:54:00AM 8 the card indicate that the print came from?

10:54:02AM 9 A. The exterior left door handle thumb
10:54:12AM 10 latch.

10:54:12AM 11 Q. I'm now showing you State's Exhibit 31.

10:54:16AM 12 Do you recognize this?

10:54:18AM 13 A. Yes, I do.

10:54:18AM 14 Q. What is that?

10:54:20AM 15 A. This is latent lift number 3. I

10:54:26AM 16 examined this latent on June 12th of 2011.

10:54:28AM 17 Q. Now that you've identified the -- and,
10:54:38AM 18 excuse me, where did that one come from? Where did
10:54:42AM 19 that fingerprint come from?

10:54:42AM 20 A. Exterior right door handle thumb latch.

10:54:48AM 21 Q. Do those appear to be the left door
10:54:52AM 22 exterior thumb latch and the right door exterior
10:54:56AM 23 thumb latch?

10:54:56AM 24 A. Yes.

10:54:58AM 25 Q. Now that you've identified those cards,

ANITA KERSTEIN - DIRECT EXAM BY MR. ZIEGLER

10:55:00AM 1 did you compare the prints that are on those
10:55:04AM 2 fingerprint cards to any known prints?

10:55:08AM 3 A. These latents were compared to the
10:55:12AM 4 ten-print card bearing the name Christopher
10:55:16AM 5 Campbell.

10:55:16AM 6 Q. And what is the date of birth
10:55:20AM 7 associated with that -- with those known prints?

10:55:24AM 8 A. [REDACTED] 1986.

10:55:28AM 9 Q. And what is the race and gender of the
10:55:30AM 10 individual?

10:55:32AM 11 A. Black male.

10:55:34AM 12 Q. And what are the results of your
10:55:42AM 13 comparison of the latent print cards to the known
10:55:44AM 14 prints of Christopher Campbell, black male, born
10:55:52AM 15 [REDACTED] 1986?

10:55:52AM 16 A. Latent lift number 1 identified to the
10:55:58AM 17 number 6 finger, which is the left thumb of the
10:56:02AM 18 ten-print card bearing the name of Christopher
10:56:06AM 19 Campbell. Latent lift number 3 identified to the
10:56:08AM 20 number 6 finger, which is the left thumb of the
10:56:14AM 21 ten-print card bearing the name Christopher
10:56:16AM 22 Campbell.

10:56:16AM 23 Q. Do both of those latent print cards
10:56:26AM 24 have a fingerprint on them from the same finger or
10:56:30AM 25 a different finger?

ANITA KERSTEIN - CROSS EXAM BY MR. KING

10:56:32AM 1 A. I'm -- I don't understand.

10:56:34AM 2 Q. You testified that they were the left
10:56:38AM 3 thumb. Were both of those latent print cards from
10:56:44AM 4 the same digit, the same finger?

10:56:46AM 5 A. Yes.

10:56:46AM 6 Q. And which was that?

10:56:52AM 7 A. The left thumb.

10:56:54AM 8 MR. ZIEGLER: Beg the Court's
10:56:54AM 9 indulgence?

10:56:54AM 10 THE COURT: Yes.

10:57:06AM 11 MR. ZIEGLER: The State has no further
10:57:08AM 12 questions.

10:57:08AM 13 THE COURT: Mr. King.

10:57:08AM 14 CROSS-EXAMINATION

10:57:08AM 15 BY MR. KING:

10:57:08AM 16 Q. I have a few questions for you. You
10:57:10AM 17 testified that the print results you say came back
10:57:14AM 18 June 2, 2011; is that right?

10:57:14AM 19 A. Yes.

10:57:20AM 20 Q. And you're aware, at least from the
10:57:22AM 21 cards, they were lifted on May 4th?

10:57:24AM 22 A. That's correct.

10:57:26AM 23 Q. And that's -- June 2nd would be when
10:57:30AM 24 the results come in, and you still have to provide
10:57:32AM 25 the results. I guess you send them back to the

ANITA KERSTEIN - CROSS EXAM BY MR. KING

10:57:34AM 1 police department where you originally got them?

10:57:38AM 2 A. Yes. The report gets sent to whoever
10:57:40AM 3 is in charge of the case.

10:57:42AM 4 Q. So it still has to go -- it still has
10:57:46AM 5 to go through some channels to get to the
10:57:50AM 6 prosecutor to get to me and all that stuff?

10:57:52AM 7 A. Correct.

10:57:52AM 8 Q. You said that the prints can be
10:57:56AM 9 fragile, right?

10:57:56AM 10 A. Yes.

10:57:56AM 11 Q. They can also last a long time as well,
10:58:00AM 12 right?

10:58:00AM 13 A. It depends on where the print is
10:58:04AM 14 located. If you have a fingerprint that is placed
10:58:08AM 15 in an area that is protected, if it's inside and
10:58:12AM 16 it's not being affected by the elements and not
10:58:16AM 17 being affected by anybody brushing against it, it
10:58:20AM 18 can last for a long time. It will last longer than
10:58:24AM 19 a print that, say, is outside on a window; the
10:58:28AM 20 elements affect it, you can have animals brush up
10:58:32AM 21 against it. So it depends on where the print is.

10:58:44AM 22 Q. And in this case, there were -- what
10:58:46AM 23 you do is -- you don't go to the crime scene?

10:58:50AM 24 A. I do not.

10:58:50AM 25 Q. You've never been to Firehouse Subs on

ANITA KERSTEIN - CROSS EXAM BY MR. KING

10:58:54AM 1 King Street to investigate the case or anything,
10:58:56AM 2 you just get these cards in the mail I guess or
10:59:00AM 3 they're brought to you?

10:59:00AM 4 A. The process is, when the crime scene
10:59:04AM 5 technician is done working with their latents and
10:59:08AM 6 logging everything in, they put them in a plastic
10:59:12AM 7 folder, and then they seal it, and then we have a
10:59:16AM 8 box in the crime scene office where they drop them
10:59:18AM 9 in. Myself and the other person who works in the
10:59:22AM 10 latent division, we're the only one that has the
10:59:28AM 11 keys. We retrieve those cases, bring them back to
10:59:30AM 12 our office, and whoever is working that case will
10:59:32AM 13 process it from there.

10:59:34AM 14 Q. So of these ten latent prints, you
10:59:38AM 15 testified that two of them, number 1 and number 3,
10:59:42AM 16 came from Christopher Campbell, right?

10:59:44AM 17 A. What I'm saying is, they identified to
10:59:48AM 18 the ten-print card bearing the name of Christopher
10:59:52AM 19 Campbell.

10:59:52AM 20 Q. Now -- but there's eight more latent
10:59:58AM 21 prints that you -- other than those two, there are
11:00:02AM 22 eight more, right?

11:00:02AM 23 A. Correct.

11:00:02AM 24 Q. And three of those were -- lacked the
11:00:06AM 25 quality and quantity to effect identification?

ANITA KERSTEIN - CROSS EXAM BY MR. KING

11:00:10AM 1 A. Correct.

11:00:10AM 2 Q. And that's where there's some kind of

11:00:12AM 3 prints there, but it's smudged or something so it's

11:00:16AM 4 not enough information -- we don't know who it is?

11:00:18AM 5 A. Correct. There's not enough ridge

11:00:20AM 6 detail to make an identification.

11:00:22AM 7 Q. And that was latent lift number 2,

11:00:26AM 8 which was the exterior right door handle top

11:00:30AM 9 portion?

11:00:30AM 10 A. Correct.

11:00:32AM 11 Q. There was some kind of print there, we

11:00:34AM 12 just don't know who that is and there's no way to

11:00:38AM 13 compare it to anybody?

11:00:40AM 14 A. Correct.

11:00:40AM 15 Q. And the same goes for latent lift

11:00:44AM 16 number 4 on the exterior right door handle?

11:00:46AM 17 A. Correct.

11:00:46AM 18 Q. And number 5, the interior right door

11:00:48AM 19 window?

11:00:50AM 20 A. Correct.

11:00:50AM 21 Q. But then there are five more, number 6

11:00:54AM 22 through number 10. And number 6 through number 10,

11:01:00AM 23 they do possess the quantity and quality to effect

11:01:04AM 24 an identification?

11:01:04AM 25 A. That's correct.

ANITA KERSTEIN - CROSS EXAM BY MR. KING

11:01:06AM 1 Q. Those are good prints?

11:01:06AM 2 A. Yes, sir.

11:01:06AM 3 Q. But they're not Christopher Campbell's?

11:01:10AM 4 A. That's correct.

11:01:10AM 5 Q. Were you given any other fingerprint

11:01:14AM 6 cards to compare it to, like other employees of the

11:01:18AM 7 store to eliminate them? Were you given any other

11:01:20AM 8 cards to compare to?

11:01:22AM 9 A. No, we were not.

11:01:22AM 10 Q. You just had Christopher Campbell and

11:01:26AM 11 those ten latent prints?

11:01:28AM 12 A. Yes.

11:01:28AM 13 Q. So we have five good prints on the

11:01:32AM 14 inside left door that we just have no idea whose

11:01:36AM 15 those prints are?

11:01:36AM 16 A. That's correct.

11:01:36AM 17 Q. But if you had something to compare it

11:01:44AM 18 to, you could at least compare and see if it

11:01:46AM 19 matched a known print?

11:01:48AM 20 A. Yes. We were not asked to compare any

11:01:52AM 21 ten-print card, other than the latent print bearing

11:01:56AM 22 the name Christopher Campbell.

11:02:04AM 23 MR. KING: That's all the questions I

11:02:04AM 24 have, Your Honor.

11:02:04AM 25 THE COURT: Okay. Any redirect?

ANITA KERSTEIN - REDIRECT EXAM BY MR. ZIEGLER

11:02:12AM 1 MR. ZIEGLER: Yes, Your Honor.

11:02:12AM 2 REDIRECT EXAMINATION

11:02:12AM 3 BY MR. ZIEGLER:

11:02:12AM 4 Q. Ms. Kerstein, in a commonly touched
11:02:20AM 5 area, how can -- how do fingerprints fare? How are
11:02:26AM 6 they preserved, or not, when they're in a commonly
11:02:30AM 7 touched area? How will they last?

11:02:34AM 8 A. In this case, we were talking about a
11:02:36AM 9 door handle. So think about what happens when you
11:02:38AM 10 walk into the restaurant. You're going to put your
11:02:44AM 11 hand down on the latch to open the door. So every
11:02:48AM 12 person that touches that, they're going to leave
11:02:50AM 13 something. They're going to leave moisture.
11:02:52AM 14 They're going to leave oil. They're going to leave
11:02:54AM 15 maybe dirt that's on their finger. So each one is
11:02:58AM 16 going to be laid down on top of the other. And
11:03:02AM 17 then if you're reaching for it and you're pulling
11:03:06AM 18 back, then you could smudge everything that's on
11:03:10AM 19 there. It depends on how the handle is touched.

11:03:14AM 20 MR. ZIEGLER: Thank you. No further
11:03:16AM 21 questions.

11:03:16AM 22 THE COURT: Any recross as to his
11:03:18AM 23 redirect?

11:03:18AM 24 MR. KING: No.

11:03:20AM 25 THE COURT: Thank you. You may step

11:03:20AM 1 down.

11:03:30AM 2 I think now would be a good time to

11:03:30AM 3 take a break. Let's take a 15-minute recess.

11:03:34AM 4 Please do not discuss the case while you're back

11:03:36AM 5 there. Thank you.

11:03:38AM 6 (Jury out, 11:03 a.m.)

11:04:00AM 7 THE COURT: Court will be in recess

11:04:02AM 8 until 11:15.

11:04:04AM 9 (A recess transpired.)

11:04:04AM 10 THE COURT: Thank you. Please take

11:21:36AM 11 your seat. Anything before we bring our jury in?

11:21:36AM 12 I'm looking at your witness list. You

11:21:36AM 13 have two more witnesses.

11:21:36AM 14 MR. ZIEGLER: Your Honor, the State

11:21:38AM 15 will rest in front of the jury.

11:21:40AM 16 THE COURT: So soon?

11:21:42AM 17 MR. ZIEGLER: We're done.

11:21:44AM 18 THE COURT: Do you want to take a short

11:21:46AM 19 break before you begin your case or do you want to

11:21:48AM 20 go ahead and instruct your client and that sort of

11:21:50AM 21 thing, or are you ready to proceed?

11:21:52AM 22 MR. KING: I think I'm ready to

11:21:56AM 23 proceed. We can get at least maybe one or two

11:21:56AM 24 witnesses in before lunch. I might can try to get

11:21:58AM 25 them in. I talked to Mr. Ziegler about it, and we

11:22:00AM 1 can try to plow through.

11:22:02AM 2 THE COURT: Let me go ahead and
11:22:04AM 3 question your client about his wanting to testify
11:22:12AM 4 at this point. That way once he comes in and rests
11:22:12AM 5 -- well, you still have -- do you want to make your
11:22:14AM 6 motion?

11:22:16AM 7 MR. KING: I just have a general motion
11:22:18AM 8 for a directed verdict.

11:22:20AM 9 THE COURT: Why don't we go ahead and
11:22:22AM 10 do those? That way, when the jury comes in, we
11:22:24AM 11 don't have to send them right back out. Is that
11:22:28AM 12 okay with you?

11:22:28AM 13 MR. KING: Yes, sir.

11:22:28AM 14 THE COURT: Do you want to go ahead and
11:22:30AM 15 make your motion on the record?

11:22:32AM 16 MR. KING: Really, I just have to make
11:22:32AM 17 the motion for the directed verdict. I really
11:22:36AM 18 don't have a lot of argument, but I'm making a
11:22:40AM 19 motion for directed verdict.

11:22:42AM 20 THE COURT: Would you like to argue
11:22:42AM 21 that point?

11:22:46AM 22 MR. SIMPSON: Yes, Your Honor. I won't
11:22:46AM 23 belabor the point, but I believe that each element
11:22:48AM 24 of armed robbery has been met. Obviously, Your
11:22:54AM 25 Honor and the jury has seen the video, and there

11:22:54AM 1 was ample evidence to know that the armed robbery
11:22:54AM 2 occurred. And certainly with the testimony of
11:22:54AM 3 Leslie Green and the fingerprint evidence that Your
11:23:00AM 4 Honor just heard, we've established the identity of
11:23:04AM 5 the armed robber to be the Defendant, and there is
11:23:06AM 6 certainly evidence in the record meeting each
11:23:10AM 7 element, and the motion should be denied.

11:23:12AM 8 THE COURT: At this point of the trial,
11:23:14AM 9 the Court would be more concerned about the
11:23:16AM 10 existence of evidence, which is more than a mere
11:23:18AM 11 suspicion. I've got -- rather than the weight.
11:23:24AM 12 I've got eye witness testimony, I've got
11:23:28AM 13 fingerprint testimony that places him there. There
11:23:30AM 14 is certainly enough evidence to take it to the
11:23:36AM 15 jury, so I will allow it to go to the jury.

11:23:36AM 16 Of course, after you present your
11:23:38AM 17 testimony, you can make your motion again at that
11:23:42AM 18 point.

11:23:42AM 19 Would you please have the Defendant
11:23:44AM 20 stand and placed under oath?

11:23:46AM 21 CHRISTOPHER CAMPBELL,
11:23:46AM 22 being first duly sworn, testified as follows:

11:23:46AM 23 THE CLERK: Thank you, sir. Please
11:23:46AM 24 state your first and last name and spell your last
11:23:46AM 25 loudly and clearly into the microphone.

11:23:54AM 1 THE DEFENDANT: Christopher D.

11:23:56AM 2 Campbell.

11:23:56AM 3 THE COURT: Mr. Campbell, at this time
11:24:00AM 4 I'm going to explain to you certain of your rights.
11:24:02AM 5 If you don't understand anything that I say, please
11:24:06AM 6 let me know. If you want me to explain anything in
11:24:10AM 7 greater detail, I'll be happy to do that. Do you
11:24:10AM 8 understand?

11:24:10AM 9 A. Yes.

11:24:14AM 10 Q. We've reached the stage of your trial
11:24:16AM 11 where you may present your defense. You have a
11:24:18AM 12 right to claim protections granted to you by the
11:24:26AM 13 Fifth Amendment of the Constitution of the United
11:24:26AM 14 States that state in part, no person shall be
11:24:28AM 15 compelled in any criminal case to be a witness
11:24:30AM 16 against himself.

11:24:32AM 17 This means that you cannot be required
11:24:36AM 18 to testify in this case. And, of course, you have
11:24:38AM 19 the right to testify on your own behalf; however,
11:24:42AM 20 no one can make you testify. This is a personal
11:24:46AM 21 right and no one can waive this right except for
11:24:50AM 22 you.

11:24:52AM 23 Now if you decide to testify, you will
11:24:52AM 24 be subjected to the same rules that apply to all
11:24:56AM 25 other witnesses and you may be examined and

11:25:00AM 1 cross-examined on any relevant issue in this case.
11:25:04AM 2 In addition, if you have any convictions involving
11:25:06AM 3 dishonesty or false statements or for crimes
11:25:12AM 4 punishable by imprisonment for more than one year,
11:25:14AM 5 and this Court determines that the probative value
11:25:18AM 6 of admitting this evidence outweighs its
11:25:22AM 7 prejudicial effect on you, then the Solicitor will
11:25:24AM 8 be able to introduce your record to attack your
11:25:28AM 9 credibility.

11:25:30AM 10 THE COURT: What crimes does the -- or
11:25:32AM 11 convictions does the State intend to disclose
11:25:34AM 12 should he testify?

11:25:36AM 13 MR. SIMPSON: Your Honor, just a
11:25:38AM 14 March 2013 obtaining property under false
11:25:42AM 15 pretenses.

11:25:42AM 16 BY THE COURT:

11:25:44AM 17 Q. So you understand they could bring that
11:25:46AM 18 up?

11:25:46AM 19 A. Yes, sir.

11:25:46AM 20 Q. All right. If you decide to testify,
11:25:50AM 21 the decision must be your own and made freely,
11:25:56AM 22 voluntarily, and intelligently with knowledge of
11:25:58AM 23 the protections given to you by the Fifth
11:26:02AM 24 Amendment.

11:26:02AM 25 If you decide not to testify, I will

11:26:04AM 1 instruct the jury they cannot hold that against you
11:26:08AM 2 and cannot give any weight to the fact that you did
11:26:10AM 3 not testify and there's to be absolutely no
11:26:14AM 4 prejudice to you because you do not testify.

11:26:18AM 5 It's left entirely up to you whether
11:26:24AM 6 you want to testify. You may talk to your
11:26:26AM 7 attorney, your family, your friends, or anyone
11:26:26AM 8 else, but the final decision will be left entirely
11:26:32AM 9 up to you. Do you understand what I have stated?

11:26:34AM 10 A. Yes, sir.

11:26:34AM 11 Q. Do you have any questions about what
11:26:34AM 12 I've explained to you?

11:26:34AM 13 A. No, sir.

11:26:34AM 14 Q. Do you want a few minutes to talk to
11:26:38AM 15 your lawyers?

11:26:38AM 16 A. No, sir. I've already spoken to them.

11:26:40AM 17 Q. And do you wish to testify or not?

11:26:44AM 18 A. Yes, sir, I wish to testify on my own
11:26:46AM 19 behalf.

11:26:46AM 20 THE COURT: Okay. Very well. Thank
11:26:48AM 21 you.

11:26:52AM 22 Anything further before we bring the
11:26:52AM 23 jury in?

11:26:54AM 24 MR. SIMPSON: No, Your Honor.

11:26:56AM 25 THE COURT: Thank you. Let's bring our

11:26:58AM 1 jury in.

11:27:08AM 2 Do you think you can finish your case
11:27:10AM 3 by lunch time?

11:27:10AM 4 MR. KING: I don't think by lunch time.
11:27:12AM 5 I was hoping to have a lunch break to talk with Mr.
11:27:16AM 6 Campbell and maybe have him after lunch, but --

11:27:20AM 7 THE COURT: Okay.

11:27:22AM 8 MR. KING: We may be able to finish not
11:27:26AM 9 too long after lunch, hopefully, if things go
11:27:28AM 10 quickly.

11:27:54AM 11 (Jury in, 11:27 a.m.)

11:27:56AM 12 THE BAILIFF: All jurors seated, Your
11:28:22AM 13 Honor.

11:28:22AM 14 THE COURT: You may be seated.

11:28:28AM 15 All right. Mr. Ziegler.

11:28:30AM 16 MR. ZIEGLER: Your Honor, the State
11:28:32AM 17 rests in this matter.

11:28:34AM 18 THE COURT: Okay. Is the defense ready
11:28:36AM 19 to proceed?

11:28:36AM 20 MR. KING: Yes, Your Honor.

11:28:36AM 21 THE COURT: Call your first witness.

11:28:38AM 22 MR. KING: The defense calls Martha
11:29:26AM 23 Campbell.

11:29:26AM 24 MARTHA CAMPBELL,

11:29:26AM 25 being first duly sworn, testified as follows:

MARTHA CAMPBELL - DIRECT EXAM BY MR. KING

11:29:26AM 1 THE CLERK: You may be seated.

11:29:34AM 2 Ma'am, once you're seated, please state

11:29:36AM 3 your first and last name, spell your last loudly

11:29:38AM 4 and clearly into the microphone.

11:29:42AM 5 THE WITNESS: Martha Champagne

11:29:42AM 6 Campbell, C-A-M-P-B-E-L-L.

11:29:42AM 7 DIRECT EXAMINATION

11:29:46AM 8 BY MR. KING:

11:29:46AM 9 Q. Ms. Campbell, do you know this man

11:29:50AM 10 sitting at the table?

11:29:50AM 11 A. Yes.

11:29:52AM 12 Q. Who is that?

11:29:52AM 13 A. My grandson.

11:29:52AM 14 Q. What's his name?

11:29:56AM 15 A. Christopher D. Campbell.

11:29:58AM 16 Q. How do you know him? How long have you

11:30:04AM 17 known him?

11:30:04AM 18 A. I raised him from six months old.

11:30:08AM 19 Q. Has he mainly lived with you or with

11:30:12AM 20 his mother or what?

11:30:14AM 21 A. He was like with his mother when she

11:30:16AM 22 came out of -- when she finished up in the Army,

11:30:20AM 23 and then he went with his dad and with my sister.

11:30:26AM 24 Q. When has he lived with you?

11:30:28AM 25 A. Huh?

MARTHA CAMPBELL - DIRECT EXAM BY MR. KING

11:30:28AM 1 Q. When has he lived with you?

11:30:30AM 2 A. He lived with me at six months and

11:30:36AM 3 until school, and then he went back, went back with

11:30:40AM 4 his mom I think when he was about seven or

11:30:44AM 5 eight years old or maybe a little older, and he

11:30:46AM 6 came back and finished up high school here.

11:30:50AM 7 Q. Where does he live now?

11:30:54AM 8 A. He lives with me, [REDACTED] Champagne Lane.

11:30:58AM 9 Q. And you're aware of what we're here

11:31:02AM 10 about for trial with --

11:31:04AM 11 A. Yes.

11:31:04AM 12 Q. -- the incident on May 4th, 2011?

11:31:06AM 13 A. Yes.

11:31:06AM 14 Q. Was he living with you then?

11:31:08AM 15 A. Yes.

11:31:08AM 16 Q. How long had he been living with you at

11:31:12AM 17 that time?

11:31:12AM 18 A. Maybe a year or two. Maybe a year or

11:31:20AM 19 two. I'm not sure because he was back and forth.

11:31:22AM 20 Q. Was there a time when he lived in

11:31:24AM 21 Columbia?

11:31:24AM 22 A. Yes, he did.

11:31:24AM 23 Q. When was that?

11:31:26AM 24 A. That was in 2010, and I think he came

11:31:32AM 25 back in '11. I'm not sure when he came back.

MARTHA CAMPBELL - DIRECT EXAM BY MR. KING

11:31:38AM 1 Around December or January, January or February.

11:31:42AM 2 He came back late. I know it was late in the year.

11:31:46AM 3 Q. Well, how close -- when he was arrested

11:31:50AM 4 in all this, how long had he been staying with you

11:31:54AM 5 then? How long had he been back from Columbia

11:31:54AM 6 staying with you before he got arrested?

11:31:56AM 7 A. March, April. He came back in March or

11:32:00AM 8 April.

11:32:00AM 9 Q. Is he -- to your knowledge of him, is

11:32:06AM 10 he the kind of person who works? Lazy?

11:32:08AM 11 A. No, he likes to work. He really liked

11:32:12AM 12 to work. He'll go to work. He would be there

11:32:16AM 13 before the boss.

11:32:16AM 14 Q. Do you know what kind of jobs he's

11:32:18AM 15 worked in the past?

11:32:20AM 16 A. He was working at a phone company place

11:32:24AM 17 and he was working at a warehouse and landscaping.

11:32:30AM 18 Q. You've had time -- I guess plenty of

11:32:38AM 19 time, his whole life, to observe his character?

11:32:40AM 20 A. Yes.

11:32:40AM 21 Q. You've had time to form an opinion

11:32:44AM 22 about Mr. Campbell's character?

11:32:44AM 23 A. Yes.

11:32:44AM 24 Q. What is your opinion of his character?

11:32:46AM 25 A. I know he likes to help people. He's

MARTHA CAMPBELL - DIRECT EXAM BY MR. KING

11:32:50AM 1 okay, nice, kind.

11:32:52AM 2 Q. Do you think he's the kind of person
11:32:54AM 3 that would rob the Firehouse Subs?

11:32:56AM 4 A. No, he would not. He wouldn't have no
11:33:00AM 5 reason to.

11:33:00AM 6 Q. Have you ever seen him with a handgun?

11:33:02AM 7 A. No, never. I don't believe in guns.

11:33:06AM 8 Q. Do you remember that morning, May 5th,
11:33:10AM 9 2011, when Firehouse was robbed?

11:33:14AM 10 A. Yes. Leslie's momma came to the house
11:33:18AM 11 early that morning.

11:33:18AM 12 Q. I'm talking about the morning that the
11:33:20AM 13 robbery took place on May 4th. Do you remember
11:33:24AM 14 anything about him leaving and coming back that
11:33:28AM 15 morning?

11:33:28AM 16 A. I know when he came back. He came back
11:33:30AM 17 early that morning around about -- between 7:40 and
11:33:36AM 18 8:00. About 8:00, yeah.

11:33:40AM 19 Q. Do you remember anything else about
11:33:46AM 20 that day?

11:33:46AM 21 A. He was supposed to go to classes, to
11:33:52AM 22 Trident One Stop, but he didn't go. He changed his
11:33:58AM 23 mind and said it's his birthday.

11:34:00AM 24 Q. Did you see him leave with anybody that
11:34:02AM 25 morning?

MARTHA CAMPBELL - DIRECT EXAM BY MR. KING

11:34:02AM 1 A. No.

11:34:04AM 2 Q. Now, at some point after that, did the

11:34:14AM 3 police come to your house?

11:34:16AM 4 A. They came to my house on the 6th.

11:34:20AM 5 Q. What happened then?

11:34:22AM 6 A. Well, when they came, I went outside.

11:34:26AM 7 When I saw them, they had Christopher and was

11:34:28AM 8 getting ready to hand-cuff him. And I said, what's

11:34:32AM 9 going on? And he told me they was taking

11:34:34AM 10 Christopher for questioning for house invasion.

11:34:34AM 11 Q. Can you speak up just a little bit?

11:34:38AM 12 A. He told me that they was taking him for

11:34:42AM 13 a house invasion, and he had questions for a house

11:34:44AM 14 invasion. And he said, but we'll bring him back.

11:34:48AM 15 And I said okay.

11:34:50AM 16 Q. Did they bring him back?

11:34:52AM 17 A. No. They never brought him back.

11:34:54AM 18 Q. Okay. Did the police come back?

11:34:56AM 19 A. Yes, they came back.

11:34:56AM 20 Q. What happened then?

11:34:58AM 21 A. They came back with a warrant, said to

11:35:02AM 22 search my house. And I said why? And he said,

11:35:04AM 23 because Christopher was in an armed robbery so

11:35:08AM 24 we're looking for the gun, clothes, and tennis

11:35:10AM 25 shoes. And I said, okay. And I showed him

MARTHA CAMPBELL - DIRECT EXAM BY MR. KING

11:35:14AM 1 Christopher's room. They look in there and they
11:35:16AM 2 didn't, you know, tore it up or anything. They
11:35:18AM 3 went to my son's room, Leroy.

11:35:22AM 4 Q. Who's room?

11:35:22AM 5 A. Leroy Campbell.

11:35:24AM 6 Q. Who is Leroy?

11:35:26AM 7 A. That's my son.

11:35:26AM 8 Q. So is that how he's related to
11:35:28AM 9 Christopher?

11:35:28AM 10 A. He's Christopher's uncle, but I raise
11:35:32AM 11 them as brothers.

11:35:34AM 12 Q. And he lived at your house, too?

11:35:34AM 13 A. Yeah, he was living there; he was going
11:35:36AM 14 to school. And they tore up his room.

11:35:44AM 15 Q. They tore up whose room?

11:35:46AM 16 A. Leroy's.

11:35:48AM 17 Q. Leroy's room?

11:35:48AM 18 A. Yes.

11:35:50AM 19 Q. Do you recognize the shoes sitting on
11:35:52AM 20 the table there?

11:35:52AM 21 A. Shoes?

11:35:56AM 22 Q. These shoes, I'm sorry. State's
11:35:58AM 23 Exhibits Number 22 and 23?

11:36:00AM 24 A. Those are Leroy's.

11:36:02AM 25 Q. Okay. Those are whose shoes?

MARTHA CAMPBELL - DIRECT EXAM BY MR. KING

11:36:04AM 1 A. Leroy's.

11:36:06AM 2 Q. And do you know where -- whose room did
11:36:08AM 3 the police find them in?

11:36:10AM 4 A. In Leroy's room underneath his bed.
11:36:14AM 5 They said they found them. I was sitting at the
11:36:18AM 6 table and I said, what did you find. And they
11:36:20AM 7 said, we found shoes.

11:36:22AM 8 Q. Were they -- were they asking you
11:36:26AM 9 anything else?

11:36:28AM 10 A. Yes. They brought some kind of
11:36:30AM 11 picture, and he kept throwing it on the table and
11:36:34AM 12 asked me if that was my -- if that was Christopher.
11:36:38AM 13 And I said, sir, I don't know because I can't tell
11:36:42AM 14 you that's him because I can't see the person's
11:36:44AM 15 face.

11:36:44AM 16 And he keep throwing it and, you know,
11:36:46AM 17 keep throwing it. And I keep telling him, no, I
11:36:52AM 18 can't tell you that's Christopher because I can't
11:36:52AM 19 see a face.

11:36:56AM 20 MR. KING: Beg the Court's indulgence?

11:36:58AM 21 THE COURT: Yes.

11:37:04AM 22 MR. KING: I have no further questions,
11:37:06AM 23 Your Honor.

11:37:06AM 24 THE COURT: Mr. Solicitor.

11:37:06AM 25 CROSS-EXAMINATION

MARTHA CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:37:06AM 1 BY MR. SIMPSON:

11:37:14AM 2 Q. Ms. Campbell, good morning.

11:37:16AM 3 A. Good morning, sir.

11:37:20AM 4 Q. You're Christopher Campbell's
11:37:22AM 5 grandmother?

11:37:22AM 6 A. Yes, sir.

11:37:22AM 7 Q. If I understand your testimony, you
11:37:26AM 8 played a pretty substantial role in Mr. Campbell's
11:37:30AM 9 upbringing?

11:37:30AM 10 A. Yes, sir.

11:37:30AM 11 Q. I imagine that your feelings for Mr.
11:37:38AM 12 Campbell are very strong?

11:37:38AM 13 A. Yes, sir.

11:37:38AM 14 Q. You love him?

11:37:40AM 15 A. I do love him.

11:37:40AM 16 Q. Fair to say that you really don't wish
11:37:46AM 17 to see him convicted of this offense; is that a
11:37:50AM 18 fair statement?

11:37:50AM 19 A. Him or anyone else, no.

11:37:54AM 20 Q. And I want to ask a couple of questions
11:37:58AM 21 about your direct testimony.

11:38:00AM 22 A. Yes, sir.

11:38:00AM 23 Q. And, again, I want to stress that none
11:38:04AM 24 of these are intended to embarrass you in any way.
11:38:08AM 25 I just want to make sure that we're clear on

MARTHA CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:38:12AM 1 important details. Okay?

11:38:12AM 2 A. Yes.

11:38:12AM 3 Q. You were asked a rather direct question

11:38:16AM 4 by Mr. King regarding what time did Chris Campbell

11:38:20AM 5 move back to the house from Columbia?

11:38:24AM 6 A. Yes.

11:38:24AM 7 Q. And when he moved back from Columbia,

11:38:28AM 8 he moved in with you; is that correct?

11:38:30AM 9 A. Not right away.

11:38:32AM 10 Q. Not right away? Did he eventually move

11:38:34AM 11 in with you?

11:38:34AM 12 A. Yes.

11:38:34AM 13 Q. And sounds kind of silly, but having

11:38:40AM 14 somebody move in with you, that's something you

11:38:42AM 15 notice and you recall, correct?

11:38:44AM 16 A. Beg your pardon?

11:38:46AM 17 Q. That's an event having someone move

11:38:48AM 18 back in with you that you recall; is that correct?

11:38:52AM 19 A. Somebody move back in?

11:38:54AM 20 Q. You know it happened and you know when

11:38:54AM 21 it happened?

11:38:54AM 22 A. Yes.

11:38:54AM 23 Q. You notice it when someone moves into

11:38:58AM 24 your house?

11:38:58AM 25 A. Sometimes we remember, but not a

MARTHA CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:39:02AM 1 specific date.

11:39:02AM 2 Q. Right. And when asked that question
11:39:04AM 3 about when -- when something occurred, when the
11:39:08AM 4 time of some event occurred, I wrote down some
11:39:12AM 5 quotes and I want you to correct me if I have any
11:39:12AM 6 of these wrong.

11:39:16AM 7 Did you answer, it was a year or two
11:39:18AM 8 before, maybe a year?

11:39:22AM 9 A. That he moved back home.

11:39:24AM 10 Q. And then, not sure when he came back,
11:39:26AM 11 January or February, end of the year. And then
11:39:32AM 12 later, March or April. Does that sound like an
11:39:34AM 13 accurate retelling of your testimony?

11:39:38AM 14 A. Yes.

11:39:38AM 15 Q. So it's fair to say that things
11:39:42AM 16 happened -- is it fair to say, I should ask, that
11:39:44AM 17 events happen and when asked even to approximate
11:39:48AM 18 when, it's natural -- I do it all the time, it's
11:39:52AM 19 natural to not be exactly accurate on that; is that
11:39:56AM 20 fair?

11:39:56AM 21 A. Yeah.

11:39:58AM 22 Q. But when asked about the morning of the
11:40:02AM 23 offense, you say -- well, let's start with this,
11:40:08AM 24 you said Christopher came back that morning; is
11:40:12AM 25 that correct?

MARTHA CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:40:12AM 1 A. Yeah.

11:40:12AM 2 Q. So do you remember Christopher leaving
11:40:16AM 3 your house that morning?

11:40:16AM 4 A. I heard the door close, yes.

11:40:18AM 5 Q. You heard someone leave your house that
11:40:18AM 6 morning?

11:40:22AM 7 A. I heard the door close that morning.

11:40:24AM 8 Q. And then you heard Christopher come
11:40:26AM 9 back?

11:40:26AM 10 A. Yes. I was up then.

11:40:28AM 11 Q. Okay. When asked about that, you say
11:40:32AM 12 it was 7:40 to 8:00 a.m.?

11:40:34AM 13 A. Yes.

11:40:34AM 14 Q. Now that's a range, but would you agree
11:40:38AM 15 that's a fairly specific range?

11:40:42AM 16 A. Yes, I know. I jumped up because I
11:40:44AM 17 wanted to tell him, you have to go to school. You
11:40:48AM 18 know, you have classes, uh-huh.

11:40:48AM 19 Q. But then when asked to just approximate
11:40:52AM 20 when he moved back in, there seemed to be a little
11:40:58AM 21 confusion on when exactly that happened -- and it's
11:41:00AM 22 understandable, but when exactly that happened
11:41:02AM 23 there was a little confusion; is that fair to say?

11:41:06AM 24 A. (No answer)

11:41:08AM 25 Q. Let me rephrase that. Would you agree

MARTHA CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:41:10AM 1 that people's minds don't work -- and, again, I'm
11:41:12AM 2 not pointing a finger at you. I'm the same way.
11:41:16AM 3 People's minds don't work when things occur where
11:41:18AM 4 we say, that happened at 8:15, or that happened on
11:41:22AM 5 February 3rd. We remember it happened --

11:41:24AM 6 A. I remember the time.

11:41:24AM 7 Q. You remember it happening, but is it
11:41:26AM 8 true there could be some confusion as to the exact
11:41:30AM 9 time frames; is that fair?

11:41:30AM 10 A. No, there's no confusion. I got up,
11:41:34AM 11 you know.

11:41:34AM 12 Q. No confusion on that point?

11:41:38AM 13 A. No, sir.

11:41:38AM 14 Q. Okay. Ms. Campbell, have you been in
11:41:44AM 15 the courthouse today?

11:41:46AM 16 A. Inside here?

11:41:46AM 17 Q. In the building today?

11:41:50AM 18 A. Yeah.

11:41:50AM 19 Q. And where were you this morning?

11:41:54AM 20 A. I was sitting out there waiting for
11:41:56AM 21 them to call me in here.

11:41:56AM 22 Q. You've been there most of the morning;
11:41:58AM 23 is that correct?

11:42:00AM 24 A. Yes. I brought some clothes for him to
11:42:04AM 25 change in.

MARTHA CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:42:04AM 1 Q. Do you remember observing seeing sort
11:42:06AM 2 of a portly guy with a goatee coming in and out?

11:42:12AM 3 A. Yes, I saw him.

11:42:12AM 4 Q. Do you remember? At what exact time
11:42:18AM 5 did he leave this morning?

11:42:20AM 6 A. I did not have a watch on.

11:42:22AM 7 Q. Okay. Can you approximate what time he
11:42:26AM 8 left this morning?

11:42:28AM 9 A. No. I did not have a watch on.

11:42:28AM 10 Q. Can you -- you did see him leave,
11:42:32AM 11 correct?

11:42:32AM 12 A. I saw him earlier, but I can't tell you
11:42:34AM 13 that I saw him directly when he was leaving.

11:42:38AM 14 Q. Of course. And that's because things
11:42:40AM 15 happen and then maybe when we say exact times we're
11:42:44AM 16 not exactly sure?

11:42:44AM 17 A. I know what time it was because I
11:42:46AM 18 jumped up. And I always keep my phone by me --
11:42:50AM 19 laying by me. When I jumped up, and I looked at
11:42:54AM 20 the time and said, Christopher, you know you have
11:42:56AM 21 to go to school.

11:42:56AM 22 Q. And it was when he came back that you
11:42:58AM 23 remember this time happening, correct?

11:43:00AM 24 A. I told him he had to go to school,
11:43:02AM 25 yeah.

MARTHA CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:43:02AM 1 Q. Do you remember meeting with some
11:43:06AM 2 members of my office? It wasn't me specifically,
11:43:08AM 3 but coming in and meeting with the Solicitor's
11:43:08AM 4 Office?

11:43:12AM 5 A. Yeah, talking about my son.

11:43:12AM 6 Q. Do you remember telling us that you saw
11:43:16AM 7 Chris in bed at 8:30?

11:43:20AM 8 A. He was in bed at 8:30.

11:43:22AM 9 Q. Okay. Did you mention anything at that
11:43:24AM 10 time about seeing him coming back at 7:40 or 8:00?

11:43:28AM 11 A. You all didn't ask me. You didn't ask
11:43:30AM 12 me what time he came back. You asked me, when did
11:43:34AM 13 I see him.

11:43:34AM 14 Q. When he left your house that morning,
11:43:36AM 15 do you know where he went?

11:43:38AM 16 A. When he let to go that morning?

11:43:40AM 17 Q. Yes.

11:43:40AM 18 A. I guess he went to take Leslie home.
11:43:48AM 19 That's all I know. Leslie to work, I'm sorry.

11:43:50AM 20 Q. Okay. So you were never asked and you
11:43:54AM 21 never mentioned that you saw Chris come back at
11:43:58AM 22 7:40 to 8:00 a.m.?

11:44:00AM 23 A. She asked me -- she said, do you know
11:44:04AM 24 -- she said, do you know when Christopher came
11:44:08AM 25 back.

MARTHA CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:44:08AM 1 Q. And you said --

11:44:10AM 2 A. I jumped up and I said, he -- you know,
11:44:12AM 3 8:00, 7:40, 8:00.

11:44:16AM 4 Q. Was your answer then 8:30?

11:44:20AM 5 A. No, I didn't say 8:30.

11:44:22AM 6 Q. And is it at all possible that you
11:44:22AM 7 could be confused about that exact time?

11:44:26AM 8 A. (Shaking head)

11:44:28AM 9 Q. Despite confusion about when he moved
11:44:30AM 10 back into your house?

11:44:32AM 11 A. No.

11:44:32AM 12 Q. And despite not even approximating when
11:44:34AM 13 an event occurred this morning?

11:44:38AM 14 A. (No response)

11:44:42AM 15 MR. SIMPSON: I have no further
11:44:42AM 16 questions.

11:44:44AM 17 THE COURT: All right. Thank you.
11:44:44AM 18 Any redirect?

11:44:46AM 19 MR. KING: None.

11:44:46AM 20 THE COURT: Thank you. You may step
11:44:48AM 21 down.

11:45:04AM 22 Mr. King, call your next witness.

11:45:08AM 23 MR. KING: Leroy Campbell.

11:45:24AM 24 LEROY CAMPBELL,

11:45:24AM 25 being first duly sworn, testified as follows:

LEROY CAMPBELL - DIRECT EXAM BY MR. KING

11:45:30AM 1 THE CLERK: Thank you, sir. You may be
11:45:32AM 2 seated. When seated, please state your first and
11:45:34AM 3 last name and spell your last loudly and clearly.

11:45:42AM 4 THE WITNESS: Okay. My name is Leroy
11:45:46AM 5 Campbell. Last name is C-A-M-P-B-E-L-L.

11:45:46AM 6 DIRECT EXAMINATION

11:45:48AM 7 BY MR. KING:

11:45:48AM 8 Q. Mr. Campbell, you know this man?

11:45:52AM 9 A. Yeah. That's my nephew.

11:45:56AM 10 Q. How long have you known him?

11:45:58AM 11 A. Oh, his whole life. His whole life.

11:46:00AM 12 Q. So you've had plenty of time to get to
11:46:04AM 13 know what kind of person he is?

11:46:06AM 14 A. Yes.

11:46:06AM 15 Q. His character?

11:46:06AM 16 A. Yes.

11:46:06AM 17 Q. Do you have an opinion about his
11:46:08AM 18 character?

11:46:08AM 19 A. Chris is a nice, easy going guy. You
11:46:12AM 20 know, I can't see him going in any store and
11:46:16AM 21 stealing. I can't see that. That's my nephew, of
11:46:20AM 22 course I'm going to say that, but, you know, I
11:46:22AM 23 don't see him doing that.

11:46:24AM 24 Q. Have you ever seen him with a handgun?

11:46:26AM 25 A. No, huh-uh.

LEROY CAMPBELL - DIRECT EXAM BY MR. KING

11:46:26AM 1 Q. Now, do you remember anything about
11:46:30AM 2 that morning, May 4th, 2011?

11:46:32AM 3 A. Actually, no, sir, I don't.

11:46:34AM 4 Q. You don't remember whether he left or
11:46:38AM 5 came back or anything like that?

11:46:40AM 6 A. No, I don't remember any of that.

11:46:42AM 7 Q. Do you remember that day, did you --
11:46:44AM 8 did you go downtown that day for any reason?

11:46:48AM 9 A. No.

11:46:48AM 10 Q. Did --

11:46:50AM 11 A. Well, that -- yeah. We did take
11:46:54AM 12 Leslie's car back because Chris took him to work
11:46:56AM 13 that morning, you know. And he came back and he
11:47:00AM 14 came and asked me to take the car back because he
11:47:02AM 15 had to get back home.

11:47:04AM 16 Q. So explain that. Christopher came to
11:47:08AM 17 you?

11:47:08AM 18 A. Uh-huh. And asked me -- asked me to
11:47:12AM 19 take his car back because he heard that something
11:47:16AM 20 happened at the store. You know what I mean? So
11:47:18AM 21 he went and took his car back.

11:47:22AM 22 Q. Took whose car back?

11:47:22AM 23 A. Leslie's car.

11:47:24AM 24 Q. And --

11:47:26AM 25 A. I followed him. I followed him with my

LEROY CAMPBELL - DIRECT EXAM BY MR. KING

11:47:30AM 1 van.

11:47:30AM 2 Q. And then you dropped the car off?

11:47:34AM 3 A. And then we went back, back to my
11:47:36AM 4 house. And the way he did, he woke up and he woke
11:47:42AM 5 me up because I figured after he came back he might
11:47:44AM 6 have went back to sleep, but I don't know. I can't
11:47:46AM 7 say because I was sleeping, you know.

11:47:48AM 8 Q. You were sleeping that morning?

11:47:50AM 9 A. Yeah. And he woke me up.

11:47:52AM 10 Q. Do you know Leslie Green?

11:47:54AM 11 A. Yeah, I know Leslie.

11:47:54AM 12 Q. Do you know anything about his
11:47:58AM 13 character?

11:47:58AM 14 A. Actually, no, because, I mean, we're
11:48:00AM 15 not close. He's my cousin. We'll say hi, bye, and
11:48:04AM 16 we'll chit-chat a little bit, you know, but he's a
11:48:06AM 17 young guy. I'm 36 years old.

11:48:10AM 18 Q. Was Leslie close with Christopher?

11:48:12AM 19 A. No, I don't know. I don't know because
11:48:14AM 20 I don't deal with the younger ages like that. You
11:48:18AM 21 know what I mean?

11:48:18AM 22 Q. Well, are you aware that the police
11:48:26AM 23 searched your house?

11:48:28AM 24 A. Yes, I wasn't at home, though. Yes,
11:48:28AM 25 sir, I remember.

LEROY CAMPBELL - DIRECT EXAM BY MR. KING

11:48:30AM 1 Q. How do you know about that?

11:48:30AM 2 A. My mother, she told me.

11:48:32AM 3 Q. Well, did you notice anything -- I

11:48:36AM 4 guess you came home --

11:48:36AM 5 A. Oh, they tore my room up. I mean, all

11:48:38AM 6 my briefcase and everything, they tore it up.

11:48:42AM 7 Q. What about Christopher's room?

11:48:44AM 8 A. Yeah. I mean, I saw like maybe the

11:48:48AM 9 dresser drawer opened and the sheet was pulled

11:48:52AM 10 back, but my room was the worst in the house.

11:48:56AM 11 Q. I want to show you what's been admitted

11:48:58AM 12 as State's 22, 23.

11:49:02AM 13 A. Those are mine.

11:49:02AM 14 Q. You recognize those?

11:49:04AM 15 A. Yeah, those are mine.

11:49:04AM 16 Q. How do you know those are yours?

11:49:06AM 17 A. I bought them.

11:49:06AM 18 Q. What size shoes do you wear?

11:49:08AM 19 A. I wear nine-and-a-half and sometimes I

11:49:12AM 20 buy a ten.

11:49:18AM 21 MR. KING: Okay. That's all the

11:49:18AM 22 questions I have.

11:49:20AM 23 THE COURT: Mr. Ziegler or Mr. Simpson?

11:49:24AM 24 MR. SIMPSON: Thank you, Your Honor.

11:49:24AM 25 CROSS-EXAMINATION

LEROY CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:49:24AM 1 BY MR. SIMPSON:

11:49:26AM 2 Q. Mr. Campbell, good morning.

11:49:28AM 3 A. Morning.

11:49:28AM 4 Q. You've known Christopher for a long
11:49:32AM 5 time?

11:49:32AM 6 A. Yeah. Yeah. Just about his whole
11:49:36AM 7 life. Like my mother said, he came to live with us
11:49:38AM 8 at six months.

11:49:38AM 9 Q. And unlike some of the other people
11:49:42AM 10 involved, you're close with Chris?

11:49:42AM 11 A. Say IT again.

11:49:44AM 12 Q. Are you close with Chris?

11:49:44AM 13 A. Yeah. Can you say what you said
11:49:46AM 14 before?

11:49:46AM 15 Q. Unlike some of the other people
11:49:50AM 16 Mr. King asked you about, you said you were very
11:49:52AM 17 close with Chris?

11:49:54AM 18 A. Oh, yeah. Yes, sir.

11:49:54AM 19 Q. You know, fair to say that you love
11:49:58AM 20 Chris?

11:49:58AM 21 A. Yeah. I love him like a brother. He's
11:50:02AM 22 my nephew, but I love him like a brother. We
11:50:06AM 23 raised up real close together.

11:50:08AM 24 Q. Would you agree it's difficult when you
11:50:10AM 25 really love somebody to think anything bad about

LEROY CAMPBELL - CROSS EXAM BY MR. SIMPSON

11:50:12AM 1 them?

11:50:14AM 2 A. Of course. Of course, it's difficult.

11:50:16AM 3 But, I mean, that's just something I can't see him

11:50:20AM 4 doing. I mean, my mother raised him right and I'm

11:50:26AM 5 pretty -- pretty older than him, so I helped her

11:50:30AM 6 raise him, you know. I'm young, but I helped her

11:50:32AM 7 raise him. I was working since I was 16.

11:50:34AM 8 Q. And would you agree that a love and a

11:50:36AM 9 bond that strong is a pretty powerful motivator?

11:50:42AM 10 A. Uh-huh.

11:50:42AM 11 Q. Is it fair to say that you, of course,

11:50:46AM 12 don't wish to see Christopher found guilty here

11:50:50AM 13 this week?

11:50:50AM 14 A. I don't like to see anybody go to jail.

11:50:54AM 15 That's just inhumane to me.

11:50:56AM 16 Q. And are you prepared to do what needs

11:51:00AM 17 to be done not to see that result?

11:51:02AM 18 A. Meaning?

11:51:02AM 19 Q. Meaning is it possible that Mr.

11:51:08AM 20 Campbell --

11:51:08AM 21 A. That doesn't sound like a question you

11:51:10AM 22 asked me.

11:51:10AM 23 Q. Is it possible Mr. Campbell had access

11:51:14AM 24 to your shoes?

11:51:14AM 25 A. No. They was in my room under my bed.

GEORGE MARTIN - DIRECT EXAM BY MR. KING

11:51:18AM 1 MR. SIMPSON: Nothing further, Your
11:51:18AM 2 Honor.

11:51:18AM 3 THE COURT: Any redirect?

11:51:20AM 4 MR. KING: No, Your Honor.

11:51:22AM 5 THE COURT: Thank you. You may step
11:51:22AM 6 down.

11:51:22AM 7 THE WITNESS: Okay. Thank you. You
11:51:26AM 8 all have a great day.

11:51:36AM 9 THE COURT: Mr. King.

11:51:36AM 10 MR. KING: The defense calls George
11:51:38AM 11 Martin.

11:51:38AM 12 GEORGE MARTIN,
11:51:38AM 13 being first duly sworn, testified as follows:

11:52:00AM 14 THE CLERK: You may be seated. Once
11:52:00AM 15 seated, please state your first and last name and
11:52:02AM 16 spell your last name loudly and clearly into the
11:52:02AM 17 microphone

11:52:06AM 18 THE WITNESS: My name is George Martin.
11:52:06AM 19 My last name is M-A-R-T-I-N.

11:52:06AM 20 DIRECT EXAMINATION

11:52:08AM 21 BY MR. KING:

11:52:08AM 22 Q. Mr. Martin, you know Christopher
11:52:12AM 23 Campbell?

11:52:12AM 24 A. Yes, sir. Through marriage he is my
11:52:12AM 25 nephew.

GEORGE MARTIN - DIRECT EXAM BY MR. KING

11:52:16AM 1 Q. Can you explain that?

11:52:16AM 2 A. I'm married to his auntie.

11:52:20AM 3 Q. Would that be Ms. Martha Campbell's

11:52:24AM 4 daughter?

11:52:26AM 5 A. Well, her niece I guess -- sister.

11:52:38AM 6 Sister.

11:52:38AM 7 Q. Sister?

11:52:40AM 8 A. Yeah.

11:52:40AM 9 Q. How -- what times have you had to

11:52:46AM 10 interact with Mr. Campbell? How long have you

11:52:48AM 11 known him?

11:52:48AM 12 A. I've known him for ten years. I met

11:52:52AM 13 him -- he was just about to graduate high school

11:52:54AM 14 when I first was dating his aunt, and I met him at

11:53:00AM 15 a wedding. We were going to a wedding. And a

11:53:04AM 16 sharp young man, very impressed with him ever since

11:53:06AM 17 I met him. And I liked him.

11:53:08AM 18 Q. So you said you've known him ten years?

11:53:12AM 19 A. Yes, sir.

11:53:14AM 20 Q. And so during that time you've had time

11:53:16AM 21 to observe his character?

11:53:18AM 22 A. Yes, sir.

11:53:18AM 23 Q. And do you have an opinion -- tell us

11:53:20AM 24 what your opinion is of his character.

11:53:22AM 25 A. I don't see him doing this. He

GEORGE MARTIN - DIRECT EXAM BY MR. KING

11:53:24AM 1 wouldn't do this.

11:53:26AM 2 Q. Is there a time he lived with you back
11:53:28AM 3 in 2011?

11:53:30AM 4 A. Yes, he did. He and I, we worked
11:53:32AM 5 together. I drive a truck, and I was between jobs,
11:53:36AM 6 and I wanted him to come to Columbia to get away
11:53:42AM 7 from Charleston. Anyway, I said, well, you come
11:53:44AM 8 live with me and find a job and we'll get you back
11:53:48AM 9 on track. And he came and lived with me.

11:53:50AM 10 And I was between jobs, and we both
11:53:54AM 11 landed a job at Build Distribution Center. They
11:54:00AM 12 did a background check -- since 911, it takes a
11:54:04AM 13 long time for a truck driver to get a job. So he
11:54:08AM 14 and I worked side-by-side in a warehouse loading
11:54:12AM 15 and unloading trucks. We did this for about three
11:54:14AM 16 months. Every day we'd both ride to work together
11:54:16AM 17 and come home together.

11:54:18AM 18 So he's a hard-working young man, very
11:54:24AM 19 impressive, sharp, articulate. He wouldn't do this
11:54:24AM 20 crime.

11:54:28AM 21 MR. KING: I have no further questions.

11:54:30AM 22 THE COURT: Mr. Simpson.

11:54:32AM 23 Hold on, have a seat.

11:54:34AM 24 THE WITNESS: Oh, I'm sorry. I'm
11:54:36AM 25 sorry.

GEORGE MARTIN - CROSS EXAM BY MR. SIMPSON

11:54:36AM 1 MR. SIMPSON: That's Okay. I'll be
11:54:38AM 2 fast.

11:54:38AM 3 CROSS-EXAMINATION

11:54:38AM 4 BY MR. SIMPSON:

11:54:42AM 5 Q. Mr. Martin, good morning.

11:54:42AM 6 A. Morning, sir.

11:54:44AM 7 Q. You mentioned you've known Mr. Campbell
11:54:48AM 8 for awhile?

11:54:48AM 9 A. Yes, sir.

11:54:48AM 10 Q. You said that he came actually for a
11:54:54AM 11 stretch and lived with you in Columbia?

11:54:54AM 12 A. Yes.

11:54:56AM 13 Q. And I want to ask you, if I could get a
11:54:58AM 14 little more detail, about what you meant when you
11:55:02AM 15 said it was important to you that he get away from
11:55:06AM 16 Charleston for a while and get back on track. What
11:55:08AM 17 did you mean by that?

11:55:08AM 18 A. Well, just -- he explained to me that
11:55:20AM 19 he just wanted to get away from living with his --
11:55:24AM 20 his grandmother is like his mom. He calls her mom.
11:55:28AM 21 And he just wanted a new environment. And I said,
11:55:32AM 22 come live with my wife and I, and me. And he did
11:55:36AM 23 that.

11:55:36AM 24 Q. Were there any other -- you know, again
11:55:42AM 25 that's why I ask the question, I don't want to read

GEORGE MARTIN - CROSS EXAM BY MR. SIMPSON

11:55:44AM 1 into anything, but were there any other influences
11:55:48AM 2 perhaps here in Charleston that you were concerned
11:55:50AM 3 about which is why he sort of needed to get back on
11:55:54AM 4 track?

11:55:54AM 5 A. No. No.

11:55:54AM 6 Q. And this arrangement with him coming up
11:56:00AM 7 and living and working with you, it lasted you said
11:56:02AM 8 about three months?

11:56:04AM 9 A. I forget how long it was. It could
11:56:06AM 10 have been longer than that.

11:56:08AM 11 Q. Okay. But three months is a fair
11:56:14AM 12 enough approximation?

11:56:16AM 13 A. Yes, sir.

11:56:16AM 14 Q. Because sometimes we talk about dates
11:56:18AM 15 and times and things like that, we don't think in
11:56:22AM 16 exact; is that fair?

11:56:24AM 17 A. He was there I know two or three weeks
11:56:28AM 18 before he found work. We worked together that
11:56:32AM 19 long, driving back and forth.

11:56:34AM 20 Q. Pretty good work arrangement it sounds
11:56:36AM 21 like?

11:56:36AM 22 A. Yes.

11:56:36AM 23 Q. Sounds like he was doing well?

11:56:38AM 24 A. Yes.

11:56:38AM 25 Q. Why only three months? What happened

GEORGE MARTIN - CROSS EXAM BY MR. SIMPSON

11:56:40AM 1 to terminate that arrangement?

11:56:42AM 2 A. My wife -- I make a check, I give it to
11:56:48AM 3 her. She manages the money.

11:56:52AM 4 Q. Sounds like mine.

11:56:52AM 5 A. I fall in line. She teaches math and
11:56:56AM 6 she pays the bills and manages the bills. And she
11:57:02AM 7 was teaching -- we were trying to teach him, you
11:57:04AM 8 know, just work, which he's an excellent worker,
11:57:08AM 9 you know, but she was charging him next month's
11:57:12AM 10 rent this month. And, you know, that didn't play
11:57:16AM 11 well with him.

11:57:18AM 12 Q. So fairly brief amount of time, he
11:57:22AM 13 wasn't crazy about the arrangement, so he came back
11:57:24AM 14 to Charleston?

11:57:26AM 15 A. Right. Right. And I argued his point,
11:57:28AM 16 well, I wouldn't do -- you know, I have kids. I
11:57:34AM 17 have to keep momma happy.

11:57:36AM 18 Q. I totally understand that. So fair to
11:57:38AM 19 say -- he comes up to Columbia to get back on
11:57:42AM 20 track. Is it fair to say he came back to
11:57:44AM 21 Charleston and he got back off track?

11:57:46AM 22 A. Obviously something happened, but he
11:57:50AM 23 wasn't -- I don't see him doing this crime.
11:57:52AM 24 Nothing in his nature would do that. It's totally
11:57:56AM 25 out of nature for Mr. Campbell, Chris.

GEORGE MARTIN - CROSS EXAM BY MR. SIMPSON

11:58:00AM 1 Q. And you're very fond of Mr. Campbell?

11:58:02AM 2 A. He can come back today and live with me

11:58:04AM 3 and my family.

11:58:04AM 4 Q. And would you agree that when you have

11:58:06AM 5 strong feelings for someone, you said love for

11:58:08AM 6 somebody --

11:58:08AM 7 A. I love him.

11:58:10AM 8 Q. -- it's difficult to accept that that

11:58:12AM 9 person may have made a bad decision?

11:58:14AM 10 A. No. This is out of character for him.

11:58:18AM 11 He would not have done this. And if you're trying

11:58:24AM 12 to see if I would lie for him, no, sir.

11:58:24AM 13 Q. No, sir. I'm just saying, it's just

11:58:26AM 14 difficult to accept that someone we love might make

11:58:30AM 15 it hard -- it's a difficult thing for anyone to

11:58:32AM 16 accept, would you agree?

11:58:32AM 17 A. He didn't do this.

11:58:34AM 18 MR. SIMPSON: Nothing further, Your

11:58:36AM 19 Honor.

11:58:36AM 20 THE COURT: Any redirect?

11:58:38AM 21 MR. KING: No, Your Honor.

11:58:38AM 22 THE COURT: Thank you. You may step

11:58:40AM 23 down now.

11:58:40AM 24 THE WITNESS: Thank you, Your Honor.

11:58:42AM 25 THE COURT: Have a nice day.

11:58:44AM 1 MR. KING: May we approach, Your Honor?

11:58:46AM 2 THE COURT: You may.

11:58:46AM 3 (Off-the-record conference.)

11:58:46AM 4 THE COURT: Ladies and gentlemen, now
12:00:00PM 5 is a good time to take a lunch break, so I'm going
12:00:04PM 6 to send you out. We will reconvene at 2:00, and
12:00:10PM 7 then we will have some testimony this afternoon.
12:00:14PM 8 We will probably break and probably -- maybe argue
12:00:18PM 9 and charge in the morning. I'm not going to make
12:00:20PM 10 you stay here tonight. So we'll be here probably
12:00:24PM 11 tomorrow. All right.

12:00:26PM 12 Ladies and gentlemen, have a nice
12:00:28PM 13 lunch. Please do not discuss anything about the
12:00:30PM 14 case while you're at lunch and I'll see you back
12:00:34PM 15 here at 2:00 o'clock.

12:00:46PM 16 (Jury out, 11:59 a.m.)

12:00:48PM 17 THE COURT: All right. Court is in
12:00:58PM 18 recess until 2:00.

02:06:24PM 19 (A luncheon recess transpired.)

02:06:24PM 20 THE COURT: Anything before we bring
02:06:26PM 21 the jury in?

02:06:26PM 22 MR. ZIEGLER: No.

02:06:28PM 23 MR. KING: No.

02:06:28PM 24 THE COURT: Just one witness this
02:06:30PM 25 afternoon?

02:06:30PM 1 MR. KING: This would be my last
02:06:32PM 2 witness.
02:06:34PM 3 THE COURT: Do you want to argue and
02:06:36PM 4 charge tomorrow?
02:06:36PM 5 MR. ZIEGLER: Yes, please.
02:06:38PM 6 THE COURT: Very well. Bring our jury
02:06:38PM 7 in.
02:09:20PM 8 (Jury in, 2:08 p.m.)
02:09:24PM 9 THE BAILIFF: All jurors present.
02:09:44PM 10 THE COURT: Thank you. Thank you.
02:09:46PM 11 Ladies and gentlemen, I hope you had a nice lunch.
02:09:48PM 12 Is the defense ready to call your next
02:09:50PM 13 witness?
02:09:50PM 14 MR. KING: Yes.
02:09:50PM 15 THE COURT: You may call your next
02:09:52PM 16 witness.
02:09:52PM 17 MR. KING: The defense calls
02:09:54PM 18 Christopher Campbell.
02:09:56PM 19 THE COURT: Okay.
02:10:10PM 20 CHRISTOPHER CAMPBELL,
02:10:10PM 21 being first duly sworn, testified as follows:
02:10:12PM 22 THE DEFENDANT: I do.
02:10:14PM 23 THE CLERK: You may be seated. Upon
02:10:16PM 24 being seated, please state your first and last name
02:10:18PM 25 and spell your last loudly and clearly into the

CHRISTOPHER CAMPBELL - DIRECT EXAM BY MR. KING

02:10:20PM 1 microphone.

02:10:20PM 2 THE DEFENDANT: Christopher Campbell,
02:10:22PM 3 last name C-A-M-P-B-E-L-L.

02:10:22PM 4 DIRECT EXAMINATION

02:10:22PM 5 BY MR. KING:

02:10:26PM 6 Q. Mr. Campbell, let's go ahead and get
02:10:30PM 7 the most important question out the way. Did you
02:10:34PM 8 rob the Firehouse Subs?

02:10:36PM 9 A. No, I did not rob Firehouse Subs.

02:10:38PM 10 Q. I want to ask you a little bit about
02:10:40PM 11 you. Where do you live now?

02:10:42PM 12 A. I live at [REDACTED] Champagne Lane.

02:10:46PM 13 Q. Who do you live with?

02:10:48PM 14 A. Me and my grandmother, Martha Campbell.

02:10:50PM 15 Q. Does anyone else live there?

02:10:52PM 16 A. No. No one else lives there at the
02:10:56PM 17 moment.

02:10:56PM 18 Q. How did you end up living with your
02:10:58PM 19 grandmother?

02:10:58PM 20 A. Now or when --

02:11:02PM 21 Q. Well, let's go back. When you were
02:11:06PM 22 arrested for this, you were living there too?

02:11:08PM 23 A. Yes, I was living there.

02:11:10PM 24 Q. Was anyone else living there then?

02:11:12PM 25 A. Yes; my uncle, Leroy Campbell.

CHRISTOPHER CAMPBELL - DIRECT EXAM BY MR. KING

02:11:14PM 1 Q. What about your mother, why are you
02:11:22PM 2 living with your grandmother? Why do you call her
02:11:24PM 3 your mother instead of your birth mother?
02:11:26PM 4 A. She primarily raised me. She had me
02:11:30PM 5 like she said since I was six months up until I was
02:11:34PM 6 about ten years old.
02:11:36PM 7 Q. Where is your mother?
02:11:36PM 8 A. She lives in New York.
02:11:38PM 9 Q. Do you have a good relationship with
02:11:40PM 10 her?
02:11:42PM 11 A. We don't have a relationship really.
02:11:44PM 12 Q. So back in May, you were living with
02:11:54PM 13 Martha Campbell?
02:11:54PM 14 A. Yes, sir.
02:11:54PM 15 Q. Do you work anywhere now?
02:11:58PM 16 A. Yes, I do.
02:11:58PM 17 Q. Where do you work?
02:12:00PM 18 A. I work for Campaign Construction and
02:12:02PM 19 IES.
02:12:04PM 20 Q. What is IES?
02:12:06PM 21 A. It's a temp agency.
02:12:10PM 22 Q. What kind of jobs have you had in the
02:12:14PM 23 past? Where have you worked?
02:12:16PM 24 A. Construction, I worked a government job
02:12:20PM 25 with SAIC building the Amarok trucks, landscaping,

CHRISTOPHER CAMPBELL - DIRECT EXAM BY MR. KING

02:12:28PM 1 roofing, a little bit of everything. State Trooper
02:12:32PM 2 Association in Columbia.

02:12:34PM 3 Q. What did you do there?

02:12:36PM 4 A. Just collected funds for the State
02:12:40PM 5 Troopers on Broad River.

02:12:40PM 6 Q. Phone calls?

02:12:42PM 7 A. Yeah, phone calls.

02:12:44PM 8 Q. Now, you do have a conviction on your
02:12:54PM 9 record?

02:12:56PM 10 A. Yes, I do.

02:12:58PM 11 Q. You have a conviction for obtaining
02:12:58PM 12 property under false pretenses?

02:13:00PM 13 A. Yes.

02:13:00PM 14 Q. What happened to that?

02:13:02PM 15 A. I had to fine a fine.

02:13:04PM 16 Q. Tell us about Leslie Green. What is
02:13:10PM 17 your relationship -- well, let's go back before
02:13:12PM 18 your arrest and everything. What was your
02:13:16PM 19 relationship like with Leslie Green?

02:13:16PM 20 A. We really didn't have a relationship;
02:13:20PM 21 he's my third cousin. You know, I see him in
02:13:22PM 22 passing.

02:13:22PM 23 Q. What about giving him a ride to work?

02:13:28PM 24 A. Well, that -- that was my first time
02:13:32PM 25 ever giving him a ride to work. He initially

CHRISTOPHER CAMPBELL - DIRECT EXAM BY MR. KING

02:13:34PM 1 called Leroy Campbell, which he was sleeping, and
02:13:38PM 2 then he called me. I was up, and I said I would
02:13:42PM 3 take him because he claimed he didn't have a spot
02:13:46PM 4 downtown.

02:13:48PM 5 Q. So what did you do that morning? Did
02:13:54PM 6 you take him to work?

02:13:54PM 7 A. Yes, I took him to work.

02:13:56PM 8 Q. What time did -- can you go through
02:13:58PM 9 that, what time that happened?

02:14:00PM 10 A. He called about 7:15, 7:20. I took him
02:14:04PM 11 downtown, dropped him off in front of the store.
02:14:08PM 12 Well, primarily in front of Gilroy's, it's like two
02:14:12PM 13 doors down. And I drove off and went back to the
02:14:18PM 14 island after that, James Island.

02:14:20PM 15 Q. What time would you say you dropped him
02:14:24PM 16 off?

02:14:24PM 17 A. I think he got there around 7:40, 7:45,
02:14:28PM 18 7:50 maybe at the latest.

02:14:30PM 19 Q. And then what did you do after you
02:14:32PM 20 dropped him off?

02:14:32PM 21 A. I went back home to James Island.

02:14:34PM 22 Q. What time do you think you got home to
02:14:38PM 23 James Island?

02:14:38PM 24 A. I probably got home around 8, 8:10. I
02:14:42PM 25 remember that because the Wendy Williams show was

02:14:46PM 1 on.

02:14:46PM 2 Q. Now, after that, did you go back
02:14:54PM 3 downtown at any time?

02:14:56PM 4 A. Yes, I went back downtown. He called
02:15:00PM 5 maybe an hour or two later frantically saying
02:15:02PM 6 somebody robbed the store and can I bring him back
02:15:06PM 7 his car, park it in slot number one and leave the
02:15:10PM 8 keys under the mat of the car.

02:15:12PM 9 Q. So you drove down there?

02:15:14PM 10 A. Yes.

02:15:16PM 11 Q. How did you get back?

02:15:16PM 12 A. Leroy Campbell, my uncle, followed me
02:15:20PM 13 there and brought me back.

02:15:22PM 14 Q. And then what did you do? You went
02:15:26PM 15 back to James Island?

02:15:28PM 16 A. Yeah, I went back to James Island.

02:15:28PM 17 Q. Did you hear from Leslie Green anymore
02:15:32PM 18 after that day?

02:15:32PM 19 A. Actually, after the robbery, he came to
02:15:36PM 20 the house explaining the robbery, saying what
02:15:38PM 21 happened. And then he went home saying he might
02:15:40PM 22 have to speak to a detective later on that day.

02:15:42PM 23 Q. Now at some point, a couple of days
02:15:52PM 24 later, the police came and got you?

02:15:54PM 25 A. Yes.

CHRISTOPHER CAMPBELL - DIRECT EXAM BY MR. KING

02:15:56PM 1 Q. What happened with that? How did that
02:15:58PM 2 go down?

02:15:58PM 3 A. They came to my home. I was actually
02:16:02PM 4 standing outside on the phone. And the officer who
02:16:06PM 5 approached me, his name was Officer Blaine. He
02:16:10PM 6 asked me was I Christopher Campbell. I told him,
02:16:14PM 7 yes, I'm Christopher Campbell. He asked, is this
02:16:16PM 8 [REDACTED] Champagne Lane. I said, yes, it is. He
02:16:18PM 9 said, do you live here. I said, yes, sir, I do.

02:16:18PM 10 And that's when my grandmother came
02:16:22PM 11 outside and asked what's going on. He said, oh,
02:16:24PM 12 you're being detained for questioning about a home
02:16:28PM 13 invasion. And I said, well, I don't know anything
02:16:30PM 14 about a home invasion, but, you know, I won't give
02:16:32PM 15 you any problems.

02:16:34PM 16 So he put my hands behind my back and
02:16:38PM 17 put me in the car and told my grandmother that I
02:16:40PM 18 would be back, he just wanted to question me. And
02:16:44PM 19 I went downtown. Then I was interviewed by
02:16:48PM 20 Detective Williams.

02:16:48PM 21 Q. Hold on, let me stop you there for a
02:16:52PM 22 second. Were you accused of some sort of home
02:16:56PM 23 invasion?

02:16:56PM 24 A. That's what they told me initially.

02:17:00PM 25 Q. Okay.

CHRISTOPHER CAMPBELL - DIRECT EXAM BY MR. KING

02:17:00PM 1 A. And when I got downtown, they changed
02:17:06PM 2 it up.

02:17:06PM 3 Q. Did anyone ever end up asking you about
02:17:10PM 4 a home invasion?

02:17:10PM 5 A. No, nobody asked me about a home
02:17:12PM 6 invasion.

02:17:12PM 7 Q. Did you ever hear anything else about
02:17:16PM 8 something like that?

02:17:16PM 9 A. No.

02:17:16PM 10 Q. How did you feel when you got to the
02:17:18PM 11 police station? How were you feeling then?

02:17:20PM 12 A. I was very irritated, anxious and kind
02:17:24PM 13 of angry, to be honest.

02:17:26PM 14 Q. Because, you know, they got your
02:17:30PM 15 statement and the detective does ask you some
02:17:32PM 16 questions about Firehouse Subs.

02:17:34PM 17 A. Yes.

02:17:34PM 18 Q. You weren't exactly completely open in
02:17:38PM 19 the beginning. What was going on with that?

02:17:40PM 20 A. I wasn't open in the beginning because
02:17:44PM 21 he was being a bit of a jerk that I felt. So, you
02:17:46PM 22 know, I gave him a little bit of attitude as well,
02:17:50PM 23 and I felt initially lied to because they did lie
02:17:52PM 24 to me.

02:17:54PM 25 And his line of questioning wasn't very

02:17:58PM 1 good either. He went back and forth, back and
02:18:00PM 2 forth on his cell phone. I felt that was very
02:18:04PM 3 unprofessional. When you're dealing with
02:18:06PM 4 somebody's life, you should be attentive to what's
02:18:12PM 5 going on. Armed robbery is a very serious crime,
02:18:14PM 6 so I would have been more attentive.

02:18:16PM 7 Q. Now, had you been to the Firehouse Subs
02:18:26PM 8 before this at any point in time?

02:18:28PM 9 A. Yes. I was there the night of May 3rd.

02:18:32PM 10 Q. Now, is there anything special about
02:18:36PM 11 May 4th?

02:18:36PM 12 A. Yes, May 4th is my birthday. I turned
02:18:40PM 13 25 that year.

02:18:42PM 14 Q. So what happened the night of May 3rd?

02:18:46PM 15 A. May 3rd, me, my cousin Robert Gibbs,
02:18:50PM 16 and a mutual friend of ours, or acquaintance,
02:18:56PM 17 Demetrius Grant, we went downtown. They wanted to
02:18:58PM 18 drink at La Hacienda, because they had \$2 house
02:19:02PM 19 liquor on Tuesday.

02:19:04PM 20 So I said, let me get something to eat
02:19:08PM 21 first before I start drinking. I don't drink on an
02:19:12PM 22 empty stomach. So I wanted something kind of
02:19:18PM 23 solid, you know, bread to soak up the liquor. I
02:19:18PM 24 went and got me a Hook and Ladder sandwich with --
02:19:22PM 25 I like mine with just lettuce and tomato and honey

02:19:26PM 1 mustard.

02:19:26PM 2 Q. Did you pay with a credit card or cash?

02:19:30PM 3 A. No, I paid cash.

02:19:32PM 4 Q. You've seen evidence about your
02:19:36PM 5 fingerprints being on the front of the door?

02:19:38PM 6 A. Yeah, I seen that.

02:19:40PM 7 Q. So you touched the door I guess --

02:19:42PM 8 A. Yes, I touched the door. I opened it.

02:19:44PM 9 Q. But they have your fingerprints on the
02:19:46PM 10 left door and the right door?

02:19:48PM 11 A. I don't exactly remember what door I
02:19:52PM 12 touched. Maybe I touched both of them to get in.
02:19:56PM 13 I don't exactly remember.

02:19:58PM 14 Q. Well, where are Robert Gibbs and
02:20:04PM 15 Demetrius Grant?

02:20:04PM 16 A. Last I heard about Demetrius Grant, he
02:20:06PM 17 was working at the Cactus Car Wash, and then he had
02:20:08PM 18 some home problems and he moved back to Savannah.
02:20:12PM 19 Now, Robert Gibbs is my cousin, but he's kind of
02:20:16PM 20 elusive to get hold of. You know, he has several
02:20:20PM 21 girlfriends; he bounces from home to home.

02:20:22PM 22 Q. You've tried to reach those --

02:20:26PM 23 A. Yeah. I've tried to reach both of
02:20:28PM 24 them.

02:20:28PM 25 Q. I've asked you information about them

CHRISTOPHER CAMPBELL - DIRECT EXAM BY MR. KING

02:20:30PM 1 too, trying to reach them?

02:20:32PM 2 A. Yes, sir.

02:20:32PM 3 Q. You know the police came to your house
02:20:36PM 4 and did a search?

02:20:36PM 5 A. Yes.

02:20:40PM 6 Q. Are these your shoes, State's 22 and
02:20:42PM 7 23?

02:20:44PM 8 A. No, those are not mine.

02:20:44PM 9 Q. Whose shoes are those?

02:20:46PM 10 A. Leroy Campbell. Excuse me.

02:20:48PM 11 Q. What size shoe do you wear?

02:20:52PM 12 A. I wear an 11 or 11 1/2, and if they are
02:20:58PM 13 loafers, I wear a 10 1/2.

02:21:00PM 14 Q. I will ask you again, is that you in
02:21:06PM 15 the video, the surveillance video we've been
02:21:08PM 16 seeing?

02:21:08PM 17 A. No, that's not me in the surveillance
02:21:10PM 18 video.

02:21:10PM 19 Q. Did you rob the Firehouse Subs?

02:21:12PM 20 A. No, I did not rob Firehouse Subs.

02:21:14PM 21 MR. KING: That's all the questions I
02:21:16PM 22 have, Your Honor.

02:21:16PM 23 THE COURT: Thank you.

02:21:20PM 24 Mr. Simpson.

02:21:20PM 25 MR. SIMPSON: Thank you, Your Honor.

02:21:20PM 1

CROSS-EXAMINATION

02:21:20PM 2

BY MR. SIMPSON:

02:21:22PM 3

Q. Mr. Campbell, good afternoon.

02:21:22PM 4

A. Good afternoon.

02:21:30PM 5

Q. I would like to start, if I may, you

02:21:32PM 6

acknowledged in direct that armed robbery is such a

02:21:36PM 7

serious offense that you felt the detective should

02:21:40PM 8

have maybe not been taking the phone calls?

02:21:44PM 9

A. Yes, sir.

02:21:44PM 10

Q. Okay. And because it's a serious

02:21:48PM 11

offense and a serious job, you know, you of course

02:21:50PM 12

realize that the detective is a busy person when

02:21:54PM 13

working on such --

02:21:56PM 14

A. Yes, sir, I understand that.

02:21:56PM 15

Q. And it's important for him to get

02:21:58PM 16

information from other sources?

02:22:02PM 17

A. Yes, sir, I understand.

02:22:02PM 18

Q. A serious offense with serious

02:22:06PM 19

ramifications if you were convicted, correct?

02:22:08PM 20

A. Yes, sir.

02:22:08PM 21

Q. And we have discussed some of those

02:22:12PM 22

during this trial?

02:22:12PM 23

A. Yes, sir.

02:22:12PM 24

Q. Would you also acknowledge that facing

02:22:18PM 25

such ramifications would be a pretty powerful

02:22:22PM 1 motive to not be completely forthcoming?

02:22:26PM 2 A. No, sir. I'm very honest about
02:22:28PM 3 everything that I do.

02:22:30PM 4 Q. Okay. Well, let's explore that
02:22:32PM 5 statement a little bit, if you don't mind.

02:22:36PM 6 A. Yes, sir.

02:22:36PM 7 Q. Serious offense, and you know, that.
02:22:40PM 8 And you're asked without knowing -- without knowing
02:22:44PM 9 what they know, have you ever -- are you familiar
02:22:48PM 10 at all with the Firehouse Subs? And your answer
02:22:50PM 11 was, well, of course, I ate there last night,
02:22:54PM 12 right?

02:22:54PM 13 A. No, I didn't immediately say that.

02:22:56PM 14 Q. Is there something wrong with eating
02:22:58PM 15 there?

02:22:58PM 16 A. No, there's nothing wrong with eating
02:23:00PM 17 there.

02:23:00PM 18 Q. Is it illegal?

02:23:00PM 19 A. No, it's not illegal.

02:23:02PM 20 Q. But when you were asked, have you ever
02:23:04PM 21 heard of, are you familiar with in any way, the
02:23:06PM 22 Firehouse Subs, you say, nope?

02:23:10PM 23 A. I did say that because, like I said, I
02:23:14PM 24 was very irritated and I already knew what he was
02:23:16PM 25 going to ask me. Previously, that morning,

02:23:22PM 1 Jacquelin Green, who is Leslie Green's mother, came
02:23:22PM 2 and knocked on the door and said, oh, they have
02:23:26PM 3 Chris for robbing the Firehouse Subs.

02:23:30PM 4 Q. Okay.

02:23:30PM 5 A. And Martha Campbell, who is my
02:23:32PM 6 grandmother said, no, they don't, he's in there
02:23:36PM 7 sleeping. She woke me up, came to the door. So, I
02:23:40PM 8 mean, I was wanting him to get straight to the
02:23:44PM 9 point.

02:23:44PM 10 Q. Okay.

02:23:44PM 11 A. Like I said, I don't have time to play.
02:23:46PM 12 I know this is very serious.

02:23:52PM 13 Q. And that's why again, when given the
02:23:56PM 14 opportunity just now in front of the jury to
02:24:00PM 15 explain all the details of this serious matter,
02:24:02PM 16 again, you're adding details that you didn't tell
02:24:04PM 17 them in direct. This visit from Leslie Green's
02:24:10PM 18 mom.

02:24:10PM 19 A. Like I said before, I felt Detective
02:24:12PM 20 Williams was being a bit of a jerk. I was doing
02:24:16PM 21 the same thing, which I probably should have not.
02:24:20PM 22 Me being young and hotheaded, that's what happened.

02:24:22PM 23 Q. Okay. And then Detective Williams
02:24:26PM 24 says -- again, without you knowing what they know,
02:24:30PM 25 he says, tell me about your morning; is that

02:24:32PM 1 correct?

02:24:32PM 2 A. I don't recall it, but I think he did.

02:24:36PM 3 Q. And you told him quite a few details

02:24:38PM 4 about your morning on the morning of May 4th,

02:24:42PM 5 correct?

02:24:42PM 6 A. Yes, sir.

02:24:42PM 7 Q. Slept a little late, that you had been

02:24:46PM 8 running late to Trident, right?

02:24:48PM 9 A. Yeah. When I came home, I went back to

02:24:50PM 10 sleep.

02:24:50PM 11 Q. Well, wait. Wait a second. Did you

02:24:54PM 12 tell him, when I came home from going to the

02:24:58PM 13 Firehouse Subs I fell asleep?

02:25:00PM 14 A. No, I did not.

02:25:00PM 15 Q. No. You said, I woke up late, thought

02:25:02PM 16 about going to class, correct?

02:25:04PM 17 A. Yes, sir.

02:25:04PM 18 Q. Thought I might be already running late

02:25:08PM 19 so I might as well not go because it's my birthday?

02:25:10PM 20 A. Yes, sir.

02:25:10PM 21 Q. At any time when he was saying, hey,

02:25:12PM 22 just tell me about your morning, did you say, yeah,

02:25:14PM 23 I took my cousin down to the Firehouse Subs?

02:25:16PM 24 A. No, I did not.

02:25:16PM 25 Q. You didn't. You eventually said that,

02:25:20PM 1 right?

02:25:20PM 2 A. Yes, sir.

02:25:20PM 3 Q. But that was only after you were made
02:25:22PM 4 aware that they had information that you were going
02:25:26PM 5 down there, correct?

02:25:30PM 6 A. Yes, sir.

02:25:30PM 7 Q. And then you said, okay, well, yeah, I
02:25:34PM 8 didn't rob the place, but I took my cousins there?

02:25:36PM 9 A. Yes, sir, I did.

02:25:36PM 10 Q. And so as you yourself acknowledge in
02:25:42PM 11 the interview room, talking about a serious matter,
02:25:44PM 12 talking about a matter that you understand is
02:25:46PM 13 serious, correct?

02:25:46PM 14 A. Yes, sir.

02:25:46PM 15 Q. Why didn't we hear anything about
02:25:52PM 16 eating dinner there the night before?

02:25:54PM 17 A. Like I said, his line of questioning I
02:25:58PM 18 felt was very erratic, and also I felt he was being
02:26:04PM 19 a jerk once again. So I complied with the same
02:26:10PM 20 jerkiness, I guess, if I could use that, to him.

02:26:14PM 21 Q. So you want this jury to believe that
02:26:20PM 22 because you weren't pleased with the perceived
02:26:24PM 23 professionalism of Detective Williams, that you
02:26:26PM 24 just made the conscious decision, I'm not going to
02:26:30PM 25 mention anything about having dinner at the very

02:26:34PM 1 scene of this robbery the night before?

02:26:36PM 2 A. It wasn't just that, sir. It was the
02:26:38PM 3 point that they lied to me from the jump saying
02:26:42PM 4 something about a home invasion and invading my
02:26:46PM 5 privacy, invading my grandmother's home about
02:26:50PM 6 something that has nothing to do with what they
02:26:54PM 7 were talking about.

02:26:54PM 8 Q. Isn't it true you didn't mention
02:26:56PM 9 anything about that dinner --

02:26:58PM 10 A. No, I did --

02:26:58PM 11 Q. -- the night before --

02:27:00PM 12 A. -- mention anything about the dinner
02:27:02PM 13 the night before.

02:27:02PM 14 Q. -- until you found out that they had
02:27:04PM 15 your fingerprint on the front door?

02:27:08PM 16 A. No, that's not true. I think I told
02:27:10PM 17 them I had dinner there. I don't know if it's on
02:27:14PM 18 the tape or when I was leaving, but I do remember
02:27:18PM 19 saying something like that to Detective Williams.

02:27:20PM 20 Q. Would you acknowledge that when a
02:27:24PM 21 person is being open, when a person is being candid
02:27:26PM 22 and truthful, and give a statement, that the
02:27:32PM 23 evidence then follows the statement or the evidence
02:27:34PM 24 that the police collects fits with that statement
02:27:38PM 25 because it's honest?

CHRISTOPHER CAMPBELL - CROSS EXAM BY MR. SIMPSON

02:27:38PM 1 A. In most cases, I would say that's true.

02:27:42PM 2 Q. Would you acknowledge that when a
02:27:44PM 3 person is being evasive and when a person is being
02:27:48PM 4 untruthful, it goes the other way around; the
02:27:52PM 5 statement has to change to follow the evidence?

02:27:54PM 6 A. I wouldn't say that's true.

02:27:56PM 7 Q. Okay. Isn't it true you have no idea
02:28:02PM 8 what the police know, so you aren't going to tip
02:28:06PM 9 anything, tip your hand at all, and that's when you
02:28:10PM 10 said, I don't know anything about the Firehouse
02:28:12PM 11 Subs, I don't even know it exists, I don't even
02:28:14PM 12 know it's a place, I don't know where it is.

02:28:18PM 13 MR. KING: Objection, Your Honor.
02:28:20PM 14 That's not what was in the statement.

02:28:22PM 15 THE COURT: I will give him a little
02:28:24PM 16 leeway; he's on cross-examination. Proceed.

02:28:24PM 17 BY MR. SIMPSON:

02:28:28PM 18 Q. And isn't it true that when you find
02:28:30PM 19 out that they already have information that you
02:28:32PM 20 should be aware of the Firehouse Subs, that's when
02:28:34PM 21 the statement changes? Oh, you know that? Okay.
02:28:40PM 22 Well, yeah, I gave Leslie a ride there. Isn't that
02:28:42PM 23 when that part changes, when you find out that they
02:28:46PM 24 know that you know about the Firehouse Subs?

02:28:48PM 25 A. I mean, his line of questioning was

CHRISTOPHER CAMPBELL - CROSS EXAM BY MR. SIMPSON

02:28:50PM 1 direct to that, did you give Leslie a ride? So I

02:28:54PM 2 said, yes, I gave Leslie a ride.

02:28:56PM 3 Q. After he had asked you about the

02:28:58PM 4 morning?

02:28:58PM 5 A. Yes, after he asked me about my

02:29:00PM 6 morning.

02:29:00PM 7 Q. But that's it. Gave him a ride?

02:29:02PM 8 A. That's all I did, gave him a ride.

02:29:06PM 9 Q. Until you find out that your

02:29:08PM 10 fingerprints are on the door, and then it changes

02:29:10PM 11 again, doesn't it?

02:29:12PM 12 A. No, it doesn't change. I mean, I spoke

02:29:16PM 13 to my lawyers about it. I told -- which at the

02:29:16PM 14 time was Martha Dikus, and then intern Jason King.

02:29:22PM 15 Q. You went there the night before the day

02:29:30PM 16 we're here about with two friends?

02:29:32PM 17 A. Yes. One cousin and one friend.

02:29:34PM 18 Q. Didn't hear from them?

02:29:38PM 19 A. No. Demetrius has moved away. I did

02:29:42PM 20 my best to reach out for both of them through

02:29:48PM 21 Facebook and various channels and Jason had their

02:29:50PM 22 investigator look for them.

02:29:50PM 23 Q. And lo and behold, you used cash,

02:29:54PM 24 right?

02:29:54PM 25 A. Yes, sir.

CHRISTOPHER CAMPBELL - CROSS EXAM BY MR. SIMPSON

02:29:54PM 1 Q. You paid for it with cash?

02:29:58PM 2 A. Yes, sir.

02:29:58PM 3 Q. I believe you mentioned the specific
02:30:00PM 4 sub that you ordered at the Firehouse?

02:30:02PM 5 A. Yes.

02:30:02PM 6 Q. What was that called?

02:30:04PM 7 A. Hook and Ladder.

02:30:06PM 8 Q. You're familiar with the menu enough to
02:30:08PM 9 know the specific sandwich?

02:30:08PM 10 A. Yes, sir.

02:30:10PM 11 Q. But never heard of the Firehouse
02:30:12PM 12 before, right?

02:30:12PM 13 A. Well, like I said before, he didn't
02:30:16PM 14 directly ask me that question so I didn't directly
02:30:20PM 15 give him an answer.

02:30:20PM 16 Q. A few other details and we'll be
02:30:24PM 17 finished. Okay. You said -- you made it sound
02:30:28PM 18 like to this jury that you decided to give Leslie a
02:30:34PM 19 favor, be a good person, reach out, give him a ride
02:30:38PM 20 when he called that morning?

02:30:40PM 21 A. Yes, sir.

02:30:40PM 22 Q. Did you tell the detectives, in fact,
02:30:42PM 23 that you were interested in using his car that day,
02:30:44PM 24 so he agreed to let you use the car that day?

02:30:48PM 25 A. Well, initially, I wasn't going to

02:30:50PM 1 bother him about the car because we had our own
02:30:54PM 2 vehicle. So since he called and asked for a ride
02:30:56PM 3 for him to be dropped off, I said, well, let me use
02:31:00PM 4 your car.

02:31:02PM 5 Q. You said Leslie came to your house and
02:31:06PM 6 told you about the robbery?

02:31:08PM 7 A. Yes, sir, he did.

02:31:08PM 8 Q. You're being interviewed by the police
02:31:12PM 9 for this serious matter that you've acknowledged is
02:31:16PM 10 serious, and they come to you and they're like,
02:31:18PM 11 what's going on, and you don't know anything. You
02:31:20PM 12 didn't feel at that point to mention, well, my
02:31:24PM 13 cousin works there, he came over, he told me all
02:31:26PM 14 about it, he was worked up. Yeah, I know about it
02:31:30PM 15 because he told me about it. Instead you said, I
02:31:36PM 16 don't know anything about it?

02:31:36PM 17 A. Yes, sir. Like I said, at the time I
02:31:42PM 18 didn't feel like I needed to divulge any
02:31:42PM 19 information that I knew until he was direct with
02:31:44PM 20 me. And once they were direct with me, I divulged
02:31:48PM 21 all the information to my attorney.

02:31:50PM 22 Q. Not during the interview?

02:31:50PM 23 A. Not during the interview.

02:31:52PM 24 Q. Okay. When Leslie made this video --
02:31:56PM 25 made this visit to you, you lived with your

02:32:00PM 1 grandmother and Leroy?

02:32:02PM 2 A. Yes, sir.

02:32:02PM 3 Q. Neither of them were home at the time?

02:32:06PM 4 A. My grandmother wasn't there. Leroy was
02:32:10PM 5 there.

02:32:10PM 6 Q. He was?

02:32:12PM 7 A. Yes.

02:32:12PM 8 Q. Okay. Leroy was home and you just
02:32:18PM 9 decided not to share that with us?

02:32:20PM 10 A. Well, he wasn't outside on the porch
02:32:22PM 11 when Leslie was telling me. He came out
02:32:26PM 12 afterwards, outside.

02:32:26PM 13 Q. So only you heard that?

02:32:28PM 14 A. Yes, sir.

02:32:28PM 15 Q. And cash was used at the Firehouse Subs
02:32:32PM 16 so they can't confirm that, correct?

02:32:34PM 17 A. Cash was used, yes, sir.

02:32:36PM 18 Q. And when you visited it the night
02:32:38PM 19 before, this new revolution, you were with two
02:32:38PM 20 friends who are not here?

02:32:42PM 21 A. Well, they're not available. One has
02:32:44PM 22 moved out of state and I don't know where the other
02:32:46PM 23 one is.

02:32:46PM 24 Q. And it's your position to this jury
02:32:46PM 25 that none of these new revolutions has anything to

CHRISTOPHER CAMPBELL - CROSS EXAM BY MR. SIMPSON

02:32:50PM 1 do with the fact that you learned your fingerprints
02:32:52PM 2 were on the front door?

02:32:54PM 3 A. None of that had anything to do with me
02:32:56PM 4 learning my fingerprints were on the door.

02:32:58PM 5 Q. Okay. Oh, so you're out with friends,
02:33:04PM 6 right? You guys were going out to have drinks?

02:33:06PM 7 A. Yes, sir.

02:33:06PM 8 Q. Were you carrying like a suitcase?

02:33:08PM 9 A. No.

02:33:08PM 10 Q. Were you carrying a gun?

02:33:10PM 11 A. No.

02:33:10PM 12 Q. Were you carrying a backpack?

02:33:12PM 13 A. No.

02:33:12PM 14 Q. You were out on the town so you were
02:33:12PM 15 just carrying some cash and you're ready to go,
02:33:14PM 16 right?

02:33:14PM 17 A. Cash in my wallet and ID.

02:33:18PM 18 Q. And that's it?

02:33:18PM 19 A. That's it.

02:33:20PM 20 MR. SIMPSON: Thank you. No further
02:33:22PM 21 questions.

02:33:22PM 22 THE COURT: Any redirect?

02:33:24PM 23 MR. KING: None, Your Honor.

02:33:24PM 24 THE COURT: Thank you. You may step
02:33:26PM 25 down.

02:33:26PM 1 THE DEFENDANT: Yes, sir.

02:33:40PM 2 MR. KING: Your Honor, the defense
02:33:42PM 3 rests.

02:33:42PM 4 THE COURT: State have any reply
02:33:46PM 5 testimony?

02:33:46PM 6 MR. ZIEGLER: No, Your Honor.

02:33:48PM 7 THE COURT: Let me see the lawyers for
02:33:50PM 8 a second.

02:33:50PM 9 (Off-the-record conference.)

02:34:48PM 10 THE COURT: All right. Ladies and
02:34:50PM 11 gentlemen, we have a few matters to take up with
02:34:52PM 12 the lawyers, then we're going to go ahead and try
02:34:56PM 13 to finish this case today so that you don't have to
02:34:58PM 14 come back tomorrow. I'm going to send you back to
02:35:02PM 15 the jury room while we take up a few matters and
02:35:06PM 16 come back and try to finish it up today.

02:35:10PM 17 Thank you. Please do not discuss
02:35:12PM 18 anything about the case while you're back there.

02:35:16PM 19 (Jury out, 2:34 p.m.)

02:35:18PM 20 THE COURT: Please be seated. Jury
02:35:36PM 21 seems to be relieved.

02:35:40PM 22 Any motions from the defense?

02:35:42PM 23 MR. KING: Your Honor, I would renew my
02:35:42PM 24 motion for directed verdict.

02:35:44PM 25 THE COURT: Okay. Anything from the

02:35:44PM 1 State?

02:35:46PM 2 MR. SIMPSON: No motions.

02:35:48PM 3 THE COURT: All right. My ruling is
02:35:48PM 4 the same, nothing has changed. I have sent you all
02:35:54PM 5 a copy of the charge -- draft charge. Any
02:36:00PM 6 alterations that you would like to see?

02:36:04PM 7 MR. SIMPSON: Judge, from the State --

02:36:06PM 8 THE COURT: Let me get to my copy here.

02:36:10PM 9 MR. SIMPSON: We admittedly with candor
02:36:14PM 10 may be being overly cautious here, but because we
02:36:16PM 11 don't have an actual gun in evidence, no gun was
02:36:20PM 12 ever found, we think we're entitled to the charge
02:36:22PM 13 that talks about a representation of a deadly
02:36:26PM 14 weapon, meaning -- you know, I believe that covers
02:36:28PM 15 BB gun --

02:36:30PM 16 THE COURT: Do you really need that
02:36:30PM 17 when you've got the video?

02:36:32PM 18 MR. SIMPSON: Well, you know, I guess
02:36:34PM 19 what I'm saying is, being overly cautious, there is
02:36:38PM 20 some concern that a juror could say, well, they
02:36:40PM 21 never proved that gun was real.

02:36:44PM 22 THE COURT: Okay. I see what you're
02:36:46PM 23 saying. Yeah, put that in there, because -- yeah,
02:36:48PM 24 representation of a gun. Even if it can't fire,
02:36:50PM 25 it's still suitable for an armed robbery. He could

02:36:54PM 1 have a BB gun or cap gun.

02:36:54PM 2 MR. SIMPSON: Admittedly, we may be
02:37:00PM 3 overly cautious.

02:37:00PM 4 THE COURT: That's the only concern you
02:37:00PM 5 had?

02:37:00PM 6 MR. SIMPSON: That's the only concern
02:37:02PM 7 with the charge we have.

02:37:02PM 8 MR. KING: I'm just objecting; that's
02:37:04PM 9 not alleged in the indictment. There are two --
02:37:08PM 10 the two forms of armed robbery --

02:37:08PM 11 THE COURT: Yeah, but -- are you
02:37:10PM 12 talking about for the presentation of a firearm,
02:37:14PM 13 not the armed robbery? Which one?

02:37:18PM 14 MR. SIMPSON: We're talking about armed
02:37:18PM 15 robbery.

02:37:18PM 16 THE COURT: The following examples of
02:37:20PM 17 instrument may be deadly weapons. I take a lot of
02:37:24PM 18 that out of there because we're not dealing with a
02:37:24PM 19 dirk, we're not dealing with a dagger, we're not
02:37:30PM 20 dealing with a knife, a slingshot. So we take that
02:37:32PM 21 out and then we say the gun may be a deadly weapon
02:37:34PM 22 even if it's not operating.

02:37:36PM 23 You don't want all that dirk, dagger
02:37:40PM 24 language in there, do you?

02:37:42PM 25 MR. SIMPSON: No. Just mainly the

02:37:42PM 1 part about not being --

02:37:44PM 2 THE COURT: We don't need to even talk
02:37:46PM 3 about a shotgun.

02:37:48PM 4 MR. SIMPSON: No.

02:37:48PM 5 THE COURT: And you're objecting to
02:37:50PM 6 that?

02:37:50PM 7 MR. KING: Just because in -- the
02:37:52PM 8 representation of a deadly weapon isn't alleged in
02:37:56PM 9 the indictment. It just alleges a deadly weapon, a
02:37:58PM 10 handgun. The evidence was that Christopher Riley
02:38:04PM 11 saw bullets. The testimony from Christopher Riley
02:38:10PM 12 was that he saw bullets inside the 38. Either it
02:38:14PM 13 was a hand gun or -- that's the only thing it could
02:38:16PM 14 be is a handgun.

02:38:16PM 15 MR. SIMPSON: Honestly, I haven't
02:38:20PM 16 reviewed the indictment so we might withdraw that.

02:38:22PM 17 THE COURT: How much more do you need
02:38:26PM 18 from the -- I mean, he says he saw hollow point. I
02:38:28PM 19 mean, that's how -- I mean, most people when they
02:38:32PM 20 see a weapon, usually the barrel looks like about
02:38:36PM 21 this big around. I don't think there's any
02:38:36PM 22 question it was a real gun. You have it on video.
02:38:38PM 23 They have seen it. I think you're arguing about
02:38:42PM 24 how many angels can dance on the head of a pin. If
02:38:46PM 25 you were worried this case is going to turn on

02:38:48PM 1 that, you have a bigger problem --

02:38:50PM 2 MR. KING: I'm not going into that.

02:38:52PM 3 That's not anything I'm going into.

02:38:56PM 4 MR. SIMPSON: I think Mr. King is
02:38:56PM 5 correct, that would need to be in the indictment,
02:38:58PM 6 so --

02:38:58PM 7 THE COURT: Okay.

02:38:58PM 8 MR. KING: I have one requested charge.

02:39:00PM 9 THE COURT: Yes.

02:39:02PM 10 MR. KING: A good character charge.

02:39:04PM 11 There has been evidence of good character from his
02:39:08PM 12 character witnesses and I'm referring to State v.
02:39:22PM 13 Lee-Grigg. I'm sorry, mine doesn't have a cite.

02:39:24PM 14 THE COURT: But you can't use good
02:39:26PM 15 character to show that somebody doesn't commit a
02:39:30PM 16 crime. You've got testimony -- they didn't object
02:39:32PM 17 to you going further than you did on that.

02:39:34PM 18 MR. KING: This case says that where
02:39:38PM 19 requested, and there was evidence of good
02:39:40PM 20 character, the Defendant is entitled to an
02:39:42PM 21 instruction to the effect that evidence of good
02:39:44PM 22 character and good reputation may in and of itself
02:39:48PM 23 create a doubt as to guilt and should be considered
02:39:52PM 24 by the jury in determining the guilt or innocence
02:39:54PM 25 of the accused.

02:39:56PM 1 I think there's been some evidence of
02:39:58PM 2 his good from his character witnesses and we would
02:40:00PM 3 request that charge, that good character and
02:40:02PM 4 reputation may in and of itself create a doubt as
02:40:06PM 5 to guilt and should be considered by the jury.

02:40:10PM 6 I can find the cite if you give me a
02:40:14PM 7 minute, Judge, but the copy of my case must be old.
02:40:16PM 8 It doesn't have --

02:40:18PM 9 THE COURT: It looks like State V Grigg
02:40:22PM 10 and State v. Harrison. Do you have any objection
02:40:24PM 11 to that?

02:40:34PM 12 MR. SIMPSON: Can I look over the
02:40:34PM 13 opinion?

02:40:36PM 14 THE COURT: Yes. Yes. Let me read
02:40:56PM 15 what the standard charge is. Generally, when there
02:41:00PM 16 is evidence of good character, the Defendant
02:41:04PM 17 evidence of good character, evidence of good
02:41:06PM 18 character and reputation, may in and of itself
02:41:08PM 19 create a doubt as to whether it should be
02:41:10PM 20 considered by the jury, along with all other
02:41:14PM 21 evidence, in determining the guilt or innocence of
02:41:16PM 22 the Defendant. If proved, may be taken into
02:41:20PM 23 consideration by the jury.

02:41:22PM 24 MR. SIMPSON: I mean, the case speaks
02:41:24PM 25 for itself.

02:41:24PM 1 THE COURT: We'll add that in there,
02:41:26PM 2 Mr. King.
02:41:28PM 3 MR. KING: Thank you.
02:41:28PM 4 THE COURT: Anything else?
02:41:32PM 5 Let's take a 30-minute recess for you
02:41:34PM 6 all to get your heads together and then we're going
02:41:36PM 7 to go ahead and charge the jury.
02:41:40PM 8 All right. Thank you.
02:41:40PM 9 (A recess transpired.)
02:41:40PM 10 THE COURT: Did you-all look at the
03:17:54PM 11 charge and the verdict form and we're good; is that
03:17:54PM 12 correct?
03:17:54PM 13 MR. ZIEGLER: Yes, Your Honor.
03:18:02PM 14 MR. KING: Yes, sir.
03:18:02PM 15 THE COURT: Are you ready to go?
03:18:54PM 16 Please bring the jury in.
03:19:02PM 17 (Jury in, 3:49 p.m.)
03:19:02PM 18 THE BAILIFF: All jurors are present
03:20:34PM 19 and seated.
03:20:34PM 20 THE COURT: You may be seated. Ladies
03:20:38PM 21 and gentlemen, as we said all of the evidence has
03:20:40PM 22 been presented to you. Now is the time where the
03:20:44PM 23 attorneys will give you their closing arguments.
03:20:46PM 24 After that, I will charge you the law that is
03:20:50PM 25 applicable to this particular case.

CLOSING BY MR. KING

03:20:52PM 1 Is the State ready to proceed?

03:20:54PM 2 MR. ZIEGLER: Yes, Your Honor.

03:20:54PM 3 THE COURT: Defense ready to proceed?

03:20:54PM 4 MR. KING: Yes, Your Honor.

03:20:54PM 5 THE COURT: Mr. Ziegler.

03:21:00PM 6 MR. ZIEGLER: Your Honor, the State

03:21:02PM 7 will waive opening on the law.

03:21:02PM 8 THE COURT: Mr. King.

03:21:04PM 9 MR. KING: Thank you, Your Honor.

03:21:10PM 10 I want to start off talking about the

03:21:12PM 11 shoes. The shoes may not be the most significant

03:21:20PM 12 thing about the case, but I want you to look at

03:21:22PM 13 these shoes. Look at the back of these shoes and

03:21:26PM 14 you'll see there's a lot white back here on both of

03:21:30PM 15 these on the back. And there is some black and

03:21:32PM 16 there's some red on the bottom of the heel, but a

03:21:34PM 17 lot of white on the back of these shoes. So I

03:21:36PM 18 wanted to show you something on the surveillance

03:21:40PM 19 video.

03:21:52PM 20 At least when I look at it -- one

03:22:26PM 21 minute.

03:22:28PM 22 THE CLERK: My apologies, Your Honor.

03:22:32PM 23 MR. KING: Anticipation.

03:22:40PM 24 (Video playing) Now there's a good

03:22:40PM 25 scene here where this robber is backing up, and you

CLOSING BY MR. KING

03:22:46PM 1 can see the back of those shoes. And they're
03:22:50PM 2 black. You might see a little white on there, but
03:22:56PM 3 not like on those shoes up there. Now, if you
03:23:06PM 4 watch him backing up -- here's a good one.

03:23:12PM 5 Now, at first I thought, is it the leg
03:23:14PM 6 of the sweatpants? Maybe that's hanging down. But
03:23:18PM 7 that's a good part of the back of that shoe, and
03:23:20PM 8 you don't see a big white spot like on the back of
03:23:24PM 9 those two shoes. And you can see that in different
03:23:30PM 10 places in the video the back of the shoes.

03:23:32PM 11 This is, I submit to you, the best one
03:23:36PM 12 because he's sort of backing up. If you look at
03:23:40PM 13 that left foot, that's a good portion of that shoe
03:23:42PM 14 showing, and it's not white. I'll rewind it just a
03:23:56PM 15 little bit more and see it one more time. I know
03:23:58PM 16 it can be difficult, the video is a little bit
03:24:02PM 17 jerky. (Video played)

03:24:02PM 18 Where are those big white spots on the
03:24:06PM 19 back of these shoes in the video? You can see a
03:24:10PM 20 little white there, but that's more like a sliver
03:24:16PM 21 of white towards the bottom. And the white on here
03:24:20PM 22 is up towards the top. And you should be able to
03:24:28PM 23 see the whites of the back of the shoes on that
03:24:32PM 24 video. That should be pretty clear. But you
03:24:36PM 25 can't. Back of the shoes are black.

CLOSING BY MR. KING

03:24:40PM 1 Play it one more time. (Video played.)

03:24:50PM 2 So I put up evidence that the shoes weren't his
03:24:58PM 3 through his mother and Mr. Campbell, Leroy
03:25:02PM 4 Campbell, but this is more clear than that. You
03:25:06PM 5 don't have to take their word for it, you can see
03:25:10PM 6 it. Those aren't the shoes. And why are they
03:25:20PM 7 trying to admit shoes into evidence that clearly
03:25:22PM 8 are not the shoes that were worn by the robber in
03:25:28PM 9 the video? That's bad. Shame on them. You know,
03:25:34PM 10 they can't pull the wool over your eyes.

03:25:36PM 11 They didn't find the gun. They didn't
03:25:40PM 12 find ammunition. They didn't find the backpack.
03:25:42PM 13 They didn't find the gray sweatpants. They didn't
03:25:44PM 14 find the hoodie. They didn't find the backpack.
03:25:46PM 15 They didn't find the cash. They pull in these old
03:25:48PM 16 pair of Aire Jordan shoes, which if you know
03:25:52PM 17 anything about them, they are a real common pair of
03:25:54PM 18 shoes that you could find in a lot of young men's
03:25:58PM 19 homes, and then bring those in as evidence to put
03:26:04PM 20 in front of you to convict a man. This isn't a
03:26:06PM 21 game, this is serious. And they're willing to put
03:26:10PM 22 this in to try to show you that that means he
03:26:16PM 23 committed the crime. Look at those shoes. That
03:26:18PM 24 means he guilty?

03:26:20PM 25 They put those shoes in and they put

CLOSING BY MR. KING

03:26:24PM 1 Leslie Green up on the stand to testify and give
03:26:26PM 2 you that testimony. We know that Leslie Green
03:26:34PM 3 lied. Leslie Green admitted that he lied. This is
03:26:42PM 4 what he tells them in the first interview.

03:26:48PM 5 Sorry, I had it on mute.

03:26:48PM 6 (Video played.)

03:26:58PM 7 MR. KING: Promise to God, that's the
03:26:58PM 8 man we're dealing with here who has no problem
03:27:04PM 9 lying. They put that testimony up there, and he
03:27:14PM 10 admits he lied. He says he lied out of fear and to
03:27:20PM 11 protect himself. Detective Kennedy told him, I'm
03:27:24PM 12 coming at you, 25 years of your life. If that's
03:27:26PM 13 not enough to scare somebody, I don't know what is.
03:27:30PM 14 Makes somebody want to protect themselves.

03:27:34PM 15 Detective Holmes tell him on the ride
03:27:36PM 16 the next day to the station, I'm going to burn you.
03:27:40PM 17 I give you two lies, second lie I burn you. Those
03:27:44PM 18 are strong words. Do you think that scared him?

03:27:52PM 19 Leslie Green says he doesn't know,
03:27:54PM 20 doesn't know who it is. The police still keep
03:27:58PM 21 coming at him, they're not going to stop. He tells
03:28:00PM 22 them it's a guy named L, but that doesn't work.

03:28:04PM 23 And this is the guy we're dealing with
03:28:06PM 24 too. The detective asks him, what's important to
03:28:20PM 25 you. (Video played.) Me. That's what comes to

CLOSING BY MR. KING

03:28:22PM 1 his mind. That's who we're dealing with. He's
03:28:30PM 2 backed into a corner, he's afraid, and he needs to
03:28:34PM 3 protect himself because the police aren't hearing
03:28:38PM 4 what he's saying and they're coming to get him for
03:28:42PM 5 25 years unless he tells them somebody. And when
03:28:44PM 6 he's backed into the corner, that's when he -- I'll
03:28:50PM 7 play the audio again, but -- when he makes the
03:28:54PM 8 identification of Christopher Campbell. (Video
03:28:54PM 9 played.)

03:29:24PM 10 That's the circumstances under which he
03:29:26PM 11 identified Mr. Campbell. Backed into a corner; you
03:29:30PM 12 rolled the dice and you lied to me. That's --
03:29:34PM 13 Detective Holmes has already told him, I'm going to
03:29:36PM 14 burn you. He sounds exasperated. He tries to say
03:29:42PM 15 it kind of looks like him, and Detective Holmes
03:29:46PM 16 yells at him and says -- (Indicating) And he was
03:29:48PM 17 like, it's him, it's him, it's him.

03:29:52PM 18 And we know he's still not being honest
03:29:58PM 19 as recently as January of this year -- I played
03:30:02PM 20 that for you too -- he says, a couple of cousins
03:30:06PM 21 dropped me off, and I watched the video and it kind
03:30:10PM 22 of looked like him. He's still saying that in
03:30:14PM 23 January, but he's gotten to the point now where his
03:30:18PM 24 life is in danger. Testifying on that stand and
03:30:24PM 25 blaming Christopher is his out. That's his only

CLOSING BY MR. KING

03:30:24PM 1 way out of this.

03:30:26PM 2 And he -- looks like this is going to
03:30:30PM 3 work. He wants to get out of this Scott free. You
03:30:32PM 4 know, he testified that Christopher dropped him off
03:30:36PM 5 in front of the store -- this is what he was saying
03:30:38PM 6 the other day -- and then drops him off in the
03:30:40PM 7 car -- and you can see it on the video. Detective
03:30:44PM 8 Kennedy testified it's like 17 seconds that the
03:30:48PM 9 robber is walking in right behind him.

03:30:50PM 10 So there's no way that Christopher
03:30:52PM 11 dropped him off in the car on King Street south of
03:30:58PM 12 Calhoun on a one-way street, drove down, parked the
03:31:02PM 13 car somewhere out of sight, walked back, robbed the
03:31:04PM 14 place, because Christopher Riley said that he ran
03:31:08PM 15 to the right and down an alley. He didn't get in a
03:31:12PM 16 car, so that's just not true. So he's still lying
03:31:14PM 17 to you. It is not enough time for him to park the
03:31:18PM 18 car and get back. That's not what happened.

03:31:24PM 19 If he's lying about that -- we know
03:31:26PM 20 he's lied and lied, and up to this point he's still
03:31:30PM 21 lying. He put his hand on that Bible and took an
03:31:36PM 22 oath, and he's still lying. If you can't trust
03:31:38PM 23 him, can you believe anything that he says? This
03:31:40PM 24 isn't evidence that you can believe.

03:31:44PM 25 Fear and to protect himself. And it's

CLOSING BY MR. KING

03:31:50PM 1 what he wants, he wants the police focusing on
03:31:52PM 2 somebody other than him, and somebody else can go
03:31:56PM 3 down for this, he gets to go free is what he's
03:31:58PM 4 hoping. Nobody has promised him, but that's what
03:32:02PM 5 he's hoping for, and that's what motivated him to
03:32:06PM 6 take that stand and blame his own cousin.

03:32:10PM 7 Christopher Riley testified and he --
03:32:12PM 8 Christopher Riley never identified Christopher
03:32:14PM 9 Campbell and -- even though the robber was right in
03:32:18PM 10 his face. They even demonstrated it. They had him
03:32:22PM 11 sit in the chair and show how close he got to him.
03:32:26PM 12 He was right in his face. He's not wearing a mask.
03:32:28PM 13 The robber is wearing sunglasses and a hoodie. So
03:32:32PM 14 why didn't Christopher Riley identify him? He was
03:32:36PM 15 that close to him and he saw him.

03:32:38PM 16 And I think Christopher has a
03:32:40PM 17 recognizable voice too. He has a voice that's a
03:32:44PM 18 loud voice, and I think that you would recognize
03:32:48PM 19 it. He never said he recognized his voice or any
03:32:50PM 20 kind of voice identification or anything like that.
03:32:52PM 21 So we get nothing from Riley. Leslie Green we
03:32:58PM 22 can't trust.

03:33:02PM 23 I want to talk about the prints. I'll
03:33:08PM 24 tell you -- I will play the video one more time
03:33:12PM 25 just to show you again to see where this robber

CLOSING BY MR. KING

03:33:14PM 1 touches the door on his way out. (Video played)
03:33:42PM 2 You can see him pushing the door on that left side
03:33:48PM 3 right where all the prints were found. Let me play
03:33:54PM 4 it one more time. I don't want to belabor it, but
03:33:58PM 5 it can be difficult to see.

03:34:20PM 6 (Video played) You can see him
03:34:20PM 7 touching the door right about -- one of these
03:34:28PM 8 photographs will show it from Mr. Sherman. We've
03:34:50PM 9 got -- it's kind of hard to see, but in State's
03:34:54PM 10 Number 28 you can see number 6. So here's the two
03:34:56PM 11 doors, and this is the right door. We don't care
03:35:00PM 12 about the right door because you don't see him
03:35:02PM 13 touching the right door. There are some prints in
03:35:06PM 14 here. That's number 5, and it really doesn't make
03:35:06PM 15 any difference.

03:35:08PM 16 But number 6 is right there. Here's
03:35:10PM 17 the door and right up and to the left, there's a
03:35:12PM 18 number 6 print. And you'll see it when you get to
03:35:14PM 19 look at this. That's where they took that number
03:35:18PM 20 6. That's a good print. That is a fingerprint
03:35:22PM 21 that's identifiable, but they have -- it's not
03:35:24PM 22 Christopher's.

03:35:24PM 23 The same thing goes -- you can see in
03:35:26PM 24 this picture, State's Number 29, you can see the
03:35:30PM 25 bottom tape of number 6 that I just showed you.

CLOSING BY MR. KING

03:35:32PM 1 And then there's number 7, 8, 9, and 10. Every one
03:35:38PM 2 of those is a good print. Every one of those is
03:35:42PM 3 identifiable and every one of those is not
03:35:44PM 4 Christopher Campbell.

03:35:46PM 5 They didn't compare them to Christopher
03:35:50PM 6 Riley or Leslie Green to eliminate them as possibly
03:35:52PM 7 leaving those prints, so we just don't know. All
03:35:54PM 8 we know is there are prints there where the robber
03:35:58PM 9 touched on the inside of the door that are good
03:36:00PM 10 prints, and they're not Christopher's. And if
03:36:04PM 11 Christopher was in there the night before, then
03:36:06PM 12 that would explain his prints. If he was in there
03:36:10PM 13 late, then he could have been the last one or one
03:36:12PM 14 of the last ones in.

03:36:14PM 15 The next morning they hadn't even
03:36:16PM 16 opened, so the only people who went in were
03:36:20PM 17 Christopher Riley and Leslie Green, whose testimony
03:36:26PM 18 said they know that they don't put their thumbs
03:36:28PM 19 there. And if the robber knew that too, and he
03:36:30PM 20 didn't put his thumbs on there, then that would
03:36:30PM 21 explain why his fingerprints are there. That's not
03:36:32PM 22 evidence beyond a reasonable doubt.

03:36:34PM 23 I can't prove he was in the restaurant
03:36:38PM 24 because the surveillance video is rewritten every
03:36:42PM 25 30 days. And the fingerprint report didn't come

CLOSING BY MR. KING

03:36:44PM 1 out until almost 30 days -- the video is long gone.
03:36:48PM 2 Any video from May 3rd is long gone within a day or
03:36:54PM 3 two of when they found the results, but still had
03:36:56PM 4 to be sent back to -- given back to the police and
03:36:58PM 5 go through the channels to even get to his lawyer.
03:37:02PM 6 So I can't prove that to you, it's just not
03:37:08PM 7 possible.

03:37:10PM 8 They're going to talk to you and tell
03:37:10PM 9 you that Christopher was not completely open with
03:37:14PM 10 Detective Williams. You know, he explained that to
03:37:16PM 11 you. Christopher testified about that. You know,
03:37:18PM 12 he took the stand. He didn't have to, but he got
03:37:22PM 13 up there and he talked to you.

03:37:24PM 14 He had just been handcuffed by the
03:37:26PM 15 police and felt he was lied to, taken downtown --
03:37:30PM 16 and you saw the interview with Detective Williams.
03:37:34PM 17 The phone keeps ringing, it's a silly ring tone,
03:37:36PM 18 and he's looking at his phone. And that would be
03:37:40PM 19 kind of annoying, trying to talk to somebody and
03:37:40PM 20 they're looking at their phone the whole time. I'm
03:37:42PM 21 a little bit -- I'm showing my age, I'm a little
03:37:44PM 22 bit older, but that can be annoying.

03:37:48PM 23 He gets up and leaves like three --
03:37:50PM 24 maybe three times, coming in and out. So, yeah,
03:37:54PM 25 Christopher was being smart, but that doesn't make

CLOSING BY MR. KING

03:37:58PM 1 him guilty. They're going to make a big deal out
03:38:02PM 2 of that, but they're still going to want you to
03:38:04PM 3 believe Leslie Green who we know has lied all over
03:38:08PM 4 the place. So they want you to hold that against
03:38:12PM 5 Christopher, but don't hold anything against Leslie
03:38:18PM 6 Green. Believe everything he's telling you.

03:38:18PM 7 Christopher testified he was already
03:38:20PM 8 home by 8:10 in the morning. His mother testified
03:38:24PM 9 he was home between 7:40 and 8:00 a.m. You heard
03:38:30PM 10 testimony from Leroy Campbell and George Martin
03:38:32PM 11 that he's -- he's a good guy, he wouldn't do
03:38:36PM 12 something like this. It's not in his character to
03:38:40PM 13 do something like this.

03:38:42PM 14 They have to prove this beyond a
03:38:46PM 15 reasonable doubt. And this needs to be -- I would
03:38:52PM 16 just like all 12 of you to consider all of this.
03:38:56PM 17 And each of you has a right to your own verdict,
03:39:02PM 18 your own beliefs. No one can criticize your
03:39:04PM 19 verdict and make you change what you feel in good
03:39:08PM 20 conscious is your verdict.

03:39:10PM 21 You don't have to have the same doubt,
03:39:12PM 22 same reasonable doubt. All 12 could have different
03:39:18PM 23 doubts about the case, doesn't have to be the same
03:39:18PM 24 thing. Each individual can make your own decision
03:39:22PM 25 about this. Christopher is counting on the 12 of

CLOSING BY MR. ZIEGLER

03:39:24PM 1 you. You're all he's got. You're the only thing
03:39:28PM 2 that stands between him and the State. And he's
03:39:30PM 3 been dealing with this for three-and-a-half years.
03:39:34PM 4 Please let him go home and find him not guilty.
03:39:42PM 5 Thank you.

03:39:42PM 6 THE COURT: Thank you, Mr. King.
03:39:46PM 7 Mr. Ziegler.

03:40:16PM 8 MR. ZIEGLER: Thank you, ladies and
03:40:18PM 9 gentlemen. Defense counsel has told you, and
03:40:24PM 10 Leslie Green has told you, that he was not
03:40:28PM 11 completely honest with the police when they first
03:40:34PM 12 talked with him. Well, Christopher Campbell, the
03:40:38PM 13 Defendant, has also told you that; he was not
03:40:40PM 14 completely honest with the police when they first
03:40:46PM 15 were speaking with him.

03:40:48PM 16 Do you know Firehouse Subs? That was
03:40:52PM 17 one of the first questions Detective Williams asked
03:40:54PM 18 the Defendant. No, the Defendant said. Well,
03:41:00PM 19 Detective Williams could have finished the
03:41:04PM 20 interview right there. The Defendant said he
03:41:06PM 21 didn't know anything about Firehouse Subs. Okay.
03:41:10PM 22 That's it.

03:41:10PM 23 But after a little further questioning,
03:41:12PM 24 Detective Williams learned the truth. In fact, the
03:41:18PM 25 Defendant did know Firehouse Subs. He said he

CLOSING BY MR. ZIEGLER

03:41:20PM 1 dropped his cousin off for work at Firehouse Subs
03:41:24PM 2 two days early. And that was the truth. So if it
03:41:34PM 3 also the truth that he was also at Firehouse the
03:41:36PM 4 night before, why didn't he say it? He mentioned
03:41:44PM 5 nothing about going to La Hacienda with two friends
03:41:46PM 6 who happen to be absent today.

03:41:50PM 7 And not even detectives knew at the
03:41:52PM 8 time of that initial interview with the Defendant
03:41:54PM 9 that his fingerprints were on those door handles.
03:42:00PM 10 So the Defendant could not have known that yet. It
03:42:04PM 11 was only today, after you, the jury, have been
03:42:08PM 12 presented with the evidence that his fingerprints
03:42:10PM 13 were on the doors -- on the door handles that he
03:42:14PM 14 has said he was at Firehouse the night before the
03:42:18PM 15 armed robbery.

03:42:22PM 16 Well, let's think about Leslie Green's
03:42:24PM 17 interviews. Do you know who robbed Firehouse Subs?
03:42:28PM 18 That was a question Detective Williams asked of
03:42:30PM 19 Leslie Green initially. No, Leslie Green said.
03:42:36PM 20 Again, detectives could have finished their
03:42:38PM 21 interviewing of Leslie Green right there. Leslie
03:42:42PM 22 Green said he didn't know who robbed the Firehouse
03:42:46PM 23 Subs. Okay. We're done.

03:42:48PM 24 But after a little further questioning,
03:42:50PM 25 detectives learned the truth. And, in fact, Leslie

CLOSING BY MR. ZIEGLER

03:42:54PM 1 Green did know who robbed the Firehouse Subs. He
03:42:58PM 2 admitted that his cousin -- his cousin, who he
03:43:02PM 3 spent time with, the Defendant, came in the
03:43:04PM 4 Firehouse Subs after him and robbed it.

03:43:10PM 5 Now, was Leslie Green honest with the
03:43:12PM 6 police at first when they asked him did he know who
03:43:18PM 7 robbed Firehouse Subs? No, he wasn't. He admitted
03:43:20PM 8 that. He initially told the police he didn't know
03:43:24PM 9 who the robber was; and, in fact, he did. Why
03:43:24PM 10 wasn't he honest? Fear and self protection, he
03:43:28PM 11 said. He was scared. He has no criminal record.

03:43:32PM 12 He was not accustomed to being in a
03:43:36PM 13 situation like this. He was being asked to
03:43:40PM 14 identify the person who committed an armed robbery
03:43:44PM 15 that he witnessed. He was protecting himself. He
03:43:52PM 16 might implicate himself if he admitted he knew the
03:43:56PM 17 robber. He was trying to stay out of the
03:43:58PM 18 situation. And he wasn't just protecting himself.
03:44:02PM 19 He was also protecting his cousin. Leslie Green
03:44:08PM 20 said he was trying -- Leslie Green testified that
03:44:10PM 21 he was trying to avoid giving up his cousin and
03:44:12PM 22 didn't want to get his cousin in any trouble, but
03:44:16PM 23 Leslie could only avoid it for so long.

03:44:18PM 24 Finally, he told police the truth about
03:44:20PM 25 who robbed the Firehouse Subs. He told you, the

CLOSING BY MR. ZIEGLER

03:44:24PM 1 jury, he told you it was the Defendant, Christopher
03:44:30PM 2 Campbell. And defense counsel played a clip of
03:44:38PM 3 Leslie Green's interview for you where Leslie Green
03:44:44PM 4 says to the detective, I think it looks like him,
03:44:46PM 5 was interrupted by the detective.

03:44:50PM 6 Well, Leslie Green testified that
03:44:52PM 7 before that clip he gave Christopher Campbell's
03:44:58PM 8 name. That's how detective's found Christopher
03:45:04PM 9 Campbell's photo, which is in evidence, to give to
03:45:06PM 10 Leslie Green to confirm that this was the person,
03:45:08PM 11 that the name he gave was the person who robbed the
03:45:14PM 12 Firehouse Subs. And Leslie Green did confirm that.
03:45:20PM 13 He signed his name to this document that detectives
03:45:24PM 14 presented to him, asked him if this was the person
03:45:26PM 15 that robbed the Firehouse Subs.

03:45:38PM 16 Well, Leslie Green knew what the
03:45:40PM 17 Defendant looked like. He knew the Defendant for
03:45:44PM 18 years at the time of this robbery. The two saw
03:45:46PM 19 each other two or three times per week. Leslie
03:45:50PM 20 testified that his cousin was wearing gray
03:45:54PM 21 sweatpants and a hoodie the morning of the robbery.
03:45:56PM 22 So when a man walked into Firehouse Subs in gray
03:46:00PM 23 sweatpants and a hoodie and spoke and stood
03:46:06PM 24 shoulder-to-shoulder, face-to-face with Leslie
03:46:08PM 25 Green, Leslie had a clear opportunity to see that

CLOSING BY MR. ZIEGLER

03:46:12PM 1 that man was the Defendant.

03:46:20PM 2 But Leslie's word alone is not the only
03:46:24PM 3 piece of evidence that the Defendant was inside
03:46:26PM 4 Firehouse Subs pointing a gun on May 4, 2011.
03:46:32PM 5 Chris Riley also got a close-up look at the robber
03:46:36PM 6 and gave a detailed description of him. He said
03:46:40PM 7 the robber was wearing gray sweatpants and a
03:46:44PM 8 hoodie, just like Leslie Green said. Just like
03:46:48PM 9 Leslie Green said his cousin was wearing that
03:46:52PM 10 morning, and red and black Jordan shoes.

03:46:56PM 11 Chris Riley said the robber was 6,1 to
03:47:00PM 12 6,3 in height and looked to be 21 years of age and
03:47:04PM 13 weighed over 175 pounds. When the Defendant was
03:47:06PM 14 arrested two days after the robbery, the detective
03:47:10PM 15 told -- testified, told you that he was 25 years
03:47:14PM 16 old, he was 6 feet, 2 inches in height and weighed
03:47:20PM 17 around approximately 185 to 190 pounds.

03:47:24PM 18 Well, the Defendant's house was
03:47:26PM 19 searched. The police found in that house a pair of
03:47:32PM 20 Jordan shoes, mostly black and red with some white.
03:47:36PM 21 And that matched the description in general of the
03:47:40PM 22 shoes that the robber was wearing.

03:47:46PM 23 Now, you will notice that that search
03:47:48PM 24 warrant did not recover any other items that
03:47:52PM 25 appeared to have been used in the robbery. There

CLOSING BY MR. ZIEGLER

03:47:54PM 1 was no gun found. There was no hooded sweatshirt
03:48:00PM 2 found, no sunglasses. But is that really all that
03:48:08PM 3 unusual? If the search warrant had been conducted
03:48:12PM 4 mere minutes, mere hours after the robbery
03:48:14PM 5 occurred, that might be a little unusual, but this
03:48:20PM 6 search warrant was executed two days after this
03:48:24PM 7 robbery. That is plenty of time for some of these
03:48:28PM 8 items to go away.

03:48:38PM 9 And there was one more item that Chris
03:48:40PM 10 Riley -- with Chris Riley that was of interest.
03:48:44PM 11 And Chris Riley told you himself he never told
03:48:46PM 12 anyone the robber had gold teeth. He was referring
03:48:52PM 13 to the robber's facial hair, a goatee.

03:48:56PM 14 So you've got Leslie Green's words.
03:49:00PM 15 You've got Chris Riley's description; it matches up
03:49:02PM 16 with the physical characteristics of the Defendant.
03:49:06PM 17 And then there are the Defendant's fingerprints.
03:49:14PM 18 We'll return to that later, but the defense counsel
03:49:22PM 19 did show you the surveillance video when the robber
03:49:30PM 20 leaves the Firehouse Subs store. He says, it
03:49:34PM 21 looked like the Defendant pushes on -- possibly
03:49:38PM 22 pushes on the glass.

03:49:38PM 23 Well, if you watch that video, it is
03:49:42PM 24 difficult to tell exactly where the Defendant
03:49:46PM 25 pushes on that door. It could be on that wood

CLOSING BY MR. ZIEGLER

03:49:48PM 1 frame, it could be on the glass. It's difficult to
03:49:52PM 2 tell. And it's also difficult to tell what he
03:49:54PM 3 pushed the door with. Was it his fingers? Was it
03:49:58PM 4 the back of his hands? Difficult to tell.

03:50:06PM 5 Defense counsel also presented some
03:50:08PM 6 witnesses. Ms. Martha Campbell took the stand and
03:50:12PM 7 told you the time line of when she heard
03:50:16PM 8 Christopher come home that day, heard the Defendant
03:50:20PM 9 come home that day, but on cross-examination it was
03:50:26PM 10 shown that her recollection of times was not as
03:50:30PM 11 precise as she initially indicated it was.

03:50:36PM 12 She mentioned quite a few different
03:50:40PM 13 dates for when Mr. Riley -- or Mr. Campbell, the
03:50:44PM 14 Defendant, returned home to her house from living
03:50:46PM 15 in Columbia. January or February she said, then
03:50:50PM 16 March or April. And then she said late in the year
03:50:54PM 17 at one point. So her recollection of time is not
03:51:00PM 18 precise.

03:51:02PM 19 How did she know that morning to look
03:51:06PM 20 at that clock and burn into her memory exactly what
03:51:12PM 21 time the Defendant was home that day?

03:51:22PM 22 And you heard from Mr. Martin. The
03:51:24PM 23 Defendant lived with Mr. Martin a brief time and
03:51:26PM 24 worked with him a few months. That arrangement
03:51:32PM 25 didn't work out. He went there to get back on

CLOSING BY MR. ZIEGLER

03:51:34PM 1 track as Mr. Martin said but there were issues
03:51:36PM 2 there, so the Defendant ended up leaving and moving
03:51:42PM 3 back to Charleston.

03:51:42PM 4 And you heard Leroy Campbell. He said
03:51:50PM 5 these are his shoes. Maybe they are his shoes.
03:51:54PM 6 But is that a question that the Defendant could
03:51:58PM 7 have had access to these?

03:52:10PM 8 Ladies and gentlemen, the Defendant in
03:52:12PM 9 this case is charged with armed robbery. Now,
03:52:16PM 10 armed robbery is when a person takes property --
03:52:22PM 11 personal property, that includes cash, from the
03:52:26PM 12 person or presence of another person. Now in this
03:52:32PM 13 case, Chris Riley was working in the Firehouse Subs
03:52:38PM 14 and he had access to that money, that money in the
03:52:40PM 15 safe. And the Defendant pointed the gun at him and
03:52:46PM 16 had Christopher Riley take that money from the safe
03:52:48PM 17 and place it into the Defendant's backpack. That
03:52:52PM 18 is taking money from the presence of another
03:52:56PM 19 person.

03:52:58PM 20 And the Defendant carried that property
03:52:58PM 21 away. It was cash. He put it in the backpack, he
03:53:02PM 22 left with it. Leslie Green testified to that and
03:53:06PM 23 Chris Riley testified to that.

03:53:08PM 24 Another element of armed robbery, the
03:53:12PM 25 property must be taken by violence or by putting

CLOSING BY MR. ZIEGLER

03:53:18PM 1 the owner of the property in fear of violence.

03:53:22PM 2 Now, pointing a gun at someone surely puts someone
03:53:28PM 3 in fear of violence. It put Christopher Riley in
03:53:32PM 4 fear of violence. He said he was scared, he was
03:53:34PM 5 nervous, he was shocked.

03:53:36PM 6 Finally, armed robbery, the State must
03:53:40PM 7 prove that the robbery was committed with the use
03:53:46PM 8 -- the robber must be armed with a deadly weapon,
03:53:46PM 9 and that includes a pistol. Now, Mr. Riley
03:53:52PM 10 testified that he could see that gun. He could see
03:53:56PM 11 the firearm being held and pointed at him. He knew
03:53:58PM 12 it was a 38 snub-nosed revolver. He knew it was a
03:54:06PM 13 revolver. He could see in the chamber of that
03:54:10PM 14 revolver. He was that close to him that he could
03:54:10PM 15 see hollow point bullets in the chamber. That's a
03:54:16PM 16 deadly weapon.

03:54:18PM 17 And as I explained to you in opening
03:54:22PM 18 statement, the Defendant is also charged with
03:54:24PM 19 possession of a weapon during the commission of a
03:54:28PM 20 crime. And he was carrying that revolver; that was
03:54:32PM 21 a weapon, that was a gun. And armed robbery is
03:54:38PM 22 considered a violent crime under South Carolina
03:54:40PM 23 law.

03:54:52PM 24 And defense counsel also spoke to you
03:54:54PM 25 about reasonable doubt. It's the State's burden to

CLOSING BY MR. ZIEGLER

03:55:00PM 1 prove to you that the Defendant is guilty of armed
03:55:04PM 2 robbery, possession of a weapon during the
03:55:10PM 3 commission of a violent crime beyond a reasonable
03:55:12PM 4 doubt. And that is evidence that leaves you, the
03:55:14PM 5 jurors, firmly convinced of the Defendant's guilt.

03:55:18PM 6 Now, that does not mean -- reasonable
03:55:20PM 7 doubt does not mean absolute certainty. And it
03:55:24PM 8 does not require the State to prove -- to give
03:55:28PM 9 proof that overcomes -- overcomes every possible
03:55:32PM 10 doubt. You simply must be firmly convinced that
03:55:38PM 11 the Defendant is guilty of the crime charged.

03:55:50PM 12 Ladies and gentlemen, I want to pose a
03:55:52PM 13 question to you. Why was the Defendant's left
03:56:00PM 14 thumb print recovered from both door handles at
03:56:08PM 15 Firehouse Subs? Why wasn't his left thumb
03:56:12PM 16 recovered from the left door handle and perhaps his
03:56:18PM 17 right thumb print recovered from the right door?
03:56:24PM 18 Before I answer that question, I want to point out
03:56:32PM 19 to you that in his interview with Detective
03:56:36PM 20 Williams, which is in evidence, the Defendant signs
03:56:42PM 21 his Miranda card -- Miranda warning card, signs
03:56:46PM 22 that with his right hand. Why is the Defendant
03:56:54PM 23 opening the doors to the Firehouse Subs with his
03:56:58PM 24 left hand?

03:56:58PM 25 Ladies and gentlemen, I'm going to play

CLOSING BY MR. ZIEGLER

03:57:54PM 1 this through for you one time before discussing it.

03:57:58PM 2 This is the part of the video where the Defendant

03:58:00PM 3 is getting ready to enter the Firehouse Subs.

03:58:40PM 4 (Video played) Here it appears that the Defendant

03:58:42PM 5 is looking in from the right door. And if you look

03:58:52PM 6 at the very left edge of the left door, you can see

03:58:56PM 7 what appears to be a little bit of the Defendant's

03:59:00PM 8 elbow, which would indicate that the Defendant

03:59:06PM 9 there has his left hand on the left door handle.

03:59:18PM 10 He doesn't open the left door. He opens the right

03:59:28PM 11 one. Excuse me, if you're -- if you're looking

03:59:36PM 12 from outside, the left door is on your -- it's the

03:59:40PM 13 one that is currently on your right.

03:59:54PM 14 (Video played.) So the Defendant has

04:00:06PM 15 to touch both door handles. Why does he do it with

04:00:16PM 16 his left hand? Ladies and gentlemen, it's because

04:00:22PM 17 his right hand is occupied. Where is it? It's

04:00:30PM 18 buried in or under that backpack and it's occupied.

04:00:46PM 19 And what is it occupied with? It's occupied with a

04:00:58PM 20 loaded 38 revolver.

04:01:20PM 21 You've heard all of the evidence in

04:01:22PM 22 this case. And the State submits to you that

04:01:28PM 23 evidence, Leslie Green's identification of the

04:01:32PM 24 Defendant, Christopher Riley's description, the

04:01:40PM 25 fingerprints on the door, among all the other

CLOSING BY MR. ZIEGLER

04:01:42PM 1 evidence, shows beyond a reasonable doubt, beyond a
04:01:50PM 2 reasonable doubt, that this Defendant was in the
04:01:52PM 3 Firehouse Subs on May 4, 2011.

04:01:54PM 4 And it shows beyond a reasonable doubt
04:01:56PM 5 not only that he was at the Firehouse Subs, but
04:02:00PM 6 that he walked into the Firehouse Subs and he put
04:02:02PM 7 his left hand on both door handles, and he walked
04:02:08PM 8 towards the employee and he pointed a gun with his
04:02:12PM 9 right hand, and he took over \$1,000 in cash and he
04:02:16PM 10 left.

04:02:22PM 11 This case is a story of two young men
04:02:26PM 12 each of whom woke up one morning to do a job. And
04:02:36PM 13 Chris Riley, the store manager, was working that
04:02:40PM 14 day for a paycheck. He was wearing a uniform shirt
04:02:44PM 15 and he was managing employees and preparing the
04:02:48PM 16 food. The Defendant -- you saw the Defendant. He
04:02:54PM 17 was wearing a hooded sweatshirt, sunglasses and he
04:02:58PM 18 was carrying a gun, and he was looking for a
04:03:00PM 19 different kind of paycheck.

04:03:02PM 20 Christopher Riley did not deserve what
04:03:06PM 21 happened to him that day and Christopher Campbell
04:03:12PM 22 does not deserve to get away with it. The State
04:03:18PM 23 requests -- implores you, you should find the
04:03:24PM 24 Defendant guilty of armed robbery, possession of a
04:03:24PM 25 weapon during the commission of a violent crime.

JURY CHARGE

04:03:34PM 1 Thank you.

04:03:34PM 2 THE COURT: Thank you. Please secure
04:03:36PM 3 the courtroom. All right.

04:03:56PM 4 Ladies and gentlemen, all of the
04:03:58PM 5 testimony and the other evidence to be presented in
04:04:00PM 6 this case has now been presented to you. The
04:04:00PM 7 attorneys have given you their closing arguments
04:04:04PM 8 and now is the time that I will charge you the law
04:04:06PM 9 that is to be applied in this case.

04:04:08PM 10 And I'll remind you, ladies and
04:04:10PM 11 gentlemen, during this trial you and I have certain
04:04:14PM 12 duties to perform. As the trial judge, it is my
04:04:16PM 13 responsibility to preside over the trial of this
04:04:20PM 14 case, and I also have the duty to rule on the
04:04:26PM 15 admissibility of the evidence that has been offered
04:04:28PM 16 during this trial.

04:04:28PM 17 You are to consider only the competent
04:04:30PM 18 evidence before you. If there was any testimony
04:04:34PM 19 ordered stricken from the record in this case, you
04:04:38PM 20 must disregard that testimony. As I say, ladies
04:04:42PM 21 and gentlemen, you are to consider only the
04:04:44PM 22 testimony that has been presented from the witness
04:04:46PM 23 stand and any exhibits which have been made a part
04:04:50PM 24 of the record in this case and any stipulations of
04:04:52PM 25 counsel.

JURY CHARGE

04:04:54PM 1 Now, ladies and gentlemen, I have the
04:04:56PM 2 additional duty to charge you the law that is
04:04:58PM 3 applicable to this case, and as the presiding judge
04:05:02PM 4 I am the sole judge of the law in this case. It is
04:05:08PM 5 your duty as jurors to accept and apply the law
04:05:12PM 6 exactly as I now state it to you. If you already
04:05:16PM 7 have some idea as to what the law is or what the
04:05:18PM 8 law ought to be, and it does not agree with what I
04:05:22PM 9 now tell you the law is, you must abandon that idea
04:05:26PM 10 because you're sworn to accept the law and apply
04:05:30PM 11 the law exactly as I state it to you.

04:05:32PM 12 In every case tried before a jury, the
04:05:36PM 13 jury becomes the sole and exclusive judges of the
04:05:40PM 14 facts. As a trial judge, I cannot intimate, state,
04:05:44PM 15 comment or in any way make a statement to the trial
04:05:48PM 16 jury about the facts in the case. Since you are
04:05:52PM 17 the jury, you are the sole judges of the facts, and
04:05:56PM 18 you are not to infer from anything that I've said
04:05:58PM 19 during the progress of the trial in ruling on the
04:06:04PM 20 admissibility of evidence or otherwise, or anything
04:06:06PM 21 that I might say during the course of the
04:06:08PM 22 instructions I give you, that I have any opinion
04:06:12PM 23 about the facts of the case. The law simply does
04:06:14PM 24 not allow me to have an opinion about the facts of
04:06:18PM 25 the case. This is a matter solely for you, the

JURY CHARGE

04:06:20PM 1 jury, to determine. And as jurors, it is your duty
04:06:26PM 2 to determine the effect, the value, the weight and
04:06:28PM 3 the truth of the evidence that has been presented
04:06:30PM 4 during this trial.

04:06:34PM 5 Now, ladies and gentlemen, the
04:06:34PM 6 indictments in this case charged the Defendant with
04:06:36PM 7 various crimes. And I remind you the fact that the
04:06:40PM 8 Defendant was arrested, charged and indicted in
04:06:44PM 9 this case is not evidence in this case and cannot
04:06:46PM 10 be considered by you as evidence of guilt. Nor
04:06:50PM 11 does it create any presumption or inference of
04:06:56PM 12 guilt. These indictments are simply the formal,
04:07:00PM 13 written instruments that contain the charges
04:07:02PM 14 against the Defendant, and they are the formal
04:07:04PM 15 written documents by which this case is brought
04:07:08PM 16 into Court.

04:07:10PM 17 Now, ladies and gentlemen, the
04:07:12PM 18 indictments in this case allege two different
04:07:14PM 19 offenses against the Defendant. The charges are
04:07:16PM 20 under indictment 2011-GS-104830, armed robbery, and
04:07:22PM 21 under indictment 2011-GS-104831, possession of an
04:07:30PM 22 -- of a firearm during the commission of a violent
04:07:36PM 23 crime. Each indictment charge is a separate and
04:07:38PM 24 distinct offense and you must decide each
04:07:42PM 25 indictment separately on the evidence of the

JURY CHARGE

04:07:44PM 1 applicable law, not influenced by your decision as
04:07:46PM 2 to any other indictment.

04:07:48PM 3 And the Defendant may be convicted or
04:07:52PM 4 acquitted on any or all of the offenses charged.
04:07:56PM 5 And you will be asked to write a separate verdict
04:07:58PM 6 of guilt or not guilty for each indictment.

04:08:02PM 7 Now, ladies and gentlemen, the
04:08:04PM 8 Defendant has pled not guilty to the charges in the
04:08:08PM 9 indictment, and that plea puts the burden on the
04:08:10PM 10 State to prove the Defendant guilty. A person
04:08:14PM 11 charged with committing a criminal offense in South
04:08:20PM 12 Carolina is never required to prove himself
04:08:20PM 13 innocent.

04:08:24PM 14 And I charge you, ladies and gentlemen,
04:08:26PM 15 this is an important rule of law that the Defendant
04:08:28PM 16 in a criminal trial, no matter how serious the
04:08:30PM 17 charge might be, will always be presumed to be
04:08:34PM 18 innocent of the crime for which the indictment was
04:08:38PM 19 issued unless guilt has been proven by evidence
04:08:42PM 20 satisfying you of that guilt beyond a reasonable
04:08:46PM 21 doubt.

04:08:46PM 22 This presumption of innocence does not
04:08:50PM 23 end when you begin your deliberations, but it
04:08:52PM 24 accompanies the Defendant throughout the trial
04:08:54PM 25 until you reach a verdict of guilt based upon

JURY CHARGE

04:08:58PM 1 evidence satisfying you of that guilt beyond a
04:09:02PM 2 reasonable doubt. The presumption of innocence is
04:09:04PM 3 like a robe of righteousness placed about the
04:09:08PM 4 shoulders of the Defendant which remain with that
04:09:10PM 5 Defendant until it has been stripped from the
04:09:14PM 6 Defendant by evidence satisfying you of the
04:09:18PM 7 Defendant's guilt beyond a reasonable doubt.

04:09:18PM 8 The presumption of innocence is not a
04:09:20PM 9 mere legal theory. It's not just a phrase that we
04:09:24PM 10 use, but it's a substantial right to which every
04:09:28PM 11 Defendant is entitled unless you, the jury, are
04:09:30PM 12 satisfied from evidence of the Defendant's guilt
04:09:36PM 13 beyond a reasonable doubt.

04:09:36PM 14 Ladies and gentlemen, the State has the
04:09:40PM 15 burden of proving the Defendant guilty beyond a
04:09:44PM 16 reasonable doubt. Some of you may have served as
04:09:46PM 17 jurors in civil cases where you were told that it's
04:09:50PM 18 only necessary to prove that a fact is more likely
04:09:56PM 19 true than not true, such is not a greater weight or
04:09:58PM 20 the preponderance of the evidence. Now, in
04:10:00PM 21 criminal cases, however, the State's proof must be
04:10:04PM 22 more powerful than that. It must be beyond a
04:10:06PM 23 reasonable doubt.

04:10:06PM 24 A proof beyond a reasonable doubt is
04:10:10PM 25 proof that leaves you firmly convinced of the

JURY CHARGE

04:10:14PM 1 Defendant's guilt. And, ladies and gentlemen,
04:10:14PM 2 there are very few things in this world that we
04:10:18PM 3 know with absolute certainty. And in criminal
04:10:20PM 4 cases, the law does not require proof that
04:10:26PM 5 overcomes every possible doubt.

04:10:28PM 6 If based upon your consideration of the
04:10:30PM 7 evidence you are firmly convinced of the Defendant
04:10:34PM 8 -- the Defendant is guilty of the crime charged,
04:10:38PM 9 you must find the Defendant guilty. If on the
04:10:42PM 10 other hand, you think that there's a real
04:10:44PM 11 possibility that the Defendant is not guilty, you
04:10:46PM 12 must give the Defendant the benefit of the doubt
04:10:50PM 13 and find him not guilty.

04:10:52PM 14 Now, ladies and gentlemen, there are
04:10:54PM 15 two types of evidence that are generally presented
04:10:56PM 16 during a trial. There's direct evidence and
04:11:00PM 17 there's circumstantial evidence. Direct evidence
04:11:02PM 18 is the testimony of a person who claims to have
04:11:06PM 19 actual knowledge of a fact, such as an eye witness.
04:11:10PM 20 It is evidence which immediately establishes the
04:11:12PM 21 main fact to be proved.

04:11:14PM 22 Circumstantial evidence is proof of a
04:11:18PM 23 chain of facts of circumstances indicating the
04:11:20PM 24 existence of the fact. It is evidence which
04:11:24PM 25 immediately establishes collateral facts from which

JURY CHARGE

04:11:28PM 1 the main fact may be inferred. The circumstantial
04:11:32PM 2 evidence is based on inference and not on personal
04:11:34PM 3 knowledge or observation.

04:11:38PM 4 The law makes absolutely no distinction
04:11:40PM 5 between the weight or value to be given to either
04:11:44PM 6 direct or circumstantial evidence, nor is a greater
04:11:48PM 7 degree of certainty required of circumstantial
04:11:52PM 8 evidence than of direct evidence.

04:11:56PM 9 Ladies and gentlemen, you should weigh
04:11:56PM 10 all of the evidence in this case. And after
04:12:00PM 11 weighing all of the evidence, if you are not
04:12:02PM 12 convinced of the guilt of the Defendant beyond a
04:12:06PM 13 reasonable doubt, you must find the Defendant not
04:12:08PM 14 guilty.

04:12:08PM 15 Now, ladies and gentlemen, you must
04:12:12PM 16 determine the credibility of the witnesses who have
04:12:14PM 17 testified in this case. And credibility simply
04:12:18PM 18 means believability. And, ladies and gentlemen, it
04:12:22PM 19 becomes your duty as jurors to analyze and to
04:12:26PM 20 evaluate the evidence and determine which evidence
04:12:30PM 21 convinces you of its truth. In determining the
04:12:34PM 22 believability of witnesses who have testified in
04:12:36PM 23 this case, you may believe one witness over several
04:12:40PM 24 witnesses or several witnesses over one witness.

04:12:44PM 25 You may believe a part of the testimony

JURY CHARGE

04:12:46PM 1 of a witness and reject the remaining parts of the
04:12:48PM 2 testimony of that same witness. You may believe
04:12:52PM 3 the testimony of a witness in its entirety or you
04:12:56PM 4 may reject the testimony of a witness in its
04:13:02PM 5 entirety. You may consider whether the witness has
04:13:04PM 6 exhibited to you any interest, bias, prejudice or
04:13:06PM 7 other motive in this case. You may also consider
04:13:12PM 8 the appearance and manner of the witness while on
04:13:14PM 9 the witness stand.

04:13:16PM 10 Now, ladies and gentlemen, the rules of
04:13:18PM 11 evidence ordinarily do not permit witnesses to
04:13:20PM 12 testify to opinions or conclusions. An exemption
04:13:26PM 13 to this rule exists for witnesses we refer to or
04:13:30PM 14 call expert witnesses; a witness who by education
04:13:34PM 15 and experience has become an expert in some art,
04:13:40PM 16 science, or profession, or calling may state an
04:13:42PM 17 opinion as to relevant and material matter in which
04:13:44PM 18 the witness claims to be an expert and may also
04:13:50PM 19 state the reason for the opinion.

04:13:52PM 20 Now, you should consider the expert
04:13:56PM 21 opinion received in evidence in this case like any
04:13:58PM 22 other evidence and give it the weight that you
04:14:00PM 23 think it deserves. If you decide that the opinion
04:14:04PM 24 of an expert is not based on sufficient education
04:14:08PM 25 and experience, or if you conclude that the reasons

JURY CHARGE

04:14:12PM 1 given in support of the opinion are not sound or
04:14:14PM 2 that the opinion is outweighed by other evidence,
04:14:20PM 3 you may disregard the opinion entirely. An expert
04:14:24PM 4 witness's testimony is to be given no greater
04:14:28PM 5 weight than that of any other witness simply
04:14:30PM 6 because they are an expert witness; and, further,
04:14:32PM 7 you are not required to accept an expert's opinion
04:14:36PM 8 even though it is not contradicted.

04:14:40PM 9 Now, ladies and gentlemen, the
04:14:40PM 10 Defendant has presented evidence of good reputation
04:14:46PM 11 and character to show that he -- that would be
04:14:48PM 12 inconsistent with the Defendant committing the
04:14:50PM 13 crime. The weight you give of that -- to that
04:14:54PM 14 testimony, like all other testimony in this case,
04:14:56PM 15 is for you to decide in your good judgment. You
04:15:02PM 16 may consider the testimony of the Defendant's good
04:15:04PM 17 character, along with other evidence, in deciding
04:15:08PM 18 whether or not the Defendant committed the crime.

04:15:12PM 19 Ladies and gentlemen, the Defendant is
04:15:14PM 20 charged with armed robbery. In order to prove the
04:15:18PM 21 offense the State must prove first, beyond a
04:15:20PM 22 reasonable doubt, that the Defendant took personal
04:15:22PM 23 property from the person or presence of another
04:15:26PM 24 person. Property is in the presence of another
04:15:30PM 25 person if it's within the person's reach,

JURY CHARGE

04:15:34PM 1 inspection, observation, or control so that the
04:15:36PM 2 person could, if not overcome with violence or --
04:15:42PM 3 or prevented by fear, keep possession of the
04:15:44PM 4 property.

04:15:46PM 5 The State must also prove beyond a
04:15:50PM 6 reasonable doubt that the Defendant carried the
04:15:52PM 7 property away intending to permanently deprive the
04:15:56PM 8 owner of the property and to keep the property for
04:15:58PM 9 the Defendant's own use. The slightest removal of
04:16:04PM 10 the property or the complete possession of the
04:16:06PM 11 property, even for an instant by the Defendant, is
04:16:10PM 12 sufficient to show a taking and carrying away of
04:16:12PM 13 the property.

04:16:14PM 14 The taking and carrying away of the
04:16:16PM 15 property must have been done with the violence or
04:16:18PM 16 by putting the owner of the property in fear of
04:16:22PM 17 violence. And, finally, the State must prove
04:16:26PM 18 beyond a reasonable doubt that the Defendant was
04:16:28PM 19 armed with a deadly weapon during the robbery. A
04:16:32PM 20 deadly weapon is any article, instrument, or
04:16:34PM 21 substance which is likely to cause death or great
04:16:38PM 22 bodily harm, and whether an instrument has been
04:16:42PM 23 used as a deadly weapon depends on the facts and
04:16:46PM 24 the circumstances of each case.

04:16:48PM 25 Now, the Defendant is charged with

JURY CHARGE

04:16:52PM 1 possession of a weapon during the commission of a
04:16:56PM 2 violent crime. The State must prove beyond a
04:16:58PM 3 reasonable doubt that the Defendant was in
04:17:00PM 4 possession of a firearm or visibly displayed what
04:17:04PM 5 appeared to be a firearm during the commission of a
04:17:04PM 6 violent crime.

04:17:08PM 7 A firearm means any machine gun,
04:17:12PM 8 automatic rifle, revolver, pistol, or any weapon
04:17:18PM 9 which will and is designed to or may be readily
04:17:20PM 10 converted to expel a projectile. In order to find
04:17:24PM 11 the Defendant guilty of possession of a weapon
04:17:28PM 12 during the commission of a violent crime, you must
04:17:28PM 13 first find the Defendant guilty of either
04:17:32PM 14 committing a violent crime or attempting to commit
04:17:36PM 15 a violent crime. Armed robbery is a violent crime.
04:17:38PM 16 The State must proof beyond a reasonable doubt that
04:17:42PM 17 the weapon further advanced or helped in the
04:17:46PM 18 commission of the crime.

04:17:48PM 19 Now, ladies and gentlemen, there are
04:17:48PM 20 two possible verdicts that you may find in this --
04:17:52PM 21 on the charges of armed robbery and possession of a
04:17:56PM 22 firearm during the commission of a violent crime.
04:18:00PM 23 Under count 2011-GS-104830, armed robbery, not
04:18:06PM 24 guilty or guilty. And under indictment
04:18:12PM 25 2011-GS-104831, possession of a firearm during the

JURY CHARGE

04:18:18PM 1 commission of a violent crime, not guilty or
04:18:20PM 2 guilty.

04:18:20PM 3 Now, ladies and gentlemen, there is no
04:18:22PM 4 significance whatsoever in the order that I state
04:18:24PM 5 the possible verdicts, it's simply that one must be
04:18:28PM 6 stated first.

04:18:28PM 7 Now, ladies and gentlemen, your verdict
04:18:32PM 8 must be a unanimous one. All 12 of you must agree
04:18:36PM 9 on the verdict and your decision must not be based
04:18:38PM 10 on sympathy, passion, prejudice, emotion or any
04:18:44PM 11 other consideration that is not in evidence in this
04:18:48PM 12 case.

04:18:48PM 13 Mr. Foreman, when the jury agrees on
04:18:52PM 14 the verdict, you will write the verdict in the
04:18:56PM 15 specific box that are stated here, not guilty or
04:19:00PM 16 guilty, not guilty or guilty, sign your name, and
04:19:02PM 17 then please knock on the jury room door. You will
04:19:06PM 18 then be received back here in the courtroom for the
04:19:08PM 19 publication of your verdict.

04:19:10PM 20 Now, ladies and gentlemen, I will ask
04:19:12PM 21 that you return to your jury room, but please do
04:19:16PM 22 not begin your deliberations until the Clerk tells
04:19:20PM 23 you to start your deliberations. There is still a
04:19:24PM 24 few matters that I have to take up with the
04:19:26PM 25 attorneys.

JURY CHARGE

04:19:26PM 1 Thank you, ladies and gentlemen. If
04:19:28PM 2 you all could please separate the alternate at this
04:19:30PM 3 point in time.

04:19:34PM 4 (Jury out, 4:18 p.m.)

04:19:54PM 5 THE COURT: Thank you. I will bring
04:19:56PM 6 the alternate back in here. Any objections to the
04:19:58PM 7 charge that was made to the jury from the State?

04:20:02PM 8 MR. ZIEGLER: No, Your Honor.

04:20:02PM 9 THE COURT: From the defense?

04:20:04PM 10 MR. KING: I may have missed it, Judge,
04:20:04PM 11 just regarding the good character, the language
04:20:08PM 12 about evidence of good character in and of itself
04:20:12PM 13 may create a doubt as to guilt. I thought maybe it
04:20:18PM 14 was diluted a little bit as far as, you know,
04:20:18PM 15 considering it with all the other evidence, with
04:20:20PM 16 the law that they can consider that in and of
04:20:24PM 17 itself as evidence.

04:20:24PM 18 THE COURT: I'm satisfied with it.

04:20:26PM 19 MR. KING: Thank you, Your Honor.

04:20:28PM 20 THE COURT: Okay. You made your
04:20:28PM 21 objection. You-all get together and make sure that
04:20:30PM 22 all of the evidence is there.

04:20:32PM 23 How do you want to handle it if they
04:20:34PM 24 want to come back and see a portion of the videos?
04:20:40PM 25 How do you generally do it?

JURY CHARGE

04:20:42PM 1 THE CLERK: We have a laptop that is
04:20:46PM 2 completely free of any software. There is no
04:20:48PM 3 Internet --

04:20:48PM 4 THE COURT: Who would play that? I've
04:20:50PM 5 had my law clerks do it before when they've asked
04:20:54PM 6 for a specific area. However you-all want to do
04:20:56PM 7 it. Sometimes we bring them back in here and play
04:20:58PM 8 the specific part they want, but I will do it any
04:21:00PM 9 way you-all want to. Maybe that's something we
04:21:04PM 10 don't need to discuss until they ask to see it.

04:21:06PM 11 MR. SIMPSON: My only reservation would
04:21:10PM 12 be, the Defendant's interview, we only admitted a
04:21:12PM 13 portion of that and there's a lot of things --

04:21:14PM 14 THE COURT: They can go back and look
04:21:16PM 15 at the whole thing. We will -- any video evidence
04:21:20PM 16 we will review in here then. Okay. Thank you.
04:21:24PM 17 Here's the verdict form.

04:21:26PM 18 In some cases, I have sent a copy of
04:21:30PM 19 the charge back there with them and -- but I don't
04:21:32PM 20 do it unless everybody agrees. Do you have any
04:21:36PM 21 objection of doing that?

04:21:38PM 22 MR. SIMPSON: No.

04:21:42PM 23 MR. KING: The entire charge?

04:21:42PM 24 THE COURT: The entire charge.

04:21:44PM 25 MR. KING: No objection.

JURY CHARGE

04:21:44PM 1 THE COURT: Okay.

04:21:46PM 2 MR. KING: Other than my objection I
04:21:48PM 3 just made regarding the --

04:21:50PM 4 THE COURT: But you're protected on the
04:21:50PM 5 record.

04:21:50PM 6 MR. KING: Yes, sir.

04:21:52PM 7 THE COURT: What I stated is going back
04:21:54PM 8 there. Thank you.

04:21:54PM 9 (A recess transpired.)

04:21:54PM 10 THE COURT: All right. The jury has
05:09:36PM 11 come up with some questions, and some of them I can
05:09:38PM 12 answer and some I don't think I can. They want to
05:09:40PM 13 see the video. The first question is, want to see
05:09:42PM 14 the video of the robber coming into the store. Is
05:09:46PM 15 that part of the total video? That is. Okay.

05:09:50PM 16 And they said they want to watch the
05:09:52PM 17 entire robbery video. So those are two right there
05:09:56PM 18 together.

05:09:58PM 19 And then it said, when did he tell the
05:10:02PM 20 investigators that he was at the Firehouse on the
05:10:04PM 21 night of May 3rd? I think that's in evidence. I
05:10:08PM 22 can't add or subtract from that. I think you-all
05:10:12PM 23 covered that. I will have to tell them that's in
05:10:14PM 24 evidence.

05:10:16PM 25 And when did the fingerprint card

JURY CHARGE

05:10:18PM 1 report come back? That's in evidence as well. I
05:10:24PM 2 can't emphasize or de-emphasize anything. She
05:10:26PM 3 testified when she finished that.

05:10:28PM 4 And what time did Christopher Campbell
05:10:30PM 5 go to the Firehouse on the night of May 3rd? I
05:10:36PM 6 don't that's in evidence. So for three of them
05:10:40PM 7 they're in evidence and you'll just have to rely on
05:10:42PM 8 your memories. And the other one is, there is no
05:10:46PM 9 evidence. So they're going to have to take it with
05:10:50PM 10 what they have.

05:10:52PM 11 Then this -- and I'm going to write
05:10:54PM 12 that on here and then I'm going to let you see my
05:10:56PM 13 responses, and then we'll bring them in and let
05:10:58PM 14 them watch the video.

05:11:00PM 15 THE BAILIFF: Your Honor?

05:11:00PM 16 THE COURT: Yes.

05:11:02PM 17 THE BAILIFF: They also asked if when
05:11:04PM 18 they're allowed to see the video, if they could
05:11:06PM 19 stand up closer.

05:11:08PM 20 THE COURT: I don't have a problem with
05:11:10PM 21 that. That's about as big of a TV -- what is that,
05:11:10PM 22 60 --

05:11:16PM 23 THE CLERK: 80 inches, Your Honor.

05:11:18PM 24 MR. SIMPSON: Your Honor, this has also
05:11:28PM 25 got a view if some of them wants to --

JURY CHARGE

05:11:30PM 1 THE COURT: Okay. So the three answers
05:12:14PM 2 on each one of these is, when did he tell
05:12:16PM 3 investigators that he was at Firehouse Subs on the
05:12:18PM 4 night of May 3rd? That's in evidence.

05:12:22PM 5 When did the fingerprint report come
05:12:24PM 6 back? That's in evidence.

05:12:24PM 7 And what time did Christopher Campbell
05:12:26PM 8 go to Firehouse on the night of May 3rd? That's
05:12:32PM 9 not in evidence. And then we'll bring them out.

05:12:34PM 10 Does that suit you all?

05:12:40PM 11 MR. SIMPSON: That is satisfactory to
05:12:40PM 12 us.

05:12:42PM 13 THE COURT: He said it was before he
05:12:44PM 14 went to a bar, but we don't have an exact time.

05:12:44PM 15 MR. KING: I can't -- Mr. Campbell
05:12:46PM 16 thinks he said the time, but I can't remember.

05:12:46PM 17 THE COURT: He didn't say the time, he
05:12:50PM 18 didn't. And I don't think anybody else remembers.

05:12:50PM 19 Do you remember?

05:12:56PM 20 THE COURT REPORTER: He didn't say the
05:12:56PM 21 time.

05:12:56PM 22 THE COURT: He didn't. Tell them that
05:13:26PM 23 I'll -- take that back to them. And then tell them
05:13:32PM 24 we'll bring them in here. Part of what they're
05:13:34PM 25 looking for is in the main video.

JURY CHARGE

05:13:36PM 1 THE BAILIFF: Okay.

05:13:38PM 2 THE COURT: Do you want to get that set

05:13:40PM 3 up, or do you have it set up?

05:13:40PM 4 MR. ZIEGLER: It's on the way out, the

05:13:44PM 5 disk itself.

05:13:44PM 6 THE BAILIFF: When do you want me to

05:13:48PM 7 bring them back?

05:13:48PM 8 THE COURT: Now.

05:13:48PM 9 MR. ZIEGLER: Judge, the surveillance

05:14:46PM 10 video has different windows and different parts.

05:14:50PM 11 We can respond to their question which parts they

05:14:54PM 12 want to see in depth.

05:14:56PM 13 THE COURT: I think one of them they

05:14:58PM 14 wanted to see was him coming in.

05:15:00PM 15 MR. ZIEGLER: Sure. And then they

05:15:00PM 16 wanted to see the whole thing --- -

05:15:02PM 17 THE COURT: I guess you'll just have to

05:15:02PM 18 play the whole thing and they'll have to look

05:15:06PM 19 around. That's what's in the evidence.

05:15:12PM 20 MR. KING: You can take an individual

05:15:14PM 21 screen, it's a split screen, but you can --

05:15:16PM 22 THE COURT: But we don't need to show

05:15:20PM 23 the back lot. I mean, is there one where he comes

05:15:22PM 24 through the door --

05:15:24PM 25 MR. SIMPSON: Yeah. There's a good one

JURY CHARGE

05:15:26PM 1 to respond to question 1. And, then, as to the
05:15:28PM 2 whole robbery, we'll just play the panels.

05:15:32PM 3 THE COURT: Right. And they can pick
05:15:34PM 4 out what they want. That's the only way I see to
05:15:36PM 5 fairly do it, fair to the State and fair to
05:15:38PM 6 you-all, because you don't want to zoom in on one.

05:15:42PM 7 MR. KING: Okay.

05:17:16PM 8 (Jury in, 5:16 p.m.)

05:17:20PM 9 THE BAILIFF: All jurors are present.

05:17:22PM 10 THE COURT: We're going to show you --
05:17:26PM 11 in the order that you asked, you wanted a specific
05:17:28PM 12 one of him coming in, and we have that. Then we
05:17:32PM 13 will show you all the panels, and that's the way it
05:17:34PM 14 came into evidence. And you'll just have to look
05:17:36PM 15 at it.

05:17:36PM 16 In evidence means that it is testified
05:17:38PM 17 to or in writing in some form during the trial.
05:17:44PM 18 And if it's not in evidence, it was not testified
05:17:46PM 19 to and there is nothing in writing.

05:17:48PM 20 Are you ready to proceed with the first
05:17:52PM 21 -- the first question was, they wanted to see the
05:17:56PM 22 robber coming through the door; is that right?

05:17:56PM 23 MR. FOREMAN: Yes, sir.

05:18:00PM 24 THE COURT: Please play that. You may
05:18:02PM 25 be seated. Get wherever is closest for you to

JURY CHARGE

05:18:06PM 1 watch.

05:18:16PM 2 (Video played.)

05:19:18PM 3 THE COURT: That's him coming in and

05:19:20PM 4 then you can play the whole thing.

05:20:08PM 5 (Video played)

05:20:08PM 6 THE COURT: Okay. Ladies and

05:22:00PM 7 gentlemen, if you would go back to the jury room

05:22:02PM 8 and continue your deliberations.

05:22:08PM 9 (Jury out, 5:21 p.m.)

05:22:12PM 10 THE COURT: Court will be at ease

05:22:28PM 11 pending the call of the Court.

05:22:40PM 12 (A recess transpired.)

05:22:40PM 13 (Court's Exhibit No. 4, jury note, in

05:22:40PM 14 evidence.)

05:22:44PM 15 THE COURT: Thank you. I understand

05:36:34PM 16 the jury has a verdict.

05:38:12PM 17 (Jury in, 5:37 p.m.)

05:38:16PM 18 THE BAILIFF: All jurors present and

05:38:52PM 19 seated.

05:38:52PM 20 THE COURT: All right. Please be

05:38:52PM 21 seated.

05:38:56PM 22 Mr. Foreman, has the jury reached a

05:38:56PM 23 verdict?

05:38:58PM 24 MR. FOREMAN: We have.

05:38:58PM 25 THE COURT: Is it unanimous?

VERDICT

05:39:00PM 1 MR. FOREMAN: It is.

05:39:00PM 2 THE COURT: Please pass it to the
05:39:02PM 3 bailiff. The Defendant will remain standing.

05:39:14PM 4 Please publish the verdict.

05:39:22PM 5 THE CLERK: In the State of South
05:39:22PM 6 Carolina, County of Charleston, in the Court of
05:39:26PM 7 General Sessions, State of South Carolina versus
05:39:28PM 8 Christopher D. Campbell, the Defendant; as to the
05:39:30PM 9 charge of armed robbery, we, the jury, unanimously
05:39:36PM 10 find the Defendant guilty.

05:39:38PM 11 As to the charge of possession of a
05:39:38PM 12 firearm during the commission of a violent crime,
05:39:42PM 13 we, the jury, unanimously find the Defendant
05:39:44PM 14 guilty.

05:39:44PM 15 Signed, Mr. Foreman, October 23rd,
05:39:48PM 16 2014.

05:39:48PM 17 Mr. Foreman, ladies and gentlemen, if
05:39:50PM 18 this is your verdict, please indicate so by raising
05:39:54PM 19 your right hand.

05:39:56PM 20 THE JURY: (Raised hands)

05:39:56PM 21 THE CLERK: Let the record reflect that
05:39:58PM 22 all jurors have raised their right hand.

05:40:02PM 23 THE COURT: Thank you. Does the
05:40:02PM 24 defense request polling?

05:40:04PM 25 MR. KING: Yes, sir.

VERDICT

05:40:04PM 1 THE COURT: Please poll the jury.

05:40:04PM 2 THE CLERK: Yes, sir, Your Honor.

05:40:06PM 3 Ladies and gentlemen of the jury, I'm

05:40:08PM 4 going to ask you two questions, please respond to

05:40:10PM 5 each question appropriately.

05:40:12PM 6 Starting with Mr. Foreperson. Juror

05:40:16PM 7 number 212; is this your verdict?

05:40:18PM 8 JUROR 212: Yes.

05:40:18PM 9 THE CLERK: Is this still your verdict?

05:40:18PM 10 JUROR 212: Yes.

05:40:20PM 11 THE CLERK: Thank you. Juror number 6,

05:40:24PM 12 is this your verdict?

05:40:24PM 13 JUROR 6: Yes.

05:40:26PM 14 THE CLERK: Is it still your verdict?

05:40:26PM 15 JUROR 6: Yes.

05:40:28PM 16 THE CLERK: Thank you. Juror number

05:40:30PM 17 121, is this your verdict?

05:40:30PM 18 JUROR 121: Yes.

05:40:32PM 19 THE CLERK: Is it still your verdict?

05:40:32PM 20 JUROR 121: Yes.

05:40:36PM 21 THE CLERK: Thank you. Juror number

05:40:36PM 22 316, is this your verdict?

05:40:36PM 23 JUROR 316: Yes.

05:40:38PM 24 THE CLERK: Is it still your verdict?

05:40:38PM 25 JUROR 316: Yes.

VERDICT

05:40:40PM 1 THE CLERK: Okay. Juror 332, is this
05:40:42PM 2 your verdict?
05:40:42PM 3 JUROR 332: Yes.
05:40:44PM 4 THE CLERK: Is it still your verdict?
05:40:44PM 5 JUROR 332: Yes, sir.
05:40:46PM 6 THE CLERK: Thank you. Juror number
05:40:48PM 7 159, is this your verdict?
05:40:48PM 8 JUROR 159: Yes.
05:40:50PM 9 THE CLERK: Is it still your verdict?
05:40:50PM 10 JUROR 159: Yes.
05:40:52PM 11 THE CLERK: Thank you. Juror 337, is
05:40:54PM 12 this your verdict?
05:40:54PM 13 Juror 337: Yes.
05:40:56PM 14 THE CLERK: Is it still your verdict?
05:40:56PM 15 JUROR 337: Yes, sir.
05:40:58PM 16 THE CLERK: Thank you. Juror number
05:41:00PM 17 93, is this your verdict?
05:41:00PM 18 JUROR 93: Yes.
05:41:02PM 19 THE CLERK: Is this still your verdict?
05:41:02PM 20 JUROR 93: Yes.
05:41:04PM 21 THE CLERK: Thank you. Juror number
05:41:06PM 22 103, is this your verdict?
05:41:06PM 23 JUROR 103: Yes.
05:41:08PM 24 THE CLERK: Is it still your verdict?
05:41:08PM 25 JUROR 103: Yes.

VERDICT

05:41:10PM 1 THE CLERK: Thank you. Juror number
05:41:12PM 2 203, is this your verdict?
05:41:14PM 3 JUROR 203: Yes.
05:41:14PM 4 THE CLERK: Is it still your verdict.
05:41:14PM 5 JUROR 203: Yes.
05:41:18PM 6 THE CLERK: Juror number 102, is this
05:41:18PM 7 your verdict?
05:41:18PM 8 JUROR 102: Yes.
05:41:20PM 9 THE CLERK: Is it still your verdict?
05:41:20PM 10 JUROR 102: Yes.
05:41:24PM 11 THE CLERK: Juror number 340, is this
05:41:26PM 12 your verdict?
05:41:26PM 13 JUROR NUMBER 340: Yes.
05:41:26PM 14 THE CLERK: Is it still your verdict?
05:41:26PM 15 JUROR NUMBER 340: Yes.
05:41:28PM 16 THE CLERK: Your Honor, the jury has
05:41:30PM 17 been polled and the verdict stands.
05:41:30PM 18 THE COURT: The Defendant may be
05:41:32PM 19 seated. Thank you; your verdict stands.
05:41:36PM 20 Ladies and gentlemen of the jury, let
05:41:38PM 21 me remind you, it's never ever easy to hold the
05:41:42PM 22 life of a fellow citizen. You see this on TV and
05:41:46PM 23 you think it's easy; it's not easy. Justice
05:41:50PM 24 doesn't come easy, and I would tell you that
05:41:52PM 25 regardless of what your verdict is.

05:41:54PM 1 I want to thank you for taking the time
05:41:56PM 2 to listen to the evidence and to render a decision.
05:42:00PM 3 It's never easy for two people to agree on
05:42:04PM 4 something, and for 12 of you to come together and
05:42:08PM 5 agree on it, it's difficult. But you stood up and
05:42:12PM 6 you did the important thing and you came to a
05:42:16PM 7 verdict.

05:42:18PM 8 Now, ladies and gentlemen, there's a
05:42:20PM 9 lot of things that make America great. There's
05:42:24PM 10 always that question, what makes America great?
05:42:26PM 11 It's people like you-all who come out of their
05:42:28PM 12 ordinary lives -- I say ordinary meaning that
05:42:32PM 13 you're doing your own thing. You're thrown
05:42:34PM 14 together with 11 other people whom you've never met
05:42:38PM 15 and may never see again, and you listen to the
05:42:42PM 16 evidence and you came to a decision.

05:42:42PM 17 And some people ask and say, why do you
05:42:46PM 18 like being a judge? Because I get to sit between
05:42:48PM 19 these two flags. As a judge these flags mean
05:42:52PM 20 everything to me and they should mean a lot to you.
05:42:54PM 21 And, obviously, it does because, ladies and
05:42:58PM 22 gentlemen, what makes America different is in
05:43:00PM 23 America, the government never says anybody is
05:43:04PM 24 guilty. Only your fellow citizens say that you're
05:43:08PM 25 guilty. So I think that is very important.

05:43:10PM 1 And I want you to -- when you go out of
05:43:12PM 2 here, I want you to think that these flags --
05:43:18PM 3 thousands of men have died -- men and women have
05:43:22PM 4 died for this, but you did all that you could do
05:43:24PM 5 and you are the very fiber that makes these banners
05:43:28PM 6 what they are. And so, ladies and gentlemen, let
05:43:30PM 7 me remind you that the small amount of pay that you
05:43:34PM 8 will get for this pales in comparison with the duty
05:43:38PM 9 and responsibility that you took on as citizens of
05:43:40PM 10 South Carolina and of the United State.

05:43:44PM 11 And I do want to remind you that you
05:43:46PM 12 don't have to serve on a jury for the next three
05:43:50PM 13 years and you can't serve on one for the next year.
05:43:52PM 14 You're probably saying, thank you, that's a great
05:43:54PM 15 thing. Don't let anybody second guess your
05:44:00PM 16 opinion. You heard all of the evidence. So if
05:44:02PM 17 somebody out there -- and somebody quizzes you
05:44:06PM 18 about it, you can speak to them -- remember every
05:44:08PM 19 time you went back and I said, don't discuss the
05:44:10PM 20 case. You can discuss it with anybody you want to
05:44:14PM 21 for as long as you want to.

05:44:16PM 22 Ladies and gentlemen, you have found
05:44:16PM 23 the Defendant guilty. In about 15 minutes I'm
05:44:20PM 24 going to pass sentence on the Defendant. So you
05:44:22PM 25 are welcome -- you have been here from the

05:44:26PM 1 beginning. When they release you, if you would
05:44:26PM 2 like to come back in and sit in the courtroom, you
05:44:30PM 3 are absolutely welcome to do that.

05:44:30PM 4 If you want to head on and try to beat
05:44:32PM 5 the traffic, I don't think you've made it by now,
05:44:36PM 6 but -- and do what you want to do, that is
05:44:38PM 7 certainly your right. But, ladies and gentlemen,
05:44:40PM 8 before you leave I, would like to have the honor as
05:44:44PM 9 a fellow citizen of shaking your hands as you
05:44:48PM 10 depart. Thank you again for your service as
05:44:52PM 11 jurors.

05:45:00PM 12 (Jury out, 5:44 p.m.)

05:45:00PM 13 THE COURT: Are there any motions to be
05:45:30PM 14 made by the defense?

05:45:30PM 15 MR. KING: I would just renew my
05:45:32PM 16 previous motions and make a motion for a new trial.

05:45:34PM 17 THE COURT: Mr. Ziegler.

05:45:40PM 18 MR. ZIEGLER: None, Your Honor.

05:45:40PM 19 THE COURT: All right. The verdict
05:45:42PM 20 stands. I will respectfully deny your motion. I
05:45:46PM 21 will give you 15 minutes and I'll sentence the
05:45:50PM 22 Defendant at 6:00. Thank you.

05:45:52PM 23 (A recess transpired.)

05:45:52PM 24 THE COURT: Do you have the sentencing
06:02:38PM 25 sheet?

SENTENCE

06:02:38PM 1 MR. ZIEGLER: Yes, Your Honor.

06:02:38PM 2 THE COURT: Solicitor, I believe I
06:02:40PM 3 remember his only conviction was a --

06:02:46PM 4 MR. ZIEGLER: Obtaining property by
06:02:48PM 5 false pretense.

06:02:50PM 6 THE COURT: Anything the State would
06:02:52PM 7 liked to present at this time?

06:02:52PM 8 MR. ZIEGLER: The State would submit to
06:02:54PM 9 the Court the Court has heard the events of this
06:03:00PM 10 incident. I would leave it up to the Court's
06:03:06PM 11 discretion regarding sentencing. The Court has
06:03:08PM 12 been made aware of the prior record as well.

06:03:10PM 13 THE COURT: Thank you. Mr. King.

06:03:10PM 14 MR. KING: Thank you, Your Honor.

06:03:12PM 15 I advised Mr. Campbell to remain
06:03:14PM 16 silent, that's what I normally do pending appeal.
06:03:18PM 17 He does just have that one misdemeanor on his
06:03:22PM 18 record and he paid a fine. It is a very minimal
06:03:26PM 19 prior record, Judge. I've been representing him
06:03:28PM 20 now for about two years. I got it from Martha
06:03:28PM 21 Dikus, who passed away in our office a couple of
06:03:28PM 22 years ago. I've been representing him, you know,
06:03:36PM 23 I've gotten to know him over the couple of years.
06:03:38PM 24 You know, I think he is a bright man. I think he
06:03:40PM 25 has a lot of potential.

SENTENCE

06:03:44PM 1 We're just asking if you would consider
06:03:46PM 2 leniency. I think he has a good potential for the
06:03:50PM 3 future that we shouldn't write him off. And
06:03:52PM 4 there's a lot of time hanging over his head, but we
06:03:56PM 5 would just ask you to sentence him to the minimum.

06:04:00PM 6 George Martin wanted to speak briefly.

06:04:02PM 7 THE COURT: Yes, sir.

06:04:04PM 8 MR. KING: He wants to speak briefly.

06:04:08PM 9 THE COURT: Mr. Martin.

06:04:10PM 10 MR. MARTIN: Your Honor.

06:04:12PM 11 THE COURT: Yes, sir.

06:04:12PM 12 MR. MARTIN: The State and the defense
06:04:16PM 13 lawyers sat here today -- he has a lot to salvage.
06:04:28PM 14 He's good with kids, he helped me with my children
06:04:32PM 15 and their homework. He's a bright human being, and
06:04:36PM 16 if you could please just be lenient on him. He has
06:04:38PM 17 a lot to salvage.

06:04:42PM 18 And I commend you guys. You-all have a
06:04:48PM 19 rough job. Sitting back here and watching the way
06:04:54PM 20 you handle your courtroom, it's just fair. And,
06:04:58PM 21 well, I don't know what word to use, just
06:05:02PM 22 impartial.

06:05:02PM 23 THE COURT: Thank you.

06:05:04PM 24 MR. MARTIN: Thank you, Judge. That's
06:05:06PM 25 all I have to say.

SENTENCE

06:05:06PM 1 THE COURT: What would his grand momma
06:05:10PM 2 like to say?

06:05:10PM 3 MS. CAMPBELL: Please have mercy on
06:05:12PM 4 him.

06:05:12PM 5 THE COURT: Yes, ma'am.

06:05:14PM 6 MS. CAMPBELL: Please be lenient on
06:05:16PM 7 him. He has a son also.

06:05:18PM 8 THE COURT: Thank you.

06:05:20PM 9 MR. KING: He has a six-year-old child,
06:05:24PM 10 about to turn seven. He's spent 319 days in jail.

06:06:50PM 11 THE COURT: All right. You know, in
06:06:50PM 12 this case, the -- the Defendant always has every
06:06:56PM 13 right to have a trial. And I never punish anybody
06:07:04PM 14 for going to trial, but I certainly saw the
06:07:06PM 15 evidence here and this case was just as clear as a
06:07:10PM 16 bell. I mean, it certainly -- from the evidence
06:07:14PM 17 that came in, I was surprised the jury took as long
06:07:18PM 18 as they did.

06:07:20PM 19 And I'm amazed that Mr. Campbell got up
06:07:22PM 20 here and -- and I feel like he lied to me when he
06:07:26PM 21 got on the stand. I think he was getting other
06:07:30PM 22 family members to lie for him. He would have done
06:07:32PM 23 anything he could. I'm not going to max him out,
06:07:36PM 24 but he's not getting the minimum on this one.

06:07:40PM 25 The Defendant would please stand. The

SENTENCE

06:07:42PM 1 sentence is that you be committed to the State
06:07:44PM 2 Department of Corrections for a period of 18 years
06:07:48PM 3 on the armed robbery charge and five years on the
06:07:54PM 4 possession of a firearm during the commission of a
06:08:00PM 5 violent crime. Also, because they were done at the
06:08:02PM 6 same time, I will run them concurrent. You will
06:08:04PM 7 serve 18 years, whatever that works out to be.

06:08:08PM 8 This is a -- is this a -- this is a
06:08:10PM 9 violent crime, so you will in all likelihood have
06:08:12PM 10 to serve 85 percent of that. The formula they come
06:08:18PM 11 up with up there, I'm not sure, but that's the
06:08:20PM 12 sentence of the court. Good luck.

06:08:22PM 13 And certainly he will get credit for
06:08:26PM 14 time served.

06:08:42PM 15 Let me commend both lawyers -- lawyer
06:08:46PM 16 teams, I think you certainly upheld your civility
06:08:48PM 17 oath and handled the evidence well. It was an
06:08:54PM 18 honor to try the case with you. Thank you.

06:08:54PM 19 (These proceedings were concluded at
20 6:08 p.m.)

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1 CERTIFICATE OF REPORTER

2

3 I, Carol Denise Lauder, Registered
4 Professional Reporter and Notary Public for the
5 State of South Carolina at Large, do hereby certify
6 that the foregoing transcript is a true, accurate,
7 and complete record.

8 I further certify that I am neither related
9 to nor counsel for any party to the cause pending
10 or interested in the events thereof.

11 Witness my hand, I have hereunto affixed my
12 official seal this 13th day of January, 2015 at
13 Charleston, Charleston County, South Carolina.

14

15

16

17 S/Denise Lauder
18 Carol Denise Lauder
19 Registered Professional
Reporter, CP
My Commission expires
August 2, 2017

20

21

22

23

24

25

Charleston County Courthouse

RANDOM STRIKE SHEET

409

JUDGE NAME :

TRIAL TYPE :

PANEL ID : 2011GS1004830

COURTROOM 3B

DESCRIPTION : State vs Christopher Campbell

Sorted by: Random Nbr

Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
~~1 Dowdy, William C~~	99	W	M	()	(1)	()	
~~2 Judd, Kristy E~~	196	W	F	()	(2)	()	
<u>3 Allard, John R Jr.</u>	6	W	M	()	()	()	Juror 1
~~4 Cromwell, Cheryl D~~	83	B	F	()	(3)	()	
<u>5 Fluddsmalls, Stephanie</u>	121	B	F	()	()	()	Juror 2
~~6 Easterby, John G Jr.~~	104	W	M	()	(4)	()	
~~7 Mitchum, Vicki L~~	245	W	F	()	(5)	()	
<u>8 Simon, Christopher W</u>	316	W	M	()	()	()	Juror 3
<u>9 Steele, Patricia</u>	332	W	F	()	()	()	Juror 4
~~10 Wright, Arthur L~~	393	B	M	(1)	()	()	
<u>11 Terry, Virginia L</u>	344	W	F	()	()	()	Juror 5
<u>12 Haynes, Kimberly H</u>	159	W	F	()	()	()	Juror 6
~~13 Simpson, Jessica W~~	317	W	F	()	(6)	()	
<u>14 Suttle, John R</u>	337	W	M	()	()	()	Juror 7
<u>15 Davis, Jennifer G</u>	93	W	F	()	()	()	Juror 8
<u>16 Durkee, Mary G</u>	103	W	F	()	()	()	Juror 9
<u>17 Klein, Sharon W</u>	203	W	F	()	()	()	Juror 10
~~18 Grampus, Lashonja A~~	139	B	F	(2)	()	()	
<u>19 Driggers, Robert A</u>	102	W	M	()	()	()	Juror 11
<u>20 Lester, Tristan J</u>	212	W	M	1	()	2	Juror 12
<u>21 Taylor, Debra P</u>	340	W	F	()	()	()	Alt. 1
~~22 Abramczyk, Anthony M~~	1	W	M	1	(1)	2	
<u>23 Houghton, Donald C Jr.</u>	173	W	M	()	()	()	Alt. 2
~~24 White, Kristin J~~	384	B	F	()	()	()	

- Excluded for cause

FP

Subbed as Primary Juror

Charleston County Courthouse

RANDOM STRIKE SHEET

JUDGE NAME :

TRIAL TYPE :

PANEL ID : 2011GS1004830

COURTROOM 3B

DESCRIPTION : State vs Christopher Campbell

Sorted by: Random Nbr

Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
25 Tracy, Andrew L	353	W	M	()	()	()	
26 Jenkins, Judith D	187	W	F	()	()	()	
27 Deleston, Andrew C	94	B	M	()	()	()	
28 Burghoff, Margaret	56	W	F	()	()	()	
29 Cepeda, Alexander M	67	W	M	()	()	()	
30 Babcock, Jeremy	12	W	M	()	()	()	
31 Schoedler, Nancy	301	W	F	()	()	()	
32 Mills, Barbara E	244	W	F	()	()	()	
33 Gleich, Bradley K	134	W	M	()	()	()	
34 Davidson, Lauren F	91	W	F	()	()	()	
35 Drayton, Carnard D	101	B	M	()	()	()	
36 Bradford, Kim A	46	W	M	()	()	()	
37 Gleich, Bryna A	135	W	F	()	()	()	
38 Black, Hugh L	32	W	M	()	()	()	
39 Chambliss, Reta S	69	W	F	()	()	()	
40 Craparotta, Jeanette	81	W	F	()	()	()	
41 Busby, Rebecca S	59	W	F	()	()	()	
42 Holmes, Rosalee	171	B	F	()	()	()	
43 Gervais, Kenneth L	131	W	M	()	()	()	
44 Simmons, Tiffany S	314	B	F	()	()	()	
45 Mcdonald, Carla M	233	W	F	()	()	()	
46 Brisbane, Elizabeth C	48	B	F	()	()	()	
47 Daniher, Sean R	90	W	M	()	()	()	
48 Cline, Donnie A	72	W	M	()	()	()	

**Charleston County Courthouse
RANDOM STRIKE SHEET**

411

JUDGE NAME :

TRIAL TYPE :

PANEL ID : 2011GS1004830

COURTROOM 3B

DESCRIPTION : State vs Christopher Campbell

Sorted by: Random Nbr

Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
49 Craven, Sharon H	82	W	F	()	()	()	_____
50 Huey, Shannon R	175	W	F	()	()	()	_____

Total Number of Jurors: 50

** END OF REPORT **

Charleston County Courthouse

Roll call list for Jurors Present

Filtered by: Panel ID, Court Agency Code

Sorted by: Juror Name

SEQ#	SSN	NAME	JUR#	ADDRESS	PHONE
✓1	■	Abramczyk, Anthony M	299	■ Mount Pleasant SC, 29466	
✓6	■	Allard, John R Jr.	2493	■ Charleston SC, 29414	
✓12	■	Babcock, Jeremy	7941	■ CHARLESTON SC, 29414	
✓32	■	Black, Hugh L	18055	■ Meggett SC, 29449	
✓46	■	Bradford, Kim A	23308	■ Mt Pleasant SC, 29466	
✓48	■	Brisbane, Elizabeth C	25372	■ No Charleston SC, 29418	
✓56	■	Burghoff, Margaret	33036	■ No Charleston SC, 29405	
✓59	■	Busby, Rebecca S	34153	■ Johns Island SC, 29455	
✓67	■	Cepeda, Alexander M	40718	■ CHARLESTON SC, 29414	
✓69	■	Chambliss, Reta S	41083	■ Charleston SC, 29414	
✓72	■	Cline, Donnie A	45096	■ Johns Island SC, 29455	
✓81	■	Craparotta, Jeanette	52107	■ No Charleston SC, 29406	
✓82	■	Craven, Sharon H	52220	■ Charleston SC, 29412	
✓83	■	Cromwell, Cheryl D	53085	■ Charleston SC, 29412	
✓90	■	Daniher, Sean R	56115	■ Mt Pleasant SC, 29466	
✓91	■	Davidson, Lauren F	56756	■ Charleston SC, 29412	
✓93	■	Davis, Jennifer G	57428	■ Mt Pleasant SC, 29466	
✓94	■	Deleston, Andrew C	59972	■ No Charleston SC, 29405	
✓99	■	Dowdy, William C	64810	■ Kiawah Island SC, 29455	

Charleston County Courthouse

413

Roll call list for Jurors Present

Filtered by: Panel ID, Court Agency Code

Sorted by: Juror Name

SEQ#	SSN	NAME	JUR#	ADDRESS	PHONE
✓101	████	Drayton, Carnard D	65275	██████████ No Charleston SC, 29420	
✓102	████	Driggers, Robert A	65701	██████████ Charleston SC, 29412	
✓103	████	Durkee, Mary G	67695	██████████ Mount Pleasant SC, 29466	
✓104	████	Easterby, John G Jr.	68395	██████████ Charleston SC, 29412	
✓121	████	Fluddsmalls, Stephanie	78111	██████████ Mt Pleasant SC, 29466	
✓131	████	Gervais, Kenneth L	88109	██████████ Johns Island SC, 29455	
✓134	████	Gleich, Bradley K	90658	██████████ Mt Pleasant SC, 29466	
✓135	████	Gleich, Bryna A	90659	██████████ Mount Pleasant SC, 29466	
✓139	████	Grampus, Lashonja A	93975	██████████ Hollywood SC, 29449	
✓159	████	Haynes, Kimberly H	107240	██████████ Charleston SC, 29412	
✓171	████	Holmes, Rosalee	114629	██████████ Charleston SC, 29403	
✓173	████	Houghton, Donald C Jr.	116202	██████████ Charleston SC, 29414	
✓175	████	Huey, Shannon R	117576	██████████████████ Charleston SC, 29414	
✓187	████	Jenkins, Judith D	124025	██████████ Mount Pleasant SC, 29466	
✓196	████	Judd, Kristy E	130254	██████████ Charleston SC, 29412	
✓203	████	Klein, Sharon W	136079	██████████ Charleston SC, 29412	
✓212	████	Lester, Tristan J	144506	██████████ CHARLESTON SC, 29412	
✓233	████	Mcdonald, Carla M	159980	██████████ Charleston SC, 29407	
✓244	████	Mills, Barbara E	168557	██████████ Mt Pleasant SC, 29464	

Charleston County Courthouse

Roll call list for Jurors Present

Filtered by: Panel ID, Court Agency Code

Sorted by: Juror Name

SEQ#	SSN	NAME	JUR#	ADDRESS	PHONE
✓245	████	Mitchum, Vicki L	170291	██████████ No Charleston SC, 29406	
✓298	████	Sanders, Kane J	213968	██████████ Charleston SC, 29407	
✓301	████	Schoedler, Nancy	216424	██████████ Mt Pleasant SC, 29466	
✓314	████	Simmons, Tiffany S	224709	██████████ Mt Pleasant SC, 29464	
✓316	████	Simon, Christopher W	224875	██████████ Charleston SC, 29414	
✓317	████	Simpson, Jessica W	225135	██████████ Charleston SC, 29407	
✓332	████	Steele, Patricia	235840	██████████ Charleston SC, 29414	
✓337	████	Suttle, John R	240170	██████████ Charleston SC, 29414	
✓340	████	Taylor, Debra P	242139	██████████ Mt Pleasant SC, 29464	
✓344	████	Terry, Virginia L	243378	██████████ Charleston SC, 29407	
✓353	████	Tracy, Andrew L	247694	██████████ Charleston SC, 29414	
✓384	████	White, Kristin J	263102	██████████ Ravenel SC, 29470	
✓393	████	Wright, Arthur L	272217	██████████ Edisto Island SC, 29438	

Total Number of Jurors: 51

-298- (E)
81-
175-
67-
314-
83-

FORM 5

STATE OF SOUTH CAROLINA)

County of CHARLESTON)Christopher D. Campbell)

Full name and prison number (if any) of Applicant)

361841)

v.)

State of South Carolina)

2019-CP-10-3577
IN THE COURT OF COMMON PLEASAPPLICATION FOR
POST-CONVICTION RELIEFFILED
2019 JUL -5 PM 2:03
JULIE J. ARMSTRONG
CLERK OF COURTINSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention McCormick Correctional Inst. 386 Redemption
Way, McCormick, S.C. 29899
2. Name and location of Court which imposed sentence Charleston County
General Session Court
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) Armed Robbery) 2011-GS-10-04830) Weapons Charge) 2011
 - (b) -GS-10-04831)

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 10/22/2014, 18 years
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty ☒ _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. S.C. supreme Court
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Affirmed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. June 12, 2019
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Opinion No. 2019-MO-029
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective assistance of counsel
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) See attached sheets
- (b) _____
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? no
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? no
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? no
- (d) any other petitions, motions or applications in this or any other Court? no
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. N/A
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. N/A
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) No jurisdiction to file
 (b) _____
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? Yes
 (b) your trial, if any? Yes
 (c) your sentencing? Yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
No

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:
 i. Jason T. King, Esquire and Luke Malloy, Esquire
Charleston Public Defender Office
 ii. Appellate Defender Susan B. Hackett.
S.C. Indigent Defense
 iii. Direct appeal
 (b) the proceedings at which each such attorney represented you:
 i. Trial and sentencing
 ii. direct appeal
 iii. _____

19. State clearly the relief you seek in filing this application:

New Trial

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)

County of McCormick)

VERIFICATION

I, Christopher D. Campbell, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

C.D. Campbell

SWORN to and subscribed before me this 1 day of July, 2019.

Bruce W. Adema (L.S.)
Notary Public

My Commission Expires: 9-30-26

2019-CP-10-3577

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Christopher D. Campbell, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

C.D. Campbell
Applicant

SWORN or affirmed to and subscribed before me this

1 day of July, 2019.

B. J. Wademan
Notary Public

My Commission Expires:

9.30.26

BY

JULIE J. ARMSTRONG
CLERK OF COURT

2019 JUL -5 PM 2:03

FILED

Attached Sheets

2019-CP-10-3577

1. Counsel was ineffective by not objecting to the jury charge nor filing motions to the judge that the jury charge is defective because he did not charge criminal intent for the jury.
2. Counsel was ineffective during the sentencing phase of the trial by telling the judge that he informed his client not to say anything, causing the judge not to ask me to allocate as required.
3. Counsel was ineffective by failing to do a reasonable investigation of the offense of armed robbery to see if it had the Great Seal of South Carolina affixed to it.

FILED
2019 JUL -5 PM 2:04
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

Dated
July 1 2019

 C.D. Campbell

2019-CP-10-3577

FILED
2019 JUL -5 PM 2:04
JULIE J. ARMSTRONG
CLERK OF COURT
BY

INEFFECTIVE ASSISTANCE OF COUNSEL

First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudice the Applicant such that, "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry 386 at 625.

1. Counsel was ineffective by not objecting to the jury charge nor filing motion to the judge that the jury charge is defective because the judge did not charge criminal intent for the jury.

MEMORANDUM OF LAW

Criminal liability, is normally based upon the concurrence of two factor, an evil meaning mind and evil-doing hand. United States v. Bailey, 444 U.S. 394, 402 (1981). Criminal intent ... is an essential element in every common law crime. State v. Thrailkill, 73 S.C. 314, 53 S.E.2d 482 (1906) Instruction that allows a jury to convict without finding every element of the offense violates In Re Winship's requirement, that every fact necessary to constitute the crime must be proven beyond a reasonable doubt. In Re Winship, 397 U.S. 358, 364, 90 S.Ct. 1068 (1970). In State v. Lee-Grigg, 649 S.E.2d 91 (S.C. 2007) the court said, criminal intent is a necessary element of each crime

that must be proved by the state beyond a reasonable doubt. Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation. there is no way to prove criminal intent to any mathematical certaintey ...

So, the law says that criminal intent maybe inferred from the circumstances shown to have been in existance or have existed at the time in question. This is how the jury make a determination of whether or not the element of intent as required was present. criminal intent is a state of mind which operates jointly with an action in the commission of a crime. Criminal Intent is a mental state, a conscious wrong doing.

The state must prove criminal intent beyond a reasonable doubt just as the state must prove every element of the crime beyond a reasonable doubt.

2. Counsel was ineffective during the sentencing phase of the trial by informing the judge that he informed his client not to say anything causing the judge not to ask me to allocate as required.

MEMORANDUM OF LAW

Allocation refer to the common law practice of the court formally inquiring of the defendant whether he has anything to say why sentence and judgment should not be pronounced after the

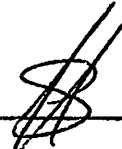
fact finder determines guilt but before the judge pronounce sentence.

As the Fourth Circuit stated; when a defendant was unable to address the Court before being sentenced and the possibly remains that an exercise of the right of allocution could have led to a sentence less than that received. We are of the firm opinion that fairness and integrity of the court proceeding would be brought into serious disrepute were we to allow the sentence to stand. United States v. Cole 27 F.3d 996, 999 (4th Cir. 1994). As early as 1689, it was recognized that the Court's failure to ask the defendant's if he had anything to say before sentencing was imposed required reversal. Green v. U.S., 365 U.S. 301, 304, 81 S.Ct. 653, 655 (1961).

3. Counsel was ineffective by failing to do an reasonable investigation of the offense of armed robbery to see if it had the Great Seal of South Carolina affixed to it.

Applicant reserved his right to amend his PCR application.

Dated
July 1 2019

 C.D. Campbell

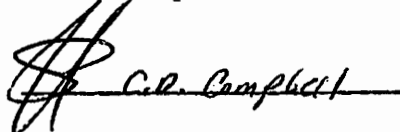
Charleston County Clerk of Court
Julie J. Armstrong, Clerk
100 Broad Street
Charleston, S.C. 29402

RE: Post Conviction Application for Filing

Dear Clerk:

Enclosed please find PCR application for filing, and please
return stamp file copy to me.

Sincerely,


C.D. Campbell

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
))
Christopher Campbell #361841,)
))
Applicant,)
))
v.)
))
State of South Carolina,)
))
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Case No.: 2019-CP-10-3577

RETURN

BY _____

JULIE J. ARMSTRONG
CLERK OF COURT

2019 NOV 21 PM 1:15

FILED

The State (Respondent), making its Return to the application for Post-Conviction Relief (PCR) filed on July 5, 2019, would respectfully show this Court:

I. Procedural History

Christopher Campbell (Applicant) is presently confined pursuant to orders of the Charleston County Clerk of Court. In August 2011, the Charleston County Grand Jury indicted Applicant for Armed Robbery (2011-GS-10-04830) and Possession of a Firearm During the Commission of a Violent Crime (2011-GS-10-04831).

Jason King and Luke Malloy, Esquires, represented Applicant. Assistant Alexander Ziegler and Benjamin Simpson, Esquires, prosecuted the case. On October 22, 2014, Applicant proceeded to trial before the Honorable W. Jeffrey Young. Judge Young sentenced Applicant to concurrent terms of imprisonment of eighteen years for armed robbery and five years for possession of a firearm during the commission of a violent crime.

Subsequently, on appeal, the Court of Appeals issued an unpublished opinion in which it unanimously affirmed Campbell's convictions and sentence. State v. Campbell, Op. No. 2016-UP-367 (S.C. Ct. App. filed July 20, 2016). Thereafter, Campbell petitioned the Court of

Appeals for rehearing, and the petition was denied. Campbell then filed a petition for a writ of certiorari in the Supreme Court, and that petition was granted on August 22, 2017. Briefs were filed and the Supreme Court dismissed the case as improvidently granted on June 12, 2019. The Remittitur was issued to the lower court on June 12, 2019.

II. Current Application

In his application for post-conviction relief, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Counsel was ineffective by not objecting to the jury charge nor filing motions to the judge that the jury charge is defective because he did not charge criminal intent for the jury.
2. Counsel was ineffective during the sentencing phase of the trial by telling the judge that he informed his client not to say anything, causing the judge not to ask me to allocate as required.
3. Counsel was ineffective by failing to do a reasonable investigation of the offense of armed robbery to see if it had the Great seal of South Carolina affixed to it.

In relief sought, Applicant is seeking: “New trial.”

Attached to this Return and incorporated by reference are the records of the Charleston County Clerk of Court regarding the subject convictions, the records from the South Carolina Department of Corrections, the trial transcript, the appellate records, and the application. Respondent reserves the right to amend this Return upon receipt of any relevant materials. Applicant alleges he received ineffective assistance of counsel. Nevertheless, Respondent contends Applicant's counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

III. Ineffective Assistance of Counsel

In a post-conviction relief proceeding, the applicant bears the burden of proving the allegations in his or her application. See Butler, 286 S.C. at 442, 334 S.E.2d at 814. Where

ineffective assistance of counsel is alleged as a ground for relief, Applicant must prove that “counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668, 686 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. See Strickland, 466 U.S. at 669. Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625, (citing Strickland, 466 U.S. at 688). Second, counsel's deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. See Hill v. Lockhart, 474 U.S. 52, 52 (1985).

Respondent submits Applicant cannot satisfy either requirement of the Strickland test. However, where an application for post-conviction relief alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record, a question of fact is raised which can only be resolved by an evidentiary hearing. See Sharper v. State, 279 S.C. 264, 265,

305 S.E.2d 247, 248 (1983). Because Applicant's claims of ineffective assistance of counsel are not conclusively refuted by the record, then Respondent would request an evidentiary hearing to fully resolve this issue.

IV. Failure to Investigate

Counsel has a duty to undertake reasonable investigations or to make a decision that renders a particular investigation unnecessary. Strickland v. Washington, 466 U.S. 668, 691, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). Thus, "[a] criminal defense attorney has the duty to conduct a reasonable investigation to discover all reasonably available mitigation evidence and all reasonably available evidence tending to rebut any aggravating evidence introduced by the State." McKnight v. State, 378 S.C. 33, 46, 661 S.E.2d 354, 360 (2008). Moreover, counsel's decision not to investigate should be assessed for reasonableness under all the circumstances with heavy deference to counsel's judgment. Simpson v. Moore, 367 S.C. 587, 597, 627 S.E.2d 701, 706 (2006). "[A]t a minimum, counsel has the duty to interview potential witnesses and to make an independent **634 investigation of the facts and circumstances of the case." Ard v. Catoe, 372 S.C. 318, 331–32, 642 S.E.2d 590, 597 (2007) (internal quotation marks omitted) (emphasis omitted). "[C]ounsel's conversations with the defendant may be critical to a proper assessment of counsel's investigation decisions..." Strickland, 466 U.S. at 691, 104 S.Ct. 2052. "[A] court deciding an actual ineffectiveness claim must judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct." Id. at 690, 104 S.Ct. 2052. Bagwell v. State, 410 S.C. 259, 265, 763 S.E.2d 630, 633–34 (Ct. App. 2014). Respondent submits that Applicant cannot meet his burden in regards to any claims that counsel was ineffective for failure to investigate.

V. State's Assertion and Reservation of Rights

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRPC. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRPC. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRPC.

VI. Request for Evidentiary Hearing

Respondent therefore requests that this Court convene an evidentiary hearing on the allegations of ineffective assistance of counsel.

Conclusion

WHEREFORE, Respondent requests that an evidentiary hearing be held on the claims of ineffective assistance of plea counsel.

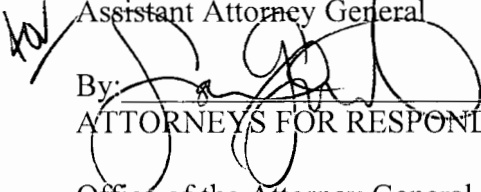
Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

BENJAMIN HUNTER LIMBAUGH
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

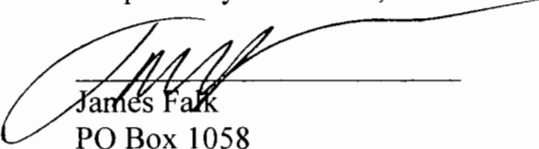
November 18, 2019

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	FOR THE 9TH JUDICIAL CIRCUIT
	)	
Christopher Campbell 361841	)	
Applicant	)	2019-CP-10-3577
Vs.	)	
State of South Carolina	)	AMENDED PCR APPLICATION
Respondent,	)	
_____	)	

Applicant, by counsel amends his original Post-Conviction Relief application to include the following allegations of ineffective assistance of trial counsel.

1. Trial counsel was ineffective for not objecting to the composition of the jury panel. Applicant is informed and believes that the State exercised its pre-emptory strikes in a racially discriminatory manner and in violation of the U.S. Supreme Court's decision in *Batson v Kentucky*, 476 U.S. 79 (1986).
2. Trial Counsel was ineffective for not objecting to the Court's comment page 396, line 3-4. During their deliberations, the jury asked to see the surveillance tape again (State's exhibit 1). While the tape was playing, the Court stated: "That's him coming in and then you can play the whole thing." The identity of the individual on the surveillance video was a significant issue in this case. Applicant is informed and believes that jurors could have understood the Court's statement as its opinion that Applicant was the individual depicted on the video.

Respectfully Submitted,

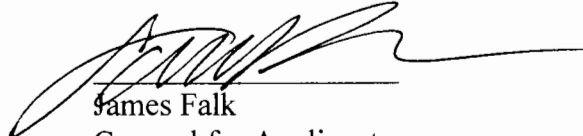

 James Falk
 PO Box 1058
 Charleston, SC 29402
 (843) 606 6007
 jfalklaw@gmail.com

CONTINUED ON NEXT PAGE

FILED
 2020 MAR 11 PM 4:35
 JULIE J. ARMSTRONG
 CLERK OF COURT
 BY _____

CERTIFICATE OF SERVICE

Undersigned certifies that on March 10, 2020 a copy of the above was both mailed and emailed to Benjamin Limbaugh, Esquire, at PO Box 11549 Columbia, SC 29211; blimbaugh@scag.gov.



James Falk
Counsel for Applicant

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	FOR THE 9TH JUDICIAL CIRCUIT
	)	
Christopher Campbell (361841)	)	2019-CP-10-3577
Applicant	)	SECOND AMENDED PCR
Vs.	)	APPLICATION
State of South Carolina	)	
Respondent,	)	
	)	

FILED
2022 MAR 22 PM 3:55
JULIE J. ARMS, JUDICIAL CLERK OF COURT

Applicant by counsel amends the PCR application filed on or about July 5, 2019, and Applicant's Amended PCR Application filed on or about March 10, 2020 to add the following specific allegation of ineffective assistance of counsel.

1. Trial counsel was ineffective by failing to object to the Court's "search for the truth" language in its opening charge. P. 75 lines 12-15.
2. After initially moving to suppress the search warrant for the residence on Champagne Lane in Charleston, Trial counsel provided ineffective assistance by failing to preserve the issue for appellate review. Trial counsel's opening argument served as a waiver of the argument (p. 94 lines 7-10), and trial counsel failed to preserve the issue when Detective Williams testified about the Nike shoes. (P. 216 lines 1-7.
3. Trial counsel failed to object to the Solicitor's speculative questioning. (P. 154 lines 2-5 and P. 249 lines 21-23).
4. Trial counsel filed when the court did not give the complete circumstantial evidence charge permitted under State v Logan, 405 S.C. 83 (2013). (p. 382 line 22 through p. 383 line 14). The Court's charge excluded the following language included in the circumstantial evidence charge recommended by the Court in Logan: *Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact; and to the extent the State relies on circumstantial evidence, all of the circumstances must be consistent with each other, and when taken together, point conclusively to the guilt of the accused beyond a reasonable doubt. If these circumstances merely portray the defendant's behavior as suspicious, the proof has failed.* Logan at 99.

Respectfully Submitted,



James K Falk

Falk Law Firm

PO Box 38

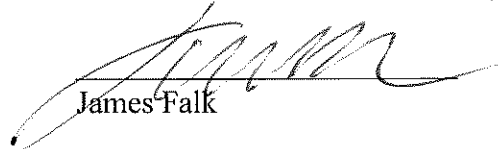
Charleston, SC 29402

(843) 606-6007

jfalklaw@gmail.com

CERTIFICATE OF SERVICE

A copy of the above was emailed this March 22nd 2022 to Lauren Mims, Esq. and Samantha Weidauer, Esq. at the Office of the South Carolina Attorney General.



James Falk

STATE OF SOUTH CAROLINA
 COUNTY OF CHARLESTON

COURT OF COMMON PLEAS
 2019-CP-10-03577

Christopher Campbell,)

) TRANSCRIPT OF RECORD

-vs-)

) April 8, 2022

State of South Carolina)

) Charleston, South Carolina

)(Via Virtual Courtroom)

B E F O R E:

The Honorable R. Ferrell Cothran, Jr., Judge

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

James K. Falk, Esquire
 Attorney for the Applicant

Lauren T. Mims, Esquire
 Attorney for the Respondent

ALSO IN APPEARANCE:

Samantha J. Weidauer, Esquire
 Luke T. Malloy, Esquire

Reported By:

Yvestre Torres, OCR
 Circuit Court Reporter for the
 Ninth Judicial Circuit

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1 THE COURT: All right. We ready to go?

2 MR. FALK: Yes.

3 MS. MIMS: Yes. Would you like me to call
4 the case?

5 THE COURT: Yes, ma'am.

6 MS. MIMS: May it please the Court. Lauren
7 Mims on behalf of the State. This is a PCR matter
8 of Christopher Campbell versus the State, docket number
9 2019-CP-10-3577. This matter is before the Court
10 because of an application for post-conviction relief
11 filed by Mr. Campbell in Charleston County on July 5th,
12 2019.

13 Mr. Campbell is presently confined pursuant
14 to orders of the Charleston County Clerk of Court.
15 In 2011, Charleston County grand jury indicted Applicant
16 for armed robbery and possession of a firearm during
17 the commission of a violent crime. Jason King and Luke
18 Malloy, Esquires represented Applicant; Assistant
19 Solicitor Alexander Ziegler and Benjamin Simpson [ph.],
20 Esquires prosecuted the case.

21 On October 22nd, 2014, Applicant proceeded
22 to trial before the Honorable W. Jeffrey Young.
23 Judge Young sentenced Applicant -- sentenced Applicant
24 to a concurrent term of imprisonment of 18 years
25 for armed robbery and five years for possession

1 of a firearm during the commission of a violent crime.
2 And, of course, he was found guilty as indicated.

3 Subsequently on appeal, the Court of Appeals
4 issued an unpublished opinion in which it unanimously
5 affirmed Applicant's convictions and sentence.
6 Thereafter, Mr. Campbell petitioned the Court of Appeals
7 for rehearing; that petition was denied. Campbell then
8 filed a petition for writ of certiorari in the Supreme
9 Court, and that petition was granted on August 22nd,
10 2017. Briefs were filed, and the Supreme Court
11 dismissed the case on June 12, 2019, and the remittitur
12 was issued to the lower court on June 12, 2019, and this
13 application follows.

14 I will now turn it over to Mr. Falk to read
15 the issues in which he plans to go forward on PCR.

16 THE COURT: Okay.

17 MR. FALK: I filed an amended PCR, then
18 I filed a second amended PCR, and so we're going forward
19 on what would be the six claims. The first being that
20 trial counsel was ineffective for not objecting to the
21 composition of the jury panel. Applicant is informed
22 and believes that the State exercised its preemptory
23 strikes in a racially discriminatory manner.

24 The second issue is trial counsel
25 was ineffective for not objecting to the Court's

1 language when -- let me just sort of explain this.

2 So at one point, the jury asked to see the video
3 again, and I don't think the video was very clear.

4 And at one point, Judge Young -- Judge Jeff Young said
5 while they were reviewing the video, that's him coming
6 in there, and you can play the whole thing.

7 So it would appear from looking at the
8 transcript, that Judge Young was actually identifying
9 him on the video by saying that's him, and so we have
10 an issue with that. And then, you know, I just raise
11 this every time it comes up, but there was lots of
12 search for the truth language in the Court's opening
13 charge, and we believe that is burden shifting.

14 Also, there was a pretrial motion
15 to suppress the search warrant for the residence
16 on Champaign Lane in Charleston, and we're asserting
17 that trial counsel provided ineffective assistance of
18 counsel by failing to preserve the issue for appellate
19 review. Trial counsel's opening argument almost
20 served as a waiver of that argue -- of the objection
21 to the search warrant.

22 And when the testimony came in from one
23 of the State's witnesses regarding some shoes, trial
24 counsel did not renew their objection. And I can --
25 when I go through these, I can cite you to page and line

1 number.

2 THE COURT: Okay.

3 MR. FALK: And then we believe there were
4 some speculative questioning. The solicitor was able
5 to ask some speculative questions which we believe
6 should have been objected to. And then, finally,
7 we believe trial counsel should have asked for the
8 entire Logan instruction on circumstantial evidence.

9 They instructed kind of on the first
10 paragraph of it. But they didn't include in the Logan
11 instruction that circumstantial evidence is proof
12 of a chain of facts and circumstances indicating the
13 existence of a fact. And to the extent the State relies
14 on circumstantial evidence, all the circumstances must
15 be consistent with each other, and when taken together
16 point conclusively to the guilt of the accused beyond
17 a reasonable doubt. If these circumstances merely
18 portray the Defendant's behavior as suspicious,
19 the proof has failed. So those are the issues
20 that we're going to go forward with.

21 THE COURT: Okay.

22 MR. FALK: So, I would ask to put Mr. King
23 on the stand, if that's what we're doing next.

24 THE COURT: Okay. Mr. King, can you hear
25 us?

1 MR. KING: Yes, Your Honor.

2 THE COURT: Okay.

3 MR. FALK: Jason, can you hear me?

4 MR. KING: Yes, Mr. Falk, I can.

5 MR. FALK: Yeah, okay. So, Mr. King ---

6 THE COURT: Let me swear him in.

7 MR. JASON KING was called as a witness,
8 being duly sworn, was examined and testified as follows:

9 THE COURT: Okay. Thank you. All right.
10 Go ahead, Mr. Falk.

11 DIRECT EXAMINATION

12 BY MR. FALK:

13 Q. Mr. King, thank you for sending me your strike
14 sheet. And do you have it in front of you?

15 A. I do.

16 Q. Okay. So did you have any concerns because
17 when you looked at the jurors that got seated -- I mean,
18 that got called, you know, for the people to exercise
19 their strikes, it looks to me that there were four
20 African-Americans that were in that panel. Does that
21 look right to you? I'm looking at -- I can't really
22 read your -- so the third number down that looks --
23 oh, so number 83, you have listed as a black female;
24 number 121, you have listed as a black female.

25 A. Yes.

1 Q. Number 393, you have listed as a black male,
2 and number 139 you have listed as a black female.
3 Does that sound right to you?

4 A. Yes, that's correct.

5 Q. Okay. And so you would agree that there were
6 four African-Americans in this panel?

7 A. Yes.

8 Q. And so did you have a concern -- so you obviously
9 had an opportunity to object to the composition of
10 the panel. And the State in exercising their strikes,
11 they exercised two preemptory strikes on two of the four
12 African-Americans or blacks?

13 A. Yes.

14 Q. Did you -- is there a reason why you didn't
15 consider a Batson argument at that time?

16 A. I don't -- and it was a long time ago, but when
17 -- one of my strategies was this is a second trial of
18 the week. So we started on a Wednesday. There had been
19 a previous trial, I believe, that Monday. And I don't
20 remember the trial, but for some reason I didn't want
21 any of those jurors on my jury. I believe there had
22 been a jury that had already been formed, heard a case
23 and convicted someone.

24 So, I didn't really want those 12 jurors who had
25 just convicted somebody the previous day on my jury.

1 That was one of the things I was looking for to strike.
2 So that's when you see last jury written over there
3 on the right as my reason. That's the reason that
4 I'm striking those jurors.

5 Q. Okay.

6 A. So when we get to Ms. Cromwell [ph.], the issue
7 with her was she worked for DSS as a social worker,
8 which isn't necessarily bad, although DSS is a
9 government agency. But she had tried to get out of jury
10 service in the beginning. She had tried to claim an
11 exemption that was denied. But I think the most -- the
12 thing I had to deal with, with her, is that she answered
13 the question we always ask about do you donate to any
14 victim's rights groups or a member, and she said she
15 donated to the Fraternal Order of Police.

16 So, I've got these issues where, you know --
17 you've got to sort of balance out. I agree diversity
18 in a jury is a good thing and having a diverse jury
19 is good for a defendant. But, you know, I don't know
20 if I want that at the expense of someone who might
21 be bias for the police. So, I struck Ms. Cromwell,
22 who was a black female.

23 The next one that was called, Ms. Smalls, was
24 sat, so she sat on the jury. The male, juror number
25 393, Arthur Wright, was called. The State struck him.

1 I was going to run into an issue with him because
2 he sat on the previous jury that convicted a person
3 the day before. So, I had already struck juror 196
4 for that. I already struck juror 104 for that.

5 You know, if I had not -- if the State had
6 not struck that juror, and I had to make the decision
7 -- if I didn't strike that juror, and I was Batson,
8 then I might have not had a good explanation for why
9 I sat Arthur Wright and then struck the other jurors
10 that also sat on the jury who were white.

11 So, I never had to make that decision. But,
12 you know, I may have had to strike Arthur Wright if the
13 State hadn't struck him. So that was kind of the issue
14 with that juror. I've been -- he fit into the category
15 of jurors that I was striking.

16 Q. Mr. King, can I just interrupt you for a second?

17 A. Yes.

18 Q. So what you're saying is you would have struck
19 393 had the State not done it for you?

20 A. I never had to make that decision.

21 Q. Okay.

22 A. But, you know, I believe I would have had --
23 I believe if I didn't, I would have taken a risk that
24 if I got in Batson, I would have struggled, I might
25 have been caught without a good reason for striking

1 those other jurors and not striking this one.

2 So, you know, I probably would have had --
3 I don't know. I never had to make that decision,
4 but I probably would have struck the juror because
5 otherwise I would have been Batson. I would have been
6 putting him up for -- with the reason that I've been
7 striking two other white jurors for.

8 He was also a cook, which is not -- and the
9 victim in this case was working in a restaurant at
10 Firehouse Subs and was basically a cook at Firehouse
11 Subs. So there was a little issue there, but it would
12 have been more previous -- on prior service on the jury.

13 So, yeah, I probably would if I had gotten
14 to that decision struck him myself, unfortunately.
15 I believe in diversity in a jury, but, you know, you've
16 got to balance that with the other issues as well.
17 It doesn't override everything for me.

18 Q. Do you know why the State struck Mr. Wright?

19 A. I don't. I do not know why the State struck
20 Mr. Wright.

21 Q. And then when we get down to juror 139?

22 A. Yes, Ms. Grant [ph.] is 139. The State struck
23 that juror. I'm not sure why. I don't know why the
24 State struck that juror, and I did not make a motion.
25 I would probably have sat that juror, Ms. Grant, 139.

1 Q. And so you did see the State exercise its
2 two preemptory on two of the four African-Americans
3 on the panel?

4 A. Yes.

5 Q. And I'm not sure I understand, and so if you
6 could articulate again your reason for not trying
7 to get a new panel by asserting a Batson argument.

8 A. It's a long time ago. But what I believe is,
9 you know, you get your 12 jurors up there, and you're
10 hoping for the 12 fair people that you could get.
11 The only -- I guess the only issue I would have had
12 would have been with the one juror, 139, Ms. Grant.
13 So the issue would be is it worth making a Batson motion
14 and possibly reshuffling the whole jury, or is this jury
15 as good as I'm going to get?

16 And, you know, sometimes I see a jury
17 and I think, you know, instead of just reshuffling
18 and picking a whole new jury again, this jury just
19 may be as good as I'm going to get, and I may have just
20 decided to go with that jury. It wasn't an all-white
21 jury at least. But, you know -- but that's my only
22 explanation, but it was a long time ago. I'm trying
23 my best to remember what I was thinking at that point.

24 Q. Thank you. Do you have a transcript in front
25 of you?

1 A. Yes.

2 Q. Can you go to Page 396.

3 MR. FALK: Now, Judge, this was the
4 transcript, not the record.

5 THE COURT: Okay.

6 MR. FALK: Do you have both?

7 THE COURT: Me?

8 MR. FALK: Yes, Judge. I'm sorry. Do you
9 have both, the record and the transcript? So this is
10 from the transcript.

11 THE COURT: I think I do. Let me look.

12 MR. KING: I have it.

13 MR. FALK: Should I go forward?

14 THE COURT: Yes, sir.

15 BY MR. FALK:

16 Q. Mr. King, so are you looking at Page 396?

17 A. Yes.

18 Q. And so the way it looks to me when I reviewed
19 this transcript, it looked like the jury wanted to see
20 the video again; is that correct?

21 A. Yes.

22 Q. And do you think that was because there possibly
23 was an identification issue in the jury's mind?

24 A. I'm not sure. I had made some arguments about
25 fingerprints, and there was a point where I thought

1 that the robber touched the inside of the restaurant.

2 Q. Right. This is the Firehouse on Kings Street?

3 A. Right, right. And I believe the video showed
4 the robber touching the inside of the Firehouse. There
5 were fingerprints collected in that area, but they were
6 not Mr. Campbell's. So that may have been the reason
7 there.

8 Q. Do you agree that the Court, Judge Young,
9 said that's him coming in?

10 A. Yes, yes. Well, see, the jury may have wanted
11 to watch it and see what the robber was touching.
12 But, yeah, when the jury was in, he said that's him
13 coming in. I didn't object to that because it wasn't
14 him, as far as I was concerned. I was arguing that
15 it was a guy named El [ph.].

16 Q. Right.

17 A. But the co-defendant had initially said, I know
18 who the robber is, it was a guy named El, and that
19 was my defense, that's who the robber was. And there
20 were some pretty -- arm pressure put on that
21 co-defendant, threats really of prison time before
22 he ended up naming Mr. Campbell instead of El.

23 So nobody thought this was a woman. This
24 is an over maybe six foot, six foot one or two person
25 described doing the robbery. Nobody was saying it

1 was a woman. It wasn't him. The judge didn't indicate
2 that it was the defendant. The judge just said that's
3 him, and nobody -- it didn't ring a bell with me because
4 it wasn't him. There was no dispute that that's a him
5 who was walking in. But the judge didn't indicate that
6 that him was Mr. Campbell, so I didn't object to that.

7 Q. Do you think some of the jurors might have
8 thought that Judge Young was actually identifying
9 him as being your client?

10 A. I don't think so, again because nobody was saying
11 that it was a him. It was not -- nobody was making
12 the argument that it was a woman. It was a large man.
13 You know, there was no evidence for that. You know,
14 the judge has to refer to the person somehow. I guess
15 he could have said the robber is coming in, but I don't
16 think using the word him applies that it's my client.

17 Q. All right. Then -- I'm sorry that I've got you
18 jumping all over the transcript, but this is just kind
19 of the way I got my issues listed. If you would look
20 at Page 75.

21 A. Yes.

22 Q. And you see those lines, 12 through 15?

23 A. Yes.

24 Q. This case came out the -- I believe it was the
25 Beaty case where they advised the courts to remove that

1 search for the truth language sort of from the standard
2 opening charge; isn't that correct?

3 A. The Beaty opinion came out in 2016, which was
4 after this case.

5 Q. Did you have any concerns about the search
6 for the truth language still being burden shifting?

7 A. At the time, that wasn't really on anybody's
8 radar hardly. There's some attorney who made an
9 objection to that, but I think most trial judges are
10 reading that at the beginning of the trial. And that
11 language was in the bench book that was given to all
12 the circuit judges by the court. That's a footnote
13 in State v. Beaty.

14 So judges are reading this a lot. It wasn't
15 on anybody's radar to object to this I don't think until
16 Beaty came out 2016, and this was 2014. So, I object to
17 it now, definitely object to it now, and I have objected
18 to it since then. But I think it was State v. Beaty
19 that clued everyone into this issue.

20 Some previous cases have dealt with using that
21 language along with the definition of reasonable doubt
22 in the jury charge. This was not necessarily a jury
23 charge, just opening comments by the judge, which
24 I would object today, but back then, you know, State v.
25 Beaty had not come out at that point.

1 Q. I'll come back to that because I was -- when
2 I had my notes, I thought there was a decision in Beaty,
3 and then there was sort of a rehearing on the case,
4 and this issue was raised in the opinion that came
5 out before the file, you know, the one they're doing
6 the rehearing, but I will come back.

7 A. The rehearing was decided in '18.

8 Q. Okay.

9 A. I think '16 was the opinion, and there was
10 a rehearing in '18.

11 Q. All right. This is really more of a significant
12 issue here. You had put up an argument about the search
13 of the address on Champaign Lane; is that correct?

14 A. Yes.

15 Q. And one of the issues on that was the red Nike
16 shoes; is that correct?

17 A. Yes.

18 Q. Did you think you had a good argument to suppress
19 the search of the location?

20 A. I did not think it was a great argument.
21 You know, when you have pretrial arguments, you try
22 to find the issues that you can and you try to flush
23 them out. There was a search warrant in the case,
24 so I made the motion. It gets me an opportunity
25 to cross-examine the detective in the case.

1 I think when it was all said and done, I didn't
2 feel that confident about the motion because the search
3 warrant affidavit did have in there that the
4 co-defendant had identified Mr. Campbell as the robber.
5 And I think it had in there that Mr. Campbell had said
6 he had been living at the residence for a certain period
7 of time.

8 So what I was trying to argue was that a lot
9 of information was left out of the search warrant,
10 specifically how many times the co-defendant named
11 this person El before they finally ended up naming
12 Mr. Campbell. But I think by the time I argued at the
13 end of it, I didn't feel it was that strong of an issue,
14 and I ended up just embracing it at the trial.

15 It was a fact that I just -- I came out of
16 the opening, I talked about it. I put up two witnesses
17 who said that it was not Mr. Campbell's shoes. I put
18 up his mother and his uncle. His uncle said it was his
19 shoes.

20 And in closing argument -- and I don't know
21 when I figured this out, if it was during the trial
22 or before. I tried to point out from the video that
23 there was a difference in the color in the shoes.
24 So, I felt I was able to explain that these were just
25 a common pair of shoes that were found. They didn't

1 find anything else in his residence.

2 So, I guess I just embraced the fact and ran
3 with it instead of trying to preserve it and continuing
4 to fight it, or to object to it, because ultimately
5 I don't think that played a real role in the conviction.
6 The black and white Air Jordan shoes were such a common
7 pair of shoes. And I think I put up witnesses to say
8 that they weren't even his shoes, and I think I put
9 up some evidence in closing as I argued that the shoes
10 in evidence did not match the shoes on the video.

11 Q. I mean, but you would agree that when you get
12 down to Line 15 of Page 94, you actually talk about
13 the shoes in your opening argument -- opening statement?

14 A. Right, right. I addressed it in opening. I went
15 ahead -- because I knew it was going to come up. So,
16 I believe that I just decided at some point that wasn't
17 that great of an issue, and it would be better just
18 to embrace it at the trial and explain it away, which
19 I feel like I was able to do. So, I addressed it in the
20 opening, I said it's a common pair of shoes, they're not
21 even Christopher's, they're his uncle's, LeRoy Campbell,
22 and I put up LeRoy to testify to that and his mother.

23 Q. But you would agree that when Lamar Williams
24 was testifying, Detective Williams, was testifying
25 that he started talking about the Nike sneakers that

1 were seized as part of the search warrant? Page 216,
2 one through seven.

3 A. Right, right. When the testimony came out,
4 I did not make a contemporaneous objection.

5 Q. And that's for the same reason, you're saying?

6 A. That's what -- you know, I'm looking back
7 to 2014 ---

8 Q. I appreciate that.

9 A. --- what I was thinking back then, which
10 is difficult. But, you know, I was -- I'm aware
11 of the issue. I'm aware of a contemporaneous objection,
12 and the fact that I came out the first thing in opening
13 talking about it tells me that I was just embracing
14 the fact and just abandon that issue for appeal.

15 That may have -- sometimes you argue these
16 in pretrial and you flush out the argument, you go
17 to the prosecutor's argument, what the judge says,
18 at the end of it you don't feel as strongly about your
19 issue as you did the night before the trial.

20 Q. Okay. But if you would look on Page 230.

21 A. Yes, sir.

22 Q. Lines 19 through 23. And I guess that was --
23 this is about the introduction of Exhibit 21 into
24 evidence which was some type of photograph?

25 A. Yes.

1 Q. And I'm just saying I appreciate your other
2 argument before, but you did then.

3 A. Well, I see what you're saying. So, I did end
4 up making a contemporaneous objection later on through
5 a photograph. Maybe I missed the objection. I mean,
6 it's been so long ago. I can't be certain, but it does
7 show that at least later on in the trial I was
8 contemplating objecting based on the search warrant.
9 I don't know if I got caught up, but that does
10 contradict what I was saying before. I'm not sure,
11 honestly.

12 Q. Okay.

13 MR. FALK: I've lost Mr. King's video.
14 You're back. All right. I need to move on, Your Honor.
15 BY MR. FALK:

16 Q. Mr. King ---

17 A. What I was saying before, I am not sure,
18 honestly.

19 Q. All right, Mr. King, you're still there?
20 All right. If you could look at -- during the ---

21 A. Yes.

22 Q. This is -- this is actually during the redirect
23 of, I guess, Christopher Riley. It's, you know --
24 the redirect examination starts on Page 153, Line 11.

25 A. Yes.

1 Q. All right. And Christopher Riley, can you just
2 sort of help the Court identify who is that, what role
3 did he play?

4 A. Christopher Riley was the -- would be considered
5 the victim. There were two people in the restaurant
6 when it was robbed who worked there. One of them was
7 Leslie Green, who is Mr. Campbell's cousin, and appears
8 to be involved in the robbery. When you watch the
9 video, and the police suspected this, and this is what
10 started the investigation.

11 It appears Leslie Green worked there, was
12 involved in the robbery. The robber doesn't really pay
13 attention to Leslie Green, sort of turns her back to
14 him and is focusing mostly on Mr. Riley. So Christopher
15 Riley -- I believe Christopher Riley didn't know this
16 was going to happen and was a true victim of a robbery.
17 Leslie Green was involved in it somehow, or at minimum
18 was aware it was going to happen.

19 I did make some arguments at the trial, maybe
20 it was in tangent, or some questions that might have
21 led the jury to believe that Mr. Riley could have been
22 involved. I didn't pursue it really strongly. It's
23 a description that he had given that I tried to make
24 some -- make something out of where he had said the
25 person had gold teeth. But I think he might have

1 been saying goatee instead of gold teeth.

2 Q. Right.

3 A. But so -- he ended up being the main victim
4 in the case who testified.

5 Q. And so his -- you would agree that his testimony
6 was somewhat prejudicial towards -- or was, in fact,
7 prejudicial towards Mr. Campbell?

8 A. The -- he was asked ---

9 Q. Maybe we won't use prejudicial. Maybe as a legal
10 term that was damaging toward your client; is that
11 correct?

12 A. Well, during the cross of Christopher Riley,
13 I may have implied that he might have been involved,
14 or I might have asked him you weren't involved in this,
15 you know, just trying to make something. I didn't end
16 up really pursuing that theory or argue it in closing
17 argument. So that's why I think the solicitor in his
18 redirect asked Christopher Riley, do you think you would
19 have been allowed to continue working there if you were
20 involved in this at all? And he said, no. I guess his
21 point was, you know, if they suspected you were
22 involved, you would have been fired.

23 I didn't object to that. Like I said, I didn't
24 end up going down that road too far as far as the
25 argument that Christopher Riley was involved. I may

1 have made some arguments that his description didn't
2 match, but I didn't really -- by the end of the trial
3 and the closing, I wasn't really arguing -- I don't
4 think I was arguing that Christopher Riley was somehow
5 involved in this.

6 That's why I didn't object because it had
7 seemed like an obvious point. If they suspected
8 he was involved, then he probably would have been
9 fired, but clearly they didn't suspect he was involved.
10 But, you know, I don't know if that means that,
11 you know, it was for me to try and argue whether
12 or not I thought he was.

13 Q. But you would agree that the State was relying
14 on his testimony in order to convict Mr. Campbell,
15 was relying, in part, on his testimony, would you not?

16 A. In part. In part. It was mainly on the other
17 employee, Leslie Green, who identified him as his
18 cousin. That was the strongest piece of evidence
19 and the fingerprint.

20 Q. And you would agree that that question between
21 Lines 2 and 4, you would agree that's certainly
22 speculative?

23 A. Yeah, that could be speculative. If I could
24 go back, maybe I would object to that.

25 Q. And wouldn't it also be somewhat bolstering

1 of the State's witness?

2 A. As far as implying that he was not involved
3 in this robbery at all and was not a true victim.
4 But again that really didn't end up being my main
5 argument. It was just some stuff I was exploring
6 on cross-examination.

7 Q. Okay. And then if we could look at, I guess
8 it's the direct testimony by Russell Brown.

9 A. Russell Brown.

10 Q. On Page -- I'm sorry, on Page 249.

11 A. Yes.

12 Q. And so if you could just kind of review that
13 to yourself, review that questioning that starts kind
14 of like on Line 12 going through to the end.

15 A. Okay.

16 Q. And this is -- I'm sorry. Are you ready?

17 A. Yes.

18 Q. All right. So there was an issue with
19 fingerprints and this door handle; is that right?

20 A. That's right.

21 Q. And how would you characterize that issue?

22 A. These were -- there's two wooden doors, and there
23 were two handles in the center of the door on each side
24 close together. The handles were kind of ornate.
25 I think they were brass, and there was a handle that

1 you grab, and there was this sort of tongue latch that
2 popped where you would put your thumb where it looks
3 like you would push the button to unlatch the door
4 and open it.

5 The key piece of evidence in the case was
6 that Mr. Campbell's left thumbprint was found on both
7 of those doors, I think on both of the tongues as
8 if he had tried to -- I don't think the left one was
9 open. So, I think it's if he tried to grab the left
10 one, it didn't open, and then he grabbed the right
11 one and opened it.

12 So the State was trying to argue that the people
13 who work there would have known that you don't have
14 to push that tongue with your thumb to open the door,
15 you just have to grab it and pull it. And what they
16 were trying to say is that that's evidence that other
17 employees wouldn't have put their thumb -- I don't know.
18 I guess other employees wouldn't have put their thumb
19 there.

20 I'm not sure exactly where they were going but --
21 I don't know. I didn't know -- I'm not sure if it
22 was speculative or not. I mean, what he was basically
23 testifying to is that people who -- employees who worked
24 at that business would have been aware that you don't
25 have to push the tongue to open the door. I don't

1 know if that's necessarily speculation, maybe lack
2 of personal knowledge, but I did not object to that.

3 Q. Do you think that -- I mean, the location of the
4 fingerprints on the front of the door that was certainly
5 some of the testimony that the State was relying upon,
6 was it not?

7 A. Yes, yes. The fingerprints were a big part
8 of it.

9 Q. Yeah, I guess, if it's not speculation, you say
10 lack of personal knowledge, there's no foundation
11 for the question. All right. And then I want to talk
12 about the -- would you agree that the State was relying
13 to a significant degree on circumstantial evidence
14 in this case?

15 A. To some degree, I think they were mainly relying
16 on the direct evidence of his cousin, Leslie Green,
17 testifying that he was present at the robbery, that
18 it was him who was robbing the store. But there was
19 circumstantial evidence of the fingerprint which
20 corroborated that.

21 Q. All right. And so the Court -- Judge Young's
22 circumstantial evidence charge starts on Page 383,
23 Line 1?

24 A. Yes.

25 Q. And you would agree that State v. Logan came

1 out before this case?

2 A. Yes, that's correct.

3 Q. And did you consider asking for the full sort
4 of Logan substantial evidence charge?

5 A. I'm not sure. I did not request the Logan
6 charge, and I would have been aware of it because it
7 was out when this case came out. The only explanation
8 I can give is maybe I wasn't thinking of it as a purely
9 circumstantial evidence case. There was some
10 circumstantial evidence, but the main evidence was
11 direct.

12 You know, the hardest thing to get around was his
13 cousin took the stand and said that it was Mr. Campbell
14 who did the robbery. So maybe I just wasn't thinking
15 of it as a purely circumstantial evidence case. And,
16 you know, I don't think that charge made a difference
17 in the verdict, honestly.

18 Q. But you would agree that that second paragraph,
19 it sort of helps defense counsel?

20 A. Right, right. If I could go back, I would
21 request it, but at the time I'm not sure -- I'm not
22 sure why I didn't. Like I said, it may have just
23 been I wasn't thinking as a purely circumstantial
24 case, even if there was circumstantial evidence like
25 the fingerprints. It was important.

1 MR. FALK: Thank you, Jason. I've got
2 no further questions.

3 MR. KING: You're welcome.

4 THE COURT: Okay. Do you have any questions
5 for him?

6 MS. MIMS: Yes, Your Honor.

7 CROSS-EXAMINATION

8 BY MS. MIMS:

9 Q. Good morning, Mr. King.

10 A. Good morning.

11 Q. First, how long have you been practicing law?

12 A. Twenty-two years.

13 Q. Twenty-two years. And how much of that practice
14 has been criminal?

15 A. All of it for except maybe two years. I would
16 say 20 is criminal.

17 Q. Okay. And were you appointed or retained
18 to represent Mr. Campbell?

19 A. I was appointed.

20 Q. And you represented him throughout the entire
21 process of the trial?

22 A. I didn't initially represent him. He was
23 represented by an attorney named Martha Dicus, and it
24 was transferred to me. I'm not sure why. She passed
25 away at some point in the past, but also she was very

1 good at mitigation and working out pleas.

2 And if her cases came toward a trial, then, well,
3 somebody would usually step in and take over the trial
4 of the case, and I may have done that. But I stepped
5 in, and my first trial note is October 9th, 2012,
6 and the case -- the arrest is from May 6th, 2011,
7 so a little over a year. I got involved in 2012.

8 Q. Okay. And so what evidence did you obtain
9 concerning the case from the State?

10 A. There was a surveillance video of the robbery.
11 It had different angles, it covered different parts
12 of the Firehouse Subs. The key thing about that
13 was that if you watch it, it's pretty clear that
14 the robber knows one of the workers, Leslie Green.
15 Ignores him, turns his back to him and focuses entirely
16 on the other employee. That led the police to question
17 the employee, Leslie Green, who ended up saying
18 that a guy named El was involved, but eventually said
19 it was Christopher Campbell.

20 There were several statements by Mr. Green.
21 He gave a proffer to the State, and the other big
22 piece -- the other piece of evidence there were two
23 thumbprints, two left thumbprints of Mr. Campbell
24 on both of those -- the tongues of those brass doors,
25 at the restaurant.

1 When you watch the video it appears that
2 the robber is opening the door with his left hand.
3 It's not perfectly clear, but they're holding a backpack
4 in their right hand, and the left hand is free, and
5 it looks as if the door may be open by the left hand.
6 So that was a bad fact that Mr. Campbell's left
7 thumbprint was on both of the tongues of the door.

8 When Mr. Campbell was interviewed by the police,
9 he said he didn't know anything about the Firehouse
10 Subs, and he later -- I think eventually he told
11 the detective that he drove his cousin, Leslie Green,
12 to work that morning and then went home.

13 At trial, he testified that he had been there
14 the night before to eat and had been inside the
15 restaurant which would explain why his thumbprints
16 were on the door. But he didn't tell the police that,
17 so that was kind of a problem that we had at trial.

18 Q. So how did that evidence form your theory
19 of the case, or your theory of defense?

20 A. I decided to go with the initial statement
21 by Leslie which was that this guy ---

22 MR. FALK: I'm sorry, Judge. Sorry.

23 MS. MIMS: Go ahead, Mr. King.

24 BY MS. MIMS:

25 A. Okay. Sorry. My theory of the case. So, I went

1 with what Leslie Green initially said, that it was
2 a person named El, and I had recordings of him -- of
3 Leslie Green being interrogated, and they really put
4 a lot of pressure on him to name who the robber was.
5 They threatened him with 25 years in prison. And so
6 I was arguing that he eventually named Mr. Campbell
7 because of the pressure on the police, and he either
8 didn't have the information on El to give them,
9 or he didn't want to give the information on the person
10 who really did it.

11 I put up witnesses to explain the shoes that
12 were found, and I put -- Mr. Campbell took the stand
13 and testified that he had been to the restaurant the
14 night before and that's how his fingerprints got there.
15 And I put up his uncle and his mother to testify about
16 the shoes and his character witnesses.

17 Q. And ---

18 A. So my defense is that Leslie Green, the
19 testifying co-defendant, was not telling the truth
20 and was pointing out the wrong person.

21 Q. And so it's your testimony that the issues
22 surrounding the video that was played for the jury,
23 you didn't find it to be problematic for your client
24 because that was not your theory of the case?

25 A. Right. He just used the generic word "him."

1 When they're playing the video and queuing it up,
2 and the robber starts to walk toward the door, he said
3 that's him there, meaning, we can stop the video here
4 because that's where the robber is. It wasn't him.
5 Nobody in the court -- there's nobody who was arguing
6 that whoever that was, was not a him.

7 So, like I said, I did not perceive that
8 as the judge commenting that my client is the him,
9 that the robber is a him, whoever that him happens
10 to be.

11 Q. And you also moved to suppress the search warrant
12 of the Applicant, correct?

13 A. Yes.

14 Q. All right. And that was denied by Judge Young?

15 A. Yes.

16 Q. And so once it was denied by Judge Young, what
17 was your theory of the case at that point? What was
18 your overall trial strategy?

19 A. I thought that I would embrace the shoes and
20 was just going to run with the shoes because I thought
21 I could explain -- and that's what I believe from
22 reading the transcript and remembering back that far
23 is that I embraced the fact and just decided to mention
24 it in opening and make it part of my case, is only I can
25 figure. It's why I abandoned that issue and why

1 I objected later on. I'm not sure to the photograph.
2 It's been so long ago; that was 2014. I just honestly
3 don't know.

4 Q. I want to -- sorry to jump around, but I want
5 to get back to the issue of jury selection. So what
6 is your general practice when you're picking the jury?

7 A. Well, asking voir dire questions depending
8 on what the case is about, asking -- thinking about
9 the voir dire questions. And that's when I would
10 want to know if anybody had been the victim of a violent
11 crime, that would have been a real concern for me.
12 I wouldn't want anybody to be on the jury who had
13 a friend or a close family member or themselves
14 had been some sort of victim of a robbery.

15 I think I struck the owner of Outback Steakhouse
16 because he owned -- you know, he owned this restaurant,
17 and I also struck people who had served on that previous
18 jury and convicted someone. In this case, that was
19 my strategy for that.

20 Q. And so what factors do you consider when deciding
21 whether or not to object to the composition of the jury
22 panel? Is it a strategic decision?

23 A. Well, sometimes on paper it's hard to tell.
24 When you're picking a jury, you're dealing with live
25 people, you know, and you get some kind of impression

1 of these people. So, yeah, it may have been that --
2 like I said, I was content with the jury that I had
3 because if the Batson had been granted, then we just
4 reshuffle the deck, and we're just going to start
5 picking all over again.

6 And I still had the problem with the juror,
7 Ms. Cromwell, that I had struck who was a black female.
8 And also had the problem with Mr. Arthur Wright, juror
9 393, who served on the previous jury that I probably
10 would have struck as well. So we're going to have
11 to reshuffle the deck all over again.

12 And, you know, at some point, you can look --
13 you see a jury, and if it looks like you got about as
14 fair a jury as you're going to get, sometimes I don't --
15 I just move forward with the jury that I have because
16 you don't know what you're going to get the second time
17 around.

18 And I think there may have been other people
19 in the panel who might have been involved in some crime
20 -- you know, seen some violent crimes. I'm not sure,
21 but there were some people who answered that question
22 and stood up. So, you know, at some point, you know,
23 I figured I had as good a jury as I was going to get.
24 That's what I believed was going on back then.

25 Q. And you had your strike sheet in front of you

1 as well?

2 A. Yes.

3 Q. And so the State did strike a white male,
4 correct?

5 A. Yes.

6 Q. It was your testimony earlier that the search
7 for the truth language would not have been objectionable
8 at the time. That was your understanding?

9 A. I'll put it -- it wasn't really in a lot of
10 attorney's radar at the time because it was in that
11 circuit court bench book. A lot of the judges were
12 giving these preliminary opening remarks to the jury
13 and putting that in there. So, you know, a lot
14 of us had been used to hearing that a lot, you know.

15 Some good lawyer, I'm sure, made the objection
16 at the right time and got that changed. But at the
17 time, I just -- like I said, it wasn't really in
18 everyone's radar until 2019 when State v. Beaty came
19 out.

20 Q. It was your testimony earlier that the two
21 instances that Mr. Falk pointed out in the transcript
22 regarding the speculation, that you may have objected
23 to those now, but you did not object to them then?

24 A. And, you know, hindsight is 20/20, you know,
25 when you're looking back now. Mr. Falk suggests maybe

1 I should have objected. But, you know, when you're
2 in the midst of the trial, there's a lot going on,
3 you know, and these were questions that came out here.
4 I'm objecting to some things, but these questions came
5 out.

6 I don't know. I didn't think that they were
7 that prejudicial. I don't think that they made a real
8 difference in the case, honestly. But to know exactly
9 what I was thinking during that time is tough for me
10 to say that long ago.

11 Q. So you didn't think that they would be
12 prejudicial to your client's case overall at the time?

13 A. Right. Right. And looking back on it, reading
14 back on it, I don't think that those two comments were
15 that prejudicial to the case.

16 Q. Earlier regarding the jury charge in State v.
17 Logan, your testimony was that you didn't think this
18 was a huge circumstantial evidence case, correct?

19 A. That's what I believed because, like I said,
20 I would have been aware of Logan. But maybe I was just
21 thinking this is -- you know, if you have a case that's
22 purely circumstantial, that's where maybe, you know,
23 Logan would pop up in my mind, where they don't have
24 any direct evidence at all and it's just a chain of
25 circumstances that the jury has to look at to determine

1 guilt.

2 But, you know, this case it was just hard to get
3 around the identification by the cousin, that direct
4 evidence of the cousin who was present during the
5 robbery and knows his cousin and said that was him.

6 Q. Okay.

7 MS. MIMS: Beg the Court's indulgence
8 one moment.

9 (Pause.)

10 MS. MIMS: No further questions for this
11 witness, Your Honor.

12 THE COURT: Okay. Anything further,.
13 Mr. Falk? You're muted.

14 MR. FALK: Nothing further for redirect,
15 but we're going to call Mr. Campbell.

16 THE COURT: Okay. All right. Thank you.

17 MR. FALK: Mr. Campbell, can you hear me?

18 THE DEFENDANT: Yes, sir.

19 MR. FALK: All right. Can you go sort
20 of through your ---

21 THE COURT: Hold on just a minute.
22 Mr. Campbell, raise your right hand, please, sir.

23 MR. CHRISTOPHER CAMPBELL was called as
24 a witness, being duly sworn, was examined and testified
25 as follows:

1 THE COURT: Okay. Thank you. You could
2 proceed, Mr. Falk.

3 MR. FALK: Your Honor, this is just a bit
4 of an aside.

5 DIRECT EXAMINATION

6 BY MR. FALK:

7 Q. Mr. Campbell, how long have you been at the
8 Darlington yard?

9 A. I have been here for two weeks now, sir.

10 Q. Did you get any of my letters that I sent
11 you last month?

12 A. No, sir, I did not.

13 Q. Okay. So they must -- because at that time,
14 I thought you were still at MacDougall.

15 A. No. The mailroom there has been very slow,
16 I think due to COVID, so, you know.

17 Q. Okay. Anyway, let me ask -- let me go back
18 regarding Mr. King. So were you in custody the whole
19 time, or were you out on bond?

20 A. No, sir, I was out on bond.

21 Q. Okay.

22 A. And I bonded April of 2012.

23 Q. How many conversations did you have with Mr. King
24 about the evidence in this case?

25 A. I may have had two or three conversations

1 with Mr. King. I just remember specifically asking
2 him after Ms. Dicus died because -- all right, in 2012,
3 I had Ms. Martha Dicus. She was battling cancer,
4 but at that time the solicitor was Meg Sprinkle.
5 Meg Sprinkle came to Ms. Dicus with an eight-year
6 deal or something of the sort. I spoke to her that
7 afternoon, I told her that's something I will have
8 to speak about to my family, and I will get back
9 to her. Later on, she passed away.

10 I think two months or a month and a half later,
11 they gave me Mr. King. I remember specifically asking
12 Mr. King as Ms. Mims is asking what kind of attorney
13 he was, and he told me he used to do insurance before
14 he became a criminal attorney. So that gave me a little
15 pause and issues. So, I was still working at the time,
16 but I was also helping my grandmother, Ms. Martha
17 Campbell, pay bills. So, I tried to enlist the help
18 of Ms. Melissa Gay, but to no avail. I couldn't really
19 get all the funds together in time, so I had to stick
20 with Mr. King.

21 Q. So what was -- when y'all were preparing
22 for trial, what was your trial strategy?

23 A. Well, the trial strategy, he was saying
24 that he was mainly focused on Mr. Leslie Green, which
25 he is my cousin. Also at that time, he said something

1 about the fingerprints, which I told him -- I mean,
2 it's not an excuse, but it's the truth. At that time,
3 I was young, and the officer who was interviewing
4 me at the time, he had a bad attitude, so I didn't
5 really want to speak to him. So, you know, I would just
6 tell him I don't know anything, you can just -- either
7 you're going to let me go, or take me to the county.

8 But mainly his strategy was saying -- like
9 he said, was trying to focus on Mr. Green because
10 he did say that El, which I don't know El's real name.
11 I do know him. He's serving time at Lieber right now
12 actually. But he said that was his main focus.

13 As far as the evidence goes, there was no
14 evidence linking to me, besides the fingerprints they
15 said that was outside of the door. They didn't find
16 a weapon at my home. They didn't even search my room
17 when they came to my home. They searched my uncle's
18 room, which is LeRoy Campbell.

19 And when you was asking him about the tape,
20 the judge when the jury came in -- the jurors came
21 in, even though he may have said him, his hands
22 was motioning over to my table. So even with that
23 motion, you know, we as people we buy with our eyes.
24 So, if I say, Mr. Falk, such and such James whatever,
25 and I'm pointing this way, you may think that he's

1 James, but that's not James, he may be Paul. So that's
2 all really.

3 Q. You were in the courtroom when Judge Young made
4 that comment, obviously?

5 A. Yes, sir.

6 Q. And you felt that you were being identified?

7 A. Yes, sir.

8 Q. Did you say anything to Mr. King?

9 A. I said something to Mr. King. He told me, like,
10 that's really -- they can do that really, that's what
11 he kind of said. I'm just paraphrasing. So, I figured
12 that wasn't right. Then as I -- when I came to prison,
13 I got to know a little bit about the law as much as
14 I can comprehend because I'm not a lawyer. I knew that
15 wasn't right. I knew the composition of the jury wasn't
16 right either.

17 Q. Well, let me come back around to that. But as
18 far as -- so you felt that you were being identified?

19 A. Yes, sir.

20 Q. And you brought that to Mr. King's attention?

21 A. Yes, sir.

22 Q. All right. Now what role did you -- I know
23 when they pick juries in Charleston County, it goes
24 really pretty fast. What role did you have? I mean,
25 were you communicating with him as far as who

1 you thought would be fair jurors?

2 A. I was communicating with him, but I think I may
3 have only picked one guy to strike because of his ties
4 to law enforcement, and he was a white gentleman.
5 As far as the trial beforehand, he didn't discuss
6 any of that with me about the jurors from beforehand,
7 and did I want to try to get another jury panel, which
8 I would have tried to get another jury panel.

9 Q. What was your concern about the jury panel?

10 A. My concern, there was only one black individual
11 on the jury. She was a female woman. I did a little
12 research on her while I was back there. She's not of
13 my social or economical background. So she's a teacher
14 I think, or in the medical field, and she was the only
15 black woman, or black person period, on the jury.

16 Q. Did you say anything to Mr. King when he struck
17 -- when the State struck the African-American juror,
18 that would be -- I'm assuming this is the order,
19 when they struck, I think it's Cromwell, juror number
20 83?

21 A. Oh, yes, sir. Yes.

22 Q. The DSS person?

23 A. Yes, sir. I mean, I don't know what DSS has
24 to do with a criminal trial. So, I was -- I rather
25 they would have kept Cromwell.

1 Q. I misspoke there. Actually, Mr. King struck
2 Cromwell. The first one the State struck was Adam
3 Wright, who was a black male. That was their first
4 strike.

5 A. I remember Mr. Wright; he was an older gentleman,
6 gray hair. I would rather him being kept because
7 I believe that he would have shown me fairness.

8 Q. And then there was a black female, the last
9 one the State struck, looks like it's Grampus [ph.]?

10 A. Grampus. I don't remember much about
11 Ms. Grampus.

12 Q. But did you have any conversations with him about
13 the panel?

14 A. Yeah, I told him I didn't feel comfortable
15 with the panel.

16 Q. Do you have anything else to add here? I think
17 we've covered the issues that we have discussed,
18 or at least through letters. Do you have anything else
19 that you want to say?

20 A. Right now, I would just like to say I don't feel
21 I got a fair shake in the trial, or a fair shake with
22 the court system, period. And I would just hope that
23 this judge and this court will be more willing to see
24 what really went on instead of coming to conclusions.
25 My cousin Leslie was young at the time; I also was young

1 at the time. So if somebody was trying to scare me
2 with 30 years in prison, I believe I would say anything
3 myself ---

4 MS. MIMS: Your Honor, I object. Relevance.

5 THE COURT: Okay.

6 MR. FALK: I have no further questions.

7 THE COURT: Okay. Thank you. All right.

8 I will let y'all know something in a few days.

9 MR. FALK: Thank you.

10 THE DEFENDANT: Thank you, Judge.

11 MR. FALK: Mr. King, are you going to be
12 there for a while now?

13 MR. KING: Yes, sir, I'll be here.

14 MR. FALK: Okay. All right. Well,
15 I'll communicate with you there.

16 MR. KING: Okay. Thank you.

17 MS. MIMS: Judge, is it possible that
18 I could recall Mr. King?

19 MR. FALK: I have no objection.

20 THE COURT: Okay. All right, recall
21 Mr. King. Mr. King, you're leaving.

22 MR. FALK: He's running away. He's being
23 more professional than me. He's got his coat and tie
24 on. I don't even have a tie.

25 MR. KING: I got causal.

1 THE COURT: That's okay.

2 MS. MIMS: Thank you, Mr. King.

3 RECROSS EXAMINATION

4 BY MS. MIMS:

5 Q. Were there any plea negotiations?

6 A. Yes. I don't -- I'm not aware of the eight-year
7 offer that he talked about, but I got an offer of
8 the minimum ten in an armed robbery. That was in 2013,
9 so I discussed that with him March 19th, 2013. Let's
10 see -- offered ten years on an armed robbery; he wanted
11 a trial. The offer was still available in December
12 of 2013, but Mr. Campbell still rejected the offer
13 and went to trial.

14 Q. And what were your discussions with Mr. Campbell
15 regarding the jury selection, if any?

16 A. I don't remember. I mean, typically, when
17 I'm picking a jury, I mean, there's a lot going on.
18 I've got to listen and -- you know, I can't just have
19 a client telling me I like this person, I don't like
20 that person because I can't just strike a person because
21 the defendant says I don't like the look of that person.
22 You know, I've got to have a race-neutral reason
23 to strike them. And, you know, I have had clients
24 who want me just to strike jurors because they're white.
25 So, I can't let them exactly drive everything

1 that's going on with the jury selection. You know,
2 I take what they say into consideration. I try to
3 do the best that I can, but I don't -- I don't remember
4 that specifically to know just what we discussed --
5 what I discussed with Mr. Campbell. He would have been
6 sitting there at the table, but I don't know exactly
7 what I discussed with him, honestly.

8 But I think, you know, these are -- you know,
9 when you go with the decisions that the client gets
10 to make versus decisions the attorney gets to make,
11 you know, picking the jury is -- you know, the defendant
12 has some input, but I think I'm making the main
13 decisions on that.

14 Q. And ---

15 A. I wouldn't disregard his input, but, like I said,
16 I made the decisions. I don't remember discussions that
17 Mr. Campbell and I had during that jury qualification
18 that long ago.

19 Q. Okay. And, as you stated earlier, this was
20 a strategic decision, or was it a strategic decision?

21 A. What was a strategic decision?

22 Q. The way you selected the jury.

23 A. That's my -- looking back, what I think was going
24 on because, you know, I'm certainly aware of Batson
25 and that I can make that motion. But I have -- in the

1 past, I had juries that were picked. If the jury -- if
2 I'm content that I think I've got about as good a jury
3 as I could get, I would always make the motion because
4 you're going to have to reshuffle the deck and do all
5 that again.

6 So, I'm just assuming that's what happened in
7 this case, is that I was satisfied this was about as
8 good a jury I was going to get under the circumstances
9 and went with it.

10 Q. How many times did you meet with Mr. Campbell?

11 A. I just had that a minute ago.

12 THE WITNESS: Beg the Court's indulgence.
13 One moment, Your Honor, I had that.

14 THE COURT: Okay.

15 THE WITNESS: Okay. It looks like I met
16 with him starting in 2012. A couple of telephone
17 conversations when I initially got the case in 2012.
18 We had an office meeting January 2nd, 2013. He was
19 on -- let's see. We met -- made a telephone call in
20 early 2013, telephone call in March of 2013, an office
21 visit 3/28/13.

22 He was on a lot of trial dockets starting
23 in 2014. He was on maybe two or three trial dockets
24 before we were reached, so I met with him several times
25 during 2014 in the office. I would say three or four

1 times in 2014 working up to the trial, meeting in the
2 office. So in between, yeah, I probably met with him
3 five or six times in the office and had maybe as many
4 telephone calls.

5 MS. MIMS: Beg the Court's indulgence
6 one moment.

7 (Pause.)

8 MS. MIMS: No further questions, Your Honor.

9 THE COURT: Okay. This will conclude this
10 hearing, and I will let y'all know my decision.

11 THE DEFENDANT: Can I say something
12 for one second, Your Honor?

13 THE COURT: Okay.

14 THE DEFENDANT: He just said in January
15 of -- I mean, December of 2013 that he spoke to me
16 and told me about a plea. In December of 2013, I don't
17 remember speaking to him at all. And if he would have
18 said the ten years, that's something I would have
19 discussed with my family to see what the best route
20 would be.

21 Now previous, in March when he first
22 got the case, I did tell him let's go to trial.
23 But in December, I don't remember speaking to him
24 at all, specifically because I wasn't even in town
25 at the time to meet him, or I don't think I spoke

1 to him on the phone. Two of those weeks I was in
2 Tennessee in Pigeon Forge in the cabins with my family,
3 and the other two weeks I was in Florida.

4 THE COURT: Okay. And at any point,
5 did he give you an offer of ten years, and you decided
6 to go to trial?

7 THE DEFENDANT: No, not at any time he gave
8 me an offer of ten years. I remember my grandmother,
9 Ms. Martha Campbell, speaking after the trial -- after
10 I spoke to her after the trial because he did say
11 something about a plea then, and he didn't give
12 me a number. He just said they wanted me to plea.
13 So if he would have gave me a number maybe I would
14 have considered it, but that never happened.

15 THE COURT: Okay. Thank you.

16 THE DEFENDANT: Thank you.

17 THE COURT: All right.

18 MR. FALK: Thank you, Judge.

19 THE COURT: Yes, sir.

20 (End of Transcript of Record)

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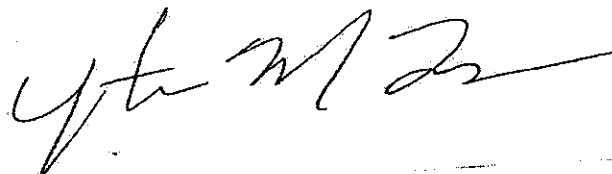
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State of South Carolina)
County of Charleston)

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in the Circuit Court for Charleston County, South Carolina, via the virtual courtroom, on the 8th of April, 2022.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

September 26, 2022



Yvestre Torres

Circuit Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Christopher Campbell, #361841,

Applicant,

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
) FOR THE NINTH JUDICIAL CIRCUIT

) CASE NO. 2019-CP-10-3577

ORDER OF DISMISSAL

2023 APR 25 PM 3:15

FILED

The matter comes before this Court by way of an application for post-conviction relief filed by Applicant Christopher Campbell on July 5, 2019, asserting various allegations of ineffective assistance of counsel. Respondent the State of South Carolina made its return to the application and requested an evidentiary hearing to resolve the issues as set forth in the application.

An evidentiary hearing was convened on April 8, 2022, at the Charleston County Courthouse. Applicant was present and represented by appointed post-conviction relief counsel James K. Falk, Esquire. Assistant Attorney General Lauren T. Mims of the South Carolina Attorney General's Office represented Respondent. Following testimony from Applicant and his two plea counsels, this Court took the matter under advisement to further review the record and applicable law before making a ruling.

After a thorough review of the record in its entirety, along with the arguments presented at the evidentiary hearing, this Court finds Applicant has failed to establish any constitutional violations or deprivations entitling him to relief and, accordingly, denies and dismissed this action with prejudice. Specific findings of fact and conclusions of law as required pursuant to S.C. Code Ann. § 17-27-80 are set forth below:

PROCEDURAL HISTORY

The records before this Court ¹ establish that Applicant is presently confined pursuant to orders of the Charleston County Clerk of Court. Applicant was arrested following an investigation into the armed robbery of a restaurant located on King Street in downtown Charleston, South Carolina. The evidence introduced at trial established that shortly before opening on May 4, 2011, Applicant entered a Firehouse Subs restaurant, pointed a revolver at two employees (Christopher Riley and Leslie Green), and demanded money. Subsequent investigation revealed that Green was related to Applicant and has assisted in orchestrating the robbery. Green eventually agreed to assist the prosecution with the hope of receiving a more lenient sentence after he was also charged for his involvement in the armed robbery.

In August 2011, the Charleston County Grand Jury indicted Applicant for Armed Robbery (2011-GS-10-04830) and Possession of a Firearm During the Commission of a Violent Crime (2011-GS-10-04831).

Assistant Public Defenders Jason King and Luke Malloy of the Ninth Circuit Public Defender's Office represented Applicant. Assistant Solicitors Alexander Ziegler and Benjamin Simpson of the Ninth Circuit Solicitor's Office prosecuted the case. On October 22, 2014, Applicant proceeded to trial before the Honorable W. Jeffrey Young, then-circuit court judge. At the conclusion of trial, the jury convicted Applicant as indicted. Judge Young sentenced Applicant to concurrent terms of imprisonment of eighteen years for armed robbery and five years for

¹ The records before this Court include the application for post-conviction relief, the amended applications for post-conviction relief, the return to the application, the Charleston County Clerk of Court general sessions records from the underlying conviction, the trial transcript, the complete appellate record (including the record on appeal, all pleadings before the South Carolina Court of Appeals and South Carolina Supreme Court), and Applicant's records from the South Carolina Department of Correction. This Court has reviewed the record in its entirety.

possession of a firearm during the commission of a violent crime} affirmed Campbell's convictions and sentence.} State v. Campbell, Op. No. 2016- UP-367 (S.C. Ct. App. filed July 20, 2016). Thereafter, Campbell petitioned for rehearing, which was subsequently denied. Campbell then filed a petition for a writ of certiorari to the South Carolina Supreme Court, which granted certiorari. Following briefing, the Supreme Court dismissed the case as improvidently granted on June 12, 2019. The Remittitur was issued to the lower court on June 12, 2019.

CURRENT PROCEEDING

In his application for post-conviction relief, Applicant alleged he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
 - a. "Counsel was ineffective by not objecting to the jury charge nor filing motions to the judge that the jury charge is defective because he did not charge criminal intent for the jury."
 - b. "Counsel was ineffective during the sentencing phase of the trial by telling the judge that he informed his client not to say anything, causing the judge not to ask me to allocate as required."
 - c. "Counsel was ineffective by failing to of a reasonable investigation of the offense of armed robbery to see if it had the Great Seal of South Carolina affixed to it."

Applicant filed an amended application on March 10, 2020, alleging additional claims of ineffective assistance of counsel.

- d. "Trial counsel was ineffective for not objecting to the composition of the jury panel. Applicant informed and believes that the State exercised its pre-emptory strikes in a racially discriminatory manner and in violation of the U.S. Supreme Court's decision in *Batson v. Kentucky*, 476 U.S. 79 (1986)."
- e. "Trial Counsel was ineffective for not objecting to the Court's comment page 396, line 3-4. During deliberations, the jury asked to see the surveillance tape again (State's exhibit 1). While the tape was playing, the Court stated: 'That's him coming in and then you can play the whole thing.' The identity of the individual on the surveillance video was a significant issue in this case. Applicant is informed and believes that jurors could have understood the Court's

statement as its opinion that Applicant was the individual depicted on the video.”

Applicant filed a second amended application, alleging additional claims of ineffective assistance of counsel.

- f. “Trial counsel was ineffective by failing to object to the Court’s ‘search for the truth’ language in its opening charge. P. 75 lines 12-15.”
- g. “After initially moving to suppress the search warrant for the residence on Champagne Lane in Charleston, Trial counsel provided ineffective assistance by failing to preserve the issue for appellate review. Trial counsel’s opening argument serves as a waiver of the argument (p. 94 lines 7-10), and trial counsel failed to preserve the issue when Detective Williams testified about the Nike shoes. (P. 216 lines 1-7).”
- h. “Trial counsel failed to object to the Solicitor’s speculative questioning. (P. 154 lines 2-5 and P. 249 lines 21-23).”
- i. “The Court’s charge excluded the following language included in the circumstantial evidence charge recommended by Court in Logan².”

Applicant went forward on six of his claims: (1) trial counsel failure to object to composition of jury panel, (2) failure to object to court’s comment on surveillance tape, (3) failing to object to language in Court’s opening charge, (4) failing to preserve issue of admission of search warrant on Champaign Lane and testimony concerning Nike shoes for appeal, (5) failure to object to questioning by solicitor, and (6) failure of trial counsel to request entire Logan instruction on circumstantial evidence. An additional allegation was brought by Applicant at the end of the Evidentiary Hearing of (7) ineffectiveness of Trial Counsel for failure to communicate a plea deal to Applicant.

² Applicant cited to Logan: “Circumstantial evidence is proof of a chain off acts and circumstances indicating the existence of a fact; and to the extent the State relies on circumstantial evidence, all of the circumstances must be consistent with each other, and when taken together, point conclusively to the guilt of the accused beyond a reasonable doubt. If these circumstances merely portray the defendant's behavior as suspicious, the proof has failed”. State v. Logan, 405 S.C. 83, 747 S.E.2d 444 (2013).

SUMMARY OF TESTIMONY AT THE EVIDENTIARY HEARING

Trial Counsel Jason King testified first. On direct examination, Trial Counsel testified he had juror numbers 83, 121, 393, and 139 as black jurors on his strike sheet. Evid. Hr. Tr. P. 6-7. The State exercised two of their preemptory strikes on the black jurors, and Trial Counsel testified he did not consider a Batson argument because he was focused on striking jurors who had convicted someone in a different trial day before Applicant's trial. Evid. Hr. Tr. 8. Trial Counsel further testified he had a strike for one of the black jurors because of her potential bias for the police, and did not challenge the State striking black juror 393 because he had struck white jurors who were similarly situated to that juror. Evid. Hr. Tr. P. 9-10. Trial Counsel testified it is likely he would have struck Black juror 393 if the State had not, because he had previously struck white jurors that fit in a category with. Evid. Hr. Tr. P. 10. Trial Counsel testified he was afraid he would get caught in a Batson issue if he did not strike black juror 393, and there were other reasons to strike him beside the fact he was in the same category as previously struck jurors. Evid. Hr. Tr. P. 10-11. Trial Counsel testified he believes diversity in juries is good, but it is not the end all, and must be balanced against other issues. Evid. Hr. Tr. P. 11.

Trial Counsel testified he does not know why the State struck juror number 393, or why they struck juror 139, a juror Trial Counsel testified he would have sat. Evid. Hr. Tr. P. 11-12. Trial Counsel summarized why he did not make a Batson argument, stating he had to make a decision if it was worth it to reshuffle the whole jury or if this was the best jury he could get, but he does not recall exactly his thoughts at the time. Evid. Hr. Tr. P. 12.

PCR Counsel then directed Trial Counsel to page 396 of the trial record, where the jury asked to see the video again. Evid. Hr. Tr. P. 13, line 18-20. Trial Counsel testified the jury might have wanted to watch the video again because he had made an argument about fingerprints, that

the robber had touched the inside of the restaurants, but the fingerprints collected were not Applicant's. Evid. Hr. Tr. P. 13-14. Trial Counsel testified the Trial Judge did make a statement in front of the jury identifying a "him" being in the video, but Trial Counsel did not object to this because he was arguing the guy in the video was someone named El. Evid. Hr. Tr. P. 14. Trial Counsel testified the Trial Judge was not identifying Applicant as the person in the video, but just stating it was a "him" in the video, and was not indicating it was Applicant, so Trial Counsel did not object. Evid. Hr. Tr. P. 14-15. Trial Counsel testified he does not believe the jury inferred the robber in the video was applicant based on the trial court's comment. Evid. Hr. Tr. P. 15.

PCR Counsel then directed Trial Counsel to page 75 of the trial transcript, lines 12 through 15, where the trial court used language like "search for the truth" and "ensure justice". Evid. Hr. Tr. P. 15, line 17-20. Trial Counsel testified the Beaty³ opinion, advising courts to avoid "search for the truth" language, came out in 2016 after Applicant's case. Evid. Hr. Tr. P. 16-17. Trial Counsel testified it was not a concern that "search for the truth" language shifted the burden, and there was no thought to object as the language was read by most trial judges and was included in the bench book given to all circuit judges. Evid. Hr. Tr. P. 16. Additionally, Trial Counsel testified the language might have been problematic in a jury charge, but the trial court used it in opening comments. Evid. Hr. Tr. P. 16.

Trial Counsel testified, regarding the search of Champaign Lane where red shoes were seized, he did not believe his argument for suppression was strong. Evid. Hr. Tr. P. 17. After cross-examining the detective in the pre-trial motion hearing, Trial Counsel testified he did not believe either argument was strong because the search warrant affidavit included the co-defendant's identification of Applicant as the robber. Evid. Hr. Tr. P. 17-18. The co-defendant also stated

³ State v. Beaty, 423 S.C. 26, 813 S.E.2d 502 (2018).

Applicant had been living at the residence for a certain period of time. Evid. Hr. Tr. P. 18. Trial Counsel testified he tried to argue the co-defendant had named another person as the robber initially, but after at the end of his argument he did not feel like it was a strong issue and decided to embrace it. Evid. Hr. Tr. P. 18.

Trial Counsel had two witnesses, Applicant's mother and uncle, and his uncle testified the shoes were his. Evid. Hr. Tr. P. 18. Trial Counsel also argued the shoes in the video were a different color than the shoes seized. Evid. Hr. Tr. P. 18. Additionally, Trial Counsel argued in his opening statement the shoes seized were a common pair of shoes. Evid. Hr. Tr. P. 19. Trial Counsel testified he did not make a contemporaneous objection when Detective Williams testified about the sneakers, on page 216 of the trial transcript, seized. Evid. Hr. Tr. P. 19-20. Trial Counsel testified he believes he had decided to abandon the argument of unlawful search and seizure for appeal, as he addressed the search in his opening argument. Evid. Hr. Tr. P. 20.

PCR Counsel then directed Trial Counsel to page 230, lines 19 through 23, where Exhibit 21 (photograph of bedroom where sneakers were located) was admitted. Evid. Hr. Tr. P. 20. Trial Counsel testified he was unsure if he had made a contemporaneous objection concerning the photograph. Evid. Hr. Tr. P. 21.

PCR Counsel then direct Trial Counsel to page 153, line 11, the redirect of Christopher Riley ("Mr. Riley"). Evid. Hr. Tr. P. 21. Trial Counsel testified was one of the victims, an employee of the restaurant robbed. Evid. Hr. Tr. P. 22. The other employee, Leslie Green, was suspected of being involved in the robbery. Evid. Hr. Tr. P. 22. Trial Counsel testified he made arguments implicating Mr. Riley in the robbery, but he did not pursue that line of argument strongly. Evid. Hr. Tr. P. 22. Based of this argument, the solicitor asked Mr. Riley if he would still be working at the restaurant if he was involved, and Mr. Riley responded no. Evid. Hr. Tr. P. 23.

Trial Counsel testified he did not object to the question because he did not want to pursue that argument, since he was not suspected in being involved. Evid. Hr. Tr. P. 23-24. Trial Counsel testified the State was partially relying on Mr. Riley's testimony, but it was Leslie Green's testimony which was the strongest piece of evidence. Evid. Hr. Tr. P. 24. Trial Counsel agreed with PCR Counsel's assessment that the questioning on page 154, line 2 through 4, of the trial transcript was speculative and he could have objected. Evid. Hr. Tr. P. 24. Trial Counsel also agreed it could be bolstering of State's witness, but testified implicating Mr. Riley was not his main argument. Evid. Hr. Tr. P. 24-25.

PCR Counsel then directed Trial Counsel to page 249, line 12 through 25, the direct testimony of Russell Brown. Evid. Hr. Tr. P. 25. Trial Counsel testified there was an issue with key evidence of Applicant's left thumb fingerprint found on doors handles tongue latch at the restaurant. Evid. Hr. Tr. P. 25-26. The State argued that an employee would have known pushing the tongue on the handle was not necessary to open the door, and just to grab and pull the door open, and Trial Counsel testified he was not sure if the State's argument was speculative. Evid. Hr. Tr. P. 26-27. Trial Counsel agreed with PCR Counsel that Applicant's fingerprints on the door were a big part the State's evidence. Evid. Hr. Tr. P. 27.

Trial Counsel testified the State relied heavily on the direct evidence of Green's testimony that he was present at the robbery, buttresses with the circumstantial evidence of Applicant's fingerprints on the door. Evid. Hr. Tr. P. 27. PCR Counsel then directed Trial Counsel to page 383, line 1, where the trial court gave a circumstantial evidence charge. Evid. Hr. Tr. P. 27. Trial Counsel agreed with PCR Counsel that State v. Logan came out before Applicant's case. Evid. Hr. Tr. P. 27-28. Trial Counsel testified he might not have asked for a Logan charge because Applicant's case was not purely circumstantial. Evid. Hr. Tr. P. 28. Trial Counsel testified in

hindsight he would request a Logan charge, but he is not sure why he did not request it then. Evid. Hr. Tr. P. 28.

On cross-examination, Trial Counsel testified he practiced law for twenty-two years, twenty of those years practicing criminal law. Evid. Hr. Tr. P. 29. Trial Counsel testified Martha Dicus was the original attorney appointed to represent Applicant, but he was subsequently appointed in 2012. Evid. Hr. Tr. P. 29-30. Trial Counsel testified he was unsure why Applicant's case was transferred to him, stating Ms. Dicus passed away at some point, but Ms. Dicus was also particularly good at mitigation and negotiating pleas, and when her cases neared trial she would usually transfer the case to another attorney. Evid. Hr. Tr. P. 29-30. Trial Counsel obtained surveillance video of the robbery, statements of Green about Applicant's involvement, and Applicant's fingerprints at the scene. Evid. Hr. Tr. P. 30. Additionally, the statement of Applicant to law enforcement he was at the restaurant the night before, and that's why his fingerprints were there. Evid. Hr. Tr. P. 31. Trial Counsel testified his defense was centered around implicating El, the person Green originally named as robber, as the robber. Evid. Hr. Tr. P. 31-32. Law enforcement put pressure on Leslie Green to name the robber, threatening him with twenty-five years in prison, and Trial Counsel argued this induced Leslie Green to name Applicant as the robber. Evid. Hr. Tr. P. 32.

Trial Counsel testified he did not see the issues surrounding the video as problematic. Evid. Hr. Tr. P. 32. The trial court said "that's him" to stop the video where the robber appears, and not to identify the robber as Applicant. Evid. Hr. Tr. P. 33. Trial Counsel testified he moved to suppress the search of Applicant's residence and seizure of the shoes, but his motion was denied. Evid. Hr. Tr. P. 33. After this denial, Trial Counsel testified he decided to embrace the evidence of the

sneakers, and so did not object to them. Evid. Hr. Tr. P. 33. Trial Counsel testified he is not sure why he did not object to the photograph. Evid. Hr. Tr. P. 34.

Trial Counsel testified he frames voir dire questions in the context of the facts of the case when for jury selection. Evid. Hr. Tr. P. 34. A concern for Trial Counsel was if any potential juror had been the victim of a violent crime, or a close friend or family member be a victim. Evid. Hr. Tr. P. 34. Trial Counsel testified he struck an owner of a restaurant and jurors who had served on the previous trial before Applicant's and convicted the defendant. Evid. Hr. Tr. P. 34. Trial Counsel testified he sometimes does not make any motions regarding a jury composition if it looks "fair enough" because he does not know if a second jury would be any better. Evid. Hr. Tr. P. 35. Trial Counsel testified, referencing his strike sheet, that the State had struck a white male juror. Evid. Hr. Tr. P. 35-36. Trial Counsel testified the "search for the truth" language was not on his mind to object to until State v. Beaty came out in 2019. Evid. Hr. Tr. P. 36. Regarding the speculative questions, Trial Counsel testified he did not believe the questions were prejudicial to Applicant and did not object to them. Evid. Hr. Tr. P. 37. Regarding the Logan charge, Trial Counsel reiterated he did not request the charge because the State's case against Applicant was not purely circumstantial. Evid. Hr. Tr. P. 37.

Applicant next testified. On direct examination, Applicant testified he was out on bond while his case was pending, and he testified he had two or three conversations with Trial Counsel. Evid. Hr. Tr. P. 39-40. Applicant testified Martha Dicus ("Ms. Dicus") was his first attorney, and the solicitor had given Ms. Dicus an eight-year plea deal, and Applicant said he would have to discuss it with his family. Evid. Hr. Tr. P. 40. Ms. Dicus subsequently passed away, and Trial Counsel was assigned to represent him, causing Applicant some concern about because of his experience. Evid. Hr. Tr. P. 40. Applicant testified the trial strategy was focused on refuting

Green's statement identifying Applicant as the robber. Evid. Hr. Tr. P. 41. Applicant testified the State had no evidence linking him to crime beside the fingerprints. Evid. Hr. Tr. P. 41.

Regarding the trial court's comments on the video, Applicant testified the trial court motioned to his table while he made the comment "that's him" about the robber in the video. Evid. Hr. Tr. P. 41-42. Applicant testified he felt like the trial court was identifying him, and he mentioned this to Trial Counsel and Trial Counsel told Applicant it was allowed. Evid. Hr. Tr. P. 42. Applicant testified he somewhat communicated with Trial Counsel about jury selection and picked one juror to strike for connections to law enforcement, but Trial Counsel did not discuss other jury selection decisions with him. Evid. Hr. Tr. P. 43. Applicant testified he wanted to try to get another jury panel. Evid. Hr. Tr. P. 43. Applicant was concerned about the jury because there was only one black woman on the jury and she was not of the same social or economical background as him. Evid. Hr. Tr. P. 43. Applicant testified he would have wished for juror number 83 and the juror the State struck to be on the jury. Evid. Hr. Tr. P. 43-44. Applicant testified he told Trial Counsel he was uncomfortable with the jury panel. Evid. Hr. Tr. P. 44.

Trial counsel was then recalled to testify. Trial Counsel testified there were plea negotiations, but he was not aware of the eight-year plea deal Applicant testified to. Evid. Hr. Tr. P. 46. Trial Counsel testified he got a ten year offer in 2013, which he discussed with Applicant, but Applicant wanted to go to trial. Evid. Hr. Tr. P. 46.

Trial Counsel testified Applicant communicated his like or dislikes for certain potential jurors during jury selection, but Trial Counsel did not choose to strike people based on Applicant's preference. Evid. Hr. Tr. P. 46. Trial Counsel testified he has to be race-neutral in jury selection, and he cannot strike jurors because of a client's preference without legitimate reason. Evid. Hr. Tr. P. 46-47. Trial Counsel testified he was not sure of the specifics of his conversations with

Applicant about jury selection, but he believes though the Applicant can input his opinion he makes the main decisions about jury selection. Evid. Hr. Tr. P. 47. Trial Counsel testified he would not disregard Applicant's input, but he ultimately made the decision who to keep or strike. Evid. Hr. Tr. P. 47. Trial Counsel testified he assumes he did not make a Batson challenge because he was content with the make up of the jury and did not want to risk having a worse jury if the challenge was granted. Evid. Hr. Tr. P. 47-48.

Trial Counsel testified he met with Applicant initially over the phone in 2012, in person on January 2013, over the phone in March 2013, and in person in late March of 2013. Evid. Hr. Tr. P. 48. Additionally, Trial Counsel testified he met with Applicant several times in person in 2014, meeting about five or six time in persona and several times over the phone. Evid. Hr. Tr. P. 48-49.

In final statement to court, Applicant testified he does not recall Trial Counsel communicating a ten-year plea deal to him. Evid. Hr. Tr. P. 49. Applicant also testified he did not recall speaking with Trial Counsel in December 2013, as Applicant was on vacation in Pigeon Forge, and Trial Counsel never communicated an ten-year offer to him. Evid. Hr. Tr. P. 49-50. Applicant testified his grandmother told him after his trial that Trial Counsel had mentioned a plea, but Trial Counsel never communicated the plea deal to him. Evid. Hr. Tr. P. 50.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Applicant has alleged he is entitled to post-conviction relief based on ineffective assistance of plea counsel. Following a thorough review of the entire record in this case (including the trial transcript, the plea transcript, the records from Applicant's underlying general sessions charges and convictions, and the records from this current action (including the PCR application and return

to the application, as well as any other filed documents), this Court finds this claim to be without merit and that Applicant has failed to meet her burden of proof.

Standard of Review

Under the Uniform Post-Conviction Procedures Act, an applicant may seek post-conviction relief upon the following types of allegations:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy[.]

S.C. Code Ann. § 17-27-20(A).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985); Rule 71.1(e), SCRPC.

The grounds for relief upon which Applicant proceeded at the evidentiary hearing pertain to ineffective assistance of counsel. The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984); Taylor v. State, 404 S.C. 350, 359, 745