

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Saluda County

Honorable Eugene C. Griffith, Circuit Court Judge

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OCT 08 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ANTONIO KENYARDO POSEY,

APPELLANT

APPELLATE CASE NO. 2017-000500

SUPPLEMENTAL RECORD ON APPEAL

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1 February 16, 2017

2 BAILIFF: All rise. Court is now in session. The
3 Honorable Eugene C. Griffith, Junior, presiding.

4 THE COURT: Y'all be seated. Ms. Mason, alternate
5 number 1 is ill. I believe she called the Clerk's Office
6 or some office and left a message which we didn't get.
7 We have now gotten it. So, now alternate number 2 is on
8 the jury and the jury is down to 12. That's how we're
9 gonna do it. You ready to go?

10 MS. MAYES: We are, Your Honor. One matter is among
11 our witnesses today we do anticipate to call two
12 witnesses regarding the victim's reputation for
13 truthfulness and that is pursuant to Rule 608(a)(2). We
14 had provided notice to defense counsel previously before
15 the start of trial in this case. I believe it was on
16 February 8th we provided notice that if the victim's
17 reputation or the victim's truthfulness was attacked at
18 all, then it would have to be her character reputation
19 for truthfulness, but if there is an attack on her
20 truthfulness pursuant to 608(a)(2) that the State would
21 call these two witnesses, and we identified them as
22 Denise Campbell-Gartrell and Nikita Wigfall Robinson
23 regarding or in rebuttal pursuant to 608(a)(2). There
24 was testimony yesterday when the victim was recalled to
25 the stand pursuant to cross examination where I believe

1 the wording of the question was outright that wasn't
2 true, was it. Something to that extent. We had the
3 court reporter check that testimony this morning.

4 THE COURT: All right. Mr. Scott, you're going to
5 argue that one? Seems plausible to me.

6 MS. MAYES: They're here. We're ready to proceed.

7 THE COURT: Likewise, they're offered the
8 opportunity to call a witness in opposition to that if
9 there is one. Of course, we're not calling those
10 witnesses first.

11 MS. MAYES: We will call I believe the principal
12 regarding the child's attendance and then those two
13 witnesses.

14 THE COURT: You have a witness to think about it.
15 Okay. Get the jury in here.

16 MS. JORDAN: I think we'll allow it.

17 THE COURT: I'll allow the converse, if you think
18 about it. All right. Bring in the jury.

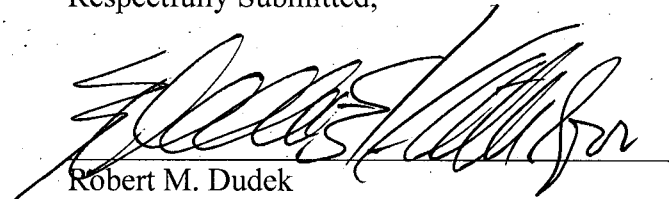
19 (Whereupon, the jury entered the courtroom at 9:45
20 a.m.)

21 THE COURT: All right. Folks, I'll tell you what's
22 going on. Ms. Mason, the lady on the back row where she
23 was sitting, she's ill. She called in and can't come
24 this morning. I don't know what kind of flu she's got.
25 Mr. Rushton also had an issue concerning people he worked

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



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This 8th day of October, 2018.

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