

**RECEIVED**

**Oct 24 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Greenville County  
Honorable G.D. Morgan, Jr., Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

JEFFERY KEYON TIMOTHY GRIFFIN,

APPELLANT

APPELLATE CASE NO 2022-001311

---

RECORD ON APPEAL

---

BREEN RICHARD STEVENS  
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

MARK R. FARTHING  
Senior Assistant Deputy Attorney General  
  
PO Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEY FOR APPELLANT

WILLIAM W. WILKINS, III  
Solicitor, Thirteenth Judicial Circuit

305 East North Street, Suite 325  
Greenville County Courthouse  
Greenville, SC 29601  
(864) 467-8282

ATTORNEYS FOR RESPONDENT

INDEX

INDEX .....	i
PRE-TRIAL HEARING TRANSCRIPT DATED JULY 22, 2023 .....	1
MOTION TO RELIEVE COUNSEL .....	5
RULING BY THE COURT.....	13
TRIAL TRANSCRIPT DATED SEPTEMBER 6-8, 2022 .....	16
COMPETENCY HEARING .....	20
TESTIMONY	
DONNA MADDOX	
Direct Examination by The Court.....	21
Direct Examination by Ms. Johnson.....	24
RULING BY THE COURT.....	26
PRE-TRIAL MOTIONS.....	27
JURY VOIR DIRE .....	32
JURY SELECTION.....	35
OPENING REMARKS BY THE COURT.....	37
OPENING STATEMENT BY MR. RICHARDSON .....	45
OPENING STATEMENT BY MS. JOHNSON.....	49
TESTIMONY	
JAVIER OCHOA	
Direct Examination by Mr. Richardson .....	51
Cross-Examination by Ms. Johnson .....	64
CHARLES HENDERSON-BLAKE	
Direct Examination by Mr. Richardson .....	69
Cross-Examination by Ms. Johnson .....	78



JAMES LEATHERS	
Direct Examination by Mr. Richardson .....	84
Cross-Examination by Ms. Johnson .....	93
JARRED GREER	
Direct Examination by Mr. Richardson .....	95
MATTER OF LAW .....	103
MOTION FOR MISTRIAL .....	104
RULING BY THE COURT.....	107
TESTIMONY	
JARRED GREER	
Cross-Examination by Ms. Johnson .....	109
<u>JACKSON V. DENNO HEARING</u> .....	111
TESTIMONY (IN-CAMERA)	
COREY CHADWICK	
Direct Examination by Mr. Richardson .....	112
Cross-Examination by Ms. Johnson .....	116
COLLOQUY.....	119
RULING BY THE COURT.....	123
TESTIMONY	
COREY CHADWICK	
Direct Examination by Mr. Richardson .....	126
Cross-Examination by Ms. Johnson .....	152
STATE RESTS .....	157
MOTION FOR DIRECTED VERDICT.....	158
RENEWAL OF ALL MOTIONS .....	158
RULING BY THE COURT.....	158
TESTIMONY	



JEFFERY KEYON TIMOTHY GRIFFIN	
Direct Examination by Ms. Johnson.....	162
Cross-Examination by Mr. Richardson.....	168
DEFENSE RESTS .....	173
RENEWAL OF ALL MOTIONS.....	174
CHARGE CONFERENCE.....	174
CLOSING ARGUMENT BY MR. RICHARDSON.....	176
CLOSING ARGUMENT BY MS. JOHNSON.....	185
CLOSING REPLY ARGUMENT BY MR. RICHARDSON.....	188
CHARGE ON THE LAW .....	190
JURY QUESTION.....	207
JURY QUESTION.....	211
VERDICT .....	212
JURY POLL.....	214
SENTENCING .....	220
COURT’S EXHIBIT NO. 1 (DMH EVALUATION 5/2/19) .....	222
COURT’S EXHIBIT NO. 2 (JURY QUESTION).....	229
COURT’S EXHIBIT NO. 4 (RESISTING ARREST JURY CHARGE).....	230
INDICTMENTS .....	231
SENTENCE SHEETS .....	237
ARREST WARRANTS.....	245
CERTIFICATE OF COUNSEL .....	253

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:  
STATE’S EXHIBIT NO. 3 (SURVEILLANCE VIDEO), STATE’S EXHIBITS NOS.  
4-10 (PHOTOS), AND STATE’S EXHIBIT NO. 11 (CHADWICK VIDEOS)**





- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

There were no witnesses.

There were no exhibits.

» > o < «

Certificate of Reporter . . . . . 16

1 (WHEREUPON, the following proceedings were held  
2 via WebEx.)

3 COURT REPORTER'S NOTE: Due to remote platform  
4 interruption and video/audio interference throughout the  
5 hearing, those instances are denoted with [audio  
6 distortion] in the transcript.

7 THE COURT: Jeffrey Griffin. All right.

8 MS. JOHNSON: May it please the Court?

9 THE COURT: Yes.

10 MS. JOHNSON: Judge, this is Mr. Griffin's  
11 motion, I would turn it over to Mr. Griffin.

12 THE COURT: All right, Mr. Griffin, I understand  
13 you're in quarantine. Let's me unmute you there.

14 All right, are you Jeffrey Griffin?

15 MR. GRIFFIN: Yes, I understand we're under  
16 quarantine.

17 THE COURT: You wish to have your hearing here  
18 done by way of video conference?

19 MR. GRIFFIN: I wasn't -- yeah, I'm okay with  
20 that.

21 THE COURT: I want to hear from you. It's my  
22 understanding -- we had a status conference the other  
23 day and you indicated you wish to have Ms. Johnson  
24 relieved as your attorney. So I'll be glad to hear  
25 from you, it's your motion.

1 MR. GRIFFIN: Yes, sir. My attorney, Teal  
2 Johnson, had failed to take a probable cause, which  
3 is a violation of my Constitutional rights. And also  
4 a violation of my due process by law. She has too  
5 many clients, which is a conflict of interest, being  
6 housed with cellmates that has the same attorney as  
7 Teal Johnson is also a conflict of interest. My case  
8 being passed along -- motion -- for attorneys --

9 THE COURT REPORTER: Judge.

10 MR. GRIFFIN: -- at the same defendants  
11 office --

12 THE COURT REPORTER: Judge, I'm having a hard  
13 time understanding him.

14 THE COURT: Can you move your mask down, we're  
15 having trouble hearing you with your mask on.

16 THE COURT REPORTER: Judge, I'm sorry, just a  
17 second.

18 (WHEREUPON, the court reporter had an  
19 off-the-record conversation with the law clerk.)

20 THE COURT: All right, can you hear court  
21 reporter?

22 THE COURT REPORTER: I'm asking for the volume  
23 to be turned down a little, please.

24 THE COURT: Oh, okay. All right.

25 THE COURT REPORTER: Thank you.

1           THE COURT: Sorry, Mr. Griffin. Start over,  
2           make sure we can hear you.

3           MR. GRIFFIN: Okay, my attorney, Teal Johnson,  
4           has failed to take probable cause, which is a  
5           violation of my Constitutional rights and also a  
6           violation of due process by law. She has too many  
7           clients, which is a conflict of interest being housed  
8           with other cellmates that has the same attorney, Teal  
9           Johnson, is also a conflict of interest. My case has  
10          been passed along to different attorneys at the same  
11          defenders office, that's also a conflict of interest.  
12          She has yet to file the proper motions to give me a  
13          bond is also a conflict of interest. Me being  
14          incarcerated, losing loved ones [audio distortion]  
15          she causing a complete state of stress for a little  
16          over 10 months, leaving me to the choice -- to this  
17          choice to take using my time wisely to fight for my  
18          own freedom by filing this motion asking that you  
19          release her from my case. And that I have some type  
20          of equity relief to get a even handed deal with  
21          fairness to get probation or take this case to trial.

22          THE COURT: All right.

23          Ms. Johnson, two questions for you. One, what  
24          is the status of his bond and has that been addressed  
25          at any point?

1 MS. JOHNSON: Yes, Your Honor. Originally, he  
2 was ordered house arrest as a condition of his bond.  
3 And it's my understanding he had a house arrest  
4 hearing, I want to say in November. At which time,  
5 the Judge revoked him for six months. And said we  
6 could refile. The problem with Mr. Griffin's case is  
7 that he is also in on a bench warrant for failure to  
8 appear for court last spring. I don't have the dates  
9 that he missed court. So I got two issues. I got a  
10 house arrest issue and then I got a bench warrant  
11 slash failure to appear issue. And all of that  
12 coincided about the time Mr. Richardson said he was  
13 going to place this case on the trial docket this  
14 summer. And I felt like once this case was on a  
15 docket, our chances of bond were slim to begin with,  
16 Your Honor. But after Mr. Richardson notified me of  
17 his desire to place this case on the trial docket, I  
18 felt like we needed to put all efforts or energy in  
19 trial prep and not a bond prep, Your Honor.

20 THE COURT: All right.

21 And Mr. Griffin, I'll hear back from you but let  
22 me ask her one more question, then I'll hear from  
23 you. [audio distortion] conflict of interest.

24 Ms. Johnson, are you aware of any conflict of  
25 interest with any cellmates or, I mean, as far as

1 this relates to this case and for this conflict of  
2 interest?

3 MS. JOHNSON: No, Your Honor, I am not.  
4 Mr. Griffin has voiced his displeasure at being in a  
5 room with one of his cellmates early on. I was not  
6 aware of that. I did not represent him at that  
7 point. This case has been passed around from  
8 different public defenders in our office. I believe  
9 Ms. Manigault had it, initially. Then it was  
10 assigned to Chad Propst and I assumed representation  
11 of Mr. Griffin in March of 2021, Your Honor. But to  
12 answer your question, Judge, no.

13 THE COURT: All right, Mr. Griffin, you wanted  
14 to say something?

15 MR. GRIFFIN: Yeah, it was a few cellmates that  
16 I was housed with and they would speak on their case  
17 around the dorm. And, you know, they was letting me  
18 know that as you -- I'm not sure if you're aware of  
19 someone by the name of Carlos Knoxx being one of her  
20 alleged -- one of her clients. And, you know, it  
21 just was a lot of -- you know, I was being housed  
22 with a lot of people that had her as my -- had her as  
23 their attorney. And me as well as. So it kind of,  
24 you know, didn't -- I didn't quite sit right with it.

25 And also, whenever I did get a chance to get

1 relieved on bond, that, you know, I allegedly went to  
2 Bull Street down in Columbia for a mental health  
3 evaluation for drug uses. And to get help. I was  
4 being housed in four alpha. And I was on psych meds.  
5 And when I did get released, instead of me getting  
6 the proper help, you know, being -- I mentioned to  
7 Teal Johnson if she could get me the help because I  
8 was homeless, at the time, I didn't have anywhere to  
9 stay. And when I did give the jail the address that  
10 somebody contact me whenever I got put on house  
11 arrest that, you know, the address was in the system  
12 and my attorney, Teal Johnson, she somehow -- she --  
13 she didn't have the correct address to sent me  
14 paperwork stating that I was needing to go court for  
15 a hearing that this date. And it left me -- like, at  
16 the time, I didn't know if she was my attorney. So  
17 whenever I did show up to general sessions, because I  
18 did have -- they did give me a status to show up  
19 whenever I did leave the jail and they gave me a date  
20 that I showed up to a hearing or court. And I  
21 appeared there and I didn't know who was my attorney,  
22 at the time. They said Chad Propst or Chad Proost or  
23 whatever his name is. But I didn't -- when I showed  
24 up in court at general sessions, I was unaware of  
25 where he was. Some people were saying that my

1 attorney was this person. And I was telling them,  
2 the people at the desk, that this wasn't my attorney.  
3 And I was just like waiting around. And then they  
4 kind of give me the run around whenever I did go to  
5 uh -- whenever I did go to um, that role call.

6 And also, she had -- she just recently told me  
7 that she had paperwork that she was sending out to a  
8 address that I was unaware of of Piedmont address, if  
9 I'm not mistaken. She said that this was the last  
10 address that they had on file for me. Which I was --  
11 I did not stay in Piedmont since -- I want to say I  
12 didn't live in Piedmont since 2000 and -- 2011. And  
13 it was address that she was sending -- she said she  
14 sent the paperwork to, which was a incorrect address.  
15 And I felt like if I had the proper help to get in  
16 some kind of program to get help, for me being back  
17 and forth to work and stuff like that, it would have  
18 helped my situation a lot. Being that, you know, I  
19 didn't that kind of help. It left confusion  
20 somewhere around waiting. Like I say, she went to  
21 send the paperwork at that address that I didn't stay  
22 at since 2011.

23 THE COURT: All right. Let me hear what The  
24 State has to say and then I'll get back to you, all  
25 right.

1 MR. GRIFFIN: Yes, sir.

2 MR. RICHARDSON: Thank you, Your Honor, may it  
3 please the Court. Your Honor, we're opposed to any  
4 type of removal of Ms. Johnson. I don't believe the  
5 Defendant has alleged anything that would warrant her  
6 removal. She's been very active with the case with  
7 me. She's met with me on, at least, one if not two  
8 occasions. And we've had many communications about  
9 the case offers and discovery. The reason why this  
10 case is the age it is is because The Defendant  
11 absconded. He absconded off of HIP and I had to get  
12 a bench warrant. Your Honor, it was on the trial  
13 docket for July, it did not get reached. It's on the  
14 trial docket now for August the 8th. We're prepared  
15 to go forward and would ask that you deny the motion.

16 THE COURT: Is there any offers outstanding, at  
17 this point?

18 MR. RICHARDSON: Well, the last offer we made  
19 was rejected.

20 THE COURT: What was it?

21 MR. RICHARDSON: If memory serves me -- tell me,  
22 what was it 15? I made an initial offer of 20 years.  
23 And we had discussions of possibly 15 years; is that  
24 right?

25 THE COURT: I've got my notes -- and that was a

1 global settlement? That took care of everything he  
2 had pending against him?

3 MR. RICHARDSON: Yes, sir. He has a total of  
4 four armed robberies among miscellaneous charges  
5 along with those. Yes, it would. It would take care  
6 all four armed robberies. But it was my  
7 understanding that he wanted a trial and we're  
8 prepared to go to trial.

9 THE COURT: All right.

10 Mr. Griffin, I'm going to hear from Ms. Johnson,  
11 then I'll hear from you. You get the final word.

12 Ms. Johnson.

13 MS. JOHNSON: May it please the Court. Your  
14 Honor, I have tried to get my client to focus on the  
15 matter at hand, the more important issues here, which  
16 are the serious charges. You know, I was doing  
17 everything I could to try to locate my client. And  
18 going back to every address we ever had on file. And  
19 I don't know why that is used against me. But for  
20 what it's worth, Your Honor, we are not -- I'm not  
21 able to get him to focus on what is in front of us.  
22 What is coming down the track very fast. And it's --  
23 we're on the trial docket for August 8th, Your Honor.  
24 And that is the -- what I'm trying to get Mr. Griffin  
25 to see, not these other little issues about address

1 and not getting in touch with him. I did everything  
2 I could to try to find him so that he would not get a  
3 bench warrant.

4 Your Honor, I do believe that our relationship  
5 is broken down. We can't focus on the trial and his  
6 other charges. Instead, we're focused on this  
7 address and why I sent an address -- or why I mailed  
8 a letter to this address last year. It was to try to  
9 get in touch with him. So that he wouldn't get a  
10 bench warrant. But he did get a bench warrant. But  
11 regardless, Your Honor, I normally wouldn't do this  
12 but this is now the second motion of Mr. Griffin's.  
13 He is not happy with me. And I would join in his  
14 motion to be relieved, Your Honor.

15 THE COURT: All right.

16 Anything else, final word, Mr. Griffin?

17 MR. GRIFFIN: Okay. As you can see, Your Honor,  
18 looking at my record, I'm [audio distortion] menace  
19 to society--

20 THE COURT: I do not have your record. All I  
21 have is what y'all told me.

22 MR. GRIFFIN: Okay. I kept a job since I was  
23 eight years old. I had a tough living growing up.  
24 I've been in traumatizing situations that cause PTSD  
25 from injuries at work that has been overlooked

1 without proper care or assistance to a better turning  
2 point, turn into drug use while trying to make the  
3 best choice. Meanwhile, keeping some type of sanity  
4 while facing the obstacles that life throw at me.  
5 Knowing the blessings made weak but my [audio  
6 distortion] to be greater than what some people think  
7 I would amount to has my spirit charred, which is why  
8 I'm still standing before you. This conspiracy  
9 that's made [audio distortion] and the flesh is made  
10 weak. So I'm here, you know, to -- to let you know  
11 that I would like to take the next step and as a  
12 self-representative because I wasn't assisted as I  
13 felt like I should haven been to get the help that I  
14 needed to really have a fighting chance with my case.  
15 And it caused a lot of turmoil in my life, you know.  
16 Me -- me walking back and forth to work, you know,  
17 off a eight hour shift. And I didn't -- like I said,  
18 I didn't get the assistance like I felt like she  
19 should have filed for me as being her client. And to  
20 really just help to me get in a better situation to  
21 really fight my case.

22 THE COURT: All right. I mean, it sounds like a  
23 lot of your issues that you are presenting to the  
24 court, deal with almost like sentencing mitigation  
25 issues. And those types of things. I don't see any

1 basis that you have really presented that makes The  
2 Court think that I should grant your motion.  
3 Further, you got an excellent attorney and somebody  
4 that can use the issues you just raised to help you  
5 work something out or if you don't then you're going  
6 to have to go to trial. So I'm going to deny your  
7 motion. And you may have to get some serious  
8 discussions with Ms. Johnson about, like she said,  
9 some of the issues that are being present with you.  
10 Because this case is on the trial roster for a couple  
11 weeks down the road. So I'm going to deny your  
12 motion.

13 MS. JOHNSON: Thank you, Your Honor.

14 MR. GRIFFIN: Okay. When will she be back to  
15 speak to me? Because, I mean--

16 THE COURT: She'll contact you, that's up to  
17 her. She'll contact you.

18 MS. JOHNSON: Judge, may I ask one question?

19 THE COURT: Yes.

20 MS. JOHNSON: Mr. Griffin, are you in quarantine  
21 or do you have COVID?

22 MR. GRIFFIN: I don't have neither. I mean,  
23 they say we're in quarantine but they still moving  
24 people around like nothing -- nothing's going on so.

25 MS. JOHNSON: But you have not tested positive

1 for COVID?

2 MR. GRIFFIN: Huh-uh.

3 MS. JOHNSON: Okay. I will come down to see you  
4 as soon as I can.

5 MR. GRIFFIN: All right.

6 THE COURT: Good luck to you, Mr. Griffin.

7 MR. GRIFFIN: All right.

8 MS. JOHNSON: Thank you, Your Honor.

9 MR. RICHARDSON: Thank you, Your Honor.

10 (WHEREUPON, the proceedings were concluded.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2019-GS-23-00604
COUNTY OF GREENVILLE	)	2019-GS-23-00605
	)	2019-GS-23-00606
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
JEFFERY KEYON TIMOTHY	)	
GRIFFIN,	)	
DEFENDANT.	)	
_____	)	

September 6, 7 and 8, 2022  
Greenville, South Carolina

B E F O R E:

THE HONORABLE G.D. MORGAN, JR., JUDGE, and a jury.

A P P E A R A N C E S:

WILLIAM DOUGLAS RICHARDSON, JR., ESQ.  
Attorney for the Plaintiff

TEAL JOHNSON, ESQ.  
Attorney for the Defendant

CHERYL A. SMITH  
Circuit Court Reporter

1	<u>INDEX</u>	
2	(SW) - Denotes State's Witness	
3	(DW) - Denotes Defense Witness	
4	(IC) - Denotes In Camera	
5		<u>PAGE</u>
6	<u>Tuesday, September 6, 2022</u>	
7	Competency Hearing:	
8	<u>(IC) DONNA MADDOX:</u>	
9	Examination by the Court	6
10	Direct Examination by Ms. Johnson	9
11	<u>Wednesday, September 7, 2022</u>	
12	Pretrial Matters	12
13	Jury Voir Dire	17
14	Jury Selection	20
15	Jury Instructions	30
16	Opening Statement by Mr. Richardson	38
17	Opening Statement by Ms. Johnson	42
18	<u>(SW) JAVIER OCHOA:</u>	
19	Direct Examination by Mr. Richardson	44
20	Cross-Examination by Ms. Johnson	57
21	<u>(SW) CHARLES HENDERSON-BLAKE:</u>	
22	Direct Examination by Mr. Richardson	62
23	Cross-Examination by Ms. Johnson	71
24	<u>(SW) JAMES LEATHER:</u>	
25	Direct Examination by Mr. Richardson	77
	Cross-Examination by Ms. Johnson	86
	<u>(SW) JARRED GREER:</u>	
	Direct Examination by Mr. Richardson	88
	Motion - Mistrial	97
	<u>(SW) JARRED GREEN:</u>	
	Cross-Examination by Ms. Johnson	102

	<u>PAGE</u>
<u>INDEX (Continued)</u>	
(SW) - Denotes State's Witness	
(DW) - Denotes Defense Witness	
(IC) - Denotes In Camera	
<u>Jackson v. Denno Hearing:</u>	
<u>(IC) COREY CHADWICK:</u>	
Direct Examination by Mr. Richardson	105
Cross-Examination by Ms. Johnson	109
<u>(SW) COREY CHADWICK:</u>	
Direct Examination by Mr. Richardson	119
Cross-Examination by Ms. Johnson	145
State Rests	150
Motion	150
Defendant's Advisement of Rights	153
<u>(DW) JEFFERY KEYON TIMOTHY GRIFFIN:</u>	
Direct Examination by Ms. Johnson	158
Cross-Examination by Mr. Richardson	164
Defense Rests	169
Motion	170
Jury Charge Conference	170
<u>Thursday, September 8, 2022</u>	
Closing Argument by Mr. Richardson	172
Closing Argument by Ms. Johnson	181
Rebuttal Closing Argument by Mr. Richardson	184
Charge on the Law	186
Jury Questions	203, 207
Verdict	208
Sentence	216
Certificate of Reporter	218

	<u>EXHIBITS</u>			
	<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
1				
2				
3		(State's Exhibits)		
4	1	Aerial Map	12	82
	2	Aerial Map	12	48
5	3	Surveillance Video (DVD)	12	51
6	4	Photo	12	56
	5	Photo	12	65
7	6	Photo	12	65
8	7	Photo	12	65
	8	Photo	12	84
9	9	Photo	12	84
10	10	Photo	12	84
	11	Chadwick Videos (DVD)	12	124
11	12	Moss 923 Revolver	12	138
12	13	Gloves	12	85
	14	Shirt	12	141
13	15	Hat	12	140
14	16	Jacket	12	142
	17	Pillowcase	12	139
15				
16		(Court's Exhibits)		
17	1	DMH Evaluation 5/2/19	14	
	2	Jury Question	206	
18	3	Jury Question	217	
19	4	Resisting Arrest Jury Charge	217	
20				
21				
22				
23				
24				
25				

P R O C E E D I N G S

Tuesday, September 6, 2022

(WHEREUPON, proceedings commenced at 2:32 p.m.)

THE COURT: Ms. Johnson?

MS. JOHNSON: Yes, Your Honor. I've got Dr. Maddox here.

THE COURT: And for the record, this is the matter of Timothy Griffin; is that correct?

MR. RICHARDSON: Yes, Your Honor.

THE COURT: All right. Yes, ma'am.

Is he coming out?

All right. Now I'll hear from you.

MS. JOHNSON: Judge, with the Court's permission, I can just turn it over to Dr. Maddox. She did opine that he is competent after talking with him today, Your Honor.

THE COURT: Okay.

MS. JOHNSON: Dr. Maddox, please state your name for the record.

THE COURT: Let's just swear -- I'm going to go ahead and swear you in just for the record, if you would, please.

THE CLERK: Ms. Maddox, please place your left hand on the Bible and raise your right hand.

///

///

1 WHEREUPON,

2 DONNA MADDOX

3 After having been duly sworn, testified as follows:

4 THE CLERK: Thank you. You may be seated. And  
5 please state your full name for the record.

6 THE COURT: All right, Ms. Johnson.

7 MS. JOHNSON: Judge, with the Court's permission, I  
8 would just turn it over to Dr. Maddox.

9 EXAMINATION

10 BY THE COURT:

11 Q All right. Dr. Maddox, I understand you have  
12 re-evaluated Mr. Griffin; is that correct?

13 A Yes.

14 Q And what is your finding?

15 A Your Honor, I spent about an hour and a half with  
16 him. Ms. Johnson, since this morning, our telephone  
17 conversation, she was able to get the medication  
18 administration records from the detention center. He's  
19 actually, for the last five days, he has been taking his  
20 medication. In my opinion, today he was much calmer than  
21 he was the last time I saw him in July.

22 He's got symptoms of psychosis. He was able to tell  
23 me that he believes he's being monitored. He's felt like  
24 there's been cameras in the jail and those sorts of  
25 things, and he gave examples. At times he's alone, the

1 light may flicker which leads him to believe that perhaps  
2 there's some kind of system monitoring him. He doesn't  
3 have a delusion necessarily to explain why that is  
4 happening. He doesn't have a reason that would impact his  
5 ability to assist in his defense or his ability to  
6 understand the roles of the Court officials or the  
7 adversarial nature of the court proceedings.

8 Your Honor, in looking at his records, he's been  
9 quite psychotic during the course of the last two years  
10 while he's been detained. He had an episode where he  
11 mutilated his neck. Back when I saw him in June, he told  
12 me he was depressed and was writing something in blood,  
13 but it wasn't until I got his psychiatric records that he  
14 believed there was a microchip in him at some point and  
15 had mutilated his neck to remove the chip.

16 So unlike mental health, it's my opinion that he does  
17 have psychosis. Dr. Martin, who's been treating him in  
18 the jail, also agreed, which is why he's been on these  
19 antipsychotic medications since over the last two years.

20 He was very depressed in the community. He, Your  
21 Honor, was very high functioning. He was working with the  
22 sanitation company. He was injured. There was a  
23 temporary person on. He got hit in the head with a PVC  
24 pipe and fell off the truck and had a closed-head injury,  
25 and he's had a steady deterioration since that time. So

1 his psychosis could come from a closed-head injury. I'm  
2 not really sure of the exact etiology, whether it was just  
3 a genetic component like schizophrenia or schizoaffective  
4 disorder, or whether it came from the head injury.

5 But what we did today, he's aware that -- he knows  
6 what the deal, that he's been offered a plea bargain, and  
7 he's aware of that. And he considered it, Your Honor.  
8 He's been -- he's had a hard time dealing with whether to  
9 accept a negotiated plea or not. And what happens is  
10 right when he's about to agree, he stops and says that  
11 he's got to follow God's will. And he said that he would  
12 rather answer to God's law than man's law. And we kind of  
13 explain, we went through different scenarios.

14 And it's not a delusion. I feel like he has a  
15 general mistrust of society, of authority just because of  
16 some of the recent things that happened to him, you know.  
17 He was injured at a job, he didn't get worker's comp., he  
18 had no compensation, his wife left him, and then he ended  
19 up homeless over the last few years. He's had a very  
20 awful turn of luck in his life when he's generally been a  
21 good person and has worked really hard. And so he stops,  
22 and each time he says he has to answer to God, not to man.  
23 And that's kind of the reasoning for him to proceed.

24 Now, last time I had spoken with him, he did not want  
25 Ms. Johnson representing him, but today he said he would.

1 He said at this point that he would.

2 And though I have great concerns, I just was not able  
3 to tease out that he's got a delusion about the legal  
4 system and that he -- he does have some capacity to assist  
5 in his defense. His lawyer and he don't agree on his  
6 defense, but he offered her some potential defenses and  
7 things that he could use.

8 Q All right. So he understands the charges against  
9 him, he understands the potential penalties against him,  
10 he's able to assist with the defense of his case with his  
11 counsel?

12 A In my opinion, yes.

13 THE COURT: Okay. All right. Yes, ma'am.

14 MS. JOHNSON: Judge, briefly.

15 DIRECT EXAMINATION

16 BY MS. JOHNSON:

17 Q Do you have any recommendations for the trial?

18 A I certainly do.

19 So, Your Honor, he's on two -- he takes an  
20 antipsychotic medication in the morning and then a very  
21 big dose at night. He's on a large dose. He's on the  
22 highest dose of Zyprexa that you can be on. He takes  
23 5 milligrams in the morning and 15 milligrams at night.  
24 Sometimes he has missed the morning dose because he's just  
25 so sleepy. They -- that medicine knocks you out. If he

1 were to miss some of the morning doses in the trial, I  
2 don't think it would affect his competency, but we need to  
3 ensure with the Court that he has his medications. What I  
4 recommended to Ms. Johnson is that, say, if one of the  
5 mornings of the trial if he has not received his  
6 medication, I would ask that the jail bring it over to him  
7 and have it on standby were he to need it.

8 And then secondly, Your Honor, I would ask that if he  
9 were -- if he is found guilty at some point, that you  
10 court order that he must receive psychiatric treatment,  
11 and he must receive his psychiatric medications while  
12 confined at the Department of Corrections.

13 He gave me permission. I'm going to -- if he were to  
14 be found guilty, I'm going to forward over his detention  
15 center records, the evaluations he's had by Dr. Martin,  
16 and also his medication sheet so that they know what  
17 medicines he's receiving.

18 THE COURT: All right. Anything else from defense?

19 MS. JOHNSON: No, Your Honor.

20 THE COURT: Anything from the State?

21 MR. RICHARDSON: No questions, Your Honor.

22 THE COURT: All right. Thank you. You may step  
23 down.

24 THE WITNESS: You're welcome. May I be excused?

25 THE COURT: Yes, ma'am. You may be excused. Thank

1       you, Dr. Maddox.

2             All right. Based on the testimony on the report from  
3       Dr. Maddox, I find that the defendant is competent to  
4       stand trial.

5             Is there anything else from either the State or the  
6       defense at this time? We're in the process or in the  
7       middle of another trial right now. I'm not sure when we  
8       would finish up. But we will be ready to go unless I hear  
9       otherwise from any one of y'all.

10            MS. JOHNSON: Nothing further from the defense, Your  
11       Honor.

12            THE COURT: Anything from the State?

13            MR. RICHARDSON: Nothing from the State, Your Honor.

14            THE COURT: All right. We adjourn on that case. And  
15       as soon as we get through this one, we will let you know.

16            MR. RICHARDSON: Thank you, Your Honor.

17            (WHEREUPON, proceedings concluded at 2:39 p.m.)

18

19

20

21

22

23

24

25

1                                    Wednesday, September 7, 2022

2            (WHEREUPON, State's Exhibit Numbers 1 through 17 were  
3            marked for identification; proceedings commenced at  
4                                    9:44 a.m.)

5            THE COURT: Any motions we need to deal with before  
6            we bring the jury out?

7            MR. RICHARDSON: Your Honor, I don't think there's  
8            anything necessarily before the jury. I will say that we  
9            have a Jackson v. Denno that we're going to have to do.  
10           That's going to be my last witness. So we can do that, I  
11           assume, at the Court's pleasure, any particular time  
12           during the day.

13           THE COURT: Yeah. I mean, we ---

14           MR. RICHARDSON: We can do it right after -- right  
15           before we go to lunch after we've released the jury, if  
16           you would like.

17           THE COURT: Yeah. We can do that.

18           How long? I mean, is it going to be one of those  
19           lengthy ones? I'm just trying from a time aspect.

20           MR. RICHARDSON: I'd say from my standpoint, no, it  
21           will be a very quick hearing.

22           THE COURT: Okay. All right. We'll just make it to  
23           lunch break then, do that.

24           Anything -- other than that, anything?

25           MS. JOHNSON: Judge, my client is also charged with

1 three other armed robberies, and I'm just making a motion  
2 to exclude any reference or testimony about the other  
3 pending charges.

4 THE COURT: Those are just pending charges?

5 MS. JOHNSON: Yes, Your Honor.

6 THE COURT: Okay. Anything from the State on that?

7 MR. RICHARDSON: No. And I've addressed that with my  
8 officers not to bring that up.

9 THE COURT: Okay.

10 MR. RICHARDSON: There were portions in the video of  
11 the defendant where that -- some reference was made to  
12 that. I have cut that out, and I've provided that video  
13 to the defense.

14 THE COURT: Okay. Just make sure that you let them  
15 know do not make any reference to any of that.

16 MR. RICHARDSON: Yes, sir, I did. Thank you.

17 THE COURT: All right. Anything before we bring the  
18 jury out -- jury panel? I've got a voir dire. I've got a  
19 witness list and no additional voir dire from either  
20 parties, right? Is that correct?

21 MR. RICHARDSON: That's correct.

22 One last thing, Judge. If I could, I would like to  
23 mark as a court's exhibit the evaluation of the defendant.  
24 This is the DMH evaluation that was done initially. He's  
25 also been evaluated three separate times by the defense's

1 expert and found competent. So I wanted that in the  
2 record and also this to be marked as a court's exhibit for  
3 having it in the record for future reference.

4 THE COURT: Only as a court's exhibit. And I think  
5 -- as I understand, what I recall is Dr. Maddox had seen  
6 him in June, July and then yesterday; is that correct,  
7 Ms. Johnson?

8 MS. JOHNSON: Yes, Your Honor.

9 THE COURT: Okay. We'll mark that as Court's Exhibit  
10 Number 1.

11 (WHEREUPON, Court's Exhibit Number 1 was marked for  
12 identification.)

13 MR. RICHARDSON: And that's all from the State at  
14 this time, Your Honor.

15 THE COURT: All right. Anything else before we bring  
16 them up?

17 MS. JOHNSON: No, Your Honor.

18 THE COURT: All right. Jan, if you would, call them  
19 on up.

20 And the strikes are ten and five, correct?

21 MR. RICHARDSON: Yes, Your Honor.

22 THE COURT: Due to the number of jurors we've got,  
23 are y'all okay with one alternate?

24 MR. RICHARDSON: State's okay.

25 MS. JOHNSON: Yes, Your Honor.

1 THE COURT: Okay. I mean, we'll kind of see what  
2 we've got, and if there is enough to go with one more  
3 alternate, but I think one -- y'all are telling me you  
4 don't think it's going to be a long trial anyway, so let's  
5 go with one alternate unless y'all have a request for  
6 another one. Is that all right? I mean, is that okay?  
7 Does that work?

8 MS. JOHNSON: No objection from the defense, Your  
9 Honor.

10 THE COURT: All right.

11 (WHEREUPON, the jury panel entered the courtroom at  
12 9:52 a.m.)

13 THE COURT: All right. Good morning, ladies and  
14 gentlemen. Good to see most all of you again here this  
15 morning, and some that were on my jury for the trial we  
16 had yesterday.

17 We are about to start another trial, the State of  
18 South Carolina vs. Jeffery Griffin. I just want to start  
19 out and just identify the indictments Mr. Griffin is  
20 charged with. And I do remind you, these are only  
21 indictments. This is not evidence.

22 Mr. Griffin has been charged with armed robbery,  
23 Count 1 of an indictment. But it alleges that, on  
24 November 24, 2018, while armed with a deadly weapon or  
25 while alleging either by action or words he was armed

1 while using a representation of a deadly weapon or any  
2 object which a person present during the commission of the  
3 robbery would reasonably believe to be a deadly weapon,  
4 take, by means of force or intimidation, goods or monies  
5 described as US currency from the person or presence of  
6 Charles Adam Henderson-Blake, an employee of 7-Eleven, in  
7 violation of Section 16-11-30.

8 Count 2 of that indictment is possession of a weapon  
9 during the commission of a violent crime. It alleges  
10 that, on or about the 24th day of November 2018, that the  
11 defendant possessed or visibly displayed a handgun during  
12 the commission or attempted commission of a violent crime,  
13 to wit, armed robbery in violation of 16-23-490.

14 Another indictment for pointing and presenting a  
15 firearm which occurred on November 24, 2018, when the  
16 defendant is alleged to have pointed or presented a  
17 firearm, to wit, a handgun, at or in the presence of  
18 Charles Adam Henderson-Blake, an employee at 7-Eleven, in  
19 violation of Section 16-23-410.

20 And an indictment for resisting arrest that alleges  
21 on November 24, 2018, the defendant knowingly, willfully  
22 and unlawfully opposed or resisted an arrest made by Corey  
23 J. Chadwick with the Greenville County Sheriff's Office  
24 whom he knew or reasonably should have known was a law  
25 enforcement officer in violation of Section 16-9-320(A).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

JURY VOIR DIRE

THE COURT: So first of all, ladies and gentlemen, has anyone been related by blood or marriage to Jeffery Keyon Timothy Griffin? If so, please stand.

(No response.)

THE COURT: Has any member of the jury panel ever been related by blood or marriage to Charles Adam Henderson-Blake? If so, please stand.

(No response.)

THE COURT: Has anyone ever had a personal, close -- a close, personal or social relationship with either Jeffery Keyon Timothy Griffin or Charles Adam Henderson-Blake? If so, please stand.

(No response.)

THE COURT: All right. Ladies and gentlemen, the following is a list of potential witnesses: Charles Henderson-Blake, Corey Chadwick with the Greenville County Sheriff's Department; Jarred Greer with the Greenville County Sheriff's Department; Javier Ochoa with the Greenville County Sheriff's Department; James Leathers with the Greenville County Sheriff's Department; Jonathan Rey with the Greenville County Sheriff's Department, C. Minwegan with forensics; and Linda Howes. Has anyone ever been related by blood or marriage to any of these potential witnesses or has anyone ever had a close,

1 personal or social relationship with any of these  
2 potential witnesses?

3 (No response.)

4 THE COURT: All right. Counsel, if you would,  
5 introduce yourselves and your client. Start with the  
6 State.

7 MR. RICHARDSON: Thank Your, Your Honor. Please the  
8 Court.

9 Good morning, ladies and gentlemen. My name is Doug  
10 Richardson. I work for the 13th Circuit Solicitor's  
11 Office.

12 MS. JOHNSON: Good morning. Ladies and gentlemen ---

13 DEFENDANT GRIFFIN: I am that I am. I am -- I am not  
14 who they say I am, and I am just standing here today to  
15 let you know that I am a good person at heart and I've  
16 been ---

17 THE COURT: Mr. Griffin, not at this time.

18 MS. JOHNSON: This is Jeffery Griffin, and I'm proud  
19 to represent him. Thank you.

20 THE COURT: All right. Has any member of the jury  
21 panel ever been represented by any of the attorneys  
22 involved in this case or their potential law firms?

23 (No response.)

24 THE COURT: All right. Has anyone ever been related  
25 by blood or marriage or had a close, personal or social

1 relationship with any of the attorneys involved in this  
2 case? If so, please stand.

3 (No response.)

4 THE COURT: Is there any member of the jury panel  
5 that was a member of the grand jury which issued the  
6 indictment in this -- or indictments in this case? If so,  
7 please stand.

8 (No response.)

9 THE COURT: Is there any member of the jury panel who  
10 is a member of or a contributor to any group which has as  
11 its primary concern the promotion of law enforcement or  
12 victims' rights? And these would include but they're not  
13 limited to MADD, SADD, which is formerly Students Against  
14 Drunk Drivers, CAV, which is Citizens Against Violent  
15 Crime.

16 Yes, ma'am. Your number please.

17 JUROR NUMBER 123: 123.

18 THE COURT: All right. And how do you fit into that  
19 question?

20 JUROR NUMBER 123: well, I'm on the board of  
21 directors for Safe Harbor.

22 THE COURT: All right. Okay. Thank you, ma'am.

23 All right. Has any member of the jury panel formed  
24 or expressed an opinion about any issue or matter involved  
25 in this case?

1 (No response.)

2 THE COURT: Is any member of the jury panel aware of  
3 any bias or prejudice towards either the State or the  
4 defendant in this case?

5 (No response.)

6 THE COURT: Does any member of the jury panel know of  
7 any reason whatsoever why he or she should not serve as a  
8 juror in this case with particular emphasis being placed  
9 on your ability to be fair and impartial to both the State  
10 and the defendant?

11 (No response.)

12 THE COURT: Any additional questions from the State?

13 MR. RICHARDSON: Nothing further from the State.

14 THE COURT: Any from the defense?

15 MS. JOHNSON: No, Your Honor.

16 THE COURT: All right. We will select a jury. Ten  
17 and five, and we'll go with one alternate.

18 JURY SELECTION

19 THE CLERK: Ladies and gentlemen, when I call your  
20 number and your name, please stand.

21 Juror Number 188, Christopher Savio.

22 (WHEREUPON, Christopher Savio, an Asian Male, stood.)

23 THE CLERK: What says the State?

24 MR. RICHARDSON: Please present Mr. Savio.

25 THE CLERK: What says the defendant?

1 THE CLERK: For our second alternate, Juror 197,  
2 Tommy Simpson.

3 (WHEREUPON, Tommy Simpson, a white male, stood.)

4 THE CLERK: What says the State?

5 MR. RICHARDSON: Please present Mr. Simpson.

6 THE CLERK: What says the defendant?

7 MS. JOHNSON: Please seat the juror.

8 THE CLERK: Please bring your things and have a seat  
9 in the jury box.

10 THE COURT: All right. Any motions on the selection  
11 from the jury -- of the jury from the State?

12 MR. RICHARDSON: None from the State.

13 THE COURT: Any from the defense?

14 MS. JOHNSON: No, Your Honor.

15 THE COURT: All right. Ladies and gentlemen, those  
16 of you who are not selected, I'm going to ask that you  
17 return back downstairs for further instruction. Thank  
18 you.

19 (WHEREUPON, the remaining jury panel exits the courtroom  
20 at 10:12 a.m.)

21 THE COURT: All right. Madam Clerk, if you would,  
22 please swear the jury.

23 THE CLERK: Ladies and gentlemen, please stand and  
24 raise your right hand. The correct response to this oath  
25 is "I will."

1 (WHEREUPON, the jury is duly sworn.)

2 THE CLERK: Thank you. You may be seated.

3 JURY INSTRUCTIONS

4 THE COURT: All right. Ladies and gentlemen, I'm  
5 going to give you some opening instructions for this  
6 particular case. And when we take our first break, I'm  
7 going to ask that you select a foreperson for the jury.  
8 And that person is simply a spokesperson for the jury and  
9 to communicate through the bailiffs to me. And so if  
10 there are any questions or issues that may arise, that  
11 foreperson will bring it to the attention of the bailiffs  
12 and they will then let me know. That person does not have  
13 any greater weight or pull or say-so in deliberations once  
14 you get there, but it is simply a person that will be the  
15 spokesperson for you in this case.

16 All right. We are about to start the case the State  
17 of South Carolina vs. Jeffery Keyon Timothy Griffin. As  
18 some of you know from the trial this week in my court  
19 previously, this is different from TV. Trials in real  
20 life are different from TV. It is not what you see where  
21 something happens, someone's arrested and there is a  
22 verdict all within an hour. So that is not how it works  
23 in real life. And so oftentimes it can be slow and  
24 deliberate, but this is a real life world of trial work.  
25 These remarks that I'm about to give you are not a

1 charge on the law in this case. I'll instruct you on the  
2 law applicable to this case at the end of this trial  
3 before you begin your deliberations and retire to consider  
4 your verdict. This is merely an explanation of the  
5 procedure that we will follow in this case so that you may  
6 better understand what we are going to be doing.

7 I do not allow note-taking. The reason I don't is  
8 that I feel that if you are concerned about taking your  
9 notes and writing down and there's a witness on the stand,  
10 sometimes you miss what that person says. You're  
11 concerned with writing things down. And so I think jurors  
12 perceive and hear things better if they're paying  
13 attention to the witnesses as opposed to writing down  
14 notes.

15 As I told you just a little while ago, the defendant  
16 has been indicted under several indictments for armed  
17 robbery, possession of a weapon during the commission of a  
18 violent crime, pointing and presenting a firearm and  
19 resisting arrest. I will explain the elements of each of  
20 these charges at the end of the case when I instruct you  
21 on the law. But I want to remind you from the beginning  
22 that the indictments are simply charges by which the case  
23 is brought into court. It is not in any sense evidence of  
24 any of the allegations they contain.

25 The defendant has pled not guilty to these

1       indictments. The State, therefore, has the burden of  
2       proving each of the elements of the indictments beyond a  
3       reasonable doubt, and it will be your duty, ladies and  
4       gentlemen, to decide whether the State has met that  
5       burden.

6               Your purpose as jurors is to find and determine the  
7       facts. You are the sole judges of the facts. If at any  
8       time that I may make any comment at all during this trial  
9       regarding the facts, you are to disregard that. I will  
10      not, but if for some reason it is perceived that I have  
11      made some comment about the facts, you are to disregard  
12      it. You are to determine the facts from the testimony  
13      that you hear from this witness stand and any other  
14      evidence that may be admitted and introduced during the  
15      trial. It is up to you to determine the inferences which  
16      you feel may properly be drawn from the evidence. It is  
17      especially important that you perform your duty of  
18      determining the facts diligently and conscientiously,  
19      because ordinarily there is no way to correct an erroneous  
20      determination of the facts by a jury.

21              On the other hand and with equal emphasis, the same  
22      law that makes you the judges of the facts makes me the  
23      judge of the law. The law as given by the Court is the  
24      only law you may consider. You must accept and follow it  
25      even though you may disagree with it. I cannot tell you

1 what the facts are and you cannot disagree with me about  
2 what the law is or what the law should be. Your job is to  
3 take the law as I give it to you and apply it to the facts  
4 as you find them from the testimony of the witnesses and  
5 any other evidence that may be introduced in the trial.  
6 After doing that, you will render your verdict, a true and  
7 just verdict under your solemn oath that you just took.

8 Now, until I advise you to start deliberating on the  
9 case, please do not discuss this case with anyone, and  
10 that includes among your fellow jurors. On breaks, if we  
11 go to lunch, if it goes into tomorrow and you go home  
12 tonight with family members, I know there's a temptation,  
13 your family, your friends, if you do go home or if you  
14 talk to somebody on the phone during lunch here today,  
15 they'll ask you about it. What's going on? Tell me about  
16 the case. I am imploring you not to do that and  
17 instructing you not to do that. That is a violation of  
18 the Court's rules and order that you are not to discuss  
19 the case with anyone. Don't comment on any witness, don't  
20 look up anything about the case, don't investigate it.

21 And I know we all have cell phones and the first  
22 thing we do when something pops up, we want to google it  
23 and find out about it. But please do not do that. Once  
24 the case is over, you can Google all you want, and you can  
25 find out anything you want about the parties or the

1 lawyers or anybody concerned. But until you do reach that  
2 verdict, I ask that you please not discuss it with anyone  
3 whatsoever. It's just a very important thing. The  
4 evidence that is to be considered is only from the witness  
5 stand and any exhibits that may be admitted, and only  
6 after I tell you what the law is. So please do not  
7 discuss it among yourselves or with anybody else.

8 It is very important, ladies and gentlemen, to keep  
9 an open mind and not decide any of the case as I just said  
10 until the evidence is presented -- been presented, the  
11 parties have made their closing arguments to you and then  
12 the law has been given to you by me. It is your solemn  
13 responsibility to determine the guilt or innocence of the  
14 defendant in this case, and your verdict must be based  
15 solely on the evidence as it is presented to you in this  
16 trial and on the law as I instruct you at the end of this  
17 trial.

18 In just a moment the solicitor will make what's  
19 called an opening statement in which the solicitor will  
20 explain to you the issues in the case or at least what the  
21 solicitor thinks the issues are in this case. The  
22 attorney for the defendant may also make an opening  
23 statement, although she's not required to do so.

24 What the attorneys tell you in these opening  
25 statements is not evidence in the case. It's only their

1       contention as to what the issues are going to be in the  
2       trial of this case. The evidence in the case is going to  
3       be presented to you by the testimony of sworn witnesses  
4       here on the witness stand and any exhibits that may be  
5       introduced into evidence.

6               Every now and then you may hear objections from the  
7       lawyers. There may be times where I will need to excuse  
8       you for a little bit to take up some of the matters with  
9       the lawyers. There may be times where I can just handle  
10      it and bring them up here to the bench and we can discuss  
11      it and leave you here in the jury room. Do not think that  
12      we are hiding anything from you. But there are issues  
13      that come up in a trial that may involve the facts and I  
14      may need to discuss that with the lawyers out of your  
15      presence. So you can only determine this case based on  
16      the facts as you hear from the witness stand and the  
17      exhibits.

18             Now, those facts that you will be determining, in  
19      determining what the true facts are in this case, you must  
20      decide whether or not the testimony of the witnesses is  
21      believable. It will be my responsibility as the trial  
22      judge to rule as a matter of law as to whether certain  
23      testimony is admissible at all or not. Once testimony is  
24      admitted, whether you believe it is your sole  
25      responsibility, and it's only for you to determine whether

1 you believe it.

2 In deciding whether to believe a witness, you have  
3 the right to consider the interest of any witness, the  
4 bias of any witness, the prejudice of any witness, the  
5 opportunity for the witness to have seen the matters and  
6 things about which that witness may testify and the way  
7 the witness acts on the witness stand. You have a right  
8 to consider anything in the record that will help you  
9 evaluate the testimony of these witnesses. That means  
10 that it is your duty to pay close attention and observe,  
11 pay close attention to all the witnesses, listen to the  
12 witnesses, and listen to the attorneys and the Court as  
13 well.

14 Please don't let your thoughts wander. I know we all  
15 have a tendency sometimes to let our thoughts wander, but  
16 please don't do that. Please give your strict attention  
17 so at the end of this case and, after all the testimony  
18 has been entered into evidence, the lawyers have given you  
19 their closing arguments and I have told you what the law  
20 is, that you will then be in a position to determine the  
21 true facts and apply those facts to the law and render a  
22 verdict that is true and just.

23 As I told you, whoever you select at our next break  
24 as the foreperson, that person will be simply the  
25 spokesperson for you. If there are any issues that come

1 up during the trial, then I will have that person to let  
2 the bailiffs know and then they will let me know and I  
3 will handle everything immediately.

4 Now, there may be times, ladies and gentlemen, where  
5 I have to excuse you because there are issues that I may  
6 have to deal with in the case and there may be some times  
7 you are back there a little bit longer than I may have  
8 told you, but that's just what we have in a trial  
9 sometimes. Things do take a little bit of time. So I  
10 will be as efficient as I can. I will make sure that you  
11 are as comfortable as can be. But I just wanted to give  
12 you a heads-up that there may be times where you may have  
13 to be back there in the jury room.

14 Again, this is -- it is not like it is on TV and in  
15 the movies, and so I appreciate ahead of time your  
16 attention to this case because this is the only day in  
17 court for these parties. It is important for the State,  
18 and it is important for the defendant in this case. And  
19 your verdict at the end of this case, and I will instruct  
20 you at that time, must be unanimous.

21 All right. Anything from the State?

22 MR. RICHARDSON: Nothing further, Your Honor.

23 THE COURT: Anything from the defense?

24 MS. JOHNSON: No, Your Honor.

25 THE COURT: All right. Ladies and gentlemen, thank

1 you and thank you for your attention already. And I'll  
2 call on the State for opening statement.

3 OPENING STATEMENTS

4 MR. RICHARDSON: Thank you, Your Honor. Please the  
5 Court, Ms. Johnson.

6 Good morning, ladies and gentlemen. To reintroduce  
7 myself, I am Doug Richardson. I'm a senior assistant  
8 solicitor here in the 13th circuit. The 13th circuit is  
9 made up of two counties: Pickens County and Greenville  
10 County. I'm charged with the duty to represent the people  
11 of the State of South Carolina on the various cases that  
12 come up from the various law enforcement agencies in the  
13 County of Greenville. This particular case comes out of  
14 Greenville Sheriff's Office, as you will see through the  
15 witnesses that I present in this case.

16 Now, why are you here? You're here because the grand  
17 jury has indicted the defendant on four separate charges.  
18 The judge has told you that's not evidence. That's simply  
19 the charging elements that gets me into this courtroom and  
20 before a jury.

21 The judge is going to tell you what the law is at the  
22 end of this case. He's referenced that. I will go over a  
23 few things in reference to that to show you what I'm  
24 presenting when I present the evidence in this case.

25 He is charged, number one, the most serious charge of

1 armed robbery. Armed robbery is, in the State of South  
2 Carolina, it's unlawful for a person to go in to and rob  
3 another person or an entity or a store with a dangerous  
4 weapon. And, in fact, under our law, you only have to  
5 have a weapon presented. If you act like you have a  
6 weapon or you present a weapon -- present like you have a  
7 weapon, that also would qualify. Now, that's not the case  
8 here. He had a weapon in his hand, and the evidence will  
9 show you that he had a weapon in his hand when he  
10 presented it at the 7-Eleven on Buncombe Road.

11 Also, he's charged with resisting arrest. Simply, if  
12 you're being placed under arrest and you resist in any  
13 form or fashion -- in this particular case, we'll submit  
14 to you that he ran from the police -- then that is  
15 resisting arrest.

16 He's charged with pointing and presenting a firearm.  
17 It's just what it says. If you pull a firearm out and you  
18 point it at a person or if you present it, if you just  
19 bring it out like this, that is also unlawful in the State  
20 of South Carolina.

21 And lastly, he's charged with possession of a weapon  
22 during a violent offense. I will tell you that armed  
23 robbery is a violent offense under our law in the State of  
24 South Carolina and that a weapon was presented in this  
25 case.

1           Now, ladies and gentlemen, the evidence is going to  
2 show you, I'm going to present to you several witnesses,  
3 I'm going to present to you some video, and I'm also going  
4 to present to you some physical evidence. And what this  
5 evidence is going to show you is that back in November of  
6 2018, this defendant went to the 7-Eleven on Old Buncombe  
7 Road. It's in Northern Greenville County. He went into  
8 that store in the early morning hours. He presented a  
9 weapon, a gun. You'll see that gun. He also had a pillow  
10 case with him. And he demanded money. During that time  
11 he did, in fact, get money, and he left the 7-Eleven. And  
12 also during that time, he presented and, in fact, pointed  
13 a firearm. You'll see it on video. He pointed a firearm  
14 at the victim, Charles. That's Charles back there. He  
15 will testify.

16           He then left on foot from that store. The quick  
17 actions of the 7-Eleven employees and the Greenville  
18 County Sheriff's Office, they called immediately. The  
19 evidence will show that the sheriff's office came to the  
20 scene and found the defendant a short distance away. The  
21 evidence will show you that the defendant ran from the  
22 police. The evidence will show you that the police caught  
23 him a short distance from the 7-Eleven. The evidence will  
24 show you that he had in his possession the gun that you'll  
25 see on videotape. He had in his possession the money that

1 he took from the store, which is the exact amount of money  
2 that was returned to the store after he was caught. The  
3 evidence will show that he had the exact same clothing on  
4 that is in the video. These will all be presented by the  
5 State, and at the end of this case, I'm going to ask you  
6 to find a verdict of guilty on all counts based upon that  
7 evidence that I present to you.

8 The judge's reference that there are actually two  
9 judges in this courtroom, he is the judge of the law and  
10 he's going to tell you what the law is, and that's  
11 certainly the law that you take. You folks are the judges  
12 of the facts. You're going to decide the facts in this  
13 case from the evidence that I present to you. And it's  
14 your duty as jurors to present those facts, take those  
15 facts and apply them to the law as His Honor is going to  
16 give it to you. And when you do so, then decide if he's  
17 guilty.

18 It's an honor to be before y'all. I've been doing  
19 this 30 years. I love every minute of coming in and  
20 talking to juries. It's a great system we have. It's a  
21 fair system that we have. And I want to tell you I do  
22 appreciate your time and attention. If it wasn't for you  
23 folks, my job would be nonexistent. We need jurors to  
24 come in from everyday life and use their common sense from  
25 every walk of life to come and do this duty that you have.

1 And I just want to say it's an honor to be before you.

2 Also, I thank you for your time and attention.

3 I'll be back up to talk to you in closing arguments.

4 Until then -- I don't anticipate this case going real  
5 long, but until then I ask that you simply just listen to  
6 my witnesses, look at the evidence I present and then  
7 render a decision from there.

8 Thank you.

9 THE COURT: All right. The defense is recognized.

10 MS. JOHNSON: May it please the Court,  
11 Mr. Richardson.

12 Ladies and gentlemen, I'm Teal Johnson. As I told  
13 you earlier, I'm proud and pleased to represent Jeffery  
14 Griffin.

15 Jeffrey is 29 years old. He is from Greenville or  
16 he's lived here most of his life. He attended Southside  
17 High School here in Greenville, South Carolina. He also  
18 lived in Florida.

19 This is his day in court. This incident took place  
20 in 2018, so almost four years have passed since he got to  
21 be in front of you all today.

22 The judge is going to instruct you on a lot of legal  
23 terms, but one of the most important terms is "presumption  
24 of innocence." My client comes in here presumed innocent.  
25 That's not some legal mumbo-jumbo term that, you know,

1 gets thrown around. That is one of our most important  
2 rights as citizens in this country.

3 And with that right is the burden of proof. The  
4 burden of proof is entirely on this table. We have  
5 nothing to prove to you all. My client comes in here with  
6 nothing to prove. In that vein I don't know if he's going  
7 to testify or not. He does not have to testify. The  
8 burden of proof is on the State of South Carolina.

9 And you're going to hear about another important  
10 term, reasonable doubt. They have the burden of proof and  
11 they have to prove my client guilty beyond a reasonable  
12 doubt. That is the highest level of proof we have in this  
13 country.

14 I'm not going to talk about too much of the evidence  
15 right now, but I want to let you know that the quickest  
16 and the easiest answer is not always the right answer, and  
17 I ask you to keep that in mind.

18 Also, as we go through this case, I ask you to  
19 question everything: what was done, what was not done,  
20 what should have been done by the police, by the State of  
21 South Carolina, by our government. Ask that you do not  
22 jump to any conclusions until the close of the evidence.  
23 Don't make up your mind until you've heard everything. Do  
24 not rush to judgment in this case.

25 Again, I thank you for your service. My client

1 thanks you. And at the end of this trial or case, I will  
2 come back to you and discuss all of the evidence, and I  
3 will ask that you find Mr. Griffin not guilty.

4 Thank you.

5 THE COURT: All right. State call the first witness.

6 MR. RICHARDSON: Thank you, Your Honor. Please the  
7 Court. The State will call Javier Ochoa.

8 THE CLERK: Mr. Ochoa, please step up here, place  
9 your left hand on the Bible and raise your right hand.

10 WHEREUPON,

11. JAVIER OCHOA

12 After having been duly sworn, testified as follows:

13 THE CLERK: Thank you. You may be seated. Please  
14 state your full name for the record.

15 THE WITNESS: Master Deputy Javier Ochoa.

16 DIRECT EXAMINATION

17 BY MR. RICHARDSON:

18 Q Sir, where are you employed?

19 A Greenville County Sheriff's Office.

20 Q And how long have you been with the Greenville County  
21 Sheriff's Office?

22 A Approximately seven and a half years.

23 Q And is that your total law enforcement experience or  
24 do you have any other?

25 A No, sir. I've been with Charleston Police Department

1 for seven years as well, so 14 1/2 years.

2 Q Okay. Now, presently, what's your duties with the  
3 Greenville County Sheriff's Office?

4 A I'm assigned to uniform patrol.

5 Q Okay, sir. And is that general -- just general  
6 patrol throughout the county?

7 A Yes, sir.

8 Q Okay. And were you on duty on November the 28th of  
9 2018?

10 A I believe it says November 24th.

11 Q I'm sorry.

12 A Yes.

13 Q November 24th. Sorry.

14 A Yes, sir.

15 Q Okay. And on that day were you patrolling -- what  
16 part of Greenville County were you patrolling?

17 A West Greenville.

18 Q Okay. And did you get dispatched to a 7-Eleven?

19 A Yes, sir, I did.

20 Q Okay. And where was that located?

21 A 5055 Old Buncombe Road.

22 Q And is that in Greenville County?

23 A Yes, sir, it is.

24 Q And what were you dispatched for?

25 A Armed robbery in progress.

1 Q And when you have a dispatch for armed robbery in  
2 progress, what do you do?

3 A Our response -- the way we respond, if it's to a --  
4 it just occurred, we respond with lights and sirens.

5 Q And did you do that?

6 A Yes, sir, I did.

7 Q Okay. And did you arrive at the 7-Eleven at some  
8 point?

9 A Yes, sir, I did.

10 Q Okay. And what did you do once you got to the  
11 7-Eleven?

12 A I made contact with the employees immediately named  
13 Linda Howes and Charles Henderson. They had -- the first  
14 thing I do is ask them if they're injured, which they were  
15 not. They had told me that a suspect just left on foot.

16 MS. JOHNSON: Objection, Your Honor.

17 THE COURT: What's the basis?

18 MS. JOHNSON: Calls for hearsay, "they told me."

19 MR. RICHARDSON: It's part of his investigation.

20 It's a res gestae.

21 THE COURT: Yeah. Overruled.

22 BY MR. RICHARDSON:

23 Q Go ahead, sir.

24 A Mr. Charles had given me a description of the suspect  
25 which just left the area. I know that right before I got

1       there, dispatch had said that they just been robbed at  
2       gunpoint and the subject had fled on foot towards a  
3       Publix.

4       Q     Did he reference the direction that the suspect had  
5       fled?

6       A     He pointed, from what I remember, towards the Publix.  
7       I was basically getting his description as accurately as I  
8       could, which was described as a black male, 6'3" to 6'5",  
9       medium build wearing blue track pants, blue track shirt,  
10      yellow gloves, dark mask and a skull cap.

11      Q     Okay. And did he reference whether he left on foot  
12      or by vehicle?

13      A     He left on foot, sir.

14      Q     Okay. Let me show you what has been marked as  
15      State's Exhibit Number 2. Do you recognize this, sir?

16      A     Yes, sir, I do.

17      Q     Okay. And does that accurately depict the location?

18      A     Yes, sir, it does.

19      Q     And has it been changed or altered in any form or  
20      fashion?

21      A     No, sir.

22           MR. RICHARDSON: Your Honor, at this time the State  
23      would offer State's Exhibit 2 into evidence.

24           THE COURT: All right. Any objection from defense?

25           MS. JOHNSON: No, Your Honor.

1 THE COURT: All right. State's Exhibit Number 2 is  
2 admitted into evidence without objection.

3 (WHEREUPON, State's Exhibit Number 2 was admitted into  
4 evidence.)

5 BY MR. RICHARDSON:

6 Q Sir, if you could just step down real quick.

7 Now, you see a reference of 5055 Old Buncombe Road on  
8 there?

9 A Yes, sir.

10 Q Okay. What is this? Is this the 7-Eleven?

11 A This (indicating) is the 7-Eleven, yes, sir.

12 Q Okay. And can you show the jury the direction the  
13 victim told you that the suspect had run on foot?

14 A When I first -- right before I arrived on scene, I  
15 was traveling in this (indicating) direction. I was  
16 advised by dispatch first he ran across the parking lot  
17 towards the Publix. And then when I got there, I can't  
18 remember exactly because I don't have it in my report, but  
19 I think that the complainant pointed towards that  
20 (indicating) direction, is what I remember as clear as I  
21 can. But ---

22 Q Okay. Now, is Poinsett Highway located anywhere in  
23 this vicinity?

24 A Yes, sir.

25 Q Can you show the jury approximately where that is?

1 A It's in that direction almost parallel to Old  
2 Buncombe Road. Poinsett Highway is that way (indicating).

3 Q So Poinsett Highway is in this (indicating)  
4 direction?

5 A Yes, sir.

6 Q And that's the highway that runs back from Travelers  
7 Rest to Greenville?

8 A Yes, sir.

9 Q Okay. You can have a seat, sir.

10 Now, once you obtained that description of the  
11 suspect, what did you do with it? Did you radio it out?

12 A Yes, I did. But before I did that, other deputies  
13 had made contact and engaged in a foot pursuit with the  
14 suspect described by dispatch before I was able to relay  
15 the information out.

16 After the suspect that -- was caught by the other  
17 deputies, then I quickly relayed that information. I also  
18 added that the suspect from the victim/complainant, which  
19 is the employee, the suspect had also a silver colored  
20 handgun that he used to demand money with.

21 Q Okay. And you reference a description already being  
22 radioed out. That was by dispatch?

23 A Yes.

24 Q Okay. From the 9-1-1 call?

25 A Yes, sir.

1 Q Okay. Now, were you, at some point in time, I  
2 believe you referenced this, you were informed that a  
3 suspect was in custody; is that correct?

4 A Yes, sir.

5 Q Okay. At that point in time, did you obtain a photo  
6 of the suspect?

7 A Yes.

8 Q And how did you get that?

9 A I sent it to the deputy who was on scene via text.

10 Q Okay. And where did you get that?

11 A From the store surveillance.

12 Q Okay. And so referenced in the store surveillance,  
13 did you actually view the surveillance video at the store?

14 A Yes, I did, sir.

15 Q And who provided that to you?

16 A The store employee.

17 Q And that would be Charles?

18 A Yes.

19 Q And did you watch it at that time?

20 A Yes, I did.

21 Q Okay. And that's where you got the photo from?

22 A Yes, sir.

23 Q And prior to this case, let me show you what's been  
24 marked State's Exhibit 3, do you recognize that as prior  
25 to this case the video that you watched?

1 A Yes, I do.

2 Q Okay. And does it accurately depict what you saw on  
3 that day back in November?

4 A Yes, sir.

5 MR. RICHARDSON: Okay. At this time, Your Honor, we  
6 would offer State's Exhibit 3 into evidence.

7 THE COURT: All right. Any objection from the  
8 defense?

9 MS. JOHNSON: Just clarification. This is the  
10 surveillance video?

11 MR. RICHARDSON: Yes.

12 MS. JOHNSON: Judge, I would just object as to  
13 foundation.

14 THE COURT: All right. I'll overrule. State's  
15 Exhibit Number 3 is admitted into evidence over objection.

16 (WHEREUPON, State's Exhibit Number 3 was admitted into  
17 evidence.)

18 BY MR. RICHARDSON:

19 Q Is this the surveillance of the incident as it  
20 happened?

21 A Yes.

22 (WHEREUPON, State's Exhibit Number 3, a video, is played  
23 in open court.)

24 BY MR. RICHARDSON:

25 Q Okay. Sir, can you describe what is happening here?

1 A May I stand up?

2 Q Yes.

3 A Yes, sir. At this point the suspect has walked into  
4 the 7-Eleven through these doors and had brandished a  
5 weapon demanding money from the clerk.

6 Q Okay. Can you just show that to the jury one more  
7 time? I believe that was blocking them. Where's the  
8 suspect?

9 A Right here. The doors are right here. The suspect  
10 walked in demanding money from the clerk. He had -- well,  
11 before this little -- I think a few seconds before this,  
12 he had brandished a silver in color handgun. And this  
13 white piece right here is a pillowcase where he put the  
14 money (indicating throughout).

15 Q And what is on his hands?

16 A Yellow gloves.

17 Q And let me just ask you right now, did you ever  
18 attempt to obtain any fingerprints in this case?

19 A No, sir.

20 Q Why not?

21 A Because he was wearing gloves.

22 (WHEREUPON, State's Exhibit Number 3, a video, continued  
23 to play in open court.)

24 BY MR. RICHARDSON:

25 Q We're having a hard time stopping it.

1 Do you see his gun right here?

2 A Yes, sir. It was right here (indicating) in his  
3 right hand. This is Mr. Henderson right here  
4 (indicating), the clerk. And that's where he's demanding  
5 money.

6 Q And what is Mr. Henderson doing at this time?

7 A Giving him money. And I believe in his statement he  
8 said he was taking his time so he can get an accurate  
9 description of the suspect as best he could. The suspect  
10 at that time became irate and said "hurry."

11 Q Okay. And his clothing, you've mentioned the gloves.  
12 Do you recognize anything else as far as his sleeves and  
13 jacket?

14 A He's wearing a -- he's wearing -- well, he's  
15 wearing the blue -- the dark color tracksuit described to  
16 me as a blue tracksuit or blue track shirt, blue track  
17 pants. If I remember correctly, it was a skullcap and a  
18 dark mask. And then I don't think I put anything about  
19 the sleeve on there, but that's -- everything else was in  
20 my report.

21 Q Okay. And you recognize the sleeve as being a white  
22 color?

23 A Yes, sir.

24 Q Okay. I'm going to play the whole video for the  
25 jury.

1 (WHEREUPON, State's Exhibit Number 3, a video, continued  
2 to play in open court.)

3 BY MR. RICHARDSON:

4 Q And there he leaves on foot?

5 A Yes, sir. Correct.

6 MR. RICHARDSON: Okay. Sir, you can have a seat.

7 And, Your Honor, I'm noticing that this TV is not  
8 working.

9 THE COURT: It's not working?

10 MR. RICHARDSON: No, sir. The jurors have a hard  
11 time seeing that from here.

12 THE COURT: We checked it this morning and it was on.  
13 We'll see what we can do. We'll keep working on it.

14 MR. RICHARDSON: Okay. Thank you, Your Honor.

15 BY MR. RICHARDSON:

16 Q Okay. Sir, now, once the suspect had been  
17 apprehended, did anything further happen as far as your  
18 duties were concerned?

19 A Yes, sir. Once I learned that the suspect was  
20 apprehended, I quickly asked Mr. Henderson what the  
21 suspect had taken. And I found out that it was just cash.  
22 Once ---

23 Q And did you get -- I'm sorry. Go ahead.

24 A I'm sorry.

25 Q Did you get the amount?

1 A Yeah. And so once they caught him, they placed him  
2 under arrest. I advised one of the deputies on the radio  
3 that the suspect had taken cash and that he had a silver  
4 handgun in his possession. After patting him down,  
5 searching, they located the cash and a silver revolver on  
6 him is what I was told. That's when I reviewed the video.  
7 And then ---

8 Q At some point -- let me ask you, at some point in  
9 time, was the cash returned to the 7-Eleven?

10 A Yes, sir, it was. Deputy Greer, who was one of the  
11 deputies who had apprehended the suspect, returned the  
12 money. It was counted, and it was totalled to \$156.06.

13 Q And how much was reported to you to be taken from the  
14 7-Eleven?

15 A That exact amount.

16 Q Let me hand you what's been marked State's Exhibit 4.  
17 Sir, do you recognize this photograph?

18 A Yes, sir, I do.

19 Q And does that accurately depict what is being shown  
20 there?

21 A Yes, sir.

22 Q Has it been changed or altered in any form or  
23 fashion?

24 A No, sir.

25 MR. RICHARDSON: At this time, Your Honor, the State

1 would offer State's Exhibit Number 4 into evidence.

2 THE COURT: All right. Any objection from the  
3 defendant?

4 MS. JOHNSON: No, Your Honor.

5 THE COURT: All right. State's Exhibit Number 4 is  
6 admitted into evidence without objection.

7 (WHEREUPON, State's Exhibit Number 4 was admitted into  
8 evidence.)

9 BY MR. RICHARDSON:

10 Q Okay. Sir, can you tell the jury what this is  
11 depicting?

12 A This is the money that was -- that was retrieved from  
13 the suspect and was brought back to the 7-Eleven after he  
14 was apprehended.

15 Q And is it y'all's policy to return money once it's  
16 been retrieved in a crime?

17 A Yes, sir.

18 Q Did you take that photo or did you have somebody else  
19 take it?

20 A I believe somebody else took it. I think ---

21 Q But you were there? You were there at the time?

22 A Yes, sir. I was there.

23 MR. RICHARDSON: Beg the Court's indulgence.

24 Thank you, sir. That's all the questions I have.

25 Please answer any questions defense counsel may have.

1 THE COURT: All right. Cross.

2 MS. JOHNSON: May it please the Court.

3 CROSS EXAMINATION

4 BY MS. JOHNSON:

5 Q Good morning, Deputy.

6 A Good morning, ma'am.

7 Q I see that you're wearing your body cam today.

8 A Uh-huh.

9 Q And you also were wearing your body cam during this  
10 incident, correct?

11 A Correct.

12 Q The entire time while you were in the store.

13 A Yes. Yes, ma'am.

14 Q And it's important to wear your body cam so that you  
15 have an accurate, I guess, recording of what happened in  
16 case you need to go back and watch it again like four  
17 years later, correct?

18 A Yes.

19 Q Okay. And you also had your in-car video -- or,  
20 excuse me -- your dash cam running the whole time.

21 A I believe so.

22 Q Just in case, you know, something -- that machine  
23 captures video that may be important to you, correct?

24 A Yes.

25 Q Or important to the case.

1           Have you had a chance to review your body-cam footage  
2 today?

3       A     Today?

4       Q     Or from November 24th for today's hearing.

5       A     Yes.

6       Q     Okay. And you talked to both store clerks, correct?

7       A     I believe I talked -- yes. But more to  
8 Mr. Henderson.

9       Q     The female Clark?

10      A     No. Mr. Henderson, the male.

11      Q     You also talked to Linda Haynes [sic].

12      A     I believe I spoke to her briefly, though, because she  
13 didn't remember much of the description.

14      Q     But you did talk to her.

15      A     I can't remember how much I talked to her. If I did,  
16 it must have been brief.

17      Q     Okay. When did you review your body-cam footage for  
18 today's hearing?

19      A     Probably a few weeks ago.

20      Q     Okay. Do you need to review it again?

21      A     No, ma'am.

22      Q     Okay. Because you talked to the female clerk, and  
23 she gives you a description, and you also talked to the  
24 male clerk, Mr. Henderson, correct?

25      A     I believe so.

1 Q Okay. And both clerks deny the suspect is wearing  
2 white -- a white sleeve. They tell you that, correct?

3 A I don't remember that.

4 Q Do you need to watch your body cam again?

5 A No, ma'am.

6 Q Okay. But they both tell you at one point that  
7 there's no white sleeve, just a dark track suit.

8 A Right.

9 Q And at one point, the male clerk says the suspect is  
10 wearing a white mask.

11 A I don't remember that at all.

12 Q You don't remember that?

13 A No.

14 Q That it matched the pillowcase, the white pillowcase  
15 and the white mask?

16 A I'm sorry. What's your question?

17 Q That he gave a description of the suspect wearing a  
18 white mask.

19 A I do remember vaguely him saying that in the body-cam  
20 footage, but that could have been, you know, in the heat  
21 of the moment, people give sometimes inaccurate  
22 descriptions.

23 Q But he said that.

24 A I believe he said that, yes.

25 Q And you got the store video which we saw, and that

1 was the inside video from inside of the store, correct?

2 A Yes, ma'am.

3 Q You didn't get any outside footage ---

4 A No, ma'am.

5 Q --- from -- for either side?

6 A No, ma'am.

7 Q You didn't get any DNA or have anybody come in and  
8 dust for, I guess -- not dusting for DNA, but take any DNA  
9 or possible DNA around the register area?

10 A No. No, ma'am.

11 Q You didn't have any fingerprints taken.

12 A No, ma'am.

13 Q And shoe imprints.

14 A No.

15 Q And the clerk gave you a description of the suspect  
16 being in his 40s; do you remember that?

17 A I do not.

18 Q African-American male in his 40s?

19 A I don't have an approximate age. I just have the  
20 description, his race, height, weight and what he was  
21 wearing. I don't have the age. In my report at least I  
22 don't have that.

23 Q And what does your report give the age of  
24 Mr. Griffin?

25 A I don't have one because I never made contact with

1 Mr. Griffin.

2 Q Okay. But you have that the suspect was 6'3" to  
3 6'5"?

4 A Correct.

5 Q Wearing dark clothes?

6 A Blue track pants and a blue track shirt.

7 Q Do you remember saying on your body cam this is going  
8 to be a slam-dunk case?

9 A I don't remember saying that. No, ma'am.

10 Q And you didn't do any follow-up like the next day or  
11 any time thereafter this incident?

12 A I don't remember when it was, but I put I obtained a  
13 thumb drive copy of the video and the manager signed the  
14 evidence form over. I don't remember when I did that. I  
15 can't remember if it was the same day or the next day, but  
16 I did obtain it.

17 Q But that was essentially all you did?

18 A Correct.

19 MS. JOHNSON: Beg the Court's indulgence.

20 Thank you, Deputy. That's all the questions I have.

21 THE COURT: All right. Redirect?

22 MR. RICHARDSON: Nothing further, Your Honor.

23 THE COURT: All right. Deputy, you may step down.

24 MR. RICHARDSON: Your Honor, this officer, I believe,  
25 is on third shift. May he be excused?

1 THE COURT: Any objection from defense?

2 MS. JOHNSON: No, Your Honor.

3 THE COURT: All right. You are excused then.

4 All right. Next witness.

5 MR. RICHARDSON: The State calls Charles  
6 Henderson-Blake to the stand.

7 THE CLERK: Mr. Henderson-Blake, please place your  
8 left hand on the Bible and raise your right hand.

9 WHEREUPON,

10 CHARLES HENDERSON-BLAKE

11 After having been duly sworn, testified as follows:

12 THE CLERK: Thank you. You may be seated. Please  
13 state your full name for the record.

14 THE WITNESS: Charles Henderson-Blake.

15 DIRECT EXAMINATION

16 BY MR. RICHARDSON:

17 Q Good morning, Charles.

18 How old are you?

19 A That's a good question. I forgot. Like 46.

20 Q Okay. Sometimes I wish I could forget mine.

21 Are you presently employed?

22 A Yes.

23 Q Where at?

24 A At 7-Eleven, 5055 Old Buncombe Road.

25 Q Okay. Is it the same 7-Eleven that was the incident

1 -- that this incident happened at?

2 A Yes.

3 Q Okay. How long have you been employed at 7-Eleven?

4 A Ten years.

5 Q All right, sir. Now, let me take your memory back to  
6 November 24, 2018. That day, were you working?

7 A Yes.

8 Q What shift?

9 A I was working third.

10 Q And what time does third generally ---

11 A 7:00.

12 Q You get off at 7 a.m.?

13 A Yes.

14 Q Okay. And on that date do you recall the incident  
15 we're here about happening?

16 A Oh, yes.

17 Q Okay. And that day, were you a clerk in the store?  
18 Or what were your duties on that particular day?

19 A I was receiving freight delivery.

20 Q You refer to freight delivery.

21 A I had a semitruck with two drivers from McLean that  
22 had just delivered and was currently -- well, at that time  
23 were sitting in my parking lot getting ready to pull off  
24 and leave after they had just dropped all of our goods and  
25 services for the store.

1 Q Okay. Now, what happened?

2 A Well, Linda showed up, she came in. I gave her an  
3 assessment of where we were at. And the drivers were  
4 outside. It was raining heavily. And then the door dung,  
5 and there was a figure.

6 Q The door did what?

7 A The doorbell rang.

8 Q Okay.

9 A That's when you walk in it. It goes "bing-bong."

10 Q It always ---

11 A Yeah.

12 Q Okay.

13 A And out of habit I look up and I say "hello" or "good  
14 morning," some variation of. And there is a figure there  
15 that is dressed very similarly to what we had on the video  
16 with their mask on. And the first thing that they say to  
17 me in response is, "Do you know who I am?"

18 And I being me said, "Not with that mask on your  
19 face."

20 And then he came over and said that he wanted all of  
21 the money, give me all of the money.

22 Q Did he have anything in his hand?

23 A Yes. There was a shiny revolver, and then there was  
24 a pillowcase that had a lavender scent to it. And he  
25 pushed it across the counter at us and wanted us to fill

1 it up with the money from the drawers.

2 Q Okay. Let me just hand you real quick what's been  
3 marked State's Exhibit 5, 6 and 7. Have you reviewed  
4 these photos?

5 A I have seen them before.

6 Q Okay. Can you just look at each one real quick to  
7 make sure it's the same ones?

8 A (Reviews exhibits) Yes.

9 Q Okay. Sir, and do those photos accurately depict  
10 what happened to you on that day?

11 A Yes.

12 Q And where did those photos come from?

13 A They came from our surveillance system at 7-Eleven.

14 Q Okay. And do they appear to be changed or altered in  
15 any form or fashion?

16 A No.

17 MR. RICHARDSON: Your Honor, at this time the State  
18 would offer State's Exhibit 5, 6 and 7 into evidence.

19 THE COURT: Any objection from defense?

20 MS. JOHNSON: No, Your Honor.

21 THE COURT: All right. Exhibits -- State's  
22 Exhibits 5, 6 and 7 are admitted into evidence without  
23 objection.

24 (WHEREUPON, State's Exhibit Numbers 5, 6 and 7 were  
25 admitted into evidence.)

1 BY MR. RICHARDSON:

2 Q Okay. And sir, can you flip the -- okay. Sir, I am  
3 referring to State's Exhibit Number 5. Who is that?

4 A That is me.

5 Q Okay. And is this the individual that was robbing  
6 you?

7 A That is the individual that was robbing.

8 Q Okay. And what's in his right hand?

9 A Well, that is the silver revolver.

10 Q Did you recognize it as being a gun?

11 A Yes.

12 Q Okay. No question in your mind?

13 A No.

14 Q Okay. Also, what do you recognize on his hands?

15 A I recognize yellow gloves that are like what we carry  
16 within the store.

17 Q Okay. Let me show you State's Exhibit 6. What is he  
18 doing with the weapon at that point?

19 A It is being pointed at me.

20 Q And State's Exhibit 7, what is this a picture of? Is  
21 that the front door?

22 A That is the front door.

23 Q And what does he have in his hand there?

24 A That should be the pillowcase.

25 Q Okay. Now, I think you referenced to the jury he

1 demanded money at that time?

2 A Yes.

3 Q Okay. And did you, in fact, give him money?

4 A Yes. And I opened up the drawer, and I started with  
5 unrolled pennies ---

6 Q Okay.

7 A --- and then I went to unrolled nickels.

8 Q All right. And did you eventually give him some  
9 bills?

10 A Yes.

11 Q All right. Do you recall the amount of money today  
12 that you gave him?

13 A The amount that was taken from the store I remember  
14 being something along the lines of \$152 and some change.

15 Q Okay. And was that money eventually returned to you?

16 A Yes. I remember having to count it.

17 Q Okay. And did you do, for lack of a better term, an  
18 accounting?

19 A Well, we had to fill out our paperwork for it, yeah.

20 Q Okay. And the amount of money that you received  
21 back, what was it? Was it the amount that was actually  
22 taken; do you recall?

23 A Yes. Because when we had the robbery, while we were  
24 waiting on the police to do whatever they needed to do to  
25 find the person or not find the person, we had to close

1 out the store, lock the door, count the drawers and audit  
2 the computer to get an exact amount for our records.

3 Q And so I'm referring to State's Exhibit 4 on the  
4 screen.

5 A Uh-huh.

6 Q That's the money that was returned to you?

7 A Yes, it was.

8 Q Was this (indicating) included? I'm pointing here.

9 A Yes.

10 Q What is that?

11 A Those are rolled dimes.

12 Q Is that the rolled dimes that you referred to just a  
13 little bit to the jury?

14 A Yes. Well, no. I referred to unrolled nickels. I  
15 didn't get to the dimes yet.

16 Q Okay. My apologies. I may have cut you off.

17 A But he left without getting the gold dollars or the  
18 quarters that had been in the drawer.

19 Q Now, were you able to see the suspect's face at this  
20 point in time?

21 A I could only glance at him, because the thing of it  
22 is, is you don't want to make direct eye contact with your  
23 robber because you don't want to freak them out or  
24 encourage them to feel like they're being stared at. So  
25 you'll make infrequent glances. And mainly, I was trying

1 to look at the wrists because I was trying to see if there  
2 were any tattoos that might be underneath in the wrist  
3 area under the gloves in the space right there.

4 Q Okay. And were you focusing on the gun also?

5 A I was focusing on the gun. I wanted to make sure  
6 that the gun stayed more or less focused on me and that  
7 the robber's attention was on me, because Linda, Linda  
8 Howes, because her name keeps getting mispronounced, I  
9 wanted to keep her safe and calm.

10 Q Okay. And was it you that dealt with the robber?

11 A I was the primary point of contact.

12 Q And the gun that you saw, can you describe the color?

13 A Silver.

14 Q Do you know if it was an automatic or revolver?

15 A I am not a gun expert, but I would say revolver.

16 Q And ultimately, you're the one that pulled up the  
17 surveillance video to give to police?

18 A I initially pulled up the surveillance video. My  
19 manager's the one that would have downloaded it to  
20 everything for them.

21 Q Okay. But you viewed it?

22 A I viewed it?

23 Q Yeah. You saw the surveillance video?

24 A Well, I pulled it up. I didn't need to like look at  
25 it because ---

1 Q But you saw it today.

2 A I saw it today.

3 Q And does that accurately depict what happened?

4 A That very much accurately depicts what happened.

5 Q Okay. And when the suspect left, did he leave on  
6 foot or get in a car or what?

7 A He left on foot.

8 And I remember he was like walking strange, like  
9 slightly limping on one side. It was raining. It was  
10 cold. And he was like moving -- I was like shocked at how  
11 slowly he was moving for someone who had just robbed  
12 7-Eleven. And I'm on the phone calling our asset  
13 protection with one phone and using the other phone to  
14 call the police, and I'm watching him go right alongside  
15 the McLean's truck, past them as they're getting ready to  
16 go and going across the street and going down the road to  
17 where the bus stop is by the Publix.

18 Q And the bus stop by the Publix, is that actually on  
19 Poinsett Highway?

20 A No. The bus stop itself was on the little side road  
21 that is directly in front of the Publix. So that was  
22 about the vanishing point where I lost visual of him.

23 Q Okay.

24 A But I was telling them he's headed towards the  
25 Publix. So ---

1 Q And Poinsett Highway, where does it run in relation  
2 to Publix?

3 A It is like triangular. So you've got Poinsett  
4 Highway that runs there and the little road that is Publix  
5 kind of like goes diagonal to it.

6 MR. RICHARDSON: Okay. Sir, that's all the questions  
7 I have. Please answer any questions defense counsel may  
8 have.

9 THE COURT: All right. Cross-examination.

10 MS. JOHNSON: May it please the Court.

11 CROSS EXAMINATION

12 BY MS. JOHNSON:

13 Q Mr. Henderson, do you remember when you first met  
14 with Deputy Ochoa telling him the gun may have been fake?

15 A No. I told him that I didn't know if it was real or  
16 it was fake or what.

17 Q And you also said to him you thought is this a joke  
18 because of the gun being fake or possibly fake?

19 A Yeah. That -- that was my internal thought when he  
20 first walked through the door is you've got to be kidding  
21 me. This -- right. So ---

22 Q But you said to the officer you didn't know whether  
23 or not the gun was real.

24 A Well, I didn't get to touch it or examine it, so I  
25 just went on my best guess.

1 Q I understand.

2 And do you remember telling the officer that the  
3 suspect had a white mask on?

4 A It could have been. It could have not have been. I  
5 really did not look at his face.

6 Q Do you remember saying that you were mentally taking  
7 notes and you saw a white mask and a white pillowcase?

8 A I did say I saw a white pillowcase. I may have said  
9 that I saw a white mask. But to be honest, I really  
10 wasn't focused on his face or his head simply because we  
11 have video cameras. I didn't need to focus on what color  
12 the mask was.

13 Q But that's not the question I asked. Do you remember  
14 making that statement that, yes ---

15 A After four years, no.

16 Q And you also described the suspect as an older,  
17 middle-aged man in his 40s?

18 A That was a guesstimation on my part based on the  
19 voice. Because I will be honest, this was one robber that  
20 sounded really tired.

21 Q But that is what you told the police, an older,  
22 middle-aged black man in his 40s.

23 A That was my guess.

24 Q And you deny or you tell the officer there was no  
25 white sleeve. They ask you specifically about a white

1 sleeve, and you say, "No. He was not wearing a white  
2 sleeve."

3 A I did not detect a white sleeve, so therefore, I did  
4 not say there was a white sleeve.

5 Q You called 9-1-1 or is it Ms. Haynes [sic]?

6 A I called 9-1-1. She was trying to call our store  
7 manager, and on the other phone I had asset protection  
8 which I was on hold for.

9 Q So do you remember who you called first, 9-1-1 or the  
10 asset protection?

11 A I called them simultaneously.

12 Q With your cell phone and the store phone?

13 A Yes. As I locked the door according to policy.  
14 That's how I could stand at the door and see where the  
15 suspect in question was going is because I was locking the  
16 door according to policy and watching the figure walk off.

17 MS. JOHNSON: Beg the Court's indulgence.

18 BY MS. JOHNSON:

19 Q The suspect had no tattoos?

20 A None that I could detect.

21 Q No glasses?

22 A None that I could detect.

23 Q You never used the term lavender pillow scent --  
24 pillowcase until today.

25 A Well, if it was not written down, not said at the

1 time, it is a small detail, really. I could smell the  
2 fabric softener. I identify it as lavender.

3 Q Well, you gave a statement to law enforcement shortly  
4 thereafter that event, correct?

5 A Yes.

6 Q Have you had a chance to review that statement?

7 A Not really.

8 Q And you also said that the suspect said "I am here"  
9 as soon as he walked in the door?

10 A Okay.

11 Q Is that what you said earlier?

12 A I remember him coming in and saying, "Do you know who  
13 I am?"

14 Q Excuse me. "Do you know who I am?"

15 A Right.

16 Q I'm going to hand you your previous statement, your  
17 written statement, give you a chance to read that.

18 A Okay. (Reviews document.)

19 Q The statement about "do you know who I am," is that  
20 in your statement today?

21 A Yes.

22 Q Yes or no?

23 A Yes. However, I would point out that this statement  
24 was handwritten by the officer, and when you give  
25 statements to officers, they sometimes leave out details

1 because they're going so fast.

2 Q So he left that detail out?

3 A Yes.

4 Q And he also left out the part about the lavender  
5 scent?

6 A I don't know if I said anything about the lavender  
7 scent to him. I just remember telling him I could smell  
8 the fabric softener.

9 Q Four years later you're talking about the lavender  
10 scent.

11 A (Non-verbal answer.)

12 MS. JOHNSON: Thank you, Mr. Henderson.

13 THE COURT: All right. Any redirect?

14 MR. RICHARDSON: Nothing further, Your Honor.

15 THE COURT: All right. You may step down.

16 Ladies and gentlemen, we're going to take our morning  
17 break, so if you would, step out to the jury room. And  
18 please don't discuss the case, and I'll call you back out  
19 here in a little bit.

20 (WHEREUPON, the jury exits the courtroom at 11:17 a.m.)

21 THE COURT: All right. We'll be in recess.

22 (WHEREUPON, a recess is taken at 11:17 a.m.)

23 THE COURT: Anything from the State before we bring  
24 the jury back in?

25 MR. RICHARDSON: Nothing from the State.

1 THE COURT: Anything from defense?

2 MS. JOHNSON: No, Your Honor.

3 THE COURT: All right. Let's bring them in.

4 (WHEREUPON, the jury entered the courtroom at 11:41 a.m.)

5 THE COURT: All right. I understand you selected a  
6 forelady. And, Madam Forelady, you are it. You are to  
7 occupy that seat every day, and the two alternates will  
8 stay in those two seats as well.

9 I didn't introduce you all to the gentleman who is  
10 sitting with me up here, and I actually forgot to do it  
11 yesterday, a few jurors on there. This is Robert Barrow.  
12 He is my law clerk.

13 He has just finished law school. He has taken the  
14 bar exam and waiting on those results, and he will get  
15 those soon. And I know that he will become a lawyer here  
16 in a few weeks. So he will work with me for a year, and  
17 then he'll go out into the real world of practice. I  
18 apologize for not introducing him to you.

19 All right. Ready to proceed. State call the next  
20 witness.

21 MR. RICHARDSON: Thank you, Your Honor. Please the  
22 Court.

23 The State calls James Leathers to the stand.

24 THE CLERK: Mr. Leathers, please place your left hand  
25 on the Bible and raise your right hand.

1 WHEREUPON;

2 JAMES LEATHERS

3 After having been duly sworn, testified as follows:

4 THE CLERK: Thank you. You may be seated. Please  
5 state your full name for the record.

6 THE WITNESS: James B. Leathers.

7 DIRECT EXAMINATION

8 BY MR. RICHARDSON:

9 Q Sir, where are you employed?

10 A At the Greenville County Sheriff's Office.

11 Q And how long have you been employed with Greenville  
12 County?

13 A 23 years, I think.

14 Q Okay, sir. And in what capacity are you employed  
15 with them today?

16 A Today I am a sergeant in K-9 services, but at the  
17 time of the incident, I was a dog handler in K-9 services.

18 Q Okay. Can you just explain to the jury those duties  
19 being a K-9 handler?

20 A So at the time, I was working two dogs, but the dog  
21 that I used in this incident was what we call a patrol  
22 narcotics dog meaning that he's trained to find suspects,  
23 and he's also trained to find evidence, and he's also  
24 trained to use his nose to find the odor of illegal drugs.  
25 So that's what I did at that time.

1 Q Okay. And is there any type of certification that  
2 comes with this?

3 A Yes, sir. We certify yearly through the North  
4 American Police Work Dog Association, and that's in the  
5 disciplines of article search, obedience, aggression  
6 control, area research, tracking and drug detention.

7 Q Okay, sir. And have you had training in that  
8 regards?

9 A Yes, sir. With this particular dog, I had gone  
10 through a 600-hour training class when I was first  
11 assigned the dog in 2012. But I had also worked another  
12 dog that was of the same type previously. So I've had  
13 several thousand hours of dog-related training.

14 Q And what's the name of this dog?

15 A The dog in this incident, his name is Hondo.

16 Q Okay. And with Hondo, have you had particular  
17 searches that you've done with that particular dog in the  
18 field?

19 A Yes, sir. Both in training and in deployments for  
20 actual cases, yes, sir.

21 Q Okay. Well, how many in training?

22 A In training, several hundred.

23 Q How many in the field?

24 A Probably less than a hundred at the time of this  
25 incident.

1 Q Okay. And in particular, article searches were a  
2 part of that?

3 A Yes, sir. This was the 630 -- I don't have the exact  
4 number. I've got it written down. I've used the dog 639  
5 times, but not all of those were for article searches  
6 specifically.

7 Q And as far as article searches are concerned, was it  
8 -- do you know the number that it was?

9 A I do not have the exact number, no, sir.

10 Q Let me ask you this. Have you been qualified as an  
11 expert in the state courts?

12 A I have, yes, sir. In tracking incident.

13 Q Okay. And have you been qualified in article  
14 searches or is it just tracking?

15 A Just in tracking, sir.

16 MR. RICHARDSON: Okay. Your Honor, at this time we  
17 would move to qualify him in K-9 article searches as an  
18 expert.

19 THE COURT: All right. Any objection or voir dire  
20 from the defendant?

21 MS. JOHNSON: No, Your Honor.

22 THE COURT: K-9 article searches; is that right?

23 MR. RICHARDSON: That's correct, Your Honor.

24 THE COURT: All right. The witness is qualified as  
25 an expert in K-9 article -- article searches.

1 Ladies and gentlemen, normally, witnesses can only  
2 testify as to personal knowledge, observation and cannot  
3 give opinions in cases. However, under our rules, it  
4 allows a witness who has been qualified via education,  
5 experience or knowledge can testify as to opinions.

6 Now, expert witness's testimony, their testimony is  
7 to be considered and evaluated just as any other witness.  
8 They're not to be given any greater weight -- greater  
9 weight than any other witnesses. You are to determine  
10 their weight when you deliberate in the case. But they  
11 are, as expert witnesses, allowed to give an opinion in  
12 the case.

13 All right. Yes, sir.

14 MR. RICHARDSON: Thank you, Your Honor. Please the  
15 Court.

16 BY MR. RICHARDSON:

17 Q Sir, how -- can you just briefly explain to the jury  
18 how you go about an article search with a dog?

19 A Yes, sir. So we're asking the dog to use his nose to  
20 hunt for items that have fresh human scent on them be it a  
21 discarded set of keys or it could be practically anything.  
22 And the way we do that is we reward the dog when he finds  
23 items that have been strategically discarded during  
24 training for him to find. When he locates those, then he  
25 gets to play tug-of-war with me, the handler, because

1 that's something that he enjoys doing.

2 And so anytime we do an article search with a dog  
3 like this, and in this case this particular dog, I  
4 determine, based on the circumstances, whether I'm going  
5 to let the dog work on a long leash or whether it's safe  
6 enough to let him work off leash.

7 But he actively hunts with his nose, but rather than  
8 hunting for birds, he's hunting for items that have fresh  
9 human scent on them.

10 Q Okay, sir. And in this particular case, did you have  
11 him harnessed?

12 A I had him on a 15-foot leash on his collar, yes, sir.

13 Q And were you told where to search and what to search  
14 for?

15 A I was told that the suspect had been arrested and  
16 about where. And I was also told that we were looking for  
17 gloves. And I used that area to -- is where I started.

18 Q So the area -- you were informed of the area by  
19 another officer?

20 A Yes, sir.

21 Q Okay. And was that area on Poinsett Highway?

22 A Yes, sir.

23 Q I'm going to ask for you to identify what's been  
24 marked as State's Exhibit 1. Do you recognize that, sir?

25 A Yes, sir, I do.

1 Q Okay. And does that accurately depict the area that  
2 you searched?

3 A Yes, sir.

4 MR. RICHARDSON: Okay. At this time, Your Honor, I'm  
5 sorry, we would move State's Exhibit Number 1 into  
6 evidence.

7 THE COURT: All right. Any objection from defense?

8 MS. JOHNSON: No, Your Honor.

9 THE COURT: All right. State's Exhibit Number 1 is  
10 admitted into evidence without objection.

11 (WHEREUPON, State's Exhibit Number 1 was admitted into  
12 evidence.)

13 BY MR. RICHARDSON:

14 Q Okay. Sir, if you could, come down and point out to  
15 the jury the areas that you were told to search and, in  
16 fact, the areas that you did search.

17 A So this general area down here is where I stopped my  
18 vehicle because this is the area where I was told that the  
19 arrest was made. And then I had the dog search on this  
20 side of the road, up past this lake area, all the way  
21 until the gloves were found in this general vicinity here.  
22 The dog -- so the dog searched on that 15-foot leash  
23 throughout this area here until -- until the dog found and  
24 laid down at, that's what he's trained to do when he finds  
25 the item that he's searching for, and he laid down there

1 as it was, in fact (indicating throughout).

2 Q So the lay down is the indication to you that  
3 something has been found?

4 A That's the final -- what we call the training final  
5 indication or the training final response that he has --  
6 he has found the source of where he's getting that smell.

7 Q Okay, sir. You can have a seat.

8 And I believe you testified, in fact, your dog did,  
9 in fact, find some gloves.

10 A Yes, sir.

11 Q Let me hand you what's been marked as State's  
12 Exhibit 8 and 9 and 10, sir. Can you identify those? Can  
13 you identify them?

14 A I can.

15 Q Go through each photo. Can you identify those?

16 A Well, this is ---

17 Q I just want you to say "yes" or "no."

18 A Yes, sir. (Reviews exhibits) I can identify this  
19 one, and I can identify this one.

20 Is it three photos?

21 Q Yes.

22 A And I can identify this photo, yes, sir.

23 Q Okay. Do they accurately depict what you were  
24 viewing on the day that you were called to that scene?

25 A Yes, sir.

1 Q And do they appear to be altered or changed in any  
2 form or fashion?

3 A They do not appear to be altered.

4 MR. RICHARDSON: Your Honor, at this time the State  
5 would offer State's 8, 9 and 10 into evidence.

6 THE COURT: All right. Any objection from the  
7 defendant?

8 MS. JOHNSON: No, your Honor.

9 THE COURT: All right. State's Exhibits 8, 9 and 10  
10 are admitted into evidence without objection.

11 (WHEREUPON, State's Exhibit Numbers 8, 9 and 10 were  
12 admitted into evidence.)

13 BY MR. RICHARDSON:

14 Q Okay, sir. I will show you and referring to state's  
15 exhibit now into evidence Number 9. Do you recognize that  
16 photo?

17 A Yes, sir.

18 Q And what is that?

19 A That is the -- that is the gloves that my dog alerted  
20 to on the side of Poinsett Highway.

21 Q And then on State's Exhibit 10?

22 A And that's a close-up of the same gloves in the same  
23 location.

24 Q Okay. And State's Exhibit 8?

25 A That's a picture of Poinsett Highway as one goes from

1 Furman toward Greenville, and that's me with the dog  
2 walking away.

3 Q Do you know how far this area is from the 7-Eleven on  
4 Old Buncombe Road?

5 A I don't know the exact distance, but it's not very  
6 far. It's basically on the other side of the large  
7 shopping center.

8 Q Okay. Walking distance?

9 A Yes, sir.

10 Q Let me hand you what's been marked State's  
11 Exhibit 13. Do you recognize these?

12 A Yes, sir.

13 Q What are those?

14 A Those are the gloves that my dog found on that day.

15 MR. RICHARDSON: At this time, Your Honor, the State  
16 would offer State's Exhibit 13 into evidence.

17 THE COURT: All right. Any objection from the  
18 defendant?

19 MS. JOHNSON: No, Your Honor.

20 THE COURT: All right. State's Exhibit 13 is  
21 admitted into evidence without objection.

22 (WHEREUPON, State's Exhibit Number 13 was admitted into  
23 evidence.)

24 BY MR. RICHARDSON:

25 Q Those are the same gloves that are in that photo that

1 you viewed?

2 A Yes, sir.

3 Q Now, you mentioned, sir -- let me ask you this. Is  
4 there a lot of articles along Poinsett Highway?

5 A Oh, yes, sir.

6 Q Okay. Well, why -- why is your dog not hitting on  
7 those articles and he hit on these?

8 A Because the dogs are trained to find fresh human  
9 scent. Items that they discarded that have been on the  
10 side of the road for a period of time, at a certain point,  
11 they're no longer interesting to the dog, and so he  
12 ignores them as just debris that would just happen to be  
13 along a highway where somebody may have carelessly  
14 discarded it.

15 Q Okay, sir. And so, based upon your expert opinion,  
16 were these gloves recently worn by a human being?

17 A Yes, sir. Or handled by a human being.

18 MR. RICHARDSON: Thank you. That's all the questions  
19 I have. Please answer any questions defense counsel may  
20 have.

21 THE WITNESS: Yes, sir.

22 THE COURT: Cross?

23 CROSS EXAMINATION

24 BY MS. JOHNSON:

25 Q Deputy, you didn't submit those gloves for any DNA

1 testing.

2 A No, sir -- no, ma'am, I did not.

3 Q And you didn't perform any DNA testing on those  
4 gloves.

5 A No, ma'am. I'm not a -- I'm not a DNA expert.

6 Q And to your knowledge, DNA testing was not conducted  
7 on those gloves?

8 A I have no knowledge about what testing was done on  
9 those gloves or not, ma'am.

10 Q And you came out to the scene -- you have in your  
11 report 1100 hours, 11:00 in the morning?

12 A That's when I started my search, yes, ma'am.

13 Q And this took place allegedly at 6:53 in the morning?

14 A Yes, ma'am.

15 Q So roughly four hours later?

16 A Yes, ma'am.

17 MS. JOHNSON: Thank you, Deputy. That's all the  
18 questions I have.

19 THE COURT: All right. Any redirect?

20 MR. RICHARDSON: Nothing further, Your Honor.

21 THE COURT: All right. You may step down. Thank  
22 you, sir.

23 THE WITNESS: Thank you, sir.

24 MR. RICHARDSON: Your Honor, the State calls Jarred  
25 Greer to the stand.

1 THE CLERK: Mr. Greer, please place your left hand on  
2 the Bible and raise your right hand.

3 WHEREUPON,

4 JARRED GREER

5 After having been duly sworn, testified as follows:

6 THE CLERK: Thank you. You may be seated. Please  
7 state your full name for the record.

8 THE WITNESS: Jarred Paul Greer.

9 DIRECT EXAMINATION

10 BY MR. RICHARDSON:

11 Q Sir, where are you employed?

12 A I work for the Greenville County Sheriff's Office.

13 Q And in what capacity?

14 A As of right now, I work for the Directed Patrol Unit.  
15 We do low-level street narcotics, prostitution and  
16 gambling. At the time of the incident, I was working  
17 Uniform Patrol answering calls for service.

18 Q Okay. And how long have you been in law enforcement?

19 A A little over seven years now.

20 Q Okay. So let me take you back to that date,  
21 November 24, 2018, when this happened. Were you on patrol  
22 that night?

23 A I was actually just coming on shift that morning.

24 Q Okay. It was actually early morning; is that  
25 correct?

1 A Yes, sir.

2 Q Okay. And when you were just coming on shift, were  
3 you dispatched anywhere?

4 A Yeah. So I had just gotten in my patrol vehicle and  
5 left our Law Enforcement Center. And I was on Poinsett  
6 Highway already and was heading out into the area of which  
7 I work, kind of the Cherrydale area. I believe I was  
8 assigned to that area that day. I usually work West  
9 Greenville, which is from -- anywhere from like Grove Road  
10 up to TR.

11 Q Okay. And -- go ahead.

12 A I'm sorry. While I was on Poinsett Highway, dispatch  
13 put out a BOLO saying that there had been an armed robbery  
14 that had occurred on Buncombe Road at the 7-Eleven, and  
15 basically stated that a -- there was a black male had  
16 robbed the store at gunpoint and had left on foot towards  
17 Poinsett Highway.

18 Q I'm sorry to interrupt, but just so we can explain  
19 for the jury, when you say "BOLO," you mean be on the  
20 lookout?

21 A Yes, sir. Basically, they -- when something -- a  
22 violent, egregious crime occurs such as like an armed  
23 robbery, they will put it over all of our channels, have a  
24 loud sound will come on the radio and they'll say, hey,  
25 you know, this incident has just occurred in this area, be

1 on the lookout for a description of the suspect. And then  
2 units that are close will usually go to it.

3 Q Okay, sir. Let me just -- if you can step down,  
4 please, sir. I'm going to refer to State's Exhibit  
5 Number 1. Can you just show the jury where you were  
6 traveling when you were dispatched to the 7-Eleven? Do  
7 you recognize this is Poinsett Highway?

8 A Yeah. So I was actually -- this is closer towards  
9 the 7-Eleven where the incident occurred (indicating).  
10 I'm coming from the city.

11 Q Step to the side. I'm sorry.

12 A I'm coming from this (indicating) direction and going  
13 northbound towards the incident location. At the time  
14 when it was BOLO'd, I was probably, I would say, maybe  
15 five miles away.

16 Q Okay. Now, at some point in time, did you see the  
17 defendant on Poinsett Highway?

18 A Yes, I did. Me and another deputy, who was traveling  
19 in another vehicle behind me, we were traveling northbound  
20 coming down Poinsett Highway. And about I would say right  
21 here (indicating) is where we saw the suspect walking on  
22 the side of the road back towards the city.

23 The description that dispatch BOLO'd on our channel  
24 said it was a black male that was in a blue -- some kind  
25 of blue outfit, blue jumpsuit. And in my experience in

1 this area, this is not a very highly, you know, walked  
2 area. Most people don't walk along this main highway like  
3 that. So while we were traveling in this direction, we  
4 saw him walking back towards the city.

5 By that time I decided to do a U-turn to go get out  
6 with the suspect, and I had to take my eyes off the  
7 suspect, obviously, to safely control -- you know, safely  
8 do a U-turn in the road. And when I got back going back  
9 towards the city, I could see that Deputy Chadwick, who  
10 was in the vehicle behind me, had already gotten out on  
11 foot and was chasing the suspect. He was in a full-on  
12 sprint behind the suspect. We were already at this  
13 point ---

14 Q And when you say that, was the suspect -- was he  
15 running?

16 A Yes, sir.

17 Q Did you see him running?

18 A Oh, yeah. He was in a full-on sprint, and so was  
19 Deputy Chadwick, I would say, maybe 50 yards behind him.

20 Q Okay. And at that point what did you do?

21 A At that point I was still further away, so I actually  
22 continued on to Poinsett Highway. Because by this time  
23 the suspect and Deputy Chadwick had already gotten onto  
24 North Parker Road and were still running back towards the  
25 city. North Parker Road actually runs into Poinsett

1 Highway. And so with my vehicle still being there, I felt  
2 it was an advantage to get in front of the suspect and  
3 kind of head him off.

4 And so while we were ---

5 Q So just real quick, when you say that, just explain  
6 for the jury, you're trying to get in front of him where?  
7 Where exactly are you?

8 A It's not pictured here on the road anymore, but he's  
9 running on North Parker back towards Poinsett, and I'm in  
10 -- in my vehicle still on Poinsett basically parallel with  
11 the suspect and with Deputy Chadwick chasing him in  
12 pursuit.

13 Q Okay.

14 A It was also kind of dark, so I had my -- I had a  
15 spotlight on my vehicle, and I was spotlighting the  
16 suspect to get -- just kind of get a better view on him,  
17 make sure he didn't have any weapons in his hands at that  
18 time.

19 About the time that I can -- that I start to get  
20 closer to where North Parker meets Poinsett, the suspect  
21 makes a change in direction and turns left and goes into  
22 some very, very thick woods.

23 Q And can you just show the woods?

24 A It's not really pictured on here. I would say  
25 probably right around here (indicating) is where he took a

1 left and went straight into the woods.

2 Q And those are the same woods.

3 A Yes, sir. There's one big patch. You can kind of  
4 see where this newer apartment complex ---

5 Q Yes, sir.

6 A --- there's a -- this (indicating) is probably all  
7 wooded right here. But right here (indicating) is where  
8 it's kind of cut out and it's actually grass. And that's  
9 where I ended up getting out and going about ten to 15  
10 feet into the woods and kind of just waited for -- I could  
11 hear Deputy Chadwick yelling commands at the suspect, and  
12 I could hear the suspect getting closer and closer to me  
13 because I could hear the footsteps of him stepping on  
14 branches and -- and leaves and stuff like that.

15 Q And at this point in time, are you still in your  
16 patrol vehicle?

17 A No. So at this point in time, I had already -- I  
18 came to where North Parker intersects with Poinsett  
19 Highway and parked my vehicle and got out on foot and went  
20 about ten to 15 foot off of the roadway.

21 Q Okay. And you can have a seat.

22 A So ---

23 Q And your -- I'm sorry, Deputy. But your purpose was  
24 to cut off the defendant?

25 A Yes, sir.

1 Q Okay. And at that point in time when you got out of  
2 your car and you were at the edge of the woods, what  
3 happens?

4 A So with it being an armed robbery, I had unholstered  
5 my county-issued firearm and had it at the low ready. As  
6 -- as I could hear the suspect getting closer and closer  
7 to me, once he got, I would say, maybe about ten yards  
8 away from me was when I turned my flashlight on and began  
9 to give commands as well announcing my presence and saying  
10 that I was police and to get on the ground. The suspect  
11 immediately complied, got on the ground. And myself,  
12 Deputy Chadwick were able to detain the suspect in  
13 handcuffs. And at that point we took him back to my  
14 vehicle and ---

15 Q Before you go there, at that time he comes out of the  
16 woods, is your weapon out of your holster and pointed  
17 towards him?

18 A So I got him before he came out of the woods  
19 completely.

20 Q Okay.

21 A He was still about ten yards in the woods. That's  
22 when I turned my flashlight on and began to give commands.

23 Q And was your weapon out?

24 A Yes. It was out at the time.

25 Q Okay.

1 A I held cover on him until we safely had him detained  
2 in handcuffs.

3 Q Okay. Now, did you question him about his name?

4 A Yes. So I originally asked for his name and date of  
5 birth, and he said his name was Moraz, M-O-R-A-Z, Griffin.  
6 And I can't remember what date of birth he gave me. But  
7 when he gave me that, I ran it on what we call NCIC, which  
8 is a national database. When I ran it on there, it came  
9 back as an alias for a Jeffery Griffin. So I ran the name  
10 Jeffery Griffin in our local V-connect system and was able  
11 to confirm through his prior mug shot that he was Jeffery  
12 Griffin that we had in custody.

13 MS. JOHNSON: Objection, Your Honor.

14 THE COURT: Sustained.

15 BY MR. RICHARDSON:

16 Q Okay, sir. Now, moving on from that, did you  
17 recognize the clothing that he had on?

18 A Yes. So it was like a blue jacket with, I think, one  
19 white arm, one white sleeve.

20 Q Okay. And did he have anything in his hands?

21 A No, sir. At the time of the arrest, he had a -- I  
22 believe it was some kind of satchel or some kind of -- I  
23 think it was a pillowcase that was tied to his waist. And  
24 when we patted him down for weapons, a firearm was found  
25 in that bag along with cash.

1 Q Okay. And did you, in fact, see the firearm?

2 A I did.

3 Q Okay. And did you see the cash?

4 A I did.

5 Q Okay. Do you remember what the firearm looked like?  
6 Let me ask you this. Did you take control of the firearm?

7 A No. I'm not sure. I believe it was Deputy Chadwick  
8 that ended up taking the firearm and placing it into  
9 Property and Evidence.

10 Q Okay.

11 A I took the currency that was found and ended up  
12 returning it to the store at 7-Eleven.

13 Q Okay, sir. And after you returned the currency to  
14 the 7-Eleven, is that all your involvement in the case?

15 A Yes, sir.

16 MR. RICHARDSON: That's all the questions I have.

17 Please answer any questions defense counsel may have.

18 MS. JOHNSON: Judge, I have a matter of law that I  
19 would like to take up with the Court outside the presence  
20 of the jury.

21 THE COURT: All right. Ladies and gentlemen, I have  
22 a matter to take up with the lawyers. I'm going to excuse  
23 you for a bit.

24 (WHEREUPON, the jury exits the courtroom at 12:09 p.m.)

25 THE COURT: All right. Yes, ma'am?

1 MS. JOHNSON: May it please the Court. Your Honor,  
2 this deputy just testified to my client's prior mug shot  
3 and a prior arrest. And at this time I think it is  
4 appropriate that I move for a mistrial. I think that  
5 information prejudices my client's right to a fair trial  
6 today. The jury is going to know or heard that my client  
7 has been arrested before for something else, and they  
8 could assume that, you know, my client has a criminal  
9 history or has been involved in this kind of activity  
10 before, and therefore, I would ask the Court to grant a  
11 mistrial based on the prejudice from this officer's  
12 testimony.

13 THE COURT: Mr. Richardson?

14 MR. RICHARDSON: Thank you, Your Honor. Actually, I  
15 did not hear. I had my mind on something else. I  
16 apologize for that. But he was referencing a false name  
17 given to him. He refers back to -- I didn't hear his  
18 prior arrest or ---

19 THE COURT: He said that he ran it in the database  
20 and he pulled up his mug shot and it matched.

21 MR. RICHARDSON: Okay. And that's it. Your Honor,  
22 that just simply references a picture. I mean, that  
23 doesn't say that he's committed this crime or any other  
24 crime, for that matter. It references a picture.

25 But with that said, it's a very minor statement that

1 can be cured through a curative instruction.

2 THE COURT: Ms. Johnson?

3 MS. JOHNSON: And, Judge, you know, once the bell is  
4 rung, I've never understood how a curative instruction  
5 unrings the bell. I mean, that information is out now,  
6 and, you know, mug shot, arrest, you know, is in the  
7 jury's head. And I think that information is prejudicial  
8 to my client's ability to obtain a fair trial related to  
9 this incident.

10 THE COURT: Mr. Richardson, what about the witness  
11 testified that he ran his name and he came up with a mug  
12 shot that matched this defendant? How is that -- how is  
13 that not prejudicial?

14 MR. RICHARDSON: Well, first, any prejudicial effect  
15 can be cured.

16 THE COURT: Sometimes it can be cured, but sometimes  
17 it can't be cured.

18 MR. RICHARDSON: Well, that's -- and my point from  
19 the State's point is that this was a very quick statement  
20 by the officer that refers to a mug shot. He didn't say  
21 anything about prior arrest or convictions or crimes or  
22 anything of that nature. All that came out was just "mug  
23 shot." That is a quick statement that in my opinion would  
24 not influence the jury at all, and, in fact, it can be  
25 cured with a curative instruction.

1           THE COURT: Ms. Johnson, what about a curative  
2 instruction?

3           MS. JOHNSON: Judge, we would object to a curative  
4 instruction. Again, I think the bell is already rung.  
5 Most people who are not involved in the criminal justice  
6 system do not have mug shots. They may be aware of mug  
7 shots or what mug shots are, but they know that, with a  
8 mug shot, someone has been arrested before and they can  
9 have whatever inferences from that information. And I  
10 would submit to the Court that is very prejudicial for my  
11 client.

12          THE COURT: My concern, Mr. Richardson, is, granted,  
13 there may not have been testimony about him being  
14 arrested, but this witness brought out a mug shot and  
15 referenced the mug shot as relating or matching up to this  
16 defendant. And how is that not prejudicial? And it's  
17 totally ---

18          MR. RICHARDSON: I think there -- I'm not -- there's  
19 certainly levels of prejudice. My point being is that it  
20 was a minor statement that was made in the course of his  
21 rendition of what was going on, and that anything -- it  
22 doesn't reference a particular case or anything of that  
23 magnitude. So the reference to a mug shot in and of  
24 itself is easily cured. The jury can disregard that.

25          THE COURT: I'll tell you what I'm going to do. I'm

1 going to take a little short recess. I'm going to look --  
2 I'm going to see -- I think there are arguments, both  
3 sides. I certainly understand the defense argument that  
4 this witness testifying to, that talking about a mug shot  
5 is an issue. But whether it's prejudicial or whether it  
6 can be cured, I'm going to think about this.

7 We're going to take a little recess. I'm going to  
8 see if I can find something on -- we're going to take a  
9 recess.

10 (WHEREUPON, a recess is taken at 12:14 p.m.)

11 THE COURT: All right. Taking a look at it, and at  
12 this time I'm going to deny the motion for a mistrial.  
13 Your motion is noted.

14 Do you -- Ms. Johnson, do you want a curative  
15 instruction?

16 MS. JOHNSON: I think of case law, Your Honor, I'm  
17 not too familiar with it, if I have to accept it when my  
18 motion is not granted. I don't know how to word it. But  
19 I object, obviously.

20 THE COURT: I think you're protected as far as your  
21 motion for the mistrial. If the appellate court overrules  
22 or reverses me on that, it certainly protects you.

23 And I understand the curative instruction issues.  
24 That's often a difficult thing for lawyers to do. And I  
25 know as a lawyer for many years, whether it protects you

1       appellate-wise or whether it protects you here, I  
2       certainly understand. But it's certainly up to you -- the  
3       defense requests that I give a curative instruction, I am  
4       going to do that. However, if you do not want a curative  
5       instruction, I am not going to give one.

6               MS. JOHNSON: Can I research the issue, Your Honor,  
7       during lunch?

8               THE COURT: Yeah. I'll give you the opportunity to  
9       do that. I'll give you time, and I will not hold you to  
10      making that decision right now. And I'll give you that  
11      opportunity to take a look at it and think about it. And  
12      then if you want me to give a curative instruction, at  
13      some point I will do so.

14              MS. JOHNSON: Thank you, Your Honor.

15              THE COURT: All right. And let me remind everybody  
16      -- and, Officer, you're on the stand as well -- that we  
17      need to be careful in -- I know you didn't elicit it. I'm  
18      not saying the State did anything. You did not elicit  
19      that at all. But the witnesses need to be careful about  
20      their testimony.

21              So at this time the motion for a mistrial is  
22      denied.

23              All right. Anything else before we bring them back  
24      in?

25              MR. RICHARDSON: Nothing from the State, Your

1 Honor.

2 THE COURT: All right. Let's bring them back in.

3 (WHEREUPON, the jury entered the courtroom at 12:27 p.m.)

4 THE COURT: All right. Ms. Johnson, proceed with  
5 cross-examination.

6 MS. JOHNSON: May it please the Court.

7 CROSS EXAMINATION

8 BY MS. JOHNSON:

9 Q Good afternoon, Deputy.

10 A Good afternoon.

11 Q You have a body cam, correct?

12 A Of this incident?

13 Q Well in general, I mean, do you have a body camera?

14 A Yes, ma'am.

15 Q But you do not have any footage from this incident;  
16 is that correct?

17 A No, ma'am.

18 Q Okay. And did I hear that correctly, you seized the  
19 gun?

20 A No, ma'am.

21 Q But Chadwick seized the gun?

22 A Yes, ma'am.

23 Q Recovered the gun.

24 Neither one of you took any pictures at the scene or  
25 at your cars.

1 A I can't speak for Deputy Chadwick, but I did not.

2 Q Of the gun.

3 A No, ma'am.

4 Q Of the pillowcase.

5 A I did not.

6 Q Okay. Do you remember celebrating a little after the  
7 incident, high-fiving the other deputies?

8 A I'm sure I did, I guess.

9 Q Okay. And just talking about plowing him? You don't  
10 remember that?

11 A I don't recall that.

12 MS. JOHNSON: Okay. Beg the Court's indulgence.

13 Thank you, Deputy. That's all the questions I have.

14 THE COURT: All right. Any redirect?

15 MR. RICHARDSON: Nothing further from the State, Your  
16 Honor.

17 THE COURT: All right. You are dismissed, Officer.

18 Thank you.

19 THE WITNESS: Thank you.

20 MR. RICHARDSON: Your Honor, may this officer be  
21 excused?

22 THE COURT: Any objection from the defense?

23 MS. JOHNSON: No, Your Honor.

24 THE COURT: All right. You are excused.

25 THE WITNESS: Thank you, sir.

1 MR. RICHARDSON: Your Honor, may we approach?

2 THE COURT: Yeah.

3 (WHEREUPON, a bench conference was held off the record.)

4 THE COURT: All right. Ladies and gentlemen, it's  
5 time, probably going to take our lunch break. So we're  
6 going to take our lunch break now. And let's come back  
7 here at 2:00. So I'm going to excuse you till 2:00.  
8 Please don't discuss the case at all among yourselves.

9 Also, there has been some testimony that came out  
10 regarding a mug shot. You are not to consider any such  
11 testimony in your deliberations. It is not part of this  
12 case, it is not evidence, and so you're not to consider  
13 any testimony along those lines in your decision in  
14 deciding, in deliberating this case.

15 All right. I'm going to excuse, lunch. See you back  
16 at 2:00. Please don't discuss the case.

17 (WHEREUPON, the jury exits the courtroom at 12:31 p.m.)

18 THE COURT: All right. Ready to proceed. You've got  
19 a Jackson v. Denno hearing; is that correct?

20 MR. RICHARDSON: That's correct, Your Honor.

21 THE COURT: All right. I'll hear from you.

22 MR. RICHARDSON: The State would call Corey Chadwick  
23 to the stand.

24 THE CLERK: Mr. Chadwick, please place your left hand  
25 on the Bible and raise your right hand.

1 WHEREUPON,

2 COREY CHADWICK

3 After having been duly sworn, testified as follows:

4 THE CLERK: Thank you. You may be seated. Please  
5 state your full name for the record.

6 THE WITNESS: Corey John Chadwick.

7 DIRECT EXAMINATION

8 BY MR. RICHARDSON:

9 Q Sir, you're employed with the Greenville County  
10 Sheriff's Office; is that correct?

11 A Yes, sir.

12 Q And you were so employed back in November 24, 2018?

13 A Yes, sir.

14 Q Okay. And in that -- in your involvement in this  
15 incident, did you, in fact, make an arrest of the  
16 defendant?

17 A I did.

18 Q And after that arrest, did you give him any of his  
19 Miranda warnings?

20 A I did.

21 Q And what warnings did you give him?

22 A I usually have a card on my uniform. I advised him  
23 that he was under arrest, he had the right to remain  
24 silent, anything that he said could be used against him in  
25 a court of law, he had the right to talk to an attorney

1 and have them present with him while he's being questioned  
2 if he wished, if he could not afford to hire an attorney,  
3 one would be appointed to represent him at no cost, and at  
4 any time he could exercise these rights and not answer any  
5 questions or make any statements. And I asked him if he  
6 understood the rights that I advised him of, and he  
7 confirmed he did.

8 Q Okay. And, in fact, that was on your car?

9 A Yes. In-car camera.

10 Q Okay. Now, did you indicate he did understand his  
11 rights?

12 A Yes.

13 Q And did you, in fact, question him?

14 A Yes. I asked him about the incident.

15 Q Did he appear intoxicated or under the influence of  
16 anything?

17 A No. Just tired because there was a foot chase that  
18 ensued from there.

19 So I sat him down in the car seat, let him have a  
20 seat, kind of take a breather. I believe he asked for  
21 water at one point, which at some point we gave him a sip  
22 of water.

23 Q Okay. And did he appear to understand what you were  
24 asking him?

25 A Yes.

1 Q Okay. And did you understand his responses to you?

2 A Yes.

3 Q Okay. And was he, in fact, responding to you?

4 A Yes. He was responding verbally and physically with  
5 head nods with confirming his answers.

6 Q So he was answering your questions.

7 A Yes, sir.

8 Q All right. And in doing so, did you make any threats  
9 or coerce him in any way to speak to you?

10 A No.

11 Q At any time did he stop you and say "I want a  
12 lawyer"?

13 A No.

14 Q At any time did he stop you and say "I don't want to  
15 talk anymore"?

16 A No.

17 Q Did you make any promises to him ---

18 A No.

19 Q --- to speak to you?

20 A I did not.

21 Q And to the best of your knowledge, were the  
22 statements he made to you freely and voluntarily made?

23 A Yes.

24 Q Without coercion?

25 A Yes. Without coercion, yes.

1 Q And so we're clear, this took place right after the  
2 arrest at the scene?

3 A Yes. It was -- I believe it was on the side of North  
4 Parker in between where the arrest was made and our patrol  
5 vehicles were.

6 Q Okay. And where was he located when you were  
7 questioning him? Was he in your car?

8 A Seated in the backseat of my patrol car, yes.

9 Q And was the door open or closed?

10 A It was -- it was open. He would have been seated on  
11 -- to the best of my knowledge, he was -- been seated on  
12 the passenger's side. That's generally where I -- the  
13 rear passenger's side is generally where I seat people.  
14 And -- but the door would have been open and I would have  
15 been standing in the doorway talking to him.

16 Q Okay. And were there other officers in the area that  
17 were in and around you when you were questioning him; do  
18 you recall?

19 A There were other officers in the area. I had a  
20 trainee at the time. I don't recall to where he was. I  
21 don't know if he was observing, sitting over my shoulder  
22 and observing, listening. But I don't recall where the  
23 other officers were at the time, the deputies were at the  
24 time.

25 MR. RICHARDSON: Okay. All right. That's all the

1 questions I have. Please answer questions defense counsel  
2 has.

3 CROSS EXAMINATION

4 BY MS. JOHNSON:

5 Q Deputy, how long was the chase like from the time you  
6 saw my client until he was stopped like in the woods?

7 A You're talking about timewise or distancewise?

8 Q Timewise.

9 A I can't give you a full recollection. It would be  
10 less than -- I feel like it would be less than five  
11 minutes. From -- from the time that -- are you talking  
12 about from the time that I first saw him or the time that  
13 I started running on foot?

14 Q I guess the time that he started running.

15 A Okay.

16 Q So he was in a run for five minutes. Is that ---

17 A I don't believe -- no. It wasn't a run for five  
18 minutes.

19 Q But you say at some point he was sprinting.

20 A Yes. He was in a sprint, yes.

21 Q Okay. And that was for a while.

22 A It was maybe a minute or two.

23 Q But he's clearly out of breath when you all bring it  
24 back to your cars.

25 A Yes.

1 Q Okay. And he is telling you over and over "I can't  
2 catch my breath."

3 A Yes.

4 Q And he is screaming about his wrist because of the  
5 tightness of the handcuffs.

6 A I don't recall that.

7 Q Okay. But he's begging you all at some point to  
8 loosen the handcuffs.

9 A I don't -- I don't recall that.

10 Q Okay. But you do agree that he was having a hard  
11 time catching his breath.

12 A Yes.

13 Q Okay. And he's begging for y'all to get him some  
14 water.

15 A Yes. I remember he was asking for some water at some  
16 point.

17 Q And while you do get him water later on, it's about  
18 15, 20 minutes.

19 A I don't -- I don't recall the time frame as far as  
20 when we actually got him water. I just remember that we  
21 got him water.

22 Q But it's not initially.

23 A No.

24 Q Okay. And do you remember saying -- and I apologize  
25 to the Court -- "Sit the fuck back. I'm not going to tell

1       you again," in the car?

2       A       I don't recall that.

3       Q       Okay. I mean, have you watched your body cam or your  
4       in-car video today?

5       A       Not today, no.

6       Q       Okay. But over and over throughout the video, he is  
7       having a hard time catching his breath and saying, "I  
8       can't breathe."

9       A       Yes. At some point he was saying that he couldn't  
10       breathe. I remember he was saying he couldn't breathe.  
11       We were having trouble breathing at first. I know from  
12       the initial arrest, before any questioning began,  
13       everybody was kind of -- kind of catching their breath,  
14       because not only was he running, I was running. And  
15       before I was able to even start asking him any questions,  
16       I had to catch my breath before -- I had to collect myself  
17       before I could talk to him. So there was -- there was a  
18       brief period there where he was not questioned on anything  
19       before he was mirandized. There was some time for  
20       everybody to catch their breath.

21       Q       But he was still complaining -- throughout the video  
22       complaining about being able -- not able to catch his  
23       breath and wanting water.

24       A       Yes.

25       Q       And complaining about pain.

1 A I don't recall the pain part.

2 Q Do you remember saying, "As soon as you give me this  
3 information, the sooner we get you to jail"?

4 A I don't recall that.

5 MS. JOHNSON: Thank you, Deputy. That's all the  
6 questions I have.

7 THE COURT: Any redirect?

8 MR. RICHARDSON: Nothing further from the State.

9 THE COURT: All right. You may step down, Deputy.

10 All right. Any other witness?

11 MR. RICHARDSON: Nothing further, Your Honor.

12 THE COURT: All right. Anything, Ms. Johnson?

13 MS. JOHNSON: Judge, at this time I would ask the  
14 Court to suppress the statements that my client made after  
15 he was arrested. I don't think that this was any kind of  
16 environment where he felt he was free or able to give a  
17 statement that's, you know, logical and like he's in kind  
18 of a voluntary position. I mean, he is out of breath, he  
19 is begging for water, he's complaining of being in pain.

20 And I don't think that the -- that his statements are --  
21 could be characterized as voluntary. You know, I would --

22 I think there's another time maybe to interrogate the  
23 defendant, but it's not, you know, 15 minutes later in the  
24 back of a car after he's on a full-on sprint for a while.  
25 And it's clear in the video that he is having a hard time

1 catching his breath. And at that time he is mirandized  
2 and, you know, asked questions. I don't believe those are  
3 -- you know, that's not voluntary or a free exchange  
4 concerning my client; therefore, I would ask the Court to  
5 suppress those statements.

6 THE COURT: All right. Mr. Richardson?

7 MR. RICHARDSON: Thank you, Your Honor. Please the  
8 Court.

9 The standard is freely and voluntarily without  
10 coercion, but officer -- of course post-Miranda. He  
11 testified that he mirandized him. The defendant had an  
12 opportunity to stop questioning at any time. He did not  
13 do that. He had an opportunity to ask for a lawyer. He  
14 did not do that. The officer testified that he did not  
15 appear intoxicated and that he freely and voluntarily gave  
16 him a statement and without any type of coercion or  
17 promises or anything of that nature, Your Honor. It falls  
18 under the standard, and we ask that you admit the  
19 statement.

20 THE COURT: How long is the statement?

21 MR. RICHARDSON: It's very short. Well, probably two  
22 minutes.

23 THE COURT: Can we pull it up?

24 MR. RICHARDSON: Sure.

25 THE COURT: I want to take a look at it.

1 MR. RICHARDSON: Your Honor, first parts of this  
2 video are the chase, and there's some stuff going on  
3 before. I'll try to get to the point of it.

4 THE COURT: All right.

5 (WHEREUPON, State's Exhibit Number 11, a video, is played  
6 in open court.)

7 THE COURT: Pause that for a minute. Pause it for a  
8 minute.

9 What is that rock 'n' roll? Where is that coming  
10 from?

11 MR. RICHARDSON: That's coming from the car radio.

12 THE COURT: Whose car radio?

13 MR. RICHARDSON: That's the officer's radio.

14 THE COURT: All right.

15 MR. RICHARDSON: His radio within the car.

16 THE COURT: All right.

17 (WHEREUPON, State's Exhibit Number 11, a video, continues  
18 to play in open court.)

19 MR. RICHARDSON: That's it, Your Honor..

20 THE COURT: All right. Ms. Johnson?

21 MS. JOHNSON: May it please the Court.

22 Your Honor, to add or supplement, we can't even see  
23 my client for the most part of that confession. You know,  
24 it's this officer asking him questions. I can't hear him  
25 say affirmative responses until the latter part. But, you

1 know, in the video where it's just the officer talking to  
2 my client, I can't hear his responses either. So we don't  
3 know, you know, what was -- how my client is acting or,  
4 you know, what's going on there. But clearly, after --  
5 when he is actually shown on video or seen on video, and  
6 this is some time after this chase, he is still asking for  
7 water, and, you know, talking about can't breathe. I  
8 think it's an indirect coercive-type environment. And for  
9 those reasons I would ask the Court to exclude his  
10 statements here, Your Honor.

11 THE COURT: Mr. Richardson, let me ask about that  
12 first part with AC/DC or White Snake or whoever that was  
13 in the background. I'll be honest with you, I couldn't  
14 hear the defendant's responses.

15 MR. RICHARDSON: Well, Your Honor, I would have the  
16 officer testify to what his responses are. But you can  
17 hear the officer saying what he says. He said -- at some  
18 point, I can't remember the exact conversations,  
19 particular conversations, but he would say, "Did you harm  
20 anybody."

21 "No."

22 And the officer would say, "No." You can hear him  
23 saying it back to him. But the officer can testify to  
24 what was also said.

25 THE COURT: All right. Anything else, Ms. Johnson?

1 MS. JOHNSON: No, Your Honor.

2 THE COURT: Mr. Richardson, play just the last part  
3 where he's there in the car where you actually can hear  
4 him.

5 MR. RICHARDSON: Which part would you like?

6 THE COURT: Just the very last.

7 MR. RICHARDSON: When he's sitting -- when you see  
8 the defendant in the car?

9 THE COURT: Yes.

10 (WHEREUPON, State's Exhibit Number 11, a video continues  
11 to play in open court.)

12 THE COURT: All right. First of all, I do find that  
13 custodial interrogation had taken place and the defendant  
14 was properly given his Miranda warnings.

15 As the parties know, the Court's standard in  
16 reviewing under this evidentiary hearing is a  
17 preponderance of the evidence, and it's the totality of  
18 the circumstances that the Court has to look at. Although  
19 I do recognize and see the defendant out of breath from  
20 the chase, however, I do not find that it was to the  
21 extent where he was coerced or threatened or pressured  
22 into making any statements, nor do I find anything in the  
23 statements where he was deceived or where there was any  
24 threat of violence, any promise of leniency. I certainly  
25 understand and recognize and see that he was out of

1 breath, but it was as a result of the chase, but I don't  
2 find that that was enough -- or is enough to not allow it  
3 and find that there is some sort of coercion by the mere  
4 fact that he was out of breath.

5 I do -- based on the totality of the circumstances,  
6 and I think that's important particularly in this case, is  
7 that this short interrogation, it was not lengthy, it took  
8 place just right after the chase, is not to the extent to  
9 where it was not causing the defendant to not give -- let  
10 me reword that. Probably double negatives there. I don't  
11 think that prevented the defendant from freely,  
12 voluntarily and intelligently providing a statement.

13 So based on the testimony and based on my review of  
14 the video, I do not find that there was any coercion,  
15 threat, promise based on the preponderance of the  
16 evidence, in my review of the totality of the  
17 circumstances, which is important. I do find that the  
18 statement was given freely, voluntarily and intelligently.

19 All right. Anything else?

20 MR. RICHARDSON: Nothing from the State, Your Honor.

21 THE COURT: Anything from the defense?

22 MS. JOHNSON: No, Your Honor.

23 THE COURT: All right. We'll be in recess and lunch  
24 at 2:00. If there is some issue that comes up, y'all need  
25 me to hear it, if you all would email Mr. Barrow, and I'll

1 come in early and we can take care of it so we won't keep  
2 the jury.

3 MR. RICHARDSON: Thank you.

4 (WHEREUPON, a recess is taken at 12:55 p.m.)

5 THE COURT: All right. Anything before we bring the  
6 jury back in?

7 MR. RICHARDSON: Nothing from the State, Your Honor.

8 THE COURT: Anything from defense?

9 MS. JOHNSON: No, Your Honor.

10 THE COURT: And before we broke for lunch, I gave the  
11 jury a curative instruction related to the testimony about  
12 a mug shot. And that curative instruction was given on  
13 the request of the defense. Is that correct, Ms. Johnson?

14 MS. JOHNSON: Yes, Your Honor.

15 THE COURT: All right. Gentlemen, if you would,  
16 bring them in.

17 (WHEREUPON, the jury entered the courtroom at 2:19 p.m.)

18 THE COURT: All right. Good afternoon everybody. I  
19 hope y'all had a good lunch. We're ready to continue.

20 Mr. Richardson?

21 MR. RICHARDSON: Thank you, Your Honor. Please the  
22 Court. The State would call Corey Chadwick to the stand.

23 WHEREUPON,

24 COREY CHADWICK

25 After having been duly sworn, testified as follows:

1 THE CLERK: Thank you. You may be seated. Please  
2 state your full name for the record.

3 THE WITNESS: Corey John Chadwick.

4 DIRECT EXAMINATION

5 BY MR. RICHARDSON:

6 Q Officer, you're employed with the Greenville County  
7 Sheriff's Office; is that correct?

8 A Yes, sir.

9 Q And what are your duties with the Greenville County  
10 Sheriff's Office?

11 A Currently, I serve as a master deputy in the Uniform  
12 Patrol Division. At the date and time of this incident, I  
13 was serving as deputy II, which is a lower rank in the  
14 Uniform Patrol Division.

15 Q Okay, sir. And were you actually on patrol in the  
16 early morning hours of November 24, 2018?

17 A Yes, sir.

18 Q And were you dispatched to the 7-Eleven on Old  
19 Buncombe Road?

20 A Yes, sir, I was.

21 Q In reference to what?

22 A Dispatch advised there was an armed robbery at the  
23 7-Eleven gas station off of Old Buncombe by Duncan Chapel  
24 Road. Exact address is 5055 Old Buncombe Road. They  
25 advised that there was just an armed robbery that

1 occurred.

2 The suspect description that they gave out, I guess,  
3 that they got from the caller from the 9-1-1 call was a  
4 black male wearing a -- like a blue jumpsuit armed with a  
5 silver pistol and that he was last seen heading away from  
6 the 7-Eleven on foot towards the Publix, which is across  
7 the street.

8 Q Okay, sir. So in your approach and direction to the  
9 7-Eleven, which direction did you take?

10 A So I don't recall exactly where we were at the time  
11 that we got the call. I just knew that Deputy Ochoa was  
12 one of the responding units. He advised that he was  
13 already on Old Buncombe Road. I figured with the suspect,  
14 his flight path being on foot and then giving the  
15 direction of Publix, since he was already coming up Old  
16 Buncombe Road, I had a trainee in my car at the time, a  
17 deputy in training, and he was driving the car. So I  
18 advised him to drive northbound up Poinsett Highway. That  
19 way we get both parallel directions that if he's heading  
20 towards the Publix, I thought he might come down Poinsett  
21 Highway. So we headed northbound up Poinsett Highway.

22 Q Okay. And, in fact, was there another patrol vehicle  
23 in the vicinity of you on Poinsett Highway?

24 A Yes. Deputy Greer was also in the area. And when we  
25 got on Poinsett Highway, he was -- he was in front of us,

1 and we were both responding with lights and sirens.

2 Q Okay. Now, at some point on Poinsett Highway, did  
3 you see anybody?

4 A Yes, sir. Once we got -- heading northbound on  
5 Poinsett Highway, when we got just short past Parker Road  
6 or North Parker Road, I believe it is, on the right-hand  
7 side of the road, I observed a black male subject wearing  
8 some sort of dark-colored jumpsuit with like a white  
9 sleeve. At this time in the morning it was also raining  
10 outside. I just thought it was odd.

11 At this particular area of northern Poinsett Highway  
12 up there, there's not a lot of people that walk up and  
13 down the road there. The fact that it was raining, didn't  
14 have an umbrella or anything like that, and he was in  
15 possibly some sort of jumpsuit, I gave my trainee  
16 instructions to turn around so we can make contact since  
17 Deputy Ochoa was going to be closer to the incident  
18 location.

19 Upon turning our patrol car around doing a U-turn in  
20 the middle of the road with lights and sirens on, as the  
21 subject was looking over his shoulder, he saw us turning  
22 around and took off in a full sprint, took off in a full  
23 sprint and then started hanging a left down Parker Road.

24 Q If you would, if you could just refer to State's  
25 Exhibit -- I can't remember what I marked them as --

1 State's Exhibit 1, can you just show the jury where you're  
2 referring to on Poinsett Highway?

3 A Yeah. I believe it's down here. It's a little  
4 cut-through road. I spotted him somewhere around this  
5 general area. We turned around on Poinsett Highway, and  
6 then this is the road -- I guess that is. I think that's  
7 Parker Road. This is Davidson Road. He started taking  
8 off in a full sprint and going on Davidson Road right  
9 there (indicating throughout).

10 Q Okay. And you can return to your seat.

11 And at that point did you get out of the patrol car?

12 A Yes. As we got closer to him in the patrol car, I  
13 bailed out -- as I was driving past, I bailed out on foot.  
14 There's a little -- in between Davidson Road and North  
15 Parker, there's just like a little marshy area.

16 So I took off running after him on foot with the  
17 trainee in the patrol car with lights and sirens still,  
18 giving him commands to stop. Kept running. We crossed  
19 over Parker Road and into the wood line.

20 Q Now, do you have what's known as an in-car camera in  
21 your patrol car?

22 A Yes, I do.

23 Q And was that activated at the time of this, what you  
24 just testified to?

25 A It was. The in-car cameras activate automatically

1 upon turning on lights and sirens.

2 Q Okay. And were you also wearing a body cam?

3 A So we were issued body-worn cameras. I did not have  
4 one on at that time. Usually, at the beginning of the  
5 shift there's a docking station, but I don't remember  
6 which model. We've been through several models of body  
7 cameras. I don't remember which current model we were at  
8 at this particular time.

9 But generally, the batteries don't last a full  
10 12-hour shift, what we work, so there's a docking station  
11 to charge the battery. This being at 6:50 in the morning,  
12 early in the morning, my body camera is usually docked. I  
13 take it out -- usually, upon the first call of service,  
14 I'll take it out of the dock and then I clip it on the  
15 little mount on the vest. Because of how rapidly evolving  
16 this situation was and getting eyes on him and having to  
17 bail out and chase him, I didn't even think that the body  
18 camera was on the dock. Didn't even have time to grab it  
19 out before I started chasing him on foot.

20 Q Now, prior to today, did you view a video of your  
21 in-car camera and subsequent videos?

22 A I did.

23 Q Let me hand you what's been marked State's  
24 Exhibit 11. Is that the video that you reviewed?

25 A Yes, it is.

1 Q And does it accurately depict what happened on that  
2 day, November 24, 2018?

3 A Yes, it does.

4 Q And has it been changed or altered?

5 A No, sir.

6 MR. RICHARDSON: Your Honor, at this time we would  
7 offer State's Exhibit 11 into evidence.

8 THE COURT: All right. Any objection from the  
9 defense?

10 MS. JOHNSON: Judge, I just preserve my previous  
11 objection.

12 THE COURT: All right. Subject to defense's previous  
13 objection, State's Exhibit Number 11 is admitted into  
14 evidence over objection.

15 (WHEREUPON, State's Exhibit Number 11 was admitted into  
16 evidence.)

17 THE COURT: Are both of those monitors working?

18 MR. RICHARDSON: Yes, sir.

19 (WHEREUPON, State's Exhibit Number 11, a video, was played  
20 in open court.)

21 BY MR. RICHARDSON:

22 Q Okay. Let me just stop it right here.

23 What are we seeing? What's the jury seeing at this  
24 point?

25 A This is Poinsett Highway.

1 Q Okay.

2 (WHEREUPON, State's Exhibit Number 11, a video, continued  
3 to play in open court.)

4 BY MR. RICHARDSON:

5 Q Now, is this Parker Road or -- the road coming up on  
6 your right?

7 A I can't -- I can't tell from ---

8 Q Okay.

9 A I'm sorry. I see it. Yes, where that car is right  
10 there that we just passed, I believe that right there is  
11 Davidson Road.

12 Q Davidson Road?

13 A Yes. That's a little cut through to Parker Road.

14 (WHEREUPON, State's Exhibit Number 11, a video, continued  
15 to play in open court.)

16 BY MR. RICHARDSON:

17 Q And what is this right here?

18 A So that -- that was -- that was the subject that I  
19 saw. Obviously, it looks very blurry, but if you look to  
20 the right, you can see the white. It looks like a very  
21 dark figure. But there's the white on the corner of it,  
22 and that was the white sleeve of the jacket.

23 (WHEREUPON, State's Exhibit Number 11, a video, continued  
24 to play in open court.)

25 BY MR. RICHARDSON:

1 Q Now, that other patrol car, is that Officer Greer?

2 A Yes. That was Deputy Greer. I told him on the radio  
3 as well, I advised him on the radio that let's turn around  
4 and get at this -- this guy.

5 (WHEREUPON, State's Exhibit Number 11, a video, continued  
6 to play in open court.)

7 THE WITNESS: We're making the left turn onto  
8 Davidson Road.

9 BY MR. RICHARDSON:

10 Q And who is that right there?

11 A That's the -- that's the person that we saw on the  
12 side of the road.

13 Q And at this point are you still in the vehicle?

14 A I am. I think, at some point here, he slows down, I  
15 think. This brief pause, and this is where I bail out.

16 Q You bail out here?

17 A Yes, sir.

18 Now, the trainee is still driving the car, and then  
19 that's me right there.

20 Q Is that you to the right here?

21 A Yes. That's me right there.

22 Q And is that the defendant?

23 A Yes, sir.

24 (WHEREUPON, State's Exhibit Number 11, a video, continued  
25 to play in open court.)

1 BY MR. RICHARDSON:

2 Q Okay, sir. So at this point in time, you go out of  
3 view of the camera. Where did you go?

4 A So going on ---

5 Q We can cut the ---

6 A Would you like me to point it out if I can?

7 Q Yes.

8 A So after he makes the turn on Davidson Road, there's  
9 this little -- it's actually kind of like a marshy area.  
10 He cut through there and then onto Parker Road here. He  
11 goes down kind of Parker -- herding back towards Poinsett  
12 and then cuts into the wood line here. This is like the  
13 Enclave of Paris Mountain apartment complex, I believe,  
14 and he cuts into the wood line. That's where we ran. We  
15 ran into the wood line and then straight down that way,  
16 back kind of towards Parker Road (indicating throughout).

17 Q Okay. And were you aware -- at this point in time,  
18 how far behind him -- when he enters the woods, how far  
19 behind him are you, approximately?

20 A Maybe 25, 50 meters.

21 Q Okay. And were you aware of where Officer Greer was  
22 at that time?

23 A I was not, no.

24 Q Okay. So were you in full foot pursuit at that point  
25 in time?

1 A Yes, sir.

2 Q And what happened once you entered the woods after  
3 the turn?

4 A I could still see the subject through the trees. I  
5 was giving him commands, sheriff's office, stop, you're  
6 under arrest. And then at some point ---

7 Q Did he -- when you said that to him, "You're under  
8 arrest," did he stop or abide by your commands?

9 A No.

10 Q Okay. Please continue.

11 A We continued a short little distance through the  
12 woods, and then I could see Deputy Greer's -- through the  
13 opposite end of the wood line, I could see Deputy Greer's  
14 lights on his patrol car, and I could tell that a patrol  
15 car was over there. And then I could -- I could hear him  
16 yelling now, giving commands. At that point he laid down  
17 on the ground facedown. I don't know if he fell or was  
18 gassed out or just decided to give up, but he laid down  
19 facedown. He heeded to commands after that, and we  
20 detained him in handcuffs.

21 He was -- when we were approaching him, I had my  
22 firearm drawn on him the whole time because the original  
23 crime that was alleged was an armed robbery and that he  
24 was armed with a handgun. So we did draw down on him with  
25 a handgun, and he kept screaming at us, "Don't shoot. The

1 gun's not loaded. The gun's not loaded."

2 Q Okay. And at that point in time after you put him in  
3 handcuffs, did you obtain any -- what was in his  
4 possession at that point in time that you saw?

5 A So immediately after we get him in handcuffs, I start  
6 trying to find a weapon on him. He keeps telling me the  
7 gun's not loaded. And then he had a -- it was like a  
8 white pillowcase that was tied to his belt. When I  
9 grabbed the outside of the pillowcase, you can feel a hard  
10 object that felt like a gun in there. We removed the  
11 pillowcase, and then there was a silver pistol in there,  
12 which was the description of the firearm that was given  
13 from the incident, and a bunch of small denomination bills  
14 and change.

15 Q What did you do with the bills, the money?

16 A So we took the -- we separated the bag from him. I  
17 believe Deputy Greer took control of the pillowcase while  
18 we escorted him to our patrol car. And the firearm was  
19 stored in a safe location in the trunk of the vehicle  
20 after we determined it wasn't loaded, and Deputy Greer, I  
21 believe, counted the -- counted the money.

22 Q And Deputy Greer took control of the money at that  
23 time?

24 A Yes, sir.

25 Q Did you eventually bring him back to your patrol car?

1 A I believe we brought him to our patrol car. I can't  
2 recall exactly, but I know ultimately he was -- he was --  
3 ended up in the backseat of our patrol car.

4 Q And at some point in time, did you obtain clothing  
5 from him?

6 A I did, yes.

7 Q And you took control of that clothing?

8 A Yes, I did.

9 Once we got to the detention center, that's when I  
10 took the clothing from him. After we had already decided  
11 we had probable cause for our charges, on the way to the  
12 detention center, Deputy Ochoa was at the incident  
13 location at the 7-Eleven, had pulled the camera footage of  
14 the incident happening and took still shots of the suspect  
15 from the -- from the armed robbery. And when he sent them  
16 to me, it was grainy, but the clothing description and  
17 everything that he was wearing matched what he had on.

18 Q Okay. Now, eventually, at some point in time, did  
19 you read the defendant his Miranda warnings?

20 A Yes, I did.

21 Q Okay. And when you read Miranda warnings to a  
22 suspect or a defendant, how do you do it?

23 A Generally, a lot of us -- some people memorize it,  
24 but most of us have a card. We pull out a card and we  
25 read it directly off the card.

1 Q Is that what you did?

2 A Yes, I did.

3 Q And do you know the Miranda warnings without looking  
4 at that card?

5 A I do.

6 Q Okay. And can you just tell the jury what you told  
7 the defendant at that time?

8 A Yes. I advised him that he's under arrest, he had  
9 the right to remain silent, anything that he said could be  
10 used against him in a court of law, he had the right to  
11 talk to a lawyer and have him or her present with him  
12 while he's being questioned if he wishes, if he cannot  
13 afford to hire a lawyer, one will be appointed -- one will  
14 be appointed to represent him at no cost, at any time he  
15 can exercise those rights and not answer any questions or  
16 make any statements. And then I verified do you  
17 understand these rights that I've just read to you.

18 Q And what did he indicate to you upon that question?

19 A He -- he confirmed that he understood -- he  
20 understood his rights.

21 Q Okay. And did he, in fact, talk to you?

22 A He did.

23 Q Okay. And did he ever ask for a lawyer?

24 A No.

25 Q Did he ever stop you from asking any questions, say

1 he doesn't want to talk anymore?

2 A No.

3 Q Did he give you statements, voluntary, and of his own  
4 free will?

5 A Yes.

6 Q Did you make any promises to try to get him to talk  
7 to you?

8 A No.

9 Q Did you coerce him or force him in any way?

10 A No.

11 Q And in the process of doing that, I would like for  
12 you to explain your in-car video, you also have audio; is  
13 that correct?

14 A Yes, correct.

15 Q Okay. And where is that audio coming from?

16 A So with the in-car cameras there are multiple  
17 microphones from the in-car. There's microphones in the  
18 front of the car, there's microphones in the backseat of  
19 the car. Sometimes when you pull the video, with our  
20 video system, you can pick and choose, turn microphones on  
21 and off to hear things better.

22 Q Okay. So at this point in time, the conversation you  
23 had with the defendant, was it audiotaped on that video  
24 recording?

25 A It's -- yes. He was seated in the backseat and there

1 was not a backseat camera. But there is audio in the  
2 backseat.

3 Q Okay. And did you review that ---

4 A I did.

5 Q --- prior to this trial?

6 And was that also on when you mirandized him?

7 A Yes, it was.

8 (WHEREUPON, State's Exhibit Number 11, a video, continued  
9 to play in open court.)

10 BY MR. RICHARDSON:

11 Q Now, I'll ask you, Officer, to the right of here  
12 where that truck is, is that Poinsett Highway?

13 A Yes. Where that truck is traveling right there,  
14 that's Poinsett Highway. So the road that the vehicle's  
15 driving right now, those two will merge. That will merge  
16 into Poinsett Highway.

17 Q Now, the music that you're hearing here, that's your  
18 in-car?

19 A So yes. It sounds very loud.

20 But the way the microphones, they're very, very  
21 sensitive microphones in the car, and they pick up -- even  
22 when the radio is very low, it picks up to hear  
23 conversations and stuff like that. So the front  
24 microphones will generally pick up that radio. If it's on  
25 even low, it will sound very loud like that. I honestly

1 don't believe that I realized the radio was on while this  
2 was going on.

3 (WHEREUPON, State's Exhibit Number 11, a video, continued  
4 to play in open court.)

5 BY MR. RICHARDSON:

6 Q Who is that?

7 A So that is -- on the left side of him that's me, this  
8 is the defendant, and then that is Deputy Greer.

9 Q That's the defendant that's sitting in this courtroom  
10 today?

11 A Yes, it is.

12 (WHEREUPON, State's Exhibit Number 11, a video, continued  
13 to play in open court.)

14 BY MR. RICHARDSON:

15 Q Okay. You asked him if he understood those rights,  
16 and I hear you say something. What did you say?

17 A After -- after I asked him, he said "yes." Then I  
18 repeated he said yes. Okay.

19 Q Is that -- just for clarification of the jury, is  
20 that something you normally do in interviews?

21 A Yeah. Generally, when I interview people, when they  
22 give me a response, I reply to that response back to them  
23 to confirm that's what I heard and also for audio purposes  
24 as well.

25 Q Okay.

1 (WHEREUPON, State's Exhibit Number 11, a video, continued  
2 to play in open court.)

3 BY MR. RICHARDSON:

4 Q Okay. The question you just asked him, "Was that gun  
5 stolen"?

6 A Yes.

7 Q And what was his response to that?

8 A He said, "No, it wasn't."

9 Q Did he ever tell you it wasn't his?

10 A No. He said it was his.

11 (WHEREUPON, State's Exhibit Number 11, a video, continued  
12 to play in open court.)

13 BY MR. RICHARDSON:

14 Q Okay. The question you asked there, "Was this the  
15 first store you hit this morning"?

16 A Yes.

17 Q What was his response?

18 A "Yes."

19 Q And that was you repeating his response?

20 A Yes.

21 (WHEREUPON, State's Exhibit Number 11, a video, continued  
22 to play in open court.)

23 BY MR. RICHARDSON:

24 Q Okay. Just clarify, that was pretty clear, but you  
25 asked, "Did you point the gun at them?" And his response

1 was?

2 A He told me he didn't point the gun at them.

3 Q And was that you repeating that he just showed it?

4 A Yes.

5 (WHEREUPON, State's Exhibit Number 11, a video, continued  
6 to play in open court.)

7 BY MR. RICHARDSON:

8 Q You asked him, "Why did you choose the 7-Eleven?"  
9 Did he respond to that?

10 A He said he didn't know.

11 Q That he didn't know?

12 A Yeah.

13 Q He never asked you, "What are you talking about?" or  
14 anything of that nature?

15 A No.

16 (WHEREUPON, State's Exhibit Number 11, a video, continued  
17 to play in open court.)

18 BY MR. RICHARDSON:

19 Q You asked him, "How many people were in the 7-Eleven?"  
20 What was his response?

21 A He told me two.

22 Q And you asked him if they were employees. What did  
23 he -- what was his response?

24 A He said, "Yes, they were."

25 ///

1 (WHEREUPON, State's Exhibit Number 11, a video, continued  
2 to play in open court.)

3 BY MR. RICHARDSON:

4 Q Okay. So if you can explain ---

5 A At this point, while questioning him, as things  
6 started, you know, calming down, I realized that my body  
7 cam was not on. So I stopped interviewing him while I  
8 walked around the car. I put my body camera on, I turned  
9 it on and that's why there's now body camera footage, as  
10 well as what you hear in the video, the loud music before,  
11 obviously, now with the body camera, us talking, you don't  
12 hear that music. So that microphone's not picking up that  
13 music.

14 Q Okay. And just to be totally clear to these folks,  
15 this is after you mirandized him, gave him his Miranda  
16 warning?

17 A Yes. I think the last question will be asked again  
18 but on the body camera that was previously -- you just  
19 heard on the dash -- in-car audio.

20 Q Okay.

21 (WHEREUPON, State's Exhibit Number 11, a video, continued  
22 to play in open court.)

23 BY MR. RICHARDSON:

24 Q Okay. Now, the individual clothing that you found on  
25 him, those items, did you say you took those into custody?

1 A Yes. Once -- once I transported him to the detention  
2 center, before we turned him over to the detention staff,  
3 I seized those clothing items.

4 Q And was the gun included?

5 A Yes.

6 Q Let me hand you what's been marked as State's  
7 Exhibit 12. Do you recognize that?

8 A Yes, I do.

9 Q And is that, in fact, the gun that you found on this  
10 defendant?

11 A It is.

12 MR. RICHARDSON: At this time, Your Honor, we would  
13 move State's Exhibit 12 into evidence.

14 THE COURT: Any objection from the defense?

15 MS. JOHNSON: No, Your Honor.

16 THE COURT: All right. State's Exhibit 12 is  
17 admitted into evidence without objection.

18 (WHEREUPON, State's Exhibit Number 12 was admitted into  
19 evidence.)

20 BY MR. RICHARDSON:

21 Q Sir, is that gun safe?

22 A It is.

23 Q Okay. No chance of it firing or anything?

24 A No.

25 Q And can you pick it up and show it to the jury?

1 A Yes. (Witness complies.)

2 Q And where did you find that gun on the defendant?

3 A It was inside of the pillowcase with the money tied  
4 to his waistband.

5 Q Okay. And that money being this, State's Exhibit 4  
6 that's already into evidence?

7 A Yes.

8 Q That's the money that you gave to Greer to give back  
9 to the 7-Eleven?

10 A Correct.

11 Q And along with the clothing -- or, excuse me -- the  
12 gun, did you take into evidence -- take into your  
13 possession or custody a pillowcase?

14 A Yes, sir.

15 Q Let me show you what's been marked State's  
16 Exhibit 17. Do you recognize this, sir?

17 A I do.

18 Q And what is that?

19 A That's the pillowcase that he had tied to his belt  
20 that had the gun and the money inside.

21 MR. RICHARDSON: Your Honor, at this time we would  
22 move this exhibit into evidence.

23 THE COURT: All right. Any objection from defense?

24 MS. JOHNSON: No, Your Honor.

25 THE COURT: State's Exhibit Number 17 is admitted

1 into evidence without objection.

2 (WHEREUPON, State's Exhibit Number 17 was admitted into  
3 evidence.)

4 BY MR. RICHARDSON:

5 Q Did you ever get a chance to look at the surveillance  
6 video in this case?

7 A Just I only saw still shots. I never actually got to  
8 see the actual surveillance video.

9 Q Did you see the pillowcase in the still shots?

10 A I don't remember. I don't recall.

11 Q That was something that the previous officer dealt  
12 with, the video, right?

13 A Yes.

14 Q Let me show you what's been marked State's  
15 Exhibit 15. Do you recognize this?

16 A Yes. That's the -- that's the beanie that he was  
17 wearing at the time of arrest.

18 MR. RICHARDSON: At this time we would move State's  
19 Exhibit 15 into evidence.

20 THE COURT: Any objection?

21 MS. JOHNSON: No, Your Honor.

22 THE COURT: State's Exhibit Number 15 is admitted  
23 into evidence without objection.

24 (WHEREUPON, State's Exhibit Number 15 was admitted into  
25 evidence.)

1 BY MR. RICHARDSON:

2 Q And, sir, the -- you just saw the video. Is this the  
3 beanie he was wearing in the video and in your car?

4 A It is.

5 Q And let me show you what's been marked State's  
6 Exhibit 14. Do you recognize this?

7 A I do.

8 Q And what is that?

9 A That is a black Magna T-shirt. At the time of  
10 arrest, that Magna T-shirt was actually tied around his  
11 neck.

12 MR. RICHARDSON: Okay, sir.

13 At this time we would move State's Exhibit 14 into  
14 evidence.

15 THE COURT: Any objection?

16 MS. JOHNSON: No, Your Honor.

17 THE COURT: State's Exhibit 14 is admitted into  
18 evidence without objection.

19 (WHEREUPON, State's Exhibit Number 14 was admitted into  
20 evidence.)

21 BY MR. RICHARDSON:

22 Q And at the time that you obtained this T-shirt, you  
23 said it was around his neck?

24 A It was around his neck.

25 Q Like when you pull a shirt on you, or tied, or how?

1 A No. Tied as if he were to pull it up over his face  
2 to conceal his identity.

3 Q And State's Exhibit 16, sir, do you recognize this?

4 A Yes. That was the jacket he was wearing.

5 MR. RICHARDSON: At this time we would move State's  
6 Exhibit 16 into evidence.

7 THE COURT: All right. Any objection?

8 MS. JOHNSON: No, Your Honor.

9 THE COURT: State's Exhibit 16 is admitted into  
10 evidence without objection.

11 (WHEREUPON, State's Exhibit Number 16 was admitted into  
12 evidence.)

13 BY MR. RICHARDSON:

14 Q And you referenced a white sleeve.

15 A Correct.

16 Q Is that what you saw?

17 A Yes. The white sleeve on the right arm.

18 Q And was that on Poinsett Highway when you saw that?

19 A Yes, correct.

20 Q And then you took that off him?

21 A At the detention center.

22 Q At the detention center.

23 A Yes.

24 Q Did you ever -- did you call K-9, the K-9 officer to  
25 the scene?

1 A After he was admitted to the detention center, yes, I  
2 called the -- I called the K-9 officer.

3 Q Why did you do that?

4 A The reason being is after -- so when Deputy Ochoa got  
5 to the incident location, he got the video pulled up and  
6 had sent still shots on my way to -- it was either on the  
7 way to the detention center or after I got there is when  
8 he sent us pictures of the still shots of the suspect in  
9 the commission of the armed robbery. I noticed the -- the  
10 beanie, something covering his face, the jacket with the  
11 white sleeve, everything that matched, the silver, the  
12 silver firearm being pointed in the direction of the -- of  
13 the employees. But one thing I noticed was he had these  
14 bright like neon yellow gloves. I saw that he had the  
15 gloves on, but he didn't have that at the time that we  
16 arrested him. I didn't recall seeing them on his hands  
17 when I -- when I chased him.

18 We went back to the incident location right in the  
19 wood line where we -- where we arrested him, looked in the  
20 immediate area. I didn't see the gloves. So that's when  
21 I requested a K-9 officer to conduct an article search in  
22 an attempt to locate those gloves.

23 Q And did you go back to the scene?

24 A Yes, I did.

25 Q You did?

1 A Yes. After -- after leaving -- after he was turned  
2 over to the detention staff, I went back to the scene. I  
3 went -- I did go to the crime scene, but I went to the  
4 initial area where we chased him.

5 Q Okay. And were you there when the dog found the  
6 gloves?

7 A I was.

8 Q Okay. And are these the gloves that we have put into  
9 evidence previously?

10 A Yes, they are.

11 Q Did you take custody of those gloves?

12 A I did.

13 MR. RICHARDSON: Beg the Court's indulgence.

14 BY MR. RICHARDSON:

15 Q Approximately, this -- when you first saw the  
16 defendant on Poinsett Highway, approximately how far from  
17 the 7-Eleven was that?

18 A It's -- it's right down the road. I don't even think  
19 it was as far as a mile.

20 Q Certainly walking distance?

21 A It's walking distance. You can -- you can see the  
22 7-Eleven from the location.

23 Q Okay. Well, let me ask you this, Officer. The  
24 person that you saw on Poinsett Highway that you chased,  
25 caught and found all this evidence on, is he in this

1 courtroom today?

2 A Yes, sir, he is.

3 Q Can you point him out?

4 A It's the defendant right over there (indicating).

5 Q What's he wearing?

6 A He's wearing a -- it's like a blue blazer and a  
7 button-up shirt, light-color, button-up shirt.

8 MR. RICHARDSON: Please let the record reflect that  
9 the officer has identified the defendant.

10 That's all the questions I have. Thank you, Officer.  
11 Please answer any questions the defense ---

12 THE COURT: Cross.

13 MS. JOHNSON: May it please the Court.

14 (WHEREUPON, a portion of State's Exhibit Number 11, a  
15 video, was played in open court.)

16 CROSS EXAMINATION

17 BY MS. JOHNSON:

18 Q Good afternoon, Deputy Chadwick.

19 We just watched the video in this case. And let me  
20 tell you what it's marked as. We just watched State's  
21 Exhibit 11, correct?

22 A Correct.

23 Q And that video is actually your in-car camera and  
24 then your body camera, correct?

25 A Correct.

1 Q But now your in-car camera was running about  
2 20 minutes until you cut on your body-worn camera.

3 A I believe so. I don't -- I don't recall the time  
4 frame.

5 Q Okay. But there was a good amount of time before you  
6 cut your body-worn camera on.

7 A Yes.

8 Q As we saw, you were talking to Mr. Griffin in the  
9 backseat of the car without your body-worn camera running.

10 A Correct.

11 Q Okay. Five, ten minutes before you went and got your  
12 body-worn camera, correct?

13 A Possibly.

14 Q Okay. But now you had your in-car camera going the  
15 whole time.

16 A It was going the whole time. From the moment that we  
17 responded to the scene with the lights and sirens, the  
18 in-car camera was running. It was never turned off.

19 Q And you don't have the body-worn camera on while  
20 you're chasing Mr. Griffin?

21 A No, ma'am.

22 Q And even after you arrest him.

23 A No, ma'am.

24 Q And when you take these implements that were found  
25 from Mr. Griffin, you don't go in front of your in-car

1 camera, kind of like an inventory procedure?

2 A Yeah. I believe we had done it on the trunk of the  
3 car, because on the -- I was driving a Taurus and I think  
4 Deputy Greer was driving the Tauruses, and the trunks are  
5 a flatter area. Generally, I understand the camera's on  
6 the front, but generally, when we do it on the hood of the  
7 car, it's sloped and things fall off, they drop on the  
8 ground. And that's -- especially with money and change,  
9 it's easier to do it on the flat surface of the trunk.

10 Q But there's no photograph or video of you with that  
11 bag or the gun.

12 A No, ma'am.

13 Q Okay. You didn't take pictures of anything on the  
14 scene.

15 A No, ma'am.

16 Q And to your knowledge you didn't instruct your  
17 trainee to take any pictures.

18 A No, ma'am.

19 Q Now, this foot chase, you were in a foot chase with  
20 Mr. Griffin, correct?

21 A Yes, ma'am.

22 Q And at one point he is in a full-on sprint.

23 A Yes, ma'am.

24 Q And you, to use your words, he gassed out.

25 A I said -- I don't -- when he -- when we got him in

1 handcuffs, I didn't know if he tripped and fell, if he  
2 gassed out or if he decided to finally give up. But when  
3 we got up to him, he -- when he finally started complying,  
4 he was -- laid facedown on the ground.

5 Q But that sprint was two and a half, three minutes  
6 through the woods?

7 A Possibly, yes.

8 Q And ultimately, when you apprehend him, he is asking  
9 for water.

10 A Yes, correct.

11 Q And telling you how hard it is to catch his breath.

12 A Yes.

13 Q How tall is Mr. Griffin?

14 A I believe I have him documented as 6'2".

15 Q And does your report also note how old he was at the  
16 time of the incident?

17 A 25 years old.

18 Q Okay. Let me back up. So you obtained the gun,  
19 correct?

20 A Yes, ma'am.

21 Q And you said it was unloaded?

22 A It was unloaded.

23 Q Did you ever run any like trace on the gun?

24 A As far as?

25 Q The serial number information.

1 A I don't recall. But that's usually standard  
2 procedure, so I believe we -- we did.

3 Q But you didn't do it.

4 A I don't recall if I did or not.

5 Q Okay. And you didn't submit the gun for any kind of  
6 testing.

7 A No, ma'am.

8 Q Forensic testing.

9 A No, ma'am.

10 Q No fingerprints.

11 A No, ma'am.

12 Q No DNA.

13 A No, ma'am.

14 Q And you didn't recover any mask, like actual mask on  
15 scene.

16 A No. No, ma'am.

17 Q Okay. You didn't direct any testing to be done in  
18 this case.

19 A I don't believe I did.

20 Q Okay. And you put Mr. Griffin in your police car. I  
21 believe you said it was driven by your trainee.

22 A Yes, ma'am.

23 Q But you all didn't drive up the road and have  
24 Mr. Henderson confirm that that was him or not?

25 A No, ma'am, we didn't. I believe it was because they

1 said -- the initial statement that was given or the --  
2 what was relayed to us by dispatch when they called in is  
3 that he had his face covered.

4 Q But you didn't drive him up there?

5 A No, ma'am.

6 Q Okay. And you all -- after the run, there were a lot  
7 of high-fives and congratulations going around?

8 A I don't recall, but that's -- usually, if we get in a  
9 foot chase, that's -- people give high-fives, you know.

10 MS. JOHNSON: Beg the Court's indulgence.

11 Thank you, Deputy.

12 THE COURT: All right. Any redirect?

13 MR. RICHARDSON: Nothing further from the State, Your  
14 Honor.

15 THE COURT: All right. Officer, you may step down.

16 Next witness.

17 MR. RICHARDSON: Your Honor, that is the State's  
18 case. We rest.

19 THE COURT: All right. Ladies and gentlemen, the  
20 State has completed their evidence. I'm going to excuse  
21 you for a little bit, take some matters up with the  
22 lawyers and I will call for you. Please don't discuss the  
23 case.

24 (WHEREUPON, the jury exits the courtroom at 3:02 p.m.)

25 THE COURT: Anything from the State? Any motions?

1 MR. RICHARDSON: Nothing from the State, Your Honor.

2 THE COURT: Any motion from the defense?

3 MS. JOHNSON: Judge, at this time I would move for a  
4 directed verdict on behalf of my client, Mr. Griffin, and  
5 also renew my previous motions in this case, Your Honor.

6 THE COURT: All right. As far as the directed  
7 verdict, I find there is existence of evidence that would  
8 show that the defendant is guilty of the crime.  
9 Obviously, the standard is whether there is the existence  
10 or nonexistence of evidence, and I certainly find there  
11 is.

12 As to the mistrial, I have -- your renewal of the  
13 motion for the mistrial, I, during lunch break, did  
14 analyze and research case law, State vs. Tate -- State vs.  
15 Tate, State vs. Counsel, State vs. Lawson among others,  
16 and based on my review of the case law and the evidence  
17 that came forward, as far as the statement about the mug  
18 shot, my ruling still stands. I don't think, based on the  
19 testimony that came out, first of all, it was not elicited  
20 from the State. Mr. Richardson did not ask questions  
21 about that. He was not trying to show to the jury that  
22 Mr. Griffin had any prior criminal record. It was not  
23 introduced in any manner which brought attention to it,  
24 especially no evidence that it was intentionally brought  
25 in front of the jury to draw attention to it. It was

1 simply a statement that was made by the witness that  
2 mentioned mug shots.

3 I'm not -- you know, I actually find that the jury  
4 probably missed the implication. They certainly could  
5 have. I don't say that they absolutely didn't, but it was  
6 just stated in his testimony. And, again, not being  
7 elicited, I think there's certainly a chance that it may  
8 have missed the implication, in any event. But I don't  
9 find that it reaches the level to where there would be any  
10 prejudice. I don't -- again, it was not intentionally  
11 done. It was just brought out in the officer's testimony.

12 Additionally, the State's case is -- there is  
13 significant evidence in the State's case of guiltiness in  
14 this matter. This case is not built solely on  
15 circumstantial evidence.

16 Some of the case law that has dealt with the issue as  
17 to whether or not there are grounds for a mistrial when  
18 testimony is brought out, that would indicate that the  
19 defendant may have had some prior record. One of the  
20 cases that may -- I think it was State vs. Lawson where  
21 there was testimony brought out about fingerprints which  
22 indicated to the jury that the defendant had a prior  
23 criminal record. The case -- I mean the Court in that  
24 particular case did grant the mistrial. And an important  
25 part of that case, that holding, was that the State's case

1 in State vs. Lawson was built solely on circumstantial  
2 evidence, it involving fingerprints. So I think the facts  
3 in this case are different.

4 I do -- again, as I have stated, it was not  
5 specifically elicited by the State and that there was no  
6 intention to put forth in front of the jury that the  
7 defendant did have a prior criminal record. So on those  
8 grounds, my ruling remains the same and the motion for the  
9 mistrial is denied. Your motion is noted for the record.

10 All right. Mr. Griffin, I need for you to give me  
11 your attention. We are at the stage in the trial, the  
12 State has rested with their evidence, and at this time I'm  
13 going to explain to you certain of your rights. And I  
14 want to tell you, if you do not understand anything that I  
15 say, if you have any questions whatsoever or you need me  
16 to explain anything, you please let me know.

17 We have now reached the stage, as I told you, that  
18 the State has provided their -- produced their case, and  
19 it's time where you can present your defense to the jury.  
20 You have the right to claim the protections given to you  
21 by the Fifth Amendment of the United States Constitution  
22 which reads in part: No person shall be compelled, in any  
23 criminal case, to be a witness against himself. And this  
24 means that you cannot be required to testify in this case.  
25 You have the right to testify on your own behalf; however,

1 MR. RICHARDSON: Nothing from the State, Your Honor.

2 THE COURT: All right. We'll be in recess. This  
3 will be our afternoon break.

4 (WHEREUPON, a recess is taken at 3:12 p.m.)

5 THE COURT: All right. Anything before we bring the  
6 jury in? Anything from the State?

7 MR. RICHARDSON: Nothing from the State, Your Honor.

8 THE COURT: Anything from the defense?

9 MS. JOHNSON: No, Your Honor.

10 THE COURT: All right. Let's bring them in.

11 (WHEREUPON, the jury entered the courtroom at 3:34 p.m.)

12 THE COURT: All right. Ladies and gentlemen, as I  
13 told you, you've heard the State's case. They have  
14 rested. Now it's the defense's case.

15 Ms. Johnson?

16 MS. JOHNSON: May it please the Court. The defense  
17 calls Jeffery Griffin to the stand.

18 THE CLERK: Mr. Griffin, please place your left hand  
19 on the Bible and raise your right hand.

20 WHEREUPON,

21 JEFFREY KEYON TIMOTHY GRIFFIN

22 After having been duly sworn, testified as follows:

23 THE CLERK: Thank you. You may be seated. Please  
24 state your full name for the record.

25 THE WITNESS: Jeffery Keyon Timothy Griffin.

DIRECT EXAMINATION

1  
2 BY MS. JOHNSON:

3 Q Mr. Griffin, how old are you?

4 A 29 years old.

5 Q Tell the jury a little bit about your background and  
6 where you grew up.

7 A I grew up in West Greenville. I'm originally from  
8 Miami, Florida. I was born in Miami, Florida, and I moved  
9 from Florida to Georgia and -- and lived in South Carolina  
10 the majority of my days.

11 Q And your education, how far did you go in school?

12 A To the 12th grade.

13 Q Did you graduate?

14 A No. I did not graduate.

15 Q Okay.

16 A But I did actually finish -- finished the 12th grade,  
17 but I didn't receive my certificate.

18 Q Okay. What kind of work have you done?

19 A I've done construction, I've done welding,  
20 landscaping. And that's about it.

21 Q What was the longest job you've had?

22 A Working for the city, Greenville County. I worked on  
23 the back of a garbage truck.

24 Q How long did you have that job?

25 A Two years.

1 Q Tell the jury a little bit about your family.

2 A I have 11 brothers and sisters.

3 Q What number are you in the 11 brothers and sisters?

4 A 13.

5 Q Okay.

6 A I had ---

7 Q 13?

8 A Yeah.

9 Q So ---

10 A 13 siblings.

11 Q Okay.

12 A Yeah. It's five girls and 11 boys. Recently I just  
13 had two of my -- well, no, one of -- one of my youngest  
14 brothers just passed away last year. And yeah. I have an  
15 older sibling that passed away like 2006.

16 Q Okay. And let's go to 2018. Did you commit this  
17 robbery?

18 A No.

19 Q Okay. Tell the jury what was going on in your family  
20 situation about that time.

21 A I was -- I was coming out of Virginia with my -- with  
22 my -- one of my oldest brothers, and we were working. And  
23 -- and we decided to visit South Carolina to visit some of  
24 my siblings. And, you know, my mom ended up passing away,  
25 and ---

- 1 Q And that was in like October?
- 2 A Yeah. It was in, I want to say, early October.
- 3 Q Okay. So -- but you were in Virginia.
- 4 A Yeah, yeah. We was in Virginia. And we came to  
5 visit Greenville, but she ended up like passing away a  
6 little after.
- 7 Q Okay. And so November of 2018 ---
- 8 A Yeah.
- 9 Q --- what were you doing about that time?
- 10 A I remember waking up one morning. I was at my  
11 brother's place. And ---
- 12 Q Let me stop you. This is the morning ---
- 13 A Yeah. Of the incident, yeah.
- 14 Q This is November 24th. So were you visiting your  
15 brother or were you ---
- 16 A Yeah. I was living with him, but we were -- I wasn't  
17 -- I wasn't residing in Greenville, South Carolina.
- 18 Q Okay.
- 19 A I -- I still had like mail coming from another state  
20 and stuff. So ---
- 21 Q So you were staying with your brother.
- 22 A Yeah. We was -- we was like visiting, but we was  
23 living with him at the time, you know, staying with him.
- 24 Q How long had you been there with him, living with  
25 him?

1 A Maybe a few weeks.

2 Q Okay. But you were planning on going back to  
3 Virginia.

4 A Yeah. We was -- I was planning on going back.

5 Q Okay. So tell the jury about this morning,  
6 November 24, 2018.

7 A So I woke up one morning, and as usual I was going to  
8 jog, you know.

9 Q I'm going to stop you. So do you like to jog?

10 A Yeah.

11 Q What do you typically jog or where do you typically  
12 jog?

13 A I'm not too familiar with the -- with the area, but I  
14 know I'm going to jog at a park. But since it wasn't a  
15 park nearby, I decided to jog off -- along the side of the  
16 highway, side of the road.

17 Q Where did your brother live -- or where did your  
18 brother live at this time?

19 A I don't remember the name of the exact apartments,  
20 but it was somewhere near the area.

21 Q You left his house -- or his apartment.

22 A Yeah, yeah. I left his apartment early that morning,  
23 and I was on a jog. And ---

24 Q Did you get anything to, I guess, use in your jog?

25 A No.

1 Q Whose clothes were you wearing?

2 A Oh, well, yeah. I had a jacket that my brother had  
3 -- had let me borrow.

4 Q Okay. So you are jogging?

5 A Uh-huh.

6 Q And what happens on your jog?

7 A Well, alongside of the road, I stumbled across what  
8 looked like a pillowcase. And I picked it up and I seen  
9 money and a silver revolver in it. And as I -- as I start  
10 back walking, I was getting ready to start back into my  
11 jog, but I see -- I heard sirens and I seen police cars  
12 like driving directly towards me off the side of the  
13 road.

14 Q All right. Let me stop you. What was going on in  
15 your mind as you heard the police cars?

16 A I panicked.

17 Q Why?

18 A Just seeing a lot go on in the world, I just -- I  
19 just figured out I was going to be another target. So I  
20 was -- I felt like my life was in jeopardy. So ---

21 Q And where about on the road or the path did you find  
22 this sack?

23 A It was like -- it was on -- on the side of the road,  
24 not in the grass but like still like on the side to where  
25 if you were to drive, you could actually see a pillowcase

1 on the side of the road.

2 Q How long had you had it until you saw the police?

3 A Not even five minutes.

4 Q Okay. Let's fast-forward. So you saw the police  
5 coming down the road. You were scared. And what did you  
6 do after that?

7 A I panicked and I start -- I start running. Well, at  
8 first I looked behind me and I seen the cars speeding  
9 directly to me. And I thought he was going to hit me, so  
10 I ran off the side of the road and like into the woods.  
11 And that's where they began to chase me.

12 Q And why did you tell the police -- or why did you  
13 admit to the police later on that you were involved in  
14 that robbery?

15 A Because I -- I was -- at the time I was very  
16 depressed and I was -- I was -- I was intoxicated, but I  
17 wasn't to the point I couldn't go on a jog still. So ---

18 Q Intoxicated on what?

19 A Xanax.

20 Q And, I guess, what was going on through your mind  
21 when this happened?

22 A I was just -- I was just -- honestly, at that moment  
23 I -- it was just a lot going on in my head. I didn't know  
24 what to think, what to do.

25 MS. JOHNSON: Beg the Court's indulgence.



1 Q You heard the officer testify it was tied to you.

2 A Yeah, I did. It wasn't.

3 Q Was it tied to you?

4 A No. I had it in my hand.

5 Q And when you see these police officers, your first  
6 thing -- thought when they turn around is just simply to  
7 run. That's what you decide to do.

8 A Yeah. Because he's speeding towards me like he was  
9 going to hit me with his car.

10 Q Okay. You ran into the woods.

11 A Yeah.

12 Q You admit to running into the woods?

13 A Yeah. That was the only way I was going to get out  
14 of the way and not ---

15 Q When you were in the woods, did you continue to run?

16 A Yeah.

17 Q Did you continue to flee the officer while you were  
18 in the woods?

19 A Yeah. Until I -- until I got up at the hill, and  
20 then I stopped once I seen another officer.

21 Q Well, you just testified to this jury that the reason  
22 you ran is because you were afraid that the officer was  
23 going to hit you. But you were in the woods and you were  
24 still running. There was no car in the woods, was there?

25 A I mean, but he was chasing me with the gun.

1 Q That's not what you testified to. You testified that  
2 you ran because he was going to hit you with the car. I  
3 asked you were you in the woods and still running. So you  
4 ran while you were in the woods; is that correct?

5 A Right.

6 Q And this is 6:00 in the morning or 7:00; do you  
7 remember that?

8 A Yeah. Close to 6:00 in the morning.

9 Q Okay. And when the officer arrested you, and you saw  
10 the video, you talked to him freely, didn't you?

11 A Yeah. Because I watched the video, yeah.

12 Q Okay. And you told him that there were two employees  
13 in the 7-Eleven; isn't that right?

14 A I -- I -- I -- really couldn't even hear what he was  
15 asking me at the time.

16 Q That's not my question. You told him -- he asked you  
17 about two employees and you said there were two employees.  
18 He asked you how many employees were in the 7-Eleven, and  
19 you said two employees; is that not correct?

20 A No.

21 Q That's not on that video that was played before this  
22 jury?

23 A No. I don't recall me saying that.

24 Q You don't recall saying that there were two  
25 employees?

1 A No.

2 Q Did you watch the video while it was played for the  
3 jury?

4 A Yeah.

5 Q Okay. And that you also told the officer that this  
6 was your gun; do you remember that?

7 A I never told him that either.

8 Q You're saying that's not on that video.

9 A I never told him that that was my gun.

10 Q You didn't tell him that this was your gun.

11 A No.

12 Q And is that as truthful as those two statements is  
13 truthful as everything else you're telling this jury?

14 A Yeah.

15 Q And when the officer asked you is this the first  
16 store that you hit this morning, you said "yes." Do you  
17 remember hearing that on the video? Do you remember  
18 saying that?

19 A Honestly, I couldn't even hear. The music was loud.

20 Q Do you remember telling the officer that this was the  
21 first store that you hit that morning?

22 A No. I don't remember telling him, no.

23 Q And is that as truthful as everything else you're  
24 telling this jury?

25 A Yeah.

1 Q And this jacket, this is your jacket? your brother's  
2 jacket?

3 A Yeah.

4 Q And you were wearing this jacket?

5 A Yes.

6 Q You need to say yes or no.

7 A I was.

8 Q This jacket with the white sleeve?

9 A (Nods head affirmatively.)

10 Q Yes or no?

11 A I was wearing that jacket.

12 Q Were you wearing this hat?

13 A Yeah.

14 Q You were.

15 And were you carrying money in that sack, in that  
16 pillowcase?

17 A When -- when -- when -- at the time when they caught  
18 me, no.

19 Q And at what point in time did you ever tell the  
20 officer who was questioning you right after this that it  
21 wasn't me?

22 A I was -- I was tired, and honestly, I -- I didn't  
23 even know what to think, really.

24 Q So this officer has put you under arrest at gunpoint,  
25 and you don't tell him, "It's not me." You don't say that

1 one time, did you?

2 A No.

3 Q This story that you're telling the jury today, did  
4 you ever tell a police officer that this is what happened?

5 A No.

6 MR. RICHARDSON: That's all the questions I have.

7 THE COURT: All right. Any redirect?

8 MS. JOHNSON: No, Your Honor.

9 THE COURT: All right. You may step down.

10 All right. Next witness. Any witness?

11 MS. JOHNSON: No, Your Honor. We -- the defense  
12 rests at this time, Your Honor.

13 THE COURT: All right. Any reply from the State?

14 MR. RICHARDSON: No reply, Your Honor.

15 THE COURT: All right. Ladies and gentlemen, that is  
16 the testimony in this case. And so it's getting just a  
17 little bit late in the day, so what we're going to do is  
18 we're going to end for the day. All the evidence is in  
19 for you, and we will start tomorrow morning. You will  
20 hear the closing arguments of the lawyers, and then I will  
21 charge you the law and you'll deliberate.

22 So let's be back here tomorrow morning in the jury  
23 room, we'll try to get started at 9:30, so if you would,  
24 try to be here around 9:15.

25 And as I've mentioned to you, please don't discuss

1 the case, don't -- because y'all are going to be home at  
2 night, please don't google anything or do any  
3 investigative work on your own. And just wait until  
4 tomorrow when you deliberate among yourselves.

5 Hope all of you have a good night, and we'll see you  
6 in the morning.

7 (WHEREUPON, the jury exits the courtroom at 3:53 p.m.)

8 THE COURT: All right. Anything from the parties?  
9 Any motions? Anything else?

10 MR. RICHARDSON: Nothing from the State, Your Honor.

11 THE COURT: Anything from the defense?

12 MS. JOHNSON: Judge, just to reserve all my -- renew  
13 all my previous motions, Your Honor.

14 THE COURT: All right. Those motions are noted and  
15 denied at this time.

16 JURY CHARGE CONFERENCE

17 THE COURT: As far as charges, I don't have a copy  
18 yet, but I don't anticipate anything being -- other than  
19 my regular charges and the charges on the indictments to  
20 be armed robbery, possession of a weapon during the  
21 commission of a violent crime, pointing and presenting a  
22 firearm, and resisting arrest. Are there any other  
23 charges that either one of you think I need to include  
24 other than the charges on those indictments and then just  
25 the regular charges?

1 MR. RICHARDSON: That suffices for the State.

2 THE COURT: From the defense?

3 MS. JOHNSON: Judge, I would just ask for a mere  
4 presence charge.

5 THE COURT: All right. Any objection from the State?

6 MR. RICHARDSON: Well ---

7 THE COURT: We'll -- I'll give you the charges in the  
8 morning, so that will give y'all both an opportunity to  
9 come up with something else. I just want to generally let  
10 y'all know what I was going to charge. The defense is  
11 requesting a mere presence charge, so if you want to, I'll  
12 wait and hear you in the morning. And if there's any  
13 other charges that y'all think of over the night and you  
14 want me to charge, you would email Mr. Barrow. All right.

15 MR. RICHARDSON: Thank you, Your Honor.

16 THE COURT: All right. Anything else?

17 MR. RICHARDSON: Nothing from the State.

18 MS. JOHNSON: No, Your Honor.

19 THE COURT: All right. I'll see y'all in the  
20 morning.

21 (WHEREUPON, proceedings recessed at 3:55 p.m.)  
22  
23  
24  
25

1                                    Thursday, September 8, 2022

2                                    (WHEREUPON, proceedings reconvened at 9:43 a.m.)

3                                    THE COURT: All right. As I understand, y'all have  
4 had a chance to look at the charges?

5                                    MR. RICHARDSON: Yes, Your Honor.

6                                    THE COURT: All right. And, Ms. Johnson, I'm not  
7 going to charge mere presence.

8                                    MS. JOHNSON: Judge, I was going to withdraw that  
9 anyway.

10                                   THE COURT: Okay.

11                                   MS. JOHNSON: Thank you, Your Honor.

12                                   THE COURT: All right. Any objection to the charges?

13                                   MR. RICHARDSON: Not from the State.

14                                   MS. JOHNSON: Not on behalf of Mr. Griffin.

15                                   THE COURT: All right. Let's bring them in.

16                                   (WHEREUPON, the jury entered the courtroom at 9:44 a.m.)

17                                   THE COURT: All right. Good morning, ladies and  
18 gentlemen. I hope y'all had a good night.

19                                   As I told you yesterday, the evidence is in and we  
20 are now proceeding to the closing arguments of the  
21 attorneys, and then I will charge you the law on the case.

22                                   Recognize the State.

23                                   CLOSING ARGUMENTS

24                                   MR. RICHARDSON: Thank you, Your Honor. Please the  
25 Court.

1           Good morning, ladies and gentlemen of the jury. I  
2           told you at the beginning of this case it was an honor to  
3           be before y'all in this position. I've been doing this a  
4           long time. And I really meant that. It's really an honor  
5           when I look over to the jury and I see how much attention  
6           you're paying to the evidence in this case. And there's a  
7           plethora of evidence I'm going to go into in a minute.  
8           But I want to thank you once again for that attention to  
9           the details of this case.

10           Now, it has been mentioned that I have the burden of  
11           proof, and that is true. I accept that burden as the  
12           solicitor in this state. Solicitors all over this state  
13           accept that burden every day. And I have the burden to  
14           prove this case to y'all beyond a reasonable doubt. And I  
15           want to say to you, that doesn't mean all doubt. Every  
16           day in life we have doubts about things. It's a  
17           reasonable doubt. And basically, what that is and I'm  
18           asking you to do today is just use your common sense as it  
19           applies to this case.

20           Our jury system, as I stated in my opening statement,  
21           is great. We bring in people from all walks of life. You  
22           have different experiences, and we're asking you to use  
23           those experiences in your everyday life, come in here,  
24           look at the evidence and just use your common sense. And  
25           that's what reasonable doubt is, using your common sense

1 to ascertain the facts of the case.

2 Now, I want to start out with the defendant's  
3 testimony. Ladies and gentlemen, you heard the  
4 defendant's testimony and his basis, his theory in this  
5 case of what happened. And I'll tell you that throughout  
6 the testimony -- and I'll say we have a video. We have  
7 video of his confession, and we have video of the crime,  
8 we have pictures of the crime. And there's a saying: a  
9 picture speaks a thousand words. Today in my closing  
10 argument, I'm not going to go in and show you these again.  
11 You will have -- these are in evidence. You will have  
12 these. You're more than welcome to look at it in your  
13 jury room. We can provide that. I'm not going to go play  
14 this again. Y'all remember and saw what happened on those  
15 tapes.

16 His testimony was totally contradictory of what he  
17 said during his confession. For instance, he goes into --  
18 a question was asked, who was in the store? The police  
19 officer said, "Who was in the store at the time of the  
20 incident?"

21 And the defendant says, this guy right here says on  
22 camera, you heard it, There were two people. There were  
23 two employees. Not just two people. There were two  
24 employees in the store. That's very important. Because  
25 under his theory that he was not in that store, how would

1 he know that there are two employees? Not one employee,  
2 but two employees, and that there were no other customers  
3 in the store. That goes directly to his lie to y'all on  
4 the stand.

5 He was asked about the gun. And was it stolen? He  
6 says, "No. It wasn't stolen. It's my gun."

7 Now, ladies and gentlemen, on the stand he denied  
8 making that statement, but yet it's on video. You saw it.  
9 It's on video. He said it right then. But today when he  
10 wants to come up here and tell y'all a story, all of a  
11 sudden, I didn't say that. Well, it's on video.

12 The story is very convenient that he's brought out to  
13 y'all. He says that he is jogging. Now, he's jogging  
14 intoxicated, under the influence of Xanax. He said that  
15 on the stand. That's not anything the State brought out.  
16 He said that on the stand, that he happens to be jogging  
17 at 6:30 in the morning, and he finds this bag on the side  
18 of the road minutes after the armed robbery has taken  
19 place, within .4 miles, very close walking distance,  
20 within minutes of the 7-Eleven that had just been robbed.  
21 His convenient story is -- because you've got to explain  
22 it. We got him. We got him caught. We got him on  
23 camera.

24 He's got to figure out a way to fool y'all. Oh, I  
25 just found this bag laying on the side of the road on

1 Poinsett Highway. Now, under that theory, somebody else  
2 committed the crime. That person who committed the crime  
3 got \$150 some odd dollars, leaves that, the pillowcase,  
4 the money and this gun in a pillowcase right on the side  
5 of Poinsett Highway instead of -- and we see on the film  
6 he's the only -- he's the only one walking up and down  
7 Poinsett Highway. Nobody else was. Once again, a picture  
8 speaks a thousand words.

9 But this person supposedly says, well, I'm just going  
10 to drop this thing. I'm just going to drop it with all  
11 the money, and we're just going to leave it there and I'm  
12 just going to go about my merry way. I'm not going to go  
13 put it in the woods and hide it so I can come back later.  
14 We're going to put it right there on a major throughway  
15 for everybody to see. Absolutely ridiculous.

16 And I kept asking him is everything that you said on  
17 this stand as truthful as what you're telling the jury  
18 today? And he said "yes." Because everything he said is  
19 a lie.

20 Now, ladies and gentlemen, when we get to the point  
21 of the actual facts, and sometimes lies lead into things  
22 that he didn't think about, but when we get into the point  
23 of the actual facts, we see on the camera that the  
24 individual who is committing this crime, the defendant,  
25 this is the defendant, we know it's the defendant, okay,

1 he never explained -- at no point -- one thing he admitted  
2 -- and once again, when he admits something, he has to  
3 admit something. And one of the things he has to admit  
4 because it's found on him is this jacket with the white  
5 sleeve. He's caught with that. We have it in evidence.  
6 Clearly, ladies and gentlemen, in this photograph, that's  
7 a jacket with one white sleeve. At what point in time did  
8 he get on the stand with this ridiculous story he's  
9 telling y'all and say -- give an explanation to this?  
10 Never. Because he was wearing this during that armed  
11 robbery, and it's set right there. This is not all just a  
12 coincidence.

13 The police were called immediately. The defendant  
14 was found within walking distance of the 7-Eleven.

15 And let me say I commend the Greenville County  
16 Sheriff's Office, their quick response on this. They had  
17 one guy at the store almost immediately, they had two  
18 other officers up there who catch the guy coming down the  
19 road. And thank God for those guys. I commend what they  
20 did in this case. And thank goodness that we have police  
21 officers like that in this county.

22 And as I said, in his confession, the entire time he  
23 is saying -- in the confession he says that I pulled out a  
24 gun. On the stand, I didn't say that. His gun, on the  
25 stand, he didn't say that. But you're hearing it right

1 after the crime happened and he's caught. How many  
2 employees in there? Right after the crime, there were two  
3 employees that were in the store. He's admitted it.  
4 He's caught with all the evidence in his possession.

5 And what does he do when he's caught? He runs. He  
6 sees those police officers U-turn. You saw it on the  
7 video. You saw the defendant walking down the street, and  
8 those two police officers U-turn. And what did he do? He  
9 took off.

10 He's talking about they were trying to hit him.  
11 Well, you saw the video. Did it look like they were  
12 trying to hit him? He had a police officer right on his  
13 tail yelling, "You are under arrest. Stop." And he was  
14 not complying. Very convenient. He's not complying, but  
15 he makes a convenient story up why I was running from the  
16 police. Well, where were the police officers when he  
17 entered the woods? They were running, and that's all they  
18 were doing. And he did not comply until he came out of  
19 those woods and he had a police officer with his gun drawn  
20 saying, "Get on the ground." And he knew he was caught at  
21 that point in time.

22 He confesses at the scene but never, ever, ever tells  
23 anybody that story that it wasn't him. He didn't say,  
24 "You got the wrong guy. It's not me. I found the  
25 pillowcase on the side of the road." Where did we hear

1 that in his confession? No. He talks about, he gives  
2 details of the crime. He doesn't tell that. Today -- or,  
3 excuse me -- yesterday is the first time that story is  
4 brought up because he wants y'all to let him go. He is  
5 still trying to get out of this. He committed that armed  
6 robbery with his face covered, with this shirt found on  
7 him, those gloves that he dropped on the side of Poinsett  
8 Highway right near where he was caught on the way down  
9 from the 7-Eleven and running from the police. So he  
10 tried to get out of it when he covered his face. He  
11 thought he was smart, get out of it, cover my face.

12 I'm going to wear gloves. Why is he wearing gloves?  
13 He doesn't want fingerprints detected. That's why no  
14 fingerprints were found. He's wearing gloves.

15 And then he gets his last-ditch effort. What is it?  
16 To -- well, that's not his last-ditch effort. His third  
17 effort is to run and get away. He doesn't get away. So  
18 what's his last-ditch effort? To get up here and try to  
19 fool you people with common sense with this ridiculous  
20 story.

21 Key point, all the money that was found in the  
22 pillowcase, an accounting was done. It was the exact  
23 amount of money that was taken. This is a real gun. I  
24 told you in the beginning, you can stick your finger in a  
25 pocket and say, "Give me all your money. I've got a gun."

1 That right there is armed robbery in South Carolina. We  
2 got it even further. We have an actual real weapon.

3 And Charles and the other employee in that store did  
4 not deserve to have this gun pointed at them saying, "Give  
5 me all the money. Hurry." That's what they went through,  
6 these hard-working people who had been there on third  
7 shift working as we -- as everybody does doing the right  
8 thing and have this gun stuck in his face saying, "Give me  
9 all the money."

10 Pointing and presenting is an element of this. You  
11 don't have to -- if you pull out the gun, that's enough?  
12 No. He takes -- he doesn't pull it out and just keep it  
13 like this (demonstrating) and say, "Give me all the  
14 money." You see it in the video. He has it pointed at  
15 him.

16 He did not deserve to go through this, nor does  
17 anybody in this society deserve to go through this.

18 I said to you, ladies and gentlemen, at the start of  
19 this, and I'll reiterate, I just want you to use your  
20 common sense. The judge is going to tell you about direct  
21 and circumstantial evidence. Okay. This is direct  
22 evidence. There's no circumstantial. A lot of times I  
23 have to come to juries and I have to put pieces of the  
24 puzzle together and all that. You folks are fortunate  
25 enough to see the entire event. I showed you the entire

1 event on camera. You saw the crime, the chase, and the  
2 aftermath with the confession.

3 The defendant has everything to lose. That's why  
4 he's up here trying to fool you.

5 I appreciate your time and attention in this matter,  
6 and I am going to ask that you come back with the only  
7 possible verdicts in this case, guilty on all charges  
8 against this individual who was so bold to go in there and  
9 put that gun in those individuals' faces.

10 Thank you very much.

11 THE COURT: Ms. Johnson?

12 MS. JOHNSON: May it please the Court.

13 I told y'all yesterday the first answer, the easiest  
14 answer and the quickest answer is not always the right  
15 answer. We have a one-minute video and the State closes  
16 its case. That's all the investigation that was done  
17 here.

18 My client is charged with very serious allegations,  
19 and we have no serious investigation? Jeffery is an  
20 American citizen. As an American citizen, he deserves to  
21 have an investigation more than a minute.

22 I talked to you about reasonable doubt, what  
23 reasonable doubt is. And you're going to hear about  
24 reasonable doubt from His Honor. But reasonable doubt is  
25 that which would cause someone to hesitate to act. And as

1 we all know, nothing in life is certain. But reasonable  
2 doubt is akin -- or like to say it's akin to building a  
3 bridge across the Grand Canyon, a rope bridge and feeling  
4 good about walking over it, feeling like you're going to  
5 make it to the other side. In this case, I wouldn't feel  
6 very good about walking over it. Maybe I get -- you know,  
7 fall in a hole here or there.

8 Reasonable doubt in everything or in all cases comes  
9 from three things: lack of evidence, conflict of evidence  
10 or the evidence itself. Here we have a lack of evidence.

11 First of all, in this case the State had the ability  
12 to confirm their work, to make a solid case, to really  
13 enjoy all those congratulations and high-fives. They had  
14 the ability to give you a slam dunk of a case. I think  
15 one officer said, yeah, it was a slam dunk, after a minute  
16 video and a chase. To seal the deal, though, they could  
17 have left you with no doubts. Instead, they give you a  
18 rickety bridge and ask you to walk over it.

19 So the lack of evidence is what we have in this case.  
20 First of all, we don't have a real ID. Bring -- or drive  
21 Mr. Griffin two minutes up the road, have Mr. Henderson  
22 walk out and ID him. Why didn't we -- why didn't the  
23 State do that here? They had doubt, and they didn't want  
24 to risk a "maybe" or a "not sure."

25 Another thing that wasn't done in this case, no

1 testing any of the implements: these gloves, this gun.

2 What would that testing have shown? You heard  
3 yesterday the dog hit on these gloves for some human  
4 scent. Well, let's confirm that human's DNA. Maybe the  
5 State wouldn't like what it shows. Who knows?

6 You all heard yesterday about a mask over and over.  
7 At one point you hear white mask, masked man. Regardless,  
8 the State has brought you footage of a masked man.  
9 Jeffery's not masked. And I don't see how you can cover  
10 your face with a black T-shirt and be able to see.

11 Another thing, missing footage. The State just told  
12 you they had the -- they showed you the entire event. No,  
13 they did not. They absolutely did not show you the entire  
14 event. They have body-worn cameras that are not on all  
15 the time. We have no footage of the pillowcase, of the  
16 money, of the gun being retrieved. There are two, three  
17 officers out there with their in-car cameras rolling.  
18 Officers should have body cams going also. You heard  
19 Deputy Ochoa showed up to the scene, body cam rolling.  
20 Why don't we have that here when they arrest Mr. Griffin?

21 Where's the video of the store from the other angles?  
22 What would it show? A face without a mask, possibly to  
23 confirm or deny any theory?

24 And I'm going to let you take the confession, the  
25 video at the scene, Jeffery's confession for what it's

1       worth. Jeffery's clearly out of breath, he's begging for  
2       water, pleading for water.

3               And why do we only hear the officer for the most part  
4       of the video? And why is it that the part you can hear  
5       Jeffery in 20 minutes later?

6               I'm asking you to not rush to judgment like the State  
7       of South Carolina and the police did in this case. The  
8       investigation lasted as long as that video, that store  
9       video.

10              Look at the awesome power of the State of South  
11       Carolina, of our government. It clearly had the ability  
12       to find the correct answer, to confirm their case. The  
13       State could have sealed the deal. But no. Why not? Too  
14       risky. There was always that chance of maybe, not sure,  
15       but it's not one they're willing to take.

16              And I'm about to end, but I'm asking that you do not  
17       stand for the investigation done in this case. Do not  
18       jump to automatic conclusions like the State has or the  
19       police did in this case. Do not accept the first answer,  
20       the easiest answer and the quickest answer as the right  
21       answer. And I'm asking that you find my client, Jeffery  
22       Griffin, not guilty of all the charges.

23              Thank you.

24              MR. RICHARDSON: Thank you, Your Honor. Briefly.

25              At this point I get to address certain things she

1 brought up. I'll be very brief.

2 The reason why they don't take him up to see the  
3 clerk for a positive ID is a spit-ball approach of trying  
4 to convince y'all of something. The reason why they don't  
5 do that is because his face was covered in the crime. We  
6 see it in there. He testified to that. Why are we going  
7 to bring up an individual that he didn't see his face? He  
8 gave a description. That was the end of it.

9 It says lack of evidence. The defendant had all the  
10 evidence. Here it is. All the evidence is here. The  
11 defendant had it.

12 There were certain things that the clerk said that  
13 were -- I think there was some testimony about maybe there  
14 was a white mask. Folks, this is being stuck in his face.  
15 He's looking down getting -- getting all the money for  
16 him, and he's sticking it in here hoping that he doesn't  
17 get shot in the chest. Yes, somebody may make a little  
18 bit of a mistake on what they saw. The great thing about  
19 that is you don't have to depend upon that because it's  
20 all on video.

21 There was no white facemask. A shirt easily can be  
22 wrapped around somebody's face. And, in fact, the officer  
23 told y'all that the shirt was tied around. It wasn't on  
24 him. And I asked him. It wasn't on him. It was tied  
25 around his neck like it could be used as a face mask.

1 Guilty. Thank you.

2 CHARGE ON THE LAW

3 THE COURT: All right. Ladies and gentlemen, if you  
4 would, please give me your attention as I instruct you on  
5 the law in this case, and then I will then ask you to  
6 return -- or turn to the jury room and begin your  
7 deliberations.

8 The defendant in this case has been charged under  
9 indictments. The indictments the defendant has been  
10 charged with are armed robbery, possession of a weapon  
11 during the commission of a violent crime, resisting arrest  
12 and pointing and presenting a firearm. I remind you that  
13 the fact the defendant was arrested, charged and indicted  
14 in this case is not evidence and cannot be considered by  
15 you as evidence of guilt in this case, nor does it create  
16 any presumption or inference of guilt. This document --  
17 or these documents are simply the formal written  
18 instruments which contain the charges made against the  
19 defendant. They are the formal documents by which the  
20 case is brought into court.

21 I also remind you that during the trial, you and I  
22 have had certain duties to perform. As the trial judge,  
23 it has been my responsibility to preside over the trial of  
24 the case, and I have also had the duty to rule on the  
25 admissibility of any evidence which has been offered

1 during the trial. You are to consider only the competent  
2 evidence that has been admitted into evidence before you.  
3 If there was any testimony ordered stricken from the  
4 record in this case during this trial, you must disregard  
5 that testimony. You are to consider only the testimony  
6 which has been presented from the witness stand here and  
7 any exhibits which have been put into evidence as part of  
8 the case.

9 I have the additional duty to charge you the law that  
10 is applicable in this case. As the presiding judge, I am  
11 the sole judge of the law in the case, and it is your duty  
12 as jurors to accept and apply the law as I now state it to  
13 you. If you already have any idea as to what the law is  
14 or what the law ought to be and it does not agree with  
15 what I am going to tell you now, then you must abandon  
16 that idea because you're sworn to accept the law and apply  
17 the law exactly as I state it to you.

18 In every case tried in this court before a jury, the  
19 jury becomes the sole and exclusive judge of the facts. A  
20 trial judge like myself cannot state, comment on or make  
21 any statement to the trial jury about the facts in a case  
22 since you the jury are the sole judges of the facts in  
23 this case. You are not to infer anything that I may have  
24 said or what I have said during the progress of the trial  
25 in ruling upon the admissibility of any evidence or

1 otherwise, or anything that I say now during the course of  
2 this instruction of the law to you that I have any opinion  
3 about the facts in this case. The law does not allow me  
4 to have an opinion about the facts. It's a matter solely  
5 for you, and I do not have any opinion about the facts.  
6 It is for you the jury to determine the effect, value and  
7 weight of the evidence that's been presented to you during  
8 this trial.

9 As I've stated, the indictments allege multiple  
10 charges in this case, and each indictment charges a  
11 separate and distinct offense. You must decide each  
12 indictment separately on the evidence and the law  
13 applicable to it and it's uninfluenced by your decision as  
14 to any other indictment. The defendant may be convicted  
15 or acquitted on any or all of the offenses charged. You  
16 will be asked to write a separate verdict of guilty or not  
17 guilty for each indictment.

18 The defendant has pled not guilty to these  
19 indictments, and that puts the burden of proof on the  
20 State to prove the defendant guilty. A person charged  
21 with committing a criminal offense in South Carolina is  
22 never required to prove himself innocent. I charge you  
23 that it is an important rule of law that the defendant in  
24 a criminal trial, no matter what the seriousness of the  
25 charge may be, will always be presumed to be innocent of

1 the crime for which the indictments were issued unless  
2 guilt has been proven by the evidence satisfying you of  
3 that guilt beyond a reasonable doubt.

4 This presumption of innocence does not end when you  
5 begin your deliberations, but it accompanies the defendant  
6 throughout the trial and your deliberations until you  
7 reach a verdict of guilt based upon evidence that has  
8 satisfied you of guilt beyond a reasonable doubt. The  
9 presumption of innocence is like a robe of righteousness  
10 placed about the shoulders of the defendant which remains  
11 with the defendant until it has been stripped from the  
12 defendant by evidence satisfying you of the defendant's  
13 guilt beyond a reasonable doubt.

14 The presumption of innocence is not a mere legal  
15 theory. It is not just a legal phrase. It is a  
16 substantial right to which every defendant is entitled  
17 unless you the jury are satisfied from the evidence of the  
18 defendant's guilt beyond a reasonable doubt.

19 The State has the burden, as I've said, of proving  
20 the defendant's guilt, and it must be guilt beyond a  
21 reasonable doubt. Some of you may have served as jurors  
22 in a civil case where you were told that it is only  
23 necessary to prove that a fact is more likely true than  
24 not true such as the greater weight of the evidence or the  
25 preponderance of the evidence. Proof beyond a reasonable

1 doubt is proof that leaves you firmly convinced of the  
2 defendant's guilt. There are very few things in this  
3 world that we know with absolute certainty, and in  
4 criminal cases, the law does not require proof that  
5 overcomes every possible doubt.

6 If, based on your consideration of the evidence, you  
7 are firmly convinced that the defendant is guilty of the  
8 crime charged, you must find the defendant guilty. If, on  
9 the other hand, you think there is a real possibility that  
10 the defendant is not guilty, you must give the defendant  
11 the benefit of the doubt and find him not guilty.

12 The following things are not evidence and you must  
13 not consider them evidence in deciding the facts of this  
14 case. One is the statement and arguments of the attorneys  
15 in the trial, any questions and objections of the  
16 attorneys, and the testimony that I may have told you to  
17 disregard or not consider.

18 There are two types of evidence which are generally  
19 presented in a trial. That's direct evidence and  
20 circumstantial evidence. Direct evidence directly proves  
21 the existence of a fact and does not require deduction.

22 Circumstantial evidence is proof of a chain of facts and  
23 circumstances indicating the existence of a fact.

24 Crimes may be proven by circumstantial evidence. The  
25 law makes no distinction between the weight or value to be

1 given to either direct or circumstantial evidence.  
2 However, to the extent the State relies on any  
3 circumstantial evidence, all of the circumstances must be  
4 consistent with each other, and when taken together, point  
5 conclusively to the guilt of the defendant beyond a  
6 reasonable doubt. If these circumstances merely portray  
7 the defendant's behavior as suspicious, the proof has  
8 failed.

9 The State has the burden of proving the defendant  
10 guilty beyond a reasonable doubt, and it rests with the  
11 State regardless of whether the State relies on direct  
12 evidence, circumstantial evidence or a combination of the  
13 two.

14 Necessarily, you must determine the credibility of  
15 the witnesses who have testified in this case.  
16 Credibility simply believability.

17 It becomes your duty as jurors to analyze and to  
18 evaluate the evidence. In determining the believability  
19 of the evidence of the witnesses who have testified in  
20 this case, you may believe one witness over several  
21 witnesses, or several witnesses over one witness; you may  
22 believe a part of the testimony of a witness, and reject  
23 the remaining part of the testimony of that same witness;  
24 you may believe the testimony of a witness in its  
25 entirety, or reject the testimony of a witness in its

1       entirety; you may consider whether any witness has  
2       exhibited to you any interest, bias, prejudice or other  
3       motive in this case; you may also consider the appearance  
4       and manner of a witness while on the witness stand and  
5       testifying.

6               The rules of evidence ordinarily do not permit  
7       witnesses to testify to opinions or conclusions. As you  
8       recall yesterday, there was an expert witness, and I gave  
9       you the instructions about that. An exception to that  
10      rule exists for witnesses that we call expert witnesses.

11             A witness who, by education and experience has become  
12      expert in some art, science, profession or calling, they  
13      may state an opinion as to relevant and material matter in  
14      which the witness claims to be an expert and may also  
15      state the reasons for that opinion.

16             You should consider any expert opinion received as  
17      evidence in this case, and like any other evidence, give  
18      it the weight you think it deserves. If you decide that  
19      the opinion of an expert is not based on sufficient  
20      education and experience, or if you conclude that the  
21      reasons given in support of the opinion are not sound, or  
22      that the opinion is outweighed by other evidence, you may  
23      disregard the opinion entirely.

24             An expert witness's testimony is to be given no  
25      greater weight than that of other witnesses simply because

1 the witness is an expert. Further, you're not required to  
2 accept an expert's opinion even though it is not  
3 contradicted.

4 Now, a statement alleged to have been made by the  
5 defendant in this case has been admitted into evidence.  
6 While the Court has determined that the statement is  
7 admissible, I instruct you that you make the ultimate  
8 decision of whether or not the defendant made the  
9 statement. If the defendant did make the statement, you  
10 must determine whether the statement was made by the  
11 defendant voluntarily and of his own free will. This  
12 means that the statement was not caused by pressure,  
13 force, fear, threats, coercion or intimidation, or by hope  
14 or a promise of leniency, or a reward of any kind.

15 In determining whether the statement was voluntary,  
16 you should consider both the characteristics of the  
17 defendant and the details of the questioning. Some of the  
18 factors that you may consider are the age of the  
19 defendant, the defendant's education or lack of education,  
20 the defendant's mental ability or capacity, the  
21 defendant's IQ or intelligence, the defendant's background  
22 and environment, the place and length of detention, the  
23 nature of the questioning, and the advice or lack of  
24 advice thereof to the defendant of his constitutional  
25 rights including but not limited to the right to remain

1        silent, that any statement could be used against him in a  
2        court of law, the right to have a lawyer present, that if  
3        he could not afford a lawyer, a lawyer would be appointed  
4        to represent him without any cost, and that he could stop  
5        making a statement at any time. You must carefully  
6        consider all of the surrounding circumstances before you  
7        give any weight to an alleged statement.

8                The State has the burden of proving beyond a  
9        reasonable doubt that the alleged statement was voluntary.  
10       If you determine it was, you may give the statement any  
11       further consideration that you deem proper. You must  
12       decide what weight, if any, should be given to the alleged  
13       statement.

14               If you determine the alleged statement was not free  
15       and voluntary -- it was not the free and voluntary  
16       statement of the defendant, you should not consider the  
17       statement at all.

18               In order to establish criminal liability, intent is  
19       required. For example, the mental state required to be  
20       proven by the State for a particular crime might be  
21       purpose, intent, knowledge, recklessness or criminal  
22       negligence.

23               Criminal intent must be proven by the State beyond a  
24       reasonable doubt. Criminal intent is always a matter that  
25       must be determined by the jury from the circumstances

1 surrounding the situation. There is no way to prove  
2 intent to a mathematical certainty. There is no way  
3 medical science can dissect a person's brain and determine  
4 what the person had in mind, so the law says that criminal  
5 intent may be inferred from the circumstances shown to  
6 have existed. This is how you make a determination of  
7 whether or not the element requiring intent was present.

8 It is not necessary to establish intent by direct and  
9 positive evidence, but intent may be established by  
10 inference in the same way as any other fact by taking into  
11 consideration the acts of the parties and all of the facts  
12 and circumstances of the case.

13 Criminal intent is a mental state, a conscious  
14 wrongdoing. It is up to you to determine what the  
15 defendant intended to do based on the circumstances shown  
16 to have existed.

17 Criminal intent can arise from action or failure to  
18 act. It may arise from negligence, recklessness or an  
19 indifference to duty or to consequences that is considered  
20 by the law to be the equivalent of criminal intent.

21 The defendant is charged with armed robbery. In  
22 order to prove this offense, the State must first prove  
23 beyond a reasonable doubt that the defendant took personal  
24 property from the person or presence of another person.

25 Property is in the presence of a person if it is

1 within the person's reach, inspection, observation or  
2 control so that the person could, if not overcome with  
3 violence or prevented by fear, keep possession of the  
4 property.

5 The State must also prove beyond a reasonable doubt  
6 that the defendant carried the property away intending to  
7 permanently deprive the owner of the property and to keep  
8 the property for the defendant's own use.

9 The slightest removal of the property or the complete  
10 possession of the property, even for an instant by the  
11 defendant, is sufficient to show a taking and carrying  
12 away of the property. The taking and carrying away of the  
13 property must have been done with violence or by putting  
14 the owner of the property in fear of violence.

15 Finally, the State must prove beyond a reasonable  
16 doubt that the defendant was armed with a deadly weapon  
17 during the robbery.

18 A deadly weapon is any article, instrument or  
19 substance which is likely to cause death or great bodily  
20 harm.

21 Whether an instrument has been used as a deadly  
22 weapon depends on the facts and circumstances of each  
23 case. The following examples of instruments which may be  
24 deadly weapons: a pistol, a shotgun, a rifle, a dirk, a  
25 dagger, a knife, a slingshot, metal knuckles, a razor,

1 gasoline, a firebomb, a Molotov cocktail or lighter fluid.

2 A gun may be a deadly weapon even if it is not  
3 operating.

4 The defendant is charged also with possession of a  
5 weapon during the commission of or attempt to commit a  
6 violent crime. The State must prove beyond a reasonable  
7 doubt that the defendant was in possession of a firearm or  
8 visibly displayed what appeared to be a firearm during the  
9 commission of a violent crime.

10 A firearm means any machine gun, automatic rifle,  
11 revolver, pistol or any weapon which will or is designed  
12 to or may be readily converted to expel a projectile.

13 In order to find the defendant guilty of possession  
14 of a weapon during the commission of a violent crime, you  
15 must first find the defendant guilty of either committing  
16 a violent crime or attempting to commit a violent crime.  
17 Under South Carolina law, armed robbery is a violent  
18 crime.

19 The State must prove beyond a reasonable doubt that  
20 the weapon furthered, advanced or helped in the commission  
21 of the crime.

22 The defendant is also charged with resisting arrest.  
23 The State must prove, again, beyond a reasonable doubt  
24 that the defendant knowingly and willfully resisted a  
25 lawful arrest being made by a person the defendant knew or

1 reasonably should have known was a law enforcement  
2 officer.

3 "Knowingly" means with knowledge, consciously done.

4 "Willfully" means done intentionally and not done by  
5 accident.

6 "Resist" means to oppose, strive against, or  
7 obstruct.

8 "Obstruct" means to impede, hinder or interfere with.

9 Even peaceful, nonviolent, indirect obstruction of an  
10 arrest or the service or execution of process is  
11 considered resisting arrest. If the means used are  
12 sufficient to prevent the officer from making an arrest,  
13 the defendant is guilty of resisting arrest.

14 The defendant is charged with pointing or presenting  
15 a firearm. The State must prove, again, beyond a  
16 reasonable doubt that the defendant presented or pointed  
17 at another person a loaded or unloaded firearm.

18 Ladies and gentlemen, a verdict in this case cannot  
19 be based upon sympathy, passion, prejudice or emotion or  
20 any other consideration that has not been put forth before  
21 you into evidence from this witness stand or any of the  
22 exhibits that have been admitted into evidence.

23 Now, let me say something about deliberations.  
24 Deliberations -- or "deliberation" has often been defined  
25 as the act of thinking about or discussing something and

1 deciding carefully. The genius of our jury system is that  
2 it allows 12 good men and women from 12 different  
3 backgrounds, life experiences and perspectives to consider  
4 the evidence, talk about it, and ultimately reach a  
5 verdict. We call them deliberations for a reason. You  
6 are to consider the evidence in this case carefully and  
7 deliberately, and discuss it in a calm, thorough and  
8 courteous manner.

9 Remember, you are not partisans or advocates for  
10 either side. You do not favor one side over the other.  
11 You are judges, judges of the facts. Listen to the views  
12 of all of your fellow jurors, consider other people's  
13 opinions and their points of view and talk through and  
14 discuss the evidence. Remember, if you are doing  
15 something deliberately, you are not in a big hurry, and  
16 you should not be in a big hurry here. This case is very  
17 important to both sides, and this is their only day in  
18 court.

19 When you retire to the jury room, you should discuss  
20 the case with your fellow jurors to reach agreement if you  
21 can do so.

22 Your verdict must be unanimous. Each of you must  
23 decide the case for yourself, but you should do so only  
24 after you have impartially considered all the evidence,  
25 discussed it fully with your fellow jurors, and listened

1 to the views of your fellow jurors. Do not be afraid to  
2 change your opinion if the discussion persuades you that  
3 you should, but do not come to a decision simply because  
4 other jurors think it is right.

5 It is important that you attempt to reach a unanimous  
6 verdict, but, of course, only if each of you can do so  
7 after having made your own decision. Do not change an  
8 honest belief about the weight and effect of the evidence  
9 simply to reach a verdict. In other words, do not change  
10 your opinion solely for the sake of reaching a unanimous  
11 verdict.

12 Now, ladies and gentlemen and Madam Forelady, there  
13 are two possible verdicts to find on each of the  
14 indictments: guilty or not guilty. You will have this  
15 verdict form, Madam Forelady, back in the jury room with  
16 you. You will have the four indictments and charges that  
17 the defendant is charged with, and then it will have  
18 blanks for "guilty" or "not guilty."

19 Do not take into consideration the order in which I  
20 put them on. It's "guilty," then "not guilty." I have to  
21 put one or the other, and so that's what I have done. It  
22 does not mean anything, the order I have put them on.

23 So once, if you're able to reach a verdict, a  
24 unanimous verdict on each of the indictments, check the  
25 appropriate space by each one of them, then sign the

1 verdict form, which is on the second page, and knock on  
2 the door and let the bailiff know that you have reached a  
3 verdict on all of the indictments.

4 Now, if you have any questions, there will be some  
5 notepad -- a notepad in there. Write a question if you  
6 have any, knock on the door, and give it to the bailiff,  
7 and then he will provide it to me and I will handle it  
8 from there. There may be times I may need to bring you  
9 out if you are requesting any testimony to be played back  
10 or anything like that. But I will just look at your  
11 question and see the best way to handle it. I may not  
12 need to bring you out. I may can just respond back on the  
13 note.

14 So I'm going to ask that you retire to the jury room  
15 at this point. Do not start deliberations yet. I've got  
16 to go over the lawyers to make sure my charges were  
17 correct to you. And once I have determined that you are  
18 ready to deliberate, we'll have the bailiff bring in the  
19 evidence for you and tell you that you can start  
20 deliberating.

21 Two alternates, go on back right now. But once I  
22 give the go-ahead to start deliberations, I'm going to  
23 bring you two back out, okay?

24 All right. Thank you.

25 (WHEREUPON, the jury exits the courtroom at 10:36 a.m.)

1 THE COURT: All right. Any exceptions from the  
2 State?

3 MR. RICHARDSON: Without objection or exception.

4 THE COURT: Objections or exceptions, any?

5 MR. RICHARDSON: Without.

6 THE COURT: Without.

7 MR. RICHARDSON: I'm sorry, Your Honor.

8 THE COURT: Ms. Johnson?

9 MS. JOHNSON: No, Your Honor.

10 THE COURT: All right. If you all would, take a look  
11 at the evidence, make sure everything is there. And then  
12 we'll give it to Mr. Cleary or whoever to take back there.  
13 (WHEREUPON, a recess is taken at 10:40 a.m., and the jury  
14 starts deliberating.)

15 THE COURT: All right. I want to commend both of you  
16 for an outstanding job. Always good to preside over a  
17 case with good lawyers. So both of your clients can be  
18 satisfied they got outstanding representations.

19 MR. RICHARDSON: Judge, we appreciate it too from  
20 you.

21 (WHEREUPON, the two alternates entered the courtroom.)

22 THE COURT: All right. Thank you both for your  
23 service on this case. Unfortunately, everybody is still  
24 intact in here, and so your services are not needed. But  
25 your services are very important because oftentimes, one

1 or more jurors, somehow something happens and have to get  
2 excused. So your being there is very important just in  
3 case something like that happens. And fortunately, it did  
4 not happen in this case, and so the 12 -- first 12 will be  
5 deliberating and you will not, unfortunately, get to  
6 participate in that.

7 I have been told just to ask you to go back  
8 downstairs for any further instruction down there. I will  
9 not see you again. I've tried two cases this week, and my  
10 cases are over. So I will not see you.

11 And I want to thank you again for your service. I  
12 really do appreciate it. And you're good for three years,  
13 too. So if you get called to jury duty again within three  
14 years, you just let them know, unless you want to come  
15 back. We'd love to have you.

16 So thank you very much. And if y'all would, just  
17 report back downstairs.

18 All right. We'll be in recess.

19 (WHEREUPON, a recess is taken at 10:43 a.m.)

20 JURY QUESTION

21 THE COURT: All right. I've got a question -- or  
22 questions. First question is what exactly -- they left  
23 out "is" -- is resisting arrest? I think they're asking  
24 what exactly is resisting arrest.

25 Second question, is it noncompliance to an order?

1           And the third question, was the defendant immediately  
2 told he was under arrest?

3           Now, I'll give you my thoughts and then I'll hear  
4 from you. As to the first two questions, what exactly is  
5 resisting arrest and is it noncompliance to an order, two  
6 options there. I can bring them back out and charge them  
7 on resisting arrest, or I can just make a copy of the  
8 resisting arrest charge and send it back there to them.

9           As to the third, was the defendant immediately told  
10 he was under arrest, that's just a matter that they have  
11 to determine the evidence is before them, and they have to  
12 determine that question from the evidence that's been  
13 presented to them. But I'll hear from both of you. First  
14 of all, Mr. Richardson.

15           MR. RICHARDSON: I do not have a preference on  
16 whether you charge that again or send it back. I really  
17 don't, Judge. I don't think it has an effect either way.

18           THE COURT: All right. Ms. Johnson.

19           MS. JOHNSON: I take no position Your Honor. I have  
20 no ---

21           MR. RICHARDSON: Leave it in the Court's discretion.

22           THE COURT: Okay.

23           MR. RICHARDSON: Are you going to bring them back out  
24 for the ---

25           THE COURT: Well, that's what I -- that's the only

1 thing. If I bring them back out for the third question  
2 about whether the defendant was immediately told he was  
3 under arrest, if I bring them back out for that, I might  
4 as well just charge resisting arrest. Or, again, the  
5 option is send them the copy of the charge for resisting  
6 arrest for the first two questions, and I could write on  
7 the question that as to the third question, they are to  
8 determine that from the evidence that's been presented to  
9 them.

10 MR. RICHARDSON: I personally prefer just everything  
11 to go back there and not bring them out.

12 THE COURT: Ms. Johnson, do you have any preference?

13 MS. JOHNSON: I have no objection to that, Your  
14 Honor.

15 THE COURT: I think probably the best thing -- and  
16 also want a laptop; is that right?

17 THE BAILIFF: Yes, sir.

18 THE COURT: So we're going to send the laptop.

19 All right. I think what I'll do is for the first two  
20 questions, I will send a copy of the charge. I've already  
21 made a copy just in case that was going to be the  
22 decision. So I will send a copy of the charge on  
23 resisting arrest back there to them, and then I will write  
24 on their note along the lines of what I just said about  
25 the to determine that question from the evidence that's



1 MR. RICHARDSON: No objections.

2 THE COURT: Any objection?

3 MS. JOHNSON: No, Your Honor.

4 THE COURT: All right. Okay. So here's the question.  
5 to return, here's the charge to send back, and as I  
6 understand, they want the laptop.

7 THE BAILIFF: Yes, sir.

8 THE COURT: Okay. Let me see you all up here.

9 (WHEREUPON, a bench conference was held off the record; a  
10 recess is taken at 11:16 a.m.)

11 JURY QUESTION

12 THE COURT: All right. The next question: Is it  
13 something we need to know, mental status? Again, it's not  
14 in the form of a question, but it says: Is it something  
15 we need to know, mental status?

16 MR. RICHARDSON: I'm not sure I even understand it.

17 THE COURT: I'm not sure what that -- do y'all have  
18 any idea of what that may mean? Is it something we need  
19 to know, mental status?

20 MR. RICHARDSON: Maybe just ask them.

21 THE COURT: How about if I just write on there:  
22 Please clarify this question as to what exactly you're  
23 asking. How's that? Is that all right?

24 MS. JOHNSON: No objection, Your Honor.

25 THE COURT: All right. I've written on there:

1 Please clarify as to what you are asking. We'll just hang  
2 here until they . . .

3 (Pause in proceedings.)

4 THE COURT: All right. I understand we have a  
5 verdict; is that right?

6 All right. Anything from the State before we bring  
7 them in?

8 MR. RICHARDSON: Nothing from the State, Your Honor.

9 THE COURT: Anything from defense?

10 MS. JOHNSON: No, Your Honor.

11 THE COURT: All right. Bring them in.

12 (WHEREUPON, the jury entered the courtroom at 11:49 a.m.)

13 THE COURT: All right. Madam Forelady, I understand  
14 you have reached a verdict; is that correct?

15 JURY FOREPERSON: We have.

16 THE COURT: All right. And has it been unanimous?

17 JURY FOREPERSON: It has.

18 THE COURT: All right. If you would, hand it to the  
19 bailiff right there, Mr. Hutchins.

20 All right. Madam Clerk, if you would, publish the  
21 verdict.

22 VERDICT

23 THE CLERK: Your Honor, these are Indictment Numbers  
24 2019-GS-23-000604, 2019-GS-23-000605, 2019-GS-23-000606,  
25 the State of South Carolina vs. Jeffery Keyon Timothy

1 Griffin.

2 As to the charge of armed robbery, we the jury  
3 unanimously find the defendant, Jeffery Keyon Timothy  
4 Griffin, guilty.

5 As to the charge of possession of a weapon during the  
6 commission of a violent crime, we the jury unanimously  
7 find the defendant, Jeffery Keyon Timothy Griffin, guilty.

8 As to the charge of pointing and presenting a  
9 firearm, we the jury unanimously find the defendant,  
10 Jeffery Keyon Timothy Griffin, guilty.

11 As to the charge of resisting arrest, we the jury  
12 unanimously find the defendant, Jeffery Keyon Timothy  
13 Griffin, guilty.

14 I certify that this is the unanimous decision of the  
15 jury, signed Angela Alford, Juror Number 5, foreperson,  
16 September 8, 2022, Greenville, South Carolina.

17 If this is your verdict, so say you all, please  
18 signify by raising your right hand.

19 (WHEREUPON, all jurors raised their right hand.)

20 THE CLERK: Thank you.

21 THE COURT: All right. Thank you, Madam Clerk.

22 Any polling from the State? Anything from the State?  
23 Any request to poll from the State or the defense?

24 MS. JOHNSON: Judge, I would request a poll.

25 THE COURT: You do request a poll.

1 MS. JOHNSON: Yes, Your Honor.

2 THE COURT: All right. Madam Clerk?

3 THE CLERK: The verdict that was just published was  
4 the verdict you reached in the jury room. I ask you, was  
5 it your verdict then and is it your verdict now? When I  
6 call your name, please answer yes or no.

7 Christopher Savio.

8 JUROR NUMBER 188: Yes.

9 THE CLERK: Chase Dalton.

10 JUROR NUMBER 51: Yes.

11 THE CLERK: Letitia Gordon.

12 JUROR NUMBER 76: Yes.

13 THE CLERK: Steve Varner.

14 JUROR NUMBER 219: Yes.

15 THE CLERK: Bruce Rowland.

16 JUROR NUMBER 183: Yes.

17 THE CLERK: Maliheh Nematollahi.

18 JUROR NUMBER 144: Yes.

19 THE CLERK: Keitha Washington.

20 JUROR NUMBER 224: Yes.

21 THE CLERK: May Alber.

22 JUROR NUMBER 3: Yes.

23 THE CLERK: Karen Makepeace.

24 JUROR NUMBER 119: Yes.

25 THE CLERK: Mary Putnam.

1 JUROR NUMBER 166: Yes.

2 THE CLERK: Kennedi Hunter.

3 JUROR NUMBER 94: Yes.

4 THE CLERK: Angela Alford.

5 JUROR NUMBER 5: Yes.

6 THE COURT: All right. Thank you.

7 All right. Anything else from the State?

8 MR. RICHARDSON: Nothing from the State.

9 THE COURT: Anything else from defense?

10 MS. JOHNSON: No, Your Honor.

11 THE COURT: All right. Ladies and gentlemen, that  
12 concludes the trial. I want to thank you for your service  
13 here. I'm going to ask you to step back in the jury room.  
14 I'm going to speak to you just for a minute and give you  
15 further instructions at that point.

16 All right. Thank you.

17 (WHEREUPON, the jury exits the courtroom at 11:53 a.m.)

18 THE COURT: All right. I'm going to step back and  
19 speak with them for a brief bit, and I'll come back in and  
20 we'll do sentencing.

21 (Pause in proceedings.)

22 THE COURT: All right. Are y'all ready to proceed?

23 MR. RICHARDSON: The State's ready.

24 MS. JOHNSON: Do you want us to come around, Your  
25 Honor?

1 THE COURT: You don't have to. Don't worry about it.  
2 All right. Yes, sir, Mr. Richardson.

3 MR. RICHARDSON: Thank you, Your Honor. Please the  
4 Court.

5 Your Honor, in regards to sentence, first I want to  
6 put on the record that he has three pending armed  
7 robberies. And the reason I'm telling you that is because  
8 I have offered him, now that he's been convicted of this  
9 one armed robbery, to plead to those to avoid a -- I'm  
10 going to serve him on the life without parole sentence  
11 after this hearing today. And I want it on the record  
12 that I offered that, and to do it today, even though I  
13 told him I was going to do it anyway, I would not go after  
14 that if he pled to those armed robberies today. He has  
15 refused that.

16 Your Honor, as far as sentencing regarding this case,  
17 throughout this trial he has stood fast over there. He  
18 has shown absolutely no remorse for this crime, in fact,  
19 to the extent that he got on the stand, and we all know  
20 it, he lied. It was obvious. He was on tape. There's no  
21 question he committed perjury on the stand.

22 The concern for the State is with all this evidence  
23 that we have, and you saw the evidence, the jury was  
24 definitely convinced, all this evidence we have, he still  
25 is sitting over there with no remorse. The concern for

1 the State is that he will do this again. If he does not  
2 care about this and accepting responsibility -- he has  
3 every right to a trial, absolutely respect that, but he  
4 has not accepted one bit of responsibility for this. That  
5 tells me, in my years of experience, that he will commit a  
6 crime again of this magnitude. That's a concern for the  
7 State.

8 The range for this for -- armed robbery is the main  
9 thing -- is ten minimum, mandatory to 30 years. Based  
10 upon his attitude and the way he has presented himself and  
11 the lies on the stand and the fact that this is a violent  
12 offense, the State is respectfully asking for a 30-year  
13 sentence.

14 THE COURT: All right. Ms. Johnson?

15 MS. JOHNSON: May it please the Court. Your Honor,  
16 at this time I'm asking for ten years in this case, Your  
17 Honor. And I want to let the Court know that -- and this  
18 is a very trite expression, but Jeffery is obviously  
19 dealing with a very small piece of the American pie.  
20 Probably the smallest piece. I'm not saying he's not  
21 competent, Your Honor. Obviously, I accept the fact that  
22 he was competent. Judge Maddox found him competent. But,  
23 you know, if there is the competency bar, he is ---

24 THE COURT: You mean Dr. Maddox.

25 MS. JOHNSON: Yes, Your Honor. I apologize.

1           He is right below it. I want to let the Court know  
2           that he is receiving psychiatric meds in jail. The jail  
3           doctor, I believe, has diagnosed him with schizophrenia.  
4           He's at least getting antipsychotics in the jail. He is  
5           obviously lower functioning. Again, I'm not making any  
6           claims that he was not competent here. We had that  
7           assessed, as Your Honor heard. And also, he had a head  
8           injury when he was employed with the City of Greenville  
9           doing sanitation services.

10           And my assessment of this situation is Jeffery, I  
11           believe, comes in here with no prior record or a minimal  
12           record, and the solicitor can confirm that or clear that  
13           up. He may have an arrest for a shoplifting or conviction  
14           for a thirty-day shoplifting, but I believe that is it  
15           until 2018.

16           And what happened in 2018, Your Honor, is his mother  
17           died. And I think his mother was, you know, his rock and,  
18           you know, really looked out for him. He has a younger  
19           sister who has taken on that role and -- with all of her  
20           other brothers and sisters. And she -- the love and  
21           concern for her brother and just I can't imagine how she  
22           is, you know, mothering all these other siblings that  
23           Jeffery has.

24           But regardless, I think he lost his mother in 2018  
25           unexpectedly. I think it was from cancer. And I think he

1 got on drugs, took some Xanax. And with everything that  
2 he had going on in his life --- we've got head injury,  
3 we've got the mental illness, and we've got the low  
4 functioning, but he is competent, Your Honor -- I think  
5 this happened. And I think in his mind, because he can't  
6 remember this, I think he believes that he is telling the  
7 truth because he can't remember this incident.

8 And I hate for my client to be punished for asserting  
9 his right to a jury trial, his right to defend himself,  
10 and -- but I think there's a lot going on here, and I  
11 would simply ask for mercy from the Court. I want to let  
12 the Court know that we've had all of our social workers,  
13 you know, help us with Mr. Griffin. Ms. Pia, Ann Marie,  
14 Marie Livingston and Pia Valere Adams have been in and  
15 out. They see Jeffery as a special project. And there's  
16 been a lot of interest in his situation.

17 But he's -- he's had a very unfortunate life. And  
18 that's not an excuse, Your Honor. Certainly not an  
19 excuse. But he has a lot of obstacles that I don't know  
20 how anyone would overcome, and especially, you know, a  
21 public defender client, Your Honor.

22 THE COURT: All right. Thank you, Ms. Johnson.

23 Anything else, Mr. Richardson?

24 MR. RICHARDSON: Just briefly, Your Honor. Something  
25 I failed to mention is that he's in jail right now. He



1           These are to run concurrent.

2           Is there any time as to what -- how many days credit  
3 he has for sentencing sheet purposes?

4           MR. RICHARDSON: Your Honor, can I provide that to  
5 you at a later date?

6           THE COURT: You can just provide it. Yeah. You can  
7 provide that.

8           MR. RICHARDSON: I have it from -- I did not update  
9 it.

10          THE COURT: All right. That's fine.

11          All right. That is the sentence of the Court. Good  
12 luck.

13          (WHEREUPON, proceedings concluded at 12:06 p.m.; Court's  
14 Exhibit Numbers 3 and 4 were marked for identification.)

15

16

17

18

19

20

21

22

23

24

25



*State of South Carolina*  
*Department of Mental Health*

**MENTAL HEALTH COMMISSION:**

Allison Y. Evans, PsyD, Chair  
Sharon L. Wilson, Vice Chair  
Louise Haynes  
Bob Hloil, MEd  
L. Gregory Pearce, Jr.

**INTERIM STATE DIRECTOR**  
Mark Binkley

Division of Inpatient Service  
Forensic Evaluation and Outpatient Service  
7801 Farrow Road, Building 7  
Columbia, SC 29208  
Information: (803) 935-5600

May 2, 2019

W. Douglas Richardson  
Assistant Solicitor  
305 East North St., Ste. 325  
Greenville, SC 29601

Re: The State of South Carolina vs. Griffin, Jeffery Keyon Timothy  
DMH #: 1047-7567  
Greenville County, Court of General Sessions

Dear Assistant Solicitor Richardson:

In accordance with the court order issued by the Honorable Letitia Verdin, a competency to stand trial evaluation was conducted by the South Carolina Department of Mental Health, pursuant to S.C. Code Ann. § 44-23-410 (1976).

Please see the attached report for the results of this evaluation.

This 7 page document is certified to be the original court-ordered evaluation report issued pursuant to S.C. Code Ann. § 44-23-410 (1976).

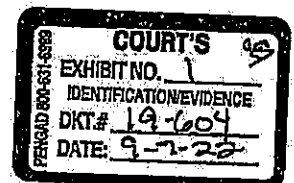
May 2, 2019  
Date

Rosalind Burkert  
for Kelly Gothard, Ph.D.  
Clinical Director  
Forensic Outpatient Services  
Department of Mental Health

cc: Dorothy Manigault, Attorney at Law, 305 East North St. Ste. 123, Greenville, SC 29601

KG/rb

**MISSION STATEMENT**  
To support the recovery of people with mental illnesses.



SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH  
FORENSIC EVALUATION SERVICE

COMPETENCY TO STAND TRIAL EVALUATION

Name: Griffin, Jeffery Keyon Timothy  
 Date of Birth: [REDACTED]/1993  
 County: Greenville  
 Date of Evaluation: 4/29/2019  
 Date of Report: 5/2/2019  
 Presiding Examiner: Kelsey Laxton, Ph.D.  
 Second Examiner: Kelly Gothard, Ph.D. (Supervising Psychologist)

Opinion: Competent to Proceed

**IDENTIFYING & REFERRAL INFORMATION**

Jeffery Griffin is a 26-year-old male charged with Armed Robbery (four counts), Possession of a Weapon During a Violent Crime (four counts), Criminal Conspiracy (three counts), Pointing or Presenting a Firearm at a Person, Giving False Information to Law Enforcement, and Resisting Arrest for acts alleged to have occurred on 11/11/2018 and 11/24/2018 in Greenville, South Carolina. Related to these charges, the Court of General Sessions ordered an evaluation of Mr. Griffin's fitness to stand trial pursuant to South Carolina Code § 44-23-410 and *State v. Blair*. According to the 4/4/2019 court order, the evaluation was requested because his attorney reported the "defendant may have competency issues." According to Mr. Griffin's attorney, he was referred for an evaluation due to reports of "hearing voices and seeing things" as well as a history of special education in school. Pursuant to the court's order, Mr. Griffin was evaluated at the Forensic Evaluation Service on 4/29/2019.

**NOTIFICATION**

At the outset of the evaluation, the nature and purpose of the evaluation, as well as the limits of confidentiality, were explained orally and in writing to Mr. Griffin. He was informed of the examiners' neutral role in the evaluation. He was advised the evaluators would review available records and gather information from relevant collateral informants as needed. He was advised a report would be written and submitted to the court, the solicitor, and his attorney. He was informed that information gleaned from these sources could be used in the report submitted to the court. Mr. Griffin was explicitly advised any statements he made in the context of this evaluation were not confidential and could be made part of the report and/or become part of courtroom testimony. However, he was notified that examiners may not be compelled to testify regarding statements made during the evaluation for any purpose other than to establish competency. He was informed Dr. Laxton was being supervised on the current evaluation by a licensed psychologist. A notification form detailing this information was provided to Mr. Griffin, and he read portions aloud without difficulty. He was given ample opportunity to ask questions and had none. He indicated his understanding, as he accurately answered questions about the provided information or was receptive to education when needed.

**PROCEDURES & SOURCES OF INFORMATION**

In addition to a clinical interview with the defendant, the following sources of information were reviewed during the current evaluation:

- Order for Competency to Stand Trial Evaluation Pursuant to *State v. Blair*, Court of General Sessions (Greenville County), dated 4/4/2019
- Law enforcement records regarding the alleged offenses:

- Arrest Warrants (3) for Robbery / Armed Robbery, issued on 11/11/2018 and returned on 11/24/2018
- Arrest Warrants (3) for Possession of a Weapon During a Violent Crime, issued on 11/11/2018 and returned on 11/24/2018
- Arrest Warrants (3) for Criminal Conspiracy, issued on 11/11/2018 and returned on 11/24/2018
- Arrest Warrant for Robbery / Armed Robbery, issued and returned on 11/24/2018
- Arrest Warrant for Possession of a Weapon During a Violent Crime, issued and returned on 11/24/2018
- Arrest Warrant for Criminal Conspiracy, issued and returned on 11/24/2018
- Arrest Warrant for Pointing or presenting a firearm at a person, issued and returned on 11/24/2018
- Arrest Warrant for Giving False Information to Law Enforcement, issued and returned on 11/24/2018
- Arrest Warrant for Resisting Arrest, issued and returned on 11/24/2018
- Greenville County Sheriff's Office Incident Reports, Supplemental Reports, and investigative records, various dates from 11/11/2018 to 11/24/2018
- Medical/mental health records:
  - Greenville County Detention Center Medical Records, dated 11/24/2018 to 4/8/2019
- National Crime Information Center Criminal History Record, last updated 11/29/2018

Of note, a Social Work Assessment was attempted but unable to be completed for this evaluation due to a lack of a collateral source of information.

#### CLINICAL PRESENTATION & MENTAL STATUS

Evaluators met with Mr. Griffin on 4/29/2019 for approximately two hours and 50 minutes. He presented as appropriately dressed and adequately groomed, though his hair was slightly disheveled. He identified himself, the month and year, and the location, and he expressed understanding of the situation at hand. Eye contact was appropriate, and he was cooperative throughout the interview. His speech was initially low in volume, but largely appropriate in rate, volume, and rhythm once rapport was established. The content of his speech was organized and coherent, devoid of apparent delusional content. He tended to respond in a vague manner when discussing personal or traumatic events in his past, but he otherwise seemed forthcoming. He had no noticeable difficulty with attention or concentration, and recent and remote memory appeared largely intact. He correctly completed tasks to repeat sequences of up to five numbers, spell a simple word backwards, count backward from 20 by threes, repeat a series of simple words, and recall the words after a delay. He displayed an adequate fund of knowledge, ability to think abstractly, and judgment in basic, hypothetical scenarios.

Mr. Griffin described he had been feeling "all right" lately, adding he had spent time in jail reflecting on his past and his decision making. He reported being in jail "saved [his] life," because he had been associating with "a whole lot of negative people" in the community. He reported some changes in energy and appetite, to which he attributed a change from a healthy diet in the community to less nutritious food in the detention center. He reported no changes in sleep. His affect (i.e., outward display of emotion) was consistent with his self-report and appropriate to the topic at hand, and he did not demonstrate signs of distress. He did not report historical or recent experiences of auditory or visual hallucinations (i.e., hearing or seeing things that are not actually present), nor did he evidence signs of hallucinations during the interview. Mr. Griffin described two prior instances of self-harm; however, he denied current or recent suicidal or homicidal ideation. Mr. Griffin appeared to be a reliable historian of his personal history.

**BACKGROUND INFORMATION**

*The following historical information was gathered from record review and Mr. Griffin during the interview.*

***Family & Social History***

Mr. Griffin reported he was raised in Greenville, South Carolina, predominantly by his mother. He reported he had 15 brothers and sisters, and he was the 13<sup>th</sup> child in the family. He endorsed a history of mental, physical, and sexual abuse throughout his childhood. He reported he did not have good relationships with his mother or many of his siblings. He said his mother recently passed away earlier in 2019. He reported he has never been married or had children.

***Educational & Employment History***

Mr. Griffin said he "didn't like school, as far as [he] can remember." He said he would be "crying, shouting, not wanting to go." He described difficulty focusing on his education due to "so many things happening at home." He said he earned "decent, average" grades, though he failed "a couple" grades. He said his mother "signed [him] into" special education in elementary school after she heard they could "get a check for getting her kids in those classes to get help." He reported he was in special education for both behavioral and learning problems from fifth grade through high school. He reported he was "slow to learn" and "didn't get proper studying at home."

Mr. Griffin reported a history of behavioral problems at home and at school. He said he did not get along with his siblings and often fought with them and acted out at home. He described suspensions from school for fighting. He said he began to steal from people or stores in the fourth or fifth grade because his family was "less fortunate." He stated he also got into trouble for "back talking" and "not having everything together to be able to focus." He reported he never intentionally damaged property, stayed out later than curfew in childhood, or ran away from home overnight.

Mr. Griffin reported he withdrew from school during his senior year of high school in order to work and earn money for his family. He said he attempted to earn his GED in adulthood, but he was unable to sustain attending classes and working full time. Mr. Griffin described prior employment in a variety of labor jobs, including construction, manufacturing, landscaping, moving appliances and furniture, and waste management. He stated his longest position held was for the city of Greenville in waste management for almost two years. Mr. Griffin reported he has never earned supplemental or disability income, nor has he served in the military. He endorsed periods of homelessness due to wanting to "do things on [his] own" but being unable to support himself and live independently.

***Legal History***

Mr. Griffin reported his first involvement with law enforcement was at age 14 for trespassing. He has prior arrests for shoplifting and assault, though the dispositions of such cases are unknown. He has never been on probation.

***Medical History***

Mr. Griffin described an injury while working in waste management in 2014. He reported he was hit in the head with a pipe and lost consciousness for "just a second." He said he went to a county hospital for treatment of the laceration. He said he has not had any ongoing problems or concerns related to this injury. He reported no other medical concerns or problems. Jail records reference a history of seizures; no additional details are available.

***Mental Health History***

Mr. Griffin reported he has never been diagnosed with a mental illness or received any mental health treatment or psychiatric medications. He described a history of suicidal ideation since childhood. He said he attempted to hang himself from his bunk bed with his younger brother due to abuse. He said he "realized

what we were doing" and they did not proceed. He said in the 10<sup>th</sup> grade, he "took a whole bunch of pills" belonging to his mother. He said he was feeling distressed over the dissolution of a romantic relationship. He said he went to sleep and required no medical attention. He reported the most recent incident of self-harm was in 2017. He said, "I would grab my neck to see if I could stop breathing." He did not endorse a specific stressor, adding he was associating with "toxic" people and "just little crazy shit." He said he has never required hospitalization due to suicidal ideation or self-harm.

According to records from the Greenville County Detention Center, Mr. Griffin had no mental health concerns or problems from intake and November 2018 until March 2019. According to an encounter note dated 3/13/2019, Mr. Griffin was referred for a mental health evaluation after putting his shirt around his neck. Mr. Griffin reported auditory hallucinations (i.e., hearing things that others cannot hear), paranoia, and "odd beliefs" which began since being "ridiculed" and "neglected" as a child by his mother. He was noted to be calm and able to identify his symptoms with insight. He was moved into segregated housing due to his concerns. A note dated 4/1/2019 reports Mr. Griffin reported "that he suspects the voices he is hearing are being caused by the changes in his diet" and "the food in the facility is causing him to hear people calling his name and an incessant beeping sound." He reported he wanted to be alone and remained in secure housing. Shortly thereafter, a note dated 4/8/2019 states Mr. Griffin reported he was no longer hearing voices and "that he just has loud thoughts sometimes." He described "low volume beeping or humming" that was not concerning. He reported he was ready to be housed with others, and he was relocated to general population as stable. There is no indication Mr. Griffin has been prescribed psychiatric medications while detained. During the current evaluation, Mr. Griffin explained that he was having problems with other inmates while housed in general population and did not endorse any symptoms of psychosis.

#### ***Substance Use History***

Mr. Griffin described a history of regular use of alcohol, marijuana, non-prescribed Xanax (a benzodiazepine), non-prescribed pain pills (e.g., Oxycodone, Hydrocodone, Percocet, Lortab), and cocaine. He reported he began drinking alcohol in middle school, marijuana in ninth grade, and prescription medications in tenth grade. He reported he did not use alcohol frequently, and he used cocaine for "maybe a month." He also reported he had tried "molly" and methamphetamine but had not used either regularly. Mr. Griffin described daily use of marijuana, Xanax, and opiates. He said he took pills "by the hour," to the point he "needed the relief to just get up and do something." He said taking pills "made [his] problems worse," since he used pills as a "crutch" for issues he was experiencing. He reported he developed a tolerance for pills, as he had to increase the dose and frequency he used, and he reported he spent a lot of time thinking about getting or trying to get pills. He described withdrawal symptoms following cessation of pills, including fever, shakes, and anxiety attacks. He endorsed urges and cravings for pills and marijuana when he was not using. Mr. Griffin reported using pills caused him the most problems, and he denied significant problems due to use of other substances. He reported he last used any substances prior to his recent arrest.

#### **DIAGNOSTIC FORMULATION**

Based on available information, it appears Mr. Griffin's presentation is best characterized by the following diagnoses from the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5)*:

Severe Benzodiazepine Use Disorder, in a controlled environment  
Severe Opiate Use Disorder, in a controlled environment.

Substance use disorders consist of a "cluster of cognitive, behavioral, and physiological symptoms indicating that the individual continues using the substance despite significant substance-related problems" (DSM-5, p. 483). Mr. Griffin described a history of significant and regular substance use and abuse. He identified Xanax and prescription pain pills as causing the most problems for him. He said he

began abusing prescription pills in 10<sup>th</sup> grade, and he began using Xanax recreationally in 2018. His recreational use of prescription medications has resulted in clinically significant impairment in functioning in multiple life domains, including problems in employment, using substances in hazardous environments (e.g., working), and interpersonal relationships. He stated he has attempted to discontinue use without abstinence, and he described an increased tolerance for use and a history of withdrawal. Mr. Griffin meets criteria for at least two substance use disorders, though additional substance use disorders may apply given additional information about his use and problems related to each specific substance. Specifically, he described near daily use of marijuana and regular use of alcohol, though he denied impairment in his life attributed to such substances. The specifier, *in a controlled environment* is used when the individual is an environment in which access to the substance is presumably restricted (e.g., jail or prison).

#### COMPETENCY ASSESSMENT

S.C. Code § 44-23-410 states an individual *"is not fit to stand trial because the person lacks the capacity to understand the proceedings against him or to assist in his own defense as a result of a lack of mental capacity."*

#### *Factual and Rational Understanding of Legal Proceedings*

Overall, Mr. Griffin demonstrated an adequate factual and rational understanding of the legal process. Given his limited prior involvement in the legal system, he required notable education about court proceedings and legal terms. Nevertheless, he displayed the capacity to learn and retain such information.

Mr. Griffin accurately identified the roles of key personnel involved in legal proceedings, including the defense attorney, the solicitor, the judge, and the jury. He expressed a somewhat cynical view of the adversarial nature of legal proceedings, though this appeared culturally normative rather than stemming from any mental health symptoms or condition. For example, while he initially stated a judge and a jury are "against" him, he was receptive to information that the judge and jury are "supposed to be" neutral. He required education about the composition of a jury and who may or may not be permitted to serve on a jury in his case. He retained such information when the topic was revisited. He understood the solicitor has the burden of proof.

Mr. Griffin accurately explained pleas of guilty and not guilty, he was receptive to education about the plea of no contest. He was knowledgeable about related outcomes of pleading guilty, and he expressed understanding of potential punishments for a guilty verdict, including incarceration and probation. He expressed understanding of the conditions of probation and potential consequences for violating the same. Mr. Griffin required increased explanation in identifying proceedings that follow from a plea of not guilty (i.e., a trial), though he better understood this information when presented with a picture. He recalled such information later in the interview. Mr. Griffin described a plea bargain as "an offer" involving a defendant pleading guilty and "taking whatever sentence they try to offer you." He understood a defendant waives their right to a trial and an appeal in a plea agreement or plea of guilty. He understood a plea agreement could result in "less time" than the potential sentence one could receive after a trial, though he was optimistic about the outcome of a potential agreement in his case. He demonstrated an ability to apply his understanding of a plea agreement to a hypothetical scenario. Mr. Griffin acknowledged the need to discuss any potential plea agreements with one's defense attorney.

Mr. Griffin accurately identified the label and meaning of the majority of his charges and the alleged behaviors to which such charges may refer. He asked about the meaning of a charge of Conspiracy, and he was receptive to such information. He accurately identified his charges as felonies or misdemeanors, and he was receptive to education regarding the potential penalties of a finding of guilt in his case. He expressed an understanding of witnesses and evidence and was able to rationally apply these concepts to his own case. He discussed the case and his legal options based on rational interpretations of potential evidence and an account of alleged events. Mr. Griffin was knowledgeable about a defendant's right to testify and his

right to decline to do so, and he was aware of the importance of honesty during testimony. He understood the importance of discussing the decision of whether to testify or not with his attorney.


***Ability to Consult with Counsel***

Mr. Griffin identified his attorney by name and expressed frustration that he has not spoken to her. Although he expressed frustration about his situation and with his attorney due to distress about remaining in jail, he understood his attorney's role in his defense. He expressed that he wanted to speak with her about his case, the legal process, and what to expect moving forward with his case. He said he had no concerns about trusting his attorney, his attorney representing him, listening to his attorney's legal advice, or consulting with his attorney about his case. He acknowledged the importance of honesty with his attorney. He was not aware of the concept of privilege between himself and his attorney, but he was receptive to education and recalled the information after a delay. He understood privilege did not extend to the solicitor, and he acknowledged the risks of speaking to a solicitor without his attorney present. He identified consulting his attorney as the best course of action if uncertainty arises relevant to legal circumstances or decisions (e.g., a disagreement, plea options, testifying in his own case).


Based on his presentation during the current evaluation and his ability to discuss the allegations against him, Mr. Griffin has the capacity to communicate with his attorney and to demonstrate appropriate behavior during interactions with his attorney and in the courtroom. Mr. Griffin accurately described appropriate courtroom conduct for a defendant. He exhibited appropriate behavior during the interview, and mental health and jail records do not suggest difficulty maintaining appropriate behavior when he chooses to do so. Moreover, he demonstrated the capacity to track information presented to him throughout the evaluation, and he responded in a clear and coherent manner. He was receptive to clarifying information provided by evaluators, and he retained explained information after a delay.

**OPINION**

Based on the information available, our professional opinion is that the defendant, Mr. Jeffrey Griffin, is currently **competent to proceed** with the legal process in his case. He did not present with a mental illness that would impair his capacity to understand the case against him or to assist in his defense. Given his limited experience in the legal system, he did require education about legal terms and concepts. However, he demonstrated an ability to learn and retain such information. As such, Mr. Griffin has both a factual and rational understanding of the proceedings against him, as well as the ability to reasonably consult with his attorney.

  
Kelsey Laxton, Ph.D.  
Postdoctoral Psychology Fellow

5/2/2019  
Date

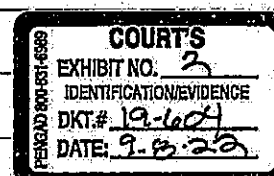
  
Kelly Gothard, Ph.D.  
Licensed Psychologist (Supervisor)

5/2/19  
Date

What exactly resisting arrest?  
Is it non compliance to an order?  
Was the defendent immediately told  
he was under arrest?

As to the first two questions, I  
am providing you with the charge  
on the law of Resisting Arrest.

As to the third question, you must  
determine that fact based on the  
evidence that has been presented.



***RESISTING ARREST***

*THE DEFENDANT IS CHARGED WITH RESISTING ARREST. THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT:*

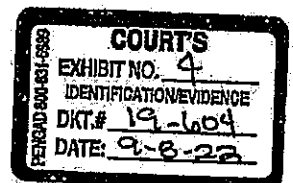
*KNOWINGLY AND WILLFULLY RESISTED A LAWFUL ARREST BEING MADE BY A PERSON THE DEFENDANT KNEW, OR REASONABLY SHOULD HAVE KNOWN, WAS A LAW ENFORCEMENT OFFICER.*

*KNOWINGLY MEANS WITH KNOWLEDGE; CONSCIOUSLY DONE.*

*WILLFULLY MEANS DONE INTENTIONALLY AND NOT DONE BY ACCIDENT.*

*RESIST MEANS TO OPPOSE, STRIVE AGAINST, OR OBSTRUCT. OBSTRUCT MEANS TO IMPEDE, HINDER, OR INTERFERE WITH.*

*EVEN PEACEFUL, NONVIOLENT, INDIRECT OBSTRUCTION OF AN ARREST OR THE SERVICE OR EXECUTION OF PROCESS IS CONSIDERED RESISTING ARREST. IF THE MEANS USED ARE SUFFICIENT TO PREVENT THE OFFICER FROM MAKING AN ARREST, THE DEFENDANT IS GUILTY OF RESISTING ARREST.*



DOCKET NO. 2019-GS-23-  
WDR 000604

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April TERM 2019 <sup>2021</sup>

THE STATE

vs.

JEFFERY KEYON TIMOTHY GRIFFIN

**FILED**

JAN 31 2019

Clerk of Court  
Greenville County

**WITNESSES**

Corey J Chadwick

Greenville County Sheriffs Office

11/24/2018

**ARREST WARRANT NUMBER**

2018A2330210637 and 20182330210638

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

*Foreperson of Grand Jury*

VERDICT

*Foreperson of Petit Jury*

Date:

Indictment for

0139/0549

ARMED ROBBERY AND POSSESSION OF A  
WEAPON DURING THE COMMISSION OF A  
VIOLENT CRIME

VIOLATION § 16-11-0330 and § 16-23-0490

ENTERED ACCT <sup>AK</sup>



DOCKET NO. 2019-GS-23-  
WDR 000605

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2019

THE STATE

vs.

JEFFERY KEYON TIMOTHY GRIFFIN

WITNESSES

Corey J Chadwick

Greenville County Sheriffs Office

11/24/2018

ARREST WARRANT NUMBER

2018A2330210640

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

FILED

JAN 31 2019

Clerk of Court  
Greenville County

Indictment for

0326

RESISTING ARREST

VIOLATION § 16-09-0320(A)

ENTERED ACCT

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
RESISTING ARREST

At a Court of General Sessions, convened on

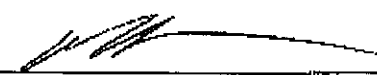
the Grand Jurors of Greenville

APR 06 2021

County present upon their oath:

That JEFFERY KEYON TIMOTHY GRIFFIN did in Greenville County, on or about the 24th day of November, 2018, knowingly, willfully and unlawfully oppose or resist an arrest being made by Corey J Chadwick with the Greenville County Sheriff's Office whom he knew or reasonably should have known was a law enforcement officer. This is in violation of §16-9-320(A) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
SOLICITOR BAR # 66112

DOCKET NO. 2019-GS-23-  
WDR 000606

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

2019  
TERM 2019

WITNESSES

Corey J Chadwick

Greenville County Sheriffs Office

11/24/2018

ARREST WARRANT NUMBER  
2016A2330210639

ACTION OF GRAND JURY  
TRUE BILL

*[Signature]*  
SERENA DANIELA

Foreperson of Grand Jury

VERDICT

POINTING AND PRESENTING A FIREARM

VIOLATION § 16-23-0410

Foreperson of Petit Jury

Date:

ENTERED ACCT

*MS*

FILED

JAN 31 2019

Clerk of Court  
Greenville County

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
POINTING AND PRESENTING A FIREARM

At a Court of General Sessions, convened on

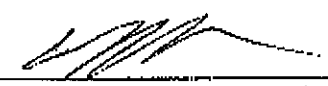
APR 06, 2021

the Grand Jurors of Greenville

County present upon their oath:

That JEFFERY KEYON TIMOTHY GRIFFIN did in Greenville County, on or about the 24th day of November, 2018, point or present a firearm, to wit: a handgun, at or in the presence of Charles Adam Henderson-Blake an employee at 7 ELEVEN. This is in violation of §16-23-410 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
SOLICITOR BAR # 66112

STATE OF SOUTH CAROLINA  
 COUNTY OF Greenville  
 STATE \_\_\_\_\_  
 VS.  
Jeffery Keyon Timothy Griffin  
 AKA: \_\_\_\_\_  
 Race: BLACK Sex: M Age: 29  
 DOB: 1993 SS: \_\_\_\_\_  
 Address: Greensboro Ct  
 City, State, Zip: Greenville, SC 29611  
 DL#: \_\_\_\_\_ SID#: \_\_\_\_\_

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS2300604  
 A/W#: 2018A2330210637  
 Date of Offense: 11/24/2018  
 S.C. Code § : 16-11-0330(A)  
 CDR Code #: 0139

SENTENCE SHEET

*0-30 days*

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS  
 TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon  
 in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  \$17-25-45  
 ( CSC w/minor 1st or CSC w/minor 3rd )

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:  
 \_\_\_\_\_ 66112 \_\_\_\_\_ 78451  
 Richardson, Doug SC Bar# Defendant Teal Johnson SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center,  
 for a determinate term of 20 ~~days/months/years~~ Time Served  Youthful Offender Act not to exceed \_\_\_\_\_ years  
 and/or to pay a fine of \$ \_\_\_\_\_ provided that upon the service of \_\_\_\_\_ days/months/years/Time Served and or payment  
 of \$ \_\_\_\_\_ ; plus costs and assessments as applicable\*; the balance is suspended with probation for  
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of  
 probation, which are incorporated by reference.

The sentence shall run  CONCURRENT or  CONSECUTIVE to sentence on: sentences on 9/8/22

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.  
1111 ~~days/months~~  
 To include time spent on monitored house arrest prior to trial and sentencing.  
 The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

*Teal*

238

STATE VS

Jeffery Keyon Timothy Griffin

INDICTMENT/CASE#:

2019GS2300604

SPECIAL CONDITIONS:

AW#:

2018A2330210637

PTUP after \_\_\_\_\_ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Completion of GED
- Random Drug/Alcohol testing
- Attend Voc. Rehab. or Job Corp
- No Contact with \_\_\_\_\_
- Domestic Violence Intervention Program
- Mental Health Counseling
- May serve W/E beginning: \_\_\_\_\_

Sex Offender Registry pursuant to S.C. Code § 23-3-430  Public Service Employment \_\_\_\_\_ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Term \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

*Fine:		\$
Fine may be pd. in equal, consecutive weekly/monthly prmts. of \$ _____ Beginning _____		_____
§14-1-208 (Assessments 107.5 %)		\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114(BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ 3.75
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
<b>TOTAL</b>		<b>\$ 128.75</b>

*[Signature]* AW  
 Judge Code: 2773  
 Sentence Date: 9/8/22

Clerk of Court/ Deputy Clerk: Paul B. Wickens, mer  
 Court Reporter: Cheryl Smith

Presiding Judge: \_\_\_\_\_  
 Judge Code: \_\_\_\_\_  
 Sentence Date: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 COUNTY OF Greenville )  
 STATE )  
 VS. )  
Jeffery Keyon Timothy Griffin )  
 AKA: )  
 Race: BLACK Sex: M Age: 29 )  
 DOB: 1993 SS: [REDACTED] )  
 Address: Greensboro Ct )  
 City, State, Zip: Greenville, SC 29611 )  
 DL#: [REDACTED] SID#: [REDACTED] )

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS2300604  
 A/W#: 2018A2330210638  
 Date of Offense: 11/24/2018  
 S.C. Code § : 16-23-0490  
 CDR Code #: 0549

SENTENCE SHEET

*0-5yrs*

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death  
 in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  \$17-25-45  
 ( CSC w/minor 1st or CSC w/minor 3rd )

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.  
 ATTEST:

[Signature] 66112  
 Richardson, Doug SC Bar# Defendant

[Signature] 78451  
 Teal Johnson SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center,  
 for a determinate term of 5 days/months/~~years~~/Time Served  Youthful Offender Act not to exceed \_\_\_\_\_ years  
 and/or to pay a fine of \$ \_\_\_\_\_ provided that upon the service of \_\_\_\_\_ days/months/years/Time Served and or payment  
 of \$ \_\_\_\_\_ ; plus costs and assessments as applicable\*; the balance is suspended with probation for  
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of  
 probation, which are incorporated by reference.

The sentence shall run  
 CONCURRENT or  CONSECUTIVE to sentence on: Sentences on 9/8/22

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.  
111 days/months  
 To include time spent on monitored house arrest prior to trial and sentencing.  
 The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

240

STATE VS

Jeffery Keyon Timothy Griffin

INDICTMENT/CASE#:

2019GS2300604

SPECIAL CONDITIONS:

A/W#:

2018A2330210638

PTUP after \_\_\_\_\_ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Completion of GED
- Random Drug/Alcohol testing
- Attend Voc. Rehab. or Job Corp
- No Contact with \_\_\_\_\_
- Domestic Violence Intervention Program
- Mental Health Counseling
- May serve W/E beginning : \_\_\_\_\_

Sex Offender Registry pursuant to S.C. Code § 23-3-430  Public Service Employment \_\_\_\_\_ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

Total: \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Term \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

\*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____		\$ _____
§14-1-206 (Assessments 107.5 %)		\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114(BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ <u>3.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
	<b>TOTAL</b>	\$ <u>128.75</u>

Clerk of Court/ Deputy Clerk: Paul B. Wickensimer  
Court Reporter: Cheryl Smith

Presiding Judge: [Signature] **AN**  
Judge Code: 2773  
Sentence Date: 9/8/22

STATE OF SOUTH CAROLINA )  
 COUNTY OF Greenville )  
 STATE )  
 VS. )  
Jeffery Keyon Timothy Griffin )  
 AKA: )  
 Race: BLACK Sex: M Age: 29 )  
 DOB: [REDACTED]-1993 SS: [REDACTED] )  
 Address: Greensboro Ct )  
 City, State, Zip: Greenville, SC 29611 )  
 DL#: [REDACTED] SID#: [REDACTED] )

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS2300605  
 A/W#: 2018A2330210640  
 Date of Offense: 11/24/2018  
 S.C. Code § : 16-09-0320(A)  
 CDR Code #: 0326

SENTENCE SHEET

*o-ly.*

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS  
 TO: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making arrest  
 in violation of § 16-09-0320(A) of the S.C. Code of Laws, bearing CDR Code # 0326

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
 ( CSC w/minor 1st or CSC w/minor 3rd )

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.  
 ATTEST:

[Signature] 66112 SC Bar# \_\_\_\_\_ Defendant [Signature] 78751 SC Bar#  
 Richardson, Doug \_\_\_\_\_ Teal Johnson

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center,  
 for a determinate term of 1 days/months/years/Time Served  Youthful Offender Act not to exceed \_\_\_\_\_ years  
 and/or to pay a fine of \$ \_\_\_\_\_ provided that upon the service of \_\_\_\_\_ days/months/years/Time Served and or payment  
 of \$ \_\_\_\_\_ ; plus costs and assessments as applicable\*; the balance is suspended with probation for  
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of  
 probation, which are incorporated by reference.

The sentence shall run  
 CONCURRENT or  CONSECUTIVE to sentence on: Sentences on 9/8/22

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.  
1111 days/months  
 To include time spent on monitored house arrest prior to trial and sentencing.  
 The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

*Teal*

242

STATE VS

Jeffery Keyon Timothy Griffin

INDICTMENT/CASE#:

2019GS2300605

SPECIAL CONDITIONS:

A/W#:

2018A2330210640

PTUP after \_\_\_\_\_ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Completion of GED
- Random Drug/Alcohol testing
- Attend Voc. Rehab. or Job Corp
- No Contact with \_\_\_\_\_
- Domestic Violence Intervention Program
- Mental Health Counseling
- May serve W/E beginning : \_\_\_\_\_

Sex Offender Registry pursuant to S.C. Code § 23-3-430  Public Service Employment \_\_\_\_\_ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Term \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

\*Fine:

		\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____		
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ (00.00)
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
<b>TOTAL</b>		<b>\$ 128.75</b>

Clerk of Court/ Deputy Clerk: Paul B. Wickensimer  
Court Reporter: Cheryl Smith

Presiding Judge: [Signature]  
Judge Code: 2773  
Sentence Date: 9/8/22

STATE OF SOUTH CAROLINA  
COUNTY OF Greenville

IN THE COURT OF GENERAL SESSIONS

STATE  
VS.

INDICTMENT/CASE#: 2019GS2300606

Jeffery Keyon Timothy Griffin  
AKA:  
Race: BLACK Sex: M Age: 29  
DOB: [REDACTED]-1993 SS# [REDACTED]  
Address: Greensboro Ct  
City, State, Zip: Greenville, SC 29611  
DL#: [REDACTED] SID#: [REDACTED]

A/W#: 2018A2330210639  
Date of Offense: 11/24/2018  
S.C. Code § : 16-23-0410  
CDR Code #: 0122

SENTENCE SHEET

*0-5yrs*

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Weapons / Pointing and presenting firearms at a person

In violation of § 16-23-0410 of the S.C. Code of Laws, bearing CDR Code # 0122

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
( CSC w/minor 1st or CSC w/minor 3rd )

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s Initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.  
ATTEST:

[Signature] 66112 SC Bar# \_\_\_\_\_ Defendant  
[Signature] 787151 SC Bar# \_\_\_\_\_  
*Teal Johnson*

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center,  
for a determinate term of 5 ~~days/months/years~~ Time Served  Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_ provided that upon the service of \_\_\_\_\_ days/months/years/Time Served and or payment  
of \$ \_\_\_\_\_ ; plus costs and assessments as applicable\*; the balance is suspended with probation for  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of  
probation, which are incorporated by reference.

The sentence shall run  
 CONCURRENT or  CONSECUTIVE to sentence on: Sentences on 9/8/22

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.  
111 ~~days/months~~  
 To include time spent on monitored house arrest prior to trial and sentencing.  
 The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

*Final*

244

STATE VS Jeffery Keyon Timothy Griffin INDICTMENT/CASE#: 2019GS2300606

SPECIAL CONDITIONS: A/W#: 2018A2330210639

PTUP after \_\_\_\_\_ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Completion of GED
- Random Drug/Alcohol testing
- Attend Voc. Rehab. or Job Corp
- No Contact with \_\_\_\_\_
- Domestic Violence Intervention Program
- Mental Health Counseling
- May serve W/E beginning : \_\_\_\_\_

Sex Offender Registry pursuant to S.C. Code § 23-3-430  Public Service Employment \_\_\_\_\_ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Term \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

\*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____	\$ _____
§14-1-208 (Assessments 107.5 %)	\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$ _____
§56-5-2995 (DUI Assessment)	\$12 \$ _____
§56-1-286 (DUI Breath Test)	\$25 \$ _____
§14-1-212 (Law Enforce. Funding)	\$25 \$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150 \$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$ _____
§50-21-114(BUI Breath Test Fee)	\$50 \$ _____
§58-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	TBD \$ <u>3.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500 \$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD \$ _____
<b>TOTAL</b>	<b>\$ <u>128.75</u></b>

Clerk of Court/ Deputy Clerk: Paul B. Wickensimer  
Court Reporter: Cheryl Smith

Presiding Judge: [Signature]  
Judge Code: 2773  
Sentence Date: 9-8-2022

ARREST WARRANT

STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

2018A2330210637  
STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

Personally appeared before me the affiant Corey J Chadwick who being duly sworn deposes and says that defendant Jeffery Keyon Timothy Griffin did within this county and state on or about 11/24/2018 violate the criminal laws of the State of South Carolina (or ordinance of  County/  Municipality of Greenville ) in the following particulars:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 11/24/2018 the Affiant, a uniformed Deputy with the Greenville County Sheriff's Office, did obtain evidence that the Defendant, one Jeffery Griffin did use a firearm to use fear of violence to commit Armed Robbery. The Defendant did give a verbal admission of guilt under Miranda to the Affiant. The incident did occur at 5055 Old Buncombe Rd, Greenville, SC 29617 which is within Greenville County, South Carolina.

STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

Affiant's Address 4 Mcgee Street  
Greenville, SC 29601-  
Affiant's Telephone

Signature of Affiant  
\*ISSY/344

STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

Affiant's Address 4 Mcgee Street  
Greenville, SC 29601-  
Affiant's Telephone

Signature of Affiant  
\*ISSY/344

STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

ARREST WARRANT

2018A2330210637  
STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

THE STATE 18-207632  
against  
Jeffery Keyon Timothy Griffin

Address: West Ave  
Greenville, SC 29611-4619

Phone: SSN: [REDACTED]  
Sex: M Race: B Height: 6 2 Weight: 220  
DL State: SC DL #: [REDACTED]  
DOB: 1993 Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriff's Office  
Prosecuting Officer: Corey J Chadwick - S00086  
Offense: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Offense Code: 0139  
Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the  
 County/  Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

Date: (L.S.)  
Signature of Judge

RETURN  
A copy of this arrest warrant was delivered to defendant Jeffery Keyon Timothy Griffin on 11/24/18

RETURN WARRANT TO:  
Greenville General Sessions  
305 E. North Street  
Greenville County Courthouse  
Greenville, SC 29601-2120

ARREST WARRANT

STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )

STATE OF SOUTH CAROLINA )  
County/  Municipality of )  
Greenville )



RECEIVED  
NOV 27 2018  
Clerk of Court  
Greenville County

WITNESSES

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

CODEFENDANTS

BAIL set by

*J. B. ...*  
11/24/18  
*No Bond*

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Type and Amount: \_\_\_\_\_  
Name of Surety: \_\_\_\_\_

PRELIMINARY HEARING held by

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Defendant Attorney: \_\_\_\_\_  
Decision: \_\_\_\_\_

DISPOSITION before

Judge \_\_\_\_\_  
on \_\_\_\_\_  
by \_\_\_\_\_  
(indicate jury trial, bench trial, plea, not. pros., etc.)  
Disposition: \_\_\_\_\_  
Sentence: \_\_\_\_\_

JURORS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ARREST WARRANT

2018A2330210638

STATE OF SOUTH CAROLINA  
County/  Municipality of Greenville

Jeffery Keyon Timothy Griffin

18-207832

THE STATE against

Jeffery Keyon Timothy Griffin

Address: West Ave

Greenville, SC 29611-4619

Phone: Sex: M Race: B Height: 6 2 Weight: 220

DL State: SC DL #: Agency ORI #: SC0230000

DOB: 1993 Prosecuting Agency: Greenville County Sheriffs Office

Prosecuting Officer: Corey J Chadwick - S00086

Offense: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the County/  Municipality of

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant Jeffrey Keyon Timothy Griffin on 11/24/18

Signature of Court Clerk  
\$1700 P. 49A J. Rev  
Signature of Court Clerk/Law Enforcement Officer

RETURN WARRANT TO:

Greenville General Sessions  
305 E. North Street  
Greenville County Courthouse  
Greenville, SC 29601-2120

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/  Municipality of Greenville

Personally appeared before me the affiant Corey J Chadwick

being duly sworn deposes and says that defendant Jeffrey Keyon Timothy Griffin

did within this county and state on or about 11/24/2018

State of South Carolina (or ordinance of  County/  Municipality of Greenville

in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 11/24/2018 the Affiant, a uniformed Deputy with the Greenville County Sheriffs Office, did obtain evidence that the Defendant, one Jeffrey Griffin was in possession and did use a firearm to use fear of violence to commit Armed Robbery. The Defendant did give a verbal admission of guilt under Miranda to the Affiant. The incident did occur at 5055 Old Buncombe Rd, Greenville, SC 29617 which is within Greenville County, South Carolina.

Signature of Affiant  
\$1553 B44

STATE OF SOUTH CAROLINA

County/  Municipality of Greenville

Affiant's Address 4 McGehee Street

Greenville, SC 29601-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 11/24/2018 defendant Jeffrey Keyon Timothy Griffin

did violate the criminal laws of the State of South Carolina (or ordinance of

County/  Municipality of Greenville ) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 11/24/2018

Signature of Issuing Judge  
James F Hicks III

Judge Code: 7203

Judge's Address 20 McGehee Street

Greenville, SC 29601-

Judge's Telephone

Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

247

ORIGINAL

AFFIDAVIT

Form Approved by  
S.C. Agency General  
April 21, 2003  
90CA 518



WITNESSES

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

CODEFENDANTS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BAIL set by

Judge: J. B. [Signature]  
on 11/24/19  
Type and Amount: NO BOND  
Name of Surety: \_\_\_\_\_

PRELIMINARY HEARING held by

Judge \_\_\_\_\_  
on \_\_\_\_\_

Defendant Attorney: \_\_\_\_\_  
Decision: \_\_\_\_\_

DISPOSITION before

Judge \_\_\_\_\_  
on \_\_\_\_\_  
by \_\_\_\_\_  
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: \_\_\_\_\_  
Sentence: \_\_\_\_\_

JURORS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECEIVED  
NOV 27 2018  
Clerk of Court  
Greenville County

ARREST WARRANT

2018A2330210639

STATE OF SOUTH CAROLINA  
County:  Greenville  
Municipality of: West Ave

THE STATE 18-207832  
against  
Jeffery Keyon Timothy Griffin

Address: West Ave  
Greenville, SC 29611-4619

Phone:                       
Sex: M Race: B Height: 6 2 Weight: 220  
DL State: SC DL #:                      SSN:                       
DOB:                      Agency ORI #: SC0230000  
Prosecuting Agency: Greenville County Sheriffs Office  
Prosecuting Officer: Corey J Chadwick - S00086  
Offense: Weapons / Pointing and presenting firearms at a person

Offense Code: 0122  
Code/Ordinance Sec: 16-23-0410

This warrant is CERTIFIED FOR SERVICE in the  
 County/  Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

Date: 11/24/18 (L.S.)  
Signature of Judge

RETURN  
A copy of this arrest warrant was delivered to defendant Corey Keyon Timothy Griffin on 11/24/18

                     J. Rey  
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:  
Greenville General Sessions  
305 E. North Street  
Greenville County Courthouse  
Greenville, SC 29601-2120

ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA  
 County/  Municipality of  
Greenville

Personally appeared before me the affiant Corey J Chadwick being duly sworn deposes and says that defendant Jeffery Keyon Timothy Griffin did within this county and state on or about 11/24/2018 violate the criminal laws of the State of South Carolina (or ordinance of  County/  Municipality of Greenville) in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Pointing and presenting firearms at a person

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 11/24/2018 the Affiant, a uniformed Deputy with the Greenville County Sheriff's Office, did obtain evidence that the Defendant, one Jeffrey Griffin did present a firearm at the Victim to use fear of violence to commit Armed Robbery. The Defendant did give a verbal admission of guilt under Miranda to the Affiant. The incident did occur at 5055 Old Buncombe Rd, Greenville, SC 29617 which is within Greenville County, South Carolina.

  
Signature of Affiant

STATE OF SOUTH CAROLINA  
 County/  Municipality of  
Greenville  
Affiant's Address 4 Mcgee Street  
Greenville, SC 29601-  
Affiant's Telephone                     

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 11/24/2018 defendant Jeffery Keyon Timothy Griffin did violate the criminal laws of the State of South Carolina (or ordinance of  County/  Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Pointing and presenting firearms at a person

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable  
Sworn to and subscribed before me on 11/24/2018

                     (L.S.)  
Judge  
Judge's Address 20 Mcgee Street  
Greenville, SC 29601-  
Judge's Telephone                       
Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL ORIGINAL ORIGINAL

249

ORIGINAL

AFFIDAVIT

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 5/8

BAIL set by

*J. B. [Signature]*  
*11/24/18*  
*No Bond*

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Type and Amount: \_\_\_\_\_  
Name of Surety: \_\_\_\_\_

**PRELIMINARY HEARING held by**

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Defendant Attorney: \_\_\_\_\_  
Decision: \_\_\_\_\_

**DISPOSITION before**

Judge \_\_\_\_\_  
on \_\_\_\_\_  
by \_\_\_\_\_  
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: \_\_\_\_\_  
Sentence: \_\_\_\_\_

**JURORS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WITNESSES**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**CODEFENDANTS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RECEIVED**

**NOV 27 2018**

Clerk of Court  
Greenville County



ARREST WARRANT

2018A2330210640

STATE OF SOUTH CAROLINA  
County/  Municipality of  
Greenville

Jeffery Keyon Timothy Griffin  
Address:  West Ave  
Greenville, SC 29611-4619

THE STATE 18-207632  
against  
Jeffery Keyon Timothy Griffin  
Phone: [redacted] SSN: [redacted]  
Sex: M Race: B Height: 6 2 Weight: 220  
DL State: SC DL #: [redacted]  
DOB: [redacted] 1993 Agency ORI #: SC0230000  
Prosecuting Agency: Greenville County Sheriff's Office  
Prosecuting Officer: Corey J Chadwick - S00086  
Offense: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making enforcement officer serving process or making  
Offense Code: 0326  
Code/Ordinance Sec: 16-09-0320(A)

This warrant is CERTIFIED FOR SERVICE in the  
 County/  Municipality of  
The accused  
is to be arrested and brought before me to be  
dealt with according to the law.

Date: \_\_\_\_\_ (L.S.)  
Signature of Judge

RETURN

A copy of this arrest warrant was delivered to  
defendant Jeffery Keyon Timothy Griffin  
on 11/24/18

[Signature] #1700 B-49A J. Key  
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:  
Greenville General Sessions  
305 E. North Street  
Greenville County Courthouse  
Greenville, SC 29601-2120

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA  
 County/  Municipality of  
Greenville

Personally appeared before me the affiant Corey J Chadwick  
being duly sworn deposes and says that defendant Jeffery Keyon Timothy Griffin  
did within this county and state on or about 11/24/2018 violate the criminal laws of the  
State of South Carolina (or ordinance of  County/  Municipality of Greenville )  
in the following particulars:

DESCRIPTION OF OFFENSE: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making arrest

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:

On 11/24/2018 the Defendant, one Jeffrey Griffin did resist the Affiant, a uniformed Deputy with the Greenville County Sheriff's  
Office, during the course of a lawful arrest and after being advised that he was under arrest. This offense occurred in Greenville  
County, South Carolina.

[Signature]  
Signature of Affiant

STATE OF SOUTH CAROLINA  
 County/  Municipality of  
Greenville  
Affiant's Address 4 Mcgee Street  
Greenville, SC 29601-  
Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that  
on or about 11/24/2018 defendant Jeffery Keyon Timothy Griffin  
did violate the criminal laws of the State of South Carolina (or ordinance of  
 County/  Municipality of Greenville ) as set forth below:

DESCRIPTION OF OFFENSE: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or  
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as  
soon thereafter as is practicable  
Sworn to and subscribed before me  
on 11/24/2018  
Signature of Issuing Judge  
Judge's Address 20 Mcgee Street  
Greenville, SC 29601-  
Judge's Telephone  
Issuing Court:  Magistrate  Municipal  Circuit

251

ORIGINAL ORIGINAL ORIGINAL

WITNESSES

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

CODEFENDANTS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

BAIL set by

Judge *J. E. ...*  
 on 11/24/18  
 Type and Amount No Bond  
 Name of Surety: \_\_\_\_\_

PRELIMINARY HEARING held by

Judge \_\_\_\_\_  
 on \_\_\_\_\_  
 Defendant Attorney: \_\_\_\_\_  
 Decision: \_\_\_\_\_

DISPOSITION before

Judge \_\_\_\_\_  
 on \_\_\_\_\_  
 by \_\_\_\_\_  
 Disposition: \_\_\_\_\_  
 Sentence: \_\_\_\_\_

JURORS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

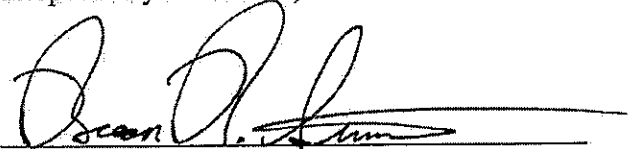


RECEIVED  
 NOV 27 2018  
 Clerk of Court  
 Greenville County

## CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Breen R. Stevens  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

**RECEIVED**

**Oct 24 2023**

**SC Court of Appeals**

This 24th day of October, 2023.

**RECEIVED**

**Oct 24 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Greenville County

Honorable G.D. Morgan, Jr., Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,


v.

JEFFERY KEYON TIMOTHY GRIFFIN,

APPELLANT

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS) this 24th day of October, 2023.

  
\_\_\_\_\_  
Breen R. Stevens  
Appellate Defender