

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Nov 21 2023
SC Court of Appeals

Appeal from Georgetown County

Honorable Benjamin H. Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SHANNON LANE BONE,

APPELLANT

APPELLATE CASE NO. 2022-000873

RECORD ON APPEAL

KATHRINE H. HUDGINS
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

AMBREE M. MULLER
Assistant Attorney General

PO Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEY FOR APPELLANT

JIMMY A. RICHARDSON, II
Solicitor, Fifteenth Judicial Circuit

PO Box 1276
Conway, SC 29528
(843) 915-5460

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JUNE 13-15 & 17, 2022.....	1
JURY SELECTION.....	15
JACKSON V. DENNO HEARING.....	44
TESTIMONY	
TAYLOR MINTZ (IN CAMERA)	
Direct Examination by Ms. Smith	45
Cross Examination by Mr. Harte	53
Redirect Examination by Ms. Smith.....	57
DEFENSE MOTION TO SUPPRESS VIDEO CLIPS OF INTERVIEW	58
RULING OF THE COURT DENYING DEFENSE MOTION TO SUPPRESS.....	59
DEFENSE MOTION IN LIMINE FOR PORTIONS OF VIDEO INTERVIEW	61
RULING OF THE COURT REGARDING MOTION IN LIMINE	63
OPENING STATEMENT BY MS. RICHARDSON.....	81
OPENING STATEMENT BY MR. HARTE	87
TESTIMONY	
LISA PRICE	
Direct Examination by Ms. Richardson.....	90
DESA ARMSTRONG	
Direct Examination by Ms. Smith	94
Cross Examination by Mr. Harte	107
THOMAS CRAWFORD	
Direct Examination by Ms. Smith	109
Cross Examination by Mr. Harte	121
GERALD GRAHAM	
Direct Examination by Ms. Smith	125
Cross Examination by Mr. Harte	131

NADINE REED

Direct Examination by Ms. Smith	134
Cross Examination by Mr. Harte	142
Redirect Examination by Ms. Smith.....	144

JOSIAH STAFFORD

Direct Examination by Ms. Richardson.....	146
Cross Examination by Mr. Harte	151

JASON LESLEY

Direct Examination by Ms. Richardson.....	152
Cross Examination by Mr. Harte	164
Redirect Examination by Ms. Richardson	165

TAYLOR MINTZ

Direct Examination by Ms. Smith	167

JOANNE CLAREY (IN CAMERA)

Direct Examination by Ms. Smith	192

TAYLOR MINTZ (CONTINUED)

Cross Examination by Mr. Harte	210
Redirect Examination by Ms. Smith.....	219

JOANNE CLAREY

Direct Examination by Ms. Smith	229
Cross Examination by Mr. Harte	233
Redirect Examination by Ms. Smith.....	234

MONICA WEST

Direct Examination by Ms. Smith	235

ALYSSA BROWN

Direct Examination by Ms. Richardson.....	243
Cross Examination by Mr. Harte	255

ANGELA GARDNER

Direct Examination by Ms. Smith	272
Cross Examination by Mr. Harte	290

ALAN HUGGINS

Direct Examination by Ms. Smith	298
Voir Dire by Mr. Harte	305
Direct Examination by Ms. Smith (continued)	305
Cross Examination by Mr. Harte	341
Redirect Examination by Ms. Smith.....	348

THE STATE RESTS	351
MOTION FOR DIRECTED VERDICT.....	352
RULING OF THE COURT	352
COLLOQUY WITH THE DEFENDANT REGARDING HER RIGHT TO TESTIFY	353
CLOSING ARGUMENT BY MS. SMITH.....	382
CLOSING ARGUMENT BY MR. HARTE	392
CHARGE ON THE LAW	394
VERDICT	409
SENTENCING	412
INDICTMENT.....	414
SENTENCE SHEET.....	416
CERTIFICATE OF COUNSEL	418

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE EXHIBIT #5 (SURVEILLANCE FOOTAGE); STATE’S EXHIBIT #9 (AERIAL
VIEW IMAGE); STATE’S EXHIBITS #13 & #14 (PHOTOS); AND STATE’S EXHIBIT
#41 (INTERVIEW RECORDING)**

1 STATE OF SOUTH CAROLINA) **TRANSCRIPT OF RECORD**
2 COUNTY OF GEORGETOWN) CASE NO.:2018-GS-22-00424
3 **ORIGINAL**

4 -----
5 June 13-15 & 17, 2022

6 **BEFORE:** The Honorable Benjamin Culbertson
7 -----

8 STATE OF SOUTH CAROLINA,

9 Plaintiff,

10 vs.

11 SHANNON LANE BONE,

12 Defendant.
13 -----

14
15 APPEARANCES:

16
17 Elizabeth Smith, Esq.
18 Alicia Richardson, Esq.
19 Appearing for the State/Plaintiff.

20 Madison Harte, Esq.
21 Appearing for the Defendant.

22 Official Court Reporter

23 Natalie Dahl, RPR
24
25

**CERTIFIED ORIGINAL FOR THE USE OF S.C. INDIGENT DEFENSE
ONLY!!**

NOTE: Pursuant to Rule 607 (H)(1)(B), SCACR "A Court
 REPORTER SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR
 FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT."
 All requests for a copy of the enclosed transcript
 shall be sent to: Natalie Dahl, RPR
 P.O. Box 762
 Conway, SC 29526

I N D E X

Motions.....	6
Jury Selection.....	15
Opening statement by Ms. Richardson.....	81
Opening statement by Mr. Harte.....	87

PRETRIAL MOTIONS

JACKSON v. DENNO HEARING

TAYLOR MINTZ

Direct Examination by Ms. Smith.....	45
Cross-Examination by Mr. Harte.....	53
Redirect Examination by Ms. Smith.....	57

TRIAL WITNESSES

STATE'S WITNESSES:

LISA PRICE

Direct Examination by Ms. Richardson.....	90

DESA ARMSTRONG

Direct Examination by Ms. Smith.....	94
Cross-Examination by Mr. Harte.....	107

THOMAS CRAWFORD

Direct Examination by Ms. Smith.....	109
Cross-Examination by Mr. Harte.....	121

CERTIFIED ORIGINAL FOR THE USE OF S.C. INDIGENT DEFENSE
 ONLY!!

1 **STATE'S WITNESSES CONTINUED:**

2 GERALD GRAHAM

3 Direct Examination by Ms. Smith..... 125

4 Cross-Examination by Mr. Harte..... 131

5 NADINE REED

6 Direct Examination by Ms. Smith..... 134

7 Cross-Examination by Mr. Harte..... 142

8 Redirect Examination by Ms. Smith..... 144

9 JOSIAH STAFFORD

10 Direct Examination by Ms. Richardson..... 146

11 Cross-Examination by Mr. Harte..... 151

12 JASON LESLEY

13 Direct Examination by Ms. Richardson 152

14 Cross-Examination by Mr. Harte..... 164

15 Redirect Examination by Ms. Richardson..... 165

16 TAYLOR MINTZ

17 Direct Examination by Ms. Smith..... 167

18 Cross-Examination by Mr. Harte..... 216

19 Redirect Examination by Ms. Smith..... 219

20 JOANNE CLAREY

21 Direct Examination by Ms. Smith..... 229

22 Cross-Examination by Mr. Harte..... 232

23 Redirect Examination by Ms. Smith..... 234

24 MONICA WEST

25 Direct Examination by Ms. Smith..... 235

26 ALYSSA BROWN

27 Direct Examination by Ms. Richardson..... 242

28 Cross-Examination by Mr. Harte..... 255

29 ANGELA GARDNER

30 Direct Examination by Ms. Smith..... 272

31 Cross-Examination by Mr. Harte..... 290

32 ALAN HUGGINS

33 Direct Examination by Ms. Smith..... 298

34 Voir Dire by Mr. Harte..... 305

35 Direct Examination (cont.) by Ms. Smith..... 305

36 Cross-Examination by Mr. Harte..... 341

37 Redirect Examination by Ms. Smith..... 348

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

INDEX (CONTINUED)

Closing Statement by Ms. Smith.....	382
Closing Statement by Mr. Harte.....	392
Jury Charges.....	394
Verdict.....	408

STATE'S EXHIBITS

MARKED ADMITTED

1	CD	47	--
2	CD	47	--
3	Miranda form	47	183
4	Picture	47	92
5	CD	47	93
6	Picture	47	104
7	Picture	47	104
8	CD - 911 call	47	102
9	Picture	47	116
10-19	Pictures	47	120
20	FB post	47	162
21	News articles	47	163
22-38	Pictures	47	169
39	DMV records	47	174
40	Driving record	47	175
41	CD - Interview	47	183
42	Phone records	47	187
43	CD	47	187
44	Property sheet	47	231
45	Picture	47	249
46	Picture	47	249
47	CD - Police body cam	47	252
48	CD - Police body cam	47	252
49	Poster board	47	281
50	USB	297	307
51-53	Cellebrite reports	297	331
54	Cellebrite report	297	338

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

DEFENDANT'S EXHIBITS

(None were marked nor admitted.)

COURT'S EXHIBITS

MARKED

1	Acknowledgement by Defendant	11
2	Order in criminal case	12
3	Juror note for foreperson	43
4	October 22, 2003 form	412
5	Notice of LWOP	412

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

2 THE COURT: What do we have?

3 MR. SMITH: We have the bondsman's motion to be
4 relieved off the armed robbery, and then we have a TIA
5 motion, and I believe we have Mr. Harte's motion to
6 continue as well, and I believe at that point we would
7 be able to take a break for lunch.

8 THE COURT: So this is a motion by the bondsman
9 to come off the bond for Shannon Bone?

10 MR. SMITH: Yes, Your Honor, that is correct;
11 just for her armed robbery.

12 THE COURT: What is that bond?

13 MR. SMITH: Your Honor, give me one second. It
14 is a \$30,000 bond.

15 THE COURT: Do I hear from the State or the
16 bondsman?

17 MS. SMITH: The bondsman. The State is going to
18 be in opposition.

19 THE COURT: All right. Yeah, they filed this
20 back in May.

21 MS. SMITH: Yes, sir, the 31st; the same day we
22 filed notice -- served the defendant with our notice
23 of our intent to seek life without the possibility of
24 parole.

25 THE COURT: Say that again.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

1 MS. SMITH: It's the same day that we served the
2 defendant with our notice of our intent to seek life
3 without the possibility of parole.

4 THE COURT: Okay.

5 MS. SMITH: Which that will need to be addressed;
6 however, we can do that later.

7 THE COURT: Who do I need to hear from on this?
8 Mr. Daniel?

9 MR. DANIEL: Yes, sir, Your Honor.

10 THE COURT: You want to come off of this bond?

11 MR. DANIEL: Yes, sir.

12 THE COURT: What is the reasons?

13 MR. DANIEL: She would not comply with any of the
14 orders.

15 THE COURT: Okay. What orders are you talking
16 about?

17 MR. DANIEL: She changed the phone number, and
18 then she left the residence where she was at, that she
19 gave us. We were looking for her. And then she come
20 to court, and then they had this -- they were going to
21 sentence her, and then she left. She has an ankle
22 monitor on now, so.

23 THE COURT: What's the State's position?

24 MS. SMITH: Your Honor, we're on the day of trial
25 and the defendant is not here. It's my understanding

1 that the State is obligated to oppose this.

2 THE COURT: All right. And the defense's
3 position?

4 MR. HARTE: Your Honor, she was noticed to be
5 here through subpoena; obviously she's not here today.
6 We don't really have a position.

7 THE COURT: Where is the GPS monitoring? They
8 can't track her and find her?

9 MS. SMITH: It is my understanding that as of
10 12:05 this afternoon, she cut off her monitor. We'll
11 be seeking a bench warrant for her arrest.

12 THE COURT: He filed this back in May. What did
13 she come to court --

14 MS. SMITH: May 3 -- oh, what did she come to
15 court for?

16 THE COURT: Yeah.

17 MS. SMITH: We had several indictments to have
18 her served on. Additionally, Your Honor, the State
19 served her with our notice to seek life without the
20 possibility of parole that day.

21 THE COURT: All right. When did you serve her
22 with the additional indictments?

23 MS. SMITH: That same day, May 31st. However,
24 those indictments are not related to the armed
25 robbery; those are related only to the murder. The

*CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!*

1 indictments -- there was a scrivener's error in the
2 murder indictment that had the wrong victim's name.
3 She was also indicted with possession with a weapon
4 during a violent crime, and possession of a weapon
5 convicted of a violent felony.

6 THE COURT: All right. Well, if you served her
7 with murder indictments and all of that, then I think
8 that is grounds for him to wanting to come off the
9 bond. He filed the bond -- I mean filed his motion
10 the day you served him with the additional
11 indictments; I mean, that makes sense to me. So I'll
12 go ahead and grant the motion to come off the bond.
13 The bond will remain as is, and she'll be committed --
14 if we pick her up on the bench warrant, we'll pick her
15 up on the bench warrant.

16 MS. SMITH: Your Honor, may I approach? I
17 believe that Mrs. Daniel did provide me an order for
18 you to sign.

19 THE COURT: I'm signing the bottom part of this.

20 MS. SMITH: Oh, perfect. Yes, sir, that is
21 correct.

22 I did make a mistake in my timing. I said 2:05.
23 The correct time was at 12:02 p.m.

24 THE COURT: I thought that is what you said,
25 12:05 or something.

1 MS. SMITH: It was 12:02. I just wanted to make
2 the appropriate adjustments.

3 MS. RICHARDSON: We might need a Form 4 as well
4 for the clerk's records.

5 THE COURT: Form 4 for the motion to be relieved,
6 okay.

7 MS. RICHARDSON: Just for the clerk's reference.

8 THE COURT: Okay. Yeah. I'm going to "see
9 attached order," which means that would be that order
10 there.

11 Thank you. What else do we have next?

12 MS. SMITH: Your Honor, the State is now moving
13 for a bench warrant for all charges that are currently
14 pending on the trial roster, including the two
15 indictments that are not currently -- that are not
16 included in the trial roster, but are included in the
17 murder charges.

18 THE COURT: All right. Any reason not to issue a
19 bench warrant?

20 MR. HARTE: Your Honor, we have no objection to
21 the bench warrant being issued. We do have a motion
22 for a continuance.

23 THE COURT: I'll take that up in a minute. I'll
24 authorize the bench warrant.

25 MS. SMITH: Thank you, Your Honor. We'll hand

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

1 that up to you in just a moment.

2 Your Honor, we now have a -- the State has a
3 motion to try the defendant in her absence.

4 THE COURT: All right. Let me hear from you on
5 that.

6 MS. SMITH: Yes, Your Honor. There are several
7 cases in which -- all we have to provide is notice
8 that this defendant has been informed of her rights
9 that if she does not appear, that she will be tried in
10 her absence. I've already provided one of the bond
11 forms to Mr. Harte; however, if I may, I'll make this
12 an exhibit and hand that up to the Court.

13 (Court's Exhibit 1 marked.)

14 MR. SMITH: This is her bond paperwork putting
15 her on notice -- and she has a checkmark and her
16 signature at the very top indicating that she
17 understood that if she failed to appear at court, she
18 would be tried in her absence.

19 Additionally, Your Honor, in State v. Goode, 1989
20 supreme court case, "Notice of a term of court in
21 which the defendant will be tried is sufficient notice
22 to enable a defendant to make an effective waiver of
23 his or her right to be present at his or her trial."

24 Your Honor, she's been put on notice on several
25 different occasions. She was mailed a subpoena. We

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

1 also had a hearing on May 31. If I may approach?

2 I'm showing opposing counsel the Form 4 from
3 May 31st.

4 We also had a hearing on May 31st, which we
5 were in front of the -- oh, I have not marked that
6 yet, I apologize.

7 THE COURT: It is part of the file.

8 MS. SMITH: Yes, sir, it is.

9 THE COURT: Go ahead. If you want it as an
10 exhibit --

11 MS. SMITH: For purposes of this hearing.

12 (Court's Exhibit 2 marked.)

13 MS. SMITH: Thank you. I apologize.

14 At that hearing, we were in front of the
15 Honorable Jennifer McCoy out of Charleston. This
16 defendant was served with our intent to seek life
17 without the possibility of parole. At that point in
18 time, numerous times on the record, it was discussed
19 that this defendant was on this trial roster. Judge
20 McCoy advised her multiple times that she was going to
21 be the first case, she will be the first trial up and
22 that we were going forward on the first trial, which
23 was the armed robbery trial. Therefore, this
24 defendant had ample notice. She waived her right to
25 be present. She also has been given notice that she

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

1 would be tried in her absence, which I believe
2 complies with Ellis versus State, which is a 1976
3 supreme court case; State versus Wrapp, which is a
4 court of appeals case from 2017; State versus Goode,
5 which is a supreme court case from 1989.

6 THE COURT: Mr. Harte.

7 MR. HARTE: Thank you. We move for a
8 continuance. Ms. Bone is not here. I can't disagree
9 with the solicitor in regards that she did receive
10 notice to be here through Judge McCoy. State v. Wrapp
11 references a third prong to the test, not just that
12 she received notice and didn't show up; but, one, that
13 she would be tried in absentia. I have to pull the
14 transcript from our hearing on May 31st, I can't
15 specifically remember at this time, but that is
16 clearly a prong of this test. She had to be told you
17 will be tried in your absence should you not show up,
18 after she was given her right to show up at that
19 trial, obviously; and also had been subpoenaed to that
20 trial. We would move for a continuance pursuant to
21 State versus Wrapp.

22 THE COURT: I'll deny your motion for a
23 continuance and grant the State's motion for TIA.

24 State's {sic} Exhibit 1, her bond question sheet,
25 she signed "I understand that if I violate a condition

1 of this order, a warrant for my arrest will be issued.
2 I understand and have been informed that I have the
3 right and obligation to be present at trial, and
4 should I fail to attend the court, the trial will
5 proceed in my absence."

6 State's {sic} Exhibit 2 where it shows when the
7 trial is scheduled for June 13, 2022. So I'll deny
8 the continuance and grant the trial in absence. All
9 right.

10 MR. HARTE: Thank you, Your Honor.

11 THE COURT: Anything else?

12 MS. SMITH: Nothing else from the State right
13 now.

14 THE COURT: Anything from the defense?

15 MR. HARTE: Not at this time. We have filed for
16 a Jackson v. Denno hearing, and there are a couple
17 other pretrial matters that we would like to address,
18 but we can do that after lunch.

19 THE COURT: I understand we'll come back at 2:00,
20 pick the jury at 2:00, cut them loose until tomorrow
21 morning, and do the pretrial; is that correct?

22 MS. SMITH: Yes, Your Honor.

23 THE COURT: All right. That sounds good. We'll
24 be in recess until 2 o'clock.

25 (A lunch recess was taken.)

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 THE COURT: Are we ready? Do you have a witness
2 list?

3 MR. HARTE: No, Your Honor.

4 MS. SMITH: Here is a witness list. No. 23 is
5 pronounced Desa (pronounced), and not Deja
6 (pronounced).

7 THE COURT: Anything before we pick a jury?

8 MR. HARTE: Nothing from the defense.

9 MS. SMITH: Nothing from the State.

10 THE COURT: Do you have the indictment?

11 All right. Bring the jury in -- jury panel in,
12 rather.

13 (Whereupon, the jury panel enters at 2:43
14 p.m.)

15 THE COURT: Ladies and gentlemen, welcome back.
16 Do we have everyone?

17 THE BAILIFF: Everyone.

18 THE COURT: Welcome back. I appreciate everybody
19 being so prompt and returning after lunch. I
20 apologize for keeping you outside of the courtroom,
21 but we had another case we had to address before we
22 got to this one. I do appreciate your patience.

23 We're getting ready to start the trial of the
24 case of the State of South Carolina versus Shannon
25 Lane Bone. I have a series of questions to go over

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 with you. All of you are qualified to serve as jurors
2 for this term of general session court. The next
3 series is required as to voir dire questions; that is
4 to determine whether or not you are certified to serve
5 as jurors on this particular case. It also gives the
6 attorneys additional information that assists them in
7 the jury selection for this case.

8 As I told you during qualifications, jurors, like
9 witnesses, are constantly taking oaths. Would all
10 members of the jury panel please stand and raise your
11 right hand.

12 (Whereupon, the jury panel was sworn.)

13 THE COURT: Thank you. You can be seated.

14 Is there any member of the jury panel that did
15 not respond to the oath by saying "I do"; if so,
16 please stand.

17 Thank you very much, ladies and gentlemen.

18 Now, as I said, we're getting ready to start the
19 trial of the case of the State of South Carolina
20 versus Shannon Lane Bone. The allegations in this
21 case are that on or about December 31st, 2017,
22 Shannon Lane Bone robbed the 521 MiniMart here in
23 Georgetown County while armed with a deadly weapon.

24 Is there any member of the jury panel that heard
25 anything, read anything, discussed anything, or knows

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY SELECTION

1 anything about this case; if so, please stand.

2 Yes, ma'am, your name and number?

3 JUROR: Kathryn Edwards No. 68.

4 THE COURT: If you will come forward, please.

5 (Whereupon, a bench conference was had with
6 Juror 68.)

7 THE COURT: What do you know about the case?

8 JUROR: My ex-husband is Jim Edwards, and he's
9 the lieutenant at the Sheriff's Office. We've been
10 divorced about a year, but we were married for 14
11 years, and I know all about the case through him.

12 THE COURT: All right. I'll excuse you from this
13 particular case, okay; but stay with us for now.

14 JUROR: Okay. Just sit down?

15 THE COURT: Yes. Have you discussed any of this
16 with any of the other jurors?

17 JUROR: No. No. This is the first I knew about
18 what the case is about. I didn't know this case was
19 about this lady, but I know about her and what
20 happened, you know.

21 THE COURT: All right. I'll excuse Ms. Edwards
22 from this particular case.

23 (Whereupon, the following was had in open
24 court:)

25 THE COURT: Anyone else who has read anything,

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 discussed anything, knows anything about the case; if
2 so, please stand.

3 All right. As I said, the defendant is Shannon
4 S-H-A-N-N-O-N, Lane, L-A-N-E, B-O-N-E, bone. Is there
5 any member of the jury panel that is related by blood
6 or marriage, have a close personal relationship,
7 business relationship, social relationship, or any
8 other type of relationship with Ms. Bone; if so,
9 please stand.

10 As I said, this is an alleged armed robbery of
11 the 521 MiniMart. Is there any member of the jury
12 panel that has any business dealing, ownership
13 interest, employee, or knows any employee of the 521
14 MiniMart; if so, please stand.

15 Please listen carefully as these are potential
16 witnesses who may testify in this case from the State.
17 From the Georgetown Sheriff's Office, who works there
18 either now or formerly, we have Taylor Mintz, Josiah
19 Stafford, Lieutenant Robbie Sarvis, Lee Wilson, Hank
20 Carrison, Jonathan Griffith, Michael Thackerer, Adam
21 Paxton, Jason Lesley, Joanne Clarey, C-L-A-R-E-Y; any
22 member of the jury panel related by blood or marriage,
23 have a close personal relationship, business
24 relationship, social relationship, or any other type
25 of relationship with any of these potential witnesses;

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY SELECTION

1 if so, please stand.

2 Ma'am, your name and number?

3 JUROR: 165, Calee McClellan.

4 THE COURT: Calee McClellan?

5 JUROR: Yes, sir.

6 THE COURT: Who is it that you know?

7 JUROR: Sergeant Thacker.

8 THE COURT: How do you know him, or how well, or
9 what is the association?

10 JUROR: I interned with him last summer.

11 THE COURT: Where is that?

12 JUROR: The police department, in Evidence.

13 THE COURT: I know you consider each other
14 friends or whatever, but do you go to same church,
15 socialize, see each other regularly when you go out,
16 anything of that nature?

17 JUROR: No, sir.

18 THE COURT: Would that association affect your
19 ability to give a fair and impartial trial, not only
20 to the State, but to the defendant in this case?

21 JUROR: No, sir.

22 THE COURT: Could you disregard that association
23 in its entirety and base your decision in this case
24 exclusively on the testimony and evidence in this
25 case?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 JUROR: Yes, sir.

2 THE COURT: Thank you for bringing that to our
3 attention.

4 Yes, sir, your name and number?

5 JUROR: 115, Tim Heilig.

6 THE COURT: Mr. Heilig, who is it you know?

7 JUROR: I work closely Ms. Mintz' husband,
8 friendship.

9 THE COURT: Where is that?

10 JUROR: Carolina Custom Firearms.

11 THE COURT: When you say "work closely," you work
12 together?

13 JUROR: He's one of my employees.

14 THE COURT: Oh, he works for you?

15 JUROR: Yes.

16 THE COURT: Mr. Heilig, I'll excuse you from this
17 particular case, but stay with us for right now, okay.

18 Anyone else know any of those potential
19 witnesses?

20 Please listen carefully as these are also
21 witnesses who may testify in this case: Dawud Aswad.

22 MS. SMITH: Aswad.

23 THE COURT: Allen Huggins, Angela Gardner, Bill
24 Knowles, Tonya Root, Joseph Williamson, Semeon
25 Charles, Ken Pearson, Lisa Prince, Thomas Crawford,

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 Gerald Graham, Nadine Reed, Desa Armstrong, Officer
2 Johnson of the Birmingham Police Department, Officer
3 Michael Dunn of the Birmingham Police Department,
4 Officer Alyssa Brown of the Birmingham Police
5 Department, Damon Moon, Tykease Robinson, Stacey
6 Howard, Monica West, Adman Bubba West. Any member of
7 the jury panel related by blood or marriage, have a
8 close relationship, social relationship, business
9 relationship, or any sort of relationship with any of
10 those potential witnesses; if so, please stand.

11 Prosecuting this case on behalf of the state are
12 attorneys Kate Elizabeth Smith and Alicia Richardson
13 of the 15th Circuit Solicitor's Office. The
14 defendant is represented by Attorney Madison C. Harte
15 of the Georgetown County Public Defender's Office.
16 Any member of the jury panel related by blood or
17 marriage, have a close personal, business, social, or
18 any other type of relationship with any of these
19 attorneys; if so, please stand.

20 Has any member of the jury panel ever been
21 represented by any of these attorneys; if so, please
22 stand.

23 Has any member of the jury panel ever been
24 involved in any legal action in which any of these
25 attorneys represented another party to that action; if

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY SELECTION

1 so, please stand.

2 Has any member of the jury panel personally have
3 a family member or close personal friend employed with
4 the 15th Circuit Solicitor's Office or the Georgetown
5 Public Defender's Office; if so, please stand.

6 Any member of the jury panel either personally or
7 have a family member that has ever been the victim of
8 a violent crime; if so, please stand.

9 Yes, ma'am, your name and number?

10 JUROR: Diana Hochberg, 121.

11 THE COURT: I apologize, how do you pronounce
12 that?

13 JUROR: Hochberg.

14 THE COURT: If you will come forward, please.

15 (Whereupon, a bench conference was had with
16 Juror 121.)

17 THE COURT: Was this you or a family member?

18 JUROR: My father-in-law.

19 THE COURT: What was the --

20 JUROR: Shot. He was a professor at the
21 university helping out a friend. He was in a
22 convenience store, and they shot him and killed him.

23 THE COURT: How long ago was this?

24 JUROR: Oh, 14 years ago.

25 THE COURT: Where was this?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 JUROR: Pennsylvania, but I had to tell you.

2 THE COURT: I understand that. Would that
3 occurrence affect your ability to give a fair and
4 impartial trial to not only the State, but to the
5 defendant in this case?

6 JUROR: I don't know, to be honest.

7 THE COURT: I understand. I'll excuse you from
8 this particular case. If you will stay with us.

9 She will be excused on this particular case.

10 (Whereupon, the following was had in open
11 court:)

12 THE COURT: Yes, ma'am, your name and number?

13 JUROR: 182, Michelle Neubauer.

14 THE COURT: If you will come forward, please.

15 (Whereupon, the following was a bench conference
16 with Juror 182.)

17 THE COURT: Was this you or a family member?

18 JUROR: Family member.

19 THE COURT: Who was the family member?

20 JUROR: My mother. It was some years ago, and
21 we're not particularly close, but still.

22 THE COURT: What was the charge?

23 JUROR: She was attacked and potentially raped.
24 I don't know if -- she somehow lost part of her ear.

25 THE COURT: Where did this occur?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 JUROR: Overseas.

2 THE COURT: Would that incident affect your
3 ability to be fair and impartial in this case?

4 JUROR: No.

5 THE COURT: Could you give the State and the
6 defendant a fair and impartial trial?

7 MR. JORDAN: Yes.

8 THE COURT: Could you disregard that incident in
9 its entirety and base your decision in this case
10 exclusively on the testimony and evidence in this
11 case?

12 JUROR: Yes.

13 THE COURT: Thank you.

14 (Whereupon, the following was had in open
15 court:)

16 THE COURT: Your name and number?

17 JUROR: 247, Lisa Wright.

18 THE COURT: Ms. Wright, if you will come forward,
19 please.

20 (Whereupon, a bench conference was had with
21 Juror 247.)

22 THE COURT: Was this you or a family member?

23 JUROR: Family member.

24 THE COURT: Who?

25 JUROR: Nephew.

JURY SELECTION

1 THE COURT: What was he the victim of?

2 JUROR: Murder.

3 THE COURT: How long ago was that?

4 JUROR: About a year ago.

5 THE COURT: Where was that?

6 JUROR: Here in Georgetown.

7 THE COURT: Would that incident affect your
8 ability to give both the State and the defendant --

9 JUROR: It wouldn't bother me none.

10 THE COURT: Could you give all the parties a fair
11 and impartial trial?

12 JUROR: Yes.

13 THE COURT: Could you disregard this murder in
14 its entirety and base your decision in this case
15 exclusively on the testimony and evidence in this
16 case?

17 JUROR: Uh-huh.

18 THE COURT: Yes?

19 JUROR: Yes.

20 THE COURT: Let me ask you this: Is there anyone
21 currently facing charges for that?

22 JUROR: He's in jail now.

23 THE COURT: Who is the defendant?

24 JUROR: My aunt and my uncle.

25 THE COURT: And his name?

JURY SELECTION

1 JUROR: The Woodruffs, Graham Road, Roger and
2 Debra Woodruff on Graham Road.

3 THE COURT: Any of you involved in that case?

4 MS. SMITH: Yes, Your Honor. I'm the prosecutor
5 on that case. The nephew is the defendant, not the
6 victim. The aunt and uncle are the victims.

7 THE COURT: Okay. You are active in that?

8 MS. SMITH: I am.

9 THE COURT: All right. Out of a sense of
10 precaution, I understand it probably wouldn't affect
11 you in this case, but given that she's involved in
12 that case, I'll excuse you from this case. Thank you.

13 (Whereupon, the following was had in open court.)

14 THE COURT: Anyone else personally or had a
15 family member that's been the victim of a violent
16 crime?

17 Is there any member of the jury panel who either
18 personally or has a family member employed in law
19 enforcement; if so, please stand.

20 The gentleman in the front with the gray shirt,
21 yes, sir. Your name and number?

22 JUROR: Joey Ray, 193.

23 THE COURT: Mr. Ray, is this you or a family
24 member?

25 JUROR: Family member.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 THE COURT: Who is the family member?

2 JUROR: Detective Allen Morris; he's my first
3 cousin.

4 THE COURT: And he is employed where?

5 JUROR: Georgetown County.

6 THE COURT: Sheriff's Department.

7 JUROR: Yes, sir.

8 MS. SMITH: He's employed with the City.

9 THE COURT: City police?

10 MS. SMITH: Yes, Your Honor, Georgetown City
11 Police Department.

12 THE COURT: He is not involved in this case?

13 MS. SMITH: No, Your Honor, not at all.

14 THE COURT: Mr. Ray, would your cousin -- he's
15 your cousin?

16 JUROR: Yes, sir.

17 THE COURT: Would his employment affect your
18 ability to give not only the State, but the defendant
19 a fair and impartial trial?

20 JUROR: It wouldn't affect it.

21 THE COURT: Would you disregard your cousin's
22 employment in its entirety and base your decision in
23 this case exclusively on the testimony and evidence in
24 this case?

25 JUROR: Yes, sir.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 THE COURT: Thank you.

2 The gentleman in the plaid shirt; your name and
3 number?

4 JUROR: 194, Eric Reed.

5 THE COURT: Mr. Reed, is this you or a family
6 member?

7 JUROR: Family member.

8 THE COURT: What is the relationship?

9 JUROR: My brother.

10 THE COURT: Where is your brother employed?

11 JUROR: Employed up north, in New Jersey. He's
12 retired. After 28 years, he went back to work as a
13 police officer in the school system.

14 THE COURT: Would you brother's employment, the
15 fact it is in law enforcement, affect your ability to
16 be fair and impartial to all of the parties in this
17 case?

18 JUROR: It doesn't affect me.

19 THE COURT: Could you disregard your brother's
20 employment and base your decision in this case
21 exclusively on the testimony and evidence in this
22 case?

23 JUROR: Yes.

24 THE COURT: Thank you for bringing that to our
25 attention.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 Gentleman beside Mr. Rode.

2 JUROR: 67, Ronnie Edenfield.

3 THE COURT: Is this you or a family member?

4 JUROR: My first cousin who is a highway patrol
5 officer in Florida.

6 THE COURT: Would your cousin's employment affect
7 your ability to be fair and impartial to all of the
8 parties in this case?

9 JUROR: No.

10 THE COURT: Could you disregard his employment in
11 its entirety and base your decision in this case
12 exclusively on the testimony and evidence in this
13 case?

14 JUROR: Yes.

15 THE COURT: Thank you.

16 Yes, ma'am, your name and number?

17 JUROR: Julie Marquis, 158.

18 THE COURT: Ms. Marquis, you or a family member?

19 JUROR: Family member.

20 THE COURT: What is the relationship?

21 JUROR: Captain Richard Schmidt (phonetic) is my
22 father, retired.

23 THE COURT: Where was he employed?

24 JUROR: California.

25 THE COURT: Would his employment affect your

JURY SELECTION

1 ability to be fair and impartial to both the State and
2 the defendant in this case?

3 JUROR: No.

4 THE COURT: Could you disregard your father's
5 employment in its entirety and base your decision in
6 this case exclusively on the testimony and evidence in
7 this case?

8 JUROR: Yeah.

9 THE COURT: Thank you for bringing it to our
10 attention.

11 Gentleman in the white shirt; name and number?

12 JUROR: Steve Potz, 187.

13 THE COURT: Mr. Potz, you or a family member?

14 JUROR: Family member, brother-in-law.

15 THE COURT: Where is he employed?

16 JUROR: Minneapolis.

17 THE COURT: Would his employment affect your
18 ability to be fair and impartial to all parties in
19 this case?

20 JUROR no. I'm good. Yep.

21 THE COURT: Could you disregard your
22 brother-in-law's employment in its entirety?

23 JUROR: Yeah.

24 THE COURT: And base your decision in this case
25 exclusively on the testimony and evidence?

*CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!*

JURY SELECTION

1 JUROR: Yeah.

2 THE COURT: Thank you very much, Mr. Potz.

3 The lady beside Mr. Potz.

4 JUROR: Juror 131, Kaytuan Humes.

5 THE COURT: Ms. Humes, is this you or a family
6 member?

7 JUROR: Family members.

8 THE COURT: What is the relationship?

9 JUROR: Three first cousins; one is a deputy
10 sheriff in Chesterfield County, one is a police
11 officer in Norfolk County, and one is in Charlotte.

12 THE COURT: Would any of those employments affect
13 your ability to be fair and impartial to all of the
14 parties in this case?

15 JUROR: No, sir, it wouldn't.

16 THE COURT: Could you disregard all of the
17 employments and base your decision in this case
18 exclusively on the testimony and evidence in this
19 case?

20 JUROR: Yes, sir.

21 THE COURT: Thank you for bringing that to our
22 attention.

23 Anyone else?

24 Has any member of the jury panel formed or
25 expressed an opinion about any issue or matter

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY SELECTION

1 involved in this case; if so, please stand.

2 Is any member of the jury panel aware of any bias
3 or prejudice towards either the State or the defendant
4 in this case; if so, please stand.

5 Any member of the jury panel a member of the
6 Grand Jury that issued the indictment in this case; if
7 so, please stand.

8 Any member of the jury panel a member of or a
9 contributor to any group or organization which has as
10 its primary concern the promotion of law enforcement
11 or victim's rights; some of these organizations are
12 Mothers Against Drunk Drivers, Students Against Drunk
13 Drivers, CASA, which is also known as Citizens Against
14 Violent Crime -- or Citizens Against Spousal Crime, or
15 Citizens Against Violent Crime, known as CAVE, or any
16 similar organizations? Is anyone a contributor or a
17 member of such organization; if so, please stand.

18 Does any member of the jury panel know of any
19 reason, whatsoever, why he or she should not serve as
20 a juror in this case with a particular emphasis placed
21 on your ability to be fair and impartial to both the
22 State of South Carolina and the defendant; if so,
23 please stand.

24 Any additional questions from the State?

25 MS. SMITH: Your Honor, I do believe there was

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY SELECTION

1 one person missed: Curtis Hudson with DMV.

2 THE COURT: On your witness list?

3 MS. SMITH: Yes, Your Honor, No. 18.

4 THE COURT: Oh, I just passed to Ken Pearson.

5 Another potential witness from the Department of Motor
6 Vehicle is Curtis Hudson. Any member of the jury
7 panel related by blood or marriage, have a close
8 personal relationship, social relationship, business
9 relationship, or any other type of relationship with
10 Mr. Hudson; if so, please stand.

11 All right. Any additional questions from the
12 State?

13 MS. SMITH: None, Your Honor.

14 THE COURT: From the defense?

15 MR. HARTE: None from the defense, Your Honor.

16 THE COURT: Ladies and gentlemen, for those of
17 you who have not been excused, the rest of you, your
18 names have been generated on a list in random order by
19 a computer. The way we select a jury in general
20 session cases is your names are called out one at a
21 time in random order. If the clerk calls your name,
22 come forward, stand in front of the attorneys' desk,
23 turn and face the attorneys. The State's attorney,
24 they are going to look at each other a little bit and
25 look at their notes, look back at you and decide if

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY SELECTION

1 they want you. If they accept you as a juror, then
2 the defense attorney is going to look at you a little
3 while and look at his notes and decide if he wants
4 you. We follow this procedure until we get 12 jurors.
5 Each side gets a certain number of strikes.

6 So if your name is called, come forward and bring
7 with you any coats, pocketbooks, whatever you have,
8 stand in front of the attorneys, turn and face them.
9 If you get struck by the State or defendant, do not
10 take it personally. It means that for whatever reason
11 you don't fit a certain profile that they are looking
12 for in this particular case. Many times I have a
13 juror struck in one case, and then taken by the same
14 party in the second case; or I have them taken in the
15 first trial of the first case, struck in the trial of
16 the second. So there is no rhyme or reason. It is
17 nothing personal; it just means that, for whatever
18 reason, you don't fit a certain profile they are
19 looking for in this case.

20 So listen up, and if the clerk calls your name,
21 come forward and stand in front of the attorneys, face
22 them, and we'll give you further instructions at that
23 time.

24 This is ten and five?

25 MS. SMITH: Yes, Your Honor.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 MR. HARTE: Correct, Your Honor.

2 THE COURT: All right.

3 THE CLERK: Juror 74, Breann Ethridge. What says
4 the State?

5 MS. SMITH: Please present the juror.

6 THE CLERK: What says the defense?

7 MR. HARTE: Please excuse this juror for the
8 trial of this case.

9 THE CLERK: Juror 193, Joey Ray. What says the
10 State?

11 MS. SMITH: Please present this juror.

12 THE CLERK: What says the defense?

13 MR. HARTE: Please excuse this juror for the
14 trial of this case.

15 THE CLERK: Juror 133, Iyona Hurdle. What says
16 the State?

17 MS. SMITH: Please present this juror.

18 THE CLERK: What says the defense?

19 MR. HARTE: Please seat the juror.

20 THE CLERK: 183, Deanne Owens. What says the
21 State?

22 MS. SMITH: Please present this juror.

23 THE CLERK: What says the defense?

24 MR. HARTE: Please seat the juror.

25 THE CLERK: Please be seated in the jury box.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY SELECTION

1 102, Alton Greene. What says the State?

2 MS. SMITH: Please present this juror.

3 THE CLERK: What says the defense?

4 MR. HARTE: Please seat the juror.

5 THE CLERK: Please take a seat in the jury box.

6 Juror 54, Karen Dill. What says the State?

7 MS. SMITH: Please present this juror.

8 THE CLERK: What says the defense?

9 MR. HARTE: Please excuse her for the trial of
10 this case.

11 THE CLERK: Juror 187, Stephen Potz. What says
12 the State?

13 MS. SMITH: Please present this juror.

14 THE CLERK: What says the defense?

15 MR. HARTE: Please excuse Mr. Potz from the trial
16 of this case.

17 THE CLERK: Juror 168, Jennifer McElveen. What
18 says the State?

19 MS. SMITH: Please present this juror.

20 THE CLERK: What says the defense?

21 MR. HARTE: Please excuse this juror from the
22 trial of this case.

23 THE CLERK: Juror 228, Rhonda Travis. What says
24 the State?

25 MS. SMITH: Please present this juror.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 THE CLERK: What says the defense?
2 MR. HARTE: Please seat the juror.
3 THE CLERK: Juror 235, James Washington. What
4 says the State?
5 MS. SMITH: Please present this juror.
6 THE CLERK: What says the defense?
7 MR. HARTE: Please seat the juror.
8 THE CLERK: Juror 141, Blake Kirksey. What says
9 the State?
10 MS. SMITH: Please present this juror?
11 THE CLERK: What says the defense?
12 MR. HARTE: Please seat the juror.
13 THE CLERK: Juror 233, Katherine Walls. What
14 says the State?
15 MS. SMITH: Please present this juror.
16 THE CLERK: What says the defense?
17 MR. HARTE: Please seat the juror.
18 THE CLERK: Juror 152, Jason Loy. What says the
19 State?
20 MS. SMITH: Please present this juror.
21 THE CLERK: What says the defense?
22 MR. HARTE: Please seat the juror.
23 THE CLERK: 239, Roger Williams, Junior. What
24 says the State?
25 MS. SMITH: Please present the juror.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 THE CLERK: What says the defense?

2 MR. HARTE: Please seat the juror.

3 THE CLERK: Juror 20, Teddy Smith. What says the
4 State?

5 MS. SMITH: Please present this juror.

6 THE CLERK: What says the defense?

7 MR. HARTE: Please seat the juror.

8 THE CLERK: Juror 59, Renarda Dones. What says
9 the State?

10 MS. SMITH: Please present this juror.

11 THE CLERK: What says the defense?

12 MR. HARTE: Please seat the juror.

13 THE CLERK: Juror 232, Julia Walker. What says
14 the State?

15 MS. SMITH: Please present this juror.

16 THE CLERK: What says the defense?

17 MR. HARTE: Please excuse this juror.

18 THE CLERK: You may return to your seat.

19 Juror 194, Eric Reed. What says the State?

20 MS. SMITH: Please present this juror.

21 THE CLERK: What says the defense?

22 MR. HARTE: Please excuse Mr. Reed from the trial
23 of this case.

24 THE CLERK: Juror 14, Kathy Besse. What says the
25 State?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 MS. SMITH: Please present this juror.

2 THE CLERK: What says the defense?

3 MR. HARTE: Please seat this juror.

4 THE COURT: Do we want an alternate?

5 MS. SMITH: Your Honor -- yes, Your Honor. Can
6 we get two?

7 THE COURT: Okay. So we'll select first
8 alternate. State gets one strike; defense, two.

9 THE CLERK: Juror No. 201, Rhonda Sawyer. What
10 says the State?

11 MS. SMITH: Please present the juror.

12 THE CLERK: What says the defense?

13 MR. HARTE: Please excuse Ms. Sawyer.

14 THE CLERK: Juror 108, Brady Harbin. What says
15 the State?

16 MS. SMITH: Please present this juror.

17 THE CLERK: What says the defense?

18 MR. HARTE: Please seat the juror.

19 THE CLERK: Please be seated.

20 THE COURT: We'll select another one. State, one
21 strike; defense, two.

22 THE CLERK: Juror 107, Terry Hancock. What says
23 the State?

24 MS. SMITH: Please present this juror.

25 THE CLERK: What says the defense?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 MR. HARTE: Please seat the juror.

2 THE COURT: Ladies and gentlemen, you are the
3 jury that will preside over this case. I'll excuse
4 you back to the jury room while I excuse the remainder
5 of the jurors.

6 If you could do me a favor, and that is to select
7 a foreperson for this jury. You may not be able to do
8 that, and if you can't do that, don't worry, I can
9 appoint someone to serve as a foreperson. Many judges
10 appoint their own foreperson, but I like to give the
11 jury the opportunity to select one on their own
12 accord. So if you can select a foreperson, write his
13 or her name on a sheet of paper with the juror number
14 and give it to the bailiff. We'll bring you back at
15 that time.

16 The foreperson has no more authority, no more
17 influence, no more importance than any other juror.
18 The function is to act as a liaison between the jury
19 and the Court. If the jury has a need or question,
20 the foreperson lets the Court know. When it is time
21 to deliberate, the foreperson will preside over the
22 deliberations and sign the verdict form. Other than
23 that, the foreperson has no more authority or
24 influence, and no more importance than any other
25 juror.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 Now, anyone can serve as foreperson with the
2 exception of Mr. Hancock and Mr. Harbin. Right now,
3 you are alternates, so you are not eligible. But any
4 of the rest of you can serve as foreperson. If you
5 select one, when you come back in the room, the
6 foreperson will occupy the first seat on the front
7 row, and the alternates will always occupy the
8 alternate seats, and the rest can sit in whatever seat
9 you would like. If you want to sit in the same seat,
10 or if you want to alternate seats during the trial,
11 you can do that as well. The only requirement is that
12 the foreperson occupies the first seat on the front
13 row, and the alternates occupy the alternate seats.

14 I'll excuse you to the jury room for a few
15 minutes to see if you can select a foreperson. Write
16 his or her name on a sheet of paper, and we'll bring
17 you back in the courtroom at that time. Thank you
18 very much.

19 (The jury exits at 3:26 p.m., and the
20 following is heard out of the presence of the jury.)

21 THE COURT: Any challenges to the selection or
22 composition to the jury by the State?

23 MS. SMITH: None by the State.

24 MR. HARTE: None, Your Honor.

25 THE COURT: Ladies and gentlemen, we have our

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 jury for this first case, so I'll excuse you for the
2 remainder of the day. You should have been given a
3 phone number to the Clerk of Court's Office. You need
4 to call that number after 6:00 p.m. today. That will
5 give you direction as to whether or not you need to
6 come in tomorrow, or whether or not you need to just
7 call back tomorrow, or whatever the case may be.
8 Please call that number after 6:00 p.m. today for
9 further instructions.

10 Again, I want to thank you for being here. As I
11 told you during qualifications, even if you are not
12 selected, you have performed your duties as jurors,
13 and I'll thank you for that service. You are free to
14 go for the remainder of the day. Call that number
15 after 6:00 p.m. Thank you.

16 (The jury panel exits the courtroom at 3:27 p.m.)

17 THE COURT: The jury selected Juror No. 14, Kathy
18 Besse as foreperson. We'll bring the jury in and I'll
19 excuse them for the remainder of the day, and we'll
20 get started tomorrow morning. I know we have pretrial
21 matters, but is there anything from the State before
22 we bring the jury in?

23 MS. SMITH: Nothing from the State.

24 THE COURT: Anything from the defense?

25 MR. HARTE: No, Your Honor.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY SELECTION

1 (Court's Exhibit 3 marked.)

2 (The jury enters at 3:30 p.m., and the
3 following is heard in the presence of the jury.)

4 THE COURT: Ladies and gentlemen, welcome back.
5 I understand -- is it Ms. Besse?

6 JUROR: Besse.

7 THE COURT: I apologize. I understand you have
8 been selected as foreperson; is that right?

9 JUROR: Yes.

10 THE COURT: Thank you for serving in that
11 capacity. As I said, if you will, always occupy the
12 seat where you now, and if the alternates will occupy
13 your seats, unless you become a part of the 12-panel
14 jury. The rest of you can sit in whichever seat.

15 Now, we are getting ready to start the trial of
16 this case, but we have some scheduling matters with
17 witnesses and things of that nature, so we're not
18 going to need your services until tomorrow morning.
19 I'll excuse you to go home for the remainder of the
20 day. Please be back at 9:15 tomorrow morning. We
21 will try to get started as soon as we can.

22 Please do not discuss this case with anyone.
23 Don't conduct any independent investigations. Don't
24 look on the Internet or through the newspaper or try
25 to find out anything about the case. Everything you

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY SELECTION

1 need to make a decision in this case will be presented
2 to you during the trial of this case, so don't talk to
3 anyone about it. Don't do any research or anything of
4 that nature. I hope you have a good evening, and
5 we'll see you back at 9:15 tomorrow morning. Thank
6 you very much.

7 (The jury exits at 3:32 p.m., and the
8 following is heard out of the presence of the jury.)

9 THE COURT: All right. What do we have?

10 MS. SMITH: The defense's Jackson V. Denno.

11 THE COURT: Are we ready to go forward now?

12 MS. SMITH: If we could one small bathroom break
13 so I can get the equipment put up, and Ms. Richardson
14 and I can switch out, if that is okay?

15 THE COURT: That is fine. Let's take a five-,
16 ten-minute break and we'll get started on that. Thank
17 you very much.

18 (A recess was taken.)

19 THE COURT: Ready to proceed with Jackson v.
20 Denno?

21 MS. SMITH: Yes, Your Honor.

22 THE COURT: State, call your first witness.

23 MS. SMITH: We call Taylor Mintz.

24 (TAYLOR MINTZ, having been duly sworn,
25 testified as follows:)

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JACKSON v DENNO - DIRECT EXAMINATION - TAYLOR MINTZ

1 THE WITNESS: T-A-Y-L-O-R, last name M-I-N-T-Z.

2 DIRECT-EXAMINATION

3 BY MS. SMITH:

4 Q Where are you employed?

5 A MUSC Florence.

6 Q Do you have any other work experience?

7 A Yes. I served for six years at Georgetown County
8 Sheriff's Office. I've also worked at two other places
9 as a pharmacy technician; that is what I'm currently
10 doing now.

11 Q With the sheriff's office, what did you do at the
12 sheriff's office?

13 A I worked the patrol division for four years, and
14 in investigations for two -- approximately two.

15 Q What years were those?

16 A 2013 through 2019.

17 Q In December of 2017, January of 2018, what
18 division were you working?

19 A The Georgetown County Sheriff's Office,
20 investigations.

21 Q On December 31st of 2017, did you happen to
22 respond to a scene at 521 MiniMart?

23 A Yes.

24 Q What was that about?

25 A That was an armed robbery I was called to.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - DIRECT EXAMINATION - TAYLOR MINTZ

1 Q Did you happen to determine a suspect at that
2 point in time?

3 A Yes, ma'am; Shannon Bone.

4 Q Were you able to interview her that day?

5 A Not that day, no, ma'am.

6 Q At any point in time, did you conduct with an
7 interview with Ms. Bone?

8 A I did.

9 Q When was that?

10 A January 19th.

11 Q Why was there such delay between the date of the
12 incident and the interview?

13 A The suspect was not around.

14 Q Was she taken into custody in Alabama?

15 A Yes.

16 Q Was she transported back to South Carolina?

17 A Yes.

18 Q Was she served with warrants?

19 A Yes.

20 Q Do you know if she was advised of what charge she
21 -- what her charges were?

22 A Yes, ma'am; as she was read her warrants, the
23 charges were on there.

24 Q What was that charge?

25 A Armed robbery.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - DIRECT EXAMINATION - TAYLOR MINTZ

1 Q I believe you said January the 19th of 2018, did
2 you interview Ms. Bone?

3 A I did.

4 Q Who were you with?

5 A Investigator Lee Wilson.

6 Q Was that recorded?

7 A Yes, ma'am.

8 Q Approaching the witness.

9 (State's Exhibits 1 through 49 marked.)

10 Q I'm handing you State's 1 through 3 for purposes
11 of this hearing, Ms. Mintz; what are those?

12 A Exhibit 1 and 2 are the interviews put on disk,
13 and No. 3 is a copy of the Miranda warnings.

14 Q Did you give that Miranda warning to the
15 defendant?

16 A Yes, ma'am.

17 Q Has it been altered, changed in any way, shape,
18 or form?

19 A Other than it's a copy, no, ma'am.

20 Q What about those CDs containing the interviews,
21 how do you know those are the interviews?

22 A I've listened to them.

23 Q Have they been altered or manipulated in any way?

24 A No, ma'am.

25 Q Is that the interview you conducted on

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - DIRECT EXAMINATION - TAYLOR MINTZ
1 January 19, 2018 with the defendant?

2 A Yes.

3 Q After she was read Miranda rights?

4 A Yes, ma'am.

5 MS. SMITH: Your Honor, we introduce State's 1, 2
6 and 3 for purposes of this hearing.

7 MR. HARTE: Without objection.

8 THE COURT: State's Exhibits 1 through 3 are
9 admitted into evidence without objection for purposes
10 of this hearing.

11 (State's Exhibits 1-3 admitted for the Jackson v.
12 Denno hearing.)

13 MS. SMITH: Permission to publish to the Court?

14 THE COURT: How long is it?

15 MS. SMITH: Nine, seven, and 21.

16 THE COURT: Okay.

17 Q (MS. SMITH) Ms. Mintz on this first interview,
18 who was with you?

19 A Investigator Lee Wilson.

20 Q And was he interviewing her about the armed
21 robbery?

22 A No, ma'am.

23 Q But were you present?

24 A I was.

25 (Published to the Court.)

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - DIRECT EXAMINATION - TAYLOR MINTZ

1 Q (MS. SMITH) Ms. Mintz, we heard a lot of banging
2 in the background; where were you all?

3 A At the detention center.

4 Q Was the defendant in custody at that point in
5 time?

6 A Yes.

7 Q Was she being held at the jail?

8 A Yes.

9 Q Where were you at the jail?

10 A Small interview room inside the jail.

11 Q Did the defendant appear to be under the
12 influence of any illicit substances or alcohol?

13 A Not that I could tell.

14 Q Did she appear to be physically or mentally
15 disabled in any way?

16 A No.

17 Q And this interview is approximately ten minutes;
18 how far that did your interview start with this
19 defendant?

20 A Just probably 20 seconds to a minute so I could
21 get my belongings and start my report.

22 Q Would that be the first recording on this
23 interview -- or on this CD?

24 A Yes, ma'am.

25 MR. HARTE: Would you prefer we take this one at

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - DIRECT EXAMINATION - TAYLOR MINTZ
1 a time, or just wait until the end?

2 THE COURT: I mean, do you have anything you want
3 to raise as to the first one?

4 MR. HARTE: I certainly do, Your Honor.

5 THE COURT: . Okay. We'll get them all and then do
6 it.

7 MR. HARTE: That's fine. Yes, sir.

8 Q (MS. SMITH) After you read the defendant her
9 rights, did she sign the Miranda form?

10 A Yes, ma'am.

11 Q Which is State's No. 3?

12 A Yes, ma'am.

13 Q Did she ask for an attorney at any point in time
14 during your entire interview?

15 A No.

16 Q Did she stop the conversation at all?

17 A No, ma'am.

18 Q At one point in time, did you conclude the
19 interview?

20 A I did.

21 Q Let's listen to interview -- the second
22 interview.

23 (Published to the Court.)

24 Q (MS. SMITH) Ms. Mintz, after that interview
25 concluded, what happened?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - DIRECT EXAMINATION - TAYLOR MINTZ

1 A I packed up my folder. I went to walk out the
2 door, and Ms. Shannon, she initiated more conversation
3 with me.

4 Q And about how long -- how long was the period
5 between you trying to walk out the door and her
6 starting to talk again?

7 A No more than 20 seconds.

8 Q Okay. And at any point in time during this
9 break, did you threaten Ms. Bone or promise her
10 anything?

11 A I did not.

12 Q Did her physical or mental appearance decline at
13 all during this time?

14 A No.

15 Q And so after she reinitiated the conversation,
16 what happened?

17 A She started asking for help with this charge.

18 Q And at some point in time, did you begin
19 recording that conversation again?

20 A I did. She began rambling, so I hit the recorder
21 and turned it back on.

22 (Published to the Court.)

23 Q (MS. SMITH) Ms. Mintz, the little break between
24 the second and the third interview sections, did
25 anything happen during that time?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - DIRECT EXAMINATION - TAYLOR MINTZ

1 A She just started rambling. You know, she said,
2 Oh, no, it wasn't me. And then she was just like, Oh,
3 no, I just don't remember if it was me. So it changed,
4 and that is why we re-initiated the interview, because
5 she was asking for help with the charge.

6 Q How long, approximately, do you believe that you
7 were in the interview room with this defendant?

8 A Altogether?

9 Q Yes, ma'am.

10 A Probably 40 minutes.

11 Q And was the defendant handcuffed?

12 A No, ma'am.

13 Q Now, did she have to speak with you or
14 Investigator Wilson?

15 A No.

16 Q And did she speak to you of her own freewill?

17 A Yes.

18 Q And did she have to waive her rights and sign the
19 Miranda form?

20 A She does.

21 Q And did she do that?

22 A Yes.

23 Q At any time during the entire 40 minutes that you
24 were there, did the defendant invoke her right to have
25 an attorney present?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - TAYLOR MINTZ - CROSS-EXAMINATION

1 A No.

2 Q At any time while you were with the defendant,
3 did she invoke her right to remain silent?

4 A No.

5 Q To the best of your knowledge, were the
6 defendant's statements given freely and voluntarily?

7 A Yes.

8 MS. SMITH: I beg the Court's indulgence.

9 THE COURT: All right.

10 (A brief pause in the proceedings.)

11 Q (MS. SMITH) Did she ask -- did the defendant ask
12 for any food or water or bathroom break during any of
13 this time?

14 A No; not that I remember. Not that I recall.

15 MS. SMITH: Your Honor, I have no further
16 questions.

17 If you will, answer any questions that the
18 defense attorney may have.

19 MR. HARTE: Thank you, Your Honor. If it please
20 the Court.

21 THE COURT: Cross-examination.

22 CROSS-EXAMINATION

23 BY MR. HARTE:

24 Q You testified that she was at the detention
25 center?

JACKSON v DENNO - TAYLOR MINTZ - CROSS-EXAMINATION

1 A Yes, sir.

2 Q How long had Ms. Bone been there?

3 A I think she was there the day before. I think
4 she got there the day before.

5 Q So she was only in jail for a day or two?

6 A In Georgetown, yes, sir.

7 Q In Georgetown, okay. Do you know how long it
8 took to get back here from Alabama?

9 A I don't recall.

10 Q You don't know how long she was detained there?

11 A I don't.

12 Q Did she appear intoxicated?

13 A No, sir.

14 Q Did you test her for intoxicants?

15 A I did not.

16 Q Now, this interview was not recorded with a video
17 camera?

18 A No, sir; a small table recorder.

19 Q Just an audio recorder?

20 A Uh-huh.

21 Q And following the -- let's say it is your
22 portion, the seven-minute video, you actually said on
23 the audio recording that the interview has concluded?

24 A I did.

25 Q And you said you packed up your things?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - TAYLOR MINTZ - CROSS-EXAMINATION

1 A Yes, sir.

2 Q And you were walking out the door?

3 A Uh-huh.

4 Q And your testimony is that took 30 seconds?

5 A It was approximately 30 seconds for me to grab my
6 belongings and get to the door.

7 Q But you were leaving?

8 A I was.

9 Q So she started talking, you come back to the
10 table, and hit record?

11 A I did. She started pleading for help with the
12 case and she changed her statements that she didn't
13 remember committing this crime, instead of "I didn't do
14 it."

15 Q So you didn't re-Mirandize her?

16 A I did not.

17 Q You didn't have a video camera to show that she
18 saw you restart the recording?

19 A No.

20 Q So you don't know if she knew you had clicked
21 record again?

22 A I'm not sure. She may have or may not.

23 Q In fact, you testified you randomly just turned
24 it back on?

25 A Yes, sir. I took it back out, sat it on the

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - TAYLOR MINTZ - CROSS-EXAMINATION

1 table, and hit record.

2 Q And this is typically a question for Mr. Wilson,
3 but since it is just a preliminary hearing, he actually
4 asked her, "Maybe they can help you out," meaning law
5 enforcement? "Maybe they can help you out," is that
6 what he testified in that video?

7 A To my knowledge, he was talking about DEU,
8 because she was asking to be a confidential informant.

9 Q She testified that she had been given a sleeping
10 pill?

11 A She mentioned something about taking some type of
12 pill, and she thought it was a sleeping pill.

13 Q You said you didn't think she was intoxicated,
14 correct?

15 A Not during the interview. The sleeping pill was
16 during the time of the crime period. She didn't take
17 anything from the moment we were in there. She was in
18 jail, so she had been in jail for over a day.

19 Q So it could have been one, maybe two days, since
20 her arrest in Alabama to bring her back here in
21 Georgetown?

22 A Yes. I don't recall.

23 Q And you never tested her for intoxicants or
24 anything like that?

25 A No, sir.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v. DENNO - TAYLOR MINTZ - REDIRECT EXAMINATION

1 MR. HARTE: I don't have any more questions, but
2 I do have a motion at the appropriate time.

3 THE COURT: All right. Anything on redirect?

4 MS. SMITH: Yes, Your Honor.

5 REDIRECT-EXAMINATION

6 BY MS. SMITH:

7 Q Do you recall when the defendant was arrested in
8 Alabama?

9 A I believe January 4th.

10 Q Of 2018?

11 A Yes.

12 Q And your interview was what date?

13 A January 19th.

14 Q So January 4 to January 19th; is that right?

15 A Yes, ma'am.

16 Q So she would have been in custody of some shape
17 or form?

18 A Yes, ma'am.

19 Q Is one of the Miranda warnings that anything you
20 say can and will be used against you?

21 A Yes, ma'am.

22 Q And was that read to the defendant in this
23 40-minute interview?

24 A Twice.

25 MS. SMITH: I have no further questions.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - MOTIONS

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

2 State, call your next witness.

3 MS. SMITH: The State does not have another
4 witness for this hearing.

5 THE COURT: Anything the defense wants to
6 present?

7 MR. HARTE: No, Your Honor.

8 THE COURT: Motions.

9 MR. HARTE: Thank you, Your Honor. Regarding the
10 first -- the nine-minute video, I ask that be
11 suppressed for mainly relevance. I don't know
12 anything that was said in that audio had anything to
13 do with the armed robbery charge. It is hearsay
14 because Officer Mintz at the time -- or Ms. Mintz now,
15 her voice is not on that recording. She was present.
16 This is just a pretrial hearing, but I have to object
17 to that as hearsay. That would be Officer Wilson's
18 testimony to get that statement in; as well as it is
19 extremely prejudicial. They ask about burglary
20 regarding Mitchell Chavis and selling guns. She
21 wasn't charged with any of those charges. I don't
22 know what the relevance to this would be regarding the
23 first nine-minute clip.

24 The second clip, seven-minute clip, we have no
25 objection; that can come in. We don't have any

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - MOTIONS

1 problem with that, Your Honor.

2 Regarding the last clip the 21-minute recording,
3 Your Honor, Officer Mintz testified she had ended the
4 recording. She said the interview has been concluded.
5 She was packing up her things and walking out the
6 door. She testified she just randomly turned it back
7 on. Now, I understand that Ms. Bone continued to
8 talk, but there was nothing to say that Ms. Bone knew
9 that she was again being recorded and that this would
10 be a recorded statement.

11 For all of those reasons, Your Honor, we ask that
12 the nine-minute clip, as well as the 21-minute clip,
13 be suppressed.

14 THE COURT: All right. Well, for purposes of the
15 Jackson v. Denno, I'm going to deny your motion. All
16 Jackson v. Denno is is to determine whether or not it
17 is a voluntary statement and if she was advised of her
18 rights. So as to the 21-minute interview, I'll deny
19 your motion. I think it at least becomes a jury
20 question as to relevance. I don't think that because
21 she's walking out the door and she turns around at the
22 insistence of the defendant and resumed the
23 interview -- I think that is voluntary. So the
24 statement -- all three are given freely and
25 voluntarily.

*CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!*

JACKSON v DENNO - MOTIONS

1 As to your motion to suppress the nine-minute
2 interview for relevance, that is not the purpose of
3 the Jackson v. Denno. So I'll treat that as a motion
4 of limine as to the relevance.

5 What is the relevance of the nine-minute
6 interview?

7 MS. SMITH: Your Honor, that would only be
8 brought out if a door was open in cross-examination or
9 if this defendant is found and testifies. It would
10 become relevant at that point in time. At this point
11 in time, I'll say that the State has no intention in
12 bringing this information in. It would only be used
13 if it became relevant during the duration of this
14 trial.

15 And, Your Honor, we also played it -- one of the
16 main reasons that this was played is that -- so you
17 could -- the Court could have a full picture of what
18 happened during these interviews. They were all
19 consecutive back-to-back interviews. Duration, of
20 course, is a consideration and the voluntariness of a
21 statement, and so we did believe it was very probative
22 for this hearing.

23 THE COURT: All right. Well, State says they
24 don't intend to use that because it is not relevant at
25 this point in time; however, if it does become

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JACKSON v DENNO - MOTIONS

1 relevant, you can raise your objection at that time.

2 I can't rule as a motion in limine that as a matter of
3 law it is inadmissible.

4 MR. HARTE: Certainly, Your Honor.

5 THE COURT: But they put on the record they don't
6 intend to use it.

7 I'll find that the seven-minute interview and the
8 21-minute interview are voluntary for purposes of the
9 Jackson v. Denno and admissible. Okay. All right.

10 Anything else?

11 MR. HARTE: Yes, Your Honor. Since we're on the
12 topic of these recorded statements, we have a motion
13 in limine. There are certain redactions that we would
14 request from the 21-minute video as being more
15 prejudicial than probative under 403. Your Honor
16 heard discussions of working as a CI. It is our
17 position that that is not any kind of admission of
18 guilt.

19 As well as her Louisiana charge, her prior record
20 should not come into the record. Your Honor, her
21 breaking into a vehicle where they said they received
22 phone calls of her breaking into a vehicle, she wasn't
23 charged of anything. That is prejudicial. Her
24 request that her charges be brought down, that is not
25 an admission of guilt; so we ask that that be

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - MOTIONS

1 redacted. Her final statement of her saying she knows
2 people from Kingstree to the Beach, I assume that is
3 in reference to her working as a CI and knowing drug
4 dealers. We move that those be suppressed under Rule
5 403 for being more prejudicial than probative. They
6 are not admissions of guilt, and we ask that they be
7 redacted.

8 THE COURT: State's position.

9 MS. RICHARDSON: Your Honor, as far as her
10 mentioning her prior record in Louisiana where she
11 talks about "my prior record," we agree that that
12 should be redacted unless, again, she testifies and
13 something becomes relevant. But, yes, we agree to
14 redact that.

15 As far as her working as a CI and knowing people
16 in Kingstree, she's attempting to bargain with them,
17 which is -- as the officer testified -- her going from
18 "I didn't do this" to "I don't remember doing this."
19 So we think that is relevant since she's attempting to
20 bargain. It is some sort of acknowledgment of guilt
21 in this case.

22 Also, as far as her breaking in the vehicle, Your
23 Honor, that goes to the credibility of her statement.
24 She's basically saying I don't remember this. I don't
25 remember anything. I don't remember doing this. I

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - MOTIONS

1 don't remember anything. Oh, but hey, I remember I
2 sat in his car. So she does remember a lot of
3 details. I think that goes to show that, basically,
4 she's putting forth something that is implausible as
5 an excuse for not remembering this crime, but she does
6 remember other things. We're not offering it to
7 attack her character. We're offering it to show her
8 credibility and the improbability and plausibility of
9 her statement to law enforcement that she doesn't
10 remember.

11 THE COURT: All right.

12 MR. HARTE: If I can briefly reply? She's been
13 extradited from Alabama. She's incarcerated and held
14 without bond; that is the main purpose of her
15 requesting to work as a CI. It is no admission of
16 guilt and has nothing to do with the charges at hand.
17 We believe that is more prejudicial than probative
18 under Rule 403 and ask that it be redacted.

19 THE COURT: With the consent of the State, I'll
20 redact any reference to the Louisiana charges.

21 I'm denying your motion to redact the other
22 requests: Knowing people in Kingstree, breaking into
23 vehicles, and reducing the charges against her.

24 MR. HARTE: Does that include her request to work
25 as a confidential informant?

JACKSON v DENNO - MOTIONS

1 THE COURT: Yes; I'll allow that.

2 MR. HARTE: Thank you, Judge.

3 THE COURT: All right. Anything else?

4 MS. RICHARDSON: We were going to have a motion
5 regarding one of the witnesses to testify remotely.
6 Why don't we see how things go tomorrow, because it
7 may become irrelevant if the case lasts that long
8 anyway, as we kind of get an idea.

9 Also, we do have officers looking for Ms. Bone on
10 the bench warrant.

11 THE COURT: Okay.

12 MS. RICHARDSON: Part of the judge's orders
13 requires questioning of the defendant.

14 MR. HARTE: Your Honor, I have -- the Solicitor
15 and I spoke about this, and I think she consents, but
16 there is an interview done by Officer Knowles with a
17 couple in Alabama. During the interview, the couple
18 references Shannon spoke to them about a murder.
19 After speaking with the Solicitor, they would agree
20 that that should be redacted should that audio
21 recording come in.

22 THE COURT: Okay. That is a recording given by
23 whom?

24 MS. SMITH: Damon Moon and Tykese Robinson.

25 THE COURT: How can they get in a recording of

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - MOTIONS

1 those people?

2 MS. SMITH: Your Honor, we anticipate -- or we're
3 hopeful that they will appear in court at some point.

4 THE COURT: I mean, let's say they don't appear,
5 how can you get into an interrogation of another
6 party? How is that not prohibited by hearsay?

7 MS. RICHARDSON: Your Honor, she's charged with a
8 murder. I guess there was another murder that
9 predated this. We won't bring any reference to her
10 being charged with murder. We agree that is
11 inappropriate unless, obviously, she testifies and
12 something comes up.

13 THE COURT: Well, yeah. I don't know that that
14 is going to be admissible, number one. What you are
15 trying to suppress -- or reference to murder is made
16 during the interrogation of two other people?

17 MR. HARTE: Your Honor, I simply wanted to
18 clarify for the record that should this come in,
19 either through testimony should they appear, or if
20 State was trying to get that audio recording in, it is
21 hearsay -- I agree with you -- unless they get them
22 here. I just want to make sure that any kind of
23 murder charge is not referenced, not only from the
24 couple from Alabama, but also the co-defendant, Stacy
25 Howard, who is a potential witness for the State, that

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - MOTIONS

1 any testimony regarding the pending murder charge --

2 THE COURT: Yeah. We're just here on armed
3 robbery. I agree with you on that.

4 MS. SMITH: The State -- unless something is
5 brought up by the defense, the State has no intention
6 of bringing up a murder charge that is a year or two
7 years after -- I guess a year and a couple months
8 after this armed robbery.

9 MR. HARTE: Since we're on the subject, we could
10 address this. If Mr. Howard is called to testify --
11 and this is my question for the Court, if I were to
12 ask Mr. Howard, "Do you currently have any pending
13 charges --

14 MS. SMITH: The State believes that that
15 absolutely opens the door.

16 THE COURT: I don't think so; not if he's asking
17 Mr. Howard if he has any pending charges.

18 MS. SMITH: He's a co-defendant. He's a
19 co-defendant, and I think that opens the door for
20 Mr. Howard to respond, yes, on a murder charge with
21 your client.

22 THE COURT: Why can't he just say, yes, I have a
23 murder charge?

24 MS. SMITH: Of course I can't tell you what he
25 will say. I mean, I haven't told him what to say.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - MOTIONS

1 THE COURT: If the State calls him as a witness,
2 he is not to mention any murder charge against this
3 defendant; that is far more prejudicial than
4 probative. There is no way that getting Mr. Howard to
5 say he's a co-defendant in a murder charge with this
6 defendant has any probative value that outweighs
7 prejudicial effect on an armed robbery charge. You
8 decided not to go forward with the murder charge.

9 MS. SMITH: Your Honor, the reason we did not go
10 forward on the murder charge, which is actually
11 something the State would have preferred to do,
12 because it is the more serious charge, is because this
13 was placed on the roster by Your Honor and the Clerk
14 of Court as the first one. It was my understanding
15 that this was the order of how things were done;
16 however, Your Honor, he is a co-defendant. He is not
17 convicted of that charge. It is not -- it is not
18 relevant -- you know, when you talk about prior bad
19 acts, when you talk about Lyle or 608 or 404(b) or
20 403, what you are talking about are convictions. He
21 is not convicted of that murder; therefore, if
22 Mr. Harte plans on bringing that out with -- with
23 Mr. Howard, we believe that pursuant to the rules,
24 because it is not a conviction, it is not relevant,
25 and it should not come in unless it is bias. Bias is

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - MOTIONS

1 prejudicial to the State anyway. It would be highly
2 prejudicial to the State's witness. The probative
3 value would be -- I mean, the danger of unfair
4 prejudice substantially outweighs the probative value
5 in that regard.

6 Additionally, Your Honor, if he's going to be
7 able to talk about the murder in which the
8 defendant -- this defendant and a co-defendant are
9 charged together, and are co-defendants, we believe it
10 should be brought in as a whole.

11 THE COURT: No. I disagree.

12 MS. SMITH: Yes, Your Honor.

13 THE COURT: I'll grant your motion to suppress
14 any reference to the pending murder charge against
15 this defendant.

16 MR. HARTE: Thank you, Judge.

17 THE COURT: Anything else?

18 MR. HARTE: No, Your Honor. At the appropriate
19 time, we'll address the potential witness for Friday
20 morning. We would have a motion at that time,
21 whenever that is addressed.

22 THE COURT: Anything from the State?

23 MS. SMITH: Nothing from the State.

24 THE COURT: All right. I'll have the jury coming
25 in at 1:15. I'll take the bench at 9:30. Thank you.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JACKSON v DENNO - MOTIONS

1 (WHEREUPON, THE PROCEEDINGS FOR JUNE 13, 2022
2 CONCLUDED. THE FOLLOWING WAS HAD ON JUNE 14, 2022:)

3 THE COURT: Thank you very much. Please be
4 seated.

5 I understand Ms. Bone was picked up on the bench
6 warrant last night; is that correct?

7 MR. HARTE: That's correct. At this time, Judge,
8 we make a motion for a continuance, not only for her
9 current state and well-being, being ill at the moment,
10 but we believe this would be highly prejudicial to the
11 jury, not just today, but the next few days. So we
12 want to preserve and make our motion now.

13 THE COURT: State's position?

14 MS. RICHARDSON: Your Honor, the State opposes
15 any motion for a continuance. Obviously, she
16 voluntarily failed to appear yesterday. Your Honor
17 ruled we could go forward in her absence. A bench
18 warrant was issued, and she was entered in the NCIC
19 yesterday. She was located by investigators with our
20 office and with Myrtle Beach Police. She cut off the
21 ankle monitor, which was provided by her bonding
22 company. She cut that off and found in close
23 proximity to that. She did appear to be either
24 attempting or having used some sort of substance at
25 that point. It is the State's position she failed to

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - MOTIONS

1 appear. Any intoxication or sickness on her part was
2 voluntary and should not work to continue this case.

3 THE COURT: All right. Anything in reply?

4 MR. HARTE: No, Your Honor.

5 THE COURT: I'm going to deny the motion. Like I
6 said, it is voluntary on her part. I ruled that we
7 could go forward in her absence, so we'll go forward.

8 MR. HARTE: Certainly, Your Honor. And after
9 discussion with her reviewing her right to be here, as
10 well as her right not to be here, she believes -- and
11 I agree with her -- that today she would like to
12 return to the detention center and reevaluate in the
13 morning to see if she's ready to be present for trial.
14 But for today, we both agreed she does not need to be
15 present, and she understands and agrees with that
16 decision.

17 THE COURT: All right. Ms. Bone, if I could get
18 you to stand up, please. Raise your right hand.

19 (SHANNON BONE, having been duly sworn,
20 testified as follows:)

21 THE COURT: You are Shannon Bone?

22 MS. BONE: Yes, sir.

23 THE COURT: You understand we are in the trial of
24 your case. We haven't started testimony, but
25 yesterday we selected the jury, and I heard some

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - MOTIONS

1 pretrial matters. We haven't gotten into the
2 evidentiary portion; you understand that?

3 MS. BONE: Yes, sir.

4 THE COURT: You understand that you have a right
5 to be here. You are not -- I mean, you were required
6 to be here yesterday; however, during this trial you
7 can waive your presence voluntarily if you choose not
8 to be here. Do you want to be here today, or not?

9 MS. BONE: Your Honor, I think my body and stuff,
10 with my coughing and throwing up and stuff, I'm not
11 able to withstand it.

12 THE COURT: So you are going to waive your
13 presence here today?

14 MS. BONE: Yes, sir.

15 THE COURT: Mr. Harte, anything further you want
16 on the record?

17 MR. HARTE: No, Your Honor.

18 THE COURT: Anything further from the State?

19 MS. RICHARDSON: No, Your Honor.

20 THE COURT: All right. I'll excuse her for
21 today, but the trial will continue in your absence;
22 you understand that?

23 MS. BONE: Yes, sir.

24 THE COURT: I'll excuse her for today and let her
25 go back to the detention center. All right.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - MOTIONS

1 (Ms. Bone exits the courtroom and the following
2 is had out of her and the jury's presence.)

3 THE COURT: Anything from the State before we
4 bring the jury in?

5 MS. SMITH: Your Honor, I apologize. Excuse me.
6 I apologize. I really haven't had the opportunity,
7 can I have a brief break?

8 THE COURT: All right. Let's take a five-minute
9 break.

10 (A recess was taken.)

11 THE COURT: Anything from the State before we
12 bring the jury in?

13 MS. SMITH: Nothing from the State.

14 MR. HARTE: Your Honor, we ask that the witnesses
15 be sequestered.

16 THE COURT: Any objection?

17 MS. SMITH: We already sequestered the witnesses
18 except for the victims. They have not been
19 sequestered, but we are not anticipating that they
20 will testify in this case. They are the victims of
21 the murder.

22 THE COURT: Well, I mean, by law, you can have
23 the victims, the lead investigator, and the defendant.

24 MS. SMITH: I believe that is what we have in the
25 courtroom.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - MOTIONS

1 THE COURT: All right. So who are the victims?

2 MS. SMITH: And, Your Honor, also our
3 investigator. He is not on the witness list, and we
4 do not anticipate him testifying.

5 THE COURT: If they are not a witness, they don't
6 have to be sequestered. If there is a chance they may
7 testify, they have to be sequestered.

8 MS. SMITH: Yes, Your Honor.

9 THE COURT: So what witnesses for the State?

10 MS. SMITH: Just Taylor Mintz.

11 THE COURT: The lead investigator?

12 MS. SMITH: Yes, Your Honor.

13 THE COURT: So Ms. Mintz can be in the courtroom,
14 but other than that, no other witnesses. If the
15 defendant is here tomorrow, or whatever, the defendant
16 can be here, and the victims can be in here, but they
17 are not witnesses, correct?

18 MS. SMITH: They would be witnesses -- they would
19 be a witness in the murder, but not in this one.

20 THE COURT: Okay. Anything from the defense?

21 MR. HARTE: No, Your Honor.

22 THE COURT: All right. Before we bring the jury
23 in, I think you already know my rules, but I'll allow
24 direct examination, cross-examination, and redirect
25 only as to matters addressed on cross not addressed on

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - MOTIONS

1 direct.

2 Let's bring the jury in. When the jury comes in,
3 we'll swear the jury, and then opening statements and
4 go right into it.

5 MS. SMITH: Yes, Your Honor.

6 (A brief pause in the proceedings.)

7 (The jury enters at 10:10 a.m., and the
8 following is heard in the presence of the jury.)

9 THE COURT: Ladies and gentlemen, welcome back.
10 I hope everyone had a good evening. Number one, I
11 want to thank you for being so prompt this morning;
12 that is a great assistance to the Court. Number two,
13 I'll apologize for keeping you in the jury room so
14 long. I know I had you come back at 9:15 and it's
15 almost 10:15, but we had matters that we needed to
16 address before we got into the trial of this case.
17 Now we're ready to proceed with this trial.

18 This is the trial of the case of the State of
19 South Carolina versus Shannon Lane Bone. As I told
20 you in your qualifications and jury voir dire, jurors,
21 just like witnesses, are constantly taking oaths. So
22 if all members of the jury would please stand and
23 raise your right hand while the clerk administers the
24 oath to serve on this specific case.

25 (Whereupon, the jury panel was sworn.)

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JACKSON v DENNO - MOTIONS

1 THE CLERK: Thank you. Please be seated.

2 THE COURT: Any member of the jury that did not
3 respond to the oath by saying "I do"; if so, please
4 stand.

5 Thank you very much, ladies and gentlemen.

6 As I said, we're getting ready to start the trial
7 of the case of the State of South Carolina versus
8 Shannon Lane Bone. I know from watching TV shows,
9 movies, reading books, whatever the case may be,
10 trials are filled with a lot of suspense, a lot of
11 action. While that might be the case in this trial,
12 it probably won't be. Trials are often a slow,
13 repetitive processes; in fact, opposite of what you
14 might be accustomed to when you watch them for
15 entertainment purposes. I hope you do find the trial
16 educational.

17 I'll thank you at the outset for serving as
18 jurors in this case. The attorneys are advocates for
19 the parties that they represent, but first and
20 foremost, they are officers of the court. They are
21 sworn to uphold the integrity and fairness of our
22 judicial system and to help you in the search to the
23 truth in this case. You can expect them to be
24 professional, competent, and ethical in the
25 representation of their client's interest.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - MOTIONS

1 Now, what I say to you is intended to serve as an
2 introduction to the trial of this case. These remarks
3 are not a charge on the law of this case. I'll
4 instruct you on the law applicable to this case at the
5 end of the trial before you retire to consider your
6 verdict. This is merely an explanation of the
7 procedure we'll follow in the trial of this case so
8 you can better understand what is happening.

9 The defendant is charged by an indictment. This
10 is the indictment filed with the court. The defendant
11 is charged with the crime of armed robbery, the
12 elements of which I'll explain to you at a later time.
13 This indictment is simply the charge by which this
14 case is brought into this court. It is not in any
15 sense evidence of any of the allegations contained in
16 it. The defendant has pled not guilty to this
17 indictment; the State, therefore, has the burden of
18 proving each of the elements of the indictment beyond
19 a reasonable doubt. It will be your duty, ladies and
20 gentlemen, to decide whether or not the State has met
21 that burden.

22 Your purpose as jurors is to find and determine
23 the facts of this case. You are the sole judges of
24 the facts of this case. If at any time I make a
25 comment regarding the facts of this case, you must

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JACKSON v DENNO - MOTIONS

1 disregard my comments. You are to determine the facts
2 from the testimony you hear and the other evidence
3 introduced during the trial of this case. It is up to
4 you to determine the inferences which you feel may
5 properly be drawn from that evidence.

6 It is especially important that you perform your
7 duty of determining the facts diligently and
8 conscientiously, because ordinarily there is no way to
9 correct an erroneous determination of the facts by a
10 jury. On the other hand, and with equal emphasis, the
11 same law that makes you the judge of the facts makes
12 me the judge of the law. The law given by the Court
13 is the only law that you may consider. You must
14 accept and follow the law as I give it to you even
15 though you may disagree with it. Just as I cannot
16 tell you what facts of this case are, you cannot
17 disagree with me about the law being applied in this
18 case. Your job is to take the law as I give it to you
19 and apply it to the facts as you find those facts to
20 be from the testimony of witnesses and any other
21 evidence that is introduced. After that, you'll
22 render a verdict, a true and just verdict, under the
23 solemn oath that you just took as jurors.

24 Until I advise you to begin deliberations, you
25 must not discuss this case with anyone, including your

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - MOTIONS

1 fellow jurors. Do not discuss it with any friends,
2 family members, or anyone involved in the case. After
3 the case is submitted to you, you can then discuss it,
4 but only in the jury room with your fellow jurors.
5 The attorneys and parties in this case have been
6 advised that they are not to talk to you at all about
7 this case, and so if you see them and they don't speak
8 to you, they are not being rude, they are just
9 following the instructions of the Court.

10 During this trial, you are not to read or listen
11 to or watch any news reports about the case, if there
12 are any. This includes anything that may be in the
13 news on the Internet, radio, or television. You must
14 not consider anything you may have read or heard about
15 the case outside of the courtroom, whether that is
16 before or during the trial of this case. It is
17 important that you keep an open mind and not decide
18 any issue in this case until all of the evidence has
19 been presented to you, the parties have made their
20 closing arguments, and I've instructed you on the law
21 that should be applied in this case.

22 It is your solemn responsibility to determine the
23 guilt or innocence of the defendant, and your verdict
24 must be based solely on the evidence as it is
25 presented to you in this trial, and on the law as I

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JACKSON v DENNO - MOTIONS

1 instruct you during and at the close of the trial.

2 In a moment, the Solicitor will make what is
3 called an opening statement in which the Solicitor
4 will explain to you the issues in this case, or at
5 least what the Solicitor thinks are the issues in this
6 case. The attorney for the defendant may also make an
7 opening statement; although, he is not required to do
8 so. What the attorneys tell you during their opening
9 statements is not evidence in this case, it is only
10 their contention as to what they feel the issues in
11 this case are. The evidence in this case will be
12 presented to you by testimony of sworn witnesses from
13 the witness stand and by any other exhibits that may
14 be introduced into evidence.

15 Now, in determining what the true facts are in
16 this case, you must decide whether or not the
17 testimony of a witness is believable. It is my
18 responsibility to rule as a matter of law as to
19 whether certain testimony is admissible at all or not.
20 Once testimony is admitted into evidence, whether or
21 not you believe it is solely for you to determine. In
22 deciding whether to believe a witness, you have a
23 right to consider the interest of any witness, the
24 bias of any witness, the prejudice of any witness, the
25 opportunity for the witness to have seen the matters

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JACKSON v DENNO - MOTIONS

1 and things about which the witness may testify to, and
2 the way the witness acts on the witness stand. You
3 have the right to consider anything in the record that
4 will help you evaluate the testimony of the witnesses;
5 that means that it is your duty to pay close attention
6 to these witnesses to observe the witnesses, to listen
7 to the witnesses, to pay close attention to the
8 attorneys and to the Court. Don't let your thoughts
9 wander, but give strict attention to the testimony in
10 this case so that at the end of all of the testimony,
11 after the arguments of counsel and the charge on the
12 law by the Court, you will then be in a position to
13 determine what the true facts are and to apply the law
14 to those facts, and thus render a true and just
15 verdict.

16 Are there any additional charges from the State?

17 MS. SMITH: Nothing from the State.

18 THE COURT: Any from the defense?

19 MR. HARTE: No, Your Honor.

20 THE COURT: Ladies and gentlemen, we'll begin the
21 trial with the attorneys opening statements. As I
22 told you during my opening charges, these statements
23 are not evidence; it is just their contention as to
24 what they think the evidence will show in this trial.
25 All right.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

OPENING STATEMENT - MS. RICHARDSON

1 MS. RICHARDSON: May it please the Court?

2 THE COURT: Yes, ma'am.

3 MS. RICHARDSON: Give me all your money. Give me
4 all your money. Desa Armstrong was a clerk and
5 cashier at 521 MiniMart. That is a store on 521,
6 which is High Market Street here in Georgetown that
7 goes to Andrews. It is a divided four-lane road.
8 It's smaller than Highway 17, but it does have a
9 divided median. It was about 6:30 in the morning,
10 6:35, when a person walked into the store covered.
11 This is before Covid. This is December 31, 2017,
12 before we were used to seeing people in masks.

13 A person walks in the store covered pretty much
14 from head to toe except for here (indicates), hoody,
15 baggy clothes, face covered. Stays in the store about
16 ten minutes. Customers come in and out. There is a
17 shift change in the store. During the night, in the
18 middle of the night, there are two clerks that work.
19 A male and a female were working that night: Thomas
20 Crawford and Nadine Reed. There was shift change and
21 Desa came in that morning. Nadine and Thomas,
22 however, were still outside. Desa just started her
23 day, just started her day. Customers coming in and
24 out. Shadowy figure in the back of the store; that is
25 the figure that came up to the cash register with a

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

OPENING STATEMENT - MS. RICHARDSON

1 few items, Coke, some candy and asked for two packs of
2 cigarettes. What does Desa do? She starts ringing it
3 up. That's when a gun is presented down like this
4 (indicates). Another customer has walked in. It
5 happened so fast. Give me your money. Give me all of
6 your money. Put it in the bag. With a gun displayed,
7 and then took the money. She even asked her to go
8 under the tray to see if there was any big bills.

9 She got the candy, got the cigarettes, got the
10 Coke, got the money, and left out the door. So subtle
11 that a customer, Mr. Graham, who had come up behind
12 her, didn't even notice. That subtle. We've all
13 heard: What is in the dark, we've brought to light.
14 What is hidden, will be revealed.

15 Shannon Bone robbed the 521 MiniMart that
16 morning. She attempted to hide who she was. She
17 attempted to conceal. It was still dark just before
18 dusk, just before daybreak. She was dressed in dark
19 clothes pretty much from head to toe. Her car, the
20 vehicle she had driven, was not parked at the store
21 like a normal person, like a normal customer, but was
22 parked in the median on the grass of this divided
23 highway; that is where her car was or her vehicle, the
24 Trailblazer.

25 What couldn't she hide? She had gloves on. She

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

OPENING STATEMENT - MS. RICHARDSON

1 was concealed. Store has surveillance video. What
2 couldn't she hide? She didn't hide this (indicates).
3 She couldn't hide that she was white. She spoke; she
4 couldn't hide that she was female. She couldn't hide
5 her stature; she's a tiny woman. She couldn't hide
6 her shape. She couldn't hide her height. That, she
7 can't conceal. That was brought to light. She
8 couldn't hide what is shown on video. Even though she
9 was obscured, it is on video. She didn't hide her
10 voice. When she left out of the store, Desa alerted
11 the customers, Mr. Graham. They started waiving at
12 the other employees who were about to go home; got
13 their attention. Mr. Graham comes out of the store.
14 "She just robbed it. She just robbed it." Remember,
15 she has to go through the parking lot and across the
16 highway. They tried to stop her. She turns and
17 speaks to them. What? Again, can't hide this. She
18 can't hide her voice.

19 She runs at that point. She begins running to
20 that vehicle, Chevy Trailblazer, parked in the median
21 in front of the store. So what does Mr. Crawford do?
22 He chases her. He didn't catch her but he chases her.
23 What else can't she hide? The license tag, and he
24 remembers it. They call 911 and give the tag. In
25 three or four minutes, dispatch, Georgetown 911, has

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

OPENING STATEMENT - MS. RICHARDSON

1 run the plate and the vehicle, Chevy Trailblazer. It
2 comes back registered to Shannon Bone who lives at
3 Kent Road, which is a road off of 521 between
4 Georgetown and Andrews. The tag comes back to her.

5 So the police come and they are talking to all of
6 the witnesses, and Ms. Nadine says -- she keeps being
7 puzzled, you know. That face. That voice. All of
8 the sudden, she realizes that woman -- and they knew
9 it was a woman -- has been in here already tonight.
10 She's already been in here one time around 2:00 in the
11 morning. So they pull the surveillance videos.
12 There, at 2:00 in the morning, a Chevy Trailblazer,
13 gray. This time, it pulls up like a normal person at
14 the door of the store on the video. Ms. Bone dressed
15 in different clothing, not masked up, walks in the
16 store, clear as day on the video.

17 What does she buy? Cigarettes. What brand?
18 Seneca Red, which is the same two she asked for.
19 Clear as day. She had changed her clothes. She tried
20 to hide, tried to conceal. Guess what she didn't
21 change? Her shoes. You will see the video and the
22 same shoes that Shannon Bone, clear as day, with her
23 vehicle parked out front was wearing at 2:00 a.m.,
24 that the masked figure is wearing at 6:30 a.m.,
25 6:45 a.m. Same shoes. What is hidden will be

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

OPENING STATEMENT - MS. RICHARDSON

1 revealed. What you attempt to conceal will be brought
2 forward.

3 What else didn't she hide? What else couldn't
4 she hide? Her cell phone records. You will hear
5 there are cell phone records that put her in the area.
6 Put her -- show her moving and put her there. They
7 get her name and try to go find her, but they can't
8 find her. They get all the statements and the police
9 put out a press release showing that at 2:00 a.m. that
10 picture of her, clear as day, unmasked at the counter.

11 So what does Ms. Bone do? Tries to hide. She's
12 trying to conceal. She hightails it to Alabama, and
13 that is where she's found, in Alabama. Before that --
14 sometimes it is what you don't see that tells you that
15 someone is trying to hide. After that press release
16 comes out, she quits using that cell phone. That cell
17 phone is eventually recovered from her family when
18 she's brought back from Alabama. She quits using
19 that. You'll get to hear a statement from her. She
20 admits that she was the one in there at 2 o'clock.
21 She admits she was in there at 2 o'clock, but denies
22 that she was the one in there at 6 o'clock. Oh, I was
23 already on the way out of state. It wasn't me.

24 Then, after they finished the interview, she
25 changes her story. Now, it's I don't remember. I

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

OPENING STATEMENT - MS. RICHARDSON

1 don't remember. I've been in a drug rehab facility
2 and just came home. I don't remember. I don't
3 remember being picked up at the drug facility until
4 they bring me from Alabama. But then when it's
5 convenient, she does start remembering. She does
6 admit that she tried to buy a new phone in Georgia.
7 You'll get to see the store surveillance video, and
8 you'll get to hear from the witnesses. You'll get to
9 hear about phone records.

10 Armed robbery means taking the property of
11 another while armed with a deadly weapon, a gun, or --
12 because we never found the gun -- anything that looks
13 like a gun or making someone think you have a gun.

14 Shannon Bone tried to hide. She tried to do it
15 in darkness, but through the investigation and the
16 brave store clerks that chased her down, it was
17 brought to light. She left clues, and she left trails
18 that stretched from here to Alabama. Shannon Bone is
19 guilty of armed robbery. At the end of the trial,
20 we'll ask you to evaluate the evidence and find that
21 she is the one who robbed the 521 MiniMart on New
22 Year's Eve 2017 while armed with a deadly weapon, or
23 what she made that clerk think was a deadly weapon.
24 Thank you.

25 THE COURT: Mr. Harte, does the defense wish to

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

OPENING STATEMENT - MR. HARTE

1 make an opening statement?

2 MR. HARTE: Yes, Your Honor. May it please the
3 Court?

4 THE COURT: All right.

5 MR. HARTE: Good morning. How are you all? I'm
6 not going to get into any substantive or evidentiary
7 things. You will be the finders of fact. You will
8 make the ultimate decision. You are going to hear
9 from every witness. You are going to see every video.
10 You will see everything. Ultimately, you will make
11 the decision on not what the Solicitor just stated,
12 but it will be your decision.

13 As we go through this trial, there is a couple of
14 things I want you to keep in mind throughout the
15 duration of it. In this great country and in our
16 judicial system, everyone, every defendant, is
17 presumed innocent. It has been described as like the
18 defendant is wearing a robe of righteousness. So as
19 you go through all of this evidence, I want you to
20 hold true to that oath that you gave and presume that
21 Shannon Bone is innocent.

22 The second thing I would like you to keep in mind
23 is the burden of proof. In criminal court, the burden
24 of proof is beyond a reasonable doubt. It is the
25 highest burden in any court system; family court,

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

COURT AND ATTORNEYS

1 where they can take your kids away, civil court where
2 you get hurt in a wreck or in work, the highest burden
3 in our entire court system beyond a reasonable doubt.
4 You have to be firmly convinced of every element of
5 this crime. I don't have to prove anything to you.
6 The burden is not on me. It is not on my client,
7 Shannon Bone. The burden is on the State to prove
8 every single element to you beyond a reasonable doubt.
9 I ask you to keep that in mind as we go through the
10 trial and throughout the rest of the week.

11 Lastly, Ms. Bone is not here. She has fallen
12 ill. She didn't want to be here because of that
13 illness, out of an abundance of caution. I ask you to
14 treat this trial the exact same as if she was sitting
15 next to me. Thank you.

16 THE COURT: Ladies and gentlemen, we'll now begin
17 the evidentiary portion of this trial with the State's
18 case.

19 State, call your first witness.

20 MS. SMITH: Your Honor, can we take about a
21 second so that we can get the TV set up, because we
22 will be using the television for the first witnesses?

23 THE COURT: All right. Ladies and gentlemen, it
24 is going to take them awhile to set this up, so I'll
25 excuse you back to the jury room. Do not discuss the

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

COURT AND ATTORNEYS

1 case among yourselves. Do not conduct any
2 investigation while the case gets ready to be
3 presented, and we'll bring you out in a moment.

4 (The jury exits at 10:35 a.m., and the
5 following is heard out of the presence of the jury.)

6 (A recess was taken.)

7 THE COURT: Anything from the State before we
8 bring the jury in?

9 MS. SMITH: No, Your Honor.

10 THE COURT: Defense?

11 MR. HARTE: We request -- and probably should
12 have brought this up before opening -- we request an
13 order for Ms. Bone to be taken to the hospital and
14 receive further treatment. We've called out to the
15 jail and they are doing their best, but we thought an
16 order by Your Honor would be -- to get her here as
17 soon as we can.

18 THE COURT: I don't know that I can order medical
19 treatment. I don't know -- I've never issued an order
20 that forces medical treatment.

21 MR. HARTE: I've never been in this situation
22 where my client fell ill during trial, but I wanted to
23 throw it out there.

24 THE COURT: I'm not inclined -- I mean, it is one
25 thing if she wants medical treatment and they are

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

LISA PRICE - DIRECT EXAMINATION

1 refusing to treat her; it is another thing for me to
2 order treatment that she doesn't want. I don't know
3 that I can force someone to receive medical treatment.

4 MR. HARTE: I understand, Your Honor.

5 THE COURT: If you find something that gives me
6 some guidance, I'll take a look at it, but now I'm not
7 inclined to do that. Thank you.

8 Anything further from the defense before we bring
9 the jury in?

10 MR. HARTE: No, Your Honor.

11 THE COURT: Let's bring the jury in.

12 (The jury enters at 10:41 a.m., and the
13 following is heard in the presence of the jury.)

14 THE COURT: Ms. Smith, Ms. Richardson, call your
15 first witness.

16 MS. RICHARDSON: State call Lisa Price.

17 (LISA PRICE, having been duly sworn, testified
18 as follows:)

19 THE CLERK: Please be seated and state your full
20 name for the record, and spell your first and last
21 name.

22 THE WITNESS: Lisa Price, L-I-S-A, P-R-I-C-E.

23 DIRECT-EXAMINATION

24 BY MS. RICHARDSON:

25 Q If you could pull the microphone up. Where are

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

LISA PRICE - DIRECT EXAMINATION

1 you from?

2 A Georgetown.

3 Q Born and raised here?

4 A Yes, ma'am.

5 Q Where do you work?

6 A 521 MiniMart.

7 Q What do you do there?

8 A Manager.

9 Q And how long have you worked at the 521 MiniMart?

10 A Seventeen years.

11 Q And let me show you what has been marked as

12 State's 4 for identification; what is that?

13 A Yes, ma'am, that is 521 MiniMart.

14 Q What highway is it on?

15 A 521.

16 Q Is that a picture of you from across 521?

17 A Yes, ma'am.

18 Q Are you working today?

19 A Yes, ma'am.

20 Q When you leave here you --

21 A I have to go back to work.

22 Q All right.

23 MS. RICHARDSON: At this time I offer State's 4

24 into evidence.

25 MR. HARTE: Without objection.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

LISA PRICE - DIRECT EXAMINATION

1 THE COURT: State's 4 into evidence without
2 objection.

3 (State's Exhibit 4 admitted.)

4 Q (MS. RICHARDSON) Does 521 MiniMart have cameras?

5 A Yes, ma'am.

6 Q Where are they located?

7 A Like in several different locations inside and
8 out.

9 Q And let me show you what is marked as State's
10 No. 5; do you recognize this?

11 A Yes, ma'am.

12 Q Tell me what that is.

13 A That's my initials.

14 Q On a flash drive?

15 A Yes, ma'am.

16 Q If you had -- have you had a chance to review
17 that thumb drive?

18 A Yes, ma'am.

19 Q What is on that?

20 A The whole incident.

21 Q Is it surveillance videos of the robbery?

22 A Yes, ma'am. Yes, ma'am.

23 Q From December 31, 2017?

24 A Yes, ma'am.

25 Q And is that an accurate depiction of the videos

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

LISA PRICE - DIRECT EXAMINATION

1 that were downloaded?

2 A Yes, ma'am.

3 Q And are those timestamped by the machine?

4 A Yes, ma'am.

5 Q And can you alter those or change those in any
6 way?

7 A No, ma'am. No, ma'am.

8 Q So they are simply downloaded and provided?

9 A Yes, ma'am.

10 MS. RICHARDSON: Your Honor, I would offer
11 State's No. 5 into evidence.

12 THE COURT: Any objection?

13 MR. HARTE: Without objection.

14 THE COURT: State's 5 admitted into evidence
15 without objection.

16 (State's Exhibit 5 admitted.)

17 Q (MS. RICHARDSON) Do you know Shannon Bone?

18 A No, ma'am, I don't personally know her, I just
19 know of her.

20 Q Does she own the store?

21 A No, ma'am, she's never owned it.

22 MS. RICHARDSON: No further questions. Answer
23 any questions that Mr. Harte may have for you.

24 THE COURT: All right. Mr. Harte.

25 MR. HARTE: No questions for this witness.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

DESA ARMSTRONG - DIRECT EXAMINATION

1 THE COURT: You may step down.

2 MS. RICHARDSON: We ask her to be excused from
3 the subpoena.

4 MR. HARTE: No objection.

5 THE COURT: She's free to go.

6 MS. SMITH: State calls Desa Armstrong.

7 THE COURT: If you will come forward, please.

8 (DESA ARMSTRONG, having been duly sworn,
9 testified as follows:)

10 THE CLERK: State your full name and spell your
11 first and last name.

12 THE WITNESS: Desa Armstrong, D-E-S-A,
13 A-R-M-S-T-R-O-N-G.

14 DIRECT-EXAMINATION

15 BY MS. SMITH:

16 Q Can you tell the jury where you are from.

17 A I'm from Santee.

18 Q And, generally speaking, where do you live now?

19 A Andrews, South Carolina.

20 Q And were you born and raised in South Carolina?

21 A Yes, ma'am.

22 Q Do you have any kids?

23 A One son.

24 Q How old is he?

25 A One.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

DESA ARMSTRONG - DIRECT EXAMINATION

1 Q That is a fun age right there.

2 A Yeah.

3 Q What type of work have you generally done?

4 A I clean rooms on the beach and also work at gas
5 stations, and I used to work at Debbie Doo; I was a
6 waitress.

7 Q Talking about gas stations, have you ever worked
8 at 521 MiniMart?

9 A Yes.

10 Q Where is that, the 521 MiniMart?

11 A On 521 Highway.

12 Q Between what cities?

13 A Between Andrews and Georgetown.

14 Q Were you working at the 521 MiniMart on the early
15 morning of December 31, 2017?

16 A Yes, ma'am.

17 Q And can you tell the jury, did you get into work
18 on time that morning?

19 A No.

20 Q And had you ever worked that shift before?

21 A No, first time ever.

22 Q What is that -- what was that shift?

23 A It was morning shift, 6:00 to 2:00.

24 Q Now, the shift before the 6:00 to 2:00 shift, do
25 you know what hours that would be?

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

DESA ARMSTRONG - DIRECT EXAMINATION

1 A That was 10:00 to 6:00.

2 Q Are there any special rules about who can work
3 the 10:00 to 6:00 shift?

4 A Not really special rules, just had certain people
5 working. Sometimes I worked it.

6 Q Do you have to have more than one person?

7 A Yes, two people.

8 Q Okay. When you start a shift at the 521
9 MiniMart, how much money did you typically have in the
10 register?

11 A 200.

12 Q And on December 31, 2017, did that start as a
13 normal day on your shift?

14 A A very normal day.

15 Q And can you tell the jury what happened?

16 A Got to work, counted my drawer, made sure it was
17 200. It was normal. Everyone coming in the store. I
18 had at least ten customers before, and then that is
19 when she came in the store.

20 Q When you say someone came in the store, can you
21 describe the person that came in the store?

22 A She had on a black hoody. She was dressed like
23 it was snowing outside.

24 Q Keep going, sorry.

25 A Then her face was covered, just eyes and nose

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

DESA ARMSTRONG - DIRECT EXAMINATION

1 showing, so I couldn't really tell who she was. She
2 was just dressed weird. I was looking at her the whole
3 time like, Why you dress like that? It was just weird
4 how she was dressed.

5 Q Was she in the store for a long time?

6 A Very long time. Took her a good minute to come
7 to the register.

8 Q What was the weather like outside?

9 A It was cool outside. It wasn't that cold to how
10 she was dressed, but it was cold outside.

11 Q What was it like in the store? What was the
12 temperature in the store?

13 A Hot.

14 Q Were you warm?

15 A Very warm.

16 Q Okay. When this person walked up to the
17 register, can you tell the jury what happened then?

18 A She came up to the register. She had two
19 candies, a soda, and she asked for two packs of Seneca
20 Reds, I think a hundred. That is when I pulled the
21 cigarettes down, rang them up, and about to total it,
22 and that is when she pulled the gun out and said, "Give
23 me all of your money."

24 Q Did you comply?

25 A Yes.

DESA ARMSTRONG - DIRECT EXAMINATION

1 Q What happened then?

2 A Well, I was shocked at first. It took me a
3 minute to realize I'm getting robbed. Then my hand was
4 shaking, of course, because she had a gun. I was
5 scared. But then -- it didn't like look that in the
6 video, but I was terrified. I don't know how I
7 remained calm, but I did. But she told me to get the
8 bag. That is when I grabbed the bag and put money in
9 the bag, hands shaking still. She put the rest of the
10 stuff in the bag, the candy, soda, and cigarettes, and
11 she said, "Sorry," and walked out.

12 Q And have you reviewed the videos from the store?

13 A Yes.

14 MS. SMITH: Your Honor, I'll publish parts of
15 State's Exhibit 5, which has already been entered into
16 evidence. Give me one second.

17 (A brief pause in the proceedings.)

18 MS. SMITH: For the record, this is State's
19 Exhibit 5, Channel 34. It starts at 6:35:12.

20 Q (MS. SMITH) Desa, can you see the monitor beside
21 you?

22 A I see it now, yes.

23 (State's 5 published to the jury.)

24 Q (MS. SMITH) Is there any sound on this video?
25 Can you hear any sound?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

DESA ARMSTRONG - DIRECT EXAMINATION

1 A No, ma'am.

2 Q Right here, is someone walking through the door?

3 A Yes.

4 Q And do you recall who that was that walked
5 through the door?

6 A No, ma'am, couldn't see the face.

7 Q At 6:36, would that have been the person all
8 covered up, bundled up, coming in the store?

9 A Yes.

10 Q Who is that ringing up the customer right there?

11 A Nadine.

12 Q Nadine Reed?

13 A Nadine Reed, yes.

14 Q Now, Ms. Armstrong, over by the lottery tickets,
15 are you able to see if there is a person in the back of
16 that store?

17 A Yes.

18 Q Okay. Is that the person who robbed you, in the
19 back of the store?

20 A Yes.

21 Q And that was at 6:39 in the video.

22 This man that just came up, was he a regular
23 customer at the 521 MiniMart; do you recall?

24 A I really don't know.

25 Q At this point in time, other than you and the

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

DESA ARMSTRONG - DIRECT EXAMINATION

1 defendant, is he the only other person in the store?

2 A Yes.

3 Q Is that you in the green shirt?

4 A Yes.

5 Q At 6:44:54, are you and the defendant the only
6 two people in the store?

7 MR. HARTE: Objection, Your Honor, it is leading.

8 THE COURT: Let's not lead. Sustained.

9 Q (MS. SMITH) At this point in time, who else is
10 in the store? Who was in the store?

11 A It was me, her, and the other witness.

12 Q Okay. Had she been in the store since 6:36 at
13 this point in time?

14 A Yes.

15 Q Can you tell the jury what you are grabbing here?

16 A Two packs of Seneca Reds.

17 Q And what happens here?

18 A She pulled out the gun.

19 Q And what did you do?

20 A Stepped back, opened the register.

21 Q Did she say anything to you?

22 A She grabbed a bag.

23 Q What about money, did she ask you anything about
24 the money?

25 A She asked if money was under the register, and I

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

DESA ARMSTRONG - DIRECT EXAMINATION

1 told her I just got here.

2 Q Did she say anything else to you?

3 A After she bagged her stuff up, she said, "I'm
4 sorry," and walked out.

5 Q What was your thought process during this time?

6 A Did this really happen? Did she really pull out
7 a gun and rob me?

8 Q So what did you do? What did we just see you do?

9 A I'm trying to call -- get their attention, my
10 co-workers' attention, Nadine and Thomas.

11 Q Where are they?

12 A Outside.

13 Q And did you tell anybody else that you had been
14 robbed?

15 A I told the other witness that was in the store
16 that I just got robbed.

17 Q Is that Mr. Graham?

18 A Yes.

19 MS. SMITH: Your Honor, I'm stopping the video at
20 6:48:08.

21 Q (MS. SMITH) After you got robbed, did you call
22 the police?

23 A Yes.

24 MS. SMITH: I'm showing the witness what is
25 premarked for identification purposes as State's

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

DESA ARMSTRONG - DIRECT EXAMINATION

1 Exhibit 8.

2 Q What is that?

3 A CD of the 911 call.

4 Q Have you had an opportunity to review it?

5 A Yes.

6 Q Has it been altered, manipulated, or changed in
7 any way?

8 A No, ma'am.

9 Q How do you know that is the CD you reviewed?

10 A I watched it and I have my initials on it.

11 MS. SMITH: Your Honor, at this time the State
12 seeks to introduce State's 8 into evidence.

13 THE COURT: Any objection?

14 MR. HARTE: Without objection.

15 THE COURT: State's 8 admitted without objection.

16 MS. SMITH: Permission to publish?

17 THE COURT: All right.

18 (State's Exhibit 8 admitted.)

19 Q (MS. SMITH) When you yelled outside that you had
20 just been robbed, what did your co-workers do?

21 A Chased her.

22 Q Were they able to catch her?

23 A They approached her vehicle, but stopped because,
24 I mean, she had a gun.

25 (State's 8 published to the jury.)

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

DESA ARMSTRONG - DIRECT EXAMINATION

1 MR. HARTE: Your Honor, I have to object; this is
2 hearsay. This is not Ms. Armstrong on the video.

3 THE COURT: Overruled. I'll allow it.

4 (State's 8 continued to be published to the
5 jury.)

6 MS. SMITH: Your Honor, we are going to have to
7 stop it. It cuts off right in the middle of that
8 part, so I'll rewind it several seconds.

9 (State's 8 published to the jury.)

10 Q (MS. SMITH) When the person came up to the
11 register, can you tell me any -- could you tell me
12 what race that person was?

13 A She's white.

14 Q And what gender?

15 A Female.

16 Q And had you noticed this person in the store in
17 the past ten minutes or so?

18 A She had been in the store for like ten minutes.

19 Q Did you notice her in the store?

20 A Yeah.

21 Q Why did you notice her?

22 A Because of what she was wearing.

23 Q And was this before Covid-19?

24 A Way before Covid.

25 Q Was it normal for people to wear masks in the

DESA ARMSTRONG - DIRECT EXAMINATION

1 store?

2 A No.

3 MS. SMITH: I'm approaching the witness with what
4 is premarked State's Exhibit 6 and 7 for
5 identification purposes.

6 Q (MS. SMITH) What is State's Exhibits 6 and
7 State's 7, or what am I showing you?

8 A Me ringing up her stuff.

9 Q Okay. And 7?

10 A Backing up from the gun.

11 Q And other than them being copies from the video
12 that we just watched, is that a true and accurate
13 depiction of what happened that day?

14 A Yes.

15 Q Have they been altered or manipulated?

16 A No.

17 MS. SMITH: At this time the State seeks to enter
18 State's Exhibits 6 and 7 into evidence and publish to
19 the jury.

20 THE COURT: Any objection?

21 MR. HARTE: Without objection.

22 THE COURT: State's Exhibits 6 and 7 admitted
23 without objection.

24 (State's Exhibits 6 and 7 admitted.)

25 Q (MS. SMITH) When we talk about State's 6, what

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

DESA ARMSTRONG - DIRECT EXAMINATION

1 do you have in your hand?

2 A Cigarettes.

3 Q What kind?

4 A Seneca Reds.

5 Q Can you see the defendant in this picture?

6 A Yes, her hand.

7 Q Now, talk to me about that hand with Picture No.

8 7; can you see the defendant in that picture?

9 MR. HARTE: Objection, Your Honor, leading.

10 THE COURT: Let's not lead. Ask her what she
11 sees in the picture.

12 Q (MS. SMITH) What is in the defendant's hand --

13 MR. HARTE: Objection, Your Honor.

14 THE COURT: I'll allow her to say what is in the
15 hand.

16 A A handgun, looks like, with tape around it.

17 Q (MS. SMITH) Okay. What are you doing?

18 A Backing up.

19 Q And so what hand is the handgun in?

20 A Looks like her right.

21 Q Were you thinking about which hand the handgun
22 was in at this moment?

23 A No.

24 Q Ms. Armstrong, how tall are you?

25 A 5'5".

DESA ARMSTRONG - DIRECT EXAMINATION

1 Q At the 521 MiniMart, is there any step down
2 between the customer and where you were standing behind
3 the cashier?

4 A No, ma'am.

5 Q An even floor?

6 A Yes.

7 Q How tall do you believe the defendant was?

8 MR. HARTE: Objection, Your Honor.

9 THE COURT: I'll allow it.

10 A Looks like she was around my height.

11 Q (MS. SMITH) How tall are you?

12 A Five foot five.

13 Q When she left, did she say anything to you?

14 A Before she left and took the bag, she said, "I'm
15 sorry."

16 Q And at that point in time, did you recognize that
17 voice?

18 A Not really, no.

19 Q Had you heard that voice before at a different
20 location?

21 A Yes.

22 Q Where had you heard that voice?

23 A At the store at Beverage Depot.

24 Q Whose voice was it?

25 A Shannon Bone.

DESA ARMSTRONG - CROSS-EXAMINATION

1 MS. SMITH: Beg the Court's indulgence.

2 Q (MS. SMITH) One follow-up. Why didn't you alert
3 the customer that you were getting robbed?

4 A I wasn't going to put myself or anyone else's
5 life on the line.

6 MS. SMITH: No further questions, Ms. Armstrong.
7 Answer any questions that the defense may have.

8 Mr. Harte, do you want me to move that?

9 MR. HARTE: It's fine.

10 THE COURT: Cross-examination.

11 CROSS-EXAMINATION

12 BY MR. HARTE:

13 Q How are you, Ms. Armstrong?

14 A Good.

15 Q So this person comes in the store, and your
16 testimony is that she was wearing a black hoody?

17 A Yes.

18 Q Black pants?

19 A Yes.

20 Q And you are sure about that?

21 A Positive.

22 Q And a black cover?

23 A Yes.

24 Q You also testified it was a female?

25 A Yes.

DESA ARMSTRONG - CROSS-EXAMINATION

1 Q You also testified that she was white?

2 A Yes.

3 Q All you can tell about her was this much of her
4 face?

5 A Yes.

6 Q Correct?

7 A Yes.

8 Q Kind of like raccoon eyes?

9 A Her eyes and nose.

10 Q How long had you been working at 521?

11 A Few months.

12 Q And do a lot of people buy cigarettes?

13 A Yes.

14 Q Is Seneca cigarettes a popular brand that you
15 sell there?

16 A Not really.

17 Q But that is a South Carolina cigarette, correct?

18 A Yes.

19 Q And you sold them to people before?

20 A Yes.

21 MR. HARTE: No further questions.

22 THE COURT: Redirect?

23 MS. SMITH: Nothing for this witness, Your Honor.

24 THE COURT: You may step down.

25 MS. SMITH: We ask her to be relieved.

THOMAS CRAWFORD - DIRECT EXAMINATION

1 MR. HARTE: Without objections.

2 THE COURT: State, call your next witness.

3 MS. SMITH: Thomas Crawford.

4 THE COURT: Sir, if you will come forward,
5 please.

6 (THOMAS CRAWFORD, having been duly sworn,
7 testified as follows:)

8 THE CLERK: State your full name for the record
9 and spell your first and last.

10 THE WITNESS: Thomas Crawford, T-H-O-M-A-S,
11 C-R-A-W-F-O-R-D.

12 THE COURT: You can be seated.

13 DIRECT-EXAMINATION

14 BY MS. SMITH:

15 Q Mr. Crawford, where are you from?

16 A Andrews.

17 Q Born and raised?

18 A Yes, ma'am.

19 Q And, generally speaking, where do you live now?

20 A Andrews.

21 Q What type of work have you done in the past?

22 A Cashier for gas station.

23 Q Back on December 31, 2017, where were you
24 working?

25 A 521 MiniMart.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THOMAS CRAWFORD - DIRECT EXAMINATION

1 Q Were you working on the night of December 30,
2 2017 and into the early morning of December 31, 2017?

3 A Yes.

4 Q What was that shift?

5 A That was 10:00 p.m. to 6:00 a.m.

6 Q Was anyone working with you that evening?

7 A Yes, my co-worker Nadine.

8 Q Are there any special rules about working the
9 graveyard shift at 521 MiniMart?

10 A Typically, if there is people in the store, we
11 don't leave one cashier alone.

12 Q Do you have to have more than one cashier?

13 A Yes.

14 Q Do you recall if the defendant came in on the
15 early morning hours of December 31, 2017?

16 A Yes.

17 Q Did you interact with the defendant?

18 MR. HARTE: Objection, Your Honor. May we
19 approach?

20 THE COURT: All right.

21 (Whereupon, a bench conference was had.)

22 Q (MS. SMITH) Did you review any surveillance
23 footage in this case?

24 A Yes, I did.

25 Q Particularly at 2:00 a.m., did a female come into

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THOMAS CRAWFORD - DIRECT EXAMINATION

1 the store?

2 A Yes, ma'am.

3 Q The time on the video is currently 2:02:49.

4 (Published to the jury.)

5 Q (MS. SMITH) Mr. Crawford, are you in this video?

6 A Yes, I am.

7 Q Where are you?

8 A Behind the counter.

9 Q If I move the mouse to it --

10 A Yes, that's me.

11 Q Okay. What are you doing at this point?

12 A Grabbing cigarettes that she asked for.

13 Q Do you recall what type of cigarettes?

14 A Seneca Reds and Seneca Greens.

15 Q And, approximately, what time is this?

16 A A little after 2 o'clock.

17 Q Do you know who this woman is in front of you?

18 A Yes; that is Shannon Bone.

19 Q And, to your knowledge, what is happening in this
20 video right now?

21 A Right now she's counting a bunch of change to pay
22 for the cigarettes.

23 Q Was there other work that needed to be done
24 during this time?

25 A Yes. We still had to prepare for breakfast and

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THOMAS CRAWFORD - DIRECT EXAMINATION

1 stock the coolers.

2 Q Were you able to do so during this time period?

3 A No, I couldn't leave my co-worker up there.

4 Q Why is that?

5 A We don't typically leave the cashier by herself
6 if there is someone in the store at night.

7 Q And at this point in the video, what --
8 approximately, what time is it?

9 A It is about 2:06 in the morning.

10 Q What's happening in this video right now?

11 A Right now counting change, mostly pennies,
12 waiting for her to hurry up so I could go stock the
13 cooler.

14 Q What's happening in the video right now?

15 A She's leaving out of the store, and I'm helping
16 my co-worker pick up all the change and put it in the
17 cash register.

18 Q Approximately, what time is it?

19 A 2:08.

20 Q Mr. Crawford, do you recall seeing that vehicle
21 on the screen that evening?

22 A Yes, I do.

23 Q Mr. Crawford who is it that gets into that
24 vehicle?

25 A Shannon Bone.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THOMAS CRAWFORD - DIRECT EXAMINATION

1 Q Mr. Crawford, did you happen to see that vehicle
2 again on December 31st of 2017?

3 A Yes, I did.

4 Q When did you see that vehicle again?

5 A It was roughly 6:30 that morning. It was parked
6 in the median of 521.

7 Q And what happened that drew your attention to
8 that vehicle?

9 A There was a person that was running towards the
10 vehicle after I tried to get her to stop.

11 Q And what alerted you to get her to stop?

12 A One of my co-workers and customers inside the
13 store yelled at me that they just got robbed.

14 Q So what did you do?

15 A I called after her and told her to stop, because
16 they were getting my attention so I thought they wanted
17 her. I called out to her for her to stop. She
18 stopped, looked at me, turned around and kept on
19 walking; that is when they opened the door and said,
20 hey, she just robbed us. So I called after her again,
21 and she took off running, so I chased after her.

22 Q Did you review any of that camera footage as
23 well?

24 A Yes, I did.

25 MS. SMITH: Your Honor, State's 5. We're playing

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THOMAS CRAWFORD - DIRECT EXAMINATION

1 Channel 9 publishing to the jury. The video will
2 start at 6:44:17.

3 Q (MS. SMITH) Mr. Crawford, do you see yourself in
4 this video?

5 A Yes; I was standing in front of my vehicle.

6 Q And where the mouse is, can you tell me who that
7 is?

8 A That is me.

9 Q Who are you speaking to?

10 A My co-worker, Nadine, who I worked with that
11 night.

12 Q Is anything particular happening at that moment?

13 A Well, we were warming our cars up. I was waiting
14 to see if hers would start. She was having car issues,
15 so I was sticking around to make sure she was going to
16 be okay.

17 Q Behind Ms. Reed's car, what is it behind you all?

18 A It is Highway 521.

19 Q And how many lanes is 521?

20 A It's a double lane.

21 Q Going both directions?

22 A Yeah; two lanes on each side.

23 Q Is there anything else in the middle of the
24 highway?

25 A There is a grassy median.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THOMAS CRAWFORD - DIRECT EXAMINATION

1 Q Mr. Crawford, is anything special happening in
2 the camera at 6:47:39?

3 A Not that I know of, no.

4 Q What about now?

5 A Yeah; I am running.

6 Q What about Ms. Reed?

7 A She's also running with me.

8 Q Where are you all running?

9 A Towards the median of 521.

10 Q Why?

11 A Because we were chasing after somebody.

12 Q Could you tell anything -- could you tell
13 anything about the person that you were chasing?

14 A I could tell their race, because I could see
15 right here (indicates).

16 Q What was their race?

17 A They were white.

18 Q Could you tell anything else?

19 A Yeah. They were slim figured, black hoody, I
20 think brown shoes. They didn't say anything.

21 Q Could you tell the gender of the person you were
22 chasing?

23 A At the time, no.

24 Q And I'll show you what is marked as State's
25 Exhibit 9. Mr. Crawford, what am I showing you?

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

THOMAS CRAWFORD - DIRECT EXAMINATION

1 A This is Highway 521 and the 521 MiniMart.

2 Q And is that an accurate representation of a
3 satellite view of 521?

4 A Yes.

5 Q Has it been altered --

6 A No.

7 Q -- other than the marks that have been put on it
8 notating what it is?

9 A No.

10 MS. SMITH: Your Honor, State moves to introduce
11 State's Exhibit 9 into evidence.

12 THE COURT: Any objection?

13 MR. HARTE: Without objection.

14 THE COURT: State's 9 admitted without objection.

15 (State's Exhibit 9 admitted.)

16 Q (MS. SMITH) Mr. Crawford, can you tell me on
17 State's 9 where the car that you -- where the person
18 was getting into that you were chasing, where it was
19 parked?

20 A Right here.

21 Q Indicating by a blue mark?

22 A Yes.

23 Q And in this -- on the screen right here, which is
24 still Channel 9, will you direct my mouse to where the
25 car was parked? If my mouse is in the upper-right

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THOMAS CRAWFORD - DIRECT EXAMINATION

1 corner, where do I go?

2 A Take it to the left corner, please. A little bit
3 further.

4 Q Right about in there?

5 A Right about at the first gas pump, yeah. Right
6 over there.

7 Q When you chased after this person, did you follow
8 them to the vehicle?

9 A Yes, I did.

10 Q Were you able to determine what type of vehicle
11 it was?

12 A Yes, I was.

13 Q What type of vehicle was it?

14 A Chevy Trailblazer.

15 Q Were you able to get any information from that?

16 A I was able to obtain the license plate number.

17 Q I know it was years, but do you happen to
18 remember that number?

19 A No.

20 Q Had you seen that vehicle before?

21 A Yes, I have.

22 Q When had you seen that video before?

23 A Earlier that night.

24 MS. SMITH: I just showed defense counsel State's
25 10 through 19. Approaching the witness with the same

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THOMAS CRAWFORD - DIRECT EXAMINATION

1 exhibits.

2 Q (MS. SMITH) If you could, tell me what these
3 are?

4 A Picture 10 is a photo of 521 MiniMart.

5 Q Other than being a clipping of a video we just
6 saw, has it been altered or manipulated in any way?

7 A No.

8 Q Go to the next one.

9 A Number 11 is Shannon Bone exiting the 521
10 MiniMart.

11 Q Other than it being a clipping of the video we
12 just saw, has it been altered or manipulated in any
13 way?

14 A No.

15 Number 12 is Shannon Bone exiting her vehicle to
16 go into the 521 MiniMart.

17 Q Other than it being a clipping we just saw, has
18 it been altered or manipulated in any way?

19 A No.

20 Number 13 is her exiting the vehicle coming into
21 the store.

22 Q Other than it being from the video, has it been
23 altered or manipulated in any way?

24 A No.

25 Fourteen is the same thing.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THOMAS CRAWFORD - DIRECT EXAMINATION

1 Q Has it been altered or manipulated in any way?

2 A No.

3 Number 15 is the person who robbed us that
4 morning.

5 Q And is that a true and accurate copy of a
6 surveillance video that you previously reviewed?

7 A Yes.

8 Q Has it been altered or manipulated in any way?

9 A No.

10 Number 16 is that same person entering the store
11 from the outside.

12 Q Is that how you remember it? Has it been altered
13 or manipulated in any way?

14 A No.

15 Number 17 is the person exiting the store after
16 they robbed us.

17 Q And has that been altered or manipulated in any
18 way?

19 A No.

20 This one is the same person leaving the --
21 walking away from the store.

22 Q Has it been altered or manipulated in any way?

23 A No.

24 Number 19 is the same person leaving the store.

25 Q Other than it being a clipping, has it been

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THOMAS CRAWFORD - DIRECT EXAMINATION

1 altered or manipulated in any way?

2 A No.

3 Q Are those fair and accurate, true copies?

4 A Yes.

5 Q Sorry, you have to say yes or no for the court
6 reporter.

7 A Sorry. Yes. Yes. Yes.

8 MS. SMITH: Your Honor, at this point in time we
9 introduce State's Exhibits 10 through 19 into
10 evidence.

11 THE COURT: Any objection?

12 MR. HARTE: Without objection.

13 THE COURT: State's 10 through 19 admitted.

14 (State's Exhibits 10-19 admitted.)

15 Q (MS. SMITH) I'm handing you State's Exhibits 13
16 and 14. Mr. Crawford, what type of vehicle is that?

17 A A Chevy Trailblazer.

18 Q Is that the same vehicle that you saw at 2:00
19 a.m.?

20 A Yes, it is.

21 Q Is that the same vehicle that you saw at
22 6:48 a.m.?

23 A Yes, it is.

24 Q Who is depicted in that picture?

25 A Shannon Bone.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THOMAS CRAWFORD - CROSS-EXAMINATION

1 Q Is that from 2:00 a.m.?

2 A Yes, ma'am.

3 Q Although you don't recall the license plate
4 number today, were you able to give that license plate
5 number to the dispatch, the 911 dispatcher?

6 A Yes, I was.

7 MS. SMITH: Beg the Court's indulgence.

8 (A brief pause in the proceedings.)

9 MS. SMITH: Your Honor, I have no further
10 questions. Permission to publish the exhibits to the
11 jury?

12 THE COURT: All right.

13 (State's Exhibits published to the jury.)

14 (A brief pause in the proceedings.)

15 MS. SMITH: No further questions.

16 THE COURT: We have to finish publishing.

17 MS. SMITH: Oh, I apologize.

18 (A brief pause in the proceedings.)

19 THE COURT: Mr. Harte, cross-examination.

20 MR. HARTE: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. HARTE:

23 Q Mr. Crawford, how are you?

24 A All right.

25 Q So around 2:00 a.m. -- I don't think that the

THOMAS CRAWFORD - CROSS-EXAMINATION

1 State -- how do you know Shannon Bone?

2 A Just from coming to the store.

3 Q Just from being in the store?

4 A Yes.

5 Q And at 2:00 a.m. on the 31st of December, she
6 came in wearing a gray hoody?

7 A Yes.

8 Q And she was wearing blue jeans?

9 A Possibly.

10 Q Do I need to show you the State's exhibit?

11 A No. You are correct.

12 Q So blue jeans?

13 A Yes.

14 Q And she got some cigarettes?

15 A Yes.

16 Q And she paid for them?

17 A Yes.

18 Q Now, four-and-a-half hours later, when the store
19 was robbed, you were, essentially, underneath the end
20 of the covering where the gas pumps are?

21 A Yes.

22 Q And from there to the edge of 521, it's 15,
23 20 feet?

24 A Probably a little more than that.

25 Q Maybe 30 feet?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THOMAS CRAWFORD - CROSS-EXAMINATION

1 A Yeah.

2 Q And then to cross two lanes of traffic into the
3 median, probably another 20, 25?

4 A Yes.

5 Q And this is at 6:30 in the morning. You work
6 night shift, correct?

7 A Yes.

8 Q But you would agree with me that is about the
9 darkest of the night, at 6:30?

10 A Yes.

11 Q Are there any streetlights on 521?

12 A There is a streetlight on the corner of the
13 store, yes.

14 Q Of the store?

15 A Corner of the road beside the store at 521.

16 Q But on the highway there is no --

17 A It is on the corner of the highway.

18 Q Like a series of streetlights? It is not like a
19 lit-up highway?

20 A No.

21 Q But to the best of your recollection, you
22 remember a gray Trailblazer?

23 A Yes.

24 Q Now, the person that left the store, they were
25 wearing a black hoody?

THOMAS CRAWFORD - CROSS-EXAMINATION

1 A With a green hoody underneath. They were wearing
2 two hoodies.

3 Q You testified to the State that all you could see
4 were their eyes?

5 A As far as physical. The clothing wise, I could
6 see more. But as far as physical, all I could see of
7 them was their eyes, this part here (indicates).

8 Q You are wearing a black hoody and, yet, you can
9 still see a gray jacket underneath the hoody; is that
10 your testimony?

11 A Well, yeah, because the gray hoody was up also,
12 and the black was above that.

13 Q So two hoodies?

14 A Yes.

15 Q But they were wearing black pants?

16 A I'm not sure.

17 Q Can I show you the State's exhibit again? This
18 is State's Exhibit No. 7.

19 A Those are dark pants, yes.

20 Q Dark pants. All right.

21 It was also your testimony today that you
22 couldn't tell if it was a male or a female?

23 A Yes. At the time, I could not.

24 Q You had no idea. All you could see was this much
25 of that person?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

GERALD GRAHAM - DIRECT EXAMINATION

1 A Yes.

2 MR. HARTE: Thank you. Nothing further.

3 THE COURT: Redirect?

4 MS. SMITH: Nothing from the State.

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

6 MS. SMITH: We ask that he be relieved from
7 subpoena.

8 THE COURT: Any objection?

9 MR. HARTE: Without objection.

10 THE COURT: You are free to go. Thank you.

11 Let me see the attorneys for a second.

12 (Whereupon, a bench conference was had.)

13 THE COURT: State, call your next witness.

14 MS. SMITH: State call Gerald Graham.

15 THE COURT: Come up here.

16 (GERALD GRAHAM, having been duly sworn,
17 testified as follows:)

18 THE CLERK: State your full name and spell your
19 first and last name.

20 THE WITNESS: Gerald Graham, G-E-R-A-L-D,
21 G-R-A-H-A-M.

22 DIRECT-EXAMINATION

23 BY MS. SMITH:

24 Q Mr. Graham, where are you from?

25 A A small community.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

GERALD GRAHAM - DIRECT EXAMINATION

1 Q Generally speaking, where do you live now?

2 A Same place in Andrews.

3 Q Born and raised all of your life?

4 A Yes, ma'am.

5 Q Where are you employed?

6 A International Paper.

7 Q How long have you been there?

8 A Six years.

9 Q What do you do there?

10 A Production.

11 Q Were you working for International Paper on
12 December 30th, 2017 and December 31, 2017?

13 A Yes, ma'am.

14 Q And on your way into work, if you go into work in
15 mornings, do you stop anywhere?

16 A Yes, ma'am.

17 Q Where do you stop?

18 A 521, most of the time.

19 Q And December 31st of 2017, did you work at
20 International Paper that day?

21 A Yes, ma'am. I was heading to work.

22 Q So on the 30th, did you work?

23 A Yes, ma'am. I worked a double that day.

24 Q Tell me what the shifts are like at International
25 Paper for you.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

GERALD GRAHAM - DIRECT EXAMINATION

1 A At the time, it was eight hours, 7:00 to 3:00,
2 3:00 to 11:00, and then 11:00 to 7:00. I was working
3 day shift. I worked 7:00 to 3:00. My buddy called in,
4 and so I ended up working 3:00 to 11:00.

5 Q How many hours did you work?

6 A Sixteen hours.

7 Q And what was your usual shift at International
8 Paper?

9 A 7:00 to 3:00 usually, only.

10 Q Did you go home from IP, International Paper,
11 that night?

12 A Yes, ma'am.

13 Q And going home, do you pass the 521 MiniMart?

14 A Yes, ma'am.

15 Q Did you see any vehicle in the median at the 521
16 MiniMart when you passed by?

17 A Not going home, no, ma'am.

18 Q Did you work on December 31st, 2017?

19 A Yes, ma'am.

20 Q What shift were you supposed to run?

21 A 7:00 to 3:00. 7:00 a.m. to 3:00 p.m.

22 Q Did you wake up that morning and do your normal
23 routine?

24 A I was tired and woke up kind of late.

25 Q Did you?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

GERALD GRAHAM - DIRECT EXAMINATION

1 A Yes, ma'am.

2 Q After working 16 hours, did you stop at the 521
3 MiniMart before going back to work?

4 A Yes, ma'am, I did.

5 Q And when you went to the 521 MiniMart, did
6 anything happen while you were there?

7 A Yes, ma'am. Store got robbed.

8 Q Could you tell the jury what happened.

9 A When I walked in the store, I was tired. I went
10 to the cooler and got two or three energy drinks and a
11 biscuit. I was standing behind the person that was
12 robbing the store, which I didn't pay any attention
13 because I was really tired. I don't crowd people's
14 space, you know, when they are at register paying for
15 things. After the lady -- after they left, the cashier
16 was like, She just robbed me. I'm like, huh? I
17 realized what was going on. I went outside and, you
18 know, got the two people that was outside attention,
19 and they ran after her.

20 Q Did you run after this person?

21 A No, ma'am, I didn't.

22 Q Why didn't you run after her?

23 A Because all she said was the lady had a gun; I
24 had no part of that.

25 Q And could you tell anything about the person in

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

GERALD GRAHAM - DIRECT EXAMINATION

1 front of you?

2 A I could tell it was a small figured person and
3 that her mouth was covered, but I could see her eyes
4 and could tell she was a white lady, white person.

5 Q Was this before Covid?

6 A Yes, ma'am.

7 Q Was it normal for people to be wearing masks in
8 the stores?

9 A No, ma'am.

10 Q While you were in that store, did you hear
11 anything? Did you hear the person in front of you say
12 anything?

13 A No, ma'am, I didn't.

14 Q Did you see a gun?

15 A No, ma'am.

16 Q Were you tired?

17 A Yes.

18 Q Were you paying attention to everything involved
19 around you?

20 A No, I really wasn't. I was tired.

21 Q Once you found out, did you try to get help?

22 A Yes, I did. Like I said, the two people outside,
23 they were just getting off. And me being a regular, I
24 tried to waive them down while she was there because I
25 got -- I didn't want anyone -- and he was looking and I

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

GERALD GRAHAM - DIRECT EXAMINATION

1 thought she left something. She took off running, and
2 I said, She just robbed the store. They chased after
3 her.

4 Q Do you know if she fled on foot or if the person
5 ran to the vehicle?

6 A She ran to a vehicle.

7 Q Did you see that vehicle?

8 A I saw that vehicle before I even got to the
9 store, and it was odd because the windows were down.

10 Q Windows were down? Tell us about that. What was
11 odd about the windows being down?

12 A It was cold outside. I mean, I didn't pay
13 attention to it, like thinking too much about it, but
14 it wasn't right. Why would someone have their windows
15 down? It was really, really cold out there.

16 MS. SMITH: Beg the Court's indulgence.

17 THE COURT: All right.

18 (A brief pause in the proceedings.)

19 Q (MS. SMITH) Where was that vehicle?

20 A It was coming from Andrews it was in the median
21 before you get to 521.

22 Q Do you know which way it was facing?

23 A Towards Andrews.

24 Q Do you know which way that car took off towards?

25 A Towards Andrews.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

GERALD GRAHAM - CROSS-EXAMINATION

1 MS. SMITH: Your Honor, no further question for
2 this witness.

3 THE COURT: Cross-examination.

4 MR. HARTE: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. HARTE:

7 Q Mr. Graham, how are you?

8 A Good. How are you, sir?

9 Q Good. So when the store was robbed, you were
10 standing second in line?

11 A Correct.

12 Q You testified you couldn't tell anything about
13 the person in front of you?

14 A No.

15 Q Do you remember them wearing a black hoody?

16 A Yeah. She had a black hoody and black mask.

17 Q Do you remember black pants?

18 A Yes.

19 Q And black face covering?

20 A Right.

21 Q So you couldn't see anything about their face?

22 A Just the eyes. Like this part I could tell.

23 Q You just testified that you thought it was weird
24 that someone would wear a face covering?

25 A Right.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

GERALD GRAHAM - CROSS-EXAMINATION

1 Q Now, you remember writing a statement?

2 A Yes.

3 Q After speaking with law enforcement, you remember
4 writing a statement?

5 A Yeah.

6 Q Do you remember writing in your statement: "I
7 didn't think much of it because it was a little cold
8 outside"?

9 A Correct. But I also know that I wouldn't wear a
10 mask at that point in time, especially in the store.

11 Q You also wrote in your statement: "Dark color
12 scarf just enough to cover the eyes;" do you remember
13 writing that as well?

14 A If I wrote that, I mean under the eyes, not over
15 the eyes.

16 Q Just enough for the eyes?

17 A Just enough to see the eyes.

18 MR. HARTE: No further questions.

19 THE COURT: Redirect?

20 MS. SMITH: Nothing from the State. We ask that
21 he be relieved.

22 MR. HARTE: Without objection.

23 THE COURT: All right. Let me see the attorneys.

24 (Whereupon, a bench conference was had.)

25 THE COURT: Ladies and gentlemen, we're going to

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

GERALD GRAHAM - CROSS-EXAMINATION

1 go ahead and break for lunch. I'll let you go to
2 lunch on your own. Again, I caution you do not
3 discuss the case even among yourselves. Don't conduct
4 any investigations into the case. It is 12:10; be
5 back at 2 o'clock. That is about an hour and 45 to
6 eat lunch and get back. Hope everyone has a good
7 lunch. See you back at 2 o'clock.

8 (The jury exits at 12:12 p.m., and the
9 following is heard out of the presence of the jury.)

10 THE COURT: All right. Anything from the State
11 before we recess for lunch?

12 MS. SMITH: No, Your Honor.

13 THE COURT: Anything from the defense?

14 MR. HARTE: No, Your Honor.

15 THE COURT: We'll be in recess until -- I have
16 them going at 2 o'clock, so I'll take the bench as
17 soon after 2:00 as we can.

18 (A lunch recess was taken.)

19 THE COURT: All right. Anything from the State
20 before we bring the jury in?

21 MS. SMITH: Nothing from the State.

22 MR. HARTE: No, sir.

23 THE COURT: Let's bring the jury.

24 (The jury enters at 2:08 p.m., and the
25 following is heard in the presence of the jury.)

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

NADINE REED - DIRECT EXAMINATION

1 THE COURT: Ladies and gentlemen, welcome back.
2 I hope everyone had a good lunch and no one got too
3 wet over lunch break. We are ready to resume the
4 trial.

5 State, call your next witness.

6 MS. SMITH: State calls Nadine Reed.

7 (NADINE REED, having been duly sworn,
8 testified as follows:)

9 THE CLERK: State your full name and spell your
10 first and last name.

11 THE WITNESS: Nadine Reed, N-A-D-I-N-E, R-E-E-D.

12 DIRECT-EXAMINATION

13 BY MS. SMITH:

14 Q Hey, Ms. Reed.

15 A Hey.

16 Q Where are you from?

17 A Andrews.

18 Q Generally speaking, where do you live now?

19 A Andrews, but I'm originally from Camden, South
20 Carolina, sorry.

21 Q So born and raised in South Carolina?

22 A Yes.

23 Q What type of work have you generally done?

24 A Mostly cashier, housekeeping.

25 Q In December of 2017, do you recall where you were

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

NADINE REED - DIRECT EXAMINATION

1 working?

2 A Yes.

3 Q Where were you working?

4 A 521 MiniMart.

5 Q Were you working on the night of December 30th
6 and morning of December 31st of 2017?

7 A Yes, ma'am.

8 Q And what shift were you working?

9 A Third, graveyard shift.

10 Q Who were you working with?

11 A Thomas; I don't know the last name.

12 Q Did a female come into the store around 2:00 a.m.
13 on December 31st of 2017?

14 A Yes.

15 Q Could you tell the jury about that interaction.

16 A She was acting weird, counting a lot of change
17 that morning. She was scoping up the place, it seemed
18 like.

19 Q Did you see what type of car she was driving?

20 A Yes.

21 Q What type of car was she driving?

22 A SUV.

23 Q What did she buy when she was in there at
24 2:00 a.m.?

25 A Seneca Reds shorts.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

NADINE REED - DIRECT EXAMINATION

1 Q Ms. Reed, do you know who that woman was that
2 came in at 2:00 a.m.?

3 A Yes.

4 Q Who was it?

5 A Shannon Bone.

6 MS. SMITH: Showing witness State's 11 and 13
7 that has been entered into evidence.

8 Q (MS. SMITH) Ms. Reed, State's Exhibit 11 and 13,
9 does that depict the woman in this at 2:00 a.m.?

10 A Yes, ma'am.

11 Q Is that the car you saw in there at 2:00 a.m.?

12 A Yes, ma'am.

13 Q After she left the store, how did the rest of
14 your night go?

15 A Smooth sailing.

16 Q Did you have to count all of the change that she
17 gave you when she bought the cigarettes?

18 A I did.

19 Q Did you put it in the drawer?

20 A Me and my co-worker, Thomas.

21 Q What time did you get off of work that morning,
22 December 31st, 2017?

23 A Between 6:30 and 7 o'clock.

24 Q What time were you supposed to get off that
25 morning?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

NADINE REED - DIRECT EXAMINATION

1 A 6:30.

2 Q Did you have any car troubles that day?

3 A I did.

4 Q And do you know why Thomas was still around at
5 6:45?

6 A Just being a co-worker gentleman.

7 Q What was he doing being a co-worker gentleman?

8 A Standing around smoking a cigarette, making sure
9 everyone was okay.

10 Q Was that his normal habit?

11 A Yeah.

12 Q Did you notice a car parked in the median around
13 6:45 in the morning?

14 A No.

15 Q You did not at 6:45? What about later that
16 morning, did you notice a SUV parked in the median at
17 521 MiniMart?

18 A I did.

19 Q You did?

20 A I did.

21 Q What led up to you noticing that car?

22 A Well, Ms. Sharon (sic) Bone ran back towards the
23 road, and I noticed the vehicle was in the road.

24 Q How did you know to pay attention to Ms. Bone or
25 how did you know to pay attention to the person going

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

NADINE REED - DIRECT EXAMINATION

1 to the car?

2 A Shortly after that, my co-worker had yelled out
3 the door that she just got robbed.

4 Q When you heard that, what did you do?

5 A Me and my co-worker at the time ran after her.

6 Q And when you ran after her, what did she do?

7 A Ran faster.

8 Q Did you almost catch her?

9 A She's fast.

10 Q And where did she run to?

11 A To the truck in the median that I noticed.

12 Q When you ran after her, where did you run to? To
13 the truck?

14 A Yes, I did run to the truck. It was in the
15 median of 521 headed to Andrews side.

16 Q How close did you get to that vehicle?

17 A Pretty close.

18 Q Were you able to get the license plate?

19 A I did.

20 Q Where was Thomas during this time?

21 A He was right next to me.

22 Q And when she got into her car, how -- I mean, did
23 she drive away?

24 A Immediately.

25 Q Will you explain to the jury what that means,

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

NADINE REED - DIRECT EXAMINATION

1 immediately.

2 A She was pretty quick about proceeding on getting
3 in the truck to get away.

4 Q What way was the car facing?

5 A Andrews side.

6 Q Which way did she drive?

7 A Andrews/Sandpit side.

8 Q Have you reviewed any of the videos from the
9 morning of December 31st of 2017?

10 A Yes.

11 Q After you ran after her, did you go back in the
12 store?

13 A I did.

14 Q Ms. Reed, is this the video that you -- one of
15 the videos you reviewed in this case?

16 A Yes.

17 MS. SMITH: Your Honor, this is State's Exhibit
18 5. This is Video 33 starting at approximately
19 6:43 a.m.

20 (Published to the jury.)

21 Q (MS. SMITH) Ms. Reed, is this the woman you
22 chased down?

23 A Yes, ma'am.

24 Q Ms. Reed, who just walked in? What were you
25 feeling at that time?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

NADINE REED - DIRECT EXAMINATION

- 1 A Scared and crazy at the same time; I don't know.
- 2 Q Starting at 6:49:02.
- 3 MS. SMITH: I'm stopping at 7:02.
- 4 Q (MS. SMITH) Ms. Reed, do you know who owns the
- 5 521 MiniMart?
- 6 A Yes, ma'am.
- 7 Q Who is that?
- 8 A Susie and Raj Cumar (phonetic).
- 9 Q And did they own 521 MiniMart in December of
- 10 2017?
- 11 A Yes, ma'am.
- 12 Q What can you tell the jury about the person you
- 13 chased, physical features?
- 14 A She was white Caucasian. Very small, petite
- 15 woman.
- 16 Q When you say "petite," are you talking about
- 17 height or weight?
- 18 A Weight. Bony.
- 19 Q Could you tell gender?
- 20 A The gender?
- 21 Q Yes.
- 22 A Caucasian.
- 23 Q Gender.
- 24 A Oh, I'm sorry. Female. Female.
- 25 Q Are you a little nervous up there?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

NADINE REED - DIRECT EXAMINATION

1 A Just a little.

2 Q Now, going back to this vehicle real quick. At
3 some point in time, did you realize that you had seen
4 that vehicle before?

5 A Yes, ma'am.

6 Q Were you able to tell authorities when you had
7 seen that vehicle before?

8 A Yes, ma'am.

9 Q Can you tell the jury when you saw that vehicle
10 before?

11 A A little after 2 o'clock in the morning.

12 Q Okay.

13 MS. SMITH: I'm approaching with State's
14 Exhibit 12, Your Honor.

15 Q (MS. SMITH) Ms. Reed, can you tell the jury if
16 that is the vehicle that you saw at 2:00 a.m.?

17 A It is.

18 Q Is that the vehicle that you saw at 6:48 a.m.?

19 A It is.

20 Q And is that the woman that came into the store at
21 2:00 a.m.?

22 MR. HARTE: Objection, Your Honor, speculation.

23 THE COURT: Overruled.

24 Q (MS. SMITH) Is that the same for State's 11, 12
25 and 13?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

NADINE REED - CROSS-EXAMINATION

1 A All the same.

2 MS. SMITH: Approaching with State's 16 and 19.

3 Q Ms. Reed, State's 16 and 19, is that the woman
4 that you chased?

5 A It is.

6 Q What car did she get into?

7 A A Trailblazer.

8 Q Is that the same one from State's Exhibits 12 and
9 13?

10 A It is.

11 MS. SMITH: Beg the Court's indulgence.

12 I have no further questions.

13 THE COURT: Cross-examination.

14 MR. HARTE: Should we wait for the jury to look
15 at the photographs?

16 THE COURT: Yeah, we'll let them finish.

17 (A brief pause in the proceedings.)

18 THE COURT: All right. Mr. Harte.

19 MR. HARTE: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. HARTE:

22 Q I'll show you State's Exhibit No. 14, Ms. Reed.
23 That is at 2:00 a.m. on December 31st, and you were
24 working that night?

25 A Yes, sir.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

NADINE REED - CROSS-EXAMINATION

1 Q You testified you knew Shannon Bone; is that from
2 working at the gas station?

3 A Yes.

4 Q And she's wearing blue jeans?

5 A Yes.

6 Q And a gray sweater?

7 A Yes.

8 Q And her face isn't covered?

9 A Right.

10 Q She walks in, correct?

11 A Correct.

12 Q Goes up to the counter, buys cigarettes, and then
13 leaves?

14 A Not immediately.

15 Q Okay. But at some point she left?

16 A At some point.

17 Q Okay. Thank you.

18 This is State's Exhibit No. 17. Is that the
19 person that robbed the MiniMart?

20 A It is.

21 Q And they are wearing a black hoody?

22 A Yes.

23 Q And wearing black pants?

24 A Gray or black.

25 Q You testified that their face was covered?

NADINE REED - REDIRECT EXAMINATION

1 A Right.

2 Q Now, you are out by your vehicle by the gas
3 pumps?

4 A Right.

5 Q When you see the person leave the MiniMart, they
6 would be to your right?

7 A Right.

8 Q And they are running away from you?

9 A Well, they had to face me first before they ran
10 away.

11 Q And all you could see was this little bit of
12 their face, correct?

13 A At the time.

14 MR. HARTE: Thank you.

15 No further questions, Your Honor.

16 THE COURT: Redirect.

17 REDIRECT-EXAMINATION

18 BY MS. SMITH:

19 Q Ms. Reed, did you try to stop the woman who
20 robbed the 521 MiniMart?

21 A I did.

22 Q When you all tried to stop her --

23 MR. HARTE: Objection. I don't believe I
24 addressed this on cross.

25 THE COURT: Yeah. How did he bring this out on

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOSIAH STAFFORD - DIRECT EXAMINATION

1 cross-examination?

2 MS. SMITH: Your Honor, he was asking
3 approximately how far away it was and how much she saw
4 of him.

5 THE COURT: Go ahead and ask her that, then.

6 Q (MS. SMITH) Did she ever turn and look at you?

7 A She was facing me at one point in time walking
8 away.

9 Q So you could distinguish certain details about
10 this woman?

11 A I could.

12 Q Did you run after her?

13 A I did.

14 Q Did you get close enough that you were at her
15 car, SUV?

16 A Yes.

17 MS. SMITH: No further questions, Your Honor.

18 THE COURT: You may step down.

19 MS. SMITH: She can be released.

20 MR. HARTE: No objection.

21 THE COURT: Call your next witness.

22 MS. RICHARDSON: State calls Josiah Stafford.

23 (JOSIAH STAFFORD, having been duly sworn,
24 testified as follows:)

25 THE CLERK: State your full name and spell your

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOSIAH STAFFORD - DIRECT EXAMINATION

1 first and last name.

2 THE WITNESS: Josiah Stafford, J-O-S-I-A-H,
3 S-T-A-F-F-O-R-D.

4 DIRECT-EXAMINATION

5 BY MS. RICHARDSON:

6 Q Officer Stafford, where are you employed now?

7 A Coastal Carolina University Department of Public
8 Safety.

9 Q What are you doing for them?

10 A Patrol officer.

11 Q Before that, where did you work?

12 A Georgetown County Sheriff's Office.

13 Q What is your educational background?

14 A Bachelor's in Criminal Justice and certified law
15 enforcement officer through South Carolina Criminal
16 Justice Academy.

17 Q How long were you with Georgetown Sheriff's
18 Office?

19 A Almost ten years.

20 Q So began in 2012?

21 A Yes, ma'am.

22 Q And in December 2017 what was your position with
23 the Georgetown Sheriff's Office?

24 A I was corporal with the Uniform Patrol Division.

25 Q What does being a corporal mean?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOSIAH STAFFORD - DIRECT EXAMINATION

1 A Like a first-class supervisor.

2 Q Over the shift?

3 A Yes, ma'am.

4 Q And were you dispatched or called out to 521

5 MiniMart?

6 A Yes, ma'am.

7 Q That was on December 31st, 2017?

8 A Yes, ma'am.

9 Q Do you recall what time it was?

10 A Between 6:00 a.m. and 7:00 a.m., maybe like 6:40.

11 It was right at shift change. We change around 6:45,

12 6:40, depends.

13 Q When dispatch calls out, they send it out over

14 the radio?

15 A They call whoever is working that area.

16 Q What did they tell you -- tell you what you are

17 responding to?

18 A Yes. I'm responding to an armed robbery that

19 just occurred at the 521 MiniMart.

20 Q Did they give you any other details?

21 A The person already left, left traveling west

22 towards Andrews in a Chevy gray Trailblazer.

23 Q Did they already have information as far as a

24 description?

25 A Yes, ma'am. The description was white female

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOSIAH STAFFORD - DIRECT EXAMINATION

1 wearing a black hoody, dark pants, and something
2 covering her face or half of her face, bottom half.

3 Q Any additional information on the Trailblazer?

4 A Yes. One of the witnesses seen the license plate
5 and central dispatch ran it, and it came to Ms. Shannon
6 Bone.

7 Q When you say central dispatch ran the license
8 plate, explain how that is done.

9 A Central dispatch pretty much uses South Carolina
10 DMV, which all vehicles are registered to have
11 information on make, model, and year.

12 Q And they can call that in and find out who they
13 are registered to?

14 A Yes, ma'am.

15 Q Do you do that routinely in traffic stops and
16 that sort of thing?

17 A Yes, ma'am.

18 Q If you are pulling someone over for speeding, you
19 run their tag?

20 A For the most part, yes, ma'am.

21 Q And what information did they give regarding who
22 the tag was registered to?

23 A The tag was registered to Shannon Bone, and I
24 believe the address was on Kent Road.

25 Q The 521 MiniMart, what county is that?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOSIAH STAFFORD - DIRECT EXAMINATION

1 A Georgetown County.

2 Q And what direction would Kent Road be from the
3 521 MiniMart?

4 A It would be west going towards Andrews.

5 Q So if you left out of the 521 MiniMart and headed
6 towards Andrews, how would you get to Kent Road?

7 A Left onto 521, travel about -- maybe 3 miles
8 west, take a left on 17 Alternate, and then the first
9 right on Kent Road.

10 Q So pretty close to the location?

11 A Yes, ma'am.

12 Q While you were there, did you have officers
13 checking the Kent Road address?

14 A Yes, ma'am.

15 Q Did they have any luck in locating Ms. Bone?

16 A No, ma'am.

17 Q Once you got there, what did you do as far as the
18 crime scene?

19 A I start gathering statements from the witnesses,
20 from the employees of the store and also customers in
21 the store, and then when additional officers arrived,
22 we started the crime scene log and crime scene tape.

23 Q Put the tape off to rope off the area?

24 A Yes, ma'am.

25 Q Do you do the criminal investigation part?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOSIAH STAFFORD - DIRECT EXAMINATION

1 A No, ma'am.

2 Q So how does the investigation begin?

3 A I do pretty much the initial investigation,
4 gathering information, the description of the person,
5 date, time, where the incident occurred. I gather
6 witness statements, filling out what we call "victim
7 notification forms," and also crime scene logs, stuff
8 like that.

9 Q Were you also able to request the video or ask
10 about the video?

11 A I did request the video. I told the employees --
12 they needed to call their boss to actually view the
13 video, have them on the way so he or she could have the
14 video prepared for when the investigator arrived.

15 Q Then you have an investigator on-call?

16 A Yes, ma'am.

17 Q Did you make a call to that investigator to
18 respond?

19 A Yes.

20 Q And who was that?

21 A At the time, it was Investigator Taylor Mintz.

22 Q Were the witnesses able to give you any
23 information regarding the suspect?

24 A Yes. Like I said, they gave me a very brief
25 description of her: White female, black hoody,

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOSIAH STAFFORD - CROSS-EXAMINATION

1 something covering the bottom half of her face. Also,
2 I believe they said that they -- she had come into the
3 store a few hours earlier driving the same vehicle.

4 MS. RICHARDSON: I have nothing further. Answer
5 any questions for Mr. Harte.

6 CROSS-EXAMINATION

7 BY MR. HARTE:

8 Q Officer Stafford, you had no involvement in the
9 investigation at all?

10 A Other than the initial investigation.

11 Q Just sort of set a perimeter and got statements?

12 A Right.

13 Q And no one you talked to said the person was
14 wearing a black hoody?

15 A Right. I mean, you said if nobody said that?

16 Q No. The people you spoke to said the person was
17 wearing a black hoody?

18 A Dark, yeah.

19 Q And face was covered?

20 A Right -- half covered.

21 Q And I'm curious, you work at CCU, what made you
22 leave the Sheriff's Department?

23 A I got a different opportunity.

24 MR. HARTE: Nothing further.

25 THE COURT: Redirect.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JASON LESLEY - DIRECT EXAMINATION

1 MS. RICHARDSON: No, Your Honor. We ask that
2 Officer Stafford be released from his subpoena.

3 THE COURT: You may step down.

4 Any objection?

5 MR. HARTE: No, Your Honor.

6 THE COURT: You are free to go.

7 Call your next witness.

8 MS. RICHARDSON: State calls Jason Lesley.

9 (JASON LESLEY, having been duly sworn,
10 testified as follows:)

11 THE CLERK: State your full name and spell your
12 first and last name.

13 THE WITNESS: Jason Lesley J-A-S-O-N,
14 L-E-S-L-E-Y.

15 DIRECT-EXAMINATION

16 BY MS. RICHARDSON:

17 Q Where are you employed?

18 A Georgetown County Sheriff's Office.

19 Q What do you do?

20 A Public information officer.

21 Q Can you explain to the jury what a public
22 information officer does?

23 A Disseminate information to the public through the
24 media, answer media questions, and respond to Freedom
25 of Information Act requests.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JASON LESLEY - DIRECT EXAMINATION

1 Q Do you also maintain a Facebook page?

2 A Yes.

3 Q Do you put releases on that as well?

4 A Yes.

5 Q And what is your educational background and work
6 experience that makes you qualified for this position?

7 A I spent 50 years in the newspaper business in
8 North Carolina and South Carolina and had been at the
9 Sheriff's Office for five-and-a-half years.

10 Q You went to college?

11 A In Salisbury, North Carolina.

12 Q What sort of degree?

13 A Bachelor's of Arts degree and business
14 administration.

15 Q You said you had 50 years of newspaper
16 experience?

17 A Fifty.

18 Q What positions did you hold?

19 A As a reporter and editor in newspapers in
20 Salisbury North Carolina; Georgetown, South Carolina;
21 Manning, South Carolina; and Pawleys Island.

22 Q And tell us the process that you used for
23 preparing news releases.

24 A At the Sheriff's Office, when deputies or
25 investigators have information that we want to

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JASON LESLEY - DIRECT EXAMINATION

1 disseminate and ask the public for their assistance,
2 they will provide photos and the information that would
3 be pertinent to the news release. We would publish it
4 on our Facebook page and e-mail it to about 25 media
5 partners. It would be a way that the public could
6 participate in the -- if they would see that suspect,
7 they could call 911 and report it, or perhaps they
8 would have some information that we would be interested
9 in.

10 Q Is this often helpful in locating people and
11 involving crimes?

12 A Yes. Many times.

13 Q Let me show you what's been marked as State's
14 Exhibit 20 for identification; can you tell me what
15 that is?

16 A That is a Georgetown County Sheriff's Office
17 Facebook post from the 31st of December 2017 at
18 5:45 p.m. We're seeking a suspect in an armed robbery
19 of a convenience store. This has information gathered
20 by investigators from store security cameras and other
21 information they procured from witnesses.

22 Q Is that an accurate copy of the Facebook post you
23 did on December 31st of 2017?

24 A Yes; that is our logo and an accurate
25 representation of that page.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JASON LESLEY - DIRECT EXAMINATION

1 Q And it also had a photo attached?

2 A Yes, it did.

3 MS. RICHARDSON: At this time we offer State's 20
4 into evidence.

5 THE COURT: Any objection?

6 MR. HARTE: I would. It was not turned over in
7 discovery, so we would have to object.

8 THE COURT: We've reached a time, ladies and
9 gentlemen, where I have to take up an issue with the
10 attorneys. So I'll excuse you to the jury room for a
11 minute. I'll tell you why we do that. It is not that
12 we're trying to hide anything or keep anything from
13 you, but as I told you in opening charges, you and you
14 alone decide the facts in the case, and you decide the
15 facts based upon the testimony of witnesses and
16 exhibits. It's come to a point in the trial where I
17 need to discuss things with the attorneys, and when we
18 discuss legal issues or law, it requires us to
19 reference factual issues. What we say is not
20 evidence, so we don't want you to be influenced by
21 something I might say or something the attorneys might
22 say when we're deciding the law to be applied. We
23 don't want that to influence your decision on what the
24 facts are, and that is why we excuse you.

25 In any event, it will give you an opportunity to

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JASON LESLEY - DIRECT EXAMINATION

1 stretch your legs, get something to drink. Do not
2 discuss the case, and we'll bring you back out in a
3 moment.

4 (The jury exits at 3:03 p.m., and the
5 following is heard out of the presence of the jury.)

6 THE COURT: Ms. Richardson, was it produced
7 during discovery?

8 MS. RICHARDSON: These copies were not produced
9 during discovery; however, it was referenced in the
10 report that may be released as in tips that come in.
11 This is public information. I mean, it would be
12 basically the same as having a booking photo. It is
13 just information that is already -- I mean, it is
14 readily available on the Internet. It is nothing that
15 is secret to our office. Additionally, it was
16 referenced in the statements of Ms. Bone that were
17 provided to the defense. Also --

18 THE COURT: It was referenced where?

19 MS. RICHARDSON: In her interview she talked
20 about the fact that she had been wanted. It was
21 referenced in the phone dump, talked about the fact
22 she was wanted. And, again --

23 THE COURT: I know the fact she's wanted, but
24 we're talking about putting something that is
25 published as a reviewable exhibit by the jury when you

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JASON LESLEY - DIRECT EXAMINATION

1 have not produced that. My question is: Why wasn't
2 it produced?

3 MS. RICHARDSON: Your Honor, it is a public
4 record. It is available on the Internet to him just
5 like to me. It is nothing like a statement from the
6 defendant that is exclusively in our possession.
7 Again, it is not exculpatory under Brady.

8 THE COURT: I mean, is there something that says
9 public information does not have to be disclosed in
10 discovery?

11 MS. RICHARDSON: Your Honor, basically what we
12 provide is any witness statements or anything that is
13 gathered during the investigation.

14 THE COURT: Excuse me. What does the law require
15 you -- in discovery, when they make a request for
16 discovery or make a Brady motion for inculpatory and
17 exculpatory information, what does the law require to
18 be produced? Is there an exception that says if it is
19 public information the State does not have to produce
20 it in discovery?

21 MS. RICHARDSON: Rule 5 requires any statements
22 of the defendant, defendant's prior record. As far as
23 documents and tangible items, it's anything that is in
24 the possession, custody, control of the prosecution
25 which are material to the preparation of the defense

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JASON LESLEY - DIRECT EXAMINATION

1 or intended to be used in evidence in chief of the
2 trial, or obtained from or belonging to the defendant.

3 It is the State's position that these are not
4 solely in the possession of the custody or control of
5 the prosecution. These are public records.

6 THE COURT: It might be public record, but it is
7 like putting out an APB by the police department. I
8 mean, the public might have access to it, but it
9 doesn't mean that it is in the public's control. Read
10 verbatim, what does it say?

11 MS. RICHARDSON: "Documents and tangible objects:
12 Upon the request of the defendant, the prosecution
13 shall permit the defendant to inspect and copy books,
14 papers, documents, photographs, tangible objects,
15 buildings, places, or copies or portions thereof which
16 are within the possession, custody or control of the
17 prosecution which are material to the preparation of
18 the defense or intended for use by the prosecution as
19 evidence in chief at the trial, or were obtained from
20 or belonged to the defendant."

21 THE COURT: Okay. So it says if it is public
22 information -- there is no exclusion for public
23 information that I see from that. This is something
24 that is produced by the Sheriff's Department. I
25 acknowledge it is put on social media.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JASON LESLEY - DIRECT EXAMINATION

1 MS. RICHARDSON: It is our position that it is
2 not solely in our custody or control.

3 THE COURT: You are saying he could have gone on
4 there, the defendant could have gone on there and
5 changed it?

6 MS. RICHARDSON: No. I'm saying that it is not
7 something he couldn't get unless -- he has access to
8 it. The thing is for us not to hide any information.
9 You know, if we have a copy of the statement, he's not
10 going to get it unless we give it to him. But this
11 was out in the public domain. Just like if we wanted
12 to introduce the booking photo, that is in the public
13 record as well.

14 THE COURT: But if you use that in your case in
15 chief, don't you still have to produce it?

16 MS. RICHARDSON: Our position is that it is not
17 solely in our custody and control. It is not just
18 something that only we have access to. Anyone could
19 have access to that as well. I don't see where it
20 prejudices him in any event, Your Honor.

21 THE COURT: Hold on a second.

22 (A brief pause in the proceedings.)

23 MR. RICHARDSON: Your Honor, if I could point out
24 additional information?

25 THE COURT: All right.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JASON LESLEY - DIRECT EXAMINATION

1 MS. RICHARDSON: Also, we did provide statements
2 of Tyquese (phonetic) Robinson and David Moore.
3 Tyquese from the State of Alabama. In those
4 statements, she indicates that she called in a tip to
5 Crime Stoppers and had researched Ms. Bone and found
6 the article showing that she was wanted in the State
7 of South Carolina, and that is why she called Crime
8 Stoppers and called law enforcement.

9 Additionally, cell phone records that were turned
10 over to the defense contained conversations that the
11 defendant's sister indicated that her picture would be
12 blasted in the media and she needed to turn herself
13 in.

14 THE COURT: I'm not disputing that they could not
15 have found this. My dispute is does Rule 5 require
16 the State to produce to the defendant all of the
17 exhibits they intended to use in their case in chief?

18 MS. RICHARDSON: My argument, Your Honor, is this
19 is not surprising information under Rule --

20 THE COURT: It may not be surprising. I grant
21 you, it may not have been a surprise or prejudicial,
22 but Rule 5 says materials that the State intends to
23 use in their case in chief. The defense has the right
24 to be notified of what you are going to put up, what
25 you are going to use to try to convict a defendant of

JASON LESLEY - DIRECT EXAMINATION

1 a crime.

2 MS. RICHARDSON: I understand, Your Honor.

3 Rule 4, in Section 4 of the rule, "Failure to disclose
4 does allow that if you find that we failed to comply
5 with the providence of the rule, you may exclude it.
6 The testimony of any undisclosed witness offered by
7 either party, and nothing shall limit the right for
8 him to testify on his own behalf." It does not make
9 it mandatory. It does not make it mandatory that you
10 exclude this information.

11 Your Honor, this is information readily available
12 to the public, and he was aware from the very start
13 that there were press releases and that Ms. Bone was
14 put out in the media as being wanted. That was
15 provided in the case from the start, Your Honor. So
16 in the fairness and spirit of the rule, it is not that
17 it is any kind of surprise information that would
18 require disclosure. It would be in Your Honor's
19 discretion to allow it to come in.

20 THE COURT: Mr. Harte, anything you want to put
21 on the record?

22 MR. HARTE: Your Honor, I simply add that, like
23 you said, under Rule 5 if the prosecution intends to
24 use in their case in chief, and they actually intend
25 to admit it as a State's exhibit, it should have been

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JASON LESLEY - DIRECT EXAMINATION

1 turned over in discovery. For those reasons, we
2 object to them being admitted.

3 THE COURT: What is the prejudice to your client?

4 MR. HARTE: I wouldn't say this is prejudice,
5 Your Honor, but because the State is intending to
6 enter it as an exhibit, it should be -- it is a
7 three-page document. It is not like it would be
8 difficult to turn over, but I haven't seen it until
9 today. I understand it is public record. Every time
10 mug shots have been entered, it's been in discovery.
11 This is the first time in trial where I haven't seen
12 anything.

13 THE COURT: You stated your grounds for appeal.
14 I overrule the objection. That gives you something to
15 go up on if I'm wrong.

16 Anything from the State before we bring the jury
17 back?

18 MS. RICHARDSON: No, Your Honor.

19 MR. HARTE: No, Your Honor.

20 THE COURT: Bring the jury back in.

21 (The jury enters at 3:15 p.m., and the
22 following is heard in the presence of the jury.)

23 THE COURT: Ladies and gentlemen, welcome back.
24 We're ready to resume. State's 20 is admitted over
25 defendant's objection.

JASON LESLEY - DIRECT EXAMINATION

1 (State's Exhibit 20 admitted.)

2 Q (MS. RICHARDSON) Let me show you what is marked
3 as State's No. 21.

4 A A copy of a news release I would have sent to all
5 of our media partners. It is how it was presented by
6 Holly La Roche at a Myrtle Beach TV station, WMBF.

7 Q Is it several articles?

8 A Yes, it is. There is one WPEE, very similar, and
9 WCSC. They are free to change them materially as they
10 see fit, but I sent them all the same copy and photo.

11 Q Do you look at the articles that the media
12 publishes to make sure there is no errors from what you
13 released?

14 A Yes.

15 Q This is an accurate copy of the articles that
16 were released that you monitored regarding this press
17 release?

18 A As far as I can say, yes.

19 MS. RICHARDSON: At this time I offer State's 21
20 into evidence.

21 THE COURT: Any objection?

22 MR. HARTE: Just simply renew.

23 THE COURT: State's 21 admitted into evidence
24 over defendant's objection.

25 (State's Exhibit 21 admitted.)

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JASON LESLEY - CROSS-EXAMINATION

1 MS. RICHARDSON: Nothing further. Please answer
2 any questions from Mr. Harte.

3 CROSS-EXAMINATION

4 BY MR. HARTE:

5 Q How are you, sir?

6 A Fine, thank you.

7 MR. HARTE: Court's indulgence, Your Honor.

8 THE COURT: All right.

9 (A brief pause in the proceedings.)

10 Q (MR. HARTE) Mr. Lesley, you simply run basically
11 the Facebook page or media connection from the
12 Sheriff's Office with the media or Facebook; is that
13 correct?

14 A Yes, sir. That's correct.

15 Q They are the ones -- meaning the Sheriff's
16 Office -- they are the ones that gave you these photos?

17 A They provide me with the information and photos,
18 and it is my job to put them into a professional
19 presentation.

20 Q So this description of Shannon Bone, 36, 5 foot
21 6 inches tall; that is what they give you?

22 A Yes, sir.

23 Q And you have no part of the investigation in any
24 way?

25 A No, I don't.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JASON LESLEY - REDIRECT EXAMINATION

1 Q Did they give you any other names?

2 A Excuse me?

3 Q Did they give you any other suspects to post?

4 A If it's not in the news release, they did not.

5 Q So all you know is this is the only person they
6 were looking at regarding this robbery?

7 A It is the material they presented me, so that
8 would be a conclusion that other people could draw.

9 MR. HARTE: Thank you. Nothing further, Your
10 Honor.

11 THE COURT: Redirect?

12 MS. RICHARDSON: One follow-up.

13 REDIRECT-EXAMINATION

14 BY MS. RICHARDSON:

15 Q Is Georgetown Sheriff's a Facebook a public page?

16 A Yes.

17 MS. RICHARDSON: No further questions. I ask
18 that he be released.

19 MR. HARTE: Without objection.

20 THE COURT: Free to go.

21 MS. SMITH: Your Honor, may we approach briefly?

22 THE COURT: All right.

23 (Whereupon, a bench conference was had.)

24 THE COURT: Ladies and gentlemen, we're going to
25 take about a 10-, 15-minute break for the afternoon.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JASON LESLEY - REDIRECT EXAMINATION

1 Be back in a minute. Give you an opportunity to get
2 something else to drink, whatever the case may be. Do
3 not discuss the case even among yourselves. Take a
4 10-, 15-minute break and we'll be back in a minute.

5 (The jury exits at 3:20 p.m., and the
6 following is heard out of the presence of the jury.)

7 THE COURT: All right. Anything from the State
8 before we recess?

9 MS. RICHARDSON: No, Your Honor.

10 THE COURT: Defense?

11 MR. HARTE: No, Your Honor.

12 (A recess was taken.)

13 THE COURT: Anything from the State before we
14 bring the jury in?

15 MS. SMITH: No, Your Honor.

16 THE COURT: Defense?

17 MR. HARTE: No, Your Honor.

18 THE COURT: Let's bring the jury in.

19 (The jury enters at 3:42 p.m., and the
20 following is heard in the presence of the jury.)

21 THE COURT: Ladies and gentlemen, welcome back.
22 State, call your next witness.

23 MS. SMITH: State call Taylor Mintz.

24 (TAYLOR MINTZ, having been duly sworn,
25 testified as follows:)

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 DIRECT-EXAMINATION

2 BY MS. SMITH:

3 Q Hey, Ms. Mintz. Where are you currently
4 employed?

5 A MUSC Florence Hospital.

6 Q Can you give the jury some background about
7 yourself.

8 A I was a former police officer with Georgetown
9 County in 2013 to 2019. I am now employed by MUSC
10 Florence as a pharmacy technician.

11 Q Do you have any education and training?

12 A Yes. I have a bachelor's degree in criminal
13 justice, and I also went to a week-long class to get
14 certified as an official investigator.

15 Q And how long were you with Georgetown County
16 Sheriff's Office?

17 A Approximately, six years.

18 Q What all did you do for Georgetown County?

19 A I was in the patrol division for four years and
20 two with investigations.

21 Q And in December of 2017 and January of 2018, what
22 role were you in?

23 A Investigations.

24 Q Did you happen to respond to the 521 MiniMart on
25 December 31, 2017?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 A Yes, ma'am. I was the on-call investigator.

2 Q When you got there, what's the first thing you
3 did?

4 A I began taking crime scene photos, making sure
5 the tape was around the appropriate area, and speaking
6 with the witnesses.

7 Q And where is the 521 MiniMart?

8 A It is between Andrews and Georgetown on High
9 Market Street or Highway 521 in Georgetown.

10 Q If you go east from there, where would you go?

11 A Towards Andrews.

12 Q East?

13 A East, yes -- I think. Don't ask me east and west
14 (laughing). Come out of 521 and take a left and you go
15 to Andrews.

16 Q And take a right, where do you go?

17 A Georgetown.

18 Q Perfect. And you mentioned pictures you took?

19 A Yes, ma'am.

20 Q Is that standard procedure?

21 A It is. You start from the outside and work your
22 way inside.

23 (A brief pause in the proceedings.)

24 Q (MS. SMITH) I'm approaching with what is
25 premarked a State's 22 through 38; tell the jury what

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 those are?

2 A (Witness examines document.) These are my crime
3 scene photos.

4 Q You took them?

5 A Yes, ma'am.

6 Q Have they been altered or manipulated in any way?

7 A No.

8 Q Is it a true and accurate depiction of the
9 pictures you took?

10 A Yes, ma'am.

11 MS. SMITH: State seeks to introduce 22 through
12 38.

13 THE COURT: 22 through 38?

14 MS. SMITH: Yes, Your Honor.

15 MR. HARTE: Without objection.

16 THE COURT: State's Exhibits 22 through 38.

17 (State's Exhibits 22-38 admitted.)

18 Q (MS. SMITH) Can you briefly go through some of
19 the pictures and hold them up and show the jury what
20 you took the pictures of and explain your reasoning.

21 A Yes. So the first five are pretty much the
22 perimeter of 521 MiniMart from front, to each side, and
23 then back.

24 Q Would you want to step down, maybe?

25 THE COURT: She needs to be near a microphone

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

TAYLOR MINTZ - DIRECT EXAMINATION

1 where the court reporter can pick up the testimony.

2 MS. SMITH: If she speaks up -- there is one near
3 the end.

4 A So the first five are just the perimeter of 521
5 MiniMart of each side, front and back, around the area
6 that I was told was the scene.

7 Q (MS. SMITH) What are the next ones?

8 A Next ones are going to be from the front of the
9 store, and then inside. I just go around just like on
10 the outside (indicates). Then I start narrowing where
11 the crime actually happened, which is behind the
12 registers.

13 Q And what numbers are those?

14 A First one is 32, which is the front of the
15 counter, standing, during the crime.

16 These are from behind the counter where Ms. Desa
17 Armstrong was standing.

18 That is the cash register that the money was
19 taken out of.

20 Q Did in your review of the videos, did anyone use
21 that cash register after it had been -- after the store
22 was robbed?

23 A No, ma'am. They went to Register 1. Register 2
24 was the one that was robbed.

25 Q So the numbers on those cash registers, what are

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 those? If you go back two pictures?

2 A Okay. This is -- excuse me. This is going to be
3 the total of the defendant's items: Candy, Coke, and
4 cigarettes.

5 Q Okay. Keep going.

6 A So this is just the change drawer, and this was
7 actually, like, pick the till up to show that no money
8 was taken out of that portion, because there wasn't
9 any.

10 This is just back of the kitchen, employees only.

11 And that begins the back.

12 Q Okay. If you want to take a seat.

13 When you investigated this crime, did you process
14 the scene for any fingerprints?

15 A I did not.

16 Q Why is that?

17 A During the course of everything, after I reviewed
18 the surveillance footage, we -- it was found she was
19 wearing gloves the entire time, and the witnesses told
20 us that as well.

21 Q What about DNA, did you process the scene for
22 DNA?

23 A I did not. Her face was covered. Every area
24 that we thought DNA or fingerprints could have been
25 transferred was covered.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 Q And did you review the security footage in the
2 course of your investigation?

3 A Yes, ma'am.

4 Q Were you able to determine where the vehicle was
5 parked at 6:00 a.m.?

6 A Yes, ma'am. It was parked in the median of 521
7 in front of the MiniMart.

8 Q This is State's Exhibit 5, Channel 9, beginning
9 of the video is 6:28:16.

10 (Published to the jury.)

11 Q (MS. SMITH) Ms. Mintz, is anything happening on
12 this camera at 6:30:10?

13 A Yes, ma'am. If you look in the background right
14 above the car, you can see brake lights parking in the
15 median.

16 Q Approximately, what time is that?

17 A 6:30.

18 Q And are the lights on?

19 A Not anymore.

20 Q During your investigation, would you -- were you
21 able to determine if that vehicle moved from that spot
22 during the robbery?

23 A As I was interviewing witnesses, after all of the
24 statements came through, I found out they went to that
25 exact spot and identified the vehicle from the robbery.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 Q I'm moving the video to 6:46:21.

2 (Published to the jury.)

3 Q (MS. SMITH) Are you able to see anything on the
4 computer when I first --

5 A The brake lights come on on a vehicle pulling out
6 of the same spot.

7 Q And, approximately, what time was that?

8 A 6:48.

9 Q In the course of your investigation, did you
10 determine the license plate number of that vehicle that
11 left the store?

12 A Yes.

13 Q I'm approaching with State's 39 -- I'll show it
14 to the defense attorney first.

15 (A brief pause in the proceedings.)

16 Q (MS. SMITH) This is State's 39. Ms. Mintz, can
17 you tell me what that is, just the entire packet.

18 A An Affidavit of Authenticity for DMV records.

19 Q What else is there?

20 A The plate history for Shannon Bone, and the
21 current plate, and also the application for the title
22 registered for the vehicle.

23 Q Are those certified as true and accurate copies
24 by the Department of Motor Vehicles for the State of
25 South Carolina?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 A Yes, sir. And the title of the vehicle.

2 Q And the South Carolina DMV, is that a public
3 office?

4 A Yes.

5 MS. SMITH: Your Honor, at this point the State
6 seeks to introduce State's 39 into evidence.

7 THE COURT: Any objection?

8 MR. HARTE: Your Honor, I may have to object to
9 foundation. I'm not sure this is the appropriate
10 witness to get this exhibit in.

11 THE COURT: State's 39 admitted over defendant's
12 objection.

13 (State's Exhibit 39 admitted.)

14 Q (MS. SMITH) Can you turn to the current plate.
15 What was that page?

16 A This is the current plate that was on Shannon
17 Bone's vehicle at the time.

18 Q What was that vehicle?

19 A 2007 Chevrolet Trailblazer.

20 Q What was the license plate number?

21 A NXA-834.

22 Q And did that match the information that you were
23 given?

24 A Yes, ma'am.

25 Q When you investigate anyone of a crime, do you

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 pull their driving record?

2 A We did.

3 Q And is that a normal police --

4 A Yes, ma'am.

5 Q Exhibit 40. Ms. Mintz, what am I showing you?

6 A Three-year driving record for Shannon Bone.

7 Q Did you obtain that during the course of your
8 investigation?

9 A I did.

10 Q Other than the redaction portion, has it been
11 altered or amended in any way, shape, or form?

12 A No, ma'am.

13 MS. SMITH: We seek to introduce State's 40 into
14 evidence.

15 MR. HARTE: No objection.

16 THE COURT: State's 40 in evidence without
17 objection.

18 (State's Exhibit 40 admitted.)

19 Q (MS. SMITH) Your investigation doesn't just end
20 with calling in -- determining the DMV records of a
21 person, does it?

22 A No, ma'am.

23 Q Did you review all of the surveillance photos to
24 determine the location of the suspect during the crime?

25 A Yes.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 Q And, approximately, how long was she in there, in
2 the 521 MiniMart, at the 6:00 a.m. time?

3 A I believe it was around eight to ten minutes.

4 Q Do you recall what she was doing during that
5 eight to ten minutes?

6 A She was going all around the store. She would
7 stay at drinks for a little while, then the chip aisle.
8 She was looking around the entire time that she wasn't
9 at the register.

10 Q State's Exhibit 5, Channel 1.

11 (Published to the jury.)

12 Q (MS. SMITH) 6:35:36 is where it started.

13 Approximately, what time did that vehicle park in the
14 median?

15 A I believe it was 6:30ish. Sorry, I don't exactly
16 recall.

17 Q What is happening on the screen?

18 A Suspect is walking into the MiniMart now.

19 Q State's 5, Channel 26:35:11 start time.

20 Ms. Mintz, what is now on camera?

21 A The suspect browsing the store.

22 Q What time is it?

23 A 6:36.

24 Q Did you follow the defendant throughout the store
25 through the camera footage?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 A Yes, ma'am.

2 Q What did she appear to be doing there?

3 A Looks like she's keeping her right hand in the
4 pocket, almost like holding her pants up.

5 (Published to the jury.)

6 Q (MS. SMITH) What does she appear to be doing
7 now?

8 A She is looking to see what else is in the store,
9 who else is in the store.

10 Q And what is she grabbing in her left hand?

11 A Looks like she's keeping her mask up.

12 Q 6:39:48, Channel 4. When she left the aisle from
13 the previous view, where did the suspect go?

14 A She went to the coolers where the drinks were
15 located.

16 Q When you were following her through the
17 surveillance video, at any point in time did she remove
18 any article of clothing?

19 A No, ma'am.

20 Q Can you tell what is in the left hand of this
21 person?

22 A Looks to be a Coke.

23 Q Ms. Mintz, were there other patrons in the store
24 during this time?

25 A Yes. If you look in the right-hand corner, there

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 is a gentleman getting coffee, I believe.

2 Q What does she appear to be doing now?

3 A Scanning the store to see who is in the store.

4 Q We're at 6:44:33. Did she ever come back to the
5 drink section, right here?

6 A Right now she does.

7 Q What is the approximate time on the video?

8 A 6:45.

9 Q 6:45:37. Going to Channel 34, 6:35:25. At this
10 point in time, who is in the store?

11 A Ms. Desa Armstrong and the suspect.

12 Q Anyone else in the store at this point?

13 A Not that I'm aware of.

14 Q What is happening now in the video?

15 A Ms. Desa and the customer walked in, and she
16 grabbed two Seneca Reds.

17 Q And the other customer, can you tell if he's at
18 the register at this point in time?

19 A I couldn't see him from this view.

20 Q 6:46:34.

21 Did you also review the footage at 2:00 a.m.?

22 A Yes, ma'am.

23 Q What type of cigarettes did the defendant buy at
24 2:00 a.m.

25 A One pack of Seneca Red, one pack of Seneca Green.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 Q What type of cigarettes are stolen at 6:46 a.m.?

2 A Two packs of Seneca Reds.

3 Q In the videos and pictures, were you able to tell
4 what the defendant is wearing?

5 A Yes; she's wearing a black hoody, black face
6 covering, and gloves, from this viewpoint.

7 MR. HARTE: May we approach briefly, Your Honor?

8 THE COURT: All right.

9 (The following is a bench conference with the
10 judge and attorneys and out of the hearing of the
11 jury.)

12 MR. HARTE: The Solicitor keeps calling her "the
13 defendant."

14 MS. SMITH: She is the defendant.

15 THE COURT: You can cross-examine. You can ask
16 -- just ask how does she know this is the defendant.

17 MR. HARTE: It's 4:20. I don't know how much
18 longer she'll be, but if she does the interview, that
19 is at least 30 minutes worth, just to make you aware.

20 THE COURT: If you refer to her, that she is the
21 defendant, ask her how she knows that is the
22 defendant.

23 MS. SMITH: Yes, sir.

24 (The following is had in open court.)

25 Q (MS. SMITH) I'll approach with State's Exhibit

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 12. Who is in this picture?

2 A Shannon Bone.

3 Q What is she wearing?

4 A Wearing a gray dark colored hoody, jeans, and
5 brown shoes.

6 Q And State's Exhibit 18, what is she wearing?

7 A Dark colored hoody, face covering, gloves, dark
8 color pants, and brown shoes.

9 Q Were you able to look at those brown shoes?

10 A From the surveillance, yes, ma'am.

11 Q Is there anything noticeable about them?

12 A They both look very similar; both have a thick,
13 black strip on the bottom, and both are brown in color.

14 Q How do you know it is Shannon Bone?

15 A I've spoken with Shannon Bone before in the six
16 years as a police officer. I've spoken with her
17 before.

18 Q Okay. December 31, 2017, were you able to find
19 Shannon Bone?

20 A No, ma'am.

21 Q And at -- were you able to find her in the state
22 of South Carolina?

23 A No, ma'am.

24 Q Where was Shannon Bone when you were able to
25 locate her?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 A Alabama.

2 Q And when was she located in Alabama?

3 A January 4th of 2018.

4 Q When she was located in Alabama, what happened?

5 A She was taken into custody by Birmingham Police
6 Department, I believe, don't quote me, and was held and
7 served -- not served, but held on our warrant.

8 Q And then what happened?

9 A And then she was transported to South Carolina
10 and served with our warrant at that time, at the
11 Georgetown County Detention Center.

12 Q Was she given notice of the charges pending
13 against her?

14 A Yes, ma'am. When she was read that warrant, the
15 charges -- it says you are charged with armed robbery
16 and gives a summation of the case.

17 Q Were you ever able to speak with the defendant?

18 A I was, yes, ma'am.

19 Q When you spoke with the defendant, did she have
20 to talk with you?

21 A No.

22 Q Did she agree to speak with you?

23 A She did.

24 Q Were -- I'm approaching you with what is marked
25 as State's Exhibit 3 for identification purposes only;

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

TAYLOR MINTZ - DIRECT EXAMINATION

1 what is that?

2 A This is a copy of the Miranda warning that I
3 presented to Ms. Bone that she signed with her right
4 hand.

5 Q Was it read?

6 A It was. I read her rights, and she waived them
7 and signed.

8 Q Did she appear to understand those rights?

9 A Yes, ma'am.

10 Q Did she appear to be under the influence of any
11 type of drugs or alcohol at that time?

12 A Not that I could tell.

13 Q Has that been altered in any way, shape, or form
14 since you last saw it?

15 A Other than it is a copy, no, ma'am.

16 Q Did you make any threats or promises to Shannon
17 Bone when you read her her Miranda rights?

18 A No, ma'am.

19 MS. SMITH: Your Honor, at this point the State
20 moves to introduce State's 3 into evidence.

21 THE COURT: Any objection?

22 MR. HARTE: I simply renew my pretrial objection.

23 THE COURT: State's 3 admitted into evidence
24 without objection -- over defendant's objection,
25 excuse me.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 (State's Exhibit 3 admitted.)

2 Q (MS. SMITH) After reading her Miranda rights,
3 did you interview her?

4 A I did.

5 Q I'll show you State's Exhibit 41; what is that?

6 A This is the redacted interview for Shannon Bone.

7 Q Other than court-ordered redactions, has it been
8 altered or manipulated in any way?

9 A No.

10 Q Have you reviewed it since you gave the interview
11 or took the interview?

12 A Several times.

13 MS. SMITH: Your Honor, at this time the State
14 seeks to introduce State's Exhibit 41 into evidence
15 and publish to the jury.

16 THE COURT: All right. Any objection?

17 MR. HARTE: Simply renew any objection, Your
18 Honor.

19 THE COURT: State's 41 admitted into evidence
20 over defendant's objection.

21 (State's Exhibit 41 admitted.)

22 Q (MS. SMITH) Before I publish, how was Shannon
23 Bone located in Alabama?

24 A A public forum was published saying she was
25 wanted for armed robbery. I was -- a tip came in, and

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 I answered that phone call. They let me know that she
2 was there in Alabama.

3 Q Who, if anyone else, was with you during that
4 interview?

5 A Investigator Lee Wilson.

6 Q And this interview concludes, so what did you do
7 when the interview concluded?

8 A I started packing up my things. I went up to
9 walk out the door, and Ms. Shannon started initiating
10 conversation with me again.

11 Q What type of things were discussed during that
12 interim?

13 A She changed her statement to "I didn't do this"
14 to "I don't remember doing this." At that time, I
15 grabbed my recorder, put it on the table, and started
16 recording again because she was asking for help on the
17 armed robbery charge.

18 Q Was anything else mentioned during the recording
19 being started again?

20 A She was rambling, something about a sleeping pill
21 of some sort and that could have been the reason she
22 didn't remember, something to that effect.

23 Q How were the interviews recorded?

24 A Like a small pocket recorder.

25 Q And where was that recorder placed?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 A On the interview table.

2 Q Was it placed there each time?

3 A Yes, ma'am; it's so I can hear my voice.

4 Q Sorry.

5 (A brief pause in the proceedings.)

6 (Published to the jury.)

7 Q (MS. SMITH) That blank right there, what was
8 that? Was this a redaction?

9 A Oh, yes, it had to be.

10 Q Now, what is the DEU?

11 A Drug Enforcement Unit.

12 Q And can people work with the DEU to assist with
13 charges?

14 A Yes.

15 Q Who was that brought up by?

16 A Shannon.

17 Q Were there any promises made by you or
18 Investigator Wilson?

19 A No. As you can hear on the recordings, hey, we
20 can't promise you anything, we can let them know that
21 is something you offered, but we can't promise you
22 anything, something to that effect.

23 Q I'll move this out of the way so I can see you.
24 Did you collect anything in this case, any articles in
25 this case?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 A What articles?

2 Q Did you -- was a cell phone ever recovered in
3 this case?

4 A Yes.

5 Q And what about any other records? Were any
6 records procured in this case?

7 A We were able to obtain cell phone records.

8 Q I'm approaching with this --

9 MS. SMITH: I'll approach the defense attorney
10 with State's Exhibits 42 and 47 for identification
11 purposes.

12 (A brief pause in the proceedings.)

13 MS. SMITH: I'm approaching the witness with
14 those same exhibits.

15 Q (MS. SMITH) Ms. Mintz, what am I showing you?

16 A You are showing me the Certificate of
17 Authenticity for the records.

18 MS. SMITH: Hold on.

19 (A brief pause in the proceedings while
20 Ms. Smith and Mr. Harte confer.)

21 Q (MS. SMITH) I apologize. Can you tell me what
22 those are?

23 A Yes. So this is a disk of AT&T phone records
24 from Shannon Bone's phone. It is a Certificate of
25 Authenticity of those records.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 Q What is the number of those records?

2 A It is (843)461-0739.

3 Q And that Certificate of Authenticity, what does
4 that certify?

5 A It is certifying that all of the records are true
6 from the AT&T phone carrier.

7 Q Have you or anyone else altered or manipulated
8 those records in any way?

9 A No.

10 Q Were you able to determine whose number that was?

11 A Yes.

12 Q Whose number was that?

13 A Shannon Bone.

14 MS. SMITH: At this time the State seeks to
15 introduce State's Exhibits 42 and 43. Notice was
16 provided to the defense.

17 THE COURT: Any objection?

18 MR. HARTE: Without objection.

19 THE COURT: State's Exhibits 42 and 43 admitted
20 into evidence without objection.

21 (State's Exhibit 42 and 43 admitted.)

22 Q (MS. SMITH) How were those phone records
23 obtained?

24 A I got a call from Monica. She let me know she
25 had a cell phone from Shannon. I went to pick up that

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 phone, and it turned out to be the wrong cell phone, so
2 I returned it. She called me a few days later, gave me
3 another cell phone -- I obtained a search warrant for
4 that, and I got the phone records.

5 Q I just realized, who is Monica?

6 A Monica is Shannon's sister.

7 Q We heard some talk about a Daniel Altman; who is
8 he?

9 A Daniel was her first cousin, to my knowledge
10 first cousin.

11 MS. SMITH: Beg the Court's indulgence.

12 (A brief pause in the proceedings.)

13 Q (MS. SMITH) What, if any, report was created or
14 made about an arson on a vehicle or about a burn
15 vehicle?

16 A We were not able to obtain any information on
17 that.

18 Q Okay. And Mitchell Chavis, who is he?

19 A He was her boyfriend at the time, I believe --
20 on-and-off boyfriend.

21 Q Who is Michelle Chavis?

22 A I believe that is Mitchell's sister.

23 Q Just realizing that we didn't explain who these
24 people were.

25 MS. SMITH: I'm going over my notes one more

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - DIRECT EXAMINATION

1 time. I beg the Court's indulgence.

2 Q When you received that cell phone from Monica,
3 what did you do with it?

4 A The second cell phone?

5 Q Second cell phone.

6 A A search warrant was obtained for the information
7 and given to one of our investigators to obtain cell
8 phone data.

9 Q Where is evidence stored at the Georgetown County
10 Sheriff's Office?

11 A It is in a separate room that is locked and kept
12 by our evidence manager at that time, which was Michael
13 Decker.

14 Q And would you also do that with the cell phone?

15 A Yes, ma'am.

16 Q When you received that cell phone, where would it
17 have been placed after you received it?

18 A After I received it, it would have been bagged
19 and tagged and placed into the evidence room locked
20 away.

21 MS. SMITH: I have no further questions. Will
22 you answer any questions that the defense has.

23 THE COURT: It's after 5:00, so I think we'll
24 break for the evening.

25 Ladies and gentlemen, do not discuss the case,

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JUNE 14, 2022

1 even among yourselves. Don't conduct any independent
2 investigations. Please be back at 9:15 tomorrow
3 morning. Thank you.

4 (The jury exits at 5:03 p.m., and the
5 following is heard out of the presence of the jury.)

6 THE COURT: We're still in the middle of your
7 testimony, Ms. Mintz. The law says you can't discuss
8 your testimony with anyone, with the State's attorney
9 defense attorney, anyone, whether it is to what you
10 have testified to thus far, or what you anticipate to
11 testifying to in the future, okay. Thank you very
12 much.

13 Anything further from the State before we break
14 for the evening?

15 MS. RICHARDSON: No, Your Honor.

16 THE COURT: Defense?

17 MR. HARTE: No, Your Honor.

18 THE COURT: We'll be in recess until 9:15
19 tomorrow.

20 (WHEREUPON, THE PROCEEDINGS CONCLUDED FOR
21 JUNE 14, 2022. THE FOLLOWING WAS HAD ON JUNE 15, 2022
22 OUT OF THE PRESENCE OF THE JURY.)

23 THE COURT: Thank you very much. Please be
24 seated. All right. Anything from the State before we
25 bring the jury in?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JUNE 14, 2022

1 MS. SMITH: Yes, Your Honor. I believe we have
2 several matters that need to be brought up.

3 THE COURT: All right.

4 MS. SMITH: The first of which is that we talked
5 to Captain Joanne Clarey with the Georgetown Detention
6 Center. Ms. Bone has refused to come to court today.
7 I do believe that the appropriate response is to have
8 Captain Clarey take the stand and testify as to what
9 occurred this morning and yesterday.

10 THE COURT: All right.

11 MS. SMITH: And about the medical issues, there
12 was commentary during defense's opening that the
13 defendant is sick and that's why she's not here;
14 however, today she's refusing to be here. Therefore,
15 I do think it was very unintentional, I'll be very
16 clear that it was an unintentional misrepresentation
17 to the jury, but that will need to be cleared up.

18 THE COURT: All right. I mean, how do you
19 propose we clear that up at this point in time?

20 MS. SMITH: Say it is from drug use; she's
21 experiencing withdrawals.

22 THE COURT: Well, we'll get to that in a minute.
23 Anything?

24 MR. HARTE: No, Your Honor.

25 THE COURT: Have you been able to talk to her or

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOANNE CLAREY - DIRECT EXAMINATION

1 anything?

2 MR. HARTE: Your Honor, I have been unable to
3 speak with her.

4 THE COURT: Let's go ahead -- who are we calling?

5 MS. SMITH: Captain Joanne Clarey. Your Honor,
6 do you mind if I do my questioning from here?

7 THE COURT: That will be fine.

8 (JOANNE CLAREY, having been duly sworn,
9 testified as follows:)

10 THE CLERK: State your full name and please spell
11 airfares last name.

12 THE WITNESS: Joanne Clarey, J-O-A-N-N-E,
13 C-L-A-R-E-Y.

14 DIRECT-EXAMINATION

15 BY MS. SMITH:

16 Q Where are you currently employed?

17 A Georgetown County Detention Center.

18 Q How long have you been there?

19 A Eighteen-and-a-half years.

20 Q What is your role at the Georgetown County
21 Detention Center?

22 A Captain of the entire operations at the jail.

23 Q Do you have any interactions with the inmates?

24 A I do.

25 Q Have you had any interaction with the defendant

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOANNE CLAREY - DIRECT EXAMINATION

1 Shannon Bone?

2 A I have.

3 Q When did the -- most recently when did these
4 interactions take place?

5 A This morning and yesterday afternoon.

6 Q And particularly this morning, did you speak with
7 Ms. Bone?

8 A I did not. I had the supervisor speak with her.

9 Q And is Ms. Bone here in court with us today?

10 A No, she is not.

11 Q Was she afforded the opportunity to come today?

12 A Twice.

13 Q And can you tell the Court about the
14 opportunities that she was afforded to be here?

15 A This morning breakfast trays were about 6:38,
16 6:40 she was asked to get ready for court. She said
17 she wasn't coming; she didn't feel well. I did not --
18 I said we would ask her at 8:00 and 8:15. At 8:13, I
19 received a text message from Sergeant Buyers that she
20 had brought her to booking and that Ms. Bone had
21 stated, again, she was not coming to court.

22 Q To your knowledge, was Ms. Bone present yesterday
23 in court?

24 A Yes; I brought her.

25 Q And did she leave before the conclusion of court

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOANNE CLAREY - DIRECT EXAMINATION

1 yesterday?

2 A I don't know. I just got a text message that she
3 was ready to be picked up.

4 Q Were you the one who brought her?

5 A I brought her, but I did not pick her up, but I
6 met her in booking.

7 Q Did you get a chance to speak with her?

8 A I did.

9 Q And what was discussed yesterday?

10 A Yesterday morning her attorney had asked if she
11 was going through withdrawals. So when I was getting
12 Ms. Bone ready for court, I asked her if she was going
13 through withdrawals. She stated, No, not bad. I said
14 what are you coming off of, meth or heroin? She said
15 it is heroin and it's not that bad. I said okay.

16 Q Has she been medically treated while in the jail?

17 A She has. I got a message from the public
18 defender, Ricky Todd, yesterday to see if she could get
19 some medicine. So I notified medical right away. When
20 the text message came about her coming back from court,
21 I had medical meet her in booking, and I also did, too.

22 Q Did she receive that treatment at medical?

23 A She did.

24 Q What type of treatment did she receive?

25 A Don't know the exact medications they give, but

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOANNE CLAREY - DIRECT EXAMINATION

1 Medco has a protocol where they give you like three
2 different medications and you are started on Gatorade.

3 Q What is that for? What symptoms were being
4 treated?

5 A Heroin withdrawal.

6 Q Have you observed the defendant at all in the
7 past two days?

8 A I have. I spoke with her yesterday.

9 Q And how -- what was her demeanor?

10 A She was -- I asked her when she got back from
11 court yesterday in booking. I said, How do you feel?
12 She said, Well, I'm cold. She has poor circulation, so
13 she's allotted two blankets and two pairs of socks when
14 she comes to jail because she stays cold. They had not
15 given her two pairs of socks, so she wanted to be sure
16 she had her two pairs of socks.

17 Q Did she tell you anything other than being cold;
18 any physical ailments or anything?

19 A She told me the heroin withdrawal was not going
20 to be bad.

21 Q Other than that?

22 A That's it.

23 Q And what about any -- did you notice any mental
24 deficiencies when you were speaking with her?

25 A No.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JOANNE CLAREY - DIRECT EXAMINATION

1 MS. SMITH: Beg the Court's indulgence, Your
2 Honor -- I have no further questioning for this
3 witness.

4 THE COURT: Mr. Harte, anything you want to ask?

5 MR. HARTE: No questions, Your Honor.

6 THE COURT: Thank you very much. You can step
7 down.

8 Anything else from the State?

9 MS. SMITH: Nothing on this issue, Your Honor?

10 THE COURT: Anything defense wants to present?

11 MR. HARTE: No, Your Honor.

12 THE COURT: I'm find that the defendant
13 voluntarily waived her presence here today, okay.

14 Anything further the State wants on the record?

15 MS. SMITH: Yes, Your Honor. There is one matter
16 we need to take up, both the State and the defense.
17 There is the matter of several maps of an expert
18 witness that we need to discuss.

19 THE COURT: All right.

20 MS. SMITH: Madison, do you want to take over?

21 MR. HARTE: Your Honor, the Solicitor and I had a
22 conversation yesterday after court. She tells me she
23 received some maps regarding some cell phone towers
24 and locations that she had blown up. She told me she
25 e-mailed them to me Friday afternoon. I don't know

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOANNE CLAREY - DIRECT EXAMINATION

1 what the error was, but I never received that e-mail.
2 She showed me the maps yesterday. I have -- I had not
3 seen them until yesterday afternoon. I understand I
4 received the cell phone data themselves, but the maps
5 they had created, I had not seen. I would have to
6 object to their admittance under Rule 5 and Brady.

7 MS. SMITH: I want to clear one thing up. When
8 we spoke yesterday, even though it sounds more
9 favorable to the State, when we talked, I did not tell
10 him that I had e-mailed him on Friday. I admitted my
11 mistake of not forwarding the e-mails on Friday. I
12 did receive these maps on Friday, June 10th of 2022
13 at 2:19 p.m. At that point in time, we had --
14 Mr. Harte and myself had talked about these maps on at
15 least one, if not two, prior occasions; particularly
16 on June 1st of 2022. We had a telephone
17 conversation regarding these maps and the witness that
18 was going to testify to the maps. I told him the
19 substance of the maps at that point in time; however,
20 they were not finalized. I did tell him once they
21 were finalized, I would send him copies of the maps.
22 Your Honor, would you like to see what we're
23 discussing right now to better understand?

24 THE COURT: I mean, what do you want to introduce
25 them for; what purpose?

JOANNE CLAREY - DIRECT EXAMINATION

1 MS. SMITH: Your Honor, if I may -- Madison, do
2 you want to see them again?

3 MR. HARTE: No, I saw them yesterday.

4 MS. SMITH: Your Honor, these are summaries from
5 the cellular records that are already in evidence;
6 that is State's Exhibit 43 that was put in evidence
7 yesterday. These would be a summary of those maps.
8 Those records are quite voluminous. They are just --
9 they are well over 500 pages, and I know that the
10 Court has said that 78 pages can be considered
11 voluminous. We're well over a 78-page document with
12 these. These show the cellular -- cell site
13 locational data of those maps -- or of the cell phone
14 records. The only -- I believe the term is used in
15 case law -- if you will give me one second so I use
16 the right term.

17 (A brief pause in the proceedings.)

18 MS. SMITH: Your Honor, this would be from State
19 versus Warner, and I do have a copy for Your Honor if
20 you would like one.

21 THE COURT: What does -- does that deal with
22 admissibility, or does that deal with admissibility
23 due to failure to produce during discovery? That is
24 the sole issue here, is whether or not the State's
25 failure to produce it in discovery, as part of

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOANNE CLAREY - DIRECT EXAMINATION

1 discovery, whether there is an exception that makes it
2 admissible.

3 MS. SMITH: Your Honor, this is not a Brady
4 violation. First and foremost, this is not a Brady
5 violation.

6 THE COURT: Is it a Rule 5 violation?

7 MS. SMITH: We do not believe it is. We made it
8 known to defense that we were having these maps
9 prepared. We made it known to the defense what --
10 give me one second.

11 THE COURT: But you are acknowledging that the
12 defense has not seen it and has not produced to the
13 defendant until today.

14 MS. SMITH: Your Honor, the underlying data has
15 been given to the defense and it was -- it was --

16 THE COURT: But you are not just relying on
17 underlying data, we're talking about these maps and
18 admissibility of the maps. When did you provide these
19 maps to the defendant?

20 MS. SMITH: Yesterday. They were provided to the
21 defense -- I received them, and I have an e-mail
22 indicating that I received them on Friday,
23 June 10th of 2022 at 2:19 p.m. I have not had these
24 very long at all. The information regarding these
25 maps and what these maps would entail was turned over

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JOANNE CLAREY - DIRECT EXAMINATION

1 to the defense.

2 Additionally, Your Honor, these maps are just a
3 summary. I think State v. Warner -- I believe State
4 v. Warner is --

5 THE COURT: What is -- I understand if it is a
6 summary that it is admissible.

7 MS. SMITH: Yes, and that is what this is.

8 THE COURT: Yes, but it is admissible on other
9 grounds. I'm assuming in State v. Warner they
10 provided the defendant with all of this ahead of time,
11 that it was not the introduction of evidence that had
12 never been produced to the defendant until they were
13 in the middle of the trial, and that the Court said
14 notwithstanding the State's failure to provide that
15 information, it is admissible.

16 Now, if State v. Warner says that, let me see it.
17 That's issue we're dealing with. I admit summaries of
18 exhibits, yes, that's admissible under the rules.

19 MS. SMITH: And, Your Honor, I mean, Rule 5 does
20 not require the State to produce or to notify the
21 defense of the substance of an expert testimony that
22 has not been put into a form of a written report.
23 Your Honor, we did notify the defense of the substance
24 of his testimony, and that it would be -- that it
25 would be put into a map.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOANNE CLAREY - DIRECT EXAMINATION

1 THE COURT: So you are saying that if the expert
2 does not provide a report, you provide the defendant
3 with the content of the expert's testimony, then at
4 trial, not only is the expert's testimony, but also a
5 subsequently prepared report is admissible?

6 MS. SMITH: Your Honor, I don't know about a case
7 of that. But this is State versus Simpson from 2019
8 and it does say that the State did not violate Rule 5
9 by failing to disclose defendant's medical records as
10 the basis for the treatment, treating physicians
11 opinions given that the documents were in the
12 possession in the defense and submitted to the
13 defense's experts.

14 THE COURT: Yeah, because it was in the
15 possession of the defendants.

16 MS. SMITH: But his -- Your Honor, in that case
17 there was a lot of medical documentation. There was
18 also notes --

19 THE COURT: But it was in the defendant's
20 possession.

21 MS. SMITH: But there is also documented cases
22 where the notes of those experts are not provided and
23 those are the substance of the testimony, and those
24 don't have to be provided either.

25 THE COURT: Are you trying to introduce the notes

JOANNE CLAREY - DIRECT EXAMINATION

1 into evidence? I understand they don't have to give
2 them the notes and they can still testify, but you are
3 not trying to introduce the notes into evidence.

4 Your expert can still testify. Your expert can
5 give the results of their analysis and their opinions.
6 The question is: Can you introduce maps through an
7 expert that have never been provided to the defendant?

8 MS. SMITH: Your Honor, they have -- again, this
9 information has been provided --

10 THE COURT: Not the information. Just go on the
11 information; don't go on the maps.

12 MS. SMITH: Your Honor, under Simpson, there are
13 several -- there are several ways to handle it, and it
14 does -- it does point out how to handle this.

15 THE COURT: Then let me see Simpson so I can see
16 what it says.

17 MS. SMITH: Let me bring you Johnson as well. I
18 do not have a clean copy, I apologize.

19 THE COURT: That's fine.

20 MS. SMITH: Your Honor, one of the things you can
21 do -- Warner also addresses it. One of the things you
22 can do is, of course, you can grant the defendant time
23 to review it. Another is that you can grant a
24 continuance, are the third is that you can suppress
25 it. None of them are mandatory. It is all within the

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JOANNE CLAREY - DIRECT EXAMINATION

1 sound discretion of the Court.

2 THE COURT: Simpson says that the State did not
3 violate Rule 5 and Brady by failing to disclose
4 defendant's medical records as the basis for the
5 treating psychiatrist's opinion given that the
6 documents were in the possession of the defense and
7 submit to the defense experts.

8 Okay. Here, the maps were not submitted to the
9 defendant, so that is distinguishable here.

10 MS. SMITH: One of the lynchpins of these rules
11 is fairness. Because our last witness is not until
12 Friday, we do believe that there would be opportunity
13 to review these maps. Similar data was provided --
14 similar mapping data was provided to the defense.

15 THE COURT: So you are not using these maps until
16 Friday?

17 MS. SMITH: If -- if -- depending on your ruling,
18 of course, we can -- we can wait until Friday, of
19 course, or tomorrow, or whatever suits --

20 THE COURT: When is it that you want to use them?

21 MS. SMITH: When?

22 THE COURT: Yes.

23 MS. SMITH: We anticipated this afternoon. It
24 was not until yesterday afternoon at approximately
25 3 o'clock that we had been aware -- that the defense

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JOANNE CLAREY - DIRECT EXAMINATION

1 may not have seen these maps. This is an oversight.
2 We did not get these until Friday. I mean, it was not
3 an intentional -- we were not intentionally trying to
4 suppress any type of evidence, whatsoever. I mean,
5 mapping has been an issue in this case from the very
6 beginning. Even in the interviews you can hear the
7 investigator, Lee Wilson, talking about the fact that
8 he has followed her location and at least plotted her
9 location. We have had multiple conversations that
10 mapping would be used in this trial.

11 Additionally, Your Honor, other mapping -- other
12 mapping exhibits that we do intend to introduce in
13 trial have been provided to the defense.

14 THE COURT: So you don't have any problems with
15 those.

16 MS. SMITH: We do not; however, while some of
17 this data is included -- and when I say "some," I mean
18 all of this data is included -- there is just a
19 different reason for that expert's testimony than this
20 expert's testimony. Therefore, I mean, Your Honor,
21 there is not a substantial delay at all. This was at
22 the most a one-day delay. As soon as I realized, I
23 mean, it was -- I did try to make sure that
24 immediately after court yesterday the defense attorney
25 and I did speak together. I think Mr. Harte will

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOANNE CLAREY - DIRECT EXAMINATION

1 agree that he is aware -- that he was aware prior to
2 yesterday of this data, and he was aware of what this
3 -- what these maps would show and what the maps in
4 this case would -- plotting the data. I think he will
5 admit that he knew what it would show based on our
6 conversations and based on other evidence that has
7 been provided and other mappings that had been
8 provided to him.

9 THE COURT: Mr. Harte.

10 MR. HARTE: The Solicitor and I did speak that
11 these maps would be coming. My concern here is we're
12 on day three of this trial and I'm seeing them in the
13 afternoon of day two. Our biggest thing is two
14 things: We do have the raw data, but the raw data of
15 the cell phone is much different than a map that they
16 seek to introduce as an exhibit. Additionally, they
17 have had this phone for over three years and here we
18 are on Tuesday afternoon and just now seeing these
19 maps.

20 THE COURT: I know, and that is what complicates
21 these things. We'll stand it down and I'll let you
22 take a look at it. If you find there is any
23 prejudice, I'll let you come back and argue prejudice.
24 So I'll reserve ruling now until you can take an
25 opportunity. How long will it take you to look at

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JOANNE CLAREY - DIRECT EXAMINATION

1 these?

2 MR. HARTE: Probably not too long. Just to
3 clarify, these maps are used for a witness today?

4 MS. SMITH: We can -- that's flexible, Your
5 Honor.

6 THE COURT: When does the State intend to use
7 them?

8 MS. SMITH: This afternoon.

9 THE COURT: All right. So take your time, and
10 take as long as you need. Let me know when you are
11 ready to go ahead and go forward -- or ready to make
12 your argument, whatever the case may be.

13 MR. HARTE: Yes, Your Honor. And I'll review
14 them over lunch, if I can have -- I think there is
15 enough time. I'll renew my objection when it comes
16 time for that witness.

17 THE COURT: I will let you do it now, if you want
18 to do it now, or do you want to wait until lunch?

19 MR. HARTE: I think I can wait. There is no
20 reason to hold the jury up. There should be enough
21 time during lunch for me to review them.

22 MS. SMITH: Also, a digital copy was provided to
23 Mr. Harte yesterday.

24 THE COURT: What time yesterday?

25 MS. SMITH: One was at three -- I apologize, do

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOANNE CLAREY - DIRECT EXAMINATION

1 you mind if I take a look at my phone?

2 THE COURT: That will be fine.

3 MS. SMITH: One was at 3:13 p.m., and the other
4 was at 5:17 p.m.

5 THE COURT: We were in trial at 3:13, so he could
6 have not have looked at it.

7 MS. SMITH: He could not have, but that is when I
8 realized there may have been a mishap, so I wanted to
9 immediately rectify that situation.

10 THE COURT: All right. Well, in any event, you
11 can't use them until he looks at them at lunch and
12 readdresses them.

13 MR. HARTE: It is 9:52, Your Honor; can I have a
14 short bathroom break and bring the jury at
15 10:00 o'clock?

16 THE COURT: All right. Let's take a short break.
17 Anything else before we get started?

18 MS. SMITH: Nothing from the State.

19 THE COURT: Take a ten-minute recess and we'll
20 get started back.

21 (A recess was taken.)

22 THE COURT: Thank you. Anything from the State
23 before we bring the jury in?

24 MS. SMITH: Yesterday you asked about the
25 Facebook records and the posts and if there was any

JOANNE CLAREY - DIRECT EXAMINATION

1 case law on that. There is case law on the issue that
2 we spoke about; that is Anderson versus Lee, Supreme
3 Court Case of the State of South Carolina October 2,
4 1978. In that case, they did find -- the prosecution
5 has the duty to disclose its own initiative of
6 exculpatory facts under its exclusive control, it has
7 no such burden when the facts are readily available to
8 a diligent defender.

9 And then again it says it is inferable from the
10 foregoing statement that where evidence is equally
11 available to the accused, the obligation on the part
12 the State to furnish such evidence to the accused is
13 relieved.

14 If you would like a copy of that?

15 THE COURT: I mean, I have already ruled on that
16 issue.

17 MS. SMITH: I know, but you did ask the State
18 what the authority was, and we could not give you the
19 case name, so we did want to provide the Court with
20 that.

21 THE COURT: Anything defense wants to put on the
22 record?

23 MR. HARTE: No, Your Honor; you already ruled.

24 THE COURT: Anything further from the State
25 before we bring the jury in?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOANNE CLAREY - DIRECT EXAMINATION

1 MS. SMITH: Nothing from the State.

2 THE COURT: Defense?

3 MR. HARTE: No, Your Honor.

4 THE COURT: All right. Ms. Mintz, if you would
5 take the stand again.

6 MS. MINTZ: Yes, sir.

7 THE COURT: When the jury gets in, I'll ask the
8 clerk to swear you in again, and you can do it from
9 there.

10 MS. MINTZ: Okay.

11 THE COURT: All right. Bring the jury in.

12 (The jury enters at 10:08 a.m., and the
13 following is heard in the presence of the jury.)

14 THE COURT: Ladies and gentlemen, welcome back.
15 I hope everyone had a good evening. Again, I'll thank
16 you for being prompt, and I'll apologize for keeping
17 you in the jury room so long. I know you have been
18 back there awhile, and I do apologize for that. I do
19 thank you for your promptness this morning.

20 When we broke yesterday, we were in the middle of
21 the testimony of Ms. Mintz, this witness.

22 I'll ask the clerk to go ahead and swear her in
23 again since this is another day.

24 THE COURT: Mr. Harte, cross-examination.

25 MR. HARTE: Thank you, Your Honor.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

TAYLOR MINTZ - CROSS-EXAMINATION

1

2

CROSS-EXAMINATION

3

BY MR. HARTE:

4

Q How are you, Ms. Mintz?

5

A Doing well, how are you?

6

Q Good. I would like to start with your

7

investigation from the morning of December 11th. You

8

got to the MiniMart and agent -- excuse me, Officer

9

Stafford, he already had been there?

10

A Yes, sir.

11

Q And he got statements from the clerks at the

12

MiniMart?

13

A Yes, sir.

14

Q He pulled the gas station video?

15

A To my knowledge, he was in the process of it. I

16

think the manager or owner had to be in there or

17

something, but it was not in my possession yet.

18

Q So you got there and got brought up to speed; you

19

took pictures?

20

A I did.

21

Q Those were admitted into evidence?

22

A Yes, sir.

23

Q And that was about it?

24

A That was all I could do at the time.

25

Q At that time?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - CROSS-EXAMINATION

1 A Yes, sir.

2 MR. HARTE: Court's indulgence.

3 THE COURT: All right.

4 (A brief pause in the proceedings.)

5 Q (MR. HARTE) This is State's 9; do you recognize
6 that?

7 A Yes, sir.

8 Q You believe that is an accurate representation of
9 what you saw?

10 A I do, yes, sir.

11 Q And right here where the Trailblazer is parked,
12 you believe that is accurate?

13 A That is where I was told she was, and it looked
14 to be in the surveillance.

15 Q Okay. Now, the testimony is that that was parked
16 in the median, but you agree that is a grassy dirt
17 area.

18 A Yes. To my knowledge, even though they did say
19 the median, they also said grassy median, when they
20 testified.

21 Q There's been a great deal discussed about the
22 shoes that person who robbed the MiniMart was wearing?

23 A Yes.

24 Q Did you do any investigations about the footprint
25 or anything?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - CROSS-EXAMINATION

1 A I could not tell of any footprints when I was on
2 scene; if I had, I would have.

3 Q Did you investigate that area?

4 A I did, yes, sir.

5 Q You can tell shoe size?

6 A You mean if I were to get a print?

7 Q Yes, sir.

8 A Oh, yes, sir.

9 Q And grooves from the type of shoe?

10 A Uh-huh. If there is enough evidence of a print,
11 you can take a mold; if there is enough to do so.

12 Q But there was not?

13 A No, sir.

14 Q How about this phone that you got from Monica,
15 Shannon's sister?

16 A Are you referencing the first or second phone?

17 Q Both.

18 A So I was -- I apologize, I don't know the date
19 Ms. Monica called to let me know she had gotten
20 Shannon's property from the jail and advised me of the
21 phone. I went to her residence, picked that phone up,
22 and I found out later that that wasn't the phone I was
23 looking for, as I don't think it was available for
24 service, and I took that phone back. I was then
25 notified that Ms. Monica found another phone that she

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - CROSS-EXAMINATION

1 knew Shannon had in her possession and used before she
2 gave me the phone number, and I picked up that phone
3 and did the search warrant for that one.

4 Q So she said Shannon used that in the past?

5 A Yes.

6 Q But you didn't get it from Shannon?

7 A No, I did not.

8 Q Just from Shannon's sister, Monica?

9 A Yes.

10 Q You can't remember the date when you got the
11 phone?

12 A I couldn't. I apologize, I have to look back at
13 my report.

14 Q So let's jump ahead. When you interviewed
15 Shannon, that was January 19th.

16 A Yes.

17 Q So about three weeks -- roughly, three weeks
18 after the robbery of the MiniMart?

19 A Yes. Yes, sir.

20 Q She said -- she told you she was coming back from
21 LRADAC, which is a rehab facility?

22 A To my knowledge, she said it was a detox
23 facility. I don't know what entails in each. I don't
24 know.

25 Q That is in Columbia?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - CROSS-EXAMINATION

1 A I believe so.

2 Q And she said that was on the 30th?

3 A Yes.

4 Q And her sister brings her back from Columbia?

5 A Right.

6 Q And there is issues with timing?

7 A Very much.

8 Q Right, because Shannon says Monica didn't get her
9 back into town until 10 o'clock?

10 A Right.

11 Q And, yet, you say you spoke with a Luanne?

12 A Luanne Chavis, yes. I spoke with her. She said
13 it was around 8:30. And in any interview you can also
14 hear me say, "Luanne must have been mistaken."

15 Q And Shannon got a heater from Luanne at 8:30?

16 A At one point it was a heater. At another point,
17 it was wheels. So her story changed several times.

18 Q But that was at 8:30, that's what Luanne told
19 you?

20 A That is what Luanne spoke to me about.

21 Q Regarding Shannon's whereabouts, the timing --
22 she couldn't tell you when she was here, when she was
23 there?

24 A No. And during the interview, it was "I didn't
25 do this," and then it turned into "I don't remember

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - CROSS-EXAMINATION

1 doing this," and then, "Oh, I remember driving," but
2 then "I don't remember driving."

3 Q I'm referencing the timing.

4 A Right. It is all over the place, is what I was
5 trying to reference to you. When she said something,
6 she would backtrack and say, "Oh, I remember" and then,
7 "Oh, I don't remember."

8 Q I'm referencing the timing of the night of the
9 30th, and the morning of the 31st. She told you she
10 couldn't remember anything about the timing of where
11 she was?

12 A Anything, right.

13 Q Now LRADAC is a detox rehab place?

14 A Yes.

15 Q And during the interview, Shannon talks about
16 working as a CI or a confidential informant?

17 A Yes.

18 Q To be a confidential informant, you can't be in
19 jail, right?

20 A Right.

21 Q So she's in jail being interviewed by you and Lee
22 Wilson?

23 A Yes.

24 Q She's being held without bond?

25 A Okay. If that is what it was. I honestly don't

TAYLOR MINTZ - CROSS-EXAMINATION

1 remember.

2 Q So she can't get out of jail?

3 A No.

4 Q So she's going to say whatever she can to try to
5 get out of jail?

6 A As anyone would.

7 Q She also said she was given a sleeping pill?

8 A She mentioned a sleeping pill, yes.

9 Q Did you drug test her?

10 A I did not. When she referenced it, it was back
11 when the robbery occurred, so that was three weeks
12 later. It would not have been in her system anyway.

13 Q There is certain drugs that will still be in your
14 system nine days later. You didn't blood test or drug
15 test or anything?

16 A I did not. I didn't feel that would be in her
17 system, and that was on my part.

18 Q So on January 4th is when she was in Alabama?

19 A That is when she was taken into custody, yes, in
20 Alabama.

21 Q During that interview, she gave you consent to
22 search her car?

23 A She did.

24 Q Did you ever get the car back?

25 A I obtained a search warrant to the car, but we

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - CROSS-EXAMINATION

1 weren't able to locate or find the car at the time.

2 I'm not exactly sure. I know I spoke with one of the
3 officers, but I don't quite remember exactly where the
4 car was, and we just did not -- at some point we did
5 not bring the car back. I apologize, I don't remember
6 why.

7 Q When you spoke with one of the officers, you
8 meant one of the officers from Alabama?

9 A Yes, sir.

10 Q You never gave them direction to get that car?

11 A I don't recall.

12 Q You never sent any of your deputies?

13 A We did not, no. No, sir.

14 Q Okay. So Shannon gave you an opportunity, full
15 consent, to search that car, and you never went and got
16 it?

17 A We did not.

18 Q And at any point in your investigation you never
19 found a gun?

20 A No, sir.

21 Q You never found any type of clothing?

22 A No, sir.

23 Q You would agree that we've heard enough testimony
24 about the person that robbed the 521 MiniMart was
25 bearing a black hoody, black pants, some kind of face

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - CROSS-EXAMINATION

1 covering?

2 A Right.

3 Q You never found any of that?

4 A No.

5 Q Even after given full consent to search that
6 vehicle?

7 A Yes, sir.

8 MR. HARTE: Court's indulgence, Your Honor.

9 THE COURT: All right.

10 (A brief pause in the proceedings.)

11 Q (MR. HARTE) Ms. Mintz, during your interview
12 with Ms. Bone, she said she suffered from a drug
13 problem, a pill problem?

14 A Yes.

15 Q She wanted to go to Texas; she had a friend out
16 there that would have a job and she wanted to start
17 over?

18 A Yes.

19 Q It's only logical if you are going from
20 Georgetown, South Carolina, to Texas that you would go
21 through Alabama, correct?

22 A True.

23 MR. HARTE: Thank you. Nothing further, Your
24 Honor.

25 THE COURT: Redirect?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - REDIRECT EXAMINATION

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

REDIRECT-EXAMINATION

BY MS. SMITH:

Q Ms. Mintz, when you responded to the scene of this crime on December 31st of 2017, what all did you do while you were there?

A I arrived on scene. I spoke with Corporal Stafford to kind of get a layout of what happened, make sure that the crime scene tape was in a perfect area, taking photos, speaking with witnesses. I did everything I could at that scene that day.

Q So you did speak with witnesses?

A Yes, ma'am.

Q And do you have any training with footprints and getting casts of footprints?

A I do.

Q Are you able -- what was the ground type at the 521 MiniMart?

A It was gravel, cement; and then where the vehicle had alleged to be parked, it was grass.

Q Would it have been plausible for you to have recovered a cast of a footprint in a public area like that?

A No, ma'am.

Q Were you able to locate Shannon Bone on

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

TAYLOR MINTZ - REDIRECT EXAMINATION

1 December 31st of 2017?

2 A No, ma'am.

3 Q And why was that?

4 A She had fled and gone to Alabama.

5 Q What did she flee in?

6 A The black Trailblazer that was registered to her.

7 Q State's Exhibit 13. Ms. Mintz, is that the
8 Trailblazer we're talking about?

9 A Yes, ma'am.

10 Q Where was that Trailblazer located?

11 A 521 MiniMart, in this photo.

12 Q After the crime, where did you eventually locate
13 it?

14 A Alabama.

15 Q But did you have the opportunity to interview
16 Ms. Bone?

17 A I did.

18 Q And when was that?

19 A January 19th.

20 Q Where was that?

21 A Detention center in Georgetown.

22 Q Did Ms. Bone appear to be intoxicated?

23 A She did not.

24 Q Did she appear to be under the influence of any
25 type of illicit substance at that point in time?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

TAYLOR MINTZ - REDIRECT EXAMINATION

1 A Not that I could tell.

2 Q How many days had it been since her arrest in
3 Alabama when you interviewed her?

4 A From the 4th to the 19th.

5 Q Did she admit to a drug problem or pill problem?

6 A A drug problem, but I'm not sure -- I don't know
7 if she had pills or not, but she told me a drug
8 problem.

9 Q Ms. Mintz, do you control the bond of a
10 defendant?

11 A No, ma'am.

12 Q Are you aware if the defendant was given a bond
13 in this matter?

14 A I believe she was not given a bond.

15 Q Was -- has the defendant's -- let me rephrase
16 this.

17 At some point, was this defendant given a bond?

18 A Yes.

19 Q Do you have any control over that?

20 A I do not.

21 Q Does the DEU have control over a defendant's
22 bond?

23 A No, ma'am.

24 MS. SMITH: Beg the Court's indulgence.

25 The State has no further questions.

JURY OUT

1 THE COURT: You may step down.

2 MS. SMITH: Can Ms. Mintz be released?

3 MR. HARTE: Without objection.

4 THE COURT: You are free to go.

5 MS. SMITH: Captain Joanne Clarey.

6 Can we approach for this witness?

7 THE COURT: All right.

8 (Whereupon, a bench conference was had.)

9 THE COURT: Ladies and gentlemen, the attorneys
10 informed me there is an issue of law we have to deal
11 with, so I'll excuse you to the jury room for a
12 moment, and we'll bring you back out in a second.

13 (The jury exits at 10:28 a.m., and the
14 following is heard out of the presence of the jury.)

15 THE COURT: Ms. Smith.

16 MS. SMITH: We believe the door is opened to
17 discuss Ms. Bone's sickness by the defense's comments
18 about her being ill. This is a self-induced illness.
19 She -- this defendant made the decision to not only
20 not come to court on the first day of trial, she also
21 made the decision to continue to use, as Captain
22 Clarey had said in our pretrial hearing this morning,
23 that she was using heroin. She chose to use heroin.
24 This illness is self-imposed. We believe this is not
25 some viral or congenial disease or infection. This is

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY OUT

1 a self-imposed illness that she has done to herself.
2 I think just putting sickness on the record is
3 something that the jury could believe it was Covid.
4 Covid has been running around again. There has been
5 an uptick in cases in the most recent weeks. I think
6 they could get the wrong idea about that, and I
7 believe that the door has been opened, especially with
8 Ms. Mintz talking with her about her drug problem.

9 THE COURT: What is the relevance?

10 MS. SMITH: I do believe it is an -- again, it
11 was a very clearly unintentional misrepresentation to
12 the jury.

13 THE COURT: But, I mean, what is the relevance to
14 the State's case?

15 MS. SMITH: Your Honor, I just believe that the
16 State does have a duty to clear up any
17 misrepresentations.

18 THE COURT: The reason I ask that is because the
19 charge we are supposed to give the jury under the laws
20 of the trial, a defendant may be tried even if the
21 defendant does not attend the trial, but the fact that
22 the defendant is not present may not be considered
23 against the defendant in any manner, whatsoever. So
24 what is the relevance to the State's case in
25 identifying why the defendant is not present?

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY OUT

1 MS. SMITH: Your Honor, we believe it is an
2 unfair prejudice to the State for the jury to assume
3 an unfair reason; I mean, an innocent reason as
4 opposed to her choosing.

5 THE COURT: I mean, you are wanting to say she's
6 not in court today because she's recovering from the
7 use of drugs to put her in a bad light, to convict her
8 of armed robbery. What is the correlation between her
9 not being in the court today because she's having
10 withdrawals from drug use? How are you going to use
11 that as evidence against her on armed robbery other
12 than it's just going to prejudice her and make the
13 jury not like her?

14 MS. SMITH: We ask that it not be brought up in
15 defense's closing, that she's not here because she's
16 sick and there be a --

17 THE COURT: That is another dilemma. Mr. Harte,
18 you said she's sick and you do paint the picture that
19 it's --

20 MR. HARTE: I didn't know we were here to qualm
21 about the term "ill" or "fallen ill." I saw her back
22 in lockup and she was ill, as in throwing up. So I
23 don't believe I misspoke. I will agree with the
24 Solicitor, I don't have to bring it up in closing, and
25 it would be -- I agree. I don't know what the

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY OUT

1 relevance would be. I think it is highly prejudicial
2 if they were trying to get testimony in about the
3 condition at the moment. I don't know how that would
4 pertain to armed robbery.

5 Additionally, Your Honor, I don't know that
6 Joanne Clarey is the one to testify. I believe they
7 would have to get a medical expert in to explain what
8 was going on with Ms. Bone at the moment. Again, I
9 don't know the relevance, and I think it is highly
10 prejudicial.

11 THE COURT: Anything in reply?

12 MS. RICHARDSON: I don't mean to jump in.

13 THE COURT: That's fine.

14 MS. RICHARDSON: This is my concern. Usually, in
15 a trial in absence, there is this -- the jury is
16 instructed not to consider it, why, or anything, to
17 know why the person is not here is not to be a factor.
18 But at this point, I think it paints the State in a
19 bad light, and the court system; that this poor, sick
20 woman is missing her trial. So I ask, if nothing
21 else, we have a curative instruction that the reason
22 for her appearance is not for -- or lack of appearance
23 is not to be speculated or held against any party --
24 not held against the defense, but also not held
25 against the State. As part of the instruction, I

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY OUT

1 think we can do that in an instruction conference.
2 But it does give this misconception that this poor
3 thing, she can't even be here. It paints the State in
4 a bad light, and we also -- and the court system --
5 have the right to be balance and fair on both sides.
6 The better thing would have been no comment.

7 THE COURT: Let's put it this way: Say she had
8 absconded and she's being tried in her absence because
9 she's avoiding the law, that doesn't come in.

10 MS. RICHARDSON: Exactly.

11 THE COURT: So if you cannot put into evidence or
12 bring up the fact that the defendant absconded the
13 state to avoid prosecution, how can you bring up the
14 fact that the defendant is not present at trial
15 because they used drugs?

16 MS. RICHARDSON: Your Honor, I see that point.
17 What we ask is when we go to jury charges that there
18 is an instruction. Usually, it's "you can't hold this
19 against them, you can't consider it." But I want it
20 also to be that you can't hold it against the State or
21 the court, because it's been put forth -- to me, it
22 paints the State and the court system, in general, in
23 an unfair light, and it has to be fair to both sides.

24 THE COURT: Why distinguish that from the
25 defendant who has absconded?

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY OUT

1 MS. RICHARDSON: Because there is no comment on
2 why. Now we have a reason put forth, which paints the
3 State and judicial system in a bad light. It paints
4 everyone in a bad light. They are going to be
5 instructed about burden of proof, instructed about the
6 State has to do this, that we have to be fair,
7 everything has to be voluntary, all of that is -- and
8 of course it is a Constitutional, but they also don't
9 need to hold the fact that we're going forward with a
10 trial with the defendant they've only been told is
11 sick as something that can be held against the State.

12 So we ask for -- and we can agree not to put it
13 forth with this witness if it's not addressed, but we
14 would ask that at the appropriate time that the charge
15 be modified regarding TIA, that it is not to be held
16 against the defense or the State, not to be considered
17 at all.

18 THE COURT: We're not going to bring up the issue
19 now during Ms. Clarey's testimony. I'll do some
20 research as far as if you want a curative charges.
21 Get me some law on it that deals with absent
22 defendants who cannot appear at trial because of -- I
23 mean....

24 MS. RICHARDSON: It is very fact specific, that
25 is the thing.

JURY OUT

1 THE COURT: Yeah. Yeah. It is very fact
2 specific. The two dilemmas I have -- and I need
3 something from Mr. Harte, too -- the problem is you
4 brought up the fact that she's sick. From the other
5 side the problem, I have that if you can't bring up
6 the fact that the defendant has fled the state to
7 avoid prosecution, how in the world can you bring up
8 the fact that the defendant used drugs and is too
9 ill?

10 MS. RICHARDSON: Normally, we would not.
11 Normally, we would not. But now this has been put
12 forth, and I think it does paint the State and the
13 court system in a bad light, because the jury is left
14 to think we're going forward with a woman who is
15 unable to go forward.

16 THE COURT: Well, let's do research and come back
17 and evaluate it. I won't let it come in now, because
18 I'm having a hard time, all right.

19 Anything further from the State before the jury?

20 MS. SMITH: Nothing.

21 THE COURT: Anything from the defense?

22 MR. HARTE: No, Your Honor.

23 THE COURT: Let's bring the jury in.

24 (The jury enters at 10:38 a.m., and the
25 following is heard in the presence of the jury.)

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOANNE CLAREY - DIRECT EXAMINATION

1 THE COURT: Welcome back. We're ready to
2 continue.

3 MS. SMITH: States calls Joanne Clarey.

4 (WHEREUPON, JOANNE CLAREY, having been duly
5 sworn, testified as follows:)

6 THE CLERK: State your full name for the record
7 and spell your first and last name.

8 THE WITNESS: My name is Joanne Clarey,
9 J-O-A-N-N-E, C-L-A-R-E-Y.

10 DIRECT-EXAMINATION

11 BY MS. SMITH:

12 Q Can you tell the jury about yourself.

13 A I have worked for the Georgetown County Detention
14 Center for 18-and-a-half years. I'm captain of
15 operations, which means I run the entire jail.

16 Q Have you been the captain of the jail for all 18
17 years?

18 A No, ma'am. I started out and went through every
19 rank, corporal, sergeant, staff sergeant.

20 Q Do you have any particular rules at the
21 Georgetown County Detention Center when an inmate is
22 brought into your jail?

23 A We do.

24 Q What about any paperwork?

25 A As soon as they come into the jail, during the

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOANNE CLAREY - DIRECT EXAMINATION

1 booking process, we have what is called an "inmate
2 jacket," which I have one here. There is all the
3 necessary papers that the inmate has to fill out with
4 the officer, property sheets, sign in to go to court,
5 medical paperwork.

6 Q Are you familiar with the defendant in this case,
7 Shannon Bone?

8 A I am.

9 Q And were you working at the jail in January of
10 2018?

11 A I was.

12 Q When the defendant was brought into the detention
13 center, did she fill out the inmate jacket?

14 A She did.

15 Q What did that include?

16 A It was a list of her property. She filled out
17 the PREA, Prisoner Rape Elimination Act, filled out her
18 medical, and then because of the charge, she had to be
19 DNA'd, so she filled out DNA paperwork.

20 MS. SMITH: I've shown opposing counsel State's
21 Exhibit 44. I'm approaching the witness with the same
22 exhibit.

23 Q (MS. SMITH) What is that?

24 A A property sheet.

25 Q Whose property sheet is that?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOANNE CLAREY - DIRECT EXAMINATION

1 A Shannon Bone's.

2 Q How do you know that that is her property sheet?

3 A Well, because it is filled out correctly with her
4 name and she signed that this is her property and this
5 is her.

6 Q And on the next page of the same document?

7 A Is her property release, because as soon as she
8 came in, she wanted to release her pocketbook with all
9 of its contents to her sister.

10 Q And, Captain Clarey, how do you know that that is
11 her property release sheet?

12 A Well, because she filled it out and signed it,
13 but I'm the witness.

14 Q So that is your signature on it?

15 A It is.

16 Q Has it been altered or manipulated or changed in
17 any way?

18 A No, ma'am.

19 MS. SMITH: At this time we seek to introduce
20 State's 44 into evidence.

21 MR. HARTE: Without objection.

22 (State's Exhibit 44 admitted.)

23 Q (MS. SMITH) When was that form filled out?

24 A When she came in, and it was released the next
25 day.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOANNE CLAREY - DIRECT EXAMINATION

1 Q What are those dates?

2 A She filled it out on January 18th of 2018, and
3 her sister arrived on January 19, 2018.

4 Q Who is her sister?

5 A Her sister is Monica West.

6 Q What did Ms. West pick up?

7 A She picked up her purse with all of the contents,
8 the cell phone -- well, two cell phones and her purse
9 and her watch and rings. We don't release clothes.

10 Q What type of clothes were listed on that property
11 on the defendant's sheet?

12 A It said she had on blue pants that were ripped,
13 blue shirt, pair of brown shoes, pair of black socks,
14 gray jacket, and black and white sweater, two hairpins.

15 Q Why won't you release clothes?

16 A I don't release clothes because they have -- when
17 they are released from jail or go into prison, they
18 have to have clothes to go home in.

19 Q And, subsequently, was the defendant released
20 from GCDC?

21 A She was.

22 MS. SMITH: No further questions for this
23 witness. Answer anything Mr. Harte has.

24 THE COURT: Cross-examination.

25 MR. HARTE: Thank you.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOANNE CLAREY - CROSS-EXAMINATION

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

CROSS-EXAMINATION

BY MR. HARTE:

Q Captain, how are you?

A Good.

Q This is State's Exhibit 44?

A Yes, sir.

Q So I see here one blue ripped pants; do you mean
blue jeans?

A I'm assuming. We can't put "jeans," just the
colors.

Q Okay. So blue pants, gray jacket?

A Right.

Q Black and white sweater?

A Correct.

Q This is it?

A Well, we don't -- like the contents of the purse,
if there is nothing -- like the rings, watch, things of
value, so you'll see where we specifically have a place
for that on there. We have specific places for that
because those are things of value. We're not going to
put gum, things like that on there; that's just
contents.

Q So you agree on this sheet you don't see black

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JOANNE CLAREY - REDIRECT EXAMINATION

1 pants?

2 A No.

3 Q You don't see a black hoody?

4 A No.

5 Q You don't see a scarf?

6 A No.

7 Q You don't see any kind of face covering?

8 A No, sir, I do not.

9 Q You don't see a gun?

10 A No.

11 MR. HARTE: No further questions.

12 THE COURT: Redirect?

13 REDIRECT-EXAMINATION

14 BY MS. SMITH:

15 Q Would you put "gun" under "property"?

16 A Guns are not allowed in jail.

17 Q What date did she arrive at the Georgetown County
18 Detention Center?

19 A January 18, 2018.

20 Q Do you know what date she was picked up in
21 Alabama?

22 A Actually, I do. It's on this sheet. She was
23 picked up January 5, 2018.

24 MS. SMITH: Thank you. No further questions.

25 THE COURT: You may step down.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

MONICA WEST - DIRECT EXAMINATION

1 MS. SMITH: We ask for Captain Clarey to be
2 released.

3 MR. HARTE: Without objection.

4 THE COURT: Free to go.

5 State, call your next witness.

6 MS. SMITH: State calls Monica West.

7 THE WITNESS: Monica West.

8 (WHEREUPON, MONICA WEST, having been duly sworn,
9 testified as follows:)

10 DIRECT-EXAMINATION

11 BY MS. SMITH:

12 Q Can you spell your name?

13 A M-O-N-I-C-A, W-E-S-T.

14 Q Thank you so much. Ms. West, who is Shannon Bone
15 to you?

16 A My sister.

17 Q Is she older, younger?

18 A Younger.

19 Q In December of 2017, what was going on with
20 Shannon at that point in time?

21 A She was depressed, heavily into drugs, and just
22 lost.

23 Q Did you offer to help her at all?

24 A Yes, I did.

25 Q What did you offer her?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

MONICA WEST - DIRECT EXAMINATION

1 A I offered her pretty much anything she wanted. I
2 offered for her to stay with me, go to any facility
3 that she wanted.

4 Q Did you try to protect her?

5 A Yes.

6 Q What is the age difference between you and the
7 defendant?

8 A Ten years.

9 Q Did you help raise her?

10 A Yes.

11 Q The day after Christmas, did something happen
12 with her?

13 A Yeah. She called me and asked me if I would take
14 her to LRADAC in Columbia, which is a drug rehab.

15 Q Did you do that?

16 A Yes, I did.

17 Q What happened while she was in LRADAC?

18 A I don't really know because I don't have any
19 contact because they took her phone, but she didn't
20 stay but for four days.

21 Q And after about four days, what happened?

22 A She called me to come pick her up.

23 Q Did you do that?

24 A Yes, I did.

25 Q And where is LRADAC?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

MONICA WEST - DIRECT EXAMINATION

1 A Columbia.

2 Q And so did you drive all the way to Columbia to
3 get her?

4 A Yes, I did.

5 Q How did you get back from LRADAC, what route?

6 A I don't really know the name of the roads, but we
7 came the back way, through Manning.

8 Q Did you bypass King Street?

9 A Yeah. Yeah.

10 Q Did you make any stops?

11 A One in Manning.

12 Q And, approximately, what time did you all get
13 back to your house?

14 A Probably around 10:15, 10:30.

15 Q Do you recall that date when you went and got
16 her?

17 A December 30th, 2017.

18 Q Ms. West, has Shannon Bone ever contact you and
19 ask for money?

20 A Oh, yeah.

21 Q Would you provide it to her?

22 A No.

23 Q Would you ever assist her with buying cigarettes
24 or anything?

25 MR. HARTE: Objection.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

MONICA WEST - DIRECT EXAMINATION

1 A I probably would buy her cigarettes and stuff.

2 THE COURT: Hold on for a second.

3 MR. HARTE: Leading.

4 THE COURT: Overruled. Go ahead.

5 A Yeah, I would buy her cigarettes.

6 MS. SMITH: Your Honor, I'm putting -- publishing
7 State's Exhibit 43 at this point in time. I don't
8 believe we need the big television for that.

9 THE COURT: All right.

10 Q (MS. SMITH) Ms. West, there is a small -- well,
11 if I hook it up, there will be a small screen.

12 A Yes, ma'am.

13 MS. SMITH: Your Honor, I'm at Page 227 of the
14 records, which for this data set is the -- I'm
15 directing the witness' attention to Line 3971.

16 Q (MS. SMITH) Ms. West, on 3971, if I can blow
17 this up, do you recognize these numbers at all? Do
18 you recognize the number (843)461-0739?

19 A Yes.

20 Q Whose number is that?

21 A Shannon's number at the time.

22 Q And the one right beside that, (843)630-2337,
23 whose number is that?

24 A My brother's phone number at the time.

25 Q Can you tell me what date this is?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

MONICA WEST - DIRECT EXAMINATION

1 A December 31st, 2017.

2 MS. SMITH: I apologize. I'm dealing with a
3 slight technical difficulty. There is an SMS usage
4 Page 472 of the overall records.

5 Q (MS. SMITH) Ms. West, can you look at Lines 1804
6 or 1806.

7 A Uh-huh.

8 Q I can blow it up a little bigger. That first
9 number (843)344-3640, whose number is that?

10 A That's mine.

11 Q And the number beside it, whose is that?

12 A Shannon's.

13 Q 0739?

14 A Yes.

15 Q And on the morning of -- do you have another
16 phone number you used?

17 A No; I only have my landline and cell phone.

18 Q What is your landline?

19 A (843)387-5453.

20 Q And your cell phone?

21 A (843)344-3640.

22 Q And those were the two -- those were several of
23 the numbers we just discussed?

24 A Yes.

25 Q (MS. SMITH) Ms. West, your brother's number we

MONICA WEST - DIRECT EXAMINATION

1 just talked about, what is his name?

2 A Roy Bone.

3 Q Is he living today?

4 A No, he's deceased.

5 Q When did he pass away?

6 A September 6, 2021.

7 Q On the morning of December 31 of 2017, are you
8 aware if something happened at 521 MiniMart?

9 A I received a phone call and was told to check
10 Facebook, that there was a possibility that my sister
11 had been involved in an armed robbery.

12 Q And after -- after receiving that information,
13 did you attempt to contact your sister?

14 A Yes, I did. Yes.

15 Q To what avail were you able to get in touch with
16 her?

17 A I was not successful at all.

18 Q How many times do you think you called her?

19 A Oh, 50, if not more.

20 Q What about text messages?

21 A I sent numerous text messages also.

22 Q Did you ever receive a response?

23 A No. No.

24 Q Now, going back to LRADAC, do you know if the
25 defendant completed the program at LRADAC?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

MONICA WEST - DIRECT EXAMINATION

1 A No, she did not.

2 Q And how did you know that?

3 A Because they had called on December 30th to
4 inform me that she left the program unfinished.

5 Q When was the next time you spoke with the
6 defendant?

7 A I spoke with her when she was arrested in
8 Alabama.

9 Q When she got back to South Carolina, did you ever
10 speak with her again?

11 A Yes.

12 Q And what, if anything, did she ask you to do?

13 A To pick up her property.

14 Q Did you do that?

15 A Yes, I did.

16 Q After you picked up that property, what did that
17 include?

18 A I really didn't go through all of that. I knew
19 it had her cell phone, papers, and her wallet.

20 Q Were you in contact with the Georgetown County
21 Sheriff's Office during any of this time?

22 A Yes.

23 Q What, if anything, did you provide to the
24 Georgetown County Sheriff's Office from her property?

25 A I gave them everything that they asked. Pretty

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

MONICA WEST - DIRECT EXAMINATION

1 much they just wanted her cell phone.

2 Q And was that the cell phone that you received
3 from the jail?

4 A Yes.

5 Q And were you able to give that cell phone to the
6 investigators at the Georgetown County Sheriff's
7 Office?

8 A Yes, I did.

9 MS. SMITH: No further questions.

10 THE COURT: Cross-examination.

11 MR. HARTE: I have no questions.

12 THE COURT: You may step down.

13 MS. SMITH: May she be released from her
14 subpoena?

15 MR. HARTE: Without objection.

16 THE COURT: She's free to go.

17 MS. SMITH: Can we approach, Your Honor?

18 (A bench conference was had.)

19 THE COURT: Call your next witness.

20 MS. RICHARDSON: State call Alyssa Brown.

21 (WHEREUPON, ALYSSA BROWN was duly sworn and
22 testified as follows.)

23 THE CLERK: State your full name and spell your
24 name.

25 THE WITNESS: A-L-Y-S-S-A, B-R-O-W-N.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - DIRECT EXAMINATION

DIRECT-EXAMINATION

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

BY MS. RICHARDSON:

Q What is your rank with the police department?

A Currently, sergeant.

Q Sergeant Brown, I think you may have said it, but where are you employed?

A City of Birmingham in Birmingham, Alabama.

Q How long have you been with the police department in Alabama?

A In August will be nine years.

Q What is your educational background?

A I have a bachelor's degree in criminal justice and completed all training as a peace officer for the State of Alabama.

Q Where did you go to school?

A University of Alabama at Birmingham.

Q You were an athlete there?

A I was, yes, ma'am.

Q After you completed your college education, did you receive any further law enforcement training?

A Yes, ma'am. I went to the City of Birmingham Police Academy.

Q How long have you been -- that is the extent of your law enforcement career, is with the Birmingham Police Department?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - DIRECT EXAMINATION

1 A Yes, ma'am. The entire time I've been with
2 Birmingham Police Department.

3 Q How did you start out there?

4 A Once I graduated the Academy, I went straight
5 into patrol. I patrolled for a few years and made it
6 into a task force officer position, robbery task force
7 position with our south precinct. Then from there, I
8 made detective, and then went back to patrol. Now I
9 have been there for -- about a year ago, to sergeant.

10 Q You are sergeant over the entire precinct?

11 A East precinct, yes, ma'am.

12 Q And back in January of 2018, what position were
13 you holding?

14 A At that time, I was an officer on our south
15 precinct robbery task force.

16 Q Did your task force get a call regarding an
17 individual from South Carolina?

18 A Yes, ma'am.

19 Q Call you tell us what happened?

20 A So we received a call from Georgetown, South
21 Carolina in regards to a robbery suspect that they had
22 received information, was at a location within the
23 south precinct. Us, being robbery task force, we
24 responded to the scene, set up perimeters. Some of my
25 fellow officers knocked on the door to locate the

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - DIRECT EXAMINATION

1 suspect known as Shannon Bone. She was located inside,
2 taken into custody, and transported to the jail to be
3 extradited.

4 Q What sort of -- do you recall the address or the
5 general area where she was located?

6 A I believe it was 400 block of 47th. It is a
7 particular high crime area.

8 Q Was this a house or an apartment?

9 A An apartment.

10 Q It was an area you were familiar with?

11 A Yes, ma'am.

12 Q But you were given all of the information by your
13 dispatch?

14 A Yes, ma'am.

15 Q So you didn't have to investigate to figure out
16 which house or anything?

17 A No, ma'am. We were given the address and just
18 responded and knocked on the door.

19 Q Were you given a description of the individual?

20 A Yes.

21 Q The name and the description?

22 A Yes, ma'am, the name and the description.

23 Q What was the name?

24 A Shannon Bone.

25 Q Do you recall the description?

ALYSSA BROWN - DIRECT EXAMINATION

1 A White female, slender build.

2 Q Were you given any information about a vehicle?

3 A Yes; we were to look for a blue Chevy Trailblazer
4 with a South Carolina tag.

5 Q Officers went to the front, and you were in the
6 perimeter?

7 A Yes, ma'am. I was back in the perimeter to
8 prevent flight or escape from the apartment.

9 Q Could you tell us how officers were able to
10 apprehend her?

11 A Some fellow officers knocked on the door.
12 Someone came to the door and they requested to enter
13 the house to check for our suspect. They were allowed
14 in. They went in, located her in a bathroom, and took
15 her into custody.

16 Q At that point what did you do?

17 A Originally, I was on the perimeter in the rear.
18 Once my officers relayed over the radio she was taken
19 into custody, I walked around to the front of the
20 apartment. As they were bringing her out, I went back
21 to my car to -- we call it racking our rifle, which is
22 just to put my rifle in a safe mode and secure my
23 vehicle. I drove around to the front of the apartment,
24 got out of the vehicle, and proceeded to pat down
25 Ms. Bone due to me being the only female on the

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - DIRECT EXAMINATION

1 scene.

2 Q So they have female officers pat down female
3 suspects?

4 A Yes, ma'am.

5 Q So the other officers were around at that point?

6 A Yes, ma'am, they were.

7 Q And did all officers have body-worn cameras?

8 A To my knowledge, yes, ma'am. It is standard
9 practice.

10 Q Did you have a body camera?

11 A Yes, ma'am.

12 Q And have you reviewed your body camera footage?

13 A Yes, ma'am.

14 Q And the body footage of one of the other officers
15 involved?

16 A Yes, ma'am.

17 Q That would be Officer Dunn?

18 A Yes, ma'am.

19 Q And all of you worked together at that time?

20 A Yes, ma'am. We were all part of the robbery task
21 force.

22 Q When you patted her down, did you find anything?

23 A Only thing I recall is a \$20 bill in her back
24 pocket.

25 Q What about her vehicle, was the vehicle on scene?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - DIRECT EXAMINATION

1 A Yes, ma'am. It was parked directly in front of
2 the apartment she was located in.

3 Q And did it -- was it a Chevy Trailblazer?

4 A Yes, ma'am, blue in color.

5 Q Did it have a South Carolina tag?

6 A Yes, ma'am, it did.

7 Q What about property; did she have any property
8 with her?

9 A I believe she had a black purse with her. I
10 personally never came in contact with the purse, but I
11 did see it. Officer Johnson had her purse when she was
12 taken to the police car after her pat-down.

13 Q And what about her car, was there any interaction
14 with her vehicle?

15 A Not that I'm aware of; not that I was assigned
16 for. Due to the fact that she wasn't arrested from
17 inside the vehicle or in possession of that vehicle, we
18 weren't legally allowed to tow it to our place at that
19 point.

20 Q Was she able to secure her vehicle?

21 A I believe so, yes, ma'am. I know when I
22 originally walked to the front I saw the lights on the
23 inside of the vehicle, which leads me to believe that
24 someone had a clicker or something to lock the vehicle
25 to be secured.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - DIRECT EXAMINATION

1 Q Do you know if she had the keys with her?

2 A I believe so, yes, ma'am.

3 Q Let me show you what is marked as State's 45 and
4 46 for identification; do you recognize those?

5 A Yes, ma'am.

6 Q What are those?

7 A These are still shots of my body camera from the
8 scene when I approached Ms. Bone. This is Officer
9 Johnson, who is the male officer with Ms. Bone holding
10 a black purse.

11 Q And that is an accurate representation of the
12 screenshots from your video?

13 A Yes, ma'am.

14 Q They haven't been altered in any way?

15 A No, ma'am.

16 MS. RICHARDSON: We offer State's 45 and 46 into
17 evidence.

18 MR. HARTE: No objection.

19 THE COURT: State's 45 and 46 admitted without
20 objection.

21 (State's Exhibits 45 and 46 admitted.)

22 Q (MS. RICHARDSON) In State's 45, can you tell us
23 what is shown?

24 A This shows Ms. Bone standing next to Officer
25 Johnson, who is holding her purse. In the picture,

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - DIRECT EXAMINATION

1 Ms. Bone is standing next to a blue Chevy Trailblazer
2 with a South Carolina tag of November, X-ray, Alpha,
3 834.

4 Q And 46?

5 A 46 is Officer Johnson carrying a black purse
6 escorting Ms. Shannon Bone to properly secure her in
7 the patrol vehicle.

8 Q When you were patting her down and getting her
9 prepared for custody, what is the purpose of patting
10 her down?

11 A There is a difference between a pat-down and a
12 search. Pat-down is for officer's safety; we're
13 checking, for weapons. Once someone is into custody,
14 we do a search where we go in pockets to make sure
15 there is no illicit drugs or illegal items.

16 Q And you were just taking her into custody for
17 South Carolina?

18 A Yes, ma'am.

19 Q Did you ask her any questions regarding the crime
20 in South Carolina or anything like that?

21 A No, ma'am, not to my knowledge.

22 Q Did she -- when you were patting her down, did
23 she volunteer any information to you?

24 A She did. She stated that the blue Trailblazer
25 was her vehicle. She also stated that she didn't know

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - DIRECT EXAMINATION

1 the individuals that lived at the apartment. She said
2 that she had just met them and passing through
3 Birmingham. She said that she asked them where she
4 could score, so.

5 Q In your experience as a law enforcement officer,
6 what does that mean?

7 A In my experience, someone that is asking another
8 individual where they can score oftentimes means that
9 they are looking for drugs.

10 Q Did she indicate that she knew she was wanted?

11 A Yes, ma'am, she did.

12 Q What did she say?

13 A She said, I knew you all were looking for me, I'm
14 Shannon Bone.

15 Q Did she indicate that she was going to turn
16 herself in?

17 A She said she was going to turn herself in the
18 following morning, but I don't know if that was
19 accurate.

20 Q You had an opportunity to review the body-worn
21 cameras of yourself and Officer Dunn?

22 A Yes, ma'am, I did.

23 Q Have you initialed those as well?

24 A Yes, ma'am, that is my initials.

25 Q Officer Brown's is State's 47, and officer Dunn's

ALYSSA BROWN - DIRECT EXAMINATION

1 is State's 48. Have those been altered or amended in
2 any way?

3 A No, ma'am.

4 Q Are those an accurate reflection of what occurred
5 that night?

6 A Yes, ma'am.

7 Q And you have initialed both of the cases in that
8 regard?

9 A Yes, ma'am.

10 MS. RICHARDSON: Your Honor, I offer State's 47
11 and 48 into evidence.

12 THE COURT: Any objection?

13 MR. HARTE: Without objection, Your Honor.

14 THE COURT: State's Exhibits 47 and 48 are
15 admitted into evidence without objection.

16 (State's Exhibits 47 and 48 admitted.)

17 MS. RICHARDSON: At this point, Your Honor, I'm
18 going to publish a portion of State's 48. I think we
19 can observe this on the smaller TV.

20 (Published to the jury.)

21 Q (MS. RICHARDSON) Is that your voice, "I'm going
22 to pat her down"?

23 A Yes, ma'am, it is.

24 (Published to the jury.)

25 Q (MS. RICHARDSON) I'll start around the

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - DIRECT EXAMINATION

1 6:50 mark. I'm going to stop it. You were not here
2 at this point?

3 A No, ma'am. At this point I was putting my rifle
4 in my vehicle and securing it.

5 Q Okay.

6 (Published to the jury.)

7 Q (MS. RICHARDSON) That conversation is about some
8 boundary issues?

9 A Yes, ma'am.

10 Q Now, who is this in the left corner?

11 A That is me in the left corner. That is when I
12 arrived around to the front with my patrol vehicle and
13 was approaching Ms. Bone to search her incident to
14 arrest.

15 Q And the person visible you are identifying as
16 Ms. Bone?

17 A Yes, ma'am.

18 Q And what about the vehicle that is behind her?

19 A That is a blue Chevy Trailblazer that she
20 identified as her vehicle parked in front of the
21 apartment?

22 Q And can you tell for sure the color of that?

23 A On scene I could. It might be different on
24 video.

25 Q To be clear, there was no indication that she had

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - DIRECT EXAMINATION

1 a weapon in her possession; is that right?

2 A Right.

3 Q She was saying that belonged to other people?

4 A Yes, ma'am.

5 Q At this point, he's taking her to a vehicle to
6 transport her; is that right?

7 A Yes, ma'am.

8 Q And he had her purse in his hand?

9 A I believe Officer Johnson did, yes, ma'am.

10 Q And that is the officer in the photos we browsed
11 earlier?

12 A Yes, ma'am. In the video, it is Officer Dunn.
13 That is Officer Johnson there.

14 Q With the purse?

15 A Yes, ma'am.

16 (Published to the jury.)

17 Q (MS. RICHARDSON) We're ending that at 12:01.

18 That was the extent of your involvement in this
19 case?

20 A Yes, ma'am.

21 Q Until you were subpoenaed and brought here?

22 A Yes, ma'am.

23 Q You flew in yesterday with a little difficulty?

24 A Just a little bit, yes, ma'am.

25 MS. RICHARDSON: I have no further questions.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - CROSS-EXAMINATION

1 Answer any questions that Mr. Harte may have for you.

2 THE COURT: Cross-examination.

3 CROSS-EXAMINATION

4 BY MR. HARTE:

5 Q Officer, how are you?

6 A Good. How are you?

7 Q Long way from home.

8 A A little bit, yes, sir.

9 Q So a lot of this may be redundant. Regarding the
10 -- you testified there was a blue Trailblazer?

11 A Yes, sir.

12 Q You were never instructed to do anything with
13 that vehicle?

14 A No, sir, I was not.

15 Q Never searched it?

16 A No, sir.

17 Q Never told to impound it?

18 A No, sir.

19 Q Never contacted from anyone in South Carolina to
20 do anything with the vehicle?

21 A No, sir, I was not.

22 Q And you were the one that searched Ms. Bone's
23 person?

24 A Uh-huh.

25 Q No gun on her?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - CROSS-EXAMINATION

1 A No, sir.

2 Q No scarf, face covering?

3 A Not that I recall.

4 Q It was the same purse that was taken back with
5 her to South Carolina?

6 A Right.

7 Q And when you spoke with her, she said she was
8 passing through?

9 A Yes, sir.

10 Q She also said -- and I'm paraphrasing -- she knew
11 about the warrant and was going to turn herself in?

12 A Yes, sir.

13 Q She said she never should have left -- never left
14 where she was at?

15 A I don't recall that statement, but it's possible.

16 Q Okay.

17 MR. HARTE: Nothing further.

18 THE COURT: Redirect?

19 MS. RICHARDSON: No, Your Honor. We ask that she
20 be released from her subpoena.

21 THE COURT: Any objection?

22 MR. HARTE: No objection.

23 THE COURT: You are free to go.

24 MS. RICHARDSON: Due to our earlier discussions,
25 we need to take a break now so that we can address

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - CROSS-EXAMINATION

1 those issues before the next witness is called.

2 THE COURT: Ladies and gentlemen, we're going to
3 take a break, a 10-, 15-minute break. Don't discuss
4 the case, even among yourselves. Don't conduct any
5 investigation.

6 MS. RICHARDSON: Your Honor, may we approach on
7 that?

8 THE COURT: All right.

9 (Whereupon, a bench conference was had.)

10 THE COURT: Ladies and gentlemen, we've discussed
11 this earlier, the scheduling matter that came up, so
12 we're going to go ahead and take an early lunch break.
13 It is going to take awhile for us to get this matter
14 together, so I'm going to give you until 2 o'clock to
15 eat lunch. Do not discuss the case, even among
16 yourselves. Don't conduct any investigations. I hope
17 you have a good, long lunch. See you back at 2
18 o'clock. Thank you very much.

19 (The jury exits at 11:26 a.m., and the
20 following is heard out of the presence of the jury.)

21 THE COURT: All right. Is this regarding the
22 maps?

23 MS. RICHARDSON: Yes, Your Honor.

24 THE COURT: Mr. Harte, I'll give you an
25 opportunity to look at those maps and we'll come back

ALYSSA BROWN - CROSS-EXAMINATION

1 at 1:30 and make the decision then.

2 MS. RICHARDSON: Yes, Your Honor. That is
3 suitable with the State. We do have the large copies,
4 and he has them digitally as well.

5 THE COURT: All right. We'll be in recess until
6 1:30 p.m.

7 (A lunch recess was taken.)

8 THE COURT: Mr. Harte, have you had enough time
9 to look at the maps?

10 MR. HARTE: I have, Your Honor.

11 THE COURT: I'll hear from you then, or do you
12 have any motions?

13 MR. HARTE: Your Honor, we would simply renew our
14 motion for failure to comply with Rule 5 and Brady.
15 Should the State decide to use them as part of --
16 essentially, this is expert testimony. We do not feel
17 this should be included as a State's exhibit given the
18 fact they failed to comply with Rule 5. They have
19 turned over the phone records, but that is thousands
20 of numbers, that is lines and lines of code or numbers
21 which has been turned over. This is a -- a picture or
22 a map that depicts those numbers. If they want to get
23 that in as a State's exhibit, we feel that is a
24 violation of Rule 5 and Brady. If they have expert
25 testimony -- essentially, these maps are a part of the

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - CROSS-EXAMINATION

1 expert's testimony, and they can be used in that
2 sense, but that really is all they are. We do not
3 believe they should be included as actual evidence and
4 should be sent to the jury as an exhibit. So we move
5 to suppress those for failing to comply with Rule 5.

6 THE COURT: State.

7 MS. RICHARDSON: First of all, when looking at
8 failure to disclose, there is two issues with Rule 5
9 and Brady. In Brady, the State is required to provide
10 anything that is exculpatory, whether the defense
11 requested it or not. I don't believe this is a Brady
12 situation, that Mr. Harte has not said it is. So it
13 doesn't go toward Brady.

14 Instead, what he is arguing is a violation of
15 Rule 5, and it is a failure to provide a copy of the
16 map, the maps only, that the State intends to use as
17 an exhibit. First of all, before we broke, Mr. Harte
18 talked about the fact that we had the phone for four
19 years. What we're talking about here is not the data
20 from the phone, but it is from the cell phone company,
21 the records itself; that was received via search
22 warrant to AT&T early on in the case and provided to
23 the defense. We do have copies of discovery sheets.
24 Ms. Bone was initially represented by Mr. Hazard with
25 the Public Defender's Office, and then Mr. Harte

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - CROSS-EXAMINATION

1 became on the case instead of Mr. Hazard. But we're
2 showing they were provided as early as May 11, 2018,
3 the AT&T phone records with the data, and also the
4 interview of Shannon Bone that we've admitted into
5 evidence where it is clear from the start that they
6 had used cell tower information they received from the
7 cell phone company in determining her location, and
8 she was told about that.

9 So the underlying data that had the cell phone
10 tower locations and the telephone numbers were
11 provided from the start. Now, that data does contain
12 all of that information, and they get keys with that
13 information to show where those towers are located,
14 GPS, and those things. Those records are voluminous,
15 about 500 pages, but when you come to the time period
16 of the crime, it is something that can be manually
17 plotted, and it is on those records. So that
18 information has been available to the defense since
19 2018.

20 Additionally, in State v. Jenkins, Court of
21 Appeals case 2014, an issue came up regarding
22 fingerprints in IAFIS. The Court found that although
23 the State failed to turn over some documents regarding
24 IAFIS, that the defense had been aware for over four
25 years that there were -- that this was an IAFIS case

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - CROSS-EXAMINATION

1 and IAFIS related documents. Court of Appeals hold
2 that against them saying that this information or this
3 witness should have been able to testify.

4 There is also an unpublished opinion from the
5 Court of Appeals in State v. Cox where the Court said
6 -- I believe that is from 2019. It is an unpublished
7 opinion, but the Court does say that in that case that
8 the State made the defense aware -- in that case, the
9 State did not give a copy of the phone recording to
10 the defense, and the defense argued that information
11 regarding the phone conversation shouldn't have been
12 allowed in the State's case. The Court found that the
13 State had advised defense counsel of the existence and
14 substance of the phone call prior to trial, and the
15 defense failed to show how they were prejudiced by
16 failing to receive a copy of the conversation.

17 So in this case, Your Honor, the defense has
18 known early on that cell site information was used in
19 this case for the location of Ms. Bone; that has been
20 since 2018. Additionally, that was in her interview
21 and also contained in the cell phone records that he's
22 had in his possession -- or the defense had since
23 2018. Additionally, last week, they were advised that
24 we would have these maps and they weren't completed
25 yet.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

ALYSSA BROWN - CROSS-EXAMINATION

1 In State versus Gullede, a supreme court opinion
2 from 1997, 487 S.E.2d 590, that says when you look at
3 a violation, you look at what is in actual possession
4 of the State or an agency of the State. So this is
5 not a case that we had the maps from 2018. The maps
6 were created last week. The underlying data was
7 there, but the maps were created for preparation of
8 trial last week. This defendant was brought in and
9 had the opportunity in the week of May 31st to plead
10 guilty. We felt like we were close to a guilty plea,
11 and she was arraigned at that time. Last week, we
12 doubled down efforts to get ready for trial. He was
13 advised of it. We got them Friday afternoon about
14 2 o'clock. Monday morning, we started the trial and
15 had all of the issues regarding the trial and all of
16 the other issues, failure to appear.

17 Case law also indicates that you still look -- it
18 has to be a material violation, and the materiality of
19 it prejudicing the defendant. The whole goal is to be
20 fair. The whole goal is that -- that this be a fair
21 process for the defendant. This information was
22 provided, and the underlying information was provided,
23 it is just the actual exhibit itself.

24 THE COURT: Anything in reply?

25 MR. HARTE: Thank you, Your Honor. Solicitor is

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - CROSS-EXAMINATION

1 right, they have turned over the records. I agree, it
2 was back in 2018, before I represented Ms. Bone. Your
3 Honor, what we're talking about is hundreds of pages
4 with thousands of numbers. It is, essentially, code.
5 Sure, I could have tried to have pieced it together,
6 tried to do what this map they made does, but I'm not
7 an expert and it is not my expertise in any way. This
8 is expert testimony. This should not be included as a
9 State's exhibit. The fact that -- I hope Your Honor
10 can appreciate the difference between these lines of
11 codes and the difference of formulating that on a map,
12 and then we received that yesterday afternoon after
13 the end of court. So we ask they be excluded, Your
14 Honor.

15 THE COURT: I'm going to deny your motion to
16 exclude it based upon the State's assertion that it is
17 just a summary of what has already been produced; in
18 other words, I understand it is voluminous, but they
19 are saying it is just a summary. It is the expert's
20 explanation of those records, so I don't see -- I
21 mean, to me, the only prejudice to the defendant is
22 that it assists the expert in giving the testimony.
23 So I'm going to deny your motion and allow it.

24 Anything else?

25 MS. RICHARDSON: Not from the State.

ALYSSA BROWN - CROSS-EXAMINATION

1 MR. HARTE: There was some discussion about a
2 corrective instruction.

3 THE COURT: I've been thinking, and I'll let you
4 raise the issue again what -- one solution that I
5 thought of, that might address the issue, is just in
6 my closing charges, where it says that they cannot
7 hold a defendant's absence as evidence against the
8 defendant's guilt of armed robbery, during that
9 portion just formulating some type of instruction that
10 says that a defendant can waive his or her presence at
11 trial, and that this defendant has waived her presence
12 at trial; therefore, her failure to appear, the trial
13 can go on without her and it can't be used as evidence
14 against her. I don't know a definitive response now,
15 but that is kind of what I was thinking. Think about
16 that. In other words, basically saying -- well, I
17 think the rough draft I had put out said something to
18 the effect that the defendant has a right to be
19 present during the trial of their case; however, that
20 right can be waived by the defendant, and in this case
21 this defendant has waived that right, so her failure
22 to appear cannot be used as evidence against her.

23 Like I say, I don't need a response, but do your
24 research and see what you think. Like I say, it is
25 somewhat of a situation that we have to kind of come

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - CROSS-EXAMINATION

1 together and decide how to correct it. I agree, the
2 fact that she's used drugs and sick because she
3 voluntarily consumed drugs is not proof that she
4 committed armed robbery. But by the same token, we
5 don't want the jury thinking that the State is going
6 forward with a trial because someone is sick by some
7 other means and can't appear; that's why I came up
8 with the thought, well, you know, it was her decision
9 and she chose not to be here, and proceed that way.
10 You think on it, and I'll get a response before we get
11 to that point.

12 MR. HARTE: If we could have a little foresight
13 as far as scheduling for the remainder of today,
14 tomorrow, and if we're needed Friday.

15 THE COURT: The fact of the matter -- well, I
16 don't mind going late if we can get done this week.
17 If we're coming back next week anyway, I don't see the
18 sense in making a jury stay until 6:00, 7:00,
19 8 o'clock at night. So, I mean, if they are going to
20 be coming back -- you are right, Monday is a holiday,
21 so it would be coming back on Tuesday. If they are
22 going to have to come back on Tuesday anyway, that
23 sets the tone and gives you Tuesday, Wednesday,
24 Thursday, Friday of next week.

25 MS. RICHARDSON: Where the State is on this, we

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - CROSS-EXAMINATION

1 have Ms. Gardner today and the possibility of one
2 other witness today; we're discussing that now. But
3 what we have planned is two definite additional
4 witnesses, maybe three, but we don't have -- probably
5 wouldn't have anything for tomorrow, it looks like.
6 Our witness for Friday, and I think Ms. Smith e-mailed
7 you a few weeks about that. Our witness is not
8 available until Friday, one of the experts. We would
9 plan on doing that Friday morning, and then resting.
10 From the State's point of view, that should be an hour
11 or less and resting.

12 I was hoping that tomorrow -- I know we kind of
13 put the cart before the horse as far as doing charge
14 conference between directed verdict motions, but maybe
15 -- I know Your Honor has instructed Admir Smith to be
16 back tomorrow, who was one of the individuals on the
17 trial roster. He is supposed to appear tomorrow.
18 Perhaps, tomorrow we wouldn't have the jury so we
19 could handle Mr. Smith, handle putting the cart before
20 the horse, but handle charging conference, and then
21 Friday we could have our last witness, rest, and then
22 if the defense has any one. But, hopefully, depending
23 on what they decide to put up, we could finish Friday
24 morning and have everything ready for charging and
25 closing, assuming the directed verdict --

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - CROSS-EXAMINATION

1 THE COURT: Put it this way -- and I'm not going
2 to make you disclose your defense or anything of that
3 nature, but if the State gets -- rests their case
4 Friday morning, and the defense does not present
5 anything, then hopefully we can do closing arguments,
6 charges, and deliberations and get done Friday.
7 Simply because I know the jury would prefer doing that
8 then coming next Tuesday. However, if the State does
9 not finish by Friday morning, or the defense does
10 present any defense, whatsoever, then I think we'll be
11 coming back Tuesday morning. If the defense presents
12 anything, then that adds a rebuttal by the State, it
13 adds an additional response to closing arguments that
14 the State would be entitled to, and so that alone adds
15 potentially an additional couple of hours. So I don't
16 know what to tell you, other than if the State can't
17 get done by Friday morning, or if the defense
18 anticipates putting anything up, then we'll go into
19 next week.

20 MR. HARTE: Thank you, Your Honor. So we
21 anticipate nothing except maybe our charging meeting
22 tomorrow?

23 THE COURT: I mean, there is no need to do a
24 charge meeting tomorrow. There is no need to do a
25 charge meeting until we've heard the motions at the

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

ALYSSA BROWN - CROSS-EXAMINATION

1 close of the State's case and then know where we stand
2 at the end of the evidence. I mean, you have the
3 typical presumption of innocence, believability of the
4 witnesses, duties of judge and jury, presumption of
5 innocence, things of that -- charge on armed robbery
6 and stuff. But a lot of the other charges we don't
7 know what needs to be in there and what doesn't until
8 we conclude with the evidence. Some of it you can see
9 along the way.

10 I mean, for example, if the defendant shows up
11 and testifies, or if the defendant is present, that's
12 going to limit any instruction on an absent defendant,
13 number one. Number two, it will knock out any
14 requirement that we charge defendant's failure to
15 testify. So I don't know that we can have a charging
16 conference tomorrow unless there is something that you
17 all know. I won't require the defense to do anything
18 that will tip off what their intentions are or what
19 their defense may be at this time.

20 What do you all think? You don't anticipate the
21 State putting up anything tomorrow?

22 MS. RICHARDSON: No, Your Honor.

23 MS. SMITH: No, Your Honor.

24 THE COURT: Why can't -- why is this witness not
25 available except Friday?

ALYSSA BROWN - CROSS-EXAMINATION

1 MS. SMITH: Your Honor, he is out of state in
2 Atlanta, Georgia. He did inform us that this has been
3 a -- he has done ICAC (phonetic) ops through the
4 Secret Service and through another federal agency, and
5 also been in these training sessions for his role with
6 the Secret Service, as well as his role in the police
7 force, as well as the Internet Crimes Against
8 Children, which he is a member of the ICAC team in
9 South Carolina.

10 THE COURT: I mean, what is his testimony? What
11 is he doing in Georgia; going through training?

12 MS. SMITH: It is training and he's doing other
13 operations with Internet -- it is my understanding
14 he's doing Internet Crimes Against Children operations
15 which, of course, it is my understanding that what
16 those are is -- to use a slang word "cat fishing"
17 pedophiles.

18 THE COURT: So he's working?

19 MS. SMITH: Yes, sir.

20 THE COURT: So he can't be here because he has to
21 work?

22 MS. SMITH: Yes, sir. We spoke with him last
23 night and asked if he could come home early, and he's
24 unable to do so at this time.

25 THE COURT: But he has to work?

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

ALYSSA BROWN - CROSS-EXAMINATION

1 MS. SMITH: Yes, Your Honor.

2 THE COURT: All right. So we're not doing
3 anything tomorrow except for this other one. The
4 State needs to keep in mind what is good for the goose
5 is good for the gander. If the defense has someone
6 that can't be here because they have to work, we have
7 to afford them the same courtesies. You can't bend
8 over backwards and say State's witness has to be at
9 work and can't take off, and then hold the defendant's
10 feet to the fire and say I'm sorry if they have to
11 work, and that is more important, so you can't use
12 them. So we'll deal with that. I mean, you are
13 setting a precedent here that we're going to start
14 accommodating witness' work schedules.

15 MS. SMITH: I apologize, Your Honor. We informed
16 the Court and the defense approximately two weeks ago
17 of this issue seeking guidance at that point in time.

18 THE COURT: The guidance is you are setting a
19 precedent and we have to start accommodating people's
20 work schedules.

21 All right. The jury is supposed to be here at
22 2:00. Anything before the jury comes back?

23 MR. HARTE: No, Your Honor.

24 THE COURT: We'll be in recess.

25 THE BAILIFF: All the jury is in.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALYSSA BROWN - CROSS-EXAMINATION

1 THE COURT: Let's take a 10-minute break and
2 we'll come back.

3 (A recess was taken.)

4 THE COURT: Anything from the State?

5 MS. SMITH: Your Honor, I do have an answer to
6 the question proposed in chambers.

7 THE COURT: All right.

8 MS. SMITH: Based on the State's theory of the
9 case and our e-mail communications, I understand there
10 was miscommunication with that; however, because that
11 is how we envisioned this case going, we are going to
12 proceed into Friday.

13 THE COURT: All right. That's fine. That's
14 fine.

15 Anything else before we bring jury in?

16 MS. SMITH: Nothing from the State.

17 THE COURT: Defense?

18 MR. HARTE: No, Your Honor.

19 THE COURT: All right. Bring the jury in.

20 (The jury enters at 2:35 p.m., and the
21 following is heard in the presence of the jury.)

22 THE COURT: All right. Ladies and gentlemen,
23 welcome back. I hope everyone had a good lunch. I
24 want to apologize for keeping you in the jury room for
25 so long, and we're ready to resume the trial of the

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

ANGELA GARDNER - DIRECT EXAMINATION

1 case.

2 State, call your next witness.

3 MS. SMITH: State calls Angela Gardner.

4 (ANGELA GARDNER, having been duly sworn,
5 testified as follows:)

6 THE CLERK: Please be seated and state your full
7 name for the record and spell your first and last
8 name.

9 THE WITNESS: My name is Angela Gardner,
10 A-N-G-E-L-A, G-A-R-D-N-E-R.

11 DIRECT-EXAMINATION

12 BY MS. SMITH:

13 Q Hey, Ms. Gardner. Where are you from?

14 A Nashville, Tennessee.

15 Q How long have you lived there?

16 A My whole life.

17 Q Where are you currently employed?

18 A Regional Organized Crime Information Center.

19 Q Is it called something for short?

20 A Yes. We call it ROCIC.

21 Q What is ROCIC?

22 A A federally funded law enforcement support
23 agency.

24 Q So what type of support do you all provide?

25 A We provide like investigative support for

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ANGELA GARDNER - DIRECT EXAMINATION

1 agencies. We provide training. We provide like law
2 enforcement for specific locations. What I do is
3 analysis. We provide computer forensic analysis and
4 equipment for agencies to borrow.

5 Q How long have you been with ROCIC?

6 A 28 years.

7 Q What do you do for them?

8 A Criminal intelligence analyst.

9 Q Can you tell the jury what a criminal
10 intelligence analyst is?

11 A Yes. Basically, I take any type of information,
12 case information, data that the officer has and I,
13 like, collate and sort it and analyze that information
14 and make it easier to understand. So I break it down
15 into easy to understand information and make charts to
16 help visualize and share that information.

17 Q Do you do any work with cell phone record data?

18 A Yes.

19 Q And how long have you been working with cell
20 records or call detail records?

21 A Over 20 years.

22 Q Do you have any training in this?

23 A Yes. I've done training with lots of different
24 agencies to include the FBI cellular analyst team.
25 I've done training with a product called Art Map. I've

*CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!*

ANGELA GARDNER - DIRECT EXAMINATION

1 done training on GeoTime, which we currently use, and
2 I've had training on how to interpret the different
3 phone records from the different phone companies.

4 Q Do you have any other educational background?

5 A Bachelor's degree from Western Kentucky
6 University.

7 Q You mentioned GeoTime. What is GeoTime?

8 A It is a mapping program that you can import your
9 data into and it helps visualize and analyze all of
10 those kinds of records.

11 Q What type of records is this?

12 A Cell phone records or anything with, like,
13 location information.

14 Q And cell phone records, what type of information
15 does cell phone records contain?

16 A It gives you information about your cell
17 activity, phone calls, text messages, data usage.

18 Q Does it give you location data?

19 A Yes.

20 Q Can you explain to the jury what a cell tower is?

21 A It is basically the antenna that is giving out
22 radio waves that your cell phone uses to conduct the
23 cellular activity for phone calls, text messages, data
24 usage.

25 Q When you receive call detail records or cell

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ANGELA GARDNER - DIRECT EXAMINATION

1 records, is the tower provided in those records?

2 A Yes.

3 Q As a criminal intelligence analyst, have you been
4 able to determine -- or have you been able to verify
5 the GeoTime accurately plots latitude and longitude on
6 maps?

7 A Yes.

8 Q Is GeoTime an industry accepted program?

9 A Yes; it's used nationwide, in Canada and probably
10 other countries I don't know.

11 Q Has it been accepted in the courts in South
12 Carolina?

13 A Yes.

14 Q And when you get call detail records, what do you
15 do with them?

16 A So I basically just import those call detail
17 records into GeoTime and start visualizing that
18 information and analyzing it using the program.

19 Q What does that program pull up for you?

20 A It is pulling up locations with the call detail
21 records of the towers used.

22 Q When you say "towers used" --

23 A The cell tower locations in the phone records.

24 Q Ms. Gardner, have you ever testified in court?

25 A Yes.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

VOIR DIRE - BY MR. HARTE

1 Q Have you ever been qualified as an expert witness
2 before?

3 A Yes.

4 Q Have you ever been qualified as an expert in the
5 State of South Carolina?

6 A Yes.

7 MS. SMITH: Your Honor, I move to qualify
8 Ms. Gardner as an expert in the field of GeoTime and
9 cellular analysis.

10 THE COURT: Any questions or challenges?

11 MR. HARTE: Simply voir dire.

12 VOIR DIRE

13 BY MR. HARTE:

14 Q How many times have you testified as an expert?

15 A Once I think -- once.

16 Q In South Carolina or ever?

17 A Ever. Yes, once.

18 MR. HARTE: We object to her as an expert.

19 THE COURT: All right. I find this witness to be
20 an expert in GeoTime and cellular analysis over
21 defendant's objection.

22 Ladies and gentlemen, I'll give you instructions
23 on expert testimony when I charge you on the law in
24 this case, but all you need to know at this point in
25 time is that typically a witness can only testify to

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ANGELA GARDNER - DIRECT EXAMINATION (CONT.)

1 his or her personal knowledge of what they saw,
2 tasted, what they smelled, things of that nature.
3 This is an expert for witnesses who are qualified as
4 witnesses, which means in addition to this witness'
5 personal observations, she'll be allowed to render an
6 opinion in the field in which she's qualified as an
7 expert.

8 Ms. Smith.

9 MS. SMITH: Yes, Your Honor.

10 DIRECT EXAMINATION (CONT.)

11 BY MS. SMITH.

12 Q Ms. Gardner, did you receive any records in the
13 present case?

14 A Yes, I did.

15 Q What records did you receive?

16 A I received telephone records to the phone number
17 (843) 461-0739.

18 MS. SMITH: And I'm approaching the witness with
19 what is admitted as State's 43.

20 Q Are those the records you reviewed in this case?

21 A Yes.

22 Q And when you got these records, what did you do
23 with them?

24 A I used GeoTime to analyze and map the cell towers
25 used by the phone.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ANGELA GARDNER - DIRECT EXAMINATION (CONT.)

1 Q To your knowledge, whose phone number is this?

2 A Shannon Bone.

3 MS. SMITH: I'm publishing State's 43. We're at

4 Page 227 of the records.

5 Q Can you read this on your screen beside you?

6 A Yes.

7 Q You can tell me -- tell the jury what "C-O-N-N
8 date" means?

9 A The connection date.

10 Q What about "conn time"?

11 A Connection time.

12 Q In these records, who are they from?

13 A From AT&T.

14 Q It has these words "UTC" underneath the
15 connection time; what does that mean?

16 A That means they are in Universal Coordinated
17 Time.

18 Q What is UTC?

19 A It is a standardized time that is -- doesn't have
20 timezones; it is without timezones.

21 Q Can you convert UTC to Eastern Standard Time?

22 A Yes.

23 MR. HARTE: Your Honor, at this time I have to
24 object. These are AT&T records. If no one from AT&T
25 has been called to testify, the proper foundation has

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ANGELA GARDNER - DIRECT EXAMINATION (CONT.)

1 not been laid for these records to be examined by this
2 witness.

3 THE COURT: It is already in evidence. Are these
4 in evidence?

5 MS. SMITH: Yes, Your Honor. And I believe that
6 a speaking objection is not proper in front of the
7 jury.

8 THE COURT: I'll overrule it. I'll allow it
9 since it is already an exhibit. Go ahead.

10 Q Let me direct your attention to Item 3971; what
11 time is that in UTC?

12 A It is hard to see on there.

13 Q I can -- is that better?

14 A Yes. 11:50.

15 Q And what time would that be in Eastern Standard
16 Time?

17 A 6:50 a.m. Subtract five hours from UTC to
18 convert to Eastern Time.

19 Q Are all of AT&T records in UTC?

20 A Yes.

21 Q What is -- what does "seizure time" means?

22 A The time that -- the time it started.

23 Q And the "ET"?

24 A Seizure time is -- the ET is the elapsed time.

25 Q What is the "originating number" mean?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ANGELA GARDNER - DIRECT EXAMINATION (CONT.)

1 A It means the number that originated the call.

2 Q And "terminating number"?

3 A The number that was being called.

4 Q Let's go down to this last column. "Cell
5 location," what is that?

6 A That is the cell location that the call was
7 registered on, so that's the tower that was being used
8 for that call.

9 Q I believe you just told me that you received
10 those records?

11 A Yes.

12 Q And you put them in GeoTime?

13 A Yes.

14 Q What does GeoTime do with these records we have
15 here?

16 A It will visualize the tower locations that were
17 being used.

18 Q Does GeoTime assist in summarizing large records?

19 A Yes.

20 Q So that -- otherwise, would you have to hand plot
21 them, the locations?

22 A Yes. Yes. It brings in the records and plots
23 those cell tower locations.

24 Q So were you able to create a map using GeoTime in
25 the present matter?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ANGELA GARDNER - DIRECT EXAMINATION (CONT.)

1 A Yes.

2 Q This is Exhibit 49. What am I showing you?

3 A The map I created.

4 Q Has it -- other than being on a poster board, has
5 it been altered or tampered with in any way?

6 A No.

7 Q Who created this?

8 A I created it using GeoTime.

9 MS. SMITH: Your Honor, we seek to introduce
10 State's 49 into evidence and publish to the jury.

11 THE COURT: State's 49 admitted over defendant's
12 objection.

13 (State's Exhibit 49 admitted.)

14 Q Would it help if you step down for this part?

15 A Yes.

16 THE COURT: Make sure she's near the microphone
17 so the court reporter can pick up her testimony.

18 MS. SMITH: Can everyone see somewhat? Okay.

19 Q Ms. Gardner, can you explain to the jury what
20 this is?

21 A Yes. This is a map that is visualizing the
22 towers that were used during this time frame.

23 Q When is that?

24 A December 31st, 2017, 1:00 a.m. to 7:00 a.m.

25 Q And can you tell me what these circles are?

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

ANGELA GARDNER - DIRECT EXAMINATION (CONT.)

1 A Yes. That is a visualization of the cell towers,
2 the sectors that were used.

3 Q And on this map are the actual physical location
4 of those towers, the cell towers, are they marked on
5 here?

6 A Here is the cell tower in the center. On these
7 calls, the cell tower -- or the dot is in the center of
8 the sector being used, but the actual tower location is
9 here in the center. But just for ease of explanation,
10 it's depicted in the center of the sector so it is
11 easier to see which sector was being used.

12 Q Can you explain the relationship between cell
13 phones and cell towers?

14 A Yes. I mean, the cell towers are used to send
15 out signal to the phone to be used. You know, it is
16 what you use to do your phone calls, text messages, to
17 transmit to the other phone they are calling.

18 Q And what is this blue box indicating on your map?

19 A This is the location here of the MiniMart.

20 Q And what about the orange box, what is that
21 indicating?

22 A This here is the location of Shannon Bone's
23 residence.

24 Q And these green boxes?

25 A This is the call detail activity. So this is the

ANGELA GARDNER - DIRECT EXAMINATION (CONT.)

1 -- explaining and showing the times and the type of
2 usage that was on each cell sector.

3 Q And is that only -- was that only for the hours?

4 A Right, for this time period.

5 Q Okay. What about the numbers in the green boxes?

6 A So I numbered the activity so it is easier to
7 follow along from, you know, the first set of activity
8 to the second set of activity. So it is easier to
9 follow along the order of the activity.

10 Q Is that done chronologically?

11 A Yes.

12 Q Can you explain what a sector -- cell tower
13 sector is?

14 A So a sector is the degrees. It is kind of the
15 side of the tower. The easiest way to say it is it's
16 the side of the tower being used, the antenna being
17 used.

18 Q And these blue circuits, is that dispositive of
19 the full location or the full amount of coverage that a
20 tower will lend to a customer or a phone?

21 A No; it's just visual. It's kind of showing the
22 direction that this sector points. I put a standard
23 1.5-mile radius to give that visual; thus, the dotted
24 lines meaning that is not the end of the coverage, it's
25 just showing the direction of the coverage.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ANGELA GARDNER - DIRECT EXAMINATION (CONT.)

1 Q So would coverage just stop right there for a
2 phone?

3 A No. I mean, that's just showing for a good
4 visualization of the direction. So the coverage for --
5 most of the time it is much larger. It is just giving
6 you that good visual to see.

7 Q So let's go through some of these numbers.
8 Starting with number one; what timezone are these
9 records in?

10 A Eastern. This is visualized in Eastern Time.

11 Q Did you have to convert this?

12 A Yes.

13 Q From what?

14 A The UTC to Eastern, and then subtract five hours
15 from what the records said to show it in Eastern Time.

16 Q So with the first one, can you tell the jury what
17 number one is?

18 A So for this time period this is showing the first
19 set of activity from 1:18 a.m. to 1:49 a.m. using this
20 sector; one call and three data transmissions.

21 Q And when you say "this sector," will you point
22 for the jury --

23 A This sector here (indicates).

24 Q And what about two?

25 A Number two is using this sector here, and it is

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ANGELA GARDNER - DIRECT EXAMINATION (CONT.)

1 at 2:01 a.m., and there is one call and one data
2 transmission.

3 Q And then we go to No. 3; what is number three?

4 A Number three is from 2:01 a.m. to 2:02 a.m.

5 There was one call and three data transmissions on this
6 sector.

7 Q What sector is that?

8 A It's the sector that is pointing in the direction
9 of Georgetown in the location of the MiniMart.

10 Q Can you explain to the jury on two and three why
11 we have a start time -- similar start time?

12 A Yes. So on number two, I usually just put -- I
13 don't put the seconds. These happened in different
14 seconds. At number two, 2:01 a.m., and there is one
15 call and one data transmission, which was two. So it
16 was at 2:01:07 and 2:01:08. Here on number three, that
17 is at 2:01:13 a.m. So there was a difference in the
18 seconds there.

19 Q After 2:18 a.m., did the cell phone sector switch
20 at all?

21 A Yes. So after number five, at 2:18 a.m., it goes
22 to this sector here, number six at 2:23 a.m.

23 Q And then does it switch again?

24 A Yes. So then it comes and uses this sector at
25 2:28 a.m. to 2:29 a.m.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ANGELA GARDNER - DIRECT EXAMINATION (CONT.)

1 Q Why don't we -- let's go to eight real quick.

2 A So number eight in the sequence is using this
3 sector at 2:33 a.m., one call and one data
4 transmission.

5 Q What about nine?

6 A Number nine, again, is the difference in the
7 seconds here, 2:33 a.m. to 2:34 a.m., one call and
8 three data transmissions on this sector.

9 Q Now, let's go to ten; what sector is that?

10 A The sector here.

11 Q Duration?

12 A It is number ten is 3:34 a.m. to 5:10 a.m. There
13 is four calls, one text, and one data transmission.

14 Q There appears to be two 11s on your board; can
15 you explain that to the jury, please?

16 A Yes. So the data transmission in -- starts at
17 this sector here.

18 Q What time?

19 A 6:10 a.m. There is one data transmission. The
20 data transmission switches sectors, and it ends on this
21 sector at 6:49 a.m.

22 Q What sector is that?

23 A It's this sector here that is in the direction of
24 the MiniMart.

25 Q During that time period, was that a continuous

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ANGELA GARDNER - DIRECT EXAMINATION (CONT.)

1 dataset?

2 A Yes. So we're just showing here on this the
3 beginning of the data transmission, and the end of the
4 data transmission.

5 Q How long was that data transmission?

6 A It was approximately 39 minutes.

7 Q During that 39 minutes, through the records, are
8 you able to tell what time the switch occurred?

9 A No.

10 Q Just that at 6:49 a.m. --

11 A Was the end of the data transmission.

12 Q And what sector was it at the end?

13 A Here. The sector pointing towards the MiniMart.

14 Q With 12, 13, and 14, can you tell the jury the
15 times and sectors of those?

16 A So it is on this sector here at 6:49 a.m.,
17 6:50 a.m., and 6:51 a.m.

18 Q After that, does the phone switch towers?

19 A Yes.

20 Q So what happened next?

21 A So the phone starts using this sector here. So
22 we go from 14 to 15 at 6:52 a.m., and one call and one
23 data transmission here.

24 Q And then what happens?

25 A Then it is 6:55 a.m., and there is a data

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ANGELA GARDNER - DIRECT EXAMINATION (CONT.)

1 transmission off of this tower here. It is the same
2 tower. This one just didn't -- you remember I said it
3 is depicted in the center, this one didn't specify
4 sector, so it is using this tower.

5 Q What is number 17?

6 A Number 17 is 6:59 a.m. This sector, the
7 different tower, it is one call and two data
8 transmissions.

9 Q Based on 11 at the sector -- at this sector
10 closest to the armed robbery -- 12, 13, 14, 15, 16, and
11 17, what does that indicate to you?

12 A That the phone is moving away from that area. It
13 is starting to use towers and moving away from that
14 area of the MiniMart.

15 Q And this tower right here, where is this tower
16 located?

17 A That is Andrews, I believe.

18 Q Does this indicate westward movement to you?

19 A Yes.

20 Q I'm going to go ahead and have you step back up
21 and we'll talk some more.

22 Other than the records that you mapped out from
23 1:00 a.m. to 7:00 a.m. on December 31st of 2017, did
24 you review any other time frames?

25 A Yes.

ANGELA GARDNER - DIRECT EXAMINATION (CONT.)

1 Q Were you given the entire set of records?

2 A Yes.

3 Q Did you review or plot any of the records from
4 December 30th?

5 A Yes.

6 Q And what specifically did you pay attention to or
7 what times did you pay attention to on December 30th?

8 A December 30th, starting at 6:00 p.m., and then
9 mapped to December 31st at 7:00 a.m., which is when
10 the map that we just went over ended.

11 Q And at 6:00 p.m. December 30th on 2017, in
12 which vicinity is that phone?

13 A It's in Columbia, South Carolina.

14 Q And then where does it move, which direction?

15 A It moves like southeast. It goes down, coming
16 down towards to Georgetown.

17 Q At some point in time, is there a tower location
18 in Manning, South Carolina?

19 A Yes.

20 Q And, approximately, what time does the phone
21 arrive in the Georgetown County area?

22 A Approximately, 10:00 p.m. on December 30th.

23 MS. SMITH: Beg Court's indulgence.

24 THE COURT: All right.

25 (A brief pause in the proceedings.)

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ANGELA GARDNER - CROSS-EXAMINATION

1 MS. SMITH: Nothing further.

2 THE COURT: Cross-examination.

3 MR. HARTE: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. HARTE:

6 Q How are you?

7 A I'm good, thank you.

8 Q So all of this, all of this geo mapping you did,
9 is that all in reference to the cell phone
10 (843) 461-0739?

11 A Yes.

12 Q And from all of this geo mapping, can you tell
13 who is in possession of that phone?

14 A No.

15 Q This is just simply the pinging of the phones off
16 of the towers?

17 A Correct.

18 Q Was this the only phone you were asked to do this
19 geo mapping of?

20 A Yes.

21 Q Were you aware that the law enforcement received
22 another phone that belonged to Shannon Bone?

23 A No.

24 MR. HARTE: Nothing further.

25 THE COURT: Redirect?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ANGELA GARDNER - CROSS-EXAMINATION

1 MS. SMITH: None, Your Honor. May she be
2 released from the subpoena?

3 MR. HARTE: No objection.

4 THE COURT: She's free to go.

5 THE WITNESS: Thank you.

6 MS. SMITH: Based on our previous discussions,
7 Your Honor, we may need to have a quick -- we may need
8 to approach outside of the presence of the jury.

9 THE COURT: Okay. Ladies and gentlemen, there is
10 an issue of law. I'll issue you back to the jury room
11 for a few minutes. Thank you very much.

12 (The jury exits at 3:09 p.m., and the
13 following is heard out of the presence of the jury.)

14 THE COURT: Ms. Smith.

15 MS. SMITH: Your Honor, I believe Ms. Richardson
16 is determining if we can expedite any process right
17 now. I'm asking that you give me just a few moments
18 to go find her, just so that we don't cut them loose
19 until Friday if she's been able to work something out
20 in the past 30 minutes.

21 THE COURT: All right. How long do you need?

22 MS. SMITH: Probably 15 minutes; enough time to
23 go downstairs and come back.

24 THE COURT: All right. Anything before recess?

25 MR. HARTE: No, Your Honor.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THE COURT AND ATTORNEYS

1 THE COURT: We'll take a 15-minute break and come
2 back in a moment.

3 (A recess was taken.)

4 THE COURT: Thank you very much. Please be
5 seated.

6 MS. RICHARDSON: Your Honor, that is all the
7 testimony we have today. The State has one more
8 witness, which would be Friday morning as we discussed
9 in chambers. I did review the remote communication
10 technology portions of Justice Beatty's last order,
11 and in reviewing the Constitutional concerns under
12 Maryland v. Craig and State v. Johnson, I believe the
13 defense would need to consent under these
14 circumstances to allow it, and it is my understanding
15 they won't be able to do that.

16 THE COURT: All right. All I know to do is bring
17 the jury in, tell them that we're done until Friday
18 morning, have them come Friday morning, and I'll put
19 them on notice now that if they have any arrangements
20 for next week, they probably need to make arrangements
21 because there is a very likely possibility that this
22 trial will go into next week, and we will resume next
23 Tuesday.

24 MS. RICHARDSON: We will attempt to complete it
25 on Friday. The defense, you know, obviously, didn't

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THE COURT AND ATTORNEYS

1 submit a witness list, other than Ms. Bone. So that
2 is the only person -- we would only be looking at two
3 witnesses on Friday, in any event.

4 THE COURT: I really -- well, unless the State
5 offers some type of rebuttal.

6 MS. RICHARDSON: Right.

7 THE COURT: I would rather us finish up Friday,
8 having told the jury that we may not, then not say
9 anything and then Friday gets here and tell them then.
10 I would like to put them on notice now. All right.

11 Anything from the State before we bring the jury
12 in?

13 MS. RICHARDSON: No, Your Honor.

14 THE COURT: From the defense?

15 MR. HARTE: Briefly, I would like to clarify my
16 objection regarding Ms. Gardner. It was my
17 understanding -- and the basis for my objection was
18 that I thought that State's Exhibit, I believe it was,
19 47, the AT&T phone records, I thought those were an
20 exhibit, in which case I made an objection that lack
21 of foundation had been laid at that time. Had it been
22 admitted as evidence, then I understand -- I just
23 wanted to clarify my objection for the record.

24 THE COURT: All right.

25 Let's bring the jury in.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THE COURT AND ATTORNEYS

1 (The jury enters the courtroom at 3:31 p.m., and
2 the following is had in the jury's presence.)

3 THE COURT: Ladies and gentlemen, we've run into
4 the situation where the State's witness isn't
5 available until Friday, so we have to recess until
6 Friday morning. You will have tomorrow off. I need
7 you back Friday morning at 9:15. Now, having said
8 that, and I hate this, but I don't know any way around
9 it; there is a very distinct possibility that this
10 trial might go into next week, and with Monday being a
11 state holiday, I don't -- is it a county holiday? I
12 guess it is a county and state holiday, that means
13 that we may not be able to resume after Friday until
14 Tuesday. So if you have anything for next week, at
15 least I'm giving you some notice to where, hopefully,
16 you can make whatever arrangements need to be made. I
17 don't know that it will go into next week, but I know
18 we won't be able to accomplish anything else in this
19 trial until Friday morning; so I'll excuse you.

20 Again, I caution you: Do not discuss the case
21 with anyone. Do not discuss it among yourselves.
22 Don't conduct any independent investigation. I hope
23 you have a good day off tomorrow, and I look forward
24 to seeing you back on Friday morning. Thank you very
25 much.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THE COURT AND ATTORNEYS

1 (The jury exits at 3:34p.m., and the following
2 is heard out of the presence of the jury.)

3 THE COURT: Anything further from the State until
4 tomorrow morning?

5 MS. RICHARDSON: Is there anything else you want
6 us to do in regard to this case, or you want to wait
7 on charging until Friday or submit --

8 THE COURT: I mean, if you have something to
9 submit, you can submit it and I'll look at it. I can
10 tell you, I won't be able to give you a definitive
11 answer whether or not I'll charge it or not until -- I
12 don't want to say, Yeah, I'll charge it, and then I
13 find out that, no, after hearing from the defense or
14 hearing from the State's final witness. So you can
15 submit whatever you anticipate wanting me to charge
16 and I'll have that, but I'm not going to be able to
17 give you a definitive answer, Yes, I'm going to, or,
18 No, I'm not, until we conclude all the testimony and
19 everything.

20 MS. RICHARDSON: Unfortunately, at this late hour
21 I don't believe there is anything else we can bring
22 over from the jail to handle tomorrow.

23 THE COURT: All right. That's fine.
24 Anything from the defense?

25 MR. HARTE: No, Your Honor.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JUNE 17, 2022

1 MS. SMITH: Do you mind if we kept the courtroom
2 set up and keep the tape and everything?

3 THE COURT: Yeah, it doesn't bother me, unless
4 there is some reason -- do you know of any? Yeah,
5 that is fine.

6 (A brief pause in the proceedings.)

7 THE COURT: Juror Walker -- Juror 233, Katherine
8 Walls; is she still here?

9 THE BAILIFF: Yes.

10 THE COURT: They have this trade show next week
11 and she's the lead for her employer. She has to be
12 there next week, evidently. She must be leaving the
13 weekend or something. Just tell her to be back
14 Friday, but she does not need to worry about that. If
15 we go into next week, I'll excuse her and seat one of
16 the alternates. Tell her to please be here Friday,
17 but don't worry about her work situation; we'll
18 accommodate her on that.

19 Anything before we recess?

20 MR. HARTE: No, Your Honor.

21 MS. RICHARDSON: No, Your Honor.

22 THE COURT: Thank you very much.

23 (WHEREUPON, THE PROCEEDINGS FOR JUNE 15, 2022
24 CONCLUDED. THE FOLLOWING WAS HAD ON JUNE 17, 2022.)

25 (State's Exhibits 50-54 marked.)

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JUNE 17, 2022

1 THE COURT: Mr. Harte, have you spoken with your
2 client?

3 MR. HARTE: I have, Your Honor.

4 THE COURT: And what is her intentions today?

5 MR. HARTE: She has decided to waive her presence
6 in court today.

7 THE COURT: Do we need to bring her in, or she
8 doesn't even want to come in?

9 MR. HARTE: I don't think she wants to. I think
10 her sentiments are the same as Tuesday where she
11 simply wants to waive her presence.

12 THE COURT: So she's voluntarily waiving her
13 right to be at her trial today?

14 MR. HARTE: Yes, Your Honor.

15 THE COURT: Anything further on the record in
16 that regard?

17 MR. HARTE: No, Your Honor.

18 THE COURT: Anything from the State?

19 MS. SMITH: No, sir.

20 THE COURT: Are we ready for the jury?

21 MS. SMITH: Yes, sir.

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

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

25 THE COURT: Ladies and gentlemen, welcome back.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

ALAN HUGGINS - DIRECT EXAMINATION

1 I hope everyone had a good Thursday. I appreciate you
2 being prompt this morning. We're ready to resume the
3 trial of the case.

4 MS. SMITH: State calls Alan Huggins.

5 (ALAN HUGGINS, having been duly sworn,
6 testified as follows:)

7 THE CLERK: State your full name and spell your
8 first and last name.

9 THE WITNESS: Detective Alan Huggins, A-L-A-N,
10 H-U-G-G-I-N-S.

11 DIRECT-EXAMINATION

12 BY MS. SMITH:

13 Q Detective Huggins, where are you from?

14 A Originally, from California. I moved to South
15 Carolina in 2006.

16 Q What brought you to South Carolina?

17 A Military service.

18 Q What did you do in the military?

19 A In the Army National Guard, active duty as a MP.

20 Q After your service in the military as a MP, what
21 did you do next?

22 A I came to Horry County and joined the fire
23 department and became a firefighter/paramedic for
24 several years, which then I transitioned my public
25 safety service to law enforcement.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION

1 Q Can you tell the jury what "MP" stands for?

2 A Military police.

3 Q Can you tell me about your educational
4 background?

5 A So I was assigned -- well, I came into the police
6 department in 2014, at which time I went through the
7 basic Law Enforcement Academy. Over the last several
8 years, I became more specified in training focusing on
9 digital evidence, digital recovery, cell phone records,
10 Google location stuff.

11 Q What is your current role with the Conway Police
12 Department?

13 A So I'm currently assigned to the Investigations
14 Division. I'm a TFO, Task Forward Officer, who does
15 secret service, and I'm assigned to the electronic
16 crime task force with the Horry County Sheriff's
17 Department.

18 Q What kind of cases do you work?

19 A Primarily, my role as detective in Conway, I work
20 in homicides and violent crimes with a specialty of
21 violent crimes against children. So I handle all the
22 internet crimes against children, anything with
23 physical contact or Internet based stuff.

24 Q Where have you been this week?

25 A So this week I was in Atlanta, Georgia for our

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

ALAN HUGGINS - DIRECT EXAMINATION

1 annual conference. It is a national conference for a
2 community of crimes against children. I was receiving
3 additional training, advanced training, some about the
4 new case laws, disclosure policies, some of the new
5 equipment that came out this year, and getting our
6 annual refresher of what is going on.

7 Q Is this a class teaching you how to be Chris
8 Hanson like on To Catch a Predator?

9 A Yes.

10 Q Old show, sorry.

11 Do you use any CDR records or call detailed
12 records in your work?

13 A I do. So I handle all of our digital
14 investigations through Conway. All of our
15 investigators receive some form of digital evidence or
16 cell phone record analysis comes through me. I
17 generally do their legal service. Now I analyze the
18 data and give them back some form of a report to
19 include in their case files.

20 Q When you say "cell phone data," is that something
21 different than a call detail record?

22 A It is data extracted directly from the device
23 itself, not given from the provider.

24 Q What type of programs do you use to assist you in
25 your line of work?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION

1 A So if we're talking about cell phone records, I
2 use CellHawk and Manual Mapping. If we're talking
3 about digital evidence, we primarily use what we call
4 Cellebrite to do the downloading and analyzing the
5 data.

6 Q How long have you been working with cell phones
7 and cell phone records?

8 A 2020.

9 Q Let's start with CellHawk; can you tell the jury
10 what CellHawk is?

11 A It is a web-based platform and it ingests the
12 records that we receive from each provider. So when
13 you do a search warrant, you'll send the provider what
14 you are looking for, and based on what you are asking
15 for, they'll send you a return via e-mail in like a zip
16 folder that you compress. It will give a combination
17 of records from call detail records, locational
18 records, connections from IP addresses. It could be as
19 detailed, depending on the provider, for like online
20 purchases, if you have an account to them, the
21 subscriber history, when the account was created, that
22 kind of stuff.

23 Q How many cases have you used CellHawk in?

24 A Last time I checked my active case management, I
25 had 40 cases with over 1.2 million records.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

ALAN HUGGINS - DIRECT EXAMINATION

1 Q Do you have any specialized training in CellHawk?

2 A I do. So I have a certificate of completion
3 through CellHawk that allows me to use their program,
4 analyze data that the program gives me, and verify the
5 data I put in the program.

6 Q So we just talked about you put data in this
7 program; what type of data do you put in the program?

8 A Just raw records we get from the provider.

9 Q What type of records are those?

10 A Call detail records, advanced timing records,
11 locational data, IP records, stuff like that.

12 Q What type of readable format does CellHawk put
13 these records in?

14 A It basically populates a map and allows you to
15 look at the records in a more user-friendly manner.
16 Most of those records come in PDF format where you have
17 to go through date, time groups, locations and map them
18 on a map. The record ingests those records and puts
19 them on the map for you so you can look at them in an
20 easier work flow, I would say. You can go through an
21 entire phone record in substantially less time.

22 Q You independently verify the information is
23 accurate through CellHawk with the records?

24 A Correct. So anything that the records map or
25 anything the program maps, you can verify through

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION

1 manual mapping.

2 Q Now, let's turn our attention to Cellebrite.

3 A Right.

4 Q What is Cellebrite?

5 A Cellebrite is a tech company that, in turn, takes
6 devices, such as mobile phones, tablets, mass storage
7 devices, USB drives, thumb drives, and drones. It then
8 ingests the data from that device and then you use
9 another form of Cellebrite, a different program, and it
10 would analyze that data and put that into a new user
11 interface where you can click around and look at
12 photographs, videos, text messages, data on the phone,
13 website searches. All of the information that is
14 contained in the phone is then -- you know, in an
15 interface where you can go around and look at it,
16 analyze it.

17 Q Are you able to verify the information from a
18 cell phone extraction to be accurate?

19 A Yes. So there is several ways to verify; one is,
20 obviously, manual verification. So if I download a
21 phone and I see, like, on December 1st the phone sent
22 a text message and the program says that, I can
23 manually look at the phone and send a text message on
24 December 1st. I can cross-verify through cellular
25 records. So I can go to the provider records for that

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

ALAN HUGGINS - DIRECT EXAMINATION

1 cell phone and say does the network tell me that the
2 phone sent a text message on December 1st? So there
3 is several ways to verify.

4 On the techy level, you can go into the hash
5 values and the databases and manually look at the hash
6 values and extract the hash and read the text message
7 in its hash value; so that is another way.

8 Q For Cellebrite, have you received any training?

9 A I have.

10 Q What type of training have you received?

11 A So I received CCO, CCPA: Cellebrite Certified
12 Operator, and CCPA is a Cellebrite Physical Analyst.
13 So it allows me to go in and analyze the data the
14 extraction gives me and verify it.

15 Q With that training, are you actually certified?

16 A Yes.

17 Q Have you ever testified in court?

18 A I have.

19 Q Have you ever been qualified as an expert witness
20 before?

21 A I have.

22 Q In what fields have you been qualified as an
23 expert witness?

24 A I've been qualified in cellular technology and
25 its analysis, Google locational data, cellular mapping

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

VOIR DIRE - BY MR. HARTE

1 analysis, and cellular technology.

2 Q Okay. What about CellHawk, have you ever been
3 qualified?

4 A Yes, I have.

5 MS. SMITH: At this time, Your Honor, the State
6 seeks to qualify Detective Huggins as an expert in the
7 field of CellHawk, Cellebrite, and cellular analysis.

8 THE COURT: Cellebrite and CellHawk, those are
9 just programs?

10 MS. SMITH: Yes.

11 THE COURT: So it is cellular technology?

12 MS. SMITH: Yes, Your Honor; you could do that.

13 THE COURT: All right. Any questions for voir
14 dire?

15 VOIR DIRE

16 BY MR. HARTE:

17 Q How many times have you testified as an expert?

18 A One other time.

19 MS. HARTE: Yes, we would object to him being
20 admitted as an expert.

21 THE COURT: I find this witness to be an expert
22 in the field of cellular technology over the objection
23 of the defendant.

24

25

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

DIRECT EXAMINATION (CONT.)

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

BY MS. SMITH

Q Did you analyze any records in the present case?

A Yes, ma'am.

Q And what records have you analyzed?

A I have analyzed AT&T subscriber records for the target number that was provided, and I gave a report for that AT&T record.

MS. SMITH: If I may approach?

Q (MS. SMITH) State's 43; is that the number that you analyzed?

A 843-461-0739.

Q Are those the records you analyzed?

A Yes, ma'am.

Q What other items did you analyze in this case?

A A Samsung cellular phone.

Q Whose phone was that?

A By the phone analysis, Shannon Bone.

Q Did you create a report in this case using CellHawk?

A I did.

Q State's Exhibit 50.

MS. SMITH: I'll show it to defense counsel.

(A brief pause in the proceedings.)

MS. SMITH: Approaching with the same.

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 Q (MS. SMITH) Detective Huggins, what am I showing
2 you?

3 A USB thumb drive.

4 Q What is contained on that thumb drive?

5 A My demonstrative for this trial.

6 Q Has it been -- how do you know that that is what
7 that thumb drive is?

8 A Because I initialed the back of the thumb drive
9 at the creation.

10 Q And since you last reviewed it, has it been
11 altered, changed, manipulated in any way?

12 A No.

13 MS. SMITH: Your Honor, State seeks to admit
14 State's 50 into evidence and publish to the jury.

15 THE COURT: Any objection?

16 MR. HARTE: Without objection.

17 THE COURT: State's 50 admitted without
18 objection.

19 (State's Exhibit 50 admitted.)

20 Q (MS. SMITH) Detective Huggins, do you have a
21 remote in your possession that would assist you in
22 presenting this to the jury?

23 A Yes, ma'am.

24 Q Would you like me to connect that to the
25 computer? And would it assist you in your explanation

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 to the jury to step down so that you can indicate on
2 the screen?

3 A Yes, ma'am.

4 THE COURT: As long as he is near a microphone.

5 MS. SMITH: If he speaks loudly enough, is it
6 permissible for him to be by the TV?

7 THE COURT: That is fine.

8 (A brief pause in the proceedings.)

9 Q (MS. SMITH) Is this your presentation?

10 A Yes, ma'am, it is.

11 Q Can you tell the jury what you did?

12 A So this was a presentation I created for the
13 records that were provided for me. It's for
14 (843)461-0739, that was the target time, which was an
15 AT&T number. I like to include in my presentations --
16 unfortunately, just a little education so you guys can
17 understand and I could try to bring you to the level I
18 need so you can understand and convey what these
19 records mean to me. I hate to do it, but it is like
20 death by PowerPoint type of thing.

21 It is very important that we understand to
22 provide general understanding on how cellular networks
23 operate, which are the cell towers. They are
24 strategically placed by cellular service providers to
25 provide seamless operation to people that can travel

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 virtually anywhere and make and receive uninterrupted
2 calls, send or receive text messages, or initiate data
3 sessions via cellphones. Usually cell phones sites
4 are mounted high on large poles, on buildings, or
5 other structures, which provide line of sight with the
6 population below.

7 Cell sites are typically provided -- divided into
8 sectors that face the specific direction to being
9 provided maximum cellular coverage for the people in
10 their area. The range of these cell sites in sectors
11 depend on many factors, to include environmental and
12 geographical factors, whether it is not to provide the
13 -- sorry -- highly populated urban environments or
14 desolate rural areas. So what they are saying is that
15 the length and width of the tower can provide data or
16 signal depends on things like mountains, buildings, or
17 things that would obstruct that signal.

18 Cell site information does not provide an exact
19 location of the cell phone. The basic call detail
20 record data only provides the physical location of the
21 cell site -- so that is the longitude and latitude --
22 and the direction the antennas are facing on the cell
23 site. So when the records provide me detail, it
24 doesn't say that the phone is geographically within a
25 couple of feet of here; it states it in a generalized

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 area, and we'll get into that a little further.

2 The information that generally is located in a
3 specific cell phone is based on what the tower and the
4 sector phone used during the phone call, text message
5 and data session. When a person either initiates or
6 receives a voice call, text message, data session, or
7 usage event, these cellular devices broadcast signals
8 to the towers that arouses the communication. These
9 signals include cellular device identifiers, as well
10 as the data about the usage of the event.

11 Cell service numbers during the normal course
12 of -- sorry. The screen is tilted down, I apologize.
13 It is hard to read. Cellular service numbers during
14 the normal course of business data. The usage of that
15 record is commonly referred to as "call detail
16 records" are stored in their respective cell phone
17 company, and are mostly contain the following
18 information, with some exceptions, based on specific
19 carriers. So the CDRs, call detail records, will
20 include the date, time, type of event, duration of the
21 event, phone number initiating the usage of the
22 event -- so the call or calling number -- and even if
23 the caller's identification is blocked. So if you
24 block your phone number and call someone, the cellular
25 provider still stores that number despite your

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 blocking.

2 The text message transaction data international
3 mobile equipment identifier, and we refer to that as
4 the IMEI number. It is a specific number associated
5 with that device -- it's kind of like a Social
6 Security number -- and then any international mobile
7 prescriber ID. Then we have the IP data packet
8 session logs, and that's like data transmission, how
9 many bytes are downloaded or received. Then there is
10 the cell site locations and sector information
11 beginning and ending with each usage event.

12 So some might have first and last, so that will
13 be important to recognize. Just because it started
14 somewhere, does not mean it ended there. If you see
15 "first" and "last," it means that it moved to a new
16 sector or tower. So by calling here, I drive 10 miles
17 down the road, it will hand off that conversation to a
18 new tower.

19 Q This is just a basic explanation?

20 A Right. Right.

21 Q So what is this?

22 A So this is an example of a cell phone tower, but
23 sometimes the tower don't look like this. Sometimes
24 they like to disguise them. Sometimes they put them on
25 buildings, or they make them look like flagpoles or

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 fake trees. So these are just a basic example of cell
2 phone towers.

3 Now, these are the rays, and we'll talk about how
4 the rays are oriented on the tower, but they generally
5 have three rays on them, so it covers a 360-degree
6 around the tower.

7 Q Does that correlate with sectors?

8 A It does.

9 So to explain the data, since cell phone towers
10 are split into sectors and antennas, within these
11 sectors provided are for direction. We can obtain
12 general location of a target cell phone from the
13 information in the target cellphones, call detail
14 records. The location of these cell phone towers and
15 respective sectors can then be placed on a map
16 provided by a visual presentation for this
17 information. The map will display a wedge. This type
18 of shape extends from the position of the cell phone
19 tower with a shaded area inside the wedge to note
20 direction.

21 This shaded area on my maps does not provide
22 estimated coverage area, but only placed to show
23 direction. The information provides a visual
24 representation of the general location of the target
25 cell phone during the usage. So when we look at the

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 maps and you see the alligator mouths, you'll see a
2 wedge inside that's colored; that is not to say that
3 the phone coverage service ends or begins there, it
4 just says that is the direction from the signal from
5 the tower.

6 So we talked about the sectors. So most cell
7 phone towers have antennas that are grouped into three
8 distinct directions. Each of these antennas are
9 associated with a radius called a "sector." So if we
10 look at a 360-degree circle, the three sectors equal
11 120-degree area of service. So 120 times three is
12 360. So each sector will cover approximately
13 120 degrees.

14 I did a manual mapping example for this case,
15 specifically from the point of entrance or the
16 incident location. So to verify or cross-verify the
17 information from the cell tower records, after
18 ingestion into the CellHawk, I manually mapped that
19 tower to show the location.

20 Q Did you find that tower?

21 A I did.

22 Q Were you able to determine where that tower was?

23 A I was.

24 Q Where was it?

25 A So that is at 33.37224 by negative 79, so

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 basically 521 and 17.

2 Q Is that it (indicates)?

3 A That is. This is a historical view of what that
4 tower area looked like during 2017.

5 Q Can you tell me what highway that is going like
6 that?

7 A So it's 521, runs east to northwest.

8 Q What is this?

9 A This is just a street view of that tower during
10 that time frame showing that the tower was there, and
11 it was also on the satellite imagery.

12 Q Is that from 2017?

13 A Yes.

14 On top of the cellular records, I also
15 independently verified that the cellular provider gave
16 me accurate cell tower locations during that time. As
17 a member of law enforcement, I'm allowed to go into
18 the national database. The FBI runs a site, and it
19 keeps a historical record of every provider's cell
20 phone towers during a certain date, time group. So I
21 can go back in December of 2017 and look at the
22 historical cell tower records, which are indicated
23 here -- this is a screenshot from that record -- and
24 verify that the records that are provided from the
25 provider are one in the same with what -- so there is

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 no discrepancies.

2 So this is a cellular mapping analysis.

3 Q Is that for the tower associated with this
4 incident?

5 A It is.

6 So after double verifying from NDCAC and the
7 provider records, I go in and see did the program map
8 the tower correctly, and I manually map that tower and
9 make sure that the direction for that tower as
10 indicated on my program is what is indicating to me
11 also as someone who is trained to manually map it.

12 Q And did it -- was it the same?

13 A Yes. They were correct. So this is the tower
14 specifically that covers -- likely to provide service
15 to the 521 MiniMart area, Tower 1229. It has three
16 different sectors. In these sectors, in this specific
17 tower, doesn't show like a viewable 360-degree circle.
18 A lot of times, providers change those and bend them to
19 cover larger geographic areas. So we see there is a
20 major thoroughfare through this sector, so what they
21 are doing is they are trying to mold that signal to
22 provide more coverage further. I think this is 17, so
23 they want to cover 17 farther and want to cover 521,
24 going east and west. So they are trying to shape the
25 signal to provide better coverage for the users.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 Q Did you determine cell towers around the area as
2 well?

3 A I did.

4 Q Before getting to that, can you explain the
5 actual degrees that are indicated on this tower?

6 A I can. So manual mapping verification, I start
7 with each sector. I like to include in my
8 presentations the NDCAC records that overlay on top of
9 the provider records to verify the signal directions.
10 So as we can see here, the first Azimuth array is the
11 first one on that tower, and it gives a centerline of
12 320 degrees. So as I plot 320 degrees in that sector,
13 I can see it does, in fact, go 63 left and right of the
14 327 centerline, so I can say it is a properly mapped
15 123 Azimuth sector. I do that for each one.

16 So the next one is 12-298; that one shows
17 65 degrees. So mapping at 65 going left and right --
18 or 60 degrees to equal my 120. And, again, for the
19 final sector showing 245 from the provider records,
20 and also NDCAC. So I can say with certainty that this
21 tower is graphically represented correctly on the
22 program, because I manually mapped it and verified it
23 through the proper records.

24 Q Okay. So what does this line depict?

25 A So one of the first things I do after verifying

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 records and verification of tower placements, is just a
2 general overview of the records. The first thing I
3 like to do is input the incident locations, the
4 address, and make sure they are verified on the map. I
5 put a nice point on the map. Then, I load all of the
6 records provided in the search warrant period into the
7 record program, and I look at the -- the program
8 automatically looks and says during these time frames
9 that the records were given to me, was it ever in this
10 area? So it was. It shows, to me, that on
11 December 31st at 01:47:45 a.m. on 2017, that this
12 specific target number was located in those record sets
13 four times.

14 Q Let me ask you something about that. With this,
15 when it says "start date, first call/last call" --

16 A Right.

17 Q -- is that indicating any time that it would
18 switch over into a tower, or what does that indicate,
19 or switch to sectors?

20 A In order to keep it uniformed, this wedge, when
21 you do this for the total record values, it will only
22 give you the -- not the first and last, so it will only
23 give you whatever usage event began in that sector.

24 That doesn't mean that the device or the target
25 number has never been located more in this sector; it

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 just means that whatever sector it began in wasn't
2 this one. Does that make sense? It can be here more
3 than four times, but it never originated or began in
4 that sector; it came from somewhere else.

5 So this is another example where we talked about
6 likely to provide coverage. There is six records here
7 that include voice and data transmissions. That could
8 just be geographic obstructions, buildings, and
9 things, depending where you are. Maybe you were on
10 the western side of the building or the eastern side
11 that there was some kind of line of sight obstruction.

12 Q Were you able to determine which tower was
13 closest to the 521 MiniMart?

14 A It was the 1229.

15 Q Is that indicated right here?

16 A Yes.

17 So this is what I was trying to explain earlier.
18 In the records, we see here there is a first and last
19 event. What was indicated to me here is that at
20 6:10:03 a.m. Eastern Standard Time on December 31,
21 2017, the phone created a data session with the AT&T
22 network that started on the western side of the tower.
23 But if I go to the last usage event and select it, it
24 ends on the eastern side of the tower. Now, I can't
25 determine at which point during the 39-minute

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 connection time -- so it is 39 minutes and 43
2 seconds -- that the tower hands off service to the
3 other side of the tower, but I know definitively --
4 because first and last -- that if I add 39 minutes and
5 43 seconds to 6:10 a.m., so at 6:49 a.m., that the
6 phone or the device resides within this sector, which
7 is the eastern side of the tower.

8 Q Let me ask you this: Could that handset -- could
9 that phone have transferred sectors at 6:20?

10 A Any time during that period.

11 Q Any time? I mean, it could have been at 6:48?

12 A Yup.

13 Q Okay.

14 A The other thing I noticed, it looks like a couple
15 milliseconds afterwards at 6:49:46, it transfers back
16 to the western side of the tower. In my analysis, it
17 shows the handset is moving; it is not a stationary
18 object. If it was stationary, it wouldn't have a
19 "first" and "last," it would only have a single tower
20 point on the call detail record.

21 Q You said a couple milliseconds after;
22 milliseconds after what event?

23 A So here we look at 6:10 and added 39 minutes and
24 43 seconds. I would say three milliseconds after that
25 there was a new usage event where the data created a

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 new session, basically. Within that session beginning,
2 it starts on the western side of the tower.

3 So, I like to include the actual records that
4 were provided from the provider, just so everyone can
5 be on the same page and understanding. So this is
6 that day of that event I was talking about. If you
7 look closely, I highlighted it on the record. It
8 shows here, if we look closely, there is a discrepancy
9 that says 11:10 a.m. If we look up here at what the
10 time is provided in, it is provided in UTC, which is
11 Universal Time Code. So we know we have to convert
12 Universal Time Code to Eastern Standard Time.

13 Q So what that -- what would this time period be?

14 A So if we take 6:10:03 a.m. in UTC, it is
15 6:10:03 a.m. -- I'm sorry, 11:10. 11:10 minus five
16 hours is 6:10:03 Eastern Standard Time.

17 Q What is it about these records, particularly 4060
18 right now, what is it about this cell location area
19 that you were able to determine if there was a sector
20 switch; what part of that?

21 A Okay. So I see that her Samsung phone is
22 connected to the network. I see that the network is
23 connected to 229. It also provides the GPS coordinates
24 for that tower. But right here, the next number,
25 that's the Azimuth that the provider is saying that

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 that is the center point of that Azimuth. So it goes
2 from 320, and in the last event it is 65. So it goes
3 from the western to eastern side of the tower.

4 Q And would the 320 and 65, what is that indicative
5 of? Is that the degrees of the --

6 A Of the Azimuth, right. So true North, being
7 zero, and everything from that is calculated.

8 Q What do we have here?

9 A This is just another verification of what the
10 records are saying, showing the Azimuth. So 320 and
11 65, and we see that 65 is indicated on the eastern side
12 of the tower. So Sector 16 with the Azimuth of 65,
13 which was the Azimuth -- or the side of the tower that
14 most likely provided service to the 521 MiniMart.

15 That is just another verification of the 320
16 Azimuth where we see down here that it is plotting at
17 320 degrees.

18 Q Is that indicated by this -- the 4061?

19 A Yes, ma'am.

20 So after I look at the incident location, I just
21 like to look at the life of the phone to see -- we do
22 like a pattern of life analysis. I like to see where
23 the phone has been, how long it has been in places,
24 are they normal on their phone, like what is normal
25 for them? How many calls and text messages do they do

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 a day? I like to establish a baseline, so if there is
2 any deviance, I can understand and analyze that. So
3 if you send out roughly 300 phone calls and messages a
4 day, and all the sudden there is ten, there is
5 something going on in your life that has changed.

6 Q Now, this set right here, this slide right here,
7 what is this depicting?

8 A So when doing that overall analysis, I realize
9 there was a change of life behavior around the
10 26th through 31st time of this handset.

11 Q Is that December 2017?

12 A Yes. I'm sorry.

13 I noticed that the first and last of these
14 events, starting on the 26th and ending on the
15 30th, covered this LRADAC facility.

16 Q What specifically brought your interest to this
17 matter of life change? What was the pattern of life?

18 A The lack thereof. There was a lack of data
19 provided in the records showing that something had
20 changed, the phone was turned off, something changed.
21 The user wasn't using the device, so it was unusual for
22 their behavior.

23 Q Was there data for December the 27th?

24 A No.

25 Q Data for the December 28?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 A No.

2 Q Was there data for December 29th?

3 A No.

4 Q When did it resume?

5 A 30th.

6 Q Okay.

7 A So the data resumed on the 30th, and I noted
8 just by a slide the kind of general direction. It was
9 obviously in the Columbia area during that time frame,
10 then it started traveling back. It came through
11 probably Manning around 8:12 p.m. on December 30, 2017
12 Eastern Standard Time.

13 Q Can we talk about this? What are these red marks
14 on the screen; what do they indicate?

15 A Tower usage.

16 Q And where is this starting?

17 A Columbia.

18 Q And, approximately, where is it traveling?

19 A Towards the Georgetown area.

20 Q Okay. And, approximately, what time does this
21 phone get back to the Georgetown/Williamsburg County
22 area?

23 A I honestly can't recall about what time it came
24 back specifically to that area, I just remember that
25 was its general path.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 Q Okay. Absolutely.

2 Now, what is this?

3 A So this is a tool inside CellHawk that helps me
4 analyze pattern of life. I can toggle on and off usage
5 events. This is just like a shotgun effect. Any kind
6 of usage incoming, outgoing, received, not received,
7 anything indicated on the record would show up on this
8 graph. It is a pretty simple graph. I like to use it
9 a lot. Any time you see something on the graph, it
10 means there is something indicated on the record that
11 happened. If there is absence of lines or dots,
12 nothing is happening during that time.

13 Q Let me ask you a couple of questions about this.
14 What is your dataset right there?

15 A So this would be December 30th starting at
16 6:00 a.m. all the way to January 2nd.

17 Q Okay. And there doesn't seem to be a lot of
18 usage towards the beginning. So what date is this?

19 A That would be December 30th around 6:00 a.m. to
20 6:00 p.m.

21 Q And we can see up here; what is that?

22 A That's the New Year, so January 1st, 2018.

23 Q Did you notice anything interesting about this
24 pattern of life for December 31st of 2017?

25 A The pattern of life just by the amount or lack of

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 data that was present clued me in that I needed to look
2 closer at the records. As I said, just because it is
3 indicated here doesn't mean it is a usage event. It
4 means that something on the network happened. So it
5 could have been like me calling you, but your phone was
6 off or you didn't answer, it will still show up that I
7 called you, but if your phone was not on, you would
8 never know.

9 Q Does the voicemail show up as data record?

10 A It does. It would also show as outgoing. So
11 when you register your cell phone and set up your
12 voicemail, it sets up a dedicated line for that
13 voicemail. So even if the cell phone is off, and the
14 network knows it is off, it still will forward that
15 voicemail to that server. When your phone comes back
16 on and registers on the network, the network will send
17 that voicemail to you so you don't lose it.

18 Q On December 31, 2017, is there a significant
19 change in pattern?

20 A Oh, yeah.

21 Q Can you tell the jury what that significant
22 change of pattern is?

23 A So my next slide kind of goes over that. We can
24 see -- this is kind of rolling through -- actually,
25 this is locational data. This better depicts it. This

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 is where the target number is not on the network. So
2 we can see they are all indicated in red. Going
3 through the first -- none of these incoming text
4 messages or phone calls are being received by the
5 phone. So the phone is either powered off, the phone
6 is in airplane mode, SIM card removed, it is in kind of
7 a power-down state where the network has been turned
8 off and the network is not able to send or receive data
9 from the device.

10 Q Would a powering-off event, would that terminate
11 data being sent to the tower?

12 A Yes.

13 Q Okay.

14 A I'll go back a slide. This one I wanted to show
15 the pattern for the day of the incident. This shows
16 that the morning of the 31st that the handset is in
17 the Georgetown area. And then you'll see a pattern of
18 life switch or geographically time or location switch
19 around the first and last event of 6:49 a.m. Eastern
20 Standard Time where the phone leaves the Georgetown
21 area, and then travels I believe up 521 towards
22 Andrews. You can see it by the towers as it leaves
23 that area. Then you can see it kind of stopping up
24 here in this area. You can see the towers by their
25 sectors are triangulating the phone in this general

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 area (indicates).

2 Q The red ones that aren't highlighted in red, what
3 are those?

4 A Those are actually send and receive information
5 from the phone itself.

6 Q The ones that are highlighted red --

7 A Oh, I'm sorry. Red, those are the ones not being
8 received.

9 Q Okay. Perfect.

10 A There was an interesting point at the end of
11 this. There was some data communications that is
12 showing in black that is not saying, hey, the phone is
13 still in the network, but it wasn't actually on the
14 network. A lot of times, when a phone powers on a
15 device and tells the network I'm here, I want to send
16 and receive data, sometimes the phone doesn't authorize
17 or de-authorize from the network. So the phone never
18 de-authorized from the network showing -- go ahead,
19 sorry.

20 Q No. No.

21 A You'll see at the very end during these time
22 frames it is going to say -- yeah, so here, 10:48,
23 11:48, and 12:48; they are the anomaly in the middle of
24 the sea of red. So I'm thinking to myself, Why is
25 there connection here, but not other places? Is she

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 like -- is this device toggling on and off "airplane"?
2 So I go look at the physical records and I determine --
3 so this is the data transmissions during those times,
4 not the call text message, it is the actual usage, like
5 when they say you have a 10-gigabyte plan.

6 So this denotes bytes, uploads and downloads.
7 During those time frames, that 60-minute, 60-minute
8 and 4-minute, which demotes up here in these records,
9 it is not physically connected to the network. It
10 just thinks the phone is still there; but, eventually,
11 it will get tired looking for the phone and wondering
12 why it is not talking back and will just kick it off
13 the network, and that is what happens here. It's
14 saying, okay, we have looked for you for two hours and
15 four minutes, we can't find you so we are not going to
16 send any more information.

17 Q And this time, what is this timezone, 5:28:20?

18 A That is directly from the records, so it is UTC.

19 Q What time is that in Eastern Standard Time?

20 A That one at the very end, 5:48, is approximately
21 12:48 on the 1st of January, 2018, Eastern Standard
22 Time.

23 Q And then the 4:48, what is that Eastern Standard
24 Time?

25 A That is December 31st at 11:48 p.m.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 Q So even though these are saying January 1 of
2 2018 --

3 A It is just because they are in the Universal Time
4 Code.

5 Q So 4239, 4240, and 4241, what date is that in
6 Eastern Standard Time?

7 A Between December 31st 2017, Eastern Standard
8 Time, and January 1st.

9 Q And 3:38:20 at 4240, what is the time?

10 A Minus five, so 10:48 p.m. on December 31st
11 2017.

12 Q Were any of the bytes uploaded or downloaded?

13 A No. It is getting no transmissions to or from
14 the device.

15 Q Did you do any further analysis to determine if
16 any powering-up event took place?

17 A This is one of the ways that I like to verify my
18 cellular downloads, is through cellular records,
19 besides the manual review. So I was interested to see
20 if the phone recognized this kind of data, or if there
21 was any data transmission the phone received during
22 this time period when it was receiving data, and see if
23 it was receiving data after that time period to see if
24 the records were correct or incorrect.

25 MS. SMITH: And I am approaching the witness

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 after previously showing these to defense counsel.

2 Q These are State's 51, 52, and 53 for
3 identification purposes only. Can you tell me what
4 those are, Detective Huggins?

5 A This is the Cellebrite reader form of a timeline
6 event. A timeline event is a function on the program
7 that shows me everything that the device has done since
8 its existence. So from the first time when you got the
9 new box and took the wrapper off and they started it up
10 inside the store, to the time I download, it shows
11 everything the device has done.

12 Q Is that the same for 52?

13 A Yes, ma'am.

14 Q And 53?

15 A Yes, ma'am.

16 Q What type of data would that be called? Can you
17 alter data?

18 A No, you can't alter any of data in the phone.
19 Cellebrite is a rewrite blocker. It doesn't allow data
20 to go back towards the device. It only pulls it from
21 the device so that you don't change anything. I can
22 obviously add something to the device afterwards, but
23 it would show in the timeline event me doing so. It
24 would show at this time and date you sent a text
25 message or powered on the screen, turned the volume

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 down or off, that kind of thing.

2 Q When you say "add something," you --

3 A You can't manipulate the past, but you can add to
4 the future.

5 Q And is that a comprehensive list of everything
6 that was on the phone that you extracted?

7 A Yes.

8 Q Now, do those pictures depict everything that was
9 extracted on that phone?

10 A No.

11 Q And would there be more records?

12 A Absolutely. Yeah. There is probably -- I
13 believe this is a gigabyte of records here.

14 Q But for this purpose, is that an accurate
15 reflection of what you were asked to analyze?

16 A Correct. Yeah.

17 MS. SMITH: Your Honor, at this point in time
18 State's Exhibits 51, 52, 53, we ask to go into
19 evidence.

20 THE COURT: Any objection?

21 MR. HARTE: Without objection.

22 THE COURT: State's Exhibits 51 through 53 are
23 admitted without objection.

24 (State's Exhibits 51-53 admitted.)

25 Q (MS. SMITH) Detective Huggins, since we're all

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 -- this is December 31st, so we'll start with
2 Exhibit 51 and 52. Can you tell me what those records
3 indicate?

4 A Yeah. So these are message details and cookie
5 details. Cookies are small packets of information sent
6 and received from web servers, so it would coincide
7 with the data transfer from the cellular records.

8 Q And what does the -- on those records from the
9 cell phone Extraction, No. 52, does that indicate a
10 completed -- a completed call, text, anything like
11 that?

12 A Yes. So at 9:34:16 p.m., December 31, 2017,
13 there is a text message, yes.

14 Q After that, are there any other outgoing
15 communications?

16 A No, which coincides with the cellular records.

17 Q And what would be -- were you able to determine
18 the end time of any data being transmitted from that
19 phone?

20 A Right. So in the cookie details, which are those
21 packets that are sent and received from the Web, Google
22 was running in the background, as it likes to do, and
23 it was sending and receiving data from this phone. The
24 last cookie data this phone received from a cellular
25 network or any other forms of network was

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 December 31st, 2017 at approximately 9:47:07 p.m.

2 Eastern Standard Time; which, again, was like a way to
3 double verify the data transmission from the cellular
4 records.

5 Q And I'm showing you State's -- what is entered as
6 State's 53; what is this record indicating?

7 A Just that generalized timeline of when the phone
8 was being used and when it wasn't being use.

9 Q And what is the time frame of those records?

10 A So this spans from December 26, 2017 all the way
11 -- well, this specific one only goes to
12 December 30th, 2017.

13 Q And were there any data transmissions in this
14 dataset or in this picture?

15 A Sorry, what was your question?

16 Q Were there any transmissions from the phone, any
17 network activations, in between the 26th and
18 December 30th?

19 A No. No.

20 Q I apologize, I forgot to ask you one thing. On
21 State's Exhibit 51, before I publish it to the jury,
22 tell me again what the last time point is for December?

23 A So the last recorded information the phone
24 recorded was December 31, 2017 at 9:47 p.m. Eastern
25 Standard Time.

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 Q When is the next recorded --

2 A The phone has no other information of usage being
3 turned on or used until March 20th of 2018.

4 MS. SMITH: Permission to publish to the jury?

5 THE COURT: All right.

6 (Published to the jury.)

7 Q (MS. SMITH) Let's move on real quick.

8 A Okay. So reviewing and verifying the data, I do
9 a conclusions page. The things I can conclude from
10 analyzing these records and the phone is that that
11 number was on the AT&T network; that on
12 December 31st, 2017, at 01:47:45 Eastern Standard
13 Time, so December 31, 2017, 02:01:31 a.m. Eastern
14 Standard Time, that the tower that is closest to
15 provide servers for the AT&T network to the 521
16 MiniMart -- so the tower we looked at -- that was the
17 one that most likely provided service to that
18 establishment.

19 Also, the AT&T tower records between 6:10:03 and
20 06:49:43 a.m., Eastern Standard Time, that the tower
21 that faces the 521 MiniMart was the closest tower to
22 provide service to that location. During the
23 connection period time, or the period target number,
24 uploaded approximately 16,452 bytes, and downloaded
25 33,171 bytes of data from the AT&T network on that

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 Tower 1229.

2 Then, by the target number having a first and
3 last identifier on the call detail records, it shows
4 the handset is not stationary; that the handset starts
5 on that 229 tower on the Azimuth of 12297, which faces
6 the western [REDACTED] Kent Lane area, and then enters the
7 12298 Azimuth, which covers the 521 MiniMart, with the
8 identifier last known as the handset being in the same
9 sector of the MiniMart at 6:49:43 Eastern Standard
10 Time. So we know that the handset is in that sector.

11 Then, with that number, the pattern of life
12 changes starting at 10:10:29 Eastern Standard Time on
13 December 31st, 2017, and extends through the
14 duration of the records. So there was no additional
15 information to be gathered from the records past the
16 10:10 p.m. on December 31, 2017. So it no longer
17 answered any communications or received information.

18 Q And the 10:10 mark, can you explain that further;
19 what does that indicate?

20 A So I knew by looking at the records there was a
21 text message we verified around the 9:30 mark, so I
22 know that the handset was used then. I didn't have any
23 usage events during that time to know when that device
24 was turned off. The only thing I can say definitely is
25 that at 10:10:29 Eastern Standard Time that the network

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 attempted to send a communication to the device and was
2 no longer on the network, so I know definitely at that
3 point it was no longer on the network.

4 Q So between 9:47 and 10:10?

5 A Right.

6 Q That is when something happened?

7 A Something happened, and the user decided to turn
8 the device off.

9 Q Now, when you did a cell phone extraction on this
10 phone -- when you do a cell phone extraction on any
11 phone, do you analyze every piece of information on
12 that phone?

13 A No. My lab would be so inundated with devices, I
14 would never get to any of them.

15 Q And in this case what were you asked -- what were
16 you asked to look at?

17 A So our common practice is to do an extraction,
18 provide a read report as seen in those pictures, and
19 then give it to the investigators to determine what is
20 pertinent to their investigation. After they determine
21 what is pertinent, then we verify the information they
22 would like to use to make sure that it is in the
23 handset, it is in the cellular records, and that it is
24 sound.

25 Q Were you asked to perform an analysis on a change

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 of life pattern?

2 A Yes.

3 Q Or pattern of life change, I apologize.

4 A Right.

5 Q What about ownership, were you asked to perform
6 an analysis on ownership?

7 A Yes.

8 Q What did you do in this regard?

9 A So you just go through basic steps in the phone;
10 does it have any auto fills, user accounts? I believe
11 an e-mail address was there and also the auto fills
12 came back to the defendant's name.

13 MS. SMITH: I'm approaching the witness with what
14 is pre-marked as State's Exhibit 54 for identification
15 purposes only. It was shown to defense counsel.

16 Q What am I showing you, Detective Huggins?

17 A An export report. So an investigator has deemed
18 this specific text message to be pertinent, and then it
19 provided an export of that, I guess in a PDF.

20 Q Can that be altered or changed in any way?

21 A No.

22 Q Is that part of historical data?

23 A Yep.

24 Q And has it been altered, changed, or manipulated
25 in any way?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 A No.

2 Q Is that a true and accurate representation of the
3 message content on that?

4 A Yes, ma'am.

5 MS. SMITH: Your Honor, at this point in time, we
6 seek to introduce State's 54 into evidence.

7 MR. HARTE: Without objection.

8 THE COURT: State's 54 admitted into evidence
9 without objection.

10 (State's Exhibit 54 admitted.)

11 Q (MS. SMITH) Can you tell from the call detail
12 records if a person physically has a phone in their
13 hand?

14 A No.

15 Q You can tell, what?

16 A I can just tell the device is on the network and
17 what it is doing.

18 Q Can you tell directionality?

19 A I can.

20 Q And generalized location?

21 A Yeah.

22 Q So what do you do in order to determine
23 ownership?

24 A Most of the time it comes down to an initial
25 investigation where the device was recovered, who it

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 was recovered from, what kind of data is contained
2 inside the device, user accounts, bank accounts, text
3 messages, conversations, what are people calling that
4 person in the phone, what Facebook are they signing
5 into, Instagram, all of that correlates to the
6 ownership of the device. A lot of times the device,
7 when you initially set it up, generally people set it
8 up with their name, like, you know, this is Alan's
9 iPhone or whatever. So there is clues inside the
10 device.

11 Q In this instance, did you find any text messages
12 of ownership on December 31st of 2017?

13 A Yes.

14 Q Can you please read that to the jury?

15 A The device received a text message from
16 (843)584-8372 that says: "Hey, is this still Shannon
17 Bone's number," question mark.

18 Then the phone replied on December 31st at
19 3:43 a.m. UTC: Yeah. Who is this? And then there
20 were a number of replies again shortly after: "It's
21 Jamie. Are you still interested in the job?"

22 Q So not just that, but did you also verify by
23 e-mail accounts and auto fill and other information on
24 the phone?

25 A Yeah. There was meta data in the phone that

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - DIRECT EXAMINATION (CONT.)

1 would suggest that it belonged to Ms. Bone.

2 Q Detective Huggins, after January 1st of 2018,
3 were there any other records provided by AT&T?

4 A Not to my knowledge.

5 Q Are all of your conclusions to a reasonable
6 degree of scientific certainty?

7 A Yes, ma'am.

8 MS. SMITH: Give me one second. Beg the Court's
9 indulgence.

10 (A brief pause in the proceedings.)

11 Q (MS. SMITH) Detective Huggins, I apologize. Did
12 you also look into whether or not there is an
13 indication of a preferred cigarette?

14 A Yes, there was.

15 Q And in any text communications, what did you find
16 out?

17 A That she was partial -- or that the phone was
18 partial to Seneca Reds 100s.

19 Q And based on the information that you obtained
20 from the phone, can you say whose phone you believe
21 that phone to be?

22 A I can. I believe it is Shannon Bone's.

23 MS. SMITH: No further questions for this
24 witness. If you will, take a seat again and answer
25 any questions that Mr. Harte may have.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - CROSS-EXAMINATION

1 MR. HARTE: Request we move the TV?

2 MS. SMITH: Yeah. Yeah. Of course.

3 (A brief pause in the proceedings.)

4 CROSS-EXAMINATION

5 BY MR. HARTE:

6 Q How are you, sir?

7 A Good.

8 Q You have to clarify some things. I have my phone
9 in my pocket. Say I am the cell tower. If I step
10 here, you are talking about these 120-degree areas?

11 A Correct.

12 Q And, basically, you are saying that my phone is
13 somewhere in this 120-degree area?

14 A Yes, sir.

15 Q From the tower?

16 A Yes.

17 Q Help me with distance. I understand if there is
18 another tower over there, my phone wouldn't ping on
19 that tower until how far from that next tower before it
20 switches?

21 A So there is no way to determine without physical
22 analysis, like actually going out there and testing the
23 towers. The standard practice is line of sight,
24 geographical obstructions, and distance. Whatever the
25 shorter distance, you know, mitigating geographical

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - CROSS-EXAMINATION

1 obstructions, generally the closest tower is going to
2 provide service to the phone. So if there is two
3 towers and there is a huge building in the middle, this
4 tower might be closer, but just because I'm here, the
5 tower is blocking the signal, so you might reach the
6 further tower.

7 Q And, typically, just how far are towers -- how
8 far apart are they?

9 A They try to do at least a couple of miles. So,
10 generally, they try to get like within a
11 mile-and-a-half to provide good coverage.

12 Q So say there is no obstruction, cell tower is
13 here, you have -- my phone is in this 120-degree area,
14 so until I'm half way of the next tower, I could be
15 anywhere within that 120-degree area?

16 A Yes, sir.

17 Q So it just gives a general direction?

18 A Right. There is no specific detail. There are
19 records that provide that information, but there was
20 not any in this case. So it is just a generalized
21 location within that Azimuth wedge.

22 Q So it could be -- if they are 2 miles apart, it
23 could be anywhere within a mile of this tower, within
24 that 120-degree cone?

25 A As long as it is within the cone, yeah.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - CROSS-EXAMINATION

1 Q You said you mainly checked, I guess it would be,
2 the -- I won't pull up the screen, but right at the
3 corner of 521, there is a tower right there on that
4 corner or curve?

5 A Yes.

6 Q And the rest of the data you put in the program?

7 A Right.

8 Q You didn't manually check any of the other
9 towers?

10 A No, I always check the closest tower to the
11 incident location to make sure it is correctly mapped,
12 so that the program adjusted the records correctly.
13 The records, when you ingest them, they will give you
14 an error report if something was ingested incorrectly.
15 So after reviewing, I always review the closest tower
16 to make sure that the program didn't miss an error.

17 Q I got you. Let me ask you this, because I might
18 have missed this. Will you -- if I'm not using my
19 phone, and I'm going from this tower to that tower and
20 don't get any calls, text messages, nothing, will you
21 still be able to map where my phone is?

22 A If it's not getting any data?

23 Q At all. If it is in my pocket, not getting used
24 at all, can you map that?

25 A Can you ask it differently?

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - CROSS-EXAMINATION

1 Q You said there is no incoming, no --

2 A No data sessions?

3 Q Yeah. No looking on the Internet, not on
4 Facebook.

5 A I got you. Essentially, the phone is off?

6 Q It is on, but not being used; can you map that?

7 A I don't know if there is a situation -- so there
8 wouldn't be a situation where that is applied, because
9 if the phone is on and not in airplane mode, it is
10 connected to the network. The network, what it does,
11 it continually pings the phone back and forth, because
12 it needs to know if you got a phone call where that
13 will be sent to. It is just not sent to AT&T
14 specifically. The phone and the network knows where
15 the phone is on the network specifically, which tower
16 it is currently closest to. So when I call you, the
17 network knows how to route that information to ring
18 your phone.

19 Q So even if the phone is not in use, if it is on,
20 there is data at some degree, so it can map that?

21 A Right.

22 Q And that is how you mapped the phone from
23 Columbia back to Georgetown?

24 A Correct.

25 Q It is not like it was in use, like on the phone

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - CROSS-EXAMINATION

1 the whole time?

2 A Right. Right. Most of the time it is just data
3 transmission.

4 Q And you only looked at December 30th to
5 January 1st?

6 A I think it was January 1st, but if I remember
7 reading the search warrant correctly, they asked until
8 January 2nd.

9 Q So that is a three-, four-day period, is what you
10 looked at?

11 A Correct.

12 Q And you only mapped -- I know this was just for
13 your presentation, but you only mapped the phone from
14 Columbia back to Georgetown?

15 A No. I mapped what information was provided in
16 the records. It wasn't like I only wanted to map one
17 point to one point; I mapped whatever was there.

18 Q You didn't map anything for January 1st?

19 A Because there wasn't any information.

20 Q When you said there is no information, you are
21 saying the phone was off?

22 A The phone was off.

23 Q And I believe you testified December 31st at
24 9:47 p.m.?

25 A Uh-huh.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - CROSS-EXAMINATION

1 Q You didn't map that until December 31 at --

2 A Yeah, that map showed all of the records that
3 were contained within the records, everything that was
4 there. So if there is no information to provide to the
5 record mapping, it would show up, because there is no
6 date points.

7 Q Okay. Can you pull up your slide and go to the
8 one from Columbia to Georgetown?

9 A Yeah. Do you need me to help you out?

10 (A brief pause in the proceedings.)

11 MR. HARTE: Yeah. Yeah.

12 Q (MR. HARTE) Help me out, and I know you have the
13 small monitor --

14 A No, it's fine. To better illustrate, you can see
15 that the dates selected are December 9 through
16 January 1st. All of the information provided from
17 the record is geographically shown. So there is not
18 like I decided after January 1st I wasn't going to
19 include any more geographical information. It is the
20 fact that there was no geographical information
21 provided from the provider.

22 Q So you said it ended December 31, 9:47 p.m.; can
23 you show me where the nearest tower was at 9:30 p.m. on
24 December 31st?

25 A I could if we had the records open.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - CROSS-EXAMINATION

1 Q But you didn't map any of that?

2 A No.

3 Q So you just mapped a very limited period of time,
4 even though you had a four-day data --

5 A It is mapped there. I don't know I'm conveying
6 it correctly. All of the information from locational
7 data from cell phone towers is depicted in this view.

8 Q From?

9 A All the way from December 9th to January 1st.
10 It is there. Every tower used during that time frame
11 is depicted on that screen.

12 Q Can we go to January 1st, or can you show me
13 which one that was?

14 A Well, I mean, I can, but it is not in the
15 demonstrative; it is only on the database.

16 Q It is not in your presentation?

17 A Correct, but it is there. You see how the towers
18 are highlighted? That is to capture of all of events
19 during those time periods. To know exactly which
20 specific event it is during that time period you are
21 referring to, I couldn't tell without looking at it.
22 We could de-select all of the other events and pull out
23 specifically that time frame you are questioning, and I
24 could answer that. I just don't know which one it is,
25 but it is there.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

ALAN HUGGINS - REDIRECT EXAMINATION

1 Q All right.

2 A It is a lot of information.

3 Q I understand that.

4 Was this the only phone you were asked to do a
5 data -- CellHawk or Cellebrite from?

6 A Yes, it was.

7 Q Do you know where law enforcement got this phone
8 from?

9 A Nope.

10 MR. HARTE: Nothing further.

11 THE COURT: Redirect?

12 MS. SMITH: Yes, Your Honor.

13 REDIRECT-EXAMINATION

14 BY MS. SMITH:

15 Q Now, tell me again the dates that this depicts?

16 A December 9, 2017 all the way to January 1st,
17 2018.

18 Q I see on 1/1/2018 there are listed 45 calls?

19 A Correct.

20 Q So -- then the day before, how many calls on that
21 one?

22 A I couldn't read it on this one, I apologize.

23 Q 643 -- would you like to come up?

24 A Yeah.

25 Q I apologize.

ALAN HUGGINS - REDIRECT EXAMINATION

1 A That's all right. I just want to accurately do
2 stuff.

3 So 643 individual data points.

4 Q And on 1/1/18?

5 A 45 calls, ma'am.

6 Q If you will, stay up real quick. Okay. What is
7 this dataset we're looking at here?

8 A That's January 1st, 2018.

9 Q Did you map January 1st, 2018?

10 A I mapped any available data.

11 Q Can you tell me, are these the 45 calls?

12 A They are.

13 Q What color are these?

14 A Red, because the phone is not connected to the
15 network.

16 Q When a phone is not connected to the network,
17 could you still have data that shows up on the phone
18 records?

19 A On the records, yes; on the device, no.

20 Q Perfect.

21 Just give me one second.

22 (A brief pause in the proceedings.)

23 Q (MS. SMITH) Let me get one thing clear.

24 Locational data used for cell phone companies, is its
25 purpose for law enforcement?

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

ALAN HUGGINS - REDIRECT EXAMINATION

1 A No.

2 Q So what is its purpose?

3 MR. HARTE: I didn't bring this up on cross, Your
4 Honor; I object.

5 THE COURT: Sustained.

6 Q (MS. SMITH) Were you able to determine that a
7 powering-up event occurred with this phone?

8 MR. HARTE: Objection, Your Honor; I didn't bring
9 this up.

10 THE COURT: Sustained.

11 MS. SMITH: He did ask about the last call or
12 last known dataset and why he didn't map.

13 THE COURT: But you've -- why he didn't map? You
14 addressed it in direct, so don't go back over direct
15 examination, but you can ask him why he didn't map it.

16 MS. SMITH: Okay.

17 Q (MS. SMITH) Did you map that?

18 A I mapped the available data points provided in
19 the records.

20 Q So at 9:37 p.m. on December 11th of 2017, is
21 that depicted on -- Detective Huggins, can you get that
22 to play for me.

23 (A brief pause in the proceedings.)

24 Q (MS. SMITH) It's moving slow right now.

25 A Yeah. If you record it too quick, it is hard to

STATE RESTS

1 understand.

2 Q What time period?

3 A Roughly, 9:00 p.m. heading to 9:34.

4 Q Is that indicated on this map?

5 A It is.

6 Q And how far does this map go?

7 A Georgetown area.

8 Q Time wise.

9 A Oh, time wise? Goes all the way to
10 January 1st.

11 Q Are we seeing any more information off the
12 screen?

13 A No, because there is nothing to map.

14 MS. SMITH: Thank you. Nothing further.

15 THE COURT: All right. You may step down.
16 State, call your next witness.

17 MS. SMITH: At this point in time, the State does
18 not have any additional witnesses, and the State
19 intends to rest.

20 THE COURT: Ladies and gentlemen, the State has
21 rested their case, so now is the time of the trial
22 where I have to take matters of law up with the
23 attorneys procedurally. We are required to do so at
24 the close of State's case. I'll excuse you to the
25 jury room. Don't discuss the case, even among

*CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!*

MOTIONS

1 yourselves at this point in time. Thank you very
2 much.

3 (The jury exits at 11:17 a.m., and the
4 following is heard out of the presence of the jury.)

5 THE COURT: Any motions?

6 MR. HARTE: We move for a directed verdict. It
7 is our position that the State failed to prove their
8 case. What we're basing that on is, Judge, they've
9 been able to show Ms. Bone on camera at the 521
10 MiniMart at 2:00 a.m., but the person that committed
11 the robbery, they have been unable to prove it. They
12 provided cell phone records and haven't been able to
13 show who was in possession of the cell phone or
14 provide a gun. The only testimony we've had that a
15 gun was even used was from the store clerk, and that
16 might not have even been a gun. Your Honor, they
17 failed to prove who the person dressed in black with
18 their face covered was. That was the person that
19 committed robbery, and so for those reasons we move
20 for a directed verdict.

21 THE COURT: I think there is enough evidence for
22 it to go to the jury, so I'll deny it.

23 MR. HARTE: Thank you, Your Honor.

24 THE COURT: Anything else?

25 MR. HARTE: Your Honor, I have no motions at this

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THE COURT AND THE RIGHTS OF MS. BONE

1 time. I would like an opportunity to speak with my
2 client, if we could take --

3 THE COURT: Take your time. We'll stand down.
4 Just talk to her because -- is she still here?

5 MR. HARTE: She is, Your Honor.

6 DEPUTY: (Nods head.)

7 THE COURT: Even though she's not in the
8 courtroom and waives her presence here, I would like
9 to question her regarding her rights to testify.

10 MR. HARTE: Certainly.

11 THE COURT: I would just like to do that on the
12 record. I mean, she can waive her presence in the
13 courtroom and it won't be in front of the jury, but
14 you need to go over all of those issues with her, and
15 let me ask her on that.

16 MR. HARTE: I appreciate that, Your Honor. I
17 spoke with her at the detention center and went over
18 her rights, but I think to preserve the record, I
19 think it would be good for you to do that as well.

20 THE COURT: Let's take 15 minutes. If you need
21 longer, let me know; otherwise, take 15 and come back.

22 (A recess was taken.)

23 THE COURT: Ms. Bone, if you could, stand please
24 raise your right hand.

25 (SHANNON BONE, having been duly sworn,

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

THE COURT AND THE RIGHTS OF MS. BONE

1 testified as follows:)

2 THE COURT: Your name is Shannon Lane Bone?

3 MS. BONE: Yes, ma'am.

4 THE COURT: Ms. Bone, I know you have waived your
5 presence here in the courtroom during the trial of
6 your case; however, the State rested their case and at
7 this time I'm going to explain to you certain rights
8 you have. If you do not understand anything I say,
9 please let me know. If you want me to explain
10 anything in more detail, please let me know; do you
11 understand that?

12 MS. BONE: Yes, sir.

13 THE COURT: We've now reached the stage of the
14 trial where you may present your defense. You have
15 the right to claim the protections to the Constitution
16 of the United States. This amendment states, in part,
17 that no person shall be compelled in any criminal case
18 to be a witness against himself; this means that you
19 cannot be required to testify in this case. You have
20 the right to testify on your own behalf; however, no
21 one can make you testify. This is a personal right
22 and no one can waive this right except for you. If
23 you do decide to testify, you will be subjected the
24 same rules that will govern other witnesses, and you
25 may be examined or cross-examined on any relevant

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THE COURT AND THE RIGHTS OF MS. BONE

1 issue in this case. In addition, if you have any
2 convictions involving dishonesty or false statement or
3 for crimes punishable by imprisonment for more than
4 one year, and this Court determines that the probative
5 value of admitting the evidence outweighs its
6 prejudicial effect to you, the Solicitor will be able
7 to introduce your record to attack your credibility.

8 Does the State have any prior bad act convictions
9 that they would intend to use?

10 MS. SMITH: Yes, Your Honor. She has several
11 burglary second degree convictions.

12 THE COURT: You have to tell me what they are and
13 when they were.

14 MS. SMITH: Yes, Your Honor. She had a YOA not
15 to exceed six years from June 25 of 2021 for burglary
16 second degree. On November 17th of 2015, she was
17 convicted of neglect by a legal custodian, so unlawful
18 neglect of a child. She was sentenced to five years.
19 In 2013, she was sentenced -- convicted of burglary
20 third degree, first offense, five years suspended to
21 two years probation. She does have a violation --
22 that doesn't matter. Your Honor, she has a conviction
23 for armed robbery from Louisiana as well, and that
24 conviction is from 2009. She was sentenced to -- I
25 apologize, if you will give me one second I do have

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

THE COURT AND THE RIGHTS OF MS. BONE
1 the conviction.

2 MR. HARTE: If we may ask to reread the first
3 one. I believe she said conviction of 2021?

4 THE COURT: Under Youthful Offender Act.

5 MS. SMITH: It was never completed.

6 THE COURT: I mean, she wasn't eligible for the
7 Youthful Offender Act in 2021.

8 MR. HARTE: I think the year may have been --
9 maybe you meant 2001?

10 MS. SMITH: Excuse me, 2001. I apologize. I was
11 just used to what I'm saying -- that is correct, 2001,
12 Youthful Offender Act not to exceed six years. That
13 would be June 25 of 2001. I apologize.

14 THE COURT: That one is out.

15 MS. SMITH: Okay. Unless the door is opened to
16 say that she's never taken anything or something like
17 that at that point in time, it could be used to
18 impeach her.

19 THE COURT: No, I'm not allowing the Youthful
20 Offender burglary second from 2001.

21 MS. SMITH: Yes, Your Honor.

22 THE COURT: So unlawful neglect was when?

23 MS. SMITH: Conviction is November 17 of 2015.

24 THE COURT: That is within the last ten years.

25 MS. SMITH: November 5 of 2013, burglary third

THE COURT AND THE RIGHTS OF MS. BONE

1 offense.

2 THE COURT: All right.

3 MS. SMITH: Then from --

4 THE COURT: So 2009 is armed robbery, but when
5 did she get out of jail?

6 MS. SMITH: Seven years is what she did. So she
7 got out of jail in -- God, I'm wracking my brain right
8 now. Your Honor, I'm convinced, and I'll get that
9 information, but it would be within ten years.

10 THE COURT: You are saying she was released from
11 prison within the last ten years?

12 MS. SMITH: Yes, Your Honor.

13 MS. BONE: Excuse me, that was my parole
14 violation from 2017.

15 MS. SMITH: 2015?

16 MS. BONE: Yes.

17 THE COURT: So they would be able to use the
18 unlawful neglect, burglary third, and the armed
19 robbery to impeach your testimony if you took the
20 stand, okay.

21 If you decide to testify, this decision on your
22 part must be freely, voluntarily, and intelligently
23 made, with knowledge of the protections given to you
24 by the Fifth Amendment and the consequences of your
25 decision to testify.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

THE COURT AND THE RIGHTS OF MS. BONE

1 If you decide not to testify, I will instruct the
2 jurors that they cannot give the fact that you did not
3 testify any consideration, whatsoever, and that there
4 is to be absolutely no prejudice to you because you
5 did not testify. It is left entirely up to you
6 whether you testify. You may talk with your attorney,
7 family and/or friends or anyone else, but the final
8 decision would be left entirely up to you.

9 Do you understand what I've explained to you?

10 MS. BONE: Your Honor. No, I haven't. I'm very
11 foggy.

12 THE COURT: Finish what you are doing.

13 MS. BONE: What she said a while ago threw me
14 off, because I was told something different that the
15 Louisiana thing couldn't be held against me because I
16 already finished it and everything, and there is
17 statute of limitations as well. And I understand
18 other things now, and that's why I have a pen and
19 paper, because I was going to write it down.

20 THE COURT: Okay. You are not subject to serving
21 any more time or being punished criminally anymore for
22 the Louisiana armed robbery.

23 MS. BONE: All right.

24 THE COURT: If you take the stand, however, the
25 fact that you have that prior conviction can be used

THE COURT AND THE RIGHTS OF MS. BONE

1 against you. In other words, the jury will be allowed
2 to hear that you have a prior conviction from 2009 for
3 armed robbery in Louisiana, so that then can determine
4 whether to believe your testimony or not believe your
5 testimony. So it can be used against you to attack
6 your credibility.

7 Also, the fact that you have a prior armed
8 robbery conviction means that you have a prior
9 conviction, which is considered a most serious crime
10 in South Carolina. If you are convicted of this crime
11 here, then that conviction can be used to enhance the
12 sentence in this armed robbery charge.

13 MS. BONE: What year is that, Your Honor?

14 THE COURT: She said you were convicted in 2009
15 and that you received a seven-year sentence, so it's
16 whether or not you have been released from jail within
17 the past ten years. If you've been released from
18 jail -- in other words, if you were in jail on
19 June 17th, 2012, then it can be used against you.

20 MS. SMITH: Her supervision, Your Honor -- I
21 apologize; this is my fault. Her supervision ended in
22 2009. That was a conviction from '03. I apologize.
23 And I also misspoke, I said armed robbery, but it is
24 an attempted armed robbery.

25 THE COURT: All right. Then the attempted

THE COURT AND THE RIGHTS OF MS. BONE
1 robbery cannot be used against you. So the only thing
2 they could use to impeach your testimony is the
3 unlawful neglect of a child and burglary third.

4 MS. BONE: You said unlawful neglect of a child
5 and the third degree?

6 THE COURT: Burglary in the third degree.

7 Double-check it now, Ms. Smith. Give me the
8 correct dates of these convictions.

9 MS. SMITH: Yes, Your Honor. 2013, burglary
10 third degree. 2015, neglect by a legal custodian.
11 That is her sentence date, 2015; she was charged in
12 2011. And then she has that violation, probation
13 violation. That is what is in the past ten years for
14 convictions.

15 THE COURT: So you have them as her conviction
16 date for burglary third degree was 2013. You have her
17 conviction date for neglect, unlawful neglect of a
18 child in 2015.

19 MS. BONE: They were ran together.

20 MS. SMITH: Yes.

21 THE COURT: So those are the two prior
22 convictions they could use to impeach your testimony.
23 You can't be punished for it, but if you take the
24 stand, they can inform the jury, through your
25 testimony, that you have these prior convictions to

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THE COURT AND THE RIGHTS OF MS. BONE
1 attack your credibility; do you understand that?

2 MS. BONE: Right. Yes, sir.

3 THE COURT: Okay. Do you have any other
4 questions you want to ask me? Do you understand your
5 rights?

6 MS. BONE: Yes, sir.

7 THE COURT: Do you want me to explain anything in
8 more detail?

9 MR. HARTE: Court's indulgence.

10 THE COURT: I mean, do we need to stand it down
11 and let you talk about?

12 MR. HARTE: No, Your Honor. I think this will be
13 brief.

14 THE COURT: Okay.

15 (A brief pause in the proceedings while
16 Ms. Harte confers with Ms. Bone.)

17 MR. HARTE: My client is telling me she does not
18 wish to testify.

19 THE COURT: She has to let the Court know.

20 Ma'am, come back. The best thing is for us to
21 take this from the start. I need you to listen and
22 pay close attention, all right.

23 Ms. Bone, we've reached the stage of the trial
24 where you may present your defense. You have the
25 right to claim the protections given to you by the

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

THE COURT AND THE RIGHTS OF MS. BONE

1 Fifth Amendment of the United States Constitution,
2 which says no person shall be compelled in any
3 criminal case to be a witness against himself; that
4 means you cannot be required to testify. You have the
5 right to testify, but no one can make you testify.
6 This is a personal right, and no one can waive this
7 right except for you.

8 If you decide to testify, you will be subject to
9 the same rules that govern other witnesses, and you
10 may be examined and cross-examined on any relevant
11 issue in this case. In addition, the State would be
12 allowed to ask you about your prior convictions for
13 unlawful neglect of a child and for burglary in the
14 third degree.

15 If you do not testify, then they can't bring
16 those convictions up to the jury. But if you do
17 testify, they will be able to ask you about that, and
18 so the jury will find out about those convictions.

19 Now, if you decide to testify, this decision on
20 your part must be freely, voluntarily, and
21 intelligently made with the knowledge of the
22 protections given to you by the Fifth Amendment to the
23 United States Constitution and the consequences of
24 your decision to testify.

25 If you decide not to testify, I will instruct the

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THE COURT AND THE RIGHTS OF MS. BONE

1 jurors that they cannot give the fact that you did not
2 testify any consideration, whatsoever, and that there
3 is to be absolutely no prejudice to you because you
4 did not testify. It is left entirely up to you
5 whether or not you wish to testify. You can talk to
6 your lawyer, family, friends, or anyone else. The
7 final decision is your decision. Do you understand
8 that?

9 MS. BONE: Yes.

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

12 MS. BONE: I don't think so, Your Honor.

13 THE COURT: Do you want to discuss this further
14 with your attorney?

15 MS. BONE: Yes. Yes, sir.

16 THE COURT: Go ahead. Whatever you need to talk
17 to him about, talk to him about.

18 MR. HARTE: We may need a brief recess.

19 THE COURT: Let's stand this down. You can talk
20 and let me know when you are ready to proceed. Thank
21 you very much.

22 (A recess was taken.)

23 DEPUTY: He's ready, Judge.

24 THE COURT: All right. Let's bring them back
25 out.

THE COURT AND THE RIGHTS OF MS. BONE

1 (Whereupon, Ms. Bone enters the courtroom.)

2 Ms. Bone, you are still under oath. Do you
3 recall the rights that I explained to you before we
4 took a break?

5 MS. BONE: Yes, sir.

6 THE COURT: Do you have any questions about those
7 rights?

8 MS. BONE: No, sir.

9 THE COURT: Have you had an ample opportunity to
10 discuss with your attorney, and with anyone else that
11 you want to discuss it with, your right to testify?

12 MS. BONE: Yes, sir.

13 THE COURT: Have you made a decision whether or
14 not you wish to testify in this case?

15 MS. BONE: Yes, sir.

16 THE COURT: Do you want to testify in this case?

17 MS. BONE: No, sir.

18 THE COURT: Is this your decision?

19 MS. BONE: Yes, sir.

20 THE COURT: Has anyone pushed you into making
21 this decision?

22 MS. BONE: No, sir.

23 THE COURT: I need you to speak up.

24 MS. BONE: No, sir.

25 THE COURT: So this is what you want to do; is

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THE COURT AND THE RIGHTS OF MS. BONE

1 that correct?

2 MS. BONE: (Witness shakes head.)

3 THE COURT: Is that correct?

4 MS. BONE: Yes, sir.

5 THE COURT: Now, do you want to be present in the
6 courtroom anymore, or do you waive your presence to be
7 here in the courtroom for the remainder of your trial?

8 MS. BONE: Just the armed robbery trial?

9 THE COURT: Yeah, for the armed robbery charge.

10 MS. BONE: Not to be here.

11 THE COURT: Excuse me?

12 MS. BONE: Not to be here.

13 THE COURT: Not to be here. All right. I'll let
14 you voluntarily waive your presence.

15 Anything further on the record, Mr. Harte?

16 MR. HARTE: No, Your Honor.

17 THE COURT: From the State?

18 MS. SMITH: Just that the State did have a
19 discussion with the defense and with Your Honor back
20 in chambers about an indication of a plea, and at that
21 point in time, the State was approached by the defense
22 asking for a plea offer. The State did indicate that
23 they would lift the LWOP notice, but that all charges
24 had to be pled to straight up.

25 THE COURT: Those charges were?

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

THE COURT AND THE RIGHTS OF MS. BONE

1 MS. SMITH: Your Honor, those are for indictments
2 2018-GS-22-00424, armed robbery; 2020-GS-22-00293,
3 murder; 2022-GS-22-00546, possession of a firearm
4 during a violent crime; 2022-GS-22-00547, unlawful
5 possession of a pistol by a person convicted of a
6 violent felony.

7 THE COURT: All right. Mr. Harte, have you had
8 an ample opportunity to discuss with your client the
9 plea offer?

10 MR. HARTE: Yes, Your Honor.

11 THE COURT: Does she wish to reject and go to --
12 continue with the trial?

13 MR. HARTE: Your Honor, through my discussions
14 with her, she tells me she's willing to plead guilty
15 to armed robbery, but not the murder charge.

16 THE COURT: Willing to plead guilty to the armed
17 robbery charge that we are in trial now for?

18 MR. HARTE: Correct.

19 THE COURT: With the murder trial still pending
20 against her?

21 MR. HARTE: That's correct, Your Honor. However,
22 because she has been served with the notice of Life
23 Without the Possibility of Parole, I've advised her of
24 that, and advised her not to plead guilty.

25 THE COURT: Is that her decision, not to plead

THE COURT AND THE RIGHTS OF MS. BONE

1 guilty?

2 MR. HARTE: As long as the LWOP notice is still
3 part of the plea, then I do not believe she would
4 plead to that.

5 THE COURT: So even if she pled guilty to the
6 armed robbery, you are still seeking life without
7 parole?

8 MS. SMITH: Yes, Your Honor. We're at the
9 eleventh hour at this point in time. There have been
10 ample plea offers with the armed robbery beginning at
11 10 years, going to 15, going to 15 to 20, going to a
12 negotiated 20, and now here we are. There have been
13 -- there was a Form 4 from December where this
14 defendant did say that she wished to plead guilty to
15 all charges, at which time those charges were armed
16 robbery and an offer of voluntary manslaughter to be a
17 negotiated 20 years. She came to court in January.
18 At that point in time, although she apologized to the
19 victim's family in the murder, she then rejected the
20 plea offer.

21 Your Honor, we're at the eleventh hour, and it's
22 just been a cat and mouse game this entire time.
23 We're here and ready, and the State is ready to close.

24 THE COURT: So they would still seek life without
25 parole. So based upon that, she wishes to reject the

THE COURT AND THE RIGHTS OF MS. BONE
1 offer from the State and go forward -- continue with
2 the trial of this case?

3 MR. HARTE: Yes, Your Honor.

4 THE COURT: Is that correct, Ms. Bone?

5 MS. BONE: Yes, sir. (Crying).

6 THE COURT: All right. Thank you. I'll excuse
7 you from the courtroom for the remainder of the trial.
8 Thank you.

9 (Whereupon, Ms. Bone exits the courtroom.)

10 THE COURT: I think we'll have lunch for the jury
11 in ten minutes, so I suggest we bring them in --
12 first, let me ask you this: Mr. Harte, does the
13 defense intend to present any defense?

14 MR. HARTE: No, Your Honor.

15 THE COURT: Let's bring the jury back in. The
16 State has rested. I'll allow the defense to rest on
17 the record, and then, hopefully, lunch will be here by
18 then, we'll break and let them eat and then come back
19 and do closing arguments, jury charges, and
20 deliberations.

21 MR. HARTE: Sounds good, Your Honor. I was
22 wondering what length of lunch break so I can prepare?

23 THE COURT: Let's see how long this takes.
24 Anything from the State?

25 MS. SMITH: Yes, Your Honor. I prepared four

THE COURT AND THE RIGHTS OF MS. BONE

1 potential jury -- proposed jury instructions; three of
2 which are variations of the same one. It's the one
3 that we've had extensive conversation with. I've
4 researched this -- this issue throughout the entire
5 United States and have provided several different
6 options of what other states have done and other
7 circuits have done. It is a novel issue in the State
8 of South Carolina, from what I can tell. It is a
9 novel issue in the supreme court, which is where my
10 initial research began.

11 THE COURT: Send it to me and I'll look at it.

12 MS. SMITH: Yes, Your Honor. Can we have a
13 charging conference during lunch?

14 THE COURT: Probably not during lunch, but send
15 it in e-mail and I'll look at it.

16 MS. SMITH: Yes, Your Honor. I'll do it now.

17 THE COURT: Anything from the State before we
18 bring the jury in?

19 MS. SMITH: Nothing else.

20 THE COURT: Defense?

21 MR. HARTE: No, Your Honor.

22 THE COURT: Let's bring the jury in.

23 (The jury enters at 12:24 p.m., and the
24 following is heard in the presence of the jury.)

25 THE COURT: Ladies and gentlemen, welcome back.

*CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!*

THE COURT AND THE RIGHTS OF MS. BONE

1 I appreciate your patience.

2 The State rested their case. Now is the time
3 where defense can put on their defense if they choose
4 to.

5 Mr. Harte.

6 MR. HARTE: At this time the defense rests.

7 THE COURT: So the State and defense has rested,
8 so the only thing that remains is for the attorneys to
9 make their closing arguments, for me to charge you on
10 the law on the case, and then your deliberations.

11 We'll break for lunch. We have lunch coming for
12 you, so it should be here shortly. We'll take
13 probably about an hour, hour and 15 minutes. I'll
14 give you plenty of opportunity to eat lunch. Don't
15 feel rushed or anything, but we'll break now. Do not
16 discuss the case. It is still too early for
17 deliberations; I haven't charged you on the law to be
18 applied or anything. So please don't deliberate or
19 talk about the case. We'll take at least an hour
20 break, if not a little longer. Then, we'll come back,
21 and the attorneys will make their closing arguments,
22 I'll charge you on the law, and you can begin your
23 deliberations. Thank you very much.

24 (The jury exits at 12:25 p.m., and the
25 following is heard out of the presence of the jury.)

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THE COURT AND THE RIGHTS OF MS. BONE

1 THE COURT: Ms. Smith, what is it you want me to
2 charge?

3 MR. SMITH: I'm forwarding this to you and
4 Mr. Harte, and of course your law clerk as well. My
5 first proposed instruction is a redaction charge.
6 This has been used in the State of South Carolina at
7 least two prior occasions, that I personally know of.
8 It is actually from the Arizona Jury Charge -- Jury
9 Instruction Charge Book: "Some of the exhibits that
10 have been admitted into evidence have had portions
11 deleted from them for legal reasons. Do not concern
12 yourselves with the reasons of why some portions of
13 the exhibits have been deleted. Do not speculate upon
14 what the deleted portions might or might not have
15 revealed."

16 THE COURT: Is there -- you say it's been used on
17 these two occasions; how many occasions has it been
18 requested and rejected?

19 MS. SMITH: There is no time, that I know of,
20 that it has been rejected.

21 THE COURT: All right. And you are talking about
22 state circuit court?

23 MS. SMITH: Yes, Your Honor. Judge DeBerry out
24 of Florence has charged this in two prior cases.

25 THE COURT: I got you. All right.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

THE COURT AND THE RIGHTS OF MS. BONE

1 And the defense's position?

2 MR. HARTE: If I could.

3 MS. SMITH: Yeah. Why don't you come over here
4 and look. It's her statement that was redacted. I
5 read that, and I really love it because I thought that
6 it does provide clarification for the jury that it
7 can't be held --

8 THE COURT: It is kind of noncommittal.

9 MR. HARTE: I don't have an issue with it, Your
10 Honor.

11 THE COURT: All right. Send it and I'll put it
12 in there.

13 MS. SMITH: Yes, Your Honor.

14 The second one is the absentee defendant charge.
15 I have provided State versus Jackson, and McFadden
16 versus State, which is South Carolina case law. The
17 first proposed charge is: "Under the law of the
18 state, the defendant may be tried even if the
19 defendant does not attend the trial, but the fact that
20 the defendant is not present, may not be considered
21 against the defendant or the State of South Carolina
22 in any manner, whatsoever."

23 Anything that I've added to this language will
24 appear in italics on your screen.

25 Additionally, the second absentee proposed jury

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THE COURT AND THE RIGHTS OF MS. BONE

1 instruction, just so we could look around, is: "Under
2 the laws of this State, the defendant may be tried
3 even if the defendant does not attend the trial, but
4 the fact that the defendant is not present may not be
5 considered against the defendant or the State of South
6 Carolina in any manner, whatsoever. The defendant's
7 absence is not in any way due to any action or conduct
8 of the State of South Carolina or the attorneys before
9 you."

10 State versus Sayer, which is a Nevada case, and
11 then there is State versus Staples, which is a Maine
12 case, which uses this instruction. Of course, the
13 beginning portions are still State versus Jackson.

14 The third option, third and final option, are:
15 "Under the law of the State, defendant may be tried
16 even if the defendant does not attend the trial, but
17 the fact that the defendant is not present may not be
18 considered against the defendant in any manner,
19 whatsoever; thus, you are not to speculate upon the
20 reasons for the defendant's absence, nor are you to
21 draw any inference or -- for or against the defendant,
22 or for or against the State of South Carolina, from
23 the defendant's absence."

24 Your Honor, this one has been charged in -- this
25 is the criminal jury instruction for New York state

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THE COURT AND THE RIGHTS OF MS. BONE

1 taken directly from their charge book; obviously,
2 added to our language as well. It has been used in
3 People versus Johnson, which is a 1975 case from New
4 York. It's been charged in People versus Brisdale.
5 It's been charged in People versus Aglin (phonetic) as
6 well. And then, of course, the beginning portions are
7 still State versus Jackson, and McFadden versus State.

8 I wanted to provide several options; however, of
9 course, I understand it is up to the Court to see what
10 you see fit.

11 THE COURT: Send them and I'll look at them.

12 MS. SMITH: Yes, Your Honor. We just request
13 that the State be added into any language that it not
14 be held against either party.

15 THE COURT: Anything else?

16 MR. HARTE: I have two things, Your Honor. First
17 off, I would like to renew my motion for directed
18 verdict at this time.

19 THE COURT: All right. I'll deny it.

20 MR. HARTE: Thank you, Your Honor.

21 Judge, we would request an instruction, as well
22 as the lesser included charge of strong arm robbery.
23 It is our position that the State failed to produce a
24 gun. They failed to produce any testimony or evidence
25 that, in fact, shows that it was a gun. So we ask

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THE COURT AND THE RIGHTS OF MS. BONE

1 that that instruction, as well as lesser included
2 be --

3 THE COURT: They have the testimony of the
4 witness that says there was a gun.

5 MR. HARTE: And that is simply testimony, Your
6 Honor. It is not an exhibit or anything of that sort.
7 We request a lesser included, as well as a jury
8 charge.

9 THE COURT: What's the State's position?

10 MS. SMITH: We object to a lesser included. Your
11 Honor, we do believe that the only -- the only bit of
12 evidence in this case is that there was a gun used.
13 We have heard testimony from the witness stand that
14 indicates that she was held up by a gun. She
15 described the gun. Your Honor, State's Exhibit 7,
16 which is admitted into evidence, shows a gun being
17 pointed at the victim.

18 THE COURT: Let me see that.

19 MS. SMITH: It shows a gun being pointed at the
20 victim in this case. Your Honor, it does not have to
21 be a gun in this sense, or a deadly weapon. It has to
22 put a person in fear for their life; that is what --
23 that's what we're here for. It can be a replica.
24 There is a case law on a BB gun. There is a case from
25 2005. There is another case from 2022 that I do not

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

THE COURT AND THE RIGHTS OF MS. BONE

1 have with me, but State versus Davis, in which the
2 judge did -- where only a witness said that the man
3 had a gun and that she was in fear for her life at
4 that point in time. The State did refuse to charge
5 the lesser included. That was Tommy Cooper, that was
6 the circuit court judge. It was a case out of
7 Richland County. We are asking -- because there is
8 no --

9 THE COURT: What did that case say?

10 MS. SMITH: The only evidence presented at trial
11 indicated that the perpetrator was either armed with a
12 deadly weapon or alleged she was armed -- or that he
13 alleged he was armed with a deadly weapon by actions
14 while using a representation of a deadly weapon or an
15 object, which a person presents during the commission
16 of a robbery, and reasonably believed to be a deadly
17 weapon.

18 THE COURT: I mean, did they sustain and affirm
19 the trial judge's refusal?

20 MS. SMITH: Oh, yes. Yes, they did. They upheld
21 the Judge Cooper's decision not to charge strong arm.

22 THE COURT: What is the case?

23 MS. SMITH: State versus Davis, unpublished;
24 however, there is a 2002 -- wait one second. It is
25 the State's contention that there has been no evidence

THE COURT AND THE RIGHTS OF MS. BONE

1 at trial other than the defendant had a gun.

2 THE COURT: Anything in reply?

3 MR. HARTE: Your Honor, the Solicitor referenced
4 State's Exhibit 7, I believe it was. Your Honor, I
5 didn't think that is a clear enough image to show this
6 was, in fact, a gun. No gun was produced or found in
7 any way, and it is our position that through evidence
8 and testimony, there is a reasonable belief that the
9 gun was not used or where they could show that that
10 was not actually a gun.

11 THE COURT: I'll take a look at it. I agree with
12 you, State's Exhibit No. 7 does not definitively show
13 a gun, but the problem I have is the only evidence,
14 aside from these exhibits, is the testimony of the
15 store clerk, who said she saw a gun. There is nothing
16 to indicate that there was not a gun used.

17 MR. HARTE: Your Honor, if I may briefly reply?
18 That is an issue for the jury to decide, the
19 believability of a witness' testimony.

20 THE COURT: That can be on anything. That's just
21 like don't charge her with armed robbery because you
22 know it is a jury determination.

23 Let me take a look at some of the case law and
24 I'll make a decision on that. I can tell you I don't
25 know there is anything in the record other than

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THE COURT AND THE RIGHTS OF MS. BONE

1 evidence of the armed robbery, so I'm not inclined to
2 charge strong arm robbery. But I admit, whenever I
3 don't charge a lesser included offense, I generally am
4 reversed on appeal. So I'll check to see what I
5 think.

6 Anything further from the State?

7 MS. SMITH: Nothing from the state.

8 THE COURT: Defense?

9 MR. HARTE: No, Your Honor.

10 THE COURT: It's 12:35. Let's get back together
11 at about -- I'll take the bench at 2:00. I'll try to
12 have proposed charges available for you all to review
13 by 1:45.

14 (A recess was taken.)

15 THE COURT: Have you had an opportunity to go
16 over the charges? I'll give you an opportunity to
17 raise any objections, and then again after I charge
18 the jury, because sometimes it does give a different
19 impression when you hear it read versus when you read
20 it.

21 I'll address your request for the lesser charge
22 of strong arm robbery. I am not going to charge
23 strong arm robbery, simply because the only evidence
24 in this case that shows an act of violence is the
25 witness' allegations that she had a gun. It's not

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THE COURT AND THE RIGHTS OF MS. BONE

1 like there is any evidence that the defendant hit
2 anybody or threatened anybody or did anything. Strong
3 arm robbery requires the taking of property
4 accompanied by an act of violence, and there is no act
5 of violence there, other than the alleged use of a
6 handgun. So that is why I'm denying your request for
7 the charge of strong arm robbery.

8 MR. HARTE: Thank you, Your Honor.

9 THE COURT: Anything from the State?

10 MS. RICHARDSON: The only addition that the State
11 would request is in the armed robbery charge, we would
12 request the language of the statute, which if she has
13 a replica of a weapon or an object presented as a
14 weapon, and the victim reasonably believes. I think
15 we e-mailed that. That is just straight from the
16 statute: "A person who commits robbery while armed
17 with a pistol, dirk, slingshot -- all of that. Or --
18 and this is the part we ask that you add -- or while
19 alleging either with actions or words he was armed
20 while using a representation of a deadly weapon, or
21 any object which a person present during the
22 commission of the robbery reasonably believed to be a
23 deadly weapon; that is straight from the indictment
24 itself and from the statute."

25 THE COURT: I mean, I guess my question is, going

*CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!*

THE COURT AND THE RIGHTS OF MS. BONE

1 back to the strong arm robbery thing, what evidence of
2 there that she was not armed with a deadly weapon and
3 that she presented what may have been something other
4 than a deadly weapon? There is no evidence that she
5 used a fake gun or BB gun or held her hand in her
6 pocket and pointed it like she had a gun. The only
7 evidence from the State's case is that she actually
8 pulled a gun and pointed it.

9 MS. RICHARDSON: Yes, Your Honor. And just
10 because we didn't actually recover the gun, we didn't
11 want to get hung up on a technicality of is it a real
12 gun or not, because under the statute and the wording,
13 it doesn't matter.

14 THE COURT: I understand that, but is there no
15 evidence that it wasn't a real gun? The only evidence
16 is that it was a real gun.

17 MR. RICHARDSON: Right, Your Honor. But it
18 appeared to be a real gun, and the statute just says
19 if it is an object, and that kind of takes away part
20 of the burden to actually recover the gun.

21 THE COURT: What I'm going to do is I'll find
22 that the State must prove beyond a reasonable doubt
23 that the defendant was armed with a deadly weapon or
24 what appeared to be a deadly weapon at any time during
25 the commission of the robbery.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

THE COURT AND THE RIGHTS OF MS. BONE

1 MS. RICHARDSON: That is suitable with the State,
2 Your Honor.

3 THE COURT: Anything further from the State at
4 this time?

5 MR. RICHARDSON: No, Your Honor, nothing from the
6 State.

7 THE COURT: And from the defense at this time?

8 MR. HARTE: No, Your Honor.

9 THE COURT: So we'll bring the jury in, State
10 will close in full, defense closes in full, no
11 rebuttal or reply, I'll charge them, and then we'll do
12 deliberations.

13 Since it is just a guilty or not guilty on arm
14 robbery, rather than doing the verdict form, I'm going
15 to give them the indictment where they can write
16 guilty or not guilty on the indictment.

17 MR. HARTE: That's fine.

18 THE COURT: Anything from the state before the
19 jury comes in?

20 MS. SMITH: Nothing from the state.

21 THE COURT: Anything from the defense?

22 MR. HARTE: No, Your Honor.

23 THE COURT: Let's bring the jury.

24 (The jury enters at 2:09 p.m., and the
25 following is heard in the presence of the jury.)

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

CLOSING ARGUMENT BY MS. SMITH

1 THE COURT: Ladies and gentlemen, I hope everyone
2 had a good lunch. We're ready to proceed. The State
3 has rested their case. The defense has rested their
4 case. Now is the time of the trial where the
5 attorneys make their closing arguments. Just like
6 their opening statements, these closing arguments are
7 not evidence in this case. It is simply the
8 attorneys' contention what they think the evidence has
9 shown and the law to be applied in this case.

10 If at any time an attorney references a factual
11 issue that is different from the facts as you find
12 them to be, or references the law different from the
13 law as I will charge you at the end of the closing
14 arguments, you are to disregard that portion of the
15 closing arguments, because this is not a charge on the
16 law or evidence of any of the facts in this case.
17 This is just their contention as to what they think
18 the evidence has shown and the law to be applied.

19 All right. Ms. Richardson or Ms. Smith.

20 MS. SMITH: May it please the Court?

21 THE COURT: Yes, ma'am.

22 MS. SMITH: "Give me all of your money;" that is
23 what the defendant told Desa Armstrong when she came
24 into the 521 MiniMart and stayed in there for 10
25 minutes before going to the register. Gun out, "Give

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

CLOSING ARGUMENT BY MS. SMITH

1 me all of your money. Put it in a bag. Check under
2 the register," and then she said, "I'm sorry." She
3 said I'm sorry because she had just pulled a gun on
4 Desa and stole a little over \$200. Desa didn't know.
5 Had no idea what was going through Shannon Bone's
6 mind. Didn't know if she was about to get shot. Had
7 no idea if this person was crazy. Had no idea if this
8 was a drug addict just jonesing. She had no idea.

9 What she did know is that there was a gun pointed
10 at her and that she had to comply, and she did. She
11 gave her all the money she had. "I'm sorry," and the
12 defendant left. So the defendant is charged with arm
13 robbery.

14 What must the State do to prove this? We must
15 prove this to you beyond a reasonable doubt, right.
16 Proof beyond a reasonable doubt is proof that leaves
17 you firmly convinced. There are very few things in
18 this world that we know with absolute certainty. In
19 criminal cases, the law doesn't require proof that
20 overcomes every possible doubt. If you are firmly
21 convinced of the defendant's guilt, you must find the
22 defendant guilty.

23 Armed robbery, so what is it? The taking and
24 carrying away of the personal property of another with
25 the intent to deprive them or her of the possession by

CLOSING ARGUMENT BY MS. SMITH

1 use of force, threats, or intimidation while armed
2 with a deadly weapon. The taking and carrying away
3 while armed with a deadly weapon. Hands up. Deadly
4 weapon. Doesn't have to be. It can be a real gun or
5 a BB gun, broken gun, a fake gun. While alleging
6 either by actions or words that she was armed while
7 using the representation of a deadly weapon or an
8 object with a -- which a person presents during the
9 commission of the robbery and reasonably believes it
10 to be a deadly weapon; that it is armed robbery.

11 Desa believed it was a real gun. Hands up.
12 Stepped back. You all saw it. She gave her her
13 money. Shannon Bone, she knew Desa would think it was
14 a real gun, too, because it was a gun. So what
15 happened? Well, this is what happened to Shannon Bone
16 on December 30 of 2017. She left LRADAC. After being
17 in Columbia for a couple of days, she left. She came
18 back to Georgetown and Williamsburg County. She
19 didn't have her phone while at LRADAC, but then she
20 had it back. You can see her travel from Columbia to
21 Manning to Williamsburg to Georgetown.

22 She gets back, goes to her sister's house, picks
23 up her car, and she's off. At 2:00 a.m., she's at the
24 store. By her own admission, she's at the store at
25 2:00 a.m. What does she do? She pays in pennies,

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

CLOSING ARGUMENT BY MS. SMITH

1 nickels, and dimes to buy two packs of cigarettes,
2 Seneca Reds and Seneca menthols.

3 Then what happens? Well, a couple of stories
4 what happens after that. We know that at 6:00 a.m. --
5 6:46 a.m., what does she take out right there
6 (indicates)? Give me all your money. So she's
7 covered. We've heard about head-to-toe coverage,
8 right? That part was seen. What couldn't she hide?
9 What couldn't she hide? It is a female. You hear
10 over and over again "her," "her." "She" just robbed
11 the store. "She." It is a white female (indicates).
12 White face (indicates). It is a skinny, white female.
13 Skinny, white female with brown shoes on, with brown
14 shoes and a gray hoody underneath her black hoody.
15 Brown shoes, gray hoody underneath a black hoody,
16 driving a Chevy Trailblazer. A gray Chevy Trailblazer
17 with license plate NXA-834. Who smokes Seneca Reds?
18 Who is 5'5"? DMV records show 5'5". And with the
19 defendant's voice. You heard Desa say she recognized
20 the defendant's voice. Whose cell phone location puts
21 her in the area of the crime? Look at her stature,
22 her shoes, her height.

23 Let me explain one thing about this picture. She
24 is very close up to the camera. You all watched the
25 videos, and I'm sure you are all so done seeing these

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

CLOSING ARGUMENT BY MS. SMITH

1 videos. It was a lot. It was the entire first day we
2 were here. You all will remember this was real close.
3 That one, she's parked all the way over there, all the
4 way by the pump. This is right by the door. It is
5 grainy, I understand. But do you see brown shoes with
6 the black top right there, coming in and out of the
7 store, both times?

8 So what does the defendant say in her interviews?
9 There are two interviews, same day, 30 minutes in
10 length. There is a brief pause before she reinitiates
11 conversation. So what does she say?

12 (Audio published to the jury.)

13 MS. SMITH: This is 30 minutes. This is 30
14 minutes. Seven minutes and around 22 seconds. The
15 investigator didn't have time to get out the door
16 before the conversation was reinitiated. Put the
17 recorder back on the table. That is where that second
18 interview comes from. In a 30-minute time span, it
19 changes from "I went over to go deliver some wheels to
20 Luanne," to, "I went to go get my heater that she
21 had." And then, "Well, I was at Luanne's" -- she's
22 confident -- "I was at Luanne's. She asked me to go
23 get some cigarettes. I went to the store at 2:00
24 a.m., went back to her house to deliver the
25 cigarettes, and then I left." Then it turns into, "I

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

CLOSING ARGUMENT BY MS. SMITH

1 don't remember. I don't remember." It is "I don't
2 remember being in Alabama. I don't remember driving.
3 I don't remember anything." But she does remember
4 where she was. Where does she say she was at the time
5 of the armed robbery?

6 (Audio published to the jury.)

7 MS. SMITH: So where was she? Charleston?
8 Columbia? She's with the truck. She's with her Chevy
9 Trailblazer, with the tag NXA-834, just sitting there
10 with her cousin Daniel Altman's house. So where does
11 the evidence put her? Where does the evidence show
12 that the defendant was at the time of the crime?

13 Nadine Reed, she's the one that was real fired
14 up in the video. She took the stand, real fired up.
15 She chased after the defendant as she ran out of the
16 store. Nadine said a white female, chased after her,
17 ran to her car, got the tag number, came back and
18 recognized that car. I knew that car because she came
19 in earlier in the night. She came in at 2:00 a.m.
20 She was frustrated because Shannon Bone was in there
21 paying with pennies. Five minutes in the store.
22 Thomas Crawford was frustrated because he couldn't do
23 other work at that time because of their policy. Two
24 people had to be at the cash register on the graveyard
25 shift. Nadine Reed recognize her. Thomas Crawford,

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

CLOSING ARGUMENT BY MS. SMITH

1 he ran after her. He ran to the back of her car and
2 he recognized her car. You heard it on the 911 call,
3 "NXA-834, gray Chevy Trailblazer." He recognized
4 that. He told you definitively that that is the same
5 vehicle I saw earlier in the night.

6 Desa recognized her voice. Desa recognized
7 her voice from her uncle's -- the defendant's uncle's
8 shop, the Beverage Depo.

9 What about Gerald Graham; what did he do? He
10 didn't run outside, and he told you -- it was real
11 cute -- I wasn't running outside, she had a gun.
12 Fair. I don't know if I would run after her either
13 with a gun. Gerald Graham says I had just worked a
14 16-hour shift. I drove by the 521 MiniMart and there
15 wasn't a car there. There wasn't a car there when I
16 was driving home. Well, I came back after less than
17 eight hours, and there was a car there. It was
18 December 31, 2017. It's cold, and it struck me as odd
19 that the windows were down.

20 You know what else they all saw, Gerald,
21 Thomas, and Nadine? That the car was parked in the
22 median in the 521 MiniMart area, off of 521, facing
23 towards Andrews. They all saw that the car sped off.
24 And where did it go? Towards Andrews.

25 What about the defendant's phone? We heard a

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

CLOSING ARGUMENT BY MS. SMITH

1 lot about that, so where does that put her? At the
2 time of the robbery, it puts her in the same sector as
3 the 521 MiniMart. Then what does it do? Exactly what
4 Nadine Thomas and Gerald told you all. 6:49, 6:50,
5 6:51, 6:52, 6:55, 6:59 we're in Andrews. Exactly the
6 way they said she was traveling.

7 Now, the evidence of flight can be used as
8 evidence of a guilty conscious. Where did she go?
9 She went to Alabama. Now, you heard in one of her
10 interviews she said that, well, I wasn't running. I
11 didn't know I had armed robbery charges. I didn't
12 know about this armed robbery. Well, what does she
13 say in Alabama?

14 (Audio published to the jury.)

15 MS. SMITH: I was going to turn myself in
16 tomorrow. I was just passing through. I was trying
17 to figure out where I could score.

18 You heard a lot about clothing as well.
19 Jeans, a gray hoody, brown shoes, black jacket, gray
20 sweatpants. You heard Mr. Harte ask Captain Clarey,
21 well, was there a black jacket, a scarf, gray
22 sweatpants, any of that on the property form? Well,
23 what does she ask for when she's apprehended in
24 Alabama? It's cold. He is trying to find her the
25 first jacket he can. She says I want my black jacket.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

CLOSING ARGUMENT BY MS. SMITH

1 He gives her the gray one, first one he can find.
2 That car was not recovered. I have absolutely no idea
3 where that car is. I don't know. I would have loved
4 it, but we don't have it. So what does she ask for?
5 Her black jacket.

6 After her armed robbery, who does she call?
7 You heard a lot about who had the phone. We talked
8 about this. Just because the phone data puts you in a
9 place, I may lend someone my phone, absolutely. That
10 can be plausible. But who does she call? Who does
11 she call right after the armed robbery, 6:50? Her
12 brother, Roy Bone. 6:52, Shannon Bone to Roy Bone.
13 6:59, Shannon Bone to Roy Bone. 7:20, duplicate
14 calls, probably voicemail, right; Roy Bone to Shannon
15 Bone. 7:20:09, Roy Bone to Shannon Bone. 7:29,
16 Shannon Bone to Roy Bone. She calls her brother.
17 That is the first person she calls after she robs the
18 521 MiniMart.

19 What else did she do right here (indicates),
20 9:47 p.m. on December 31st? She shuts off her
21 phone. She shuts off her phone so she can't be
22 tracked. Why don't we have any data from her going
23 down to Alabama? That's why. This is why right here
24 (indicates). The last data is 9:47 until when?
25 March 20 of 2018. It is already in custody by then.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

CLOSING ARGUMENT BY MS. SMITH

1 She ran. She robbed the MiniMart and she ran. But
2 how did she get there? At 2:00 a.m. she came into the
3 521 MiniMart to get two packs of cigarettes, counting
4 nickels and dimes, the last pennies to her name spent
5 on cigarettes. I know gas was not as expensive back
6 in 2017 as it is right now, but you have -- you don't
7 even have two nickels to rub together and you are
8 making it all the way to Alabama? That is how she got
9 there, with a little over \$200 from the 521 MiniMart.
10 That is how when she got there she could score. She
11 could get some drugs. This is how.

12 Give me all your money; the fear that strikes
13 in the heart of anyone not knowing and being held
14 captive in that moment, not knowing what the next
15 seconds of your life are going to be. Desa handled it
16 incredibly well. Shocked, in disbelief, hands up, and
17 she complied. Thank goodness she did comply.

18 Now, the gun is flashed. Desa gives her the
19 money. She checks everywhere, steps back, and just
20 waits. She clicks down her money pins in the drawer,
21 and waits for her to leave. It was a subtle armed
22 robbery, but she got out of the door. She didn't get
23 caught. She made it all the way to Alabama. She got
24 away for a while.

25 Now that all of the evidence has been

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

CLOSING ARGUMENTS BY MR. HARTE

1 presented, now that you have heard all of the
2 testimony, don't let her get away. When you all go
3 back to your jury room, find her guilty. Thank you.

4 THE COURT: Mr. Harte.

5 MR. HARTE: May it please the Court?

6 THE COURT: Yes.

7 MR. HARTE: The clerk at the MiniMart, Desa
8 Armstrong, said it best: "I couldn't tell who it was.
9 I couldn't see the face." We see Shannon Bone at the
10 MiniMart at 2:00 a.m. in a gray jacket and blue jeans.
11 We see her being detained in Alabama, and she's
12 wearing blue jeans. The officer, the Birmingham
13 officer said, "The gray jacket?" That's right. What
14 do we not have? We don't have a black hoody. We
15 don't have black pants. We don't have a scarf or a
16 face covering.

17 During her interview, yes, you can search my
18 vehicle. What does law enforcement do? Nothing.
19 They never made an effort to get the car. They never
20 made an effort to search it. What kind of
21 investigation is that? She said you can search my
22 vehicle. If there was a gun in that car, if there was
23 a black hoody or black pants in that car, would she
24 have consented?

25 She also said during her interview that she's

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

CLOSING ARGUMENTS BY MR. HARTE

1 going to Texas. I have a friend out there and I'm
2 trying to get my act together. Well, the only way to
3 get there, you have to go through Alabama. The State
4 wants you to think, oh, she was fleeing, running away.
5 That is what she was going to do anyway. That is what
6 she told law enforcement. When they detained her in
7 Alabama, she said I was going to turn myself in. I
8 should have stayed where I was. If she was, in fact,
9 guilty, would she have said those things, or would you
10 want to return home and face your accusers?

11 She also said in her statement she was in a warp.
12 She couldn't remember. She left LRADAC, said they
13 gave her a sleeping pill. She's all confused. She
14 doesn't remember. Somebody that is that disoriented,
15 are they going to have the sophistication, the
16 wherewithal to change clothes, cover yourself, and rob
17 the MiniMart?

18 We've heard a lot of talk about these phones.
19 Now, law enforcement were given two phones that they
20 were told belonged to Shannon Bone. They were those
21 phones from Shannon's sister, Monica. Not Shannon.
22 What did they do with one of those phones? Nothing.
23 They want to say that she shut off one phone. Well,
24 she had another one, or did she? Was that phone even
25 working? Law enforcement did no investigation on the

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY CHARGE

1 other phone at all.

2 Now, the burden of proof, the Judge is going to
3 instruct you on the law. The burden of proof is
4 beyond a reasonable doubt; the highest burden in our
5 entire court system. You have to be firmly convinced,
6 and the State has not put a gun in Shannon Bone's
7 hand. They have not put a black hoody on her, or a
8 scarf or anything like that. Beyond a reasonable
9 doubt. When you go in that jury room, I simply want
10 to ask you to hold true to the oath that you gave.
11 Thank you.

12 THE COURT: Ladies and gentlemen, all the
13 testimony and evidence has been presented to you. The
14 attorneys have made their closing arguments, and now
15 is the time of the trial when I charge you with the
16 law to be applied in this case.

17 The indictment -- here is the indictment in this
18 case -- charges the defendant with armed robbery. The
19 fact that the defendant was arrested, charged, and
20 indicted in this case is not evidence in this case and
21 cannot be considered by you as evidence of guilt in
22 this case; nor does the defendant's arrest, charge, or
23 indictment create any presumption or inference of
24 guilt. This document is simply the written instrument
25 which contains the charge made against the defendant.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY CHARGE

1 It is the formal document by which this case is
2 brought into this court.

3 The defendant plead not guilty to this
4 indictment. That plea puts the burden on the State to
5 prove the defendant guilty. A person charged with
6 committing a criminal offense in South Carolina is
7 never required to prove her innocence. I charge you
8 that an important rule of the law is that the
9 defendant in a criminal trial, no matter what the
10 seriousness of the charge may be, will always be
11 presumed innocent of the crime for which the
12 indictment was issued, unless guilt has been proven by
13 evidence satisfying you of that guilt beyond a
14 reasonable doubt. This presumption of innocence does
15 not end when you begin your deliberations, but it
16 accompanies the defendant throughout the trial until
17 you reach a verdict of guilty based on the evidence
18 satisfying you of that guilt beyond a reasonable
19 doubt.

20 The presumption of innocence is like a robe of
21 righteousness placed about the shoulders of the
22 defendant, which remains with the defendant until it
23 has been stripped from the defendant by evidence
24 satisfying you of the defendant's guilt beyond a
25 reasonable doubt. The presumption of innocence is not

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY CHARGE

1 a mere legal theory. It is not just a legal phrase.
2 The presumption of evidence -- presumption of
3 innocence is a substantial right to which every
4 defendant is entitled unless you, the jury, are
5 satisfied from the evidence of the defendant's guilt
6 beyond a reasonable doubt.

7 Now, what is a reasonable doubt in the law? A
8 reasonable doubt is the kind of doubt that would cause
9 a reasonable person to hesitate to act. Proof beyond
10 a reasonable doubt is proof that leaves you firmly
11 convinced of the defendant's guilt. We know very few
12 things in this world with absolute certainty. In
13 criminal cases, the law does not require proof that
14 overcomes every possible doubt. If based on your
15 consideration of the evidence you are firmly convinced
16 that the defendant is guilty of the crime charged, you
17 must find the defendant guilty. On the other hand, if
18 you think a real possibility exists that the defendant
19 is not guilty, you must give the defendant the benefit
20 of that doubt and find her not guilty.

21 I remind you that during this trial you and I
22 have certain duties to perform. As the trial judge,
23 my responsibility is to preside over the trial of this
24 case. I also have the duty to rule on the
25 admissibility of the evidence offered during this

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY CHARGE

1 trial. You are to consider only the competent
2 evidence before you.

3 If any testimony was ordered stricken from the
4 record in this case during this trial, you are to
5 disregard that testimony. You are to consider only
6 the testimony which has been presented from the
7 witness stand, any exhibits which have been made a
8 part of the record in this case, and any stipulations
9 of counsel.

10 I have the additional duty to charge you the law
11 applicable to this case. As the presiding judge, I am
12 the sole judge of the law in this case. Your duty as
13 jurors is to accept and apply the law as I now state
14 it to you. If you have any idea as to what the law is
15 or what the law ought to be, and your idea is
16 different from what I now tell you the law is, you
17 must disregard your idea what the law is or ought to
18 be, because you are sworn to accept the law and apply
19 the law exactly as I state it to you.

20 In every case tried in this court before a jury,
21 the jury is the sole and exclusive judge of the facts
22 in the case. A trial judge cannot intimate, state,
23 comment, or make any statement to a trial jury about
24 the facts in a case. Since you, the jury, are the
25 sole judge of the facts of this case, do not infer

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY CHARGE

1 from what I have said during the progress of this
2 trial or in ruling upon the admissibility of evidence
3 or otherwise, or anything that I say now during the
4 course of this instruction to you that I have any
5 opinion about the facts of this case. The law does
6 not allow me to have an opinion about the facts in
7 this case. This is a matter solely for you, the jury,
8 to determine.

9 As jurors, your duty is to determine the effect,
10 value, weight, and truth of the evidence presented
11 during trial. There are two types of evidence
12 generally presenting during a trial: Direct evidence
13 and circumstantial evidence. Direct evidence directly
14 proves the existence of a fact and does not require
15 deduction, such as the testimony of an eyewitness who
16 claims to have actual knowledge of a fact.

17 Circumstantial evidence is proof of a chain of
18 facts and circumstances indicating the existence of a
19 fact. Crimes may be proven by circumstantial
20 evidence. The law makes no distinction between the
21 weight or value to be given to either direct or
22 circumstantial evidence; nor is a greater degree of
23 certainty required of circumstantial evidence than of
24 direct evidence. However, to the extent the State
25 relies on circumstantial evidence, the circumstances

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY CHARGE

1 must be consistent with each other, and when taken
2 together, point conclusively to the guilt of the
3 accused beyond a reasonable doubt. If these
4 circumstances merely portray the defendant's behavior
5 as suspicious, then the proof has failed.

6 The State has the burden of proving the defendant
7 guilty beyond a reasonable doubt. This burden rests
8 with the State regardless of whether the State relies
9 on direct evidence, circumstantial evidence, or some
10 combination of the two. You should weigh all of the
11 evidence in the case. After weighing all of the
12 evidence, if you are not convinced of the guilt of the
13 defendant beyond a reasonable doubt, you must find the
14 defendant not guilty. On the other hand, after
15 weighing all of the evidence, if you are convinced of
16 the defendant's guilt beyond a reasonable doubt, you
17 must find the defendant guilty.

18 Necessarily, you must determine the credibility
19 of witnesses who have testified in this case.
20 Credibility simply means believability. Your duty as
21 jurors is to analyze and evaluate the evidence and
22 determine which evidence convinces you of its truth.
23 In determining the believability of witness who have
24 testified in this case, you may believe one witness
25 over several, or several witnesses over one witness.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY CHARGE

1 You may believe a part of the testimony of a witness,
2 and reject the remaining part of the testimony of that
3 same witness. You may believe the testimony of a
4 witness in its entirety, or reject the testimony of a
5 witness in its entirety. You may consider whether any
6 witness exhibited to you any interest, bias,
7 prejudice, or other motive in this case. You may also
8 consider the appearance and manner of the witness
9 while on the witness stand.

10 The rules of evidence ordinarily do not permit
11 witnesses to testify to opinions or conclusions. An
12 exception to this rule exists for witnesses we call
13 "expert witnesses." A witness who by education and
14 experience has become an expert in some art, science,
15 profession, or calling may state an opinion as to the
16 relevant material -- matter in which the witness
17 claims to be an expert, and may also state the reasons
18 for the opinion. You should consider any expert
19 opinion received in evidence in this case like any
20 other evidence; give it the weight you think it
21 deserves.

22 If you decide that an opinion of an expert
23 witness is not based on sufficient education and
24 experience, or if you conclude that the reasons given
25 in support of the opinion are not sound, or that the

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY CHARGE

1 opinion is outweighed by other evidence, you may
2 disregard the opinion entirely. An expert witness'
3 testimony is to be given no greater weight than that
4 of any other witness simply because the witness is an
5 expert. Further, you are not required to accept an
6 expert's opinion even though it is not contradicted.

7 A defendant has a right to be present during the
8 trial of his or her case; however, a defendant may
9 waive this right, and the defendant in this case has
10 waived her right to be present during this trial.

11 Under the laws of this state, a defendant may be tried
12 even if the defendant does not attend the trial, but
13 the fact that the defendant is not present and has
14 waived the right to be present may not be considered
15 against the defendant in any manner, whatsoever. You
16 are not to speculate upon the reasons for the
17 defendant's absence, nor are you to draw any inference
18 in favor of or against the State or the defendant from
19 the defendant's absence. Likewise, the defendant's
20 decision not to testify cannot be considered against
21 the defendant in any manner, whatsoever. I instruct
22 you and emphasize that the fact that the defendant did
23 not testify is not a factor to be considered by you in
24 any way in your deliberations and in your
25 consideration on the question of the guilt or

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY CHARGE

1 innocence of the defendant. The defendant's failure
2 to testify must not be considered by you in any
3 manner, whatsoever. A defendant has the
4 Constitutional right to remain silent. The assertion
5 of this right must not be considered by you in your
6 deliberations. I repeat: Under your oath, you are to
7 draw no conclusion, whatsoever, from the fact that the
8 defendant in this case did not testify. The fact that
9 this defendant did not testify should not even be
10 discussed in the jury room. The burden of proof, as I
11 have stated to you, is on the State. The defendant is
12 not required to prove her innocence. The burden of
13 proof remains on the State to prove beyond a
14 reasonable doubt or to prove guilt beyond a reasonable
15 doubt.

16 Now, some of the exhibits that have been admitted
17 into evidence have had portions deleted from them for
18 legal reasons. Do not concern yourselves with the
19 reasons why some portions of the exhibits have been
20 deleted. Do not speculate upon what the deleted
21 portions might or might not reveal.

22 In order to establish criminal liability,
23 criminal intent is required. For example, the mental
24 state required to be proven by the State for a
25 particular crime might be purpose, intent, knowledge,

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY CHARGE

1 recklessness, or criminal negligence. Criminal intent
2 must be proven by the State beyond a reasonable doubt.
3 Criminal intent is always a matter that must be
4 determined by the jury from the circumstances
5 surrounding the situation.

6 Intent cannot be proved to a mathematical
7 certainty. Medical science cannot dissect a person's
8 brain and determine what the person had in mind. The
9 law says that criminal intent may be proved from
10 circumstances shown to have existed. In other words,
11 the State must show that the circumstances in this
12 case indicate beyond a reasonable doubt that the
13 defendant had criminal intent. Intent does not have
14 to be established by direct and positive evidence.
15 Intent may be established like any other fact, by
16 taking into consideration the acts of the parties and
17 all of the facts and circumstances of the case.

18 Criminal intent is a mental state, a conscious
19 wrongdoing. You must determine what the defendant
20 intended to do based on the circumstances shown to
21 have existed. Criminal intent can arise from an
22 action or a failure to act. It may arise from
23 negligence, recklessness, or indifference to duty, or
24 to consequences that are considered by the law to be
25 the equivalent of criminal intent.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY CHARGE

1 As I previously instructed you, the defendant is
2 charged with armed robbery. To convict the defendant
3 of this crime, the State must prove beyond a
4 reasonable doubt that the defendant took personal
5 property from the person or presence of another
6 person. Property is in the presence of a person if it
7 is within the person's reach, inspection, observation,
8 or control so that the person could, if not overcome
9 by violence or prevented by fear, keep possession of
10 the property.

11 The State must also prove beyond a reasonable
12 doubt that the defendant carried the property away
13 intending to permanently deprive the owner of the
14 property, and to keep the property for the defendant's
15 own use. The slightest removal of the property or the
16 complete possession of the property, even for an
17 instant, by the defendant is sufficient to show taking
18 and carrying away of the property. The taking and
19 carrying away of the property must have been done with
20 violence or by putting the owner of the property in
21 fear of violence.

22 Finally, the State must prove beyond a reasonable
23 doubt that the defendant was armed with a deadly
24 weapon or what appeared to be a deadly weapon at any
25 time during the commission of the robbery. A deadly

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY CHARGE

1 weapon is an article, instrument, or substance which
2 is likely to cause death or great bodily harm.
3 Whether an instrument has been used as a deadly weapon
4 depends on the facts and circumstances of each case.
5 The following are examples of instruments which may be
6 deadly weapons: a pistol, a shotgun, a rifle, dirk,
7 dagger, a knife, a slingshot, metal knuckles, a razor,
8 gasoline, fire bomb or Molotov cocktail, and lighter
9 fluid.

10 A gun may be a deadly weapon even if it is not
11 operating. You may find one of two verdicts in this
12 case, and no significance should be given in the order
13 in which I state them, I simply have to state one
14 first and one second. The possible verdicts are
15 either guilty or not guilty. Ladies and gentlemen,
16 your verdict must be unanimous.

17 Ms. Forelady, when the jury agrees unanimously on
18 a verdict, you will write your verdict here on the
19 indictment, sign your name as the foreperson, and date
20 the indictment. At that time, we'll bring you back
21 into the courtroom with your verdict.

22 I'm going to excuse you to the jury room, but
23 please do not begin your deliberations at this time.
24 I need to check with the attorneys to see if they have
25 any additional charges or corrections to the charges

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY CHARGE

1 to be given to you. If there are some, and I deem
2 them appropriate, I'll bring you back into the
3 courtroom and make whatever additional charges or
4 corrections that are needed. If there are none, the
5 exhibits will be brought back to the jury room with
6 the indictment, and the bailiff will instruct you to
7 begin your deliberations. Please do not begin
8 deliberations until you are instructed to do so by the
9 bailiff.

10 Okay. I'll excuse you to the jury room at this
11 time.

12 (The jury exits at 2:56 p.m., and the
13 following is heard out of the presence of the jury.)

14 THE COURT: Any exceptions which have not been
15 raised or additional charges from the State?

16 MS. RICHARDSON: No, Your Honor.

17 THE COURT: Defense?

18 MR. HARTE: No, Your Honor.

19 THE COURT: Let's make sure we have all of the
20 exhibits.

21 This is the part of the trial I hate. As
22 alternates, since we still have our 12 jurors, the law
23 says you can't participate in the deliberations. I
24 hate it, because you sit through the whole trial and
25 then you don't make a decision in the case, but I want

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY CHARGE

1 to thank you for your service. You can stay and see
2 the outcome if you want to, or you can go ahead and be
3 excused. If you want to wait around a while and then
4 be excused, you can do whatever you would like. Do
5 either one of you have anything in the jury room?

6 ALTERNATE JURORS: No.

7 THE COURT: You have a one-year disqualification
8 from serving jury duty in state circuit court, and you
9 have a three-year exemption. I hope you don't
10 exercise your exemption, because we do need good
11 jurors. I want to thank you for your service. You
12 cannot participate in the deliberations, but you are
13 free to go or stay, or whatever you prefer. Okay.
14 Thank you very much.

15 MS. SMITH: Thank you.

16 MR. HARTE: Thank you. We appreciate it.

17 (The attorneys and court reporter confirm the
18 exhibits.)

19 THE COURT: Anything from the State before we
20 recess?

21 MS. SMITH: No, Your Honor.

22 MR. HARTE: Nothing, Your Honor.

23 THE COURT: We'll be in recess until we hear from
24 them.

25 (A recess was taken and deliberations started at

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY CHARGE

1 3:01 p.m.)

2 THE COURT: Thank you very much. Please be
3 seated. I understand the jury reached a verdict.

4 Anything from the State before we bring the jury
5 in?

6 MS. SMITH: Nothing, Your Honor.

7 THE COURT: Anything from the defense?

8 MR. HARTE: No, Your Honor.

9 THE COURT: Does your client want to be here for
10 reading of the verdict?

11 MR. HARTE: Your Honor, I think we should have
12 her in here.

13 THE COURT: I'll leave it up to you -- I mean her
14 and you.

15 MR. HARTE: I did not ask her. I can ask her
16 now.

17 THE COURT: You do whatever you think. She's
18 waived her right to be present. If you want her in
19 here, I'll have her come in here. I'll do whatever
20 you want to do.

21 MR. HARTE: Let me speak to her briefly.

22 THE COURT: That will be fine.

23 (A brief pause in the proceedings.

24 Ms. Bone enters the courtroom.)

25 THE COURT: Let the record reflect the defendant

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY CHARGE

1 is in the courtroom.

2 Anything before we bring the jury?

3 MR. HARTE: Nothing from the defense.

4 MS. SMITH: Nothing from the state.

5 THE COURT: Let's bring the jury in.

6 (The jury enters at 3:46 p.m., and the
7 following is heard in the presence of the jury.)

8 THE COURT: Welcome back. I understand the jury
9 has reached a unanimous verdict.

10 FOREPERSON: That is correct.

11 THE COURT: You have a verdict. Have you signed
12 and dated the indictment?

13 FOREPERSON: Yes, sir.

14 THE COURT: If you will hand that to the bailiff.

15 (A brief pause in the proceedings.)

16 THE COURT: All right. I'll ask the clerk if she
17 will please publish the verdict.

18 THE CLERK: Will the defendant please stand.

19 State of South Carolina versus Shannon Lane Bone.
20 As to the indictment of 2218-GS-22-00424, armed
21 robbery: We, the jury, unanimously find the defendant
22 guilty.

23 THE COURT: All right. Ladies and gentlemen, if
24 this is your verdict, please signify by raising your
25 right hand.

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY CHARGE

1 Let the record reflect that all jurors raised
2 their right hands.

3 Any polling of the jury by the defense?

4 MR. HARTE: No, Your Honor.

5 THE COURT: Ladies and gentlemen, that will
6 conclude your duties as jurors in this case and for
7 this week. I thank you for your service. It was a
8 long week, and I appreciate your patience and your
9 service. You have a one-year disqualification from
10 serving a three-year exemption. Don't exercise your
11 exemption because we need good jurors. I'll thank you
12 for your service, but that conclude your duties as
13 jurors for this week, as well as this trial. Thank
14 you very much. You are free to go.

15 (The jury exits at 3:48 p.m., and the
16 following is heard out of the presence of the jury.)

17 THE COURT: Any motions at this time?

18 MR. HARTE: Yes, Your Honor. The defense would
19 move to set aside the verdict; it is unreasonable, and
20 we would also move for a new trial.

21 THE COURT: I'm going to deny the motion.

22 MR. HARTE: Thank you, Your Honor.

23 THE COURT: Anything else?

24 MR. HARTE: No, Your Honor.

25 THE COURT: Anything from the State at this time?

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

JURY CHARGE

1 MS. RICHARDSON: Your Honor, could I have just a
2 moment.

3 MR. HARTE: We're ready to go forward, Your
4 Honor.

5 THE COURT: Any reason we can't impose sentence
6 at this time?

7 MS. RICHARDSON: No, Your Honor. We do have some
8 documents for sentencing.

9 MS. SMITH: Your Honor, I'm passing up an
10 original copy of a previous conviction from Louisiana
11 for armed robbery, attempted armed robbery. And then,
12 Your Honor, there is my served notice of our intent of
13 notice to seek life, as well as the sentencing sheet.

14 THE COURT: Mr. Harte, anything from the defense
15 before we impose sentencing?

16 MR. HARTE: No, Your Honor.

17 THE COURT: Would your client like to say
18 anything? I'll hear from you, your client, or anyone
19 that wants to say anything in mitigation.

20 MR. HARTE: I don't believe she wants to address
21 the Court at this time.

22 THE COURT: All right.

23 Do the victims wish to speak or say anything?

24 MS. SMITH: Your Honor, no, sir, they do not, not
25 for this case.

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

JURY CHARGE

1 THE COURT: Ms. Bone, you have been found guilty
2 by a jury trial on the charge for armed robbery, which
3 is classified as a most serious crime. I find this is
4 your second conviction for a most serious crime,
5 having been convicted of attempted armed robbery in
6 the State of Louisiana, also having been served with
7 the State's intention to seek life without parole,
8 that having been given to you on April -- well, notice
9 was filed on April 11th, 2022. Sentence of the
10 Court is that you be confined to the State Department
11 of Corrections for a term of life without parole.

12 Anything further?

13 MR. HARTE: No, Your Honor.

14 THE COURT: Anything from the State?

15 MS. SMITH: Nothing from the State.

16 THE COURT: All right. Let me put on the record
17 that pursuant to -- it's the Court's interpretation
18 that pursuant to Section -- S.C. Code Section
19 17-25-45, that is a mandatory sentence, is my
20 understanding.

21 MS. SMITH: Yes, Your Honor; that is correct.

22 THE COURT: Thank you very much.

23 (WHEREUPON, COURT'S EXHIBITS 4-5 MARKED, AND THE
24 TRIAL OF STATE v. SHANNON LANE BONE CONCLUDED.)

25

**CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!**

CERTIFICATE OF REPORTER

State of South Carolina)

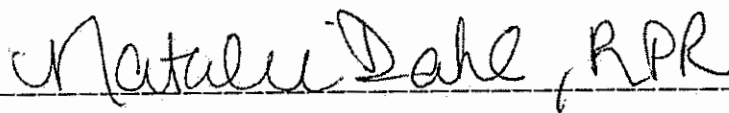
County of Georgetown)

I, Natalie Dahl, Official Court Reporter for the
State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript

of Record of the proceedings had and evidence
introduced in the trial of the captioned case,
relative to appeal, in the Court of General Sessions
for Georgetown County, South Carolina, on the 13-15th
and 17th days of June, 2022.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

August 11, 2022



Natalie Dahl, RPR

Court Reporter

CERTIFIED ORIGINAL FOR USE BY S.C. INDIGENT DEFENSE
ONLY!!

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

At a Court of General Sessions, convened on May 30, 2018, the Grand Jurors of Georgetown County present upon their oath:

ARMED ROBBERY

CDR: 0139 §16-11-0330(A)

That Shannon Lane Bone did in Georgetown County on or about December 31, 2017, while armed with a deadly weapon and/or while alleging, either by action or words, was armed while using a representative of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, take and carry away personal property of 521 Mini Mart from or in the immediate presence of 521 Mini Mart with intent to deprive 521 Mini Mart of possession by use of force, threats or intimidation, in violation of Section 16-11-0330(A), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH JUDICIAL CIRCUIT

WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2018-GS-22-00424

The State of South Carolina

County of Georgetown

Richard D. Todd, Jr.

18G00080

COURT OF GENERAL SESSIONS

MAY, 2018 TERM

ARREST WARRANT NUMBER

2017A2210400116

CDR: 0139 §16-11-0330(A)

DOI: 12/31/2017

THE STATE

vs.

SHANNON LANE BONE

████ KENT ROAD

GEORGETOWN, SC 29440

DOB: █████

SSN: █████

W / F

ACTION OF GRAND JURY

TRUE BILL

ATTORNEY: Ronald W. Hazzard

Indictment for

Angela Sewell

Foreperson of Grand Jury

Date: *5/30/18*

VERDICT

GUILTY

ARMED ROBBERY

Kathryn Bessie

Foreperson of Petit Jury

Date: *6/17/22*

Jimmy A. Richardson, II, Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF Georgetown

STATE

VS.

Shannon Lane Bone

AKA: _____
 Race: WHITE Sex: F Age: 40
 DOB: [REDACTED] SS#: [REDACTED]
 Address: [REDACTED] Santee Road
 City, State, Zip: Andrews, SC 29510
 DL#: _____ SID#: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2200424A/W#: 2017A2210400116Date of Offense: 12/31/2017S.C. Code §: 16-11-0330(A)CDR Code #: 0139

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Armed Robberyin 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:

Life Smith SC102832

102887

Smith, Kate Elizabeth SC Bar # Defendant

Harte, Madison C.
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a ~~determinate~~ term of Life Without Parole ☐ Youthful Offender Act not to exceed X years

and/or to pay a fine of \$ X; provided that upon the service of X days/months/years/Time Served and or payment
 of \$ X; plus costs and assessments as applicable*; the balance is suspended with probation for X

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
 _____ 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.

STATE VS. Shannon Lane Bone INDICTMENT/CASE#: 2018GS2200424

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 20.00 Beginning one month after release

	\$	\$
§14-1-206 (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
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/ Deputy Clerk: _____
Court Reporter: _____

Natalie Dahl
Natalie Dahl

Presiding Judge: _____
Judge Code: 2148
Sentence Date: June 17, 2022

Margaret Culbertson
Margaret Culbertson

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."

RECEIVED

Nov 21 2023

SC Court of Appeals

Respectfully Submitted,



Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 21st day of November, 2023.