

RECEIVED

Jan 24 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County

Honorable R. Kirk Griffin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SATWAUN WALLACE HENRYHAND,

APPELLANT

APPELLATE CASE NO. 2022-000975

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

ANDREW D. POWELL
Assistant Attorney General

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

ATTORNEY FOR APPELLANT

EDGAR L. CLEMENTS, III
Solicitor, Twelfth Judicial Circuit

180 North Irby Street
Florence, SC 29501
(843) 665-3091

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JUNE 27-29, 2022.....	1
PRETRIAL MOTIONS	4
TESTIMONY	
HEATHER ALTMAN	
Direct Examination by Mr. White	11
Cross Examination by Mr. Harvin	16
<u>NEIL V. BIGGERS</u> HEARING	24
TESTIMONY	
FELECIA BENJAMIN	
Direct Examination by Mr. White	25
Cross Examination by Mr. Harvin	34
Redirect Examination by Mr. White	50
RULING OF THE COURT ON OUT OF COURT IDENTIFICATION	59
OPENING STATEMENT BY MR. WHITE.....	61
OPENING STATEMENT BY MR. HARVIN	64
TESTIMONY	
LEVI JAMES	
Direct Examination by Mr. White	67
Cross Examination by Mr. Harvin	70
FELECIA BENJAMIN	
Direct Examination by Mr. White	71
Cross Examination by Mr. Harvin	84
Redirect Examination by Mr. White	99
ALVIN KEITH WORSLEY	
Direct Examination by Mr. White	100
Cross Examination by Mr. Harvin	103
Redirect Examination by Mr. White	106

JUSTIN BOSTICK	
Direct Examination by Mr. White	111
Cross Examination by Mr. Harvin	121
Redirect Examination by Mr. White	128
HEATHER ALTMAN	
Direct Examination by Mr. White	130
Cross Examination by Mr. Harvin	133
Redirect Examination by Mr. White	135
TYRONE PORTER	
Direct Examination by Mr. White	137
Cross Examination by Mr. Harvin	143
Redirect Examination by Mr. White	151
Continued Redirect Examination by Mr. White	160
Re-Cross Examination by Mr. Harvin	163
Further Direct Examination by Mr. White	165
THE STATE RESTS	167
MOTION TO DISMISS	169
MOTION FOR DIRECTED VERDICT	171
COLLOQUY WITH DEFENDANT REGARDING HIS RIGHT TO TESTIFY	173
CLOSING ARGUMENT BY MR. WHITE	183
CLOSING ARGUMENT BY MR. HARVIN	193
CHARGE ON THE LAW	199
VERDICT	217
GUILTY PLEA	219
SENTENCING	237
INDICTMENT	240
SENTENCE SHEET	242
CERTIFICATE OF COUNSEL	244

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT #3 (VIDEO FROM PHONE) and STATE’S EXHIBIT #5 (PHOTO)**

1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF FLORENCE
4 2021-GS-21-02335

5 State of South Carolina

6 Vs.

7 Satwaun Wallace Henryhand

8

9 Florence, South Carolina

10 June 27-29, 2022

11 Before the Honorable R. Kirk Griffin

12 APPEARANCES

13 For the State: Ryan White

14 For the Defendant: Doward Harvin

15

16 Reported by: DCRP (transcribed by Michael C. Watkins
17 Official Court Reporter)

18

19

20

21

22

23

24

25

1 INDEX

2	Voir Dire:	4
3	Pretrial Motions:	30
4	Opening Statements:	93
5	Levi James:	98
6	Felecia Benjamin:	103
7	Alvin Keith Worsley:	132
8	Justin Bostick:	142
9	Heather Altman:	162
10	Tyrone Porter:	168
11	Closing Arguments:	215
12	Jury Charge:	231
13	Jury Verdict:	249
14	Guilty Plea:	257
15	Sentencing Hearing:	261
16	Certificate Page:	271

17

18

19

20

21

22

23

24

25

1		STATE'S EXHIBITS	
2			
3	1	911 CD	102
4	2	CAD Report	101
5	3	Video From Phone	193
6	4	Boots	149
7	5	Photo	114
8	7	Photo	134
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

PRETRIAL MOTIONS

1 she doesn't have transportation and get her back to the
2 courtroom, and we'll be ready to go at 2:30 sharp.

3 THE COURT: And the issue we discussed in chambers is
4 the only issue that will be up for discussion this afternoon
5 with regard to her competence to testify; is that correct?

6 MR. WHITE: That's all that I'm aware of, Judge.

7 MR. HARVIN: Judge, I mean, obviously there are a few
8 more issues that I thought up as we have been sitting
9 through this process. A couple of them are very simple, we
10 will be making a motion for witnesses to be sequestered,
11 nothing abnormal about that one. Obviously our motion
12 specifically as it relates to the proposed witness is just
13 asking the Court to do an in-camera hearing, so whatever
14 comes from that, Judge, we are fine with, we just wanted the
15 Court to at least examine her based upon the issues. And
16 then there is this one issue that's -- I think it's kind of
17 a big issue that when Solicitor White mentioned it in
18 chambers I kind of thought about it, and that's just the
19 issue of this lost video. And so this lost video is an
20 interesting issue, because according to what I know this
21 video will have captured the incident from the beginning to
22 the end. This video would have been in high def, and this
23 video would either show my client's face, and obviously
24 there's nothing we can do about that, but on the other side
25 this video would show somebody else. And so we have never

PRETRIAL MOTIONS

1 seen the video, we've never been privy to the video, but
2 it's clear that law enforcement had the video in their
3 possession. It's clear that that was never given over to
4 the defense as a part of our Brady motion, and I believe the
5 law requires that be given even if it's not exculpatory.
6 And if it's a piece of evidence that we can use to impeach a
7 witness, which most of the witnesses will be talking about
8 what he looked like, how tall he was, what he had on, this
9 video would give us all of that. I believe that Solicitor
10 White did his very best to get that information to us so I'm
11 not pointing the finger at him or the solicitor's office.
12 This is tantamount on the sheriff's department and the
13 mistake that they made in misplacing this video. I don't
14 know a remedy other than either, one, dismissing the case
15 because this video has been lost, or, two, not allowing the
16 State to reference this video as they present witnesses.
17 And so we rely on your wisdom, Judge, in how to resolve that
18 issue, but those are the issues that we have before trial.

19 THE COURT: Mr. White, let's take -- we're going to
20 take the competency issue up after lunch, let's talk
21 about -- you shook your head when he mentioned
22 sequestration. Does the State have any objection to
23 sequestration?

24 MR. WHITE: No objection, Judge. I would just ask that
25 Investigator Tyrone Porter, who is the lead investigator, be

PRETRIAL MOTIONS

1 allow to stay with us for the duration of the trial.

2 THE COURT: And the victim, I assume the hotel clerk
3 who was the victim can certainly stay in. So lead
4 investigator and the victim in the case can be in the
5 courtroom throughout. What about the video issue, Mr.
6 White?

7 MR. WHITE: I certainly understand Mr. Harvin's
8 position, and the solicitor's office did do everything, and
9 honestly the sheriff's office did everything they could to
10 try to recover that particular video. Unfortunately the
11 video was uploaded to a system that the sheriff's office at
12 that time had in place, they then changed over to a new
13 system, and not only this particular piece of evidence but a
14 lot of evidence was lost during that transition. Certainly,
15 Judge, I don't think that that excludes me from mentioning
16 the video or from the -- for the officers to testify to what
17 they observed. There are two officers in particular,
18 Officer Bostick and Investigator Porter, who watched this
19 video on scene right after it happened and they should
20 certainly, Judge, be allowed to testify as to what they
21 observed. And Mr. Harvin can cross examine them and he can
22 beat them up on the video and why we don't have it and why
23 that's not in evidence, and I assume he will do so. But I
24 don't think any of that prevents me from moving forward with
25 the way I would like to try the case.

PRETRIAL MOTIONS

1 THE COURT: And, Mr. White, I tend to agree with you as
2 far as, you know, I'm not going to preclude any mention --
3 the issue that's in my mind is whether there should be a
4 spoliation of evidence charge given due to the loss of the
5 video. I mean, I think that is the appropriate remedy in
6 this situation. I'm certainly not going to dismiss the case
7 and I don't think there's been any willful violation of Rule
8 5 or Brady in this matter. We've all been practicing law
9 long enough to know that things like this happen from time
10 to time. Over the lunch break I will do some research into
11 spoliation. I know there's been some fairly recent case law
12 that's come out. But Mr. Harvin, I think that's the -- it's
13 fairly -- a spoliation charge is certainly pro-defense, it
14 does -- and I can't quote it exactly, but it does -- at
15 least I believe it allows the jury to make certain
16 inferences based upon the fact that this rather important
17 item of evidence is missing and can't be retrieved, so we'll
18 cover that issue at the appropriate time. But I think
19 that's about as far as I'm willing to go, Mr. Harvin, with
20 regard to this video issue.

21 MR. HARVIN: Thank you, Judge.

22 THE COURT: All right.

23 MR. WHITE: Sounds good. Thank you, Judge.

24 THE COURT: All right. We'll be in recess until 2:30.

25 (A lunch break was taken.)

PRETRIAL MOTIONS

1 THE COURT: All right, folks, are we ready to go
2 forward?

3 MR. WHITE: Judge, we are, and I'm happy to move
4 forward however the Court directs, I know it's defense
5 counsel's motion. I'll be honest, I've never done one of
6 these hearings before but I'm happy to proceed in any
7 fashion you see fit.

8 THE COURT: Well, I think we should proceed, you know,
9 much like any other of these pretrial motions. I mean, I
10 think it's the defense's burden to show that the witness
11 isn't competent under Rule 601, and witnesses are presumed
12 to be competent. So I guess what I would suggest is call
13 your witness, Mr. White, ask some questions that are aimed
14 at showing her competency and then Mr. Harvin could cross
15 unless y'all have -- unless somebody else has a different
16 plan, or unless Mr. Harvin wants to call the witness and,
17 you know, I think the outcome would likely be the same.

18 MR. HARVIN: And so, Your Honor, I guess -- I don't
19 know that that's how I envisioned it. How I kind of
20 envisioned it is that first, Judge, you would decide whether
21 or not I present any information that would lead one to
22 believe that that presumption has -- in some way is
23 nonexistent. Like what I envisioned when I filed the motion
24 or when I was going to present the motion is just to present
25 to the Court why I think that that particular witness may be

PRETRIAL MOTIONS

1 incompetent. Obviously at that point, Your Honor, if you
2 reviewed it and determined that based upon the evidence that
3 I was going to present, which is basically her competency
4 evaluation, then at that point after you reviewed it then if
5 you wanted to have an in-camera competency hearing and ask
6 her questions as it relates to her competency then you
7 would. If you didn't feel like it was necessary and that
8 she was competent then we wouldn't have that particular Q
9 and A from the Court in reference to her.

10 THE COURT: Well, and most of the case law on this
11 issue deals with children --

12 MR. HARVIN: Yeah.

13 THE COURT: -- but I think it's -- you're looking at
14 601B. So the person is disqualified to be a witness if the
15 Court determines that the proposed witness is incapable of
16 expressing himself or herself concerning the matter as to be
17 understood by the Judge and jury either directly or through
18 interpretation by one who can understand him, or the
19 proposed witness is incapable of understanding the duty of a
20 witness to tell the truth. So I think 601B2 would likely be
21 the issue that we would have to focus on here, because I
22 don't think that anybody has alerted me to this witness
23 cannot be understood. And, Mr. Harvin, the standard for
24 competence as a witness at least in my reading is far lower
25 than the standard for the competent -- for whether a

PRETRIAL MOTIONS

1 defendant is competent to stand trial.

2 MR. HARVIN: Yes, sir.

3 THE COURT: So, you know, I guess -- and since the
4 burden is on a party to overcome the presumption of
5 competence I don't know that it's -- you know, I make the
6 decision, but I don't know that the Court necessarily is the
7 proper party, for lack of a better word, to question the
8 witness as to this standard. I mean, I guess you could put
9 her on the stand and have her testify about what she knows
10 about this particular matter, you know, to establish that
11 she or he, or whoever the witness is, is capable or
12 incapable of understanding the duty of a witness to tell the
13 truth. I don't know. I guess it doesn't necessarily have
14 to be fact specific to the case, but --

15 MR. HARVIN: Yeah, Judge. I look at it just the same
16 way we do children, just a simple Q and A, and if it
17 satisfies the Court then it would satisfy me. I just think
18 that that Q and A has to happen because of her intellectual
19 disability, or at least the one that the evaluator thought
20 that she had then maybe --

21 THE COURT: Okay. I mean, all I could ask her having
22 not seen any of these reports would be just general, you
23 know, do you know what month it is? Do you know who the
24 president is? Do you know this, that, the other? I think
25 it may be better if we have some more focused questioning

PRETRIAL MOTIONS

1 from the parties as to her ability to tell the truth. So
2 Mr. White, if you want to call the witness and perhaps
3 question her along those lines, you know, focusing mainly on
4 whether she is capable of understanding the duty to tell the
5 truth, and if I feel like there are any supplemental
6 questions that need to be asked I'll certainly ask them.

7 MR. WHITE: Okay. Sounds good, Judge, thank you very
8 much. At this time the State would call Heather Altman.

9 The witness, HEATHER ALTMAN, was first duly sworn and
10 Testified as follows:

11 THE CLERK: Please be seated and state your full name
12 on the record. Go around the stand and --

13 DIRECT EXAMINATION

14 BY MR. WHITE:

15 Q And Heather, if you would take that mask off so we can
16 hear you, please. We need you to state your full name for
17 the record. Okay?

18 A Heather Michelle Altman.

19 Q And Heather, I know you're nervous, okay, but just
20 listen to my questions and answer the best way you can.
21 Okay?

22 A Uh-huh.

23 Q Heather, where do you live?

24 A Where I live? I live in Florence.

25 Q And what's your address?

PRETRIAL MOTIONS

- 1 A [REDACTED] (inaudible audio) Drive on East McIver Road.
- 2 Q And how long have you lived there?
- 3 A Almost a year.
- 4 Q Who all lives there with you?
- 5 A Me, my grandma, my boyfriend. I mean, he could be my
- 6 husband but he's my boyfriend, but -- my son, and my cousin
- 7 but he in a group home right now.
- 8 Q And you mentioned your son. How old is your son?
- 9 A My son is a year old.
- 10 Q And who provides for him? Who takes care of your son?
- 11 A Me and his dad.
- 12 Q And what's your son's name?
- 13 A JW [REDACTED]
- 14 Q And when JW [REDACTED] wakes up in the morning, are you there?
- 15 A Uh-huh.
- 16 Q And do you feed him?
- 17 A Uh-huh.
- 18 Q Do you change him? Do you get him ready for the day?
- 19 A Yes, sir.
- 20 Q Do you put clothes on him?
- 21 A Yes, sir.
- 22 Q Do you put him in his car seat?
- 23 A Yes, sir.
- 24 Q Do you put him in the car and take him to his doctor's
- 25 appointments?

PRETRIAL MOTIONS

- 1 A Yes, sir.
- 2 Q Now, what do you do for income, Heather?
- 3 A I got SSI.
- 4 Q And does that check come to you?
- 5 A Uh-huh.
- 6 Q And do you use that money to provide for JW
- 7 A Yes, sir.
- 8 Q And for yourself?
- 9 A Yes, sir.
- 10 Q And that money, do you use it to buy JW groceries?
- 11 A No, sir.
- 12 Q And do you use it to pay for his doctor visits?
- 13 A Yes, sir.
- 14 Q Now, Heather, I want to ask you, do you know the
- 15 difference between right and wrong?
- 16 A Yes, sir.
- 17 Q And do you know the difference between truth and a lie?
- 18 A Yes, sir.
- 19 Q Do you know that it's wrong to tell a lie?
- 20 A Yes, sir.
- 21 Q Do you know it's the right thing to tell the truth?
- 22 A Yes, sir.
- 23 Q Do you know that when you put your hand on that Bible
- 24 earlier that you swore to tell the truth and the whole
- 25 truth; is that right?

PRETRIAL MOTIONS

- 1 A Yes, sir.
- 2 Q And do you know that you can get in trouble for doing
3 that and getting up there and telling a lie.
- 4 A Yes, sir.
- 5 Q Now, I want to ask you about the incidents that took
6 place that led up to Satwaun Henryhand being in this
7 situation. Now, you don't have any knowledge of the robbery
8 of the Suburban Inn, do you? The Suburban Inn, that the
9 store clerk -- do you have any knowledge of that store clerk
10 being robbed?
- 11 A No, sir.
- 12 Q But you do have knowledge of Mr. Henryhand; is that
13 right? Do you know Mr. Henryhand?
- 14 A No, sir.
- 15 Q You don't know Satwaun Henryhand?
- 16 A Oh, yes, sir.
- 17 Q And you probably call him a nickname, right?
- 18 A All I heard his name was Twaun, that's all I know.
- 19 Q Did you spend time with Twaun?
- 20 A Not really, I was with the other guys.
- 21 Q When you were hanging out with these other guys, was
22 Twaun there?
- 23 A Yes, sir.
- 24 Q Okay. And the time that this happened was November of
25 2019. Before that, back in September of 2019 and during

PRETRIAL MOTIONS

1 that general time, were you aware that Twaun, Satwaun
2 Henryhand, was living at hotels out on 52?

3 A Yes, sir.

4 Q And which holes was he living at?

5 A Knights Inn and Suburban Inn.

6 Q Now, Suburban Inn is where this incident takes place.
7 You knew that he was living at least for a time at the
8 Suburban Inn?

9 A Yes, sir.

10 Q And would he hop from hotel to hotel?

11 A Yes, sir.

12 Q And you say you knew he was living there, had you ever
13 gone to this hotel and seen him living there?

14 A Yes, sir.

15 Q And is that the Suburban Inn?

16 A Yes, sir.

17 Q One last question for you, or actually a couple of last
18 questions for you and then you're going to be able to go.
19 Okay? And you have to answer any questions that the defense
20 attorney has and the Judge may have.

21 A Uh-huh.

22 Q But did you ever see Satwaun Henryhand, Twaun, with a
23 gun in his hand?

24 A Yes, sir.

25 Q And what kind of gun was it? What color was it?

PRETRIAL MOTIONS

1 A It was a black gun.

2 Q Did he carry it often?

3 A Yes, sir.

4 Q Okay. Last questions here. Twaun, did he work -- did
5 he have a job?

6 A No, sir.

7 Q Did he make money?

8 A Yes, sir.

9 MR. WHITE: Judge, that's all of the questions I have.

10 THE COURT: All right. Thank you, sir. Mr. Harvin?

11 CROSS EXAMINATION

12 BY MR. WHITE:

13 Q Hi, Ms. Altman, I just have a few questions. Do you
14 recall having a mental health evaluation?

15 A Yes, sir.

16 Q All right. And do you have issues with your memory at
17 all?

18 A Yes, sir.

19 Q Tell us about it.

20 A I mean, my grandma got court papers of me that like I
21 have -- I mean, I can't barely remember stuff but I can
22 remember a little bit of stuff.

23 Q I've got you. And you've received Social Security
24 Disability payments for most of your life; is that correct?

25 A Uh-huh. Since I was four months.

PRETRIAL MOTIONS

1 Q Four months?

2 A Uh-huh.

3 Q When you attended school, did you get a high school
4 diploma?

5 A Uh-huh.

6 Q All right. Was it called like a certificate when you
7 received it?

8 A Yes, sir.

9 Q Okay. And can you recall for the Court, I guess, what
10 did you have for lunch on Sunday?

11 A Lunch on Sunday?

12 Q Yes, ma'am.

13 A At my house?

14 Q Yeah, wherever you ate, just lunch or supper.

15 A I mean, really I had -- we ordered chinese.

16 Q Chinese. All right. What type of chinese food did you
17 have?

18 A China King.

19 Q Do you remember what the entree was called, or what the
20 dish was called? It was just good? It was just good? I
21 got you.

22 A Not really. I mean, it was just good to me so I just
23 ate it.

24 Q I understand. I understand. And are those like the
25 little things that you have trouble remembering, just like

PRETRIAL MOTIONS

1 little --

2 A I mean, I have -- like if my grandma tells me
3 something, I mean, I'll wait almost a year or a month and I
4 can't remember what she asked me.

5 Q I got you. And so it's kind of hard for you to
6 remember something that happened back in 2019.

7 A I mean, I can remember a little bit but not really all.

8 Q I got you. How did you get here today?

9 A How I got here? I forgot her name, but she brung me.
10 Ms. Lowe brung me.

11 Q Okay. Wonderful. Do you have a driver's license?

12 A No, sir.

13 Q Have you ever even tried to drive a car?

14 A I mean, I tried to drive but I'm kind of scared,
15 though.

16 Q Okay. Does that mean that your grandmother usually
17 takes you around and your boyfriend?

18 A My boyfriend.

19 Q Boyfriend. Do you know -- and this is just -- it's
20 because it was brought up about the charges that you have,
21 do you know what has happened to those charges?

22 A I mean, I got sent to Columbia.

23 Q Okay. And since then you haven't really had to worry
24 about them?

25 A I mean, I really didn't because I thought they all

PRETRIAL MOTIONS

1 dropped.

2 Q Okay. Because of your trip to --

3 A Because I couldn't stand trial.

4 Q What was the reason why you think you couldn't stand
5 trial?

6 A I mean, they asked me questions.

7 Q I got you.

8 MR. HARVIN: Judge, I have no further questions for
9 this witness.

10 THE COURT: All right. Thank you, Mr. Henryhand. Mr.
11 White, anything else?

12 MR. WHITE: Nothing further, Judge.

13 THE COURT: All right. Ms. Altman, you can -- whenever
14 you've had time to collect yourself you can step down from
15 the witness stand.

16 MR. WHITE: Judge, I do want to show you what's been
17 marked as Court's Exhibit Number 1. As Mr. Harvin stated,
18 she was evaluated, she was found not competent to stand
19 trial. We had a Blair hearing on that issue where she was
20 referred to probate court. Here is an order of dismissal,
21 Judge, showing that probate court found that she was not
22 mentally ill and so they dismissed the case. I believe her
23 testimony was she has trouble remembering small things but
24 big things she remembers. She's taking care of her one year
25 old son. She's doing the day to day activities that adults

PRETRIAL MOTIONS

1 handle. I don't think that Mr. Harvin has established
2 anything to the contrary that would suggest that she should
3 not be allowed to testify. Certainly she has limitations
4 but I don't think it rises to the level to prevent her from
5 taking that witness stand.

6 THE COURT: Thank you, Mr. White. Mr. Harvin?

7 MR. HARVIN: And, Judge, our position obviously would
8 be the exact opposite, she struggled with remembering what
9 happened on Sunday. But more importantly her outburst after
10 the fact gives me more concern than anything, because I feel
11 like I was fairly nice and kind with my questioning, and so
12 I'm a little worried about her mental state just on that
13 alone. I mean, I'm really confused because I'm not a doctor
14 so I can't really, you know, articulate what I just saw and
15 her response to it, but, you know, I just don't see how that
16 particular individual, that particular witness is going to
17 provide something to the jurors that will have any type of
18 substantial value. I mean, unless she's being led with
19 questioning she doesn't give any type of information
20 directly from her that would edify the Court in any way,
21 shape, or form. And so our position is simply that she is
22 incompetent to stand trial, we believe that's an accurate
23 reflection of her situation, but she is incompetent to be a
24 witness would also be our position as well.

25 THE COURT: Well, there's certainly some merit to part

PRETRIAL MOTIONS

1 of your argument, Mr. Harvin. But I can't get over the fact
2 that Rule 601, you know, as a general rule 601A, it refers
3 to them as competent to be aware of acceptance or otherwise
4 provided by statute or these rules. 601B disqualification
5 of a witness. A person is disqualified to be a witness if
6 the Court determines that, one, the proposed witness is
7 incapable of expressing himself or herself concerning the
8 matter to be understood by the Judge or jury either directly
9 or through interpretation of one who can understand him. I
10 don't think that comes into play, she obviously doesn't have
11 any particular difficulty expressing herself. Number two,
12 that the proposed witness is incapable of understanding the
13 duty of a witness to tell the truth. I haven't seen
14 anything, Mr. Harvin, to show that she is incapable of
15 understanding that duty to tell the truth. You know,
16 competency is an issue for the jury, credibility is an issue
17 for the jury. You may have -- as you cross examine her you
18 may be able to highlight credibility issues in front of the
19 jury, but that's their -- that's the jury's province, not
20 mine. So given this current state of the rules of evidence
21 based on what I've seen from the witness I don't believe
22 it's been shown that she is incapable of understanding the
23 duty to tell the truth, so Mr. Harvin, I will respectfully
24 deny your motion to have her declared not competent to
25 testify in this matter. Any issues with regard to whether

PRETRIAL MOTIONS

1 she needs to be led due to this disability, you know, those
2 issues aren't necessarily before the Court as of yet, and if
3 that does become an issue we will perform the appropriate
4 analysis under Rule 611.

5 MR. WHITE: Thank you, Judge.

6 THE COURT: All right.

7 MR. WHITE: One final issue related to this topic
8 before we adjourn. You know, I don't suspect that Mr.
9 Harvin is going to do it in front of the jury, but I just
10 wanted to make sure that we are all on the same page as far
11 as staying away from that she's been charged, I think that
12 could open the door to a much larger issue, so I just wanted
13 to make sure that we curtail that now.

14 THE COURT: I think it's clear that neither side will
15 purposefully ask questions which will elicit responses to
16 suggest that she has been charged or that these charges have
17 been dismissed pursuant to any intellectual disability.
18 Now, that's not to say, Mr. White, that, depending on how
19 she may answer a benign question she could potentially open
20 that door, I'm sure that's something that you'll seek to
21 avoid in your preparation of her. But, you know, those
22 issues, you know, I don't think at least at this point are
23 relevant to her competence as a witness. And, you know,
24 certainly any raising of any prior bad acts, which would
25 necessitate an analysis under 404B specifically, so I would

PRETRIAL MOTIONS

1 just tread lightly on those issues. And I know that y'all
2 will both follow the rules, and if one of those issues does
3 come up we'll address it in the appropriate manner.

4 MR. WHITE: Sounds good, Judge, thank you very much.

5 THE COURT: All right.

6 MR. HARVIN: Thank you, Judge.

7 THE COURT: Anything else before we adjourn for the
8 day?

9 MR. WHITE: I believe that's it, Judge.

10 MR. HARVIN: I believe that is all.

11 THE COURT: And Mr. Harvin, just to recap our
12 discussion in chambers earlier this morning, with regard to
13 Mr. Henryhand's attire for tomorrow, that will be -- that
14 won't be an issue in the morning?

15 MR. HARVIN: No, it will not, Judge. So what happened
16 on today was me misunderstanding kind of the local rules. I
17 was under the impression there may have been some
18 prohibition about individuals changing into clothes for
19 court appearances but I was wrong, so we have everything
20 scheduled for the rest of the week where it will be smooth.

21 THE COURT: And as it turned out it wasn't that big of
22 a deal, I just didn't want there to be any impediments to us
23 getting started as close to 9:30 as we possibly can in the
24 morning. I'm sure based on my experience as a Judge that
25 jurors think when somebody puts on one of these black robes

PRETRIAL MOTIONS

1 they automatically forget how to tell time because
2 everything runs late, so hopefully we can be as close to
3 9:30 as possible so we can get off on the right foot. So
4 whatever court and security staff will need to do to
5 facilitate him being dressed appropriately for the jury
6 certainly we'll make that happen. If there's nothing else
7 we'll see y'all in the morning. I'll be here probably some
8 time between 9:15 -- 9:00 and 9:15, if anything comes up let
9 me know ahead of time and we'll address it. And we'll get
10 started at 9:30.

11 MR. WHITE: Thank you, Judge.

12 THE COURT: All right. Thank y'all.

13 (Court recessed for the evening and resumed on
14 Tuesday, June 28, 2022, at 9:30 a.m.)

15 THE COURT: Mr. White?

16 MR. WHITE: Judge, may it please the Court? After
17 further review of the case and speaking with some of the
18 witnesses I believe at this time a Biggers hearing would be
19 appropriate.

20 THE COURT: All right. You can call your first witness
21 for the Biggers hearing.

22 MR. WHITE: Thank you, Judge. At this type the State
23 would call Felecia Benjamin.

24 The witness, FELECIA BENJAMIN, was first duly sworn

25 And testified as follows:

PRETRIAL MOTIONS

1 THE CLERK: Please be seated and state your name for
2 the record.

3 THE WITNESS: Felecia (inaudible audio) Benjamin.

4 DIRECT EXAMINATION

5 BY MR. WHITE:

6 Q Ms. Benjamin, do you mind removing your mask or at
7 least pulling it down so we can hear you? Ms. Benjamin,
8 back on November 22nd of 2019, where were you employed?

9 A At Suburban Inn.

10 Q And how long had you been employed there?

11 A I would say about a year.

12 Q And what did you do for Suburban Inn?

13 A So I would work second shift and third shift in the
14 evening.

15 Q What type of work?

16 A Receptionist.

17 Q Receptionist. Is that at the front desk when you
18 arrive?

19 A Yeah.

20 Q And what were some of your duties as a receptionist
21 there?

22 A Just check in the people that come in and make sure --
23 you know, make sure the rooms roll over to the next day to
24 be checked in. Just normal stuff that you do.

25 Q Sometimes in that reception area are you the only

PRETRIAL MOTIONS

1 person working there?

2 A Yeah. Well, on second shift you're -- second and third
3 you're the only person there.

4 Q If you have to take a break and you have to go grab a
5 bite to eat what do you do?

6 A Lock up and -- well, I'll go -- I always go to
7 Quincy's.

8 Q Okay. On that evening, did you lock up to go to
9 Quincy's?

10 A Yes, I did.

11 Q And about what time do you think you went to Quincy's?

12 A About 5:30/6:00, somewhere up in there.

13 Q Okay. And do you recall or did you lock up when you
14 went and left for Quincy's that evening?

15 A Yes. I had a -- a customer was in there and -- well,
16 he stays there every week and I was checking him in to his
17 new room, and he went out the back door and I locked that
18 door, and then I went out the front door to go get my food.

19 Q And did you go and get your food?

20 A Yes.

21 Q And on your way back what, if anything, did you notice?

22 A Somebody was standing on the corner side of the
23 building. On my way there somebody was standing there.

24 Q Okay. And what were they wearing?

25 A I don't know what it was -- the person -- well, it was

PRETRIAL MOTIONS

1 like some bushes right there, they was standing right there.

2 I think he had on -- I'm not sure exactly what it was at the
3 time.

4 Q Now, did that person have anything covering his face?

5 A No.

6 Q What were the lighting conditions?

7 A It wasn't as bright as in here, but -- so it was a bush
8 right here, and he was standing like on the other side of
9 bush, so I was just -- and Quincy's is right there, there's
10 a parking lot right there, so I just walked over there and I
11 saw him standing over there.

12 Q Now, in that parking lot and in that area, I mean, are
13 there lights?

14 A Yeah, but it's not as bright as in here.

15 Q But is it well lit?

16 A Yeah.

17 Q I mean, can you make out faces?

18 A Yeah.

19 Q And could you make out his face?

20 A Yeah.

21 Q And then what do you do next?

22 A I just went over there and got my food.

23 Q And this is when you're coming back you see him; is
24 that right?

25 A No. When I was going I saw him. When I come back I

PRETRIAL MOTIONS

1 was on the phone and I was walking into the building.

2 Q Okay. And did you eventually walk into the building?

3 A Yeah. I put my food down and I went to the other side,
4 I didn't even lock the door behind me. I didn't even lock
5 the door. I sat down and I was on the phone and I was
6 talking to Dominique, and I put down the phone and then I
7 noticed somebody was coming in.

8 Q And was that the same person you saw outside?

9 A Yeah.

10 Q And at this point was his face covered?

11 A No.

12 Q Okay. At what point does he cover his face?

13 A After he was in my face.

14 Q Okay. And did you get a -- excuse me -- a good clear
15 look at his face?

16 A Yes.

17 Q And then what happened next?

18 A He was coming -- well, when he came through the door
19 you could see him put his hands in his clothes, and I was
20 just -- I'm on the phone, I'm on speakerphone actually, I'm
21 just sitting there and I'm looking at him -- I'm standing
22 there and I'm looking at him, and I just kind of look back
23 when I saw the gun, and then I was like: What is it -- what
24 you want? Like that. And he -- and that's when I guess --
25 it was a camera right behind me, so then he put his mask --

PRETRIAL MOTIONS

1 then he put a mask on, like a bandanna or something.

2 Q Okay. Then what happened?

3 A And he put the gun in my face and told me to give him
4 the money.

5 Q And did you give him the money?

6 A I told him, I said: You just saw me outside, and -- I
7 said: You just saw me outside, you know I don't have no
8 money on me -- I don't have the money and --

9 (Break in proceedings.)

10 A Okay. He said -- I said, you know: You just saw me
11 outside, I don't have any money. I said: Hold on, let me
12 get the keys. I said: Why are you doing this? Because
13 this ain't even my money. I said: Don't kill me over
14 somebody else's money. And then he handed me the bag and I
15 told him to hold on, because I had to bend down to open the
16 safe. So I just opened the safe and I handed him
17 everything. And when he was leaving I said -- I told him, I
18 said go to the -- I told him when he was leaving, I said:
19 Go to the right, they probably won't see you, like that.
20 Because he didn't shoot me or anything and I was glad of
21 that, so I was like: Just go to the right, maybe nobody
22 will see him and just brush it off, and then that's when I
23 guess the police came in after that.

24 Q Did you say that because you were scared and you were
25 just trying to get him out of the reception area?

PRETRIAL MOTIONS

1 A What, about this ain't my money?

2 Q No, just --

3 A I was telling the truth, it wasn't. I mean, you
4 shouldn't hurt somebody over somebody else's money, so I was
5 just talking to him like a person.

6 Q So you were trying to keep other's safe, is that what
7 I'm --

8 A No, nobody was in there but me. I was trying to keep
9 myself safe.

10 Q I understand. Now, this incident was captured on video
11 surveillance; is that correct?

12 A Right.

13 Q Did you have an opportunity to view that video
14 surveillance?

15 A The one -- yeah, that same night we did.

16 Q Okay. And did it show him walking in without his mask
17 on?

18 A It did.

19 Q Now, I want to point your direction -- or point your
20 attention rather to your description that you gave to law
21 enforcement. You said that the individual was a tall dark
22 skinned black male approximately 5-10, navy blue jacket,
23 lime green bandanna, blue Dickey work pants, and tan work
24 boots, and carrying that thick gray trash bag that you
25 mentioned earlier. Is that accurate?

PRETRIAL MOTIONS

1 A Yes.

2 Q And is that the description that you gave law
3 enforcement?

4 A Yeah.

5 Q Now, when law enforcement arrived on scene they also
6 viewed the video surveillance; is that correct?

7 A Right. The owner came and opened the side room where
8 the cameras and stuff was at.

9 Q And at some point, did they develop a suspect and then
10 show you a group of photographs?

11 A Yeah, but it wasn't on one paper. They just had
12 different like -- of different people on paper, just on
13 regular paper.

14 Q And how many photographs did they show you?

15 A I don't know, about -- I would say four, five, or six.
16 I just -- when I saw the one I just pointed to it.

17 Q Okay. And did they tell you to point out the person
18 that you saw come into the Suburban Inn that night?

19 A Yeah, but they identified him as well.

20 Q Okay. Did they identify him prior to you pointing him
21 out, or did they just tell you that they knew who it was?

22 A They knew who it was.

23 Q But they didn't show you a photograph of him, did they?

24 A No. They knew who he was first and then they showed it
25 to me later.

PRETRIAL MOTIONS

1 Q Okay. So they said to you: We know who it is, right?

2 A Uh-huh.

3 Q And then they showed you photographs. But up until
4 they showed you photographs they didn't show you any
5 photographs of him, did they?

6 A No.

7 Q So in that way they didn't suggest the photograph that
8 they ultimately showed to you.

9 A No. When we was in the room and when they saw -- you
10 know, as he coming in they knew who he was.

11 Q Okay. And it's at that point you're saying that
12 they --

13 A But I didn't know because I didn't know who he is. I
14 don't know who he is.

15 Q You had no idea who he was.

16 A No, I didn't know. They said he's -- one of my
17 coworkers said he lived there, or his dad or somebody was
18 living there, they knew who he was when they saw him. I
19 didn't know because I worked second and third shift so I
20 rarely get to see anybody.

21 Q So everybody is viewing this video surveillance and a
22 large number of them saying they know him, but you had no
23 idea who he was.

24 A No, I never saw him.

25 Q And they didn't tell you who he was.

PRETRIAL MOTIONS

1 A Say that again.

2 Q Prior to showing you this group of photographs they
3 didn't tell you who it was, they just showed you his
4 photograph.

5 A They said his name before I saw the photographs.

6 Q Okay. But up until they laid -- I'm just trying to be
7 clear for the record, Ms. Benjamin, and I'm sorry we keep --

8 A What are you asking?

9 Q Up until they showed you that array of photographs,
10 that five or six photographs, had they shown you a
11 photograph of anybody?

12 A No. No. No, nobody said that. They asked me to show
13 them -- look through the photos and if I recognized him tell
14 them who he was.

15 Q And did you recognize him?

16 A Yeah.

17 Q And did you recognize him immediately?

18 A Yeah.

19 Q And I'm going to show you --

20 MR. WHITE: Judge, is it all right --

21 Q -- what's been marked for identification purposes only
22 as State's Exhibit 5. Is this one of the five or six
23 photographs they showed you?

24 A That's the picture.

25 Q And is that the one that you picked out?

PRETRIAL MOTIONS

1 A That's the one I picked out.

2 Q And is that the individual you identified as holding
3 the gun and robbing you that night?

4 A Yeah.

5 MR. WHITE: My apologies, Judge. I neglected to show
6 that to Mr. Harvin. Okay. Ms. Benjamin, I think that's all
7 I have for you, thank you very much, I appreciate it.
8 Please answer any questions -- you've just got to answer any
9 questions that the defense attorney may have.

10 THE COURT: Mr. Harvin?

11 MR. HARVIN: May it please the Court, Your Honor?

12 THE COURT: Yes, sir.

13 CROSS EXAMINATION

14 BY MR. HARVIN:

15 Q Ms. Benjamin, how are you doing today?

16 A I'm good.

17 Q I just have a few questions. I kind of want to go back
18 a little bit. In your previous testimony you stated that
19 you noticed someone standing beside the building as you were
20 headed to Quincy's; is that correct?

21 A Right.

22 Q All right. That person you could not recall what they
23 were wearing; is that correct?

24 A When I -- when I -- on the way there he was standing by
25 a bush and all I saw was dark. But they didn't ask me that.

PRETRIAL MOTIONS

1 Q I got you. I got you. And so you're not saying that
2 to your knowledge the person standing behind the building
3 was Mr. Henryhand because you didn't keep up with that
4 issue.

5 A Say that one more time.

6 Q So you're not saying that the person standing by the
7 bush was Mr. Henryhand because no one has asked you, you
8 didn't think about it, you haven't ID'd that person at all.

9 A No. But when I realized who he was when he was -- when
10 he came in the building I told him, I said: You just saw me
11 coming out there, you know I didn't have any money. So it
12 was the same person that I saw.

13 Q How long did you get to see the person standing outside
14 at this bush when he walked by?

15 A I was going to get my food and I just -- I looked over.

16 Q Was it just like a glance?

17 A No. I looked and then I just kept walking.

18 Q How long do you think?

19 A Maybe 30 seconds.

20 Q Thirty seconds. All right. Until --

21 A I didn't stare.

22 Q I understand. And so once you're back in and you have
23 your food and the person comes in, how long do you think you
24 observed him and looked at him at that point?

25 A I saw him on the way back in but he was -- I mean, I

PRETRIAL MOTIONS

1 didn't think nothing of it, you know. This is a hotel,
2 people -- at that hotel you've got guys and stuff that check
3 in, you know. It's like a weekly stay hotel so you're not
4 thinking of anything like that, I just saw him.

5 Q I got you. So at that time you weren't thinking that I
6 have to remember what this person looked like, you were just
7 thinking this is just another person coming to stay for a
8 little while.

9 A I mean, I didn't know who he was, I just know it was
10 somebody there. I wasn't thinking anything harmful or
11 anything happening, it was just a person standing there.
12 But I just saw him on the way there and saw him on the way
13 back.

14 Q All right. So once you're inside you see him, how long
15 do you think you were able to look at his face before he
16 pulled up the mask?

17 A So when I came in I went to this side to check to see
18 if I had any missed calls, and then I put my food down and I
19 sat down. So I guess -- he didn't come in right away. So I
20 would say about five minutes later he came in.

21 Q All right. And when he came in five minutes later, how
22 long did you see his face?

23 A So you see it from when we're walking around the
24 building, he's walking from the left side of the building so
25 you can see, it's nothing but glass there, and it's glass

PRETRIAL MOTIONS

1 that you've got to come through two doors. I saw it. He
2 walked up it me.

3 Q All right. Do you think it was 30 seconds again you
4 saw his face before the mask, or 60 seconds?

5 A No, he didn't just throw it up like that. He just
6 walked from the side of the building, he had enough time he
7 had to come through two doors and then he was standing right
8 there.

9 Q All right. So you think that took about two minutes?
10 One minute?

11 A I don't know, maybe less than two minutes.

12 Q All right. So you observed his face for two and a half
13 minutes in total?

14 A Maybe. I'm not sure. So -- yeah.

15 Q I got you. So in those two and a half minutes you gave
16 a description to law enforcement that was just read by the
17 solicitor that said a tall dark skinned black male,
18 approximately 5-10 wearing a navy blue jacket, a lime green
19 bandanna covering his face, blue Dickey work pants and tan
20 work boots.

21 A Yeah.

22 Q All right. And in that initial description you do not
23 mention seeing any tattoos on his face.

24 A I think you asked me that a couple of weeks ago and I
25 told you I don't remember saying anything about the tattoo.

PRETRIAL MOTIONS

1 I don't know -- that was three years ago.

2 Q I got you. And you don't remember seeing a tattoo on
3 the person's face that came up and held the gun on you.

4 A I just don't remember seeing it. I just don't remember
5 saying anything about it, I don't know. I don't remember
6 it.

7 Q All right. So you -- and I want to be clear about
8 this, you do not remember seeing a tattoo on his face.

9 A I don't recall. I don't know. I don't know. I don't
10 remember saying anything about it.

11 Q Okay. The photo that the State -- the photo that was
12 marked as State's Exhibit Number 5, you just saw it and
13 identified it, correct?

14 A Yeah, but I don't remember. I just don't remember. If
15 you look at it that could be a tattoo, that could be a mark,
16 I don't remember saying anything about it. So no.

17 Q Do you remember saying to law enforcement that you saw
18 a scar on his face?

19 A I don't remember.

20 Q And so in the two and a half minutes that you saw --
21 that you saw this individual, a very distinguishing feature
22 that's on his face, you don't recall seeing that feature.

23 A I don't remember -- I don't remember. I don't recall
24 saying it right then, I don't remember. When you asked me
25 about it I told you the same thing, I don't remember.

PRETRIAL MOTIONS

1 Q Yes, ma'am --

2 A I don't remember saying anything about it.

3 Q It's definitely been three years so we're really
4 testing -- about two and a half years we're testing your
5 memory.

6 A Yeah. I just don't remember that me particularly
7 pointing out that I remembered --

8 Q I got you. The photos that you saw, were they all of
9 equal size and dimensions?

10 A No. They wasn't like -- it wasn't on one paper with
11 six different people if that's what you're asking.

12 Q Okay. Do you know if the photos that you saw had
13 individuals who had on regular clothing and individuals who
14 may have had on like an orange prison like jumpsuit?

15 A Had on different -- it was different photos.

16 Q Okay. So different photos, everybody has on something
17 different, correct?

18 A Right.

19 Q All right. And you picked out the one that looked the
20 most like the person that came in.

21 A I picked out the one person I saw.

22 Q I got you. That you believed that you saw, correct?

23 A Uh-huh.

24 Q But that distinguishing feature you never mentioned to
25 law enforcement.

PRETRIAL MOTIONS

1 A I don't remember saying anything about his tattoo if
2 that's what it -- I don't remember saying anything.

3 Q The clothing you mentioned, did you recall seeing an
4 individual with a hat on?

5 A Nuh-uh.

6 Q So the individual did not have on a hat. What about a
7 hoodie?

8 A He had on -- it was a hoodie on it.

9 Q Okay. So when they have it listed as a navy blue
10 jacket, the jacket had hoodie on it.

11 A It had a hoodie on it.

12 Q Okay. Thank you. Was that hoodie over his head or
13 were you able to see his haircut --

14 A He had nothing on his -- when he came through the door
15 he had nothing on his face. Nothing. Nothing.

16 Q All right. So when you gave the description law
17 enforcement didn't ask you about the length of his hair or
18 anything of that nature?

19 A No, not that I remember. They knew -- when he -- when
20 the person came in and I said -- when he pointed the gun in
21 my face the only thing I said, I said: You just saw me walk
22 in here so you know I don't have anything. I asked him why
23 was he doing that, you know. So that's all I saw. I mean,
24 I don't know what else -- more you want, I mean, they want
25 me to say. I just saw that.

PRETRIAL MOTIONS

1 Q Did you receive any instructions from law enforcement
2 before they started showing you any pictures?

3 A Nope.

4 Q Did they instruct you that the perpetrator might or
5 might not be presented in the pictures that they were giving
6 you?

7 A You talking about the photos?

8 Q Yeah, the photos, I'm sorry.

9 A Yeah, uh-huh.

10 Q So they did tell you that.

11 A Uh-huh.

12 Q That's yes?

13 A Yes.

14 Q All right. Did they tell you that you weren't
15 compelled to make an identification using the photos?

16 A No.

17 Q All right. Did they explain to you the importance of
18 making sure that you didn't improperly or mistakenly
19 identify someone in the photos?

20 A Say that one more time.

21 Q Did they express to you the importance of you not
22 mistakenly identifying someone that they were showing in the
23 photos?

24 A I don't remember the exact conversation. I know they
25 just showed me a list of photos, I don't remember exactly

PRETRIAL MOTIONS

1 how it was said.

2 Q All right. Have you seen those photos since that day?

3 A Have I seen those --

4 Q All six of them, of different sizes and people wearing
5 different clothing.

6 A No.

7 Q Which photo was Mr. Henryhand's photo, the largest
8 photo or the smallest?

9 A It was --

10 Q Or do you remember? Again, that was two and a half
11 years ago.

12 A That picture right there.

13 Q It was that size? It was that exact photo?

14 A No. It had a -- it was a little bit smaller. It
15 wasn't in color like that one.

16 Q Oh, so it was in black and white.

17 A No, it was -- you see how that picture is? Like you
18 can see -- it was -- I don't know. If I see it again I can
19 show it to you.

20 Q I got you --

21 A It's bright. The photo wasn't -- the color of the
22 photo but it wasn't in black and white, it was just
23 different, but it was that --

24 Q Were any of the photos in black and white to your
25 memory?

PRETRIAL MOTIONS

1 A I don't think so.

2 Q Okay. How long was it before law enforcement arrived
3 on the scene?

4 A Well, I say like five minutes. Okay. I don't know.
5 Dominique was on the phone talking to them and the next
6 thing I know -- I don't know how they missed each other,
7 that's what I told him. I said: I don't know how you
8 missed him because you came from the same place he came
9 from, the same direction. So I would say maybe three to
10 five minutes after he walked out the door.

11 Q Okay. How long did it take for the owner to arrive to
12 pull up the video for law enforcement?

13 A I would say about -- not long, probably about -- maybe
14 about 15 minutes later. Because I called them -- well, I
15 had called everybody and told them what happened.

16 Q Okay. So about 20 minutes after the incident law
17 enforcement was on the scene, the owner was on the scene and
18 he was pulling up the video from the cameras.

19 A Uh-huh.

20 Q Is that a yes or a no?

21 A Yeah.

22 Q Okay. Suburban Inn, does it have cameras on the
23 outside?

24 A It has cameras on the outside, inside, all around it.

25 Q All right. The video footage from the inside, were you

PRETRIAL MOTIONS

1 allowed to see that video footage?

2 A Yes.

3 Q The video footage from the outside, were you allowed to
4 see that video?

5 A I don't think I was focused on the one on the outside.
6 I just looked at -- you're talking about -- so they've got
7 some in the corners like the area, they have that. I was
8 looking at the one -- was looking at the cameras at the
9 entrance.

10 Q I got you. So you never really viewed, or at least to
11 your memory you didn't pay a lot of attention to the video
12 footage that would have shown the person outside and also
13 shown the person leaving the facility.

14 A I didn't. I didn't. I didn't.

15 Q All right. Is there a camera in like right where the
16 door is as a person is walking? Is that a yes?

17 A Yes.

18 Q So that's the camera footage that you paid the most
19 attention to because you said you saw the person before they
20 put the mask on, correct?

21 A Yeah. We all -- yeah, uh-huh.

22 Q All right. Do you know where that camera footage is
23 currently?

24 A They should have it. The police officers should have
25 it because they couldn't -- they couldn't get it on -- what

PRETRIAL MOTIONS

1 is it, a flash drive?

2 Q Yeah.

3 A So I came -- I don't even remember his name, I gave
4 him -- we gave it to him.

5 Q I understand.

6 A But they don't -- I don't know.

7 Q So let's continue forward. So when you're watching the
8 video with law enforcement it's about 20 to 25 minutes after
9 the incident took place.

10 A Uh-huh.

11 Q All right. Is that a yes?

12 A Yes.

13 Q In that time period when law enforcement gets there,
14 between the time law enforcement gets there and the time
15 that you're viewing the footage law enforcement mentions to
16 you that they knew who the person was.

17 A When they looked at -- when we went into the room they
18 said they -- well, so you can see him because, you know, the
19 person -- he did not have a mask on, so as he's entering you
20 can see him just as clear as day. I don't know him, I
21 didn't know his name or anything like that. They told me
22 his name. My coworkers told me his name.

23 Q So everybody was telling you that it's this person that
24 we already know, but you had never seen him before this
25 particular day?

PRETRIAL MOTIONS

1 A I never seen him. I have never saw him.

2 Q All right. And you -- in the two and a half minutes
3 you observed his face you gave a description the best that
4 you can recall, correct?

5 A Yeah.

6 Q All right. And obviously when you gave that
7 description you were trying to be as truthful and as
8 forthright as you could possibly be to law enforcement.

9 A It ain't to law enforcement, it's to myself. I told
10 them just what I saw, what happened.

11 Q I understand. Was the description that you gave before
12 you watched the video with law enforcement or was it after
13 you watched the video? Do you recall that?

14 A I don't know, because we had time enough to talk about
15 it so I think I gave it to them before. Because the owner
16 wasn't there yet when they first came in, so it was just --
17 nobody saw the tape until the owner got there.

18 Q Did you give a description to dispatch?

19 A I didn't call. I was -- I wasn't -- I didn't --

20 Q Your boyfriend called.

21 A Yeah.

22 Q Okay. You didn't call.

23 A So he was on speaker -- we was on the phone while I was
24 eating dinner and he heard everything that went down, so he
25 clicked over on three-way but he couldn't -- he was scared

PRETRIAL MOTIONS

1 to click back over because, you know, he would have known
2 that he was on dispatch so he clicked over and called 911.
3 I never called the police, I didn't have time.

4 Q I understand. How much -- you mentioned a conversation
5 that you had with the individual that came in. If you heard
6 his voice again, would you be able to say that's the person
7 that you were speaking with?

8 A You're talking about the one that was robbing me?

9 Q Yes.

10 A I don't know.

11 Q Did anybody give you any type of voice identification
12 or let you hear any voices that matched any of the photos
13 that you were looking at?

14 A No. But the footage had voice -- it had, you know,
15 hearing.

16 Q So the original video also had audio.

17 A Yeah.

18 Q Okay. All right. So if they -- obviously you were
19 watching the video, you were listening to the video, had
20 they allowed you to listen to the voice of one of the
21 individuals that they were showing you a picture of --

22 A No.

23 Q -- would you have been able to match it you think at
24 that time?

25 A So no. Because you can -- the only person you could

PRETRIAL MOTIONS

1 really hear was me.

2 Q Okay. So you couldn't hear the person talking.

3 A You could hear them but not as much as you could hear
4 me, because I was standing, you know, where the camera is
5 right here.

6 Q Yes, ma'am.

7 A I was standing right here and you could hear me more so
8 saying. But no.

9 Q If you had heard a voice identification of individuals
10 five minutes after, do you think you would have been able to
11 identify --

12 A He didn't say much, but: You know where the money at,
13 and stuff like -- he didn't spoke a lot of words.

14 Q All right. Was his voice deep?

15 A Just regular. It's not like -- just regular. I mean,
16 I don't think it was too deep or anything like that.

17 Q So it wasn't too deep. What about high? Was his voice
18 high?

19 A I don't remember.

20 Q Was his voice deeper than my voice? Do you consider my
21 voice deep? Do you consider my voice high?

22 A I don't remember, but I know it wasn't your tone.

23 Q I got you.

24 A I'm not sure exactly.

25 Q I understand. But no one asked you about his voice at

PRETRIAL MOTIONS

1 all. That conversation you didn't have with anybody.

2 A No.

3 Q All right. And so if -- for purposes of the
4 conversation if the person that you picked had a really high
5 voice, would you say that was not the person that robbed
6 you?

7 MR. WHITE: Judge, objection. At this point I'm going
8 to object on speculation. I think we're getting a little
9 off the rails here, but I would object on speculation.

10 A I don't know.

11 MR. WHITE: I sustain your objection, Mr. White, on
12 speculation and on relevance. The purposes for this hearing
13 is for whether the photos were unduly suggestive or not, so
14 I sustain your objection.

15 MR. HARVIN: Thank you, Judge.

16 Q So -- and just to recap, in two and a half minutes you
17 observed the face of the individual --

18 A Uh-huh.

19 Q -- but did not see any marks on his face.

20 A I don't remember telling the officers anything about
21 any marks on his face. I don't remember. I never read a
22 police report after, I don't remember any -- I don't
23 remember saying it. I don't know what happened that night,
24 that was that night. I have not heard anything from anybody
25 else up until the day that I talked to you and I talked to

PRETRIAL MOTIONS

1 them, that was it. I haven't heard anything about this case
2 anymore.

3 Q And the person did not have on a baseball cap from your
4 memory.

5 A No.

6 MR. HARVIN: All right. I have no further questions,
7 thank you.

8 THE CLERK: I can go?

9 THE COURT: Hold on one second, ma'am. Any redirect,
10 Mr. White?

11 MR. WHITE: Judge, just briefly.

12 CROSS EXAMINATION

13 BY MR. WHITE:

14 Q Ms. Benjamin, just a few follow-up questions, I'm
15 sorry. But just to be clear, when you were exiting going to
16 Quincy's, the man that you saw kind of waiting there in the
17 bushes, is that the same man you saw enter a few minutes
18 later?

19 A Yeah. I told him -- I told him, I said: You just saw
20 me walk to -- you just saw me come back in, you know I don't
21 have no money on me. That's what I told him.

22 Q Now -- thank you. And Mr. Harvin mentioned a lot about
23 you saw his face for roughly two and a half minutes. Was
24 that two and a half minutes a very traumatic experience?

25 A No. Because like I said, when he first came in I

PRETRIAL MOTIONS

1 didn't think -- you know, when he came in -- finally came in
2 I didn't think nothing of it until when he reached down in
3 his clothes to pull a gun out, that's when I was like:
4 What? I was shocked.

5 Q At that point once he pulled the gun out did you have
6 kind of a heightened sense of awareness?

7 A Yeah, I just sat back down. I just like put my phone
8 over there and I sat down, and I was like -- and he was
9 like: Give me the money. And then that's when it all
10 transpired.

11 Q Were you shaking when he pulled that gun and pointed it
12 at you?

13 A No.

14 Q Now, Mr. Harvin mentioned the distinguishing features
15 on his face, that tattoo or scar, and then the hat. If he
16 would have had either of those things, if he would have had
17 a ball cap on, could you have missed that he had a hat on?

18 A He ain't have no hat on.

19 Q Is it fair to say you were focused on the gun and not
20 on his hands and his face?

21 A I was just looking at him, I don't know what I was
22 focusing on.

23 Q Now, I'm going to show you again State's Exhibit 5. On
24 that evening, Ms. Benjamin, you were sure that the
25 individual pictures in State's Exhibit 5 is the individual

PRETRIAL MOTIONS

1 who walked in to Suburban Inn and pointed a gun at you and
2 robbed you.

3 A Yeah.

4 Q And that's the individual who did this; is that
5 correct?

6 A Yes.

7 Q And I would point to you, Ms. Benjamin, you do see a
8 tattoo on his face.

9 A I do.

10 Q But you're saying that night you didn't tell law
11 enforcement about the tattoo because you weren't focused on
12 that.

13 A I didn't say anything. I don't remember saying
14 anything to them about the tattoo. I didn't see that -- I
15 mean, I wasn't focused on -- I don't know, I just looked at
16 him but it wasn't -- I didn't see it. If I saw it I would
17 have probably mentioned it but I don't recall mentioning it
18 or anything like that.

19 Q But, again, State's Exhibit 5 is the guy.

20 A Yes.

21 MR. WHITE: Beg the Court's indulgence. Judge, I have
22 nothing further.

23 THE COURT: Any recross, Mr. Harvin?

24 MR. HARVIN: No, Your Honor.

25 THE COURT: Thank you, ma'am, you can step down.

PRETRIAL MOTIONS

1 MR. WHITE: Judge, I think that's the only witness
2 we're going to call for the purpose of this hearing. I will
3 state that I believe she has testified, and quite clearly,
4 that she had, you know, roughly two and a half minutes to ID
5 this guy. She talked about the lighting conditions. She
6 said it wasn't as bright as it is in here but it was well
7 lit, she could see his face. She saw him as she exited the
8 building and went to Quincy's. She saw him on his way back.
9 She identified the same person as being the person who
10 walked into the Suburban Inn and eventually put that mask on
11 and robbed her at gunpoint. She was able to see him again
12 on the video later. She testified that although when
13 watching the video several people pointed out that they knew
14 who he was, nobody showed her a picture prior to the lineup
15 and said this is the guy. Up until the lineup is shown she
16 had never seen a photograph of this individual, yet she
17 picked him out of that lineup and she said she was sure it
18 was him and she picked him out almost immediately. I think
19 on cross she also said that they didn't suggest anybody in
20 the lineup. They didn't ask her or -- or excuse me, Judge,
21 they told her the person may not be in this lineup, and
22 despite that she was still able to pick him out, and we
23 showed that in State's Exhibit 5, that photograph that was
24 shown to her. Judge, obviously the lineup here is a little
25 unorthodox, but I think that it meets all of the

PRETRIAL MOTIONS

1 requirements in Neil v. Biggers, and I believe that we've
2 met our standard we should be allowed to elicit that
3 testimony on direct in front of the jury.

4 THE COURT: All right. Mr. Harvin?

5 MR. HARVIN: May it please the Court, Your Honor? So
6 as we understand Neil v. Biggers is that the factors that
7 the Court will be looking at is a witness with opportunity
8 to view a person. Which testimony, the State is correct, it
9 sounds like she was able to view the person for
10 approximately 150 seconds. The degree of attention which a
11 witness uses to recognize a person. Kind of unsure as to
12 what her testimony was to that, it kind of varied a little
13 bit. The accuracy of a witness' initial description. And
14 so I think that's where things get a little different here
15 in that a very distinguishing feature on Mr. Henryhand's
16 face is a cross, a very dark cross that is identified right
17 underneath his eye. He also has another tattoo, a little
18 lighter tattoo that is above his eye. And so I could
19 understand the tattoo that's above his eye, maybe not seeing
20 that one, but clearly there's a tattoo underneath his eye,
21 it's a very pronounced tattoo, and in her description she
22 doesn't mention it at all. What's also a little troubling
23 is that the State has not placed into evidence, or allowed
24 the Court to see what the six pictures are. The testimony
25 that was given was that they were all of varying sizes, and

PRETRIAL MOTIONS

1 one of the things that makes a photo suggestive possibly,
2 and we don't know because we don't have them, we just have
3 to know they're all of varying sizes, is that one could
4 possibly have a bigger photo, which would suggest to a
5 person that that's the person. It could also have a person
6 in prison uniform, which also could suggest that that's the
7 person. And in my questioning I asked her if everybody had
8 on the same clothing and she said they did not. So if law
9 enforcement, which we would not know because they haven't
10 presented the photos, show her five photos, I mean, which
11 five individuals had on suits, and it was five photos that
12 were smaller than the photo of the one individual who had on
13 a prison uniform and it was the largest of the photos, that
14 that's clearly a suggestive lineup. And it's the thing that
15 SLED lineups protect us from, an individual being shown and
16 suggested that a particular person is the person. It is
17 even more troubling when you listen to her testimony and say
18 that they identified the person before she identified the
19 person. And so even though her description did not match
20 his description, law enforcement had made up in their mind
21 who the person was before they started showing her the
22 photos, which means that when they were gathering the photos
23 they gathered the photos knowing who they wanted her to pick
24 out. We don't have any video or audio that tells us about
25 the conversations that happened. They did not take her to

PRETRIAL MOTIONS

1 any law enforcement agency so she could sit and actually
2 have a video statement made so we can know anything about
3 it. And all of this, all of these areas of really secrecy
4 is really what Neil v. Biggers is attempting to, in my
5 opinion, protect us from in these particular situations.
6 And so when an individual has only viewed somebody for 150
7 seconds, the photos are all varying sizes, people wearing
8 all different clothing, the individual that's originally
9 described does not match the individuals -- individual face
10 that has a very pronounced feature, these things we believe
11 the Court should take into consideration as determining
12 whether or not a lineup was unduly suggestive. And, Your
13 Honor, we would ask the Court to take these things into
14 consideration as you make the decision.

15 MR. WHITE: Judge, just briefly. There was nothing in
16 her testimony that she said that anything with the lineup
17 was unduly suggestive at all. In fact, she -- it sounded to
18 me like she didn't really focus on what the individuals were
19 wearing, the size of the photographs, she clearly picked out
20 State's Exhibit 5 as the individual responsible for this.
21 And, Judge, most notably even though that night she didn't
22 mention anything about the tattoo, she still today picks
23 this guy out even though the tattoo is present in this
24 photograph that Mr. Harvin is speaking of, so she's as sure
25 today as she was back then. And again, Judge, I don't

PRETRIAL MOTIONS

1 believe anything from her testimony suggests that the lineup
2 was unduly suggestive, and I believe she picked him out
3 almost immediately.

4 (Break in proceedings.)

5 MR. WHITE: And Mr. Tucker brings up a good point. I
6 don't think anything shows that law enforcement attempted to
7 suggest one photograph over the other. Certainly just by
8 looking at the video and making comments that hey, I know
9 this guy, you know, she doesn't know him so that wouldn't
10 suggest anybody in the lineup that's about to come in the
11 next, you know, ten minutes or so. So certainly I don't
12 think that that shows any undue influence on the part of law
13 enforcement.

14 THE COURT: All right. Thank you, Mr. White. The test
15 for pretrial identification procedures is multipart, and
16 first is a threshold matter. A determination must be made
17 whether the identification procedure was conducted in a
18 manner that was unduly suggestive, and then if so was the
19 procedure so suggestive as to give rise to the very
20 substantial likelihood of irreparable misidentification
21 under the totality of the circumstances. The burden is on
22 the defendant to show by a preponderance of the evidence
23 that the identification procedure was impermissibly
24 suggestive, and that under the totality of the circumstances
25 there's a very substantial likelihood of irreparable

PRETRIAL MOTIONS

1 misidentification, and to make that analysis obviously we've
2 got to go on what the witness testified. She testified
3 first that she saw the witness when she was on her way to go
4 pick up her food for the evening in a well-lit area. Saw
5 the same individual when she came back. Saw him when he
6 came into the hotel through the glass door, she said she
7 watched him all the way walking outside to inside. She gave
8 a description of his clothing in specific detail, and had
9 the opportunity to view this person for at least two and a
10 half minutes. And so obviously her ability to see this
11 individual. The basis on her testimony was that she had
12 ample opportunity to view this person in a, according to her
13 testimony, well-lit area. Her attention to this person.
14 Again, she said she watched him walk into the building from
15 the outside with her eyes focused on him, saw his face
16 before he pulled what she described as a bandanna up and saw
17 the gun, realized that this was a robbery. Obviously that
18 is a situation which would heighten a person's attention to
19 their surroundings. Already covered the accuracy of the
20 witness' prior description. I think the only defect in the
21 accuracy would be the presence of this distinguishing mark,
22 whether it be a tattoo or scar or anything of that nature, I
23 think that would go to the witness' credibility rather than
24 whether this lineup was suggestive. Her certainty. She
25 said that she recognized this individual almost immediately

PRETRIAL MOTIONS

1 and that law enforcement made no suggestion to her as to who
2 she should pick out of these photographs. And then finally
3 the length of time between the time and the confrontation.
4 She said that law enforcement arrived three to five minutes
5 after the robbery, that her -- the owner of the hotel
6 arrived around 15 minutes later. So this is -- there's
7 certainly a close connection between the time in which the
8 crime occurred and when she would have been shown these
9 videos. So taking all of this into consideration, and
10 again, she testified that law enforcement didn't suggest
11 that she do any -- make any particular selections from these
12 photos. And certainty it happens in -- law enforcement
13 wouldn't have presented her with a lineup unless they had
14 somebody that they had an inclination was the person who may
15 have committed the crime, I mean, it wouldn't have done any
16 good for them to just pick six random folks and hope. So I
17 understand the point that Mr. Harvin is trying to make, but,
18 you know, the issue would be if law enforcement said: We
19 know who it is, it's one of these six people, and they did
20 something to prompt or to suggest which photo this witness
21 should have selected. I don't think we've got any of that
22 here. So based on the totality of the circumstances I don't
23 think the procedure was unduly suggestive, but even if it
24 was considering these five factors enumerated in Neil v.
25 Biggers, the analysis that I have just gone through, I am

OPENING STATEMENTS

1 going to allow the out of court identification.

2 MR. WHITE: Thank you very much, Judge.

3 MR. HARVIN: Thank you, Judge.

4 THE COURT: All right. Folks, it's 10:38. Are we
5 ready for the jury?

6 MR. WHITE: Yes, sir, Judge.

7 THE COURT: If anybody needs to take a restroom break
8 probably go ahead and do it now since it's only -- I want to
9 get rolling as soon as they come in.

10 (A break was taken.)

11 THE COURT: Are we ready for the jury?

12 MR. WHITE: Yes, sir, Judge.

13 THE COURT: Bring us the jury, please.

14 (The jury returned to the courtroom.)

15 THE COURT: Ladies and gentlemen of the jury, thank you
16 for your patience with us this morning as we worked through
17 some matters which now brings us now in position to begin
18 the case of the State of South Carolina versus Satwaun
19 Wallace Henryhand. Before we begin the trial, Madam Clerk,
20 if you would swear the jury.

21 (The jury was sworn.)

22 THE COURT: Thank you, ma'am. Ladies and gentlemen,
23 before we begin this trial I want to tell you that this
24 trial probably will be different from what you might expect.
25 Many people do not have the chance to attend actual court

OPENING STATEMENTS

1 preserve everyone's rights I will give the parties an
2 opportunity to object to anything I have said. Any
3 exceptions to anything that I have said to this jury by the
4 State?

5 MR. WHITE: Not on behalf of the State, Judge.

6 MR. HARVIN: Not on behalf of the defense, Your Honor.

7 THE COURT: All right. Folks, we will now begin the
8 trial and I will recognize Mr. White through the solicitor's
9 office.

10 MR. WHITE: Must possess a handgun. Must possess a
11 handgun. Ladies and gentlemen, whether you be a nurse, or a
12 teacher, a driver --

13 THE COURT: Mr. White, I'm sorry to interrupt you, we
14 need to you get a little bit closer to one of these
15 microphones.

16 DIGITAL REPORTER: Either that or that podium right
17 there.

18 THE COURT: Again, I apologize for interrupting you,
19 sir.

20 MR. WHITE: How is that? Can you hear that all right?
21 Can you hear that okay? As I was stating, ladies and
22 gentlemen, we all have qualifications that we have to have
23 in order to get a job that we currently possess. Sometimes
24 that list can be overwhelming, it can be exhaustive, a list
25 of things we have to check off in order to get the job we

OPENING STATEMENTS

1 currently have (inaudible audio) there is only one
2 qualification you need to be an armed robber, just one, you
3 must possess a handgun. That's it. That's all that's
4 required. And ladies and gentlemen, when you go to your job
5 each and everyday whether you're keeping lives safe, or
6 you're saving lives, you're growing a business, or you're
7 teaching children, we all have duties and responsibilities,
8 and sometimes that list, too, can be exhaustive,
9 overwhelming, things we have to do in our day to day to make
10 sure we keep getting that check from the people we work for
11 to keep doing their business. But the only duties, the only
12 responsibilities of an armed robber are that he be willing
13 to pull out a handgun, point it at a human being, demand
14 they give you something that doesn't belong to them. That's
15 exactly what the defendant did in this case, Satwaun
16 Henryhand. On November 22nd, 2019, he strolled into the
17 Suburban Inn on 52 here in Florence, he walked up to the
18 lady working behind the counter, put a gun in her face and
19 demanded that she hand over the money in the cash register,
20 \$1,400, and then he walked out. And you will hear from that
21 lady, Ms. Felecia Benjamin, she's going to tell you what
22 happened to her that night. She's also going to tell you
23 that for about two and a half minutes she saw Satwaun
24 Henryhand with nothing over his face. She identified him.
25 Later as he approached the counter where she was he ties a

OPENING STATEMENTS

1 bandanna on his face, but it was too late. When law
2 enforcement arrives she identifies him to law enforcement.
3 And you're also going to hear from law enforcement, ladies
4 and gentlemen, Officer Bostick, and Investigator Tyler and
5 Porter, arrive on scene, and they observe video surveillance
6 of the incident and they knew the man in that video, and
7 they recognized him to be the defendant, Satwaun Henryhand.
8 They were familiar with him. They had spoken to him. They
9 had had discussions with him on numerous occasions, so when
10 they looked at that video they knew without a doubt the man
11 who pulled a gun and robbed Ms. Benjamin was Satwaun
12 Henryhand. So on that evening while the rest of Florence
13 County is getting off work or relaxing from a long day's
14 work, or even about to go into work the sheriff's office is
15 getting warrants for a man who refused to work. Work is
16 tough. We all know that no matter what we do work can be
17 tough sometimes, it can be rewarding, too, but we all have
18 our days. But being an armed robber is easy, it's cowardly,
19 and it's dangerous. And make no mistake, it's not dangerous
20 for the man with the gun in his hand, it's not dangerous for
21 the man who is asserting control, it's not dangerous for the
22 man who's demanding that money in the cash register, it's
23 dangerous for everybody else. So at the end of this trial,
24 ladies and gentlemen, we're going to ask you all to find the
25 defendant, Satwaun Henryhand, guilty. Guilty of choosing an

OPENING STATEMENTS

1 easy profession, guilty of choosing a cowardly profession,
2 but above all guilty of choosing a very dangerous
3 profession, and guilty of armed robbery. Thank you.

4 THE COURT: Mr. Harvin?

5 MR. HARVIN: May it please the Court?

6 THE COURT: Yes, sir.

7 MR. HARVIN: Ladies and gentlemen of the jury, my name
8 is Doward Keith Harvin, I am an attorney right here in
9 Florence, South Carolina. I live and I practice right here
10 in Florence, South Carolina, I've been practicing for almost
11 14 years. In many capacities I have stood before jurors,
12 many times on the civil side sometimes, I've done it on the
13 prosecutorial side as I was a solicitor for a period of
14 time, and now I stand before you as a defense attorney
15 representing Mr. Satwaun Henryhand. Mr. Henryhand was
16 wrongfully arrested back in November of 2019 for a crime in
17 which he did not commit. And the issue here is a very
18 simple one, it's not anything complicated, you all won't
19 have to worry about too much as it relates to your
20 intellectual enlisting, because the issue here is whether or
21 not they have the right person. We submit to you that they
22 have identified the wrong person, and unfortunately there
23 won't be any testimony from anybody, or any evidence that
24 will be shown in this case to corroborate anything that
25 anybody says. The video that would show the incident from

OPENING STATEMENTS

1 the beginning to end has been lost, misplaced, or destroyed
2 by law enforcement. Any evidence that could have been
3 gathered from the scene was not gathered. Voice
4 identification analysis was not done. Fingerprints of any
5 type were not taken. And more importantly, search warrants
6 that would allow law enforcement to look into the places
7 that Mr. Henryhand lived and to look into his cellphone and
8 see where he was at a particular time, none of those search
9 warrants were issued, because it wasn't important to find
10 the right person. What was more important to law
11 enforcement on this particular date is to find somebody,
12 anybody that matched the description of a tall black man who
13 wore similar clothing. And they're going to point out some
14 pieces of similar clothing, many of which some of you might
15 even own, and these pieces of similar clothing will not be
16 anything unique or won't be anything that would stand out to
17 you. And so after you hear the State's case in chief what I
18 believe will happen is that you all will come back with a
19 verdict that sends this innocent man home to his family. A
20 verdict that allows him to walk into this courtroom,
21 maintain his innocence, and walk out of this courtroom
22 maintaining his innocence to this charge of armed robbery, a
23 verdict of not guilty. It has been quoted that Oliver
24 Wendell Holmes once said that jury duty is the highest duty
25 that one can perform for one's country in a time of peace.

LEVI JAMES - DIRECT

1 It is you all that stand between the awesome power of the
2 State to deprive an individual of their life and/or liberty,
3 and so you all are here with an awesome duty. While this
4 may seem like it's us against them, my client nor I have any
5 issue with law enforcement or the solicitor's office. This
6 isn't about what I say, what they say, but more about his
7 life and his ability to return to his life. And so the
8 issue here is simple, we only ask that as reasonable
9 citizens of Florence County that you make sure that the
10 evidence that's presented proves beyond a reasonable doubt,
11 and because you all are reasonable people proves beyond any
12 doubt that you may have that they have the right person, not
13 just any person, not just any tall black man that could have
14 been walking the street on that night. We thank you. We
15 thank you for your cooperation, more importantly we thank
16 you for your sacrifice for being here this week, because we
17 know how much money that you all are going to get on those
18 cards and it will not be enough for what you're doing today.
19 Thank you again.

20 THE COURT: Mr. White, you may call your first witness.

21 MR. WHITE: Thank you, Judge. At this time the State
22 would call Levi James to the stand.

23 The witness, LEVI JAMES, was first duly sworn and
24 Testified as follows:

25 THE CLERK: Please be seated and state your full name

LEVI JAMES - DIRECT

1 for the record.

2 THE WITNESS: Levi James.

3 DIRECT EXAMINATION

4 BY MR. WHITE:

5 Q Mr. James, where are you employed?

6 A I'm employed at Florence County Emergency Management
7 911.

8 Q And how long have you been employed there?

9 A About five and a half years.

10 Q And what capacity are you currently employed?

11 A I am the Public Information Officer for the department.

12 Q Now, that's a recent promotion; is that correct?

13 A Yes.

14 Q And what had you been doing, you know, in months
15 previous, and most specifically back in 2019?

16 A We do FOIA requests, pulling records from our 911
17 center with 911 calls, CAD reports, anything pertaining to
18 any incident that occurred in Florence County.

19 Q So that's when I have something going on and I call 911
20 and you're in charge of making sure that the 911 call is
21 stored; is that correct?

22 A Yes.

23 Q And how is 911 calls stored?

24 A Anytime a call comes into a 911 center it's
25 automatically recorded into our recording system. Our 911

LEVI JAMES - DIRECT

1 dispatchers take the initial statement about what's going
2 on, they log that in the CAD report. They also take -- keep
3 notes of what officers and what units we send to those
4 locations. Also keeping track of who called, the telephone
5 number, times, and stuff like that.

6 Q And do you field the requests from various agencies to
7 pull the calls that are stored on this database?

8 A Yes.

9 Q And is one of those agencies the solicitor's office?

10 A Yes.

11 Q I'm going to show you, if I could, what has been marked
12 for identification purposes as State's Exhibit 1. Could you
13 tell me if you recognize that disc?

14 A Yes.

15 Q And what is that disc?

16 A That's a 911 call from this incident.

17 Q And that incident occurring on November 22nd, 2019; is
18 that correct?

19 A Yes.

20 Q Now, when a 911 operator answers the phone and has a
21 911 call, everything that's recorded out therefrom, is that
22 documented in some way?

23 A Yes.

24 Q And what kind of document is generated as a result?

25 A That's a CAD record, a Computer Aided Dispatch report.

LEVI JAMES DIRECT/CROSS

1 Q I'm going to show you State's Exhibit 2. Would you
2 tell me if you recognize that particular item?

3 A Yes. It's a CAD report from my office.

4 Q And does that include the times, the address, and
5 pertinent information that comes as it relates to that call?

6 A Yes.

7 Q What is the address on that CAD report?

8 A 1914 West Lucas Street, the Suburban Extended Stay
9 Hotel.

10 Q And is that in Florence County?

11 A Yes.

12 MR. WHITE: Judge, I would move State's Exhibit 2 into
13 evidence.

14 MR. HARVIN: Defense counsel has no objection.

15 THE COURT: States Number 2 is admitted without
16 objection.

17 (State's 2 was received.)

18 MR. WHITE: Judge, at this time I would like to publish
19 to the jury the 911 calls from this incident.

20 THE COURT: And that's what's on State's 2?

21 MR. WHITE: My apologies, Judge, that's on State's
22 Exhibit 1. And I would move State's 1 into evidence.

23 MR. HARVIN: And, Judge, based upon the testimony we
24 have no objection.

25 THE COURT: All right. State's Number 1 is admitted

LEVI JAMES DIRECT/CROSS

1 without objection and may be published to the jury.

2 (State's 1 was received.)

3 MR. WHITE: Thank you, Judge.

4 (The 911 call was played.)

5 Q And, Mr. James, were there two calls made from
6 that location, or pertaining to that incident that evening?

7 A Yes.

8 MR. WHITE: And, Judge, I would like to publish the
9 second call now.

10 THE COURT: All right, you may.

11 (The 911 call was played.)

12 MR. WHITE: Judge, that's all of the questions I have
13 for Mr. James. Thank you, Mr. James.

14 MR. HARVIN: May it please the Court? Solicitor White?

15 THE COURT: Yes, sir.

16 CROSS EXAMINATION

17 BY MR. HARVIN:

18 Q Good morning, Mr. James.

19 A Good morning.

20 Q In your capacity you don't report to any scenes, do
21 you?

22 A No.

23 Q All right. And so you're just a record keeper.

24 A Pretty much.

25 Q Okay. And so you don't know anything about the

LEVI JAMES DIRECT/CROSS

1 truthfulness or anything that you heard, you don't know
2 anything that happened after this particular phone call, do
3 you?

4 A No.

5 MR. HARVIN: Okay. Thank you, no further questions.

6 MR. WHITE: Nothing further, Judge.

7 THE COURT: Thank you, sir, you can step down.

8 MR. WHITE: And, Judge, I would ask that Mr. James
9 could be released from his subpoena.

10 THE COURT: Any objection, Mr. Harvin?

11 MR. HARVIN: No objection, Your Honor.

12 THE COURT: The witness is released from his subpoena
13 and is free to go.

14 MR. WHITE: Thank you, Judge. Judge, at this time I
15 would call Felecia Benjamin to the stand.

16 THE COURT: All right, Ms. Benjamin, please come
17 forward.

18 The witness, FELECIA BENJAMIN, was first duly sworn

19 And testified as follows:

20 THE CLERK: Please have a seat and state your full name
21 for the record.

22 THE WITNESS: Felecia Gina DeVaughn Benjamin.

23 DIRECT EXAMINATION

24 BY MR. WHITE:

25 Q Good morning, Ms. Benjamin.

FELECIA BENJAMIN - DIRECT

- 1 A Good morning.
- 2 Q Appreciate you being here with us. Let's talk a little
3 bit about the incident that brings us here today. Okay?
- 4 A Okay.
- 5 Q Back in 2019, where were you employed?
- 6 A At the Suburban Extended Stay.
- 7 Q And would that include November 22nd, 2019?
- 8 A Yes.
- 9 Q What did you do for Suburban Inn?
- 10 A I was a receptionist. I would work second and third
11 shift in the evening and overnights sometimes, maybe three
12 nights a week.
- 13 Q And what were some of your responsibilities there at
14 the Suburban Inn?
- 15 A Just check in -- excuse me -- just check in people as
16 they come in, make sure they had enough rooms for the next
17 day, and housekeeping doing their cleaning. Nothing major.
- 18 Q Now, were you working the front desk, and often times
19 would you be working the front desk alone?
- 20 A I was -- well, if I'm on second -- I normally work by
21 myself on second shift. Second and third shift you normally
22 work by yourself, you don't have anybody else there.
- 23 Q And when you're working the front desk alone and you
24 have to take a break or you have to go get lunch or dinner,
25 what is it that you would do?

FELECIA BENJAMIN - DIRECT

1 A Lock the doors and go get something to eat. Normally I
2 would bring something but every now and then I would go to
3 Quincy's and get something.

4 Q Now, on the evening that brings us here, November 22,
5 2019, do you recall that evening?

6 A Yes.

7 Q On that evening did you do just that? Did you take a
8 break and go get something from Quincy's?

9 A Yeah. I had ordered a steak and potato and I went over
10 there to get me some food, yeah.

11 Q And when you left out of the reception area and left
12 out of the hotel, did you lock it behind you?

13 A Yeah. I just checked in the last -- he stays there, so
14 we had like for the paper mill, so there was a lot of people
15 staying there during that time. I checked him out, locked
16 the back door, and then I got my purse and went out to go
17 get my food.

18 Q And when you were walking out on the way to Quincy's,
19 did you notice anything?

20 A I saw somebody standing in the bushes -- well, on the
21 other side of the bushes, he was just standing there.

22 Q And is that kind of on the way out into the parking
23 lot?

24 A Yes. So you have to turn left, so yeah, on the left
25 side of the parking lot.

FELECIA BENJAMIN - DIRECT

- 1 Q Now, that area, is it well lit?
- 2 A Not like in here but it was light enough.
- 3 Q And you had street lights in the parking lot?
- 4 A Uh-huh.
- 5 Q And lights from the hotel?
- 6 A Yeah.
- 7 Q And again, the Suburban Inn, that's over there on 52;
- 8 is that right?
- 9 A Right.
- 10 Q In that general area, are there a lot of restaurants?
- 11 A So on -- well, it's Quincy's and another hotel on the
- 12 left side, and it's McDonald's on the right side of me,
- 13 so --
- 14 Q Is there a lot of business lights?
- 15 A Yeah, business as far as -- yeah.
- 16 Q So would you say it's well lit?
- 17 A It's lit but not like in here, but it was lit.
- 18 Q Can you see people's faces clearly?
- 19 A Yeah.
- 20 Q And that individual you mentioned that was waiting in
- 21 the bushes, could you see his face?
- 22 A He was standing on the other side of the bushes, I saw
- 23 him.
- 24 Q Did you think anything of it when you passed by him?
- 25 A No. Because, you know, it's an Extended Stay so people

FELECIA BENJAMIN - DIRECT

1 stay there, so I didn't think nothing of it. I just went
2 up -- I was on the phone and I walked up and got my food and
3 came back and he was still over there, and I just came back
4 in. I didn't lock the door behind me.

5 Q Well, let me slow you down a little bit. So you go to
6 Quincy's and you got your food?

7 A Uh-huh.

8 Q And then what happened on your way back?

9 A I just was on the phone. I was talking to Dominique
10 and I looked, and he was still standing on the other side.

11 Q When you say Dominique, are you referring to Dominique
12 Cooper?

13 A Uh-huh.

14 Q And who was he to you that night?

15 A He was my fiance'.

16 Q Okay. And were you in the courtroom when you just
17 heard that 911 call?

18 A Yeah.

19 Q And is he one of those individuals on the 911 call?

20 A He was the second person, I don't -- the second person.

21 Q Now, he said that he overheard everything. Are you
22 saying that you were on the phone with him when this
23 occurred?

24 A Yeah. He was -- you know, I'm walking -- whenever I go
25 get me something to eat he always be on the phone with me to

FELECIA BENJAMIN - DIRECT

1 make sure I'm okay, so we was on the phone on my way back.

2 Q And you pick it up right there, what happened when you
3 went back?

4 A I walked in and I didn't lock the door. When I came in
5 I sat my food down to the left and I went over to the right
6 to see if I had any missed calls or anything came through.
7 I put my phone down, and I had him on speaker phone, and I
8 was just getting ready to fix my food and I look up and I
9 saw somebody coming through the door.

10 Q And that person coming through the door, did he have
11 anything covering his face?

12 A No.

13 Q And was that the same person you saw waiting outside
14 when you went back and forth to Quincy's?

15 A Yes.

16 Q And what happened next?

17 A So as he was walking in I had my fork in my hand and I
18 was talking to Dominique, and as he was walking in I was
19 just like -- you know, I looked at him and he was reaching
20 in his waist and he pulled out a gun, and I just dropped the
21 fork and I just looked at him again, and that's when he
22 said: Give me the money. And I said: Well, you just saw
23 me walk -- you just saw when I walked back in, you know I
24 ain't have no money, you know, like that. And I said:
25 Well, I put everything in a safe. I said: Let me see if I

FELECIA BENJAMIN - DIRECT

1 can find the key. So I couldn't think right then and there
2 and I couldn't remember where I put the keys, so I just kept
3 kind of going back and forth until I remembered that I put
4 them -- it was in my pocket. So I got the keys out of my
5 pocket and then opened the safe and just handed him the
6 register and everything, just handed him everything.

7 Q Okay. When he first walked in and he didn't have
8 anything on his face, did you get a good look at him?

9 A Yeah.

10 Q Could you see him clearly?

11 A Yeah.

12 Q And, in fact, you gave a description to law
13 enforcement; is that right?

14 A Right.

15 Q Now, at some point it's my understanding that as he was
16 approaching the counter maybe a little closer, was he kind
17 of sitting on the (inaudible)?

18 A So I was looking for the keys, and when I looked back
19 up he had a bandanna on his face.

20 Q Okay. Is that the point that he produced a handgun?

21 A No. He had the gun when he -- when he got through the
22 second door the gun was already out, then I was just like
23 standing there looking, and then that's when I told him:
24 You just saw me come in. I said: You don't have to hurt me
25 because it's not even my money. I was like: You just got

FELECIA BENJAMIN - DIRECT

1 to give me a second and let me see if I can find what I did
2 with the keys. And that's when -- I don't know. I went
3 over there and I looked down, I looked back up and he had on
4 a bandanna.

5 Q And shortly thereafter you called 911?

6 A No. After he left out -- see, I didn't know what --
7 the phone was still on with Dominique on it but he wasn't
8 saying anything, so I called like -- after he left out of
9 the door he went to the right side of the building, when I
10 saw him gone that's when I called 911.

11 Q Did law enforcement arrive shortly?

12 A About five minutes later, about three to five minutes
13 later.

14 Q Okay. And it's my understanding that this was -- this
15 incident was captured on video surveillance; is that
16 correct?

17 A It was, yes.

18 Q And did you have an opportunity to review that video
19 surveillance?

20 A Yes.

21 Q And that video showed the same thing that you saw, him
22 walk in without a mask on his face?

23 A Yeah.

24 Q And when law enforcement arrived, did they view that
25 video?

FELECIA BENJAMIN - DIRECT

1 A Yes.

2 Q And did they indicate that they knew who the individual
3 was that --

4 A Well, after they watched it they said -- called his
5 name. I didn't know who he was, because I didn't know
6 everybody who was there. Like my coworkers, they knew who
7 he was and said something about he was staying in one of the
8 rooms in the back --

9 MR. HARVIN: Objection, hearsay.

10 MR. WHITE: Judge, I would ask that be allowed under
11 the excited utterance.

12 A Well, I mean that's just what she said.

13 MR. WHITE: Hold on one second, Ms. Benjamin, I'm
14 sorry. I believe that is an excited utterance exception to
15 the hearsay rule.

16 THE COURT: Objection overruled.

17 Q So if you would repeat that one more time, your
18 coworkers said what again?

19 A She said: That's Satwaun, he stayed in the back, him
20 and his dad or somebody had a hotel (sic) in the back of the
21 room. I don't know because I don't work first shift, and
22 then most of the people I see, you know, I know them if
23 they're checking in, so I never saw him before. Apparently
24 they knew who he was as soon as they saw.

25 Q So law enforcement knew who he was, correct?

FELECIA BENJAMIN - DIRECT

- 1 A Yeah, they knew.
- 2 Q A coworker knew who he was, correct?
- 3 A Yes.
- 4 Q But you had never seen him before.
- 5 A No.
- 6 Q Now, despite all of that, did they eventually show you
- 7 a series of five or six photographs and ask you to see if
- 8 you recognized the individual who came in?
- 9 A Yeah. They just showed me on paper like this
- 10 different -- it wasn't all on one group, it was like several
- 11 different ones. And after I got -- you know, when I looked
- 12 at it I don't know he was like the fourth or the fifth one,
- 13 and then I told them that was him.
- 14 Q Did you pick him out immediately?
- 15 A Yeah.
- 16 Q Did they do anything to suggest to you which one you
- 17 should pick?
- 18 A No.
- 19 Q Did they try to force you to pick one over the other?
- 20 A No.
- 21 Q Did they mention to you that the person might not even
- 22 be in that series of photographs?
- 23 A I don't remember.
- 24 Q Okay. But regardless of that you did pick out one of
- 25 the photographs; is that correct?

FELECIA BENJAMIN - DIRECT

- 1 A Right.
- 2 Q I'm going to show you what's been marked as State's
- 3 Exhibit 5. If you could, tell me -- and just follow along
- 4 with me here and just tell me specifically, do you recognize
- 5 this photograph?
- 6 A Yes.
- 7 Q How do you recognize it?
- 8 A It's --
- 9 Q Is that one of the photographs that was laid down in
- 10 front of you?
- 11 A No, it was different. Remember, I told you it wasn't
- 12 just like that.
- 13 Q Now, I know that this picture is a little --
- 14 A They blew it up or something, it was a little smaller.
- 15 Q Now, we put it on some really nice card stock, some
- 16 nice paper.
- 17 A Oh.
- 18 Q So it's a little bit more vibrant.
- 19 A Yeah. It's more -- the color is more popping on that
- 20 one, but it's the same person.
- 21 Q It's the same person. This is the person you picked
- 22 out of that lineup, correct?
- 23 A Yes.
- 24 Q And is this the person who came in and robbed you?
- 25 A Yes.

FELECIA BENJAMIN - DIRECT

1 MR. WHITE: Judge, I would move State's Exhibit 5 into
2 evidence.

3 MR. HARVIN: No objection, Your Honor.

4 THE COURT: States Number 5 is admitted without
5 objection.

6 (State's 5 was received.)

7 Q Now, on these photos --

8 MR. HARVIN: And Judge, just to make sure that the
9 record is clear, I do want to preserve my objections that we
10 stated earlier off the record.

11 THE COURT: So you want to preserve your objections
12 made during the pretrial hearing.

13 MR. HARVIN: Yes.

14 THE COURT: For the record this is admitted over
15 defense's objection.

16 MR. WHITE: Thank you, Judge.

17 Q And I'm going to pass this around to the jury in just a
18 second, but you can see in this photograph, Ms. Benjamin,
19 that he has -- under his I guess that would be his left eye
20 he has a tattoo or a scar; is that right?

21 A Right.

22 Q And despite seeing that you're confident this is the
23 person you picked out that night.

24 A Yes.

25 Q But that night you didn't mention the tattoo or the

FELECIA BENJAMIN - DIRECT

1 scar, did you?

2 A No.

3 Q Could it have been that it didn't occur to you to
4 mention that because of the trauma of the incident?

5 A I don't know. I just didn't -- I didn't see that. I
6 saw -- I was looking at him, I wasn't looking at no -- I saw
7 the clothes where he had on and everything. I didn't see no
8 tattoo, I didn't see a scar or anything like that, I don't
9 recall saying anything about it.

10 Q Okay. But again, you're confident that State's Exhibit
11 5 was the individual who put a gun in your face.

12 A Yes.

13 MR. WHITE: Judge, permission to publish this
14 photograph to the jury.

15 THE COURT: You may publish it to the jury.

16 MR. WHITE: Beg the Court's indulgence for one moment.

17 THE COURT: Yes, sir.

18 (Break in proceedings.)

19 MR. WHITE: Judge, I have nothing further for Ms.
20 Benjamin. Thank you, Ms. Benjamin.

21 THE COURT: Mr. Harvin?

22 MR. HARVIN: May it please the Court? And I'll let the
23 jurors get done.

24 (Break in proceedings.)

25 MR. HARVIN: May it please the Court?

FELECIA BENJAMIN - DIRECT

1 CROSS EXAMINATION

2 BY MR. HARVIN:

3 Q Ms. Benjamin, in your lifetime have you ever seen
4 someone that looked like someone else?

5 A Of course, yes.

6 Q Yes, right?

7 A Uh-huh.

8 Q We all have, correct?

9 A Yeah, uh-huh.

10 Q And so sometimes we mistake people to be people they're
11 not, correct?

12 A Correct.

13 Q All right. And in this particular instance you just
14 stated that you were able to remember the shape of the
15 person that was in front of you, the shape of their eyes,
16 the shape of their nose, the shape of their mouth, the type
17 of hair that they would have had on their mustache, on their
18 beard. You just gave a description that would have required
19 you to remember his eyebrows, his eyelashes, the color of
20 his eyes, the shape of his chin, the shape of his head in
21 general. But in seeing all of those things you didn't see
22 the prominent tattoo right on his face, is that your
23 testimony?

24 A So I want to make sure I heard this correctly. You
25 said that I just gave a description of his eyes --

FELECIA BENJAMIN - DIRECT

1 Q Yes.

2 A -- his mustache and everything like that.

3 Q Yes.

4 A I gave a description of what I --

5 MR. WHITE: Judge, I would object. I don't believe she
6 gave a description, she said she identified him in the
7 photograph. I think that's a mischaracterization.

8 THE COURT: Y'all want to approach for a second?

9 (A bench conference was held with the judge and the
10 Attorneys off the record.)

11 THE COURT: I will sustain the objection.

12 Q All right. Ms. Benjamin, how did you recognize him?
13 Did you recognize the color of his eyes?

14 A You're talking about to identify him?

15 Q Yes.

16 A Well, no.

17 Q All right. Did you recognize or give a description to
18 law enforcement about the broadness of his nose?

19 A No. I didn't give a detailed, you know, of his
20 features, facial features or anything like that.

21 Q Did you tell them that he had a mustache or a beard?

22 A No.

23 Q And so when you testified that you identified the
24 individual these things you didn't give law enforcement,
25 correct?

FELECIA BENJAMIN - DIRECT

1 A Correct.

2 Q And the tattoo that's on his face, you didn't mention
3 that either, correct?

4 A Right.

5 Q All right. And so what you mentioned was that the
6 person was 5-10, correct?

7 A About, yeah.

8 Q All right. And you mentioned that the person was tall,
9 correct?

10 A 5-10. About 5-10/5-11.

11 Q And that the person was a black male, correct?

12 A Right.

13 Q All right. Did they give you any -- or allow you to
14 sit down with somebody to draw out a photo of what you saw?

15 A No.

16 Q Instead they just placed some photos in front of you
17 and you picked the one that looked like the person that you
18 thought it was.

19 A It didn't happen just like that. We -- but to sum it
20 up, when it came -- they -- you know, after -- towards the
21 end they brought some photos and told me to look through
22 them and I looked through them, and then I pointed out the
23 person who did it.

24 Q All right. And it's your testimony here today that the
25 person that you saw did not have on a black cap with a gold

FELECIA BENJAMIN - DIRECT

- 1 medallion on it when they came into Suburban Inn.
- 2 A When he came in, no.
- 3 Q All right. And so are you saying that at some point in
- 4 time a person put on the hat?
- 5 A He had a hoodie on, a navy blue hoodie and it was
- 6 inside of the hat. He had a bandanna, I can just -- it was
- 7 green.
- 8 Q All right. But you never saw somebody with a hat on.
- 9 A Not coming inside the building, he didn't have anything
- 10 on.
- 11 Q All right. So you were able to see his hair on his
- 12 head, correct?
- 13 A Correct.
- 14 Q All right. What color was the hair on his head and
- 15 what length was it? What type of hairstyle did he have?
- 16 A It was short.
- 17 Q A short haircut?
- 18 A Uh-huh.
- 19 Q Was it a --
- 20 A It wasn't -- he ain't just got it cut.
- 21 Q Okay. And so you noticed that, but in your description
- 22 that you gave back in 2019 did you mention that to law
- 23 enforcement?
- 24 A What? About the hair?
- 25 Q About the hair.

FELECIA BENJAMIN - DIRECT

1 A No. I mean, I just described him.

2 Q All right. So if somebody else came behind you and
3 they described the person that came in there and they said
4 that person had on a black hat they would be wrong?

5 MR. WHITE: Objection, Judge, calls for speculation.

6 THE COURT: Sustained.

7 Q Have you seen the video of this incident?

8 A Of course.

9 Q Have you seen it recently?

10 A Of course.

11 Q Do you have a copy of your phone?

12 A Of course.

13 Q And you've had a chance to review it, correct?

14 A Right.

15 Q And you reviewed it before taking the stand today,
16 correct?

17 A Not really. I ain't never changed my story --
18 everything I'm saying now is what I said then.

19 Q When you met with the solicitor's office, did you show
20 them the video?

21 A I sent it to them.

22 Q You sent the video to the solicitor's office.

23 A Right.

24 Q All right. And it's your testimony that that video
25 shows a person with a hoodie on and not a hat; is that

FELECIA BENJAMIN - DIRECT

1 correct?

2 A Yes.

3 Q All right.

4 A But when he came in he had none of that on.

5 Q Okay.

6 A Nothing. When he came through the door he had nothing

7 on, there was nothing on his face, it was nothing near him.

8 Q So as he got close to you the video that you have, does

9 it show him with nothing on his face?

10 A No. So the video that -- I don't know --

11 Q Based on your memory.

12 A I didn't really look at it again, I just --

13 Q I got you.

14 A So when he got -- when I went to look down on this side

15 for the keys they was in my pocket because I had just opened

16 the door, that's when he put on the bandanna and stuff. He

17 didn't have none of that stuff on when he came through the

18 door. There was different angles of the cameras. It was

19 different cameras so it had several cameras, and each one

20 showed different parts of it.

21 Q I got you.

22 A So the part that you saw or they saw maybe was just the

23 part that -- because when we was trying to put it on a disk

24 or put it on the hard drive, I don't know if that's just

25 that part that was in there. But it was different videos.

FELECIA BENJAMIN - DIRECT

1 Q I understand. Let's talk about that for a second.

2 Based on your knowledge, how many video cameras are in the
3 lobby of Suburban Inn?

4 A I'm not sure how many video cameras are in the lobby.

5 Q Is there one?

6 A No, it's more than one.

7 Q Okay. More than one video camera is in the lobby of
8 Suburban Inn.

9 A Right.

10 Q All right. Before you walk into the Suburban Inn, are
11 there video cameras that point out to the parking lot or the
12 front of the building?

13 A On the side.

14 Q They're on the sides of the building?

15 A Yeah. And then there's one -- and when you first walk
16 in it's two glass doors, there's a glass door right here and
17 then you go through a second door, it's the camera right
18 directly in front of it.

19 Q All right. So at least four to five cameras to your
20 knowledge.

21 A Maybe more.

22 Q Maybe more cameras. All right. And to your knowledge
23 these cameras would have grabbed or it would have brought
24 out the entire incident that happened on that particular
25 day.

FELECIA BENJAMIN - DIRECT

- 1 A It did.
- 2 Q All right. Now, let me ask you a few other questions.
- 3 Did the person that came in, did they have on gloves?
- 4 A No, not that I remember.
- 5 Q All right. What type of door do you have at the
- 6 Suburban Inn?
- 7 A What you mean? Is it a storm door?
- 8 Q Is it an automatic slide door or --
- 9 A No. It's a door like that, you have to pull open.
- 10 Q You have to pull it open.
- 11 A Uh-huh.
- 12 Q All right. And did the individual lean or touch
- 13 anything in front of you to your memory while you were
- 14 having this conversation with them?
- 15 A He would have had opened -- you're talking about once
- 16 he got inside the building?
- 17 Q Yeah, once he got inside.
- 18 A He leaned on the counter. He was looking to see what I
- 19 was doing.
- 20 Q I got you. Did you hand him something?
- 21 A I handed him the whole cash register.
- 22 Q You handed him the whole cash register?
- 23 A Yes.
- 24 Q And did he walk out of that building with the whole
- 25 cash register?

FELECIA BENJAMIN - DIRECT

1 A Yes, he did.

2 Q And when law enforcement arrived, did they find any
3 type of cash register or anything on the scene?

4 A I don't think so, I mean, they didn't tell me. I just
5 told them the way that he went and -- the cops said he was
6 just over there, he didn't see him, he said he didn't see
7 him walk past them. I said: Well, he just walked that way
8 to the right side of the building. So I don't know what
9 they recovered. Like I said, I don't know anything after
10 that.

11 Q And I only want you to give information about what
12 you --

13 A I don't know.

14 Q You mentioned earlier that there was several people
15 staying at this hotel at that time, correct?

16 A Yes.

17 Q All right. Were there individuals from different
18 states, correct?

19 A Yes.

20 Q All right. And from possibly Alabama some individuals
21 were staying there?

22 A A lot of them --

23 Q A lot of individuals?

24 A -- from Alabama and different places like that, because
25 it was coming to work for the paper mill.

FELECIA BENJAMIN - DIRECT

- 1 Q They were coming to work for the paper mill.
- 2 A Well, they worked for the paper mill and that's where
- 3 our Extended Stay residence for the paper mill worked, I
- 4 mean, lived.
- 5 Q Do you know about how many people would have been
- 6 staying there that worked for the paper mill?
- 7 A No.
- 8 Q Okay. But a lot. You remember thinking it was a good
- 9 bit.
- 10 A I mean, I don't know. I just know we checked in
- 11 people, that's it.
- 12 Q I understand. I understand. Where else do you think
- 13 individuals were staying there from?
- 14 A I'm not sure. Let me see. Well, so like Alabama,
- 15 Mississippi, Georgia, places like that.
- 16 Q Okay. So a lot of people from out of town were staying
- 17 at the Suburban Inn that were working for the paper mill.
- 18 A Right.
- 19 Q When the individual walked out of the lobby, did you
- 20 notice any type of limp that the individual had?
- 21 A Yes, he had a strange walk.
- 22 Q He had a strange walk.
- 23 A Uh-huh.
- 24 Q Tell me about it.
- 25 A He just -- he walks -- he -- I mean, he just walked --

FELECIA BENJAMIN - DIRECT

1 he walked like from side to side. He didn't walk -- he
2 didn't have a -- he didn't walk like me and you.

3 Q I got you. Something that is fairly unique, you
4 remember his walk, correct?

5 A Uh-huh.

6 Q Is that a yes?

7 A Yes.

8 Q All right. And so if you saw somebody walking like
9 that it would kind of stand out to you, correct?

10 A It would.

11 Q And this stood out to you on that particular night
12 because you remember it three years later, correct?

13 A Yes.

14 Q Has anybody asked you about that in the last three
15 years?

16 A No. But I told them about it.

17 Q You told them about it.

18 A Uh-huh.

19 Q All right. Have you ever seen Mr. Henryhand walk?

20 A Only when outside of that -- when he left out and when
21 he came in.

22 Q Well --

23 A I don't know him.

24 Q Have you ever seen Mr. Henryhand, this gentleman, since

25 he's been arrested, have you ever seen him walk?

FELECIA BENJAMIN - DIRECT

1 A I saw him walk out the building that night and that was
2 it.

3 Q All right. If the person that walked out the building
4 did not walk like Mr. Henryhand, would that be the same
5 person?

6 A You said --

7 THE COURT: Judge, objection, speculation.

8 MR. HARVIN: It's not speculation, I asked a very
9 direct question.

10 A You said --

11 THE COURT: Well, you started it with if. Rephrase
12 your question. Sustained.

13 Q Okay. Would the person that you identified, would that
14 person walk like Mr. Henryhand if Mr. Henryhand was that
15 person?

16 MR. WHITE: Judge, again, she doesn't --

17 THE COURT: Hold on, ma'am, hold on one second.

18 MR. WHITE: That's calling for speculation.

19 MR. HARVIN: It is not. She gave an identification of
20 how the person walked.

21 A I did.

22 THE COURT: Rephrase it, Mr. Harvin.

23 Q Ms. Benjamin, at any point in time did police give you
24 the opportunity to see the person that they arrested walk?

25 A No. I never saw him again. I didn't even know --

FELECIA BENJAMIN - DIRECT

1 Q All right. Go ahead, I don't want to cut you off, I'm
2 sorry.

3 A No. You're talking about that particular night, right?

4 Q No. Anytime afterwards did the police ever allow you
5 to witness how Mr. Henryhand walked after that night after
6 you identified him as the person?

7 A I told you when he walked out I never saw him again.

8 Q All right. So the police did not show you how this
9 individual walked after you identified him.

10 A No.

11 Q Okay. So the police did not use that as a method to
12 help you identify the person that was --

13 A No. No. No, they didn't.

14 Q A very unique thing, correct? You just stated it was
15 very unique and that you remember it. You remembered that.

16 A I remembered.

17 Q All right. And if you told law enforcement that you
18 would expect them to look into that, correct?

19 MR. WHITE: Judge, objection. It calls for speculation
20 as to what law enforcement was doing.

21 THE COURT: Sustained.

22 Q What other unique characteristics do you recall three
23 years later?

24 A I told you everything.

~~25 Q Okay. So that's everything that you can remember from~~

FELECIA BENJAMIN - DIRECT

1 three years ago.

2 A From three years ago.

3 Q Let me just ask you a few questions, because -- and I
4 believe I know the answer so I just want to check and make
5 sure that my assumptions are correct. You don't have any
6 issues with your vision, do you?

7 A None.

8 Q You're not nearsighted or farsighted or anything of
9 that nature.

10 A No.

11 Q And you've never had any issues with distinguishing
12 colors as well.

13 A No.

14 Q All right. And so you never had any doctor visits to
15 deal with any issues period regarding your vision.

16 A No, not recently. I mean, no. Not really, no. I
17 don't have any stipulations or anything on my driver's
18 license, anything like that, no. So no.

19 Q Now, you said not recently so it's going to cause me to
20 ask questions. You just had an eye exam?

21 A Well, I had a eye exam, just a normal visit like you
22 would do any other doctor. No, I don't have anything.

23 Q All right. Did you write anything down after this
24 particular incident to help you remember what happened three
25 years ago?

FELECIA BENJAMIN - DIRECT

1 A No.

2 Q All right. Did you provide any type of writings that
3 described the incident to law enforcement at that time?

4 A I didn't write anything, but one of the officers was
5 writing down my statement -- well, they may have handed it
6 to me and I was writing down a statement, or I thought that
7 he may have took it, so I don't remember. But I don't
8 remember writing anything.

9 Q All right. Do you recall signing any type of
10 statement?

11 A I signed -- no, it wasn't a statement. It was just --
12 yeah. But what I said, it was like on a notebook.

13 Q Yeah.

14 A It was like a pad, it was something on that and that
15 was it.

16 Q And they just had you to sign it and they kept it?

17 A Well, no, I read over it or whatever. It was just
18 stuff that I said.

19 Q And they wrote it out for you and then had you to sign
20 at the bottom?

21 A I can't remember. Yeah.

22 Q Okay.

23 MR. HARVIN: All right. No further questions. Thank
24 you, Ms. Benjamin.

25 ~~THE COURT: Any redirect, Mr. White?~~

FELECIA BENJAMIN - DIRECT

1 MR. WHITE: Just one question, Judge.

2 REDIRECT EXAMINATION

3 BY MR. WHITE:

4 Q And then you'll be done Ms. Benjamin. Ms. Benjamin,
5 State's Exhibit 5 entered into evidence, do you have any
6 doubt that this is the man that stuck a gun in your face and
7 robbed you on November the 22nd, 2019?

8 A No, I don't.

9 Q State's Exhibit 5, this is the man who robbed you at
10 gunpoint; is that correct?

11 A Yes.

12 MR. WHITE: Thank you, Judge, I have nothing further.

13 THE COURT: Ma'am, you may step down, thank you.

14 MR. WHITE: And, Judge, I would ask if Ms. Benjamin
15 could be released from her subpoena?

16 THE COURT: Any objection, Mr. Harvin? Hold on one
17 second, Ms. Benjamin.

18 MR. HARVIN: Judge, I would object as I may have some
19 questions for Ms. Benjamin after law enforcement testifies.

20 THE COURT: Mr. White?

21 MR. WHITE: Well, Judge, I think everything that he
22 could have gone over he could have covered in cross. Again,
23 I would reiterate, she's employed, I would ask that we
24 release her, she's been through enough.

25 THE COURT: Well, I'm going to have her stick around

FELECIA BENJAMIN - DIRECT

1 through today's proceedings and then we'll revisit this
2 matter at the end of the day.

3 MR. WHITE: Sounds good, Judge.

4 MR. HARVIN: Thank you, Judge.

5 MR. WHITE: Judge, at this time the State would call
6 Investigator Worsley to the stand.

7 The witness, ALVIN KEITH WORSLEY, was first duly sworn
8 And testified as follows:

9 THE CLERK: Please be seated and state your full name
10 for the record.

11 THE WITNESS: Investigator Alvin Keith Worsley,
12 Florence County Sheriff's Office.

13 DIRECT EXAMINATION

14 BY MR. WHITE:

15 Q Thanks for being here with us, Investigator Worsley.
16 I've just got some brief questions for you, okay, so you can
17 get out of here.

18 A All right.

19 Q Where are you employed?

20 A Florence County Sheriff's Office, Investigation
21 Division.

22 Q And that was going to be my next question, in what
23 capacity. You're an investigator, correct?

24 A That's it.

~~25 Q How long have you been employed with the sheriff's~~

FELECIA BENJAMIN - DIRECT

- 1 office?
- 2 A Since 2008.
- 3 Q All right. Now, back in 2019, in what capacity were
- 4 you employed?
- 5 A Florence County Sheriff's Office.
- 6 Q And what were you doing then?
- 7 A I was working investigations and doing side jobs
- 8 sometimes on Friday nights, different days.
- 9 Q Were one of those jobs security?
- 10 A Yes.
- 11 Q Now, specifically on November 22nd, 2019, where were
- 12 you working on that evening?
- 13 A The McDonald's on West Lucas Street.
- 14 Q And is that close to the incident location?
- 15 A Yes, it's right beside the Suburban Inn.
- 16 Q And did you receive a call and respond to the incident
- 17 location at Suburban Inn?
- 18 A Yes, I did.
- 19 Q How did that call come in? How were you notified?
- 20 A I had my radio, you know, listening out to what's going
- 21 on in the area and a call came out an armed robbery at
- 22 Suburban Hotels, so I then walked over to the motel.
- 23 Q And where were you, inside of the McDonald's when the
- 24 call came in?
- 25 A I was on the inside.

FELECIA BENJAMIN - DIRECT

1 Q Okay. And I'm going to show to you, if I could, what's
2 been marked as State's Exhibit 7. But first before we get
3 into it I'm just going to ask you, do you recognize this
4 exhibit?

5 A Yes.

6 Q How do you recognize it?

7 A That's a overhead picture of the area on Lucas Street
8 where I was working and where the Suburban Hotel is and the
9 McDonald's.

10 MR. WHITE: Judge, at this time I move State's Exhibit
11 7 into evidence.

12 MR. HARVIN: No objection.

13 THE COURT: States Number 7 is admitted without
14 objection?

15 (State's 7 was received.)

16 MR. WHITE: And, Judge, I would ask permission for
17 Investigator Worsley to come down with us and point out a
18 few things on the map if he could.

19 THE COURT: All right, he can come down. Investigator
20 Worsley, just remember to keep your voice up.

21 Q All right. Investigator Worsley, if you would stand
22 right here, this is going to be super brief but let's make
23 sure that we can get right here so everybody can see. If
24 you'll just point out McDonald's for us.

25 A McDonald's is located right here.

FELECIA BENJAMIN - DIRECT

1 Q Where is the Suburban Inn?

2 A Right here.

3 Q And this is the McDonald's where you were working.

4 A That's correct.

5 Q And when you received that call, in which direction do
6 you walk to Suburban Inn?

7 A I came out the side door right here and just walked
8 right across the street (inaudible audio.)

9 Q And how long did it take you to make it there?

10 A Within minutes.

11 Q Did you see anybody matching the description that was
12 going out on the radio?

13 A I did not.

14 Q Did you see anybody of note?

15 A No, I did not.

16 MR. WHITE: Thank you, Investigator Worsley, that's all
17 of the questions I have.

18 MR. HARVIN: May it please the Court, Your Honor?

19 THE COURT: Yes, sir.

20 CROSS EXAMINATION

21 BY MR. HARVIN:

22 Q Investigator Worsley, good morning. It might be
23 afternoon and almost lunchtime, but thank you for coming and
24 joining us.

25 A No problem.

FELECIA BENJAMIN - CROSS

1 Q And so you mentioned that you walked over from
2 McDonald's. Would you probably describe that as more of a
3 run to Suburban Inn from McDonald's?

4 A No. I walked across because I was looking the area at
5 the same time, you know, so I didn't see anybody. So I just
6 went on in the front and made contact with the clerk.

7 Q Did you come to any conclusions based upon the fact
8 that you got there fairly quickly and the person was gone?

9 A Yes.

10 Q All right. Tell me what conclusions you came to.

11 A As far as --

12 Q Where the person would have went, how they got away so
13 quickly, anything of that nature.

14 A I thought they might have got in a car and drove away
15 towards the other end of Lucas Street, maybe towards the
16 Darlington Inn, or they went in the back of the hotel and
17 might have went to the room, I'm not sure.

18 Q So either they got in a car and sped away quickly or
19 they were actually staying and they went into one of the
20 rooms, correct?

21 A That's correct.

22 Q All right. And so obviously in your experience would
23 that prompt you to look at the video footage of the outside
24 cameras?

~~25 A Yes. I asked the clerk, you know, pull up the video,~~

FELECIA BENJAMIN - CROSS

1 you know, see if we could see who was the camera and who
2 came on the inside.

3 Q It's been over two years, almost three years, do you
4 recall seeing a vehicle speed away from the scene?

5 A No. I remember she showed the video. As far as the
6 extent of the video I'm not sure, I can't remember that far.

7 Q You haven't seen the video recently.

8 A No.

9 Q Do you recall -- and obviously you haven't seen the
10 video and I know it's hard to remember, but do you recall
11 seeing anybody run back to any of the rooms that would have
12 been at the Suburban Inn?

13 A I'm not sure.

14 Q Okay. All right. So here today you can't recall
15 whether or not you saw somebody speed away, and you can't
16 recall whether or not you saw somebody go to one of the
17 rooms.

18 A Right.

19 Q All right. Because if you had saw somebody and sped
20 away, what would be your next action?

21 A Let the guys on patrol know that the vehicle left at a
22 high rate of speed and what direction, maybe a description
23 of the vehicle.

24 Q And if you saw somebody run back into one of the hotel
25 rooms what then would be your reaction?

FELECIA BENJAMIN - CROSS

1 A Gave a description and what, I guess, area of the motel
2 that they went in to.

3 Q All right. And so if one or two of those things
4 happened you all would follow it up with further
5 investigation.

6 A Yes.

7 MR. HARVIN: All right. Thank you so very much. No
8 further questions.

9 MR. WHITE: Just briefly, Judge.

10 REDIRECT EXAMINATION

11 BY MR. WHITE:

12 Q Investigator Worsley, were you given a vehicle
13 description?

14 A No, I was not.

15 Q Did any vehicle description go out?

16 A No.

17 Q Would it have been easy for the assailant to slip into
18 a hotel room because it happened at the hotel?

19 A Yes.

20 MR. WHITE: Nothing further, Judge.

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

23 MR. WHITE: And I would ask if Investigator Worsley can
24 be released from his subpoena.

25 ~~MR. HARVIN: No objection, Your Honor.~~

FELECIA BENJAMIN - CROSS

1 THE COURT: Investigator Worsley, you're released from
2 your subpoena.

3 MR. WHITE: Judge, may we approach for just a minute?

4 THE COURT: Yes, sir.

5 (A bench conference was held with the Judge and
6 Attorneys off the record.)

7 THE COURT: Ladies and gentlemen of the jury, it's
8 approaching noon, if we were to put another witness on the
9 stand it would encroach upon your lunch break, so I'm going
10 to send you to lunch at this time. I ask that you be back
11 at 1:30 to resume this trial. Ladies and gentlemen,
12 remember, when you get back after lunch if you would select
13 a foreperson, and that can be by any means you see fit, it
14 can be by secret ballot or voice vote, just select someone
15 to serve as the jury spokesperson before we get too much
16 further into this trial. As you leave and go on your lunch
17 break, as I told you yesterday and you're going to get tired
18 of hearing me say it because I'm going to say it every time
19 I send you out, don't begin your deliberations, don't
20 discuss this case amongst yourselves, don't discuss this
21 case with anybody else. Don't do any research by any means
22 whatsoever about any issue which may have been raised in
23 this case. And with that being said, I will send you to
24 lunch and ask you to be back at 1:30. Thank you very much.

25 (The jury left the courtroom.)

FELECIA BENJAMIN - CROSS

1 THE COURT: All right, folks, we'll be in recess until
2 1:30.

3 MR. WHITE: And, Judge, my apologies, just briefly, I
4 just want to take up one issue so that the State is
5 prepared. I don't typically like to give the case to a jury
6 late in the afternoon. I have three more witnesses, I think
7 they have the potential to be lengthy, I don't think they're
8 going to take up the balance of the afternoon. It would be
9 my preference to wrap those witnesses up, handle any
10 post-trial matters, I don't know if the defense plans on
11 calling a case, but then argue and charge in the morning.
12 That would be my preference but I wanted to see how Your
13 Honor felt about it.

14 THE COURT: I tend to agree with you, Mr. White.
15 Unless there's some reason to give a case to a jury around
16 5:00 it's my preference not to. Obviously we've got a lot
17 of time remaining in the week so I don't see any sense in
18 rushing this case at this point in time. If you do wrap up
19 say midafternoon or, you know, with some time still left in
20 the day, you know, the defense will have to make the
21 decision as to whether they're going to present a case.
22 We'll have to cover Mr. Henryhand's 5th Amendment Rights,
23 with regard to whether he's going to testify in his own
24 defense, so I think we'll be able to fill up the day with
25 things that are -- that will put us in a position to start

FELECIA BENJAMIN - CROSS

1 with arguments and charge in the morning. So unless there's
2 some reason to rush it I would rather not.

3 MR. HARVIN: Well, Judge, there's always a reason, but
4 I'm not making a reason to rush it. I'm actually asking can
5 we -- if they're going to end their case in chief, can we
6 wait until the morning to question Mr. Henryhand about
7 whether or not he's going to testify? It is my belief that
8 he probably will not, but I would like to actually wait
9 until the morning since we do have this plethora of time and
10 it's going to move into Wednesday anyway.

11 THE COURT: I mean, you know, we'll see where we are at
12 the end of the day, but ultimately I don't think that's
13 going to cause us any real significant issues one way or the
14 other. So --

15 MR. WHITE: And -- I'm sorry, Judge.

16 THE COURT: He may want to have the night to, as they
17 say, sleep on it, so we'll cover that when the State rests
18 its case. I don't have any strong feelings one way or the
19 other at least at this point.

20 MR. HARVIN: Okay. Thank you, Judge.

21 MR. WHITE: Thank you, Your Honor.

22 THE COURT: See y'all back at 1:30.

23 (A lunch break was taken.)

24 THE COURT: All right, folks. Before we bring the jury
25 in, the jury has elected juror number 167, Fabian Williams,

FELECIA BENJAMIN - CROSS

1 as the foreperson of the jury. I will make this note that
2 they sent a Court's Exhibit. Anything before we bring the
3 jury in?

4 MR. WHITE: No, sir, Judge.

5 MR. HARVIN: Nothing from the defense.

6 THE COURT: All right. Bring us the jury, please.

7 (The jury returned to the courtroom.)

8 THE COURT: All right, ladies and gentlemen. It's my
9 understanding that you have elected Mr. Williams, juror
10 number 167, as the foreperson; is that correct?

11 THE JUROR: Yes, sir.

12 THE COURT: All right. As I told you before, Mr.
13 Williams, being the foreperson, essentially it appoints you
14 as the juror's spokesperson. If you need to bring anything
15 to the Court's attention throughout the trial do as you've
16 done, write it out on a piece of paper, sign it with your
17 name and juror number and we will address it. When we get
18 closer to deliberations I'll have further instructions for
19 you, but I appreciate y'all doing that, and with that said
20 we will resume the State's case. Mr. White?

21 MR. WHITE: Thank you, Judge. At this time the State
22 would call officer Justin Bostick.

23 The witness, JUSTIN BOSTICK, was first duly sworn and
24 Testified as follows:

25 THE CLERK: Please be seated and state your full name

FELECIA BENJAMIN - CROSS

1 for the record.

2 DIRECT EXAMINATION

3 BY MR. WHITE:

4 Q Officer Bostick, if you will state your full name for
5 the record.

6 A Justin Demetrius Bostick.

7 Q Thank you, Officer Bostick. If you could start with a
8 little bit of background, where are you working right now?

9 A Timmons ville Police Department.

10 Q How long have you been with the Timmons ville?

11 A Six months.

12 Q And prior to that where were you?

13 A Florence County Sheriff's Office.

14 Q How long were you with the sheriff's office?

15 A Approximately six years.

16 Q So that would put you working at the sheriff's office
17 on or about November 22nd of 2019; is that correct?

18 A As far as my graduation date from the academy was
19 October.

20 Q On November 22nd of 2019, were you employed --

21 A Oh, I'm sorry.

22 Q -- with the sheriff's office?

23 A Yes, sir.

24 Q That's no problem.

25 A I apologize.

FELECIA BENJAMIN - CROSS

1 Q That's all right. On that date and around that time,
2 what was your role with the sheriff's office?

3 A I was one of the responding officers for the incident
4 in question, but I was a patrol officer at the time.

5 Q You were a patrol officer. And what is the duties of a
6 patrol officer?

7 A Call for service, property checks, traffic, traffic
8 control, that kind of stuff.

9 Q And November 22nd, 2019, the incident that happened at
10 Suburban Extended Stay, would that be a call for service as
11 you referenced?

12 A Yes, sir.

13 Q And that incident took place in 1914 West Lucas Street
14 in Florence. Is that in Florence County?

15 A Yes, sir.

16 Q And how did that call come out? How did you receive
17 that call?

18 A It was dispatched over the radio.

19 Q And how did the call -- what was the nature of the call
20 I should say?

21 A It was toned out as an armed robbery.

22 Q And did you arrive on scene?

23 A Yes, sir.

24 Q And about how long did it take you to get there?

25 A I'm not exactly sure.

FELECIA BENJAMIN - CROSS

- 1 Q Did you arrive relatively quickly?
- 2 A Yes, sir.
- 3 Q Did you go straight there as soon as you heard the
- 4 call?
- 5 A Straight there.
- 6 Q And once you arrived on scene, were you notified that
- 7 the clerk, or the lady working behind the desk, Ms. Felecia
- 8 Benjamin, was the victim of the armed robbery?
- 9 A Yes, sir.
- 10 Q And did you speak to her?
- 11 A Yes, sir.
- 12 Q Now, I want to refer to you and ask you first, do you
- 13 have a copy of your report with you?
- 14 A Yes, sir.
- 15 Q Did she, Ms. Benjamin, give you a description -- well,
- 16 first, did she tell you what had happened to her?
- 17 A She said she was standing behind the counter eating
- 18 dinner, and that's when a black male subject walked into her
- 19 location with a dark colored jacket on, dark colored pants,
- 20 and tan boots, and presented a firearm at her and demanded
- 21 all of the money in the register.
- 22 Q And I'm going to refer you to the bottom of your first
- 23 page of your incident report, and if you could tell us, what
- 24 description did she give you of the subject?
- 25 A Ms. Benjamin stated he was a tall black male,

FELECIA BENJAMIN - CROSS

1 approximately 5-10, said he was dark skinned

2 approximately -- or wearing a navy blue jacket, lime green

3 bandanna, navy blue pants, and tan boots, tan work boots.

4 Q Now, at some point -- well, once you get a description
5 like that, do you call that in?

6 A Yes, sir.

7 Q Do you try and put that on the radio?

8 A Yes, sir.

9 Q So people in the law enforcement can be on the lookout
10 for someone matching that description; is that correct?

11 A Yes, sir.

12 Q Now, were you also made -- were you also made aware
13 that this incident was captured on video surveillance?

14 A Yes, sir.

15 Q And did you have an opportunity to view that video
16 surveillance?

17 A Yes, sir. When the manager arrived on scene, the store
18 manager arrived on scene I viewed the video.

19 Q Now, there's been original video that you arrived on
20 scene and viewed, correct?

21 A Yes, sir.

22 Q There's also another video -- a copy of that video that
23 was provided to our office by the victim in this case,
24 Felecia Benjamin, are you aware of that?

25 A Yes, sir.

FELECIA BENJAMIN - CROSS

1 Q And have you had an opportunity to view that video?

2 A Yes, sir.

3 Q And there's some differences in the two videos; is that
4 right?

5 A Yes, sir.

6 Q The original video as you viewed it, was it clear?

7 A It was fairly clear, yes, sir.

8 MR. HARVIN: And, Judge, I'll object on the grounds of
9 leading questions.

10 Q Was the video that you viewed November 22nd of 2019,
11 was it clear?

12 A Yes, sir.

13 Q Did you make out the face description of the individual
14 in the video?

15 A You couldn't see exact facial features but I could see
16 his face, yes, sir.

17 Q Now, before I ask you who was on that video I'm going
18 to ask you a few more questions about your familiarity with
19 the defendant in this case, Satwaun Henryhand, who's seated
20 right over there with his defense attorney. Are you
21 familiar with Mr. Henryhand?

22 A Yes, sir.

23 Q And on November 22nd, 2019, were you familiar with
24 Satwaun Henryhand?

25 A Yes, sir.

FELECIA BENJAMIN - CROSS

- 1 Q Have you ever spoken to him before?
- 2 A A number of times, yes, sir.
- 3 Q And had discussions with him and he had spoken back.
- 4 A Yes, sir.
- 5 Q Had you been close to him, close enough to see and
- 6 recognize the face?
- 7 A Yes, sir.
- 8 Q Now, correct me if I'm wrong, I believe that prior to
- 9 seeing him on the video you had seen him earlier in that
- 10 day; is that right?
- 11 A Yes, sir.
- 12 Q Could you tell us a little bit about where you saw him
- 13 and --
- 14 A It was approximately two hours prior to the call in
- 15 question, I saw Mr. Henryhand at the gas station, Circle K
- 16 gas station on East Palmetto Street. He was walking
- 17 diagonally across the parking lot and went into the gas
- 18 station.
- 19 Q And you recognized Mr. Henryhand.
- 20 A Yes, sir. I was at the fuel pump, he walked diagonally
- 21 across the parking lot into the store.
- 22 Q And the clothing that he had on at the time that you
- 23 saw him at the convenience store, was it consistent with the
- 24 clothing that you saw him wearing on the video?
- 25 A Yes, sir. Other than the lime green bandanna he had

FELECIA BENJAMIN - CROSS

1 everything else on.

2 Q So it was exactly the same other than the bandanna.

3 A Yes, sir.

4 Q Was it consistent with the description that was given
5 to you by the victim in this case, Ms. Benjamin?

6 A Yes, sir.

7 MR. WHITE: Judge, if I might approach for just one
8 moment.

9 THE COURT: Yes, sir.

10 Q Now, I'm going to show you what's been --

11 MR. WHITE: Judge, for the record State's Exhibit 4 has
12 been previously stipulated to by both parties, I would move
13 State's Exhibit 4 into evidence.

14 THE COURT: Without objection, Mr. Harvin?

15 MR. HARVIN: No objection.

16 THE COURT: State's 4 is admitted without objection.

17 (State's 4 was received.)

18 Q Now, I'm going to show you a pair of shoes, State's
19 Exhibit 4, that's in evidence. These were the shoes that
20 Mr. Henryhand had on when he was arrested a few days after
21 this incident. Could you tell me, did these look similar to
22 the shoes he had on in the Circle K gas station?

23 A Yes, sir.

24 Q Did these look similar to the shoes he had on at the
25 time of the robbery as viewed as on the video surveillance?

FELECIA BENJAMIN - CROSS

1 A Yes, sir.

2 MR. WHITE: Judge, if I can publish State's Exhibit 4
3 for the jury.

4 THE COURT: You may.

5 Q Now, I want to back up a little bit. Obviously Ms.
6 Benjamin told you what happened to her when you arrived on
7 scene. Did she give you the color of the handgun that was
8 produced?

9 A No, sir. She just said it was a firearm.

10 Q Now, I want to refresh your recollection and ask you to
11 look onto your incident reports --

12 A Oh, yes, sir.

13 Q -- five lines down.

14 A Yes, sir.

15 Q Does that refresh your recollection?

16 A Yes, sir.

17 Q And which color -- what color did she say that handgun
18 was?

19 A A black firearm.

20 Q Now, when you saw that video, did you recognize the
21 individual who committed the armed robbery as Satwaun
22 Henryhand?

23 A Not by name, but by his stature and his build and what
24 he was wearing.

25 Q How did you ultimately determine it was Satwaun

FELECIA BENJAMIN - CROSS

1 Henryhand?

2 A I had to do a little digging and some research before I
3 could actually find his name, but I knew who he was, I knew
4 of him. I knew who he was but I didn't know his name
5 exactly.

6 Q And did others on the scene also recognize Mr.
7 Henryhand on that video?

8 A Yes, sir.

9 Q Now, I'm going to show you State's Exhibit 5. Is this
10 the photograph that you showed the victim on scene?

11 A Yes, sir.

12 Q And did she identify this individual as the one who
13 committed the armed robbery?

14 A Yes, sir.

15 Q And is this a photograph of Satwaun Henryhand?

16 A Yes, sir.

17 Q And is that Satwaun Henryhand seated right over there
18 with his defense attorney?

19 A Yes, sir.

20 MR. WHITE: Beg the Court's indulgence.

21 THE COURT: Yes, sir?

22 (Break in proceedings.)

23 Q Now, the guy that you saw at the Circle K a couple of
24 hours before and the guy you saw at the video -- on the
25 video surveillance, are you certain that those are the same

FELECIA BENJAMIN - CROSS

1 persons?

2 A Yes, sir.

3 Q And are you certain that that person is Satwaun
4 Henryhand?

5 A Yes, sir.

6 Q One last question. Before -- so you see him at the
7 Circle K. Do you recall prior to seeing him there when is
8 the last time you saw him?

9 A You mean as far as like time span or if I saw him
10 recently?

11 Q Do you remember where he was the last time you saw him?

12 A Yes. The last time I saw him prior to the incident was
13 he was staying at the hotel -- or the Econo Lodge Hotel, I'm
14 sorry.

15 Q And is the Econo Lodge Hotel, where is that in relation
16 to Suburban Inn?

17 A If you're looking directly at Suburban there's Quincy's
18 to the right, and Econo Lodge is directly behind Quincy's.

19 Q Were you aware that he would stay at hotels in and
20 around the area often?

21 A Yes, sir. They bounce from place to place often down
22 Lucas Street.

23 MR. WHITE: Judge, I have nothing further, thank you.

24 THE COURT: Mr. Harvin?

25 MR. HARVIN: May it please the Court, Your Honor?

FELECIA BENJAMIN - CROSS

1 THE COURT: Yes, sir.

2 CROSS EXAMINATION

3 BY MR. HARVIN:

4 Q Investigator Bostick, where is the video of this
5 incident?

6 A Sir?

7 Q Where is the video of this incident?

8 A I don't know. I'm not sure.

9 Q You're not sure? Where is the video from the Circle K
10 that you allegedly saw my client at?

11 A I don't have a video.

12 Q All right. And so the video from the Circle K you all
13 didn't gather, and the video from the hotel you have no idea
14 where it is.

15 A That's correct.

16 Q So on today the jurors will not be able to see that
17 video, correct?

18 A No, sir.

19 Q Now, you said you went to the academy, correct?

20 A That's right.

21 Q At the academy, did they teach you all about how to
22 gather evidence so you can have it for a jury trial like
23 this one?

24 A That's correct.

25 Q All right. And one of the things they would have

FELECIA BENJAMIN - CROSS

1 taught you is that if there's a video you definitely want to
2 capture it because it will allow the jurors to see exactly
3 what took place, correct?

4 A Yes, sir.

5 Q All right. And then those jurors can make a
6 determination as to what they're looking at, correct?

7 A This is true.

8 Q All right. And so we don't have the privilege of that
9 in this particular case, do we?

10 A No, sir.

11 Q All right. And the last time you seen the video was
12 back in November of 2019?

13 A Yes, sir.

14 Q All right. And how many cases do you think you've
15 handled since November of 2019?

16 A I couldn't give you a number honestly.

17 Q A lot I would imagine.

18 A Yes, sir.

19 Q And so you're dealing with a lot of different cases, a
20 lot of different situations that you're trying to keep track
21 of, correct?

22 A Yes, sir.

23 Q All right. And one of the things you did today you
24 used your incident report as a way to refresh your memory,
25 correct?

FELECIA BENJAMIN - CROSS

1 A Yes, sir.

2 Q All right. And on many occasions we notice that the
3 solicitor's office took the opportunity to ask you to
4 refresh your memory by reading the incident report, correct?

5 A Yes, sir.

6 Q All right. And so when you read the incident report a
7 second ago, and I want you to take a moment and read again
8 the sentence in which -- read quietly the sentence in which
9 you read regarding Ms. Benjamin and what she advised you the
10 suspect looked like. I believe that's the last sentence on
11 the very first page.

12 A You said the last sentence of the first page?

13 Q I think so. Unless you have a different one than I
14 have I think it's the last one. Yeah. And just let me know
15 when you're done reading it.

16 A I'm done.

17 Q All right. And on your incident report, is there any
18 indication that Ms. Benjamin advised that when she was
19 describing the individual that his face was covered?

20 A She did say the face was covered.

21 Q All right.

22 A She said lime green bandanna covering his face, yes,
23 sir.

24 Q All right. And if she said otherwise, if she was able
25 to give you more description you would have wrote that in

FELECIA BENJAMIN - CROSS

1 your report, correct?

2 A Of course.

3 Q Because your report is something you used to refresh
4 your memory, you've got to have it very detailed, correct?

5 A Yes, sir.

6 Q All right. Now, the video footage of outside the
7 Suburban Inn, did you all get any video footage from outside
8 the Suburban Inn?

9 A I'm not sure. I wasn't responsible for that aspect of
10 the crime -- aspect of the investigation.

11 Q All right. And specifically, did she inform you or did
12 you learn through your investigation that there was several
13 individuals staying at the Suburban Inn from at least three
14 different states?

15 A No, she didn't say anything.

16 Q Did you have the opportunity to meet any of those
17 individuals that were staying at the Suburban Inn?

18 A I'm not sure who you're referring to.

19 Q I'm referring to Ms. Benjamin.

20 A Ms. Benjamin?

21 Q Yes.

22 A She didn't tell me any of that.

23 Q All right. And did you know that the individuals
24 staying there, that they were working at the International
25 Paper, correct?

FELECIA BENJAMIN - CROSS

1 A I'm still -- I don't know what individuals you're
2 referring to, that's what I'm saying.

3 Q The individuals that would have been staying at the
4 hotel.

5 A I don't know.

6 Q So you all did no investigation on the individuals
7 staying at the hotel.

8 A I wasn't an investigator, I was the responding officer.
9 I took the initial report, and I collected evidence, and I
10 passed it on to the investigator. I'm not responsible for
11 the aspect of the investigation.

12 Q All right. So when you were gathering evidence, did
13 you gather any fingerprints from the door?

14 A No, sir.

15 Q All right. Did she tell you that he was wasn't wearing
16 a glove?

17 A I didn't ask the question.

18 Q All right. So you can -- you gathered evidence without
19 asking questions of the victim?

20 A You said can I gather --

21 Q Did you gather evidence without asking questions of the
22 victim.

23 A No. I asked her a description and she provided it for
24 me.

25 Q Okay. Okay. But you didn't ask her questions about

FELECIA BENJAMIN - CROSS

1 whether or not the gentleman was wearing gloves and what he
2 may have touched.

3 A No, sir.

4 Q Okay. And so no latent prints were taken at all.

5 A No, sir. As I said, I'm not responsible for the aspect
6 of the investigation. I'm the responding reporting officer,
7 or patrol officer and I wrote the initial report.

8 Q And was there already somebody there when you arrived?

9 A I believe Investigator Worsley was there for a short
10 period of time.

11 Q All right. And what did he tell you about what he saw?

12 A He simply said that he was, you know, down the road
13 working a security detail and that he didn't see anybody
14 fitting that description.

15 Q Okay.

16 A I'm not sure if he talked to Ms. Benjamin at that point
17 or not, but he said he didn't see anybody fitting that
18 description.

19 Q All right. I'm going to show you what has been marked
20 and placed into evidence as Exhibit Number 4. Have you had
21 a chance to look at it?

22 A Yes, sir.

23 Q Exhibit Number 4 I represent are some Timberland boots.
24 How many pairs of Timberland boots do you think have been
25 sold in Florence, South Carolina?

FELECIA BENJAMIN - REDIRECT

1 MR. WHITE: Judge, objection, calls for speculation.

2 THE COURT: Sustained.

3 Q Do you know how many Timberland boots were sold in
4 Florence, South Carolina?

5 A No, sir.

6 Q Do you know how many Timberland boots were sold in
7 South Carolina?

8 A No, sir.

9 Q Do you know how many Timberland boots were sold in the
10 United States of America?

11 A No, sir.

12 Q Would you -- do you think more than one pair were sold?

13 A Yes.

14 Q All right. And so what is distinguishing about these
15 Timberland boots? Do they have any distinguishing marks on
16 them?

17 A No, sir.

18 Q It's just some regular Timberland boots, correct?

19 A That's correct.

20 Q All right. They don't have Satwaun Henryhand's name on
21 them. You didn't find any fingerprints at the -- I mean,
22 footprints at the scene that links those shoes to the scene?

23 A No, sir.

24 Q All right. And the video that would actually show if a
25 person had on those Timberland boots or any other boots we

FELECIA BENJAMIN - REDIRECT

1 will never see, correct?

2 A No, sir.

3 Q All right. And, again, why will we not see that video?

4 A We don't have it.

5 Q All right.

6 MR. HARVIN: Thank you.

7 REDIRECT EXAMINATION

8 BY MR. WHITE:

9 Q Now, we'll start with this photograph if it's all
10 right. Mr. Harvin says there's no identifying information
11 on here to connect Mr. Henryhand to these shoes, but these
12 are the shoes he was wearing when he was arrested.

13 A Yes, sir.

14 Q So they are his shoes. And are these the same shoes he
15 was wearing when you saw him at the Circle K?

16 A That's correct.

17 Q Were these the same shoes he was wearing when you saw
18 him on that video?

19 A Yes, sir.

20 Q I'm referring you to your incident report on the second
21 page. If you will look at one, two, three, four lines down
22 where it begins after watching.

23 A Uh-huh.

24 Q Does that say: After watching the video Justin Bostick
25 positively identified the subject, Satwaun Henryhand?

FELECIA BENJAMIN - REDIRECT

1 A Yes, sir.

2 Q Is that correct?

3 A That's true.

4 MR. WHITE: Beg the Court's indulgence for just one
5 moment.

6 THE COURT: Yes, sir.

7 (Break in proceedings.)

8 Q And when would you have completed your incident report
9 as it pertains to this case?

10 A As -- if I can remember correctly that night was pretty
11 busy so I probably typed it some time around midnight, or
12 after midnight.

13 Q But you typed it while those event were fresh in your
14 memory; is that correct?

15 A Yes, sir.

16 Q And, again, you identified -- based on your knowledge
17 and your familiarity with the defendant in this case, you
18 identified the person in that video as Satwaun Henryhand; is
19 that right?

20 A Yes, sir.

21 Q And on scene you provided a photograph of Mr. Henryhand
22 and the victim identified Mr. Henryhand; is that right?

23 A That's true.

24 MR. WHITE: Nothing further, Judge, thank you.

25 THE COURT: Mr. Harvin?

FELECIA BENJAMIN - REDIRECT

1 MR. HARVIN: No further questions, Your Honor.

2 THE COURT: Thank you, sir, can step down.

3 MR. WHITE: And, Judge, I would ask if Officer Bostick
4 could be released from his subpoena.

5 MR. HARVIN: No objection from defense counsel.

6 THE COURT: All right. Officer Bostick, you are
7 released from your subpoena and free to go.

8 MR. WHITE: Judge, at this time the State will call
9 Heather Altman. It might take just a couple of minutes to
10 get her?

11 THE COURT: All right.

12 (Break in proceedings.)

13 The witness, HEATHER ALTMAN, was first duly sworn and
14 Testified as follows:

15 THE CLERK: Please walk around, have a seat and state
16 your full name for the record.

17 THE WITNESS: Heather Michelle Altman.

18 DIRECT EXAMINATION

19 BY MR. WHITE:

20 Q Heather, I'm just going to ask you a few questions.

21 Okay? I appreciate you being here.

22 A Uh-huh.

23 MR. HARVIN: And, Your Honor, we would obviously
24 preserve our objection that we made off the record as it
25 relates to this witness.

HEATHER ALTMAN - DIRECT

1 THE COURT: Yes, sir, those are preserved.

2 Q Heather, if you'll keep -- if you don't mind if it's
3 okay, if you'll keep that mask down so the jury can hear you
4 clearly. Is that all right?

5 A Uh-huh.

6 Q And I know you're nervous, okay, but we'll get you out
7 of here in just a few minutes. Heather, where do you live?
8 Where were you from?

9 A I'm from Florence, and I stay on 3009 Pickett Drive.

10 Q Try not to swivel in your chair and just face me so the
11 jury can hear you, I know you're soft spoken, all right?
12 You live in Florence? Who do you live with?

13 A I stay with my grandma, my son, and my boyfriend.

14 Q And how old is your son?

15 A My son is a year old.

16 Q And what's his name?

17 A JW

18 Q Now, I'm going to ask you about some incidents that
19 occurred back in November, or back in 2019, several months
20 in 2019. Do you know the defendant in this case, Satwaun
21 Henryhand?

22 A Yes, sir.

23 Q And during that time, did you have occasion to spend
24 time with him?

25 A Not all the time.

HEATHER ALTMAN - DIRECT

- 1 Q But did you have some times where you would hang out
2 with Satwaun Henryhand?
- 3 A Yes, sir.
- 4 Q And where was Mr. Henryhand living during that time?
- 5 A At Suburban Inn and Knights Inn.
- 6 Q And you actually saw him living at the Suburban Inn?
- 7 A Yes, sir.
- 8 Q Did you go to his room?
- 9 A Yes, sir.
- 10 Q Now, during that time, did you ever see Mr. Henryhand
11 with a handgun?
- 12 A Yes, sir.
- 13 Q And what color was that handgun?
- 14 A A black gun.
- 15 Q Now, I'm going to ask you, did Mr. Henryhand have a
16 job?
- 17 A No, sir.
- 18 Q Did he make money?
- 19 A No, sir.
- 20 Q He never showed you money that he made?
- 21 A Oh, yes, sir.
- 22 Q And he had that money in spite of not working?
- 23 A Yes, sir.
- 24 Q Last question and then I'll be done, Heather --
- 25 A Uh-huh.

HEATHER ALTMAN - DIRECT

1 Q -- when Mr. Henryhand would rent a room out there at
2 Suburban Inn, would he put it in his name?

3 A No, sir.

4 Q Would he put it in other people's names?

5 A Yes, sir.

6 MR. WHITE: Beg the Court's indulgence. Judge, I have
7 nothing further.

8 THE COURT: All right. Mr. Harvin?

9 MR. HARVIN: May it please the Court, Your Honor?

10 THE COURT: Yes, sir.

11 CROSS EXAMINATION

12 BY MR. HARVIN:

13 Q Ms. Altman, did you see Mr. Henryhand on November 22nd?

14 A I think I was locked up at that time but I don't
15 remember.

16 Q Okay. So on November 22nd you did not see him. And
17 what about November 23rd, the day after?

18 A I don't remember that.

19 Q Okay. Do you think that you saw him anytime during the
20 week before November 22nd, 2019, or after November 22nd,
21 2019?

22 A No. Because I was living in my trailer at that time.

23 Q I got you. All right. So you wouldn't know what was
24 going on with Mr. Henryhand during that time so you didn't
25 see him, correct?

HEATHER ALTMAN - CROSS

- 1 A No, sir.
- 2 Q All right. And you have some trouble with your memory,
3 correct, Ms. Altman?
- 4 A Yes, sir.
- 5 Q And you have had some issues since the age of four,
6 correct?
- 7 A Uh-huh.
- 8 Q All right. Is that a yes?
- 9 A Yes, sir.
- 10 Q All right. And so you're doing the best that you can
11 to give whatever information that you've been asked to give,
12 correct?
- 13 A Yes, sir.
- 14 Q All right. You mentioned your boyfriend that you live
15 with. What's his name?
- 16 A Sammy Williams.
- 17 Q Could you describe him for us?
- 18 MR. WHITE: Judge, I would object under the grounds of
19 relevance.
- 20 THE COURT: Overruled.
- 21 A He's a tall black guy. Sorry, I didn't mean to say
22 that though --
- 23 Q No, that's fine. I'm black.
- 24 A I mean, he's tall. He's older than me.
- 25 Q I've got you.

HEATHER ALTMAN - CROSS

1 A He is 50 years old, but, I mean, that's -- I like older
2 guys, I mean, that's just me. So, I mean, he works, he
3 takes care of my son.

4 Q I got you. Has he ever owned a pair of brown
5 Timberland boots?

6 A Yes, sir.

7 Q Okay.

8 MR. HARVIN: No further questions.

9 THE COURT: Any redirect?

10 MR. WHITE: Judge, just briefly.

11 REDIRECT EXAMINATION

12 BY MR. WHITE:

13 Q Heather, you know the difference between right and
14 wrong, right?

15 A Uh-huh.

16 Q Is everything you testified to here today true?

17 A Yes, sir.

18 Q And what you've testified to be clear here is that you
19 knew that during this time Satwaun Henryhand carried a
20 handgun?

21 A Yes, sir.

22 Q And that he was staying at the Suburban Inn?

23 A Yes, sir.

24 Q The handgun was black?

25 A Yes, sir.

HEATHER ALTMAN - REDIRECT

1 Q And that he had money despite not working?

2 A Yes, sir.

3 Q And that he would put the motel that he was in in other
4 people's names; is that right?

5 A Yes, sir.

6 Q Is that the truth?

7 A Yes, sir.

8 MR. WHITE: Thank you.

9 THE COURT: Anything else, Mr. Harvin?

10 MR. HARVIN: No further questions.

11 THE COURT: All right. Ms. Altman, you can step down
12 from the witness stand, thank you very much.

13 MR. WHITE: Judge, I would ask if Ms. Altman could be
14 released from her subpoena.

15 THE COURT: Any objection?

16 MR. HARVIN: No objection, Your Honor.

17 THE COURT: She is released from her subpoena and free
18 to go.

19 MR. WHITE: The State would call Tyrone Porter, Judge.

20 THE COURT: All right.

21 The witness, TYRONE PORTER, was first duly sworn and
22 Testified as follows:

23 THE CLERK: Please be seated and state your full name
24 for the record.

25 THE WITNESS: My name is investigator Tyrone Porter.

TYRONE PORTER - DIRECT

1 DIRECT EXAMINATION

2 BY MR. WHITE:

3 Q Investigator Porter, where are you employed?

4 A I'm employed with the Florence County Sheriff's Office.

5 Q How long have you been employed there?

6 A I've been employed there at Florence County this
7 particular agency since 2003.

8 Q And how long have you been in investigations?

9 A I've been in investigations since 2012.

10 Q And I imagine during that time you've handled your fair
11 share of cases; is that right?

12 A Yes, sir.

13 Q Now, during this time that brings us here today,
14 November 22nd, 2019, were you in investigations then?

15 A Yes, sir.

16 Q And, in fact, were you the lead investigator or the
17 on-call investigator on this case?

18 A Yes, sir.

19 Q And how did the call go out?

20 A I was on call during this time and I received a call
21 from the individuals on shift advising me that there was an
22 armed robbery that took place at the Suburban Inn, and I
23 responded from there to that location.

24 Q (Inaudible audio) to the Suburban Inn?

25 A Yes, sir, I did.

TYRONE PORTER - DIRECT

- 1 Q And once you got there were there others on scene?
- 2 A Yes, sir.
- 3 Q Was Officer Bostick on scene?
- 4 A He was.
- 5 Q Did you speak to him about what he observed when he
- 6 arrived?
- 7 A Yes, sir, I did.
- 8 Q And the victim in this case, Ms. Felecia Benjamin, did
- 9 you speak to her?
- 10 A Yes, sir, I did.
- 11 Q And did you get her account of what occurred?
- 12 A She advised me, yes, sir.
- 13 Q And did she give you a description of the individual?
- 14 A She did.
- 15 Q And was that description consistent with the
- 16 description she gave to Officer Bostick?
- 17 A It was.
- 18 Q Now, were you also made aware that there was video
- 19 surveillance?
- 20 A Yes, sir, I was.
- 21 Q And did you have an opportunity to view that video
- 22 surveillance?
- 23 A Yes, sir, I did. Once the general manager, Sanjay
- 24 (phonetically) got to the location he opened up the video
- 25 and allowed me to take a look at the video and I was able to

TYRONE PORTER - DIRECT

1 account and observe what took place in the lobby.

2 Q Let's take a minute to talk about that video. Were you
3 able to obtain a copy of that video?

4 A I was able to obtain a copy of the video. However, in
5 reference to the video not being present at trial today, we
6 went through some remodeling and some other hardware swap
7 over at the sheriff's office, during which time it was made
8 unaware to all of us that during this swap some of the video
9 footage would have been lost from a certain timeframe going
10 backwards. So that video happened to fall into that
11 category that have vanished from the hard drive due to it
12 being a different system.

13 Q Now, did you do everything you could to access that
14 video despite knowing that it had been lost?

15 A Yes, sir, I did. Recently we went through a office
16 remod, and during that office remod we had to remove all of
17 our files and stuff out of our office to the work camp where
18 they were stored. At some point during this move the actual
19 physical copy, hard drive copy seemed to have gotten
20 misplaced. However, I did observe the actual video as it
21 was being played at the hotel.

22 Q And now, you observed that video there on scene, that's
23 what you're saying?

24 A Yes, sir.

25 Q And then when you got back, did you take a look at it

TYRONE PORTER - DIRECT

1 again?

2 A Yes, sir, I did.

3 Q And you were aware that the victim in this case also
4 provided the solicitor's office a copy of that video.

5 A Yes, sir.

6 Q And there's some differences in the two videos; is that
7 right?

8 A Correct.

9 Q And what are the differences?

10 A On the original copy of the video it was a little bit
11 clearer than what was provided by the victim.

12 Q And the original, it's my understanding that it was
13 longer and captured more; is that right?

14 A It was longer. If you take your cell phone and you
15 record it off of a monitor you're limited by the amount of
16 space that can be saved or transferred from one device to
17 the other, and I think that was part of the problem there.
18 But, however, because it was a copy of a copy using possibly
19 a phone it did not come up clear enough. Now, you could
20 still see the details to some degree, however, it was a
21 little bit darker than the original and you could not see
22 all of the detail, but you could see it just the same.

23 Q And just to clarify and simplify, that original video
24 that you were able to view was clearer and more precise.

25 A Yes, sir, clearer and more defined.

TYRONE PORTER - DIRECT

1 Q Now, when you -- defined, good word, yes, sir. Now,
2 when you were viewing that video at the time you were
3 viewing it, were you familiar with the defendant in this
4 case?

5 A Yes, sir, I was.

6 Q And have you had occasion to come in contact with him
7 and speak with him?

8 A Yes, sir, fairly close.

9 Q And fairly close, I mean, from me to you?

10 A A little closer.

11 Q And so you have had that discussion with him where you
12 were speaking and he was speaking back?

13 A Yes, sir.

14 Q So you knew him well.

15 A Yes, sir.

16 Q And when you viewed that video there at the Suburban
17 Inn and then when you got back to the sheriff's office I
18 think you said you viewed it again, did you have any doubt
19 that the person that you saw in that video was Satwaun
20 Henryhand?

21 A Prior to me leaving the incident location there was no
22 doubt that that was Mr. Henryhand.

23 Q And I'm going to show you State's Exhibit 5. Is this
24 the photograph that was shown to the victim in this case?

25 A Yes, sir, it was.

TYRONE PORTER - DIRECT

1 Q And is that a photograph of Satwaun Henryhand?

2 A Yes, sir, it was. It is.

3 Q And is Mr. Henryhand the person that you saw on that
4 video?

5 A Yes, sir.

6 Q And is that the person that Officer Bostick saw on the
7 video?

8 A Yes, sir.

9 Q And is that the person that the victim identified as
10 the one who armed -- or robbed her at gunpoint?

11 A Yes, sir, it was.

12 MR. WHITE: Beg the Court's indulgence for just one
13 moment.

14 THE COURT: Yes, sir.

15 (Break in proceedings.)

16 Q And this is probably a silly question but I've got to
17 ask it, the Suburban Inn, that is in Florence County,
18 correct?

19 A Yes, sir, it's in Florence County. It would have been
20 in the Florence jurisdiction.

21 Q And that would have been within your jurisdiction. And
22 there were many officers on the scene; is that right?

23 A Yes, sir, that's correct.

24 Q I want to ask you one more thing before I forget. Did
25 you receive evidence from folks there on scene that said Mr.

TYRONE PORTER - DIRECT

1 Henryhand was living there at Suburban Inn?

2 A I heard it but I didn't quite, you know, take it into
3 account. But I know he had to have been staying somewhere
4 close due to the fact that he was able to get away,
5 especially with Worsley being next door.

6 Q (Inaudible audio) -- that Worthy arrived very shortly
7 on the scene?

8 A Yes, sir, he walked over.

9 Q And he didn't see the individual; is that right?

10 A Correct.

11 Q And you think that's because he was staying at the
12 Suburban Inn and slipped into his hotel room.

13 A Possible.

14 MR. WHITE: Nothing further, Judge.

15 THE COURT: Mr. Harvin?

16 MR. HARVIN: May it please the Court, Your Honor?

17 THE COURT: Yes, sir.

18 CROSS EXAMINATION

19 BY MR. HARVIN:

20 Q Investigator, good afternoon. I've just got a few
21 questions. You said that you've been a police officer since
22 2003; is that correct?

23 A I've been a police officer since -- for about 25 years
24 all together.

25 Q Twenty-five years.

TYRONE PORTER - CROSS

1 A Yes, sir.

2 Q In your time as a police officer, have you had the
3 privilege of having a search warrant issued by a Judge?

4 A I've had search warrants in the past, yes, sir.

5 Q All right. Tell the jury what a search warrant is.

6 A A search warrant is an affidavit that allows us to
7 search a particular place, area, or item for evidence that's
8 related to a crime.

9 Q And have you had the pleasure throughout your tenure as
10 a police officer to have a SLED lineup issued?

11 A I have had it in the past, yes, sir.

12 Q All right. Tell the jurors what a SLED lineup is.

13 A A SLED lineup is where you will give certain
14 characteristics of a suspect to SLED, and they in turn take
15 an accumulation of DMV photographs that match that
16 description that you provide to them, and they create a
17 lineup of six individuals that are on pretty much a sheet of
18 paper, three across top, three across bottom, and with that
19 you take it to the victim, or the witness, and you have them
20 identify it. They identify it by either circling it and
21 putting their initials by it so that we would know that that
22 is the particular individual that they chose.

23 Q All right. And in this instance a SLED lineup was
24 not -- it was not retrieved, correct?

25 A A SLED lineup was not retrieved in this particular case

TYRONE PORTER - CROSS

1 due to the fact that he was properly identified on scene and
2 it didn't require us to have one.

3 Q All right. Why is a SLED lineup done the way that it's
4 done?

5 A It is done that way so that way the victim or the
6 witness would be able to accurately identify whoever it was
7 that was involved in whatever took place.

8 Q All right. And so SLED has a lineup that uses a
9 description that you all give, and it basically prints six
10 photos on one sheet of paper and allows a person -- a victim
11 or any witness to look at this document and identify who
12 looks like the person that they have -- or whoever they're
13 trying to identify, correct?

14 A Well, it's more than just them, you know, saying these
15 are six individuals. The information that you put into the
16 system, it generates an accumulation of photographs that
17 pretty much will match that description that you input, and
18 then those photographs are printed and they're selected from
19 that.

20 Q All right. And SLED has a system, and I don't want you
21 to go into it, but it's a pretty complex system that picks
22 the six people, correct?

23 A Somehow they do it, I'm not sure.

24 Q All right. And so you mentioned in this instance that
25 one of those wasn't done. What technique did you use? Did

TYRONE PORTER - CROSS

1 you -- well, you tell us what technique you used. We've
2 heard from the victim as to what she recalls, but what
3 technique was actually used?

4 A What technique was used was personal identification,
5 personal recognition of the suspect since I knew him.

6 Q So the five or six photos that were shown to her, where
7 are those photos?

8 A I'm not familiar with that. I think that was done by
9 Deputy Bostick when he was on scene. But I do not require
10 one and he already took care of that portion of it.

11 Q All right. And the search warrant issue, would that
12 fall under your purview?

13 A That would fall under my purview, too.

14 Q All right. And so search warrants in this particular
15 case were not issued to gather any evidence from any place
16 that Mr. Henryhand or his family members would have been
17 living.

18 A Well, the issue with that was that we didn't have any
19 direct location on his residue due to the fact that he was
20 constantly in the area of 52, which has a large amount of
21 hotels and motels, he would constantly move from one place
22 to the other. And the other thing that complicated that
23 problem was that he would also have rooms and stuff in other
24 people's names other than his.

25 Q All right. Do you know where he was arrested?

TYRONE PORTER - CROSS

- 1 A I think he was picked up by the city.
- 2 Q All right. And so you don't know if he was arrested at
3 a house?
- 4 A No, sir.
- 5 Q All right. And if you did know he was arrested at a
6 house, would you want to search that house?
- 7 A If I knew, in fact, that he was there, and if I felt
8 that that house had any type of evidence that would be able
9 to link him to the offense committed I would, yes.
- 10 Q All right. And so you didn't have a conversation with
11 the city about where he was arrested?
- 12 A No, sir.
- 13 Q All right. So you didn't want to know what house he
14 was arrested at so that you could go search it?
- 15 A It's not that I didn't want to know for the most part.
16 If the city got him or picked him up on a charge, maybe our
17 charge, their charge, whoever charge, we would not know
18 about that until after the fact.
- 19 Q All right. And so you mentioned this hotel records.
20 Did you all get hotel records to see if Mr. Henryhand had
21 any type of room in either or any of the hotels that you
22 knew that he had stayed at in the past?
- 23 A We checked at a couple of the hotels that he was known
24 to frequent but they did not have a residence or guest
25 registered under his name.

TYRONE PORTER - CROSS

1 Q Did you all get a printout of those records?

2 A No, sir.

3 Q All right. And so as we go through some of the
4 information that you provided, you also mentioned -- well --
5 and I don't think you mentioned this, were you able to
6 verify the amount of money that was taken?

7 A The amount of money was taken was in excess of \$1,447.
8 I could be off a little bit, but it was definitely over
9 \$1,400.

10 Q All right. And so that money was never recovered,
11 correct?

12 A Correct.

13 Q And do you recall what was actually taken? Was it just
14 the money or was it the cash register?

15 A From the observation of the video he was handed the
16 cash drawer as well as the contents of the cash drawer. He
17 left the location with those items.

18 Q All right. And was the cash drawer ever found?

19 A No, sir.

20 Q And just from taking a look at your report, no
21 fingerprints or latent prints were attempted to be taken in
22 this particular situation, correct?

23 A Correct. Once again, when he came in he leaned against
24 the counter with the gun in his hand. I did not observe him
25 actually physically touching anything with his hand other

TYRONE PORTER - CROSS

1 than possibly the door when he came in. But other than that
2 there was no fingerprints lifted.

3 Q All right. And so you observed him touching the door
4 in this video?

5 A Well, when I saw him coming through he was just coming
6 through the door. It's one of those doors you have to pull
7 or push, so in order for him to come in he would have to
8 pull it open to access entry.

9 Q And you heard the testimony of Ms. Benjamin as she said
10 he pulled it open, correct?

11 A Yeah. It's only two ways to get in, that's pull or
12 push.

13 Q Now, did you receive information that the individual
14 who committed this offense was carrying a thick gray trash
15 bag?

16 A I did not recall the trash bag.

17 Q All right. Do you recall recovering a trash bag at
18 anytime?

19 A No, sir.

20 Q All right. In the video that you watched, did the
21 individual have on a baseball cap or a hoodie?

22 A He -- the description of the clothing that he had on,
23 the old colored boot Timberland style, the dark pants, and
24 the dark what appeared to be hoodie he did have on. There
25 was also a cap with a gold medallion about the size of a

TYRONE PORTER - CROSS

1 half dollar piece in the center of it.

2 Q All right. So the video you saw the individual is
3 wearing a hat.

4 A A cap of some kind.

5 Q Okay. And so if he was wearing a hat, would anybody
6 looking at him be able to see his hair?

7 MR. WHITE: Judge, objection, calls for speculation.

8 Q Could you see his hair?

9 THE COURT: Sustained.

10 A I couldn't see his hair, but I knew who he was from
11 previous encounters with him.

12 Q So you couldn't see his hair because the person had on
13 a baseball cap, correct?

14 A Correct.

15 Q Now, any of the clothing that was identified other than
16 Timberland boots that we all have, were any of these other
17 items found in any search warrants that were issued?

18 A No search warrants were issued, no items were recovered
19 other than the boots he was wearing.

20 Q All right.

21 MR. HARVIN: Thank you, Investigator. No further
22 questions.

23 THE COURT: Mr. White?

24 MR. WHITE: Just briefly, Judge.

25 REDIRECT EXAMINATION

TYRONE PORTER - REDIRECT

1 BY MR. WHITE:

2 Q That SLED lineup that Mr. Harvin was referring to, that
3 sometimes takes awhile to get them to submit that to you,
4 doesn't it?

5 A It does. They're been kind of backlogged and so it
6 doesn't take awhile for the results to come back.

7 Q And at the time that you arrived on scene you believe
8 you've got an individual loose in the community who is armed
9 and dangerous; is that right?

10 A Correct.

11 Q And so it was imperative to flesh out his
12 identification as quickly as possible.

13 A Correct.

14 Q Is that why you did the identification in the manner
15 that you did?

16 A Yes, sir. I also -- once I got the warrants secured I
17 went on and entered them into the NCIC, which a National
18 Criminal Information Center. That information goes out
19 nationwide to all of the other agencies, all of the other
20 states, so in the event he did rear his head somewhere else
21 then they would pick him up on the NCIC entry with the
22 warrants I submitted, and then notify us and have him
23 transferred back to use for being handled should we say.

24 Q I understand. And he asked -- Mr. Harvin asked about
25 search warrants. Given that you received information that

TYRONE PORTER - REDIRECT

1 he would stay in a hotel in someone else's name, and given
2 that there are hundreds and hundreds of hotel rooms out
3 there on 52, it would not have been feasible for you to
4 serve random search warrants on every room, would it?

5 A No, it would not be.

6 Q Now, we've been talking a lot about those boots, and
7 the boots are just a small part of the equation, correct?

8 A Yes, sir.

9 Q I mean, he is seen by Deputy Bostick wearing those
10 boots, right?

11 A Yes, sir.

12 Q He is seen on the video wearing those boots, correct?

13 A Yes, sir.

14 Q And he is arrested wearing those boots, right?

15 A Yes, sir.

16 Q But that's, again, just a small part of the equation,
17 because you, Deputy Bostick, and the victim all identified
18 him as being the assailant; is that right?

19 A Positively.

20 Q Now, those fingerprints on the door, did you come in
21 that door?

22 A I came in through the other side.

23 Q Okay. Would officers have come through that door? I
24 believe Investigator Worsley testified he came in through
25 that first door.

TYRONE PORTER - REDIRECT

1 A Anyone that would enter would have the choice of maybe
2 a few doors of coming through, but the door is on the -- if
3 I'm looking at the highway, the door that was on the right
4 side is the door that he made entry to, I made entry on the
5 door on the other left side.

6 Q But this is a hotel so lots of people are coming in and
7 out, right?

8 A Correct.

9 Q So lots of fingerprints would have been on that door.

10 A Yes, sir, it would.

11 Q Would it have been difficult to pull any one person's
12 fingerprints off something that's touched that much?

13 A You couldn't.

14 MR. WHITE: Now, Judge, if I could, I am going to ask
15 to admit into evidence State's Exhibit 3, which is the
16 Suburban Inn video as provided by the victim in this case.
17 I believe the foundation was laid through her testimony.

18 MR. HARVIN: And, Judge, we would object to it being
19 hearsay, because I believe her testimony was that she got it
20 from somebody else, so she recorded it, sent it to somebody
21 else and they sent it back. I don't know how we can verify
22 that it hasn't been tampered with. Maybe it's something we
23 should take up outside the presence of the jury, Judge, I'm
24 not sure.

25 THE COURT: Why don't we do that. Ladies and

1 gentlemen, this is one of those situations I alerted to you
2 in my openings remarks, this matter needs to be taken up
3 outside of your presence so I'm going to send you to your
4 jury room and ask that you not begin your deliberations.
5 And don't do any research about this case by any means
6 whatsoever. This is probably a good time if anybody needs
7 to step outside and take a smoke break or anything of that
8 nature that's certainly fine too, so we'll use this as our
9 afternoon break. If you would go into your jury room at
10 this time, we'll bring you back out as soon as possible. If
11 y'all aren't ready before we get ready we'll wait on y'all,
12 so do whatever you feel like you need to do while we're on
13 this break.

14 (The jury left the courtroom.)

15 MR. HARVIN: And so, Judge, our position is simple as
16 it relates to our objection. I mean, this is clearly
17 hearsay and it's being offered for the truth of the matter
18 asserted. I believe the testimony -- and, Judge, if I'm
19 incorrect if has been about five witnesses back, but I
20 thought that Ms. Benjamin said that she had to get it from
21 somebody else, and they sent it to her, and then she sent
22 that to law enforcement. So it's a recording of a screen
23 sent from -- sent to somebody back to somebody and then
24 given to law enforcement. And the person that it was sent
25 to has not testified, the person that sent it back to her

1 has not testified, and I just don't know from any of the
2 testimony how Ms. Benjamin can know that it wasn't altered
3 three years later when she --

4 THE COURT: Well, I mean, she can testify -- if she's
5 seen the video she can say this is a fair and accurate
6 representation of what I lived through and what I witnessed.
7 I don't think it's necessarily hearsay. I think it would be
8 akin to a person authenticating a photograph that they
9 didn't take because they can say that's a picture of my
10 room, you know, of my bedroom on January 1st, 2022. It's a
11 fair and accurate representation of the way it looked on
12 that date even if they weren't the one who took the picture.
13 So I think the issue we're dealing with is whether that
14 video has been authenticated, number one, is it what it
15 purports to be; and number two, whether the appropriate
16 foundation has been laid. So, you know, I think the State
17 could potentially recall Ms. Benjamin for the sole purpose
18 of laying the appropriate foundation to get that item of
19 evidence in, and that may be the cleanest way to get it
20 done. Because like I said before, she's going to have to
21 say this is a fair and accurate representation of what
22 happened to me on that date and it is a copy of the video.
23 I don't think the source necessarily matters as long as she
24 can say it is what it purports to be. And I will be happy
25 to hear from you, Mr. Harvin, on that ground, or Mr. White.

1 MR. WHITE: I would agree with you wholeheartedly,
2 Judge, and I think it is akin to photographs. And in that
3 vain I believe I could lay that same foundation through
4 Investigator Porter who has seen both videos as well, and he
5 could lay that foundation, is this a fair and accurate
6 depiction of the video in question.

7 THE COURT: So y'all refresh my memory, the fact that
8 there's this third party who was in possession of the video
9 at one time, refresh my memory as to how that occurred.

10 MR. WHITE: So when we're looking for this video and
11 realizing that it may be lost out at the sheriff's office we
12 reached out to the victim in this case and see if she has a
13 copy of it, and she says: I think I did. Back then I had a
14 different cellphone, I sent it to a friend. So she goes and
15 gets it back from the friend. But it's the same video, you
16 know, as -- the only difference between this video and the
17 original video is this one is much more grainy because of
18 the way it was received, the way it was sent back and forth.
19 And it's not as long. It's just, you know, she was sharing
20 it with a friend and she was just sharing the pertinent part
21 of, you know, what was the most traumatic to her. And
22 again, Judge, you know, the foundation was not laid on
23 direct, it was laid on cross examination by the defense
24 attorney who opened the door to this video, and I would
25 argue that because of that that even strengthens the

1 foundation.

2 THE COURT: So this witness' testimony would be: I
3 have viewed the original video that was lost. I have viewed
4 the video that was recovered through the friend of Ms.
5 Benjamin, and they're the same -- well, it is a depiction of
6 what occurred just shorter and of poorer quality.

7 MR. WHITE: Yes, sir, Judge.

8 THE COURT: Mr. Harvin, I'm happy to hear your argument
9 with regard to that.

10 MR. HARVIN: And, Judge, you know, your analogy of it
11 being a photo is a good analogy. I think the difference is
12 when you talk about electronic items like videos, and even
13 if it was a photo being shared electronically, I mean, we're
14 all aware that somebody can alter any of these things very
15 easily, and so that is my concern. The 21st century allows
16 somebody to do a myriad of things just with something as
17 cheap as a cellphone. And so while I do understand, you
18 know, the precedent that has been put in place, I do not
19 think that the precedent is up to speed with where society
20 really is in order to actually know if something has been
21 edited. You would have to look at the actual source and
22 look at the metadata that's contained in the source, and
23 it's more of a conversation of whether it looks like
24 somebody I thought I saw at some point in time in the past.
25 Because there's enough -- there's enough information, enough

1 science that tells us that, you know, that somebody could
2 change something very small and we wouldn't know. Now, I've
3 viewed the video that they purport to show, and it is a
4 poorer quality. And so, you know, my objection also is to
5 whether or not it provides anything for the jury because it
6 is such a poor quality video. I mean, there's a lot of
7 things you cannot see in this video. You can't really see
8 anything, you just see somebody standing in front of the
9 other person obviously, Judge, that's for the jury --

10 THE COURT: And that's the jury's province to determine
11 whether -- I mean, relevance is a low threshold under the
12 rules. I'm not going to try and quote any rule of evidence
13 without looking it up.

14 MR. HARVIN: No. I agree, Judge, relevancy is a very
15 low bar.

16 THE COURT: The definition of relevant evidence means
17 evidence having any tendency to make the existence of any
18 fact that is of consequence to the determination of the
19 action more probable or less probable than it would be
20 without the evidence. So, you know, assuming that this
21 video is what it purported to be I certainly think it's
22 relevant. So I think as far as my analysis goes to whether
23 it's been authenticated, and I think any questions as to the
24 quality or whether it's been tampered with aren't questions
25 necessarily that go to its admissibility, they go to its

1 weight and that's an issue for the jury to determine. So,
2 Mr. White, I think when we bring the jury back in just
3 replot that foundation ground with regards to his viewing
4 the original video, this video, and they are -- they show
5 the same things just in poorer quality and a shorter time
6 frame, and then I think then it would be admissible. And
7 then, you know, whatever it shows or does not show or the
8 quality would be issues of -- credibility isn't the right
9 word, but those would be issues for the jury to determine
10 what weight, if any, to give this evidence. So assuming you
11 can re-lay the foundation just to be sure, because I can't
12 remember exactly what was said through the prior witnesses,
13 so --

14 MR. WHITE: And, Judge, I can certainly recall Ms.
15 Benjamin --

16 THE COURT: I mean, you can do it -- I think, assuming
17 you ask the right questions, you can do it through this
18 witness and avoid that. So I'm sure the jury is probably
19 having some refreshments and may be taking some time for
20 other things, so why don't we take our break and come back
21 in at about 2:50. So we will be in recess for about two
22 more minutes.

23 MR. WHITE: Thank you, Judge.

24 MR. HARVIN: Thank you, Your Honor.

25 (A break was taken.)

TYRONE PORTER - CONTINUED REDIRECT

1 THE COURT: Bring us the jury, please.

2 (The jury returned to the courtroom.)

3 THE COURT: Mr. White?

4 MR. WHITE: Thank you, Judge.

5 BY MR. WHITE:

6 Q Investigator Porter, let's talk about the two videos.

7 That original video, you had an opportunity to view it,
8 correct?

9 A Yes, sir.

10 Q And you had an opportunity to view the video that was
11 turned over by the victim in this case; is that right?

12 A Yes, sir.

13 Q And my understanding through your testimony is that the
14 original video was much clearer; is that right?

15 A Correct.

16 Q And the original video there was more footage; is that
17 right?

18 A That's correct.

19 Q So the video that was turned over by the victim is
20 condensed and is blurred; is that right?

21 A Correct.

22 Q But other than that, and you've had an opportunity to
23 view both, is it a fair and accurate depiction than -- this
24 video, State's 3 turned over by the victim, is it a fair and
25 accurate representation of what occurred and what you viewed

TYRONE PORTER - CONTINUED REDIRECT

1 on the original video?

2 A Yes, sir, it is. I think when they trimmed it, because
3 in order to send it from one phone to another phone it has
4 to be a certain length size, they weren't able to put the
5 whole video in there. So the portion where he's coming from
6 the door to the counter, that portion has been trimmed off
7 and only showing the portion where he's actually at the
8 counter. And because it was recorded from one device maybe
9 using a phone it -- the quality is not good.

10 Q The quality is not as good as that original video?

11 A Yes, sir, but it's the exact same video.

12 Q And watching that condensed version, during that
13 segment and that segment only, had there been any
14 alternations or deletions made that you're aware of?

15 A Other than it being trimmed on the ends from what I can
16 see in the presented portion it's the same.

17 MR. WHITE: Judge, at this time we move State's Exhibit
18 3 into evidence.

19 MR. HARVIN: Judge, our objection still stands.

20 THE COURT: All right. Subject to the defendant's
21 objection State's 3 is admitted.

22 (State's 3 was received.)

23 MR. WHITE: And, Judge, permission to publish State's 3
24 to the jury and also so Investigator Porter can testify to
25 it.

TYRONE PORTER - CONTINUED REDIRECT

- 1 THE COURT: Yes, sir.
- 2 Q Now, Investigator Porter, I'm going to show you this
- 3 video and I'm going to ask you a few questions about it, if
- 4 I can. Is this inside the Suburban Inn motel?
- 5 A Yes, sir, it is.
- 6 Q And is that the clerk's desk there?
- 7 A Yes, sir, it is.
- 8 Q And in just a few seconds we're going to see someone
- 9 moving around behind the desk. Is that the victim in this
- 10 case, Felecia Benjamin?
- 11 A Yes, sir.
- 12 Q Now, the outfit that's being worn that you can clearly
- 13 see on tape, is that consistent with the description that
- 14 Ms. Benjamin gave?
- 15 A Yes, sir, that's correct.
- 16 Q Now, in this video can you see on there that the
- 17 defendant in this case is careful not to touch the
- 18 countertop with his hands?
- 19 A That's correct.
- 20 Q And I think it also shows that he uses that trash bag
- 21 in order to grab the till; is that right?
- 22 A That is correct also.
- 23 Q And you can also see that the handgun is, in fact,
- 24 black as the victim testified; is that right?
- 25 A Correct, yes, sir.

TYRONE PORTER - CONTINUED REDIRECT

1 MR. WHITE: Begging the Court's indulgence for just one
2 second.

3 (Break in proceedings.)

4 Q Now, you were in here when the victim testified; is
5 that right?

6 A Yes, sir.

7 Q And she testified if I'm not mistaken that she saw the
8 defendant in this case without anything of obstruction over
9 his face; is that right?

10 A Yes, sir.

11 Q And in your observing the video, in that original video
12 that you testified was much clearer and there was much more
13 footage, did you have any doubt that the person in that
14 video was Satwaun Henryhand?

15 A There's no doubt that that is the actual person that's
16 in the video.

17 MR. WHITE: Thank you, Judge. I have nothing further.

18 THE COURT: Mr. Harvin.

19 MR. HARVIN: All right. May it please the Court, Your
20 Honor?

21 THE COURT: Yes, sir.

22 RE CROSS EXAMINATION

23 BY MR. HARVIN:

24 Q And so I am going to just as -- a couple of pertinent
25 parts. Can you see what I see? Can you see now?

TYRONE PORTER - RECROSS

- 1 A I can see the handgun. I can see him holding the trash
2 bag in the other hand.
- 3 Q All right. So I'm going to back up. And this is
4 really grainy, but do you see a hat?
- 5 A I can see a hat, yes, sir.
- 6 Q All right. As this individual walks away and you see
7 his feet, do his feet look brown?
- 8 A I can see it.
- 9 Q Does his feet look brown?
- 10 A They're tan, they're like a light color.
- 11 Q You see tan in this video?
- 12 A Well, the picture is not that great, it's a poor
13 quality picture, but it's definitely lighter than anything
14 else that he has on.
- 15 Q And it's kind of almost blending with the floor, isn't
16 it?
- 17 A Well, not quite.
- 18 Q But almost?
- 19 A Sir?
- 20 Q Almost, though. I mean, and this obviously is the best
21 that we have because the actual video has been misplaced,
22 but are you saying you see tan in this video?
- 23 A Based on that, based on seeing the actual original
24 video the boot is a old colored shoe. This picture right
25 here that we're looking, it's off a little bit because of

TYRONE PORTER - RECROSS

1 the quality of the picture, but, you know, I recall what I
2 saw and I'm going to stick by what I saw.

3 Q I understand. So your testimony is that -- that you
4 can tell that the clothing he has on is consistent even
5 though you can't tell the colors, but when you get down to
6 the actual shoes, and you can't see the colors, that that
7 part we should just chalk up as bad video. Is that your
8 testimony?

9 A Not from the original video I saw. This is the second
10 video that I've seen, the original and this trimmed copy.

11 Q All right. And, Investigator, we would have all loved
12 to see this video as well and be able to look at it for
13 ourselves, so we thank you for your testimony.

14 A You're quite welcome.

15 FURTHER DIRECT TESTIMONY

16 BY MR. WHITE:

17 Q I show you State's Exhibit 4, Investigator Porter. Are
18 these the shoes that the defendant was actually wearing when
19 he was arrested on this charge just a couple of days later?

20 A They appear to be the same shoes.

21 Q And, again, on that original video -- I know that the
22 new condensed version is very blurry, but is your testimony
23 that you observed that original video and you could see him
24 wearing shoes similar to this, similar color?

25 A Yes, sir.

TYRONE PORTER - FURTHER DIRECT

1 Q And he was seen by Deputy Bostick wearing shoes just
2 like that a couple of hours before; is that right?

3 A Yes, sir.

4 Q And, again, you tried everything you could despite
5 changing over systems at the sheriff's office and deleted a
6 bunch of files, not just this one, right? You tried
7 everything you could to recover that video; is that right?

8 A Yes, sir, I did.

9 Q But you've been doing this a long time, you recall what
10 you observed on that video the night of -- excuse me,
11 November 22nd of 2019; is that right?

12 A Yes, sir, I do.

13 Q And you observed an individual matching not only the
14 description that was given by the victim, right?

15 A Yes, sir.

16 Q But also the identification given by the victim; is
17 that correct?

18 A Yes, sir.

19 Q But also your very own personal identification of the
20 victim in this -- or the defendant in this case, correct?

21 A Yes, sir, I do.

22 Q And that person as you saw on that video you would have
23 no doubt is the defendant, Satwaun Henryhand.

24 A That's correct.

25 MR. WHITE: Judge, I have nothing further.

1 MR. HARVIN: I have no further questions, Your Honor.

2 THE COURT: All right. Thank you, sir, you may step
3 down.

4 MR. WHITE: And, Judge, I would ask that Investigator
5 Porter be released from his subpoena.

6 MR. HARVIN: And, Judge, no issue from the defense.
7 And as it relates to the victim we would -- we have no
8 objection to her being released from subpoena at this point
9 as well.

10 THE COURT: All right. Investigator, you are released
11 from your subpoena, you're certainly more than welcome to
12 stay if you so choose. And Ms. Benjamin is also released
13 from her subpoena.

14 MR. WHITE: Thank you, Judge. And at this time, Your
15 Honor, the State would rest.

16 THE COURT: All right. Let me see counsel up front
17 real quick.

18 (A bench conference was held with the Judge and the
19 Attorneys off the record.)

20 THE COURT: Ladies and gentlemen of the jury, the law
21 requires at this stage of the trial since the State has
22 rested its case in this matter for me to take up some
23 matters of law outside of your presence, and after
24 consulting with the lawyers this is probably a good time to
25 excuse you folks for the balance of the day, so that's what

1 I'm going to do. I remind you that, please, don't begin to
2 discuss this case amongst yourselves or with anybody else.
3 Please don't seek to do any research about any matter that's
4 been raised in this case, and you haven't been given the
5 case yet so it's not time for any deliberations to start.
6 With that being said, ladies and gentlemen, we'll start
7 again at 9:30 tomorrow morning. And I promise you that we
8 are actually going to start at 9:30. I think sometimes
9 people think when folks put on these black robes it somehow
10 takes away their ability to tell time, because I know we
11 kept you back there waiting this morning for quite awhile,
12 we won't do that in the morning, so you'll be here at 9:30,
13 we will start promptly. I hope you have a good evening,
14 we'll see you back tomorrow morning. Thank you very much.

15 (The jury left the courtroom.)

16 THE COURT: All right. Mr. Harvin, any motions?

17 MR. HARVIN: So, Judge, obviously we would like to
18 renew our motion regarding the discovery issue. One thing
19 that was brought up that we would like to add is that when
20 Ms. Benjamin testified, she testified that she gave some
21 type of written statement to law enforcement. And again,
22 you know, I asked her, tried to get more information about
23 it, she said that she gave them the information, she
24 believes that from her memory they may have written it out
25 and then she may have signed it. And I don't think that --

1 again, I don't think that the solicitor's office has it in
2 their possession because Ryan has given me everything and
3 has been more than diligent in getting us information. I
4 think it's one of those things that law enforcement didn't
5 give to either one of us, and we just happened to learn
6 about it as the case was going on, and so originally our
7 motion was in reference to the evidence being lost. But for
8 now, Judge, we would make a motion for this case to be
9 dismissed not only because of that, but also because it
10 seems as though there's some evidence that we could have
11 used for impeachment that Ms. Benjamin may have testified
12 about that we did not receive in discovery.

13 MR. WHITE: And my recollection of her testimony,
14 Judge, I don't believe she was sure exactly what she signed.
15 I know that they have, you know, victim statements that they
16 ask them to sign when they're a victim, it didn't seem like
17 she knew exactly that it was a witness statement that she
18 was signing. I think she was very confused on that topic.
19 I'm not aware that any witness statements were ever taken in
20 this case. We've discussed that, I don't have any evidence
21 that there were. I think -- simply, Judge, I think she was
22 confused. I know they do ask her to sign something and then
23 our office sends up something that they have to sign. And
24 as far as filling it out, I mean, it is a document that we
25 would have to, you know, fill out your name, your address

1 and that sort of thing, and that may be what she's referring
2 to, but I don't think she was discussing a witness
3 statement. I don't think one was ever given to her to sign
4 in this case. I think we're dealing with a confusion issue.

5 THE COURT: All right. What I want to have done is
6 when we adjourn for the day, Mr. White, if you'll get with
7 the investigator, and if you will compare your file to his
8 file and make absolutely certain that there's nothing
9 missing that would have been discoverable under Rule 5 or
10 Brady. And, you know, I guess I can't rule on that portion
11 of your motion, Mr. Harvin, until, you know -- if there is
12 something that was withheld that would have been otherwise
13 discoverable we'll deal with that in the morning. So -- and
14 I am going to give a spoliation charge and it's the standard
15 one that's in the standard charges that we're provided when
16 we take the bench due to the loss of the evidence. I think
17 certainly this video was in the defendant's -- or excuse me,
18 in the State's control. And, you know, whether their losing
19 the evidence was -- it doesn't have to be intentional,
20 through inadvertence, or mistake, I think the defendant
21 would be entitled to that charge. So with regard to the
22 evidence that is the approach I plan to take, Mr. Harvin,
23 and if something materializes after we adjourn today we'll
24 take that matter up in the morning. So I guess I'm going to
25 reserve my ruling on your discovery motion with regard to

1 the dismissing the case for failure to produce something
2 until tomorrow morning.

3 MR. HARVIN: And, Judge, on the issue of jury charges,
4 may we be allowed to send you an email -- obviously I'll cc
5 Ryan on it -- on any additional jury charges we would like
6 you to consider?

7 THE COURT: Sure. And, you know, just right off the
8 top of my head, you know, they'll be the standard duties of
9 Judge and jury, you know, the burden of proof, reasonable
10 doubt, identification will obviously be whether the
11 defendant testifies or not, I'll cover that. Direct and
12 circumstantial evidence.

13 MR. HARVIN: And, Judge, obviously just as a matter of
14 precaution, because I think the Supreme Court kind of moves
15 the target a little bit, I will re-raise all the issues that
16 we raised throughout the trial at this point for purposes of
17 preserving it.

18 THE COURT: All right. And I think we've -- as any
19 objection you've made we have -- certainly I don't know of
20 any that haven't been made timely at this point but, you
21 know, I certainly am preserving your objections that have
22 previously been made.

23 MR. HARVIN: And, Judge, obviously we would make a
24 motion for a direct verdict. I do so obviously recognizing
25 that the State has presented several witnesses and have

1 stated that they saw my client in some fashion committing
2 this crime, so the only basis that we can actually render, I
3 think, logically is possibly that they haven't corroborated
4 obviously the ID of my client through any physical evidence.
5 I'm sure the State will say that they have the Timberland
6 boots and that's their corroboration. So just for purposes
7 of making sure that we've made the motion, obviously, Judge,
8 I would also reserve the right to supplement this motion in
9 the morning if I can, but I don't think that there's
10 anything that from a factual standpoint allows me to really
11 make a true directed verdict motion, but for purposes of
12 making sure that my client's rights are reserved --

13 THE COURT: Well, you've certainly preserved your right
14 to make that motion, Mr. Harvin, but at this point I tend to
15 agree with you, this case, it comes down to the
16 identification. It's obvious based on that video that an
17 armed robbery occurred. You know, we've got multiple
18 witnesses who have identified the defendant as the
19 perpetrator, and it'll be up to the jury to determine
20 whether they believe the identification or not. You know,
21 Rule 19 is the rule that governs motions for a directed
22 verdict in the South Carolina Rules of Criminal Procedure,
23 and in ruling upon that motion the trial Judge is to
24 consider only the existence or non-existence of the evidence
25 and not its weight. So this is your classic, you know, what

1 weight does the jury give the evidence that's been presented
2 to them. And like I think we all realize, it's going to
3 come down to the identification, whether the defendant is
4 the one who actually committed this crime. So I think
5 there's -- certainly evidence exists based upon the three
6 separate identifications by the two officers and by the
7 victim in this matter. So I will not formerly deny your
8 motion, Mr. Harvin, at this point and give you an
9 opportunity to supplement it as you contemplate this matter
10 overnight. But I do find that you've preserved the motion
11 and made it at the appropriate time.

12 MR. HARVIN: Thank you, Judge.

13 THE COURT: All right.

14 MR. HARVIN: And I think the only thing is just the
15 advisement of --

16 THE COURT: Anything from the State?

17 MR. WHITE: No, sir, Judge.

18 THE COURT: All right. All right. Mr. Henryhand,
19 could you stand up for me, please, sir? And could you lower
20 that mask so I can see and hear you? All right. Mr.
21 Henryhand, raise your right hand for me, sir.

22 (The defendant was sworn.)

23 THE COURT: All right. Mr. Henryhand, you as a
24 defendant in this matter you don't have the burden of
25 proving anything. Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And you have the right to remain silent and
3 you have the right not to testify in this matter. Do you
4 understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: You also have the right to waive your 5th
7 Amendment Right against self incrimination and take the
8 stand. Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: All right. Now, if you choose to exercise
11 that right and not testify you understand that I will tell
12 the jury that they can't hold that against you.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And you understand that if you do choose to
15 testify there may be issues in your past, I don't know
16 whether you have a criminal record or not, but you could
17 conceivably be asked about any prior convictions, assuming
18 that they comport with Rule 609 of the South Carolina
19 Rules of Criminal -- or South Carolina Rules of Evidence.
20 Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: So if you do testify there may be things
23 that are in your past that could be brought up to impeach
24 you. Do you understand all of that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: All right. Do you understand that you can
2 make this decision as about whether to testify or not to
3 testify with the consultation of Mr. Harvin, but ultimately
4 it is your decision. Do you understand all of that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And, again, if you make the decision not to
7 testify it won't be used against you and, in fact, I'll tell
8 the jury that they cannot use that against you. Do you
9 understand all of that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. What I want you to do is when
12 we leave here today I'm sure Mr. Harvin will speak with you,
13 I want y'all to discuss these matters about your right to
14 testify or not to testify and I will expect you to make a
15 decision about that issue first thing in the morning. Do
16 you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. Anything else you want me to go
19 over with him, Mr. Harvin, at this time?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: All right, sir. You can have a seat, thank
22 you. All right, folks, what I'm going to do is I'm going to
23 get together a drafted jury charge, I will email each of
24 you. If y'all will provide me with your best email address
25 before we adjourn here today, I will send that over this

1 evening and y'all can review it and if you have anything
2 specific you want me to consider just reply, or if you want
3 to send yours first just send it straight to me and we'll
4 put it together in the morning. But I think this should be
5 a fairly as far as jury charges go for an offense of this
6 nature this should be a fairly simple charge. All right.

7 MR. WHITE: Judge, is it your preference to charge
8 before or after closing?

9 THE COURT: It is my preference to charge after
10 closing.

11 MR. WHITE: Very good, Judge.

12 THE COURT: I know some judges do it the other way
13 around, but the judges I learned from do it the way that I
14 do it. So until somebody tells me to stop I'm going to do
15 it the way that I've seen it done and done over the last 22
16 years, so --

17 MR. WHITE: That's fine with the State, Judge, thank
18 you.

19 MR. HARVIN: And that's the only way I know, Judge,
20 so --

21 THE COURT: And, you know, depending on what Mr.
22 Henryhand decides, or if the defense decides to put up a
23 case we'll talk about the order of closing when we get
24 there.

25 MR. WHITE: Yes, sir.

1 THE COURT: All right?

2 MR. HARVIN: Thank you, Judge.

3 MR. WHITE: Thank you, Judge.

4 (Court recessed for the evening and resumed on
5 Wednesday, June 29, 2022, at 9:30 a.m.)

6 THE COURT: All right, folks, the first order of
7 business is -- this morning is to get an answer from Mr.
8 Henryhand on whether he intends to testify in this trial or
9 not. So, Mr. Henryhand, can you stand up for me, please,
10 sir? And you're still under oath from yesterday, do you
11 understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. Mr. Henryhand, have you had the
14 opportunity to speak with Mr. Harvin about your right to
15 testify in this trial?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. And based upon your discussions
18 with Mr. Harvin, have you made a decision knowing that you
19 have the right to testify, and likewise have the right to
20 remain silent and not testify in this case, have you made
21 the decision?

22 THE DEFENDANT: Yes, sir, I made my decision.

23 THE COURT: And what is that?

24 THE DEFENDANT: I won't testify.

25 THE COURT: All right. And, again, Mr. Henryhand, I

1 will certainly tell the jury that they are not to hold that
2 against you. Now, in making that decision has anybody
3 threatened you in any way to get to you make that decision?

4 THE DEFENDANT: No, sir.

5 THE COURT: And do you feel like anybody is forcing to
6 you make that decision?

7 THE DEFENDANT: No, sir.

8 THE COURT: All right. And knowing your -- being fully
9 aware of your rights, again, just for the record you are not
10 going to testify.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Mr. Harvin, anything to add to Mr.
13 Henryhand's decision?

14 MR. HARVIN: No, sir. We discussed it and he
15 understands what his rights are and he's made that decision
16 knowing -- obviously knowing everything that was presented
17 and how we would be moving forward.

18 THE COURT: All right. Well, I find based upon my
19 advisement of his rights yesterday, based upon his answers
20 here this morning he's made a knowing, intelligent, and
21 voluntary decision to exercise his right to remain silent in
22 this matter and has chosen not to testify, so we can move
23 forward. Thank you, sir, you can have a seat.

24 MR. HARVIN: Thank you, Judge.

25 THE COURT: All right, folks, with regard to the

1 proposed jury charge, I did add the spoliation charge. I
2 remembered it this morning when I got out of the shower that
3 I had forgotten to include that with what I sent you fellows
4 yesterday and it is the standard inference charge, basically
5 that you can infer that the lost evidence would have been
6 beneficial to the defendant. It's pretty standard, it's not
7 anything that reinvents the wheel. And so since he's not
8 going to testify, Mr. White, you will do your complete
9 closing, and then Mr. Harvin, you will get the last word.
10 All right. Are y'all ready to go forward?

11 MR. WHITE: Yes, sir. I would just ask if the defense
12 could rest for the record in front of the jury.

13 THE COURT: Right. Do y'all want me to -- I hate to
14 bring them in, have you rest, send them out and, you know,
15 it just seems like a waste. I guess, Mr. Harvin, now would
16 be as good a time as any -- I mean, I guess procedurally
17 you're supposed to renew your motions after you rest. I
18 mean, I don't think anything has changed in that regard, so
19 why don't you just go ahead and renew those motions so we
20 can just go straight into closing arguments.

21 MR. HARVIN: And, Judge, I think the only thing that
22 may have changed is whether or not the State has found
23 anything regarding that statement after they discussed it
24 with law enforcement, but that would be the only thing that
25 I can recall from yesterday.

1 MR. WHITE: And, Judge, we're not aware of any witness
2 statement. Again, I stand by the belief that I think she
3 was mistaken, I don't think she's referring to a witness
4 statement, I think she had to sign a document where she is a
5 witness. But we're not aware of any witness statements that
6 would have been made and signed by her.

7 THE COURT: All right.

8 MR. HARVIN: And so, Judge, based upon that, you know,
9 obviously we would renew every single motion that we have
10 presented to the Court asking the Court to dismiss this
11 case, and obviously to also grant a directed verdict. We do
12 this knowing procedurally like the Court says that this
13 would typically be done after we rest, and so we would, you
14 know, obviously put on the record that we're doing it to try
15 to help with the flow of the trial and in no way are we
16 giving up any rights of any type that anybody who is
17 listening to this in the future might think is happening.
18 We would ask the Court to obviously review, again, this
19 issue about the video. We do understand that the Court is
20 issuing the spoliation charge to the jury so that if there
21 has been any harm that would kind of deal with it, we're
22 appreciative of that, but we would ask the Court to
23 obviously reconsider that particular issue. As it relates
24 to all the other motions we've made regarding the witness
25 who testified, you know, she testified on the record that

1 she has trouble with her memory and has had trouble with her
2 memory. That information came in about her memory, but also
3 this information that harmed my client about her remembering
4 that he had a gun at some point in time. And so inasmuch as
5 that may have helped the State obviously and it harmed my
6 client, we would ask the Court to consider the fact that she
7 definitely didn't seem like she was as competent as most
8 people when taking the stand. And so, you know, obviously
9 we renew all of those things based upon those arguments and
10 we would just ask the Court to reconsider.

11 THE COURT: All right. Thank you, Mr. Harvin. And
12 again, Mr. Harvin is correct, procedurally we're doing this
13 a little bit out of order in an effort to make the remainder
14 of the trial flow, but since the defense is not presenting
15 anything and not -- and the defendant is not testifying I
16 think it's appropriate to handle the motions this way. And,
17 Mr. Harvin, I respectfully again deny those motions based
18 upon the reasoning espoused in my prior rulings. I think
19 the issue with the video will be dealt with with the
20 spoliation charge. The issue with the witness and her
21 competency to testify, again, that's a low burden, basically
22 whether she knows the truth from a lie and can be understood
23 by the jury. I think any defects in her memory create jury
24 issues as to credibility, and so those motions are denied.

25 MR. HARVIN: Thank you, Judge.

CLOSING ARGUMENTS

1 THE COURT: All right. We'll bring the jury in, I will
2 recognize the defense, the defense will rest, and then we'll
3 move straight into closing arguments. And I will not do the
4 charge first.

5 MR. WHITE: Sounds good. Thank you, Judge.

6 (Break in proceedings.)

7 THE COURT: You can bring us the jury, please. Folks
8 while she's going to get the jury, I did do a verdict form,
9 it's simple, it's guilty or not guilty. I have copies of
10 it, if y'all want one just come on up and get them before
11 the jury comes in.

12 (The jury returned to the courtroom.)

13 THE COURT: Good morning, ladies and gentlemen. I know
14 I told you we would start promptly at 9:30 this morning but
15 I've got to stop doing things like that, because I forget to
16 take into account things like trains running through the
17 middle of downtown Florence and other transportation issues
18 over which I have no control. So we've had some issues this
19 morning, but thankfully we're now in position to resume the
20 trial. When we broke yesterday the State had rested its
21 case and now I recognize the defense. Mr. Harvin?

22 MR. HARVIN: Your Honor, at this time the defense would
23 rest their case as well.

24 THE COURT: All right. Ladies and gentlemen of the
25 jury, you have heard all of the evidence that you will hear

CLOSING ARGUMENTS

1 in this case. We have now reached the stage in the
2 proceedings where we will proceed with closing arguments of
3 counsel. And the way this will work is the State will go
4 first and then the defendant will make his closing argument
5 through his attorney, Mr. Harvin. So with that being said,
6 ladies and gentlemen, if you will now give your attention to
7 Mr. White for the State.

8 MR. WHITE: Ladies and gentlemen, armed robbery is an
9 easy profession, it is a cowardly profession, and above all
10 else you must know it is a very dangerous profession. While
11 we all have to go out and put together a resume', fill out a
12 long application, get a list of references, pass a
13 background check to get a job, the only requirement you have
14 to have to be an armed robber is you have to have any gun.
15 And those days where it feels like that day is never going
16 to end, you've got emails, your boss is calling you, all of
17 that that we have to deal with on a day to day, somebody
18 whose profession it is to commit armed robbery, they don't
19 have to do any of that. All they have to do is be willing
20 to take a handgun, stick it in an innocent person's face and
21 demand something that doesn't belong to them. So that's
22 what armed robbers do, and that's what Satwaun Henryhand
23 did. And make no mistake, ladies and gentlemen, there's no
24 question, no doubt that an armed robbery occurred
25 November 22nd, 2019, and I submit to you, there's no doubt

CLOSING ARGUMENTS

1 who committed that armed robbery.

2 (At this time 911 audio was played.)

3 MR. WHITE: Ladies and gentlemen, on November 22nd,
4 2019, Satwaun Henryhand walked into the Suburban Inn, where
5 he came in there with a gun and he committed an armed
6 robbery against Ms. Felecia Benjamin. We showed you this
7 map earlier when Investigator Worsley was on the stand, I'll
8 blow it up, this is the Suburban Inn right here, this is
9 where the incident occurred. Investigate Worsley works with
10 the sheriff's office, he's an investigator, but as a side
11 job he also works security, and that's what he was doing
12 that evening, he was at the McDonald's working security.
13 When that call comes in, in less than a minute he walks out
14 of this side door right here and walks straight to the
15 Suburban Inn. He said he walks meticulously looking for the
16 description that had just gone out over dispatch, he doesn't
17 see anyone, nobody in less than a minute. Ladies and
18 gentlemen, I submit to you that's because the defendant,
19 Satwaun Henryhand, was living at the Suburban Inn, so when
20 he walks out after committing that armed robbery he just
21 sneaks into one of the rooms thereby missing Investigator
22 Worsley as he walks over there. You also heard from Deputy
23 Justin Bostick who works in Timmons ville now, but back on
24 November 22nd, 2019, he was a deputy responding to the scene
25 for this armed robbery. And what did he tell you? He

CLOSING ARGUMENTS

1 worked patrol for the Florence County Sheriff's Office on
2 the incident date. He arrives on the scene a few minutes
3 after the incident, he's there in a flash. He speaks with
4 the victim, Ms. Benjamin. He obtains from Ms. Benjamin a
5 description of the man who robbed her and he used the video
6 surveillance. He positively identifies on that video
7 surveillance Satwaun Henryhand. How did he know? He was
8 familiar with him, Mr. Henryhand. He said he had seen him
9 on numerous occasions. He had spoken to him. From me to
10 you had conversations with the defendant in this case. Had
11 interactions with him on numerous occasions. I don't know
12 if you all will recall that, but he emphasized numerous, he
13 said numerous occasions. Saw him two hours and -- ladies
14 and gentlemen this is important, two hours before at a
15 convenience store he just happens to be walking in, he sees
16 Satwaun Henryhand. And, ladies and gentlemen, there's not
17 enough coincidence in the world, he's wearing the exact same
18 clothes that he's wearing in the armed robbery, the exact
19 same clothes. Now, the defense made a big deal with the
20 shoes, and I submit to you, ladies and gentlemen, there are
21 plenty of people in the world who own a pair of shoes like
22 this, I'm not saying anything to the contrary. What I am
23 saying is that this is a part of the puzzle, because these
24 are the shoes that the defendant was arrested in, he had on
25 his feet when they took him into custody and they took him

CLOSING ARGUMENTS

1 to the sheriff's office and they booked these clothes in,
2 these are his shoes. These are the same shoes that Bostick
3 says he's wearing at the convenience store. It's the same
4 shoes that everyone describes watching that video and
5 seeing, but importantly Felecia Benjamin lived it, she saw
6 it. She didn't see it on the video, she saw it for herself
7 and she says tan work boots. It's a small piece of the
8 puzzle. Subject description was consistent, tall dark
9 skinned black male, navy blue jacket, lime green bandanna,
10 blue Dickey work pants, tan work boots carrying a gray trash
11 bag and holding a black handgun. It was consistent. And if
12 you saw that video all of that was consistent, she got it
13 all right. You heard from Investigator Tyrone Porter, he
14 was the on-call investigator on November 22nd, 2019, again
15 arrives very shortly thereafter. Speaks to Ms. Benjamin and
16 Bostick, watches video surveillance. He, too, positively
17 identifies the man as being Satwaun Henryhand. How does he
18 know? He says he's very familiar with Mr. Henryhand, had
19 interactions with him on numerous occasions. I even -- if
20 you recall I walked up and I said: How close were you when
21 you spoke to him? He said: Closer. I mean, this guy had
22 had face to face contact with Mr. Henryhand on numerous,
23 numerous occasions, and when he saw that video he knew who
24 he was. And not only did law enforcement recognize him, but
25 coworkers at the hotel. Law enforcement starts viewing the

CLOSING ARGUMENTS

1 video and they ask the victim: Do you recognize this guy?
2 She says: No, I've never seen him before. So they start
3 asking coworkers, and the coworkers come on and they view
4 the video and they say; yeah, we know him, I think he's
5 living in the back. The coworkers recognize the man on the
6 video as Henryhand because he's living there in the hotel.
7 And you heard from Heather Altman. Again, small pieces of
8 the puzzle but an important piece. What did she say? She
9 was friends with Henryhand around this time. Around the
10 time that he walks in the Suburban Inn. Okay? Hang with
11 him around the time that he walks into the Suburban Inn and
12 commits that armed robbery? What did she say? Around this
13 general time she's friends with him. He would bounce around
14 hotels on 52, one of which was the Suburban Inn. How did
15 she know? She visited him in his room at the Suburban Inn
16 where he was living, she went there. And what did she see?
17 What did she know to be true? He never put rooms in his
18 name. Always recruited somebody else and had them put those
19 rooms in his name -- or their names. She also saw him
20 carrying a black handgun, black handgun that you see on that
21 video that's consistent with the testimony of the Felecia
22 Benjamin. What did she say, too? Small pieces of the
23 puzzle but an important one, although he didn't have a job,
24 he didn't work, he always had money. Red Herrings, ladies
25 and gentlemen, that's the defense strategy. And Mr. Harvin

CLOSING ARGUMENTS

1 is a great lawyer and he's doing what he needs to do, and
2 that's to distract you. A buddy of mine always likes to say
3 the defense attorney is making you focus on the string bean
4 hanging off your plate, doesn't want you to focus on the
5 meat and potatoes. And what are they trying to distract you
6 with? Voice identification. There would have been no
7 reason to do voice identification, they had a description
8 and identification of this person. There would have been no
9 reason at all to conduct voice identification. Walk
10 identification. Ladies and gentlemen, I have never heard of
11 this in my life, ever. Search warrants. Think about this,
12 there are many hotels out there, at the Suburban Inn there
13 are many hotel rooms, all of those occupants have rights.
14 You can't just walk in there. So when you have somebody
15 staying in a hotel, okay, and they're not staying under
16 their name it's difficult to find out where they are. And
17 you heard Investigator Porter say it, he said: We looked,
18 we searched records, not only at the Suburban Inn at all the
19 hotels out there, no rooms were under Mr. Henryhand's name.
20 They were searching, they just couldn't find any because he
21 knew how to hide. Fingerprints. It's a hotel. Okay?
22 People are coming and going, probably dozens upon dozens
23 upon dozens of people touching that door handle. You heard
24 Investigator Porter say it, it would have been impossible to
25 pull prints off that, there would have been many pulled off.

CLOSING ARGUMENTS

1 But I also submit to you when you see that video, see how
2 careful he is not to touch anything. He doesn't touch the
3 counter when he reaches for the register cash drawer, he
4 uses a bag to grab it. Okay. He knows what he's doing.
5 And that original video. Ladies and gentlemen, I would love
6 to show you that video, and I guarantee you Investigator
7 Porter would like to show you that video, too, because as
8 everybody has said, when they watched that video it was
9 clear, it was longer, it was more footage. There was
10 footage capturing him coming in. What did you hear Ms.
11 Benjamin say? The video showed him walk in without a mask
12 on. I would love to show that to you. Sometimes we rely
13 too much on technology and that's what happened here. It's
14 no fault of the sheriff's office, they had changed systems
15 and the system crashed and they lost the video. They did
16 everything they could to recover it. Okay? I would love to
17 show it to you. But I submit to you, ladies and gentlemen,
18 even if we had it, even if we showed it to you the best
19 evidence in this case still would have been Ms. Benjamin,
20 because although she watched the video that's not important,
21 she lived it, she saw it. Take that video out of the
22 equation. Let me ask you this, ladies and gentlemen, if
23 this had happened back in the 90's and there had been no
24 videos, no cameras in that lobby, would you believe Ms.
25 Benjamin? She sounded sure to me. She sounded absolutely

CLOSING ARGUMENTS

1 sure who walked in that hotel and put a gun in her face,
2 absolutely positive. Ms. Benjamin. She answered every
3 question. She didn't get tricked or fooled at all. She
4 answered every question. She came in here, she told you
5 exactly what happened to her, that she worked there at the
6 Suburban Inn on November 22nd, 2019. She walks to Quincy's
7 to get food and she locks the lobby behind her. She said
8 that's her practice, whenever she's the only one there in
9 the lobby, whenever she leaves she locks it up behind her,
10 she walks out. As she was walking out, this is important,
11 she sees a man standing outside that she later identified as
12 Satwaun Henryhand. She's walking out the door and she sees
13 a guy not thinking anything of it, but she notices him
14 standing there, nothing on his face, nothing, and she sees
15 him clearly. Like I'm looking at you and you're looking at
16 me, she sees his face. When she comes back she encounters
17 the same man, again, she sees him again. The parking lot
18 outside she testified is well lit and she gets a good look
19 at his face, she sees him clearly. Shortly after she walks
20 in, the man enters the lobby. When he first enters he has
21 nothing to cover his face and recognizes him as the same man
22 from outside. She says she looks down for just a second,
23 and when she looks back up that's when he's putting that
24 mask on. Okay? That's when he's pulling out that handgun,
25 and I submit to you, ladies and gentlemen, because he knew

CLOSING ARGUMENTS

1 that that's when he was coming in contact with that camera.
2 As he's walking in and she's looking down to fix her food or
3 look in her purse, he's preparing to rob her, but it's too
4 late, she's seen him. She saw him outside on the way to
5 Quincy's, on the way back, and as he's walking in. She
6 calls 911 and law enforcement arrives, and gives a
7 description that's consistent with the video. This is a
8 general description. Ladies and gentlemen, we have a armed
9 and dangerous person. Okay? All of this happens in like 30
10 minutes after the incident. They come and they just want a
11 general description, what does he look like, so they can put
12 it out and see if they can find him. Okay? That's to keep
13 the community safe. The next part is for trial. But this
14 part, this general description is to make sure that they can
15 get somebody off the street who's got a gun who's committed
16 an armed robbery. She views the video. She testified that
17 although she did not know who he was everyone else did. Law
18 enforcement recognized immediately; Bostick, Porter, not
19 only that, coworkers. Coworkers recognized him, too. She's
20 provided a photo lineup, it's six random photographs. She
21 had never seen this -- other than just seeing him walk in
22 and stick a gun in her face 30 minutes after they take six
23 photographs and lay it in front of her: Do you recognize
24 the guy? And what does she do? Picks him out immediately.
25 I said: Did you have any doubt? No doubt. Do you have any

CLOSING ARGUMENTS

1 doubt now? None. Picks out Henryhand immediately. She was
2 absolutely sure then, she was absolutely sure she testified,
3 she's absolutely sure right now that Satwaun Henryhand is
4 the man who committed armed robbery. And, ladies and
5 gentlemen, the only thing, the only thing that she got wrong
6 was the hat. He had a hat on, but she said -- but he had a
7 hoodie on. When he came through the door he puts the hoodie
8 on, ties the bandanna and pulls out a gun. Well, that's a
9 small detail when you've got a gun in your face. She got
10 everything else right, everything single thing she described
11 fully. And he says, the defense attorney, like he should:
12 Well, did you describe his eyes to them? Did you describe
13 his lips? Did you describe his skin tone? Did you describe
14 markings on his face? And she said: Well, no, I didn't. I
15 didn't tell them that. Well, I submit to you, ladies and
16 gentlemen, that she did. There's his eyes, there's his
17 nose, there's his lips, there's that identifying mark. When
18 she picked him out of that lineup she did all of the above.
19 She didn't need to describe all of those features, she says:
20 This is the man, and all of that encompasses. Everything
21 that is a feature on his face she achieves when she points
22 to that picture and says: That's the man who came in here,
23 stuck a gun in my face when I was trying to make a living.
24 Because we all have to make a living. We shouldn't have to
25 be worried about somebody coming in, sticking a gun in our

CLOSING ARGUMENTS

1 face and altering the direction of our life. I guarantee
2 you she's not ever going to forget it. She looks to me like
3 a strong lady, very strong. Ladies and gentlemen, armed
4 robbery is easy, it's cowardly, but I need you to know, it
5 is extremely dangerous, extremely. And when Satwaun
6 Henryhand walked into a hotel he put everybody's lives in
7 danger. Felecia Benjamin was certain it was him. Her
8 coworkers were certain that it is him. Bostick, who knew
9 him, was certain. Investigator Porter, who knew him, was
10 certain, and I believe you are, too. When you go back there
11 I would ask that you please find him guilty of armed
12 robbery.

13 THE COURT: Mr. Harvin?

14 MR. HARVIN: May it please the Court, Your Honor?
15 Solicitor White?

16 THE COURT: Yes, sir.

17 MR. HARVIN: All right. Good morning, ladies and
18 gentlemen. You know, in our criminal justice system we have
19 placed a very high burden on the State, on our government to
20 prove that a specific individual committed a very specific
21 crime. That's because we have adopted the notion that there
22 are few things worse than convicting an innocent man of a
23 crime that he did not commit. I can recall a story as a
24 child of a man that did nothing wrong, but he was convicted
25 by individuals that came together and said that he did. I

CLOSING ARGUMENTS

1 believe many of you have heard a similar story, and this is
2 that story. Society has desired to protect citizens from
3 that horrendous outcome by requiring one of the most
4 powerful groups in the State of South Carolina to use every
5 tool at their disposal to accurately identify individuals by
6 using SLED lineups, who the officer testified when I
7 specifically asked him: What is the purpose a SLED lineup?
8 He said: The purpose of a SLED lineup is to accurately
9 identify individuals by giving them the description and
10 allowing their computer system to generate a SLED lineup.
11 When I asked him whether that was done here he said no. We
12 try to protect citizens by giving the State of South
13 Carolina the capabilities and every tool at their disposal
14 to secure evidence of a crime. They tell you about and
15 testimony was given that there were five, at least five
16 cameras. I submit to you that on the corridor in which they
17 have elicited and stated that this crime took place
18 Highway 52 right off of Interstate 95, one of the busiest
19 corridors in Florence, South Carolina, with more businesses
20 in Florence, South Carolina than any other area, that there
21 were cameras at every single business on that street. But
22 law enforcement decided that not only weren't they going to
23 gather the cameras from the outside of the hotel, which
24 would have showed which direction Ms. Benjamin sent the
25 assailant -- and I will pause right there. One thing that I

CLOSING ARGUMENTS

1 have not been able to wrap my mind around is the fact that
2 Ms. Benjamin stated, one, I was calm; and two, when the
3 assailant left I told him: Go this direction, so that he
4 can avoid law enforcement. So why doesn't law
5 enforcement -- why can't they find him? Well, Ms. Benjamin
6 gave him very clear instructions on where he should go. And
7 the solicitor asked: Well, why did you give him that
8 instruction? And she kind of hemmed and hawed about it.
9 Nobody really understood why she gave that instruction. And
10 so they decided that they weren't going to gather all of the
11 myriad of video footage because they had decided that
12 everybody would point the finger at one person. What's even
13 more interesting is that they talk about individuals saying
14 that Mr. Henryhand lived in a back hotel room in the back of
15 the Suburban Inn. Well, if individuals that worked there
16 knew that Mr. Henryhand lived in a specific hotel room, why
17 couldn't they get a search warrant for that hotel room?
18 When I asked about the search warrant issue they said: We
19 would have had to search all hotel rooms. But you have
20 witnesses, according to them, that can positively place him
21 in a hotel room in the back of the Suburban Inn. Couldn't
22 those same witnesses, the people that clean the hotel rooms,
23 the people that they got this information from say he was in
24 41A? He was in 42B? But you heard no testimony from
25 anybody about those questions being asked. It's not that

CLOSING ARGUMENTS

1 they couldn't do it, they decided not to do it, just like
2 they decided not to get the video footage. And then once
3 they got some video footage according to them their
4 department destroyed the video footage. Who is at fault for
5 their department destroying the video footage? You're
6 telling me that the most powerful organization in the State
7 of South Carolina could not figure out a way to transfer
8 video footage while they're doing a conversion of software?
9 But what's most intriguing is that I asked Ms. Benjamin two
10 questions that stood out in my head. The very first
11 questions I said: Have you ever mistakenly identified a
12 person in your lifetime? She said: Yes. And then I asked
13 her a question that the solicitor brought up about a hat,
14 and I was very clear, I asked this question several times:
15 Did the person who come in have on a hat? She said: No.
16 The person didn't have on a hat. I said: Are you sure they
17 didn't have on a hat? She said: They didn't have on a hat.
18 I said: Tell me how his hair looked. She specifically
19 said: He had a low haircut. I said: Did he have a fade?
20 She said: No. It hadn't been cut recently, but he had a
21 low haircut. Which makes me think, what video did we see
22 today or yesterday? Because the video we watched showed a
23 man with a hat on, a man that she would have been unable to
24 see his hair. And so if the video that they purport to
25 present to you is the video of the incident, then how is it

CLOSING ARGUMENTS

1 so drastically different on that issue? Because that's a
2 big issue. She was very specific about that. I asked her
3 very specific questions where she could have just said: I
4 don't remember. I don't recall. But she gave very detailed
5 information. He's right, she was giving detailed
6 information, some of it she was making up right there on the
7 witness stand if you believe what she said. If you believe
8 the video, then the video doesn't match what she said. So
9 either the video is erroneous or her testimony is erroneous.
10 But law enforcement could have cleared all of this up. I
11 remember being a little boy watching some of the great shows
12 like Matlock and Perry Mason, shows like Murder She Wrote,
13 and you watch these shows. At the beginning somebody is
14 arrested and police continue their investigation, or the
15 investigator continues the investigation, or the main
16 character continues the investigation, and by the end of the
17 show they figured out that the person we identified
18 initially did not commit the crime. We're 15 minutes in the
19 show right now because law enforcement didn't continue the
20 investigation. Most of them who came in here to testify
21 brought the incident report because they haven't looked at
22 any part of this case since they arrested my client, Mr.
23 Henryhand, an innocent man. As soon as they got somebody, a
24 tall black man who wore Timberland boots, as soon as they
25 got him they weren't worried about this case ever again.

CLOSING ARGUMENTS

1 Now, the solicitor's office would say that there's no
2 information that they could have gathered. Did you hear
3 anybody talk about his cellphone? Did you hear anybody
4 mention his cellphone records? His location devices on his
5 cellphone? His GPS devices on his cellphone? I wonder why
6 is that. Why didn't somebody gather something as simple as
7 his cellphone when he was arrested? Why didn't somebody
8 look into his cellphone records to see where he was at that
9 particular time? And then they bring in the young lady who
10 had memory issues since the age of four who stated she
11 didn't see him on that week, she didn't see him the week
12 before, she didn't see him the week after, she doesn't know
13 what was going on with Mr. Henryhand during the 14 days that
14 were in discussion. Specifically I asked about
15 November 22nd, she said there's no way she saw him, she was
16 some place else. And what's most intriguing is when I asked
17 her to describe her boyfriend. I didn't give her the word,
18 she said he's a tall black man. And I asked her: Does he
19 have a pair of Timberlands? And she said: Yes, he does.
20 These things fit the puzzle, the puzzle of a situation in
21 which law enforcement failed to do what's fundamental to
22 their job, and that's protect and serve. Protect us from
23 criminals, but serve citizens by not arresting innocent
24 people who have not committed any type of crime. My client,
25 Mr. Satwaun Henryhand, is an innocent man. When law

JURY CHARGE

1 enforcement came in I didn't expect for law enforcement to
2 say anything more that they said, because unfortunately we
3 don't live in a world like that television show, like Perry
4 Mason, or like Matlock, or like Murder She Wrote, where law
5 enforcement continues to investigate because they're
6 dedicated to finding the right person and making our
7 community safe. That they would find a person in this
8 situation and just stop at that point gathering evidence.
9 As I stated, stopped gathering video footage, searching for
10 proof, asking witnesses for information. We shouldn't have
11 to worry about being wrongfully arrested in this country on
12 false identifications. In my opening I spoke to you about
13 how the jury stands between an innocent citizen and a
14 powerful arm of the State. Here is your opportunity to
15 demand more from law enforcement. Here is your opportunity
16 as jurors to protect an innocent citizen. Here is your
17 opportunity on this fine morning here in South Carolina to
18 find Mr. Satwaun Henryhand not guilty. Thank you.

19 THE COURT: Members of the jury, I would ask that you
20 now give me your attention as it is now my duty as the trial
21 Judge to instruct you on the law which is applicable to this
22 case, and in that regard it is your duty as jurors to accept
23 and apply the law as I now state it to you. Furthermore, it
24 is your exclusive duty to decide all issues of fact in this
25 case and to determine the effect, value, and weight of the

JURY CHARGE

1 evidence. The State and the defense have the right to
2 expect that you will carefully consider and evaluate the
3 evidence and apply the law of this case to it so that in the
4 end both the State and the defense have received a fair and
5 impartial trial. I remind you that during this trial you
6 and I have had certain duties to perform. As the trial
7 Judge it is my responsibility to preside over the trial of
8 this case, and I also have the rule -- the duty to rule on
9 the admissibility of the evidence offered during this trial.
10 You are to consider only the competent evidence before you.
11 If there was any testimony ordered stricken from the record
12 in this case during this trial you must disregard that
13 testimony. You are only to consider the testimony which has
14 been presented from the witness stand, any exhibits which
15 have been made a part of the record in this case, and any
16 stipulations of counsel. I have the additional duty to
17 charge you the law applicable to this case. As the
18 presiding Judge I'm the sole Judge of the law in this case,
19 and it is your duty as jurors to accept and apply the law as
20 I now state it to you. If you already have any idea as to
21 what the law is or what the law ought to be and it does not
22 agree with what I now tell you the law is, you must abandon
23 this idea, because you are sworn to accept the law and apply
24 the law exactly as I state it to you. In every case tried
25 in this court before a jury the jury becomes the sole and

JURY CHARGE

1 exclusive judge of the facts in the case. A trial Judge
2 cannot intimate, state, comment on, or make any statement to
3 a trial jury about the facts in the case since you, the
4 jury, are the sole judge of the facts. You are not to infer
5 from what I've said during the course of this trial in
6 ruling upon the admissibility of evidence or otherwise, or
7 anything that I say now during the course of this
8 instruction to you that I have any opinion about the facts
9 in this case. The law does not allow me to have an opinion
10 about the facts in this case, that is a matter solely for
11 you, the jury, to determine. As jurors it is your duty to
12 determine the effect, value, weight, and truth of the
13 evidence presented during this trial. The indictment
14 charges the defendant with armed robbery. I remind you, the
15 fact that the defendant was arrested, charged, and indicted
16 in this case is not evidence in this case, and cannot be
17 considered by you as evidence of guilt in this case, nor
18 does it create any presumption or inference of guilt. This
19 document is simply the formal written instrument which
20 contains the charge made against the defendant. It is the
21 formal document by which this case is brought into court.
22 The defendant has pled not guilty to this indictment, and
23 that plea puts the burden on the State to prove the
24 defendant guilty. A person charged with committing a
25 criminal offense in South Carolina is never required to

JURY CHARGE

1 prove himself innocent. I charge you that it is an
2 important rule of law that the defendant in a criminal
3 trial, no matter what the seriousness of the charge may be,
4 will always be presumed to be innocent of the crime for
5 which the indictment was issued unless guilt has been proven
6 by evidence satisfying you of that guilt beyond a reasonable
7 doubt. This presumption of innocence does not end when you
8 begin your deliberations, but it accompanies the defendant
9 throughout the trial until you reach a verdict of guilt
10 based on evidence satisfying you of that guilt beyond a
11 reasonable doubt. The presumption of innocence is like a
12 robe of righteousness placed about the shoulders of the
13 defendant, which remains with the defendant until it has
14 been stripped from the defendant by evidence satisfying you
15 of the defendant's guilt beyond a reasonable doubt. The
16 presumption of innocence is not a mere legal theory, it is
17 not just a legal phrase, it is a substantial right to which
18 every defendant is entitled unless you, the jury, are
19 satisfied from the evidence of the defendant's guilt beyond
20 a reasonable doubt. What is a reasonable doubt in the law?
21 A reasonable doubt is the kind of doubt that would make a
22 reasonable person hesitate to act. The State has the burden
23 of proving the defendant guilty beyond a reasonable doubt.
24 And some of you may have served as jurors in civil cases
25 where you were told that it is only necessary to prove that

JURY CHARGE

1 a fact is more likely true than not true such as by the
2 greater weight or the preponderance of the evidence. In
3 criminal cases the State's proof must be more powerful than
4 that, it must be beyond a reasonable doubt. Proof beyond a
5 reasonable doubt is proof that leaves you firmly convinced
6 of the defendant's guilt. There are very few things in this
7 world that we know with absolute certainty, and in criminal
8 cases the law does not require proof that overcomes every
9 possible doubt. If based upon your consideration of the
10 evidence you are firmly convinced that the defendant is
11 guilty of the crime charged, you must find the defendant
12 guilty. If, on the other hand, you think there is a real
13 possibility that the defendant is not guilty, you must give
14 the defendant the benefit of the doubt and find him not
15 guilty. I instruct you and emphasize that the fact that the
16 defendant did not testify in this case is not a factor to be
17 considered by you in any way in your deliberations and in
18 your consideration of the question of the guilt or the
19 innocence of the defendant. It must not be considered by
20 you in any manner whatsoever. A defendant has the
21 constitutional right to remain silent, and the assertion of
22 this right must not be considered by you in your
23 deliberations. I repeat, under your oath you are to draw no
24 conclusion whatsoever from the fact that the defendant in
25 this case did not testify. The fact that this defendant did

JURY CHARGE

1 not testify should not even be discussed in the jury room.
2 The burden of proof, as I have stated to you, is on the
3 State. The defendant is not required to prove his
4 innocence. The burden of proof remains upon the State to
5 prove guilt beyond a reasonable doubt. Ladies and
6 gentlemen, there are two types of evidence which are
7 generally presented during a trial: Direct evidence and
8 circumstantial evidence. Direct evidence is the testimony
9 of a person who claims to have actual knowledge of a fact,
10 such as an eye witness. Circumstantial evidence is proof of
11 a chain of facts and circumstances indicating the existence
12 of a fact. Direct evidence directly proves the existence of
13 a fact and does not require deduction. Circumstantial
14 evidence is proof of a chain of facts and circumstances
15 indicating the existence of a fact. Crimes may be proven by
16 circumstantial evidence. The law makes no distinction
17 between the weight or value to be given to either direct or
18 circumstantial evidence. However, to the extent that the
19 State relies on circumstantial evidence, all of the
20 circumstances must be consistent with each other, and when
21 taken together point conclusively to the guilt of the
22 accused beyond a reasonable doubt. If the circumstances
23 merely portray the defendant's behavior as suspicious, the
24 proof has failed. The law makes absolutely no distinction
25 between the weight or value to be given to either direct or

JURY CHARGE

1 circumstantial evidence, nor is a greater degree of
2 certainty required of circumstantial evidence than of direct
3 evidence. You should weigh all of the evidence in the case.
4 After weighing all of evidence if you are not convinced of
5 the guilt of the defendant beyond a reasonable doubt you
6 must find the defendant not guilty. The State has the
7 burden of proving the guilty -- excuse me -- the State has
8 the burden of proving the defendant guilty beyond a
9 reasonable doubt. This burden rests with the State
10 regardless of whether the State relies on direct evidence,
11 circumstantial evidence, or some combination of the two. In
12 this case there are allegations of spoliation or destruction
13 of evidence. The State not only has the burden of proof of
14 guilt, but it also has the burden of producing evidence
15 which could establish the innocence of the defendant. When
16 evidence is lost or destroyed by a party you may infer that
17 the evidence, which was lost or destroyed by that party,
18 would have been adverse to that party. If you find first
19 that the defendant was -- that the evidence was spoiled or
20 destroyed, and if you further find that the evidence could
21 help establish the innocence of the defendant, you may then
22 consider those facts in deciding whether or not the State
23 has met its burden of proof. Necessarily, you must
24 determine the credibility of witnesses who have testified in
25 this case. Credibility simply means believability. It

JURY CHARGE

1 becomes your duty as jurors to analyze and to evaluate the
2 evidence, and determine which evidence convinces you of its
3 truth. In determining the believability of witnesses who
4 have testified in this case you may believe one witness over
5 several witnesses, or several witnesses over one witness.
6 You may believe a part of the testimony of a witness and
7 reject the remaining part of the testimony of that same
8 witness. You may believe the testimony of a witness in its
9 entirety, or reject the testimony of a witness in its
10 entirety. You may consider whether any witness has
11 exhibited to you any interest, bias, prejudice, or other
12 motive in this case. You may also consider the appearance
13 and manner of a witness while on the witness stand. In
14 order to establish criminal liability criminal intent is
15 required. For example, the mental state required to be
16 proven by the State for a particular crime might be purpose,
17 intent, knowledge, recklessness, or criminal negligence.
18 Criminal intent must be proven by the State beyond a
19 reasonable doubt. Criminal intent is always a matter that
20 must be determined by the jury from the circumstances
21 surrounding the situation. There's no way to prove intent
22 to a mathematical certainty. There is no way medical
23 science can dissect a person's brain and determine what the
24 person had in mind, so the law says that criminal intent may
25 be inferred from the circumstances shown to have existed.

JURY CHARGE

1 This is how you make a determination of whether or not the
2 element requiring intent was present. It is not necessary
3 to establish intent by direct and positive evidence, but
4 intent may be established by inference in the same way as
5 any other fact, by taking into consideration the acts of the
6 parties and all the facts and circumstances of the case.
7 Criminal intent is a mental state, a conscious wrongdoing.
8 It is up to you to determine what the defendant intended to
9 do based upon the circumstances shown to have existed.
10 Criminal intent can arise from an action or failure to act.
11 It may arise from negligence, recklessness, or an
12 indifference to duty or to consequences that are considered
13 by law to be the equivalent of criminal intent. An issue in
14 this case is the identification of the defendant as the
15 person who committed the crime charged. The State has the
16 burden of proving identity beyond a reasonable doubt. You
17 must be satisfied beyond a reasonable doubt of the accuracy
18 of the identification of the defendant before you may
19 convict a defendant. Identification testimony is an
20 expression of belief or impression by a witness. You must
21 determine the accuracy of the identification of the
22 defendant. You must consider the believability of each
23 identification witness in the same way as any other witness.
24 You may consider whether the witness had an adequate
25 opportunity to observe the offender at the time of the

JURY CHARGE

1 offense. This will be affected by things like how long or
2 short a time was available, how far or close the witness
3 was, the lighting conditions, and whether the witness had
4 the chance to see or know the person in the past. Once
5 again, I instruct you the burden of proof on the State
6 extends to every element of the crime charged, and this
7 specifically includes the burden of proving beyond a
8 reasonable doubt the identity of the defendant as the person
9 who committed the crime. If after examining the testimony
10 you have a reasonable doubt as to the accuracy of the
11 identification you must find the defendant not guilty. The
12 defendant is charged with armed robbery. In order to prove
13 this offense the State must first prove beyond a reasonable
14 doubt that the defendant took personal property from the
15 person or presence of another person. Property is in the
16 presence of a person if it is within the person's reach,
17 inspection, observation, or control, so that the person
18 could if not overcome with violence or prevented by fear
19 keep possession of the property. The State must also prove
20 beyond a reasonable doubt that the defendant carried away
21 the property intending to permanently deprive the owner of
22 the property, and to keep the property for the defendant's
23 own use much. The slightest removal of the property or the
24 complete possession of the property, even if for an instant,
25 by the defendant is sufficient to show a taking and carrying

JURY CHARGE

1 away of the property. The taking and carrying away of the
2 property must have been done with violence, or by putting
3 the owner of the property in fear of violence. Finally, the
4 State must prove beyond a reasonable doubt that the
5 defendant was armed with a deadly weapon during the robbery.
6 A deadly weapon is an article, instrument, or substance,
7 which is likely to cause death or great bodily harm.
8 Whether an instrument has been used as a deadly weapon
9 depends on the facts and circumstances of each case. The
10 following are examples of instruments which may be deadly
11 weapons: A pistol, a shotgun, rifle, a dirk, a dagger, a
12 knife, a slingshot, metal knuckles, a razor, gasoline, fire
13 bomb, or Molotov Cocktail, and lighter fluid. A gun may be
14 a deadly weapon even if it is not operating. Now, ladies
15 and gentlemen, I am at the close of my instructions to you
16 on the law, and at this time I'm going to hand the
17 foreperson a copy of the verdict form in this matter, and
18 the verdict form is simple, there are only two choices,
19 either not guilty, or guilty of armed robbery. Ladies and
20 gentlemen, there's no significance in the order in which I
21 state these possible verdicts, it is simply that one must be
22 stated first. And Madam Clerk is going to bring the verdict
23 form to the foreperson. Ladies and gentlemen of the jury,
24 your verdict must be unanimous, meaning all 12 of you must
25 agree on the verdict. Mr. Foreperson, when the jury agrees

JURY CHARGE

1 on the verdict you will fill out the verdict form by
2 checking either box, sign the verdict form and date it, and
3 then inform the bailiff that you have reached a verdict, and
4 at that time we will receive you back into the courtroom.
5 Ladies and gentlemen, I would instruct you that if one of
6 your fellow jury members is in the restroom or needs to take
7 a break and is outside of the deliberation room,
8 deliberations need to stop. All 12 of you must be actively
9 participating in the deliberations, so if one of you is
10 absent from the room for even a brief period the
11 deliberations need to stop. Ladies and gentlemen, I'm going
12 to send you to your jury room and ask that you do not quite
13 yet begin your deliberations until you are told by the clerk
14 or bailiff to begin. Your signal to begin your
15 deliberations will be when the items of evidence are sent
16 back to you for your review. So, ladies and gentlemen, if
17 you would go to your jury room at this time, please wait and
18 begin your deliberations when you receive your items of
19 evidence.

20 (The jury left the courtroom.)

21 THE COURT: Any exceptions or objections to my closing
22 remarks and instructions to the jury from the State?

23 MR. WHITE: None at all, Judge.

24 THE COURT: Anything from the defendant?

25 MR. HARVIN: None from the defense.

1 THE COURT: All right. Gentlemen, if y'all will get
2 the items of evidence together, we will get it sent back so
3 the jury can begin their deliberations.

4 MR. WHITE: And, Judge, how do you usually cut the
5 alternates lose?

6 THE COURT: When I send the bailiff or clerk's staff
7 with the evidence I tell them to bring the alternates back.
8 I didn't want to cut them loose until I made absolutely sure
9 that we were ready for them to start their deliberations.

10 MR. WHITE: Sounds good. Thank you, Judge.

11 (Break in proceedings.)

12 THE COURT: All right. Okay. If y'all have everything
13 together, the evidence can be taken to the jury, and if you
14 could bring Ms. Chapman and Ms. Bunn, the alternates, back
15 into the courtroom so I can excuse them.

16 MR. HARVIN: Judge, do you mind asking them or at least
17 going through with them if one of the lawyers wanted to talk
18 to them? They could say yes or no.

19 THE COURT: Sure.

20 (The evidence was sent back to the jury and the jury
21 began deliberating. The alternate jurors were brought
22 into the courtroom.)

23 THE COURT: Ms. Altman and Ms. Bunn?

24 THE JUROR: That's right.

25 (Not sure which juror responded.)

1 THE COURT: You two were obviously the alternate jurors
2 selected in this case, and depending on your perspective,
3 fortunately or unfortunately, the 12 primary jurors have
4 made it through the case without needing any substitution,
5 so the law doesn't allow alternates to deliberate once a
6 case has been sent to the jury, so for that reason I am
7 going to excuse the two of you at this time. I hope serving
8 on this jury has been if not enjoyable at least an
9 educational experience for you, and in the not too --
10 hopefully not too distant future you will receive payment
11 for your service as jurors this week. It won't adequately
12 compensate you for the service you have provided to the
13 State of South Carolina and to the citizens of Florence
14 County, but you have my thanks on behalf of the Judicial
15 Branch and Florence County for your service this week. I've
16 been telling y'all all week don't talk about this thing at
17 all, those restrictions are lifted. If perhaps either of
18 these two lawyers or members of their staff wants to speak
19 with you about your experience on this case, it's up to you
20 to determine whether you want to speak with them about any
21 matter raised. Sometimes lawyers like to get, I guess, kind
22 of a Monday morning quarterback evaluation of what they did
23 and how the case went, so I say all of that to say this: If
24 you're contacted by anybody about this case and you don't
25 want to talk with them about it, tell them that. If you

1 want to talk with them, that's fine. If someone who -- if
2 anybody contacts you and they are persistent in trying to
3 get you to do something you don't want to do, contact the
4 Clerk of Court's office, they'll know how to deal with that
5 issue. That shouldn't be a problem but I do instruct people
6 with that always. So, again, ladies, thank y'all very much
7 for your service this week. And Mr. White, no more jury
8 trials for the remainder of the week?

9 MR. WHITE: That's correct, Judge.

10 THE COURT: All right. You are free to go, and you
11 have earned an exemption for the remainder of this year, '23
12 and '24, from jury service. So thank y'all very much. Hope
13 you have a pleasant weekend and a happy July 4th.

14 MR. HARVIN: And, Judge Griffin, while we're on the
15 record I would like to ask if they would be willing to speak
16 with me about the case before they leave.

17 (Inaudible responses.)

18 MR. HARVIN: Cool. Thank you. They have to go out
19 that way?

20 THE COURT: However y'all want to facilitate that is
21 above my paygrade, so y'all --

22 (Break in proceedings.)

23 THE COURT: All right, folks. We will be in recess in
24 this case until we hear from the jury.

25 MR. HARVIN: All right. Thank you, Judge.

1 (The jury began deliberations.)

2 (The jury sent a question.)

3 THE COURT: All rights. We've received some questions
4 from the jury, and the first one is a little bit unclear.
5 They want -- apparently want someone to play the 911 call.
6 It says: Someone to play 911 call on video. I'm not sure
7 what the video part means, but -- and then secondly they're
8 asking for a police report of Officer Bostick. The standard
9 response to that is they've heard all of the evidence and
10 received all of the exhibits they're going hear or received
11 in this case. In terms of playing the 911 call for them, do
12 we need to bring them back in the courtroom and do that?

13 MR. WHITE: Yes, sir, Judge. I think that would be the
14 best bet, and I can cue it up on the laptop.

15 THE COURT: When they come in I'm going to ask them if
16 they want to hear one or both of the 911 calls.

17 MR. WHITE: Yes, sir, Judge.

18 THE COURT: All right. Bring us the jury, please.

19 (The jury returned to the courtroom.)

20 THE COURT: All right. Ladies and gentlemen, we've
21 received your questions and I'm going to address the
22 questions in reverse order. With regard to the police
23 reports, and specifically Officer Bostick's police report,
24 folks, you've heard all of the evidence and testimony you're
25 going to hear in this case, and any exhibits which have been

1 admitted for your review are the only exhibits that you will
2 hear. You will just have to do your best to make your
3 determination of what Officer Bostick testified to from the
4 witness stand. The other issue regarding the 911 calls I
5 need to ask you a question, do you want to hear both 911
6 calls, or is there one you want to focus on --

7 THE JUROR: Both of the calls.

8 THE COURT: Both of them?

9 THE WITNESS: Yes, sir.

10 THE COURT: Okay. Probably the best way to do that is
11 to just do it, since they're relatively short, is just to
12 have them play it for you as you sit here, technology wise
13 it's probably the easiest thing to do. So, Mr. White, if
14 you could cue those up and play them for the jury.

15 (The 911 calls were played.)

16 THE COURT: All right. Ladies and gentlemen, we have
17 played the 911 calls for you, and at this time I would ask
18 that you return to your jury room and continue your
19 deliberations. And we will make the questions a Court's
20 Exhibit.

21 (A juror said something.)

22 THE COURT: Thank y'all very much. That's what I was a
23 little bit confused on, y'all to want watch the video again?

24 THE JUROR: Yes, sir.

25 THE COURT: All right.

JURY VERDICT

1 MR. WHITE: One second, Judge, that's no problem.

2 THE COURT: All right. Give Mr. White a moment to cue
3 that up.

4 (Break in proceedings.)

5 (The video was played.)

6 THE COURT: All right. Ladies and gentlemen, if you'll
7 return to the jury room and continue your deliberations.

8 (The jury left the courtroom and resumed
9 Deliberations.)

10 THE COURT: All right. All right. We'll make their
11 questions the next Court Exhibit, and we'll be in recess
12 until we hear further from the jury.

13 MR. WHITE: Thank you, Judge.

14 MR. HARVIN: Thank you, Judge.

15 (Court was in recess while the jury deliberated.)

16 THE COURT: Okay. Folks, I have been informed that the
17 jury has reached a verdict. Before we bring the jury in I
18 say this in pretty much every criminal case before the
19 verdict is read, we're going to maintain proper decorum in
20 the courtroom, so if anybody in the courtroom feels like
21 they may not be able to control their emotions regardless of
22 what the verdict is, now is the time to leave the courtroom.
23 Like I said, I don't have any indication that that's going
24 to be a problem, but that's just kind of a blanket
25 instruction that I give anytime before a verdict is read.

JURY VERDICT

1 Is the State ready to receive the verdict?

2 MR. WHITE: Yes, sir, Judge.

3 THE COURT: Is the defense ready?

4 MR. HARVIN: Yes, Your Honor, just one thing. And can
5 we have a side bar real quick?

6 THE COURT: Sure.

7 (A bench conference was held with the Judge and the
8 Attorneys off the record.)

9 THE COURT: All right. Bring us the jury, please.

10 (The jury returned to the courtroom with a verdict.)

11 THE COURT: All right. Mr. Foreperson, has the jury
12 reached a verdict?

13 THE JUROR: Yes, sir.

14 THE COURT: Is it unanimous?

15 THE JUROR: Yes, sir.

16 THE COURT: All right. Madam Clerk, if you will
17 retrieve the verdict form.

18 THE CLERK: State of South Carolina, County of
19 Florence, in the Court of General Sessions. The State
20 versus Satwaun Henryhand. Verdict -- excuse me, case number
21 2021-GS-21-2335. As to the charge of armed robbery we, the
22 jury, unanimously find the defendant guilty. Signed, Fabian
23 Williams, foreperson, dated June 29th, 2022. Members of the
24 jury, if this was your verdict please raise your right hand.
25 That's everyone, Judge.

GUILTY PLEA

1 THE COURT: All right. Thank you, ma'am. Mr. Harvin,
2 does the defense request polling of the jury?

3 MR. HARVIN: No, Your Honor, we do not want to poll the
4 jury.

5 THE COURT: All right. Thank you, Mr. Harvin. Ladies
6 and gentlemen of the jury, obviously that concludes your
7 service in this matter for this week and concludes your
8 service as jurors here in Florence County for this week. We
9 appreciate your service as jurors this week. And, ladies
10 and gentlemen, I've been telling you this whole week that
11 it's not time to talk about this case, if at any point in
12 the near future someone contacts you about this case you're
13 free to discuss it with anyone you wish, or you're free not
14 to discuss it. So if you as you go about your business want
15 to discuss this with someone you may, if you don't and they
16 persist in trying to get you to discuss anything about this
17 case and you don't want to do that, just notify the Clerk of
18 Court's office. We appreciate your service. You have
19 earned a jury exemption for the remainder of this year, and
20 '23, and '24. You are now free to go, and again, we thank
21 you for your service. If you need a work excuse the clerk's
22 office through the bailiff's will be able to provide those
23 to you. And folks, if any of you wish to stay for the
24 sentencing portion of this, if you would just come around
25 and see -- and be seated out in the audience. You don't

GUILTY PLEA

1 have to do that if you don't want to, if you want to you're
2 certainly more than welcome. All right.

3 (The jury left the courtroom.)

4 THE COURT: All right. How much time are y'all going
5 to need to pre -- get everything in place?

6 MR. WHITE: It will take me five minutes to print the
7 documents, and then I would defer to Mr. Harvin how long he
8 would need to speak to his client.

9 MR. HARVIN: Probably ten or 15 minutes.

10 THE COURT: All right. We'll be in recess until 1:35.
11 If any of the jurors want to come around for sentencing just
12 have them sit wherever you normally would put them and
13 instruct them that it is going to be a few minutes, it will
14 be at least until 1:35. Y'all just let me know when you're
15 ready.

16 (Break in proceedings.)

17 MR. WHITE: May it please the Court? Judge, we've
18 reached a negotiation on charges that he has pending to run
19 concurrent with the charge he was just convicted of. He's
20 also pleading guilty to one count of voluntary manslaughter.
21 Pursuant to the plea we're dismissing two armed robberies
22 that he also has pending. I'm going to pass up those
23 sentencing sheets up now. Judge, on that voluntary
24 manslaughter he is pleading guilty under North Carolina
25 versus Alford.

GUILTY PLEA

1 THE COURT: All right. Mr. Harvin, you represent
2 Satwaun Henryhand on this murder charge?

3 MR. HARVIN: Yes, Your Honor.

4 THE COURT: Have you explained to him the nature of
5 this charge, the possible penalty he could receive, and his
6 constitutional rights with regard to a jury trial?

7 MR. HARVIN: Yes, Your Honor.

8 THE COURT: All right. Mr. Henryhand, today are you
9 under the influence of any drugs or alcohol?

10 THE DEFENDANT: No, sir.

11 THE COURT: Ever had any treatment for any mental
12 health problems?

13 THE DEFENDANT: No, sir.

14 THE COURT: All right. Voluntary manslaughter carries
15 a mandatory minimum of two years and up to a maximum of 30
16 years, do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. And it is considered a violent
19 crime and it is considered a most serious crime under our
20 law, you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you understand that if you get two
23 convictions for a most serious offenses that you could be
24 facing a mandatory life without parole sentence?

25 THE DEFENDANT: Yes, sir.

GUILTY PLEA

1 THE COURT: And you understand that if you were to get
2 three serious offenses, or a combination of serious and most
3 serious offenses coming up to the number three that you
4 would likewise be facing a mandatory life without parole
5 sentence. Do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: So these two convictions today, this armed
8 robbery and this voluntary manslaughter, will count as --
9 since you're disposing of them at the same time they'll
10 count as one strike. Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: So you'll leave here with one most serious
13 strike on your two or three strikes record, do you
14 understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right, sir. When you plead guilty you
17 give up certain constitutional rights. First you give up
18 your right to remain silent. Because you're admitting your
19 guilt, and in this case you would be admitting that
20 there's -- the State would have had sufficient evidence to
21 convict you of voluntary manslaughter. You also give up
22 your right to a jury trial. In that jury trial, as you've
23 seen over the last few days, the State would have the burden
24 of proving you guilty beyond a reasonable doubt to all 12
25 jurors. In that jury trial you could question State's

GUILTY PLEA

1 witnesses against you, you could call witnesses to testify
2 for you, and you could present a defense, but when you plead
3 you give up those jury trial rights, you waive any defenses
4 you may have, and there will not be a jury trial. Do you
5 understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. Looking at the indictment it
8 was originally for murder, and it states that you did in
9 Florence County on or about November 23rd, 2019, willfully,
10 feloniously, and intentionally kill the victim, Kevin
11 Backus, with malice aforethought, either express or implied,
12 by means of a gunshot, and the victim did die as a proximate
13 result thereof on or about November 23rd of 2019 in Florence
14 County in violation of Section 16-3-10 of the South Carolina
15 Code of Laws. Do you understand that charge?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Now, you have been offered a plea to
18 voluntary manslaughter, and it's my understanding you want
19 to offer a plea under the case of North Carolina versus
20 Alford. Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And knowing what's alleged in the
23 indictment how do you plead under North Carolina versus
24 Alford?

25 THE DEFENDANT: Guilty.

GUILTY PLEA

1 THE COURT: All right. The State is recommending that
2 any sentence I give you on the voluntary manslaughter charge
3 run concurrent with the armed robbery case that you were
4 just convicted of. Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Other than that recommendation, has anybody
7 promised you anything to get you to plead guilty?

8 THE DEFENDANT: No, sir.

9 THE COURT: Has anybody forced or threatened you to
10 plead guilty?

11 THE DEFENDANT: No, sir.

12 THE COURT: Are you doing this freely and voluntarily?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And are you satisfied with the services of
15 Mr. Harvin?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: He has gone over this manslaughter case
18 with you, and do you need any time to go over it with him
19 any further?

20 THE DEFENDANT: No, sir.

21 THE COURT: You've gone over the discovery that's been
22 provided by the State.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you have any complaints against the
25 solicitor's office, law enforcement, or anybody involved in

GUILTY PLEA

1 the investigation of this matter?

2 THE DEFENDANT: No, sir.

3 THE COURT: And you're pleading guilty to voluntary
4 manslaughter because you are -- well -- strike that. In a
5 moment the State is going to give me the facts that they
6 would present in a trial for this voluntary manslaughter
7 case and then I'm going to come back and ask you a question.
8 Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you understand that if you want to
11 appeal this plea or the sentence I give you you've got ten
12 days to appeal your conviction from earlier today, and ten
13 days to appeal any sentence on this guilty plea. Do you
14 understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. Listen closely, he's going to
17 give me the facts of the manslaughter case and then I'll
18 come back to you.

19 MR. WHITE: Thank you, Judge. May it please the Court?
20 This incident that gave rise to the voluntary manslaughter
21 plea happened November 23rd, 2019. Judge, in keeping track,
22 that's the day after the armed robbery that he just was
23 convicted of. The incident took place at 402 Curry Lane.
24 The victim is Kevin Backus. And Mr. Backus' brother
25 advertised a party to be held there at 402 Curry Lane,

GUILTY PLEA

1 advertised it on Facebook. Mr. Henryhand, along with a
2 couple of co-defendants, a Victor Johnson, Tyquan
3 (phonetically) Johnson, showed up at the gathering. At some
4 point one of the co-defendants handed a gun to Mr.
5 Henryhand, told him to shoot at Mr. Backus, who they had a
6 previous beef with. Mr. Henryhand did so, shot and struck
7 Mr. Backus and he died there on scene. Judge, later a
8 confidential informant had a discussion with Mr. Henryhand
9 where Mr. Henryhand admitted to the entirety of the
10 incident, and that was captured on audio recording. Judge,
11 he also has two armed robberies that he has pending in our
12 office. And I would like, if the Court is amenable to it,
13 to hear from Investigator Porter about the substance of
14 those armed robberies. They happened September 24th, 2019,
15 and you'll hear from him about how those came to be. But I
16 do want to add that in the course of our investigation into
17 all of these matters it seems that these two are the only
18 two that he got caught on, caught with. There were several
19 that he perpetrated and the victims did not feel the need to
20 call law enforcement, but I think this was a string of armed
21 robberies that he was perpetrating there on 52. But I ask
22 for you to hear from Investigator Porter.

23 THE COURT: Before I hear from you, Investigator
24 Porter, let me go to Mr. Henryhand with regard to the
25 allegations in the manslaughter case. Mr. Henryhand, you

GUILTY PLEA

1 heard the facts as recited by the solicitor with regard to
2 the manslaughter case?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: You understand that those are the facts
5 that they would present at your trial. Do you agree that
6 they're -- based upon what you've heard and the facts that
7 they would present that there is a substantial likelihood
8 that if you took that case to trial that you could be
9 convicted of at least voluntary manslaughter?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. And do you want me to accept
12 your plea under North Carolina versus Alford?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. I find there's a substantial
15 factual basis for the plea. I find the defendant's decision
16 to plead guilty is freely, voluntarily, and intelligently
17 made. He's had the advice of counsel of an attorney with
18 whom he's satisfied and I will accept the plea under North
19 Carolina versus Alford. I also find that the requisite
20 bargain has been met in this case. Murder carries a
21 mandatory minimum of 30 years all of the way up to life,
22 voluntary manslaughter caps Mr. Henryhand's exposure at 30
23 years for voluntary manslaughter, and the fact that it will
24 run concurrent with his conviction for armed robbery
25 certainly benefits him even if he is offering to plead under

GUILTY PLEA

1 North Carolina versus Alford, so I find that all of the
2 requirements of North Carolina versus Alford are met. And
3 I'll hear from Investigator Porter before I hear from Mr.
4 Henryhand in mitigation.

5 SPEAKER: Yes, sir. If it pleases the Court? During
6 the timeframe previously mentioned by the solicitor's
7 office, Attorney Mr. White. 9/24/2019 while at the Travel
8 Lodge, now Knights Inn on Lucas Street, the defendant, Mr.
9 Henryhand, along with two other co-defendants, Summer
10 Stevenson and Heather Hyman -- or Altman, they did
11 orchestrate a situation where they would utilize social
12 media Skip The Games. Skip The Games is similar to a
13 Backpage website, which they utilize that site to lure men
14 to the hotel for the promise of solicitation to some degree.
15 Once the gentlemen arrive at the location they were then
16 taken into the room by the codefendant Stevens where she --
17 once she got them in there she gave a signal to the
18 defendant, Mr. Henryhand, who was hiding in the bathroom
19 with a firearm, at which time he came out, and during both
20 incidents he relieved the victims of their currency roughly
21 to be about \$80. One was \$81, the other one was \$80. So I
22 would assume that the negotiated amount was about \$80,
23 sending them out of the room running for their safety and
24 wellbeing. During this time when we looked at his criminal
25 history he did have a pretty jaded past with other issues

SENTENCING HEARING

1 that was going on but that wasn't before me as far as the
2 robbery go. He was a convicted felon, which was also --
3 during which time he was prohibited from having a firearm or
4 possessing ammunition in the State of South Carolina, as
5 well as these instance occurring within my jurisdiction of
6 Florence County, South Carolina. Was able to identify him
7 all parties involved. Arrests were made on all individuals,
8 during which time they began to disclose a lot of
9 information that took place in the room and how it was
10 accomplished, at which time Mr. Henryhand was apprehended.
11 I think yesterday in the testimony when he was asking me how
12 close I was to him, I was fairly close enough to see one of
13 the defendant's -- co-defendant's name tattooed on his face
14 above his right eye, however it goes. You know, he was
15 subsequently picked up on the murder charge for the city and
16 I was notified of which, and therefore that brought us to
17 this point now.

18 THE COURT: All right. And, Mr. White, any prior
19 record before I hear from the defense?

20 MR. WHITE: Yes, sir, Judge. In 2011 he has a petty
21 larceny. Also in 2011 burglary third. 2013 criminal
22 domestic violence. 2016 another criminal domestic violence.
23 2015 -- kind of jumping around a little bit, Judge -- but
24 giving false information. 2015 a parole revocation on a YOA
25 sentence. 2017 driving under suspension. 2018 entering

SENTENCING HEARING

1 premises after warning. 2019 public disorderly conduct, as
2 well as breach of peace. Judge, obviously I believe that
3 Mr. Henryhand has shown an extreme propensity of violence.
4 I believe he's received a great benefit for entering his
5 plea here on the voluntary manslaughter. As you are well
6 aware the State could have noticed him for life without the
7 possibility of parole and gone forward on the murder charge.
8 We believe he's been given all the bargain that he should
9 receive here today and we're asking that respectfully Your
10 Honor sentence him to the max, which would be 30 years on
11 the armed robbery, 30 years on the voluntary manslaughter to
12 run concurrent with one another.

13 THE COURT: Thank you, Mr. White. Mr. Harvin, I'll be
14 happy to hear from you, sir.

15 MR. HARVIN: May it please the Court, Your Honor? As
16 it relates to the three charges that were mentioned I'll
17 start there. The two armed robberies that was mentioned
18 that they are dismissing, both of those cases had
19 substantial issues as far as proof. And, in fact, we had a
20 conversation with one of the witnesses in preparation of
21 possibly trying those cases, and she sat in my office and
22 explained to me that in both instances they were engaged in
23 betting, gambling, and the individual who was upset that he
24 lost in both instances then contacted law enforcement. Law
25 enforcement actually made contact with them on that night

SENTENCING HEARING

1 and had a conversation with them, and they explained to law
2 enforcement exactly what was going on. There were no
3 arrests made on that night because law enforcement had no
4 reason to make an arrest, and so when he was finally
5 arrested it was in November of 2019, these armed robberies
6 happened in September. We also have a video where the
7 investigator in the subsequent murder case is speaking to
8 one of the witnesses, and in that conversation he expresses
9 to one of the witnesses that we're going to load him up with
10 so many charges that you don't to have to worry about ever
11 testifying in court. And so essentially when they did
12 arrest him in November, the whole concept here is to just
13 figure out whatever charges they could pin on him so that
14 they wouldn't have to try the murder case, which brings me
15 to the murder case. That particular case, it's interesting
16 because the victim from my records and notes that I have,
17 Your Honor, the victim was actually shot several times by
18 several different types of weapons. And the information we
19 received was that there was a barrage of different type of
20 casings all in this area at this drug dealer's house. They
21 found drugs on the scene that he was selling. It wasn't
22 just a party, it was a little more than that, he was selling
23 drugs, and somehow a massive shooting broke out of some
24 type. So from the standpoint of my guy being the person
25 that killed him, that has never been our position. There

SENTENCING HEARING

1 was some type of shootout, we don't know who did what and
2 that's why they charged three people, because I don't
3 believe the State really knows who did what. But
4 nonetheless, Judge, he is here under an Alford plea
5 obviously because the State has offered him a concurrent
6 sentence, but he has maintained his innocence in that
7 matter. And so bringing us to this particular incident.
8 Judge, you were here, you heard the evidence. Obviously we
9 respect the jury, we understand their decision, it seems as
10 though they spent two hours or more, and they actually
11 discussed it. I mean, they actually had a -- it sounded
12 like somebody said they might have been arguing a bit, and
13 so that's all we can ask of a jury is to consider our
14 position and try to make light of the situation that they
15 have presented us with. While Mr. Henryhand does have some
16 charges, one thing you'll notice, Judge, that none of the --
17 I'm sorry, convictions, that none of his prior convictions,
18 there's no indication that I've seen that he was ever
19 charged with having a firearm. The domestic violence
20 charges, there's no subsequent possession of a firearm
21 offense or unlawful carrying offense. And so when they say
22 he has a history of having a weapon, well, there's just
23 nothing in his criminal record that suggests that. His
24 longest time that he served in jail was on the YOA sentence
25 where he served a YOA not to exceed five years. The other

SENTENCING HEARING

1 charges he received a 60 day sentence for one, 30 day
2 sentence for one, 30 day sentence for the others. And so he
3 has never, outside of the YOA, served a substantial time in
4 prison. Judge, he was born in 1993, which makes him
5 approximately 29 -- 28 years of age. He graduated from
6 Wilson High School. While there was plenty to be said that
7 he did not work, Judge, we would like to show the Court a
8 photo, which actually shows him in working apparel. He
9 worked in construction. We also have a few other photos
10 that show him with his children, he has a daughter and a
11 son. And then a photo of him and his family. So the Court
12 can see that he is not quite the person that law enforcement
13 would make him out to be. And, in fact, there's so much
14 more about Mr. Henryhand that law enforcement hasn't
15 presented, but we do understand that their information, they
16 keep it very limited to those things that are highly
17 negative in nature and there's no context of his entire
18 life. His family is here, I would ask them to step forward,
19 the Henryhand family. All right. Well, Mr. Henryhand, his
20 father has on the gray shirt; Ms. Henryhand, his mother, is
21 sitting here; and then Ms. Henryhand, his sister, is
22 standing next to the mic. Judge, I would ask that the Court
23 allow them to speak in whatever order in which they would
24 like to speak to say a few words about Mr. Henryhand.

25 THE COURT: I will be happy to hear from any or all of

SENTENCING HEARING

1 them. All they need to do is step up to the mic and state
2 their name for the record.

3 SPEAKER: Cathy Henryhand.

4 THE COURT: Yes, ma'am.

5 SPEAKER: Yes. I had Satwaun in December of '93. I
6 never thought then that I would be standing right here where
7 I am now. Jesus. That's my son and I love him. No matter
8 what y'all say or anything, I don't think that's the man
9 that y'all have right there. Satwaun is a church going man,
10 he sang in the choir, and he love his children. Lord knows
11 they need him. I'm just asking you to just please have
12 mercy on him, Your Honor, when you make your decision about
13 his sentences. I don't know if you'll going to do it now or
14 later, but please just have mercy on him. Look at the
15 evidence (inaudible audio) listen to him, read the paper,
16 have mercy on my son. There's nothing else I can do. I
17 prayed, Lord knows I prayed. That's my child and it hurts.
18 It hurts. Just give him mercy, please. Satwaun went to
19 church. He did work. He had jobs. He probably was between
20 jobs but Satwaun works, he did. Please, his children need
21 him, I need him. Give my son a life, please, not behind
22 bars. Give him another chance to come back out here and
23 prove himself to you and everybody. He can get a job, he
24 can work. His children need him. Let him have a life not
25 behind bars. Please have mercy on him. Everybody misses

SENTENCING HEARING

1 him. They couldn't be here today. I missed my job twice to
2 be here. But I'm not complaining because my --

3 (The speaker is crying and it is hard to understand
4 Her.)

5 SPEAKER: -- for something they always say he was
6 innocent. I believe him. I believe him. I'm just asking
7 you because I know it is in your hands to have mercy on him.

8 THE COURT: Thank you, ma'am.

9 SPEAKER: I'm Kimberly, his sister. Like she said,
10 just please have mercy on him. I have two kids, they're his
11 nieces and nephews. He have kids, they need him. I need
12 him. We all need him. Just please have mercy on him.

13 SPEAKER: I am Mark Henryhand, his father, that's my
14 oldest son. I'm asking you, sir, to please -- (inaudible
15 audio) he had a job, I can get him that job, he can work
16 with me. That's all I've got.

17 THE COURT: Thank you, sir. Mr. Harvin?

18 MR. HARVIN: And so, Judge, as it relates to the
19 sentence, you know, obviously me and Ryan worked tirelessly
20 to try to resolve this before we went to trial, and at that
21 time the last plea offer we had was a split sentence that
22 gave him a 15 year sentence in prison and five years
23 probation with 30 years hanging over his head. We
24 understand that, you know, after trial sometimes things
25 change, but really from a factual standpoint this case

SENTENCING HEARING

1 didn't get better. The case was always one in which without
2 the video we struggled to try to figure out, you know, what
3 this case really was about and how to resolve it in a way
4 that the State and my client could feel comfortable, and so
5 inasmuch as that matters, Judge, we would like the Court to
6 know about it. We obviously respect whatever decision that
7 you make. We understand that he has two serious -- I'm
8 sorry, most serious offenses he'll serve 85 percent of, so
9 no matter what you order on today at least he'll be in
10 prison for eight and a half years if you gave him a ten year
11 sentence, or possibly even more time if you gave him the
12 maximum sentence. We would just ask that, Judge, as it was
13 stated by his family to be as gracious and be as merciful as
14 the Judge may decide to be in your wisdom given the facts
15 and circumstances in their complete totality.

16 THE COURT: All right. And Mr. Henryhand, your lawyer
17 mentioned it and I went over the fact that these charges are
18 most serious, you understand that they carry the 85 percent
19 provision, that whatever sentence I decide you will have to
20 assume that you'll do at least 85 percent of that.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Okay. Mr. Henryhand, is there anything
23 that you want to tell me, sir?

24 THE DEFENDANT: No, sir.

25 THE COURT: I appreciate Mr. Harvin informing me what

SENTENCING HEARING

1 the last plea offer was in this to resolve all of these
2 matters. And Mr. Harvin is right, sometimes things change
3 after a trial has been conducted and it's really because,
4 you know, when you're offered a plea and you accept it you
5 are rewarded for taking the plea. So the fact that it
6 changes isn't a punishment for exercising your right to
7 trial, but it does change the dynamic a little bit, because
8 that reward component, the reward for taking responsibility
9 for things that have occurred after the trial is had, that
10 in most instances goes away. And this situation -- these
11 two situations are tragic for everybody involved. They're
12 tragic for Ms. Benjamin, the victim of the armed robbery,
13 they're tragic for Mr. Backus, the victim of the
14 manslaughter, and unfortunately just as tragic for the
15 people that love Mr. Henryhand. And these types of things
16 turn the victims, the surviving family members, and the
17 family member -- or the family members of the defendant,
18 they turn their lives upside down, and that's just the
19 reality of the situation. I have taken into account the
20 jury's verdict. I have taken into account the nature of the
21 manslaughter case. I have taken into account the fact that
22 this conviction for armed robbery and a pending murder
23 charge would have subjected Mr. Henryhand to the potential
24 of life without parole as a mandatory sentence. I'm also
25 taking into account the fact that he has after the trial

SENTENCING HEARING

1 chosen to resolve this manslaughter case and I'm going to
2 give him some benefit for that. So this sentence is going
3 to be severe, but these were severe crimes. The sentence of
4 the Court on both charges will run concurrent, and on
5 indictment 2021-GS-21-01451, that is the voluntary
6 manslaughter, Mr. Henryhand, you are committed to the State
7 Department of Corrections for a determinate term of 27
8 years. On indictment 2021-GS-21-02335, on the count of
9 armed robbery, the sentence is the same, 27 years, it will
10 run concurrent with the other charge. You'll get any credit
11 for any time you've done in jail. Mr. White, when was he
12 arrested?

13 MR. WHITE: He was arrested, Judge, November 16th of
14 2019, if I'm not mistaken. No, my apologies, it's
15 November 26th, 2019.

16 THE COURT: All right. The defendant will receive --
17 by my clerk's calculations that's 946 days, you'll receive
18 credit for those days on both charges. And that is the
19 sentence of the Court.

20 MR. WHITE: Thank you, Judge.

21 THE COURT: Thank you very much.

22 MR. HARVIN: Your Honor, just one matter. You
23 mentioned to Mr. Henryhand the issue of appealing the guilty
24 plea within a ten day period, but we kind of transitioned
25 after the verdict, and I just would like for ten days to

SENTENCING HEARING

1 file any post-trial motions regarding the actual trial.

2 THE COURT: Right. Right. Right. The actual trial,
3 you've got ten days for any post-trial motions, which will
4 certainly toll the time for appeal. Mr. Henryhand, Mr.
5 Harvin can -- will go over the -- any appellate rights you
6 have with you. But as far as the guilty plea on the
7 voluntary manslaughter, you've got ten days from today's
8 date to appeal -- to appeal that plea or the sentence if you
9 so choose. All right. This matter is adjourned.

10 (End of trial proceedings.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 I, the undersigned, Michael C. Watkins,
2 Official Court Reporter for the Sixth Judicial
3 Circuit of the State of South Carolina, do hereby
4 certify that the foregoing is a true, accurate and
5 complete transcript of the proceedings had and
6 evidence introduced in the trial of the captioned
7 (as recorded by DCRP and transcribed by me) case
8 relative to appeal in the Court of General Sessions
9 for Florence County, South Carolina, on the
10 27th-29th days of June, 2022.

11 I further certify that I am not of counsel, nor
12 interest to any party hereto.

13
14 January 11, 2023

15
16 
17 Michael C. Watkins

18 Court Reporter
19
20
21
22
23
24
25

FILED

2021 NOV 23 P 2:50

DORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

SC Court of Appeals

JUL 13 2022

RECEIVED

DOCKET NO. 2021-GS-21-02335

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2021

THE STATE

SATWAUN WALLACE HENRYHAND

Indictment for

ARMED ROBBERY

CERTIFIED: A TRUE COPY
CLERK OF COURT C.R. & G.S.
FLORENCE COUNTY, S.C.

W11-2021-033

Tyrone Porter Florence County Sheriff

Ryan White

ARREST WARRANT NUMBER

2019A2110200862

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

11/23/21

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF FLORENCE)

ARMED ROBBERY

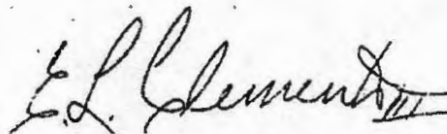
At a Court of General Sessions, convened on NOVEMBER 23, 2021 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE - ARMED ROBBERY

CDR: 0139 16-11-0330(A)

That Satwaun Wallace Henryhand did in Florence County on or about November 22, 2019, while armed with a deadly weapon, to wit: a handgun, or while alleging, either by action or words, that he/she 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 Suburan Extended Stay Hotels from or in the immediate presence of Suburan Extended Stay Hotels with intent to deprive Suburan Extended Stay Hotels 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.



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Florence

STATE

VS.

RECEIVED

IN THE COURT OF GENERAL SESSIONS

JUL 13 2022

SC Court of Appeals

INDICTMENT/CASE#: 2021-GS-21-02335Satwaun Wallace Henryhard

AKA:

Race: BlackSex: MAge: 28DOB: [REDACTED]SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#*: [REDACTED]SID# [REDACTED]AW#: 2019A2110200862Date of Offense: 11/22/2019S.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: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon (10-30)In violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar # 102584

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 21 days/months/years Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2021-GS-21-01451☒ 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.946 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.

CERTIFIED: A TRUE COPY
Clerk of Court
FLORENCE COUNTY, S.C.

STATE VS. Satwaun Wallace Henryhand INDICTMENT/CASE#: 2021-GS-21-02335**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ **RESTITUTION:** ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

\$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	\$	375
☐ 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 \$ 128.75Clerk of Court/Deputy Clerk: [Signature]
Court Reporter: Digital ReporterPresiding Judge: [Signature]
Judge Code: 2168
Sentence Date: 6-29-22

CERTIFIED TRUE COPY
 566A/2174(07/2021)
[Signature]
 CLERK OF COURT C.P. & G.S.
 FLORENCE COUNTY, S.C.

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,

RECEIVED

Jan 24 2024

SC Court of Appeals



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 24th day of January, 2024.

RECEIVED

Jan 24 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County

Honorable R. Kirk Griffin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

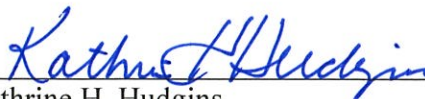
SATWAUN WALLACE HENRYHAND,

APPELLANT

APPELLATE CASE NO. 2022-000975

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Andrew D Powell, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 24th day of January, 2024.



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

From: [Stock, Chris](#)
To: [Andrew Powell](#); [Grace Sommer](#)
Cc: [Hudgins, Kathrine](#)
Subject: Henryhand, Satwaun - Record on Appeal & Proposed Transportation Order - 2022-000975
Date: Wednesday, January 24, 2024 10:03:55 AM
Attachments: [Henryhand, Satwaun - Proposed Transportation Order - 2022-000975.pdf](#)
[Henryhand, Satwaun - Record on Appeal - 2022-000975.pdf](#)

Mr. Powell,

Please find attached for service the Record on Appeal and Proposed Transportation Order for Satwaun Wallace Henryhand's appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock

Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330