RECEIVED
May 26 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

---

Appeal from Florence County
Honorable H. Steven DeBerry, IV, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

SEAN DEVON JAMES,

APPELLANT.

APPELLATE CASE NO. 2022-001279

---

# RECORD ON APPEAL

---

BREEN RICHARD STEVENS
Appellate Defender

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

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

ROBERT D. COOK
Solicitor General
S.C. Bar No. 1373

J. EMORY SMITH, JR.
Deputy Solicitor General
S.C. Bar No. 5262

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3680; Email: esmith@scag.gov

E.L. CLEMENTS III
Solicitor, Twelfth Judicial Circuit

ATTORNEYS FOR RESPONDENT

# INDEX

INDEX ..... i

TRIAL TRANSCRIPT DATED SEPTEMBER 6-8, 2022 ..... 1

PRE-TRIAL MOTIONS ..... 10

NEILS V. BIGGERS HEARING ..... 13

TESTIMONY (IN-CAMERA)

CARLA LYNCH EADDY
Direct Examination by Mr. Ervin ..... 13
Cross-Examination by Mr. Freeman ..... 30
Redirect Examination by Mr. Ervin ..... 38

CLIFTON GRAHAM
Direct Examination by Mr. Ervin ..... 41
Cross-Examination by Mr. Freeman ..... 43
Redirect Examination by Mr. Ervin ..... 45

AGGIE GRAHAM
Direct Examination by Mr. Ervin ..... 48
Cross-Examination by Mr. Freeman ..... 51

JOHN DAVIS
Direct Examination by Mr. Ervin ..... 53
Cross-Examination by Mr. Freeman ..... 61
Redirect Examination by Mr. Ervin ..... 64

OPENING STATEMENT BY MR. FREEMAN ..... 92

OPENING STATEMENT BY MR. ERVIN ..... 94

TESTIMONY

ASHLEY ANDERSON
Direct Examination by Mr. Freeman ..... 98
Cross-Examination by Mr. Ervin ..... 101
Redirect Examination by Mr. Freeman ..... 106

AGGIE GRAHAM
Direct Examination by Mr. Freeman ..... 107
Cross-Examination by Mr. Ervin ..... 113
Redirect Examination by Mr. Freeman ..... 114

CLIFTON GRAHAM
Direct Examination by Mr. Freeman ....115
Cross-Examination by Mr. Ervin ....119
Redirect Examination by Mr. Freeman ....124

CARLA LYNCH EADDY
Direct Examination by Mr. Freeman ....125
Cross-Examination by Mr. Ervin ....135
Redirect Examination by Mr. Freeman ....140
Recross-Examination by Mr. Ervin ....143

ASHLEY LYNCH
Direct Examination by Mr. Freeman ....145
Cross-Examination by Mr. Ervin ....151
Redirect Examination by Mr. Freeman ....152

TIM MATTHEWS
Direct Examination by Mr. Freeman ....155
Cross-Examination by Mr. Ervin ....165
Redirect Examination by Mr. Freeman ....167
Recross-Examination by Mr. Ervin ....168

JACK CORBETT
Direct Examination by Mr. Freeman ....169
Cross-Examination by Mr. Ervin ....184

CARLA LYNCH EADDY (RECALLED)
Direct Examination by Mr. Freeman ....188

JOHN DAVIS
Direct Examination by Mr. Freeman ....189
Cross-Examination by Mr. Ervin ....203
Redirect Examination by Mr. Freeman ....210

STATE RESTS ....212

MOTION FOR A DIRECTED VERDICT ....213

ADVICE OF RIGHTS ....215

RULING BY THE COURT ON DIRECTED VERDICT MOTION ....217

DEFENSE RESTS ....219

CHARGE CONFERENCE ....220

CLOSING ARGUMENT BY MY. FREEMAN .....224

CLOSING ARGUMENT BY MR. ERVIN.....236

REPLY CLOSING ARGUMENT BY MR. FREEMAN.....243

CHARGE ON THE LAW .....245

JURY NOTE.....248

ADDITIONAL CHARGE ON THE LAW.....251

REPLAY OF THE BODY CAM FOOTAGE.....252

JURY NOTE.....254

VERDICT .....256

JURY POLL.....257

SENTENCING .....264

RENEWED MOTION FOR DIRECTED VERDICT.....264

STATE'S EXHIBIT NO. 20 (FINGERPRINT).....266

STATE'S EXHIBIT NO. 21 (REPORT).....269

STATE'S EXHIBIT NO. 22 (REPORT).....282

MOTION TO SUPPRESS.....294

INDICTMENTS .....298

SENTENCE SHEETS .....302

CERTIFICATE OF COUNSEL .....304

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:**
**DEFENSE EXHIBIT NOS. 1 (PHOTOGRAPH/TEXT), 2, 3, 4 (PHOTOGRAPHS)**
**STATE'S EXHIBIT NOS. 1 (PHOTOGRAPH), 5 (GOOGLE MAP),**
**6-19 (PHOTOGRAPHS), 23 (BODY CAM)**

STATE OF SOUTH CAROLINA TRANSCRIPT OF RECORD

COUNTY OF FLORENCE CASE NO. 2022-GS-21-00092
2022-GS-21-00094

---

September 6, 2022

BEFORE: The Honorable H. Steven DeBerry, IV

---

State of South Carolina,

Plaintiff,

vs.

Sean Devon James

Defendant.

---

APPEARANCES:

Jeremiah Freeman
Assistant Solicitor
Twelfth Circuit Solicitor's Office.

John M. Ervin, III
Attorney for the Defendant.

---

Betty R. Lyons, Court Reporter I
South Carolina Judicial Department
747 Bishops Circle, Evans, Georgia 30809

I-N-D-E-X

WITNESS/DESCRIPTION PAGE NUMBER

(SEPTEMBER 6, 2022)

Jury Voir Dire.....09

Jury Seated.....22

Pre-trial Matters.....34

Biggers v. Neil Hearing.....38

Carla Lynch Eaddy

Direct by Mr. Ervin.....38

Cross by Mr. Freeman.....55

Redirect by Mr. Ervin.....63

Clifton Graham

Direct by Mr. Ervin.....66

Cross by Mr. Freeman.....68

Redirect by Mr. Ervin.....70

Aggie Graham

Direct by Mr. Ervin.....73

Cross by Mr. Freeman .....76

John Davis

Direct by Mr. Ervin.....79

Cross by Mr. Freeman.....86

Redirect by Mr. Ervin.....89

(SEPTEMBER 7, 2022)

Stipulation.....115

(CONTINUED ON THE NEXT PAGE)

I-N-D-E-X


| WITNESS/DESCRIPTION | PAGE NUMBER |
|---|---|
| Jury Sworn | 117 |
| Jury Instructions | 117 |
| Opening Statements | |
| Mr. Freeman | 124 |
| Mr. Ervin | 126 |
| Ashley Anderson | |
| Direct by Mr. Freeman | 130 |
| Cross by Mr. Ervin | 133 |
| Redirect by Mr. Freeman | 138 |
| Aggie Graham | |
| Direct by Mr. Freeman | 140 |
| Cross by Mr. Ervin | 145 |
| Redirect by Mr. Freeman | 146 |
| Clifton Graham | |
| Direct by Mr. Freeman | 147 |
| Cross by Mr. Ervin | 151 |
| Redirect by Mr. Freeman | 156 |
| Carla Lynch Eaddy | |
| Direct by Mr. Freeman | 157 |
| Cross by Mr. Ervin | 167 |
| Redirect by Mr. Freeman | 172 |
| Recross by Mr. Ervin | 175 |


(CONTINUED ON THE NEXT PAGE)

I-N-D-E-X

WITNESS/DESCRIPTION PAGE NUMBER

Ashley Lynch

Direct by Mr. Freeman.....178

Cross by Mr. Ervin.....184

Redirect by Mr. Freeman.....185

Tim Matthews

Direct by Mr. Freeman.....189

Cross by Mr. Ervin.....198

Redirect by Mr. Freeman.....199

Recross by Mr. Ervin.....201

Jack Corbett

Direct by Mr. Freeman.....202

Cross by Mr. Ervin.....217

Carla Lynch Eaddy

Direct by Mr. Freeman.....221

John Davis

Direct by Mr. Freeman.....222

Cross by Mr. Ervin.....236

Redirect by Mr. Freeman.....243

State Rests.....245

Motions.....246

Defendant's Rights.....248

Defense Rests.....253

(CONTINUED ON THE NEXT PAGE)

5

I-N-D-E-X


| WITNESS/DESCRIPTION | PAGE NUMBER |
|---|---|
| Charge Conference | 255 |
| Closing Arguments | |
| By Mr. Freeman | 259 |
| By Mr. Ervin | 271 |
| By Mr. Freeman | 278 |
| Charge of Law | 280 |
| Verdict | 302 |
| Sentence | 310 |
| Motion | 310 |
| Court Reporter Certification | 312 |

E X H I B I T S


| NO. | DESCRIPTION | PAGE NUMBER |
|---|---|---|
| D-1 | Photograph/Text | 54 |
| D-2 | Photograph | 154 |
| D-3 | Photograph | 154 |
| D-4 | Photograph | 154 |
| S-1 | Photograph | 142 |
| S-5 | Google Map | 224 |
| S-6 | Photograph | 191 |
| S-7 | Photograph | 191 |
| S-8 | Photograph | 181 |
| S-9 | Photograph | 191 |
| S-10 | Photograph | 191 |
| S-11 | Photograph | 191 |
| S-12 | Photograph | 191 |
| S-13 | Photograph | 188 |
| S-14 | Photograph | 191 |
| S-15 | Photograph | 181 |
| S-16 | Photograph | 181 |
| S-17 | Photograph | 181 |
| S-18 | Photograph | 181 |
| S-19 | Photograph | 191 |
| S-20 | Fingerprint | 196 |
| S-21 | Report | 196 |
| S-22 | Report | 196 |

7

E X H I B I T S

| | | |
|---|---|---|
| S-23 | Body Cam | 211 |
| C-1 | Jury Question | 296 |
| C-2 | Jury Question | 296 |
| C-3 | Jury Question | 296 |
| C-4 | Jury Question | 301 |

8

P R O C E E D I N G S

(COURT REPORTER'S NOTE: Due to remote platform interruption and audio interference throughout the hearing, those instances are denoted with "inaudible" in the transcript.)

THE COURT: All right. Thank you ladies and gentlemen for your patience and bearing with us through that process. At this time we're going to ask the Solicitor to call his first case.

MR. FREEMAN: Your Honor, at this time the State will call the State of South Carolina versus Sean Devon James on True Bill Indictment 2022GS210092, 93, and 94.

THE COURT: What are the indictments for?

MR. FREEMAN: Your Honor, these are -- Mr. James is indicted for conspiracy, for armed robbery and for grand larceny, Your Honor.

THE COURT: All right. Ladies and gentlemen, as you heard, the indictments charge the Defendant with armed robbery, conspiracy and grand larceny. The fact that this Defendant was arrested, charged and indicted in this case is not evidence in this case and cannot be considered by you as evidence of anything in this case, including guilt. Nor does it create any presumption or inference of guilt.

This is simply the document -- it's the formal written instrument which contains the charges made against

THE CLERK: Please have a seat in the jury box, sir.

THE COURT: All right. Are there any objections to the jury selection process from the State?

MR. FREEMAN: None from the State, Your Honor.

THE COURT: Any from the Defense?

MR. ERVIN: No, Your Honor.

THE COURT: All right. Ladies and gentlemen that did not get selected, thank you for your patience. You know, I don't know if you wanted to get selected or not, but however you wished for that to take place, maybe that's the way it took place for you.

We're going to ask you -- we're going to go ahead and excuse you at this time for the remainder of the day. I'd ask you -- and I think on your card that you got, there will be a telephone number on there.

THE CLERK: They've got the slips of paper, Judge -- the Bailiffs do, that they're going to hand out to them.

THE COURT: They'll give you a sheet a paper on the way out, it'll have a telephone number. If you'll call that number after 6:00 at night, you'll get a recording which will give you further instructions. At this time, I don't know that you'll need to be back tomorrow. But certainly by that time this afternoon we'll know, and we'll

MR. ERVIN: Your Honor, I have filed a number of motions in this case. The first motion, I assume the Court wants to address, the motion to suppress the show up photo identification in the case. He's filed a response to my motion, which outlines the facts and my motion is more of a bare bones motion with some case law.

I guess the first officer we would call is the officer at the scene that talked to the witnesses, which would be, according to discovery, Chapman and Anderson. And Lance Corporal Haye. I would assume all of them are here.

MR. FREEMAN: No, they're not.

MR. ERVIN: Oh, they're not?

MR. FREEMAN: No.

THE COURT: The witnesses aren't here?

MR. FREEMAN: My witnesses are here that I prepared to present my argument, yes, Your Honor.

MR. ERVIN: Well, Judge, in the incident report, it outlines the officers that I just named as being the ones who initially talked with the witnesses. And it's also noted in the incident report that the victims failed to provide much information in regards to suspect description, besides the aforementioned information about suspect one, that they knew, which was the female suspect, Moesha (sic) Woods, who is the last witness on the incident list.

Certainly, in the case law, the initial

description of the suspects in this case is relevant because after that, 32 days later, they do a show up, despite not having any prior identification of the suspects or any general description of them. That's my position in the case, that that show up in and of itself was unduly suggestive and, you know, is impermissible, for that reason.

That and also, in addition to that on the -- and I noted this in the motion, You Honor, that the officer texted the picture of Sean James and actually typed in underneath his picture, "This one has a cross tattoo between his eyes." If that's not more suggestive, I don't -- I don't know what would be.

And I -- I was making the assumption that they would be coming on this motion because any description whatsoever they gave would be the initial prong of the identification testimony in this case.

THE COURT: I understand. Mr. Freeman?

MR. FREEMAN: It's the State's position that any identification would simply tie into one of the five reliability factors, which is in the second prong of the Biggers test, Your Honor.

As far as the officers being here or not, I don't believe that the onus is on the State to procure those witnesses for the Defendant's motion. Grant it, these witnesses have been subpoenaed for the duration of the

trial, but with that said, this is not the State's motion, and as such I don't believe that the responsibility was on the State to reach out to them.

MR. ERVIN: Okay. Your Honor, I would just ask the Court, in light of them not being present to testify that the incident report does reflect that they did not give a detailed description of any of the suspects with the exception of one, I would like the Court to make note of that. That's in my motion. If that's all the State can produce with regard to that, I would rely on that.

MR. FREEMAN: Now, Your Honor, we do have the victims that are here to testify as to a general description that they gave the night in question, so. Thus, the State plans to proceed forward with the Biggers hearing, Your Honor.

THE COURT: Mr. Ervin, would you like to call on them as witnesses or what's your ---

MR. ERVIN: That would be fine, Judge.

THE COURT: All right.

MR. ERVIN: And, Your Honor, I would just note that the other witnesses that I was referring to, Patrick Haye -- Patrick Haye is listed on the witness list, but I don't see Chapman.

MR. FREEMAN: Sarah Chapman is Number 8 on the State's proposed witness list.

MR. ERVIN: I don't think any of them are here, so we would call Carla Eaddy.

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

THE WITNESS: My full name is Carla Lynch Eaddy.

THE COURT: Ms. Eaddy, would you say that one more time?

THE WITNESS: Carla Lynch Eaddy.

THE COURT: All right. Thank you, Ms. Eaddy.

(WHEREUPON, Carla Lynch Eaddy, having been duly sworn, testified as follows.)

DIRECT EXAMINATION

BY MR. ERVIN:

Q. Ma'am, your first name is Carla, is that correct?

A. Correct.

Q. Ms. Eaddy, if you need to, and the court reporter can take down everything you're saying with the mask on, you can leave it on, that's up to you, but sometimes it's difficult to understand people while they're wearing the mask. Try to speak up if you can. Okay?

A. Okay.

Q. Ms. Eaddy, I'm going to ask you to go back to November 17th of 2019. Do you remember being on Walnut Street on that day?

A. Yes, sir.

Q. Why were you there?
A. That's my sister's house.
Q. And what's your sister's name?
A. Aggie Graham.
Q. And you were over at Ms. Graham's house?
A. Correct.
Q. And what time day or night was it?
A. I don't recall the time.
Q. You don't recall the time?
A. No, sir.
Q. Had you been there very long?
A. Been there all day.
Q. Would you agree that it was dark when the incident that you're here for today transpired or occurred?
A. Yes, sir.
Q. So when you say it was dark, how long had it been dark?
A. I had been there all day, so round about 8:00, somewhere up in there.
Q. What, if anything, unusual happened at your sister's residence?
A. That day or that night?
Q. That night when it was dark.
A. Well, I recall that -- I think it was a black vehicle pulled up in front of my sister's driveway. A young

lady got out. I don't know her, but I have seen her at my sister house before, because we do a lot of family functions, and I think she might have came with a few friends of hers, or whatever, before. But I don't know her personally.

Q. You don't know her name?

A. I don't know her personally. I don't.

Q. Did you know her name?

A. I don't know her personally.

Q. Okay.

A. I seen her, but I don't know her.

Q. I guess that would be no, then, you didn't know her name?

A. Correct. I don't know her personally. I don't know her real name.

Q. How many times had you seen her before?

A. Maybe once or twice.

Q. Well, did you give them a description of her in your statements to law enforcement?

A. I don't recall. They didn't ask me about her.

Q. They didn't ask you about her. That's the first person you saw?

A. She got out the car and wanted to use the bathroom.

Q. Did she speak to you?

A. She just asked could she use the bathroom, and I told her I didn't live there, so I told her she had to ask my sister. So she went to the door and knocked on the door.

Q. When you saw her, did she pull up in a car?

A. I just told you it was an SUV, like a ---

Q. Right.

A. Correct.

Q. Was she driving it?

A. She was driving.

Q. She was driving?

A. Yes, sir.

Q. And how close to her did you get?

A. Not close at all, I was in the car.

Q. You were in the car?

A. Correct.

Q. What were you doing in the car?

A. Sitting there minding my business, counting my money, getting ready to go.

Q. So you were getting ready to leave?

A. Yes, sir.

Q. And you were talking to your mother?

A. No, not my mother.

Q. Who were you talking to?

A. I was in my car. No, I wasn't talking to anybody. My sister was on the porch. I was just getting ready to

pull out, getting ready to leave, but I was ---

Q. I may have misunderstood.

A. Correct. My mother's deceased, so I wasn't talking to my mother.

Q. Well, I thought you said something about talking to somebody. How long had you been in your car?

A. I been in there about -- maybe about 30 minutes.

Q. Why would you sit in the car for 30 minutes?

A. Because I was talking to my sister at first, and I was getting ready to leave.

Q. Okay. You talked to her for thirty minutes in your car?

A. Sitting inside my car.

Q. And it was dark the whole time?

A. Yeah, we family.

Q. Are you familiar with military time?

A. Yes, I am.

Q. Do you realize the incident report says that -- indicates that the police got there around 20:03. 2003.

A. I wasn't aware what the time was.

Q. Does that sound about right to you?

A. That's what they got, I guess that's what it was.

Q. All right. When you saw this person, this woman you've seen before, how close did you get to her?

A. I wasn't close to her at all. I was sitting in my

car. My car was parked on the side of the house.

Q. You had a conversation with her, how did that occur?

A. She wanted to use the restroom.

Q. Right.

A And so she went on the porch and proceeded to knock on the door, and my sister came to the door.

Q. Did you talk to her before she went to ---

A. She wanted to use the restroom. So she asked could she use it, but I told her I don't live here, this is my sister house.

Q. Well, how far away was she from you when you were talking?

A. Not far, she was getting ready to go up the steps.

Q. So not far?

A. Correct.

Q. So you were able to give a pretty good description of her, didn't you?

A. I can if I see her, but I'm not sure. It's been a minute, so I'm not sure.

Q. So you didn't give officers a description of her either?

A. Like I said, I only saw her once or twice. I don't know her personally.

Q. Right. Did you give them a detailed description

of that individual?

A. Not that I know of, I didn't.

Q. You don't know if you did or not?

A. Correct.

Q. All right. Let's talk about what happened next.

A. Okay.

Q. After that, after she went inside, what, if anything did you do? You said you were going to leave.

A. I was sitting in my car. I didn't pull off yet, she went inside the house.

Q. You had pulled off?

A. No. I said I didn't pull off. I said waited because I knew she went inside the house. I mean, she went to use the bathroom, so I just waited.

Q. You was waiting on her to come out?

A. No. Like I told you, I don't know her. So why would I be waiting on her, if I don't know her.

Q. I'm just asking you what you were doing.

A. I don't know her. I'm just sitting in my car, I stated before.

Q. So you stay in the car, and what, if anything, happened next?

A. I guess she went in there and she used the bathroom. And then she came on back out and then she proceeded to her vehicle.

Q. All right. So you see her a second time, and what happened next?

A. She got inside her vehicle.

Q. All right. And did you leave then?

A. No, sir. I was sitting in my vehicle, my sister was on the porch.

Q. You indicated you were about to leave. I just thought at some point you would have pulled off.

A. When I got ready, I would have. But before I could, three guys jumped out the vehicle.

Q. Three guys jumped out of a vehicle?

A. Uh-huh. The guns in they hands.

Q. And you saw all three of them?

A. They jumped out.

Q. Well, did you see all three of them?

A. All three of them jumped out?

Q. And did you describe them to the police officers?

A. Don't remember. I don't recall.

Q. Well, the incident report indicates you did.

A. I don't remember.

Q. Is that correct?

A. I don't remember.

Q. Let's talk about all three of them. How close did you get to the three suspects?

A. One was on the passenger side, and one was on the

driver's side. And the other one -- I guess when my sister came out, one of them had her hemmed up. And because the dog was barking, that's when my brother-in-law came to the door, and that's when they had him hemmed up.

Q. How close were all these people to you?

A. I was right there by the car. The car was right here, the porch right here. (Indicating.)

Q. Well, let's just -- tell me to stop when you get as close as ---

A. They wasn't that close.

Q. This close?

A. One of them, they had -- the tattoo was bout that close to me in the car.

Q. We gone get to that in a minute.

A. Okay.

Q. The person you saw was this close to you?

A. I saw three of them.

Q. All right. You saw three of them this close?

A. They was close. Because all of them came out and rushed.

Q. Can you tell me what their races was?

A. It was two black guys and one white guy.

Q. Did you, or anybody else, tell them it was -- the white guy was a light skinned, black dude?

A. It could have looked like he was light skinned,

but he was white.

Q. Well, you know that now, don't you? So very close to you, there was a black male with, you're saying tattoos?

A. Correct.

Q. Did you tell that to the police officers?

A. I might have, I don't remember.

Q. If I told you there's nothing about a black male with tattoos in the incident report, would you agree or disagree with that?

A. I -- tell me.

Q. Did you tell them that? Did you mention anything about a tattooed black male?

A. Only thing I know, one of them had tattoos in his face.

Q. You know that now, don't you?

A. Yeah.

Q. After they sent you the picture of him and pointed out that this is the one that has tattoos on his forehead, isn't it? Is that correct?

A. I don't recall.

Q. You knew it then, didn't you?

A. I don't recall, sir.

Q. Let's talk about how close -- you've already established that he was very close to you. How long was he there?

A. Seemed like eternity. But I don't think it was that long.

Q. You had plenty opportunity to get a look at him didn't you? Didn't you?

A. Uh-huh.

Q. In fact, you described the gun he had. That was one thing you described. What did you describe it as?

A. I don't know what it was, sir.

Q. What did you tell the police officers?

A. It might -- I'm not familiar with guns because I don't carry guns. It might've was a Glock, it might've was a AK. I don't know what it was. I don't carry guns.

Q. You know a Glock's a handgun.

A. Yeah. I know a pistol is a pistol.

Q. And the AK's a rifle.

A. Right.

Q. Well, did he have a pistol or a handgun or a rifle.

A. No, this particular person had a pistol. So, I don't know what kind it was. I know it was a pistol.

Q. So you know enough to know he had a handgun?

A. Correct.

Q. And if you were to give a guess as to how long you had an opportunity to get to look at this person, can you tell us how long that was?

A. Be about ten, ten minutes.

Q. And you would agree that the lighting was poor in that area, wouldn't you? It wasn't well-lit like this?

A. No, sir. It wasn't.

Q. It was dark. It was night time.

A. Right.

Q. Is that right?

A. Correct.

Q. That's fair to say?

A. Correct.

Q. You didn't indicate to the police officer any -- there was no description of that individual, was there?

A. I don't recall, sir.

Q. Well, did they get you to right a statement?

A. Don't recall that either.

Q. You didn't give them a statement?

A. Verbal, but not written.

Q. Nothing written. And you don't remember giving them any description of the person that was standing by you with a gun, is that right?

A. I thought I did, but I'm not -- I don't recall, sir.

Q. If I tell you the incident report indicates that none of the descriptions were given of the suspects, other than the female, would that sound right to you?

A. I don't recall, sir.

Q. If I told you that the victims failed to provide much information with regards to suspect description besides the female, would you agree with that?

A. I don't recall.

Q. The firearms used in this incident were described as a 45 pistol and two AK style rifles, possibly DRACOS with drum magazines. Where'd those descriptions come from?

A. Only thing I know sir, when they pulled my -- when my car was retrieved, one of them guns was in my car. And it was not my gun.

Q. I'm not asking about after the fact, I'm talking about that night. What did you tell them?

A. Like I said, I didn't -- like, I told them, I don't know -- I know it was a handgun. I don't know what type -- what kind it was, but it was a handgun.

Q. Well, 45 is pretty specific, isn't it?

A. Well, sir, like I said, I'm not a gun expert. I don't tote guns.

Q. Got it. And that's all you saw?

A. That's all.

Q. When's the next time you talked to Florence Police Department about this case?

A. I don't recall because I had -- the next day I had to go out because I had death in the family. So I had to

leave out that following morning to head out to Baltimore.

MR. ERVIN: Beg the Court's indulgence.

THE COURT: Yes, sir.

MR. ERVIN: I'd like to mark these.

(WHEREUPON, exhibits were marked for identification.)

BY MR. ERVIN:

Q. Do you remember, Ms. Eaddy, talking to the investigator in this case in December?

A. Say it again, sir.

Q. In December of 2019, about 32 days after the incident occurred at your sister's house, Ms. Graham's house, did you get a call from somebody involved with the Florence Police Department? From an investigator?

A. And what was the date?

Q. December the 20th.

A. Okay.

Q. That same year, 2019. I think you were out of town, weren't you?

A. I think I was.

Q. You think you were?

A. I know I was, as a matter of fact, because I had death in the family. I just told you that.

Q. Can you tell us where you went?

A. To Baltimore.

Q. Baltimore, Maryland?
A. Uh-huh.
Q. Did you receive any communication from Florence Police Department?
A. Not at that present time. Not when I left Florence that particular -- after I made that statement, I didn't.
Q. No, I'm talking about, you were out of town ---
A. Correct.
Q. Did you get a text on your phone?
A. Yes, I did.
Q. What did the text indicate?
A. It just had three people on it.
Q. Okay. I'm going to show you what's Defendant's Exhibit 1.
A Okay.
Q. It's not in evidence yet.
A Okay.
Q. Can you identify the first photo? Is that the same one you were sent?
A. That was one of them. And that's the other two.
Q. The other two on there?
A. That's correct.
Q. That's the first one, isn't it?
A. Yes, sir.

Q. And what does it say right there?
A. That way? I see here, driver's ---
Q. The text right below his picture.
A. That's just what it says. You see what it says.
Q. "This one has a cross tattoo between his eyes," is that correct?
A. That's what it says.
Q. That's what was on the text that was sent.
A. That's what it says.
Q. And you agree that this fairly and accurately portrays what you saw -- that was texted to you, while you were up in Maryland.
A. That's the text that I got, sir.
Q. Yes. And this is a good representation of it? Nothing's different, is it?
A. No. Don't look like to me?
Q. That was typed on there as well, wasn't it?
A. That's what's on the paper.
Q. Yeah.
A. That's on the text.
Q. Carla, that's you?
A. That's correct.
Q. C.E.
A. Uh-huh.
Q. It's an iPhone, isn't it?

A. Correct.
Q. And the other two individuals, one of them's a white guy, right?
A. Uh-huh.
Q. And another black person.
A. That's correct. That's what I stated.
Q. That's a hard choice for you, wasn't it?
A. No, it wasn't. I told you that from the beginning. It was two black and one white.
MR. ERVIN: I would offer that as Court's exhibit at this time, Your Honor.
THE COURT: Any objection on it?
MR. FREEMAN: No objection.
(WHEREUPON, Defendant's Exhibit Number 1 was moved into evidence.)
BY MR. ERVIN:
Q. Did he give you any other suggestions or hints as to who you needed to indicate was -- was involved in this case?
A. No, he didn't.
Q. What did you tell him?
A. Tell who?
Q. What did you tell the agent?
A. Nothing.
Q. You didn't say those are the three people that ---

A. That's about it.

Q. Oh, that's about it?

A. That's correct.

Q. How long did it take you to do that?

A. Not long.

Q. You weren't able to give them a description at the scene, right?

A. I was too terrified.

Q. Did anything happen in that 32-day period to improve your memory and ability to recall these people? You shown any other pictures?

A. Not as I recall.

Q. You didn't even have to look at a photo lineup to pick them out, did you?

A. No, sir.

MR. ERVIN: No further questions from this witness, Your Honor.

THE COURT: All right. Mr. Freeman.

CROSS-EXAMINATION

BY MR. FREEMAN:

Q. Ms. Eaddy, have you ever gone through anything like this before?

A. No, sir.

Q. It's the first time?

A. Correct.

Q. You think you may have been in shock this night?
A. Yeah, very shocked.
Q. So, I just want to go through a few things with you. All right? So you testified that the original -- that the first person got out of the vehicle, asked you to use the bathroom, went in the house.
Do you remember identifying that woman on the night in question to the police officers and said that you recognized who that may be?
A. No, I did not. Like I say, I don't even know -- I never -- I saw her at some functions with some other people, but know her personally, I don't know her. I don't.
Q. Okay. Let's talk about after she got back in the car. You said three individuals got out of the car?
A. Correct.
Q. Were they all armed?
A. Correct.
Q. Did you see them all have guns in their hands.
A. No, not -- when they came out, they had guns.
Q. Were these guys wearing anything on their face?
A. They didn't have no mask or nothing on.
Q. They didn't have any face coverings?
A. No, sir.
Q. Let me ask you this. What was taken from your person? Did you have any items or any belongings ---

A. It was cash tooken and my car keys was tooken.
Q. From where?
A. From out the car and -- out the car.
Q. Did you have possession of any of these?
A. My car was cranked and that's how they got the key -- I guess they took the keys out. The keys got tooken away.
Q. Ma'am, Mr. Ervin was asking you about how close these Defendants were. They had to have been pretty close to take something from your person, correct?
A. Correct.
Q. They weren't wearing anything on their face, right?
A. No. It wasn't a purse. I was sitting inside my car. It was not in a purse. My money was not in my purse. I was counting my bill money up, so I could get ready to pay my bills. But it wasn't in no purse. The keys -- the car was cranked, the key was in the ignition.
Q. Where was the money?
A. The money was on my right side.
Q. In the seat?
A. I was -- in the seat. I was getting ready to put it in my glove compartment.
Q. Nonetheless, you're sitting right beside it, correct?

A. Correct.

Q. Now you testified -- you told Mr. Ervin that it seemed like eternity, correct?

A. Correct.

Q. Then you said that it might have taken ten minutes or so?

A. He said to see them -- did I see them about ten minutes.

Q. Let me rephrase my question. From the time that the three suspects got out of the car, about how long were they in the yard with you?

A. To me, like I said, it seemed like it was eternal. But I know it couldn't have been no more than like 10 or 20 minutes that they were in the yard altogether.

Q. You were afraid for your life, weren't you?

A Yes, sir.

MR. ERVIN: Objection, Your Honor.

THE COURT: Sustained. Move on.

BY MR. FREEMAN:

Q. You remember telling the police on the night in question that there were two black males and a high yellow individual?

A. I told them it maybe was a high yellow. It was two black ones. And he looked like he was high yellow, but he could have been white.

Q. That's the description you gave, right?
A. Correct.
Q. Did they ask you for much more than that?
A. No, sir.
Q. Now, you were texted three pictures, correct?
A. Correct.
Q. And this is while you were out of town?
A. Correct.
Q. You were at a funeral. Now, Mr. Ervin pointed out, you didn't give any description about any individual with a tattoo, did you?
A. No, I didn't.
Q. So when you got a text message that says this one has a tattoo under his eye, did that mean anything to you?
A. It kind of -- kind of refreshed my memories.
Q. Did you identify the people that were in the photographs?
A. On the photograph.
Q. Did you remember their faces?
A. Yes, sir.
Q. Where do you remember their faces from?
A. The day came to my sister -- night they came to my sister house.
Q. You identified all three of these pictures?
A. Yes, sir.

Q. Was anything else said in addition to, "This one has a cross tattoo between his eyes"?

A. That was it.

Q. You identified all three of them, is that correct?

Now, I'm going to ask you a question that you might not be comfortable with. Do you see one of those people in the courtroom today?

A. Sitting right over there with the glasses on his face.

Q. You indicated the Defendant in this matter?

A. The Defendant, yes, sir.

MR. FREEMAN: Let the record reflect that Ms. Eaddy has identified the Defendant, Sean James, as being one of the individuals that was there on the night in question.

BY MR. FREEMAN:

Q. Did you identify -- did you recognize him immediately today ---

A. Uh-huh.

Q. --- when you saw him?

MR. FREEMAN: I beg the Court's indulgence.

BY MR. FREEMAN:

Q. So the night on November -- November 17th, you had your phone taken, you had your keys taken, and you said $2500?

A. Correct.

Q. Was the car taken this night?

A. No, sir, it was not.

Q. Just the key fob. So what happened 32 days later with the car?

A. They retrieved it.

Q. Actually, I'm sorry Ms. Hill (sic), let me back up real quick. Let's go back to the night of the armed robbery. You said you identified this Defendant ---

A. Correct.

Q. Immediately? Was he the one that -- what was he doing? Let me rephrase. What was he doing? What was his position in the robbery?

A. He was on the driver's side with the gun.

Q. Well, they all had guns, right?

A. Right, but he was the one on the driver's side.

Q. How close was he to you?

A. Right beside the driver door.

Q. Did he take anything from you?

A. I don't recall. Only thing I know was the keys -- I know the one on the right side, which I thought was the light skinned one -- but he could have been light or white, as I stated. And the other one had my sister at gunpoint.

Q. I'm going to show you what Defendant introduce as Defendant's Exhibit 1. I'm going to show you Page 2. 7you

do recognize these two pictures?

A. Yes, sir.

Q. What were they doing as far as the robbery?

A. The white guy was on the passenger side and the other guy had my sister, the one with the dreads or plaits in his head, he had my sister at gunpoint.

Q. I'm going to flip to Page 1 of this Defendant's Exhibit Number 1. You said that the picture on the first page, what was he doing, this Defendant?

A. He was on the driver's side with the gun at me.

Q. Your driver's side?

A. Correct.

Q. He was standing right next to you?

A. No, he was outside the car door.

Q. He was on the other side of the car door?

A. He was on the other side. This one.

Q. I'm just going to walk towards you, you tell me when to stop when you think this was how close he was to you.

A. He was on the -- at the door. Stop.

Q. You were this close to him?

A. Uh-huh.

Q. You were approximately four feet from him -- three, four feet tops.

A. You can come up a little more. You can come up to

the door. Just come up -- cause he was at the door on the driver's side.

Q. He didn't have a mask on?

A. None of them had anything to cover their face.

MR. FREEMAN: I have no further questions, Your Honor.

THE COURT: All right. Anything further, Mr. Ervin?

MR. ERVIN: Just a couple of questions, followup.

THE COURT: All right.

REDIRECT EXAMINATION

BY MR. ERVIN:

Q. You mentioned -- if I understood your testimony correctly, tell me if I'm wrong, but this other suspect that you identified having dreads, right?

A. I said dreads or plaits.

Q. Dreads or plaits?

A. Correct.

Q. You didn't say anything about that to the police officer, did you, that came out?

A. I don't recall, sir. Like I said, it was -- that night it was just a wild night. Okay? If somebody got you at gunpoint, some things you just ain't gone remember right then. Okay?

Q. Right. Right then?

A. Right then. But some things you will remember as time.

Q. So your recollection grew over time, is what you're saying?

A. No, my recollection was good that night as well.

Q. But you didn't tell them anything about it, that's the bottom line?

A. Like I said, I don't recall, sir.

Q. When you got these pictures, there were just three of them, right? These three pictures?

A. That's the only three you got.

Q. That's what you received?

A. That's what I received, sir.

Q. No other photographs?

A. That's what I received, sir.

Q. Of no other individuals?

A. That's what I received, sir.

Q. And you were sure there were three people there?

A. That's what I know, sir.

Q. And one of them was white or light skinned?

A. And two was black.

Q. Two was black?

A. That's what I say, sir.

Q. And lo and behold, they sent you pictures of two black guys and a light skinned or a white dude, right?

A. That's what you got, sir.

Q. Well, that was a tough call, wasn't it Ms. Eaddy?

A. That's what you got, sir.

Q. You see the guy over there? Can you see that cross tattoo from where you're sitting?

Stand up. Can you see it from there?

A. Right in his forehead?

Q. Can you see it?

A. Uh-huh.

MR. FREEMAN: Objection, Your Honor. This is irrelevant. She's already testified that she observed this Defendant near -- feet from her. I don't see the significance in whether or not she can identify a tattoo of being on his forehead from across the room.

MR. ERVIN: I'll tell you why.

MR. FREEMAN: You can barely ---

MR. ERVIN: She said she can see it. And of course she can. It's the same tattoo referenced in the photograph that she was sent by the officer.

I don't have any further questions.

THE COURT: All right. Ms. Eaddy, you can step down. Thank you for being here today.

THE WITNESS: Thank you, sir.

THE COURT: Mr. Ervin, you got any other witnesses?

MR. ERVIN: Call Mr. Graham.

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

THE WITNESS: My name is Clifton Graham.

(WHEREUPON, Clifton Graham, having been duly sworn, testified as follows.)

DIRECT EXAMINATION

BY MR. ERVIN:

Q. Mr. Graham, I'm J. Ervin. I'm going to ask you a few questions about the incident that occurred back in -- on November 17, 2019. You've heard some testimony from Ms. Eaddy?

A. Uh-huh.

Q. You were there, weren't you?

A. Yes, sir. I was in the bed.

Q. You were in the bed?

A. Uh-huh.

Q. Tell me what you first recall.

A. Like I said, I was in the bed, you know, watching TV and I heard the dogs barking and stuff, so I tried to ignore it because I thought my wife was in the front room. So after the dogs kept barking and barking, I got up, came to the door. When I opened the door, there was a gentleman standing on the porch, pointing a gun at me and snatched me out the screen door. He had my wife, who was already on the

porch.

Q. Okay. Wife was already out on the porch?

A. Uh-huh.

Q. And somebody had a gun in your face?

A. Uh-huh. Soon as I opened the door, he turned around and had the gun pointed at me.

Q. Who was that?

A. I don't know.

Q. I know you didn't know the name, but can you give us a description of what you saw that night?

A. Well, this guy, he had some dreads in his head.

Q. Had dreads?

A. Uh-huh.

Q. Is that what you told the officers?

A. I guess so. I think so. When he asked me, I told him the guy had dreads in his head.

Q. You told him it was a black male with dreads?

A. Uh-huh.

Q. Again, if I told you that the incident report doesn't reflect any description of that individual, would you dispute that?

A. Uh-uh.

Q. Excuse me?

A. No.

Q. No?

A. Uh-uh.

Q. So you're not sure whether you told him or not?

A. I don't remember them questions.

Q. You don't remember any questions about what they look ---

A. No. I remember the officer came by the house and showed us some pictures and stuff. And there was a guy in the lineup that had some dreads in his hair and said, "Well that could be him, it could not be. I'm not sure. It was dark."

MR. ERVIN: I don't have any further questions of this witness, Your Honor. This is exactly what I'm talking about.

THE WITNESS: It was dark.

THE COURT: Mr. Freeman?

CROSS-EXAMINATION

BY MR. FREEMAN:

Q. Mr. Graham, was there a light on in the yard?

A. On the side.

Q. Was it a floodlight?

A. A floodlight.

Q. And that was on, correct?

A. Uh-huh.

Q. When you were shown these photographs, you were -- you recognized them, is that correct?

A. I don't even know them.

Q. You don't remember telling ---

A. When they showed us the photographs, I told him the guy with the dreads, he looked like one of the guys that was on the porch, that had me and my wife on the porch. But I never said for sure if it was him or not. Like I said, it was dark.

MR. FREEMAN: Beg the Court's indulgence, Your Honor.

BY MR. FREEMAN:

Q. Mr. Graham, out of you, your wife, and your wife's sister, who was the last one to be in the yard or on the porch?

A. Right after he pointed the gun at me ---

Q. No, no, no. What I'm asking you is, who -- out of the three of you, who was the last one to come outside?

A. Me.

Q. So did you have the shortest amount of time to observe these suspects?

A. Uh-huh.

Q. You're talking about this light, do you remember telling officers that this back -- or this floodlight was backlighting the suspects?

A. Not really.

Q. You don't recall that?

A. I don't recall that.

Q. How long do you think you were outside with the suspects?

A. Maybe like a minute or two.

Q. One of them -- did you have a gun put in your face?

A. Yes. When I opened the door, he turned around and pointed the gun at me and tell me to come outside and pulled me outside. That was it.

MR. FREEMAN: Your Honor, no further questions for this witness.

MR. ERVIN: Just a few in followup about that backlit -- backlighting.

REDIRECT EXAMINATION

BY MR. ERVIN:

Q. Do you remember when you said that because the porch is dark and a floodlight was backlighting Shope, you thought Shope was a light skinned or black male, or the term you used was high yellow?

A. Yes, sir. Because like I said, when I opened the door, the dude was pointing a gun right at me. I did observe somebody standing out in the front of the yard, as well as the gentleman on the porch.

Q. Same question regarding that picture. You got three pictures here, can you pick out the person you would

call high yellow?

A. The guy on the bottom.

Q. So you think that it was the guy on the bottom? Could have been, might not have been either, right?

A. Uh-huh.

Q. You don't know, do you?

A. I don't know.

Q. But that officer sent these pictures to you and the incident report indicates -- or brought these pictures to you. They brought them to you, right?

A. Uh-huh.

Q. Did they tell you these were the three suspects?

A. They just showed me three pictures.

Q. But you and your wife were in agreement, those are the three people, right?

A. No. I wasn't in no agreement because like I said, I couldn't recognize them really. I just said the guy had dreads in his head and the other person could have been a light skinned guy or a white guy.

Q. So you weren't in agreement. If the incident report indicates the Grahams were in agreement on it, what did you and your wife agree on?

A. I don't remember. I don't recall that.

Q. Just that it looked like the same three guys.

A. Looked like it.

Q. But might not have been?
A. Might not.
Q. You didn't have to pick anybody out, they were showing them to you, weren't they? No photo lineup. You weren't shown a photo lineup, were you?
A. Just the three pictures.
Q. Just the three pictures.
A. That I remember. That's all I remember.
MR. ERVIN: Beg the Court's indulgence.
BY MR. ERVIN:
Q. Did you know suspect one, the female?
A. No. Never seen her.
Q. So you never seen her before?
A. Uh-uh.
Q. Did your wife?
A. I don't know.
Q. You don't know about that either?
A. Sir, one thing about me, I keep to myself. I go to work everyday, come home.
Q. I understand.
MR. ERVIN: I don't have any further questions.
THE COURT: All right. Thank you, sir. You can step down.
MR. ERVIN: Call Ms. Graham.
THE CLERK: Please be seated and state your full

name for the record.

THE WITNESS: My name is Aggie Graham.

(WHEREUPON, Aggie Graham, having been duly sworn, testified as follows.)

DIRECT EXAMINATION

BY MR. ERVIN:

Q. Your name is Aggie Graham?

A. Uh-huh.

Q. Can you spell that for me?

A. A-G-G-I-E.

Q. A-G-G-I-E. Ms. Graham, you just heard your husband, Cliff Graham, testify, is that right?

A. Uh-huh.

Q. Were y'all together when the police officer showed you the photographs?

A. I'm not sure.

Q. You're not sure?

A. Uh-uh.

Q. Do you remember the night that this incident occurred, what exactly did you see?

A. What I see (sic) that night, a young lady asked to use the bathroom. She came and used the bathroom, went back outside. I was sitting in there on my phone. Then my dogs started barking. Once the dogs started barking, I got up, went to the door to see what was going on. When I got the

door, it was a gun presented in my face.

Q. And who had the gun in your face?

A. It was a dude with some dreads in his head.

Q. Did you ever tell the police anything about ---

A. I'm not sure, but I know it was a dude with some dread in his head.

Q. A black male?

A. Uh-huh.

Q. Did you see anybody else?

A. Well ---

Q. Did you describe anybody else to the officers?

A. No, sir.

Q. In fact, the incident report reflects y'all didn't give them any descriptions of anybody that night. Do you understand that?

A. I don't ---

Q. Other than two black males and a light skinned dude. And that was Cliff that told them that, is that correct?

A. I'm not sure.

Q. You don't remember?

A. Uh-uh.

Q. When did you next have an opportunity to look at -- or hear from the officers about this case?

A. I don't recall.

Q. If I told you it was 32 days later on December 20th, would that be about right? Of 2019? About a month later?

A. I'm not sure.

Q. Well, whenever it was, did you ever have any conversation with an officer in December?

A. I don't recall.

Q. So you don't recall anything about it?

A No.

Q. So you couldn't have given them an identification if you don't remember anything about the conversation, could you? Did you look at any pictures?

A. I don't remember.

Q. You don't remember?

A. Uh-uh.

Q. So if you looked at pictures, and you and your husband agreed that looked like the people that did this, you could have said that?

A. Only thing I knew, my life was in danger. If somebody was in front of my door with dreads, presenting a gun at my face. My life was in danger.

Q. I understand that. And I would feel the same way. But I'm asking you here today, can you identify Sean James?

A. I don't recall.

MR. ERVIN: No further questions.

CROSS-EXAMINATION

BY MR. FREEMAN:

Q. Ms. Graham, were you inside or outside your house at first -- or excuse me.

When the car first pulled in your yard, were you inside or outside?

A. I was inside the house.

Q. You were inside? And what do you know happened next? Did someone come in your house?

A. Someone come and used the bathroom, then on the way out the door, the door closed. And about five or ten minutes later, my dog started barking. So I got up and went to the door to see why my dog was barking. When I got to the door, a gun was presented in my face.

Q. Now, let's break that down a bit. You said someone came in your house. Did you know that person?

A. I seen her once or twice.

Q. You knew her well enough to let her in your house, correct?

A. I seen her once or -- right.

Q. What was her name?

A. Mo.

Q. Mo, what?

A. Mo Woods.

Q. How do you know her?

A. She come through there visiting people that was being at my house.

Q. I'm going to show you what's been marked as Defendant's Exhibit 1. I'm going to show you Page 2. Do you recognize that top photograph?

A. That could have been the person that present that gun in my face.

Q. You said you think you had a gun in your face?

A. Uh-huh.

Q. Now, when you came outside, were any of these guys have -- did they have a mask on?

A. No, sir.

Q. They have any face coverings?

A. No, sir.

Q. How long do you think you were outside?

A. I could say I probably been outside bout 20 or 30 minutes.

Q. Did you have anything on you?

A. I had my phone. My phone got tooken that same night when the incident happened.

Q. Did you ever say anything to the suspects about calling the police?

A. Yes, I did. When I said I was going to call the police, they took my phone and they disappeared.

Q. What do you mean they took your phone?

A. They snatched my phone out my hand and took it with them when they left.

Q. Like you said, the person who took this from your hand, didn't even have a mask on, correct?

A. No, sir.

Q. No face coverings?

A. No, sir.

Q. Do you recognize this man right here, John Davis? The investigator?

A. I'm not sure.

MR. FREEMAN: I beg the Court's indulgence. Nothing further of this witness, Your Honor.

THE COURT: All right. Give Mr. Ervin the opportunity to redirect. Do you have anything further, Mr. Ervin?

MR. ERVIN: Nothing from this witness, Your Honor.

THE COURT: Ms. Graham, you're welcome to step down. Thank you, ma'am.

THE WITNESS: Thank you.

THE COURT: Any further witnesses?

MR. ERVIN: Investigator John Davis, he's the next one.

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

THE WITNESS: My name is John Davis.

(WHEREUPON, John Davis, having been duly sworn, testified as follows.)

DIRECT EXAMINATION

BY MR. ERVIN:

Q. Investigator Davis, you're with the Florence Police Department?

A. Yes, sir.

Q. How long have you been with them?

A. Fourteen years and counting.

Q. What do you do as an investigator?

A. Follow up to calls for service that patrol gets that might take longer than a 12-shift for them.

Q. Did you respond to Walnut Street on November 17th?

A. No, sir.

Q. 2019? So you didn't respond that night?

A. No, sir. The on-call investigator at that time was Investigator Herman.

Q. Herman?

A. Herman.

Q. And is he the investigator that's pictured or portrayed in the video at the scene?

A. I don't -- I don't believe that Investigator Herman came out that night on the 17th.

Q. This is your case, though, isn't it?

A. The auto theft end of it is where I picked up on

December 20th, sir.

Q. Right. December 20th. And tell me how you became involved on December 20th.

A. Lance Corporal Minors was working the street patrol that day, and they had been -- they had been contacted by either Ashley Lynch or Ms. Carla Eaddy about the vehicle being stolen from the yard.

And because at the time one of my priorities was auto theft, they had contacted me to follow up with it since it was missing from the City's jurisdiction.

Q. So to resolve that, what did you do?

A. Found out shortly thereafter that the victim herself had contacted Pee Dee Auto Sales, which is who had sold her the vehicle. And Pee Dee Auto Sales has a tracker on all their vehicles until they're paid off.

By the time I had discovered that, Lee County was already out with the vehicle that morning. Some time around ---

Q. They had already located the vehicle?

A. Yes, sir.

Q. At that point, did you -- were you notified by Lee County who was arrested for possession of the stolen vehicle?

A. They hadn't arrested anybody at the time, they just detained several individuals that were at the home

where the vehicle was found. I believe two of the -- two of the three individuals were inside the vehicle at the time.

Q. Right. And those individuals were subsequently arrested for possession of the stolen vehicle?

A. Yes, sir.

Q. Correct? And did you obtain the three DMV photos?

A. I did. It was Deputy Corbett with Lee County who had contacted me and told me the identity of the guys that were in possession of it.

A common thing that happens in the City of Florence is, a lot of vehicles are shared by several family members.

Q. Right.

A. And so to avoid someone being arrested for something that they didn't do maliciously, we usually will ask the person who's reporting the vehicle stolen, or the family member associated with the vehicle, "Is so and so allowed to have possession of this vehicle? Is this somebody who regularly drives this vehicle or occasionally drives?" That way nobody who doesn't deserve to be arrested, gets arrested.

Q. Right. So in this case, did you show the picture to the Grahams -- pictures -- the three pictures?

A. I did. The Grahams weren't my first point of contact. I wanted to show it to Ashley Lynch, who Lance

Corporal Minors had spoke with, and Carla Eaddy, the legitimate owner of the vehicle.

Q. Right.

A. I tried on the cell phone to get Ms. Eaddy. But after several calls, she was unreachable. I ended up driving in person to [redacted] Walnut, which is where I found Ms. Lynch and the Grahams. And it was there that I showed them the DMV photos that I had, to ask them if any of these people should be in possession of their vehicle.

Q. Is that all you asked them?

A. That's it.

Q. Nothing further?

A. Nothing further.

Q. Did you indicate anything to them about the prior incident on November 17th?

A. I didn't.

Q. Did they tell you that these are the same people that robbed us?

A. They did, actually.

Q. You heard them testify here in court today?

A. I did.

Q. About, it could have been ---

A. Right.

Q. Who sent the text to Ms. Carla Eaddy.

A. I had sent the text to her after I had spoke with

the Grahams.

Q. And they were in agreement, as your incident report reflects?

A. The Grahams were in agreement and then, Ms. Eaddy, without having spoken to the Grahams ---

Q. Well, you don't know if she did or not, but to your knowledge, she didn't?

A. No, no. Let me finish. So the Grahams, together, knew that -- each one of those guys and where they were placed in the yard without any kind of context from me whatsoever.

And then Ms. Eaddy, who was out of town, was also able to tell me the context of those three gentlemen and where they were in the yard, independent of any context from me. And that -- so...

Q. Right. Well, who texted, "This one has a cross tattoo between his eyes"? Was that your text?

A. Yeah. And that was information from Corbett about the cross tattoo. Because it wasn't visible in the photo. So for Ms. Eaddy's seeing the photo, if -- if she did or didn't remember a cross tattoo that night, it wasn't visible in that photo. So I wanted to be descriptive about the individual in that photo before she viewed it.

Q. It wouldn't have been any reason you couldn't have conducted a photo lineup in that situation as well?

A. There could, sir, because I was trying to quickly eliminate these guys as suspects. Like I said earlier, there's a lot of times in the City of Florence where somebody will report their vehicle stolen and then we let them know, well, you know, John Smith had the vehicle. "Oh, oh, okay, I didn't realize he had -- yeah, he drives it sometimes to the grocery store."

So to eliminate them for being arrested for an undue reason, we want to quickly eliminate them before it goes any further in Lee County.

Q. Well, I appreciate you eliminating them, but you understand they were detained and likely to be arrested for possession of a stolen vehicle, already. So that elimination wouldn't hold much water. Would you agree with that?

A. No, sir. It can take up to a week to get a photo lineup from SLED and that's our only source of photo lineups. So I don't want them to be in limbo for a week in some jail, when they can quickly be eliminated by the members in possession of the vehicle.

Q. Let me ask you this. In a normal armed robbery or a robbery, common law robbery investigation where people are suspected of being involved in a crime, it would be routine, when you have a suspect, to do a photo lineup, wouldn't it?

A. Time permitting, yes, sir.

Q. Time permitting. And these individuals were detained, is that correct?

A. Yes, sir.

Q. How much time would it have taken you to find six people, white people or light skinned people, similar in appearance to Justin Shope's. Y'all have a computer program that does that, don't you?

A. I don't have access to a computer program for that, sir.

Q. You do photo lineups, though, don't you?

A. No, sir, SLED does those.

Q. SLED does them?

A. Yes, sir.

Q. But y'all have access to that, the Florence Police Department, Sheriff's Department, everybody across the State does?

A. To SLED, yes.

Q. Pictures of people with dreads, right? Black males with dreads?

A. SLED does. Yes, sir.

Q. Or plaits. And darker skinned black males similar in size and appearance, correct?

A. Yes, sir.

Q. That would have done this. And I understand why you said you didn't do it.

MR. ERVIN: No further questions.

CROSS-EXAMINATION

BY MR. FREEMAN:

Q. Investigator Davis, as you said, you weren't originally assigned this case, were you?

A. No, sir.

Q. When did you get involved.

A. When I was contacted in the morning hours of December the 20th, 2019.

Q. And you were contacted by Minors, you said.

A. That's right.

Q. What did he tell you? Do you remember?

A. He said that an Impala had been stolen from Walnut Street and that it had been involved in a case a month prior.

Q. You said Deputy Corbett from Lee County called you and he said, "Hey, we've got these guys detained," is that correct?

A. That's right.

Q. Go ahead and explain one more time, what did you do after that?

A. Corbett had explained that he had detained those guys, and those guys claimed that they didn't have anything to do with the vehicle and that they had arrived at that house innocently enough. Their mom or somebody like that

had dropped them off.

So after I spoke with Corbett, I was like, well, tell me who you have there, and I can eliminate them as being persons who should or shouldn't be in possession of that vehicle.

Q. Like you said, that's standard?

A. Very standard.

Q. For auto cases?

A. Yes, in the City of Florence, multiple vehicles are used by multiple people as if it's a neighborhood bicycle found on a front lawn. So in a way to unburden law enforcement with going through all the photo lineups and things like that for a automobile reported stolen, more often than not, the people are said to, "Oh, it was John Smith with the vehicle? Okay, yeah, they drive it to the grocery store sometimes, they're a friend of a friend."

Q. Is that what you were trying to do in this case?

A. Yeah. Unburden law enforcement and keep these guys who may have innocently enough been dropped off at the house, out of being arrested for being in possession of a stolen vehicle.

Q. Now what's the benefit of doing that?

A. It saves us time ---

Q. I know that might seem like a dumb question, but what's the benefit of that?

A. It saves law enforcement time from us chasing our tails. It saves them their freedom from being detained for an unnecessary amount of time.

If I were to get SLED to do a photo lineup, their disclaimer in big red letters when I submit that is, "This could take up to a week." When these guys are detained at a house for no other crime than just standing around a vehicle that was reported stolen, that's time that I can save them from having to stand there in handcuffs if they did or didn't do anything improper.

Q. Now, you said that another investigator was originally assigned?

A. Investigator Herman.

Q. Do you know if Investigator Herman ever did anything in this case?

A. I don't believe that he did.

Q. So you've got the three photographs, you try to get ahold of Ms. Eaddy, unavailable. So you go to [redacted] Walnut Street, right?

A. Yes, sir.

Q. You have these pictures. These pictures are in fact the three people who just -- who were just detained, right?

A. That's right.

Q. And so were you showing these pictures in

reference to ---

MR. ERVIN: Judge, I'm going to object to the form of the question. If he ask a question, rather than testifying for Investigator Davis, that's fine, but he 's just making statements.

THE COURT: All right. Mr. Freeman, ask a question.

MR. FREEMAN: Okay. Give me one second, Your Honor.

BY MR. FREEMAN:

Q. Did you show these pictures in reference to an armed robbery?

A. No.

Q. You were showing them in reference to what?

A. Who was in possession of the vehicle that was just stolen approximately an hour beforehand.

MR. FREEMAN: Beg the Court's indulgence. I've got no further questions for Investigator Davis.

THE COURT: All right. Anything further Mr. Ervin?

REDIRECT EXAMINATION

BY MR. ERVIN:

Q. Just a couple things in followup to the questions about your conversation with Corbett from Lee County.

He advised you, did he not, that these three

individuals were detained, is that correct?

A. Yeah. I don't know if they were custodially detained or if they were just there were with him. I don't know. I never put my eyes on the scene there.

Q. Were you talking to him when he was at the scene?

A. Yes. He was still at the house.

Q. So he was at the house with the three suspects. He tell you any other details about what was going on at the scene?

A. No. No. Matter of fact, I found out later when I spoke to sergeant, I believe, Weatherford at the time, Corbett didn't even tell me that there was another stolen vehicle at the property. I learned that from sergeant or lieutenant, at the time maybe, Weatherford with Hartsville. So, yeah, there was several details that I didn't know about that were going on at the scene.

Q. No discussion about parts being removed from the car, license plate inside the car, other things of that nature?

A. No. I would assume if he knew that, he would have also known there was a stolen gun in the floorboard, and he didn't tell me that either.

Q. Well, he was at the scene. Were you aware of the prior armed robbery?

A. Just vaguely. Just from Lance Corporal Minors

mentioning it.

MR. ERVIN: No further questions.

THE COURT: All right. Sir, you can step down. Thank you for being here.

MR. ERVIN: Your Honor, I have no further witnesses. Prepared to argue.

THE COURT: All right. Mr. Freeman?

MR. ERVIN: Your Honor, I think the -- I will submit that the motion to suppress that I filed in the case is accurate, and that is that it was apparent from the discovery that one of the victims in this case was shown -- Carla Eaddy was shown three pictures of suspects in this case by the ---

THE COURT: Well, Mr. Ervin, let me first see if Mr. Freeman wants to call any reply witnesses or any witnesses at all.

MR. ERVIN: Excuse me. I just didn't see anybody else out here.

MR. FREEMAN: Your Honor, we used the witnesses that I intended to call.

THE COURT: So you are ready to argue at this time? I'm sorry Mr. Ervin.

MR. ERVIN: That's my fault. I jumped the gun a little bit. I just didn't see any other law enforcement here, and I assumed that's pretty much everybody that is

involved in it.

THE COURT: All right. Well, I'll be happy to hear from you.

MR. ERVIN: Well, in summary, Your Honor, I would just submit that my motion adequately addresses the issue. And the witnesses in this case have been very candid about their recollection and in their descriptions, because they were non-existent the day of the -- night of the incident, whether it be due to nervousness or whatever, but that's the first problem.

So we don't have any description for law enforcement to utilize in identifying these suspects. So the proper procedure would have been to conduct a photo lineup without it being unduly suggested. There's no mention of any tattooed individual. Mr. James obviously does have a tattoo -- has some tattoos, and that's not noted in the incident report, nor in any witness statements.

To send the text of a suspect, "This one has a cross tattoo between his eyes," is clearly, unduly suggestive, is grossly suggestive, as I said in the motion. Really all -- as to every witness, it was unduly suggestive. There's no choice. This was like a -- not a multiple choice. Here's a white dude and two black guys.

That matches the very vague and broad description of the Defendants in this case. And that's exactly what all

of these cases basically say is impermissible.

THE COURT: All right. Mr. Freeman.

MR. ERVIN: It's highly suggestive as you can get other than saying, "We caught the three guys that robbed you. You want to see the pictures of them and tell us that that's them? Oh, yeah, that's them."

THE COURT: Don't you agree that the case law -- if we do make a finding that it's unduly suggestive, then we go to the factors to determine reliability?

MR. ERVIN: Yes. Yes, I think you could. Yes, sir. But right off the bat, it's unduly suggestive. And then reliability, I agree we could -- that you could go, and should go, to that next level.

And you even got two of the witnesses now saying they're not sure. And Ms. Eaddy, of course, is saying that it was dark. She was right up next to him, but couldn't give a description on that night. But after she gets a text with one picture of the person she's allegedly standing by, with a suggestive message underneath it, I don't think you can overcome that, Judge. That taints the whole identification from the very inception of it.

I mean, the -- if you look to the distance or the time between the initial -- the cases where there have been show ups, for example, if you wanted to compare this to that, those are generally close in time and proximity.

For instance where somebody is -- commits a crime and there's a very short period of time and they get -- they have a picture of somebody from -- is this the person, and then he's brought in or something like, that's different. Here you've got 32 days elapsed. They had time to do a photo lineup.

The factors in Neil versus Biggers, the Court has those before you, for your consideration. I'd be glad to cite those as well.

THE COURT: I mean, don't you agree all those factors have to do with the ---

MR. ERVIN: The witnesses.

THE COURT: With the witness ---

MR. ERVIN: The witnesses ability to recall and all of those things we went into with the witnesses.

THE COURT: I understand. Sure.

MR. ERVIN: And you saw how vague that was in their responses. I think the record's pretty clear that the identification in this case is faulty.

THE COURT: All right, sir. Mr. Freeman?

MR. FREEMAN: Yes, Your Honor, thank you. I've provided the Court and Mr. Ervin with a response to his motion to suppress this morning. And I think I laid out the law pretty clear in that motion -- or in that memo, excuse me. I'm just going to go ahead and read that. It says:

"A criminal Defendant may be deprived of due process of law by an identification procedure arranged by police, which is unnecessarily suggestive and conducive to irreparable, mistaken identification.

"An in-court identification of an accused is inadmissible if a suggestive, out-of-court identification procedure created a very substantial likelihood of irreparable misidentification.

"In Neil v. Biggers, the United States Supreme Court set forth a two-pronged inquiry to determine whether due process required suppression of an eye witness identification. Due process requires courts to assess on a case-by-case basis whether the out-of-court identification resulted from unnecessary and unduly suggestive police procedures. And if so, whether the out-of-court identification was nevertheless so reliable that no substantial likelihood of misidentification existed.

"Under the totality of the circumstances, the factors to be considered in assessing the reliability of an otherwise unduly suggestive identification procedure are: One, the witness's opportunity to view the perpetrator at the time of the crime; two, the witness's degree of attention; three, the accuracy of the witness's prior description of the perpetrator; four, the level of certainty demonstrated by the witness at the confrontation; and five,

the length of time between the crime and the confrontation.

"Now I, of course, have held this determination should be made in an in-camera hearing outside the presence of a jury. The presence -- or the purpose of the in-camera hearing is to determine whether the in-court identification was of independent origin or was the tainted product of the circumstances surrounding the prior out-of-court identification."

Now, I think it's important to note that this two-pronged test could very well be a three-prong so to speak, because the first has to be both unduly suggestive and unnecessary. The Court in State v. Wyatt spelled it out pretty clear. I have copy for Defense as well as the Court. The Supreme Court in Wyatt, which was a 2017 case, essentially reiterates the law that I just cited.

Let me direct the Court to Page 4 in State v. Wyatt. On the left column, it says towards the bottom:

"The ensuing argument that the witnesses were trained law enforcement officers who have a duty to report the information so that correct procedures can be undertaken to resolve the situation that occurred, is an argument about the necessity of the procedures. Therefore, although the State conceded the police procedures were suggestive, we agreed the analysis under the first prong is not complete without considering the necessity of the procedures."

I'm going to go ahead and start talking about suggestiveness. Mr. Ervin just made an argument to you that there was no mention of a cross tattoo ever. So the argument that the simple wording of including this description underneath the paragraph (sic) is suggestive, is in a way irrelevant, because there was never a saying verbally from the victims, that any of these suspects ever had this -- ever had this tattoo.

However, I don't think that's the strongest point that the State has. Let's talk about the necessity of these police procedures. Investigator Davis, he testified that the reason for these pictures being shown was to expedite the process, to expedite the release of innocent suspects. He said that this occurred shortly after. He said that the reason why they do this is because it's common in Florence, or in the City of Florence. And in his experience, that sometimes when you have these cars that are stolen, the victims or the owners of these vehicles who originally report them, sometimes look past the fact that, "Hey, I actually -- I didn't give him express permission, but he does have permission to use the car."

So this is a procedure more so to eliminate these suspects as possible -- as possible -- excuse me. To eliminate these suspects as possible witnesses -- or excuse me as possible suspects in the grand larceny that had just

occurred that same day.

Your Honor, this is a cross-county case. He's -- Investigator Davis testified that he was unsure as to all the facts surrounding the retrieval of the vehicle in Lee County. He testified that he showed these pictures solely for the purpose of his investigation into the grand larceny.

Your Honor, Mr. Ervin makes the argument, and kind of harps solely about the description. And not to get ahead of myself. I'm going to close up on the point as far as the first prong, Your Honor. The means that Investigator Davis utilized these pictures, and he testified it could take up to a week or so to get these SLED photo lineups.

Your Honor, this is a situation where we might not have a week. These people -- like he said, he didn't want anyone to be held in Lee County for any period of time. He didn't want representations made to the Court that could in fact inhibit releasing these suspects if they had permission to use the vehicle. It was necessary for these photos to be shown for that purpose, Your Honor.

As far as the second prong, which I think is the strongest point that the State has as far as the Neil v. Biggers test, there are five factors that determine the reliables. So even if the Court determines that this is an unduly suggestive procedure, even if the Court determines that this is an unnecessary procedure, well then the second

prong then takes place.

That's when there's five factors to determine whether or not that, nonetheless, the identification of these individuals was still reliable.

So let's talk about that first factor, which is the opportunity of the witnesses to view criminals -- or to view the criminal at the time of the crime. In State v. Moore, the Court held that eye witness identifications were unreliable as a matter of law when only one factor was established with any degree of reliability.

Now, I think it's important to mention this case even though the holding essentially is against my point of view. But it's important because the Supreme Court in that case, acknowledged examples of these factors that would weigh in favor of the reliability.

For instance, there the Court acknowledged an example of a circumstance that could satisfy the first of the reliability factors. That was the opportunity to observe the Defendant at close proximity for some considerable amount of time.

Well, what do we have here? Sure we have two witnesses that are somewhat recalcitrant in their descriptions, but we have a third that testified, Ms. Carla Eaddy, that Sean James was on the other side of the car door from her. I don't know how better of an opportunity you can

have to observe someone that doesn't have a mask, and is elbow to elbow with you essentially.

She testified, you know -- like I said, the Supreme Court's talking about the considerable period of time being circumstances that you should take into consideration, because the Court needs to bear in mind that it's all based on the totality of the circumstances.

Carla Eaddy, Aggie Graham both testified that none of these victims (sic) had a mask on. They testified that none of them had a face covering. Sure there's testimony that it was dark, but there's also testimony that there was a light in the yard, a floodlight. And Ms. Eaddy -- actually, I don't want to touch that because that's another factor that I will get to in a second.

But as far as the opportunity of the witnesses, Your Honor, she testified that it could have about ten minutes. She said it felt like an eternity to her. Aggie Graham testified that it could have been 30 minutes. And I think it's clear from the inconsistencies in the amount of time, that these were -- this was a serious event that occurred. I don't think that's important to note that, but I just think it's worth mentioning.

As far as the second factor, the witness's degree of attention, State v. Johnson and State v. Brown, two Court of Appeal cases from '95 and '98 says, "A person in fear of

his life presumably has a more acute degree of attention to his surroundings than a mere passerby."

Your Honor, Eaddy Graham, Aggie -- excuse me, I'm sorry. Carla Eaddy, Aggie Graham, they both testified that they were in fear of their lives. They had guns put in their faces, and the Courts have held that they are presumed to have a more acute degree of attention. The second factor weighs in favor of reliability, as does the first.

Let's go to the third. The third factor: The accuracy of the witness's prior description of the criminals. Now, there is some inconsistencies today as far as what's been relayed today versus what was relayed beforehand. However, what is consistent and what is accurate, is that there were two black males and a yellow -- what did they call it -- a high yellow, excuse me. A high yellow or a light skinned male that were found.

Now, while this isn't a very descriptive description, it is generally vague, and I admit that, but it is accurate. And that is important.

Now, again, there were some inconsistencies today about who was where, but on the confrontation 32 days after the armed robbery, there wasn't any inconsistencies and they were all in agreement about who did what and who was where. And that was that Trevon Cooley was on the porch, said that Sean James was out with Carla Eaddy.

Ms. Eaddy testified that she was adamant that she knows this individual. He had a gun to her face. I think that ties into the fourth factor, which is the level of certainty demonstrated by the witness at confrontation. Ms. Eaddy was in Baltimore, you know, the pictures were sent to her. However, she got back at Investigator Davis and confirmed that these were the three that robbed me. Even though that these pictures were originally sent in relation to grand larceny.

Your Honor, it may be a subjective observation, but to my understanding, and I think the record will be clear that when Ms. Eaddy was on the stand, she knew who robbed her and she identified this Defendant, Sean James, without any hesitation -- without any hesitation. She was adamant. Regardless of whether or not two of three were as strong in their convictions, Ms. Eaddy was.

So that ties us into the fifth factor, which is the length of time between the crime and the confrontation. In the State v. Stewart which is a 1980 case, Supreme Court, Supreme Court held that two weeks from the robbery to the confrontation was a factor that weighed in favor of the reliability.

We have 32 days here, Your Honor. We have four weeks. We have one month, essentially. We have two weeks longer than the two weeks that the Supreme Court has already

determined is reliable. This weighs in favor of reliability and it's only two extra weeks on top of that.

Your Honor, so the fifth and final factor also weighs in favor of the identifications being reliable and as such, Your Honor, there is no taint from these show ups. Ms. Eaddy's identification is strong.

THE COURT: Anything further?

MR. FREEMAN: For the (inaudible), Your Honor, the State would just humbly request that you deny Defendant's motion. Thank you.

MR. ERVIN: Your Honor, if I might briefly respond?

THE COURT: Yes, sir.

MR. ERVIN: First, the cases that are cited in my motion to suppress, many of them deal with lineups. And lineup situation is different because you've got to look at all these factors as well. If you make a finding, which I think is warranted under these circumstances, that the show up method was suggestive -- because it clearly was, Your Honor -- 32 days later.

This Wyatt case he cited, for example, is a show up 15 minutes after the guy in the tower saw the person somehow involved in the contraband transaction. And then identified him 15 minutes after seeing it. That's what I meant by fresh.

You do see cases where somebody just saw or just got raped or just was robbed and they do a show up right after it. That's when, you know, the Court is looking at suggestivity (sic) and also, when you make an argument about presumption in a case where your life's being threatened, certainly that does call into question the circumstances in this case.

When you look at the totality of the circumstances, which the Court should do. The opportunity to view -- when your life's threatened and you're sitting there looking at close proximity to a person, you should be able to give them a good description of that individual when the police arrives at the scene.

That did not occur in this case, which means, wait a minute. We don't have a good description. They're not sure who it is. Oh, but it's a expedited situation because they're detained in Lee County. I mean that part even begs further scrutiny.

THE COURT: Let me just ask ---

MR. ERVIN: I mean, you could have -- clearly they were going to be arrested there. They were read their Miranda warnings in the video at the Lee County incident location and then charged with a crime. They weren't just being detained, they were being arrested.

Your Honor, going to the next, we know they had a

good opportunity to view. The degree of attention, we've heard about this presumption and when your life's in danger how you pay so much attention. The accuracy of the description, which is zero -- prior description. The level of certainty, well you certainly heard the waffling in here from two out of the three witnesses. And the length of time elapsing between the crime and the ID.

Well, the length of time, 32 days and you don't have any prior description, that begs for a photo lineup at best, not a show up. And that's exactly what they've done here.

Now, my point about the text language, about the cross tattoo, was that's almost like, Look at this guy, he's got a tattoo between his eyes, making it even more suggestive. All of that's impermissible.

I think the record's clear under all those circumstances, that the identification should be suppressed and it should be no identification, in-court or out-of-court, in this case. Thank you, Your Honor.

THE COURT: Well, let me ask you, Mr. Ervin, it's not clear from the testimony I heard today whether or not -- that the description was even sought from the police. I mean, what -- how does that affect what you're trying to argue?

MR. ERVIN: Your Honor, what I have to go on is

the incident report and it clearly reflects that they were not able to provide a description or weren't able to receive one. In fact, the language is that, "The victims failed to provide much information in regards to suspect identification besides aforementioned information about Ms. Woods." That they had seen her, that they knew her -- one of them knew her.

The firearms were described as a 45 and two AK style rifles, possibly DRACOS with drum magazines. That's pretty specific. And they acknowledge that -- he acknowledged that, that seeing these guns, they can describe the 45, the caliber of the gun and the other two guns, but yet no description of the suspects.

That's what I mean. I mean, there's no prior description to show that it's reliable.

THE COURT: And with regards to the tattoo, I mean, I haven't heard anything that suggests that Ms. Eaddy, or anybody else, told anybody that he had a tattoo.

MR. ERVIN: Other than her. She said she told them that there were -- that he had tattoos. Carla Eaddy did in her testimony.

THE COURT: I don't recall that being the case.

MR. FREEMAN: Your Honor, I don't recall that either.

MR. ERVIN: I thought I remember her saying

something about a tattooed person. That's why I was asking her about it. And the record should reflect that. But she acknowledged that she did not provide a description the night of the incident. And there goes that presumption again.

Then the argument about it expediting the process, I mean, this is clearly a case where a photo lineup would have been the proper method to ---

THE COURT: Well, I understand that from the detective's testimony that says that he was aware of an armed robbery. I mean, I think that negates any necessity, but I still think the case law directs me to the five factors to determine reliability. Do you disagree with that?

MR. ERVIN: No. I don't disagree with it, but I think under the five factors and the testimony in this hearing, that it's improper.

THE COURT: What would be your position if the Court were to determine that, you know, one of the three were reliable, or do you think it has to be all or none?

MR. ERVIN: I think all three are unreliable.

THE COURT: I understand.

MR. ERVIN: But, if the Court rules that Ms. Eaddy is allowed to identify him, obviously that's a matter for the Appellate Courts to review.

THE COURT: I understand.

MR. ERVIN: But I do think, given all the facts in this case, a show up in that circumstance, 32 days later, by text with the notation underneath it, is about as suggestive as it gets. And improper under these circumstances. Particularly given the five factors outlined in Biggers and other ID cases.

THE COURT: All right, sir. I understand.

MR. ERVIN: There's just no reason to do it that way. In fact, it just takes the whole choice out of it. It just gives them the person to pick.

THE COURT: I understand. All right. Do you have any other motions that need to be heard today?

MR. ERVIN: Judge, we have ---

THE COURT: I see you filed a motion for ---

MR. ERVIN: For sequestering of the witnesses.

THE COURT: Is there any objection to that from the State?

MR. FREEMAN: Your Honor, there's no objection other than the notation that the three victims all have a right to be here as well as my lead investigator. Other than that, there's no objection.

I just want to get the clarification that they do have the right to be in here as victims, all three of them, correct?

THE COURT: Mr. Ervin, your position?

MR. ERVIN: Your Honor, I would think they could be called in and they could stay after they testify.

MR. FREEMAN: Your Honor, I think that'd be a violation of the victims' Bill of Rights.

THE COURT: All right. I'll figure that out and let you know. I also see Mr. Ervin that you filed a motion to produce additional evidence.

MR. ERVIN: Well, that motion may have been addressed. I made the motion because the incident report did not provide the time, place, circumstance, and manner in which these photos were produced and presented, but they testified to that.

It just noted in the incident report that the Grahams were shown the photos and picked out the same three individuals, but wasn't sure about that.

THE COURT: Now, I'm going to take the photo evidence and the identification evidence motion under advisement for the rest of the day. I'll let you know in the morning.

What I do want to address when we move forward -- or if we move forward, is, you know, the indictment doesn't -- the indictment for grand larceny is not -- does not include the December 20th vehicle theft.

My concern is having that evidence, and certainly

some of that evidence is probably relevant and admissible, but I certainly don't think it would be fair for this jury to ever weigh a grand larceny indictment because of a stolen vehicle that's not indicted in this case. Do you understand what I'm saying?

MR. FREEMAN: Your Honor, it's the State's position that this is a continuing event. Mr. James is also indicted for conspiracy. And part of the State's theory of conspiracy is that they robbed this individual, took the car key, and had every intent to come back and take the car.

Now while the grand larceny indictment doesn't per se acknowledge the date, December 20th, it does say on November 17th, Sean James took and carried away the personal goods of Carla Eaddy. One of those goods being the key fob.

Your Honor, as I said -- I don't think I need to reiterate it, but just in the interest of my argument, I will, and that's that it was a continuing event. And that the evidence in one will prove the evidence in the second event.

THE COURT: Mr. Ervin?

MR. ERVIN: Your Honor, the indictment speaks for itself. It just says that they did take away personal goods of Carla Eaddy having a value of more than $10,000. I don't know what -- what they intend to argue was worth more than $10,000.

THE COURT: Well, I mean, what I'm concerned about is the indictment lists November the 17th.

MR. ERVIN: Yes, sir, I see that.

THE COURT: The car was then stolen sometime later.

MR. ERVIN: Later.

THE COURT: That's the Court's concern.

MR. ERVIN: I agree.

MR. FREEMAN: Well, Your Honor, it does say on or about November 17th.

THE COURT: All right. I'll let you know what we're going to do in the morning. If you could be here at 9:00, we'll move forward at that time. Okay?

MR. FREEMAN: Thank you, Your Honor.

THE COURT: Is there anything further?

MR. FREEMAN: Nothing from the State, Your Honor.

MR. ERVIN: No, Your Honor.

THE COURT: All right. We'll be at recess until 9:00.

(WHEREUPON, the proceedings were adjourned for the day at 3:44 p.m.)

September 7th, 2022

(WHEREUPON, the proceedings began at 9:14 a.m.)

THE COURT: All right. Are we ready to proceed? State ready?

MR. FREEMAN: State is prepared, Your Honor.

MR. ERVIN: Yes, Your Honor.

THE COURT: All right. So we're back on the record. Took under advisement the show up or photograph that was shown to the victims in this case. Certainly do find that -- that the photograph was suggestive and unnecessary given the totality of the circumstances.

When considering the testimony of the witnesses, I then must consider whether or not the -- their identification is reliable, and that it was so reliable that there's no substantial likelihood that misidentification existed. Certainly feel, with respect to Mr. and Mrs. Graham, that their testimony suggests that their identification of this Defendant certainly is not reliable.

But when I consider the testimony of Ms. Eaddy, basically the Court's put in a position to judge the witness's credibility, and per her testimony, her opportunity to view the Defendant in this matter, during this identification at the time of the incident, by all accounts, was -- was lengthy. Her degree of attention, certainly, she testified that this Defendant was within less than two feet of her for an extended period of time.

Certainly also believe, out of the totality of the circumstances, that she was in the best position to see everything. And she was in this situation for the entire

duration of the time that it took place, being that the other two witnesses just stepped outside and that there was also a backlighting issue as far as that was concerned.

The accuracy of any prior description, certainly, two black males and one that was light skinned male, certainly is consistent, at least. Again, judging her credibility, her level of certainty -- Ms. Eaddy's level of certainty, how she testified yesterday to the events and to the identity of Mr. Sean James in the courtroom, seem credible to me.

And then finally, the time between the crime and the confrontation, being in this matter about 32 days, she testified that she was being held at gunpoint for what seemed like an eternity, that her assailant was close in proximity to her, and I think it's -- it's reliable and certainly credible to believe that you wouldn't forget such an event within just 32 days, or the details of that event during that time period.

So certainly it's subject to cross-examination and whatever issues it may create for a jury. But as far as Carla Eaddy's identification, I'm going to allow that. Is there anything further?

MR. FREEMAN: Nothing from the State, Your Honor.

MR. ERVIN: No, Your Honor.

THE COURT: As far as sequestration, is that still

an issue? I mean, they were all present when they testified yesterday, as far as the victims of this -- or the alleged victims of this crime.

MR. FREEMAN: Your Honor, it's the State's position that they're entitled to be in here through the duration of the trial per their Victim Bill of Rights, Your Honor.

THE COURT: I've read the Victim Bill of Rights. You know, certainly their entitled to notice and to be present during criminal proceedings, I'm not sure how that weighs against the Defendant's rights to have witnesses sequestered and whether or not -- my point is, is that yesterday we went through the in-camera proceedings and the very people that, I guess, we're concerned about being sequestered have already heard the testimony. Does that change your position, Mr. Ervin?

MR. ERVIN: Not really, Your Honor. I will take the position that was only as to ID and was limited in that respect.

THE COURT: Well, I'll grant the motion to sequester the witness. Certainly after they testify they can stay here. And for any other proceedings they're certainly welcome to be in the courtroom. But for this limited purpose, we're going to ask that they be sequestered. All right?

MR. FREEMAN: Yes, Your Honor.

THE COURT: All right. Is there anything further?

MR. FREEMAN: Nothing from the State, Your Honor. Actually there is -- I believe there is a stipulation that Mr. Ervin and I have agreed to as far as the admission into evidence of the fingerprint evidence that we have. I just want to confirm that on the record.

MR. ERVIN: That's correct, Your Honor.

THE COURT: Are those items of evidence into -- in the evidence at this time, is that what you're saying?

MR. FREEMAN: I will get that marked.

THE COURT: Okay.

MR. FREEMAN: Yes, Your Honor. But we're under the impression that he's stipulating that this is in fact Mr. James' fingerprint that matches the fingerprint found on the vehicle, correct?

MR. ERVIN: That's right.

THE COURT: Okay. Now, have you made any decision as to how you're moving forward with your grand larceny case?

MR. FREEMAN: Your Honor, the State's cognizant of the Judge's warnings in chambers and we will inform you at a later stage, if ---

THE COURT: All right. So place that on the record ---

MR. FREEMAN: Your Honor, I guess, warned the State as far as the date on the indictment of the grand larceny charge, that it refers to the November date, and as such would be improper to describe that as the larceny of the vehicle. That's correct.

THE COURT: All right. Do you take any exception to that, Mr. Ervin?

MR. ERVIN: No, Your Honor.

MR. FREEMAN: Your Honor, there may be one more matter that we need to address. May we approach?

THE COURT: Yes, sir.

(WHEREUPON, there was a conference held off microphone.)

THE COURT: All right. I think we're ready for the jury.

MR. FREEMAN: State's prepared.

(WHEREUPON, the jury entered the courtroom.)

THE COURT: Good morning, ladies and gentlemen. Thank you for being back here on time. We're ready to move forward this morning.

The two of you are alternates, is that right?

Do you have their names?

THE CLERK: It is Ms. Graham and Mr. Scott.

THE COURT: Is that right?

JUROR: Correct.

a position to determine what the facts are and to apply the law to those facts, and thus render a verdict.

At this time, is there any objection to the opening charge from the State?

MR. FREEMAN: None, from the State, Your Honor.

THE COURT: Any from the Defense?

MR. ERVIN: No, Your Honor.

THE COURT: All right. We recognize Mr. Freeman.

OPENING STATEMENT ON BEHALF OF THE STATE

MR. FREEMAN: Mr. Ervin, Your Honor, ladies and gentlemen, why are we here? We're here so you can serve an important decision. Y'all have the most important role in the (inaudible). So your job today is neither to punish nor to (inaudible), your job is to simply find the truth. Your job is to hear the testimony, to weigh the evidence, weigh the exhibits you see. And at the end of this, you're going to get the opportunity to deliberate and reach the decision together. This decision will be yours, collectively. The 12 of you have to agree.

So what are you going to hear about? This is an armed robbery case. You're going to hear about four people, showed up to a lady's house. You're going to hear about the Grahams' house over here on Walnut Street. (Inaudible) SUV got in the yard. You're going to hear how one of the individuals came and asked to go to the bathroom, went in

the house, came out of the house. Then, how three people in concert got out of the vehicle with guns, and came and robbed Carla Eaddy, Aggie Graham, and Clifton Graham at gunpoint.

You're going to hear how they took cell phones. You're going to hear how they took money. You're going to hear how they took a key fob. Now, that key fob is very important. I want y'all to pay attention to the key fob, okay?

So they rob -- the victims get robbed, suspects leave, key fob's taken with them, the car remains. It's 2015 blue Chevrolet Impala. It stays in the yard. Stays there for 32 days until it's no longer there. You're going to hear about how Ms. Eaddy's daughter reported it missing. You're going hear about how, luckily, one hour from reporting it missing it was found in Bishopville with three Defendants that matched the description given by Ms. Eaddy.

You're going to hear how Ms. Eaddy not only gives a description, but she identifies this Defendant right here, Sean James, as being one of the people that took place in the robbery. You'll find out that Mr. James was also found with the car that had the stolen key fob.

This is a serious crime. These are serious allegations. Y'all are here to give us closure. The State chose you. The Defense chose you. We agreed that y'all are

competent jurors. At the end of this trial, when it's your turn to deliberate, I'm going to ask you to reach a verdict of guilty.

Now, this man is charged with armed robbery, conspiracy, grand larceny. The Judge will instruct you on the law. When the time comes he'll instruct you on the law, as to each of the factors of those.

I appreciate your attention. I know this is exactly where you want to be this morning. So we thank you. Talk to y'all soon.

OPENING STATEMENT ON BEHALF OF THE DEFENDANT

MR. ERVIN: If it pleases the Court. Mr. Freeman. Ladies and gentlemen of the jury, I'm -- I introduced myself yesterday. My name is J. Ervin, I practice law on the square in Darlington, had a little small office here in Florence, and been practicing there for over 38 years.

I started out my career in a similar position as these two gentlemen as an Assistant Solicitor in Columbia, and later followed that same path in Darlington and have stayed here in the Pee Dee since. Transitioned into the criminal defense. Been doing that for some 30 plus years, since.

We selected you as the jury in this case yesterday and that's a very important process. In so doing, you heard a lot of questions. We too, thank you for your patience and

your service in this case. In that selection process, we heard your responses. We placed our trust in you and we're confident that you will do your duties as a juror in seeking the truth in this matter.

Now, the Judge has told y'all that he is the judge of the law. And if I say anything during this trial or at the conclusion of the trial, or Mr. Freeman does, about the law in this case that doesn't match what the Judge charges on the law, just disregard that.

As he's told you, our arguments are not evidence. He's the sole instructor of the law, and likewise you are sitting here like 12 judges. You are the judges of the facts. You have to determine whether or not the witness testimony is credible. And the Judge will give you some guidance on how to measure or to determine the credibility of the witnesses.

And there's some general ways you do that. Generally speaking you observe the demeanor of the witness when they're testifying. That means how they appear, whether or not they're forthright. Whether they feel comfortable in their testimony. Whether their testimony is consistent or inconsistent with any prior statements they may have made in the case.

In this case, Mr. Freeman's talked to you about -- a little bit about Carla Eaddy's identification of Sean

James as being the person on the scene. But what he didn't get into, and you'll find out during the trial, is that 32 days after this occurred -- 32 days after this occurred, she was sent a text.

She was at a funeral in Maryland, and she was sent a text from the investigator in the case with the picture of three individuals. And the question was whether or not these were the people who had committed the offense.

Well, I would submit to you that that's suggestive. First of all, there will be no controversy about whether or not Sean James was in Lee County where the car was located. He's not charged with possession of a stolen vehicle in Florence County. He got charged with that in Lee County. That's a whole separate issue.

His day in court will come there, and he acknowledges that. He was there. But as far as acknowledging anything about being present on November 17, 2019, no. He pleads not guilty because he was not involved in that.

You will be charged with, again, determining the credibility or the believability of the witnesses who testify in this case. And you will also learn that on the day in question, November 17, 2019, these witnesses at Walnut Street, did not give really any description of the suspects other than two black males and one light skinned --

one witness referred to him as a high yellow male. Turns out he was white.

That was the extent of the description. So you have that evidence and then a subsequent text from a police officer. Well, lo and behold it was two black males and one white male. Again, suggestive at the very least.

It's very important for you to realize that when you begin a criminal trial, in every case, that the presumption of innocence is with the Defendant. It remains on him like this coat I'm wearing, and it stays on him throughout the trial.

That is a bedrock principle in our democracy. That presumption remains with him throughout the trial, and until you go back to the jury room. And it remains on him until, and unless, it's removed by proof beyond a reasonable doubt. And that's a high standard to prove.

Beyond a reasonable doubt has been defined by our Supreme Court as the kind of doubt that would cause a reasonable juror seeking the truth, to hesitate to act upon the evidence. We submit to you that at the conclusion of this case, that you will have hesitations based on the evidence in this case.

Now, the term verdict is an old Latin term, veredictum, which means to speak the truth. We trust that you the jury will speak the truth and find Sean James not

guilty of the charges in this case. Thank you.

THE COURT: Mr. Freeman?

MR. FREEMAN: We're ready to proceed, Your Honor.

THE COURT: Call your first witness.

MR. FREEMAN: The State would call Ashley Anderson to the stand.

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

THE WITNESS: Ashley Anderson.

(WHEREUPON, Ashley Anderson, having been duly sworn, testified as follows.)

DIRECT EXAMINATION

BY MR. FREEMAN:

Q. Investigator Anderson, where are you currently employed?

A. Currently employed with the Solicitor's Office as an investigator.

Q. Were you employed there in November of 2019?

A. No, sir. In 2019 I was employed with the City of Florence as a sergeant on the patrol unit.

Q. How long had you been working with the Florence Police Department at that time?

A. At that time, it had been 11 years.

Q. Do you remember if you were working on November 17th, 2019?

A. Yes, sir, I was.

Q. Did you have the opportunity to respond to [redacted] Walnut Street?

A. Yes, sir.

Q. Is that located here in Florence County?

A. Yes, sir, it is.

Q. Tell me why you responded to this location.

A. I responded to the location because central dispatch gave out a call that there was an armed robbery that happened at that location.

Q. Did you arrive at the scene?

A. Yes, sir.

Q. Did you arrive at the house?

A. Yes, sir.

Q. Did you happen to find out if there were any descriptions given by the victims?

A. When I first arrived on scene, I spoke to the victim number one. I can't remember what -- I think her last name was Ms. Eaddy. I spoke with Ms. Eaddy. She said that they were -- she was actually about to leave the residence, at which time she observed a female approach her who exited a dark-colored SUV, if I'm not mistaken, in front of the residence.

She said that she was familiar with the woman and her name -- she goes by Mo. So she asked about using the

bathroom, so she let -- she said, "Yeah, just go on in to the residence so you can use it." But at that -- and then after that, when she -- she approached her vehicle, if I'm not mistaken, and there was three black males exited their vehicle, the dark-colored SUV and approached the residence.

Q. This is about three years ago?

A. Yes, sir.

Q. Let me ask you this. Were there any descriptions of -- about any firearms given? Do you know about that at all?

A. I believe when I spoke to -- I do remember -- I don't remember -- I don't remember which victim told me, but I do remember them saying that there was -- one of them had, maybe like a rifle, and the other one had a handgun. But I don't remember which victim told me that.

Q. That's fair. Do you know what was taken from the victims?

A. I believe there was some cash, cell phones, and the keys to one of their vehicles.

Q. Now, when you got to [redacted] Walnut Street, was the vehicle to the key that was stolen, was that still in the yard?

A. Yes, sir, it was.

MR. FREEMAN: I beg the Court's indulgence. No further questions, Your Honor.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. ERVIN:

Q. What is your role with the Solicitor's Office?

A. I'm an investigator.

Q. So at the time you responded back in November -- November the 17th, 2019 to be exact, you were working for the Florence Police Departement?

A. Yes, sir.

Q. What was your rank at that time at the police department?

A. I was a sergeant on the patrol unit.

Q. So as a sergeant on the patrol unit, were you the first person to respond to Walnut Street where the incident occurred?

A. No, sir, I was not.

Q. Well, who else was there?

A. I remember Officer Haye and Officer Chapman being there. Because Officer Haye was the initial officer, that's the one I spoke to when I first arrived on scene.

Q. So Haye was the first one there?

A. Yes, sir.

Q. Well, who do you think would have been responsible for taking statements from the witnesses at the scene at the incident location?

A. Officer Haye did the report, so him.
Q. So Officer Haye would have been responsible for any statements that the victims made -- for taking those?
A. Yes, sir. When he did the report, yes, sir.
Q. So he did the report in this case?
A. Yes, sir.
Q. Have you reviewed the report?
A. I have looked over it. I viewed it that night because I checked it off. And then I just looked over it, just to try to refresh my memory.
Q. Refresh your memory?
A. Yes, sir.
Q. Before you came to court?
A. Yes, sir.
Q. It's pretty common when an officer or an investigator responds to the scene of a crime, to take statements from the witnesses, isn't it?
A. Yes, sir.
Q. What's the purpose of doing that?
A. So they will know what happened and then they can do an initial report for ---
Q. And refresh their memories too, if they go to court, right?
A. Yes, sir.
Q. So they can look at the statement?

A. Yes, sir.
Q. Do they take a written statement?
A. Correct.
Q. And you give them a copy of it, is that right?
A. Give them, the victim?
Q. Yeah, the person who made the statement?
A. No. No, sir. The Florence Police Department doesn't, no, sir.
Q. You familiar that State law requires that, giving the witness a copy of their statements?
A. Well, they just -- well, all they did was took a statement from them talking, and then did a (sic) initial report. But they did not give a written statement or anything like that.
Q. They didn't give them any written -- no written statements were made by the witnesses?
A. No written statements were made. No, sir.
Q. Is it fairly common in a -- particularly in a situation like this, that you get exact the description of the suspects as possible?
A. I would say so. Yes, sir.
Q. And in fact, in this case, this report reflects that no descriptions were obtained from the witnesses at the scene, the victims. Would you agree with that?
A. I can look back at the report.

Q. Or you might have to look back at the report and refresh your memory.

(WHEREUPON, there was a pause in proceeding.)

It's on the second page.

A. Second page? I'm assuming you're talking about the part where it says three unknown black males?

Q. Yes. Keep reading.

A. Yes, I see it right here where it says, "The victims failed to provide much information, regards to suspect description."

Q. "Beside the aforementioned information about suspect number one," who was the female that apparently he got the name of Mo -- Mo Woods.

A. Yep, that's her.

Q. Is that correct?

A. That is correct.

Q. Is Ms. Woods in the courtroom?

A. I'm not sure.

Q. Well ---

A. I've never met Ms. Woods, never talked to her. I've never seen her. So I cannot say if she's in here or not.

Q. So you didn't have any physical description of the suspects in this case?

A. By the report, no, sir.

Q. Just their race?
A. By the report, yes, sir.
Q. As to the third suspect, some question about whether they were light skinned or white.
A. I do not know anything about that.
Q. You didn't get any description of the heighth of the people, of the three suspects?
A. I did not. As the sergeant there, I did not. No, sir.
Q. And to your knowledge, nobody else did either.
A. Not that I can recall.
Q. Wouldn't that be something that an investigator or officer on the scene would ask the victims?
A. It could be. I -- I can't speak for the officer, because I'm not the officer that took the report or spoke with them.
Q. But that would be pretty standard procedure, though, wouldn't it?
A. I would say yeah, but, again, every officer's different.
Q. Well, you went to the South Carolina Criminal Justice Academy, didn't you?
A. I did.
Q. That's a part of the process of becoming a police officer.

A. What is?

Q. Going to the Criminal Justice Academy.

A. Yes, sir, you have to.

Q. And you have to complete that, don't you?

A. Yeah.

Q. Part of the training is responding to crime scenes, isn't it?

A. It is.

Q. It would seem logical that one of the first questions you would have of a witness to a crime, or a crime victim, would be, can you describe the person that did this, or the person that you saw committing this crime. Wouldn't that be a fair statement?

A. Yeah.

Q. You indicated the report reflects that no description was obtained?

A. By going with the report, yes, sir.

MR. ERVIN: I don't have any further questions, Your Honor.

REDIRECT EXAMINATION

BY MR. FREEMAN:

Q. Mr. Anderson, when you showed up to [redacted] Walnut Street, was there a light on in the yard? Do you remember if there was a light?

A. I do not recall. No, sir, I do not recall.

Q. You said you worked with the police department in 2019?

A. Yes, sir.

Q. Was there an investigator assigned to this case?

A. No, sir, it was not.

Q. Do you know why?

A. I do not. I called an investigator and advised him what happened, and he did not respond.

Q. Did you take any part in any arrests that were made in connection with this case?

A. No, sir.

Q. Did you take any part in any identification of any suspects of this case?

A. No, sir.

MR. FREEMAN: No further questions, Your Honor.

THE COURT: Thank you, Mr. Anderson. You can step down.

THE WITNESS: Thank you.

MR. FREEMAN: Your Honor, at this time, the State would call Aggie Nora Graham to the stand.

THE COURT: All right.

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

THE WITNESS: My name is Aggie Graham.

(WHEREUPON, Aggie Graham, having been duly sworn,

testified as follows.)

DIRECT EXAMINATION

BY MR. FREEMAN:

Q. Ms. Graham, were you at [redacted] Walnut Street, November 17, 2019?

A. Yes, sir.

Q. Why were you there?

A. I lived there.

Q. Is there anything in particular that happened on November 17, 2019 that stands out to you?

A. I had some people that come to my house that present a firearm on me at that time, at the [redacted] Walnut Street.

Q. Now, did someone -- let's flush that out a little bit, shall we? Was this the morning? Is this night time?

A. It was at night.

Q. Where were you located?

A. I was in the house on the chair with my phone. And the dogs started barking. About five minutes later, I got up and went to the door and a gun was presented in my face.

Q. Let's slow down a little bit. Before anyone came with any firearms, did anyone come into your house?

A. Yeah, a girl named Mo Woods.

Q. How do you know Ms. Woods?

A. She been there on other occasions.
Q. What did she come in for?
A. She came in to use the bathroom and left, and went back out.
Q. Approximately how long after she left your house did you hear your dogs start barking?
A. Probably round about five or ten minutes later.
Q. Let me ask you this. When they started barking, what did you do?
A. I got up and went to the door. And when I went to the door, that's when I was presented -- a firearm was pointed in my face.
Q. Did you have anything on you?
A. I had nothing but my phone.
Q. Did you say anything when you were presented with this firearm in your face?
A. When I went to the door, I said I was gone call the police. At that time, they snatched my phone.
Q. Did they say anything to you?
A. No.
Q. Was there a light in your yard? Floodlight?
A. On the side of the house.
Q. Now, I'm going to -- you said you lived at [redacted] Walnut Street?
A. Yes, sir.

Q. I'd imagine you'd recognize it if you saw it.
A. Yes, sir.
Q. Picture of your house. I'm going to show you what's been premarked for identification as State's Exhibit 1. Do you recognize that location?
A. Yes, sir.
Q. What is that location?
A. [redacted] Walnut Street.
Q. That was your house?
A. Yes, sir.
Q. That's where you were located on the night of the robbery?
A. Yes, sir.
MR. FREEMAN: Your Honor, at this time the State will introduce State's Exhibit 1 into evidence.
THE COURT: Any objection?
MR. ERVIN: No objection, Your Honor.
THE COURT: All right. State's 1 is into evidence.
(WHEREUPON, State's Exhibit Number 1, having been premarked for identification was entered into evidence.)
MR. FREEMAN: Permission to publish?
THE COURT: All right.
(WHEREUPON, State's Exhibit Number 1 was published

for the jury.)

BY MR. FREEMAN:

Q. Can you see this on your screen, Ms. Graham?

A. Yes, sir.

Q. Is this your house?

A Yes, sir.

Q. Who else was at your house that night?

A. My husband.

Q. What's his name?

A. Clifton Graham.

Q. Was there anyone else that was there?

A. My sister.

Q. What's her name?

A. Carla Eaddy.

Q. Were they put at gunpoint as well?

A. Yes, sir.

Q. Did you see that happen?

A. Yes, sir.

Q. Now, you didn't give a very detailed description to the police officers that night, did you?

A. No, sir.

Q. Is that because the light in the yard may have been a backlight?

A. Yes, sir.

MR. ERVIN: Objection. Leading, Your Honor.

THE COURT: All right. Don't ask anymore leading questions. Okay?

MR. FREEMAN: Yes, Your Honor.

BY MR. FREEMAN:

Q. Did you get a good look at their faces?

A. No, sir.

Q. Did there appear to be a light, though?

A. Yes, sir.

MR. FREEMAN: I beg the Court's indulgence.

BY MR. FREEMAN:

Q. Ms. Graham, do you remember how many people were in your yard other than your husband and your sister?

A. About three.

Q. Do you remember seeing three people?

A. Yes, sir.

Q. Now, is that in addition or including the one that came in your house?

A. No. At that time, there was just three.

Q. So to clarify, does the three include Mo Woods?

A. Uh-huh. Yes, sir.

Q. So you're saying there was three people or you're saying there was four on this night?

A. It was three outside and one came in the house.

Q. Can you describe the type of guns they had.

A. It happened so fast, I really couldn't tell you

what kind of gun it was. It happened so fast.

MR. FREEMAN: No further questions at this time, Your Honor.

THE COURT: All right. Mr. Ervin.

CROSS-EXAMINATION

BY MR. ERVIN:

Q. Morning, Ms. Graham.

A. Good morning.

Q. This picture that was taken of your house on Walnut Street ---

A. Yes, sir.

Q. Clearly that's taken in the middle of the day. It'd be quite different at night, wouldn't it? In terms of your ability to see people, correct?

A. I'm not sure.

Q. Wouldn't that be fair to say, though?

A. I'm not sure.

Q. Well, you've indicated you weren't able to give a description of the people that were at your house with guns that night, is that correct?

A. That's correct.

Q. So that's still your testimony?

A. That's correct.

Q. So you weren't able to give a description to the police officers, and about 33 days later, you were shown

some pictures, weren't you? Remember an investigator coming by your house?

A. Yes, sir.

Q. What did he show you?

A. I'm not sure.

Q. You don't remember?

A. No, sir.

Q. I'm going to show you three pictures. Does this look like the three pictures he showed you? Defense in evidence, 1? These two -- three pictures?

A. I'm not quite sure.

Q. So you don't remember that either?

A. No.

Q. So you didn't identify anybody out of those three pictures as being the people that were at your house, did you?

A. No.

Q. No? Is that correct?

A. Correct.

MR. ERVIN: I don't have any further questions.

THE COURT: All right.

REDIRECT EXAMINATION

BY MR. FREEMAN:

Q. Ms. Graham, did you have a light on in your house?

A. In the inside.

Q. On the inside?
A. Yes, sir.
Q. When you open the door, did that light shine through?
A. Yes, sir.
Q. Now, did you happen to -- I know you testified you didn't give any descriptive description. Did you have a chance to observe the skin color of the suspects that were in your yard?
A. No, sir.
MR. FREEMAN: No further questions, Your Honor.
THE COURT: All right. Ms. Graham, you're welcome to step down. Thank you.
THE WITNESS: Thank you.
MR. FREEMAN: Your Honor, at this time the State would call Clifton Graham to the stand.
THE COURT: All right.
THE CLERK: Please be seated and state your full name for the record.
THE WITNESS: My name is Clifton Graham.
(WHEREUPON, Clifton Graham, having been duly sworn, testified as follows.)

DIRECT EXAMINATION

BY MR. FREEMAN:
Q. Mr. Graham, I have right here on the screen what's

been introduced into evidence as State's Exhibit 1. Is this a picture of your house?

A. Uh-huh. Yes.

Q. Is this [redacted] Walnut Street?

A. Yes.

Q. Were you there on the night of November 17, 2019?

A. Yes.

Q. From your perspective, what do you recall occurring?

A. That night?

Q. The night in question.

A. Well, actually I was in the bed, and heard the dogs start barking and stuff. So I get up to see what was going on and when I came to the door, opened the door, a guy was standing on the porch with a gun in his hand, pointing a gun at me, and grabbed me out the screen door.

Q. I'm sorry, I can't hear you. Can you repeat that last part?

A. Pulled me out the screen door.

Q. One more time.

A. He pulled me out the door. He had the gun pointed at me and pulled me out the door.

Q. A little hard to hear with your mask, I apologize.

A. I'm sorry.

Q. Now, when you came outside, did you have an

opportunity to see the suspects?

A. No, not clearly, I didn't.

Q. Not clearly. And that's fair. I appreciate the honesty. Did you get a chance to observe skin color of the suspects?

A. The guys (sic) on the porch, you know, he was kind of dark skinned, had braids in his hair or dreads or whatever in his head. And the other guy, either he was light skinned or a white guy.

Q. Did you see a third individual in the yard?

A. I couldn't see him.

Q. Do you recall there being a floodlight in the yard?

A. Yes, on the side. On the side of the porch.

Q. Was that light shining behind the suspect?

A. Behind.

Q. So you couldn't really see their faces?

A. No.

Q. Is that fair?

A. No.

Q. Well, you do recall ---

MR. FREEMAN: Let me rephrase this, Your Honor, so I'm not leading this witness.

BY MR. FREEMAN:

Q. Were you put at gunpoint?

A. When I came to the door, he had the gun in my face.

Q. Then what happened?

A. I was pushed down to the end of the porch where my wife was standing at?

Q. Did you see your wife's cell phone?

A. No.

Q. Did he tell you get on the ground? Did he threaten you?

A. He did say get down, you know what I'm saying. So I grabbed my wife and I was holding my wife. By that time, I had my back turned to him. So if he would've tried to shoot or something, he probably would have shot me instead of my wife. I just grabbed my wife and cradled her in my arms.

Q. You were shielding your wife?

A. Uh-huh.

Q. I guess you love your wife?

A. Yes.

Q. Were you afraid for wife's life at the time?

A. Afraid for both of our lives, really.

Q. You ever experience anything like this before?

A. Never.

Q. I'm terribly sorry you had to. To summarize the testimony you just gave, you said that you saw a dark

skinned man and a light skinned man on the porch. Is that what you said?

A. Just the guy was on the porch, he the one had the dreads in his head. Kind of brown skin, dark skinned.

Q. Did you happen to see anyone that was near your sister-in-law, Carla Eaddy.

A. I couldn't see.

Q. I'm not asking if you saw his face, I'm saying did you see a person standing near your sister-in-law?

A. No. I didn't anything.

Q. You didn't see that?

A. Uh-uh.

MR. FREEMAN: No further questions for this witness, Your Honor.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. ERVIN:

Q. Mr. Graham, do you recall, did you give them any kind of description when the police officers came to your house on that night?

A. I just told them what I just told him. The guy had dreads in his head. I really couldn't see him, so I couldn't give no ---

Q. You told them about the dreads?

A. Yeah.

Q. So if they didn't put that in the report, they just made a mistake and left it out?

A. Yes, sir.

Q. But you did tell them it was a black male with dreads and a light skinned person?

A. Uh-huh.

Q. That's fair to say, isn't it?

A. Yes, sir.

Q. What about the third individual that was out there supposedly with your sister-in-law, Carla Eaddy? You didn't give them any description?

A. I couldn't see him.

Q. Do you remember about 33 days later, the investigator coming by Walnut Street?

A. He showed me three pictures.

Q. Excuse me?

A. He showed me them three pictures.

Q. Are these the three pictures that he showed you?

A. Yes.

Q. Are these the same pictures you were seen -- you saw back on December 20th of 2019?

A. Uh-huh.

MR. ERVIN: Your Honor, I would offer these into evidence.

THE COURT: Is there any objection?

MR. FREEMAN: Are these -- I'd just like to look at them first. Your Honor, may we approach?

THE COURT: Yes, sir.

(WHEREUPON, there was a conference held off microphone.)

BY MR. ERVIN:

Q. Did these three pictures appear to be the same pictures you were shown? Take a look at each one.

THE COURT: Mr. Graham, if you would please speak up.

THE WITNESS: Okay.

THE COURT: So we can hear you. Thank you.

THE WITNESS: Yeah, these still look like the same pictures like you showed me yesterday.

BY MR. ERVIN:

Q. They're just blown up?

A. Uh-huh.

Q. Bigger pictures?

A. Yes, sir.

MR. ERVIN: Your Honor, I would move the enlarged photos into evidence as Exhibits 2, 3, and 4.

THE COURT: All right. How are they marked?

MR. ERVIN: They're marked Plaintiff's, but it should be Defendant's Exhibit 2, 3 and 4.

THE COURT: Is there any objection by the State?

MR. FREEMAN: Well, I mean, it is my exhibit for my case-in-chief, but if Mr. Ervin would like to put that forward as the Defense exhibit, that's fine, Your Honor.

THE COURT: It certainly has -- you know, if you don't have any objection to the pictures going in, then he can introduce them. Let's just mark them the right way. That'll be 1, 2 and 3?

MR. ERVIN: Two, three, and Four. One is the first set of three photographs that I've admitted. These are just the large photos.

(WHEREUPON, Defendant's Exhibit Numbers 2, 3, and 4 were marked for identification and admitted into evidence.)

BY MR. ERVIN:

Q. When you were shown these photos, Mr. Graham, were you able to identify the individuals in those photos as the people that were at your residence on November 17, 2019?

A. No, I couldn't.

Q. You couldn't?

A. I couldn't.

Q. And you told the officer that?

A. Uh-huh.

Q. That officer was Investigator Davis, is that right?

A. I'm not sure what his name was. I don't remember.

Q. Was he this investigator right here?
A. Could have been. I don't remember him.
Q. You don't remember?
A. Uh-uh.
Q. Did they give you an opportunity to go to the police station that night to make a statement?
A. I don't remember being asked that.
Q. You don't remember being asked that?
A. Uh-uh.
Q. But they could have? That's a possibility?
A. (Inaudible.)
Q. Were you shown any kind of photo lineup?
A. No, sir.
Q. You weren't asked to pick some individuals out of a photo lineup?
A. Uh-uh. Just those three pictures.
Q. They just showed you these three pictures?
A. Yes, sir.
Q. Did they tell you anything about the people in the pictures?
A. No.
Q. They didn't tell you anything about them?
A. Uh-uh.
Q. Was anything taken from you?
A. No, sir.

Q. They didn't ask you for your wallet?

A. No, sir. I came to the door in pajamas.

Q. Came to the door in your pajamas. You were in bed, weren't you?

A. Yes, sir.

Q. Watching TV?

A. Yes, sir.

Q. And you didn't make any other kind of statement, other than what you talked to the police officers about that night?

A. No, sir.

Q. Is that correct?

A. Yes, sir.

MR. ERVIN: I don't have any further questions.

REDIRECT EXAMINATION

BY MR. FREEMAN:

Q. Mr. Graham, do you want to be testifying this morning? Do you want to be here?

A. I'd rather be at work.

Q. Do you want to be here?

A. No, I don't. I mean, I just came because I was subpoenaed to come, you know.

Q. But you don't want to be here, correct?

A. No.

MR. FREEMAN: No further questions.

THE COURT: All right. Mr. Graham, you're welcome to step down. Thank you, sir, for being here.

THE WITNESS: Thank you too.

MR. FREEMAN: At this time the State will call Carla Eaddy to the stand.

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

THE WITNESS: Good morning. My name is Carla Lynch Eaddy.

(WHEREUPON, Carla Eaddy, having been duly sworn, testified as follows.)

DIRECT EXAMINATION

BY MR. FREEMAN:

Q. Good morning, Ms. Eaddy.

A. Good morning.

Q. Do you remember November 17, 2019?

A. Yes, sir.

Q. Why do you remember that?

A. Because our life was at threat and in danger.

Q. Do you mind taking your mask down just so the jury can hear you?

A. Because me and my family life was at danger.

Q. Let's flush this out, shall we?

A. Say it again.

Q. I said, let's flush this out.

A. Okay.

Q. Where were you located?

A. [redacted] Walnut Street.

Q. And where is that?

A. That's my sister home.

Q. Had you been there all day?

A. All day because we always have family functions.

Q. Did you have any special events coming up?

A. Well, we was getting ready to do some family things together, as we normally do.

Q. Were y'all preparing for an event?

A. I don't recall. But I know we was getting ready to do something. Well, as a matter of fact, I do recall. It's my mother's birthday, and we all get together and we do things as a family. And getting ready for the Thanksgiving holiday. So we were putting some of our plans together for what we wanted to do.

Q. Had you advertised that you were going to be having this get together?

A. Yes, we always do.

Q. So let's talk about the 17th, all right? From your point of view, let's talk about the nighttime hours.

MR. FREEMAN: Actually, I'll rephrase this. Excuse me, Your Honor.

BY MR. FREEMAN:

Q. What happened on the 17th?

A. As I stated earlier, I was at my sister house all day. And about nighttime, I was getting ready to leave, but I went to my car. I was sitting inside my car. And I wasn't in no rush to leave, because I was minding my business, counting some money. And was just sitting there, because I felt safe at my sister's house.

Q. What happened then?

A. A young lady drove up in a vehicle and she got out and she wanted to use the bathroom. So she went on -- at first I told her my sister lived there, so she had to go and knock on the door. So my sister answered the door and she went in.

Q. And then what?

A. Then she came back out, and then she proceeded to the truck.

Q. Did she get back in the vehicle?

A. That's correct.

Q. What happened when she got back in the vehicle?

A. When she got back in the vehicle, it was three gentlemen -- as I stated, it was two black guys and I said one was probably light skinned or maybe light bright at that particular time.

Q. What did they do?

A. Well, they got out -- all three of them got out with guns. I don't know what they motive was. I don't know who they were looking for, but they got out. And Defendant over there, he came to my side of the driver door.

Q. We'll get there.

A. Okay.

Q. We'll get to that. You said you were at [redacted] Walnut Street?

A. That's correct.

Q. Is this [redacted] Walnut Street on the screen in front of you?

A. Yes, sir, it is.

Q. Where was your vehicle located?

A. Parked right there on the side of the house. Not all the way in the back, but the tail end was back there where the gate -- where the porch at.

Q. Was it about the same distance in the yard as the other two vehicles?

A. Correct.

Q. Was there a light on the side of that house, on the back side of this house?

A. I don't recall, but I know they do have a light back there. I don't know whether it was working or not. I don't recall, but it might've was.

Q. Let's talk about the things you do recall.

A. Okay. Like I said, only thing I know that all three of them got out. All three of them had guns.

Q. I'm going to ask you a few questions and you tell the jury what you remember. Okay? You testified that you saw three individuals get out the car?

A. That's correct.

Q. They all get out the car at the same time?

A. All of them jump out at one time.

Q. And then ---

A. Proceed towards the house and towards the car. Nobody had on masks. No, sir.

Q. This is before COVID?

A. Before COVID.

Q. Did anyone have a face covering?

A. No, sir.

Q. Did anyone have a bandanna or anything on their head, a ski ---

A. I don't recall.

Q. Where were you located when this was occurring?

A. I was sitting in my car at that prior time.

Q. Did anyone come up to your car?

A. Yes, sir.

Q. Now, I'm going to ask you a couple of questions -- I'm going to get there. Did you see who came up to your car?

A. When I looked up, yes, sir.
Q. You could see their face?
A. Yes, sir.
Q. How close were they to you?
A. About ---
Q. Actually, better yet, I'm going to walk to you, and you tell me when to stop.
A. Okay.
Q. This will be an example of how close they were to you when you were sitting in the car.
A. Okay.
Q. Tell me when to stop.
A. All right. Stop. That wasn't bad. You could've came a little bit closer.
Q. In your face?
A. Uh-huh.
Q. Without a mask?
A. Uh-huh.
Q. No face coverings?
A. Uh-uh. No, sir.
Q. What happened with this person in your face?
A. They had a gun. Guess they were looking for money or whatever. That's the only thing I can imagine, because I was counting some money to pay my bills with, and I had my car running.

Q. Did this person say anything to you?
A. I don't recall. I don't recall.
Q. Were you afraid?
A. Yes.
Q. Did they take anything from you?
A. Yes. My car keys and my money.
Q. Where was your car key?
A. In the ignition.
Q. So if I understand correctly, was your window open?
A. Yes.
Q. So are you testifying that someone reached through your open window and grabbed the car key that was in the ignition?
A. Correct.
Q. And this person did not have a mask on?
A. No, sir.
Q. And their face was probably closer than mine?
A. Yes, sir.
Q. Do you see that face in this courtroom?
A. Yes, sir, I do.
Q. Can you point him out?
A. Right there. Sitting beside his attorney.
MR. FREEMAN: Let the record reflect that this victim, Ms. Carla Eaddy, has identified the Defendant, Sean

James Eaddy (sic) as being the face that was in hers on the night of the robbery, with a gun -- Sean Devon James, Your Honor.

THE COURT: So reflected.

BY MR. FREEMAN:

Q. So you said they took your car key, they took some money. What else did they take?

A. That's all I remember.

Q. Your cell phone?

A. A cell phone, that's correct.

Q. What happened after that? Do you remember your -- let me rephrase this, I don't want to lead you.

Do you remember seeing the other two?

A. The one I thought that was light bright, that I stated, he was on the passenger side. And then the other guy was on the porch.

Q. The other guy's the one -- what was the guy on the porch doing?

A. He had my sister at gunpoint.

Q. Was your car stolen that night?

A. Yes, sir.

Q. I'm asking about the actual car. Now, you testified that your key fob was stolen.

A. Correct.

Q. Was the car stolen on that night?

A. No, sir, it was not.
Q. Just remained in the yard?
A. It remained in the yard.
Q. Was the car ever stolen?
A. No, sir. Not until that morning that I was notified.
Q. Maybe I should ask this a little differently. After November 17th, at any point after that, was the car ever stolen?
A. It was stolen some time during the night or early that morning when I was notified.
Q. On the day that you were notified? And who notified you?
A. My daughter.
Q. Was this on November 17th as well, or was this at a later time?
A. That was on the 18th, the day after. It was like the 17th it happened, and that morning when she took my grandkids to school, she came by my sister house and noticed that the car was gone.
Q. Let's back up and flush this out. Were you in town when your car was stolen?
A. No, sir, I was not. I had -- we had death in the family. So I left out after everything was over that night. And I mean my older sister, she lost her father. And I took

her up north to be a part of her father's, and her family's situation.

Q. Where were you then?

A. I was in Baltimore, Maryland.

Q. Was that in December?

A. I don't recall.

Q. Were you home -- were you in South Carolina when your car was stolen?

A. No, sir, I was not.

Q. You ever been through anything like this before?

A. No, sir.

Q. Still think about it?

A. All the time. I try to make sure I get home before dark.

Q. Why?

A. Because of that incident. I mean, it brought a lot of fear, and I had to end up going on depression pills.

Q. My mama always told me not to ask a woman how old they are, but I'm gone ask you, how old are you, ma'am?

A. 59.

Q. This guy that was in your car window and took your keys, he took that from you, didn't he?

A. He took -- he took just about everything.

Q. From your person. How old would you have been then, about 56 or so?

A. About 56 -- yeah, somewhere up in there.

Q. You mentioned you had some depression stemming from this, is there anything else? Are there health issues?

A. Just sometimes scared to sleep at night.

Q. I'm going to ask you one more time. Do you have any doubt in your mind that this guy right here is the one that took the key out of your car?

A. I don't have no doubt.

Q. Do you have any doubt that this man right here, Sean Devon James, had a gun in your face?

A. I don't have no doubt.

MR. ERVIN: Judge, that's been asked and answered.

THE COURT: All right. Please move on.

MR. FREEMAN: Ms. Eaddy, thank you for being here this morning.

THE WITNESS: You're welcome.

MR. FREEMAN: I have no further questions for you.

CROSS-EXAMINATION

BY MR. ERVIN:

Q. Good morning, Ms. Eaddy.

A. Good morning.

Q. How you doing?

A. I'm okay.

Q. Good. Do you remember November 17th? You testified about your recollection of that incident and do

you recall when the police came?

A. Correct.

Q. You do?

A. Yeah. You talking about when the police came to the house that night?

Q. Yeah. They talked to you, didn't they?

A. Correct.

Q. Did you give them a description of the three individuals that you saw that night.

A. Not at the time because I was all over the place.

Q. What do you mean by all over the place?

A. When you go through something that traumatic, sometimes your mind is, you know, not there.

Q. Right. So you weren't able to give them a description that night?

A. No, sir.

Q. The incident report reflects that somebody told them that there was two black males and a light skinned male.

A. Well, I did stated that.

Q. You did state that?

A. Right. But I didn't ---

Q. You gave them that general description.

A. Right.

Q. So that's fair to say. That would be a good

summary of what you told them, isn't it?

A. Correct.

Q. Not anything more specific?

A. Correct.

Q. In fact, it was about a month and several days -- 32 days later, when you were at this funeral up in Maryland, when you were contacted by the police department again, weren't you? You remember that?

A. I don't recall.

Q. You don't remember them texting you some photos?

A. I don't know when it was. I just know I got some photos.

Q. Well, let me see if I can refresh your memory.

A. Okay.

Q. C.E., this is an iPhone, and this is in evidence one. That's your cell phone, isn't it?

A. That's correct.

MR. FREEMAN: Your Honor, I'm going to object. She testified that she remembered the photos. She just testified she didn't know when they were sent.

THE COURT: All right. Overruled. Go ahead.

BY MR. ERVIN:

Q. And in fact, it says message, December 20, 2019, doesn't it?

A Uh-huh.

Q. That's what day it got sent to you, isn't it?
A. Uh-huh.
Q. In fact, underneath it, there's a text from the police officer. "This one has a cross tattoo between his eyes."
A. Well, the picture, you can't really tell because it's dark.
Q. Right. But it's in this text.
A Right.
Q. You can read that text, can't you?
A. I sure enough can.
Q. And sure enough, you can see on the second page ---
A Yes, I can.
Q. --- it's another black individual and a white guy, isn't it?
A. That's correct. I thought he was light bright.
Q. Just like what you said, isn't it? Right?
A. Yes, sir.
Q. You said that looks like those guys, doesn't it -- didn't you tell them?
A. Yes, sir.
Q. That's what you did?
A. Uh-huh.
Q. That was your identification, wasn't it?

A. Yes, sir.
Q. You didn't need to look at the photo lineup.
A. They didn't present one, so.
Q. They didn't present one. You said you were outside. Was your car running?
A. Correct.
Q. It was cranked?
A. Yes, it was, sir.
Q. You were getting ready to leave, I assume.
A. I stated that, yes, sir.
Q. And you were out there counting your money.
A. Correct.
Q. Why were you counting your money?
A. I just said my bills, to pay my bills.
MR. FREEMAN: Objection, Your Honor. That's irrelevant.
THE COURT: Overruled.
BY MR. ERVIN:
Q. What's that?
A. To pay my bills.
Q. You remember how much money you had?
A. I had about, like, between 2,000 or either 2500.
Q. You had some pretty big bills didn't you?
A. I got bills to pay.
Q. What else did you have with you?

A. My cell phone and that's it.

Q. And that's it. And your car?

A And the car, and my car keys?

Q. And your car.

A. My pocketbook.

Q. After you had time to reflect upon things, after November 17th, did you ever contact the police department to tell them, "Well, I remember a little bit better now what those people look like." Did you follow up with the police department about that?

A. No, sir, I didn't.

Q. No further description. Just that same general description until you were shown these three photographs by text from Investigator Davis with the police department, is that correct?

A. Correct. But that's him.

MR. ERVIN: I don't have any further questions, Your Honor.

THE COURT: All right.

MR. FREEMAN: Your Honor, just briefly.

REDIRECT EXAMINATION

BY MR. FREEMAN:

Q. Ms. Eaddy, were you in the yard the entire time?

A. Yes, sir.

Q. So you were there from the time that Mo Woods went

into the house?

A. Yes, sir.

Q. To the time that the dark-colored SUV left the yard?

A. Correct.

Q. You were there the entire time?

A. Yes, sir.

Q. About how long do you think that was?

A. Well, like I say, it seem like it was between 10 to 20 minutes, but it seem like eternity when somebody got a gun to your head.

Q. Ma'am, I'm' going to show you what's in the evidence as Defendant's Exhibits 2, 3, and 4. These are copies of the pictures that were shown to you.

A. Yes, sir.

Q. Did you recognize all of them?

A. Yes, sir, because all three of them was together.

Q. I'm going to show you what's been marked and evidence as Defendant's Exhibit 2. This picture was shown to you, right?

A. Correct.

Q. Now, I'm going to put it on the big screen so everyone can see it. This is one of the pictures that was sent to you, right?

A. Correct.

Q. Do you see a cross tattoo in between his eyes in the picture?

A. No, sir, too dark.

Q. But this is the picture that was sent, right?

A. Right.

Q. And you recognized one of the suspects as being this face, right?

A. Yes, because he tattoos all over his face.

Q. You didn't tell the police that, right?

A. No, because like I said, when you're going through a devastation situation, I mean, it's hard to, you know, let them know what's going on. Your life is at danger.

Q. In the picture from Number 2 -- or Defendant's Exhibit Number 2 is the same individual that you've identified this morning, is that correct?

A. Is that Exhibit Number 2 or Number 1, which one? Because it's two pages.

Q. Just for clarification. I'm glad you asked. Defendant's Exhibit Number 2.

A. That's him.

Q. That's who you're saying who did it, right?

A. Correct.

Q. You've identified this man this morning ---

A Yes, sir.

Q. --- as being the man who was face to face with

you?

A. Yes, sir.

Q. Being the same man who did not have a mask on?

A. Correct.

Q. Being the same man who had no covering whatsoever?

A. Correct.

Q. The same man who robbed you and your family?

A. Correct.

MR. FREEMAN: No further questions, Your Honor.

THE COURT: All right. Did you have anything further Mr. ---

MR. ERVIN: I do Your Honor.

RECROSS-EXAMINATION

BY MR. ERVIN:

Q. That's not quite how that picture was shown to you, is it? Can you look at your screen?

That's the text you received right there, Ms. Eaddy. With the text message underneath it. Do you see it? Can you read it?

A. I'm looking at it.

Q. What does it say?

A. "This one has a cross tattoo between his eyes."

Q. Caught your attention, didn't it? You read that, didn't you?

A. Not really. I glanced at it, but not really.

Didn't pay it any attention.

Q. That's what you identified was that text, wasn't it? Said that was him.

A. That's him sitting there right beside you, sir.

MR. ERVIN: No further questions.

THE COURT: All right. Ms. Eaddy, thank you ma'am.

THE WITNESS: You're welcome.

THE COURT: You may step down.

All right. Ladies and gentlemen, at this time, we're going to take a brief recess. I'm going to give you enough time to use the restroom. Please, again, do not discuss this case amongst yourselves or with anybody else. Certainly, you can talk about anything you want to other than this case, okay? Thank you so much and we'll have you right back out.

(WHEREUPON the jury exited the courtroom.)

THE COURT: All right. We'll be at recess until 11:00.

(WHEREUPON, a recess was taken at 10:46 a.m.)

THE COURT: All right. Is everybody ready to go?

MR. FREEMAN: State's prepared, Your Honor.

MR. ERVIN: Yes, Your Honor.

THE COURT: All right. Can we have the jury, please?

MR. FREEMAN: Yes, Your Honor. At this time, the State will call Ashley Lynch to the stand.

THE COURT: Okay.

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

THE WITNESS: My name is Ashley Lynch.

(WHEREUPON, Ashley Lynch, having been duly sworn, testified as follows.)

DIRECT EXAMINATION

BY MR. FREEMAN:

Q. Good morning, Ms. Lynch.

A. Good morning.

Q. Were you at [redacted] Walnut Street on November 17, 2019 when you're mother, and your aunt, and your aunt's husband were put at gunpoint and robbed?

A. No, sir. I wasn't there that night.

Q. What is your involvement?

A. I was there the next morning, whenever I called the police. I was leaving from home after I dropped my kids off at school ---

Q. Let's flush this out. You said "the next morning," are you talking about after the robbery or are you talking about some other period in time?

A. Other period in time when the car was gone.

Q. So, did you report the car stolen?

A. Yes, I did.

Q. So, let's explain that a little bit. Please proceed.

A. Okay. So at the time, I was living in Florence. I dropped my kids off at school, and then I went by -- because I live right up the street -- to go see my dad, to check on him at Jackie Posting. When I rode past, the car was gone. So I called my mom -- because we had death in the family -- to make sure, you know, that she didn't leave her keys with nobody. Which I know it was a robbery the night before.

And when she was like, no, she didn't give nobody permission to drive the car, I was like, "Well, the car is gone." And then she was like, "Well, call Pee Dee, because I had a vehicle from them that have tracking devices on it."

Q. You said, call Pee Dee? Who is that?

A. Pee Dee Auto Sales.

Q. Pee Dee Auto Sales?

A. The car is from, correct.

Q. You said you called them?

A. Uh-huh.

Q. Why was that?

A. Because, like I said, they have a tracking device on their vehicles, because I had purchased a vehicle from them before. So I knew that it was a possibility that they

could find out where the car was, because the police was like, "Do you know where the car is at?" All this, that, and the third. And I was, like, "No, I do not, but I know the car is missing." That's when Pee Dee Auto tracked the vehicle down.

Q. Now, when you keep referring to the car, whose car was missing?

A. My mom's.

Q. And what kind -- did she have a 2015 blue Chevrolet Impala?

A. Yes, sir.

Q. Do you know if the license plate on the back of the vehicle is usually attached?

A. It is.

Q. I'm going to show you what's been premarked for identification as State's Exhibits 8, 15, 16, 17, and 18. Just one second.

As I said, for the record, I'm going to show you what's been premarked for identification as State's Exhibits 8, 15, 16, 17, and 18. Let me put these in numerical order for you for purposes of clarity.

For the record, can you please state the exhibit number and describe what you see in the vehicle -- or in the pictures?

A. Exhibit 8 is my mom's car, the blue Impala.

Q. Continue on with the next one.

A. 15 is also my mom's car, in Exhibit 15. Exhibit 16 is also my mom's car. And Exhibit 17 is also my mom's car, and 18.

Q. Now, is this a fair and accurate depiction of the vehicle?

A. Yes.

MR. FREEMAN: Your Honor, at this time, the State would move to enter State's Exhibits 8, 15, 16, 17, and 18 into evidence.

THE COURT: Any objections?

MR. ERVIN: No objections.

THE COURT: All right. So moved.

(Whereupon, State's Exhibit Numbers 8, 15, 16, 17, and 18 having been premarked for identification were moved into evidence.)

BY MR. FREEMAN:

Q. Ms. Lynch, you reported the car stolen on December 20, 2019, is that correct?

A. That probably was the date, I guess. I mean, it (sic) been bout two, three years ago.

Q. When is the last time you had seen the car before it was reported stolen?

A. The day before.

Q. I'm going to show you what's been put into

evidence, State's Exhibit 18. Is there anything in particular about this photograph that stands out to you?

A. Yeah. It's missing a license plate.

Q. Was it there the night before?

A. Yes.

Q. I'm going to ask you another question. Do the windows on 18 -- on State's Exhibit 18, appear to be intact?

A. Uh-huh.

Q. Did you actually retrieve the vehicle?

A. Yes, I actually went to Bishopville and retrieved the vehicle.

Q. Let's flush it out. So you said you spoke with Pee Dee Auto Sales, you testified they had a tracker in the vehicle ---

MR. ERVIN: Your Honor, if he has a question, that would be appropriate, but recounting the witnesses testimony is not.

MR. FREEMAN: Your Honor, I'm simply summarizing her testimony to better ask the question she's already testified to.

THE COURT: All right. Ask a question.

BY MR. FREEMAN:

Q. Did you and Pee Dee Auto Sales discover the location where the vehicle may be?

A. Pee Dee Auto Sales and the police department did,

and they notified me that we could come and pick up the vehicle once they had the vehicle, which I couldn't go get until the following day.

Q. They tell you where the vehicle was?

A. The next morning when we went to go pick it up, yes.

Q. Where did you go?

A. In Bishopville. I know I went off of Exit 116 or 120 somewhere around there.

Q. Did you drive her car back, you said?

A. Yes, I did.

Q. How? Was there a key?

A. Yes. I went and got a key from Pee Dee Auto Sales. They had a spare key. That's the only way we could get the vehicle.

Q. Now, are you sure about that?

A. I mean, how else would I get there?

Q. So what you're saying is, you drove the car back per use of a key, correct?

A. Yes.

Q. You weren't there when the robbery took place, right?

A. No, I was not.

MR. FREEMAN: No further questions for Ms. Lynch at this time, Your Honor.

THE COURT: Mr. Ervin?

MR. ERVIN: Just a couple of questions.

CROSS-EXAMINATION

BY MR. ERVIN:

Q. Who asked you to retrieve the car?

A. When they found the car, my mom asked me to go get -- pick up the car.

Q. Right. But I mean, how did you -- were you contacted by the police department to go pick it up or by your mother.

A. The police department. They called my mom, and then she called me.

Q. And told you to go pick up the car?

A. Yes, because they had located the vehicle, and which it was in Bishopville at this little junkyard area.

Q. Where did you take it?

A. Well, when I got in the car, there was a gun in the car. So I immediately called the police department in Florence and let them know that it was a weapon in the car.

Q. Right.

A. And then I drove -- they said come straight to the police department. I drove straight to the police department.

Q. So they told you to drive with the gun in the car?

A. Sure.

Q. Not to touch anything?
A. Correct.
Q. They tell you to wear gloves or something?
A. No. I decided to wear gloves myself.
Q. Right.
A. I mean, the car was stolen.
Q. Well, that was prudent of you. Smart thing. Did they indicate they were gone process the car when you took it to the police department?
A. I can't --
Q. You didn't know what they were going to do?
A. Sir?
Q. You didn't know what they were going to do?
A. Correct. But I know that I was very scared because it was a gun in the car, and I'd never touched a gun a day in my life, so, yeah.

MR. ERVIN: No further questions.

REDIRECT EXAMINATION

BY MR. FREEMAN:

Q. Now, you testified you found a gun in the vehicle when you were driving it back?
A. Uh-huh.
Q. I'm going to show you what's been premarked for identification as State's Exhibits 12, 13 -- 12 and 13.

MR. ERVIN: Judge, this isn't new matter. I

object.

MR. FREEMAN: May we approach, Your Honor?

THE COURT: Yes, sir.

(WHEREUPON, there was a conference held off microphone.)

THE COURT: All right. Go ahead, Mr. Freeman.

BY MR. FREEMAN:

Q. Ms. Lynch, I'm going to show you what's been premarked for identification as State's Exhibit 12 and 13. Can you describe what you see in connection with whatever number is on the picture?

A. Exhibit 12 and Exhibit 13.

Q. Right.

A. Oh, a gun on both pictures.

Q. What are they depicting?

A. A gun. I mean, I don't know what kind of gun.

Q. That's fair.

A. I just know it's a gun.

Q. Does that appear to be the same gun that you found in the car?

A. On Exhibit 13. I really can't tell by Exhibit 12.

Q. That's fair. I appreciate your honesty. You said which number you could identify?

A. Thirteen, because I remember the little things right there in that.

Q. I have another picture that might be able to detail that a little better for you. I'm just going to show you what's been marked for identification as State's Exhibit 11.

So now that you have 11 and 13 in front of you, does 11 -- can you please describe State's Exhibit 11?

A. Exhibit 11, it is, like a toolkit, a wrench and the little part that's a part of a gun.

Q. Do you see a firearm in State's Exhibit 11?

A. I don't know what this is at this point. I mean, it looks like it belongs on here, but I know for sure that this right here was in the vehicle.

MR. FREEMAN: Your Honor, at this time, the State would move to introduce State's Exhibit 13 into evidence.

THE COURT: Is there any objection?

MR. ERVIN: I don't really have an objection, Your Honor, but it hadn't been properly authenticated, yet.

THE COURT: All right. Well, are ---

BY MR. FREEMAN:

Q. This is a fair and accurate depiction of the gun that you found in the car?

A. Yes, sir.

MR. FREEMAN: Your Honor, at this time State will move to introduce State's Exhibit 13 into evidence.

MR. ERVIN: That's fine.

THE COURT: All right. Thirteen is into evidence.

(WHEREUPON, State's Exhibit Number 13, having been premarked for identification was entered into evidence.)

BY MR. FREEMAN:

Q. Was this your gun?

A. No, sir. I don't have a gun.

Q. Does your mom?

A. No, she does not.

MR. FREEMAN: No further questions, Your Honor.

THE COURT: Ma'am, thank you for being here. You can step down.

THE WITNESS: Thank you.

MR. FREEMAN: Your Honor, may we approach?

THE COURT: Yes, sir.

(WHEREUPON, there was a conference held off microphone.)

THE COURT: Ladies and gentlemen, it'll be just a minute.

MR. FREEMAN: Your Honor, at this time, the State will call Tim Matthews to the stand.

THE COURT: All right.

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

THE WITNESS: Tim Matthews.

(WHEREUPON, Tim Matthews, having been duly sworn, testified as follows.)

DIRECT EXAMINATION

BY MR. FREEMAN:

Q. Mr. Matthews -- Sergeant Matthews, where are you employed at?

A. I'm employed with the Florence Police Department.

Q. How long have you been employed there?

A. Fourteen and a half years.

Q. Were you employed there on December 20, 2019?

A. I was.

Q. What is your connection to this case? Do you know why you're here? Do you know what case we're here about?

A. I believe it was a stolen vehicle that I had processed.

Q. Okay. So, tell -- tell the jury a little bit about your involvement, will you?

A. I am the sergeant over the crime scene unit. I've been in the crime scene unit for about ten -- almost ten years now. At that time I was a technician within the unit, and I was called to process a vehicle. I believe I met with the owner of the vehicle and the vehicle at our police headquarters at the city center.

Q. Did you take any pictures?

A. Yeah. I take general photographs of the vehicle

and then photographs inside the vehicle also.

Q. Now, I'm going to show you what's been premarked for identification as State's Exhibit 6, 7, 9, 10, 11, 12, 14, and 19. If you could just give the jury a general description, and as well as state what number you're referring to please.

A. The Number 6 appear to be photographs of the inside of the vehicle towards the back seat on the driver's side.

The Photograph Number 7 is the -- I believe the dash around the ignition and the steering column area of the driver's side.

Number 9 is the driver side of the vehicle, side of the dash where it meets the door.

Number 10 is the driver side front floorboard.

Number 11 appears to be possibly the passenger side front floorboard of the vehicle.

Number 12 appears to be a gun that was, I believe, in the passenger side floorboard of the vehicle. This looks like it's possibly the name, brand and model of the vehicle, with the serial number on the slide -- on the stolen gun.

These are a set of tools, I believe were in the passenger front floorboard of the vehicle.

Q. What exhibit was that?

A. That was Exhibit Number 14. And then Exhibit

Number 19 is the passenger side seat, and floorboard, and dash of the vehicle.

Q. Did you take all these photographs?

A. I did.

Q. These are a fair and accurate depiction of the vehicle and its contents on the day in question?

A. They are.

MR. FREEMAN: Your Honor, at this time the State would move to enter State's Exhibit 6, 7, 9, 10, 11, 12, 14, and 19 into evidence.

MR. ERVIN: Without objection.

THE COURT: All right. That's 12, 11, 6, 7, 9, 10, 14 and 19 are into evidence without objection.

(WHEREUPON, State's Exhibit Numbers 6, 7, 9, 10, 11, 12, 14, and 19, having been premarked for identification were entered into evidence.)

BY MR. FREEMAN:

Q. Now, I'm going to show you some other pictures that have already been introduced into evidence. Okay?

This is State's Exhibit 18. Is that fairly -- I mean, that's the photo you took of the car that was recovered?

A. Yes.

Q. Is it common for stolen cars to be missing their license plate?

A. I can't really say for sure, but I have had stolen vehicles with the missing license plate before.

Q. Okay. Let me show you what's in evidence as State's Exhibit Number 19, then. What's that in the passenger seat?

A. That would be a license plate.

Q. And on the floorboard?

A. On the floorboard there appears a set of tools, a gun, and a water bottle -- or some type of bottle.

Q. State's Exhibit 7?

A. That would be the dash of the vehicle around the ignition and the steering column on the driver's side.

Q. Does it appear that that ignition has been tampered with at all?

A. Not that I can tell.

Q. Well, you had a chance to observe the vehicle, correct, in question?

A. Yes.

Q. When you took the photos, you had a chance to see the car?

A. Yes.

Q. Did the car appear to be tampered with?

A. Not that I could tell.

Q. Did you take any fingerprints in this case?

A. I did.

Q. Tell us a little bit about that. Tell us the process, how you go about doing things, what you're looking for. If you could, just talk to someone as if they've never heard anything about this.

A. So when I'm processing a vehicle or an item for -- especially a vehicle for fingerprints, I use multipurpose latent print powder. It's a black powder. When I put the print -- or the powder on the vehicle, I usually try to go around, essentially, your highlight areas, the areas that have the highest probability of being touched by someone.

Usually the exterior of the doors, the exterior of the door glasses, the interior of the door glasses. We'll do the rearview mirror. If there's a area on the dash, like the radio or something that may have a smooth surface that could be touched, those are areas that I usually will process with the latent print powder.

After I put the latent print powder down, if I see a print that is able to lift, then I take tape and I lay over the print. And then after I lay the tape over the print, then I'll lift the tape off, and I'll put it on a card, complete the card with the information of where the print was lifted from, type of crime it was and everything, the date. Then I send that card to SLED where it's put into AFIS.

Q. What is AFIS?

A. Automatic Fingerprint Index System.

Q. What is that?

A. That is controlled by SLED. It's where known standards of prints are in the system. And they are compared to the prints that we send in to SLED.

Q. You said that you took some prints in this case?

A. I did.

Q. I'm going to show you what's into evidence, exhibit that is State's Exhibit 20. Do you recall about how many fingerprint samples you took?

A. I believe I took eight from the vehicle.

Q. Are they usually (inaudible) -- let me refine that question.

How simple -- is it a simple process in obtaining a valid fingerprint? Are they ordinarily -- is it ordinarily a clear fingerprint?

A. It can be. I will pull the fingerprint. I am not a latent prints examiner, so I can't tell you if there is a hundred percent perfect fingerprint when I lift it. If I feel like there's enough ridge detail that can be compared, then I'll lift it and I'll send it off to SLED. Then SLED makes that determination if there is enough or not.

Q. What is a ridge detail?

A. It's the ridges on your fingerprint that you place down, that's left by your skin when you touch something with

a fingerprint.

Q. What's the significance of ridge detail as far as concerned with fingerprint. Why is that important?

A. If there's not enough ridge detail, then SLED has nothing to compare it to when they put it into AFIS.

Q. Are fingerprints unique?

A. They are.

Q. What does that mean?

A. Everybody has a different fingerprint.

Q. You took -- do you know if any of the samples you took in this case were in fact confirmed?

A. The report says that one came back to -- and it was identified as a Sean James.

Q. I'm going to put on the -- on the screen here, the last page in State's Exhibit 21.

MR. ERVIN: Has that been admitted yet?

MR. FREEMAN: It was part of ---

MR. ERVIN: Your Honor, may we approach.

THE COURT: Yes, sir.

(WHEREUPON, there was a conference held away from the microphone.)

MR. FREEMAN: Your Honor, at this time State would move to introduce State's Exhibits 21, 22 and -- what number was that?

UNKNOWN SPEAKER: 20.

MR. FREEMAN: And 20 into evidence.

THE COURT: All right. And that's without objection?

MR. ERVIN: Yes.

THE COURT: All right.

(WHEREUPON, State's Exhibit Numbers 20, 21, and 22 having been premarked for identification were entered into evidence.)

BY MR. FREEMAN:

Q. Sergeant Matthews, I might need to show you this one in person, it doesn't seem to have a very clear depiction on the screen. Maybe it's more so, I guess, if you look closely.

Do you -- can you tell me what this is in front of you?

A. It's a fingerprint.

Q. Does it appear to be an analysis or a comparison?

A. Possibly.

Q. I'm just going to hand you the back page, State's Exhibit 22. Does that make things a little clearer for you?

MR. FREEMAN: Twenty-one excuse me, Your Honor.

BY MR. FREEMAN:

Q. That's State's Exhibit 21, last page.

A. It's two sets of fingerprints. I can't tell you if there a comparison or not, but it's two sets of

fingerprints.

Q. But as you testified, there was a match that you took -- one of the prints that you took was matched to a known set of fingerprints from Mr. James.

A. Yes, that's what the report says from SLED.

Q. What is SLED?

A. State Law Enforcement Division.

Q. What do they do?

A. They -- things that are sent to them through prints or what DNA, they will do a comparison through either AFIS -- or CODIS if it's DNA, and AFIS if it's fingerprints.

Q. Now, you took about eight samples, correct?

A. Yes.

Q. But only one of them matched?

A. Yes.

Q. The other seven didn't have a match?

A. That's what the report says.

Q. Now, is that because they didn't match or is it potentially because of this ridge detail issue?

A. That I don't know. I'm not -- again, I'm not a latent prints examiner.

MR. FREEMAN: I beg the Court's indulgence.

THE COURT: Yes, sir.

MR. FREEMAN: Your Honor, may we approach quite briefly, speak to a matter of law?

THE COURT: Yes, sir.

(WHEREUPON, there was a conference held off microphone.)

MR. FREEMAN: No further questions at this time, Your Honor.

THE COURT: All right, sir.

CROSS-EXAMINATION

BY MR. ERVIN:

Q. You indicated you weren't a latent print examiner, is that correct?

A. Right.

Q. But one of the prints you lifted, SLED, of course ran through AFIS, and determined there was a match. Can you tell me where that lift was obtained?

A. It was on the driver's side rear door on the exterior of the door, on a molding.

Q. On the exterior?

A. Yes.

Q. So, do you know how long that print had been there? You don't know?

A. No, I'm not able to tell that.

Q. Nobody indicated that?

A. No, sir.

Q. If somebody was physically touching the outside of the car or inside the car, it wouldn't be any surprise that

you get a lift, isn't it?

A. If somebody touched the vehicle, there could be a lift, yes. A print.

Q. And you say this was the exterior?

A. Yes.

Q. Were you aware that there were three people there in Lee County when the vehicle was (inaudible)?

A. I've read that in the report. I don't have any other information other than what's in the report.

Q. (Inaudible) could be other people, couldn't it?

A. They could be.

Q. You don't have to be a latent print examiner to say that, do you?

A. No. I don't know whose prints they are.

Q. Right. But you had on the list, that particular one on the exterior, you testified the location was one that came back to Sean James?

A. Yes.

Q. Who was present in Lee County?

A. Yes.

MR. ERVIN: No further questions.

THE COURT: Anything further, Mr. Freeman?

MR. FREEMAN: Very briefly.

REDIRECT EXAMINATION

BY MR. FREEMAN:

Q. Sergeant Matthews, can you tell me a little bit about the life of a latent print?

A. They could be on there for a little while, that depends on weather or different things like that. The environment that could make it go away, I guess, essentially and not be on the item.

Q. What are some of those factors involved as far as the life expectancy of a latent print?

A. Like I said, it could be weather. It could be that it's been touched again, another print is overlaid on top of it. It could be smeared after being touched by another print, which could damage the print itself.

Q. So is it fair to say that there is a number of factors that could affect the life of a latent print?

A. There is.

Q. In your experience, do you think a print on the outside of the car -- let me rephrase this question.

How long would you expect -- or when you expect the life -- the value of this fingerprint to be valid, if it was located on the outside of a car?

A. I can't really say how long. It could be there for days. It could be there only for a few hours. Again, a lot of things with weather and different things like that would change the life expectancy of the print.

MR. FREEMAN: No further questions, Your Honor.

RECROSS-EXAMINATION

BY MR. ERVIN:

Q. Basically, if I were to -- anything could affect the viability of a print, couldn't it?

A. There's multiple things that could.

Q. Yeah, like washing the car, or wiping it?

A. Uh-huh.

Q. Or doing things people do with cars.

A. Yes, sir. Those things could affect it.

Q. And any kind of contact with the car.

A. Yes, sir.

Q. But you had a pretty good print on the exterior there, that you lifted, right?

A. I lifted, it went to SLED, yes, sir.

Q. We stipulated that that's Sean James.

A. Yes, sir.

MR. ERVIN: No further questions.

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

MR. FREEMAN: Your Honor, at this time, the State will call Jack Corbett.

Your Honor, may we release Sergeant Matthews from his subpoena?

MR. ERVIN: No objections.

THE COURT: Yes, sir.

MR. FREEMAN: We may need to approach, Your Honor, speak with you about a time matter.

THE COURT: Okay.

(WHEREUPON, there was a conference held off microphone.)

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

THE WITNESS: Jack Corbett, Jr., Lee County Sheriff's Department. C-O-R-B-E-T-T.

(WHEREUPON, Jack Corbett, having been duly sworn, testified as follows.)

DIRECT EXAMINATION

BY MR. FREEMAN:

Q. Mr. Corbett, where are you employed at?

A. Lee County Sheriff's Office as a deputy.

Q. How long have you worked there?

A. About seven years.

Q. Were you working on December 20, 2019?

A. Yes, I was.

Q. In what capacity were you working?

A. As a road deputy.

Q. What were some of your responsibilities and some of your duties as being a -- in that position?

A. Answering calls, taking reports, serving civil

papers at some points.

Q. Did you have an opportunity to respond to a location in regards to a 2015 blue Chevrolet Impala?

A. I did. It was [redacted] Kelly Bridge Road West. The address is Bishopville, but it would be in the Lucknow area of Lee County.

Q. Tell me a little bit about what happened when you arrived at [redacted] Kelly Bridge Road.

A. Well, the call came out as a vehicle was located by a tracker, which was a 2015 Chevy Impala at [redacted] Kelly Bridge Road West. I was training another deputy that was also riding with me. We spotted the vehicle behind the trailer. It was -- you could see it from the road, but they had obviously tried to attempt to conceal the Impala and another Honda behind a single wide trailer. But they could plainly be seen from the road.

We pulled up in front of the single wide, closed the doors softly. The other deputy, which was Deputy Shane Gaskins, went around to the west side of the trailer, and I circled around to the east side. So we were both coming from both sides of the trailer into the back yard of the single wide.

Q. What did you find when you came around the -- the home?

A. We found all three Defendants, which was

Mr. Shope -- which I was familiar with from my time in Kershaw County -- Mr. James and Mr. Cooley. Mr. Shope was inside of the Impala with some tools. Mr. James and Mr. Cooley were under the hood with tools, which I assumed they were removing parts or trying to disable the tracker on the vehicle.

Q. Now you say Mr. James, what's his full name?

A. Sean Devon James, I believe.

Q. Do you recognize him? Would you recognize him if you saw him again?

A. Yes, I would.

Q. Do you see him in this courtroom?

A. Yes, sir. He's over at the Defendant's table.

Q. This man right here with the glasses on?

A. Yes. Yes, sir.

Q. He's the same one you found at the car?

A. Yes, sir.

Q. And what was he doing, you said?

A. He was using tools, I'm assuming, to disable the tracker or remove parts from the vehicle.

Q. Did you have an opportunity to -- let me rephrase. Were you wearing body camera during ---

A. Yes, I was.

Q. --- during this incident?

A. Yes.

Q. Did you have an opportunity to view that body camera recently?

A. No, I haven't.

Q. What did you find in the car? Was there anything worthy of note that you found located inside of the vehicle?

A. No, just some numerous hand wrenches.

Q. You said numerous?

A. Yes. It was wrenches and hand tools, you know, inside and outside of the vehicle.

Q. Was the license plate located?

A. I believe it was. I don't recall that exactly. I believe there might have been a license plate within the vehicle. I don't see anything about a license plate. I'm assuming it had one on it, but I can't recall to be honest with you.

Q. I'm going to show you what's already in evidence, State's Exhibit 18. Does that look familiar?

A. Yes, it does.

Q. Is that how the back of the car looked when you found it?

A. Yes, sir. I believe there was a license plate within the car that didn't come back to that vehicle.

Q. I'm going to show what's into evidence as State's Exhibit 7. What is this?

A. Looks like the ignition.

Q. Did you grab anything from that ignition while ---
A. Not that I recall.
Q. When you responded?
A. Not that I recall.
Q. You don't recall whether or not you found a key in the car?
A. I don't recall.
MR. FREEMAN: I beg the Court's indulgence.
THE COURT: Yes, sir.
BY MR. FREEMAN:
Q. Was this the only vehicle in the car -- or was this the only vehicle found in the yard?
A. No. There was also a Honda, a 2015 Honda -- a 2015 Honda that was confirmed by our dispatch to be stolen from Hartsville -- the City of Hartsville.
Q. Sorry, can you repeat that?
A. There was also a 2015 in the back yard, Honda -- a 2015 Honda, that was confirmed by our dispatch to have been stolen out of the City of Hartsville.
Q. So you came [redacted] Kelly Bridge Road and found, not only Ms. Eaddy's 2015 blue Chevrolet Impala, but you found a second stolen vehicle in the yard?
A. Correct. Yes, sir. That's correct. It was a stolen Honda Accord that was registered to a Terryn Alton (phonetic) of Hartsville. It's black in color.

Q. You know anything about that?

A. No. Not other than it was stolen from Hartsville. A Hartsville investigator came and recovered it.

Q. Did you turn the vehicle over to Ms. Lynch?

A. No.

Q. The next day?

A. It possibly could have been by somebody at the Sheriff's Office other than me, but it was towed by Buster Bullock's towing company.

Q. Did you search the vehicle when you found it at [redacted] Kelly Bridge Road?

A. No. I was more concerned with taking the suspects into custody.

Q. So you wouldn't have known if there was a gun found in the car?

A. No.

MR. FREEMAN: I beg the Court's indulgence, Your Honor. Your Honor, may we approach, briefly.

THE COURT: Yes, sir.

(WHEREUPON, there was a conference held off microphone.)

THE COURT: All right. Ladies and gentlemen, at this time we're going to break for lunch. We're going to ask you to be back here at 1:30. There's one thing that I'd like to ask you to do in addition to not talking about this

case with anybody, please don't discuss this case or do any independent research, whatsoever.

But when you come back here, and you have an opportunity to sit in your jury room with your fellow jurors -- at this point in time, maybe you've had an opportunity to speak with each other -- I'd ask that you elect among yourselves a foreperson to serve on this jury.

A foreperson has no more power than any other person. Basically, that person will just take the responsibility to communicate with the Court if there's ever an issue, or a question, and also to preside over the deliberations in this case. Okay?

So if you could just let us know who that is and that person would sit right here on the front row where the green -- the lady in the green shirt. Okay?

Thank you so much. Please be back here on time and we'll start promptly at 1:30. Okay? Thank you very much.

(WHEREUPON, the jury exited the courtroom.)

THE COURT: All right. Ladies and gentlemen, at this time, we're going to recess until 1:30. What I will allow during the recess is for Officer Corbett to review his in-car video. There will be no conversation between the State and Officer Corbett. Do you understand?

MR. FREEMAN: Yes, Your Honor, but one point of

clarification, it's his body camera and not his in-car camera.

THE COURT: All right. His body camera.

MR. FREEMAN: Yes, Your Honor.

THE COURT: Really, you know, I'm not sure why you haven't been prepared to try the case. I mean, this is things you do before the trial. You understand?

MR. FREEMAN: I wholeheartedly agree, Your Honor.

THE COURT: We'll be back at 1:30. Is there anything from the Defense?

MR. ERVIN: Your Honor, as to the body cam, the relevance of it, at the point in which you see the car and the individual, just showing them throughout that entire body cam, I think's unnecessary and prejudicial.

THE COURT: All right. I'll take that under advisement and I'll let you know after lunch. Okay?

MR. ERVIN: Thank you.

THE COURT: Officer Corbett, you're welcome to go to lunch, do whatever you need to do and watch the video, but please -- you understand you're not allowed to discuss your testimony with anybody?

THE WITNESS: Yes, sir. I understand.

THE COURT: All right. Thank you.

(WHEREUPON, court was adjourned for lunch.)

(WHEREUPON, the proceedings resumed.)

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

MR. FREEMAN: No, Your Honor, just other than the notice that I complied with your orders by not speaking with Deputy Corbett.

THE COURT: All right. Mr. Ervin?

MR. ERVIN: Nothing from Defense.

THE COURT: Where's Deputy Corbett?

BAILIFF: He stepped outside for a moment.

THE COURT: We'll wait for him and then we'll get the jury.

All right. Deputy Corbett, I'll just remind you that you remain under oath.

THE WITNESS: Yes, sir.

THE COURT: We'll have the jury.

(WHEREUPON, the jury entered the courtroom.)

THE COURT: All right. Good afternoon, ladies and gentlemen. I hope each of you had a good lunch hour. Mr. Marshall, you won the election?

JURY FOREPERSON: I did.

THE COURT: Congratulations. Thank you for doing that.

We're going to continue with Deputy Corbett's testimony. Mr. Freeman?

MR. FREEMAN: Thank you, Your Honor.

DIRECT EXAMINATION CONTINUED

BY MR. FREEMAN:

Q. Deputy Corbett, you testified earlier you were wearing a body camera?

A. Yes, sir.

Q. When you went to [redacted] Kelly Bridge Road?

A. Yes, sir.

Q. You had an opportunity to view your body camera?

A. I did.

Q. Did it fairly and accurately depict what occurred while you were there?

A. It did.

MR. FREEMAN: Your Honor, at this time, the State would move to introduce State's Exhibit 23 into evidence.

THE COURT: All right. Is there any objection?

MR. ERVIN: No objection, Your Honor.

(WHEREUPON, State's Exhibit Number 23 was entered into evidence.)

MR. FREEMAN: Permission to publish, Your Honor?

THE COURT: Yes, sir.

BY MR. FREEMAN:

Q. Deputy Corbett, upon watching your dash cam -- upon refreshing your memory, was there a license plate on the car when you found it?

A. No. If I may, Your Honor, it was a body cam. It

wasn't dash cam.

Q. Did I say -- forgive me, if I did. Was the license plate on the vehicle?

A. No.

Q. Did you find a key?

A. I found a key.

Q. Where?

A. It was in the floorboard area.

Q. I'm going to go ahead and play ---

A. I believe it's at the end of the second clip, but I don't believe that was the correct key for the vehicle.

THE CLERK: Do you want me to go ahead and play?

MR. FREEMAN: I'm going to go ahead and connect this, Your Honor. I'm going to go ahead and publish State's Exhibit 23.

(WHEREUPON, State's Exhibit Number 23 was published for the jury.)

BY MR. FREEMAN:

Q. This is you, walking?

A. Yes, sir.

Q. From your point of view?

A. Yes, sir.

Q. What house is this?

A. That is [redacted] -- the house in question, [redacted] Kelly Bridge Road West.

Q. Can you explain to me what's happening right now?

A. They were around the vehicle. I drew my service weapon and ordered them to lay out prone on the ground with their hands out in front of them so that I could see them.

Q. Who is this one right here on the ground with the yellow jacket?

A. Sean James.

Q. That's this Defendant right here?

A. Yes, it is.

Q. What did you see when you came around that corner? You testified earlier, I just want you to remind the jury, what did you see? What did you notice about these Defendants?

A. The Defendants had numerous tools working on the 2015 Chevy Impala. I don't know exactly what they were doing.

Q. We're just going to let this play. Okay?

Who were the other two that you testified that you found in addition to Sean James?

A. The Caucasian male was Justin Shope, and the other gentleman was Trevon Jarkyese Cooley.

Q. Do you know whose house this was?

A. This is a -- Justin Shope was staying there. It is a rental property of Ron Fountain, which he has a store just down the road. But Justin Shope was staying at that

residence. I don't know whose actual name was on the lease.

Q. Is this another vehicle?

A. That is the black Honda that was reported stolen from Hartsville.

Q. So this black Honda on the screen right now, and this blue Chevy Impala were both reported stolen, correct?

A. Correct.

(WHEREUPON, video footage continues to play.)

Q. What's that right there on the driver's seat?

A. It appears to be a screwdriver.

Q. Did you see what was on the floorboard?

A. It was some other tools. I believe it was a Craftsman ratchet and maybe a couple sockets.

Q. Did you notice anything about the battery of the vehicle?

A. The battery cover had been removed.

Q. Do you see that the end of the cap right there -- I'm going to go back. I don't know if I went back far enough.

Is that a license plate?

A. That was the license plate that was found inside the car.

Q. Kind of right there in the back seat, huh?

A. Yes, sir.

MR. FREEMAN: Your Honor, just for purposes of

brevity, I'm going to fast forward to the pertinent parts of this video.

BY MR. FREEMAN:

Q. Do you remember what you're doing at this point in time?

A. I was most likely running the tag on the Honda Accord.

Q. All right. So there's about a minute and forty seconds left in this clip, if you're just bear with me, Deputy Corbett.

(WHEREUPON, video footage continues to play.)

Now, while you were out here, did it appear that any of the windows to the Impala had been broken?

A. No, sir.

Q. Did it appear that anyone had messed with the ignition?

A. No, sir.

Q. Did it appear that anyone had tampered or altered any -- in any way, the fuse box underneath the steering wheel?

A. No, sir. Not that I saw.

Q. What's this, you're leaning in? What's that that you pulled out the ignition?

A. That was a key. But I don't belong -- believe that was the key for the car. All of the subjects had

numerous car keys in their pockets.

Q. So this isn't the key that you later ---

MR. FREEMAN: Judge, may we approach?

THE COURT: Yes, sir.

(WHEREUPON, there was a conference held off microphone.)

BY MR. FREEMAN:

Q. Can you see right there by your thumb?

A. I see it appears to be a Chevrolet bowtie. Is that what you're talking ---

Q. Is that the insignia of Chevrolet?

A. It is.

Q. Is this a Chevrolet Impala that you just found this key in.

A. It was. And that may have been the correct key to open the trunk. I honestly just can't remember. That was a while back.

Q. Well, you mentioned the trunk. Did you get any of the Defendants' assistance in opening the trunk?

A. No. I'm assuming I opened it with that key.

Q. You said the battery had been disconnected, or altered with?

A. The battery top had been removed. It -- to me, it didn't appear the battery had been altered itself. The cover is what I'm referring to.

MR. FREEMAN: No further questions.

CROSS-EXAMINATION

BY MR. ERVIN:

Q. Officer Corbett, you work for the Lee County Sheriff's Department?

A. Yes, sir.

Q. And have for quite some time?

A. Yes, sir.

Q. As part of your duties as a patrol officer -- is that what you described your position as?

A. Yes.

Q. You respond to scenes like this when requested to do so, and you did so in this case ---

A Yes, sir.

Q. --- correct?

A. Yes, sir.

Q. What instructions did you have? To go to the scene and secure the scene?

A. We just had -- dispatch said that a tracker had alerted at that residence from a stolen car.

Q. That tracker, you had that information, so you went there, you were prepared to do a preliminary investigation?

A. Yes, sir.

Q. And you did that?

A. Yes, sir.
Q. In fact, these three individuals, Justin Shope, Trevon Cooley, and Sean James were detained at the scene?
A. Yes, sir.
Q. You read them their Miranda rights, is that correct?
A. Yes, sir.
Q. You also told them they were being charged, didn't you?
A. Yes, sir.
Q. With possession of a stolen vehicle?
A. Yes, sir.
Q. They were, in fact, charged with that in Lee County, weren't they?
A. Yes, sir.
Q. Those charges are still pending, aren't they?
A. Yes, sir.
Q. Do you see Justin Shope or Trevon Cooley in the courtroom?
A. No, sir.
Q. You also indicated in your testimony that you didn't believe that the key you found was the correct key for the car, is that correct?
MR. FREEMAN: Objection, Your Honor. That calls for speculation. He doesn't -- he's already testified he

doesn't know.

THE COURT: I'm going to allow the question. I think it's ---

MR. FREEMAN: Yes, Your Honor.

THE WITNESS: I don't remember.

BY MR. ERVIN:

Q. When you said you didn't believe it was the correct key, why did you have that belief, is what I was going to ask you next?

A. The reason was there was a lot of keys. All the Defendants seemed to have a lot of car keys in their pockets, and I honestly just don't remember.

Q. Right. So you just don't know?

A. I don't.

Q. As far as processing the car, you weren't involved in processing ---

A. No, sir.

Q. That wasn't done at the scene, was it?

A. No, sir.

Q. You said it was towed away?

A. Yes, sir.

Q. Do you know where it was towed to?

A. The vehicles were towed to Buster Bullock's tow yard as far as I know. Hartsville, was also informed about the Honda.

Q. Did Hartsville come get the Honda?

A. They sent -- I believe it was towed and then they did come and get it, or possibly the victim came and got it. But a Hartsville investigator did come on scene.

Q. He did come on the scene?

A. She. It was Kristan Jeffords.

Q. Okay. From Lamar?

A. Yes, sir.

Q. That was the extent of your involvement in this case?

A. Yes sir.

MR. ERVIN: No further questions.

THE COURT: Any redirect?

MR. FREEMAN: No further questions for this witness.

THE COURT: Thank you deputy for being here. You're free to go. Is there any objection to him being released from a subpoena?

MR. FREEMAN: No, objection.

MR. ERVIN: No objection, Your Honor.

THE COURT: Thank you, sir.

THE WITNESS: Thank you.

MR. FREEMAN: Your Honor, at this time, the State will call Carla Eaddy back to the stand.

THE CLERK: You don't want me to swear her again

or just remind her that she's under oath? What do you want me to do.

THE COURT: We'll swear her again.

THE CLERK: Please be seated and state your name, again, for the record.

THE WITNESS: My name, again, is Carla Lynch Eaddy.

(WHEREUPON, Carla Eaddy, having been duly sworn, testified as follows.)

DIRECT EXAMINATION

BY MR. FREEMAN:

Q. Ms. Eaddy, I have on the screen part of the video from what's in the evidence as State's Exhibit 23.

What was taken from you the night of the robbery?

A. My keys, a phone, and money.

Q. Is this your car in the video?

A. Yes, it is.

Q. Is that key that's in Deputy Corbett's hand right now in the video, is that consistent with your car key?

A. Yes, it is.

Q. Is that consistent with the key that was taken from you the night of the robbery?

A. Yes, it is.

MR. FREEMAN: No further questions.

MR. ERVIN: I don't have any questions of this

witness.

THE COURT: All right. Ms. Eaddy, you're free to step down. Thank you, ma'am.

MR. FREEMAN: Your Honor, at this time the State would call Investigator John Davis to the stand.

THE COURT: All right.

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

THE WITNESS: John Davis.

(WHEREUPON, John Davis, having been duly sworn, testified as follows.)

DIRECT EXAMINATION

BY MR. FREEMAN:

Q. Investigator Davis are you employed at?

A. Work for the City of Florence Police Department.

Q. How long have you worked there?

A. Since 2008. Fourteen years and counting.

Q. What's your title now?

A. I'm currently the Sergeant over Codes Enforcement.

Q. Let' rewind back to 2019. At what point did you become affiliated with this case?

A. December 20th of 2019, I was called by a patrol officer. At the time, my specialty was auto theft and I was called because of on December 20th, a theft of a vehicle, Ms. Eaddy's 2015 Chevy Impala was reported stolen. And

that's how I became involved after the fact.

Q. Are you aware around what time it was reported stolen?

A. Approximately 940 hours that morning, 9:40 a.m.

Q. Do you have any idea when it was recovered?

A. Approximately 10:46 a.m., so right at an hour later.

Q. In your investigation, did you have an opportunity to determine the distance from [redacted] Walnut Street, where the armed robbery occurred, to [redacted] Kelly Bridge Road?

A. I did. I used Google Maps because that seems to be the most reliable thing from my experience. They gave a couple of route options, and so one of the routes is a 49-minute trip, and one of the routes is a 45-minute trip. One of the routes is 40 miles long, and one of the routes was 35 miles long.

So from time of theft at 9:40 in the morning, to getting to the address in Bishopville on Kelly Bridge Road, would have taken the suspects approximately 49 or 45 minutes, had they been obeying the speed limit according to Google Maps.

Q. Now, I've put in front of you what's been premarked for identification as State's Exhibit 5. Can you describe what you see?

A. Looks like a printout from Google Maps, from the

header, and has the address [redacted] Walnut Street, Florence, South Carolina and has directions to [redacted] Kelly Bridge Road, Bishopville, South Carolina.

Q. And does this display the different options that you were just mentioning?

A. Yes, sir, the exact same options, to include a third option which would have taken 51 minutes.

Q. Now, is this a -- State's Exhibit 5, a fair and accurate depiction of the routes that you observed through your investigation?

A. Yes, sir.

MR. FREEMAN: Your Honor, at this time the State would move to enter State's Exhibit 5 into evidence.

MR. ERVIN: I just need to see it.

MR. FREEMAN: Of course.

MR. ERVIN: No objection.

THE COURT: State's 5 is in evidence.

(WHEREUPON, State's Exhibit Number 5 having been premarked for identification was entered into evidence.)

MR. FREEMAN: Permission to publish?

THE COURT: Sure.

(WHEREUPON, State's Exhibit Number 5 was published for the jury.)

BY MR. FREEMAN:

Q. Now, I'm putting State's Exhibit 5 on the screen right here. State's Exhibit 5, as you said, the Google Map that displays possible routes from [redacted] Walnut Street to [redacted] Kelly Bridge Road, as you said.

My question to you: How long was it, approximately -- and you may have just said this -- but about how long was it from the time the car was reported stolen to the time that it was located?

A. One hour and one minute.

Q. What do these depict, this Google Map on State's Exhibit 5? These depict the drive from [redacted] Walnut Street to [redacted] Kelly Bridge Road as being approximately how long?

A. Again, the quickest time, had they obeyed the speed limit, would have been 45 minutes via I-20, and the slowest time would have been 51 minutes, had they taken a back road.

Q. So a little less than an hour?

A. Yes, sir.

Q. After you got involved with the case, was the car discovered as a result -- let me rephrase that.

When you became involved with the case, had the car been located?

A. It had already been located by Deputy Corbett in Lee County by the time I was informed.

Q. What happened next?

A. So I was contacted by Patrol Officer Minors, approximately 11:00 a.m., so about fourteen minutes after Deputy Corbett had gotten out with it. From my experience with auto thefts in the City of Florence, a lot of vehicles are treated as neighborhood property, neighbors helping neighbors kind of a thing.

Q. What do you mean by that?

A. So if you think of -- if you think of East Florence as a neighborhood, the City of Florence considers that a food desert. There's no grocery stores within walking distance, and so a lot of neighbors will let their fellow neighbor use their car to go and get groceries or do other things.

Just like any human interactions, sometimes communication isn't so great. So it's not uncommon for somebody to report a car stolen, only to find out it's a friend took the car without telling them first. And then when law enforcement gets out with that person in custody of the car that was reported stolen, they come to find out, "Oh, it's just John Smith? That's fine. John Smith's a friend of mine. I let him use the vehicle occasionally to go to grocery, or whatever have you." So that's what I meant by a neighbor helping a neighbor in kind of communal use of vehicles sometimes.

Q. Before I get to -- before I get to anything about any pictures, after the car was recovered, Sergeant Matthews testified earlier that he took pictures of ---

MR. ERVIN: Objection to prior testimony by another person, Your Honor. He's pitting the witnesses when you do that.

THE COURT: Sustained.

MR. FREEMAN: Okay.

BY MR. FREEMAN:

Q. I have what's into evidence currently as State's Exhibits 6, 7, 8, 9, 10, 11, 15, 16. I'm just going to show you -- I'm going to hand you these. Did you have an opportunity to observe these photographs?

A. Yeah. These were taken by Sergeant Tim Matthews, our crime scene sergeant. They were taken after Ms. Lynch had driven the car back from Lee County as I advised her to do.

Q. What do you notice about the windows?

A. The windows are all intact. Doesn't appear to be any gouges or scrapes from a slim jim or any kind of break in tool.

Q. Is there a picture in there of the ignition?

A. Yes, there is a picture of the ignition.

Q. In your experience -- let me ask -- how many different car thefts do you think you've investigated?

A. In the time it was my specialty, over 80.

Q. Over 80 different thefts. Is there anything suspicious or peculiar about this ignition?

A. There's nothing that stands out other than the fact that it's completely unharmed, untampered with.

Q. I've asked you to look at the other photographs that I've handed you. Your experience handling 80 plus different car thefts, is there anything in these photographs of Ms. Eaddy's 2015 Chevrolet Impala that would indicate to you that different means may have been utilized to access the car?

That may have been a confusing question. Is there -- are there any indications in these photographs that someone tampered with the vehicle and such to start it?

A. No. Typically, if they didn't have a key, they would rip down the dash panels underneath the steering wheel, and they would pull out the wires from behind the ignition, bypassing the ignition, and just wire those two together to complete the circuit to crank the vehicle. That wasn't the case in these photos. The dash panels were still in place.

Also with the age of this vehicle being a 2015, usually the snap and pops that hold those panels together, have already been dried out by UV rays and high heat during the summer times in the south, so once the panel has been

removed, you can't put it back together because that snap and pop rivet has broken from dried out plastic.

So they usually don't go back on unless you put a new snap and pop on there. So in my mind, looking at these photos, the vehicle was never tampered with in that way to bypass the ignition to start it.

Q. Now, I'm going to put State's Exhibit Number 9 on this screen.

MR. FREEMAN: Can we switch over?

THE CLERK: Give me a second, let me find the ---

MR. FREEMAN: Of course.

THE CLERK: Okay.

BY MR. FREEMAN:

Q. This is State's Exhibit Number 9. Are these the panels you're referring to, in the side of the car that can be removed with snaps, is this what you're referring to?

A. Yes, this would be a dash panel, but this would not be the one you would remove to manipulate the ignition and starting the vehicle. This would be a common location of a fuse block, where you'd have accessory power for a tracking device.

Q. Now I'm going to put State's Exhibit 19 that's into evidence. This is the other side of the car. Now is this consistent with what you just testified to with the right panel? Can you access any ignition or start the car

through this right panel?

A. No. You couldn't. Again, this would be a common location for a fuse block, to find a tracking device.

Q. Did you find out who was found with this car?

A. I did. I learned from Deputy Corbett, the three Defendants names and dates of birth that he found in possession of the vehicles.

Q. And who were they?

A. You had Justin Shope, Trevon Cooley, and Sean James.

Q. Did you have an opportunity to speak with the owner of the vehicle, Ms. Carla Eaddy?

A. I did. That same day.

Q. Did you try to call her?

A. I did. I tried calling her. I didn't get her at first, so I went straight to the address at [redacted] Walnut Street to try and make contact with her.

Q. Was she there?

A. She was not. Her daughter, Ashley Lynch was there, as well as the Graham husband and wife.

Q. Did you know where Ms. Eaddy was?

A. I later found out that Ms. Eaddy was in Baltimore for a family member's funeral.

Q. Now there was testimony -- or excuse me. What's into evidence already as Defendant's Exhibit 1, I'm going to

hand you. Does this look familiar?

A. It does. This is a screenshot from my work cell phone.

Q. So you sent this?

A. I sent these messages, yes.

Q. To who?

A. Ms. Carla Eaddy.

Q. Why?

A. So, like we were talking about earlier, communal use of a vehicle and often times somebody reports a vehicle stolen, it ends up not being stolen. It ends up just being a case of poor communication and then they found out that a friend, or a friend of a friend, had the vehicle, and they're okay with it. So they don't press charges, and we just quickly get the vehicle back to them.

So these images were sent to Ms. Eaddy after she didn't recognize the names that I gave her. Oftentimes in that neighborhood, what they refer to as government names, they might not know somebody's government name. And if I don't know their street name, then I can't give them a street name to reference as somebody who may -- may have a legitimate right to the vehicle from past experience.

So oftentimes the best form of identifying someone who should or shouldn't be in possession of your car is through a photo.

Q. Did you say anything else to Ms. Eaddy before sending those pictures?

A. No. It was a, "Do you know these people?"

Q. When did you send these pictures?

A. December 20th, and it was at 2:12 p.m., after lunch.

Q. December 20th?

A. December 20th. The same day of the recovery of the Impala.

Q. Did you tell Ms. Eaddy anything about these pictures are associated with the armed robbery that occurred in November?

A. No. The purpose of sending the photos was to quickly eliminate -- would any of these people be allowed to drive your vehicle, so that we don't wrongfully detain them for an unreasonable amount of time, and to get them out of cuffs, basically.

Q. I'm going to show you Defendant's Exhibits 2, 3, and 4, which is blown up images of Defendant's Exhibit 1. Were these in fact the pictures that you sent to Ms. Eaddy?

A. Yes, sir.

Q. Did she identify anyone in them?

A. She did. After I sent the text messages to her of just the photos, she called me back and said, "Those are the same three guys that robbed me a month ago."

Q. So she brought that up?

A. She brought that up.

Q. By no means were you sending that in relation to the armed robbery? It was about the vehicle you had just recovered ---

MR. ERVIN: Objection, Your Honor. That's not a question.

THE COURT: Please rephrase the question.

BY MR. FREEMAN:

Q. Is the purpose -- what was the purpose of sending -- you've already testified to this, but were you sending the pictures in relation to armed robbery at all?

A. I wasn't. I was only vaguely familiar with the armed robbery, just because it was brought up by Officer Minors when he called me about the theft of the vehicle.

So these were sent to identify whether or not these guys should be in possession of the vehicle, so they don't get arrested for being in stolen of possession (sic) of a vehicle, if they, in fact, didn't steal it, and they had permission through either Ashley or Ms. Carla, or maybe one of the Grahams had let them use it, and it just hadn't been communicated properly.

Q. Did you find out if any of these suspects had permission?

A. To the Grahams, Ashley Lynch, Ms. Carla Eaddy, no.

None of them had permission.

Q. So what did you do after she identified these three as the suspects that robbed her?

A. So she was the last person to identify them. The Grahams had viewed it before that. So now I had the Grahams and Ms. Eaddy to identify them as the people that had robbed them the month prior, on November 17th.

I communicated with Jack Corbett, asking what his charges would be, and he said that it would be possession of a stolen vehicle. I told him that I would speak with Municipal Judge Guiles about getting warrants for the theft of the vehicle on the 20th of December. And also look into the armed robbery since that hadn't been investigated yet.

Q. So let's talk about that a little more. You had nothing -- were you involved in November?

A. No. Completely unaware of it.

Q. Your involvement started when, again?

A. December 20th.

Q. This is the same day as what?

A. As the theft of the vehicle.

MR. FREEMAN: I beg the Court's indulgence.

BY MR. FREEMAN:

Q. Now, do you know who was originally assigned the case? Do you know who the responding officer was who would have written a report?

A. I found out during the course of preparing for this trial that it was Investigator Herman with the City of Florence, who was on call the night of the original armed robbery. I learned that Investigator Herman didn't come out that night, when it was freshly committed.

Q. I think my question is, are you familiar with whoever wrote the original report on the armed robbery?

A. During the preparation for this trial, I did learn that Officer Haye and Officer Chapman were the responding officers originally to the armed robbery.

Q. Do you know where Officer Haye is currently?

A. Officer Haye is doing Embassy Security in Iraq, currently.

Q. Investigator Davis, do you think there's anything else worthy of mentioning?

A. Other than the -- the short amount of time. Also, a gun consistent with what was described by Ms. Carla Eaddy as being put in her face, a Glock firearm. A pistol being found in the vehicle that was owned by her and recovered from that property, that was in possession of the Defendant -- or by the Defendant.

Q. Do you know anything about that gun?

A. I just know that it was stolen from Darlington County. I wasn't present when Sergeant Matthews processed the vehicle after Ashley Lynch returned it to our agency.

But I did go over the details with Officer Matthews at a later date, and found out that the pistol was reported stolen from Darlington County.

I know that -- it's either Sergeant or Lieutenant Michael Weatherford with Hartsville City had communicated to me that ---

MR. ERVIN: Objection to anything Sergeant Weatherford said.

THE COURT: Sustained.

BY MR. FREEMAN:

Q. Let me ask you this. The three pictures that you sent to Ms. Eaddy, that she identified as the ones who robbed her, were these the same three boys that were found with the car?

A. Yes, within an hour of its theft.

MR. FREEMAN: No further questions.

CROSS-EXAMINATION

BY MR. ERVIN:

Q. Investigator Davis, you indicated that whenever you are involved in the investigation of an auto theft in East Florence, that you look at things a little differently than you would in other areas, is that correct?

A. Yes, sir.

Q. Did I understand that testimony correctly?

A. Yes, sir.

Q. What's the basis of that?

A. Just cultural awareness. Different neighborhoods operate differently than some others.

Q. That's a predominantly an African American neighborhood, isn't it?

A. East Florence is, yes, sir.

Q. You talked about government names. What are you calling government names, a proper name?

A. That's how they refer to it. They say, "I don't know their government name." And by that, they would say like a given name on a birth certificate.

Q. You mean "they say" that, the people who live in East Florence? You're being regional about it?

A. They refer to the term as a government name. Yes, sir.

Q. So in this particular case you're talking about, they may know a person, but not know their name?

A. Yes, sir.

Q. And let them borrow their car?

A. Yes, sir.

Q. Did you talk to the officer in Lee County?

A. I talked to Deputy Corbett, yes, sir.

Q. Were you aware that they were arrested and charged with possession of a stolen vehicle there?

A. No, sir. They weren't arrested at the time. They

were just detained at the time. They actually wouldn't get charged until the 21st, I believe.

Q. They were informed they were under arrest, did you know that?

A. No. At the time I was talking to Deputy Corbett, they were just being detained.

Q. Would it surprise you to learn that they were arrested and charged with possession of a stolen vehicle?

A. After me and Corbett had communicated that, no.

Q. You also indicated that you had prior knowledge, somewhat vague, you say -- if I'm understanding your testimony correctly -- of a prior armed robbery?

A. Yes, sir. I was made aware of that by Minors.

Q. Your department was in charge of that investigation, correct?

A. Yes, sir.

Q. Wouldn't you agree that in a charge like an armed robbery charge, where the alleged victims in the case did not know the individuals who committed the crime, that certain means should have been followed for identification purposes? Like a photographic line up. Are you familiar with that?

A. Yes, sir, I'm familiar with a photograph lineup.

Q. And you know how they're done?

A. Yes, sir.

Q. Not very difficult thing to do?

A. No, sir.

Q. Prepare a photo lineup. And when you do so, you try to get photographs similar to the person may or may not be in the lineup. And you tell the person before they are seeing these lineups, that the person you say committed this crime, may or may not be in this lineup. And they have to select, if they believe they know who the person is in the lineup, from similarly appearing people, people with similar skin tone, hair -- in other words if it's a bald person, other bald people.

If it's a person with dreads -- African American with dreads, other African American with dreads, similar skin tones. If it's dark African Americans, then darker skinned African Americans. And that's a preferable way to present photos for identification. Isn't that correct?

A. Yes, sir.

Q. Yet, you acknowledge that in this case, being vaguely familiar -- because it's your agency that was in charge of investigating the armed robbery on Walnut Street. You shoot her three pictures, knowing well that three individuals were alleged to have been present on Walnut Street. One of them being a light skinned male. Is that correct?

A. No, sir. I didn't know the description of the

three armed robbery suspects.

Q. Well, it certainly wouldn't have been very hard for you to find out, would it?

A. No, sir, it wouldn't have been hard.

Q. It's at your department. Pick up the incident report and look at it. It's not very long, is it? You looked at it in preparation for this trial.

A. Yes, sir.

Q. Take you about five minutes to read it, wouldn't it?

A. Yes, sir.

Q. You also had the idea to text to Ms. Carla Eaddy that, "This one has a cross tattoo between his eyes."

A. Yes, sir. It wasn't visible in the photo.

Q. You wanted to make sure that you brought that to her attention. That's not suggestive, is it?

A. It's important for proper identification.

Q. Are you aware of the fact that she, in the incident report -- I guess you didn't review it -- that she didn't describe the person?

A. Okay.

MR. FREEMAN: I'm going to object to that, Your Honor. In his question, he said that you didn't read this report, and then asked him about the report. It just seems ---

THE COURT: Overruled. It's cross-examination.

BY MR. ERVIN:

Q. You're aware from reviewing the report, there are no descriptions of the people that committed the crime on Walnut Street, isn't that correct?

A. Correct. The original incident report doesn't have a great description of them.

Q. Were you involved in processing the car?

A. No, sir.

Q. Who was responsible for that?

A. Sergeant Matthews.

Q. That's the -- Sergeant Matthews, is he the person who obtained the prints?

A. Yes, sir.

Q. Right. The latent print?

A. Yes, sir.

Q. That was sent to SLED?

A. Correct.

Q. And the photographs?

A. He took the scene photographs, yes, sir.

Q. As far as the decision to allow Ms. Lynch -- or to have Ms. Lynch transport the car to the Florence Police Department, is that Florence City Police policy.

A. It's a State law. The victim is responsible for the recovery of the stolen vehicle and any cost incurred by

it.

Q. The victim is responsible for the cost incurred. So knowing that there's a -- were you aware that there was a gun in the car?

A. I was not made aware of that.

Q. Were you aware that there was no tag on the car?

A. I was not aware of that.

Q. So Ashley Lynch was told to go get the car, and if she had been stopped, she could have been charged with possession of a weapon, couldn't she?

A. Well, she had the police report from us, and the text messages from me to her indicating that she needed to go pick it up and to wear gloves when she picked it up. So it would have been easy to explain to any officer that stopped her. It would have been unlikely that she got charged.

Q. Would you agree that that doesn't sound like it's a very good policy, does it, under those circumstances, to send somebody to pick up a car with a gun with it?

A. The Florence Police Department doesn't have the ability to send our officers an hour away and collect vehicles like that. And it is, again, State law that the victim's responsible for that. We're just following the rules.

Q. You felt compelled to put that text to Ms. Eaddy

about the cross tattoo, didn't you?

A. Compelled in what way?

Q. Well, you say that it wasn't visible in the photo, but you obviously saw it.

A. I was told by Corbett that he had a cross tattoo. I didn't know he had a cross tattoo either.

Q. So you put that on there to make it even more suggestive?

MR. FREEMAN: Objection, Your Honor. This is asked and answered.

THE COURT: Overruled.

THE WITNESS: Not suggestive, but to properly identify him, because it's not visible in the photo.

BY MR. ERVIN:

Q. Do you know Justin Shope, Trevon Cooley?

A. I don't know them.

Q. So you wouldn't know them if they were in the courtroom?

A. I would know them by photo only.

MR. ERVIN: I don't have any further questions, Your Honor.

THE COURT: Mr. Freeman, any redirect?

REDIRECT EXAMINATION

BY MR. FREEMAN:

Q. Have you ever worked in Lee County?

A. I have not.

Q. Are you familiar with their procedures with stolen vehicles?

A. I would say that, just based on our uniform training from the South Carolina Criminal Justice Academy, they should probably do it the same way as the Florence Police Department.

The Florence Police Department is accredited agency, so we have to follow a policy that's signed off on by the South Carolina Accrediting Agency.

I would assume that if Lee County is accredited, they would follow that same procedure that's agreed upon by the State, but I'm not familiar if they're accredited or not.

Q. Was Ms. Carla Eaddy confident ---

MR. ERVIN: Objection.

THE COURT: What's your objection?

MR. ERVIN: Your Honor, may we approach?

THE COURT: Yes, sir.

(WHEREUPON, there was a conference held off microphone.)

BY MR. FREEMAN:

Q. The three boys that were arrested, are they in fact the same three boys that you sent pictures of to ---

MR. ERVIN: He's asked and answered, Your Honor.

THE COURT: Sustained. You're going to have to -- you're limited in redirect to anything that the Defense Attorney asked on his cross-examination.

MR. FREEMAN: I believe that Mr. Ervin did in fact ask Investigator Davis about the same questions.

THE COURT: All right. The objection is sustained. Ask another question.

MR. FREEMAN: I'll take a rest, Your Honor. No further questions.

THE COURT: All right. Thank you, Investigator Davis, you may step down.

MR. FREEMAN: At this time, Your Honor, the State would rest.

THE COURT: All right. Ladies and gentlemen, at this time there's matters of law that need to be taken up outside of the presence of the jury. So I'm going to ask that you go to your jury room. It'll just be a few minutes. We're going to discuss some matters of law and go from there. I'll let you know what we're going to do next.

Please, it's not the time to discuss this matter. So football, the weather, whatever it is you might like to talk about -- what's for dinner, but not the facts of this case. Okay? Thank you so much.

(WHEREUPON, the jury exited the courtroom.)

THE COURT: All right. Mr. Ervin, I'd be happy to

hear from you.

MR. ERVIN: Your Honor, I would just make a -- my standing motion for directed verdict on each indictment. The evidence is insufficient for the jury to conclude guilt.

THE COURT: All right, sir. Mr. Freeman?

MR. FREEMAN: Your Honor, I believe this Court is familiar with the standard for the directed verdict, and it's that there's any evidence that tends to inculpate this Defendant as far as the elements concerned. The State's confident that it has put forth evidence, as the Court has heard testimony over the course of the day.

As far as the conspiracy charge, Your Honor, while it is circumstantial, there is evidence in the record that these three individuals: Sean James, Justin Shope, Trevon Cooley, got out of the car simultaneously upon the entrance of Moniquashia Woods into the car, that the three then acted in concert in robbing the occupants of [redacted] Walnut Street.

Your Honor, while they were there, not only did they exhibit force and the use of threats by having firearms, Your Honor, they also took the belongings of both Ms. Carla Eaddy, as well as Ms. Aggie Graham. Took Ms. Aggie's -- Ms. Aggie Graham's phone from her person, from her hand.

As far as Ms. Carla Eaddy, the car keys, she testified was in the ignition in front of her. The money

was in the seat next to her and she had her phone. Your Honor, there's testimony that this Defendant reached in the car and took this property from Ms. Carla's presence.

Additionally, she testified that there was $2500 that was taken from her. I understand the indictment speaks to the greater charge of 10,000 or more, however, as this is -- as Ms. Eaddy testified, $2500, the State's confident it would be included as a lesser included in the bid.

Elements. There has been evidence and testimony put forth as to each and every element of each crime. Your Honor, additionally, if this State -- or if this Court was inclined to do so, the State would move to amend the indictment at this point to -- for the lesser included charge to conform to the evidence that has been presented to this Court, Your Honor.

For the following reasons, the State would humbly request that you deny the Defendant's motion for a directed verdict. Thank you.

THE COURT: So you telling the Court, that simply the three acting in concert satisfies the elements of conspiracy?

MR. FREEMAN: Plus the overt act, Your Honor, of them actually robbing the occupants at the house of [redacted] Walnut Street. I understand that it is circumstantial. But it is strong circumstantial evidence, the fact that these

three boys got out of the car at the exact same time. They all had guns in their hands. They robbed the occupants and then all three boys, as a continuance of the conspiracy, were found in Bishopville with the car, Your Honor.

So I don't believe that it's solely the fact that they got out together. It's the continuing event from November 17th to December 20th, in which these same three boys, that were identified by Ms. Eaddy, were found together in Bishopville with the car. The State is confident that would suffice for an overt act, Your Honor.

THE COURT: Thank you. Mr. Ervin, is there anything further?

MR. ERVIN: Your Honor, I would just, again, make the same general statement that the evidence is insufficient upon which the jury could base a verdict of guilt.

THE COURT: All right. We're going to take about fifteen-minute recess. Well, I'll tell you what. I'm going to go ahead and talk to your client about his right to testify, and then we'll take a brief recess and we'll come back on the record.

So Mr. James, can you please stand? Please raise your right hand.

(WHEREUPON, the Defendant, Sean James, was duly sworn.)

THE COURT: You understand that you're in the

MR. JAMES: Yes, sir.

THE COURT: All right. If you do testify, do you understand that if you have any criminal history, that that might be admissible to the jury. Do you understand that?

MR. JAMES: Yes, sir.

THE COURT: All right, sir. And if you do decide to testify, you will also be treated just as any other witnesses that have testified on your behalf or against you. Do you understand that?

MR. JAMES: Yes, sir.

THE COURT: All right, sir. Having understand -- understanding those rights, I'm going to take about a fifteen-minute recess and I'll ask you when we come back whether or not you decide to exercise your right to remain silent or to testify. Okay?

MR. JAMES: Yes, sir.

THE COURT: All right. Anything before we break?

MR. FREEMAN: Nothing, Your Honor.

MR. ERVIN: No, Your Honor.

(WHEREUPON, a recess was taken.)

THE COURT: All right. I'm going to go ahead and allow the indictment to be amended to conform with the evidence in this case. But certainly, I'm going to charge both degrees of grand larceny, so that, you know, you can still make your arguments as to whether or not the car was

stolen by the Defendant or whether or not just the -- the item -- the personal items on November the 16th (sic). Or obviously they could find him not guilty.

So I'm going to deny the motion for directed verdict.

As to the armed robbery and to the grand larceny, I looked at 362 S.C. 627 -- Court of Appeals case, State versus Bernard Crawford -- as it relates to conspiracy. I think that certainly it's a close call, but the cases seem to point towards -- and our Supreme Court seems to suggest -- that there has to be some evidence of a plan. And certainly, circumstantial evidence could be considered, but in the circumstantial cases, it still lends itself to say that, you know, there's some evidence that some planning went forward to further the commission of a crime.

Our case here differentiates with that, in my opinion, because there's no evidence, whatsoever, that there was any agreement. I mean, it could be that this was just purely spontaneous. Certainly, it could be otherwise, but the record here is devoid of any testimony whatsoever of any plan, agreement, you know, any existence of that that would support a conspiracy charge.

So I am going to grant the direct verdict motion on the conspiracy charge.

Is everybody clear with what we've done?

MR. ERVIN: Yes, sir.

MR. FREEMAN: It's understood, Your Honor.

THE COURT: All right. Having said that, I've got a charge and the verdict form here, if y'all want to go over that now. It's ten minutes after three. I know that we spoke off the record and that we were planning to come back tomorrow to argue and charges.

Is that still what you wish to do or would you want to go forward right now?

MR. FREEMAN: I believe that I'm fine with going forward with the plan that we talked about in your chambers, Your Honor.

THE COURT: All right. And Mr. Ervin, has your -- has your client decided whether or not he wishes to testify?

MR. ERVIN: He is not going to testify, Your Honor.

THE COURT: All right, sir. Is there any other witnesses that you would call?

MR. ERVIN: No, Your Honor.

THE COURT: Okay. Well, as we agreed to earlier, I don't want to change gears on you too bad. What I intend to do then, is to call the jury out now, allow the Defense to rest on the record, and then we'll dismiss the jury. I'll go ahead and tell them that that's all the testimony they're going to hear, the only thing left is to argue and

charge, and we'll do that at 9:30 in the morning.

Does that suit everybody?

MR. ERVIN: Yes, sir.

MR. FREEMAN: Yes, Your Honor.

THE COURT: All right. We can have the jury, please?

(WHEREUPON, the jury entered the courtroom.)

THE COURT: All right. Mr. Ervin?

MR. ERVIN: Your Honor, the Defense rests.

THE COURT: All right. Ladies and gentlemen, thank you for your patience, as I stated to you before, there's times where there's matters of law and legal issues that we have to take up outside of the presence of the jury, that's what we've been doing.

At this time, the Defense has rested also, so you've heard all the evidence that you're going to hear in this case. The only thing that's left to do at this point in time is for both the attorneys, the State and the Defense, to have an opportunity for their closing arguments, and then for me to charge you on the law. Give you the law of this case, and then for you to deliberate and to reach a verdict.

It's 3:15. There's more legal matters that we have to take up outside of your presence, and then we could conceivably argue and charge before maybe 5:00 or so. But

MR. ERVIN: Yes.

THE COURT: So, I'll just kind of tell you what my general charge is, and then we'll go from there. Okay?

So it's the general post-trial charge. And then I'll go through the charge, arrest and indictment is not evidence. Presumption of innocence, reasonable doubt, direct and circumstantial evidence, credibility of the witnesses. Failure of the Defendant to testify. Identification, stipulations, criminal intent. Armed robbery, grand larceny, and then the -- just the last bit about the jury -- the verdict being returned must be unanimous and that sort of stuff.

Certainly welcome -- hear from either side if there's anything. And if you want to look at this, you're more than welcome to look at it or we can probably get you a copy of it. And then we've got the proposed verdict form up here if you want to come get a copy of that.

(WHEREUPON, there was a conference held off microphone.)

So, are there any objections to the proposed charges from the State?

MR. ERVIN: Judge, may I get a copy of it? What I'll do is I'll read it tonight, too.

THE COURT: That's fine.

MR. ERVIN: I don't think I do. It looked like

it's pretty standard, but just in an abundance of caution, I will review it more thoroughly.

MR. FREEMAN: I would second that. I'd appreciate if your law clerk could email us a copy of those so we could review. If that would be easiest.

THE COURT: Which one would you rather have, a hard copy?

MR. ERVIN: I'd rather have a copy.

THE COURT: He'll work on that. I can't tell you how long it will take, but ...

All right. Is there anything further before we recess for the day?

MR. FREEMAN: Nothing from the State, Your Honor.

MR. ERVIN: Nothing from the Defense, Your Honor.

THE COURT: All right. We'll be in recess until 9:15, 9:30 or so.

(WHEREUPON, the proceedings were adjourned for the day at 3:19 p.m.)

September 8th, 2022

(WHEREUPON, the proceedings resumed at 9:35 a.m.)

(WHEREUPON, audio recording starts mid-sentence, with Mr. Freeman addressing the Court.)

MR. FREEMAN: --- bill includes the 10,000 or more for the grand larceny. I believe this Court approved the motion to amend the indictment on the record, and as such, I

believe only the two to ten would be appropriate on the verdict form.

THE COURT: So my understanding was, your motion was to amend the indictment to conform with the evidence, which would include, I would assume, the taking of the vehicle.

MR. FREEMAN: And it did, Your Honor. I was just under the impression that what you had told us in chambers was that, we needed to realign it more so with the November date.

THE COURT: That was before you made your motion, and I granted your motion to conform with the evidence that was presented before this jury, which includes the vehicle.

MR. FREEMAN: Very well, Your Honor. Thank you.

THE COURT: All right. Mr. Ervin, anything?

MR. ERVIN: No, Your Honor.

THE COURT: All right. The only small change I made to the charge is, it deals with the grand larceny, and I'll read it to you.

Basically, I strike where it says, "Finally the statements prove that the value of the thing taken was $2,000 or more." And I just added that, "There are two degrees of grand larceny that you may consider. If you determine, beyond a reasonable doubt, that the Defendant's guilty of grand larceny, then you must decide, again beyond

reasonable doubt, if the value of the thing taken was $2,000 or more. If you then decide that the value was more than 10,000, then you would mark the verdict form accordingly." And I'll go over the verdict form with them.

Is that satisfactory?

MR. FREEMAN: Yes, Your Honor.

THE COURT: Mr. Ervin?

MR. ERVIN: Yes, Your Honor.

THE COURT: All right. Anything before we bring the jury?

MR. FREEMAN: Nothing from the State, Your Honor.

MR. ERVIN: No, Your Honor.

THE COURT: Bring the jury.

(WHEREUPON, the jury entered the courtroom.)

THE COURT: Good morning, ladies and gentlemen. Thank you for being back here. We're now ready to resume this trial. As you know, the parties have presented their evidence in this case. It's now time for the attorneys to make their closing arguments. The arguments of the attorneys are not evidence in this case. The statements and arguments are meant to help you understand the evidence and apply the law to the evidence.

You should disregard any remark, statement, or argument which is not supported by the evidence presented during this trial or the law that I will explain to you

after the arguments.

So please give your attention to Mr. Freeman for his closing argument.

CLOSING ARGUMENTS ON BEHALF OF THE STATE

MR. FREEMAN: Mr. Ervin. Your Honor. Ladies and gentlemen, I want to thank all y'all for your attention yesterday. I want to thank you for your continued attention for the little bit that we're here today.

Let's take a little brief recap of what we learned yesterday. What we learned is that Carla Eaddy was at [redacted] Walnut Street. She was sitting in her car, minding her own business. She was preparing for her mother's party the next day. She had her bill money. She was trying to budget everything that she needed to do to hopefully live her life.

Then what happened? She told you that a black-colored SUV came in the yard and that a little (sic) girl got out of the car, came up and asked, "Hey, can I use the bathroom?" She said, "Hey, this isn't my house, this is my sister's house, go ask her."

So the girl goes up to the house, Aggie Graham let her in to use the bathroom. Whether or not Ms. Woods, who was identified by the victims, whether or not she was in there to scope the house out, make sure the coast was clear for this impending robbery, maybe that's something that only they'll ever know -- if there was an actual agreement

between the four of them.

What we do know is that when this girl got out of the house, went back and got in that SUV, three individuals, two black and one light skinned male, all armed, got out of the vehicle in unison, together, and bum-rushed Ms. Eaddy at [redacted] Walnut Street. That's what we heard.

We heard that none of the suspects wore a mask. This is before COVID. There were no face coverings, There was testimony there was no ski masks used. The face was clear. We heard testimony that there was a floodlight in the yard. Now who can corroborate that? Aggie and Clifton Graham.

Were they able to identify anybody? No. Admittedly, no. But they were able to corroborate what Ms. Carla Eaddy told them, though. And that's that these three boys came to her house and put her and her husband, and her sister at gunpoint and took their belongings from them.

Ms. Eaddy told you the car remained -- she stayed in her car and the car remained there that night. The three got back in the SUV and they left. They took her $2,500 in cash. They took her cell phone, and they took her car key. They left the car.

Thirty-two days later, Ms. Eaddy is in Baltimore, Maryland at a funeral. Her daughter calls her, "Hey mom, I

don't see your car. I'm here to check on it. I don't see your car here. Did you let anyone use it?"

"Well, no it should be there."

So Carla Eaddy's daughter, Ashley Lynch gets ahold of the police officers, gets ahold of Pee Dee Auto Sales and they located the stolen car, this 2015 blue Chevrolet Impala. They located this vehicle one -- within one hour. Roughly one hour later, they find this car that was just reported stolen in Bishopville at [redacted] Kelly Bridge Road.

Deputy Corbett came in yesterday and he testified that he responded to the house and he found three individuals in the yard. Now, I want to point something out that I didn't yesterday. I slept on it and I thought that it was important for y'all to see that in this video -- and I'm going to connect this right here for y'all.

Exactly when Deputy Corbett got to the house in Bishopville, he walked around. He walked around the house -- this is it right here, [redacted] Kelly Bridge Road in Bishopville. And he testified that the man in the yellowish hoodie is Sean James, this Defendant. This Defendant right here. He testified that the man on the screen in the yellow hoodie was Sean James.

Within one hour of reporting this vehicle stolen, they located and look what Sean James was doing. He bent under the car. He's working on the car.

What did Deputy Corbett tell y'all? He said he came around, he saw all three of them working on the car, had tools, look like they were in the process of removing parts from this car. Testified all windows were intact.

When you go back to deliberate, you'll have the pictures. You'll have all the pictures that are into evidence and you'll see for yourself. All the windows are intact. The key ignition's intact. There's no tampering with the fuse boxes underneath the steering wheel, or -- John Davis told you it would be where you would access if you wanted to start the car.

He told you, in his experience, that all this was indicative, and it was consistent with the fact that whoever brought this car to Kelly Bridge Road, had the key.

What else is important about this car, besides the license plate that had already been removed within an hour? And as Investigator Davis told you, it's a 45-minute drive, depending on which route you take. That's the least amount of time from [redacted] Walnut Street to [redacted] Kelly Bridge Road. Forty-five minutes is the least amount of time, per Google map. An in hour, we find Sean James working on the car and his Co-Defendants. We find that the license plate had already been removed.

But what else did we find? The car key. The car key that Carla Eaddy got back on the stand and told you,

"Hey, that's consistent with my key, that looks exactly like my key that was stolen."

So December 20, 2019, this is when the car was stolen. This is when Investigator Davis gets involved with the case. Was he involved with it beforehand in November for the robbery? No. Had he spoken with Carla Eaddy or Aggie Graham or Clifton Graham before? No.

He got involved because his specialty was stolen cars. And he testified that sometimes in -- the Florence Police Department would utilize a technique due to communal property. And he told you that this is an example of when there's a car or there's other property that someone owns, that other people have access to it.

He said through his experience and his training in law enforcement 14 plus years, that this is common. That sometimes vehicles are reported stolen, and after the fact when they talk to the owner, they're like, "Oh, yeah John Smith had the car, that's okay. He had permission to use it." And that's what he did in this case.

He called Carla Eaddy, she didn't answer. She was at a funeral. So she -- so he sent text messages. Defendant's own Exhibit Number 1. You'll have it back there, it's the text messages. Text message one, is the picture of this Defendant. There's a text message underneath it, "This one has a cross tattoo between his

eyes." You'll have the picture back there. You'll see you can't even really see the cross tattoo in the picture. It's a dark picture. It is what it is.

Then you've got the other two pictures that were shown to you. There was nothing further sent. There were no other words sent. There's nothing suggestive about this. He sent these pictures the day the car was stolen. The day that Carla Eaddy was notified, "Hey, hey mom, your car's not here."

So when she gets these pictures, having not had any conversation with John Davis before -- these pictures being sent with the purpose of trying to determine whether or not one of these people that were just found with the car an hour after it was reported stolen, may have had permission to use it.

What does she do? She calls them, "Hey, none of these people have permission, and by the way, these are also the boys that robbed me. I know that because I saw them."

Now, as the Prosecutor, I'm assigned with the duty, and I have the burden, of proving each and every element of these crimes beyond a reasonable doubt. And I welcome that burden. It's an integral part of our criminal judicial process. And I told you that before. So let's talk about the elements that I have to prove to you beyond a reasonable doubt.

As far as the armed robbery, I have to prove, one, that the Defendant took the property from the person or presence of another person. I think we can all agree that's exactly what we've heard.

Two, the Defendant carried away the property intending to permanently deprive the owner of the property. Well, $2500 cash, you gone take it from somebody with a gun, I submit, that you might not give it back. I submit to you that the car that was taken was in the process of having pieces removed. And I submit that they were in the process of chopping these cars up.

There was a second stolen car in the yard. A 2015 black Honda. Also reported stolen out of Hartsville. What did we find in Ms. Eaddy's car after it got back? A stolen gun right out of Darlington. Hartsville is in Darlington County. So anyways. Element two also check.

Element three. The taking and carrying away of the property must have been done with violence or by putting the owner of the property in fear of violence. Not only was Carla put in fear of violence, she had a gun put in her face. She testified this was the scariest moment of her life.

This woman was sitting in her car, minding her business and had three individuals rush her, put a gun in her face and demand her belongings. I submit to you,

element three, check.

Element four. That the Defendant was armed with a deadly weapon during the robbery. Carla Eaddy told you they all had guns. Aggie Graham and Clifton Graham, they couldn't tell you much. Clifton said he came outside and he immediately thought to protect his wife. He shields -- he puts his back to the suspects. He wants to protect his wife. That's his concern. But one thing they all testified is that they all had guns. Element four, check.

Let's look at the grand larceny elements. They're pretty similar. Element one. The Defendant took and carried away the property of another against the will or without the consent of the person. Then we can all agree, check.

Element two. The Defendant intended to permanently deprive the owner of the property. We've already discussed this. Check.

Element three. That the value of the thing reached the requisite value. So whether that be 2,000 or $10,000, that's up to y'all to decide. But you know the 2015 blue Chevrolet Impala stolen in 2019. She had $2500 in cash taken from her, Ms. Carla Eaddy. Aggie Graham had her cell phone taken from her.

It seems to me, and I submit to you that the only issue that we have in this matter is who did it. Well, how

do we prove that? What do we have in the evidence that tells us who did it?

The Judge will tell you with his instruction on law, about circumstantial evidence, about direct evidence. He'll explain the two (inaudible). Circumstantial evidence is the evidence that is proof of a chain of facts, and because of proof of that, facts that lead to indicate another fact. Direct evidence is when you have someone on the stand that directly puts the Defendant in the crime, such as an eye witness. We have both of these.

Start with circumstantial evidence. Carla Eaddy told you that as part of the robbery, she was face to face with these suspects -- with this suspect -- face to face with this suspect. That he was not wearing a mask. That him and his buddies came in the yard, took her belongings, took her $2500, took her phone, took her car key. And we'll get more into that, because I'm touching a little on the direct now.

What she told you, that these items were taken from her, including this car key. Thirty-two days later, the car goes missing. Go to Lee County, recover the car in less than an hour, and who do we find? This Defendant and his Co-Defendants, working on the car in an hour of it being reported.

Then John Davis gets involved. He has these

pictures. He sends them to Carla because she's unreachable. As I tell you'll see, nothing other than the pictures were sent. And she says, "Hey, not only did these people not have permission, they're also the ones who robbed me."

What are the chances that these -- that these three individuals are found in Bishopville with the car, with the key that was stolen? All of that proves is this Defendant was involved in the robbery.

Direct evidence. What evidence do we have to prove the who? Carla Eaddy. That's who. Fifty-nine-year-old woman who got on the stand and said this was the scariest event of her life. Same woman that testified, to this day, over three years later, she suffers from depression. She struggles from -- she has to make sure she's home before dark because she's so terrified that something's going to happen to her again.

Now, there's been a lot of assertions from the Defense that it's only because of this picture that was sent to her that she knows that it was this Defendant. That's not the case. She knows it was this Defendant because she told she remembers.

Let's go over these facts real quick. Carla Eaddy is sitting in her car, the steering wheel right here. She testified they got out of the car, they came up to her window, that this Defendant put a gun in her face. She told

you, if I could get closer, I would be there.

She told you, as she's sitting in the car, this Defendant reached into her car, took the car key out of the ignition, and was face to face with this person who was not wearing a mask. Had no face coverings. And she told you that this lasted over ten minutes. That this whole series of events lasted over ten minutes.

There was ample opportunity for Ms. Eaddy to observe who was robbing her, for her to remember the face of the person who was taking her property, who put her in more fear than she's ever been in her entire life. She didn't know whether the next breath she was going to take was going to be her last. That's why she remembered. That's whose credibility is at question here.

We already went through the factors of these -- the elements of these crimes. Check, check, check. Check, check, check, check. Who -- all that answers is who is the who? And that's what Carla Eaddy told you.

Now, you're going to hear about reasonable doubt. And as I told you, my job, my burden, is to prove each of these elements beyond a reasonable doubt. That includes the identity of this Defendant.

You'll hear that a reasonable doubt is the doubt that'll make you hesitate to act. Yet proof beyond a reasonable doubt, is proof that being firmly convinced of

the Defendant's guilt.

You know who didn't hesitate? Carla Eaddy. Didn't hesitate one, single time. Not in 2019 when she was sent the pictures, not yesterday. She testified, "As soon as I saw him here in court, I knew it was him." No hesitation.

Mr. Ervin, he did his job well. He came up and he asked her all these questions to try to make sure she knew exactly what she was talking about. And not once did she waiver.

Face to face with someone who puts you in the scariest moment of your life. That's what Carla Eaddy went through. And that's how she remembers. She doesn't remember because of a picture that was sent to her. It's because this man was in her face. That's how she remembers.

(Inaudible.) I submit to you, you shouldn't buy the position that, "Well, if it hadn't been for those pictures sent to you, you never would have known." She told you soon as she came in here and she saw him, boom, that's him. That's him, Mr. Ervin. Right there sitting at your table.

Ladies and gentlemen I want to -- I want to tell you one last time, I appreciate you for your time and for your attention. When you go back there and deliberate, I'm going to ask that you return a verdict of guilty on all

counts. Thank you.

THE COURT: Mr. Ervin?

CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

MR. ERVIN: Thank you, Your Honor. Please the Court. Mr. Freeman. Mr. Foreman, ladies and gentlemen of the jury, this is my last opportunity to address you concerning the evidence in this case and the testimony you've heard during the trial.

I'm not going to recount every bit of it, because I trust, as I indicated in my opening statement, in you the jury to recall the testimony you've heard in this case.

The Judge is going to instruct you on the law, and I want to say as to the law, if I say anything, and really don't intend to, that would contradict his instructions on the law, disregard that. Likewise, if he's said anything that contradicts some -- the Judge's instruction on the law, you should not listen to that either. Because the Judge is the sole instructor on the law.

In the beginning of this case, I talked about how you, the jury, are the twelve judges of facts. And the Judge will tell you that too. And that is your duty today, to determine what is the truth in this case. What has the testimony proven or failed to prove?

You have to take into consideration the credibility of the witnesses, the believability of the

witnesses in making finding of facts. That's the only way you can do that in a criminal case, is by determining whether or not part of what a witness says is true or correct, all of what the witness says or none of what the witness says.

You can agree with part of what they say. You can reject it in its entirety. Now, the Judge will instruct you on that as well, on the fact that you can consider in determining whether or not a witness was credible or believable.

One of the things that Mr. Freeman indicated that's just is not borne out by the evidence is, that Ms. Eaddy, on November 17th, didn't hesitate in describing the assailants in this case. And in fact, you've heard all the witnesses corroborate each other with regard to that, and acknowledge that on the incident date, November 17th, they were unable to give descriptions of the assailants, other than two black males. Didn't say tall, short, light skinned, dark, tattooed, dreads, any of that. Unable to give a description of the suspects.

That goes into the degree of accuracy of the identification -- the ultimate identification in this case that was based on the show up of photographs instead of a photo lineup. Now, that's significant. I'll come back to that in a minute, but it's very significant in this case,

because identification is the meat of the case. It's the -- really the determining factor in this case.

If you recall, when Investigator Davis was asked about this -- and you have to take into consideration, was it -- was there some crime scene prioritization going on here, or a failure to coordinate by the Florence Police Department?

He could have looked eventually -- or he acknowledged that it would have taken take about five minutes, it was only three pages, to look into the facts of the armed robbery and compile a photographic lineup. That wasn't done in this case. Wasn't given much priority for some reason. But it certainly was warranted under the circumstances.

You've heard through him and other witnesses that a photographic lineup is typically with photos of people who appear similar to the suspects in any given criminal case. Where people have supposedly gotten a good look at these suspects.

Well, that wasn't done in this case. Oh, that's too much trouble. Reasonable doubt number one.

The big factors that the Court is focused on in determining whether identification is reliable and -- is the opportunity of a person to view somebody, the degree of attention, the accuracy of the prior description -- which we

have none. And the length of time elapsing between the incident and the subsequent identification, which in this case was a show up of three pictures. Lo and behold, one of them was white. That would have been an easy identification.

But you heard the Grahams say, "I'm not sure. It could have been, it might not have been." They were not gonna step over that bridge and say with one hundred percent certainty, or any degree of certainty that that's them. That the black person was not a black person, or that the two individuals depicted in the pictures shown by Investigator Davis, one of them was Sean James or one of them was Trevon Cooley.

They weren't straightforward about their observations. And a lot of that has to do with the fact that there was no prior description, and they didn't get a good look, and also Carla Eaddy didn't. That's why she didn't have a prior description. And she acknowledged that she didn't tell them anything about how the person appeared or that they had tattoos.

To top it off, the suggestivity (sic) of the identification is further enhanced by the text -- that you'll have before you in the jury room for your consideration -- indicating that, "This one has a cross tattoo between his eyes."

No testimony was presented in this case that anybody was tattooed. And yet, the officer had the presence of mind to -- to text that to Ms. Carla Eaddy.

There was no indication that any of these individuals exhibited other common characteristics that you think of when you look at people. As I indicated, tall or short like me, or medium height. Or obese, skinny. Any of those kind of features. You didn't hear it in the description on November 17th, but yet, you get a suggestive show up of three pictures. And that's supposed to be something that the jury can rely on.

Well, that's why -- there's a reason that they don't do that generally speaking in the serious cases, murders and armed robberies, and other violent crimes. There's a reason you have photographic lineups. It's because people are subject to misidentify. They're subject to make mistakes when you show them pictures. It's easy to go, "Oh, yeah, that's it." That's a easy call. And that's why that identification is not reliable in this case.

At the beginning of the trial, I told you that he was charged -- Sean James was charged with possession of stolen vehicle in Lee County. And he was. You heard it from Officer Corbett. And he's acknowledged that. And his day in Lee County will come. And he can enter a plea of guilt there to a possession of stolen vehicle.

He clearly was. He was standing there. And actually we stipulated to his fingerprint being on the exterior of the vehicle, because you can see him leaning on that vehicle. It's easy to assume that he would have touched the exterior of that vehicle.

They -- the State has strong evidence of that, possession of a stolen vehicle. There's no question that the vehicle was stolen. You've heard that it was stolen on December the 20th. Now, who took it, there's been no evidence presented concerning that. But we do know that those three individuals had possession of that stolen vehicle in Lee County on that date.

You can't make the leap that that is proof beyond a reasonable doubt, that they were in any way involved in this robbery that occurred on November 17th. Because that's a huge leap. And proof beyond a reasonable doubt doesn't mean, "Well, it's likely. It's possible. It's probable. Maybe it's even more likely than not." That's not proof beyond a reasonable doubt.

The Judge will instruct you on that. Proof beyond a reasonable doubt, which causes a reasonable juror to hesitate to act upon the evidence presented in this case, is the type of evidence which is present here. The likelihood of misidentification, and also, the way that the case was investigated.

It wasn't followed up on thoroughly. The Florence Police Department did not go back to talk to any of these witnesses. There was no followup investigation, as they indicated there should have been. And again, I pointed out the absence of a photo lineup. No prior descriptions.

This presentation of these photographs infects, and makes less valid, any subsequent identification, because it's suggestive. And that's impermissible in and of itself.

I want you to also recall back to the testimony of Investigator Davis that it's routine that they try to eliminate other people as being permissible drivers before they make an arrest or -- was he really concerned about those three people being detained?

They were already detained. And they were already going to be charged. Corbett said that. And they were charged. That wasn't some routine elimination. And Carla Eaddy didn't even live at that location. Who's she gone loan her car to within a neighborhood she doesn't even live in. That's one of the first things that popped in my mind. Why would you even ask that question. She doesn't even live in East Florence.

Five minutes, at the most, to review the incident reports, and probably a similar period of time to compile a photographic lineup, which is routine in these cases. But we're going to take shortcuts. But I'm asking you, and I'm

imploring the jury not to make shortcuts in this case, and to hold the State to the burden of proof, which is proof beyond a reasonable doubt.

There has been evidence submitted in this case that would cause a reasonable juror to hesitate. As I indicated in my opening statement, we trust that you will reach a verdict that speaks the truth in this case, and that's a verdict of not guilty. Thank you.

THE COURT: All right. Mr. Freeman?

(WHEREUPON, further closing argument from the State.)

CLOSING ARGUMENT ON BEHALF OF THE STATE

MR. FREEMAN: Mr. Ervin. Your Honor. Ladies and gentlemen, this will be the last time I talk to you today. I'm up here simply to respond to a couple matters.

First, Mr. Ervin called into question Davis's motives, John Davis's motives by showing the Grahams the pictures because the car was at [redacted] Walnut Street, and this isn't Carla's house. Well, it's her sister's house. It's a house she felt comfortable enough to leave her car at when she went to a funeral out of state. Right?

Mr. Ervin talked about hesitation. Said that Carla Eaddy hesitated, and she didn't give a description. Well, she told me, you know, it was the scariest moment in her life, scariest time in her life. She said she wasn't in

position to give you a description at that time. She said, "My head wasn't there at that point. I was beyond afraid."

Mr. Ervin brought up a lack of affective police investigation. Okay. So what? That doesn't eliminate the fact that this man, this Defendant, Sean James, was in Carla Eaddy's face with a gun. Face to face in the car. Without a mask.

Mr. Ervin talked about photo show up, how it was one photo, should've got six. John Davis told you it could take up to a week. Could take up to a week to get this lineup. He told you, I didn't show them because of an armed robbery. He said, "I'm the investigator that's assigned to stolen vehicles." Talked about communal property. I don't need to beat a dead horse.

You saw the text messages. Mr. Ervin showed you again. Nothing in here that said, "Hey, this is who we suspect robbed you a month ago." It's literally just pictures. She responded with, "Hey, not only do these people not have permission, they stole my stuff. They put guns in my face."

Mr. Ervin talked about the length of time from the incident to the time that Ms. Eaddy saw the pictures, 32 days. We're over three years later and she seemed -- I submit to you that she seemed very confident that this Defendant is the one who robbed her, that was in her face.

Something she'll never forget.

Mr. Ervin mentioned that he stipulated the fingerprint. They agree it's his fingerprints on the car when he was charged in Lee County with possession of a stolen vehicle. That's because he was in possession of a stolen vehicle in Lee County. Fingerprint located on the back of the car. You saw in the video, he's working under the hood of the car. That's why it was stipulated.

Mr. Ervin said that Ms. Eaddy didn't give a description. Well, she said there were two black males and a light skinned guy that robbed her at gunpoint. That's consistent with what we have.

Ladies and gentlemen, I submit to you the reason Carla Eaddy knows that this Defendant is the one who robbed her, has nothing to do with the photograph that was sent to her. Because this man was in her face ten plus minutes, no mask on, no light in the yard, while he put Ms. Eaddy in the scariest moments of her life.

I implore you to deliberate, to speak with one another, you'll reach a verdict of guilty of this Defendant.

Thank you.

CHARGE ON THE LAW

THE COURT: All right. Ladies and gentlemen, I remind you that during this trial, you and I have had certain duties to perform. As a trial Judge, it's my

the verdict as -- in order for you to find this Defendant guilty, all 12 must agree beyond a reasonable doubt the Defendant is guilty of the crimes that are charged.

On this verdict form -- and Mr. Marshall, you'll be in charge of filling out this verdict form -- there are three charges. There's armed robbery and then there's the two degrees of grand larceny.

Please don't take as any indication that -- as to the order, means anything at all. They just have to go on this form. The guilty and the not guilty, the order of the -- which way they're placed on this form, means absolutely nothing. Do you understand that, Mr. Marshall?

MR. MARSHALL: Yes, sir.

THE COURT: Then again, as it relates to the grand larceny, if the jury does find the Defendant guilty of taking and carrying away, pursuant to grand larceny, then you would determine the value of that and fill out the verdict form accordingly.

All right. Is there any objection to the charge from the State?

MR. FREEMAN: None, from the State, Your Honor.

THE COURT: Any from the Defense?

MR. ERVIN: No, Your Honor.

THE COURT: All right. Ladies and gentlemen of the jury, I'll ask that you return to your jury room.

Should be just a brief few minutes, we'll get the evidence together, make sure there's no matters of law to take up outside of your presence.

When we do so, the Bailiff will bring you the evidence that's been presented in this case, and the verdict form. And you can begin your deliberations. But until the Bailiff brings you those things, please don't begin discussing this case.

Furthermore, when you get -- if you have a question or if you have a verdict, please knock on the door so we'll know. Okay?

Now, it seems to me that all 12 jurors seem to be alive and well and doing good. So hopefully -- I don't see any reason why we need the alternates. Is there any objections to the dismissal of the alternates at this time?

MR. FREEMAN: None from the State, Your Honor.

MR. ERVIN: No, Your Honor.

THE COURT: So -- I'm sorry, I don't have my list right here.

THE CLERK: I've got it, Judge. The alternates are Ms. Graham and Mr. Scott.

THE COURT: All right. Ms. Graham and Mr. Scott. Is that right? The two of you? Thank you so much for your time and attention. You're welcome -- I don't know if you have anything in the jury room that you need to get out, but

if you do, you're welcome to get that out.

Please understand that we appreciate your service here this week. You're welcome to stay and see what happens or you're free to go. Either way. Okay? Thank you so much.

All right. We'll dismiss you now to your jury room and we'll get you the evidence in just a few minutes.

(WHEREUPON, the jury exited the courtroom.)

THE COURT: All right. Will y'all come and make sure you've got all evidence.

Everybody satisfied with that?

MR. ERVIN: Yes.

MR. FREEMAN: Yes, Your Honor.

(WHEREUPON, the evidence was taken to the jury for deliberation.)

THE COURT: So there's a couple of questions from the Foreman, and they're hard to read. What I think they say is -- the first one says, "Can we see the body cam footage again?"

And then the next one is, "When did somebody leave" -- what I think it says is -- "When did somebody leave for a funeral and when did she return?"

The next one is, "Were the phones recovered from the robbery and whose phone was found in the car?"

So, as to the evidentiary questions -- or the

questions of fact, I would just propose to respond to the jury that, you know, that they have to consider only what's in the evidence to make their determinations.

Is there any additions or objections to that?

MR. FREEMAN: None from the State.

MR. ERVIN: No, Your Honor.

THE COURT: As far as the body cam footage, certainly they're entitled, I think, to look at it again.

MR. ERVIN: Certainly.

THE COURT: I think the best thing to do is probably to bring them back out to answer their two questions, and then to show them the body cam.

MR. FREEMAN: Yes, Your Honor. I'll go get my computer.

THE COURT: All right. How long is it?

MR. FREEMAN: This clip is ten minutes long. Clip two is also ten minutes long.

MR. ERVIN: Did we watch all of that, though?

MR. FREEMAN: No, but all of that is into evidence.

MR. ERVIN: Your Honor, I think we should be limited to showing them what was shown in court.

MR. FREEMAN: That's fine. We only showed them the pertinent parts, anyways.

MR. ERVIN: That's what I mean. I don't believe

that opens up the door to showing the whole thing.

THE COURT: Well, is there a way to show just what you showed them?

MR. FREEMAN: I think that to show exactly -- I believed we watched the first part of the video, and then when we got to the second video, I kind of fast forwarded to when he was looking in the car. As far as the exact timing of what was shown, I'm not -- I don't know if there is a way to do that, Your Honor.

THE COURT: What's your position, Mr. Ervin?

MR. ERVIN: Well, obviously, if it wasn't a part of the evidence presented during the trial, it shouldn't be presented, you know, pursuant to a question about the evidence in a trial.

THE COURT: Well, the entire body camera footage is in the evidence.

MR. ERVIN: Right. I understand that. But for the limited purpose of showing what was shown in trial, is what would be my position. Otherwise, you get into evidence that wasn't before the jury.

I mean, that'd be an awful -- that'd be a backdoor way of getting evidence in that wasn't presented during the trial.

THE COURT: We'll play the -- I don't know what exactly -- what part they want to see, to be honest with

you. We played the entire first ten minutes, is that right?

MR. ERVIN: Yes.

MR. FREEMAN: As far as I recall, yes, Your Honor.

MR. ERVIN: Yes, that's right.

THE COURT: Let's play that and see if it satisfies their question. If not, then we'll take this issue up after that.

MR. ERVIN: Yes, sir.

MR. FREEMAN: Yes, Your Honor.

THE COURT: All right. Bring the jury. I'm making these questions Court's Exhibits.

MR. ERVIN: Thank you, Your Honor.

(WHEREUPON, Court's Exhibit Numbers 1 through 3 were entered into evidence.)

THE COURT: Is this the very beginning?

MR. FREEMAN: I'll go back five seconds.

(WHEREUPON, the jury entered the courtroom.)

THE COURT: All right. Ladies and gentlemen, and Mr. Marshall, I understand that you have some questions, is that right?

MR. MARSHALL: Yes. Yes, sir.

THE COURT: All right, sir. And the first question, I understand it to be is, "When did Carla leave for a funeral and when did she return?" Is that the question?

MR. MARSHALL: Yeah.

THE COURT: And the second question is one that asks, "Were the phones recovered from the robbery, and whose phone was found in the car?" Is that the question?

MR. MARSHALL: Yes.

THE COURT: All right. Sir, and ladies and gentlemen of the jury, I would remind you that you have already heard all of the testimony and all the evidence that you're going to hear in this case. You are to consider only the testimony which has been presented from the witness stand and the exhibits, which have been made part of the record in this case, and any stipulations of Counsels.

That's going to be my response to those questions. Okay?

The other concern was can you watch the body cam footage again, is that right?

MR. MARSHALL: (Inaudible.)

THE COURT: All right. And we have that ready to go, so we're going to show that to you at this time, okay?

(WHEREUPON, the body cam footage was played back for the jury.)

THE COURT: All right. Ladies and gentlemen, I'll ask that you return to your jury room, continue to deliberate and try to reach a verdict. Thank you so much.

(WHEREUPON, the jury exited the courtroom.)

THE COURT: Anything further?

MR. FREEMAN: I will just note that they didn't watch everything that they saw earlier as far as the second part of that film, that has the key being found in the car. But other than that, no, Your Honor.

THE COURT: Mr. Ervin?

MR. ERVIN: I don't have anything further, Your Honor. That's ---

THE COURT: We'll be at recess until they have a verdict or another question.

(WHEREUPON, court was in recess at 12:45 p.m.)

(WHEREUPON, proceedings resumed at 1:14 p.m.)

THE COURT: So I didn't anticipate -- I don't know if anybody anticipated the deliberations to go through the lunch hour. We didn't order any food for the jury and, certainly, they may be getting to the point -- and Court staff is getting to the point where we gotta take some kind of break.

So what I'm thinking about doing, it's 1:15, I'm going to bring the jury out. I'm going to let them go to lunch. I'm going to tell them to be back here at 2:00. Then I was going to give them an Allen charge and let them continue to deliberate.

What says the State?

MR. FREEMAN: The State was under the impression

THE COURT: All right. Sir, I didn't anticipate it to go into the lunch hour as it has. I know that some people have certain requirements we have to -- the court staff, the jury, and everybody else. So being that we are at this point, I'm going to let you go to lunch until 2:15. That gives you about an hour.

Please don't discuss this case with anyone. It would be -- don't continue deliberations. If you go out to eat with one another or if you see one another, please don't deliberate. Just stop all deliberations until we return here at 2:15, and I will let you know when you can do that. Okay?

All right. I appreciate it and thank you for your service.

(WHEREUPON, the jury exited the courtroom.)

THE COURT: We'll be at recess until 2:15.

(WHEREUPON, the proceeding was in recess for lunch at 1:19 p.m.)

(WHEREUPON, the proceedings resumed at 2:18 p.m. and the jury continued deliberations.)

THE COURT: So we have another note from the jury. I'll make it Court's exhibit. It says that, "If we have determined that grand larceny over ten thousand" -- or it says "Over 10K applies, does the 2 to 10K still apply?"

I'd ask the attorneys to come look at this just to

make sure you read that the same way that I do.

(WHEREUPON, there was discussion held off microphone.)

So what I have is, "In response to your question, the jury can either find the Defendant guilty of one or the other grand larceny choices on the verdict form. The jury can also find the Defendant not guilty on both grand larceny charges."

I'm going to make that a Court's exhibit. Make this one -- is it Court's Exhibit 3? This will be four.

(WHEREUPON, Court's Exhibit Number 4 was entered into evidence.)

THE COURT: All right. We'll be at recess.

(WHEREUPON, court was in recess at 2:46 p.m.)

(WHEREUPON, proceedings resumed at 2:52 p.m.)

THE COURT: Do we have everybody? I understand there's been a verdict, is that right?

THE CLERK: Yes, sir.

THE COURT: Is there anything before we bring the jury out?

MR. FREEMAN: Nothing from the State, Your Honor.

MR. ERVIN: No, Your Honor.

THE COURT: All right. We'll have the jury.

Just before the jury gets in here, everybody. There will be no reaction to the verdict, okay. If you

don't think you can control your reactions, then please go ahead and leave the courtroom at this time, okay.

(WHEREUPON, the jury entered the courtroom.)

THE COURT: All right. Mr. Marshall, has the jury reached a verdict?

MR. MARSHALL: We have, Your Honor.

THE COURT: And is that verdict unanimous? Did all 12 of you agree on the verdict?

MR. MARSHALL: We do, Your Honor.

THE COURT: Thank you, sir. If you'll hand it to the Clerk.

I'll ask the Clerk to publish the verdict.

VERDICT

THE CLERK: State of South Carolina, County of Florence, in the Court of General Sessions in the 12th Judicial Circuit, Case Number 2022GS2192 and 94 ---

Is that supposed to be 92, 93, and 94?

THE COURT: No, that's right.

THE CLERK: 92 and 94. State of South Carolina versus Sean Devon James. As to the charge of armed robbery, we the jury unanimously find the Defendant guilty. As to the charge of grand larceny of value of more than $10,000, we the jury unanimously find the Defendant guilty. Signed Joseph Marshall, Jr., Foreperson, dated, September 8, 2022.

Members of the jury, if this is your verdict,

please raise your right hand.

THE COURT: Let the record reflect that all jurors are raising their right hand.

Is there anything further from the State before we proceed?

MR. FREEMAN: Nothing from the State, Your Honor.

MR. ERVIN: Your Honor, we would just request polling of the jury.

THE COURT: All right. Madam Clerk, if you'll poll the jury.

THE CLERK: Okay. I'm going to call each one of your names. When I call your name, I need you to stand up and I'm going to ask you two questions. I just need you to answer yes or no to each question.

146, Stephanie Smith. Was this your verdict then, back in the jury room? Yes or no?

MS. SMITH: Yes.

THE CLERK: Was this still your verdict now?

MS. SMITH: Yes.

THE CLERK: Joseph Marshall. Was this your verdict then?

MR. MARSHALL: Yes.

THE CLERK: Is this still your verdict now?

MR. MARSHALL: Yes.

THE CLERK: Stacy Davis. Was this your verdict

then?

MR. DAVIS: Yes.

THE CLERK: Is this still your verdict now?

MR. DAVIS: Yes.

THE CLERK: Teri Osborne. Was this your verdict then?

MS. OSBORNE: Yes.

THE CLERK: Is this still your verdict now?

MS. OSBORNE: Yes.

THE CLERK: Susan Granger. Was this your verdict then?

MS. GRANGER: Yes.

THE CLERK: Is this still your verdict now?

MS. GRANGER: Yes.

THE CLERK: Christopher Housand. Was this your verdict then?

MR. HOUSAND: Yes.

THE CLERK: Is this still your verdict now?

MR. HOUSAND: Yes.

THE CLERK: Leslie Johnson. Was this your verdict then?

MS. JOHNSON: Yes.

THE CLERK: Is this still your verdict now?

MS. JOHNSON: Yes.

THE CLERK: Lewis Kecia Mcclam. Was this your

verdict then?

MS. MCCLAM: Yes.

THE CLERK: Is this still your verdict now?

MS. MCCLAM: Yes.

THE CLERK: Timothy Richardson. Was this your verdict then?

MS. RICHARDSON: Yes.

THE CLERK: Is this still your verdict now?

MS. RICHARDSON: Yes.

THE CLERK: Andrew Knight. Was this your verdict then?

MR. KNIGHT: Yes.

THE CLERK: Is this still your verdict now?

MR. KNIGHT: Yes.

THE CLERK: Tabitha Jones-Dorsey. Was this your verdict then?

MS. JONES-DORSEY: Yes.

THE CLERK: Is this still your verdict now?

MS. JONES-DORSEY: Yes.

THE CLERK: Destiny Fleming. Was this your verdict then?

MS. FLEMING: Yes.

THE CLERK: Is this still your verdict now?

MS. FLEMING: Yes.

THE CLERK: That's everyone, Judge.

THE COURT: All right. Thank you.

All right. Ladies and gentlemen, thank you for your service this week. I know that it's been trying times and I understand that it's been a huge commitment, but without your service, you know, justice can't be done in these situations. And sometimes it requires a jury to hear a case and to deliberate and to return a verdict.

At this time, you're free to go. You're more than welcome to stay. What remains in this case is for the sentencing to take place. I don't know if you -- do y'all have things in the jury room?

(WHEREUPON, there was no response.)

So you're free to go. I'll ask you to exit out of here and if you'd like to come back in, just come around and you can come in Courtroom 3A. You'll be right out here, if you -- if you wish to come back.

But, again, thank you for your service.

Is there any objection from the State or the Defense for releasing the jury at this time?

MR. FREEMAN: None from the State.

MR. ERVIN: No, Your Honor.

THE COURT: Thank y'all so much. I appreciate it. There's no further work for you this week, so enjoy the rest of your week. Thank you.

(WHEREUPON, the jury exited the courtroom.)

THE COURT: All right. Is the State ready to proceed?

MR. FREEMAN: Your Honor, if you would just give me one moment to go get the sentencing sheets?

THE COURT: Okay.

(WHEREUPON, there was a pause in the proceedings.)

THE COURT: All right. Mr. Ervin, you want to come around? You and your client.

All right. Mr. Freeman, I'd be happy to hear from you with regards to sentencing.

MR. FREEMAN: Your Honor, this Court has heard all the facts in this case. You just want me to go right into his record?

THE COURT: Whatever you want to present.

MR. FREEMAN: Your Honor, Mr. James, currently on his record, has convictions. He has eight receiving stolen goods from 2011, he's got three from 2012. He has a shop lifting from 2013.

In 2014, he was convicted of failure to stop for blue lights, pointing and presenting a firearm, as well as strong armed robbery, in which he received a two-year sentence.

In 2016, he was convicted for assault and battery in the first degree, another strong armed robbery, as well as burglary in the second degree, in which he received a

YOA, not to exceed six years.

Your Honor, as far as the State's recommendation, I believe this Court has adequate enough to compel its own decision in that regard. However, I do feel like it's appropriate to point out the fact that during the course of the Neil v. Biggers hearing, as well as this trial yesterday, this Defendant was laughing at certain times.

I think that that is telling of the character, to be charged with such a heinous offense, and most serious offense, and to be in the middle of the courtroom laughing.

So with that being said, and the fact that this Court's already heard all of the facts, and now, as well as his record -- I digress. I believe that whatever you deem appropriate will be just.

THE COURT: All right. Mr. Ervin?

MR. ERVIN: Your Honor, Mr. James is 28, soon to be 29. He's a native of Hartsville. He has two sons, ages ten and eight. He's got a supportive family as you've noticed, probably, during the course of this trial. His mother, Kristina Taylor is present here today, and other supportive family members.

As to the record, Judge, he does have a number of receiving stolen goods in Magistrate Court, for which he really never was sentenced to any significant time. And other than being in jail on this particular charge, and the

one out of Darlington where it was nolle prossed, he should have credit for that, which is almost three years.

I don't have the exact number of days, because I haven't calculated, but we can certainly do that -- from the date of the arrest, in this case, which the Court is aware, that's December the 20th of 2019. Since that time, he's been in custody.

I would note that he -- the most significant he's ever done is a couple years. The strong armed robbery in 2014 was a YOA sentence. So while he does have two prior strong arms, they were -- they were handled in one disposition as a YOA. So really this is not a situation where he spent a significant amount of time incarcerated.

THE COURT: I understand. Does anybody from the Defense family wish to address the Court?

MR. ERVIN: Excuse me?

THE COURT: Anyone from the Defense family wish to address the Court?

MR. ERVIN: I'm not sure if anybody does.

MS. JOHNSON: Yes. I would.

MR. ERVIN: You want to come up, ma'am? You can address the Court if you'd like to.

MS. JOHNSON: Yes. I'm Lisa Johnson, Sean's godmother. I realized as a child he was kind of crazy. But I think after he had his own children, and he's watched all

of this, I think that he can regroup. It's not too ---

And I would definitely have his back. His mother also. His brothers and sisters and everybody.

THE COURT: Thank you, ma'am.

All right. Mr. James, is there anything you'd like to tell the Court.

THE DEFENDANT: No, sir.

THE COURT: All right, sir.

SENTENCE

Sentence of the Court on Indictment Number 2022GS2100092 for the defense of armed robbery, the sentence of the Court is that you're committed to the State Department of Correction for a term of 20 years, given credit for your time served.

On Indictment Number 2022GS2100094, for the grand larceny, I'm going to sentence you a time serve sentence.

Good luck to you sir.

THE DEFENDANT: Appreciate it.

MR. FREEMAN: Thank you, Your Honor.

MR. ERVIN: Thank you, Your Honor.

THE COURT: Yes, sir.

Is there anything before we adjourn?

MR. FREEMAN: Nothing from the State, Your Honor.

MR. ERVIN: No, Your Honor. Well, Your Honor I do need to put the -- I renew my prior motion for the directed

verdict and reserve the right to submit any post-trial motions in connection with the jury verdict.

THE COURT: Yes, sir.

All right. Thank you.

MR. ERVIN: Don't anticipate doing so, but -- on the same grounds.

THE COURT: I understand.

(WHEREUPON, the proceedings ended at 3:13 p.m.)

END OF REQUESTED TRANSCRIPT

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION

## FORENSIC SERVICES LABORATORY REPORT

HENRY D. MCMASTER
*Governor*

MARK A. KEEL
*Chief*

January 23, 2020

Tim Mathews
Florence Police Department
324 West Evans Street
Florence, SC 29501

**LATENT PRINTS**
SLED LAB: L20-00544
Your Case No: 2019011945
Incident Date: 12/19/2019
[V] Carla Eaddy

---

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

---

**ITEMS OF EVIDENCE:**

**Item: 1** One (1) white card bearing latent impressions said to be from "exterior of A pillar near bottom".

**RESULTS:**

No value for comparison.

**Item: 2** One (1) white card bearing latent impressions said to be from "exterior of drivers front door on top chrome moulding".

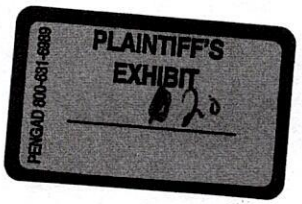
**RESULTS:**

No value for comparison.

**Item: 3** One (1) white card bearing latent impressions said to be from "exterior of drivers front door on top right corner".

**RESULTS:**

No value for comparison.




CALEA

ANAB ACCREDITED FORENSIC TESTING LABORATORY

P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

**Item: 4** One (1) white card bearing latent impressions said to be from "exterior of drivers front door on right side black moulding near top".

**RESULTS:**

No value for comparison.

**Item: 5** One (1) white card bearing latent impressions said to be from "exterior of drivers front door on right side black moulding near middle".

**RESULTS:**

No value for comparison.

**Item: 6** One (1) white card bearing latent impressions said to be from "exterior of drivers front door on right side black moulding near middle".

**Item: 6.1** One latent impression represented on Item 6.

**RESULTS:**

IDENTIFIED with Item 10 / James, Sean Devon.

**Item: 7** One (1) white card bearing latent impressions said to be from "exterior of driver rear door on right side black moulding near bottom".

**RESULTS:**

No value for comparison.

**Item: 8** One (1) white card bearing latent impressions said to be from "exterior of passenger front door glass near top".

**RESULTS:**

No value for comparison.

**Item: 9** One (1) white card bearing latent impressions said to be from "front screen of I-phone located in center console".

**Item: 9.1** One latent impression represented on Item 9.

**RESULTS:**

NOT IDENTIFIED with Item 10 / James, Sean Devon.
AFIS Searched

**Item: 10** One (1) set of major case prints bearing the name Sean Devon James SID# SC01978292.

No identifications were effected after the above items designated as **AFIS Searched** were searched on the South Carolina Automated Fingerprint Identification System (SCAFIS) and/or the Next Generation Identification (NGI) System. The items were not stored in the unsolved database for continuous search. You may request that the latents be re-searched at any time.

Impression evidence in this case was examined utilizing the ACE-V methodology.

*This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.*

*Technical records supporting the conclusions in this report are available upon request. Afford sufficient time for production.*

Stephen Curtis
Forensic Scientist

## SLED LATENT PRINT DEPARTMENT
## TABLE OF CONTENTS

Lab Number: L20-00544

Examiner: Steve Curtis SC

Supplemental ☐

| Document Description | Number of Pages | |
|---|---|---|
| Table of Contents | 1 | |
| Evidence Documentation | | |
| Examination Worksheet | | |
| Analysis Documents | 9 | |
| Comparison Documentation | 1 | |
| Latent Print Documents | | |
| Unknown Impression(s) | 6 | |
| Known Standard(s) | 6 | |
| AFIS Worksheet | 1 | |
| AFIS Latent Search Verification | 1 | |
| Rough Notes | | |
| Miscellaneous | | |
| | | |
| | | |
| | | |
| | | |

Complete a new Table of Contents form for any subsequent supplemental reports

Signature: _____ Date: 01/22/20

PLAINTIFF'S EXHIBIT 21

PENGAD 800-631-6989

270

# SLED LATENT PRINT DEPARTMENT
# AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM
# WORKSHEET

☐ Supplemental

**Case Number 1** * 0 * 20 * 00000 544

**Operator** A Baylor **Start Date** 1-21-20 **Terminal** ☒ 1 ☐ 2

**Packaging** ☒ Sealed envelope ☐ Unsealed envelope ☐ Digital Image(s)

**Received From** ☒ Latent Incoming ☐ Examiner ☐ Server Folder ☐ _____

| Item # | Evidence ID | Latent ID | Encoding ID | Database | # Min | Result Code | SID/FBI/SCN | Finger/ Region |
|---|---|---|---|---|---|---|---|---|
| 6.1 | 001 | 01 | 01e | TP | 9 | A | SC0197829 2 | 9 |
| 9.1 | 002 | 01 | 01e | PP | 13 | C | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| 1, 2, 3, 4, 5, 7, 8 | | | | | | D | | |

Comments: _____

**Completion Date:** 1-21-20 **Operator Signature** A Baylor

| | | | | | |
|---|---|---|---|---|---|
| **AFIS Result Codes:** | A – AFIS Searched / Positive Results<br>B – AFIS Searched / Storage<br>C – AFIS Searched | D – AFIS Not Searched<br>E – AFIS Searched. No response was received due to technical error.<br>F – Refer to comments section | | | |
| **Case Type:** | 1 Homicide<br>2 Sexual Assault | 3 Assault/ABWIK<br>4 Robbery | 5 Burglary<br>6 Larceny | 7 Auto Theft<br>8 Drug Offense | 9 Forgery<br>0 Unknown/Other |
| **Local Database:** | TP – Tenprint | UL – Unsolved Latent Print | PP – Palm Print | UP – Unsolved Palm | |
| **FBI Database:** | CRI – Criminal | CIV – Civil | ULF – Unsolved Latent File | | |


pair
102000000544-001-01-01a (I1)
Show Element I1
SC01978292 (f9)
IDENT
Incident 16D015081071
Status
Case Result
Ident
Ident
Non-ident
Idents 1
Respondents 15
Current Respondent 1
Retain Search Print
Discard Search Print
Dual Cursor
Manual Alignment
Axis
Orient
Threshold: 0
Superimpose:
Srch
Resp
Chart
Match Report
Preview
lineup
1. 16D015081071 (I)
2. SC00937095 (I)
3. APR000497476 (I)
4. 500300025433 (?)
respTable
Pos ID Score F#
1 16D015081071 3,141 9
2 SC00937095 1,211 9
3 APR000497476 750 10
4 500300025433 657 10
5 071500021580 646 9
6 990000489418 643 9
7 51L113258309 614 7
8 APR000383722 593 6
9 02D000079200 588 7
10 980000439941 534 6
11 38P000501418 531 9
Tree View
Next
Save
Cancel

L20-00544

# SLED LATENT PRINT DEPARTMENT
# FINGERPRINT ANALYSIS WORKSHEET

☐ Supplemental

**SLED Lab Number:** L20-00544 **Start Date:** 01/22/20

**Examiner:** Steve Curtis SC **Completion Date:** 01/22/20

Packaging: Items 1-10 were received in a unsealed envelope from SLED AFIS Technician Hazella Baylor.

Item 1: One (1) white card bearing latent impressions said to be from "exterior of A pillar near bottom"
Item 2: One (1) white card bearing latent impressions said to be from "exterior of drivers front door on top chrome moulding"
Item 3: One (1) white card bearing latent impressions said to be from "exterior of drivers front door on top right corner'
Item 4: One (1) white card bearing latent impressions said to be from "exterior of drivers front door on right side black moulding near top"
Item 5: One (1) white card bearing latent impressions said to be from "exterior of drivers front door on right side black moulding near middle"
Item 6: One (1) white card bearing latent impressions said to be from "exterior of drivers front door on right side black moulding near middle"
Item 7: One (1) white card bearing latent impressions said to be from "exterior of drivers rear door on right side black moulding near bottom"
Item 8: One (1) white card bearing latent impressions said to be from "exterior of passenger front door glass near top"
Item 9: One (1) white card bearing latent impressions said to be from "front screen of I-phone located in center console"
Item 10: One (1) set of major case prints bearing the name Sean Devon James SID# SC01978292

☒ Additional ridge detail was observed on the following items that was not suitable for analysis: 6, 9

**Item 1**

**Analysis** ☐ Comparison Software

☐ No ridge detail observed

Deposition Pressure: Light Lateral Pressure: Uneven

Contrast: Poor Clarity: Level 2 ☒ Creases/Cross Hatching

Notes:

**Comparison** ☐ Comparison Software ☐ Additional Known Standards

Areas Examined: ☐ Undetermined *(Examined against all areas represented in known standard)*

☐ End Joint ☐ Palm Print ☐ Delta ☐ Tip ☐ Foot Print

☐ Left Slant Loop ☐ Right Slant Loop ☐ Whorl ☐ Arch

☐ Interphalangeal ☐ Interdigital ☐ Thenar ☐ Hypothenar

| | | | | |
|---|---|---|---|---|
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |

Notes:

**Result**

**NV**

# SLED LATENT PRINT DEPARTMENT
# FINGERPRINT ANALYSIS WORKSHEET
# ADDITIONAL IMPRESSIONS

**SLED Lab Number:** 20-00544

**Examiner:** Steve Curtis SC

**Item 2**

**Analysis** ☐ Comparison Software

☐ No ridge detail observed

Deposition Pressure: Uneven Lateral Pressure: Uneven

Contrast: Poor Clarity: Level 2 ☐ Creases/Cross Hatching

Notes:

**Comparison** ☐ Comparison Software ☐ Additional Known Standards

Areas Examined: ☐ Undetermined *(Examined against all areas represented in known standard)*

☐ End Joint ☐ Palm Print ☐ Delta ☐ Tip ☐ Foot Print

☐ Left Slant Loop ☐ Right Slant Loop ☐ Whorl ☐ Arch

☐ Interphalangeal ☐ Interdigital ☐ Thenar ☐ Hypothenar

| | | | | |
|---|---|---|---|---|
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |

Notes:

**Result**

**NV**

# SLED LATENT PRINT DEPARTMENT
# FINGERPRINT ANALYSIS WORKSHEET
# ADDITIONAL IMPRESSIONS

**SLED Lab Number:** 20-00544

**Examiner:** Steve Curtis SC

**Item 3**

**Analysis** ☐ Comparison Software

☐ No ridge detail observed

Deposition Pressure: Uneven Lateral Pressure: Uneven

Contrast: Poor Clarity: Level 1 ☐ Creases/Cross Hatching

Notes:

**Comparison** ☐ Comparison Software ☐ Additional Known Standards

Areas Examined: ☐ Undetermined *(Examined against all areas represented in known standard)*

☐ End Joint ☐ Palm Print ☐ Delta ☐ Tip ☐ Foot Print

☐ Left Slant Loop ☐ Right Slant Loop ☐ Whorl ☐ Arch

☐ Interphalangeal ☐ Interdigital ☐ Thenar ☐ Hypothenar

| | | | | |
|---|---|---|---|---|
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |

Notes:

**Result**

**NV**

# SLED LATENT PRINT DEPARTMENT
# FINGERPRINT ANALYSIS WORKSHEET
# ADDITIONAL IMPRESSIONS

**SLED Lab Number:** 20-00544

**Examiner:** Steve Curtis SC

**Item 4**

**Analysis** ☐ Comparison Software

☐ No ridge detail observed

Deposition Pressure: Uneven Lateral Pressure: Uneven

Contrast: Poor Clarity: Level 2 ☐ Creases/Cross Hatching

Notes:

**Comparison** ☐ Comparison Software ☐ Additional Known Standards

Areas Examined: ☐ Undetermined *(Examined against all areas represented in known standard)*

☐ End Joint ☐ Palm Print ☐ Delta ☐ Tip ☐ Foot Print

☐ Left Slant Loop ☐ Right Slant Loop ☐ Whorl ☐ Arch

☐ Interphalangeal ☐ Interdigital ☐ Thenar ☐ Hypothenar

| | | | | |
|---|---|---|---|---|
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |

Notes:

**Result**

**NV**

# SLED LATENT PRINT DEPARTMENT
# FINGERPRINT ANALYSIS WORKSHEET
# ADDITIONAL IMPRESSIONS

**SLED Lab Number:** 20-00544

**Examiner:** Steve Curtis SC

**Item 5**

**Analysis** ☐ Comparison Software

☐ No ridge detail observed

Deposition Pressure: Uneven Lateral Pressure: Uneven

Contrast: Poor Clarity: Level 2 ☐ Creases/Cross Hatching

Notes:

**Comparison** ☐ Comparison Software ☐ Additional Known Standards

Areas Examined: ☐ Undetermined *(Examined against all areas represented in known standard)*

☐ End Joint ☐ Palm Print ☐ Delta ☐ Tip ☐ Foot Print

☐ Left Slant Loop ☐ Right Slant Loop ☐ Whorl ☐ Arch

☐ Interphalangeal ☐ Interdigital ☐ Thenar ☐ Hypothenar

| | | | | |
|---|---|---|---|---|
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |

Notes:

**Result**

**NV**

# SLED LATENT PRINT DEPARTMENT
# FINGERPRINT ANALYSIS WORKSHEET
# ADDITIONAL IMPRESSIONS

**SLED Lab Number:** L20-00544

**Examiner:** Steve Curtis SC

**Item 6.1** Latent impression represented on Item 6

**Analysis** ☐ Comparison Software

☐ No ridge detail observed

Deposition Pressure: Light Lateral Pressure: Uneven

Contrast: Defined Clarity: Level 2 ☐ Creases/Cross Hatching

Notes:

**Comparison** ☒ Comparison Software ☐ Additional Known Standards

Areas Examined: ☐ Undetermined *(Examined against all areas represented in known standard)*

☒ End Joint ☐ Palm Print ☐ Delta ☐ Tip ☐ Foot Print

☒ Left Slant Loop ☐ Right Slant Loop ☒ Whorl ☐ Arch

☐ Interphalangeal ☐ Interdigital ☐ Thenar ☐ Hypothenar

| | | | |
|---|---|---|---|
| Item 10/James | Level 1 Agreement | Level 2 Agreement | Level 3 |
| Item / | Level 1 | Level 2 | Level 3 |
| Item / | Level 1 | Level 2 | Level 3 |
| Item / | Level 1 | Level 2 | Level 3 |

Notes:

**Result**

**Ident with Item 10/James, Sean Devon (#9 left ring)**

# SLED LATENT PRINT DEPARTMENT
# FINGERPRINT ANALYSIS WORKSHEET
# ADDITIONAL IMPRESSIONS

**SLED Lab Number:** 20-00544

**Examiner:** Steve Curtis

**Item 7**

**Analysis** ☐ Comparison Software

☐ No ridge detail observed

Deposition Pressure: Uneven Lateral Pressure: Uneven

Contrast: Poor Clarity: Level 1 ☐ Creases/Cross Hatching

Notes:

**Comparison** ☐ Comparison Software ☐ Additional Known Standards

Areas Examined: ☐ Undetermined *(Examined against all areas represented in known standard)*

☐ End Joint ☐ Palm Print ☐ Delta ☐ Tip ☐ Foot Print

☐ Left Slant Loop ☐ Right Slant Loop ☐ Whorl ☐ Arch

☐ Interphalangeal ☐ Interdigital ☐ Thenar ☐ Hypothenar

| | | | | |
|---|---|---|---|---|
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |

Notes:

**Result**

**NV**

# SLED LATENT PRINT DEPARTMENT
# FINGERPRINT ANALYSIS WORKSHEET
# ADDITIONAL IMPRESSIONS

**SLED Lab Number:** 20-00544

**Examiner:** Steve Curtis

**Item 8**

**Analysis** ☐ Comparison Software

☐ No ridge detail observed

Deposition Pressure: Uneven Lateral Pressure: Uneven

Contrast: Poor Clarity: Level 2 ☐ Creases/Cross Hatching

Notes:

**Comparison** ☐ Comparison Software ☐ Additional Known Standards

Areas Examined: ☐ Undetermined *(Examined against all areas represented in known standard)*

☐ End Joint ☐ Palm Print ☐ Delta ☐ Tip ☐ Foot Print

☐ Left Slant Loop ☐ Right Slant Loop ☐ Whorl ☐ Arch

☐ Interphalangeal ☐ Interdigital ☐ Thenar ☐ Hypothenar

| | | | | |
|---|---|---|---|---|
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |

Notes:

**Result**

**NV**

# SLED LATENT PRINT DEPARTMENT
# FINGERPRINT ANALYSIS WORKSHEET
# ADDITIONAL IMPRESSIONS

**SLED Lab Number:** L20-00544

**Examiner:** Steve Curtis

**Item 9.1** Latent impression represented on Item 9

**Analysis** ☐ Comparison Software

☐ No ridge detail observed

Deposition Pressure: Light  Lateral Pressure: Uneven

Contrast: Defined  Clarity: Level 2  ☐ Creases/Cross Hatching

Notes:

**Comparison** ☒ Comparison Software  ☐ Additional Known Standards

Areas Examined: ☐ Undetermined *(Examined against all areas represented in known standard)*

☒ End Joint ☐ Palm Print ☐ Delta ☐ Tip ☐ Foot Print

☒ Left Slant Loop ☐ Right Slant Loop ☒ Whorl ☐ Arch

☐ Interphalangeal ☐ Interdigital ☐ Thenar ☐ Hypothenar

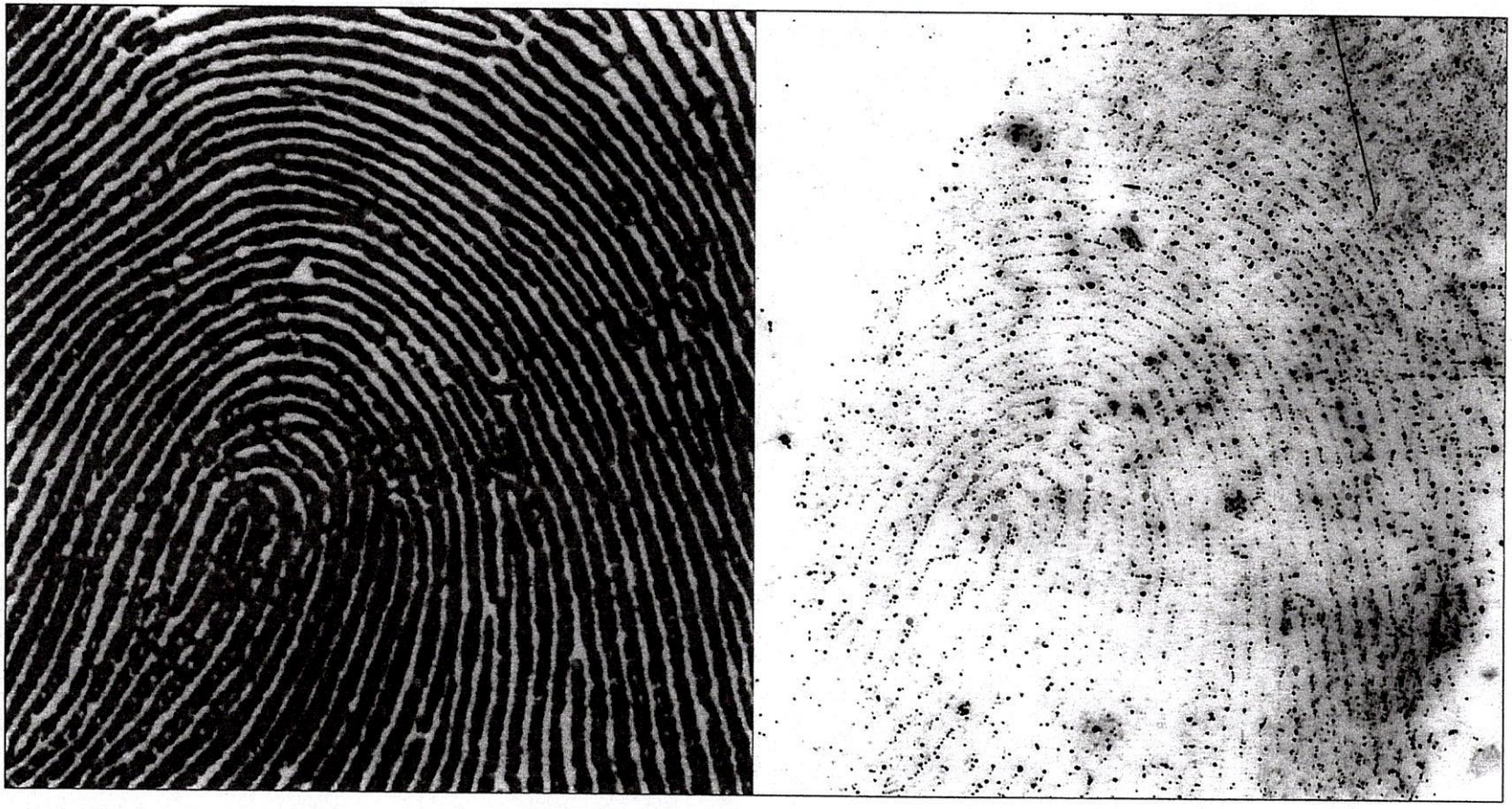
| | | | | |
|---|---|---|---|---|
| Item 10/James | | Level 1 Agreement | Level 2 Disagreement | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |
| Item | / | Level 1 | Level 2 | Level 3 |

Notes:

**Result**

**NI with Item 10/James, Sean Devon**

**AFIS searched**



L20-00544 Item 6.1 Comparison Documentation with Item 10/James, Sean Devon (#9 left ring) SC

E1 C20 5U4 12 SE



FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE
1000 CUSTER HOLLOW ROAD, CLARKSBURG, WEST VIRGINIA 26306

L 20-00544
Item 10E





284

| IDENTIFICATION NO | LAST NAME | FIRST NAME | MIDDLE NAME | SID NUMBER | FBI NUMBER |
|---|---|---|---|---|---|
| 16D015081071 | JAMES, SEAN DEVON | | | SC01978292 | 580851KD0 |

| DATE PRINTED | SIGNATURE OF OFFICIAL TAKING PRINTS | ID NUMBER | CONTRIBUTOR (ORI) |
|---|---|---|---|
| 05/14/2015 | SUTTON | | SC0160200 |

I10 LL0544 AC



WRITER'S PALM IMPRESSION



L



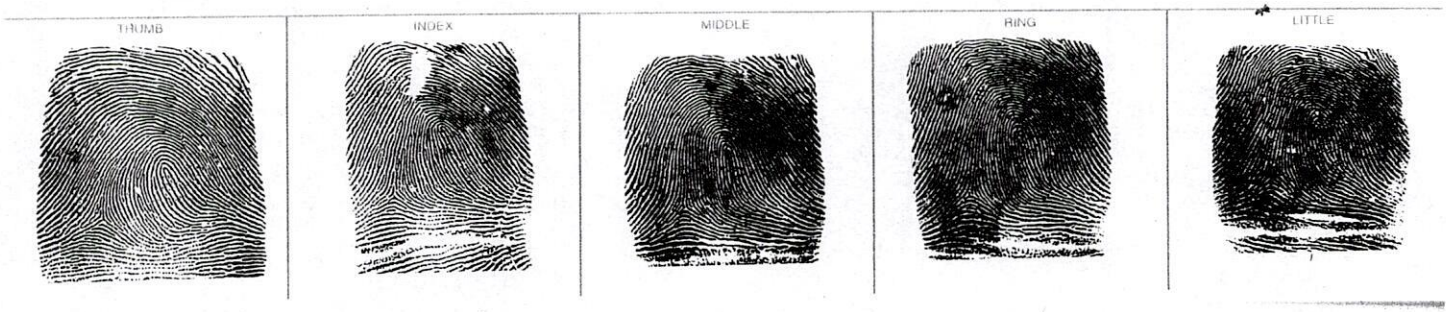
R

SLEDPrinterLT 01-21-2020 11:27:35

FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE
1000 CUSTER HOLLOW ROAD, CLARKSBURG, WEST VIRGINIA 26306

L 20-00544
Item 10E





286

| IDENTIFICATION NO | LAST NAME | FIRST NAME | MIDDLE NAME | SID NUMBER | FBI NUMBER |
|---|---|---|---|---|---|
| 16D015081071 | JAMES, SEAN DEVON | | | SC01978292 | 580851KD0 |

| DATE PRINTED | SIGNATURE OF OFFICIAL TAKING PRINTS | ID NUMBER | CONTRIBUTOR (ORI) |
|---|---|---|---|
| 05/14/2015 | SUTTON | | SC0160200 |

I 10 L 20 544 AVSC

WRITER'S PALM IMPRESSION

INDEX FINGER









SLEDPrinterLT 01-21-2020 11:27:24

# FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE
## CRIMINAL JUSTICE INFORMATION SERVICES DIVISION,CLARKSBURG, WV 26306

The FBI's acquisition, preservation, and exchange of identification information is generally authorized under 28 USC 534. This FD-249 is to be used for criminal justice purposes, such as incident to arrests and incarcerations. The Applicant form (FD-258) contains applicable Paperwork Reduction Act and Privacy Act notices and should be used for noncriminal justice purposes. "A Social Security Account Number (SSAN is helpful to keep records accurate because other people may have the same name and birth date. Pursuant to the Federal Privacy Act of 1974 (5 USC 552a), any Federal, State, or local government agency whic requests an individual to disclose his/her SSAN is responsible for informing the person whether disclosure is mandatory or voluntary, by what statutory or other authority the SSAN is solicited, and what uses will be made of it." FD-249 (Rev. 3-1-10)

L20-00544
Item 10

| | | | |
|---|---|---|---|
| JUVENILE FINGERPRINT SUBMISSION YES ☐ TREAT AS ADULT YES ☐ | DATE OF ARREST MM DD YY: 05/14/2015 | ORI: SC0160200 CONTRIBUTOR ADDRESS REPLY DESIRED? YES ☐ | |
| SEND COPY TO: (ENTER ORI) | DATE OF OFFENSE MM DD YY: 04/20/2015 | PLACE OF BIRTH (STATE OR COUNTRY): SC | COUNTRY OF CITIZENSHIP: US |
| MISCELLANEOUS NUMBERS | SCARS, MARKS, TATTOOS, AND AMPUTATIONS | | |
| | RESIDENCE/COMPLETE ADDRESS: 1977 BLACK CREEK RD DARLINGTO | CITY | STATE |
| OFFICIAL TAKING FINGERPRINTS (NAME OR NUMBER): SUTTON | LOCAL IDENTIFICATION/REFERENCE: 201504166 | PHOTO AVAILABLE? YES X<br>PALM PRINTS TAKEN? YES X | |

| | |
|---|---|
| EMPLOYER (IF U.S. GOVERNMENT, INDICATE SPECIFIC AGENCY. IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO) | OCCUPATION: NONE |

| CHARGE/CITATION | DISPOSITION |
|---|---|
| 1. 04/20/2015 0549 16-23-490 POSS OF A WEAPON DURING VIOLENT CRIME 2015A1620200115<br>04/20/2015 0079 16-11-311 BURGLARY - FIRST DEGREE 2015A1620200114<br>05/14/2015 3594 16-11-0510(B)(3) MALICIOUS INJ TO PERSONAL PROP. $2000 OR LESS 50584GZ | 1. |
| 2. | 2. |
| 3. | 3. |
| ADDITIONAL | ADDITIONAL |
| ADDITIONAL INFORMATION/BASIS FOR CAUTION | STATE BUREAU STAMP: 16D015081071 |

GPO U.S. GOVERNMENT PUBLISHING OFFICE: 11/09/2017 07:34:12

288

LEAVE BLANK | CRIMINAL | (STAPLE HERE) | LEAVE BLANK

16D015081071

I10 L20 544 ITV SC

STATE USAGE | NFF SECOND SUBMISSION | APPROXIMATE CLASS | AMPUTATION | SCAR

FD-249 (Rev. 3-1-10)

STATE USAGE

LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX

JAMES, SEAN DEVON

SIGNATURE OF PERSON FINGERPRINTED

SOCIAL SECURITY NO.

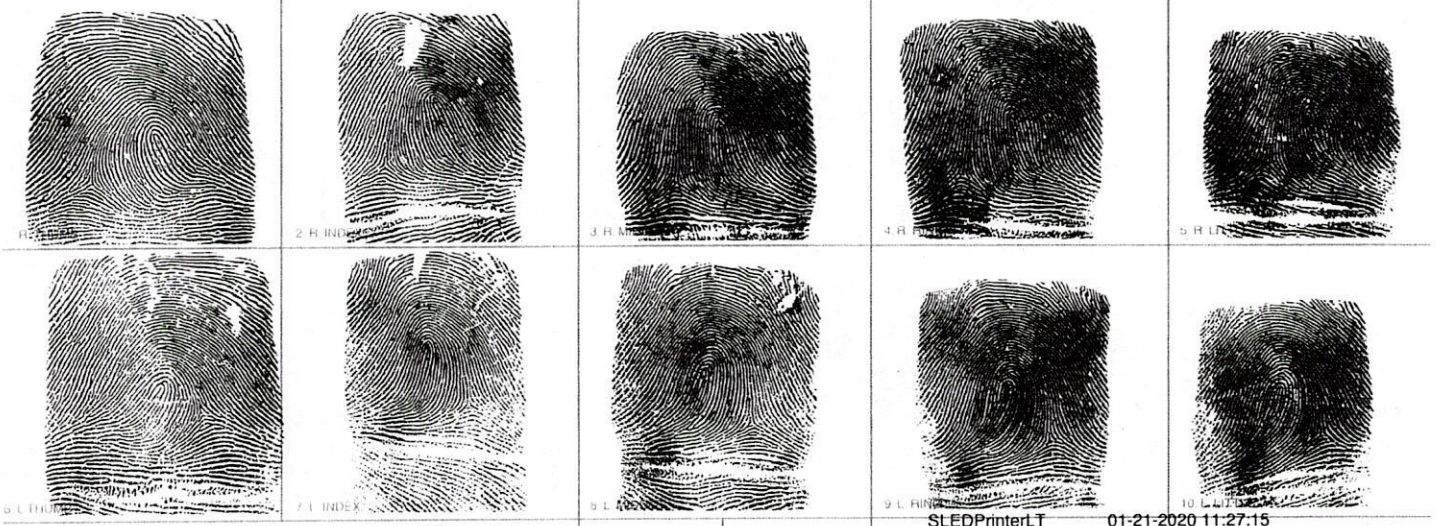
249-93-2467

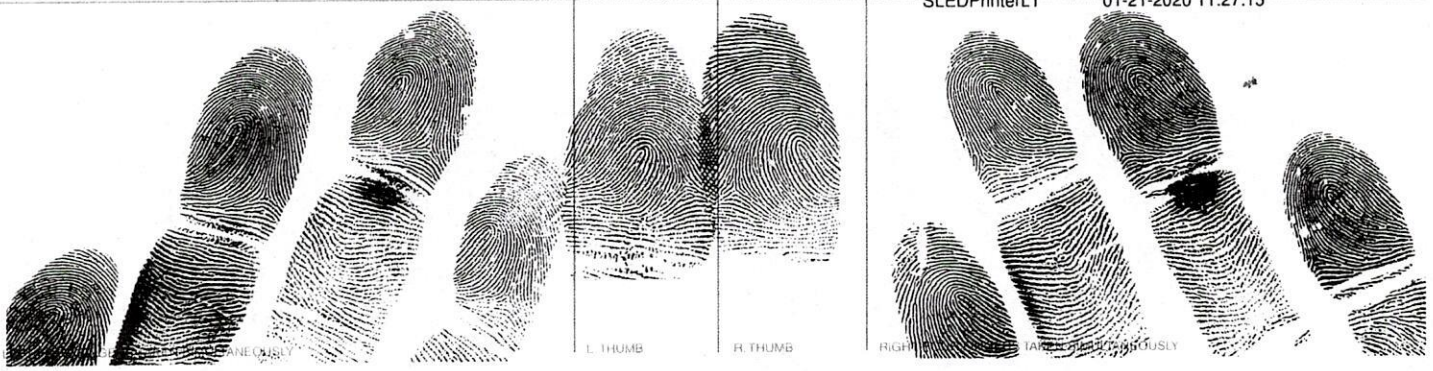
LEAVE BLANK

COPY

ALIASES/MAIDEN
LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX

| FBI NO. | STATE IDENTIFICATION NO. | DATE OF BIRTH MM DD YY | SEX | RACE | HEIGHT | WEIGHT | EYES | HAIR |
|---|---|---|---|---|---|---|---|---|
| 580851KD0 | SC01978292 | 11/05/1993 | M | B | 508 | 143 | BRO | BLK |



289

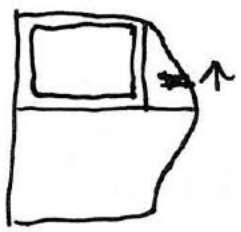
CASE NO.: 2019-011945
CRIME: Stolen Vehicle
POSITION OF PRINTS: Exterior of Drivers Rear Door on right side black moulding near middle
DATE/TIME: 12/21/19 1329
OFFICER: T. Mathews 242C

TRITECHFORENSICS
800.438.7884 • tritechforensics.com

#6

SKETCH

HAND



POSSIBLE

SC

I6 L20 544

---

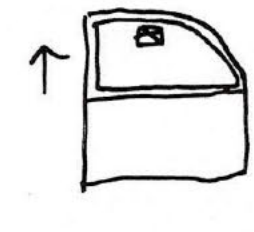
CASE NO.: 2019-011945
CRIME: Stolen Vehicle
POSITION OF PRINTS: Exterior of Passenger Front Door Glass near top
DATE/TIME: 12/21/19 1330
OFFICER: T. Mathews 242C

TRITECHFORENSICS
800.438.7884 • tritechforensics.com

#8

SKETCH

HAND



POSSIBLE

SC

I4 L20 544

---

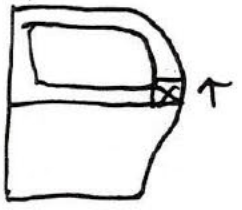
CASE NO.: 2019-011945
CRIME: Stolen Vehicle
POSITION OF PRINTS: Exterior of Driver Rear Door on Right side black moulding near bottom
DATE/TIME: 12/21/19 1329
OFFICER: T. Mathews 242C

TRITECHFORENSICS
800.438.7884 • tritechforensics.com

#7

SKETCH

HAND



POSSIBLE

SC

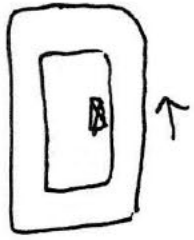
I7 L20 544

---

Date 12/21/19 Case No. 2019011945
Offense Stolen Vehicle
Victim N/A
Address of incident [redacted] Walnut St
Location of Prints Lifted Front Screen of I-phone located in Center Console
Prints Lifted By T. Mathews
Badge No. 242C
Lift No. 9 I9 L20 544

SPEX FORENSICS • 800-657-SPEX

SKETCH AND/OR REMARKS:



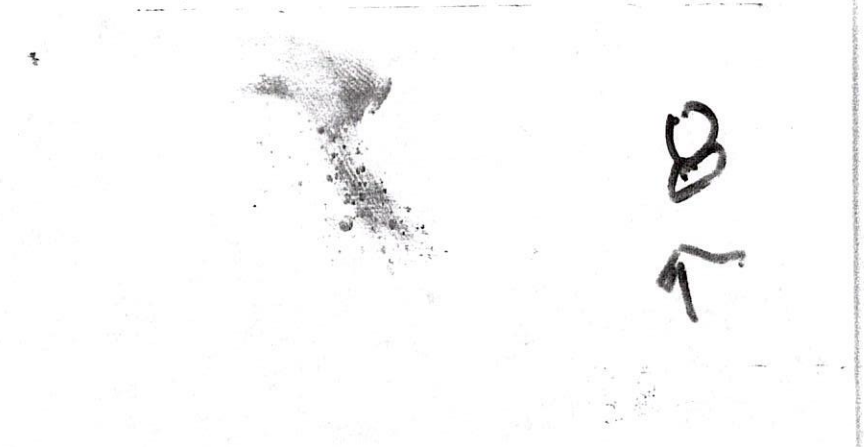
SC

Place Print Reverse Side

I6 L20 544 Hz/sc




I8 L20 544 Hz sc




I7 L20 544 Hz sc



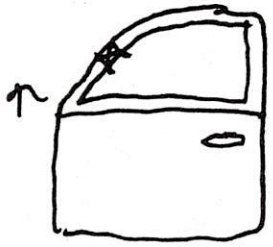

I9 L20 544 Hz sc



291

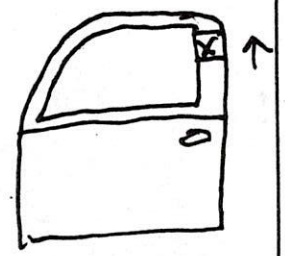
CASE NO.: 2019-011945
CRIME: Stolen Vehicle
POSITION OF PRINTS: Exterior of Drivers Front Door on Top chrome moulding
E2 L20 544 Hz SC
DATE/TIME: 12/21/19 1327
OFFICER: T. Mathews 242C
TRITECHFORENSICS
800.438.7884 · tritechforensics.com
#2

SKETCH
HAND
POSSIBLE



CASE NO.: 2019-011945
CRIME: Stolen Vehicle
POSITION OF PRINTS: Exterior of Drivers Front Door on right side black moulding near top
DATE/TIME: 12/21/19 1328
OFFICER: T. Mathews 242C
TRITECHFORENSICS
800.438.7884 · tritechforensics.com
#4

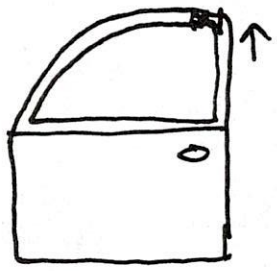
SKETCH
HAND
POSSIBLE



E4 L20 544 Hz SC

CASE NO.: 2019-011945
CRIME: Stolen Vehicle
POSITION OF PRINTS: Exterior of Drivers Front Door on Top right corner
E3 L20 544 Hz SC
DATE/TIME: 12/21/19 1327
OFFICER: T. Mathews 242C
TRITECHFORENSICS
800.438.7884 · tritechforensics.com
#3

SKETCH
HAND
POSSIBLE



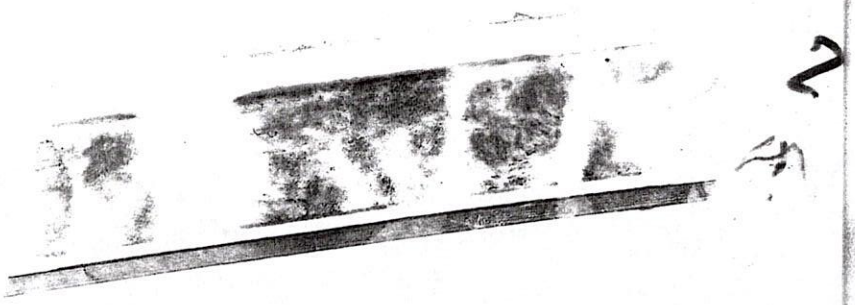
CASE NO.: 2019-011945
CRIME: Stolen Vehicle
POSITION OF PRINTS: Exterior of Drivers Front Door on right side black moulding near middle
DATE/TIME: 12/21/19 1328
OFFICER: T. Mathews 242C
TRITECHFORENSICS
800.438.7884 · tritechforensics.com
#5

SKETCH
HAND
POSSIBLE



E5 L20 544 Hz SC

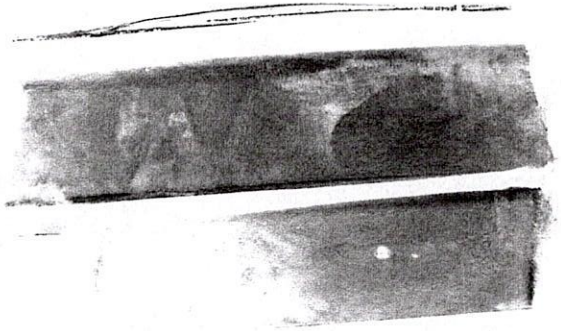
I2 L20 544 MSE



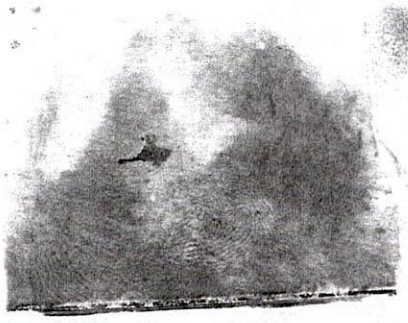
I4 L20 544 MSE



I3 L20 544 MSE



I5 L20 544 MSE



293

Case # 2019-011945

Date/Time 12/21/19 1327 am/pm

Offense Stolen Vehicle

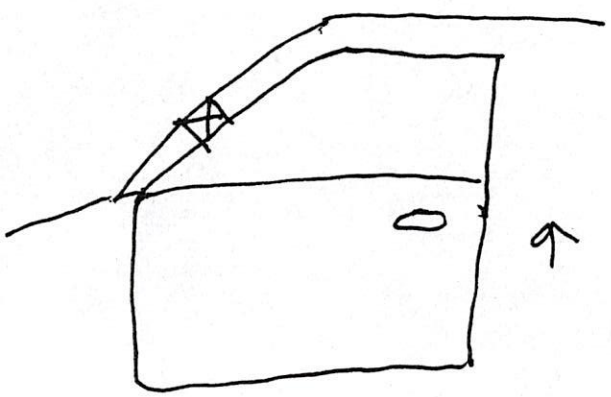
Lift # 1

Lifted By T. Mathews 242C

Lift Location Exterior of "A" Pillar Near Bottom

I 1 L 20 544 H/SC

ECPI REORDER #: **2751**



**LIFT LOCATION DIAGRAM**

**1-800-953-ECPI**

| | |
|---|---|
| STATE OF SOUTH CAROLINA ) | IN THE GENERAL SESSIONS COURT OF THE TWELFTH JUDICIAL CIRCUIT |
| COUNTY OF FLORENCE ) | WARRANT NUMBERS: 2019A2120202314, 15, & 18 |
| STATE OF SOUTH CAROLINA, ) | |
| PLAINTIFF, ) | |
| VS. ) | **MOTION TO SUPPRESS** (Suggestive Photo Identification) |
| SEAN JAMES, ) | |
| DEFENDANT. ) | |

FILED
AUG 30 P 4:01
FLORENCE COUNTY, SC
CLERK OF COURT
C.P. & G.S.

The Defendant, Sean James (Hereinafter, "Defendant") by and through his undersigned counsel, hereby moves to suppress any evidence that any witness identified the Defendant as the result of picking him out of an array of photographs, which is also known as a photographic line up.

It appears from the discovery that on December 20, 2019, one of the victims in this case (Carla Eaddy), was shown three pictures of the suspects/co-defendants in this case by the City of Florence Police Department. According to the discovery, Eaddy identified the three suspects from the three pictures presented to her through text as the people who committed this crime. One of these photos was alleged to be of Sean James. The other two photos were alleged to be Trevon Cooley and Justin Shope, who is now deceased.

The Supreme Court established the due process standard against which police identification procedures are to be measured in *Stovall v. Denno*, 388 U.S. 293 (1967) and *Neil v. Biggers*, 409 U.S. 188 (1972). A violation of due process occurs when, under "the totality of the circumstances,"

CERTIFIED A TRUE COPY
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

a confrontation procedure is "unnecessarily suggestive and conducive to irreparable mistaken identification." *Simmons v. United States,* 390 U.S. 377, 384 (1968).

Courts employ a two-part test for determining whether an out-of-court identification can properly be admitted. *United States v. Perkins,* 787 F.3d 1329, 1344 (11th Cir.2015). First, the Court determines whether the original identification procedure was unduly suggestive. *United States v. Ford,* 784 F.3d 1386, 1391 (11th Cir.2015); *United States v. Brown,* 441 F.3d 1330, 1350 (11th Cir.2006). A finding of impermissible suggestiveness raises concerns over the reliability of identification and triggers closer scrutiny by the Court to determine whether such a procedure created a substantial risk of misidentification. *Allen v. Estelle,* 568 F.2d 1108, 1113 (5th Cir.1978). Claims that the circumstances of a police identification procedure are so unnecessarily suggestive as to produce irreparable misidentification must be evaluated in light of the totality of the surrounding circumstances. *Nettles v. Wainwright,* 677 F.2d 410, 414 (11th Cir.1982). When determining whether a photo array is unduly suggestive, courts consider the size of the array, the manner of its presentation, and the details of the photographs in the array. *Perkins,* 787 F.3d at 1344.

In *Foster v. California,* 394 U.S. 440 (1969), the Court held that a lineup is unduly suggestive when it is virtually inevitable that the witness will select the individual whom the police have singled out. This rule, unlike the exclusionary rule of the Fourth Amendment, is aimed not at deterring unfair police practices but at the reliability *vel non* of the truth-finding process. *See id.* If the Court finds that the original identification procedure was not unduly suggestive, that ends the inquiry. *Williams,* 826 F.2d at 1021.

The Defendant has the burden of showing that the eyewitness identification was derived through "impermissibly suggestive" means. *Perry v. New Hampshire,* 132 S.Ct. 716, 733 (2012);

*Simmons,* 390 U.S. at 384; *Cikora v. Dugger,* 840 F.2d 893, 895 (11th Cir.1988). Only after the Defendant meets this burden must the government show the identification was reliable independent of the suggestive procedure. *United States v. Wade,* 388 U.S. 218, 240 & n.31 (1967); *United States v. Sanchez,* 24 F.3d 1259, 1261–62 (10th Cir.1994); *United States v. Mustafa,* Crim. Action No. 1:11–CR–0234–1–CAP, 2012 WL 1903255, at *2 (N.D. Ga. May 25, 2012). If the procedures utilized were unduly suggestive, the Court then considers whether, under the totality of the circumstances, "the identification was nonetheless reliable." *Brown,* 441 F.3d at 1350 (citing *United States v. Diaz,* 248 F.3d 1065, 1102 (11th Cir.2001)). The factors that go into this "totality of the circumstances" test include: the opportunity to view, the degree of attention, the accuracy of the description, the level of certainty, and the length of time elapsing between the crime and the identification. *Blanco v. Singletary,* 943 F.2d 1477, 1508 (11th Cir.1991) (footnote omitted).

In this case, the photographs of the three suspects were shown to the victim by text over one month after the incident occurred on November 17, 2019. This "show up" of photographs, including one of Sean James, was grossly suggestive. Furthermore, if this manner of presenting photographs to other witnesses/victims in this case applies, this motion to suppress applies to their identification also.

Based on the foregoing, the Defendant requests that this court hold a hearing to determine if the Defendant's rights were violated in this case, and, if so, exclude any testimony of out of court identification and any in court identification.[1]

[1] In the event this case goes to trial, the court can hold a hearing on this matter before the witness testifies. This issue is not dispositive.

Respectfully Submitted,

John M. Ervin, III
SC Bar ID # 1914
Post Office Box 23
50 Public Square
Darlington, SC 29540
Phone: (843) 393-5555
Fax: (843) 393-7638
E-mail: jervin@jervinlaw.com
**ATTORNEY FOR DEFENDANT**

Darlington, South Carolina
August 30 2022

FILED
2022 AUG 30 P 4:01
DENNIS FOUNTAIN
CLERK OF COURT
FLORENCE COUNTY, S.C.



CERTIFIED A TRUE COPY
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

**WITNESSES**

John S Davis — Florence Police Department

Ryan White

**ARREST WARRANT NUMBER**

2019A2120202315

**ACTION OF GRAND JURY**

TRUE BILL

Elly. McLean

*Foreperson of Grand Jury*

*Date:* 3-3-22

**VERDICT**

*Foreperson of Petit Jury* *Date:*

DOCKET NO. **2022-GS-21-00092**

**The State of South Carolina**

**County of**

**FLORENCE**

## COURT OF GENERAL SESSIONS

**MARCH** **TERM** **2022**

**THE STATE**

**vs.**

SEAN DEVON JAMES

**Indictment for**

**ARMED ROBBERY**

FILED
2022 MAR 3 P 1:58
FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA )
)
COUNTY OF FLORENCE )

INDICTMENT FOR

ARMED ROBBERY

At a Court of General Sessions, convened on MARCH 3, 2022 the Grand Jurors of FLORENCE County present upon their oath:

**COUNT ONE – ARMED ROBBERY**

CDR: 0139 16-11-0330(A)

That Sean Devon James did in Florence County on or about November 17, 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 Carla Eaddy from or in the immediate presence of Carla Eaddy with intent to deprive Carla Eaddy 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

**E.L. Clements, III**
TWELFTH CIRCUIT SOLICITOR

300

**WITNESSES**

John S Davis — Florence Police Department

Ryan White

**ARREST WARRANT NUMBER**

2019A2120202318

**ACTION OF GRAND JURY**

TRUE BILL

Elizabeth McLean
*Foreperson of Grand Jury*
*Date:* 3-3-22

**VERDICT**

*Foreperson of Petit Jury* *Date:*

**DOCKET NO. 2022-GS-21-00094**

**The State of South Carolina**

**County of**

**FLORENCE**

**COURT OF GENERAL SESSIONS**

**MARCH TERM 2022**

**THE STATE**

**vs.**

SEAN DEVON JAMES

**Indictment for**

**GRAND LARCENY**

FILED
2022 MAR -3 P 6:38
CLERK OF COURT
FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA )
)
COUNTY OF FLORENCE )

INDICTMENT FOR

GRAND LARCENY

At a Court of General Sessions, convened on MARCH 3, 2022 the Grand Jurors of FLORENCE County present upon their oath:

**COUNT ONE – GRAND LARCENY**

CDR: 3421 16-13-0030(B)(2)

That Sean Devon James did in Florence County on or about November 17, 2019, take and carry away the personal goods of Carla Eaddy, having a value of more than ten thousand ($10,000.00) dollars, with the intent to deprive the owner permanently of such property and to convert the goods to his/her own use, in violation of Section 16-13-0030(B)(2), 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

**E.L. Clements, III**
TWELFTH CIRCUIT SOLICITOR

302

**STATE OF SOUTH CAROLINA** )
**COUNTY OF** Florence )

**IN THE COURT OF GENERAL SESSIONS**

STATE
VS.
Sean Devon James
AKA:
Race: Black Sex: M Age: 28
DOB: [redacted]1993 SS#:
Address: [redacted] Cemetary Lane
City, State, Zip: Hartsville, SC 29550
DL#* [redacted] SID#

INDICTMENT/CASE#: 2022-GS-21-00092

A/W#: 2019A2120202315
Date of Offense: 11/17/2019
S.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 ☐ PLEADS

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon 10-30 years

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 104642 SC Bar # Defendant Attorney for Defendant 1914 SC Bar #

WHEREFORE, the Defendant is committed to the ☒ **State Department of Correction** ☐ **County Detention Center,**

for a determinate term of 20 days/months/years/Time Served ☐ **Youthful Offender Act** not to exceed ___ years

and/or to pay a fine of $____; provided that upon the service of ____ days/months/years/Time Served and or payment

of $____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run
☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
_____ days/months Since December 20, 2019
☐ To include time spent on monitored house arrest prior to trial and sentencing.
☐ The Defendant Shall be Released from County Detention Center.

**Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.**

**STATE OF SOUTH CAROLINA** )
**COUNTY OF** Florence )

**IN THE COURT OF GENERAL SESSIONS**

STATE
VS.
Sean Devon James
AKA:
Race: Black Sex: M Age: 28
DOB: [redacted]1993 SS#:
Address: [redacted] Cemetary Lane
City, State, Zip: Hartsville, SC 29550
DL#* [redacted] SID#

INDICTMENT/CASE#: 2022-GS-21-00094

A/W#: 2019A2120202318
Date of Offense: 11/17/2019
S.C. Code §: 16-13-0030(B)
CDR Code #: 3421

**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 ☐ PLEADS

TO: Larceny / Grand Larceny, value $10,000 or more 0-10 years

In violation of § 16-13-0030(B) of the S.C. Code of Laws, bearing CDR Code # 3421

☒ 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 104642 Defendant Attorney for Defendant 1914 SC Bar #

WHEREFORE, the Defendant is committed to the ☐ **State Department of Correction** ☒ **County Detention Center,**

for a determinate term of ____ days/months/years Time Served ☐ **Youthful Offender Act** not to exceed ___ years

and/or to pay a fine of $____; provided that upon the service of ____ days/months/years/Time Served and or payment

of $____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run
☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
_____ days/months Since December 20, 2019
☐ 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.**

CERTIFICATE OF COUNSEL FOR APPELLANT

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

RECEIVED
May 26 2023
SC Court of Appeals

This 26th day of May, 2023.

Respectfully Submitted,



Breen Richard Stevens
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED
May 26 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Florence County

Honorable H. Steven DeBerry, IV, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

SEAN DEVON JAMES,

APPELLANT.

---

CERTIFICATE OF SERVICE

---

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon William M. Blitch, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 26th day of May, 2023.



Breen Richard Stevens
Appellate Defender