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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TRA'VION MARQUIS HAMPTON,

APPELLANT

APPELLATE CASE NO. 2021-001508

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED DECEMBER 7-9, 2021	1
<i>NEIL V. BIGGERS</i> HEARING	45
TESTIMONY	
JOHN REBOLJ	
Direct Examination by Ms. Oppenheimer	47
Cross-Examination Mr. Chehoski	54
SUMET PATEL	
Direct Examination by Ms. Oppenheimer	58
Cross-Examination by Mr. Chehoski	67
Redirect Examination by Ms. Oppenheimer	71
Recross-Examination by Mr. Chehoski	72
DEFENSE MOTION TO SUPPRESS	73
OBJECTION BY MS. OPPENHEIMER	74
COURT DENIES MOTION TO SUPPRESS	76
OPENING STATEMENT BY MS. MARTIN	100
OPENING STATEMENT BY MR. CHEHOSKI	110
TESTIMONY	
SUMET PATEL	
Direct Examination by Ms. Oppenheimer	114
Cross-Examination by Mr. Chehoski	148
Redirect Examination by Ms. Oppenheimer	157
Recross-Examination by Mr. Chehoski	159
CLIF HAYES	
Direct Examination by Ms. Martin	162
Cross-Examination by Mr. Chehoski	173
Redirect Examination by Ms. Martin	178
THOMAS SMITH	
Direct Examination by Ms. Martin	180
Cross-Examination by Ms. Horsley	203

JOHN REBOLJ	
Direct Examination by Ms. Oppenheimer	219
Cross-Examination by Mr. Chehoski.....	230
ROCKY EDMOND	
Direct Examination by Ms. Oppenheimer	233
Cross-Examination by Ms. Horsley	238
THEODORA WOODMAN	
Direct Examination by Ms. Martin	240
Cross-Examination by Ms. Horsley	255
Redirect Examination by Ms. Martin.....	261
Recross-Examination by Ms. Horsley	263
STATE RESTS	264
DEFENSE MOTION FOR DIRECTED VERDICT	265
REBUTTAL BY MS. MARTIN	266
COURT DENIES MOTION FOR DIRECTED VERDICT	266
COLLOQUY WITH DEFENDANT	268
<i>PRO SE</i> MOTION FOR THE APPOINTMENT OF NEW COUNSEL	278
DEFENDANT DECLINES TO TESTIFY	283
DEFENDANT WITHDRAWS <i>PRO SE</i> MOTION	284
DEFENSE RENEWS MOTION FOR DIRECTED VERDICT.....	285
COURT DENIES MOTION FOR DIRECTED VERDICT	286
DEFENSE RESTS	286
DEFENSE RENEWS ALL MOTIONS AND OBJECTIONS	287
CLOSING ARGUMENT BY MS. OPPENHEIMER	287
CLOSING ARGUMENT BY MR. CHEHOSKI.....	308
JURY CHARGE	319
VERDICT	335

DEFENSE MOTION FOR NEW TRIAL, RENEWING MOTIONS AND OBJECTIONS	338
COURT DENIES MOTIONS.....	338
TESTIMONY	
JOHN REBOLJ	339
SENTENCE RECOMMENDATION BY THE STATE.....	339
MITIGATION BY DEFENSE	346
COLLOQUY WITH DEFENDANT	350
TESTIMONY	
APRIL HAMPTON.....	353
CONTINUED COLLOQUY WITH DEFENDANT.....	359
SENTENCING	360
STATE’S EXHIBIT #1 (PHOTO LINE UP)	363
INDICTMENTS	364
SENTENCE SHEETS	368
CERTIFICATE OF COUNSEL	372

**[STATE’S EXHIBIT #19 (CD SURVEILLANCE VIDEO) IS ON FILE WITH THIS
COURT]**

State of South Carolina
 County of Lexington

Court of General Sessions

State	)	
	)	
	)	Transcript of Record
v.	)	2019-GS-32-3725
	)	2019-GS-32-3726
Tra'vion Marquis Hampton	)	
	)	
<u>Defendant.</u>	)	

December 7 - 9, 2021
 Lexington, South Carolina

B E F O R E:

The Honorable Debra McCaslin, Judge; and a
 jury.

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Bethanie K. Creppon
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1		I N D E X	
2	<u>WITNESS</u>		<u>PAGE</u>
3	<u>JOHN REBOLJ</u>		46
4	<u>CROSS-EXAMINATION</u>		54
5	BY MR. CHEHOSKI		
6	<u>SUMET PATEL</u>		<u>58</u>
7	<u>DIRECT EXAMINATION</u>		58
8	BY MS. OPPENHEIMER		
9	CROSS-EXAMINATION		67
10	BY MR. CHEHOSKI		
11	REDIRECT EXAMINATION		71
12	BY MS. OPPENHEIMER		
13	RECROSS-EXAMINATION		72
14	BY MR. CHEHOSKI		
15	<u>SUMET PATEL</u>		114
16	DIRECT EXAMINATION		114
17	BY MS. OPPENHEIMER		
18	CROSS-EXAMINATION		148
19	BY MR. CHEHOSKI		
20	REDIRECT EXAMINATION		157
21	BY MS. OPPENHEIMER		
22	RECROSS-EXAMINATION		159
23	BY MR. CHEHOSKI		
24	<u>CLIF HAYES</u>		162
25	<u>DIRECT EXAMINATION</u>		162

1	BY MS. MARTIN	
2	CROSS-EXAMINATION	173
3	BY MR. CHEHOSKI	
4	REDIRECT EXAMINATION	178
5	BY MS. MARTIN	
6	<u>TOM SMITH</u>	179
7	<u>DIRECT EXAMINATION</u>	180
8	BY MS. MARTIN	
9	<u>CROSS-EXAMINATION</u>	202
10	BY MS. HORSLEY	
11	<u>JOHN REBOLJ</u>	218
12	<u>DIRECT EXAMINATION</u>	219
13	BY MS. OPPENHEIMER	
14	CROSS-EXAMINATION	229
15	BY MR. CHEHOSKI	
16	<u>ROCKY EDMOND</u>	233
17	DIRECT EXAMINATION	233
18	BY MS. OPPENHEIMER	
19	CROSS-EXAMINATION	238
20	BY MS. HORSLEY	
21	<u>THEODORA WOODMAN</u>	240
22	DIRECT EXAMINATION	240
23	BY MS. MARTIN	
24	CROSS-EXAMINATION	255
25	BY MS. HORSLEY	

1	<u>REDIRECT EXAMINATION</u>	261
2	BY MS. MARTIN	
3	RECROSS-EXAMINATION	263
4	<u>TRA'VION HAMPTON</u>	282
5	Opening Statement by Ms. Martin.....	100
6	Opening Statement by Mr. Chehoski.....	110
7	Closing Argument by Ms. Oppenheimer.....	287
8	Closing Argument by Mr. Chehoski.....	308
9	Jury Charge.....	319
10	Verdict.....	335
11	Sentencing.....	361
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1	E X H I B I T S			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
3	<u>STATE'S</u>			
4	1	Photo Lineup		224
5	2	Affidavit		228
6	3	Photo of ID Card		228
7	4	Aerial View - Poster		125
8	5	Photo		116
9	6	Photo		118
10	7	Photo		118
11	8	Photo		118
12	9	Photo		118
13	10	Photo		125
14	11	Photo		125
15	12	Photo		125
16	13	Photo		125
17	14	Photo		125
18	15	Photo		125
19	16	Photo		190
20	17	Photo		190
21	18	Photo		190
22	19	CD - Surveillance Video		134
23	20	* NO EXHIBIT *		
24	21	Photo		190
25	22	Photo		190

1	23 * No Exhibit *	
2	24 Photo	190
3	25 Photo	196
4	26 Photo	196
5	27 Photo	196
6	28 Photo	196
7	29 Photo	196
8	30 Photo	196
9	31 Shoes (in box)	201

10 **COURT 'S**

11	1 Defendant's Proposed Voir Dire	45
12	2 Jury Charge	333

13

14

15

16

17

18

19

20

21

22

23

24

25

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

2 * * *

3 THE COURT: All right. Ladies and gentlemen,
4 we are about to begin the trial of the State versus
5 Tra'vion Marquis Hampton.

6 Madam Solicitor, I'm going to get you to call
7 your case.

8 MS. MARTIN: Thank you, Your Honor. May it
9 please the Court?

10 THE COURT: Yes, ma'am.

11 MS. MARTIN: The State calls
12 Indictment 2019-3725, the State of South Carolina
13 versus Tra'vion Marquis Hampton, indicted for armed
14 robbery, and Indictment 2019-3726, the State of
15 South Carolina versus Tra'vion Hampton, charged with
16 possession of a weapon during the commission of a
17 violent crime.

18 Your Honor, the State is ready to proceed.
19 Defense counsel is present as well.

20 THE COURT: Mr. Chehoski, is the defense ready?

21 MR. CHEHOSKI: Yes, Your Honor.

22 THE COURT: How does your client plead?

23 MR. CHEHOSKI: My client pleads not guilty,
24 Your Honor.

25 THE COURT: Thank you.

1 All right. Ladies and gentlemen, before we
2 select the jury, there are several questions which I
3 will ask you. If you need to answer any of these
4 questions, please stand, and I will call on you
5 individually. Do not blurt out an answer. I will
6 call on you. And I will need to know your juror
7 number, so make sure you have your juror number
8 handy.

9 First, I'm going to let the attorneys for the
10 State introduce themselves and anyone else assisting
11 them in the prosecution of this case.

12 MS. MARTIN: Again, my name is Angela Garrick,
13 I work for the solicitor's office. My co-counsel is
14 Kelly Oppenheimer. Our paralegal is Jessica Long.
15 And we have one of the officers present now, Officer
16 Rebolj, Chief Officer at Pelion.

17 THE COURT: Thank you.

18 Now I'm going to ask the same of the defense
19 table: If you would introduce yourself and anyone
20 else that's with you that's going to be helping you
21 in the case.

22 MR. CHEHOSKI: My name is Jason Chehoski. I'm
23 the senior assistant public defender with the
24 Lexington County Public Defender's Office.
25 Assisting me is my co-counsel, Vanessa Horsley, and

1 our legal assistant is Lauren Scruggs.

2 THE COURT: Okay. Thank you.

3 Now let me ask the jury panel, the attorneys in
4 this case just introduced themselves to you. Has
5 any member of the jury panel ever been represented
6 by any of the attorneys involved in this case or
7 their law firms or by the State or by the public
8 defender's office or any other firm that they might
9 have been associated with? If so, please stand.

10 (No one standing.)

11 THE COURT: Is any member of the jury panel
12 related by blood or marriage, know personally or
13 have any religious, political, social or business
14 association with any of the attorneys involved in
15 this case or anyone else in their respective
16 offices? If so, please stand.

17 Yes, ma'am, your juror number?

18 PROSPECTIVE JUROR: I'm Juror No. 92. I --

19 THE COURT: Hold on, Juror No. 91. I'll ask
20 you the questions. Okay?

21 That's Ms. Houska, right?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Tell me, who do you know?

24 PROSPECTIVE JUROR: Ms. Oppenheimer.

25 THE COURT: How do you know Ms. Oppenheimer?

1 PROSPECTIVE JUROR: She's a customer who comes
2 through the dry cleaners' where I work.

3 THE COURT: At the dry cleaners', right?

4 PROSPECTIVE JUROR: Yes, ma'am.

5 THE COURT: Well, let me ask you this: Just by
6 seeing her come through the dry cleaners' or
7 occasionally seeing her, would that in any way
8 affect your decision to be impartial or fair to both
9 the State and the defense?

10 PROSPECTIVE JUROR: No, ma'am.

11 THE COURT: You can be fair to both?

12 PROSPECTIVE JUROR: Yes, ma'am.

13 THE COURT: All right. I'm going to keep you.
14 Yes, sir? Your juror number?

15 PROSPECTIVE JUROR: 168.

16 THE COURT: All right. Mr. Price.

17 PROSPECTIVE JUROR: I've worked on the phone
18 systems at both of the locations and for the police
19 chief at Pelion.

20 THE COURT: Mr. Price, if you were selected as
21 a juror in this case, could you be fair and
22 impartial to both the State and the defense? I need
23 you to answer for the record.

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Okay. Thank you.

1 Anybody else?

2 Yes, sir? Your juror number?

3 PROSPECTIVE JUROR: 23.

4 THE COURT: Mr. Brown, who do you know?

5 PROSPECTIVE JUROR: I was -- my brother-in-law
6 was a part-time officer with the Pelion Police
7 Department. I didn't know if that --

8 THE COURT: Well, let me ask you, Mr. Brown, if
9 you, too, were selected for the jury, could you be
10 fair and impartial to both the State and the defense
11 in this case?

12 PROSPECTIVE JUROR: Yes, ma'am.

13 THE COURT: Thank you.

14 MS. GARRICK: Your Honor, just to clarify, the
15 actual agency that made the case is Swansea Police
16 Department. But Pelion did assist.

17 THE COURT: Okay.

18 Mr. Chehoski, anything you want to say to that?

19 MR. CHEHOSKI: No, Your Honor.

20 THE COURT: Okay. Thank you.

21 Is any member of the jury panel related by
22 blood or marriage or have a close personal,
23 professional, or social relationship with a Tra'vion
24 Hampton? If so, please stand.

25 (No one standing.)

1 THE COURT: All right. The following is a list
2 of possible witnesses in this case. I'm going to
3 call them out. If you know them, please stand.
4 Clif Hayes, who was the former chief of the Swansea
5 Police Department; a Joel Rebolj -- I hope I'm
6 pronouncing that right -- but it's spelled
7 R-E-B-O-L-J, he's the chief of Pelion; a Tom Smith
8 with the Lexington County Sheriff's Department;
9 a B. Snelgrove with the Lexington County Sheriff's
10 Department; Paula Hare with the Lexington County
11 Sheriff's Department; a Sam Patel, who is a
12 convenience store owner; a Dora Woodman; Waki Levar
13 Edmond, and it's spelled W-A-K-I, Levar, L-E-V-A-R,
14 Edmond; a Candy Kyzer or a Beth Holliman. They work
15 at the Lexington County Sheriff's Department as
16 evidence custodians.

17 Is any member of the jury panel related by
18 blood or marriage or know personally or have any
19 religious, political, social or business association
20 with any of the witnesses in this case? If so,
21 please stand.

22 (No one standing.)

23 THE COURT: Is any juror related by blood or
24 marriage to any law enforcement officer, state
25 constable, or any other person having the authority

1 to enforce the laws of this state, county, or city?

2 I know I have the one with the brother-in-law.

3 Is it Mr. Brown?

4 PROSPECTIVE JUROR: Yes, ma'am.

5 THE COURT: Mr. Brown, what was your juror
6 number?

7 PROSPECTIVE JUROR: 23.

8 THE COURT: Number 23. And I'll ask you again,
9 if you were selected as a juror in this case, could
10 you be fair and impartial to both the State and the
11 defense?

12 PROSPECTIVE JUROR: Yes, ma'am.

13 THE COURT: Thank you.

14 If y'all remember correctly, it was his
15 brother-in-law.

16 Your juror number?

17 PROSPECTIVE JUROR: 166.

18 THE COURT: That's Mr. Platt?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Mr. Platt, who do you know or kin
21 to?

22 PROSPECTIVE JUROR: My son is a prosecutor with
23 the United States Department of Justice in
24 Washington, D.C.

25 THE COURT: Well, knowing that, if you were

1 selected as a juror in this case, could you be fair
2 and impartial to both the State and the defense?

3 PROSPECTIVE JUROR: Yes, I could.

4 THE COURT: Thank you. We'll keep you.

5 Yes, ma'am.

6 PROSPECTIVE JUROR: Juror No. 216.

7 THE COURT: No. 216, Ms. Well.

8 PROSPECTIVE JUROR: Yes. My brother is retired
9 from part-time in Pelion. He's been retired
10 probably been about three years now.

11 THE COURT: If you were selected as a juror,
12 could you be fair and impartial to both the State
13 and the defense?

14 PROSPECTIVE JUROR: Yes, I can.

15 THE COURT: Thank you.

16 Yes, sir, on the front row?

17 PROSPECTIVE JUROR: 145.

18 THE COURT: Juror No. 45.

19 PROSPECTIVE JUROR: 145.

20 THE COURT: 145 -- excuse me -- Jeromy
21 Miramontes.

22 PROSPECTIVE JUROR: My dad is a detective for
23 Lexington County Police department.

24 THE COURT: If you were selected as a juror,
25 could you be fair and impartial to both the State

1 and the defense?

2 PROSPECTIVE JUROR: Yes, ma'am.

3 THE COURT: Thank you.

4 Yes, sir?

5 PROSPECTIVE JUROR: 217.

6 THE COURT: Mr. Wier?

7 PROSPECTIVE JUROR: Yes, ma'am.

8 THE COURT: Or Wier?

9 PROSPECTIVE JUROR: Wier.

10 THE COURT: I remember because I talked to you
11 before. Mr. Wier, if you were selected --

12 PROSPECTIVE JUROR: My father was a South
13 Carolina Municipal Judge.

14 THE COURT: Okay. That's right. We talked
15 about that yesterday.

16 PROSPECTIVE JUROR: Yes, ma'am.

17 THE COURT: If you were selected as a juror,
18 could you be fair and impartial to both sides, the
19 State and the defense?

20 PROSPECTIVE JUROR: Yes, ma'am.

21 THE COURT: Thank you.

22 Yes, ma'am?

23 PROSPECTIVE JUROR: 153.

24 THE COURT: Ms. Murphy?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Now tell me who you know.

2 PROSPECTIVE JUROR: My brother-in-law works for
3 Charleston County Police Department and my nephew
4 works for North Charleston Police Department.

5 THE COURT: And if you were selected as a
6 juror, could you be fair and impartial to both
7 sides?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Thank you.

10 Yes, ma'am?

11 PROSPECTIVE JUROR: Juror 193.

12 THE COURT: Ms. Smith?

13 PROSPECTIVE JUROR: Yes, ma'am. My daughter is
14 a Lexington County Sheriff's deputy.

15 THE COURT: Okay. And if you were selected for
16 this jury, could you be fair and impartial to both
17 the State and the defense?

18 PROSPECTIVE JUROR: I believe I could.

19 THE COURT: I'm going to tell you, Ms. Smith,
20 that's not good enough for me.

21 PROSPECTIVE JUROR: Okay.

22 THE COURT: I'm going to excuse you. In this
23 kind of case, I need you to be absolutely certain.
24 So, with that said, I'll excuse you.

25 PROSPECTIVE JUROR: Thank you.

1 THE COURT: The lady on the back row. That's
2 you. Yes, ma'am. What's your juror number?

3 PROSPECTIVE JUROR: 167.

4 THE COURT: Ms. Posey?

5 PROSPECTIVE JUROR: Yes, ma'am. My
6 father-in-law is a retired highway patrolman.

7 THE COURT: Okay. And if you were selected for
8 the jury, could you be fair and impartial to both
9 the State and the defense?

10 PROSPECTIVE JUROR: Yes. We were never that
11 close.

12 THE COURT: I'm going to keep you.
13 Yes, ma'am? Your juror number again?

14 PROSPECTIVE JUROR: 92.

15 THE COURT: 92. Ms. Houska?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: Okay. Now, who do you know?

18 PROSPECTIVE JUROR: My nephew was a police
19 officer.

20 THE COURT: And if you were selected for this
21 jury, could you be fair and impartial to both sides?

22 PROSPECTIVE JUROR: Yes, ma'am.

23 THE COURT: Thank you.

24 All right. The next question: Have you, a
25 relative, or a close friend, now or in the, past

1 ever been --

2 I'm sorry?

3 PROSPECTIVE JUROR: Yes. I have a cousin who's
4 a retired South Carolina Highway Patrolman.

5 THE COURT: Your juror number?

6 PROSPECTIVE JUROR: 3.

7 THE COURT: Mr. Alford?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: If you were selected as a juror,
10 could you be fair and impartial to both sides?

11 PROSPECTIVE JUROR: Absolutely.

12 THE COURT: Okay. Thank you.

13 All right. Y'all keep on standing.

14 Yes, ma'am?

15 PROSPECTIVE JUROR: Juror No. 29.

16 THE COURT: Juror No. 29. Ms. Campbell?

17 PROSPECTIVE JUROR: Yes. I have a cousin that
18 works for the City of Cayce.

19 THE COURT: All right. Ms. Campbell, if you
20 were selected as a juror, could you be fair and
21 impartial to both sides?

22 PROSPECTIVE JUROR: Yes, ma'am.

23 THE COURT: Thank you, ma'am.

24 Anybody else?

25 (No one standing.)

1 THE COURT: Is any member of this jury panel or
2 a member of your immediate family involved in any
3 group such as MADD, SADD, AA -- Al-Anon -- or any
4 other similar organization that is opposed to the
5 consumption of alcohol and/or drugs? If so, please
6 stand.

7 Yes, ma'am. Your juror number?

8 PROSPECTIVE JUROR: 167.

9 THE COURT: Ms. Posey?

10 PROSPECTIVE JUROR: Yes, ma'am.

11 THE COURT: See, I'm going to end up getting to
12 know all y'all on a first-name basis.

13 All right. Ms. Posey, what group do you belong
14 to?

15 PROSPECTIVE JUROR: I do not, but I have
16 siblings who are recovering.

17 THE COURT: And does that in any way affect
18 your ability, if you were chosen as a juror, to be
19 fair and impartial to both the State and the
20 defense?

21 PROSPECTIVE JUROR: No, I'm good.

22 THE COURT: Okay. Thank you.

23 Has anyone made any financial contributions to
24 any of these organizations that I've just mentioned?
25 If so, please stand.

1 (No one standing.)

2 THE COURT: Is any member of the jury panel a
3 supporter of a police booster organization, honorary
4 law enforcement organization, or any other similar
5 group? These may include the South Carolina
6 Troopers Association, the South Carolina Law
7 Enforcement Officers Association, the Lexington
8 County Sheriff's Association, or any fraternal order
9 of police.

10 If any one of the jury panel is a member of one
11 of these support groups, please stand.

12 Yes, sir? Your juror number?

13 PROSPECTIVE JUROR: 94.

14 THE COURT: Mr. Huston?

15 PROSPECTIVE JUROR: Yes, ma'am. Our church
16 supports the Lexington County Sheriff's Association
17 as well as the Richland County Sheriff's Association
18 annually.

19 THE COURT: Okay. If you were selected as a
20 juror, could you be fair and impartial to both the
21 State and the defense?

22 PROSPECTIVE JUROR: Yes, ma'am.

23 THE COURT: Thank you.

24 Has any member of the jury panel ever served on
25 a criminal jury panel before? If so, please stand.

1 And your number?

2 PROSPECTIVE JUROR: 160.

3 THE COURT: 160. Mr. Palmer. All right.

4 Mr. Palmer, I don't want you to tell me what you
5 served on. But having served on a criminal jury
6 before, if you were selected as a juror in this
7 case, could you be fair and impartial to both the
8 State and the defense?

9 PROSPECTIVE JUROR: Absolutely.

10 THE COURT: Thank you.

11 Yes, sir. Your juror number?

12 PROSPECTIVE JUROR: Juror No. 83.

13 THE COURT: Again, I'm going to tell all of
14 you, I don't want to know the facts of the case.
15 You've already told me that you sat on a criminal
16 jury before. So I'm going to ask you, if you were
17 selected for this jury, could you be fair and
18 impartial to both the State and the defense?

19 PROSPECTIVE JUROR: Yes, ma'am.

20 THE COURT: Yes, sir? Your juror number?

21 PROSPECTIVE JUROR: 169.

22 THE COURT: Mr. Prince?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Having been on a criminal jury
25 before, if you're selected for this jury, could you

1 be fair and impartial to both the State and the
2 defense?

3 PROSPECTIVE JUROR: Yes, ma'am.

4 THE COURT: Yes, ma'am?

5 PROSPECTIVE JUROR: 182.

6 THE COURT: Ms. -- is it -- Schneck?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Ms. Schneck, if you were selected
9 for this jury, could you be fair and impartial to
10 both the State and the defense?

11 PROSPECTIVE JUROR: Yes, ma'am.

12 THE COURT: Thank you.

13 Yes, ma'am?

14 PROSPECTIVE JUROR: Number 138.

15 THE COURT: Ms. McCormack?

16 PROSPECTIVE JUROR: Yes, ma'am.

17 THE COURT: If you were selected as a juror in
18 this case, could you be fair and impartial to both
19 the State and the defense?

20 PROSPECTIVE JUROR: Yes, ma'am.

21 THE COURT: Thank you.

22 PROSPECTIVE JUROR: Number 3.

23 THE COURT: Mr. Alford, if you were selected as
24 a juror in this case, having served on a criminal
25 jury before, could you be fair and impartial to both

1 the State and the defense?

2 PROSPECTIVE JUROR: Yes, ma'am.

3 THE COURT: Thank you.

4 Anybody else?

5 Has anyone ever appeared as a witness for the
6 prosecution or the defense in any trial? If so,
7 please stand.

8 Have any of you had --

9 Wait a minute. Who's standing? Mr. Alford.

10 PROSPECTIVE JUROR: Number 3, yes. It's been a
11 while.

12 THE COURT: Must have been a long time ago.

13 PROSPECTIVE JUROR: It's been a long time ago.

14 THE COURT: Okay. Well, I don't know which
15 side you appeared for, the prosecution or the
16 defense, and I don't want to know. But, having been
17 a witness for either side, if you were picked for a
18 jury in this case, could you be fair and impartial
19 to both the State and the defense?

20 PROSPECTIVE JUROR: Yes, ma'am.

21 THE COURT: Thank you. Anybody else?

22 (No one standing.)

23 THE COURT: Have any of you had formal or
24 informal legal training? That would include, but
25 not limited to, law school, college law courses,

1 paralegal training, or law enforcement training. If
2 so, please stand.

3 Yes, ma'am?

4 PROSPECTIVE JUROR: Juror No. 21.

5 THE COURT: Ms. Bradshaw, what kind of training
6 have you had?

7 PROSPECTIVE JUROR: I don't know if we'd call
8 it training. But I was formerly employed with the
9 University of South Carolina School of Law.

10 THE COURT: I am so sorry.

11 PROSPECTIVE JUROR: It was --

12 THE COURT: Yeah. I'm not real sure what I
13 would call that.

14 PROSPECTIVE JUROR: As faculty administrative
15 assistant. And I would see a lot of things, you
16 know. But I have not attended law school, put it
17 that way.

18 THE COURT: Okay. Let me ask you: From
19 working at the USC School of Law probably caused you
20 all sort of problems, I have no doubt. But if you
21 were selected for this jury, could you be fair and
22 impartial to both the State and the defense?

23 PROSPECTIVE JUROR: Absolutely.

24 THE COURT: Thank you. And you know I was just
25 joking about that.

1 Yes, ma'am?

2 PROSPECTIVE JUROR: 194.

3 THE COURT: 194. All right. I did it again,
4 Ms. Snediker. Okay. All right. Tell me what kind
5 of training you've had.

6 PROSPECTIVE JUROR: Similarly, not really
7 training. I, in graduate school, worked at the law
8 library at the University of South Carolina as a
9 circulation assistant.

10 THE COURT: Well, let me ask, if you were
11 selected as a juror, could you be fair and impartial
12 to both the State and the defense?

13 PROSPECTIVE JUROR: Absolutely.

14 THE COURT: Thank you, ma'am.

15 Yes, sir?

16 PROSPECTIVE JUROR: 176.

17 THE COURT: Mr. Richardson?

18 PROSPECTIVE JUROR: Yes, ma'am.

19 THE COURT: What kind of training have you had?

20 PROSPECTIVE JUROR: I was a criminal justice
21 major at USC. I didn't know exactly...

22 THE COURT: Well, it sounds like what I was
23 asking about. So let me ask you, would that in any
24 way keep you from being fair and impartial to both
25 the State and the defense?

1 PROSPECTIVE JUROR: No, ma'am.

2 THE COURT: Thank you.

3 Yes, ma'am?

4 PROSPECTIVE JUROR: 102.

5 THE COURT: Ms. Joles, what kind of training
6 have you had?

7 PROSPECTIVE JUROR: Associate's in criminal
8 justice and numerous paralegal courses.

9 THE COURT: Can you be fair to both the State
10 and the defense after studying?

11 PROSPECTIVE JUROR: Absolutely.

12 THE COURT: Thank you.

13 Yes, ma'am?

14 PROSPECTIVE JUROR: 74.

15 THE COURT: Ms. George?

16 PROSPECTIVE JUROR: Yes, ma'am. Just criminal
17 justice and paralegal classes.

18 THE COURT: Okay. Having taken those courses,
19 if you were selected as a juror in this case, could
20 you be fair and impartial to both the State and the
21 defense?

22 PROSPECTIVE JUROR: Yes, ma'am.

23 THE COURT: Thank you.

24 Yes, sir?

25 PROSPECTIVE JUROR: Number 37.

1 THE COURT: Mr. Charland.

2 PROSPECTIVE JUROR: I had taken two years of
3 criminal justice classes in high school. And I've
4 done a number of ride-alongs with officers.

5 THE COURT: All right. Well, let me ask you,
6 if you were selected as a juror in this case, could
7 you be fair and impartial to both the State and the
8 defense?

9 PROSPECTIVE JUROR: I'd probably have to side
10 with the officer now that a lot of my friends are.

11 THE COURT: Well, then, I'm going to excuse
12 you. Thank you.

13 All right. Anyone else before I move on to the
14 next question? We're almost finished.

15 (No one standing.)

16 THE COURT: Does anyone believe that a person
17 is guilty of a crime simply because he or she was
18 arrested? If so, please stand.

19 (No one standing.)

20 THE COURT: Is there any member of the jury
21 panel who, for any reason related to the COVID-19
22 pandemic and any other variant, feel like they
23 cannot be fair and impartial in this case? If so,
24 please stand.

25 (No one standing.)

1 THE COURT: During the course of this trial,
2 all of the jurors will be asked to listen carefully
3 to testimony from witnesses, review and consider
4 various exhibits that get admitted into evidence,
5 and you must follow my instructions on the law in
6 this case.

7 Is there any member of the jury panel who feels
8 that they will not able to listen carefully to the
9 testimony, review and consider all the various
10 exhibits and, most importantly, follow my
11 instructions on the law? If you feel like you can't
12 do that, please stand.

13 (No one standing.)

14 THE COURT: Has any of the jury panel formed or
15 expressed an opinion about any issue or matter
16 involved in this case? If so, please stand.

17 (No one standing.)

18 THE COURT: Is any member of the jury panel
19 aware of any bias or prejudice toward either the
20 State or the Defendant in this case? If so, please
21 stand.

22 (No one standing.)

23 THE COURT: Does any member of the jury panel
24 know of any reason whatsoever why he or she should
25 not serve as a juror in this case, with particular

1 emphasis being placed on your ability to be fair and
2 impartial to both the State and the Defendant? If
3 so, please stand.

4 (No one standing.)

5 THE COURT: All right. Let me ask the State,
6 do you have any other additional questions you'd
7 like for me to ask?

8 MS. MARTIN: No, Your Honor.

9 THE COURT: Let me ask the Defense, any other
10 additional questions?

11 MR. CHEHOSKI: No, Your Honor.

12 THE COURT: All right. We're going to get
13 ready to pick the jury. I'm going to let the clerk
14 take it from here. But let me tell y'all before we
15 start this: I don't want anybody getting upset
16 because you didn't get picked. Believe it or not,
17 I've had some people get really upset that they
18 didn't get picked, so I don't want you to get upset.

19 I promise you, we're trying cases every week;
20 that's how far our backlog is. I'm sure I'm going
21 to see y'all again and you'll have that opportunity.
22 I can't tell you why they pick some people and some
23 they don't, it just happens. But I want to thank
24 all y'all for coming very much.

25 I can tell you there will not be another trial

1 after this case is heard, so those of you -- the
2 good news, if you're not picked, you get to go home
3 with a very small check. I'm not real sure you
4 could buy lunch with it, so I wouldn't get too, too
5 excited.

6 But, again, from the bottom of my heart, thank
7 you and thank you for all of your patience with us
8 and our trial roster this week.

9 THE CLERK: How many alternates?

10 THE COURT: I'm going for three alternates in
11 this case.

12 What they're doing, just to let y'all know if
13 y'all get curious, Lexington has a new system and,
14 randomly, they kind of mix all your names up and it
15 comes out on a list. Then they're going to call
16 your name, and you're going to come right up here
17 and the State is going to say yea or nay and the
18 defense will say a yea or nay.

19 If they both say yea, you're coming over here
20 to this box and you're staying with us. So when
21 they call your name, bring all your belongings with
22 you, because you might be staying.

23 When I was in Edgefield to pick a jury, none of
24 their computer stuff worked, so we had to bring out
25 the old turn piece of paper wheel. It still works

1 perfectly. And we spent more time writing down all
2 the jurors' names and throwing it in the bucket and
3 turning it. But I'll tell you, we had a really good
4 time picking a jury. It will make you appreciate a
5 computer when they work.

6 THE CLERK: When I call your name, if you will
7 bring your belongings forward, standing at the
8 podium, face out.

9 Juror No. 42, Shandon Collins.

10 (Juror No. 42 comes forward.)

11 THE CLERK: What say you for the State?

12 MS. MARTIN: Please present this juror.

13 THE CLERK: What say you for the defense?

14 MR. CHEHOSKI: Please swear Ms. Collins.

15 THE CLERK: If you'll have a seat in the jury
16 box, please, ma'am.

17 Juror 110, Rebecca Knight.

18 (Juror No. 110 comes forward.)

19 THE CLERK: What say you for the State?

20 MS. MARTIN: Please present this juror.

21 THE CLERK: What say you for the defense?

22 MR. CHEHOSKI: Please swear Ms. Knight.

23 THE CLERK: If you'll have a seat in the jury
24 box, please, ma'am.

25 Juror No. 65, Vernon Fountain.

1 (Juror No. 65 comes forward.)

2 THE CLERK: What say you for the State?

3 MS. MARTIN: Please present this juror.

4 THE CLERK: What say you for the defense?

5 MR. CHEHOSKI: Please swear Mr. Fountain.

6 THE CLERK: If you'll have a seat in the jury
7 box, please, sir.

8 Juror No. 177, Steven Richardson.

9 (Juror No. 177 comes forward.)

10 THE CLERK: What say you for the State?

11 MS. MARTIN: Please present this juror.

12 THE CLERK: What say you for the defense?

13 MR. CHEHOSKI: Please swear Mr. Richardson.

14 THE CLERK: If you'll have a seat in the jury
15 box, please, sir.

16 Juror No. 220, Susan Winford.

17 (Juror No. 220 comes forward.)

18 THE CLERK: What say you for the State?

19 MS. MARTIN: Please present this juror.

20 THE CLERK: What say you for the defense?

21 MR. CHEHOSKI: Please swear Ms. Winford.

22 THE CLERK: If you'll have a seat in the jury
23 box, please, ma'am.

24 203, Joseph Swearingen.

25 (Juror No. 203 comes forward.)

1 THE CLERK: What say you for the State?

2 MS. MARTIN: Please excuse this juror.

3 THE CLERK: If you'll return to your seat,
4 please, sir.

5 Juror No. 108, Htoo Kler.

6 (Juror No. 108 comes forward.)

7 THE CLERK: What say you for the State?

8 MS. GARRICK: Please present the juror.

9 THE CLERK: What say you for the defense?

10 MR. CHEHOSKI: Please excuse Mr. Kler from
11 service on the case.

12 THE CLERK: If you'll return to your seat,
13 please, sir.

14 Juror No. 68, Jennifer Gallaher.

15 (Juror No. 68 comes forward.)

16 THE CLERK: What say you for the State?

17 MS. MARTIN: Please present the juror.

18 THE CLERK: What say you for the defense?

19 MR. CHEHOSKI: Please excuse Ms. Gallaher from
20 service on the case.

21 THE CLERK: If you'll return to your seat,
22 please, ma'am.

23 175, Kerryon Richardson.

24 (Juror No. 175 comes forward.)

25 THE CLERK: What say you for the State?

1 MS. MARTIN: Please excuse this juror from this
2 case.

3 THE CLERK: If you'll return to your seat,
4 please, sir.

5 64, Savannah Fleming.

6 (Juror No. 64 comes forward.)

7 THE CLERK: What say you for the State?

8 MS. MARTIN: Please present this juror.

9 THE CLERK: What say you for the defense?

10 MR. CHEHOSKI: One moment, please.

11 Please swear Ms. Fleming.

12 THE CLERK: If you'll have a seat in the jury
13 box, please, ma'am.

14 207, Megan Temple.

15 (Juror No. 207 comes forward.)

16 THE CLERK: What say you for the State?

17 MS. MARTIN: Please present the juror.

18 THE CLERK: What say you for the defense?

19 MR. CHEHOSKI: Please swear Ms. Temple.

20 THE CLERK: If you'll have a seat in the jury
21 box, please.

22 21, Kimberly Bradshaw.

23 (Juror No. 21 comes forward.)

24 THE CLERK: What say you for the State?

25 MS. MARTIN: Please present this juror.

1 THE CLERK: What say you for the defense?

2 MR. CHEHOSKI: Please swear Ms. Bradshaw.

3 THE CLERK: If you'll have a seat in the jury
4 box, please.

5 Juror No. 1, William Abrams.

6 (Juror No. 1 comes forward.)

7 THE CLERK: What say you for the State?

8 MS. MARTIN: Please present this juror.

9 THE CLERK: What say you for the defense?

10 MR. CHEHOSKI: Please swear Mr. Abrams.

11 THE CLERK: If you'll have a seat in jury box,
12 please, sir.

13 THE CLERK: 153, Samaire Murphy.

14 (Juror No. 153 comes forward.)

15 THE CLERK: What say you for the State?

16 MS. MARTIN: Please present the juror.

17 THE CLERK: What say you for the defense?

18 MR. CHEHOSKI: Please excuse Ms. Murphy from
19 service on this case.

20 THE CLERK: If you'll return to your seat,
21 please, ma'am.

22 102, Pamela Joles.

23 (Juror No. 102 comes forward.)

24 THE CLERK: What say you for the State?

25 MS. MARTIN: Please present this juror.

1 THE CLERK: What say you for the defense?

2 MR. CHEHOSKI: Please excuse Ms. Joles from
3 service on this case.

4 THE CLERK: Juror No. 3, Eric Alford.

5 (Juror No. 3 comes forward.)

6 THE CLERK: What say you for the State?

7 MS. MARTIN: Please present this juror.

8 THE COURT: What say you for the defense?

9 MR. CHEHOSKI: Please excuse Mr. Alford from
10 service on the case.

11 THE CLERK: If you'll return to your seat,
12 please.

13 113, Ricardo Laboy.

14 (Juror No. 113 comes forward.)

15 THE CLERK: What say you for the State?

16 MS. MARTIN: Please present this juror.

17 THE CLERK: What say for the defense?

18 MR. CHEHOSKI: Please swear Mr. Laboy.

19 THE CLERK: Have a seat in the jury box,
20 please.

21 Juror No. 75, Alexander Grant.

22 (Juror No. 75 comes forward.)

23 THE CLERK: What say you for the State?

24 MS. MARTIN: Please present this juror.

25 THE CLERK: What say you for the defense?

1 MR. CHEHOSKI: Please excuse Mr. Grant from
2 service on the case.

3 THE CLERK: 213, Roger Uhe.

4 (Juror No. 213 comes forward.)

5 THE COURT: What say you for the State?

6 MS. MARTIN: Please excuse this juror.

7 THE CLERK: If you'll return to your seat,
8 please, sir.

9 164, Harvey Philemon.

10 (Juror No. 164 comes forward.)

11 THE CLERK: What say you for the State?

12 MS. MARTIN: Please present this juror.

13 THE CLERK: What say you for the defense?

14 MR. CHEHOSKI: Please swear Mr. Philemon.

15 THE CLERK: Have a seat in the jury box,
16 please.

17 131, Joseph Manuelpillai.

18 (Juror No. 131 comes forward.)

19 THE CLERK: What say you for the State?

20 MS. MARTIN: Please present this juror.

21 THE CLERK: What say you for the defense?

22 MR. CHEHOSKI: Please excuse Mr. Manuelpillai.

23 THE CLERK: Return to your seat, please, sir.

24 74, Sarah George.

25 (Juror No. 74 comes forward.)

1 THE CLERK: What say you for the State?

2 MS. MARTIN: Please excuse this juror.

3 THE CLERK: Return to your seat, please, ma'am.

4 176, Ryan Richardson.

5 (Juror No. 176 comes forward.)

6 THE CLERK: What say you for the State?

7 MS. MARTIN: Please present this juror.

8 THE CLERK: What say you for the defense?

9 MR. CHEHOSKI: Please excuse Mr. Richardson
10 from service on the case.

11 THE CLERK: 147, Kyle Moore.

12 (Juror No. 147 comes forward.)

13 THE CLERK: What say you for the State?

14 MS. MARTIN: Please present this juror.

15 THE CLERK: What say you for the defense?

16 MR. CHEHOSKI: Please swear Mr. Moore.

17 THE CLERK: If you'll have a seat in the jury
18 box, please, sir.

19 185, Jason Sharpe.

20 (Juror No. 185 comes forward.)

21 THE CLERK: What say you for the State?

22 MS. MARTIN: Please excuse this juror.

23 THE CLERK: If you'll return to your seat,
24 please.

25 148, Natalie Moore.

1 (Juror No. 148 comes forward.)

2 THE CLERK: What say you for the State?

3 MS. MARTIN: Please seat this juror.

4 THE CLERK: What say you for the defense?

5 MR. CHEHOSKI: Please swear Ms. Moore.

6 THE CLERK: If you'll have a seat in the jury
7 box, ma'am.

8 217, Franklin Wier.

9 (Juror No. 217 comes forward.)

10 THE CLERK: What say you for the State?

11 MS. MARTIN: Please present this juror.

12 THE CLERK: What say you for the defense?

13 MR. CHEHOSKI: Please excuse Mr. Wier from
14 service on the case.

15 THE CLERK: Please return to your seat.

16 Juror No. 184, David Shannon.

17 (Juror No. 184 comes forward.)

18 THE CLERK: What say you for the State?

19 MS. MARTIN: Please present this juror.

20 THE CLERK: What say you for the defense?

21 MR. CHEHOSKI: Please swear Mr. Shannon.

22 THE CLERK: If you'll have a seat in the jury
23 box, please.

24 THE COURT: That was Alternate No. 2. I want
25 three alternates.

1 THE CLERK: Juror No. 96, Russell Jackson.

2 (Juror No. 96 comes forward.)

3 THE CLERK: What say you for the State?

4 MS. MARTIN: Please present this juror.

5 THE CLERK: What say you for the defense?

6 MR. CHEHOSKI: Please excuse Mr. Jackson from
7 service on the case.

8 THE COURT: 116, Jody Lawter.

9 (Juror No. 116 comes forward.)

10 THE CLERK: What say you for the State?

11 MS. MARTIN: Please present this juror.

12 THE CLERK: What say you for the defense?

13 MR. CHEHOSKI: Please swear Mr. Lawter.

14 THE CLERK: Have a seat in the jury box,
15 please.

16 THE COURT: That's alternate 3.

17 Let me see the lawyers for just one second.

18 (Sidebar conference.)

19 THE COURT: To the rest of the jury panel, I

20 hope y'all have a great afternoon, a great week.

21 Listen, if you need any kind of notice for work, if

22 you will go to the first floor to the clerk's

23 office, they will be able to supply you with a note

24 for your employer, if you need one.

25 And, again, thank y'all so much for coming and

1 thank you so much for your patience. I feel sure by
2 the end of the year, I'm going to be seeing y'all
3 again. And I'm going to remember y'all, I promise.
4 Okay? Thank you.

5 With that, y'all can be excused. Don't spend
6 that paycheck all at once.

7 (Remainder of jury pool excused.)

8 THE COURT: First, congratulations. I'm glad
9 y'all are with us. Let me ask, because I had one
10 thing on my mind, somebody had a deposition. Is
11 that anybody in this jury that's been selected?
12 Anybody here have a deposition on Thursday? Okay.
13 That must have been another juror number.

14 MS. MARTIN: It was 193.

15 THE COURT: 193. Okay.

16 All right. Let me just go over a few little
17 housekeeping rules with you. We're not going to
18 start this case today. We'll start it in the
19 morning. It's 3:00. I'll try to get you home and
20 not have to fight the afternoon traffic. It should
21 be a short case.

22 But let me tell you, because I've called this
23 case, do not go home and look on the computer; don't
24 go call your best friend, your husband, your wife
25 and say, hey, I'm on the jury, you won't believe

1 what I heard in court today. Don't do it. Do not
2 do it.

3 Do not look up anything on the Internet. If
4 these lawyers use words that you don't understand,
5 don't go home and look them up. Do not do it. Do
6 not look up anything about this case or anything
7 that you've heard in this courtroom. You're not
8 allowed to do it.

9 You're not allowed to watch anything on TV
10 about this case. So I don't think there's anything
11 on TV, but I don't know about the newspaper. You're
12 not allowed to read anything about this case at all.

13 I do not allow cell phones in the courtroom, so
14 when you come in, in the morning, you are to give
15 your cell phones to the bailiff. He will be with
16 you everywhere you go, I promise.

17 You will also be given a juror badge. Wear it
18 proudly. And it must be worn. We want to know who
19 you are. Everybody in this courtroom, these lawyers
20 need to know, because I'll tell you, they're under
21 an order from me that they can't talk to you. And
22 these are probably some of the nicest lawyers you've
23 ever met in your life. So don't think they're rude
24 when they see you and they say, oh, no, and they
25 turn around and go the other way, because that's

1 what they're supposed to do.

2 You are not even to talk amongst yourselves
3 about this case when we take breaks until I tell you
4 to, and that will be at the end of this case. Do
5 not go back to that jury room and start talking
6 about this case. I'm telling you, you're under
7 orders not to do that. Okay?

8 When you go on breaks -- and like I told you in
9 the beginning, I'll try to give you a break on the
10 hour -- you can -- feel free to use your cell
11 phones, call home. If you want a phone number, if
12 your family wants to call up here and you're in the
13 middle of jury service and it's an emergency, the
14 bailiff will come get you. They'll let you know,
15 and we'll certainly let you take that phone call.
16 Okay? We'll give you a number that you can take
17 home.

18 No note-taking, no talking about this case, no
19 looking up anything on the Internet, social media,
20 talking to your friends about this case. Everybody
21 understand?

22 Now, when we come back in the morning --

23 Mr. Fountain?

24 THE JUROR: Yes.

25 THE COURT: Would you do me the honor of being

1 my foreman?

2 THE JUROR: Yes, ma'am.

3 THE COURT: Thank you. When you come back in
4 the morning, they'll have a special seat for you.
5 I'll give you some additional duties when we talk in
6 the morning. Okay?

7 So with that said, I'm going to let the bailiff
8 take you down to your room so you'll know where to
9 report in the morning.

10 What time y'all want to start?

11 MS. MARTIN: 9:00?

12 MR. CHEHOSKI: 9:00.

13 THE COURT: 9:00 is fine with me. I'd rather
14 start early and try to let y'all leave early, if we
15 can do that. He's going to take you down, show you
16 the room where you are to report.

17 Now, remember when one juror shows up late, we
18 can't start without you. And just like today -- and
19 I promise you, if you need a ride, I'll get you a
20 ride. Just let me know. And if you're not here,
21 we'll complimentary pick you up. Okay?

22 With that said, thank y'all so much for your
23 service. You don't know what it means to both
24 sides. Both sides, it's their day in court. And I
25 know that they appreciate it. I know I do.

1 So with that said, y'all go have a good
2 evening. Don't talk about this case. You're going
3 to hear me say that a hundred times. But enjoy your
4 evening, and I'll see you in the morning. Y'all be
5 here about a quarter to 9:00.

6 (The jury exits the courtroom at 3:06 PM.)

7 THE COURT: All right. The jury is gone.

8 Let me ask the State, was there any objection
9 to the jury?

10 MS. MARTIN: No, ma'am.

11 THE COURT: Any objection from the defense?

12 MR. CHEHOSKI: No, Your Honor. But, as we
13 discussed at the bench at a prior conference, I
14 would like to make my proposed voir dire a Court's
15 Exhibit, please.

16 THE COURT: I've made it Court's Exhibit No. 1.

17 MR. CHEHOSKI: Thank you, Your Honor. Nothing
18 further.

19 (Court's Exhibit No. 1 marked for
20 identification.)

21 THE COURT: Are there any pretrial motions we
22 can take care of?

23 MR. CHEHOSKI: Yes, Your Honor. We would like
24 to conduct a Neil v. Biggers hearing.

25 THE COURT: Be happy to.

1 State ready?

2 MS. MARTIN: Yes, Your Honor. May I have a
3 comfort break real quick?

4 THE COURT: I'll tell you what, why don't y'all
5 take a break. Let me do this plea right quick --
6 it's a nolo plea -- so I can get Bruce and Rob out
7 of here.

8 MS. MARTIN: And we might get an update on --

9 MR. CHEHOSKI: He's already called.

10 MS. MARTIN: Great.

11 THE COURT: Because I'm going to tell you,
12 Mr. Chehoski, I think, in the morning, I'm going to
13 have to ask them if they know Mr. Hampton.

14 MR. CHEHOSKI: That's correct, Your Honor.

15 (Pause in proceedings 3:08 PM - 3:36 PM.)

16 THE COURT: All right. The defense has a
17 Neil v. Biggers hearing.

18 Mr. Hampton, glad you could join us.

19 Let's get started. Call your first witness.

20 MS. OPPENHEIMER: Thank you, Your Honor. May
21 it please the Court? State calls Chief John Rebolj.

22 THE CLERK: Raise your right hand.

23 JOHN REBOLJ

24 being first duly sworn, testified as follows:

25 THE WITNESS: I do.

1 THE CLERK: You can have a seat over there.

2 THE WITNESS: Thank you.

3 THE CLERK: You can remove your mask. If
4 you'll state your name and spell your last name.

5 DIRECT EXAMINATION

6 BY MS. OPPENHEIMER:

7 Q. Chief Rebolj, you're currently the chief at
8 Pelion Police Department, correct?

9 A. That's correct.

10 Q. And as the chief of a small municipality, is it
11 common for you to work cases with other small
12 municipalities throughout Lexington County?

13 A. That's correct.

14 Q. Would Swansea Police Department be one of those
15 agencies that you help?

16 MR. CHEHOSKI: Your Honor, he never got to
17 state his name for the record and spell his last
18 name.

19 THE COURT: Chief, will you state your name for
20 the record? And then we're going to start over.

21 THE WITNESS: Yes, Your Honor. My name is John
22 Rebolj. I'm the chief of police with the Pelion
23 Police Department. It's R-E-B-O-L-J.

24 BY MS. OPPENHEIMER:

25 Q. Chief Rebolj, you're with the Pelion Police

1 Department, correct?

2 A. That's correct.

3 Q. And as the chief of the Pelion Police
4 Department, you often help small municipalities in
5 Lexington County?

6 A. That's correct.

7 Q. And one of those is Swansea Police Department
8 as well?

9 A. Yes.

10 Q. In August of 2019, specifically August 23rd,
11 2019, were you called out to the Tiger Mart in
12 Swansea to investigate an armed robbery?

13 A. I was.

14 Q. As part of your assistance in that
15 investigation, did you request a photo lineup?

16 A. I did, from the South Carolina Law Enforcement
17 Division Fugitive Center.

18 Q. When you requested that lineup, did you have a
19 physical description of the armed robber?

20 A. I did.

21 Q. What was that description?

22 A. That description was provided by Mr. Sam Patel.
23 He described the suspect as a slender-build black
24 male between 21 and 23 years old. He described the
25 suspect's clothing as having green pants, camo

1 shirt, and black hat. He further stated that he was
2 a regular customer, came in the store several times
3 a day.

4 Q. And Mr. Patel would have been one of the owners
5 of the Tiger Mart; is that correct?

6 A. That's correct. He was present during the time
7 of the incident.

8 Q. And when you requested that photo lineup, did
9 you have a name of a suspect?

10 A. I did. It was Tra'vion Hampton.

11 Q. And who provided you that name?

12 A. Mr. Sam did.

13 Q. When you requested the photo lineup from SLED,
14 was Tra'vion Hampton's photo included in that
15 lineup?

16 A. That's correct.

17 Q. Do you have the original lineup with you?

18 A. I do.

19 Q. What number photograph was Mr. Hampton on the
20 lineup?

21 A. Number 2.

22 Q. And did you later meet with Mr. Patel to show
23 him that lineup?

24 A. I did.

25 Q. Do you recall about when you met with him to

1 present that lineup to him?

2 A. I completed the affidavit. And this happened
3 on the 24th.

4 Q. So that would have been the day after the armed
5 robbery?

6 A. Day following the armed robbery, that's
7 correct.

8 Q. Where were you when you presented that lineup
9 to Mr. Patel?

10 A. We were at the incident location, 495 South
11 Church Street.

12 Q. And when you went to present that lineup to
13 Mr. Patel, was anyone else present or was it just a
14 conversation between the two of y'all?

15 A. Myself and Mr. Patel.

16 Q. What did you tell Mr. Patel prior to showing
17 him the lineup?

18 A. I tell him the same thing I tell all my people
19 that are going to participate in a lineup.

20 I tell them the suspect may or may not be
21 present in the lineup; take a look at these photos;
22 if you're certain that the suspect is in the lineup,
23 point to him, and then we'll circle and sign next to
24 the lineup.

25 Q. Did you make any suggestions to him that the

1 suspect was definitely in that lineup you were
2 presenting to him?

3 A. No, I did not.

4 Q. Did you tell Mr. Patel that he must pick
5 someone in that lineup?

6 A. I did not.

7 Q. And I believe you already touched on this, but
8 can you give us the specific instructions you gave
9 Mr. Patel prior to showing him the lineup?

10 A. I tell him: This is a lineup of six people.
11 The suspect may or may not be in the lineup. Take a
12 look at these photos. If you're certain that the
13 suspect is in these photos, go ahead and point to
14 him, and then we'll circle and initial next to the
15 photo.

16 Same I give every time I gave a photo lineup,
17 for whatever crime we may be investigating.

18 Q. Now, when you showed Mr. Patel the lineup, did
19 he identify anyone?

20 A. He did.

21 Q. Who did he identify?

22 A. He picked out number 2, which would be the
23 suspect in the robbery.

24 Q. That would be Tra'vion Hampton?

25 A. Tra'vion Hampton, that's correct.

1 Q. And what did he do to indicate that he
2 recognized the armed robber?

3 A. He circled his picture and indicated with his
4 initials. We also filled out an affidavit, which
5 was also provided.

6 Q. And how quickly did Mr. Patel identify the
7 defendant as the armed robber?

8 A. Almost immediately.

9 Q. Did you observe him to have any difficulty
10 identifying Mr. Hampton as the armed robber?

11 A. I did not.

12 Q. And how certain was Mr. Patel that Tra'vion
13 Hampton was the armed robber?

14 A. He seemed very certain.

15 Q. Did Mr. Patel ever indicate to you that he had
16 seen this armed robber before?

17 A. Yes.

18 Q. And when did he first make you aware that he
19 knew who this armed robber was?

20 A. At the day of the incident. The day prior to
21 the lineup pick, he had indicated that this man had
22 been in the store several times, I mean, over
23 several weeks. He comes in that store regularly.

24 Q. So on August 23rd, the day of the armed
25 robbery, he told you he knew who the armed robber

1 was?

2 A. That's correct.

3 Q. While you were on scene?

4 A. That's correct.

5 MS. OPPENHEIMER: Beg the Court's indulgence

6 Your Honor.

7 (Pause.)

8 BY MS. OPPENHEIMER:

9 Q. Chief Rebolj, was Mr. Patel able to give you a
10 name of the armed robber on the night of August
11 23rd, 2019?

12 A. That's correct.

13 Q. He provided you that name?

14 A. Yes. Tra'vion Hampton. He was able to go
15 through -- I believe he found it from Facebook;
16 found his picture and said this is the suspect that
17 committed the armed robbery.

18 MS. OPPENHEIMER: Beg the Court's indulgence.

19 (Pause.)

20 BY MS. OPPENHEIMER:

21 Q. Could he have provided that name to you maybe
22 while you were not on scene or even early the next
23 day?

24 A. I can't recall off the top of my head.

25 Q. But he did eventually provide you the name of

1 Tra'vion Hampton?

2 A. That's correct. He provided it to
3 investigators. I don't recall if he provided it
4 directly to me.

5 Q. Thank you, Chief. Please answer any questions
6 from the defense.

7 MS. OPPENHEIMER: And, Your Honor, may we have
8 the lineup and affidavit marked for identification
9 purposes at this juncture?

10 THE COURT: Sure.

11 MS. OPPENHEIMER: I apologize for not doing
12 that earlier.

13 CROSS-EXAMINATION

14 BY MR. CHEHOSKI:

15 Q. Chief Rebolj, on the day of the incident,
16 Mr. Patel did not have the name when you initially
17 responded; is that right?

18 A. That's correct, not initially.

19 Q. And it wasn't until later that the name was
20 brought to you or brought to your attention?

21 A. That's correct.

22 Q. When you submitted for the photo lineup, did
23 you just include the -- the description of the
24 suspect or was there more?

25 A. Specify -- I'm sorry. Restate the question.

1 Q. Let me rephrase.

2 When you requested the ID, did you ask
3 specifically for Tra'vion Hampton?

4 A. That's correct.

5 Q. You did not just ask for a -- what you
6 testified to was a slender-build black male, 20 to
7 23?

8 A. If you're asking if I just asked them to send
9 photos of 21-through-23-year-old black males.

10 Q. A slender-build black man.

11 A. No, I did not.

12 Q. You specifically included Tra'vion Hampton?

13 A. That's correct.

14 Q. And when you received the lineup; you knew
15 where Tra'vion Hampton's picture was?

16 A. Yes, that's correct.

17 Q. And it was you who presented the photo lineup
18 to Mr. Patel?

19 A. That's correct.

20 Q. Knowing where Mr. Hampton's picture was?

21 A. Yes, that's correct.

22 Q. When you showed him the lineup --

23 MR. CHEHOSKI: May I approach the witness?

24 THE COURT: You may.

25 BY MR. CHEHOSKI:

1 Q. Please demonstrate how you showed him the
2 lineup.

3 A. Absolutely. I would have set this down,
4 usually on a table or a piece of paper. I don't
5 remember exactly where I was when I set it out. But
6 said, these are six people in the photo lineup, and
7 the suspect may or may not be present in this photo
8 lineup. If you see the suspect present and you're
9 sure, go ahead and point to him. And at that point
10 in time, he pointed to number 2.

11 Q. Thank you. Do you remember if you put it down
12 at all with your hand in the middle possibly --

13 A. I specifically don't do that just because of
14 the suggestion. I normally set it down like this
15 [demonstrating].

16 Q. So with thumbs on each side in the middle of
17 the page?

18 A. That's correct, to avoid any influence.

19 Q. I just want to make sure that -- you know,
20 again, for the record, when you say like this,
21 that's how you do it?

22 A. Yeah.

23 Q. When did you first hear the name of Tra'vion
24 Hampton being involved in this?

25 A. I believe it was later that day. We had

1 stopped a car that we thought was involved in this.
2 And, further on down through the investigation,
3 maybe 6:00 that night, somewhere around that area,
4 I'm just making a guess, it was further on in the
5 investigation.

6 MR. CHEHOSKI: One moment, please, Your Honor.

7 (Pause.)

8 BY MR. CHEHOSKI:

9 Q. All right. You had mentioned that there was
10 a -- when you reported to the scene, that there was
11 a car that you pulled over.

12 A. Yes.

13 Q. And do you remember what kind of car that was?

14 A. I'd have to look. It was a blue Toyota RAV4.

15 Q. Okay. In your investigation, had that car been
16 associated with Mr. Hampton?

17 A. Mr. Patel stated that, several occasions, he
18 saw the blue Toyota RAV4 coming through immediately
19 prior -- I believe it was immediately prior to the
20 robbery. That's why we stopped the car.

21 Q. And on that day, there was no association with
22 that car with Mr. Hampton; is that right?

23 A. Not that we found, no.

24 MR. CHEHOSKI: That's all I have, Your Honor.

25 THE COURT: Thank you.

1 MS. OPPENHEIMER: Nothing further from the
2 State, Your Honor.

3 THE COURT: Chief, you can step down. Thank
4 you.

5 THE WITNESS: Thank you, Your Honor.

6 THE COURT: Call your next witness.

7 MS. OPPENHEIMER: State calls Sumet Patel.

8 THE CLERK: Raise your right hand, please.

9 SUMET PATEL

10 being first duly sworn, testified as follows:

11 THE WITNESS: Yes.

12 THE CLERK: Have a seat over there, please. If
13 you'll state your name and spell your last, please,
14 for the record. You can remove your mask.

15 THE WITNESS: Sumet Patel. Last name is Patel,
16 P-A-T-E-L.

17 DIRECT EXAMINATION

18 BY MS. OPPENHEIMER:

19 Q. Mr. Patel, do you go by any other names?

20 A. Yes, ma'am, Sam.

21 Q. May I call you Sam?

22 A. Yes.

23 Q. Sam, you own the Tiger Mart in Swansea with
24 your family; is that correct?

25 A. Yes, ma'am. Our family owns Tiger Stop since

1 2006, August 16th.

2 Q. Okay. And on August 23rd of 2019, there was an
3 armed robbery at your store, correct?

4 A. Yes.

5 Q. Can you briefly describe what happened during
6 that armed robbery?

7 A. Yes. As I was coming out of the office, I went
8 behind the counter, then I went back towards the
9 cooler again to grab me a Red Bull. As I came back
10 around the counter, I saw somebody jumping over the
11 counter. I saw that -- looked up. I saw the face
12 of Tra'vion, which I didn't know the name at that
13 time, but I knew who he was.

14 And he pointed a gun at me and Ms. Dora,
15 demanding money. I opened the drawer up. Ms. Dora
16 was standing in the corner, handed him the money.
17 He jumped over the counter again, took off on the
18 side of the store, and just went away.

19 Q. Okay. You said you saw the face of the armed
20 robber. Did you get a good look at his face?

21 A. Yes, I did.

22 Q. Were you able to tell who it was?

23 A. Yes.

24 Q. Can you describe about how long you were
25 looking at his face?

1 A. It felt like a pretty good long time since
2 everything was moving so fast. But I would
3 recognize him coming into the store every single day
4 for the past 15 years since we owned it. So I
5 recognize his body language, his face. And I knew
6 his family, too, at that time.

7 Q. So you knew who this armed robber was from
8 before?

9 A. Yes, ma'am, as a customer.

10 Q. As a customer. And as a convenience store
11 owner, do you often know your customers by -- maybe
12 not by their name, but maybe like an order or their
13 body type? Their physical appearance?

14 A. Yes, ma'am. Majority of everyday customers, we
15 do recognize by either their first name or the
16 street name they go by sometimes, or what kind of
17 food or drinks or whatever they like. Most of the
18 time, we know who they are.

19 Q. And you knew this armed robber?

20 A. Yes, ma'am.

21 Q. Did you happen to know his order at the store?

22 A. When he was little, I remember that his mom
23 used to bring him all the time. Six drumettes and
24 honey mustard after church on Sunday. Growing up,
25 he used to get cigars and drinks all the time.

1 Q. Can you describe the conditions of the store
2 and outside during this robbery on August 23rd?

3 A. It was right around 2:30 or 3:00 when the
4 school gets out, so we are ready to get busy.
5 That's when I came out of the office. We had a
6 couple customers in there at that time when he
7 jumped in. Pretty -- not quite -- we had like two
8 or three customers at that time.

9 Q. Was -- the lighting in your store, was it
10 bright? Was it dark?

11 A. All the lights were working and it was broad
12 daylight outside. We have big windows on our
13 stores, too, so it was pretty bright.

14 Q. And you said that even though this robbery
15 didn't take very long, you still got a good look at
16 the face of the armed robber?

17 A. Yes, ma'am, I did.

18 Q. Did you recall the name of the armed robber at
19 that time?

20 A. No, I didn't, not at that time. I just
21 recognized his face, who this guy is coming in every
22 day. I just didn't know his last name or first name
23 at that time.

24 Q. And did you later come to know his name?

25 A. Yes, ma'am. Around 6:00 or 7:00, when I was

1 sweeping the store, one of my good customers walked
2 in and I showed him the video of the robbery. With
3 his body language, knowing him, he put a last name
4 to it.

5 So I went on Facebook and looked it up, and I
6 saw a picture of him and his mom on Facebook.
7 That's when I recognized his last name. He was
8 tagged on the Facebook page.

9 Q. What was the last name of the individual that
10 you recognized as the robber?

11 A. Hampton.

12 Q. Hampton. What was the name, the full name of
13 this individual?

14 A. Tra'vion.

15 Q. So it would have been Tra'vion Hampton?

16 A. Yes, ma'am.

17 Q. Did you provide that name to law enforcement?

18 A. Yes, ma'am. I showed them a Facebook picture,
19 and I told them this is his name.

20 Q. After that, when you gave law enforcement the
21 name of Tra'vion Hampton, did you meet with law
22 enforcement later to do a photo lineup?

23 A. Not on the same day. We were ready to close
24 early that day. Since this happened, everybody was
25 ready to go home, so we closed the store a little

1 bit early. So it was the next day.

2 Q. And where did you meet with law enforcement to
3 do the photo lineup?

4 A. I can't recall. But, most likely, it was at
5 the store because we didn't have employees at that
6 time. Ms. Dora took some time off. We only had one
7 employee. So I was at the store, mostly likely,
8 yes.

9 Q. And do you recall meeting with Chief Rebolj?

10 A. Yes.

11 Q. And it was just the two of y'all when you met
12 for that photo lineup?

13 A. Yes.

14 Q. Do you recall if he gave you any instructions
15 prior to showing you the photo lineup?

16 A. Instruction as in showing me the picture, said
17 if you recognize any of this individual who robbed
18 your store. I immediately recognized Tra'vion, and
19 I pointed my fingers towards the picture.

20 Q. Did he tell you that the armed robber was
21 definitely included in that photo lineup?

22 A. No.

23 Q. Did he tell you that you had to pick someone?

24 A. No.

25 Q. Did he make any suggestion as to who you should

1 have picked?

2 A. No.

3 MS. OPPENHEIMER: Your Honor, may I approach
4 the witness?

5 THE COURT: You may.

6 BY MS. OPPENHEIMER:

7 Q. Sam, I'm going to show you what's been marked
8 for ID as State's Exhibit No. 1. Is this the photo
9 lineup that Chief Rebolj gave you?

10 A. Yes, ma'am.

11 Q. When he showed you that lineup, did you pick
12 anyone out?

13 A. Yes, ma'am, Tra'vion.

14 Q. What number was he?

15 A. Number 2.

16 Q. And how quickly did you identify number 2 as
17 Tra'vion Hampton as the armed robber?

18 A. Right away.

19 Q. Is it fair to say within seconds?

20 A. Seconds, yes, ma'am.

21 Q. And how did you indicate that Tra'vion Hampton,
22 Photo No. 2, was the armed robber?

23 A. Knowing him all these years and the day of the
24 robbery, I still remember that face. And I knew who
25 this guy was and who robbed us, and it was him.

1 Q. Did you mark on the photo lineup who was the
2 armed robber?

3 A. I circled it and initialed it.

4 Q. And --

5 MS. OPPENHEIMER: Beg the Court's indulgence.

6 (Pause.)

7 BY MS. OPPENHEIMER:

8 Q. How confident were you that Tra'vion Hampton,
9 Photo No. 2, was the armed robber on August 23rd,
10 2019?

11 A. A hundred percent.

12 Q. A hundred percent. Were you confident back in
13 2019?

14 A. Yes, ma'am.

15 Q. Are you still confident now?

16 A. Yes, ma'am.

17 Q. Do you see the person who robbed your store at
18 gunpoint on August 23rd, 2019, in the courtroom
19 today?

20 A. I do. If he removes his face mask, yes, ma'am,
21 I can recognize him.

22 MS. OPPENHEIMER: Your Honor, may we ask the
23 defendant to remove his face mask?

24 THE COURT: Yes.

25 Mr. Hampton, can you remove your face mask,

1 please?

2 THE DEFENDANT: Yes, ma'am.

3 THE WITNESS: Yes, ma'am.

4 BY MS. OPPENHEIMER:

5 Q. And who do you recognize as the armed robber on
6 August 23rd, 2019?

7 A. Tra'vion Hampton.

8 Q. Is that the Defendant sitting at the table with
9 the brown coat on?

10 A. Yes, ma'am, that's him.

11 Q. How confident are you that that is him?

12 A. A hundred percent.

13 Q. Is there any doubt in your mind that he's the
14 man who robbed you on August 23rd, 2019?

15 A. No doubt.

16 MS. OPPENHEIMER: Beg the Court's indulgence,
17 Your Honor.

18 THE COURT: Sure.

19 (Pause.)

20 MS. OPPENHEIMER: No further questions, Your
21 Honor.

22 Please answer any questions the defense may
23 have for you, Mr. Patel.

24 THE WITNESS: Yes, ma'am.

25

Q. Mr. Patel, I'm sorry that these are the circumstances we have to meet. I'm sorry you had to go through this.

A. It felt like more than five minutes at that time. Everything was rushed. Ms. Dora was panicking. But, like, robbery itself didn't take long.

Q. How long was that again?

Q. And you said you had a good look at his face, right?

Q. That's fine. I've been called worse.

A. He had camo pants. And I remember the hat clearly. He had a black hat with -- how do you pronounce it? The mascot of Gamecock. Like, Cocky, that was kind of like Arby's or some kind of symbol

1 on top of the black hat.

2 Q. Was he wearing anything else on his face?

3 A. No.

4 Q. How tall are you?

5 A. Five-four.

6 Q. How tall is he?

7 A. Probably the same height, about five-four or
8 five-six.

9 Q. Facial hair?

10 A. Me?

11 Q. No. Did the robber have facial hair?

12 A. No, not at that time.

13 Q. At what point did you notice a gun?

14 A. When he jumped over the counter, he pulled
15 it. Like, I saw it in his hand. But I thought it
16 was just something else at that point. When he
17 pulled it up high and pointed it towards our head,
18 that's when everybody was panicking. Within
19 probably -- as soon as he jumped over the counter,
20 we recognized it.

21 Q. And, at some point, you had to look away to
22 open the drawer, right?

23 A. Right.

24 Q. Did you have to insert the key in the drawer or
25 was the key already in the drawer?

1 A. The key was already in the drawer.

2 Q. And you're the one who had to open the drawer?

3 A. Yes, I did.

4 Q. And you're the one who had to take out the
5 money?

6 A. Yes, I did.

7 Q. And during all that, you were looking at the
8 drawer, right?

9 A. I was looking around, like, grabbing the money
10 out of the drawer, yes, sir, at that time.

11 Q. How did you get Tra'vion's first name?

12 A. Through Facebook.

13 Q. Through Facebook. And you said it was a
14 customer who gave you the last name?

15 A. Yes.

16 Q. How did you find the first name on Facebook?

17 A. I found his mom on Facebook. When I saw a
18 picture of him tagged in the Facebook, that's how I
19 found his Facebook page.

20 MR. CHEHOSKI: One moment, please, Your Honor.

21 THE COURT: Sure.

22 (Pause.)

23 BY MR. CHEHOSKI:

24 Q. And you said that you initially recognized
25 Mr. Hampton from his order; is that right?

1 A. Yes.

2 Q. What was his order?

3 A. Not everyday order, but like when he was
4 little, I recognized his everyday order on Sundays
5 was six drumettes with honey mustard. His mom and
6 him used to come in when he was little.

7 Q. How about in 2019? What --

8 A. 2019, I was not running the register as much; I
9 was just managing the store. So most of my
10 employees rang the customers up. But I see him
11 every day at the store.

12 Q. And then -- so -- but you don't remember what
13 he would buy?

14 A. Cigars.

15 Q. Cigars?

16 A. Cigars and drinks.

17 Q. Did that require ID?

18 A. Yes.

19 Q. Did your employees check the ID?

20 A. We did not check it every day since we already
21 checked his ID before. So, knowing him every day,
22 coming in five to six times a day to get cigars and
23 drinks, we do not constantly check it. But knowing
24 him, everyday customer, we didn't ask him for ID
25 that day.

1 Q. But even though he came in every day, you
2 couldn't remember his first name?

3 A. No.

4 Q. All right.

5 MR. CHEHOSKI: That's all I have, Your Honor.

6 THE COURT: Any redirect?

7 MS. OPPENHEIMER: Very briefly, Your Honor.

8 Your Honor, may I approach the witness?

9 THE COURT: You may.

10 REDIRECT EXAMINATION

11 BY MS. OPPENHEIMER:

12 Q. All right. Mr. Patel, I am showing you a
13 screen grab of State's Exhibit No. 4 for ID only at
14 this time.

15 Is that a picture of the armed robber on August
16 23rd, 2019?

17 A. Yes, ma'am.

18 Q. Does that reflect what the armed robber was
19 wearing during the armed robbery?

20 A. Yes.

21 Q. Was he wearing a mask?

22 A. No.

23 Q. Was he wearing anything on his face?

24 A. Only a hat.

25 Q. A hat. But despite the short amount of time

1 and the hat, you were able to get a good look at the
2 armed robber's face; is that correct?

3 A. Yes, ma'am.

4 Q. Was he wearing sunglasses? Do you recall?

5 A. No.

6 Q. Can you tell from that photograph if he was
7 wearing sunglasses?

8 A. Not really.

9 MS. OPPENHEIMER: Thank you, Mr. Patel.

10 RECROSS-EXAMINATION

11 BY MR. CHEHOSKI:

12 Q. Is it possible he was wearing sunglasses in
13 that picture?

14 A. I can't really tell.

15 Q. Maybe? Maybe not?

16 A. Yeah. Maybe, maybe not.

17 MR. CHEHOSKI: That's all I have, Your Honor.

18 THE COURT: Can I excuse Mr. Patel?

19 MS. OPPENHEIMER: Yes, you can.

20 THE COURT: Mr. Patel, thank you.

21 THE WITNESS: Thank you.

22 THE COURT: Any other witnesses?

23 MS. OPPENHEIMER: No further witnesses, Your
24 Honor.

25 THE COURT: Be glad to hear from you.

1 MR. CHEHOSKI: Thank you, Your Honor. I'll try
2 to make this as brief as possible, but also cover
3 all the bases.

4 According to the factors under Neil v. Biggers,
5 they include certainty, quality of view, attention
6 paid, and agreement between the witness'
7 description, and the suspect and the amount of time
8 between the crime and the identification attempt.

9 Your Honor, I would say right now the most
10 important thing is really the opportunity to view.
11 Because this -- this incident took over a very short
12 period of time. There was a gun pointed in his
13 face. When a gun is pointed at your face, we all
14 know there's a focus on that more than anything
15 else.

16 Your Honor, I would also argue that there is an
17 inaccuracy in the description in that the suspect
18 was wearing glasses or was wearing sunglasses, and
19 that was not included in the description.

20 Understanding the other factors, Your Honor, I
21 would still argue that this identification should
22 not be admitted to the jury -- should not be
23 admitted in front of the jury for the reasons of the
24 inaccuracy and the degree of attention.

25 And for those reasons, Your Honor, that's why

1 I'd ask for suppression of that.

2 THE COURT: Thank you.

3 Be glad to hear from you, Ms. Oppenheimer.

4 MS. OPPENHEIMER: Thank you, Your Honor.

5 I think Mr. Patel is very clear on that he did
6 get a good look of this armed robber's face, despite
7 the short time. I don't know that we know that we
8 focus on a gun. Mr. Patel never indicated that he
9 was focusing on the gun. He stated to the Court
10 that he was focused on the face; that he knew him;
11 without a shadow of a doubt, a hundred percent
12 certainty, that Tra'vion Hampton was the man who
13 robbed him in August of 2019.

14 Your Honor, he knew from the time that that
15 man, Tra'vion Hampton, jumped over the counter and
16 he looked up and saw his face. He said, I know who
17 that is; I know who that is. He's a regular
18 customer; he's been coming here frequently.

19 You heard him testify that, despite the hat, he
20 got a clear view of the robber's face and there was
21 no uncertainty from Mr. Patel. He's on scene saying
22 he knows who it is. He's giving a description of a
23 slender, black male between the ages of 21 and 23;
24 he's wearing a camo shirt, green pants, black hat.
25 He provides that description to law enforcement.

1 It's not until later that day that he is given
2 a last name. And when he goes and looks on
3 Facebook, he finds a picture of Tra'vion Hampton.
4 He says, That's the guy; That's the guy; I know him;
5 That's the man who robbed me; I knew him before the
6 robbery.

7 He gave that name to law enforcement. Law
8 enforcement gets a photo ID. I don't know if Your
9 Honor has looked at this lineup, but it is certainly
10 not suggestive at all, I would say.

11 THE COURT: That's State's Exhibit 1 for ID
12 only?

13 MS. OPPENHEIMER: I would argue that your eyes
14 go directly to a different individual on that list.
15 It's all six black men with similar haircuts,
16 similar build, similar facial structures. And Chief
17 Rebolj testified that he doesn't point to anything;
18 he doesn't suggest anything. He merely places it in
19 front of the witness and asks them if they can
20 identify someone, not that they have to.

21 He said that Mr. Patel picked number 2,
22 Tra'vion Hampton, within seconds of looking at the
23 photograph. He was a hundred percent certain.
24 There was absolutely no question in his mind. So we
25 would ask that you admit the identification, Your

1 Honor.

2 THE COURT: Okay. Is there anything else?

3 MR. CHEHOSKI: Nothing further, Your Honor.

4 THE COURT: I will tell you, I'm going to admit
5 it. I don't find anything suggestive on this photo
6 lineup. But, more importantly, he immediately ID'd
7 the guy. And he testified his level of certainty
8 was 100 percent and he had the opportunity to view
9 him.

10 But the deal is, is that he's known this guy
11 for an awfully long time, like 15 years. He's even
12 familiar with what he ordered as a child when he'd
13 come into the store and the cigars and whatever
14 drinks he would buy. I mean, he's pretty adamant
15 about that.

16 I also find that his description is still the
17 same today. It seems to be pretty accurate. Though
18 you argue a short length of time, I think two
19 minutes is a really long time. To be honest with
20 you, I don't know that armed robbers hang around for
21 five minutes so you can get a good look at them.

22 He said he got a good look at him, saw his
23 face, knew exactly who he was, could tell by his
24 mannerisms also. And that's from knowing him for 15
25 years. I'm going to allow the ID.

1 All right. Any other motions?

2 MR. CHEHOSKI: Your Honor, I guess the routine
3 continuing discovery motion. I've had judges tell
4 me that this is not a real motion unless and until
5 something comes up and then I waive my appeal. If
6 there's anything, I think there's a possible rap
7 sheet for one of the witnesses. Other than that, I
8 don't know if there's any other video evidence, any
9 other -- or if there's any other -- anything from
10 CSI regarding footprints or fingerprints or DNA or
11 anything like that.

12 THE COURT: Any discovery?

13 MS. MARTIN: No issues with discovery that I'm
14 aware of, Your Honor. And I hope tonight we can go
15 through the pictures real quick and mark everything.

16 THE COURT: Okay.

17 MS. MARTIN: We do have -- I did tell him that
18 the witness, Rocky, who was able to give the name
19 Hampton to Sam who then gave it to law enforcement,
20 he does have a criminal record. I can't remember
21 what it is, but we'll have that in the morning. And
22 we'll give that to Jason in plenty of time for him
23 to review it prior to Rocky testifying.

24 Your Honor, the only other matter I have
25 tonight is I think Mr. Hampton should be taken into

1 custody tonight. We have picked a jury. We have
2 had problems here and there with Mr. Hampton's
3 promptness coming to court. I'm not going to say he
4 doesn't come, because he does eventually show up,
5 but I'm saying over the last six months, we've had
6 some issues with him being prompt. And I'd ask that
7 the outstanding bench warrant from earlier today, I
8 do need to recall that, but I would ask that he be
9 taken into custody tonight.

10 THE COURT: Okay. I will recall the bench
11 warrant.

12 Mr. Chehoski, I think that answers everything
13 about your discovery. Anything else on that issue?

14 MR. CHEHOSKI: Your Honor, my understanding of
15 the statute is that bond remains in place until the
16 case is resolved either by verdict, guilty plea,
17 dismissal. Jeopardy has not yet attached.

18 Mr. Hampton is well-aware that if he does not show
19 tomorrow, that a bench warrant will be issued, the
20 case can proceed in his absence, and that could --
21 you know, he will no longer be able to assist in his
22 defense.

23 Further, Your Honor, Mr. Hampton is the primary
24 caregiver for his mother. His mother, who was
25 actually here yesterday, does not have

1 transportation. So he would -- again, he would be,
2 in addition to -- by taking him into custody, it
3 could be exacerbating a medical condition for his
4 mother as well. So I would ask that he remain out
5 on bond.

6 THE COURT: Well, Mr. Chehoski, I'm going to
7 take him into custody. I understand your argument,
8 but I had to send a deputy to go get him this
9 afternoon for transportation difficulties that he
10 might have.

11 But more importantly, and my reasoning, this is
12 armed robbery; it's possession of a weapon during a
13 violent crime. He's going into custody. I'll make
14 sure that he's here in the morning. Thank you.

15 Anything else?

16 MR. CHEHOSKI: One more thing: I guess, just
17 to avoid a repeat of what happened this morning, is
18 make sure that -- you know, to make sure that the
19 deputies know to be on the lookout for jurors before
20 bringing him in the courtroom, or bringing him up an
21 alternate way.

22 THE COURT: And let's talk about scheduling,
23 too, because the jury is going to be here quarter to
24 9:00, is what I told them to report. They're going
25 to report -- y'all tell me if I'm wrong. I think

1 they go to the third floor. If y'all could make
2 sure that you get Mr. Hampton here before 8:30. Can
3 we do that?

4 THE DEPUTY: Should not be a problem, Your
5 Honor.

6 MR. CHEHOSKI: We'll make sure we have clothes
7 for him.

8 THE COURT: Yes. If y'all make sure he's
9 dressed out.

10 Okay. We're done.

11 (The following proceedings were held
12 December 8, 2021.)

13 THE COURT: Is the State ready?

14 MS. MARTIN: The State is ready, Your Honor.

15 THE COURT: Defense ready?

16 MR. CHEHOSKI: Yes, Your Honor. Just, again,
17 remind the Court, when they do come in, you have to
18 ask them since Mr. Hampton was not present
19 yesterday, just cover our bases.

20 THE COURT: Yes, I was going to do that. We'll
21 swear in the jury, I'll give them my preliminary
22 charge, and we'll get started.

23 Let's bring the jury in.

24 THE BAILIFF: Yes, ma'am.

25 MR. CHEHOSKI: While we're waiting on the jury,

1 Your Honor, just, again, to cover our bases, when
2 the jury -- the first wave -- and maybe even -- I
3 think when both waves were here on Monday,
4 Mr. Hampton was outside. Again, he was out on bond
5 at the time. There might have been some incidental
6 conversations. So, again, if there was any
7 contact --

8 THE COURT: You mean Mr. Hampton having contact
9 with a juror?

10 MR. CHEHOSKI: A juror may have initiated
11 contact with Mr. Hampton thinking he was a fellow
12 juror. I don't think the nature of the conversation
13 at all impacted on the case. But, again, it goes to
14 recognizing him as well, whether it was on Monday or
15 before.

16 THE COURT: Are you telling me that he had
17 contact with a juror? That's what it sounds like.

18 MR. CHEHOSKI: I think he had contact with a
19 member of the jury panel.

20 MS. MARTIN: Was it a member that's seated?

21 MS. HORSLEY: We don't know.

22 MR. CHEHOSKI: We don't know.

23 THE COURT: We're going to ask.

24 MR. CHEHOSKI: Again, it's to cover our bases
25 as well.

1 THE COURT: How did that happen, Mr. Chehoski?

2 MR. CHEHOSKI: Again, Your Honor, it may have
3 been -- he was -- when we were -- I'm trying to
4 remember --

5 THE COURT: This is the first I've heard of it.

6 MR. CHEHOSKI: Again, I don't think it happened
7 in the morning wave, because he arrived after we had
8 already gotten started. So it might have been in
9 the afternoon wave. There may have been a casual
10 greeting. I don't think there's any indication that
11 he was here as a defendant and he was up for trial.

12 Again, it's -- I don't think it was anything
13 more than that. And, again, I don't know who he
14 spoke to or if anyone -- or if the person who spoke
15 to him was actually a member of the jury panel.

16 THE COURT: Okay. Well, then, I'm going to ask
17 them.

18 MR. CHEHOSKI: Yes. And that's what we're
19 requesting.

20 THE COURT: Thank you.

21 MS. MARTIN: Judge, if somebody does say
22 something or wants to say something, can we do them
23 individually?

24 THE COURT: Absolutely. That would be my
25 intention. I wish we had known this yesterday.

1 MS. MARTIN: Well, it's another example why
2 defendants need to be timely. If he'd been here, he
3 would have been in the courtroom with his attorney.

4 (The jury enters the courtroom at 9:15 AM.)

5 THE COURT: All right. Mr. Foreman, are all
6 the jurors present?

7 THE FOREMAN: Yes, ma'am.

8 THE COURT: Good. You can be seated.

9 All right. Before we get started, again, I'm
10 going to tell you that the case we're about to try
11 is the State versus Tra'vion Hampton.

12 Mr. Hampton, I'm going to ask you to stand and
13 remove your mask.

14 And I'll ask the jurors, does anybody know
15 Tra'vion Hampton? I called his name during jury
16 selection, but he wasn't in the courtroom. I want
17 to make sure. Does any of the jurors have -- are
18 they related by blood, marriage, have any kind of
19 social interaction? Do you know Mr. Hampton? If
20 so, please raise your hand.

21 Okay. You can be seated.

22 I also want to ask if, during jury selection,
23 did anyone have the opportunity to speak to
24 Mr. Hampton?

25 THE JUROR: He was sitting by me and he said

1 something to me --

2 THE COURT: Okay. I want you to stop right
3 there. I'll talk to you in private.

4 Is there any other juror?

5 Okay. Let me ask you to go back.

6 I'm going to ask you to stay with us.

7 You can just keep them out in the hall. It
8 won't take me long at all, Mr. Foreman.

9 (The jury exits the courtroom at 9:18 AM.)

10 THE COURT: Tell me your juror number.

11 THE JUROR: 42.

12 THE COURT: That's Ms. Collins?

13 THE JUROR: Yes, ma'am.

14 THE COURT: Ms. Collins, you're not in any
15 trouble or anything like that. It was just brought
16 to my attention that he was out where the juror
17 panels were.

18 So can you tell me any conversation or let
19 these lawyers know of any conversation that you
20 might have had with Mr. Hampton?

21 THE JUROR: Well, I was sitting on the bench
22 and he had his food sitting there. He was gone for
23 a little while, and then he came back and he said
24 something about all the people being here. I said,
25 Well, we're here for jury selection. He says,

1 Well -- I said, Are you a juror? And he said, No.

2 I said, Well, you probably shouldn't be up
3 here. And then he started finding whoever he was
4 hunting, Jason or somebody he was hunting from the
5 bailiff. And I said, Well, I don't think you're
6 supposed to be up here. Then he said he was going
7 down there to smoke.

8 And somebody else said something to him that --
9 and he said, No, I'm not in the jury. So he kept
10 walking. I don't know who the other person was.
11 But that's all we said to each other.

12 THE COURT: All right. Let me ask, from the
13 State, is there any objection for Ms. Collins
14 staying with us?

15 MS. MARTIN: Your Honor, not if she feels
16 comfortable staying.

17 THE COURT: I'm going to ask her. I just want
18 to know if there's any objection first.

19 MR. CHEHOSKI: Your Honor, I think it's best
20 that she be excused. We do have alternates. I
21 think this is the purpose why we have them, because
22 of the -- I guess, because of the procedure that we
23 had yesterday and regarding Mr. Hampton's presence,
24 I think, out of an abundance of caution.

25 I don't believe this juror has been prejudiced

1 in any way. But, again, I think it's just for the
2 guarantee of a clean record.

3 THE COURT: All right. Let me ask you,
4 Ms. Collins, after speaking with Mr. Hampton, do you
5 feel like that you could be fair and impartial to
6 both the State and the defense?

7 THE JUROR: Yes, ma'am.

8 THE COURT: Does the State have any comment if
9 I excuse her? And my next alternate would be
10 Ms. Moore.

11 MS. MARTIN: Your Honor, may she step out so we
12 can discuss this?

13 THE COURT: Yes.

14 And I'm going to caution you, Ms. Collins, none
15 of this conversation in this courtroom is to be
16 shared with any of the other jurors. Okay?

17 THE JUROR: Yes, ma'am.

18 THE COURT: Thank you.

19 MS. MARTIN: My concern is just what you -- you
20 just did caution her. I know that the other jurors
21 are probably going to be curious and ask her. But
22 now that you've given her those instructions, I'm
23 fine.

24 Your Honor, she didn't even know the defendant
25 was up for trial. She didn't tell us that he said

1 he was for trial or anything like that. I don't
2 think there's been anything improper. You know,
3 we'd like the jury as it sits. But, certainly, it's
4 your discretion.

5 THE COURT: Mr. Chehoski, she says she can be
6 fair and impartial. And I don't -- I don't doubt
7 that she can. And I'm not real sure that any of the
8 conversation about even going to go smoke -- I'm
9 going to tell you, it concerns me that he was even
10 out there with the jury, number one. But --

11 MR. CHEHOSKI: Your Honor, I'll speak to that.
12 I instructed him to report to the 4th floor. And
13 again, this happened -- I believe the first time
14 was -- he appeared -- arrived at court while the
15 first wave was already being qualified.

16 So if this happened during the second wave,
17 again, my mistake. But I leave it -- ultimately,
18 Your Honor, I leave it in your discretion, I think,
19 really, just more out of an abundance of caution.
20 It's nothing to the juror. But if there's a PCR
21 down the road or something like that and if I didn't
22 make this record clear.

23 Again, just out of an abundance of caution, I
24 think she should be excused. It really has nothing
25 to do with anything that Mr. Hampton has done wrong.

1 The juror didn't have a badge at the time or
2 anything the juror did wrong. For all she knew --
3 she thought he was a fellow juror.

4 THE COURT: Right.

5 MR. CHEHOSKI: It's one of those things when
6 he's out on bond and in the community, as was his
7 right since he posted it, this is a risk that does
8 happen. And, you know, as he hadn't been -- I
9 hadn't seen it before that first wave, then he
10 wasn't -- I didn't want him walking in through the
11 jury to sit with me and to make an even bigger
12 spectacle out of it.

13 THE COURT: I'm going to tell you, just out of
14 an abundance of caution, I'm going to excuse her.
15 I'm going to move up Ms. Natalie Moore, who's our
16 first alternate.

17 Let me get them to send Ms. Collins back in by
18 herself. I don't want her to think she did anything
19 wrong, because she didn't. She was just being kind
20 and polite.

21 (Ms. Collins enters the courtroom.)

22 THE COURT: Ms. Collins, I want you to
23 understand, I don't think you've done anything wrong
24 and neither do these lawyers. You were just being
25 kind and polite. And I do think that you could be

1 fair and impartial to both sides. However, out of
2 an abundance of caution, I am going to excuse you.

3 THE JUROR: Okay.

4 THE COURT: There are reasons -- just stuff
5 happens when we do these jury trials. And that's
6 why I usually have more alternates than what I need.
7 It seems like we usually go through them.

8 But I wanted to thank you for serving and for
9 being here. You will get credit for being on this
10 jury.

11 Isn't that right, Myra?

12 THE CLERK: Yes, ma'am.

13 THE COURT: And I don't want you to leave here
14 thinking that you did anything wrong, because you
15 didn't. And neither did Mr. Hampton. I just don't
16 like contact between jurors and defendants before a
17 trial. Okay?

18 THE JUROR: I understand.

19 THE COURT: And, again, not to be shared with
20 anyone else. If you just turn in your badge, you
21 can go down with the bailiff, collect all your
22 stuff. And I hope you have a Merry Christmas.

23 THE JUROR: Thank y'all.

24 THE COURT: All right. Let's bring the rest of
25 the jury back in.

1 Everybody ready to go?

2 MS. MARTIN: Yes, ma'am. And you'll tell the
3 alternate she's now been activated, just so she'll
4 take -- maybe pay more attention?

5 THE COURT: I tell them all they better pay
6 attention, because honestly and truly, it seems like
7 I go through all the alternates sometimes.

8 (The jury enters the courtroom at 9:26 AM.)

9 THE COURT: All right. Mr. Foreman, I think
10 we're ready to proceed.

11 Natalie Moore, could you raise your hand? You
12 are now part -- you are Juror No. 12. You're part
13 of this jury. You were the first alternate.

14 My second alternate is David Shannon. Which
15 one is Mr. Shannon? Okay. You have just moved up
16 to alternate 1.

17 And, Jody Lawter, you're Alternate No. 2.
18 Okay?

19 Let me get the clerk to swear the jury.

20 THE CLERK: If you'll stand and raise your
21 right hands, please.

22 (Jury panel sworn.)

23 THE COURT: All right. I have a preliminary
24 charge that I read to the jury before we start a
25 trial. So I'd ask that you pay attention and

1 listen. Okay?

2 Before we begin this trial, I want to tell you
3 that this trial will probably be different from what
4 you might expect. Many people do not have the
5 chance to attend actual court sessions like you're
6 doing now. And you may think, from watching TV or
7 the movies, that these trials are full of high
8 drama, intense action.

9 While all of these things may be true in this
10 courtroom at times, this trial is not for
11 entertainment. It's a fundamental part of our
12 democracy, a search for the truth in an effort to
13 make sure that justice is done between the parties.

14 Searching for the truth and making sure that
15 justice is done is often slow, deliberate, and
16 repetitive, the opposite of what you may have seen
17 on TV or the movies. This courtroom is a place of
18 honor, dedicated to the protection and preservation
19 of citizens' rights through what many have called
20 the greatest justice system ever created.

21 The attorneys appearing before you are
22 advocates for the parties they represent. But,
23 first and foremost, they are officers of the court,
24 sworn to uphold the integrity and fairness of our
25 judicial system and to help you in the search for

1 the truth.

2 You should expect them to be professional,
3 competent, and ethical in the representation of
4 their clients' interests. Remember that you have
5 just taken an oath to try this case and reach a fair
6 and just verdict. And you are also expected to be
7 professional, reasonable, and ethical.

8 Again, I'm going to thank you for taking on
9 this important responsibility of jury service and
10 the contribution today that you're going to give our
11 justice system.

12 Now, before we begin the actual trial, I
13 thought it might be helpful if I explain to you
14 basically how a trial proceeds. First, the State
15 will make an opening statement. An opening
16 statement is not evidence. It is simply an outline
17 to help you understand what the party expects the
18 evidence will show. The defendant may, if he
19 wishes, present an opening statement, but he does
20 not have to, for reasons that I will explain.

21 Following the opening statements, you will hear
22 testimony and evidence in the case. This will
23 consist of testimony from the State's witnesses, as
24 well as any physical exhibits which will be
25 introduced into evidence.

1 Following the completion of the testimony, the
2 attorneys will again have the opportunity to make
3 what we call a closing statement. This is an
4 opportunity for the attorneys to summarize their
5 case from their respective viewpoints. Again, these
6 arguments are not evidence.

7 Following the closing statements by the
8 attorneys, I will instruct you on the law in South
9 Carolina as it pertains to the issues that have
10 arisen in this case. When I have completed my
11 instructions to you, you will then be permitted to
12 begin your deliberations in order to reach a
13 verdict. You're not to deliberate until I tell you
14 to.

15 Ladies and gentlemen, you are now the jury in
16 this case. And I want to tell you something about
17 your duty as jurors and to give you some
18 instruction. At the end of the trial, I will give
19 you more detailed instructions. Those instructions
20 will control your deliberations.

21 It will be your duty to decide from the
22 evidence what the facts are. You and you alone are
23 the judges of the facts. You will hear the
24 evidence, decide what the facts are, and then apply
25 those facts to the law which I will give to you.

1 That is how you reach your verdict.

2 In doing so, you must follow the law, whether
3 you agree with it or not. The evidence will consist
4 of the testimony of witnesses, documents, and other
5 things received into evidence as to what we call
6 exhibits, and any facts on which the lawyers agree
7 or which I may instruct you to accept.

8 You should not take anything I may say or do
9 during this trial as indicating what I think the
10 evidence is or what your verdict should be. I am
11 not entitled to a decision in this case.

12 So let me talk to you about presumption of
13 innocence. This is a criminal case brought by the
14 State of South Carolina. The State charges the
15 defendant with armed robbery and possession of a
16 weapon during a violent crime. The charge against
17 the defendant is contained in the indictment. The
18 indictment is not evidence of anything; it is simply
19 the description of the charge made by the State
20 against the defendant.

21 The defendant has pled not guilty to the charge
22 and is presumed innocent unless and until proven
23 guilty beyond a reasonable doubt. The defendant has
24 the right not to testify and never has to prove his
25 innocence or present any evidence. The burden of

1 proof is always upon the State of South Carolina.

2 The following things are not evidence and you
3 must not consider them as evidence in deciding the
4 facts of this case: Statements and arguments of the
5 attorneys, not evidence; questions and objections of
6 the attorneys is not evidence; and testimony that I
7 instruct you to disregard, you must disregard.

8 Direct evidence is testimony by a witness about
9 what that witness personally saw, heard, or did.
10 Circumstantial evidence is indirect evidence; that
11 is, it is proof of one or more facts from which one
12 can find another fact. You are to consider both
13 direct and circumstantial evidence. The law permits
14 you to give equal weight to both, but it is for you
15 to decide how much weight to give any evidence.

16 There are rules of evidence which control what
17 can be received into evidence. You're going to hear
18 these lawyers object. I haven't had a case where
19 they hadn't. Okay? When that happens and they try
20 to offer an exhibit and I say no and they object,
21 that is not for any of your consideration. That is
22 basically what the rules of evidence permit or
23 doesn't permit.

24 The lawyer may object if I overrule the
25 objection. The question may be answered or the

1 exhibit may be received. If I sustain the
2 objection, the question cannot be answered or the
3 exhibit cannot be received. Whether I sustain an
4 objection to a question or deny a motion to admit an
5 exhibit into evidence, you must ignore the question
6 or the existence of the exhibit, and you must not
7 guess what the answer would have been or what the
8 exhibit would have shown.

9 Sometimes it's also going to be necessary for
10 me to request that you leave the courtroom while I
11 discuss the attorneys' legal questions that come up
12 during a trial. If this occurs, you should not
13 speculate about our discussions or the reason that
14 you were asked to leave the room. This is simply a
15 procedure that the law requires when certain legal
16 issues arise.

17 There may also be occasions where I ask the
18 attorneys to approach the bench. I try to do that
19 more often than send you to your jury room so that I
20 can discuss a legal issue with them in private. I
21 will do this as often as possible so you will not be
22 required to leave the courtroom more than what is
23 absolutely necessary.

24 Again, if I ask the attorneys to step up to the
25 bench or if I ask you to leave the courtroom, please

1 don't think that anybody is trying to hide anything
2 from you or keep any evidence from you. This is
3 simply a procedure used by all lawyers and by all
4 courts to determine and decide legal questions.

5 In deciding the facts of this case, you may
6 choose which witness to believe and which witness
7 not to believe. You may believe everything a
8 witness says or only part or none of it.

9 In deciding what to believe, you may consider a
10 number of factors, including the following: The
11 witness' ability to see, hear, and know the things
12 testified to; the quality of the witness' memory;
13 the witness' manner while testifying; whether the
14 witness has an interest in the outcome of the case
15 or any motive, bias, or prejudice; whether the
16 witness was contradicted by anything the witness
17 said or wrote before the trial or by other evidence;
18 how reasonable is the witness' testimony when
19 considered in light of other evidence which you
20 believe.

21 Again, until I advise you to begin your
22 deliberations -- and I'm going to say this 100
23 times -- you must not discuss the case with anyone,
24 including your fellow jurors, family members, anyone
25 involved in the case. This includes face-to-face

1 discussions, telephone, e-mail, texts, blogs, or any
2 other type of communication. You may not use a
3 computer, a cell phone, or other electronic device
4 with communication capabilities at any time while in
5 this courtroom or during deliberations.

6 During your breaks, meals, overnight, you may
7 use these devices. But please do not, as I
8 instructed you yesterday, look up any word that you
9 might have heard in here. Don't look up the
10 lawyers' names. We've had jurors do that before.
11 Don't do it. Believe it or not, somehow the Court
12 finds out about it, so don't do it.

13 After the case is submitted to you, you must
14 discuss it only in the jury room with your fellow
15 jurors. I told you yesterday the attorneys and
16 parties in this case have been advised that they are
17 not to talk to you at all, so please do not think
18 that they're rude. Remember, wear your juror badge.

19 It is important that you keep an open mind and
20 not decide any issue in this case until all of the
21 evidence has been presented, the parties have made
22 their closing arguments, and I have instructed you
23 on the law in this case.

24 It is your solemn responsibility to determine
25 the guilt or innocence of the defendant, and your

1 verdict must be based solely on the evidence as it
2 is presented to you in this trial and on the law as
3 I instruct you during and at the close of trial.

4 Mr. Foreman, it is your added duty to preside
5 in the jury room and be the jury spokesperson here
6 in court. It will also be your duty to write the
7 verdict. But I will give you further instructions
8 at the conclusion of the case.

9 If you have a question, just knock on the door,
10 or if you need anything, the bailiff will give you a
11 pen and pencil and you may write me a note.

12 Again, I tell you, I try to give you a break on
13 the hour. It might be a little over an hour, but
14 I'm going to try to give you a break on the hour. I
15 don't know if I have any smokers. But, if I do, the
16 bailiff knows to take you downstairs. Just let him
17 know.

18 I'm trying to think if there's anything else I
19 want to tell you before we get started. I know that
20 we're going to try to work till about 1:00 or 1:15
21 today. I did bring you some snacks to kind of hold
22 you over. And then we'll break for lunch and I'll
23 give you further instructions from there. I do try
24 to keep you updated on everything that's going in
25 this courtroom so you'll know and you can adjust

1 your time.

2 Any objection from the State?

3 MS. MARTIN: No, ma'am.

4 THE COURT: Any objection from the defense?

5 MR. CHEHOSKI: None, Your Honor.

6 THE COURT: Is the State ready?

7 MS. MARTIN: Yes, ma'am.

8 THE COURT: You may proceed.

9 MS. MARTIN: May it please the Court?

10 Good morning. Let me introduce myself again to
11 you. I'm Angela Martin. And Ms. Oppenheimer, Kelly
12 Oppenheimer and I are the State's attorney or the
13 State's assistant district attorneys. We're the
14 prosecuting attorneys in this case, and we
15 introduced ourselves to you yesterday.

16 I'm going to touch a little bit on two things
17 the Judge has already talked to you about. One was
18 yesterday when she was talking with you about
19 potentially being anxious or having some anxiety
20 about being a juror.

21 Ladies and gentlemen, certainly, I've been
22 doing this many, many, many years, and I've had
23 occasion to talk with past jurors who sat right
24 where you are now. And they said that, too, you
25 know, that it's a little intimidating. But I would

1 encourage you to relax and to listen.

2 The main thing to be a conscientious juror is
3 to use your common sense. And you didn't leave that
4 out in the gallery when you came here to the jury
5 box. You brought that with you. And your common
6 sense is what you need as you listen to the
7 witnesses, as you observe witness' demeanor, as you
8 look at the exhibits, and look at the video. You
9 put that with what the Judge tells you the law is,
10 and that's going to help you and make a decision
11 easy for you, ladies and gentlemen. There's no such
12 thing as a perfect case.

13 And another thing prior jurors have told, it's
14 like, you know, it's not like it is on TV. And the
15 Judge just reminded y'all of that. It's not. I
16 mean, we're here in Lexington County.

17 This case isn't going to last two months. You
18 know, it's going to be over in a day and a half.
19 It's not going to be all that stressful. The
20 charges themselves are armed robbery and possession
21 of a weapon during the commission of a violent
22 crime.

23 I can tell you now that the evidence that will
24 be presented through the State's witnesses is not
25 going to be complicated. We don't have -- like in

1 some cases, we don't have cell phone data encryption
2 or GPS; we don't have DNA or any forensics. That's
3 not the evidence that will be presented in this
4 case. It's very straightforward.

5 The State has to prove that Tra'vion Hampton
6 committed an armed robbery; that he armed himself
7 with a deadly weapon; that he went somewhere here in
8 Lexington County, and that he took property away
9 from somebody else.

10 The second charge piggybacks on that; that he
11 used a firearm to commit a crime. And, certainly,
12 armed robbery is a violent crime. So those are the
13 two charges we have.

14 Ladies and gentlemen, I ask you to think about
15 one thing we don't have to prove, is why. We don't
16 have to prove why Tra'vion Hampton did what he did.
17 In criminal court, we don't have to prove motive
18 and, certainly, that's not something the State would
19 be able to do. How could the State prove beyond any
20 reasonable doubt why someone would hurt children or
21 hurt animals?

22 We don't have to prove why Tra'vion Hampton
23 decided to commit an armed robbery. And we don't
24 have to prove why Tra'vion Hampton went to a
25 convenience store in Swansea that he'd been in

1 hundreds of times. We don't have to explain that.

2 Maybe he's just that bold; maybe he's just that
3 stupid; or maybe he was just that desperate. But we
4 don't have to prove why. We just have to prove the
5 elements of the crime, and we've told you what that
6 is.

7 What do we have that we're going to bring in
8 here? We have witnesses who were there during the
9 armed robbery. Y'all are going to meet Sam Patel.
10 He's right here on the front row. You're going to
11 meet Dora Woodman, the two clerks who were in the
12 store that day.

13 They're going to come down here; they're going
14 to swear to tell the truth; and they're going to sit
15 on the witness stand and they're going to tell you,
16 in their own words, what they saw, what they heard,
17 and what they did. They're going to tell you about
18 this traumatic event that they lived through.

19 And they're going to tell you that when this
20 was happening, in their minds, to themselves, they
21 knew the defendant; they knew he was a customer that
22 had been there many, many times. They knew it in
23 their head.

24 After the armed robbery, they told each other,
25 hey, that's that customer, blah, blah, blah. They

1 said it to each other. But, more importantly, when
2 law enforcement got there, they told law
3 enforcement, We know him; we know who he is; we know
4 things about him. And you're going to get to hear
5 that.

6 Ladies and gentlemen, it was August 23rd of
7 2019 when this happened, right before the pandemic
8 hit full force here in South Carolina. It was in
9 Swansea. It was at the Tiger Mart Convenience
10 Store, which is on the corner there on Church Street
11 in Swansea, Lexington County. Sam Patel, who goes
12 by Sam, his family owns that convenience store.
13 Ms. Dora is a clerk there. They were there that
14 day.

15 Sam's mom was also cooking, but she was in the
16 back. And his dad was in and out. It was about
17 2:30 or almost 3:00 in the afternoon. And in the
18 afternoon when school is out, a lot of customers are
19 there. So this was right before that time. There
20 were only two or three people in the store. But
21 it's a very busy store. You'll hear about that. It
22 was just a normal day.

23 They're going to tell you that a man with a
24 camouflage shirt, black pants, and a Zaxby's ball
25 cap came into the store. He used his shirt to open

1 the door. He came right up to the counter and, from
2 his waistband, he pulled a black handgun. And he
3 jumped over that counter, grabbing these two people
4 there, holding a gun on them up high saying, Give me
5 the money.

6 Sam immediately opened the cash register,
7 pulled out the bills, gave them to the man. He put
8 it in his pocket, who then climbed back over the
9 counter, dragging his legs across the counter. He
10 then ran out of the store, using his arm to get out.
11 Sam hits the panic button.

12 Law enforcement comes very quickly. Swansea
13 police chief at the time, Clif Hayes, comes.
14 Pelion, who's right there, who always backs up, they
15 back up each other all the time, the chief there
16 came; Lexington County Sheriff's Department came.
17 And you'll hear about the investigation that went
18 on, how a perimeter was set up, and things of that
19 nature.

20 One of the most important things you're going
21 to hear is from the moment law enforcement walked in
22 the door, together and separately, the store and Sam
23 said we know him, we just don't know his name. We
24 don't know his name. We know what he likes to eat.
25 We know who he hangs out with. We know what he

1 looks like. We know things about him, but we don't
2 know his name.

3 I submit to you that's not very uncommon; that
4 that's typical for convenience store clerks or
5 anybody that works in a drive-thru at the bank or
6 the dry cleaners. You know faces; you know things
7 about people, but you don't know their names.

8 And from the moment it happened, the two clerks
9 told law enforcement, We know him. Sam Patel told
10 law enforcement, Hey, you know, the customer, the
11 armed robber, he hangs out with people in a blue
12 Toyota that's missing a hubcap.

13 Well, within a couple of hours, law enforcement
14 sees that car and they make a stop. And they bring
15 the people in the car to the store for Sam to look
16 at. You know, Hey, is this the armed robber? And
17 Sam says, No, that's the right car, but the armed
18 robber is not in the car.

19 And you'll hear how Ms. Dora had gone on home
20 because she was having pretty significant health
21 problems that afternoon.

22 Law enforcement does what they can that night.
23 The crime scene investigators from the county, they
24 come and they try and take latents and DNA. You'll
25 hear that none of that panned out, and you'll hear

1 why. It's a convenience store counter with hundreds
2 of palm prints and fingerprints every day. So
3 that's not surprising.

4 Sam will tell you he was determined to figure
5 out who it was. It was making him crazy because he
6 knew he knew him. He's scrolling through Facebook
7 and he's looking through friends and friends of
8 friends.

9 The store closed early that night, but one
10 of -- another regular customer named Rocky -- and
11 y'all will meet Rocky -- Rocky came into the store
12 right before they closed early, and Sam had the
13 video from the armed robber on his phone and he
14 showed it to Rocky. And he's like, Hey, man, do you
15 know who this is? And Rocky said, That's Ham;
16 that's Hampton.

17 From there, Sam works Facebook, finds the
18 defendant, Tra'vion Hampton. As soon as he sees
19 him, he knows that's him. That's the customer,
20 that's the armed robber, that's the person who did
21 it. And even sees confirmation that the mom's
22 picture, because Sam knew the defendant and his mom,
23 and it's the same family.

24 So Sam, of course, tells law enforcement. Law
25 enforcement puts Tra'vion Hampton's photograph in a

1 lineup for Sam to look at. And you'll hear about
2 that identification process that was done the next
3 day.

4 Sam has given a written statement to law
5 enforcement. He has done a photo lineup where he
6 immediately and without hesitation picked Tra'vion
7 Hampton as the armed robber and as a customer he
8 knew to be the armed robber.

9 Based on that, law enforcement then gets a
10 search warrant and they go looking for Tra'vion
11 Hampton; looking for the gun, looking for the money.
12 They go to where they think he will be, a home in
13 Swansea. No luck, no luck.

14 But they do find something there in the bedroom
15 that is linked to Mr. Hampton. And I say this, it's
16 linked to Mr. Hampton, because Tra'vion Hampton's ID
17 is on the bedside counter there. Right beside that
18 on the floor are a very particular kind of shoes,
19 Air Jordans.

20 Why does that matter? Well, you're going to
21 get to see the video from the armed robbery itself,
22 and you're going to get to see photos and screen
23 captures of that video. Those same shoes were
24 collected from Tra'vion Hampton's bedroom, and
25 you'll have them in evidence with you as well.

1 Ladies and gentlemen, there's no reason that
2 Ms. Dora and Sam would make this up about who did it
3 and who they believe did it. The standard of proof
4 that Judge McCaslin has told you the State has to
5 meet is proof beyond any reasonable doubt. It's not
6 proof beyond a shadow of a doubt and it's not proof
7 beyond each and every doubt. That would be
8 impossible. There's nothing that the State could
9 ever do that would convince 12 people of something
10 beyond any doubt.

11 And that's not the standard of proof that we
12 have here in the criminal justice system. It's
13 proof beyond any reasonable doubt. There are few
14 things you can know with absolute certainty. But if
15 you are firmly convinced that the State has met its
16 burden of proof, that Ms. Dora and Mr. Sam are
17 correct in their identification, then you must find
18 Tra'vion Hampton guilty.

19 Ladies and gentlemen, these two people, they're
20 not random people on the street who were
21 eyewitnesses to a crime who have only seen the
22 defendant, the bad-conduct person do something wrong
23 for 30 seconds. They're not those kind of
24 eyewitnesses. These people have interacted and
25 they're going to tell you they interacted with the

1 armed robber when he was a customer many times.

2 They've seen him walk; they've heard him talk;
3 they've waited on him. They know what he looks
4 like; they know what his face looks like. It
5 doesn't matter if he has a hat; it doesn't matter if
6 he has on sunglasses. They know him. And they know
7 that he is the one who made the choice to rob them
8 on that date back in August of 2019.

9 And they'll tell you they're looking for
10 justice today for what happened to them, for the
11 choices Tra'vion Hampton made, and also for the
12 people here in Lexington County. They're going to
13 tell you beyond a reasonable doubt that Tra'vion
14 Hampton is guilty of both crimes. Thank you.

15 THE COURT: Thank you, Ms. Martin.

16 Mr. Chehoski?

17 MR. CHEHOSKI: Thank you, Your Honor.

18 On August 23rd, 2019, a young, slender, black
19 male went into the Tiger Mart Convenience Store and
20 held it up at gunpoint. Mr. Patel and Ms. Woodman
21 went through that experience, and it's traumatic.
22 Having a gun pointed at you, whether it's for 20
23 seconds, two seconds, a minute, is traumatic. It
24 stays with you. And for that, they deserve our
25 sympathy.

1 No one here is going to say that they did not
2 go through that experience. That they went through
3 that ordeal is not a contention. We don't even
4 contend that Tra'vion Hampton is a young, slender,
5 black male. We're arguing that Tra'vion Hampton is
6 not guilty because he's not the one who did this and
7 that this is a case -- a simple case of
8 misidentification.

9 And it's a misidentification because in that
10 moment, a moment full of stress, for just a few
11 seconds, they thought they saw someone they knew.
12 It's a natural human reaction to try and make sense
13 out of what just happened. It's not malicious; it's
14 not evil; it's just mistaken.

15 Something I want you to remember: Right now,
16 at this moment, and all throughout this trial,
17 Tra'vion Hampton is an innocent man. He's born
18 innocent, he remains innocent. He stays innocent
19 throughout the case at trial, unless and only if the
20 State can prove him guilty beyond a reasonable
21 doubt. If you feel that there is a real possibility
22 that he did not do this crime, you must find him not
23 guilty.

24 Now, being charged with a crime is a heavy
25 burden. It's a heavy weight to carry. For over two

1 years now, Mr. Hampton, Tra'vion has had to carry
2 that weight. And even with that weight, it's still
3 nothing, weightless compared to the burden the State
4 has to carry. They're the ones with the power.

5 They're the ones who can charge people with
6 crimes; they're the ones who can schedule people for
7 trial; they're the ones who bring us all here today.
8 And, with that, they're the ones who carry the
9 burden.

10 And you are selected. By the oath you have
11 just taken, you're committed to hold them to that
12 burden; to not let them get away with anything less
13 than what is required under the law.

14 And even with all the power that they have,
15 you-all have more. With your individual
16 experiences, with the lives you have lived, with the
17 common sense that you bring into these chairs, you
18 have a voice; you have a prospective. We ask you to
19 use that. You have questions; you get to ask them.

20 More than anything else, though, more than
21 anything else I said, this case is about what's
22 missing. There is evidence that if Tra'vion Hampton
23 were actually guilty of a crime, you would expect
24 the State to find and the State should be able to
25 produce for you.

1 You'll hear a description about the clothes he
2 was wearing, from the shirt to the pants to the hat.
3 We'd expect them to be able to show that to you. Or
4 are they just going to skate by and say we got it
5 good enough? I want you to ask if they could have
6 done more to carry their burden. Could they have
7 done more than just have a vague description of a
8 young, slender, black male from two people who had
9 just been traumatized?

10 If you hold the State to their burden, you ask
11 the questions and demand what rightfully should be
12 produced, you will find there's only one just
13 verdict in this case, and that is to find Tra'vion
14 Hampton not guilty of armed robbery and not guilty
15 of possession of a weapon during the commission of a
16 violent crime. Thank you.

17 THE COURT: I'm going to ask -- before you call
18 your first witness, Ms. Martin, y'all give me just
19 two minutes. Nobody has to go anywhere.

20 (Pause.)

21 THE COURT: Is the State ready to call their
22 first witness?

23 MS. OPPENHEIMER: Your Honor, the State calls
24 Sumet Patel.

25 THE CLERK: Raise your right hand, please.

1 SUMET PATEL

2 being first duly sworn, testified as follows:

3 THE WITNESS: I do.

4 THE CLERK: You can remove your mask. If
5 you'll have a seat, state your name, please, and
6 spell your last for the record.

7 THE WITNESS: Sumet Patel. Last name is Patel,
8 P-A-T-E-L.

9 MS. OPPENHEIMER: May it please the Court, Your
10 Honor?

11 THE COURT: Yeah. Let me move this microphone.

12 Mr. Patel, let's move this down here. That
13 might be a little more comfortable for you.

14 Okay. I apologize. Go ahead.

15 DIRECT EXAMINATION

16 BY MS. OPPENHEIMER:

17 Q. Mr. Patel, do you go by any other names?

18 A. Yes, ma'am, Sam.

19 Q. May I call you Sam?

20 A. Sure.

21 Q. Now, Sam, where are you presently employed?

22 A. Tiger Stop in Swansea.

23 Q. Is that in Lexington County?

24 A. Yes.

25 Q. Do you or your family own that convenience

1 store?

2 A. Yes, we do.

3 Q. And do you know the address of that convenience
4 store that you and your family own?

5 A. Yes. 495 South Church Street, Swansea, South
6 Carolina, 29160.

7 Q. Now, Mr. Patel, I'm going to show you what's
8 been marked as State's Exhibit No. 5. Do you
9 recognize what I'm showing you?

10 A. Yes, ma'am.

11 Q. What is this?

12 A. That's my convenience store/gas station.

13 Q. And is this an aerial view or is it a street
14 view?

15 A. Aerial view.

16 Q. And does it look like anything has been changed
17 at all?

18 A. No.

19 Q. Is it an accurate reflection of your store?

20 A. Yes, ma'am.

21 MS. OPPENHEIMER: Your Honor, at this time, I'd
22 move State's Exhibit No. 5 into evidence.

23 THE COURT: Any objection?

24 MR. CHEHOSKI: No objection, Your Honor.

25 THE COURT: It's admitted.

1 (State's Exhibit No. 5 admitted into evidence.)

2 MS. OPPENHEIMER: Permission to publish, Your
3 Honor?

4 THE COURT: Yes, ma'am.

5 BY MS. OPPENHEIMER:

6 Q. Now, Sam, if I put this right here, can you see
7 this?

8 A. Yes, ma'am.

9 Q. Now, I believe you said this is an aerial view
10 of your store. Is this the gas station, the
11 convenience store right here?

12 A. Yes.

13 Q. What would be under this overhang?

14 A. Gas pumps.

15 Q. And this?

16 A. Just a walkway.

17 Q. Is this the store itself?

18 A. Yes, ma'am.

19 Q. What street is this right here?

20 A. That's Highway 321, 495 South Church Street.

21 Q. Would that be the main entrance to your store?

22 A. Yes, ma'am.

23 Q. And what is this street right here?

24 A. 692. Highway 692.

25 Q. Okay. And the Tiger Mart, is it a typical

1 convenience store?

2 A. It's a convenience store with a gas station.

3 Q. Okay.

4 MS. OPPENHEIMER: Your Honor, may I approach
5 the witness?

6 THE COURT: You may.

7 BY MS. OPPENHEIMER:

8 Q. I'm showing you State's Exhibits 6 through 9.
9 If you'll take a look at those and tell me if you
10 recognize those.

11 A. I do.

12 Q. And what are those photographs of?

13 A. Pictures of the inside of our store and the
14 outside.

15 Q. Do they appear to be changed in any way?

16 A. No, ma'am.

17 Q. Are they an accurate reflection of the layout
18 of your store and how it looks?

19 A. Yes, ma'am.

20 Q. Did it look the way it did on August 23rd,
21 2019?

22 A. Yes, ma'am.

23 MS. OPPENHEIMER: Your Honor, at this time, I'd
24 move 6 through 9 into evidence.

25 THE COURT: Any objection?

1 MR. CHEHOSKI: Without objection, Your Honor.

2 THE COURT: They're admitted.

3 (State's Exhibit Nos. 6 through 9 admitted into
4 evidence.)

5 MS. OPPENHEIMER: Your Honor, at this time, may
6 I publish them for the jury?

7 THE COURT: You may.

8 BY MS. OPPENHEIMER:

9 Q. I am showing you State's Exhibit No. 6. What
10 is this a photograph of?

11 A. The front entrance of the store.

12 Q. And this would be the front doors to the store?

13 A. Yes, ma'am.

14 Q. They're a double-sided door?

15 A. Yes, ma'am.

16 Q. Showing you State's Exhibit No. 7. What is
17 this a photograph of?

18 A. That's behind the counter.

19 Q. Okay. And about -- what's the distance of this
20 space that you have behind the counter?

21 A. Three to four feet.

22 Q. And how many cash registers do you have?

23 A. Two.

24 Q. One would be right here?

25 A. Yes, ma'am.

1 Q. And one is a little bit closer in the
2 photograph?

3 A. Yes, ma'am.

4 Q. Showing you State's Exhibit No. 8, what is this
5 a photograph of?

6 A. The main counter where I gave the money out to
7 where he jumped over from.

8 Q. Okay. We'll get into more detail about that a
9 little later.

10 And then showing you State's Exhibit No. 9,
11 what is this a photograph of?

12 A. That's the side of the counter where the
13 customers stand.

14 Q. So this side would show where the customers
15 stand?

16 A. Yes, ma'am.

17 Q. About how many customers or transactions do you
18 see in a day?

19 A. Roughly 7- to 800 transactions.

20 Q. 7- to 800 transactions?

21 A. Yes, ma'am.

22 Q. Would that be 7- to 800 people that come into
23 your store every day?

24 A. Not necessarily.

25 Q. But that is how many purchases are made, how

1 many times you open the register?

2 A. Yes, ma'am.

3 Q. 7- to 800?

4 A. Uh-huh.

5 Q. Now, do you have any cameras around your store?

6 A. We do have 16 cameras.

7 Q. Sixteen?

8 A. Yes, ma'am.

9 Q. Where are they located?

10 A. We have at least three to four behind the
11 counter, one you just showed the picture of; we have
12 one right there, too, the last one, and three of
13 them outside.

14 Q. So if I show you State's Exhibit No. 9, is
15 there a camera in this photograph?

16 A. Yes, ma'am, the white on top right there.

17 Q. Right here?

18 A. Yes, ma'am.

19 Q. And was that present on August 23rd, 2019?

20 A. Yes, ma'am.

21 Q. Was it functioning properly?

22 A. Yes, ma'am.

23 Q. And I believe you said you had 16. Did you
24 have any behind the counter?

25 A. Yes, we did.

1 Q. I'm showing you State's Exhibit No. 8. Do you
2 see any cameras in this photograph?

3 A. No.

4 Q. You don't?

5 A. We do, yes. One on top of the lottery machine.

6 Q. On top of the lottery machine?

7 A. Yes.

8 Q. Are you looking at the top left?

9 A. No, ma'am. The corner where the cigarette is.

10 Q. So right around here?

11 A. Yeah. Right underneath where your finger was.

12 Q. Okay. Right there?

13 A. Yeah. There is two of them right next to each
14 other.

15 Q. So kind of right in front of that window?

16 A. Yes.

17 Q. And what angle would that camera show?

18 A. The cash register.

19 Q. Okay. Do you have any cameras on the outside
20 of the building?

21 A. Yes, we do.

22 Q. How many do you have on the outside of the
23 building?

24 A. Four of them.

25 Q. And what views would those show?

1 A. One shows on the side of the sidewalk where --
2 and the other side shows the 692 angle, and the
3 other two shows the gas pumps.

4 MS. OPPENHEIMER: Your Honor, may I have him
5 step down?

6 THE COURT: Yes.

7 BY MS. OPPENHEIMER:

8 Q. Would it be easier for you to show on the map
9 where those cameras are?

10 A. Yes, ma'am.

11 Q. You can step down.

12 A. (Witness complies.)

13 Q. Will you place an X on the outside of the
14 building where your cameras are located?

15 A. (Witness complies.)

16 Q. So you have cameras all around your building?

17 A. Yes, ma'am.

18 Q. You can go ahead and take your seat.

19 A. (Witness complies.)

20 Q. Sam, do you have any other measures of security
21 in your store?

22 A. ADT.

23 Q. ADT. And are there -- is that a security
24 company?

25 A. Security company that does all of our alarm

1 systems.

2 Q. Do you have any alarms that you can press in an
3 emergency situation?

4 A. Yes, panic button.

5 Q. Where is that panic button located?

6 A. Underneath the register.

7 Q. And once that panic button is pressed, what
8 does it do?

9 A. It just directly sends a signal out to ADT and
10 they automatically dispatch police officers.

11 Q. Do you recall an incident on August 23rd, 2019,
12 where you had to press that panic button?

13 A. Yes, ma'am.

14 Q. What happened on August 23rd, 2019, at your
15 store?

16 A. We were robbed.

17 Q. And did you see the robber come into your
18 store?

19 A. Yes, I did.

20 Q. And what did he do once he entered the store?

21 A. As soon as he entered the store, he jumped over
22 the counter, pointed his gun -- he already had a gun
23 out. But he pointed the gun towards our head at a
24 high angle and demanded money.

25 Q. Did he say anything to you after he jumped over

1 the counter?

2 A. No.

3 Q. What did you do when he demanded money from
4 you?

5 A. I opened the drawer and handed him the money.

6 Q. And after the armed robber got the cash from
7 the register, what did he do?

8 A. He jumped over the counter and just walked on
9 the side of the building towards 692.

10 Q. What did you do after the robber left?

11 A. I hit the panic button.

12 Q. Did you happen to see where he left at all?

13 A. I saw from the window, he was walking towards
14 692.

15 MS. OPPENHEIMER: Your Honor, may I approach
16 the witness?

17 THE COURT: You may.

18 BY MS. OPPENHEIMER:

19 Q. I'm handing you what's been marked as State's
20 Exhibit Nos. 4 and 10 through 15. Can you look
21 through these and tell me if you recognize them?

22 A. Yes, I do.

23 Q. What are those photos of?

24 A. Him jumping over the counter, taking the money
25 and leaving, jumping over again.

1 Q. When you say him, who do you mean?

2 A. Tra'vion Hampton.

3 Q. The armed robber?

4 A. Armed robber.

5 Q. Are those photos from any video that you might
6 have had on August 23rd, 2019?

7 A. Yes.

8 Q. Are they an accurate reflection of the armed
9 robbery that occurred at your store on August 23rd,
10 2019?

11 A. Yes, ma'am.

12 MS. OPPENHEIMER: Your Honor, at this time, I'd
13 ask to move State's Exhibit Nos. 4 and 10 through 15
14 into evidence.

15 I will show Mr. Chehoski.

16 THE COURT: Let me know if you have any
17 objection, Mr. Chehoski.

18 MR. CHEHOSKI: Without objection, Your Honor.

19 THE COURT: They're admitted.

20 (State's Exhibit No. 4 and State's Exhibit Nos.
21 10 through 15 admitted into evidence.)

22 MS. OPPENHEIMER: Permission to publish, Your
23 Honor?

24 THE COURT: Yes, ma'am.

25

1 BY MS. OPPENHEIMER:

2 Q. Sam, did the armed robber have anything in his
3 hand when he jumped over the counter?

4 A. Yes.

5 Q. What did he have?

6 A. Gun.

7 Q. Do you remember what that gun looked like?

8 A. I'm not really familiar with a lot of guns.
9 So, basically, like a regular gun.

10 Q. But you recognized it as a firearm?

11 A. Firearm, yeah.

12 Q. Sam, I'm showing you State's Exhibit No. 10.
13 What is depicted in this photograph?

14 A. That's our front entrance and him walking in.

15 Q. And who is him?

16 A. The robber.

17 Q. Do you notice anything in particular about how
18 he's grabbing the door handle?

19 A. With his T-shirt.

20 Q. And can you tell from this photograph what the
21 armed robber was wearing on August 23rd, 2019?

22 A. Camouflage shirt with a black hat and black
23 pants.

24 Q. Did you give that clothing description to law
25 enforcement?

1 A. Yes, I did.

2 Q. On August 23rd, 2019?

3 A. Yes, ma'am.

4 Q. Showing you State's Exhibit No. 11 -- showing
5 you State's Exhibit 11, what is depicted in this
6 photograph?

7 A. The robber walking up to the counter and
8 pulling his gun from his waist.

9 Q. So you believe that he is pulling a gun from
10 his waist right here?

11 A. Yes.

12 Q. And he is wearing that same description that
13 you gave to law enforcement?

14 A. Yes.

15 Q. Showing you State's Exhibit No. 4, what is
16 depicted in this photograph?

17 A. It's the robber with the same hat I gave
18 description to the police officer with the same
19 clothing.

20 Q. Showing you State's Exhibit No. 12, what is
21 this a photograph of?

22 A. Him jumping over the counter with a gun in his
23 hand.

24 Q. And this would be the gun right here?

25 A. Yes.

1 Q. What color is that gun?

2 A. Black.

3 Q. And did you notice that when he jumped over the
4 counter?

5 A. Yes. That's me walking straight towards to the
6 counter.

7 Q. This is you in the blue shorts in the
8 background?

9 A. Yes, ma'am.

10 Q. Showing you State's Exhibit No. 13, what is
11 this a photograph of?

12 A. Him jumping over the counter pointing a gun
13 towards Ms. Dora. She was standing in the corner.
14 Then I walked right by the counter, then he pointed
15 it towards me.

16 Q. And do you notice anything about what the
17 robber is wearing in this photograph?

18 A. A camouflage shirt, black pants, and that's
19 about it.

20 Q. Showing you State's Exhibit No. 14, what is
21 this a photograph of?

22 A. Jumping over again.

23 Q. The armed robber jumping over --

24 A. Armed robber.

25 Q. Is this his foot right here kind of dragging

1 across the counter?

2 A. Yes.

3 Q. And showing you State's Exhibit No. 15, what is
4 this a photograph of?

5 A. This was after the robbery when he collected
6 the money and he's jumping back over again, the
7 robber.

8 Q. About how much money did he get on August 23rd,
9 2019?

10 A. Roughly, 4- to \$500.

11 Q. And you gave that to him? Didn't fight the
12 armed robber at all?

13 A. No, ma'am, not at all.

14 Q. Did you recognize anything about the armed
15 robber when he walked into your store, when he
16 jumped over your counter?

17 A. Yes. This is an everyday customer. The guy I
18 knew, he used to come to our store every single day,
19 twice a day, three times a day. And it's the same
20 guy who robbed us.

21 Q. Did you notice anything about his order or his
22 name at the time of the robbery?

23 A. I didn't recall his name at that time because
24 we have so many customers come through. But I
25 remember his order clearly, when him and his mom

1 used to come to the store when he was little. And
2 knowing him since 2006, I knew who this guy was.

3 Q. You said since 2006. Is that when your family
4 purchased the convenience store?

5 A. Yes, ma'am.

6 Q. And what was the armed robber's order that he
7 would get?

8 A. On a daily basis, get cigars, drinks. We sell
9 chicken at our store, so he used to get six
10 drumettes with honey mustard, stuff like that.

11 Q. You knew that you recognized this armed robber
12 during the armed robbery?

13 A. Yes, I did.

14 Q. But you couldn't recall his name at the time?

15 A. No.

16 Q. But you knew you had seen him before?

17 A. Yes, ma'am.

18 Q. About how long was this armed robbery?

19 A. Felt like a long time, but less than couple
20 minutes.

21 Q. And even though it was a short amount of time,
22 were you able to get a good look at the armed
23 robber?

24 A. Yes, I did.

25 Q. Did you see his face?

1 A. Yes, I did.

2 Q. Was he wearing anything over his face?

3 A. No face mask.

4 Q. No face mask?

5 A. No.

6 Q. So he was not trying to conceal his identity?

7 A. No.

8 Q. Were you focused on his face during the armed
9 robbery?

10 A. Yes. As soon as I saw his face, I recognized
11 him, who he was.

12 Q. And after you pressed the panic button and law
13 enforcement arrived on scene, did you speak with the
14 officers?

15 A. Yes, I did.

16 Q. Did you give law enforcement a description of
17 the armed robber?

18 A. Yes, I did.

19 Q. What did you describe the armed robber as?

20 A. The robber who robbed us, I know him as an
21 everyday customer; what he was wearing that day and
22 which side he went.

23 Q. Did you give them any kind of physical
24 description?

25 A. Yes. A black male, 21 to 25 years old, slim.

1 Q. And you described his clothing as what?

2 A. Camouflage shirt with black pants and a hat
3 with the Zaxby's logo.

4 Q. Did you tell law enforcement that the armed
5 robber had anything in his hand when he robbed your
6 store?

7 A. Yes.

8 Q. What did you tell them?

9 A. A gun.

10 Q. Did you write a statement for law enforcement?

11 A. Yes, I did.

12 Q. Did you provide, in your written statement, a
13 description of this armed robber, this customer?

14 A. Yes. I told, in my statement, that I knew this
15 guy who robbed us. He used to come to our store
16 every single day to get cigars, drinks, and all
17 that, and what he looked like that day.

18 Q. Now, Sam, I believe you told us earlier that
19 you have 16 cameras around your store. Is that
20 correct?

21 A. Yes.

22 Q. Were those cameras operating properly on August
23 23rd, 2019?

24 A. Yes.

25 Q. Do they have any malfunctions, glitches,

1 anything like that?

2 A. No.

3 Q. Were they placed in the areas that you marked
4 on the map for us?

5 A. Yes, the outside cameras.

6 Q. And the cameras inside the building were
7 working as well?

8 A. Yes.

9 Q. Have you watched those videos of that armed
10 robbery on August 23rd, 2019, in preparation for
11 trial today?

12 A. I have watched, yes.

13 MS. OPPENHEIMER: Your Honor, may I approach
14 the witness?

15 THE COURT: You may.

16 BY MS. OPPENHEIMER:

17 Q. Handing you State's Exhibit No. 19, do you
18 recognize what I've handed to you?

19 A. Yes, ma'am.

20 Q. What is that?

21 A. It's a copy of the robbery from our store.

22 Q. It's from the videos?

23 A. Videos, yes, ma'am, camera videos.

24 Q. Did you provide those videos to law
25 enforcement?

1 A. Yes, I did.

2 Q. Did you watch those videos in preparation for
3 trial today?

4 A. Yes, I did.

5 Q. How did you indicate that you had watched those
6 videos?

7 A. I initialed it and dated it.

8 Q. And did those videos appear to have been
9 altered in any way?

10 A. No.

11 Q. Are they an accurate reflection of the armed
12 robbery that occurred at your store on August 23rd,
13 2019?

14 A. Yes.

15 MS. OPPENHEIMER: Your Honor, at this time, I'd
16 move State's Exhibit No. 19 into evidence.

17 THE COURT: Any objection?

18 MR. CHEHOSKI: No objection.

19 THE COURT: It's admitted.

20 (State's Exhibit No. 19 admitted into
21 evidence.)

22 MS. OPPENHEIMER: Beg the Court's indulgence.

23 THE COURT: Take your time.

24 (Pause.)

25 MS. OPPENHEIMER: Your Honor, at this time, I'd

1 ask permission to publish these videos. They're
2 brief. There's about seven of them.

3 THE COURT: You may.

4 BY MS. OPPENHEIMER:

5 Q. Sam, have you watched all of the videos in
6 preparation for trial today?

7 A. Yes, I did.

8 Q. Sam, what was depicted in this photograph -- or
9 this video? Excuse me.

10 A. Robber walking in our store and jumping over
11 the counter and taking the money and jumping back
12 over and leaving the store.

13 Q. Who was working with you on August 23rd, 2019,
14 when the robbery occurred?

15 A. It was me, Ms. Dora, and my mom. She works in
16 the kitchen.

17 Q. Is Ms. Dora in the courtroom today?

18 A. Yes.

19 Q. Can you point to her?

20 A. (Witness complies.)

21 MS. OPPENHEIMER: Your Honor, may the record
22 reflect that he is pointing to Ms. Dora. She's
23 sitting in --

24 THE WITNESS: Front row.

25 MS. OPPENHEIMER: -- front row with red hair.

1 THE COURT: Would you raise your hand?

2 MS. WOODMAN: (Raises hand.)

3 THE COURT: Okay. Because you're blocked, I
4 can't see you.

5 Okay. Duly noted.

6 BY MS. OPPENHEIMER:

7 Q. Show you the next video. What camera view
8 would this be from?

9 A. From inside the store. If you look at it, it's
10 from the right side of the building all the way at
11 the corner, pointing towards the front door.

12 Q. So you can see the front door from this angle?

13 A. Yes. By the garbage can, that's where the
14 front door is.

15 Q. Who is that approaching?

16 A. That's the robber.

17 Q. Who is that exiting the store?

18 A. That's the robber.

19 Q. How does he appear to exit the store? Slowly?
20 Quickly?

21 A. He ran.

22 Q. And what angle is this video showing? I
23 believe it's the third video.

24 A. Yes. That's the left-hand side of the
25 building, that's Highway 692 where I pointed to the

1 road. That's where he comes in from, he walks from
2 the grass area.

3 Q. Who is that in that video?

4 A. That's the robber.

5 Q. The man you recognized as a customer?

6 A. Yes, ma'am.

7 Q. And who is that running away?

8 A. That's the robber. The robber running away to
9 the side of 692.

10 Q. I'll show you the fourth video. Where is this
11 camera located?

12 A. This is behind the counter facing the customer
13 side. And that's the front door right there by the
14 ice barrel.

15 Q. On the left side of the screen?

16 A. On the left side.

17 Q. You see a couple of other people in this video,
18 are those just regular customers?

19 A. Yes, the young lady standing right there, she
20 goes to high school back there in Swansea High.

21 Q. I'm going to back this up just a little bit.

22 Who is that who just came over the counter?

23 A. That's the robber taking the money and jumping
24 over the counter and leaving.

25 Q. I believe this is the fifth video. Where is

1 this camera located?

2 A. Right next to the previous camera, right next
3 to it, facing the register.

4 Q. Who is wearing the flip-flops behind the
5 counter?

6 A. Ms. Dora.

7 Q. And is that you in the blue shirt?

8 A. Yes.

9 Q. What are you doing when you reach underneath
10 the counter?

11 A. I hit the panic button.

12 Q. And that would have been after you gave him the
13 money?

14 A. Yes.

15 Q. Did you notice any way in which he crawled over
16 the counter, either coming behind the counter or
17 leaving the store?

18 A. Can you repeat that?

19 Q. Did you notice any particular manner that the
20 armed robber went over the counter, either coming
21 behind the register or leaving?

22 A. Yes. As soon as he was jumping, he was pulling
23 his gun out at the same time. So he put his forearm
24 and then pointed the gun. Same thing, handed the
25 money. And he didn't even touch the counter, he

1 just used his elbows and his forearms.

2 Q. And despite the fact that the armed robber
3 pointed a gun at you, you still got a good look at
4 him?

5 A. Yes, I did.

6 Q. Okay. The last video. Where is this camera
7 located?

8 A. This is second -- camera looking over the top
9 of the second registers.

10 Q. And who is the woman behind the register?

11 A. That's Ms. Dora.

12 Q. Is that you who just went behind the counter?

13 A. Yeah.

14 Q. Who is that jumping over the counter?

15 A. That's the robber.

16 Q. Sam, it looks at the end of the video that you
17 are watching, did you see where the armed robber
18 went after he left the store?

19 A. Yes. As soon as he exited the door, he went on
20 the left side towards 692, the way he came in.

21 Q. Would you be able to mark on the map the
22 direction that the armed robber came and the
23 direction the armed robber left your store?

24 A. Sure.

25 MS. OPPENHEIMER: Your Honor, may I have him

1 step down?

2 THE COURT: You may.

3 (Witness steps down.)

4 BY MS. OPPENHEIMER:

5 Q. If you could, at first, mark the direction he
6 came into the store.

7 A. (Witness complies.) This way into the store.

8 Q. Do you mind putting an arrow to the left to
9 show that he's entering?

10 A. (Witness complies.)

11 Q. So he came down that cross street?

12 A. Yeah.

13 Q. And cut across your parking lot?

14 A. Yeah, cut through the parking lot to walk
15 through the sidewalk where this camera caught him.

16 Q. How did the armed robber leave your store?

17 A. The same way he came.

18 Q. Thank you, Sam. You may return to your seat.

19 A. (Witness complies.)

20 Q. Now, Sam, you've told us a lot; that you
21 recognized the armed robber as your customer. But
22 you didn't know his name at the time?

23 A. That's correct.

24 Q. Did you eventually come to know his name?

25 A. Yes, I did.

1 Q. How did you learn that name?

2 A. The same day of the robbery, Ms. Dora went home
3 early. My brother came into work for a couple
4 hours. And, as I was sweeping, a couple of my
5 regular customers walked in, and I showed them the
6 video of the robbery of that day and --

7 MR. CHEHOSKI: Objection, Your Honor.

8 THE WITNESS: -- one of the customers
9 recognized him.

10 MR. CHEHOSKI: -- hearsay.

11 THE COURT: Hold on when he objects.

12 MR. CHEHOSKI: Hearsay, Your Honor.

13 THE COURT: It is hearsay. Rephrase it.

14 MS. OPPENHEIMER: I'll rephrase it, Your Honor.

15 BY MS. OPPENHEIMER:

16 Q. Without saying what anyone told you, did you
17 come to find out the name of the armed robber?

18 A. Yes.

19 Q. And did you verify that name that you had been
20 given in any way on your own?

21 A. Through Facebook.

22 Q. And what name did you search on Facebook?

23 A. Hampton. That was the last name I searched.

24 Q. And when you searched the last name of Hampton
25 on Facebook, were you able to determine the identity

1 of the armed robber?

2 A. Yes, through his mother's profile.

3 Q. And who did you identify as the armed robber?

4 A. Tra'vion Hampton.

5 Q. And how certain were you when you saw Tra'vion
6 Hampton's Facebook picture that he was the armed
7 robber?

8 A. A hundred percent.

9 Q. A hundred percent certain. You knew that
10 during the robbery?

11 A. Yes.

12 Q. Once you got the name?

13 A. Yes.

14 Q. You knew that Tra'vion Hampton was the armed
15 robber?

16 A. Yes.

17 Q. Did law enforcement ever ask you to identify
18 any potential suspects in this case?

19 A. They stopped a blue car and they brought to our
20 store, but it was not one of them. But I did do a
21 photo lineup.

22 Q. Well, let's go back to the blue car. Why did
23 they stop a blue car?

24 A. Tra'vion -- there was a group of guys. They
25 all used to all hang back off 692, and they were all

1 friends. So that's how I knew who they were. And
2 they made a circle -- like when I was walking -- I
3 was standing outside. They made a circle, stopped
4 for a second, and they left and they came back again
5 through a parking lot. That's when I knew that this
6 was the guys. And I told the police officers they
7 all hang out.

8 Q. So you knew that Tra'vion Hampton hung out with
9 a group of guys and they drove a blue car?

10 A. Blue Toyota.

11 Q. Blue Toyota?

12 A. Yes.

13 Q. And you saw that blue Toyota on August 23rd?

14 A. Yes, I did.

15 Q. 2019?

16 A. Yes, I did.

17 Q. When -- were you able to identify the
18 individuals in the blue car on August 23rd, 2019?

19 A. Yes.

20 Q. Was Tra'vion Hampton in that car?

21 A. No.

22 Q. Was the armed robber in the car?

23 A. No.

24 Q. How certain are you that the armed robber was
25 not in that car?

1 A. A hundred percent.

2 Q. When you said you did a photo lineup, do you
3 recall when you did that photo lineup?

4 A. I believe it was next day.

5 Q. That would have been August 24th?

6 A. 24th.

7 Q. Who showed you that photo lineup?

8 A. A police officer.

9 Q. Do you recall who?

10 A. Chief Rebolj.

11 Q. Chief Rebolj?

12 A. Yes.

13 Q. With the Pelion Police Department?

14 A. Yes.

15 Q. Was it just the two of y'all talking when he
16 showed you that photo lineup?

17 A. Yes.

18 Q. Where were you when he showed you that lineup?

19 A. I was at the store.

20 Q. When he showed you that lineup, did he give you
21 any instructions?

22 A. He showed me and told me if you recognize any
23 people in here that might have robbed your store,
24 and I immediately recognized Tra'vion Hampton in
25 that picture.

1 Q. Did he make any suggestions to you that the
2 armed robber was definitely in that lineup?

3 A. No, ma'am.

4 Q. Did he tell you that you had to pick anyone in
5 that lineup?

6 A. No, ma'am.

7 Q. Did he tell you that Tra'vion Hampton was in
8 that lineup?

9 A. No.

10 MS. OPPENHEIMER: Your Honor, may I approach
11 the witness?

12 THE COURT: You may.

13 BY MS. OPPENHEIMER:

14 Q. I'm showing you State's Exhibits No. 1 through
15 3 for identification only. Do you recognize what
16 I've handed you?

17 A. Yes, ma'am.

18 Q. Just flip through all of these.

19 A. Okay.

20 Q. And State's Exhibit No. 2, what would that be?

21 A. That's the Affidavit that I signed with my
22 signature stating that I did the photo lineup.

23 Q. And that is your signature? You recognize it
24 there?

25 A. Yes, ma'am.

1 Q. And State's Exhibit No. 3, what is that?

2 A. That's my driver's license.

3 Q. Did Chief Rebolj ask you for a copy of your
4 license when you did the lineup?

5 A. Yes.

6 Q. Did he make a copy of your license?

7 A. Yes.

8 Q. When Chief Rebolj showed you the photo lineup,
9 which is State's Exhibit No. 1, were you able to
10 identify anyone?

11 A. Yes, I did.

12 Q. And who did you identify?

13 A. Number 2 as Tra'vion Hampton.

14 Q. Number 2 is Tra'vion Hampton?

15 A. Yes.

16 Q. How did you recognize photograph No. 2,
17 Tra'vion Hampton?

18 A. Through robbery, the guy who robbed us, and all
19 these years coming in our store in and out all day.

20 Q. How certain were you, in August of 2019, that
21 number 2, Tra'vion Hampton, as the armed robber?

22 A. A hundred percent.

23 Q. How certain are you today that Tra'vion Hampton
24 was the armed robber?

25 A. A hundred percent.

1 Q. And did you do anything on that lineup to
2 indicate that number 2, Tra'vion Hampton, was the
3 armed robber?

4 A. I circled and initialed it.

5 Q. How long did it take you to pick Tra'vion
6 Hampton's photograph out of that lineup?

7 A. Seconds. Immediately.

8 Q. Now, Sam, do you see the armed robber in this
9 courtroom today?

10 A. Yes, I do.

11 Q. Can you identify him for the jury, please?

12 A. Yes. Point a finger?

13 Q. Yes.

14 A. Right there, Tra'vion Hampton [indicating].

15 Q. Tra'vion Hampton, is he in the black shirt with
16 the blue mask on sitting at defense table?

17 A. Yes.

18 Q. How certain are you that Tra'vion Hampton was
19 the armed robber on August 23rd, 2019?

20 A. A hundred percent.

21 Q. You were a hundred percent back in 2019?

22 A. Yes.

23 Q. A hundred percent here today?

24 A. Yes.

25 MS. OPPENHEIMER: Beg the Court's indulgence.

1 (Pause.)

2 MS. OPPENHEIMER: No further questions.

3 Please answer any questions the defense may
4 have for you.

5 THE COURT: Thank you, Ms. Oppenheimer.

6 Mr. Chehoski?

7 CROSS-EXAMINATION

8 BY MR. CHEHOSKI:

9 Q. Mr. Patel, you said that you didn't know
10 Mr. Hampton's name at the time?

11 A. No.

12 Q. You said that Mr. Hampton came in the store
13 daily?

14 A. Almost every day.

15 Q. Almost every day. Sometimes multiple times a
16 day?

17 A. Multiple times a day.

18 Q. Had Mr. Hampton been in the store earlier that
19 day?

20 A. Not that I recognize that day. He might have,
21 but I was not on the cash register at that time.

22 Q. Customers don't often jump over the counter, do
23 they?

24 A. No.

25 Q. That day, had there been any other customers

1 who jumped over the counter?

2 A. No.

3 Q. Was that a surprise to you that he jumped over
4 the counter?

5 A. Yes.

6 Q. How soon did you see the gun?

7 A. As soon as he put his hand up on the counter,
8 the gun was in his hand. That's when I saw it.

9 Q. As soon as he jumped over the counter, you saw
10 the gun?

11 A. Yes.

12 Q. And he pointed it at you?

13 A. He pointed it at Ms. Dora first, then he
14 pointed it at me to hand him the money.

15 Q. And you were the one who opened the register?

16 A. Yes.

17 Q. You were the one who took the money out of the
18 register?

19 A. Yes.

20 Q. You were the one who gave the money to the
21 robber?

22 A. Yes.

23 Q. All right. You had testified earlier that he
24 didn't say anything to you.

25 A. He asked for money, hand me the money. That's

1 it. Not, like, personally.

2 Q. So your testimony now is that he was demanding
3 money?

4 A. Yeah. He pointed the gun, said open the
5 drawer, and hand me the money.

6 Q. So was that just -- when you said earlier that
7 he didn't say anything, was that an oversight?

8 A. What do you mean "earlier"?

9 Q. When you testified earlier on direct, you
10 testified that he did not say anything. Was that
11 just an accident?

12 A. He did say hand me the money. He pointed the
13 gun and he said open the drawer and hand me the
14 money.

15 Q. So then that would be different than him not
16 saying anything, right?

17 A. Yeah.

18 Q. And when you testified earlier, that would be
19 different from when you testified earlier?

20 MS. OPPENHEIMER: Objection, Your Honor; asked
21 and answered.

22 THE COURT: I think he's answered it. Move on,
23 Mr. Chehoski.

24 BY MR. CHEHOSKI:

25 Q. Now, you got a chance to watch the video of the

1 incident and the -- to the best -- you saw that none
2 of those videos were more than two minutes long,
3 right?

4 A. Yes.

5 Q. And those videos all started before he enters
6 the store?

7 A. Yeah.

8 Q. So the first video, from State's Exhibit 19,
9 you see that the video is 59 seconds long; is that
10 correct?

11 A. I can't see it from here.

12 Q. Is this in the way?

13 A. A little bit, yeah.

14 Q. Okay. Is that better?

15 A. Yeah.

16 Q. You see that the video is 59 seconds long?

17 A. Yes.

18 Q. And you can see that for 20 minutes into the
19 video -- 20 seconds, rather.

20 A. Yes.

21 Q. I meant to say 59 seconds earlier. If I said
22 59 minutes, that would be my mistake.

23 So 20 seconds into the video, has the robber
24 entered the store yet?

25 A. No.

1 Q. At 24 seconds, he's at the door, right?

2 A. Yes.

3 Q. And at 29 seconds, he has jumped over the
4 register?

5 A. Yes.

6 Q. Now, at 48 seconds, he has jumped back over the
7 counter?

8 A. Yes.

9 Q. That is just under 20 seconds, correct?

10 A. Roughly, yeah.

11 Q. And the incident took place just before 3:00?

12 A. Yes.

13 Q. You did not mention that -- you mentioned
14 the -- you mentioned he was wearing a black hat.

15 A. Yes.

16 Q. You mentioned that he was wearing a camouflage
17 shirt?

18 A. Yes.

19 Q. And you mentioned that he was wearing, was it,
20 black pants or green pants?

21 A. Black pants. At that time, that is what I
22 said.

23 Q. So your testimony is that he was wearing black
24 pants?

25 A. Yes.

1 MR. CHEHOSKI: May I approach the witness, Your
2 Honor?

3 THE COURT: You may.

4 BY MR. CHEHOSKI:

5 Q. I'm showing you State's Exhibit 15. Are those
6 black pants or green pants?

7 A. On the picture, it looks like green pants.

8 Q. Okay. And so when you -- if you said it was
9 black pants, would that be an error?

10 A. It's an error. But that is what I wrote on my
11 report.

12 Q. You did not mention he was wearing sunglasses,
13 did you?

14 A. No.

15 Q. You said that Mr. Hampton was associated with a
16 Toyota?

17 A. The other friends.

18 Q. Yeah. It was a RAV4; is that right?

19 A. RAV4 Toyota.

20 Q. The RAV4 was blue?

21 A. Yes.

22 Q. And you said that it had a -- was it a hubcap
23 missing?

24 A. A hubcap was missing, yeah.

25 Q. And you saw a blue RAV4 drive by your store --

1 A. Yes.

2 Q. -- shortly after this incident?

3 A. Yes.

4 Q. Mr. Hampton was not in that vehicle?

5 A. No.

6 Q. Okay. Mr. Hampton didn't drive off in that
7 vehicle?

8 A. No.

9 Q. All right. Did you watch your video to see if
10 Mr. Hampton had been in the store earlier that day?

11 A. No.

12 Q. Did police ask you for any video if he had been
13 in the store earlier that day?

14 A. Not that I recall.

15 Q. If they had asked for a video that he was in
16 the store earlier that day, would you have given it
17 to them?

18 A. Yeah. But you would have to go through the
19 whole day.

20 Q. And when you were shown the photo lineup, did
21 the officer tell you that Mr. Hampton was in the
22 lineup?

23 A. No.

24 Q. Did he say that he may be in the lineup?

25 A. May or may not be.

1 Q. Did he use Mr. Hampton's name or did he use the
2 robber --

3 A. Suspect.

4 Q. What was that?

5 A. He used the suspect might be or might not be in
6 the photo lineup.

7 Q. He used the word suspect; is that right?

8 A. I can't recall exactly. But I'm just saying
9 that he might be or he might not be in the lineup.

10 Q. Okay.

11 MR. CHEHOSKI: One moment please, Your Honor.

12 THE COURT: Take your time.

13 (Pause.)

14 BY MR. CHEHOSKI:

15 Q. When you saw the blue Toyota, did you see the
16 occupants of that vehicle?

17 A. No.

18 Q. But you testified that those weren't the --
19 neither one of those were the robber.

20 A. Because I recognized the robber. So when they
21 brought them to the store to do face recognition, it
22 was not him.

23 Q. I'm confused now. You're saying that you did
24 see the occupants of the vehicle?

25 A. Yes. When the police stopped them and they

1 brought them to the store to show me was any of
2 these guys the robber, yes, that's when I told them,
3 they were not in there.

4 But as in driving by, I didn't see who was in
5 the car.

6 Q. Did you see the occupants get out of the
7 vehicle when they were brought to your store?

8 A. No. They were stopped down the street, so they
9 were in the police car.

10 Q. So the police brought them to you in their
11 vehicle?

12 A. Yes.

13 Q. They didn't walk them over or anything like
14 that?

15 A. No.

16 MR. CHEHOSKI: Hold on, please.

17 THE COURT: Take your time.

18 (Pause.)

19 BY MR. CHEHOSKI:

20 Q. Just one last question: Before you saw the
21 photo lineup, you saw Mr. Hampton's photo on
22 Facebook; is that right?

23 A. Yes.

24 MR. CHEHOSKI: That's all I have, Your Honor.

25 THE COURT: Thank you.

1 Any redirect?

2 MS. OPPENHEIMER: Briefly, Your Honor.

3 REDIRECT EXAMINATION

4 BY MS. OPPENHEIMER:

5 Q. Sam, you testified that you saw the gun as soon
6 as the armed robber jumped over the counter. Were
7 you focused on his face or were you focused on the
8 gun?

9 A. I saw the gun and I recognized the face right
10 away.

11 Q. And you testified that the armed robber
12 demanded money. Did you recognize his voice?

13 A. Yes.

14 Q. Who did you recognize his voice as?

15 A. My everyday customer, Tra'vion Hampton.

16 Q. Did you recognize the way that the armed robber
17 walked?

18 A. Yes, manners and the way he walks. I do.

19 Q. And who did you recognize the armed robber --
20 like, the way he walked, who did you recognize that
21 as?

22 A. Tra'vion Hampton.

23 Q. And although this armed robbery lasted a short
24 period of time, did you still get a good look at the
25 armed robber?

1 A. Yes, I did.

2 Q. And you were focused on what part of his body?

3 A. Face.

4 Q. And you recognized his face as?

5 A. Tra'vion Hampton.

6 Q. As a customer?

7 A. Customer, like, everyday customer.

8 Q. And I believe Mr. Chehoski asked you if you saw
9 the armed robber drive off in a blue vehicle. Did
10 you see the armed robber drive off at all?

11 A. No.

12 Q. Did you see him get into a vehicle at all?

13 A. No.

14 Q. How did you see him exit your store?

15 A. Running.

16 Q. Running. And he ran around the corner?

17 A. Yes.

18 Q. And when law enforcement brought those
19 occupants of the blue Toyota to you at your store,
20 was the armed robber with them?

21 A. No.

22 Q. And you knew that because you knew who the
23 armed robber was?

24 A. Yes, ma'am.

25 Q. How certain are you today and back then that

1 Tra'vion Hampton robbed your store on August 23rd,
2 2019?

3 A. A hundred percent.

4 MS. OPPENHEIMER: I have no further questions,
5 Your Honor.

6 MR. CHEHOSKI: One or two questions at the
7 most.

8 THE COURT: Go ahead, Mr. Chehoski.

9 RECROSS-EXAMINATION

10 BY MR. CHEHOSKI:

11 Q. Mr. Patel, you said you recognized him by the
12 way he walked; is that right?

13 A. Yes.

14 Q. Was he walking with a limp?

15 A. You could say the -- like walk -- you could say
16 little bit of limp, not much. But, like, walking --
17 like, every day -- I see him on regular basis. I
18 don't notice that kind of stuff. But you could just
19 tell from customer. If he just turned around and
20 walks, I can tell that's who that is.

21 Q. Okay. So you're saying you recognized him by
22 the way he walks. But you don't notice the way he
23 walks; is that right?

24 A. No. I do recognize the way he walks. Like,
25 every day, like, when you see, like, body style,

1 that's our body language; that's how I recognize how
2 he walks.

3 Q. I mean, if a regular customer comes in with a
4 noticeable limp one day, would you notice that?

5 A. Probably. If it is an every day customer and
6 you see something wrong, yes.

7 Q. And you said he walked -- when the robber left
8 the store, he went down, was it 692?

9 A. Yes.

10 Q. What's the building across the street from
11 that?

12 A. That's a church.

13 Q. What's the name of that church?

14 A. Baptist church.

15 MR. CHEHOSKI: Thank you. Nothing further.

16 THE COURT: Okay. Can I let the witness step
17 down?

18 MS. OPPENHEIMER: Yes, Your Honor.

19 THE COURT: Mr. Foreman, how about a break?

20 MR. FOREMAN: Sounds good, Your Honor.

21 THE COURT: All right. Let's come back at
22 11:15. Give you a 15-minute break. Okay?

23 (The jury exits the courtroom at 10:59 AM.)

24 THE COURT: Anything from the State?

25 MS. MARTIN: No, Your Honor.

1 THE COURT: From the defense?

2 MR. CHEHOSKI: No, Your Honor.

3 THE COURT: All right. We're in recess 15
4 minutes.

5 (Brief recess.)

6 THE COURT: Ms. Horsley, how did that go?

7 MS. HORSLEY: We're ready to proceed, Your
8 Honor.

9 THE COURT: All right. Is the State ready?

10 MS. MARTIN: Yes, ma'am.

11 THE COURT: Defense ready?

12 MR. CHEHOSKI: Yes, ma'am.

13 THE COURT: Bring the jury in.

14 MS. MARTIN: Judge, can you get the bailiff to
15 stop them? I just thought of one thing.

16 THE COURT: Sure.

17 MS. MARTIN: I'm sorry. Just right outside the
18 door, because it will be real quick.

19 The next witness is Clif Hayes. I'm reducing
20 the volume of my voice a bit.

21 THE COURT: Come on up here.

22 MS. MARTIN: The next witness is Clif Hayes. I
23 want to be sure that the defense -- and I don't
24 think you will. But, just in an abundance of
25 caution, I want to be sure that the defense is not

1 going to try and elicit anything the defendant said
2 from Mr. Hayes, because we're not going to try and
3 do anything like that.

4 MR. CHEHOSKI: Just what he observed.

5 THE COURT: Okay. That's all the testimony
6 will be is what Mr. Hayes observed, right?

7 MS. MARTIN: Yes.

8 THE COURT: All right. Sounds good to me.

9 All right. Let's bring them in.

10 (The jury enters the courtroom at 11:36 AM.)

11 THE COURT: Mr. Foreman, are we ready?

12 THE FOREMAN: We're ready, Your Honor.

13 THE COURT: All right. The State can call
14 their next witness.

15 MS. MARTIN: Your Honor, the State calls Clif
16 Hayes.

17 THE CLERK: Raise your right hand, please.

18 CLIF HAYES

19 being first duly sworn, testified as follows:

20 THE WITNESS: I do.

21 THE CLERK: You can remove your mask and have a
22 seat. State your name and spell your last, please.

23 THE WITNESS: Clif Hayes, last name H-A-Y-E-S.

24 DIRECT EXAMINATION

25 BY MS. MARTIN:

1 Q. Mr. Hayes, where are you employed now?

2 A. I am employed with JAG Contractors. I'm a
3 superintendent for JAG.

4 Q. What was your previous profession?

5 A. Law enforcement.

6 Q. Can you tell us a little bit about your
7 background in law enforcement?

8 A. I started my career at Lexington County
9 Sheriff's Department in 1996. And, in 2003, I left
10 and went to the small town of Swansea and was there
11 for a couple years. In 2007, I became the chief of
12 police. And I stayed there until I retired last
13 October of 2020.

14 Q. Okay. And is Swansea located in Lexington
15 County?

16 A. That is correct.

17 Q. Okay. And so August 23rd of 2019, you would
18 have been the chief at that time in Swansea?

19 A. That is correct.

20 Q. And are you familiar with the Tiger Mart
21 Convenience Store?

22 A. I am.

23 Q. Is that within the city limits of Swansea?

24 A. That is correct. It's in the town of Swansea.

25 Q. Is that a pretty good business there?

1 A. Oh, absolutely.

2 Q. And do you know the family that owns it and
3 manages it?

4 A. I do.

5 Q. Can you tell us who they are?

6 A. It's the Patels.

7 Q. Do you know Sam Patel?

8 A. I do.

9 Q. Have you met Ms. Dora before?

10 A. I have.

11 Q. And can you tell us whether or not, in the
12 afternoon of August 23rd, there was a call for
13 service at that Tiger Mart?

14 A. That is correct.

15 Q. And can you tell us what kind of call it was or
16 the nature of the call?

17 A. We received a call that afternoon in reference
18 to a possible armed robbery at that location.

19 Q. And is armed robbery considered a violent
20 crime?

21 A. Absolutely.

22 Q. And did you respond there?

23 A. I did.

24 Q. Can you tell us what other agencies responded
25 there?

1 A. At the time -- as a small agency, periodically,
2 when we get calls like this, we rely on other
3 services.

4 So we actually called Pelion Police Department,
5 Gaston Police Department, and Lexington County
6 Sheriff's Department to come and assist us with the
7 case.

8 Q. Okay. And when you got there, can you tell us
9 who you spoke with?

10 A. When I got there, I made contact -- as I went
11 into the door, I made contact with Mr. Patel, Sam.

12 Q. Okay. And was he able, at that time, to tell
13 you what had occurred?

14 A. He did.

15 Q. Was he able to give you a description of the
16 armed robber?

17 A. He did.

18 Q. And have you had an opportunity before court
19 today to review a written report?

20 A. I did.

21 Q. And can you please tell us what description
22 Mr. Patel had provided to you that you documented?

23 A. Mr. Patel advised me that it was a black male,
24 he wearing a camouflage shirt, green pants, and was
25 wearing a black-in-color Zaxby's hat.

1 Q. And did you meet with anyone else there at the
2 Tiger Mart?

3 A. I did. I also spoke with Ms. Dora, who was
4 also on scene at the time, and she confirmed on the
5 description what Sam had said earlier.

6 Q. Do you remember if they said dark pants, green
7 pants, black pants?

8 A. They specifically said green pants.

9 Q. Is that in your report?

10 A. It is.

11 Q. Could you tell me a little bit about the
12 condition or the demeanor of Sam and Ms. Dora?

13 A. Of course, they were distraught based on the
14 incident that had occurred, especially Ms. Dora.

15 Q. Did you get -- I may have missed this. I'm
16 sorry. Did you tell me an age range of the
17 description?

18 A. He initially told me it was early 20s, a black
19 male.

20 Q. Were you made aware if any weapon had been
21 used?

22 A. He did say that a weapon had been used during
23 the incident.

24 Q. And were you made aware of any monies that were
25 stolen?

1 A. Yes. He did mention that once the individual
2 jumped the counter, he demanded money, and money was
3 given to him out of the cash register.

4 Q. And did Ms. Dora also confirm that a weapon had
5 been used and presented?

6 A. She did.

7 Q. Are you familiar with firearms?

8 A. I am.

9 Q. Would you consider a firearm a deadly weapon?

10 A. Oh, absolutely.

11 Q. At the time when you first met with them that
12 afternoon, were you given a potential name of a
13 suspect?

14 A. When I first arrived on scene, Sam initially
15 told me that he was very familiar with the
16 individual that came in and committed the crime --

17 MR. CHEHOSKI: Your Honor, I'd have to object.
18 It's hearsay.

19 MS. MARTIN: Your Honor, it's the course of the
20 investigation, how he learned and where they went
21 from there.

22 THE COURT: I'm going to allow it.
23 Go ahead.

24 THE WITNESS: He told me at the time that he
25 was very familiar with the individual that actually

1 came in and did the armed robbery, but he wasn't
2 aware of the name at that point. That was on the
3 23rd.

4 BY MS. MARTIN:

5 Q. Okay. And can you tell us whether or not
6 Ms. Dora indicated she knew the armed robber?

7 A. She did. She said that she was very familiar
8 with the individual, he comes in very frequently.
9 And, at the time, they were unable to provide a
10 name.

11 Q. Did you have an opportunity there that
12 afternoon to review the camera that we've all -- the
13 camera footage, the video footage that we've all
14 looked at here in the courtroom?

15 A. I did.

16 Q. And at some point, you did collect that and
17 brought it to court?

18 A. I did.

19 Q. Can you tell us a little bit about what happens
20 when it's an all-call situation and everyone is
21 meeting at the Tiger Mart? Can you tell us what
22 steps were taken and what duties were performed by
23 the people there, law enforcement?

24 A. The main thing is crime scene preservation, so
25 we've got the scene under control. And at that

1 point, we had additional units circling the area on
2 the perimeter trying to locate the individual based
3 on the description that we were given.

4 Q. Can you tell us whether or not Sam made you
5 aware of the armed robber's link to a particular
6 kind of car?

7 A. Yes, he did.

8 Q. Can you tell us, based on that information you
9 had, what, if anything, happened with a blue car
10 that afternoon?

11 A. The day of the incident, he had told me that
12 the individual that he was trying to identify was
13 commonly in a blue-in-color Toyota RAV4. He
14 specifically told me it was missing a hubcap and the
15 rear tire was off of the rear where the tire mount
16 was and it missing a rear tire.

17 Q. Can you tell me, as the case officer, whether
18 or not a stop was made on a vehicle that matched
19 that description on that afternoon?

20 A. That is correct.

21 Q. And can you tell us what happened with the
22 people that were in that car?

23 A. The individuals --

24 Q. Let me stop you for just one minute. And be
25 careful, listen to my question.

1 A. Okay.

2 Q. Can you tell me what was done with the people
3 in that car in relation to Mr. Patel only?

4 A. He was -- Mr. Patel was given an opportunity to
5 identify the individuals in the car as a possible
6 suspect.

7 Q. Okay. And did Mr. Patel -- was he able to tell
8 you whether or not the armed robber was in that car?

9 A. Upon looking at them and observing the
10 individuals, he advised us that no one in the
11 vehicle was involved in the armed robbery.

12 Q. All right. Thank you. So moving on, can you
13 tell us, being that you are the case officer in this
14 case, are there any forensics, anything
15 evidence-wise that links Tra'vion Hampton to that
16 armed robbery from that afternoon?

17 A. Rephrase your question.

18 Q. Okay. Are there any forensics that show
19 Tra'vion Hampton was there that day at the
20 convenience store?

21 A. No.

22 Q. Okay. Can you tell us whether or not -- or can
23 you tell us, please, how the name Tra'vion Hampton
24 came to your attention as a suspect?

25 A. The -- on the 24th, the next day, around -- I

1 think it was around 9:00 and 10:00, I went back to
2 the store and made contact with Sam, Mr. Patel. And
3 at that point, he advised me that he had identified
4 the suspect as Tra'vion Hampton through Facebook.

5 Q. Okay. And based on that information, what, if
6 anything, did it lead you to ask to happen? Based
7 on what you learned from that, what did you do?

8 A. Well, at that point, I had Lieutenant Rebolj,
9 who's now the chief of police -- at that point, I
10 had him to get a photo lineup that was prepared by
11 SLED and take it to Mr. Patel to see if he could
12 identify a suspect on the photo lineup.

13 Q. Okay. And after that photo lineup was done,
14 what if anything else, as far as trying to collect
15 evidence, did you do?

16 A. Well, it -- once we got the photo lineup and he
17 was positively identified, we got a search warrant
18 for his residence.

19 Q. Were you present when the search warrant was
20 executed at his home?

21 A. I was.

22 Q. And can you tell us who from the county was
23 there?

24 A. Tom was there from the sheriff's department
25 with crime scene.

1 Q. Okay. Would it be fair to say that
2 Investigator Smith was leading that search warrant
3 execution?

4 A. Absolutely. Absolutely.

5 Q. Were you present when any evidence was
6 collected from that home?

7 A. I was.

8 Q. Okay. And can you tell us what was collected?

9 A. A black pair of tennis shoes and an ID was
10 collected in one of the bedrooms of that residence.

11 Q. Were there photographs done in conjunction with
12 that?

13 A. That is correct.

14 Q. Okay. And did you have Mr. Patel give a
15 written statement?

16 A. I did.

17 Q. Back to the search warrant of the house, was
18 Tra'vion Hampton there that day?

19 A. He was not.

20 Q. Were any firearms recovered?

21 A. No, ma'am.

22 Q. Was a large amount of cash recovered?

23 A. No, ma'am.

24 MS. MARTIN: Beg the Court's indulgence one
25 moment.

1 THE COURT: Take your time.

2

3 BY MS. MARTIN:

4 Q. I do have one more question. When you were
5 given the name Tra'vion Hampton, did his physical
6 appearance, his size, his height, his race, his sex,
7 did all of that match the initial physical
8 description given by Sam?

9 A. It did.

10 Q. Did it match the description given by Ms. Dora?

11 A. It did.

12 MS. MARTIN: Beg the Court's indulgence.

13 Please answer any questions the defense may
14 have.

15 THE COURT: Mr. Chehoski?

16 CROSS-EXAMINATION

17 BY MR. CHEHOSKI:

18 Q. Chief Hayes, Mr. Patel didn't have a name when
19 you initially reported; is that right?

20 A. That is correct.

21 Q. You didn't become aware of the name until the
22 next day?

23 A. That is correct.

24 Q. All right. During the course of your
25 investigation, were you aware if Mr. Hampton was in

1 the store earlier that day?

2 A. I was not aware.

3 Q. Your -- you had mentioned that when you did
4 first arrive, one of your first tasks was scene
5 preservation.

6 A. That's correct.

7 Q. And when you're preserving a scene, you're
8 looking for any evidence that may have been left
9 behind?

10 A. That is correct.

11 Q. For example, possible fingerprints?

12 A. That is correct.

13 Q. Possible shoe prints?

14 A. That's correct.

15 Q. Possible DNA?

16 A. That's correct.

17 Q. If it's available. In fact, when the scene was
18 processed, there was a palmprint that was lifted
19 from the counter; is that correct?

20 A. That's correct.

21 Q. You're aware that that palmprint was tested?

22 A. That's correct.

23 Q. Were you advised of the results of that test?

24 A. Yes.

25 Q. Okay. Were you advised if that test matched

1 Mr. Hampton?

2 A. It did not.

3 Q. Were you aware if it matched anybody else?

4 A. Not aware.

5 Q. Are you aware if it was specifically tested and
6 compared with Mr. Hampton?

7 A. All I know is that palmprint did not match
8 Mr. Hampton.

9 Q. Several days later, Mr. Hampton voluntarily
10 turned himself in to law enforcement; is that right?

11 A. Yes.

12 Q. All right. He voluntarily came to you; is that
13 correct?

14 A. That is correct.

15 Q. And when he arrived, he was walking with a
16 crutch; is that correct?

17 A. That is correct.

18 Q. You never sought to get his medical records; is
19 that correct?

20 A. I did not.

21 Q. You said that you were present for the search
22 warrant?

23 A. I was.

24 Q. You were present for the evidence that was
25 collected?

1 A. I was.

2 Q. Did you collect a camouflage shirt?

3 A. We did not.

4 Q. Did not. Did you collect green pants?

5 A. No, we did not.

6 Q. Did you collect a Zaxby's hat?

7 A. We did not.

8 Q. Did you collect any sunglasses?

9 A. We did not.

10 Q. Were you able to find any footprints at the
11 store?

12 A. We did not.

13 MR. CHEHOSKI: One moment, please.

14 THE COURT: Take your time.

15 (Pause.)

16 BY MR. CHEHOSKI:

17 Q. Now, again, you said you were present for the
18 search warrant. You weren't leading the search
19 warrant; is that correct?

20 A. What's that?

21 Q. You were not the one leading the search
22 warrant?

23 A. That is correct.

24 Q. But you had been present for search warrants
25 before, though?

1 A. That is correct.

2 Q. Over the course of your almost 25 years in law
3 enforcement multiple times. Based on your training
4 and experience, was this a thorough search?

5 A. Yes.

6 Q. Looked into every corner?

7 A. We did.

8 Q. Under mattresses. If there was evidence to be
9 found there, you would have found it?

10 A. Yes.

11 Q. Is that correct?

12 A. That's correct.

13 MR. CHEHOSKI: One more moment, please, Your
14 Honor.

15 THE COURT: Take your time.

16 (Pause.)

17 BY MR. CHEHOSKI:

18 Q. Last couple questions, Chief Hayes: The day of
19 the incident, do you remember what the weather was
20 like?

21 A. It was raining.

22 Q. And you had watched the video; is that correct?

23 A. That's correct.

24 Q. Did you watch all the videos?

25 A. That's correct.

1 Q. The videos from the various cameras?

2 A. That's correct.

3 Q. And in that one video, you can see him walking
4 over a grassy area?

5 A. That's correct.

6 Q. Did you check for footprints in that area?

7 A. We did not.

8 MR. CHEHOSKI: Thank you.

9 Nothing further, Your Honor.

10 THE COURT: Any redirect?

11 MS. MARTIN: I'll be brief.

12 REDIRECT EXAMINATION

13 BY MS. MARTIN:

14 Q. Mr. Chehoski talked about the defendant turning
15 himself in. Do you recall that?

16 A. I do.

17 Q. And arrangements were made -- or can you tell
18 me, were arrangements made more than once for the
19 defendant to turn himself in?

20 A. That is correct.

21 Q. And he missed several of those turn-in
22 opportunities?

23 A. That is correct.

24 Q. So y'all were actively searching for
25 Mr. Hampton?

1 A. That is correct.

2 Q. And when he presented himself and was using a
3 crutch, did you search his body to look for
4 injuries?

5 A. I did not.

6 Q. So you don't know if he had an injury or was
7 faking an injury, do you?

8 A. That would be correct.

9 Q. What was the date that Mr. Hampton was finally
10 taken into custody?

11 A. It was on September the 3rd.

12 Q. So some two weeks or more after the armed
13 robbery?

14 A. That is correct.

15 MS. MARTIN: Thank you.

16 Nothing further.

17 MR. CHEHOSKI: No recross.

18 THE COURT: Can I let the chief step down?

19 MS. MARTIN: Yes, ma'am.

20 THE COURT: All right. Call your next witness.

21 MS. MARTIN: Your Honor, we'd call Detective
22 Tom Smith.

23 THE CLERK: Raise your right hand, please.

24 TOM SMITH

25 being first duly sworn, testified as follows:

1 THE WITNESS: I do.

2 THE CLERK: Have a seat and you can remove your
3 mask. State your name for the record, please.

4 THE WITNESS: My name is Thomas Smith, last
5 name is spelled S-M-I-T-H.

6 DIRECT EXAMINATION

7 BY MS. MARTIN:

8 Q. Detective Smith, where are you currently
9 employed?

10 A. I'm currently employed with the Lexington
11 County Sheriff's Department in their crime scene
12 unit.

13 Q. Can you tell us a little bit about your
14 educational and training background?

15 A. So I actually got into law enforcement while I
16 was in the military. I was applied for and accepted
17 into the U.S. Army Criminal Investigation Division
18 Command, which is Army CID. Our task there is to
19 conduct felony investigations wherever the military
20 has an interest in it.

21 So through them, that's where I began my
22 training. I conducted felony investigations
23 pertaining to fraud, crime, murder, various death
24 investigations, child exploitation, and such. I did
25 that for about six and a half years. After six and

1 a half years, I got out of the Army after a total of
2 13 and a half years.

3 Once I got out of the Army, I applied for and
4 was accepted with the Lexington County Sheriff's
5 Department. I spent two years on the road with them
6 before applying and being accepted into the crime
7 scene unit.

8 Crime scenes alone, I probably have anywhere
9 from ten and a half to 11 years' experience in crime
10 scenes. And I think I'm pushing 13 or so years in
11 law enforcement.

12 I have a Bachelor's Degree in criminal justice
13 as well as a Bachelor's Degree in psychology, a
14 Master's Degree in criminal justice with emphasis on
15 forensics and law.

16 Q. Okay. Thank you. So currently, today, you're
17 still employed in the crime scene investigations
18 unit?

19 A. I am, ma'am.

20 Q. Okay. Can you tell me in general what kind of
21 training you've had to process latents?

22 A. Latents, I've taken roughly 200 hours in just
23 general crime scene investigations. And in there,
24 there's always discussion of latent and trace
25 evidence, how to find it, preserve it, collect it,

1 and then submit it in for evidence. Latent prints
2 is a good portion of that.

3 I have completed the Lexington County latent
4 print class. It's a couple-hour class that everyone
5 at the sheriff's department takes once they get
6 there.

7 I've also had a 40-hour latent examination
8 course, which is where we do nothing but compare
9 prints to one another and determine whether or not
10 the individual is or is not the person of interest
11 in the case. I did a six-month internship on top of
12 that 40-hour class.

13 I'm also recognized through the State of South
14 Carolina as an AFIS examiner. AFIS is the Automated
15 Forensic Identification System. And, basically,
16 that just allows me to upload fingerprints into
17 that. And then the way AFIS works is it will come
18 back -- it's never like NCIS where they show you a
19 one-to-one, oh, this is your guy.

20 What it does is it gives you ten to 15 of your
21 most probable people that prints comes back to. So
22 I know how to go through, put that in, bring it
23 back, and then go through those in order to
24 determine whether or not that individual is or is
25 not the subject that we're looking at.

1 Q. Would collection of palm prints or partial palm
2 prints be connected with the same training with
3 latents?

4 A. Yeah. So there's really no difference between
5 a palmprint and a latent. The way you process it
6 and develop it, it doesn't change, it's all coming
7 from the same source. Understand latent prints are
8 nothing more than amino acids and oils, lipids that
9 your body excretes through very, very small pores
10 that are on your fingers and in your palm.

11 Actually, the exact same thing on your feet.
12 We can actually take someone's footprint that's on a
13 tile floor or something like that, collect it, and
14 be able to compare that to an individual just the
15 way you would a fingerprint.

16 So those oils and everything like that,
17 regardless of what service they're on, we develop
18 them depending on the surface or the -- like the
19 counter or whatever it is. We might develop that
20 different, but the process of developing it and
21 collecting it as far as a latent print or ridge
22 detail doesn't change whether or not it's a
23 footprint, a palmprint, or a fingerprint itself.

24 Q. Are there many different factors that can
25 contribute to whether a partial palmprint or a

1 latent is able to be matched with someone?

2 A. I'm sorry. Can you repeat the question?

3 Q. Can you tell us what kind of factors would go
4 into determining if a partial palmprint would match
5 a known standard?

6 A. So if we have a known standard, what we're
7 looking for is points of minutiae. And points of
8 minutiae, I wish I would have brought in some
9 pictures. When you look at your finger under a
10 microscope, there's a couple different patterns in
11 there.

12 There's three recognized patterns: An arch, a
13 loop, and a whorl. And everything else, if it's not
14 directly one of those, it's an offset of one of
15 them. But, in there, what we're looking at is the
16 four points of minutiae. What separates one
17 fingerprint from another: Bifurcation,
18 trifurcation, island, stuff like those things.

19 So when we pull a print and we go to look at it
20 and do a comparison one-to-one or run it through
21 AFIS, that's what we're looking for is those
22 minutiae, what sets this one print apart from all
23 the other ones.

24 Q. Do environmental conditions affect that, I
25 guess is what I'm trying to ask you? The condition

1 of a counter, how busy a store counter is --

2 A. Oh, okay. I apologize.

3 Q. No. It's my fault. My question was poorly
4 articulated.

5 A. When we deal with latent prints, understand
6 that the latent print's only there because of the
7 lipids, the fatty acid that's sitting on your
8 fingertips. There's a lot of stuff that can go into
9 whether or not when you touch something, a print is
10 left. The surface that you're dealing with, what
11 type of cleaning solution and all is used on that
12 can cause whether or not a latent print is left.

13 Another thing is how often that counter is
14 cleaned is going to affect that because you're
15 reapplying oils and everything on that. Or if you
16 don't clean it, it's dry. How long it's been there
17 can affect whether or not we're able to lift a
18 print.

19 Also what comes into play when we deal with
20 latent prints and everything is the subject's hands
21 themselves. All right? Understand, if an
22 individual has washed their hands very recently,
23 that can actually strip all that lipid acid, all
24 that amino, and all those oils off the skin. And in
25 doing so, that would prevent an individual, for a

1 short period of time, from being able to lose a
2 print.

3 Simply wiping your hand on your jeans or your
4 shirt can, again, temporarily prevent you from being
5 able to leave a latent print on a surface.

6 Q. So a pants leg on a counter can affect the oils
7 that are there?

8 A. Oh, yeah. Okay. So now we're talking about
9 what would destroy a latent print?

10 Q. Yes, sir.

11 A. So latent prints are -- understand, is nothing
12 but that. They'll dry over time, and that would
13 prevent you from being able to lift it, being able
14 to develop a print off of it. They can also be
15 wiped off if something is dragged over the counter.

16 Another issue that you might have is one person
17 has put their hand there and then another individual
18 has come back and put a palm or a fingerprint right
19 on top of that. It's going to skew -- it's going
20 to -- the lower level print is going to be destroyed
21 in doing -- when that takes place.

22 Q. Can you tell us if you've had any training in
23 touch DNA?

24 A. So I have had training in touch DNA. It's a
25 real basic, this is a swab, this is how you collect

1 touch DNA. There's not a lot to it. They usually
2 recommend that you don't blow on the swab in order
3 to help dry it. For some reason, that skews the
4 effect of it. Y'all, that was a joke. I'm sorry.
5 I apologize. So we have had training.

6 I will tell you, I conduct training within our
7 agency on both latent prints, development and
8 lifting, as well as those DNA kits. Every one of
9 our deputies have those kits, so they're able to use
10 them on the road and all. And I help -- not only
11 help assist it, but I'm the one that actually
12 started that process of getting it on the road for
13 them.

14 Q. So let me direct your attention back to August
15 23rd of 2019. Can you tell us whether it's common
16 or uncommon for the sheriff's department to help the
17 smaller agencies when there's a violent crime?

18 A. So we do have a tendency to help the other
19 agencies. Think of the sheriff's department as the
20 big brother. We're there to help and step in. We
21 have a little bit more manpower. We have a little
22 bit more training and all in certain aspects. So
23 the sheriff is gracious enough to allow us to help
24 these other agencies as they request it.

25 Q. And were you requested to go on August 23rd to

1 Swansea?

2 A. Yes, I was.

3 Q. And what was your role in going to Swansea on
4 that day?

5 A. So I received a phone call as the duty agent
6 for the day requesting that I respond to Swansea in
7 reference to an armed robbery. I responded out to
8 Swansea as quickly as I -- make sure all my gear was
9 accounted for and on my truck, and I headed that
10 way.

11 Q. And when you got there, can you tell us what
12 duties you performed?

13 A. When I first got there -- I do the same thing
14 regardless of where I go. I talk to the first
15 officer on scene, and that just happened to be Chief
16 Hayes. So I spoke to him about what took place. He
17 requested that I process the scene.

18 After getting my paperwork all together and my
19 camera, I went and exposed digital photographs of
20 the crime scene, trying to cover as much as of the
21 floor area as possible, also took multiple
22 photograph and all of the counter area as well.

23 I had the fortune in that Sam was there and he
24 actually knew how to operate the system, so I was
25 able to watch that counter area, that videotape,

1 probably about 20 times before I went out and
2 actually tried to process that counter, because I
3 know I was dealing with an area that has a lot of
4 individuals touching on it and everything.

5 So I was looking for an area which is maybe
6 specific to where he might have touched or an area I
7 can see that the individual who jumped over the
8 counter had touched, trying to focus my attention
9 and my efforts there.

10 Q. All right. I'm going to stop you there for
11 just one moment.

12 MS. MARTIN: Your Honor, may I approach the
13 witness?

14 THE COURT: You may.

15 BY MS. MARTIN:

16 Q. I'm going to show you what's been marked
17 State's Exhibits 16, 17, 18, 21, 22, and 23, and ask
18 you to take a moment to review them.

19 A. Yes, ma'am. I recognize these.

20 Q. And can you tell me where these photographs
21 came from?

22 A. These photographs are specifically of the
23 counter area of the Tiger Mart in Swansea.

24 Q. Did you take those photographs --

25 A. Yes -- I apologize. Yes, I exposed these

1 photographs.

2 MS. MARTIN: Your Honor, I'd move to enter
3 these into evidence without objection, I believe.

4 THE COURT: Any objection?

5 MS. HORSLEY: No objection.

6 THE COURT: Thank you, Ms. Horsley.
7 They're admitted.

8 (State's Exhibit Nos. 16, 17, 18, 21, 22, and
9 23 admitted into evidence.)

10 MS. MARTIN: Move to publish, please?

11 THE COURT: You may.

12 BY MS. MARTIN:

13 Q. I'll show you what's been marked State's 16.
14 Can you tell us what area that shows?

15 A. This is the counter space where the individual
16 jumped over the counter taken from the back side of
17 the register looking out into the store.

18 Q. This is State's 17?

19 A. This is a digital photograph I exposed of the
20 counter area from the shopping side back towards the
21 full counter.

22 Q. State's 18?

23 A. Same thing. It's just another photograph a
24 little bit more backed out showing the counter space
25 and everything prior to me processing it.

1 Q. State's 21?

2 A. This is a photograph of the actual counter
3 itself area where the individual had jumped over,
4 just showing that some stuff was knocked off, but
5 not all of it. And also, this is taken prior to me
6 doing any processing of the countertop itself.

7 Q. State's 22?

8 A. All right. This is the countertop area
9 specifically. This is after I've processed it.
10 When I process this scene, I process it two
11 different ways.

12 The first way I processed it, I was using just
13 regular black latent print powder. It's really fine
14 graphite. So I processed it using that for the
15 actual impressions and all, for ridge detail in
16 latent prints.

17 I then went back over it using magnetic powder,
18 which is nothing more than our standard latent print
19 powder with iron in it. The combination of iron and
20 the latent print, we have rubber soles that are wet
21 and have a bunch of oil and stuff on them. They
22 have a tendency to leave an impression and
23 everything wherever they go, even on towels and on
24 countertops. And I was attempting to use the
25 magnetics to try and get the soles of the shoes.

1 Q. If I could show you State's 24.

2 A. That's just a -- the counter after I processed
3 it, the placards where I was taking a latent lift
4 from.

5 Q. Can you tell us, are you aware or do you have
6 knowledge of any test results of the latent that you
7 had lifted?

8 A. Yes. I was told that the latent was compared
9 to the subject and it did not match.

10 Q. Can you tell us whether or not that was
11 surprising?

12 A. Not really; not with as much traffic, not with
13 as much touching that takes place on these counters.
14 Not only that, but think about it: An individual
15 takes something and slides it across the counter
16 inside of a bag or something. Anything like that is
17 going to wipe away a print.

18 So it coming back not on something, plus with
19 him fumbling with his clothes and everything prior
20 to coming over to the counter, it doesn't surprise
21 me. My thing is, though, I'm going to take every
22 effort to identify because I don't know when it is
23 and when it isn't going to work. Does that make
24 sense? All right.

25 Q. Did you take any latents off the door?

1 A. I did not. And the reason I didn't, I had the
2 wonderful opportunity, like I said, with Sam because
3 he knew his review system. I was able to watch it.
4 On the way in, you can actually see him put his hand
5 inside of his shirt and pull the door open with the
6 shirt. That's going to exclude any latent prints
7 from being there. And then on his way out, he
8 shoulders the door.

9 So there was no reason to process the door for
10 latents, because we knew that he didn't touch it in
11 a manner which would leave latents.

12 Q. You did collect some touch DNA?

13 A. I did, from both sides of the counter; the
14 front side, customer side, as well as a general
15 area, which it appeared the suspect had touched as
16 they came over the counter.

17 Q. And can you tell us whether or not there has
18 been any match from the touch DNA to the defendant?

19 A. I know it was tested. I do not believe that
20 there's a match.

21 Q. Can you tell us whether or not there was even
22 enough to test?

23 A. I don't -- I know that SLED did it due to the
24 nature of the crime and all. I know there was a
25 report generated. I haven't read it, so I'm not

1 aware of what that report said.

2 Q. All right. So let me ask you this: Anything
3 else -- any other duties you performed there that
4 afternoon at the Tiger Mart?

5 Let me rephrase. Did you take any shoe
6 impressions? There's been questions about shoe
7 impressions. Are you aware of any footprints
8 anywhere?

9 A. No. Like I said, I did try to expose footwear
10 impression on the counter. And the reason I focused
11 on the counter is because I know there's probably
12 only one set of footwear impressions and all on the
13 counter, as opposed to me trying it on the floor
14 where I would get footwear impressions from everyone
15 that had been in that day.

16 So I was trying to limit my -- not my scope,
17 but I was trying to limit my work to areas that are
18 going to give me the biggest result. So I processed
19 there. And, no, we were not able to get any
20 footwear impressions off the counter.

21 Q. Okay.

22 MS. MARTIN: Your Honor, if I may approach the
23 witness?

24 THE COURT: You may.

25 MS. MARTIN: Your Honor, I'm going to approach

1 the witness with State's Exhibit 25, 26, 27, 28, 29
2 and 30.

3 BY MS. MARTIN:

4 Q. Can you take a moment and familiarize yourself
5 with those photographs, if you can?

6 A. Yes, I recognize these.

7 Q. Can you tell us what they show?

8 A. These are photographs that I exposed while
9 conducting a search warrant on behalf of Swansea
10 Police Department.

11 Q. Do you remember the address of the home?

12 A. I do not remember the address of the home.

13 Q. Do you remember the connection to this case?

14 A. Yeah. The connection to this case, this is
15 where the suspect's mother and him lived. It's
16 actually in the county. So that's why I was
17 requested to come out and serve the search warrant
18 and process the search warrant was because it was in
19 the county. Me, as well as several other deputies,
20 arrived on scene to help the Swansea PD with this
21 search warrant.

22 Q. Was Chief Hayes there, too?

23 A. Yes. Yes, Chief Hayes was there as well.

24 Q. And these photographs document most of the
25 search?

1 A. Yes.

2 MS. MARTIN: Your Honor, I move to publish. I
3 believe they're without objection.

4 THE COURT: Any objection, Ms. Horsley?

5 MS. HORSLEY: No objection, Your Honor.

6 THE COURT: They're admitted.

7 (State's Exhibit Nos. 25 through 30 admitted
8 into evidence.)

9 THE COURT: You may publish.

10 BY MS. MARTIN:

11 Q. State's 25, can you tell us if you recognize
12 that?

13 A. This is the front of the house in which we
14 conducted the search warrant on. You will notice
15 that the front door on the house is off its hinges.
16 When we went to serve the search warrant, there was
17 no one home. We made repeated attempts to get the
18 homeowner to come home, as well as attempts to call
19 out anyone in the house.

20 When that failed, they breached the door,
21 conducted a safety sweep of the house, basically
22 making sure there's no one hiding in the house. And
23 then it was released to me to actually process the
24 scene.

25 Q. Was Tra'vion Hampton found on site that day?

1 A. No. Nobody was there at the residence.

2 Q. If I could show you State's 26. Are you
3 familiar with what area this is?

4 A. Yeah. That's one of the bedrooms in the house.
5 Matter of fact, this is -- looking at the house from
6 the road, this would be in the back right corner of
7 the house. It's one of the bedrooms.

8 Q. If I can show you a closer view of that,
9 State's 27. What, if anything, is significant about
10 this photo?

11 A. That is a coffee table that -- I believe that's
12 in the room, just off the foot of the bed. There,
13 there's actually a window on the wall there to the
14 north of that table. But the biggest significance
15 there is we actually found the -- a driver's license
16 there on the coffee table inside the bedroom.

17 Q. And that's in that photograph, correct?

18 A. Yes.

19 Q. Would that be here?

20 A. Correct.

21 Q. If I can show you State's 28. What is that?

22 A. That's just a close-up of the same driver's
23 license that we saw in the previous picture.

24 Q. Who does the driver's license pertain to?

25 A. Tra'vion Hampton.

1 Q. If I can show you State's 29. Are we still in
2 the same bedroom?

3 A. Correct. You'll see the coffee table is there
4 off on the left-hand side. That's an end table or
5 nightstand there on the right and the bed is behind
6 it.

7 Q. What, if anything, is significant in this
8 photo?

9 A. Black tennis shoes.

10 Q. Are they in the middle of the photograph?

11 A. Correct. They're just below the white box fan
12 there. I don't remember directly what was behind
13 it. But, yes, those are the tennis shoes.

14 Q. If I can show you State's 30.

15 A. That's a close-up of them. We knew from the
16 video that we had watched inside the Tiger Mart that
17 we were looking for a pair of black Nike Jordans.
18 So when we saw these, we photographed them,
19 collected them, and -- as evidence.

20 MS. MARTIN: Your Honor, may I approach the
21 witness?

22 THE COURT: You may.

23 BY MS. MARTIN:

24 Q. Do you have a box with you?

25 A. I do have a box.

1 MS. MARTIN: Your Honor, I'm approaching again
2 with State's 31.

3 BY MS. MARTIN:

4 Q. Can you tell us what's within this box?

5 A. This is a box containing black Nike Jordans.

6 Q. Are they the same shoes depicted in State's 25
7 that's on the screen?

8 A. Yes. These are the same shoes that I collected
9 at the residence.

10 Q. And when you say you collected them, what does
11 that mean? They went with you?

12 A. Yes, basically. All I did was I literally
13 picked them up, dropped them into a paper bag,
14 brought them back to the office, and sealed them up
15 in a cardboard box.

16 We like to put our evidence inside of paper
17 bags just in case there's any trace evidence on
18 them; gravel, dirt, glass, anything like that. It
19 just helps hold all that together, but still allows,
20 if they're wet and all, to dry out. So we use paper
21 and box for that purpose.

22 Q. How did State's 31 get to court today?

23 A. I brought it myself.

24 Q. You brought it from the evidence --

25 A. Yes. I checked it out from the evidence

1 custodian and brought it directly with me. And it's
2 been in my possession the whole time.

3 MS. MARTIN: Your Honor, I'd move State's 31,
4 which is the box with the shoes, collected pursuant
5 to the search warrant, into evidence. And I believe
6 it's without objection.

7 THE COURT: Ms. Horsley, is that right?

8 MS. HORSLEY: Objection just for the chain of
9 custody, Your Honor.

10 MS. MARTIN: I think he's -- do we need to
11 approach?

12 THE COURT: Yeah. Let me talk to the lawyers
13 for a second.

14 (Sidebar conference.)

15 BY MS. MARTIN:

16 Q. Let me just ask you -- back up a moment. When
17 you came here today, was that evidence box sealed?

18 A. Yes.

19 Q. And when we were on a break earlier today, did
20 defense counsel and I meet with you?

21 A. Yes, you did.

22 Q. And together, in your presence, did you cut
23 open the box and open the seal?

24 A. Correct. I was asked by both parties to open
25 the box up. I borrowed a knife; I cut my own seal.

1 Matter of fact, I flipped the box over so I'm
2 cutting on my seal, not a previous seal. And then
3 both the prosecutor and defense had an opportunity
4 to view what was inside the bag.

5 Q. And that is what was in there, correct?

6 A. Correct.

7 MS. MARTIN: Again, Your Honor, I'd move
8 State's 31 into evidence without having the evidence
9 custodian have to leave her post at the sheriff's
10 department.

11 THE COURT: Any objection?

12 And I'm going to tell whoever's out there in
13 the audience, if I hear that cell phone go off one
14 more time, it belongs to me.

15 UNIDENTIFIED FEMALE: I'm sorry, Your Honor.
16 It was my alarm.

17 THE COURT: Just letting you know.

18 MS. HORSLEY: We're satisfied, Your Honor.

19 THE COURT: It's admitted with no objection.

20 (State's Exhibit No. 31 admitted into
21 evidence.)

22 BY MS. MARTIN:

23 Q. If I can show you what's previously been marked
24 State's 14. Do you see footwear impressions that
25 are consistent with the shoes that are in evidence?

1 A. Yeah. The sole or the tread is the exact same.
2 It also has the Air Jordan symbol on the bottom of
3 the sole as well.

4 MS. MARTIN: Your Honor, I'd ask that he come
5 down and point to where he sees that on the photo,
6 or I can do it, if there's no objection.

7 THE COURT: I don't have a clicker.

8 THE WITNESS: No, Your Honor. We're good.

9 Right here, you'll see the sole of the shoe is
10 the exact same. And right here, you have the
11 Michael Jordan logo on the sole of the shoe itself.

12 BY MS. MARTIN:

13 Q. And then if you could approach the actual
14 physical shoes themselves.

15 A. Again, we have the same sole color, that
16 yellowish, and then the Michael Jordan logo that's
17 on the tennis shoes.

18 Q. Thank you. May I have my pen?

19 A. Of course.

20 MS. MARTIN: Please answer any questions
21 Ms. Horsley may have.

22 THE WITNESS: Of course.

23 THE COURT: Ms. Horsley?

24

25

1 CROSS-EXAMINATION

2 BY MS. HORSLEY:

3 Q. How are you today?

4 A. I'm doing well. Thank you, ma'am.

5 Q. If you wouldn't mind, just make sure you're
6 kind of facing me. Sometimes I'm a little hard of
7 hearing. So I appreciate that looking to you on
8 your answers. I really appreciate that. Thank you.

9 So I just have a few questions. And I want to
10 go back to the latent print that was picked up.

11 A. Okay.

12 Q. There was a partial print that was lifted?

13 A. Yes.

14 Q. And you tested it?

15 A. I did not conduct the test. But it was tested,
16 yes.

17 Q. And it came back not a match?

18 A. Correct.

19 Q. Not inconclusive?

20 A. Nope, straight-up not a match.

21 Q. Straight-up not a match?

22 A. Correct.

23 Q. And you didn't test any other individuals?

24 A. I don't know of any. Understanding, I don't
25 know of any, I just know there was a one-to-one

1 comparison done on that print and with that
2 one-to-one comparison, that did not match.

3 Once that took place, I wasn't -- I had no
4 involvement in this case since I conducted the
5 search warrant on the residence. So anything that
6 took place after that, I don't know firsthand
7 knowledge of, except for the fact that that one
8 print did not match.

9 Q. So the one print with Tra'vion Hampton did not
10 match?

11 A. No, no. The one print that I collected did not
12 match that of Tra'vion Hampton.

13 Q. Of Tra'vion Hampton, correct, yes. And I also
14 want to get into -- no shoe prints were actually
15 taken, correct, on the scene?

16 A. No. No shoe prints were found on scene.

17 Q. Were found on scene. But you only searched the
18 countertop area?

19 A. I searched the countertop area because that's
20 where I'd have the most success. There's only one
21 set of shoes that was on that countertop. The
22 floor, I could have searched that and I could have
23 come up with 200 different prints and all on that
24 floor.

25 Q. But you didn't; decided not to, just to narrow

1 your search?

2 A. Correct, because that was where I was going to
3 find the most reliable evidence.

4 Q. And you watched all the videos, correct?

5 A. Correct.

6 Q. And you saw --

7 A. Well, I take that back. No, I did not watch
8 all of the videos. I apologize. So when it came to
9 the videos, there was two that I focused on
10 watching. And that's just because my concern was
11 where he was jumping over the counter at. So I
12 probably watched three of the seven videos that were
13 shown here today.

14 Q. Three of the seven. Did you see the video of
15 him walking in the parking lot?

16 A. No. I watched the video of him coming in the
17 door. That's how I knew to exclude conducting a
18 search on the door of latent prints and touch DNA.

19 I also saw the video where he jumps up on both
20 the cashier's side and the customer's side of the
21 countertop.

22 Q. So, in your experience, what do you remember
23 the weather being like that day?

24 A. It had rained previously that day. By the time
25 I got there, the rain had ceased.

1 Q. So you'd say that it was still wet outside?

2 A. Yes.

3 Q. In your experience, would you check the scene
4 for any type of muddy prints outside? Would you do
5 that, in your experience?

6 A. Had I seen footprints and everything inside the
7 store, I would have gone outside looking for that.
8 But that was not present inside the store, so, no, I
9 did not go outside looking for --

10 Q. So you chose just to really keep it narrow to
11 that countertop?

12 A. Due to the amount of traffic and all inside
13 that store. And understand, when I got there, there
14 were still people inside the store. So it's not
15 like I'm dealing with a sterile environment. I got
16 people moving all around inside the store.

17 So again, we're looking at where is my effort
18 going to be best served. And that is a very, very
19 confined area. The cash register, the key was of no
20 importance to me because we already saw that the
21 store owner used the key in order to open up the
22 cash register. He used his own hands to get the
23 money out, so there was no sense in processing that.
24 The door was a giveaway.

25 Putting powder on the floor in order to get

1 footwear impressions, as we already noticed, we know
2 for a fact that his footwear was on the counter, and
3 I still didn't get anything. So to process the
4 floor and all for results that might or might not
5 provide any results or provide me a pool of 200
6 suspects was, in all due respect, fruitless.

7 Q. So just to clarify, you just chose to just
8 really narrow it to the countertop, yes or no?

9 A. Yes. That's exactly what I did.

10 Q. Okay. So I want to go to the search warrant at
11 the address.

12 A. Okay.

13 Q. And just hearing through your years of
14 experience, 10, 11 years' experience, I assume you
15 have executed many search warrants. Correct?

16 A. One or two, yes.

17 Q. Say over a thousand --

18 A. Oh, no, no, no.

19 Q. Hundreds?

20 A. Probably pushing up there, yes.

21 Q. So you consider yourself pretty proficient?

22 A. Yes, ma'am.

23 Q. You're looking through all the nooks and
24 crannies?

25 A. To the point, in this one, I actually, in the

1 bedroom, removed the air ducts to see if there was
2 anything down inside the air ducts. I believe we
3 did a very thorough search of the residence.

4 Q. Very thorough search. So even through the air
5 duct, you're checking between couch cushions and
6 checking underneath mattresses?

7 A. I believe we flipped the entire bed, took the
8 mattress literally off, took the box spring off the
9 bed rails; moved stuff -- I almost thought I had a
10 counterfeit 100-dollar bill, but it turned out to be
11 one of those play monies, offset money. So
12 anyways --

13 Q. So it's safe to say --

14 A. Yes. It was a thorough search.

15 Q. -- no stone was -- no stone was left unturned
16 in that place?

17 A. No.

18 Q. And you were looking for a camouflage T-shirt?

19 A. A camouflage T-shirt, a black hat -- when I was
20 described the hat, I was told nothing about Zaxby's.
21 I was told it was a black hat with a gold chicken
22 emblem on it.

23 Q. Okay. I'm just going to kind of narrow it
24 down. So just yes or no just so we can make sure we
25 get everything.

1 A. Of course.

2 MS. MARTIN: Please let him explain his answer
3 after he says yes or no.

4 THE COURT: You've got to let him explain.

5 MS. HORSLEY: Absolutely.

6 BY MS. HORSLEY:

7 Q. So you were looking for a camouflage T-shirt,
8 correct?

9 A. Correct.

10 Q. Pair of green pants?

11 A. I was told black pants or dark pants.

12 Q. A black semi-automatic handgun?

13 A. Correct.

14 Q. \$500 in small bills?

15 A. I wasn't told anything as far as denomination.
16 I was simply looking for cash.

17 Q. Pair of black tennis shoes?

18 A. Correct. Specifically Nike Jordan because I
19 knew that they were Nike Jordans from the video.

20 Q. Specifically?

21 A. Yes.

22 Q. And, as you stated, the room was pretty
23 cluttered, correct?

24 A. Correct.

25 Q. But, like you said, you left no stone unturned?

1 A. Correct. We searched that residence.

2 Q. And you didn't find a black hat?

3 A. No. I would have collected it.

4 Q. You didn't find a camouflage shirt?

5 A. No; would have collected it.

6 Q. You didn't find any pants, dark pants?

7 A. Would have collected it -- I think we found
8 dark pants, but they didn't match the description
9 that was given, which I'm fairly confident, at the
10 time, it was black pants.

11 Q. You didn't find a gun?

12 A. No.

13 Q. Did you find any sunglasses?

14 A. There might have been sunglasses there. I'll
15 be honest with you, I don't remember that being a
16 point of my search. In other words, that was not
17 brought up as a significant find while I was
18 conducting the search.

19 Q. So you didn't collect any sunglasses?

20 A. I didn't collect any because I wasn't looking
21 for any at the time.

22 MS. HORSLEY: Beg the Court's indulgence.

23 THE COURT: Take your time.

24 (Pause.)

25 MS. HORSLEY: No further questions.

1 THE COURT: Any redirect?

2 MS. MARTIN: No, Your Honor. I'd ask that he
3 be excused.

4 THE COURT: Absolutely.

5 THE WITNESS: Judge, am I excused for the rest
6 of this trial or --

7 THE COURT: Anybody need him for the rest of
8 this trial?

9 MS. MARTIN: He's excused for the rest of the
10 trial.

11 (Sidebar conference.)

12 THE COURT: Mr. Foreman, we're going to take a
13 ten-minute break. We have one more witness that's
14 supposed to be short, and then we'll break for
15 lunch. But I'm going to give y'all a ten-minute
16 break. I think there's some other people in the
17 courtroom that need a break, too.

18 Thank you. I'll have you back in the courtroom
19 in about ten minutes.

20 (The jury exits the courtroom at 12:39 p.m.)

21 THE COURT: All right. We're in recess for ten
22 minutes.

23 (Short recess.)

24 THE COURT: Will you tell the jury they're
25 going to be at lunch until 3:00.

1 (Recess in proceedings.)

2 THE COURT: Okay. All the jurors are back.

3 Are we ready?

4 MS. MARTIN: Yes, ma'am. I have a couple of
5 housekeeping issues.

6 THE COURT: Okay.

7 MS. MARTIN: I can't see jurors when we're
8 doing stuff because I'm busy. But I have been told
9 that a white older male has been falling asleep.
10 Don't know that to be true, but I would ask y'all
11 people up front if we could maybe watch for that
12 this afternoon. Somebody on this end.

13 THE COURT: I've been trying to keep an eye on
14 them. I was worried about the lady in the middle.

15 MS. MARTIN: We really can't see nor can -- you
16 know what I mean. We can't see.

17 MR. CHEHOSKI: We have other things on our
18 mind.

19 MS. MARTIN: Right.

20 THE COURT: See, when I look down there -- this
21 Plexiglass has got to go, because it's a glare and I
22 can't see -- I'm not going to be able to tell that
23 far away.

24 MS. MARTIN: So I was just thinking maybe the
25 bailiffs could help or the security. And I know

1 security has other issues, too. But I'm throwing it
2 out there that I'm concerned about that, number one.

3 THE COURT: Well, I will mention something to
4 them.

5 MS. MARTIN: And Wesley -- if Wesley -- is he
6 coming back, or Danita, they might can see.

7 THE CLERK: I don't have anything. I'll keep
8 up.

9 MS. MARTIN: Next issue: The next witness is
10 Rebolj. But the one after that is this man named
11 Rocky that we've all talked about. I want to make
12 sure that there's no concerns with his criminal
13 history.

14 Whose witness is that? Ms. Horsley's?

15 MS. HORSLEY: Your Honor, I have a copy of his
16 rap sheet, if you'd like it.

17 MS. MARTIN: I don't think, under the rules,
18 there's going to be anything that can be used for
19 impeachment purposes. But I wanted -- so we don't
20 have to stop after --

21 THE COURT: Right.

22 What do you say, Ms. Horsley?

23 MS. HORSLEY: What was the question? I'm
24 sorry.

25 THE COURT: Is there anything on the rap

1 sheet --

2 MS. HORSLEY: There wasn't. I looked.

3 THE COURT: So everybody agrees, we're not
4 going to mention anything about Rocky Edmond's prior
5 criminal history?

6 MS. HORSLEY: Okay. And, Your Honor, just so
7 the record is clear, we believe it would be excluded
8 under Rule 609(b) anyway, outside the time limit.

9 THE COURT: Duly noted.

10 MS. HORSLEY: Which is what I agree on, Your
11 Honor, to double it.

12 THE COURT: All right. It's not coming in.

13 MS. MARTIN: We've heard some off-the-record
14 talks between the attorneys -- well, mainly, between
15 Jason and I that they may have a witness. And I'm
16 concerned about that, if it's not the defendant,
17 because there wasn't anybody on the witness list,
18 that the jurors would have to be asked if they knew.
19 So if that is an issue, maybe we can address that
20 today as well or tonight.

21 MR. CHEHOSKI: I'm not aware of any witnesses.

22 MS. MARTIN: Okay. Great.

23 MR. CHEHOSKI: At this time.

24 THE COURT: All right. Now let me talk to
25 you -- is that all that needs to be brought to my

1 attention?

2 MR. CHEHOSKI: One moment, please.

3 No, Your Honor.

4 MS. MARTIN: That's all I have, Your Honor.

5 THE COURT: I prepared a set of jury
6 instructions that I've provided to the State and the
7 defense. That's your homework for tonight.

8 MS. MARTIN: Yes, ma'am.

9 THE COURT: Please look over it. We'll talk
10 about it tomorrow. I did add some things in to
11 cover us. I didn't know if we were going to have an
12 expert; I didn't know if the defendant was going to
13 testify or not testify. We can obviously take those
14 out if that's the case. But please look over it so
15 I can be prepared.

16 Now, for some more housekeeping issues, because
17 I like to keep the jury updated on what we're
18 doing --

19 Are we having a problem?

20 MR. CHEHOSKI: No, Your Honor -- I mean, for
21 some reason, a Saluda County Family Court order of
22 continuance somehow got on our table.

23 THE CLERK: I got one, too.

24 THE COURT: Well, I have no earthly idea.

25 Was somebody in this courtroom while we were

1 out?

2 THE BAILIFF: No, Your Honor; just us.

3 THE COURT: Did y'all get one?

4 MS. MARTIN: No, we were left out.

5 THE COURT: I was left out, too. I don't know
6 where in the world that came from.

7 MR. CHEHOSKI: The only thing I can think of,
8 it may have been part of Mr. Burns' belongings.
9 He's the only person who's been in the courtroom.

10 THE COURT: Well, that might be true. I'll
11 leave it with the clerk. If he comes looking for
12 it, there it is.

13 Okay. So let me ask the State, how far are we
14 along in the case?

15 MS. MARTIN: Judge, we have Chief Rebolj with
16 the photo lineup. So we had a preview of that
17 yesterday, so maybe a teeny bit longer than
18 yesterday.

19 THE COURT: Okay.

20 MS. MARTIN: We have Rocky, who has limited
21 knowledge, just about the picture from the video
22 that he identified to Sam. And then we have
23 Ms. Dora, which is much less than Sam, who was the
24 longest witness. So I think we'd be done by 5:00.

25 THE COURT: Okay.

1 MS. MARTIN: As far as the State resting.

2 THE COURT: All right. And that will give you,
3 Mr. Chehoski, time, and Ms. Horsley, to talk to your
4 client to see how y'all want to proceed tomorrow.

5 MR. CHEHOSKI: Yes, Your Honor.

6 THE COURT: Obviously, you don't have to do
7 anything if you don't want to. But we'll address
8 that first thing in the morning. So then we ought
9 to be able to close and charge, I would hope, before
10 lunchtime, if not sooner.

11 MS. MARTIN: Yes, ma'am.

12 THE COURT: All depending.

13 Okay. I just want to kind of let the jury know
14 what to expect time-wise.

15 All right. Anything else before I bring the
16 jury in?

17 Okay. I'll mention something about falling
18 asleep, because I'll tell you, I certainly don't
19 mind substituting. That's why I get alternates.

20 MS. MARTIN: Agreed. Yes, ma'am.

21 THE COURT: The case is too important to both
22 sides. But I have to tell you, I haven't seen him
23 sleeping from up here, but it's probably because of
24 that glare. The whole TV set glares down there. I
25 see all sorts of stuff over there, and there's

1 nobody there. So that's even scarier. But I will
2 keep an eye on it. If I see it, then we'll discuss
3 it and talk about replacing with an alternate.
4 Okay?

5 All right. Let's bring the jury.

6 (The jury enters the courtroom at 3:01 PM.)

7 THE COURT: Mr. Foreman, is the jury ready?

8 THE FOREMAN: Yes, Your Honor.

9 THE COURT: Thank you.

10 All right. Let me say something to the jury
11 real quick: I just want to stress to you how
12 important this case is to both sides; that they need
13 your full attention. I know it's right after lunch;
14 that's the time that I always want to take a nap.
15 But please don't do that, or I'm going to end up
16 substituting out an alternate. So no napping on the
17 jury. Okay? Thank you.

18 With that said, State, call your next witness.

19 MS. OPPENHEIMER: State calls Chief John
20 Rebolj.

21 THE CLERK: Raise your right hand, please.

22 JOHN REBOLJ

23 being first duly sworn, testified as follows:

24 THE WITNESS: I do.

25 THE CLERK: Once you have a seat up there, you

1 can take your mask off. State your name and spell
2 your last name for the record.

3 THE WITNESS: My name is John Rebolj. I'm with
4 the Pelion Police Department. It's spelled
5 R-E-B-O-L-J.

6 DIRECT EXAMINATION

7 BY MS. OPPENHEIMER:

8 Q. Chief Rebolj, I think you've already told us,
9 but where are you presently employed?

10 A. The Pelion Police Department.

11 Q. And how long have you been there?

12 A. Been there since 2018.

13 Q. How long have you been the chief of police
14 there?

15 A. Since last year, October.

16 Q. Do you have further law enforcement experience?

17 A. I do. I've been in public safety law
18 enforcement approximately 18 years. I was a
19 detective for about eight of those 18 years.

20 Q. And what are your current responsibilities as
21 the chief of police in Pelion?

22 A. I do most of the investigative work. It's a
23 small department, so every investigation that we
24 have comes to me, whether it be big or small.

25 Q. And as a small municipality, is it common for

1 you to help other small municipalities within
2 Lexington County?

3 A. Yes.

4 Q. Would Swansea be one of those small
5 municipalities that you would help?

6 A. Yes. They're directly to the south of us.

7 Q. On August 23rd, 2019, were you called out to
8 the Tiger Mart in Swansea to help investigate an
9 armed robbery?

10 A. I was.

11 Q. What did you do to help with that
12 investigation?

13 A. When I showed up, the first thing we did was
14 secure the scene. I was one of the initial
15 responders there. I got with Chief Hayes, who
16 you've already heard from, and assisted him in any
17 way that he needed help, basically securing the
18 scene and looking for suspects based on the
19 description given by Mr. Sam.

20 Q. You were given a description of the armed
21 robber by Sam?

22 A. That's correct. Actually, I was given it from
23 Chief Hayes who got it from Sam.

24 Q. Do you recall that description?

25 A. Yes. If I can refer to my report here, he's

1 described as a slender-build, black male between 21
2 and 23 years old; described the clothing as having
3 green pants, camo shirt, and a black hat.

4 Q. All right. And while on scene, were you able
5 to develop any potential suspects?

6 A. So Mr. Patel had stated that he knew the
7 customer; he was a regular customer at the store,
8 came in several times a day.

9 Q. Were you able to find that regular customer
10 while you were on scene on August 23rd, 2019?

11 A. Not the first day.

12 Q. Did you find anyone that you thought might have
13 been connected to this armed robbery or this armed
14 robber?

15 A. So while we were on scene, there was a blue
16 Toyota RAV4 that drove through the parking lot. And
17 Sam had said that he recognized that vehicle and
18 associated it with the unknown subject at that point
19 in time, the robber that had come in. He saw the
20 vehicle.

21 I then proceeded to follow the vehicle and stop
22 the vehicle. I think it was on Fifth and -- I can't
23 remember the cross street. I think it was Swansea
24 Heights, I believe. But ended up effecting a
25 traffic stop on the vehicle, stopping the vehicle

1 and removing the suspects from the vehicle.

2 Q. Did you bring those two people back to the
3 Tiger Mart for Sam to look at?

4 A. I believe there was other officers that did
5 that. It was not I that did that.

6 Q. Do you know if Sam identified either one of
7 those individuals in that car as the armed robber?

8 A. No, he did not.

9 Q. So he did not --

10 A. He directed that they were not the suspect that
11 committed the robbery.

12 Q. They were not the customer who was the armed
13 robber?

14 A. That's correct.

15 Q. Later in your investigation, were you able to
16 come up with the names of any other suspects for
17 this armed robbery?

18 A. Yes. Tra'vion Hampton.

19 Q. And with the name Tra'vion Hampton, what did
20 you do? What were you requested to do?

21 A. So at that point, we decided that we were going
22 to obtain a photo lineup. So I did what I always
23 do; I spoke with the people from SLED, the fusion
24 center. That's where I get all my photo lineups at.
25 They'll produce a photo lineup and send it right

1 back to you. And that's exactly what they did.

2 I gave them the name of Tra'vion Hampton. They
3 picked five others that were similar to Tra'vion
4 Hampton, and produced a photo lineup.

5 MS. OPPENHEIMER: Your Honor, may I approach
6 the witness?

7 THE COURT: You may.

8 BY MS. OPPENHEIMER:

9 Q. Chief, I'm handing you State's Exhibits 1
10 through 3. Can you look at these and tell me if you
11 recognize them?

12 A. I do.

13 Q. What is State's Exhibit No. 1?

14 A. State's Exhibit 1 is the photo lineup that was
15 obtained from SLED.

16 Q. Is that the lineup that you requested?

17 A. Yes.

18 Q. Does it appear to have been altered in any way?

19 A. No.

20 Q. Is it --

21 A. Oh, from when SLED gave it to me?

22 Q. From when SLED gave it to you.

23 A. It has a circle around the suspect denoted as 2
24 with initials next to it.

25 Q. But that is the same lineup you requested and

1 later showed to Mr. Patel?

2 A. That is correct.

3 MS. OPPENHEIMER: Your Honor, at this time, I'd
4 move State's Exhibit No. 1 into evidence.

5 THE COURT: Any objection?

6 MR. CHEHOSKI: Subject to previous objections,
7 Your Honor.

8 THE COURT: And those are noted for the Court.

9 MR. CHEHOSKI: Per our hearing yesterday.

10 THE COURT: So noted. But I'll admit it.

11 (State's Exhibit No. 1 admitted into evidence.)

12 BY MS. OPPENHEIMER:

13 Q. All right. Now, you showed this photo lineup
14 to Mr. Patel, correct?

15 A. That's correct.

16 Q. Do you recall when?

17 A. Yes. It was the following day. It would have
18 been the 24th.

19 Q. Of August 2019?

20 A. Yes.

21 Q. And what instructions did you give to Sam
22 before you showed him that lineup?

23 A. I give the same instructions every time I show
24 a photo lineup. I told him that the suspect may or
25 may not be in the photo lineup; to take your time

1 and look at all the photos; if you're certain that
2 the person that you pick is the suspect, then circle
3 and initial the photo.

4 Q. Did you suggest to him that he had to make a
5 decision as to who the armed robber was?

6 A. I did not.

7 Q. Did you tell him that Tra'vion Hampton was in
8 that lineup?

9 A. I did not.

10 Q. Did you tell him he must pick someone?

11 A. I did not.

12 Q. Did you suggest to him in any way that he
13 should pick someone?

14 A. No.

15 Q. And after you showed him the photo lineup, was
16 Sam able to identify anyone?

17 A. Almost immediately, he picked Photo No. 2,
18 which was Tra'vion Hampton.

19 MS. OPPENHEIMER: Your Honor, permission to
20 publish State's Exhibit No. 1?

21 THE COURT: Granted.

22 BY MS. OPPENHEIMER:

23 Q. I'm showing you State's Exhibit No. 1. Is this
24 the photo lineup that you showed Sam Patel?

25 A. That's correct.

1 Q. And is Photo No. 2 Tra'vion Hampton, the
2 defendant?

3 A. That's correct.

4 Q. And Sam picked number 2 as the armed robber on
5 August 23rd?

6 A. That's correct.

7 Q. And how long did it take him?

8 A. He picked him almost immediately.

9 Q. Did you observe him to have any hesitancy about
10 his selection?

11 A. No. No.

12 Q. How confident would you say he was?

13 A. He seemed very confident.

14 Q. And how did he indicate, again, how number 2,
15 Tra'vion Hampton, was the armed robber?

16 A. He would have circled and then initialed next
17 to the circle. We also filled out a photo lineup
18 affidavit, which is State's Exhibit 2, to document
19 the lineup.

20 Q. So going to State's Exhibit No. 2, did you fill
21 that out with Sam?

22 A. I did.

23 Q. And where were y'all again when this lineup was
24 being shown to Sam?

25 A. We were at the incident location the day

1 following the incident.

2 Q. And was it just you and Sam talking?

3 A. That's correct.

4 Q. No one else was there?

5 A. That's correct.

6 Q. And after he selected Photo No. 2, Tra'vion
7 Hampton, you filled out that affidavit?

8 A. Correct.

9 Q. Is that the same affidavit that he filled out
10 on August 24th, 2019?

11 A. It is.

12 Q. Does it have Sam's signature on it?

13 A. As I recognize here.

14 MS. OPPENHEIMER: Your Honor, may I approach?

15 THE COURT: You may.

16 BY MS. OPPENHEIMER:

17 Q. Did you also get a copy of his driver's license
18 as part of this?

19 A. I did.

20 Q. Did you make a copy of that? Is that
21 represented in State's Exhibit No. 3?

22 A. That's correct.

23 Q. Are -- both State's Exhibit Nos. 2 and 3, have
24 they been altered in any way?

25 A. Not that I can see.

1 Q. Are they a fair and accurate representations of
2 the affidavit and the copy of the ID that you got on
3 August 24th, 2019?

4 A. Yes.

5 MS. OPPENHEIMER: Your Honor, at this time, I'd
6 move State's Exhibit No. 2 and No. 3 into evidence.

7 THE COURT: Any objection?

8 MR. CHEHOSKI: No objection.

9 THE COURT: They're admitted.

10 (State's Exhibit Nos. 2 and 3 admitted into
11 evidence.)

12 MS. OPPENHEIMER: Your Honor, permission to
13 publish?

14 THE COURT: You may.

15 BY MS. OPPENHEIMER:

16 Q. Just briefly.

17 Chief Rebolj, I'm showing you this affidavit,
18 State's Exhibit No. 2. This information here, would
19 you have identified the number that Sam picked as
20 the armed robber?

21 A. That's correct, denoted as the number 2, which
22 is in the parentheses, third line down.

23 Q. And is this Sam's signature here that you
24 recognize?

25 A. As I recognize it, yes.

1 Q. And he signed that, saying that this is the man
2 that I saw on August 23rd, 2019, as the armed robber
3 of my store?

4 A. That's correct.

5 Q. Did Mr. Patel ever indicate to you that he had
6 seen Tra'vion Hampton, the armed robber, before?

7 A. Yes. He said he was a regular customer at the
8 store. He told me that on the date of the incident.

9 Q. And did you show this same photo lineup to
10 Ms. Dora, who was also present?

11 A. I did not.

12 Q. Do you recall why not?

13 A. I believe she had some health issues. And she
14 wasn't present at the time that I came back to talk
15 to Mr. Sam on the day after the incident.

16 Q. But you know she was present on August 23rd?

17 A. Yes.

18 MS. OPPENHEIMER: Beg the Court's indulgence.

19 THE COURT: Take your time.

20 (Pause.)

21 MS. OPPENHEIMER: Nothing further.

22 Please answer any questions that the defense
23 may have for you.

24 THE COURT: Mr. Chehoski?

25 CROSS-EXAMINATION

1 BY MR. CHEHOSKI:

2 Q. Investigator, when you arrived at the scene,
3 were you given any information about Mr. Hampton
4 being -- or at least this suspect being at the store
5 earlier in the day?

6 A. I cannot recall.

7 Q. Maybe? Maybe not?

8 A. Yep.

9 Q. And did you speak to everybody who was at the
10 scene?

11 A. No.

12 Q. The were customers there; is that correct?

13 A. Yes, that's correct.

14 Q. Did you get statements from them?

15 A. No. I wasn't the case agent there; I was just
16 kind of helping.

17 Q. And so while you're helping, that's when you
18 were -- during that time that you were helping is
19 when Mr. Patel noticed that blue Toyota?

20 A. That's correct.

21 Q. And that was the RAV4?

22 A. That's correct.

23 Q. And that was -- and in your helping, you
24 conducted a traffic stop on that car?

25 A. That's correct.

1 Q. And at that time, you -- was there -- in
2 that -- was there anything in that vehicle that was
3 associated to Mr. Hampton?

4 A. Not that I recall.

5 Q. Any of the occupants aware of Mr. Hampton?

6 A. No.

7 Q. And Mr. Hampton was not in that vehicle?

8 A. No.

9 Q. Have you had the opportunity to look at the
10 video for -- a video of the incident?

11 A. I have.

12 Q. Did you look at all of the videos?

13 A. The videos that were published?

14 Q. Yes, sir.

15 A. Yes.

16 Q. Including the one with the suspect walking to
17 the store?

18 A. Yeah.

19 Q. And walking away from the store?

20 A. That's correct.

21 Q. When he walked over that grass area?

22 A. That's correct.

23 Q. At any point in time, did you look for
24 footprints in that area?

25 A. No, I did not.

1 Q. We've heard testimony today that the weather
2 that day was raining.

3 A. That's correct.

4 Q. So, therefore, the ground would have been
5 softer than it would have been if dry.

6 A. That's correct.

7 Q. And under those conditions, it would be more
8 likely -- would it be more likely to be able to find
9 a footprint than if it was dry?

10 A. As I recall, that area is grassy. It would be
11 hard to get a footprint off of grass.

12 Q. But nobody looked for one, did they?

13 A. No.

14 MR. CHEHOSKI: One moment, please.

15 BY MR. CHEHOSKI:

16 Q. Last question: None of the occupants of the
17 car in your investigation admitted to knowing
18 Mr. Hampton; is that correct?

19 A. As far as I recall, they did not know him.

20 MR. CHEHOSKI: Thank you.

21 THE COURT: Any redirect?

22 MS. OPPENHEIMER: Nothing further, Your Honor.

23 THE COURT: Can I excuse the chief?

24 MS. OPPENHEIMER: You may.

25 THE COURT: Thank you, Chief, for coming.

1 State ready for the next witness?

2 MS. OPPENHEIMER: We are, Your Honor. State
3 calls Rocky Edmond.

4 THE CLERK: Raise your right hand, please.

5 ROCKY EDMOND

6 being first duly sworn, testified as follows:

7 THE WITNESS: Yes, ma'am.

8 THE CLERK: Have a seat up there, take your
9 mask off. State your name and spell your last for
10 the record. Thanks.

11 THE WITNESS: Good afternoon, everyone. My
12 name is Rocky Edmond. And what else you need?

13 THE CLERK: Spell your last name for the
14 record.

15 THE WITNESS: E-D-M-O-N-D.

16 DIRECT EXAMINATION

17 BY MS. OPPENHEIMER:

18 Q. Mr. Edmond, do you go by any other names?

19 A. Rocky.

20 Q. Does everyone call you Rocky?

21 A. Yes, ma'am.

22 Q. May I call you Rocky?

23 A. Sure.

24 Q. Rocky, you're subpoenaed by the State to be
25 here today; is that right?

1 A. Yes, ma'am.

2 Q. You don't really want to be here?

3 A. No, ma'am.

4 Q. But you're here to tell the truth and what you
5 know about this case; isn't that right?

6 A. Yes, ma'am.

7 Q. Rocky, where do you live?

8 A. Swansea. [REDACTED] Swansea Heights.

9 Q. How long have you lived in Swansea?

10 A. 44 years.

11 Q. Is that your entire life?

12 A. Yes, ma'am.

13 Q. Is it fair to say that you know a good many
14 people in Swansea?

15 A. Yes, ma'am.

16 Q. You know the people who live there?

17 A. Yes, ma'am.

18 Q. Do you know the Patels?

19 A. Sam? Yes, ma'am.

20 Q. You know Sam. You know him as the owner of the
21 Tiger Mart down there on South Church?

22 A. Yes, ma'am.

23 Q. Do you go to the Tiger Mart?

24 A. Yes, ma'am.

25 Q. Are you a regular customer?

1 A. Yes, ma'am.

2 Q. Do you recall, on August 23rd of 2019, you were
3 at the Tiger Mart?

4 A. Yes, ma'am.

5 Q. Did Sam tell you about an armed robbery that
6 had happened earlier that day?

7 A. Yes, ma'am.

8 Q. Did he show you any video or photographs of the
9 robbery?

10 A. He showed me a photograph, yes, ma'am.

11 Q. And that photograph was of what?

12 A. Of Mr. Hampton.

13 Q. It was Mr. Hampton?

14 A. Yes, ma'am. That's the only name I knew. I
15 didn't know his first name or nothing.

16 Q. Was that the armed robber?

17 A. That was the picture he showed me.

18 Q. And do you recall what Mr. Hampton was wearing
19 in that photograph?

20 A. I want to say he had on a baseball cap and
21 glasses. I know it was wasn't clear.

22 Q. How long did it take you to recognize
23 Mr. Hampton?

24 A. Instantly.

25 Q. Instantly. Were you able to see his face?

1 A. Yes, ma'am.

2 Q. You could tell who it was?

3 A. Yes, ma'am.

4 Q. How did you know Mr. Hampton?

5 A. Just from being around the neighborhood.

6 Q. Being around the neighborhood. Do you happen
7 to know anything about Mr. Hampton and his family?

8 A. His family, I don't know if they own the
9 church, but they go to the church right next door to
10 the store.

11 Q. They go to the church next door to the Tiger
12 Mart?

13 A. Yes, ma'am.

14 Q. How certain are you that that photo that Sam
15 showed you was Hampton?

16 A. Pretty sure. I looked at it; I recognized him
17 instantly.

18 Q. How long had you known Hampton?

19 A. Maybe two years, three years.

20 Q. Back in 2019?

21 A. Yes, ma'am.

22 Q. And did you tell Sam that the armed robber in
23 the photo that he showed you that was Hampton?

24 A. He said do you know who this guy is. And I
25 said, that's Hampton, the guy from the church right

1 next door.

2 Q. Did Sam ever tell you had to give him a name?

3 A. No, ma'am.

4 Q. Did he force you at all?

5 A. No, ma'am.

6 Q. Why did you give him the name?

7 A. Because he asked and showed me the picture.

8 Q. Do you see Hampton in this courtroom today?

9 A. Yes, ma'am.

10 Q. Can you point with your finger where Hampton
11 is?

12 A. (Indicating).

13 MS. OPPENHEIMER: Your Honor, can the record
14 reflect that he's pointing to the defendant?

15 THE COURT: The Court duly notes it.

16 MS. OPPENHEIMER: Beg the Court's indulgence.

17 THE COURT: Take your time.

18 (Pause.)

19 MS. OPPENHEIMER: Nothing further, Your Honor.

20 Rocky, please answer any questions the defense
21 may have for you.

22 THE WITNESS: Yes, ma'am.

23 THE COURT: Ms. Horsley?

24

25

1 CROSS-EXAMINATION

2 BY MS. HORSLEY:

3 Q. Mr. Edmond, you weren't physically there during
4 the incident, correct?

5 A. No, ma'am. That's correct. I wasn't.

6 Q. And the only thing you saw was a photograph?

7 A. Correct.

8 Q. Was it a photograph of a video?

9 A. No, ma'am. It was just a photograph.

10 Q. It was just a photograph?

11 A. Uh-huh.

12 Q. Was it just a photograph of a face?

13 A. Pretty much the upper body.

14 Q. Did it look like the body was in the store?

15 A. Yes, ma'am.

16 Q. Did it look like it was a still-shot from the
17 video footage?

18 A. I mean --

19 Q. To the best of your knowledge.

20 A. Yeah.

21 Q. Okay. Was it shown on Mr. Patel's cell phone?

22 A. Yes, ma'am.

23 Q. Okay. How big would you say the cell phone is?
24 Just hand-size?

25 A. Yes, ma'am.

1 Q. Okay. And you said you know Mr. Hampton from
2 church?

3 A. From being around the neighborhood. I knew the
4 church his family goes to.

5 Q. Didn't he date your niece?

6 MS. OPPENHEIMER: Objection, Your Honor;
7 relevance.

8 THE COURT: I don't know where you're going
9 with this, Ms. Horsley.

10 Let me see counsel for a second.

11 (Sidebar conference.)

12 THE COURT: All right. After that, I'm going
13 to let you go with it, Ms. Horsley. Let's see where
14 it goes.

15 THE WITNESS: Did he date my niece? No, ma'am.
16 It was my little cousin.

17 BY MS. HORSLEY:

18 Q. So he dated your cousin?

19 A. Yes, ma'am.

20 Q. To the best of your knowledge, that
21 relationship didn't end well, did it?

22 A. To the best of my knowledge, I don't know if
23 it's ended or what. I'm not sure if it's ended.

24 Q. To the best of your knowledge, is your cousin
25 and Mr. Hampton still together in a relationship?

1 A. I have no idea.

2 MS. HORSLEY: No further questions.

3 MS. OPPENHEIMER: No further questions, Your
4 Honor.

5 THE COURT: Okay. Can I excuse Mr. Edmond? He
6 might want to go home. Can he go home?

7 MS. OPPENHEIMER: He can go home, Your Honor.

8 THE COURT: Thank you for coming.

9 Call your next witness.

10 MS. MARTIN: Your Honor, the State calls
11 Theodora Woodman.

12 THE CLERK: Place your left hand on the Bible
13 and raise your right hand, please.

14 THEODORA WOODMAN

15 being first duly sworn, testified as follows:

16 THE WITNESS: (Nods head.)

17 THE CLERK: Once you have a seat, take your
18 mask off. State your name and spell your last name
19 for the record.

20 THE WITNESS: Theodora Woodman, W-O-O-D-M-A-N.

21 DIRECT EXAMINATION

22 BY MS. MARTIN:

23 Q. Try to keep your voice up. Okay?

24 THE COURT: Get close to that microphone. I
25 want to make sure the jury can hear you.

1 Q. May I call you Ms. Dora?

2 A. Yes, you may.

3 Q. Ms. Dora, where are you from?

4 A. I'm originally from New York.

5 Q. Where did you go to high school?

6 A. High School.

7 Q. And how long have you been here in South
8 Carolina?

9 A. 26 years.

10 Q. Do you live over in Swansea?

11 A. Yes, ma'am.

12 Q. And do you have children?

13 A. Yes, ma'am. I have two children and a
14 grandson.

15 Q. Okay. And what kind of work to you do?

16 A. I work at Tiger Stop. I'm a clerk.

17 Q. A clerk at Tiger Stop?

18 A. Uh-huh.

19 Q. Okay. Have you always worked at convenience
20 stores?

21 A. Yes, ma'am.

22 Q. How long have you been working at the one there
23 in Swansea at the Tiger Mart?

24 A. May will be five years.

25 Q. Do you recall where you worked before that?

1 A. I worked at BP and I worked at the store on
2 Number 6.

3 Q. Is the BP in Swansea?

4 A. Yes, ma'am, up the road.

5 Q. It's right down the road, isn't it?

6 A. Uh-huh.

7 Q. Okay. All right. Tell me the kind of work you
8 do. What kinds of things do you do besides just
9 cashiering?

10 A. I make plates for people when they come in;
11 lottery, their cigarettes, their cigars, their beer,
12 stuff like that.

13 Q. Okay. Is it fair to say that you get somewhat
14 familiar with customers?

15 A. Yes, ma'am. I have many customers who I know
16 what they want and what they need when they come in.
17 Most of the time, I have it ready for them.

18 Q. Do you always know their names?

19 A. No.

20 Q. Let's talk specifically about the store you
21 work in now.

22 A. Okay.

23 Q. The Patels are the owners and the managers?

24 A. Yes, ma'am. They're wonderful people.

25 Q. They're wonderful people?

1 A. Yes, ma'am.

2 Q. Is that store there pretty busy?

3 A. Yes, ma'am.

4 Q. Do y'all have a lot of customers?

5 A. Yes, ma'am.

6 Q. Did you hear Mr. Patel say it's not uncommon to
7 have 7- to 800 purchases a day?

8 A. Yes, ma'am.

9 Q. And that sounds to jive with what you know
10 about it, right?

11 A. Yes, ma'am.

12 Q. So is the counter there -- we've seen a lot of
13 photographs of the counters. Is there a lot of
14 touching of the counters?

15 A. Yes, ma'am.

16 Q. Do products store -- items that are being
17 purchased, are they laid on the counter?

18 A. Yes, ma'am.

19 Q. Do you grab it off the counter to ring it up?

20 A. Yes, ma'am.

21 Q. Do other workers grab merchandise off the
22 counter?

23 A. Yes, ma'am.

24 Q. Do customers grab things off the counter?

25 A. Yes, ma'am.

1 Q. And, sometimes, do you put change on the
2 counter?

3 A. Yes, ma'am.

4 Q. And money is oftentimes on the counter as well?

5 A. Yes, ma'am.

6 Q. Now we need to talk about August 23rd, 2019.
7 Were you working that day? All right. Take a deep
8 breath and --

9 A. Yes, ma'am.

10 Q. We got to talk about it.

11 Were you working the cashier there that day or
12 were you fixing plates?

13 A. Cashier.

14 Q. And you've been in here while we've looked at
15 the video, right?

16 A. Yes, ma'am.

17 Q. Did we see you in shorts and flip-flops on that
18 video?

19 A. Yes, ma'am.

20 Q. You look a little different now?

21 A. Yes, ma'am.

22 Q. So if you were cashiering, you were working the
23 day shift, as we say?

24 A. Yes, ma'am.

25 Q. And can you tell us, what was the first moment

1 you realized something big was happening?

2 A. When I saw the guy come through the door.

3 Q. Okay. What did you first notice?

4 A. The gun in his hand.

5 Q. The what?

6 A. The gun in his hand.

7 Q. And what did you do and how did you react when
8 you saw the gun in his hand?

9 A. I hollered for Sam.

10 Q. Okay. And was Sam in that same general area
11 where you were?

12 A. Yes, ma'am.

13 Q. Okay. And how close were you -- let me back up
14 a minute. What did this armed gunman do?

15 A. He jumped through the area where I was standing
16 and pointed the gun at me demanding money, and then
17 turned around and pointed at Sam and demanded the
18 money, too.

19 Q. That area there where you and the armed gunman
20 and Sam was, how large or small of an area is that?

21 A. Maybe a little four-foot area.

22 Q. How close were you to the armed gunman?

23 A. Within inches.

24 Q. And what were you doing -- what were you
25 looking at when this was happening?

1 A. I went over to the side counter and I was
2 actually eating my lunch. I was getting ready to
3 take a bite of my sub, but I never got to eat it.

4 Q. Okay. Did you continue to watch what was
5 happening there or did you turn away? Did you run
6 away? Tell us what you did.

7 A. I actually have a pacemaker, and my heart rate
8 dropped and my pacemaker started kicking in. My
9 phone rang; it was from my doctor's office. And sat
10 back in the chair in the corner because I started
11 getting lightheaded from it.

12 Q. Does it make a noise when you're getting the
13 notifications from the doctor?

14 A. It vibrates.

15 Q. It vibrates?

16 A. Yes, ma'am.

17 Q. Did that happen while this was going on?

18 A. Yes, ma'am.

19 Q. What did you observe about this gunman when he
20 was talking to Sam? What was said, if you heard?

21 A. He told Sam to give him the money, give him the
22 money. And then Sam finally opened up the drawer
23 and gave him the money. He snatched the money and
24 jumped back through where he came in.

25 And when he jumped back through, a whole bunch

1 of stuff went all over the floor, and Sam reached
2 over and hit the panic button.

3 Q. And, can you tell us, about how long was this
4 armed robbery?

5 A. From the videos I've seen, it's only a few
6 seconds. But it seemed like it was forever.

7 Q. When this was happening, what, if anything, did
8 you notice about the armed robber?

9 A. Well, I noticed who he was. I saw his face and
10 I knew who he was from him coming in there and being
11 a regular customer and us serving him his chicken
12 wings and his cigars and stuff.

13 Q. Okay. So let's stop there for a minute. While
14 it was happening, are you saying you knew him as a
15 customer?

16 A. Yes, ma'am.

17 Q. You knew the man with the gun was someone you
18 had dealt with?

19 A. Yes, ma'am.

20 Q. Had you talked to him in the past?

21 A. Yes, ma'am.

22 Q. Had you waited on him there at the store?

23 A. Yes, ma'am.

24 Q. And how did you know it was him?

25 A. By his smile and his tone of voice and his

1 gesture.

2 Q. Okay. When this person had left, which way did
3 he go, if you know?

4 A. He went out the door and went to the left up
5 towards 692.

6 Q. Okay. When law enforcement got there -- well,
7 let me back up for a minute.

8 As soon as he ran and you said Sam hit the
9 button, what conversation, if any, did you have with
10 Sam about the armed robber?

11 A. Well, he checked on me to make sure that I was
12 all right, because he knew there was something wrong
13 with me.

14 Q. Right; that there was something wrong with you?

15 A. Yeah.

16 Q. Okay.

17 A. And he asked me if I was okay and he said
18 yes -- I mean, I said yes. Sorry. I said, Yes.
19 And he said, Well, the police are on their way; I
20 hit the silent alarm.

21 Q. Did you tell Sam, I know who that was?

22 A. Yeah. Yeah.

23 Q. Did he tell you, I know who that was?

24 A. Yep. We both knew who he was because he comes
25 in the store all the time.

1 Q. Okay. Well, did you know his name?

2 A. No, ma'am. I just -- sweetie, sweetheart.

3 That's what I call a lot of my customers, you know.

4 Q. But you told Sam you knew him, but you couldn't
5 think of his name?

6 A. Yes, ma'am.

7 Q. So when law enforcement gets there -- and I
8 think Chief Hayes was one of the first ones there;
9 is that right?

10 A. Yes, ma'am.

11 Q. Did you tell Chief Hayes about the armed
12 robbery?

13 A. Yes, ma'am.

14 Q. Did you tell Chief Hayes what the armed robber
15 was wearing?

16 A. Yes, ma'am.

17 Q. Did you tell Chief Hayes the physical
18 description of the armed robber?

19 A. Yes, ma'am.

20 Q. Did you tell Chief Hayes that you knew the
21 armed robber to be a common customer?

22 A. Yes, ma'am.

23 Q. Did you tell Chief Rebolj the same thing?

24 A. Yes, ma'am.

25 Q. About how long before the armed robbery had you

1 known this same person to be a customer?

2 A. From when I worked at BP. I worked there for
3 four and a half years. And I worked at Tiger Stop
4 for two years, so about six, seven years.

5 Q. So you had known this customer that we're going
6 to call the armed robber for six years?

7 A. Yes, ma'am.

8 Q. So you knew him from the BP?

9 A. Yes, ma'am.

10 Q. And what, if anything, do you recall about him
11 from back during that time?

12 A. Back then, I thought he was a nice young man.

13 Q. Well, how did you know him, is my question.

14 A. Coming in there after high school and stuff.

15 Q. After what high school?

16 A. Swansea High School.

17 Q. And how did you ever be around him?

18 A. He would come in there with the other kids, my
19 nephew, and the other boys that came from the high
20 school.

21 Q. Okay. So that's what I'm trying to get at.
22 You had a nephew that had been in this customer's
23 company at the BP?

24 A. Yes, ma'am.

25 Q. Okay. Did there come a time that you had a

1 little more contact with this person?

2 A. Yes, ma'am.

3 Q. A long time ago?

4 A. Yes, ma'am.

5 Q. Can you tell us about that?

6 A. One time, I gave him a ride home.

7 Q. So you had given this armed robber a ride home?

8 A. Yes, ma'am.

9 Q. Years in the past?

10 A. Yes, ma'am.

11 Q. So had you ever seen this customer with his
12 mom?

13 A. Yes, ma'am.

14 Q. Okay. And is the mom here today?

15 A. Yes, ma'am.

16 Q. Can you show her to us?

17 A. (Indicating).

18 Q. On the left side of the gallery, the only other
19 person in the courtroom?

20 A. Yes, ma'am.

21 Q. And that was your customer's mom?

22 A. Yes, ma'am.

23 Q. So after the armed robbery and after you talked
24 to law enforcement that night, did you go home
25 early?

1 A. Yes, ma'am. My husband came and followed me
2 home because I was still feeling weak and dizzy from
3 my pacemaker going off.

4 Q. Did you take some time off from work?

5 A. Yes, ma'am.

6 Q. Did you think about quitting your job?

7 A. Yeah.

8 Q. But you didn't?

9 A. (Nonverbal response).

10 Q. At some point during this investigation, did
11 you hear the name Tra'vion Hampton?

12 A. Yes, ma'am.

13 Q. Okay. Did you have anything to do with any
14 Facebook pictures or anything that Rocky may have
15 said to Sam?

16 A. No, ma'am.

17 Q. Okay. Did anybody ask you to make a written
18 statement?

19 A. No, ma'am.

20 Q. Did anybody ever show you a photo lineup?

21 A. No, ma'am.

22 Q. And you were off for some time after the armed
23 robbery; is that right?

24 A. Yes, ma'am.

25 Q. And as far as getting ready for trial, have you

1 had an opportunity to look back at the videos?

2 A. Yes, ma'am. I don't want to see any of it.

3 Q. I'm sorry.

4 A. I don't want to see them again.

5 Q. I know you don't want to see them again. But,
6 in fact, did I make you look at the videos several
7 times?

8 A. Yes, ma'am.

9 MS. MARTIN: If I may approach the witness,
10 Your Honor?

11 THE COURT: You may.

12 BY MS. MARTIN:

13 Q. If I can show you State's 19. Can you tell me
14 if you recognize anything on the face of this CD?

15 A. Yes, ma'am; my initials.

16 Q. Your initials and date are on it. And you were
17 in court today when we played it, right?

18 A. Yes, ma'am.

19 Q. Ms. Dora, how did you feel about coming to
20 court today?

21 A. I didn't want to come.

22 Q. And you're under subpoena?

23 A. Yes, ma'am.

24 Q. And is there a reason you didn't want to come?

25 A. Yeah.

1 Q. What's the reason?

2 A. My life had been turned upsidedown since this.

3 Q. Is it fair to say you were afraid?

4 A. Yeah.

5 Q. And today, here in court, do you see the man
6 that committed the armed robbery?

7 A. Yes, ma'am.

8 Q. Can you point him out to us?

9 A. (Nonverbal response).

10 Q. What color shirt does he have on?

11 A. Black.

12 MS. MARTIN: Your Honor, I'd ask the defendant
13 to stand and pull down his mask.

14 THE COURT: Mr. Hampton.

15 BY MS. MARTIN:

16 Q. Is this the armed robber from August 23rd?

17 A. Yes, ma'am.

18 Q. What, if anything, is different about his face,
19 if you can tell, from that distance?

20 A. Yes, ma'am. He has a goatee.

21 Q. And how long have you known this man?

22 A. About six, seven years.

23 Q. And that's the man who jumped the counter with
24 a gun and stole money from Sam?

25 A. Yes, ma'am; 100-percent accurate.

1 MS. MARTIN: Just one moment, Your Honor.

2 THE COURT: You can sit down.

3 (Pause.)

4 MS. MARTIN: Ms. Dora, please answer any
5 questions Ms. Horsley has.

6 THE COURT: And the record will reflect that
7 Ms. Woodman identified the defendant, Mr. Tra'vion
8 Hampton.

9 Ms. Horsley?

10 MS. HORSLEY: Court's indulgence.

11 THE COURT: Take your time.

12 (Pause.)

13 CROSS-EXAMINATION

14 BY MS. HORSLEY:

15 Q. Ms. Woodman?

16 A. Yes, ma'am.

17 Q. I am so sorry we have to meet like this today,
18 but it is very nice to meet you. And I'm also sorry
19 that I have to ask you these questions, but I think
20 it's really important that the jury knows exactly
21 what happened that day.

22 When did you start your shift?

23 A. At 9:00 that morning.

24 Q. 9:00 in the morning. Okay.

25 And as a gas station clerk, you have to

1 multitask every day?

2 A. Yes, ma'am.

3 Q. Constantly on your feet? There's always
4 something to do?

5 A. Yes, ma'am.

6 Q. And dealing with the general public, there's
7 probably never two days that are alike. And I can
8 even imagine, at a gas station with customers coming
9 and going, everything is always --

10 MS. MARTIN: Your Honor, are those questions?

11 THE COURT: Go on, Ms. Horsley. Take your
12 time.

13 BY MS. HORSLEY:

14 Q. So you see, as you stated before, hundreds of
15 people a day coming through that store, correct?

16 A. Yes, ma'am.

17 Q. And during that time, traffic was starting to
18 pick up, correct?

19 A. Yes, ma'am.

20 Q. School was about to get out?

21 A. Yes, ma'am.

22 Q. So during that moment, you had just rang up a
23 nice young lady?

24 A. Yes, ma'am.

25 Q. And then right afterwards, you had to go grab a

1 bite to eat?

2 A. Yes, ma'am.

3 Q. And --

4 Can I get one of your assists just to turn this
5 on? I don't want to go beyond what I know about
6 technology, so I'm going to get their help for this.

7 So this was your area of domain?

8 A. Yes, ma'am.

9 Q. And there's one register right around here, and
10 then the other register right here, correct?

11 A. Yes, ma'am.

12 Q. And then this is your food right here?

13 A. Yes, ma'am.

14 Q. Okay. Were you ringing people up just on this
15 one register right here where the young lady was?

16 A. No, ma'am; on both of them.

17 Q. You were using both registers?

18 A. Yes, ma'am.

19 Q. Okay. And during that time, you just rang the
20 young lady up and you went to go grab a bite to eat.

21 So you would say that you had your back kind of
22 turned away from the register? Correct?

23 A. No.

24 Q. So it wasn't turned away?

25 A. Where the camera -- where the TV is right

1 there --

2 Q. Yes.

3 A. -- where you can see the rest of it, my back
4 was facing this way. But I could see out that way
5 to the register area. So if I turn my chair like
6 this towards the Judge, she's the TV, my register is
7 right here. I can see my register right there. I
8 could see the window behind, the people walking
9 through that window, coming in the door to my
10 register.

11 Q. Do you remember what you were eating that day?

12 A. I was eating a turkey sub, or trying to.

13 Q. In retail, that's all you can do.

14 When you eat a turkey sub, do you eat standing
15 straight up?

16 A. Yeah.

17 Q. Or do you eat kind of hunched over a little
18 bit?

19 A. Standing up. I don't hunch over. You could
20 choke.

21 Q. Do you look at your sandwich when you eat it?

22 A. Yeah.

23 Q. So you were eating your sandwich --

24 A. I didn't get to take a bite.

25 Q. You didn't get to take a bite at all?

1 A. I didn't get to eat my lunch at all that day.

2 No, ma'am.

3 Q. Because the next thing you saw is some guy
4 hopping over the counter?

5 A. Yes, ma'am.

6 Q. And you said the first thing you noticed was
7 the gun?

8 A. Yes, ma'am.

9 Q. And he completely surprised you?

10 A. Yes, ma'am.

11 Q. And that was -- your big focus was that gun?

12 A. Yes, ma'am.

13 Q. And I bet that was really scary.

14 A. Yeah. I didn't know if I was going to die or
15 even go home to my kids or not.

16 Q. And I know that you said your pacemaker went
17 off.

18 A. Yes, ma'am.

19 Q. So I can imagine that you were really worried
20 about that as well. Did you have thoughts about
21 your family at that time?

22 A. Yeah. I didn't know if I'd be able to see
23 them.

24 Q. So you had a lot of stuff going through your
25 head in that moment?

1 A. Yes, ma'am.

2 Q. And then just as quick as it happened, that
3 person just jumped over the counter and left?

4 A. Yes, ma'am.

5 Q. When you were speaking to the officers, do you
6 remember the description you gave the officers?

7 A. Yes, ma'am.

8 Q. And what was that?

9 A. A young black man between -- I didn't know his
10 exact age -- I said about 22, 23 -- and I described
11 what he was wearing; a camo shirt and the black
12 pants with a black hat.

13 Q. And I just want to make sure that I heard that
14 correctly. Camo shirt, black hat, black pants?

15 A. Yes, ma'am.

16 Q. Okay.

17 MS. HORSLEY: Court's indulgence.

18 THE COURT: Take your time.

19 (Pause.)

20 BY MS. HORSLEY:

21 Q. You stated earlier that you have known
22 Mr. Hampton for years.

23 A. Yes, ma'am.

24 Q. And that your nephew actually knows
25 Mr. Hampton.

1 A. They went to high school together.

2 Q. So before the name Tra'vion Hampton was
3 presented to you after the incident, did you not
4 know his name?

5 A. No, ma'am.

6 Q. Okay.

7 MS. HORSLEY: No further questions.

8 THE COURT: Any redirect, Ms. Martin?

9 MS. MARTIN: Yes, ma'am, very briefly.

10 REDIRECT EXAMINATION

11 BY MS. MARTIN:

12 Q. When talking with Ms. Horsley, you agreed with
13 her there were a lot of things going on in your head
14 during this armed robbery; is that right?

15 A. Yes, ma'am.

16 Q. Can you tell us whether or not one of the
17 things going through your head was I know this guy?

18 A. Yes, ma'am.

19 Q. And you thought that then?

20 A. Yes, ma'am.

21 Q. And you told it immediately?

22 A. Yes, ma'am.

23 Q. And can you tell us whether or not you were
24 concerned because you did know him?

25 A. Yes, ma'am. I didn't know if he was going to

1 come back or not.

2 Q. You didn't know what?

3 A. I didn't know if he was going to come back or
4 not.

5 Q. Okay. So he knew you knew him because you'd
6 known him for years?

7 A. Yes, ma'am.

8 Q. Three years at the Tiger Mart and six years at
9 the other store, right?

10 A. Yes, ma'am.

11 Q. And, again, the person that did the armed
12 robbery, he didn't have a mask on, did he?

13 A. No, ma'am.

14 Q. And did you recognize the voice?

15 A. Yes, ma'am.

16 Q. Did you recognize the walk?

17 A. Yes, ma'am.

18 Q. Did you recognize the face?

19 A. Yes, ma'am.

20 Q. And you've looked at the video several times
21 against your will?

22 A. Yes, ma'am.

23 Q. And is it your testimony here today that that
24 armed robber was a frequent customer?

25 A. Yes, ma'am.

1 Q. And is it your testimony here today that that
2 armed robber is this man, Tra'vion Hampton?

3 A. Yes, ma'am.

4 Q. No question about it?

5 A. No question about it.

6 MS. MARTIN: Thank you.

7 THE COURT: Anything else?

8 MS. HORSLEY: Court's indulgence.

9 (Pause.)

10 THE COURT: Yes, ma'am.

11 RECROSS-EXAMINATION

12 Q. Just two questions. Did you see the robber
13 walk in?

14 A. Yes, ma'am. He came through the door, the
15 front door. I seen him walk by the window.

16 Q. But right before you said you were about to eat
17 your sandwich and you were looking at your
18 sandwich --

19 A. Yeah. But if you pull that picture back up,
20 the window was right there where I was standing. I
21 seen him walk by the window and then come in the
22 door. And that's when I was getting ready to open
23 my sandwich, take a bite of my sandwich, when
24 everything happened.

25 Q. So you saw him walk from the door all the way

1 to the counter and then jump over?

2 A. No, ma'am. He walked past the window, came
3 through the front door. And I was like this,
4 getting ready to open up my sub, take a bite of my
5 sub, when I looked like this. And that's when he
6 came through the counter. [Demonstrating]

7 Q. Did you notice any sunglasses?

8 A. Yes, ma'am.

9 MS. HORSLEY: No further questions.

10 MS. MARTIN: That's all from this witness.

11 THE COURT: Can I excuse her?

12 MS. MARTIN: Yes, ma'am.

13 THE COURT: All right.

14 State want to call their next witness?

15 MS. MARTIN: Your Honor, the State rests. No
16 more witnesses.

17 THE COURT: Okay. Let me see the lawyers just
18 for one second.

19 (Sidebar conference.)

20 THE COURT: All right. The State has rested.

21 So, Mr. Foreman, I'm going to let y'all go for
22 the day. There's some matters that I need to take
23 up. I'm going to ask y'all to be here at 9:30 in
24 the morning. We ought to finish this case tomorrow.
25 Okay?

1 Now, remember, no talking amongst yourselves;
2 no going home and talking about what you heard to
3 anyone; no spouse, kids, best friend, none of that
4 stuff; no looking up anything that you heard in this
5 courtroom today.

6 Believe it or not, I promise you, it always
7 gets back. I don't know how it manages. It amazes
8 me sometimes. But please don't do that. Okay?

9 That said, y'all go have a good evening.
10 Hopefully, you'll miss the 5:00 traffic and get home
11 at a decent hour. Thank you.

12 MR. FOREMAN: 9:30, you said?

13 THE COURT: 9:30. So y'all need to be in the
14 courthouse about 9:15. We're meeting earlier to get
15 some stuff done. Y'all want to be on time. Thank
16 you.

17 (The jury exits the courtroom at 3:58 PM.)

18 THE COURT: All right.

19 Anything from the State?

20 MS. MARTIN: No, ma'am.

21 THE COURT: Anything from the defense?

22 MR. CHEHOSKI: Your Honor, at this time, the
23 defense moves for a directed verdict at the end of
24 the State's case, incorporating all prior motions
25 and objections.

1 As you know, the State's -- at the end of the
2 State's case, we're dealing with whether or not
3 there is the existence of such evidence that is
4 enough to send the case to the jury.

5 At this point, Your Honor, we submit there is
6 not, and we move for a directed verdict of not
7 guilty.

8 THE COURT: Be glad to hear from you.

9 MS. MARTIN: Your Honor, certainly, I think, at
10 this point, it's a question for the jurors. We've
11 had testimony of witnesses that experienced an armed
12 robbery, who have said consistently that they
13 recognized this defendant from years of knowing him
14 as a customer, from the way -- from the way he talks
15 and his mannerisms. And they've identified him as
16 being the person who committed the armed robbery.
17 So, certainly, it is a jury question.

18 THE COURT: I agree with the State. I'm going
19 to deny the motion. I think the jury can decide
20 whether or not it was Mr. Hampton. I think they've
21 met their burden. We'll let the jury decide.

22 All right. Let me find my questions on when
23 the defendant is going to testify. Hang on.

24 (Sidebar conference.)

25 THE COURT: Mr. Chehoski, can we call the

1 bonding company and let them know that he is in
2 custody and if they can come remove this so it won't
3 go off in court? It's been dead for a couple days.

4 MR. CHEHOSKI: Yes, Your Honor.

5 THE COURT: And, that way, we won't have to
6 bring attention to it, no doubt, in the middle of
7 closings or something and the jury is going to
8 wonder what in the world is going on.

9 MR. CHEHOSKI: As has happened to me in the
10 past, yes, Your Honor.

11 MS. MARTIN: And I think the bondsman
12 information and phone number is probably right there
13 in the Clerk's Office.

14 MR. CHEHOSKI: We can call them before we
15 leave.

16 THE COURT: And if I need to sign an order, so
17 be it. It's got to go anyway, whether he's found
18 guilty or not guilty.

19 MS. MARTIN: That's right.

20 THE COURT: If he's found not guilty, he has
21 every right to walk out of here without it.

22 MR. CHEHOSKI: We'll call them.

23 THE COURT: Have you talked to your client
24 about whether he's going to testify or not testify?

25 MR. CHEHOSKI: We have discussed that, Your

1 Honor.

2 THE COURT: And, at this time, do you
3 anticipate him testifying?

4 MR. CHEHOSKI: One moment, please.

5 (Pause.)

6 MR. CHEHOSKI: Your Honor, we do not anticipate
7 putting up any witnesses, and Mr. Hampton has not
8 indicated he wishes to testify.

9 THE COURT: Mr. Hampton, let me do this: Are
10 you listening to me?

11 THE DEFENDANT: Yes, ma'am. Yes, ma'am.

12 THE COURT: All right. Let me read you your
13 rights on whether to testify or not to testify.
14 I've sent the jury home. You've got the night to
15 think about it.

16 THE DEFENDANT: I just have a witness or two or
17 whatnot I would like to -- honestly, I would need a
18 little time, because one of them is out of town on
19 an emergency right now.

20 THE COURT: Well, your case is going up
21 tomorrow. So I'll let you talk to your attorney
22 about that.

23 Stand for me and let me read this to you. And
24 you listen to me. Okay?

25 All right. Mr. Hampton, we've reached the

1 stage in the trial where you may present your
2 defense. You have the right to claim the
3 protections given to you by the Fifth Amendment to
4 the Constitution of the United States.

5 This amendment states, in part: No person
6 shall be compelled in any criminal case to be a
7 witness against himself. This means that you cannot
8 be required to testify in the case. You have the
9 right to testify on your own behalf; however, no one
10 can make you testify. This is a personal right, and
11 no one can waive this right except you.

12 If you decide to testify, you will be subject
13 to the same rules that govern other witnesses, and
14 you may be examined and cross-examined on any
15 relevant issue in this case.

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: In addition, if you have any
18 convictions involving dishonesty, false statements,
19 or for crimes punishable by imprisonment for more
20 than one year, and this Court determines that the
21 probative value of admitting this evidence outweighs
22 its prejudicial fact to you, the solicitor will be
23 able to introduce your record to attack your
24 credibility.

25 If you decide to testify, this decision on your

1 part must be freely, voluntarily, and intelligently
2 made with knowledge of the protections given to you
3 by the Fifth Amendment and the consequences of your
4 decision to testify.

5 If you decide not to testify, I will instruct
6 the jurors that they cannot give the fact that you
7 did not testify any consideration whatsoever, and
8 that there is to be absolutely no prejudice to you
9 because you did not testify. It's left entirely up
10 to you whether or not you testify, Mr. Hampton.

11 You may talk with your attorney; you may talk
12 with your family and friends, or anyone else, but
13 the final decision will be left entirely up to you.

14 Do you understand what I've explained to you?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Do you have any questions about
17 what I explained to you?

18 THE DEFENDANT: No, ma'am. I just have a
19 question about something else I'd like to ask.

20 THE COURT: Let me get through this, and then
21 we'll talk about your other questions. Okay?

22 THE DEFENDANT: All right.

23 THE COURT: Have you discussed with your lawyer
24 whether or not you should or should not testify?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: All right. Do you wish to talk to
2 your lawyer any more at this time?

3 THE DEFENDANT: I would like to talk to my
4 mother.

5 THE COURT: Okay. I'm going to let you do
6 that.

7 But let me ask you real quick, while I've got
8 you, Mr. Hampton -- I'll give you time to talk to
9 your mom, because it's a really important decision.

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: All right. So what's your other
12 question?

13 THE DEFENDANT: It was about a situation of,
14 like, let's say, I'm not, you know, really coming
15 across the way I want to come across with things;
16 like, let's say it's a little too late to getting a
17 little time for different representation, just in
18 case we're not seeing eye-to-eye on things. I was
19 just seeing if it was too late.

20 THE COURT: Well, Mr. Hampton, the State has
21 rested in your case. It's a little late -- I guess
22 you can ask for new counsel all day long. I'm going
23 to tell you, the State has rested, and I will deny
24 that motion.

25 THE DEFENDANT: I gotcha.

1 THE COURT: Anything else I can answer for you?

2 THE DEFENDANT: No. I'm good.

3 THE COURT: All right. Well, let me tell you,
4 I'm going to give you --

5 THE DEFENDANT: I was just saying -- let's say,
6 if I hired another attorney, would that be too late?

7 THE COURT: Yes, Mr. Hampton.

8 THE DEFENDANT: I know. I was just asking.

9 THE COURT: We picked a jury and the State has
10 rested.

11 THE DEFENDANT: Yes, ma'am. It's just the
12 fact --

13 THE COURT: I can't hear you. Take your mask
14 down so I can hear you, Mr. Hampton.

15 THE DEFENDANT: I was told I had two years, all
16 of a sudden, just today, to pick a different
17 attorney. Every time I try to get understanding on
18 us not seeing head and head on things, I feel like,
19 you know, he kind of didn't want to, you know, bring
20 the situation towards him.

21 And I'd rather, you know, kind of get someone
22 else who would rather work with it. Not saying that
23 he don't want to. But --

24 THE COURT: I'm pretty sure I know what you're
25 asking the Court. But let me --

1 THE DEFENDANT: I was trying to see about if I
2 could get another representation, if we wasn't
3 seeing eye-to-eye on a situation -- I was just
4 seeing about that.

5 THE COURT: Well, I don't know if y'all are
6 seeing eye-to-eye at this moment. But I will tell
7 you, Mr. Hampton, again, we've picked a jury; the
8 State has presented all their evidence and called
9 their witnesses; now it's your turn for a defense.

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: It's too -- I'm going to deny any
12 motion to replace your lawyers. Okay? You're right
13 in the middle of a trial. This is not the proper
14 time to do that.

15 THE DEFENDANT: You're right. You're right.

16 MS. MARTIN: Your Honor, if I could sound in
17 just a bit. Your Honor, this case is two years old.

18 THE COURT: August of 2019 old.

19 MS. MARTIN: Yes, ma'am. And the defendant has
20 been to court numerous times trying to resolve this
21 case via a guilty plea to a plea offer that was made
22 in writing.

23 I know for a fact defense counsel, first chair,
24 Mr. Chehoski, has given it to him. He never entered
25 a guilty plea. He said over and over to me and in

1 my presence that he wanted a jury trial, which is
2 exactly what he's had.

3 And he comes in now, after he's heard all of
4 the evidence the State has, and complains against
5 his attorney. He's had ample opportunity to bring
6 that up. And I think it's just a case of buyer's
7 remorse. I mean, he wanted a trial; he got it. Now
8 he's concerned what's going to happen. I don't
9 think there's any groundwork there.

10 He's never said before he wanted a new
11 attorney, and he actually has two of the finest
12 attorneys here in Lexington County. And I just want
13 that on the record.

14 THE COURT: Well, I would agree with that. We
15 picked a jury. This is the first I've heard that --
16 now, after the State rests, that if he disagrees,
17 and I'm assuming with the defense that he wanted to
18 know if he could get another lawyer, I'm telling
19 you, I'm denying that motion.

20 Anything else, Mr. Hampton?

21 THE DEFENDANT: I just want to let you know I
22 was not trying to get out of this in any shape, way,
23 form, or fashion. And with the whole situation with
24 those plea deals, it's because she was trying to
25 tell me that was the best thing for me to do or

1 whatnot, not from my counsel or nothing like that.

2 We honestly have a complete understanding of
3 everything, it's just the fact of how I want to go
4 about things. And I'm having to understand, you
5 know, it's just the way I need to go about things;
6 it's not the way that I may want to do it. It's
7 just the right way to do it.

8 THE COURT: Right.

9 THE DEFENDANT: I didn't want you thinking I
10 was trying to do that. It was just the fact I don't
11 want to put nobody in a situation where they don't
12 want to be, you know what I'm saying.

13 THE COURT: Well, I'm going to tell you,
14 Mr. Hampton, unless you've been to law school -- I
15 mean, I'm going to tell you, we got rules we got to
16 follow. And I will tell you, you've got two of the
17 best lawyers that I know of. I've tried a lot of
18 cases up here, and I've known your lawyers for an
19 awfully long time. I've known all the lawyers in
20 this court for a long time. And they're fine
21 lawyers.

22 THE DEFENDANT: I was just saying because I
23 also have Bad Boys Bonding and Al. Me and him was
24 talking about the situation because, basically, the
25 prosecutor was really doing a lot of calling and

1 whatnot trying to see about me more than, honestly,
2 they said that they ever had seen. And I was trying
3 to get Ms. Gail to come up here, too, because she
4 said something about --

5 THE COURT: I'm going to tell, Mr. Hampton, I
6 don't mean to cut you short, but anything with your
7 bonding company and your lawyers, all that is not in
8 front of me today.

9 THE DEFENDANT: I was just taking on what she
10 was saying, making sure the whole situation was
11 good.

12 THE COURT: Let me do this: Mr. Hampton, I'm
13 going to give you some time, because I know I've
14 taken you into custody. I'm going to give you until
15 4:30 to talk to your mama about whether you want to
16 testify in this trial or not. It's a very important
17 decision.

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: And I understand that.

20 THE DEFENDANT: I didn't want you thinking I
21 was wasting your time --

22 THE COURT: I don't think that.

23 THE DEFENDANT: -- the best situation possible
24 for me because I only have one mother and I only
25 have one life.

1 THE COURT: Right. Absolutely.

2 THE DEFENDANT: And I want to make sure that,
3 you know, my innocence is being proven. But --

4 THE COURT: No. The Court understands, I
5 promise you. Don't worry about it. But I do want
6 to give you the opportunity to talk to your mom
7 because I do think this is a very important decision
8 for you.

9 THE DEFENDANT: Thank you.

10 THE COURT: Okay. So I'm going to give you
11 till 4:30.

12 Danny, if we could let them have some --
13 according in your rules, if I could let them two
14 talk for 15 minutes.

15 Okay. We'll be in recess for 15 minutes, and
16 we'll be back.

17 (Brief recess.)

18 THE COURT: All right. Mr. Hampton, I heard
19 they took your leg monitor off, so we're good on
20 that. Good.

21 Have you had enough time to talk to your mother
22 about whether you want to testify or not?

23 THE DEFENDANT: I'm going to pass on that.

24 THE COURT: Okay. Now let me tell you, if you
25 change your mind overnight, you let me know in the

1 morning. I'll ask you again. Okay?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Anything further from the State?

4 MS. MARTIN: No, ma'am.

5 THE COURT: Anything further from the defense?

6 MR. CHEHOSKI: No, Your Honor.

7 THE COURT: We're in recess. The jury will be
8 in at 9:30. If I could have the lawyers here at
9 9:00. If you'll look over the jury instructions, I
10 would appreciate it so I can be ready to go with
11 that.

12 MS. MARTIN: Yes, ma'am.

13 THE COURT: As soon as Angela comes back --
14 y'all make sure y'all have the jury charges out, and
15 then I'll print you a clean copy.

16 (Pause.)

17 THE COURT: I took out the statement of
18 defendant.

19 MS. MARTIN: Yes, ma'am.

20 THE COURT: Took out expert witness.

21 Any other changes?

22 MS. MARTIN: I just had a question, because
23 I've never seen it worded that way, duty to
24 deliberate.

25 THE COURT: Oh, my gosh. I've been reading

1 this forever.

2 MS. MARTIN: Okay. Well, I just --

3 THE COURT: Go ahead. Tell me.

4 MS. MARTIN: I must have just zoned out last
5 time you read it. But if you've been doing it,
6 that's fine. I just didn't know where it had come
7 from, the quote.

8 THE COURT: Which quote?

9 MS. MARTIN: Of course, I can't find it. Hang
10 on one second.

11 THE COURT: Deliberation as defined?

12 MS. MARTIN: Careful consideration weighing up
13 with a view to decision.

14 THE COURT: That came straight out of the
15 Judges Bench Book. If you don't want me to say it,
16 I won't say it.

17 MS. MARTIN: No, no. I'm not opposed to it. I
18 just wondered where it was. And then the other
19 language with all of that in there, too, because
20 it -- when I was -- I was reading it and I was
21 tired, it sounded close to Allen charge.

22 Not really, but somewhat similar talking about,
23 you know, taking each other's views into
24 consideration and that kind of stuff. But --

25 THE COURT: If anyone has an objection to it,

1 I -- the least I get to say, the happier I am. So
2 I'll take out -- I'll just say let me say something
3 about your deliberations, the genesis of our jury
4 system. I'll just move on to that.

5 MS. MARTIN: Okay. Thank you.

6 THE COURT: What was the other part?

7 MS. MARTIN: That was it. And you have taken
8 out the two things we didn't need. I don't have any
9 other objections.

10 THE COURT: I need y'all to review the verdict
11 form right quick.

12 MS. MARTIN: Yes, ma'am.

13 THE COURT: Because my understanding, I put in
14 on this verdict form, if he's found not guilty of an
15 armed robbery, he cannot be found guilty of
16 possession of a weapon --

17 MS. MARTIN: Well, let's talk about that.

18 THE COURT: -- of a violent crime.

19 MS. MARTIN: Right. But it's or an attempt to
20 commit a violent crime. Maybe they thought --

21 THE COURT: But he's not charged with
22 attempted --

23 MS. MARTIN: I know. But you don't have to be
24 charged.

25 MR. CHEHOSKI: Your Honor, I don't think you

1 can be -- if he's acquitted of committing a violent
2 crime, I don't think he can be charged with
3 possessing a weapon in the commission of it, of the
4 one that he's just been acquitted of.

5 THE COURT: I agree.

6 MS. MARTIN: Okay. I just thought I'd try.

7 THE COURT: But review that right quick because
8 that's what I was going to send back.

9 (Pause.)

10 THE COURT: I'll get y'all a clean copy of the
11 jury charges for your file.

12 MR. CHEHOSKI: Thank you, Judge.

13 THE COURT: Do you have anything else,
14 Ms. Martin?

15 MS. MARTIN: I do. I've got two things. One
16 is I want to go back -- I neglected to just put on
17 the record a few other things when Mr. Hampton was
18 talking about, you know, he wasn't satisfied with
19 his attorneys and he needed more time and things of
20 that nature.

21 I just want the record to reflect that, I mean,
22 his attorney and I have been talking about a trial
23 situation for about four months, five months.

24 MR. CHEHOSKI: Since August.

25 MS. MARTIN: Well, it's been on the trial list

1 three times. And this man has been out on bond. So
2 he's had plenty of time to confer with his family,
3 to gather funds. He's had two years to hire another
4 attorney, if he wasn't satisfied. And I just wanted
5 all of that to be part of this record.

6 THE COURT: Okay.

7 MS. MARTIN: And then the second thing is, when
8 you get Mr. Hampton's final decision about
9 testifying today when -- could he be placed under
10 oath?

11 THE COURT: Absolutely.

12 MS. MARTIN: Thank you so much.

13 THE COURT: Absolutely.

14 MS. MARTIN: And that's all we have.

15 THE COURT: All right.

16 Madam Clerk, let's place Mr. Hampton under
17 oath.

18 THE CLERK: Raise your right hand, please.

19 TRA'VION HAMPTON

20 being first duly sworn, testified as follows:

21 THE DEFENDANT: Yes, ma'am.

22 THE CLERK: Thank you.

23 THE COURT: All right. Mr. Hampton, we went
24 over all your Constitutional rights yesterday about
25 testifying. I also gave you about 20 minutes to

1 talk to your mom, because I told you it was a very
2 important decision whether to choose to testify or
3 not. Do you have any questions for me about what we
4 talked about yesterday or do I need to reread it to
5 you?

6 THE DEFENDANT: No, ma'am.

7 THE COURT: And I also told you that you had
8 the night to think about it; if you changed your
9 mind, to let me know this morning.

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Let me ask you, do you still wish
12 to testify or not testify?

13 THE DEFENDANT: I'm good. I'm not going to
14 testify.

15 THE COURT: And then I thought about it last
16 night after I left, also, as far as you asking me
17 for new counsel yesterday.

18 THE DEFENDANT: It was just -- can I say
19 something for the record?

20 THE COURT: Yes, you may.

21 THE DEFENDANT: We was just having a
22 misunderstanding. This is my first time at trial.
23 My life is on the line. I'm just really nervous. I
24 want that to be for the record. It's not like we
25 never, like, had an understanding and whatnot to the

1 situation, it's the fact of I'm trying to see where
2 he's coming from and he's trying to see where I'm
3 coming from. This is my first time. That's the
4 only thing I was saying.

5 It's not like I was asking really to get rid of
6 him, it was the fact that I was basically wanting to
7 state the fact that I'm kind of, you know, really
8 just -- not really -- how would I say this, not used
9 to this situation at all.

10 THE COURT: I can understand that. I can
11 understand that.

12 THE DEFENDANT: Yes. It's very nerve-testing.
13 I didn't mean to --

14 THE COURT: Being in a trial is not an everyday
15 experience.

16 THE DEFENDANT: It's not.

17 THE COURT: That's for sure. All right. Well,
18 then, I assume you're withdrawing your motion then
19 to have new counsel appointed for you after you
20 thought about it overnight. Is that what you're
21 telling me? Because I denied that motion yesterday.
22 But I'm asking you for the record, are you now
23 withdrawing your motion for new counsel?

24 THE DEFENDANT: I'm confused. I thought I
25 already -- oh, yes, ma'am. Yes, ma'am.

1 THE COURT: Okay. Very well then. I just kind
2 of wanted to clear that up for the record.

3 Anything else, Mr. Chehoski?

4 MR. CHEHOSKI: We're ready to proceed, Your
5 Honor.

6 THE COURT: Okay. Is the State ready?

7 MS. MARTIN: Yes, ma'am.

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

9 Now, just for procedure, I'm going to bring
10 them in, y'all are going to rest, then we have to
11 send them back out --

12 MS. MARTIN: Unless we do it now.

13 THE COURT: Do y'all want to do it now?

14 MR. CHEHOSKI: Your Honor, yes. I'll renew all
15 motions for directed verdicts, incorporating all
16 previous motions and objections, incorporating my
17 argument from my previous motion.

18 MS. MARTIN: Thank you, Your Honor. We stand
19 on what we said earlier. We do think it's
20 completely a jury question at this point. We've had
21 two witnesses who have testified and have said since
22 2019 that they have known the defendant for years
23 and years, and it was him who came in the store
24 without wearing a mask and committed this armed
25 robbery.

1 THE COURT: And I agree. It is a jury
2 question. So I deny the motion. I'll tell you,
3 once you say that, I'll say we'll renew all motions
4 from defense.

5 MR. CHEHOSKI: Right, Your Honor. And I'll
6 rest on the record in front of the jury.

7 MS. MARTIN: Perfect.

8 THE COURT: And then we'll go straight into
9 closing. So are we ready?

10 MS. MARTIN: Yes, ma'am.

11 THE COURT: Is that Ms. Oppenheimer?

12 MS. MARTIN: It is.

13 THE COURT: I will tell you, I'm from the old
14 school. They didn't put up a defense, so they'll
15 get last say.

16 MS. MARTIN: Yes, ma'am.

17 MS. OPPENHEIMER: Yes, Your Honor.

18 (The jury enters the courtroom at 9:31 AM.)

19 THE COURT: All right. Mr. Foreman, are we
20 ready?

21 MR. FOREMAN: Yes, Your Honor.

22 THE COURT: All right. Good morning.

23 All right. Let me turn to the defense.

24 Mr. Chehoski.

25 MR. CHEHOSKI: Your Honor, the defense rests.

1 THE COURT: Okay. And I'll renew all your
2 motions.

3 MR. CHEHOSKI: Renewing all motions and
4 objections, Your Honor.

5 THE COURT: So noted for the record.

6 All right. We're going to go into closing
7 arguments.

8 Let me call on the State. Ms. Oppenheimer?

9 MS. OPPENHEIMER: May it please the Court, Your
10 Honor?

11 THE COURT: Yes, ma'am.

12 MS. OPPENHEIMER: This is not a whodunit case
13 and this is not a question of mistaken identity.
14 This is a case of certainty. You heard that the
15 victims of this armed robbery, Sam Patel and
16 Ms. Dora Woodman, knew exactly who that armed robber
17 was on August 23rd, 2019.

18 They knew he was a regular customer; they knew
19 he and his mother had been going to that store since
20 2006; they even knew his order. When he was little
21 and with his mom, he would come in and get chicken
22 with honey mustard. When he was older, he would
23 come in and buy a cigar and drinks. They just
24 couldn't remember his name. And that's reasonable.

25 How many bartenders, waitresses, convenience

1 store clerks do you know that see their regular
2 customers on a daily basis, but don't remember their
3 names, but remember their orders? You might be Diet
4 Coke and a Slim Jim. You might be a bourbon and
5 whiskey. But those people know you; they know your
6 face. They just can't remember your name all the
7 time. Sam and Ms. Dora knew who this armed robber
8 was. They knew he was a customer. They knew his
9 order, and they knew him.

10 It doesn't matter that this robbery took less
11 than a minute. They got a good look at his face.
12 It felt like forever to these victims. Sam and
13 Ms. Dora looked at that armed robber as he jumped
14 over the counter, and they saw his face. They got a
15 good look at the defendant, Tra'vion Hampton.

16 He wasn't wearing a mask that day. They saw
17 his face clearly. They were close to him. He was
18 right there behind that counter in that small space.
19 They knew who he was. They were close enough to see
20 his face, close enough to see the defendant,
21 Tra'vion Hampton.

22 Now, Sam did everything he could to put a name
23 to that face. He's searching on Facebook when law
24 enforcement is there. He's telling them, I know who
25 this is; he's a customer; he comes in with his

1 mother, has been for years; comes in by himself; I
2 know who he is; I don't remember his name.

3 He showed the video and screen shots from that
4 video to several customers. A lot of people didn't
5 want to get involved. It's understandable. This is
6 a violent crime. Who wants to get involved? But
7 finally Rocky, he did the right thing. He saw that
8 photo, the photo that Sam showed him that was of the
9 armed robber, and he gave Sam a single name,
10 Hampton.

11 Who is Hampton? Tra'vion Hampton. Rocky knew
12 instantly that the man in that photograph that Sam
13 showed him was Tra'vion Hampton. He knew him as
14 Hampton, knew him from around town. Swansea is a
15 tiny little community. Everyone knows everyone.
16 Small Town, U.S.A. Rocky's been there his whole
17 life. He knows Hampton. He knows his mom.

18 What does Sam do with the name Hampton? He
19 gets on Facebook and looks it up, sees a picture of
20 Tra'vion Hampton with his mother, recognizes
21 immediately that's the robber, that's my customer.
22 Tra'vion Hampton is the armed robber, the known
23 customer.

24 Sam then gave the name Tra'vion Hampton to law
25 enforcement. Chief Rebolj got a photo lineup done.

1 They didn't tell Sam who to pick. In fact, he just
2 put this photo lineup down -- put this photo lineup
3 down in front of Sam, told him to pick someone if he
4 saw someone he knew as the suspect, as the armed
5 robber; made no suggestions to him, didn't even tell
6 him that Tra'vion Hampton was in this photo lineup;
7 said if you see the armed robber, pick him out,
8 circle his photo, and initial there. And
9 immediately, within seconds, Sam Patel picks number
10 two, the defendant, Tra'vion Hampton. Didn't have a
11 question in his mind that that was Tra'vion Hampton.
12 He knew exactly who that armed robber was, that
13 known customer, and he identified him. Tra'vion
14 Hampton is the armed robber.

15 Sam also told you that he recognized the voice
16 of the armed robber when he demanded money from him.
17 Give me the money; give me the money. He knew his
18 voice. He knew it was a customer. He knew he knew
19 that voice. He knew that voice as Tra'vion Hampton.
20 Did he know his name at the time? No. But he later
21 found that name. And there's no question in his
22 mind that that was the voice of Tra'vion Hampton.

23 Sam also recognized the walk, the mannerisms of
24 the armed robber as a known customer, Tra'vion
25 Hampton. Same walk, same mannerisms, Tra'vion

1 Hampton. And Sam told you he was 100 percent
2 positive, 100 percent positive that in 2019,
3 Tra'vion Hampton came into his store in Swansea,
4 jumped over that counter with a gun, and demanded
5 money from him.

6 He was certain then. He was certain yesterday
7 when he testified on that stand and told you he was
8 100 percent positive it was Tra'vion Hampton. And
9 we know this because he gave law enforcement the
10 description of the armed robber as a young, slender,
11 black male that he knew as a customer. He knew he
12 came in all the time. No question about it; 100
13 percent positive that Tra'vion Hampton was the armed
14 robber.

15 Now, Ms. Dora sat on that stand terrified as
16 she could be and told you that she had known this
17 armed robber for years, from the BP and from the
18 Tiger Mart in Swansea. She knew his order. Said
19 she thought he was a nice boy. She even gave him a
20 ride once. He knew her nephew -- Tra'vion Hampton
21 knew her nephew. She had given him a ride before.
22 She knew who this young man was.

23 When Tra'vion Hampton jumped over the counter
24 with a gun, she was looking right at him. She
25 wasn't too busy. She wasn't distracted. She was

1 looking at him. And, yes, she was thinking of her
2 family. Who wouldn't think of their family after a
3 gun has been pointed at them? It's reasonable.

4 But she wasn't so focused on that and the gun
5 to not know in her head that she knew who this man
6 was. She knew he was a customer. She knew him.
7 She just didn't know his name at the time, and
8 that's reasonable.

9 She told you she recognized the armed robber's
10 voice. She recognized his walk. He had the voice
11 and the walk of a known customer, of someone that
12 she knew. She just didn't remember his name at the
13 time, and that's reasonable. She said she called
14 him sweetie, sweetheart, sweetie pie, things of that
15 nature, but she knew he was a customer. She knew
16 exactly who that armed robber was.

17 And, as you heard yesterday, Ms. Dora got on
18 that stand, told you what she saw; had the
19 defendant, Tra'vion Hampton, take off his mask,
20 stand up, and she pointed to him and said, that's
21 the armed robber; that's the man who robbed the
22 Tiger Mart on August 23rd, 2019; I'm 100 percent
23 positive that's him. She was 1 00 percent certain
24 that the armed robber is the defendant.

25 You also heard from Rocky. Rocky told you that

1 Sam showed him a picture after the armed robbery.
2 It wasn't weeks after, it wasn't days after. Mere
3 hours after this robbery occurred on August 23rd,
4 2019, Sam shows him a picture. And we know that
5 picture is a screen shot from the surveillance
6 cameras. We know that picture is a picture of the
7 armed robber. Rocky knew instantly that was
8 Hampton. There was no doubt in his mind it was
9 Hampton. The photo he saw was Hampton.

10 Now, the defense probably wants you to believe
11 that Sam just showed Rocky some random photograph of
12 Tra'vion Hampton, who may or may not have been in
13 the store earlier that day. Common sense tells us
14 that Sam was showing Rocky a picture of the armed
15 robber, and that was Hampton.

16 And, again, how does Rocky know it was Hampton?
17 Small Town, U.S.A. Swansea is a teeny-tiny little
18 town. Rocky has lived there for 44 years, knows
19 Tra'vion Hampton and knows his mother; knows they go
20 to the church right next to the Tiger Mart. He was
21 certain that that armed robber is Tra'vion Hampton.

22 Now, the defense is going to try to confuse
23 you. They're going to try to tell you all these
24 things we don't have. Well, ladies and gentlemen,
25 remember what Angela told you yesterday and remember

1 what Judge McCaslin told you: This is not TV. This
2 is not Law & Order. This is not CSI. And I wish it
3 was, because my job would be so much easier. It
4 would be so much easier to prosecute a criminal case
5 where we have DNA, fingerprints, palmprints that
6 match a suspect each and every time. That's not
7 reality. That's TV.

8 And, ladies and gentlemen, it's not
9 unreasonable that we don't have a palmprint that
10 matches the defendant. You heard Sam tell you 700
11 to 800 transactions in a day. People are all up on
12 that counter, touching it, rubbing their hands on
13 it, putting objects down on it.

14 How many times do people touch the counter in
15 front of that cash register? How many items are put
16 on that cash register each day? Could be hundreds.
17 Snacks, drinks, money all over that counter.

18 And who cares that we happen to have a
19 palmprint that doesn't match the defendant? We
20 don't know who left that palmprint there. We don't
21 know when it was left. Detective Smith told you
22 that we cannot timestamp palmprints. We cannot
23 timestamp fingerprints.

24 I ask you to watch those videos again. You see
25 the armed robber, Tra'vion Hampton, jump over the

1 counter. He slides his leg over the counter.
2 Jeans, shoes, everything sliding all over that
3 counter. His leg sliding over that counter easily
4 could have distorted any prints that he could have
5 left.

6 You also heard Detective Smith tell you that
7 the defendant, the armed robber, Tra'vion Hampton,
8 was fumbling his hands inside his clothes. When you
9 fumble inside your clothes, maybe they're dryer,
10 maybe you just washed your hands, you're not as
11 likely to leave prints, you don't always leave
12 prints, and that's reasonable. Just remember, 700
13 to 800 transactions in a day. It's a lot of people
14 touching that counter.

15 And the defense wants to make a big deal about
16 the fact that Detective Smith only focused his
17 investigation on the counter. He's been doing this
18 for over ten years. He knows when he watches a
19 video of an armed robbery where he needs to focus
20 his investigation. He knows exactly what he's
21 doing. The area that the armed robber, Tra'vion
22 Hampton, jumped over was the counter.

23 Why would you test a door handle when you see
24 the armed robber, Tra'vion Hampton, put his hands
25 inside of his T-shirt and pull the door open? There

1 are going to be no prints on that.

2 Why would you test the glass of the door when
3 you see that he uses his forearm to push open the
4 door? Think about how many people go in and out of
5 that store on a daily basis. You're not going to
6 find easy prints; you're not going to find DNA.

7 And what about shoe prints? Well, there's no
8 mud anywhere in that store that the defense seems to
9 be focused on. Why are there no muddy footprints?
10 Well, I don't know. Chief Rebolj told you it was
11 very unlikely to get shoe prints or footprints from
12 grass. It's very unlikely to get shoe prints on a
13 counter that's been touched all the time.

14 Look at the tread of these soles. I don't even
15 know that that would leave a print on a counter, on
16 a slick surface. Remember 700 to 800 transactions a
17 day. That's reasonable. No shoe prints is
18 reasonable. It's to be expected in a highly
19 trafficked area.

20 We cannot produce things to you that do not
21 exist. We cannot pull things out of thin air or a
22 hat. We're not magicians; we're not David
23 Copperfield; we're not Harry Houdini.

24 But we can show you what we do have. We do
25 have a video, multiple angles from that store,

1 showing the armed robbery. We have two eyewitnesss
2 who saw this man, knew he was a customer, and told
3 you, without a doubt in their mind, that Tra'vion
4 Hampton, the defendant, is the armed robber. They
5 knew Tra'vion Hampton. That is what we have; that
6 is what we know.

7 Now, the defense also wants to make a big deal
8 about the fact that Detective Smith didn't find a
9 gun or the pants, the camo shirt or the black hat
10 during the execution of the search warrant at the
11 defendant's home. Isn't it reasonable to think he'd
12 be wearing those same clothes when he wasn't there?
13 It wasn't at home. Maybe he was wearing them. I
14 don't know.

15 Isn't it reasonable that he would have hidden
16 the gun somewhere else? I mean, would he keep the
17 gun at his mother's house, in a house that clearly
18 he lives in because we found his ID there? Isn't
19 that reasonable? Isn't it reasonable that he would
20 have the gun and the money with him? Ladies and
21 gentlemen, you keep your money close to you; you
22 keep your gun close to you as well. You don't just
23 leave it somewhere for people to find.

24 What do we have from his home? We have his
25 tennis shoes. You'll see them; you can touch them.

1 We have his tennis shoes. We know they're his.
2 They were found in his bedroom where his ID was.
3 And those are the same shoes that the robber was
4 wearing. Same black shoes, same black laces, same
5 orange or yellow sole.

6 Look at them. They're the exact same shoes
7 that the armed robber was wearing; the exact same
8 shoes that Tra'vion Hampton was wearing when he
9 jumped over that counter with a gun at the Tiger
10 Mart and demanded money from Sam.

11 And, again, the defense is going to try to
12 confuse you. They're going to try to distract you
13 from what we know in this case: That Tra'vion
14 Hampton robbed the Tiger Mart at gunpoint on August
15 23rd, 2019.

16 Now, the defense has tried to pose ridiculous
17 questions to these witnesses. But questions do not
18 mean that Tra'vion Hampton is not guilty, because
19 their questions have not been reasonable. They've
20 tried to confuse you by asking witnesses, was
21 Tra'vion Hampton in the store earlier that day? Why
22 does that matter? Why does it matter that he was in
23 the store earlier on August 23rd?

24 Don't you think if Ms. Dora and Sam saw
25 Tra'vion Hampton in the store, they would have told

1 law enforcement that; that they would have
2 remembered it? He'd been coming into that store
3 with his mother since 2006. They don't remember if
4 they saw him.

5 It doesn't matter if the defendant was in the
6 store earlier that day, because we know that the
7 defendant was the armed robber on August 23rd, 2019.
8 He was in that store with a gun, jumped over the
9 counter, and demanded money. It doesn't matter if
10 he was there earlier. He was there during the armed
11 robbery. He is the armed robber.

12 The defense has also tried to distract you by
13 asking about black pants or green pants. Sam told
14 you he was focused on the armed robber's face, not
15 the pants, his face. We can all see the video and
16 the pictures and know those pants are green. But
17 just because the pants are green doesn't change the
18 certainty of Ms. Dora or Sam. They knew this man
19 and knew his face.

20 You could look at me. You've seen me the last
21 few days. You might not remember what I was wearing
22 each and every day. I don't remember what I wore
23 yesterday. But you remember my face. If you saw me
24 in Wal-Mart tomorrow, you'd be able to recognize my
25 face as one of the prosecutors against Tra'vion

1 Hampton, but you might not remember what I was
2 wearing because you're focused on my face.

3 And the defense tried to discredit Ms. Dora's
4 identification of the defendant as the armed robber
5 by asking her how she eats a sandwich. Not really
6 sure how that matters, why that matters. I'm not
7 really sure how that's relevant. She told you she
8 didn't even get to eat that day. She was paying
9 attention to the armed robber. She saw what she
10 saw. She told you what she saw. And she told you
11 that she saw the defendant, Tra'vion Hampton, jump
12 over the counter with a gun and demand money out of
13 the register.

14 They wanted you to believe that Ms. Dora was so
15 busy that she couldn't possibly be paying attention
16 to what was going on. Watch the video. She's not
17 that busy. It was right before the store was about
18 to get busy. High school just let out. She wasn't
19 too busy to pay attention to the armed robber, the
20 defendant, who jumped over that counter with a gun
21 and demanded money. She saw the man's face. She
22 knew it was a customer. She knew him. It was
23 Tra'vion Hampton.

24 Now, there's a little bit of talk about how
25 Tra'vion Hampton turned himself in on September 3rd,

1 2019, and he was carrying a crutch. Not really sure
2 how that's relevant. But I imagine they're going to
3 try and tell you he couldn't possibly have committed
4 this armed robbery because he was injured, because
5 he was carrying a crutch on September 3rd of 2019
6 when he finally turned himself in to law enforcement
7 two weeks later.

8 A lot can happen in two weeks. We don't even
9 know if he was actually injured. For all we know,
10 he was faking it. For all we know, he could have
11 been faking it. But even if he were injured on
12 September 3rd, 2019, that doesn't mean he was too
13 injured to commit this robbery on August 23rd, 2019.

14 The defense also tried to suggest to you that
15 Rocky had some ill motive for giving Sam the name
16 Hampton because the defendant dated his cousin;
17 maybe was dating, is dating, I don't really know. I
18 don't think Rocky even knows. He certainly didn't
19 say that they broke up and it was a bad breakup. He
20 has no idea the status of that relationship. But
21 who cares? It's not relevant. Rocky knew who that
22 person was in that photograph. It was Hampton. He
23 is certain of it.

24 And Sam verified that the armed robber was
25 Tra'vion Hampton on his own. He looked on Facebook,

1 saw a picture of Tra'vion Hampton with his mother.
2 That's the armed robber. In the photo lineup,
3 Photo No. 2, that's the armed robber. In court
4 yesterday, the defendant, Tra'vion Hampton, sitting
5 at that table in the black shirt and blue mask
6 yesterday, that's the armed robber. He has never
7 wavered. He has always been positive that Tra'vion
8 Hampton was the armed robber on August 23rd, 2019.

9 Now, remember, all that we have to prove to you
10 are the elements of each crime beyond a reasonable
11 doubt. And we have to prove to you that the
12 defendant committed those crimes. We don't have to
13 prove to you his motive, why he did it, what he did
14 with the gun or the money. Maybe he's that bold;
15 maybe he's that stupid; maybe he's that desperate.
16 I don't know. We don't have to prove that to you.
17 I don't know. We don't have to prove that to you.

18 We just have to prove to you that the defendant
19 is the armed robber, and we have to prove this to
20 you beyond a reasonable doubt. Not all doubt, but
21 beyond a reasonable doubt. We must leave you firmly
22 convinced of the defendant's guilt. You don't have
23 to be like Ms. Dora and Sam; you don't have to be
24 100 percent certain, but you must be firmly
25 convinced.

1 And remember to use your common sense. What is
2 reasonable? Reasonable does not mean that you're
3 grasping at straws like the defense would like you
4 to do. Reasonable does not mean asking absurd
5 questions. Beyond a reasonable doubt.

6 And this is what we have to prove to you: The
7 defendant is charged with armed robbery. We must
8 prove to you beyond a reasonable doubt that the
9 defendant while armed with a deadly weapon -- he had
10 a gun, there's no question about it. Everyone saw
11 that gun. It was a black handgun. He had it
12 before, during, and after this crime. I submit to
13 you, a gun is a deadly weapon; that the defendant
14 did feloniously take from a person or his presence.

15 What does that mean? That means that he had no
16 right to take the money from the cash register. He
17 was not an employee; he was a customer. He had no
18 right to be behind that counter. He took the money
19 from Sam. Sam gave it to him. Sam and Dora were
20 standing right there.

21 By means of force, threats, or intimidation
22 goods or monies. We know he took money and we know
23 he had a gun in his hand. Pointed that gun up high,
24 said, give me the money; give me the money.

25 Threats by intimidation, but also force. He's

1 violently jumping over that counter with that gun in
2 his hand, demanding that money.

3 And with the intent to deprive the owner of the
4 use of such property. He ran out of that store with
5 that 500 bucks, I believe Sam said it was; never
6 gave it back, obviously; never found it. He
7 intended to keep that money for himself. All
8 elements of armed robbery will be met -- have been
9 met beyond a reasonable doubt.

10 The defendant is also charged with possession
11 of a weapon during the commission of a violent
12 crime. We know he had a firearm, right there in
13 that picture. Before, during, and after, he had
14 that black gun. He pointed it up high and demanded
15 money.

16 And we certainly know that armed robbery is a
17 violent crime. You don't have to know the law to
18 know that it's violent. Just watch the video.
19 Watch how incredibly violent the defendant is on
20 August 23rd, 2019. Watch him jump over that counter
21 with that gun. Luckily, no one was harmed. Very
22 easily, someone could have been. No doubt that
23 armed robbery is a violent crime.

24 And you get to take into account the witness'
25 credibility. And part of that is the demeanor of

1 all of the witnesses immediately after the robbery,
2 during the robbery, and up on that witness stand.
3 Take into account how they acted; take into account
4 how sure they were. A hundred-percent positive.
5 How many times did you hear them say that, 100
6 percent positive, it's Tra'vion Hampton? It's
7 Tra'vion Hampton; it's Tra'vion Hampton. They knew
8 exactly who he was.

9 And they answered questions over and over and
10 over again. It was Tra'vion Hampton. He was a
11 customer; I knew him; I'm 100 percent positive that
12 Tra'vion Hampton was the person who robbed my store,
13 robbed our store, on August 23rd, 2019. They never
14 faltered; they never wavered. There's never been a
15 shadow of a doubt in either of their minds. It's
16 Tra'vion Hampton.

17 Think about Ms. Dora on that stand. She's not
18 here today. She's too scared to face the defendant
19 again. She faced him yesterday when she didn't want
20 to. She couldn't do it today, so she's at home
21 resting. But think about how emotional she was on
22 that stand.

23 Take into account her vulnerability; take into
24 account that she didn't want to come here, but she
25 did. She told you she almost quit her job. She

1 almost quit working for a wonderful family, the
2 Patels, because of Tra'vion Hampton's actions.

3 She told you that Angela made her watch those
4 videos. She didn't want to, but she did. She faced
5 her fears. She got up on that stand and she told
6 you what she saw. She told you that she saw the man
7 who she knew as a customer, who had been in the
8 store numerous times, who she had given a ride to,
9 who knew her nephew. She told you that Tra'vion
10 Hampton jumped over that counter with a gun and
11 demanded money on August 23rd, 2019. She was a
12 hundred-percent certain.

13 Also, take Sam's demeanor into account. Right
14 when law enforcement gets there, he knows he knows
15 this robber, this customer. He's scrolling his
16 phone, looking through Facebook, trying to find a
17 name. He knows he knows him. He knows he's a
18 customer.

19 He's always been very matter-of-fact, very
20 straightforward, very certain, 100-percent positive
21 that Tra'vion Hampton, the defendant, jumped over
22 the counter in his store on August 23rd, 2019, armed
23 with a gun and demanded money.

24 He knew that Tra'vion had been coming into his
25 store for years. He knew who that armed robber was.

1 He got a good look at his face. He wasn't wearing a
2 mask. He knew who that armed robber was. It was
3 Tra'vion Hampton. He's always been a
4 hundred-percent positive that it was Tra'vion
5 Hampton. When he looked on Facebook and saw
6 Tra'vion Hampton's photo, he knew Tra'vion Hampton
7 was the armed robber.

8 He knew, during the photo lineup the very next
9 day, that Tra'vion Hampton was the armed robber.
10 And he sat on that stand yesterday and told you,
11 100-percent positive, that Tra'vion Hampton, the
12 defendant, robbed my store at gunpoint on August
13 23rd, 2019.

14 Remember, this is a case of certainty.
15 100-percent positive; 100-percent certain. Despite
16 how quick the robbery was, despite how violent it
17 was, Sam and Ms. Dora know that Tra'vion Hampton was
18 there on August 23rd, 2019. We ask that you to find
19 him guilty of armed robbery and possession of a
20 weapon during a violent crime.

21 And before I retire, I ask that you take at
22 least one more look at the video and consider how
23 violent Tra'vion Hampton was at the Sunoco, the
24 Tiger Mart, on August 23rd, 2019.

25 We ask that you find him guilty of armed

1 robbery and possession of a weapon during the
2 commission of a violent crime.

3 THE COURT: Mr. Chehoski?

4 MR. CHEHOSKI: May I have a moment to get the
5 courtroom the way I like it?

6 THE COURT: Sure.

7 Let me ask: Mr. Foreman, do y'all need a break
8 or anything or are y'all okay?

9 MR. FOREMAN: We're good.

10 THE COURT: Okay. Give him just a few minutes
11 to get set up.

12 MR. CHEHOSKI: Good morning.

13 Tra'vion Hampton is not guilty of armed
14 robbery; Tra'vion Hampton is not guilty of
15 possession of a weapon during the commission of a
16 violent crime. That is the only just verdict in
17 this case. I ask you to find him not guilty.

18 In my opening, I challenged you -- or I
19 challenged that this case is more about what's
20 missing than what the State has. And why I said
21 that, and I certainly will address it, we actually
22 have reason to doubt what the State has actually
23 produced.

24 They have one piece of evidence to tie Tra'vion
25 Hampton to this crime: These shoes. Look at these

1 shoes. Notice that flap. The person wearing the
2 shoes would secure the laces with that flap.

3 Now look at State's Exhibit 4. His laces are
4 out. There's reason to believe that those Air
5 Jordans, the one piece of evidence that they have to
6 tie Tra'vion Hampton to this crime, are not those
7 shoes. If you agree, you now have a reason to find
8 Tra'vion Hampton not guilty.

9 I also want to talk to you a moment about
10 certainty. The State mentioned before, this is a
11 case about certainty, 100 percent. Ladies and
12 gentlemen, certainty is not accuracy. Just because
13 you're certain doesn't mean you're right. You are
14 all jurors with histories unique. But common to all
15 that, we've all had a discussion with someone who
16 was absolutely certain they were right, only to be
17 shown to be wrong. If we're honest, we've probably
18 been wrong ourselves when we've been absolutely
19 certain.

20 Personally, I remember having getting yelled at
21 by my father for something that seems funny now. He
22 was 100 percent that The Doors, the musical group,
23 Jim Morrison, sang Mr. Tambourine Man. Seems silly
24 now. Depending on who you ask, it's either The
25 Birds or Bob Dylan.

1 But I mention this because both Sam and
2 Ms. Dora are absolutely certain that Tra'vion
3 Hampton committed this robbery, yet we have shown
4 they were incorrect about the description. If they
5 were so intent on his face, as they claim, how did
6 they miss the sunglasses? If they're obviously
7 looking at the face, as they claim, how did they
8 miss that? I don't think it's because of malice; I
9 think it's a mistake. They were looking at the gun,
10 perhaps, more than they care to admit.

11 I think also, perhaps, because they were
12 looking at that gun and they focus on what is
13 natural, what is human is why we don't know -- we're
14 not sure -- they're not sure what color pants he was
15 wearing. That means we're left with a description
16 of a young, slender-build, black male. How many
17 people in Swansea fit that description?

18 It's understandable that they've made a
19 mistake. Given what they've been through, what
20 they're still going through, this is -- again, this
21 is not malice, it's just a mistake. But more so, as
22 the State would like to remind you, he's a regular
23 customer there, and they don't even know his name.

24 They could remember his order and, they told
25 you, he sometimes buys cigars. Well, as a good

1 business -- law-abiding business with good,
2 law-abiding employees, naturally, they would have
3 had to ask for his ID to verify that he's old enough
4 to buy those cigars. And upon seeing that ID, they
5 would have seen his name. They would have
6 remembered his name after all the times he comes in
7 here. Again, he's a regular customer. They don't
8 know his name.

9 It's not after until they show a picture, some
10 picture, we don't know, to another person who may or
11 may not have a bias because of a relationship with a
12 relative. We don't know. But it's only with that
13 information and scrolling through Facebook do we
14 actually come to get the name of Tra'vion Hampton.
15 I think the State needs to provide more.

16 But also, keep this in mind, that they
17 associated Tra'vion Hampton with a blue Toyota RAV4;
18 the same Toyota blue RAV4 that's driving around the
19 business right after the incident.

20 Now, law enforcement, they do their job. They
21 look into it; they pull the car over. And this car
22 that's associated with Tra'vion Hampton yields
23 nothing; no evidence that he's been in it, no
24 evidence that the occupants know him, nothing about
25 this car that Mr. Patel associates with Tra'vion

1 Hampton to actually tie into it. Again, not evil,
2 not malice; just a mistake, an honest human mistake
3 that we all have made.

4 Now, as promised, I do want to talk about
5 what's missing. And I think the State should have
6 provided some evidence to tie and corroborate this
7 crime, more than just shoes that are -- may or may
8 not -- probably not the same shoes that are in
9 State's Exhibit 4; probably not these shoes, given
10 the flap, given the laces. But this is evidence
11 that they look for.

12 They went into his house, kicked the door off
13 the hinges, turned it upside down, flipped beds,
14 looked in air ducts to find something. And if they
15 had found it, the State would be screaming from the
16 rooftops that they had it; that this is conclusive
17 evidence that Tra'vion is guilty. Now they're
18 saying just because they don't have it doesn't mean
19 he's not. Ladies and gentlemen, this is the 21st
20 century. This is evidence that could be available
21 to them, and they don't have it.

22 We talked about the gun. We all acknowledge
23 they don't have a gun. They looked for a gun. We
24 don't even know if it's a real gun. It was never
25 fired. Could have been a water gun, a pellet gun.

1 I don't know, something that looks like a gun. Do
2 they have a gun? Is there a gun in evidence?

3 How about the pants? Green pants? Green
4 pants? Black pants? They searched the house,
5 turned it upsidedown. Any pants in evidence? How
6 about a shirt? Camouflage shirt? That's what they
7 described it as. Do we have a camouflage shirt in
8 evidence? Zaxby's hat. Black hat, chicken on it.
9 The State didn't even do any investigation to
10 whether or not Tra'vion Hampton ever worked at
11 Zaxby's.

12 Is that what a complete and thorough
13 investigation looks like to maybe even prove that he
14 may have even had one of these hats or had access to
15 one? Do we have a hat in evidence? Money, 4- or
16 \$500 that was taken, that was missing. Did they
17 find any money at all? Is there any money in
18 evidence?

19 DNA. They swabbed for it; they looked for it.
20 They talked about 7- to 800 transactions a day. But
21 honestly, folks, how many transactions at that
22 register in between the time that the robbery
23 happened and the police swabbed for it? Do you
24 think 7-, 800? Do you think one? When their first
25 job is to secure the scene to preserve evidence?

1 They did their job; they looked for evidence;
2 they looked for DNA. Do we have any DNA? Do you
3 think if they had DNA to tie it to Mr. Hampton, we'd
4 know about it? Of course we would. They're
5 prosecutors. They know what their job is. Any
6 evidence is good evidence. This is not evidence.
7 There's no evidence of that.

8 How about the palmprint? They got a palmprint.
9 They swabbed for it; they lifted it. You heard
10 Investigator Smith talk to you about the oils, the
11 amino acids that goes into it. They lifted a
12 definitive, determinative palmprint, and they
13 checked it against Tra'vion Hampton. They compared
14 the two. Not a match; not inconclusive, not
15 insufficient for testing, not a match.

16 Again, how many transactions you think took
17 place at that register after the robbery, before the
18 police came? I think we know what the answer is to
19 that. Do you think, if they had the palmprint and
20 it matched to Tra'vion, we'd know about it?

21 Video from earlier. Mr. Hampton may or may not
22 have been in the store earlier that day. Would it
23 have been helpful to you, as a jury, as individual
24 jurors, to see that video, compare it? How about a
25 video from earlier, from a day before, two days

1 before, sometime we knew when he was there? The
2 police didn't even look for it; didn't even seek to
3 have it. Would that be helpful? Do they have it?

4 What about footprints? Again, focus the
5 attention on the counter. That makes sense. You're
6 not often going to see footprints on a counter. But
7 you heard testimony that it was raining that day.
8 You see the video; see him walking over bare ground.
9 That could leave a footprint. Did they even bother
10 to look? It would be one thing if they checked it
11 and they found nothing. Did they even bother to
12 look? No.

13 How about sunglasses? You saw in the picture,
14 clearly wearing sunglasses. Jurors -- witnesses
15 didn't say that because they probably weren't
16 looking at his face. But law enforcement had access
17 to that video. Law enforcement could see that there
18 were sunglasses there. Did they even bother to look
19 for that? Did they even know to look for that? Did
20 they even care to see if that might be something
21 that might be helpful?

22 Last one. You heard the State say that
23 Mr. Hampton came in on a crutch; suggested that he
24 may have faked an injury, suggested that he may have
25 been injured after. Did they even bother to check?

1 Call hospitals? Ask for authorization for medical
2 records? Anything along those lines?

3 Did they do any rudimentary investigation that
4 would definitively tie Tra'vion Hampton to this
5 crime? Or are they just relying on two people who
6 just went through a traumatic experience say they're
7 a hundred percent, who gave inaccurate descriptions?
8 Did they even bother to check if he was injured?
9 Because the person in that video is not limping.
10 Here comes a guy on a crutch. Can we show he's
11 lying? Can we show he's faking? Did they even
12 bother? Did they even try?

13 Ms. Martin said at the beginning that no case
14 is perfect. I agree with her, there is no case that
15 is perfect. But the State has the job; the State
16 has the burden. And these are things they could
17 have provided to you and didn't. And I think that
18 any attempt to excuse their absence for any
19 justification that they made is a request to you to
20 excuse them from the burden they carry.

21 Now, at the beginning of this case, y'all took
22 a solemn oath, and I want you to remember that oath.
23 You took an oath that includes holding the State to
24 their burden and to look at Tra'vion Hampton as an
25 innocent person.

1 He is an innocent person right now; he has been
2 this whole time. In the eyes of the law, he's
3 presumed innocent. And it's their job to prove to
4 you beyond a reasonable doubt that he's not. And if
5 you think that there's a real possibility that he
6 didn't do this, if you think that there's a real
7 possibility, after hearing the Judge's instructions
8 that he's not guilty, you owe it to your oath, you
9 owe it to this justice system, you owe it to
10 everybody in this courtroom, to find him not guilty.

11 And, each one of you, again, has unique
12 experiences and unique perspective; the common sense
13 that you carry, carry that into the jury room with
14 you. If you have questions, that's your time to ask
15 them; to demand an answer; to go -- to do something
16 just because you know it's right, even if people
17 disagree with you. As jurors, that's your right.
18 You have the right to have your voice heard.

19 I know this trial has not been very long, but I
20 cannot stress the importance to Mr. Hampton and to
21 the State. Think about it carefully. I'm about to
22 sit down, but I'm giving you an innocent person.
23 I'm putting Mr. Hampton's fate in your hands. I
24 trust, I implore you, to return him to me the same
25 way with verdicts of not guilty. Thank you.

1 THE COURT: Thank you, Mr. Chehoski.

2 All right. Mr. Foreman, I'm going to let you
3 go back to the jury room. There's going to be a
4 menu down there for y'all to circle for what you'd
5 like for lunch. I'll bring you back in shortly,
6 then I'll charge you on the law.

7 Let me remind you, there's no talking about
8 this case. No deliberations yet until I tell you
9 to. Okay? It won't be long. Thank you.

10 (The jury exits the courtroom at 10:30 AM.)

11 THE COURT: All right. Anything from the
12 State?

13 MS. MARTIN: Nothing, Your Honor.

14 THE COURT: Anything from the defense?

15 MR. CHEHOSKI: Does the State get to buy us
16 lunch, too? No. Nothing from defense, Your Honor.

17 THE COURT: Well, let me commend y'all. Thank
18 you for being prepared. Y'all -- both sides did
19 wonderful. Thank you. Makes my life a whole lot
20 easier when that happens.

21 (The jury enters the courtroom at 10:54 AM.)

22 THE COURT: All right. Mr. Foreman, are we
23 ready?

24 MR. FOREMAN: Yes, Your Honor.

25

1 THE COURT: All right.

2 Mr. Foreperson, ladies and gentlemen of the
3 jury, I'm now going to charge you on the law
4 applicable to this case. You must consider the
5 charge as a whole, and not focus on some portion of
6 it to the exclusion of others.

7 The indictments charge the defendant with armed
8 robbery and possession of a weapon during a violent
9 crime. I remind you that the fact that the
10 defendant was arrested, charged, and indicted in
11 this case is not evidence in this case and cannot be
12 considered by you as evidence of guilt in this case,
13 nor does it create any presumption or inference of
14 guilt.

15 These documents are simply the formal written
16 instruments which contain the charges made against
17 the defendant. These are the formal documents by
18 which this case is brought into this court.

19 The indictments in this case allege two
20 different offenses against the defendant. The
21 charges are: Indictment No. 1 is armed robbery, and
22 Indictment No. 2 is possession of a weapon during a
23 violent crime. Each of the indictments charge a
24 separate and distinct offense. You must decide each
25 indictment separately on the evidence and the law

1 applicable to it, uninfluenced by your decision to
2 any other indictment.

3 A defendant may be convicted or acquitted on
4 any or all of the offenses charged. You will be
5 asked to write a separate verdict of guilty or not
6 guilty for each indictment.

7 The defendant has pled not guilty to these
8 indictments, and that plea puts the burden on the
9 State to prove the defendant guilty. A person
10 charged with committing a criminal offense in South
11 Carolina is never required to prove himself
12 innocent.

13 I charge you that this is an important rule of
14 law; that a defendant in a criminal trial, no matter
15 what the seriousness of the crime charged, will
16 always be presumed to be innocent of the crime for
17 which the indictment was issued, unless guilt has
18 been proven by evidence satisfying you of that guilt
19 beyond a reasonable doubt.

20 This presumption of innocence does not end when
21 you begin your deliberations, but it accompanies the
22 defendant throughout the trial unless you reach a
23 verdict of guilt based on evidence satisfying you of
24 that guilt beyond a reasonable doubt.

25 The presumption of innocence is like a robe of

1 righteousness placed about the shoulders of the
2 defendant which remains with the defendant unless it
3 has been stripped from the defendant by evidence
4 satisfying you of the defendant's guilt beyond a
5 reasonable doubt. The presumption of innocence is
6 not a mere legal theory; it is not just a legal
7 phrase. It is a substantial right to which every
8 defendant is entitled unless you, the jury, are
9 satisfied from the evidence of the defendant's guilt
10 beyond a reasonable doubt.

11 I instruct you and emphasize that the fact the
12 defendant did not testify is not a factor to be
13 considered by you in any way in your deliberation
14 and in your consideration on the question of the
15 guilt or the innocence of the defendant. It must
16 not be considered by you in any manner whatsoever.

17 A defendant has the constitutional right to
18 remain silent, and the assertion of this right must
19 not be considered by you in your deliberations. I
20 repeat, under your oath, you are to draw no
21 conclusion whatsoever from the fact that the
22 defendant in this case did not testify. The fact
23 the defendant did not testify should not even be
24 discussed in the jury room.

25 The burden of proof, as I have stated to you,

1 is on the State. A defendant is not required to
2 prove his or her innocence. The burden of proof
3 remains on the State to prove guilt beyond a
4 reasonable doubt.

5 The State has the burden of proving the
6 defendant guilty beyond a reasonable doubt. Some of
7 you may have served as jurors in civil cases where
8 you were told that it is only necessary to prove
9 that a fact is more likely true than not true, such
10 as the greater weight or preponderance of the
11 evidence.

12 In criminal cases -- and this is a criminal
13 case -- the State's proof must be more powerful than
14 that. It must be proof beyond a reasonable doubt.
15 Proof beyond a reasonable doubt is proof that leaves
16 you firmly convinced of the defendant's guilt.
17 There are very few things in this world that we know
18 with absolute certainty. And, in criminal cases,
19 the law does not require proof that overcomes every
20 possible doubt.

21 If, based on your consideration of the
22 evidence, you are firmly convinced that the
23 defendant is guilty of the crime charged, you must
24 find that defendant guilty. If, on the other hand,
25 you think there is a real possibility that the

1 defendant is not guilty, you must give the defendant
2 the benefit of the doubt and find him not guilty.

3 I remind you that during this trial, you and I
4 have had certain duties to perform. As the trial
5 judge, it is my responsibility to preside over the
6 trial of this case. And I also have the duty to
7 rule on admissibility of the evidence offered during
8 this trial. You are to consider only the competent
9 evidence before you.

10 If there was any testimony ordered stricken
11 from the record in this case during the trial, you
12 must disregard that testimony. I don't believe
13 there was any testimony that I ordered stricken.
14 You are to consider only the testimony which has
15 been presented from this witness stand, any exhibits
16 which have been made part of the record in this
17 case, and any stipulations of counsel.

18 I have the additional duty to charge you the
19 law applicable to this case. As the presiding
20 Judge, I am the sole judge of the law of this case,
21 and it is your duty as jurors to accept and apply
22 the law as I now state it to you.

23 If you already have any idea as to what the law
24 is or what the law ought to be and it does not agree
25 with what I now tell you the law is, you must

1 abandon this idea because you are sworn to accept
2 the law and apply the law exactly as I state it to
3 you.

4 In every case tried in this court before a
5 jury, the Judge becomes the sole and exclusive judge
6 of the facts in the case. A trial judge cannot
7 state, comment on, or make any statement to a trial
8 jury about the facts in a case.

9 Since you, the jury, are the sole judge of the
10 facts in this case, you are not to infer from what I
11 have said during this trial, in ruling upon the
12 admissibility of evidence or otherwise, or anything
13 that I say now during the course of this instruction
14 to you, that I have any opinion about the facts in
15 this case.

16 The law does not allow me to have an opinion
17 about the facts in this case. This is a matter
18 solely for you, the jury, to determine. As jurors,
19 it is your duty to determine the effect, value, and
20 weight of the evidence presented during this trial.

21 Now, there are two types of evidence which are
22 generally presented during a trial. There's direct
23 evidence and circumstantial evidence. Direct
24 evidence directly proves the existence of a fact and
25 does not require deduction. Circumstantial evidence

1 is a proof of a chain of facts and circumstances
2 indicating the existence of a fact.

3 Crimes may be proven by circumstantial
4 evidence. The law makes no distinction between the
5 weight or value to be given to either direct or
6 circumstantial evidence. However, to the extent the
7 State relies on circumstantial evidence, the
8 circumstances must be consistent with each other
9 and, when taken together, point conclusively to the
10 guilt of the accused beyond a reasonable doubt.

11 If these circumstances merely portray the
12 defendant's behavior as suspicious, the proof has
13 failed. The State has the burden of proving the
14 defendant guilty beyond a reasonable doubt. This
15 burden rests with the State, regardless of whether
16 the State relies on direct evidence, circumstantial
17 evidence, or some combination of the two.

18 You must also determine the credibility of the
19 witnesses who have testified in this case and the
20 evidence presented. Credibility simply means
21 believability. It becomes your duty as jurors to
22 analyze and to evaluate the witnesses and the
23 evidence and determine the credibility of the
24 witnesses and the evidence.

25 In determining the credibility of witnesses who

1 have testified, you may believe one witness over
2 several witnesses or several witnesses over one
3 witness; you may believe a part of the testimony of
4 a witness and reject the remaining part of that
5 testimony of that same witness; you may believe the
6 testimony of a witness in its entirety or reject the
7 testimony of a witness in its entirety; you may
8 consider whether any witness has exhibited to you
9 any interest, bias, prejudice, or other motive in
10 this case; you may also consider the appearance and
11 manner of a witness while on the witness stand.

12 In order to establish criminal liability,
13 criminal intent is required. For example, the
14 mental state required to be proven by the State for
15 a particular crime might be purpose, intent,
16 knowledge, recklessness, or criminal negligence.
17 Criminal intent must be proven by the State beyond a
18 reasonable doubt. Criminal intent is always a
19 matter that must be determined by the jury from the
20 circumstances surrounding the situation.

21 There is no way to prove intent to a
22 mathematical certainty. There is no way medical
23 science can dissect a person's brain and determine
24 what the person had in mind. So the law says that
25 criminal intent may be inferred from the

1 circumstances shown to have existed. This is how
2 you make a determination of whether or not the
3 element requiring intent was present.

4 It is not necessary to establish intent by
5 direct and positive evidence, but intent may be
6 established by inference in the same way as any
7 other fact, by taking into consideration the acts of
8 the parties and all the facts and circumstances of
9 the case.

10 Criminal intent is a mental state, a conscious
11 wrongdoing. It is up to you to determine what the
12 defendant intended to do based on the circumstances
13 shown to have existed. Criminal intent can arise
14 from an action or a failure to act; it may arise
15 from negligence, recklessness, or indifference to
16 duty or consequences that is considered by the law
17 to be the equivalent of criminal intent.

18 The defendant is charged with armed robbery.
19 In order to prove this offense, the State must first
20 prove beyond a reasonable doubt that the defendant
21 took personal property from a person or presence of
22 another person.

23 Property is in the presence of a person if it
24 is within the person's reach, inspection,
25 observation, or control so that the person could, if

1 not overcome with violence or prevented by fear,
2 keep possession of the property.

3 The State must also prove beyond a reasonable
4 doubt that the defendant carried the property away,
5 intending to permanently deprive the owner of the
6 property, and to keep the property for the
7 defendant's own use. The slightest removal of the
8 property or the complete possession of the property,
9 even for an instant by the defendant, is sufficient
10 to show a taking and carrying away of the property.
11 The taking and carrying away of the property must
12 have been done with violence or by putting the owner
13 of the property in fear of violence.

14 Finally, the State must prove beyond a
15 reasonable doubt that the defendant was armed with a
16 deadly weapon during the robbery. A deadly weapon
17 is any article, instrument, or substance which is
18 likely to cause death or great bodily harm. Whether
19 an instrument has been used as a deadly weapon
20 depends on the facts and circumstances of each case.

21 The following are examples of instruments which
22 may be deadly weapons: A pistol, a shotgun, a
23 rifle, a dirk, a dagger, a knife, a slingshot, metal
24 knuckles, a razor, gasoline, firebomb, lighter
25 fluid; a gun may be a deadly weapon even if it is

1 not operating.

2 The defendant is charged with possession of a
3 weapon during the commission of or attempt to commit
4 a violent crime. The State must prove beyond a
5 reasonable doubt that the defendant was in
6 possession of a firearm or visibly displayed what
7 appeared to be a firearm during the commission of a
8 violent crime.

9 A firearm means any machine gun, automatic
10 rifle, revolver, pistol, or any weapon which will is
11 designed to or may be readily converted to expel a
12 projectile.

13 In order to find the defendant guilty of
14 possession of a weapon during the commission of a
15 violent crime, you must first find the defendant
16 guilty of either committing a violent crime or
17 attempting to commit a violent crime. Armed robbery
18 is a violent crime. The State must prove beyond a
19 reasonable doubt that the weapon furthered,
20 advanced, or helped in the commission of the crime.

21 There are two possible verdicts for each charge
22 which you may find in this case. There is no
23 significance whatsoever in the order in which I
24 state these possible verdicts. It is simply that
25 one must be stated first.

1 Let me say something about your deliberations.
2 The genesis of our jury system is that it allows 12
3 good men and women from 12 different backgrounds,
4 life experiences, and perspectives to consider the
5 evidence, talk about it and, ultimately, reach a
6 verdict. We call them deliberations for a reason.
7 You are to consider the evidence in this case
8 carefully and deliberately, and discuss it in a
9 calm, thorough, and courteous manner.

10 Remember, you are not partisans or advocates
11 for either side, favoring one side over the other.
12 You are judges; judges of the facts. Listen to the
13 views of all your fellow jurors. Consider other
14 people's points and points of view, and talk through
15 and discuss the evidence. And remember, if you were
16 doing something deliberately, you are not in a big
17 hurry. And you should not be in a hurry here.

18 This case is very important to both sides, and
19 this is their only day in court. Each of you must
20 decide the case for yourself, but you should do so
21 only after you have impartially considered all the
22 evidence, discussed it fully with the other jurors,
23 and listened to the views of your fellow jurors.

24 Do not be afraid to change your opinion if the
25 discussion persuades you that you should, but do not

1 come to a decision simply because other jurors think
2 it is right. It is important that you attempt to
3 reach a unanimous verdict, but only if each of you
4 can do so after having made your own decision.

5 Do not change an honest belief about the weight
6 and effect of evidence simply to reach a verdict.
7 In other words, do not change your opinion solely
8 for the sake of reaching a unanimous verdict.
9 Ladies and gentlemen, your verdict must be a
10 unanimous one.

11 Mr. Foreman, when the jury agrees on the
12 verdict, you will write the verdict on the verdict
13 form and sign your name as foreperson, then knock on
14 the jury room door and inform the bailiff that the
15 jury has reached a decision.

16 In the event, Mr. Foreman, that there is a
17 split in the vote, the Court does not, at any time,
18 want to be informed of the actual split by number in
19 the vote, if one exists. When you decide, at that
20 time, we'll receive you back into the courtroom.

21 I'm going to ask you now to return to your jury
22 room, but do not begin deliberation s until you are
23 told by the clerk or bailiff to do so. There's some
24 matters that I need to talk with the lawyers about
25 before you start your deliberations. Also, we will

1 bring you the exhibits in this case.

2 Mr. Foreman, I'm going to tell you, all jurors
3 must be present when you're deliberating. If
4 somebody steps out to go to the restroom, y'all need
5 to wait until they come back. Everybody must be
6 present.

7 The bailiff, like I said, will gather all the
8 evidence, and he will tell you when to start
9 deliberating.

10 If you have any questions, Mr. Foreman, or if
11 the jury has any questions, then I'd ask that you
12 knock on the door. The bailiff will give you pen
13 and paper, and write me a note.

14 There is also a video in this case.

15 Let me ask the lawyers, do we have a blank
16 computer that we can go ahead and send the videos
17 back?

18 MS. MARTIN: Yes, ma'am. The court computer
19 here is -- there's nothing else on it.

20 THE COURT: Mr. Foreman, we're going to send
21 you back a computer, so if y'all want to watch the
22 video, you may do so. Okay?

23 MR. FOREMAN: All right.

24 THE COURT: Y'all have lunch coming.

25 I'll tell you, the alternates in this case do

1 not participate in deliberations, so I'm going to
2 ask you to wait out in the hall for me. I'll come
3 down and dismiss you.

4 But, with that said, I'm going to send you back
5 to your jury room. You do have lunch coming. Do
6 not begin your deliberations until we get all the
7 evidence down to the jury room and you're told to do
8 so. Okay?

9 THE FOREMAN: Yes, ma'am.

10 THE COURT: Thank you, Mr. Foreman.

11 Thank you, ladies and gentlemen.

12 (The jury exits the courtroom at 11:18 AM.)

13 (Court's Exhibit No. 2 marked for
14 identification.)

15 THE COURT: All right. Anything from the
16 State?

17 MS. MARTIN: Nothing, Your Honor.

18 THE COURT: Anything from the defense?

19 MR. CHEHOSKI: I think you slipped up when you
20 said genesis instead of genius of our justice
21 system. But, other than that, I have no objections.

22 THE COURT: I'm sorry. Sometimes we get up
23 here and it's just --

24 MR. CHEHOSKI: Like I said, I have no
25 objections.

1 THE COURT: Thank you. Okay.

2 I'm going to make a copy of the jury
3 instructions part of the Court's Exhibit, just to
4 let you know.

5 All right. If we can gather up all the
6 evidence, the computer, the tapes, and the verdict
7 form -- I've got the verdict form here.

8 (Jury begins deliberations at 11:26 AM.)

9 THE COURT: I'm told they have a verdict.
10 Y'all ready?

11 MS. MARTIN: Yes, ma'am.

12 THE COURT: There will be no outbursts in this
13 courtroom, or I'll have you taken out when the
14 verdict is read.

15 All right. Bring the jury in.

16 (The jury enters the courtroom at 1:53 PM.)

17 THE COURT: All right. Mr. Foreman, has the
18 jury reached a verdict?

19 MR. FOREMAN: Yes, Your Honor.

20 THE COURT: Could you hand it to the bailiff,
21 please?

22 Y'all can be seated.

23 Mr. Hampton, you can remain standing. I'm
24 going to get the clerk to read the verdict.

25 Again, I'm going to caution the gallery, there

1 will be no outbursts.

2 THE CLERK: 2019-GS-32-3725 and
3 2019-GS-32-3726, the State versus Tra'vion Hampton.
4 We, the jury, in the above-captioned case, on the
5 charge of armed robbery,
6 Indictment No. 2019-GS-32-3725, unanimously find
7 Tra'vion Hampton guilty.

8 We, the jury, in the above-captioned case, on
9 the charge of possession of a weapon during the
10 commission of a violent crime,
11 Indictment No. 2019-GS-32-3726, unanimously find
12 Tra'vion Hampton guilty.

13 It is so signed by the foreperson, and dated
14 December 9th, 2021.

15 Ladies and gentlemen of the jury, if these were
16 your verdicts and are still your verdicts, please
17 indicate by raising your right hand.

18 Thank you.

19 THE COURT: Let the record reflect everybody
20 raised their right hand.

21 Anybody want the jury polled?

22 MS. MARTIN: Not from the State, Your Honor.

23 MR. CHEHOSKI: Yes, Your Honor.

24 THE CLERK: When I call your juror number, if
25 you will, just raise your hand. I will ask you if

1 these were your verdicts and are they still your
2 verdicts. And I'll do that individually.

3 Juror No. 110, were these your verdicts and are
4 they still your verdicts?

5 THE JUROR: Yes.

6 THE COURT: Juror No. 65, were these your
7 verdicts and are they still your verdicts?

8 THE JUROR: Yes.

9 THE CLERK: Juror No. 177, were these your
10 verdicts and are they still your verdicts?

11 THE JUROR: Yes.

12 THE COURT: Juror No. 220, were these your
13 verdicts and are they still your verdicts?

14 THE JUROR: Yes.

15 THE CLERK: Juror No. 64, were these your
16 verdicts and are they still your verdicts?

17 THE JUROR: Yes.

18 THE CLERK: Juror No. 207, were these your
19 verdicts and are they still your verdicts?

20 THE JUROR: Yes, ma'am.

21 THE CLERK: Juror No. 21, were these your
22 verdicts and are they still your verdicts?

23 THE JUROR: Yes.

24 THE CLERK: Juror No. 1, were these your
25 verdicts and are they still your verdicts?

1 THE JUROR: Yes.

2 THE CLERK: Juror No. 113, were these your
3 verdicts and are they still your verdicts?

4 THE JUROR: Yes.

5 THE CLERK: Juror No. 164, were these your
6 verdicts and are they still your verdicts?

7 THE JUROR: Yes.

8 THE CLERK: Juror No. 147, were these your
9 verdicts and are they still your verdicts?

10 THE JUROR: Yes.

11 THE CLERK: And, Juror No. 148, were these your
12 verdicts and are they still your verdicts?

13 THE JUROR: Yes, ma'am.

14 THE CLERK: All jurors polled, Your Honor.

15 THE COURT: Thank you.

16 All right. Mr. Foreman, ladies and gentlemen,
17 thank you so much for your service. I'm going to
18 ask you to return to the jury room and I'm going to
19 be down in about two minutes. Okay? Just wait on
20 me. Thank you.

21 And, Mr. Foreman, can we have you just for a
22 second? I need you to sign some paperwork for us.

23 All right. I'm going to give the defense about
24 five minutes, and then we're going to proceed with
25 sentencing. Okay?

1 MR. CHEHOSKI: Yes, Your Honor.

2 MS. MARTIN: Yes, Your Honor.

3 THE COURT: I'm going to go down and talk to
4 the jury for a minute so I can release them or see
5 if they want to come up.

6 (Brief recess.)

7 THE COURT: I think we've got -- the bailiff is
8 bringing in the jury.

9 (The jury enters the courtroom at 2:09 PM.)

10 THE COURT: Mr. Chehoski, y'all ready?

11 MR. CHEHOSKI: Yes, Your Honor. At this point
12 in time, the defense moves for a new trial, renewing
13 all motions and objections indicated at the close of
14 evidence in the State's case and the defense case.

15 THE COURT: And those motions are denied and so
16 noted for the record.

17 Anything else, Mr. Chehoski?

18 MR. CHEHOSKI: Nothing until mitigation, Your
19 Honor.

20 THE COURT: All right. Ms. Martin, I'll be
21 glad to hear from you. Tell me about Mr. Hampton.

22 MS. MARTIN: Thank you, Your Honor. I will.
23 And I have also handed up sentencing sheets for both
24 counts.

25 Your Honor, as far as sentencing, the first

1 person I'd like you to hear from is Chief Rebolj,
2 who has kind of helped us a lot with this case since
3 the Chief of Swansea is no longer there. If you
4 would hear from him on sentencing, and then I would
5 like to address you.

6 THE COURT: Okay. Certainly.
7 Chief?

8 CHIEF REBOLJ: Your Honor, if I can make a
9 quick statement to the Court?

10 THE COURT: Yes, sir.

11 CHIEF REBOLJ: Due to the violent nature and
12 the boldness of this robbery, it's the State's
13 position the defendant poses a danger to the
14 community. Furthermore, it's the State's position
15 that a significant prison sentence would be -- send
16 a message to other would-be robbers that the
17 community and the Court will not accept this sort of
18 behavior.

19 Robberies in rural small towns is one of the
20 most dangerous and serious crimes we see. We'd ask
21 the Court to consider a substantial active prison
22 sentence in this case. Thank you, Your Honor.

23 THE COURT: Thank you, Chief.

24 MS. MARTIN: Thank you, Your Honor.

25 May it please the Court?

1 Your Honor, Sam says that he does not want to
2 address you on sentencing. He and I have met,
3 obviously, numerous times, and some of what I'm
4 going to tell you, he has asked me to express to
5 you. So I will get to that in just a moment.

6 Judge, there are jurors that are in here as
7 well, so we can let them know there's a huge
8 discretion in sentencing for armed robbery. There
9 is a mandatory minimum ten-year sentence, and it
10 goes all the way up to 30 years. So sentencing is
11 within those guidelines. And it is in your decision
12 today on that, obviously. There's the companion
13 charge as well that will be within the armed robbery
14 case, Your Honor.

15 Your Honor, on this case, I just have to tell
16 you that I don't think this is a case that deserves
17 the minimum sentence. There are several different
18 reasons why I say this. Mr. Hampton had wanted a
19 trial for some period of time, and that is his
20 absolute constitutional right. And we obliged him.
21 And a jury found that he has been guilty -- or he
22 has been found guilty of both of these charges.

23 Your Honor, I respectfully submit to the Court
24 that a minimum sentence is for someone who
25 acknowledges wrongdoing, and that a minimum sentence

1 is for someone who comes into court and pleads
2 guilty and asks for mercy. Your Honor, this is not
3 a minimum-case sentence [sic].

4 This case involved Tra'vion Hampton committing
5 this violent armed robbery on two people that had
6 watched him grow up. They knew him for years. They
7 have never, ever wavered on what they said. You
8 know, they knew him as a small boy. Ms. Dora had
9 known him longer, from working at the other store.

10 And the fact that he would choose to go in that
11 store and rob them is just -- it's horrendous. To
12 put those clerks -- well, one clerk and one owner
13 under that kind of stress, tension, anxiety, is
14 incomprehensible to me.

15 They had to live through the armed robbery,
16 then the pandemic hit. So now, here we are, two
17 years later, and they have to miss work, arrange
18 other workers -- that's Sam's store -- any time he
19 had to meet with me coming from Swansea up here.
20 There were times that Kelly and I did go down there
21 just to help him out so we could wait in a back room
22 and work on the case so we could be with him.
23 That's something to consider, Judge.

24 Ms. Dora, obviously, you know, she told you
25 she's had a pacemaker for a long period of time.

1 The stress of the armed robbery itself put her down
2 for a while. And then here I am, I don't know, six,
3 eight months ago, calling her saying, okay, we need
4 to get ready for trial. It took me weeks to make
5 her watch the armed robbery video. It affected her
6 that deeply. She wasn't able to come today.

7 Last night, when she got home, she started
8 having some small seizures. She had to get some
9 doctors' care, and she just couldn't come. She
10 called us early this morning and said that she just
11 couldn't come. And it wasn't that she didn't care,
12 but she just couldn't be in the courtroom and was
13 worried about, as we had talked outside of the
14 presence of the jury, that her cell phone or
15 something was going to start going off because of
16 her pacemaker.

17 So, Your Honor, the fact that Mr. Hampton put
18 the stress on people he knew is just wrong.
19 Ms. Dora, last week, started with the nightmares
20 again that she had back in 2019 because of the trial
21 preparation, bringing it all back up.

22 As you know, Judge, I've been around a long
23 time. There are lots of different armed robberies.
24 There's different kinds of armed robberies where you
25 pretend you have a weapon or you have, as defense

1 counsel suggested, a water gun or a pellet gun and
2 you pretend it's a gun, or you just have something
3 in your pocket and act like it's a gun at stick-ups
4 in the bank.

5 We've seen -- all of us in this courtroom, the
6 attorneys, have seen those kind of robberies.
7 That's not what this robbery was. And that's
8 another reason Mr. Hampton doesn't deserve a minimum
9 sentence. I mean, this was a true armed robbery.
10 In your face, crawl across the counter in a
11 three-foot area, holding a gun on someone that you
12 knew with that firearm right there at them. So, you
13 know, it's an extremely violent armed robbery. It
14 is a true armed robbery.

15 Another reason Mr. Hampton shouldn't get a
16 minimum sentence is because he's been to court
17 before. Now, he's told us that he hasn't had a
18 trial before. I don't know that. I didn't research
19 that much into his background. But I do know he has
20 been in court.

21 He has a 2017 possession of cocaine and failure
22 to stop for a blue light where he ran from law
23 enforcement, probably because he had the cocaine in
24 the car. I don't know. He has another conviction
25 in 2018 for failure to stop for a blue light. So he

1 has convictions here in General Sessions, in big
2 court, where he has been convicted of crimes.

3 Your Honor, certainly, the sentence, whatever
4 it may be today, should punish him. He has been out
5 on bond for some period of time. And I do have
6 that, and I can give that to you at the appropriate
7 time.

8 But the message sent should be also to other
9 would-be armed robbers in the community -- thinking
10 about small towns who are understaffed, not a lot of
11 resources, not a lot of finances -- that feel like
12 they can dip into a convenience store, rob a cashier
13 who's not getting paid a whole lot of money, and get
14 out, beat it back out before law enforcement can
15 respond. That has been a problem in the small
16 municipalities here in Lexington County.

17 Your Honor, I'm not asking for a maximum
18 sentence. In my opinion, that's for the career
19 violent-crime offender. But Mr. Hampton is not
20 deserving of a ten-year sentence, Your Honor. The
21 State would be asking for 20 or 22 years.

22 Beg the Court's indulgence.

23 Mr. Sam said, you know, it was a financial
24 hardship on him to give up the time he had to be
25 with us this week and in trial prep. But he told me

1 he wanted to do this because of other
2 convenience-store people. You know, he wanted to
3 stand up; that he knows there are times things
4 aren't reported, either because they don't think law
5 enforcement will ever find the perpetrator or they
6 just choose to let it go.

7 But he wanted to stand up and, he said, do what
8 was right and follow through to the end and come to
9 court and testify and do whatever he could to make
10 sure that Mr. Hampton would be punished for what he
11 put Ms. Dora through.

12 But it's not just Ms. Dora. It's her family;
13 her husband who had to follow her home that night
14 because she couldn't really drive, but didn't want
15 to leave her car there; it's her kids. It's Sam's
16 family; his mama who was in the back cooking and
17 heard something and ran out; and his dad, who also
18 had to help look at the video. And his dad had been
19 robbed and actually shot in Orangeburg at a
20 convenience store down there. So it's just --

21 And I know Mr. Hampton has a family. He's had
22 family with him this week. And I feel sorry for
23 them. You know, it's not their fault, but it's
24 Mr. Hampton's fault. It's nobody's fault that we
25 are here today but for him. And he has to be

1 punished.

2 Thank you, Your Honor.

3 THE COURT: Thank you, Ms. Martin.

4 Mr. Chehoski, Ms. Horsley, be glad to hear from
5 you.

6 MR. CHEHOSKI: Thank you, Your Honor. We are
7 asking the Court to consider a sentence under the 20
8 years and closer to ten. We understand, again, that
9 Ms. Martin's view is not an unpopular view. It's
10 actually closely held that when you go to trial,
11 typically, sentences do tend to get heavier; not
12 because it's punishment for exercising his right,
13 but it's just often the way it is.

14 He's 22 years old, Your Honor. He completed
15 the 11th grade. He is accompanied in the courtroom
16 by his mother, April Hampton, and, I believe, his
17 girlfriend.

18 By my calculation, Your Honor, he has spent 191
19 days in jail. That includes the two days of this
20 trial that he's been in custody --

21 THE COURT: Is that for both charges?

22 MR. CHEHOSKI: Yes, Your Honor. That
23 includes -- I think it was roughly almost six months
24 before he initially made bond.

25 And you may remember earlier this year we were

1 in front of you regarding a bond recommitment issue
2 where the bonding company picked him up and never
3 filed the paperwork and held him in jail almost a
4 month without really letting us know why they had
5 done that.

6 He's skilled at carpentry work, Your Honor. He
7 is actually in the middle of two jobs. He tells me
8 that he -- as I said, he completed the 11th grade.
9 He left school because of financial conditions. He
10 is a caregiver for his mother, Your Honor.

11 While he's been out on bond, he has been
12 subject to the ankle monitoring as well. I know he
13 would like me to ask the Court to consider at least
14 some measure of additional time served for that,
15 given all that --

16 THE COURT: Was he on house arrest?

17 MR. CHEHOSKI: I believe so, Your Honor. Let
18 me check my --

19 THE COURT: Well, somebody tell me, because if
20 he was on house arrest and GPS monitoring, then
21 he -- I think it's in my discretion.

22 MS. MARTIN: It is in your discretion, Your
23 Honor. And I have actually tried to get, and am
24 waiting to get, the records to show he is -- in my
25 opinion and from what I know, he has not been

1 abiding by the house arrest, which is why his
2 bondsman recommitted him.

3 He was recommitted back in May of this year.
4 He was not doing right. We had a hearing, and I
5 think it was you that allowed him to come back out
6 and try again.

7 I have not checked on his behavior the last six
8 months. But if he'd been on house arrest, I think
9 there were times he would have been home when we
10 called or when we looked for him or tried to get him
11 to court.

12 MR. CHEHOSKI: Your Honor, a lot of the times,
13 his tardiness to court is for lack of
14 transportation. There are times when, frankly, he's
15 had to walk all the way from Swansea to here to get
16 to court. And, yes, he was supposed to be here at
17 9:00, and he shows up late morning or early
18 afternoon because of the travel.

19 You heard he has no prior felonies, Your Honor.
20 I know his mom wants to address the Court. I don't
21 know if Mr. Hampton wants to address --

22 THE DEFENDANT: I do.

23 MR. CHEHOSKI: Your Honor, we ask for mercy.
24 We're grateful there was no physical injury. We're
25 grateful that Mr. Patel and Ms. Woodman seem to be

1 doing better. I know this is a trauma. We've
2 never -- from the beginning of this trial, we've
3 acknowledged this is a trauma.

4 We're -- I mean, personally speaking, you know,
5 I -- it's never fun to have to cross-examine a
6 victim. You know, it's -- to meet people in the
7 community this way is less than ideal. They're
8 both -- the time we got to spend with them on the
9 stand in court on the record, they seem like genuine
10 people.

11 I don't wish them any harm. I hope I've been
12 and, we've been collectively, at least, obvious to
13 say that, you know, us -- that there is -- that we
14 don't hold any ill-will towards them.

15 But as attorneys with sworn oaths to uphold the
16 rights of our clients, we have to take this -- ask
17 the questions that we ask and state the positions we
18 state for the purpose of making sure that the State
19 upholds the Constitution and making sure Mr. Hampton
20 is protected. That's our job that we have to do.
21 And when we question the witnesses that we question,
22 we're doing so out of professional obligation.

23 Your Honor, again, based off his minimal prior
24 record, understanding that this is a violent case,
25 it is considered most serious under the two-strikes

1 rule; any sentence that you hand down, he'll have to
2 a serve at least 85 percent before he's eligible for
3 release. He will not be eligible for parole.

4 But, based on a minimal prior record, Your
5 Honor, we ask for a sentence substantially under
6 what's been requested by the State. Thank you.

7 THE COURT: Thank you, Mr. Chehoski.

8 And, for the record, let me tell you, I think
9 the lawyers in this case did a fantastic job. The
10 Court couldn't ask for any more professional or
11 ethical lawyers in this case. I think both sides
12 have done a wonderful job, and I want the record to
13 note it.

14 All right. Mr. Hampton, I'll hear from you
15 because, I'm going to tell you, I've got in my
16 hand -- they picked you up in May for a violation of
17 GPS and not checking in.

18 THE DEFENDANT: Yes, ma'am. I can explain that
19 situation. It was the fact of -- me and the ankle
20 monitoring people had a misunderstanding with,
21 basically, my location, where I was at. I was
22 telling them I was basically at my cousin's shop
23 working. I did automotive work -- I do automotive
24 work and also do carpentry. I have two or three
25 trades under my belt.

1 At that time, they was basically saying I was
2 supposed to be at my mom house. I was trying to
3 stay up there to help out with the bills and whatnot
4 because, basically, the money I was making, I was
5 sending back to her. They understood that. That's
6 the reason why she did not come to court, because it
7 basically pushed the fact of me getting revoked off
8 of my bond.

9 There was never nothing -- no miscommunication.
10 We had a communication and everything. It's the
11 fact of me not being where I needed to be. We
12 talked about that. And just the fact of, you know,
13 they had to kind of proceed with the procedure a
14 little bit because it was a misunderstanding with
15 the person who came and picked me up and Ms. -- the
16 lady who owned Bad -- Ms. Joyce.

17 Ms. Joyce owns Bad Boys. She was supposed to
18 came in that day, but she didn't. The whole time I
19 been out on bond, like, and been on this ankle
20 monitor, I should be able to show that I haven't
21 even got a parking ticket.

22 And the past record, as far as everything she
23 was saying about possessions and whatnot, that's
24 when I was young. My mother is a witness to that.
25 I did a lot of dumb things when I was younger. But

1 this, ma'am, this is something -- this is why I did
2 the trial route, because I honestly know where I
3 should be. Just kind of going with this, it's
4 just --

5 At the end of the day, I heard the verdict and
6 what they said. But even though I -- if I could do
7 it, I'd take the test to show my heart; like, if I
8 had anything to hide. You see what I'm saying? If
9 there was any way to show that, I would let that be
10 shown.

11 But I just ask the Court to please hear from my
12 mom, because she's the only person I have, and I
13 have to take care of her. She has Crohn's Disease,
14 brain aneurysm -- let's see -- fibromyalgia. She
15 just recently got beat up by her ex-boyfriend like
16 two or three months ago; got put in the hospital
17 behind it, and then she lost her car.

18 And just transportation, as far as that, Your
19 Honor, that's why we don't -- we didn't have a way
20 to get up here. If it wasn't for my girlfriend, my
21 mom wouldn't even be here right now. You know what
22 I'm saying? Like, I don't really have help, even
23 though we may have people who want to see me do
24 good.

25 But as far as me and my mama, she never raised

1 me to take from nobody. So doing this, I
2 understand, you could have thought that. We all
3 make honest mistakes. But at the end of the day, I
4 just pray, Your Honor, you have mercy on my soul,
5 because this is not the outcome I wanted.

6 I wanted to prove my innocence. But -- but I
7 ask Your Honor to have mercy on me, and hear what my
8 mom has to say.

9 THE COURT: All right. I'll be glad to.

10 If you want to come up to the microphone, I'll
11 be glad to hear from you.

12 DEFENDANT'S MOTHER: Your Honor, I stand before
13 you by the grace of God. I have cheated death seven
14 times. Like he said, I recently went through
15 domestic violence in August, put me in the hospital.
16 I have a host of medical problems. But he has been
17 the one that's been taking care of me.

18 If he hadn't been there, I don't know where I
19 would have been without him and God on my side.
20 There have been times that I couldn't even turn over
21 by myself without his help from being in so much
22 pain. I deal with pain daily, from head to toe.

23 I really do believe that this is mainly my
24 fault, because when I lost my daughter in '03, I
25 felt like I had to compensate for that and him

1 dealing with a sick parent. And he lost his father
2 that day, also.

3 I found my daughter that morning. His father
4 committed suicide the next morning in front of my
5 face with a .45. So we were shunned by both sides
6 of the family; his side and my side. So it was
7 really me and him.

8 And without me giving him the structure and
9 discipline that God asks us to give our kids, I
10 really failed my son. As in God tells us that we
11 supposed to chastise them to drive that foolishness
12 away from their heart, we don't love our children if
13 we don't chastise them.

14 But I've taken him to my brothers and I've
15 asked him, he's doing wrong, would you mind
16 chastising him for me? They tell me that's my job,
17 that's not their job. But if I'm not able to hold a
18 belt or to chastise him like he needs to be
19 chastised, then that's when I felt like they should
20 have stepped up. But I had no one in my corner. It
21 was just me and him.

22 I did try, I did, to compensate a lot; I did, I
23 did, to give him the life that I thought he deserved
24 to have as a young man and not just caring for his
25 mom, his sick mom, the whole time. I been sick ever

1 since 1998.

2 It took them two years to find out that I had
3 Crohn's Disease. It's not in my colon, so that's
4 what made it so hard for them to determine what it
5 was. Once they determined what it was, I went in
6 the hospital 110; within a week's time, I came out
7 310 pounds because steroids was the most invasive
8 form of treatment for Crohn's. I had to learn how
9 to walk all over again, everything. And he's all I
10 had. He's all I had. My daughter was there up
11 until the time she passed. She was a great help.

12 I taught both of them, at the age of 10, how to
13 cook, how to take care of themselves; just in case
14 something was to happen to me, they would be
15 sufficient and not a burden on anybody, you know,
16 how to take care of themselves. That's why I strive
17 to keep my house that I had, even though I had to go
18 out sick, paint houses, cut people's grass, because
19 I was too sick for my doctors to say that I could
20 work.

21 They wouldn't sign for me to go back to work;
22 they told me I would never work a day again in my
23 life, because with Crohn's, when you get upset --
24 that's why I been trying to sit calm. With Crohn's,
25 when you get upset, it works worse. And I don't

1 want this to put me back in the hospital.

2 I've had two surgeries since June. And now
3 that this has come down, I'm not going to be able to
4 have my third one because I'm not going to have
5 anybody there to help me get and do the things that
6 I need to do --

7 THE COURT: You understand he committed an
8 armed robbery?

9 DEFENDANT'S MOTHER: I understand that. I
10 understand that he was accused of it and he's --

11 THE COURT: I can't let him go.

12 DEFENDANT'S MOTHER: I know you can't let him
13 go. But I'm asking you not to sentence him to the
14 max. Just give him -- I know you have to sentence
15 him, but not a harsh sentence.

16 I mean, because if you -- y'all have determined
17 that he's done it. And my thing is, I know he has
18 to pay by law; some way, some form or fashion, he
19 has to pay. He has to do that because the law has
20 determined that he was guilty. He's been
21 determined -- found guilty.

22 I'm not asking -- I'm asking you. I'm throwing
23 myself on the mercy of the Court not to give him a
24 harsh sentence so that he can continually be there
25 for me. I don't know how I can have my third

1 surgery because they won't have the surgery -- won't
2 give me the surgery unless there's somebody in the
3 household that can be there 24 hours with me. So --

4 THE COURT: Okay. Well, this carries a minimum
5 of ten years. That's how serious the charge is.

6 DEFENDANT'S MOTHER: I understand. I
7 understand. And if I have to wait ten years to have
8 this surgery, then so be it; but not 20, not 15, not
9 30. I don't even know if my heart will hold up that
10 long, because I been cut from here all the way
11 around.

12 I mean, the gauze that you wrap your feet with,
13 the white gauze, that's just how deep the incision
14 was. You could stick a whole gauze in. I already
15 had to have him to help me to my bedside commode.
16 My bed is here; bedside commode is here
17 [demonstrating]. I still had to have help getting
18 up out the bed because I was in so much pain.

19 THE COURT: I understand.

20 DEFENDANT'S MOTHER: I understand you have a
21 job to do. The jury has done their part. But I'm
22 asking you to help me to help him be a better
23 person. Ten years, he has a long time to learn; he
24 has a long time to evaluate his life.

25 And, like she said, he's had scrapes with the

1 law. Yeah, running young and being stupid. We've
2 talked about this. Stuff that he didn't have to do
3 that he did, and things that I couldn't be on top of
4 him for because of my illness.

5 You know, I have an aneurysm in my head. I
6 have to get that checked out every six months. My
7 back, I have rheumatoid arthritis, degenerative
8 bones in the lower back and lower neck. There's
9 really a short list of what's not wrong with me than
10 what's wrong with me.

11 THE COURT: I understand.

12 DEFENDANT'S MOTHER: Fibromyalgia. You name
13 it -- I found out in June I have a hernia in my
14 throat, where the doctor usually have to go in every
15 six months and stretch my throat because it goes
16 closed. When I told him that I was having trouble
17 swallowing, no matter how much I chew, that the food
18 and stuff was hard to go down, they did the study,
19 and I got choked with them doing the study.

20 And she was like, oh, my God, you do have a
21 serious problem with swallowing. And I said, that's
22 why I went to the doctor.

23 THE COURT: I think I understand the position
24 that you're in, and I certainly will take it into
25 consideration.

1 DEFENDANT'S MOTHER: I hope you do. I'm not
2 just here to --

3 THE COURT: I know you're here as his mama, and
4 I understand that. I do. I do this all day long.
5 Trust me, I understand. I hate it for you.

6 I will tell you, don't blame yourself. It's
7 not your fault. It's not your fault at all.

8 DEFENDANT'S MOTHER: I have to own up to it in
9 order for me to ask God for forgiveness. Before I
10 can ask him for forgiveness, I have to first accept
11 my role in the wrong things I have done in bringing
12 him up.

13 THE COURT: I appreciate you coming and letting
14 me know that today. Thank you so much.

15 All right. Mr. Hampton, anything you want to
16 say before I sentence you?

17 THE DEFENDANT: Yes, Judge --

18 THE COURT: If you're going to talk, you need
19 to stand up.

20 THE DEFENDANT: Your Honor, I just want you to
21 understand to have mercy on me by any chance. I
22 would rather show than to say because this -- from
23 my previous record to this situation now, I haven't
24 gotten in no trouble at all. It's just me and my
25 mom.

1 We had that conversation when I was younger;
2 got through all the little trouble I did. I made a
3 promise to her I wasn't going to get in no more
4 trouble. And it's just --

5 THE COURT: All right. Well, I'm going to
6 take --

7 THE DEFENDANT: Have mercy on me.

8 THE COURT: I'm going to take this -- before I
9 sentence you, Mr. Hampton, this is a violent and is
10 a most-serious; it is a strike. One day, you will
11 get out. And if you get in trouble again, there's a
12 certain combination that can get you a life
13 sentence. Do you understand that?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: And this is -- the armed robbery is
16 an 85-percent charge. There is no parole. I want
17 to make sure you understand that also.

18 Is that a yes or a no?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: All right. Well, Mr. Hampton, let
21 me tell you this: I watched that videotape. It
22 didn't last 30 seconds. Less than 30 seconds of
23 your life, you committed an armed robbery.

24 You know, it goes back to choices, Mr. Hampton.
25 It's not your mama's fault. You know, you got to be

1 held accountable for your choices, and I think the
2 jury did so, rightfully.

3 Sentence of the Court on the possession of a
4 weapon during a violent crime, you are to be
5 committed to the state department of corrections;
6 that sentence is a five-year sentence. I'm going to
7 run that concurrent with the armed robbery.

8 Sentence of the Court is you be committed to
9 the state department of corrections for 18 years.
10 I'm going to give you credit for the 191 days. I
11 decline to give credit on the GPS, only because I
12 hold in my hand that he violated his bond
13 conditions, specifically, the GPS. If that's a
14 violation, I cannot give him credit for that time.
15 Other than that, I would have.

16 MR. CHEHOSKI: Thank you, Your Honor.

17 THE COURT: Thank you.

18 Good luck to you, Mr. Hampton.

19 -- END OF TRANSCRIPT OF RECORD --

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C E R T I F I C A T E

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

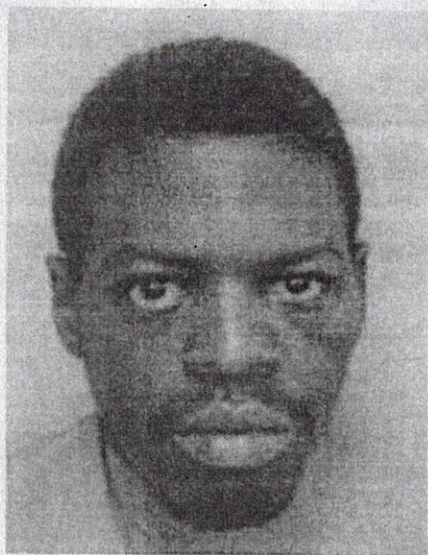
I, the undersigned, Bethanie K. Creppon, Circuit Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the trial of the captioned cause, relative to appeal in the Criminal Court for Lexington County, South Carolina, on the 7th - 9th of December, 2021.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

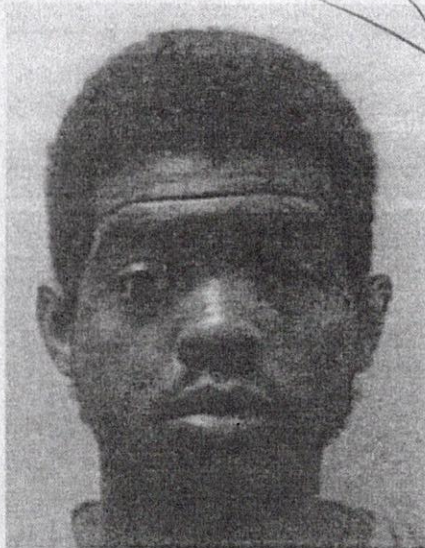
March 22, 2022

s/Bethanie K. Creppon

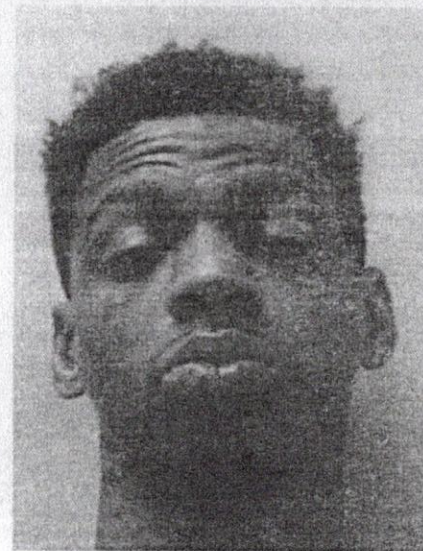
Bethanie K. Creppon
Circuit Court Reporter



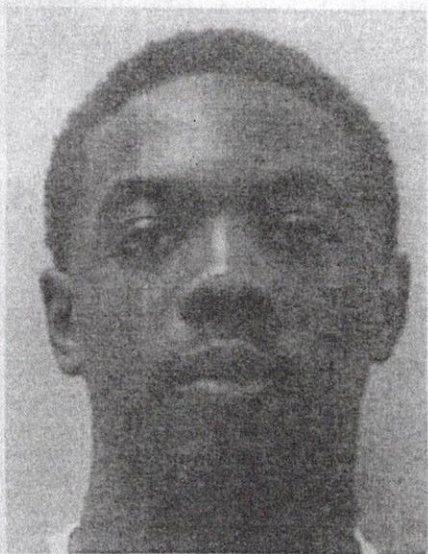
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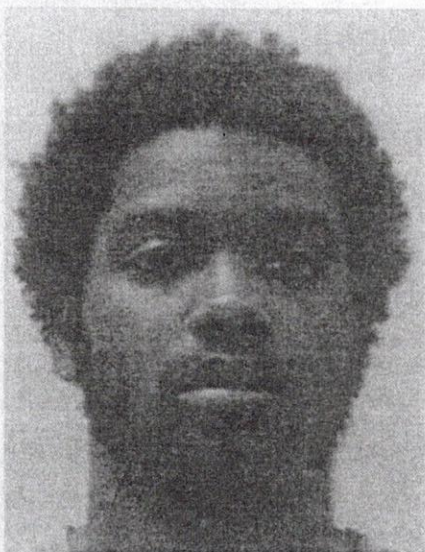
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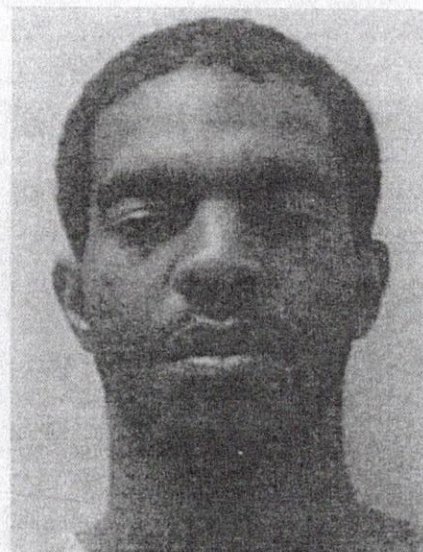
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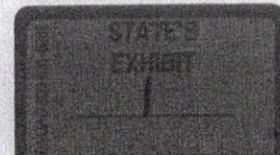
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STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Armed Robbery
§ 16-11-0330(A)

At a Court of General Sessions, convened in December 2019, the Grand Jurors of Lexington County present upon their oath:

That Tra'Vion Marquis Hampton did in Lexington County, South Carolina on or about August 23, 2019, knowingly and willfully while armed with a deadly weapon, a gun, did feloniously take from the person or presence of Sumit Patel, by means of force, threats or intimidation goods or monies being described as follows: cash with the intent to deprive the owner of the use of such property, in violation of Section 16-11-330 (A) of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SR. ASSISTANT SOLICITOR

WITNESSES

Swansea Police Department

Clifton F Hayes Jr

Law Enforcement Case #: 19000259

AGM

ARREST WARRANT NUMBER

2019A3221000108

ACTION OF GRAND JURY

TRUE BILL

Courtney Seely
Foreperson of Grand Jury
Date: 12-2-19

VERDICT

Guilty

Vernon Fountain
Foreperson of Petit Jury
Date: 12/9/21

DOCKET NO. 2019GS3203725

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

DECEMBER TERM 2019

THE STATE

vs.

Tra'Vion Marquis Hampton

CDR #: 0139

Indictment for

Armed Robbery

§ 16-11-0330(A)

S.R. Hubbard III, SOLICITOR

FILED

2021 DEC 10 AM 9:29

LISA M. COMER
CLERK OF COURT
LEXINGTON SC

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[Signature]
Lex. Co. C.C.C.P., G.S. & E.C.

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	Possession of Weapon during a Violent Crime
COUNTY OF LEXINGTON	)	
	)	§ 16-23-0490

At a Court of General Sessions, convened in December 2019, the Grand Jurors of Lexington County present upon their oath:

That **Tra'Vion Marquis Hampton** did in Lexington County, South Carolina on or about August 23, 2019, knowingly and willfully possess a firearm, or did visibly display what appeared to be a firearm during the commission of a violent crime or an attempt to commit a violent crime, to wit: Armed Robbery, such weapon described as a hand gun in violation of § 16-23-490 of the Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SR. ASSISTANT SOLICITOR

WITNESSES

Swansea Police Department

367
Clifton F Hayes Jr

Law Enforcement Case #: 19000259

AGM

ARREST WARRANT NUMBER

2019A3221000109

ACTION OF GRAND JURY

TRUE BILL

Carthay Seely
Foreperson of Grand Jury
Date: 12-2-19

VERDICT

Guilty

Vernon Fountain
Foreperson of Petit Jury
Date: 12/9/21

DOCKET NO. 2019GS3203726

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

DECEMBER TERM 2019

THE STATE

vs.

Tra'Vion Marquis Hampton

CDR #: 0549

Indictment for

Possession of Weapon during a Violent
Crime

§ 16-23-0490

S.R. Hubbard III, SOLICITOR

FILED

2021 DEC 10 AM 9:29

LISA M. COMER
CLERK OF COURT
LEXINGTON SC

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Lisa Comer
Lex. Co. C.C.C.P., G.S. & F.C.

10-301R

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

STATE

VS.

INDICTMENT/CASE#: 2019 - GS - 32 - 03725Tra'Vion Marquis Hampton

AKA:

AW#: 2019A3221000108Race: Black Sex: M Age: 22Date of Offense: 8/23/2019DOB: 1999 SS#: S.C. Code §: 16-11-0330(A)Address: Pine Plain RdCDR Code #: 0139City, State, Zip: Swansea, SC 29160-8851DL#* SID#

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weaponIn violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 18 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ 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.191 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

A TRUE COPY

Lex. Co. G.D.C.P. GS & FC.

LISA H. CONER
CLERK OF COURT
LEXINGTON SC

20 DEC 10 AM 9:29

FILED

STATE VS. Tra'Vion Marquis Hampton INDICTMENT/CASE#: 2019 - GS - 32 - 03725

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$100
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$25
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$125

Clerk of Court/Deputy Clerk: Lisa Bonerkin
Court Reporter: Choppan

Presiding Judge: Debra McCaslin
Judge Code: 2769
Sentence Date: 12/9/2021

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Lex. 16-CCCP-GS & FC

FILED
2021 DEC 10 AM 9:29
LISA M. CONE
CLERK OF COURT
LEXINGTON, SC

O-SYNS

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

STATE

VS.

Tra'Vion Marquis Hampton

AKA:

Race: Black Sex: M Age: 22DOB: 1999 SS#: Address: Pine Plain RdCity, State, Zip: Swansea, SC 29160-8851DL#* SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019 - GS - 32 - 03726AW#: 2019A3221000109Date of Offense: 8/23/2019S.C. Code §: 16-23-0490CDR Code #: 0549

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathIn violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 64062

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or 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.191 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

A TRUE COPY

[Signature]
Lex. Co. C.C.C.P., G.S. & F.C.2021 DEC 10 AM 9:28
JISA M. CONER
CLERK OF COURT
LEXINGTON SC

FILED

STATE VS. Tra'Vion Marquis Hampton INDICTMENT/CASE#: 2019 - GS - 32 - 03726

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%)	\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$100.00
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§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$125.00

Clerk of Court/Deputy Clerk: Lisa M. Coher
Court Reporter: B. CreppPresiding Judge: Debra McCaslin
Judge Code: 2769
Sentence Date: 12/9/21

A TRUE COPY

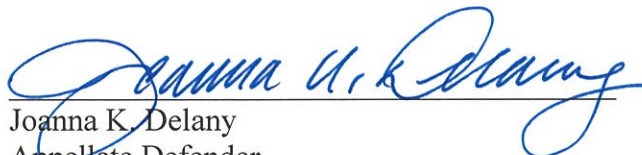
Lex. Co. C.C.C.P., G.S. & F.C.

CERTIFICATE OF COUNSEL FOR APPELLANT

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

RECEIVED**Jul 27 2022****SC Court of Appeals**

Respectfully Submitted,



Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 27th day of July, 2022.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Jul 27 2022

SC Court of Appeals

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TRA'VION MARQUIS HAMPTON,

APPELLANT

APPELLATE CASE NO. 2021-001508

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. Blich, Jr., Esquire, at the primary email address listed within the Attorney Information System (AIS), this 27th day of July, 2022.


Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT