

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Williamsburg County

Honorable R. Kirk Griffin, Circuit Court Judge

ROBERT LEE REDDOCK,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001321

APPENDIX

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**STATE’S EXHIBIT NO. 1 (VIDEO FROM VICKI’S STORE) IS ON FILE
WITH THIS COURT.**

BEFORE: The Honorable R. Ferrell Cothran, Judge; and a Jury

Robert Lee Reddock,
Defendant.

Mr. Virgil Barr, Esq.
Attorney for the Defendant.

Official Court Reporter,
Cynthia D. Weaver

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1 Monday, June 14, 2021

2 (WHEREUPON, the proceedings began at 10:20 a.m.)

3 VOIR DIRE FIRST PANEL

4 THE BAILIFF: Order in the court. All rise.

5 THE COURT: Y'all want to give me a list of
6 potential witnesses?

7 MR. ANDERSON: It should be up there.

8 THE COURT: Oh, I'm sorry. I got you.

9 Ladies and gentlemen, I'm going to ask you a
10 series of potential witnesses that may appear this week and
11 I need to know whether you're connected by blood or
12 marriage, close personal friends, or socially related to any
13 of these potential witnesses.

14 Juan Ballad.

15 Michael Dunmore.

16 Pamela Wrenn.

17 Louie Timmons.

18 Courtney McClorin.

19 William Thompson.

20 Jennifer Bartman.

21 Kimberly Spainhour.

22 And Vickie Hudson.

23 Anybody connected by blood or marriage, close
24 personal friends, or social relations with any of those
25 potential witnesses? If so, please stand.

1 (WHEREUPON, no response.)

2 THE COURT: Okay. I find that the panel is so
3 qualified.

4 Okay. Let me explain to you, because of COVID, we
5 are having to do things different. I'm going to need -- to
6 start the first trial in this case I'm going to need
7 approximately 35 jurors. You're the first of three panels
8 that are coming in today. Once I qualify all three panels,
9 I'll have the Clerk draw your names in the computer. The
10 computer will randomly pick 35 names. Those 35 names will
11 be back at 3:00 o'clock today so we can start the first
12 trial.

13 So do you want them to call back or are you going
14 to call them?

15 THE CLERK: If we can call them it will probably
16 be a little easier.

17 THE COURT: The Clerk will call you this afternoon
18 between 2:15 and 2:30 to be back at 3:00. So your numbers
19 on your card need to be active. If it's not, or you have
20 some cellphone or some other number you can be reached at,
21 if you don't -- you're going to call them all, right?

22 THE CLERK: Yes. They signed in when they first
23 came in, I have the phone numbers by their names.

24 THE COURT: Are you going to tell them to appear
25 or not to appear?

1 THE CLERK: Yes.

2 THE COURT: Okay. If you don't get a call by 3:00
3 o'clock, you need to either come or call us, okay?

4 And there will be a message to be here at 3:00 or
5 to call back at some later time this week, okay? Thank you
6 you're excused. Some of you will probably be back at 3:00.

7 (WHEREUPON, the jury panel exited the courtroom at
8 10:24 a.m.)

9 (WHEREUPON, there was a pause in the proceedings,
10 from 10:24 a.m. until 11:38 a.m.)

11 VOIR DIRE SECOND PANEL

12 THE COURT: Okay. I need to know -- I'm going to
13 read out a list of potential witnesses this week that may
14 come before the court. And I need to know if you're
15 connected by blood or marriage, close personal friends,
16 social relations with any of these potential witnesses.

17 Juan Ballad.

18 Michael Dunmore.

19 Pamela Wrenn.

20 Louie Timmons.

21 Courtney McClorin.

22 William Thompson.

23 Jennifer Bartman.

24 Kimberly Spainhour.

25 Vickie Hudson.

1 Anybody connected by blood or marriage, close
2 personal friends or social relationship with any of those
3 potential witnesses? If so, please stand.

4 Yes, ma'am.

5 JUROR: I'm friends with the majority of people on
6 that witness list.

7 THE COURT: Okay. And would that effect your --
8 the fact that they may be witnesses in this case, would that
9 effect your ability to be fair and impartial? What's your
10 number?

11 JUROR: 145.

12 THE COURT: All right. 145?

13 JUROR: Yes, sir.

14 THE COURT: I'm going to excuse you from serving
15 on this case. But you will still be on the panel for
16 another case. So I will -- there will be a message for you
17 to call back some other time this week, okay?

18 JUROR: Okay.

19 THE COURT: Any member of the jury panel close
20 personal friends, social relations with Robert Lee Reddock?

21 If so, please stand.

22 (WHEREUPON, no response.)

23 THE COURT: Okay. Now, here's how this is going
24 to work, I've got another panel coming in this afternoon.
25 We're going to pick 35 random names out of the three groups,

1 I had a group earlier, I had y'all, I have one more, those
2 35 people will have to be back at 3:00 o'clock today.

3 So the Clerk will contact you to be back this
4 afternoon. They'll call you between 2:00 and 3:00. So the
5 numbers you have given the Clerk need to be active, okay?
6 They'll either tell you to be back here at 3:00 or to call
7 back or to come back at some other time, okay?

8 So you're excused until you get that call and hope
9 that some of you will be back some at 3:00 o'clock.

10 (WHEREUPON, the panel exited the courtroom at
11 11:41 a.m.)

12 THE COURT: Is there anything that we need to do
13 now?

14 MR. ANDERSON: We can go ahead and put motions on
15 the record, Your Honor.

16 THE COURT: Okay.

17 MR. BARR: May it please the Court.

18 Your Honor, we have filed on behalf of my client,
19 Mr. Reddock, a motion to suppress. There is a video
20 security footage that the State intends to offer in this
21 case.

22 We believe that footage, Your Honor, is highly
23 prejudicial and unfairly prejudicial to Mr. Reddock because
24 there's no -- in viewing the video there's no identification
25 that can be made of the alleged perpetrator. We believe

1 that showing that video in front of the jury with, at the
2 minimum without any type of instruction, would unfairly
3 prejudice Mr. Reddock because he's the only on trial for
4 this crime.

5 Also, Your Honor, the store clerk that was
6 involved, which is I believe is a witness, in his statement
7 couldn't identify anyone other than saying he was a black
8 male. We believe this video, if allowed -- if the jury is
9 allowed to see it, unfairly prejudice Mr. Reddock, there's
10 no identification that can be made. The person in the video
11 is wearing a hat, wearing a mask that covers the majority of
12 their face. There are no tattoos or identifiable marks on
13 the arms, anything that could tie back to Mr. Reddock. But
14 we believe that showing that video to the jury would
15 actually lead them to infer that that is him and I believe
16 that lowers the bar for the State.

17 Now, that's our position and that's on the basis
18 of why we filed this motion.

19 THE COURT: Okay. Would the State like to
20 respond?

21 MR. BARR: And, Your Honor, we disagree.

22 The two cases he cited, Moore and Lewis, I believe
23 they are not applicable. Both of those cases deal with
24 improper show of identifications where a physical person was
25 brought to a witness and they're shown basically an improper

1 procedure like when you do a Biggers Hearing. They don't
2 deal with video and that's what we're here about.

3 This is a question about the weight of the
4 evidence. We agree that the video shows a person with a
5 mask, a hat, and gloves rob Vicki's store, but the State can
6 properly authenticate this video. There's absolutely no
7 right Mr. Reddock has to suppress this video. He doesn't
8 own Vicki's store. The Fourth Amendment Rights are personal
9 rights, Your Honor.

10 We just don't think that this motion flies
11 specifically because they haven't showcased how this
12 prejudicially. It proves the elements of what he's on trial
13 for. He's on trial for armed robbery and the video shows an
14 armed robbery taking place. It shows a person point a gun
15 at the cashier, get money about their person, and it shows
16 them wearing a distinctive bleach-stained shirt, which the
17 defendant is arrested on video on moments after the robbery
18 of the store. And that's going to be on the body camera.

19 THE COURT: Okay. And based on what's before me
20 now I'm going to overrule the objection. I think it goes
21 more to the weight, you know, than admissibility of the
22 video. Having said that, I haven't seen the video, but the
23 State assures me that it has more probative value than
24 prejudicial. That it proves the fact that an armed robbery
25 occurred. And they tell me, based on clothing in the video

1 the clothing that was allegedly on your client sometime
2 after, that it had some probative value the jury may
3 consider in making that determination.

4 So I'm going to overrule you at this point and
5 allow the video. Now, if something happens in the trial
6 that I don't know about and that's different from that, I'll
7 reconsider that, okay?

8 MR. BARR: Thank you, Your Honor.

9 MR. ANDERSON: Absolutely.

10 And, Your Honor, the State has a motion in limine
11 for compliance with State v. Terry, Rule 804(b)(3). The
12 defendant in this case made a Mirandized statement to law
13 enforcement shortly after he was arrested. The State's
14 opinion on this video is that it's self serving. He
15 describes himself as not being the person that robbed the
16 store. He says that he was just a person that was in the
17 car and that he drove the person away.

18 We don't plan on playing this case -- this
19 interview in part of our case in chief. What we would ask
20 the Court to do is limit or prevent the defense from asking
21 our witnesses questions designed to elicit responses about
22 this interview. If the defendant wants his own self-serving
23 statement in he'll then have to testify.

24 Of course, we understand if we open the door, it's
25 fair game. We also understand if we decide to play the

1 video, it's fair game, but at this time we don't plan on
2 playing it.

3 THE COURT: Okay. Yes, sir.

4 MR. BARR: Yes, sir. We disagree, Your Honor.

5 We take the position that under the rule that the
6 Solicitor has cited, the statements that my client gave
7 truly are and they truly do fit squarely under the rule for
8 the statement against interest. He admitted that he was
9 driving. He admitted that he took to the party away from
10 the scene, which clearly puts his propriety and pecuniary
11 interests at risk. We also -- we believe that those -- that
12 that fits clearly under the 804(b)(3) exception.

13 Also, we do agree with the Solicitor that if one
14 of his witnesses were to bring it up then we should be able
15 to allow to walk through that door. But, notwithstanding
16 that, it clearly fits into hearsay exception. He gave his
17 statement, he admitted that he was there, he admitted he
18 drove away the other party, which clearly makes him an
19 accomplice.

20 So that is squarely a statement against his
21 interest. And we believe that that is the exception that
22 should allow for us to be able to dive into that during the
23 course of the trial.

24 THE COURT: And you say the statement is against
25 his interest. In that statement did he admit that he --

1 that he knew the armed robbery had occurred and that an
2 armed robbery was going to occur and that he took the armed
3 robber away from the scene? Does he admit that in that
4 statement?

5 MR. BARR: In his statement that I'm looking at
6 right now, Your Honor, there's paraphrased part that says:
7 I drove away from the store and we traded up down the street
8 because he felt like I was driving too slow. And then
9 there's another part of the statement that we gave law
10 enforcement where he said: I'm guilty of being with him.
11 Those are clearly statements against his interest. Those
12 clearly fall in the 804(b)(3) exception.

13 MR. ANDERSON: Your Honor, in the statement he
14 flatly denies -- I'm sorry to interrupt Mr. Barr -- being
15 the person with the gun, being the person going in the
16 store. He says that he was riding to show the young man how
17 to do a robbery and that he was guilty of being with him, as
18 Mr. Barr said.

19 While it makes him an accomplice, we're not trying
20 him as an accomplice, we're tying him as the person who went
21 in the store.

22 THE COURT: Okay. Do y'all have a copy of the
23 statement I can read --

24 MR. ANDERSON: Yes.

25 THE COURT: -- before I rule?

1 MR. ANDERSON: We can run a copy for you.

2 THE COURT: Okay. And in that case, would you get
3 me a copy and let me look at it and then I'll tell y'all
4 prior to the start the trial how I'll rule on that.

5 MR. BARR: Yes, sir. The pages I'm citing from,
6 Your Honor, in the statement are Pages 12 and 13.

7 THE COURT: Okay. Anything else?

8 MR. ANDERSON: Just, Your Honor, this defendant
9 has been noticed for life. He has a prior qualifying
10 conviction. It was served on his attorney outside of the
11 ten days required by the statute.

12 THE COURT: Okay. All right. Anything -- when is
13 the next jury panel coming in, 2:00?

14 Anything between now and 2:00 on another case that
15 we need to deal with?

16 MR. ANDERSON: Your Honor, I know there are
17 several probation people here. I don't know if they would
18 like to deal with them.

19 THE COURT: We can deal with them.

20 MR. ANDERSON: And, Your Honor, can I run a copy
21 of that statement?

22 THE COURT: Sure.

23 (WHEREUPON, there was a break held from 11:50
24 until 2:24 p.m.)

25 VOIR DIRE THIRD PANEL

1 THE BAILIFF: All rise. Court is in session.

2 THE COURT: Thank you. be seated.

3 Ladies and gentlemen, because of COVID, we can
4 only have about 35 people at a time.

5 So the Clerk is going to randomly put all of your
6 names back in the computer, along with the other two groups
7 I did this morning, and pull out 35 names. And those people
8 need to stay with me if you're on that list. And the rest
9 of you can go home and call back tomorrow night.

10 When do you want them to call back, Solicitor?

11 MR. ANDERSON: Yes, please. Tomorrow after 5:00.

12 THE COURT: Okay. Tomorrow after 5:00. If you'll
13 just hang on a minute the Clerk is going to let this
14 computer pick.

15 MR. ANDERSON: May Mr. Barr and I approach?

16 THE COURT: Yes.

17 (WHEREUPON, there was a bench conference held.)

18 THE COURT: One more thing I need to run by y'all,
19 I need to know if any of you are connected by blood or
20 marriage or are close personal friends with any of these
21 potential witnesses.

22 Juan Ballard.

23 Michael Dunmore.

24 Pamela Wrenn.

25 Louie Timmons.

1 Courtney McClorin.

2 William Thompson.

3 Jennifer Bartman.

4 Kimberly Spainhour.

5 Vickie Hudson.

6 And Robert Lee Reddock.

7 Any member of the jury panel connected by blood or
8 marriage, close personal friends, social relations with any
9 of the potential witnesses? If so, please stand.

10 (WHEREUPON, there was no response.)

11 THE COURT: Okay. Thank you.

12 (WHEREUPON, there was a break held from 2:26 until
13 3:27 p.m.)

14 THE COURT: Do we have all the jury here?

15 THE BAILIFF: Yes, sir. They just walked in.

16 THE COURT: Okay. We are ready for the jury.

17 (WHEREUPON, the jury entered the courtroom at 3:30
18 p.m.)

19 THE COURT: Okay. Ladies and gentlemen, we don't
20 have but 29 here out of the 35. We are going to try to seat
21 a jury. And in the meantime I'm going to send the Sheriff
22 looking for those who didn't show up and bring them in here
23 and explain to me why they didn't show up.

24 So, Solicitor, you may call your case.

25 MR. ANDERSON: May it please the Court.

1 THE COURT: Yes, sir.

2 MR. ANDERSON: Your Honor, the State would call
3 Indictment Number 2019-GS-45-256, the State versus Robert
4 Lee Reddock. He's currently charged with armed robbery,
5 conspiracy, and possession of a weapon during a violent
6 crime.

7 THE COURT: Okay. Could you bring me a copy of
8 the paperwork?

9 All right. Ladies and gentlemen, if you will give
10 me your attention. We're about to begin the trial of the
11 State versus Robert Lee Reddock. Mr. Reddock is seated at
12 this table in this white shirt. Is there any member of the
13 jury panel connected by blood or marriage, close or personal
14 friends, social relations with Mr. Reddock?

15 If so, please stand.

16 (WHEREUPON, there was no response.)

17 THE COURT: I'm going to read out a list of
18 witnesses that I read out to you earlier and I need to know
19 the same information. If you are connected by blood or
20 marriage, close personal friends or social relations with
21 any of these potential witnesses.

22 Juan Ballard.

23 Michael Dunmore.

24 Pamela Wrenn.

25 Louie Timmons.

1 Courtney McClorin.

2 William Thompson.

3 Jennifer Bartman.

4 Kimberly Spainhour.

5 And Vickie Hudson.

6 Any member of the jury panel connected by blood or
7 marriage, close personal friends, or social relations with
8 any of those potential witnesses?

9 (WHEREUPON, there was no response.)

10 THE COURT: The State is being represented by
11 Warren Anderson. The defendant is represented by Mr. Barr.
12 Any member of the jury panel connected by blood or marriage,
13 close personal friends, social relations or been represented
14 by either two of these attorneys?

15 If so, please stand.

16 (WHEREUPON, there was no response.)

17 THE COURT: Any member of the jury panel formed or
18 expressed an opinion about any of the issues involved in
19 this case?

20 (WHEREUPON, there was no response.)

21 THE COURT: This is alleged armed robbery occurred
22 on or about July the 15th, 2019, at 5357 Thurgood Marshall
23 Highway in Kingstree.

24 Anybody know anything about this case at all?

25 (WHEREUPON, there was no response.)

1 THE COURT: Any member of the jury panel have any
2 bias or prejudice over the State of South Carolina or this
3 defendant?

4 If so, please stand.

5 (WHEREUPON, there was not response.)

6 THE COURT: Any member of the jury panel served on
7 the Grand Jury and heard this case?

8 If so, please stand.

9 (WHEREUPON, there was no response.)

10 THE COURT: Any member of the jury panel employed
11 or a spouse employed with law enforcement in this county?

12 If so, please stand.

13 (WHEREUPON, there was no response.)

14 THE COURT: Any member of the jury panel whose
15 religious or moral reasons unable to sit in judgment of your
16 fellow man?

17 (WHEREUPON, there was no response.)

18 THE COURT: Any member of the jury panel know any
19 reason whatsoever they can't give both the State and this
20 defendant a fair and impartial trial?

21 If so, please stand.

22 (WHEREUPON, there was no response.)

23 THE COURT: Any further questions from the State?

24 MR. ANDERSON: Your Honor, just that Ms. Ella
25 Alston is going to be trying this case with me and the

1 State.

2 THE COURT: Okay. Ms. Alston is also an attorney
3 representing the Solicitor's Office who will be
4 participating in this trial. Anybody connected by blood or
5 marriage or close personal friend of Ms. Ella Alston?

6 If so, please stand.

7 Yes, ma'am.

8 JUROR: Your Honor, we are in the same sorority,
9 the same chapter.

10 THE COURT: Okay. And how often do you see her?

11 JUROR: Monthly.

12 THE COURT: Okay. Then I will excuse you from
13 this -- what's your number?

14 JUROR: 65.

15 THE COURT: All right. You just hang with me a
16 minute, I'm going to set you aside for this trial, okay?

17 JUROR: Okay.

18 MR. ANDERSON: Any further questions from the
19 defense?

20 MR. BARR: Nothing further, Your Honor.

21 THE COURT: Okay. Madam Clerk, if you will get me
22 a jury, five and ten.

23 MADAM CLERK: 65 is taken out.

24 THE COURT: 65, yeah, she's out.

25 (WHEREUPON, there was a pause in the proceedings.)

1 MADAM CLERK: Juror Number 215, Tisha Singleton,
2 if you'll come forward and bring your belongings, please,
3 ma'am. Tisha Singleton. Come forward, Ms. Singleton, and
4 turn around and face the attorneys.

5 What says the State?

6 MR. ANDERSON: Please present Ms. Singleton.

7 MADAM CLERK: What says the defense?

8 MR. BARR: Please sit Ms. Singleton.

9 MADAM CLERK: Okay. Ms. Singleton, if you'll have
10 a seat in the jury box over here.

11 Juror Number 168, Tony Norris.

12 What says the State?

13 MR. ANDERSON: Please present this juror.

14 MADAM CLERK: What says the defense?

15 MR. BARR: Please strike Mr. Norris.

16 MADAM CLERK: Okay. You may return to your seat
17 Mr. Norris.

18 Juror Number 29, Jacqueline Brockington.

19 What says the State?

20 MR. ANDERSON: Please present Ms. Brockington.

21 MADAM CLERK: What says the defense?

22 MR. BARR: Please strike Ms. Brockington.

23 MADAM CLERK: You may return to your seat
24 Ms. Brockington.

25 Juror Number 119, Tionna Lewis.

1 What says the State?

2 MR. ANDERSON: Please present Ms. Lewis.

3 MADAM CLERK: What says the defense?

4 MR. BARR: Please sit Ms. Lewis.

5 MADAM CLERK: You may have a seat in the -- I'm
6 sorry, over here, Ms. Lewis.

7 Juror Number 64, Brian Floyd.

8 What says the State?

9 MR. ANDERSON: Please present Mr. Floyd.

10 MADAM CLERK: What says the defense?

11 MR. BARR: Please sit Mr. Floyd.

12 MADAM CLERK: You may have a seat in the jury box,
13 Mr. Floyd.

14 Juror Number 180, Bernard President.

15 What says the State?

16 MR. ANDERSON: Please present Mr. President.

17 MADAM CLERK: What says the defense?

18 MR. BARR: Please sit the juror.

19 MADAM CLERK: You can have a seat in the jury box,
20 Mr. President.

21 Juror Number 51, Breanna Cooper.

22 What says the State?

23 MR. ANDERSON: Please present Ms. Cooper.

24 MADAM CLERK: What says the defense?

25 MR. BARR: Please sit Ms. Cooper.

1 MADAM CLERK: You may have a seat in the jury box,
2 Ms. Cooper.

3 Juror Number 19, Susanna Blakely.

4 What says the State?

5 MR. ANDERSON: Please present Ms. Blakely.

6 MADAM CLERK: What says the defense?

7 MR. BARR: Please sit the juror.

8 MADAM CLERK: Okay. Have a seat in the jury box,
9 Ms. Blakely.

10 Juror Number 223, Bruce Strong.

11 What says the State?

12 MR. ANDERSON: Please present Mr. Strong.

13 MADAM CLERK: What says the defense?

14 MR. BARR: Madam Clerk, can you give me the juror
15 again?

16 MADAM CLERK: 223.

17 MR. BARR: Please strike the juror.

18 MADAM CLERK: You may return to your seat,
19 Mr. Strong.

20 Juror Number 46, Antonio Chandler.

21 What says the State?

22 MR. ANDERSON: Please present Mr. Chandler.

23 MADAM CLERK: What says the defense?

24 MR. BARR: Please sit Mr. Chandler.

25 MADAM CLERK: You may have a seat in the jury box,

1 Mr. Chandler.

2 Juror Number 171, Aleshia Parker.

3 What says the State?

4 MR. ANDERSON: Please present Ms. Parker.

5 MADAM CLERK: What says the defense?

6 MR. BARR: Please sit the juror.

7 MADAM CLERK: You may have a seat in the jury box,

8 Ms. Parker.

9 Juror Number 53, Jovan Cooper-Dollard.

10 What says the State?

11 MR. ANDERSON: Please present, Mr. Cooper-Dollard.

12 MADAM CLERK: What says the defense?

13 MR. BARR: Please sit Mr. Cooper-Dollard.

14 MADAM CLERK: You may have a seat in the jury box,

15 Mr. Dollard.

16 Juror Number 226, Chris Taylor.

17 What says the State?

18 MR. ANDERSON: Please present Mr. Taylor.

19 MADAM CLERK: What says the defense?

20 MR. BARR: Please strike Mr. Taylor.

21 MADAM CLERK: You may return to your seat,

22 Mr. Taylor.

23 Juror Number 86, George Griffin.

24 What says the State?

25 MR. ANDERSON: Please excuse Mr. Griffin from just

1 this case.

2 MADAM CLERK: You may return to your seat,
3 Mr. Griffin.

4 Juror Number 142, Leroy Miller?

5 What says the State?

6 MR. ANDERSON: Beg the Court's indulgence.

7 Please excuse Mr. Miller from just this case.

8 MADAM CLERK: You may return to your seat,
9 Mr. Miller.

10 Juror Number 13, John Barr.

11 What says the Sate?

12 MR. ANDERSON: Please present Mr. Barr.

13 MADAM CLERK: What says the defense?

14 MR. BARR: Please keep Mr. Barr.

15 MADAM CLERK: Have a seat in the jury box,
16 Mr. Barr.

17 Juror Number 11, Eric Barr.

18 What says the State?

19 MR. ANDERSON: Please present Mr. Barr.

20 MADAM CLERK: What says the defense?

21 MR. BARR: Please strike Mr. Barr.

22 MADAM CLERK: You may return to your seat,
23 Mr. Barr.

24 Juror Number 80, Stephen Glisson.

25 What says the State?

1 MR. ANDERSON: Please present Mr. Glisson.

2 MADAM CLERK: What says the defense?

3 MR. BARR: Please keep Mr. Glisson.

4 MADAM CLERK: Have a seat in the jury box,
5 Mr. Glisson.

6 Juror Number 238, Janay Washington.

7 What says the State?

8 MR. ANDERSON: Please present Ms. Washington.

9 MADAM CLERK: What says the defense?

10 MR. BARR: Please sit Ms. Washington.

11 MADAM CLERK: You may have a seat in the juror
12 box.

13 How many alternates?

14 THE COURT: Do y'all want one or two alternates?

15 MR. ANDERSON: At least one.

16 MR. BARR: I agree, Your Honor.

17 THE COURT: Okay.

18 MADAM CLERK: Juror Number 26, Carrie Brockington.

19 What says the State?

20 MR. ANDERSON: Please present Ms. Brockington.

21 MADAM CLERK: What says the defense?

22 MR. BARR: Please strike Ms. Brockington.

23 MADAM CLERK: You may return to your seat,
24 Ms. Brockington.

25 Juror Number 132, Abbie McDaniel.

1 What says the State?

2 MR. ANDERSON: Please present Ms. McDaniel.

3 MADAM CLERK: What says the defense?

4 MR. BARR: Please strike the juror.

5 MADAM CLERK: You may return to your seat.

6 Ms. McDaniel.

7 Juror Number 34, Coneet Brown.

8 What says the State?

9 MR. ANDERSON: Please present Ms. Brown.

10 MADAM CLERK: What says the defense?

11 MR. BARR: Please sit Ms. Brown.

12 MADAM CLERK: Have a seat in the juror box,

13 Ms. Brown.

14 THE COURT: All right. Any matter of law as it
15 pertains to the selection of the jury on behalf of the
16 State?

17 MR. ANDERSON: Nothing from the State, Your Honor.

18 THE COURT: On behalf of the defense?

19 MR. BARR: Not on behalf of the defense, Your
20 Honor.

21 THE COURT: All right. What do you want me to do
22 with the panel? Have them call back tomorrow at 5:00 or
23 what?

24 MR. ANDERSON: Yes, please, Your Honor.

25 THE COURT: Okay. Those of you that were not

1 selected to serve on this case you're excused and you need
2 to call the Clerk's office tomorrow after 5:00 and there
3 will be a recording to tell you when you need to report back
4 or to call back.

5 So you're excused just be sure you call back and
6 you keep calling until you get through. Thank you.

7 MADAM CLERK: Excuse me. For those of you all,
8 the Bailiff will give you a card like this. This is the
9 card with the number on it that you all will call back and
10 get that information from the recording, okay?

11 THE COURT: Okay.

12 MADAM CLERK: Thank you.

13 (WHEREUPON, the jury panel exited the courtroom at
14 3:51 p.m.)

15 MR. ANDERSON: Your Honor, based on the scheduling
16 we would like to start tomorrow morning.

17 THE COURT: Start everything tomorrow morning?

18 MR. ANDERSON: Start the trial of this case, yes.

19 THE COURT: Okay. Ladies and gentlemen, we're,
20 actually not going to start the testimony in the case until
21 in the morning at 9:30. You have been selected to serve as
22 the jury in this case and it's important that you be back at
23 9:30. I can't start until all 13 of you show up. If you
24 have an emergency tonight, then you've got to call the
25 Clerk's office or 911 or somebody and tell them this is an

1 emergency and you won't be here. If you don't, I can't
2 start until you get here.

3 So if one of you, two of you don't show up, I'm
4 going to send the Sheriff looking for you and bring you in,
5 so it's important that you be here.

6 You can't discuss this case with anyone or do any
7 research or don't Google anybody. Everything you know about
8 this case, you've got to learn in this courtroom. So it's
9 important that you keep an open mind. And both the State
10 and this defendant need a fair and impartial jury who's
11 going to listen to the facts in this case and reach a
12 verdict. And so it's really important that everything you
13 know about this case you learn in this room.

14 So don't do anything outside. And you can't even
15 talk to each other about the case. And I'll explain that to
16 you in the morning. I will see you back here at 9:30 in the
17 morning, okay?

18 When you come back, you won't come in here you'll
19 go to the jury room. And the jury room is right outside
20 that door and they'll show you. You'll go out that way
21 she'll show you where you have to come in the morning, okay.

22 So I will see all 13 of you in the morning.

23 (WHEREUPON, the jury exited the courtroom at 3:53
24 p.m.)

25 THE COURT: Okay. Anything else we need to do?

1 MR. ANDERSON: Your Honor, just to revisit my
2 motion in limine, how the Court rules on that may make me
3 make another pretrial motion.

4 THE COURT: Based on what I read in that statement
5 I think it's self-serving and it is not admissible. Now, if
6 the door gets opened, that will all change, but based on
7 what I saw, the defendant would have to take the stand.

8 MR. ANDERSON: Then I have no other motions.

9 THE COURT: Okay. Now, you understand that can
10 change what kind of door gets opened?

11 MR. ANDERSON: Absolutely. Based on the
12 testimony. And I'll instruct my office as such.

13 THE COURT: Okay. Anything else?

14 MR. BARR: That's it, that's your ruling, Your
15 Honor?

16 THE COURT: Yes, sir.

17 MR. BARR: Okay. Yes, sir, I just wanted to make
18 sure.

19 THE COURT: Okay. I just wanted y'all to know so
20 you can prepare.

21 MR. BARR: Okay.

22 THE COURT: All right. Anything else on this case
23 or any other case?

24 MR. ANDERSON: I believe that's it, Your Honor.

25 THE COURT: All right. I'll see y'all in the

1 morning.

2 (WHEREUPON, the proceedings adjourned for the day
3 at 3:55 p.m.)

4 Tuesday, June 15, 2021

5 (WHEREUPON, the proceedings resumed at 9:17 a.m.)

6 THE BAILIFF: All rise. Court is in session.

7 THE COURT: Okay. Are we ready to begin?

8 MR. ANDERSON: The State is ready, Your Honor.

9 MR. BARR: The defense is ready, Your Honor.

10 THE COURT: Is there anything we need to put on
11 the record before we bring the jury in?

12 MR. BARR: Yes, Your Honor. I just want to put on
13 the record that the State this morning made a plea offer of
14 22 years. I discussed it with my client and he decided to
15 decline that offer at this time, Your Honor.

16 THE COURT: Is that right, Mr. Reddock?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay. So you want to proceed with
19 going forward with the trial?

20 THE DEFENDANT: Yes, Your Honor, I would.

21 THE COURT: Okay. And you've talked to your
22 lawyer about that?

23 THE DEFENDANT: Yes, sir, I have.

24 THE COURT: And he can only give you advice but
25 you understand it's ultimately your decision. It's my

1 understanding that they served you with a life without the
2 possibility of parole notice?

3 THE DEFENDANT: Yes, sir, they did.

4 THE COURT: And, sir, you understand that if the
5 jury convicts you of these charges you're looking at life
6 without the possibility of parole?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: And you want to proceed with the
9 trial?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Okay. Thank you, sir.

12 All right. Anything else before we bring the jury
13 in?

14 MR. ANDERSON: The State is ready, Your Honor.

15 MR. BARR: Defense is ready, Your Honor.

16 THE COURT: All right. We'll bring me the jury.

17 (WHEREUPON, the jury entered the courtroom at 9:43
18 a.m.)

19 MADAM CLERK: If you all will stand and raise your
20 right hands, please.

21 You should well and truly try Case Number
22 2019-GS-45-256, State versus Robert Reddock and render a
23 true verdict according to the law and evidence, so help you
24 God. Please respond by saying I do.

25 THE JURY: I do.

1 MADAM CLERK: You may be seated. Thank you.

2 THE COURT: Ladies and gentlemen, we are about to
3 begin the trial of the State versus Robert Lee Reddock. And
4 Mr. Reddock is charged in an indictment with the charge of
5 armed robbery, possession of a weapon during the commission
6 of a violent crime, and criminal conspiracy. And to this
7 indictment he's entered a plea of not guilty. Therefore,
8 it's the burden of the State to prove each and every element
9 of this indictment to you beyond a reasonable doubt.

10 The defendant is not required to prove anything
11 the State has the obligation to prove the allegations in a
12 criminal case. And this indictment is not evidence in this
13 case, it's simply a formal paper that gets it in the court.

14 Your job as jurors is to determine what the facts
15 are in this case and you and only you can make that
16 determination. I'm not allowed to have an opinion about the
17 facts in this case. My job in this case is to rule upon the
18 admissibility of the evidence that you are to hear on that
19 ruling and charge you on the law. And I'm going to charge
20 you on the law of the elements of these crimes at the end of
21 the case.

22 Right now I'm just basically explaining to you how
23 this trial is going to go and what your obligations and
24 responsibilities are. And, as I've said, your job is to
25 find the facts in the case.

1 You will make that determination based on the
2 evidence that comes before you. And that evidence will come
3 in basically three forms. One is through sworn testimony.
4 Witnesses will come before you under oath and testify from
5 this witness stand.

6 The other way that you may receive evidence is
7 through documents and things that are in and used and I will
8 rule into evidence what the parties may introduce.

9 And the third way that you may receive evidence in
10 the case is through stipulations of the attorneys. And
11 sometimes in some cases there's a fact that both sides agree
12 on that this is a fact that we agree on, so they will
13 stipulate that fact. When they say, This fact is not in
14 dispute, we stipulate that. But basically that's how you're
15 going to receive the evidence in this case.

16 Now, the attorneys are going to get up and make an
17 opening statement to you. Those opening statements are not
18 evidence. They're simply going to get up and explain to you
19 what they think the evidence is going to show in this case
20 and tell you about what happened in this case.

21 The State goes first because they have the burden
22 of proof. The defendant doesn't have to prove anything, but
23 usually the defendant's counsel gets up and makes an opening
24 statement to you to tell you what they think the evidence is
25 going to show or not show in this case.

1 Then we will proceed with the trial. You will
2 hear testimony from witnesses. At the end of the trial,
3 these lawyers will get back in front of you and have closing
4 arguments. And they will argue to you what they think the
5 evidence showed or did not show in this case. Then I will
6 charge you on the law. And you have to accept that law as I
7 give it to you. Then you will go back in the jury room and
8 deliberate and reach your verdict in this case and that
9 verdict must be unanimous. All 12 of you must agree on the
10 verdict before we can bring that verdict back to this
11 courtroom.

12 Now, I'm going to tell you, you can't talk about
13 this case. You go home for lunch, you can't talk about it
14 with your family. And, you know, if you came home to talk
15 about it with your family either at lunch or tonight at
16 supper time, if they're anything like my family, they're
17 going to have an opinion as to what you ought to do and
18 should do. They haven't been here, you've got to decide
19 this case solely on what you hear in this courtroom and not
20 from anybody else's opinion.

21 So it's important that you not talk about it. And
22 I don't want you to do any research and I don't want you to
23 Google anybody, I don't want you to get on the internet, and
24 you can't even talk about this case among yourselves. When
25 we take a break and go back to your jury room, you're going

1 to want talk about what that first witness said or didn't
2 say. And the problem with that is at the end of the trial,
3 you're going to want to defend that opinion you had early on
4 with the trial to your fellow jurors. And I don't want you
5 to start sharing your opinions with each other until you've
6 heard all of the case, until you've heard all of the
7 evidence that's going to come before you, as well as the
8 charge of the law. And then, and only then, will it be
9 proper for you to start talking about the case and what you
10 think the facts are in this case, because that's your
11 responsibility, is to determine the facts in this case based
12 on the evidence that comes before you.

13 Now, I'm going to try to take a break every hour
14 or so. But I try not to break in the middle of a witness's
15 testimony, but sometimes that testimony is just simply too
16 long and we have to. Having said that, if any of y'all need
17 a break any time will be fine, just simply raise your hand,
18 because I need all of you to pay close attention. And if
19 you're uncomfortable for any reason, you can't pay
20 attention. So, if you need a restroom break or any other
21 kind of break, raise your hand and I'll stop the trial and
22 we'll take a break and we'll start back, so that's
23 important.

24 The State and the defense in this case are
25 entitled to fair, open minded, impartial jurors. And I want

1 you to listen close to the evidenced in this case. And
2 while you get it right, because if you make a mistake, it's
3 very had to correct that mistake. If I make a mistake, at
4 some other time and some other place, it will be reviewed
5 and corrected. But it's hard to correct -- because your job
6 is to determine what the facts are, my job is to determine
7 what the law is. And I have a -- there's a lot of Supreme
8 Court Justices who sit down and grade my decisions on the
9 law, but nobody grades you on the facts.

10 You are a cross section of this community and you
11 are here to determine what the facts are and it's important
12 that you pay close attention in determining what the facts
13 are in this case. And then you will discharge your duty to
14 both the State and this defendant and our system.

15 So pay close attention. We'll start with opening
16 statements.

17 MR. ANDERSON: May it please the Court.

18 THE COURT: Yes, sir.

19 MR. ANDERSON: Mr. Barr. Madam Clerk.

20 OPENING STATEMENTS ON BEHALF OF THE STATE

21 MR. ANDERSON: This is a case about choices. The
22 choices that people make. I want you to imagine for me a
23 person laying in their bed, it's the early morning hours,
24 it's quiet, they're getting rest. Then, they hear it, the
25 alarm clock going off in their ear. And they look over and

1 they see it there glaring at them, telling them they got to
2 get up, that they got to go to work. And they have a
3 choice. They can unplug that alarm clock. They could lose
4 their job and not go to work. That's not what they do,
5 though. They get up. They go to work. They make money.
6 They provide for their family. They take care of
7 themselves. They participate in society.

8 Imagine that same person, later in the day,
9 they're there and the hours are long and their boss is
10 riding them and things are backed up because of COVID, and
11 where is the door? It's right there. They could walk out
12 of it and go anywhere else in the world and do anything else
13 they want to do, but they don't. They stay there. They put
14 their nose to the grindstone and they provide for their
15 families. They work. They participate in society. That's
16 the kind of choices normal people make.

17 Those are not the kind of choices that have us
18 here this week. Those are not the kind of choices that
19 Robert Reddock made. He made the kind of choices that could
20 be charged with armed robbery, criminal conspiracy, and
21 possession of a weapon during a violent crime.

22 About nine miles from where y'all sit right now,
23 there's a little store called Vicki's, it's on Thurgood
24 Marshall Highway. And on July 15th, 2019, Robert Reddock,
25 walked in that store. That's the choice he made. He's got

1 a mask on, he's got a hat on, he's got a gun. He walks in
2 the store and he robs the clerk, Mr. Thompson. Points the
3 gun in his face. Gets all the money out of the register,
4 puts some in his pants, puts some of it in a little brown
5 bag. A little brown bag they put alcohol in to let people
6 walk out of the store with alcohol. And goes and gets in
7 the car and he's got a getaway driver and they zoom away.

8 Before I talk to you about how the State is going
9 to prove that that man with the mask is Robert Reddock, I
10 want to talk to you all about everybody's role in the
11 process, why we're all here this week.

12 I'm going to start with the prosecutor, which is
13 what I am. I'm Assistant Solicitor here in Williamsburg, my
14 name is Warren Anderson. I'm happy to be here. I'm happy
15 to try to meet the State's burden with y'all this week.

16 I want you to take a moment and forget everything
17 you think you know about what a prosecutor is and what a
18 prosecutor does. It is incredibly frustrating to have a job
19 that's covered on the nightly news and in Law and Order.
20 Invariably, the television prosecutor is like a robot, it's
21 programmed to say only way one word: Conviction,
22 conviction, conviction. That's not how it is in real life.
23 In real life my job is much simpler than that.

24 A crime is committed in this community. Law
25 enforcement goes out and investigates that crime. They

1 gather evidence, they interview witnesses, they take
2 exhibits, they take photographs. They assemble all of that
3 into a case file and then they give it to me. And then I
4 present that information to you in court.

5 My job is to prevent -- to try my best to show
6 what happened the day of the crime. To show you how the
7 crime was committed. Give you the full story, the good, the
8 bad, and the ugly. I'm not going to hide evidence from you.
9 I'm going to do my best to where you guys know what happened
10 out there at Vicki's store that day.

11 You may be wondering, Well, how much evidence is
12 enough? How much evidence does the State have to provide?
13 Well, the standard is beyond a reasonable doubt. I'll make
14 a note of caution, if I say something different than
15 Judge Cothran says about the law, you disregard what I say
16 and you listen to Judge Cothran. But I submit to you he's
17 going to tell you this about beyond a reasonable doubt.

18 Beyond a reasonable doubt means you've heard such
19 proof you will be firmly convinced of the defendant's guilt.
20 It means you've heard such proof where you will not hesitate
21 to act to find him guilty.

22 I like to point out to jurors, it's got the word
23 "reasonable" right there in the title. What does
24 "reasonable" mean? It means it makes sense. So I have to
25 get rid of doubts that make sense. It's not beyond any all

1 doubt, it's not beyond a shadow of a doubt, I don't have to
2 get into wild conspiracy theories, I don't have to present a
3 perfect case, because nothing in this world, the mortal
4 world, is perfect, and we all know that.

5 Now, why are all of you here? What's your role in
6 this process? I've covered what the prosecutor does, but
7 what are y'all here for? You may have noticed we took a
8 long time to picking y'all out. And that long time is
9 compounded by this Corona Virus precautions.

10 You may have noticed that Ms. Alston and I were
11 looking at our notes and whispering back and forth and
12 staring at you, it's not because we're nosy, it's not
13 because we like to be in other people's business. It's
14 because we wanted the best group of jurors possible, the
15 people with the most common sense and life experience to
16 hear this case. Because that's what's great about our
17 system is you don't need any specialized knowledge to make
18 your determination in this case.

19 You don't have to go to law school. You don't got
20 to go to the police academy. You need what's gotten you
21 here so far your common sense. You need to be able to judge
22 the credibility of witnesses. You're not here to punish
23 friends -- or you're not here to punish enemies, rather,
24 you're not here to help friends. You're here to hear this
25 evidence impartially.

1 And so what I'm going to ask you to do is remember
2 this, you had your common sense when you got up this
3 morning, it's sitting here in this jury box with you right
4 now. Y'all are going to walk past Ms. Scott a little bit
5 later and make a determination in this case, in the little
6 room back there. So when you are going to make your choice
7 in this case, remember, by common sense.

8 I'm not -- what I'm asking you is not bringing
9 outside things. The Judge kind of eluded that to you a
10 moment ago. He gives you the law, we're going to present
11 the facts to you. Please don't get hung up on something you
12 saw on Law and Order a couple of years ago. Please don't
13 get hung up on something you heard your cousin who's a
14 police officer say at a bar-b-cue. The Judge is going to
15 give you the law, you apply your common sense to the
16 evidence you hear, and you'll be in good stead and you'll
17 have served your duty.

18 So your duty is to hear the evidence. And as I
19 said, on July 15th, Mr. Reddock went into Vicki's store with
20 a gun, with a mask, and gloves. And he's wearing a shirt.
21 It's a dark in color shirt and it has a very distinctive
22 bleach pattern on one of the shoulders. He points the gun
23 at the clerk, and he robs him, and gets the money, gets in
24 the car with his getaway driver and they drive off.

25 The clerk gives the law enforcement the

1 description of the vehicle. And shortly thereafter
2 Officer Dunmore, with the Williamsburg County Sheriff's
3 Department, is behind that vehicle and a high speed chase
4 ensues. Tearing up the roads through Williamsburg County.
5 Driving through this community. At the end of that chase,
6 the car that Mr. Reddock is in wrecks and he and the getaway
7 driver run into the woods.

8 The officer jumps out of his patrol vehicle, he
9 chases him in the woods, this man who just robbed the store
10 with a gun. And you're going to see, or you're going to
11 hear rather, that he runs in the woods and he sees
12 Mr. Reddock, he tackles him, what's he wearing? A dark
13 color shirt with a distinct bleach stained pattern. What's
14 he have with him? A little brown bag full of money.

15 Ladies and gentlemen, often in trials the State
16 and the defense are arguing specifically about the mechanics
17 of what happened, because you're relying only on eye
18 witnesses. Because eye witnesses can misremember or two eye
19 witnesses say different things, they could be biased.

20 But in this week the vast majority of what I've
21 just described is on video. So you all are going to get to
22 be eye witnesses. You all are going to get to see what I
23 just described. And you all are going to get to decide for
24 yourselves.

25 Now, I submit to you at the end, after you viewed

1 all the evidence, when you go back up there make your
2 choice, there's only one choice that will make any sense,
3 it's a verdict of guilty.

4 THE COURT: Mr. Barr.

5 MR. BARR: May it please the Court.

6 THE COURT: Yes, sir.

7 OPENING STATEMENTS ON BEHALF OF THE DEFENDANT

8 MR. BARR: We don't know. The State doesn't know.
9 And I submit to you, members of the jury, by the time we
10 finish this trial you won't know. And what is it you won't
11 know? You won't know who was in that store.

12 Members of the jury, my name is William Barr. I
13 go by Virgil to my friends and family. I want to thank each
14 of you for serving today in the jury. I believe that other
15 than military service, jury duty is one of the most
16 important things you can do for your community. And the
17 reason why that is, is because, although flawed at
18 sometimes, our justice system is the best in the world.

19 It's the best in the world, because you are
20 presumed innocent. I'll say that again, you're presumed
21 innocent until the State proves your guilt beyond all
22 reasonable doubt. Not clear and convincing, not more likely
23 than not, all reasonable doubt.

24 Now, I didn't learn about reasonable doubt and
25 presumption of Innocence in law school. I actually learned

1 about it right out there on Highway 512 and Cade Road in the
2 tobacco fields of with my grandad. Because out there he
3 would ask you a question, and if you kind of stumbled with
4 your response, he would ask you more questions. And then at
5 some point he would look at you and he would say: Son, I
6 don't believe you, you haven't convinced me. It's no
7 different today, you have to be convinced beyond all doubt.

8 Now, you're going to see a video. You're going to
9 see a man with a mask, that's all you're going to see.
10 Beyond all doubt. You're also going to learn there's two
11 people involved. You're also going to learn there's going
12 to be some scientific evidence presented to you. You're
13 going to learn that scientific evidence is going to show
14 that two people were involved. But what you won't know is
15 that there's only one person here.

16 Now, I'm not going to try to play smoke and
17 mirrors with you, I'm going to be very direct. I'm going to
18 be very honest with you. Your job is take the facts, not
19 make the version of what the State is submitting to you fit
20 the facts, it's to evaluate them honestly and truthfully.

21 Each of you has your own set of life experiences.
22 Each of you has your own set of common sense. And all we're
23 asking is that you apply those experiences and your common
24 sense to what you see here today. Pay very close attention
25 to what the State puts in front of you. Pay very close

1 attention to what you're not hearing. And then at the end
2 of the trial apply all those, and apply the standard,
3 reasonable doubt, presumption of innocence. That
4 presumption of innocence stays with Mr. Reddock throughout
5 the entirety of this trial. And it cannot be removed unless
6 you are firmly convinced.

7 Now, I don't know about you, but I know what it
8 takes to make me convinced. I know I trust my eyes. I
9 trust my ears. I look at what people say and what they
10 don't say.

11 I thank y'all for your service. During the course
12 of the trial you may hear me raise some objections, you may
13 hear me ask some tough questions, it's because my job is to
14 represent Mr. Reddock.

15 Mr. Reddock is a family man. Mr. Reddock actually
16 enjoys gardening in his spare time. Mr. Reddock is a
17 landscaper. Mr. Reddock is here today because he wanted his
18 day in court. He wanted the opportunity for the State to
19 put on their case, to allow it to go before you, because at
20 the end of the trial, you will still not know.

21 Thank you.

22 MR. ANDERSON: Your Honor, we call William
23 Thompson.

24 THE COURT: Will you come around please, sir, and
25 place your left hand on the Bible and raise your right.

WILLIAM THOMPSON - DIRECT BY MR. ANDERSON

1 MADAM CLERK: Do you solemnly swear or affirm to
2 tell the truth, and nothing but the truth, so help you God?

3 THE WITNESS: I do.

4 MADAM CLERK: Okay. Step around to the witness
5 box.

6 WILLIAM THOMPSON, having been duly
7 sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. ANDERSON:

10 Q. Mr. Thompson, good morning.

11 A. Good morning.

12 Q. And please speak into that microphone. We want
13 make sure the jury can hear you good, okay? And no uh-huhs
14 and huh-uhs. We got to have verbal responses so the Court
15 Reporter can get you down, all right?

16 A. Yes, sir.

17 Q. All right. Mr. Thompson, where do you work?

18 A. I work at Vicki's.

19 Q. All right. Is Vicki's store in Williamsburg?

20 A. Yes, it is.

21 Q. Can you describe the store for us?

22 A. It's a little country store. It's got groceries,
23 and drinks, beverages, things like that.

24 Q. How long have you worked there?

25 A. Probably about five years now.

1 Q. All right. Did you work there back on July 15th
2 of 2019?

3 A. Yes, sir.

4 Q. Were you robbed that day?

5 A. Yes, sir.

6 Q. Do you remember that day well?

7 A. Pretty much. Yes, sir, I do.

8 Q. Can you tell us what happened?

9 A. I was sitting behind the counter. It was a little
10 slow that morning, so I was on my computer. A gentleman
11 walked in the store, come around the corner and had a gun
12 and put it in my face and told me to give him the money out
13 of the register.

14 Q. Can you give us a general description of the
15 person that robbed you?

16 A. Yes, sir. The person that came in, they had on a
17 hat, like a baseball-style cap. They had a face covering,
18 kind of like a spandex or nylon-type of material. A dark
19 shirt that had a distinct white or light patch on it, I
20 assumed it was bleach, and rubber gloves.

21 Q. You said rubber gloves?

22 A. Yes, sir. Those black latex-style gloves.

23 Q. Did he get any money from you?

24 A. Yes, sir. I opened the register, he reached
25 across and started grabbing the money out, put the ones

WILLIAM THOMPSON - DIRECT BY MR. ANDERSON

1 fives and tens on the counter, and took all the twenties and
2 put those in his pocket and told me to put the remaining
3 money in a bag, one of the little brown-like beer bags.

4 Q. So you put the money in the bag?

5 A. Yes, sir.

6 Q. And he took that from you in your presence?

7 A. Yes, sir.

8 Q. Can you describe the gun for us?

9 A. It was a silver -- it was just a big gun because
10 it was in my face.

11 Q. Do you remember how tall he was?

12 A. Probably over six feet, because I'm six-foot tall
13 and his head was right above -- we have a cigarette rack,
14 and I can just about touch it, and he was kind of leaning
15 over and he was still about that same height. So I figured
16 he was a little over six foot.

17 Q. And the person that robbed you say anything to you
18 while he was robbing you?

19 A. He just told me to give him the money.

20 Q. Do you remember how much money he got?

21 A. It was probably around 800 dollars or so.

22 Q. Okay. Does Vicki's store have a camera system?

23 A. Yes, sir.

24 Q. Are you familiar with it?

25 A. Yes, sir.

1 Q. Did this event we're just talking about get
2 recorded?

3 A. Yes, sir.

4 Q. Have you viewed the video of that tape?

5 A. I did.

6 Q. Did you generate a disk and give it to law
7 enforcement?

8 A. Yes, sir.

9 Q. All right. I'm going to approach you with what
10 has been premarked for identification purposes as State's
11 Exhibit 1. Will you look at this for me? Have you seen
12 that before.

13 A. I believe I have, yes, sir. This is the same type
14 of disk that we have in the store.

15 Q. All right. Is the contents of that disk a fair
16 and accurate representation of what happened during the
17 robbery?

18 A. Yes, sir.

19 MR. ANDERSON: At this time the state seeks to
20 move State's Exhibit Number 1 into evidence.

21 THE COURT: Any objection?

22 MR. BARR: I'll just renew our objections that we
23 made during pretrial, Your Honor, in regards to the video.

24 THE COURT: Okay. Then it is entered over the
25 objection of the defense.

WILLIAM THOMPSON - DIRECT BY MR. ANDERSON

1 (WHEREUPON, State's Exhibit Number 1 was moved
2 into evidence.)

3 MR. ANDERSON: Thank you. Permission to publish,
4 Your Honor?

5 THE COURT: Yes, sir. Are the monitors in front
6 of the jury working?

7 MR. ANDERSON: All of them but that one, those
8 jurors are going to watch that screen there.

9 THE COURT: Okay. If any of you can't see, you
10 let me know, okay?

11 (WHEREUPON, the video was played.)

12 BY MR. ANDERSON:

13 Q. Mr. Thompson, does this appear to be Vicki's
14 store?

15 A. Yes, sir.

16 Q. And is the date correct at the top?

17 A. Yes, sir.

18 Q. All right.

19 (WHEREUPON, the video was played.)

20 BY MR. ANDERSON:

21 Q. And I paused it here. Is that the distinct bleach
22 pattern you were talking about?

23 A. Yes, sir.

24 Q. Where my curser is?

25 A. Yes, sir.

1 Q. All right. So, Mr. Thompson, we saw the person
2 leave the camera frame, what happens after that?

3 A. He goes out and gets inside the car on the
4 passenger side.

5 Q. Tell us about the car.

6 A. It was a burgundy four-door Buick. It had a paper
7 tag on the back of it, but there was no numbers or letters
8 or anything on it.

9 Q. Did you see anybody in the car?

10 A. Yes, sir. I was the driver somewhat.

11 Q. There was a driver in the car?

12 A. Yes, he was in the car. He didn't have a mask on.

13 Q. Can you give us a general description of him?

14 A. He was a younger guy. He looked like he was very
15 scared, his eyes were -- he was looking around, I guess,
16 waiting on the gentleman to come out of the store.

17 Q. So the other guy was a young, scared guy?

18 A. Yes, sir.

19 Q. All right. And, again, he got money from you?

20 A. Yes, sir.

21 Q. He got in the passenger seat of the car?

22 A. Yes, sir.

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

24 BY MR. ANDERSON:

25 Q. About how far away was the person who robbed you

WILLIAM THOMPSON - CROSS BY MR. BARR

1 from you, I mean, you saw the video.

2 A. Probably, him, about a foot-and-a-half or so, and
3 the gun six to eight inches at some point.

4 Q. And you didn't know who robbed you?

5 A. No, sir.

6 Q. You just knew it was a guy with a bleach-stained
7 shirt?

8 A. Yes, sir.

9 Q. He had a hat on?

10 A. Yes, sir.

11 Q. And black gloves?

12 A. Yes, sir.

13 MR. ANDERSON: All right. I don't have any
14 further questions for this witness.

15 CROSS-EXAMINATION

16 BY MR. BARR:

17 Q. Good morning, Mr. Thompson?

18 A. Good morning.

19 Q. How are you doing today?

20 A. Fine. Thank you.

21 Q. As you said before, you've been working at Vicki's
22 for about, you said, five years, correct?

23 A. Yes, sir.

24 Q. And if I'm familiar, I guess, with Vicki's the
25 register is right to the left of the door; is that correct?

1 A. Yes.

2 Q. Okay. And you said that you were on your
3 computer, right?

4 A. Yes.

5 Q. And this happened probably all within, like what,
6 a minute?

7 A. Probably less than a minute.

8 Q. Less than a minute, okay. And you gave an initial
9 report or statement to the police?

10 A. Yes, sir.

11 Q. And you told them that it was a black male wearing
12 a mask with a hat?

13 A. Yes, sir.

14 Q. You didn't tell them that you could identify
15 anything, there was no identifying marks?

16 A. Not at phone, no, sir. I did when the
17 investigator came.

18 Q. Did you see any tattoos?

19 A. No, sir, I did not.

20 Q. Did you see a face?

21 A. No, I didn't, it was covered.

22 Q. It was covered.

23 A. It was covered all the way down.

24 Q. So I guess it's fair to assume that law
25 enforcement didn't ask you to participate in a lineup,

WILLIAM THOMPSON - CROSS BY MR. BARR

1 right?

2 A. No, sir.

3 Q. Because you couldn't identify the person anyway?

4 A. That's correct.

5 Q. Okay. Now, I want to talk about what you were
6 stating about the other person in the car.

7 A. Yes, sir.

8 Q. Was that also a black male?

9 A. Yes, sir.

10 Q. So there's two black males?

11 A. Yes, sir.

12 Q. Okay. Now, did law enforcement come back and ask
13 you to identify that person?

14 A. No, sir.

15 Q. But you said you clearly saw him?

16 A. Yes.

17 Q. And they never came back and said, Mr. Thompson,
18 we want you to identify this person?

19 A. No, sir. I mean, not in a lineup, no, sir.

20 Q. Okay. Now, you also said that -- I want to get
21 this correct -- that the person who robbed you said, Give me
22 the money, or some variation of that?

23 A. Yes, sir.

24 Q. Okay. And you said they were about a foot away
25 from you, right?

1 A. Yes, sir.

2 Q. So you clearly heard their voice?

3 A. Yes.

4 Q. Did law enforcement come back and ask you to
5 identify the voice? Did they bring you a recording of
6 voice?

7 A. No, sir.

8 Q. If they had brought you a recording of the voice,
9 do you think you would have been to identify it?

10 A. I really don't know.

11 Q. But he did say something to you?

12 A. Yes, sir.

13 Q. And law enforcement never asked you to identify
14 it; that's correct?

15 A. That's correct.

16 Q. All right. So I just want to make sure I
17 understand this, because there's a lot getting from them, we
18 just don't know?

19 A. Yes, sir.

20 Q. So you said what you saw was a black male, mask,
21 cap?

22 A. Yes, sir.

23 Q. That's correct.

24 Okay. You saw another black male in the car?

25 A. Yes, sir.

WILLIAM THOMPSON - REDIRECT BY MR. ANDERSON

1 Q. Okay. No one asked you to identify that person?

2 A. No, sir.

3 Q. So is it possible that it could have been somebody
4 else that robbed the store?

5 A. I presume it could be. Anything is possible.

6 Q. Okay.

7 MR. BARR: Be the Court's indulgence for a second.

8 BY MR. BARR:

9 Q. Now, Mr. Thompson, was there anyone else in the
10 store at the time of the robbery?

11 A. No, sir.

12 Q. It was just you?

13 A. Yes, sir.

14 Q. Okay. All right. No further questions.

15 MR. ANDERSON: Just briefly.

16 REDIRECT EXAMINATION

17 BY MR. ANDERSON:

18 Q. Does Mr. Reddock look like a young person to you?

19 A. I can't look at a person and believe that they're
20 a young person.

21 MR. BARR: Objection, Your Honor.

22 MR. ANDERSON: If he objects, I'll withdraw the
23 question.

24 THE COURT: Okay. Anything further?

25 MR. ANDERSON: Nothing further, Your Honor.

MICHAEL DUNMORE - DIRECT BY MR. ANDERSON

1 THE COURT: Thank you, sir. You can step down.

2 MR. ANDERSON: We will call Michael Dunmore, Your
3 Honor.

4 MADAM CLERK: Do you solemnly swear or affirm to
5 tell the truth and nothing but the truth, so help you God?

6 THE WITNESS: I do.

7 MADAM CLERK: Okay. Step around to the witness
8 box and state your full name for the record.

9 THE WITNESS: My name is Michael Edward Dunmore.

10 MICHAEL DUNMORE, having been duly sworn,
11 testified as follows:

12 DIRECT EXAMINATION

13 BY MR. ANDERSON:

14 Q. Officer Dunmore, good morning.

15 A. Good morning.

16 Q. Where do you work?

17 A. Williamsburg County Sheriff's Office.

18 Q. How long have you worked there?

19 A. About three years.

20 Q. All right. Did you respond to a call on July the
21 15th of 2019?

22 A. I did.

23 Q. It was in reference to a robbery?

24 A. It was.

25 Q. Did y'all get a description of the vehicle?

MICHAEL DUNMORE - DIRECT BY MR. ANDERSON

1 A. We did.

2 Q. All right. Tell me about your responding.

3 A. When the call came out, I was in Hemmingway, we
4 were given a description of the vehicle. It was a burgundy
5 Buick Century driven by -- well, occupied by two black
6 males.

7 Q. All right. And before I go into that, is Vicki's
8 store in Williamsburg County?

9 A. It is.

10 Q. All right. And now go back to -- you were in
11 Hemmingway when you went out toward Vicki's store?

12 A. Correct.

13 Q. All right. What happened next?

14 A. Upon entering Andrews Zip Code, I observed a
15 vehicle traveling at a high rate of speed, or what appeared
16 to be a high rate of speed, away from the Andrews area
17 towards Hemmingway on SC41, County Line Road.

18 THE COURT: Could you speak up a little bit? Talk
19 a little louder.

20 THE WITNESS: Given that vehicle that I observed
21 matched the description being a burgundy in color sedan,
22 occupied by two black males. I turned around -- just to
23 verify it was the vehicle in question. Upon getting behind
24 the vehicle, I observed that it did, in fact, have a
25 temporary tag. I gave the tag out to central dispatch and

1 activated my blue lights in an effort to conduct a traffic
2 stop to identify the persons in the vehicle, to which the
3 vehicle began to evade.

4 Q. When it began to evade, what do you mean?

5 A. They continued driving and accelerating away from
6 me.

7 Q. So a car chase started?

8 A. Yes.

9 Q. You cut the blue lights and siren on?

10 A. Yes.

11 Q. Tell us about the chase.

12 A. The chase continued down 41, which would be County
13 Line Road, like I said. The vehicle was traveling in and
14 out of traffic, you know, swerving through in and out of the
15 oncoming lane. Almost had a wreck at the intersection of 41
16 and Nesmith Road, that Exxon. They branched off to the
17 right onto 513, which is staying on County Line Road. And
18 then tried to make a left onto Henry Road. And proceeded to
19 be involved in a motor vehicle collision there.

20 Q. Can you give us an estimated speed during this
21 chase?

22 A. I, myself, got up to about 118.

23 Q. Okay. Is your patrol vehicle equipped with a
24 camera?

25 A. It was.

MICHAEL DUNMORE - DIRECT BY MR. ANDERSON

1 Q. Have you seen -- was it recording that day during
2 the chase?

3 A. It was.

4 Q. Does it cut on when you cut the sirens on?

5 A. Yes.

6 Q. All right. Have you viewed a disk of the chase?

7 A. I have.

8 Q. Is it a fair and accurate representation of what
9 you saw that day?

10 A. It is.

11 MR. ANDERSON: Madam Court Reporter, I'm sorry,
12 can you mark that as two and three? Thank you so much.

13 (WHEREUPON, State's Exhibit Numbers 2 and 3 marked
14 for identification.)

15 BY MR. ANDERSON:

16 Q. Officer Dunmore, I'm going to show you what's been
17 premarked for identification purposes as State's Exhibit 2,
18 will you take a look at this for me?

19 Have you viewed the contents of that disk?

20 A. I have.

21 Q. Are they a fair and accurate representation of the
22 chase?

23 A. They are.

24 Q. Recorded by your patrol vehicle?

25 A. Yes.

1 MR. ANDERSON: At this time the State seeks to
2 move State's Exhibit 2 into evidence.

3 THE COURT: What says the defense?

4 MR. BARR: No objection, Your Honor.

5 THE COURT: All right. It's in without objection.
6 (WHEREUPON, State's Exhibit Number 2 was moved
7 into evidence.)

8 MR. ANDERSON: Permission to publish?

9 THE COURT: Yes, sir.

10 MR. ANDERSON: I beg the Court's indulgence, Your
11 Honor. Judge, I'm having technical difficulties, my
12 computer is not playing my disk. Can we have a brief recess
13 while I'm setting that up?

14 THE COURT: Ladies and gentlemen, we're having
15 technical difficulties.

16 (WHEREUPON, there was a brief recess held.)

17 MR. ANDERSON: Your Honor, may we have a few
18 minutes to switch out computers? This one stopped working.

19 THE COURT: Okay.

20 MR. ANDERSON: Your Honor, can we excuse the first
21 witness? I've spoken with defense.

22 THE COURT: Any objections?

23 MR. BARR: It's okay.

24 THE COURT: Okay.

25 MR. ANDERSON: Your Honor, I got it working and

MICHAEL DUNMORE - DIRECT BY MR. ANDERSON

1 I'm going to publish it now.

2 THE COURT: Okay.

3 (WHEREUPON, the video was played.)

4 BY MR. ANDERSON:

5 Q. Officer Dunmore, is this the chase video, the
6 beginning of it?

7 A. It is.

8 Q. I apologize for the...

9 (WHEREUPON, the video was played.)

10 BY MR. ANDERSON:

11 Q. Officer Dunmore, at that point did you get out of
12 the vehicle?

13 A. I did.

14 Q. All right. And that was the chase we just got
15 done talking about?

16 A. Correct.

17 Q. Tell us what happened there at the end. Did the
18 vehicle wreck? Did the vehicle you were pursuing wreck?

19 A. It did. It actually rolled over into the wood
20 line.

21 Q. All right. Tell us what happened next.

22 A. After that, I got out.

23 Q. Can you speak up a little bit?

24 THE COURT: Can you speak up?

25 THE WITNESS: After the vehicle wrecked, and I

1 called it up to central dispatch, I exited my vehicle and
2 went into the wood line in an effort to track down the
3 passengers, the driver and passenger. Because the incident
4 I was responding to, which this vehicle was related to was
5 an armed robbery. I went to, what I could see, I heard a
6 person to my left, but I saw a person to my right. Because
7 there was a firearm involved to my knowledge, I went to the
8 person that I could see, which, I chased after them and, in
9 essence, I tackled them to the ground.

10 Q. All right.

11 A. And proceeded to place them in handcuffs.

12 Q. So you went into the woods and you heard someone
13 and you saw someone?

14 A. Correct.

15 Q. And you went after the person you could see?

16 A. Correct.

17 Q. All right. And you chased them down and tackled
18 them?

19 A. I did.

20 Q. All right. Is the person you tackled in the
21 courtroom today?

22 A. Yes.

23 Q. Can you point him out to the jury?

24 A. Mr. Reddock.

25 Q. What was Mr. Reddock wearing when you tackled him?

MICHAEL DUNMORE - DIRECT BY MR. ANDERSON

1 A. He was wearing a dark in color pants and a dark
2 shirt with a bleach stain -- well, what appeared to be a
3 bleach stain across the left shoulder.

4 Q. So a shirt with a bleach stain on it.

5 Did he have anything with him?

6 A. He had a brown paper bag on his person with
7 miscellaneous bills in it.

8 Q. I'm going to show you another part of State's
9 Exhibit 3 -- excuse me, 2, and ask you what it is.

10 (WHEREUPON, the video was played.)

11 BY MR. ANDERSON:

12 Q. Is that you and the person you arrested walking
13 back to the car?

14 A. It is.

15 Q. I'm going to pause it right there. Is that the
16 shirt we're talking about?

17 A. It is.

18 Q. Does it appear to have a stain there on the
19 shoulder?

20 A. It does.

21 Q. All right. Officer Dunmore, are you equipped with
22 a body cam?

23 A. I am.

24 Q. Were you wearing a body cam that day?

25 A. I was.

MICHAEL DUNMORE - DIRECT BY MR. ANDERSON

1 Q. Did you activate it when you went in the wood
2 line?

3 A. I did.

4 Q. Is that y'all's procedure?

5 A. Correct.

6 Q. All right. You viewed a disk that has the body
7 camera footage?

8 A. I have.

9 Q. All right. Was it a fair and accurate
10 representation of what we just described? You run in the
11 wood line and tackle him?

12 A. It is.

13 Q. All right. I'm going to approach you with what
14 has been premarked --

15 All right. I'm going to approach you with what's
16 been premarked for identification purposes as State's
17 Exhibit 3.

18 Officer Dunmore, are you familiar with the
19 contents of what's in State's Exhibit 3?

20 A. I am.

21 Q. Okay. Is it a fair and accurate representation of
22 what happened in the woods?

23 A. It is.

24 MR. ANDERSON: At this time the State seeks to
25 move State's Exhibit 3 into evidence, Your Honor.

MICHAEL DUNMORE - DIRECT BY MR. ANDERSON

1 THE COURT: What says the defense?

2 MR. BARR: No objection, Your Honor.

3 THE COURT: All right. It's in without objection.

4 (WHEREUPON, State's Exhibit Number 3 was moved
5 into evidence.)

6 MR. ANDERSON: Permission to publish?

7 THE COURT: Yes, sir.

8 MR. ANDERSON: Your Honor, may we have a brief
9 recess?

10 THE COURT: Okay. Ladies and gentleman of the
11 jury, I'm going to send you to the jury room for our morning
12 break. I'll get you back out here as soon as we can get set
13 up. Don't discuss the case yet, okay?

14 (WHEREUPON, the jury exited the courtroom at 10:39
15 a.m.)

16 THE COURT: We'll give you a few minutes to figure
17 it out.

18 (WHEREUPON, there was a break held from 10:40 a.m.
19 until 10:50 a.m.)

20 THE BAILIFF: Order in the Court. All rise.

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

22 Are we ready for the jury?

23 (WHEREUPON, the jury entered the courtroom at
24 10:50 a.m.)

25 THE COURT: Okay.

1 MR. ANDERSON: I apologize for the technical
2 difficulties.

3 (WHEREUPON, the video was played. Not transcribed
4 herein.)

5 BY MR. ANDERSON:

6 Q. Officer Dunmore, while I have this paused, is that
7 the bag you got from him?

8 A. That is.

9 Q. And it was full of money?

10 A. It was.

11 Q. And the person you arrested is here in court today
12 and is sitting with the defense?

13 A. Correct.

14 Q. And when you arrested him he had what kind of
15 shirt on?

16 A. A dark-colored shirt with what appeared to be a
17 bleach stain on the left shoulder.

18 Q. And he had a bag money?

19 A. Correct.

20 MR. ANDERSON: I don't have any further questions
21 for this witness.

22 MR. BARR: May it please the Court.

23 THE COURT: Yes, sir.

24 CROSS-EXAMINATION

25 BY MR. BARR:

MICHAEL DUNMORE - CROSS BY MR. BARR

1 Q. Good morning, Officer Dunmore.

2 A. How are you doing?

3 Q. Is it Dunmore; is that correct?

4 A. Dunmore.

5 Q. Dunmore. Officer Dunmore, how long have you been
6 with the Williamsburg County Sheriff's Department?

7 A. Almost three years.

8 Q. Almost three years?

9 A. Correct.

10 Q. Is this the first high-speed chase that you were
11 involved in?

12 A. It was.

13 Q. Okay. Now, I want to talk about -- I kind of want
14 to go back to the beginning now, because I want to get the
15 time situated in my head. So the robbery happened at, I
16 think, 9:09 a.m.; correct?

17 A. I do not recall.

18 Q. You came up on the victims (sic) around 9:32; is
19 that right? According to the incident report?

20 A. I never made contact with the victims.

21 Q. I'm saying when you came up on them in your car,
22 because you're behind them in the vehicle, that was around
23 about 9:32?

24 A. The suspect's vehicle, yes.

25 Q. Okay. So, roughly, that's about 9:09, 9:32, it's

1 about 20, 21, minutes, right?

2 A. Roughly.

3 Q. Okay. And so in that 21 minutes we don't really
4 know what happened, right?

5 A. Correct.

6 Q. We don't know if they made a pit stop. We don't
7 know if they switched out drivers. I mean, 20 minutes is a
8 good amount of time, you would agree with me on that?

9 A. I would.

10 Q. Okay. Now, as you came up on the suspects, could
11 you see who was driving?

12 A. I saw a black male with a blue in color shirt
13 driving and another black male with dark clothes on in the
14 passenger -- the front passenger seat and the seat was
15 laying all the way back.

16 Q. So you saw in your car, in your patrol car,
17 looking out as you're driving and the chase went up to about
18 100 miles an hour; is that correct?

19 A. Correct.

20 Q. You were able to identify colors of shirts in your
21 vehicle?

22 A. Before the camera was actually activated I was
23 heading towards Andrews, they were coming from Andrews, so
24 in passing that's what I saw.

25 Q. In passing -- okay, so you saw two black males?

MICHAEL DUNMORE - CROSS BY MR. BARR

1 A. In a vehicle that fit the description of the
2 suspect vehicle.

3 Q. Okay. But you didn't see faces, you just saw
4 black males?

5 A. Right.

6 Q. I just wanted to make sure. Okay. All right. So
7 I got that straight.

8 A. Right.

9 Q. So we got 20 minutes of lost time. You come on
10 the scene around 9:32 and you see two black males? I just
11 want to make sure that's, correct?

12 A. Correct.

13 Q. Okay. Now, when you approached the suspects and
14 the car wrecked, I want to move to that point. So the car
15 wrecks, do you see who goes where? Do you see who got out
16 of the passenger seat and who got out of the driver seat?

17 A. I did not see that.

18 Q. So you didn't see that?

19 A. Yes.

20 Q. Okay. So you said before you went to the person
21 who you could lay eyes on, correct?

22 A. Correct.

23 Q. Okay. Now, let me back up, as you were driving
24 down the road, did anybody throw anything out of the window.

25 A. Not that I saw.

1 Q. So noting got tossed out of the driver -- nothing
2 got tossed out of the passenger side?

3 A. Not that I saw.

4 Q. Okay. When you were chasing the suspect that you
5 saw, did you see him drop anything at all? When you frisked
6 him, did he have a gun on him?

7 A. He did not.

8 Q. Have any kind of weapon on him?

9 A. No, sir.

10 Q. Okay. Now, I believe, and I'll -- is that when
11 you apprehended Mr. Reddock? In your belief, the other
12 suspect that was still at large, had the gun?

13 A. To my knowledge.

14 Q. And I believe you referenced that a couple of
15 times when you were talking to the -- I believe it was a
16 Georgetown County person that was on the scene; is that
17 right?

18 A. Correct.

19 Q. You said, He still -- he's got a gun, the other
20 suspect.

21 A. Correct.

22 Q. Okay. Now, you also said that the other suspect
23 was wearing a black shirt at that time; is that correct?

24 A. I do not recall.

25 Q. Okay. Well, we'll play the video, but I believe

MICHAEL DUNMORE - CROSS BY MR. BARR

1 you said he's wearing a black shirt. So that means at the
2 time this is going on essentially you have two suspects both
3 wearing black shirts based on your perception at that time?

4 A. If that's a question, yes.

5 Q. Okay. All right. Now, as we saw in the video
6 before, when you came up on Mr. Reddock, he complied with
7 you; is that right?

8 A. Correct.

9 Q. He didn't struggle; is that right?

10 A. Correct.

11 Q. He didn't take off running? He said, I ain't
12 going to give you no problems, is that -- I'm paraphrasing,
13 but that's pretty much what he said, right?

14 A. In essence.

15 Q. Okay. So you take him to the car and then you're
16 still looking for the other suspect?

17 A. Correct.

18 Q. Who you believe had the gun?

19 A. Correct.

20 Q. Who also had a black shirt based on that time
21 period, correct?

22 A. (Nodding.)

23 Q. Okay. Now, there's a couple of questions that I
24 wanted to -- a couple of other things that I wanted to make
25 sure that I understand. Now, on the body cam video, there's

1 some letters that says, "WCSO - M. Dunmore," that means
2 Williamsburg County Sheriff, Officer Dunmore, correct?

3 A. Correct.

4 Q. Okay. Then it has the date, "2019," then it has
5 "7/15," that means 2019, July 15; is that correct?

6 A. Correct.

7 Q. Then next to that there's some numbers, it starts
8 with a "08," is that the time your body cam starts working?

9 A. Correct.

10 Q. Okay. Now, when the clock was at 08 and 40
11 seconds, I believe you told the Georgetown person that the
12 car was driving and had a 45-day tag and you actually
13 recited the tag number, right?

14 A. I do not recall.

15 Q. Okay. Well, we'll play it, but I thought that
16 when you were reciting it you had excellent recall because
17 you spit it out just like that 45-day tag and you gave the
18 numbers.

19 So I guess my question is you were able to
20 identify the tag in the heat of the moment, but when they --
21 you did the arrest, or you said, two black males, both
22 wearing black shirts.

23 So your recall is pretty good, right?

24 A. I guess.

25 Q. Okay. I want to talk about the car. What did you

MICHAEL DUNMORE - CROSS BY MR. BARR

1 guys find in the car, in the Buick that was wrecked?

2 A. When the vehicle is inventoried, I did not.

3 Q. So you weren't a part of that?

4 A. I was not.

5 Q. Okay.

6 MR. BARR: Beg the Court's indulgence.

7 BY MR. BARR:

8 Q. And I just want to make sure I cleared one thing
9 up, at the time you Mr. Reddock in the car the only thing he
10 had on him was cigarettes; is that correct? I think you
11 said he had cigarettes on him.

12 A. The only think I found on the quick fast search,
13 correct.

14 Q. Was cigarettes. So no gun?

15 A. No gun.

16 Q. Okay. Still got a suspect out in the woods
17 wearing a black shirt?

18 A. We still had another suspect.

19 Q. Okay. And we got 20 minutes between the robbery
20 when you came on the scene that anything could have
21 happened?

22 A. Yes.

23 Q. Okay. Now, I want to talk to you about the
24 five minutes that you chased him down the road. I think it
25 was about a five-minute chase scene between when you came

1 upon them until where they wrecked and you're looking at the
2 car, correct?

3 A. Yes.

4 Q. Could you see what was going on between the two
5 people in the car?

6 A. I could not.

7 Q. So you couldn't say for certain if one person had
8 a gun on another person?

9 A. Correct.

10 Q. You couldn't say if they were arguing back and
11 forth?

12 A. I could not say that.

13 Q. So you really don't know what happened in that
14 car?

15 A. Correct.

16 Q. Okay. Thank you Officer, no further questions.

17 MR. ANDERSON: Just one briefly, Your Honor.

18 THE COURT: Okay.

19 REDIRECT EXAMINATION

20 BY MR. ANDERSON:

21 Q. Officer Dunmore, is the reason you thought the
22 other fellow had the gun is because Mr. Reddock didn't have
23 it then?

24 A. Correct.

25 Q. Okay.

COURTNEY MCCLORIN - DIRECT BY MS. ALSTON

1 MR. ANDERSON: No further questions for this
2 witness, Your Honor.

3 THE COURT: You can step down.

4 MS. ALSTON: Your Honor, the State would like to
5 call Lieutenant Courtney McClorin next.

6 THE COURT: Okay.

7 MADAM CLERK: Do you solemnly swear or affirm to
8 tell the truth and nothing but the truth, so help you God?

9 THE WITNESS: Yes.

10 MADAM CLERK: Okay. Step around to the witness
11 box and state your full name for the record.

12 COURTNEY MCCLORIN, having been duly
13 sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. ALSTON:

16 Q. Good morning, Lieutenant McClorin.

17 A. Good morning.

18 Q. Lieutenant McClorin, where do you work?

19 A. Williamsburg County Detention Center.

20 Q. And how long have you worked there?

21 A. Thirteen years.

22 Q. And do you usually perform the buccal swabs in
23 cases?

24 A. Yes.

25 Q. And did you perform a buccal swab in this case?

1 A. Yes.

2 Q. Do you know who you performed one on?

3 A. Robert Reddock.

4 Q. And is he here today?

5 A. Yes.

6 Q. Where is he seated?

7 A. To the left.

8 Q. Do you remember when you performed that swab?

9 A. I can't recall the correct date right now, it was
10 around...

11 Q. But it was after July 15th, 2019?

12 A. Yes.

13 Q. And could you walk us through the process of what
14 goes on when you take a buccal swab?

15 A. Collect a kit, in the kit there's a swab, we swab
16 the mouth.

17 Q. And how do you usually package it up?

18 A. You seal it in one envelope, you seal it with a
19 seal and there's another seal.

20 Q. And once it's sealed and everything you send it
21 off to SLED for testing?

22 A. Yes.

23 Q. And, Lieutenant, does this look like the buccal
24 swab packaging that you did in this case?

25 A. Yes.

COURTNEY MCCLORIN - CROSS BY MR. BARR

1 Q. And how would you be able to identify that it is
2 the one that you performed?

3 A. Well, my handwriting.

4 MS. ALSTON: And, Your Honor, the State would like
5 to move what has been premarked as Exhibit 4 into evidence.

6 THE COURT: What says the defense?

7 MR. BARR: No objection, Your Honor.

8 THE COURT: All right. It's in without objection.

9 (WHEREUPON, State's Exhibit Number 4 was moved
10 into evidence.)

11 BY MS. ALSTON:

12 Q. And, Lieutenant, just to go over it again, you did
13 state that you did identify that this is the buccal swab
14 performed in this case?

15 A. Yes, ma'am.

16 Q. All right. And did you place it into evidence?

17 A. Yes, ma'am.

18 Q. Where and how did you do that?

19 A. Well, I passed it on to the chain of custody to
20 Investigator Ballard.

21 MS. ALSTON: Not further questions, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. BARR:

24 Q. Lieutenant McClorin, did I pronounce that
25 correctly?

1 A. Yes.

2 Q. You took the -- I think you said the swabs from
3 Mr. Reddock, correct?

4 A. Yes.

5 Q. Okay. And it was just Mr. Reddock?

6 A. Yes.

7 Q. And then after that you sealed it?

8 A. Yes.

9 Q. So there was no chance that there was another
10 sample that was submitted with Mr. Reddock's?

11 A. Right.

12 Q. And then, after that, you passed it on to, I
13 believe, Investigator Ballard?

14 A. Yes.

15 Q. And then, at that point, there was no one else's
16 swab got mixed in?

17 A. No, sir.

18 Q. So what you sent off would have only come back
19 with what Mr. Reddock's -- and let me back up, the swabs are
20 done for DNA purposes; is that correct?

21 A. Yes.

22 Q. So you swabbed Mr. Reddock, and you packaged up
23 Mr. Reddock's swab, theoretically, nothing else should come
24 back but something from Mr. Reddock?

25 A. Yes.

JUAN BALLARD - DIRECT BY MR. ANDERSON

1 Q. Okay thank you, sir.

2 MS. ALSTON: There's no redirect, Your Honor.

3 THE COURT: Okay. You can step down.

4 MR. ANDERSON: We call Juan Ballard, Your Honor.

5 THE COURT: Okay.

6 MS. ALSTON: Your Honor, may our witness be
7 excused?

8 THE COURT: Any objection?

9 MR. BARR: No objection, Your Honor.

10 THE COURT: Yes.

11 MADAM CLERK: Do you solemnly swear or affirm to
12 tell the truth and nothing but the truth, so help you God?

13 THE WITNESS: I do.

14 MADAM CLERK: Okay. Step around to the witness
15 box and state your full name for the record.

16 THE WITNESS: Juan Ballard, Williamsburg County
17 Sheriff's Office.

18 JUAN BALLARD, having been duly sworn,
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. ANDERSON:

22 Q. Investigator Ballard, good morning.

23 A. Good morning.

24 Q. Where do you work?

25 A. Williamsburg County Sheriff's Office.

JUAN BALLARD - DIRECT BY MR. ANDERSON

1 Q. How long have you worked there?

2 A. 23-and-a-half, 24 years.

3 Q. And what's your job title?

4 A. Criminal investigator?

5 Q. So you investigate criminal cases?

6 A. I do.

7 Q. Did you investigate this case?

8 A. I did.

9 Q. How did it come to your attention?

10 A. Radio transmission came out that a store was just
11 robbed on Highway 527, Vicki's store, so I started heading
12 that way.

13 Q. All right. Is Vicki's store -- have you been
14 there before?

15 A. Multiple times.

16 Q. Is it in Williamsburg?

17 A. It is.

18 Q. Did the store have cameras?

19 A. They did.

20 Q. And did the clerk give you copy of a recording of
21 the robbery?

22 A. He did.

23 Q. Did you generate still frames from that recording?

24 A. I did.

25 Q. And were those rendered into photographs?

JUAN BALLARD - DIRECT BY MR. ANDERSON

1 A. Yes, sir.

2 Q. All right. I'm going to approach you with what's
3 been marked for identification purposes as State's 5 through
4 7 and I'll ask you to take a look at them.

5 A. Yes. I think I left my glasses over there.

6 Q. Yes, sir.

7 A. Thank you, sir.

8 Q. Take a look at those for me.

9 Are those the still frames?

10 A. Yes, sir.

11 Q. Are they a fair and accurate representation of
12 what you saw on the video?

13 A. They are.

14 Q. All right. I'm going to walk you through these on
15 the ELMO and just point some stuff out to you on the screen,
16 okay?

17 A. Yes, sir.

18 THE COURT: What numbers are those?

19 MR. ANDERSON: I apologize. These are 5, 6, and 7
20 and the State would offer to move these into evidence.

21 THE COURT: Any objection?

22 MR. BARR: No objection, Your Honor.

23 THE COURT: All right. They're in without
24 objection.

25 (WHEREUPON, State's Exhibit Numbers 5, 6, and 7

JUAN BALLARD - DIRECT BY MR. ANDERSON

1 were moved into evidence.)

2 BY MR. ANDERSON:

3 Q. I'm going to start with State's Exhibit 7. Is
4 that the person who robbed the store?

5 A. Yes, sir.

6 Q. Did it appear to have a bleach stain on their
7 shoulder or a stain of some kind?

8 A. It is.

9 Q. I'm going to show you State's 5. Is that another
10 view of that stain?

11 A. Yes, sir.

12 Q. The last is State's 6. Does that give you a good
13 view of the firearm or the gun used in this case?

14 A. The firearm, the hat, and the gloves, yes, sir.

15 Q. And did you later have an opportunity to examine
16 that firearm?

17 A. I did.

18 Q. And was it an actual firearm or just a
19 representation?

20 A. It was just a BB gun, air-soft gun.

21 Q. Okay.

22 A. It looks real, but wasn't. It might put your eye
23 out but that's about it.

24 Q. All right. And, Investigator Ballard, did you
25 view the in-car video from Officer Dunmore's chase?

JUAN BALLARD - DIRECT BY MR. ANDERSON

1 A. I did.

2 Q. And were still frames generated from that?

3 A. Yes.

4 Q. And I'm going to show you what's been --

5 Investigator Ballard, I'm going to approach you with 8 and
6 9.

7 Will you take a look at those for me, Investigator
8 Ballard?

9 A. Yes, sir.

10 Q. Are they a fair and accurate representation of
11 still frames from that in-car video?

12 A. Yes.

13 Q. All right. And do they show a bleach stain on the
14 shoulder?

15 A. Yeah, at the top left.

16 Q. I'm going to show you what's been marked as
17 State's 8. Is that the same?

18 A. Yes, sir.

19 THE COURT: Are you marking them into evidence?

20 MR. ANDERSON: I apologize. Your Honor, at this
21 time the State offers to move them into evidence.

22 THE COURT: Any objection from the defense?

23 MR. BARR: No objection.

24 THE COURT: All right. They're in without
25 objection.

JUAN BALLARD - DIRECT BY MR. ANDERSON

1 (WHEREUPON, State's Exhibit Numbers 8 and 9 were
2 moved into evidence.)

3 BY MR. ANDERSON:

4 Q. And 9, is that the same stain?

5 A. Yes, sir.

6 Q. Investigator Ballard, did you get the opportunity
7 to photograph the shirt recovered from the defendant in this
8 case?

9 A. I did.

10 Q. And what about the co-defendant in the getaway
11 car, did you get an opportunity to photograph his clothes?

12 A. I did.

13 Q. Investigator Ballard, I'm going to show you what's
14 been marked for identification purposes as 10 and 11.

15 A. Yes, sir.

16 Q. Are these the photographs you took of their
17 clothing?

18 A. I did.

19 Q. And are they a fair and accurate representation of
20 the clothing?

21 A. Yes, sir.

22 MR. ANDERSON: We offer to move them into
23 evidence, Your Honor.

24 THE COURT: Any objection?

25 MR. BARR: No objection.

JUAN BALLARD - DIRECT BY MR. ANDERSON

1 THE COURT: They're in without objection.

2 (WHEREUPON, State's Exhibit Numbers 10 and 11 were
3 moved into evidence.)

4 BY MR. ANDERSON:

5 Q. And, again, to be clear State's 11, I'll show it
6 to you on the ELMO. That's Mr. Reddock's clothing?

7 A. Yes, sir.

8 Q. And State's 10?

9 A. That was the other gentleman's shirt.

10 Q. Alex Patterson?

11 A. Yes, sir.

12 Q. The other person that was involved in this?

13 A. Yes, sir.

14 Q. That's a blue shirt?

15 A. Yes, sir.

16 Q. Investigator Ballard, did you collect any evidence
17 from the roadside in this case?

18 A. I did.

19 Q. Tell us about that.

20 A. Investigator Seth Scott, he went down the road and
21 he notified me that he found two latex gloves and I think
22 the name brand was 59 ball cap, that was, maybe, 50-yards
23 apart from each other.

24 Q. And where did y'all find them?

25 A. On Highway 41.

JUAN BALLARD - DIRECT BY MR. ANDERSON

1 Q. Is it on the route between --

2 A. It was on the route of the chase.

3 Q. It was on the chase route?

4 A. Yes, sir.

5 Q. Okay. I beg the Court's indulgence.

6 Investigator Ballard, I'm going to show you what
7 have been marked for identification purposes, it's State's
8 12 through 18. Could you take a look at these for me?

9 A. Yes, sir.

10 Q. Did you take those photographs?

11 A. I did.

12 Q. Are they a fair and accurate representation of
13 what you saw on the roadside?

14 A. They do.

15 Q. They are the hat and the gloves?

16 A. Yes, sir.

17 Q. I'll give you a moment to examine them all. All
18 of them are a fair and accurate representation?

19 A. They are.

20 MR. ANDERSON: Your Honor, at this time the State
21 seeks to move State's Exhibit 12 through 18 into evidence.

22 THE COURT: Any objection?

23 MR. BARR: No objection, Your Honor.

24 THE COURT: All right. They're in without
25 objection.

JUAN BALLARD - DIRECT BY MR. ANDERSON

1 (WHEREUPON, State's Exhibit Numbers 12 - 18 were
2 moved into evidence.)

3 BY MR. ANDERSON:

4 Q. Investigator Ballard, I'm going to show all of
5 these, this is State's Exhibit 13. Is that the hat?

6 A. Yes, sir, it is.

7 Q. I'm going to show you what's State's Exhibit 17,
8 is that the glove?

9 A. It is, at least one of them.

10 Q. Did you view the in-store video or the robbery
11 video?

12 A. I did.

13 Q. Did the person that robbed the store appear to
14 those hat and the gloves on?

15 A. Yes, sir.

16 Q. Okay. In fact, in State's Exhibit 6, which is in
17 evidence, you can see the person robbing the store with
18 those gloves and that hat, right?

19 A. Yes, sir.

20 Q. Okay. What did you do with those items after you
21 discovered them?

22 A. Photographed them, collected them, and turned them
23 into evidence.

24 Q. All right. Let's talk a little bit about what a
25 chain of custody?

1 A. Okay.

2 Q. Can you tell the jury what a chain of custody is?

3 A. Basically it's a form that we use for
4 accountability and tracking and tracing of the evidence. If
5 I was to recover something, as I did, I would get that
6 evidence, package it up, and then would use a chain of
7 custody form. I would document everything I recovered, or
8 everything I found, and label it and package it up, put it
9 in a box and signed that I packaged it up, and I would put
10 the date and the time I put it in. I would sign my name.

11 Once I signed my name, I would put it in the
12 evidence locker. Once we put it in the evidence locker, I
13 have no other means of touching it. Once it's locked, it's
14 locked, I can't get to it.

15 The evidence custodian then gets it from the other
16 side of the wall. He signs off saying he received it. And
17 he packages it up and he stores it to where he's going to
18 store it at. So, basically, the chain of custody is
19 accountability and tracking of the evidence.

20 Q. So it's basically how y'all keep track of evidence
21 and don't mix it up?

22 A. Yes.

23 Q. And did you start a chain of custody in this case
24 with the hat and gloves?

25 A. I did.

JUAN BALLARD - DIRECT BY MR. ANDERSON

1 Q. So did you go through the process that you just
2 described as you turned them into evidence?

3 A. I did.

4 Q. And is the evidence custodian in Williamsburg
5 County Sherrod Timmons?

6 A. Captain Timmons, yes, he is.

7 Q. I'm going to show you two items. So you marked
8 those items in a way that you could identify them --

9 A. Yes, sir.

10 Q. -- into evidence?

11 A. Yes, sir.

12 Q. I'm going to show you what has been marked for
13 identification purposes as State's 19 and 20?

14 A. Yes, sir.

15 Q. Would you take a look at these for me?

16 A. Twenty is the black latex gloves that I collected
17 and I'm not sure what's in here. Oh, I see it, this is the
18 hat.

19 Q. All right. And you can identify those by the
20 writing on them?

21 A. It's definitely my scribble.

22 Q. All right. So it's identifiable by your
23 handwriting?

24 A. Yes, sir.

25 Q. All right. And you turned those into evidence?

1 A. I did.

2 Q. I'm going to show you what's in evidence as
3 State's 4. Would you take a look at this for me?

4 A. This is the DNA kit that was swabbed and used to
5 collect DNA from Mr. Reddock.

6 Q. All right. Did you get that from Courtney
7 McClorin?

8 A. I did.

9 Q. So he would have been the start of that chain of
10 custody?

11 A. Yes.

12 Q. And then it went to you?

13 A. I was standing right beside him when he -- I was
14 standing right beside Lieutenant McClorin when he took it.

15 Q. So you actually watched --

16 A. Once he packaged it up, signed it, I got it.

17 Q. And that's took kind of how the chain of custody
18 works, it goes from one person to another?

19 A. Yes.

20 Q. And so did you have any other interaction with
21 those items in front of you?

22 A. Once I dropped them into evidence?

23 Q. Did you take them to SLED?

24 A. I did. I took all three of these items to SLED.

25 Q. Describe that process.

JUAN BALLARD - DIRECT BY MR. ANDERSON

1 A. It's just in reverse. If I want evidence to take
2 outside the facility or to SLED in this stage, I have to
3 contact the captain. He would then get the evidence, I
4 would have to sign the chain of custody saying I received
5 it.

6 Once I received it, I took them straight to
7 Columbia. And once I got to Columbia, then they have a
8 whole different method of the chain of custody. I turned it
9 over to him, and once I turned over to him, it's the first
10 time I've seen it since then.

11 Q. And so basically you turned it over to their
12 secure system and it exited the Williamsburg County chain of
13 custody?

14 A. Yes.

15 Q. And you're not aware of anybody outside of the
16 Williamsburg County law enforcement community having access
17 to that, in fact, that would be how the chain of custody
18 works?

19 A. Yes.

20 Q. All right. Beg the Court's indulgence.
21 Investigator Ballard?

22 A. Yes, sir.

23 Q. You talk about the gun where was it recovered at?

24 A. It was much further down the road.

25 Q. Okay. It was in the roadway?

JUAN BALLARD - DIRECT BY MR. ANDERSON

1 A. It was in the roadway, yes, sir. In fact, it was
2 ran over several times.

3 Q. All right. Investigator Ballard, I'm going to
4 show you what has been marked for identification purposes at
5 State's Exhibit 21.

6 A. Yes, sir.

7 Q. Could you take a look at this for me?

8 A. Yes, sir.

9 Q. Is this the gun y'all recovered?

10 A. Yes, sir, it is.

11 Q. It's the airsoft pistol we've been talking about?

12 A. Yes, sir.

13 Q. Does it appear to you to look like the pistol used
14 in the robbery?

15 A. Yes, sir.

16 MR. ANDERSON: And, Your Honor, just for the
17 Court's information, this has been made safe where it can't
18 fire.

19 THE COURT: Okay.

20 MR. ANDERSON: At this time we would seek to move
21 State's Exhibit 21 into evidence.

22 THE COURT: Any objection.

23 MR. BARR: No objection, Your Honor.

24 THE COURT: Okay. It's in without objection.

25 MR. ANDERSON: Thank you.

JUAN BALLARD - CROSS BY MR. BARR

1 (WHEREUPON, State's Exhibit Number 21 was moved
2 into evidence.)

3 BY MR. ANDERSON:

4 Q. Investigator Ballard, Vicki's store is in
5 Williamsburg?

6 A. Yes, sir, it is.

7 MR. ANDERSON: I don't have any further questions
8 for this witness.

9 CROSS-EXAMINATION

10 BY MR. BARR:

11 Q. Good morning, Investigator Ballard.

12 A. Good morning, sir, how are you doing?

13 Q. Doing good. How are you doing, sir?

14 A. All right.

15 Q. So I want to take a few minutes to talk to you
16 this morning. You, as you said before, you were the lead
17 investigator --

18 A. Yes, sir.

19 Q. -- in this case?

20 A. Yes, sir.

21 Q. And lead investigator, your duties consist of
22 interviewing all of the witnesses; would that be correct?

23 A. Yeah, well, not necessarily all of them, but I
24 would have knowledge of the interviews.

25 Q. Okay. So you had knowledge of the interviews?

1 A. Yes, sir.

2 Q. Also assisting in the chain of custody, as you
3 said before?

4 A. Yes.

5 Q. Now, you said you send these -- there are -- you
6 do the swabs?

7 A. Yes, sir.

8 Q. Put them in the bag?

9 A. Yes, sir.

10 Q. And you send it off to SLED in Columbia?

11 A. Yes, sir.

12 Q. And they do DNA testing?

13 A. Yes, sir.

14 Q. When those tests come back are you familiar with
15 those results?

16 A. I am.

17 Q. Okay. So in this case I want to start with the
18 ball cap.

19 A. Yes, sir.

20 Q. The ball cap was tested for DNA; is that correct?

21 A. Yes, sir.

22 Q. And I believe Lieutenant McClorin, who testified
23 before you, he said that he swabbed Mr. Reddock?

24 A. Yes, sir.

25 Q. And he put that swab in the bag zipped it up,

1 Ziplocked it and sent it off to Columbia --

2 A. Yes, sir.

3 Q. -- to get a DNA match?

4 A. Yes, sir. I'm not sure if it's Ziplocked, I think
5 it's just glue and sealed.

6 Q. Okay. And I'm not a scientist, but I believe that
7 people only have one set of DNA, correct?

8 A. To my knowledge yes.

9 Q. Unless you are a twin?

10 A. Unless you're a twin, I think -- to my knowledge,
11 yeah.

12 Q. So one person wouldn't have two sets of DNA?

13 A. Not necessarily two sets of DNA. It could be a
14 mixture if I had this hat on, the Judge had this hat on, you
15 swabbed it, both our DNA would probably be in there.

16 Q. Okay. Let's go with that. So the hat was DNA
17 tested and the hat came back as having a mixture of two
18 individual's DNA?

19 A. Yes, sir. Just like I said, if I had this hat on,
20 the Judge had that hat on, you swab, both our DNA would be
21 in there.

22 Q. So it's a possibility that this baseball cap that
23 was recovered was worn by two different people on that same
24 day?

25 A. That same day, I don't know how long DNA lasts

1 inside a hat, it could have been possible that day or day
2 before, but it wasn't worn after I recovered it.

3 Q. So but it's possible that two sets of DNA was worn
4 by two different people? That's possible, right?

5 A. It's very possible, yes.

6 Q. Very possible, okay. I want to talk to you --
7 also did DNA testing on the latex gloves in this case; is
8 that correct?

9 A. Yes, sir.

10 Q. Okay. Did DNA test on the exterior and interior
11 of the gloves?

12 A. I'm not sure how SLED did it. I never tried to
13 extract DNA, but I think that's how you do it.

14 Q. But the interior of the gloves would be I guess
15 where your hands would go inside the glove, right?

16 A. Yes, sir.

17 Q. Okay. Now, this case interior of the gloves also
18 had a mixture of two people's DNA?

19 A. I'm not aware of that.

20 Q. So you're not aware that those gloves were tested
21 two -- and it was a mixture of two individuals?

22 A. I'm aware the gloves were tested, I'm aware the
23 results came back for Mr. Reddock, but I wasn't aware of a
24 second set of DNA. I don't recall.

25 Q. But you were the head investigator?

JUAN BALLARD - CROSS BY MR. BARR

1 A. Yes, sir.

2 Q. And so if SLED published a report and had that on
3 the report as the head investigator you would be aware of
4 that?

5 A. I would be aware.

6 Q. Okay.

7 A. But I don't recall at this moment.

8 Q. All right. I want to talk about the actual
9 investigation as it related to the store and the store
10 clerk.

11 A. Yes, sir.

12 Q. You recovered the video from the store; is that
13 correct?

14 A. I did.

15 Q. Okay. Now, we had the store clerk in this morning
16 and he testified very clearly that he heard the person
17 speak. He said the person demanded money. He said twice he
18 heard his voice.

19 A. Yes, sir.

20 Q. Okay. Is there a reason why you didn't try to do
21 a -- give the victim a voice recording of Mr. Reddock?

22 A. No. And the reason why is we don't normally do
23 voice analysis. I'm not going to subject somebody to a
24 voice recording and say, Okay, does this sound like the
25 person that robbed you --

1 Q. Can you -- I'm sorry.

2 A. Yeah, that's kind of why.

3 Q. Can you do it, though?

4 A. Because any one of those jurors could sound just
5 like Mr. Reddock. So I couldn't just subject them to listen
6 to a vice recording.

7 Q. Could you have done it?

8 A. If it were possible, I could have done it.

9 Q. And if you had done it and the clerk had
10 identified the voice wouldn't that have made the
11 investigation a little bit more, I guess, tight?

12 A. No, probably not. I don't hinge on a voice.

13 Q. All right. Mr. Thompson also testified that he
14 said he looked out and he saw the driver. Did you have
15 Mr. Thompson identify the driver? Did you let him
16 participate in a lineup?

17 A. I did not.

18 Q. Wouldn't that have made the investigation also a
19 little bit more air tight if he could have just said, I saw
20 this person, that's for sure the person that was driving?

21 A. Well, there's no guarantee it's an air tight -- no
22 air tight case, but I chose not to do it.

23 Q. Okay. I'm just saying if I'm trying to eliminate
24 options --

25 A. Uh-huh.

1 Q. -- and I can eliminate an option by having
2 somebody identify somebody that was driving, wouldn't we
3 want to do that?

4 A. He was already identified, he was locked up that
5 moment, right after the chase.

6 Q. Now, also on the video during the robbery, I
7 believe that the perpetrator -- their arm made contact with
8 the cash register when they reached over and grabbed the
9 money; is that correct?

10 A. I don't think it did, I don't recall it did.

11 Q. If it did wouldn't you have taken the cash
12 register and maybe swabbed that or printed it and looked for
13 DNA?

14 A. I probably would have swabbed it, yeah.

15 Q. So you didn't do that because you said you just --
16 you don't think it happened?

17 A. I said, I didn't think it happened. I was
18 strong -- I felt strong that we had the suspects in custody.

19 Q. Wouldn't that have just made the case more tight
20 if you could get the cash register, swab that, retouch, have
21 Mr. Thompson do a lineup, clearly say this is the driver,
22 geat a voice recording, that's clearly his voice.

23 Wouldn't that have just made it that -- we'd be
24 out of here today, probably out of here two hours ago.

25 A. Mr. Barr, the case is tight enough. I wouldn't

1 have -- the voice analysis situation you're talking about, I
2 would never do that.

3 Q. Okay. So no voice analysis. I got a baseball hat
4 that's got two sets of DNA. And I've got the gloves, the
5 interior of the gloves, that's also got a mixture of two
6 sets of DNA.

7 A. Yes, sir.

8 Q. Okay. Now, in the case, the two co-defendants
9 they had conflicting versions of the story.

10 MR. ANDERSON: Objection. Your Honor, may we
11 discuss a matter of law outside the presence of the jury?

12 THE COURT: I'll sustain the objection unless you
13 want to proffer something. I thought we already dealt with
14 this.

15 MR. BARR: I'm just asking, Your Honor, if they
16 had conflicting -- I'm asking him to tell me what the story
17 was --

18 MR. ANDERSON: Objection.

19 THE COURT: I'll sustain the objection. You can't
20 go there.

21 MR. BARR: Okay.

22 BY MR. BARR:

23 Q. Investigator Ballard, how long did it take to
24 apprehend the other co-defendant?

25 A. Maybe five -- actually he came out on his own.

JUAN BALLARD - CROSS BY MR. BARR

1 Q. He came out on his own.

2 A. I think he had a little encouragement, but he came
3 out on his own.

4 Q. Okay. So we saw the video, Mr. Reddock was
5 apprehended first. And I believe after that,
6 Officer Dunmore, he made a couple more attempts to go in the
7 woods to try to find the co-defendant, correct?

8 A. Yeah, well, I think he did, yeah. I'm sure --
9 what happened was, once Deputy Dunmore actually apprehended
10 Mr. Reddock, at that point we had Georgetown County, we had
11 assistance, we were setting up a perimeter for the second
12 suspect.

13 While setting that perimeter, Mr. Patterson came
14 out of the woods with his hands up and started walking
15 towards us. Maybe ten seconds after that a black bear came
16 out of the woods. So I think that was his motivation. I
17 don't think he came out on his -- I think he was encouraged
18 to come out.

19 Q. Here's a question I've got, Investigator Ballard.

20 A. Yes, sir.

21 Q. And I'm trying to picture this in my mind, I'm a
22 visual person.

23 A. Yes, sir.

24 Q. I asked Officer Dunmore if anything -- when he was
25 chasing the suspects down the road got thrown out the window

1 and he said he didn't see anything.

2 A. Mr. Barr, I'm not even sure if you've been in a
3 high speed chase, but at 110 miles per hour or less, maybe
4 100 miles per hour, it's very difficult to see something
5 being thrown out.

6 Q. Okay. That's fair.

7 A. Especially black gloves, as minute as they are,
8 you can't -- you can't say he missed it, if you've never
9 been in that type of situation.

10 Q. So is it fair -- is it your opinion that those
11 items got thrown out of the window during the chase?

12 A. Yes, sir.

13 Q. So it's not conceivable -- not conceivable that
14 the second co-defendant, while you guys were attending to
15 Mr. Reddock, have enough time to take off the gloves, throw
16 them down, take off the hat, throw it down, and then decide
17 it's time to surrender, that's not possible?

18 A. No, we found the gloves miles away from the crash
19 scene.

20 Q. Okay. And those same gloves, as we said before,
21 when they were tested showed two sets of DNA?

22 A. Yes, sir.

23 Q. Okay.

24 MR. BARR: Beg the Court's indulgence for just one
25 moment, Your Honor.

JUAN BALLARD - CROSS BY MR. BARR

1 THE COURT: Okay.

2 BY MR. BARR:

3 Q. Now, Investigator Ballard, I want to talk about
4 the car. The car was totaled; is that correct? You said
5 totaled? Was it totaled?

6 A. In my opinion it was totaled, yes, sir.

7 Q. Okay. Was there any testing of any substance
8 inside the car, did you swab the seats, any of that?

9 A. No, sir. I did not.

10 Q. Okay. Was there a reason why that wasn't done?

11 A. I didn't see it was necessary at the time.

12 Q. Okay. And the reason why you didn't see it was
13 necessary was because the shirt answered all your questions?

14 A. No, the shirt didn't answer all my questions. The
15 apprehension of Mr. Reddock with the shirt on, with the
16 money in his pocket, answered a lot of questions.

17 Q. But you also had a second party out there that
18 also fit the description, correct? A black male?

19 A. He was -- I'm sorry what was that?

20 Q. You also had a -- the second party also fit the
21 same description; is that correct?

22 A. Not the description of what the clerk gave because
23 he never got out the car.

24 Q. Okay. All right. Investigator Ballard, thank you
25 for your time, sir.

JUAN BALLARD - REDIRECT BY MR. ANDERSON

1 A. Thank you.

2 MR. BARR: No further questions.

3 MR. ANDERSON: Just briefly, Your Honor.

4 THE COURT: Okay.

5 REDIRECT EXAMINATION

6 BY MR. ANDERSON:

7 Q. Investigator Ballard?

8 A. Yes, sir.

9 Q. Mr. Barr asked you a lot of questions about DNA.

10 A. Yes, sir.

11 Q. You're not a DNA expert are you?

12 A. Not even close.

13 Q. All right. He asked you a bunch of questions
14 about letting a witness hear a voice recording.

15 A. Yes, sir.

16 Q. Have you ever done that in your entire career as a
17 law enforcement officer?

18 A. Never.

19 Q. How many years have you been investigator again?

20 A. Investigator about 10, total career about 24.

21 Q. All right. He asked you questions about the
22 person in the robbery video touching the cash register. The
23 person that touch the cash -- the person that robbed the
24 store, they were wearing gloves, right?

25 A. Yes, sir.

KIMBERLY SPAINHOUR - DIRECT BY MR. ANDERSON

1 Q. That would have prevented the transfer of DNA?

2 A. Touch DNA, yes, sir. With the hands, yes, sir.

3 Q. All right. When Mr. Patterson got chased out of
4 the woods by a bear, he was wearing a blue shirt, right?

5 A. Yes, sir.

6 Q. All right. Thank you.

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

8 MR. ANDERSON: Your Honor, may I have five minutes
9 to make sure my last two witnesses are here?

10 THE COURT: Okay. Everybody okay? Anybody need a
11 break?

12 MR. ANDERSON: Your Honor, the State calls
13 Kimberly Spainhour.

14 THE COURT: You can come around and place your
15 left hand on the Bible and raise your right, please.

16 MADAM CLERK: Do you solemnly swear or affirm the
17 testimony you give will be the truth, the whole truth,
18 nothing but the truth, so help you God?

19 THE WITNESS: Yes.

20 MADAM CLERK: Okay. Have a seat in this box right
21 here.

22 KIMBERLY SPAINHOUR, having been duly
23 sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. ANDERSON:

KIMBERLY SPAINHOUR - DIRECT BY MR. ANDERSON

1 Q. Ms. Spainhour, where do you work?

2 A. I currently work for the Department of Health and
3 Environmental Control.

4 Q. Did you use to work at SLED?

5 A. I did, yes.

6 Q. When did you work at SLED?

7 A. I worked there from 2015 to earlier this year.

8 Q. All right. And did you exam some items of
9 evidence in this case?

10 A. I did, yes.

11 Q. All right. And tell us a little about SLED's
12 chain of custody?

13 THE COURT: Do you have any problem taking your
14 mask off?

15 THE WITNESS: No.

16 THE COURT: Could you do that. Thank you.

17 BY MR. ANDERSON:

18 Q. We appreciate it. Thank you.

19 A. So the chain of custody is how we track where and
20 when evidence goes anywhere. So from the time a case comes
21 into the lab, it gets logged in and given a new case number.
22 And then it stays in a secure storage location until it is
23 ready to be worked. And from that point on it is tracked
24 using the chain of custody.

25 Q. Have you reviewed the chain of custody in this

KIMBERLY SPAINHOUR - DIRECT BY MR. ANDERSON

1 case?

2 A. I have.

3 Q. Is everybody in it a person that either formally
4 works at SLED or works at SLED right now?

5 A. Yes.

6 Q. All right. I'm going to approach you with some
7 items that are in evidence. This is State's Exhibit 19 and
8 State's Exhibit 20. Could you take a look at these for me
9 to see if you're with familiar with them?

10 A. Yes. Okay.

11 Q. Are you familiar with what they are?

12 A. Yes. I believe one item is a hat submitted in
13 this case and the other is a pair of gloves.

14 Q. And you received through the chain of -- you
15 received those SLED's chain of custody?

16 A. Yes.

17 Q. All right. Tell us what you did with those items
18 when you received them.

19 A. When I received the hat, I then processed the hat,
20 I then processed the hat, I scraped the interior of the hat,
21 and then went behind and swabbed it just to collect any
22 potentially DNA in the hat. And with the gloves I would
23 have done a similar process where I swabbed the inside and
24 the outside of the gloves.

25 Q. So basically you processed those items for

1 evidence?

2 A. Correct.

3 Q. And when you say you created subitems, you created
4 little swabs?

5 A. The swabs are the subitems, yes.

6 Q. All right. And did those get a number for a lack
7 of a better way of identifying them?

8 A. Yes. Yes, they get their own new item number once
9 I create the swabs themselves.

10 Q. And that's how you identify those new items of
11 evidence in SLED's chain of custody?

12 A. Correct.

13 Q. All right. And then what did you do with those
14 items that you created?

15 A. The items that I created then went to another
16 analyst within the DNA case work department.

17 Q. So you basically collected what you thought would
18 have been likely DNA and sent to the DNA Department?

19 A. Correct.

20 Q. All right. That's via the chain of custody?

21 A. Yes.

22 Q. All right. I'm going to show you what's been
23 marked for identification purposes as State's Exhibit 22.

24 Are you familiar with what that is?

25 A. Yes. These are the swabs subitems that I took

KIMBERLY SPAINHOUR - DIRECT BY MR. ANDERSON

1 from the previous items.

2 Q. So that's the subitems that you created?

3 A. Correct.

4 Q. All right. And you didn't handle a known standard
5 from anybody in this case?

6 A. I did not.

7 Q. Those are just -- those are the items that you
8 handled in this case?

9 A. Correct.

10 Q. And you sent all of those to DNA?

11 A. The swabs, yes.

12 Q. The swabs to DNA, you sent the hat and the gloves
13 back?

14 A. Correct.

15 Q. All right. Okay.

16 MR. ANDERSON: At this time the State seeks to
17 move State's Exhibit 22 -- actually, Your Honor. We'll go
18 to the next witness. We don't have any further questions
19 for this witness.

20 THE COURT: Okay. Any questions.

21 MR. BARR: I have no question for this witness.

22 MR. ANDERSON: We call Jennifer Bartman.

23 Can you get Ms. Bartman for me, she's in that back
24 room. Thank you.

25 Can we excuse Ms. Spainhour?

1 Virgil, you don't need Ms. Spainhour, do you?

2 Your Honor, can Ms. Spainhour be excused?

3 THE COURT: Any objection?

4 MR. BARR: No objection, Your Honor.

5 THE COURT: Yes. Thank you so much.

6 Ma'am, place your left hand on the Bible and raise
7 your right hand.

8 MADAM CLERK: Do you solemnly swear or affirm that
9 the evidence you give this Court and jury be the truth, the
10 whole truth, and nothing but the truth, so help you God?

11 THE WITNESS: I do.

12 MADAM CLERK: Okay. Have a seat in this box right
13 here.

14 JENNIFER BARTMAN, having been duly
15 sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. ANDERSON:

18 Q. Ms. Bartman, good morning.

19 A. Good morning.

20 Q. Where do you work?

21 A. I work at the South Carolina Law Enforcement
22 Division, commonly referred to as SLED, in the DNA Casework
23 Department.

24 Q. And what do you do there?

25 A. I was recently named to be --

JENNIFER BARTMAN - DIRECT BY MR. ANDERSON

1 THE COURT: Do you have any problem taking your
2 mask off?

3 THE WITNESS: Oh, of course.

4 THE COURT: Thank you.

5 THE WITNESS: I apologize.

6 THE COURT: That's okay.

7 THE WITNESS: I was recently named the DNA
8 Technical Leader of the DNA Department at SLED. At the time
9 of this analysis I was a DNA analyst in the DNA Casework
10 Department.

11 BY MR. ANDERSON:

12 Q. And do you have any specialized education to do
13 your job?

14 A. Yes. I have a bachelor of science degree in
15 biology. I also have a master of forensic science with a
16 concentration of forensic biology. I also completed
17 approximately a year of on-the-job training at SLED with a
18 court-qualified analyst in the proper techniques to use in
19 the DNA laboratory.

20 Q. Have you ever testified as an expert before?

21 A. Yes, I have.

22 Q. Roughly, how many times?

23 A. Approximately, 29 times.

24 Q. Okay. At this time we would seek to offer -- and
25 what have you testified as an expert as?

JENNIFER BARTMAN - DIRECT BY MR. ANDERSON

1 A. In DNA -- forensic DNA analysis.

2 MR. ANDERSON: Your Honor, at this time we offer
3 Ms. Bartman as an expert witness in DNA analysis.

4 THE COURT: Any objection?

5 MR. BARR: No objection, Your Honor.

6 THE COURT: The Court so finds.

7 BY MR. ANDERSON:

8 Q. All right. And Ms. Bartman, did you receive items
9 through the chain of custody in this case?

10 A. Yes, I did.

11 Q. Did you receive some swabs from Ms. Spainhour?

12 A. Yes. I received swabs that she previously had,
13 yes.

14 Q. All right. And that would be Subitems 2 -- that
15 would be the exterior and interior of the gloves and swabs
16 of the hat?

17 A. Yes, that's correct.

18 Q. I'm going to show you what has been marked for
19 identification purposes State's 22. Take a look at this for
20 me?

21 A. (Complied.)

22 Q. Do those appear to be the items I just asked you
23 about?

24 A. Yes, they do.

25 MR. ANDERSON: All right. At this time the State

JENNIFER BARTMAN - DIRECT BY MR. ANDERSON

1 seeks to move State's Exhibit 22 into evidence.

2 MR. BARR: No objection, Your Honor.

3 THE COURT: Admitted without objection.

4 (WHEREUPON, State's Exhibit Number 22 was moved
5 into evidence.)

6 BY MR. ANDERSON:

7 Q. And Ms. Spainhour, what did you do with those
8 items?

9 A. I performed DNA analysis on these items.

10 Q. All right. Did you receive a known standard in
11 this case?

12 A. Yes, I did.

13 Q. All right. I'm going to approach you with what is
14 marked and in evidence as State's 4. Will you take a look
15 at this for me?

16 A. (Complied.)

17 Q. Does that appear to be the standard for this case?

18 A. Yes, it does.

19 Q. And you received that through the chain of
20 custody?

21 A. Yes, I did.

22 Q. All right. And so you tested the standard you
23 received to the swabs you got from the hat and the gloves.

24 Tell us a little bit about what you did.

25 A. When we perform DNA analysis on an item, we first

1 extract the DNA from whatever it's submitted on. In this
2 case it was the swabs. And then we figure out how much DNA
3 is present and the type of testing we do is called STR,
4 which stand for Short Tandem Repeat. And that just means we
5 look at short sections of DNA that repeat over and over
6 again. And the number of times that it repeats differs
7 between individuals.

8 So that is what we use to develop the DNA profile
9 that we use for comparison to any known standards that are
10 submitted in a case.

11 Q. All right. And did you do that in this case?

12 A. Yes, I did.

13 Q. Walk us through your findings.

14 A. SLED Item 1.1 was a swab from scraping headband
15 and bill of MLB gray baseball cap, 5950 grams. And the
16 first things we do when we look at the profiles that we
17 develop is that we determine if they're suitable for
18 comparison or not.

19 So in this case the DNA profile suitable for
20 comparison was developed. And then we come up with some
21 propositions. So in this case the profile from that item, I
22 determined that it was a mixture originating from two
23 individuals and I looked at two different scenarios.

24 Scenario 1 is that Robert Lee Reddock and an
25 unidentified unrelated individual contributed to the

JENNIFER BARTMAN - DIRECT BY MR. ANDERSON

1 mixture. And the second scenario is that two identified
2 unrelated individuals contributed to the mixture.

3 The DNA profile was approximately 25 billion times
4 more likely if Robert Lee Reddock and an unidentified
5 unrelated individual contributed to the mixture, than if two
6 unidentified unrelated individuals contributed to the
7 mixture.

8 Q. So was that number 29 billion?

9 A. Twenty-five billion.

10 Q. Twenty-five billion. Is there 25 billion people
11 on the plant?

12 A. No, there's not.

13 Q. Okay. All right. Walk us through the rest of
14 your tests.

15 A. The next item I looked at was SLED Item 2.1, which
16 were swabs from the exterior as submitted of a pair of black
17 latex gloves. Again, I determined that the profile I
18 developed was suitable for comparison. I determined that
19 this profile was a single source, meaning it had one
20 contributor.

21 So the two scenarios that I looked at were Robert
22 Lee Reddock contributed to the profile. And then the second
23 scenario would be an unidentified unrelated individual
24 contributed to the DNA profile. The DNA profile was
25 approximately 2.5 octillion times more likely if Robert Lee

1 Reddock contributed the profile than if an unrelated
2 unidentified individual contributed to the profile.

3 Q. And octillion is more than a billion?

4 A. That's correct.

5 Q. All right. And that was subitem -- I'm sorry,
6 that was the swab of the exterior of the gloves?

7 A. The exterior as submitted of the pair of gloves.

8 Q. Continue.

9 A. And then the third item I looked at were the swabs
10 from the interior of the pair of black latex gloves. Again,
11 the DNA profile was suitable for comparison. The DNA
12 profile for this item was attributed as a mixture
13 originating from two individuals. And we looked at the same
14 two scenarios as the original Item 1.1 being Scenario 1, is
15 that Robert Lee Reddock and an unidentified unrelated
16 individual contributed to the mixture. And the second
17 scenario being two unidentified unrelated individuals
18 contributed to the mixture. The DNA profile from this item
19 was approximately 1.3 octillion times more likely if Robert
20 Lee Reddock and an unidentified unrelated individual
21 contributed to the mixture than if two unidentified
22 unrelated individuals contributed to the mixture.

23 Q. All right. Ms. Bartman, in your expert opinion
24 was the DNA from the known sample on these items?

25 A. There was very strong support that Robert Lee

JENNIFER BARTMAN - CROSS BY MR. BARR

1 Reddock contributed to either the mixture or the profiles in
2 this case.

3 Q. All right.

4 MR. ANDERSON: And I beg the Court's indulgence
5 just one moment.

6 THE COURT: Okay.

7 MR. ANDERSON: Ms. Bartman, thank you for your
8 time.

9 CROSS-EXAMINATION

10 BY MR. BARR:

11 Q. Good morning, Ms. Bartman?

12 A. Good morning.

13 Q. How are you doing?

14 A. Good.

15 Q. And I did pronounce correctly as Bartman?

16 A. That's correct.

17 Q. Okay. Ms. Bartman, you said you were the head lab
18 person now for SLED when it comes to DNA testing?

19 A. Yes, I was recently named as the DNA Technical
20 Leader.

21 Q. Okay. And I'm not going to -- I'm not going to
22 pretend like I know everything about DNA, so I want to just
23 ask some baseline questions to make sure that what I have
24 found out actually is correct.

25 So DNA, no one person has two sets of DNA; is that

1 correct?

2 A. I don't -- I'm not sure if I understand your
3 question.

4 Q. So I wouldn't have two sets of DNA, if you tested
5 me, I would just have one set of DNA?

6 A. Typically, yes.

7 Q. Typically, yes. Okay. So I guess what my
8 question is, is in going back to the baseball cap, you said
9 the DNA was determined as a mixture from two individuals.
10 So that means two sets -- two different sets of DNA?

11 A. That's correct. I determined in that profile that
12 two different people were contributing to the profile that I
13 developed.

14 Q. Okay. Now, the Solicitor said something about
15 25 billion times, but that's 25 billion times more likely
16 that Mr. Reddock and another person contributed to the
17 mixture than just two different people. Is that -- am I
18 interpreting that correct?

19 A. Correct. The profile is approximately 25 billion
20 times more likely if Robert Reddock and an unidentified
21 unrelated individual contributed to the mixture.

22 Q. Okay. So, to be clear, we definitely have two
23 sets of DNA on the baseball cap?

24 A. That what I determined, yes.

25 Q. Okay. Were you given another set of swabs from

1 the Williamsburg County Sheriff's Department in this case?

2 A. Just the ones that I previously went over of what
3 I received.

4 Q. When you provided your findings to the
5 Williamsburg County Sheriff's Department notifying them of
6 the two sets of DNA, did they send you any other swabs so
7 that you could identify who that second unknown person was?

8 A. No, they did not.

9 Q. Now, I want to talk about the interior of the
10 gloves. So the interior of the gloves, which I want to make
11 sure the interior is the part where you would stick your
12 hands in, correct?

13 A. This was listed as the interior as submitted of
14 the pair of black latex gloves.

15 Q. Okay. And so when you tested the inside of the
16 gloves, the inside of the gloves also had a mixture of two
17 sets of DNA?

18 A. Yes, I interpreted that profile as a mixture
19 originating from two individuals.

20 Q. And we settled this before that no one person
21 typically does not have two sets of DNA?

22 A. Right. Each person has a unique DNA profile with
23 the exception of identical twins.

24 Q. So in your expert opinion based on the results is
25 it possible that two people had on these gloves?

JENNIFER BARTMAN - REDIRECT BY MR. ANDERSON

1 A. It's possible.

2 Q. Is it possible in your expert opinion that two
3 people were wearing this baseball cap?

4 A. Yes, it's possible.

5 MR. BARR: No further questions, Your Honor.

6 THE COURT: Okay. Any redirect?

7 MR. ANDERSON: Just briefly.

8 REDIRECT EXAMINATION

9 BY MR. ANDERSON:

10 Q. Now, Ms. Bartman, he asked you several questions
11 about gloves. Can you tell the inside and the outside of
12 rubber gloves unless you've seen it?

13 A. It depends on the type of glove.

14 Q. Have you ever taken rubber gloves off?

15 A. Yes.

16 Q. And sometimes they turn inside out?

17 A. That's correct.

18 Q. All right. And the outside of the -- what was
19 labeled as the outside of the gloves, had just Robert
20 Reddock's DNA on them; that's right?

21 A. That's correct. It was from a single source.

22 Q. All right. Thank you.

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

24 MR. ANDERSON: The State rests, Your Honor.

25 THE COURT: Okay. Ladies and gentlemen, I'm going

1 to send you to the jury room for a minute. I need to talk
2 to the lawyers. I'll get you back out here in just a few
3 minutes. Don't discuss this case yet, okay?

4 And one thing you can do while you're back there,
5 you can select a Foreperson. I don't know any of you. The
6 Foreperson needs to be out of the original 12. They have no
7 greater vote than anybody else. They simply will sign the
8 verdict form and you will see over the deliberations.

9 So I need y'all to decide who you want to be for
10 person, okay, while we're on this break. It needs to be out
11 of the original 12. The alternate doesn't need to be the
12 foreperson, okay? I'll get you back in a few minutes.

13 (WHEREUPON, the jury exited the courtroom at 11:58
14 a.m.)

15 THE COURT: Anything from the defense?

16 MR. BARR: Your Honor, we would, at this time,
17 just move for -- make a motion for a directed verdict. We
18 do not believe that there's been enough evidence that a
19 reasonable jury could come to find that Mr. Reddock is
20 guilty.

21 The identification on the video, Your Honor, does
22 not display a face, does not display any recognizable marks.
23 The clerk at the store did not identify Mr. Reddock. He's
24 on record of saying that, They did not ask me for a lineup,
25 if they had asked me to a lineup, he would not be able to

1 identify who the person was.

2 The clerk will also say he could not identify or
3 the saw the person who was driving, but the police officer
4 did not have him do a lineup of that.

5 We also, Your Honor, had testimony from
6 Ms. Bartman, that says that there's two sets of DNA on the
7 baseball and on the gloves that were both pictured by the
8 person committing the robbery.

9 Notwithstanding, the fact that there's 20 minutes
10 of missing time between the robbery and when Officer Dunmore
11 came on the scene.

12 I think that we -- in totality, based on all of
13 those factors that our motion for a directed verdict should
14 be granted.

15 THE COURT: Does the State want to respond?

16 MR. ANDERSON: Just that we believe there's
17 ample -- the test is whether there's the existence of
18 evidence -- evidence exists in the record that shows the
19 defendant's guilt. And we believe that there's substantial
20 evidence, direct evidence and indirect or circumstantial
21 evidence, of his guilt in this case. His identify has been
22 proven by the officer who arrested him and his DNA is
23 present on items the robber was wearing.

24 THE COURT: Okay. I'm -- as far as the armed
25 robbery is concerned and the possession of a weapon, I'm

1 going to deny your motion. I think that that evidence is in
2 this record and submit to the jury.

3 Mr. Solicitor, what else do you have in the record
4 on conspiracy?

5 MR. ANDERSON: Your Honor, I just said to
6 co-counsel, I forgot to leave out the charge of conspiracy.
7 We concede we put no evidence towards that. I apologize.

8 THE COURT: I will grant your motion on
9 conspiracy.

10 MR. BARR: Thank you, Your Honor.

11 THE COURT: Okay.

12 Now, Mr. Reddock, how about you stand up and raise
13 your right hand, please, sir.

14 Do you solemnly swear the testimony you're going
15 to give me will be the truth, the whole truth, and nothing
16 but the truth, so help you God?

17 THE DEFENDANT: I do.

18 THE COURT: You can put your hand down.

19 We've reached the point in the trial, Mr. Reddock,
20 where you have an opportunity and a right to testify if you
21 want to or put up any evidence. The State has the burden of
22 proof and you're not obligated to put up anything.

23 And if you don't, if you choose not to testify,
24 I'm going to instruct the jury that they cannot consider
25 that in any way. They can't hold that against you, they

1 can't even discuss that in the jury room, because you don't
2 have the burden of proving anything. The State has the
3 burden of proving you guilty beyond a reasonable doubt.

4 However, if you do decide to testify, you'll be
5 treated like any other witness. You'll be subject to
6 impeachment, I don't know if you have a criminal record or
7 not, but part of that record may come in and you can be
8 impeached by it. Whether you testify or whether you don't
9 testify it's your decision. Your attorney can only advise
10 you as to whether he thinks you should or should not
11 testify. Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: You have a constitutional right to
14 remain silent. Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you got any questions you want to
17 ask me concerning your right to testify?

18 THE DEFENDANT: No, I don't.

19 THE COURT: Okay. So anything further?

20 Let me ask you this, it's 12:00 o'clock, do you
21 intend to put up any evidence?

22 MR. BARR: No, Your Honor.

23 THE COURT: Okay. So do you want to break for
24 lunch, come back and argue, and then I'll charge in the
25 morning and give the case to the jury? Or do you want to

1 quit for the day and come back in the morning and argue and
2 charge? Because I didn't think you were going to be here in
3 the morning.

4 MR. ANDERSON: It's my preference to do as much as
5 we can today, because I can't be here tomorrow.

6 THE COURT: Okay. So any objection about y'all
7 coming back after lunch, you do your closing arguments, we
8 break for the day, I charge the jury in the morning and give
9 them the case fresh in the morning.

10 Any objection to either side?

11 MR. ANDERSON: Not from the State.

12 MR. BARR: Not from the defense.

13 THE COURT: Okay. Then that's what we'll do. And
14 it seems like it's a good time to break for lunch right now
15 and then come back at 1:30?

16 MR. ANDERSON: That suits me.

17 THE COURT: That suit everybody?

18 MR. BARR: Yes, sir, Your Honor.

19 THE COURT: Okay. And you can decide over lunch
20 if you want to change your mind about testifying.

21 Do you understand?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Okay. Bring me the jury.

24 (WHEREUPON, the jury entered the courtroom at
25 12:06 p.m.)

1 THE COURT: Did y'all select a Foreperson?

2 Did y'all figure out who the Foreperson was?

3 Okay. You can do that later.

4 Here's what we're going to do at this point. The
5 State has rested, so you've heard all the evidence you're
6 going to hear from the State. And it's a good time to go to
7 lunch. So we're going to lunch and ask that you be back in
8 the juror room at 1:30.

9 Now, you got to be back, if you have an emergency
10 you need to call us and let us know, because I can't get
11 started until all of you come back. And it needs to be a
12 real emergency. I had a case one time where one of the
13 jurors didn't come back because their story was on and they
14 were watching their story and they said they weren't going
15 to miss it. That is not an emergency, okay. I'll see y'all
16 at 1:30. Don't discuss the case.

17 (WHEREUPON, the jury exited the courtroom at 12:07
18 p.m.)

19 THE COURT: Okay. See y'all at 1:30.

20 MR. ANDERSON: Your Honor, if we're going to
21 prepare our closing over lunch, can we have a brief charging
22 conference, just so we know what charges to talk about in
23 our closing?

24 THE COURT: Sure.

25 MR. ANDERSON: The State would ask for the hand of

1 one hand of all, since he asked several questions about
2 Mr. Reddock not being the driver.

3 THE COURT: All right. I'll charge that. What
4 else? I'm going to charge armed robbery as well as
5 possession of a weapon. I'm not going to charge conspiracy.

6 MR. ANDERSON: Oh, goodness. If you do one,
7 you've got to do what's the other, mere presence, don't they
8 go together?

9 THE COURT: Yeah, that's in the hand of one is the
10 hand of all. I think that's already been presented. I'll
11 do the standard reasonable doubt --

12 MR. ANDERSON: And the armed robbery --

13 THE COURT: -- with the defendant failure to
14 testify.

15 MR. ANDERSON: The armed robbery discussed
16 representations of weapons, too, right? I can't remember.
17 There's a statute or a case that says it can be a
18 representation of a firearm.

19 THE COURT: Yes. That's in the armed robbery
20 charge, as well.

21 MR. ANDERSON: Okay. That's all I need.

22 THE COURT: Anything from the defense?

23 I'll charge, you know, criminal intent, expert
24 witness, direct and indirect evidence, failure of the
25 defendant to testify, if he chooses not to testify.

1 Anything else?

2 MR. BARR: No, Your Honor.

3 THE COURT: Okay. Then I'll see y'all at 1:30.

4 MR. ANDERSON: Thank you, Your Honor.

5 THE COURT: If you have any different charges,
6 we've got all night, because I'm not charging them until the
7 morning.

8 MR. BARR: Okay.

9 THE COURT: Okay.

10 (WHEREUPON, a break was held from 12:09 p.m. until
11 1:30 p.m.)

12 THE BAILIFF: All rise.

13 THE COURT: We got all the jury in?

14 THE BAILIFF: Yes, sir. They just walked in.
15 Let me see the lawyers.

16 MR. BARR: I've got to get my client in.

17 MR. ANDERSON: And, Your Honor, the Clarendon
18 Solicitor's Office reached out to me about the possibility
19 of a bond hearing tomorrow. Do you mind if they set it up
20 tomorrow?

21 THE COURT: They set it up today at 12:00 and I
22 told them, no. But tomorrow, I mean, I don't know what all
23 you have on the schedule.

24 MR. ANDERSON: Not much.

25 THE COURT: I was going to charge this jury in the

1 morning. What about the message to the jury tonight?

2 MR. ANDERSON: We don't need them.

3 THE COURT: You can tell Sharon that, okay.

4 Are we ready for the jury? Okay.

5 (WHEREUPON, the jury entered the courtroom at 1:32
6 p.m.)

7 THE COURT: Okay. Did y'all select a Foreperson?

8 THE FOREPERSON: Yes, sir.

9 THE COURT: You in the hot seat?

10 THE FOREPERSON: I'm in the hot seat.

11 THE COURT: All right. Good.

12 Now, the State has rested.

13 Defense?

14 MR. BARR: We're ready to proceed, Your Honor, but
15 we're not planning on calling any witnesses.

16 THE COURT: Okay. All right.

17 Ladies and gentlemen, that means you've heard all
18 the evidence you're going to hear in this case. Now it's
19 time for the closing arguments of the attorneys. They going
20 to give their closing arguments to you. Then we're going to
21 quit for the day and I'll bring you back in the morning and
22 charge you on the law and give you this case to decide,
23 because once I give you this case to decide, you can't go
24 home.

25 So we'll do that in the morning, okay?

1 So if you'll listen close to the attorneys they'll
2 give you their closing arguments.

3 CLOSING ARGUMENT ON BEHALF OF THE STATE

4 MR. ANDERSON: May it please the Court.

5 THE COURT: Yes, sir.

6 MR. ANDERSON: Mr. Barr. Madam Clerk.

7 In his opening statement Mr. Barr said, We just
8 don't know.

9 So let's take a moment to talk about what we do
10 know. Let's take a moment to talk about what the State has
11 proven. Let's take a moment to talk about what the evidence
12 shows.

13 What do we know? We know someone wearing a
14 bleach-stained shirt went into Vicki's, who robbed the place
15 with a gun. Pointed at the clerk, he took a brown bag full
16 of money. What do we know? He was wearing a mask and a hat
17 and some rubber gloves.

18 Shortly after that who's wearing that
19 bleach-stained shirt? Robert Reddock, the man sitting right
20 there. You saw it in the body cam footage. Same beard,
21 same mole on the back of his head, same bleach-stained
22 shirt. And what does he have with him when he gets
23 arrested? He's got the bag of money. Where did we last see
24 that bag of money? In the robber's hands.

25 What else do we know? The clerk at the store

1 talked about seeing the driver of the car. How did he
2 describe the person he saw driving the getaway car? Young
3 and scared. Let's take a moment to look at Mr. Reddock,
4 just stare at him for a moment. Is the -- the words that
5 come to my mind certainly aren't young.

6 Let's talk about what we know. We know that
7 Robert Reddock's DNA is on the hat that the robber wore. We
8 know that his DNA is on the inside and the outside of the
9 gloves.

10 The defense has made a big deal about the mixture.
11 That doesn't defeat the fact that his DNA is on the gloves.
12 And it doesn't defeat the fact that his DNA is on the hat.
13 The State hasn't hidden the fact that someone else is
14 involved in this. I talked about the getaway driver in my
15 opening statement. Unsurprising, that there's two sets of
16 DNA to us.

17 I want to talk to you a moment about the doctrine
18 of the hand of one is the hand of all. It's a legal
19 doctrine -- the Judge is going into great detail with you.
20 And I'm going to read you some boring law stuff, please
21 don't fall asleep, I'm going to do my best to explain it,
22 but listen to the Judge's version, his will be much better.

23 So one combining and confederating with others to
24 accomplish an illegal purpose is criminally liable to
25 everything done either him -- either done by him or his

1 confederates, which follows, incidentally, in the execution
2 of common design of the natural consequence of the crime.

3 That's a bunch of lawyer talk. What does that
4 mean? Hand of one, hand of all. What does that mean?

5 If I go across the street and rob a bank, I go in
6 with an airsoft pistol and rob the store. And Ms. Alston is
7 the getaway driver, what do we both charged with? Bank
8 robbery. What are we both responsible for? Robbing the
9 bank.

10 So if you believe somehow that Mr. Reddock is not
11 the person who went in the store, he's still in the car, he
12 still got the money. What does that mean? Hand of one,
13 hand of all. It means he's guilty.

14 I want to talk a minute about Mr. Patterson, the
15 getaway driver, what was he wearing? You heard a blue
16 shirt. Y'all have seen the pictures, a blue shirt. He got
17 chased out of the woods by a bear. What was he wearing? A
18 blue shirt. Officer Dunmore testified he drove past him.
19 The driver of the car was wearing a blue shirt.

20 I want to talk to you for a moment about what
21 reasonable doubt is. It's the standard the State has to
22 prove the case to you. How much evidence you all have to
23 hear. I talked about this a little bit in my opening.
24 Reasonable beyond a reasonable doubt is how much proof there
25 needs to be. Proof beyond a reasonable doubt means you will

1 not hesitate to act to find the defendant guilty. Proof
2 beyond a reasonable doubt means you are firmly convinced
3 that the defendant is guilty.

4 I tried to think up an example over my lunch break
5 of what an unreasonable doubt is, because I don't have to
6 deal with unreasonable doubts. And the best one I could
7 come up with is the only scenario where Mr. Reddock is
8 innocent. He had to be the most unlucky hitchhiker in the
9 history of mankind. Not only would they have to pick him
10 up, one of them had a run off, trade clothes with him, and
11 then give him the gun. Does that make sense? No. That's
12 completely unreasonable. That's an unreasonable doubt.

13 So what are we left with? What do we know? We
14 know that a man in a black shirt with a bleach stain robbed
15 the store. We know he got a little brown bag of money. We
16 know that 20 minutes later Robert Reddock got arrested
17 wearing that same shirt with that same bag of money. And
18 the gloves and the hat, his DNA is all over it. That's what
19 we know.

20 Ladies and gentlemen, y'all are about at the point
21 of the case where you get to go back there and make your
22 choice. And in my opening I said this is a case about
23 choices. Y'all have heard all of the evidence. The choice
24 you have to make in this case is easy. There's only one
25 choice that makes sense and that's a verdict of guilty.

1 MR. BARR: May it please the Court?

2 THE COURT: Yes, sir.

3 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

4 MR. BARR: Good afternoon, ladies and gentlemen.

5 Well, we're out of time. This morning I told you
6 I would be direct and I will be straight with you about what
7 we know and what we don't know.

8 During the opening statements the State talked
9 about waking up in morning with that alarm clock. Well,
10 that preverbal alarm clock is now. Because time's run out
11 for the State. Mr. Reddock has been in the cycle for
12 two years. The alarm clock is ringing and we still don't
13 know.

14 Now, I'm a common-sense guy and I trust my eyes.
15 I watched the video, you watched the video. The head and
16 face were covered. A lot of you don't trust my eyes, you
17 don't trust my opinion, we had Mr. Thompson up there. This
18 clerk, and what did he tell you, he said, I told the police
19 what I saw.

20 Remember I asked Mr. Thompson, Hey, did they ask
21 you to do a photo identification of the person you saw who
22 was the driver? He said, No. Why would we not do that?
23 Beyond all reasonable doubt. Wouldn't that have cleared
24 everything up if they showed Mr. Thompson a photo lineup of
25 the supposed getaway driver, and he said, No, that's not

1 him. Wouldn't that have cleared it up? Wouldn't we know
2 exactly who is driving and who was carrying out the robbery?
3 But we don't know that.

4 But the State says, You know what, don't worry
5 about that, it's the shirt. It's the shirt. It's the
6 shirt. Okay. But the person in that video was also wearing
7 a hat, he's wearing gloves.

8 So now we start talking about what we do know. We
9 have the expert from the South Carolina Law Enforcement
10 Division, testified in over 29 trials, you heard her there,
11 she said, I've testified over 29 times as an expert.

12 Now, I didn't study DNA, but I asked her, I asked
13 her honestly, I said, Is it possible that two people wearing
14 that hat, and you heard what she said, she said, It's
15 possible.

16 Now, two people wearing the same hat. I think
17 that's reasonable doubt. Well, we'll move that to the side.
18 Let's talk about the gloves. And I was very clear about the
19 gloves. I said, You tested the interior of the gloves. And
20 remember, I put my hand up here and I said, So the part
21 where you stick your hands in the glove. And I said, When
22 you tested that what did you show? There was two sets of
23 DNA on them. Two sets of DNA on the inside of the glove.

24 I asked the expert from the South Carolina Law
25 Enforcement Division, Is it possible if you got two sets of

1 DNA, is it possible that two people were wearing that glove?
2 Ladies and gentlemen of the jury, you heard what she said,
3 she said it's possible. She's an expert. I'm an attorney.
4 I'm not an expert. She's an expert, and you heard what she
5 said, it's possible.

6 That's doubt that makes you hesitate. That's
7 reasonable doubt, because you have an expert saying it's
8 possible that two people came in contact with the very thing
9 that you saw the alleged perpetrator wearing, okay.

10 So what else do we know? I talked to Investigator
11 Ballard and Officer Dunmore. Now, the police at the
12 Williamsburg County Sheriff's Office they have a hard job.
13 I don't want that job. That's a hard job. But I believe
14 what I asked them was fair, because Mr. Reddock's freedom is
15 at stake. So I don't think it's out of bounds to say, Why
16 didn't you do a recording and let Mr. Thompson identify the
17 voice? I do not believe that's unreasonable. His freedom
18 is at stake. Why not do it and screen that out, eliminate
19 the doubt. That's reasonable doubt.

20 I asked Investigator Ballard about the car. Did
21 you do any DNA swabs in the car? He said, No, didn't feel
22 like we had to do it. His freedom is at stake. Why not do
23 it? Why not get all the answers to all the questions so we
24 eliminate the doubt?

25 We don't know. We don't know. Because nobody in

1 this courtroom no one, no one who sat in that seat has said,
2 explicitly, I saw Robert Reddock, I saw his face. No one
3 said that. No one said it. We had somebody here who said,
4 He was one foot away from me and I can't -- I couldn't
5 identify him. In fact, I asked Mr. Thompson if they had
6 given you a lineup and had Mr. Reddock in it, would you be
7 able to identify him? He said, Probably not.

8 Doubt. Doubt will make you hesitate. Now, I
9 talked about that presumption of innocence. That stays with
10 Mr. Reddock throughout the entirety of this trial. And it's
11 only lifted if the State proves every single element of the
12 charge. We're common sense folks here in Williamsburg
13 County. If I didn't see you and I can't identify you and I
14 got two set of DNA on the hat and on the gloves that's
15 reasonable doubt.

16 An expert, not William Virgil Barr, an expert who
17 does this for a living said it's possible. And remember,
18 ladies and gentlemen of the jury, I asked when it came to
19 DNA, I asked every person that I -- a question about DNA I
20 said, Hey is it possible for a human being to have two sets
21 of DNA. And you heard the answer, said, No. And the reason
22 why I asked that question is because I already knew there
23 were two sets of DNA.

24 And I'll tell you this, members of the jury, when
25 the State's got DNA evidence and it's concrete, they are

1 happy. They are waving it around, we got DNA, we got DNA.
2 Now, it's, Well, yeah, we got two sets of DNA, but don't
3 worry about that.

4 We got a video, but you can't see, don't worry
5 about that, it's all about the shirt. It's all about the
6 shirt, right?

7 Let's talk about the officer. Officer Dunmore is
8 there, and I said, Officer Dunmore, the call of the robbery
9 happened around 9:09 a.m., he said, Yes. I said, You came
10 up on the subjects around 9:32 a.m. He said, Yes. I said,
11 I think -- to quote myself, I said, Hey, I'm not a math guy,
12 but I think that's about 21 minuets. Twenty-one minutes of
13 time nobody can account for. I said, Officer Dunmore is it
14 possible that in 21 minutes that they could have made a pit
15 stop? They could have switched drivers. One person could
16 have -- I said, Is it possible? He said, Yeah. He said
17 it's possible. Twenty-one minutes. Twenty-one minutes of
18 lost time where anything could have happened. Where
19 conceivability one person could have took off the cap, the
20 other person put it on. We don't know.

21 And that's the problem with this case, is before
22 you take away Mr. Reddock's freedom, you have to know. And
23 not only do you have to know, you got to know beyond all
24 reasonable doubt. There is no points for second place.
25 This isn't corn hole, you don't get points for coming close.

1 The Sate has to land. The State has to meet every
2 single element of the charge. And if they don't do that,
3 then there's only one thing you can find, is that
4 Mr. Reddock is not guilty.

5 Now, Judge Cothran is going to charge you on the
6 law. He's going to tell you exactly what those elements
7 are. And then you're going to go back and you're going to
8 deliberate. And as you deliberate, I would just ask you,
9 ask yourself, What do you really know for certain? And do
10 you know enough, was there enough done? We didn't do
11 lineups. We didn't do voice recordings. Could have done
12 those things. We got twenty minutes of missing time. You
13 have enough reasonable doubt. You have enough to make you
14 hesitate. The alarm clock's ringing. We're at the hour.

15 I appreciate your time. I thank you for your
16 service. I have nothing further.

17 THE COURT: Anything from the State?

18 MR. ANDERSON: Nothing from the State, Your Honor.

19 THE COURT: Okay. Ladies and gentlemen, we're
20 going to stop for the day. And I'll ask you to be back at
21 9:30 in the morning. I will charge you on the law, it will
22 take about 20 or 30 minutes, and I will give you this case
23 to decide. So hopefully you will be able to decide it
24 tomorrow without any trouble.

25 So don't talk about this case. Don't let anybody

1 talk about it to you. Don't read anything. Don't Google
2 anybody. Don't do any research. Everything you know, you
3 learned in this courtroom.

4 I need all of you back in the morning. If you
5 have an emergency you need to call us. And I'll see you all
6 at 9:30, okay? Thank you.

7 (WHEREUPON, the jury exited the courtroom at 1:52
8 p.m.)

9 THE COURT: Anything else before we end?

10 All right. We have anything you want to do, pleas
11 or anything? Or are we done for the day?

12 MR. BARR: Your Honor, at this time, I'll just
13 renew all of my previous motions. The motion for directed
14 verdict.

15 THE COURT: Okay. And I'll deny your motion. I
16 think there's sufficient evidence for the armed robbery and
17 the possession of the weapon to go to the jury. And I've
18 already taken conspiracy out, there's no evidence.

19 MR. BARR: Yes, sir, Your Honor.

20 THE COURT: I'll see y'all in the morning.

21 MR. ANDERSON: And, Your Honor, I won't be here,
22 but Ms. Alston will be here to finish the trial out.

23 THE COURT: Okay.

24 (WHEREUPON, the proceedings adjourned for the day
25 at 1:52 p.m.)

1 Wednesday, June 16, 2021

2 (WHEREUPON, the proceedings resumed at 9:27 a.m.)

3 THE BAILIFF: All rise. Court is now session.

4 THE COURT: Okay. Thank you please be seated.

5 I understand you have a motion?

6 MR. BARR: Yes, Your Honor. Your Honor, we have
7 an objection to the State offering the hand of one, hand of
8 all in jury charge. And the basis of our objection, Your
9 Honor, is that through the course of the trial it's been the
10 position by the State that my client, Mr. Reddock, and only
11 my client, Mr. Reddock, was the only one who entered the
12 store.

13 Now, there has been on the record that there's was
14 another party present, but the State's main case in point
15 has been that it's just been my client. And also, Your
16 Honor, based on the fact that the conspiracy charge has now
17 been done away with, it just -- it seems improper for the
18 State to come back now and offer a charge of hand of one
19 hand of all when their central position has been that this
20 was a one-person robbery. And I do not believe the State's
21 put forth any evidence to show that they were working in
22 concert together. And so, on those bases, we would object
23 to that jury charge being given.

24 THE COURT: Okay. Do you want to respond?

25 MS. ALSTON: And, Your Honor, it has been the

1 defense's position that Mr. Reddock was the getaway driver,
2 in a sense. Even with that position, Sir, it still is to a
3 level of culpability on it. Even as a getaway driver he
4 still can be found guilty of armed robbery.

5 THE COURT: Okay. And, you know, the evidence
6 that I heard in this case was that someone came in the
7 store -- it's on video -- someone came in the store with a
8 hat on, a mask on, a shirt on and displayed a gun, robbed
9 the store, left with money in a bag -- in a paper bag. The
10 clerk testified that he looked outside the window and saw a
11 person, a black male sitting in the car with no mask on,
12 appeared to be young and nervous. That the subject robbed
13 him, left the store, and got in that car. He gave a
14 description of that car, the fact that it had paper tags,
15 the color. The police intercepted that car some 15 to
16 20 minutes later.

17 As a result of that, a high speed chase is on
18 video. Clearly, the driver of that car was trying to get
19 away from the police. The car wrecked. And they both ran
20 into the woods and your client was apprehended and another
21 suspect was apprehended, too.

22 So I think there is factual basis in this record
23 that the hand of one is the hand of all is an appropriate
24 charge and I'm going to deny your motion.

25 MR. BARR: Thank you, Your Honor.

1 MS. ALSTON: Thank you, Your Honor.

2 THE COURT: Okay. Anything else before I bring in
3 the jury?

4 MS. ALSTON: Nothing further from the State.

5 MR. BARR: Nothing from the defense, Your Honor.

6 THE COURT: Okay. Bring in the jury, please.

7 (WHEREUPON, the jury entered the courtroom at
8 9:36 a.m.)

9 THE COURT: Good morning. I'm glad y'all made it
10 back.

11 CHARGE ON THE LAW

12 Now that you've heard all of the evidence in this
13 case, as well as the closing arguments of both the State and
14 defendant, I'm going to charge you on the law that you will
15 apply in this case.

16 Under our Constitution and Code of Laws only a
17 jury can make a finding of fact in this case. I am not
18 permitted to indicate to you how I might feel about the
19 facts. So, if I've said anything or done anything
20 throughout this trial that you think I have an opinion about
21 the facts, you are to disregard that, because under our law
22 you and only you can determine what the facts are in the
23 case.

24 And that same Constitution and Code of Law that
25 makes you the exclusive judge of the facts, makes me the

1 exclusive judge of the law. So if you have an idea of what
2 you think the law is and what the law should be and it
3 differs from what I now tell you the law is, you are
4 obligated under your oath to follow the law precisely as I
5 give it to you.

6 The fact that the defendant was arrested, charged
7 and indicted in this case is not evidence in this case and
8 cannot be considered by you as evidence of guilt in this
9 case. Nor does it create any presumption or inference of
10 guilt. The indictment is simply a formal written instrument
11 which contains the charges brought against the defendant.
12 And it serves as the formal document to get this case
13 through the court system.

14 Now, the defendant has pled not guilty to this
15 indictment and that casts the burden upon the State to prove
16 each and every element of this indictment to you beyond a
17 reasonable doubt.

18 A person charged with committing a criminal
19 offense in South Carolina is never required to prove himself
20 or herself innocent. And I instruct you and emphasize to
21 you in this case the fact that the defendant did not testify
22 is not a factor to be considered by you in any way in your
23 deliberation. He has a Constitutional right to remain
24 silent and the fact that he exercised that right should not
25 be considered in any way. It should not even be discussed

1 in the jury room.

2 The State has the burden of proving him guilty
3 beyond a reasonable doubt. The fact that he did not testify
4 should not be considered in your deliberation. It's an
5 important rule of law in this country that a defendant in a
6 criminal trial will always be presumed innocent of the crime
7 for which he or she is charged unless and until his guilt
8 had been proven by evidence that satisfies you of that guilt
9 beyond a reasonable doubt.

10 The presumption of innocence is not a mere legal
11 theory, it is not just a legal phrase, it is a substantial
12 constitutional right to which every defendant is entitled.
13 The presumption of innocence accompanies the defendant from
14 the time that he's charged throughout the trial until you
15 reach a verdict of guilt based upon evidence that satisfies
16 you of that guilt beyond a reasonable doubt.

17 A reasonable doubt is a doubt which makes an
18 honest, sincere, conscientious juror in search of the truth
19 to hesitate to act. Proof beyond a reasonable doubt must
20 therefore be proof of such a convincing character that a
21 reasonable person would not hesitate to rely and act upon it
22 in the most important of his or her own affair. Proof
23 beyond a reasonable doubt can be described as proof that
24 leaves you firmly convinced of the defendant's guilt.

25 Now, there are very few things in this world that

1 we know with absolute certainty. In a criminal case the law
2 does not require proof to overcome every possible doubt.
3 If, based on your consideration of the evidence, you are
4 firmly convinced that the defendant is guilty of the crime
5 charged, you must find him guilty. If, on the other hand,
6 you think there's is a real possibility he is not guilty,
7 you must give him the benefit of that doubt and find him not
8 guilty.

9 In determining the facts in the case you must
10 necessarily pass upon the credibility, which simply means
11 the believability of the witnesses and the value or weight
12 to be given to their testimony. You alone must decide the
13 force and effect of the truth of that testimony.

14 In making these decisions there are many things
15 that you may and should take into consideration such as the
16 appearance and the manner of the witness on the stand,
17 sometimes referred to as the demeanor of the witness. Was
18 the witness forthright or hesitant? Was the witness's
19 testimony consistent or did it contain discretions? What
20 was the ability of the witness to testify about the facts
21 which he or she testified to? Did the witness have cause or
22 reason to be bias or prejudice in favor of the testimony?
23 Was the witness's testimony corroborated or made stronger by
24 the evidence or was it made weaker impeached by the other
25 evidence?

1 Now, normally we don't allow a witness go give
2 their opinions in court, but that exception does not apply
3 to what we call an expert witness. A witness, who by
4 education and experience has become an expert in some art,
5 science, profession, or calling, may state an opinion as to
6 the relevant material in which the witness claims to be an
7 expert.

8 You should consider an expert's opinion received
9 in evidence in this case like any other evidence. You give
10 it the weight you think it deserves. If you decide that the
11 opinion of an expert is not based on sufficient education
12 and experience, or if you conclude that the reasons given in
13 support of their opinion are not sound, or that their
14 opinion is outweighed by other evidence, you may disregard
15 their opinion in its entirety. An expert witness's
16 testimony should be given no greater weight than that of any
17 other witness simply because that witness is an expert and
18 you cannot fault the expert's opinion even though it has not
19 been contradicted.

20 Now, as jurors, you have the right to believe a
21 small portion of the witness's testimony or disregard a
22 larger or vice versa. You may believe all of the witness's
23 testimony or none. You may believe a single witness against
24 that of many or the other way around.

25 Now, in every criminal case criminal intent is the

1 necessary element of each crime that must be proven to you
2 beyond a reasonable doubt. Criminal intent is always a
3 matter that must be determined by the jury and the
4 circumstances surrounding the situation. There is no way to
5 prove intent to a mathematical certainty. There's no way
6 medical science can dissect a person's brain in determining
7 what he or she had in mind. So the law states criminal
8 intent may be inferred from the circumstances shown to have
9 existed both before and after the fact. This is how you,
10 the jury, determine criminal intent based on the
11 circumstances that are present in a particular case.

12 Criminal intent is a state of mind that operates
13 jointly with an act or omission in the commission of a
14 crime. Criminal intent is a mental state of conscious
15 wrongdoing. So it is up to you, the jury, to determine what
16 the defendant intended based on the circumstances shown to
17 have existed. And I tell you the State must prove criminal
18 intent beyond a reasonable doubt, just as the State must
19 prove every element beyond a reasonable doubt.

20 Now, there are two types of evidence that are
21 generally presented during a trial: Direct evidence and
22 circumstantial evidence. Direct evidence directly proves
23 the existence of a fact and does not require deduction.
24 Circumstantial evidence is proof of a chain of facts and
25 circumstances indicating the existence of a fact. Crimes

1 may be proven by circumstantial evidence and the law makes
2 no distinction between the weight or value to be given to
3 either direct or circumstantial evidence.

4 However, to the extent that the State relies on
5 circumstantial evidence, all of the circumstances must be
6 consistent with each other and when taken together form
7 conclusively to the guilt of the accused beyond a reasonable
8 doubt.

9 If these circumstances merely portray the
10 defendant's behavior as suspicious the proof has failed.
11 The State must prove this case beyond a reasonable doubt
12 regardless of whether the State relies on direct evidence,
13 circumstantial evidence, or a combination of the two.

14 Now, the defendant is charged with armed robbery.
15 In order to prove this offense the State must first prove
16 beyond a reasonable doubt that the defendant took personal
17 property from the person or presence of another person.
18 Property is in the presence of a person or if it is within
19 the person's reach, inspection, observation, or control, so
20 that the person could, if not overcome with violence or
21 prevented by fear keep the possession of the property.

22 The State must prove beyond a reasonable doubt the
23 defendant carried the property away intending to permanently
24 deprive the owner of the property and to keep the property
25 for the defendant's own use. The slightest removal of the

1 property or the complete possession of the property, even
2 for an instant by the defendant, is sufficient to show a
3 taking and carrying of the property.

4 Taking and carrying away of the property must be
5 done with violence or by putting the owner of the property
6 in fear of violence.

7 Finally, the State must prove beyond a reasonable
8 doubt that the defendant was armed with a deadly weapon
9 during the robbery. A deadly weapon is any article,
10 instrument or other substance which is likely to cause death
11 or great bodily harm. Whether the instrument has been used
12 as a deadly weapon depends on the facts and circumstances of
13 each case.

14 The following are examples of instruments of a
15 deadly weapon: A pistol, a shotgun, a rifle, a dirk, a
16 dagger, a knife, slingshot, metal knuckles, a razor,
17 gasoline, firebomb, Molotov cocktail, and lighter fluid. A
18 gun may be a deadly weapon even if it is not operated.

19 Now, whether a toy gun which has the appearance of
20 and/or is believed to be a real gun is a deadly weapon. The
21 fact that a toy gun was used is a factual question that you
22 have to determine whether it is a deadly weapon or appears
23 to be a deadly weapon. A BB gun as a deadly weapon is also
24 a factual question that you must determine in this case.

25 The defendant is charged with possession of a

1 weapon during the commission or attempt to commit a violent
2 crime. The State must beyond a reasonable doubt that the
3 defendant was in possession of a firearm or visibly
4 displayed what appeared to be a firearm during the
5 commission of a violent crime.

6 A firearm means any machine gun, automatic rifle,
7 revolver, pistol, or any weapon which is designed to or made
8 directly or converted to expel a projectile.

9 A knife means an instrument or tool with a sharp
10 cutting blade whether or not fastened to a handle that can
11 be used to inflict or cut, slice, or wound.

12 In order to find the defendant guilty of
13 possession of a weapon during the commission of a violent
14 crime, you must first find the defendant either guilty of
15 committing a violent crime or attempting to commit a violent
16 crime. And I tell you the crime armed robbery is a violent
17 crime in the State of South Carolina.

18 Now, the mere presence at the scene is not
19 sufficient to prove someone guilty of a crime. A defendant
20 present where a crime is being committed or a mere
21 association with a person who commits a crime does not make
22 a defendant an accomplice or an aider or abettor of the
23 person who commits the crime.

24 The burden is on the State to prove each and every
25 element of the crime charged. If you find after viewing all

1 the evidence that the State has proved the defendant was
2 only present at the scene of the crime, and if they had not
3 proved beyond a reasonable doubt any evidence of
4 participation in the crime, then you must find the defendant
5 not guilty.

6 Now, we have something under our law called the
7 hand of one is the hand of all. If a crime is committed by
8 two or more people who are acting together in the committing
9 of a crime the act of one is the act of all. A person who
10 joins with another to commit an unlawful act is criminally
11 responsible for everything done by the other person which
12 happens as a probable or natural consequence of the act done
13 in carrying out the common plan and purpose.

14 For example, two people can be guilty of killing
15 another person when only one of the two had a gun, when there
16 was only one bullet, and only one of the two fired the shot
17 that caused the death. If the two people are together,
18 acting together, assisting each other in committing the
19 offense, the act of one is the act of all. It is sometimes
20 referred to, as I told you, as the hand of one is the hand
21 of all.

22 Prior knowledge that a crime is going to be
23 committed without more is not sufficient to make a person
24 guilty of that crime. Mere knowledge that another person is
25 going to commit a crime, even if the defendant is present

1 when the crime is committed, is not sufficient to convict
2 the defendant as the principal.

3 Guilt as a principal is shown by actual and
4 constructive presence at the scene as the result of a prior
5 arrangement. Therefore, a finding of a prior arrangement,
6 plan, or common scheme is necessary for the finding of guilt
7 as the principal. The State must prove beyond a reasonable
8 doubt by common evidence the theory of the hand of one is
9 the hand of all.

10 A principal in a crime is the one who either
11 actually commits the crime or is present, aiding, abetting,
12 or assisting in the commission of a crime. When a person
13 doesn't act in the presence of and with the assistance of
14 another the act is done by both. Where tow two or more are
15 acting in a common plan or attempt or are present at the
16 commission of a crime. It does not matter who actually
17 committed the crime, all are guilty. The hand of one is the
18 hand of all.

19 Presence at the commission of a crime means to be
20 sufficiently near to aid and abet and to assist in a common
21 scheme in the commission of a crime. However, mere presence
22 at the scene is not enough to convict someone as a principal
23 in the theory of aiding and abetting.

24 And intent is also a necessary element, therefore,
25 there must have been a common sign or attempt to commit a

1 crime and the crime must have been committed pursuant that
2 the person aiding and abetting by some overt act.

3 Intent means intending the results which actually
4 occurred not accidentally or involuntary. Intent may be
5 shown by acts and conduct with the defendant and other
6 circumstances which may naturally and reasonably infer
7 intent. The State must prove these elements beyond a
8 reasonable doubt.

9 Now, ladies and gentlemen, you are not advocates
10 for the State of South Carolina or this defendant. You
11 don't serve as jurors to award your friends or punish your
12 enemies, that system of justice simply would not be
13 tolerated. You have been selected by both the State and the
14 defendant to be fair and impartial jurors. It is your duty
15 then by your joint deliberation to determine the facts in
16 this case and giving the benefit of reasonable doubt to the
17 defendant.

18 You determine, based on the facts in this case if
19 the State satisfied you of the defendant's guilt beyond a
20 reasonable doubt you must find him guilty. But, on the
21 other hand, if you think there's a possibility he's not
22 guilty, you must find him not guilty.

23 Now, Madam Foreman, I have had my law clerk draw
24 up the possible verdict form. It simply states the caption
25 of the case, State of South Carolina, County of

1 Williamsburg, State versus Robert Reddock.

2 Now, on this form there's two potential verdicts.
3 One is: As to the charge of armed robbery, we the jury
4 unanimously find the defendant guilty or not guilty.

5 As to the crime of possession of a weapon during
6 the commission of a violent crime we the jury find the
7 defendant guilty or not guilty.

8 Now, the order that we put these in, you should
9 draw no conclusion from whatsoever, we just had to put them
10 in some order. If on Count One, if you find the defendant
11 not guilty of Count 1, you're not to go to Count Two,
12 because he can't be guilty of Two, if he's not guilty of
13 One. Because Count Two is possession of a weapon during the
14 commission of a violent crime. Well, if you find that he's
15 not guilty of a violent crime, then he can't be guilty of
16 possession of a weapon, so you wouldn't even see Two if you
17 find him not guilty on One.

18 If you find him guilty on One, then you would go
19 to Count Two and determine whether the State has proved that
20 he had possession of a weapon during the commission of a
21 violent crime.

22 Your verdict must be unanimous. All 12 of you
23 must decide on this verdict. When you reach that verdict,
24 when all 12 of you agree, you would check the appropriate
25 box. You would take the bottom and sign your name and knock

1 on the door and we'll bring you out and we'll receive your
2 verdict.

3 Now, you can only talk about this case with all 12
4 of you present in the room. So when you're talking about
5 this case, if somebody needs to go to the restroom or needs
6 to be excused for any reason, you've got to stop talking
7 about it, because you can only talk about it when all 12 of
8 you are there. And this verdict must be unanimous, all of
9 you must agree. When you've reached a verdict, knock on the
10 door.

11 Now, if you have a question, you have to write
12 that question down on a piece of paper and give it to the
13 Bailiff, he'll bring it in here to me, and I will bring you
14 back out and answer if I can. I can tell you right now I
15 can only questions of law. If you need me to explain the
16 law that I've given to you I can do that. If you have a
17 factual question, I can't answer that. I can't reopen this
18 case and bring in more witnesses. So I can't answer any
19 factual questions and I can't bring witness back to answer a
20 question you may have.

21 You've got to decide this case based on the facts
22 that have been presented during this trial. But if you have
23 a legal question, I can answer that, if you have a factual
24 questions, I can't. But, either way, you have to write the
25 question down on a piece of paper and I'll bring you back

1 out and answer the question.

2 Now, do they have a way to see the video evidence
3 in the jury room?

4 MS. ALSTON: Yes, sir. We can provide a laptop in
5 there.

6 THE COURT: Okay. So you'll be given all the
7 evidence. If you want to play some of it -- is that laptop
8 set up to send it back? I may have -- in many times in most
9 courthouses in this State, they don't have sufficient tech
10 in the jury room so you can actually look at the video. So
11 many times if you want to see something on video, I've got
12 to bring you back out here and play it. We may can figure
13 out how to send it back, but I'm not sure at this point,
14 most of the time they can't.

15 So I have -- if you want to see -- you'll have
16 every picture that's been introduced and every document and
17 everything else, but the videos I may have to bring you back
18 out. I'll see after you get back there if you want to see
19 something on the disk, if I have a way for you to play it
20 back there I'll send it, but if not I'll have to bring you
21 back out here.

22 You're not the alternate are you?

23 I needed the Foreperson to be anybody but the
24 alternate, when I first sent you all back there, were you
25 the alternate? Is she the alternate?

1 THE CLERK: She's the last one, yes.

2 THE COURT: Okay. Y'all got to go vote for
3 another Foreperson. It's got to be out of the original 12.
4 The Foreperson -- I mean, I'm sorry, the alternate can only
5 go back there if one of y'all got sick. But all of y'all
6 have made it, so she won't get to go back there. So y'all
7 got to elect a new Foreperson, okay?

8 And whoever that person is, I will send this back,
9 y'all need to send a name out with the Bailiff. I'll send
10 this back. When you get the verdict form, along with the
11 evidence, that will be your sign you can begin your
12 deliberations. As soon you get everything back there, you
13 can talk about the case, okay?

14 So you stay with me.

15 Y'all go back there, elect a new Foreperson. I
16 will walk with these lawyers to make sure I haven't left
17 anything out, if I have, I'm going to bring you back out.

18 (WHEREUPON, the jury exited the courtroom at 10:01
19 a.m.)

20 THE COURT: Okay. Any exceptions or deletions
21 from the State?

22 MS. ALSTON: No, sir, Your Honor.

23 THE COURT: From the defense.

24 MR. BARR: No, sir.

25 THE COURT: Okay. If y'all will get the evidence

1 together and we can get it back to the jury. So y'all get
2 up with the Court Reporter, be sure you agree what's in
3 evidence.

4 Now, that laptop you will send back, is it a
5 generic laptop with nothing on it?

6 MS. ALSTON: No.

7 THE COURT: You can't send the State's laptop back
8 to the jury room.

9 MR. BARR: Your Honor, I'll just ask if the jury
10 needs to see the video, we'll just bring them back.

11 THE COURT: Okay. Now, any reason I can't excuse
12 the alternate? You've been sitting here all week, listening
13 to this and now you don't get to decide. But I only needed
14 you if somebody got sick. You're free to go. They're going
15 to send you a huge check. I've been telling you, you can't
16 talk about this case, now you can talk about it to anybody
17 you want to. Thank you so much.

18 THE CLERK: The new Foreperson is Susanna Blakely.

19 THE COURT: Okay. If you'll get the evidence
20 together and give this to the Foreperson.

21 (WHEREUPON, the jury began deliberations at 10:02
22 a.m.)

23 THE BAILIFF: All rise.

24 THE COURT: The jury has a question.

25 All right. Where are the lawyers?

1 (WHEREUPON, there was a pause in the proceedings.)

2 THE COURT: I got a question from the jury. The
3 question is: How long has the defendant been held in jail?

4 I can't answer that question.

5 So do you want me to write an answer and send it
6 back or bring them out here and tell them that?

7 MS. ALSTON: Either is fine with me, Your Honor.

8 MR. BARR: I just ask you to bring them out and
9 tell them, Judge.

10 THE COURT: All right. Where is the defendant?
11 I've got to have him in here.

12 MR. BARR: I got it.

13 THE COURT: All right. Bring the jury in.

14 (WHEREUPON, the jury entered the courtroom at
15 10:33 a.m.)

16 THE COURT: Are you my Foreperson?

17 THE FOREPERSON: Yes.

18 THE COURT: You get to sit in the hot seat.

19 All right. The question I received from y'all is:
20 How long has the defendant been in jail?

21 I can't answer that question, that's a question of
22 fact. But that question has nothing to do with what you're
23 supposed to be doing. Your job is to determine guilt or
24 innocence. That fact has nothing to do with the guilt or
25 innocence of the defendant. You've got to make that

1 determination based on the evidence you heard in this
2 courtroom.

3 And, you know, based on the evidence you heard if
4 that State has proved beyond a reasonable doubt in your
5 opinion he's guilty, you must find him guilty. If the State
6 has failed to do that you must find him not guilty. But how
7 long he's been in jail has nothing to do with his guilt or
8 innocence, okay?

9 The punishment is not anything that y'all -- y'all
10 determine from the facts whether he's guilty or innocent,
11 guilty or not guilty. That's what you determine.
12 Punishment is not something that you need to take into
13 consideration today. All right.

14 If you'll go back and continue deliberations.
15 Thank you.

16 (WHEREUPON, Court's Exhibit Number 1 was moved
17 into evidence.)

18 (WHEREUPON, the jury exited the courtroom at 10:34
19 a.m.)

20 THE COURT: All right. Anything exceptions or
21 deletions on behalf of the State or defense?

22 MR. BARR: No, sir.

23 MS. ALSTON: No, sir, Your Honor.

24 THE COURT: Okay. We'll be at ease until we hear
25 to get them back.

1 (WHEREUPON, there was a pause in the proceedings
2 while deliberations continued.)

3 THE BAILIFF: All rise.

4 THE COURT: We've got a verdict. Are we ready?

5 MS. ALSTON: Yes, sir, Your Honor.

6 MR. BARR: Yes, sir.

7 THE COURT: All right. Let's bring in the jury.

8 (WHEREUPON, the jury entered the courtroom at
9 11:51 a.m.)

10 THE COURT: Madam Forelady, you have a verdict?

11 THE FOREPERSON: Yes, sir, Your Honor.

12 THE COURT: Is it unanimous?

13 THE FOREPERSON: Yes, sir.

14 THE COURT: Okay. If you'll hand it up.

15 All right. If you'll publish the verdict?

16 VERDICT

17 THE CLERK: In Case Number 2019-GS-45-256, the
18 State of South Carolina versus Robert Reddock, as to the
19 charge of armed robbery, we the jury unanimously find the
20 defendant guilty.

21 As to the charge of possession of a weapon during
22 the commission of a violent crime, we the jury unanimously
23 find the defendant not guilty.

24 Signed by Foreperson, Ms. Blakely, on 6/16/2021.

25 THE COURT: All right. Anything from the State

1 before I dismiss the jury?

2 MS. ALSTON: No, Your Honor.

3 THE COURT: Okay. Anything from the defense?

4 MR. BARR: Nothing, Your Honor.

5 THE COURT: Okay. Ladies and gentlemen, I
6 appreciate your service this week. This is the only case
7 we're going to try this week, so you're free to go. And the
8 Clerk is going to give you some paperwork. She's going to
9 mail you this huge check. I appreciate your service.

10 I've been telling you, you can't talk about this
11 case, now you can talk about it to anybody you want to. You
12 can tell your family what you've been doing, anybody else.
13 You don't have to talk about it if you don't want to. But
14 you won't have to do this again for three years. So the
15 State doesn't intrude on your private life for three years.

16 And for you, being a citizen of this County and
17 the a citizen of this State, I appreciate your service, you
18 have a great day.

19 THE CLERK: Ladies and gentlemen, on behalf of
20 myself and the Williamsburg County Clerk of Court, my staff,
21 the staff of the Court, the State, Ms. Alston, the attorney
22 for the defense, Mr. Barr, we would like to thank you so
23 much for coming in and doing your civic duty, because
24 without you we can't do what we do.

25 So, once again, we thank you and appreciate you

1 being here this week. I do have certificates that you will
2 be given.

3 And your check won't be that huge. But at anytime
4 over the next 30 days that you do not receive a check from
5 the County, please give us a call so we can trace it down
6 for you. Once again, we thank you so much. If you'll back
7 this way she'll give you your certificate.

8 (WHEREUPON, the jury exited the courtroom at 11:54
9 a.m.)

10 THE COURT: Okay. Y'all ready to proceed with
11 sentencing?

12 MS. ALSTON: Yes, sir, Your Honor.

13 THE COURT: You've got the paperwork?

14 All right. Anything -- well, let me ask you this:
15 My understanding when we started this trial that this was an
16 LWOP. The State has served the defendant and his counsel a
17 notice that he was looking at life without the possibility
18 of parole; is that correct?

19 MS. ALSTON: Yes, sir, Your Honor.

20 THE COURT: Do you have a copy of that notice?
21 And what prior most serious offenses had he been convicted
22 of?

23 MS. ALSTON: And, Your Honor, back in 2001,
24 Mr. Reddock was convicted of armed robbery. And again in
25 2003 he had another conviction for armed robbery. Both

1 sentences were for 12 years at that time.

2 THE COURT: Okay. What jurisdiction were those
3 committed in?

4 MS. ALSTON: The 2001 armed robbery was in
5 Florence County. The 2003 armed robbery was in Darlington
6 County.

7 THE COURT: Where was he tried on the 2001? How
8 could he get 12 years in 2001, and get another in 2003?

9 MR. BARR: In the 2001 charge, Your Honor, I
10 believe Mr. Reddock started off with a federal charge and
11 was dismissed and the State picked that up.

12 THE COURT: So there's only one armed robbery?

13 MS. ALSTON: No, sir, Your Honor, and I do
14 apologize. He was convicted in Florence County for the 2001
15 armed robbery on January 3rd of 2003.

16 THE COURT: Okay. So, Mr. Barr, do you agree with
17 that or disagree with that? Have you had an opportunity to
18 look at his record?

19 MR. BARR: I've had an opportunity, Your Honor,
20 but I would -- what I would like, I guess, is to request a
21 little bit more time to take a look at it in more detail. I
22 did receive the notice from Mr. Anderson on the LWOP.

23 THE COURT: And is that notice spell out the prior
24 conviction? Somebody show me a copy of the notice. Did the
25 defendant get the notice? Did the State serve the defendant

1 the notice?

2 MS. ALSTON: Yes, sir, Your Honor. It was back on
3 February 10th, 2020. He was charged with a most serious
4 offense and it was the armed robbery where he got a
5 conviction on January 3rd, 2003.

6 THE COURT: All right. So that notice, is it --
7 do you have in your file who you served it on?

8 MS. ALSTON: It was served on the previous
9 attorney, which Mr. Doward Harvin.

10 THE COURT: Do you have when it was served on the
11 defendant?

12 (WHEREUPON, there was a brief pause in the
13 proceedings.)

14 MR. BARR: Your Honor, I have the same notice that
15 Mr. Harvin -- I'm sorry, that Mr. Anderson sent to
16 Mr. Harwin. I don't see anything in our files where
17 Mr. Reddock was noticed.

18 MS. ALSTON: And, Your Honor, law enforcement did
19 inform me that Investigator Ballard himself did serve the
20 notice on to Mr. Reddock.

21 THE COURT: Is that right?

22 INVESTIGATOR: Yes, sir, Your Honor. I served it
23 on the Detention Center.

24 THE COURT: You served it on the Detention Center?

25 INVESTIGATOR: At the Detention Center.

1 THE COURT: Okay. And you don't know what date?

2 INVESTIGATOR: It was February, Your Honor. I
3 just don't remember the exact date.

4 THE COURT: Okay.

5 INVESTIGATOR: I served and immediately turned it
6 back to Solicitor Anderson.

7 THE COURT: Okay. When you served it, you turned
8 it in to who?

9 INVESTIGATOR: Mr. Anderson, I gave it back to
10 Mr. Anderson, the proof of service.

11 THE COURT: All right. You've got the proof of
12 service, this was clocked in the Clerk of Court.

13 All right. February 10, 2020 at 11:15 a.m.

14 THE CLERK: We're only showing what you have.

15 THE COURT: But do you the proof of service that
16 he served on the defendant? He said he filed the proof of
17 service.

18 I'm going to take a brief recess while y'all look
19 that up.

20 (WHEREUPON, there was a brief recess held.)

21 THE COURT: Let me see the lawyers back here.

22 (WHEREUPON, there was a brief recess held.)

23 THE COURT: Okay. Do y'all want to proceed with
24 sentencing now or do you want to wait until tomorrow?

25 MS. ALSTON: Your Honor, the State is fine if we

1 could sentence tomorrow.

2 MR. BARR: Tomorrow.

3 THE COURT: Then I'll defer sentencing until the
4 morning.

5 MS. ALSTON: Thank you, Your Honor.

6 Your Honor, what time would you like to start
7 tomorrow?

8 THE COURT: 9:30, unless y'all have some other
9 time, that's normally when the Chief Justice says we're
10 supposed to start court.

11 MS. ALSTON: Yes, sir.

12 THE COURT: Thank you. See y'all in the morning.
13 (WHEREUPON, the proceedings adjourned for the day
14 at 12:33 p.m.)

15 Thursday, June 17, 2021

16 (WHEREUPON, the proceedings resumed at 9:44 a.m.)

17 THE BAILIFF: Order in the court. All rise.

18 THE COURT: Thank you. Please be seated.

19 MR. ANDERSON: May it please the Court.

20 THE COURT: Yes, sir.

21 MR. ANDERSON: Your Honor, we want to go back on
22 the record on Indictment Number 2019-GS-45-256, the State
23 versus Robert Lee Reddock.

24 Your Honor, Robert Lee Reddock was tried this week
25 by a jury of his peers and found guilty of the offense of

1 armed robbery. We're here today for sentencing.

2 THE COURT: Okay.

3 MR. ANDERSON: May I approach?

4 THE COURT: Yes, sir. I've got the sentencing
5 sheet here.

6 MR. ANDERSON: All right. And, Your Honor, we're
7 prepared to proceed with sentencing. The defendant has been
8 noticed for life. And it's the State's intention to seek
9 life imprisonment without the possibility of parole that was
10 filed by our office back in February of 2020.

11 The officer, Juan Ballard, is here. He can
12 testify to the Court about serving it on the defendant. I
13 also have a copy of text messages of me communicating with
14 the Officer Ballard about serving it and with the
15 defendant's lawyer, Mr. Harvin, who represented him at the
16 time, about serving it.

17 THE COURT: Okay.

18 MR. ANDERSON: Of course, the standards actual
19 notice.

20 THE COURT: All right. I'll hear testimony from
21 Mr. Ballard.

22 MR. ANDERSON: We call Juan Ballard.

23 THE COURT: Okay.

24 THE CLERK: Do you solemnly swear or affirm to
25 tell the truth, and nothing but the truth, so help you God?

JUAN BALLARD - DIRECT BY MR. ANDERSON

1 THE WITNESS: I do.

2 THE CLERK: Okay. Please state your full name for
3 the record.

4 THE WITNESS: Juan Ballard. Williamsburg County
5 Sheriff's Office.

6 JUAN BALLARD, having been duly sworn,
7 testified as follows:

8 DIRECT EXAMINATION

9 BY MR. ANDERSON:

10 Q. Investigator Ballard, good morning.

11 A. Good morning, how you doing?

12 Q. Where do you work?

13 A. Williamsburg County Sheriff's Office.

14 Q. Did you serve a notice of the State's intent to
15 seek life imprisonment in this case?

16 A. I did.

17 Q. Was that in February of 2020?

18 A. It was.

19 Q. Did I communicate with you, that me, being Warren
20 Anderson, about that by cell phone, text messages?

21 A. You did.

22 Q. All right. I'm going to approach and who you
23 what's been premarked for...

24 Investigator Ballard, I'm going to show you what's
25 been for marked identification purposes as State's

JUAN BALLARD - DIRECT BY MR. ANDERSON

1 Exhibit 24. Would you take a look at this for me?

2 A. Yes, sir.

3 MR. BARR: Your Honor, I would object to any
4 reference to these messages. First, on the ground of
5 hearsay, Your Honor.

6 Second, these messages can't be authenticated. If
7 the messages are truly between Solicitor and Mr. Harvin,
8 then Mr. Harvin at the minimum would have to be here --

9 MR. ANDERSON: These are messages between me and
10 Mr. Ballard.

11 MR. BARR: And I would also say those messages
12 have not been authenticated. And those are also hearsay,
13 Your Honor.

14 MR. ANDERSON: I'm in the process of
15 authenticating them.

16 THE COURT: I'm sorry, somebody coughed. Say that
17 last sentence again.

18 MR. BARR: Your Honor, those messages are clearly
19 hearsay with no exception. And I would object to any form
20 and reference to those messages being used here this
21 morning.

22 Now, Officer Ballard can testify as to whether he
23 served them, but to go back and use these messages, Your
24 Honor, A, it's hearsay, also it's highly -- it's highly
25 improper.

JUAN BALLARD - DIRECT BY MR. ANDERSON

1 THE COURT: Okay. So I haven't seen the messages
2 and I don't know what they say, but you can ask him what he
3 did as a result of any communication you had with him.

4 BY MR. ANDERSON:

5 Q. All right. Investigator Ballard, what did you do
6 after we communicated?

7 A. Served it, you dropped it off at the office.

8 Q. It being what?

9 A. The intent to seek life.

10 Q. And you served it on who?

11 A. Robert Reddock.

12 Q. Where did you serve it at?

13 A. At the Detention Center in PRIA -- the room they
14 use for pre-investigation or for PRIA.

15 Q. And that's in February of 2020?

16 A. Yes, sir.

17 Q. That's more than ten days ago?

18 A. Yes.

19 MR. ANDERSON: All right. I don't have any
20 further questions for this witness.

21 THE COURT: Okay. And here's the document that I
22 received from the Solicitor's Office yesterday. I assume
23 this is in the Clerk's file.

24 MR. ANDERSON: Yes, Your Honor. This is the copy
25 of the notice that we filed back in February.

JUAN BALLARD - CROSS BY MR. BARR

1 THE COURT: Okay. You need to make that notice as
2 part of the record.

3 BY MR. ANDERSON:

4 Q. Investigator Ballard, will you look at State's 25
5 for me?

6 A. Yes, sir.

7 Q. Does that appear to be the notice?

8 A. Yes.

9 MR. ANDERSON: All right. We seek to move State's
10 25 into evidence as a self-authenticating document.

11 THE COURT: Okay.

12 (WHEREUPON, State's Exhibit Number 25 was moved
13 into evidence.)

14 MR. ANDERSON: And at this time we have no further
15 questions for Investigator Ballard.

16 THE COURT: Do you have any questions?

17 MR. BARR: Yes, sir, Your Honor, just a few.

18 CROSS-EXAMINATION

19 BY MR. BARR:

20 Q. Good morning, Investigator Ballard.

21 A. Good morning, how are you doing?

22 Q. Investigator Ballard, isn't it common practice
23 once you serve a document to then file a requisite affidavit
24 of service?

25 A. On subpoenas, yes, sir, but this was not a

1 subpoena.

2 Q. Was there an affidavit of service after you served
3 this document?

4 A. Normally, it is, but I don't -- I thought I did,
5 but evidently I didn't. And I think it was just the paper
6 and it was just handed to me.

7 Q. But it is the normal process to file an affidavit
8 of service and that affidavit of service indicates that what
9 you actually served, you're attesting that you served it?

10 A. Yeah.

11 Q. But in this case you did not serve it?

12 A. No. It wasn't served.

13 Q. And you clearly remember all the way back to
14 February of 2020 when you handed this document over?

15 A. Yeah, that's -- I remember this document because
16 it was seeking life and you wouldn't forget that.

17 Q. But you forgot to serve -- you forgot to file the
18 affidavit of service, but you didn't forget that?

19 A. Yeah, I don't recall an affidavit of service. I
20 thought it was. Normally, you serve so many, you just
21 thought you did, but I remember handing it to him at the
22 detention center.

23 MR. BARR: No further questions.

24 THE COURT: Okay. You can come down.

25 MR. ANDERSON: And, Your Honor, we'd just like to

1 put on the record that defendant himself admitted he had
2 notice at the beginning of this trial. You had asked him
3 whether he was aware that he was noticed for life, he said,
4 yes, he was.

5 We also had a status conference before
6 Judge Newman, in January of this year, where it was, again,
7 the fact that he was noticed for LWOP as well with him and
8 his attorney present and he rejected the plea offer at that
9 hearing.

10 THE COURT: Okay. And who was his attorney at
11 that hearing?

12 MR. ANDERSON: That would be Mr. Harvin.

13 THE COURT: Okay. And that was in January of this
14 year?

15 MR. ANDERSON: That's right, yes.

16 THE COURT: Okay.

17 MR. ANDERSON: Via Zoom.

18 THE COURT: All right. Anything else?

19 MR. BARR: Yes, sir, Your Honor. The statute is
20 pretty clear, Your Honor, 17-25-45 (H), that under that
21 section, there has to be written notice given by the
22 Solicitor to the defendant and defendant's counsel. I
23 cannot attest to what happened with Mr. Harvin, but there is
24 no affidavit of service in the Clerk of Court's Office. And
25 notice is one of the most paramount provisions we have in

1 the legal system and it's there for a reason.

2 I know there's a case citing on this, Your Honor,
3 James v. State, but I believe that case took into account
4 actual notice in the stratosphere of just opposed to a PCR.

5 In this case there is no affidavit of service and
6 the statute is binding as far as what the Judge can sentence
7 a defendant under the LWOP statute, then I believe the
8 statute also has to be binding as far as requirements
9 necessary to effectuate the service.

10 Officer Ballard -- Investigator Ballard said he
11 did not file the affidavit of service, which is, by all
12 accounts, the normal process for service. And, Your Honor,
13 just looking at the statute, just the wording of it, it's
14 required that it has to be served on the defendant and
15 defendant's counsel.

16 And I believe in this case with the circumstances
17 being as high as they are, we have to uphold to the strict
18 reading of the statute.

19 THE COURT: Okay. Thank you. Anything further?

20 MR. ANDERSON: Just, Your Honor, I point out in
21 this case we've done more than the State did in State v.
22 James. We went farther to prove our service. It wasn't
23 even filed with the Clerk, the notice of LWOP in State v.
24 James.

25 THE COURT: Okay.

1 MR. ANDERSON: And that was upheld.

2 MR. BARR: And, Your Honor, I believe that with
3 the circumstances we're facing here, the fact that the State
4 did more than the State did in this case, isn't a valid
5 excuse for not having proper service. Proper service is
6 paramount. It's a pillar of the legal system. It's done to
7 protect the defendant's due process rights. If he was not
8 served, if he was not served correctly, then I do not see
9 how the State can get around the statute. The statute is
10 clear on that.

11 Now, I understand the case law is conflicting, but
12 I believe the case law is viewed only at the point of it
13 wasn't enough to overturn that decision based on a PCR and
14 that's our position. There's no affidavit of service filed.
15 And I don't see how we get around that, Your Honor.

16 THE COURT: Okay. The statute requires that the
17 State serve an LWOP notice on the defendant and the defense
18 counsel. The State, the last case that I'm aware the
19 Supreme Court has addressed this is in the Willie James
20 versus the State of South Carolina. It was decided February
21 the 27th, 2007, 372 South Carolina 287. In that case
22 Justice Toal wrote the opinion and says that they overruled
23 State versus Johnson which required the statute to be filed,
24 and she says, That actual notice is sufficient.

25 In this case I've got testimony from an officer

1 under oath who says he personally served the LWOP notice on
2 the defendant in the jail in February of 2020, which is more
3 than ten days before the trial.

4 I also have a statement from the Solicitor that
5 this case was brought before Judge Newman, and Judge Newman
6 had a status conference on this case. I guess, assuming
7 whether the defendant was going to take any potential plea
8 deals from the State. And at that time, he was placed on
9 notice in court in front of Judge Newman, as well as his
10 attorney, that the State was seeking life without the
11 possibility of parole.

12 The State says there's a document filed with the
13 Clerk's Office that the Solicitor served on the defense
14 counsel, Mr. Doward Harvin, noticing him of the LWOP notice.
15 Prior to this trial, we put on the record that the defendant
16 was rejecting all plea offers. And when I proceed with the
17 trial, I advised him at that time that the State was seeking
18 life without the possibility of parole, that if he was
19 convicted then he would be looking at life.

20 I think he's had notice under the statute as well
21 as under the State versus James, and I so find.

22 SENTENCE

23 THE COURT: Okay. Mr. Reddock, the sentence of
24 the Court on the Indictment 2019-GS-45-0256, is that you're
25 committed to the State Department of Corrections for the

1 term of your natural life without the possibility of parole.

2 I sentence you to life, I have no option. I don't
3 have any discretion with an LWOP. I can't give you anything
4 less than life.

5 THE DEFENDANT: Sir, can I say something?

6 THE COURT: Yes, sir.

7 THE DEFENDANT: If the armed robbery charge was
8 dropped, I can understand them serving it in the beginning
9 because they assumed that I was going to be found guilty on
10 all charges. If the armed robbery was dropped, because due
11 to the fact that the gun charge was dismissed yesterday, the
12 armed robbery is second most serious offense does no longer
13 exist, because the armed robbery had to be downgraded,
14 because it's no longer an armed robbery, because the gun
15 charge is dismissed now. So the armed robbery be downgraded
16 to strong armed robbery or armed robbery.

17 THE COURT: I understand it was downgraded. You
18 know, the jury passed the verdict, they found you guilty of
19 armed robbery.

20 THE DEFENDANT: Yes, they found me guilty of armed
21 robbery, but the gun charge -- wouldn't the gun charge have
22 to make it an armed robbery?

23 THE COURT: Well, I understand that, I guess, the
24 jury decided the fact that it was a BB gun, they didn't find
25 that the BB gun fell under the possession of a weapon during

1 the commission of a violent crime based on that definition.
2 But, under the law, you can commit and armed robbery with
3 anything that looks like a gun, a toy gun, a BB gun, or
4 anything else that's under the law of armed robbery.

5 So you were convicted of armed robbery. For
6 whatever reason the jury decided that because it was a BB
7 gun, they felt that possession of a weapon during a violent
8 crime in the definition that I gave them, that a BB gun
9 didn't fall under that definition.

10 So they made, you know, they made their finding.
11 They convicted you of armed robbery. You were LWOP. I have
12 no other option under the law. You understood that going
13 into this. You chose not to accept any plea deals.

14 THE DEFENDANT: Right, I did. But I'm not arguing
15 with you, Your Honor.

16 THE COURT: Well, I understand that. And that's
17 an issue you may want to bring up on appeal.

18 THE DEFENDANT: So, therefore --

19 THE COURT: You were convicted of armed robbery
20 and have to sentence you accordingly.

21 THE DEFENDANT: So, therefore, if you don't have a
22 weapon to make it armed for armed robbery, it still can be
23 armed robbery without a weapon.

24 THE COURT: They found you had a weapon, they just
25 didn't find that it fit the definition of a weapon under a

1 violent crime statute, but the weapon under armed robbery is
2 different. Okay.

3 (WHEREUPON, the proceedings ended at 10:02 a.m.)

4 END OF REQUESTED TRANSCRIPT

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Williamsburg County Courthouse
RANDOM STRIKE SHEET

187

JUDGE NAME : Cothran R. Ferrell Jr.
TRIAL TYPE : Criminal
PANEL ID : 2019GS4500256
COURTROOM 3RD

DESCRIPTION : State v Robert Reddock

Sorted by: Random Nbr
Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
1 Singleton, Tisha N	215	B	F	()	()	()	
2 Bynum, Kristal A	41	B	F	()	()	()	
3 Norris, Tony E Jr.	168	W	M	()	()	()	
4 Brockington, Jacqueline	29	B	F	()	()	()	
5 Lewis, Tionna S	119	B	F	()	()	()	
6 Anderson, Antonio R	1	B	M	()	()	()	
7 Floyd, Brian C	64	W	M	()	()	()	
8 President, Bernard	180	B	M	()	()	()	
9 Cooper, Breanna T	51	B	F	()	()	()	
10 Blakely, Susanna I	19	W	F	()	()	()	
11 Strong, Bruce G	223	W	M	()	()	()	
12 Chandler, Antonio	46	B	M	()	()	()	
13 Parker, Aleshia S	171	B	F	()	()	()	
14 Cooper-dollard, Jovan V	53	B	M	()	()	()	
15 Taylor, Chris T	226	B	M	()	()	()	
16 Griffin, George T	86	B	M	()	()	()	
17 Miller, Leroy	142	B	M	()	()	()	
18 Barr, John A	13	B	M	()	()	()	
19 Barr, Eric D	11	B	M	()	()	()	
20 Hanna, Nikki R	90	W	F	()	()	()	
21 Mccrea, Gladys	127	B	F	()	()	()	
22 Glisson, Stephen M	80	W	M	()	()	()	
23 Barr, Jamecca D	12	B	F	()	()	()	
24 Washington, Janay S	238	B	F	()	()	()	

188

Williamsburg County Courthouse

RANDOM STRIKE SHEET

JUDGE NAME : Cothran R. Ferrell Jr.

TRIAL TYPE : Criminal

PANEL ID : 2019GS4500256

COURTROOM 3RD

DESCRIPTION : State v Robert Reddock

Sorted by: Random Nbr

Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
25 Brockington, Carrie B	26	W	F	()	()	()	
26 Mcdaniel, Abbie R	132	W	F	()	()	()	
27 Brown, Coneet S	34	B	F	()	()	()	
28 Jordan, Joshua L	110	W	M	()	()	()	
29 ~~Franklin, Shannon S~~	~~65~~	B	F	()	()	()	
30 Fulton, Edward N	68	B	M	()	()	()	
31 Wilson, James E Jr.	243	W	M	()	()	()	
32 Swicord, William C	225	W	M	()	()	()	
33 Roberts, Keith D	192	W	M	()	()	()	
34 Jenerette, Bedelia	103	B	F	()	()	()	
35 Barkers, Alfred K	9	B	M	()	()	()	

Total Number of Jurors:

35

** END OF REPORT **

CERTIFICATE OF REPORTER

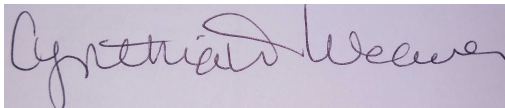
State of South Carolina)

County of Williamsburg)

I, Cynthia D. Weaver, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in General Sessions Court for Williamsburg County, South Carolina, on the 14th through the 17th of June, 2021.

I do further certify that I am neither of kin counsel, nor interest to any party hereto.

August 30, 2022



Cynthia D. Weaver,
Official Court Reporter
State of South Carolina

FORM 5

STATE OF SOUTH CAROLINA

COUNTY OF

Robert Reddock 270080

Full name and prison number (if any) of Applicant.

v.

State of South Carolina

2022-CP-45-00092
IN THE COURT OF COMMON PLEAS

APPLICATION FOR

POST-CONVICTION RELIEF

SHARON W. S. GEESE
CLERK OF COURT
KINGSTREE S.C.

2022 FEB 24 AM 10:15

FILED

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Lieber Coll Inst. 136 Wilborn Ave P.O. Box 205
Ridgeway S.C. 29472
2. Name and location of Court which imposed sentence Williamsburg Co. Courthouse
3. Name(s) of co-defendant(s) (if any) Alex Patterson 125 W. Main St Kingstree S.C.
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2019A451000363 - Robbery Armed Robbery While Allegedly Armed w/ a Deadly Weapon
 - (b) 2019A451000365 - Poss of Weapon During Violent Crime
 - (c)
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) JUNE 16TH 2021 - Guilty (Life w/o Parole)
 - (b) JUNE 16TH 2021 - Not Guilty

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty ✓
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
NO
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. _____ N/A
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____ N/A
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____ N/A
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____ N/A
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Attney failed to inform me of my rights to Appeal & He himself failed to Appeal.
- (b) Attney failed to inform me of my rights to Appeal & He himself failed to Appeal.
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: THERE EXIST EVIDENCE OF MATERIAL FACT, NOT PREVIOUSLY PRESENTED AND HEARD, THAT REQUIRES VACATION OF THE CONVICTION OR SENTENCE IN THE INTEREST OF JUSTICE. THERE'S REASONABLE PROBABILITY THAT HAD THE EVIDENCE BEEN DISCLOSED, TO THE JURY, THE RESULTS WOULD'VE BEEN DIFFERENT.

- (b) INEFFECTIVE ASST. OF COUNSEL
 (c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10): ATTNY FAILED TO TAKE THE APPROPRIATE STEPS TO PRESENT TO THE JURY MY ALIBI DEFENSE OF INVOLUNTARY INTOXICATION, THAT MY CO-DEFENDENT PROVIDED IN HIS EXCULPATORY ARREST STATEMENT, RELEVANT TO ESTABLISH MY INNOCENCE. WASN'T INFORMED OF MY RIGHTS TO APPEAL. I WOULD'VE WANTED HIM TO APPEAL THE SENTENCE & ISSUES IN MY CASE A.S.A.P! I CHOOSE A TRIAL TO PRESERVE ALL MY RIGHTS AFFORDED TO ME.
- (a) _____
 (b) _____
 (c) _____

12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? NO
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
 (d) any other petitions, motions or applications in this or any other Court? NO

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:

- i. _____
 ii. _____
 iii. _____
 iv. _____

N/A

- (b) the name and location of the Court in which each was filed:

- i. _____
 ii. _____
 iii. _____
 iv. _____

N/A

- (c) the disposition thereof:

- i. _____
 ii. _____
 iii. _____
 iv. _____

N/A

- (d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

N/A

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

N/A

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

N/A

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

N/A

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) FAILURE TO PRESENT MY ALIBI DEFENSE - ATTORNEY DIDN'T INTRODUCE IT TO THE JURY OR GET IT ON RECORD. PROVIDED INCOMPETENT DECISION MAKING.
- (b) INEFFECTIVE ASSISTANCE OF COUNSEL - ATTORNEY FAILED TO INFORM ME OF MY RIGHTS TO APPEAL & HE HIMSELF FAILED TO APPEAL.
- (c) _____

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? YES
- (b) your trial, if any? YES
- (c) your sentencing? YES

- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Attorney Not I Appealed.
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? Yes

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
- DOUGLAS K. HARVIN - WILLIAMSBURG CO. Public Defender, 125 W. MAIN ST. Rm #309
KINGSTREE S.C. 29556
 - WILLIAM BARR JR. - WILLIAMSBURG CO Public Defender, 125 W. MAIN ST. Rm #309
KINGSTREE S.C. 29556
 - _____
- (b) the proceedings at which each such attorney represented you:
- Preliminary & Bond Hearings.
 - TRIAL & Jury Selection, Sentencing.
 - _____

19. State clearly the relief you seek in filing this application:

(A) VACATION OF SENTENCE
(B) REVERSAL / NEW TRIAL

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA

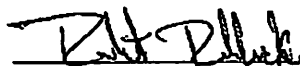
County of

CHARLESTON

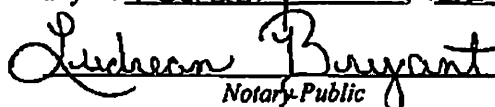
VERIFICATION

~~Robert~~

I, ~~Robert~~, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.



SWORN to and subscribed before me this 2nd
day of February, 2022

 (L.S.)
Notary Public

My Commission Expires: March 31, 2031

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

^{Robert}
I, ~~Robert~~, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Robert Redick

Applicant

SWORN or affirmed to and subscribed before me this
2nd day of February, 2022.

Ludheen Bryant
Notary Public

My Commission Expires: March 31, 2031

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

ROBERT LEE REDDOCK, #270080,

Applicant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Case No.: 2022-CP-45-00092

**RETURN AND MOTION FOR A
MORE DEFINITE STATEMENT TO
THE POST-CONVICTION RELIEF
APPLICATION**

(Counsel Already Appointed)

FILED
2/28/2022
Kingstree Court
Kingstree SC

In response to Applicant Robert Lee Reddock's post-conviction relief application filed on February 4, 2022, and not forwarded to and received by Respondent the State of South Carolina until June 27, 2022, Respondent makes the following return to the application and moves for summary dismissal of the claims of newly discovered evidence and requests an evidentiary hearing solely on Applicant's claims of ineffective assistance of counsel pursuant to the Uniform Post-Conviction Procedures Act (S. C. Code Ann. § 17-27-10 et seq.) and the South Carolina Rules of Civil Procedure. In support of this return, Respondent offers the following:

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections. On the morning of July 15, 2019, Applicant entered Vickie's convenience store in Kingstree with a firearm and demanded the store clerk give him money, to which the store clerk complied. Applicant fled the store with approximately \$877.00 in U.S. currency to a waiting car with his co-defendant (Alex Jamal Patterson), who had been acting as a lookout.

Applicant was subsequently arrested and was later indicted by the Williamsburg County Grand Jury for armed robbery and possession of a weapon during a crime of violence (2019-GS-

45-0256). Based on Applicant's prior convictions, the State noticed Applicant with its intention to seek life without parole pursuant to S.C. Code Ann. §17-25-45.

Applicant was represented by William Joseph Virgil Barr, Esquire. Assistant Solicitors Warren Anderson and Ella Alston of the Third Circuit Solicitor's Office prosecuted the case. On June 14, 2021, the State called the case to a jury trial before the Honorable R. Ferrell Cothran, Jr., circuit court judge. The jury convicted Applicant as indicted and on June 17, 2021, Judge Cothran sentenced Applicant to life imprisonment for armed robbery pursuant to Section 17-25-45. Applicant did not file a notice of appeal.

II. CURRENT ACTION BEFORE THE COURT

In his application for post-conviction relief, Applicant alleges he is entitled to relief based on the following grounds:

10 (a) Newly discovered evidence¹

11 (a) "Attny failed to take the appropriate steps to present to the jury my alibi defense of involuntary intoxication, that my co-defendant provided in his exculpatory arrest statement, relevant to establish my innocence."

10 (b) Ineffective Assistance of Counsel

11 (b) "Wasn't informed of my rights to appeal. I would've wanted him to appeal the sentence and issued in my case A.S.A.P! I choose a trial to preserve all my rights afforded to me."

As requested relief, Applicant states he is seeking, "vacation of sentence" and "reversal/new trial."

Attached herewith and incorporated herein are the records of the Williamsburg County Clerk of Court regarding the underlying general sessions proceedings, Applicant's trial transcript, and Applicant's records from the South Carolina Department of Corrections. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

¹ Applicant has framed this claim as one of newly discovered evidence; however, he clearly states that this claim is based on an omission of his counsel based on information he had at the time of trial, and, accordingly, this allegation is truly one of ineffective assistance of counsel for failing to present an alibi witness. Accordingly, Respondent addresses the claim as such.

III. RESPONSE TO ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL

In his application, Applicant asserts two claims against counsel's performance. First, Applicant asserts that trial counsel failed to present his "alibi defense of involuntary intoxication" as provided by his co-defendant in his "exculpatory arrest statement" and failing to file a direct appeal on his behalf.

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to "assistance by an attorney, whether retained or appointed, who plays the role necessary to ensure that the trial is fair." *Strickland v. Washington*, 466 U.S. 668 (1984). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. *See generally* S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right, and raises a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRCP; *Butler v. State*, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in *Strickland* to determine whether counsel's conduct "was so ineffective as to require reversal" of the applicant's conviction or sentence. 466 U.S. at 687. To obtain reversal of a conviction, the applicant must prove that (1) their attorney's performance fell below an objective standard of reasonableness (the performance prong) and (2) the deficient performance prejudiced the defense to the degree that it deprived the defendant of a fair trial (the prejudice prong). *Id.* at 690–95; *Butler*, 286 S.C. at 442, 334 S.E.2d at

814. The defendant's burden for proving both of these components is heavy in light of the strong presumption that counsel's conduct fell within the range of reasonable professional legal assistance. *Strickland*, 466 U.S. at 690. Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. *Id.* at 700.

The first prong—constitutional deficiency—is “necessarily linked to the practice and expectations of the legal community.” *Padilla v. Kentucky*, 559 U.S. 356, 366 (2010). In order to prove deficient performance, the applicant must show counsel's representation fell below an objective standard of “reasonableness under prevailing professional norms.” *Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

Strickland, however, “does not guarantee perfect representation[—]only a ‘reasonably competent attorney.’” *Harrington v. Richter*, 562 U.S. 86, 110 (2011) (quoting *Strickland*, 466 U.S. at 687). Representation is constitutionally ineffective only if counsel's conduct “so undermined the proper functioning of the adversarial process” that the defendant was denied a fair proceeding. *Strickland*, 466 U.S. at 686. Just as there is “no expectation that competent counsel will be a flawless strategist or tactician, an attorney may not be faulted for a reasonable miscalculation or lack of foresight or for failing to prepare for what appear to be remote possibilities.” *Harrington*, 562 U.S. at 110.

Accordingly, “[j]udicial scrutiny of counsel's performance must be highly deferential, as it is all too tempting for a defendant to second-guess counsel's assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable.”

Strickland, 466 U.S. at 689; *see also Yarborough v. Gentry*, 540 U.S. 1, 6 (2003) (“The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.”). Thus, a fair assessment of attorney performance requires every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel’s challenged conduct, and to evaluate the conduct from counsel’s perspective at the time. *Strickland*, 466 U.S. at 689. Because of the difficulties inherent in making such an evaluation, the reviewing court must indulge in a “strong presumption that counsel’s conduct falls within the wide range of reasonable professional assistance.” *Butler*, 286 S.C. at 445, 334 S.E.2d at 816. The applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625.

A reviewing court “must judge the reasonableness of counsel’s challenged conduct on the facts of the particular case, viewed at the time of counsel’s conduct.” *Strickland*, 466 U.S. at 690. An applicant making a claim of ineffective assistance “must identify the acts or omissions of counsel that are alleged *not* to have been the result of reasonable professional judgment.” *Strickland*, 466 U.S. at 690 (emphasis added). The reviewing court must then “determine whether, in light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance.” *Id.*

The *Strickland* standard must be applied with scrupulous care, lest “intrusive post-trial inquiry” threaten the integrity of the very adversary process the right to counsel is meant to serve. 466 U.S. at 689-690; *see also Harrington*, 562 U.S. at 105 (cautioning that an ineffective assistance of counsel claim could potentially function as a way to escape rules of waiver and forfeiture and raise issues not presented at trial). Even under *de novo* review, the standard for judging counsel’s representation is a most deferential one. *Harrington*, 562 U.S. at 105. Unlike a later reviewing court, the attorney observed the relevant proceedings; knew of materials outside the record; and

interacted with the client, opposing counsel, and the judge. Thus, the question is whether an attorney's representation amounted to incompetence under "prevailing professional norms," *not* whether it deviated from best practices or most common custom. *Id.* (quoting *Strickland*, 466 U.S. at 690) (emphasis added).

The second, or "prejudice" prong of *Strickland* is rooted in the very purpose of the Sixth Amendment guarantee of counsel—to ensure a defendant has the assistance necessary to justify reliance on the outcome of the proceeding. *Id.* at 691–92. In order to prove prejudice, an applicant must demonstrate counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. A reasonable probability is a probability "sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694. In determining prejudice, the reviewing court must consider the totality of the evidence before the jury. *Id.* at 695.

Thus, it is not enough "to show the errors had some conceivable effect" on the outcome of the proceeding—counsel's errors must be "so serious as to *deprive the defendant of a fair trial.*" *Id.* at 687 (emphasis added). "An error by counsel, even if professionally unreasonable, does not warrant setting aside the judgment of a criminal proceeding if the error had no effect on the judgment." *Id.* at 668. Moreover, the South Carolina Supreme Court has repeatedly held a PCR applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice. *Bannister v. State*, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998).

The performance and prejudice standards, however, "do not establish mechanical rules; [t]he ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result

is being challenged.” *Strickland*, at 696. Moreover, “there is no reason for a court deciding an ineffective assistance claim to approach the inquiry in the same order or even to address both components of the inquiry if the defendant makes an insufficient showing on one.” *Id.* at 697. The court “need not determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies. *Id.* If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, the court may evaluate the prejudice prong only. *Id.*

Applicant’s first claim is that his attorney “failed to take the appropriate steps to present to the jury [his] alibi defense of involuntary intoxication, that [his] co-defendant provided in his exculpatory arrest statement, relevant to establish [his] innocence.” However, Applicant has failed to provide evidence of this purported alibi defense (or defense of involuntary intoxication, which would be a separate and distinct defense from an alibi defense). To establish counsel was ineffective for failing to present an alibi defense, Applicant must first present evidence of an alibi defense in accordance with the rules of evidence at an evidentiary hearing. To qualify as an alibi, a witness’s testimony must account for the defendant’s whereabouts during the time of the crime such that it would have been physically impossible for the defendant to commit the crime. *Walker v. State*, 397 S.C. 226, 237, 723 S.E.2d 610, 616 (Ct. App. 2012). “[S]ince an alibi derives its potency as a defense from the fact that it involves the physical impossibility of the accused’s guilt, a purported alibi which leaves it possible for the accused to be the guilty person is no alibi at all.” *Glover v. State*, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995). Without additional information, it is impossible to discern whether Applicant can present an alibi defense and whether counsel was ineffective for failing to present such witness. Respondent asks that Applicant, through appointed counsel, amend his application to provide supporting facts for this claim as required by statute and

rules.

Next, Applicant claims he was denied effective assistance of counsel because his trial counsel did not appeal his conviction. “Following a trial, counsel must make certain the defendant is made fully aware of the right to appeal.” *Simuel v. State*, 390 S.C. 267, 270, 701 S.E.2d 738, 739 (2010) (internal citations omitted). “To waive a direct appeal, a defendant must make a knowing and intelligent decision not to pursue the appeal.” *Wilson v. State*, 348 S.C. 215, 217, 559 S.E.2d 581, 582 (2002) (citing *Davis v. State*, 288 S.C. 290, 342 S.E.2d 60 (1986)). “In the absence of an intelligent waiver by the defendant, counsel must either initiate an appeal or comply with the procedure in *Anders v. California*, 386 U.S. 738 (1967).” *Turner v. State*, 380 S.C. 223, 224, 670 S.E.2d 373, 374 (2008) (internal citation omitted). “

The decision of the South Carolina Supreme Court, in *White v. State*, 263 S.C. 110, 119, 108 S.E.2d 35, 39 (1974), holds even though the post-conviction relief court finds the applicant had never voluntarily and intelligently abandoned his appeal, the court has no jurisdiction to grant a belated appeal. However, where an accused establishes in a post-conviction relief hearing that he was unconstitutionally deprived of his statutory right to a direct appeal, the South Carolina Supreme Court, upon an appeal of the post-conviction relief decision, will review the trial record and pass upon all issues properly raised and argued as if the direct appeal has been perfected. *Id.* at 119, 108 S.E.2d at 39-40.

Respondent submits there is not sufficient information in the record at this time to discern whether Applicant can meet his burden showing he is entitled to a belated appeal pursuant to *White*. Because this allegation probably raises questions of fact not conclusively refuted by the record, Respondent requests an evidentiary hearing on this issue.

Respondent submits Applicant cannot satisfy either requirement of the *Strickland* test, as

the record establishes he was represented by competent counsel who diligently represented him. However, without specific allegations of ineffective assistance of counsel, it is impossible to respond to the claim of ineffective assistance of counsel precisely. Accordingly, Respondent requests Applicant, through his appointed counsel, amend his application to include the specificity required to support an allegation of ineffective assistance of counsel.

IV. MOTION FOR MORE DEFINITE STATEMENT

In his application, Applicant fails to list specific facts to support his allegations of ineffective assistance of counsel for failing to present an alibi defense (or defense of voluntary intoxication).

The Uniform Post-Conviction Procedure Act requires that the Applicant must “. . . specifically set forth the grounds upon which the application is based.” S.C. Code Ann. Section 17-27-50. In an application for post-conviction relief, it is incumbent upon Applicant to make at least a prima facie showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965). *See also* Rule 8(a)(2), SCRPC (requiring all civil pleadings to include “a short and plain statement of the facts showing that the pleader is entitled to relief”); Rule 71.1(d), SCRPC (“Counsel shall insure that all available grounds for relief are included in the application and shall amend the application if necessary.”). “[M]ere allegations of incompetency or ineffectiveness of counsel will not ordinarily suffice as grounds for a new trial under the Post-Conviction Procedure Act. The bare assertion by the [applicant] that he was deprived of adequate and effective assistance of counsel is insufficient.” *Coardes v. State*, 262 S.C. 493, 497, 206 S.E.2d 264, 265 (1974).

Applicant has failed to state with any specificity the allegations he wishes to pursue on post-conviction relief beyond vague allegations. Respondent moves pursuant to Rule 12(e),

SCRCP, to require Applicant, through his appointed counsel, to provide a more definite statement of his allegations by filing an amended application **before** the scheduling of any hearing(s) in this matter. If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, Respondent reserves the right to move to dismiss the application.

V. ANY FUTURE AMENDMENTS AND INVOCATION OF DISCOVERY PROCESS

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. *See* Rule 11, SCRCP. *Pro se* filings will not be considered at the PCR hearing. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State pursuant to *Love v. State*, 428 S.C. 231, 834 S.E.2d 196 (2019), or, alternatively, the State will request a continuance in the matter. *Id.*, 428 S.C. at 245, 834 S.E.2d at 203 (Kittredge, J., dissenting) (“If, however, the proposed amendment . . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.”).

If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, the State reserves the right to move to dismiss this allegation or claim. S.C. Code Ann. §§ 17-27-10 to -160; Rule 71.1, SCRCP; *see also* Rules 15(a)-(b), SCRCP. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State. *See* Rule 15(a), SCRCP.

Pursuant to S.C. Code Ann. § 17-27-150, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, the State requests that all potential exhibits

and materials used to produce potential expert witness testimony be sent to the State well in advance of the evidentiary hearing. The State reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last-minute resulting in undue prejudice to the State.

VI. GENERAL DENIAL

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this return is hereby denied.

VII. CONCLUSION

WHEREFORE, Respondent respectfully requests Applicant, through appointed counsel, file an amended application with specific allegations and supporting facts for his claim of ineffective assistance of counsel regarding his claim of failing to present an alibi defense prior to the scheduling of any evidentiary hearings in this matter so that Respondent may file an amended return specifically responding to these amended, specific allegations.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

By: 
ATTORNEYS FOR RESPONDENT
Office of the Attorney General
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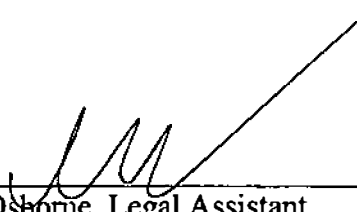
September 27, 2022

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF WILLIAMSBURG	)	
	)	2022-CP-45-92
	)	
ROBERT LEE REDDOCK, #270080	)	
	)	
Applicant,	)	
	)	
vs	)	CERTIFICATE OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent,	)	
_____	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return to the Application for Post-Conviction Relief in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Mr. Timothy Lee Griffith, Esquire
2338 Mount Vernon Drive
Sumter, South Carolina 29154

DATED this 27th day of September, 2022.



 Joshua Osborne, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA)
COUNTY OF WILLIAMSBURG)

COURT OF COMMON PLEAS

ROBERT L. REDDOCK,)
270080

PETITIONER,)

v.)

TRANSCRIPT OF RECORD
22-CP-45-00092

STATE OF SOUTH CAROLINA,)

RESPONDENT.)

June 13, 2013
Sumter, South Carolina

B E F O R E :

THE HONORABLE R. KIRK GRIFFIN, JUDGE

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

TIMOTHY L. GRIFFITH, ESQ.
Attorney for the Petitioner

T. CRUISE MITCHELL, ESQ.
Attorney for Respondent

FRANCES B. RAY, RPR
Circuit Court Reporter

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(There were no exhibits submitted.)

1 MR. MITCHELL: May it please the Court.

2 THE COURT: Yes, sir, go ahead.

3 MR. MITCHELL: This is the post-conviction
4 relief matter of Robert Reddock v. State, case
5 number 2022-CP-45-00092, out of Williamsburg County.
6 Cruise Mitchell on behalf of the State of South
7 Carolina. Applicant is present, represented by
8 counsel Timothy Griffith. Applicant was indicted by
9 the Williamsburg County grand jury for arm robbery
10 and possession of a weapon during the commission of
11 a violent crime. Based on applicant's prior
12 convictions, the State noticed applicant with its
13 intention to seek life without parole. Applicant
14 was represented by William Joseph Virgil Barr, Esq.
15 Assistant Solicitors Warren Anderson and Ella Alston
16 of the Third Circuit Solicitor's Office prosecuted
17 the case.

18 On June 14th of 2021, applicant proceeded
19 to trial before the Honorable R. Ferrell Cothran,
20 Jr., and a jury. The jury acquitted applicant of
21 the possession of a weapon charge and found him
22 guilty of arm robbery. Judge Cothran, Jr.,
23 sentenced applicant to life imprisonment for arm
24 robbery. Applicant timely commenced his PCR action
25 on February 4th, 2022. And with that, I'll turn it

PW - R. REDDOCK - DIRECT

1 over to the Applicant.

2 THE COURT: All right, Mr. Griffith, you
3 can call your first witness.

4 MR. GRIFFITH: Your Honor, I would call
5 Robert Reddock.

6 THE COURT: All right, Mr. Reddock, please
7 come forward, sir.

8 THE CLERK: Right over here, sir. Place
9 your left hand on the Bible, raise your right hand.
10 State your full name.

11 THE WITNESS: Robert Reddock.

12 WHEREUPON,

13 **ROBERT REDDOCK,**

14 having been duly sworn by the clerk, testified
15 as follows:

16 THE CLERK: Thank you much, sir. Step
17 around please. State your name for the record and
18 spell your last name please. Speak into the mic.

19 THE WITNESS: Robert Reddock,
20 R-E-D-D-O-C-K.

21 MR. GRIFFITH: If it please the Court,
22 Your Honor.

23 THE COURT: Yes, sir.

24 **DIRECT EXAMINATION**

25 BY MR. GRIFFITH:

PW - R. REDDOCK - DIRECT

1 Q Mr. Reddock -- I'm sorry, I've been
2 pronouncing your name Reddeck, it's Reddock, of
3 course. Where are you currently incarcerated, sir?

4 A In the Lieber south-- at Lieber
5 Correctional Institution.

6 Q Okay. How long have you been in there?
7 Do you remember?

8 A I would say two-years now. I would say
9 two-years, yes. I was locked up since July the --
10 the 15th, 2019.

11 Q Okay. And let's -- let's talk about your
12 PCR application. One of the points in your PCR
13 application is that you were not given an appeal.
14 And did you want to appeal your case?

15 A Yes, I did.

16 Q Did you seek to have it appealed through
17 your attorney?

18 A We spoke about it, but that's all I can
19 briefly remember speaking about it.

20 Q So was your case ever -- was an appeal
21 ever filed in your case?

22 A No, sir.

23 Q You believe that if your case went on
24 appeal that it may give you some advantage or you
25 may be change your situation?

PW - R. REDDOCK - DIRECT

1 A I believe it would give me some sort of
2 relief, yes.

3 Q And so did your attorney appeal?

4 A No, he did not.

5 Q But you had asked for an appeal?

6 A I, I, I'm sure I mentioned it, yes.

7 Q Okay.

8 A That's the reason why I took -- that was
9 the purpose of me taking a trial just in case if I
10 lost, I can exhaust all remedies and whatnot towards
11 my case.

12 Q And so now you're seeking for the Court to
13 grant your PCR as to Austin in that you were not
14 given the opportunity to appeal; isn't that correct?

15 A Correct.

16 Q Now let's move on to some of your other
17 grounds for this PCR. For one, were you aware of a
18 statement made by your co-defendant?

19 A Yes, I was.

20 Q Tell us about it.

21 A It was lengthy. He was stating generally
22 that I didn't -- that we didn't speak the whole time
23 during the -- during the ride from, from Darlington
24 County over to Williamsburg. We didn't speak of
25 committing a crime. I didn't have anything to do

PW - R. REDDOCK - DIRECT

1 with the crime as far as plotting, planning,
2 anything of that nature, and that I was drunk,
3 intoxicated the whole time, asleep in the car. He
4 admitted to some things that he had done, which was
5 he had drove the vehicle. Some other things such as
6 he ran in the woods when the cops came, certain
7 things of that nature.

8 Q So was that statement brought in during
9 the trial?

10 A No, it was not.

11 Q Was your attorney aware that that
12 statement existed?

13 A Yes, he was.

14 Q And according to Mr. Mitchell, the jury
15 found you not guilty of possession of a firearm; is
16 that correct?

17 A Correct.

18 Q Would you care to speculate as to why?

19 A They found me not guilty of the possession

20 ---

21 MR. MITCHELL: Your Honor, objection,
22 speculation.

23 THE COURT: Sustained.

24 MR. GRIFFITH: Okay. Well, ---

25 THE COURT: If he -- if he knows why, Mr.

PW - R. REDDOCK - DIRECT

1 Griffith, you can ask him, ask it that way.

2 MR. GRIFFITH: I was about to do that,
3 Your Honor. Thank you.

4 THE COURT: But speculation is
5 inadmissible.

6 BY MR. GRIFFITH:

7 Q Can you tell us why they didn't find any?

8 A The reason why they didn't is because the
9 eyewitness from the store, the clerk, got on the
10 stand and said that he could not ---

11 MR. MITCHELL: Your Honor, objection,
12 speculation again. There's no way he can know how
13 the jury found -- why the jury found him ---

14 THE COURT: Well, he, he can testify as to
15 what a witness said in the trial, but I'm gonna
16 allow him to -- you know, if it's something that
17 actually occurred, I'm gonna -- I'll consider it,
18 but let's hear his answer first.

19 MR. MITCHELL: Yes, sir. Thank you, Your
20 Honor.

21 THE WITNESS: The clerk from the store
22 that was working that day got on the stand and said
23 that he could not identify me as the robber because
24 he couldn't make it with no identifying marks, no
25 tattoos or anything of that nature, so therefore, he

PW - R. REDDOCK - DIRECT

1 couldn't identify me. So therefore, the video was
2 shown to the jury and then they made that decision
3 upon whether or not I was the person in the video or
4 not.

5 BY MR. GRIFFITH:

6 Q Okay. You have anything else you can add
7 that will help the Court to determine whether you
8 should be granted a PCR, that is, a new trial?

9 A Yes. As -- as my attorney just stated
10 that the verdict came back guilty of arm robbery,
11 not guilty of possession of a weapon during a
12 violent crime. If I was determined not to be guilty
13 of the person who robbed the store which is the arm
14 robbery, that means that I would have to be guilty
15 of being alone with him, as far as the
16 co-conspirator in that nature. There was no proof
17 introduced to the courts that me and this man
18 conspired on anything, that I had anything to do
19 with the crime; it was never introduced. They had a
20 charge of conspiracy. The solicitor asked that the
21 charges for conspiracy be dismissed because they had
22 no evidence towards that charge, but he turned right
23 around and asked for the charge of hands of one and
24 is the hands of all to be brought forth -- you got
25 to excuse me, I'm a little nervous this morning. He

PW - R. REDDOCK - DIRECT

1 asked for the charge of hands of ones, the hands of
2 one is the hands of all to be brought forth and I
3 couldn't understand that 'cause I thought the charge
4 was similar. And I knew at that time that no
5 evidence was brought forth that to indicate that me
6 and this man conspired on anything 'cause I know we
7 didn't. He had spoke earlier. Well, it was in
8 the -- in his testimony, that I was intoxicated and
9 drunk sleep while this thing was going on, while the
10 robbery is going on, and I couldn't understand why
11 it wasn't brought in to the trial. I didn't know
12 the reason why, I didn't understand it, I just know
13 it wasn't. And so his statement holds a lot of
14 details that were -- that clarified a whole lot of
15 things that wasn't clarified during the trial. I
16 think it could have made it a lot easier for the
17 determination of the arm robbery as well.

18 Q So your co-defendant did not testify at
19 your trial?

20 A My co-defendant had -- I don't know if he
21 even been charged.

22 Q Okay. Do you have anything else you want
23 to add?

24 A Yes. I would like for -- I would like
25 for -- I would like somebody -- I would like to

PW - R. REDDOCK - DIRECT

1 challenge the fact of me being locked up for -- for
2 a arm robbery, that there's no -- of me
3 participating in one or me being, of having a
4 conspiracy dealing with conspiracy of it and there's
5 no proof of it. There's no proof of that charge;
6 there's not. If I'm not the arm robber 'cause I'm
7 not the person on the videotape, I'm not the driver,
8 and they determine that he was the driver, why am I
9 here and he's on the street. Now, I would never
10 take the stand against him 'cause I don't know what
11 happened. I was in the car drunk sleep. He made
12 that statement; he did, not me. He made that
13 statement, so.

14 Q And as far as you know, that statement was
15 never brought in?

16 A It was never -- it was never introduced,
17 never introduced. Because at the time I had wanted
18 to bring up the intox-- voluntary intoxication
19 defense, you know. I think -- I think I spoke to my
20 attorney about that, you know. But I think his
21 response that that's a charge that he would, he
22 would use, but didn't know whether or not he wanted
23 to pursue that charge at the time. If I'm correct,
24 it was something around that.

25 Q Okay. Well, please answer any questions

PW - W. BARR - DIRECT

1 that the Attorney General's Office may have.

2 A Sure.

3 THE COURT: Mr. Mitchell.

4 MR. MITCHELL: Your Honor, the State has
5 no questions for this witness.

6 THE COURT: All right. Thank you, sir.
7 You can step down.

8 THE WITNESS: Yes, sir.

9 MR. GRIFFITH: Your Honor, I have no
10 further witnesses.

11 THE COURT: All right.

12 MR. MITCHELL: Your Honor, the State calls
13 Mr. William Barr.

14 THE COURT: Mr. Barr, please come forward,
15 sir.

16 THE CLERK: Left hand on the Bible, raise
17 your right hand. State your name.

18 THE WITNESS: William Barr.

19 WHEREUPON,

20 **WILLIAM BARR,**

21 having been duly sworn by the clerk, testified
22 as follows:

23 THE CLERK: Thank you much, Mr. Barr.

24 Step around please. State your name for the record
25 and spell your last name please.

RW - W. BARR - DIRECT

1 THE WITNESS: William Joseph Virgil Barr.
2 Barr is spelled B-A-R-R.

3 MR. MITCHELL: May it please the Court.

4 THE COURT: Yes, sir.

5 **DIRECT EXAMINATION**

6 BY MR. MITCHELL:

7 Q Good morning, Mr. Barr. How are you?

8 A I'm good. How are you doing, sir?

9 Q I'm good. Where are you currently
10 employed, Mr. Barr?

11 A I work for -- well, I contract with the
12 Williamsburg County Public Defender Office, and I
13 have a private practice as well.

14 Q And where were you employed during -- at
15 the time of your representation with Mr. Reddock?

16 A Contracting through the Williamsburg
17 County Public Defender's Office and also own my own
18 law firm.

19 Q So you're appointed in this case, correct?

20 A I wouldn't say appointed; but I
21 transitioned into the role probably around May of
22 2021, and I believe Mr. Reddock's case was my first
23 trial case that -- that year.

24 Q Now, Mr. Barr, in preparation for this
25 case did you meet with Mr. Reddock?

RW - W. BARR - DIRECT

1 A I did.

2 Q And did y'all review the discovery in this
3 case?

4 A I did. Yes, we did.

5 Q Do you remember discussing a -- the appeal
6 process?

7 A I do not remember discussing appeal
8 process, no.

9 Q Do you recall if Mr. Reddock ever asked
10 you to file a direct appeal on his behalf?

11 A I do not remember Mr. Reddock asking me to
12 file an appeal. We proceeded to trial based on the
13 fact that at the time that I came in to this case,
14 he was represented by the previous public defender;
15 and I believe at that time we were made aware that
16 this was a, referred to as LWOP case, and so our
17 only remedy at that point was to go to trial and so
18 all of our preparations and conversations were about
19 that fact.

20 Q Do you remember if there were any plea
21 offers in this case?

22 A I remember that there was a plea offer
23 before my tour with Mr. Reddock. I believe the
24 offer was about -- was ten-years, and I believe that
25 offer was rejected. And the reason why I know that

RW - W. BARR - DIRECT

1 is, when I came in to the case one of the first
2 things I try to understand is if there were any
3 previous plea offers from the State, if they were
4 rejected why were they rejected; so in following up
5 on the matter, I spoke to Mr. Reddock's previous
6 attorney. I also spoke to the solicitor, was made
7 aware there was a plea offer that was rejected.
8 There were some tenor around how it was rejected and
9 it was, you know, I was informed that there would be
10 no more offers and this case would have to resolve
11 itself at trial.

12 Q And then so once the State noticed for
13 LWOP, it was obviously going the trial route?

14 A That's correct.

15 Q And what was your defense strategy going
16 forward in the trial?

17 A Well, it was -- we had a couple of
18 different, I guess, angles we were gonna take on the
19 case. One of the things was that the video of the
20 store, the person in the video was wearing a mask so
21 it wasn't really -- it wasn't readily identifiable
22 who that person was. There was also two people
23 involved that were in the car during the chase and
24 so our main strategy was really to go at the
25 identification issues with the case and the theory

RW - W. BARR - DIRECT

1 that the person who came into the store with the gun
2 wasn't Mr. Reddock, it was -- it was actually
3 co-defendant. And we ran with that theory, we
4 pressed it pretty hard. We made the argument that
5 there was a possibility that during the subsequent
6 chase that there was a possibility they could have
7 swapped clothes, and so that was the -- the avenue
8 we took with the trial.

9 Q Do you remember the statement given by Mr.
10 Reddock's co-defendant?

11 A I do not remember that statement. In
12 preparation for today, I went back through. I
13 believe his co-defendant gave two separate
14 interviews to law enforcement. To my knowledge,
15 none of those statements said anything about
16 Mr. Reddock being intoxicated, and there was a --
17 one of the things with the co-defendant is that the
18 co-defendant wasn't going to testify and I believe
19 that gave us an advantage because that we had the
20 ability to essentially move the burden to the
21 co-defendant because there would be no one to refute
22 that it wasn't him and so I thought -- and I
23 explained that to Mr. Reddock and I thought that was
24 an advantage for us that we could really tell his
25 side of the story through the State's witnesses and

RW - W. BARR - DIRECT

1 that his co-defendant would not be there to
2 essentially testify against him and, you know, that
3 was the angle we took and we were pretty close to
4 being successful on that.

5 Q So it was your belief that it was a
6 benefit that no statement from the co-defendant or
7 the co-defendant's testimony was brought in at
8 trial?

9 A I believe it was a benefit because he --
10 I -- based on the way I interpreted the statement
11 and based on my strict reading of it, it -- the
12 co-defendant statement and if he had testified
13 depending on, you know, how he testified, I did not
14 believe it was going to be beneficial to
15 Mr. Reddock.

16 Q And you don't recall anything in that
17 statement where Mr. Reddock was drunk asleep the
18 entire -- throughout the entire incident?

19 A The way -- the way I read the statement
20 and the way the statement was given in the interview
21 with law enforcement, it was actually kind of the
22 opposite. The co-defendant takes the position that
23 Mr. Reddock was in the car, that he was kind of
24 dictating where they were gonna go, what stores they
25 were gonna hit, how they were gonna do it, and that

RW - W. BARR - CROSS

1 he was kind of the proxy, I guess, driver that day.

2 MR. MITCHELL: Beg the Court's indulgence.

3 THE COURT: Yes, sir.

4 BY MR. MITCHELL:

5 Q Thank you, Mr. Barr. That's all I have
6 for you.

7 A Thank you, sir.

8 Q Please answer any questions.

9 MR. GRIFFITH: May it please the Court.

10 THE COURT: Yes, sir, Mr. Griffin.

11 **CROSS-EXAMINATION**

12 BY MR. GRIFFITH:

13 Q Mr. Barr, how long you been practicing
14 law, sir?

15 A Since 20-- since January, I believe, 26 of
16 2021.

17 Q 2021. A recent graduate?

18 A Yes.

19 Q Okay. Was this your first trial ever?

20 A It was my first criminal trial, yes.

21 Q That's quite a trial to jump into the
22 first one.

23 A It was -- well, part of the reason when I
24 transitioned into the Public Defender Office in May
25 of 2021, I was made aware that there were -- that my

RW - W. BARR - CROSS

1 first few cases that were gonna to be assigned to me
2 were older cases that were probably going to have to
3 go to trial; and then I was informed when I came
4 officially into the role by the solicitor that
5 Mr. Reddock would be the first trial and he will be
6 the first trial up. And I believe -- I believe it
7 might have been July or August, it was during the
8 summer months that we tried the case.

9 Q Okay. Well, on to the -- one of the
10 points that he makes. You did not file an appeal;
11 is that correct?

12 A That's correct. We did not file an
13 appeal.

14 Q Okay. Why didn't you file an appeal? Did
15 you have any reason not to file an appeal or?

16 A Well, I guess I'll start from the
17 beginning. To my knowledge we were never asked to
18 file an appeal. We -- when we set out down this
19 course we understood that this was a LWOP case, life
20 without parole. We understood that there would be
21 no more offers from the State, and we understood
22 that there was -- we would need to prepare for
23 trial. And every conversation that Mr. Reddock and
24 I had was based on, you know, that premise that we
25 were -- that the only way this was gonna resolve

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1 itself was a not guilty verdict. And we never
2 discussed an appeal.

3 For the most part, Mr. Reddock was a good
4 client. He, you know, he was very attentive during
5 our sessions when we talked about the case. He
6 understood, you know, what the, I guess, the
7 consequences were. He understood the time, the
8 score, the ball game. After the trial and -- I
9 guess I'll back up. The -- there was a charge of
10 conspiracy that was not dismissed by the solicitor.
11 It was actually -- we actually on a directed -- we
12 actually motion for the court and we received a
13 directed verdict on that charge by Judge Cothran,
14 and, and he was found not guilty of the possession
15 of a weapon during a violent crime. And there
16 was -- the jury for the most part was deadlocked on
17 the actual arm robbery charge. The -- we were just
18 about to give -- I think Judge Cothran was just
19 about to give Allen charge where the jury then came
20 back with a verdict.

21 After the verdict was rendered and he was
22 sentenced, Mr. Reddock was taken by the deputies up
23 to the holding cell. I remember having some general
24 conversation with the solicitor and that was the end
25 of the conversation at that point. Then to my

RW - W. BARR - CROSS

1 knowledge we never received any written request. I
2 never received any verbal request. The only time I
3 heard from Mr. Reddock was I heard from Mr. Reddock
4 probably about two or three-months ago I got a
5 random phone call from a number out of Greenville
6 and I answered it and it was, it was Mr. Reddock.
7 But at that point we were already involved in this
8 PCR process. That was the last time I've actually
9 physically talked to him.

10 Q Okay. Well, it sounds like you -- to
11 me -- that you did pretty good at that trial if they
12 were not sure, it took them a while to come up with
13 it so. But as to the appeal, you remember Judge
14 Cothran telling him that he had ten-days to appeal
15 the case?

16 A I do as part of the generally -- not
17 generally. After every verdict the judge will
18 typically say if you have an appeal you must file it
19 within ten-days.

20 Q Okay. So after that you did not discuss
21 with Mr. Reddock as to whether he wanted an appeal
22 or not?

23 A We did not have a conversation about an
24 appeal.

25 Q Okay, all right. So the co-defendant's

RW - W. BARR - CROSS

1 statement, wasn't there a video of his statement?

2 A There was a -- there was a video and a
3 transcript I read.

4 Q A transcript of the video you mean?

5 A A transcript of his interview with law
6 enforcement.

7 Q Okay. Did you see a video?

8 A I did not actually see a video of the
9 interview with -- that the co-defendant had with the
10 Sheriff's Department. I just read the two
11 transcript interviews of the interview with the
12 co-defendant.

13 Q And do you recall having looked at that
14 statement that that co-defendant, according to Mr.
15 Reddock, said that Mr. Reddock didn't know anything
16 about the robbery? Did you see something like that?

17 A I, I did not see that in the statement.
18 The way I read the statement, the co-defendant --
19 the co-defendant is the one who states that he was
20 using marijuana that day, but I did not see anything
21 in the statement from the co-defendant that stated
22 that.

23 Q So that statement was not at all
24 introduced, was it?

25 A Well, the statement about -- that

RW - W. BARR - CROSS

1 statement wasn't introduced because that was --
2 there was -- to my knowledge there was no such
3 statement made.

4 Q But you did -- you did get to read the
5 transcript of his statement; is that correct?

6 A Yes.

7 Q So you were aware that a statement
8 existed?

9 A I was aware that a state-- that the
10 co-defendant had given two separate interviews to
11 law enforcement. Mr. Reddock was aware that the
12 co-defendant had given two separate statements to
13 law enforcement. He was made aware of exactly what
14 those statements were because they were part of
15 discovery, and I believe he had received discovery
16 at least twice at the minimum because I believe he
17 had gotten it with his first attorney. But did I
18 make it right to never assume that the defendants
19 have gotten something so I give him -- I gave him
20 another copy of it. But that -- everything in the
21 co-defendant's statement and in my opinion was
22 nothing beneficial that to Mr. Reddock.

23 Q Now you just said that the statement
24 gave -- the co-defendant gave two statements.

25 A He gave two separate interviews, yes.

RW - W. BARR - REDIRECT

1 Q Okay. And did you -- were you aware of
2 both of those statements?

3 A Yes.

4 Q Did you get to read both of those
5 statements?

6 A Yes.

7 Q Okay.

8 MR. GRIFFITH: I have no further
9 questions, Your Honor.

10 THE COURT: All right. Any redirect,
11 Mr. Mitchell?

12 MR. MITCHELL: Just briefly, Your Honor.

13 **REDIRECT EXAMINATION**

14 BY MR. MITCHELL:

15 Q So the Court did advise Mr. Reddock of his
16 right to an appeal?

17 A Yes. Judge Cothran, as soon as the
18 sentencing phase is over, I believe, stated to some
19 effect, if you want to appeal my decision you have
20 ten-days from today's date to do so.

21 Q And you don't recall Mr. Reddock asking
22 you to file one on his behalf?

23 A No.

24 MR. MITCHELL: No further questions, Your
25 Honor.

RW - W. ANDERSON - DIRECT

1 THE COURT: All right. Thank you, Mr.
2 Barr. You may step down.

3 MR. MITCHELL: Beg the Court's indulgence.

4 THE COURT: Yes, sir.

5 MR. MITCHELL: Your Honor, the State calls
6 Mr. Warren Anderson.

7 THE COURT: All right, Mr. Anderson,
8 please come forward, sir.

9 THE CLERK: Raise your right hand. State
10 your full name.

11 THE WITNESS: Warren Scott Anderson.
12 WHEREUPON,

13 **WARREN S. ANDERSON, ESQ.,**
14 having been duly sworn by the clerk, testified
15 as follows:

16 THE CLERK: Thank you. Step around, sir.
17 State your full name and spell your last name for
18 the record please, sir.

19 THE WITNESS: Warren Scott Anderson,
20 A-N-D-E-R-S-O-N.

21 MR. MITCHELL: May it please the Court.

22 THE COURT: Yes, sir.

23 BY MR. MITCHELL:

24 Q Good morning, Mr. Anderson. How are you
25 doing?

RW - W. ANDERSON - DIRECT

1 A Good morning.

2 Q Mr. Anderson, where are you currently
3 employed?

4 A The Third Circuit Solicitor's Office.

5 Q And is that where you were employed during
6 the prosecution of Mr. Robert Reddock?

7 A That's right.

8 Q You prosecuted this case?

9 A I did.

10 Q Were you on the case from its inception?

11 A Yes, sir.

12 Q And can you briefly characterize the
13 State's evidence in this case?

14 A Yes, sir. So, our case had an electronic
15 component and a scientific component. There was a
16 robbery at Vickie's Store, which is inn the
17 jurisdiction of Williamsburg. Law enforcement went
18 out there. A masked man had come into the store and
19 they knew this because they reviewed the videotape.
20 The robber presented what appeared to be a firearm
21 in the video. His face was covered with a mask. I
22 believe he had a hat on, but he also had on a very
23 distinct shirt in the video. It had these
24 distinctive bleach-type stains like someone had
25 spilled bleach on themselves. The person in the

RW - W. ANDERSON - DIRECT

1 video got a significant amount of money from the
2 cash register after brandishing this firearm, was
3 placed in the little brown bags that people put
4 alcohol in, by the defendant, and you can actually
5 see the person in the video stuff it into their
6 pants.

7 The next bit of video evidence in the case
8 would have been the in-car camera from the chase.
9 Law enforcement, of course, responded to this
10 robbery. I believe it was Officer Dunmore got
11 behind the suspect vehicle. A high speed chase went
12 through the country out there near Vickie's Store.
13 The suspect vehicle ends up careening into a ditch.
14 Then what we cut on to be the next bit of evidence
15 would be Officer Dunmore's body camera which was --
16 and all of this was, of course, introduced at the
17 trial. Officer Dunmore's body camera shows him
18 chasing one of the two people in the vehicle. There
19 is a brief chase through a wooded area, and the
20 person he is chasing is wearing a bleached stained
21 shirt and no mask. He is tackled and it is, of
22 course, Mr. Reddock. The officer testified, I
23 believe, that he searched him and he had the money
24 on him or either it was found at the jail, I don't
25 remember that. But the person that got arrested on

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1 the video in the bleached stained shirt with the
2 money is Mr. Reddock.

3 There was also some scientific testimony.
4 I cannot remember if it was the mask or the hat,
5 but -- we sent that to SLED through the chain of
6 custody that was collected, of course. It was
7 compared to Mr. Reddock's DNA, and his DNA was
8 inside either the mask or the hat, I don't remember,
9 but it was one of those two items. The gun was
10 recovered, or the suspected gun, but it was an
11 Airsoft pistol so there was a lot of questions
12 earlier in this hearing about why the jury found him
13 not guilty of possession of a weapon during a
14 violent crime. It is my belief that it was because
15 it was an Airsoft pistol or beebee gun. I can't
16 remember if it was a beebee gun or toy. It was not
17 a real gun powder type firearm. And those -- that's
18 the basic evidence in the case.

19 Q And do you recall the co-defendant
20 statements in this case?

21 A I do. I believe his name is Alex
22 Patterson. He made two statements to law
23 enforcement which were commemorated on video and in
24 transcript form. Both of those statements were not
25 good for Mr. Reddock's case. Both of them he

RW - W. ANDERSON - DIRECT

1 characterizes him as the mastermind of this. In
2 fact, he describes his client as one of a hostage
3 who is being forced to commit this crime as a
4 getaway driver.

5 Q So, to your knowledge there was nothing
6 inculpatory towards Mr. Reddock in the
7 co-defendant's statements?

8 A And I have not read them in great detail,
9 but I don't remember anything to help Mr. Reddock,
10 no. And ---

11 MR. MITCHELL: Your Honor, I -- go ahead.

12 THE WITNESS: Go ahead.

13 MR. MITCHELL: Your Honor, may I approach
14 the witness.

15 THE COURT: You may.

16 BY MR. MITCHELL:

17 Q Mr. Anderson, do you recognize these
18 documents?

19 A I do. These appear to be the transcripts
20 of Alex Patterson's statement on July 14th and 15th.

21 Q And this is from the case file?

22 A Yes, this would have been from the
23 discovery that we sent over.

24 MR. GRIFFITH: Objection, Your Honor. We
25 were not provided a copy of this.

RW - W. ANDERSON - DIRECT

1 MR. MITCHELL: Your Honor, we just got --
2 I just learned of discovery of this transcript a few
3 moments ago.

4 MR. GRIFFITH: We were not provided a copy
5 of them previous.

6 MR. MITCHELL: I can provide Mr. Griffith
7 a copy and have him -- give him time to go over it.

8 THE COURT: Yeah, let's go ahead and do
9 that. Go ahead and give Mr. Griffith a copy of the
10 statements and let him review them and see if he
11 wants to renew his objection after he's renewed --
12 after he has reviewed the statements.

13 MR. MITCHELL: Thank you, Your Honor.

14 (Pause.)

15 MR. GRIFFITH: Thank you, Your Honor. I
16 withdraw my objection.

17 THE COURT: All right.

18 Mr. Mitchell.

19 MR. MITCHELL: And, Your Honor, we
20 probably need copies of it so give it or -- we might
21 need to make copies of it to give one to Mr.
22 Griffith. This is just ---

23 THE COURT: Those are the ---

24 MR. GRIFFITH: These are both statements
25 from the case file.

RW - W. ANDERSON - DIRECT

1 THE COURT: Okay. We can do that after

2 ---

3 MR. MITCHELL: Okay.

4 THE COURT: --- after he testifies.

5 MR. MITCHELL: Perfect.

6 BY MR. MITCHELL:

7 Q And, Mr. Anderson, do you remember in
8 those statements the co-defendant stating that
9 Mr. Reddock was drunk asleep during this entire
10 incident?

11 A I don't remember if he said he was
12 drinking, but he definitely says that Mr. Reddock
13 goes in the store with the firearm and then comes
14 back out with a bag of money.

15 Q So, even if the co-defendant did make a
16 statement about the defendant's intoxication, the
17 entire statement would have come in including the
18 part regarding Mr. Reddock being the one that
19 committed the robbery?

20 A These statements wouldn't have been able
21 to come in because they're hearsay; he would have
22 had to testify. But if he were able to testify,
23 that would have been the case, yes. But we
24 weren't -- and this has been kind of dancing around
25 at this hearing, he was not competent to testify.

RW - W. ANDERSON - DIRECT

1 That is why he did not testify against Mr. Reddock,
2 is that Alex Patterson lost his mind shortly after
3 all this happened. We actually were gonna use him
4 as a witness, but he was very insane by the time
5 this came to court.

6 Q So you believe before the co-defendant's
7 mental illness that these statements would have been
8 helpful to your case?

9 A Absolutely. It would have been another
10 nail in Mr. Reddock's coffin.

11 THE COURT: Just, just leave them up there
12 ---

13 MR. MITCHELL: Okay, perfect.

14 THE COURT: --- so we will ---

15 MR. MITCHELL: Yes, sir.

16 THE COURT: We'll get copies made at the
17 conclusion of the hearing.

18 MR. MITCHELL: Thank you, Your Honor.

19 BY MR. ANDERSON:

20 Q And, Mr. Anderson, going back to the
21 firearm, you said that -- was it an actual workable
22 firearm?

23 A No, sir. It is my recollection -- and I
24 can't remember if it was a beebie gun or an Airsoft
25 pistol, but it was not an actual load-bullets-into-

RW - W. ANDERSON - DIRECT

1 it type firearm.

2 Q And you can still be convicted of arm
3 robbery even if -- even with a Airsoft gun?

4 A Absolutely. You can be convicted of arm
5 robbery by putting your finger in your pocket.

6 Q And will you explain the conspiracy
7 charge?

8 A Absolutely. He was originally, of course,
9 indicted for conspiracy as well because
10 Mr. Reddock's statement, which we did not play at
11 the trial because we -- it contained what we thought
12 were self-serving statements, he talks about how he
13 is, for lack of a better way of putting it, a crime
14 adviser, that he was going to tell Mr. Patterson how
15 to do this crime, to walk him through to give him
16 good escape routes, advice, because he was a career
17 criminal, robbed things many times, but it was not
18 his plan to do it that day. That was Mr. Reddock's
19 statement. And so I lost -- what was your question
20 again, I'm sorry?

21 Q To explain the -- just explain the
22 conspiracy charge and why it wasn't pursued--

23 A It basically -- they were working
24 together. I didn't know whether at the time it was
25 indicted whether Mr. Patterson was going to testify

RW - W. ANDERSON - DIRECT

1 or not. Of course, that did not end up happening.
2 And to be honest, it was just me kind of slipping
3 up. I didn't ask the judge to not present that one.
4 It had already been read when we were halfway
5 through the trial before I realized, oh, crap, Alex
6 is not going to be here to testify. So it was
7 directed, that's correct.

8 Q So the conspiracy charge was dropped?

9 A It was -- I know my recollection it was
10 dismissed by the judge as part of the directed
11 verdict motion.

12 Q Right. And just because the -- does that
13 mean -- just because the conspiracy charge was
14 dismissed by the judge, does that mean you couldn't
15 pursue a hand of one hand of all jury charge?

16 A No, they're not mutually exclusive in my
17 experience.

18 Q And do you remember Mr. Barr actually
19 objected to the hand of one hand of all charge?

20 A I remember Mr. Barr objecting to a lot. I
21 don't remember that specific objection.

22 MR. MITCHELL: I have no further
23 questions, Your Honor.

24 THE COURT: All right, Mr. Griffin.

25 MR. GRIFFITH: May it please the Court,

RW - W. ANDERSON - CROSS

1 Your Honor.

2 THE COURT: Yes, sir.

3 **CROSS-EXAMINATION**

4 BY MR. GRIFFITH:

5 Q Mr. Anderson, thank you for coming.

6 A Yes, sir.

7 Q Did Mr. Reddock give a statement?

8 A He absolutely did.

9 Q Okay. And was that brought in to trial?

10 A No. I made the decision to not bring it
11 in to the trial. I wanted to lure Mr. Reddock into
12 testifying, but he did not.

13 Q Okay. And did the -- did Mr. Reddock's
14 attorney ask that it be brought in to trial?

15 A He did not because it would have been
16 hearsay. For it to come in, Mr. Reddock would have
17 had to testify.

18 MR. GRIFFITH: I have no further
19 questions, Your Honor.

20 THE COURT: All right. Thank you,
21 Mr. Anderson. You can step down.

22 Mr. Mitchell.

23 MR. MITCHELL: Your Honor, the State will
24 re-call Mr. William Barr just for a couple of
25 questions regarding Mr. Reddock's statement coming

RW - W. BARR - REPLY

1 in because that wasn't an allegation until it was
2 brought up till just now.

3 THE COURT: All right. Mr. Barr, you are
4 still under oath.

5 MR. MITCHELL: May it please the Court.

6 THE COURT: Yes, sir.

7 **DIRECT EXAMINATION**

8 BY MR. MITCHELL:

9 Q Just briefly, Mr. Barr. Were you planning
10 on admitting Mr. Reddock's statement during this
11 trial?

12 A No.

13 Q Did you think it would be in the best
14 interest of Mr. Reddock to testify at this trial?

15 A Well, as far as the statement, I didn't
16 think we would be able to get it in. But as far as
17 him testifying, part of the reason why he was --
18 received a life without parole notification is
19 because of his criminal history and I did not want
20 that to come in. And, you know, just based on what
21 I have -- what I've come to know about -- what I
22 know at the time about criminal law in these cases
23 is that it was State's burden, and we didn't want to
24 give them any or make it any easier on them, and I
25 felt as if Mr. Reddeck testifying would open him up

RW - W. BARR - REPLY

1 to cross-examination. Mr. Anderson is a very
2 experienced solicitor. I did not think that was in
3 our best interest.

4 Q And was Mr. Reddock informed of his right
5 to testify or not by Judge Cothran during this here,
6 at trial?

7 A He was informed by Judge Cothran at the
8 point the State rested, and we made our motion for a
9 directed verdict and after -- we were successful on
10 the conspiracy charge and after that part concluded,
11 Judge Cothran gave him -- he informed him of his
12 rights, his ability to testify, but Mr. Reddock
13 had -- both of us had agreed and we agreed early on
14 that he was not gonna testify, and he understood why
15 he was not gonna testify.

16 Q And Mr. Reddock testified that he wouldn't
17 -- did not wish to testify during the trial as well?

18 A Yes. He told me before the trial that he
19 was -- he was -- I don't want to say he used the
20 word "adamant," but he was very clear to me that he
21 was not gonna testify and I was very clear that I
22 did not think that was in his best interest.

23 Q So that was his free and voluntary choice?

24 A That's correct.

25 MR. MITCHELL: No further questions, Your

1 Honor.

2 THE COURT: Mr. Griffith.

3 MR. GRIFFITH: I have no further
4 questions, Your Honor.

5 THE COURT: All right. Thank you, Mr.
6 Barr. You may step down.

7 MR. MITCHELL: Your Honor, the State
8 rests.

9 THE COURT: All right. Mr. Griffin,
10 anything else from Petitioner?

11 MR. GRIFFITH: Your Honor, we would, in
12 summary, Your Honor, say that obviously Mr. Reddock
13 was not given the opportunity to appeal his case.
14 He was not informed by his attorney that he would be
15 willing to file an appeal. Mr. Reddock, of course,
16 was taken immediately to incarcerated and out of
17 communication with his attorney had he decided or
18 known even that he should tell his attorney that he
19 wanted an appeal. And so under Austin, Your Honor,
20 we would ask that Mr. Reddock be granted his PCR as
21 to his right to an appeal, as to his right to have
22 another chance at appeal, Your Honor. Other than
23 that, we rest on the merits of the case and the
24 Court may decide.

25 THE COURT: All right, Mr. Mitchell.

1 MR. MITCHELL: Your Honor, the Applicant
2 has not met his burden showing he's entitled to a
3 belated appeal. It was his own testimony that the
4 appeal was discussed. He didn't remember much more
5 than that. He said he didn't think he asked Mr.
6 Barr -- or he thinks he asked Mr. Barr to file an
7 appeal. Mr. Barr testified that he has no
8 recollection of Mr. Reddock asking him to file
9 appeal on his behalf. And, Your Honor, he just does
10 not meet the burden under Wright v. State.

11 As to the co-defendant statement as to --
12 I'll let Your Honor read the statement and come to
13 your own conclusion based on that, but the State
14 does not believe Applicant has met its burden due to
15 the inculpatory nature of the co-defendant's
16 statements and that Mr. Barr was certainly not
17 deficient for not bringing co-defendant statements
18 in and the applicant was not prejudiced as a result.

19 MR. GRIFFITH: If it please the Court,
20 Your Honor.

21 THE COURT: Yes, sir.

22 MR. GRIFFITH: What Mr. Barr actually --
23 you, of course, the Court heard -- stated was that
24 he never discussed appeal at all with Mr. Reddock
25 and so I think had Mr. Reddock informed and given

1 the opportunity to appeal, he certainly would have
2 asked for that appeal to be done.

3 THE COURT: All right. Well, folks,
4 obviously a case of this nature has quite a long
5 record and I need to re-review the relevant portions
6 of the record which were addressed here today so I'm
7 gonna take this matter under advisement and I will
8 make a ruling on all of the issues, the substantive
9 grounds for PCR, and the appellate -- well, not the
10 appellate issue but the issue of whether Mr. Reddock
11 should be granted the right to a belated appeal
12 under Wright v. State, make a decision on all of
13 that at the same time and direct the prevailing
14 party to prepare the appropriate order.

15 So, Mr. Reddock, that means I'm gonna take
16 this and think about it for a while. I've got a lot
17 of reading to do and I will inform your attorney of
18 my decision. He'll in turn inform you. You
19 understand that?

20 PETITIONER: Yes, sir, I do.

21 THE COURT: All right. Thank you, sir.
22 This matter is adjourned.

23 MR. GRIFFITH: Thank you, Your Honor.

24 THE COURT: And we'll get these copies
25 made for you, Mr. Griffith, of these statements. I

1 don't really think I need to review the substance of
2 the statements. My decision is the -- is based upon
3 the decision of Mr. Barr and coupled with the fact
4 that this witness was incompetent to testify. You
5 know, the paper copies of the statements wouldn't
6 have come in, but you do need to have them for your
7 file, Mr. Griffith, so I'll have the court staff
8 make copies and we'll get them to you and return the
9 originals to Mr. Mitchell.

10
11 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *
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C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE }

I, FRANCES B. RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 23rd day of October, 2023.

Frances B. Ray

FRANCES B. RAY, RPR

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Robert Lee Reddock, SCDC #270080,

Case No. 2022-CP-45-00092

Applicant,

v.

**ORDER GRANTING *WHITE V. STATE* REVIEW
AND DISMISSING ALL OTHER ALLEGATIONS**

State of South Carolina,

Respondent.

I. INTRODUCTION

The matter before this Court is an action for post-conviction relief (PCR) commenced by Robert Lee Reddock (Applicant) on February 4, 2022. On June 13, 2023, a hearing into the matter was convened before the Honorable R. Kirk Griffin at the Sumter County Courthouse. Applicant was present and represented by Timothy Griffith, Esquire. Assistant Attorney General T. Cruise Mitchell represented the State.

After hearing the testimony at the PCR hearing and upon full review of the record, this Court finds Counsel was constitutionally ineffective with regards to informing Applicant about his right to an appeal. Applicant's allegations regarding ineffective assistance of counsel are without merit. For the reasons discussed below, this Court grants Applicant a belated direct appeal, but denies all remaining allegations.

II. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections. During its December 2019 term, the Williamsburg County Grand Jury indicted Applicant for armed robbery and possession of a weapon during the commission of a violent crime (2019-GS-45-00256). Based

RLG

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CLERK OF COURT
SUMTER COUNTY, SC

on Applicant's prior convictions, the State noticed Applicant with its intention to seek life without parole pursuant to S.C. Code Ann. § 17-25-45. Applicant was represented by William Joseph Virgil Barr, Esquire. Assistant Solicitors Warren Anderson and Ella Alston of the Third Circuit Solicitor's Office prosecuted the case.

On June 14, 2021, Applicant proceeded to a jury trial before the Honorable R. Ferrell Cothran, Jr. The jury convicted Applicant as indicted and on June 17, 2021, Judge Cothran sentenced Applicant to life imprisonment for armed robbery pursuant to S.C. Code Ann. § 17-25-45. Applicant did not file a direct appeal.

III. STATEMENT OF FACTS

On the morning of July 15, 2019, Applicant entered Vickie's convenience store in Kingstree with a firearm and demanded the store clerk give him money. Surveillance footage from inside the store was admitted at trial. Applicant fled the store with approximately \$877.00 in U.S. currency to a waiting car with his co-defendant (Alex Jamal Patterson), who had been acting as a lookout. A high-speed chase ensued, which resulted in the apprehension of Applicant. Applicant was found wearing the same bleach-stained shirt as the masked perpetrator shown in the surveillance video. Applicant was in possession of the stolen money when apprehended.

IV. CURRENT APPLICATION

Applicant timely commenced this PCR application on February 4, 2022. In his application Applicant alleged he was entitled to relief based on the following grounds:

1. Newly discovered evidence¹

¹ Applicant has framed this claim as one of newly discovered evidence; however, the allegation facially refers to Counsel's failure to present evidence known to exist at the time of trial. Accordingly, this Court construes this claim as an allegation of ineffective assistance of counsel for failing to present a defense of involuntary intoxication based on his co-defendant's statement.

- a. "Attny failed to take the appropriate steps to present to the jury my alibi defense of involuntary intoxication, that my co-defendant provided in his exculpatory statement, relevant to establish my innocence."

2. Ineffective Assistance of Counsel

- a. "Wasn't informed of my rights to appeal. I would've wanted him to appeal the sentence and issued in my case A.S.A.P! I choose a trial to preserve all my rights afforded to me."

At the hearing, Applicant proceeded on both allegations.

V. STANDARD OF REVIEW

An applicant may seek PCR upon the following types of allegations:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy[.]

S.C. Code Ann. § 17-27-20(A).

Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right and raises

a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

The reviewing court applies the two-part test outlined in *Strickland v. Washington* to determine whether counsel's conduct "was so ineffective as to require reversal" of the applicant's conviction. 466 U.S. 668, 687 (1984). To obtain relief, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. *Id.* at 687–88; *accord. Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. *Strickland*, 466 U.S. at 700; *see also Bell v. Cone*, 535 U.S. 685, 695 (2002) (explaining that "[w]ithout proof of both deficient performance and prejudice to the defense, . . . it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable" (citation and internal quotation marks omitted)).

The applicant has the burden of establishing both deficiency and prejudice in order to be entitled to relief. *Hughes v. State*, 346 S.C. 554, 558, 552 S.E.2d 315, 317 (2001); Rule 71.1(e), SCRPC. To prove deficient performance, the applicant must establish that, in light of all the circumstances, the acts or omissions complained of "were outside the wide range of competence" demanded of attorneys in criminal cases. *Strickland*, 466 U.S. at 688. To prove prejudice, the applicant must establish "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 694. A reasonable probability is a probability "sufficient to undermine confidence in the outcome." *Id.* Significantly, "the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged." *Id.* at 696.

VI. FINDINGS OF FACT & CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the PCR hearing, observed the witnesses, passed upon their credibility, and weighed their testimony accordingly. After hearing the testimony presented and considering the legal arguments by counsel, as well as the record in this action incorporated by way of the State's return, this Court finds Counsel was constitutionally ineffective with regards to informing Applicant of his right to a direct appeal. This Court further finds Applicant's remaining allegations of ineffective assistance of counsel are without merit. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings of facts and conclusions of law based upon all of the probative evidence presented.

Failure to Properly Advise Applicant of His Right to an Appeal

Applicant contends Counsel was ineffective for failing to inform him of his right to an appeal. This Court agrees and finds Counsel did not properly inform Applicant of his right to a direct appeal or pursue an appeal on his behalf.

1. PCR Testimony

Applicant testified he wanted an appeal after trial. Applicant testified he recalls speaking with Counsel about an appeal. Counsel testified he did not recall any discussion regarding a direct appeal. Counsel testified he was not asked to file a direct appeal.

2. Discussion

Trial counsel should have made "certain that the Defendant was fully aware of his rights and in the absence of an intelligent waiver by the defendant either pursue an appeal in his behalf or else, if deemed appropriate by counsel, complied with the procedure set forth in *Anders v. State of California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.E.2d 493." *White v. State*, 263 S.C. 110, 118, 208 S.E.2d 35, 39 (1974). Here, there was nothing in the record to show that Applicant had been

informed of his right to an appeal. Counsel's testimony shows he has no recollection of discussing an appeal. Applicant asserted he wanted an appeal after trial; thus, Applicant has met his burden entitling him to a belated review of direct appeal issues pursuant to *White*.

Failure to Admit Co-Defendant's Statement

Applicant next contends Counsel was ineffective for failing to introduce his co-defendant's statement which could have supported a defense of involuntary intoxication. This Court disagrees and finds the record from trial, Counsel's credible testimony, and Solicitor Warren Anderson's credible testimony refute this allegation.

1. PCR Testimony

At the PCR hearing Applicant testified he did not understand why his co-defendant's statement was not introduced at trial. Applicant claims his co-defendant's statement demonstrates he was involuntarily asleep. Applicant stated he was drunk and asleep in the car during the incident. Applicant testified he wanted to bring up the defense of involuntary intoxication through the statement, but Counsel did not want to use that defense.

Counsel testified that, based on the evidence, he developed a defense strategy of misidentification. Counsel testified the video from inside the store only showed one masked robber who was not readily identifiable. Counsel testified there were two people in the vehicle during the police chase. Based on this, Counsel's strategy was to argue co-defendant was responsible for the robbery. Counsel testified he did not recall anything in co-defendant's statement about Applicant being drunk. Counsel testified he believed the co-defendant not testifying was good for the defense, because the co-defendant would have testified against Applicant. Counsel testified he did not believe anything in co-defendant's statement was beneficial to the defense.

Solicitor testified as to the State's evidence in this case; there was a video that showed a masked man, wearing a bleach stained shirt, come in the store with what appeared to be a gun. Solicitor testified suspect in video then stuffed a brown bag full of money into his pants. A high speed chase ensued ending when the suspect vehicle ran into a ditch. Solicitor testified a foot chase then occurred in the woods and the suspect wearing a bleach stained shirt was revealed to be Applicant. The money was found on Applicant. Solicitor testified Applicant's DNA was recovered from the mask. The gun used in the crime turned out to be an airsoft gun. Solicitor testified co-defendant made two statements in which he described Applicant as the mastermind in this case. Solicitor testified nothing regarding Applicant being drunk or asleep during the crime exists in the statement. Solicitor testified the reason co-defendant was not called as a witness was because he was insane and not competent by the time of trial. Solicitor reiterated there was nothing in co-defendant's statements that exculpated Applicant.

2. Discussion

This Court finds Applicant failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." *And v. Catoe*, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007) (citing *Strickland*). This Court finds Counsel was not ineffective for failing to introduce co-defendant's statement during trial. Counsel's credible testimony demonstrates there was nothing exculpatory in co-defendant's statement, including any mention of Applicant being drunk or asleep in the car during the commission of the crime. Counsel credibly testified it would not have benefitted Applicant had co-defendant testified at trial, because he would have been an adverse witness to the defense. Furthermore, Solicitor Anderson reiterated nothing exculpatory existed in any of the co-defendant's statements. This Court finds Counsel exercised reasonable professional

judgment in not introducing co-defendant's statement into evidence during Applicant's trial; thus, Counsel was **NOT DEFICIENT** in this regard. Accordingly, this Court finds Applicant's allegation Counsel was ineffective for not admitting co-defendant's statement at trial is **DENIED**.

VII. CONCLUSION

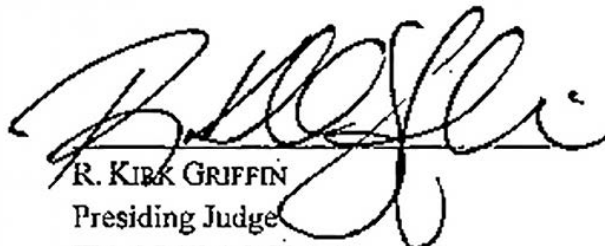
Based on the foregoing, this Court finds that Applicant is entitled to petition the Supreme Court for a belated appellate review pursuant to *White v. State*, 263 S.C. 110, 280 S.E.2d 35 (1974). With regard to the remaining allegation of ineffective assistance of counsel, Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Therefore, this Court denies relief on the remaining allegation and dismisses this PCR action with prejudice.

Applicant must file and serve a notice of appeal within thirty days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review pursuant to Rule 203, SCACR. Applicant has a right to appellate counsel's assistance in seeking review of the denial of PCR. *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). Rule 71.1(g), SCRPC, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. This Court grants Applicant a belated review of his direct appeal issues pursuant to *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974).
2. The application for post-conviction relief be denied and dismissed with prejudice; and
3. Applicant be remanded to the custody of the State.

AND IT IS SO ORDERED this 9th day of August, 2023.


 R. KIRK GRIFFIN
 Presiding Judge
 Third Judicial Circuit

South Carolina, South Carolina

WITNESSES

Juan Ballard
Williamsburg County Sheriff

Michael E Dunmore
Williamsburg County Sheriff

Foreperson of Petit Jury
Date:

DOCKET NO. 2019-GS-45-0256

The State of South Carolina

County of WILLIAMSBURG

COURT OF GENERAL SESSIONS

December TERM 2019

THE STATE

vs.

ROBERT LEE REDDOCK

ALEX JAMAL PATTERSON

ARREST WARRANT NUMBER

2019A4510100363 2019A4510100358
2019A4510100359
2019A4510100360 2019A4510100361
2019A4510100362

ACTION OF GRAND JURY
TRUE BILL

Date 12-12-2019

John C. Matthews
Foreperson of Grand Jury
Date: 12-12-2019

VERDICT

260

Indictment for

Armed Robbery, two counts
Conspiracy, two counts
Failure to stop for a blue light
Possession of a weapon during a violent crime

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

2019 DEC 12 PM 05
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CLERK OF COURT
JAN 1 2020

STATE OF SOUTH CAROLINA)
)
 COUNTY OF WILLIAMSBURG)

INDICTMENT FOR
 Armed Robbery, two counts
 Conspiracy, two counts
 Failure to stop for a blue light
 Possession of a weapon during a violent crime

At a Court of General Sessions, convened on 12/12/2019 the Grand Jurors of
 WILLIAMSBURG County present upon their oath:

COUNT ONE- ARMED ROBBERY

That on or about July 15, 2019, in Williamsburg County, South Carolina, the Defendant, Robert Lee Reddock, at 5357 Thurgood Marshall Hwy, Kingstree SC, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, him was armed while using a representation of a deadly weapon or other object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did take and carry away goods and or monies from the person or immediate presence of William Thompson with the intent to permanently deprive the victim of possession thereof, in violation of Section 16-11-330(A) of the South Carolina Code of Laws, 1976, as amended.

COUNT TWO-FAILURE TO STOP FOR BLUE LIGHT

That Alex Patterson did in Williamsburg County on or about July 15, 2019, while operating a motor vehicle on a road, street, or highway of the State of South Carolina, fail to stop his/her motor vehicle when signaled to do so by a law enforcement vehicle, by means of a siren and/or flashing light, in violation of Section 56-05-0750(B)(1), S. C. Code of Laws, 1976, as amended.

**COUNT THREE- POSSESSION OF A WEAPON DURING THE COMMISSION
 OF A VIOLENT CRIME**

That Robert Lee Reddock did in Williamsburg County, on or about July 15, 2019, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

COUNT FOUR-ARMED ROBBERY

That on or about July 15, 2019, in Williamsburg County, South Carolina, the Defendant, Alex Patterson, while acting in concert with Robert Lee Reddock did , by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, was armed while using a representation of a deadly weapon or other object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did take and carry away goods and/or monies from the person or immediate presence of William Thompson with the intent to permanently deprive the victim of possession thereof, in violation of Section 16-11-330(A) of the South Carolina Code of Laws, 1976, as amended.

COUNTY 262 WILLIAMSBURG
STATE VS.
Robert Lee Reddock
AKA:
Race: Black Sex: M Age: 52
DOB: [REDACTED] SS#: [REDACTED]
Address:
City, State, Zip:
DL#: [REDACTED] SID#: [REDACTED]
*CDL ☐ CMV ☐ Hazmat ☐

In disposition of the said indictment comes now the Defendant who was
TO: Armed Robbery

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#: 2019-GS-45-0256
A/W#: 2019A4510100363
Date of Offense: 7/15/2019
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] 100902 [Signature] SCB104883
Anderson, Warren SC Bar# Defendant Barr, William Joseph Virgil SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years 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.

☐ 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.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$
§14-1-206 (Assessments 107.5 %) \$
§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§14-1-211(A)(2) (DUI Surcharge) \$100 \$
§56-5-2995 (DUI Assessment) \$12 \$
§56-1-286 (DUI Breath Test) \$25 \$
Proviso (Public Def/Probation) \$500 \$
§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§14-1-213 (Drug Court Surcharge) \$150 \$
§50-21-114(BUI Breath Test Fee) \$50 \$
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$
3% to County (if paid in installments) \$ 3.72
TOTAL \$ 128.72

Clerk of Court/ Deputy Clerk [Signature]
Court Reporter: [Signature]

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge [Signature]

Judge Code: 114 E1

Sentence Date: 6-17-21