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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Richland County

Honorable J. Derham Cole, Circuit Court Judge

ADONIS WILLIAMS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-001688

APPENDIX

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THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

PCR EXHIBIT NO. 4 (CD)

1 Q. And was that lawfully executed -- signed by a judge and
2 then executed by you?

3 A. It was lawfully signed by the Lykesland county -- the
4 Lykesland District of Richland County.

5 Q. And what evidence were you attempting to obtain from
6 Adonis Williams at that point?

7 A. We were trying to get his saliva for D.N.A. evidence.

8 Q. And I show you State's Exhibit 1. Is this the evidence
9 you collected that day?

10 A. Yes, it is.

11 Q. And at this point you knew you had a CODIS hit?

12 A. We knew we had that hit. So after -- what is the
13 standard protocol or standard practice after we get a hit is
14 once you have -- once the defendant is, I guess, apprehended
15 and you go -- you can get what's called a one-to-one. You
16 get his actual sample of himself. Then you do the direct
17 match, direct match to what was collected from the scene.

18 Q. To confirm the CODIS match?

19 A. To confirm it.

20 Q. And that was the purpose of you getting the buccal swab
21 from the defendant on March the 31st.

22 A. That is correct.

23 Q. And, for the record, how did you obtain the buccal swab?

24 A. We met with him. Investigator Holdorf and I both went
25 to the jail, and as we were there, we called one of the

1 administrators into the office and explained to him, you
2 know, could you have -- you or a supervisor and another --
3 maybe an officer there to meet us? What we'll do is we'll go
4 to the medical room, a little private area, and then we're
5 going to present him with a search warrant and we're going to
6 collect his saliva, and it's collected with an extended
7 Q-tip.

8 So when he -- when they brought him in, he was
9 accompanied by I think three other -- an administrator, a
10 sergeant of their -- Sergeant Green of the Alvin S. Glenn
11 Detention Center was there to witness all this. And what we
12 do is we explain to him that we have a search warrant for
13 your saliva. At first he said he didn't want to do it.
14 Well, then we explained to him: Well, we have a judge's
15 order for the search warrant; it has to be done. And he
16 explained, well, you know, I don't really want to do it, and
17 then he says, "Well, you know, can I call my mom?" I said,
18 "Yeah. Sure. I don't mind." If it makes it peaceful,
19 that's all -- that's the easy way to do it.

20 Q. And ultimately did he cooperate?

21 A. He did. He spoke to her on the phone and she explained
22 to him about it and then he cooperated and...

23 Q. State's Exhibit Number 1, is that the buccal swab you
24 collected?

25 A. That is.

1 Q. And when you collected it, did you do it in the manner
2 in which you're trained?

3 A. This is the way we do it. We have Q-Tips and we have
4 this box that has to be put in -- the first thing you do is
5 open the box and prepare the box for the collection. You get
6 the Q-tip swab, peel it away where the Q-tip extends out.
7 Grab the bottom of the paper. Hand it to him. He grabs the
8 Q-tip, swabs it. I explain to him what we want to do is we
9 want you to rub your cheek and not only your cheek; you want
10 to rub the crease that goes through your cheek and gum and
11 just kind of circle that crease all the way down to the
12 bottom. That way you get enough of the profile.

13 So he handles that. He does it all by himself. We
14 don't swab in their mouth and do all of that and then -- puts
15 it in the box, immediately seal it, write it down, note it on
16 that box the date and time, put it in that bag, seal it like
17 we did all these other ones.

18 **Ms. Campbell:** Okay. Your Honor, at this time we'd
19 offer State's Exhibit 1 into evidence.

20 **Mr. Schnee:** Renew my prior pretrial objection.

21 **The Court:** All right. So admitted.

22 (State's Exhibit 1 was received in evidence.)

23 By Ms. Campbell:

24 Q. Was that then submitted to the evidence room for further
25 testing by the DNA department?

1 A. Yes, ma'am, it was.

2 Q. During the course of your investigation, did you also
3 attempt to retrieve some information from the Bank of America
4 A.T.M.?

5 A. We did.

6 Q. I show you what's been marked as State's Exhibit Number
7 61. Are these still shots they provided for you?

8 A. It is. I sent an e-mail to Selima Hughes which that was
9 the point of contact that I knew that did the law enforcement
10 investigations of the Bank of America. So I sent her an
11 e-mail, and she sent me these copies of these videos
12 corroborating the activity at the bank.

13 Q. And you corroborated the activity at the bank?

14 A. Yes.

15 Q. On the date and time in question which would have been
16 the 22nd?

17 A. Yes.

18 Q. You're aware in this case that the victim filled out, I
19 believe, a robbery questionnaire?

20 A. Yes, ma'am.

21 Q. She also gave a statement?

22 A. She also gave a statement.

23 Q. You've also reviewed the 9-1-1 log?

24 A. Yes, ma'am.

25 Q. Is everything consistent in this description she's

1 always given of this defendant?

2 **Mr. Schnee:** Objection, Your Honor. Bolstering.

3 **The Court:** Overruled.

4 **Ms. Campbell:** Thank you.

5 By Ms. Campbell:

6 Q. Is everything consistent in everything she's described
7 to you?

8 A. It is consistent and dead on.

9 Q. And did she ever say or indicate to you in any way that
10 she saw who vandalized her car?

11 A. No, never did.

12 Q. Did you ever show her the video or anything of that
13 nature?

14 A. No.

15 Q. You mentioned earlier at first you assumed that the two
16 may be connected?

17 A. I thought there was a strong possibility and I assumed
18 it and I investigated it as it was.

19 Q. The quality of the video that was taken from the Citgo,
20 are you able to discern any facial features or really any
21 information other than a person getting out of that car?

22 A. As a matter of fact, it's pretty blurry from what I
23 could tell. I could see -- I could tell it was the position
24 from the driver. I could tell that he was the one who did
25 it, whoever was driving the vehicle. I couldn't even tell if

1 anyone else was in the car.

2 Q. Over the next month or two, did you continue, however,
3 to investigate the vandalism as a separate incident?

4 A. Oh, I did.

5 Q. And did you develop a suspect in that case?

6 A. I did.

7 Q. And what was that suspect's name?

8 A. Charles Alexander Blankenbecklor.

9 Q. And ultimately was he charged with the vandalism?

10 A. He was charged.

11 Q. And convicted?

12 A. He was charged. He pled guilty in magistrate's court of
13 that vandalism.

14 Q. I want to show you what's been marked as State's Exhibit
15 Number 69. Is this part of your case file?

16 A. Yes, that's the driver's license picture of Charles Alex
17 Blankenbecklor.

18 Q. And does that accurately -- Your Honor, at this time we
19 would offer it into evidence, 69.

20 **The Court:** Any objection?

21 **Mr. Schnee:** No objection.

22 **The Court:** So admitted.

23 (State's Exhibit 69 was received in evidence.)

24 By Ms. Campbell:

25 Q. And Charles Blankenbecklor, is he a white or a black

1 male?

2 A. He's a white male.

3 Q. And is he older or the same age or younger than the
4 defendant?

5 A. He's younger. I would say he's probably in his early
6 twenties.

7 Q. Well, his date of birth is actually on here, isn't it?

8 A. It is [REDACTED], 1990.

9 Q. So at that time he would have been 18?

10 A. (Witness nodded head up and down.)

11 Q. And did you have face-to-face contact with this person?

12 A. I did. When I arrested him, I spoke to him, interviewed
13 him at my office.

14 Q. And does he have any kind of pock mark on his, excuse
15 me, left eye?

16 A. No. He's real young, a very clean face, very clean
17 face.

18 Q. Were you able to -- does Mr. Blankenbecklor in any way
19 fit the description of what's been told to you by the victim?

20 A. That was provided by Ms. Wofford? No, not anywhere
21 close.

22 Q. Did you continue with your -- or did the investigation
23 actually continue as far as the vandalism was involved?

24 A. Once he confessed after we interviewed him, he adamantly
25 stated that he had no unearthy idea who Adonis Williams was.

1 He had no idea what we were talking about. All he told me
2 during the interview was he and his buddy were out getting --
3 drinking that night.

4 Q. Let me move to that. Did he identify his buddy when you
5 were interviewing him in the spring of 2009?

6 A. Well, he said there was a guy in the car that was named
7 Boochee.

8 Q. Okay.

9 A. And that's all---

10 Q. And actually what month was it that you actually
11 arrested Blankenbecklor for this vandalism?

12 A. It was several months -- I think it was in May that he
13 was arrested?

14 Q. May of 2009?

15 A. Yeah. Let me see here; I'll tell you. He was -- he was
16 picked up in May of 2009 when I interviewed him, and then I
17 charged him again for the vandalism on August the --
18 October 6, 2009.

19 Q. Okay. And when you initially interviewed him in May, he
20 named the person he was with that day?

21 A. All he said was a male named Boochee.

22 Q. And at that point did you have any further identifying
23 factors as to who Boochee was?

24 A. I had no unearthy idea.

25 Q. However, over the -- being an investigator, you

1 continued to gather information that may be pertinent to your
2 case?

3 A. Well, I kept it in the back of my mind. You know, I
4 knew if I ever found Boochee or tried to put it out -- tried
5 to contact anyone I knew, put out to see if anybody knew him
6 but never really got a response from anyone.

7 Q. But this spring did you get a response or actually it
8 would be early summer?

9 A. I did. I did.

10 Q. And were you able to identify who Boochee was?

11 A. I found out -- Boochee ended up being Isaac Tucker.

12 Q. Isaac Tucker?

13 A. Yes, ma'am.

14 Q. And---

15 A. Junior.

16 Q. Junior.

17 A. I'm sorry.

18 Q. And is he also about the same age as Mr. Blankenbecklor?

19 A. I don't have his exact birth date. I think he may be
20 just a couple of years older, not much.

21 Q. In this case does the defendant have an identical
22 twin---

23 A. Not that I'm aware of.

24 Q. ---as far as you know?

25 A. Not that I'm aware of.

1 Q. I want to show you what's been marked as State's Exhibit
2 Number 70. Do you recognize this?

3 A. Yes. That's a picture of the defendant.

4 Q. When he was booked in?

5 A. Yes.

6 **Ms. Campbell:** Your Honor, at this time we'd offer
7 State's Exhibit 70 into evidence.

8 **Mr. Schnee:** No objection.

9 **The Court:** So admitted.

10 (State's Exhibit 70 was received in evidence.)

11 By Ms. Campbell:

12 Q. You've had face-to-face contact with the defendant in
13 this case?

14 A. Very briefly but I did, yes.

15 Q. And were you able to observe facial features and things
16 of that nature?

17 A. I could tell that he had some mark right here on the
18 side of his face.

19 Q. When the victim was able to give you information,
20 identifying information, about the person that abducted her
21 and robbed her, was there anything specific on his face that
22 she noticed?

23 A. Well, she described it as a chicken pox mark on the
24 left-hand side by his eye.

25 Q. On the left-hand side by his eye?

1 A. Left-hand side by his eye.

2 Q. And have you had an opportunity to observe him yourself?

3 A. I did.

4 Q. And, in fact, did you have an opportunity to take a
5 photograph of the pock mark?

6 A. I did.

7 **Mr. Schnee:** Objection, Your Honor. I have a matter of
8 law.

9 **The Court:** All right. Ladies and gentlemen, let me get
10 you to step back to the jury room. Don't discuss the case,
11 please.

12 (Whereupon, the jury was excused from open court at
13 12:21 p.m.)

14 **The Court:** All right. Mr. Schnee, what is the matter
15 of law?

16 **Mr. Schnee:** Judge, I'm going to object to the -- not
17 only the question but also what's about to come in, the
18 photograph itself. It appears that Ms. Campbell is trying to
19 use this witness to do an identification of my client based
20 on a description that he got from Ms. Wofford, and I object
21 to him saying that my client has similar marks or anything of
22 the sort because he wasn't there at the robbery.

23 **The Court:** What do you want to say?

24 **Ms. Campbell:** Your Honor, the only thing we're trying
25 to do is to corroborate for the jury the description which

1 has been gone over by the defense several times as far as a
2 pock mark. The defendant has the pock mark as described by
3 the victim. We're just trying to display that to the jury.

4 I don't know, because of security reasons, how we can
5 have him come in front of the jury or whatever, but the pock
6 mark is there. He can obviously testify to it. We would put
7 in a picture of it just to memorialize it because the pock
8 mark is there on his face. We're not trying to identify it.
9 It's just an identifying factor that the victim described
10 that corroborates her description.

11 **The Court:** What else do you want to say?

12 **Mr. Schnee:** Well, Judge, that's a form of an
13 identification, and this witness cannot say that what Ms.
14 Wofford saw is the same as what he sees on my client. I
15 don't understand how he can testify to that.

16 **Ms. Campbell:** He can testify to what he observed on the
17 defendant's face. And is there a pock mark there? Yes. Did
18 you photograph it? Yes. Does this represent what you're
19 talking about?

20 **The Court:** All right. Overruled. If he had a tattoo,
21 they could testify that the tattoo is there. Now, whether
22 that's the one that they testified, you'll have to take that
23 up in cross-examination.

24 **Mr. Schnee:** Well, Judge, I would also object to the
25 photograph itself. It is used with a flash and it's a

1 zoomed-in picture, and I believe it misrepresents what my
2 client looks like. And I would ask if they're going to try
3 to say - is this a pock mark on his face - that it be from my
4 client himself.

5 **The Court:** Well -- say that again.

6 **Mr. Schnee:** If this witness is going to testify about
7 features on my client's face, I'd ask that the jury see his
8 face, not a picture of his face that misrepresents exactly
9 how he looks based on the lighting and the flash in the
10 photo.

11 **Ms. Campbell:** He took the picture. If he says it
12 fairly and accurately represents what he saw on the
13 defendant, I think his argument goes to weight, not
14 admissibility. He can certainly cross him on that.

15 **The Court:** All right. Well, I'm going to -- I'm going
16 to let the photograph in. You're going to -- you told me
17 your client is going to testify?

18 **Mr. Schnee:** Yes, sir.

19 **The Court:** They'll have a right to look at your
20 client's -- you can show your client's facial features to
21 them at that time. All right. The only thing is I'm not
22 going to let -- I'm not going to let this witness testify to
23 what it is.

24 **Ms. Campbell:** That's fine. He just took a picture of
25 the side of his face.

1 **The Court:** Took a picture. I mean, if he says it
2 appears darkened, that's fine, but he's not going to be able
3 to testify it's a pock mark or anything like that.

4 **Ms. Campbell:** That's fine.

5 **The Court:** Because he didn't see it. All right. Bring
6 the jury back in.

7 (Whereupon, the jury was brought into open court at
8 12:25 p.m.)

9 **The Court:** Proceed.

10 **Ms. Campbell:** Thank you, Your Honor.

11 By Ms. Campbell:

12 Q. I want to show you what's been marked as State's Exhibit
13 Number 42. Is that a photograph you took, sir?

14 A. Yes, it is.

15 Q. And does that show the side of Adonis Williams' face?

16 A. It shows the left side of his face.

17 Q. The left side of his face? And does that fairly and
18 accurately depict what you saw?

19 A. That's what I saw.

20 Q. And this was taken, I believe, several months after he
21 was arrested?

22 A. Yes.

23 **Ms. Campbell:** Your Honor, at this time we'd offer
24 State's Exhibit 42.

25 **The Court:** All right. Over the objection of the

1 defendant, I admit it.

2 (State's Exhibit 42 was received in evidence.)

3 **Ms. Campbell:** Permission to publish?

4 **The Court:** Yes.

5 **Ms. Campbell:** Thank you. That's all we'd have, Your
6 Honor.

7 **The Court:** All right. Mr. Schnee?

8 **Mr. Schnee:** Thank you, Your Honor. May it please the
9 Court?

10 **The Court:** Yes, sir.

11 Cross-Examination

12 By Mr. Schnee:

13 Q. Good afternoon.

14 A. Good afternoon.

15 Q. You became involved in this case the day after the
16 initial incident; right?

17 A. That's correct.

18 Q. Okay. You've been the lead investigator ever since.

19 A. That's correct.

20 Q. Okay. Everything stops with you.

21 A. Yes.

22 Q. Okay. You tell people what they need to do. You ask
23 them to do things. You do things. It's all your
24 responsibility.

25 A. Ultimately, yes, sir.

1 Q. Okay. And, in fact, you've continued investigating this
2 case for a very long time, haven't you?

3 A. It's been active.

4 Q. Okay. In fact, you're -- the last investigative report
5 you wrote was June 26th of 2011.

6 A. That was an investigative report that I wrote for the
7 vandalism, not for this robbery.

8 Q. Okay. And you -- but you investigated them initially
9 together?

10 A. Initially.

11 Q. Okay.

12 A. But they were separated within a couple of months after
13 that.

14 Q. Okay. Let's take a look at that report.

15 A. Okay.

16 **Mr. Schnee:** I would have it marked as Defense Number 6
17 for I.D. purposes.

18 (Defendant's Exhibit 6 was marked for identification
19 only.)

20 By Mr. Schnee:

21 Q. Is this your report?

22 A. Yes.

23 Q. Okay. Now, the first page of this, the report is dated
24 6/26/2011?

25 A. Yes.

1 Q. Okay. The time on there is 21:32.

2 A. Yes.

3 Q. That's 9:32 p.m.

4 A. Yes.

5 Q. Okay. Now, if you could, turn to the second page, the
6 first two lines. Adonis -- his name appears in both of those
7 lines?

8 A. That's correct.

9 Q. Okay. And this was turned over to me for this case.

10 A. It was turned over to you at your request by the -- I
11 think before one hearing.

12 Q. Okay. And his name is mentioned in here.

13 A. Yes.

14 Q. Okay. And so you've been continuing to investigate.

15 A. As you notice in there, his name is mentioned in that
16 first sentence actually where it says, "While working this
17 vandalism, I first believed that it was connected to the
18 robbery and the investigation involving Adonis Williams."

19 Q. Right. I understand that, but you've continued to
20 investigate.

21 A. I've continued to investigate the vandalism or this?

22 Q. Both.

23 A. You're compiling the two together. So which one are you
24 referring to?

25 Q. I'm referring to both.

1 A. Okay. Yes.

2 Q. You've continued to investigate both.

3 A. Once I -- well, I continued to investigate the robbery
4 for awhile after a few months once I arrested Charles
5 Blankenbecklor and he confessed to me about doing the
6 vandalism, and then through his confession he's adamantly
7 denied any involvement, acknowledgment, or anything towards
8 this robbery. At that time that case was closed.

9 Q. Okay.

10 A. And that was concluded. So -- but the investigation
11 with Adonis has continued but...

12 Q. Okay. Now, the Charles Blankenbecklor interview was in
13 May of 2009.

14 A. Yes.

15 Q. Okay. And the arrest you said is August of 2009.

16 A. No, October.

17 Q. October. October. I'm sorry.

18 A. There's a reason for that time lapse.

19 Q. I understand. That's fine. That's October of 2009.

20 A. That's correct.

21 Q. Okay. And this report is from June of 2011.

22 A. Yes.

23 Q. Okay. Now, you've testified in a number of court
24 hearings about this case before; right?

25 A. Yes.

1 Q. Okay. The first one was a bond setting.

2 A. Yes.

3 Q. And then there was a preliminary hearing?

4 A. Yes.

5 Q. Okay. Both of those within a few months after the
6 initial arrest.

7 A. The bond setting would have been I think maybe a week or
8 so after his arrest, and then the preliminary hearing I think
9 was -- has to be within 90 days or so.

10 Q. Okay. And you've also testified quite extensively last
11 year.

12 A. Yes. That's correct.

13 Q. Now, I'd like to go through your investigation a little
14 bit. March 22nd, you met up with Ms. Wofford at her house.

15 A. Yes. That's correct.

16 Q. Okay. And you did this because, I believe you
17 testified, that you wanted to re-interview her to see if she
18 had remembered more things?

19 A. That's correct.

20 Q. Or perhaps remembered things differently?

21 A. Yes. That's correct.

22 Q. Because it's a traumatic experience.

23 A. Sure.

24 Q. And peoples' memory can be bad or muddled.

25 A. Well, I never thought the memory was bad. My suspicion

1 was that you could learn more from later.

2 Q. Okay. But there are also -- you can -- people can
3 remember things differently at another time; right?

4 A. That's possible, yes. Sure.

5 Q. Okay. And you wanted to talk to her and nail down every
6 detail.

7 A. I wanted to follow up and make -- I wanted to see what
8 was missed.

9 Q. Okay.

10 A. I wanted to see what was missed. I wanted to make sure
11 that everything that we had done has been done.

12 Q. Okay. Now, you talked to her about a description of the
13 suspect; right?

14 A. Yes.

15 Q. And that's in your investigative notes.

16 A. Let's see. I probably did.

17 Q. First page?

18 A. Yes. That's correct.

19 Q. Okay. Now, in your report you wrote black male; right?

20 A. Yes.

21 Q. Between 5'8" and 6 feet?

22 A. Yes.

23 Q. Okay. And the subject had some, quote, chicken pock
24 marks, in plural, end quote, near his left eye.

25 A. Yes.

1 Q. That's what you wrote in your report.

2 A. That's right.

3 Q. Okay. You're not mistaken about that, are you?

4 A. Well, that's my interpretation of it, yes.

5 Q. Okay. Now, originally when you're doing this do you
6 have a lap top with you?

7 A. Oh, no.

8 Q. Okay. So when you're talking with someone, you have a
9 pad with you.

10 A. Yes.

11 Q. You're taking notes.

12 A. Generally.

13 Q. Handwritten notes.

14 A. Well, it depends on what's going on. She's already done
15 the questionnaire, so a lot of the specific notes are
16 taken... She's already done the written statement through
17 Investigator Gallegos, so my interview was actually a third
18 interview. So I might take little notes here and there, but
19 it's mostly verbal at that point but---

20 Q. Okay.

21 A. Because it's already documented twice.

22 Q. Right. But you are taking notes.

23 A. Yes.

24 Q. And as you go throughout the rest of the investigation,
25 you are taking notes.

1 A. If I see something relevant, I'll jot it down.

2 Q. Okay. Where are those notes right now?

3 A. Those notes have been transcribed to a follow-up report.

4 What we do for the follow-up report is we go back to our
5 office because if you read my notes, if you don't right away,

6 you're probably not going to be able to read them. My

7 writing is pretty terrible. So I go back, transcribe them

8 into a typed format, put it into a follow-up report.

9 Q. I'll ask you again, sir: Where are your handwritten
10 notes right now?

11 A. The handwritten notes that are on the notepad -- you
12 know, once we put them into this form here and organize them
13 in the form, I dispose of them.

14 Q. You throw them in the garbage.

15 A. Yeah, because I write the same thing down on this so I
16 can read it.

17 Q. Okay. Well, on your handwritten notes did you write
18 word for word what's on here?

19 A. It's paraphrased.

20 Q. This is a paraphrase of your notes or your notes are
21 paraphrases of what you filled in here on your typed report?

22 A. My report is a summation of my notes.

23 Q. Okay. So there are things that could have been left out
24 of your report that you had in your notes.

25 A. No.

1 Q. So you---

2 A. What I -- from my notes I put here.

3 Q. Okay. And then you destroy your notes.

4 A. Yeah.

5 Q. So the only way to verify exactly what was said or who
6 said what and when is to look at this report that you
7 typed---

8 A. This report is a -- it's a direct reflection of what was
9 written in those notes.

10 Q. Never made a typo in your life?

11 A. Oh, I'm sure I probably have. That's the reason why I
12 try to do it that way.

13 Q. Okay. But that would be a good reason to keep your
14 notes, wouldn't it?

15 A. If you say so. Okay.

16 Q. All right. Now, you were told that the suspect was not
17 wearing gloves; right?

18 A. Yes.

19 Q. Okay. And you wanted to make sure that fingerprints and
20 D.N.A. were run for the house, the car, pretty much
21 everything you could think of.

22 A. Yes.

23 Q. And you're the one that decides what tests to run. Is
24 that right?

25 A. No. You have to understand our lab -- the lab

1 investigators are responsible for the collection of the
2 evidence, interpretation of the evidence, processing,
3 whatever they do. And they'll do -- our lab is very good.
4 They're qualified enough. They know what to run on their
5 own. Later on they might go back through just to kind of
6 batch some details: Did you do this, so on and so on.

7 Q. Okay. Let me ask you this.

8 A. A lot of stuff is done at their own initiative.

9 Q. In the beginning of your direct testimony you said one
10 of the first things you did is talk with Investigator Polis.

11 A. Yes.

12 Q. You wanted to make sure what she had done?

13 A. I wanted to make sure what she had done was done
14 quickly.

15 Q. Right. And you wanted to make -- you also wanted to
16 make sure there was nothing missed.

17 A. Yes.

18 Q. Okay. And generally if something is missed, you will
19 tell someone from the Crime Scene Unit, "I need this."

20 Right?

21 A. If I know that -- if I observe or find out that
22 something is missing -- the question that you asked me a
23 minute ago was to make sure that Polis did whatever was done
24 quickly.

25 Q. Okay.

1 A. It was not a question of her missing. It was a question
2 of getting it done quickly.

3 Q. Okay. And throughout the next weeks, days, months you
4 get reports from the Crime Scene Unit, labs, things like
5 that.

6 A. Whenever they're through doing all their reports.

7 Q. Okay. You look through them; right?

8 A. Yes.

9 Q. And you check to make sure everything is done to your
10 satisfaction.

11 A. Try to, yes.

12 Q. Okay. At what point did you ask anyone at Crime Scene
13 to take D.N.A. swabs from that telephone box?

14 A. At what -- to take D.N.A. swabs from the phone junction
15 box?

16 Q. Yes, sir.

17 A. Oh, I didn't tell them to do that.

18 Q. Okay. Now, when you were speaking with Ms. Wofford on
19 the 22nd, the issue of cigarettes came up; right?

20 A. Yes.

21 Q. Okay. Do you remember your testimony from May 7th of
22 2009 at the preliminary hearing?

23 A. If you have it, show it to me. I don't remember it from
24 memory, but...

25 **Mr. Schnee:** If I could have this marked as Defense 7

1 for I.D.

2 (Defendant's Exhibit 7 was marked for identification
3 only.)

4 By Mr. Schnee:

5 Q. Does this look familiar to you?

6 A. Well, I have never seen this document, but I understand
7 what it is.

8 Q. You were the witness who testified at the preliminary
9 hearing.

10 A. Yes.

11 Q. It's a court proceeding.

12 A. Yes.

13 Q. Under oath.

14 A. Yes.

15 Q. Under penalty of perjury.

16 A. Yes.

17 Q. Okay. If I could just show you one thing on here.

18 Turning to Page 7...

19 **Ms. Campbell:** Your Honor, I don't know what documents
20 he's using. If he could provide us a copy just so we can
21 follow---

22 **Mr. Schnee:** It's the transcript from the preliminary
23 hearing.

24 **Ms. Campbell:** You didn't provide that to us. We
25 requested it. Can we make a copy?

1 **The Court:** We want to stop and make a copy?

2 **Mr. Schnee:** I can check. I might have another one in
3 my box. I'm not sure.

4 **The Court:** Well, do that, Mr. Schnee.

5 **Ms. Campbell:** Thank you, Your Honor.

6 (Pause in proceedings.)

7 **Mr. Schnee:** Judge, I don't have another copy with me.

8 **The Court:** You want him to refresh his memory by
9 looking at this document?

10 **Mr. Schnee:** Yes, sir.

11 **The Court:** And then you're going to ask him some
12 questions?

13 **Mr. Schnee:** Yes, sir.

14 **The Court:** All right. Well, let him look -- let him
15 look at the document. He'll read it, and then you can ask
16 what questions you want to ask. What is it you want him
17 particularly to read? What portions of the -- to refresh his
18 memory about what?

19 By Mr. Schnee:

20 Q. Page 7, just this section right here.

21 A. All right. Let me read a little bit before it so I can
22 get the proper context.

23 Q. Okay.

24 A. (The witness reads.) Okay.

25 **The Court:** What do you want to ask him?

1 By Mr. Schnee:

2 Q. Now, there's a question about something dealing with the
3 sharing of a cigarette. This is during the drive.

4 A. Yes.

5 Q. Okay. Now, at the end your testimony was - and tell me
6 if I'm wrong - that the suspect had smoked some of it, didn't
7 like it, and then threw it out of the window.

8 A. That's true, yes.

9 Q. Okay. And this is referring to while they're driving.

10 A. Yes.

11 **The Court:** Wait a minute. It's marked for I.D. Give
12 it to her. Don't mix it in with evidence.

13 By Mr. Schnee:

14 Q. Now, when you went -- now, when you were with Ms.
15 Wofford, you said you searched the truck again?

16 A. When I met with her, I searched the truck, yes.

17 Q. Looking for anything of any importance.

18 A. That's correct.

19 Q. You found three cigarettes inside that ashtray.

20 A. I don't know how many. There were a couple of
21 cigarettes in the ashtray.

22 Q. If you could, turn to your investigative report.

23 A. Okay.

24 Q. Last paragraph.

25 A. Okay.

1 Q. Second line: The truck was rather clean, but there were
2 three cigarette butts in the ashtray.

3 A. Okay. I agree. There was three.

4 Q. Okay. Did you collect those?

5 A. I just -- no, I didn't collect them. I just
6 acknowledged that I saw them.

7 Q. Okay. But you knew that there was a cigarette of
8 importance based on her statement.

9 A. I knew the potential, yes.

10 Q. And you didn't collect those three.

11 A. The ones that were already in her ashtray?

12 Q. The ones that were in her ashtray the day after.

13 A. No, not at that point.

14 Q. Not at that point?

15 A. No, because she didn't tell me that he -- he didn't put
16 it in the ashtray when he was done. So as far as I was
17 concerned, that was that...

18 Q. Okay. But you know she had left the truck to go to the
19 A.T.M.; right?

20 A. That's correct.

21 Q. And that's after the suspect had the cigarette in his
22 possession?

23 A. I think that was on the way back from the bank to the --
24 on the way back, traveling back.

25 Q. Well, were you here for Ms. Wofford's testimony

1 yesterday?

2 A. Uh-huh. I was.

3 Q. Do you remember if she said it was on the way to the
4 bank or do you not recall?

5 A. I don't recall, no.

6 Q. All right. Now, the day after -- the next day would be
7 Tuesday. You were back in the area again.

8 A. Okay.

9 Q. Right?

10 A. I'm sure I was at some point.

11 Q. Okay. Part of what you were doing is canvassing the
12 area.

13 A. Yes.

14 Q. Okay. And the reason you're doing that is to talk to
15 potential witnesses and find potential witnesses.

16 A. Actually, we actually canvassed when we came back after
17 finishing the truck on that same day. Isenhoward and I did
18 the canvass.

19 Q. Oh, okay.

20 A. That would have been Monday.

21 Q. Did you find anyone that had any information?

22 A. No.

23 Q. Now, you were told that there was a lot of foot traffic
24 in the area on a regular basis; right?

25 A. Uh-huh. Well, I knew that. I just know -- I knew the

- 1 area well.
- 2 Q. Okay. Lots of people walking around, things like that.
- 3 A. Typically, especially more in the evening.
- 4 Q. Okay. Now, at some point you said you searched Dawn
- 5 Shea's house; right?
- 6 A. That's correct.
- 7 Q. By consent.
- 8 A. That's correct, by consent.
- 9 Q. Okay. Did you ever find a jacket that matched the
- 10 description?
- 11 A. No, I didn't. I did not.
- 12 Q. Okay. Did you ever find a hat of any kind that matched
- 13 the description?
- 14 A. No, did not.
- 15 Q. Bandanna?
- 16 A. No, we did not.
- 17 Q. You searched a few other places, didn't you?
- 18 A. We searched Dawn Shea's apartment or Dawn Shea's house.
- 19 We searched Tanesha Williams' apartment as well, and we
- 20 searched Ron Zab's house as well.
- 21 Q. Okay. And Ms. Williams, that's my client's sister?
- 22 A. I believe it is.
- 23 Q. Okay. When you searched that house, did you find a
- 24 jacket that matched the description?
- 25 A. No, we didn't find anything there.

1 Q. No hat?

2 A. No.

3 Q. No gun?

4 A. No.

5 Q. No mask, no bandanna.

6 A. No. No, not at all.

7 Q. Now, Mr. Zab's house, did you ever find a jacket there?

8 A. The jacket? No, we did not find a jacket there.

9 Q. Bandanna?

10 A. No.

11 Q. Now, when you interviewed Mr. -- let me back up for a

12 second. You heard about this incident you said on Sunday

13 while you were off duty?

14 A. Yes. That's correct.

15 Q. And there were other investigators involved like

16 Gallegos.

17 A. Yes. That's correct.

18 Q. Very experienced investigator.

19 A. He's been around for awhile, yes.

20 Q. You know he does a good job.

21 A. He does.

22 Q. At what point did any of the officers involved in this

23 case look through, say, garbage dumpsters to try to find a

24 jacket, a bandanna, a hat or anything else that matched the

25 description of the suspect?

1 A. I don't know whether they did or not.

2 Q. Well, you're the lead investigator. Did you---

3 A. No one documented -- no one has documented in a report
4 whether they did it or not, so I mean...

5 Q. Okay.

6 A. Typically sometimes that stuff is done by the uniform
7 guys, so I don't know if those uniform guys do them. They
8 don't typically write reports or document follow-up reports
9 like we do. So I have not heard of anything about that.

10 Q. But if they had found anything, you would know about it.

11 A. I would have known about it, yes---

12 Q. Okay.

13 A. ---if something would have been found.

14 Q. All right. Now, I'd like to talk to you a little bit --
15 you keep saying that these are two unrelated incidents;
16 right?

17 A. Yes.

18 Q. Okay. Do you remember testifying in a bond hearing in
19 front of Judge Cooper?

20 A. I think we did two bond settings. I don't remember
21 which one---

22 Q. Immediately after the arrest.

23 A. The first one, yes.

24 **Mr. Schnee:** Okay. Could I have it marked---

25 **The Court:** What's the question? What is the question

1 you want to ask him?

2 **Mr. Schnee:** I want to ask him about his testimony
3 earlier.

4 **The Court:** Just ask him what -- did he say such and
5 such or not say such and such.

6 By Mr. Schnee:

7 Q. Now, the day of that bond setting is April 2nd, 2009?

8 A. Yeah. Sure. Whatever you say.

9 Q. That would be several days after the arrest?

10 A. Yes.

11 Q. That would be after you met with Adonis Williams at the
12 jail to take a D.N.A. swab?

13 A. That's correct.

14 Q. Okay. Now, isn't it true that during that bond setting
15 you told Judge Cooper that you believed the smashing of the
16 windows was a continuation and an intimidation involving this
17 case?

18 A. I believed that.

19 Q. And that's---

20 A. At that time I believed that; that's correct.

21 Q. Okay. Now, you also repeated similar testimony at a
22 preliminary hearing about that, didn't you?

23 A. That was still during that timeframe when we believed
24 that it was a continuation, yes.

25 Q. Okay. But now you think it's unrelated.

1 A. All that was prior to the time where I had the
2 opportunity to arrest and interview Charles Blankenbecklor.

3 Q. Okay. Now, this hearing for the bond setting, that was
4 to a judge in this building---

5 A. Yes.

6 Q. A courtroom like this.

7 A. Yes.

8 Q. Under oath.

9 A. Yes.

10 Q. Now, that information you're claiming is no longer
11 accurate.

12 A. At that time I firmly believed that that was true.

13 Q. Okay.

14 A. So my truthfulness in that hearing was accurate.

15 Q. And now---

16 A. However, since -- after we've investigated more
17 thoroughly, we've learned differently.

18 Q. But now you believe differently.

19 A. Yes.

20 Q. Okay. At what point did you go to Judge Cooper and
21 inform him that you were mistaken?

22 A. I have not.

23 Q. Now, you met with Mr. Blankenbecklor you said in May.

24 A. Yes.

25 Q. Of 2009.

1 A. Yes.

2 Q. You had an extensive interview with him?

3 A. I did.

4 Q. And he told you that there was a black male in the car
5 with him; right?

6 A. Yes.

7 Q. He gave you a nickname of Boochee.

8 A. Boochee. That's correct.

9 Q. Do you remember testifying a little over a year ago?

10 A. In regards to?

11 Q. In regards to Charles Blankenbecklor, the vandalism, and
12 any identifying features.

13 A. Yes, I testified before. Yes.

14 Q. Okay. Now, during that testimony isn't it true you had
15 no idea who was in that car with Mr. Blankenbecklor?

16 A. I mean, do you have something to have me refer to in my
17 testimony? Is that what you're asking me?

18 Q. Yes, sir.

19 A. Do you have a copy of that testimony where I can refer
20 to it?

21 Q. Absolutely. I refer you to Page 544.

22 A. Okay. Okay.

23 Q. About two-thirds of the way down.

24 A. Okay.

25 Q. Your testimony---

1 A. Which one?

2 Q. ---at the time---

3 A. Okay. Do you know what line number you want? You said
4 two-thirds down. Where exactly are you talking about? Where
5 do you want me to go?

6 Q. Right over there.

7 A. Okay.

8 Q. All right. Now, your testimony a little over a year ago
9 is that Mr. Blankenbecklor did not give you any name at all.

10 A. Let's see. The question was, "Finally as far as Mr.
11 Blankenbecklor or whatever his name, was he able to identify
12 who else was with him by name?" "Not by name, he did not."

13 Q. Okay. But he gave you a nickname.

14 A. He gave me a nickname, yeah.

15 Q. But you didn't feel it necessary to inform anyone of
16 that at that time, did you?

17 A. You asked me what his name -- I was asked about him by
18 name. No, I did not know his name.

19 Q. But you had a nickname.

20 A. I had a nickname, but I had no idea who that nickname
21 belonged to.

22 Q. Okay. And the nickname, the very first time you ever
23 wrote it down is in June of 2011. Isn't that true?

24 A. Uh-huh. Yes, sir.

25 Q. But you had that nickname in May of 2009.

1 A. In May of 2009 I did.

2 Q. You just didn't write it down until 2011.

3 A. Well, I didn't write that report there, and the reason
4 why that report was not written until then is because when
5 one of the hearings was coming up, I never connected the two
6 together anymore and we always do investigative follow-up
7 reports with our cases when we're done. And when I went back
8 to review it, I realized I never documented that
9 investigative follow-up report by admission. So I did the
10 report just because I make sure all my reports are
11 consistent.

12 Q. But you had the nickname of Boochee in April of 2010
13 when you testified there.

14 A. Yes, sir.

15 Q. All right. Now, in terms of this extensive interview --
16 and later you learned that Boochee is Isaac Tucker, Jr.;
17 right?

18 A. Isaac Tucker.

19 **Mr. Schnee:** If I may approach the witness for Defense
20 Number 7.

21 **Court Reporter:** Eight.

22 **Mr. Schnee:** Eight? I'm sorry.

23 (Defendant's Exhibit 8 was marked for identification
24 only.)

25 By Mr. Schnee:

1 Q. Is that the person Isaac Tucker, Jr., that we're
2 referring to?

3 A. Yes.

4 Q. Now, that would be his booking photo and information---

5 A. Yes.

6 Q. ---that's been discussed prior in this trial.

7 A. Yes.

8 **Mr. Schnee:** At this time I'd move that into evidence,
9 Your Honor.

10 **Ms. Campbell:** No objection.

11 **The Court:** So admitted.

12 (Defendant's Exhibit 8 was received in evidence.)

13 By Mr. Schnee:

14 Q. If you could take a look at the information on that --
15 contained in there.

16 A. Okay.

17 Q. Could you please tell me his height?

18 A. Seventy inches.

19 Q. Which would be 5'10"?

20 A. Yes.

21 Q. Please tell me the weight.

22 A. 165.

23 Q. Okay. And if you look at that picture, the hairstyle on
24 there, would you consider that a short haircut?

25 A. I suppose so.

1 Q. Okay. And that's a black male.

2 A. Yes.

3 Q. Okay. And he is inside of the car doing the vandalism.

4 A. According to Charles Blankenbecklor. I looked at the
5 video. I can't see another person in there but...

6 Q. Okay. But he told you that's the person that was in
7 there.

8 A. Yes.

9 Q. All right.

10 A. He told us Boochee was in there.

11 Q. And Boochee you know is Isaac Tucker, Jr.

12 A. I've learned it, not through him. I've learned it
13 through other means, other investigators, from another
14 incident that we believe Boochee to be Isaac Tucker. I
15 didn't learn it from Charles Blankenbecklor.

16 Q. And you've also -- and there also was an interview of
17 Isaac Tucker when he was arrested; right?

18 A. No, I have not interviewed Isaac Tucker.

19 Q. Not you, but there was an interview done of him where
20 somebody has to---

21 A. Yeah, someone. I was not there.

22 Q. Okay. So you had no involvement in that.

23 A. No. I learned about his arrest several days or weeks
24 after that.

25 Q. Okay. Now, the video at the Citgo---

1 A. Yes.

2 Q. ---you viewed that video?

3 A. I did.

4 Q. Okay. When you testified -- strike that. There are
5 about 13 minutes of video that were collected?

6 A. Whatever time was observed here, that's whatever time
7 that was -- felt like -- felt like---

8 Q. Did you ever go back in the first few days of your
9 investigation and say, "I think we need more video"?

10 A. No. I did not go back and do that and, you know, our
11 technical services guys, those are the ones that do all that
12 kind of stuff, and I kind of hold that in their regard for
13 them to be proficient with that and do that. So whatever the
14 video that was retrieved then we thought would be the
15 valuable video. It turns out that all the video that was
16 collected was all the video of the crime that occurred there
17 in the parking which would have been the vandalism.

18 Q. You're the lead investigator; right?

19 A. Yes.

20 Q. So it's up to you to decide if you need more or not;
21 right?

22 A. Well, I decided that that -- after I looked at it -- I
23 mean, they handed me the video of that, so I went back and
24 followed up and did all the work with the video.

25 Q. Okay. Did you ever go back to the Citgo and ask to see

1 any other camera angles?

2 A. I knew there were no other camera angles of the
3 vandalism.

4 Q. Did you ever go back to see and view any other camera
5 angles at all?

6 A. No.

7 Q. I'd like to talk to you briefly about Adonis Williams.

8 A. Okay.

9 Q. Back in April of last year he testified quite
10 extensively, didn't he?

11 A. Did he?

12 Q. Yes.

13 A. He did.

14 Q. You were present for that testimony.

15 A. I was.

16 **Ms. Campbell:** Objection, Your Honor. I don't know how
17 he can comment on the defendant's testimony.

18 **The Court:** Well, I don't know. He may open up a whole
19 lot of stuff if he does it.

20 **Mr. Schnee:** Can we approach?

21 **The Court:** No, sir. About what? Ask your questions,
22 Mr. Schnee.

23 By Mr. Schnee:

24 Q. You heard all the testimony he gave.

25 A. Yes.

1 Q. Okay. Now, specifically he discussed---

2 **Ms. Campbell:** Objection, Your Honor, as to what the
3 defendant -- if he wants to put him up, that's one thing. He
4 can't comment on his testimony.

5 **The Court:** Ask him what question you want to...

6 **Mr. Schnee:** I think we need to approach, Judge,
7 briefly.

8 **The Court:** Ladies and gentlemen, I'm going to let you
9 go to lunch. Don't discuss the case while you're there.
10 We'll come back here at 10 after 2. That will give you an
11 hour and 15 minutes.

12 (Whereupon, the jury was excused from open court to go
13 to lunch at 1:00 p.m.)

14 **The Court:** Mr. Schnee?

15 **Mr. Schnee:** Yes, sir.

16 **The Court:** Do you understand to impeach somebody you
17 ask them a question and if they don't give the answer that
18 you think was the appropriate one, you then attempt to
19 impeach it. You don't start out by admitting -- I mean
20 marking stuff that are testimony from previous hearings or
21 trials and go from there.

22 **Mr. Schnee:** Judge, in this particular---

23 **The Court:** If you want him to refresh his memory, ask
24 him the question. If he can't remember it, show him the
25 document. Now, what is it that you want him to testify about

1 your client having testified previously?

2 **Mr. Schnee:** Well, Judge, this witness has already
3 testified that the investigation has been ongoing; he's
4 continued to investigate. I'm going to ask him about the
5 specifics of my client's testimony and if he did anything or
6 not to confirm or disprove my client's version of events. It
7 goes to his investigation---

8 **The Court:** Wouldn't the question be: Have you done
9 anything since whatever date that your client testified in
10 furtherance of this investigation? Have you done anything?

11 **Mr. Schnee:** Yes, sir. I would like to go through all
12 the specifics though.

13 **The Court:** Well, how can they do that? I mean, say
14 your client doesn't testify. Do they have a right to call
15 your client then?

16 **Mr. Schnee:** Judge, my client will be testifying.

17 **The Court:** Maybe so. Then maybe you want to call
18 the -- this witness back. I don't know how you can do that
19 based on testimony from a defendant in some previous hear --
20 trial that was mistried when he -- doesn't he have a right at
21 this point in time not to testify?

22 **Mr. Schnee:** Yes, he does.

23 **The Court:** And he has that right to make that decision
24 up to the moment he elects to testify or not to testify.

25 **Mr. Schnee:** Yes, sir.

1 **The Court:** Now, if you put this in and he elects not to
2 testify, do they have a right to call him?

3 **Mr. Schnee:** I would doubt it.

4 **The Court:** No, I would doubt that they -- that you
5 could stop them at that point.

6 **Mr. Schnee:** I'm quite certain my client will be
7 testifying.

8 **The Court:** Well, I appreciate your representation, but
9 we won't know that until then. I don't know how you can ask
10 this guy -- I mean this witness based on what your client
11 testified at a previous hearing... Ask him what, if
12 anything, he's done since that date.

13 **Mr. Schnee:** Okay.

14 **The Court:** And then if you want to call him back, then
15 call him back after your client testifies.

16 **Mr. Schnee:** Yes, sir.

17 **The Court:** All right. We're going to break for lunch.
18 We'll be back here at 10 after 2. How long are you -- much
19 longer are you going to be with this witness?

20 **Mr. Schnee:** Only a couple of minutes.

21 **The Court:** Are y'all going to rest after that?

22 **Ms. Campbell:** No, sir.

23 **The Court:** I thought he was your last witness.

24 **Ms. Campbell:** He was going to be, but we had problems
25 with getting a witness here. I didn't want to interrupt

1 things, so we put him up early.

2 **The Court:** Had problems with what?

3 **Ms. Campbell:** One witness wasn't here on time, so we
4 took things out of order a little bit, but we don't have much
5 longer.

6 **The Court:** Who was that?

7 **Ms. Campbell:** It was a miscommunication with my office
8 and a witness from the department of corrections. It's my
9 fault.

10 **The Court:** All right. Well, I'm just trying to figure
11 out -- I got a note that somebody wants to be at the dentist
12 by 4:00. I mean, are we going to -- are we going to finish?
13 How long is your case going to be? An hour? If we're back
14 at 2:15, finish at 2:30. You're finished at 3:30. We can
15 argue and charge this afternoon, can't we?

16 **Ms. Campbell:** The last time his client testified I
17 believe it was at least an hour and a half or two hours, just
18 anticipating putting him up. The rest of our case should
19 take, after this witness, another 30 minutes, 40 minutes.

20 **The Court:** All right. We probably won't be able to.
21 All right. We'll see y'all at 2:10. Officer, don't talk
22 about your testimony while we're on break.

23 **The Witness:** Yes, sir.

24 **The Court:** With the State.

25 **The Witness:** Yes, sir.

1 **The Court:** Or the defendant.

2 (Whereupon, a lunch break was taken.)

3 **The Court:** All right. Thank y'all. Please be seated
4 if you would. All right. Are we ready to go? Are you
5 ready?

6 **Mr. Schnee:** Yes, sir.

7 **The Court:** All right. Let's get ready to bring the
8 jury in. Well, all right. Is he ready? All right. Let's
9 bring the jury in, Mr. Bowen.

10 (Whereupon, the jury was brought into open court at
11 2:18 p.m.)

12 **The Court:** All right. Thank you. Mr. Schnee, are you
13 ready to proceed, please, sir?

14 **Mr. Schnee:** Yes, sir. May it please the Court?

15 **The Court:** Yes, sir.

16 By Mr. Schnee:

17 Q. I only have a few more questions for you.

18 A. Very good.

19 Q. Going back to right where we left off, you were here a
20 little over a year ago and heard Mr. Williams testify; right?

21 A. I was, yes.

22 Q. Okay. All the details of the surrounding events, that
23 was his version.

24 **Ms. Campbell:** Objection again, Your Honor.

25 **The Court:** Sustained. That's...

1 **Mr. Schnee:** You remember his testimony.

2 **Ms. Campbell:** Objection.

3 **The Court:** Sustained.

4 By Mr. Schnee:

5 Q. Since that time have you done anything to either confirm
6 or disprove anything he said?

7 A. There was some other forensic evidence that was
8 completed per the request.

9 Q. And that was my request for forensic testing.

10 A. Yours and the solicitor as well.

11 Q. Okay. You didn't interview anyone else though.

12 A. No.

13 Q. Didn't go out to any scene and try to find anyone.

14 A. No more -- no more.

15 Q. Okay. Now, as for Mr. Blankenbecklor when you
16 interviewed him, now I believe his statement was that he was
17 drunk that morning?

18 A. (Witness nodded head up and down.)

19 Q. And he was looking for something to damage.

20 **Ms. Campbell:** Objection, Your Honor, as to the
21 relevance of this.

22 **The Court:** It's hearsay.

23 **Mr. Schnee:** We've gone through all of his statement
24 already, Your Honor.

25 **The Court:** I don't know what you went through on this.

1 Hearsay is hearsay, and I ruled -- there's an objection. If
2 there had been an objection before and it was hearsay, I
3 would have excluded it. His statement is hearsay.

4 By Mr. Schnee:

5 Q. Did you ever interview Isaac Tucker to confirm anything
6 Charles Blankenbecklor told you?

7 A. I personally have not interviewed Isaac Tucker.

8 **Mr. Schnee:** All right. No further questions.

9 **The Court:** All right.

10 Redirect Examination

11 By Ms. Campbell:

12 Q. Sergeant, he asked you about your notes and what
13 happened to them. Is everything that was in your notes in
14 your follow-up---

15 A. Yes.

16 Q. ---as provided?

17 A. That's correct. They are.

18 Q. Every detail. Everything.

19 A. Everything.

20 Q. And in this case he showed you something that he said
21 was the prior testimony from a preliminary hearing. Is that
22 correct?

23 A. Yes.

24 Q. And then he asked you the distinct question, something
25 about how he threw it out the window, the cigarette butt---

1 A. Yes.

2 Q. ---while the car was moving?

3 A. Yes.

4 Q. I want to -- would it help to refresh your testimony
5 with the actual testimony?

6 A. Yes.

7 Q. I want to show you what's been highlighted in the actual
8 transcript from that preliminary hearing.

9 A. The highlighted portion here says---

10 **Mr. Schnee:** I'm sorry. Could I have a page and...

11 **Ms. Campbell:** Page 4, the actual testimony.

12 **Mr. Schnee:** All right.

13 **The Witness:** Are you ready?

14 **Mr. Schnee:** Go ahead.

15 **The Witness:** Okay. "As he does that and gets out of
16 the vehicle, he had" dot, dot, dot "that cigarette that they
17 had smoked together while in transit he had kept in his hand.
18 He actually had ripped off the patched or the burnt end and
19 kept the filtered end where you could see where it was ripped
20 off. It was fresh, and as he got out of the car to run, he
21 discarded it there."

22 By Ms. Campbell:

23 Q. That was your real testimony.

24 A. That was it.

25 Q. Nothing about the car moving or the window?

1 A. No. That's it right there.

2 Q. And, in fact, even in the part he referred you to, all
3 you said about it was he discarded it.

4 A. That's correct.

5 Q. And that was the testimony -- your sworn testimony he
6 referred to.

7 A. That's correct.

8 Q. He asked about in prior testimony whether or not you
9 were able to identify anyone else by name, and you
10 specifically said, "No, not by name."

11 A. That's correct. That's exactly...

12 Q. And who were you referring to there?

13 A. Boochee.

14 Q. And at that point when you testified did you know
15 Boochee's name?

16 A. No, I had no idea.

17 Q. So that was also truthful testimony.

18 A. Yes.

19 Q. He asked you about looking through dumpsters. Were
20 there other people involved in the investigation of this
21 case?

22 A. There on that day initially it was Investigator Gallegos
23 and I think Investigator McCrae (phonetic) might have come
24 out to help them a little bit. I'm not sure exactly how far
25 he -- what all he may have done, but there were several

1 deputies I think that might have been -- there's no telling
2 how many. There were plenty of people involved.

3 Q. As far as the information you got from the victim, the
4 defendant immediately left the area by car?

5 A. That's correct. Well, he left -- he dropped her off on
6 foot and then he said he had a car.

7 Q. He asked you about additional video from the Citgo. As
8 far as you know, the crimes that we're here today for - the
9 armed robbery, the burglary in the first degree, the
10 kidnapping - did any of those occur at the Citgo?

11 A. None of them.

12 Q. Would any information as far as the guilt or innocence
13 of the person who did this be at the Citgo as far as you knew
14 or knew back then?

15 A. As far as I know, no.

16 Q. He asked you about whether or not you were continuing an
17 investigation. As you've told this jury, you investigated
18 not only the vandalism but the home invasion and it
19 continues. If any new information comes forward, you follow
20 up on it as you should.

21 A. That's correct.

22 Q. Regardless of when it comes forth.

23 A. That's right.

24 **Ms. Campbell:** Thank you, sir.

25 **The Court:** Anything?

1 **Mr. Schnee:** Just very briefly.

2 Recross Examination

3 By Mr. Schnee:

4 Q. Preliminary hearing on Page 7, that entire paragraph
5 where the cigarette is discarded, are you familiar with that?

6 A. Well, I've been handed a couple of different ones.

7 Let's go with -- this one?

8 Q. Page 7.

9 A. Okay. Okay.

10 Q. That entire paragraph where you're discussing the
11 discarded cigarette, it's talking about while the car is
12 driving. Correct or not?

13 A. Well, the two highlighted areas which -- are you
14 referring to -- point me to exactly which one you're talking
15 about. Are you talking about that part or this part here?

16 Q. This paragraph---

17 A. That's what I was reading.

18 Q. ---on Page 7.

19 A. I was reading that one. As far as what's mentioned
20 starting---

21 Q. No, I'm talking about this one on Page 7.

22 A. Okay. Okay. The question before that, it says -- and
23 this -- well, part of the sentence here reads that -- did you
24 highlight this?

25 Q. No, that's not my copy.

- 1 A. Did you want...
- 2 Q. But that is the---
- 3 A. Tell me what -- tell me what you want me to read out
- 4 loud.
- 5 Q. I'm asking in this paragraph---
- 6 A. Okay.
- 7 Q. The testimony you gave is that they're driving down in
- 8 the car.
- 9 A. Okay.
- 10 Q. Actively moving; right?
- 11 A. They're in transit. I think that was the quote that I
- 12 used.
- 13 Q. In transit.
- 14 A. Okay.
- 15 Q. That's what's in there.
- 16 A. Yeah.
- 17 Q. And the last sentence of that answer which is the same
- 18 answer says, "Discarded."
- 19 A. Well, it's in two---
- 20 Q. Correct or not?
- 21 A. Well, it's in two different sections. Both of them says
- 22 that he discarded it.
- 23 Q. Well, I understand. The one on Page 7 that I'm talking
- 24 about---
- 25 A. The one on Page 7 says that -- "explained to her that he

1 was disgusted by it. He didn't like the way it, tasted and
2 had discarded it."

3 Q. Right. And immediately prior in that same paragraph,
4 you're talking about the vehicle in transit. Yes or no?

5 A. On Page 5 here.

6 Q. No, on Page 7, the same paragraph.

7 A. It says, "They were just riding down the road. She was
8 nervous and scared. She wanted to smoke because she wanted
9 to relax. He didn't have anything to smoke and he was...
10 What kind of cigarette was that? Let me try it. I've never
11 tried that before. He smoked it and explained to her that he
12 was disgusted by it. He didn't like the way it tasted and
13 had discarded it."

14 Q. Okay. And that's discussing in transit in the first
15 sentence of that paragraph.

16 A. Said they were just riding down the road, yes. I would
17 assume that's in transit.

18 **Mr. Schnee:** All right. Thank you.

19 **The Court:** All right.

20 **Ms. Campbell:** Just one question, Your Honor?

21 **The Court:** No, ma'am. You can step down.

22 **The Witness:** Okay.

23 **The Court:** Thank you. Call your next witness.

24 **Ms. Campbell:** The State would recall Gray Amick.

25 **The Court:** Doctor, you're still under oath from your

1 previous appearance in court.

2 **Dr. Amick:** Yes, sir.

3 Gray Amick, having been previously sworn and
4 remaining under oath, testified as follows:

5 Direct Examination

6 By Ms. Campbell:

7 Q. Doctor, I'll be brief. I just want to clarify some
8 things. In cross-examination yesterday we referred to
9 State's Exhibit Number 71. He referred to swabs three, four,
10 six, seven and eight in this case, and you've testified
11 earlier they were too weak to interpret?

12 A. That's correct.

13 Q. But then he went through and asked you specific things
14 about definite certain alleles in those cases?

15 A. Yes.

16 Q. At my request did you go back and look at -- even though
17 they're too weak to reliably interpret, were they enough for
18 you to be able to compare them to Blankenbecklor and Tucker?

19 **Mr. Schnee:** I'm sorry, Judge. If I may, there's a
20 matter of law.

21 **The Court:** All right. Ladies and gentlemen, please
22 step back to the jury room and don't discuss the case.

23 (Whereupon, the jury was excused from open court at
24 2:28 p.m.)

25 **The Court:** All right. What is that, Mr. Schnee?

1 **Mr. Schnee:** Judge, pursuant to Brady and Rule 5, if
2 there's some new information, I'd like to have it.

3 **Ms. Campbell:** There's no new information, Your Honor.

4 **Mr. Schnee:** Well, if this witness has redone something
5 or looked at something and there's going to be new testimony,
6 I'd at least like to have some idea what it's going to be
7 since it's their expert witness.

8 **Ms. Campbell:** Yesterday during cross-examination---

9 **The Court:** I don't know. I can't tell you what...
10 What is it you -- what is it you want this fellow to testify?
11 I mean...

12 **Ms. Campbell:** Your Honor, yesterday during cross-
13 examination---

14 **The Court:** I don't know why we keep recalling
15 witnesses. I thought the rule required---

16 **Ms. Campbell:** 'I know. It's---

17 **The Court:** ---that you had to get authorization from
18 the Court to recall somebody.

19 **Ms. Campbell:** I'm sorry, Your Honor.

20 **The Court:** They haven't objected, so I haven't said
21 anything, but I mean it's---

22 **Ms. Campbell:** I apologize.

23 **The Court:** It's another -- you know, when you get one
24 -- put one direct and one redirect. Now you get a
25 re-redirect by recalling and that's...

1 **Ms. Campbell:** I apologize, Your Honor.

2 **The Court:** Huh?

3 **Ms. Campbell:** I apologize.

4 **The Court:** Well...

5 **Mr. Schnee:** Judge, at this point I am objecting.

6 **The Court:** Well, you didn't when he came up, Mr.

7 Schnee. He's been up and he's testified. What is it---

8 **Mr. Schnee:** I had no idea what he was there for. Now
9 apparently it's for something he did last night.

10 **The Court:** I don't know what he's done, whether he's
11 done anything or -- what is it he's testifying to?

12 **Ms. Campbell:** He's just testifying based on the
13 information that's already been provided to the defense that
14 -- based on the swabs I just mentioned, those five that were
15 too weak to interpret, that he can eliminate Blankenbecklor
16 and Tucker. That's the extent of the testimony, and it
17 wouldn't have come up but for the cross.

18 **The Court:** Well, I understand that. On redirect did
19 you...

20 **Ms. Campbell:** I admit I botched it on redirect, Your
21 Honor. I left it out.

22 **The Court:** All right. I don't think this fellow can
23 testify if they object to it. You might be able to bring him
24 back on reply if something comes in about that. I mean, you
25 know, to have your witnesses testify and then you go back

1 based on something and ask him to go do something else and
2 then we're going to bring him back in I think presents a
3 problem.

4 **Ms. Campbell:** Judge, we never would have gone there but
5 for his cross-examination.

6 **The Court:** Well, I understand that, but was that
7 information available at the time that you redirected him?

8 **Ms. Campbell:** I didn't understand the implication
9 because I'm not an expert, Your Honor. So, yes, it's totally
10 my fault that I didn't go there, and that information---

11 **The Court:** I don't know that it's anybody's fault
12 but---

13 **Ms. Campbell:** That would be my fault because I didn't
14 realize that he was going to try to get an interpretation
15 from "too weak to interpret" and he did. He went there on
16 cross.

17 **Mr. Schnee:** I don't recall ever asking him to interpret
18 any of that.

19 **Ms. Campbell:** He went specifically through each one
20 talking about what alleles didn't match Adonis Williams and
21 Linda Wofford on those items.

22 **The Court:** Well, I'm going to rule that he can't
23 testify, so we go from there. You might be able to bring him
24 back on reply, but we'll have to wait and see. Thank you.
25 You can step down. Bring the jury in, please.

1 (Whereupon, the jury was brought into open court at
2 2:32 p.m.)

3 **The Court:** All right. State, ready to call your next
4 witness?

5 **Ms. Garfield:** Thank you, Your Honor. The State calls
6 Isaac Tucker.

7 Isaac Tucker, IV, after being duly sworn, testified
8 as follows:

9 **The Clerk:** Please have a seat. State your full name
10 for the record.

11 **The Witness:** My name is Isaac Tucker, IV.

12 Direct Examination

13 By Ms. Garfield:

14 Q. Mr. Tucker, do you live here in Columbia?

15 A. Yes, ma'am.

16 Q. And do you know a gentleman by the name of Charles
17 Blankenbecklor?

18 A. Yes, sir -- yes, ma'am. Excuse me.

19 Q. What do you know him as?

20 A. I just know him by a name Alex.

21 Q. Alex?

22 A. Uh-huh.

23 Q. And were you with Alex on the early morning hours of
24 March 22nd, 2009?

25 A. Yes.

- 1 Q. And were you involved in hurting someone's car?
- 2 A. No.
- 3 Q. Were you present?
- 4 A. I was present.
- 5 Q. And can you tell the jury what you remember?
- 6 A. Yes.
- 7 Q. Go ahead and tell them.
- 8 A. I remember when we was at -- we was at the Old Party
- 9 Shop. It's like a bar and stuff like that. So I asked him
- 10 -- I know -- I know him well, so I asked him for a ride.
- 11 Q. And did he give you a ride?
- 12 A. He gave me a ride.
- 13 Q. And did he make any stops?
- 14 A. Yes.
- 15 Q. Where did he stop?
- 16 A. At the Citgo.
- 17 Q. And that's over off the Leesburg Road area?
- 18 A. Yes, ma'am.
- 19 Q. And what did he do when he stopped at the Citgo?
- 20 A. What he did? He went inside. He stopped the car and
- 21 went inside.
- 22 Q. And then did he eventually go towards a truck?
- 23 A. Yes, ma'am.
- 24 Q. And the whole time were you sitting in the car?
- 25 A. Yes, ma'am.

1 Q. And what did he do after that?

2 A. I seen him -- I seen him take like a big -- it's like a
3 cigarette -- one of them cigarette things at the store. It's
4 like one of them big ashtrays.

5 Q. Uh-huh.

6 A. And I watched him while he take -- he take the thing and
7 just hit it, like he hit the car like he -- like he wanted to
8 break in, like that's how it felt.

9 Q. Mr. Tucker, what did you do?

10 A. I stayed right there in the car.

11 Q. Did you ever get out?

12 A. No, ma'am.

13 Q. Did he get back in the car?

14 A. He got back in the car.

15 Q. And where did y'all go then?

16 A. I told him to drop me off.

17 Q. Where did you live at the time?

18 A. I stayed a couple of minutes from the Citgo.

19 Q. What street?

20 A. I stayed right on Leesburg Road.

21 Q. Okay. And did he take you home?

22 A. Yes, ma'am.

23 Q. And is that all you had to do with the Citgo incident?

24 A. That's all.

25 Q. Mr. Tucker, earlier that morning had you been anywhere

- 1 on Tama Road?
- 2 A. No, ma'am.
- 3 Q. Were you involved in any way with a burglary of a woman?
- 4 A. No, ma'am.
- 5 Q. Do you know a woman by the name of Linda Carol Wofford?
- 6 A. I never knew her.
- 7 Q. Have you ever been in anyone's home uninvited?
- 8 A. No, ma'am.
- 9 Q. Have you ever pointed a gun at anyone?
- 10 A. No, ma'am.
- 11 Q. Have you ever made someone go to an A.T.M. machine to
- 12 get out money?
- 13 A. No, ma'am.
- 14 Q. Do you know Adonis Williams?
- 15 A. No, ma'am.
- 16 Q. Mr. Tucker, how old are you?
- 17 A. Twenty-one.
- 18 Q. So back in -- when is your birthday?
- 19 A. [REDACTED].
- 20 Q. So back in May -- March of 2009 you were 18? Would that
- 21 be about right?
- 22 A. Should be 19.
- 23 Q. Nineteen? Okay. You don't know Adonis Williams.
- 24 A. No, ma'am.
- 25 Q. And you weren't involved in any burglary in that

1 neighborhood.

2 A. No, ma'am.

3 Q. Thank you, Mr. Tucker. Mr. Tucker, you have --
4 currently you have pending charges in our office, don't you?

5 A. Ma'am?

6 Q. You have crimes in our office, don't you?

7 A. Crimes in your office?

8 Q. Yes. We've got charges on you right now; right?

9 A. Yes, ma'am.

10 Q. Copper theft? Is that correct?

11 A. Yes.

12 Q. You don't have to answer anything about what you're
13 charged with, just the fact that you've got charges on you.

14 A. I've got charges -- I have charges for it.

15 Q. And it's being prosecuted by my office; right?

16 A. Yes, ma'am.

17 Q. You have to say yes or no.

18 A. Yes, ma'am.

19 Q. Okay. But you haven't been made any promises, have you?

20 A. I never made any promise to anybody.

21 Q. You've been asked to tell the truth; right?

22 A. I've been asked to tell the whole truth.

23 **Ms. Garfield:** Thank you.

24 **The Court:** Anything, Mr. Schnee?

25 **Mr. Schnee:** May it please the Court?

Cross-Examination

1
2 By Mr. Schnee:

3 Q. Is your lawyer in this courtroom?

4 A. Yes, sir.

5 Q. Sitting back there?

6 A. Yes, sir.

7 Q. What's his name?

8 A. Barney Giese.

9 Q. Barney Giese?

10 A. Barney Giese.

11 Q. Okay. Used to be the elected solicitor for this office;
12 right?

13 A. Yes, sir.

14 Q. Okay. Have you met Ms. Garfield before?

15 A. No, ma'am -- I mean, no, sir.

16 Q. Have you met Ms. Campbell?

17 A. I only met her today; that's it.

18 Q. You met her today.

19 A. Yeah.

20 Q. So you've never talked to them before this.

21 A. Never did.

22 Q. Okay. Now, you said you've never gone into anyone's
23 house?

24 A. No, sir.

25 Q. Okay. But you're charged with stealing metal from

1 someone's house; right?

2 A. Uh-huh.

3 Q. Okay. You've been interviewed by law enforcement about
4 that?

5 A. Where?

6 Q. When you were arrested, did they interview you about
7 that?

8 A. Oh, yeah, they interviewed me. They interviewed me.

9 Q. This man right here - Sergeant Robinson - have you ever
10 met him?

11 A. No.

12 Q. Okay. Now, the solicitor asked you if you broke into a
13 house March 22nd of 2009; right?

14 A. Uh-huh.

15 Q. She asked you if you had took anyone at gunpoint?

16 A. Yes.

17 Q. If you did, would you be admitting that on the stand
18 right now?

19 A. Well, I would have no reason to, like, because I didn't
20 do it.

21 Q. Okay. But if you did, you wouldn't just come in here
22 and admit it, would you?

23 **The Court:** Look, you're not going to ask him whether
24 he's going to perjure himself in this courtroom, Mr. Schnee.

25 **Mr. Schnee:** No further questions, Judge.

1 **Ms. Garfield:** Nothing further, Judge.

2 **The Court:** All right. Thank you, Mr. Tucker. You can
3 step down.

4 **Ms. Walker:** Your Honor, the State calls Mike Stobbe
5 next. He's sequestered. It will be one moment.

6 **The Court:** I'm sorry. You called who?

7 **Ms. Walker:** Mike Stobbe. He's sequestered right now.

8 Michael J. Stobbe, after being duly sworn,
9 testified as follows:

10 **The Clerk:** Please have a seat. State your full name
11 for the record.

12 **The Witness:** Michael John Stobbe.

13 Direct Examination

14 By Ms. Walker:

15 Q. Mr. Stobbe, where are you employed?

16 A. South Carolina Department of Corrections.

17 Q. And what are your duties over at the department of
18 corrections?

19 A. I'm the branch chief of the inmate records office in
20 charge of the records management release of inmates.

21 Q. And are you a custodian of records for the department of
22 corrections?

23 A. Yes, ma'am.

24 Q. Was the defendant, Adonis Williams, ever an inmate at
25 the department of corrections?

1 A. Yes.

2 Q. And what was his release date?

3 A. He -- he had three.

4 Q. What was his -- the release date from the department of
5 corrections?

6 A. Okay. His last release from the department of
7 corrections was July 1st of 2008.

8 Q. And in terms of a Charles Blankenbecklor, has he ever
9 been an inmate at the department of corrections?

10 A. No. Records were checked and we have no record of that.

11 Q. And what about Isaac Tucker?

12 A. No, ma'am. Well, yes, ma'am, we did a check and there
13 was no record.

14 **Ms. Walker:** Thank you. No further questions.

15 **The Court:** Anything?

16 **Mr. Schnee:** Very briefly.

17 Cross-Examination

18 By Mr. Schnee:

19 Q. The release date you listed as July 1st, 2008?

20 A. Yes, sir.

21 Q. Okay. How many people get released that month?

22 A. Well, approximately back in 2008 somewhere between 900
23 and a thousand.

24 Q. Every single month.

25 A. Well...

1 Q. On average.

2 A. On average, yes, sir.

3 Q. Okay. And the way that your policy works is anyone that
4 has a projected release date within an entire month, they're
5 all released on the first of the month; right?

6 A. The vast majority of them. Anyone who's serving less
7 than 180 days would be released, what we refer to as day for
8 day on their exact release date.

9 Q. Okay.

10 A. If they were serving 180 days or more, they would be
11 moved up to the first day of the month.

12 Q. Okay. But on average you've got between 900 and a
13 thousand people being released on the first of every month.

14 A. In 2008, yes, sir.

15 **Mr. Schnee:** Okay. That's all I have.

16 **The Court:** All right. Anything further?

17 **Ms. Walker:** No, sir.

18 **The Court:** Thank you, sir. You can step down.

19 **The Witness:** Am I excused, sir?

20 **The Court:** If you want to be.

21 **The Witness:** Yes, sir.

22 **The Court:** Do you want to call your next witness?

23 **Ms. Garfield:** Your Honor, at this time the State of
24 South Carolina rests its case.

25 **The Court:** All right. Ladies and gentlemen, the State

1 has rested which means that they have now concluded the
2 presentation of their evidence in their case in chief and we
3 are going to -- I need to take up some legal matters real
4 quick. So I'm going to let you step back to the jury room,
5 and we will let Mr. Czeresko make his telephone call and then
6 we'll bring you back in. So y'all don't discuss the case
7 while you're back there, and we'll bring you back in just a
8 few minutes.

9 (Whereupon, the jury was excused from open court at
10 2:45 p.m.)

11 **The Court:** All right. Any motions?

12 **Mr. Schnee:** Yes, Your Honor. First, for the record, I
13 renew all prior motions and objections. Second, I would move
14 for a directed verdict at this time. As Your Honor knows,
15 the standard is any direct evidence or substantial
16 circumstantial evidence. Thus far during this trial, there
17 has been no in-court identification of my client in any way,
18 shape, or form. The only evidence they seem to have is an
19 undated fingerprint and an undated D.N.A. sample on a
20 cigarette butt. I don't believe that rises to the level of
21 substantial circumstantial evidence.

22 Clearly it's an issue of: Did my client do this or did
23 someone else do this? They haven't established identity in
24 any fashion, and I would move for a directed verdict of not
25 guilty based on that.

1 **The Court:** All right. Anything from the State?

2 **Ms. Campbell:** Your Honor, I think we've survived this
3 motion, and we would respectfully ask that you deny his
4 motion.

5 **The Court:** All right. You know, I clearly think
6 there's substantial circumstantial evidence and there's some
7 direct evidence, so I'm going to deny the motion. So
8 anything else? Is your client going to testify?

9 **Mr. Schnee:** Yes, sir.

10 **The Court:** Do you anticipate he'll be your only
11 witness?

12 **Mr. Schnee:** At...

13 **The Court:** Well, the point is---

14 **Mr. Schnee:** Most likely, yes.

15 **The Court:** ---is this the time he would testify?
16 Because I need to query him.

17 **Mr. Schnee:** Yes, sir. Exactly.

18 **The Court:** And if you've got five other witnesses that
19 you call first, then I would wait until we finish those other
20 witnesses.

21 **Mr. Schnee:** No, sir. Now would be the appropriate
22 time.

23 **The Court:** All right. Mr. Williams, let me get you to
24 stand if you would, please. Raise your right hand.

25 Adonis K. Williams, after being duly sworn,

1 testified as follows in camera:

2 Examination by The Court

3 Q. Now, I'm not going to ask you anything about the facts
4 of this matter. I need you to stand. I am going to ask you
5 -- review with you your constitutional right about testifying
6 or not to testify. Okay?

7 A. Yes, sir.

8 Q. And I'm sure you went through this when you were -- in
9 your last trial because I understand you testified at that
10 trial, but you understand you don't have to testify if you
11 don't want to.

12 A. Yes, sir.

13 Q. You have a constitutional right to not testify, not to
14 do anything in this case to help the State in any way. In
15 fact, if you elected not to testify, I would instruct the
16 jury they couldn't even consider the fact that you did not
17 testify during the course of their deliberations. Do you
18 understand that?

19 A. Yes, sir.

20 Q. And, of course, you understand that if you testify that
21 you are subjecting yourself to being cross-examined by the
22 solicitor's office. That means they have a chance to ask you
23 questions that they might want to ask you. Do you understand
24 that?

25 A. Yes, sir.

1 Q. And they also have a right to -- to inquire about
2 your -- any prior record. Now, we know that you had two
3 previous burglaries because they've been introduced through
4 the admissions of the indictments I guess they were or the
5 sentence sheets. But if there's any other criminal
6 convictions you had that fall within our rules of evidence,
7 they may be able to ask you about those as well. Do you
8 understand that?

9 A. Yes, sir.

10 Q. And you understand you also have a right to testify and
11 tell your side of the story. Do you understand that?

12 A. Yes, sir.

13 Q. And that's what you want to do here today.

14 A. Yes, sir.

15 Q. All right. Now, have you talked to Mr. Schnee about
16 your right to testify or not testify?

17 A. Yes, sir.

18 Q. Has he counseled you about this matter?

19 A. Yes, sir.

20 Q. All right. Has anybody promised you anything to get you
21 to come in here and testify?

22 A. No, sir.

23 Q. Anybody threaten you, coerce you, force you or pressure
24 you into making the decision that you want to testify?

25 A. No, sir.

1 Q. You're doing so on your own.

2 A. Yes, sir.

3 Q. This is your decision. Nobody else -- this is not Mr.
4 Schnee's decision. This is your decision. Is that correct?

5 A. Yes, sir.

6 Q. All right. And how old are you?

7 A. Twenty-eight.

8 Q. And what's your education?

9 A. Tenth grade.

10 Q. I'm sorry?

11 A. Tenth grade.

12 Q. You went to the tenth grade.

13 A. Yes, sir.

14 Q. All right. Now, have you had any alcoholic beverages,
15 taken any drugs or had any medication in the last 24 hours?

16 A. No, sir.

17 Q. No kind of medicines of any type.

18 A. No, sir.

19 Q. All right. Do you know of any -- any impediment to your
20 being able to make the decision you're making here today?

21 Any reason you think you probably shouldn't be making this
22 decision?

23 A. No, sir.

24 **The Court:** Mr. Schnee, is there -- you've discussed
25 this matter with your client?

1 **Mr. Schnee:** Yes, Your Honor.

2 **The Court:** And your client fully understands his
3 constitutional right to testify and not to testify.

4 **Mr. Schnee:** Yes, sir, he does.

5 **The Court:** And the decision he's making to testify is
6 his decision and his decision alone?

7 **Mr. Schnee:** It is absolutely his decision.

8 **The Court:** All right. And you -- of course, you've
9 counseled him and reviewed with him his rights to do so. Do
10 you believe this decision is being made freely and
11 voluntarily?

12 **Mr. Schnee:** Yes, sir.

13 **The Court:** Do you know of any force or intimidation or
14 threats or promises that have been made to him to get him to
15 do this?

16 **Mr. Schnee:** I certainly gave him my opinion, but it is
17 his decision.

18 **The Court:** And you believe he fully understands all the
19 ramifications of his testifying or not testifying.

20 **Mr. Schnee:** Yes, sir.

21 **The Court:** Is there any further inquiry you would like
22 to make of your client relating to this matter?

23 **Mr. Schnee:** Not to my client, no, sir.

24 **The Court:** Anything further you would like the Court to
25 inquire of your client?

1 **Mr. Schnee:** No, sir. I would, however, like to settle
2 his record to determine exactly what is or is not admissible.

3 **The Court:** We'll do that before... All right. Mr.
4 Williams, I'm going to find that you have -- that you've had
5 the advice of counsel and you've informed me that you and Mr.
6 Schnee have talked about your testifying today and after
7 discussing this with him that the two of you have made --
8 you've made the decision with his counsel that you wish to
9 testify, that this decision is yours and yours alone, that
10 you have not -- are not making it under threat or
11 intimidation or force or pressure and that nobody has
12 promised you anything to get you to do so.

13 I'm going to find that you understand the rights that
14 you have to not testify or to testify, that you've elected to
15 testify and that you're subject to being cross-examined by
16 the solicitor's office and your testimony is also subject to
17 being impeached if there's any method that they can do so
18 under our rules of evidence. All right. What is the
19 situation with his record?

20 **Ms. Campbell:** Your Honor, as far as his prior record,
21 as far as what I can tell is impeachable, it would be the
22 three burglary convictions that we impeached him with before.
23 He has some drug charges that I think pursuant to case law we
24 would not be allowed to get into.

25 **The Court:** All right. So apparently there's a -- in

1 addition the two that have been admitted into this case, Mr.
2 Schnee, there's a third one. I don't...

3 **Mr. Schnee:** What was the year of the third one that was
4 not put in?

5 **Ms. Campbell:** I'm getting that pulled. I'll show it to
6 you.

7 **Mr. Schnee:** Okay. Well, in my opinion, Judge, the year
8 obviously makes a big difference. If it's over ten years---

9 **The Court:** It could.

10 **Mr. Schnee:** ---I think it would be outside the
11 timeline.

12 **The Court:** Well, I mean, I don't know. Do you know if
13 it's over ten years?

14 **Mr. Schnee:** I can't recall.

15 **The Court:** Does your client know?

16 (Mr. Schnee and Mr. Williams talk off the record.)

17 **Ms. Campbell:** I think it was 2004, but I'd have to
18 double-check that. She left them upstairs, Your Honor.

19 **The Court:** All right. Well, can we proceed and before
20 any cross-examination occurs we'll get that matter resolved,
21 Mr. Schnee?

22 **Mr. Schnee:** Respectfully, Your Honor, if it's going to
23 come out in cross, I certainly want to do it on direct first.

24 **The Court:** Y'all don't have a rap sheet on this fellow?

25 **Ms. Campbell:** The rap sheet is not accurate, Your

1 Honor. I can show you what I've got as far as a rap sheet
2 goes, but sometimes---

3 **The Court:** What did you have in the last trial?

4 **Ms. Campbell:** Three burglaries.

5 **The Court:** I know, but what did you have---

6 **Ms. Campbell:** As far as---

7 **The Court:** ---to satisfy Mr. Gibson?

8 **Ms. Campbell:** It's on Page 616. There were three that
9 were admitted in that trial, Your Honor.

10 **The Court:** Do you have the dates?

11 **Ms. Campbell:** One was in 2000 which he pled guilty to.
12 In 2001 there was a burglary third and then in 2006 another
13 burglary charge.

14 **Mr. Schnee:** The oldest is 2000.

15 **The Court:** When was this case tried?

16 **Mr. Schnee:** It was---

17 **Ms. Campbell:** February of 2010.

18 **Mr. Schnee:** ---February of 2010.

19 **The Court:** Well, what was the date of release?

20 **Mr. Schnee:** Well, Judge, apparently the two that were
21 in the newest one was not included on there. So the 2000 is
22 already in evidence.

23 **Ms. Campbell:** Let me double-check that.

24 **The Court:** Well, the ten years would run from the time
25 from the release from the department of corrections.

1 **Mr. Schnee:** Well, the oldest one is -- that's the 2000
2 plea. It's a 10-year sentence suspended to time served to it
3 looks like 12 months. I'm assuming that is the time served,
4 followed by probation for five years. So in terms of
5 probation violations, I'm just not sure.

6 **The Court:** What was the date of that sentence?

7 **Mr. Schnee:** The sentence is September 25th, 2000, but
8 this one is already in evidence, so I guess it becomes a
9 non-issue. I would certainly argue that the most recent one
10 is more prejudicial than probative and absent an accompanying
11 larceny is not a crime of dishonesty under the case law.

12 **The Court:** I don't know which -- what's the date of
13 this?

14 **Ms. Campbell:** The date of the oldest one, Your Honor,
15 he's already mentioned and that's already in. The next
16 incarceration shows that he was incarcerated on a Y.O.A.
17 parole violation on the first one in 2003. He was then
18 paroled in that one in 2004, and then he was incarcerated in
19 2006 and then released on that one July the 1st of 2008.

20 **Mr. Schnee:** The last one, the incarceration is for a
21 drug charge.

22 **The Court:** Huh?

23 **Mr. Schnee:** The last conviction and incarceration was
24 for the drug charge.

25 **Ms. Campbell:** I believe that was also on the burglary.

1 **Mr. Schnee:** Was it a probation violation also?

2 **Ms. Campbell:** Parole violation.

3 **Mr. Schnee:** Okay.

4 **The Court:** So what are y'all -- do y'all intend to try
5 and introduce the third burglary?

6 **Ms. Campbell:** We would just impeach him with it. That
7 would be the extent of...

8 **The Court:** Well, I understand that. And you have an
9 objection to it?

10 **Mr. Schnee:** I would have an objection to the latest
11 burglary from the 2006.

12 **The Court:** And what is that objection?

13 **Mr. Schnee:** It's more prejudicial than probative and it
14 is not a matter of dishonesty unless there's a larceny, and
15 considering the nature of the offense here, I think the
16 prejudicial value is greatly impacted.

17 **The Court:** All right. I think I will -- I'm going -- I
18 think I'm going to -- under Green -- if it were something
19 besides another burglary -- that's what concerns me. He's
20 charged with---

21 **Ms. Campbell:** Your Honor, we won't go into any of them.
22 We won't go into that unless he opens the door to something.

23 **Mr. Schnee:** I mean, there are two in evidence, so---

24 **The Court:** You clearly have the right to -- well, I
25 don't know if you can go into them for impeachment purposes.

1 **Ms. Campbell:** To keep the record clean, I don't know if
2 we could either, Your Honor, so I'm not going to.

3 **The Court:** All right. Let's bring the jury in.

4 **Mr. Schnee:** Actually, Judge, there's one brief issue:
5 My client's shackles.

6 **The Court:** We need to remove his leg irons.

7 **Mr. Schnee:** And I need to get him the -- he's wearing
8 the jail flip-flops. I need to get him a pair of shoes. I
9 believe they're downstairs in holding. It was a matter of
10 comfort, Your Honor, since he hasn't---

11 **The Court:** What size shoe do you wear?

12 **Mr. Williams:** Ten and a half, eleven.

13 **The Court:** Ten and a half? What do you wear? Mr.
14 Schnee, what do you wear?

15 **Mr. Schnee:** Something smaller than that, but I can get
16 a pair of shoes in about two minutes.

17 **The Court:** All right. We'll take about five minutes
18 and let's...

19 (Whereupon, a short break was taken.)

20 **The Court:** Can they see him from that?

21 **Mr. Schnee:** Judge, if I -- are we on the record?

22 **The Court:** Well, we will be on the record if you want
23 to make a statement for posterity.

24 **Mr. Schnee:** Yes, sir. Pursuant to Deck vs. Missouri --
25 it's a United States Supreme Court case. Absent any kind of

1 particular showing that my client would be a danger in any
2 way, shackles cannot be seen by the jury or any insinuation
3 that he's in shackles or incarcerated. Every other single
4 witness has gone up there, walked up, testified and walked
5 down. I believe it's a basic fundamental due process right
6 that my client has to be treated the same way---

7 **The Court:** I'm going to let him do it.

8 **Ms. Campbell:** Judge, I would just point out as far as
9 the safety issue he just raised that he did break the
10 S.L.E.D. agent's nose when he was trying to take him into
11 custody.

12 **Mr. Schnee:** Which he was acquitted of and that's two
13 and a half years ago.

14 **The Court:** I'm going to let him do it.

15 **Mr. Schnee:** Okay. Thank you.

16 **The Court:** Y'all will just have to figure out how to...

17 **Deputy:** That's fine.

18 **Ms. Campbell:** Joe is going to have to sit over there.

19 **The Court:** Huh?

20 **Ms. Campbell:** Your Honor, just for safety reasons I'm
21 saying that we need to have some deputies near him.

22 **The Court:** Well, we'll have somebody near him. Do you
23 want to put somebody outside over here and somebody right
24 there?

25 (Whereupon, a short break was taken.)

1 **Ms. Campbell:** Your Honor, one matter that did come to
2 my attention is in the previous trial he argued or he
3 testified that when the police took him into custody that
4 they beat him up or something to that effect. I didn't know
5 if your ruling as far as talking about that whole chain of
6 events extends to him or not.

7 **The Court:** Say that again now.

8 **Ms. Campbell:** In the last trial when he testified, the
9 testimony about him being tased---

10 **The Court:** Are you talking about since I -- since I
11 precluded any evidence as to what violence was involved with
12 -- that he may have initiated?

13 **Ms. Campbell:** Yes.

14 **The Court:** Could it go beyond that? It certainly
15 would.

16 **Mr. Schnee:** Judge, we have no intention of bringing
17 that up.

18 **The Court:** Well, for the same reason we didn't -- I
19 didn't let them do it, we're not going into it with anybody
20 else. It might be something that would be relevant if he
21 were charged with something at this time, so... All right.
22 Mr. Bowen, bring in the jury, please.

23 (Whereupon, the jury was brought into open court at
24 3:18 p.m.)

25 **The Court:** All right. Ladies and gentlemen, as I told

1 you awhile ago, the State has rested which means they have
2 put forth all their evidence in their case in chief, and the
3 defendant now has an opportunity to offer any evidence the
4 defense wishes to offer. Mr. Schnee, are you ready to call
5 any witnesses?

6 **Mr. Schnee:** Yes, Your Honor.

7 **The Court:** If you'll please do so.

8 **Mr. Schnee:** The defense calls Adonis Williams.

9 Adonis K. Williams, after being duly sworn,
10 testified as follows:

11 **The Clerk:** Please have a seat. State your full name.

12 **The Witness:** Adonis Williams.

13 Direct Examination

14 By Mr. Schnee:

15 Q. Adonis, how old are you today?

16 A. Twenty-eight.

17 Q. Back in March of 2009 how old would you have been?

18 A. Twenty-six.

19 Q. Okay. We all know why we're here today, so I'm just
20 going to come right out and ask you first: Did you break
21 into Linda Wofford's house?

22 A. No, sir.

23 Q. Did you break -- did you take her by gunpoint to an
24 A.T.M.?

25 A. No, sir.

1 Q. Did you rob her at gunpoint?

2 A. No, sir.

3 Q. March 22nd, 2009, did you have a gun in your possession
4 at all that day?

5 A. No, sir.

6 Q. Okay. Right before the State closed, they had someone
7 from the department of corrections say that you were released
8 July 1st of 2008. What did you do to make money after you
9 were released?

10 A. Well, when I first -- when I first came home, I was
11 going to school, but after that I ain't -- that ain't really
12 worked out. I missed a couple of days. And I started
13 working for this guy that I knew before -- before I was
14 incarcerated doing like -- like the section eight apartments,
15 going there and doing -- putting in hot water heaters,
16 putting up storm doors, windows, things like that.

17 Q. All right. Did you do anything else to get money?

18 A. Sold drugs.

19 Q. What kind of drugs did you sell?

20 A. Crack. Weed.

21 Q. Okay. I guess the jury probably doesn't know a lot
22 about it. Explain how drug sales work as being a dealer,
23 where you go, the type of people you sell to, things like
24 that.

25 A. I mean, like I first started selling drugs in 2004,

1 2005. So in the neighborhood -- I been staying in that
2 neighborhood since I moved to Columbia.

3 Q. The neighborhood is which?

4 A. Around Caroline, Hi-Lo off of Leesburg.

5 Q. Okay.

6 A. So I moved -- so like 2005 I was selling drugs around
7 there. So I basically know - you know what I'm saying - all
8 the people who sell drugs. So even if I leave and come back,
9 normally they still be there. So you don't have to go look
10 for them or nothing like that. They always be around. I
11 mean, that's basically what I resulted to being from being
12 incarcerated and not really being able to find no job, I
13 guess from being incarcerated; you know what I'm saying. So
14 that's basically what I was doing.

15 Q. Okay. Was selling drugs pretty much a daily thing for
16 you?

17 A. Most days, not all days. Some days it be slow, so I
18 don't -- I don't be out there every day.

19 Q. Okay. When you were selling drugs, did you keep them on
20 you? What did you do with them?

21 A. I mean -- I mean, it's not really wise to keep them on
22 you, in your pocket or nothing like that. I mean, like
23 things done changed from -- like I just started drugs in
24 2004, 2005, but things done changed. Like at one time people
25 kept them on them or had pagers, but now like you have a cell

1 phone and people call you; you know what I'm saying. You go
2 meet them. So when you go meet them, you just take whatever
3 they need. You know what I'm saying? Like you don't have to
4 take all of it around at one time -- at one time like that.

5 Q. Okay. So am I understanding you would buy a bunch and
6 then sell little bits as people asked for it?

7 A. I mean, I wouldn't say a bunch. I ain't -- I never been
8 a big-time drug dealer. You know, like I might have like a
9 hundred, \$200 worth of drugs and buy it and sell it, pay my
10 little cell phone bill or little type of bills I got to pay
11 and that's it.

12 Q. Okay. When you weren't carrying the drugs on you, where
13 would you keep them?

14 A. I mean -- I mean, you'd keep them anywhere. I ain't
15 never really kept them in my house from -- I mean, when I
16 wasn't dealing drugs, just watching other people who deal
17 drugs, watching cops and different type things - you know
18 what I'm saying - how they find drugs, where they look for
19 them at... So sometime I might put them in a bag, just a
20 piece of trash, and throw it on the ground in the yard
21 somewhere or might walk by and just throw it in somebody
22 else's yard, and when I come by the next day when I go to get
23 it, it still be there because most people just think it's
24 some trash on the ground.

25 Q. Okay. Are there any other places you've ever stored

1 drugs?

2 A. I mean, on the little -- the little gray box that got
3 the little -- the meter box. I mean, basically anywhere
4 outside.

5 Q. Okay. You mentioned like boxes on the outside of
6 houses. Do you know if you've ever stored drugs at Linda
7 Wofford's house?

8 A. At the time, yes, sir.

9 Q. Okay. Did you know it was Linda Wofford's house?

10 A. No, sir.

11 Q. Okay. Do you remember how long before all of this
12 happened you were storing drugs there?

13 A. I mean, I can't really remember the timeframe, but I
14 know it was sometime between I guess the time that the
15 alleged incident happened and Saint Patrick's Day.

16 Q. Okay. So within a couple of weeks is what we're talking
17 about?

18 A. Yes, sir.

19 Q. Okay. When you were arrested, how much did you weigh at
20 the time?

21 A. A little over 200 pounds.

22 Q. Okay. I'm showing you State's Exhibit Number 70. Take
23 a look at that picture. Is that pretty much how you looked
24 on March 22nd?

25 A. Yes, sir.

1 Q. Okay. That was the same hairstyle that you had?

2 A. Yes, sir.

3 Q. Okay. I want to walk you through a little bit of
4 March 22nd when all this happened. What were you doing that
5 morning?

6 A. That morning -- well, it was -- there was a lady that I
7 had met at another location, and me and her, we had -- we had
8 - you know what I'm saying - like I want to say got a
9 friendship, but I knew another person that she knew and she
10 moved to -- she moved from the prior residence, the Patterson
11 Road Apartments, and she moved to the neighborhood where I
12 lived in since I've been living in Columbia. So when she
13 moved down there, I started hanging out at her house.

14 Q. Okay. Who is that?

15 A. A lady named Michelle Wilcox.

16 Q. Okay. Is this the same area in the Leesburg Road
17 section that we're talking about?

18 A. Yes, sir.

19 Q. Were you there on March 22nd?

20 A. Yes, sir.

21 Q. Okay. At what point did you leave that morning?

22 A. Around -- it was around 7 something.

23 Q. Seven something in the morning?

24 A. Yes, sir.

25 Q. Okay. Where did you go?

1 A. I went across Leesburg. I don't know if that's still
2 Patricia Drive or what road it is, but I know it's Arnold's
3 Cleaners on the corner.

4 Q. Okay. You went to the dry cleaners?

5 A. Yes, sir.

6 Q. Or is that... A cleaners. Okay. What did you do
7 there?

8 A. I mean, I went because somebody that -- somebody that I
9 sell drugs to came to Michelle's house and she don't really
10 -- well, not really. She don't allow drug - you know what
11 I'm saying - like drug addicts to come to her house. So he
12 came, knocked on the door. She came and woke me up. She
13 kind of got on me about him coming over there because she
14 know -- I know that she don't allow that and the guy came
15 anyway.

16 He said he was calling my phone, but when I checked the
17 phone, I didn't see no missed calls or nothing, so I kind of
18 got upset. I went outside and talked to him but not let him
19 -- not let him go. I told him to meet me at Arnold's
20 Cleaners. So he left. I went and put on some pajama pants
21 and an Army jacket and I walked around to the corner -- went
22 around to -- across Leesburg Road - I forgot the street name
23 - and I met him around there.

24 Q. Okay. Did you go anywhere after that?

25 A. I went back to Michelle's house.

1 Q. All right. How long did you stay there?

2 A. Well, when I met the guy he didn't have any -- he didn't
3 have no dollar bills; he had some change in a sock. So, I
4 mean, that kind of I wouldn't say upset me, but it kind of
5 had me, well, kind of mad because he came - you know what I'm
6 saying - and violated, woke me up - you know what I'm saying
7 - came over there and had some change in a sock. So when I
8 was leaving back -- when I was leaving back passed, I had
9 made a little brief stop at another residence and then that's
10 when I went back to Michelle's.

11 Q. Okay. What did you do at that other house?

12 A. I stopped because it's -- it's -- I don't really know.
13 I think it's -- I think it's like a veteran's home where like
14 a lot of guys I guess they've been in the military or
15 whatever and they use a lot of -- well, they use drugs over
16 there. So like me being around the neighborhood for so long,
17 like even when I leave or whatever, come back, they always
18 still -- the same people are always still there at the
19 residence.

20 So it's a place that I used to frequent a lot and go
21 sell drugs over there at this place. So when I stopped by, I
22 seen a truck in the yard. So I don't know -- it's basically
23 - you know what I'm saying - like how people say things that
24 go on in the hood like some people wouldn't know - you know
25 what I'm saying -- wouldn't understand or know nothing about

1 it, but being -- being in the hood, the neighborhood, I stop
2 by. I see the truck in the yard, so I'm feeling like it's a
3 serve like it's somebody who wants some drugs because them
4 the only people I know that be at this house.

5 So I stop -- I stop by, you know what I'm saying, the
6 truck. I stop by the residence. I see the lady in the truck
7 and I'm talking -- you know what I'm saying? I'm talking to
8 the lady, but the first thing I asked the lady was for a
9 cigarette.

10 Q. All right. Let me stop you right there. Do you know
11 whose truck this is?

12 A. Not at the time. I don't -- I don't know the name or
13 nothing like that.

14 Q. Do you know now what truck it was?

15 A. Yes, sir.

16 Q. Whose truck is that?

17 A. Ms. Wofford's truck.

18 Q. So you walk up to the truck and you ask for what?

19 A. I asked her for a cigarette really not that -- not that
20 I needed a cigarette but just to get acquainted, try to find
21 out - you know what I'm saying - who she was, start some kind
22 of conversation or anything because I didn't just want to be
23 walking up on anybody. She could have been a narcotics
24 officer. She could have been anybody, an informant, anybody
25 - you know what I'm saying - being there, so -- and I ain't

1 never seen her there before, but the objective was to see
2 what she was doing there.

3 Q. Okay. And what -- what happened during this brief
4 conversation?

5 A. We talked. She gave me a cigarette. She -- I didn't
6 have a lighter, so she gave me a light. She pressed a button
7 inside her truck and stuck the lighter out. I lit the
8 cigarette. I probably puffed on it like two or three times.
9 The cigarette, it had a -- it had a nasty taste. It wasn't
10 like a Newport. It had a funny type taste and, I mean, I
11 commented to her about the cigarette and she responded about
12 the cigarette, and she asked me did I have a phone, but I
13 told her I didn't have no phone.

14 Q. Okay. Did you have a phone?

15 A. Yes, sir.

16 Q. Why didn't you let her use it?

17 A. Because I felt like -- I felt like being that I had just
18 came from prison for drugs and being that this house is a
19 drug house, then if I -- if I gave her my phone, I mean, I
20 didn't know what she would do. You know what I'm saying? If
21 she was an informant or anything or the police or anything,
22 she could have did anything with the phone. They could have
23 had me jammed up any kind of way.

24 Q. Okay. At any point during this conversation did you ask
25 her if she wanted drugs?

1 A. No, sir.

2 Q. Why is that?

3 A. I just feel like it wouldn't have -- it wouldn't have
4 been -- it wouldn't have been wise to just come and say, hey,
5 do you want some drugs? Like I just felt like it wouldn't
6 have been, so like I felt like I should have just questioned
7 around - you know what I'm saying - to try to get a feel of
8 who she was or what she was doing there before I inquired
9 about anything like that.

10 Q. Okay. And after a brief conversation did you feel that
11 she was a drug user?

12 A. No, but -- no, sir.

13 Q. Okay. Now, after you left there, at some point later
14 that morning did you end up at the Citgo?

15 A. Yes, sir.

16 Q. All right. Describe to the jury what was going on at
17 the Citgo then.

18 A. Well, when I was leaving the residence -- well, I had --
19 I had called my father the night before and I was calling him
20 to get me to come -- to come pick me up that morning because
21 I don't usually -- I don't usually be on Leesburg on Sunday
22 morning. I usually go home to Broad River to my sister's
23 house and we spend the day together or she go to church or we
24 -- me and my sister usually be together on Sunday.

25 So I went -- my daddy -- my daddy called. He said he

1 was just now getting off 77, to be ready when he got there,
2 so I said, "All right." So I went to Michelle's house. I
3 counted the change that I had just got from the guy who came
4 to Michelle's house when I met him around the corner. I went
5 around to the Citgo. I rode a bicycle around to the Citgo, a
6 green and black mountain bike. I went to the Citgo. I
7 bought some -- I bought some cigarettes and I came out.

8 Well, when I got to the Citgo there was two police
9 there. There was two black-and-gray Richland County cars and
10 they was parked like one behind the other, and then the
11 second car -- there was a deputy. One was standing behind
12 it. The door was open. Ms. Wofford was sitting in the back
13 right side -- the back passenger side, and one of the police,
14 they were standing behind the door. The door opened and one
15 of them was standing inside the door. They was talking to
16 her.

17 So I rode on -- I rode on past to the front of the
18 store. I laid the bike down. I went and got the cigarettes.
19 I came back out. I got on the bike and I rode around the
20 back, and when I was going around, I seen Ms. Wofford's truck
21 which I know it was Ms. Wofford's truck now, and the windows
22 were busted out.

23 So I went on -- I went on around. So when I got around
24 the store and was getting back on Hi-Lo to go back to
25 Michelle's house, my daddy called and he was like, "I'm here

1 waiting on you. Where you at? Where you at?" So I said,
2 "I'm coming." So I pulled up in the yard on the bicycle. I
3 went in Michelle and them's house. I told them that I was to
4 go. Then I got in the car, and me and my daddy went to Broad
5 River.

6 Q. That Citgo, you've been there before?

7 A. Plenty of times.

8 Q. A place you go to all the time?

9 A. Yes, sir.

10 Q. Now, when you bought the cigarettes, you walked inside
11 to buy them?

12 A. Yes, sir.

13 Q. And you mentioned that Ms. Wofford was sitting in the
14 back of the police car or standing next to it. Did you know
15 that was Ms. Wofford then?

16 A. Not at that -- not at that time.

17 Q. Okay. But you just know that now after everything has
18 happened.

19 A. Yes, sir.

20 Q. Okay. Did you talk to her?

21 A. At the store?

22 Q. Yes.

23 A. No, sir.

24 Q. Did you talk to the police at the store or anything?

25 A. No, sir.

1 Q. Anyone stop you?

2 A. No, sir.

3 Q. And you rode your bicycle -- was it all the way around
4 in total or explain that.

5 A. Well, in the whole -- in the whole process of coming to
6 the store, I came on one side and that's off of Hi-Lo, and my
7 bike was facing toward the other side. So when I got on the
8 bike, I didn't turn around because the police and everybody
9 was right there like basically blocking the entrance and the
10 exit of the store right there. So I rode on around the store
11 and came out the back. So really I ended up at the same spot
12 where I came in at.

13 Q. Okay. How far away from the police officers and whom
14 you now know as Ms. Wofford were you on your bicycle?

15 A. From probably here to where they're sitting at.

16 Q. All right. The first row of the jury perhaps?

17 A. Yes, sir.

18 Q. I want to move on to a couple of days later. You're at
19 -- you're at someone's house and the police knock on the
20 door.

21 A. Yes, sir.

22 Q. You open the door.

23 A. Yes, sir.

24 Q. Why do you run?

25 A. Because, I mean, I knew it was the police. So when they

1 opened the door -- my friend's roommate, she said it was the
2 police outside. So I went to the front door. She was about
3 to open the back door, but I went to the front door. And I
4 opened the door and I seen the writing on the shirt. I mean,
5 I forgot what the writing said, but I knew it was the police.
6 So he had a picture in his hand and he asked me - you know
7 what I'm saying - what this means.

8 He said who -- he said who you is or something like
9 that. So I was like, "My name is Adonis Williams." So as
10 soon as I said my name was Adonis Williams, he grabbed my
11 arm. I mean, I didn't know what he was trying to do, but my
12 instincts told me like -- felt like he was trying to hurt me,
13 body-slam me, do something to me. You know what I'm saying?
14 Like it wasn't -- it wasn't a gentle like just, "You're under
15 arrest, sir." You know what I'm saying? So I snatched away
16 and ran.

17 Q. Okay. As a drug dealer, do you generally like
18 interacting with law enforcement?

19 A. No, sir.

20 Q. Do you try to avoid them at all costs?

21 A. Yes, sir.

22 Q. And is that what you were doing or...

23 A. I mean, it wasn't really -- it wasn't really because of
24 drugs because at the time I ain't have no drugs at the time,
25 but it was basically because of how he handled me.

1 Q. Okay.

2 A. So that's why really I ran.

3 Q. At that moment in time did you have any idea why they
4 were there or why he said I'm placing you under arrest?

5 A. Yes, sir.

6 Q. All right. So you had heard that there were warrants
7 for you?

8 A. Yes, sir.

9 Q. Okay. And you didn't want to get arrested.

10 A. I mean, basically I didn't want to get arrested. I
11 didn't want to go to jail, but when he answered -- when he --
12 when he came to the door and I answered the door, my whole
13 intentions was to -- is you Mr. Williams? You're under
14 arrest for such and such and such. My whole intention was
15 when he answered the door was to, hey, I mean, you can't win.
16 Go ahead - you know what I'm saying - and turn yourself in
17 and clear it up some kind of way, but when he tried to --
18 we're on this little small porch and I just felt like he was
19 trying to hurt me.

20 **Mr. Schnee:** Okay. Judge, I think that's all the
21 questions I have right now.

22 **The Court:** All right.

23 **Mr. Schnee:** Please answer any questions Ms. Campbell
24 has.

25 **Ms. Campbell:** May it please the Court?

1 **The Court:** Yes, ma'am.

2 Cross-Examination

3 By Ms. Campbell:

4 Q. Mr. Williams, just so I can get some stuff straight, you
5 testified at a different hearing back in February of 2010 to
6 basically the same thing you're telling this jury here today.
7 Is that correct?

8 A. Yes, ma'am.

9 Q. And at that point you explained to the jury about your
10 drug business. Is that correct?

11 A. Yes, ma'am.

12 Q. And in that time you went into a little bit more detail
13 than you have here today about your drug business when you
14 were dealing drugs---

15 **The Court:** Hold on just a minute, Ms... Y'all step up
16 here a minute.

17 (Whereupon, a bench conference was held.)

18 By Ms. Campbell:

19 Q. And in that time when you testified, you were a little
20 more detailed about your drug business?

21 A. Maybe, yes, ma'am.

22 Q. And, in fact, in going over that testimony, you talked
23 about how you sold drugs on a daily basis?

24 A. I mean, maybe and, I mean, I remember saying on certain
25 days I be in certain places.

1 Q. Do you remember testifying that you would sell 300 to
2 \$400 a night?

3 A. I mean, yes, ma'am.

4 Q. Do you remember testifying that you would sell primarily
5 at night because it was safer because of the cops?

6 A. Yes, ma'am.

7 Q. Do you remember testifying that if you sold that much
8 that it would be approximately \$12,000 a month that you would
9 make? Do you remember that?

10 A. Yes, ma'am.

11 Q. And that in a year you admitted that you would make
12 \$144,000.

13 A. Yes, ma'am.

14 Q. But that was before taxes. But as a drug dealer you
15 don't pay taxes.

16 A. I mean, I could -- I could basically try to -- you know
17 what I'm saying -- explain it. It's like when you like --
18 when you like -- whoever -- whoever got the drugs, they -- I
19 don't know how they cook the drugs. I don't know how they
20 cook the crack or how they do all that right there. I ain't
21 never got into the chemistry or all that. I just know how to
22 buy it from somebody, how to cut it up in little pieces and
23 how to sell it.

24 But basically the -- from my experience of what I know,
25 somebody -- whoever got all the drugs, they might buy a big

1 quantity of cocaine and they mix the cocaine with baking soda
2 and they make it more than what it really is. So when I go
3 buy the drugs, I might take a hundred dollars and they'll
4 give you enough drugs to make \$200, but really it's not
5 enough cocaine to make \$200. It's just because they done
6 mixed it with baking soda to make it more than what it really
7 is.

8 So when I sell it and I'm not really -- I ain't never
9 had no car or no apartment, things like that. I mean, I done
10 paid bills and I'm not a real materialistic guy. I mean, I
11 hang out with my friends. I go to the club every now and
12 then. We cook out. I help my sister out, little things like
13 that, but I ain't never really looked at it as making this
14 much money. They added it up and said that's how much it's
15 worth a year, but I never -- I never had that much money in
16 my pocket.

17 I never had \$12,000 in my pocket in one month because, I
18 mean, when I make the money, I spend the money on whatever I
19 got to spend it on, not that - how I feel like they're trying
20 to make it - like, oh, well, if you was doing this right
21 here, you should have had such and such and such and such and
22 such. You see what I'm saying? Like really I shouldn't
23 because I know what I do with the money.

24 Q. That was your testimony. Do you remember that?

25 A. Yes. I mean, yes, I remember it.

1 Q. And your testimony was you didn't have a car at the time
2 because you couldn't afford it?

3 A. I mean, not because -- I guess it's because like -- like
4 I said, the neighborhood -- you got things people call like a
5 crack rental, like you got people who smoke crack who got
6 cars and you can just go get in them, \$20 worth of crack, \$30
7 worth of crack and say, hey, let me use your car for such and
8 such and such time. So if I want to go to the mall, if I
9 want to go to the movies, if I want to go across town, if I
10 want to go here or if I want to go there, I can just give
11 them some crack and they're going to let me hold their car.

12 Q. Okay. So in addition to making 300 or 400 a night, you
13 would also use your crack cocaine to get crack homes? Is
14 that your testimony now?

15 A. I mean, I'm basically saying that me -- I mean why I
16 didn't have a car.

17 Q. Because you would just give crack to people to take you
18 places. Is that your testimony?

19 A. No, but they don't take me. I get their car and I take
20 myself.

21 Q. And during the course of selling these drugs, what kind
22 of drugs did you sell? You've been doing it since 2004 or
23 was it 2005 you testified to? I missed that.

24 A. Maybe two -- I'd say 2005.

25 Q. So you're pretty familiar with the business?

1 A. I'd say, yes, ma'am.

2 Q. And the Lower Richland was your place of business.

3 A. I mean, not the whole Lower Richland but just around my
4 area, the neighborhood I live in, around Caroline, Elm Tree,
5 Hi-Lo, Patricia.

6 Q. Okay. But you didn't live over there at that time, did
7 you, back in 2009?

8 A. I mean, I was -- I was back and forth on certain days,
9 what I know to be slow. Where I know people don't have no
10 money, I don't be over there. I be at Broad River at my
11 sister's house. And when the days come when I know there's
12 going to be something going on, then I go -- I go to Leesburg
13 Road.

14 Q. Okay. And what days of the week were the busy days?

15 A. Mainly probably Wednesday night, Thursday, Friday,
16 Saturday.

17 Q. So the majority of the week you would spend on the lower
18 side. Is that your testimony or is it not?

19 A. Yeah, Thursday, Friday, Saturday I be over there.

20 Q. And at the time - you just testified now at this hearing
21 - that you were staying with a woman named Michelle?

22 A. (Witness nodded head up and down.)

23 Q. And what address did Michelle live at?

24 A. I can't -- I can't recall the address. I know where the
25 house is at. I mean, if we had one of them maps you had

1 earlier, I mean, I could show you exactly where the trailer
2 was -- where the house was at.

3 Q. Is it a house or a trailer?

4 A. It's a trailer.

5 Q. And you don't know the address?

6 A. No, ma'am.

7 Q. And Michelle's last name is what?

8 A. Wilcox.

9 Q. Do you remember testifying back in February of 2010 that
10 her name was Michelle Sease?

11 A. I remember saying I think probably, but I just -- I just
12 -- I just learned her real last name this year.

13 Q. Okay. Well, to be fair, when you were first asked in
14 2010 what Michelle's last name was, you said you didn't know.

15 A. Yeah. I said probably Sease.

16 Q. It could have been Sease.

17 A. It could have been Sease.

18 Q. And today here two years -- a year and a half after this
19 all happened, actually two years after it all happened, her
20 name is Wilcox.

21 A. I mean, basically like most people that -- I ain't going
22 to say like in my line of business or do the things that I do
23 -- like people go by nicknames. You will never really know
24 somebody's whole name like that, like you can't -- you can't
25 ask too many people what's my name. They're going to say,

1 well, do you know such and such and such? And you say my
2 nickname. Yeah, I know him. But if you go and be like, oh,
3 do you know Adonis Williams? They might not know who that is
4 because people don't just be saying -- saying your name like
5 that out in the street like that. Ain't nobody call me
6 Adonis.

7 Q. And this Michelle that you lived with that you didn't
8 know her last name and then you thought it was Sease and now
9 it's Wilcox, did she know what you did for a living?

10 A. I mean, I would assume she did, but she never seen --
11 she never seen me do it.

12 Q. Do you remember testifying back in February of 2010 that
13 she didn't like you to keep the drugs in the house?

14 A. Yes, ma'am.

15 Q. Then I assume that she knew if you were keeping the
16 drugs in the house and she didn't like it that she knew what
17 you were doing.

18 A. I said I assume she did.

19 Q. So your testimony here today is that you would keep the
20 drugs -- sometimes you would put them in a paper bag and
21 treat them as trash in peoples' yards? Is that what you
22 testified to?

23 A. I mean, I put them in different places. I mean, that's
24 not the only place; I put them in different places.

25 Q. Okay. And then your testimony here today is that you

1 now know for sure -- here we are in September of 2011 after
2 this took place on March the 22nd of 2009, that you know for
3 sure that that week before or two weeks before, I guess, you
4 had stored some crack cocaine in Linda Wofford's electric box
5 on the back of her house.

6 A. I mean, I can't point -- I can't pinpoint an exact date,
7 but being that I didn't have a car I don't -- I don't be in a
8 car all the time. So basically when I be at Michelle's house
9 I might be in the house, on the porch or wherever I'm at, and
10 somebody call my phone and be like, well, I need such and
11 such and such. Either I walk to where they're at, if they
12 call me at -- say they're at the Citgo waiting on me, but
13 they never came to Michelle's house. They might be at the
14 Citgo. They might be at their house. So I get on the
15 bicycle and I go. Sometimes in between the time you might
16 see a police or you might see anybody. I might jump off the
17 bike, run through here, jump across here, things of that
18 nature. I mean---

19 Q. And as you testified, you weren't real fond of the
20 police. They threatened your business.

21 A. I mean, really not -- I mean, when it -- when it come
22 down to the police, I ain't really worrying about the
23 business. I'm worrying about really my freedom, going to
24 jail. They threatened my freedom.

25 Q. Okay. They threatened your freedom. Let me get back to

1 the thing about when you testified earlier here today about
2 Linda Wofford and how you stored these drugs in the meter box
3 in the back of her house. Do you remember that testimony?
4 You said it was between Saint Patty's Day and the date this
5 happened.

6 A. You say I ain't -- I don't remember saying I stored it
7 in the meter box in the back of Ms. Wofford's house.

8 Q. And are you referring -- you don't remember
9 testifying---

10 A. You just said the meter box. I put it behind her house.

11 Q. Don't let me put words in your mouth. What box are you
12 referring to?

13 A. In the same box that they -- that they are showing with
14 the fingerprint on it.

15 Q. Okay. And the same box, State's Exhibit Number 23?

16 A. Yes, ma'am.

17 Q. And that's where you stored the drugs, and you now know
18 today here for the first time that it was that week before,
19 according to your testimony.

20 A. Yes, ma'am.

21 Q. But that's not what you testified to back in February of
22 2010, is it?

23 A. I testified that I didn't remember.

24 Q. You didn't know when it had been. It had been several
25 months prior to that.

1 A. I mean, as I can remember, when y'all talked to Sergeant
2 Robinson, they said sometime you go back and you think and
3 you remember things that you ain't remember the day before.
4 So, I mean, I thought about it, and I said, hey, maybe it was
5 between this time right here.

6 Q. Okay. So your testimony here today is different though
7 in that aspect as far as what you testified to in February of
8 2010.

9 A. I mean, if you want to say different...

10 Q. And now you have a specific recollection and tell this
11 jury how you've come to the specific realization that it was
12 between Saint Patty's Day and March the 22nd that you just
13 happened to be in Linda Wofford's backyard storing drugs so
14 that you could elude the police.

15 A. Well, I wasn't actually just in Linda Wofford's
16 backyard. I was on a -- I was on a street called Julia
17 Street and it was -- it was -- it was sometime between that
18 time, Saint Patty's Day and March the 22nd, whenever this
19 situation happened with Ms. Wofford. So I'm on Julia Street.
20 I had done called a guy. I left Michelle's house. I went to
21 Julia Street to meet the guy to get some more drugs, and like
22 on Sunday I don't normally be -- I don't normally be on
23 Leesburg Road to be able to sell drugs because I usually go
24 to my sister's house. She go to church, come home, cook
25 dinner. We eat together, whatever, and that's where I be at.

1 But I had just now got the drugs. I ain't had sold none of
2 the drugs yet, and as I was coming back -- and like they say,
3 the area is -- there's high foot traffic. There's always the
4 police riding around. They're always stopping you. Where
5 are you going? Where do you live at? What are you doing
6 over here? Such and such and such. Let me see your I.D.

7 So when I'm coming back from Julia Street -- and that's
8 basically like -- it's off Leesburg but closer to the area
9 where we're at now. It's like off a street called Beckley
10 and Fairmont -- and Fairmont. So when I was coming across
11 Fairmont, I seen a -- I seen a Richland County car coming
12 down Fairmont. So there's like a path that cuts -- it comes
13 through Georgetown Apartments, come around a pool, come out
14 in front of Georgetown Apartments on Tama Road. It's a path
15 that everybody always travel.

16 And like right behind Ms. Wofford's house there's a
17 ditch that's shaped like an L. that go between another house.
18 There's not no water or nothing in the house, but it's
19 basically like just shortcuts that people take to get to
20 other places quickly, not to be on the street where if the
21 police is riding they won't see you. So it's basically like
22 just shortcuts.

23 So being that I'm coming -- I'm coming through
24 Georgetown, I didn't know whether the police turned on
25 Fairmont or where they came at, but I know when I got out at

1 Tama Road I seen the police. It was nighttime, and he had
2 his -- the light that they have on top of the car, he had it
3 -- he had it on me.

4 I seen the reverse lights come on. He backed up like he
5 was about to come down -- like he was about to come down Tama
6 Road and I ran straight across the street, jumped -- I jumped
7 across her fence and I ran in the backyard, and the first
8 thing that was in my mind: Get the drugs off you but have
9 them somewhere at least that if you come back to get them,
10 they will be there. So that's how -- that's how the drugs
11 got there.

12 Q. So you were in a panic mode because you'd just seen the
13 police. You know you've got drugs on you, and you need to
14 get rid of them as fast as possible. Right?

15 A. I mean, I just testified...

16 Q. You just testified to that.

17 A. Yes, ma'am.

18 Q. And at that point in your panic, because the police are
19 apprehending you, you need to get rid of those drugs as
20 quickly as possible. Right?

21 A. Yes, ma'am.

22 Q. So your testimony here to this jury today is the reason
23 you know it was that day is because then you then jumped a
24 fence which wouldn't bring attention to you at all if the
25 police were watching you, would it?

1 A. They had done seen me.

2 Q. They'd seen you. So they watched you jump a fence into
3 a yard where you didn't belong. Right?

4 A. (Witness nodded head up and down.)

5 Q. And then watched you race around to the back of the
6 yard, and how did you know the box was back there?

7 A. I mean, I didn't know the box was back there.

8 Q. Do you remember testifying in February of 2008 often you
9 would just stick them in a mailbox, in addition to your
10 testimony here that you would throw them on the ground?

11 A. That's when -- I mean, I put them in the mail box if --
12 I say on the block, but if -- if I'm on the block and like
13 we're just hanging out... What about that?

14 Q. State's Exhibit Number 3, do you see a mailbox?

15 A. Yeah, I see a mailbox.

16 Q. If you're on the street and the police are chasing you
17 and you need to get rid of the drugs fast, as you testified
18 back in February of 2010, wouldn't it have been faster to
19 stick it in the mailbox?

20 A. The police were on the street, too. That would have --
21 that would have basically just given the police the drugs and
22 what if I'd have went on the other side? Then the police
23 would have caught me. Oh, he put the drugs right here. So
24 when I got out of the eyesight of the police and got in the
25 back, that's when I hid the drugs. I wasn't going to hide

1 them right where the police was looking at.

2 Q. Well, if you're concerned about going to jail, your
3 safety and everything, just throw them down on the ground;
4 right?

5 A. I mean, you could say that, but you ain't -- you don't
6 know -- like you're from a -- you're from a different walk of
7 life than me. You don't even -- you can't begin to
8 understand probably what I'm talking about. So what you're
9 saying don't even -- I really can't understand what you're
10 saying.

11 Q. Okay. If you can't understand me, just tell me what
12 part you don't understand and I'll go through it. Okay?

13 A. I mean, I understand what you're saying, but the way
14 you're saying what you're saying is like, oh, well, it might
15 would have been the quickest way for you if you was in this
16 line of business or like that. It probably would have been a
17 quicker way to you, but to me it wasn't.

18 Q. This was at night, as you've just testified. So your
19 testimony is here today: You were on the street. The police
20 saw you. They put a flashlight on you. At that point you
21 knew you had to get away, so you ran to the fence. You
22 jumped over to the fence and you ran through the front yard
23 all the way around to the back of the house where you were
24 just lucky enough to find a box that you then had to rip off
25 the wall - the paint had to come off - in order to put the

1 drugs in there, in the dark. That's your testimony.

2 A. I mean, that's what you're saying. I mean, you're
3 saying in the dark.

4 Q. If I'm misstating it, correct me.

5 A. I mean you -- I say like you got a lot of pictures like
6 you -- you never know if it's a light -- the light pole that
7 had a light on it in her backyard. I mean, you never know
8 how light it was back there and, I mean, I can't really---

9 Q. You were there.

10 A. I can't really sit here and explain how I knew the box
11 was there. I did know the box was there when I ran back
12 there and looked around. The quickest place I thought to put
13 it at was in the box.

14 Q. And then once you ripped it open---

15 A. The box---

16 Q. ---to put the drugs back in there, did it just go back
17 up against the wall?

18 A. It wasn't hanging off the wall like that when I left.

19 Q. Let me ask you this: Did you then flee from the area to
20 elude the police after you deposited the drugs in the back of
21 the house?

22 A. Like...

23 Q. They were after you.

24 A. I mean, I feel like -- well, I don't feel like but it's
25 like if I had had pictures like how they got the pictures --

1 if I'd have had pictures of everything that I'm saying how
2 like through Ms. Wofford's yard right behind her house and --
3 I mean, I don't know if she could have testified to this or
4 anybody who was around that area. There's a path through
5 there where it's -- it's a frequently -- it's a frequently-
6 traveled path, and if they'd have had a picture -- I mean,
7 it's not their job to be my defense, but it's their job to
8 get things that will show them things that will say, well,
9 hey, this person is lying or this person is telling the
10 truth. But there's a path through there. If you go straight
11 through that path and you go across Hi-Lo, you'll run
12 straight into another path through somebody else's yard and,
13 I mean, there's just paths that people travel.

14 Q. Would you agree with me that you just testified you had
15 to jump over the fence because her yard is fenced in?

16 A. Yeah, I jumped over the fence.

17 Q. There's no path through her fence.

18 A. I said behind her house there's a ditch shaped like an

19 L. You can come off -- you can come off Caroline Road in
20 this path or you can come off Hi-Lo Street and get on the
21 path.

22 Q. Okay. Let me move on. Once you got rid of the drugs --
23 so you were safe from the police that night. Sometime in
24 that week before the 22nd, between Saint Patty's Day and
25 March the 22nd which you're now sure of those days, you

1 deposited those drugs in the back of her house in that box;
2 right?

3 A. Yes, ma'am.

4 Q. And that at that point you left the scene where you
5 deposited the drugs.

6 A. When I deposit (verbatim) drugs, I left the scene and
7 went to Michelle's house.

8 Q. Because you didn't want to throw them down because was
9 it too much drugs to throw down? Was it worth a lot of
10 money?

11 A. I mean, maybe \$200.

12 Q. And how big is \$200 worth of crack?

13 A. I mean, it's in pieces. It's in a cigar tube. I have
14 to have it in a cigar tube.

15 Q. In a cigar tube?

16 A. Yes, ma'am.

17 Q. And you wanted to make sure you kept your product but
18 you didn't get arrested, right, basically?

19 A. Basically if I go back, they would still be there.

20 Q. When did you go back and get them? You didn't testify
21 to that.

22 A. The same night.

23 Q. That same night?

24 A. Yes, ma'am.

25 Q. You felt safe enough to go back in this neighborhood

1 that you just testified to was crawling with the police.

2 A. I mean, really -- I mean, you keep saying like the last
3 time I testified -- like the last time I testified, I just
4 testified to basically what happened, but I mean, it's --
5 there's more detail to it. So, yes, I went to Michelle's
6 house. I went in the house. I sat down for a minute, and
7 during that time that's when -- no. I got -- I changed
8 clothes and then I went back. I was thinking about something
9 else.

10 Q. Okay. Mixing things up?

11 A. No, I was thinking about when I called my dad to come
12 get me.

13 Q. And that would be on the day this happened, not the day
14 you deposited drugs.

15 A. That would have been Sunday.

16 Q. Okay. Let's go back to this night and then I'll move
17 on. Where is Michelle?

18 A. The last I heard she went back to Beaufort, Yemassee,
19 somewhere.

20 Q. So she's not here today?

21 A. No, ma'am.

22 Q. And then you went back and now your testimony is for the
23 first time that you went back and got the drugs later that
24 night.

25 A. Yes, ma'am.

1 Q. So you opened the box back up and were able to remove
2 them.

3 A. Yes, ma'am.

4 Q. And in this box that just happened to be at Ms.
5 Wofford's house.

6 A. Yes, ma'am.

7 Q. When you opened the box, did you notice the phone lines
8 in there?

9 A. No, ma'am.

10 Q. And there was no place else between the road and the
11 back of her house where this small box was on the back that
12 luckily you found that night that you could safely hide your
13 drugs from the police. That's your testimony.

14 A. What? Do you want me to answer that?

15 Q. Yes, sir. Is that your testimony?

16 A. Yes, ma'am. That's where I hid the drugs at.

17 Q. March the 22nd, you testified earlier that you usually
18 sell your drugs at night and that Michelle didn't like you to
19 keep the drugs there; right?

20 A. Yes, ma'am.

21 Q. And you also just testified a minute ago that people --
22 you didn't have them come to your house, but they would call
23 you on your phone and you would go meet them.

24 A. Yes, ma'am.

25 Q. But on this day in question you were contacted while you

1 were at Michelle's house. You said somebody woke you up.

2 A. Michelle woke me up.

3 Q. And why did Michelle wake you up that morning?

4 A. Because somebody came to her house.

5 Q. Had you been up the whole night before - because you
6 said it was one of the busy nights - selling your drugs?

7 A. I mean, more than likely.

8 Q. And pretty much every night when you would sell drugs,
9 you would sell drugs 'til you were kind of out. Is that
10 right?

11 A. Yes, ma'am.

12 Q. But on this morning miraculously you just happened to
13 have some drugs left to sell the next morning. That's your
14 testimony here today.

15 A. I mean, I can't really recall, but most times before --
16 most times before I go back to Broad River, I do what you
17 call is -- I mean, they call it a re-up. That mean you get
18 some more drugs, so when I come back on that Wednesday night
19 or that Thursday, I have a whole -- I call it a whole pack.
20 I have a whole pack to sell, so I won't have to get over
21 there, call somebody, because people are calling my phone.
22 I'm like, oh, I ain't got nothing right now or hold up; you
23 got to wait because they done be missing the money. So when
24 I -- when I get it on that -- on that Saturday night -- I
25 mean, I might sell a little bit, but sooner or later I got to

1 lay down and go to sleep, do something. So I shut it down.
2 But when I come back on that Thursday or whatever day I come
3 back, I try to make sure I have enough where I don't have to
4 get over there and be calling people and saying, hey, I need
5 this; I need that.

6 Q. So you had drugs left over in order to sell them that
7 Sunday morning.

8 A. Yes, ma'am.

9 Q. And you testified earlier that usually on Sunday you'd
10 spend the day with your sister.

11 A. Yes, ma'am.

12 Q. So you wouldn't usually sell drugs on Sunday.

13 A. Not usually.

14 Q. But this Sunday again is the exception to the rule.

15 A. I mean, he came.

16 Q. Who is he?

17 A. A guy named Ralph.

18 Q. Where is Ralph?

19 A. I don't know. Ralph is on drugs. Ralph could be
20 anywhere.

21 Q. Does Ralph have a last name?

22 A. I have no idea what Ralph's last name is.

23 Q. And when Ralph came to the house, you had the drugs
24 there at the house; right?

25 A. Yes, ma'am.

1 Q. So when he came to the door, since he woke you up or
2 woke Michelle up who woke you up, however that happened, then
3 did you just sell him the crack right there at the house?

4 A. No, ma'am.

5 Q. Why not?

6 A. Because, I mean, Michelle was already shook about him
7 coming around there. I mean, I ain't never sold -- I mean, I
8 just...

9 Q. Well, Michelle woke you up and said there's somebody
10 here at the door to see you, didn't she?

11 A. Yes.

12 Q. She didn't call the police.

13 A. No.

14 Q. So your testimony is here today that then you made
15 arrangements to meet him down the street at the cleaners?

16 A. Yes, ma'am.

17 Q. Instead of just making the simple transaction when he
18 was right there.

19 A. I mean, I'll say it like this, like it's -- some people
20 might say like they live this way and they live that way or
21 certain things you might respect I might not respect.
22 Certain things I might respect you might -- you might find --
23 you might not respect it. So she said she don't want me
24 selling no drugs in her house. I said okay; I won't sell no
25 drugs at her house. If she don't want me to bring no crack

1 or no drugs in her house, I ain't going to bring crack or
2 drugs inside her house.

3 Q. You just testified you had the drugs on you while you
4 were in her house. So if you respected her, you wouldn't do
5 that.

6 A. You said did I have the drugs at her house? Of course
7 they're at her house, but I testified earlier that she didn't
8 like drugs inside her house.

9 Q. I'll move on. So then you put on your pajama pants.

10 A. Yeah.

11 Q. And a jacket. And I believe -- was it this time or in
12 February you testified you put on your slippers? Is that
13 what you did?

14 A. Yes, ma'am.

15 Q. And then you went to the dry cleaners.

16 A. Yes, ma'am.

17 Q. That's your testimony. So you could make this drug
18 deal. How much money were you supposed to make on this drug
19 deal that got you out of bed, put your clothes on, make
20 arrangements to go down the street so you can make a drug
21 deal?

22 A. I mean, I didn't really know at first. I didn't know
23 'til I got around there.

24 Q. But before making any drug deal, the amount would -- you
25 testified earlier that you always just took the specific

1 amount to wherever you were going to make the drug deal;
2 right? That makes sense.

3 A. Yes, ma'am.

4 Q. So you're not caught with a whole bunch.

5 A. Yes, ma'am.

6 Q. So before you went there, you would have had to ask him
7 how much he wanted in order to know how much to take.

8 A. I mean, people usually call.

9 Q. I understand what they usually did, but this is a unique
10 day. This is March the 22nd that you're testifying about.

11 A. Yes, ma'am.

12 Q. And on this day he came to the house and you talked to
13 him and you made plans to meet him down the street.

14 A. Yes, ma'am.

15 Q. And at that point how much did he say he wanted?

16 A. He didn't say how much he wanted. At the time I was
17 upset. At the time I was upset because he came around there;
18 he know that he violated. He came around here at -- since
19 I've been over there, nobody -- nobody never just came up in
20 her yard and said, hey, or knocked on her door because, like
21 I say, some -- people respect certain things. Some of them
22 respect, hey, don't come to my house or such and such and
23 such, my kids are here or my wife is here. Don't come around
24 here.

25 Some of them - you know what I'm saying - they -- I

1 guess they be wanting the drugs so bad that they come anyway.
2 So he came anyway, and by her coming in and getting on me, I
3 went out and got on him. So I ain't really thought about,
4 hey, how much you want? All I said was, "Hey. Meet me
5 around the corner. Meet at the cleaners. I'll be around
6 there in a minute." So when I got around there, that's when
7 he told me what he wanted.

8 Q. How much did you take?

9 A. That morning I took all of it.

10 Q. All of it? How much is all of it?

11 A. I mean, however much was in the tool, but I don't really
12 remember how much was in there.

13 Q. And when you got there, even though your testimony was
14 earlier you never took all of it on your possession, on this
15 morning in this unique fact scenario, you took all the drugs.

16 A. Yes, ma'am.

17 Q. And you would never sell normally during the daytime.
18 This was daytime, wasn't it?

19 A. It was early in the morning.

20 Q. Because it was not as safe was your testimony earlier at
21 some point.

22 A. It was early in the morning.

23 Q. The sun was up.

24 A. Just about, yes, ma'am.

25 Q. So when you made these arrangements to meet this person

1 that had ticked you off because you were mad because he
2 didn't respect you because he came to where you lived and he
3 wasn't supposed to do that, at that point did you just look
4 at him and go, "I'm not selling you anything. Get out of
5 here"?

6 A. No, ma'am.

7 Q. No. You made arrangements to go out of your way to meet
8 him around the corner to sell him an unspecified amount of
9 crack cocaine and then you happened to take your whole stash
10 with you that, if you were caught with it, could cause you
11 big problems. Right?

12 A. I mean, it could.

13 Q. And that's what your testimony is.

14 A. Yes, ma'am.

15 Q. So when you got there, you mentioned today that he gave
16 you some change in a sock and that made you really mad.

17 A. I mean, yeah, it -- it all stemmed from the first
18 incident by him coming over there. So when I went around
19 there, I was already kind of upset and then the---

20 Q. Because he had broken the rules and he didn't respect
21 you.

22 A. Basically.

23 Q. Uh-huh.

24 A. And then by---

25 Q. That's when you took all your drugs to go meet him and

1 accommodate him.

2 A. Yes, ma'am.

3 Q. And when you got around there, you were mad.

4 A. Yes, ma'am.

5 Q. And then you got even more mad, according to your
6 testimony earlier, because he gave you some change in a sock.
7 That was the money he had; right?

8 A. I mean, I wouldn't say like mad to where I wouldn't do
9 nothing to him, but I was just -- I was upset.

10 Q. Okay. And at that point -- I mean, you need money to
11 live; right?

12 A. Yes, ma'am.

13 Q. And at that point you sold him drugs for the change in
14 the sock.

15 A. Yes, ma'am.

16 Q. That's your testimony. Do you remember back when you
17 testified in February of 2010 that you said it was a whopping
18 \$8.00 in change?

19 A. I didn't say how much. I said he want -- you said how
20 much drugs did he want and I said \$10 worth. I never just
21 said how much money he gave me. I just said he gave me some
22 change in a sock.

23 Q. So at that point you made your \$10 sale.

24 A. Yes.

25 Q. In order to make three to \$400 a day, you've got to make

1 a lot of \$10 sales. Is that right?

2 A. I mean, all the sales don't be \$10.

3 Q. You've never heard of a \$20 piece?

4 A. Yeah. You said to make such and such and such, \$10
5 sales. I said all the sales don't be \$10. I mean, people
6 come, have a hundred dollars. Some of them might have \$50---

7 Q. Oh, I'm sorry. I misunderstood you. Okay. Not all of
8 them are going to be \$10.

9 A. Not all of them.

10 Q. But at that point you took your whole stash with you and
11 you went there in the middle of day or, excuse me, in the
12 early morning hours and broke all your rules to accommodate
13 this \$10 sale from Ralph whose last name you don't know and
14 he's not here today either, is he?

15 A. No, ma'am.

16 Q. And at that point - and I might have missed this - you
17 were at the cleaners and where at the cleaners does the
18 transaction take place?

19 A. On the side by the drive-through.

20 Q. So you wanted to stay out of sight from the roads;
21 right?

22 A. Yes, ma'am.

23 Q. So you make a deal on the side and you get your money in
24 a sock. So then you proceed to start walking home?

25 A. Back around to Michelle's house.

1 Q. Back around to Michelle's house. But then on the way
2 there amazingly you happen to encounter the very same woman
3 whose house you used to store drugs that very same week in
4 her truck.

5 A. I mean -- I mean, I wouldn't---

6 Q. That's your testimony.

7 A. I wouldn't say amazingly. I mean, you can go -- you can
8 go anywhere around the neighborhood and you might find
9 anything. I ain't going to say -- you can go anywhere around
10 the neighborhood and might find anything. Like I said, like
11 I don't have a car, so I always be on feet (verbatim). I
12 might run anywhere. You might find -- I mean, if somebody's
13 mail is missing out of their mailbox and you find my
14 fingerprints on it, I feel like that don't mean that I went
15 in their mailbox. I mean, that don't mean I stole no mail
16 out of their mailbox, but you might perceive, well, we found
17 his fingerprints on there or such and such and such like
18 that. But at the time I didn't even know like that this was
19 this lady's house. I just know that I was on my routine of
20 how I moved or how I do what I do every day.

21 Q. Okay. Well, did you recognize the truck where it would
22 have been parked in the yard from the night -- from the
23 middle of night when you went over there?

24 A. Not really, no, ma'am.

25 Q. So when you just happened to be walking down Patricia

1 Drive at this veterans' home where you say everybody -- it's
2 a home for veterans and they do a lot of drugs?

3 A. Yes, ma'am.

4 Q. And at that point you see a truck and just again
5 amazingly or coincidentally you decide on that day that you
6 should approach this car -- truck. Excuse me. Truck.

7 A. Yes, ma'am.

8 Q. And what was the purpose of you doing that again? I
9 didn't understand that part.

10 A. I mean, it's basically like -- like I said, it's a
11 veterans' home where people use drugs at. And how I thought
12 about the situation was, hey, if she ain't the police, I
13 never seen her around here, so maybe somebody else called her
14 and told her to meet them around there. So in that case it's
15 -- it's like what you call short-stopping. Somebody might
16 call somebody and told them to meet them there, but I'm here
17 first. So if I can get -- if I can get them to buy the drugs
18 first, I could be like selling drugs and say, well, hey, you
19 got a number or they be like, hey, well, you got a number?
20 And we exchange numbers and now I got a new customer.

21 Q. Well, I'm confused because you said earlier that at
22 first you didn't say anything about drugs. In fact, you
23 never said anything to her about drugs---

24 A. I didn't.

25 Q. ---because you were worried she might be a narc.

1 A. I didn't, but I said that the whole reason why I said
2 anything to her was to find out -- was to find out this
3 information.

4 Q. So this was the second transaction you were willing to
5 do in the middle of the day on a street where the cops
6 frequent, in violation of your rules where you like to sell
7 at night. That's your testimony.

8 A. I mean, I like -- it's better -- I feel like it's more
9 -- it's more convenient to sell at night than during the day
10 and, I mean, I -- I said why I didn't sell in the daytime.

11 Q. Uh-huh. And you said you didn't sell in the daytime
12 because it wasn't as safe. That's what you testified to in
13 February at least. Is that right?

14 A. I mean, it ain't. I mean, if I'm out here all day every
15 day chasing serves or walking around or whatever I'm doing
16 all day and the police see me every day, of course they're
17 going to stop me. They're going to want to know what I'm
18 doing and, I mean, I just feel like there's more -- there's
19 more risk than coming out at night.

20 Q. Okay. But on this day when you were breaking your rules
21 and selling drugs in the daytime, you said you asked her for
22 a cigarette?

23 A. Yes, ma'am.

24 Q. Was she already smoking when you walked up there?

25 A. No, ma'am.

1 Q. So did you know she had a cigarette?

2 A. Just -- just threw it out there.

3 Q. And was the car turned on or off when you walked up
4 there to the truck?

5 A. It was on.

6 Q. And she was just sitting there in the yard?

7 A. Yes, ma'am.

8 Q. She wasn't smoking a cigarette.

9 A. No, ma'am. There was some little gray smoke coming out
10 of a pipe, but she wasn't smoking no cigarette.

11 Q. And at that point when you walked up to the car -- and
12 how far away from it were you when you first spotted it?

13 A. I mean, she was in the yard and I was coming down the
14 street.

15 Q. Okay. Did you see anybody running from her car?

16 A. No, ma'am.

17 Q. And as you approached the car, you had to walk down the
18 street to get to it; right?

19 A. I had to.

20 Q. And you approached her from the driver's side?

21 A. Yes, ma'am.

22 Q. And as you walked around to get on the driver's side of
23 the car, then did you just tap on the window?

24 A. No, ma'am. The window was already down. I mean, it
25 wasn't down, but it was cracked.

1 Q. What was she doing?

2 A. She was just sitting there.

3 Q. Was she upset?

4 A. I mean, I don't -- I don't really remember.

5 Q. Was she crying?

6 A. No, ma'am, she wasn't crying.

7 Q. And at that point you asked her for a cigarette and she
8 said no problem?

9 A. She said she had one.

10 Q. And she gave you one?

11 A. Yes, ma'am.

12 Q. And you took two to three puffs, I believe is your
13 testimony here today?

14 A. Yes, ma'am.

15 Q. It had a nasty taste? You commented on that to her?

16 A. Yes, ma'am.

17 Q. And then she asked you for a phone was your testimony
18 here today. Is that right?

19 A. Yes, ma'am.

20 Q. And you said you didn't have one.

21 A. (Witness nodded head up and down.)

22 Q. And why did you say you didn't have -- tell her you
23 didn't have one when you did?

24 A. Because, I mean, she told me she had robbed -- I mean,
25 she told me she had gotten robbed. I testified to that.

1 Q. Whoa, whoa. Wait. Let me stop you there. Now your
2 testimony is she told you she had gotten robbed?

3 A. I testified to that last time.

4 Q. But you didn't testify to that earlier today, did you?

5 A. I mean, this -- this -- how can I put it? I don't know.
6 I felt like eventually you would ask the question. I mean,
7 you ask the questions and, I mean, I just answer the
8 questions.

9 Q. I know. And I ask the questions based on your testimony
10 before and today.

11 A. And this is really the first time we really got into
12 this, so I was waiting -- I felt like eventually you was
13 going to ask the question.

14 Q. Do you remember your lawyer asking you that on direct
15 examination here today in this courtroom just less than
16 30 minutes ago?

17 A. I mean, he didn't go all -- I mean, he didn't go all the
18 way into that like that, I mean, like...

19 Q. You didn't think that the fact that she said she was
20 robbed was significant in this case?

21 A. Yes, ma'am.

22 Q. But at that point I wasn't asking you any questions.

23 A. You had just asked me the question about the phone.

24 Q. Your testimony here today is -- I mean, you don't really
25 care for the police; it's understandable. You kind of stay

1 away from them, don't you, if possible?

2 A. I mean, I can't say not all police, but I know that -- I
3 know that most police abuse their power. I know that I done
4 had other dealings with police. I know police sometimes say
5 stuff, and no matter how hard you fight, no matter how right
6 you is, you're just going to be wrong. At the end of the day
7 you're just going to be wrong.

8 Q. Okay. Well, you know Ms. Wofford is not the police.

9 A. At the time I didn't know who she was.

10 Q. So you walked off after you smoked your cigarette, and I
11 assume you threw that cigarette on the ground which would
12 explain for your D.N.A. being on it?

13 A. I told---

14 Q. That's your explanation here today.

15 A. Well, I had -- I had just came home from prison in 2008,
16 and in prison they got cigarettes but none of the cigarettes
17 got a filter on it. It's the type of cigarette that you just
18 put some tobacco in the paper and roll it up. So when I got
19 the cigarette from her and I took two or three pulls or
20 however many times I took a -- smoked the cigarette and -- I
21 mean, I ain't never smoked a cigarette that tasted like this
22 before. So I commented on the cigarette, but I tore -- I
23 tore the butt off and I threw it down right there. I mean,
24 it wasn't really no -- wasn't no reason to hide it. There
25 wasn't no reason to take it nowhere.

1 I mean, it was just like the fingerprint. I mean, I'm
2 selling drugs. I'm running around. Ain't no need to -- I
3 mean I -- it wasn't in my mind that, hey, such and such and
4 such is going to happen or this right here is going to happen
5 or they're going to be looking for you for such and such and
6 such and such and such. So it wasn't -- it wasn't really no
7 reason to have on no gloves or do none of that just like it
8 wasn't no reason to hide a cigarette butt. So I just threw
9 the cigarette butt down right there, and I had the rest of
10 it.

11 I took a couple of pulls off that, and what I'm thinking
12 is the filter is what gives a cigarette the flavor. So
13 that's why I tore the filter off and threw the filter on the
14 ground. So when I smoked some of the rest of the cigarette
15 and I seen that it taste the same, I throw the other part
16 down right beside it. But I guess since that's all tobacco
17 and paper, it burned up and there wasn't nothing but ashes
18 left.

19 Q. Okay. Just one more question. You mentioned that you
20 try to help out people from the money you make in drugs.
21 That's how -- you don't know that you make \$144,000 a year
22 which would be the equivalent of 250 if you add taxes. You
23 help people out, sometimes your sister you said?

24 A. Yes, ma'am.

25 Q. Things of that nature, because you want to help people

1 out if you can if they're in need; right?

2 A. Yes, ma'am.

3 Q. So when Mrs. Wofford looked at you after giving you the
4 cigarette and watching you smoke it for several minutes and
5 she sat there not emotional, not upset at all, and told you
6 she had been robbed, you helped her.

7 A. No, ma'am.

8 Q. Why not?

9 A. Because it's a -- it's a whole different situation.

10 Q. Well, if you weren't involved, why not help her?

11 A. Because I got -- I got drugs -- I got drugs on me now,
12 all my drugs, as a matter of fact, and if she said she got
13 robbed, she want to call the police or whoever she want to
14 call, nine times out of ten -- I mean, it's like she said in
15 her statement when she was about to leave, the people said:
16 Don't go nowhere; the police are going to come. So I'm
17 supposed to give her my cell phone; she call 9-1-1. They
18 told her to stay on the line 'til help get there. Now I'm
19 here. She got my phone and I'm just -- I'm just here
20 waiting.

21 Q. But you're innocent.

22 A. I'm innocent of this, but I wasn't innocent of selling
23 drugs. I got a -- I got a good idea the police know that
24 this right here -- I mean, the police -- the police know.
25 The police know who is selling drugs, what house is

1 frequented, where the traffic is at. They know all that
2 stuff. That's why they're -- that's why they're the police.
3 Do you see what I'm saying? So if -- even if I'm coming down
4 the street and I'm going to this house right here and I see a
5 car coming, I don't know who is in this house. So I might
6 just walk on past 'til I look back down the road and I see
7 the street clear. I make my move and go in the yard.

8 Q. Let me move on. So you didn't give her your phone, you
9 didn't help her, and you walked off. Is that correct?

10 A. Yes, ma'am.

11 Q. And when you walked off, you left her there in the front
12 yard of this house at 7010 where the veterans live that do a
13 lot of drugs.

14 A. Yes, ma'am.

15 Q. And at that point did she pull around you?

16 A. No, ma'am.

17 Q. You never saw her anymore?

18 A. 'Til I got to the Citgo.

19 Q. Okay. Where did you go before you went to the Citgo?

20 A. To Michelle's house.

21 Q. Why did you go back to Michelle's house instead of going
22 straight to the Citgo? It was on the way.

23 A. I mean, it really -- it really ain't -- ain't no answer
24 really why I stopped there. I mean, that's -- that's where I
25 came from.

1 Q. Well, you had your \$8.00 in change in the sock; right?

2 A. And when I did go back around to Michelle's house, I put
3 my drugs back up. I wasn't going to meet nobody else for no
4 drugs, so there wasn't no reason---

5 Q. I thought you didn't keep the drugs at Michelle's house.

6 A. I mean, where else the drugs going to be at? If I'm --
7 if I'm at Michelle's house -- and I know I testified in the
8 last trial where I kept the drugs at at Michelle's house. I
9 didn't say I never took drugs into Michelle's house.

10 Q. Okay.

11 A. At least not crack I never took in Michelle's house.

12 Q. Why did you go back to Michelle's house instead of going
13 straight to the Citgo which was on your way to Michelle's
14 house?

15 A. Because I wanted to -- nine times out of ten it was to
16 go put my drugs up because I wasn't going to make no serve.
17 I wasn't going to meet nobody. So why just tote them around
18 for nothing?

19 Q. So that's what you did. So then you walked back down
20 the street back to where you were to go to the Citgo; right?
21 Is that correct? Is that what you testified to?

22 A. Back to where I were? What you mean?

23 Q. Back to the Citgo.

24 A. You say I walked back down the street to go back to
25 where I were and then you said---

1 Q. Excuse me. I'm sorry. I didn't mean to misstate
2 anything. Okay? You left Michelle's house after you went
3 there. You got the change out of the sock?

4 A. Yes, ma'am.

5 Q. And then you were going to the Citgo, I believe you
6 testified - I could be wrong - to buy three cigarettes.

7 A. I got on the mountain bike. They sell loose -- what
8 they call loose -- they sell loose cigarettes at the Citgo
9 like 27 cents apiece, so...

10 Q. And you testified last time in February of 2010 you were
11 a frequent person at the Citgo?

12 A. All the time.

13 Q. They'd give you credit even.

14 A. Yes, ma'am.

15 Q. So you didn't even need money to go buy a cigarette
16 there.

17 A. I mean, but if -- if I had it, why not use it? I mean,
18 I can -- I mean, the people at Citgo, they known me for a
19 long time. I mean, like my family lives in that
20 neighborhood. They've been going to that Citgo. I mean,
21 they know all us by first name. If you go ask the owner, Mr.
22 Finn (phonetic), who gave y'all the video, "Do you know
23 Adonis?" He'll say, "Yeah." I done went and cashed checks
24 from Wendy's, from Richtex Bricks, from all the jobs I had
25 prior at that store.

1 Q. Okay. So you went back down to the Citgo and this time
2 you took the bike; right?

3 A. Yes, ma'am.

4 Q. And when you got to the Citgo, you mentioned the first
5 thing you saw was some police cars.

6 A. Yes, ma'am.

7 Q. And as we've heard extensive conversations from you
8 today, you aren't real fond of the police.

9 A. No, ma'am.

10 Q. But you went ahead and went inside.

11 A. Yes, ma'am.

12 Q. And the police were there. There were at least two cars
13 when you first got there; right?

14 A. Yes, ma'am.

15 Q. And did you notice the truck was there?

16 A. Not until I was leaving.

17 Q. Okay. Did you notice Ms. Wofford? I believe you said
18 you noticed her in the car.

19 A. Yes, ma'am.

20 Q. You recognized her?

21 A. I mean, I -- I didn't recognize her until I got to the
22 other side and I really put two and two together. I just
23 know it was a lady -- a white lady in the back of the car
24 talking to the police, and when I left, I seen the truck and
25 seen the windows busted out. That's when I knew something

1 must have happened.

2 Q. And then even though there was police there who you
3 don't like, you went in and bought your three cigarettes?

4 A. Yes, ma'am.

5 Q. Who was the clerk that morning? Did you recognize her?

6 A. I don't -- I don't really remember, but I think his
7 mother was in there and another lady.

8 Q. So she could corroborate this? Is she here today?

9 A. No, ma'am. I mean, I'm saying I believe because she
10 usually be in there most early mornings from the time it
11 open, 4:30, 5:00. His mother usually be in there.

12 Q. And she knows you by sight.

13 A. Yes, ma'am.

14 Q. So even if there was no video, she could vouch for you.

15 A. Yes, ma'am. I mean---

16 Q. Is she here today?

17 A. I mean, I don't know if she -- she wouldn't -- I mean,
18 if she was the one that was asked, "Do you know this guy
19 right here? Do you remember this guy right there?" But, I
20 mean, being that it's two or three years later, even if she
21 was here today, if nobody never said nothing to her about it,
22 she might just say she don't remember. But if you ask them
23 do they know me, have I ever stole anything or have I ever
24 did anything around there, they will tell you no.

25 Q. So on that morning you went back there and you went in

1 the thing, and the police cars -- there were a lot of police
2 responding to that area in the morning; right?

3 A. There was just two police cars when I came there. The
4 reason why I didn't run or get -- I didn't have no reason to.

5 Q. Okay. And then your testimony is your father came and
6 picked you up and took you to your sister's house.

7 A. Yes, ma'am.

8 Q. Did you take your drugs or leave them?

9 A. I took them with me.

10 Q. Then you mentioned that a couple of days later you were
11 at somebody else's house when the police came.

12 A. Who? At Dawn Shea's house?

13 Q. Is that who it is? Dawn Shea?

14 A. Talking about when I came?

15 Q. On True Street.

16 A. Yes, ma'am.

17 Q. Okay. And that's when the police showed up; right?

18 A. Yes, ma'am.

19 Q. And that was you in that house that day.

20 A. Yes, ma'am.

21 Q. Along with Dawn.

22 A. Yes, ma'am.

23 Q. And you -- at this point did you know that there were
24 warrants out for your arrest?

25 A. I mean, I had people call me from the neighborhood

1 saying, "Bro, you're on the news."

2 Q. Uh-huh.

3 A. You know what I'm saying? Such and such and such and
4 such and such.

5 Q. Did you know what the warrants were for?

6 A. I don't -- I don't remember what the warrants were for,
7 but I remember people calling and telling me the police was
8 around the neighborhood and I was on the news.

9 Q. Do you remember them mentioning that you were wanted for
10 armed robbery?

11 A. I don't remember nobody that called and talked to me
12 saying anything like that, but they could have.

13 Q. For burglary in the first? For kidnapping?

14 A. I mean, I didn't...

15 Q. Those are serious charges, aren't they?

16 A. Yes, ma'am.

17 Q. So when they called you and told you you were on the
18 news and you were wanted for these charges, that caught your
19 attention, didn't it?

20 A. Yes, ma'am.

21 Q. And I believe you testified earlier today that your
22 intentions were to turn yourself in at some point.

23 A. I mean, it wasn't---

24 Q. But you got surprised.

25 A. It wasn't my intentions to go down to the jailhouse or

1 go to the police department and say, "Here I go," but if --
2 it was my intentions that, hey, if they get here and they see
3 you or whatever... And they came and they asked me who I
4 was. I mean, I didn't lied (verbatim) and said I'm somebody
5 I'm not. I said, "Yes, sir, this is me." And when the other
6 situations happened, I mean, that's the only thing that
7 really stopped me from going to jail that day.

8 Q. I'm not following. I'm sorry.

9 A. What you mean?

10 Q. What did you just say? When the other situation
11 happened...

12 A. When he grabbed me and tried to twist my arm or whatever
13 he was trying to do, body-slam me or whatever he was trying
14 to do.

15 Q. He was trying to either body-slam you or twist your arm?

16 A. It was -- he could have been trying to do any of those
17 things. The way he grabbed me, I know it wasn't -- Mr.
18 Williams, you're under arrest for such and such and such.
19 Put your hands behind your back. It wasn't -- it wasn't
20 nothing like that.

21 Q. Okay. So you ran.

22 A. Yes, ma'am.

23 Q. You knew you were wanted for a burglary in the first
24 degree, armed robbery, and kidnapping; right? So when the
25 police showed up, you identified yourself as Adonis Williams?

1 A. Yes, ma'am, and at the time I didn't...

2 Q. Did you look at them and go, "Listen, I need to explain
3 things. I've got people who knew where I was that day. I
4 didn't do this"?

5 A. I mean, I've been in trouble before numerous times. I
6 mean, it ain't -- I mean, it ain't really nothing -- nothing
7 I'd say new, but I know even if I would have said that, it
8 wouldn't have meant nothing to them. I mean, they're already
9 saying, hey, you did this; you're going to jail. The only
10 thing that could prevent this is this situation right now. I
11 would have still went to jail. I'd have still been in jail
12 for all this time, so---

13 Q. You didn't think it was important to get your story out
14 there to tell them how you were innocent?

15 **Mr. Schnee:** Objection. Judge, I'm going to object
16 under Doyle.

17 **Ms. Campbell:** This is pre-arrest, Your Honor. Doyle
18 doesn't apply.

19 **The Court:** Overruled.

20 **Ms. Campbell:** Thank you.

21 **The Witness:** I mean, I got -- I got things that I want
22 to say, but I don't really know if I could -- if I could say
23 them.

24 By Ms. Campbell:

25 Q. Okay. Well, then at that point you get away from the

1 police, and where do you go?

2 A. I just ran away.

3 Q. Okay. So then you decided to turn yourself in in a
4 controlled atmosphere so nobody could hurt you.

5 A. No, ma'am.

6 Q. And so then you wanted to tell the police what had
7 happened and you contacted them.

8 A. No. No, ma'am.

9 Q. In fact, you ended up at LaRon Zab's house; is that
10 correct?

11 A. Yes, ma'am.

12 Q. Is he one of your customers?

13 A. No, ma'am.

14 Q. Do you recognize this, State's Exhibit 65?

15 A. Yes, ma'am.

16 Q. Is that your cell phone?

17 A. Yes, ma'am.

18 Q. Do you remember on March 26th at 7:20 a.m. getting that
19 text message that the police are looking for you?

20 A. Yes, ma'am.

21 Q. Do you remember sending this text message, State's
22 Exhibit 67, asking somebody to get you some weed, that you
23 were going into hiding?

24 A. Yes, ma'am.

25 Q. Who were you sending that to?

- 1 A. I was sending that to one of my homeboys.
- 2 Q. What's your homeboy's name?
- 3 A. His name is Zab.
- 4 Q. Huh?
- 5 A. His name is Zab.
- 6 Q. Zab?
- 7 A. Yes, ma'am.
- 8 Q. And that's whose house you were hiding in?
- 9 A. Yes, ma'am.
- 10 Q. Who was your drug supplier?
- 11 A. Numerous people.
- 12 Q. Who were your customers?
- 13 A. Numerous people.
- 14 Q. Do you remember any of their names?
- 15 A. (Witness nodded head up and down.)
- 16 Q. You don't want to say?
- 17 A. I mean, not -- I mean, I can ask a question?
- 18 Q. No.
- 19 A. Oh, well, no, ma'am.
- 20 Q. Who was your drug dealer? I'll limit it to that. Who
- 21 was your supplier? Because he could corroborate this. Who
- 22 is he?
- 23 A. Numerous people.
- 24 Q. And you weren't a drug user, were you?
- 25 A. I mean, I smoked weed. I ain't never smoked no crack,

1 popped no pills. I don't drink alcohol. I mean, I smoke
2 weed.

3 Q. How much longer were you on the run after you eluded the
4 police over on True Street?

5 A. I forgot what time it was when I ran from them, but I
6 know the next -- the next morning maybe like 11, 12, 1:00,
7 between that time, they eventually found me again.

8 Q. In the closet?

9 A. Yes, ma'am.

10 Q. Do you remember what you said to them?

11 A. Yes, ma'am.

12 Q. And that's what they testified to?

13 A. Somewhat. They ain't -- not everything that I said.

14 Q. At some point did you go to your family and tell them
15 you were in trouble and you wanted their help to turn you in?

16 A. What happened now?

17 Q. Did you go to your family and tell them you were in
18 trouble and you needed help?

19 A. Yes, ma'am.

20 Q. Did they help you?

21 A. I mean...

22 Q. Did they tell you to run from the police?

23 A. No, they ain't tell me to run from the police. I had
24 talked -- I had talked to my father the same night I had got
25 away from the police, and he told me - you know what I'm

1 saying - that when he got off from work the next day that he
2 was going to get me. He was going to come pick me up and we
3 was going to -- I guess we was going to go and he was going
4 to take me down there. But as far as just -- as far as just
5 dealing with the police, just me, like I know the police hurt
6 people. The police do a whole lot of stuff people don't
7 realize the police do, and I know they abuse their power.

8 You might say, hey, the police be wrong, but they're the
9 police. So if I would have made it to the time my daddy
10 would have came and got me, I would have came -- I would have
11 went. But as far as just letting the police come and put me
12 in handcuffs, tase me, punch me in the face or do whatever --
13 what they're going to do, I wasn't really going to be about
14 that.

15 Q. Do you remember talking about in your prior testimony
16 from February about how when your father picked you up he
17 then took you to a gas station on Broad River and you bought
18 some beer?

19 A. Yes, ma'am.

20 Q. On a Sunday?

21 A. They sell beer on Sundays.

22 Q. Now they do. You mentioned nicknames. Do you have a
23 nickname?

24 A. Yes, ma'am.

25 Q. Is that what's tattooed on your arm?

1 A. No, ma'am.

2 Q. What's tattooed on your arm?

3 A. I mean, this got nothing to do with this, I mean, what's
4 tattooed on my arm or what my nickname is.

5 Q. What's tattooed on your arm?

6 A. May I speak to my lawyer right quick?

7 Q. No. You have to answer my question.

8 A. It says head busa.

9 Q. Head bus? How do you spell that?

10 A. H-E-A-D B-U-S-S-A.

11 Q. Head busa? Are you familiar with the urban dictionary?

12 **Mr. Schnee:** Judge, I'm going to object to anything from
13 the urban dictionary.

14 **The Court:** Ladies and gentlemen, let me let you step
15 back to the jury room. Please don't discuss this case.

16 (Whereupon, the jury was excused from open court at
17 4:37 p.m.)

18 **The Court:** What is this all about? The tattoo and
19 the... Why are we going into this?

20 **Ms. Campbell:** Your Honor, I think under some of the
21 cases as far as what it implicates as far as his tendency...
22 I'll move on, Your Honor. I won't mention the tattoo
23 anymore.

24 **The Court:** Pardon me?

25 **Ms. Campbell:** I'll move on.

1 **The Court:** Bring the jury in. How much longer are you
2 going to be?

3 **Ms. Campbell:** Five minutes.

4 **The Court:** How much longer are you going to be on
5 redirect?

6 **Mr. Schnee:** Two minutes at the most I would think.

7 **The Court:** Well, I need to know whether I need to tell
8 our 5:30 lady to make other arrangements.

9 **Mr. Schnee:** Not on my account, Judge.

10 **The Court:** All right. Bring the jury in if you would,
11 Mr. Bowen.

12 (Whereupon, the jury was brought into open court at
13 4:38 p.m.)

14 **The Court:** All right.

15 **Ms. Campbell:** Just a couple more questions.

16 **The Court:** Proceed, Madam Solicitor.

17 **Ms. Campbell:** Thank you.

18 By Ms. Campbell:

19 Q. Your testimony here today on this occasion was that you
20 put the drugs in that box approximately a week or two prior
21 to that?

22 A. Approximately.

23 Q. And were you aware that in the eight days prior to the
24 22nd that it rained five out of those eight days?

25 A. No, ma'am.

1 Q. That it rained on the 14th?

2 A. No, ma'am.

3 Q. The 15th?

4 A. No, ma'am.

5 Q. The 16th?

6 A. No, ma'am.

7 Q. The 17th and the 19th?

8 A. No, ma'am.

9 Q. I want to show you what's been marked as State's Exhibit
10 Number 42. Is that a photograph that was taken of you back
11 in February of 2010?

12 A. Yes, ma'am.

13 Q. And have you always had that mark on your temple?

14 A. Yes, ma'am.

15 Q. And how would you characterize that?

16 A. A mark, a spot, a scratch. I mean, it's a mark to me.

17 Q. And it's still there.

18 A. Yes, ma'am.

19 **Ms. Campbell:** Beg the Court's indulgence. Thank you,
20 sir. I don't have anything further.

21 **The Court:** Is that it?

22 **Ms. Campbell:** Yes, sir. I'm sorry.

23 **The Court:** All right. Mr. Schnee?

24 **Mr. Schnee:** May it please the Court, very briefly?
25

Redirect Examination

By Mr. Schnee:

Q. Ms. Campbell was asking you a lot about testimony back in February of 2010. Surrounding the events of March 22nd and a few days before and after, your testimony today, is it the same as it was back then?

A. Mostly, yeah. I mean, a little more detailed but mostly it's the same.

Q. Okay. You're not lying today, are you?

A. No, ma'am -- no, sir.

Q. Okay. I'm going to ask you just one more time. Did you rob Linda Wofford?

A. No, sir.

Q. Did you break into her house?

A. No, sir.

Q. Ever take a gun to her?

A. No, sir.

Mr. Schnee: No further questions.

The Court: Anything?

Ms. Campbell: No, sir.

The Court: All right. Thank you. You may step down.

All right. Anything further?

Mr. Schnee: Judge, at this time the defense rests.

The Court: All right. Anything in reply?

Ms. Campbell: Beg the Court's indulgence. No, sir.

1 **The Court:** All right. Ladies and gentlemen, that means
2 we have concluded the presentation of the evidence in the
3 case, and the next phase of the trial is when the attorneys
4 have the opportunity to make their closing arguments and we
5 will do that in the morning. We have invested, what,
6 Tuesday, Wednesday, Thursday, three days, getting ready to go
7 on four. We don't want to do anything that would jeopardize
8 that.

9 So, again, I'm going to ask you to not discuss this case
10 with anybody or each other at any time when you leave here
11 tonight and come back in the morning. I'm going to ask that
12 you not make any independent inquiry or investigation into
13 anything about this case, and we're going to start at 9:30 in
14 the morning.

15 I'm going to ask you to be here a few minutes early
16 because when you get all of the jurors in, I want you to
17 select a foreperson for me. When you do that, if you will
18 write that person's name down on a yellow sheet and give it
19 to one of the bailiffs, they'll give it to me and that person
20 will serve as foreperson during the deliberations. The
21 foreperson will occupy the seat right here in front, right
22 next to where our deputy is seated. The other seats will --
23 the alternates are in the back and the rest of you can sit
24 where you want to sit.

25 So it looks like we only disappointed one of you today,

1 and the other ones will be able to get to work and get your
2 children. So y'all have a nice evening. Come back in
3 tomorrow and we'll let you do the real hard work and that's
4 make some decisions in this case after we do the arguments
5 and the charge. So y'all have a nice evening, and we'll see
6 you in the morning. Again, please don't discuss the case
7 with each other or with anyone else.

8 (Whereupon, the jury was excused from open court for the
9 day at 4:47 p.m.)

10 **The Court:** All right. Is there anything we need to
11 take up? Let's talk -- yes, sir.

12 **Mr. Schnee:** Just very briefly. Once again, I would
13 renew all prior motions and objections for the record.

14 **The Court:** All right. For the reasons stated
15 previously, those motions are denied. Look here. I'm going
16 to fashion a charge to some extent about identity. Even
17 though it's not an identity, there is the identification mark
18 that is used in this case, and it would basically be that you
19 have to be convinced that that's who the person is that
20 committed this offense and that has to be proven beyond a
21 reasonable doubt, whoever did it, so... It won't be an
22 identification that somebody is identifying Mr. Williams or a
23 defendant as to the perpetrator of the offense, but we do
24 have an identification issue in the case.

25 Is there anything else that y'all -- that y'all want me

1 to charge? We're going to do a -- I'll do -- because the
2 defendant doesn't object, we'll do the voluntary intoxication
3 charge, charge burglary first. Now, the elements of burglary
4 first that y'all are attempting -- I mean that are in this
5 case are, one, the two different -- the two previous
6 burglaries and then also the gun.

7 **Ms. Campbell:** Threatening the use of a weapon, yes,
8 Your Honor.

9 **The Court:** So I will speak to that and the armed
10 robbery. Anything else y'all want?

11 **Ms. Campbell:** Your Honor, as far as the kidnapping
12 statute and definitions, there is one charge that I usually
13 request in kidnapping and that says once a person's freedom
14 has been -- ends -- once the freedom is restored, that
15 language, can I just get you a copy of that? I think it's
16 from Kornahrens.

17 **The Court:** You can. What's the purpose of that?

18 **Ms. Campbell:** Well, some people think that kidnapping
19 has to be for ransom, you know, like a---

20 **The Court:** Well, I'm going to charge that there doesn't
21 have to be any money.

22 **Ms. Campbell:** Okay.

23 **The Court:** I'm going to charge kidnapping does got have
24 to be for any personal or monetary gain or any illegal
25 purpose but may be for any reason whatsoever.

1 **Ms. Campbell:** Okay.

2 **The Court:** If you've got something, I'll be happy to
3 look at it.

4 **Ms. Campbell:** Okay.

5 **The Court:** I just don't...

6 **Ms. Campbell:** It would be like a sentence, but whatever
7 you do...

8 **The Court:** Did you have anything you wanted me to look
9 at, Mr. Schnee? If you do, bring it in in the morning. If
10 you've got something to look at, bring it in a little early
11 because as you have told me a little -- I mean on many
12 occasions, it takes me awhile to process things and figure
13 them out.

14 **Mr. Schnee:** Yes, Your Honor. Sometimes I am a little
15 slow.

16 **The Court:** No, you tell me that that's my problem.

17 **Mr. Schnee:** I thought that was my problem. I don't
18 anticipate requesting any charges. I'll think about it.

19 **The Court:** All right. Y'all -- I've got a verdict
20 form, if y'all want to see the verdict form. It's -- I've
21 got three verdict forms basically.

22 **Ms. Campbell:** Your Honor, this is the indictment.
23 These are the aggravating circumstances. I believe there are
24 three of them that would apply.

25 **The Court:** Yeah, I got these.

1 **Ms. Campbell:** Thank you, sir.

2 **The Court:** Okay. Y'all have a nice evening, and we
3 will be back then. Mrs. Campbell, you have a great trip.

4 **Ms. Campbell:** Judge, what do you tell the jury where I
5 am?

6 **Ms. Garfield:** Can you instruct them somehow?

7 **The Court:** Big night in the Vista.

8 **Ms. Garfield:** She could...

9 **The Court:** How about we tell them it was your third
10 wedding anniversary and we haven't seen you? We knew where
11 you went at 6:30 tonight, haven't seen you since, and Ms.
12 Garfield is prepared to pinch hit.

13 **Ms. Campbell:** If we could just---

14 **The Court:** I'll just tell them that you had---

15 **Ms. Campbell:** Had a---

16 **The Court:** ---a longstanding commitment and I was aware
17 of that, if we had finished on time, but I have excused you
18 to go out of town to honor this commitment. I mean, I'll
19 tell them whatever you want me to tell them.

20 **Ms. Campbell:** Just tell them that I have to be in --
21 I'm somewhere else but not out of town.

22 **The Court:** I mean, how about if I tell them if they
23 finish by 2 they can go home and turn to W.G.N. and the
24 Chicago Cubs baseball team and probably see you?

25 **Ms. Campbell:** No, sir. If you could just---

1 **The Court:** I'll just tell them you had a longstanding
2 commitment and you---

3 **Ms. Campbell:** And I had to be somewhere else.

4 **The Court:** And I had told you that if we didn't finish
5 by Thursday that we would excuse you to attend that
6 commitment. You had fully hoped to be able to be here and
7 participate in the closing arguments. Is that...

8 **Ms. Campbell:** Yes, sir. I just don't want them to
9 think I jumped ship. I did jump ship, but I don't want
10 them...

11 **The Court:** All right. You don't have any objection to
12 that, do you, telling them...

13 **Mr. Schnee:** That she was out drinking last night? No,
14 that's fine..

15 **The Court:** She's yucking it up on Michigan Avenue?

16 **Mr. Schnee:** Absolutely.

17 **The Court:** We'll cover you.

18 **Ms. Campbell:** Thank you, sir.

19 **The Court:** You have a good trip and---

20 **Ms. Campbell:** I appreciate it.

21 **The Court:** ---when did you say you're coming back?

22 **Ms. Campbell:** Sunday night, 11.

23 **The Court:** 11:00 Sunday night?

24 **Ms. Campbell:** No, I'm coming back on September the
25 11th, the ten-year anniversary.

1 (Whereupon, the trial concluded for the day at 4:54 p.m.
2 and resumed the following day, September 9, 2011, as
3 follows.)

4 **The Court:** All right. Please be seated if you would.
5 Are you ready to make a closing, Ms. Walker?

6 **Ms. Walker:** No, sir.

7 **The Court:** Apparently you're the only one here.

8 **Ms. Walker:** Ms. Garfield stepped out for one moment.
9 She will be right back.

10 **The Court:** Well, you've heard of that thing, "You move
11 you lose," huh?

12 (Pause in proceedings.)

13 **The Court:** Juror number 7, which I assume to be Ms.
14 Felicia Anderson who was also the juror that was last in and
15 late - they must have decided that before she got there - is
16 the foreperson.

17 **Ms. Garfield:** Sorry, Judge.

18 **The Court:** All right. The State ready to go forward?

19 **Ms. Garfield:** Yes, sir.

20 **The Court:** The defendant ready?

21 **Mr. Schnee:** Yes, Your Honor.

22 **The Court:** All right. Let's bring the jury in if you
23 could, please.

24 (Whereupon, the jury was brought into open court at
25 9:39 a.m.)\

1 **The Court:** All right. Ladies and gentlemen, good
2 morning to you. A couple of housekeeping matters before we
3 turn this over to the attorneys. First of all, your
4 alternate, Mr. Stillson -- a problem developed last night
5 with respect to his being able to continue serving on this
6 jury, so I had to excuse him from service when he came in
7 this morning. So we're down to one alternate. Let's not --
8 two people do not get sick. Stay healthy for another eight
9 to ten hours.

10 The second thing is Ms. Campbell who is the -- one of
11 the prosecutors in the matter, I'm sure you notice is not
12 here. Ms. Campbell has had a longstanding commitment to be
13 somewhere else, and I had told her if this case had gone
14 beyond Thursday night that I would certainly excuse her from
15 being here. It's not something that she wanted to do, but
16 this commitment was longstanding. We thought that we would
17 be able to conclude the trial and probably if we had been
18 able to start as we had hoped on Tuesday right after jury
19 qualification, we would have been able to complete it
20 yesterday, but she left this matter in capable hands with Ms.
21 Garfield and Ms. Walker.

22 The next thing I want to ask you: Anybody have any
23 conversation about this case or were you approached by anyone
24 or has anyone done any -- made any inquiry or investigation
25 on your own since we left here yesterday? All right. And

1 last but not least, Ms. Anderson, I thank you for agreeing to
2 serve as foreperson. I guess that's what happens when you're
3 the last one in, huh?

4 So, ladies and gentlemen, we're at the stage of the
5 trial now where the attorneys have their last opportunity to
6 speak to you and, in fact, the State is given two
7 opportunities to speak to you. Because the burden falls on
8 the State, they get the last argument. They have the right
9 to open on the law, and then they have the right to reply
10 after Mr. Schnee makes his closing argument on behalf of his
11 client.

12 When they have concluded their closing arguments, then I
13 will charge you or instruct you as to the law and you will
14 retire to the jury room and begin your deliberations. So
15 with that said, Ms. Garfield, are you ready to proceed?

16 **Ms. Garfield:** Yes, sir.

17 **The Court:** All right. If you would.

18 **Ms. Garfield:** May it please the Court?

19 **The Court:** Yes, ma'am.

20 **Ms. Garfield:** On March 21st, 2009, Ms. Wofford thought
21 of herself and identified herself as a hard-working person,
22 as a daughter, as a sister, as a native of Columbia, but as
23 of March 22nd, 2009, she will forever identify herself as a
24 victim and a survivor of terror endured in her own home as
25 she feared for her life, all because Adonis Williams chose to

1 change her life forever. It is the State's job to prove this
2 case to you, and it's our belief that we have done so beyond
3 a reasonable doubt.

4 Now, everybody in this courtroom had a job to do. Our
5 job is to present the case. Mr. Schnee's job has been to
6 defend his client to the best of his ability, and it's been
7 the judge's job to referee us during the course of this
8 trial, and all of you have a job to do. It is your job to
9 determine: Did Adonis Williams break the law in the morning
10 hours of March 22nd, 2009?

11 It is not your job to punish Mr. Williams and it's not
12 your job to forgive Mr. Williams. It is your job as jurors
13 in the oath that you took to determine if the law was broken
14 or laws were broken. And I submit to you that you will
15 easily find when you go back to the jury room -- unanimously
16 find Mr. Williams guilty.

17 Now, we all know what Mr. Williams has been charged
18 with. It's my opportunity at this time to go over the law
19 with you. First of all, he's charged with burglary in the
20 first degree. There are several elements to burglary, and we
21 believe we have met them. Actually, we met more than the
22 ones that are required.

23 A person is guilty of burglary in the first degree if a
24 person enters a dwelling without consent and with intent to
25 commit a crime in the dwelling, in a home, and either when in

1 effecting entry or while in the dwelling or home, in
2 immediate flight, he or another participant in the crime - in
3 this case we only have one person - is armed with a deadly
4 weapon. Ms. Wofford testified to all of you that the
5 defendant was armed with a silver revolver, pointing at her
6 as he entered her bedroom. Or uses or threats the use of a
7 dangerous instrument which Ms. Wofford testified happened to
8 her or what displays -- or displays what is or appears to be
9 a knife, pistol, revolver, rifle, shotgun, machine gun or
10 other firearm - in this case she testifies that it was a
11 revolver which is part of the law - or the burglary is
12 committed by a person with a prior record of two or more
13 convictions for burglary. And, ladies and gentlemen, you'll
14 be able to take back to the jury room Mr. Williams' two prior
15 convictions for burglary. You will see that he is a career
16 burglar.

17 The next crime Mr. Williams is charged with is armed
18 robbery. Armed robbery means the taking of property from the
19 presence of another by means of force or intimidation while
20 armed with a deadly weapon or purporting to be armed with a
21 deadly weapon. And what this means, the last part, is if he
22 is pretending to have a gun like he has his finger in his
23 pocket and he's pretending like it's a gun. In this case
24 clearly Ms. Wofford saw a revolver, saw it pointed at her in
25 her home, in her car, while she's at the A.T.M.

1 The third charge Mr. Williams is charged with is
2 kidnapping, and a lot of people have misconceptions about
3 kidnapping because you see it on T.V. and you think that
4 kidnapping means going in and tying up someone and putting
5 them in a trunk and taking them across state lines, but that
6 is not our law in South Carolina. Kidnapping means to remove
7 a person against his will by unlawful force or fraud. In
8 this situation Ms. Wofford did not want to leave her home.
9 She was forced to leave her home at gunpoint. In the state
10 of South Carolina that is deemed as kidnapping.

11 While you're considering if the State proved these
12 offenses -- and the judge will give you all of this in his
13 instructions. You must determine for every witness that took
14 the stand their credibility, and these are certain items that
15 you can consider while determining if they were credible:
16 The demeanor of the witness on the stand, how they appeared.
17 Was the witness forthright or hesitant? Was testimony of
18 witnesses consistent? Was the testimony of a witness
19 corroborated which means another witness said something that
20 made that other witness sound accurate? Did the witness have
21 a reason to be biased or prejudiced?

22 Now, you heard from many witnesses in the trial over the
23 course of the last three days, and I'm going to go through
24 those witnesses at this time just briefly. The first and
25 foremost is Linda Wofford. Linda Wofford had no idea that

1 that morning she was going to be terrorized in her own home,
2 in her own bedroom, a place where any person should feel the
3 most secure.

4 She reported. She went directly to the Citgo station,
5 and it was testified to that Deputy Lasher first came on the
6 scene. Deputy Lasher made notes. The defense made an
7 exhibit of his notes, referred as Defendant's Exhibit Number
8 4, and in his notes back on March 22nd, 2009, she describes
9 him as having a dark navy blue bandanna, a black cap, shorter
10 hair, a beige jacket with green trim and a triangle square.
11 She reports a silver gun revolver.

12 She reports he came into her home. He got into her car.
13 She parked in a handicap spot at the Bank of America across
14 from the Veterans Hospital, and she reports in the whites of
15 his eyes he had a dark thing in his left eye and he had a
16 chicken pock scar.

17 What she reported to Deputy Lasher has continued to be
18 consistent. It was consistent in what she told Sergeant
19 Robinson and Sergeant Isenhoward. It was consistent in what
20 she told Investigator Gallegos at the Citgo station, and it
21 was consistent when she testified. At no time has she ever
22 changed her story. Ms. Wofford has no reason to take the
23 stand and tell you anything but the truth. She has no reason
24 not to be believed.

25 I'm going to kind of skip around here. You also heard

1 from Mike Stobbe, Selima Hughes. They both came as people
2 from their employment. They told you -- Mr. Stobbe told you
3 about how the defendant had been released from the department
4 of corrections approximately ten months before this incident
5 which is consistent again with Linda Wofford, and Selima
6 Hughes from the Bank of America presented to you and brought
7 with her the still photos from the Bank of America which is
8 consistent with Ms. Wofford and how she said she went to the
9 A.T.M.

10 I believe Mr. Schnee asked on the cross-examination how
11 many transactions were made. Her reply was three, which is
12 consistent with Ms. Wofford. Ms. Wofford tells you that she
13 tries one time and she doesn't know her PIN number and then
14 she tries two more times, one time getting out a sum of money
15 that the defendant wasn't happy with the sum and then she
16 goes back in and gets more money. It's also consistent with
17 the fact that the still photos are taken minutes apart. So
18 she had time to leave and come back in.

19 And you heard from many law enforcement witnesses:
20 Deputy Lasher, Investigator Gallegos, it should be Sergeant
21 Isenhoward, and Sergeant Matt Ellis, Deputy Caldwell, and
22 Agent Underwood with S.L.E.D. You also heard the testimony
23 read into the record from Investigator Kristin Polis who
24 testified in a prior hearing, Investigator Bouknight,
25 Investigator Stan Richards, Dr. Gray Amick, and Agent Skraba

1 from S.L.E.D.

2 All of these are law enforcement witnesses, and one
3 thing I wrote on my legal pad when Mr. Schnee first gave his
4 opening statement to you. He asked you: "Listen carefully,
5 and what this case was about is police officers who withheld
6 information, police officers who write reports two years
7 later, police officers who hide evidence, and police officers
8 who destroy evidence." And I submit to you what we presented
9 in this case makes that completely inaccurate.

10 Sergeant Don Robinson has done nothing but try to prove
11 this case to the best of his ability. He went and he spoke
12 with the witness. He went and he looked for cigarette butts
13 to try to be consistent. He didn't know the cigarette butt
14 was going to come up to Adonis Williams. He didn't know
15 Adonis Williams. He has no reason to take the stand and tell
16 anything but the truth. Okay. So he took his notes and then
17 typed them up and threw away the original notes. Who cares?
18 It's the same information.

19 He continues to work on the case for two years, and what
20 does he do? Originally he thinks that Adonis Williams is
21 involved with the vandalism. Naturally so because, come on,
22 who is the victim of armed robbery and then when they go to
23 report it have their window smashed in by somebody else?
24 It's kind of crazy.

25 Of course in the beginning you would think it has to be

1 done by the same person; it's just too ridiculous. But
2 instead he continues to investigate. We probably spent half
3 of this trial talking about a vandalism case that Sergeant
4 Don Robinson exonerated the defendant for. He made it clear:
5 Hey, it's not right. He had nothing to do with it; we found
6 the guys that did it. But all Mr. Schnee wants to do is try
7 to muddy the water for you. He wants to try to confuse you.
8 But the one thing you didn't do when you came in this jury
9 room -- in this courtroom is you didn't check out your common
10 sense. You might have had to give the bailiff your cell
11 phone and your car keys, but you didn't have to give him your
12 common sense, and common sense will tell you Mr. Schnee is
13 just trying to trick you. All the law enforcement officers
14 did their job, and they took the stand and they told you
15 truthfully what they had done in the case.

16 Sergeant -- sorry. Investigator Bouknight testified
17 that he was brought a piece of evidence. He was brought the
18 victim's telephone junction box, and he tries to identify
19 prints on it and he makes a match, a match to Adonis
20 Williams, and that's after we already found a cigarette butt
21 that matches Adonis Williams. And he admits there's another
22 print that was identifiable, but it's not his.

23 Dr. Gray Amick takes the stand and tells you that he ran
24 the D.N.A. and it's clearly -- the cigarette butt is clearly
25 a match to Adonis Williams and the victim, Linda Wofford,

1 which is exactly how Ms. Wofford reported it to all of you
2 and reported it to law enforcement. Her consistency is
3 obvious.

4 Now, I'll sort of apologize to you. You heard a lot of
5 witnesses testify about chain of custody: Investigator Goff,
6 Cedarstaff, Maldonado, Burnett, Weed, Branham, Carwell. And
7 I know they were very boring to you, but it's something that
8 for a trial we have to do to preserve for the record. They
9 had no reason to lie to you, and they all told you they took
10 the evidence and it was all properly secured and they would
11 not have taken it had it not been properly packaged. It just
12 goes again to the integrity of how this police force works.

13 Now, ladies and gentlemen, the judge is going to
14 instruct you that there are two types of evidence for you to
15 consider. There's direct evidence, and that is what a
16 person -- a witness sees, hears, touches, or smells. In this
17 particular case the direct evidence we have is from Ms.
18 Wofford. She tells you what she sees. It's obvious even two
19 and a half years later she is still terrorized by this
20 incident. You could hear her voice quiver as she was on the
21 stand, and these are all things for you to consider.

22 There's also circumstantial evidence, and that's when
23 you infer something from the circumstances such as you can
24 infer that Ms. Wofford is correct about the cigarette butt
25 because both of their D.N.A. is found on the butt. You can

1 infer that Adonis Williams went to the back of her house and
2 cut the telephone wires before entering it unlawfully because
3 his fingerprint is on it. Those are types of circumstantial
4 evidence, and both are equal under the law. They have the
5 exact same weight for your consideration.

6 Now, the judge is also going to instruct you on
7 voluntary intoxication. It's not a term you've heard in this
8 courtroom, but I'm going to read the law and explain why the
9 judge will be instructing it to you. Voluntary intoxication
10 is not an excuse for a defense to a crime, regardless of
11 whether the crime is one involving general or specific
12 intent.

13 This rule also extends to the voluntary ingestion of
14 drugs. A person who voluntarily ingests alcohol or drugs and
15 thereby becomes intoxicated is no less responsible for his
16 acts while in such condition. If one voluntarily drinks
17 intoxicating liquors, wine, or beer or ingests drugs and
18 becomes intoxicated to whatever degree and if, while in that
19 condition, commits an act which would be a crime if it had
20 been committed by a sober person, the fact of intoxication
21 would not relieve the intoxicated person from responsibility.

22 What this means: If you're drunk and you're high and
23 you commit a crime, you can't be excused from it. It's not a
24 defense. Just because you're out of your gourd doesn't mean
25 you didn't commit the crime and you can't be held

1 responsible.

2 And the reason this is relevant, ladies and gentlemen,
3 is because Ms. Wofford reports to you that the defendant told
4 her that he was coming down hard. The defendant himself
5 testified that he smokes marijuana. In case any of you were
6 inferring that the defendant could have been high while he
7 conducted this crime, it does not excuse him. He is just as
8 responsible as if he had been completely sober.

9 Now, probably the most important charge is reasonable
10 doubt. Proof beyond a reasonable doubt is proof that leaves
11 you firmly convinced of the defendant's guilt. There are
12 very few things in this world that we know with absolute
13 certainty, and in criminal cases the law does not require
14 proof that overcomes every possible doubt. Sorry.

15 If, based on your consideration of the evidence, you are
16 firmly convinced that the defendant is guilty of the crime
17 charged, you must find him guilty. If, on the other hand,
18 you think there is a real possibility that he is not guilty,
19 you must give him the benefit of the doubt and find him not
20 guilty. This does not mean we have to prove the case beyond
21 any doubt. There's always going to be some amount of doubt
22 with anything we do in life, but if we prove this beyond a
23 reasonable doubt - and you are all reasonable people - then
24 you must convict him. It is your oath. And, ladies and
25 gentlemen, I submit the State has done so. The State has

1 proven through all of our witnesses one by one that the
2 defendant is guilty of these charges.

3 Now, the last board I will share with you and the last
4 charge I'll cover is the presumption of innocence. The
5 defendant has not pled guilty to this indictment, and that
6 plea puts the burden on the State to prove the defendant
7 guilty. A person charged with committing a criminal offense
8 in South Carolina is never required to prove himself
9 innocent. The defendant in a criminal trial, no matter what
10 the seriousness of the charge may be, will always be presumed
11 to be innocent of the crime for which the indictment was
12 issued unless guilt has been proven by evidence satisfying
13 you of that guilt beyond a reasonable doubt. The presumption
14 of innocence does not end when you begin your deliberations,
15 but it accompanies the defendant throughout the trial until
16 you reach a verdict of guilt based on evidence satisfying you
17 of that guilt beyond a reasonable doubt.

18 To give an illustration, a presumption of guilt imagine
19 is a cloak wrapped around Adonis Williams, and as each
20 witness testified before you, a piece of that cloak was
21 stripped away. At the conclusion of this case I will submit
22 to you that that cloak, through each witness, has been
23 removed and it bears Adonis Williams for being the guilty man
24 that he is, a person who calculates a heinous crime against
25 an innocent victim.

1 The last witness I didn't go over on the board is Isaac
2 Tucker, Isaac Tucker who Adonis Williams is trying to blame
3 for this crime. He came forward and he took an oath. He
4 told you he's charged with crimes, but he just happened to be
5 at the wrong place at the wrong time. Adonis Williams wants
6 you to believe that he just had a really bad-luck day. He
7 just happened to be selling his drugs, minding his own
8 business, and he just happened to see Linda Wofford outside
9 the crack house at 7 in the morning on a Sunday and he just
10 happened to bum a cigarette off of her. It just happened to
11 fall on the ground and get his D.N.A. on it. And, you know,
12 gosh, he just happened to hide his drugs in her telephone
13 wire box. That's how his print got there.

14 Ladies and gentlemen, Adonis Williams didn't have a bad
15 day. Ms. Wofford had a bad day: Taken from her home, from
16 her bed, at gunpoint, forced to get in her own car and drive
17 this drug dealer, this admitted drug dealer, to an A.T.M.
18 machine withdrawing money that she works for, that she pays
19 taxes for, and give it to him while continuing to fear for
20 her life, continuing to fear for her mother who had just lost
21 a son, and then to take him all around winding roads all the
22 while the defendant -- we know he doesn't like the police and
23 we know he's good at hiding from the police and that's what
24 he was doing.

25 He was telling her to go around all these winding roads

1 because he knew how to avoid the police. He didn't want to
2 get on the main roads. And then he drops a cigarette, not
3 thinking ever the police would find that, and he flees. And
4 then when his face is on the news, does he turn himself in?
5 No. He runs. And when law enforcement finds him, he
6 continues to run. But he gets caught.

7 Ladies and gentlemen, I ask you to send a message to
8 Adonis Williams. Please tell Adonis Williams that the State
9 of South Carolina, the citizens of Richland County will not
10 tolerate drug dealers, convicted burglars from coming into
11 the home of innocent people. On behalf of the State of South
12 Carolina, I thank you.

13 **The Court:** All right. Mr. Schnee?

14 **Mr. Schnee:** May it please the Court, Your Honor?

15 **The Court:** Yes, sir.

16 **Mr. Schnee:** If I could just have a moment.

17 **The Court:** Sir?

18 **Mr. Schnee:** Just one moment to prepare. Good morning.
19 Ms. Garfield just asked you to send a message to drug dealers
20 and people with prior convictions. Well, this isn't a drug
21 trial. My client, he absolutely admitted he's a drug dealer.
22 If they want to charge him with being a drug dealer, go
23 ahead. They're more than welcome to do that. That's not
24 what we're here about.

25 We're here about a very violent crime, a very violent

1 burglary, armed robbery, and a kidnapping. Linda Wofford
2 absolutely is a victim. I told you that a couple of days
3 ago. You saw her on the stand. There's no question. She
4 was robbed. The only question that you need to decide is:
5 Who did it?

6 Now, there are a lot of things that we can look at to
7 figure out who did it and who didn't. The solicitor is
8 telling you: Look at corroboration of witnesses. Look at
9 consistency of witnesses. Look at all the circumstances.
10 Now, when Adonis was on the stand Ms. Campbell said
11 miraculously all these things happened to him, a bad-luck day
12 as was just explained to you a minute ago.

13 Talk about a bad-luck day. Well, Ms. Wofford's bad-luck
14 day involved not only getting robbed, but now apparently they
15 claim an entirely separate vandalism happened within seven
16 minutes of her getting to a Citgo. Now, here is the video
17 that they decided to take, and I'm going to ask you to go
18 back to this jury room and watch the video because there are
19 a few things I want you to see on there and it's very
20 important.

21 First of all, when Ms. Wofford parks, you will notice
22 just to the left of the screen there's another car there.
23 It's a black Hyundai or whatever it is. It's parked there
24 the whole time. And yet miraculously when Charles
25 Blankenbecklor, who we know and has admitted to doing the

1 vandalism -- he pulls up. He gets out of his car, and
2 instead of walking directly towards the black car, he goes
3 all the way around his car and smashes the driver's side
4 window on Ms. Wofford's car. That's a bit too much of a
5 coincidence.

6 The other thing I want you to pay attention to is: Did
7 you ever see Charles walk around to the passenger side? I
8 sure didn't. That's not on the video. Well, how did the
9 passenger side window get broken? Where is the video for
10 that? They could have gotten hours of video. Camera angles
11 are all over the place. They just choose not to do it. Oh,
12 but law enforcement did their job. Right?

13 Law enforcement has done their job so well that they
14 have a telephone box. There is one fingerprint that they
15 claim to match and it is a match. There's a palm print they
16 can't match and then another fingerprint that's smudged that
17 they can't do anything with.

18 Well, if they had done their job, all they needed to do
19 is take some Q-Tips, swab them for D.N.A. If you take a
20 Q-tip, peel back this tape and rub it on those unmatched
21 prints, you have done more forensic work on this telephone
22 box than they did in more than two and a half years. It's a
23 really simple thing to do. Why wouldn't they test it?
24 Because they don't want to know the results.

25 Don Robinson, he testified: Right after Adonis's

1 arrest, vandalism, intimidation, continuation of the crime.

2 And you know what? He was right then. He was right.

3 They find a little bit of evidence and said, oh, it must
4 be Adonis Williams. Everything stops there. They stopped
5 looking for other leads. Why? A few reasons. First of all,
6 when you have what you think is a good lead, you obviously
7 want to follow it up and that's understandable, but you
8 shouldn't do that by ignoring other leads.

9 As you've heard, this was on the media: Massive
10 manhunt, all this information. How do you think they're
11 going to look when they turn around later and say, "Oops,
12 wrong guy"? What does the public want when they see crimes
13 in the news? They want people caught, and you can't catch
14 someone and then say we're wrong and release them and then do
15 anything after that. There's a problem there because then
16 people like me get up and say, well, they caught someone
17 else. They claimed it was this person, and now they changed
18 their mind. And yet this is actually what happened here
19 because they did blame him for the vandalism.

20 Now they want to claim the vandalism is unrelated.
21 Ridiculous. There is no way in the world that someone who is
22 parking behind a Citgo out of view within such a short amount
23 of time is going to have a car vandalized and it not be
24 connected.

25 Now, in the back of that car, as you heard, is a man by

1 the name of Isaac Tucker. He came in and testified. Was he
2 going to admit that he committed an armed robbery and a
3 burglary and a kidnapping? No. Who would? The robbery
4 questionnaire though -- and I thoroughly believe Ms. Wofford
5 is trying to be as accurate as possible. Height, 5'10".
6 Weight, 170 pounds. Black hair, short hairstyle. Isaac
7 Tucker: 5'8", 165 pounds. Here is the photo and you can
8 look at it. Short hair.

9 Now, they claim they compared his palm print to the palm
10 print on this box. They said it doesn't match. Okay. What
11 about Charles? They never tested that. They never looked at
12 his palm prints. Why would they not? They have Isaac
13 Tucker's D.N.A. They have Charles Blankenbecklor's D.N.A.
14 Swab it. That's all it takes. Do a swab.

15 And you heard through Dr. Amick - and I'll go into that
16 a little bit later - that they had to retest things because I
17 made them do it. They didn't want to. They didn't do that
18 until a couple of weeks ago and a couple of months ago for
19 some of them. That's how much they're trying to prove their
20 case. I have to tell them: You need to test this.

21 Now two and a half years later there's no D.N.A.; it's
22 degraded. They can't get a result. Had they done it two and
23 a half years ago, it would be a different story.

24 Now, Ms. Garfield talked to you about the bank
25 transactions. Well, if you remember the person from the

1 bank, Ms. Hughes, she said there is the wrong PIN and there
2 are three monetary transactions in a row, one after another.
3 No pause, no delay, right in a row. Does that mean Ms.
4 Wofford is lying about everything? No. Could she be
5 mistaken about things? Absolutely. It's minor details;
6 they're hard to remember. They're under a lot of stress;
7 it's understandable. She was in fear.

8 They make a big deal out of a spot in a left eye which
9 actually she described as dark veins, but other people write
10 down spots. It would be nice if we had the original
11 handwritten notes to see what was on there, but, no, they
12 destroyed that. That's -- his normal procedure is to
13 transcribe, throw away. What does he say? Oh, you might not
14 be able to read my handwriting? How hard is that just to
15 stick it in a file just in case you make a typo?

16 His report is page after page after page, and we're
17 supposed to believe that there's not going to be a single
18 error there? That's why we write things down: To make sure
19 we get it right. That's why he went back to talk to Ms.
20 Wofford two additional times to get every last detail and
21 make sure there's no mistake. Think about it, calm down, and
22 try to remember something different if you can.
23 Understandable. And all those notes are gone.

24 Now, in terms of corroboration of witnesses and
25 credibility, well, they put Isaac Tucker on the stand. Where

1 is Charles Blankenbecklor? Why didn't they put him on the
2 stand? Ask him what's going on. Ask I'm if he was driving
3 Isaac Tucker around, committing this robbery, waiting for him
4 when Isaac Tucker is done. Why not ask him if he did that?
5 They could have called him to the stand. He was on the
6 witness list. You heard his name on Tuesday. Why not call
7 him? That's corroboration that they can do and, in fact, the
8 State is required to prove this case. I don't have to prove
9 anything. The law is clear: They have the burden of proof.
10 They're the one accusing Adonis Williams of a crime.

11 Now, it's virtually impossible for a person to prove
12 their own innocence. We all know that. That's why they have
13 such a high burden, and it's beyond a reasonable doubt. Now,
14 the judge is going to instruct you: A reasonable doubt is
15 one that causes a person to hesitate to act.

16 Now, this morning, just like every other morning, I wake
17 up, take a shower, get dressed, make myself a cup of coffee.
18 I go to the refrigerator, get some milk. Well, I looked at
19 the milk today and it expired yesterday. Yesterday I used
20 it, absolutely fine. I opened it and I sniffed it. I could
21 easily assume that it would have been fine, but that sniff,
22 that is hesitation. That's all it takes for a hesitation is
23 that pause.

24 State's Exhibits 35 and 36, the interior of the car,
25 what do we see here? A white coat, sweater, whatever it is.

1 They didn't collect that. They didn't check it for D.N.A.
2 They didn't check it for hair. They didn't check it for skin
3 cells. Clothing. They didn't check it for anything. They
4 just left it there. They saw it there; they left it there.

5 There is a lint brush down here. Sticky tape. Why not
6 take that? If it turns out to have nothing on it, fine. Why
7 not do the simple task of just taking that, test it, and give
8 it back to Ms. Wofford? They could have done that. They
9 chose not to.

10 Now, unfortunately -- and I know this took a long time
11 in testimony and I apologize, but I do have to talk about the
12 D.N.A., and there are two major concepts I need to talk to
13 you about. First of all is what they call the probability
14 statistics that they've used. They came up with a number on
15 the cigarette butt of one in 1 quintillion. That is a one
16 followed by 18 zeros. Many, many, many times -- about 10,000
17 times the population of the entire planet and it's based on
18 the F.B.I. database. How did they come up with that number?
19 By a sample size of 200 people, not 200,000. 200.

20 When I was a kid in third or fourth grade, something
21 like that, first learning about probabilities, the teacher
22 pulls out a quarter - heads and tails. This is young
23 children, elementary school, and they try to teach you:
24 Well, if you flip a coin, what's it going to land on? How do
25 you know? How many times? If you flip this coin three

1 times, four times, ten times, are you going to get heads
2 50 percent of the time? I mean, we all know math. It should
3 be 50/50.

4 When you actually sit down and start flipping a coin,
5 you find out to get an actual 50/50 distribution, you've got
6 to do that hundreds and hundreds and hundreds of times. You
7 can't just look at a couple because if I flip this once and
8 it's heads, oh, wait, that's a hundred percent? That's
9 ridiculous. So you can think about their math however you
10 want.

11 The F.B.I. says it's good. Okay. Well, let me show you
12 what some of their math actually works out to be,
13 particularly on the swabs that Dr. Amick says he can't
14 interpret. Cigarette container, we know -- we absolutely
15 know Charles Blankenbecklor touched it. This number right
16 here matches Blankenbecklor. You go down on the line and
17 it's obviously on the cigarette container a very partial
18 profile. Go down the line. This matches here. You keep
19 going down. This one is here and you've got this one that
20 matches that.

21 Now, the math of it - if you look through the database -
22 it's pretty simple. It's basic multiplication. What do
23 these four little spots turn out to be? One in 35,000.
24 Population of Columbia right now, the Greater Columbia area
25 with all the schools in session, 350,000 people, which means

1 Charles Blankenbecklor and only nine other people in all the
2 Columbia area could have possibly left these fragments of
3 D.N.A., but that's too weak for him to interpret.

4 Well, let's talk about Mr. Tucker on the interior of the
5 car. Here are all the things in that partial profile that
6 match him, all of these. With their math, one in 45 million.
7 That's the F.B.I. math: One in 45 million. Population of
8 the United States? Approximately 311 million. That means
9 there's six people in this entire country that could have
10 left those fragments of D.N.A. inside of Ms. Wofford's car,
11 and they want you to believe that we can't -- oh, we're going
12 to exclude him completely. Okay. Well, that means because
13 there's five other people in the country that could have left
14 that D.N.A.? That's ridiculous.

15 Now, you heard Adonis Williams testify. He told you
16 exactly what happened in his day and the weeks prior. Does
17 he remember the exact date that he hid drugs there? No. You
18 saw his demeanor. Was he trying to be evasive and lie? The
19 only thing he tried to hide is who his drug suppliers were.
20 Why in the world would he tell law enforcement who his drug
21 suppliers are? Does he want to get out on the street and get
22 killed? That's ridiculous. I wouldn't name a drug supplier;
23 no one would.

24 What he did do is describe the events of that day in
25 every little detail of where he went and why. That's the

1 same testimony he gave a year and a half ago. Now, Luck was
2 asking him all these questions. She cross-examined him for
3 45 minutes, and 38 minutes of it is all about drug dealing.
4 That's not what this case is about. This case is about a
5 home invasion/armed robbery and who did it. That's all it's
6 about.

7 And what you need to think about is that you've got
8 Charles Blankenbecklor. He is driving around. According to
9 Isaac Tucker, they just happened to meet up randomly a couple
10 of blocks away at a party shop at 7 in the morning on a
11 Sunday, asks for a ride, and then they go to a Citgo station
12 and smash her car. That's ridiculous.

13 Adonis also told you that he was at that Citgo station.
14 If we had the rest of that video, you would see him riding up
15 on his bicycle, walking in, buying the cigarettes, walking
16 out, and riding his bike away. We already know the video is
17 not complete enough to show what happened to the passenger
18 side window.

19 The police officers are looking at two broken windows.
20 They watch the video. What do they see? They see a black
21 male fitting the description. They say, oh, got to be
22 connected and it is. But they also -- if you look at it,
23 it's clear: Only one window is broken on that video. What
24 happened to the other window? Not even trying to get the
25 rest of that video? You already have the store manager;

1 you're asking for a video. It's on a D.V.D. Just say, "Give
2 me four hours." That's all they had to do. Simple little
3 details that they refuse to do.

4 The last thing I want to bring up is dealing with Adonis
5 Williams and the actual identification of him by all the
6 government witnesses. There's only one person in this entire
7 trial that pointed to Adonis Williams, and that's the man who
8 actually arrested him and said, "That's the man I arrested."
9 Okay. No problem. Did Ms. Wofford point to Adonis Williams
10 and say, "That's the man that robbed me"? No.

11 You've got this photograph. Did they put Ms. Wofford on
12 the stand and ask: "Is this the guy who robbed you? Does it
13 have the same mark on his face?" They didn't do that. She's
14 riding around for five to ten minutes talking about
15 cigarettes and telling -- the suspect is saying go here, go
16 there, pull in here, stop, go to the bank, in her house.

17 Well, Adonis testified. Did Ms. Wofford come up and
18 say, "That's the same voice"? No. How could she not do
19 that? Think about it. Why would she not recognize that
20 voice, recognize that spot, look at him and say, "That's the
21 guy"? There's only one answer, and I think you know what it
22 is. Thank you.

23 **The Court:** All right. Ms. Garfield?

24 **Ms. Garfield:** This case is about a home invasion and a
25 robbery, and who did it is Adonis Williams. What Mr. Schnee

1 has just attempted to do is a ploy most defense attorneys do.
2 Let me give you an example. I'm a big bath person. I love
3 to take a hot bath, especially in the wintertime, and when
4 you fill the tub full of water, the water is clear. You can
5 see right down. But if you add bubble bath and you get
6 bubbles, you can't see. That's what Mr. Schnee is trying to
7 do to you. He's pouring bubble bath so you can't see. But
8 with time and common sense you know all those bubbles are
9 going to pop and the water is going to be clear again.

10 So let me go through some of Mr. Schnee's bubbles. The
11 Citgo station which he has harped on for this entire trial...
12 Really? That is my reaction to Adonis Williams' testimony..
13 Really? You want to tell me after he testifies on and on how
14 he doesn't like the police -- he only drug deals at night.
15 He stays along the hidden paths so the police won't see him.
16 He admittedly runs from the police often.

17 Really he's going to go into a Citgo station when
18 there's two police cars right there in the parking lot? And
19 making such a big deal about why didn't they get video. Why
20 would they? They've got the video of the vandalism. Why
21 would they go back and get more when Adonis Williams had
22 never told that story until 2010? And by then we know the
23 video has already been -- they don't keep it that long.

24 Addressing the D.N.A. evidence. You heard from an
25 expert. The judge qualified him as an expert. Dr. Gray

1 Amick gave you an expert opinion that the D.N.A. matched
2 Adonis Williams. It was compared to Charles Blankenbecklor
3 as well as Isaac Tucker, and in his expert opinion Dr. Amick
4 told you it does not match them.

5 What Mr. Schnee in his demonstration with this
6 highlighter just now did -- I don't know where he's gotten
7 that information because none of that information is in
8 evidence. That is something he's asking you to consider that
9 doesn't exist. D.N.A. is not a coin trick. It is a real
10 science, and you heard from an expert in the field that does
11 nothing but D.N.A. every day. Gray Amick has no reason to
12 lie to you. He gets paid regardless.

13 He made a big deal: Why didn't the State bring Charles
14 Blankenbecklor on the stand? Why didn't we bring him in to
15 testify? He already gave a sworn statement to Sergeant
16 Robinson admitting to doing the vandalism. He gave a sworn
17 statement to Sergeant Don Robinson that the person in the car
18 was Boochee, and although it took months and continuing an
19 investigation, Sergeant Robinson identified Boochee and we
20 brought him to the stand and he confirmed what we've been
21 saying all through this trial.

22 Now, he made a big deal about: Why didn't they go after
23 any other leads? Sergeant Robinson testified to you that
24 initially he had some people he thought might be in mind,
25 other people that he had suspected of other crimes in that

1 community. He immediately ran those names. It wasn't until
2 we got a CODIS hit on Adonis Williams that he became a
3 suspect, and even then initially Sergeant Robinson did think
4 he was part of the vandalism, but he did the right thing in
5 bringing forth the evidence and exonerating him of the
6 vandalism.

7 Now, he made such a big deal: Why didn't we take a
8 Q-tip, Mr. Schnee's little Q-Tips, and swab the telephone
9 box? Why would we need to? We've got his fingerprint on it.
10 We know he touched this box. Now, he wants you to believe
11 that he just tore this off of her -- of her house, tore it
12 off of her house - showing you State's Exhibit Number 21 -
13 and that's where he hid his drugs. That is ridiculous.

14 And it was testified to you by -- when we had Ms.
15 Simpson read Investigator Polis's testimony that swabbing
16 this would have messed up the fingerprint. We want to keep
17 the fingerprint intact. After you've had a match, there's no
18 need to swab. We already know who's touched it.

19 Now, Isaac Tucker, he came in and took the stand. Ms.
20 Wofford, in her robbery questionnaire which you'll be able to
21 take back to the jury room, describes him as 5'10", build -
22 normal, weight 170. Isaac is a short dude. I think he's
23 about the same height as me. That didn't match the
24 description, and he's much younger than what was described as
25 the defendant because it wasn't Isaac Tucker. Adonis

1 Williams is just trying to pin it on another black guy, and
2 that's not right, ladies and gentlemen. It's not right.

3 Now, Mr. Schnee has had a lot of fun trying to blame
4 this on law enforcement, and, ladies and gentlemen, I find
5 this extremely offensive. Sergeant Don Robinson and every
6 other investigator and deputy involved in this case - Deputy
7 Lasher who reported to the scene, Sergeant Isenhoward,
8 Investigator Gallegos, Investigator Matt Ellis - all of these
9 people did their jobs. They have chosen a career where they
10 put on a uniform every morning and they tell their families
11 good-bye so that they can go out in our community and protect
12 our families.

13 Did he maybe make a mistake? Sure. I've made mistakes
14 all over those boards, all those typos. People make
15 mistakes. Don Robinson doesn't fabricate evidence. He
16 doesn't destroy evidence. He doesn't make it up. He
17 investigates cases and protects the people of our community.

18 In the wake of the anniversary of one of the largest
19 crimes committed on U.S. soil, we should be thanking law
20 enforcement for what they do to protect us. Heroes do not
21 always wear capes. They wear badges, too. Please keep that
22 in mind in your deliberations.

23 What happened in this case is Adonis Williams was coming
24 off a high and he needed money and he needed it quick, and he
25 knows that neighborhood in the Leesburg area. He knows it

1 because he's been dealing drugs there since 2005. He knows
2 where the police are, and I guarantee you he knows all the
3 people that live there. He's probably had an eye on Ms.
4 Wofford and who knows who else. He probably knew she lived
5 alone, that she was single, and he probably knew she worked,
6 probably saw her car come and go and knew she had accessible
7 cash. He deliberately planned this.

8 You saw on the stand -- you could see his arms. His
9 arms are covered in very identifiable tattoos. So he dressed
10 himself in a big coat and he went to the home, and I submit
11 to you that he used Ms. Wofford's garden spade that she had
12 left on top of this telephone wire box and he used it to take
13 this box off and cut those wires because he didn't want her
14 to call 9-1-1 because he knew the police would come.

15 And then he busted her door open. He busted her door so
16 that he could gain entry into the place Ms. Wofford should
17 feel the safest, and while she lay in her bed helpless, he
18 presented a gun to her, putting fear in her life, fear that
19 she will probably never forget. He forced her to drive to
20 the A.T.M., all the while keeping an eye, looking out for
21 police, forced her to give him her money and then he told
22 her: Drive. Turn here. Turn there. She kind of thought
23 that she was going through a maze. It's because he was
24 avoiding police, and he knew he needed to get back to where
25 his girlfriend was living.

1 But he made mistakes. He bummed that cigarette. He
2 dropped it, not thinking anybody would ever find it. And
3 then he got caught and his picture started showing up on the
4 news. And what did he do? Run. He ran because he didn't
5 want to go back to jail. He didn't do the right thing and
6 turn himself in. He ran. He had to be chased all over the
7 Leesburg area.

8 Now, he took the stand and he had an answer for
9 everything because for two and a half years he's been
10 thinking about what he's going to say to you. So he came up
11 with the ridiculous story of hiding his crack in a telephone
12 wire box behind someone's house. He says his crack was in a
13 cigar pipe which is bigger than this. I'm not quite sure how
14 he would have even quite fit it in there. Afterwards, he's
15 sending text messages: "Are you going to get me that weed?
16 I'm about to go into hiding," which is exactly what he did.

17 Ladies and gentlemen of the jury, I have a four-year-old
18 daughter, and last night as I was preparing for this case, my
19 husband had put her to sleep. About 30 minutes or so passed
20 and I went to check on her. And when I opened the door, she
21 immediately turned over and pretended to be asleep, eyes
22 closed with a smile huge on her face. And I reached down and
23 I said, "Darling, are you trying to trick Mommy?" And she
24 just said, "Mommy, yes, I'm trying to trick you." And I left
25 and went back upstairs to my bedroom thinking of how innocent

1 her comment was, and then I went back to thinking of Adonis
2 Williams and that's exactly what he's trying to do to you is
3 trick you. Don't fall for the bubbles. Don't let Adonis
4 Williams trick you.

5 **The Court:** All right. Madam Forelady and ladies and
6 gentlemen of the jury, the indictments in this case charge
7 the defendant with the offenses of burglary in the first
8 degree, kidnapping, and armed robbery. I remind you that the
9 fact that the defendant was arrested, charged, and indicted
10 in this case is not evidence in this case and cannot be
11 considered by you as evidence of guilt in this case nor does
12 it create any presumption or inference of guilt.

13 The documents, the indictments, simply are the formal
14 written instruments which contain the charges made against
15 the defendant. The indictments are the formal documents by
16 which this case is brought into court.

17 Now, as I told you, the indictments in this case allege
18 different offenses in the -- against the defendant. The
19 charges are burglary in the first degree, kidnapping, and
20 armed robbery. Each indictment charges a separate and
21 distinct offense, and you must decide each indictment
22 separately on the evidence and the law applicable to it,
23 uninfluenced by your decision as to any other indictment.
24 The defendant may be acquitted on all or any of the offenses
25 charged. You will be asked to write a separate verdict of

1 guilty or not guilty for each indictment. You may find the
2 defendant guilty of one offense, two offenses, or three
3 offenses. You may find the defendant not guilty of all the
4 offenses.

5 Now, to these indictments, ladies and gentlemen, the
6 defendant has entered pleas of not guilty which places upon
7 the State the burden of proving the defendant guilty. A
8 person charged with committing an offense of a criminal law
9 in South Carolina is never required to prove himself
10 innocent. I charge you that it is a vital, important rule of
11 the law of evidence that the defendant in a criminal trial,
12 no matter how great or serious may be the offense for which
13 he is charged, must always be presumed innocent until his
14 guilt has been proven beyond a reasonable doubt.

15 This presumption of innocence remains with the defendant
16 at all times, from the moment of his appearance in this
17 court, throughout the trial, and until the jury has, upon
18 testimony and evidence presented, reached a verdict of guilty
19 beyond a reasonable doubt, for it is the solemn duty of the
20 jury if not clearly convinced of the defendant's guilt beyond
21 a reasonable doubt to acquit the defendant. So the burden of
22 proof is upon the State to establish by evidence to your
23 satisfaction the guilt beyond a reasonable doubt of this
24 defendant here on trial for the crimes of burglary,
25 kidnapping, and armed robbery.

1 Now, what is a reasonable doubt? A reasonable doubt is
2 the kind of doubt that would cause a reasonable person to
3 hesitate to act. If you have such a doubt as to the guilt of
4 the defendant, then he would be entitled to a verdict of not
5 guilty. Proof beyond a reasonable doubt is proof that leaves
6 you firmly convinced of the defendant's guilt. Reasonable
7 doubt may arise from evidence which is in the case or from
8 the absence or lack of evidence in the case.

9 To think that the defendant is probably guilty or the
10 circumstances are suspicious is not enough. You alone must
11 make the determination of whether or not reasonable doubt
12 exists as to the guilt of the defendant.

13 Now, ladies and gentlemen, there are two types of
14 evidence which are generally presented during a trial:
15 Direct evidence and circumstantial evidence. Direct evidence
16 is the testimony of a person who claims to have actual
17 knowledge of a fact such as an eyewitness. It is evidence
18 which immediately establishes the main fact to be proved.

19 Circumstantial evidence is proof of a chain of facts and
20 circumstances indicating the existence of a fact. It is
21 evidence which immediately establishes collateral facts from
22 which the main fact may be inferred. Circumstantial evidence
23 is based on inference and not on personal knowledge or
24 observation. The law makes absolutely no distinction between
25 the weight or value to be given either direct or

1 circumstantial evidence nor is a greater degree of certainty
2 required of circumstantial evidence than of direct evidence.
3 You should way all of the evidence in this case. After
4 weighing all the evidence, if you are not convinced of the
5 guilt of the defendant beyond a reasonable doubt, you must
6 find the defendant not guilty.

7 Now, Madam Forelady and members of the jury, under our
8 Constitution and laws of South Carolina you are the finders
9 of facts in this case. I do not have the right to pass upon
10 the facts or even to express any opinion I may have as to
11 those facts nor may I intimate in any way what I might think
12 about the guilt or the innocence of the defendant.

13 You are also the judges, the sole judges, of the
14 credibility and by that I mean the believability of the
15 witnesses who have testified in this case. In passing upon
16 their credibility, you may take into consideration many
17 things such as the demeanor or the manner of testifying. You
18 can consider whether the witness had reason to be biased or
19 prejudiced, whether a witness's testimony was contradicted on
20 the one hand or supported and corroborated on the other hand.

21 You certainly do not determine this credibility or
22 believability by counting the number of witnesses who may
23 have appeared for either side. You may believe a small
24 portion of a witness's testimony and disregard the larger or
25 vice versa. You may believe one witness against many or many

1 against one.

2 You've also heard the testimony of a witness who
3 has special -- witnesses who have special knowledge, skill,
4 experience, training or education in particular professions
5 or occupations who have given their opinions as experts as to
6 matters in which they are skilled. In determining the weight
7 to be given such opinions, you should consider the
8 qualifications and the credibility of the expert and the
9 reasons given for the respective opinion. You are not bound
10 by such opinion. Give it the weight, if any, to which you
11 deem it entitled. All of these things you will consider,
12 bearing in mind that you should give the defendant the
13 benefit of a reasonable doubt.

14 Now, the same Constitution and laws of South Carolina
15 which make you the finders of the facts and the evidence, as
16 I've previously discussed with you, make me the sole and only
17 instructor of the law. You must accept the law as correct
18 and apply it to the evidence as you find it and then reach
19 your verdict. And I charge you in this regard that you
20 should not be concerned about what you think the law ought to
21 be or what you wish the law were but only what I charge you
22 the law to be.

23 Now, ladies and gentlemen, an issue in this case are
24 identification features of the defendant as the person who
25 committed the crime charged. The State has the burden of

1 proving the defendant committed the offense. You must be
2 satisfied beyond a reasonable doubt of the accuracy of any
3 identification characteristic or feature of the defendant
4 before you convict him.

5 Identification markings or characteristics testimony is
6 an expression of belief or impression by a witness. You must
7 determine the accuracy of the identification characteristics
8 or markings as related to the defendant. You may consider
9 whether the witness had an adequate opportunity to observe
10 the identification features of the offender at the time of
11 the offense. This will be affected by things such as: How
12 long or short a time was available? How far or close was the
13 witness? What were the lighting conditions? And whether the
14 witness had the chance to see or know the person in the
15 past -- in the past. Once again, I instruct you that the
16 burden of proof on the State extends to every element of the
17 crime charged and specifically includes the burden of proving
18 beyond a reasonable doubt any identification features or
19 characteristics of the defendant.

20 Ladies and gentlemen, as I told you, the defendant has
21 been charged with a number of offenses, one of which is
22 burglary in the first degree. The State must prove beyond a
23 reasonable doubt that the defendant entered a dwelling
24 without consent. A dwelling is any building or portion of a
25 building in which a person ordinarily sleeps. A building

1 constructed as a dwelling that has never been occupied cannot
2 be considered a dwelling for purposes of burglary. A
3 building is a dwelling even if the residents are temporarily
4 absent from the building.

5 In order to prove the defendant entered the dwelling,
6 the State does not have to show that the defendant's entire
7 body entered the dwelling. The smallest entry is sufficient.
8 It may be any part of the body such as a hand or foot or even
9 an instrument such as an instrument or a hook. In addition,
10 the State does not have to prove that force was used to gain
11 entry.

12 Next, the State must prove beyond a reasonable doubt
13 that the defendant intended to commit a crime, either a
14 felony or a misdemeanor, at the time of the entry. The mere
15 entry into a dwelling without consent is not a burglary. If
16 the intent to commit a crime is formed after the entry, it is
17 not a burglary. On the other hand, if the defendant intended
18 to commit a crime at the time of the entry, it is a burglary
19 even if the intent was abandoned after the entry. It does
20 not matter that the intended crime was not completed. Intent
21 may be shown by acts and conduct of the defendant and other
22 circumstances from which you may naturally and reasonably
23 infer intent.

24 Finally, the State must prove beyond a reasonable doubt,
25 one, when entering the -- when entering or while in the

1 dwelling or when fleeing, the defendant or -- was armed with
2 a deadly weapon or an explosive. A deadly weapon is any
3 article, instrument, or substance which is likely to cause
4 death or great bodily harm. Whether an instrument has been
5 used as a deadly weapon depends on the facts and/or
6 circumstances of each case. The following are examples of
7 instruments which may be deadly weapons: A pistol, a
8 shotgun, a rifle, a dagger, a knife, a slingshot, metal
9 knuckles, a razor, gasoline, firebombs. A gun may be a
10 deadly weapon even if it's not operating. Or the State must
11 prove when -- that when entering or while in the dwelling or
12 when fleeing that the defendant displayed what was or
13 appeared to be a knife, a pistol, a revolver, a rifle, or a
14 shotgun or any other firearm or the State must prove that the
15 defendant had a prior record of two or more convictions for
16 burglary and/or housebreaking.

17 Evidence of these prior offenses committed by the
18 defendant was not offered to prove the defendant has a bad
19 character or prove the defendant committed a burglary on this
20 occasion. The prior convictions may be considered by you
21 only for the purposes of determining whether or not it
22 satisfies the element of the offense that it makes it a first
23 degree burglary if you enter a dwelling without the consent
24 to commit a crime and you have two prior convictions for
25 burglary and/or housebreaking.

1 Before you can even consider the evidence of the
2 defendant's prior burglary convictions, you must first find
3 the State has proved beyond a reasonable doubt that a
4 burglary was committed by the defendant.

5 If you find beyond a reasonable doubt that the burglary
6 was committed, then you may consider the evidence of prior
7 convictions as evidence of one of the circumstances which
8 would make the burglary a first degree burglary. If you do
9 not find beyond a reasonable doubt the defendant committed
10 the alleged prior offenses, then you cannot return a verdict
11 of first degree burglary. The State does not have to prove
12 all of the elements of aggravation. They only have to prove
13 one of those elements and that is that there were two -- the
14 burglary occurred and there are two prior burglaries, that
15 the person entered while he was armed with what appeared to
16 be a knife, a pistol, et cetera, or that when entering or
17 while in the dwelling or when fleeing that he was armed with
18 a deadly weapon.

19 Next, the defendant is charged with the offense of
20 kidnapping. The State must prove beyond a reasonable doubt
21 that the defendant knowingly and unlawfully seized, confined,
22 inveigled, decoyed, kidnapped, abducted, or carried away
23 another person without authority of law. To do a thing
24 unlawfully is to do it willfully against the law. Knowingly
25 means with knowledge, consciously, not accidentally. Seize

1 means to take hold of suddenly or forcibly. Confine means to
2 limit or restrict or enclose within bounds, imprison, or shut
3 or keep in.

4 Inveigle means to lure, entice, or lead astray by false
5 representations, promises, or other deceitful means. Kidnap
6 is to remove a person against his or her will by unlawful
7 force or by fraud. Abduct means to carry off secretly or
8 force for an illegal purpose. Carry away means to remove.

9 The State does not have to prove that the defendant did
10 all of these things. Instead, if you find beyond a
11 reasonable doubt that the defendant did any of these things,
12 you may find the defendant guilty of kidnapping.

13 Something done without authority of law is something
14 which the law does not sanction, permit, allow, condone or
15 provide justification. Kidnapping does not have to be for
16 any personal or monetary gain, for any illegal purpose, but
17 may be for any reason whatsoever.

18 Finally, the defendant is charged with the offense of
19 armed robbery. In order to prove this offense, the State
20 must first prove beyond a reasonable doubt that the defendant
21 took personal property from the person or presence of another
22 person. Property is in the presence of another person if it
23 is within the person's reach, inspection, observation or
24 control so that the person could, if not overcome with
25 violence or presented by fear, keep possession of the

1 property.

2 The State must also prove beyond a reasonable doubt that
3 the defendant carried the property away, intending to
4 permanently deprive the owner of the property and to keep the
5 property for the defendant's own use. The slightest removal
6 of the property or the complete possession of the property
7 even for an instant by the defendant is sufficient to show a
8 taking and carrying away of the property. The taking and
9 carrying away of the property must have been done with
10 violence or by putting the owner of the property in fear of
11 violence.

12 Finally, the State must prove beyond a reasonable doubt
13 that the defendant was armed with a deadly weapon during the
14 robbery. A deadly weapon is any article, instrument, or
15 substance which is likely to cause death or great bodily
16 harm. Whether an instrument has been used as a deadly weapon
17 depends upon the facts and circumstances of a case. The
18 following are examples of instruments which may be deadly
19 weapons: A pistol, a shotgun, a rifle, a dirk, a dagger, a
20 knife, a razor, gasoline. A gun may be a deadly weapon even
21 if it is not operated.

22 Now, ladies and gentlemen, insanity caused by the use of
23 drugs or alcohol may be a defense if the insanity is
24 permanent and destroys the defendant's ability to know right
25 from wrong. However, when voluntary intoxication has not

1 produced permanent insanity, it is not a defense to a crime.
2 A person who voluntarily becomes intoxicated is just as
3 responsible for the acts committed while intoxicated as when
4 the person is not intoxicated.

5 Now, Madam Forelady and members of the jury, you have
6 been selected as fair and impartial jurors, sworn to
7 impartially try and determine the facts of this case, and
8 when you've complied with your oath to do so, then no one
9 will have a right to criticize your verdict and you will have
10 fully discharged your duty as jurors. You are to decide this
11 case according to the testimony that you've heard from the
12 lips of the sworn witnesses along with other evidence
13 introduced.

14 I charge you that as jurors you must decide the issues
15 in this proceeding without bias and without prejudice to any
16 party. You cannot allow yourself to be governed by sympathy,
17 by prejudice, by passion, by public opinion or by any other
18 arbitrary factor. Both the State and the defendant have the
19 right to expect that each of you will carefully and
20 impartially consider all of the evidence in the case and that
21 you will follow the law as I have explained it to you.

22 Madam Forelady, ladies and gentlemen of the jury, I have
23 prepared three verdict forms, one for each charge against
24 this defendant. As with each verdict form, there are two
25 possible verdicts which you can reach. You should not infer

1 anything by what goes first or what goes second on the
2 verdict form because something has to go first and something
3 has to go second.

4 On the burglary in the first degree the two possible
5 verdicts are, one, we, the jury, unanimously find the
6 defendant guilty of burglary in the first degree or, two, we,
7 the jury, unanimously find the defendant not guilty of
8 burglary in the first degree.

9 As to the charge of kidnapping, the two possible
10 verdicts are, as is with the first one, we, the jury,
11 unanimously find the defendant guilty of kidnapping or we,
12 the jury, unanimously find the defendant not guilty of
13 kidnapping.

14 As to the armed robbery, the two possible verdicts are,
15 one, we, the jury, unanimously find the defendant guilty of
16 armed robbery or we, the jury, unanimously find the defendant
17 not guilty of armed robbery.

18 As these verdict forms say, Madam Forelady and ladies
19 and gentlemen of the jury, your verdict must be the unanimous
20 verdict of all twelve jurors. It has to be twelve to zero.
21 It cannot be eleven/one or seven/five or nine/three. It has
22 to be the unanimous verdict of all twelve jurors.

23 Now, Madam Forelady, what I'm going to ask you to do
24 when y'all have determined what your verdict is with each
25 respective charge, I'm going to ask you to circle that

1 verdict. Circle it completely. If you find the defendant
2 guilty of a respective charge, circle that verdict. If you
3 find the defendant not guilty of a respective charge, circle
4 that verdict. I'm going to ask that you then sign the
5 verdict form as foreperson of the jury. Date the verdict
6 form.

7 When you have reached a unanimous verdict with respect
8 to all three charges and your verdict forms have been
9 completed, if you will then knock on the door or have one of
10 your colleagues on the jury knock on the door, there will be
11 a bailiff seated outside the jury room. Advise that bailiff
12 that y'all have reached a verdict with respect to the -- all
13 the charges. We will then bring you back so that your
14 verdict can be published.

15 Now, in just a moment I'm going to ask all of you but
16 the alternate - Madam Alternate, if you would remain here
17 with me - all of you to step back to the jury room, but do
18 not begin your deliberations. I must review with the
19 attorneys the instructions that I have given you to determine
20 whether they believe I either failed to instruct you in some
21 manner or I incorrectly instructed you.

22 If additional instructions are necessary, I will bring
23 the jury out and give those to you immediately. If not, I
24 will have this -- these verdict forms, along with all
25 evidence that has been introduced, brought to the jury room,

1 handed to you, and you can begin your deliberations at that
2 point.

3 Okay. I'm going to ask that you -- all but the
4 alternate -- Ms. Robinson, if you would stay here. The rest
5 of you, if y'all would step back to the jury room. Do not
6 begin your deliberations. We will be with you momentarily.

7 (Whereupon, the jury was excused from open court at
8 11:03 a.m., and the alternate juror was excused from the
9 trial.)

10 **The Court:** All right. Anything from the State with
11 respect to the instructions?

12 **Ms. Garfield:** No, sir.

13 **The Court:** Anything from the defendant?

14 **Mr. Schnee:** I just renew my request for a mere presence
15 charge.

16 **The Court:** For a mere presence charge? Okay. Again,
17 as I think I told you, I didn't believe that to be applicable
18 in this case after reviewing the charge, but your request is
19 noted. All right. Would y'all get with Daphne and let's
20 make sure we have all of the exhibits here? And the verdict
21 form is right here. If you'll give them to Mr. Broom or Mr.
22 Dye, whoever is going to take them back there, and we will
23 stand in recess until...

24 (Whereupon, the jury began deliberating at 11:11 a.m.)

25 **The Court:** All right. I received a note from the jury

1 in which they said, "We need to watch the video." I let Mr.
2 Schnee and Ms. Garfield and Ms. Walker know that, and they
3 have agreed to send a computer that is the property of the
4 solicitor but it's used for the purposes of showing videos
5 when juries request, and so the computer was taken back and
6 given to the jury. They indicated that they knew how to
7 operate it. Isn't that correct?

8 **Woman in the courtroom:** Yes.

9 **The Court:** Anything from the State with respect to the
10 instructions?

11 **Ms. Garfield:** No, sir.

12 **The Court:** Anything from the defendant?

13 **Mr. Schnee:** No, Your Honor.

14 **The Court:** All right. We'll make this Court Exhibit
15 Number 1?

16 **Court Reporter:** Yes, sir.

17 **The Court:** The jury has asked to order lunch, so...

18 (Court's Exhibit 1 was marked for identification only.)

19 **The Court:** If y'all leave the building, you better
20 leave a cell phone number for -- and not get too far.

21 (Pause in proceedings while the jury continues
22 deliberations.)

23 **The Court:** I received a note from the jury asking if
24 they could get a copy of the instructions that I gave them
25 during the charge. I reviewed the note with the attorneys.

1 It was decided that I would go into the jury room and advise
2 the jury that I could not give them a copy of the jury
3 instructions but if they wanted me to -- hear the charge or
4 any portion of the charge again, I would be happy to do so.
5 So we'll wait to see what the jury wants to do about it, if
6 anything. Thank you. It's with the consent of all counsel
7 that I advised the jury in the manner that I did.

8 (Court's Exhibit 2 was marked for identification only.)

9 **The Court:** All right. Thank y'all. Please be seated
10 if you would. All right. It's been reported that the jury
11 has reached a verdict. Is the State ready to receive the
12 verdict?

13 **Ms. Walker:** Yes, sir.

14 **The Court:** Is the defendant ready?

15 **Mr. Schnee:** Yes, Your Honor.

16 **The Court:** All right. Let's bring the jury in if we
17 could, please.

18 (Whereupon, the jury returned to open court with a
19 verdict at 3:19 p.m.)

20 **The Court:** All right. Madam Forelady, it's been
21 reported the jury has reached a verdict?

22 **Forelady:** Yes, Your Honor.

23 **The Court:** It's the unanimous verdict with respect to
24 all three indictments.

25 **Forelady:** Yes, Your Honor.

1 **The Court:** All right. If you'd hand the verdict form
2 to the bailiff, please. All right.

3 **The Clerk:** Indictment number 2009-GS-40-2701, the State
4 of South Carolina versus Adonis Kalanski Williams: We, the
5 jury, unanimously find the defendant guilty of burglary in
6 the first degree.

7 Indictment number 2009-GS-40-2697, the State of South
8 Carolina versus Adonis Kalanski Williams: We, the jury,
9 unanimously find the defendant guilty of kidnapping.

10 Indictment number 2009-GS-40-2698, the State of South
11 Carolina versus Adonis Kalanski Williams: We, the jury,
12 unanimously find the defendant guilty of armed robbery,
13 signed Number 7, foreperson, September the 9th, 2011.

14 Madam Forelady, were these your verdicts and the
15 verdicts of the entire jury?

16 **Forelady:** Yeah.

17 **The Clerk:** Thank you.

18 **The Court:** All right. Anything from the State with
19 respect to the jury?

20 **Ms. Garfield:** No, sir.

21 **The Court:** Anything from the defendant?

22 **Mr. Schnee:** Poll the jury, please.

23 **The Court:** Madam Clerk, would you poll the jury?

24 **The Clerk:** Yes, sir. Ladies and gentlemen of the jury,
25 I'm going to ask you two questions relating to your verdicts.

1 Please answer yes or no to each question as I call out your
2 number. Number 7, were these your verdicts?

3 Juror 7: Yes.

4 The Clerk: Are they still your verdicts?

5 Juror 7: Yes.

6 The Clerk: Number 211, were these your verdicts?

7 Juror 211: Yes.

8 The Clerk: Are they still your verdicts?

9 Juror 211: Yes.

10 The Clerk: Number 308, were these your verdicts?

11 Juror 308: Yes.

12 The Clerk: Are they still your verdicts?

13 Juror 308: Yes.

14 The Clerk: Number 64, were these your verdicts?

15 Juror 64: Yes.

16 The Clerk: Are they still your verdicts?

17 Juror 64: Yes.

18 The Clerk: Number 245, were these your verdicts?

19 Juror 245: Yes.

20 The Clerk: Are they still your verdicts?

21 Juror 245: Yes.

22 The Clerk: Number 138, were these your verdicts?

23 Juror 138: Yes.

24 The Clerk: Are they still your verdicts?

25 Juror 138: Yes.

1 **The Clerk:** Number 168, were these your verdicts?
2 **Juror 168:** Yes.
3 **The Clerk:** Are they still your verdicts?
4 **Juror 168:** Yes.
5 **The Clerk:** Number 95, were these your verdicts?
6 **Juror 95:** Yes.
7 **The Clerk:** Are they still your verdicts?
8 **Juror 95:** Yes.
9 **The Clerk:** Number 263, were these your verdicts?
10 **Juror 263:** Yes.
11 **The Clerk:** Are they still your verdicts?
12 **Juror 263:** Yes.
13 **The Clerk:** Number 106, were these your verdicts?
14 **Juror 106:** Yes.
15 **The Clerk:** Are they still your verdicts?
16 **Juror 106:** Yes.
17 **The Clerk:** Number 169, were these your verdicts?
18 **Juror 169:** Yes.
19 **The Clerk:** Are they still your verdicts?
20 **Juror 169:** Yes.
21 **The Clerk:** Number 290, were these your verdicts?
22 **Juror 290:** Yes.
23 **The Clerk:** Are they still your verdicts?
24 **Juror 290:** Yes.
25 **The Clerk:** The jury has been polled, Your Honor.

1 **The Court:** All right. Thank you, ladies and gentlemen
2 of the jury. Anything else with respect to the jury?

3 **Mr. Schnee:** No, sir.

4 **The Court:** I thank you very much for your service. We
5 are going to -- we will excuse you at this time.

6 (The jury was excused from the trial.)

7 **The Court:** All right. We're ready to -- anything from
8 anybody?

9 **Mr. Schnee:** May it please the Court, Your Honor? At
10 this time I would renew all my prior motions and objections
11 based on all the prior arguments dealing with the search
12 warrants, identification and everything else, directed
13 verdict. For all the reasons previously stated, I would at
14 this time move for a new trial.

15 **The Court:** All right. Well, I have previously ruled on
16 the motions that you have made and my rulings will continue
17 to stand, and I'm going to deny your motion for a new trial.
18 If we can, can we get ready for the sentencing?

19 **Ms. Garfield:** Yes, sir.

20 **The Court:** Do you need to do anything with these
21 sentencing sheets before I get them?

22 **The Clerk:** No, sir. I've done my part. Thank you.

23 **The Court:** All right. Anything the State wants to tell
24 me or anybody want to...

25 **Ms. Garfield:** Your Honor, you're aware of his prior

1 burglaries during the settling of his record, his prior
2 record. Ms. Wofford would like to address the Court.

3 **The Court:** All right. Ms. Wofford, what do you want to
4 tell me?

5 **Ms. Wofford:** Dear, sir, this has affected my life---

6 **The Court:** I need you to speak up if you would, please,
7 ma'am.

8 **Ms. Wofford:** This has affected my life immensely. It
9 has affected my career. It has taken me away from my work,
10 my employers. I had to take off. It has affected my mother
11 who has been surviving from cancer. It has affected the way
12 I live my life. I even end up locking myself out of my own
13 house in trying to protect myself. I don't -- the
14 neighborhood that I live in, at one time it was a good
15 neighborhood with a lot of military people and they've all
16 passed and gone and it has changed quite a bit. And those of
17 us that are homeowners, it's a little different than those
18 that are renting, and we sometimes don't feel we have rights.
19 The children that are in the neighborhood, I feel people like
20 this do influence them.

21 And I am very grateful for all that the State and the
22 county and the City of Columbia, Richland County, have done
23 for me. I know it was hard, but I appreciate it and I
24 appreciate you doing what you did, too. That's all I have to
25 say.

1 **The Court:** All right. Thank you, ma'am. Anything
2 y'all want to tell me?

3 **Ms. Walker:** No, Your Honor.

4 **Ms. Garfield:** Sergeant Robinson, do you want to say
5 anything?

6 **Sergeant Robinson:** No.

7 **Ms. Garfield:** That's all, Judge.

8 **The Court:** Sir?

9 **Ms. Garfield:** That's all.

10 **The Court:** Did you want to say something?

11 **Mr. Schnee:** Just give me one second, Your Honor.

12 **The Court:** No, the investigator. Did you say you
13 wanted to say something?

14 **Sergeant Robinson:** No, sir.

15 **The Court:** All right. Mr. Schnee, anything you want to
16 say?

17 **Mr. Schnee:** If I could just have one moment.

18 (Mr. Schnee talks off the record to Mr. Williams and
19 family members.)

20 **Mr. Schnee:** Your Honor, my client's mother would like
21 to address the Court.

22 **The Court:** Sure. Yes, ma'am. Tell me your name,
23 please.

24 **Ms. Wiggins:** Sheila Wiggins.

25 **The Court:** I'm sorry?

1 **Ms. Wiggins:** Sheila Wiggins.

2 **The Court:** All right. Ms. Wiggins, what do you want to
3 tell me?

4 **Ms. Wiggins:** I want to say that I love my son. I'm
5 still not totally convinced that my son has committed these
6 crimes. He has done some things in his lifetime, but he's
7 never -- he's never kidnapped anybody. He's never hurt
8 anybody. He's always had a lot of respect for older people.

9 I still believe there's reasonable doubt that somebody
10 would be -- somebody's vehicle would have been vandalized
11 seven minutes after they had been robbed and kidnapped. I
12 still have very serious doubts about that.

13 My son has -- like I said, he has done some things in
14 his lifetime that he's not proud of and that I'm not proud
15 of, but I've been there for him and I love him, and I just
16 don't believe that this was fully investigated and I'll never
17 believe that it was fully investigated. And I will -- I
18 thank the Court for all they've done and I thank the officers
19 that were there for my son and still will be.

20 But like I said, I'm not satisfied with the outcome of
21 this trial. I just don't believe that he has done these
22 crimes he's being punished for. He's done some things in his
23 lifetime. He got up on that stand and he said he sold drugs,
24 which is wrong. He did some things, a lot of things in his
25 lifetime, his 28 years of life that were wrong. Some of them

1 he was found guilty, some not guilty, but I still don't
2 believe that he's committed these crimes he's been accused of
3 today. I'll never believe that.

4 There's just too many -- there's just too much
5 reasonable doubt that somebody would be robbed and vandalized
6 just that close together like that. There's something that's
7 not right about it. Thank you.

8 **The Court:** Yes, sir?

9 **Mr. Schnee:** Just very briefly, Judge. Obviously the
10 jury was out for quite a long time for a quite singular issue
11 of identity, and I certainly as an attorney very much
12 appreciate the jury instruction you gave on the identity
13 issue. Obviously it gave the jury a lot to think about.

14 A little bit about Mr. Williams: I've known him
15 actually since a couple of days after he was arrested. Back
16 when I was a public defender, I represented him at the
17 original bond hearing. His family later hired someone else
18 to do the first trial, and after that in private practice he
19 hired me again.

20 My client has been a pleasure to work with. He's very
21 intelligent, as I'm sure you've heard. I know you haven't
22 seen some of the work he has done on his own case in terms of
23 going through the transcript and reviewing materials, but he
24 is a very intelligent man. Might only have a tenth grade
25 education, but he is a person that is redeemable.

1 I certainly agree with his mother: I don't believe that
2 my client is guilty. I know the jury spoke their verdict,
3 and that's their decision.

4 My client has no prior record of any type of violence
5 whatsoever and, Your Honor, I would ask you for -- on behalf
6 of my client for mercy. I would ask that he be given a
7 meaningful opportunity to get out and be a good citizen in
8 this state and in this country.

9 **The Court:** I'm not sure what you mean by a meaningful
10 opportunity to get out.

11 **Mr. Schnee:** Well, Your Honor, my client's been in jail
12 for a little over two and a half years. He's 28 years old.
13 I would ask for a sentence, considering the nature of the
14 facts in this case, despite the certainly violent
15 allegations, but the facts of everything involved with this
16 case, I would ask Your Honor for a concurrent sentence on all
17 charges and something towards the lower end of the spectrum.

18 **The Court:** All right. Mr. Williams, anything you want
19 to say?

20 **Mr. Williams:** Yes, sir.

21 **The Court:** I'm sorry?

22 **Mr. Williams:** I said, "Yes, sir." I mean, I know this
23 ain't a nice thing to be in court for, and like my mama and
24 my attorney say, I done -- I done did a lot of things. I
25 done been in trouble for a long time, but I ain't never been

1 in trouble for nothing violent, no shooting, no fighting, no
2 criminal domestic violence or beating females or nothing like
3 that, you know, and, I mean, I myself even see how the
4 situation look but -- and I feel like -- like my mama, I feel
5 like the investigation - you know what I'm saying - once they
6 said that it was me, it was over with, like everybody started
7 chasing me. And, I mean, that's the main reason why I ran.
8 That's the main reason why a lot of things... I mean, it's
9 bad about what happened to Ms. Wofford, but, I mean, I ain't
10 did it.

11 **The Court:** All right. Well, the jury listened to the
12 evidence and they made a decision and that decision was that
13 you committed these offenses. They -- I think there clearly
14 was evidence sufficient for the jury to reach that verdict.
15 This is breaking into somebody's house whenever they're
16 asleep, with a gun, and waking them up, making them go
17 somewhere and they're not knowing what's going to happen to
18 them. That's got to be a life-changing event on the victim.

19 I hope you are redeemable because you're not going to be
20 in prison for the rest of your life. Fortunately, you're
21 young, so when you get out, you'll be a relatively middle-
22 aged person, but, you know, this is -- I can't honor the
23 request of Mr. Schnee and put you at the lower end which I
24 guess is -- 15 years is what he's looking for.

25 But, anyway, on the burglary first, sentence of this

1 Court is you be committed to the state department of
2 corrections for a term of 25 years, plus costs and
3 assessments as applicable.

4 On the kidnapping, sentence of this Court is you be
5 committed to the department of corrections for a term of
6 25 years, plus costs and assessments as applicable.

7 On the armed robbery, sentence of this Court is you be
8 committed to the department of corrections for a term of
9 25 years, plus costs and assessments as applicable. I'll run
10 them concurrent and give you credit for time served.

11 **Mr. Schnee:** Judge, if I may just very briefly, for the
12 kidnapping I'd ask that you have a finding on the record that
13 this is not a sexually-related offense and put that on the
14 sentencing sheet. I don't think there's any dispute about
15 that.

16 **Ms. Garfield:** No, sir.

17 **Ms. Walker:** Huh-uh.

18 **The Court:** Good luck to you.

19 **Ms. Garfield:** Thank you, Judge.

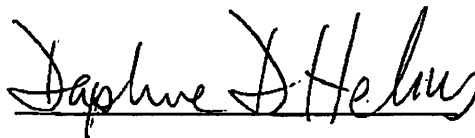
20 **The Court:** All right.

21 (Whereupon, the proceedings were concluded.)
22
23
24
25

I, the undersigned Daphne D. Helms, official court reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 6th through 9th of September, 2011.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

March 24, 2014

A handwritten signature in cursive script, reading "Daphne D. Helms". The signature is written in dark ink and is positioned above the printed name.

Daphne D. Helms, court reporter

WITNESSES

(S) DONALD ROBINSON, RCSD

ARREST WARRANT NUMBER

J564653

ACTION OF GRAND JURY

TRUE BILL

JUL 17 2009

Representative of Grand Jury
Signature:

VERDICT

Representative of Petit Jury
Signature:

DOCKET NO. 2009-GS-40-2697

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JULY TERM 2009

42

THE STATE
vs.

ADONIS KALANSKI WILLIAMS

Indictment for
KIDNAPPINGSC Code: 16-3-910
CDR Code:0095
Class FEL/A(V)After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

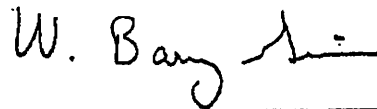
INDICTMENT

At a Court of General Sessions, convened on JULY 15, 2009 the Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That ADONIS KALANSKI WILLIAMS did in Richland County on or about MARCH 22, 2009, unlawfully seize, confine, inveigle, decoy, kidnap, abduct and/or carry away the victim, LINDA WOFFORD, by any means whatsoever without authority of law. All in violation of §16-3-910, Code of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Warren B. Giese, SOLICITOR

WITNESSES

(s) DONALD ROBINSON, RCSD

ARREST WARRANT NUMBER

J564654

ACTION OF GRAND JURY**TRUE BILL**

W. Blount JUL 17 2009
 Representative of Grand Jury
 Date:

VERDICT

Representative of Petit Jury
 Date:

DOCKET NO. 2009-GS-40-2698

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JULY TERM 2009

42

THE STATE
 vs.

ADONIS KALANSKI WILLIAMS

Indictment for
ARMED ROBBERY

SC Code: 16-11-0330(A)
 CDR Code: 0139
 Class FEL-A(V)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED
 JUL 17 2009
 CLERK OF COURT
 RICHLAND COUNTY
 SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

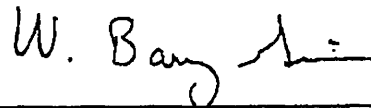
INDICTMENT

At a Court of General Sessions, convened on JULY 15, 2009, the Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

That ADONIS KALANSKI WILLIAMS did in Richland County on or about MARCH 22, 2009, commit an armed robbery by feloniously taking from the person or presence of LINDA WOFFORD, by means of force or intimidation, goods or monies of LINDA WOFFORD, such goods or monies being described as US Currency, with the intent to deprive the owner permanently of such property, while armed with a pistol, rifle, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, all in violation of §16-11-330(A), Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WARREN B. GIESE, SOLICITOR

WITNESSES

(S) Don Robinson - RCSD

ARREST WARRANT NUMBER

1564655

ACTION OF GRAND JURY

TRUE BILL

Preperson of Grand Jury

Date: MAR 10 2010

VERDICT

Preperson of Petit Jury

ate:

BY WARRANT NUMBER

AMENDED

DOCKET NO. 2009-GS-40-2701

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

July TERM 2009

42

THE STATE
vs.

Adonis Kalanski Williams

DOCKET NO. 2009-GS-40-2701

The State of South Carolina

Indictment for

**BURGLARY/(AFTER 6/20/85)
1ST DEGREE**

COURT OF GENERAL SESSIONS

SC Code: 16-11-311

CDR Code: 079

Class FEL-EXM(V)

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
JUL 10 2009
CLERK OF COURT
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on December 16, 2009, the Grand Jurors of Richland County present upon their oath:

BURGLARY/(AFTER 6/20/85) - 1ST DEG

That Adonis Kalanski Williams did in Richland County on or about March 22, 2009, unlawfully enter the dwelling of Linda Carol Wofford at [REDACTED] Tama Road, without consent and with the intent to commit a crime therein, and the defendant while effecting entry or while in the dwelling or while in immediate flight there from the defendant was armed with a deadly weapon and/or displays what is or appears to be a knife, pistol, revolver, shotgun, machine gun, or other firearm and/or used or threatened the use of a dangerous instrument and/or the burglary is committed by a person with two or more prior convictions for burglary; all in violation of Code Section §16-11-311, Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

W. B. Giese

Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATEINDICTMENT/CASE#: 09 -GS- 40 - 2698vs.
Adonis Kalanski WilliamsA/W#: J564654

AKA: _____

Date of Offense: March 22, 2009Race: B Sex: M Age: _____S.C. Code §: 16-11-0330(A)

DOB: _____ SS#: _____

CDR Code #: 0139

Address: _____

City, State, Zip: _____

DL# _____ SID# _____

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Armed Robberyin violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or Lawd Act)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

M. Walker 78494 _____
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 25 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 the State
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ set by SCDPPPS _____

Attend Voc. Rehab. or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*Fine: \$ _____

Random Drug/Alcohol Testing ☐

\$14-1-206 (Assessments 107.5%) \$ _____

Fine may be pd. in equal, consecutive weekly/monthly

\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____

pmts. of \$ _____ Beginning _____

\$14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

\$ _____ paid to Public Defender Fund

\$56-5-2995 (DUI Assessment) \$12 \$ _____

Other: _____

\$56-1-289 (DUI Breath Test) \$500 \$ _____

\$25 \$ _____

\$35.13 (Public Def/Prob) \$25 \$ _____

\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

\$50-21-114(BUI Breath Test Fee) \$50 \$ _____

\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

\$90.11 TP (SCCJA Surcharge) \$5 \$ _____

TOTAL \$ _____

☐ Appointed PD or appointed other counsel, \$35.13 TP☐ Requires \$500 be paid to Clerk during probation.PRESIDING JUDGE James F. PaulDonette W. McBride
Clerk of Court Deputy ClerkJudge Code: 0110Sentence Date: 9/9/09Court Reporter: D. Helms

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATEINDICTMENT/CASE#: 09 -GS- 40-2701VS
Adonis Kalanski WilliamsA/W#: J56455 J56455

AKA: _____

Date of Offense: March 22, 2009

Race: _____ Sex: _____ Age: _____

S.C. Code §: 16-11-311

DOB: _____ SS#: _____

CDR Code #: 079

Address: _____

City, State, Zip: _____

DL# _____ SID# _____

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Burglarin violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 079☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45
(CSC w/minor 1st or Lewd Act)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

M. W. Chen 78494
Solicitor SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 25 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 the State
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: _____ \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ set by SCDPPPS _____

Attend Voc. Rehab. or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*Fine: \$ _____

Random Drug/Alcohol Testing ☐

§14-1-206 (Assessments 107.5%) \$ _____

Fine may be pd. in equal, consecutive weekly/monthly

§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____

pmts. of \$ _____ Beginning _____
\$ _____ paid to Public Defender Fund

§14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

Other: _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-289 (DUI Breath Test) \$500 \$ _____

§35.13 (Public Def/Prob) \$25 \$ _____

§73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§50-21-114(BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

§90.11 TP (SCCJA Surcharge) \$5 \$ _____

TOTAL \$ _____

☐ Appointed PD or appointed other counsel, \$35.13 TP☐ Requires \$500 be paid to Clerk during probation.PRESIDING JUDGE Jamie R. SaltJudge Code: 0110Sentence Date: 9/9/2009Court Reporter: B. Helms

Clerk of Court/Deputy Clerk

5th mt 731

FORM 5

10/30 P400 2376

STATE OF SOUTH CAROLINA

COUNTY OF Richland

IN THE COURT OF COMMON PLEAS

Full name and prison number (if any) of Applicant.

Adonis Williams #274626
v.

State of South Carolina

APPLICATION FOR

POST-CONVICTION RELIEF

2013 APR 25 PM 3:25
JEANETTE M. MCNEIL
CLERK OF COURT
RICHLAND COUNTY
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 Leiber C. I
2. Name and location of Court which imposed sentence General Sessions Richland County
3. Name(s) of co-defendant(s) (if any) None
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2009-GS-40-02697
 - (b) 2009-GS-40-02698
 - (c) 2009-GS-40-02701
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) 9-9-11 25 yrs
 - (b) 9-9-11 25 yrs

Revised 3/2003

- (c) 9-9-11 25 yrs
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
 - (b) after a plea of not guilty After three trials - third trial I WAS Found guilty
 - (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Don't understand ??? turn over
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
 - i. _____
 - ii. _____
 - iii. _____
 - (b) the result in each such Court to which you appealed:
 - i. _____
 - ii. _____
 - iii. _____
 - (c) the date of each such result:
 - i. _____
 - ii. _____
 - iii. _____
 - (d) if known, citations of any written opinion or orders entered pursuant to such results:
 - i. _____
 - ii. _____
 - iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
 - (b) _____
 - (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: White vs State appeal / Ineffective assistance of counsel

- (a) No DNA in House or Truck
 (b) No video of me at bank on camera
 (c) Video at Citgo gas station shows a white male doing what police & victim accuse me of. She accused me in impact statement, police in preliminary hearing
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) They had DNA but it wasn't mine. They couldn't find a match
 (b) Video from teller at Bank
 (c) Video from gas station (Citgo)
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. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (c) the disposition thereof:
- i. _____
 - ii. _____
 - iii. _____

- iv. _____
- (d) the date of each such disposition:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
- i. _____
- ii. _____
- iii. _____
- iv. _____
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. _____
- (b) the proceedings in which each ground was raised:
- i. _____
- ii. _____
- iii. _____
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) BECAUSE MARK SCHNEE DIDN'T DO HIS JOB AND THEREFORE I NOW HAD A CHANCE TO
- (b) PRESENT ANY GROUNDS.
- (c) _____
17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? _____
- (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? NO
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NO

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. Byron Gibson (Johnson Tawl, and Batiste - First trial (Hung Jury)
 - ii. MARK SCHWEE 1720 MAIN ST, SUITE 202 COLA S.C 29201 (MIS TRIAL)
 - iii. MARK SCHWEE SAME ADDRESS (Guilty)
- (b) the proceedings at which each such attorney represented you:
 - i. TRIAL - Preliminary Hearing, 2nd Bond Hearing (Byron Gibson)
 - ii. TRIAL
 - iii. TRIAL

19. State clearly the relief you seek in filing this application:

Retrial or Direct Appeal) or the reduction of my sentence

20. Are you now under sentence from any other court that you have not challenged?

NO

STATE OF SOUTH CAROLINA)

County of)

VERIFICATION

I, _____, 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.

Adrian Williams

SWORN to and subscribed before me this 1st
day of April, 2013

Sylvia Pres (L.S.)
Notary Public

My Commission Expires: 1/24/2018

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, _____, 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.

Alvin Wilkin

Applicant

SWORN or affirmed to and subscribed before me this

15th day of April, 2013

Sylvia Jones
Notary Public

My Commission Expires: 1/24/2018

RICHLAND COUNTY
FILED
2013 APR 19 PM 3:25
JEANETTE M. McBRIDE
C.C.P. & G.S.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

)
)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Adonis Williams, #274626,
Applicant,

)
)

Case No. 2013-CP-40-2376

v.

)
)

AMENDED APPLICATION
FOR POST-CONVICTION RELIEF

State of South Carolina,
Respondent.

)
)
)
)

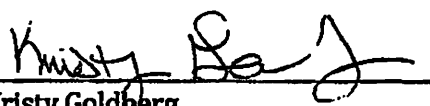
Based upon further investigation and research, the Post-Conviction Relief Application filed on behalf of the above named Applicant is hereby Amended as follows:

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

a) Ineffective assistance of counsel – Trial counsel failed to properly object and/or request a mistrial to preserve the record for appellate review on several occasions, including specifically:

- i. Trial transcript page 163, lines 5-16 – Statement was sufficiently prejudicial that counsel should have requested a mistrial;
- ii. Trial transcript page 170, lines 1-16 – Missed objection to leading and failed to appropriately renew pre-trial objection contemporaneously;
- iii. Trial transcript page 389, lines 16-25 – Missed objection to bolstering and hearsay;
- iv. Trial transcript pages 558-559 – Delayed objection to re-called testimony of Dr. Gray Amick;
- v. Trial transcript pages 569 – Failed to renew pre-trial objection regarding evidence that Adonis Williams had been out of prison 10 months – and failed to object regarding relevance as the actual evidence showed that Adonis Williams had actually been out of prison 8 months;
- vi. Trial transcript page 652, lines 1-25 – Missed objection to Solicitor's question as calling for overly prejudicial and irrelevant testimony with no probative value – trial counsel should have requested that testimony be stricken from the record and requested a mistrial;
- vii. Trial transcript pages 653-654 – Missed objection when Solicitor essentially offered testimony regarding the weather when there was no evidence offered on this topic;

- viii. Trial transcript page 669, line 4 – Failed to object when the Solicitor misstated the facts in evidence;
 - ix. Trial transcript page 692, lines 18-22- Failed to object when the Solicitor made an improperly prejudicial appeal to the jury.
-
- b) Ineffective assistance of trial counsel – Trial counsel failed to properly object to the admissibility of evidence obtained from the cell phone on the grounds of an unconstitutional search and seizure under the 4th amendment and overly prejudicial content with no probative value. (Trial transcript pages 493-499).
 - c) Ineffective assistance of counsel – Trial counsel failed to investigate and present possible evidence and witnesses.
 - d) Ineffective assistance of counsel – Trial counsel failed to effectively cross examine the victim with her prior testimony.
 - e) Ineffective assistance of counsel – Trial counsel failed to effectively argue the facts during closing argument.
 - f) Ineffective assistance of counsel – Trial counsel failed to effectively argue the importance of DNA evidence during closing argument.
 - g) Ineffective assistance of counsel – Trial counsel failed to request an alibi charge be included in the jury charges.
 - h) Ineffective assistance of trial counsel pursuant to White v. State – failure to properly initiate client's direct Appeal.


 Kristy Goldberg
 Attorney for Defendant

Kristy Goldberg
 Law Office of Kristy Goldberg, LLC.
 1720 Main Street, Suite 303
 Columbia, SC 29201
 803-667-6633
 803-799-4059 (fax)
 kristy@kristygoldberglaw.com

Columbia, South Carolina
 This 1st day of July, 2015

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Adonis Williams, #274626,
Applicant,

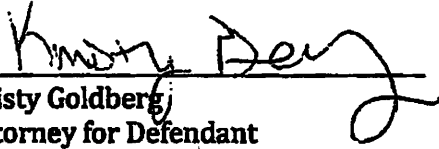
Case No. 2013-CP-40-2376

v.

CERTIFICATE OF SERVICE

State of South Carolina,
Respondent.

I certify that on this date I served the Amended Application for Post-Conviction Relief in this case on The State of South Carolina by delivering a copy of this application to the Office of the Attorney General via U.S. mail at Post Office Box 11549, Columbia, South Carolina 29211-1549.


Kristy Goldberg
Attorney for Defendant

Kristy Goldberg
Law Office of Kristy Goldberg, LLC.
1720 Main Street, Suite 303
Columbia, SC 29201
803-667-6633
803-799-4059 (fax)
kristy@kristygoldberglaw.com

Columbia, South Carolina

This 1st day of July 2015

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

C/A No. 2013-CP-40-2376

Adonis Williams -- Applicant,

-Vs-

State of South Carolina -- Respondent,

AMENDED APPLICATION FOR POST
CONVICTION RELIEF PURSUANT TO:
RULE 15, SCRCP.

Adonis Williams
SCDC# 274026
PCI
430 Oaklawn Rd.
Pelzer, SC. 29669

SC Attorney General
RECEIVED

DEC 04 2015

Referred to Mitchell

Answered _____

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)

Adonis Williams) C/A No.2013-CP-40-2370
Applicant,)
-vs-)
State of South Carolina) AMENDED APPLICATION FOR POST
Respondent,) CONVICTION RELIEF PURSUANT TO
) RULE 15, SCRPC.

COMES NOW, above captioned Applicant by and through counsel of record who respectfully moves this Honorable Court to amend the Original application in the above captioned case number pursuant to Rule 15, SCRPC.

Respectfully Submitted,

/s/ Adonis Williams

Adonis Williams

ISSUE (A) was Applicant's Sixth Amendment rights violated by trial counsel's failure to object during the prosecutions closing argument which: (1) improperly "vouched" for State witness' credibility in order to "bolster" the State's case; (2) asked the Jury to convict Applicant for the offenses he's on trial for to send a message that the citizens will not tolerate drug dealers, even though the Applicant was not on trial for a drug offense; (3) injecting personal opinion concerning Applicant's testimony; (4) appealing to the jury concerning the community.

FACTS

To save the Court's time Applicant will argue these issues together since the facts of one encompass the other. The solicitor in this case gave a closing argument that violated established law in several respects, yet trial counsel did not object. Trial counsel's failure to object to several egregious remarks by the solicitor prejudiced Applicant and requires reversal of his conviction, *Strickland v. Washington*, 466 U.S. 668 (1984).

The solicitor here began by improperly vouching for State witnesses. The State's star witness was Linda Wofford (victim). The solicitor argued:

What she reports to Deputy Lasher has continued to be consistent. It was consistent in what she told Sergeant Robinson and Sergeant Isenhoward. It was consistent in what she told Investigator Gallegos at the Citgo station, and it was consistent when she testified. At no time has she ever changed her story. Ms. Wofford has no reason to take the stand and tell you anything but the truth. She has no reason not to be believed.

Tr.p.036, L.17-24. Trial Counsel sat mute.

The solicitor further "bolstered" the State's case by arguing that Sergeant Don Robinson has done nothing but try to prove the case to the best of his ability. He has no reason to take the stand and tell anything but the truth. Tr.p.670, L.10-11, L.15-16. Trial Counsel sat mute.

The solicitor then apologized to the jury, Tr.p.672, L.4, advising the jury that they had heard a lot of witnesses testify about the chain of custody, Tr.p.672, L.4-3. The solicitor then appealed to the jury stating:

They had no reason to lie to you, and they all told you that they took the evidence and it was all properly secured and they would not have taken it had it not been properly packaged. It goes again to the integrity of how this police force works.

Tr.p.672, L.3-12. Trial Counsel sat mute.

The solicitor then asked the jury to convict Applicant of the offense he was on trial for based on outside influence and a charge in which Applicant was not on trial for, as was recorded:

Ladies and gentlemen, I ask you to send a message to Adonis Williams. Please tell Adonis Williams that the State of South Carolina, the citizens of Richland County will not tolerate drug dealers, convicted burglars from coming in the home of innocent people. On behalf of the State of South Carolina.

Tr.p.677, L.7-12. Trial Counsel did not object. This statement of the solicitor was highly prejudicial. The statement asked the jury to convict Applicant of armed robbery, kidnapping and first-degree burglary simply because Applicant was an admitted drug dealer and based on the fact Applicant has a prior record for burglary. Noting the prior burglary was only to be used for purposes of one element of burglary-first, not proof of the underlying offense. Here the solicitor in essence asked the jury to relieve the State of the burden of proving Applicant's guilt of the instant offense.

The solicitor then improperly attacked Applicant's testimony by injecting personal belief and opinion, as was recorded:

So let me go through some of Mr. Schnee's bubbles. The Citgo station which he has harped on for this entire trial. Really? That is my reaction to Adonis Williams' testimony. Really? You want to hear after he testifies on how he doesn't like the police -- he only deals drugs at night. He stays along the hidden paths so the police won't see him. He admittedly runs from the police often.

Tr.p.809, L.10-10, Counsel sat mute while the solicitor attacked Applicant's testimony with personal opinion and bias.

The solicitor further appealed to the jury's passion through improper bolstering comments, as was recorded:

Now Mr. Schnee has had a lot of fun trying to blame this on law enforcement, and ladies and gentlemen I find it extremely offensive. Sergeant Don Robinson and every other investigator and deputy involved in this case -- Deputy Lasher who reported the scene, Sergeant Isenhoward, Investigator Callegos, Investigator Matt Ellis -- all of these people did their jobs.

They have chosen a career where they put on a uniform every morning and they tell their families good-bye so that they can go out in our community and protect our families.

Did he make a mistake? Sure. I've made mistakes all over these boards, all those typos. People make mistakes. Don Robinson doesn't fabricate evidence. He doesn't destroy evidence. He doesn't make it up. He investigates cases and protects the people of our community.

In the wake of the anniversary of one of the largest crimes committed on U.S. soil, we should be thanking law enforcement for what they do to protect us. Heroes do not always wear capes. They wear badges, too. Please keep that in mind in your deliberations.

Tr.892, L.3-22, and trial counsel sat mute without objection.

The solicitor's comments invited the jurors to take sides against criminals as a whole and is not addressed to the evidence.

A solicitor's argument is bound by the rules of fairness and may not be calculated to arouse the juror's passions or prejudice, Vasquez v. State, 338 S.C. 447, 596 S.E.2d 501 (2010), the solicitor's argument here was about "domestic enemies".

A solicitor cannot inject material outside of the evidence or the judge's charge, but must confine himself to the record in the case presented to the jury, See *Vaughn v. State*, 362 S.C. 133, - 169, 507 S.E.2d 72, 75 (2004)(the State's closing argument must be confined to the evidence in the record and the reasonable inferences that may be drawn from the evidence); *State v. Copeland*, 321 S.C. 313, 436 S.E.2d 620 (1996); *State v. McAlister*, 133 S.C. 99, 130 S.E. 511 (1925)(holding it is improper in closing argument for the State to refer to and comment about the facts of other cases to indicate or suggest the same results).

The solicitor's improper vouching is prohibited. A solicitor cannot vouch for the credibility of a witness, either expressly, or by implying his/her personal opinion of a witnesses veracity by indicating information not presented supports the witness' testimony, *State v. Schuler*, 545 S.E.2d 805, 815 (S.C.2001). Because the jury must decide it's own assessment on the credibility of witnesses it is inappropriate for the State to assure the jury of a government witnesses credibility, *State v. Kelly*, 540 S.E.2d 8-51, 861 (S.C.2001), rev'd on other grounds, 534 U.S. 246 (2002).

The Court in *Gilchrist v. State*, 565 S.E.2d 281, 285 (S.C.2002), held that the prosecution's improper vouching for the State's key witnesses, where the credibility was crucial, prejudiced Gilchrist's defense, such as in the instant case. Id.

It is an error for the government to bolster or vouch for it's witnesses, *U.S. v. Somad*, 754 F.2d 1091, 1100 (4th Cir.1984), vouching generally occurs when the prosecutions actions are such that a jury could reasonably believe that the prosecution was indicating a personal belief in the credibility of a witness.

Finally, the solicitor's comments asking the jury to convict Applicant in order to send out a message that the State of South Carolina, and the citizens of Richland County will not tolerate drug dealers and convicted burglars from coming in the home of innocent people was unduly prejudicial and relived the State of their burden of proof. Especially in light of the fact Applicant was not on trial for drugs, nor was he being tried for a prior burglary. This type of argument was improper and nullified the jury's responsibility. The prejudice here was compounded by the solicitor's argument that law enforcement tell their families good-bye so they can go out and protect our communities and our families.

The solicitor's comments "so infected the trial with unfairness as to make the resulting conviction a denial of due process." *Donnelly v. DeChristoforo*, 416 U.S. 637, 643 (1974). This determination requires the Court to look to "the nature of the comments, the nature and quantum of the evidence before the jury, the arguments of opposing counsel, the judge's charge, and whether the errors were isolated or repeated," *Bennett v. Angelone*, 92 F.3d 1330, 1345-46 (4th Cir.1996)(internal quotation marks omitted).

The solicitor here did not just make an isolated remark, but deliberately violated clearly established rules regarding closing arguments. Trial counsel could not have had any reasonable strategy for failing to object to these comments and giving the trial judge a chance to cure the error. Trial Counsel was ineffective in this regard, *Strickland v. Washington*, 486 U.S. 668 (1984), and Applicant should receive a new trial.

ISSUE (3) WAS COUNSEL INEFFECTIVE FOR FAILING TO OBJECT WHEN THE TRIAL COURT DECLINED TO INSTRUCT THE JURY ON MERE PRESENCE, AS THIS FAILURE DENIED APPLICANT HIS RIGHT TO A COMPLETE DEFENSE?

FACTS

Applicant submits that he was denied the effective assistance of counsel when counsel failed to object when the Trial Court declined to instruct the jury on mere presence. This failure denied Applicant of his right to a complete defense and his right to a fair trial.

During opening summation to the jury the Prosecution told the jury that after the incident the victim, Ms. Wofford tried to call her family and notify them of what had happened and it was at that time the Prosecution told the jury they would hear from Harold Bouknight with the Richland County Sheriff's Department who would tell the jury that there was a set of finger prints on Ms. Wofford's junction box belonging to Applicant, Tr.p.146, L.5-17.

During trial the State called Harold Bouknight who testified that the print developed on the telephone box is the print of Adonis Williams (Applicant), Tr.p.327, L.11-12.

After the State had rested Applicant took the stand and testified in his own defense. Applicant admitted that he sold drugs as a means of obtaining money, Tr.p.587, L.10-p.588, L.10.

During Applicant's testimony the following colloquy between Trial Counsel and Applicant was recorded:

Q. Okay, are there any other places you've ever stored drugs?

A. I mean, on the little -- the little gray box that got the little -- the meter box. I mean, basically anywhere outside.

Q. Okay, you mentioned like boxes on the outside of houses. Do you know if you've ever stored drugs at Linda Wofford's house?

A. At the time, yes, sir.

Q. Okay, did you know it was Linda Wofford's house?

A. No.

Tr.p.589, L.25-p.590, L.10.

As is seen in above, the State has alleged that Applicant's fingerprints were found on the little box affixed to Linda Wofford's (victim) house. Applicant testified that he did in fact hide drugs in the gray box affixed to Ms. Wofford's house, thus establishing his "mere presence" at the scene of the incident. (emphasis supplied).

During the charge conference Counsel renewed his request for a "mere presence" charge. To which the Court stated: "Okay, again, as I think I told you, I didn't believe that to be applicable in this case." Tr.p.709, L.14-18.

DISCUSSION

Applicant would submit he was denied his right to present a complete defense of "mere presence", as established by his own testimony. The failure to the Court to instruct the jury on mere presence was unduly prejudicial and the prejudice was compounded by the Court instructing the jury on identification. The Court told the jury that "an issue in this case are identification features of the defendant as the person who committed the crime charged, Tr.p.699, L.23-25.

Applicant would submit that Officer Bouknight's fingerprint testimony placed Applicant at the scene. Applicant's own testimony placed him at the scene and the Trial Court's statement regarding identification told the jury that Applicant was to have been the person who committed the offense, thus clearly placing Applicant at the scene and therefore mere presence should have been instructed to the jury.

The law to be charged must be determined from the evidence presented at trial, *State v. Dennis*, 321 S.C. 413, 420, 468 S.E.2d 674, 678 (Ct.App.1996); *State v. Cooney*, 320 S.C. 107, 465 S.E.2d 597 (1995). A defendant is entitled to a "mere presence" charge only if the evidence supports it. *State v. Franklin*, 299 S.C. 133, 382 S.E.2d 911 (1989).

The evidence presented at trial determines the law to be instructed and the trial court commits reversible error in failing to give a requested jury instruction. *State v. Gibson*, 701 S.E.2d 766 (2010). When a party requests the trial court to charge a correct and applicable principle of law, the court must charge it, *State v. Brandt*, 393 S.C. 526, 549, 713 S.E.2d 591 (2011).

The role of the trial court is to charge the jury correctly based on the evidence presented at trial, the lawyer bears the responsibility to argue how a point of law affects the jury's interpretation of the evidence. *State v. Marin*, 404 S.C. 615, 745 S.E.2d 146 (S.C.2013).

Here counsel sat mute and did not act in the role of an advocate. Had counsel correctly argued the point based on the evidence and the Court instructed the jury on mere presence there is

a reasonable probability the results of the trial would have been different, *Strickland v. Washington*, 466 U.S. 688 (1984).

Applicant is entitled to a new trial on this issue.

ISSUE (C) WAS COUNSEL INEFFECTIVE FOR FAILING TO OBJECT TO THE TRIAL COURT'S JURY INSTRUCTIONS THAT USED HYPOTHETICAL EXAMPLES OF APPLICANT'S CASE TWICE DURING THE INSTRUCTIONS THAT WAS TO BE DETERMINED BY THE JURY, THUS CONSTITUTING, AN IMPERMISSIBLE COMMENT ON THE FACTS THAT PREMATURELY DIRECTED A VERDICT FOR THE STATE?

FACTS

Applicant submits he was denied the effective assistance of counsel when counsel failed to object to the Trial Court's jury instructions that used hypothetical examples of Applicant's case that was to be proven by the State and determined by the jury.

At the onset of the trial the Court told the jury that Applicant was charged with [armed robbery; kidnapping and burglary in the first-degree], Tr.p.138, L.5-10. The Court further told the jury, "the State has the burden of proving this defendant guilty beyond a reasonable doubt", Tr.p.139, L.5-8.

At the end of the trial, prior to instructing the jury, the Court told the jury, "the defendant has entered pleas of not guilty which places upon the State the burden of proving the defendant guilty, Tr.p.696, L.5-7.

During the Court's charge regarding first-degree burglary the Court instructed the jury as was recorded:

Finally, the State must prove beyond a reasonable doubt, one, when entering the -- when entering or while in the dwelling or when fleeing, the defendant or -- was armed with a deadly weapon or an explosive. A deadly weapon is any article, instrument, or substance which is likely to cause death or great bodily harm. Whether an instrument has been used as a deadly weapon depends on the facts of or circumstances of each case. The following are examples of instruments which may be deadly weapons: A pistol.

, a shotgun, a rifle, a dagger, a knife, a slingshot, metal knuckles, a razor, gasoline, firebombs. A gun may be a deadly weapon even if it's not operating.

Tr.p.701, L.24-p.701, L.10

Coming directly after this charge the Court instructed the jury regard armed robbery as was recorded:

Finally, the State must prove beyond a reasonable doubt that the defendant was armed with a deadly weapon during the armed robbery. A deadly weapon is any article, instrument, or substance which is likely to cause death or great bodily harm. Whether an instrument has been used as a deadly weapon depends upon the facts and circumstances of a case. The following are examples of instruments which may be deadly weapons: A pistol, a shotgun, a rifle, a dirk, a dagger, a knife, a razor, gasoline. A gun may be a deadly weapon even if it is not operated.

Tr.p.705, L.12-21.

As is seen in the above the Trial Court while instructing the jury regarding burglary in the first-degree and armed robbery told the jury that the State must prove a "deadly weapon" was used.

As was seen the Court also twice used hypothetical [examples] reflecting the facts of the case that the State was required to prove. Applicant would submit a jurist of reason could have interpreted the Court's [examples] as a comment on the facts and thus prematurely directed a verdict for the State.

DISCUSSION

Applicant submits the Trial Court's use of "hypothetical examples" of "deadly weapons" was a direct comment on the facts, in violation of the prohibition of South Carolina Constitution art. V, §21 (Judges shall not charge juries in respect to matters of fact, * * * but shall declare the law). Our Court echoed this same standard in *State v. Hartely*, 307 S.C. 239, 414 S.E.2d 182. (S.C.App.1992).

Applicant would submit a reasonable jurist could have easily interpreted the Court's use of "hypothetical examples" as an impermissible comment on the facts directing a verdict for the State as it was essential for the State to prove that Applicant used or was in possession of a "deadly weapon", i.e. [a pistol] as an element of both offenses, burglary in the first-degree and armed robbery. In *State v. Bagwell*, 201 S.C. 337, 23 S.E.2d 244 (1942), the Court held that a judge cannot express in his charge, or intimate any opinion as to the weight or sufficiency of testimony without violating the prohibition of the Constitution as to charging upon the facts. Also see 75A Am.Jur.2d Trial §1203 at 693 (1991)(the trial court may not instruct the jury what weight should be given [to the evidence] or even that any particular evidence is or is not entitled to receive weight or consideration from them); Cf. *Edwards*, 127 S.C. 116, 120 S.E. 490 (1923), wherein our Supreme Court held that the absence of motive is a mere circumstance to be considered by the jury and rejected an instruction that the absence of motive may raise a reasonable doubt as to the defendant's guilt because it was a charge on the facts.

As was seen in the instant case the Trial Court not only used "hypothetical examples" once, but twice reiterating the charge on the facts that directed a verdict of the State and substantially lessened the State's burden of proof, thus denying Applicant his right to a fair trial and his right to the effective assistance of counsel, *Strickland v. Washington*, 406 U.S. 688 (1984). Applicant would submit that if counsel would have lodged an objection to the Court's impermissible comments during instructions there is a reasonable probability the results of the trial would have been different.

ISSUE (d) WAS COUNSEL INEFFECTIVE FOR FAILING TO OBJECT TO THE TRIAL COURT'S JURY INSTRUCTIONS THAT OMITTED THE ESSENTIAL ELEMENT OF "CRIMINAL INTENT"?

FACTS

Applicant submits he was denied the effective assistance of counsel when counsel failed to lodge an objection when the Trial Court failed to instruct the jury on the essential element of criminal intent.

During the Court's charge to the jury the Court charged: "Identification, Tr.p.699, L.23-p.700, L.19. Burglary in the first degree, Tr.p.700, L.20-p.703, L.18; Kidnapping, Tr.p.703, L.19-p.704, L.17 and Armed robbery, Tr.p.704, L.18-p.705, L.21.

The trial Court's charge omits any reference to the essential element of criminal intent. Criminal intent is an essential element that must be proved by the State beyond a reasonable doubt.

This was exploited by the trial Court's statements regarding first degree burglary: "next the State must prove beyond a reasonable doubt that the defendant intended to commit a crime, either a felony or misdemeanor, at the time of entry..." It does not matter that the intended crime was not completed. Intent may be shown by acts and conduct of the defendant and other circumstances from which you may naturally and reasonably infer intent. Tr.p. 700, L.12-23.

Counsel should have objected and requested the Court to charge the jury regarding criminal intent and allowed the Court to correct the error. As is seen the Court touched on "intent" during the burglary first instructions.

The correct criminal intent instruction can be found in the leading book on criminal jury charges. Ralph King Anderson, Jr. South Carolina Requests to Charge -- Criminal. Where the proper charge is as follows:

In order to establish criminal liability, criminal intent is required. For example, the mental state required to be proven by the State for a particular crime might be some purpose, some specific intent, knowledge of certain facts or recklessness.

Criminal intent must be proved beyond a reasonable doubt. Criminal intent is always a matter that must be determined by the jury from circumstances surrounding the situation.

There's no way to prove to a mathematical certainty intent. There's no way medical science can digest a person's brain and determine what the person had in mind, so the law says that criminal intent may be inferred from the circumstances shown to have existed.

This is how you make a determination of whether or not the element requiring intent was present. Criminal intent is a mental state, a conscious wrongdoing.

However, the essential element of criminal intent was not charged to the jury and counsel rendered ineffective assistance by failing to object and ask the Court to instruct the jury regarding criminal intent.

DISCUSSION

The jury verdict here was rendered in the absence of proper instruction on every element of the offense, *United States v. Gaudin*, 515 U.S. 506 (1995). In South Carolina criminal intent is an essential element, *Griffin v. Martin*, 785 F.2d 1172 (4th Cir. 1986). "...criminal intent is an essential element in every common law crime", *State v. Thrillkill*, 73 S.C. 314, 316, 53 S.E. 482 (1906).

Here Applicant was convicted based on a jury instruction that failed to require conscious wrongdoing, *Arthur Anderson LLP v. United States*, 544 U.S. 696 (2005). Instruction's omission of the mens rea element violated due process. *Keating v. Hood*, 191 F.3d 1053 (9th 1999). Failure to instruct on elements of offense was per se prejudicial error. *Harmon v. Marshall*, 69 F.3d 963 (9th - 1995)(per curiam).

The error complained of here cannot be considered harmless error. In conducting harmless error analysis of constitutional violations, the U.S. Supreme Court repeatedly has reaffirmed that "[s]ome constitutional violations... by their very nature cast so much doubt on the fairness of the trial process that as a matter of law, they can never be considered harmless, *Neder v. United States*, 527 U.S. 1, 7 (1999)("[W]e have recognized a limited class of fundamental constitutional errors that defy analysis by "harmless error" standards" ... Errors of this type are so intrinsically harmful as to require automatic reversal (i.e. affect substantial rights) without regards to their affect on the outcome).

Here the Court's failure to instruct the jury on the essential element of criminal intent was a structural error in the constitution of the trial and counsel's deficient performance in failing to object and allow the Court to cure this error was unduly prejudicial, *Strickland v. Washington*, 466 U.S. 668 (1984).

Applicant is entitled to a new trial on this issue.

ISSUE (2) WAS COUNSEL INEFFECTIVE FOR CONSENTING TO THE TRIAL JUDGE ENTERING THE JURY ROOM ALONE DURING DELIBERATIONS TO ANSWER A JURY QUESTION, THUS CONSTITUTING AN EXTERNAL INFLUENCE ON THE JURY?

FACTS

During deliberations the jury sent out a note requesting a copy of the Court's jury instructions, at which time the following was recorded:

The Court: I received a note from the jury asking if they could get a copy of the instructions that I gave them during the charge. I reviewed the note with the attorneys.

It was decided that I would go into the jury room and advise them that I could not give them a copy of the jury instructions,, but if they wanted me to -- hear the charge or any other portion of the charge again, I would be happy to do so.

So I will see what the jury wants to do about it, if anything. Thank you. It's with consent of all counsel that I advise the jury in the manner that I did.

[Tr.p.710, L.23-p.711, L.7].

Applicant submits he was denied the effective assistance of counsel when counsel consented to the Trial Judge entering the jury room [alone] during deliberations, thus constituting an external influence on the jury.

"[N]o" one knows for sure exactly what was said to the jury, except the jury and the Judge as neither counsel was present.

As was noted above the Court was asked for a copy of the jury instructions, and the Court intimated that the Court would just tell the jury he couldn't give them a copy. Applicant would submit that the better practice would have been to bring the jury out

into the Court room with [all] parties present, including Applicant, rather than the Judge go into the jury room [alone] during deliberations. Applicant would submit that no one can say with any certainty what was said in the jury room, nor can it be assumed. Prejudice is the only thing that can be assumed from the record. No one is allowed in the jury room while the jury is deliberating, especially the Judge without both counsels being present and Applicant consenting to such.

It is Applicant's contention that counsel was ineffective for consenting the Judge going into the jury room alone during deliberations, thus constituting an external influence on the jury that has denied Applicant his right to a fair trial by a fair and impartial jury.

DISCUSSION

The Fifth Amendment to the U.S. Constitution guarantees that no one will be deprived of liberty without due process of law; and the Sixth Amendment, that in all criminal prosecutions, the accused shall enjoy the right to a trial by an "impartial jury".

The U.S. Supreme Court held that these provision require criminal convictions to rest upon a jury determination that the defendant is guilty of "every element" of the crime in which he is charged, beyond a reasonable doubt, *Sullivan v. Louisiana*, 508 U.S. 275, 277-78, 113 S.Ct. 2073, 2080-31 (1993).

The right to have a jury make the ultimate determination of guilt has an impressive pedigree. Blackstone described "trial by jury" as requiring that the truth of every accusation, whether preferred in the shape of an indictment, information, or appeal,

should afterwards be confirmed by the unanimous suffrage of twelve of [the defendant's] equals and neighbors...."(emphasis original).

A criminal defendant's right to an impartial jury is in essence, the right to jury trial that guarantees the criminally accused of a fair trial by a panel of impartial, indifferent jurors. The failure to accord an accused of a fair hearing violates the minimum standards of due process, *Irwin v. Dowd*, 366 U.S. 717, (1961)(internal citations and quotations omitted).

The integrity of jury proceedings must not be jeopardized by any unauthorized invasions. The trial judge should not decide and take final action ex parte, *Mattox v. United States*, 146 U.S. 140, 13 S.Ct. 50, 36 L.Ed 917. While the judge here was authorized by trial counsel's deficient performance of consenting to such, the trial Judge should not have been allowed in the jury room deliberations alone. The Founders would not have approved of such actions.

In *Remmer v. United States*, 347 U.S. 227, 74 S.Ct. 450, 98 L. Ed. 654 (1954), the Court held that in a criminal case, any private communications, contact, or tamper, directly or indirectly, with a juror during trial about the matter pending before the jury is "[presumptively prejudicial]", if not made in pursuance of known rules of court and instructions and directions of the Court made during trial, with full knowledge of the parties. While the Court in the instant matter entered the jury room during deliberations with the consent of counsel, Applicant contends that he did not consent to the Judge entering the jury room [alone] during deliberations.

The Remmer Court further held that outside influences upon a jury raise a "presumption of prejudice" that imposes a heavy burden on the State to overcome by showing that those influences were harmless to the petitioner. Id Remmer, supra.

Here Applicant need not show prejudice to obtain relief, rather it is the State who bears the heavy burden of establishing that the influence of the Judge being in the jury room "[alone]" during deliberations was harmless. Prejudice here [is] presumed, and the State cannot carry their burden because no one actually knows what was said to the jury while the Judge was in the jury room.

While the better practice would have been to bring the jury back into the Courtroom with all parties present and instruct the jury accordingly, that however, simply is the case in the instant matter. Applicant submits he was deprived of his right to a fair and impartial jury when the Judge was allowed into the jury room alone during deliberations. It was only a short time later that the jury returned with guilty verdicts as indicted. Counsel was clearly ineffective for consenting the the trial Judge going into the jury alone during deliberations to address the jury.

Applicant is entitled to a new trial on this issue.

CONCLUSION

WHEREFORE, based on the foregoing statement of facts, issues presented and citations of authorities relied on Applicant has carried his burden of showing his entitlement to the requested relief of a new trial.

Respectfully Submitted,

/s/ Adonis Williams

Adonis Williams

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

)
)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Adonis Williams, #274626,
Applicant,

)
)

Case No. 2013-CP-40-2376

v.

)
)

SECON DAMENDED APPLICATION
FOR POST-CONVICTION RELIEF

State of South Carolina,
Respondent.

)
)

Based upon further investigation and research, the Post-Conviction Relief Application

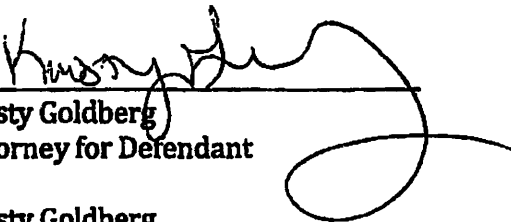
filed on behalf of the above named Applicant is hereby Amended as follows:

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

a) Ineffective assistance of counsel – Trial counsel failed to properly object and/or request a mistrial to preserve the record for appellate review on several occasions, including specifically:

- i. Trial transcript page 163, lines 5-16 – Statement was sufficiently prejudicial that counsel should have requested a mistrial;
- ii. Trial transcript page 170, lines 1-16 – Missed objection to leading and failed to appropriately renew pre-trial objection contemporaneously;
- iii. Trial transcript page 389, lines 16-25 – Missed objection to bolstering and hearsay;
- iv. Trial transcript pages 558-559 – Delayed objection to re-called testimony of Dr. Gray Amick;
- v. Trial transcript pages 569 – Failed to renew pre-trial objection regarding evidence that Adonis Williams had been out of prison 10 months – and failed to object regarding relevance as the actual evidence showed that Adonis Williams had actually been out of prison 8 months;
- vi. Trial transcript page 652, lines 1-25 – Missed objection to Solicitor's question as calling for overly prejudicial and irrelevant testimony with no probative value – trial counsel should have requested that testimony be stricken from the record and requested a mistrial;
- vii. Trial transcript pages 653-654 – Missed objection when Solicitor essentially offered testimony regarding the weather when there was no evidence offered on this topic;

- viii. Trial transcript page 668, line 17-24; Trial transcript page 670, line 10-11 and 15-16; Trial transcript page 672 Lines 4-12 – Failed to object when the Solicitor improperly vouched for the victim and witness;
 - ix. Trial transcript page 669, line 4 – Failed to object when the Solicitor misstated the facts in evidence;
 - x. Trial transcript page 677, lines 7-12 – Failed to object when the Solicitor asked the jury to convict the defendant on an improper basis.
 - xi. Trial transcript page 692, lines 3-22- Failed to object when the Solicitor made an improperly prejudicial appeal to the jury.
 - xii. Trial transcript page 710 -711 – Failed to object when the Judge talked to the jurors in the jury room without either party present.
- b) Ineffective assistance of trial counsel – Trial counsel failed to properly object to the admissibility of evidence obtained from the cell phone on the grounds of an unconstitutional search and seizure under the 4th amendment and overly prejudicial content with no probative value. (Trial transcript pages 493-499).
 - c) Ineffective assistance of counsel – Trial counsel failed to investigate and present possible evidence and witnesses.
 - d) Ineffective assistance of counsel – Trial counsel failed to effectively cross examine the victim with her prior testimony.
 - e) Ineffective assistance of counsel – Trial counsel failed effectively argue the facts to the jury during closing argument.
 - f) Ineffective assistance of counsel – Trial counsel failed to effectively argue the importance of DNA evidence during closing argument.
 - g) Ineffective assistance of counsel – Trial counsel failed to request the following law to be included in the Judge's charge to the jury
 - i. an alibi charge.
 - ii. a mere presence charge.
 - iii. A charge regarding lack of criminal intent.
 - h) Due to the cumulative effect of counsel's errors the Applicant suffered prejudice such that, but for the combination of these errors, the result of the proceeding would have been different.
 - i) Ineffective assistance of trial counsel pursuant to White v. State – failure to properly initiate client's direct Appeal.


 Kristy Goldberg
 Attorney for Defendant

Kristy Goldberg
 Law Office of Kristy Goldberg, LLC.
 1720 Main Street, Suite 303

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Adonis Williams, #274626,
Applicant,

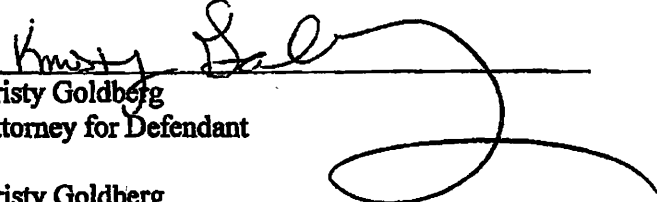
Case No. 2013-CP-40-2376

v.

CERTIFICATE OF SERVICE

State of South Carolina,
Respondent.

I certify that on this date I served the Second Amended Application for Post-Conviction Relief in this case on The State of South Carolina by delivering a copy of this application to the Office of the Attorney General via U.S. mail at Post Office Box 11549, Columbia, South Carolina 29211-1549.


Kristy Goldberg
Attorney for Defendant

Kristy Goldberg
Law Office of Kristy Goldberg, LLC.
1720 Main Street, Suite 303
Columbia, SC 29201
803-667-6633
803-799-4059 (fax)
kristy@kristygoldberglaw.com

Columbia, South Carolina

This 21st day of January, 2016

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	FOR THE FIFTH JUDICIAL CIRCUIT
Adonis K. Williams, #274626,	)	
	)	2013-CP-40-2376
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

Respondent, making its Return to the Application for post-conviction relief filed April 19, 2013, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Richland County Clerk of Court. Applicant was true bill indicted during the July 2009 term of the Richland County Grand Jury for Kidnapping (2009-GS-40-2697), Armed Robbery (2009-GS-40-2698), and Burglary – 1st Degree (2009-GS-40-2701). Nathaniel Roberson, Esquire, represented Applicant. On September 6-9, 2011, Applicant proceeded to a jury trial before the Honorable James R. Barber, III. On September 9, 2011 Judge Barber sentenced Applicant to confinement for twenty-five (25) years for kidnapping, twenty-five (25) years for armed robbery, and twenty-five (25) years for burglary – 1st degree, all sentences running concurrently.

Applicant filed a Notice of Appeal with the South Carolina Court of Appeals on September 15, 2011. The South Carolina Court of Appeals dismissed Applicant's request by written order on March 30, 2012 for failure of Applicant to timely order the transcript. The Remittitur was issued on January 24, 2013.

Attached herewith and incorporated herein are the records of the Richland County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, the trial transcript, and Applicant's appellate records. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his Application, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel, in that;
 - a. "They had DNA but it wasn't mine. They couldn't find a match."
 - b. "No Video of me at bank on camera."
 - c. "Video at Citgo gas station shows a white male doing what police n(sic) victim accused me of . She accused me in impact statement, police in preliminary hearing."
2. Ineffective of appellate counsel, in that;
 - a. "White v. State appeal."

Any claims not specifically enumerated in the Application or amendments will be opposed by Respondent at an evidentiary hearing, and Respondent will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRCRCP.

III.

In his Application, Applicant alleges ineffective of assistance of counsel. In a post-conviction relief action, the Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be

relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of trial counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have 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.

Respondent submits that Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Applicant also alleges ineffective assistance of appellate counsel. A defendant is constitutionally entitled to effective assistance of appellate counsel. Evitts v. Lucey, 469 U.S. 387 (1985). "However, appellate counsel is not required to raise every non-frivolous issue that is

presented by the record." Thrift v. State, 302 S.C. 535, 539, 397 S.E.2d 523 (1990). Appellate counsel has a professional duty to choose among potential issues according to their merit. Jones v. Barnes, 463 U.S. 745 (1983). Where the strategic decision to exclude certain issues on appeal is based on reasonable professional judgment, the failure to appeal all trial errors is not ineffective assistance of counsel. Griffin v. Aiken, 775 F.2d 1226 (4th Cir. 1985).

Applicant must show that appellate counsel's performance was deficient and that he was prejudiced by the deficiency. Thrift, at 537; Gilchrist v. State, 364 S.C. 173, 612 S.E.2d 702 (2005); Anderson v. State, 354 S.C. 431, 581 S.E.2d 834 (2003). When a claim of ineffective assistance of counsel is based upon failure to raise viable issues, the court must examine the record to determine "whether appellate counsel failed to present significant and obvious issues on appeal." Gray v. Greer, 800 F.2d 644, 646 (7th Cir. 1986). Generally, the presumption of effective assistance of counsel will be overcome only when the alleged ignored issues are clearly stronger than those actually raised on appeal. Id.

Respondent contends that Applicant's appellate attorney rendered effective assistance of counsel. However, this ground for relief may raise factual issues that are not conclusively refuted by the record. Therefore, Respondent requests an evidentiary hearing on this allegation also.

V.

Each and every allegation contained within the Application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VI.

WHEREFORE, having made its Return, Respondent requests that an evidentiary hearing be held.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN RATIGAN
Senior Assistant Deputy Attorney General

MEGAN E. HARRIGAN
Assistant Attorney General

By: Megan E. Harrigan
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

October 18, 2013.

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	
	)	2013-CP-40-2376
	)	
ADONIS K. WILLIAMS, #274626	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT 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** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Kristy G. Goldberg, Esquire
Law Office of Kristy Goldberg, LLC
1720 Main Street, Suite 301
Columbia, South Carolina 29201

DATED this 18th day of October, 2013.


 Kelly Oppenheimer, Legal Assistant
 For Respondent

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF RICHLAND) IN THE COMMON PLEAS COURT

3 Adonis Williams,)
4 Applicant,) TRANSCRIPT OF RECORD
5) 2013-CP-40-2376
6 -vs-)
7 The State.) February 1, 2016
8) Columbia, South Carolina
9
10
11

12 B E F O R E:

13 HONORABLE J. DERHAM COLE, JUDGE
14
15

16 A P P E A R A N C E S:

17 KRISTY GOLDBERG, ESQUIRE
18 Attorney for the Applicant

19 CLAY MITCHELL, ESQUIRE
20 Attorney for the State
21

22 Linda D. Moffitt
23 Circuit Court Reporter
24
25

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EXHIBITS

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1 (Documents from South Carolina Court of Appeals Clerk
2 of Court marked Applicant's Exhibit No. 1; documents from
3 the office of appellate defense marked Applicant's Exhibit
4 No. 2; pretrial hearing from June 27 - 28, 2011, marked
5 Applicant's Exhibit No. 3.)

6 THE COURT: All right. This is Williams.

7 MR. MITCHELL: Yes, sir. May it please the Court.

8 This is Adonis Williams vs. the State of South
9 Carolina, 2013-CP-40-2376.

10 Mr. Williams was indicted in July of 2009 for
11 kidnapping, armed robbery, first degree burglary.

12 He -- this -- he went to trial before Judge Barber.
13 He was represented by Mr. Mark Schnee.

14 He was convicted as indicted, 25 years on the
15 kidnapping and 25 on the armed robbery, 25 on the burg
16 first.

17 I note that he was previously tried and represented by
18 Mr. Byron Gipson. That ended in a mistrial. So this was
19 his second trial.

20 A notice of appeal was filed. It was then dismissed
21 because the transcript was not ordered in the proper time
22 limits. So this application was filed about a month later.

23 Ms. Goldberg was appointed on the case where she has
24 made a number of amendments.

25 One thing I think we can deal with right off, Your

1 Honor, is he's alleging ineffective assistance of counsel,
2 failing to secure the direct appeal. We're willing to
3 consent to that pursuant to White -- belated appeal. So
4 we're willing to consent to that -- Mr. Schnee. He's in
5 agreement with that. Just something happened with ordering
6 the transcript at the time, and some letters back and forth
7 between him and, I believe, it's O.I.D., so, or appellate
8 defense, I believe. So we're okay allowing him to get his
9 belated appeal and everything else essentially going
10 forward on.

11 I think there's a copy of the amended application of
12 the allegations. They're fairly extensive, but I note
13 Mr. Williams is present. And Ms. Goldberg can elaborate on
14 the allegations going forward.

15 THE COURT: Well, can we go forward if he has an
16 appeal pending?

17 MR. MITCHELL: Yes, sir, we can. And that's the way
18 it's set up. It's set up to where in order to get this
19 belated appeal he has to file this P.C.R.

20 THE COURT: I understand that.

21 MR. MITCHELL: And -- yes, sir. So from here we have
22 to hear all issues pertaining to the P.C.R. at this
23 hearing. That's pursuant to a line of cases -- State vs.
24 Green. You've got to hear -- gotta hear them all at once,
25 and then he'll get granted this direct appeal pursuant to

1 white, and it'll go from there. But we would have -- we
2 would hear all of the issues at this junction.

3 THE COURT: Okay.

4 MS. GOLDBERG: Thank you, Your Honor. May it please
5 the Court. That's my understanding too, unfortunately,
6 that we need to go ahead and go forward with everything
7 based on case law.

8 The amended application, Your Honor, should have --
9 that we're going forward on was filed January 26th. Do you
10 have a copy of that or should I -- I have a copy.

11 THE COURT: I should have it. Is it in this packet,
12 Mr. Mitchell?

13 MR. MITCHELL: Your Honor, there's a second amendment,
14 so there's, I believe, the first one and the second one.

15 THE COURT: If you have an extra copy, just hand it up
16 to me.

17 MS. GOLDBERG: Just to make that easier for you, Your
18 Honor.

19 To kind of go over a little bit of information about
20 this amended application, allegation A, as you see, is
21 several Roman numerals below it -- several issues.

22 For Your Honor's information, all of those are
23 essentially missed objections. Those are instances in the
24 trial transcript where a statement or a piece of evidence
25 was presented and not objected to.

1 I do not plan on going through each and all of those
2 with Mr. Williams because the answers to all of those
3 questions would be legal issues. So we're going to save
4 those issues for asking Mr. Schnee whether or not he had a
5 strategy in not objecting and arguing it at the end if Your
6 Honor's okay with that. I think that would streamline the
7 issues.

8 THE COURT: Sure. That's fine.

9 MS. GOLDBERG: Actually, allegation B regarding a cell
10 phone, contents of a cell phone, that were -- was
11 presented, I think that actually in further reflection goes
12 along with the first section I talked about. I think
13 that's a legal argument that I will deal with with
14 Mr. Schnee and in legal argument.

15 The remaining, C through I, failure to investigate,
16 failure to effectively cross-examine, failure to
17 effectively argue facts in closing, those are all issues I
18 plan to bring up with Mr. Williams.

19 Section G has to do with the jury's -- the charge to
20 the jury.

21 Then subsection H just is that cumulative-error
22 allegation that we're going to preserve. And then
23 subsection I is the White vs. State, which Mr. Mitchell's
24 already told you he plans on -- he does consent to.

25 For the record, Your Honor, I did with the attorney

1 general's consent submit to the court reporter Applicant's
2 Exhibits 1 and 2. That is -- Exhibit 1 is the records from
3 the appellate court clerk; Exhibit 2 are records received
4 from indigent defense.

5 Mr. Mitchell's already reviewed those and consents to
6 them being admitted with Your Honor's permission. That is
7 just to preserve the record regarding the underlying basis
8 of why they consented to the appeal.

9 I don't think anything needs to be addressed further
10 as we're in agreement unless Your Honor would you like to
11 hear anything further on that issue.

12 So whatever order is presented, that will be granted.

13 I've also submitted to the court reporter Applicant's
14 Exhibit No. 3 with the consent of Mr. Mitchell. That is a
15 transcript from a pretrial hearing for this trial that just
16 isn't included in the transcript. It happened a week or
17 two prior. So I've obtained that and wanted to make sure
18 it's clear for the record for appellate purposes.

19 To the same extent, Your Honor, there is a question
20 about this exhibit which I would ask to introduce.

21 what I have -- Mr. Williams' trial was -- that he was
22 convicted on was in 2011.

23 He previously had a trial in 2010, full trial where it
24 went to the jury. It was a mistrial. I have that
25 transcript electronically.

1 what I had offered with the attorney general was I
2 would like to present it -- admit it into evidence too for
3 the record for the appellate court to review later.

4 The only reason I say that is because there are some
5 instances in this 2011 transcript where the judge says that
6 legal issue was already ruled on in the first trial, we're
7 going to let that first -- that first ruling stand.

8 I didn't go through and pinpoint any of those because
9 they're not P.C.R. issues. They were properly preserved,
10 argued on.

11 So I would ask that the prior transcripts be included
12 just for the appellate record. I think Mr. Mitchell may
13 not consent necessarily to that.

14 MR. MITCHELL: Judge, I just don't think the entire
15 transcript is relevant to the case before us. We're just
16 dealing on what --

17 THE COURT: You don't object to what she's offering.
18 You object that it not condensed and it should be
19 condensed?

20 MR. MITCHELL: He had two trials, right. So the first
21 trial was a mistrial, and that's the transcript she wants
22 to introduce for purposes of the record. But I don't think
23 that's really relevant to this proceeding as far as, you
24 know, whether this issue would be for the direct appeal.
25 And they can order that transcript if they need it. It's

1 available.

2 MS. GOLDBERG: The only thing -- well, the only thing
3 I would say, Your Honor, is that by the time an appeal
4 happens there'll be a significant -- a period of time.
5 They may not be able to order it from the court reporter
6 but I do have --

7 THE COURT: What about -- what about that be allowed
8 as a part of this record but it's limited solely on the
9 issue of the direct appeal?

10 MS. GOLDBERG: That's what I'm asking.

11 MR. MITCHELL: And I'm okay with that. I just -- I
12 just don't think it's necessary.

13 THE COURT: Well, it may or may not be, but it's
14 certainly relevant. So I'll -- I'll allow it so long as
15 it's limited for the purpose -- solely on the issue of the
16 direct appeal.

17 MS. GOLDBERG: And, Your Honor, the -- I just --
18 further clarification. The only actual content we're going
19 to discuss today from that 2010 trial is some of the
20 victim's prior testimony.

21 I have that testimony specifically printed out
22 separate. We can introduce that by way of idea or exhibit
23 or whatever necessarily when the time comes. But that's
24 all that's really going to be addressed today, and that is
25 printed, so we have that.

1 THE COURT: Okay.

2 MS. GOLDBERG: But I'll submit the C.D. at this time.

3 (C.D. marked Applicant's Exhibit No. 4.)

4 MS. GOLDBERG: All right. Your Honor, I have gone
5 over the amended application.

6 There's one other thing I wanted to do before we
7 begin. I don't always do this, but I feel like it might be
8 helpful.

9 What I'd like to do is just give a brief description
10 to the Court on what the trial was about, very standardized
11 version of what the incident was and what evidence was
12 presented so the Court has an idea of what you're looking
13 for.

14 So according to the state and the victim at about 7:00
15 a.m. on March 22nd of 2009 -- that was a Sunday -- the
16 victim woke up in her bed to loud noises in her house.

17 She opened her eyes and saw a man standing in her
18 house just outside of her bedroom holding a gun and
19 pointing it at her. He had a hat on and a blue bandanna
20 over his nose and mouth so that only his eyes and his eye
21 area was showing.

22 Essentially, he asked her to get up and drive him to
23 the A.T.M. and get some money. They did that. She used
24 the A.T.M. twice.

25 This man then directed her to drive around to a

Adonis Williams
Direct examination by Ms. Goldberg

1 particular spot where he then got out of the car. She
2 drove a small distance up the road and called 9-1-1.

3 She was able to describe his clothing but was unable
4 to see part of his face except for that eye area.

5 She testified that the suspect had a mark around his
6 eyes that looked like a chicken pox scar. She also
7 testified that she gave him a cigarette during this ordeal,
8 and he had smoked at least part of it.

9 Aside from the victim's statements, the only evidence
10 offered or the evidence that was offered was, one, a
11 cigarette butt that allegedly was found near the location
12 where the suspect dropped the victim off, and, two,
13 testimony that the defendant's fingerprints were found on
14 the electrical box outside of the victim's home.

15 During the trial the defendant did testify on his own
16 behalf and provided testimony explaining that he was
17 innocent. And he provided alternative reasons and
18 explanations for each of those.

19 So that's just an idea of the state's presentation,
20 what the state offered. I assume there's no objection to
21 that content.

22 MR. MITCHELL: No. And one thing I will clarify. The
23 fingerprints were found at the scene, like the power box of
24 the victim's house, and also alleged that the power was
25 cut, both lines were cut, before Mr. Williams went in. So

Adonis Williams
Direct examination by Ms. Goldberg

1 fingerprints were found there, and that tied it to
2 Mr. Williams.

3 MS. GOLDBERG: All right. At this time, Your Honor, I
4 would call Adonis Williams as my first witness.

5 THE COURT: You are Adonis Williams.

6 THE APPLICANT: Yes, sir.

7 ADONIS WILLIAMS, having been
8 first duly sworn, testified as follows:

9 (Pause to rearrange microphone.)

10 THE COURT: Be sure you speak up loud but don't get
11 right in the microphone because when you breath into it it
12 makes a loud noise.

13 THE WITNESS: All right.

14 MS. GOLDBERG: May it please the Court.

15 THE COURT: Yes.

16 DIRECT EXAMINATION BY MS. GOLDBERG

17 Q All right. Sir, what is your name?

18 A Adonis Williams.

19 Q Where are you housed?

20 A At Perry Correctional Institution.

21 THE COURT: All right. You've got to speak a lot
22 louder than that. Speak like you're talking to me over
23 here, because you are.

24 A At Perry Correctional Institution.

25 Q What sentence are you serving?

Adonis Williams
Direct examination by Ms. Goldberg

- 1 A Twenty-five years.
- 2 Q For what charges?
- 3 A Kidnapping and armed robbery and burglary first.
- 4 Q When were you arrested?
- 5 A March 27th of 2009.
- 6 Q Who was your original attorney at your bond hearing?
- 7 A Mr. Schnee.
- 8 Q What happened next regarding your representation? Did
- 9 you hire someone, or how did your lawyer change?
- 10 A I hired somebody else.
- 11 Q Who did you hire?
- 12 A Byron Gipson.
- 13 Q Did you have a jury trial?
- 14 A Yes, ma'am.
- 15 Q And what was the end result of that?
- 16 A A hung jury.
- 17 Q Was there -- there was one guilty or not guilty,
- 18 wasn't there, conviction?
- 19 A Yes, ma'am.
- 20 Q What was that?
- 21 A Resisting arrest.
- 22 Q You were convicted of resisting arrest.
- 23 A Yes, ma'am.
- 24 Q The jury was hung on all other charges.
- 25 A On resisting arrest, resisting arrest A, I was found

Adonis Williams
Direct examination by Ms. Goldberg

- 1 guilty. Of resisting arrest B, I was found not guilty.
2 And the rest I was hung.
- 3 Q And what was your sentence on the resisting?
4 A A year.
- 5 Q After that trial were you transferred to S.C.D.C.?
6 A No, ma'am.
- 7 Q You stayed at the jail?
8 A Yes, ma'am.
- 9 Q Did Byron Gipson continue representing you?
10 A No, ma'am.
- 11 Q Why?
12 A He said if I couldn't get a certain amount of money by
13 a certain time he had to go off my case.
- 14 Q So then what did you do?
15 A I couldn't get the money. I seen Mr. Schnee one day
16 at the jail, and he was telling me -- you know what I'm
17 saying -- you know what I'm saying -- he was telling me
18 about my case and things like that. So I had gone and
19 talked to -- talked to my father.
- 20 Q And?
21 A And they hired him for my next trial.
- 22 Q Did Mr. Schnee visit you at Alvin S. Glenn while he
23 represented you?
24 A Yes, ma'am.
- 25 Q And he did represent you in the second trial, correct?

Adonis Williams
Direct examination by Ms. Goldberg

1 A Yes, ma'am.

2 Q Do you understand that if you go forward with -- let
3 me back up. What is your sentence?

4 A Twenty-five years.

5 Q And that's concurrent, 25 years total?

6 A Yes, ma'am.

7 Q For all of your charges.

8 A Yes, ma'am.

9 Q Do you understand that if you go forward today with
10 your P.C.R. hearing and you win that means you may have to
11 face all of your charges all over again? Do you understand
12 that?

13 A Yes, ma'am.

14 Q You may have to go to trial all over again.

15 A Yes, ma'am.

16 Q And we don't know, don't have any guarantees as to
17 what sentence you would receive if you go to trial again.
18 Do you understand that?

19 A Yes, ma'am.

20 Q Do you want another trial?

21 A Yes, ma'am.

22 Q Several of your allegations involve points in trial
23 where you believe your lawyer should have objected or
24 argued a legal issue to keep a piece of evidence or a
25 statement out, is that correct?

Adonis Williams
Direct examination by Ms. Goldberg

1 A Yes, ma'am.

2 Q Those are all legal issues?

3 A Yes, ma'am.

4 Q So you understand I'm not going to be asking you about
5 those specifically.

6 A Yes, ma'am.

7 Q You've also alleged that your lawyer failed to
8 investigate your case. Can you give me some examples of
9 how he failed to investigate your case?

10 A From -- from -- from the beginning when I -- when I
11 was arrested I had -- when I went to my first bond hearing
12 the victim of a statement saying that I was on video doing
13 a vandalism, and the police was saying that it was
14 intimidation after the fact. And the victim's statement
15 was saying that it was a black man fitting my description
16 committed the vandalism too.

17 But I told Mr. Schnee that I was at the gas station
18 that morning a little bit. Must be after the vandalism
19 happened. And I had urged him to go to the Citgo and get a
20 copy of the video, and he told he wasn't wasting time to do
21 that because Richland County had already obtained a copy of
22 the video.

23 And that's kinda how he went off my case, when I
24 talked to my family and I told them that he -- you know
25 what I'm saying -- wouldn't go get the video. That's why

Adonis Williams
Direct examination by Ms. Goldberg

1 they -- know what I'm saying -- fired him and got a new
2 attorney. And that attorney went straight down there but
3 Shifitten [sic], owner of the Citgo, told him that the
4 video sat in the corner 15 days. So I lost out on that
5 video.

6 Q So Mr. Gipson was not able to obtain that video.

7 A No, ma'am.

8 Q So we don't have it here today to show.

9 A No, ma'am.

10 Q What else did your lawyer do regarding failure to
11 investigate?

12 A I gave him witnesses, witnesses' names and address,
13 phone number. And I don't know. He never contacted them.
14 But they never -- know what I'm saying -- talked to them.

15 Q What witnesses?

16 A Michelle Wilcox and my father.

17 Q Why did you want Mr. Schnee to contact them? What
18 would they have had to add to this?

19 A Well, I had spent a lot of time at Michelle's house.
20 And the morning of the crime or whatever I was at her
21 house, and my father came and picked me up that morning.

22 Then me and my father also had several -- know what
23 I'm saying -- conversations, phone conversations -- know
24 what I'm saying -- throughout that night and that next
25 morning.

Adonis Williams
Direct examination by Ms. Goldberg

1 So -- so I had wanted them -- know what I'm saying --
2 come and be my witnesses about what was going on and where
3 I was at at the time that this particular crime was
4 happening.

5 Q An alibi?

6 A Yes, ma'am.

7 Q So you asked Mr. Schnee to contact them.

8 A Yes, ma'am.

9 Q Do you know why he didn't call either of those
10 witnesses in -- in trial? Did he tell you why?

11 A No, ma'am.

12 Q Did you ever discuss whether or not they should be
13 called as witnesses and then mutually come to an agreement
14 about it?

15 A I really don't remember. I just remember -- know what
16 I'm saying -- giving him the numbers and names and
17 numbers -- know what I'm saying -- and telling him that I
18 was in contact with these people and they were going to
19 testify. But they were never contacted.

20 well, Ms. Wilcox said that she got a call one time,
21 but she said that -- I think it was on her voice message or
22 something like that and she ain't ever returned the call or
23 whatever -- know what I'm saying -- heard back from them.

24 Q What else? What other allegations do you have
25 regarding a failure-to-investigate claim?

Adonis Williams
Direct examination by Ms. Goldberg

1 A Just the guy that was on the video doing the
2 vandalism, they was all saying that -- I guess one of them
3 was saying that he was drunk or whatever.

4 And the place where they was saying they was at
5 drinking was at least maybe 5 miles -- you know what I'm
6 saying -- back down the road. And right behind where
7 Ms. Wofford is alleging that the man jumped out and ran to
8 is another club. But it's a -- it's also a home that
9 people stay inside that. People stay inside the club, and
10 it's a club.

11 And what she's saying, the man ran through back there
12 in her -- when she was testifying, she was like she was
13 looking in that parking lot, but she couldn't see the car.

14 So I felt like it would have been beneficial if
15 Mr. Schnee would have went and at least -- you know what
16 I'm saying -- took photos of this being a club and what
17 time it opened and what time it closed -- and you see what
18 I'm saying -- I felt like that right there would have been
19 relevant -- know what I'm saying -- to what was going on.

20 Q Okay. Specifically, you wanted him to take
21 photographs, correct?

22 A Yes, ma'am.

23 MS. GOLDBERG: Your Honor, may I approach?

24 THE COURT: Sure.

25 (Photographs marked Applicant's Exhibit No. 5 for

Adonis Williams
Direct examination by Ms. Goldberg

1 Identification.)

2 Q Mr. Williams, I'm handing you Applicant's Exhibit No.
3 5 if you'll hold that.

4 Let me ask you some more questions. You -- you sat
5 through both trials, correct?

6 A Yes, ma'am.

7 Q And you reviewed the discovery in this case?

8 A Yes, ma'am.

9 Q So you're very familiar -- well, are you familiar with
10 the area in which this crime allegedly happened?

11 A Yes, ma'am.

12 Q How familiar were you with this area?

13 A I mean, I moved to Columbia maybe in 2000. My aunt
14 been staying on Caroline Road -- that's right there in that
15 area -- since -- since I moved to Columbia.

16 Q And when did you move to Columbia?

17 A Maybe in 2000.

18 Q So this is the area you live in.

19 A Yes, ma'am.

20 Q Okay. Will you look at those photographs in that
21 exhibit? Do those photographs fairly and accurately depict
22 locations related to the allegations in this case?

23 A Yes, ma'am.

24 Q Okay.

25 MS. GOLDBERG: Your Honor, I'm simply -- at this time

Adonis Williams
Direct examination by Ms. Goldberg

1 actually I'm to going to ask to move these into evidence
2 with the consent of the state.

3 MR. MITCHELL: No objection.

4 THE COURT: Okay. Are they marked?

5 MS. GOLDBERG: They are. It's two photographs that
6 are stapled together marked as Exhibit 5.

7 THE COURT: They're admitted.

8 (Photographs marked Applicant's Exhibit No. 5.)

9 Q All right. Mr. Williams, can you do your best to hold
10 up the photographs so that the judge can see them and kind
11 of explain why that would have assisted your testimony in
12 trial?

13 A Well, Your Honor --

14 THE COURT: You don't have but one copy of those
15 photos?

16 MS. GOLDBERG: I don't. I wish I had it.

17 THE COURT: Okay. All right. Keep going.

18 MS. GOLDBERG: I apologize.

19 THE COURT: Okay.

20 A The victim said that the assailant jumped out and ran
21 between this building, this white building right here, and
22 this house. And she said the man jumped out and said don't
23 go nowhere, I got a car parked around the corner.

24 And as you can see, this is woods and a fence. Ain't
25 no way you can go but through this parking lot. And she

Adonis Williams
Direct examination by Ms. Goldberg

1 said that the man had a car parked here somewhere and when
2 she pulled outta Leesburg and started going down, she was
3 looking on the right side road but she -- but she could not
4 see the car because it was hidden.

5 But as soon as she got to the next group, to the
6 Citgo, her car chased -- you know what I'm saying -- the
7 victim down and vandalized -- know what I'm saying -- the
8 car. And they was saying it was a black man fit my
9 description, but it was a white man -- know what I'm
10 saying -- doing the crime or whatever.

11 I felt like this right here was relevant because this
12 right here is all-night club, Diamond Head Club, maybe
13 closed 5:00 or 6:00 o'clock in the morning. And this right
14 here is the parking lot. And there's no other way that you
15 can go -- you know what I'm saying.

16 I was at this spot that morning, but I walked down
17 Patricia. I went back into the neighborhood -- you know
18 what I'm saying -- and I never came around here.

19 And then you get to the next street right here.
20 That's where the vandalism occurred at. And I -- everybody
21 was saying that it was me -- you know what I'm saying. I
22 ain't -- I ain't the one that did the kidnapping, robbery
23 or the burglary and I ain't the one that did the vandalism.

24 Q Can you turn over to the second photographs and
25 explain to the judge why that may have aided your testimony

Adonis Williams
Direct examination by Ms. Goldberg

1 at trial?

2 A This photograph right here, this is -- this is on Hilo
3 Street. This is Hilo Street, and then there's another path
4 that goes through down here.

5 There's a ditch. But really all the water dried out
6 and it's like a -- it's like a neighborhood path.
7 Everybody -- you know what I'm saying -- go through -- you
8 know what I'm saying -- this path.

9 And maybe a couple -- a couple of weeks -- you know
10 what I'm saying -- before this crime -- maybe a couple of
11 weeks -- you know what I'm saying -- they call it the air
12 because it go up and then it come back toward Caroline. It
13 goes up Hilo and come back Caroline.

14 We get down toward Elm Street there's so much bushes
15 that you can't really -- know what I'm saying -- go
16 through. So it's just called -- know what I'm saying --
17 like the air. But be we hanging in it -- you know what I'm
18 saying. We might sit down on the bank right here -- you
19 know what I'm saying -- and hang out down there or
20 whatever.

21 But I was running from -- you know what's I'm
22 saying -- the police one night, and I had hid some drugs --
23 you know what I'm saying -- behind the people's house --
24 you know what I'm saying -- and then the crime happened a
25 couple of weeks later.

Adonis Williams
Direct examination by Ms. Goldberg

1 So this right here how my fingerprint -- know what I'm
2 saying -- got found there, along with other fingerprints
3 that was unidentified.

4 Q All right. Mr. Williams, you did testify in your
5 trial that you -- you were back in the area on that path,
6 correct?

7 A Yes, ma'am.

8 Q You wanted the jury to be able to see that there was,
9 in fact, a path there?

10 A Yes, ma'am.

11 Q Do you think your testimony was hurt by not having
12 those photographs to this issue?

13 A I mean, I feel like my case was hurt in a lot of ways.
14 I feel like a lot of evidence that should have been
15 presented weren't presented. I feel like a lot of
16 evidence -- you know what I'm saying -- was either altered,
17 tampered with or disregarded.

18 Q All right. Anything else regarding the failure to
19 investigate?

20 A I have -- I have one more -- I have one more issue but
21 I don't -- I don't know if he could investigated or how,
22 what.

23 Q What's that?

24 A When -- when the -- when the Investigator Isenhoward
25 and Investigator Robinson went to the victim the next day

Adonis Williams
Direct examination by Ms. Goldberg

1 or whatever when they was talking about a cigarette, the
2 victim said that she only smoked one cigarette that morning
3 and she don't smoke in her car. But the police found three
4 cigarette butts in the car.

5 And really from the testimony they don't know what
6 happened to the cigarette, but the cigarette butt that was
7 found in the car, they was just threw away. You see what
8 I'm saying? They were just threw away.

9 The D.N.A. wasn't never -- know what I'm saying --
10 tested -- you know what I'm saying. It's like every time I
11 look around in the trial, it's like they getting more and
12 more of this frivolous evidence putting up against me. And
13 everything that could help me is -- is getting neglected.
14 Q I think that kind of folds into the next issue, which
15 is -- well, the cross-examination.

16 Aside from cross-examining the victim, any other
17 investigation you think your lawyer should have done, any
18 other evidence he should have obtained or presented,
19 obtained and presented at trial?

20 A The -- there's a cell-phone issue. I feel like he
21 should've -- you know what I'm saying -- got -- I feel like
22 he should've -- know what I'm saying -- went through the
23 cell phone -- you know what I'm saying -- because he
24 could've went through the cell phone and got numbers and --
25 you know what I'm saying -- different type of things to

Adonis Williams
Direct examination by Ms. Goldberg

- 1 show my calls, because I'm telling him that I was talking
2 on my phone at such and such and such time. And if these
3 times coin -- coincided with the time that this alleged
4 crime happened, then why is it -- know what I'm saying --
5 being testified to by nobody? So I felt like he should
6 should've -- know what I'm saying -- checked the cell
7 phone. It's -- that's another issue, check the cell phone
8 and the -- and the call log.
- 9 Q Any other investigation issues?
- 10 A I think that's about it.
- 11 Q Now, one of your allegations is you believe that your
12 lawyer failed to effectively cross-examine the victim.
- 13 A Yes, ma'am.
- 14 Q Is that right?
- 15 A Yes, ma'am.
- 16 Q Okay. So some of your issues have to do with her
17 first -- her first statement that was written and given to
18 law enforcement, is that right?
- 19 A Yes, ma'am.
- 20 Q Did you receive a copy of the discovery in this case?
- 21 A Yes, ma'am.
- 22 Q Did it contain a copy of that statement?
- 23 A Yes, ma'am.
- 24 Q All right. Mr. Williams, can you recall what was said
25 in that original written statement that you think should

Adonis Williams
Direct examination by Ms. Goldberg

1 have been addressed at trial?

2 A Do you mean that -- that wasn't addressed in the first
3 time or --

4 Q That was not addressed with Mr. Schnee in the trial
5 where you were convicted.

6 A Well, a lot of things -- know what I'm saying --
7 changed from the time of the first trial to the second
8 trial and even with -- you know what I'm saying -- the
9 motion for discovery things that was said, changed from the
10 first trial.

11 And then by the time I went to my second trial the
12 things that was said in the second trial also changed. So
13 it was allegations -- know what I'm saying -- made by the
14 victim that the robber said that he was robbing to pay
15 alimony and child support and that was not -- there was
16 nobody -- my lawyer never argued against that. And I never
17 been on alimony or child support. But that was something
18 that the robber-assailant told the victim.

19 The victim also said that robber told her that he
20 was -- he grew up on a farm or worked on a farm. I ain't
21 never grew up a farm, I ain't never worked on a farm.

22 The robber from Philadelphia. I ain't never been to
23 Philadelphia and I ain't from Philadelphia.

24 Q All of these things were said to some extent in her
25 written statement, is that right?

Adonis Williams
Direct examination by Ms. Goldberg

- 1 A Yes, ma'am.
- 2 Q Were they brought up during the first trial by Byron
- 3 Gipson?
- 4 A Yes, ma'am.
- 5 Q And that was done to impeach the victim?
- 6 A Yes, ma'am.
- 7 Q Did Mr. Schnee bring any of these issues up during
- 8 your trial?
- 9 A No, ma'am.
- 10 Q Do you know why not?
- 11 A No, ma'am.
- 12 Q And you mentioned that the victim said that her
- 13 assailant was from Pennsylvania. Can you be more specific
- 14 about what was said?
- 15 A In one of the -- I think it's like supplementary
- 16 incident report or something like that, and Investigator
- 17 Robinson is saying in that report that the victim told him
- 18 that the robber grew up in Phila -- in Pennsylvania.
- 19 Q She say something about a dialect?
- 20 A Yes, ma'am. Said that he had a dialect that she
- 21 couldn't understand.
- 22 Q She couldn't understand when he talked?
- 23 A Yes, ma'am.
- 24 Q Where were you born and raised?
- 25 A Bamberg, South Carolina.

Adonis Williams
Direct examination by Ms. Goldberg

1 Q You always lived in South Carolina?

2 A Yes, ma'am.

3 Q When this trial happened did you own any pigs or
4 chickens?

5 A No, ma'am.

6 Q Are you under or have you ever been under a court
7 order for alimony or child support?

8 A No, ma'am.

9 Q What difference would this have made if these things
10 had been brought out?

11 A I mean, with them -- with them not being brought out,
12 it's like you not arguing -- you not arguing against it.

13 So I guess to the jury it's like it's true, because
14 you not -- you not -- know what I'm saying -- saying
15 nothing against it. So if you just let it go, then they
16 going to take it as he must be from Phil -- he must be from
17 Pennsylvania or he must be a worker on a farm or, you know,
18 those things must be true.

19 Q In the first trial when they were brought out that was
20 a hung jury, correct?

21 A Yes, ma'am. It was -- it was also another allegation
22 where they found butt at [REDACTED] Patricia Drive, but the
23 victim said that the robber had a cigarette that wasn't
24 smoked and it was a good bit left on the cigarette, but at
25 7010 that's not what they found. They found a cigarette

Adonis williams
Direct examination by Ms. Goldberg

1 butt that was on the ground at 7010.

2 It really -- he never said nothing. He never brought
3 that up neither, and really the whole thing changed from
4 the statement, which nothing was said about a cigarette to
5 the first trial where the police are saying the victim told
6 them. This is the victim basically saying I didn't tell
7 y'all that, so I told y'all that I didn't share a cigarette
8 with the robber and the police saying you said you did
9 share a cigarette with the robber. And then when it got to
10 the third trial it's like it -- it went somewhere else.
11 And I don't know. Just kept changing until, and it worked,
12 I guess.

13 Q Another one of your allegations is that you believe
14 your lawyer failed to effectively argue certain facts to
15 the jury during closing argument. What facts did he fail
16 to argue?

17 A Oh, it was a S.C.D.C. employee that they called to
18 court and he was supposed -- the assailant, the victim
19 said, told her that he had been out of prison for ten
20 months, and I wasn't out of prison -- I wasn't out of
21 prison for ten months. I was maybe out of prison for eight
22 months. And the S.C.D.C. employee came to court and
23 testified that I was out of prison for eight months.

24 So I feel like that was another thing that was -- if
25 she'd been called and said Pennsylvania and all of that

Adonis Williams
Direct examination by Ms. Goldberg

1 stuff right here and...

2 Q This all has to do with the things that the victim
3 says the suspect said to her, correct?

4 A Yes, ma'am.

5 Q And how they don't apply to you personally?

6 A Yes, ma'am. And they was also said that the robber
7 had a mask on the whole time. And it was always a question
8 of me, like, how the robber done smoked a cigarette with
9 a -- with a -- with a mask on, the bandanna over his face
10 or whatever.

11 He never -- you know what I'm saying -- questioned him
12 about -- about those facts -- you know what I'm saying --
13 in the trial and being that the cigarette got throwed down
14 right there.

15 And Officer Lasher, he testified that when he came to
16 Citgo and seen the victim he went straight back to 7010 and
17 he was -- railroad track. And they called -- you know what
18 I'm saying -- canine dogs or whatever, but the dog came
19 and -- and the track, the dog ain't nowhere the way the
20 victim said the robber ran at. And the dog never found --
21 know what I'm saying -- a cigarette.

22 And, I mean, I was looking at it, like, if you got
23 anything in your hand and got your scent on it, and you
24 drop it right there, if you don't commit a crime and you
25 drop it and a dog -- a dog should find it. But the dog --

Adonis Williams
Direct examination by Ms. Goldberg

1 know what I'm saying -- never found it. And the dog ain't
2 went no way near between the house or went toward the club.
3 The dog went down the street the opposite direction where
4 the victim say the assailant went.

5 Q You believe that trial counsel failed to effectively
6 argue the importance of D.N.A. in its closing argument.
7 what is the basis for that allegation?

8 A The -- the -- the victim said that the robber didn't
9 have no gloves. And to do -- to do everything that -- and
10 it was -- it was D.N.A. evidence found that wasn't matched
11 to me inside the vehicle.

12 But I just feel like doing everything that this person
13 was supposed to be -- know what I'm saying -- doing with no
14 gloves on, there wasn't no D.N.A. to match from inside the
15 victim's house. There wasn't no D.N.A. to match from
16 inside the victim's car, wasn't no fingerprints matched to
17 me inside the victim's car.

18 And then when it came down to the cigarette butt, and
19 the victim is on the stand saying I never shared a
20 cigarette with the assailant, then that is -- it's -- it's
21 like when he was arguing it, he was saying all of these big
22 numbers and all of this math.

23 And I'm thinking in my mind, like, what this right
24 here got to do with it -- you know what I'm saying --
25 the -- the actual facts of what's going on. You know what

Adonis Williams
Direct examination by Ms. Goldberg

- 1 I'm saying. I felt like he got way off subject -- you know
2 what I'm saying -- with all of these -- I feel like he lost
3 the jury. He lost me -- you know what I'm saying. I
4 didn't understand nothing what was going on with that, so.
5 Q When he tried to argue the science of the D.N.A. --
6 A Yes, ma'am.
7 Q -- you think he lost the jury on that?
8 A Yes, ma'am.
9 Q Regarding the jury charges, you believe that there
10 should have been an alibi charge?
11 A Yes, ma'am.
12 Q Do you believe you presented an alibi defense through
13 your testimony?
14 A I feel like I did. I also feel like on investigation
15 part if he would at least went through -- know what I'm
16 saying -- the phone and got the phone call and could'a --
17 know what I'm saying -- better substantiate what I'm trying
18 to prove with my alibi -- you know what I'm saying -- with
19 my alibi testimony, my testimony and with the -- with the
20 phone, with the phone call, the phone log, and getting the
21 times or time that we was -- when I was on the phone and
22 coinciding that with the times that this alleged crime was
23 happening.
24 Q And a jury charge has to be -- can be given only when
25 there's evidence that is, in fact, presented. So do you

Adonis Williams
Cross-examination by Mr. Mitchell

1 think your testimony alone was enough for an alibi charge
2 to be out there?

3 A Yes, ma'am.

4 Q Okay. You also have alleged that you should have had
5 a mere presence charge.

6 A Yes, ma'am.

7 Q All right. But I've showed you in the transcript
8 today that your lawyer actually did object and preserve the
9 record on that one, is that correct?

10 A Yes, ma'am.

11 Q Okay. But then you also have alleged you should have
12 had a criminal-intent charge.

13 A Yes, ma'am.

14 Q Was there any charge in the jury instructions
15 regarding intent to your memory?

16 A No, ma'am.

17 Q And you understand the white vs. appeal -- white vs.
18 State issue regarding your appeal, that's being consented
19 to and granted, so you will have an appeal. Do you
20 understand that?

21 A Yes, ma'am.

22 MS. GOLDBERG: No further questions at this time.

23 CROSS-EXAMINATION

24 BY MR. MITCHELL

25 Q Good afternoon, Mr. Williams.

Adonis Williams
Cross-examination by Mr. Mitchell

- 1 A Good afternoon.
- 2 Q You testified in both trials, is that right?
- 3 A Yes, sir.
- 4 Q You testified in the first trial where you were
5 represented by Mr. Gipson, right?
- 6 A Yes, sir.
- 7 Q And then in the second trial where you were
8 represented by Mr. Schnee.
- 9 A Yes, sir.
- 10 Q Okay. Now, when you testified it was your defense
11 that it was not you, correct?
- 12 A Yes, sir.
- 13 Q And that you did not break into the victim's house.
- 14 A Yes, sir.
- 15 Q Okay. So your defense at the second trial was that
16 you tried -- you explained that your fingerprints would
17 have been on that telephone box because you had stashed
18 drugs throughout the neighborhood to hide them, is that
19 right?
- 20 A Yes, sir.
- 21 Q So you testified that you were a drug dealer, right?
- 22 A Yes, sir.
- 23 Q And that you were -- that you had stored stuff all
24 over the place.
- 25 A Yes, sir.

Adonis Williams
Cross-examination by Mr. Mitchell

1 Q So that explains why your fingerprints would be on the
2 telephone box, right?

3 A Yes, sir.

4 Q It's not quite what your testimony was at the first
5 trial though, is it?

6 A As I can recall, yes, sir.

7 Q Now, you didn't testify you had stashed drugs behind
8 her house in the first trial, did you?

9 A Yes, sir.

10 Q You did testify to that in the first trial?

11 A Yes, sir.

12 Q Okay. So we've got a fingerprint there. We also have
13 a D.N.A. found on a cigarette where the victim says she
14 dropped the robber off, right?

15 A Yes, sir.

16 Q Okay. Mr. Schnee tried to really -- he really got
17 technical with the D.N.A. expert. That's kind of what you
18 were talking about, wasn't it? You thought it might have
19 been gone over their head a little bit?

20 A I was -- I was speaking on the closing.

21 Q Okay. So you think he got a little too technical in
22 the closing about the D.N.A.?

23 A Yes, sir. Actually -- actually during the -- I mean,
24 I don't -- I mean, I don't know because when he asked the
25 D.N.A. expert did they test the -- test the cigarette he

Adonis Williams
Cross-examination by Mr. Mitchell

1 was smoking, then it gotta be saliva or something on there.

2 And when they asked the D.N.A. expert did he test it,
3 the D.N.A. expert said, no, I didn't test it. So you got
4 opinion what this is? And he said my opinion be it's
5 saliva or mixture, that he was saying it was something and
6 they couldn't tell a major or minor contributor. And the
7 victim is saying I'm absolute certain I didn't share a
8 cigarette with the assailant.

9 So I felt like by him -- know what I'm saying -- not
10 arguing that in closing and by him arguing all of these big
11 numbers that I didn't understand -- you know what I'm
12 saying -- I felt like that that was -- you know what I'm
13 saying -- where he lose me at.

14 Q But there was a match in the D.N.A. on this cigarette,
15 right?

16 A There was.

17 Q Okay.

18 A And I testified to getting a cigarette from her at
19 7010. I never been inside that vehicle.

20 Q Right. You testified that you had picked up a
21 cigarette from her after she had been robbed right
22 around -- what was it, a gas station, right?

23 A It was on Patricia Drive.

24 Q Citgo?

25 A No. I was -- I was at Patricia Drive.

Adonis Williams
Cross-examination by Mr. Mitchell

- 1 Q I got you. Right around the corner there.
- 2 A Yeah, house at.
- 3 Q Now, you talked a little bit about an alibi. You
- 4 talked about witnesses named Michelle Wilcox and your
- 5 father, is that right?
- 6 A Yes, sir.
- 7 Q Okay. You don't allege that you were with your
- 8 father. You just allege that you had talked to him
- 9 throughout the -- throughout the night, right?
- 10 A And he came and picked me up that morning.
- 11 Q Right.
- 12 A My thing with that -- my thing with that was they had
- 13 a BOLO on the news for me -- you know what I'm -- they had
- 14 a BOLO on the news for me, had my face, had this man's car.
- 15 I never been in that car, never seen that car. They had me
- 16 in the news, on the newspaper. You know, they had me
- 17 everywhere with the man's car.
- 18 Q You were -- you were running, right?
- 19 A At this time, no, I wasn't.
- 20 Q You were later, right?
- 21 A Yeah. I did start -- I did start to run, but my
- 22 father had a sky blue or a sky -- a little powder blue
- 23 Tempo, a little old -- old school car that he came and
- 24 picked me up that morning. So that's -- that's why I felt
- 25 like...

Adonis Williams
Cross-examination by Mr. Mitchell

1 Q Mr. Schnee should have talked to him, right?

2 A Yeah, he should'a.

3 Q Did you talk to Mr. Schnee about talking to your
4 father and Ms. Wilcox?

5 A Yes, sir.

6 Q You did?

7 A Yes, sir.

8 Q So Mr. Schnee knew about this, what you told him,
9 right?

10 A Yes, sir.

11 Q Okay. A part of the defense was to say that whoever
12 vandalized the victim's car after she had parked it, that's
13 who did the robbery, right?

14 A Yes, sir.

15 Q Or that, you know, it could be someone else, right?
16 So someone else pled guilty to this vandalism of her car,
17 right?

18 A I mean, I -- I look at that, and everybody say that
19 that person pled guilty, but while I was on the run -- you
20 know what I'm saying -- trying not to get locked up, they
21 was running around doing whatever they was doing because
22 nobody was looking for him. Everybody was pointing the
23 finger at me.

24 And then once the crime -- and then once the crime
25 stoppers and Crime S.C. started calling saying this -- this

Adonis Williams
Cross-examination by Mr. Mitchell

1 car, I'm locked up. But people still calling saying
2 y'all -- y'all must be got the wrong person or whatever,
3 his car still riding around. But then when it came down to
4 even getting this Crime S.C. -- crime -- crime detention
5 order, they lost that. So I couldn't never find out who
6 was calling, who turned this man in. His house never got
7 searched; his car never got searched -- you know what I'm
8 saying.

9 Q Right, right.

10 A This go back to the investigation.

11 Q Yeah. And the part about the vandalism, I mean, part
12 of your defense was that this person -- Blankenbeckler --
13 pled guilty to the vandalism, right?

14 A Yes, sir.

15 Q Okay. And part of your defense was that he must have
16 been the person who robbed her, right?

17 A I mean --

18 Q You didn't think it was a coincidence, you know, just
19 trying to say there was no coincidence that she had just
20 gotten robbed and her car just got vandalized within an
21 hour, 30 minutes, right?

22 A Well, that, I mean, prior to my -- prior to my second
23 trial, that's when we found out that black dude was in the
24 back seat -- you know what I'm saying -- and two years done
25 passed before we found out that he had a black friend in

Adonis Williams
Cross-examination by Mr. Mitchell

1 the back seat, you know. And -- and he testified that
2 Blankenbeckler went inside the store. But, I mean, if you
3 watch the video, he didn't go inside the store. He went to
4 the front of the store. He looked inside. He got the
5 trash can and put in his car and he went and vandalized her
6 car. And, I mean, it was --

7 Q So there's video showing him doing that, right?

8 A Yes, sir.

9 Q It was not you.

10 A It wasn't me.

11 Q They thought it was you at first though, right? But
12 it wasn't you. That's what you're kind of saying?

13 A I mean, I don't really see how you could look at this
14 video and tell that a white man and say a white man is a
15 black man.

16 Q But, I mean, it wasn't you. You didn't do that.

17 A No, it wasn't me.

18 Q They got someone else for that, right?

19 A Yes, sir.

20 Q The photos you're talking about that we initiated this
21 earlier, there were other photos introduced at the trial,
22 right?

23 A Yes, sir.

24 Q By the state?

25 A Yes, sir.

Adonis Williams
Cross-examination by Mr. Mitchell

1 Q Wasn't there a good bit of them?

2 A Yes, sir.

3 Q Those photos show -- sort of what that shows, isn't
4 it?

5 A What you mean?

6 Q The photos that were introduced at trial. Are they
7 similar to the photos that you have up there?

8 A Oh, no, sir.

9 Q So the photos at trial just don't show that path?

10 A They don't show the path; they don't show Diamond Head
11 Club. They don't show that.

12 Q So you just wanted to get reference to the club in
13 reference to --

14 A I was giving reference to the club because they was --
15 they was saying that they was out drinking at a club about
16 7 miles down the road.

17 And I just don't see how you could be 7 miles down the
18 road and then get to this spot in this much a-time and go
19 to this person right here car outta all the other cars --
20 you know what I'm saying.

21 And -- and by her testimony, the robber said don't go
22 nowhere, I got a car parked around the coroner. And then
23 if that path -- you know what I'm saying -- so I was -- you
24 know what I'm saying -- just putting two and two together.
25 Ain't no way you could be all the way down here at one spot

Adonis Williams
Cross-examination by Mr. Mitchell

1 and make it all the way down here to the next spot in that
2 length of time.

3 Q There was talk to you -- there was talk about you
4 going into hiding, isn't that right?

5 A Yes, sir.

6 Q So you knew the authorities were after you, and you
7 were on the run like you talked about. You were about to
8 really go on the run and leave the area, is that right?

9 A I mean, I wouldn't say I was going on the run and
10 leave the area. You know, I was just trying to -- I wasn't
11 trying to go to jail. I wasn't really trying to get into
12 no conversation with the police. I just wanted to lay back
13 -- you know what I'm saying -- avoid.

14 Q You did have a confrontation with the police though,
15 didn't you?

16 A Huh?

17 Q You did get into a confrontation with them, did you?

18 A Yes, I did.

19 Q Did you break one of the officer's nose?

20 A No, sir.

21 Q You punched him in the face though?

22 A No, sir. I got found not guilty of that.

23 Q Okay. But you did -- you were found guilty of
24 resisting arrest --

25 A Yes, sir.

Adonis Williams
Cross-examination by Mr. Mitchell

1 Q -- in conjunction with that, right?

2 A Yeah, just running.

3 Q Okay. They kind of had you locked out at one point,
4 and then you got away, and then they arrested you at a
5 later date?

6 A Yeah. You could say that.

7 Q Based on text messages later. And that's how they
8 found out where you were?

9 A That ain't how they found out where I were. Some --
10 some kind of way -- I think in a motion of discovery --
11 they said somebody tipped them off and said that I was
12 somewhere on Shoe Street. And that's how they came to my
13 girlfriend's house.

14 Q Okay. No further questions. Thank you.

15 MS. GOLDBERG: No further questions.

16 THE COURT: You may step down.

17 (Bench conference held off the record.)

18 THE COURT: Court is in recess until 2:15.

19 (Whereupon, a recess was taken.)

20 THE COURT: Okay. Next witness.

21 MS. GOLDBERG: Thank you, Your Honor. May it please
22 the court. At this time applicant would call Gearand
23 Williams.

24 THE COURT: You are Gearand Williams.

25 THE WITNESS: Gearand Williams, yes, sir.

Gearand williams
Direct examination by Ms. Goldberg

1 THE COURT: Gearand?

2 THE WITNESS: Yes, sir.

3 THE COURT: How do you spell that?

4 THE WITNESS: G-E-A-R-A-N-D.

5 GEARAND WILLIAMS, having been
6 first duly sworn, testified as follows:

7 DIRECT EXAMINATION BY MS. GOLDBERG

8 Q Good morning.

9 A Good morning.

10 Q Afternoon.

11 A Afternoon.

12 Q Mr. Williams, how do you know the applicant in this
13 case?

14 A My son.

15 Q Biological son?

16 A Yes.

17 Q Did you hire his attorney, Mark Schnee, to represent
18 him in his criminal case?

19 A Yes.

20 Q And in that representation did ever meet with Mr.
21 Schnee?

22 A I think we met one or two times maybe.

23 Q Do you remember anything about those meetings, what
24 was discussed or anything?

25 A No, not really.

Gearand Williams
Direct examination by Ms. Goldberg

1 Q Did Mr. Schnee ever ask you to testify in your son's
2 trial?

3 A No, not that I remember.

4 Q Did Mr. Schnee ever ask you if you had any alibi
5 information?

6 A No, not that I remember.

7 Q Do you believe that you do have alibi information per
8 documents?

9 A Well, yes, ma'am. I think -- I can't understand how
10 could a robbery or abduction take place when he was with me
11 during the time that they say this was going on.

12 Q Okay. Now, you understand the allegations are that
13 this happened 7:00 a.m., Sunday, March 22nd of 2009.

14 A Yes, ma'am.

15 Q Okay. Do you remember that day?

16 A Kind of, sort of. I mean, it's kind of vaguely in my
17 head. You know, I --

18 Q Okay.

19 A At the time my memory ain't -- ain't like most
20 people's. I can just spot some things, so.

21 Q What do you remember? You -- you just testified that
22 you don't understand why people believe Mr. Williams did
23 this when he may have been with you at that time.

24 A Right.

25 Q Can you please provide the Court with testimony as to

Gearand Williams
Direct examination by Ms. Goldberg

1 what you believe happened that day or where you were?

2 A Okay. Well, during that time I was working two
3 different jobs. I was working at Columbia Farms and I was
4 also sort of a self-employed renovant, and I would restore
5 houses and stuff like that.

6 And during that time Adonis had called me the day
7 before, but I couldn't get to him. So I told him I'd be
8 there early that next morning because, you know, I had to
9 work that I needed to try to get out before I go back to
10 work at Columbia Farms on Monday.

11 So I was over there kind of early that morning, and I
12 picked him up from Michelle Wilcox's house, just a little
13 trailer. I forget the name of the street but it was -- it
14 was kind of -- he came out of the house. He brought his
15 bag and stuff and got in the car. And we -- we came on
16 back to Broad River. I dropped him off and went on to
17 work.

18 And I don't know. About two or three days later I
19 tried to get in contact with him and I couldn't reach him.
20 And then when I did, when somebody did answer the phone,
21 they said it was Richland County Sheriff's Department.
22 I'm, like, sheriff.

23 Q Did they tell you what -- why they were looking for
24 your son?

25 A No, ma'am. They just told me that if I got in touch

Gearand Williams
Direct examination by Ms. Goldberg

1 with him before they did to bring him down to the sheriff's
2 department and turn him in or whatever.

3 Q Okay. You said that you picked -- you went to
4 Michelle Wilcox's house and picked Adonis up early that
5 morning. What time is early to the best of your memory?

6 A I don't know. Probably about -- had to be about
7 around 7:00, 8, 00 somewhere along in there.

8 Q A.M.?

9 A Yes, ma'am.

10 Q And why do you believe that this was March 22nd, 2009?

11 A Well, it's because of what you tell me. You just told
12 me that that's what it was. So I'm going by what you say
13 really.

14 Q I guess my question is how do you know that it was
15 this day versus any other particular Sunday.

16 A I don't understand. How do I know that -- well,
17 really I can't say that I honestly know that this was this
18 day. I just know that when I went to pick him up it was
19 shortly after that when they started chasing him and stuff
20 like that and said he had robbed somebody. I really don't
21 know when that robbery actually took place, or none of
22 that.

23 Q So if the alleged robbery happened the Sunday before
24 he was arrested, that's what you're referring to?

25 A I guess.

Gearand Williams
Direct examination by Ms. Goldberg

1 Q Okay. You said that you picked him up and took him to
2 Broad River?

3 A Yes, to my daughter's house.

4 Q To your daughter's house. Any particular reason why?

5 A Well, because sometimes he stays over there.

6 Sometimes he stays on Broad River, and you know. This
7 ain't the first time I had to pick him up and bring him
8 over on this side. And his daughter was over on this side
9 also.

10 Q Okay. Did you ever talk with Mr. Schnee about any of
11 this?

12 A No.

13 Q You said after this happened, a few days later, he was
14 arrested.

15 A I think so, because I think I was at work or
16 something. I was trying to call him and I couldn't get no
17 answer all day or something. But then that was like that
18 Monday, and then that night the sheriff had answered his
19 phone.

20 Q Let me ask you another question. Around this time
21 where did on Adonis live, multiple places?

22 A I guess. I really don't know because he was over on
23 Gonatry [sic] Leesburg sometimes and he was over on Broad
24 River sometimes, you know.

25 Q Didn't have a regular place he lived on.

Gearand Williams
Cross-examination by Mr. Mitchell

1 A I guess not.

2 Q At this time did you have any personal knowledge of
3 him leaving on a farm?

4 A I don't understand what you mean by farm, I mean.

5 Q At this time in 2009.

6 A Oh, no, no, no, no. When he was younger we used to
7 have pigs. My father had pigs; his grandmother on his
8 mama's side had pigs; his great-grandmother had chickens,
9 stuff like that. Those are farm animals.

10 Q Has your son always lived in South Carolina?

11 A Yes, ma'am.

12 MS. GOLDBERG: No further questions.

13 CROSS-EXAMINATION

14 BY MR. MITCHELL

15 Q Good afternoon, Mr. Williams.

16 A Good afternoon, sir.

17 Q You're not sure that it was actually March 22nd of
18 2009 when you picked up your son.

19 A No.

20 Q You're not a hundred percent sure?

21 A I'm not a hundred percent sure. I know it was like on
22 a Sunday morning.

23 Q It's been about seven years almost, right?

24 A Yeah. It's been a long time.

25 Q But you think it was some morning, is that right?

Gearand Williams
Cross-examination by Mr. Mitchell

1 A Yeah. It was in the morning when I picked him up.

2 Q Was it a Sunday?

3 A I -- I think -- said it was a Sunday just now. I'm
4 going off of what she said. I know it was on the weekend.

5 Q Okay.

6 A Probably had to be a Sunday.

7 Q Now, you say you're going off what she said.

8 A Yeah.

9 Q You don't have personal knowledge of the exact date,
10 do you?

11 A No. I'm not memorex. I wish I was. I wish I could
12 recall that date, you know, like it was happening right
13 then, but I can't.

14 Q Where were you working at the time?

15 A Columbia Farms.

16 Q So you said you could have picked him up between 7:00
17 and 8:00, right?

18 A Right.

19 Q Could have been 8:00?

20 A No. Could have been 7:00, a quarter till 7:00.

21 Q Could have been 8:00?

22 A It could've been 7:30 in the morning, because I
23 remember I had a job I had to get finished over here off of
24 Beltline on Bonner Street. It was a boarding house where I
25 was redoing the inside for room, you know, borders, you

Gearand Williams
Cross-examination by Mr. Mitchell

- 1 know, each person get their own room.
- 2 Q Right.
- 3 A And the lady had to, you know, get it finished because
- 4 I think school or something was getting ready to come up
- 5 and she needed some rooms to rent out. So we was trying to
- 6 rush it up. So I was working on that Sunday.
- 7 Q That's a job you remember working on about that time?
- 8 A Yeah, that and Columbia Farms. That's the only job.
- 9 Q It could have been later though, could have been 8:30,
- 10 could have been 9:00 o'clock in the morning?
- 11 A Couldn't have been 9:00 o'clock.
- 12 Q Not 9:00.
- 13 A It had to be before that.
- 14 Q Maybe 8:30?
- 15 A I don't think it was 8:30. I had to get out early,
- 16 man.
- 17 Q I understand.
- 18 A You know, I'm an early riser. I -- I get up early
- 19 every morning, you know. And I -- I be moving. When I get
- 20 up I'm like a tiger outside the row. And that row, I can't
- 21 go back to sleep. I got to make a living out there.
- 22 Q I got you. So this entire time since the incident,
- 23 you believe that Adonis was with you and could not have
- 24 done the crimes, is that right?
- 25 A Well, I never thought he did the crime from the first

Gearand Williams
Cross-examination by Mr. Mitchell

1 time they said he did the crime.

2 Q You think he was with you instead -- he was with you
3 and could not have done the crime, right? Is that what
4 you're saying?

5 A I was just saying he -- I don't -- in my heart I don't
6 feel he's the right guy for the crime.

7 I don't know if he was with me when the crime was
8 being done or if he wasn't with me when the crime was being
9 done, you know. As honest as I -- as honest as I can say
10 it is, you know, I mean, I don't really feel he had time to
11 do this crime and I pick him up at the time that I picked
12 him up and...

13 Q Right. You weren't with him at the time they said
14 this crime took place.

15 A What time was the -- was the crime done?

16 Q I mean, if it was at 6:30, you wouldn't have been with
17 him then.

18 A Oh, no, no, I wouldn't have been there. I wouldn't
19 have been with him that early in the morning because it was
20 still dark.

21 Q If it was 7:00, that wouldn't have been -- you
22 wouldn't have been with him then either, would you?

23 A I don't think -- I don't know. At first light, man, I
24 start moving at first light, and it get light -- it get
25 daybreak about 7:00.

Gearand williams
Cross-examination by Mr. Mitchell

- 1 Q Okay. So.
- 2 A Okay. Let's say about 8:00 though.
- 3 Q Okay. That's fine. So you think it was probably
- 4 around 8:00?
- 5 A Yeah, 7:00 or 8:00 o'clock in the morning.
- 6 Q So you've had this information this entire time,
- 7 right?
- 8 A Yeah.
- 9 Q I mean, you went through two trials, not one but two,
- 10 right?
- 11 A Yeah.
- 12 Q So did you -- you never talked to Mr. Gipson about
- 13 this? You never talked to Mr. Schnee about this? You
- 14 never thought it was important to say, hey, I was with him
- 15 at about this time, I can come and testify and say he
- 16 wasn't there to do this crime?
- 17 A Well, at the time I figured, you know, when you go to
- 18 court they're going to prove whether you're guilty or
- 19 innocent. And if certain things didn't match up, you know,
- 20 that that could prove you're innocent, you would be
- 21 exonerated, but what had happened was --
- 22 Q Well, you never had any conversation. You never came
- 23 to your son's lawyers and said, hey, I was with him when
- 24 this took place, right? This is the first --
- 25 A I feel he was innocent. What -- what -- man.

Gearand Williams
Cross-examination by Mr. Mitchell

- 1 Q I understand.
- 2 A I'm going by --
- 3 Q That's different than you coming forward and saying
- 4 that you were with him at the time the crime happened.
- 5 This is the first time you're saying that, isn't it?
- 6 A No. I been saying it.
- 7 Q You been saying that?
- 8 A Yeah.
- 9 Q You never told his lawyers that, right?
- 10 A I think -- I think me and Mr. Schnee went over there
- 11 one time and I had told him about it, yeah.
- 12 Q Mr. Schnee was aware that you were around at this
- 13 point, right?
- 14 A Yeah, he was aware that I picked him up that morning.
- 15 I wish I had testified back then when I could remember
- 16 exactly what went on and -- and how I came about feeling
- 17 the way I felt about it, but I just let things roll on
- 18 smoothly, you know, and this is what I got, my son locked
- 19 up.
- 20 Q You testified you took him to your -- to his sister's
- 21 house, is that right?
- 22 A My daughter's house.
- 23 Q Daughter's house. Excuse me.
- 24 A That's his sister, yes, sir.
- 25 Q That's right. You didn't take him to a gas station?

Mark E. Schnee
Direct examination by Ms. Goldberg

1 A Oh, yeah. We did stop by the gas station on the way
2 home because I had to get some cigarettes, and I think he
3 bought a soda or something.

4 Q You knew your son was selling drugs at the time?

5 A No, sir, not really. I had an idea, but I had never
6 actually seen him make a sale or go buy some drugs or
7 something like that. But I knew that, you know, he had
8 some dealings with a substance.

9 Q So he was -- he was a user as well, right?

10 A Yes, sir.

11 Q No further questions. Thank you.

12 MS. GOLDBERG: Nothing further, Your Honor.

13 THE COURT: You may step down.

14 MS. GOLDBERG: Your Honor, at this time the applicant
15 would call Mark Schnee.

16 THE COURT: You're Mark Schnee.

17 THE WITNESS: Yes, sir.

18 MARK E. SCHNEE, having been
19 first duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MS. GOLDBERG

21 Q Good afternoon.

22 A Good afternoon.

23 Q All right. Mr. Schnee, where do you work?

24 A I work right across the street, 1720 Main Street.

25 Q Is there a name?

Mark E. Schnee
Direct examination by Ms. Goldberg

1 A It's at the Schnee Law Firm. It's my own place.

2 Q How did you first get to meet Mr. Williams?

3 A At the time I was working for the public defender's
4 office. It was shortly before I started my own practice.
5 I was appointed to represent him and met him for the first
6 time actually in this building for his bond setting.

7 Q You represented him during the bond setting?

8 A Yes, which turned out to be quite important based on
9 what the state had presented.

10 Q And how long did you represent him after that?

11 A It wasn't very long. His family hired Byron Gipson.
12 I don't even know that I received all of the discovery
13 before Byron was hired. Or I'm not even sure I received
14 the bulk of it before. Certainly not all of it.

15 Q At the bond setting did Mr. Williams ask you to make
16 any special requests regarding investigation in this case?
17 Do you recall that?

18 A Not at the bond setting. Mr. Williams actually waived
19 his bond, and we were trying to waive his presence. The
20 solicitors refused to even have that.

21 They wanted to make a very big production of it and
22 blamed him for the vandalism and quite a few other things
23 which turned out to be completely false, which was very
24 beneficial for his first trial and even for the second one,
25 I felt.

Mark E. Schnee
Direct examination by Ms. Goldberg

1 Q How so?

2 A Well, the -- the investigators came and testified that
3 he absolutely -- they saw him on video, they recognized him
4 as the person who vandalized her car.

5 I don't have -- I don't remember all of the specifics.
6 There were a lot of very specific details they listed. We
7 ended up getting a transcript of that immediately. And a
8 lot of it turned out to be false. And some of it we didn't
9 find out how false actually until right before the second
10 trial.

11 Q Do you recall when you became -- Byron Gipson -- when
12 he was hired that relieved you from your services on the
13 case, correct?

14 A Yes.

15 Q Do you remember when you became back involved in this
16 case?

17 A It was after his initial mistrial and the hung jury.
18 I -- I don't remember the exact date. I know I was in the
19 jail meeting with some other people.

20 He came up to me and we started talking. He asked if
21 I'd be interested and willing to take his case back. At
22 that time I was already in private practice.

23 Q So then he retained you?

24 A Yes. I don't remember how long after his family came
25 to my office and we talked and we agreed upon a price for

Mark E. Schnee
Direct examination by Ms. Goldberg

1 the -- for the retrial.

2 Q Do you know about how long you represented him prior
3 to the trial?

4 A It was certainly a while, at least six to eight
5 months, I'm sure. I don't have the exact date.

6 Q Did you receive a copy of the transcript from the
7 first trial?

8 A Yes, I did.

9 Q Did you review that in preparing for the second trial?

10 A Yes. I know Adonis also had a copy of that transcript
11 and all of the discovery. We went through some of the
12 transcript issues and discovery issues in significant
13 detail.

14 Q All right. Mr. Schnee, I'm going to get right to the
15 point on a lot of these allegations. Do you have a
16 transcript with you?

17 A I do not.

18 Q You didn't bring it at all today?

19 A I was e-mailed a copy of his second-trial transcript
20 last week.

21 Q Okay.

22 A So I -- I don't even have a printed copy of that.

23 Q Okay. Most of what I'm going to address are
24 one-or-two-line excerpts, so I'm going to cite a page and
25 line for the record and read it into the record. If you

Mark E. Schnee
Direct examination by Ms. Goldberg

- 1 don't recall it or have any questions about what I'm
2 saying, I'm happy to bring this to you to show it to you.
3 A Sure.
4 Q Okay. First one involves the testimony of the victim
5 in your -- and direct examination on one -- on page 163,
6 lines five through sixteen. There's testimony from the
7 victim where she claims the assailant said, and I quote,
8 "You know that man I had yesterday didn't have any money."
9 You objected and moved to strike. Any particular reason
10 you didn't request a mistrial?
11 A No particular reason that I can think of.
12 Q Do you recall that?
13 A I really don't. I'm not even sure what it was in
14 reference to.
15 Q Okay.
16 A I think it was some kind of reference to that there
17 were allegations that Adonis had committed other robberies.
18 Q Correct.
19 A I -- I don't have any particular reason for not asking
20 for a mistrial at that time, no.
21 Q The inference was that Mr. Williams had done this to
22 someone also the day before.
23 A Correct.
24 Q Does that sound familiar?
25 A That does sound familiar. That's why I would have

Mark E. Schnee
Direct examination by Ms. Goldberg

1 objected to it.

2 Q Okay. No particular reason why you didn't ask for a
3 mistrial?

4 A No.

5 Q On pages one -- page 170, lines one through sixteen.
6 This refers to the alleged statement. I will quote the
7 solicitor here. Madam solicitor asked -- this is the last
8 line on page 169.

9 "During the time when you were riding with him did he
10 tell you -- and I'm going to be specific and limit this --
11 anything specifically about himself as far as why he was
12 robbing you?"

13 At that time you objected based on a pretrial motion.
14 And I'll let -- we'll wait until page 170, you get to that.

15 A Okay.

16 Q All right. Your objection was based on a pretrial
17 motion.

18 A Yes.

19 Q There was a bench conference held.

20 Then the solicitor asked, "Specifically, did he tell
21 you something about being down and out because he had just
22 gotten out of prison ten months before better that?"

23 Correct?

24 A Yes.

25 Q All right. Since that question was asked by the

Mark E. Schnee
Direct examination by Ms. Goldberg

1 solicitor, you did not object for the record, correct?
2 Contemporaneously.

3 A There's an entire pretrial motion dealing with that,
4 and the judge had ruled that because it was being used for
5 the purpose of identification it wasn't going into
6 discussing his prior record.

7 Additionally, before, from what I recall, knowing
8 Adonis would be testifying actually would be coming in --
9 at least part of his prior record -- was his last
10 offense -- but that was it.

11 There was a long pretrial motion on that exact issue,
12 and that's why I objected in order to preserve it one time,
13 but/and that's what the bench conference was for. And the
14 judge said follow the limiting instruction I already gave,
15 and that's why I objected like that.

16 Q Okay. So when -- the judge then gave an order during
17 the bench conference in order to follow the limiting
18 instruction.

19 A That was the limiting instruction he gave in pretrial.

20 Q So even though you didn't offer a contemporaneous
21 objection, you believed that you had preserved that issue.

22 A That would a contemporaneous objection. I just didn't
23 reargue the entire thing.

24 Q All right. Next issue, page 389.

25 A Okay.

Mark E. Schnee
Direct examination by Ms. Goldberg

1 Q Lines 16 through 25. If you will, read over that
2 briefly.

3 (Pause.)

4 A Okay.

5 Q All right. And I'll read for the record.

6 The question by the solicitor is -- this is a -- this
7 is the direct examination of Dr. Gray Amick who was the
8 D.N.A. analyst.

9 The question from the solicitor was, "In your
10 laboratory once you come up to or once a conclusion is made
11 by you, is your report also reviewed independently by
12 another person in your office?"

13 He said, "Yes, it is."

14 She said, "Another D.N.A. analyst?"

15 He said, "Yes."

16 She asked, "Did they concur in your conclusions in
17 this case?"

18 And he said, "Yes, they did."

19 "They agreed with you."

20 And so why did you not object to that testimony? Was
21 there --

22 A I'm not sure there was a strategy as to not object to
23 that one specific question in terms of some form of
24 bolstering if that's what you mean.

25 However, my -- my original plan with the D.N.A. was to

Mark E. Schnee
Direct examination by Ms. Goldberg

1 attack the way that they were utilizing it, and also
2 showing that the D.N.A. didn't turn out the way that they
3 were claiming.

4 And I -- I think I did that quite extensively in the
5 cross-examination and in closing. And, frankly, that
6 was -- that was the D.N.A. on a cigarette which we were
7 already explaining as we admit that he had that cigarette.

8 So, factually, I didn't feel whether -- the cigarette
9 D.N.A. match was an issue. It was the D.N.A. that they
10 were refusing to say was a match to someone else, is -- is
11 what I was going to be using.

12 Q Yeah. And just -- and you may have -- if you could,
13 just explain a little bit more. What was your strategy or
14 what was your defense regarding the D.N.A. generally?

15 A Adonis testified in the first trial and in the second
16 trial that he was actually walking around the area. I
17 don't know if it was that same day or -- or a day before.
18 And he was selling drugs.

19 And he saw the victim drive up, and he walked up,
20 approached her. And as a means of approaching to try to
21 sell drugs, he said can I have a cigarette. And I think
22 she was smoking one. And he testified that she handed it
23 to him and he started smoking it. And that's when he
24 offered to sell drugs, and she said no and drove away. And
25 he dropped the cigarette and left. Something to that

Mark E. Schnee
Direct examination by Ms. Goldberg

1 extent.

2 That was bought out in the first trial. It was going
3 to be brought out in the second trial. We -- we knew that
4 cigarette was an important piece of evidence for the state
5 but not for the sense of proving that he committed the
6 robbery, just making the connection between my client and
7 the victim.

8 Q So to the extent D.N.A. was used in that matter, you
9 were almost conceding that it was his D.N.A.

10 A Yes.

11 Q Were you challenging the D.N.A. in a different way?

12 A I was challenging the D.N.A. for a number of other
13 items they had tested where they said there were no
14 conclusive results at all or that they couldn't make a
15 match.

16 But based on the information that I was able to get --
17 and this was literally just days before the trial, the
18 second trial, really second of the half-trial, because it
19 had to get continued the first time I was representing him
20 when it was called to trial because they were -- the state
21 was still withholding discovery. And it -- so I was
22 attacking that based on the gentleman had committed the
23 vandalism.

24 I found quite a bit of D.N.A. information contained, I
25 believe, in the victim's car or somewhere else that matched

Mark E. Schnee
Direct examination by Ms. Goldberg

1 him to that that was not from the vandalism.

2 Q There was D.N.A. in the victim's car that what?

3 A That would have matched the person that committed the
4 vandalism, that pled guilty to it, the white guy that
5 actually did it.

6 Q Were you able to prove that?

7 A I thought I was able to raise that to -- to enough of
8 a degree that the jury would have believed it.

9 Q You questioned whether it could have matched his
10 D.N.A.

11 A Correct. I thought -- I thought based on the --
12 everything that I showed it was statistically impossible
13 for it to have been someone else.

14 Q And who was that other person? Do you remember his
15 name?

16 A John Becklenberger or Blocklenberger. I --

17 Q Blankenbeckler?

18 A That's the one.

19 Q So you didn't object to the bolstering on this page
20 because you weren't concerned with this particular D.N.A.
21 sample.

22 A Correct.

23 Q All right. On pages 558 through 559 --

24 A Okay.

25 Q -- the record shows that Dr. Gray Amick was called

Mark E. Schnee
Direct examination by Ms. Goldberg

1 previously. That's what we just discussed. His testimony
2 concluded later in trial. He was called by the state
3 again, and that's what these pages right here reflect.

4 A Yes.

5 Q All right. Do you agree with characterization?

6 A Correct.

7 Q All right. The -- on page 558 the state begins by
8 asking the question, "Doctor, I'll be brief. I just want
9 to clarify some things. In cross-examination yesterday we
10 referred to State's Exhibit 71, and they name several
11 swabs. They were too weak to interpret."

12 Then if you go down to line 16 the solicitor says, "At
13 my request did you go back and look at -- even though
14 they're too weak to interpret -- were they enough for you
15 to compare them Blankenbeckler or to Taca?"

16 All right. And at that point you objected, correct?

17 A Yes.

18 Q All right. So this question is out in the front of
19 the jury, is that fair?

20 A The question is, yes.

21 Q Right. The jury doesn't know the answer.

22 A Correct.

23 Q Why didn't you object when Dr. Amick was first
24 recalled to the stand?

25 A Honestly, I had no idea what they were trying to do.

Mark E. Schnee
Direct examination by Ms. Goldberg

1 I -- and that's actually -- I -- I admit I should have
2 immediately asked for a mistrial, and I should have asked
3 actually to admonish the solicitors and hold them in
4 contempt for prosecutorial misconduct.

5 Based on that question she even admits that she had
6 the state investigate things during a nightly recess of
7 trial and did not provide me with any documentation.
8 That's a clear violation of Brady and Rule 5.

9 Q Did the jury ever find out what the answer to this
10 question was?

11 A No.

12 Q I think you testified previously that your intent was
13 to make the jury believe that the D.N.A. could have matched
14 Blankenbeckler.

15 A Yes.

16 Q And is that what she's talking about here?

17 A Yes, I believe, yes, that -- that's what she's asking.

18 Q And the state presented this witness.

19 A They did.

20 Q And do you think it affected the jury's opinion on
21 what you were trying to do if the state tried to present
22 this information and they didn't know what the answer was?

23 A It certainly could have, yes.

24 Q Could the jury have believed that the state had more
25 information than you did on this topic?

Mark E. Schnee
Direct examination by Ms. Goldberg

1 MR. MITCHELL: Objection. Calls for speculation.

2 THE COURT: Sustained.

3 Q We'll sustain.

4 Okay. Do you think that the jury would have thought
5 the state had more information than you?

6 MR. MITCHELL: Objection. Speculation.

7 MS. GOLDBERG: Oh, sustained.

8 Q All right. Page 569. We talked earlier about how
9 there was testimony that the assailant had claimed he had
10 just been out of prison ten months -- had been out of
11 prison ten months, is that right?

12 A Yes, sir -- yes, ma'am.

13 Q Explain to me what happened at the pretrial about that
14 a little bit more.

15 A You have to go through the entire transcript.

16 Honestly, I -- that's not even part of this transcript.

17 That was a separate one.

18 Q The pretrial transcript.

19 A Correct.

20 Q Okay. For the record, that was entered into evidence
21 as Applicant's Exhibit No. 3. But you did object to that
22 testimony, correct?

23 A I objected to all of it as to show his predisposition
24 to commit crimes, what we always object to for priors.

25 This was something that they were trying to use as a form

Mark E. Schnee
Direct examination by Ms. Goldberg

1 of identification. They tried it during the first trial.
2 It was objected to and allowed in.

3 I also did a -- what I remember, I wrote a memorandum
4 as to why it should not be allowed in, how it was not a
5 valid form of identification.

6 I know I argued the fact that there are hundreds of
7 people released every single month from prison and the fact
8 that a person claims that they were just out of prison has
9 nothing to do with whether Adonis Williams, who also
10 happens to have been released from prison, is the person
11 committing this crime.

12 Q And you argued that on a pretrial hearing, you said.

13 A Yes.

14 Q On this page, 569, that is when the state called a
15 S.C.D.C. employee to testify as to Mr. -- when Mr. Williams
16 had been released from prison, correct?

17 A Yes.

18 Q Why didn't you object when this witness was called?

19 A I had already objected during the trial to the
20 testimony during the actual witnesses.

21 At this point listing another objection here that was
22 going to be overruled, I felt the issue was already
23 preserved at that point. And I also didn't want to raise
24 anything to the jury that I -- thought I was trying to hide
25 it at that point since they had already heard it.

Mark E. Schnee
Direct examination by Ms. Goldberg

1 Q On the second page of this testimony, page 570, if
2 you'll look, follow along with me, on just lines six and
3 seven, that witness lists Mr. Williams' release date from
4 the department of corrections as July 1st of 2008, is that
5 right?

6 A That's what it says, yes.

7 Q All right. And you're aware that the incident date
8 was March 22nd of 2009.

9 A Yes.

10 Q Is that ten months prior?

11 A It would be -- it was the end of March, so it would be
12 eight and a half, almost nine, months.

13 Q At that point when Mr. Stoby with S.C.D.C. testified
14 that Adonis Williams was released from prison eight and a
15 half months prior, is this testimony still relevant to
16 identification?

17 A I didn't think any of it was relevant to
18 identification.

19 Q 'Could you have objected to the relevancy at this
20 point?

21 A I don't know that it would have made any difference in
22 terms of the record in terms of preservation. I'm sure I
23 could have.

24 I -- at that point I was just trying to downplay it,
25 and not make a big deal of that one little fact in front of

Mark E. Schnee
Direct examination by Ms. Goldberg

1 the jury. so that was kind of my thought process for it.

2 Q Do you think this is something you could have brought
3 up on closing argument to combat the issue of
4 identification?

5 A Not sure that it crossed my mind as to whether I
6 wanted to bring that up or whether that minor inconsistency
7 was something I didn't want to discuss. I don't recall.

8 Q Do you remember if you did the math?

9 A I probably did not at the time.

10 Q On page 652 --

11 A All right.

12 Q -- if you'll just look at that page right there, can
13 you explain to the Court what's going on on this page when
14 you're done?

15 A Ms. Campbell is trying to ask Adonis about some
16 tattoos and to their meaning, and she asked a question
17 about dealing with an on-line source called the Urban
18 Dictionary. And I immediately objected to that.

19 Q She started that, that line of questioning, by asking
20 Adonis Williams about tattoos that he has, correct?

21 A Yes.

22 Q Were there ever any tattoos relevant to identification
23 in this case?

24 A My recollection is the absence of tattoos were -- were
25 somewhat relevant, which is why when she was asking about

Mark E. Schnee
Direct examination by Ms. Goldberg

1 his tattoos I -- I was surprised.

2 Q Was this information relevant?

3 A As to the meaning of a tattoo?

4 Q As to the case.

5 A Well, the -- the case involves my client allegedly
6 sitting in a car with this woman for several minutes as
7 they were driving multiple places.

8 Any kind of details about physical appearance would
9 have been relevant. And in this particular case the victim
10 was -- had very few details of anything.

11 Q So when the -- the questioning started you thought it
12 my might end up being a conflict.

13 A Yes.

14 Q Until she asked for questions about the tattoo that
15 said head bucca, correct?

16 A Correct. Well, not the -- the question about it but
17 in terms of the Urban Dictionary.

18 Q Okay. Pages 653 and 654. Beginning at the end of 653
19 and following into all of 654, if you'll look just look
20 over that.

21 (Pause.)

22 A Okay.

23 Q What does the solicitor -- this -- and this is during
24 the cross-examination of Adonis Williams by the solicitor.
25 What are those questions eliciting? What's happening

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1 there?

2 A It first starts with a question about when Adonis has
3 been placing drugs in the -- the telephone box. Then she
4 starts talking about the weather.

5 Q And the solicitor asked the defendant if he is aware
6 about the weather on several dates, correct?

7 A Yes, if he remembers what the weather was.

8 Q She actually on page 653 said -- and I quote -- this
9 is line 23 -- "Were you aware that in the eight days prior
10 to the 22nd that it rained five out of those eight days?"
11 Correct?

12 A She did ask that, yes.

13 Q Did anybody testify about that, any expert in
14 meteorology or weather?

15 A No. And at the time I -- I had no idea what she was
16 even going to be discussing. It seemed to have absolutely
17 no relevance to anything.

18 Q Was the solicitor testifying here as to what the
19 weather was?

20 A She seemed to be.

21 Q Any particular reason why you didn't object to that?

22 A Frankly, I didn't care.

23 Q And any reason why?

24 A I -- the fact that it rained or didn't rain three days
25 before this robbery just seemed to have absolutely no

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1 relevance to any fact that they were trying to elicit or
2 had elicited about anything else from any other witness.

3 Q In reading it right now do you understand what she was
4 trying to elicit?

5 A I'm honestly not sure if she -- if she was trying to
6 elicit anything in particular, she certainly didn't get
7 there. I'm not really sure where she was going with it.

8 Q Mr. Williams testified in trial that his fingerprints
9 were on the electrical box because he had touched it
10 several days prior, earlier, correct?

11 A From what I remember he had testified he was -- he had
12 touched it. He had used that telephone box multiple times.

13 Q All right. Do you understand what the solicitor was
14 trying to get at when discussing the weather?

15 A If she's trying to claim that the fingerprints are
16 being washed off, there's no testimony that they were --
17 they would have been washed off or wouldn't have been
18 washed off or where the telephone box -- or if it was
19 exposed to the weather. There was nothing about that.

20 The telephone box was quite dirty, so no matter how
21 much it rained it still was dirty. So clearly that
22 wouldn't have washed any fingerprints off.

23 Q Did you argue that in closing argument?

24 A I don't know if I did or I didn't. I don't remember.

25 Q On page -- I'm going to read these to you to make it

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1 it a little faster and easier here. On page 668 -- this is
2 all during the closing argument from the state.

3 Lines 17 through 24. The solicitor says the victim --
4 "Reported to Deputy Lasher has continued to be consistent.
5 It was consistent in what she told Sergeant Robinson and
6 Sergeant Isenhoward. It was consistent with what she told
7 Investigator Gallegos, and it was consistent when she
8 testified. At no time has she ever changed her story. Ms.
9 Wofford has no reason to take the stand and not tell -- and
10 tell you anything but the truth. She has no reason not to
11 be believed."

12 Any particular reason you didn't object to that?

13 A As a general habit, I don't object in closing
14 arguments unless there is something particularly egregious.

15 That's her interpretation of the testimony. We all do
16 that. All lawyers that argue to a jury are going to
17 interpret how the testimony went.

18 Had she made up facts or something like that, I,
19 obviously, would object, but that's Ms. Campbell's or
20 Ms. Garfield's interpretation.

21 Q Okay. And on page 570, very similarly.

22 A 570?

23 Q No. 670.

24 A Okay.

25 Q Thank you for catching that.

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1 Line 15. This is talking about a police officer. "He
2 has no reason to take the stand and tell you anything but
3 the truth."

4 Same -- same question. Why didn't you object? Same
5 answer?

6 A That'll be the same answer, yeah. In fact, she -- she
7 says that he has done nothing but tell the truth and that
8 he even admits that he -- that he took notes, typed them up
9 and then threw them away. So she almost discredited him
10 herself.

11 Q And page 672, lines eight and nine, about the
12 chain-of-custody witnesses.

13 "They had no reason to lie to you. They all told you
14 they took the evidence."

15 Question would be why didn't you object. Same answer?

16 A It would be the same answer, and especially for
17 custodians of evidence. I almost never ask them questions
18 at all. They don't actually do anything. They sit in an
19 office. They get an envelope. If it's sealed, they put it
20 in a box. They have no idea what's in it, where it came
21 from or where it goes after that.

22 Q Page 669.

23 A 669?

24 Q Yeah. That goes back.

25 A Okay.

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1 Q I may have that wrong. Yes. That is right.

2 Line four. Well, this is lines two through five.

3 "Mr. Stobe told you about how the defendant had been
4 released from the Department of Corrections approximately
5 ten months before this incident, which is consistent with
6 Linda Wofford's."

7 Any reason you didn't object to that?

8 A Well, at the time I -- I'm not sure I counted if it
9 was exactly ten months or at the half. I must have missed
10 that.

11 Q Would you agree that's a misstatement of the evidence?

12 A That is a misstatement of the evidence.

13 Q Page 677, lines seven through twelve. Solicitor
14 states -- well, really ten through twelve.

15 Solicitor states, "Citizens of Richland County will
16 not tolerate drug dealers, convicted burglars coming into
17 our homes."

18 Actually, the whole sentence is, "Please tell Adonis
19 Williams that the State of South Carolina, citizens of
20 Richland County, will not tolerate drug dealers, convicted
21 burglars from coming into the homes of innocent people."

22 Does this status of a drug dealer have anything to do
23 with guilt or innocence in this case?

24 A No, but it was something that we admitted that he was.
25 And in terms of the convicted burglars, they did get

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1 in two prior burglary convictions because that -- it's an
2 element of the offense of first degree burglary. So while
3 quite an offensive statement, it's consistent with actually
4 the facts that were presented.

5 Q You didn't think it was enough to be objectionable.

6 A I don't think objecting to that would have made a
7 difference, no.

8 Q Page 692, line 18. This is the reply closing argument
9 by the state.

10 Line 18, the solicitor begins, "In the wake of the
11 anniversary of one of the largest crimes committed on U.S.
12 soil, we should be thanking law enforcement for what they
13 do to protect us. Heroes do not always wear capes. They
14 wear badges too."

15 Mr. Schnee, this trial was in September of the year
16 2011, correct?

17 A Yes.

18 Q What -- what is the solicitor referring to there?

19 A September 11th.

20 Q Why didn't you object?

21 A Don't have a good reason for that.

22 Q Does it appear that that was done to invoke passion in
23 the jury?

24 A Oh, obviously.

25 Q And to add credibility to law enforcement witnesses

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Direct examination by Ms. Goldberg

1 based on that unrelated incident, correct?

2 A Yes.

3 Q Should you have objected to that?

4 A I should have.

5 Q Page 710. If you will, just read beginning on line
6 23.

7 A Says -- this is from the court. Says, "I received a
8 note from the jury asking if they could get a copy of the
9 instructions that I gave during the charge. I reviewed the
10 note with the attorneys. It was decided I would go to the
11 jury room and advise the jury that I could not give them a
12 copy of the jury instructions but if they wanted me to --
13 to pause -- hear the charge or any portion of the charge
14 again, I would be happy to do so. So I'll wait to see what
15 the jury wants to do about it, if anything. Thank you. It
16 is with the consent of all counsel that I advised the jury
17 in this manner that I did."

18 Q Did you consent to allow the judge to go back into the
19 jury chambers and talk with them?

20 A Yes.

21 Q Why?

22 A They had asked a very simple question, and the answer
23 was going to take less than ten seconds for the judge to
24 answer.

25 In order to accomplish that if the jury was brought in

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1 my client would have to be brought back up. I'd obviously
2 want all of his family brought in, you know, back inside of
3 the courtroom.

4 It would have caused a substantial delay, at which
5 point the jury is being told you're not allowed to
6 deliberate.

7 I would rather they get a very fast answer and then
8 come back with, no, we want to hear instructions, or, no,
9 we don't as opposed to sit there and decide that it wasn't
10 an important question and then not make up their minds
11 appropriately.

12 Q You didn't think that Mr. Williams should be present
13 to hear what the judge told the jury?

14 A No one was present for what the judge told the jury,
15 and I -- I certainly don't believe the judge said anything
16 inappropriate.

17 Q All right. Now, you recall there was a cell phone at
18 issue in this case, correct?

19 A Vaguely.

20 Q Do you remember starting out with objections regarding
21 content from that cell phone?

22 A I know I had motions on it. I -- I think partly
23 because of the -- maybe the nature of the content that had
24 no relevance to anything involving this case. I'm not --
25 I'm not sure though if you could point me to that section

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1 in the transcript.

2 Q I can. But let me get this too.

3 MS. GOLDBERG: Beg the Court's indulgence.

4 (Pause.)

5 (Photographs marked Applicant's Exhibit No. 6 for
6 Identification.)

7 Q All right. Mr. Schnee, if you recall, there were text
8 messages from that cell phone entered into evidence, is
9 that right?

10 A I believe so, yes.

11 Q Okay.

12 MS. GOLDBERG: State has consented to what's going to
13 be Exhibit -- Applicant's Exhibit No. 6. These are the two
14 text messages that were actually entered into evidence
15 during the jury trial.

16 And, Your Honor, when Mr. Schnee is done looking at
17 those I can hand them up to you. They're fairly easy.

18 Q All right. Mr. Schnee, look at those. Tell me if
19 those jog your memory as to what was offered in trial.

20 A Yes. The state was using this to elicit evidence of
21 flight.

22 Q Do you remember where the phone was found?

23 A If I'm not mistaken, it was at Adonis girlfriend's
24 house. I'm not positive.

25 Q That girlfriend, she never testified in the trial, is

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1 that right?

2 A No, she did not.

3 Q She was not -- she didn't testify to say that she
4 consented to give law enforcement that phone.

5 A No. She did not.

6 Q Did anyone testify to confirm if Mr. Williams had, in
7 fact, been using that particular phone?

8 A Enough so that the judge was convinced to let it in,
9 but not directly. They insinuated it based on where it was
10 found and other things that were found with it, but they
11 didn't have any direct proof.

12 Q There was no direct --

13 A And I'm pretty sure I objected quite a bit to a lot of
14 that.

15 Q And if you want to look on page 497, that's where this
16 comes in.

17 You did argue that the contents of the text messages
18 were hearsay and claimed that they weren't properly
19 authenticated, yet those text messages as you see them
20 there were entered into evidence, is that right?

21 A They were entered into evidence, yes.

22 Q During pretrial you had argued that they were the
23 result of an illegal search of the contents of the cell
24 phone as well. Did you renew that particular objection?

25 A I certainly thought I did. I'm not sure if I did. I

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1 don't know if they introduced the phone separately or if
2 I -- if I did not preserve that issue, it was certainly an
3 error. I certainly intended to.

4 You know, I -- I spend quite a bit of time preparing
5 for all of my trials doing extensive pretrial motions with
6 the sole purpose of making sure they are preserved.

7 Q You also did make an objection that those text
8 messages should have been inadmissible under 403. Can you
9 explain? During the record -- in the record you did not
10 elaborate on why they would have been objectionable under
11 403. Can you do that now?

12 A Well, there is some offensive language. They're
13 talking about drug sales, and it's also saying something
14 just -- they're really not anything relevant. They're --
15 they are prejudicial in -- in the way that they're
16 describing certain things such as -- well, they'll speak
17 for themselves.

18 The only thing that was even remotely relevant was
19 really the second message where I believe it's a text
20 message from a woman saying police are looking for you.

21 Q Go ahead.

22 A There were -- almost everything that allegedly Adonis
23 said would have -- was objectionable under 403 as overly
24 prejudicial with no probative value.

25 Q I'll take this and hand them to the judge.

Mark E. Schnee
Direct examination by Ms. Goldberg

1 Mr. Schnee, did you ever ask that those text messages
2 be entered in a redacted version so that any prejudicial or
3 irrelevant information be removed?

4 A I'm not sure I did. Probably should have.

5 Q Okay. Any particular reason why not?

6 A No. There's no good reason not to have asked that.

7 Q Okay. Generally speaking, going back to your --

8 A Actually, if I can go back to one thing.

9 Q Go ahead.

10 A I'm not sure I ever saw those test messages before the
11 trial.

12 Q Do you think you saw them for the first time on the
13 day of trial?

14 A I'm not sure. I'm just looking at the previous page,
15 and they're trying to introduce those, and then I do make
16 an objection to the content of them. And the -- and the
17 jury has to step back. So I'm not sure I actually saw
18 those text messages.

19 Q Okay.

20 A I think -- I think all I knew about was a report about
21 there is a line saying that the -- I'm just not sure I saw
22 those two actual texts.

23 Q Okay. But you did see them during trial.

24 A Yes, I did see them during trial.

25 Q Before they were entered into evidence.

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1 A Correct.

2 Q And you could have asked that they be redacted.

3 A Yes.

4 Q And you did not do so.

5 A Right.

6 Q All right. Back to your general representation of
7 Mr. Williams, did -- going to address a couple of things he
8 testified to earlier.

9 Did he ever ask you to get the video from the gas
10 station?

11 A We have the video from the gas station.

12 Q I guess it was longer and different -- a video from
13 inside of the gas station. Did he ever specifically ask
14 you to get a different video than the one that --

15 A When I represented him as a public defender?

16 Q Ever, ever.

17 A I'm not sure if he did or if he didn't.

18 I know when I first represented him it was only for a
19 short amount of time. And as office policy of the public
20 defender, I certainly didn't have discovery initially.

21 We can't really get investigators without discovery.
22 They -- the office simply won't assign them. The judges
23 won't provide funding if we don't have specific items for
24 them to investigate. And I'm, honestly, not sure how long
25 after I was representing him as a public defender

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1 originally he retained Mr. Gipson.

2 Q Okay. Did he ever ask you to interview Michelle
3 Wilcox and his father? Do you recall that?

4 A I know he asked me to -- at some point I know he asked
5 me to talk to them.

6 I think I met with his girlfriend once, maybe twice.
7 I talked to her on the phone. She didn't really seem to
8 have all of that much useful information that I can
9 remember.

10 Q She didn't provide you with alibi information?

11 A At the time that I was looking at potential alibies,
12 this would have been preparing for the second trial. So it
13 was, obviously, several years later or a couple of years
14 after the incident.

15 Q So to clarify, you only talked to her when you
16 represented him the first time.

17 A I -- I would not have talked to her when I represented
18 him the first time, only when I represented her -- when I
19 was retained for the trial the second time.

20 Q Okay. I'm sorry. Go on. It's late.

21 A And the same thing would have been for his father. I
22 know I did not do anything to investigate this case as a
23 public defender.

24 Q Okay.

25 A Because I did not have it for very long.

Mark E. Schnee
Direct examination by Ms. Goldberg

1 Q So you did speak to them both when you represented him
2 the second time.

3 A I'm sure I did. I didn't have any specifics for an
4 alibi to assert it. I didn't receive any information that
5 would've -- that was specific enough for me to assert an
6 alibi defense.

7 And the other issue is we also had a prior transcript.
8 So bringing up a brand new defense in terms of alibi would
9 be very difficult based on what was testified to in the
10 first trial.

11 Q So it wasn't part of a strategic reason?

12 A Yes. Obviously, Mr. Gipson and I have different
13 styles of trial. And I think part of that was somewhat
14 hampered in some ways in terms of trying to do a new trial
15 the second time.

16 Q Did Mr. Williams ever ask you to go take photographs
17 of the location?

18 A I honestly don't remember if he did or he didn't. He
19 might have. I'm not positive.

20 Q Or to pull phone records?

21 A Not that I recall. I don't know.

22 Q All right.

23 MS. GOLDBERG: Beg the Court's indulgence.

24 (Transcript marked Applicant's Exhibit No. 7 for
25 Identification.)

Mark E. Schnee
Direct examination by Ms. Goldberg

1 Q All right. Mr. Schnee, you testified that you did
2 have in your possession a copy of the 2010 trial
3 transcript.

4 A I did.

5 Q And you used that in preparation for trial?

6 A Certainly.

7 Q Okay. All right.

8 MS. GOLDBERG: For the record, we've already included
9 a C.D. with that transcript for the appellate courts.

10 With the state's consent, Applicant's Exhibit 7 is
11 going to be a printout of just the victim's testimony.

12 A Okay.

13 Q To refresh your memory if you need it.

14 A I'm sure I will.

15 MS. GOLDBERG: May I present this, Your Honor? Thank
16 you.

17 Q Do you recall in the first transcript? I'm going to
18 ask you if you remember first. And then if you don't, I'll
19 tell you the page number.

20 Do you remember in the first transcript the victim
21 talking about her assailant mentioning chickens and pigs
22 and alimony and child support and a dialect? Do you
23 remember reading that in the transcript?

24 A I do remember reading those things.

25 Q Okay. So you remember that that is how she testified

Mark E. Schnee
Direct examination by Ms. Goldberg

1 in the first trial.

2 A I do vaguely remember that, yes.

3 Q And on more than one occasion, correct?

4 A I believe she mentioned some of those things multiple
5 times.

6 Q You had a copy of the victim's statement, written
7 statement, as well, is that right?

8 A Any statements that she did make, yes. I don't know
9 if there were one or two, but I certainly had a statement.
10 I don't remember if there was only one.

11 Q Why didn't you bring up any of this, these statements,
12 in your cross-examination of the victim?

13 A I don't believe she testified to it the same way in
14 the second trial. And other than I didn't -- I'm not sure
15 if I had a particular reason other than I -- I thought it
16 might show that she just has very few details about her
17 assailant. Showing such inconsistencies may have been more
18 useful. I don't know.

19 Q Mr. -- to your knowledge did Mr. Williams have any
20 pigs or chickens?

21 A Not to my knowledge, no.

22 Q In your dealings with him does Mr. Williams have
23 that -- have a particular dialect that's difficult to
24 understand when he talks?

25 A Not from my point of view, no.

Mark E. Schnee
Direct examination by Ms. Goldberg

1 Q And do you know if there was ever any alimony or child
2 support order?

3 A No. I have no knowledge of that.

4 Q But that would be fairly easy to investigate and
5 disprove.

6 A Certainly.

7 Q And the victim did make all of these allegations in
8 the first trial and in her statement, is that right?

9 A I don't recall if they were in her statement. I -- I
10 do -- I do remember something about that in her -- in the
11 first trial. I don't remember the statements specifically.
12 I know I've given you copies of everything I have.

13 Q Okay. Would you agree that bringing up that
14 information could show that the assailant might have been
15 someone else?

16 A It's possible, yes.

17 Q Was identification an issue in this case?

18 A It was a very big issue, and I think part of the
19 problem was -- at least for me -- there was a huge shift in
20 trial strategy merely days before the trial started.

21 Based on the actual -- now that we had a name of the
22 person who committed the vandalism and third-party guilt
23 issues, I certainly wanted more time to try to investigate
24 that, and I was not permitted to. And that's -- that's due
25 to the state's failure to disclose these things for years.

Mark E. Schnee
Direct examination by Ms. Goldberg

1 so it's entirely possible that I -- I just skipped over it
2 and it didn't cross my mind appropriately.

3 Q Because challenging that information was important,
4 correct?

5 A That -- that was a majority of the trial.

6 MS. GOLDBERG: Beg the Court's indulgence.

7 (Pause.)

8 (Photograph marked Applicant's Exhibit No. 8 for
9 Identification.)

10 Q Mr. Schnee, do you remember in the first trial there
11 was testimony that the victim said that the -- her
12 assailant didn't like her cigarettes, so there was probably
13 a good bit left on it?

14 A I do remember that.

15 Q There's something special about the cigarette, wasn't
16 there?

17 A It's a Virginia Slim.

18 Q Did you see the cigarette butt when it was offered
19 into evidence?

20 A I'm sure I did.

21 MS. GOLDBERG: With the state's consent, I'm going to
22 admit Applicant's Exhibit No. 8.

23 (Photograph marked Applicant's Exhibit No. 8.)

24 Q Mr. Schnee, would that exhibit that was offered in the
25 first trial correspond with the victim's testimony?

Mark E. Schnee
Direct examination by Ms. Goldberg

1 A No, it would not.

2 Q Why not?

3 A There is virtually none of the cigarette left. All
4 there is is the filter.

5 Q Any reason you didn't point that out?

6 A No good one, not that I can think of right now.

7 Q The victim testified that the suspect had a mask on
8 during the entirety of this event, is that fair?

9 A Some sort of bandanna or face covering or something,
10 yes.

11 Q Did you ever argue to the jury that it doesn't make
12 sense that he would have smoked a cigarette with a bandanna
13 covering his face?

14 A I don't recall if I argued that or not. I haven't
15 read through the closings. I certainly know I intended to.

16 Q Why didn't you ask or did you -- let me back up.

17 The trial transcript does not show a charge
18 conference. Do you recall a charge conference being held
19 off record?

20 A I'm sure we met in chambers and went through requests
21 to charge, yes.

22 Q Do you remember if you requested an alibi charge?

23 A I don't recall requesting an alibi.

24 THE COURT: There can be no conversation in the
25 audience. I'm trying to hear testimony up here. Okay? If

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 you can't be quiet, you'll have to leave.

2 Excuse me.

3 MS. GOLDBERG: Yes, sir.

4 Q Do you -- there was no charge offered by the judge
5 involving criminal intent as well. Do you recall if there
6 was any reason for that?

7 A Other than what would have been in the general charge,
8 I didn't -- I know I didn't ask for anything specific to
9 criminal intent.

10 Our defense was they have the wrong person. And if
11 actually believed, I don't think anyone would believe that
12 the acts were not with a criminal intent.

13 MS. GOLDBERG: No further questions.

14 CROSS-EXAMINATION

15 BY MR. MITCHELL

16 Q All right. Good afternoon, Mr. Schnee.

17 A Good afternoon.

18 Q Thanks for being here today.

19 How long have you been practicing law?

20 A Started practicing at the end of 2006.

21 Q Straight to the public defender's office, is that
22 right?

23 A Yes. That is where I started after I passed the Bar.
24 Spent about three years there and then opened up my own
25 firm.

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 Q Have you represented individuals who are charged with
2 these types of crimes before?

3 A Yes.

4 Q Like burglary, armed robbery, kidnapping, crimes of
5 those nature?

6 A Yes. Plenty of them.

7 Q I'm going to jump right in. I'm going to try to run
8 through them in the same order as Ms. Goldberg.

9 Do you still have a transcript up there?

10 A I do.

11 Q Okay. As to the statement on page 163 --

12 A Okay.

13 Q And did you feel that the curative instruction from
14 Judge Barber was enough to cure anything that happened
15 there?

16 A I don't know if it was enough, honestly.

17 Q So, I mean, you did object as she was -- began to
18 answer it. It was sustained. You moved to strike it. And
19 then Judge Barber instructed the jury to disregard that, is
20 that right?

21 A Correct. Certainly, at the time I did not feel like I
22 should move for a mistrial based on that one comment. I
23 don't know if that was right or not, but that's -- clearly,
24 I would have if I thought it would -- if I should have.

25 Q Right. She -- she may not have really gotten all of

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 that out. I mean, the jury may not have appreciated the
2 substance of that with your objection.

3 A I -- I really don't know what they heard, or what they
4 didn't.

5 Q All right. Moving to page 170.

6 A Okay.

7 Q This is talking about he had been out of prison for
8 ten months. Does that go to motive a little bit in the
9 case, why he would have robbed the victim?

10 A No. According to the state, they were using that
11 solely for the purpose of identification.

12 Q What do you mean, according to the state? Do you
13 mean --

14 A That's the government's contention as to why it would
15 be admissible, is because it was an aspect of
16 identification with the claim that Adonis had gotten out of
17 prison what turns out to be eight and a half months
18 earlier.

19 Q Eight and a half months, ten months. Do you see that
20 as significant -- significant?

21 A It's a difference.

22 Q It's a difference. And you don't think that's -- I
23 mean, whether he got out of prison eight and a half or ten
24 months doesn't really affect the identity of the assailant,
25 right? I mean, it's not like he was in prison at the time

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 this happened.

2 A If that's their -- if that's their sole basis of using
3 it, I think it lessens the degree that it should have been
4 admissible.

5 Q And that's going towards the S.C.D.C.'s employee that
6 testified that it was -- he got out on July -- that's
7 right -- July 1st of 2009 or so.

8 A The testimony was from their release records, so I'm
9 quite certain they were accurate to the date. And everyone
10 that's getting released from prison is released on the
11 first of the month.

12 Q All right. Moving to the D.N.A. part on 389, that's
13 where Mr. Amick, Dr. Amick, was asked about peer review.
14 Is that something commonly asked in trials of whether their
15 conclusions are peer reviewed at some point?

16 A It usually is in their -- in their qualifications.
17 They discuss the process of how they go through everything.
18 So it is normally discussed, yes. In fact, that's one of
19 the requirements to be admitted as an expert in the
20 scientific field.

21 Q Is that their work is periodically peer reviewed in
22 order to check the accuracy, right?

23 A If not periodically, for every analysis they perform.

24 Q Right, right. So really every analysis. So this is
25 really just detailing the analysis that was done on this

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 D.N.A., right?

2 A It certainly is detailing that, yes.

3 Q I mean, you didn't have a problem. I mean, y'all did
4 concede his D.N.A. was on that cigarette. I mean, as his
5 testimony was, that he after the victim had been robbed,
6 essentially, he went up to her offering to sell drugs and
7 then received a cigarette and smoked it right there, right?

8 A I don't recall if it was -- if it was that day or if
9 it was the day before.

10 Q So.

11 A I'm not -- I honestly don't remember which the
12 testimony was.

13 It was a very -- in a very similar timeframe, but,
14 yeah, we do concede that the cigarette butt in question had
15 Adonis' D.N.A. on it.

16 Q Right. So the timing of when the cigarette was
17 dropped, that could have been, like you said, days before,
18 right?

19 A Could have been within a few days, yes.

20 Q Talking about the D.N.A. generally, what would you say
21 your main focus on challenging that evidence was?

22 A The -- the main challenge that I had that I recall was
23 there were a lot of D.N.A. There were a lot of items
24 tested for D.N.A. that only had partial profiles. And
25 the -- Dr. Amick -- he simply refused to have any analysis.

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 Here -- he just didn't analyze them.

2 Based on his claim of what his standards are, which
3 are not in compliance with what the F.B.I. standards are,
4 none of them complied with Biosystems, which is the company
5 that makes all of the chemicals and how they do their
6 mathematical analysis --

7 Q You cross-examined him on all of that saying, you
8 know, you're following your own set of rules here, you're
9 not following any standards recognized nationally, anything
10 like that, right?

11 A Right. I -- I cross-examined him on that, and I
12 specifically went for some of the other items that were --
13 that had sufficient D.N.A. that they could say someone else
14 and identify that someone else was involved.

15 Q You were kind of bark off the tree that it could have
16 been this person who was -- who ended up pleading guilty to
17 vandalizing the victim's car, right?

18 A The Blankenbeckler, yes.

19 It was actually his D.N.A. that was -- you can go
20 through. I don't remember what the math -- it -- it was a
21 very high number in terms of the -- the likely -- very,
22 very, very tiny percentage likely that it could have been
23 anyone but him leaving that D.N.A. But Dr. Amick refused
24 to testify about that.

25 Q Okay. And that's kind of what the next allegation is

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 at 558. Ms. Campbell was trying to get him to answer that
2 question.

3 A Well, Ms. Campbell was actually trying to get him to
4 answer a question based on a review he did the very night
5 before that she refused to even turn over. And I still
6 never have seen any results from him regarding the new
7 analysis.

8 Q Right. And she argued it's not new information, it's
9 just something, not new information, just a new type of
10 interpretation of what he had before.

11 A Which would be discoverable. And he would have to
12 write the report based on his own procedures.

13 Q And that's what you based your objection on, right?
14 And that was sustained.

15 A Yes.

16 Q So he never did answer that question as we talked
17 about, right?

18 A Correct. I still have not seen the report, which I
19 did ask for, and I still have never gotten that. I don't
20 believe Mr. Williams has gotten that either.

21 Q So back to the eight and a half to ten months, you did
22 object to that in the pretrial hearings, is that right?

23 A I objected to the admission of any discussion about
24 it --

25 Q okay.

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 A -- as not being a valid means of identification.

2 Q So it's your position it would not have gone to I.D.
3 him to say that he is out, you know, ten months as the
4 victim said in her statement, right?

5 A I believe the statement of the assailant claiming to
6 be out of prison for ten months and a person being out of
7 prison, whether it's eight months or six months or fifteen
8 months, I don't believe that goes to identification. What
9 I believe that goes to is just prejudicing Mr. Williams.
10 I -- I don't see that there's a probative nature to that.

11 Q Okay. But at this point you knew Judge Barber's
12 ruling as to the pretrial, right?

13 A Yes. He had -- he had made that very clear as to what
14 his ruling was going to be during the trial.

15 Q You didn't think that -- if you had objected
16 contemporaneously with the S.C.D.C. employee that would
17 have been successful based on his pretrial ruling.

18 A Well, that testimony had already been introduced to
19 the jury. I believe that -- I believe --

20 Q Prior witness.

21 A Qualified as a contemporaneous objection and ruled
22 preserved the record.

23 Q Okay.

24 A And that's why -- that is why I did not object to the
25 S.C.D.C. employee. I believe the issue was already

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 preserved.

2 Q Okay. You raised it pretrial and throughout the
3 evidence that you made the objection to, correct?

4 A Yes. If not, it's clearly an error on my part.

5 Q Okay. You talked a little bit about you didn't raise
6 this in closing. Is that something that you really
7 wouldn't want to bring up about him being out of prison
8 eight to ten months? Is that something you would maybe shy
9 away from and just remind the jury, yeah, he'd gotten out
10 of prison before but --

11 A In terms of --

12 Q -- it was a month and a half longer than what the
13 victim said the assailant said, I mean?

14 A In terms of inconsistencies between the victim's
15 testimony, in fact, that one by itself probably not. If I
16 had gone through many others, maybe it would have been
17 something I should have brought up. I don't know.

18 Q Move to the tattoo which is 652. You testified a
19 little earlier, you know, you thought that a tattoo would
20 have gone to identification. And that's something that if
21 the victim saw would have been something memorable, is that
22 fair to say?

23 A That's why I was not objecting to the -- the -- the
24 evidence of questioning my client about tattoos, yes.

25 Q Yeah. I mean, he has a tattoo, and it may or may not

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 have been obvious to the victim when they were in each
2 other's presence, right?

3 A Yes, in terms of whether she would have seen it or
4 could have seen it.

5 Q So you thought -- you thought initially this could be
6 helpful if they try to talk about that tattoo. But your
7 objection was to, I guess, the definition to the Urban
8 Dictionary?

9 A Correct.

10 Q And that was also sustained, right?

11 A Yes, it was.

12 Q To the weather and the telephone box, about whether it
13 was raining or not, did you think that had any relevance to
14 what was going on there?

15 A I wasn't honestly really sure. I don't know if
16 that -- that is really relevant.

17 The jury had pictures of the box. I believe they even
18 had the box itself. Clearly, it was dirty. The fact that
19 it did or did not rain for a couple of days, whether it
20 rained or not, that was just an issue I didn't -- it didn't
21 raise -- it didn't catch my attention as anything that was
22 a concern. Maybe it should have. I don't know.

23 Q You didn't feel it was objectionable, or you didn't
24 feel it was worthy of an objection at the time?

25 A Not at the time, no.

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 Q Next moving to the solicitor's closing in parts of the
2 reply.

3 What's your strategy generally when the state is
4 giving a closing argument? Do you normally object?

5 A I certainly try not to, and I expect the same courtesy
6 from them, which is not usually returned, but I certainly
7 try.

8 Q And is that because you'll be able to get up and say
9 your side as soon as they sit down?

10 A Right. I mean, in general I get to go through a lot
11 of things that they think I'm wrong about and I go through
12 a lot -- they go through a lot of things I think they're
13 wrong about. That's -- that's how closing arguments work.
14 Whatever facts that we have written down in our notes and
15 what we think we brought out, we combine them all together
16 and make an argument. That's -- that's the practice of
17 law.

18 Q On 668 where Ms. Garfield says something about Deputy
19 Lasher was consistent -- consistent in what she told
20 Sergeant Robinson and Sergeant Isenhoward, consistent with
21 what she told Investigator Gallegos -- how do you say that?

22 A Gallegos.

23 Q Gallegos. At the city station. That was consistent
24 when she testified. So did you find that objectionable at
25 the time saying it was consistent testimony?

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 A I think it was slightly incorrect, but I did not
2 object to it.

3 Q And you think it was incorrect because?

4 A There were some inconsistencies that the victim had --
5 that had come up throughout the trial.

6 Frankly, there almost always are. But I -- I -- I did
7 not object. I -- I didn't -- I did not feel her closing
8 arguments raised to the point of misconduct, and that is
9 really where for complete mischaracterization of the facts,
10 and that is usually where I would draw the line to object
11 to a prosecutor's closing argument or any lawyer's closing
12 argument.

13 Q You didn't think it got to that level either?

14 A At the time I certainly didn't.

15 Q The part -- the part about send a message on 677, ask
16 you to send a message to Adonis Williams, that last bit
17 there. That was right before you were about to have your
18 turn.

19 A I am almost certain that if she had gone on I would
20 have objected, but that was the very last sentence of her
21 closing. And, I mean, that's not like I knew that would be
22 her last sentence.

23 Q Right.

24 A But I'm -- I'm pretty sure that I would have objected
25 if she had gone any further than that.

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 Q Okay. The part about Judge Barber going into the
2 jury -- jury room to tell them that he can either read them
3 instructions or not and that they would not be able to get
4 a physical copy of the instructions, do you recall having
5 that conversation with him in chambers?

6 A Judge Barber? Yes. I mean, I don't remember the
7 specific conversation. I -- I -- reading in the
8 transcript, I -- I know we did have various conferences for
9 jury notes. It's a very standard thing, particularly with
10 Judge Barber. I tried cases with him before. He wants to
11 keep cases moving and he certainly wants to keep
12 deliberations moving. None of that surprises me.

13 Q And he said it was with both parties' consent that he
14 does this. You don't have any reason to doubt that, do
15 you?

16 A No, certainly not. I mean, I -- I -- if it was not
17 with my consent I would have said something.

18 Q Cell phone records. You talked about a Fourth
19 Amendment objection to that. You did challenge that on
20 Fourth Amendment grounds, is that right?

21 A Yes.

22 Q Do you remember doing that pretrial?

23 A Yes. I did. There was --

24 Q That would have been under certain Crawford
25 violations, confrontational laws.

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 A It was under numerous, numerous issues in terms of the
2 search itself, the validity of the search warrant as
3 applies to Adonis' phone, if it's even it's Adonis' phone.

4 I -- I -- I don't remember exactly what I argued. I
5 know they were quite extensive. And I -- I'm sure that
6 would have been in the first version of pretrial.

7 Q Right. Judge Barber denied those motions to have
8 those, the records and text messages, suppressed, right?

9 A That's my recollection, yes. I don't -- I don't
10 remember exactly what records or texts that they -- that
11 they had, but whatever it was, he allowed the -- the search
12 to be considered valid.

13 Q Moving to the investigation part of your case.

14 Did you have a conversation -- you had conversations
15 with Mr. Williams' father.

16 A I'm sure I did at least once or twice. I -- I know
17 I've met him a number of times.

18 Q Did you talk to him about his interactions with his
19 son the day of the alleged crime or the day he was alleged
20 to do the crime?

21 A I'm honestly not sure if I did have discussions with
22 him about that or whether -- if there are any discussions
23 I -- it -- it would have been to establish an alibi. And I
24 don't remember having specific discussions about an alibi.

25 Q Right.

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 A Other than if there was, it would have been a very
2 brief conversation of how do you know it was this day. And
3 if his answers were similar to what it was on the stand
4 today, combined with the prior transcript, I would not have
5 been able to go forward with that as an alibi.

6 Q So, for the record, you were here for his testimony
7 earlier as to his activities the day of the crime?

8 A I was in terms of the timing, and even perhaps a
9 question of was it the right day. But assuming it's the
10 right day -- and I -- I certainly believe him when he says
11 he thinks it's that Sunday -- that timeframe that he lists
12 doesn't clearly establish an alibi.

13 Q Even if you assume all that is correct, you still
14 don't believe that's enough to put up an alibi defense?

15 A I don't believe it would have been enough considering
16 we had completely different testimony with the first trial
17 and it was not brought out then. And then bringing up an
18 alibi the second time I think would have been a bigger
19 problem for my client on cross-examination.

20 Q Because the state could have then --

21 A Because he did testify prior. And unlike a normal
22 Doyle violation where they can't allege that he never gives
23 a statement, Adonis clearly does give a very lengthy
24 statement in front of what turns out to be a jury. But she
25 could have questioned why wasn't this brought out, why

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 wasn't this defense brought up.

2 Q Well, it's the first time we're hearing that, right?

3 A Right. And, unfortunately, in most cases that can't
4 happen. It's complete prosecutorial misconduct. But with
5 a prior trial, I'm pretty sure she'd be able to use that.

6 Q Do you recall if any photos of the scene were
7 introduced? Not the scene, but like the area and the
8 neighborhood.

9 A I know there were at least a few introduced. There
10 are some outdoor pictures. I -- I couldn't tell you which
11 ones they were. I mean, I haven't looked at those pictures
12 since 2011.

13 Q There's a picture of a path that was introduced
14 earlier that Mr. Williams thinks would have helped explain.
15 Please just give a little bit of the context to, you know,
16 the victim's house and how things would have happened.
17 Have you had an -- have you had an opportunity to look at
18 that yet?

19 A I have not.

20 Q That would be Exhibit -- these two here. Did you ever
21 visit the scene in preparation for the case?

22 A I did not, no.

23 Q Do you have any opinion on, you know, if you would
24 have used those photos in the trial to help get it in a
25 context?

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 A The first photo is somewhere outside of the gas
2 station on Assembly. It's a Citgo. I mean, that at
3 least -- that looks like what that sign would be.

4 As to the second photo, I'm not exactly sure where
5 that is. I -- I honestly don't recall the area well
6 enough. So I'm not sure where that path is.

7 Q I think that's the path behind the victim's house that
8 led up to --

9 A I'm honestly -- I just don't know where that house is.

10 Q That's fine. I didn't know if that would ring any
11 bells or anything. It was introduced at the trial.

12 A It -- it doesn't. I mean, I heard the testimony. I
13 just -- it doesn't ring a bell as to where it is.

14 Q I probably should have started with a little bit of
15 this, but overall how would you describe your trial
16 strategy?

17 A It was a very circumstantial case. I thought it was
18 a -- a somewhat weak circumstantial case but also a very
19 emotional one for a jury in terms of if they believed they
20 have the right person, it's -- it's a very big problem.

21 Q But if they believe Adonis, they believe Mr. Williams,
22 you've got a pretty -- you've got a decent chance of
23 winning -- is that -- if you believe his testimony. Is
24 that --

25 A Yes, or disbelieve the -- the method of identification

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 more than anything else.

2 It's also an unusual case where a victim doesn't come
3 in and identify someone. They're sitting next to each
4 other in a car for quite a while. They have a fingerprint
5 from who knows when. It could've been two days earlier,
6 could've been two weeks. It could have been two months
7 earlier even when that print was left on the telephone box.

8 And then they have a cigarette butt with some D.N.A.
9 That -- that's -- I mean, there's nothing inside of her car
10 that is -- that belongs to Adonis. There's nothing inside
11 of the house despite kicking in doors, breaking locks.
12 There is nothing they find inside of the house, which is
13 very unusual. So I would call it a highly circumstantial
14 case.

15 Q Then you throw in the victim's car getting vandalized
16 minutes after the incident, vandalized by someone else.

17 A Vandalized by someone else that -- admittedly someone
18 else, but they had originally when there for some form of
19 retaliation or threat or coercion. I -- I think that model
20 of that incident is a very strong case for trial.

21 Q You also attacked the investigation that law
22 enforcement put on in this case, is that right?

23 A Certainly.

24 Q They could have tested certain things in the victim's
25 car and did not.

Mark E. Schnee
Cross-examination by Mr. Mitchell

1 A Correct.

2 Q You also make a point in -- I believe this is
3 closing -- that there's no D.N.A. test done on the
4 telephone box.

5 A Right.

6 Q Or if there is that -- or if there was and it's
7 positive, that they would have heard about it, right?

8 A Correct. I'm sure I brought that up.

9 Q So what was your strategy on cross-examining the
10 victim in the case?

11 A Well, my general strategy was -- was different than
12 normal. As I said, she didn't identify anyone. I had her
13 transcript from the first trial. I had her statement.
14 Other than that, I was simply trying to just get details
15 out that may -- that I felt may have been useful.

16 Q And I know you talked about the height differential.
17 I believe she said he was about either -- 6' or 5'10".
18 Kind of bring up his eyes.

19 A I certainly did want to bring up his eyes. There were
20 a few unique -- some unique features to his eyes and his
21 face -- a tattoo. I think a few other things that were
22 brought up that she never talked about.

23 Obviously, I had sat down next to Adonis for quite
24 extended periods of time looking at him. And she obviously
25 would have been looking at him in the car, in her house or

Mark E. Schnee
Redirect examination by Ms. Goldberg

1 anywhere else. So I was trying to bring up that as a means
2 of her lack of ability to identify.

3 Q That's all the questions I have. Thank you.

4 MS. GOLDBERG: Briefly, Your Honor.

5 REDIRECT EXAMINATION

6 BY MS. GOLDBERG

7 Q Mr. Schnee, do you recall Adonis testifying on his own
8 behalf in trial?

9 A I do.

10 Q Did he testify that that morning his dad picked him
11 up?

12 A I don't recall what the exact testimony was. I
13 haven't read through it.

14 Q If -- if the transcript reflects that, you wouldn't
15 disagree.

16 A Oh, I'm sure the transcript is right.

17 Q So if Mr. Williams had been called, even if his
18 recollection was shady, that would have corroborated your
19 client's testimony, correct?

20 A It could have. I just didn't -- I don't remember -- I
21 don't know if I talked to him about that specifically
22 before the trial to be honest.

23 Q Okay.

24 MS. GOLDBERG: No further questions.

25 THE COURT: You can step down.

1 MS. GOLDBERG: No further witnesses from me.

2 MR. MITCHELL: Your Honor, the state has no witnesses.

3 THE COURT: All right. Any statements you'd like to
4 make?

5 MS. GOLDBERG: Yes, Your Honor, if I may.

6 I'll kind of go through these issues briefly in the
7 order they are in the application.

8 The first two allegations, which are A1 and A2, they
9 were basically only made to the extent that Mr. Schnee did
10 object but may not have objected sufficiently enough to
11 preserve those issues for appeal.

12 As Your Honor is aware, there's case law out there
13 that does say that -- for instance, State vs. Wilson says
14 that an issue will not be preserved for review when the
15 trial court sustained a party's objection to improper
16 testimony and the party does not subsequently move to
17 strike the testimony or ask for a mistrial. He did ask to
18 strike the first one but did not ask for a mistrial.

19 There's also case law that says that objections need
20 to be made contemporaneously, they need to be made every
21 time of -- several of our issues relate to that.

22 The reason I bring that up -- and we -- we may want to
23 address this and then go further. This is an unusual case.
24 There's case law out there that lets us know that when
25 there's not an appeal from the first trial that there

1 should have been and the applicant files for a P.C.R. that
2 we have to address all P.C.R. issues at this time. And
3 then essentially if Mr. Williams was to lose we could file
4 the notice of appeal from the original trial, as well as an
5 appeal from the P.C.R. Those appeals would be heard
6 concurrently.

7 What I don't think is a resolved issue is that,
8 obviously, in a P.C.R. we often take that opportunity to
9 address things that were missed, things that may have not
10 been preserved for appeal, because when the appeal is heard
11 first the appellate attorney looks at the case and says I
12 can appeal this, or I can't.

13 There are several circumstances in this particular
14 trial where I believe these issues should have been
15 preserved and were not.

16 What I don't know, what the law is unclear on, is if I
17 can essentially through this P.C.R. save those issues for
18 preservation if there is a finding that counsel was
19 ineffective in preserving those issues, if that --
20 thereafter that makes those issues available for appeal.

21 That is the basis of a lot of these issues.

22 I think the state might want to address that one
23 specific issue broadly before we go on.

24 MR. MITCHELL: If I may, Your Honor.

25 On that, these things -- these would run concurrently

1 up to the appellate court. So, say, we find this issue was
2 preserved and it was objected to contemporaneously, we make
3 these findings in the order here.

4 Let's just say we -- you know, it is put up. So then
5 we preserved for the direct appeal. That could then be
6 raised as an issue where Judge Barber erred in denying the
7 motion to suppress, denying the motion to whatever.

8 So it -- you know, it could run parallel, and I don't
9 think there's a problem with that because it's either one
10 or the other. If we find these three issues are preserved,
11 these three issues not preserved, then they can address on
12 P.C.R. This is what will happen in court, find preserve or
13 unpreserved. You know, is there prejudice in these
14 unpreserved errors? If he would have objected would it
15 then have been successful if he made those objections?

16 And then, you know, it can run both ways. I don't see
17 a problem with doing it like that. But the procedure has
18 been around for a long time. They've been -- the white
19 procedure has been in place, I think, since 1969.

20 So it would all be based on how -- how the order was
21 written and how the findings were made here factually. And
22 you'll make the rulings as to whether certain things were
23 preserved and certain things were unpreserved. And then
24 it'll go -- if it unpreserved it'll go towards the P.C.R.
25 appeal. If preserved it'll go towards the direct appeal.

1 So, you know, I don't see any problem in doing it the
2 way it's set up to go. I think they still have to prove
3 prejudice on both sides, you know, whether it's harmless
4 error, whether there's -- on the evidence. It's pretty
5 much the same analysis either way, whether it's prejudice
6 in P.C.R. or whether it's prejudice in a judge making the
7 incorrect decision as a matter of law. Should be the same
8 analysis either way. I think that's all I have.

9 THE COURT: Okay. Ms. Goldberg.

10 MS. GOLDBERG: The only thing I guess I would add is,
11 you know, often these P.C.R.s, the general rule is that if
12 they win at P.C.R. the case is overturned and it starts
13 over.

14 Occasionally we have P.C.R.s where something is
15 ineffective, there's some issue, but due to the type of
16 prejudice at issue, maybe it's just remanded for
17 resentencing.

18 That's not what Adonis is asking for here. But just
19 by analogy, I think there are circumstances here where I
20 would ask the Court that if there is a finding of
21 ineffective assistance of counsel it would be -- it would
22 be akin to that where we'd be asking not necessarily on
23 those particular issues the case be overturned but it'd be
24 specific performance that would be preserved for appellate
25 review as to the facts because there was ineffective

1 assistance in the way it was preserved.

2 So I'm not asking for a ruling as to that right now,
3 but I'd like Your Honor to keep that into consideration
4 when all of these are reviewed and a decision made.

5 That is essentially what, as I said, A1 and A2 are,
6 just an allegation that there could have been a better
7 objection made.

8 A3. That's the -- that is when the D.N.A. analyst
9 testified that another analyst reviewed his opinions and
10 conclusions and agreed.

11 I think that's clearly improper, inadmissible. Not
12 only is it hearsay about what a -- what a person outside of
13 court believed and said, but it's also bolstering his own
14 testimony.

15 Of course Mr. Schnee did testify that he wasn't
16 challenging that D.N.A., that's why he didn't object. But,
17 so, there may be a valid trial strategy there. But I do
18 think that should have been completely inadmissible
19 statements.

20 The next one, No. 4, delayed objection to the recalled
21 testimony of the D.N.A. analyst.

22 Mr. Schnee testified today that there was D.N.A. on
23 the cigarette. Mr. Williams admitted being in possession
24 of that cigarette at some point in time. So they weren't
25 challenging that.

1 He testified that his whole issue that he was
2 challenging regarding the D.N.A. had to do with this other
3 third-party D.N.A., may have been involved.

4 And in this section on these pages the state recalls
5 this witness, which they did not have authority to do.
6 Mr. Schnee doesn't know what he's going to testify to yet
7 doesn't object or ask for a hearing outside of the presence
8 of the jury to see what it is.

9 He just let the state start asking these questions.
10 And then the jury becomes aware that there's been some new
11 test done regarding this third individual who Mr. Schnee is
12 trying to put all of the blame on.

13 The jury never hears the answer to the question. The
14 only logical inference is that it's favorable to the state
15 because the state called the witness.

16 We find that that was ineffective. I believe that was
17 ineffective because -- for many reasons but specifically
18 because it was prejudicial and it allowed the jury to
19 speculate on what the results would be. That completely
20 went to Mr. Schnee's defense, which was putting this
21 identification, putting this blame, on a third party. So
22 we believe that was improper and ineffective.

23 Issue little -- little five under A, that is brought
24 up several times in here. And I'll kind of lump some of
25 these together.

1 As you heard in the testimony of the first trial and
2 in the statement, the victim clearly says that the
3 assailant said very -- several things to her that the state
4 used to prove identification.

5 THE COURT: Excuse me.

6 You'll have to take the child outside. Take the child
7 outside.

8 MS. GOLDBERG: Thank you.

9 There are several things that every one is a minor
10 point but as building blocks they drove. The assailant
11 said I've been down and out, I've been out of prison ten
12 months, I gotta to feed the pigs and chickens, I gotta pay
13 my child support and my alimony.

14 All of those things were -- could have been used to
15 confirm or combat identity, I feel like the most important
16 of which is this out-of-prison-for-ten-months portion
17 because, as Mr. Schnee said, that is a prejudicial
18 statement in itself that he'd been in prison ten months
19 earlier to some extent.

20 The only reason it was relevant in that specificity is
21 to prove identification. The evidence offered by the
22 state's own witness was that Adonis Williams had been out
23 of prison eight and a half months.

24 I'd submit to the Court that nobody who's been out of
25 prison over around eight months would say I've been out of

1 prison ten months. I think people are very keenly aware of
2 how long they have received their freedom back.

3 But it is -- so to use that statement to prove that
4 Mr. Williams is the person they're -- to prove
5 identification of Mr. Williams, it was irrelevant.

6 He, Mr. Schnee, didn't object when the S.C.D.C.
7 individual was called. He didn't preserve his objections
8 generally. But then when the S.C.D.C. individual did
9 testify the information became irrelevant at that point.
10 He could have preserved it further, could have asked for a
11 mistrial.

12 And then even if he didn't do all of that he could
13 have argued it in his closing argument by proving that the
14 state's evidence did not match -- or what the state was
15 saying the evidence was didn't match what the evidence
16 actually was. And Mr. Schnee said he doesn't think he did
17 the math on that, didn't realize it.

18 Going to A6, I'm going to stand on the record for that
19 given Mr. Schnee's testimony.

20 A7. I think it's clear that the solicitor here
21 testified by asking Mr. Williams if he was aware that in
22 the eight days before the 22nd that it rained five out of
23 eight days. I think that's improper. The solicitor can't
24 testify. That information should have been admitted into
25 evidence by the state through the state climatologist

1 office or something. Mr. Schnee should have objected to
2 that information.

3 The next issue which would be little Roman numeral
4 eight, I'll stand on the record for that one as well.

5 Little Roman numeral nine I've already addressed
6 regarding the ten months out of prison.

7 Little Roman numeral ten, I think it was sufficiently
8 testified to.

9 Eleven I do think just is worthy of another statement.
10 For the solicitor in her closing argument to reference
11 September 11th, the trial is September 11th -- and state
12 that because of that we should be thanking law enforcement
13 for what they do to protect us, hearers don't always wear
14 capes, they wear badges too, please keep that in mind
15 during your deliberations, I think that's highly
16 prejudicial, highly inflammatory.

17 It was used simply to bolster the credibility of law
18 enforcement and guilt the jurors into siding with them.

19 There's case law that says that the state should not
20 make comments so in -- effect the trial with its fairness
21 to make the result of the conviction a denial of due
22 process. They shouldn't make -- they should carefully
23 tailor their closings to not appeal to the personal bias of
24 the juror nor calculate it to arise passion or prejudice as
25 to ask questions -- the state.

1 I just think that's a clearly prejudicial statement
2 and should have been objected to.

3 And then Roman numeral 12, my client felt very
4 strongly about this issue that the judge shouldn't have
5 been -- should not have been allowed to talk with the jury
6 in the jury's chambers without him and his lawyer present.

7 He did cite -- provide me with several cases -- U.S.
8 vs. Harris, Phillip Ponds v. Alvian Bates Lathe Company
9 [sic].

10 For the record, I will state both of those are federal
11 cases that based their decision on federal rule of
12 procedure where the judge is not allowed to speak with the
13 jury outside of the presence of the counsel.

14 I would simply argue that while there's no binding
15 case law or rule similar in South Carolina, that there
16 should be just out of an abundance of caution.

17 The text messages could have been objected to easier.
18 I think the biggest P.C.R. issue involving the text
19 messages is they should have been redacted. They clearly
20 should have been redacted.

21 The only modicum of relevance to them is where the
22 text message says that there may have been some intention
23 for the defendant to go into hiding or run. But that
24 wasn't necessarily probative to the case either, because
25 there was other evidence that showed that Mr. -- that

1 Mr. Williams had run from the police, was hiding. So it
2 was not probative. It didn't add anything. It -- it
3 substantially prejudiced the jury based on the language and
4 the contents.

5 Let me see. I think everything else is sufficiently
6 addressed. A review of the record does show that
7 Mr. Williams did testify that he was at another place and
8 time for the -- when the actual incident itself took place
9 but using an alibi charge would have been appropriate if
10 requested. It didn't appear like it it was requested based
11 on Mr. Schnee's testimony.

12 I'll let the remainder stand on the testimony.

13 MR. MITCHELL: Judge, I will try to be very brief
14 here.

15 I think as to the first issue about whether he should
16 have moved for a mistrial was cured by the curative
17 instruction issued by Judge Barber. He told the jury not
18 to consider it. I think that was fine, was proper, proper
19 timing objection and proper request to have it struck from
20 the record. And it was.

21 Moving to 3B, the alleged missed objection on the peer
22 review, I think the peer review of experts and their
23 testimony has a very common place in trials. As Mr. Schnee
24 said, it was a requirement for them to meet the
25 admissibility standard. So something that you probably see

1 in every case that each report is peer reviewed by others
2 to establish the accuracy before the jury.

3 I think recalling Dr. Amick he was able to -- he was
4 able to object at the time before the question was
5 answered. So I don't think there's any -- any kind of
6 prejudice there. I think once Mr. Schnee realized what was
7 going on, he did object. Judge Barber ruled in his favor
8 and moved on.

9 The eight and a half to ten months, you know, I just
10 don't see how this goes to guilt or innocence. There's no
11 prejudice to this at all. Whether it's eight and a half or
12 ten months, you know, I don't think it matters. I don't
13 think it matters, you know, whether this is something
14 Mr. Williams said.

15 I mean, at the time this crime happened he was high on
16 drugs. There's evidence of that at the trial. That was at
17 least alleged by the state. So he could have said
18 anything, and that's about the same timeframe. So it does
19 go to identity. I think that was the correct ruling.

20 I think as far as any of the allegations of closing
21 argument, look at that. If you look at the closing
22 argument as a whole and you take it as a whole, I don't
23 think there's anything prejudicial in there. It was a
24 lengthy argument. It's about 50 pages.

25 There were some snippets in there Mr. Williams takes

1 issue with about, you know, vouch for the officers and what
2 not. But I think looking at it as a whole, I don't think
3 there's anything wrong with it. I don't think it rose to
4 the level that it would inflame the passions of the jury.

5 As far as Judge Barber going back to chambers, I think
6 that's clearly proper and was clearly done with
7 Mr. Schnee's consent.

8 As far as the text messages that were challenged by
9 Mr. Schnee on a number of grounds, Fourth Amendment
10 grounds, warrant grounds, this is done all pretrial. As he
11 said, he believes that this is preserved for direct appeal.

12 Judge Barber ruled in his favor properly that it could
13 come in under that and would not be any Crawford violations
14 issue, which I think Mr. Schnee completely raised every
15 objection he could at that point.

16 As far as not pointing out inconsistencies with the
17 victim's prior testimony, not really any of that went to
18 anything pertinent to the applicant's guilt or innocence.

19 I don't think it really went to identity or, you know,
20 little things about him growing up on a pig farm or doing
21 anything with pigs. He didn't -- his father testified
22 today that he actually did, he was around pigs when he was
23 a younger child. So I think, you know, since that come
24 out, I think that's probably a correct statement of what
25 happened.

1 As far as the alibi charge, I don't think there was
2 any evidence presented of an alibi. I don't think
3 Mr. Williams' testimony that he was there rises to the
4 level of an affirmative alibi defense. And, I mean, Adonis
5 was not with his father -- but at the trial just that
6 testimony.

7 I think we had testimony today that Mr. Schnee -- I
8 think it's credible that there's testimony from Mr. Schnee
9 that Mr. Williams' father -- that testimony does not rise
10 to the level of a complete alibi. And I think he had
11 problems with it.

12 Whether that testimony is going to be credible or
13 whether he can really narrow it down to that timeframe, I
14 think he was unable to do that today. The crime happened
15 early morning. He was all over the place at the time when
16 he could have picked up his son.

17 As far as the cumulative error that was raised, South
18 Carolina does not even recognize any cumulative error.

19 The Fourth Circuit -- The Fourth Circuit Court of
20 Appeals has expressly objected to cumulative-error analysis
21 in federal courts. So I'd ask that this Court not give
22 Adonis a new chance in reviewing these collateral matters.

23 And we ask you to deny the application on those
24 numerous counts.

25 Also, Your Honor, I think there really -- there's

1 overwhelming evidence in this case. I think, you know,
2 there's evidence of flight, evidence of cell phone, that he
3 was on the run.

4 The officers almost had him at one point. He escaped
5 and was caught later.

6 Prints on telephone box behind the victim's house
7 where her telephone line was cut minutes before the
8 burglary, D.N.A. cigarette, on the cigarette that he smoked
9 when he was in the victim's car, I think it all adds up. I
10 think there's overwhelming evidence. I don't think any of
11 the alleged deficiency rises to the level where the outcome
12 would have been different and he would have been found not
13 guilty. Thank you.

14 THE COURT: I'll review the record and issue an order.

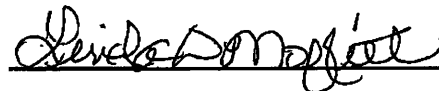
15 END OF REQUESTED TRANSCRIPT OF RECORD
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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Common Pleas Court for Richland County, South Carolina, on the 1st day of February 2016.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

September 12, 2017



Linda D. Moffitt
Circuit Court Reporter

RICHLAND COUNTY
 THE STATE OF SOUTH CAROLINA
 In The Court of Appeals
 2011 SEP 15 PM 1:00

MA 9/15/11
 POS. 9/15/11

APPEAL FROM RICHLAND COUNTY
 Court of General Sessions

RECEIVED

SEP 15 2011

James R. Barber, III, Circuit Court Judge

SC Court of Appeals

Case No. 2009-GS-40-02697, 2009-GS-40-02698, 2009-GS-40-02701

State of South Carolina, ... Respondent.

v.

Adonis K. Williams, ... Appellant.

NOTICE OF APPEAL

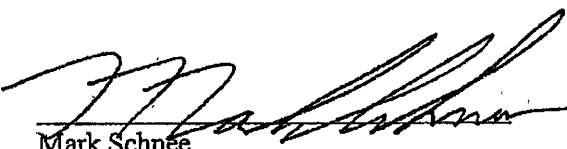
Adonis K. Williams appeals his conviction and sentence in this case. The sentence was imposed by the Honorable James R. Barber, III on September 9, 2011.

2009-GS-40-02697 – Kidnapping – 25 years, concurrent to all others, credit for time served, no sec offender registry

2009-GS-40-02698 – Armed Robbery - 25 years, concurrent to all others, credit for time served

2009-GS-40-02701 – Burglary 1st Degree - 25 years, concurrent to all others, credit for time served

September 15, 2011


 Mark Schnee

The Schnee Law Firm
 1720 Main Street, Suite 202
 Columbia, South Carolina 29201
 (803) 771-0075
 Attorney for Appellant

Other Counsel of Record:

Assistant Solicitor Kathryn Luck Campbell
Office of the Solicitor, Fifth Judicial Circuit
Richland County Judicial Center
1701 Main Street
Columbia, SC 29201

STATE OF SOUTH CAROLINA

IN THE CO. OF GENERAL SESSIONS

COUNTY OF Richland
STATEINDICTMENT/CASE#: 09 -GS- 40 - 2698VS.
Adonis Kalanski WilliamsA/W#: J564654AKA: _____
Race: B Sex: M Age: _____Date of Offense: March 22, 2009

DOB: _____ SS#: _____

S.C. Code §: 16-11-0330(A)

Address: _____

CDR Code #: 0139

City, State, Zip: _____

SENTENCE SHEET

DL# _____ SID# _____

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Armed Robberyin violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or Lewd Act)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, _____ (defendant initial)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

M. Walker 78494
Solicitor SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 25 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 the State
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ set by SCDPPPS _____

Attend Voc. Rehab. or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*Fine: \$ _____

Random Drug/Alcohol Testing ☐

\$14-1-206 (Assessments 107.5%) \$ _____

Fine may be pd. in equal, consecutive weekly/monthly

\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____

pmts. of \$ _____ Beginning _____

\$14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

\$ _____ paid to Public Defender Fund

\$56-5-2995 (DUI Assessment) \$12 \$ _____

Other: _____

\$56-1-289 (DUI Breath Test) \$500 \$ _____

\$25 \$ _____

\$35.13 (Public Def/Prob) \$25 \$ _____

\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

\$50-21-114(BUI Breath Test Fee) \$50 \$ _____

\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

\$90.11 TP (SCCJA Surcharge) \$5 \$ _____

TOTAL \$ _____

☐ Appointed PD or appointed other counsel, \$35.13 TP☐ Requires \$500 be paid to Clerk during probation.PRESIDING JUDGE James F. RaultCourt Reporter: Deonette W. McBridge
Clerk of Court Deputy ClerkJudge Code: 0110Sentence Date: 9/9/11

WITNESSES

(s) DONALD ROBINSON, RCSD

ARREST WARRANT NUMBER

J564654

ACTION OF GRAND JURY

TRUE BILL

VBla JUL 17 2009

Fo. rson of Grand Jury

Date:

VERDICT

906
oreperson of Petit Jury
ate:

DOCKET NO. 2009-GS-40-2698

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JULY TERM 2009

42

THE STATE

vs.

ADONIS KALANSKI WILLIAMS

Indictment for

ARMED ROBBERY

SC Code: 16-11-0330(A)

CDR Code: 0139

Class FEL-A(V)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

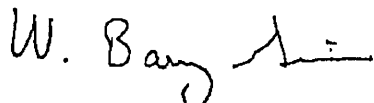
INDICTMENT

At a Court of General Sessions, convened on JULY 15, 2009, the Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

That ADONIS KALANSKI WILLIAMS did in Richland County on or about MARCH 22, 2009, commit an armed robbery by feloniously taking from the person or presence of LINDA WOFFORD, by means of force or intimidation, goods or monies of LINDA WOFFORD, such goods or monies being described as US Currency, with the intent to deprive the owner permanently of such property, while armed with a pistol, rifle, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, all in violation of §16-11-330(A), Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WARREN B. GIESE, SOLICITOR

ARREST WARRANT

J-564654

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

THE STATE

RCSD 0903193822

against

Adonis Kalanski Williams

Address: Longcreek Drive Apt

Columbia, SC 29210-

Phone: 3973 SSN: Sex: M Race: B Height: 6 Weight: 190

DL State: SC DL #: DX 1983 Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Donald Robinson - 555

Offense: Armed Robbery

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Adonis Williams on 3/22/09

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions

1701 Main Street

P O Box 192

Columbia, SC 29202

ORIGINAL

ENTERED NCIC 03-25-09

NIC #W 156250319

OC #

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant Donald Robinson

being duly sworn deposes and says that defendant Adonis Kalanski Williams

did within this county and state on or about 03/22/2009

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Richland Bond Court

in the following particulars:

DESCRIPTION OF OFFENSE Armed Robbery

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on 03/22/09 while at Tama Rd in the Lykesland Magisterial District of Richland County, one Adonis Williams did commit the crime of Armed Robbery in that he did unlawfully entered the victim's residence armed with a pistol, removed her by threat and made her transport him to the bank in her vehicle and demand that she withdraw money from her account and give it to him. The victim did transfer the money to the defendant in fear of her life. The defendant cut the telephone line of the residence prior to entry. RCSD forensic investigators lifted a latent fingerprint from the telephone line junction box and has identified that the print belonged to the defendant. Affiant and others are witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 3/22/2009, defendant Adonis Kalanski Williams

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland Bond Court

) as set forth below:

DESCRIPTION OF OFFENSE: Armed Robbery

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

Judge's Address 201 John Mark Dial Road

Columbia, SC 29209-

Judge's Telephone

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

AFFIDAVIT

ENTERED MAR 26 2009

who

violate the criminal laws of the

Richland Bond Court

FILED
RICHLAND COUNTY
2009 APR -3 AM 10:51
JANETTE W. McBRIDE
C.C.P. & G.S.

2009 MAR 26 AM 10:27
RCSD

RECEIVED

806

BAIL set by

Judge

on

Type and Amount:

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

Judge

on

by

(indicate jury trial, bench trial, plea, not. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

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Telephone:

Name:

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Name:

Address:

Telephone:

CODEFENDANTS

910

STATE OF SOUTH CAROLINA

COUNTY OF
STATERichlandVS.
Adonis Kalanski Williams

AKA: _____

Race: _____ Sex: _____ Age: _____

DOB: _____ SS#: _____

Address: _____

City, State, Zip: _____

DL# _____ SID# _____

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Kidnappingin violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0095☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

M. Walker78494

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections, ☐ County Detention Center,
for a determinate term of 28 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 the State
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ set by SCDPPPS _____

Attend Voc. Rehab. or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*Fine: \$ _____

Random Drug/Alcohol Testing ☐

§14-1-206 (Assessments 107.5%) \$ _____

Fine may be pd. in equal, consecutive weekly/monthly

§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____

pmts. of \$ _____ Beginning _____
\$ _____ paid to Public Defender Fund

§14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

Other: _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-289 (DUI Breath Test) \$500 \$ _____

§35.13 (Public Def/Prob) \$25 \$ _____

§73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§50-21-114(BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

§90.11 TP (SCCJA Surcharge) \$5 \$ _____

TOTAL \$ _____

☐ Appointed PD or appointed other counsel, \$35.13 TP☐ Requires \$500 be paid to Clerk during probation.PRESIDING JUDGE James P. DaultCourt Reporter: Joanetta M. McBridge
N. Helms Clerk of Court/Deputy ClerkJudge Code: 0110
Sentence Date: 9/9/11

911
9

WITNESSES

(S) DONALD ROBINSON, RCSD

ARREST WARRANT NUMBER

J564653

ACTION OF GRAND JURY

TRUE BILL

JUL 17 2009

Foreperson of Grand Jury

Date

VERDICT

Foreperson of Petit Jury

Date

DOCKET NO. 2009-GS-40-2697

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JULY TERM 2009

42

THE STATE

vs.

ADONIS KALANSKI WILLIAMS

Indictment for

KIDNAPPING

SC Code: 16-3-910

CDR Code:0095

Class FEL/A(V)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

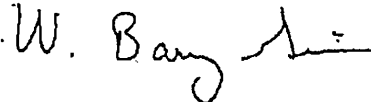
INDICTMENT

At a Court of General Sessions, convened on JULY 15, 2009 the Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That ADONIS KALANSKI WILLIAMS did in Richland County on or about MARCH 22, 2009, unlawfully seize, confine, inveigle, decoy, kidnap, abduct and/or carry away the victim, LINDA WOFFORD, by any means whatsoever without authority of law. All in violation of §16-3-910, Code of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Warren B. Giese, SOLICITOR

913
ARREST WARRANT
J-564653
STATE OF SOUTH CAROLINA
County/ Municipality of
Richland Bond Court
THE STATE against
RCSD 0903193822
Adonis Kalanski Williams
Address: Longcreek Drive Apt
Columbia, SC 29210-
Phone: 3973 SSN:
Sex: M Race: B Height: 6 Weight: 190
DL State: SC DL #: 1983
DC 1983 Agency ORI #: 04000
Prosecuting Agency: Richland County Sheriff Department
Prosecuting Officer: Donald Robinson - 555
Offense: Kidnapping
Offense Code: 0095
Code/Ordinance Sec.: 16-03-0910
This warrant is CERTIFIED FOR SERVICE in the
County/ Municipality of
The accused is to be arrested and brought before me to be dealt with according to the law.
(L.S.)
Signature of Judge

Date:
RETURN
A copy of this arrest warrant was delivered to
defendant Adonis Williams
on 3/27/09
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA
County/ Municipality of
Richland Bond Court

AFFIDAVIT
Personally appeared before me the affiant Donald Robinson who
being duly sworn deposes and says that defendant Adonis Kalanski Williams
did within this county and state on or about 03/22/2009 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of Richland Bond Court)
in the following particulars:
DESCRIPTION OF OFFENSE Kidnapping

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

That on 03/22/09 while at Tama Rd in the Lykesland Magisterial District of Richland County, one Adonis Williams did
commit the crime of Kidnapping in that he did unlawfully entered the victim's residence armed with a pistol, removed her by threat
and made her transport him to the bank in her vehicle and demand that she withdraw money from her account and give it to him.
The victim did transfer the money to the defendant in fear of her life. The defendant cut the telephone line of the residence prior to
entry. RCSD forensic investigators lifted a latent fingerprint from the telephone line junction box and has identified that the print
belonged to the defendant. Affiant and others are witness to prove the same.

Signature of Affiant
STATE OF SOUTH CAROLINA
County/ Municipality of
Richland Bond Court
Affiant's Address 5623 Two Notch Road
Columbia, SC 29223-
Affiant's Telephone (803)576-3000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY
It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 3/22/2009 defendant Adonis Kalanski Williams
did violate the criminal laws of the State of South Carolina (or ordinance of
County/ Municipality of Richland Bond Court) as set forth below

DESCRIPTION OF OFFENSE: Kidnapping

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 03/25/2009
Signature of Issuing Judge
T Edmond
Judge Code: 7154
Judge's Address 201 John Mark Dial Road
Columbia, SC 29209-
Judge's Telephone
Issuing Court: County/ Municipality of Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

ORIGINAL

AFFIDAVIT

ENTERED MAR 26 2009

FILED
RECEIVED
09 APR -3 AM 10:29
JANETTE W. McBRIDE
C.R. & G.S.
RCSD

BAIL set by

Judge

on

Type and Amount:

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(Indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

WITNESSES

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS

STATE OF SOUTH CAROLINA

IN THE CO OF GENERAL SESSIONS

COUNTY OF
STATERichlandVS.
Adonis Kalanski Williams

AKA: _____

Race: _____ Sex: _____ Age: _____

DOB: _____ SS#: _____

Address: _____

City, State, Zip: _____

DL# _____ SID# _____

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Burg 1stin violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 079☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lowd Act)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

M. Walker

Solicitor

78494

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 25 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 the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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 \$
 §14-1-211(A)(2) (DUI Surcharge) \$100 \$
 §56-5-2995 (DUI Assessment) \$12 \$
 §56-1-289 (DUI Breath Test) \$500 \$
 §35.13 (Public Def/Prob) \$25 \$
 §73.3, 1B TP (Law Enforce, Funding) \$25 \$
 §33.7, 1B TP (Drug Court Surcharge) \$100 \$
 §50-21-114(BUI Breath Test Fee) \$50 \$
 §56-5-2942(J) (Vehicle Assessment) \$40/ea \$
 3% to County (if paid in installments) \$ \$
 §90.11 TP (SCCA Surcharge) \$5 \$
 TOTAL _____ \$

Jeannette M. McBridge
 Clerk of Court/Deputy Clerk
D. Halm
 Court Reporter: _____

INDICTMENT/CASE#: 09 -GS- 40-2701A/W#: J56455 J564155Date of Offense: March 22, 2009S.C. Code §: 16-11-311CDR Code #: 079

SENTENCE SHEET

_____ 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: _____ \$25 \$

☐ Appointed PD or appointed other counsel, §35.13 TP☐ Requires \$500 be paid to Clerk during probation.PRESIDING JUDGE James R. BellJudge Code: 0110Sentence Date: 9/9/11

WITNESSES

(S) Don Robinson - RCSD

ARREST WARRANT NUMBER

1564655

ACTION OF GRAND JURY

TRUE BILL

WITNESSES

for son of Grand Jury

date MAR 10 2010

VERDICT

Deperson of Petit Jury

etc.

Q

ARREST WARRANT NUMBER

AMENDED

DOCKET NO. 2009-GS-40-2701

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

July TERM 2009

42

THE STATE

vs.

Adonis Kalanski Williams

AMENDED

DOCKET NO. 2009-GS-40-2701

The State of South Carolina

County of Richland
Indictment for

BURGLARY(AFTER 6/20/85)

1ST DEGREE

COURT OF GENERAL SESSIONS

SC Code: 16-11-311

CDR Code: 079

Class: FEL-EXM(V)

42

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

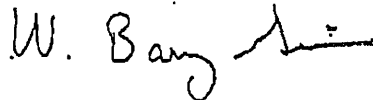
INDICTMENT

At a Court of General Sessions, convened on December 16, 2009, the Grand Jurors of Richland County present upon their oath:

BURGLARY/(AFTER 6/20/85) - 1ST DEG

That Adonis Kalanski Williams did in Richland County on or about March 22, 2009, unlawfully enter the dwelling of Linda Carol Wofford at 7125 Tama Road, without consent and with the intent to commit a crime therein, and the defendant while effecting entry or while in the dwelling or while in immediate flight there from the defendant was armed with a deadly weapon and/or displays what is or appears to be a knife, pistol, revolver, shotgun, machine gun, or other firearm and/or used or threatened the use of a dangerous instrument and/or the burglary is committed by a person with two or more prior convictions for burglary; all in violation of Code Section §16-11-311, Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Warren B. Giese, SOLICITOR

ARREST WARRANT

J-564655

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

THE STATE

RCSD 0903193822

against

Adonis Kalanski Williams

Address: Longcreek Drive Apt

Columbia, SC 29210-

Phone: 3973 SSN:

Sex: M Race: B Height: 6 Weight: 190

DL State: SC DL #:

Dc: 1983 Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Donald Robinson - 555

Offense: Burglary 1st Degree

Offense Code: 0079

Code/Ordinance Sec: 16-11-0311

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Adonis W. Williams

on 3/27/09

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions

1701 Main Street

P O Box 192

Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant Donald Robinson

being duly sworn deposes and says that defendant Adonis Kalanski Williams

did within this county and state on or about 03/22/2009

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Richland Bond Court

in the following particulars:

DESCRIPTION OF OFFENSE Burglary 1st Degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on 03/22/09 while at Tama Rd in the Lykesland Magisterial District of Richland County, SC, Adonis Williams did commit the crime of Burglary 1st Degree in that he did unlawfully entered the victim's residence armed with a pistol, removed her by threat and made her transport him to the bank in her vehicle and demand that she withdraw money from her account and give it to him. The victim did transfer the money to the defendant in fear of her life. The defendant cut the telephone line of the residence prior to entry. RCSD forensic investigators lifted a latent fingerprint from the telephone line junction box and has identified that the print belonged to the defendant. Affiant and others are witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 3/22/2009 defendant Adonis Kalanski Williams

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland Bond Court as set forth below:

DESCRIPTION OF OFFENSE: Burglary 1st Degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 03/25/2009

(L.S.)

Signature of Issuing Judge

T Edmond

Judge Code: 7154

Judge's Address 201 John Mark Dial Road

Columbia, SC 29209-

Judge's Telephone

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

AFFIDAVIT

ENTERED MAR 26 2009

who

RECEIVED
RICHLAND COUNTY
MAR 26 AM 10:51
J. W. McBRIDE
CLERK

RECEIVED
RICHLAND COUNTY
MAR 26 AM 10:27
RCSD

816

Judge _____
on _____
Type and Amount: _____
Name of Surety: _____

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____

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Telephone: _____

Name: _____
Address: _____

Telephone: _____

.CODEFENDANTS

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____

Decision: _____

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentença:

JURORS

DISPOSITION
5-2
4-10-21
3-19-20
00 APR 20

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RICHLAND COUNTY
FILED

2011 SEP 15 PM 1:00

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

JEANETTE W. McBRIDE
C.C.P. & G.S.

James R. Barber, III, Circuit Court Judge

RECEIVED
SEP 15 2011

SC Court of Appeals

Case No. 2009-GS-40-02697, 2009-GS-40-02698, 2009-GS-40-02701

State of South Carolina, ... Respondent.

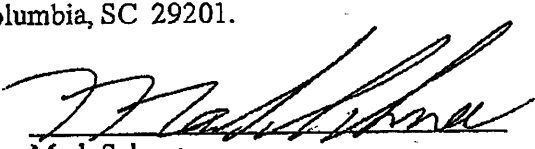
v.

Adonis K. Williams, ... Appellant.

PROOF OF SERVICE

I hereby certify that a true copy of the Notice of Intent to Appeal in the above-referenced case has been served upon opposing counsel by delivering same this date to her office at the Office of the Solicitor, Fifth Judicial Circuit, 1701 Main St., Columbia, SC 29201.

September 15, 2011


Mark Schnee

The Schnee Law Firm
1720 Main Street, Suite 202
Columbia, South Carolina 29201
(803) 771-0075
Attorney for Appellant

Other Counsel of Record:

Assistant Solicitor Kathryn Luck Campbell
Office of the Solicitor, Fifth Judicial Circuit
Richland County Judicial Center
1701 Main Street
Columbia, SC 29201



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 734-1896
FAX (803) 734-1839
www.sccourts.org

September 27, 2011

Mark E. Schnee, Esquire
1720 Main St
Ste 202
Columbia, SC 29201-2850

Re: The State v. Williams, Adonis
Case No. 2011199546

Dear Mr. Schnee:

This office has received your Notice of Appeal in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I do wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/lb

cc: Chief Appellate Defender Robert M. Dudek
Assistant Deputy Attorney General Salley W. Elliott



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 734-1890
FAX (803) 734-1839
WWW.SCCOURTS.ORG

September 27, 2011

Mark E. Schnee, Esquire
1720 Main St
Ste 202
Columbia, SC 29201-2850

Re: The State v. Williams, Adonis

Dear Mr. Schnee:

We have received your Notice of Appeal in the case noted above. This case will be docketed in the Court of Appeals and all communications concerning this case, including motions and petitions, initial and final briefs, and the Record on Appeal, should be directed to and filed in this Court. For all filings, please note the requirements of Rule 267(a) of the South Carolina Appellate Court Rules, and be further advised that Court of Appeals policy requires the firm name of any counsel shown must be included in his or her address.

Please be advised that pursuant to Rule 602, SCACR and the order of the Chief Justice dated December 12, 1997, if you expect the Office of Indigent Defense to pursue this appeal, you must provide that office with all information required to proceed with this appeal, failing which, this office will consider you counsel of record.

We suggest that large parcels such as copies of final briefs and the Record On Appeal be sent directly to the Court via the street address: 1205 Pendleton Street, Columbia, S.C. 29201. Thank you for your attention to this. Failure to file in the proper court may result in the dismissal of your appeal.

PLEASE BE ADVISED that, pursuant to Rule 207 of the South Carolina Appellate Court Rules, the transcript must be ordered within thirty (30) days of the proof of service of the Notice of Appeal and you must provide this Court, opposing counsel, and the Office of Court Administration with all correspondence regarding the transcript. It is also Appellant's responsibility to make satisfactory arrangements (including agreement regarding payment for the transcript) with the Court Reporter for furnishing the transcript. You are reminded of the

notification requirements of Rule 207(a)(5). SCACR, also, please advise the Court in writing upon receipt of the transcript.

NOTE: If you believe this case has been improperly filed in the Court of Appeals, by reason of the limitations set forth in S.C. Code Ann. Section 14-8-200(b)(1998), as amended June 1, 1999, notify the Clerk's office of the Court of Appeals immediately. The cited Code Section prohibits the Court of Appeals from hearing appeals in seven classes of cases:

- 1) any final judgment from the circuit court which includes a sentence of death;
- 2) any final judgment from the circuit court setting public utility rates pursuant to Title 58;
- 3) any final judgment involving a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance where the principal issue is the constitutionality of the law or ordinance;
- 4) any final judgment from the circuit court involving the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the state, its agencies, political subdivisions, public service districts, counties, and municipalities or any other indebtedness now or hereafter authorized by Article X of the Constitution of this state;
- 5) any final judgment from the circuit court pertaining to elections and election procedure;
- 6) any order limiting an investigation by a State Grand Jury under S.C. Code Ann. Section 14-7-1630;
- 7) any order of the family court relating to an abortion by a minor under S.C. Code Ann. Section 44-41-33.

Very truly yours,
Tanya A. Gee
CLERK


TAG/lb

cc: Chief Appellate Defender Robert M. Dudek
Assistant Deputy Attorney General Salley W. Elliott



ALAN WILSON
ATTORNEY GENERAL

October 7, 2011

RECEIVED
OCT 10 2011
SC Court of Appeals

Mark Schnee, Esquire
1720 Main Street, suite 202
Columbia, South Carolina 29201

RE: State v. Adonis Kalanski Williams
(Richland County)

Dear Mr. Schnee:

Our Office has received a Notice of Appeal in the above case. This case will be assigned to a lead attorney once the Initial Brief of Appellant and Designation of Matter are filed and served. I would appreciate you sending any correspondence pertaining to the above matter directly to me. You will be notified of lead counsel once assignment has been made.

Sincerely,

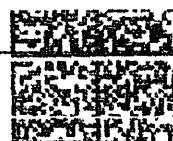
Salley W. Elliott
Assistant Deputy Attorney General

SWE:ab

cc: The Honorable Daniel E. Johnson
Honorable Tanya A. Gee
Ms. Trisha Allen



POST OFFICE BOX 11549
COLUMBIA, SOUTH CAROLINA 29211-1549

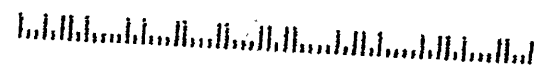


usps.com

\$00.440
10/07/2011
Mailed From 29201
US POSTAGE

The Honorable Tanya A. Gee
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

2921131629 B012





THE
SCHNEE
L A W F I R M

1720 Main Street, Suite 202
Columbia, SC 29201
(803)771-0075
Fax - (803)799-5888
SchneeLawFirm@gmail.com

1st text

Due 1/16/11

Latrea Bellamy
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED
OCT 18 2011
SC Court of Appeals

Re: State v. Adonis K. Williams

October 17, 2011

Dear Ms. Bellamy:

I filed a Notice of Appeal for Mr. Williams after his conviction and sentence resulting from a trial. Mr. Williams is indigent and was originally represented by the public defender's office. His family retained me to represent him for the trial only.

I notified the Office of Appellate Defense and sent an affidavit of indigency to Mr. Williams in the Department of Corrections with a return envelope. I have not, however, received the affidavit back at this time. Please allow this letter to serve as a request for a thirty (30) day extension to request the transcript and allow me to provide the Office of Appellate Defense with the required affidavit.

Respectfully,

Mark Schnee
Attorney at Law

The South Carolina Court of Appeals

The State,

Respondent

v.

Adonis Williams,

Appellant.

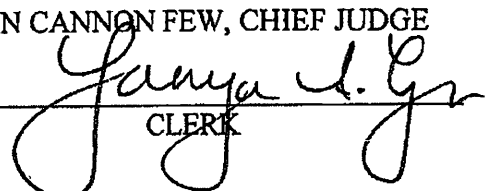
The Honorable James R. Barber
Richland County
Trial Court Case No. 2009-GS-40-02697
2009-GS-40-02698
2009-GS-40-02701

ORDER

The request for an extension to order the transcript on November 16, 2011 is granted. Pursuant to the Supreme Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause.

JOHN CANNON FEW, CHIEF JUDGE

BY


CLERK

Columbia, South Carolina

cc: Chief Appellate Defender Robert M. Dudek
Mark E. Schnee, Esquire
Assistant Deputy Attorney General Salley W. Elliott

5
FILED
10/26/11



THE
SCHNEE
L A W F I R M

1720 Main Street, Suite 202
Columbia, SC 29201
(803)771-0075
Fax - (803)799-5888
SchneeLawFirm@gmail.com

Latrea Bellamy
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: State v. Adonis K. Williams

November 16, 2011

Dear Ms. Bellamy:

I filed a Notice of Appeal for Mr. Williams after his conviction and sentence resulting from a trial. Mr. Williams is indigent and was originally represented by the public defender's office. His family retained me to represent him for the trial only.

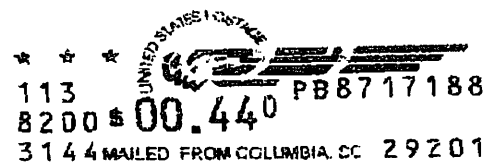
I notified the Office of Appellate Defense and sent an affidavit of indigency to Mr. Williams in the Department of Corrections with a return envelope. I have not, however, received the affidavit back at this time. I sent a second copy with stamped, return envelopes in October. I also spoke with Mr. Williams' family. Apparently the Department of Corrections is holding much of Mr. Williams' mail, making it very difficult for him to submit the affidavit. If I do not receive the signed affidavit in the mail next week I will personally go to the prison and get his signature.

Please allow this letter to serve as a request for a thirty (30) day extension to request the transcript and allow me to provide the Office of Appellate Defense with the required affidavit.

Respectfully,

Mark Schnee
Attorney at Law

RECEIVED
NOV 21 2011
SC Court of Appeals



Latrea Bellamy
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

2321141523



The South Carolina Court of Appeals

The State,

Respondent

v.

Adonis Williams,

Appellant.

The Honorable James R. Barber
Richland County
Trial Court Case No. 2009-GS-40-02697
2009-GS-40-02698
2009-GS-40-02701

ORDER

For good cause shown, the request for an extension to order the transcript on December 16, 2011 is granted. Pursuant to the Supreme Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

JOHN CANNON FEW, CHIEF JUDGE

BY *V. Claire Allen, Deputy*
CLERK

Columbia, South Carolina

cc: Chief Appellate Defender Robert M. Dudek
Mark E. Schnee, Esquire
Assistant Deputy Attorney General Salley W. Elliott

FILED

1/23/11 SJS



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 9, 2012

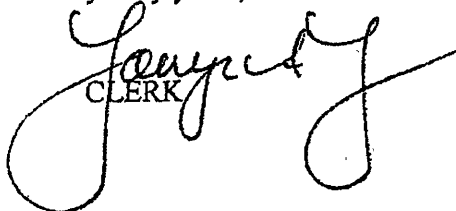
Mark E. Schnee, Esquire
1720 Main St
Ste 202
Columbia, SC 29201-2850

Re: The State v. Williams, Adonis

Dear Mr. Schnee:

Per the Court's letter dated November 23, 2011, the transcript was due to be ordered on before December 16, 2011. Please provide this Court with the status of the transcript within ten (10) days of the date of this letter.

Very truly yours,


CLERK

TAG/lb

cc: Chief Appellate Defender Robert M. Dudek
Assistant Deputy Attorney General Salley W. Elliott



THE
SCHNEE
L A W F I R M

1720 Main Street, Suite 202
Columbia, SC 29201
(803)771-0075
Fax - (803)799-5888
SchneeLawFirm@gmail.com

Tanya Gee
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: State v. Adonis K. Williams

January 18, 2012

Dear Ms. Gee:

I have been in contact with both Appellate Defense as well as Mr. William's family. I have been informed that Mr. Williams has still not received the necessary affidavit of indigency through the Department of Corrections mail system. I am scheduling a time to meet with him and have him personally sign the affidavit as required by Appellate Defense to represent him in this appeal.

Please allow this letter to serve as a request for a thirty (30) day extension to request the transcript and allow me to provide the Office of Appellate Defense with the required affidavit.

Respectfully,

Mark Schnee
Attorney at Law

RECEIVED
JAN 23 2012
SC Court of Appeals

The South Carolina Court of Appeals

The State, Respondent

v.

Adonis Williams, Appellant.

The Honorable James R. Barber
Richland County
Trial Court Case No. 2009-GS-40-02697
2009-GS-40-02698
2009-GS-40-02701

ORDER

For good cause shown, the request for an extension to order the transcript on February 10, 2012 is granted. Pursuant to the Supreme Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

JOHN CANNON FEW, CHIEF JUDGE

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc: Chief Appellate Defender Robert M. Dudek
Mark E. Schnee, Esquire
Senior Assistant Deputy Attorney General Salley W. Elliott

FILED
1/3/12



Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

February 29, 2012

Mark Schnee, Esquire
1720 Main Street, Suite 202
Columbia, SC 29201

Re: The State v. Adonis K. Williams

Dear Mr. Schnee:

Since we have not received the affidavit of indigency and the transcript was due to be requested by February 10, 2012, we must assume that you will be representing Mr. Williams on his appeal. Therefore, we are closing our file and by copy of this letter advising the Court of Appeals and the Attorney General's Office that all future correspondence should be directed to you. If you have any questions, please do not hesitate to contact me.

Sincerely,

Sharon A. Graham
Administrative Coordinator

cc: S.C. Court of Appeals
Attorney General's Office

RECEIVED

FEB 29 2012

SC Court of Appeals



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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March 7, 2012

Mark E. Schnee, Esquire
1720 Main St
Ste 202
Columbia, SC 29201-2850

Re: The State v. Williams, Adonis

Dear Mr. Schnee:

Pursuant to the Court's order filed January 3, 2012, the transcript was due to be ordered on or before February 10, 2012. Please provide this Court with the status of the transcript within ten (10) days of this letter.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/lb

cc: Chief Appellate Defender Robert M. Dudek
Senior Assistant Deputy Attorney General Salley W. Elliott



THE
SCHNEE
LAW FIRM

1720 Main Street, Suite 202
Columbia, SC 29201
(803)771-0075
Fax - (803)799-5888
SchneeLawFirm@gmail.com

V. Claire Allen
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: State v. Adonis K. Williams

March 23, 2012

Ms. Allen,

In response to your request for a status update, I have sent a request to the court reporter to prepare the transcript.

Respectfully,

Mark Schnee
Attorney at Law

RECEIVED
MAR 28 2012
SC COURT OF APPEALS

The South Carolina Court of Appeals

The State,

Respondent

v.

Adonis Williams,

Appellant.

The Honorable James R. Barber
 Richland County
 Trial Court Case No. 2009-GS-40-02697
 2009-GS-40-02698
 2009-GS-40-02701

ORDER of DISMISSAL

The above entitled case is pending on appeal in this Court. Due to the failure of Appellant to timely order the transcript, as provided for in Rule 207 of the South Carolina Appellate Court Rules, and as requested by letters from this office dated January 3, 2012 and March 7, 2012,

IT IS ORDERED that the above captioned appeal be and hereby is dismissed. Pursuant to Rule 221(b) of the South Carolina Appellate Court Rules, the remittitur in this case will be sent to the Clerk of Court for Richland County after fifteen (15) days, exclusive of the date of filing this Order.

JOHN CANNON FEW, CHIEF JUDGE

BY

Jenny A. Kitchings
 Clerk

Columbia, South Carolina

cc: Mark E. Schnee, Esquire
 Senior Assistant Deputy Attorney General Salley W. Elliott
 The Honorable Jeanette W. McBride

FILED
SK 3/30/12



THE
SCHNEE

L A W F I R M

1720 Main Street, Suite 202
Columbia, SC 29201
(803)771-0075
Fax - (803)799-5888
SchneeLawFirm@gmail.com

Jenny Kitchings
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: State v. Adonis K. Williams

April 3, 2012

Ms. Kitchings,

I received an order dismissing the appeal for failure to order the transcript. I sent a letter to the Court in March indicating the transcript was already requested by my office. Please let this letter serve as a request to reopen the case.

Respectfully,

Mark Schnee
Attorney at Law

RECEIVED
APR 11 2012
SC Court of Appeals



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
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www.sccourts.org

October 12, 2012

Mr. Mark E. Schnee
1720 Main St
Ste 202
Columbia SC 29201-2850

Re: The State v. Williams, Adonis
Appellate Case No. 2011-199546

Dear Counsel:

Within ten (10) days of the date of this letter, please file a petition to reinstate pursuant to Rule 240 of the South Carolina Appellate Court Rules (SCACR).

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Salley W. Elliott
Robert Michael Dudek



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
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FAX: (803) 734-1839
www.sccourts.org

January 24, 2013

The Honorable Jeanette W. McBride
Post Office Box 2766
Columbia, South Carolina 29202

REMITTITUR

Re: The State v. Williams, Adonis
Lower Court Case No. 2009GS4002698, 2009GS4002701, 2009GS4002697
Appellate Case No. 2011-199546

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Salley W. Elliott
Mark E. Schnee
Robert Michael Dudek

Kristy Goldberg

From: Kimberly McCall <kmccall@sccid.sc.gov>
Sent: Monday, November 17, 2014 2:14 PM
To: Kristy Goldberg
Subject: Adonis Williams
Attachments: NOA, Letter from Trial Atty dated Sept 15, 2011.pdf; Ltr to Trial Atty dated Sept 27, 2011.pdf; Orders from COA granting extensions for Nov and Dec, 2011.pdf; Email Corr with Trial Atty Jan 4, 2012 and Dec 15, 2011.pdf; Ltr from COA to Trial Atty dated Jan 9, 2012.pdf; Email Corr with Trial Atty Jan 18, 2012 and Jan 11, 2012.pdf; Order from COA granting extension for Feb, 2012.pdf; Note RE email inquiry sent to Trial Atty on Feb 9, 2012.pdf; Ltr to Trial Atty RE closing file dated Feb 29, 2012.pdf; Order of Dismissal filed March 30, 2012.pdf; Ltr to Trial Atty dated April 18, 2012.pdf; Ltr from CR to Trial Atty dated April 19, 2012.pdf; Ltr from COA to Trial Atty RE pet to reinstate dated Oct 12, 2012.pdf; Ltr from Adonis Williams received March 18, 2013.pdf; Ltr to Adonis Williams dated March 21, 2013.pdf

Ms. Goldberg,

I've attached all correspondence and other documents that were in our file at archives in Adonis Williams' case. I hope this helps. Please let me know if you have any questions or any problems with the attachments. Also, if you could please confirm receipt of this email, that would be great I want to make sure this comes through to you with all 15 attachments.

Thanks,

Kimberly McCall

South Carolina Commission on Indigent Defense Appellate Division

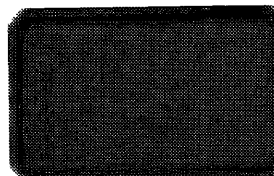
1330 Lady Street, Suite 401

PO Box 11589

Columbia, SC 29201-1589

(803) 734-1330 - Telephone

(803) 734-1397 - Fax





561
1720 Main Street, Suite 202
Columbia, SC 29201
(803)771-0075
Fax - (803)799-5888
SchneeLawFirm@gmail.com

S.C. Commission on Indigent Defense
Division of Appellate Defense
P.O. Box 11433
Columbia, SC 29211-1433

RE: The State of South Carolina, Respondent v. Adonis K. Williams, Appellant
Case No. 2009-GS-40-02697, 2009-GS-40-02698, 2009-GS-40-02701

September 15, 2011

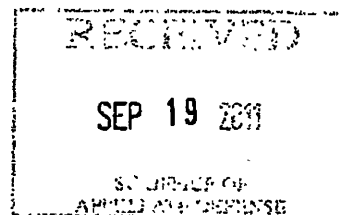
Dear Sir or Madam,

On September 15, 2011 I filed an appeal in the above-reference case. I have enclosed the Notice of Appeal and the Proof of Service as well as the Order for your office's use in perfecting the appeal.

If you have any questions or need any additional information, please feel free to contact my office. Thank you in advance for your assistance in this matter.

Respectfully,

Mark Schnee
Attorney at Law



RICHLAND COUNTY
 THE STATE OF SOUTH CAROLINA
 In The Court of Appeals

FILED
2011 SEP 15 PM 1:00

JEANETTE W. McBRIDE
 APPEAL FROM RICHLAND COUNTY G.S.
 Court of General Sessions

James R. Barber, III, Circuit Court Judge

Case No. 2009-GS-40-02697, 2009-GS-40-02698, 2009-GS-40-02701

State of South Carolina, ... Respondent.

v.

Adonis K. Williams, ... Appellant.

NOTICE OF APPEAL

Adonis K. Williams appeals his conviction and sentence in this case. The sentence was imposed by the Honorable James R. Barber, III on September 9, 2011.

2009-GS-40-02697 – Kidnapping – 25 years, concurrent to all others, credit for time served, no sec offender registry

2009-GS-40-02698 – Armed Robbery - 25 years, concurrent to all others, credit for time served

2009-GS-40-02701 – Burglary 1st Degree - 25 years, concurrent to all others, credit for time served

September 15, 2011


Mark Schnee

The Schnee Law Firm
 1720 Main Street, Suite 202
 Columbia, South Carolina 29201
 (803) 771-0075
 Attorney for Appellant

Other Counsel of Record:

Assistant Solicitor Kathryn Luck Campbell
Office of the Solicitor, Fifth Judicial Circuit
Richland County Judicial Center
1701 Main Street
Columbia, SC 29201

9-27-11 sent via email

**SCCID**

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

September 27, 2011

Mark Schnee, Esquire
1720 Main Street, Suite 202
Columbia, SC 29201

Re: The State v. Adonis K. Williams

Dear Mr. Schnee:

We have received notification that a Notice of Intention to Appeal was filed on September 15, 2011, for the above-captioned case, and you are listed as counsel for Mr. Williams.

The Court of Appeals requires this office to determine, in every criminal or post-conviction appeal, whether the appellant is represented by retained or appointed counsel, and whether the Office of Appellate Defense is to be involved in the appeal. Inasmuch as our notification does not indicate whether you were court-appointed or retained counsel in the lower court, I am writing to determine your status.

If you were court-appointed, this Office will take over your client's representation if you wish us to do so, and if you furnish us with the documents requested on the list which I have enclosed. Because we cannot review your client's case and proceed with the appeal without these documents, I must ask that you furnish them by October 11, 2011 if you wish this Office to assume representation on appeal. We will give you no further notice of this deadline.

If you were retained counsel at the trial, and your client is now indigent, the client may qualify for the services of this office only pursuant to the terms of South Carolina Appellate Court Rule 602(E). I have enclosed an affidavit of indigency. Please have this filled out by your client and returned to us by October 11, 2011 so that we may review it before the deadline to request the transcript from the court reporter. If we determine the client is indigent, we will handle the appeal, subject to Rule 602(e)(4), SCACR. However, if you are unable to return the affidavit to us by this deadline, it will be necessary for you to request an extension to order the transcript.

The South Carolina Court of Appeals

The State,

Respondent

v.

Adonis Williams,

Appellant.

The Honorable James R. Barber
 Richland County
 Trial Court Case No. 2009-GS-40-02697
 2009-GS-40-02698
 2009-GS-40-02701

ORDER

The request for an extension to order the transcript on November 16, 2011 is granted. Pursuant to the Supreme Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause.

JOHN CANNON FEW, CHIEF JUDGE

BY

CLERK

Columbia, South Carolina

cc: ~~Chief Appellate Defender Robert M. Dudley~~ *SAB*
 Mark E. Schnee, Esquire
 Assistant Deputy Attorney General Salley W. Elliott

FILED

10/26/11

SKG

The South Carolina Court of Appeals

The State.

Respondent

v.

Adonis Williams.

Appellant.

The Honorable James R. Barber
 Richland County
 Trial Court Case No. 2009-GS-40-02697
 2009-GS-40-02698
 2009-GS-40-02701

ORDER

For good cause shown, the request for an extension to order the transcript on December 16, 2011 is granted. Pursuant to the Supreme Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

JOHN CANNON FEW, CHIEF JUDGE

BY V. Claire Allen, Deputy
 CLERK

Columbia, South Carolina

cc: ~~Chief Appellate Defender Robert M. Dudek~~
 Mark E. Schnee, Esquire
 Assistant Deputy Attorney General Salley W. Elliott

FILED

RECEIVED

DEC 2 2011

SC OFFICE OF
 APPELLATE DEFENSE

Sharon A. Graham

From: Sharon A. Graham
Sent: Wednesday, January 04, 2012 2:47 PM
To: 'Mark Schnee'
Cc: 'Johnson, Janet'
Subject: RE:

Thank you. However, the order for Carmen Rice only indicates that you were substituted as counsel, not that you were substituted as **appointed** counsel.

Again, the deadline for requesting the transcripts for Rice, Rathburn and White expired on December 19th.

As for **Tobias Lee**, the deadline was December 30th, 2011; and The deadline for **Adonis Williams** was December 16th.

Please let me know something on these two cases as well and confirm that extensions have been requested and/or granted. Thank you.

Sharon A. Graham
Administrative Coordinator
SCCID
Division of Appellate Defense
(803) 734-1330
sgraham@sccid.sc.gov

From: Mark Schnee [mailto:schneelawfirm@gmail.com]
Sent: Wednesday, January 04, 2012 1:17 PM
To: Sharon A. Graham
Subject: RE:

Attached are scans of the appointment orders. As for Mr. White, there is no Rule 59 motion; he requested I file one but after review of the final order there were no legal grounds for which to do so.

Mark Schnee
Attorney at Law
1720 Main Street, Suite 202
Columbia, SC 29201
Office: (803)771-0075
Fax: (803)799-5888

From: Sharon A. Graham [mailto:SGraham@sccid.sc.gov]
Sent: Wednesday, January 04, 2012 12:08
To: schneelawfirm@gmail.com
Cc: Johnson, Janet
Subject:
Importance: High

Mr. Schnee,

As you can see from the attached letters, I closed my file on these cases

1/10/2012

because I never received any response to my September 2011 letters. When appeals are filed I MUST either have proof that the attorney was appointed for the PCR or the completed affidavit of indigency that was sent along with the September letters. If I do not hear back, we assume the PCR attorney will continue with the appeal. Inasmuch, as I still do not have notification that you were court appointed or the affidavit of indigency, just providing me with the packet and transcript is not enough. If you can get me the affidavit of indigency or order of appointment today (and arrange with the Supreme Court for the time to be extended), you can copy the remaining documents within the next week and get them to me.

Also, as you can see from the email below, I requested information from you for two other cases as well. The same applies for those cases. I must have either an affidavit of indigency or order of appointment before we can take over the cases. If the time has expired to order the transcripts, it will be necessary for you to make arrangements with the Supreme Court and/or Court of Appeals to get the time extended.

Also, please see the attached letter from Mr. White. He indicates that the notice of appeal was premature as a Rule 59E motion was still pending. Please update Janet Johnson at the Supreme Court about this as well.

Sharon A. Graham
Administrative Coordinator
SCCID
Division of Appellate Defense
(803) 734-1330
sgraham@sccid.sc.gov

From: Sharon A. Graham
Sent: Thursday, December 15, 2011 10:35 AM
To: 'Mark Schnee'
Subject:

Mr. Schnee,

Can you give me an update of the following cases:

Tobias Chano Lee
Adonis Williams
Bobby Rathburn
Gary White
Carmen Rice

After today I will not be back in the office until January 3rd so I am trying to tie up some loose ends. Thanks!

Sharon A. Graham
Administrative Coordinator
SCCID
Division of Appellate Defense
(803) 734-1330
sgraham@sccid.sc.gov

1/10/2012



The South Carolina Court of Appeals

TANYA A. GEE
CLERK
V. CLAIRE ALLEN
DEPUTY CLERK

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1015 SUMMIT STREET
COLUMBIA, SOUTH CAROLINA 29201
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www.sccourts.org

January 9, 2012

Mark E. Schnee, Esquire
1720 Main St
Ste 202
Columbia, SC 29201-2850

Re: The State v. Williams, Adonis

Dear Mr. Schnee:

Per the Court's letter dated November 23, 2011, the transcript was due to be ordered on before December 16, 2011. Please provide this Court with the status of the transcript within ten (10) days of the date of this letter.

Very truly yours,

[Handwritten Signature]
CLERK

TAG/lb

cc: Chief Appellate Defender Robert M. Dudder
Assistant Deputy Attorney General Salley W. Elliott

2012

Sharon A. Graham

From: Mark Schnee [schneelawfirm@gmail.com]
Sent: Wednesday, January 18, 2012 1:24 PM
To: Sharon A. Graham
Subject: RE: Rice, Rathburn, White, Lee, Williams

Attachments: Appointment Order - Carmen Rice.pdf

Attached is the order appointing Ms. Claxton for Carmen Rice. Sorry it took so long to find but I had to go through the clerk's file multiple times to even find it.

As for Mr. Williams, I contacted his family and they say as of their last visit at DOC he has still not received the affidavit of indigency even though I sent it multiple times. I am going to schedule a visit and have him sign the form in person.

Mark Schnee
Attorney at Law
1720 Main Street, Suite 202
Columbia, SC 29201
Office: (803)771-0075
Fax: (803)799-5888

From: Sharon A. Graham [mailto:SGraham@sccid.sc.gov]
Sent: Wednesday, January 11, 2012 07:55
To: schneelawfirm@gmail.com
Cc: Johnson, Janet; Bellamy, Latrea
Subject: Rice, Rathburn, White, Lee, Williams
Importance: High

Mr. Schnee,

Since you have now provided the order appointing counsel on **Lee, Rathburn and White**, and the Court has allowed extra time for ordering the transcripts, we will go ahead and accept those cases and request the transcript. However, we still need the previously requested documents.

For **Rice**, I am still waiting on something that says you were **appointed** not just **substituted**.

And for **Williams**, I have not received anything.

Again, please provide this information **and** obtain an extension from the Supreme Court and Court of Appeals for Rice and Williams.

Sharon A. Graham
Administrative Coordinator
SCCID
Division of Appellate Defense
(803) 734-1330
sgraham@sccid.sc.gov

1/18/2012

The South Carolina Court of Appeals

The State,

Respondent

v.

Adonis Williams,

Appellant.

The Honorable James R. Barber
Richland County
Trial Court Case No. 2009-GS-40-02697
2009-GS-40-02698
2009-GS-40-02701

ORDER

For good cause shown, the request for an extension to order the transcript on February 10, 2012 is granted. Pursuant to the Supreme Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

JOHN CANNON FEW, CHIEF JUDGE

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc: Chief Appellate Defender Robert M. Dudek
Mark E. Schnee, Esquire
Senior Assistant Deputy Attorney General Salley W. Elliott

FILED
JRS 1/31/12

SAG -- CASE STATUS CALENDAR

From 02/4/12 Through 2/10/2012

02/8/12			<u>Description</u>	<u>CaseType</u>	<u>Exts</u>	<u>Completed</u>
DATES						
12-027	SAG	Travis Jerome Stewar	Request Transcripts By - Date	Normal		✓
12-040	SAG	David Pacetti	Request Transcripts By - Date	Normal		
	SAG	David Pacetti	Request Transcripts By - Court Reporter	Normal		01/20/12 ✓
12-042	SAG	Tashon Sampson	Request Transcripts By - Date	Normal	<i>Sent e-mail 2/9/12</i>	<i>Charles Brooks</i>

02/9/12			<u>Description</u>	<u>CaseType</u>	<u>Exts</u>	<u>Completed</u>
TRANSAC						
11-210	SAG	Hascale Simmons	CR late letter sent - follow up.			
12-043	SAG	Douglas L. Rice	reqstd from ag 1-30 (1) the original trial or guilty plea transcript; (2) the PCR application; (3) the state's return; (4) the order of dismissal; (5) the indictments; (6) copies of any exhibits introduced at the PCR hearing; (7) any pre-hearing or post-hearing memoranda; (8) Rule 59(e) motion; (9) order denying the Rule 59(e) motion.			01/30/12

02/10/12			<u>Description</u>	<u>CaseType</u>	<u>Exts</u>	<u>Completed</u>
DATES						
11-561	SAG	Adonis K. Williams	Request Transcripts By - Date	Normal		
11-634	SAG	Thaddeuss Starks	Transcripts Expected by	Normal		

TRANSAC						
12-001	SAG	Bobby Russell	REQSTD FROM AG 1-31 (1) the original trial or guilty plea transcript; (2) the PCR application; (3) the state's return; (4) the order of dismissal; (5) the indictments; (6) copies of any exhibits introduced at the PCR hearing; (7) any pre-hearing or post-hearing memoranda; (8) Rule 59(e) motion;			



Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11588
Columbia, South Carolina 29211-1588
Telephone: (803) 734-1330
Facsimile: (803) 734-1367

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

February 29, 2012

Mark Schnee, Esquire
1720 Main Street, Suite 202
Columbia, SC 29201

Re: The State v. Adonis K. Williams

Dear Mr. Schnee:

Since we have not received the affidavit of indigency and the transcript was due to be requested by February 10, 2012, we must assume that you will be representing Mr. Williams on his appeal. Therefore, we are closing our file and by copy of this letter advising the Court of Appeals and the Attorney General's Office that all future correspondence should be directed to you. If you have any questions, please do not hesitate to contact me.

Sincerely,

Sharon A. Graham
Administrative Coordinator

cc: S.C. Court of Appeals
Attorney General's Office

The South Carolina Court of Appeals

The State,

Respondent

v.

Adonis Williams,

Appellant.

The Honorable James R. Barber
Richland County
Trial Court Case No. 2009-GS-40-02697
2009-GS-40-02698
2009-GS-40-02701

ORDER of DISMISSAL

The above entitled case is pending on appeal in this Court. Due to the failure of Appellant to timely order the transcript, as provided for in Rule 207 of the South Carolina Appellate Court Rules, and as requested by letters from this office dated January 3, 2012 and March 7, 2012,

IT IS ORDERED that the above captioned appeal be and hereby is dismissed. Pursuant to Rule 221(b) of the South Carolina Appellate Court Rules, the remittitur in this case will be sent to the Clerk of Court for Richland County after fifteen (15) days, exclusive of the date of filing this Order.

JOHN CANNON FEW, CHIEF JUDGE

BY

Jenny A. Kitchens
Clerk

Columbia, South Carolina

cc: Mark E. Schnee, Esquire

Senior Assistant Deputy Attorney General Salley W. Elliott

The Honorable Jeanette W. McBride

FILED
SK 3/30/12

**SCCID**

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1387

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

April 18, 2012

Mark E. Schnee, Esquire
The Schnee Law Firm
1720 Main Street, Suite 202
Columbia, SC 29201

Re: The State v. Adonis Williams

Dear Mr. Schnee:

We received the affidavit of indigency from you for the above case on April 11, 2012. We are herewith returning the affidavit as we closed our file on February 29, 2012 and according to the Court of Appeals the case was dismissed on March 30, 2012. A copy of our letter and the Court's order of dismissal are also enclosed.

Because the case was dismissed and you were unable to get it reinstated, Mr. Dudek says you should advise your client to file for PCR requesting a *White v. State* appeal.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Sharon A. Graham
Administrative Coordinator

Enclosures

The South Carolina Court of Appeals

The State,

Respondent

v.

Adonis Williams,

Appellant.

The Honorable James R. Barber
Richland County
Trial Court Case No. 2009-GS-40-02697
2009-GS-40-02698
2009-GS-40-02701

ORDER of DISMISSAL

The above entitled case is pending on appeal in this Court. Due to the failure of Appellant to timely order the transcript, as provided for in Rule 207 of the South Carolina Appellate Court Rules, and as requested by letters from this office dated January 3, 2012 and March 7, 2012,

IT IS ORDERED that the above captioned appeal be and hereby is dismissed. Pursuant to Rule 221(b) of the South Carolina Appellate Court Rules, the remittitur in this case will be sent to the Clerk of Court for Richland County after fifteen (15) days, exclusive of the date of filing this Order.

JOHN CANNON FEW, CHIEF JUDGE

BY

Garry A. Kitchens
Clerk

Columbia, South Carolina

cc: Mark E. Schnee, Esquire

Senior Assistant Deputy Attorney General Salley W. Elliott

The Honorable Jeanette W. McBride

FILED

SK 3/30/12

Closed
11-561

RECEIVED

APR 23 2012

SC OFFICE OF
APPELLATE DEFENSE■ Heron Glen Drive
Columbia, SC 29229
April 19, 2012

Mr. Mark Schnee, Esquire
1720 Main Street, Suite 202
Columbia, SC 29201

Re: State vs. Adonis K. Williams, Indictment Numbers 2009-GS-40-02697, 2009-GS-40-02698, 2009-GS-40-02701

Dear Mr. Schnee,

I received a letter from you dated March 23, 2012, requesting the transcript of the above-named case which was tried the week of September 9, 2011. In your letter you stated that you were waiting to get confirmation from the Office of Appellate Defense regarding your client's status as indigent. I e-mailed you upon receipt of your letter and stated that if OAD was not going to be taking over your client's appeal that I would need for you to pay me in full in advance before I would commence typing the trial transcript. I heard nothing from you. I called your office and left messages on two different dates, trying to confirm that you had received my e-mail.

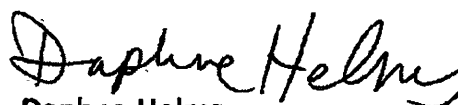
After waiting almost a month, I called your office again and spoke with you by phone regarding my prior e-mail and the phone calls I had made to your office. You stated that you felt confident that OAD would be taking over your client's representation and that that should take place very soon. I told you that since I had not received the prepayment that I could not consider your letter an official request for the transcript and, thus, would not type it unless I had received the payment in advance.

After speaking with you, I called OAD and spoke with Sharon Graham regarding whether OAD would be representing Mr. Adonis Williams. I was told by Ms. Graham that OAD had closed their file on Mr. Williams and that they would not

be representing him. Thus, in order for me to type the trial transcript for you, I still do require payment in full in advance before I will commence with typing the trial transcript. Please refer to my prior e-mail regarding the details of paying for the transcript.

Should you have any further questions, please feel free to write me again.

Sincerely,

A handwritten signature in cursive script that reads "Daphne Helms".

Daphne Helms
Circuit Court Reporter

✓ CC: Sharon Graham, Office of Appellate Defense
CC: Desiree Allen, S.C. Court Administration

Closed
11-561

Adonis Williams #274626
Lieber Correctional Institution
Ashley A-#6
P.O. Box 205
Bridgeville S.C. 29472

MAR 18 2013

On or around April 7th 2012, I recieved a Affidavit of Indigency form from Attorney Mark Schree. I filled out the paperwork and I immediatley sent it back. Attorney Mark Schree told me in the letter that if there was anything that I needed him to do, all I had to do was let him know. I've written Attorney Schree several times and up until this day on time I have gotten no response. I am trying to obtain my trial transcripts, motion of discovery, bond hearing transcript, and my preliminary hearing transcripts. I've written the Clerk of Court and also the South Carolina Court Administration. I haven't recieved anything yet. Now, I'm striving to find out who will appoint me in my appeal process, who is my lawyer, how can I obtain my paperwork so that I can begin working on my case? My main concerns are first, find out who my lawyer is and having him/her contact me as soon as possible, second getting all of my paperwork. I look forward to receiving a response to this request within (20) working days as required by statute.

THANK YOU
Adonis Williams



Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11689
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1307

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

March 21, 2013

Mr. Adonis Williams #274626
Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472

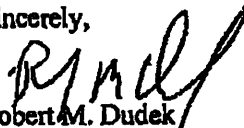
Dear Mr. Williams:

We are in receipt of your recent correspondence. Our office closed your file in February, 2012 because we never received the required information, including the indigency affidavit, from your trial attorney that was required before this office would handle the appeal. The Court of Appeals dismissed the appeal on March 30, 2012 for the failure of trial counsel to order the transcript and handle the appeal since our office was no longer involved in your case.

This office did receive your affidavit of indigency from trial counsel on April 11, 2012. However, we returned the affidavit to trial counsel on April 18, 2012, because your case had already been dismissed by the Court of Appeals. We are enclosing copies of the order of dismissal as well as our letter to trial counsel dated April 18, 2012, wherein trial counsel was informed to advise you to file for post-conviction relief (PCR), and request a *White v. State* belated direct appeal.

If you have not already done so, you should file your PCR application in the county of your conviction, allege "ineffective assistance of counsel," and request a *White v. State* belated direct appeal immediately. There is a one year statute of limitations that is very strictly enforced. It is your obligation alone to timely file this PCR application. You should also request that the Court or Clerk of Court appoint a PCR attorney for you. I have enclosed a PCR application for your convenience.

Sincerely,


Robert M. Dudek
Chief Appellate Defender

RMD/sag
Enclosures



Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1387

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

April 18, 2012

Mark E. Schnee, Esquire
The Schnee Law Firm
1720 Main Street, Suite 202
Columbia, SC 29201

Re: The State v. Adonis Williams

Dear Mr. Schnee:

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Please do not hesitate to contact me if you have any questions.

Sincerely,

Sharon A. Graham
Administrative Coordinator

Enclosures

The South Carolina Court of Appeals

The State,

Respondent

v.

Adonis Williams,

Appellant.

The Honorable James R. Barber
Richland County
Trial Court Case No. 2009-GS-40-02697
2009-GS-40-02698
2009-GS-40-02701

ORDER of DISMISSAL

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JOHN CANNON FEW, CHIEF JUDGE

BY *Jenny A. Kitchens*
Clerk

Columbia, South Carolina

cc: Mark E. Schnee, Esquire
Senior Assistant Deputy Attorney General Salley W. Elliott
The Honorable Jeanette W. McBride

FILED
SK 3/30/12

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF RICHLAND	)	2009-GS-40-2697
	)	2009-GS-40-2698
	)	2009-GS-40-2701
	)	
	)	
State of South Carolina	)	)
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
Adonis Williams	)	)
<u>DEFENDANT</u>	)	June 27-28, 2011
		Columbia, South Carolina

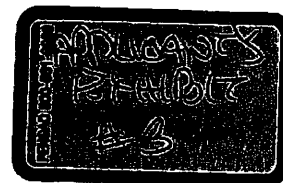
B E F O R E:

THE HONORABLE JAMES R. BARBER, JUDGE.

A P P E A R A N C E S:

KATHRYN LUCK CAMPBELL, ASSISTANT SOLICITOR
 MEGHAN WALKER, ASSISTANT SOLICITOR
 Attorneys for the State

MARK SCHNEE, ESQ.
 Attorney for the Defendant



KESHIA REED
 Official Court Reporter

I N D E X

(WHEREUPON, no witnesses were called.)

1 THE COURT: Okay. We can go ahead and see if we
2 can get us a jury and come back and take up whatever we
3 need to come back and take up. Do we have a strike sheet?
4 Here we go. Is there anything we need to take up with
5 respect to a jury first?

6 MS. CAMPBELL: I was just handed the defendant's
7 requested voir dire.

8 THE COURT: I hadn't seen it. I don't have
9 anything from you or the defendant.

10 You want to say something about it?

11 MS. CAMPBELL: Your Honor, as far as number one,
12 victim of a violent crime. I don't have a problem with
13 that. He's also accused of a violent crime. I think
14 reciprocal.

15 THE COURT: I'm not asking accused.

16 MS. CAMPBELL: We just asking that the defendant
17 victim.

18 THE COURT: I don't intend to ask number two.

19 MS. CAMPBELL: Yes, sir.

20 THE COURT: Don't intend to ask number four.

21 MS. CAMPBELL: Yes, sir.

22 THE COURT: Don't intend to ask number six.

23 MS. CAMPBELL: Thank you.

24 THE COURT: All right, anything else we need to
25 take up before we bring the jury up here? We have the

1 indictments?

2 THE CLERK: Yes, sir.

3 MS. CAMPBELL: You get the amended indictment on
4 the burglary first.

5 THE COURT: I got a burglary first degree.

6 MS. CAMPBELL: It should be amended on the
7 front.

8 THE COURT: It says amended.

9 MS. CAMPBELL: Thank you, Your Honor.

10 THE COURT: Let's bring us a jury up here.

11 MR. SCHNEE: Judge, actually I have two quick
12 issues.

13 THE COURT: Sure.

14 MR. SCHNEE: First, I like to ask just for a
15 couple of minutes to go through the strike sheet. Second,
16 can we approach for a second.

17 THE COURT: Sure. I wasn't going to the strike
18 sheet until get to the jury to see who's who. We may kick
19 some of the off.

20 (WHEREUPON, a bench conference was held.)

21 THE COURT: Let's bring us a jury up here if we
22 could please, madam clerk.

23 What I intend to do is try and get this jury by
24 lunch and then we will -- is there anything we need to
25 take up in pretrial?

1 MR. SCHNEE: Not before a jury, no, Your Honor.

2 THE COURT: No, I mean before we start the
3 trial?

4 MR. SCHNEE: Yes, Your Honor. I did hand up a
5 list of pretrial motions.

6 THE COURT: Who did you hand that to?

7 MR. SCHNEE: The clerk of court.

8 THE COURT: It's always good to hand it to the
9 clerk of the judge. It's a motion for sequestration. You
10 all have any objection?

11 MS. CAMPBELL: Your Honor, this case is a
12 retrial basically the testimony has already been heard
13 before. I don't know that it's necessary, but we do have
14 -- in the last trial, we sequestered lay witnesses. We
15 don't have a problem with that.

16 THE COURT: We'll do that. Rule 5 and Brady
17 motions.

18 MR. SCHNEE: That's what we'll take up it will
19 be a little while.

20 THE COURT: Has not all this stuff been
21 addressed in the past at the prior trial?

22 MR. SCHNEE: Some of it has, Your Honor, some of
23 it has not.

24 THE COURT: Well, then why do we need to address
25 it again?

1 MR. SCHNEE: Well, Your Honor, it was a mistrial
2 none of those rulings apply.

3 THE COURT: All right. How many alternates do
4 we need two?

5 (WHEREUPON, jury panel entered courtroom.)

6 THE COURT: Good afternoon, ladies and
7 gentlemen. I'm Judge Barber. I'm a circuit judge here in
8 the Fifth Judicial Circuit. We are about to select a jury
9 in a case entitled State of South Carolina vs. Adonis
10 Williams. Now, ladies and gentlemen, Mr. Williams has
11 been charged with three criminal offenses. He has been
12 charged with the criminal offense of burglary, arm robbery
13 and kidnapping. And the three indictments allege and the
14 burglary allege Mr. Williams did in Richland County on or
15 about March 22, 2009, unlawfully enter the dwelling of
16 Linda Carol Wafford at [REDACTED] Tama Road without consent and
17 with the intent to commit a crime therein. And the
18 defendant while affecting entry or while in the dwelling
19 or while in the immediate flight from a defendant was
20 armed with a deadly weapon and or displayed what appeared
21 to be a knife, pistol, revolver, shotgun, machine gun or
22 other firearms or used or threaten the use of a dangerous
23 instrument and or the burglary is committed by a person.
24 I don't think that's an element in this crime.

25 The other charge of arm robbery states that Mr.

1 Williams did in Richland County on or about March 22,
2 2009, commit an armed robbery by feloniously taking from
3 the person or presence of Linda Wofford by means of force
4 or intimidation, goods or monies of Linda Wafford and such
5 goods or monies being described as U.S. currency. And he
6 did so with the intent to deprive the owner permanently of
7 such property along with a pistol, riffle, dirk, sling
8 shot, metal knuckles, razor, or any other deadly weapon,
9 while alleging either by actions or words that he was
10 armed while using a representation of a deadly or any
11 object which a person present during the commission of the
12 robbery reason to believe to be a deadly weapon.

13 And the third offense Mr. Williams was charged
14 with alleges that he did in Richland County on or about
15 March 22, 2009, unlawfully seize, confine, inveigle,
16 decoy, kidnap, abduct or carry away the victim, Linda
17 Wafford, by any means whatsoever, without authority of law.

18 Now, ladies and gentlemen, to these charges the
19 defendant has entered a plea of not guilty, which places
20 upon the State the burden of attempting to prove this
21 defendant guilty and proving him guilty beyond a
22 reasonable doubt of each of these charges.

23 Now, these indictments, ladies and gentlemen,
24 are notice documents. They are documents prepared to put
25 the defendant on notice of the particular charges.

1 Therefore, no other reason they should not be considered
2 by you as evidence or for any purpose other than they put
3 the defendant on notice.

4 In addition, you must keep in mind, ladies and
5 gentlemen, that in every instance a defendant comes into
6 court presumed to be innocent and that presumption of
7 innocence remains with the defendant throughout the course
8 of the trial and only would change if you, a jury, after
9 hearing all of the evidence determine that the defendant
10 was in fact guilty of any of the offenses which he has
11 been charged.

12 Now, before we begin the selection of the jury,
13 ladies and gentlemen, I want to introduce you to some
14 individuals who will be involved in this case. And also
15 have certain questions that I would like to ask you.

16 First, I would like to introduce you to Mr.
17 Williams. Mr. Williams, if you could turn around and face
18 the jury please. This is Mr. Adonis Williams. And I
19 would inquire at this time is there any member of this
20 jury panel or any member of the jury panel's immediate
21 family who's related by blood or connected by marriage or
22 either now or in the past has had a close personal
23 relationship with Mr. Williams or now in the past has had
24 an employment or business relationship with Mr. Williams,
25 if so please stand?

1 (WHEREUPON, there are none.)

2 THE COURT: All right. Thank you. You may be
3 seated.

4 Ladies and gentlemen, in every instance or most
5 instances when parties come into court, they're
6 represented by attorneys and that is in fact the situation
7 here today. Mr. Williams is represented by Mr. Mark
8 Schnee. Mr. Schnee has stood previously and is standing
9 again. He is a member of the South Carolina Bar. His
10 office is here in Columbia. And I would inquire at this
11 time is there any member of this jury panel or any member
12 of the jury panel's immediate family who is related by
13 blood or connected by marriage or either now or in the
14 past has had a close personal relationship with Mr. Schnee
15 or either now or in the past has had an employment or a
16 business relationship with him or been represented by
17 Mr. Schnee, if so please stand?

18 (WHEREUPON, there are none.)

19 THE COURT: Thank you, sir, have a seat.

20 Ladies and gentlemen, representing the State of
21 South Carolina is the Solicitor of the Fifth Judicial
22 Circuit and our Solicitors who are trying this case Ms.
23 Katherine Luck Campbell. And this is Ms. Campbell
24 standing now. And Ms. Meghan Walker and this is Ms.
25 Walker. They too are both members of the South Carolina

1 Bar. They are employed with the Solicitor's office of the
2 Fifth Circuit. And I would inquire at this time is there
3 any member of this jury panel or any member of the jury
4 panel's immediate family, who is related by blood or
5 connected by marriage or either now or in the past has had
6 a close personal relationship with either Ms. Campbell or
7 Ms. Walker or either now or in the past has had an
8 employment or a business relationship with Ms. Campbell or
9 Ms. Walker or with the Fifth Solicitor's office, if so
10 please stand?

11 (WHEREUPON, there are none.)

12 THE COURT: All right. Now, I want to read you
13 the names of some potential witnesses who may testify in
14 this trial. If any of them are here, I would ask that
15 they please stand so that the jury could see who you are:
16 Linda Carol Wafford, this is Ms. Wafford standing right
17 here. Mike Stobbe S-T-O-B-B-E, Isaac Tucker, Dawn Shea, a
18 lot of these witnesses may not be here, ladies and
19 gentlemen, because they want come until they have to
20 testify. And this trial's anticipated to last several
21 days. Charles Blankenbecklor B-L-A-N-K-E-N-B-E-C-K-L-O-R,
22 Patricia Thomas of the Bamberg County Clerk of Court's
23 Office, James Hiers of the Bamberg County Clerk of Court's
24 Office, Benjamin Lasher of the Richland County Sheriff's
25 Department, Gilbert Gallagos of the Richland County

1 Sheriff's Department, Kristen Polis Richland County
2 Sheriff's Department; Kevin Isenhoward of the Richland
3 County Sheriff's Department, Nancy Skraba S-K-R-A-B-A with
4 the South Carolina Law Enforcement Division, Gray Amick of
5 Richland County Sheriff's Department, Harold Bouknight of
6 the Richland County Sheriff's Department, Stan Richards of
7 the Richland County Sheriff's Department, Matthew Ellis of
8 the Richland County Sheriff's Department, Andrew Caldwell
9 of the Richland County Sheriff's Department, Bobby Cohen
10 of the Richland County Sheriff's Department, Donald
11 Robinson of the Richland County Sheriff's Department,
12 George Polin of the Richland County Sheriff's Department,
13 William Cedarstaff C-E-D-A-R-S-T-A-F-F of the Richland
14 County Sheriff's Department, Christine Barrackman of the
15 Richland County Sheriff's Department, Curtis Burnett of
16 the Richland County Sheriff's Department, Tina Goff of the
17 Richland County Sheriff's Department, Alex Underwood of
18 South Carolina Law Enforcement Division, Donald Johnson of
19 the South Carolina Law Enforcement Division, Trish Odom of
20 the Richland County Sheriff Department, Robert Oates of
21 the Richland County Sheriff Department, John Barron of the
22 Richland County Sheriff department. Ladies and gentlemen,
23 I would inquire at this time is there any member of this
24 jury panel or any member of the jury panel's immediate
25 family who's related by blood or connected by marriage or

1 either now or in the past has had a close personal
2 relationship with any of the individuals whose names I
3 just read to you or either now or in the past has had an
4 employment or business relationship with any of those
5 individuals, if so please stand?

6 (WHEREUPON, there are none.)

7 THE COURT: Ladies and gentlemen, this next
8 question I'm going to ask you if you are -- if you have a
9 response to the question that you need to give me, I'm
10 going to ask will you come down. If you'll go over here,
11 line up over there. I want to speak to you individually
12 down here in front of the court reporter. Has any member
13 of this jury panel or any member of the jury panel's
14 immediate family or a close personal friend been a victim
15 of a violent crime, if so please stand?

16 (WHEREUPON, there are none.)

17 THE COURT: Is any member of this jury panel or
18 any member of the jury panel's immediate family been
19 employed in the past by a local, state or federal law
20 enforcement agency including but not limited to City of
21 Columbia Police Department, the Richland County Sheriff's
22 Department, and State Law Enforcement Division, Federal
23 Bureau of Investigation at all et cetra?

24 Yes, ma'am, your name please?

25 PROSPECTIVE JUROR: Olympia Jackson.

1 THE COURT: All right, Ms. Jackson, what is your
2 situation?

3 PROSPECTIVE JUROR: My brother is currently a
4 police officer for the City of Columbia.

5 THE COURT: All right. The fact that you have a
6 brother that's employed in law enforcement, would that
7 prevent you from listening to the evidence in this case
8 and based upon such evidence rendering a fair and
9 impartial verdict?

10 PROSPECTIVE JUROR: No, sir, but I'm also a
11 former police officer with the Town of Saluda, but that
12 also no impact on my thinking.

13 THE COURT: Thank you, ma'am.

14 Yes, ma'am, your name?

15 PROSPECTIVE JUROR: Mary Bare. My uncle's with
16 the South Carolina Department of Natural Resources as a
17 law enforcement officer.

18 THE COURT: The fact that you have a family
19 member that's in law enforcement would that prevent you
20 from listening to the evidence in this case and based upon
21 such evidence rendering a fair and impartial verdict?

22 PROSPECTIVE JUROR: No, sir.

23 THE COURT: Thank you, ma'am.

24 Yes, ma'am, your name?

25 PROSPECTIVE JUROR: Deloris Scott. My nephew is

1 a sheriff with the Richland County Sheriff Department.

2 THE COURT: The fact that you have a nephew
3 that's employed in law enforcement would that prevent you
4 from listening to the evidence in this case and based upon
5 such evidence rendering a fair and impartial verdict?

6 PROSPECTIVE JUROR: No, sir.

7 THE COURT: Thank you, ma'am.

8 Yes, sir, your name?

9 PROSPECTIVE JUROR: Madison Fludd. My
10 brother-in-law is a deputy sheriff.

11 THE COURT: You have a brother-in-law employed
12 with the Richland County Sheriff's Department?

13 PROSPECTIVE JUROR: Yeah, uh-huh.

14 THE COURT: The fact that you have a
15 brother-in-law that's employed with the sheriff's
16 department, would that prevent you from listening to the
17 evidence in this case and based upon such evidence
18 rendering a fair and impartial verdict?

19 PROSPECTIVE JUROR: No, I don't think so.

20 THE COURT: All right. Thank you, sir. Is
21 there any member of this jury panel who is a member of or
22 contributor to any group which has as its primary concern
23 the promotion of law enforcement or victim's right? These
24 groups would include but not limited to CAVE, CADRE, MADD,
25 SADD, Sister Care or any neighborhood watch program, if so

1 please stand?

2 Yes, ma'am, your name?

3 PROSPECTIVE JUROR: Sarah Harris. I'm a
4 volunteer with sexual trauma services.

5 THE COURT: All right. The fact that you
6 volunteer for that program would that prevent you from
7 listening to the evidence in this case and based upon such
8 evidence rendering a fair and impartial verdict?

9 PROSPECTIVE JUROR: No, sir.

10 THE COURT: Tell me your name again please,
11 ma'am?

12 PROSPECTIVE JUROR: Sarah Harris.

13 THE COURT: Harris?

14 PROSPECTIVE JUROR: H-A-R-R-I-S.

15 THE COURT: All right. Thank you, ma'am.

16 All right. Ladies and gentlemen, is there any
17 member of this jury panel know of bias or any prejudice
18 for or against either the State of South Carolina or the
19 defendant in this matter, if so please stand?

20 (WHEREUPON, there are none.)

21 THE COURT: Any member of this jury panel know
22 of any reason you cannot be fair and impartial to both the
23 State and the defendant in the trial of this case? If you
24 believe you cannot please stand?

25 (WHEREUPON, there are none.)

1 THE COURT: Ladies and gentlemen, at the end of
2 this case, I'm going to charge you or instruct you as to
3 the law as it applies to this type case. It is your
4 obligation to accept the law as I give it to you and apply
5 it to the facts that you determine them to be in this
6 case. Is there any member of this jury panel who believes
7 you will not be able to comply with my instructions, if
8 you do not think you can comply with my instructions and
9 apply the law as I give it to you, please stand at this
10 time?

11 (WHEREUPON, there are none.)

12 THE COURT: All right. Any further inquiry from
13 the State?

14 MS. CAMPBELL: No, sir.

15 THE COURT: Has any member of this jury panel
16 formed or expressed an opinion as to the guilt or the
17 innocence of the defendant in this matter, if so please
18 stand?

19 (WHEREUPON, there are none.)

20 THE COURT: Any further inquiry from the
21 defendant?

22 MR. SCHNEE: Nothing.

23 THE COURT: You need a few minutes or are you
24 ready to go?

25 MR. SCHNEE: I'm ready, Your Honor.

1 THE COURT: You ready to go, Madam Solicitor?

2 MS. CAMPBELL: Yes, sir.

3 THE COURT: All right. Madam clerk if you
4 could.

5 THE CLERK: Ladies and gentlemen, as I call out
6 your number please come down, bring all your belongings
7 with you, stand here in front of the microphone facing
8 these tables and give us your occupation.

9 Number 81.

10 (WHEREUPON, a black male, comes forward.)

11 THE COURT: Five and ten.

12 PROSPECTIVE JUROR: My name is Madison Fludd and
13 I'm a retired machine operator.

14 THE CLERK: What says the State?

15 MS. CAMPBELL: Please present the juror.

16 THE CLERK: What says the defense?

17 MR. SCHNEE: Seat the juror.

18 THE CLERK: Have a seat in the jury box.

19 Number 77.

20 (WHEREUPON, a white female, comes forward.)

21 PROSPECTIVE JUROR: My name is Susan Faile and I
22 work at Midland Tech and I'm a computer operator.

23 THE CLERK: What says the State?

24 MS. CAMPBELL: Please present the juror.

25 THE CLERK: What says the defense?

1 MR. SCHNEE: Please excuse the juror.

2 THE CLERK: Have a seat in the back of the
3 courtroom.

4 Number 237. State your occupation.

5 (WHEREUPON, a white male, comes forward.)

6 PROSPECTIVE JUROR: I'm a chef.

7 THE CLERK: What says the State?

8 MS. CAMPBELL: Please excuse the juror.

9 THE CLERK: Have a seat in the back of the
10 courtroom.

11 Number 278.

12 (WHEREUPON, a black male, comes forward.)

13 PROSPECTIVE JUROR: I work with Blue Cross.

14 THE CLERK: What says the State?

15 MS. CAMPBELL: Please present the juror.

16 THE CLERK: What says the defendant?

17 MR. SCHNEE: Please seat the juror?

18 THE CLERK: Number 193.

19 (WHEREUPON, a white female, comes forward.)

20 PROSPECTIVE JUROR: I'm a mortgage loan
21 processor.

22 THE CLERK: What says the State?

23 MS. CAMPBELL: Please present.

24 THE CLERK: What say the defense?

25 MR. SCHNEE: Please present the juror.

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

2 Number 42.

3 (WHEREUPON, a white female, comes forward.)

4 PROSPECTIVE JUROR: Corinne Cates a registered
5 dietitian.

6 THE CLERK: What says the State?

7 MS. CAMPBELL: Please present the juror.

8 THE CLERK: What says the defense?

9 MR. SCHNEE: Please seat the juror.

10 THE CLERK: Have a seat in the jury box.

11 Number 250.

12 (WHEREUPON, a white male, comes forward.)

13 PROSPECTIVE JUROR: Harvey Starr a professor of
14 political science USC.

15 THE CLERK: What says the State?

16 MS. CAMPBELL: Please excuse the juror.

17 THE CLERK: Have a seat in the back of the
18 courtroom please.

19 Number 24.

20 (WHEREUPON, a black female, comes forward.)

21 PROSPECTIVE JUROR: Wilhelmenia Bostic I'm a
22 transportation supervisor.

23 THE CLERK: What says the State?

24 MS. CAMPBELL: Please present the juror.

25 THE CLERK: What says the defense?

1 MR. SCHNEE: Please seat the juror.

2 THE CLERK: Please have a seat in the jury box,
3 ma'am.

4 Number six.

5 (WHEREUPON, a white male, comes forward.)

6 PROSPECTIVE JUROR: Joe Balazs manager software
7 development.

8 THE CLERK: What says the State?

9 MS. CAMPBELL: Please present the juror.

10 THE CLERK: What says the defense?

11 MR. SCHNEE: Please seat the juror.

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

13 Number 216.

14 (WHEREUPON, a white male, comes forward.)

15 PROSPECTIVE JUROR: Patrick Rabley a full-time
16 student.

17 THE CLERK: What says the State?

18 MS. CAMPBELL: Please present the juror.

19 THE CLERK: What says the defense?

20 MR. SCHNEE: Please excuse the juror.

21 THE CLERK: Please have a seat in the back of
22 the courtroom please, sir.

23 Number ten.

24 (WHEREUPON, a white female, comes forward.)

25 PROSPECTIVE JUROR: A military housewife.

1 THE CLERK: What says the State?

2 MS. CAMPBELL: Please present the juror.

3 THE CLERK: What says the defense?

4 MR. SCHNEE: Please excuse the juror.

5 THE CLERK: Have a seat in the back of the
6 courtroom.

7 Number 291.

8 (WHEREUPON, a white female, comes forward.)

9 PROSPECTIVE JUROR: I'm a human resources
10 manager First Citizens Bank.

11 THE CLERK: What says the State?

12 MS. CAMPBELL: Please present the defendant.

13 THE CLERK: What says the defense?

14 MR. SCHNEE: Please seat the juror.

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

16 Number 111.

17 (WHEREUPON, a white female, comes forward.)

18 PROSPECTIVE JUROR: A licensed clinical social
19 worker with an intense outpatient.

20 THE CLERK: What says the State?

21 MS. CAMPBELL: Please present the juror.

22 THE CLERK: What says the defense?

23 MR. SCHNEE: Please excuse the juror.

24 THE CLERK: Have a seat in the back of the
25 courtroom.

1 Number 22.

2 (WHEREUPON, a white male, comes forward.)

3 PROSPECTIVE JUROR: Herbert Blitch sales
4 marketing part time.

5 THE CLERK: What says the State?

6 MS. CAMPBELL: Please present the juror.

7 THE CLERK: What says the defense?

8 MR. SCHNEE: Please seat the juror.

9 THE CLERK: Have a seat in the jury box please.

10 Number 207.

11 (WHEREUPON, a white male, comes forward.)

12 PROSPECTIVE JUROR: I'm a southern baptist
13 pastor.

14 THE CLERK: What says the State?

15 MS. CAMPBELL: Please present the juror.

16 THE CLERK: What says the defense?

17 MR. SCHNEE: Please excuse the juror.

18 THE CLERK: Please have a seat in the back of
19 the courtroom.

20 Number 122.

21 (WHEREUPON, a black male, comes forward.)

22 PROSPECTIVE JUROR: My name is John Hill. I'm
23 in landscaping.

24 THE CLERK: What says the State?

25 MS. CAMPBELL: Please excuse the juror.

1 THE CLERK: Have a seat in the back of the
2 courtroom please.

3 Number 200.

4 (WHEREUPON, a white male, comes forward.)

5 PROSPECTIVE JUROR: General manager of the
6 Colonial Life Arena.

7 THE CLERK: What says the State?

8 MS. CAMPBELL: Please present the juror.

9 THE CLERK: What says the defense?

10 MR. SCHNEE: Please excuse the juror.

11 THE CLERK: Have a seat in the back of the
12 courtroom.

13 Number 127.

14 (WHEREUPON, a white male, comes forward.)

15 PROSPECTIVE JUROR: I'm an optometry technician
16 out of Fort Jackson.

17 THE CLERK: What says the State?

18 MS. CAMPBELL: Please present the juror.

19 THE CLERK: What says the defense?

20 MR. SCHNEE: Please seat the juror.

21 THE CLERK: Have a seat in the jury box?

22 Number 263.

23 (WHEREUPON, a white male, comes forward.)

24 PROSPECTIVE JUROR: I'm a student and I work
25 full time.

1 THE CLERK: What says the State?

2 MS. CAMPBELL: Please present the juror.

3 THE CLERK: What says the defense?

4 MR. SCHNEE: Please seat the juror.

5 THE CLERK: Have a seat in the jury box.

6 Number three.

7 (WHEREUPON, a black female, comes forward.)

8 PROSPECTIVE JUROR: Registered nurse.

9 THE CLERK: What says the State?

10 MS. CAMPBELL: Please present the juror.

11 THE CLERK: What says the defense?

12 MR. SCHNEE: Please excuse the juror.

13 THE CLERK: Have a seat in the back of the

14 courtroom.

15 Number 29:

16 (WHEREUPON, a black female, comes forward.)

17 PROSPECTIVE JUROR: I'm an elementary school

18 teacher.

19 THE CLERK: What says the State?

20 MS. CAMPBELL: Please present the juror.

21 THE CLERK: What says the defense?

22 MR. SCHNEE: Please excuse the juror.

23 THE CLERK: Please have a seat in the back of

24 the courtroom.

25 Number 213.

1 (WHEREUPON, a white male, comes forward.)

2 PROSPECTIVE JUROR: I'm a retired engineer.

3 THE CLERK: What says the State?

4 MS. CAMPBELL: Please seat the juror.

5 THE CLERK: What says the defense?

6 MR. SCHNEE: Please seat the juror.

7 THE CLERK: Have a seat in the jury box.

8 Number 303.

9 (WHEREUPON, a black female, comes forward.)

10 PROSPECTIVE JUROR: Elementary school teacher.

11 THE CLERK: What says the State?

12 MS. CAMPBELL: Please present the juror.

13 THE CLERK: What says the defense?

14 MR. SCHNEE: Please excuse the juror.

15 THE CLERK: Have a seat in the back of the
16 courtroom.

17 If you would review your strikes, for the State
18 I have 3, for the defense I have nine.

19 Number 118.

20 (WHEREUPON, a white female, comes forward.)

21 PROSPECTIVE JUROR: I'm a teacher.

22 MS. CAMPBELL: Please present the juror.

23 THE CLERK: What says the defense?

24 MR. SCHNEE: Please excuse the juror.

25 THE CLERK: Have a seat in the back of the

1 courtroom please.

2 Number 188.

3 (WHEREUPON, a black female, comes forward.)

4 PROSPECTIVE JUROR: I'm a student.

5 THE CLERK: What says the State?

6 MS. CAMPBELL: Please present the juror.

7 THE CLERK: What says the defense?

8 MR. SCHNEE: Please seat the juror.

9 THE CLERK: Have a seat in the jury box.

10 Number 236.

11 (WHEREUPON, a black female, comes forward.)

12 PROSPECTIVE JUROR: Pharmacy technician.

13 THE CLERK: What says the State?

14 MS. CAMPBELL: Please excuse the juror.

15 THE CLERK: Have a seat in the back of the

16 courtroom.

17 Number 284.

18 (WHEREUPON, a black male, comes forward.)

19 PROSPECTIVE JUROR: Disabled.

20 THE CLERK: Does the State challenge for cause?

21 MS. CAMPBELL: Please present the juror.

22 THE CLERK: What says the defense?

23 MR. SCHNEE: Please seat the juror.

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

25 Number 187.

1 (WHEREUPON, a black female, comes forward.)

2 PROSPECTIVE JUROR: I'm a full-time student.

3 THE CLERK: Says the State?

4 MS. CAMPBELL: Please present the juror.

5 THE CLERK: Says the defense?

6 MR. SCHNEE: Please have a seat in the jury box.

7 THE COURT: All right. Anything with the State
8 with respect for composition of the jury?

9 MS. CAMPBELL: Beg the Court's indulgence.

10 (WHEREUPON, a pause in the proceedings.)

11 MS. CAMPBELL: Nothing from the State.

12 THE COURT: Anything from the defendant?

13 MR. SCHNEE: No, Your Honor.

14 THE COURT: All right. Ladies and gentlemen of
15 the jury panel that did not get selected, I thank all of
16 you for making yourselves available. I'm going to ask if
17 y'all would step back downstairs to the jury assembly
18 room. You will get further instructions from there.
19 Y'all have a nice afternoon.

20 (WHEREUPON, the remaining jury panel was
21 excused.)

22 THE COURT: All right. Ladies and gentlemen,
23 I'm going to take a few minutes to tell you a little bit
24 about what I want you to do and then we're going to break
25 for lunch. And I'll bring you back here ask you to come

1 back here about 2:30. We have to take up some matters
2 before we actually begin with you. So first thing I'm
3 going to ask you to do, I know you know very little about
4 this case. I've read the indictments and that's probably
5 all you know about it, but I'm going to ask that you not
6 discuss this case with each other or with anyone else at
7 any time during the course of your service on this jury,
8 until you have been given instructions by me to do so.
9 And that will be when you begin your deliberations of the
10 case. So any time we take a break, go back to the jury
11 room for whatever reason, do not discuss the case with
12 each other. When we go to lunch in just a few minutes
13 anybody that you may come in contact with, do not discuss
14 the case with them.

15 I anticipate this case to last several days two
16 or three days. So you'll be going home in the evening.
17 Do not discuss the case with anybody that you come in
18 contact with while you're at home, running errands or
19 doing whatever you're doing. The reason I ask you is we
20 want to make sure that both the State and the defendant
21 get a fair and impartial. And by that, I want to make
22 sure that they be given a full opportunity to put in front
23 of you any and everything they wish to offer in this case,
24 make all their arguments, put up whatever evidence they
25 wish to offer, before you begin to either formulate any

1 opinion about the case or discuss the case. And I -- if
2 you go back to the jury room and start talking with each
3 other about it, you may begin to formulate some opinion
4 about the case. If you go home at night and talk to a
5 family member or a friend or go anywhere and talk to
6 somebody even though they're not here, I promise you
7 they'll have some opinion about this case. And they'll
8 express that to you and that may have some affect on what
9 you do.

10 I promise you during the course of your
11 deliberations when you get the case you'll have much
12 opportunity as you wish to have to talk with each other
13 about the case. And when the case is over and your jury
14 service is completed, you can talk to anybody that you
15 wish to talk about the case. Now, you don't have to talk
16 about the case with anybody if they approach you once the
17 case is over, but I'll explain that to you in further at
18 the end of the trial.

19 When we come back this afternoon and begin the
20 trial, we will go ahead and swear you as the jury. And
21 then turn it over to the lawyers after I make some
22 preliminary remarks to you about what's involved in this
23 process.

24 Ladies and gentlemen, the people that you're
25 going to have the most contact with this week are going to

1 be the bailiffs because they're going to be the ones that
2 show you how to get out of the courtroom to the jury room,
3 show you how to leave the jury room, to leave the
4 courthouse. When you come back, they'll be there for you
5 and they'll take your cell phones unfortunately. We have
6 to have them while you are on jury service. They'll get
7 refreshments there. They are there to assist you in any
8 way that they can. So if anything comes up that you need,
9 if you'll bring it to their attention. The bailiffs that
10 are working with us this week are all the way in the back
11 is Mr. Addison and seated down here in front is Mr. Hollis
12 and Mr. Crumpton is right over here. And he may be --
13 they'll move around a little bit, but they're all
14 experienced bailiffs. They know what they're doing. They
15 will assist you in any way they possibly can. All right,
16 with that said, I'm going to let you go to lunch. Do not
17 discuss this case with each other or with anybody else be
18 back here so that we can begin at 2:30. And y'all have a
19 nice lunch.

20 (WHEREUPON, the jury excused for lunch.)

21 THE COURT: Anything we need to take up now?
22 We'll come back here -- it's five after one. We'll come
23 back here about 20 after two and we'll address whatever
24 you need to take up before we begin this whatever the
25 motions are. All right.

1 MS. CAMPBELL: Your Honor, just for the record,
2 we are going to -- I've spoken to defense counsel and he's
3 asked opportunity to let his client speak to his relatives
4 I believe.

5 THE COURT: Don't deprive Mr. Schnee of some
6 chow because he don't want to get hungry and passing out
7 on me. Have a good lunch and we'll see you back here in
8 an hour and 15 minutes:

9 (WHEREUPON, a lunch break was taken.)

10 THE COURT: All right. Mr. Schnee, let's figure
11 out what we got here, we've already dealt with the motion
12 for sequestration. How about Rule 5 and Brady motions?

13 MR. SCHNEE: Yes, Your Honor, there are a number
14 of issues. There's one we discussed last week in your
15 chambers in terms of the brand new discovery I got last
16 week. Fingerprint analysis has been done for a number of
17 the people. There's still one that they have not done.
18 Ms. Campbell tells me they're doing that right now.

19 MS. CAMPBELL: If I may.

20 THE COURT: Yes, ma'am.

21 MS. CAMPBELL: Pursuant to our meeting, the
22 first thing I did was go and look at the -- it was a palm
23 print involved. I got that information to Mr. Schnee. He
24 then called me back and said, no, he wanted it compared to
25 everyone with whom the comparisons were made in this case,

1 so I had that done expedited. And a report was actually
2 produced Friday afternoon. Sometime after I left Friday
3 afternoon, he then e-mailed me. He didn't call me, that
4 he then wanted Charles Blackenbecklor's prints compared as
5 well. And I called over the lunch hour to get that done
6 because I didn't know about it until I got to the office
7 this morning. I just didn't have a chance because I was
8 with you, Judge.

9 THE COURT: So when did you tell him?

10 MR. SCHNEE: I e-mailed back three minutes after
11 I received the report, five minutes after.

12 THE COURT: Am I suppose to guess what time that
13 was?

14 MR. SCHNEE: That was about 5:00 p.m. on Friday.

15 MS. CAMPBELL: I can go pull the e-mail, Your
16 Honor.

17 THE COURT: That pretty well precluded anybody
18 doing anything on Friday afternoon, wouldn't it?

19 MR. SCHNEE: Well, I understand that, but that's
20 when I received it.

21 THE COURT: Well, I never said they were going
22 to have a written report. I said they do it and tell you
23 who was there. Well, we just have to go forward. We'll
24 deal with it if it comes up with something that you need
25 to deal with.

1 MR. SCHNEE: Other than that, there are a few
2 things that I requested from the Solicitor probably about
3 three or four weeks ago some were a couple weeks ago.
4 There's a statement that Ms. Wofford gave to Judge Cooper
5 at the bond setting. I know that was used in part in the
6 original trial. I don't have a copy of it. And I plan on
7 using it as well. And I don't know where it is.

8 MS. CAMPBELL: I think it was marked as a
9 defense exhibit.

10 MR. SCHNEE: That might be and I haven't even
11 seen it.

12 THE COURT: Well, last I heard, y'all were going
13 through the exhibits in the trial as I ordered that Mr.
14 Truitt make them available to y'all.

15 MR. SCHNEE: I haven't seen any of the prior
16 exhibits, Your Honor.

17 MS. CAMPBELL: They are available for him to
18 see, Your Honor. I was just telling him at the prior
19 trial there was a copy of Ms. Wofford's statement, a
20 written statement, as well as the parts of the impact
21 statement.

22 THE COURT: Well, you got one of your trustee
23 interns here or somebody that can or a paralegal go make a
24 copy of this stuff?

25 MS. CAMPBELL: Emily's run to do it.

1 THE COURT: Well, she's a White Knoll person.

2 MS. CAMPBELL: She is a White Knoll person.

3 THE COURT: What kind of shoes is she wearing
4 today? All right. We'll get that for you. What else?

5 MR. SCHNEE: My understanding is there were a
6 number of K-9 officers out at least one or two times in
7 this investigation. I don't have any reports from them in
8 terms of their track.

9 MS. CAMPBELL: I'm not aware of any reports.

10 THE COURT: All right.

11 MS. CAMPBELL: I think the testimony was that
12 they didn't find anything.

13 MR. SCHNEE: I don't know if they have any
14 reports, Your Honor, they usually ---

15 THE COURT: She just said they didn't have any
16 reports.

17 Is that right no reports?

18 MS. CAMPBELL: I'm not aware of any reports,
19 Your Honor.

20 THE COURT: Well, do we need to look and
21 somebody to inquire with the officers?

22 MS. CAMPBELL: I stand corrected here is a
23 report that I have -- I like to have a copy made. I
24 apologize.

25 THE COURT: And what else?

1 MR. SCHNEE: I asked for a copy of any
2 handwritten notes by any of the officers ---

3 THE COURT: Did you go over all this stuff with
4 Ms. Campbell before right now?

5 MR. SCHNEE: Yes, Your Honor.

6 THE COURT: All right, and what happened?

7 MR. SCHNEE: She said she would ask about it or
8 it didn't exist.

9 THE COURT: All right; what else?

10 MR. SCHNEE: I would like all the handwritten
11 notes. And then there were two other things.

12 THE COURT: All right, what handwritten notes
13 have they not gotten?

14 MR. SCHNEE: I don't have any.

15 MS. CAMPBELL: Your Honor, I'm not aware of any
16 handwritten notes. Your Honor, the other thing recently
17 one of our investigators went and interviewed Charles
18 Blankenbecklor I think last Friday night and we'll turn
19 those over today.

20 MR. SCHNEE: That brings up one of the other
21 issues, prior to the first trial there was apparently
22 extensive interview and statement from Charles
23 Blankenbecklor. And there were -- I don't have any notes
24 or anything regarding that interview or statement.

25 MS. CAMPBELL: Your Honor, I did inquire the

1 investigator on this case. There's no written statement.
2 There are no notes from any statement from Mr.
3 Blankenbecklor prior to Friday night of last week in which
4 he was interviewed. And there's nothing else to turn over
5 that I'm aware of other than that he pled guilty to it.

6 MR. SCHNEE: Your Honor, there was an original
7 extensive interview that was discussed in the first trial.
8 It was mentioned and pursuant to Riddle I would ask for
9 something either in writing or at least orally on the
10 record as to what the content of that conversation was
11 back in I believe of August of '09.

12 THE COURT: Ms. Campbell.

13 MS. CAMPBELL: Your Honor, I'll be glad to put
14 up the investigator who handled the case to address this
15 issue.

16 THE COURT: All right.

17 MR. SCHNEE: And the last issue Officer Lasher
18 he was the first responder, he testified that he took
19 notes regarding the video at the Citgo gas station. He
20 did not have the notes with him at the first trial, but he
21 said that he did take notes. And I would ask for a copy
22 of those notes.

23 THE COURT: All right. Notes from who?

24 MR. SCHNEE: Officer Lasher.

25 THE COURT: Whose got the notes?