

**RECEIVED**

**Aug 04 2022**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Sumter County

Honorable R. Ferrell Cothran, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

ORLANDO REAMES,

APPELLANT.

APPELLATE CASE NO. 2021-000800

---

RECORD ON APPEAL

---

Wanda H. Carter  
Deputy Chief Appellate Defender

ALAN WILSON  
Attorney General

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

WILLIAM M. BLITCH, JR.  
Senior Assistant Deputy Attorney General  
Rembert Dennis Building  
1000 Assembly Street, Room 519  
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

**INDEX**

INDEX .....	i
TRIAL TRANSCRIPT DATED AUGUST 22, 2018.....	1
MOTION FOR CONTINUANCE .....	5
JURY VOIR DIRE .....	8
JURY SELECTION.....	11
TESTIMONY REGARDING TRIAL NOTICE (IN-CAMERA)	
LILLY BRITT .....	18
ISAAC MCLEOD.....	21
MOTION FOR CONTINUANCE.....	24
RENEWED MOTION FOR CONTINUANCE .....	28
COURT’S RULING .....	28
OPENING REMARKS BY THE COURT.....	29
OPENING STATEMENT BY THE SOLICITOR.....	31
OPENING STATEMENT BY DEFENSE COUNSEL.....	36
TRIAL TESTIMONY	
CARLTON BURGESS.....	38
STATE RESTS .....	73
MOTION FOR DIRECTED VERDICT.....	74
COURT’S RULING .....	75
DEFENSE RESTS .....	77
RENEWAL OF ALL MOTIONS.....	77
CLOSING ARGUMENT BY THE SOLICITOR .....	78

CLOSING ARGUMENT BY DEFENSE COUNSEL .....84

JURY CHARGE ON THE LAW .....86

VERDICT .....99

GUILTY PLEA AND SENTENCING TRANSCRIPT DATED JULY 15, 2021 .....102

SENTENCING .....118

INDICTMENT .....120

CERTIFICATE OF COUNSEL .....122

1 State of South Carolina ) Court of General Sessions  
2 County of Sumter ) Third Judicial Circuit

3

4 State of South Carolina, ) Transcript of Record  
5 vs. ) 2018-GS-43-0014  
6 Orlando Reames, )  
7 Defendant.)

8

9 August 22, 2018  
10 Sumter, South Carolina

11

12 B E F O R E:

13 The Honorable R. Ferrell Cothran, Jr., Judge

14

15 A P P E A R A N C E S:

16 Tyler B. Brown, Assistant Solicitor  
On behalf of the State of South Carolina

17

18 Jason E. Bridges, Esquire  
On behalf of the Defendant

19

20

21

Proceedings recorded by DCRP

22

Transcribed by: Stacy S. Johnson,  
Circuit Court Reporter

23

24

25

26

	<u>I N D E X</u>	
	WITNESS	PAGE
1		
2		
3	Pre-Trial Matters	4
4	Jury Selection	7
5	Pre-trial Matters Continued	18
6	Lilly Britt	
	Direct Examination by Mr. Brown (In-Camera)	19
7		
	Isaac McLeod	
8	Direct Examination by Mr. Brown (In-Camera)	22
9	Motion for Continuance	24
10	Stipulation	27
11	Opening Statement	
	By Mr. Brown	31
12	By Mr. Bridges	36
13	Carlton Burgess	
	Direct Examination by Mr. Brown	38
14	Cross-Examination by Mr. Bridges	65
	Redirect Examination by Mr. Brown	71
15		
	Motion for Directed Verdict	74
16		
	Closing Statement	
17	By Mr. Brown	78
	By Mr. Bridges	84
18		
	Jury Charge	86
19		
	Verdict	99
20		
	Certificate of Reporter	101
21		
22		
23		
24		
25		

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

E X H I B I T S

PAGE

ID.      EV.

Court's 1	Defendant's Voir Dire	25	
Court's 2	Jury Questions	98	
State's 1	Bail/Bond Documents	19	
State's 2	Surveillance DVD	45	45
State's 3	Photograph	59	60
State's 4	Photograph	63	63

1 (The following proceedings were held August 22,  
2 2018, beginning at 11:04 AM.)

3 MR. BROWN: Your Honor, may it please the Court?

4 THE COURT: Yes, sir.

5 MR. BROWN: Your Honor, the State's ready to call  
6 the next case. It's the State of South Carolina versus  
7 Orlando Reames. It is, I believe, Number 36 or 37 on  
8 the trial list. Your Honor, this is a true billed  
9 indictment, 2018-GS-43-0014. This is an indictment  
10 for shoplifting third or subsequent offense.

11 Your Honor, we have been working trying to resolve  
12 this case for some time now and every time that we've  
13 tried to get the defendant in here, he's -- seems to  
14 always have something better to do than be in court.

15 I've let Mr. Bridges know that we are ready to  
16 call this case. We spoke this morning. Your Honor, I  
17 believe Mr. Bridges has information he can put on the  
18 record about him having contact with his client. His  
19 client with good confidence being aware and know --  
20 knowing that his case is subject to being -- being called  
21 today, I -- I think Mr. Bridges can put those facts on  
22 the record, but I believe that we are not in a Wrapp  
23 decision issue. I think we are ready to call the case.

24 THE COURT: Okay. Yes, sir.

25 MR. BRIDGES: Thank you, Your Honor. And I -- I

1 apologize. I had to take some time to transition and  
2 get up here.

3 Mr. Reames, I was in touch with him last week. I  
4 was notified by Mr. Brown that his case was subject to  
5 being called. I told him that, I set up a time to meet  
6 with him to do a final review of his discovery. He did  
7 not show up to that meeting. This morning I received a  
8 voicemail from him saying that his daughter was in an  
9 accident and he was at the hospital with her. He is  
10 not answering any of my calls, but we left him a message  
11 saying he needs to send, you know, documentation of that,  
12 so that's where we're at right now.

13 I would still, to protect his rights, move for a  
14 continuance under Wrapp just saying -- because I don't  
15 know if his lack of appearance is voluntary or involuntary  
16 and I think, you know, there might be evidence that it's  
17 involuntary but, you know, that depends on if he can send  
18 the documentation or not, Your Honor.

19 THE COURT: And so he's at Toomey with his daughter?

20 MR. BRIDGES: No, he says it was in Atlanta.

21 THE COURT: Atlanta?

22 MR. BRIDGES: Yes.

23 THE COURT: Okay.

24 MR. BROWN: Your Honor, I don't think he's supposed  
25 to leave the State.

1 THE COURT: I know. I'm sure -- I propose you call  
2 the case. We'll run through it, we'll draw the jury.  
3 Sometime over lunch you can call Atlanta and unless he  
4 can fax some real strong documentation, he's up.

5 I mean, I had a similar situation where somebody  
6 was supposed to be in Duke and never could produce any  
7 proffer they were in Duke.

8 MR. BROWN: Your Honor, my general -- my general  
9 findings are that usually when they say they're in the  
10 hospital, I'd get about a 90 percent chance they're not.  
11 That just tends to be what we see happen --

12 THE COURT: All right. So --

13 MR. BROWN: -- respectfully.

14 THE COURT: You can -- do you got the bond and the  
15 paperwork?

16 MR. BROWN: Yes, sir, Your Honor. I -- do you want  
17 to do that before we pick the jury? Qualify that he can  
18 be tried in his absence?

19 THE COURT: Either way you want to do it.

20 MR. BROWN: We'll go and do it right now.

21 THE COURT: I'd say go ahead and draw the jury.  
22 There's probably more time we can do it after.

23 Do you want to draw the jury, do that and start  
24 it right after lunch? Or do you want to try to get --  
25 well, I guess we could try it.

1           How long's it gonna take you to try it?

2           MR. BROWN: Your Honor, this is likely a one  
3 witness case, but because it was about third or fourth  
4 down on the page today of what we'd be doing, I've got  
5 Carlton Burgess with Walmart on telephone standby. He  
6 said he needs about thirty, forty-five minutes to get  
7 here, so --

8           THE COURT: Well, you want --

9           MR. BROWN: -- I think after lunch would be a good  
10 time to start the trial.

11          THE COURT: So draw the jury, start the trial after  
12 lunch. Give you time over lunch to contact Atlanta.

13          Okay. Bring -- do you want me bring the jury panel  
14 up here?

15          MR. BROWN: That would be great, Your Honor.

16          THE COURT: Okay.

17          (Discussion off the record.)

18          (Whereupon, the jury panel enter the courtroom at  
19 11:13 AM.)

20          THE COURT: Okay. Mr. Solicitor.

21          MR. BROWN: May I call -- may it please the Court,  
22 Your Honor?

23          THE COURT: Yes, sir.

24          MR. BROWN: Your Honor, the next matter is the  
25 State of South Carolina versus Mr. Orlando Reames.

1 Your Honor, the State is ready for trial. This is true  
2 billed indictment 2018-GS-43-0014 for the indictment --  
3 indicted count of shoplifting. The State has the true  
4 billed indictment, as well as a copy of the potential  
5 witness list, which I provided defense counsel.

6 Permission to approach?

7 THE COURT: Yes, sir.

8 MR. BROWN: Your Honor, may we briefly approach?

9 THE COURT: Yes.

10 (Proceedings held at the bench; not reported.)

11 THE COURT: Ladies and gentlemen of the jury panel,  
12 if you'd give me your attention. We're about to begin  
13 the trial of the State versus Orlando Reames.

14 Is there any member of the jury panel connected by  
15 blood or marriage, close personal friends or social  
16 relations with Mr. Reames? If so, please stand.

17 The potential witnesses in this case are Carlton  
18 Burgess, the loss prevention officer at Walmart.  
19 Caroline Sheppard-Lewis. And Mark Justice.

20 Any member of the jury panel connected by blood  
21 or marriage, close personal friends or social relations  
22 with any of those potential witnesses? If so, please  
23 stand.

24 The attorneys involved in this case, the State is  
25 being represented by Tyler Brown, the defense by Jason

1 Bridges.

2 Is there any member of the jury panel connected  
3 by blood or marriage, close personal friends, social  
4 relations or have been represented by either two of  
5 these attorneys? If so, please stand.

6 This incident allegedly occurred on September the  
7 18th, 2017, in Walmart, located at 1283 Broad Street  
8 here in Sumter.

9 Is there any member of the jury panel that know  
10 anything about this case at all? If so, please stand.

11 Any member of the jury panel employed at Walmart  
12 or a close family member or close family friend employed  
13 with Walmart? If so, please stand.

14 Any member of the jury panel formed or expressed an  
15 opinion about any of the issues or matters involved in  
16 this case? If so, please stand.

17 Any member of the jury panel aware of any bias or  
18 prejudice either toward the State of South Carolina or  
19 this defendant? If so, please stand.

20 Any member of the jury panel a friend or follower  
21 on Facebook of any of the witnesses in this case or any  
22 of the attorneys in this case? If so, please stand.

23 Any member of the jury panel sit on the grand jury  
24 that heard this case? If so, please stand.

25 Any member of the jury panel a contributor or member

1 of any organizations that promote law enforcement, such  
2 as CAV, MADD, SADD or any other law enforcement agency?  
3 If so, please stand.

4 Any member of the jury panel due to religious or  
5 moral reasons unable to sit in judgment of your fellow  
6 man? If so, please stand.

7 Any member of the jury panel know any reason  
8 whatsoever they can't give the State of South Carolina  
9 and this defendant a fair an impartial trial? If so,  
10 please stand.

11 Any further questions from the State?

12 MR. BROWN: No, sir, Your Honor.

13 THE COURT: From defense?

14 MR. BRIDGES: None, Your Honor.

15 THE COURT: Okay. If you'll give me a jury.

16 Five and five.

17 (Pause in proceedings.)

18 COURT BAILIFF: Your Honor, may it please the Court?

19 THE COURT: Yes, sir.

20 COURT BAILIFF: Good morning, ladies and gentlemen.

21 Once again, be careful when you cross over one another.

22 I don't want nobody to fall and hurt themselves. It  
23 hasn't happened to anyone yet, but anything's possible.

24 I will be calling you by your juror number and  
25 your name. Once you come out, come to the podium, turn

1 around and face the back door.

2 Juror Number 171, Vincent Stephen -- Stephens.

3 (Whereupon, Vincent Stephens, a white male, was  
4 called forward.)

5 COURT BAILIFF: What say the State?

6 MR. BROWN: Please present Mr. Stephens.

7 COURT BAILIFF: What say the defense?

8 MR. BRIDGES: Please excuse Mr. Stephens.

9 COURT BAILIFF: Sir --

10 JUROR NUMBER 171: It's Stephens.

11 COURT BAILIFF: Mr. Stephens, you may be seated  
12 back down.

13 Juror Number 34, Mary Chiappone.

14 (Whereupon, Mary Chiappone, a white female, was  
15 called forward.)

16 COURT BAILIFF: What say the State?

17 MR. BROWN: Please present Ms. Chiappone.

18 COURT BAILIFF: What say the defense?

19 MR. BRIDGES: Please present Ms. Chiappone.

20 COURT BAILIFF: Have a seat in the jury box, ma'am.

21 Juror Number 114, Tiffany Matthews.

22 (Whereupon, Tiffany Matthews, a white female, was  
23 called forward.)

24 COURT BAILIFF: What say the State?

25 MR. BROWN: Please present Ms. Matthews.

1 COURT BAILIFF: What say the defense?

2 MR. BRIDGES: Please excuse Ms. Matthews.

3 JUROR NUMBER 114: Thank you.

4 COURT BAILIFF: You may be excused. Thank you for  
5 coming.

6 Juror Number 60, Sherri Floyd.

7 (Whereupon, Sherri Floyd, a white female, was  
8 called forward.)

9 COURT BAILIFF: What say the State?

10 MR. BROWN: Please present Ms. Floyd.

11 COURT BAILIFF: What say the defendant?

12 MR. BRIDGES: Please present Ms. Floyd.

13 COURT BAILIFF: You may be seated down there --  
14 seated in the jury box.

15 Juror Number 125.

16 (Whereupon, Bertina Miller-Parrett -- Parrott, a  
17 black female, was called forward.)

18 COURT BAILIFF: What say the State?

19 MR. BROWN: Please present Ms. Miller-Parrott.

20 COURT BAILIFF: What say the defendant?

21 MR. BRIDGES: Please present Ms. Parrott.

22 COURT BAILIFF: You may be seated in the jury box,  
23 ma'am.

24 Juror Number 185, Francis Welch.

25 (Whereupon, Francis Welch, a white male, was called

1 forward.)

2 COURT BAILIFF: What say the State?

3 MR. BROWN: Please present Mr. Welch.

4 COURT BAILIFF: What say the defense?

5 MR. BRIDGES: Please present Mr. Welch.

6 COURT BAILIFF: Have a seat in the panel, sir --

7 no, the jury box.

8 Juror Number 117, Derrick McLeod.

9 (Whereupon, Derrick McLeod, a white male, was  
10 called forward.)

11 COURT BAILIFF: What say the State?

12 MR. BROWN: Please present Mr. McLeod.

13 COURT BAILIFF: What say the defense?

14 MR. BRIDGES: Please present Mr. McLeod.

15 COURT BAILIFF: Have a seat in the jury box, sir.

16 Juror Number 192, Bryan Robbins.

17 (Whereupon, Bryan Robbins, a white male, was called  
18 forward.)

19 COURT BAILIFF: What say the State?

20 MR. BROWN: Please present Mr. Robbins.

21 COURT BAILIFF: What say the defense?

22 MR. BRIDGES: Please excuse Mr. Robbins.

23 COURT BAILIFF: You're excused to return back to the  
24 panel, sir.

25 Juror Number 97, Jeneva Green.

1 (Whereupon, Jeneva Green, a black female, was  
2 called forward.)

3 COURT BAILIFF: What say the State?

4 MR. BROWN: Please present Ms. Green.

5 COURT BAILIFF: What say the defense?

6 MR. BRIDGES: Please present Ms. Green.

7 COURT BAILIFF: Have a seat in the jury box, ma'am.

8 Juror Number 79, James Heath.

9 (Whereupon, James Heath, a white male, was called  
10 forward.)

11 COURT BAILIFF: What say for the State?

12 MR. BROWN: Please present Mr. Heath.

13 COURT BAILIFF: What say the defense?

14 MR. BRIDGES: Please present Mr. Heath.

15 BAILIFF: Have a seat in the jury box, sir.

16 Juror Number 33, Tirone Carolina.

17 (Whereupon, Tirone Carolina, a black male, was  
18 called forward.)

19 COURT BAILIFF: What say the State?

20 MR. BROWN: Please present Mr. Carolina.

21 COURT BAILIFF: What say the defense?

22 MR. BRIDGES: Please present Mr. Carolina.

23 COURT BAILIFF: Have a seat in the jury box, sir.

24 Juror Number 157, Johnetta Rose.

25 (Whereupon, Johnetta Rose, a black female, was

1 called forward.)

2 COURT BAILIFF: What say the State?

3 MR. BROWN: Please present Ms. Rose.

4 COURT BAILIFF: What say the defense?

5 MR. BRIDGES: Please present Ms. Rose.

6 COURT BAILIFF: Have a seat in the jury box, ma'am.

7 Juror Number 10, Sonny Benehaley.

8 (Whereupon, Sonny Benehaley, a white male, was

9 called forward.)

10 COURT BAILIFF: What say the State?

11 MR. BROWN: Please present Mr. Benehaley.

12 COURT BAILIFF: What say the defense?

13 MR. BRIDGES: Please present this juror.

14 COURT BAILIFF: Have a seat in the jury box, sir.

15 Juror Number 105, Cathleen Kirby.

16 (Whereupon, Cathleen Kirby, a white female, was

17 called forward.)

18 COURT BAILIFF: What say the State?

19 MR. BROWN: Please present Ms. Kirby.

20 COURT BAILIFF: What say the defense?

21 MR. BRIDGES: Please present Ms. Kirby.

22 COURT BAILIFF: Have a seat in the jury box, ma'am.

23 Juror Number 130, Lauren Murphy.

24 (Whereupon, Lauren Murphy, a white female, was

25 called forward.)

1 COURT BAILIFF: What say the State?

2 MR. BROWN: Please present Ms. Murphy.

3 COURT BAILIFF: What say the defense?

4 MR. BRIDGES: Please present Ms. Murphy.

5 COURT BAILIFF: Have a seat in the jury box, ma'am.

6 Alternate juror.

7 Juror Number 104, Cecil King, Jr.

8 (Whereupon, Cecil King, Jr., a black male, was  
9 called forward.)

10 COURT BAILIFF: What say the State?

11 MR. BROWN: Please excuse Mr. King just for this  
12 case.

13 COURT BAILIFF: You're excused.

14 Juror Number 121, Robert Mickens.

15 (Whereupon, Robert Mickens, a black male, was  
16 called forward.)

17 COURT BAILIFF: What say the State?

18 MR. BROWN: Please excuse Mr. Mickens just for this  
19 case.

20 COURT BAILIFF: All right. You can sit back down,  
21 please.

22 (Discussion off the record.)

23 MR. BROWN: Permission to approach?

24 (Proceedings held at the bench; not reported.)

25 COURT BAILIFF: Juror Number 153, Labrer Rivers.

1 (Whereupon, Labrer Rivers, a black female, was  
2 called forward.)

3 COURT BAILIFF: What say the State?

4 MR. BROWN: Please present Mr. Rivers -- or  
5 Ms. Rivers. I'm sorry.

6 COURT BAILIFF: What say the defense?

7 MR. BRIDGES: Please present Ms. Rivers.

8 COURT BAILIFF: Have a seat in the jury box, ma'am.  
9 Your Honor, all jurors have been selected.

10 THE COURT: Thank you, sir.

11 All right. Any matters of law pertaining to  
12 selection of the jury on behalf of the State?

13 MR. BROWN: No, sir, Your Honor.

14 THE COURT: On behalf of the defense?

15 MR. BRIDGES: None, Your Honor.

16 THE COURT: Okay.

17 Ladies and gentlemen, who were not selected to  
18 serve on this jury, I'm gonna excuse you and ask you to  
19 call back after 6:00 tonight.

20 Thank you.

21 (Whereupon, the balance of the jury panel was  
22 excused for the day at 11:31 AM.)

23 THE COURT: Can I see the attorneys real quick about  
24 what to do with this jury.

25 (Proceedings held at the bench; not reported.)

1 THE COURT: Ladies and gentlemen, I'm not allowed  
2 to be able to start the testimony in this case until  
3 1:45. We've got to get some witnesses here. I'm sorry.

4 Don't discuss this case, don't do any research.  
5 I'll see you back here at 1:45.

6 (Whereupon, the jury was excused for lunch at  
7 11:34 AM.)

8 MR. BROWN: Your Honor, do you want to go on and  
9 go through the process of qualifying this as a trial in  
10 absentia?

11 THE COURT: Yes.

12 MR. BROWN: Your Honor, may it please the Court?  
13 The State would call Ms. Lilly Britt to the stand.

14 THE COURT: Okay.

15 COURT BAILIFF: State your name.

16 THE WITNESS: Lilly Britt.

17 (Whereupon, Lilly Britt was duly sworn by the  
18 court bailiff.)

19 COURT BAILIFF: Step around, please.

20 State your name for the record and spell your last  
21 name, please.

22 THE WITNESS: Lilly Britt.

23 MR. BROWN: May it please the Court, Your Honor?

24 THE COURT: Yes, sir.

25 LILLY BRITT,



- 1 A. Yes, I do.
- 2 Q. And what is that document right there?
- 3 A. This is the certified copy of a bond.
- 4 Q. And this has been certified by y'all's office as a  
5 true and authentic and accurate copy?
- 6 A. Yes.
- 7 Q. Is it a front and back copy of the same bond form for  
8 Mr. Orlando Reames?
- 9 A. It is.
- 10 Q. All right. And is that Mr. Orlando Reames' bond  
11 paperwork for the case that's been called for trial?
- 12 A. It is.
- 13 Q. Is there information on that bond paperwork form that  
14 informs the defendant of his requirement to be present for  
15 court and the fact that this case will proceed without him  
16 if he does not appear?
- 17 A. Yes.
- 18 Q. All right. And is that under the "therefor, is hereby  
19 ordered" section?
- 20 A. It is.
- 21 Q. All right. And does that appear to have the signature  
22 of Mr. Orlando Reames on the back side of that paperwork?
- 23 A. Yes, it does.
- 24 Q. All right. And when was that dated?
- 25 A. 9-20-2017.

1 Q. All right.

2 MR. BROWN: Please answer any questions defense  
3 counsel may have for you.

4 MR. BRIDGES: I have no questions for this witness.

5 THE COURT: Okay. Let me see that paperwork.

6 Okay. And I see on this paperwork that he was  
7 noticed to be in the November the 3rd, 2017, term of  
8 court and remain throughout according to each term  
9 thereafter.

10 I just wanted to -- thank you.

11 MR. BROWN: Thank you.

12 We'd ask that Ms. Britt be excused.

13 THE COURT: No, she can't be excused. She can just  
14 move chairs.

15 MR. BROWN: Excused from the witness stand.

16 (Witness excused.)

17 MR. BROWN: Your Honor, the State would call Deputy  
18 McLeod with the Sumter County Sheriff's Department.

19 THE COURT: All right, sir.

20 COURT BAILIFF: Raise your right hand. State your  
21 name.

22 THE WITNESS: Deputy Isaac McLeod.

23 (Whereupon, Isaac McLeod was duly sworn by the  
24 court bailiff.)

25 COURT BAILIFF: Step around and watch your step

1 for me.

2 State your name and remember to spell your last  
3 name, please.

4 THE WITNESS: Isaac McLeod. McLeod, M-C-L-E-O-D.

5 MR. BROWN: May it please the Court, Your Honor?

6 THE COURT: Yes, sir.

7 ISAAC McLEOD,

8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. BROWN:

11 Q. Deputy McLeod, are you a sheriff's deputy who works  
12 here at the courthouse here in Sumter?

13 A. Yes, I am.

14 Q. And have you been present this morning during various  
15 proceedings?

16 A. Yes, I have.

17 Q. At my request, following the selection of the jury  
18 in this case, did I ask you to go call a name out in the  
19 courthouse three separate times to make sure that that  
20 person was not present?

21 A. Yes, you did.

22 Q. Do you remember what that name was?

23 A. Orlando Reames.

24 Q. And did you go out and call out the name "Orlando  
25 Reames" three separate times here at the county courthouse

1 of Sumter?

2 A. Yes, I did.

3 Q. Where did you call that name from?

4 A. In the foyer, also in the lobby there of the front  
5 of 3B courtroom, and I called the name three times, no  
6 response.

7 Q. Okay. And you didn't hear any response from  
8 Mr. Orlando Reames?

9 A. No, I hadn't. No, I didn't.

10 Q. No one represented themselves to you to be Orlando  
11 Reames?

12 A. No, they didn't.

13 Q. All right.

14 MR. BROWN: No further questions.

15 THE COURT: Okay.

16 MR. BRIDGES: I have no questions for this witness.

17 THE COURT: Thank you. You can step down.

18 THE WITNESS: Yes, Your Honor.

19 (Witness excused.)

20 MR. BROWN: May it please the Court, Your Honor?

21 THE COURT: Yes, sir.

22 MR. BROWN: Your Honor, I believe that creates a  
23 factual basis that the defendant was put on notice in  
24 combination with the testimony or arguments Your Honor  
25 heard prior to the selection of the jury.

1           Keeping in mind the State v. Wrapp case, I do  
2 believe even with that opinion out there that we are  
3 properly -- that we are properly selecting the jury  
4 and that we have met our burden to go forward in trial.

5           THE COURT: Okay.

6           Mr. Bridges, my understanding at the conversation  
7 we had prior to the case being called, that you had  
8 notified Mr. Reames that his case would be subject to  
9 being called this week; is that correct?

10          MR. BRIDGES: That is correct, Your Honor.

11          We spoke last week about the possibility of his  
12 case being called during this term.

13          THE COURT: Okay. And told him he needed to appear?

14          MR. BRIDGES: Yes, Your Honor.

15          THE COURT: Okay. Thank you, sir.

16          The Court finds that he had adequate notice to be  
17 here this term of court and the Court has jurisdiction  
18 based on the indictment and the bond paperwork and we  
19 can proceed.

20          All right.

21          MR. BRIDGES: At this time, I'd like to move for  
22 a continuance based off what I'd said earlier about a  
23 message from my client saying he was unavailable.

24          THE COURT: Okay. So we'll start back at 1:45.

25          Any documentation that you can get me that he's,

1 in fact, in an emergency, I will consider that at that  
2 time, okay?

3 MR. BRIDGES: Thank you, Your Honor.

4 MR. BROWN: And, Your Honor, one other thing.

5 I accidentally handed you up a copy of the State's  
6 witness list. I have the original here. Probably  
7 appropriately I need to give you this one.

8 THE COURT: It doesn't matter. I just call them  
9 out. It doesn't go in the record anyway.

10 Permission to approach?

11 THE COURT: Okay.

12 MR. BROWN: I'll just trade with you.

13 THE COURT: Here you go. Okay.

14 MR. BRIDGES: Are my voir dire questions being  
15 made a --

16 THE COURT: Yeah, you can.

17 Here you go.

18 MR. BROWN: See you at 1:45, Judge.

19 (Court's Exhibit Number 1 was marked for  
20 identification.)

21 (Recess taken at 11:41 AM.)

22 (Back on the record at 1:54 PM.)

23 THE COURT: Are you having any luck with your  
24 client?

25 MR. BRIDGES: I have not received any documentation

1 from the hospital, but I renew my motion because I do  
2 not know if his absence is involuntary or voluntary.

3 THE COURT: Did you talk to him?

4 MR. BRIDGES: No, I have not actually talked to  
5 him today. I receive a voice message this morning  
6 and I've tried to reestablish contact, but he has not  
7 answered any of my calls.

8 THE COURT: Okay. Because that was a similar  
9 situation I had with Duke. I said put somebody on the  
10 phone from Duke and let me talk to them. If you're at  
11 the hospital in Duke, let me talk to them. That never  
12 did happen. Give me a number with that area code that I  
13 can call that somebody at Duke will answer and verify  
14 you're there. That never happened either.

15 So --

16 MR. DONNARD: That -- that particular defendant  
17 ended up getting a bench warrant issued against her  
18 and was picked up on that bench warrant in Sumter  
19 later on that week, you know, and pled guilty as  
20 charged once she was in jail.

21 THE COURT: I know.

22 Are we ready?

23 MR. BROWN: Your Honor, I'm having a little  
24 trouble getting it onto the display screen, the video  
25 we'll play.

1 THE COURT: I told you you were gonna have trouble.

2 MR. BROWN: Oh, no, Judge. I'm not having that  
3 trouble, I'm having trouble just getting our court  
4 system to work. My computer will play the video and I  
5 just need two seconds to get it the rest of the way.

6 THE COURT: All right. Well, you can't get it up  
7 there unless either me or the clerk approve it.

8 MR. BROWN: I've already pushed the "approved"  
9 button.

10 THE COURT: You have?

11 MR. BROWN: Yes, sir.

12 THE COURT: And it still won't go. Are the units  
13 turned on?

14 MR. BROWN: That's definite.

15 THE COURT: Sometimes they're individually turned  
16 off.

17 MR. BROWN: Yeah, sometimes they are.

18 (Pause in proceedings at 1:54 PM.)

19 (Back on the record at 1:59 PM.)

20 MR. BROWN: We'd now call the State of South  
21 Carolina versus Orlando Reames under Indictment  
22 2018-GS-43-0014. The State is prepared for trial. We  
23 have our witness here who will be doing the testifying  
24 on this.

25 Your Honor, prior to the case being called, we

1 approached and defense counsel requested that Your Honor  
2 not read that this is a third or subsequent. He  
3 indicated at that time that he would be stipulating  
4 that this would be a third or subsequent in terms of  
5 a jurisdiction question for us here and that that,  
6 therefore, not become an issue to be presented to the  
7 jury, but we just wanted to make a formal record that  
8 he is agreeing that this is third or subsequent and this  
9 is the proper courtroom to hear this matter.

10 THE COURT: Is that correct?

11 MR. BRIDGES: That is correct.

12 I've been provided with Mr. Reames' NCIC and he  
13 does appear to have the necessary property -- prior  
14 property crimes convictions.

15 THE COURT: Okay.

16 All right. Are we ready for the jury?

17 MR. BROWN: I think so, Your Honor.

18 THE COURT: All right.

19 MR. BRIDGES: And I just renew my continuance  
20 motion for the record.

21 THE COURT: Okay. And I'll deny it unless you  
22 can prove to me he's in an emergency.

23 MR. BROWN: Your Honor, I'm just gonna leave this  
24 up. That way we don't mess with it.

25 (Whereupon, the jury enter the courtroom at

1 2:01 PM.)

2 COURT BAILIFF: The jury's present, Your Honor.

3 THE COURT: Thank you, sir.

4 Ladies and gentlemen, I'm gonna just -- oh, I'm  
5 sorry. You've got to swear them in. Go ahead.

6 COURT BAILIFF: May it please the Court, Your  
7 Honor?

8 Ladies and gentlemen of the jury, if you'd please  
9 raise your right hand, please? Stand and raise your  
10 right hand. Sorry about that.

11 (Whereupon, the jury was duly sworn by the court  
12 bailiff.)

13 COURT BAILIFF: You may be seated.

14 THE COURT: Okay, ladies and gentlemen. This is  
15 gonna be a relatively short case and I'm gonna make  
16 some brief opening remarks.

17 Some of you were on my other jury, so maybe you  
18 ought to buy a lottery ticket when you leave here, but  
19 your job is to determine the facts in this case based  
20 on the evidence that comes before you.

21 And as I explained to the other jury, that evidence  
22 is gonna come in three forms. One, through sworn  
23 testimony, plus any exhibits that are introduced, as well  
24 as any stipulations of the attorneys. And your job is to  
25 listen to that evidence and reach a verdict in this case

1 based on the evidence. You -- your job is to determine  
2 what the facts are in the case.

3 My job is to rule upon the admissibility of the  
4 law, that -- those pieces of evidence that you're  
5 entitled to see or hear, and to explain the law to  
6 you, which I will do at the end of the case.

7 Normally the attorneys get up and make an opening  
8 statement. That is not evidence. They're simply gonna  
9 tell you what this case is about, then we're gonna get  
10 into the testimony, then they'll make a closing argument  
11 to you and they will argue to you as to what they think  
12 the evidence showed or did not show, and you'll go back  
13 after I charge you on the law and reach a verdict based  
14 on the evidence that comes before you today.

15 And I've told you before you can't talk about this  
16 case. You can't even talk about this case among  
17 yourselves until I tell you you can. And one of the  
18 reasons that that happens, a lot of jurors say well,  
19 you know, once I hear from one witness and we take a  
20 break, how come we can't talk about what that witness  
21 said, and the reason I don't want you to is because at  
22 the end of the case you're gonna want to defend that  
23 opinion you had at the beginning of the case with your  
24 fellow jurors. I don't want you to start forming any  
25 opinions and expressing those opinions until you've

1 heard all of the case.

2 This -- like I say, this shouldn't be a very long  
3 case, but -- and I'll try to take a break every hour  
4 or hour and a half. If you need a break in the  
5 meantime, just raise your hand because I want each one  
6 of you to pay close attention and if you're uncomfortable  
7 for some reason, you can't pay attention. So if you  
8 need a break for any reason, raise you hand, we'll take  
9 a break and come back and continue with the testimony in  
10 this case.

11 If you will pay attention to the attorneys, they'll  
12 make an opening statement. This case will be done today.  
13 It will not go into tomorrow. This will be a relatively  
14 short case, okay?

15 Mr. Solicitor.

16 MR. BROWN: May it please the Court, Your Honor?

17 THE COURT: Yes, sir.

18 MR. BROWN: Mr. Bridges.

19 Good afternoon. That's Mr. Burgess. You're gonna  
20 meet him in a little bit, but good morning. My name is  
21 Tyler Brown. I am assistant solicitor here with the  
22 Third Circuit Solicitor's Office and I want to start out  
23 by thanking y'all for being here. I know y'all sat  
24 downstairs pretty much all morning. I know that probably  
25 wasn't very fun, it might have been uncomfortable. To

1 some of you, it may have seen like you were having your  
2 time wasted, but I promise you we were up here working.  
3 We were up here figuring out what cases will be presented,  
4 we're figuring -- up here getting ready and making sure  
5 that when we did bring you up here that your time wasn't  
6 wasted any further.

7 Y'all's role here is important. Y'all's role here  
8 in this courthouse and this judicial process is vital.  
9 And I'm gonna go and tell you the one thing that  
10 Mr. Bridges and I probably agree on -- or I know that  
11 we agree on, and this is how much we appreciate y'all  
12 being here. Because, ladies and gentlemen, the case  
13 that's before you today is Mr. Reames has been charged  
14 with the offense of shoplifting.

15 You've all seen it on TV, y'all know the lines.  
16 He's innocent until proven guilty and our justice system  
17 is one that relies on the nature of a tri -- a jury of  
18 his peers coming in, hearing the facts, listening to  
19 testimony, and upon hearing this testimony determining  
20 whether or not the defendant is or is not guilty.

21 This is a high burden for the State, but it is one  
22 that's important for us to meet and it's one that's  
23 important for y'all to be here so that we can establish  
24 that. Our jury system, our criminal justice system,  
25 does not work without y'all being in here, without

1 y'all sitting here, so I want to thank y'all. I really  
2 and truly do. I mean that. Thank you to each and every  
3 one of you for being here today.

4 Now, like I said, the reason y'all are here is  
5 Mr. Reames has been indicted for the offense of  
6 shoplifting. Mr. Reames has been charged with what's  
7 gonna ultimately break down to stealing. And what  
8 you're gonna hear, ladies and gentlemen, is you're  
9 gonna hear testimony today that Mr. Reames, I believe  
10 the evidence will show, went into Walmart back on  
11 September 18th of 2017, just shy of a year ago, and he  
12 was part of a plan to steal a DVD player.

13 Now I'm gonna go and tell you something that you're  
14 not gonna see. You're not gonna see him be the one who  
15 tried to carry it out of the store. I'm gonna put that  
16 out there for you. Instead, what you're going to see,  
17 and I believe the evidence will show, you're gonna see  
18 Mr. Burgess, who's the loss prevention specialist for  
19 Walmart right down there on Broad Street, 1283 Broad,  
20 right here in the city of Sumter. You're gonna hear  
21 about how he was working that day. It was a Monday.  
22 Around 1:00 he was working. I believe the testimony  
23 that you're gonna hear and the video that you're going to  
24 see, what it will show was that on that day Mr. Burgess  
25 was working the floor, his manager's working the cameras,

1 they were on radios together in tandem, and they saw  
2 suspicious activity.

3         You're gonna hear the name Keith Ford and I suspect  
4 that you're gonna see that Mr. Ford came into the store  
5 with Mr. Reames. I believe the evidence is going to show  
6 and what you're going to hear about is that they went in  
7 concert back to the electronics section and you're gonna  
8 hear testimony, I believe, that Mr. Reames pointed out a  
9 DVD player, had Mr. Ford pick it up, take it to another  
10 section of the store and hide it for a little bit.

11         Now you're gonna hear about how for twenty minutes  
12 they kind of went around the store, kind of kept coming  
13 back to the location. Twenty minutes later they both  
14 come back and you're gonna see in the video, and I suspect  
15 you're gonna hear testimony, that after they came back  
16 you're gonna see as they work together and you're gonna  
17 hear about how they worked together to take that DVD  
18 player. It's identified as an ONN -- O-N-N portal --  
19 portable DVD player. It's one of those that kind of  
20 looks like a laptop, a flip-up screen, you put the DVD  
21 in the player, and you can watch it right then and  
22 there.

23         You're gonna hear about how they opened the  
24 packaging together right there in Walmart and how  
25 Keith Ford then stuffed it down the front of his pants,

1 pulled back up his pants, buckled his belt buckle, while  
2 Mr. Reames stood at the end of the hall -- the end of  
3 the aisle, stood lookout, and then they tried getting  
4 out of the store together. They didn't make it out.  
5 You're gonna see on video they were taken to the loss  
6 prevention center.

7 Those are what we're gonna offer as the facts of  
8 this case. That's what you're gonna hear testimony from  
9 Mr. Burgess about the facts of this case. That's what  
10 you're gonna see video about is the facts of this case.

11 It's simple. It's a straightforward case.  
12 Mr. Burgess, he's the one who burnt the DVD's. He's the  
13 one who helps control all of that equipment and he was  
14 the one that was on the floor. He's the only witness  
15 we're gonna need. He's the only witness we're calling.  
16 What you're gonna hear from him, he saw it all. He knows  
17 everything that happened that day and you're gonna hear  
18 from him as he testifies about what he observed and  
19 ultimately what the video showed and that y'all will see,  
20 and I believe that at the end of that testimony you will  
21 be left with no conclusion but that on this date in 2017,  
22 on September 18, 2017, Mr. Reames did go into Walmart  
23 with Mr. Ford and they worked in concert to steal a DVD  
24 player and they were captured.

25 We're not here today on the trial of Keith Ford.

1 That's for another day, for another jury. These trials  
2 are done separately. You're here about Mr. Reames today.  
3 We ask that you give your undivided attention to both  
4 sides. Pay close attention, to listen to all the facts  
5 and watch all the videos, to see all the evidence, and  
6 I believe if you do that at the end of this case you'll  
7 find him guilty.

8 Thank you.

9 THE COURT: Mr. Bridges.

10 MR. BRIDGES: Thank you, Your Honor.

11 Mr. Brown.

12 MR. BROWN: Yes, sir.

13 MR. BRIDGES: Good afternoon, ladies and gentlemen  
14 of the jury. And as the solicitor mentioned, I'm gonna  
15 extend my thanks for your time and the attention today.  
16 I know of the things you'd be wanting to do right now,  
17 this is probably not in the top fifty, maybe not even in  
18 the top five hundred, but the system really could not  
19 work without you.

20 Now this may seem like a very small case over one  
21 DVD player, but this is very important both to my client  
22 and to Walmart in this case, and a right to a fair trial  
23 is a fundamental right that we all have, and the system  
24 would not be possible without you.

25 Now as the solicitor's mentioned and the judge will

1 tell you, the State has the burden of proof in all  
2 criminal cases. That means I don't have to prove Orlando  
3 Reames' innocence, I don't have to put up anything. It's  
4 the State who has to prove that he's actually guilty of  
5 shoplifting and they have to prove it beyond a reasonable  
6 doubt with the evidence and testimony you hear in this  
7 courtroom, and I'll submit to you after you hear from  
8 Mr. Burgess and after you see this video, there's many  
9 interpretations you can take from this video.

10 The State's theory is that he's actively assisting  
11 Mr. Ford in the theft of this DVD. We'll, you'll see  
12 Mr. Reames never possessed this DVD player. He doesn't  
13 have it on him. In fact, he actually checks out  
14 separately from the store. And Mr. Reames, as you'll  
15 see, is in a motorized shopping cart. He's -- he's  
16 normally in a wheelchair. He's -- you know, he has  
17 movements throughout the store, but what I would say a  
18 lot of the movements you'll see would be him merely just  
19 trying to turn around or him shopping or him doing other  
20 things. It's -- to say he's a lookout, I think that  
21 takes an assumption beyond what we call reasonable doubt  
22 and if the State can't meet their burden in this case,  
23 then Mr. Reames would be not guilty, and I believe the  
24 evidence will show that.

25 So, again, I thank you for your time and attention.

1 This case should not take very long, but we really  
2 appreciate you being here today.

3 Thank you.

4 MR. BROWN: May it please the Court, Your Honor?

5 THE COURT: Yes, sir.

6 MR. BROWN: The State would call Mr. Carlton  
7 Burgess.

8 COURT BAILIFF: Place your left hand on the Bible.  
9 Raise your right hand. State your name.

10 THE WITNESS: Carlton Burgess.

11 (Whereupon, Carlton Burgess was duly sworn by the  
12 court bailiff.)

13 COURT BAILIFF: Thank you much. Watch yourself  
14 coming up the ramp.

15 State your name for the record and spell your last  
16 name, please.

17 THE WITNESS: Carlton Burgess, B-U-R-G-E-S-S.

18 MR. BROWN: May it please the Court?

19 THE COURT: Yes, sir.

20 CARLTON BURGESS,

21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. BROWN:

24 Q. Good afternoon, Mr. Burgess.

25 A. How you doing, sir?

1 Q. Good.

2 For these ladies and gentlemen of the jury, and -- and  
3 you've been on the stand when I've prosecuted before, you  
4 know my questions. Tell us your name, where you're from,  
5 where you grew up, where you went to school, what you do  
6 for a living.

7 A. Gotcha. I'm Carlton Burgess. I grew up in  
8 Greeleyville, South Carolina. I went to school there at  
9 C.E. Murray High School and Greeleyville Elementary for  
10 actual middle school and all that. I currently work at  
11 Walmart. I do loss prevention and I've been doing loss  
12 prevention for about five years.

13 Q. So you went to C.E. Murray High School?

14 A. Yes, sir.

15 Q. Okay. And did you start working at Walmart right out  
16 of high school?

17 A. No, sir. I actually waited a good two or three years  
18 afterwards.

19 Q. Okay. Do you still live in Greeleyville or did you  
20 move here in town?

21 A. I moved here to Sumter.

22 Q. Okay. And did you originally start out working loss  
23 prevention or did you do something else for Walmart?

24 A. Actually started out in frozen -- frozen and dairy  
25 department and produce and stuff like that and worked my

1 way up to loss prevention.

2 Q. Okay. Now this is a big courtroom, so be sure to keep  
3 your voice up, okay?

4 A. Gotcha.

5 Q. All right. What are your duties working loss  
6 prevention for Walmart?

7 A. Working loss prevention, my duties is basically --  
8 it's a wide range. I deal with theft, shrinking the store,  
9 money. I typically have a hand in anything going on in the  
10 store.

11 Q. Is it fair to say that your job is to make sure that  
12 the store is secured and that when things leave the store  
13 they're sold?

14 A. Yes, sir.

15 Q. And -- and what type hours do you work to do that?

16 A. I work various hours. I normally typically do about  
17 forty, forty-five hours every week.

18 Q. Were you working on the date of September 18, 2017?

19 A. Yes, sir, I was.

20 Q. And that's the date in question?

21 A. Yes, sir.

22 Q. Okay. Now I said in my opening statement 1:00 in the  
23 afternoon, but was I incorrect in that it was 1:00 in the  
24 morning?

25 A. Yes, sir. It was actually 1:00 in the morning. It

1 was actually that Sunday transitioning into that Monday.

2 Q. Okay. So you were working, what, the graveyard shift?

3 A. Yes, sir.

4 Q. Okay. What time does your shift start, what time was  
5 it supposed to end?

6 A. Initially my shift was supposed to end around 12:00,  
7 12:30, and I actually came in around 12:00 or 12:30 that  
8 day for that Monday.

9 Q. So like a 12-hour shift?

10 A. Yes, sir.

11 Q. Okay. So on this particular day, were you getting  
12 near the tail end of your shift or were you just starting  
13 on?

14 A. I was getting near the tail end of it.

15 Q. Okay. Tell me -- do you work alone when you're doing  
16 loss prevention?

17 A. No, sir. I don't work alone. I actually have a  
18 manager that works with me and I actually have two other  
19 associates as well.

20 Q. So there are four people in -- in the Sumter Walmart  
21 that are all working loss prevention when you're there?

22 A. Yes, sir.

23 Q. Okay. On September 18, 2017, at around 1:00 in the  
24 morning, did an occasion arise where your attention was  
25 drawn to a Mr. Keith Ford and/or Mr. Orlando Reames?

1 A. Yes, sir.

2 Q. Can you please tell these ladies and gentlemen of the  
3 jury about how y'all's attention got drawn to them and what  
4 y'all -- what y'all are watching for.

5 A. Gotcha. My attention got drawn to them basically  
6 because of how they walked in -- how they walked into the  
7 store. They actually were looking -- they were doing like  
8 a 360 view of the store as they was walking in. They  
9 actually looked and -- just looked all around the store  
10 and as they made their way toward the back, towards the  
11 electronics, that typically draws my attention to them just  
12 because the normal -- the normal shopper, they come in, go  
13 straight for what they're looking for. They're not looking  
14 for associates or how many people are in the store, that  
15 type of thing.

16 Q. So is this something y'all are trained to do in loss  
17 prevention at Walmart?

18 A. Yes, sir.

19 Q. And -- and does that mean that they necessarily or  
20 automatically have done anything wrong?

21 A. No, sir. It just gives us a -- a reason just to watch  
22 a little bit closer just in case.

23 Q. Okay. And that's what y'all did with Mr. Ford and  
24 Mr. Reames on this day?

25 A. Yes, sir.

1 Q. So did you watch them -- when you were watching them,  
2 where did they ultimately end up going?

3 A. Well, they ultimately end up in elect -- in the  
4 electronics department.

5 Q. Okay. Where is the electronics department at Walmart?

6 A. It's basically at the back of the store. It's right  
7 between pets and hardware at the back of the store.

8 Q. And were you working the cameras or were you on the  
9 floor? What was your job that night?

10 A. That night I started off on the cameras and ended up  
11 on the floor.

12 Q. Okay. Do y'all have walkie-talkies to communicate?

13 A. Yes, sir, we do.

14 Q. All right. Do y'all have any --

15 A. On that particular night, I actually used my  
16 cellphone.

17 Q. Okay. Do y'all have any other means to communicate,  
18 to watch the video while you're on the floor?

19 A. Yes, sir.

20 Q. Okay. What is that out of curiosity?

21 A. Well, basically while I'm on the floor, my manager  
22 will normally cover it and watch and do video and we'll  
23 actually relay information back between each other.

24 Q. Okay. So on this particular night as y'all's  
25 attention had been drawn to Mr. Ford and Mr. Reames, did

1 you go to that location to keep a watchful eye?

2 A. Yes, sir.

3 Q. All right. And did your manager also begin watching  
4 through the camera system?

5 A. Yes, sir.

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

7 A. Do you want to know basically what happened after I  
8 started watching them?

9 Q. Yes.

10 A. Okay. So basically what I witnessed, I witnessed  
11 actually -- Reames actually made comments or -- or words  
12 toward a DVD player that was actually on the floor and  
13 actually he did a head nod as well and during that  
14 timeframe Ford actually looked and was hesitant at first  
15 as to which DVD player or what he wanted and then he  
16 actually walked straight toward the DVD player and picked  
17 it up.

18 Q. Okay. When you say "he", we have to use names.

19 A. I'm sorry.

20 Q. Ford or Reames?

21 A. Ford.

22 Q. Okay.

23 MR. BROWN: Permission to approach the witness,  
24 Your Honor?

25 THE COURT: Yes, sir.

1 MR. BROWN: The DVD.

2 Any objection?

3 MR. BRIDGES: No.

4 No objection, Your Honor.

5 (State's Exhibit Number 2 was marked for  
6 identification.)

7 BY MR. BROWN:

8 Q. This right here is in without objection. This is  
9 State's Exhibit Number 2 and do you recognize this  
10 document?

11 A. Yes, sir.

12 Q. Not document, this DVD.

13 A. Yes, sir, I do.

14 Q. All right. Is this the DVD y'all provided us of the  
15 surveillance footage that particular night at Walmart?

16 A. Yes, sir.

17 Q. All right. And have you reviewed that with me prior  
18 to us coming up here today so that you know that it's an  
19 accurate copy of what you have?

20 A. Yes, sir.

21 MR. BROWN: Permission to publish, Your Honor?

22 MR. BRIDGES: No objection, Your Honor.

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

24 (State's Exhibit Number 2, a DVD, was admitted  
25 into evidence.)

1 BY MR. BROWN:

2 Q. And while I pull this up, after the DVD player was  
3 picked up, what did you observe and what did your cameras  
4 observe happen next?

5 A. After that, Ford actually took the DVD player and he  
6 moved it. He actually walked and held the DVD player and  
7 kept it and moved it into the vacuum cleaner aisle of the  
8 store. Once on the vacuum cleaner aisle, he actually  
9 staged the DVD player in the shelf and walked off the aisle  
10 and actually looked back at the aisle from another aisle  
11 just to watch and make sure nobody was paying attention to  
12 the DVD player or anything like that.

13 Q. Okay. I'm gonna show you the video that focussed on  
14 the electronics section of your store.

15 (State's Exhibit Number 2 was played.)

16 Q. Is this the video?

17 A. Yes, sir.

18 Q. All right. And who is that in the video right there?

19 A. Oh, that's Mr. Reames in the mart cart.

20 Q. What's that called?

21 A. It's a mart cart.

22 Q. Okay. And who is that in the white T-shirt?

23 A. Oh, that's Keith Ford. That's his co-defendant.

24 (State's Exhibit 2 continued playing.)

25 A. You can actually tell by the hesitation that's

1 whenever he told --

2 MR. BRIDGES: I'd object to speculation.

3 THE COURT: Okay. You can just -- you can say what  
4 you observed, but you can't speculate.

5 THE WITNESS: Gotcha.

6 BY MR. BROWN:

7 Q. In your training and experience working with loss  
8 prevention in Walmart, do you learn things to watch for?

9 A. Yes, sir.

10 Q. Was there something that happened in there that --  
11 that caught your attention?

12 A. Yes, sir.

13 Q. What did you see?

14 A. I basically observed some dialog between the two that  
15 actually moved towards the DVD player.

16 Q. And it was right before he went to the DVD player?

17 A. Yes, sir. Right before. You could see the hesitation  
18 in between. He was actually getting some information from  
19 Mr. Reames about the DVD player.

20 Q. There was -- there was some degree of conversation  
21 that occurred at that point?

22 A. Yes, sir.

23 THE COURT: Hold on a minute.

24 MR. BRIDGES: I'd object. There's no audio with  
25 this media. He's saying that things are said about the

1 DVD player and I don't -- what's his basis for that? I  
2 think that's speculation.

3 THE WITNESS: Well, just from --

4 MR. BROWN: Your Honor, I'll clarify the question.  
5 There was conversation. We don't know what the  
6 conversation was, but there was conversation.

7 MR. BRIDGES: But to say that it's about the DVD  
8 player is speculation.

9 MR. BROWN: We're fine with that, Your Honor.

10 THE COURT: Okay. Then I will sustain the  
11 objection.

12 BY MR. BROWN:

13 Q. Right after there was a conversation, the DVD player  
14 got picked up?

15 A. Yes, sir.

16 Q. And that's where we're at in the video?

17 A. Yes, sir.

18 (State's Exhibit 2 continued playing.)

19 Q. Now at this point, are you communicating with your  
20 manager?

21 A. Yes, sir. I'm actually out on the floor relaying  
22 information to my manager and helping him pick the right  
23 camera and stuff like that to us for the situation and  
24 where he was located at.

25 (State's Exhibit 2 continued playing.)

1 Q. Now you testified earlier that he went over to the  
2 vacuum section and dropped off the DVD player?

3 A. Yes, sir. He staged the DVD player there and he  
4 actually went into hardware and you're gonna see him look  
5 from that hardware light bulb aisle toward the DVD player  
6 -- or the aisle that the DVD player went on.

7 Q. What is -- what is -- where is the vacuum cleaner  
8 section and the hardware section in proximity to the  
9 electronics section at Walmart?

10 A. Basically the electronics is at the back of the store,  
11 the hardware actually is moving back toward TLE, automotive  
12 and that type of thing. In front of the hardware aisle is  
13 the vacuum cleaner aisle and bedding and stuff like that.

14 Q. Okay.

15 (State's Exhibit 2 continued playing.)

16 Q. At this point do you see any DVD player still in his  
17 hands?

18 A. No, sir, no DVD player.

19 Q. And is this the hardware section you were talking  
20 about?

21 A. Yes, sir.

22 Q. Is this timestamp here at the bottom of this video  
23 where it says 1:04:12 AM, is that an accurate timestamp?

24 A. Yes, sir, it is.

25 Q. Okay. And is that the same timestamp that y'all's

1 computers run on across the board? Each camera has that  
2 same timestamp?

3 A. Yes, sir.

4 Q. Was that about what time this was happening that  
5 night?

6 A. That's exactly the time.

7 Q. From this point on, from 1:04 until about 1:20 to  
8 1:30 range, did you observe or did the cameras pick up them  
9 doing anything particular with the DVD player?

10 A. Basically Ford actually stood across and waited until  
11 Reames -- until he met back up with Reames and then him and  
12 Reames got back on the vacuum cleaner aisle and then they  
13 got the DVD player and moved it to another location.

14 Q. Was that bedding?

15 A. Yes, sir.

16 Q. But did you see them hiding the DVD player beyond that  
17 or trying to open the DVD player at any point between those  
18 timeframes?

19 A. No, sir, not between those timeframes, but the video  
20 -- the DVD player was opened once they got into the bedding  
21 aisle.

22 Q. Okay. So going on to the next video from the other  
23 camera angle, this video that's been provided, to begin  
24 with what is the timestamp down there on it?

25 A. It's 1:27 AM.

1 Q. All right. So this was approximately 23 minutes after  
2 the first video when we cut it on?

3 A. Yes, sir.

4 Q. And during that timeframe they'd been kind of watching  
5 the area, but haven't -- they haven't hidden it any beyond  
6 that?

7 A. No, sir. Not yet.

8 MR. BRIDGES: That's speculation how they -- how  
9 they know they're watching the area.

10 MR. BROWN: I can lay more foundation, Your Honor.

11 THE COURT: Okay. Go ahead.

12 BY MR. BROWN:

13 Q. Were you down on the floor this entire time?

14 A. Yes, sir, I was.

15 Q. And were you keeping an eye on Keith Ford, as well as  
16 Mr. Orlando Reames this entire time?

17 A. Yes, sir.

18 Q. Were you able to observe as they kept looking back at  
19 the DVD player?

20 A. Yes, sir.

21 Q. Were you able to observe as they kept circling back to  
22 the DVD player area?

23 A. Yes, sir.

24 Q. So 1:27:49, you provided us another video from another  
25 section of the store. What are we looking at right here?

1 A. Right here we're looking at Ford and Reames together  
2 and they're actually gonna be alternating the DVD player  
3 between Reames' mart cart, to the shelf, into Ford's hand,  
4 and basically Reames is gonna actually remove the spider  
5 wire from the box. And a spider wire is basically a  
6 security mechanism that the store keeps in place just to  
7 stop and prevent someone from stealing merchandise.

8 Q. Okay. And you actually -- were you actually on the  
9 floor and observing this?

10 A. Yes, sir. I actually observed him actually remove it  
11 off the box at that time.

12 Q. All right. Thank you.

13 (State's Exhibit 2 continued playing.)

14 Q. What section of the store are we looking at right  
15 here?

16 A. We're in housewares and it basically -- it's basically  
17 including bedding and stuff like that.

18 Q. Okay.

19 (State's Exhibit 2 continued playing.)

20 Q. For points of reference, are these both of the  
21 individuals right here in the video at 1:28:17?

22 A. Yes, sir.

23 Q. Okay.

24 (State's Exhibit 2 continued playing.)

25 Q. Was that the DVD player right there?

1 A. Yes, sir. That's the DVD player.

2 Q. And that's in the shop cart that is being driven by  
3 Mr. Orlando Reames?

4 A. Yes, sir. That's actually where he removed the spider  
5 wire off of it.

6 Q. And you're down on the floor watching this live?

7 A. Yes, sir.

8 (State's Exhibit 2 continued playing.)

9 Q. And by the way, this Walmart, it's in the city of  
10 Sumter, right?

11 A. Yes, sir.

12 Q. Right at 1283 Broad Street?

13 A. Yes, sir.

14 (State's Exhibit 2 continued playing.)

15 A. All right. So that's them trying to get the DVD out  
16 of the box right here.

17 Q. And you were able to be watching that when you were  
18 down on the floor?

19 A. Yes, sir.

20 (State's Exhibit 2 continued playing.)

21 A. All right. So Ford is actually getting the DVD player  
22 out of the box and Reames is actually on the same aisle  
23 and he's gonna be performing lookout throughout the whole  
24 thing.

25 MR. BRIDGES: I object to the speculation that he's

1 performing the lookout.

2 BY MR. BROWN:

3 Q. Was he standing beside him the entire time?

4 A. Well, he was -- he knew what was going on. From my  
5 visual he actually watched him open up the box.

6 MR. BRIDGES: I'd object to him saying he knew  
7 what was going on.

8 THE COURT: All right. I'll sustain that, but he  
9 -- you can testify to what you observed him doing.

10 BY MR. BROWN:

11 Q. Did you observe him standing on the end of the aisle?

12 A. Yes, sir.

13 Q. Did you observe him watching as Ford was taking the  
14 DVD player out of the box?

15 A. Yes, sir, I did.

16 Q. Did you observe as he was watching this entire process  
17 going on?

18 A. Yes, sir.

19 Q. And then as the DVD player is being hidden as he went  
20 to the end of the aisle to look around?

21 A. Yes, sir. And you can actually tell by the hat. The  
22 way that his hat is facing, you're gonna see the -- the  
23 front -- the front of the hat basically is gonna be facing  
24 forward throughout the whole thing. Especially towards the  
25 end he's gonna be looking at him.

1 Q. And we're about to see that ourselves.

2 (State's Exhibit 2 continued playing.)

3 A. You can tell Mr. Reames is in and out that aisle the  
4 whole time it's going on.

5 (State's Exhibit 2 continued playing.)

6 A. All right. That's the DVD player going in his pants  
7 pocket -- well, in the waistline area of his pants and you  
8 can see Mr. Reames right there looking at it and actually  
9 riding right beside him.

10 So what he's gonna do, he's gonna go towards the other  
11 end of the aisle, he's gonna back up the cart again, and  
12 he's gonna come right back onto the aisle facing forward.

13 Q. And this is the point that you're being able to  
14 observe when you're on the ground and also in the video --

15 A. Yes, sir.

16 Q. -- that they're actually putting the DVD player down  
17 Mr. Ford's pants?

18 A. Yes, sir.

19 (State's Exhibit 2 continued playing.)

20 A. And all of a sudden, Reames is just gonna leave the  
21 aisle after all this is done.

22 (State's Exhibit 2 continued playing.)

23 A. You can see him backing up again. So once Ford  
24 leaves, Reames is gonna leave. All of a sudden, just  
25 vanished. Everybody just leaves the aisle like

1 everything's okay.

2 Q. And you know this store pretty well. Are they going  
3 different directions of each other?

4 A. Yes, sir. They're going different directions. I  
5 believe Ford's gonna go up toward the front of the store  
6 and Reames is gonna go -- no, Reames is gonna go toward the  
7 front of the store and Ford's gonna go towards the toy  
8 department of the store.

9 (State's Exhibit 2 continued playing.)

10 Q. I think there's only about another two or three  
11 minutes of this video.

12 (State's Exhibit 2 continued playing.)

13 Q. So at this point, we have Ford going off to the toy  
14 section, Reames looks like he's going towards the grocery  
15 section.

16 A. Yes, sir.

17 Q. What were y'all doing at this point?

18 A. Throughout this portion of it, basically my manager  
19 was keeping an eye on Reames and I was actually watching  
20 Ford, and I actually got law enforcement involved ahead of  
21 time just because of a possible weapon being used and it  
22 was two of them as well.

23 Q. Now go back to a possible weapon being used. Did you  
24 observe a weapon when you were on the ground?

25 A. Yes, sir. Actually a box cutter or something was used

1 to cut open the DVD player box and get it open.

2 Q. And did you see who used that box cutter?

3 A. It was actually Ford that used it.

4 Q. Okay. And -- and were you able to recover that?

5 A. No, sir.

6 Q. Okay. But you saw Mr. Ford, the person who had the  
7 DVD player down his pants, use the box cutter to help open  
8 the DVD player?

9 A. Yes, sir.

10 Q. Was law enforcement on the scene not long after this?

11 A. Yes, sir. Actually law enforcement was on the scene  
12 during this point right here.

13 Q. Okay. And when y'all have someone that y'all suspect  
14 of shoplifting, what do y'all do as an office when they try  
15 to leave the store?

16 A. When they try and leave the store, we wait until they  
17 pass that last point of sale and then we actually approach  
18 them at the door and get them into the office.

19 Q. And where is the office located at Walmart?

20 A. It's at the front grocery door right in front of  
21 McDonald's.

22 Q. Okay. Is that what y'all did in this particular case?

23 A. Yes, sir.

24 Q. All right. So tell us about that process. What  
25 happens.

1 A. During that process, basically we get them -- we  
2 disclose our name and job title, we get them into the  
3 office and we retrieved that merchandise.

4 Q. Okay. And who did y'all do that with in this case?

5 A. We did that with Ford right off the bat and then we --  
6 then we grabbed Reames and pulled him in as well.

7 Q. Okay. And is there video inside of the loss  
8 prevention office at Walmart on 1283 Broad Street here in  
9 Sumter?

10 A. Yes, sir.

11 Q. All right. Did it have sound?

12 A. No, sir, there's no audio.

13 Q. And there's no audio in any part of your store?

14 A. No, sir.

15 Q. I'm showing you the video that you identified to me  
16 earlier today as the one from inside the loss prevention  
17 center.

18 A. Yes.

19 (State's Exhibit 2 continued playing.)

20 Q. Is that your loss prevention area?

21 A. Yes, sir. And that's actually one of my managers.  
22 That's the one that was performing with the cameras at the  
23 time.

24 Q. All right. And is that you, the third person coming  
25 in?

1 A. Yes, sir.

2 Q. And is that Mr. Ford right there?

3 A. Yes, sir.

4 Q. Okay. And we're only gonna watch just a little bit of  
5 this video.

6 (State's Exhibit 2 continued playing.)

7 Q. Is that the DVD player?

8 A. Yes, sir.

9 (State's Exhibit Number 3 was marked for  
10 identification.)

11 MR. BROWN: Permission to approach the witness,  
12 Your Honor?

13 THE COURT: Yes, sir.

14 BY MR. BROWN:

15 Q. I'm gonna show you what's been marked, and it is in  
16 without objection, State's Exhibit Number 3. Do you  
17 recognize this picture?

18 A. Yes, sir.

19 Q. All right. Is that a picture that you took?

20 A. Yes, sir.

21 Q. All right. And what are we looking at in this  
22 picture?

23 A. We're basically looking at the DVD player. I'm  
24 looking at the box the DVD player came out of and we're  
25 looking at the accessories for the DVD player itself.

1 Q. All right. And was this box the way that y'all  
2 recovered it on y'all's floor at 1:00 -- 1:30 in the  
3 morning on September 18, 2017?

4 A. Yes, sir.

5 MR. BROWN: Permission to publish to the jury?

6 THE COURT: Yes, sir.

7 MR. BRIDGES: No objection.

8 THE COURT: Okay.

9 (State's Exhibit Number 3, a photograph, was  
10 admitted into evidence.)

11 BY MR. BROWN:

12 Q. What was the approximate value of this DVD player?

13 A. The DVD player was \$70.00. It came up to \$75.60  
14 including tax.

15 Q. Based on what happened with it, were y'all able to  
16 resell it?

17 A. No, sir, we could not resell it.

18 Q. And tell these ladies and gentlemen of the jury why.

19 A. Basically because it's damaged. We don't want y'all  
20 buying any type of merchandise that's damaged or anything  
21 like that just save face for us. We want y'all to get the  
22 best -- basically want y'all to spend your money the right  
23 way and not buy something that's damaged or has been bought  
24 and re -- reused and that type of thing.

25 Q. Or stuffed down someone's pants?

1 A. Definitely. We don't want that.

2 Q. And the box, was it in any condition where y'all could  
3 resell it after the way it was opened?

4 A. No, sir. We couldn't do that.

5 Q. So we're in your loss prevention center, this DVD  
6 player's right here on your table.

7 (State's Exhibit 2 continued playing.)

8 Q. Now are these the officers that you mentioned earlier?

9 A. Yes, sir.

10 Q. And now by the time they had gotten there, y'all had  
11 already recovered everything?

12 A. Yes, sir.

13 Q. They basically just placed them under arrest?

14 A. Yes, sir.

15 (State's Exhibit 2 continued playing.)

16 Q. What's your manager's name by the way?

17 A. That manager's name -- his name is Sean Choice.

18 (State's Exhibit 2 continued playing.)

19 Q. Do you have other members of Walmart staff going and  
20 getting Mr. Reames at this point?

21 A. Actually law enforcement actually had to go -- go get  
22 Mr. Reames because he had already left the store and made  
23 it to his vehicle.

24 Q. Okay. But does he ultimately come back in this room  
25 right there?

1 A. Yes, sir.

2 (State's Exhibit 2 continued playing.)

3 Q. Is that Mr. Reames again?

4 A. Yes, sir.

5 Q. Okay. And we don't have the audio from this, but you  
6 knew who Mr. Reames was?

7 A. Yes, sir.

8 Q. And you -- you recognized him by visual sight, right?

9 A. Yes, sir.

10 MR. BROWN: Permission to approach the witness --  
11 or permission to approach opposing counsel?

12 THE COURT: Okay.

13 MR. BROWN: Permission to approach the witness?

14 THE COURT: Yes, sir.

15 BY MR. BROWN:

16 Q. Do you recognize this picture right there?

17 A. Yes, sir.

18 Q. And do you recognize the person in that picture?

19 A. Yes, sir.

20 Q. All right. Do you know them by name and sight?

21 A. Yes, sir.

22 Q. All right.

23 MR. BROWN: Your Honor, we'd offer -- this at  
24 this point has not been marked as an exhibit. It's  
25 currently for ID.

1 (State's Exhibit Number 4 was marked for  
2 identification.)

3 MR. BROWN: We'd offer State's Number 4 into  
4 evidence.

5 MR. BRIDGES: I don't have an objection for it  
6 being ID, but I do feel it's cumulative to be noted,  
7 so. Mr. Reames is on this video. His -- his identity  
8 is visually on this video.

9 THE COURT: Okay. So you object to -- to this  
10 exhibit coming in on what grounds?

11 MR. BRIDGES: As evidence. Just that it's  
12 cumulative due to Mr. Reames already being on the  
13 video.

14 THE COURT: Okay. I'll note your objection and  
15 overrule it. I'll allow it into evidence.

16 (State's Exhibit Number 4, a photograph, was  
17 admitted into evidence.)

18 BY MR. BROWN:

19 Q. Who's the person in this picture?

20 A. That's Orlando Reames.

21 MR. BROWN: Permission to publish to the jury?

22 THE COURT: Yes, sir.

23 BY MR. BROWN:

24 Q. Any doubt in your mind that that's Orlando Reames?

25 A. No doubt.

1 Q. Any doubt in your mind that that's the same Orlando  
2 Reames that's sitting in your office at this point in time  
3 in the video?

4 A. No doubt in my mind. That's him.

5 Q. Any doubt in your mind that's the same Orlando Reames  
6 that was riding around working with Ford in this particular  
7 case?

8 A. No, sir. No doubt.

9 Q. Were Mr. Reames and Mr. Ford ultimately arrested this  
10 particular day?

11 A. Yes, sir, they were.

12 Q. Were they also given trespass notice?

13 A. Yes, sir.

14 MR. BROWN: Permission to approach, Your Honor?  
15 Court's indulgence.

16 BY MR. BROWN:

17 Q. Not long after 1:45 AM, September 18, 2017, was that  
18 when law enforcement took over the rest of this case?

19 A. Yes, sir.

20 Q. All right.

21 MR. BROWN: Please answer any questions defense  
22 counsel has for you.

23 THE WITNESS: Gotcha.

24 COURT BAILIFF: Do you need the video up still?

25 MR. BRIDGES: Yes. Yes, sir.

1 CROSS-EXAMINATION

2 BY MR. BRIDGES:

3 Q. Good afternoon, Mr. Burgess.

4 A. How's it going, sir.

5 Q. Just a few questions.

6 So Mr. Ford and Mr. -- Mr. Reames entered the store  
7 together, correct?

8 A. Yes, sir.

9 Q. But they did not -- they actually exited the store  
10 separately?

11 A. Yes, sir, they did.

12 Q. And Mr. Reames actually purchased some items in the  
13 self-checkout line, correct?

14 A. I can't remember if he did or not.

15 Q. Oh.

16 MR. BRIDGES: Can I -- permission to approach the  
17 witness?

18 THE COURT: Okay.

19 BY MR. BRIDGES:

20 Q. I'm just gonna show you something from the -- this  
21 isn't your report. It's from the police report, but --

22 A. Gotcha.

23 Q. -- it just says that Reames was in the self-checkout  
24 line.

25 A. Yes, sir. It doesn't say if he bought anything or

1 not.

2 Q. I'm not exactly sure about that. I was just --

3 A. Gotcha.

4 Q. But -- but he was in the -- he did -- he did go  
5 through the self-checkout line --

6 A. Gotcha. Gotcha.

7 Q. -- and he did exit the store.

8 A. Gotcha. I thought you had asked whether he had  
9 actually made a purchase or not and I was about to say  
10 I didn't know about that part. I know he was at the  
11 self-checkout.

12 Q. So you don't know if he did or not. You just don't  
13 have those records?

14 A. Oh, yes, sir. I never really paid attention to that  
15 portion of it.

16 Q. Okay. And -- but he exited the store while Ford was  
17 still in the store?

18 A. Yes, sir, he did.

19 Q. And this was before Ford got apprehended in the store?

20 A. Yes, sir.

21 Q. Okay. And I think as we see from the video,  
22 Mr. Reames had several things in his cart at different  
23 times?

24 A. Yes, sir.

25 Q. And when he was in the aisle -- in the home goods

1 aisle, he looks at various items; towels and it looks like  
2 there was some bedding or something like that. He handles  
3 those?

4 A. Yes, sir, he does.

5 Q. Yeah, because you see him around here.

6 And you said it was Ford who you believe had a box  
7 cutter who opened the package?

8 A. Yes, sir.

9 Q. That box cutter was not found on Mr. Reames?

10 A. It wasn't found by any individual.

11 Q. But was it -- was there a box cutter found in the  
12 store?

13 A. Well, we didn't really search for the box cutter or  
14 anything. It was more retrieving the packaging, the  
15 merchandise and the subjects themselves.

16 Q. Okay. So it -- so a box cutter was not recovered at  
17 all?

18 A. Yes, sir. We didn't worry about that portion of it.

19 Q. But you believe that Ford's the one who opened the box  
20 with a box cutter?

21 A. Yes, sir.

22 Q. And I know this is stating the obvious, the DVD was  
23 found on Mr. Ford -- the DVD player?

24 A. Yes, sir.

25 Q. The DVD was not found on Mr. Reames?

1 A. Yes, sir.

2 Q. Did Mr. Reames -- other than the part where he had it  
3 in his cart, he -- he never tried to conceal the DVD  
4 player?

5 A. Well, no, sir, he didn't, but he removed the spider  
6 wire from it.

7 Q. But how -- so was the spider wire found on Mr. Reames  
8 when he was apprehended?

9 A. Well, it doesn't have to be found on him. Any time  
10 you try to leave --

11 Q. Oh, you don't -- is -- was the spider wire found on  
12 him; yes or not?

13 A. No, sir.

14 Q. Okay. Was the spider wire found in the store?

15 A. Yes, sir, it was.

16 Q. Around the aisle of the home -- the home goods aisle  
17 or where was it found?

18 A. No, it was -- it was basically found -- Mr. -- in one  
19 portion of the video, you're gonna see Mr. Reames throw  
20 something to the side. He was right in front of Ford.  
21 That's the spider wire that he actually removed from the  
22 box itself. And the spider wire basically consumes the  
23 whole box and it's actually securing the box from theft.

24 Q. You said he threw it somewhere in the store?

25 A. Yes, sir. He removed it from the box, he forced it

1 off the box, and threw it to the side.

2 Q. Okay. But he was not found in possession of the DVD  
3 player when he was apprehended?

4 A. No, sir. Just --

5 Q. And he was not found with -- with a box cutter or any  
6 kind of other objects he could use to open the DVD player?

7 A. No, sir.

8 Q. And he was in -- what did you call the carts? A mart  
9 cart?

10 A. Yes, a mart cart.

11 Q. How --

12 (State's Exhibit 2 was played.)

13 Q. If you want to turn one of those, do you have to kind  
14 of have a wide berth?

15 A. What do you mean?

16 Q. Like because it's -- as you can see from the video  
17 here, you can't just easily turn it and do it in a 360. Do  
18 you have to kind of go a little bit out before you can turn  
19 back?

20 A. Well, not really. It's actually just like -- well,  
21 it's almost like driving a car. I mean, you just know what  
22 to expect when you're driving it.

23 Q. And when the DVD was brought -- it was in the video we  
24 already saw. When the DVD was brought from the electronics  
25 department to home goods, that was Mr. Ford who -- who

1 brought the -- the DVD player?

2 A. Well, like I said, alternating between them. From  
3 electronics to the vacuum cleaner aisle was Ford by  
4 himself, but from the vacuum cleaner aisle to housewares  
5 was actually a combination of both of them.

6 Q. But Ford -- when -- when Reames had it, he never --  
7 he didn't conceal it in any way. He didn't put it in his  
8 pants or didn't do anything like that. He had it in his  
9 cart, correct?

10 A. Yes, sir.

11 Q. And any of the items he handled in the store, he had  
12 in his cart?

13 A. Yes, sir.

14 Q. Or he either just handled them and then put them back  
15 on the shelf?

16 A. Yes, sir.

17 Q. So he did not, from your observation, conceal any of  
18 the items or -- or have anything in his pants that he was  
19 trying to take out?

20 A. No, sir. He just removed the spider wire from the  
21 box.

22 Q. And he never -- he didn't have that spider wire on him  
23 when he was apprehended?

24 A. No, sir.

25 Q. Okay. And he left the store separately from Mr. Ford

1 and went through self-checkout and was out of the store  
2 when Mr. Ford was apprehended?

3 A. Yes, sir. Everybody separated once the shoplifting  
4 occurred.

5 Q. All right.

6 MR. BRIDGES: No further questions.

7 THE COURT: Anything further?

8 MR. BROWN: Very briefly.

9 REDIRECT EXAMINATION

10 BY MR. BROWN:

11 Q. Not just that everyone separated after it was  
12 disguised in Mr. Ford's pants, they immediately separated?

13 A. Yes, sir. Immediately.

14 Q. Now you were asked about whether or not Mr. Reames had  
15 any part in moving it from electronics over to the vacuums  
16 and vacuums over to bedding, but what was Mr. Reames' role?

17 A. Basically he actually transported the DVD player. At  
18 some portion he actually removed the spider wire from it.  
19 Any time you -- like I said, any time you remove the spider  
20 wire from the box, it actually makes the box unsecured, so  
21 actually somebody can come in and steal it.

22 Q. What -- what is the spider wire?

23 A. It's basically a safety mechanism. It's basically a  
24 wire itself. It's got like four prongs and basically the  
25 wires go around the box in four different ways and it

1 basically secures the box.

2 Q. Is -- I don't know, I may be wrong, but is spider wire  
3 the one that makes the alarms beep if you try leaving the  
4 store?

5 A. Yes, sir. And so basically you wouldn't -- you  
6 wouldn't leave with that on you anywhere because the spider  
7 wire would go off.

8 Q. So he removed the item that would actually alert y'all  
9 that the thing was being stolen?

10 A. Yes, sir.

11 Q. And you watched him do that?

12 A. Yes, sir.

13 Q. Not Mr. Ford, but Mr. Reames?

14 A. Yes, sir. I watched Reames remove it off of the box.

15 Q. The defense has made a lot of conversation about him  
16 checking out and -- and them separating and all that.  
17 You've been doing this for five years?

18 A. Yes, sir.

19 Q. Is that uncommon?

20 A. No, sir. That actually happens 80 percent of the  
21 time. I mean, knowing when a crime is committed, everybody  
22 scatters.

23 MR. BRIDGES: I'm gonna object. This isn't -- I  
24 think it calls for speculation or some kind of expert  
25 opinion he's not qualified for.

1 MR. BROWN: He's just testifying about his  
2 observations, Your Honor.

3 THE COURT: I'll overrule the objection. I think  
4 it's okay.

5 BY MR. BROWN:

6 Q. You've been doing this for five years?

7 A. Yes, sir.

8 Q. Is it uncommon for how this happened? Start back over  
9 for us.

10 A. No, sir, it's not uncommon. Like I said, this happens  
11 80 percent of the time. After a shoplifting is done,  
12 everybody scatters and goes in different directions and the  
13 hope is that somebody won't get caught.

14 Q. But in this case you were on the floor?

15 A. Yes, sir.

16 Q. And you were watching what Reames did?

17 A. Yes, sir.

18 Q. And he got caught?

19 A. Yes, sir.

20 MR. BROWN: No further questions.

21 THE COURT: You can step down.

22 THE WITNESS: Thank you, sir.

23 (Witness excused.)

24 MR. BROWN: The State rests, Your Honor.

25 THE COURT: Okay.

1 MR. BRIDGES: I have the matter of law to bring up,  
2 Your Honor.

3 THE COURT: Okay, ladies and gentlemen. I'm gonna  
4 send you to your jury room for a few minutes. While  
5 you're there, I need you to pick a foreperson and then  
6 I'll bring you back out and we'll finish this case. It  
7 -- it won't be long, okay?

8 Thank you.

9 Don't discuss the case yet.

10 (Whereupon, the jury retires to the jury room at  
11 2:54 PM.)

12 MR. BRIDGES: Your Honor, at this time I move for  
13 a directed verdict under Rule 19. This is a case where  
14 it's been testified that Mr. Reames did not have any  
15 stolen items in his possession. The shoplifting statute  
16 also allows that for concealing, altering price tags,  
17 even if he had the DVD in his possession, he did not try  
18 to conceal it. I know there's the State's position about  
19 him removing the spider wire. I don't think that's  
20 apparent from the video at all when and where he did  
21 this, and I would just say for that reason there's not  
22 efficient -- sufficient evidence, and the fact that he  
23 left separately and did not have the stolen item on him,  
24 I think there's not sufficient evidence to sustain the  
25 shoplifting.

1 THE COURT: Okay.

2 MR. BROWN: Your Honor, right now it's just the  
3 existence of evidence; although I think there is beyond  
4 a reasonable doubt evidence. He removed tags. He  
5 helped try to conceal it. He -- he met probably two or  
6 three of the various things that you can trigger on the  
7 shoplifting.

8 In addition to that, he met all of them if you  
9 start counting hands of one, hands of all, which we  
10 are certainly gonna be asking Your Honor to charge in  
11 this case. You Honor, he was working in concert with  
12 Mr. Ford. He's looking -- he's working as a lookout.  
13 I know that defense counsel's tried to get us to avoid  
14 that word, but that's what he was doing in this case,  
15 and we believe that we have more than enough evidence,  
16 certainly to get past a directed verdict, I think to get  
17 a guilty verdict.

18 THE COURT: Okay. And I think there's sufficient  
19 evidence in this record that I'll deny your motion.  
20 There is evidence that -- based on the video and the  
21 testimony. Even though you claim you can't see it in  
22 the video, I have testimony from a witness who claims  
23 he saw him remove the spider wire, so I think there's  
24 sufficient evidence in this case for it to go to the  
25 jury.

1 MR. BROWN: Thank you, Your Honor.

2 THE COURT: Anything else?

3 MR. BRIDGES: No, I'm through now. I'm gonna rest.  
4 I don't have any witnesses to call, so I'm -- I'll be  
5 prepared to rest on the record and then we can go onto  
6 the jury charge.

7 THE COURT: Okay. And I'm just gonna charge my  
8 standard charge; shoplifting and the hand of one's the  
9 hand of all.

10 Anything else?

11 And the fact your client didn't testify.

12 MR. BRIDGES: And I would ask for a mere presence  
13 instruction as well.

14 THE COURT: Okay. That's kind of in the hand of  
15 one is the hand of all.

16 MR. BROWN: I think hand of one does cover mere  
17 presence.

18 THE COURT: Yeah.

19 MR. BRIDGES: And if it's -- if it's included, if  
20 that language is included in hand of one, hand of all,  
21 that's -- that's fine with me.

22 THE COURT: Okay.

23 MR. BROWN: Are you gonna use this during closing?

24 MR. BRIDGES: I don't think so.

25 MR. BROWN: Okay.

1 THE COURT: Okay. We're gonna take a two-minute  
2 break and we'll come back and argue and charge.

3 MR. BROWN: Yes, sir.

4 (Recess taken at 2:58 PM.)

5 (Back on the record at 3:03 PM.)

6 THE COURT: Okay. If the jury's ready to come,  
7 we're ready for them.

8 MR. BROWN: The State's ready.

9 THE COURT: If they still need a -- you know, they  
10 may still --

11 COURT BAILIFF: I'll check downstairs.

12 THE COURT: Yeah. If they still need to go to the  
13 restroom and they're in the restroom and they need more  
14 time, that's fine. We've been -- they've been waiting  
15 on us all day, but if they're ready we are.

16 (Whereupon, the jury returns to the courtroom at  
17 3:07 PM.)

18 THE COURT: Okay.

19 All right. Y'all may proceed.

20 MR. BRIDGES: The defense rests, Your Honor.

21 I renew all my pretrial motions at this point.

22 THE COURT: Okay. And I -- and I -- my rulings  
23 will stand on the motions you made.

24 Okay, ladies and gentlemen. You've heard all the  
25 evidence you're gonna hear and the lawyers are gonna give

1 you, I hope, a brief closing argument and I'm gonna get  
2 through the charge as fast as I can and give y'all this  
3 case to decide.

4 If you'll pay attention.

5 Mr. Solicitor.

6 MR. BROWN: May it please the Court, Your Honor?

7 Good afternoon. My suspicion is y'all waited  
8 downstairs longer this morning than from start to finish  
9 this case will be, but don't let that make you think that  
10 both your time this morning, as well as this case, isn't  
11 important. It is both those things.

12 Thank y'all for being here. I truly mean that.  
13 That's how I always start my openings, that's how I  
14 always start my closings, and I always mean it each time.

15 Thank y'all for being here.

16 As I indicated I guess about an hour ago, y'all  
17 are the reason our system works. The reason we're  
18 here today is because Orlando Reames went into Walmart  
19 on September 18, 2017, at 1:00 in the morning, and he  
20 intended to steal a DVD player along with his friend,  
21 Mr. Ford.

22 That's why we're here. I don't have to say anything  
23 longer than I think the evidence will show. I think the  
24 evidence showed that on September 18th at 1:00 in the  
25 morning Mr. Orlando Reames came into the store, along

1 with Mr. Ford, and they stole. It's that plain and  
2 simple.

3 Now my job at this point is to tell y'all ultimately  
4 what the law is, let y'all know kind of what y'all will  
5 be deliberating about. Ultimately His Honor, Judge  
6 Cothran, will tell you what the law is, and he is the  
7 law. He's -- that's his job in this. I'm gonna tell  
8 you what it is and kind of what y'all need to be looking  
9 at from the State's perspective about how we prove guilt.

10 Mr. Reames is charged with shoplifting. For us to  
11 prove that, and you heard it read in the indictment  
12 earlier, it means that we have to prove that he took  
13 property, that he helped carry it away, transferred it  
14 from one person to another, or from one area of the  
15 store to another, did alter, transfer or remove the  
16 price label or tag, or did transfer from its container  
17 to another container, or concealed merchandise displayed,  
18 held or offered for sale by a store with the intention of  
19 depriving the merchant of possession.

20 That's a whole bunch of fancy ways to say that he  
21 worked to steal something. He worked to make sure that  
22 he, along with his friend, on September 18th, could walk  
23 out of Walmart with a DVD player without paying for it.  
24 That's what all that means.

25 Now what you're gonna hear about is you're gonna

1 hear two things. One, you're gonna hear about the  
2 phrase "the hand of one is the hand of all". Y'all have  
3 probably heard that phrase before. Y'all probably  
4 heard that phrase on Law & Order. Generally speaking,  
5 as a prosecutor I can't stand the show Law & Order  
6 because half the time they get it completely wrong.  
7 Generally speaking though, they're pretty right on the  
8 hand of one, hand of all. When you go in and you're  
9 working in concert with another person, you're helping  
10 further their job, further what their criminal goal is,  
11 you are responsible the same as the master person doing  
12 it.

13 In this case, you will not hear me contest the fact  
14 that Mr. Ford was as active, if not, candidly, more  
15 active than Mr. Reames; although I suspect that y'all  
16 saw the evidence and y'all heard the testimony that  
17 Mr. Reames was still pretty actively involved. That  
18 doesn't mean that simply because Mr. Ford was the one  
19 that stuck the DVD player down his pants Mr. Reames  
20 gets off the hook.

21 I first started prosecuting in Williamsburg county,  
22 about a forty-five minute drive down the road, really  
23 great barbecue, not to take anything away from Sumter,  
24 but I loved working out there and I worked with a really  
25 amazing prosecutor, Kimberly Barr. One of the things she

1 used to always say, and it's always stuck with me as a  
2 prosecutor, is this: When we talk hands of one, hands of  
3 all, we've got to remember that the getaway person, the  
4 lookout, the person who doesn't necessarily commit the  
5 crime but they're making sure the other person gets away,  
6 they're almost as important as the first one. Because  
7 without them they don't get away with the crime.

8 In this particular case, Orlando Reames was the  
9 lookout. Defense counsel doesn't want you to think that.  
10 They don't want Mr. Burgess to testify that he was the  
11 lookout, but when you see a bird on the water and you  
12 see it swimming it around and you see its side wings,  
13 you know it's a duck. We -- you can call something  
14 however many things you want to call it, but at the end  
15 of the day we have to speak the truth in this room.

16 On this particular day, September 18th, Mr. Reames  
17 came in with the defendant -- with the other defendant,  
18 Mr. Ford, and he was the lookout. He picked out the DVD  
19 player. That's the one I want. You heard Mr. Burgess  
20 testify about that. You watched in the video when they're  
21 sitting there in concert in the DVD player section and as  
22 Mr. Ford picks it up and starts moving it. You watched  
23 twenty minutes later as they go to the same area about  
24 where they had hidden it and as they worked together to  
25 make sure they can get away. You heard testimony from

1 Mr. Burgess that Mr. Reames succeeded in one of the most  
2 important roles in this theft. Take off the device that  
3 makes sure that the security system knows that you're  
4 stealing. Take off the -- the webbing I think is what  
5 he called it. You leave that on, every alarm in that  
6 store goes off if they try to leave. Someone had to get  
7 it off. Mr. Reames got that off. He was an active part  
8 in this. And then Mr. Ford used the box cutter to get  
9 into the box while the defendant, Mr. Reames, stood  
10 lookout to make sure they didn't get caught. That was  
11 Mr. Reames' role in this. Make sure they didn't get  
12 caught. He just didn't do a good job. That's what this  
13 case is about.

14 You're gonna hear the defense get up and say oh,  
15 well, he -- he went to the store's front counter, he  
16 tried checking out some stuff. He was just kind of  
17 there. He's gonna be trying to argue what you're gonna  
18 hear termed "mere presence". He was just there with his  
19 buddy.

20 He wasn't merely present when he's tearing off the  
21 webbing. He wasn't merely present when he's putting it  
22 in his buggy, too. He wasn't merely present when he was  
23 lookout. He wasn't merely present when he goes off in a  
24 different direction as they're trying to leave, trying  
25 to distract everyone. This is a case that guilt is

1 established plain and simple.

2       So, ladies and gentlemen, now it's about to become  
3 your job. Now it's about to become your role in this  
4 case. What is your role? Your role is to determine the  
5 facts. You've heard everything at this point. You've  
6 heard the testimony. You've heard Mr. Burgess. You've  
7 seen the video. If you want to watch it again, just  
8 knock on that door and tell them. We can put it back  
9 up and you -- we can watch whatever you want to watch.

10       But you've got all the evidence in this case and  
11 in just a couple of brief minutes the twelve of you --  
12 sorry, Madam Alternate, but the other twelve of you  
13 will go back in there and you'll deliberate and you'll  
14 determine whether or not the State's met its burden.

15       I'll submit to you that the evidence is clear.  
16 I'll submit to you that on this day, actually this  
17 night, at 1:00 in the morning on September 18th, they  
18 came in, in concert, and they stole together and  
19 Mr. Reames tried playing lookout and also tried  
20 distancing himself just enough so he didn't think he'd  
21 get caught. He wasn't good at lookout and he wasn't  
22 good at not getting caught and that's why we're here  
23 today, and I ask you to find him guilty.

24       Thank you.

25       THE COURT: Mr. Bridges.

1 MR. BRIDGES: Thank you, Your Honor.

2 Ladies and gentlemen of the jury, as I addressed  
3 the -- just an hour ago or so in my opening, that the  
4 State has the burden of proving each element of this  
5 offense beyond a reasonable doubt and that if they have  
6 not met that burden, then the defendant is not guilty.

7 When we look at the evidence here and we look at  
8 the State's theory, we see that the State has not met  
9 that burden.

10 So you have Mr. Reames and Mr. Ford in Walmart.  
11 You have Mr. Reames in a separate -- in a motorized  
12 shopping cart. He's not caught with the DVD player.  
13 He doesn't take it out of the store. He, in fact,  
14 leaves the store separate from Mr. Ford before Mr. Ford's  
15 apprehended. You've heard no confessions or statement  
16 about how either one of these -- either Mr. Ford or  
17 Mr. Reames were working together. Nobody said oh, yes,  
18 this was our plan to do this. It's inferred that he's  
19 a lookout from what Mr. Burgess is saying, but he's also  
20 -- it's not -- it's not shoplifting to be in a store, to  
21 browse an aisle, to even have something in your cart,  
22 and when he had the DVD player in his cart, it was not  
23 concealed, he didn't try to conceal anything.

24 Mr. Burgess testified that he didn't try to conceal  
25 anything. He said he removed the spider wire, but I

1 don't think he -- if you watch that video, I don't know  
2 where you can see that on there. It's not -- do we see  
3 him toss anything? I didn't see that, so I encourage  
4 you to watch the video. And you didn't see the spider  
5 wire here in court today. He said they recovered it,  
6 but it wasn't as -- as a State's exhibit today.

7         So that would be -- that would be it because it's  
8 not -- it's not shoplifting to merely -- as the judge  
9 will instruct you, mere presence is not a crime. It's  
10 not shoplifting to even be with somebody that did the  
11 shoplifting. That is not shoplifting. They have to  
12 show beyond a reasonable doubt that Mr. Reames was  
13 actually working in concert with Mr. Ford, and I don't  
14 -- I do not think they have done that.

15         I think they have shown that he was in the shopping  
16 cart, he was with Mr. Ford at certain points, and even if  
17 he had the DVD player in his cart, at that point it was  
18 unconcealed, he was not trying to take it out of the  
19 store, and he did not take it out of the store.

20         So for those reasons I -- I encourage you to watch  
21 the video, look at what Mr. Reames actually does. I  
22 mean, he drives around in his cart, he goes through the  
23 aisle a few times, but he does not put anything in his  
24 pants to try to conceal anything. And look for where  
25 this supposed spider wire comes out. I can't see it in

1 the video and I submit to you that the State has not met  
2 its burden and that because they have not met their  
3 burden, the only verdict that can be -- can be returned  
4 for this count is not guilty and that Mr. Reames is not  
5 guilty of this count of shoplifting.

6 Thank you very much for your time and attention and  
7 I extend the solicitor saying that the system really  
8 couldn't be possible without you and we appreciate your  
9 time coming in today.

10 THE COURT: Okay, ladies and gentlemen. Now that  
11 you've heard all the evidence in this case, as well as  
12 the arguments of the attorneys, I'm gonna explain to you  
13 the law. Under our constitution and code of law, you,  
14 the jury, are the only one to make a finding of fact in  
15 the case. I am not permitted to you -- to let you know  
16 how I feel about the facts in this case and so if you  
17 have some idea of how I may feel, you are to disregard  
18 that because you and only you are to determine what the  
19 facts are in this case.

20 And that same code of laws, the same constitution,  
21 that makes you the exclusive judge of the facts, makes  
22 me the exclusive judge of the law. So if you have an  
23 idea of what you think the law is or what the law should  
24 be and it differs from what I now tell you the law is,  
25 you're to disregard your idea and accept the law exactly

1 as I give it to you.

2 The fact that this defendant was arrested, charged  
3 and indicted in this case is not evidence in this case  
4 and cannot be considered by you of -- of evidence of  
5 guilt in any way. Nor does it create any presumption  
6 of guilt. The indictment is simply a formal written  
7 instrument which brings these charges to court where  
8 they can be processed through the court system.

9 The defendant has entered a plea of not guilty to  
10 this indictment and, therefore, it casts the burden  
11 upon the State of South Carolina to prove each and every  
12 element of the indictment to you beyond a reasonable  
13 doubt.

14 A person charged with committing a criminal offense  
15 in South Carolina is never required to prove himself or  
16 herself innocent. And the fact that this defendant is  
17 not here and the fact that this defendant did not testify  
18 in this case is not something that you need to consider  
19 in any way because the State has the burden of proving  
20 this defendant guilty. The defendant doesn't have to  
21 put up any evidence whatsoever. The burden rests solely  
22 on the State. So you can't even consider in your  
23 deliberations that he's not here and that he didn't  
24 testify.

25 It is an important rule of law in this country that

1 a -- that a defendant in any criminal trial is always  
2 presumed innocent of the crime for which he or she is  
3 charged up and until that guilt has been proven to you  
4 by evidence that satisfies you of that guilt beyond a  
5 reasonable doubt.

6 The presumption of innocence is not a mere legal  
7 theory. It is not just a legal phrase. It is a  
8 substantial constitutional right to which every defendant  
9 is entitled. The presumption of innocence accompanies  
10 the defendant from the time he's charged throughout the  
11 trial until you reach a verdict based on the evidence  
12 that satisfies you of that guilt beyond a reasonable  
13 doubt.

14 A reasonable doubt is a doubt which makes an honest,  
15 sincere, conscientious juror in search of the truth to  
16 hesitate to act. Proof beyond a reasonable doubt must  
17 be, therefore, proof of such a convincing character that  
18 a reasonable person would not hesitate to rely upon it  
19 in the most important of her or his own affairs. Proof  
20 beyond a reasonable doubt can be described as proof that  
21 leaves you firmly convinced.

22 Now there are very few things in this world we know  
23 with absolute certainty and in a criminal case the law  
24 does not require proof that overcomes every possible  
25 doubt. If, based on your consideration of the evidence,

1 you are firmly convinced the defendant is guilty of the  
2 crime charged, you must find him guilty. If, on the  
3 other hand, you think there's a real possibility he's  
4 not guilty, you must give him the benefit of the doubt  
5 and find him not guilty.

6 In determining what the facts are in this case, you  
7 must necessarily pass upon the credibility, which simply  
8 means the believability of the witness, and the value and  
9 the weight to be given to that testimony. You alone must  
10 decide the force and effect of the testimony.

11 In making these decisions, there are many things  
12 that you should take into consideration, such as the  
13 appearance of the witness on the stand, sometimes  
14 referred to as the demeanor. Was the witness forthright  
15 or hesitant? Was the witness's testimony consistent or  
16 did it contain discrepancies? What was the ability of  
17 the witness to know the facts about which he testified?  
18 And did the witness have a causal reason to be biased  
19 and prejudiced in favor of the testimony he gave? Was  
20 the testimony of the witness corroborated or made  
21 stronger by other evidence or was it made weaker by other  
22 evidence? As jurors, you have a right to believe a small  
23 portion of a witness's testimony and disregard the larger  
24 or vice versa. You may believe all of a witness's  
25 testimony or none.

1           Now there are two types of evidence which are  
2 generally presented during a trial; direct evidence and  
3 circumstantial evidence. Direct evidence directly proves  
4 the existence of a fact and does not require deduction.  
5 Circumstantial evidence is proof of a chain of facts and  
6 circumstances indicating the existence of a fact. Crimes  
7 may be proven by circumstantial evidence and the law makes  
8 no distinction between the weight or value to be given to  
9 either direct evidence or circumstantial evidence.  
10 However, to the extent the State relies on circumstantial  
11 evidence, all the circumstances must be consistent with  
12 each other and when taken together point conclusively  
13 to the guilt of the accused beyond a reasonable doubt.  
14 If these circumstances merely portray the defendant's  
15 behavior was suspicious, the proof has failed. The State  
16 has the burden of proving the defendant guilty beyond a  
17 reasonable doubt and this burden rests upon the State  
18 regardless of whether the State relies on direct evidence  
19 or circumstantial evidence or a combination of the two.

20           Now criminal intent is a necessary element of each  
21 crime and must be proven by the State beyond a reasonable  
22 doubt. Criminal intent is always a matter that must be  
23 determined by the jury from the circumstances surrounding  
24 the situation. There's no way to prove intent to a  
25 mathematical certainty. There's no way we can dissect a

1 person's brain and determine what he or she had in mind,  
2 so the law states that criminal intent may be inferred  
3 from the circumstances shown to have existed both before  
4 and after the fact, and this how you, the jury, make a  
5 determination of whether or not the element requiring  
6 intent was present.

7 Criminal intent is a state of mind that operates  
8 jointly with an act or omission in the commission of a  
9 crime. Criminal intent is a mental state of conscious  
10 wrongdoing, so it is up to you, the jury, to determine  
11 what the defendant intended to do based on the  
12 circumstances shown to have existed. And I tell you the  
13 State must prove criminal intent beyond a reasonable  
14 doubt, just as the State must prove each and every  
15 element beyond a reasonable doubt.

16 Now this defendant is charged with the crime of  
17 shoplifting. The State must prove beyond a reasonable  
18 doubt that the defendant took possession of, carried  
19 away, transferred from one person to another person or  
20 from one area of the store to another area or caused to  
21 be carried away or transferred merchandise with the  
22 intent to deprive the merchant of the possession, use  
23 or benefit of the merchandise without paying full retail  
24 value. Full retail value means the merchant stated or  
25 advertised a price for the merchandise. Merchandise

1 means any goods, chattels, foodstuffs or wares of any  
2 type and description regardless of value. Merchant  
3 means the owner or operator of a store or any agent,  
4 employee, lessee, consignee, officer, director,  
5 franchisee or independent contractor of the owner or  
6 operator. Intent means willful, intending the results  
7 which actually occur, not accidentally or involuntary.  
8 Intent may be shown by acts and conduct of the defendant  
9 and other circumstances from which you may naturally and  
10 reasonably infer intent.

11       If the defendant wilfully concealed unpurchased  
12 goods or merchandise on the premises, outside the  
13 premises of the store, on the defendant's person, among  
14 the defendant's belongings, on the person of another  
15 person, or among the belongings of another person who  
16 -- who you may consider, this is evidence that the  
17 defendant has concealed the merchandise with the intent  
18 to divert it to its own use without paying the purchase  
19 price. Conceal means to hide merchandise on the person  
20 or among the belongings of a person so that although  
21 there may be some notice of its presence it is not  
22 visible through ordinary observation.

23       If a crime is committed by two or more people who  
24 are acting together in committing a crime, the act of  
25 one is the act of all. A person who joins with another

1 person to comit an unlawful act is criminally responsible  
2 for everything done by the other person which happens as  
3 a probable or natural consequence of the acts done in  
4 carrying out the common plan or purpose.

5 For example, if two people -- two people can be  
6 guilty of killing another person when only one of the  
7 two had a gun and there was only one bullet and only one  
8 of the two fired the shot that caused the death. If two  
9 or more people are together, acting together, assisting  
10 each other in committing the offense, the act of one is  
11 the act of all; sometimes referred as the hand of one is  
12 the hand of all.

13 Prior knowledge that a crime is going to be committed  
14 without more is not sufficient to make a person guilty of  
15 that crime. Mere knowledge that another person is going  
16 to commit a crime, even if the defendant is present when  
17 the crime is committed, is not sufficient to convict the  
18 defendant as a principal. Guilt as a principal is shown  
19 by actual or constructive presence at the scene as a  
20 result of prior arrangement; therefore, a finding of a  
21 prior arranged plan or common scheme is necessary for a  
22 finding of guilt as a principal.

23 The State must prove beyond a reasonable doubt by  
24 competent evidence that the theory of the hand of one  
25 is the hand of all. A principal in a crime is one who

1 either actually commits the crime or who is present  
2 aiding, abetting or assisting in committing the crime.  
3 When a person does an act in the presence of and with  
4 the assistance of another, the act is done by both.  
5 Where two or more people acting with a common plan or  
6 intent are present at the commission of the crime, it  
7 does not matter who actually committed the crime. All  
8 are guilty and the hand of one is the hand of all.

9        Presence at the commission of a crime means to be  
10 sufficiently near to aid and abet and assist in the  
11 commission of the crime; however, mere presence at the  
12 scene of a crime is not sufficient to convict one as a  
13 principal on the theory of aiding and abetting.

14        Intent is also a necessary element for there must  
15 have been a common design or intent to commit the crime  
16 and the crime must have been committed thereto with the  
17 person aiding and abetting by some overt act. Intent  
18 means intending the result which actually occurred, not  
19 accidentally or involuntary. Intent may be -- intent  
20 may be shown by acts and conduct of the defendant and  
21 other circumstances which you may naturally and reasonably  
22 infer intent and the State must prove this element beyond  
23 a reasonable doubt.

24        Now, ladies and gentlemen, you are not partisans for  
25 the State of South Carolina or this defendant. You are

1 not selected to serve as jurors to reward your friends or  
2 punish your enemies. You have been selected as fair,  
3 open-minded jurors and it is your duty by your joint  
4 deliberation to reach a verdict in this case based on  
5 the evidence.

6 The -- I have prepared a sheet, Mr. Foreman, and  
7 it's basically the verdict form. It's just the caption  
8 of the case and as to the charge of shoplifting, we,  
9 the jury, unanimously find the defendant guilty or not  
10 guilty, and you date it and sign it. You've done this  
11 before so you understand how to fill it out.

12 And as I told you before, it must a unanimous  
13 verdict. All twelve of you must agree. And when you  
14 have reached a verdict, if you'll knock on the door,  
15 then we'll bring you out and receive your verdict.

16 I'll tell you a quick story about that. I was  
17 trying a case years ago. I was not the judge, I was one  
18 of the attorneys, and the judge told the jury basically  
19 what I told you, but he never told them to knock on the  
20 door. Well, we gave the case to the jury at 10:00 that  
21 morning. At 11:00 that night they still had not returned  
22 and the jury -- the judge said bailiff, go in there and  
23 see what's wrong with the jury and brought the jury out  
24 and said Mr. Foreman, y'all aren't gonna be able to reach  
25 a verdict and the foreman said yes, sir, we reached a

1 verdict in the first thirty minutes we were in there.  
2 We've been sitting there all day waiting on you to come  
3 get us. He didn't tell them to knock on the door. So  
4 I've always told the jury when you reach a verdict,  
5 knock on the door.

6 So if -- I don't have the ability to send the video  
7 back to the room with y'all. They don't have that. If  
8 y'all want to see it again for any -- for any reason, if  
9 you'll just let the bailiff know, I'll bring you back out  
10 here. You won't get to hear any more testimony and the  
11 lawyers can't say anything to you, but you certainly can  
12 watch whatever you want to on the video and we'll play  
13 it to you again. The other exhibits will go back to the  
14 jury room.

15 Now I've got to be sure I covered everything with  
16 the attorneys, so I'm gonna send you back to the jury  
17 room. If I've left something out, I'll bring you back  
18 out and, if I haven't, when I send you the verdict form,  
19 along with the exhibits, that means you begin your  
20 deliberation and -- and knock on the door when you need  
21 to.

22 Now, Ms. Alternate, I don't need you to go back yet.  
23 I only needed you if somebody got sick. I'm sorry. And  
24 every now and then we do have a juror that for some  
25 reason we lose and we have to put you in place, but --

1 and luckily that's rare, so if you'll -- if you'll stay  
2 with me, the rest of you go the room and either I'll send  
3 this back or I'll bring you back out, okay?

4 (Whereupon, the jury retire to the jury room at  
5 3:32 PM.)

6 THE COURT: Any exception or deletion on behalf of  
7 the State?

8 MR. BROWN: No, sir, Your Honor.

9 THE COURT: From defense?

10 MR. BRIDGES: None, Your Honor.

11 THE COURT: All right. If y'all will get the  
12 evidence up and give it to the bailiff.

13 MR. BROWN: It's all --

14 THE COURT: Huh?

15 MR. BROWN: It's all in order right there.

16 THE COURT: Okay. I just wanted you --

17 MR. BROWN: The only thing not going back is  
18 Number 1, which was the bond stuff.

19 THE COURT: So just all it is ...

20 (Pause in proceedings.)

21 (Whereupon, the evidence and the verdict form was  
22 submitted to the jury at 3:33 PM.)

23 (Back on the record at 3:48 PM.)

24 (Whereupon, the jury returns to the courtroom at  
25 3:48 PM.)

1 COURT BAILIFF: The jury's present, Your Honor.

2 THE COURT: Okay. Mr. Foreman, I got four questions  
3 from y'all. Prior history. Were they together in the  
4 same vehicle? Was there -- where was Carlton in video?  
5 And is Orlando Reames disabled?

6 I can't answer any of them because I can only answer  
7 questions of law. If you have a legal question, I can  
8 answer that. These are all fact questions and so none  
9 of that came into evidence and I can't reopen the case  
10 and -- and have them add this stuff.

11 So y'all have got to decide it based on the facts  
12 that they gave you. If you have a legal question, I  
13 certainly can answer that or recharge the law, but I can't  
14 answer factual questions. I should have told y'all that  
15 before I sent you out, okay? I'm sorry.

16 If you'll go back and deliberate and knock on the  
17 door if you have reached a verdict. And if you don't  
18 reach a verdict by midnight, knock on the door again.

19 (Whereupon, the jury retire to the jury room at  
20 3:50 PM.)

21 (Court's Exhibit Number 2 was marked for  
22 identification.)

23 (Recess taken at 3:50 PM.)

24 (Back on the record at 3:55 PM.)

25 (Whereupon, the jury returns to the courtroom at

1 3:57 PM.)

2 COURT BAILIFF: Jury's all present, Your Honor.

3 THE COURT: Mr. Foreman, you've reached a verdict?

4 FOREPERSON: Yes, we have.

5 THE COURT: Is it unanimous?

6 FOREPERSON: Yes, it is.

7 THE COURT: If you'd pass it up, please, sir.

8 FOREPERSON: (Handing.)

9 THE COURT: Okay. You may publish the verdict.

10 COURT BAILIFF: May it please the Court, Your Honor?

11 THE COURT: Yes, sir.

12 COURT BAILIFF: State of South Carolina, in the  
13 Court of General Sessions, in the Third Judicial Circuit,  
14 Case Number 2018-GS-43-0014, County of Sumter, State of  
15 South Carolina versus Orlando Reames, defendant.

16 As to the charge of shoplifting, we, the jury,  
17 unanimously find the defendant guilty.

18 Dated 8-22-18. Foreperson signed James Heath.

19 The verdict has been published, Your Honor.

20 THE COURT: Okay. Anything further from the State?

21 MR. BROWN: No, sir, Your Honor.

22 THE COURT: From the defense?

23 MR. BRIDGES: Nothing, Your Honor.

24 THE COURT: All right.

25 Ladies and gentlemen, I want to thank you. You

1 need to call back after 6:00 tonight and it will tell  
2 you whether we need you to come back tomorrow or not.

3 The -- the process now is this defendant didn't show  
4 up. We tried him in his absence. The solicitor's gonna  
5 give me his prior criminal history and I'm gonna write a  
6 sentence out and seal that sentence in an envelope. I'm  
7 gonna send a -- a warrant out to the sheriff to have him  
8 picked up. When he's picked up, he'll be brought before  
9 the Court and his sentence will be read to him and he'll  
10 have to go serve his sentence. So that's -- that's how  
11 that works.

12 So I don't know whether you're gonna have to come  
13 back in the morning or not, but if you do you're not  
14 gonna sit down there until 11:00 tomorrow and I will ex  
15 -- if you do come back, I'll explain to you why and how  
16 the process worked and why you had to sit there this  
17 morning.

18 But I appreciate your service. You have a good  
19 evening and I may see you tomorrow and I may not, but  
20 if you'll call back after 6:00.

21 Thank you.

22 (Whereupon, the jury was excused at 3:59 PM.)

23 (Whereupon, the proceedings were concluded at  
24 4:00 PM.)

25

## C E R T I F I C A T E

1  
2  
3 I, Stacy S. Johnson, Official Court Reporter  
4 for the Eleventh Judicial Circuit of the State of  
5 South Carolina, do hereby certify that the foregoing  
6 is a true, accurate and complete transcript of record  
7 of all the proceedings had and the evidence introduced  
8 in the hearing of the captioned case in Circuit Court  
9 on the 22nd day of August, 2018, recorded by the Digital  
10 Court Reporter Program, and transcribed by me to the  
11 best of my ability.

12 This transcript may contain quoted material. Such  
13 material is reproduced as read by the speaker. This  
14 transcript may also contain unintelligible notations due  
15 to speakers muffling their words or paper shuffling or  
16 other noises interfering with the recording.

17 I do further certify that I am neither of kin,  
18 counsel, nor have an interest to any party hereto.

19  
20 March 8, 2022

21  
22 1st Stacy S. Johnson  
23 STACY S. JOHNSON  
24 CIRCUIT COURT REPORTER  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

State of South Carolina	)	Court of General Sessions
County of Sumter	)	Third Judicial Circuit
State of South Carolina,	)	Transcript of Record
vs.	)	2018-GS-43-0014
	)	2021-GS-43-0635
Orlando Reames,	)	
<u>Defendant.</u>	)	

July 15, 2021  
Sumter, South Carolina

B E F O R E:

The Honorable Kristi F. Curtis, Judge

A P P E A R A N C E S:

Tyler B. Brown, Assistant Solicitor  
On behalf of the State of South Carolina

Jason E. Bridges, Esquire  
On behalf of the Defendant

Proceedings recorded by DCRP

Transcribed by: Stacy S. Johnson,  
Circuit Court Reporter

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

PAGE

Certificate of Reporter

18

E X H I B I T S

\*\*NO EXHIBITS WERE INTRODUCED\*\*

1           (The following proceedings were held July 15,  
2 2021, beginning at 10:52 AM.)

3           MR. BROWN: Orlando Reames.

4           Your Honor, may I request that Mr. Reames could  
5 remain seated during his plea? He has mobility issues.

6           THE COURT: Certainly.

7           MR. BROWN: And we'll move the mic to him.

8           THE COURT: Okay. Yes, sir.

9           MR. BROWN: Your Honor, may it please the Court?  
10 Before you is Mr. Orlando Reames. He has two  
11 matters before the Court today.

12           The first is waiver indictment 2021-GS-43-0635.  
13 Defendant has initialled the sentencing sheet that he  
14 waives presentment, as well as signed the indictment.

15           Your Honor, he is here to plead guilty to failure  
16 to stop for a blue light.

17           Your Honor, when Mr. Reames came through appearances,  
18 we became aware that he was also the same Mr. Reames,  
19 who in August of 2018, a trial in absentia was done on  
20 Mr. Reames for the offense of shoplifting. This was  
21 tried on August 22, 2018, in front of the Honorable  
22 Judge Cothran.

23           Your Honor, there -- this resulted in a conviction  
24 at trial, which, of course, resulted in a sealed  
25 sentence. You have now before you the sealed sentence.

1           The recommendation on the failure to stop for  
2 blue light is we have a concurrent sentence to his --  
3 to his sealed sentence, but that is the extent of our  
4 negotiations.

5           But he is here to enter a plea to the failure to  
6 stop for a blue light and to also have his sentence  
7 unsealed.

8           Permission to approach?

9           COURT BAILIFF: Raise your right hand, sir.

10          State your full name into the mic if you can.

11          THE DEFENDANT: Orlando Reames.

12          (Whereupon, Orlando Reames was duly sworn by the  
13 court bailiff.)

14          COURT BAILIFF: Thank you.

15          THE COURT: Okay, Mr. Reames. I'm Judge Curtis.

16          Sir, I understand you're today to plead guilty to  
17 failure to stop for a blue light --

18          THE DEFENDANT: Yes, ma'am.

19          THE COURT: -- first offense. That carries up to  
20 three years. Is that your understanding?

21          THE DEFENDANT: Yes, ma'am.

22          THE COURT: You've had a chance to discuss this with  
23 your attorney, Mr. Bridges?

24          THE DEFENDANT: Yes, ma'am.

25          THE COURT: You've -- you've talked with him about

1 your decision to enter the plea today?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: And are you satisfied with what your  
4 lawyer's done for you?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: You're not under the influence today  
7 of any drugs or alcohol?

8 THE DEFENDANT: No, ma'am.

9 THE COURT: Anything to keep you from making a good  
10 decision today?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: Has anyone promised you anything to try  
13 to get you to plead guilty?

14 THE DEFENDANT: No, ma'am.

15 THE COURT: Anybody forced you, threatened you,  
16 coerced you in any way?

17 THE DEFENDANT: No, ma'am.

18 THE COURT: You understand you're waiving some  
19 constitutional rights when you enter this plea today?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: You have a constitutional right to  
22 remain silent. If your case went to trial, nobody could  
23 force you to testify. When you plead guilty, you're  
24 waiving that constitutional right, and you understand  
25 that?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Your case for failure to stop for a  
3 blue light has not yet been presented to the grand  
4 jury.

5 I think the box here is checked for both as  
6 indicted and waives presentment, but it looks like  
7 you've initialled the box that says you understand --

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: -- your case will not go to the grand  
10 jury.

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: After I accept your plea, you will have  
13 waived that right.

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: You have a constitutional right to a  
16 trial by jury to let twelve citizens hear the evidence  
17 against you and have them decide whether you're guilty  
18 or not guilty. Of course, when you enter this plea  
19 today, you're waiving that right, and you understand  
20 that?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: If you had a trial, of course, the  
23 State has to prove you guilty beyond a reasonable doubt  
24 and all twelve jurors have to agree that you're guilty  
25 before you can be convicted.

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: You waive those rights today, you  
3 understand that?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: If you have a trial, you also get to  
6 confront the witnesses for the State. They testify in  
7 open court, Mr. Bridges gets to ask them questions on  
8 cross-examination. He can present a defense on your  
9 behalf and he can subpoena witnesses to come to court  
10 and testify.

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: You waive those rights today when you  
13 enter this plea, and you understand that?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Knowing all of your rights, Mr. Reames,  
16 are you pleading guilty or not guilty?

17 THE DEFENDANT: Guilty.

18 THE COURT: Okay. I'm gonna hear the facts from  
19 the State and then I'll have a few more questions for  
20 you.

21 MR. BROWN: Your Honor, on the failure to stop  
22 for a blue light charge, this was 2000 -- this is on  
23 January 16, 2021. Deputy Tassone of the Sumter County  
24 Sheriff's Department observed at the Cheap Way gas  
25 station on North Main Street a 2001 Infinity. He

1 observed what appeared to be a hand-to-hand drug  
2 transaction occurring in the parking lot. As he was  
3 running the tag to investigate what was going on, he  
4 realized that the tag on the vehicle came back to a  
5 1985 Chevy truck. So based on this, he attempted to  
6 initiate a traffic stop. As the vehicle turned out of  
7 the parking lot, he turned on his blue lights and sirens.  
8 At that point the vehicle accelerated and once it turned  
9 onto West Hunter Street, it accelerated quickly reaching  
10 speeds of 70 miles per hour. The driver then pulled into  
11 a residence and drove around the back and parked the car  
12 at which point Deputy Tassone managed to get out and  
13 place Mr. Reames under arrest, who he recognized, but he  
14 did locate in the car a quantity of what was suspected  
15 an ounce of marijuana.

16 THE COURT: Are those facts true, Mr. Reames?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: I do find that there's a sufficient  
19 factual basis for me to accept your plea today and I find  
20 that you're entering the plea freely and voluntarily --

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: -- understanding your rights and with  
23 the advice of Mr. Bridges, a very competent attorney.

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: You've got ten days from today's date

1 if you wanted to appeal.

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Mr. Bridges.

4 MR. BRIDGES: So because there's a sealed sentence  
5 here, I think I'll save most of my mitigation. I  
6 anticipate having a motion about that sealed sentence  
7 once it's released, but for purposes of this charge he  
8 has two days time credit. I believe he's fifty-one  
9 years old.

10 And, like I said, I'll -- I'll go into more detail  
11 about mitigation when we get to the shoplifting sentence.

12 THE COURT: Okay.

13 So I've got in front of me the sealed sentence  
14 and the indictment for shoplifting third or subsequent  
15 offense. This trial began on August 22, 2018. This was  
16 sealed by Judge Cothran, who apparently conducted that  
17 trial.

18 The sentence of Judge Cothran is six years in the  
19 South Carolina Department of Corrections and, again,  
20 signed by Judge Cothran on August 22, 2018.

21 Can I get y'all -- can you -- tell me about his  
22 criminal history and then I'll hear from you, Mr. Bridges.

23 MR. BRIDGES: Thank you, Your Honor.

24 MR. BROWN: Your Honor, just reviewing his criminal  
25 history, 2016, a shoplifting conviction. It looks like

1 there's two of them there. Habitual traffic offender  
2 conviction in 2016. A malicious injury charge, which  
3 would be a property offense, in 2016. A receiving  
4 stolen goods, which was tried in magistrate's court.  
5 He received a conviction on that particular charge.  
6 Fraudulent check in 2009. Two of those.

7 Driving under the influence and driving offenses  
8 in 2012. For a fraudulent check in 2012. Contempt of  
9 circuit court in 2016. Habitual traffic offender in  
10 2003.

11 And I apologize. I know this is somewhat going  
12 out of order. It's just the way that it printed out.

13 2005, unlawful sawed-off shotgun, attempted  
14 burglary, and habitual traffic offender. He received  
15 one year on all those charges. Habitual traffic  
16 offender, 2006.

17 '96 habitual traffic offender and possession of  
18 stolen vehicle. He received three years on that. I  
19 believe there was also a driving under suspension in  
20 that one, Your Honor.

21 2000, false information to law enforcement, along  
22 with a DUI. 2000, attempted burglary and sawed-off  
23 shotgun. That's five years suspended to eighteen months,  
24 two years probation.

25 2001, burglary violent. That might actually be

1 where he went to R&E. My apologies on that, Your Honor.

2 '92 and '93, some driving offenses. '94, grand  
3 larceny. '95, HTO, driving under suspension. '97, HTO.

4 That appears to be his criminal history, Your Honor.

5 THE COURT: Okay.

6 Yes, sir, Mr. Bridges.

7 MR. BRIDGES: Thank you, Your Honor.

8 I would move to reconsider Mr. Reames' sentence.  
9 He's fifty-one years old. He -- in the 80's and 90's he  
10 served in the Army. He served four years. Upon his  
11 release from the Army, he was shot. I want to say it  
12 was in '95 or very close to it. That's why -- you see  
13 he has problems. He has long-term kind of nerve injuries  
14 from that.

15 At the time of this shoplifting trial in 2018, he  
16 was actually in a wheelchair. In the shoplifting case,  
17 he's actually in one of those motorized, you know,  
18 grocery -- grocery carts on-scene, too. He had issues  
19 with mobility.

20 This is an unusual situation because he -- he was  
21 actually at the jail in January and they did not detain  
22 him on this sealed sentence. He was also there, I think,  
23 in August on a family court matter and they did not do  
24 anything about the sealed sentence.

25 And when I told him about this, I told him, you

1 know, there's -- it's likely you got sentenced to active  
2 time, and substantial active time, and he said well, I  
3 want to come in here and -- and deal with it.

4 And, you know, I know he does have the failure to  
5 stop from earlier this year, and that's not good that  
6 he had contact with law enforcement since then, but he  
7 wanted to come and take care of everything, you know,  
8 on his own free will and deal with the sentences.

9 This was a case he actually wanted a trial on. We  
10 -- we had talked about it, we had reviewed it. I don't  
11 know how much we can get into the facts of the case,  
12 but the -- it was a seventy dollar DVD player was the  
13 item and it was recovered, so that's the extent of the  
14 shoplifting.

15 He had a co-defendant, Keith Ford. I do not know  
16 what happened to him. He might have dealt with it as a  
17 magistrate's court charge, but I'm not a hundred percent  
18 sure about that.

19 While -- why Mr. Reames was unable to attend his  
20 trial, so when we found out it was, I believe, the  
21 Wednesday of the trial week and we found out that his  
22 case was gonna be up. He let a message with me that  
23 morning saying that his daughter had been in a car  
24 accident in Atlanta and he was in the hospital. And I  
25 had tried repeatedly until we had started the trial to

1 get some type of confirmation of that, and we just  
2 couldn't get confirmation, and then the trial went  
3 forward and he was ultimately convicted.

4 And he might speak on that a little bit more, but  
5 that -- that's why he wasn't able to attend. But he  
6 did want to attend and -- and he -- he did want to be a  
7 part of the trial and he did want a trial.

8 We would just request -- he does have a record.  
9 He certainly would meet the property crime enhancement,  
10 but if you look at the last ten years of his record, it's  
11 primarily driving offenses and magistrate's court level  
12 offenses. I think in terms of shoplifting, this would  
13 actually be his third of actual shoplifting. I know he  
14 other property crimes, but since then there hasn't been  
15 any -- any shoplifting since 2017. I don't think any  
16 property crimes since 2017. I mean, of course, there is  
17 this new failure to stop.

18 So we'd request for the failure to stop a 90-day  
19 sentence concurrent and with the shoplifting we just --  
20 just kind of ask for mercy to reduce it to a sentence  
21 substantially less than that. I mean, Mr. Reames  
22 understands that he could have to do some time and that  
23 -- that's certainly something that could happen here,  
24 but we think given the -- that it was a seventy dollar  
25 DVD player, it's not like he had a whole rash of

1 shopliftings that were dealt with at that time, it was  
2 a singular event, and his health condition, we think a  
3 substantial decrease from that six years is what we'd  
4 be requesting. And if you wanted to do a split sentence  
5 with probation or anything, he certainly would abide by  
6 that.

7 And I believe he would like to address you as well,  
8 Your Honor.

9 THE COURT: Sure, Mr. Reames. I'm glad to hear  
10 from you.

11 THE DEFENDANT: Yes, Your Honor.

12 Like Mr. Bridges said, during the time of the  
13 shoplifting, you know, my daughter was in a bad accident,  
14 which she actually passed away. I had called him a  
15 couple of days ahead of time trying to reach him, but I  
16 couldn't reach him, and honestly I just kind of lost  
17 touch of my attorney during that situation and when I  
18 found out about it I told him, as he said, I still want  
19 to come and get it, you know, resolved.

20 You know, I never ran from a court case in my life  
21 before. It's just during that situation with my daughter  
22 I was actually just going through a lot of traumatic  
23 emotions. And I did call him a few times and he did call  
24 me back, but I was with her and her mother and her family,  
25 and it -- it was a lot going on up until she passed away.

1           And he told me about the sealed sentence and I  
2 actually wanted to be here for that -- for that  
3 particular charge because they -- my -- I knew the hands  
4 of one, hands of all law applies to some people, but I  
5 was actually outside in my car when they caught my  
6 co-defendant with that particular player. I offered to  
7 pay for it, but the guy wouldn't -- they wouldn't accept  
8 it, you know, and he went to magistrate court for his  
9 first offense and he pled to it.

10           And I told Mr. Bridges I wanted to, you know, pursue  
11 this case to trial because, you know, I -- I'm innocent.  
12 You know, I've been with him, true, indeed, but I didn't  
13 take anything out of the store. I had money on me that  
14 day. I bought stuff from Walmart, over like \$200 stuff  
15 out of Walmart that particular day and I offered to pay  
16 for whatever he took, but they told me no.

17           But, once again, for me missing my trial for this  
18 right here I had a family emergency going on, and I  
19 apologize for that, but the situation that I was in, it  
20 was just traumatic on me and when I found out about it  
21 I told Mr. Bridges let's -- let's go to court and try to  
22 get this resolved the best way we can without, you know,  
23 me going to prison or too much time being involved  
24 because I did want to dispute this particular case right  
25 here if nothing else.

1 THE COURT: Okay.

2 Mr. Bridges, anything else you want to tell me?

3 MR. BRIDGES: No, that's -- that's basically it.

4 I mean, he -- he understands we're not here to -- to  
5 retry the case. I mean, he -- he was convicted. We're  
6 -- at this point we're not -- we're not really trying  
7 to contest that, we're just asking for a reconsideration  
8 of that sentence down from six years. I believe if he  
9 were present, he probably would have received a sentence  
10 less than that, but we cannot know for sure. But that  
11 -- and -- and he understands that he didn't give any  
12 documentation, you know, but I -- I don't fault him for  
13 that, not being at the top of his mind given the situation  
14 with his family at the time.

15 But that's just our request, Your Honor. And he  
16 served eleven days on the shoplifting. I don't know if  
17 the time credit was indicated at the time.

18 THE COURT: It does look like the box was checked  
19 for credit for time served on the shoplifting charge.

20 MR. BRIDGES: And by my records, it's eleven days.

21 Thank you, Your Honor.

22 MR. BROWN: Your Honor, everything you heard was  
23 available to Judge Cothran when he reviewed this case.  
24 He tried the case. The jury heard the facts, which do  
25 sound like they're being contested now, and the jury

1 returned a guilty verdict. They determined that he was  
2 guilty of this offense and, Your Honor, the person who  
3 was in the best position at the time, while certainly  
4 because you're unsealing the sentence, that makes you  
5 the sentencing judge and so it's for you to review and  
6 any motions for reconsideration, but the person who was  
7 in the best position to make a determination on sentencing  
8 was the person who presided over the trial would be the  
9 State's position.

10 THE COURT: I'm not going to second guess Judge  
11 Cothran, again, who heard the case and heard the facts  
12 and certainly would have heard all of Mr. Reames' -- his  
13 criminal history, et cetera, at the time of sentencing.  
14 I see that he did check the box to get credit for any  
15 time that Mr. Reames served prior to that trial.

16 So, Mr. Reames, I can't go back and undo that. The  
17 best I can do for you, sir, on this failure to stop for  
18 a blue light, I'm gonna give you a concurrent sentence  
19 of one year. And, again, I'm giving you credit for the  
20 two days that you've previously served on this charge.

21 MR. BROWN: Thank you, Your Honor.

22 THE COURT: Thank you.

23 MR. BRIDGES: Thank you, Your Honor.

24 (Whereupon, the proceedings were concluded at  
25 11:10 AM.)

## C E R T I F I C A T E

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I, Stacy S. Johnson, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned case in Circuit Court on the 15t day of July, 2021, recorded by the Digital Court Reporter Program, and transcribed by me to the best of my ability.

This transcript may contain quoted material. Such material is reproduced as read by the speaker. This transcript may also contain unintelligible notations due to speakers muffling their words or paper shuffling or other noises interfering with the recording.

I do further certify that I am neither of kin, counsel, nor have an interest to any party hereto.

March 8, 2022

/s/ Stacy S. Johnson  
STACY S. JOHNSON  
CIRCUIT COURT REPORTER

WITNESSES

Tod A. Sims  
Sumter Police Dept.

ARREST WARRANT NUMBER

2017A4320100679

ACTION OF GRAND

TRUE BILL

Foreperson of Grand Jury

Date: 11/17/18

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-43-0014

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

JANUARY TERM 2018

THE STATE

vs.

ORLANDO REAMES

Indictment for

Shoplifting - Third or Subsequent

ERNEST A. FINNEY, III, SOLICITOR

RECEIVED

JUL 23 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

INDICTMENT FOR  
  
Shoplifting – Third or Subsequent

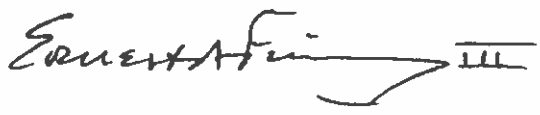
At a Court of General Sessions, convened on January 11, 2018 the Grand Jurors of SUMTER County present upon their oath:

**COUNT ONE – SHOPLIFTING, THIRD OR SUBSEQUENT**

That in **Sumter County, South Carolina**, on or about **September 18, 2017**, the Defendant, **Orlando Reames**, previously having been convicted of at least two offenses for which the term of imprisonment is contingent upon the value of the property involved, did take possession of or carry away, transfer from one person to another or from one area of a store to another; did alter, transfer, or remove the price label or tag; or did transfer from its container to another container or conceal merchandise displayed, held or offered for sale by a store with the intention of depriving the merchant of the possession, use or benefit of the merchandise without paying the full retail value; to wit: **did take one DVD player with an estimated value of \$70.00 from Walmart, located at 1283 Broad Street, Sumter, South Carolina**; all in violation of §16-13-110 and §16-1-57, South Carolina Code of Laws. (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

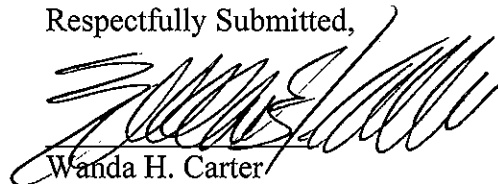
Solicitor



CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Wanda H. Carter", written over a horizontal line.

Wanda H. Carter  
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 4th day of August, 2022.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Sumter County

Honorable R. Ferrell Cothran, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

ORLANDO REAMES,

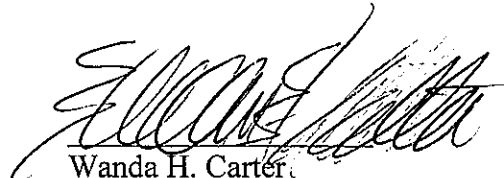
APPELLANT.

---

CERTIFICATE OF SERVICE

---

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 4th day of August, 2022.



Wanda H. Carter  
Deputy Chief Appellate Defender