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**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Sumter County  
Honorable Kristi F. Curtis, Circuit Court Judge  
Appellate Case No. 2022-001428

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THE STATE,

Respondent,

vs.

JOQUELL WAYNE MYERS,

Appellant.

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**SUPPLEMENTAL RECORD ON APPEAL**

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1 THE BAILIFF: Good morning, Your Honor.

2 You may be seated.

3 Your Honor, the jurors are still coming in.

4 THE COURT: Do we need the doc camera for me to hear the  
5 witness that you want to proffer?

6 MR. MEADORS: The dock, I'm sorry? I'm just  
7 (indiscernible) --

8 THE COURT: I understand we're having a technical issue,  
9 but was that going to prevent us from going ahead and --

10 MR. MEADORS: Well, no. You've seen the video. I don't  
11 think so.

12 THE COURT: Okay.

13 MR. MEADORS: She's seen the video.

14 Arkell Eaglin.

15 THE BAILIFF: Good morning, ma'am. Put your left hand on  
16 the Bible, raise your right hand. State your name.

17 MS. EAGLIN: Arkell Eaglin.

18 THE BAILIFF: You'll have to speak louder than that.

19 MS. EAGLIN: Arkell Eaglin.

20 ARKELL EAGLIN, after being duly sworn, testified as  
21 follows:

22 THE BAILIFF: Thank you. Would you mind stepping around,  
23 please? State your name for the record and spell your last  
24 name, please.

25 THE WITNESS: Arkell Eaglin, E-A-G-L-I-N.

VOIR DIRE EXAMINATION

1  
2 BY MR. MEADORS:

3 Q Good morning, Ms. Eaglin.

4 A Good morning.

5 Q Please tell the Judge, briefly, about yourself. Where  
6 are you from?

7 A I'm from Sumter.

8 Q Born and raised?

9 A Yes.

10 Q And as far as this particular case, are you -- were you  
11 involved with anybody that's involved in this case?

12 A I was.

13 Q Okay. And who was that?

14 A Michael Rogers.

15 Q And I'm sorry, if -- I know you -- if you can speak up --

16 A Do I have to speak up?

17 Q -- into the podium and we can all hear you. And what was  
18 your relationship to Michael Rogers?

19 A Girlfriend.

20 Q Girlfriend?

21 A Yes, sir.

22 Q And how long had y'all known each other?

23 A About six years.

24 Q In the weeks leading up to his death, were you all still  
25 together then?

1 A Yes.

2 Q And we played yesterday, and I want to play it today,  
3 State's 9, for identification at this point.

4 (WHEREUPON, State's Exhibit No. 9 was marked for  
5 identification only.)

6 Q I want to ask you, if you can tell Your Honor, if you  
7 have seen this FaceTime (sic) video before, please? Can you  
8 see on your monitor?

9 MR. CORBETT: Facebook.

10 MR. MEADORS: Facebook. What'd I say?

11 MR. CORBETT: It's not on -- it's on Facebook, it's  
12 Facebook.

13 MR. MEADORS: Well, I don't -- I meant Facebook. I'm  
14 sorry. Thank you.

15 (Thereupon, the visual recording was played but not  
16 transcribed herein.)

17 Q Would you spell your first name?

18 A A-R-K-E-L-L.

19 MR. MEADORS: Did you get her last name?

20 THE DEPUTY CLERK: Yes.

21 MR. MEADORS: Okay. I'm sorry.

22 Q Ms. Eaglin, can you tell Her Honor when you saw that  
23 video?

24 A It was shortly after. This was, like, August.

25 Q All right. Let's go back in time. Can you tell the

1 judge how you remember when you saw this video? Or the time  
2 period?

3 A Prior, before that video, there was a fight, it was a  
4 altercation in a club with Michael Rogers; the boy, Trae; and  
5 some of the other family members, cousins, whatever.

6 Q At what club?

7 A S & B.

8 Q And when was that?

9 A This was the weekend before his birthday. His birthday  
10 is August 8th.

11 Q So the weekend before his birthday, there was a fight in  
12 the club?

13 A Yes.

14 Q Okay. And did y'all do anything for his birthday?

15 A Yes, we went to the beach.

16 Q Okay. What beach?

17 A Myrtle Beach.

18 Q And so, would that have been -- how long were you guys --  
19 his birthday's August 8th, so you went down there when to the  
20 beach?

21 A That Friday.

22 Q Okay. And when you got back, did something happen after  
23 that?

24 A Yes.

25 Q What happened?

1 A They were in the club again. He went out, again, that  
2 weekend. And another altercation came about. And he got hit  
3 in the face with a bottle.

4 Q That was Michael Rogers --

5 A Michael Rogers, yes.

6 Q And again, what club?

7 A S & B.

8 Q S & B. So that would have been after his birthday,  
9 August 8th of 2019?

10 A Yes.

11 Q Okay. Did something happen after that?

12 A He was in the club, again. And a couple of guys in the  
13 club jumped him, in the club, and actually jumped him, and  
14 kicked him, until he passed out.

15 Q And --

16 A Prior to that, prior to -- well, that happened before  
17 everything. But after they jumped him in the club and hit him  
18 in the face with a bottle, he was leaving the club, and his  
19 truck got shot up. The truck that he was in.

20 Q And do --

21 MR. WARR: Objection, Your Honor. We haven't heard any  
22 basis for her knowledge of this. Was she actually present at  
23 these alleged assaults, or is this hearsay, or?

24 MR. MEADORS: Your Honor, can she finish testifying, and  
25 can he then cross?

1 THE COURT: So your objection's hearsay?

2 MR. WARR: Yes, Your Honor.

3 MR. YOUNG: It's all hearsay, (indiscernible)

4 THE COURT: If you want to establish --

5 Q How do you know these assaults happened?

6 A I lived with Michael Rogers. And actually, he came home,  
7 with everything going on. So that's how I know.

8 Q And you mentioned his truck was shot up?

9 A Yes.

10 Q When was that, in relation to his birthday?

11 A A week later.

12 Q So after August 8th of 2019?

13 A Yes.

14 Q Okay. And did you see the truck?

15 A I did.

16 Q Okay. Did it have bullet holes in it?

17 A It did.

18 Q You saw them, with your own eyes?

19 A I did.

20 Q And after that, he's killed on September 8th of 2019,  
21 correct?

22 A Yes.

23 Q So between the truck getting shot up and September 8th of  
24 2019, when did you see this video of him?

25 A It was in between all of that. It was -- I would say

1 around his birthday time. Because I told him, I didn't want  
2 him to go to the club, period. It was --

3 Q Exactly why?

4 A Because it was just too much going on, it -- every time  
5 he went in the club, it was something. And he was going out  
6 by his self. And I didn't want nothing to happen, but he  
7 liked the club. He liked --

8 Q You say he "what" the club?

9 A He likes (sic) the club.

10 Q And when did you see this video?

11 A I can't pinpoint the date, but I know it was in -- in the  
12 month of his birthday. Within --

13 Q 2019?

14 A Yes.

15 Q When you saw this, did you say something to Michael about  
16 it?

17 A I did.

18 Q What'd you say?

19 A Stay out of the club. Stay away from -- out of the  
20 streets, period.

21 Q And did he do that for a while?

22 A For a second, he did.

23 Q I'm sorry?

24 A Yes.

25 Q How long did he stay out of the club?

1 A He stayed out for maybe a week. A week or two. And then  
2 he went out that night everything happened.

3 Q How did you get this video? How'd you see it?

4 A Someone else showed it to me. There were several videos  
5 like that.

6 Q Say that again?

7 A It was several videos like that. That wasn't the only  
8 video like that. In that time.

9 Q Were there other videos -- where were they shot, if you  
10 know? Were they in a house --

11 A They were all --

12 Q -- a motel, or --

13 A -- in a motel.

14 Q Okay.

15 A Um-hum.

16 Q Does that appear to you to be a motel there?

17 A It is. Yes.

18 Q And then the person who's singing, I guess, the main role  
19 there, do you -- Mr. (indiscernible), do you know who that  
20 was?

21 A No, don't know him.

22 Q It's your testimony is you saw that video after his  
23 birthday, in August of 2019, and before he was killed on July  
24 -- excuse me, I'm sorry, September 8th of 2019?

25 A Correct.

1 Q And I'm sorry for your loss, too.

2 A Thank you.

3 MR. MEADORS: Beg the Court's indulgence.

4 (Counsel confer.)

5 MR. MEADORS: Thank you.

6 MR. WARR: If it --

7 THE COURT: Yes, sir?

8 MR. WARR: -- please the Court, Your Honor?

9 THE COURT: Um-hum.

10 VOIR DIRE EXAMINATION

11 BY MR. WARR:

12 Q Now, Ms. Eglin, did -- were you at the club during any of  
13 these instances that you just testified to?

14 A I wasn't.

15 Q So everything you said was something somebody told you  
16 happened, you didn't witness any of that?

17 A Michael Rogers told me this, yes.

18 MR. WARR: Okay.

19 Your Honor, I'd ask that all her testimony regarding any  
20 incidents that happened at the club be stricken as hearsay  
21 from the record.

22 THE COURT: Well, I mean, we're -- we don't have the jury  
23 in here, so I don't need to strike it from the record. But  
24 you don't -- you want me to prevent her from testifying to  
25 that in front of the jury?

1 MR. WARR: Yes, Your Honor.

2 THE COURT: I'm going to let Mr. Meadors respond at the  
3 end.

4 MR. WARR: Okay. Thank you, Your Honor.

5 THE COURT: Sure.

6 Q You testified that you saw this video sometime,  
7 supposedly, in the month of August --

8 A Correct.

9 Q -- of 2019.

10 A Yes.

11 Q And someone else showed it to you?

12 A Yes.

13 Q But you weren't there when the video was actually  
14 recorded?

15 A It was a live stream.

16 Q Okay. But obviously, if you played it back, you don't --

17 A No.

18 Q -- know when it was actually live.

19 A I actually watched the video through someone else's  
20 phone.

21 Q Okay.

22 A It was a live stream.

23 Q It was a live stream when you saw it?

24 A Um-hum.

25 Q It wasn't a recording of the live stream?

1 A No.

2 Q Okay. But you don't remember the date?

3 A I don't.

4 Q And you weren't in the room when it was recorded?

5 A In what room?

6 Q In the room when they were actually filming it.

7 A The boys?

8 Q With them. Yeah, you weren't in the room with them when  
9 they were actually filming it.

10 A No.

11 Q Okay. Who showed you the video?

12 A I don't -- I don't remember who exactly showed me, but I  
13 remember seeing it, because it -- like I said, it was several  
14 of those videos. Several people came to me showing me the  
15 videos. And I really didn't want to even see them, because it  
16 was senseless, and stupid, and childish.

17 Q So it made such an impression on you that you remember --  
18 supposedly remember the month you were shown the video, but  
19 you can't remember who brought it over and showed it to you?

20 A Correct.

21 MR. WARR: Okay.

22 I beg the Court's indulgence.

23 THE COURT: Um-hum.

24 (Counsel confer.)

25 Q Did you make a recording of the live stream?

1 A No. Why would I make a recording of it?

2 Q Have you seen a recording since?

3 A Here.

4 Q Just here?

5 A Um-hum.

6 Q And have you been sitting in the courtroom during this  
7 trial?

8 A I have.

9 Q You have? The entire time?

10 A No. But I have.

11 Q Okay. Were you in the courtroom when we played the video  
12 -- I believe it was yesterday?

13 A Yes.

14 Q You were here?

15 A Yes.

16 Q And you heard the Judge's comments on the -- about the  
17 timing of the video?

18 A Yes.

19 Q Okay.

20 A Somewhat.

21 Q And you all of a sudden remembered when you saw it.

22 A I didn't all of a sudden remember, I remembered  
23 instantly. I didn't all of a sudden remember anything. I saw  
24 -- when I -- when they started playing the video, I remembered  
25 the video. Personally --

1 Q And you remembered the --

2 A -- myself.

3 Q -- you don't remember date you saw it?

4 A Nor the time.

5 Q It could have been at the beginning of August?

6 A It -- no.

7 Q Well, was it the second week in August?

8 A I don't know.

9 Q Was it --

10 A I don't --

11 Q -- the third week in August?

12 A I don't know.

13 Q The fourth week in August?

14 A I do not know.

15 Q So you don't remember when you saw it in August, it just

16 made such an impression --

17 A I know it was in --

18 Q -- you remember August --

19 A -- I -- I remember --

20 Q -- that it was in August.

21 A -- it was in August because his birthday is in August.

22 That's how I remember. His --

23 Q When was his birthday in August?

24 A August 8th. And it was after his birthday. So within

25 that time --

1 Q So it --

2 A -- that was when it was going on.

3 Q So it could have been August 9th, 10th, 11th, right on,  
4 you don't remember?

5 A Could have.

6 Q And you don't know who made that recording of the live  
7 stream?

8 A No, I don't.

9 Q Okay. And you don't know who provided that to law  
10 enforcement anonymous?

11 A I don't.

12 Q But it wasn't you?

13 A Definitely not.

14 Q Okay. And you're 100 percent you watched it live?

15 A Yes.

16 Q Sometime in August?

17 A Yes.

18 Q Okay. Do you know -- do you remember what time of day it  
19 was at?

20 A I don't.

21 Q Was it morning, afternoon?

22 A I don't.

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

24 (Counsel confer.)

25 Q Following Michael Rogers' death on September the 8th,

1 2019, did you report seeing this video to law enforcement?

2 A I didn't.

3 Q Did you talk to law enforcement, following that?

4 A I didn't.

5 Q You didn't? They didn't ask you any questions about  
6 Michael Rogers?

7 A No, they didn't.

8 Q Okay. You didn't make any statements about Mike?

9 A No, I didn't.

10 Q Okay. So you never reported this video, seeing it? To  
11 aid in investigation?

12 A No, I did not. During the time of the videos, including  
13 this one, I told Mike that he needed to go to somebody about  
14 the videos. Because to me, the -- they are threats. And with  
15 everything that was going on with him, back-to-back --

16 Q To your knowledge, did he report them to law enforcement?

17 A He didn't.

18 Q He didn't? So he wasn't afraid enough by -- of these  
19 videos to report them?

20 A Not that he wasn't afraid, he just didn't want to go.

21 Q Okay. So this video made such an impression on you that,  
22 three years after the fact, you can remember you saw it in the  
23 month of August, but right after his death, you didn't feel it  
24 necessary to report it to law enforcement?

25 A I can remember everything that was going on with him that

1 month, three years, today.

2 Q But you can't remember what day you saw it, when you saw  
3 it, what time of day it was --

4 A I couldn't tell --

5 Q -- or who showed it to you.

6 A I can't tell you that. I can't. But I remember the  
7 incidents. And I remember the videos. I can't give you a  
8 timeframe. I can't.

9 Q You can't testify to a timeframe as to when this video  
10 was --

11 A It was in --

12 THE COURT: Mr. Warr, I --

13 THE WITNESS: -- the month of August.

14 THE COURT: Look, the jury's not in here, and I heard her  
15 answer. It's asked and answered.

16 MR. WARR: No further questions, Your Honor.

17 VOIR DIRE EXAMINATION

18 BY MR. MEADORS:

19 Q Let me ask you about the injuries. Did you ever see any  
20 injuries to Mr. Rogers' face, after one of these altercations?

21 A Yes.

22 Q What did you see?

23 A He had a gash across his face. His eye. His eye was  
24 bloodshot. In the back of head, he had a big gash where --  
25 whatever, I don't know what happened. In the truck, the glass

1 from the truck, when it got shot up, was in his -- inside of  
2 his face, on his left side. And he had scratches --

3 Q Did you say the foam? I didn't hear what you said. The  
4 glass what?

5 A The glass from the window --

6 Q From. I'm sorry, it was from. I'm sorry.

7 A Um-hum.

8 MR. MEADORS: Thank you, that's all.

9 THE COURT: Okay. Thank you, ma'am. You can step down.

10 Okay. Do you all want me to hear from you as to the  
11 admissibility of the Facebook video?

12 MR. MEADORS: Yes, ma'am.

13 MR. WARR: Yes, Your Honor.

14 THE COURT: Okay. Mr. Meadors.

15 MR. MEADORS: Your Honor, she testified that she saw that  
16 after his birthday in August, August 8th of 2019, between that  
17 and September 8th of 2019. She's not sure -- exactly sure,  
18 but she said she saw it, she saw it live, she told him about  
19 it, "don't go out to the clubs anymore." We think that's in  
20 the zone of time or the -- that makes it not only relevant,  
21 but it wasn't like it was months and months before, it's in  
22 the time.

23 And I don't know if Your Honor could let all of her  
24 testimony come in. But it's, kind of, an ongoing dispute  
25 between Mr. Rogers and some of these individuals, and this

1 culminates in his death, with this Facebook being just a few  
2 weeks before his death. So we do think it's relevant and ask  
3 Your Honor to respectfully allow us to present it.

4 THE COURT: Mr. Warr?

5 MR. WARR: Your Honor, there's no showing that any of  
6 these alleged assaults were perpetrated by Mr. Myers. We have  
7 no testimony as to who they were or whether they even  
8 happened. All we have is hearsay evidence on that front.

9 As far as the timing is concerned, this witness is not  
10 reliable or credible. She sat in here and listened to your  
11 comments regarding this video. She watched the video  
12 yesterday, in the courtroom, and then all of a sudden she has  
13 a courtroom revelation as to when she heard it. She  
14 definitely has an interest in this case. She lost her  
15 boyfriend, and she has sat here and listened to exactly what  
16 she needed to say on the witness stand for this evidence to  
17 become admissible.

18 I still say that -- and argue that this evidence is  
19 unduly prejudicial, and we have no better idea of when this  
20 film was actually made and when it was recorded, then we did  
21 yesterday. We just have a interested witness who all of a  
22 sudden comes forward, three years after the fact, and  
23 testifies to exactly what she needs to say for -- to convince  
24 you, Your Honor. That is what her testimony is here today,  
25 and I submit to you that it is not credible, and that the

1 video is still prejudicial, and still should be -- it's unduly  
2 prejudicial, and still should be excluded under Rule 403.

3 Thank you, Your Honor.

4 THE COURT: Thank you.

5 I'm going to allow her testimony. I'm going to allow the  
6 video. I do think that the question of her credibility or  
7 reliability is for the jury.

8 I'm not going to allow hearsay statements about anything  
9 that you didn't personally observe.

10 So in other words, something that he told her, of course,  
11 would be hearsay and would not be admissible. But I am going  
12 to allow her testimony regarding the video and the actual  
13 video.

14 I do find that it is relevant, that there is testimony  
15 that it took place within a -- the month before his murder. I  
16 do think it's relevant to a lot of the issues, but, certainly,  
17 would be relevant to motive, intent. It is prejudicial,  
18 certainly, but I think that the probative value is (sic)  
19 outweighed by the prejudicial effect. So I'm going to allow  
20 it. And this --

21 MR. CORBETT: Your Honor, I'm --

22 May I speak?

23 MR. MEADORS: Sure.

24 MR. CORBETT: Judge, I don't -- I hate to be a stickler  
25 for record, but I believe you said that the probative value is

1 outweighed by prejudicial effect.

2 THE COURT: Well, I meant the opposite. No, no, no, the  
3 probative value is (sic) outweighed by --

4 MR. CORBETT: Okay.

5 THE COURT: -- the prejudicial effect. The probative  
6 value is -- has a heavier weight --

7 MR. CORBETT: (Indiscernible) --

8 THE COURT: -- than the prejudicial effect.

9 MR. YOUNG: She got it right. She got it right.

10 MR. WARR: Okay. (Indiscernible) that way.

11 MR. CORBETT: Thank you.

12 MR. MEADORS: Judge --

13 THE COURT: If I said it wrong --

14 MR. MEADORS: You said --

15 THE COURT: -- I find that there's more probative value  
16 than there is prejudicial effect. That makes more --

17 MR. MEADORS: You said --

18 THE COURT: -- sense.

19 MR. MEADORS: -- it right.

20 THE COURT: Anything else before we bring the jury in?

21 MR. WARR: Yeah, Judge, if we could just -- if I could  
22 just show them her prior record, we have it, just so there  
23 won't be any confusion.

24 THE COURT: Yeah, come on in.

25 (Recess.)