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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dorchester County
The Honorable Diane Goodstein, Circuit Court Judge
The Honorable Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

ANTHONY NICHOLAS ARGOE,

APPELLANT.

Appellate Case No. 2023-000223

**MOTION TO SUPPLEMENT THE RECORD PURSUANT TO RULE 212(a)&(b),
SCACR**

The undersigned counsel for the State would respectfully move this Honorable Court to supplement the record pursuant to South Carolina Appellate Court Rule (SCACR) 212(a)&(b). The issue raised on appeal from Appellant's conviction was the subject of a Motion to Reconsider which was scheduled for a hearing before the Honorable Maite Murphy, Circuit Court Judge on January 30, 2023, but that Motion to Reconsider was knowingly, intelligently, and voluntarily withdrawn by Appellant as demonstrated by the attached documents Respondent wishes to add to the Record. The voluntary withdrawal of the Motion to Reconsider is contained nowhere within the transcripts available of any pretrial hearings or the trial transcript; however, there is no question that the motion was made in the lower court but withdrawn before the actual hearing on the motion could take place, and the court acknowledged the withdrawal.

Background

Appellant was indicted by the Dorchester County grand jury for the offense of murder. (2019-GS-18-1519). Appellant's case was called to trial on February 6, 2023, before the Honorable Diane Goodstein, Circuit Court Judge, and a jury. Ashley D. Chisolm, Esquire, appointed counsel, represented Appellant. David Osborne and Mark Hinds were the Assistant Solicitors who prosecuted the case. On February 9, 2023, the jury found Appellant guilty of murder. (Trial Tr. 663, ll. 12-15). Judge Goodstein sentenced Appellant to life in prison. (Trial Tr. 669, ll. 6-11).

Appellant directly appealed to this Court raising 1 issue:

Whether the court erred by denying appellant's motion to represent himself pursuant to Faretta v. California, 422 U.S. 806 (1975) since the court's reasoning that self-representation was not a "wise choice" and not likely to lead to a successful result were not legitimate reasons to force appellant to be represented by counsel where appellant knowingly and voluntarily wanted to waive his right to counsel and to represent himself?

(Initial Brief of Appellant, p. 1).

Relevant Procedural Background

Prior to trial, several pre-trial hearings were held on Appellant's motion to relieve his appointed trial counsel, Ashley Chisholm, and/or to proceed *pro se*. On July 25, 2022, a hearing was held on Appellant's motion to relieve his trial counsel, Mr. Chisholm. Appellant's main complaints against his counsel were that counsel would not subpoena bank records or provide him with discovery. Counsel responded the bank records were irrelevant, and he provided discovery to Appellant when he received it. The motion to relieve counsel was denied by the Honorable Diane Goodstein. (Attachment I, July 25, 2022, Tr. 1-14).

On September 16, 2022, the Honorable Maite Murphy heard Appellant's motion to represent himself or relieve counsel. The hearing started with defense counsel informing the court they were there on Appellant's motion to represent himself or to relieve counsel. At this hearing, Appellant again complained that his appointed counsel had not provided discovery timely. Counsel responded he provided discovery to Appellant when he received it from the State. At this hearing, after a colloquy between Appellant and Judge Murphy, and specific questions to Appellant about his knowledge of the law, Judge Murphy stated she did not think it was in Appellant's best interests or wise to represent himself and Appellant might want to retain his own private counsel. Appellant indicated an interest in hiring his own attorney and stated he would look into the matter. Judge Murphy denied the motion to relieve counsel at the end of the hearing but she also held she believed Appellant needed representation in this matter so he could retain private counsel or Mr. Chisolm would represent him. (Attachment II., Sept. 16, 2022 Tr. 1-11).

On January 19, 2023, Appellant again made a motion to represent himself this time before Judge Goodstein. (Attachment III., Jan. 19, 2023, Tr. 1-12). At the hearing, defense counsel stated that after consultation with Appellant, Appellant wanted to raise this issue again. Defense counsel stated he believed in order to preserve this issue he needed to raise the issue again before trial. After hearing the procedural history of the case from defense counsel, including defense counsel's statement that Judge Murphy had denied Appellant's motion to represent himself in September, and defense counsel's other comments, Judge Goodstein, citing S.C.R.Crim.P. Rule 4(b), found that she could not hear this motion because any order she issued would be void. She decided to treat the motion as a motion to reconsider the denial of Appellant's motion to represent himself by Judge Murphy, and held only Judge Murphy could

hear a motion to reconsider the denial of Appellant's motion to represent himself. (Id). At the conclusion of this hearing, all the parties at this January 19th hearing and Judge Goodstein agreed on the record that a hearing would take place the following week before Judge Murphy on Appellant's motion to reconsider the denial of the motion to represent himself. (Id). Judge Goodstein stated on the record at the January 19th hearing that she would communicate with Judge Murphy and schedule an appropriate time for the motion to be heard. The other attorneys at this hearing agreed they would be available for the hearing in front of Judge Murphy. (Id.).

Upon Respondent's investigation, Respondent has learned that there is no transcript of a hearing the following week or the next week in front of Judge Murphy. However, a hearing on Appellant's motion to reconsider the denial of his motion to represent himself was scheduled before Judge Murphy for January 30, 2023. (Attachment IV. [e-mails between defense counsel and Judge Murphy]). Respondent has discovered through its investigation, and is informed and believes, that Appellant withdrew his motion to reconsider the denial of his motion to represent himself in the 2 weeks following the January 19, 2023 hearing before Judge Goodstein. Respondent's belief is based on conversations with Deputy Solicitor David Osborne and defense counsel Ashe Chisolm who tried the case and Mr. Chisolm's e-mails to Judge Murphy withdrawing the said motion. (Attachment IV. [e-mails between defense counsel and Judge Murphy and Judge Murphy's acknowledgment of the same]). **Further, it is clear from the January 19, 2023, hearing transcript that a hearing was going to take place before Judge Murphy the following week or shortly thereafter.** (Attachment III., Jan. 19, 2023, Tr. pp. 1-12). However, the record shows something happened between January 19, 2023, and February 3, 2023, as a result of which, no hearing on Appellant's motion to reconsider the denial of his motion to represent himself was held. (Attachment III., Jan. 19, 2023, Tr. 1-12; IV. pp. 1-2, &

V. Feb. 5, 2023, Tr. pp. 1-19). Mr. Chisolm's e-mail correspondence with Judge Murphy shows that **Appellant withdrew his motion to reconsider the denial of his motion to represent himself on Thursday, January 26, 2023.** (Attachment IV). Judge Murphy responded accordingly and informed Mr. Chisolm to notify the appropriate Clerk of Court so the roster could be adjusted, and she would also do the same. (Attachment IV. [e-mails between defense counsel and Judge Murphy]).

The next hearing on any motion occurred on February 3, 2023, before Judge Goodstein. (Attachment V., Feb. 3, 2023, Tr. 1-19). This was the Friday before trial. The February 3, 2023, hearing was regarding a motion by defense counsel himself to be relieved because Appellant had *allegedly* physically threatened defense counsel during a meeting in preparation for trial. (Id.). Judge Goodstein, the trial judge, heard and denied that motion. (Id.). Judge Goodstein did not hear any motion regarding Appellant representing himself or a motion to reconsider the denial of a motion to represent himself. (Id.).

The trial began on February 6, 2023, before Judge Goodstein with defense counsel representing Appellant. Prior to the trial beginning before the jury, Appellant again *moved to have counsel Mr. Chisolm relieved.* (Trial Tr. 104-08). (Attachment VI). Appellant claimed Mr. Chisolm threatened him but claimed it occurred before the February 3, 2023 hearing. (Trial Tr. 104-08). Appellant had no explanation why he did not notify Judge Goodstein of this at the February 3rd hearing. Judge Goodstein denied the motion. (Trial Tr. 104-08). The trial then began before the jury at the conclusion of which Appellant was found guilty of murder. (Trial Tr. pp. 1,109, 663, 669).

The Motion Before this Court

Based on all of the above, Respondent, the State, respectfully moves this Honorable Court to supplement the record pursuant to SCACR, Rule 212(a)&(b). Based on Respondent's investigation of this matter, Appellant's motion to reconsider Judge Murphy's denial of his motion to represent himself was withdrawn by Appellant after the January 19, 2023, hearing before Judge Goodstein, and the hearing before Judge Murphy that all parties agreed was going to occur did not occur because of Appellant's withdrawal of the motion to reconsider the denial of the motion to represent himself. (Attachment IV. [e-mails between counsel and Judge Murphy]). Thereafter, Appellant proceeded to trial with appointed counsel.

Because the sole issue raised on appeal is an alleged error of Judge Murphy in denying Appellant's motion to represent himself, it is critical that this Court have the correct record in this matter and what occurred regarding the motion to reconsider that ruling. It would be a grave injustice for this Court to consider this matter without knowing the entire record including whether Appellant in fact withdrew his motion to reconsider the prior ruling which was scheduled for a motion hearing on January 30, 2023.

Respondent has consulted with opposing counsel Robert M. Dudek, Esquire, and he opposes any motion to supplement the record pursuant to Rule 212(a)&(b), SCACR.

It is clear these matters were before the lower court. Rule 212(a), SCACR. Therefore, Respondent moves this Court pursuant to Rule 212(b), SCACR that it should grant the motion to supplement the record with Attachment IV. the e-mails between defense counsel and Judge Murphy regarding the withdrawal of the motion to reconsider Judge Murphy's denial of Appellant's motion to represent himself. Alternatively, this Court should require "a report of the ... hearing, or any matter relative thereto, to be made by the trial judge..." and "[t]hese matters

shall become part of the Record on Appeal” pursuant to Rule 212(a), SCACR. See also Rule 212(a), SCACR (“The appellate court may require copies of all or any part of the transcript of proceedings *or other matter* which was before the lower court...to be sent up for its inspection or consideration.”)(emphasis added).

RESPONDENT SO MOVES.

Respectfully Submitted,

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By: s/J. Anthony Mabry

J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

August 15, 2024.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dorchester County
The Honorable Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

ANTHONY NICHOLAS ARGOE,

APPELLANT.

Appellate Case No. 2023-000223

PROOF OF SERVICE

I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to J. Anthony Mabry, of counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion to Supplement the Record pursuant to Rule 212(a)&(b), SCACR, has been forwarded to Appellant's counsel, Robert M. Dudek, Esq., Esq., via email today, August 15, 2024 to RDudek@sccid.sc.gov and to his assistant at kwarren@sccid.sc.gov.

I further certify that all parties required by Rule to be served have been served.

This 15th day of August, 2024.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
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ATTACHMENT NO. I

STATE OF SOUTH CAROLINA) THE COURT OF GENERAL SESSIONS
)
COUNTY OF DORCHESTER) FIRST JUDICIAL CIRCUIT

THE STATE OF SOUTH CAROLINA) NO. 2019-GS-18-01519
)
VS.) TRANSCRIPT OF RECORD
ANTHONY NICHOLAS ARGOE) Motion to Relieve

B E F O R E:

The Honorable Diane Schafer Goodstein, Judge
Saint George, South Carolina

DATE: Monday, July 25, 2022

11:56 a.m.

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

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Reported by: Cathy J. Provost, RMR, Official Court Reporter

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INDEX TO WITNESSES

(No witnesses called.)

INDEX TO EXHIBITS

(No exhibits marked.)

COURT REPORTER LEGEND:

- dash -- intentional/purposeful interruption; change in thought
- ellipses ... trailing off
- [ph] phonetically written
- [sic] written as said
- [indiscernible] unable to be understood due to low volume or quality of audio

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

1
2 ATTORNEY RIVERS: Defendant Anthony Argoe.

3 CLERK OF COURT: Mr. Argoe, if you'll please raise your
4 right hand, and state your full name for the record.

5 THE DEFENDANT: Anthony Nicholas Argoe.

6 ANTHONY N. ARGOE, DEFENDANT, SWORN IN

7 ATTORNEY RIVERS: May it please the Court, Judge.

8 THE COURT: Just a second. Just a second. Yes, sir.

9 ATTORNEY RIVERS: Yes, Judge. Before you is defendant
10 Anthony Argoe, who is represented by Mr. Chisholm, and he is
11 present under motion to relieve Mr. Chisholm as counsel. And,
12 Judge, I will say Mr. Argoe is charged with murder, as well as
13 possession of a weapon during a violent crime.

14 This is Mr. Osborne's case. He's asked me to stand in for
15 him. And the only thing that Mr. Osborne has asked me to
16 indicate to the Court is that this case is being scheduled for
17 trial in December, and that he would object to Mr. Chisholm being
18 relieved on those grounds.

19 THE COURT: Thank you. All right. Anything else from the
20 solicitor for this morning?

21 ATTORNEY RIVERS: I don't believe so, Judge.

22 THE COURT: And not for this afternoon, correct?

23 ATTORNEY RIVERS: Not this afternoon, Judge.

24 THE COURT: Until Wednesday morning?

25 ATTORNEY RIVERS: Correct.

1 THE COURT: Very well. As you know, this is a matter that I
2 must hear outside the presence of the solicitor's office so that
3 this gentleman's attorney-client privilege will be protected, so
4 goodbye.

5 (Solicitor's office and their staff leave the courtroom.)

6 ATTORNEY CHISHOLM: Judge, I was curious. If they can
7 object to the defendant's motion, does that mean they can join in
8 the motion?

9 THE COURT: I think that's a matter between you and your
10 client. I think what he's trying to express -- Mr. Osborne -- is
11 that he wants the matter to go forward.

12 ATTORNEY CHISHOLM: Yes, I understand. Just never heard it.

13 THE COURT: All right. Now, the people who are present in
14 the courtroom; of course Mr. Argoe is present in the courtroom,
15 the defendant; his attorney, Mr. Chisholm; the folks from the
16 clerk's office; our esteemed court reporter; and we have our
17 bailiffs who are present; we have security present which is
18 normally customary; and we have the intern who is present from
19 the public defender's office. And I think that rounds out who is
20 in the courtroom.

21 Everyone now is under an order by the Court not to discuss
22 the matters that we are about to talk about. That doesn't, in
23 any way, restrict you, of course, Mr. Chisholm, from talking to
24 Mr. Argoe about it --

25 ATTORNEY CHISHOLM: Yes, ma'am.

1 THE COURT: -- but everyone else, do not discuss these
2 matters outside of court.

3 And the purpose, Mr. Argoe, for your informational purposes,
4 is simply to preserve your attorney-client privilege. All right.

5 And this has been brought by your client and not by you, Mr.
6 Chisholm?

7 ATTORNEY CHISHOLM: Yes, Your Honor.

8 THE COURT: Okay. Very well. Yes, sir. I'm listening to
9 you.

10 THE DEFENDANT: Okay. It's just that I just don't feel like
11 he spent a submissive [sic] amount of time with me going over the
12 case for trial.

13 THE COURT: Okay.

14 THE DEFENDANT: And when I ask for something, I don't get
15 it --

16 THE COURT: Uh-huh.

17 THE DEFENDANT: -- or when I do get something, it has
18 nothing to do with anything --

19 THE COURT: Uh-huh. Okay.

20 THE DEFENDANT: -- and I feel that I'm not being represented
21 to the best of my ability.

22 THE COURT: Okay. All right. Can you give me some
23 examples? How many times, approximately, have you met with
24 Mr. Chisholm?

25 THE DEFENDANT: Less than eight.

1 THE COURT: Okay. How many less than eight? A lot less
2 than eight? A little less than eight?

3 THE DEFENDANT: A little less than eight.

4 THE COURT: All right. And what things have you asked him
5 to do that he hadn't done?

6 THE DEFENDANT: I asked for information, and it wasn't given
7 to me.

8 THE COURT: Okay. Like what?

9 THE DEFENDANT: Bank records, text messages, things of that
10 nature.

11 THE COURT: And bank records and text messages of who?

12 THE DEFENDANT: Myself and the deceased.

13 THE COURT: Okay. All right. And anything else? You said
14 there were some things that he had shown you that didn't have
15 anything to do with anything. Like what?

16 THE DEFENDANT: Pictures off of cellphones from --

17 THE COURT: Pictures of what?

18 THE DEFENDANT: Pictures off of cellphones from 2014,
19 vacation, and stuff like that there. I mean, it has nothing to
20 do with the case.

21 THE COURT: Has nothing to do with the case?

22 THE DEFENDANT: Nothing the all.

23 THE COURT: All right. Anything else?

24 THE DEFENDANT: I've got a list, you know, of things that
25 just, it's not adding up, you know.

1 THE COURT: Uh-huh.

2 THE DEFENDANT: When I ask for something -- I've asked to
3 see bodycam footage of the apartment where the crime was
4 committed. I haven't got that.

5 THE COURT: Okay. Anything else?

6 THE DEFENDANT: No. That's about it right there.

7 THE COURT: Yes, Mr. Chisholm.

8 ATTORNEY CHISHOLM: Thank you, Your Honor. May it please
9 the Court.

10 THE COURT: Uh-huh.

11 ATTORNEY CHISHOLM: The text messages, I believe we have.
12 The pictures he's talking about, those are pictures that were
13 taken off the phone records that we received in discovery, so I
14 believe that's what he's talking about, pictures in discovery
15 that were on the phone from years ago. But I believe we have all
16 the text messages that are going to be available. They did a
17 forensic examination of the phones that they took into evidence.

18 As to the bank records, basically what I discussed with
19 Mr. Argoe is I haven't subpoenaed them because, based on his
20 reasoning for wanting the records, I didn't see how they were
21 going to be relevant in the trial, something that would
22 admissible based on relevance.

23 As for the footage, the bodycam footage, he is correct in
24 that. We've been on the, I guess, COVID restrictions for the
25 visitation. It's been almost exclusively over Home Wave, like a

1 Zoom-type service.

2 What I'm going to try to do -- and sounds like we're
3 probably going to have a little bit of time to do so with the
4 schedule for this case. Looks like it's going to be going
5 forward in December -- is either myself or my investigator, have
6 them go over, see if we can coordinate with the jail, because
7 we'll have to -- you know, I can't send a disk to him. I can't
8 do that. So somebody will have to go over there with a laptop
9 and figure out a time to play them for him, which is something we
10 can do prior to trial.

11 THE COURT: Sure. Okay. Is that right, you met with him --

12 ATTORNEY CHISHOLM: I wish I had my -- he's got a banker's
13 box full of stuff.

14 THE COURT: Okay.

15 ATTORNEY CHISHOLM: I should have brought my defender data
16 notes to show how many times we've met. I would be surprised if
17 it's less than 10 --

18 THE COURT: Okay.

19 ATTORNEY CHISHOLM: -- but don't quote me on that. But it's
20 been multiple times over the past --

21 THE COURT: Okay, I gotcha. Okay. Very well. Very well.
22 You know, Mr. Argoe, what our law says is that you certainly are
23 appointed -- you're entitled to appointed counsel if you are
24 indigent. You're in the jail. You're not working. So the
25 determination that you are someone who is indigent is probably

1 pretty correct, but you're not entitled to the appointment of any
2 particular attorney. You are entitled, of course, to appointment
3 of competent counsel.

4 And when you talk about Mr. Chisholm may have gone over some
5 images or some information with you that had, in your opinion,
6 had absolutely nothing to do with anything -- and you very well
7 may be correct -- but you have to keep in mind that Mr. Chisholm
8 has an obligation to go over with you the discovery that is
9 provided to him from the State, whether it has anything do with
10 anything or not, and so you have to take that into consideration.

11 With regards to the number of times that he has met with
12 you, the case -- we are now -- today is July the 25th. The case
13 is going to trial in December. He's met with, you say, in the
14 neighborhood of eight times; he says around 10 times. That's not
15 that far off. And obviously it will be many more times between
16 now and December as trial preparation certainly, obviously, will
17 get much more active.

18 He is obtaining the text messages, or has obtained the text
19 messages, that are available, he tells me, and his investigator
20 is working to get the bodycams. He's working to get the
21 bodycams, and when they are obtained it's going to be a little
22 more cumbersome because of the requirements of the jail,
23 understanding COVID. And COVID's fixing to take off again, so it
24 may be delayed even more than we sort of anticipate at this
25 point, but it could because it's -- the new variant is most

1 infectious, and there's some indication that COVID will make us
2 become more restrictive, in the short term hopefully.

3 But all that being as it is, what I'm hearing from
4 Mr. Chisholm, I would not be inclined to relieve him from
5 representing you. I know him to be very competent. He has an
6 investigator who's working on your case with him. He's met with
7 you many times. He will meet with you many more times. He is
8 certainly proceeding to get the bodycam footage, has received the
9 text messages, which are available.

10 And there's nothing that I'm told, at this point, that I
11 have concerns about. And I'm happy to hear any other concerns
12 that you have at this point, but from what I've heard up to this
13 point I have no concerns about him continuing to represent you.

14 THE DEFENDANT: I guess that would be all, Your Honor. I
15 appreciate it. I do.

16 THE COURT: Well, let me just tell you that -- just share
17 with you that your feelings at this point are not atypical, and I
18 am certainly not marginalizing them, and I don't want you to hear
19 that I am this for this reason. You've got one case. You've got
20 one life. And I get it.

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: I do want you to know this, and this is based on
23 my experience. This is anecdotal. That's all it is. I want you
24 to keep in mind a couple of things. Number one, I am so
25 delighted that you're engaged in your own representation. That's

1 important. Stay there. I want you to know that Mr. Chisholm is
2 very competent. I want you to know that between now and December
3 you'll probably be kind've sick of seeing him. I want you to
4 keep in mind also that defense counsel is charged with the
5 responsibility to weigh your situation, but a lot of people,
6 understandably, you know, they get sick of hearing negatives.
7 They get sick of hearing -- they just get sick of it. It's human
8 nature.

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: And what they want to hear is they want to hear,
11 Wait a minute, I want to hear that you're going to fight and
12 we're going to win this thing. That's what I want to hear. He
13 has an obligation to give you the downside. That does not
14 mean -- that does not mean that he will not do a very good job
15 for you.

16 And let me share this with you: To a person that I have
17 heard these types of motions, to include right before trial, and
18 we sort of go through it as we're going through it, and then the
19 trial begins, the looks on those folks' faces to a person is -- I
20 don't know how to describe it, because what ended up happening is
21 that they inevitably look at the lawyer like, Whoa, that's what
22 I've been wanting. You know what I mean? There it is. And so
23 what I would share with you is that it's very difficult for a
24 criminal defense lawyer to do what they have to do under their
25 obligation, and that is to tell you what is tough for your

1 case -- what is positive for your case, but what is tough for
2 your case. That's hard.

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: And inevitably when they see their lawyers like,
5 Whoa, you are fighting; Whoa, where'd that come from? You're
6 fighting for me, there's this change that I've see on folks'
7 faces to a person.

8 So what I wanted to share with you is, as you go through
9 this process be mindful that the fact that your lawyer has an
10 obligation to give you the yuck news, the main -- do not think
11 when it's time for trial that he will not be your advocate.
12 Don't confuse the two. It's just that you have to know. You
13 have to know everything. You have to, because you have to make
14 incredibly important decisions. And if you're just getting rosy,
15 rosy, rosy news all the time and nobody's giving you the
16 downside, you cannot make an informed decision, so just remember
17 that. And that's just anecdotal from having watched Mr. Chisholm
18 try a bunch of cases.

19 THE DEFENDANT: I appreciate you telling me that.

20 THE COURT: And having said that, do not stop being an
21 advocate for your own case, right.

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: And continue to have a dialogue. That's so
24 important. Understand that Mr. Chisholm can do a whole lot real
25 fast. One of the things that I have always found fascinating is

1 that, yes, there are private lawyers in the community that do a
2 fantastic job, but people forget about the public defenders.
3 They do it every single day.

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: It's like, Which heart surgeon do you want? You
6 know what I mean? So I'll suggest; be your advocate, be
7 concerned, do what you're doing, don't apologize for it. Be
8 balanced, though, and be sure you're listening to him. What
9 worries people is that, Is he on the side of the solicitor's
10 office? Do not confuse his oath of civility, which means lawyers
11 got to be civil to one another or they can lose their license.
12 Do not confuse that with the ability to take them to task. Okay.

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Okay.

15 THE DEFENDANT: Thank you so much.

16 THE COURT: Thank you, sir.

17 THE DEFENDANT: I appreciate that.

18 ATTORNEY CHISHOLM: Thank you, Your Honor.

19 THE DEFENDANT: Thank you.

20 THE COURT: Just do a little order for me, Mr. Chisholm,
21 when you get a minute. And if you'll pass that along, please, to
22 Mr. Rivers or Mr. Osborne that I've denied the motion.

23 ATTORNEY CHISHOLM: Do you want me to do it now and get it
24 to you, or do you want me to email it to you, or how do you want
25 me to do it?

1 THE COURT: I'm going to be back Wednesday.

2 ATTORNEY CHISHOLM: I guess there's no huge rush on this
3 one. Okay.

4 (End of Transcript of Record.)

5

6 CERTIFICATE OF REPORTER

7 I, Cathy J. Provost, Official Court Reporter for the
8 Fourteenth Judicial Circuit of the State of South Carolina, do
9 hereby certify that the foregoing is a true, accurate and
10 complete Transcript of Record of the proceedings had and evidence
11 introduced in the trial/proceedings of the captioned case in the
12 Court of General Sessions for Dorchester County, South Carolina;
13 on the 25th day of July, 2022.

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

16 Date: March 6, 2023

17

18 \s\ Cathy J. Provost
19 Cathy J. Provost, RMR
20 Official Circuit Reporter

21

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26

ATTACHMENT NO. II

State of South Carolina)	Court of General Sessions
)	First Judicial Circuit
County of Dorchester)	Case No. 2019-GS-18-01519
)	
)	
State of South Carolina,)	
)	
Plaintiff,)	
)	
-vs-)	Transcript of Record
)	
)	
Anthony Nicholas Argoe,)	
)	
Defendant.)	
)	

September 16, 2022
St. George, South Carolina

B E F O R E:

The Honorable Maite Murphy, Judge

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

David Osborne, Esquire
Attorney for the Plaintiff/State

Ash Chisholm, Esquire
Attorney for the Defendant

Proceedings taken down electronically

Transcribed by:
Krystal J. Smith
Official Circuit Court Reporter III

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I N D E X

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E X H I B I T S

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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(No Exhibits Entered)

COURT REPORTER LEGEND

dashes -- intentional or purposeful interruption
or change in thought

ellipses . . . trailing off

[ph] phonetically written

[sic] written as said

[inaudible] unable to hear or understand due to audio
Quality and/or volume

1 SEPTEMBER 16, 2022

2 (WHEREUPON, the proceedings began at 11:24 a.m.)

3 (WHEREUPON, the defendant was sworn by the clerk.)

4 MR. CHISHOLM: Your Honor, before we get started, this is
5 going to be a motion for Mr. Argoe to represent himself or a
6 relieve counsel kind of situation. I would request that the
7 court be cleared except for, you know, essential personnel and
8 members of my office. I understand we'll probably be
9 basically going through the *Faretta* issues, but there's always
10 a concern that it goes into other areas that, you know,
11 obviously, I would like to keep confidential.

12 THE COURT: Yes, sir. We can do that.

13 If everyone not related to this particular case please
14 clear the courtroom.

15 MR. OSBORNE: The only thing I would like to say for the
16 Court's information, we have extended a plea offer to him.
17 I'm going to keep that open for now. Clearly, [inaudible] of
18 course, depending on how this goes, but we do have him
19 scheduled for trial on December 6th.

20 MR. CHISHOLM: 12th.

21 MR. OSBORNE: 12th.

22 THE COURT: Okay.

23 MR. OSBORNE: We're working on forensic [inaudible.]

24 (WHEREUPON, there was a pause in the proceedings, after
25 which the proceedings resumed as follows.)

1 MR. CHISHOLM: Your Honor, I guess just procedurally I
2 can give you a little bit of background.

3 THE COURT: Yes, sir.

4 MR. CHISHOLM: We actually came before Judge Goodstein.
5 I believe it was on July 25th with a motion to relieve
6 counsel. That motion was denied. During that hearing, we
7 never got into the part about whether he would represent
8 himself, whether he would like to do that.

9 Subsequent to that meeting, I did meet with Mr. Argoe,
10 and he basically told me that's what he would like to do. So
11 I kind of explained broadly *Faretta* and things of that nature,
12 and that's why we're here today.

13 THE COURT: And tell me what he's charged with?

14 MR. CHISHOLM: He's charged with murder, Your Honor.

15 THE COURT: And what was the plea offer?

16 MR. CHISHOLM: The plea offer? I believe it was 15. It
17 might have been a range of 15 to 30, Your Honor, off memory.

18 THE COURT: Good morning, Mr. Argoe.

19 THE DEFENDANT: Good morning.

20 THE COURT: Has he been sworn in, Madam Clerk?

21 THE CLERK: Yes.

22 THE COURT: All right. So, Mr. Argoe, Mr. Chisholm tells
23 me that you wish to represent yourself.

24 THE DEFENDANT: I do.

25 THE COURT: And can you tell me why that is?

1 THE DEFENDANT: I just don't think he's doing right by
2 me. So I'd rather represent myself.

3 THE COURT: Do you -- how far did you go in school?

4 THE DEFENDANT: I've got some college.

5 THE COURT: What type of work do you do?

6 THE DEFENDANT: I'm a welder.

7 THE COURT: And have you ever studied the law?

8 THE DEFENDANT: Some, yes.

9 THE COURT: Can you tell me where?

10 THE DEFENDANT: At home, Internet.

11 THE COURT: And I mean, what type of materials have you
12 used to study the law?

13 THE DEFENDANT: Just off the Internet.

14 THE COURT: Are you familiar with the rules of evidence?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: And what's, say, a 403 objection?

17 THE DEFENDANT: I've got it all in my cell over there.

18 THE COURT: All right, sir, and can you tell me what a
19 hearsay is?

20 THE DEFENDANT: It's irrelevant.

21 THE COURT: All right, sir. You understand that you're
22 looking at a murder charge where you're looking at a potential
23 life sentence? Do you understand that?

24 THE DEFENDANT: I do.

25 THE COURT: And you understand that if you are to

1 represent yourself that you would be held to the exact same
2 standards as if you were an attorney? You can't tell me right
3 now what hearsay is or what a 403 objection is, and those are
4 very basic tenets of the law and the rules of evidence.

5 I would be extremely concerned for your success as far as
6 representing yourself in going forward with a murder case.

7 Mr. Chisholm is an excellent attorney. He's tried many cases.

8 THE DEFENDANT: He's withheld -- I'm sorry. He's
9 withheld evidence from me on more than one occasion.

10 THE COURT: And tell me why -- why you think that?

11 THE DEFENDANT: It's a fact. Either him or the DA
12 withheld the evidence, one or the other.

13 THE COURT: Well, Mr. Chisholm is assigned to represent
14 you, and certainly he's an officer of the -- of the Court.
15 And as an officer of the Court, he will turn whatever evidence
16 he has to you in part of the discovery process. I have seen
17 him on many occasions make motions before the Court that he
18 doesn't have certain evidence that the State may or may not
19 have, and he's a zealous advocate for his clients.

20 So, Mr. Chisholm, any remarks regarding his claim?

21 MR. CHISHOLM: No, Your Honor. Well, I don't know if he
22 wants to get into specifics, but I mean, there are some things
23 that came up late again. But it's --

24 THE DEFENDANT: That, and the fact that the officer was
25 released from work. He was fired from work, but I mean,

1 nothing unusual about that. But again, I didn't find out
2 about it until -- until March.

3 The other failure was an inmate testi -- wrote a
4 statement saying that I confessed to him. That was on March
5 the 5th. I didn't get the letter until July or August, in
6 fact.

7 MR. CHISHOLM: Well, regarding that, the letter from the
8 jailhouse informant, we turned it over pretty much as soon as
9 we got it. We didn't get it, obviously, the day it was made
10 or anything like that. When the prosecution turned it over to
11 us, that's when he got a copy. And so he's right he didn't
12 get it right when the statement was made, but that's because
13 we didn't have it or didn't really know about it for certain
14 until we got it.

15 You know, he's referencing Detective Rawlings, who was
16 released from Summerville Municipal Court and has some pending
17 charges somewhere. So we have discussed that as well, Your
18 Honor.

19 THE DEFENDANT: We didn't discuss that. You didn't tell
20 me nothing until almost a year later.

21 THE COURT: It appears that when Mr. Chisholm receives
22 the information, he has conveyed it to you. You understand
23 that you're facing a trial on December the 12th.

24 And Mr. Chisholm has -- how long have you represented
25 him?

1 MR. CHISHOLM: I'd have to go back through because it's a
2 little bit more complicated than that. He was initially
3 represented by Ms. Hubert with our office. When she left and
4 went into private practice, I took the case over. I don't
5 know that I've got this. I've got, you know, a banker's box
6 or two full of stuff for him. I didn't bring it all; so I
7 don't know if I've got on here when it was actually
8 transferred to me.

9 THE COURT: But based upon your experience in
10 representing him, would you be sufficiently prepared for
11 trial?

12 MR. CHISHOLM: Yes, ma'am.

13 THE COURT: All right. So, Mr. Argoe, he tells me he's
14 prepared for trial. I've witnessed him trying cases. He's an
15 excellent attorney.

16 If you want to hire your own attorney, you can do so, but
17 I mean -- and you tell me you've researched the law on the
18 Internet, but that certainly is not anything comparable to a
19 law degree and practicing law. As far as representing
20 yourself, I don't think that would be a wise choice for you.

21 These are -- do you have the funds to hire private
22 counsel to be ready for trial in December? I mean, you're
23 looking at a potential life sentence. Do you understand that?

24 THE DEFENDANT: I understand that. If I hire an
25 attorney, there might not be time for him to get acclimated

1 with the -- with the case.

2 THE COURT: No, sir. That's not going to happen. Your
3 case is already scheduled for trial December the 12th. So if
4 you hire an attorney, they're going to have to be ready by
5 then or you can stay with Mr. Chisholm.

6 THE DEFENDANT: Well, I'll look into it then.

7 THE COURT: All right, sir. If you are able to hire an
8 attorney, make sure that they contact the Court and that they
9 absolutely know that they're ready for trial December the
10 12th.

11 Otherwise, your motion to relieve Mr. Chisholm is denied.
12 I don't -- I believe that you need representation in this
13 matter. In looking out for your interest as far as properly
14 preparing and being able to defend yourself, I do believe that
15 you need representation in this matter. If you can hire
16 somebody, you're certainly free and able to do so. All right,
17 sir?

18 MR. CHISHOLM: Thank you, Your Honor.

19 MR. OSBORNE: Thank you, Your Honor.

20 (WHEREUPON, the proceedings ended at 11:34 a.m.)

21

22 --- END REQUESTED TRANSCRIPT ---

23

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25

ATTACHMENT NO. III

State of South Carolina)
) In the Circuit Court
County of Dorchester)
)
The State of South Carolina))
)
Plaintiff,) 2019-GS-18-01519
)
versus)
)
Anthony Nicholas Argoe,)
)
Defendant.)
_____)

Dorchester County Courthouse
January 19, 2023

TRANSCRIPT OF HEARING

B E F O R E

The Honorable Diane Schafer Goodstein

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

David L. Osborne, Esquire
Attorney for Plaintiff

Ash Chisolm, Esquire
Attorney for Defendant

FOR COPIES CONTACT: Melissa R. Singletary
Certified Verbatim Court Reporter
msingletary@sccourts.org

I N D E X

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E X H I B I T S

(There were no exhibits marked during this hearing)

1 THE COURT: All right. Tell me what we are doing?

2 MR. CHILSOLM: Judge, this is a motion of Anthony
3 Argoe to represent himself.

4 THE COURT: Okay.

5 DEPUTY CLERK: Mr. Argoe, if you will please raise
6 your right hand and state your full name for the record.

7 MR. ARGOE: Anthony Nicholas Argoe.

8 DEPUTY CLERK: Do you solemnly swear are affirm to
9 tell the truth, the whole truth and nothing but the truth
10 so help you God?

11 MR. ARGOE: I do.

12 DEPUTY CLERK: Thank you.

13 THE COURT: All right. Mr. Argoe, do you wish to
14 represent yourself?

15 MR. ARGOE: Yes, ma'am.

16 MR. CHISOLM: Your Honor.

17 THE COURT: Yes.

18 MR. CHISOLM: I'm sorry. Is there anyway we could
19 have the courtroom cleared from the prosecutor?

20 THE COURT: You are concerned that there may be
21 some attorney/client information?

22 MR. CHISOLM: Yes, ma'am.

23 THE COURT: All right. On behalf of the State,
24 obviously, I've got to protect this gentlemen's
25 attorney/client privilege and it would be my intention

1 obviously to do nothing more than address the Faretta
2 standards and should anything else occur I will certainly
3 notify the state and you all can come back in, okay?

4 MR. CHILSOLM: Thank you, Judge.

5 THE COURT: Thank you.

6 (Prosecutors exit the courtroom)

7 Mr. CHISOLM: Your Honor, Mr. Adams will be --
8 there he is. He has joined us. He's on the case with me.

9 THE COURT: All right. Now, because I have been
10 notified by counsel that there is a likelihood that there
11 may be attorney/client information, which would be
12 disclosed and Mr. Argoe's attorney/client privilege must be
13 protected, what we will do is I'm going to go around the
14 courtroom and ask you to identify yourself so that the
15 record is clear who is in the courtroom. Yes ma'am.

16 Irene Clark, bailiff, Melissa Singletary, court
17 reporter.

18 THE COURT: Ash Chisholm.

19 PRESENT IN THE COURTROOM: Deputy Keith Barron.
20 James Adams with the public defender. Sergeant Smith with
21 Dorchester County Sheriff Office. Tonda Westbury, Clerk.
22 Amy Saukas, law clerk.

23 THE COURT: All right.

24 SERGEANT SMITH: Mr. Ken Bailey, bailiff.

25 THE COURT: I'm so sorry, I didn't see him. To

1 each and every one of you, you are under a obligation not
2 to disclose what is disclosed in this hearing. This
3 hearing will be sealed. It can be unsealed by Order of the
4 court but everyone here is under an order not to disclose
5 what is discussed in this hearing and the reason, of
6 course, for that is to protect Mr. Argoe's attorney/client
7 privilege.

8 All right. Now, tell me what he's charged with.
9 I know nothing about this matter.

10 MR. CHISHOLM: Your Honor, he is currently charged
11 with Murder. He was also charged with possession of a
12 weapon during the commission of a violent crime. That
13 charge is being or is in the process of being nolle proesse.
14 I don't believe the State will be going forward on that one
15 so I think we will just have the Murder. If I could I can
16 give you a little bit of the procedural history.

17 THE COURT: That would be great.

18 MR. CHISHOLM: It's a little bit unique. Mr.
19 Argoe -- we were actually before Your Honor back on, I
20 think it was July 25, 2022, on a motion to relief counsel.
21 That motion -- he was denied. He was, of course, told that
22 he could hire a private attorney. We did not really in
23 that hearing get into self representation. We did not
24 raise the issue at that point so it wasn't addressed.
25 Subsequent to that hearing in September, Judge Murphy heard

1 Mr. Argoe's motion to represent himself. So, I wanted to
2 point that out because it was heard previously and I can
3 kind of relay my conversation with Mr. Argoe while we are
4 back here today.

5 THE COURT: Okay.

6 MR. CHISOLM: If that helps. Basically my
7 conversations with Mr. Argoe, during that hearing with
8 Judge Murphy she went through, you know, the Faretta
9 warnings, the risks that are associated with trial and
10 things of that nature. But, basically, the way we ended it
11 and I didn't get a written Order or anything on that but
12 she asked him, you know, what Rule 403 is. You know what
13 hearsay is. And he wasn't able to answer at the time. I
14 believe he told, Your Honor, that he had most of his
15 resources back at the jail because a lot of times we get
16 these things kind of put on last minute and they are not
17 noticed to bring all their stuff but basically his position
18 was that he feels that he is competent to represent
19 himself. That he would like to have it reheard in full and
20 I don't know if I'm allowed to do this. I explained to Mr.
21 Argoe this is typically a hearing with, you know, the judge
22 and the defendant to go through. It's more of a
23 conversation between those two parties as opposed to mine,
24 but he did express some irritation, I guess, that I didn't
25 say my thoughts at the previous hearing as far as, you

1 know, if I had concerns about his competency and things
2 like that so I told him if, Your Honor, would allow me I
3 could briefly tell you or if it's not part of this hearing
4 I told him that you would tell him that as well.

5 THE COURT: So, what was the determination by
6 Judge Murphy, did she rule?

7 MR. CHISHOLM: She did. She denied him the right
8 to represent himself. She found I guess, I guess it's a
9 finding that he isn't competent to represent himself. But
10 it seemed like -- his concern -- and it did seem like it
11 was based on can you tell me what hearsay is and can you
12 explain that to me and Rule 403 and, you know, what he told
13 me he said you could probably ask lawyers and they might
14 not be able to answer that, so. That's basically the gist.

15 THE COURT: Was there a motion raised -- was there
16 a motion to reconsider raised?

17 MR. CHISHOLM: No, Your Honor, there was not.

18 THE COURT: Let me ask you this question? Why is
19 it then Judge Murphy's determination under Faretta, why
20 isn't that the law of the case?

21 MR. CHISHOLM: I understand and that's what I
22 discussed with Mr. Argoe is that, you know, I think to
23 probably preserve it I would have had to renew this motion
24 prior to trial at some point, which is why I was bringing
25 it up to Your Honor because you are scheduled to hear the

1 case February 6. But, this was something that came up
2 fairly recently that he wanted to renew his motion so I
3 guess I could do it as a motion to reconsider with Judge
4 Murphy but with the timing and the way everything is going
5 up I didn't know if I could bring it up before Your Honor,
6 since you will be hearing it.

7 THE COURT: I understand. Let me, y'all just
8 sort of have a sip of water perhaps and let me just check
9 real quick. I don't want to -- there are a couple of
10 issues that are raised. Obviously it is a little difficult
11 in that we do not have a written Order.

12 MR. CHISOLM: Yes, ma'am.

13 THE COURT: But you have certainly represented
14 that you were present, there was a hearing and Mr. Argoe's
15 motion to represent himself under Faretta was denied but
16 bare with me just a minute and let me take a look.

17 MR. CHISOLM: Yes, ma'am.

18 (Off the record)

19 THE COURT: It is South Carolina Rules of Criminal
20 Procedure. Rule 4(b). Subsequent applications for Order
21 after refusal. If any motion be made to any judge and be
22 denied in whole or in part or granted conditionally no
23 subsequent motion upon the same set of facts shall be made
24 to any other judge in that motion. If upon such subsequent
25 motion any order be made it shall be void. So,

1 irrespective of whether I granted it or denied it in that
2 there has already been a motion made for self
3 representation before Judge Murphy if I was to grant or
4 deny, it would be a void Order under Rule 4(b). There's
5 another rule which is, of course, disability of a judge but
6 she's still here. So, I think that the motion to reconsider
7 her Order would have to be made to Judge Murphy since she
8 heard the motion to self represent and that motion was
9 denied.

10 What I will do is that I will seek to schedule
11 that motion, I guess it needs to be made. I don't know who
12 is going to draft it but it needs to be made. As I
13 understand it this matter is on for trial February 6. So, I
14 will endeavor to get this motion heard next week. I don't
15 know if she's going to be in the circuit but suffice it to
16 say when I'm in chambers I will endeavor to find out when
17 she will next be in the circuit and if she's in common
18 pleas I will get a term appointed for general sessions so
19 that she can hear that motion. Try to figure out where you
20 are going to be.

21 MR. CHISOLM: Yes, Your Honor.

22 THE COURT: I think I know where you are.

23 MR. ARGOE: You know where I am, ma'am.

24 THE COURT: All right.

25 MR. ARGOE: I sure appreciate it.

1 THE COURT: I will be doing that right now.

2 MR. ARGOE: Thank you very much.

3 MR. CHISOLM: Thank you, Judge.

4 THE COURT: Thank you. So sorry we couldn't go
5 forward but if it's been heard, you're not interested in
6 having a void Order that's not very helpful. Let's let the
7 solicitor come back in so I can tell them procedurally
8 that's were we will be.

9 (Everyone in the courtroom)

10 THE COURT: Next week, you are?

11 MR. OSBORNE: We are not in session so I will be
12 available whenever I need to be.

13 THE COURT: She's likewise. So we will reach out
14 to her law clerk now and tell her we need her to hear a
15 motion to reconsider. So, it appears that Judge Murphy has
16 heard the Faretta motion regarding Mr. Argoe and has made a
17 determination under Rule 4(b) of the South Carolina Rules
18 of Criminal Procedure. If I was to issue a decision today,
19 it would be void because the matter must be raised to Judge
20 Murphy because it was a motion that was raised and denied.
21 And under Rule 4(b) of the South Carolina Rules of Criminal
22 Procedure the motion must be made to her.

23 Now, Orangeburg has common pleas next week. I
24 know you are doing other things but I think -- I'm going to
25 try to get it scheduled next week.

1 MR. CHISOLM: That sounds good, Judge.

2 THE COURT: We are communicating with her as I sit
3 here and my law clerk sits here. Okay. Any day of the
4 week would be particularly bad for anybody. No. I'm in
5 Orangeburg but I'm in common pleas.

6 MR. CHISOLM: I can shift whatever is needed to
7 make it.

8 MR. OSBORNE: I think I might want to go, Judge.
9 The only thing I can't do is I cannot do Monday or
10 Thursday. Sorry.

11 THE COURT: That is okay. That will be fine. Not
12 Monday, not Thursday so Tuesday, Wednesday or Friday. Got
13 it. Got it, got it. Mr. Argoe, I wish I could tell you now
14 but I am going to have to reach out and get a date and I
15 will communicate that to Ash and he will absolutely
16 communicate that to you.

17 MR. ARGOE: Thank you, Your Honor. I appreciate
18 that.

19 THE COURT: Just be mindful that when you return,
20 whatever your materials or whatever you want to bring with
21 you get it, okay.

22 MR. ARGOE: I will have it ready. Thank you.

23 MR. CHISOLM: Thank you.

24 MR. OSBORNE: Thank you, Judge.

25 (End of Hearing)

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STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF BERKELEY)

Be it known that I, the undersigned Melissa R. Singletary, Certified Verbatim Reporter, for the State of South Carolina, do hereby certify that the foregoing transcript represents a true, accurate and complete transcript of record of the testimony and evidence introduced in during this testimony of the captioned case, before the Circuit Court for Dorchester County, South Carolina, so given on January 19, 2023, to the best of my skill and ability;

That I am not related to nor an employee of any of the parties hereto, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

IN WITNESS WHEREOF I have here unto set my hand this 14th day of May, 2023.

Melissa R. Singletary



Melissa R. Singletary, CVR

ATTACHMENT NO. IV

Anthony Mabry

From: Ash Chisholm <ashc@1stcircuitpd.com>
Sent: Monday, August 12, 2024 4:10 PM
To: Anthony Mabry
Subject: Fw: Anthony Argoe Hearing Jan 30th

 You don't often get email from ashc@1stcircuitpd.com. [Learn why this is important](#)

From: Ash Chisholm
Sent: Thursday, January 26, 2023 9:13 AM
To: Murphy, Maite Law Clerk (Alan G. Lee) <mmurphy@cscourts.org>
Cc: David L. Osborne <DOsborne@dorchestercountysc.gov>
Subject: Anthony Argoe Hearing Jan 30th


Judge Murphy,

We are scheduled to appear before you in Orangeburg on January 30th at 4 pm. After speaking with my client, we are withdrawing our motion to reconsider your prior ruling on his motion to represent himself.

Ash

Anthony Mabry

From: Ash Chisholm <ashc@1stcircuitpd.com>
Sent: Wednesday, August 14, 2024 10:39 AM
To: Anthony Mabry
Cc: Dudek, Robert
Subject: Fw: Anthony Argoe Hearing Jan 30th

 You don't often get email from ashc@1stcircuitpd.com. [Learn why this is important](#)
All,

This is the only correspondence I could find about this following my initial email withdrawing the motion to reconsider.

Ash

From: Murphy, Maite Law Clerk (Jewell Gearding) <mmurphy@cscourts.org>
Sent: Thursday, January 26, 2023 9:26 AM
To: Ash Chisholm <ashc@1stcircuitpd.com>
Cc: David L. Osborne <DOsborne@dorchestercountysc.gov>; Tonda Westbury <TWestbury@dorchestercountysc.gov>
Subject: RE: Anthony Argoe Hearing Jan 30th

Yes, I will reach out to Orangeburg as well.

From: Ash Chisholm <ashc@1stcircuitpd.com>
Sent: Thursday, January 26, 2023 9:24 AM
To: Murphy, Maite Law Clerk (Jewell Gearding) <mmurphy@cscourts.org>
Cc: David L. Osborne <DOsborne@dorchestercountysc.gov>; Tonda Westbury <TWestbury@dorchestercountysc.gov>
Subject: RE: Anthony Argoe Hearing Jan 30th

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. *******

No I haven't. I'm CC'ing Tonda on here so hopefully that will sort it out. I'm guessing you mean our Dorchester Clerk for docket/record purposes?

Ash

From: Murphy, Maite Law Clerk (Jewell Gearding) <mmurphy@cscourts.org>
Sent: Thursday, January 26, 2023 9:21 AM
To: Ash Chisholm <ashc@1stcircuitpd.com>
Cc: David L. Osborne <DOsborne@dorchestercountysc.gov>
Subject: RE: Anthony Argoe Hearing Jan 30th

Good Morning,

Have you reached out to the clerk about this so they know what to do with the roster?

From: Ash Chisholm <ashc@1stcircuitpd.com>
Sent: Thursday, January 26, 2023 9:13 AM
To: Murphy, Maite Law Clerk (Jewell Gearding) <mmurphy1c@sccourts.org>
Cc: David L. Osborne <DOsborne@dorchestercountysc.gov>
Subject: Anthony Argoe Hearing Jan 30th

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. *******
Judge Murphy,

We are scheduled to appear before you in Orangeburg on January 30th at 4 pm. After speaking with my client, we are withdrawing our motion to reconsider your prior ruling on his motion to represent himself.

Ash

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

**ATTACHMENT NO. V**

1 State of South Carolina )  
 2 County of Dorchester )  
 3 State of South Carolina, )  
 4 Plaintiff, )  
 5 vs. )  
 6 Anthony Nicholas Argoe, )  
 7 Defendant. )  
 8 \_\_\_\_\_ )

In the Court Of General Sessions  
 Indictment No.: 2019-GS-18-01519

**ORIGINAL**

Transcript of Proceedings

9  
 10 February 3rd, 2023  
 11 St. George, South Carolina

12 BEFORE:

The Honorable Diane S. Goodstein, Judge.

15 APPEARANCES:

17 David L. Osborne, Assistant State Solicitor  
 18 Attorney for the State/Plaintiff

19 Ash Chisholm, Assistant Public Defender  
 20 James Adams, Assistant Public Defender  
 21 Attorneys for the Defendant

22 ALSO PRESENT:

23 Anthony Nicholas Argoe

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EXHIBITS

|    |                 |    |       |
|----|-----------------|----|-------|
| 8  |                 |    |       |
| 9  |                 |    |       |
| 10 | NO. DESCRIPTION | ID | EVDS. |
| 11 | NONE            |    |       |

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1 Thereupon, the following proceedings were had,

2 THE COURT: All right. We are on the record in the  
3 case -- I'll get you guys to give me the numbers  
4 whoever's got the numbers of the indictment or  
5 indictments. This is the matter involving Mr. Argoe. We  
6 are scheduled to proceed to trial on Monday morning and I  
7 received a, just a very brief call and spoke with the  
8 attorneys and then came on and so that we could have an  
9 opportunity to see what the problem is so that we can  
10 proceed to trial on Monday hopefully. All right. The  
11 numbers?

12 MR. OSBORNE: Yes, Your Honor. The indictment  
13 number for the murder is 2019-GS-18-1519.

14 THE COURT: Thank you. All right. Yes, sir.  
15 Mr. Chisholm.

16 MR. CHISHOLM: Thank you, Your Honor. May it please  
17 the Court.

18 THE COURT: Yes sir.

19 MR. CHISHOLM: And before we get started, I just  
20 wanted to mention one thing.

21 THE COURT: Sure.

22 MR. CHISHOLM: In our previous discussion, and I  
23 have shared this with Solicitor Osborne, there was  
24 mention about timing wise of the trial and everything  
25 like that. There was mention about a potential witness

1 and release dates from prison and concerns that that's  
2 gonna be coming up pretty soon. Basically I was able to  
3 look into it and what I can tell, that witness would not  
4 be released until December of 2025. So, I just wanted to  
5 put that out there.

6 THE COURT: All right.

7 MR. CHISHOLM: And, Your Honor, as to my motion, if  
8 I could, if I could have courtroom cleared?

9 THE COURT: Without a doubt. It's a motion to be  
10 relieved; is that correct?

11 MR. CHISHOLM: Yes, ma'am.

12 THE COURT: All right. Thank you, gentlemen.

13 MR. OSBORNE: Your Honor, can I just clarify one  
14 thing about the release date situation?

15 THE COURT: Sure.

16 MR. OSBORNE: When I was talking to Mr. Hines about  
17 the release date, just for the record, and we'll clarify  
18 this if we have the trial whenever we have the trial for  
19 the deal issue, the reveal the deal motion, when we spoke  
20 to Mr. Gilliam, Terry Gilliam, Terry is a jailhouse  
21 informant, Terry said that when he and the defendant were  
22 in the Dorchester County Detention Center together, they  
23 had a conversation on March the 5th, I can't recall the  
24 year right now. I think it was 2021, but either way,  
25 during that conversation the defendant admitted to him

1 that he had killed his wife and there were some other  
2 comments there, but that was the gist of it.

3 When we went to meet with Terry I guess about a  
4 month ago, Terry had indicated to us, and I think the  
5 conversation literally went, and correct me if I'm wrong,  
6 Mr. Hines, but I think it went something like, I'm about  
7 to get released. I don't know what I can get out of  
8 this. And then I said, well, I can tell you what I can  
9 tell you is that I'm not promising you anything. The way  
10 this works is that if you're willing to cooperate, your  
11 attorney, who is Chris Murphy, can file a motion to  
12 reconsider, it goes in front of a Judge and it's up to  
13 the Judge.

14 I said, I'm not making any promises. I can't do  
15 anything for you. And I said, but just out of curiosity,  
16 when do you think you're getting released? And he said  
17 June of this year of 2023. And so that's what I was  
18 going off of when I made that comment what he said. I  
19 haven't even looked into it.

20 THE COURT: Okay. Got it.

21 MR. OSBORNE: Thank you, Judge.

22 THE COURT: Thank you. Thank you so much. And just  
23 as I proceed, is the State going to be ready Monday  
24 morning?

25 MR. OSBORNE: Oh, yes, ma'am. Definitely.

1 THE COURT: Very well.

2 MR. OSBORNE: Definitely.

3 THE COURT: Thank you.

4 (Whereupon, Mr. Osborne exited the courtroom.)

5 THE COURT: All right. Here's what I'm going to do.  
6 I'm gonna ask everyone who is in the courtroom to please  
7 identify who you are and about your presence here and the  
8 reason that I'm identifying everyone who is here is  
9 because I will endeavor to have this matter obviously in  
10 camera and ex parte but on the record so that we can  
11 preserve the attorney/client privilege so I'm already on  
12 the record. Kim, if you would start for me.

13 MS. LING: I'm Kim Ling with the Clerk of Court's  
14 Office.

15 THE COURT: Thank you.

16 SERGEANT SMITH: I'm Sergeant Smith with the  
17 Dorchester County Sheriff's Office.

18 THE COURT: Thank you.

19 MS. CLAY: I'm Destiny Clay with the Dorchester  
20 County Detention Center.

21 MR. SHINDLER: I'm PFC Steve Shindler, transfer  
22 officer with the Dorchester County Detention Center.

23 THE COURT: Okay.

24 MS. SOKIS: Amy Saukas, law clerk.

25 THE COURT: Okay. Yes.

1 MR. TISDALE: John Tisdale, Public Defender's  
2 Office.

3 THE COURT: Mr. Tisdale, what is your position with  
4 the PD?

5 MR. TISDALE: Investigator.

6 THE COURT: Investigator. All right. Okay.

7 MS. PEARSON: Emily Pearson, investigator with the  
8 Public Defender's Office.

9 MR. BRANDON: Corporal Brandon Martin, Dorchester  
10 County Sheriff's Office.

11 MR. LeBLANC: Steve LeBlanc, circuit court reporter.

12 THE COURT: Thank you. All right. For everyone who  
13 has just identified themselves, you are under an order  
14 not to discuss what is discussed here in this hearing.  
15 The reason for that is so that we can protect the  
16 attorney/client privilege of the defendant in this case.  
17 Obviously Mr. Chisholm is present and Mr. Adams with the  
18 Public Defender's Office. They are both present as they  
19 are representing Mr. Argoe. All right. Yes, sir.

20 MR. CHISHOLM: Thank you, Your Honor.

21 THE COURT: Yes.

22 MR. CHISHOLM: And, yes, I would be asking to be  
23 relieved as counsel. As I told you before, this is the  
24 first time I've ever actually done this in, I guess,  
25 nearly 15 years. Basically my relationship with Mr.

1 Argoe has degraded into pretty much open hostility at  
2 this point. I've represented him. He was initially  
3 represented by Michelle Hubrich in our office. When she  
4 left the office, I inherited the case from her in 2021  
5 and, you know, I've met with him for a long time now and  
6 our relationship has degraded pretty severely.

7 He previously filed a motion to have me relieved as  
8 counsel and I believe that was in July of last year with  
9 Your Honor which was denied. Subsequent to that he in  
10 September, September 16th of last year, he went before  
11 Judge Murphy and made a motion to represent himself.  
12 That motion was denied at that time, and I did not  
13 interject in that motion because generally in these kind  
14 of things I remain neutral. I don't take a position one  
15 way or another. I would say at this point our  
16 circumstances have changed.

17 I guess, I don't know if I could, but if I would  
18 join him in that motion or if it's just a motion on my  
19 own to be relieved. Basically what has happened is  
20 again, it has devolved into outright hostility for the  
21 most part when we have meetings culminating in this  
22 morning when I met with him, I was trying to talk to him  
23 about basic trial procedure, jury selection, what that  
24 means, how it operates, the order of operations as far as  
25 opening arguments, witnesses being called, all that kind

1 of thing, and there was a lot of back and forth and I  
2 could sense some anger there.

3 Our conversation ended with, I forgot what we were  
4 even talking about at that time, but what I definitely  
5 perceived to be a threat. Mr. Argoe told me, make sure  
6 you sit close by me. I'll see you Monday. And it wasn't  
7 said in a tone or in a way that would indicate he wanted  
8 to have me close by so that I could show him exhibits or  
9 anything like that. The reason I've got Mr. Adams as  
10 well as my investigators here is they were present. I  
11 don't know if it's appropriate to have questions about  
12 these kind of things or if he disputes it, but basically  
13 it's gotten to the point where we can't work together.  
14 He wants me relieved. He wants to represent himself and  
15 now it's gotten to the point where I feel like I'm being  
16 actually threatened.

17 THE COURT: All right. Thank you. Thank you.

18 DEPUTY SMITH: Come up here if you want to talk to  
19 the Judge.

20 Thereupon,

21 ANTHONY NICHOLAS ARGOE  
22 after having been first duly sworn, testified as follows,

23 THE CLERK: Please state your full name for the  
24 record.

25 MS. ARGOE: Anthony Nicholas Argoe, Senior.

1 THE COURT: Yes, sir.

2 MR. ARGOE: Yes, ma'am. On that comment, Your  
3 Honor, I did say that, but I was also, before he hung up  
4 on me, I was saying sit close to me in case I have a  
5 question for you, but he had already hung up, Your  
6 Honor.

7 THE COURT: Uh-huh. Okay. I think what you are  
8 telling me is that --

9 MR. ARGOE: I did not threaten him. No. That is  
10 what I'm trying to say.

11 THE COURT: Okay. Well, let me ask you this  
12 question.

13 MR. ARGOE: Okay.

14 THE COURT: How do you feel about the fact that your  
15 lawyer who is a very seasoned defense lawyer, dealt with  
16 all kinds of folks, is concerned about that? How does  
17 that - how do you feel about that?

18 MR. ARGOE: Your Honor, for the longest we haven't -  
19 the communication is just nil anymore, it's null and I  
20 have put in motions and asked for things and I shouldn't  
21 have to, Your Honor. He's my attorney. He should be  
22 happy to get me this stuff, but as far as it hasn't come  
23 to threatening. There's been some, I have made some name  
24 calls before.

25 THE COURT: You called him names?

1 MR. ARGOE: Yes. I did.

2 THE COURT: What did you call him?

3 MR. ARGOE: I called him a clown.

4 THE COURT: Why?

5 MR. ARGOE: I was upset.

6 THE COURT: You understand he's not a clown?

7 MR. ARGOE: I do. He's a very intelligent person,  
8 Your Honor.

9 THE COURT: Yes. He is.

10 MR. ARGOE: He is. And I don't have a problem with  
11 him as attorney per se as far as --

12 THE COURT: That's not why we are here. He has a  
13 problem with you. That's why we are here. We are not  
14 here because of your feeling about him. We are here  
15 because of his feeling about you.

16 MR. ARGOE: I understand that.

17 THE COURT: Do you understand he's been a Public  
18 Defender for 15 years? Do you understand that?

19 MR. ARGOE: I do.

20 THE COURT: Uh-huh. And he's used to dealing with  
21 all kinds of people, all kinds of things for a very long  
22 time and this is the first time he's ever felt compelled  
23 to make such a motion about that regarding an individual.  
24 And do you have any concern that whatever, whatever it  
25 was that you said and whatever was your intention, are

1 you concerned that he would have perceived that from you  
2 whether you intended it or not?

3 MR. ARGOE: I don't believe that, Your Honor.

4 THE COURT: You don't believe what?

5 MR. ARGOE: That -- Well, I can't say how he  
6 perceives something. That's him.

7 THE COURT: I know. He already said it.

8 MR. ARGOE: Right.

9 THE COURT: He said he perceived it. I said are you  
10 concerned that you have had a communication with someone  
11 who ought to be so important to you as your lawyer who  
12 stands between you and some pretty substantial  
13 consequences and are you concerned that out of a  
14 communication that was had with you that he's come away  
15 feeling that?

16 MR. ARGOE: I'm sorry he feels like that, Your  
17 Honor, but I definitely did not threaten him in any way  
18 and if he took it that way, I am sorry.

19 THE COURT: All right. Anything else you want to  
20 tell me?

21 MR. ARGOE: No, ma'am. That's it.

22 THE COURT: Okay. Thank you, sir. Mr. Adams.

23 MR. ADAMS: Yes, ma'am.

24 THE COURT: How long have you been working with  
25 Mr. Chisholm with Mr. Argoe?

1 MR. ADAMS: I believe I came onto this case, Judge,  
2 in November.

3 THE COURT: Okay. And how familiar are you with the  
4 facts, the defense, et cetera?

5 MR. ADAMS: The honest truth is I've read the case  
6 file, I've been in five meetings and outside of that I  
7 was gonna sit second chair and help Mr. Argoe with  
8 anything he needed as far as notes and anything at all  
9 regarding getting help, you know, not interrupting  
10 Mr. Chisholm during the trial.

11 THE COURT: Very good. Do you feel as though you  
12 can serve in that capacity for Mr. Chisholm?

13 MR. ADAMS: Your Honor, to be quite honest with you,  
14 I would have two days to prep.

15 THE COURT: No. No. No. Do you believe that you  
16 can continue in that capacity?

17 MR. ADAMS: Oh --

18 THE COURT: Meaning do you believe that you could --  
19 In other words, obviously if Mr. Chisholm remains on this  
20 file, he needs to be able to try this case. He doesn't  
21 need to be concerned about interactions with Mr. Argoe.  
22 Having said that, Mr. Argoe obviously needs to continue  
23 to be able to communicate. Obviously you and  
24 Mr. Chisholm can communicate and, you know, and I know  
25 that you all probably can communicate with a word or two

1 just because you all have worked together for a very long  
2 time.

3 MR. ADAMS: Yes, ma'am.

4 THE COURT: And so as I try to figure out where we  
5 are, do you believe you would be able to do that?

6 MR. ADAMS: Yes, ma'am.

7 THE COURT: Okay. Mr. Chisholm, let me tell you  
8 what I know. I know that you are the consummate  
9 professional. I know that you are neither shy nor  
10 retiring, nor are you scared meaning you have dealt with  
11 all kinds of people. You have always been professional  
12 and you have always been an absolute honor to your oath  
13 as a lawyer your entire -- We've been around each other a  
14 lot throughout your career.

15 MR. CHISHOLM: Yes, ma'am.

16 THE COURT: And I need to tell you that I take to  
17 heart your feeling. I truly do. And my question to you  
18 is this: So I don't, and I say that to you because I  
19 don't want you to think that I am minimizing your  
20 reaction because I am not. I know that you've never made  
21 a motion like this.

22 MR. CHISHOLM: Yes, ma'am.

23 THE COURT: It is -- So I ask you this: Do you --  
24 Let me tell you what I know and then I'm gonna ask you a  
25 question. What I know is, is that even given where we

1 are today if you were to try this case, the fact that  
2 you've had that very unpleasant interaction with this  
3 gentleman would not affect how you try this case. That I  
4 know. You're the consummate professional. However, you  
5 are the consummate professional and I must ask you if you  
6 have Mr. Adams to rely on to provide the communication  
7 between you and Mr. Argoe and to assist in that regard,  
8 are you able, based on your belief, to defend Mr. Argoe  
9 as you believe appropriate?

10 MR. CHISHOLM: Let's put it this way: If ordered to  
11 try the case, I could certainly try the case. Mr. Adams  
12 can, you know, have communications. I don't think that  
13 will be a problem, but I do have, you know, remaining  
14 concerns about our relationship overall and, you know,  
15 after hearing what Mr. Argoe said, he didn't intend to  
16 relay a threat, that's certainly not my recollection of  
17 how that went down.

18 THE COURT: I understand.

19 MR. CHISHOLM: I would have concerns about placement  
20 if I were to try the case, where Mr. Argoe was sitting.  
21 I don't want to put him at a disadvantage and go into too  
22 much detail here or anything like that. I'm not trying  
23 to prejudice him in the Court's eyes or anything.

24 THE COURT: I understand.

25 MR. CHISHOLM: But you know what my concern is.

1 THE COURT: Well, I'm going to ask you to attempt.  
2 I'm going to ask you to try this case.

3 MR. CHISHOLM: Yes, ma'am. I understand.

4 THE COURT: And I'm going to ask Mr. Adams to  
5 provide all of the buffer that you can.

6 MR. ADAMS: Absolutely.

7 THE COURT: I am going to ask that Deputy Smith  
8 dress throughout this trial in plain clothes and position  
9 yourself appropriately, physically appropriately so that  
10 you are within arms reach. Do you understand?

11 DEPUTY SMITH: Yes, Your Honor.

12 THE COURT: And that you supervise the search of Mr.  
13 Argoe before coming into the courtroom, okay? And I may  
14 make some additional changes, but I'll do those as I see  
15 fit with the understanding of the situation.

16 DEPUTY SMITH: Yes, Your Honor.

17 THE COURT: All right?

18 DEPUTY SMITH: Yes, Your Honor.

19 THE COURT: All right. Thank you.

20 MR. CHISHOLM: Thank you, Your Honor.

21 THE COURT: I'm gonna bring them back in so that we  
22 can just let them know where we are. All right. Yeah.

23 (Whereupon, Mr. Osborne entered the courtroom.)

24 THE COURT: All right. I think we have resolved the  
25 issue. We will be continuing to go forward on Monday.

1 Now, in terms of pretrial motions, approximately how long  
2 will you all need to do pretrial matters?

3 MR. OSBORNE: I think we can get done in less than  
4 two hours.

5 MR. CHISHOLM: The longest thing by far will be the  
6 State's brief, I think, on hearsay, you know. They've  
7 got some exhibits they want to get in, arguing whether or  
8 not it's hearsay or falls under an exception. I think  
9 that will probably take the most amount of time. The  
10 other ones we've discussed and I think a lot of them we  
11 can probably agree to.

12 THE COURT: Okay. That sounds fine.

13 MR. CHISHOLM: I don't know how long it will take  
14 still but...

15 THE COURT: Okay. So I think what I -- And how long  
16 do you think it will take to try the case, how many days  
17 if we started Tuesday morning?

18 MR. OSBORNE: I'm hoping that we will be resting  
19 Thursday morning.

20 THE COURT: Okay. We may or may not go into next  
21 week, but that sounds perfect. All right. And that's  
22 going to conclude what I need to have from you all. I am  
23 going to discuss just some staging issues so I'm gonna  
24 ask you all just to stay a couple of moments. It won't  
25 take us very long at all. But that will conclude, and

1 you all may go back to the jail. And thank you, Mr.  
2 Argoe. I'll see you Monday morning.

3 MR. ARGOE: Thank you, Judge.

4 THE COURT: All right. We'll walk back here. Seal  
5 it.

6 WHEREUPON, THE HEARING WAS CONCLUDED.  
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CERTIFICATE OF REPORTER

(STATE OF SOUTH CAROLINA)

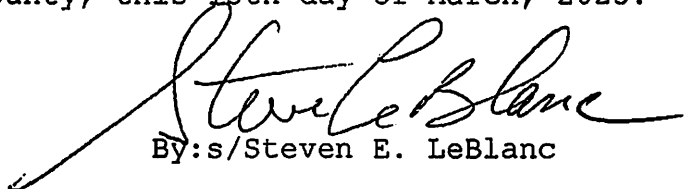
(COUNTY OF LEXINGTON )

I, THE UNDERSIGNED, Steven E. LeBlanc, Sr., R.P.R., and Official Circuit Court Reporter for the Eleventh Judicial Circuit in and for the State of South Carolina, do hereby certify that I reported the proceedings in the before captioned case in the Court of General Sessions in and for the State of South Carolina on the 3rd day of February, 2023.

I FURTHER CERTIFY that the forgoing 18 pages constitute a true and accurate record of said proceedings.

I FURTHER CERTIFY that I am neither related, counsel to, nor of interest to any party hereto.

IN WITNESS WHEREOF, I have hereunto set my hand at Lexington County, this 13th day of March, 2023.

  
By: s/Steven E. LeBlanc

Steven E. LeBlanc, Sr., R.P.R.  
Eleventh Circuit Court Reporter  
State of South Carolina.

ATTACHMENT NO. VI

1 That is perfectly fine. When you're ready to come back in, come  
2 back in. I'm looking for nods. Everybody got that? Okay.  
3 Good. Good. And what that does is that gives you the ability to  
4 do that what you might need to do, but we keep order for the  
5 jury, because they've got to do their work free of emotion. All  
6 right.

7 And, so y'all want to take five minutes?

8 ATTORNEY CHISHOLM: Yes, ma'am.

9 THE COURT: All right. Five minutes. I'm going to stay  
10 right here. Y'all go do whatever it is you'd like to do in five  
11 minutes. And then we will invite our jury out.

12 Now, everyone who is present in the courtroom -- and I see  
13 that we have some family members -- Mr. Osborne is going to  
14 escort you out because there's a matter I've got to hear outside  
15 of everyone's presence. Thank you. All right. Thank you.

16 And as soon as the alleged victim's folks are out, we have a  
17 young lawyer who is getting his 403. I'm going to ask you to  
18 step out just for the moment, just for the moment, while I do  
19 that.

20 (Court Security Deputy clears the courtroom with the  
21 exception of the Court, the defendant, Attorney Chisholm,  
22 Attorney Adams, and Court personnel.)

23 IN CAMERA MOTION

24 (SEALED)

25 THE COURT: And everyone else who's present in the courtroom

1 are court personnel, security, and, of course, my law clerk, and  
2 our court reporter. Everyone is under an order not to discuss  
3 what occurs in this hearing. Okay.

4 Yes, sir. Mr. Chisholm, there's a motion?

5 ATTORNEY CHISHOLM: Yes, Your Honor. I guess the best way  
6 to phrase it would be, it's a motion on the part of the defendant  
7 to have me relieved as counsel.

8 THE COURT: Okay.

9 ATTORNEY CHISHOLM: I believe that's what it is.

10 THE COURT: All right. And you can just stand where you  
11 are. He doesn't have to approach. All right. And, Mr. Argoe,  
12 very briefly. Obviously I've already heard this. I've heard  
13 your concerns a number of times. This is -- jury's been  
14 selected. We're about to begin the trial. But I will hear you  
15 briefly, sir.

16 MR. ARGOE: Thank you very much, Your Honor. This is -- it  
17 goes with what happened Friday in here with the problem with  
18 Mr. Chisholm and myself. But on the 10th of January I had filed  
19 a motion with the Clerk of Court, even though I know Ms. Cheryl,  
20 she told me that I had to file a motion through my attorney. I  
21 didn't know that at the time. But I did file this motion. I let  
22 Ash know when it came back, but I filed a motion, and the motion  
23 was that I was threatened by Ash Chisholm. And that was on the  
24 10th of January, before all this happened Friday. And my thing  
25 is, I feel like I have been ostracized by a Lex Luthor [ph] when

1 he stated that, and when I filed the motion on the 10th, it was  
2 swept under the rug. Nobody had said anything. I even asked him  
3 to bring me in front of you last week. He said he was not going  
4 to do it; that I'd see you today and he would not do it.

5 THE COURT: I saw you Friday.

6 MR. ARGOE: I didn't have it Friday because I didn't have my  
7 paperwork with me Friday.

8 THE COURT: I saw you Friday. Why didn't you say something  
9 about it Friday?

10 MR. ARGOE: That's what I'm saying. I just didn't want to  
11 say something. I wanted my paperwork so it would be seen.

12 THE COURT: You knew that Friday was the last day before  
13 trial. Why didn't you say something on Friday?

14 MR. ARGOE: We came in here because of something he said.  
15 They brought me from the jail.

16 THE COURT: Yes. Right. So why didn't you say something on  
17 Friday if you were concerned about that, sir? You were, I  
18 thought you were very gracious, and you apologized for your  
19 conduct. Yes?

20 MR. ARGOE: I appreciate that, and I meant what I said. I  
21 apologize.

22 THE COURT: Okay. Okay.

23 MR. ARGOE: But it doesn't change anything on this.

24 THE COURT: I understand. Anything else, sir?

25 MR. ARGOE: That and the fact I'm sitting here, I don't have

1 any clue of what's going on because he hasn't explained anything,  
2 he hasn't shown me anything. Because on Friday he stated that  
3 it's been months. Our communication is, you know, broken down.  
4 And I've stated the same thing, it was broken down. You know.

5 THE COURT: Yes, sir. He didn't say months.

6 MR. ARGOE: He did.

7 THE COURT: He didn't say that your communication was  
8 irretrievably broken. It was very recent. It was since the last  
9 time you were in court, which I don't remember when that was but  
10 it wasn't very long ago. Yes, sir. Anything else?

11 MR. ARGOE: And it was for the same thing. Yes, ma'am.

12 THE COURT: Yes. Anything else, sir?

13 MR. ARGOE: No.

14 THE COURT: Very well. Thank you, sir. Mr. Chisholm,  
15 between and you Mr. Adams, have you all communicated to Mr. Argoe  
16 regarding both the discovery, as well as those things that you  
17 would communicate to your client prior to trial between the two  
18 of you?

19 ATTORNEY CHISHOLM: Yes, Your Honor, I have.

20 THE COURT: Very well. Thank you. All right. Motion is  
21 denied. Anything further?

22 ATTORNEY CHISHOLM: No, Your Honor.

23 THE COURT: Very well. All right.

24 COURT SECURITY DEPUTY: Want me to bring everybody back in?

25 THE COURT: Yes, please.

1 (Court Security Deputy permits people in the courtroom.)

2 THE COURT: Counsel, let me see you very, very quickly.

3 (Off-the-record discussion at sidebar.)

4 THE COURT: Anything before we bring the jury out from the  
5 State?

6 ATTORNEY OSBORNE: No, Your Honor.

7 THE COURT: All right. From the defense?

8 ATTORNEY CHISHOLM: No, Your Honor.

9 THE COURT: All right. Let's have the jury.

10 (Jury seated in the courtroom at 3:54 p.m.)

11 THE COURT: Now, please stand and raise your right hand, and  
12 be sworn in as a jury in this case.

13 JURY SWORN

14 (Clerk of Court administers oath to the jurors.)

15 CLERK OF COURT: If you accept this oath, please say I do  
16 and be seated.

17 (Jurors respond.)

18 COURT'S OPENING INSTRUCTIONS

19 THE COURT: Ladies and gentlemen, there are legal pads in  
20 your seats, and pencils. There is an ongoing debate about taking  
21 notes, and I'll start there with my preliminary instructions to  
22 you. I have provided a legal pad for you, and a pencil. This is  
23 your legal pad and your pencil. And so here's what I'm going to  
24 ask you to do. On that top sheet, put either your name or your  
25 number, or both, whatever suits you. Write your name so everyone

1 THE COURT: Anything from the defense?

2 ATTORNEY CHISHOLM: No, Your Honor.

3 THE COURT: Very well. Please let us have the jury.

4 (Jury seated in the courtroom at 5:52 p.m.)

5 VERDICT

6 THE COURT: All right. It is myself understanding that the  
7 jury has reached its verdict; is that correct?

8 THE FOREPERSON: Yes, ma'am.

9 THE COURT: Hand it, please, to Amanda. Thank you, Amanda.  
10 Thank you. All right. I find that the verdict is in appropriate  
11 form. Ms. Kim, if you would please publish it.

12 CLERK OF COURT: The State of South Carolina, County of  
13 Dorchester. On Indictment No. 2019-GS-18-01519, as the  
14 indictment for murder, we, the jury, unanimous find the  
15 defendant, Anthony Argoe, guilty.

16 THE COURT: Dated and signed?

17 CLERK OF COURT: February 9th, 2023.

18 THE COURT: And signed by? The presiding juror?

19 CLERK OF COURT: Katelyn Chambers Barnett.

20 THE COURT: All right. Ladies and gentlemen, if this was  
21 your verdict in your jury room and continues to be your verdict  
22 here in the courtroom, if you would indicate by raising your  
23 right hand.

24 (Jurors respond.)

25 THE COURT: Very well. I find that all of our jurors had

1 pretty poor health, which is one of the considerations of why  
2 we're here. But we would ask for any consideration that you can  
3 show him.

4 THE COURT: Thank you so much, Mr. Chisholm.

5 SENTENCE OF THE COURT

6 THE COURT: All right. Mr. Argoe, I have considered your  
7 record and I have considered the jury's verdict, so I have also  
8 been privy, as I have listened these last four days, to your  
9 conduct. And based upon all of these matters, I am going to  
10 commit you to the State Department of Corrections for the balance  
11 of your life.

12 That will conclude these matters.

13 (End of Transcript of Record, Volume IV of IV.)  
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