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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

CASE NO. 2019-GS-46-06159

STATE OF SOUTH CAROLINA,)

)

Plaintiff,)

)

-vs-

)

TRANSCRIPT OF RECORD

)

(Jury selection)

JOSHUA KENNETH BROOKINS,)

)

Defendant.)

)

_____)

July 15, 2024

York, South Carolina

B E F O R E:

Honorable Debra R. McCaslin, Judge.

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

Ms. Austin Smith

Assistant Solicitor

Mr. Alex Harper

Assistant Solicitor

Attorneys for the Plaintiff

York, South Carolina

Ms. Jennifer Cloud

Attorney at Law

Attorney for the Defendant

York, South Carolina

Shannon E. McGilberry, CVR-M
Court Reporter

(Whereupon, the jury pool entered the courtroom at 12:19 p.m.)

THE COURT: All right. Ladies and gentlemen, as a jury panel, congratulations for making the short list. We're going to even have a shorter list, but there are some matters that I need to take up with the lawyers and I'm not going to make y'all sit any longer. I'm going to let you go to lunch; ask that you come back and be here at two o'clock and at that time I'm going to have a few more questions for you and then we will pick a jury.

I will tell you, if you're on the jury, we are not going to start this case today. We'll start it tomorrow. So once we select a jury, I'm going to let that jury go and I'll see them in the morning. So -- and let me tell all of y'all, we've taken a headcount. We know how many y'all are. So when I send you out for lunch, please make sure you come back, 'cause if not, I'm going to have to send somebody to go get you and that's just not going to be a good thing to do. I don't want to have to do it. Y'all go to lunch and I'll see you back here in this courtroom at two o'clock.

Please make sure that you keep all of your badges on that

you are a -- I want them to keep it 'cause I'm sending them to lunch and that way if any of these lawyers see a juror, they know that they're not to talk to them. All right.

Let me give y'all some instructions. If you see these lawyers and they don't speak to you -- in fact, they should run, because they're under my order not to speak to you at all. Please don't think they're rude. I've asked them not to do that. So with that said, y'all enjoy your lunch and I'll see you at two o'clock. Oh. They want y'all to go to the jury assembly room, where you first -- that room downstairs where y'all were, that's where they want you to meet back. Remember, if one of y'all is gone, not here, the rest of us have to wait. I've got to have all of you.

(Whereupon, the jury pool was dismissed for lunch at 12:24 P.M.)

THE COURT: All right. Let me talk to the lawyers. This is a simple case and it seems like it's **** to get a jury picked. It's just a distribution, one count. I understand that there's really two counts, but only one's going to trial. I need the defendant. I need him dressed out because he is entitled to listen to -- to watch the jury selection process. I did not realize that he had no clothes, but we haven't started the voir dire yet. I am assuming your client is waiving qualification. So y'all need to get

him dressed whether you go downstairs, get it from the public defender's office. I know that they have clothes available or whatever you need to do, but I want him dressed and ready to go at two o'clock. If y'all work something out in this case, please let me know immediately so I can let this jury go. I don't like bringing the jury in all morning long, then tell them to go to lunch, then bring them back again. To me that's a waste of time when I know that I would have let them go here in about 45 minutes for the rest of the day. I just don't -- that's just not the way I operate when I pick a jury. I try to be respectful of their time. So we'll start at a quarter to two. Is there anything else that I need to take up with the lawyers?

MR. HARPER: Your Honor, just one thing. Just for scheduling, make sure we don't have any more hangups, do you want to do pre-trial today or would you like to do it tomorrow morning?

THE COURT: How long is it going to take to try this case?

MS. SMITH: Your Honor, I believe it'll be -- depending on your ruling on the death, I believe it'll be about three days. If I'm able to say that he is dead, but not talk about the Fentanyl, that does take out several witnesses.

THE COURT: Well, I'm going to tell you I think you can -- I'm inclined not to let -- I'm not going to let you blame him for the death or make that insinuation of the Fentanyl because I mean, we don't know,---

MS. SMITH: Okay.

THE COURT: ---unless you've got some proof that he gave him Fentanyl within five minutes and then he was dead ten minutes later. I don't know what all the facts are.

I'll let you argue it before, but, you know, just telling you I'm not inclined to let that in. You know, maybe y'all need to stipulate that -- y'all could both stipulate that he's dead. I'm just not going to let -- this is a distribution of Fentanyl case. I don't believe death is an element of any of it. I think it's highly prejudicial. I'll let y'all talk about it. Maybe y'all can work something out. If not, I'll rule on it.

MS. SMITH: Okay.

MR. HARPER: I'm sorry, Your Honor. Did you want to do that this afternoon or tomorrow morning?

THE COURT: No. I'll do it this afternoon.

MR. HARPER: Thank you, Your Honor.

THE COURT: All right. We're adjourned 'til two o'clock.

(Whereupon, the proceeding was adjourned at 12:29 p.m. for lunch and reconvened at 2:01 P.M.)

THE COURT: Let's bring the jury in.

(Whereupon, the jury pool entered the courtroom at 2:02 P.M.)

THE COURT: All right. Mr. Bailiff, we got everybody?

THE BAILIFF: Yes, ma'am, Your Honor.

THE COURT: All right. Ladies and gentlemen, hope y'all had a good lunch. We're going to start this case. We are about to begin the trial of the *State of South Carolina versus Joshua Brookins*.

I'm going to ask the State to please call the case.

MS. SMITH: Thank you, Your Honor. At this time we would call the *State versus Joshua Kenneth Brookins*. That's indictment number 2023-GS-46-06159 for distribution of Fentanyl. The indictment reads that the defendant, Joshua Kenneth Brookins, did on or about May 2nd of 2023, in York County, South Carolina manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt or conspire to manufacture, distribute, dispense, deliver, or purchase or possess with intent to distribute, to manufacture or dispense, deliver or purchase Fentanyl, a Schedule II controlled substance narcotic, all in violation of Section 44-53-370 of the Code of Laws of South Carolina.

THE COURT: Thank you. Ms. Cloud, let me ask you, how

does your client plead?

MS. CLOUD: Not guilty, Your Honor.

THE COURT: And is he ready to proceed for trial?

MS. CLOUD: Yes, Your Honor.

THE COURT: Okay. Thank you.

All right. Ladies and gentlemen, before we select a jury, there are several questions, which I will need to ask you. If you need to answer any of these questions, I'm going to ask you to please stand and I will call on you individually. I do not want you just shouting out an answer. I will call and ask you the questions.

Before we get started, I'm going to ask the solicitor's office to please introduce themselves and anyone else assisting in the prosecution of this case, please.

MS. SMITH: Thank you, Your Honor. I'm Senior Solicitor, Austin Newman Smith.

MR. HARPER: And I'm Assistant Solicitor, Alex Harper.

THE COURT: Now, let me ask the defense if they would please introduce herself and your client and anyone else assisting you in the defense of this case?

MS. CLOUD: Thank you, Your Honor. I am Jennifer Cloud. I'm counsel for Mr. Joshua Brookins.

THE COURT: All Right. Now, let me ask the members of the jury panel, have you ever been represented by any of the attorneys involved in this case or by their law firms, which

is York County Solicitor's Office -- and, Ms. Cloud, what's the name of your law firm?

MS. CLOUD: The Cloud Law Firm.

THE COURT: -- the Cloud Law Firm. If so, please stand.

(No one stands)

THE COURT: Is there any member of the jury panel related by blood or marriage, know personally, or have any religious, political, social, or business association with any of the attorneys involved in this case or anyone in their law firms? If so, please stand.

(Juror stands)

THE COURT: Yes, ma'am. Your juror number?

JUROR: 13.

THE COURT: Number 13. Can you please tell me which lawyer.

JUROR: Yes. Solicitor's office, Kevin Brackett. We're personal friends.

THE COURT: Okay. Now, help me pronounce your last name? Is it Amautovic.

JUROR: Amautovic. Uh-huh. But that's good enough.

THE COURT: Well, let me put it to you this way: if you

were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

JUROR: Yes, ma'am.

THE COURT: Thank you. Keeping you. Anybody else?

(No one stands)

THE COURT: Is any member of the jury panel related by blood or marriage, know personally or have any religious, political, social or business association with the defendant, Joshua Brookins, or anyone in his family? If so, please stand.

(Juror stands)

JUROR: Your Honor.

THE COURT: Your Juror Number?

JUROR: 160.

THE COURT: All right. Mr. Mitchell, you know the defendant?

JUROR: Could you define personal know? I know who he is from growing up and through school.

THE COURT: That's all I need you to say. Let me ask you, Mr. Mitchell, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

JUROR: Yes, Your Honor.

THE COURT: I'm going to keep you. I want to ask you one question then, Mr. Mitchell. How do you know the defendant?

JUROR: Just from growing up, saw him in school and recognize his name---

THE COURT: Okay.

JUROR: ---and face.

THE COURT: All right. Thank you. Again, I'm going to ask you one more time; you can be fair and impartial to both the state and the defense?

JUROR: Yes, ma'am.

THE COURT: Thank you. I'm keeping you.

(Whereupon, an unidentified person left the courtroom.)

That wasn't any of the jurors, was it?

MS. SMITH: Your Honor, may I approach?

THE BAILIFF: (Addressing the Court) No, ma'am.

(Whereupon, counsel approached the Bench and discussion was held off the record, out of the hearing of the court reporter.)

THE COURT: All right. The next question is any member of the jury panel employed by or related by blood or marriage or a friend of a member of any law enforcement agency, court personnel, or the Sixteenth Circuit Solicitor's Office? If so, please stand.

(Jurors stand)

THE COURT: Your juror number?

JUROR: 262.

THE COURT: Juror number 262, Ms. Wilson.

JUROR: Yes, Your Honor.

THE COURT: Ms. Wilson, can you tell me is it -- who are you related to or employed by, either in law enforcement, court personnel, or the solicitor's office?

JUROR: I work for Rock Hill Schools, but we're closely invested with the SRO's out of York County and Rock Hill Police Department.

THE COURT: Okay. So let me ask you if you were selected as a juror, Ms. Wilson, could you be fair and impartial to both sides, meaning the State and the defense?

JUROR: (Nodding affirmatively) Yes, ma'am.

THE COURT: I'm keeping you. Yes, ma'am. Your juror number?

JUROR: 209.

THE COURT: Juror number 209, Ms. Sipe. Ms. Sipe, are you employed by, related to or a friend of anyone in law enforcement, with court personnel or the solicitor's office?

JUROR: My son is a police officer, but it's out of state.

THE COURT: Okay. Let me ask you, Ms. Sipe, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

JUROR: Yes, Your Honor.

THE COURT: Thank you.

All right. Yes, ma'am. Your juror number?

JUROR: 1-0-1.

THE COURT: Juror number 1-0-1, Ms. Hoag. Ms. Hoag, can you tell me, are you employed by or related to or a friend?

JUROR: A friend with one of the sheriff since -- is a friend today.

THE COURT: Okay. So let me ask you, Ms. Hoag, if you were selected as a juror in this case, could you be fair and impartial to both the state and the defense?

JUROR: Yes.

THE COURT: Thank you. Keeping her. Anybody else?

(No one stands)

THE COURT: The following is a list of possible witnesses in this case. And what I want to know is there any member of the jury panel related by blood or marriage, know personally or have any religious, political, social or business association with any of these witnesses?

The witnesses are as follows: Lucas ???, from the York County Sheriff's Office; Christine Settlemieir. Am I saying that right, Settlemieir?

MS. SMITH: Yes, Your Honor.

THE COURT: A Mike Settlemieir; A Jacob ???; Ashley Scott,

Coroner; Hanson Gardner for the York County Solicitor's -- Sheriff's Office; Terry Sanders from the York County Sheriff's Office; Barbie Traylor from the York County Sheriff's Office; Paul Wylie from the York County Sheriff's Office; a Michael Robinson from the York County Sheriff's Office; a Holly Tobias.

She's a chemist; a Dr, Roger Stone; a Dr. Denny Garvin; a Joey Wallace from the York County Sheriff's Office; Kayla Helms; Sergeant Miesha ??? from the York County Sheriff's Office; a Tammy Donald; a Lieutenant Josh Yates from the York County Sheriff's office; and, Joshua Brookins.

Again, is any member of the jury panel related by blood or marriage, know personally or have any religious, political, social or business association with any of the witnesses that I just called? If so, please stand?

(Jurors stand)

THE COURT: Well, start over here. Juror number?

JUROR: 251.

THE COURT: Juror number 251. Can you tell me who on the witness list that you know?

JUROR: Ashley Scott.

THE COURT: Let me ask you, Ms. Wilkerson, if you were selected as a juror in this case, could you be fair and impartial to both the state and the defense?

JUROR: Yes, ma'am.

THE COURT: Thank you.

Juror number?

JUROR: 76.

THE COURT: Juror number 76. Ms. Freeman, can you tell me who you know?

JUROR: Josh Yates.

THE COURT: Ms. Freeman, if you were selected as a juror in this case, could you be fair and impartial to both the state and the defense?

JUROR: Yes, ma'am.

THE COURT: Thank you.

Yes, ma'am.

JUROR: 271.

THE COURT: Juror number 271, Ms. Young. Who do you know on the list?

JUROR: I'm familiar with Ashley Scott.

THE COURT: And if you were selected as a juror in this case, could you be fair and impartial to both the state and the defense?

JUROR: Yes.

THE COURT: Thank you.

Yes, sir, your juror number?

JUROR: 160.

THE COURT: Juror number 160. That's Mr. Mitchell. Who do you know on the list?

JUROR: As stated earlier, Your Honor, I'm aware of who Joshua Brookins is.

THE COURT: And, again, Mr. Mitchell, if you were selected as a juror, could you be fair and impartial to both the state and the defense?

JUROR: Yes, ma'am.

THE COURT: Thank you.

Has any member of the jury panel, their immediate family or close friend ever accused of, investigated for or arrested for a drug-related offense? If so, please stand?

(Juror stands)

THE COURT: Yes, ma'am. Your juror number?

JUROR: 68.

THE COURT: Juror Number 68. Friend or family?

JUROR: Family.

THE COURT: And can you tell me what -- do you know what type of drug they were arrested for?

JUROR: Marijuana.

THE COURT: Marijuana. Let me ask you, Ms. Eddy, if you were selected as a juror in this case, could you be fair and impartial to both the state and the defense?

JUROR: Yes, ma'am.

THE COURT: Thank you. Keeping her. Anybody else?

(No one stands)

THE COURT: Is any member of the jury panel or your immediate family member or personal friend -- a personal friend with any attorney who practices criminal defense work? If so, please stand?

(Juror stands)

THE COURT: Yes, ma'am, your juror number?

JUROR: 13.

THE COURT: Juror number 13. The name that I cannot pronounce. Can you tell me who do you know that practices criminal defense?

JUROR: Ms. Shannon ????. She practices in Lincolnton, North Carolina.

THE COURT: Okay.

JUROR: She's my best friend.

THE COURT: And if you were selected as a juror in this case, could you be fair and impartial to both the state and the defense?

JUROR: Yes, ma'am.

THE COURT: Keeping her. Anybody else?

(Juror stands)

THE COURT: Yes, sir, your number?

JUROR: 21.

THE COURT: Juror number 21. Mr. Barrett. Who do you know?

JUROR: ????. She's the district attorney in North Carolina.

THE COURT: Okay. And if you were selected as a juror in this case, could you be fair and impartial to both the state and the defense?

JUROR: Yes, ma'am.

THE COURT: Thank you.

Yes, ma'am.

JUROR: Is this only for South Carolina or anywhere?

THE COURT: It's anywhere. And can I have your juror number first?

JUROR: 265.

THE COURT: Juror number 265. Can you tell me, who do you know?

JUROR: Hundreds.

THE COURT: Hundreds?

JUROR: Hundreds of them. I worked in the court.

THE COURT: Your work at the courthouse?

JUROR: I worked. Past.

THE COURT: You worked at a courthouse? What courthouse did you work at?

JUROR: New York State Supreme Court, ??? County.

THE COURT: Okay. Absolutely. I bet you do. So let me as you, Ms. Woodard, if you were selected as a juror in this case, could you be fair and impartial to both the state and the defense?

JUROR: Yeah.

THE COURT: Thank you. Anybody else?

(No one stands)

THE COURT: Does any member of the jury panel believe that a person is guilty of a crime simply because he or she was arrested? If so, please stand?

(No one stands)

THE COURT: Is there anybody in the jury panel who would be inclined to believe a police officer's testimony over that of a private citizen merely because he is a police officer? If so, please stand?

(No one stands)

THE COURT: Has any member of the jury panel had an interaction or experience with a police officer or other law enforcement person or formed an opinion about police or our criminal justice system that would prevent you from being a fair juror? If so, please stand?

(No one stands)

THE COURT: Is there any member of the jury panel who is a member of or contributor to any group which has its primary concern the promotion of law enforcement, victims' rights or anti-drug organizations? These groups would included but not limited to MADD, SADD or CAVC, Citizens Against Violent Crime? If so, please stand?

(No one stands)

THE COURT: During the course of this trial all of the jurors will be asked to listen carefully to testimony from witnesses, review and consider various exhibits that get admitted as evidence, and follow my instructions on the law in this case. Is there any member of the jury panel who feels that they will not be able to listen carefully to the testimony from witnesses, review and consider various exhibits, and follow my instructions on the law in this case? If so, please stand?

(No one stands)

THE COURT: Has any member of the jury panel formed or expressed an opinion about any issue or matter involved in this case? If so, please stand?

(No one stands)

THE COURT: Would any member of the jury panel have difficulty expressing their own opinions and thoughts about this case to your fellow jurors? If so, please stand?

(No one stands)

THE COURT: Is any member of the jury panel aware of any

bias or prejudice towards either the state or the defendant in this case? If so, please stand?

(No one stands)

THE COURT: Does any member of the jury panel have any religious or moral beliefs which would prevent them from passing judgment on another person as a member of the jury? If so, please stand?

(No one stands)

THE COURT: Does any member of the jury panel know of any reason whatsoever why he or she should not serve as a juror in this case, with particular emphasis being placed on your ability to be fair and impartial to both the state and the defendant? If so, please stand?

(No one stands)

THE COURT: Does the state have any additional questions it would like to have asked?

MS. SMITH: Your Honor, may I approach, please?

(Whereupon, counsel approached the Bench and discussion was held off the record, out of the hearing of the court reporter)

THE COURT: All right. Let me ask the defendant. Does the defendant have any additional questions they would like to have asked?

MS. CLOUD: No, Your Honor.

THE COURT: Okay. All right. Then we're going to proceed with picking a jury. Let me tell the jury that -- this is how it goes. If you hear your name and your number, you're going to come through -- Mr. Bailiff, can you show them how they're going to walk up here. This is what y'all are going to do. Through that little gate, and then come up here, turn around and face the door just like he is. And then this is what you're going to hear. You're going to hear them say, please present the juror or excuse the juror or seat the juror. Present and seat will get you in that box. And the bailiff will help you get into the box. When you come up, bring everything you have because you'll be staying with us. Don't leave anything on the seats. If you are not picked, like -- again, please don't get upset. And if they ask you to return to your seat, please return to your seat, okay? Ladies -- can I see the clerk for a moment, please.

(Whereupon, an off the record discussion was held with the clerk out of the hearing of the court reporter)

THE COURT: Let me ask the lawyers, five and five?

MS. ???: That's right.

THE COURT: Five and five. And I think I'll go with one alternate. Does that suit, unless somebody wants more?

MS. SMITH: That's fine, Your Honor.

THE COURT: All right. If you're ready to proceed, I'm

going to ask our clerk to call the first juror.

CLERK: Juror number 21, Brandon Barrett.

What say ye for the state?

MS. SMITH: Please present the juror.

CLERK: Defense?

MS. CLOUD: Seat the juror.

CLERK: Please have a seat in the jury box.

THE COURT: It's that easy.

CLERK: Juror number 263, Martha Winegarden.

What say ye for the state?

MS. SMITH: Please present the juror.

CLERK: Defense?

MS. CLOUD: Excuse the juror.

CLERK: You've been excused from this case.

Juror 265, Juli Woodard.

What say ye for the state?

MS. SMITH: Please excuse the juror.

CLERK: You have been excused from this case.

Juror 251, Hanna Wilkerson.

What say ye for the state?

MS. SMITH: Please present the juror.

CLERK: And the defense?

MS. CLOUD: Seat the juror.

CLERK: Please have a seat in the jury box.

Juror 193, James Rodriguez.

What say ye for the state?

MS. SMITH: Please excuse the juror.

CLERK: You have been excused from this case.

Juror number 56, Michael Crutchfield.

What say ye for the state?

MS. SMITH: Please present the juror.

CLERK: And the defense?

MS. CLOUD: Please seat the juror.

CLERK: Please have a seat in the jury box.

Juror number 117, Sean Keith.

What say ye for the state?

MS. SMITH: Please present the juror.

CLERK: And the defense?

MS. CLOUD: Please excuse the juror.

CLERK: You have been excused from this case.

Juror number 68, Heather Eddy or Eddy.

What say ye for the state?

MS. SMITH: Please present the juror.

THE CLERK: And the defense?

MS. CLOUD: Please seat the juror.

THE CLERK: Please have a seat in the jury box.

Juror 216, Griffen Stephenson.

What say ye for the state?

MS. SMITH: Please excuse the juror.

THE CLERK: You have been excused from this case.

Juror number 114, James E. Johnson, Jr.

What say ye for the state?

MS. SMITH: Please present the juror.

THE CLERK: And the defense?

MS. CLOUD: Please seat the juror.

THE CLERK: Please have a seat in the jury box.

Juror number 23, De'marri Beatty.

What say ye for the state?

MS. SMITH: Please excuse the juror.

THE CLERK: You have been excused from this case.

Juror 141, Janet Lopez.

What say ye for the state?

MS. SMITH: Please present the juror.

THE CLERK: And the defense?

MS. CLOUD: Please excuse the juror.

THE CLERK: You have been excused from this case.

Juror 221, Jean Thorne.

What say ye for the state?

MS. SMITH: Please present the juror.

THE CLERK: And the defense?

MS. CLOUD: Please seat the juror.

THE CLERK: Please have a seat in the jury box.

Juror number 61, Anthony Degraw.

What say ye for the state?

MS. SMITH: Please present the juror.

THE CLERK: And the defense?

MS. CLOUD: Please seat the juror.

THE CLERK: Please have a seat in the jury box.

Juror number 160, Matthew R. Mitchell.

What say ye for the state?

MS. SMITH: Please present the juror.

THE CLERK: And the defense?

MS. CLOUD: Please excuse the juror.

THE CLERK: You have been excused from the case.

All right. Juror 237, Robin Wallace.

What say ye for the state?

MS. SMITH: Please present the juror.

THE CLERK: And the defense?

MS. CLOUD: Please seat the juror.

THE CLERK: Please have a seat in the jury box.

Juror number 146, Dawn Mack.

What say ye for the state?

MS. SMITH: Please present the juror.

THE CLERK: And the defense?

MS. CLOUD: Please excuse the juror.

THE CLERK: You have been excused from the case.

Juror 271, Jocelyn Young.

What say ye for the state?

MS. SMITH: please present the juror.

THE CLERK: And the defense?

MS. CLOUD: Seat the juror.

THE CLERK: Please have a seat in the jury box.

Juror number 76, Leigh Freeman.

What say ye for the state?

MS. SMITH: Please present the juror.

THE CLERK: And the defense?

MS. CLOUD: Seat the juror.

THE CLERK: Please have a seat in the jury box.

Juror 232, Jonathan Tyler.

What say ye for the state?

MS. SMITH: Please present the juror.

THE CLERK: And the defense?

MS. CLOUD: Please seat the juror. Thank you.

THE CLERK: Please have a seat in the jury box.

Juror number 209, Kim Sipe.

What say ye for the state?

MS. SMITH: Please seat the juror.

THE CLERK: And the defense.

MS. CLOUD: Please seat the juror.

THE CLERK: Please have a seat in the jury box.

And juror 29, Andrew Bodnar.

THE COURT: This is for the alternate, right?

THE CLERK: Yes, ma'am.

What say ye for the state?

MS. SMITH: Please present the juror.

THE CLERK: And the defense?

MS. CLOUD: Please excuse the juror.

THE CLERK: You have been excused from this case.

Juror 264, Chasidy Winters.

What say ye for the state?

MS. SMITH: Please present the juror.

THE CLERK: And the defense.

MS. CLOUD: Please seat the juror.

THE CLERK: Please have a seat in the jury box.

THE COURT: All right. Ladies and gentlemen, that's going to be the only jury we're picking this week. So I've got some good news and bad news for you. The good news is that you get paid for being here today. The bad news is, the check's in the mail. Don't get real excited, you might can go to McDonald's. But I don't know, the last time I heard, you might ought to go for that \$5 meal that somebody has. It's not a

whole lot of money. But when the term of court is over with, they will send you a check for being here today. Let me thank each and every one of you for coming today. I do appreciate it. The state appreciates it. With that you can be excused and I hope y'all have a good rest of the week. Should anyone need an excuse from work, please stop by the clerk's office and they will furnish you one, okay? You can be excused. Thank you.

(Whereupon, the jury panel exited the courtroom at 2:41 p.m.)

THE COURT: All right. Ladies and gentlemen, you are now selected as the jury in this case. Let me just go over a little housekeeping with you. I do not allow note taking. So please do not take any notes. You are not allowed to have your cellphones on you in this courtroom or while you are in the jury room. I do not allow it. If you need to make a phone call, you can knock on the door and let the bailiff know. But all cellphones are to be taken out before they go into the jury room. More importantly, you are not allowed to talk about this case at all, period, with your friends, with your significant other, with your spouse. It is so tempting to get on the phone and say you are not going to believe this, but I got picked

as a juror. It is so tempting. Please do not do it. I can promise you, I find out about it every single time. It's amazing to me how I find out. Please do not do it. You're not even allowed to talk about this case amongst yourselves while you're in the jury room. I told you earlier the lawyers in this case will not approach you. They should not. If they do, I need to know about it. Please don't try to approach them and talk to them about this case. They are under my orders not to discuss this case or talk to you. You're not allowed to try to catch a witness. Don't do it. I will find out about it. You're not allowed to talk to anyone about this case whatsoever. Do not watch anything on TV on the news, on social media or Twitter, I mean, there's just a slew of stuff out there on social media. You're not allowed to look up anything about these lawyers, this defendant, court personnel, the judge. You're not allowed to look up anything about anybody that's involved in this case, period.

Mr. Barrett?

JUROR: Yes, ma'am.

THE COURT: would you do me the honor of being my foreman?

JUROR: Yes, ma'am.

THE COURT: Thank you.

All right. So this is what we're going to do. I like to start early. I'm going to let you go for today. We're going to start this case tomorrow. I'm not going to let you sit in

a jury room while I discuss things with lawyers. I'll try to keep you updated the best I can as to how long we're going to go each day so y'all can plan accordingly. I know y'all have lives and children and all that stuff, so I try to be as courteous as I can be and conscientious about your time. I would ask that everybody be in the jury room at 8:45 in the morning. I like to start at 9. And I will start at 9.

I'm going to ask the bailiff to show you were the jury room -- you're going to show them the jury room and where they need to report in the morning. And how they're to get in where you're supposed to be. He'll take care of all of that. Again, remember, there's to be no talking about this case at all.

Okay. With that said, anything from the state before I let the jury go today?

MS. SMITH: Nothing from the state, Your Honor.

THE COURT: Anything from the defense?

MS. CLOUD: No, Your Honor.

THE COURT: All Right. I look forward to working with y'all. Y'all can be excused. If you'll follow the bailiff. Make sure you wear all that -- you have your jury and everyday wear it proudly.

(Whereupon, the jury exited the courtroom at 2:47 p.m.)

STATE OF SOUTH CAROLINA)

) C E R T I F I C A T E

COUNTY OF YORK)

I, the undersigned Shannon E. McGilberry, official Court Reporter for the Sixteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of the record of all proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in the Court of General Sessions for York County, South Carolina, on the 15th day of July, 2024.

I do further certify that I am neither of kin, counsel,

nor interest to any party hereto.

In witness whereof, I have hereunto subscribed my name,
this 2nd day of January, 2025.

Shannon E. McGilberry, CVR-M

My Commission Expires:

April 26, 2027