

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from York County

Daniel D. Hall, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JACOB D. HALL,

APPELLANT

APPELLATE CASE NO. 2024-000266

RECORD ON APPEAL

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1 attempt. He wasn't even a good-enough criminal to
2 pull it off. The second and more important, Jacob
3 pled guilty to an attempted armed robbery which is a
4 violent crime, which is a very serious crime in the
5 State of South Carolina. He pled guilty. He did it,
6 he owned up to it. The fact that Jacob chose to go to
7 trial for a charge like trafficking after pleading
8 guilty to an attempted armed robbery should be very
9 significant to you in regards to his innocence. When
10 he's done wrong in the past, he owned up to it. But
11 he's here in this courtroom protesting his innocence
12 and hoping that you will understand that he is not
13 guilty.

14 Now, let's talk about the cops a little bit. I
15 think there are two words that accurately describe the
16 overall participation of law enforcement at that
17 Willow Pond Road house on 2/24/22. The two words I
18 would use: tunnel vision. You've heard the testimony
19 and you heard what happened. You get to judge the
20 actions of law enforcement. They had absolute tunnel
21 vision. And the theme of that night or that day is
22 we're getting Jacob Hall today. So let's talk about
23 the cops. And as you saw on that stand, one of these
24 cops just isn't like the rest of them. First, you saw
25 Penland. I'm not going to waste a whole lot of time

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1 on him. Anyone who has perfectly-crafted answers with
2 crystal-clear memory when the solicitors are asking
3 him questions, and then all of a sudden develops
4 amnesia to even the simplest of my questions, doesn't
5 deserve to be discussed or really even considered.

6 One of the things that you guys are going to be
7 asked to do -- and the judge will talk to you about it
8 -- is to judge the credibility of the witnesses from
9 that stand. Does that seem credible? He answered the
10 State's questions. He gives them what they want. And
11 then, when even the simplest of my questions might
12 potentially damage their case or set them back at all,
13 he develops amnesia. I don't know, I don't recall.
14 Is that credible? That is up for you to decide. And
15 then, we go to Whitesides. What is Whitesides
16 significant for? He was the one that saw Jacob go
17 into North Carolina prior to law enforcement arriving
18 at Willow Pond Road on 2/24/22. And then, we go to
19 Captain Hogg. Wasn't she great? But she's the one
20 who brought the inmate video visits. She testified
21 that they're 15-minutes long, and the State showed you
22 26 seconds.

23 MS. ROBINSON: Objection, Your Honor.

24 THE COURT: I'll overrule the objection.

25 MR. DERIEG: The State showed you 26 seconds of

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1 the 15-minute conversation. While the State is not
2 allowed to call Jacob to the stand, they had every
3 right to subpoena that woman that Jacob was talking
4 to and put her on the stand to ask her questions
5 about those 26 seconds so that she could help inform
6 you, the jury, of the context of that conversation
7 and the timeframe that Jacob was talking about. All
8 you get is 26 seconds and you're left to, the State
9 hopes you infer that he's talking about in the
10 immediate past. I wonder why that woman was not
11 called? I wonder why the State doesn't want you to
12 have the full story? The Constitution does not
13 reward laziness, incompetence, or deception.

14 We go to Lieutenant Schifferle. He had a mild
15 case of the Penland's. He had a little bit of the I
16 don't know, I don't recall. But I did think it was
17 significant when I was talking to him about to-do
18 lists that he said his wife makes his to-do lists.
19 And when he would -- I'm not going to write in third
20 person, might not even write his own name. Does it
21 make sense if somebody is going to write in the third
22 person like Jacob's to-do list? I submit to you that
23 is nonsense and that Jacob absolutely did not do that.

24 He admits that Levi might have been involved in
25 assembling firearms. He knows the lower was found in

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1 Levi Bacot's room hidden in a drawer. He admits the
2 room with all the guns and the drugs appeared to be
3 used, at least in part, as a workshop to assemble
4 guns. That room had easy access for anybody that
5 lived in that home. We'll talk to -- well, then we
6 talked to Lieutenant Martens. As usual, a little -- a
7 little touch of the Penland's. A little I don't
8 recall, I don't remember, but only to my questions.
9 But he says he searched Levi's room and found the
10 lower hidden in Levi's drawer, even though I believe
11 Hines said that he was the one that found the lower
12 and collected it. Maybe -- maybe it was Martens who
13 found and Hines that collected it, but if I'm going to
14 choose one officer or the other to believe their
15 story, clearly, I'd choose Hines.

16 At this point, our Constitution seems to be
17 continuing to protect Jacob's innocence because of
18 what the Constitution does not allow from my public
19 servants. And it's condemning the work of the people
20 we pay our tax dollars to do their jobs. And if you
21 notice, there is evidence starting to mount against a
22 specific person who admittedly lived in that house and
23 had constant access to that gun-assembly room.

24 Now, let's talk about Investigator Hines.
25 That's the one that's not like the other. Did you see

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1 any form of deception, any indication that he was
2 lying or hesitating or not wanting to answer the
3 question, or did he sit there both for the State's
4 questions and both for my questions and answer you
5 with what he knew and what he did and what he
6 recalled, what didn't happen? I submit that he is the
7 best of all the cops. And I think it's significant
8 that the way that he answered, it's significant that
9 he is no longer part of the DEU. He's not part of
10 that group. He's not part of that clique. He's off
11 on his own as an SRO at a school, and I say those kids
12 are lucky to have him.

13 So let's talk about some of the testimony that
14 Investigator Hines made or gave you. I'm going to
15 stand right here. And we'll start with the really
16 good, really exemplary police work. He knew that
17 there was a wellness check that needed to be done, so
18 he did it. Can you say any of the other officers
19 really did a wellness check longer than a couple of
20 seconds? But it was Hines, after he arrived on scene
21 an hour, an hour and half after Missildine and Penland
22 got there. He was the one that did a real, a real
23 wellness check on Kendal and her kids. And remember
24 Kendal. She's been -- she was probably testified
25 about, either by name or reference to, the woman that

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1 was there on scene by almost every single officer.

2 You know what else he actually did? He actually
3 went and looked around for Jacob. He searched the
4 whole house. He was, I would submit to you, the one
5 man in law enforcement at Willow Pond Road that day
6 and that night that did not have the tunnel vision.
7 Because think about what everybody else did. Within
8 minutes of them being there, they were in that
9 bedroom. Regardless of what they were doing in that
10 bedroom, there was absolute tunnel vision with going
11 in that house and going to that room. And admittedly,
12 they did get a search warrant and ended up searching
13 that room. But that room is the only thing that was
14 on every one of those officers' minds, except for
15 Investigator Hines. He was the one that went through
16 and collected all this evidence. He's the one that
17 submitted all of this evidence to be processed and
18 tested.

19 It's kind of disappointing to hear when he
20 testified that the DEU typically doesn't call for
21 crime scene investigation to come and do DNA swabs.
22 There weren't any done. There is no -- they can't
23 prove there's any DNA in that house of Jacob's at all.
24 On a scale -- just on the DNA level, they can't prove
25 that Jacob Hall ever set foot -- ever set foot in that

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1 house. And that's really disappointing that that's
2 what happened. But again, our Constitution doesn't
3 reward laziness, incompetence or just a flagrant
4 decision not to do their job. You know how much
5 easier this case would be if they just asked for DNA
6 to be done? We would know every person. We would
7 likely know every person that had been in that room,
8 and the person that had the DNA on the most things
9 would likely be the person that was in the room the
10 most.

11 MR. EPTING: Your Honor, I object to that.
12 There's been no testimony to that.

13 THE COURT: I'll overrule the objection.

14 MR. DERIEG: But they didn't do it. It's
15 unfortunate, but you've got to hold that against
16 them. When they don't do their jobs, when they don't
17 do their jobs correctly, when they intentionally
18 choose not to do things that would give you the
19 information that you need to find the actual truth,
20 you have got to hold that against the State. Our
21 Constitution demands that you do it. And again, your
22 collective voice is the only thing that is going to
23 make -- that is going to tell them no, you can't
24 behave like that, this has to stop, you have to do
25 better.

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1 I'm not going to belabor you with a lot of these
2 Facebook posts, but I will just point out four pages
3 for you. Remember these when you go in the back.
4 You've got page 76 and you've got page 569. Both of
5 these pages indicate that friends, or at least
6 acquaintances, are people that Jacob communicated
7 with, believed that it might be somebody else that's
8 using Jacob's Facebook Messenger. That's significant.
9 You've got two separate people that questioned the
10 person that they're talking to because they believe
11 that it's possible that other people have access to
12 Jacob's Facebook Messenger.

13 Page 407, Levi wants to buy his crossbow back.
14 Lo and behold, on 2/24/22, what's found in a room just
15 up the stairs from Levi's room that he has 24/7 access
16 to? That crossbow. Is that crossbow fingerprinted?
17 Did they do any DNA on it? No, unfortunately not. So
18 we can't tell you definitively that that was Levi's
19 crossbow. I'm not trying to hide anything from you.
20 We can't tell definitively that that was Levi's
21 crossbow. But this is pretty good circumstantial
22 evidence that Levi got a crossbow and put it in that
23 room. And last but not least, I want you to look at
24 page 695, the conversation with Ms. Sandy Hall Birch
25 who is no longer with us and hopefully is looking down

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1 today --

2 MS. ROBINSON: Objection, Your Honor.

3 THE COURT: I sustain the objection. You're
4 limited to the evidence that has been presented in
5 the case.

6 MR. DERIEG: -- she's not here to testify, but
7 this conversation gives you a lot of information.
8 I'd like you go through and read it. Does it sound
9 like she's talking to a person that she lives with,
10 or does it sound like she's talking to somebody that
11 she doesn't live with and wants help from? And at
12 the end, she's very upset. Three grown men live in
13 this house. She's upset about those three grown men
14 who live in her house and don't do anything to fix
15 things, so she's got to call her son to come do it.
16 Those three grown men; her husband, her son, Levi,
17 and the third man that you heard a little bit of
18 testimony about, Michael Garrett. And the reason you
19 know it's those three is because when you read this
20 conversation, it does not read like somebody talking
21 -- it doesn't sound like two people talking that live
22 in the same space. And you heard -- you heard my
23 questions before, does it make sense that people are
24 talking on Facebook Messenger when they live
25 together? I submit to you that it doesn't.

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1 And that's all I'm going to say about this, but
2 do check the page numbers when you're flipping
3 through. We'll look at just a few pictures, what's
4 been marked as State's 35-H. Do you see all those
5 personal belongings that are sitting there? All they
6 care about, oh, there's gun parts. But do you see all
7 of those personal belongings that are sitting right
8 there next to those gun parts? Were any of those
9 collected? Did they try and get fingerprints off
10 them? No. I'm going to just --

11 MR. EPTING: He has a blood sugar --

12 THE COURT: He's a diabetic. Are you all right?

13 UNIDENTIFIED SPEAKER: Yes, I'm fine.

14 THE COURT: Okay, good. I'm going to ask that
15 you not speak to the jury. That's the Court's
16 responsibility, not the lawyers'.

17 MR. DERIEG: Yes, sir. Look at all these
18 personal items. A lot of information here. They
19 didn't get it. They intentionally didn't get it, and
20 you've got to hold that against them. By now, you
21 already know what our Constitution doesn't allow,
22 laziness, incompetence or deception. Follow one of
23 those three, whichever one you want, or follow all
24 three. That's a lot of information that they've
25 chosen potentially not to get. And by extension,

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1 that's a lot of information they chose not to allow
2 you to see or hear.

3 35-L. Again, there's a soda can. There's a lot
4 of information there. Fingerprints, DNA. They
5 intentionally chose not to get it. And by extension,
6 they intentionally chose not to let you see it. When
7 you look at 34-M, don't look at the gun. Look what
8 the guns are on. It's the bedspread. You heard
9 testimony there was a box spring and mattress in the
10 middle of that room, which is one of the reasons given
11 that law enforcement said somebody lived in that room.
12 What if they had collected this bedspread? What if
13 they had collected the sheets off of the mattress?
14 What if they had tested those for DNA? I doubt there
15 would be fingerprints on it. But what if they had
16 tested those for DNA? You guys would know who was
17 sleeping in that room. But instead, they
18 intentionally chose not to collect it, they
19 intentionally chose not to test it, and you have to
20 hold that against them. When they don't do their job,
21 your collective voice is the only one that can force
22 them to do better.

23 And last but not least, also the bed, that Smith
24 & Wesson that was supposedly supposed to be in that
25 safe that nobody else but the State says that nobody

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1 else could open but Jacob. But they opened it. The
2 Smith & Wesson was pulled out and put under the bed.
3 And you heard Detective Hines testify that they had to
4 pry it open. The only other way that you could have
5 gotten it open was with the code. Didn't look like it
6 had been pried open prior. They had to pry it open.
7 But obviously, somebody in that house had that code.
8 But did they test it for fingerprints or DNA? Did
9 they find any? No. I submit to you that somebody
10 that lived in that house who had 24/7 access to that
11 room knew how to get in that safe. I submit it's
12 probably the same person who stored a crossbow up
13 there in that room as well.

14 And the last person that I'm going to talk about
15 that testified was Hansen. He was one of the two
16 experts that came in here and were qualified as
17 experts. And the special thing about experts -- well,
18 one of the special things about experts besides the
19 fact that they have knowledge that the rest of them
20 don't, they have special skills that the rest of us
21 don't, is that they get to give opinions. Hansen
22 found two prints on the bags of drugs. Only one of
23 them was able to be processed and matched against
24 anything. You heard testimony that Jacob was given a
25 ten-finger fingerprint card and they tried to match it

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1 to the fingerprints that were found on those
2 individual bags of drugs. Not a match. They didn't
3 ten-fingerprint card anybody else.

4 And I mean, just think it. All the -- all the
5 drugs and all the guns that were found, there were at
6 least five adults at the property, four of which lived
7 there all the time, three of which, when you take the
8 mama out because she was bedridden, three of which
9 were able -- were the three grown men who had the
10 ability to access that room 24 hours a day, 7 days a
11 week. And who was the one that got charged? The
12 person that law enforcement saw going to North
13 Carolina, the person that was not there. Remember,
14 tunnel vision: We're going to get Jacob Hall today.

15 Now I think it's a good time for me to apologize
16 to you, because there were some things in my opening
17 statement that I told you you were going to hear
18 testimony about. Unfortunately, you did not. I put
19 too much faith that the State would call everybody and
20 present you a whole story, would call the woman that
21 every single person, every single law enforcement
22 officer testified about having contact with and being
23 there. I mean, she's been sitting here all day. The
24 State chose not to call her. You have to wonder why.
25 And when you wonder why, if you think they're hiding

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1 something from you, you've got to hold that against
2 them. If you think that she has information that was
3 going to destroy their case so they chose not to call
4 her, you've got to hold that against them. I have to
5 apologize that I told you that you would hear Jacob
6 lived in North Carolina. I have to apologize that I
7 told you that you would hear --

8 MS. ROBINSON: Objection, Your Honor. Do we
9 need to reiterate things that aren't in evidence?

10 THE COURT: Lawyers approach.

11 (Bench conference off the
12 record.)

13 MR. DERIEG: It wasn't long ago. It was
14 yesterday morning. You remember the things that I
15 told you that you were going to hear and see, the
16 testimony that was going to come from that witness
17 stand that didn't happen. And I want to apologize
18 for that, but I also want you to ask yourself why the
19 woman that almost every law enforcement officer had
20 contact with, who is Jacob's wife, separated for a
21 long time --

22 MS. ROBINSON: Objection, Your Honor.

23 THE COURT: Again, limited to the evidence
24 that's presented during the trial.

25 MR. DERIEG: It was testified to that she is his

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1 estranged ex-wife.

2 MS. ROBINSON: Objection, Your Honor.

3 THE COURT: Hold on. Lawyers, approach.

4 (Bench conference off the

5 record.)

6 THE COURT: Ladies and gentlemen of the jury, if
7 there are any discrepancies in what the attorneys say
8 or indicate that happened in the case and that
9 differs from what you perceive -- from what you
10 perceive the evidence was, you -- arguments are
11 supposed to be limited to what has been -- the facts
12 that are presented at trial. However, the jury --
13 one of those options is that you'll resolve any
14 differences in the way the jury deems what the facts
15 were laid out at trial. Thank you.

16 MR. DERIEG: You have to ask yourself why the
17 woman that had -- that was on scene who the law
18 enforcement officers initially came there to check on
19 who was also Jacob Hall's wife was not called to the
20 stand. It's a big deal. And if you think it's
21 because she had information that was going to hurt
22 their case, then you hold -- you hold that against
23 them because you're the only people that can make
24 them stop. Stop controlling what you get to hear and
25 force them to make -- to allow you to hear

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1 everything.

2 And who didn't you get to hear from? You didn't
3 get to hear from the woman that was in the 26-second
4 video. You didn't get to hear from Jacob's wife who
5 had contact with almost every law enforcement officer
6 that got there. Because initially, the reason for
7 them showing up was her welfare check before they got
8 their tunnel vision and ran up to the room.
9 Unfortunately, you didn't get to hear anyone who
10 collected DNA or anyone who analyzed DNA. You didn't
11 get to hear -- you didn't get to hear the scientific
12 witnesses who would have been able to identify who all
13 had been in that room. The Constitution does not
14 reward laziness, incompetence or deception. Hold that
15 against them. You know who else you didn't get to
16 hear from? Levi. I wonder why. And what you didn't
17 get to see? Any DNA results.

18 You heard the judge say -- when Hansen was
19 testifying and was qualified as an expert, you heard
20 the judge say that experts are the only ones that are
21 allowed to give opinions, right? The only experts in
22 this case were Hansen and Holly. They're the only
23 people who testified to get to give you their
24 opinions, but only the opinions that they were allowed
25 to give that related to Hansen's fingerprint expertise

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1 and Holly's drug analysis expertise. But isn't this
2 entire case about a bunch of opinions? A bunch of
3 opinions of law enforcement that had tunnel vision
4 that they were going to get Jacob Hall that day?
5 Judge the actions of the police. Other than Hines,
6 did anyone else do a real wellness check, or did they
7 go straight to that room and just stay there for
8 hours? Also judge what they didn't do. Excuse me.
9 Let me back up.

10 Did anyone other than Detective Hines do a real
11 sweep of the house? I think Hines did testify that
12 there was one other officer that wasn't called to the
13 stand that came with him and did a full sweep of the
14 house to check to see if Jacob was there or anybody
15 else. But did any of the other law enforcement
16 officers do that, or did they do a brief look around
17 and head straight for that room and stay there for
18 hours? Tunnel vision: We're going to get Jacob Hall
19 today. Also judge what they didn't do. Besides a
20 wellness check or a real search for Jacob, they didn't
21 collect anything in that room except the drugs and
22 guns. Not one of the personal items or bedding to
23 process and determine who was actually in that room,
24 who was sleeping in that room, who had the most
25 control over that room. They chose not to do that.

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1 You know what I'm going to say about the Constitution.
2 When they don't do it, you've got to hold it against
3 them. The Constitution does not reward laziness, and
4 neither can you. You deserve better. Jacob deserves
5 better.

6 I want to briefly talk about Eli -- excuse me,
7 Levi, Jacob's brother who lives in that house, just
8 down the stairs from the room that he had 24/7 access
9 to where the crossbow that it -- where the crossbow
10 that he wanted was sitting, the one that they found
11 the gun part hidden in his drawer. Levi, you saw from
12 -- or heard from Facebook messages, Levi wanted a 3D
13 printer. There was a 3D printer in there. Levi had
14 24/7 access to it. You heard there was no impediment
15 to going into that room, no lock, no mechanism, no
16 anything. Hines told you that. Anybody could walk
17 into that room anytime they wanted. There was no --
18 no visible sign of any sort of mechanism that would
19 keep people out.

20 Why do you think Levi didn't get called to the
21 stand? You've got to ask yourself that. And if the
22 answer you come up with is the State was trying to
23 hide something from you, then you've got to hold it
24 against them. The judge will charge you that two or
25 more people may have joint possession of a drug. But

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1 we already know that Jacob didn't live there, he
2 wasn't there, had gone to North Carolina. We know
3 that when Jacob was arrested he wasn't in South
4 Carolina. The only evidence or testimony presented to
5 you about Jacob ever being sighted in that area was
6 him being close to his mama's road and his mama's
7 house on his birthday. If you wanted to go to your
8 mama's house on your birthday, I don't think that
9 makes you guilty of anything, despite what the State
10 wants you to infer.

11 There were prints on the individual bags of
12 drugs that were not Jacob's. Jacob was the only one
13 to undergo that ten-print card test, nobody else. Law
14 enforcement never figured out who those other prints
15 belonged to, but we know for sure they weren't
16 Jacob's. So when the State wants to tell you if you
17 think Levi or somebody else also had control, think
18 about the lack of evidence that there is, the lack of
19 opportunity that there is, the lack of testimony as to
20 Jacob's presence at that house, and ask yourself if it
21 was even remotely possible that Jacob was solely or
22 jointly in possession or control of any of that stuff.
23 The answer is no. And when the answer is no, you have
24 to find Jacob not guilty.

25 There's no evidence that Jacob lived there,

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1 there's no evidence that Jacob had control of that
2 room, there's no real evidence, physical evidence that
3 Jacob was ever even in that room. I want you to
4 remember Mr. Epting's example of what constructive
5 possession is. Ms. Robinson went over that with you
6 guys. Mr. Epting's car, Mr. Epting's keys, he has
7 sole control over it. He can lock his keys in his car
8 if he wants to. He can do whatever he wants to with
9 it because it is his. That house isn't Jacob's. His
10 name is not on a single bill. You didn't hear any
11 testimony that his name was on a single bill, you
12 didn't hear any testimony that his name was on any tax
13 records, you didn't hear any testimony that Jacob had
14 any ownership in that house. And that's a key
15 difference between the example that Mr. Epting gave
16 you and what actually happened in this case. And I
17 think it's another example about how the State has
18 tried to manipulate what you hear and get you to
19 believe what they want. And if you feel like that's
20 what they're doing to you, you've got to hold them --
21 hold it against them to find Jacob not guilty.

22 You've heard over and over and over and over and
23 over what the State's lawyers and the State's cops
24 have done and not done that prevented you guys from
25 having the full -- full story, all the truth they

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1 could have gotten. Is it offensive they intentionally
2 did not get that evidence? It is to me. And I think
3 them intentionally not getting evidence and preventing
4 you from knowing the full truth, you have to hold
5 against them and find Jacob not guilty. That's what
6 our Constitution says. Today's the day that you get
7 to find out how much you believe in our Constitution,
8 because based on what happened here with this
9 investigation, and based on what happened here with
10 this prosecution, our -- our Constitution says that he
11 is not guilty. There is no other verdict that you can
12 find if you follow the Constitution and our Bill of
13 Rights.

14 You know, just about everybody has lived at
15 their mom's house at some point. And in that video
16 that you heard about Jacob being in control over his
17 mom's house and that these terrible things wouldn't be
18 happening or be given to his mother if he was out by
19 his brother, there's no context in terms of time.
20 There's no -- you don't know -- you don't know when he
21 was talking about. Obviously, at some point, he lived
22 at his mama's house. And they said when he lived at
23 his mama's house, he didn't allow that kind of stuff
24 to happen to his mama. And when he had the ability to
25 get out of jail, he was going to get -- he wanted to

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1 go make sure that that stuff didn't keep happening to
2 his mama.

3 Look carefully at that video back in the jury
4 room. Look very carefully at it. Look at the way
5 that it plays. Look at the random person that pops up
6 in the middle of it. Why is that happening? Why does
7 the video seem to skip?

8 MS. ROBINSON: Objection, Your Honor.

9 THE COURT: I sustain the objection.

10 MR. DERIEG: Watch that video, and you decide
11 for yourself what value to put on that video. That's
12 your choice. You get to decide whatever piece of
13 evidence that you see, every bit of testimony that
14 you hear, you get to put the value on it. You also
15 get to put the value on everything you don't see.
16 You also get to put the value on everything you don't
17 hear.

18 And now it's time to find out exactly how you
19 feel about our Constitution. One of those rare days
20 when you get to find out who you are. I've belabored
21 the point enough. You know I believe that our
22 Constitution says that you must find Jacob not guilty
23 on all charges. There is no other verdict that you
24 can return that tells the police they've got to do
25 their job, that tells the prosecution you need to show

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1 us everything. Your collective voice is the most
2 powerful voice in all of our criminal justice system.
3 And if you don't use your voice to make our system
4 better, well, we'll just keep getting what we've got.
5 I hope this is one of those days where you really find
6 out who you are and find out that you love our
7 Constitution and find out that you want to follow our
8 Constitution, and you recognize that our Constitution
9 protects everyone, including Jacob, and that
10 Constitution says that you must find him not guilty.
11 Thank you.

12 THE COURT: Thank you, Mr. Derieg. Ladies and
13 gentlemen, the next part of the trial is where I'm
14 going to instruct you on the law -- that to -- read
15 in law that applies in the case, and that's going to
16 take about 20 minutes to do that, 15 to 20 minutes.
17 Then, we can send the case back to you to begin
18 deliberations in another half an hour or so. I'm
19 aware it's Valentine's Day. I don't want to get
20 anybody in trouble. On the other hand, if you get in
21 trouble, you can blame Judge Hall. On the other
22 hand, I'll allow -- if we could break at this point
23 and allow to go home and I can instruct you on the
24 law tomorrow morning. Is there -- and I don't have a
25 preference other than this is an important case.

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1 It's an important case for the State, it's an
2 important case for the Defense. On the other hand,
3 you didn't probably wake up this morning thinking
4 that you were wanting to be spending Valentine's Day
5 at the courthouse, but that's where we are.

6 Is there anybody that wishes to -- to stop now
7 and start with the charge in the morning or is --
8 well, let me put it this way. Is there anybody
9 opposed to us going forward with -- with the charge
10 and sending the case to the jury today? You'd rather
11 wait 'til tomorrow?

12 UNIDENTIFIED SPEAKER: Yes, sir.

13 THE COURT: All right. Then that's enough.
14 Then we will start at 9:30 tomorrow morning. Now,
15 here's the caveat. Even though you have heard all of
16 the evidence any you've heard the closing statements
17 of the lawyers, you cannot still talk about the case.
18 And the reason is because I have not instructed you
19 on what the law is in the case. And you've taken an
20 oath, and we expect you to follow that oath that your
21 decision in this case is going to be based on the
22 evidence that you, as the fact finders, find that to
23 be and the law that the Court gives you. So you
24 can't discuss the case and start forming any opinions
25 and discussing opinions among yourselves or with

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1 anybody else between now and tomorrow when we send it
2 to the jury. That also means don't be Googling any
3 places, people, the law or anything else between now
4 and tomorrow. Refrain from any of that. If anybody
5 should try to talk to you about the case between now
6 and tomorrow, just let the bailiffs know the first
7 thing in the morning and they'll bring that to my
8 attention and we'll deal with it in whatever
9 appropriate manner we deem is necessary.

10 So with that, I'm going to allow you to leave.
11 Don't discuss the case, and be in your jury room ready
12 to go at 9:30 in the morning. Everyone else remain
13 seated while the jury is excused.

14 (The jury exited the courtroom.)

15 THE COURT: All right. We'll be at ease until
16 9:30 in the morning.

17 (The proceedings were adjourned
18 until 9:30 a.m., February 15,
19 2024.)

20 **FEBRUARY 15, 2024**

21 THE COURT: Let's have Mr. Hall brought out.
22 The lawyers have rested their cases yesterday. We've
23 had closing arguments from the attorneys. We closed
24 for the evening. And now, we are at the point where
25 the Court needs to charge the jury before the case is

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1 sent back for deliberations. Is the State ready to
2 proceed this morning?

3 MS. ROBINSON: Yes, Your Honor.

4 THE COURT: Is the Defense ready?

5 MR. DERIEG: Yes, Your Honor.

6 THE COURT: Let's bring the jury in.

7 (The jury entered the courtroom.)

8 THE COURT: All right. Thank you, ladies and
9 gentlemen of the jury. I thank you for your
10 promptness. I will have to say that I have been
11 married 47 years and my wife was very happy to see
12 me. Believe it or not, my wife was happy to see me
13 earlier rather than later on Valentines. I hope that
14 the rest of you enjoyed your evening as well. We're
15 now at the point in this trial where I am going to
16 instruct you and read to you -- and basically what it
17 is, I'm going to read to you what the law is in the
18 case. Once I finish that, then I'll give you some
19 further instructions. You'll be allowed to go back
20 to the jury room and begin to deliberate. I'm just
21 making sure we have everything here. So then -- so
22 that is going to be after I conclude this portion of
23 the trial. And I'm going to read to you the
24 appropriate instruction that applies in this case.

25 Ladies and gentlemen of the jury, I remind you

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1 that you during this trial you and I have certain
2 duties to perform. As the trial judge, it is my
3 responsibility to preside over the trial of this case,
4 and I also have the duty to rule on the admissibility
5 of the evidence offered during this trial. You are to
6 consider only the competent evidence before you. If
7 there was any testimony ordered stricken from the
8 record in this case during this trial, you must
9 disregard that testimony. You're to consider only the
10 testimony which has been presented from this witness
11 stand and any exhibits which have been made a part of
12 the record in this case.

13 I have the additional duty to charge you the law
14 applicablẽ to this case. As the presiding judge, I'm
15 the sole judge of the law of this case, and it is your
16 duty as jurors to accept and apply the law as I now
17 state it to you. If you already have any ideas what
18 the law is or what the law ought to be and it does not
19 agree with what I now tell you the law is, you must
20 abandon this idea because you're sworn to accept the
21 law and apply the law exactly as I state it to you.

22 In every case tried in this Court before a jury,
23 the jury becomes the sole and exclusive judge of the
24 facts in this case. A trial judge cannot intimate,
25 state, or comment on or make any statement to a trial

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1 jury about the facts of the case. You are not to
2 infer from what I've said during the trial, in ruling
3 upon the admissibility of evidence or otherwise, or
4 anything that I say now during the course of this
5 instruction to you that I have any opinion about the
6 facts in this case. The law does not allow me to have
7 an opinion about the facts in this case. This is a
8 matter solely for you, the jury, to determine. As
9 jurors, it is your duty to determine the effect,
10 value, weight and truth of the evidence presented
11 during this trial.

12 The indictment charges the defendant, Jacob
13 Dewayne Hall, with trafficking methamphetamine
14 100 grams or more, and another indictment for
15 possession of a firearm by a person convicted of a
16 violent crime. I remind you that the fact that the
17 defendant was arrested, charged and indicted in this
18 case is not evidence and cannot be considered by you
19 as evidence of guilt in this case, nor does it create
20 any presumption or inference of guilt. The documents
21 simply are the formal, written instruments which
22 contains the charges made against the defendant, the
23 formal documents by which the case is brought to this
24 Court.

25 The defendant has pled not guilty to these two

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1 indictments, and that plea puts the burden on the
2 State to prove the defendant guilty. A person charged
3 with committing a criminal offense in South Carolina
4 is never required to prove his own innocence. I
5 charge you that it is an important rule of the law
6 that the defendant in a criminal trial, no matter what
7 the seriousness of the charge may be, will always be
8 presumed to be innocent of the crimes for which the
9 indictment was issued, unless guilt has been proven by
10 evidence satisfying you of that guilt beyond a
11 reasonable doubt.

12 This presumption of innocence does not end when
13 you begin your deliberations, but it accompanies the
14 defendant throughout the trial until you reach a
15 verdict of guilt based on the evidence satisfying you
16 of that guilt beyond a reasonable doubt. The
17 presumption of innocence is like a robe of
18 righteousness placed about the shoulders of the
19 defendant which remains with the defendant until it
20 has been stripped from the defendant by the evidence
21 satisfying you of the defendant's guilt beyond a
22 reasonable doubt. The presumption of innocence is not
23 mere legal theory. It is not just a legal phrase. It
24 is a substantial right to which every defendant is
25 entitled unless you, the jury, are satisfied from the

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1 evidence of the defendant's guilt beyond a reasonable
2 doubt.

3 So what is a reasonable doubt in the law? A
4 reasonable doubt is the kind of doubt that would cause
5 a reasonable person to hesitate to act. The State has
6 the burden of proving the defendant guilty beyond a
7 reasonable doubt. Some of you may have served as
8 jurors in civil cases where you were told that it is
9 only necessary to prove that a fact is more likely
10 true than not true, such as by the greater weight or
11 preponderance of the evidence. In criminal cases, the
12 State's proof must be more powerful than that. It
13 must prove every element of a crime beyond a
14 reasonable doubt. Proof beyond a reasonable doubt is
15 proof that leaves you firmly convinced of the
16 defendant's guilt. There are very few things in this
17 world that we know with absolute certainty, and in
18 criminal cases, the law does not require proof that
19 overcomes every possible doubt.

20 If, based on your consideration of the evidence,
21 you are firmly convinced that the defendant is guilty
22 of the crime charged, you must find the defendant
23 guilty. If, on the other hand, you think there is a
24 real possibility that the defendant is not guilty, you
25 must give the defendant the benefit of the doubt and

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1 find him not guilty.

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

19 The State has the burden of proving the
20 defendant guilty beyond a reasonable doubt. This
21 burden rests with the State, regardless of whether the
22 State relies on direct evidence, circumstantial
23 evidence, or some combination of the two.

24 Necessarily, you must determine the credibility
25 of witnesses who've testified in this case.

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1 Credibility simply means believability. It becomes
2 your duty as jurors to analyze and to evaluate the
3 evidence and determine which evidence convinces you of
4 its truth. In determining the believability of
5 witnesses who have testified in this case, you may
6 believe one witness over several witnesses, or several
7 witnesses over one witness. You may believe a part of
8 the testimony of a witness and reject the remaining
9 part of the testimony of that same witness. You may
10 believe the testimony of a witness in its entirety or
11 reject the testimony of a witness in its entirety.
12 You may consider whether any witness has exhibited to
13 you any interest, bias, prejudice, or other motive in
14 this case. You may also consider the appearance and
15 manner of a witness while on the witness stand.

16 The rules of evidence ordinarily do not permit
17 witnesses to testify to opinions or conclusions. An
18 exception to this rule exists for witnesses we call
19 expert witnesses, a witness who, by education and
20 experience, has become an expert in some art, science,
21 profession or calling may state an opinion as to
22 relevant and material matters in which the witness
23 claims to be an expert. They may also state the
24 reasons for the opinion. You should consider any
25 expert opinion received into evidence in this case

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1 and, like any other evidence, give it the weight you
2 think it deserves. If you decide that the opinion of
3 an expert witness is not based on sufficient education
4 and experience, or if you conclude that the reasons
5 given in support of the opinion are not sound or that
6 the opinion is outweighed by other evidence, you may
7 disregard the opinion entirely. An expert witness's
8 testimony is to be given no greater weight than that
9 of other witnesses simply because the witness is an
10 expert. Further, you are not required to accept an
11 expert's opinion, even though it is not contradicted.

12 In order to establish criminal liability,
13 criminal intent is required. For example, the mental
14 state required to be proven by the State for a
15 particular crime might be purpose, intent, knowledge,
16 recklessness or criminal negligence. Criminal intent
17 must be proven by the State beyond a reasonable doubt.
18 Criminal intent is always a matter that must be
19 determined by the jury from the circumstances
20 surrounding a situation. There's no way to prove
21 intent to a mathematical certainty. There's no way
22 medical science can dissect a person's brain and
23 determine what the person had in mind. So the law
24 says that criminal intent may be inferred from the
25 circumstances shown to have existed. This is how you

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1 make a determination of whether or not the element
2 requiring intent was present. It is not necessary to
3 establish intent by direct and positive evidence. But
4 intent may be established by inference in the same way
5 as any other fact by taking into consideration the
6 acts of the parties and all the facts and
7 circumstances of the case. Criminal intent is a
8 mental state, a conscious wrongdoing. It is up to you
9 to determine what the defendant intended to do, based
10 on the circumstances shown to have existed. Criminal
11 intent can arise from an action or a failure to act.
12 It may arise from negligence, recklessness or and
13 indifference to duty or to consequences that is
14 considered by the law to be the equivalent of criminal
15 intent.

16 I instruct you and emphasize that the fact that
17 the defendant did not testify is not a factor to be
18 considered by you in any way in your deliberations and
19 in your consideration on the question of the guilt or
20 the innocence of the defendant. It must not be
21 considered by you in any manner whatsoever. A
22 defendant has the constitutional right to remain
23 silent, and the assertion of his right must not be
24 considered by you in your deliberations. I repeat,
25 under your oath, you're to draw no conclusion

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1 whatsoever from the fact that the defendant in this
2 case did not testify. The fact that this defendant
3 did not testify should not even be discussed in the
4 jury room. The burden of proof, as I have stated to
5 you, is on the State. The defendant is not required
6 to prove his innocence. The burden of proof remains
7 on the State to prove guilt beyond a reasonable doubt.

8 Ladies and gentlemen, during the presentation of
9 this case, you may have noticed that certain parts of
10 audio or video that was presented in this case were
11 redacted. This is due to the rules of court, and that
12 was a decision made by me. Please do not speculate as
13 to what may or may not be contained in these portions.
14 You're not to hold these portions against either
15 party.

16 The defendant is charged with trafficking
17 methamphetamine 100 grams or more. The State must
18 prove beyond a reasonable doubt that the substance
19 involved was, in fact, methamphetamine or any mixture
20 thereof, that the defendant had possession of that
21 methamphetamine, either actual possession or
22 constructive possession, and that there were, in fact,
23 100 grams or more of methamphetamine involved. Actual
24 possession means that the methamphetamine was in the
25 actual, physical custody of the defendant.

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1 Constructive possession means that the defendant had
2 dominion and control or the right to exercise dominion
3 and control over the methamphetamine itself. I charge
4 you that two or more persons may have joint possession
5 of a drug.

6 The defendant is charged with possession of a
7 firearm by a person convicted of a violent offense.
8 In order to be convicted, the State must prove beyond
9 a reasonable doubt that the defendant has been
10 convicted of a violent offense. And the State must
11 also prove beyond a reasonable doubt that the
12 defendant was in possession of a firearm or ammunition
13 within the State of South Carolina. Attempted armed
14 robbery is a violent offense.

15 Ladies and gentlemen of the jury, you've been
16 selected to be the fair and impartial jurors sworn to
17 impartially try and determine the facts of this case.
18 When you comply with your oath to do so, then no one
19 will have a right to criticize your verdict and you
20 will fully discharge your duty as jurors. You are to
21 decide this case according to the testimony that
22 you've heard from the lips of the sworn witnesses
23 along with other evidence introduced during the trial.

24 In just a few moments, I'm going to allow you to
25 go back to the jury room. When you go back to your

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1 jury room, you're going to need to wait a little bit
2 while we take care of some legal matters. Once we
3 have dealt with those, we will send the sentencing
4 sheet back with -- to you and any evidence that needs
5 to be sent back. Some of that is in the form of a --
6 I guess a DVD. There should be a device back there to
7 play that. If you're unable to do that, if you would
8 just send a note out, Mr. Foreman, to the bailiff
9 indicating that, and we can bring you back out here in
10 the courtroom and watch any portions of anything, any
11 video that was shown and you can see here in the
12 courtroom. But I'll leave that up to you whether --
13 one, whether you to see that and if you do, whether
14 the device that you have back there is going to play
15 it. So if you wish to see it and you can't play it
16 back there, we can bring you back out to watch or hear
17 the appropriate portions.

18 When you're in the jury room, Mr. Foreman, all
19 12 jurors have to be present during your
20 deliberations. If somebody steps out of the jury room
21 to go to the restroom or take a smoke break, for any
22 reason all 12 of you are not in the jury room, you
23 must cease deliberations and wait until all 12 jurors
24 are back in the jury room before you begin your
25 deliberations.

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1 The sentencing sheet that will be -- that's
2 going to be provided to you is -- or the verdict form,
3 not the sentencing sheet, the verdict form -- is .
4 pretty straightforward. The way they're laid -- the
5 way the options are laid out here have no meaning at
6 all. We have to put one first and we have to put them
7 both on the same page. However, the verdict form
8 states that trafficking in methamphetamine 100 grams
9 or more, there's an option: We, the jury, find the
10 defendant, Jacob Dewayne Hall, guilty of trafficking
11 methamphetamine 100 grams or more; or we, the jury,
12 find the defendant, Jacob Dewayne Hall, not guilty of
13 trafficking methamphetamine 100 grams or more. .
14 Whatever the unanimous verdict is, Mr. Foreman, if you
15 will check the appropriate line, sign your name and
16 date the verdict form. The second one is possession
17 of a firearm by a person convicted of a violent crime.
18 It gives the same two options. Once you unanimously
19 agree on the verdict, check that as well. Your
20 verdict must be unanimous. You cannot have any split
21 verdict. All 12 jurors must agree on the verdict that
22 the jury reaches.

23 Mr. Foreman, when you've reached a verdict, if
24 you would simply knock on the door and let the bailiff
25 outside know that you've reached a verdict. If you

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1 would keep the verdict form in your hand. Any
2 evidence that goes back, the bailiff will pick that up
3 and bring that back out. But you keep the verdict
4 form in your hand. When you come back in the jury
5 room -- when you come back in the courtroom and have a
6 seat, I'll ask you if the jury has reached a verdict.
7 If the jury has reached a verdict, I'll then ask you
8 to hand that up -- over to the bailiff, who will then
9 hand it up to the Court.

10 With that, I'm going to allow you to go back to
11 your jury room. We need to take up a few matters
12 before you get started. Do not begin deliberating
13 until I send the verdict form back and -- and any
14 evidence that needs to come back. If, at any time
15 during your deliberations you have questions, write
16 that question on a piece of paper, knock on the door,
17 hand that question to the bailiff. He'll find me and
18 present it to the Court and we'll -- we will deal with
19 the question in an appropriate manner. So if at
20 anytime you have a question, write it out and hand it
21 to the bailiff, the bailiff outside the door and he'll
22 -- he'll bring it to my attention.

23 So with that, I'm going to ask the -- the
24 alternate, if you would come down here and stand just
25 right here. And the rest of the panel -- yeah, right

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1 there, that's good. The rest of the panel is excused
2 to go back to the jury room. Don't start deliberating
3 until we send everything back. If you'll just keep
4 your -- stand right here. Thank you. Everyone remain
5 seated.

6 (The jury exited the courtroom.)

7 THE COURT: This is where we get just a little
8 bit awkward. If you would just step right outside
9 the door. And do not go in the jury room, just step
10 right outside the door of the courtroom. Follow the
11 bailiff. Just don't go in the jury room. All right.
12 Anything else as far as jury instructions from the
13 State?

14 MS. ROBINSON: No, Your Honor.

15 THE COURT: From the Defense?

16 MR. DERIEG: Yes, Your Honor. In the copy of
17 the jury charges I have, it did not list that you
18 were going to -- to instruct the jury that attempted
19 armed robbery is a violent offense. I would just ask
20 for a brief instruction that the fact that he was --
21 that he has a conviction for attempted armed robbery
22 should not be considered as to whether or not he is
23 guilty of trafficking methamphetamine.

24 THE COURT: Does the State wish to be heard?

25 MS. ROBINSON: Your Honor, I believe the Court

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1 gave the standard instruction for that charge, and I
2 believe that it's --

3 THE COURT: Yeah, I'm not -- I note your
4 objection. I deny the motion. I will -- I will --
5 we'll live with the instruction as I gave it.

6 MR. DERIEG: Thank you, Your Honor.

7 THE COURT: All right. And if you all would
8 come -- let's see. If you all would come up and
9 let's figure out what needs to go back to the jury.
10 I think any -- any evidence that they have been able
11 to see through the plastic can go back.

12 MS. ROBINSON: Would you like us to just set
13 them here on the floor --

14 THE COURT: Just wherever --

15 MS. ROBINSON: -- the ones that aren't going?

16 THE COURT: -- wherever they can get to them.
17 And -- and -- and I think all the photos should be
18 able to go back.

19 MS. ROBINSON: Okay.

20 THE COURT: So anything that has been opened,
21 which I don't think anything was opened.

22 MR. DERIEG: Are you sending the guns back with
23 them that are in the clear plastic?

24 THE COURT: Anything in the clear plastic that
25 was introduced into evidence goes back. Let me have

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1 the alternate. Thank you.

2 (The alternate juror entered the
3 courtroom.)

4 THE COURT: All right. Thank you for being so
5 attentive this week. This is an extremely important
6 case for both the State and the Defense. Obviously,
7 we had one alternate that we needed that moved up.
8 Oftentimes, we (noise interruption, shuffling papers,
9 unintelligible) we did not get (unintelligible)
10 today, so your service has ended. You can talk to
11 anybody about the case that you want to. On the
12 other hand, you don't have to talk to anybody.
13 Sometimes lawyers may call and ask questions about
14 the case, which can be very helpful to them. Or if
15 they do that, there's nothing improper about that.
16 On the other hand, you don't have to talk to them at
17 all, or you can if you would wish. You can discuss
18 anything with anybody about the case. You're good
19 for another three years without having to serve.
20 Thank you for coming. And you can stay with us if
21 you wish. You'll just have to stay -- we're going to
22 need to take care of some other pleas and that kind
23 of thing this morning while the jury is out. On the
24 other hand, you are free to leave and not come back.
25 All right?

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1 THE ALTERNATE JUROR: Okay.

2 THE COURT: Thank you. Do you need your parking
3 pass?

4 (The alternate juror was excused
5 and exited the courtroom.)

6 (The jury entered the courtroom.)

7 THE COURT: All right. Thank you. I received a
8 note from the jury that the jury has reached a
9 verdict. Mr. Foreman, has the jury reached a
10 verdict?

11 JURY FOREMAN: Yes.

12 THE COURT: If you would pass the verdict form
13 to the bailiff. He'll pass it up to the Court.
14 Thank you, Madam Clerk. If you would publish the
15 jury verdict.

16 THE CLERK: All right. The State of South
17 Carolina versus Jacob Dewayne Hall, trafficking
18 methamphetamine 100 grams or more, we, the jury, find
19 the defendant guilty. The State of South Carolina
20 versus Jacob Dewayne Hall, possession of a firearm by
21 a person convicted of a violent offense, we, the
22 jury, find the defendant, Jacob Dewayne Hall, guilty
23 of possession of a firearm by a person convicted of a
24 violent offense. Ladies and gentlemen of the jury,
25 is that your verdict? So say you all by raising your

JURY TRIAL & SENTENCING

1 right hand. Let the record show all the jurors have
2 affirmed this verdict.

3 THE COURT: All right. Thank you. Anything
4 further from the verdict -- I mean from the jury as
5 far as the State is concerned?

6 MS. ROBINSON: No, Your Honor.

7 THE COURT: Anything from the Defense?

8 MR. DERIEG: No, Your Honor.

9 THE COURT: All right. Ladies and gentlemen of
10 the jury, that concludes your service this week and
11 for the next three years. You're free to go. In
12 just a moment, the defendant will be brought around
13 to the bar. He will be sentenced today in just a few
14 moments. You're welcome to stay for that if you
15 wish. On the other hand, you're free to leave.
16 You're also free to talk to anybody about the case.
17 Sometimes lawyers will call trying to get
18 information. It's very helpful to them in how they
19 try cases. That's not improper for them to do that,
20 but you're not required to talk to them at all if you
21 -- if you don't want to. You can talk to whoever you
22 wish to about the case. On the other hand, you don't
23 have to talk to anybody (unintelligible). So with
24 that, I'm going to allow you to leave. I thank you
25 for your service this week. Serving on a jury is

JURY TRIAL & SENTENCING

1 still not the most convenient thing for -- for us to
2 do or to be a part of, but it's an extremely
3 important part of where we still are as a society and
4 the way that we resolve issues like this. So I
5 appreciate the way you all have been very punctual
6 and listened very attentively, and -- and so the
7 Court appreciates that. Yes, Mr. Foreman, if you'd
8 come over. I need to get you to sign the indictment
9 before you leave. You're all free to leave.
10 Everyone else remain seated.

11 (The jury exited the courtroom.)

12 THE COURT: Is the State ready to -- for
13 sentencing?

14 MS. ROBINSON: Yes, Your Honor.

15 THE COURT: All right. Defense, let's bring
16 Mr. Hall on around.

17 MS. ROBINSON: I would like to be heard, Your
18 Honor.

19 THE COURT: Just have Mr. Hall right there at
20 the podium. Mr. Derieg, right here at the podium.
21 All right. Solicitor, I'll be glad to hear you as
22 far as sentencing.

23 MS. ROBINSON: Your Honor, obviously, I realize
24 that trafficking is the most significant thing with
25 regards to the sentencing. That's the mandatory 25,

JURY TRIAL & SENTENCING

1 no parole. Your Honor, I do think this is one of the
2 exceptional cases where a consecutive sentence on
3 that gun charge would be appropriate. Your Honor,
4 Mr. Hall was convicted of that attempted armed
5 robbery in accompanying (unintelligible) first. With
6 it, both of those charges were pled down, one from an
7 armed robbery and one from the attempted murder. If
8 I could, I would like the Court to hear the Defense
9 take on that case which was captured in a -- another
10 video clip (unintelligible).

11 THE COURT: A take on a case he had already pled
12 to?

13 MS. ROBINSON: Yes, Your Honor.

14 THE COURT: Yeah, I'm not going to go hear that.

15 MS. ROBINSON: All right. Well, Your Honor,
16 this defendant was convicted in that case. He shot
17 an individual in both knees. He laughed about the
18 fact that he was charged with attempted murder when,
19 you know, don't shoot somebody below the waist if
20 you're trying to kill them. He said it was a
21 shooting to prove a point. This is why he's
22 prohibited from having firearms. This is not a
23 person who just had one firearm and is convicted of
24 being a violent felon for having one firearm. He is
25 a weapons manufacturer, a weapons dealer. This is

JURY TRIAL & SENTENCING

1 what this law was made for, and it should be a
2 consecutive sentence (unintelligible).

3 THE COURT: All right. Thank you. All right.
4 Give me the rest of his record. I think all the
5 Court -- the information the Court had during the
6 trial was he had -- in addition to the attempted
7 armed robbery, he had convictions for five offenses
8 that carried more than a year that would have been
9 used against him. Can you tell me what those
10 convictions are for?

11 MS. ROBINSON: Your Honor, I believe our count
12 got off. So the -- there's four felony -- four
13 charges that carry more than a year.

14 THE COURT: All right. Tell me what those were.

15 MS. ROBINSON: One -- one is the armed robbery.
16 Another is the assault and battery in the first
17 degree. Then it's a possession with intent to
18 distribute Ritalin is another one it carries over a
19 year. And then, he had a receiving stolen goods two
20 to ten, which carries up to three years, but is a
21 misdemeanor in South Carolina. He has several other
22 property crimes, more receiving stolen goods, and a
23 couple of possessions charges that came from the same
24 arrest as the (unintelligible).

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

JURY TRIAL & SENTENCING

1 Mr. Derieg, I'll be glad to hear from you and then
2 your client.

3 MR. DERIEG: Thank you, Your Honor. I was going
4 to tell you my client does wish to address the Court.
5 He's 30 years old with an 11th grade education. He's
6 got two kids, Jacob Lee Hall, 1-year-old, Mia Hall,
7 who is 4-years-old. By trade, he is an electrician.
8 Your Honor -- well in the -- in the time that I have
9 known Jacob, there has been a distinct difference in
10 him, and he'll be able to explain it to you, the --
11 the difference, and what was going on with him within
12 the jail. But I would say that the person that got
13 arrested back in 2/24/22 for these charges is not the
14 person who is standing before you now. He is a
15 significantly different person. And I have talked to
16 many people that know Jacob and have communicated
17 with Jacob over the last couple of years and they --
18 because they've known him longer than I have for sure
19 -- and they say that there's a very distinct
20 difference between the person that they have known,
21 you know, for a decade or more. And the last two
22 years in jail have actually been very beneficial for
23 him personally as -- well, as a person. He's done a
24 lot of personal growth and I don't know that I can
25 tell you it any better than -- than he can. He does

JURY TRIAL & SENTENCING

1 wish to address the Court and let you know what --
2 what's been going on.

3 THE COURT: All right. Thank you. Mr. Hall,
4 I'll be glad to hear from you.

5 THE DEFENDANT: Yes, Your Honor. What my
6 attorney is speaking on this truth, I have greatly
7 changed my life. And I'm not going to come to you
8 and claim that I haven't been guilty of crimes. I'm
9 not going to sit here and try and say I disagree with
10 anything that happened because -- and the Bible says
11 God did appoint you at this place here and now. And
12 I do just want to say that regardless of what
13 happened and regardless of what has happened, I have
14 no ill will towards anybody, including Chris and
15 Lindsay, and all the officers involved and the jury.
16 And I just pray God blesses all of us and blesses you
17 all as well. I know you're just doing your job.

18 THE COURT: All right. Thank you.

19 MR. DERIEG: Your Honor, I guess he didn't -- I
20 guess he didn't want to talk about what -- what he's
21 been doing. But in the jail, he leads a -- a prayer
22 group in his -- in his pod three times a day. He has
23 -- he has changed his life and he is actively trying
24 to change the lives of other people that are in jail.
25 And you know, maybe that's -- maybe that's his

JURY TRIAL & SENTENCING

1 purpose right now.

2 THE COURT: All right. Thank you.

3 MR. DERIEG: And I would ask, Your Honor, to not
4 run that -- that time consecutive. Twenty-five years
5 is a lot for somebody that's 30-years old.

6 THE COURT: All right. How is -- how many days
7 of credit does he have?

8 MR. DERIEG: 679 on Monday; right?

9 MS. ROBINSON: Yes, Your Honor. It was 679 on
10 Monday, so 682 days. That's from the date of his
11 arrest (unintelligible). Your Honor, he does have a
12 hold on him from Rutherford, North Carolina and in
13 that (unintelligible).

14 THE COURT: Docket 2022-GS-46-2279, State versus
15 Jacob Dewayne Hall, having pled guilty to trafficking
16 methamphetamine 100 grams or more, the sentence of
17 the Court is that he be committed to the department
18 of corrections for 25 years and given credit for 682
19 days. Docket 2022-GS-46-2280, possession of firearm
20 by commission -- by a person convicted of a violent
21 crime, I sentence he be committed to the department
22 corrections for 5 years, and that is to run
23 consecutive to 2022-GS-46-02279. He is given credit
24 for 682 days.

25 Mr. Hall, it appears that if what your lawyer

JURY TRIAL & SENTENCING

1 said is true, then that's going to be a benefit to you
2 for the rest of your life and the way you've changed
3 your life. However, I have to agree with the
4 solicitor. The statute for possession of a violent --
5 one with a violent offense on the record, you are the
6 individual they had in mind when they passed that
7 statute. You can't un-ring that bill, but you can
8 certainly -- you certainly have worth and value and
9 can deal with all the stuff you've dealt with and in
10 your past, but the reality in our society is that you
11 going to have to work through the consequences of that
12 past, and it takes more than two years to do that. So
13 I find that these sentences are appropriate. Thank
14 you.

15 MR. EPTING: Thank you, Your Honor.

16 THE COURT: All right.

17 (The proceedings were concluded.)

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CERTIFICATE OF TRANSCRIBER

I, Sandra J. Early, a court-approved transcriber, do hereby certify that I transcribed the electronic recording of the foregoing proceedings in Docket No. 2022-GS-46-2279, 2022-GS-46-2279A, and 2022-GS-46-2280, held between February 12-15, 2024, before the Honorable Daniel D. Hall, and that said transcript is true and correct, all to the best of my knowledge and ability.

I further certify that I am not related to nor the employee of any of the parties hereto, nor related to or employed by any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

August 25, 2024

Sandra J. Early

Sandra J. Early
Transcriber

After being fully advised as to my legal rights, I hereby waive presentation to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

DOCKET NO. 2022-GS-46-02279
2022-GS-46-02279A

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

AUGUST 18, TERM 2022

THE STATE

VS.

JACOB DEWAYNE HALL

INDICTMENT FOR

COUNT ONE - TRAFFICKING
METHAMPHETAMINE 100G OR MORE

SC Code: § 44-53-375(C)
CDR Code: 0368.06.03

COUNT TWO - POSSESSION OF A
WEAPON DURING THE COMMISSION OF
A VIOLENT CRIME

SC Code: § 16-23-0490
CDR Code: 0549

WITNESSES

DEU

Witnessing Officer: *Earls*

ARREST WARRANT NUMBER

COUNT ONE 2022A4610200298
COUNT TWO 2022A4610200299

ACTION OF GRAND JURY

TRUE BILL

Heather Boehunski
Foreperson of Grand Jury
Date: *8/18/2022*

VERDICT

~~*Count one guilty*~~
2/15/24

Count two - Directed Verdict
Foreperson of Petit Jury *Q.D.D. III*
Date: *2-14-24*

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on August 18, 2022, the Grand Jurors of York County present upon their oath:


COUNT ONE - TRAFFICKING METHAMPHETAMINE 100G OR MORE

The defendant, Jacob Dewayne Hall, did on or about [REDACTED], 2022, in York County, South Carolina, knowingly sell, manufacture, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession or knowingly attempted to become in actual or constructive possession of one hundred (100) grams or more of methamphetamine as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1), or 44-53-210(d)(2), all in violation of 44-53-375(C), Code of Laws of South Carolina (1976, as amended).

COUNT TWO - POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

The defendant, Jacob Dewayne Hall, did on or about [REDACTED], 2022, in York County, South Carolina, while committing the violent crime of Trafficking Methamphetamine, possess firearms. All in violation of 16-23-0490, *South Carolina Code of Laws* (1976, as amended).

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



LESLIE D. ROBINSON
ASSISTANT SOLICITOR

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

DOCKET NO. 2022-GS-46-02280

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

AUGUST 18, TERM 2022

THE STATE

VS.

JACOB DEWAYNE HALL

INDICTMENT FOR

POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A VIOLENT OFFENSE

SC Code: § 16-23-0500(A).
CDR Code: 3434

WITNESSES

DEU

Witnessing Officer: *Earls*

ARREST WARRANT NUMBER

2022A4610200300

ACTION OF GRAND JURY

TRUE BILL

Heather Boehnke

Foreperson of Grand Jury

Date: *8/18/2022*

VERDICT

Courtney One. Spilley
2/15/24

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA
COUNTY OF YORK


INDICTMENT

At a Court of General Sessions, convened on August 18, 2022, the Grand Jurors of York County present upon their oath:

**POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A VIOLENT
OFFENSE**

The defendant, Jacob Dewayne Hall, did on or about [REDACTED], 2022, in York County, South Carolina, willfully and unlawfully have in his possession a firearm and/or ammunition. Said Defendant has been convicted of a felony which is classified as a violent crime, as defined by South Carolina Code Section 16-1-60. All in violation of 16-23-0500(A), *Code of Laws of South Carolina*, (1976, as amended).

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



LESLIE D. ROBINSON
ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,

RECEIVED

Mar 07 2025

SC Court of Appeals



Wanda H. Carter
Deputy Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

This 7th day of March, 2025.

RECEIVED

Mar 07 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County

Honorable Daniel D. Hall, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JACOB D. HALL,

APPELLANT

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), and upon Jacob D. Hall, 374446, at Kershaw Correctional Institution, 4848 Gold Mine Highway, Kershaw, SC, 29067, this 7th day of March, 2025.



Wanda H. Carter
Deputy Chief Appellate Defender