

STATE OF SOUTH CAROLINA

ORIGINAL

In The Court of Appeals

APPEAL FROM DILLON COUNTY

Thomas A. Russo, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAMIEN INMAN,

APPELLANT

RECORD ON APPEAL

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INDEX

INDEX	i, ii, iii
TRIAL TRANSCRIPT	1
JURY VOIR DIRE	2
JURY SELECTION	26
<u>BATSON</u> MOTION BY MR. REDMOND	36
RULING BY THE COURT	41
<u>BATSON</u> MOTION BY MS. SELLERS	43
RULING BY THE COURT	47
JURY SELECTION	50
<u>BATSON</u> MOTION BY MR. REDMOND	60
RULING BY THE COURT	72
JURY SELECTION	86
<u>BATSON</u> MOTION BY MS. SELLERS	96
RULING BY THE COURT	102
TESTIMONY	
JEFFREY A. MCKEE (IN CAMERA)	
Direct examination by Mr. Redmond	103
ATTEMPTED GUILTY PLEA	111
FOREMAN OF THE JURY	140

TESTIMONY

LARRY JASON TURNER

Direct examination by Mr. Daniel	141
Cross examination by Ms. Sellers	170
Re-direct examination by Mr. Daniel	186
Re-cross examination by Ms. Sellers.....	194

NEIL V. BIGGERS HEARING

MELISSA ALFORD (IN CAMERA)

Direct examination by Mr. Daniel	198
Cross examination by Ms. Sellers	204
Re-direct examination by Mr. Daniel	208

MOTION TO EXCLUDE IDENTIFICATION.....	208

RULING BY THE COURT	215

TESTIMONY

MELISSA ALFORD

Direct examination by Mr. Daniel	218
Cross examination by Ms. Sellers	227
Re-direct examination by Mr. Daniel	229

JAQUELINE M.

Direct examination by Mr. Redmond.....	230
Cross examination by Ms. Sellers	236

JASMINE MEARITE

Direct examination by Mr. Redmond.....	237
Cross examination by Ms. Sellers	242
Re-Direct examination by Mr. Redmond	243

MARTHA ANN JACOBS

Direct examination by Mr. Redmond.....	244
Cross examination by Ms. Sellers	247

DR. EDWARD LEROY PROCTOR

Direct examination by Mr. Daniel	248

JOHN B.	
Direct examination by Mr. Redmond	250
Cross examination by Ms. Sellers	274
Re-Direct examination by Mr. Redmond	284
Re-cross examination by Ms. Sellers.....	286
 EDDY ALEXANDER BOONE	
Direct examination by Mr. Redmond	288
Cross examination by Ms. Sellers	297
Re-Direct examination by Mr. Redmond	301
 VERDICT	
	303
 SENTENCING	
	305
 JURY QUALIFICATION TRANSCRIPT	
	319
 INDICTMENTS AND SENTENCE SHEETS	
	345
 CERTIFICATE OF COUNSEL.....	
	366

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT

**STATE'S EXHIBIT 59
COURT'S EXHIBIT 1 (MENTAL EVALUATION)**

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF DILLON	)	2009-GS-17-1210
	)	2009-GS-17-1211
	)	2009-GS-17-1212
	)	2009-GS-17-1213
	)	2009-GS-17-1214
State of South Carolina	)	2009-GS-17-1215
	)	2009-GS-17-1217
vs.	)	
	)	TRANSCRIPT OF RECORD
Damien Inman	)	)
<u>DEFENDANT</u>	)	December 13-16, 2010
		Dillon, South Carolina

B E F O R E:

THE HONORABLE THOMAS A. RUSSO, JUDGE; and a jury.

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

KERNARD E. REDMOND, DEPUTY SOLICITOR
 SHIPP DANIEL, ASSISTANT SOLICITOR
 Attorneys for the State

ROSALIND SELLERS, ASSISTANT PUBLIC DEFENDER
 Attorney for the Defendant

KESHIA REED
 Official Court Reporter

1 THE COURT: Ladies and gentlemen, we're now
2 ready to select a jury and ask the State to call the first
3 case for trial.

4 MR. DANIEL: Thank you, Your Honor, may it
5 please the Court.

6 THE COURT: Yes, sir.

7 MR. DANIEL: First on this week's docket is The
8 State of South Carolina vs. Damian Inman on seven
9 indictments: 2009-GS-17-1210 for murder, 2009-GS-17-1211
10 for possession of a weapon during the commission of a
11 violent crime, 2009-GS-17-1212 for burglary in the first
12 degree, 2009-GS-17-1213 for kidnapping, 2009-GS-17-1214
13 for arm robbery, 2009-GS-17-1215 for grand larceny,
14 2009-GS-17-1217, that being for criminal conspiracy. Your
15 Honor, all of these indictments have been true billed by
16 the grand jury signed May 13th 2010. The State is ready
17 for trial.

18 THE COURT: Thank you, sir. Ladies and
19 gentlemen, you have just heard Mr. Daniels call the case
20 The State of South Carolina vs. Damian Inman. Now, let me
21 begin by telling you, ladies and gentlemen, there are
22 several indictments here and to each of these indictments,
23 Mr. Inman has pled not guilty. And that plea of not
24 guilty places the burden of proof on the State to prove
25 the allegations contained in these indictments. What is

1 important for you to understand at this stage of the trial
2 is this, that to each of these charges or these
3 allegations Mr. Inman is presumed to be innocent. And
4 that presumption of innocence will stay with him
5 throughout the course of the case unless the State proves
6 his guilt beyond a reasonable doubt. An indictment is
7 simply the formal charge that brings a case into court.
8 It is a piece of paper. All right. It is in no way
9 evidence in this case and it is never evidence of the
10 allegations that it contains. These are merely the
11 charges the State has brought against the defendant. Now,
12 I'm going to go over these indictments with you so that I
13 can ask you questions as they relate to this matter.

14 Indictment 2009-1210 charges Mr. Inman with the
15 offense of murder. And the allegation in this indictment
16 is that Damian Inman did in Dillon County on or about
17 August the 17th 2009, with co-defendants engaged in a
18 joint criminal enterprise which resulted in the willful,
19 felonious and intentional death of the victim, Mary Alice
20 Stutts, with malice aforethought either express or implied
21 by means of shooting the victim in the head in violation
22 of section 16-3-10 of the South Carolina Code of Laws 1976
23 as amended.

24 Indictment 2009-1211 alleges or charges that
25 Mr. Damian Inman did in Dillon County on or about

1 August the 17th 2009, possess a firearm or visibly display
2 what appeared to be a firearm or visibly displayed a knife
3 during the commission or attempted commission of a violent
4 crime in violation 16-23-490 of the South Carolina Code of
5 Laws 1976 as amended.

6 Indictment 2009-1212 charges that Damian Inman
7 did in Dillon County on or about August the 17th of 2009,
8 either enter or aid co-defendants in entering the dwelling
9 of Mary Stutts located at [REDACTED] in
10 Dillon, South Carolina without consent and with the intent
11 to commit a crime therein. And that defendant did so in
12 the nighttime or while arm with a deadly weapon in
13 violation of 16-11-311A of the Code of Laws of South
14 Carolina 1976 as amended.

15 2009-1213 is an indictment which alleges that
16 Damian Inman did in Dillon County on or about August the
17 17th of 2009, willfully seize, confine, decoy, kidnap,
18 abduct or carry way one, Mary Stutts, without authority of
19 law in violation of 16-3-910 of the South Carolina Code of
20 Laws 1976 as amended.

21 Indictment 09-1214 charges that Damian Inman did
22 with co-defendants in Dillon County on or about August the
23 17th of 2009, while he and or co-defendants were armed
24 with a deadly weapon to wit, did take and carry away
25 personal property of Mary Stutts from or in the immediate

1 presence of Mary Stutts with the intent to deprive Mary
2 Stutts of possession by use of force, threats or
3 intimidation in violation of section 16-11-33A of the
4 South Carolina Code of Laws as amended:

5 Indictment 2009-1215 alleges that Damien Inmann
6 did with co-defendants in Dillon County on or about August
7 the 17th of 2009, take and carry away the personal goods
8 of Mary Stutts having a value of more than \$5,000
9 described as follows: A white 1999 Toyota Camry with the
10 intent to deprive the owner permanently of such property
11 and to convert the goods to his own use in violation of
12 section 16-13-30B of South Carolina Code of Laws as
13 amended.

14 And then finally on 09-1217 that alleges that
15 Damian Inman did in Dillon County on or about August the
16 17th of 2009, combine with another and or with other
17 persons for the purpose of accomplishing a criminal or an
18 unlawful object or an object that is neither criminal nor
19 unlawful through criminal or unlawful means to wit
20 burglary in the first degree, arm robbery, kidnapping and
21 murder in violation of section 16-17-410 of the South
22 Carolina Code of Laws 1976 as amended.

23 Now, those are the allegations that the State
24 has brought against Mr. Inman. And to each of those
25 allegations he has pled not guilty.

1 Is there any member of the jury panel who knows
2 anything about these charges that I have just gone over
3 with you, if so please stand? Thank you there are none.

4 Ladies and gentlemen, I'm going to ask --

5 Mr. Daniel, I'm going to ask if you would stand
6 and introduce yourself please.

7 MR. DANIEL: Thank you, Your Honor. My name is
8 Shipp Daniel, I'm the assistant solicitor here in the
9 fourth circuit for Will Rogers, who is our elected
10 Solicitor in this circuit.

11 MR. REDMOND: May it please the Court. Ladies
12 and gentlemen, my name is Kernard Redmond, I'm deputy
13 solicitor for the fourth circuit. I always tell people
14 the four counties that include Darlington, Dillon County,
15 of course, Marlboro and Chesterfield counties and we serve
16 all four counties. Thank you.

17 THE COURT: Ladies and gentlemen, is there any
18 member of the jury panel who is related by blood,
19 connected by marriage or who has any close business or
20 personal relationship with or who has possibly been
21 represented by either Mr. Daniel or Mr. Redmond, if so
22 please stand? All right. Let me start over here. All
23 right. Let me get my list. I'm going to start on the far
24 side over here.

25 Yes, sir, let me get your name, sir.

1 PROSPECTIVE JUROR: Kenneth Brown.

2 THE CLERK: Juror number 35, Judge.

3 THE COURT: Juror number 35. All right.

4 Mr. Brown, Mr. Redmond or Mr. Daniel, do you know one of
5 these fellows?

6 PROSPECTIVE JUROR: Oh, no, no.

7 THE COURT: Well, let me back up cause a couple
8 have stood. Tell me what y'all were standing for?

9 PROSPECTIVE JUROR: Well, I was standing, I'm
10 juror 293. I was standing because I work with Mrs. Stutts
11 husband for 25 years.

12 THE COURT: Hang on. Let me get y'all to do me
13 a favor. That's fine. I'm going to go through a lot of
14 questions with you. I would ask that you listen carefully
15 to the question and just respond to the question that I
16 ask. And I promise you if there's something I haven't
17 asked, I'll hear from you, okay. Right now let me back
18 go. Is there any member of the jury panel who knows
19 anything about these charges that I just gone over with
20 you against Mr. Inmann, if so please stand? No one stood
21 on that.

22 Now, this next question involves you just been
23 introduced to Mr. Daniel and to Mr. Redmond who are the
24 prosecutors that work for the Solicitor's office, who are
25 going to be representing the State in this case. Is there

1 any members of the jury panel who's related by blood,
2 connected by marriage or who has any close business or
3 personal relationship or who has been represented by
4 either Mr. Daniel or Mr. Redmond, if so please stand?

5 All right, yes, sir.

6 PROSPECTIVE JUROR: I been represented by
7 Mr. Redmond.

8 THE COURT: All right, sir. And your name was
9 Mr. Brown; correct?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: And that's juror number 35.
12 Mr. Brown, let me ask you this, the fact that you have
13 been represented in the past by Mr. Redmond, would that in
14 anyway affect your ability to be fair and impartial to
15 give both the State and the defense a fair trial, if you
16 were selected in this case?

17 PROSPECTIVE JUROR: No.

18 THE COURT: It would not?

19 PROSPECTIVE JUROR: No, sir.

20 THE COURT: Thank you very much. You may have a
21 seat.

22 Ms. Sellers, if I could get you to introduce
23 yourself and then your client.

24 MS. SELLERS: Good afternoon. My name is
25 Rosalind Sellers. I am a private attorney here in Dillon,

1 South Carolina. I also contract with the public
2 defender's office. Our chief public defender is Michael
3 Stevens. We service Dillon, Marlboro, Darlington and
4 Chesterfield County. Here with me today is my client.
5 This is Mr. Damian Inman, he's also from Dillon, South
6 Carolina.

7 THE COURT: All right. Thank you all very much.
8 Ladies and gentlemen, first with regards to Ms. Sellers,
9 is there any member of the jury panel who is related by
10 blood, connected by marriage or who has any close business
11 or personal relationship with either -- with Rosalind
12 Sellers or who has been represented in the past by
13 Ms. Sellers, if so please stand? Let me begin over here.

14 Yes.

15 PROSPECTIVE JUROR: Juror number 25.

16 THE COURT: All right. And, ma'am, are you
17 related to Ms. Sellers or has she represented you?

18 PROSPECTIVE JUROR: She's currently representing
19 me.

20 THE COURT: She's currently representing you.
21 The fact that Ms. Sellers is currently representing you in
22 a matter would that in any way affect your ability to be
23 fair and impartial to give both the State and the defense
24 a fair trial?

25 PROSPECTIVE JUROR: No, sir.

1 THE COURT: Thank you, ma'am. You may have a
2 seat.

3 And let me get Mr. Brown juror number 35.
4 Ms. Sellers.

5 PROSPECTIVE JUROR: I been represented by
6 Ms. Rosalind before.

7 THE COURT: Would that in any way affect your
8 ability to be fair and impartial?

9 PROSPECTIVE JUROR: No, sir.

10 THE COURT: All right. Thank you very much,
11 sir. You may have a seat.

12 Yes, ma'am, your name please.

13 PROSPECTIVE JUROR: Maranda Davis.

14 THE COURT: All right, give me one second
15 please. Juror number 68. Ms. Davis, what's the
16 relationship with Ms. Sellers.

17 PROSPECTIVE JUROR: That's my cousin.

18 THE COURT: All right. First, second, third
19 where are we?

20 PROSPECTIVE JUROR: Second.

21 THE COURT: The fact that you have that
22 relationship with Ms. Sellers would that in any way affect
23 your ability to be fair and impartial, if you were
24 selected on this panel?

25 PROSPECTIVE JUROR: No, sir.

1 THE COURT: Thank you very much, ma'am. You may
2 have a seat.

3 Yes, sir, your name please, sir.

4 PROSPECTIVE JUROR: Alvin Brailey juror number
5 32.

6 THE COURT: All right. Juror number 32.
7 Mr. Brailey, what's your relationship?

8 PROSPECTIVE JUROR: She had represented me.

9 THE COURT: All right. Sir, the fact that
10 you've had that relationship in the past would that in any
11 way affect your ability to be fair and impartial if you
12 were selected in this case?

13 PROSPECTIVE JUROR: No, sir.

14 THE COURT: Thank you, sir. You may have a
15 seat.

16 Now, ladies and gentlemen, you been introduced
17 to Mr. Inman. Is any member of jury panel related by
18 blood, connected by marriage or who has any close,
19 business or personal relationship with Mr. Damian Inman,
20 if so please stand?

21 Mr. Brown.

22 PROSPECTIVE JUROR: I'm good friends of him and
23 his family.

24 THE COURT: All right. Sir, the fact that
25 you're a good friend with the family would that have any

1 affect on your ability ---

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: All right. I'm going to excuse you
4 from the trial of this case. Hold on, hold on, hang on.
5 You got to guard that door. Mr. Brown, I'm going to get
6 you to have a seat. I'm going to excuse you from
7 appearing in this case, but it may be that there's another
8 case down the road that we may need your help on. So I am
9 going to excuse you from the trial of this case.

10 Yes, ma'am, your name?

11 PROSPECTIVE JUROR: Lateisha McKenzie.

12 THE COURT: Your last name again?

13 PROSPECTIVE JUROR: McKenzie.

14 THE COURT: All right, give me one second.

15 THE CLERK: Juror number 190.

16 THE COURT: All right, Ms. McKenzie, you know
17 Damian Inmann or related to him?

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: Is it related or just know him?

20 PROSPECTIVE JUROR: Know him.

21 THE COURT: All right. Ma'am, let me ask you
22 this, the fact that you have that relationship with
23 Mr. Inman would that in any way affect your ability to be
24 fair and impartial to give both the State and the defense
25 a fair trial?

1. PROSPECTIVE JUROR: Yes.

2. THE COURT: It would?

3. PROSPECTIVE JUROR: Yes..

4. THE COURT: All right. I'm going to excuse you,
5. ma'am, from participating in this case, but would ask that
6. you stay with us cause we may need you in another matter,
7. okay. Thank you, ma'am. Juror number 190 she's excused.

8. Now, ladies and gentlemen, that question that I
9. just asked you regarding Mr. Inmann. In other words, are
10. you related by blood, connected by marriage or have any
11. close business or personal relationship that question is
12. the question that I'm going to be asking you with regards
13. to potential witnesses who may appear in this trial. I'm
14. going to go through this list of folks who are possible
15. witnesses they may or may not testify. Now, that question
16. is the question that I'm going to be asking. So as I go
17. through this list of names if you hear a name and that
18. question would apply to you regarding that name, go ahead
19. and stand when you hear that name called. But if you do
20. me a favor continue to listen because there are several
21. names on this list and it may be that that question
22. applies to more than one individual. All right. So the
23. following folks are potential or possible witnesses who
24. may appear during the course of this trial. If any of
25. these witnesses are in court, I would ask that you please

1 stand and face the jury for a moment and then you can have
2 a seat. And also if I mess up somebody's name please
3 forgive me, I'm doing the best I can. But these are
4 possible or potential witnesses who may appear during the
5 course of this trial John B. John B. Shalonda Inmann,
6 Terry Walls, Tonya Tindal, Jahmal Hailey, Jason Turner,
7 Cliff Arnette, Shakela Crowley, Lewis Barfield, Vicky
8 Hall, Roxanne Bethea, Ray McFadder, Deshawn McCollum,
9 Montrise Miles, Dustin Jacobs, Bryan Legette, Allen
10 Rogers, Ann Jacobs, Crystal Norris, Diane Bethea, Edward
11 Proctor, Dustin Jacobs, Eddy Boone, Elisha Lane,
12 Jacqueline Morris, James Johnson, Jasmine Mearite, Jason
13 Turner, Josh Lee, Lisa Alford, Rhonda Fields, Ricky Lee,
14 Susann Cromer, Vicki Hallman. All right. Now, let me
15 begin on this side.

16 Sir, can I get your name please.

17 PROSPECTIVE JUROR: Ricky Huggins.

18 THE COURT: Last name again?

19 PROSPECTIVE JUROR: Huggins.

20 THE COURT: Huggins. All right. Juror number
21 125. Mr. Huggins, who on that list does that question
22 apply for you, sir?

23 PROSPECTIVE JUROR: Mr. Jason Turner and Josh
24 Lee.

25 THE COURT: All right, sir. The fact that you

1 have whatever relationship that is with those individuals,
2 would that in any way affect your ability to be fair and
3 impartial, sir?

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: All right. Mr. Huggins, I'm going
6 to excuse you from the trial of this case, sir. You may
7 have a seat, but I'm going to excuse you from this case.

8 This side. Ma'am, your name please.

9 PROSPECTIVE JUROR: Jamie Stephenson.

10 THE COURT: All right, juror number 270. Ms.
11 Stephenson, who on that list does that apply to you?

12 PROSPECTIVE JUROR: Rick Lee.

13 THE COURT: Ma'am, the fact that you have that
14 relationship or know Mr. Lee, would that in any way affect
15 your ability to be fair and impartial to give both the
16 State and the defense a fair trial?

17 PROSPECTIVE JUROR: No, sir.

18 THE COURT: Thank you very much, ma'am. You may
19 have a seat.

20 And your name, ma'am?

21 PROSPECTIVE JUROR: Mindy Huggins.

22 THE COURT: All right, Ms. Huggins. Juror
23 number 124. Ms. Huggins, who on that list did you know?

24 PROSPECTIVE JUROR: Josh Lee.

25 THE COURT: All right. The fact that you know

1 Mr. Lee would that in any way affect your ability to be
2 fair and impartial giving both the State and the defense a
3 fair trial?

4 PROSPECTIVE JUROR: No, sir.

5 THE COURT: Thank you, ma'am. You may have a
6 seat.

7 Y'all are possible witnesses; correct? Okay,
8 guys. Thank you. Y'all can have a seat if you like.

9 Let me go over here.

10 Yes, ma'am.

11 PROSPECTIVE JUROR: Debbie Haselden 105.

12 THE COURT: All right, Ms. Haselden.

13 PROSPECTIVE JUROR: Cliff Arnette, Allen Rogers
14 and Josh Lee.

15 THE COURT: All right. Ma'am, the fact that you
16 know those folks or have some relationship with those
17 folks, would that in any way affect your ability to give
18 both the State and the defense a fair and impartial trial?

19 PROSPECTIVE JUROR: No, sir, not at all.

20 THE COURT: Thank you very much, ma'am. You may
21 have a seat.

22 And back here.

23 PROSPECTIVE JUROR: William Lupo number 174.

24 THE COURT: Okay, give me one second please.

25 All right. Sir, and who on that list?

1 PROSPECTIVE JUROR: Ray McPhatter.

2 THE COURT: All right. Sir, would that in any
3 way have -- the relationship you have with Mr. McPhatter
4 would that in any way have an affect on your ability to be
5 fair and impartial if Mr. McPhatter were to be a witness
6 in this case?

7 PROSPECTIVE JUROR: No, sir.

8 THE COURT: Thank, you, sir. You may have a
9 seat.

10 Yes, ma'am.

11 PROSPECTIVE JUROR: Courtney McCollum.

12 THE COURT: All right, give me a second.

13 THE CLERK: Juror number 179.

14 THE COURT: 179. All right. And who on that
15 list, Ms. McCollum?

16 PROSPECTIVE JUROR: Deshawn McCollum.

17 THE COURT: And are you related to him?

18 PROSPECTIVE JUROR: Yes, sir, that's my cousin.

19 THE COURT: I'm sorry.

20 PROSPECTIVE JUROR: Yes, sir, that's my cousin.

21 THE COURT: Okay. Ma'am, if Mr. McCollum were
22 to be a witness in this case, would that have an affect
23 on your ability to be fair and impartial?

24 PROSPECTIVE JUROR: No, sir.

25 THE COURT: Thank you very much, ma'am. You may

1 have a seat.

2 And, yes, ma'am.

3 PROSPECTIVE JUROR: Kimesha Allen.

4 THE COURT: Allen.

5 THE CLERK: Number four, Your Honor.

6 THE COURT: Juror number four, okay. Ms. Allen,
7 who on that list does that apply to you, ma'am?

8 PROSPECTIVE JUROR: Shalonda Inmann, Jahmal
9 Inmann and Tonya Tindal.

10 THE COURT: All right. Ma'am, the fact that you
11 either know those folks or have some relationship with
12 those folks if they appeared in this case as witnesses in
13 this trial, would that have any affect on your ability to
14 be fair and impartial giving both the State and the
15 defense a fair trial?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: All right. Ms. Allen, I'm going to
18 excuse you from the trial of this case, ma'am, but hang
19 with us if you would. We may need your help on something
20 else.

21 Ladies and gentlemen, is there any member of the
22 jury panel or a member of your immediate family who has
23 been prosecuted by the Fourth Circuit Solicitor's office
24 and that as you were told comprises Darlington, Dillon,
25 Marlboro and Chesterfield counties, if so please stand.

1 Thank you. There are none.

2 Ladies and gentlemen, is there any member of the
3 jury panel who is a contributor either financially or by
4 volunteer work to organizations such as MADD mother's
5 against drunk driving, SADD students against drunk
6 driving, fraternal order of police, CAVE citizens against
7 violent crime, South Carolina Highway Patrol or Troopers
8 Association, any of those types of organizations. Any
9 member of the jury panel a contributor either financially
10 or by volunteer work to any of those organizations, if so
11 please stand?

12 Yes, ma'am, your name please.

13 PROSPECTIVE JUROR: Jean Reeves.

14 THE CLERK: 243.

15 PROSPECTIVE JUROR: Elisha Lane and it would not
16 affect.

17 THE COURT: All right. And it would not affect,
18 Ms. Reeves, on your ability to be fair and impartial?

19 PROSPECTIVE JUROR: No, sir.

20 THE COURT: Thank you, ma'am. You may have a
21 seat.

22 Ladies and gentlemen, you probably gathered by
23 now that the purpose for asking these questions is this,
24 our goal in every case tried in a court of law whether it
25 be a criminal case or whether it be a civil case is to

1 impanel a jury that can be fair and impartial and decide
2 the case based solely on the evidence that is presented
3 during the course of this trial and not on anything else.
4 Anything that may have been heard outside of court or
5 anything other than the evidence that is presented during
6 the course of that trial and that's our goal. We want
7 folks who can sit and give both the State and the defense
8 a fair and impartial trial. And, you know, I can ask you
9 a million questions, but I may not touch in every area, so
10 my purpose in this last question is simply this, is there
11 any member of the jury panel who knows of any reason why
12 if you were selected as a juror in this case, you would
13 not be able to render a fair and impartial verdict? In
14 other words, is there any member of the jury panel who
15 knows of any reason why you would not be able to give both
16 the State and the defense a fair trial, if so please
17 stand?

18 PROSPECTIVE JUROR: Alicia Johnson.

19 THE CLERK: Juror number 139.

20 THE COURT: Ms. Johnson, let me get you to come
21 up front here.

22 And, sir, you can come on around here cause I'll
23 speak with you as well in just a moment.

24 Ms. Johnson, if you'll come on up.

25 PROSPECTIVE JUROR: Ms. Stutts was my neighbor.

1 THE COURT: Okay. All right. Well, I'm going
2 to excuse you from the trial of this case and get you to
3 do me a favor. When you go back to your seat to the
4 extent you can, just try to control yourself and don't
5 speak with anybody about the case. Thank you, ma'am. You
6 may have a seat.

7 Yes, sir, your name please.

8 PROSPECTIVE JUROR: Larry Williams.

9 THE COURT: Mr. Williams, okay.

10 PROSPECTIVE JUROR: I work with Mrs. Stutts
11 husband for 25 years and I will be partial.

12 THE COURT: Okay. Well, I'm going to excuse you
13 from this case, Mr. Williams. We might can use you on
14 something else, so hang with us, okay.

15 PROSPECTIVE JUROR: All right.

16 THE COURT: Thank you, Mr. Reeves. The other
17 juror was 139.

18 PROSPECTIVE JUROR: I work with the deceased
19 daughter.

20 THE COURT: I'll excuse you from this case. You
21 don't have to worry about this case.

22 THE CLERK: Stephanie Vanderhall juror number
23 285.

24 (WHEREUPON, a bench conference was held in the
25 presence of the jury panel, but out of the hearing of

1 the jury panel.)

2 THE COURT: All right. Ladies and gentlemen,
3 the next question I have is is there any member of the
4 jury panel or a member of your immediate family who has
5 been a victim of a violent crime, if so please stand? All
6 right. And if we can start on the far end over here.

7 Yes, ma'am, your name.

8 PROSPECTIVE JUROR: Augustine McCoy 180.

9 THE COURT: All right. Yourself or a member of
10 your family?

11 PROSPECTIVE JUROR: My nephew.

12 THE COURT: Ma'am, the fact that you've had that
13 experience would that in any way affect your ability to be
14 fair and impartial if you were selected as a member of
15 this jury panel?

16 PROSPECTIVE JUROR: No, it wouldn't.

17 THE COURT: Thank you very much, ma'am. You may
18 have a seat.

19 And on this side, ma'am, your name.

20 PROSPECTIVE JUROR: Courtney McCollum.

21 THE CLERK: 179.

22 THE COURT: Okay. Ms. McCollum, was it yourself
23 or a member of your family?

24 PROSPECTIVE JUROR: My father.

25 THE COURT: Would that -- the fact that you've

1 had that experience in your family would that in any way
2 affect your ability to be fair and impartial, ma'am?

3 PROSPECTIVE JUROR: No, sir.

4 THE COURT: Thank you, Ms. McCollum. You may
5 have a seat.

6 And yes.

7 PROSPECTIVE JUROR: Annette Jones juror number
8 149.

9 THE CLERK: 149.

10 THE COURT: All right, yes. Ms. Jones, yourself
11 or a member of your family?

12 PROSPECTIVE JUROR: My nephew.

13 THE COURT: All right. Ma'am, would that in any
14 way affect your ability to be fair and impartial to both
15 the State and the defense?

16 PROSPECTIVE JUROR: No, it would not.

17 THE COURT: Thank you, ma'am. You may have a
18 seat.

19 Is there any member of the jury panel who is
20 either related by blood or connected by marriage or who
21 knows of the victim in this case Mrs. Mary Stutts, if so
22 please stand?

23 Ms. Johnson, I think I've excused you, so you're
24 are okay.

25 Anyone else?

1 Any further questions on behalf of the State?

2 MR. REDMOND: Nothing from the State, Your
3 Honor.

4 THE COURT: Any further questions regarding?

5 MS. SELLERS: Your Honor, just in the matter
6 that I mention to you briefly back in chambers and also on
7 the record, Your Honor, just in reference as to whether or
8 not they have been expose to any information pertaining to
9 the case.

10 THE COURT: All right.. Is there any member of
11 the jury panel who has been exposed to or has knowledge of
12 any information about this case outside this courtroom, if
13 so please stand? Thank you there are none.

14 All right. Now, ladies and gentlemen, let me --
15 Gwen, that's it, so if we can begin preparing that list.

16 All right. Ladies and gentlemen, let me explain
17 to you the process that we are going to go through here in
18 selecting a jury. And we do it a little bit different in
19 general session courts than we do common pleas court. In
20 general sessions court, the way it works is your names --
21 and you've seen me refer to this list all morning long.
22 This is just a list of all of your names. And this list
23 is alphabetical, okay. What we do is madam clerk has on
24 her computer -- this list is on the computer. It's in a
25 special program. And what she can do is she can hit a

1 button and what happens is the computer will randomly take
2 that list and it will completely reorganization your names
3 in random order. So whereas I'm Tommy Russo, I may be
4 juror number 234 on that list. I may end of up being
5 juror number three on the list that gets kicked out by the
6 computer because it takes your names and it just
7 completely re-jumbles them in random order. Now, what
8 will happen is they'll then print that list out. And it's
9 from that list that madame clerk will begin calling juror
10 names. And she'll start on that random list. She'll
11 start with number one. She'll call out that jurors name.
12 If that's your name and you hear your name called, I would
13 ask you that you come forward. And if you would, you need
14 to come around the bar there and come up here in front of
15 the bench and face the back of the courtroom. And
16 basically when you come down, you'll be somewhere in this
17 vacinity right here. And then you'll stand as I'm
18 standing facing the back of the courtroom. At that point,
19 madame clerk will ask first of the State something along
20 these lines, what say you for the State. And the State
21 can either excuse you. And if they excuse you, you'll go
22 have a seat or they can say either present or we accept
23 that juror. I don't know words they would use, but if
24 they present you, then you'll just remain standing. Then
25 she will ask of the defense what say you for the defense.

1 And the defense can either excuse you and if they excuse
2 you, you'll go back and have a seat or they can seat you.
3 And if they seat you, then you'll come around and you'll
4 have a seat in the jury box. And we'll go through that
5 process until we've selected our jury.

6 Now, because of that process and you don't know
7 when you leave your seat whether or not you're going to be
8 in the jury box or back in your seat, I would ask that if
9 you hear your name called, please bring with you any items
10 that you brought to the courtroom today whether it's a
11 jacket or pocketbook or book or anything like that. Just
12 bring any belongings that you brought because it may be
13 that you want be returning to your seat and it may be that
14 you're going over here. So please do that for me if you
15 would when you hear your name called. Before we got this
16 computer system and could do it this way, back home we use
17 to do like we had here earlier today, we use to have a
18 cigar box and we just reach in and pull your name out
19 randomly and call them out. But we're very sophisticated
20 now, we have computers and all of that, so it makes it a
21 little easier, a little cleaner. All right.

22 Five and ten?

23 MR. DANIEL: Yes, Your Honor.

24 THE COURT: Madame clerk.

25 THE CLERK: Juror number 259, Cynthia Smith.

1 (The juror, a black female, comes forward.)

2 THE CLERK: What say the State?

3 MR. DANIEL: Please present Ms. Smith.

4 THE CLERK: Defendant?

5 MS. SELLERS: Please seat the juror.

6 THE CLERK: Have a seat in the jury box, ma'am.

7 Number 279, Clara Townsend.

8 (The juror, a black female, comes forward.)

9 THE CLERK: What say the State?

10 MR. DANIEL: Please excuse Ms. Townsend from
11 service in this case.

12 THE CLERK: You excused, ma'am.

13 Number 133, Gwendolyn Jackson.

14 (The juror, a black female, comes forward.)

15 THE CLERK: What say the State?

16 MR. DANIEL: Please present Ms. Jackson.

17 THE CLERK: Defendant?

18 MS. SELLERS: Please seat the juror.

19 THE CLERK: Have a seat in the jury box please,
20 ma'am.

21 Number 11, James Avant.

22 (The juror, a black male, comes forward.)

23 THE CLERK: What say the State?

24 MR. DANIEL: Please present Mr. Avant.

25 THE CLERK: Defendant?

1 MS. SELLERS: Please excuse Mr. Avant.

2 THE CLERK: You excuse, sir.

3 Number 166, Alexander Lewis.

4 (The juror, a white male, comes forward.)

5 THE CLERK: What say the State?

6 MR. DANIEL: Please present Mr. Lewis.

7 THE CLERK: Defendant?

8 MS. SELLERS: Please excuse Mr. Lewis.

9 THE CLERK: You excuse, sir.

10 Number 234, Rakiem Presater.

11 (The juror, a black male, comes forward.)

12 THE CLERK: What say the State?

13 MR. DANIEL: Please excuse Mr. Preaster from
14 service in this case.

15 THE CLERK: You are excuse, sir.

16 Number 124, Mindy Huggins.

17 (The juror, a white female, comes forward.)

18 THE CLERK: What say the State?

19 MR. DANIEL: Please present Ms. Huggins.

20 THE CLERK: Defendant?

21 MS. SELLERS: Please excuse Ms. Huggins.

22 THE CLERK: You are excuse.

23 Number 60, David Cox.

24 (The juror, a white male, comes forward.)

25 THE CLERK: What say the State?

1 MR. DANIEL: Please present Mr. Cox.

2 THE CLERK: Defendant?

3 MS. SELLERS: Please excuse Mr. Cox.

4 THE CLERK: You're excuse, sir.

5 Number 73, Aurthur Eagle.

6 (The juror, a black male, comes forward.)

7 THE CLERK: What say the State?

8 MR. REDMOND: Beg the Court's indulgence.

9 THE COURT: Yes, sir.

10 (WHEREUPON, a pause in the proceedings.)

11 MR. DANIEL: Please present Mr. Eagle.

12 THE CLERK: Defendant?

13 MS. SELLERS: Please seat the juror.

14 THE CLERK: Have a seat in the jour jury box
15 please, sir.

16 Number 168, Dawnyelle Livingston.

17 (The juror, a black female, comes forward.)

18 THE CLERK: What say the State?

19 MR. DANIEL: Please present Ms. Livingston.

20 THE CLERK: Defendant?

21 MS. SELLERS: Please excuse Ms. Livingston.

22 THE CLERK: You are excused.

23 Number 281, Judy Turbeville.

24 (The juror, a white female, comes forward.)

25 THE CLERK: What say the State?

1 MR. DANIEL: Please present Ms. Turbeville.

2 THE CLERK: Defendant?

3 MS. SELLERS: Please excuse the juror.

4 THE CLERK: You excuse, ma'am.

5 Number 37, Tonya Brown.

6 (The juror, a black female, comes forward.)

7 THE CLERK: What say the State?

8 MR. DANIEL: Please present Ms. Brown.

9 THE CLERK: Defendant?

10 MS. SELLERS: Please seat the juror.

11 THE CLERK: Please have a seat in the jury box
12 please, ma'am.

13 Number 38, Charles Bryant.

14 (The juror, a white male, comes forward.)

15 THE CLERK: What say the State?

16 MR. DANIEL: Please present Mr. Bryant.

17 THE CLERK: Defendant?

18 MS. SELLERS: Please seat the juror.

19 THE CLERK: Have a seat in the jury box please,
20 sir.

21 Number 241, Hazel Rawls.

22 (The juror, a black female, comes forward.)

23 THE CLERK: What say the State?

24 MR. DANIEL: Please excuse Ms. Rawls from
25 service in this case.

1 THE CLERK: You excuse, ma'am.

2 Number 200, John Edward McNeil.

3 (The juror, a black male, comes forward.)

4 THE CLERK: What say the State?

5 MR. DANIEL: Please present Mr. McNeil.

6 THE CLERK: Defendant?

7 MS. SELLERS: Please seat the juror.

8 THE CLERK: Have a seat in the jury box.

9 Number 128, Patricia Hunt.

10 (The juror, a white female, comes forward.)

11 THE CLERK: What say the State?

12 MR. DANIEL: Please present Ms. Hunt.

13 THE CLERK: Defendant?

14 MS. SELLERS: Please seat the juror.

15 THE CLERK: Have a seat in the jury box please,

16 ma'am.

17 Number 165, Lakeisha Leslie.

18 (The juror, a black female, comes forward.)

19 THE CLERK: What say the State?

20 MR. DANIEL: Please excuse Ms. Leslie from

21 service in this case.

22 THE CLERK: You excuse, ma'am.

23 Number 34, Julian Brown.

24 (The juror, a white male, comes forward.)

25 THE CLERK: What say the State?

1 MR. DANIEL: Please present Mr. Brown.
2 THE CLERK: Defendant?
3 MS. SELLERS: Please present the juror.
4 THE CLERK: Have a seat in the jury box please,
5 sir.
6 Number 140, Barbara Johnson.
7 (The juror, a black female, comes forward.)
8 THE CLERK: What say the State?
9 MR. DANIEL: Please present Ms. Johnson.
10 THE CLERK: Defendant?
11 MS. SELLERS: Please present the juror.
12 THE CLERK: Have a seat in the jury box please,
13 ma'am.
14 Number 100, Larry Hardwick.
15 (The juror, a white male, comes forward.)
16 THE CLERK: What say the State?
17 MR. DANIEL: Please present Mr. Hardwick.
18 THE CLERK: Defendant?
19 MS. SELLERS: Please excuse the juror.
20 THE CLERK: You excuse, sir.
21 Number 17, Crystal Berry.
22 (The juror, a white female, comes forward.)
23 THE CLERK: What say the State?
24 MR. DANIEL: Please present Ms. Berry.
25 THE CLERK: Defendant?

1 MS. SELLERS: Please excuse the juror.

2 THE CLERK: You excuse, ma'am.

3 Number five, Kendra Armstrong.

4 (The juror, a black female, comes forward.)

5 THE CLERK: What say the State?

6 MR. DANIEL: Please present Ms. Armstrong.

7 THE CLERK: Defendant?

8 MS. SELLERS: Please seat the juror.

9 THE CLERK: Have a seat in the jury box please,
10 ma'am.

11 Number 102, Shante Harley.

12 (The juror, a black male, comes forward.)

13 THE CLERK: What say the State?

14 MR. REDMOND: Beg the Court's indulgence.

15 (WHEREUPON, a pause in the proceedings.)

16 MR. DANIEL: Please excuse Mr. Harley from
17 service of this case.

18 THE CLERK: You excuse, sir.

19 Number 192, Mable McLaughlin.

20 (The juror, black female comes forward.)

21 MR. DANIEL: What is that number, madame clerk?

22 THE CLERK: Number 192. What say the State?

23 MR. DANIEL: State has no cause here.

24 THE CLERK: Defendant?

25 MS. SELLERS: Seat the juror.

1 THE CLERK: Have a seat in the jury box please,
2 ma'am.

3 Number 174, William Lupo.

4 (The juror, a white male, comes forward.)

5 THE CLERK: What say the state?

6 MR. DANIEL: No cause.

7 THE CLERK: Defendant?

8 MS. SELLERS: Please excuse the juror.

9 THE CLERK: You're excuse, sir.

10 Number 226, Mary Palmer.

11 (The juror, a black female, comes forward.)

12 THE CLERK: What say the State?

13 MR. DANIEL: No cause.

14 THE CLERK: Defendant?

15 MS. SELLERS: Please seat the juror.

16 THE CLERK: Have a seat in the jury box, ma'am.

17 THE COURT: One and two on alternates each.

18 THE CLERK: Number 180, Augustine Barr McCoy.

19 (The juror, a black female, comes forward.)

20 THE CLERK: What say the State?

21 MR. DANIEL: Please present Ms. McCoy.

22 THE CLERK: Defendant?

23 MS. SELLERS: Please excuse the juror.

24 THE CLERK: You excuse, ma'am.

25 Number 270, Jamie Stephenson.

1 (The juror, a white female, comes forward.)

2 THE CLERK: What say the State?

3 MR. DANIEL: Please present.

4 THE CLERK: Defendant?

5 MS. SELLERS: Please excuse Ms. Stephenson.

6 THE CLERK: You are excuse, ma'am.

7 Number 237, Jason Price.

8 (The juror, a white male, comes forward.)

9 THE CLERK: What say the State?

10 MR. DANIEL: Please present Mr. Price.

11 THE CLERK: Defendant?

12 MS. SELLERS: Please seat the juror.

13 THE CLERK: Have a seat in the alternate seat
14 please, sir.

15 Number 220, Cynthia Orr.

16 (The juror, the white female, comes forward.)

17 THE CLERK: What say the State?

18 MR. DANIEL: Please present Ms. Orr.

19 THE CLERK: Defendant?

20 MS. SELLERS: Please seat the juror.

21 THE CLERK: Alternate number two chair, please.

22 Thank you.

23 THE COURT: All right. Any motions regarding
24 jury selection from the State?

25 MR. DANIEL: Yes, Your Honor.

1 THE COURT: Let me get y'all to come around here
2 real quick.

3 (WHEREUPON, a bench conference was held in the
4 presence of the jury, but out of the hearing of the
5 jury.)

6 THE COURT: Ladies and gentlemen, I'm going to
7 -- because I have to take up these motions, I'm going to
8 excuse you because you have long been here -- you been
9 here way too long. I know some of you folks may be very
10 hungry. Most y'all don't have the luxury I have of
11 working off the old winter coat that I have seem to put
12 on, but I'm going to excuse you and I'm going to ask you
13 to be back at 3:30. So that gives you an hour and 40
14 minutes for lunch. So we ask you to be back at 3:30. And
15 just report here back to the courtroom. Ladies and
16 gentlemen, so y'all may be excused be back at 3:30.

17 (WHEREUPON, the jury panel was excuse for
18 lunch.)

19 THE COURT: I need to make sure that all members
20 of the jury are gone out of the courtroom and gone to
21 lunch. Let's close that door. We're going to proceed now
22 with the Batson motion. I'm assuming that's the motion?

23 MR. DANIEL: Yes, sir, that is the motion of the
24 State, Your Honor.

25 THE COURT: We'll proceed then at this point.

1 The State, Mr. Redmond.

2 MR. REDMOND: May it please the Court, Your
3 Honor, specifically for the record, the jurors that we are
4 challenging are jurors number 166 that was the second
5 strike by the defense, juror number 60. For the record,
6 juror number 166 was a white male, juror number 60 was
7 also a white male that was their forth strike. Juror
8 number 281 is next. Juror number 21 is a white female.
9 The next is juror number 100, that's a white male. Juror
10 number 17 is a white female, juror number 174 is a white
11 male. And as it relate to alternates juror number 270 was
12 a white female.

13 THE COURT: All right.

14 MR. REDMOND: And actually, let me withdraw 270,
15 because that does appear they would have a reason for
16 striking 270, so we will not challenge 270.

17 THE COURT: All right, that's the alternate;
18 correct?

19 MR. REDMOND: That's the alternate.

20 THE COURT: All right. Ms. Sellers, if we could
21 take it in that order, ma'am. Juror 166.

22 MS. SELLERS: Your Honor, juror 166 was actually
23 Mr. Alexander Lewis and he was -- we struck him based on
24 his employment. There was some information he may have
25 worked at the pawnshop. Your Honor, so he would have

1 frequent interaction with law enforcement and that's why
2 we struck him.

3 MR. REDMOND: Your Honor, he said body shop
4 actually, not unless she got information outside of this
5 courtroom. But he actually said body shop.

6 MS. SELLERS: I'm sorry we had pawnshop down
7 here that was the basis for our strick, so we may have
8 misheard. In terms of 160, he's a farmer. Your Honor,
9 just in terms of education. Forensics is going to be
10 introduced, lack of ---

11 THE COURT: Well, what was his level of
12 education?

13 MS. SELLERS: Well, based on the fact that he
14 was a farmer, Your Honor. I wanted someone in a more
15 sophisticated occupation.

16 THE COURT: I graduated from law school with a
17 farmer. Because someone's a farmer, they're not educated?

18 MS. SELLERS: Your Honor, it was based on his
19 employment.

20 THE COURT: All right.

21 MS. SELLERS: Ms. Turbeville, Your Honor, from
22 asking my client as he and his family ever frequented DHEC
23 that was affirmed where he get all of his prenatal care
24 at, so we struck her as well.

25 THE COURT: I'm sorry I didn't get that. She

1 does what?

2 MS. SELLERS: Her employment with DHEC.

3 THE COURT: Is who?

4 MS. SELLERS: DHEC, the clinic. In terms of
5 Mr. Hardwick ---

6 THE COURT: And how does that relate -- I mean,
7 as far as she works at DHEC?

8 MS. SELLERS: And the family has frequented that
9 --

10 THE COURT: Inman's family?

11 MS. SELLERS: Yes.

12 THE COURT: Okay.

13 MS. SELLERS: Larry Hardwick was a personal tie
14 with me. My family at this point in time has become
15 involved a very heated debate with members of the Hardwick
16 family. And I just did not want that to affect
17 Mr. Inman's position in this case. And I did explain that
18 to Mr. Inman and that was the reason for Mr. Hardwick.
19 Also, Mr. Lupo explain -- that's juror number 174. He did
20 indicate that he has a close relations to law enforcement.
21 One member of law enforcement that may be called as a
22 witness and that's why he was excused.

23 THE COURT: All right, number 17.

24 MS. SELLERS: Number 17 Crystal Berry works at
25 the Herald. Of course, that has supplied and furnished a

1 lots of information to the public regarding this
2 information.

3 MR. REDMOND: I think she said Herald office.
4 It's not the newspaper. Number 17 is Hearld Multiple
5 Forms, I.E. office supply like in Florence and Cheraw and
6 everywhere else. That's not -- that's separate from the
7 newspaper.

8 THE COURT: All right. Is that it? That's
9 everybody?

10 MS. SELLERS: Yes, Your Honor.

11 THE COURT: All right. Solicitor, be happy to
12 hear from you on those matters.

13 MR. REDMOND: Your Honor, as it relates to Mr.
14 Lupo and actually I called him out without -- and then
15 once I looked she said we withdraw our challenge for that.
16 Clearly, if he knows one of the witnessed that's a
17 fairground. All of the other witnesses, I would say were
18 very pretext. Don't think they're a race neutral reasons
19 as recognized by the State of South Carolina for a
20 preemptory challenge to a juror and absence that
21 non-pretextural reason, we would submit that the jury be
22 redrawn and that those individuals be returned to the jury
23 pool. And that basically the defense has failed to meet
24 its burden of showing race neutral or pretextural reason
25 for having struck those jurors.

1 THE COURT: All right. Anything further,
2 Ms. Sellers?

3 MS. SELLERS: Yes, Your Honor. I have given,
4 Your Honor, excuses as to why very valid arguments as to
5 why these individuals were struck -- stricken from our
6 jury pool. None of the information that I provided to
7 Your Honor was based on any kind of race or gender excuse.
8 Your Honor, I have given you very valid reasons as to why
9 we feel as if we did not want those individuals to serve
10 on our jury pool. Your Honor, also if you were to look at
11 individuals that I did strike and he did not challenge for
12 various reasons, all of different races, different ages.
13 Your Honor, and several of those individuals also work at
14 state agencies in which the defendant has frequented.
15 And, Your Honor, we just didn't feel like it was
16 appropriate for those individuals. Did not feel as those
17 individuals could serve as a fair and impartial juror in
18 this matter.

19 THE COURT: Well, let me -- I'm going to agree
20 with you that your reason on juror 281 that she works for
21 DHEC and your reasoning involving that. I find that it is
22 a race neutral reason. I think that is an appropriate
23 strike and find that there's no violation there.

24 On juror number 100, Mr. Hardwick. If I'm
25 correct, Ms. Sellers, you personally have an issue

1 involving the Hardwick family/

2 MS. SELLERS: I personally do not have an issue
3 involving the Hardwick family, but a member of my family
4 has had an issue with.

5 THE COURT: And it's the same Hardwick that
6 appears here?

7 MS. SELLERS: I'm not sure, Your Honor. We were
8 not sure at all. And that's why we explain to Mr. Inman,
9 but based on the location, the address of Mr. Hardwick, it
10 appears that he is related to those individuals because it
11 is about a land dispute and all of them live in the same
12 area. After explaining that to Mr. Inman, again, we made
13 that decision and it was not based on the fact that
14 Mr. Hardwick was a white male.

15 THE COURT: I'm fine with juror number 281, and
16 juror 100. I have concerns with juror 166, that the juror
17 announced here in open court that he worked or owned a
18 body shop. And I don't know where the information came
19 that the defense had. And as far as juror 60, the juror's
20 a farmer and you based that on the fact that farmers are
21 not educated. And so that was the reason for striking
22 juror 60.

23 Juror 17 again was a mischaracterization or a
24 misunderstanding of the jurors place of employment. The
25 defense thought he worked at the newspaper when in fact he

1 works for an office supply place. Those are -- I'm going
2 to grant the State's motion based on those three
3 individuals jurors numbers 17, 60 and 166 that the reasons
4 given I don't believe are sufficient. And let me just
5 state when a juror announces in open court what they do
6 for living and then the defense or the State either one
7 whoever ends up using that strike for that reason, didn't
8 get the appropriate work place and struck somebody, the
9 Court cannot accept that as a race neutral reason for the
10 simple fact is that would just circumvent the entire
11 Batson system because anyone could stand up and say, well,
12 judge we thought they work somewhere else, when the folks
13 stood up in open court and clearly stated where they work.
14 So based on that, I'm going to grant the motion. We will
15 restrike a jury. Juror 17, 16 and 166. Well, actually,
16 all the jurors will be placed back into the jury pool, but
17 jurors 17, 60, and 166 should those names be called again
18 would not be subject to being struck by the defense based
19 on the Court's ruling. Jurors 281, 100 and 174, I would
20 agree with the defense that those were appropriate reasons
21 for striking.

22 MR. DANIEL: Thank you, Your Honor.

23 MS. SELLERS: Your Honor ---

24 THE COURT: Go ahead.

25 MS. SELLERS: We also take exception to the

1 State's strikes. It appears that the State did use all
2 five strikes. Your Honor, and they did strike all black
3 individuals from the jury panel.

4 THE COURT: So you're challenging all five of
5 the States?

6 MS. SELLERS: Yes, Your Honor.

7 THE COURT: All right. Let me hear from the
8 State regarding their five strikes. Let's begin with
9 number 279.

10 MR. REDMOND: Your Honor, number 279 is one that
11 and is kind of like a situation with Mr. Hardwick and Ms.
12 Sellers. We have had numerous -- and in talk with law
13 enforcement given without publishing that particular
14 jurors name in open court, but we've had numerous
15 encounters of hers according to law enforcement as it
16 relates to law enforcement prosecution, also by our office
17 and that's why we did not from the beginning feel her a
18 comfortable juror. The next number we struck was 234 that
19 one actually was their disclosure issues, but let's just
20 say that that one had charges before that were
21 administratively resolved with the Solicitor's office. So
22 we have firsthand knowledge of that particular juror.

23 THE COURT: Prior criminal charges on that
24 juror?

25 MR. REDMOND: That is correct. And they were

1 administratively resolved. 241, Judge, as it relates to
2 241 the only thing I can tell you is that I was informed
3 pretty emphatically that this particular juror was not a
4 juror that was suitable. I cannot -- I do not have the
5 person here who could help me with that information and so
6 -- beg the Court's indulgence. But it actually is -- one
7 of the jailers actually signal this that this was not an
8 individual that we wanted to have on the jury. I have not
9 had a chance to review her criminal history as of yet
10 simply because we just got those criminal histories in
11 just a few minutes ago as I explained earlier. Number 165
12 that particular juror and I think in this particular
13 situation there was a concern. Beg the Court's
14 indulgence.

15 As the Court knows, lack of employment is a
16 standard that can be taken into consideration as it
17 relates to striking a juror. Along with law enforcement
18 information that we did not want this juror, that actually
19 was the first thing that I noticed and that along with the
20 fact that were law enforcement concerns contributed to us
21 striking that particular juror.

22 And finally, 102 is also per law enforcement,
23 but also from my own standpoint again without publishing
24 the last name, but with that particular juror, there been
25 several that I have prosecuted that are relatives of that

1 particular juror. Some of whom are in federal court and
2 I'm going to end up dealing with on some state charges as
3 well. So I can't sit here and say that this particular
4 person is involved in any of that, but because of that
5 there was a concern there. But also even before I realize
6 law enforcement contribution indicating that this was a
7 juror that would not be suitable for us rather.

8 THE COURT: All right, Ms. Sellers.

9 MS. SELLERS: Your Honor, I don't believe the
10 Solicitor has given me a valid reason why he instruct any
11 of these individuals. He's just saying excuse them,
12 because at one point in terms of law enforcement, law
13 enforcement, law enforcement. Your Honor, I feel like he
14 is not giving you an adequate reason for striking juror
15 Ms. Townsend. Mr. Preaster I can see that fact.

16 THE COURT: Well, now if the State prosecuted
17 some of Ms. Townsend's relatives, why would that not be a
18 race neutral reason?

19 MS. SELLERS: I don't think he can tell you
20 which relatives.

21 MR. REDMOND: Actually, I could go through my
22 list. There's several names that immediately come to
23 mind, but I can tell the Court that -- beg the Court's
24 indulgence. Berny Ray Townsend being one among others.

25 THE COURT: I'm all right if that was the

1 reason. I've got issues, I've got questions regarding
2 juror number 241.

3 MR. REDMOND: Yes, sir.

4 THE COURT: Who's a black female that would be
5 Hazel Rawls.

6 MR. REDMOND: The only thing -- what I've
7 explain to the Court that's the only thing I can tell you.
8 One of the jailers, I think, it was Lieutenant Johnson was
9 here and had indicated that that was a juror that we
10 didn't want. In all candor, Your Honor, I didn't have any
11 prior information on that particular juror regarding
12 concerns, that's all I can tell you.

13 THE COURT: All right, 165.

14 MR. REDMOND: 165 again, the fact that that
15 particular juror was unemployed. And in fact, did have
16 ---

17 THE COURT: Are there any other unemployed
18 individuals that have been placed upon this jury?

19 MR. REDMOND: There a couple issues. I would
20 cite State vs. Ford, which would, of course, indicate that
21 we can't actually strike a juror based on lack of
22 employment. And also, Your Honor, not have ---

23 THE COURT: But my question is -- and I agree
24 with you you can.

25 MR. REDMOND: But if there other jurors ---

1 THE COURT: But if there other jurors that you
2 did not strike that are unemployed, then there becomes a
3 question as to whether or not that's a valid strike.

4 MR. REDMOND: I don't think we did, but I have
5 to go back and check, that's the only one that immediately
6 comes to mind that I saw, but I have to go back and look.

7
8 THE COURT: What was the other reason?

9 MR. REDMOND: The other reason was based on the
10 fact again with law enforcement contribution, I cannot
11 address it specifically as I could in some of the other
12 cases. But I do know as it relates to law enforcement
13 that we were -- we had been informed that we did not want
14 this particular juror. I do not see.

15 THE COURT: And I understand and that's always a
16 reason to look further into it. But without, you know,
17 it's not sufficient just to say law enforcement says we
18 shouldn't take that one.

19 MR. REDMOND: And I understand.

20 THE COURT: There's got to be reasons.

21 MR. DANIEL: No one else was unemployed, Your
22 Honor, that we struck.

23 MR. REDMOND: Oh, okay, Judge, now, I see why I
24 was informed that. I can as it relates to number 165, I
25 can tell the Court point blank because I know. Again,

1 what we have to do sometimes since I'm not a resident here
2 of Dillon, yes, I rely on law enforcement when we pull
3 juries.

4 THE COURT: That's not a problem as long as you
5 got a race neutral reason.

6 MR. REDMOND: And I'll give the name Bernard
7 Leslie the person that I had actually prosecuted on a
8 robbery charge among other charges, that is actually her
9 brother, I believe it is. I absolutely would not want her
10 on my jury because I prosecuted him and so that's what the
11 officer said when they were looking through these lists.
12 Again, I have to rely on that, but I would tell the Court
13 that I would incorporate what Detective Lee, Investigator
14 Lee has informed me and having clear personal knowledge of
15 Mr. Leslie's situation, we would not ---

16 THE COURT: Here's the thing, we're restriking
17 the jury. Now, I've got a concern on -- a remaining
18 concern about 241.

19 MR. REDMOND: I understand that, Your Honor.

20 THE COURT: And so that juror will be placed
21 back into the -- will actually be in the pool. And if
22 that name comes up, then the State would be precluded from
23 striking juror 241. With regards to the other four
24 strikes, I find that those a race neutral -- appropriate
25 race neutral reason has been given and those would be

1 susceptible to future strikes obviously.

2 MR. REDMOND: Thank you, Your Honor.

3 THE COURT: All right. We'll start back at 3:30
4 and restrike the jury. Please make the notes regarding
5 those that the Court has ruled on.

6 (WHEREUPON, a lunch break was taken.)

7 THE COURT: Let's get our jury out here from the
8 back. Gwen, when they come out, instruct them to go sit
9 back in the audience. Ladies and gentlemen, I'm going to
10 get y'all to come have a seat back out in the courtroom if
11 you would please.

12 Ladies and gentlemen, let me just address the
13 panel before we proceed. During the break, I took up
14 several motions regarding jury selection and we are -- and
15 so we are going to restrike the jury on this case. The
16 process will be the same that we went through earlier. If
17 you hear your name called, we've gotten a new list that
18 has been printed out. Your names have been re-shuffled
19 and we are going to go through that process. So if you
20 hear your name called, please bring with you any
21 belongings that you brought to court and come up as you
22 did earlier and face the back of the courtroom while the
23 clerk discusses the questions with the attorneys. All
24 right.

25 THE CLERK: Number 126, Stephanie Huggins.

1 (The juror, a black female, comes forward.)

2 THE CLERK: What say the State?

3 MR. DANIEL: Please present Ms. Huggins.

4 THE CLERK: Defendant?

5 MS. SELLERS: Please seat the juror.

6 THE CLERK: Have a seat in the jury box, please,

7 ma'am.

8 Number 181, Myra McCrimmon.

9 (The juror, a black female, comes forward.)

10 THE CLERK: What say the State?

11 MR. DANIEL: Please present Ms. McCrimmon.

12 THE CLERK: Defendant?

13 MS. SELLERS: Please seat the juror.

14 THE CLERK: Have a seat in the jury box please,

15 ma'am.

16 Number 56, Susan M. Cook.

17 (The juror, a white female, comes forward.)

18 THE CLERK: What say the State?

19 MR. REDMOND: Please present Ms. Cook.

20 THE CLERK: Defendant?

21 MS. SELLERS: Please excuse the juror.

22 THE CLERK: You excuse, ma'am.

23 Number 62, Sharon D. Cox.

24 (The juror, a white female, comes forward.)

25 THE CLERK: What say the State?

1 MR. DANIEL: Please present Ms. Cox.

2 THE CLERK: Defendant?

3 MS. SELLERS: Please seat the juror.

4 THE CLERK: Have a seat in the jury box please,
5 ma'am.

6 Number 252, Christine Sandell.

7 (The juror, a white female, comes forward.)

8 THE CLERK: What say the State?

9 MR. DANIEL: Beg the Court's indulgence.

10 THE COURT: Yes, sir.

11 (WHEREUPON, a pause in the proceedings.)

12 MR. DANIEL: Please present Ms. Sandell.

13 THE CLERK: Defendant?

14 MS. SELLERS: Please excuse Ms. Sandell.

15 THE CLERK: You excuse, ma'am.

16 Number 177, Ricky W. Martin.

17 (The juror, a white male, comes forward.)

18 THE CLERK: What say the State?

19 MR. DANIEL: Please present Mr. Martin.

20 THE CLERK: Defendant?

21 MS. SELLERS: Please excuse the juror.

22 THE CLERK: You excuse, sir.

23 Number 60, David K Cox.

24 (The juror, a white male, comes forward.)

25 THE CLERK: What say the State?

1 MR. DANIEL: Please present Mr. Cox.

2 THE CLERK: Defendant?

3 MS. SELLERS: Please present the juror.

4 THE CLERK: Please have a seat in the jury box
5 please, sir.

6 Number 200, John Edward McNeil.

7 (The juror, a black male, comes forward.)

8 THE CLERK: What say the State?

9 MR. DANIEL: Beg the Court's indulgence. May we
10 approach briefly, Your Honor.

11 THE COURT: Yes, sir.

12 (WHEREUPON, a bench conference was held in the
13 presence of the jury, but out of the hearing of the
14 jury.)

15 THE COURT: What say you for the State?

16 MR. DANIEL: Please present Mr. McNeil.

17 THE CLERK: Defendant?

18 MS. SELLERS: Please seat the juror.

19 THE CLERK: Have a seat in the jury box.

20 Number 22, Linda A. Bethea.

21 (The juror, a black female, comes forward.)

22 THE CLERK: What say the State?

23 MR. DANIEL: Please excuse Ms. Bethea from
24 service in this case.

25 THE CLERK: You excuse, ma'am.

1 Number 25, Jeniffer L. Blackard.
2 (The juror, a white female, comes forward.)
3 THE CLERK: What say the State?
4 MR. DANIEL: Please present Ms. Blackard.
5 THE CLERK: Defendant?
6 MS. SELLERS: Please excuse the juror.
7 THE CLERK: You excuse, ma'am.
8 Number 180, Augustine Barr McCoy.
9 (The juror, a black female, comes forward.)
10 THE CLERK: What say the State?
11 MR. DANIEL: Please present Ms. McCoy.
12 THE CLERK: Defendant?
13 MS. SELLERS: Please excuse Ms. McCoy.
14 THE CLERK: You excuse, ma'am.
15 THE WITNESS: Number 77, Steven Fitzgerald.
16 (The juror, a white male, comes forward.)
17 THE CLERK: What say the State?
18 MR. DANIEL: Please present Mr. Fitzgerald.
19 THE CLERK: Defendant?
20 MS. SELLERS: Please excuse the juror.
21 THE CLERK: You excuse, sir.
22 Number 79, Leonue Fling.
23 (The juror, a black male, comes forward.)
24 THE CLERK: What say the State?
25 MR. DANIEL: Please present Mr. Fling.

1 THE CLERK: Defendant?

2 MS. SELLERS: Please seat the juror.

3 THE CLERK: Have a seat in the jury box please,
4 sir.

5 Number 36, Pamela L. Brown.

6 (The juror, a black female, comes forward.)

7 THE CLERK: What say the State?

8 MR. DANIEL: Please present Ms. Brown.

9 THE CLERK: Defendant?

10 MS. SELLERS: Please seat the juror.

11 THE CLERK: Please have a seat in the jury box
12 please, ma'am.

13 Number 234, Rakiem G. Preaster.

14 (The juror, a black male, comes forward.)

15 THE CLERK: What say the State?

16 MR. DANIEL: Please excuse Mr. Preaster from
17 service in this case.

18 THE CLERK: You excuse, sir.

19 Number 184, Janet D. McInnis.

20 THE CLERK: What say the State?

21 MR. DANIEL: Please present Ms. McInnis.

22 THE CLERK: Defendant?

23 MS. SELLERS: Please seat the juror.

24 THE CLERK: Have a seat in the jury box please,
25 ma'am.

1 Number 286, Edward Walsh.

2 (The juror, a white male, comes forward.)

3 THE CLERK: What say the State?

4 MR. DANIEL: Please present Mr. Walsh.

5 THE CLERK: Defendant?

6 MS. SELLERS: Please excuse the juror.

7 THE CLERK: You excuse, sir.

8 Number 118, Steven R. Horvath.

9 (The juror, a white male, comes forward.)

10 THE CLERK: What say the State?

11 MR. DANIEL: Please present Mr. Horvath.

12 THE CLERK: Defendant?

13 MS. SELLERS: Please excuse the juror.

14 THE CLERK: You excuse, sir.

15 Number 129, Ashley D. Hyatt.

16 (The juror, a white female, comes forward.)

17 THE CLERK: What say the State?

18 MR. DANIEL: Please present Ms. Hyatt.

19 THE CLERK: Defendant?

20 MS. SELLERS: Please excuse the juror.

21 THE CLERK: You excuse, ma'am.

22 MR. REDMOND: Madame clerk is the count nine and
23 two?

24 THE CLERK: It is.

25 MR. REDMOND: Thank you.

1 THE CLERK: Number 168, Dawnyelle F. Livingston.

2 (The juror, a black female, comes forward.)

3 THE CLERK: What say the State?

4 MR. DANIEL: Please present Ms. Livingston.

5 THE CLERK: Defendant?

6 MS. SELLERS: Please seat the juror.

7 THE CLERK: Please have a seat in the jury box,

8 ma'am.

9 Number 166, Alexander Lewis.

10 (The juror, a white male, comes forward.)

11 THE CLERK: What say the State?

12 MR. DANIEL: Please present Mr. Lewis.

13 THE CLERK: Defendant?

14 MS. SELLERS: Please seat the juror.

15 THE CLERK: Have a seat in the jury box please,

16 sir.

17 Number 203, Aubyn S. McRea.

18 (The juror, a black female, comes forward.)

19 THE CLERK: What say the State?

20 MR. DANIEL: Beg the Court's indulgence. Please
21 present Ms. McRea.

22 THE CLERK: Defendant?

23 MS. SELLERS: Please seat the juror.

24 THE CLERK: Please have a seat in the jury box
25 please, ma'am.

1 Number 169, Sharonda M. Lloyd.

2 (The juror, a black female, comes forward.)

3 THE CLERK: What say the State?

4 MR. DANIEL: Please excuse Ms. Lloyd from
5 service in this case.

6 THE CLERK: You excuse, ma'am.

7 Number 39, Jessica Buie.

8 (The juror, a black female, comes forward.)

9 THE CLERK: What say the State?

10 MR. DANIEL: Please excuse Ms. Buie from service
11 in this case.

12 THE CLERK: You excuse, ma'am.

13 Number 223, Doris M. Page.

14 (The juror, a black female, comes forward.)

15 THE CLERK: What say the State?

16 MR. DANIEL: Please present Ms. Page.

17 THE CLERK: Defendant?

18 MS. SELLERS: Please seat the juror.

19 THE CLERK: Have seat in the jury box please,
20 ma'am.

21 THE COURT: Two and one each on the alternate.

22 THE CLERK: Number 237, Jason Price.

23 (The juror, a white male, comes forward.)

24 THE CLERK: What say the State?

25 MR. DANIEL: Please present Mr. Price.

1 THE CLERK: Defendant?

2 MS. SELLERS: Please excuse the juror.

3 THE CLERK: Have a seat.

4 THE COURT: You excused.

5 THE CLERK: Number 201, Mae McNeil.

6 (The juror, a black female, comes forward.)

7 THE CLERK: What say the State?

8 MR. DANIEL: Please present Ms. McNeil.

9 THE CLERK: Defendant?

10 MS. SELLERS: Please seat the juror.

11 THE CLERK: Have a seat in the jury box please,
12 ma'am, in number one alternate seat.

13 Number 37, Tonya Y. Brown.

14 (The juror, a black female, comes forward.)

15 THE CLERK: What say the State?

16 MR. DANIEL: Please present Ms. Brown.

17 THE CLERK: Defendant?

18 MS. SELLERS: Please seat the juror.

19 THE CLERK: Have a seat in the jury box please,
20 ma'am, in our alternate number two.

21 THE COURT: All right. Any motions regarding
22 jury selection from the State?

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

24 (WHEREUPON, a pause in the proceedings.)

25 MR. DANIEL: May we approach, Your Honor?

1 THE COURT: Yes, sir.

2 (WHEREUPON, a bench conference was held in the
3 presence of the jury, but out of the hearing of the
4 jury.)

5 THE COURT: Ladies and gentlemen, rather than --
6 earlier when I took up the motions, it was easy to take
7 them up because it was past time for lunch. And so I was
8 able to send y'all to lunch. It's not going to take me
9 very long to take up the motions, so I'm going to get
10 y'all to remain where you are at, just remain here in the
11 courtroom and just be patient. I'm going to ask the
12 attorneys to step back in chambers while I take up the
13 motions at the close of the jury selection. I'll take
14 those up and then we'll be back out just shortly.

15 (WHEREUPON, this is the beginning of the Batson
16 motion being held on the record in chambers.)

17 MR. REDMOND: May it please the Court, Your
18 Honor.

19 THE COURT: Yes, sir. We'll all remain seated
20 while we are in here.

21 MR. REDMOND: Specifically, Your Honor, the
22 State would challenge strikes number 56. Juror number 56
23 that was a white female, juror number 252 was a white
24 female, juror number 177 was a white male, juror number 25
25 a white female, juror number 77 a white male, juror number

1 286 a white male. We're not challenging 118, he was a
2 white male, but he worked for the City of Dillon. Dillon
3 Police Department is involved, so we're not challenging
4 118. 129 was a white female. And 237 is a white male
5 that was the alternate. Specifically, two of the white
6 female strikes were DSS employees. However, Ms. Dawnyelle
7 Livingston, I forget which juror number she was. She also
8 works with DSS, but she was put on the jury, so that, of
9 course, raises a flag in that regard. So those are our
10 challenges, Your Honor.

11 MS. SELLERS: Can I go ahead and explain the
12 two. Two are DSS Ms. Livingston ---

13 THE COURT: I apologize. It would be easier for
14 the record if we just take them in order, so let's start
15 with number 56.

16 MS. SELLERS: Number 56 as he stated was a DSS
17 employee. This family and several members of their family
18 have received services. And these workers may know some
19 more intimate details about the family than we even know.

20 THE COURT: All right. And then go ahead and
21 contrast that to Ms. Dawnyelle Livingston.

22 MS. SELLERS: Ms. Dawnyelle Livingston if you
23 would look at that point in time I only had one strike
24 left. Ms. Dawnyelle Livingston was on the first jury and
25 I did strike her. But based on the position that I was

1 in, it was our last strike and I still had four or five
2 more jurors to go. I was in no position at that time to
3 strike her.

4 THE COURT: There was -- you had four jurors to
5 go.

6 MS. SELLERS: I was at the end of my strikes.

7 THE COURT: Well, you had a strike though.

8 MS. SELLERS: I did have one strike left and I
9 could have used that one strike.

10 THE COURT: And you used it earlier on a white
11 juror who's in the same position.

12 MS. SELLERS: I did.

13 THE COURT: Okay.

14 MS. SELLERS: But it was based solely on only
15 having one remaining strike and we went through this list
16 and dealt with Mr. Inman on specific individuals we did
17 not want on the jury. And they were still all remaining
18 in the jury pool.

19 THE COURT: All right, 252.

20 MS. SELLERS: Ms. Sandell that neighborhood
21 Jefferson Street has gone through a rash of break-ins and
22 a rash of car break-ins and based on that looking at the
23 area in which she lived at, I didn't know if she be
24 pre-deposed to criminal activity. And didn't feel that
25 she would be an appropriate candidate for this jury.

1 THE COURT: 177.

2 MS. SELLERS: The same goes with Mr. Martin
3 Black Oak is out in Mount Calvary, around the Mount
4 Calvary area about two or three miles away from a church,
5 again, they've also had a string of burglaries in that
6 neighborhood and I didn't think he would be an appropriate
7 candidate.

8 THE COURT: Juror 25.

9 MS. SELLERS: Juror 25 works in the public
10 school systems in Lumberton. There's going to be some
11 information that comes to light. And since all the
12 individuals are in this trial were very young, she may
13 have some pre-dispositions for youth and criminal
14 activity, so I didn't think she was an appropriate
15 candidate for the jury.

16 THE COURT: Because she works in the school
17 system?

18 MS. SELLERS: Yes, sir. She's around kids all
19 day. The defendants in this case are going to be very
20 young. There's some things that may be brought out in
21 terms that we don't know it's going to be admissible or
22 not, but some things, of course, such as rags of a
23 particular color. She may associate that with gang
24 activity since she does work with that population?

25 THE COURT: Number 77.

1 MS. SELLERS: Number 77 was just his demeanor.
2 When we looked at him, he kind of gazed back at us.
3 Mr. Inman just really did not have a good feeling about
4 this juror. He wouldn't make eye contact with us at all
5 and so we dismissed him.

6 THE CLERK: 286.

7 MS. SELLERS: 286 is in the National Guard.
8 Just from that military background, we didn't feel
9 comfortable placing him on the jury, so we did dismiss
10 him.

11 THE COURT: 129.

12 MS. SELLERS: 129 was based on her employment
13 with DSS. Again, the family has received services. We
14 didn't feel comfortable.

15 THE COURT: I'm going to stop here, Roz. You
16 struck two white people that work for DSS and the black
17 lady that works for DSS you put on the jury.

18 MS. SELLERS: Your Honor, I struck her the first
19 jury.

20 THE COURT: I don't care, we're not talking
21 about a first jury here. We're talking about this jury.
22 You put two -- you struck two white DSS workers because
23 they work for DSS. And then you have a black lady that
24 works for DSS and you put her on.

25 MS. SELLERS: And again, I would tell you that I

1 would still strike her had I had an additional strike ---

2 THE COURT: You had a strike.

3 MS. SELLERS: --- without those individuals
4 remain in the jury pool.

5 THE COURT: You got how many individuals
6 remaining in the jury pool?

7 MS. SELLERS: Well, four or five.

8 THE COURT: And you have one strike left; right?

9 MS. SELLERS: You ask me for my rational, Your
10 Honor, I can only give you the rational.

11 THE COURT: Well, your rationale isn't
12 sufficient. Go ahead 237.

13 MS. SELLERS: 237 again was based on his
14 demeanor, avoided eye contact, wouldn't turn towards our
15 table. He kept rocking and we struck him.

16 THE COURT: Okay, that's not sufficient. 237 is
17 not sufficient.

18 MS. SELLERS: The demeanor is not.

19 THE COURT: The demeanor is not. Wouldn't make
20 eye contact with the table. I venture to say almost
21 every juror that comes up doesn't make eye contact.

22 MS. SELLERS: But he did make eye contact with
23 the Solicitor's table.

24 THE COURT: Your DSS workers you use two strikes
25 on two white DSS workers and you put a black DSS worker on

1 the jury. You say your reason was because you only had
2 one strike left. And there were like four other jurors
3 you were concerned about. Well, one strike wouldn't help
4 you with four jurors. So if you struck a white DSS
5 worker, it makes no rational reason that you would have
6 let the black DSS worker except for the fact that it was
7 pre-textural.

8 I'll hear from the State on the other issues,
9 but those stand out to the Court. The -- and juror number
10 77 essentially what you basically told me was that
11 Mr. Inman didn't like juror number 77.

12 MS. SELLERS: Based off of, I guess, their brief
13 -- and actually when they did look at each other, he said
14 he scowled at him. Mr. Inman was very adamant about not
15 allowing this individual on the jury based on ---

16 THE COURT: I'm sure Mr. Inman is adamant about
17 several people not being on the jury. He's got to give a
18 rationally neutral reason. He says the guy scowled at
19 him.

20 MS. SELLERS: And disposition of the juror when
21 they are being presented is not a race neutral reason?

22 THE COURT: I'm not saying it is or isn't.
23 Right now, I'm questioning it. I'm not making a ruling on
24 that, I'm just questioning it right now.

25 MS. SELLERS: And on number 77 and number 166

1 ---

2 THE COURT: 237.

3 MS. SELLERS: 237. Again, it was a disposition.
4 They seem very uncomfortable when looking at our table.
5 They were looking at the Solicitor's table. My client
6 indicated that. We all felt that, so we didn't feel like
7 they were appropriate members to serve on this jury. And
8 it's not based on race.

9 THE COURT: Well, you struck 237 on the last
10 case, same reason?

11 MS. SELLERS: I would have to look at that, I
12 didn't bring that form in here.

13 THE COURT: No, you didn't I'm sorry. You did
14 not because she was out of strikes. Because he went on
15 the jury on the last case.

16 MS. SELLERS: As an alternate.

17 THE COURT: As an alternate, correct. Well,
18 that's what he is on this case, an alternate. All right.
19 I'll hear from the State on the other ones.

20 MR. REDMOND: Well, first as it relates to the,
21 I think, it was the East Jefferson Street being a high
22 crime area as far as jurors being put on the jury. Your
23 Honor, and, I think, Mr. Daniel said it, I would dare say
24 that that would apply to anywhere. As a matter of fact, I
25 think I saw one of the black jurors that was from East

1 Calhoun Street. I mean, Calhoun Street entirely has had
2 issues of crime here in Dillon if we want to narrow it
3 down that way when you talk about rashes of break-ins. I
4 don't think that's sufficient.

5 THE COURT: What about the juror from Calhoun
6 Street, Ms. Sellers?

7 MS. SELLERS: I'm not aware of any crime or
8 criminal activity or any rashes of criminal activity
9 that's been going on on Calhoun Street. However, the
10 city police department can tell you about break-ins that
11 have been going on Jefferson Street. My car, in fact, was
12 one where five cars were broken into on one night in that
13 area on that street. So I'm well aware of that incident.
14 Those number of times that break-ins have occurred. On
15 Calhoun Street, if I knew about Calhoun Street, I would
16 tell you about it.

17 MR. REDMOND: Your Honor, I would say that that
18 is to say a stretch at least because if that were the
19 argument, you could stretch that into any location that
20 has had a rash of crime at some point. Unfortunately,
21 here in Dillon County, they aren't too many areas of
22 Dillon County that have not seen a rash. And I'll just
23 put it out there that being a black prosecutor
24 unfortunately one of things we see in Dillon County and
25 I'm sure Ms. Sellers would have to agree is there is a lot

1 of crime all over Dillon, but there's also crime in black
2 neighborhoods too. So to draw that line and split that
3 hair is totally pre-textural. And I think I need to be
4 the one to put that out there quite frankly so ---

5 THE COURT: What about juror number 177? What
6 was the neighborhood there?

7 MR. REDMOND: That's East Jefferson Street, I
8 believe. That's behind E School and that is a
9 predominately white area quite frankly.

10 MS. SELLERS: East Jefferson is not a
11 predominately street. There is several minority families
12 that live in that area. I don't know if you been in that
13 area, like I just said my car was broken into.

14 MR. REDMOND: The neighborhood itself is a
15 predominately white neighborhood.

16 MR. DANIEL: It's East Dillon.

17 MS. SELLERS: Your Honor, criminal activity
18 versus a waive of criminal activity. The Solicitor will
19 tell you that there been pockets of neighborhoods that
20 have been hit recently. I'm not familiar with Calhoun
21 Street. I can tell you about the neighborhood on German
22 Town Road, Mount Calvary Road where the other juror lives
23 at and East Jefferson Street.

24 MR. REDMOND: Your Honor, my response to that
25 would be that if that were the standard, then we are in

1 essence engaging ourselves and the Court in having to go
2 through and do some type of crime data survey regarding --
3 I mean, they there's -- I don't have anything to
4 substantiate this particular claim by Ms. Sellers. If
5 that were the case then, yeah, I could say if you go down
6 in the Jacksonville area of Dillon County, there's a lot
7 of crime in Jacksonville, that's a predominately black
8 area. And but again that opens us up to where we're
9 feeding right into the very thing that this standard is
10 suppose to prevent. That is we start looking at things
11 from that particular standpoint. I think it lends itself
12 to pretext.

13 MS. SELLERS: Your Honor, if I may state
14 briefly, the Solicitor has said that Calhoun Street, well,
15 that's a black neighborhood, so therefore crime goes on in
16 that neighborhood. Again, I am not saying ---

17 THE COURT: Well, what he said was ---

18 MR. REDMOND: That's not what I said..

19 THE COURT: --- they prosecute a lot of crimes
20 coming off of Calhoun Street is what he said.

21 MS. SELLERS: Well, Your Honor, it would seem as
22 if based on his argument, he's been making it a race issue
23 and there's nothing about race that I have stated in my
24 explanation.

25 THE COURT: You don't have to state race for it

1 to be racially -- not racially neutral. I'm not saying
2 you're doing that. I'm just saying, you know, someone
3 doesn't have to state race to make something not racially
4 neutral.

5 MS. SELLERS: Well, Your Honor, earlier when we
6 did this first motion, the Solicitor was able to say well
7 law enforcement, even law enforcement individually ---

8 THE COURT: No, I made him give me specifics or
9 I didn't rule for example that one he stated law
10 enforcement told me and gave me, I ruled that was not
11 appropriate and you would not be able to strike that
12 individual. I didn't go for that. The only ones I agreed
13 with were when he was able to give me specific like the
14 one where the office prosecuted the brother of the juror.
15 I -- this thing about law enforcement said that we have
16 problems with them, that's not -- that in and of itself
17 it's got to be something specifically. The concern I have
18 about this is you're taking a whole block of folks and
19 you're -- whether they're black or white or Asian doesn't
20 matter. You're taking a whole block of folks that live in
21 an area of this community and you're saying not fit for
22 jury service because they may be biased because there's
23 been crime in their community or a rash of crime in their
24 community.

25 MS. SELLERS: But, Your Honor, as long as that

1 is not based on gender or race because had I had a black
2 person that was on Cleveland Street, I may very well have
3 struck because I've stricken a black female ---

4 THE COURT: You very well better have based on
5 your comments.

6 MS. SELLERS: But my position is, Your Honor,
7 for me ---

8 THE COURT: Your position is you would have
9 struck them.

10 MS. SELLERS: I would have struck that
11 individual. It's not about race, it's about the area and
12 ---

13 THE COURT: I'm going to tell you what it looks
14 like to the Court and this is not you, Ms. Sellers, at
15 all. It sounds to me like Mr. Inman is calling some shots
16 here. He is not educated as to the legal system in what
17 can and can't be struck. And for him to make the call on
18 these guys because he doesn't like their demeanor and then
19 to strike the two white DSS workers and let the black DSS
20 worker on the jury when you still have a strike left, I'm
21 granting the motion.

22 Now, I've got to decide which one of these are
23 appropriate, so that if they come back up, you can strike
24 them again and which ones you can't. And let me just get
25 rid of the ones I agree with you on. I agree with you on

1 the National Guard guy, although -- I don't know why that
2 would make him not, but that's fine, I understand it. I
3 like to hear from the State regarding the -- this position
4 that anyone who works in the school system is not
5 qualified to serve on a jury that involves young people.

6 MR. REDMOND: I think that would be improperly
7 placing a block of people into a category that it again --
8 and let me be clear on this when we talk about Batson and
9 I know we've talked in terms of race, but I would say that
10 if you look at Batson, it is really the issues involving
11 preemptory strikes are -- it even goes beyond race issues.
12 Here I think it is pretext in the sense that based on the
13 defense argument, that any teacher is -- you know, because
14 of their exposure to children or whatnot, they may be
15 predisposed, that is improper I would say. It's very
16 broad in general. And again, I don't think we have
17 anything from the standpoint of proof that that is in fact
18 the case. I think it is some way of trying to -- you
19 know, you could articulate any reason. I think the whole
20 standard we got here is to try to avoid putting people in
21 a particular category that will serve our pre-textural
22 uses. And I think that's what happened here because it is
23 painfully obviously that any white person that came up
24 there with the exception of three were instruct. And when
25 you got the number of strikes that were -- when you look

1 at everything in totality, I think it reeks of pretext.
2 And I'm not pointing the finger at Ms. Sellers. I think
3 the Court is correct in the sense that Mr. Inman has
4 probably had quite a bit of input into that process, but I
5 think as it relates to saying, oh, a teacher cannot serve
6 on a jury, then basically what she's saying is no teacher
7 can serve on any jury where there's a kid involved. And I
8 don't think that's the proper argument for this purpose.
9 And I ask the Court to reject that argument.

10 MS. SELLERS: And again, Your Honor, based on
11 the specific situation, specific case, it is my job to try
12 to find jurors that I believe that are going to be -- that
13 are not going to harbor any particular bias against my
14 client.

15 THE COURT: Well, I mean, are you saying there's
16 bias against your client because he's 18?

17 MS. SELLERS: No, Your Honor, I'm saying there
18 may potentially be, potentially be bias based on this
19 client. There are a number of teenagers that this ladies
20 spends all her day working with teenagers. She may think
21 that all teenagers ---

22 THE COURT: She may be like my sister who
23 absolutely has a heart as big as Texas for these kids.

24 MS. SELLERS: She may be, she may be.

25 MR. REDMOND: And, Your Honor, I hate to

1 interrupt and I was trying to think and I've got the case
2 right here Payton vs. Curtis, First insufficient reason to
3 strike generalization of an entire group. The State would
4 cite that because the crux of the defense argument has
5 been doing just that. And I think I probably went all
6 around the world to say what pretty much Payton vs. Curtis
7 says pretty succinctly. You cannot generalize an entire
8 group.

9 MS. SELLERS: Again, Your Honor, in this
10 particular situation, I am talking about this individual
11 who teaches, who is a school teacher.

12 THE COURT: You're not talking about this
13 individual person, you're talking about schoolteachers as
14 a group. You wouldn't put schoolteachers on a jury that
15 involves this defendant.

16 MS. SELLERS: Not exactly, Your Honor, if I can
17 look at her information. She works at the high school and
18 does.... Not just any school though, Your Honor, it would
19 happen to be Robinson County, which is highly noted for
20 gang activity. It was Lumberton High.

21 THE COURT: State vs. Thomlin you talk about
22 demeanor The State vs. Thomlin says it was improper or an
23 insufficient reason to strike a juror who quote shucked
24 and jived up to the microphone. State vs. Wright holds
25 that potential jurors disinterested attitude and demeanor

1 observed throughout three days of courtroom proceedings
2 which was contrasted, but other jurors who appeared to be
3 interested was an insufficient reason.

4 MS. SELLERS: However, Your Honor, we also have
5 State vs. Smalls that says that where the defendant
6 asserted a reason for preemptory strikes that the jury was
7 either refusing to look mean or stern. This explanation
8 was factually neutral in even that the State basically
9 that it was factually neutral and that was fine. And
10 that's State vs. Small. I don't know what year that case
11 was ruled.

12 THE COURT: One of those was '91. The other one
13 was '89.

14 MS. SELLERS: And this was a 1999. Also ---

15 MR. REDMOND: Now, Your Honor, let me just be
16 clear on this point, we totally dispute -- I remember each
17 of those jurors specifically. I didn't see what she's
18 describing. And I thought it was interesting saying that
19 her client observed that, but I didn't observe it. And I
20 was looking at them as we both do.

21 THE COURT: And I'm going to ask you as an
22 officer of the Court, Ms. Sellers, cause on both of those
23 you described that Mr. Inman shared with you that he
24 didn't like their demeanor. I'm asking you as an officer
25 of the Court, what did you observe about those jurors that

1 caused you concerned?

2 MS. SELLERS: Mr. Alexander Lewis, would not
3 look at us.

4 THE COURT: Alexander Lewis is not an issue.

5 MS. SELLERS: Mr. Fitzgerald, would not look at
6 us. I did ---

7 THE COURT: Would not look at you is a far cry
8 ---

9 MS. SELLERS: When he had just looked --
10 Mr. Inman says that there was a scowl, he says look at his
11 face. Now, there was -- he did clearly look at the
12 solicitor's office and I just given you a case in which
13 mean, stern or any type of manner that doesn't seem like
14 it's -- they're being receptive to my client and not even
15 to our case. If you can't look at me, if you can't look
16 at my table, once you just looked at the Solicitor's
17 office ---

18 THE COURT: I'm going to need to see that case.

19 MS. SELLERS: It's number 14.

20 (WHEREUPON, a pause in the proceedings.)

21 THE COURT: Ms. Sellers and Mr. Redmond and
22 Mr. Daniels, I'm going to follow the law because I'm bound
23 to do that, that case scares me for this reason: What
24 would prevent any defendant or any prosecutor from saying
25 to the Court, Judge, I didn't like the way they were

1 looking, they look mean. They looked at me mean.

2 MS. SELLERS: In this regard, Your Honor, I just
3 look at it as this if I have a juror that is willing to at
4 least look up at the Solicitor's table and when presented
5 with my table would not even look and basically do
6 everything to turn and look the opposite way, it would
7 really make me question their ability to even hear
8 anything that I'm saying.

9 MR. REDMOND: But we dispute specifically that
10 that happen. I looked at both of them, that's just not
11 true. I'm just going to put it out there, that is
12 absolutely not true. And I'm just gone be blunt right now
13 we got a situation where the race card is being played
14 from the bottom of the deck. And again, I'm not blaming
15 her, it's her client.

16 THE COURT: I'm going to tell you right now. I
17 agree 100 percent. Again, not you, your client doesn't
18 want a white juror on that jury.

19 MS. SELLERS: What about the black jurors that
20 we've struck?

21 THE COURT: I understand that, but I'm sure
22 you've got reasons. I'm sure you do. I'm sure you're not
23 striking people just because they're black.

24 MS. SELLERS: But, you know, I just take
25 offense that it's a race card being pulled.

1 THE COURT: You can take offense, that's fine.
2 Nobody's blaming you for it, I think your client's doing
3 it.

4 MR. REDMOND: I mean, I'll say this in the time
5 that I've know and dealt with Ms. Sellers this is the
6 first time this issue has come up. I don't think I've
7 ever had to Batson her before, so I'm specifically saying
8 that I don't think it's Ms. Sellers.

9 THE COURT: I don't think it is either.

10 MR. REDMOND: But in watching them -- and as I
11 can understand, the defendant has certain interest in this
12 case obviously. He is going to have his input. And I
13 think it put Ms. Sellers in a situation where she's here
14 having to answer for what he, I guess, his intentions are.
15 And my job is under the law to try to make sure that
16 doesn't happen. That the jury is pulled in a fair manner.

17 MS. SELLERS: And even, Your Honor, I'm sorry I
18 didn't even see this other case, but there's a State vs.
19 Wright that goes on even further, that says that this time
20 the State could use, the State was proper when they
21 used -- they used the jurors facial, the tone, demeanor
22 and facial expressions any other race neutral factor when
23 striking the jury.

24 MR. REDMOND: But again, I'm ---

25 THE COURT: You know what, I got to come to

1 terms to find out how these cases conflict because you've
2 got the other cases that say that a juror who quote
3 shucked and jived up to the microphone was not sufficient.

4 MS. SELLERS: That is a 1999 case. This is a
5 2003 and earlier I cited a 1999 case.

6 THE COURT: That's what I'm saying, I've got to
7 be able to reconcile these cases.

8 MS. SELLERS: And, Your Honor, what maybe
9 analogist with this case too is that shucking and jiving
10 up to the juror stand has nothing to do with how they
11 acted or treated the defendant in the case.

12 THE COURT: But what's going to stop any
13 defendant from telling the Court they look mean at me?
14 They look mean at me, Judge.

15 MS. SELLERS: I'm not sure, Your Honor. But
16 according to State vs. Wright and State vs. Small, that is
17 a race neutral factor that can be used.

18 MR. REDMOND: If that were something that I
19 think everybody would agree happen, I might be incline to
20 agree. I specifically deny it that it happen because I
21 have a habit of looking at every juror that comes up. And
22 not all of the jurors that look -- that we put up look at
23 us, so that's not the standard, but specifically a scowl
24 and all, that didn't happen. I'm just going to be blunt,
25 it did not happen.

1 MS. SELLERS: Well, one would not look up and I
2 think that was Mr. Fitzgerald.

3 MR. DANIEL: But you didn't see a scowl, just
4 your client did?

5 MS. SELLERS: I don't recall seeing a scowl or
6 anything. We are looking and trying to find the numbers
7 and everything.

8 MR. REDMOND: Your Honor, I need to call the
9 office real quick. I got some people coming in. I need
10 them to stay late.

11 THE COURT: I'm granting -- go ahead.

12 MS. SELLERS: And also, Your Honor, in terms of
13 the crime activity, there is State vs. Tucker, Your Honor,
14 that also does show that individuals that have been
15 subjected or live in high crime areas may be struck from
16 the jury because of their pre-disposition. And that's a
17 1999 case.

18 THE COURT: This is really getting to the point
19 of becoming comical because the State can turn it around
20 and strike anyone they want to strike. And then when you
21 challenge it, they can look at the Court and say, well,
22 judge they live in a high crime area?

23 MS. SELLERS: What was known, again, Your Honor,
24 it's not that -- Dillon is probably a county that has --
25 one of the highest crime rates in the area. And I'm not

1 meaning specifically because, oh, they're arrest made on
2 Hampton Street every day. What I'm saying is recently in
3 the last two months, these individuals have been
4 terrorizing their neighborhoods. They may be bias. They
5 may have predisposition to individuals ---

6 THE COURT: But my point is -- the State can
7 come in here and say, Judge, they live in a high crime
8 area, that's why we struck them.

9 MS. SELLERS: They very well may.

10 THE COURT: And we just can't get jurors, we
11 can't get juries. I'm -- the DSS number 56, I find is not
12 a race neutral reason. Number 129 I find is not a
13 racially neutral reason. Number 25 I find is not a
14 racially neutral reason. The fact that she works in the
15 school system. The remaining are fine.

16 MS. SELLERS: Could you go over those three one
17 more time, Your Honor, 56, 25...

18 THE COURT: 56, 25 and 129. Now, we're going to
19 get to the point where a judge is going to have to sit out
20 there amongst y'all and watch these jurors as they come
21 up, when I've got a defendant telling me that the juror
22 look mean at me. Ms. Sellers, this is not against you,
23 but I'm telling you now, your client has no idea what
24 Batson means. And your client needs to defer to his
25 lawyers on what's an appropriate strike and not an

1 appropriate strike. And this is going to be the time
2 around striking this jury. And I'm not going to be
3 hesitant to continue to throwing these juries out if I
4 keep getting these strike, that are not in the Court's
5 opinion race neutral. And I don't think there's any -- we
6 can argue all day long and we don't need to argue all day
7 long because I'm agreeing with you on the one's you cited
8 except the two DSS workers and the person who works in the
9 school system.

10 MR. REDMOND: Your Honor, might I offer a
11 suggestion and it may not be feasible to do it, but in
12 Marlboro County one of the things that I notice is that I
13 was -- I drew a jury last week on a case there and what we
14 did was actually because now there's this issue and it
15 seems to be a factor of discrepancy as to whether or not
16 scowled at somebody. I've seen it where the jurors don't
17 come all the way -- they come up to the front of the jury
18 box where they are facing us and we turn around to the
19 other side of the table, that way everybody can see
20 whether or not there's any kind of facial activity going
21 on. I'm just throwing that out as an option. Again, it
22 may not be feasible to do that.

23 THE COURT: Not feasible in this case for the
24 simple fact is we made two attempts to draw juries and had
25 them come up to the front. And if we change it and stop

1 it now, it's obvious and it causes concern cause I don't
2 know what the jury will think. I want them to come up and
3 just be who they are. But I may very well have my law
4 clerk sit out there where she can observe. But I'm going
5 to figure out some way because the concern I have with the
6 case law that I've read is there's no way to control that.
7 And it's not just from the defense standpoint, there's no
8 way to control the State from doing it. Any party in a
9 case, if they can simply come in here on a Batson issue
10 and say, Judge, they looked at me in a mean way or, Judge,
11 they sneered at me when they were standing up there. I
12 have no way of determining whether or not that is truly a
13 racially neutral reason unless I somehow control the jury.
14 And what I may start doing, Mr. Redmond, I may start
15 pulling juries by telling the jurors to come to the front
16 of the rail and stop right there and let the lawyers turn
17 around and look at the jury. I may start doing that, but
18 I can't do that in this case.

19 MR. REDMOND: I understand that, Your Honor.

20 THE COURT: And so here we're going to go with
21 round three. Now ---

22 MR. REDMOND: Your Honor, as a housekeeping
23 matter with the doctor we got from mental health with it
24 being so late at this point, we were suggesting -- and I
25 don't mind going to talk with him to see if he can come

1 back in the morning.

2 THE COURT: Listen, and I tell you what I don't
3 mind either, I don't mind staying here as long as it takes
4 to get a jury pulled and to get that hearing done.

5 MS. SELLERS: Can I have five minutes then to
6 see if I can get someone to go sit with my grandmother at
7 six?

8 THE COURT: You need to be somewhere?

9 MS. SELLERS: Well, yeah, just from six to
10 seven.

11 THE COURT: Well, absolutely.

12 MR. DANIEL: She did tell me that earlier. Can
13 we go over and make sure exactly which numbers we are now
14 bound by both sides.

15 THE COURT: 56, 25, and 129.

16 MR. DANIEL: And 17, 16 and 166 from the other
17 one; is that right?

18 THE COURT: Correct, those always remain because
19 it's the same.

20 MR. DANIEL: And then 241 for us. I just want
21 to make sure before we go.

22 THE COURT: Let me just give you the numbers
23 166, 60, 17, 241, 56, 25, 129. 241 is the one y'all
24 struck that I didn't accept the reason.

25 MR. DANIEL: Right, okay.

1 THE COURT: That was the one where you said the
2 officer told you not to do it, but there was no reason for
3 it.

4 Roz, go ahead and make whatever -- you need to
5 make a call?

6 MS. SELLERS: If we're not going to do the
7 doctor, I'm going to go ahead and make it just to be on
8 the safe side.

9 THE COURT: If we're not going to do the doctor,
10 we should be done.

11 MS. SELLERS: I'm going to do it just to be on
12 the safe side.

13 THE COURT: Okay, okay.

14 (WHEREUPON, this is the end of the Batson motion
15 held in chambers.)

16 THE COURT: All right, ladies and gentlemen, now
17 you know the drill better than I do. If your name is
18 called, please come forward and bring with you anything
19 you may have brought to court.

20 Madam clerk.

21 THE CLERK: Number 168, Dawnyelle F. Livingston.

22 (The juror, a black female, comes forward.)

23 THE CLERK: What say the State?

24 MR. DANIEL: Please present Ms. Livingston.

25 THE CLERK: Defendant?

1 MS. SELLERS: Please excuse the juror.

2 THE CLERK: You excused, ma'am.

3 Number 118, Steven R. Horvath.

4 (The juror, a white male, comes forward.)

5 THE CLERK: What say the State?

6 MR. DANIEL: Please present Mr. Horvath.

7 THE CLERK: Defendant?

8 MS. SELLERS: Please excuse the juror.

9 THE CLERK: You excuse, sir.

10 Number 34 Julian D. Brown.

11 (The juror, a white male, comes forward.)

12 THE CLERK: What say the State?

13 MR. DANIEL: Please present Mr. Brown.

14 THE CLERK: Defendant?

15 MS. SELLERS: Please excuse this juror.

16 THE CLERK: You are excuse, sir.

17 Number 11, James M. Avant.

18 (The juror, a black male, comes forward.)

19 THE CLERK: What say the State?

20 MR. DANIEL: Please present Mr. Avant.

21 THE CLERK: Defendant?

22 MS. SELLERS: Please seat the juror.

23 THE CLERK: Have a seat in the jury box please,
24 sir.

25 Number 35, Kenneth R. Brown.

1 MR. DANIEL: He was excuse from this case, I
2 believe, madam clerk.

3 MS. SELLERS: That is correct.

4 THE COURT: All right, consensus on that.

5 THE CLERK: Number 55, Kenneth B. Cook.

6 (The juror, a white male, comes forward.)

7 THE CLERK: What say the State?

8 MR. DANIEL: Please present Mr. Cook.

9 THE CLERK: Defendant?

10 MS. SELLERS: Please seat the juror.

11 THE CLERK: Please have a seat in the jury box
12 please, sir.

13 Number 60, David K. Cox.

14 (The juror, a white male, comes forward.)

15 THE CLERK: What say the State?

16 MR. DANIEL: Please present Mr. Cox.

17 THE CLERK: Defendant?

18 MS. SELLERS: Please seat the juror.

19 THE CLERK: Have a seat in the jury box please,
20 sir.

21 Number 225, Sarah Charlotte Page.

22 (The juror, a white female, comes forward.)

23 THE CLERK: What say the State?

24 MR. DANIEL: Please present Ms. Page.

25 THE CLERK: Defendant?

1 MS. SELLERS: Please seat the juror.

2 THE CLERK: Have a seat the jury box please,
3 ma'am.

4 Number 27, Gilbert L. Blue.

5 (The juror, a black male, comes forward.)

6 THE CLERK: What say the State?

7 MR. DANIEL: Please excuse Mr. Blue from service
8 in this case.

9 THE CLERK: You're excuse, sir.

10 Number 62, Sharon D. Cox.

11 (The juror, a white female, comes forward.)

12 THE CLERK: What say the State?

13 MR. DANIEL: Please present Ms. Cox.

14 THE CLERK: Defendant?

15 MS. SELLERS: Please excuse the juror.

16 THE CLERK: You excuse, ma'am.

17 Number five, Kendra Armstrong.

18 (The juror, a black female, comes forward.)

19 THE CLERK: What say the State?

20 MR. DANIEL: Please excuse Ms. Armstrong from
21 service in this case.

22 THE CLERK: You excuse, ma'am.

23 Number 177, Ricky W. Martin.

24 (The juror, a white male, comes forward.)

25 THE CLERK: What say the State?

1 MR. DANIEL: Please present Mr. Martin.

2 THE CLERK: Defendant?

3 MS. SELLERS: Please excuse the juror.

4 THE CLERK: You excused.

5 Number 129, Ashley D. Hyatt.

6 (The juror, a white female, comes forward.)

7 THE CLERK: What say the State?

8 MR. DANIEL: Please present Ms. Hyatt.

9 THE CLERK: Defendant?

10 MS. SELLERS: Please seat the juror.

11 THE CLERK: Have a seat in the jury box please,

12 ma'am.

13 Number 126, Stephanie J. Huggins.

14 (The juror, a black female, comes forward.)

15 THE CLERK: What say the State?

16 MR. DANIEL: Please present Ms. Huggins.

17 THE CLERK: Defendant?

18 MS. SELLERS: Please seat the juror.

19 THE CLERK: Have a seat in the jury box please,

20 ma'am.

21 Number 56, Susan M. Cook.

22 (The juror, a white female, comes forward.)

23 THE CLERK: What say the State?

24 MR. DANIEL: Please present Ms. Cook.

25 THE CLERK: Defendant?

1 MS. SELLERS: Please seat the juror.

2 THE CLERK: Please have a seat in the jury box
3 please, ma'am.

4 Number 279, Clara Townsend.

5 (The juror, a black female, comes forward.)

6 THE CLERK: What say the State?

7 MR. DANIEL: Please excuse Ms. Townsend from
8 service in this case.

9 THE CLERK: You excuse, ma'am.

10 Number 149, Annette T. Jones.

11 (The juror, a black female, comes forward.)

12 THE CLERK: What say the State?

13 MR. DANIEL: Please present Ms. Jones.

14 THE CLERK: Defendant?

15 MS. SELLERS: Please seat the juror.

16 THE CLERK: Have a seat in the jury box please,
17 ma'am.

18 Number 240, Jay H. Ragin.

19 (The juror, a black male, comes forward.)

20 THE CLERK: What say the State?

21 MR. DANIEL: Please present Mr. Ragin.

22 THE CLERK: Defendant?

23 MS. SELLERS: Please excuse the juror.

24 THE CLERK: You excuse, sir.

25 Number 237, Jason Price.

1 (The juror, a white male, comes forward.)
2 THE CLERK: What say the State?
3 MR. DANIEL: Please present Mr. Price.
4 THE CLERK: Defendant?
5 MS. SELLERS: If you please excuse the juror.
6 THE CLERK: You excuse, sir.
7 Number 39, Jessica S. Buie.
8 (The juror, a black female, comes forward.)
9 THE CLERK: What say the State?
10 MR. DANIEL: Please excuse Ms. Buie from service
11 in this case.
12 THE CLERK: You excuse, ma'am.
13 Number 82, Patricia Ford.
14 (The juror, a white female, comes forward.)
15 THE CLERK: What say the State?
16 MR. DANIEL: Please present Ms. Ford.
17 THE CLERK: Defendant?
18 MS. SELLERS: Please excuse this juror.
19 THE CLERK: You excuse, ma'am.
20 Number 25, Jennifer L. Blackard.
21 (The juror, a white female, comes forward.)
22 THE CLERK: What say the State?
23 MR. DANIEL: Please present Ms. Blackcard.
24 THE CLERK: Defendant?
25 MS. SELLERS: Please seat the juror.

1 THE CLERK: Have a seat in the jury box please,
2 ma'am.

3 Number 22, Linda A. Bethea.

4 (The juror, a black female, comes forward.)

5 THE CLERK: What say the State?

6 MR. DANIEL: Please present Ms. Bethea.

7 THE CLERK: Defendant?

8 MS. SELLERS: Please seat the juror.

9 THE CLERK: Please have a seat in the jury box
10 please, ma'am.

11 Number 68, Maranda E. Davis.

12 (The juror, a black female, comes forward.)

13 THE CLERK: What say the State?

14 MR. DANIEL: Please excuse Ms. Davis from
15 service in this case.

16 THE CLERK: You are excuse, ma'am.

17 Number 160, Sylvia W. Lane.

18 (The juror, a white female, comes forward.)

19 THE CLERK: What say the State?

20 MR. DANIEL: No cause.

21 THE CLERK: Defendant?

22 MS. SELLERS: Please excuse the juror.

23 THE CLERK: You excuse, ma'am.

24 Number 115, Donna C. Herring.

25 (The juror, a white female, comes forward.)

1 THE CLERK: What say the State?
2 MR. DANIEL: No cause.
3 THE CLERK: Defendant?
4 MS. SELLERS: Please seat the juror.
5 THE CLERK: Have a seat in the jury box please,
6 ma'am.
7 Number 130, Jeffery S. Hyatt.
8 (The juror, a white female, comes forward.)
9 THE CLERK: What say the State?
10 MR. DANIEL: No cause.
11 THE CLERK: Defendant?
12 MS. SELLERS: Please excuse the juror.
13 THE CLERK: You excuse, sir.
14 Number 196, Sandra D. McLellan.
15 (The juror, a black female, comes forward.)
16 THE CLERK: What say the State?
17 MR. DANIEL: No cause.
18 THE CLERK: Defendant?
19 MS. SELLERS: No cause.
20 THE CLERK: Have a seat in the jury box, ma'am.
21 THE COURT: It will be one and two on the
22 alternates.
23
24 THE CLERK: Number 122, Danny Huggins.
25 (The juror, a white male, comes forward.)

1 THE CLERK: What say the State?

2 MR. DANIEL: Please present Mr. Huggins.

3 MS. SELLERS: Please excuse the juror.

4 THE CLERK: You excuse, sir.

5 Number 37, Tonya T. Brown.

6 (The juror, a black female, comes forward.)

7 MR. DANIEL: Please present Ms. Brown.

8 THE CLERK: Defendant?

9 MS. SELLERS: Please seat Ms. Brown.

10 THE CLERK: Have a seat in our alternate seat
11 please, ma'am.

12 Number 69, Willia Frances Davis.

13 (The juror, a black female, comes forward.)

14 THE CLERK: What say the State?

15 MR. DANIEL: Please present Ms. Davis.

16 THE CLERK: Defendant?

17 MS. SELLERS: Please excuse Ms. Davis.

18 THE CLERK: You excuse, ma'am.

19 Number 36, Pamela L. Brown.

20 (The juror, a black female, comes forward.)

21 THE CLERK: What say the State?

22 MR. DANIEL: Please present Ms. Brown.

23 THE CLERK: Defendant?

24 MS. SELLERS: Please seat the juror.

25 THE CLERK: Have a seat in our alternate seat

1 please, ma'am.

2 THE COURT: Any motions regarding jury selection
3 from the State?

4 MS. SELLERS: Yes, Your Honor.

5 THE COURT: I'm asking from the State.

6 MR. DANIEL: Nothing from the State, Your Honor.

7 THE COURT: From the defense?

8 MS. SELLERS: Yes, Your Honor, may we approach
9 please.

10 (WHEREUPON, a bench conference was held in the
11 presence of the jury, but out of the hearing of the
12 jury.)

13 THE COURT: Ladies and gentlemen, please remain
14 at ease.

15 (WHEREUPON, the is the beginning of a Batson
16 motion on the record being held in chambers.)

17 THE COURT: Yes, ma'am.

18 MS. SELLERS: Your Honor, I challenge the strike
19 of number five, 279 and 39.

20 MR. DANIEL: Number five, 279.

21 MR. REDMOND: And 279.

22 MS. SELLERS: Which are all black individuals.

23 THE COURT: You said five, 279.

24 MS. SELLERS: And 39.

25 THE COURT: You challenge 279 before and they

1 gave you a race neutral reason..

2 MS. SELLERS: Was that Ms. Townsend?

3 THE COURT: That's Ms. Townsend. That's the one
4 that Mr. Redmond prosecuted her brother or some member of
5 her family.

6 MS. SELLERS: 27 Gilbert Blue.

7 MR. REDMOND: That's actually the same
8 situation.

9 MR. DANIEL: Wait, wait. Who?

10 THE COURT: Number 27, juror number 27.

11 MS. SELLERS: Gilbert Blue.

12 MR. DANIEL: Now, you're saying 27.

13 MS. SELLERS: I said number 27 as well and we
14 went to the next one.

15 THE COURT: It's 27, 5 and 279. And we know
16 279.

17 MR. DANIEL: 27, 5 and 39 are now the issues?

18 MS. SELLERS: That's correct.

19 THE COURT: Go ahead with number 27 first.

20 MR. DANIEL: Number 27 as a family court bench
21 warrant, which was told to us by law enforcement sitting
22 at table with us.

23 MR. REDMOND: We didn't serve it because, I
24 think, jurors are subpoenaed to be here.

25 THE COURT: You can't serve it.

1 MR. REDMOND: That's why we told them they
2 couldn't serve him.

3 THE COURT: Correct, they cannot serve that.

4 MR. DANIEL: The five youth, we felt like she
5 was young. She looks about the same age and youth as
6 recognized race neutral reason for a strike.

7 MR. REDMOND: And number 39 Jessica Buie, I had
8 prosecuted Buie's in the past. And actually, once I saw
9 this name and again get with law enforcement, but I can
10 independently confirm that I have prosecuted Buie's from
11 the Hamer area of Dillon County. And, of course, that
12 raises a flag with me.

13 THE COURT: All right. Yes, ma'am.

14 MS. SELLERS: Your Honor, in response to this,
15 the age issue or the youth issue would be very similar to
16 me in age. Again, are generalization in which the
17 Solicitor's office referred to earlier. Again, with the
18 Buie family, just because their last name is Buie, there
19 are several families that has exactly the same last name.

20 THE COURT: That goes right down the path of
21 your high crime area.

22 MS. SELLERS: It's a generalization, Your Honor.
23 He has given no indication whatsoever that she is directly
24 related to that particular set of Buie's.

25 MR. REDMOND: I been advised that she is by law

1 enforcement. I'm sorry.

2 THE COURT: Go ahead.

3 MS. SELLERS: We have individuals black and
4 white that carry the same last name that are not related
5 to each other. Your Honor, I believe that is a
6 generalization.

7 THE COURT: All right.

8 MR. REDMOND: And I would respectfully again
9 respond that I personally have prosecuted Buie's. And in
10 talking with law enforcement, in fact, they are her
11 relatives and I have no reason to dispute that. And
12 again, Buie is not overly common name in Dillon County.

13 THE COURT: The age thing?

14 MR. REDMOND: And let me add one more thing to
15 that too, Your Honor, for the record number five is also
16 unemployed. And I want to clarify that with one that we
17 took earlier -- took before. Ironically, number -- I
18 think it's 39 that we struck, not 39. Thirty-nine, we had
19 discussed. We took number 22 is also unemployed, but we
20 wanted to strike that particular individual for the
21 recognize ground of unemployed. But I specifically said
22 we got Rosalind second cousin hoovering out there. And in
23 fact, the very next person that got called was Rosalind's
24 cousin number 68, so that's why we took that person that
25 was unemployed, who is black by the way. So I mean, we

1 took a black unemployed person in order to save that
2 strike for Rosalind. And Shipp will tell you I said we
3 got to save one for Rosalind's for cousin. Low and
4 behold, number 68 gets called and that's the lady that
5 indicated to the Court that she was Rosalind's second
6 cousin.

7 MR. DANIEL: And also in response, if I may to
8 ---

9 MS. SELLERS: Are we going to have one doing the
10 response or multiple going back and forth tag team ---

11 MR. DANIEL: I'll be glad to not speak.

12 MS. SELLERS: --- or typical motion hearing?

13 MR. REDMOND: I'll yield to Mr. Daniel.

14 THE COURT: It's too late, you've already had
15 your say.

16 MR. REDMOND: I'm shutting up now, Judge.

17 THE COURT: Well, you can't, you're it now
18 speaking on behalf of the State, so you might want to
19 confer with co-counsel here as you continue.

20 MR. REDMOND: But I say even beyond that even
21 though youth is listed because unemployed is an issue.

22 MS. SELLERS: And, Your Honor, if I may just add
23 briefly?

24 THE COURT: Yes, ma'am.

25 MS. SELLERS: Again, a strike is a strike. If

1 they had a strike, they should have use that strike as
2 before with the DSS caseworker. A strike is a strike.

3 MR. REDMOND: But if I could ---

4 THE COURT: No, no, no.

5 MS. SELLERS: And strategically if I want to
6 preserve ---

7 THE COURT: Don't misunderstand what the Court
8 said earlier. You had one strike left and by your own
9 admission four or five concerned jurors that you were
10 worried about. They had one strike left and they had one
11 juror who is related to you that they were worried about,
12 that's a big difference. I know you don't agree with me
13 on that, I understand that. But you tell me how you're
14 going to protect your client with one strike and five
15 people out there that you're concerned about?

16 MS. SELLERS: Well, again, Your Honor, the issue
17 here would be that age was listed as the reason --
18 youthful appearance was listed as the reason.

19 THE COURT: Well, there were two reasons listed,
20 but you're right about that one.

21 MS. SELLERS: And now, we have one person who's
22 on the jury who was clearly unemployed, so that factor
23 should not come into play because she ---

24 MR. REDMOND: Who is also black, that is
25 important because distinguishing ---

1 MS. SELLERS: Batson is not only on race --
2 well, it is race, but it's also any generalization that
3 you stated earlier as well, any classification, anything
4 that's not mutual.

5 MR. REDMOND: They're the same gender, they're
6 the same race, Your Honor. So the strikes she's talking
7 about the two unemployed people same gender, same race.
8 And again, we took one, the last one in order to save a
9 strike. It would be different if that unemployed person
10 was white and I took them. And yet, I struck a black
11 unemployed person, but that isn't what we did, so that's
12 clearly distinguishable from her situation.

13 THE COURT: All right. Is there any reciprocal
14 motion to it or just ---

15 MR. REDMOND: That's just the responses, Your
16 Honor.

17 THE COURT: All right. I find that the reasons
18 given have been considered, have met the standard under
19 the Batson motion as being racially neutral, gender
20 neutral. And so I'm going to respectfully deny the
21 motion.

22 MR. REDMOND: Thank you, Your Honor.

23 MS. SELLERS: Thank you, Your Honor.

24 THE COURT: Now, let me go off the record.

25 (WHEREUPON, this is the end of the Batson motion

1 BY MR. REDMOND:

2 Q And, Dr. McKee, by whom are you employed, sir?

3 A I'm employed as a chief psychologist in forensic
4 evaluations service at the South Carolina Department of
5 Mental Health.

6 Q And could you briefly give us your educational and
7 employment background?

8 A I receive my bachelor's degree in 1965 from Coe
9 College in Cedar Rapids, Iowa. Master's degree in
10 psychology from the University of Illinois, Champaign
11 Urbana 1967. Ph.D. in psychology from the University of
12 Missouri-Columbia 1969. I have been a board certified
13 forensic psychologist for 27 years. I been with the
14 Department of Mental Health for 25 years serving as the
15 chief of forensics psychology services at the William S.
16 Hall Psychiatric Institute. And then for the past 12 plus
17 years with a forensic evaluation service of the Department
18 of Mental Health.

19 Q And, Dr. McKee, have you been qualified and had to
20 testify as an expert on your findings over the course of
21 the years?

22 A I have.

23 MR. REDMOND: At this time, we move to qualify
24 Dr. McKee as an expert in the field of forensic
25 psychology.

1 MS. SELLERS: No objection, Your Honor.

2 THE COURT: All right. Without objection.

3 MR. REDMOND: With permission to approach the
4 witness?

5 THE COURT: Yes, sir.

6 BY MR. REDMOND:

7 Q I'm going to show you what's been marked as Court
8 Exhibit Number 1. Could you review that document and tell
9 us whether or not that document that you report that is
10 the report that you generated based on your evaluation of
11 the defendant, Damian Inman?

12 A That is my report.

13 Q And when did you have the opportunity to first
14 evaluate the defendant?

15 A On the 18th of May of 2010.

16 Q Okay. And did you also have the chance to talk with
17 the defendant yesterday and today here at the courthouse
18 in Dillon County?

19 A I saw him yesterday for approximately 20 minutes.
20 And observed him for about an hour during jury selection.
21 I have not seen him today.

22 Q Okay. And based on your evaluations, are you able to
23 come up and render conclusions on what you observed as you
24 both evaluated him and observed him, I guess, during the
25 jury selection as you indicated?

1 A I can.

2 Q Now, let me direct your attention to your report.

3 And again, you indicate this is your report ---

4 MR. REDMOND: If I didn't do so, I'd ask that it
5 be introduced as a Court Exhibit at this time?

6 MS. SELLERS: No objection, Your Honor.

7 THE COURT: All right. Without objection.

8 MR. REDMOND: Thank you.

9 (WHEREUPON, Court's Exhibit No. 1 was marked for
10 the record.)

11 BY MR. REDMOND:

12 Q Now, could you tell us about your evaluation of the
13 defendant on May 10th of this year?

14 A Well, I saw him on the 18th of May. And prior to the
15 evaluation, I'd reviewed a number of records, police
16 documents and legal documents regarding the offense. I
17 had also reviewed mental health records from Tri-County
18 Mental Health Center and some school records that were
19 provided to us as well. I saw Mr. Inman for the
20 evaluation on May 18th of 2010. Evaluation lasted a bit
21 more than an hour. And during that evaluation, I asked
22 him a number of different questions about his history.
23 And then asked him a number of different questions about
24 court proceedings that are encapsulated in a instrument
25 called competency assessment instrument. I then drafted

1 my report on the 21st of May and it was subsequently sent
2 to the Court.

3 Q Okay.

4 MR. REDMOND: And just as a housekeeping matter,
5 does the defense have an objection to me passing up an
6 extra copy, so the Court can follow along?

7 MS. SELLERS: No objection.

8 THE COURT: Thank you.

9 BY MR. REDMOND:

10 Q Was Damian able to give you certain background
11 information that you usually utilize during these
12 evaluations?

13 A Yes, he was.

14 Q Okay. And was he able to provide an answer your
15 questions in your opinion to the best that he could?

16 A Yes.

17 Q Okay. Tell us about the -- well, let me ask you
18 this, are his responses to the questions that you were
19 asking the topics that you covered are all of those
20 encompassed in your report?

21 A They are.

22 Q Okay. So rather than read through them, I just refer
23 to that by references. Now, let me direct your attention
24 to his mental status exam. I notice that there was a
25 diagnosis that's issued on the first page of your report

1 that he has a depressive disorder and disruptive behavior
2 disorder. Could you explain those in the context of your
3 exam?

4 A Yes, those are diagnoses by history. Those were not
5 diagnoses that I render. I did not find in my examination
6 of him any psychiatric diagnoses, so these are diagnosis
7 from past records.

8 Q Such as the 2005 mental health records?

9 A That is correct. These were diagnosis that were
10 rendered during services he received at the Tri-County
11 Community Mental Health Center. Depressive disorder NOS,
12 NOS stands for not otherwise specified, is a diagnosis
13 that describes somebody who's sad and unhappy, but not to
14 the point of a more major mental illness such as dysthymic
15 disorder, which is clinical depression or a major mood
16 disorder such as major depressive episode or major
17 depressive disorder. It's not depression to the level of
18 a bipolar two disorder. It is simply a report of feeling
19 sad and unhappy. Disruptive disorder NOS and again not
20 otherwise specified, indicates an individual who's had
21 episodes of disruptive behavior, but not to the point of a
22 more serious disorder such as conduct disorder, which in
23 adolescent is a violation of rules and being uncooperative
24 and noncompliant and so forth or not to the point of an
25 oppositional defiant disorder, which the criteria

1 specified indicate a number of different problems in
2 complying with rules and regulations at school and at home
3 principally.

4 Q Now, so these were by history, these were not
5 findings that you rendered based on your evaluation?

6 A That's right. At the time that I saw him, I did not
7 see him qualifying for either of those diagnoses.

8 Q Thank you. I just wanted to make sure that was
9 clear. Now, could you tell us about your examine and how
10 you -- what you observed from the defendant and how that
11 led to your ultimate conclusions on the competency to
12 stand trial?

13 A Well, I was -- first of all, in my questions
14 regarding his history in particular and certain questions
15 regarding mental status exam, I was looking for the
16 presence of a mental disorder. And so in addition to the
17 questions regarding his history, I would ask specifically
18 if he'd ever heard voices, if he ever seen things that
19 weren't really there, had he ever had thoughts of suicide
20 and things of that sort. There was no evidence that I saw
21 either by his responses or my observations of him that he
22 was experiencing any kind of psychotic disorder or
23 experiencing any kind of major mood disorder at the time
24 when I saw him. As a result of that, I concluded that he
25 did not have a diagnosable mental disorder.

1 Q Now, based on that, what were your opinions regarding
2 his competency to stand trial and could you tell the Court
3 how you came to that particular conclusion?

4 A Yes, sir. The competency to stand trial assessment
5 is a series of questions and observations which are
6 relevant to the court proceedings such as does the
7 person -- is the person able to cite the charges against
8 him, can he define the charges against him, is he aware of
9 the seriousness of the charges against him, does he have
10 an appreciation that he might be incarcerated if he were
11 adjudicated or found guilty. Does he understand the basic
12 role and responsibilities of his attorney, the defense
13 attorney, the solicitor, the judge, witnesses, essentially
14 the participants in the court proceedings, is he capable
15 of understanding what the purpose of his attorney's
16 questions to him and the solicitor's questions to him
17 would be if he and his attorney decided that he would
18 testify in court, was he able to demonstrate a
19 self-protective interest in the outcome of this case. And
20 this is very critical, which is is he willing to and is he
21 capable of operating in his own best interest for his own
22 benefit. And other questions pertaining to his awareness
23 of the necessity of being completely forthright and
24 disclosing to his attorney and the consequences of not
25 doing that.

1 Q And was he able to do all that?

2 A In my opinion, he has the capacity to understand the
3 proceedings against him and to assist his attorney in his
4 defense.

5 Q And in fact in looking at page three of your report,
6 you go into great detail as it relates to his responses to
7 specific questions such as with regard to seriousness of
8 his charges, he was aware of he's innocent until proven
9 guilty, he was aware of the nature of the case, he's aware
10 of issues of evidence I.E. DNA, fingerprints and the like.
11 So based on what's in your report, was he in fact
12 competent -- is he competent to stand trial?

13 A In my opinion, he is.

14 Q And, of course, this report was done in May. You had
15 the opportunity to talk with him for 20 minutes and
16 observe him. Has that opinion change based on your
17 contact with him yesterday?

18 A No, it has not.

19 MR. REDMOND: Please answer any questions that
20 Ms. Sellers may have.

21 CROSS-EXAMINATION IN-CAMERA

22 BY MS. SELLERS:

23 Q Okay. Good morning, Doctor.

24 A Good morning.

25 Q I just have a few brief questions for you. The

1 over Miranda of which at that point he did appear to
2 cooperate and listed -- initial the Miranda form and then
3 sign the Miranda form. And then at that point, again, I
4 think insisted on talking to Investigator Turner and that
5 proceeded at that point. I find that the evidence before
6 the Court is a statement was given freely and voluntarily
7 and that it would be admissible pending that information
8 being proffered before the jury.

9 MR. DANIEL: Thank you, Your Honor.

10 THE COURT: Anything else we need to take up
11 before the jury comes out?

12 MR. DANIEL: Nothing from the State.

13 MS. SELLERS: Your Honor, briefly just with the
14 defense, Your Honor. Prior to jury being sworn in, we
15 would like to put some information on the record
16 pertaining to Mr. Inman's how I counseled Mr. Inman
17 through this process. Information that he has had an
18 opportunity to review all the evidence that's going to be
19 presented against him in this trial. Your Honor, we
20 thoroughly went over this information several times. I
21 typically have my clients to go through and sign a
22 checklist for me. In this case being that we were going
23 forward with a trial, Mr. Inman has elected not to sign
24 this information.

25 However, Your Honor, I would like to at least

1 put on the record that Mr. Inman does know the charges in
2 which he is facing. He does know the maximum sentence in
3 each charge. The charges also have fines, he is aware of
4 that as well. At this time, Mr. Inman has reviewed all of
5 the information that we have available to us, which would
6 include the indictment, incident report, photographs, all
7 statements. At this time, we've also spoken in depth, in
8 detail with Mr. Inman and his family. Your Honor, we
9 followed all the leads that he's provided. All the
10 witnesses that he's ask me to have present for him. We've
11 done that information, Your Honor. We thoroughly spoke
12 with Mr. Inman. And he's very well aware of his rights.
13 And we just wanted to put that on the record since there
14 was not any signed documentation indicating that he was
15 aware.

16 THE COURT: All right.

17 MS. SELLERS: And from our understanding, it is
18 Mr. Inman's wish to -- if I could have one moment.

19 THE COURT: Yes, ma'am.

20 (WHEREUPON, a pause in the proceedings.)

21 MS. SELLERS: May we approach briefly, Your
22 Honor?

23 THE COURT: Yes, ma'am.

24 (WHEREUPON, a bench conference was held.)

25 THE COURT: All right. Solicitor.

1 MR. DANIEL: May it please the Court.

2 THE COURT: Yes, sir.

3 MR. DANIEL: Your Honor, at this time, the State
4 would like to put on the record the offer that has been
5 made in this case. After some lengthy conversation with
6 the family of the victim here, Ms. Mary Alice Stutts, we
7 have offered a plea on everything to 50 years or a
8 recommendation of 50 years with five years consecutive on
9 a possession of weapons charge, that is our offer. That
10 offer has been open for a few days -- since, yesterday ---
11 beg the Court's indulgence.

12 (WHEREUPON, a pause in the proceedings.)

13 MR. REDMOND: Your Honor, if I may interject at
14 this point and just from a practical standpoint, we made
15 that offer that Mr. Daniels just alluded to. And I know
16 there was some discussion about it being open to the end
17 of business day. Here's my concern, because I just don't
18 like being a yo-yo to be quit frank. If he going to
19 accept that offer, I would indicate that it would only be
20 open until Your Honor leaves today. Because if I have to
21 spend the rest of my day working with witnesses and
22 preparing, which I'm fully and more than willing to do at
23 this point, I don't see us coming back tomorrow morning
24 and him getting the same thing we offered. And so at this
25 point, I guess, I'm interjecting that from that...

1 standpoint. We've had plenty enough time to discuss this.
2 And if it's gone happen, it happens before -- of course, I
3 can't control what the Court would ultimately give him,
4 but as it relates from the State's recommendation, the
5 Court has to be gone before 12:30 or one o'clock if we're
6 gone shut down today around that time. Then if he's gone
7 plea to what we recommend, it needs to happen before then.
8 Because at that point, I don't see any more. I just don't
9 see me going through and Mr. Daniel going through work
10 that it would require, which we are more than willing to
11 do, but then to come back this morning -- tomorrow morning
12 and say, okay, we gone give you the same thing. That's
13 just not normally my policy, Your Honor. And I think in
14 fairness to the victims and quite frankly in fairness to
15 myself and Mr. Daniel, I don't think we should let him
16 jack us around any more. So if he's going to take it, it
17 happens today.

18 THE COURT: All right. Obviously, Ms. Sellers,
19 what Mr. Redmond has just shared with the Court is
20 obviously news to us as well as to everybody cause he's
21 just prepose that. But as far as the contents of the
22 offer that they've made, have you conveyed that to
23 Mr. Inman and discussed with him what the offer -- not the
24 time frame we just discussed, but the offer that they just
25 discussed. Have you discussed that with your client?

1 MS. SELLERS: Yes, Your Honor. On yesterday
2 afternoon, Your Honor, I was approached and offered these
3 five years -- 50 years with five years consecutive for the
4 weapons charge. And I did speak to Mr. Inmann about that.
5 I also spoke with him again and reminded him of the fact
6 that he's also facing the weapons charge in itself, which
7 carries up to five years. He's also facing murder, which
8 carries a maximum sentence of life. The armed robbery,
9 which carries ten to 30 years. The kidnapping, which
10 carries up to 30 years. He has a burglary first that
11 carries a minimum of 15 years, maximum of life. He also
12 has a grand larceny that carries up to five years and a
13 fine at the Court's discretion. He has a criminal
14 conspiracy, which carries a maximum penalty of five years.
15 Your Honor, I went through and I calculated all of the
16 time that Mr. Inman is possibly facing. And he does
17 understand that he's facing possibly two life sentences
18 and up to, I believe, 75 years. And I disclose that
19 information to Mr. Inmann, not only to Mr. Inman, but also
20 to his mother, Gladys Inman, has been present in the
21 courtroom throughout the proceeding as well as his sister,
22 Sholanda Inmann. We all sat down at length on Wednesday
23 and spoke about this issue, the recommendation and also
24 this morning spoke about the recommendation.

25 THE COURT: All right. Mr. Inman ---

1 MS. SELLERS: Your Honor, I've also explained
2 his rights that he has -- he can reject this offer at any
3 time and he can exercise his Constitutional Right to
4 proceed with the trial. And it's solely his decision as
5 to what course of action we would pursue.

6 THE COURT: All right. Mr. Inman, you
7 understand the recommendation the State has made in
8 exchange for a plea? Do you understand that
9 recommendation?

10 (WHEREUPON, a pause in the proceedings.)

11 THE COURT: In other words, all I'm asking is
12 simply this, do you understand that the State has offered
13 to recommend to the Court that if you enter a plea on
14 these charges, that they would recommend to the Court -- a
15 couple of the charges carry up to a life sentence. You
16 understand that? And on those charges and what you also
17 need to understand is that in South Carolina, a life
18 sentence is non-parolable. So in other words, life in
19 fact does mean life. Is that -- someone who receives a
20 life sentence would spend the remainder of their life in
21 the department of corrections. Their offer is that they
22 would recommend to the Court that the Court not sentence
23 you to a life sentence if you were to plead but to
24 sentence you to a term of 50 years. And on the weapons
25 charge, a five year sentence to run consecutive, that's

1 the offer they've made.

2 MS. SELLERS: Your Honor, if I may just briefly
3 explain.

4 THE COURT: Yes.

5 (WHEREUPON, a pause in the proceedings.)

6 THE DEFENDANT: Your Honor.

7 THE COURT: Yes, sir.

8 (WHEREUPON, a pause in the proceeding.)

9 THE COURT: All right, here's the thing this
10 court has held that jury back there long enough. You
11 understand their offer, Mr. Inman?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. And you understand that
14 Mr. Redmond, as an officer of the Solicitor's office, as
15 the deputy solicitor has indicated that that offer is
16 available to you if you decide you would like to accept
17 that offer today. That if you decide that you do not want
18 to accept that offer that is fine, then we'll proceed.
19 We'll bring the jury out and we'll proceed with the case.
20 But that offer will then be removed from the table. They
21 will no longer make that offer, that's not to say that you
22 could never change your mind and decide to plea. That's
23 always your decision, all right. Whether or not you plead
24 is always going to be your decision. What Mr. Redmond is
25 indicating, however, is that once we begin this trial and

1 start this case, that the recommendation from the State is
2 no longer going to be available. They're no longer going
3 to make a recommendation. That doesn't mean that the
4 Court can't sentence you to whatever I think is
5 appropriate. It has no bearing on what the Court does.
6 It's just that the State is going to no longer be willing
7 to make that recommendation. You understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Now, and I'm not trying
10 to be impatient at all. As a matter of fact, we been very
11 patient. This is not the first time that that offer has
12 been extended and there's been discussions. And so I'm
13 going to start this case. And again not trying to put
14 anybody under pressure, but I've got a jury sitting back
15 there that's been sitting back there now for an hour and
16 40 minutes and it's time to begin this case. And so we're
17 going to start this trial. I am going to take a short
18 recess right now to give court personnel and folks who are
19 in the court an opportunity if they need to use the
20 restroom to do that. And then we'll start in about five
21 minutes, we'll come back and start. Court will be in
22 recess for about five minutes. Those of you that need to
23 use the restroom or get something to drink, we'll do that
24 and we'll get started.

25 (WHEREUPON, a break was taken.)

1 THE COURT: All right.

2 MR. DANIEL: Your Honor, I believe we have a
3 plea.

4 THE COURT: All right. I would ask you if you
5 would place Mr. Inman under oath please.

6 THE CLERK: If you would, Mr. Inman....

7 THE COURT: All right, listen up, listen to me.
8 I need your attention so that this matter can be done in
9 an appropriate fashion. Mr. Inman.

10 All right, take her out of her if she's not
11 going to listen to me. Leave him alone. Let her stay.

12 Ma'am, I want you to listen to me. I'm giving
13 you one chance, okay, not a bunch of chances. You got one
14 chance. I'm going to ask you to listen to me and in my
15 world when people listen to somebody, they'll be looking
16 at them. They're not looking around the courtroom. You
17 have the right to be here unless I determine that you are
18 being disruptive. If I determine you are being
19 disruptive, I'm going to have you removed from the
20 courtroom. Do you understand that?

21 GLADYS INMAN: Yeah. My son he wanted to tell
22 me something before y'all started.

23 THE COURT: I understand this is your son and I
24 understand that. And we have -- when I say, we, I'm
25 talking about this court. We have got a jury ready to go.

1 We ready to proceed. The offer to enter this plea has
2 been on the table for some time now. And Mr. Inman can
3 either accept that or you can go to trial, one way or the
4 other. It is now time to do one of the other. It has
5 been indicated to the Court that Mr. Inman wishes to enter
6 a plea. I'm trying to respect that.

7 Mr. Inman, I'm going to ask you if you would to
8 give your attention to the clerk while she places you
9 under oath, sir.

10 THE CLERK: Would you raise your right hand. Do
11 you solemnly swear or affirm the testimony you're about to
12 give the Court is the truth, the whole truth, and nothing
13 but the truth so help you God?

14 THE COURT: Bring the jury out. I'm not going
15 to accept a plea. Mr. Inman has no interest in pleading.

16 THE DEFENDANT: Your Honor.

17 THE COURT: Yes, sir.

18 THE DEFENDANT: I didn't know, my mama ---

19 THE COURT: Let me tell you is this, Mr. Inmann.
20 I understand -- what I will tell you is this is that if
21 you want to enter this plea, we'll go forward and do that,
22 if you want to. No one's going to force you to do this,
23 okay. This is a decision that you have to make, sir. And
24 I don't want to sound cold or unfeeling, but this is the
25 decision that every person, not just you, any person that

1 comes before the Court has to make this decision on their
2 own. They can listen to their parents. They can listen
3 to their lawyer. They can listen to other folks, but what
4 it comes down to actually making the decision, it has to
5 be a decision that the individual makes. And the reason
6 is this, if I'm facing these charges, if I'm the one where
7 you are right now and I'm listening to my wife and my wife
8 is telling me something, and instead of doing what I want
9 to do or what I think I'm going to do, I will listen to
10 what my wife wants me to do. Here's what the reality of
11 it is, if it doesn't go the way I want it to, my wife's
12 not serving any time in jail. My wife isn't serving the
13 time, I am. And that's why it's important that I listen
14 to my heart. I don't know who you've talk to or whatever.
15 If you are concerned and you can tell me if you are or
16 not. If you are concerned that after this plea, if this
17 plea goes forward, that you want have an attorney to speak
18 to your mother, I can tell you this, when we are done, I
19 will provide and instruct law enforcement to give you an
20 opportunity to meet with your mother and your sister
21 before you leave. I will give you that opportunity. So
22 if that's your concern, I want you to understand that I
23 will give you an opportunity to meet with your mom and
24 your sister. But I don't want you to do anything that you
25 don't want to do, okay. I'm here to protect your rights,

1 okay. And that's what I want to do and that's what I'm
2 going to do. So it was indicated to the Court that you
3 would like to accept the State's offer and enter a plea
4 and I'm willing to do that. But if that's not true, then
5 we got a jury and we're ready to start this trial. Now,
6 you need to tell me what you want to do. All right,
7 here's what I'm going to do and this is the last time I'm
8 doing this and then we are going to plead or trial.

9 Ms.. Sellers, I'm going to give you five minutes
10 with your client and with his family and then that's it.
11 We're going forward with the trial or we're going forward
12 with a plea. And I'm not going to have anybody sit here
13 and say Mr. Sellers -- not Mr. Sellers.

14 Mr. Inman, if you decide to enter a plea, I'm
15 not going to listen to you say, well, Judge, I didn't get
16 a chance to do all I wanted to do. I'm giving you that
17 chance.

18 Now, you have a room that you can get in?

19 MS. SELLERS: Yes, sir, we can use the same room
20 we used yesterday and this morning.

21 THE COURT: Go do it and I'm holding to the five
22 minutes.

23 GLADYS INMAN: I appreciate that.

24 THE COURT: Ma'am, I don't know what you intend
25 to do, but I'm going to tell you right now, do yourself a

1 favor if you love that boy, take your feelings out of it
2 and you think about him. His best interest, not yours.

3 Mr. Inman, sir, let me give you some advice, I
4 love my mother as much as anybody I've ever loved before.
5 And so I don't ever encourage anybody to not listen to
6 their mama because I'm going to listen to mine. But I
7 will say this, under this situation, I'm going to hear my
8 mama and I'm going to listen to her, but I'm going to do
9 what I think is in my best interest not what mama thinks.
10 You go and take the time you need within five minutes and
11 then we're going to get started.

12 MS. SELLERS: Thank you, Your Honor.

13 (WHEREUPON, a break was taken.)

14 THE COURT: Mr. Inman, you wish to proceed with
15 a plea or a trial, sir? Do you want to go forward with a
16 guilty plea or do you want a jury trial?

17 THE DEFENDANT: Plea.

18 THE COURT: All right, sir. You have the
19 paperwork?

20 MR. REDMOND: Yes.

21 THE COURT: Mr. Inman, I'm going to go over with
22 you some questions and what I'm going to really need you
23 to do, I'm going to need you to focus on my questions.
24 All right, sir.

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Now, Mr. Inman, here's the thing,
2 we're not going to be able to do this. You have to listen
3 to my questions. You have to answer my questions. And
4 they have to be your answers, not your mother's answers
5 but your answers. And you need to speak loud enough so
6 that the court reporter can hear you because this is a
7 court of record. And, Mr. Inman, what's happening here is
8 to protect your rights. The record that Ms. Reed is
9 taking down is for your protection, so it's important that
10 she hear your responses. Am I correct that you want to go
11 forward with a plea?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: All right. I need you to speak a
14 little louder please.

15 THE DEFENDANT: Yes.

16 THE COURT: All right, sir. Now, I'm going to
17 go over ---

18 THE DEFENDANT: I got a question I got to ask
19 you.

20 THE COURT: Yes, sir.

21 THE DEFENDANT: If I plea, I can go back on
22 appeal?

23 THE COURT: I'm sorry.

24 MR. DANIEL: I would like to schedule an appeal.

25 GLADYS INMAN: He trying to say if he plead

1 guilty, could he go on appeal? That's what he trying to
2 explain -- the lawyer explain to him about that if he
3 plead guilty.

4 THE COURT: Ma'am, I'm going to let you stay in
5 here as long as you aren't disruptive and I don't really
6 need to hear from you at all right now. I will give you
7 an opportunity to speak to the Court when the time comes,
8 but he's got a lawyer. And you know what and Mr. Inman,
9 I'll tell you this too, not only do you have a lawyer, you
10 have an outstanding lawyer. She is as good a lawyer as
11 there is. And what I will tell you is this, you do have a
12 right to appeal, all right. And that's going to be
13 covered when I go over your rights with you. I'm going to
14 go over your rights with you, okay. And here's what I'm
15 going to ask you to do for me, I'm going to have to ask
16 you a series of questions. If you have any question about
17 anything, I ask you and you need to talk to your lawyer,
18 let me know and I'll give you that chance to speak to her.

19 Now, what I want you to understand first is that
20 when anybody enters a plea, that for purposes of the plea,
21 they give up certain Constitutional Rights. Now, but
22 before I go into that, I just want to sure you understand
23 what the charge is that the State has made and what the
24 possible penalties are. Now, keep in mind, when I tell
25 you what the possible penalties are on these charges,

1 that's not what I'm saying is going to happen. I'm just
2 letting you know what the possible penalties are. All
3 right. Now, under indictment 2009-1210, you been charged
4 with the offense of murder and that carries a sentence of
5 anywhere from 30 years up to life. Do you understand
6 that? And I need you to answer out loud.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay. And under indictment 09-211
9 that is a charge of possession of a weapon during the
10 commission of a violent crime and that charge carries a
11 maximum penalty of up five years. Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And on indictment 09-1212, that is a
14 charge of burglary in the first degree and that charge
15 carries a sentence of not less than 15 years up to life in
16 prison. Do you understand that?

17 THE DEFENDANT: (No response.)

18 THE COURT: 2009-1213 is an indictment for
19 kidnapping, which carries a maximum penalty of up 30
20 years. Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right, sir. The charge of arm
23 robbery is on indictment 2009-1214 that carries a penalty
24 of not less than ten years nor more than 30 years. Do you
25 understand that, sir?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. And the charge of grand
3 larceny in an amount valued at over \$5,000 carries a
4 maximum penalty -- that's a ten year statute or is it five
5 under the new?

6 MR. REDMOND: Grand larceny?

7 THE COURT: Yes.

8 MR. DANIEL: Five.

9 THE COURT: If it's valued at over \$5,000.

10 MR. DANIEL: Right. Five years and then a fine
11 in the Court's discretion.

12 THE COURT: All right. You understand that,
13 sir?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, 09-1217 is an indictment for
16 criminal conspiracy which carries a maximum penalty of up
17 to five years. Do you understand that, sir?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Mr. Inman, understanding the nature
20 of the charges against you and the possible punishment
21 that is associated with these charges, how do you plead to
22 these charges guilty or not guilty? Is this under Alford?

23 MR. REDMOND: It's under Alford. And I do need
24 to make a correction? It's actually the grand larceny is
25 under the ten year statute since it's over \$5,000.

1 THE COURT: You understand that the grand
2 larceny charge carries a maximum penalty of ten years,
3 Mr. Inman, you understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right, sir. Now, it is my
6 understanding that you are entering these pleas under the
7 case of North Carolina vs. Alford; is that correct, sir?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Now, have you talked with
10 Ms. Sellers about that and what that means when you enter
11 a plea under North Carolina vs. Alford?

12 THE DEFENDANT: (No response.)

13 THE COURT: Let me do this, Mr. Inman, let me
14 tell you what my understanding is of an Alford plea and
15 then you can tell me if it matches what you understand,
16 okay. When somebody enters a plea under North Carolina
17 vs. Alford, what they're saying is this, they're saying,
18 Judge, I'm pleading guilty to these charges, but I'm not
19 admitting that I done anything wrong. What I'm doing is I
20 am accepting the State's offer because it is my concern
21 that if I went to a jury trial that the evidence that the
22 State has would likely end up convicting me. So to avoid
23 that situation, I'm asking the Court to accept my plea of
24 guilty under North Carolina vs. Alford because I want to
25 accept the offer that the State has made, that's what a

1 plea under North Carolina vs. Alford means. Is that your
2 understanding, sir? I need you to answer out loud. Is
3 that your understand of Alford plea?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: In other words, you're pleading
6 guilty, but you're not admitting that you done anything
7 wrong.

8 THE DEFENDANT: What you say about the right to
9 plead and my Constitutional Rights?

10 THE COURT: Well, I'm going to get into your
11 rights in just a minute, okay. But is that your
12 understanding of an Alford plea?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Now, Ms. Sellers, you represent Mr.
15 Inman?

16 MS. SELLERS: Yes, Your Honor.

17 THE COURT: Have you discussed with him these
18 charges that he is facing and his Constitutional Rights to
19 a trial?

20 MS. SELLERS: Yes, Your Honor. We've gone over
21 that process and that information thoroughly since my
22 appointment in August of last year.

23 THE COURT: All right. And you've discussed him
24 what it means to enter a plea under North Carolina vs.
25 Alford?

1 MS. SELLERS: Yes, Your Honor. We have
2 discussed that in great detail this morning and as well
3 yesterday.

4 THE COURT: Now, Mr. Inman, when someone pleads
5 under Alford, as I told you, they are entering a plea, but
6 they are not admitting to any wrongdoing. But what you
7 need to understand and it's important that you understand
8 this and that is this that whatever sentence the Court
9 imposes that you would serve that sentence just like you
10 would any other sentence. You understand that?

11 THE DEFENDANT: Say that again.

12 THE COURT: In other words, the fact that you've
13 entered a plea under Alford that doesn't change what
14 sentence the Court imposes. Whatever sentence the Court
15 imposes, you'd serve that sentence just like if you pled
16 guilty straight up. You understand that? It doesn't
17 change your sentence.

18 (WHEREUPON, a pause in the proceedings.)

19 THE DEFENDANT: (Shook head in the affirmative.)

20 THE COURT: All right. Now, I'm going to go
21 over with you your Constitutional Rights. I want you to
22 listen carefully. Everybody that has criminal charges
23 against them, everybody that has criminal charges against
24 them has the right to remain silent and has the right to a
25 jury trial. But if you enter a plea under Alford then for

1 purposes of your plea, you give up your right to remain
2 silent and you give up your right to a jury trial. You
3 understand that? You need to answer yes or no out loud.
4 You understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. Now, associated or along with
7 your right to a jury trial are other rights. For example,
8 let me give you an example, if you decided to go forward
9 with your jury trial, then you would be presumed innocent
10 of these charges. And the State would have to prove your
11 guilt. And they have to do it beyond a reasonable doubt.
12 And the way they would try to do that is during that
13 trial, they would call witnesses to the witness stand.
14 Those witnesses would be placed under oath and they would
15 testify against you. The law says that every person who's
16 charged with a criminal offense has the right to face
17 their accusers or to question their accusers. And what
18 that means is this? That if you had a jury trial, you
19 would have the right through your lawyer, Ms. Sellers, you
20 would have the right to question the State's witnesses, to
21 ask them questions about their testimony in front of the
22 jury. You understand that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Okay. But when someone enters a
25 plea, they give up the right to confront the State's

1 witnesses. They no longer have the right to question the
2 State's witnesses, so they give that up. You understand
3 that?

4 THE DEFENDANT: So if I plea, I'm basically
5 saying I'm guilty.

6 THE COURT: No, that's not what I said. You're
7 entering a plea -- you're entering a guilty plea, but it's
8 under North Carolina vs. Alford. And what that means is
9 is that you're saying the Court, Judge, I'm pleading
10 guilty, but I'm not admitting that I've done anything
11 wrong. You understand that? Do you?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: All right. Now, you understand
14 though when you enter a plea under Alford, that you'd give
15 up your right to a jury trial and you want to have an
16 opportunity to question the State's witnesses. You
17 understand that?

18 THE DEFENDANT: (Shook head in the affirmative.)

19 THE COURT: Now, the State's not the only one
20 that could call witnesses if you had your jury trial, you
21 could call witnesses in your own defense. You could call
22 witnesses to the witness stand and have them testify or
23 you could take the witness stand and you could testify, if
24 you wanted to do that. You could do either one of those
25 things or you could do both of those things if you wanted

1 to. But also, Mr. Inman, you don't have to do anything.
2 In other words, you could exercise your right to remain
3 silent and you could not testify at all. Do you
4 understand that? I need you to answer out loud, sir.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. Now, if you did that, if you
7 choose not to testify, I would tell the members of the
8 jury that they could not hold that against you in any way.
9 I would tell the jury that that is your Constitutional
10 Right and the fact that if you choose not to testify it
11 could not be used against you at all. I would tell them
12 that they could not even talk about it in the jury room.
13 Do you understand that? Yes or no?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Okay. Now, the State I told you
16 earlier that if you had a jury trial, the State has the
17 burden of proof, they have to prove your guilt. You don't
18 have to prove anything. And the way they go about trying
19 to do that is they bring witnesses in and all that. We
20 talked about that, but there's another thing they have to
21 do. They have to prove your guilt to a unanimous
22 decision. And in other words, for them to find you
23 guilty, they would have to convince all 12 members of the
24 jury that you were guilty. Do you understand that?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: All right. Now, if you had a jury
2 trial, Mr. Inman, and if you did have a jury trial and if
3 you were convicted, you could appeal that conviction to a
4 higher court. You understand that?

5 THE DEFENDANT: (Shook head in the affirmative.)

6 THE COURT: All right. Now, today you're
7 entering this plea under Alford and I want you to
8 understand do you understand that if at the end of this
9 hearing today if you want to appeal my decision here today
10 you can do that, but you have to file that notice of
11 intent to appeal within ten days of today's date. Do you
12 understand that?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: All right. Now, understanding that,
15 you have these rights, but when you go forward with your
16 plea for purposes of your plea and with regards to this
17 trial, you give up those rights and you will not have a
18 jury trial. The only right that you don't give up is your
19 right to appeal. You still have your right to appeal. Do
20 you understand that?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: All right. Understanding these
23 things, do you still want to go forward with your plea
24 under Alford?

25 THE DEFENDANT: I got right to appeal, ain't it?

1 THE COURT: You've got a right to appeal. But
2 do you want to go forward with your plea under Alford?
3 See, Mr. Inmann, let me just share something with you.
4 You're trying to set up an appeal, okay. And that's not
5 the way anybody should go into a plea, okay. Because when
6 someone appeals to a higher court, the court, the higher
7 court is going to look to see if there were any errors of
8 law made. And they may find it, but I'm going to try hard
9 as I can to not make any errors. So what I need to
10 understand from you is are you entering this plea under
11 Alford of your own freewill?

12 THE DEFENDANT: If I plea to an Alford, I still
13 can come back on appeal?

14 THE COURT: You can appeal anything you want to
15 appeal. When you give up your rights, when you give up
16 your rights to a jury trial and all of those rights that
17 are associated with it, you give up all of those when you
18 enter a plea under Alford. But the one right you don't
19 give up is you still have the right to appeal my decision.
20 You understand that? That you don't give up. You still
21 have that. You understand that, okay.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. Now, understanding that you
24 have all of these rights, but that you give them up except
25 your right to appeal, you don't give that up. But you

1 give up all these other rights when you enter this plea as
2 they relate to these charges. Understanding that, do you
3 still want to go forward with your plea? You're not
4 giving up your right to appeal, but you are giving up your
5 right to a jury trial. You understand that?

6 THE DEFENDANT: So when I come back on appeal,
7 ain't gone be no trial.

8 THE COURT: You know, I don't think that
9 Mr. Inman wants to plead.

10 MS. SELLERS: And, Your Honor, we've addressed
11 that issue. I've addressed that issue with him on several
12 times about the basis for an appeal, that it just won't be
13 filing paperwork and he has to find a basis.

14 THE COURT: You don't just file an appeal and
15 the Court hear your appeal cause you filed it. You have
16 to have a basis for it. You have to have -- in other
17 words, you have to be able to show the Court of Appeals
18 that this court has made an error. Nobody -- this is not
19 just about you. Nobody should enter a plea thinking that
20 they're going to win their appeal. Nobody should enter a
21 plea with the idea that I'm just going to appeal it as
22 soon as it's over. And if that's your reason for entering
23 a plea, then I'm not going to accept your plea. You see
24 here's the thing, Mr. Inman, I have to be convinced that
25 you're doing this of your own freewill and that nobody's

1 forcing you to do this. I don't have to accept your plea.
2 I am willing to accept your plea if I feel that this is
3 what you want to do.

4 THE DEFENDANT: Eighty-five percent ain't it?

5 THE COURT: No. You're asking about your parole
6 eligibility. These case are non-parolable offenses.. So
7 they are -- but let me say this to you, Mr. Inman, I can't
8 predict the future. Years ago when a person was found
9 guilty of a crime that carried a life sentence and they
10 got a life sentence, years ago they were eligible for
11 early release after serving 20 years. They were eligible
12 for consideration.

13 Today, nowadays, a life sentence is a
14 non-parolable offense. If you get a life sentence, you
15 serve the rest of your life in prison. The only way you
16 leave the prison is in when you die, that's the way it is
17 today. You're asking me to predict what will it be like
18 in the future, I can't do that. I don't know what it will
19 be like in the future. Here's what I tell everybody,
20 don't enter a plea trying to calculate when you will get
21 out because there's a lot of factors that enter into when
22 somebody's released. And I'm going to wrap this thing up
23 right now and I'm going to stop putting this entire
24 courtroom through this. I'm going to talk to you as
25 straight as I can talk. If you want to enter this plea,

1 then you start listening to this court and you need to
2 understand and your mother and anybody else needs to
3 understand, I know what you think. You think that
4 everybody's out to get you. You think this is a big
5 conspiracy. I can tell you this, it is my goal in life is
6 to make sure that your rights are protected. I don't owe
7 anybody anything, I don't owe any of those folks in Dillon
8 County anything, except I owe every one of them the right
9 to do this job fairly and impartially. So no matter what
10 you may think about other folks, I can assure you this,
11 Mr. Inman, I'm up here trying to protect your rights. And
12 if you want a jury trial, I'm here to make sure you get
13 one and that you get a fair trial. If you want a plead, I
14 will accept your plea if I feel that your plea is free and
15 voluntary.

16 In other words, no one's forcing you to do this.
17 You're doing this because you feel it is your best
18 interest. Now, I'm not going to keep going back and forth
19 you acting like you don't understand anything I'm saying.
20 And it's clear to me that the only reason you're entering
21 this plea is because you think that when it's over, you
22 can appeal it and you're going to get out on an appeal. I
23 can tell you this, if you go forward with this plea and I
24 accept the State's recommendation and I sentence you
25 pursuant to that recommendation, in your best case

1 scenario, the best thing that you can hope for is that
2 you'll appeal my decision and the Court agrees with you.
3 And if they agree with you, you just come back to this
4 courtroom and it starts all over again. You don't get
5 out. You don't go free. The only way you go free is if
6 the State dismisses the case or a jury finds you not
7 guilty. But every other scenario involves you being
8 incarcerated.

9 Now, I will go forward with this plea if you
10 want to enter a plea, but I've had about enough of this
11 questioning about all you care about is your right to
12 appeal. I'm telling you for the last time, you can appeal
13 anything you want to. You don't give up your right to
14 appeal. You got that. But if you go forward with this
15 plea, you will not have a jury trial, you will not
16 confront the State's witnesses. You will not present any
17 witnesses in your defense. In other words, your case will
18 be resolved pursuant to this plea. Do you understand
19 that? Now, do you want to go forward with your plea or do
20 you want a jury trial?

21 THE DEFENDANT: Jury trial.

22 THE COURT: You got it.

23 MR. REDMOND: For the record, that offer is
24 officially gone.

25 THE COURT: I understand, sir. I need you and

1 you would write your name on a piece of paper and pass it
2 out to me, so I'll have that information, okay. So,
3 ladies and gentlemen, everyone else remain seated while
4 the jury is excused.

5 (WHEREUPON, the jury retire to the jury room.)

6 THE COURT: We'll be at ease for about five
7 minutes.

8 (WHEREUPON, a break was taken.)

9 THE COURT: All right. Before we begin, let me
10 just let you know that I was passed the information that
11 juror number 60 David K. Cox has been elected has been
12 elected as the foreman of the jury. Anything we need to
13 take up before we bring the jury back out from the State?
14 Anything from the State before we get started?

15 MR. DANIEL: I'm sorry, Your Honor. Nothing
16 from the State.

17 THE COURT: Defense.

18 MS. SELLERS: Just briefly, Your Honor. The
19 issue involving the last juror, the alternate placed in
20 the jury pool.

21 THE COURT: That would Tonya Brown juror number
22 37.

23 MS. SELLERS: Ms. Tonya Brown did indicate after
24 being placed on the jury that she read some accounts
25 pertaining to Mr. Inman in the paper. I spoken with my

1 MR. DANIEL: Thank you, Your Honor. May it
2 please the court.

3 THE COURT: Yes, sir.

4 MR. DANIEL: The State calls Investigator Jason
5 Turner.

6 THE COURT: All right. Investigator Turner if
7 you please come stand to be sworn.

8 THE CLERK: Do you solemnly swear or affirm the
9 testimony you're about to give the court and jury on this
10 case is the truth, the whole truth, and nothing but the
11 truth so help you God?

12 THE WITNESS: I do.

13 THE CLERK: Please be seated and state your name
14 for the record for the court, please.

15 THE WITNESS: Larry Jason Turner.

16 WHEREUPON,

17 L. Jason Turner,
18 after first having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. DANIEL:

21 Q Investigator Turner, with whom are you employed?

22 A City of Dillon Police Department.

23 Q And how long have you been so employed?

24 A Fifteen and a half years.

25 Q And how long have you been an investigator?

1 A Since, May of 1999 about 11 years.

2 Q Investigator, how did you first become aware of the
3 situation involving Ms. Stutts?

4 A I was notified by Officer Norris. She's a patrol
5 officer in our department. She gave me a briefing as to
6 what she saw and what she learned and about the missing
7 person part. And there was some information at the scene
8 that I needed to look at. And as a normal response, I
9 responded to the scene.

10 Q And when you got to the scene who was there?

11 A When I got to the scene Deputy Michael Barfield,
12 Bobbi and Ricky Lee. And there may have been a couple of
13 other people, but those were the three primary people that
14 I dealt with once I got there.

15 Q Okay. And to your knowledge from the time Crystal
16 Norris got there, was there always someone of law
17 enforcement there at the scene.

18 A To my knowledge, there was.

19 Q Okay. What did you see when you arrived?

20 A When I arrived, obviously, Michael Barfield, the
21 deputy, walked up to me before Mr. and Mrs. Lee. He gave
22 me a run down, which was basically the same run down that
23 Officer Norris had given me at the station. I walked over
24 to Bobbie and Ricky Lee and asked them to resite to me
25 exactly what they had seen and what they found that

1 morning. And based on what they told me, I observed an
2 empty driveway to the left side of the house. Now, the
3 door was closed, but Mr. Lee had told me that the side
4 door had been left open when he got there that morning.
5 Inside the house, once inside the house from that side
6 door, I observed a -- I hate to use the word immaculate,
7 but everything in the house had its place, everything was
8 in its place, tidy. It had its place is the way I would
9 word it. The only thing that looked out of place was when
10 you walk in the door there was a void on the wall and
11 Mr. Lee pointed out that there was a key rack on the --
12 there was now sitting on the table that would have been in
13 that void. I walked outside around to the back of the
14 house and I observed a stroller and a chair and what
15 appeared to be a female, a lady shoe.

16 Q When you saw these things, what did you do?

17 A My first observation was when I walked down the
18 driveway beside the house, went into the house and when I
19 came out, I continued on that path on the driveway by the
20 house as you come around side of the house. When I saw
21 the shoe, I, from my training saw what appeared to be a
22 small drag mark leading up to that shoe, what was my first
23 red flag on we may have something more than a missing
24 person case, but I did not tell anybody. I looked back to
25 my right toward Calhoun Street and you could see tire

1 tracks that appeared out of -- that had an awkward angle
2 to it going to the back of the house and it looks like --
3 it pulled out and when it pulled out, it did not pull
4 straight out the driveway because there were tire marks
5 offset from the driveway that actually goes over some
6 shrubbery in the front yard, side of the front yard. And
7 that was my second red flag that something's not exactly
8 right.

9 Q Okay. So when you saw these things that indicated to
10 you that things weren't exactly right, what did you then
11 do?

12 A What I did was I asked Mr. Lee to go back to the
13 front into the roadway Calhoun Street outside of the yard.
14 I asked Deputy Michael Barfield to get crime scene tape
15 and rope off the whole house. I notified my chief and my
16 assistant chief of my findings. I notified my partner,
17 James Hayes, my other partner, Lorenzo Owens. And as a
18 result of my notifying, Assistant Chief McClam, he
19 notified SLED crime scene.

20 Q Okay. With the Court's permission, Investigator, I
21 like for you to step down to look at a few of these.
22 Would you mind coming on this side. What is that a
23 picture of?

24 A This a photograph of the front of Ms. Mary Alice
25 Stutts house from the roadway.

1 Q Okay.

2 A This is also a photograph of Ms. Mary Alice Stutts'
3 house. This would be if you're facing the house to the
4 left side capturing the driveway. And the -- what I would
5 refer to as the side door to the house or the main door to
6 the house.

7 Q Okay.

8 A This would be a zoomed in or closer shot of that door
9 going into the house on the left-hand side if you're
10 facing Ms. Mary Alice Stutts' house. As you come around
11 the corner from that door, that side door as you walk
12 around the corner of the house, this would be a shot
13 coming around the corner of that house going into the
14 backyard.

15 Q Okay.

16 A This would actually be a few steps that a progression
17 of photos. As you come around, that first photo would
18 have been taken at this angle. This photo was taken at
19 more of a 90-degree angle capturing a little attachment
20 shed to the back of the house, lawn mower and water hose
21 and a box or some type of object right here capturing all
22 this information just around the corner of the house. The
23 last photos you seen were taken from this side over here
24 pointing towards the camera. This is a photograph on the
25 opposite side in the backyard shooting back across to

1 where those previous pictures were shot from. This is
2 simply a progression around the house and now on this side
3 shooting back towards the driveway.

4 Q And when you got there, did you see these things out
5 in the yard?

6 A This is the condition that it was in when I found it.
7 The only change that would have been from when I found it
8 was crime scene tape would have been added to the
9 perimeter?

10 Q Okay.

11 A This is a photograph -- a closer photograph of the
12 stroller type carriage here and the shoe -- a lady shoe, a
13 single shoe. This would be a zoomed in shot of that shoe
14 in the backyard. This is a photograph facing from the
15 backyard towards Calhoun Street. This is the tire mark
16 that was out of sequence with the normal driveway, which
17 would put one tire here and one tire going out over the
18 shrubbery at the top. This is the interior photo. This
19 light that you see right here is daylight from the door,
20 that side door that we're talking about, that main
21 entrance on the side. This photograph is where I took
22 this shot from there's a door right here and immediately
23 to my right would have been the wall where the key rack
24 would have been that void was. This is a photograph of
25 that key rack on the kitchen table. And this is simply a

1 closer up shot of that key rack.

2 Q Okay. That's it. Have a seat back there if you
3 would please, sir. Okay. Investigator, after you called
4 your chief and assistance chief, what did you do next?

5 A The next thing we did was we had to wait for SLED
6 crime scene to get there. They have to come from Columbia
7 or central location, so it takes roughly 30, 45 minutes to
8 an hour to get there. In the meanwhile, we begin -- at
9 this point, there was several law enforcement officers
10 showing up. So it's not one or two people there. At this
11 point, we had numerous law enforcement officers here. And
12 we begin to devise a plan to knock on some doors at some
13 neighbor's houses and trying to see if anybody had seen
14 or heard anything in the neighborhood while we were
15 waiting on SLED crime scene to get there.

16 Q So you are -- I think you just said you interviewed
17 people in the neighborhood?

18 A Well, canvassing the neighborhood trying to see if
19 anyone heard or seen anything or if they had seen where
20 she had left or had seen anything from the night before
21 prior to this morning whenever Ricky Lee had went to the
22 house. Also in those conversations, we reinterviewed
23 Ricky and Bobbie Lee. We're trying to develop a timeline
24 to find out when exactly someone had last seen or last
25 talk to Ms. Mary Stutts. The best we could determine at

1 that time was Josh Lee, the grandson, had taken the car
2 home that prior evening around six, 6:15, 6:30 somewhere
3 in that six to 6:30 time frame. We weren't exactly sure.
4 We knew that there had been several attempts by the family
5 to contact her after that. They were unsuccessful. After
6 we developed between six and 6:30 as the time line, we're
7 just simply trying to get creative at that point. We knew
8 that she had a newspaper, so we were trying to contact
9 her -- the lady who delivers the newspaper that morning to
10 see if she had seen the car there when she got there. We
11 were unable to get in contact with her. None of the
12 neighbors turned up anything. No one had seen or heard
13 anything. So we were still back at point A where 6:30,
14 between six and 6:30 on the prior evening being the
15 initial or last contact -- confirmed contact with Ms.
16 Stutts.

17 Q Okay. So what did you do next?

18 A I'm sorry.

19 Q What did you do next?

20 A What we did next, I think at that point Steven Howe
21 had gotten there had been there with SLED because he
22 assist on the interviews. SLED crime scene came on the
23 scene. They began, you know, doing their thing processing
24 and collecting evidence and taking pictures and asking
25 questions.

1 Q And then at some point, did all of those people
2 leave?

3 A While SELD was processing the crime scene, there were
4 a lot of things going on simultaneously. So when I say
5 this, I don't want you to take it in a sequence of events
6 because a lot of these things could have been happening at
7 the same time. There were still interviews being
8 conducted in the neighborhood by a few of the other
9 officers going down the street. He had SLED crime scene
10 processing the yard and the house to look for any type of
11 evidence that we may have missed with our visual eye.
12 Some of the officers had actually contacted the 9-1-1
13 center to see if they could notify any of the body shops
14 or scrap metal places like Don's Crushing, Lockamy's Scrap
15 Metal to see if anyone tried to bring a vehicle in. As a
16 result of that, a 9-1-1 call comes out that the vehicle of
17 Ms. Mary Alice Stutts had just left Lockamy Scrap Metal in
18 an attempt by two individuals to scrap the car.

19 Q Okay. And when you all received this call, what did
20 everybody do?

21 A Every law enforcement officer at the scene besides
22 myself, someone had to maintain the crime scene. Every
23 law enforcement officer left the scene in pursuit of that
24 vehicle.

25 Q Okay. And you stayed at the scene to make sure it

1 was secure?

2 A I stayed at the crime scene. I was the only law
3 enforcement officer who stayed behind.

4 Q What happened next?

5 A As a result of that information, I was able to
6 monitor the police radio. I learned that two individuals
7 were ---

8 MS. SELLERS: Objection, Your Honor, that is
9 going to be hearsay.

10 THE COURT: Sustain.

11 BY MR. DANIEL:

12 Q Tell the jury what you did next? You're at the crime
13 scene. You're making sure it's secured and everybody is
14 gone on a chase. What do you do next?

15 A The next thing I do while I'm waiting, my assistant
16 chief, a couple officers start coming back. And my assist
17 chief notifies me that I need to go to the task force
18 office to interview an individual that was in Ms. Mary
19 Alice Stutts' car.

20 Q Okay. So you go to the task force office, but before
21 we get to that, in your experience as an investigator have
22 you ever investigated cases involving a similar car?

23 A I have.

24 Q And you remember what kind of car this was?

25 A If I'm not mistaken, it was a 1999 Toyota Camry, '98,

1 '99 Toyota Camry.

2 Q In your experience in investigating cases with
3 similar cars, what is the approximate value of that car
4 have been?

5 A I actually own a 1998 Toyota Camry exactly like Ms.
6 Mary Alice Stutts. I'm not sure if her's is a '98 or '99,
7 but her's was white. And my mine is actually a champaign
8 color or tan color, so I have a car almost identical to
9 what she had. And the Kelley Blue book value of my
10 vehicle because we were fixing to trade it in a couple
11 months ago was \$5200. So if mine's a '98 and her's a '99,
12 I would say her's is a little bit over \$5200.

13 Q Okay. So you go back to the task force because you
14 been told you need to interview a suspect and what
15 happened?

16 A When I arrived at the task force office, I met with
17 SLED agent Steven Howe, who is a Pee Dee field agent. I
18 meet with -- I learn that John B. John B. Jr., was in
19 that -- was one of the individuals or the individual that
20 was in custody from Mary Alice Stutts' car. Also, I
21 graduated high school with his dad, John B. John B.
22 Sr. I seen him, John B. John B. Sr., and his
23 godmother in there also.

24 Q Okay. And what happened?

25 A As a result of that, we took statement a from John

1 John B. Bridges. We talk with John B. John B. And he
2 took us to the body and gave us a statement, took us to
3 Ms. Mary Alice Stutts' body and gave us a statement.

4 Q Okay. When you say he took you to the body, tell us
5 exactly what you mean by that?

6 A His dad wanted to talk to him first, so we let his
7 dad and godmother go into a room away from us to talk to
8 him.

9 Q You mean first before?

10 A Before law enforcement even had any discussions with
11 him.

12 Q And again, this is John B. John B. Jr.?

13 A John B. John B. Jr. They walk out and say go
14 ahead and talk to him. He's going to tell you what
15 happened. Myself and Agent Steven Howe go in. He's read
16 his Miranda rights. He waives them. We begin asking him
17 some timeline questions and we apparently weren't moving
18 fast enough for him. He stops us and says, look, I'm
19 going to give you a statement, but let me take you to the
20 body first and I'll give you a statement when we get back.
21 So as a result of him telling us that, we stopped what we
22 were doing. We called all of law enforcement that was
23 involved in the case and we formed teams. We put John
24 John B. Bridges in the car with several deputies and
25 policemen. And he showed us the path where Ms. Stutts was

1 abducted from where he ended up on Admiral Drive in Dillon
2 County.

3 Q Okay. At this time, how many individuals are in
4 custody?

5 A There two individuals in custody at this time.

6 Q And who were those two individuals?

7 A John Bridges, Jr., was in custody and Lorenzo Inman
8 was in custody.

9 Q Okay. While you guys are out going to Admiral Drive
10 in Little Rock led by John B. John B. where is Lorenzo
11 Inman?

12 A Lorenzo Inman is at the Dillon County Detention
13 Center.

14 Q Okay. All right. So you're out on Admiral Drive in
15 Little Rock. And Mr. John B. notifies you all as to where
16 Ms. Stutts is and so what happens next?

17 A As he's describing -- as he's telling us where her
18 body specifically is because it's not on a roadway, it's
19 actually off of a roadway, a dirt county maintain roadway.
20 He's narrating to us the participants and their actions.
21 And we were able to observe when you go down Admiral
22 Drive, it's a county maintain dirt road. And it's
23 between two fields and it curves a couple of times and it
24 ends up midway that road. There's a place where there's
25 like a group of trees on both sides of the road. Just

1 beyond that group of trees, you can still see, you can
2 still see partial drag marks probably about 25 or 30 yards
3 from the dirt road into a drainage ditch or some type of
4 field drainage ditch. And once you get to that point, it
5 goes probably I say 50, 75 yards into the wood line in
6 that ditch and he also narrates that him, Lorenzo ---

7 MS. SELLERS: Objection, Your Honor, that is
8 going to be hearsay as well.

9 THE COURT: Sustained.

10 MR. DANIEL: That's fine, Your Honor.

11 BY MR. DANIEL:

12 Q Okay. So after this happens out at Admiral Drive,
13 what does law enforcement do?

14 A We regroup because initially the city was the only
15 entity involved in the county and SLED were to simply
16 assist them. But now that this was in the county, we
17 established that Allen Rogers would be the lead
18 investigator on the county part of it on the potential
19 homicide. And that I would lead the break-in, kidnapping
20 or the abduction part in the city. We decided to go back
21 to the task force and take a statement from John John B.
22 while SLED was called out to Admiral Drive to do
23 processing at Admiral Drive. As a result of conversations
24 with John John B. Bridge's in the case, we learned that we
25 needed to obtain Damian Inman as a third party involved in

1 this incident. As a result of conversations with John
2 **John B.** Bridges, we learned that Damian Inman was in fact at
3 school at Dillon County High School at this time. We got
4 one of our officers to call the school resource officer at
5 Dillon County High School to try and bring him to a secure
6 area at Dillon County. We learn that during this
7 conversation, his mother was actually attempting to check
8 him out in the main office. And our SRO, school resource
9 officer, was able to obtain him from that location before
10 he was able to leave Dillon County High School. And he
11 was taken into custody from THE high school.

12 Q And then at that point, you got how many people in
13 custody?

14 A And now we have three people in custody.

15 Q Okay. All right. At some point, did you take a
16 statement from Lorenzo Inman?

17 A Yes.

18 Q Okay. And then at some point, did you take a
19 statement from Damian Inman?

20 A Yes.

21 Q Okay. Let's talk about the statement given by Damian
22 Inman. Did you witness this statement?

23 A Yes.

24 MR. DANIEL: Your Honor, may I approach the
25 witness?

1 THE COURT: Yes, sir.

2 BY MR. DANIEL:

3 Q First, I'm going to hand you what's been marked as
4 State's Exhibit 57. Do you recognize that?

5 A Yes, sir.

6 Q What is that?

7 A That is a Dillon County sheriff's department or
8 sheriff's office written Miranda form.

9 Q Okay. What is a written Miranda form?

10 A That is an advisement of rights.. Anytime an
11 individual is a suspect or even potential suspect in any
12 crime that you're going to talk to him about, you have
13 read them or advise them of what their rights are. You
14 basically have to tell them you don't have to talk to me.
15 And if you want a lawyer before we talk to you, you can
16 have a lawyer. We have to do it.. On TV, you see it done
17 verbally, but there's also a written form that we prefer
18 to use in South Carolina to make sure that there's not a
19 question of whether or not they understood. And we want
20 to make sure we properly read them their Miranda rights,
21 so there's no question on whether we advise them properly.

22 Q And explain how this form is laid out?

23 A This form is laid out -- this is a -- there different
24 agency letter heads on different forms depending on what
25 agency you use. But they're basically -- there's three

1 sections to a Miranda form. There is a information
2 section, which you're putting down the information of the
3 individual that you're talking to, his or her name, their
4 date of birth, race, sex, their address, just different
5 personal information. The second section is the actual
6 warning of the rights, that's where we actually read. And
7 it's just about like you see on TV. It starts you have
8 the right to remain silent. And there four other warnings
9 beyond that. The third part of this form is called the
10 waiver of rights, that's where we actually look at you and
11 say, Do you understand what we just said and do you want
12 to talk to us. And it's at that point that they have to
13 say yes or no or I want a lawyer or not. So it's broken
14 down into three sections personal information, the warning
15 of your rights, and then the waiver of your rights.

16 Q Okay. Investigator, with the Court's permission, I'm
17 going to ask that you step down and show the jury what we
18 talking about. Is this a form that you talked about?

19 A Yes, sir.

20 Q And whose name is filled out there?

21 A This will be the personal information part that I was
22 telling you about. And on the sheriff's department form,
23 this will be Damian Inman filled in on the personal
24 information side.

25 Q All right. And what's the second section?

1 A This is the actual warning of the rights. This is
2 where we actually read your rights to you based on a court
3 case.

4 Q And what are those markings?

5 A We actually incorporated on regarding our Miranda
6 forms whether it's city, county or any other jurisdiction.
7 If you look at the city form, we actually put our selected
8 number. The sheriff's department has theirs to the right
9 after the actual wording and what we do is we ask the
10 individual to initial it. We advise they're not admitting
11 any guilt or you're not telling us anything or we're not
12 trying to trick you into telling us anything or manipulate
13 you. We're just simply saying that you're telling us by
14 initialing this that we actually read this to you and
15 that's all we're saying when we ask you to initial it.

16 Q Okay. Now, when Damian Inman filled this form out
17 were you present?

18 A I was not present on this form.

19 Q All right. But this form in fact is it initialed by
20 Damian Inman after each line?

21 A There is a D and I after each line.

22 Q Okay. And how many times did you see Damian Inman's
23 signature on that sheet?

24 A On it twice.

25 Q And those witnesses that are there who is that?

1 A Cliff Arnette, he is the captain with the sheriff's
2 department. He's actually supervisor over the
3 investigator of the sheriff's department. This is Roxanne
4 Bethea, she's a lieutenant with the SLED. She's the
5 administrative lieutenant. She actually works out of the
6 Effingham office in Florence, South Carolina. She is a
7 administrative lieutenant with SLED, she's also a
8 supervisor. And it's the same at the bottom the same two
9 signatures.

10 Q All right. I'm going to hand you now -- you can stay
11 right there. What's been marked State's 56. What is
12 that?

13 A This is a voluntary statement form.

14 Q Okay. Is that what you're looking at?

15 A Yes, sir.

16 Q Okay. This is the voluntary statement of whom?

17 A Damian Inman.

18 Q Okay. Before we get into the content of what
19 Mr. Inman actually wrote in this statement. Can we go
20 over what all that stuff is at the top?

21 A On our statement forms kind of like the Miranda form,
22 different agencies may have a letterhead at the top, but
23 time most are universal. It's a voluntary statement form
24 that come with page number one and you can add multiple
25 pages or supplemental forms. But this first page begins

1 with just like on the Miranda form when you put some
2 personal information at the top, you put the date, where
3 you are, whenever you talk with them, you put the time you
4 start. And then it goes -- and it's written in actually a
5 statement form. Do you want me read that or...

6 Q Yes, sir, please.

7 A And what it does, it makes a statement. It says
8 personally appeared before me. And if you put the
9 individuals that you're talking to, Damian Inman, who
10 states: My name is Damian Inman. My address is [REDACTED]
11 South McCarther Avenue, Dillon, South Carolina. And that
12 would apply to whomever you're talking to. We put their
13 date of birth 9-2-1992, social security number by the fact
14 that he left it blank, he probably couldn't remember it.
15 We don't pressure it if they don't remember it, some
16 people just don't know their social security number. So
17 that would have been left blank and we would have asked
18 him for a phone number. And I drew a straight line
19 through it meaning he either didn't have a phone or he
20 couldn't remember the number. I complete the -- I asked
21 him what grade he completed in school. He says he
22 completed the 11th grade. And there's - this is a
23 multiple choice, I can or cannot read or write. And I
24 just simply look at it and say I'm not trying to offend
25 you or belittle you, but just for -- I don't know can you

1 read and write, which he said that he could, so I circled
2 it. It then goes on to say before answering any questions
3 or making any statements and I put my name Detective Jason
4 Turner, a person who has identified himself as a law
5 enforcement officer dually warning advised me and I know
6 and understand that I have the following rights. And this
7 is going to be a repetition of the form that he already
8 signed and waived. So this will be a second time that he
9 got his Miranda rights read to him. But I have the right
10 to remain silent and I do not have to answer any questions
11 or make any statements at all. That any statement I make
12 can and will be used against me in a court or courts of
13 law for the offense or offenses concerning which the
14 following statement is here and after made. That I have a
15 right to consult with a lawyer of my own choice before or
16 at any time during any questioning or statements I make.
17 That if I cannot afford to hire a lawyer, I may request
18 and have a lawyer appointed for me by the proper authority
19 before or at any time during any questioning or statements
20 that I make without cost or expense to me that I can stop
21 answering any questions or making any statements at any
22 time that I choose. And call for the presence of a lawyer
23 to advise me before continuing any more questions or
24 making any more statements, whether or not I have already
25 answered some questions or made some statements. In the

1 final -- there are two final paragraphs in this top
2 section. And it says I do want to talk to a lawyer and I
3 hereby knowingly and purposefully waive my right to remain
4 silent. And my right to have a lawyer present while I
5 make the following statement to aforesaid person. Knowing
6 that I have a right and privilege to terminate any
7 interview at any time hereafter and have a lawyer present
8 with me before any -- before answering any more questions
9 or make any more statements if I chooses to do so. I
10 declare that the following voluntary statement is made of
11 my own freewill without promise or hope of reward, without
12 fear or threat of physical harm, without coercion, favor,
13 without leniency or offer of leniency by any person or
14 person whomsoever. And each section would have been his
15 initial by Damian Inman showing that we went over it.

16 Q Is that an initial at the beginning of both beginning
17 and end of...

18 A We actually ask him to put it at the beginning and
19 the end of each section so there's no confusion.

20 Q All right. Now, just to be clear, you were not in
21 the room when the first Miranda form was filled out, but
22 you were in the room for this?

23 A Right, yes, sir.

24 Q Okay. So you were the one who went through this
25 whole form with Mr. Inman?

1 A Right.

2 Q And you saw him sign -- initial this?

3 A Yes, sir, he did it in front of me.

4 Q Okay. You can have a seat back there if you will.

5 Now, Investigator, did Mr. Inman at any point during your
6 conversation with him when y'all were filling all this out
7 and then when he was writing this statement, when you're
8 going over his rights and all that, did Mr. Inmann ever
9 appear to not know what was going on?

10 A No.

11 Q So in your mind, he understood what was happening?

12 A Yes, sir.

13 Q Okay. Did he appear to you to have any trouble
14 understanding his rights?

15 A No, he did not.

16 Q Did his answer to your questions appear to be
17 rational and responsive?

18 A Yes.

19 Q Did anyone you or any law enforcement agent or
20 anybody else to your knowledge threaten or coerce
21 Mr. Inman into giving a statement?

22 A No, we didn't.

23 Q Did anybody promise him anything in order to get him
24 to give a statement?

25 A We didn't, no, sir.

1 Q Did Mr. Inman from the time you got there and you
2 started doing this, did he ever ask for an attorney?

3 A He did not.

4 Q Okay. To the best of your knowledge, was the
5 statement that Mr. Inman gave, that we're about to go
6 through, was this statement freely and voluntarily given?

7 A Yes.

8 Q And this in fact what you have and what we're looking
9 at here this is in fact a statement that he gave on that
10 day?

11 A Yes, sir, it is.

12 Q All right. At this time, Investigator, I'm going to
13 read the statement. And it's a little bit difficult to
14 understand or to decipher some parts of it. So I'm going
15 to read it as it's written. You please correct me if you
16 think that I'm saying something that's not accurate.

17 A Yes, sir.

18 Q I'm going to read it exactly how it's written, best I
19 can. This is a statement given by Damian Inman. It was
20 me and brother three o'clock, walk down road in
21 Jacksonville. Then I saw the murderer. Then they told me
22 and brother to walk to get the car. Then he said to walk
23 the block to get car around 4:30. Then told us to go to
24 the house and get or he will kill me and my brother if we
25 don't do it. Then John B. went the door and ask the old

1 woman for some water out the water hole. Then he said
2 that he didn't know how to turn the water on, that when
3 she come outside. That when he point the gun to her head
4 to give -- to her to give the money. Then she said that
5 she does have the money. Then she run, then he knocked
6 her down, took her to give him the key or he will kill
7 her. That when told me to drive car in the back. So he
8 told my brother to help him put in the trunk of the car.

9 Page two. Then told us to come with him or he will
10 kill us in car.. Then he when ride through Little Rock in
11 that cut off throw -- I don't know what that says. Throw
12 land road into drop her body off, then open the trunk
13 **John B.** dragged her out the trunk and shot her twice in the
14 head. That drag body in the wood. He told us get the
15 car, told us that if you told on me that he will kill my
16 brother and my mother, that when **John B.** drive the car
17 through Oakland and Riverdale and Newtown and
18 Jacksonville. Then he told to get out the car at the
19 house told me again not to talk. Told my brother to come
20 with him or he will kill him too. Around 10:30 they left.

21 **John B.** told my brother to help drag or he will shoot me.
22 **John B.** told me to put the bag of shell in my house or him
23 kill my mother. Then plan the whole thing. I tried to
24 warrant her but put the gun to my head and told me to stop
25 or he will shot. I was scared that why did say in thing

1 to police because [redacted] John B. said I was going to kill her.

2 Then I thought about came in and then told the truth. Is
3 that an accurate reading of Damian Inman's statement?

4 A Yes, sir.

5 Q And we're looking here at page two. Can you see from
6 there what that is?

7 A Yes, sir, that's his signature.

8 Q And his -- who's that?

9 A I'm sorry Damian Inman's signature?

10 Q And that's on page two. Now, what about here at the
11 bottom of page one?

12 A Yes, sir, that's Damian Inman's signature along with
13 mine and Roxanne Bethea.

14 Q Okay. Investigator, through the course of your
15 investigation and without getting into any specifics or
16 details, were you able to corroborate any of Damian's
17 story that he was forced into doing this?

18 A Was not able to corroborate it.

19 Q After Mr. Inman gives this statement, what do you do?

20 A You mean, immediately or...

21 Q What did you do with Mr. Inman after he gave the
22 statement?

23 A After he gave the statement, he was transported back
24 to the county jail.

25 Q Okay. Investigator Turner, in investigations of

1 crimes, particularly serious crimes, do you ever get calls
2 from inmates who are here at the jail, who claim to have
3 information regarding particular crimes?

4 A Yes, sir.

5 Q And did you get a call from Eddie Boone in this case?

6 A Yes, sir.

7 Q Did you take a statement in fact from Eddie Boone?

8 A Yes, sir.

9 Q Now, generally speaking in situations like this since
10 you get calls all the time, what are some things that make
11 you believe some people out at the jail versus not
12 believing them?

13 A What we have to do -- and it's common practice, what
14 we do when we investigate any case, not just this case,
15 but any case. Especially complicated cases we withhold
16 specifics from the crime scene or we withhold specifics --
17 specific details about each crime so that -- we have to be
18 able to figure out whether someone's telling us the truth,
19 what is their motivation for telling us and why would an
20 individual want to get involved in something they are not
21 involve in. So what we have to do is withhold
22 information. We withhold from the family. There's only a
23 small group of people in law enforcement. It's usually
24 the lead investigator, which in this case there were two,
25 two lead investigators and usually the chief and the

1 sheriff. And what we do is when people tell us about
2 incidents, when we question them, we ask them how they
3 know what they know to be true. And then we take what
4 they tell us is it something that they could have seen on
5 TV or is it something that could have deduced, is it
6 something they could have got an incident report and
7 someone gave them that information or is it something --
8 or is it a fact that we withheld that only a small group
9 of people in law enforcement would have known about and
10 that's how we validate those type of, you know, jailhouse
11 statements.

12 Q And if you can't validate those statements those
13 things come from the jail, do you take statements from
14 those people?

15 A Usually, you're talking about validate prior to
16 taking a statement or validate... Well, it depends if we
17 take the statement first because if we take the statement,
18 we obviously go back and look at the information and
19 corroborate it. If it corroborates, you know, of course,
20 we keep the statement. We never get rid of any statement,
21 but if we get down there and we get to talking to them and
22 we can tell just from their conversation that they don't
23 know what they're talking about, they're just simply
24 trying to figure out a way to get some type of help or get
25 involved for whatever reason, then we don't even take the

1 statement. And we will confront them with it. We will
2 tell them we know they're not telling the truth, but we
3 want tell them why. But we want even take the statement
4 if we can't corroborate -- if we know we can't corroborate
5 it.

6 Q And in this case, did you in fact take a statement
7 from Eddie Boone?

8 A Yes...

9 Q As a result of your entire investigation and the
10 statement you took from John B. John B. from Lorenzo
11 Inman, from Damian Inman, from Eddie Boone and whoever
12 else, you may have taken statements from, what did you do?

13 A I charged Lorenzo Inman, John B. John B. and
14 Damian Inman with criminal conspiracy, burglary first
15 degree, arm robbery, grand larceny, possession of a weapon
16 during the commission of a violent crime -- I can't
17 remember. Can I look?

18 Q Sure.

19 A There's a couple more. I signed warrants on
20 everybody. Kidnapping -- I apologize.

21 Q Finally, what about murder, did you sign a murder
22 warrant?

23 A I did not sign the warrant for murder -- that was
24 actually out of my jurisdiction.

25 Q But murder warrants were signed?

1 A Murder warrants were signed.

2 Q On?

3 A All three individuals Lorenzo Inman, John [REDACTED]
4 [REDACTED] Jr. and Damian Inman.

5 MR. DANIEL: Beg the Court's indulgence.

6 THE COURT: Yes, sir.

7 (WHEREUPON, a pause in the proceedings.)

8 MR. DANIEL: Your Honor, I don't have any
9 further questions for the investigator.

10 Investigator, if you will answer any questions
11 Ms. Sellers may have for you.

12 CROSS-EXAMINATION

13 BY MS. SELLERS:

14 Q Good morning, Mr. Turner.

15 A Good morning, how are you?

16 Q Sergeant Turner, I apologize.

17 A Yes, ma'am.

18 Q Sergeant Turner, you were the lead investigator;
19 correct?

20 A Yes, ma'am.

21 Q And you spoke about your training?

22 A Yes, ma'am.

23 Q You were trained at the South Carolina Criminal
24 Justice Academy?

25 A Yes, ma'am.

1 Q How long is that training?

2 A When I went through it, it was only eight weeks at
3 the time.

4 Q And at that training, did you get any -- taught on
5 how to process a crime scene; correct?

6 A In basic -- in the eight week basic class, they
7 really just kind of touch on it. And what they teach them
8 in basic is simply how to not mess up a crime scene. But
9 I have taken, you know, 50 to 100 hours of advance crime
10 scene training to process scenes.

11 Q Now, in your 15 years of experience, is it typical
12 for you or usual for you at a crime scene to withhold
13 information from other officers? Do you usually withhold
14 information from officers? Do you keep it all to
15 yourself?

16 A Information like?

17 Q That you see at the crime scene? When you go to a
18 crime scene and you look at the information and you look
19 at the items, do you write notations or do you just keep
20 it to yourself?

21 A If you are asking if I withhold from law enforcement
22 ---

23 Q From law enforcement and people that are helping you
24 to assisting you in the investigation?

25 A I don't know if I understand and I apologize. I

1 don't know whether I understand. Will you say it one more
2 time?

3 Q Please disregard it. Did you take a picture of -- I
4 notice you had several pictures. Did you take a picture
5 of that drag mark that was in the yard?

6 A There's actually one photo that -- it was a topside
7 photo.

8 Q Did you take a closer picture of that drag mark?

9 A I attempted to.

10 Q You attempted to, so that means no?

11 A I actually took the picture, but it doesn't capture
12 the drag mark on the photo like I saw with my own eyes.

13 Q Okay. And at that time, you said you noticed that
14 early on in the warrant. Did you ever tell anybody else
15 about it?

16 A I did.

17 Q You did. Is it your report?

18 A I'm sorry.

19 Q Okay. Did you put it in the report?

20 A I don't know, I'm sure I did. I don't -- without
21 looking at my file, I'm confident I did.

22 Q That tire mark that you did, did you do any
23 impressions on that tire mark?

24 A Once we made the determination to call SLED in, we do
25 no processing at that point. We let SLED crime scene

1 handle everything. I didn't do anything, no, ma'am.

2 Q So basically, you just secured the scene then?

3 A Yes, ma'am, that's all I did.

4 Q And all the processing that took place, you were not
5 a part of that?

6 A No, ma'am. No, ma'am.

7 Q So technically, you're not the lead investigator?

8 A I did ---

9 Q With the evidence that was processed?

10 A Oh, crime-scene wise, no, I would not be the lead
11 crime scene, no, ma'am.

12 Q Did you -- when marking off and roping off the house,
13 did you dust for any fingerprints or anything?

14 A No, ma'am, I didn't.

15 Q And when you canvassed the neighborhood, how many
16 neighbors did you speak with?

17 A We actually -- we started at -- cause two houses,
18 she's actually two houses down from Stewart Heights
19 Elementary school. And there was no one in that house,
20 but we started at Ms. Mary Alice Stutts house. We went
21 across the street. And she's actually -- if you look
22 right across the street from Ms. Mary Alice Stutts' house
23 if that road were to continue through right beside the
24 football stadium, it's actually a corner lot. So we
25 actually started at -- Lieutenant Roxanne Bethea's

1 mother-in-law actually lives in the house on the corner
2 and we started at that house across from Ms. Mary Alice
3 Stutts and went to the right, which would have been toward
4 34. And we also was on the same side as Ms. Mary Alice
5 Stutts and went to the right toward Highway 34.

6 Q So how many neighbors did you speak to?

7 A I would say, I only talk to one me specifically.

8 Q Did you ever speak with Mr. Murdock Huggins?

9 A I did not, no, ma'am.

10 Q Did you -- you do know that that's John B. [REDACTED]

11 [REDACTED] grandmother; correct?

12 A I wasn't aware that was her name. I know his
13 grandmother lived in the neighborhood.

14 Q You did know his grandmother ---

15 A I did know his grandmother lived in the neighborhood.
16 I apologize, I'm not sure of her name.

17 Q Okay. Let's go back since you mention John B. [REDACTED]
18 Is it usual -- it's not usual for parents to be at the
19 police department when you are questioning?

20 A You're right, you're right.

21 Q And you went to school with John Henry's father?

22 A I did John Henry, Sr.

23 Q Were y'all friends?

24 A We graduated high school together, but we weren't in
25 the same social circle.

1 Q But you knew each other?

2 A We did.

3 Q You did. And John [John B.] you said took you
4 immediately to the body?

5 A When I say immediately let me say this, you know, his
6 dad and godmother went in and spoke with him for five,
7 ten minutes or so. And then they would have walked out
8 and then myself and Steven Howe would have went in. We
9 would have read Miranda however long it takes to go
10 through Miranda form. And after the Miranda form would
11 have been done with John [John B.] we began asking some
12 timeline questions kind of see where he was the night
13 before. And, you know, roughly, I say within five minutes
14 of initial conversation with John [John B.] he just stops us
15 and that's when he say let me take you to the body. I'll
16 give you a statement, but let me take you to the body
17 first. And then when we get back, I'll tell you what we
18 did.

19 Q Officer Turner, just briefly back at that house.

20 A Yes, ma'am.

21 Q From your experience, everything you said looked in
22 tack; correct?

23 A You talking about ---

24 Q In the home, yes.

25 A Inside the house, yes, ma'am.

1 Q Inside the house everything looked in tact.

2 A Yes, ma'am.

3 Q And despite the items that were -- you indicate were
4 removed out of the trunk besides that, did everything
5 around the house, the tool shed, anything else it all
6 looked in place?

7 A In my opinion, everything else look -- minus those
8 items that were notated everything else look to be in
9 place.

10 Q Okay. So when you went inside the house was it like
11 the television had been removed?

12 A The television was still there.

13 Q Maybe a cell phone?

14 A I didn't remember seeing or notating a cell phone,
15 but nothing appeared to be taken.

16 Q Did you find a purse, a pocketbook?

17 A I don't remember if her purse was there or not.

18 Q Were there multiple televisions in the house
19 remaining?

20 A I know there was a television in the living room.
21 When you walk in, there's a door way. And there's a
22 living room and there was a television in there. And I
23 can't remember if there was one in any of the bedrooms or
24 not, but I do remember the one in the living room.

25 Q So in essence they were definitely things of value

1 still in the house?

2 A Yes, ma'am.

3 Q Number of things of value remain in that home?

4 A Yes, ma'am, there a number of things could have been
5 taken.

6 Q Now, you mention -- let's go back to John **John B.** in
7 that statement. You said you gave him a Miranda warning;
8 correct?

9 A Yes, ma'am.

10 Q That's very important, right?

11 A Right.

12 Q Because if you don't give that Miranda warning or he
13 ask for an attorney, you can't use that statement;
14 correct?

15 A I'm sorry repeat that one more time for me. I been
16 suffering from the flu, I apologize I'm not trying to -- I
17 been feeling bad, I just...

18 Q I'll come a little closer. If you take a statement
19 and you fail to obtain that Miranda waiver, that statement
20 can't come into court and the jury can never hear that?

21 A You're ---

22 MR. DANIEL: Your Honor, object to that.

23 THE COURT: Sustained. You're asking this
24 officer to give a legal conclusion. He's not allowed to
25 do that.

1 BY MS. SELLERS:

2 Q In your instruction in the academy, are you taught
3 the importance of the Miranda waiver?

4 A Yes, ma'am.

5 Q And do you understand that Miranda waiver?

6 A I do, yes, ma'am.

7 Q And based on that knowledge from your understanding,
8 that statement would not come into court?

9 THE COURT: No, ma'am. You're asking him to
10 make a legal conclusion. He's not allowed to do that.

11 MS. SELLERS: Well, I'm actually asking him
12 based on his experience and his training as well.

13 THE COURT: Sustain the objection.

14 BY MS. SELLERS:

15 Q Jason, that Miranda has to be given; correct?

16 A Yes, ma'am. John B. John B. in that instance
17 Miranda would have to be given.

18 Q And in your experience, if an attorney is requested,
19 what happened to your interrogation?

20 A As soon as the word attorney-lawyer, counselor any
21 variation of that word is mentioned, the interview must
22 cease. It's usually notated on the form, the interview is
23 terminated immediately.

24 Q So the interrogation with Mr. Bridges that occurred
25 on the 18th; correct?

1 A Yes, ma'am.

2 Q The day after?

3 A Yes, ma'am.

4 Q And solely based on that information correct,

5 Mr. Inman was then detained?

6 A No.

7 Q No.

8 A You're asking me if Mr. Inman was detained solely

9 from the conversation with John B. John B.

10 Q Yes.

11 A Yes.

12 Q It was?

13 A Yes. I apologize. I misunderstood your question.

14 Q Now, you actually spoke with Mr. Inman two days

15 later; correct?

16 A Mr. Damian or Lorenzo?

17 Q Mr. Damian Inman two days later; correct?

18 A Would have been the 19th. The incident with

19 Ms. Stutts would happened on the 17th and then we would

20 have gotten Lorenzo and John John B. on the 18th. This

21 would have been the 19th.

22 Q So two days later?

23 A Yes, ma'am.

24 Q You detained Mr. Inman. Now, when you met Mr. Inman,

25 did he request an attorney?

1 A Damian Inman?

2 Q Yes.

3 A When I met him?

4 Q Yes.

5 A He made a request for an attorney, yes.

6 Q He did make a request for an attorney?

7 A Yes.

8 Q And at that time ---

9 A The interview stopped.

10 Q Stopped. All right. Somehow you got the statement

11 again though, right?

12 A Yes, ma'am.

13 Q Now, were you talking with the suspects, we're going

14 to go back to your training.

15 A Yes, ma'am.

16 Q Tactics that you use?

17 A Yes, ma'am.

18 Q You said you were trained at the justice academy?

19 A Yes, ma'am.

20 Q Have you received any further training ---

21 A Yes, ma'am.

22 Q --- on interview tactics?

23 A Yes, ma'am.

24 Q And tell the jury what tactic you use?

25 A With Damian Inman, we use no interview tactics. He

1 requested to speak to us. And we already had a statement
2 from John B. John B. We already taken a statement
3 from his brother. He had requested a lawyer. We send him
4 back to the jail. He requested to talk to me. I simply
5 walked in the room, confirmed that he had Miranda reread
6 to him after he requested to speak to us and basically
7 said tell me your version of the story. We've already
8 talked with John John B. and Lorenzo, now you tell me your
9 version of the story. There were no techniques used
10 against Damian.

11 Q My question was what tactics do you use in your
12 interrogation?

13 A There are different types. There's two major types.
14 I've only studied one type, it's called Kinesic. But it's
15 basically taking information that you know for a fact from
16 a crime scene or from an incident and then talking with an
17 individual and asking them questions relating to the time
18 frame or directly to that incident and see if they line
19 up. You know, you got good a cop, bad cop. There's all
20 kinds of techniques you can use.

21 Q When you're speaking with your subjects, are you
22 yelling sometimes?

23 A I don't me personally, I'm talking solely for Jason.
24 I don't choose to use those methods, but I will say that
25 those methods probably have been used before. But now

1 Jason does not use them.

2 Q Most times, Sergeant Turner, when you're taking a
3 statement, there's another officer in the room?

4 A Yes, ma'am.

5 Q Correct?

6 A Yes, ma'am.

7 Q And that officer may be the one doing the yelling;
8 correct?

9 A It could happen.

10 Q It has happened; correct?

11 A I'm sure it has.

12 Q And it does happen?

13 A I'm sure it does.

14 Q And are threats ever used?

15 A Threats? You mean like threatening ---.

16 Q Like threats what of possible punishment may happen.
17 You're going to be gone for the rest of your life are
18 those tactics used?

19 A I don't use threats but...

20 Q In your line of work and in your experience ---

21 A It could happen.

22 Q And it happen; correct?

23 A It could happen, yes, ma'am.

24 Q Okay. What about physical violence or physical
25 threats?

1 A Not in my presence because if another officer made a
2 threat to any individual interviewing, I would stop the
3 interview and ask that officer to step out. That will
4 never happen in my presence. In 15 and a half years, that
5 has never happened. And if I work 15 and a half more, it
6 will never happen in my presence. I've already testified
7 against one law enforcement officer last year. I will not
8 tolerate that.

9 Q So it did happen. You have seen it in your 15 years.
10 You said you just testified?

11 A Well, actually I worked a crime scene against a
12 sheriff's deputy and he ask me to lie for him. I refuse
13 to lie for him. And he went to prison for it.

14 Q And can you explain the interview room. It's not a
15 large room; isn't it?

16 A The one where we talk with Damian?

17 Q Yes.

18 A It's probably -- if you go on the city side -- the
19 task force office it's a multi-building. It's split in
20 half one half the county owns, the other half city owns or
21 rents.

22 Q Well, let me ask you, is it larger than this room
23 here? Is it larger than this jury pool?

24 A And we were actually in Jamie -- Lieutenant Jamie
25 Hamilton's office. And if I had to guess my best guess if

1 you sat from where the back jurors are and came out at
2 best, it's probably from the square of the jury box may be
3 it would come out to this desk here and come out maybe
4 somewhere in here. It's not a large room. If I had to
5 guess, I'd say 15 by 15, 15 foot by 15 foot.

6 Q And unlike Mr. Bridges whose father you know,
7 Mr. Inman's mother or parents were not there on this day?

8 A They were not.

9 Q And through the course of both interrogations, is it
10 fair to say they both lasted about four or five hours?

11 A Both you're talking about ---

12 Q When you talk to him the first time -- when you
13 attempted to talk to him the first time, then the second
14 day lasted about four or five hours?

15 A We talking about Damian, right?

16 Q Yes. I'm solely talking about Damian.

17 A So we talking about Damian. The first time that we
18 talked with Damian, I'd say maybe ten minutes. He was
19 with us maybe ten minutes.

20 Q And then the second time how long did it take two
21 hours?

22 A And I'm going by the time that the Miranda form was
23 started by Cliff Arnette and Roxanne Bethea. They put the
24 time as 5:26 p.m. I begin whenever I take a statement --
25 the reason why the times were on written Miranda form and

1 or statement form, it gives you a timeline of how long
2 Miranda was given 'til the time that they actually tell
3 you or request to give you a statement or opt to give you
4 a statement. At 5:26, the Miranda form was started. At
5 5:29, the final signature was given 5:29 p.m. They came,
6 they talked to him for a couple of minutes. And then he
7 wanted to talk to me, so they went in the other room and
8 got me out of another room and I went in and talk with
9 him. At exactly six o'clock p.m., he choose to give a
10 statement. So from 5:29 p.m to 6:00 p.m., there were 31
11 minutes that lapse from the time he decided to give us a
12 statement.

13 Q Briefly let me ask you about your line of work, you
14 say you get jailhouse snitches to call you, right?

15 A Yes, ma'am.

16 Q And they call you -- they're not calling you to
17 really to be your friend, are they?

18 A No, ma'am.

19 Q Okay. When they call you, they usually want
20 something from you too, right?

21 A Well, yeah.

22 Q They kind of want like some help, some assistance?

23 A Right. Usually, when we get a call from someone at
24 the jail, wanted to give us information on something
25 that's not related to their case. We often wonder that's

1 one of the first questions in our mind, what are they
2 looking to gain from giving me this information, so yes.

3 Q And in your experience you just testified, that
4 sometimes they give you wrong information?

5 A They do. They do.

6 Q And sometimes it's just to benefit themselves?

7 A That's right.

8 Q And that's a very poplar trend; correct?

9 A That tends to happen more than the other, yes, ma'am.

10 Q More than?

11 A More than the truth, yes, ma'am.

12 Q Happen more than the truth?

13 A Yes, ma'am.

14 Q Okay.

15 MS. SELLERS: Beg the Court's indulgence. No
16 further questions.

17 REDIRECT EXAMINATION

18 BY MR. DANIEL:

19 Q Investigator Turner, let's go ahead and start with
20 this Eddie Boone situation. Did you promise Eddie Boone
21 anything to give a statement to you?

22 A No, sir.

23 Q Did anybody promise Eddie Boone anything to give a
24 statement to you?

25 A No, sir.

1 Q Did Eddie Boone receive anything of benefit to him
2 for giving this statement?

3 A He benefitted absolutely nothing for talking with us.

4 Q Investigator, is it common to call SLED into a
5 serious crime scene?

6 A Yes, sir.

7 Q Why do you do that?

8 A SLED crime scene that's all they do. They have
9 advanced training. They have certifications. They have
10 every six months and every year they have
11 recertifications. They're just -- my job is a mixture of,
12 you know, interviews, crime scene. It's a mixture of a
13 bunch of things in general. Their sole job is
14 specifically crime scene. They're trained to look for
15 latents, DNA anything in the crime scene tree, so they're
16 just better at it than we could ever be.

17 Q And here in Dillon, in Dillon County, do any of our
18 law enforcement agencies here have the technology to
19 process those sorts of things?

20 A We have no such lab in Dillon County.

21 Q But they do at SLED in Columbia?

22 A Yes, sir.

23 Q Okay. Let's clear up some dates here. When -- what
24 was the date when Ms. Stutts was put in the trunk of her
25 own car?

1 A That would have been the 17th of August 2009.

2 Q The 17th August 2009. When did the chase happen, the
3 high speed chase in the car?

4 A That would have been the next day the 18th.

5 Q The next day?

6 A August 18th of 2009.

7 Q All right. So the evening of the 17th is when
8 Ms. Stuttts was abducted?

9 A Yes, sir.

10 Q The next morning is when the chase happened. When
11 was Damian Inman arrested?

12 A The same day.

13 Q The same day as what?

14 A The same day as the chase -- when we apprehended
15 Lorenzo Inman and John B. John B.

16 Q Now, when John B. John B. was arrested, how old
17 was he?

18 A If I'm not mistaken, he was 15 at the time.

19 Q Was he charged as a juvenile or as an adult?

20 A He was charged as an adult.

21 Q Initially was he charged ---

22 A I'm sorry. Initially, he was charged as a juvenile.
23 Yes, sir, initially, he was charged as a juvenile. ✓

24 Q Okay. Is it your practice -- what is your practice
25 when you are going to take a statement from a juvenile?

1 A We try to make every effort possible -- I know we're
2 not required to, but I like to have a parent or guardian
3 someone kind of know -- if it were my child, I would want
4 to know that the police were talking to them, so we try
5 and extend that courtesy to parents, guardians kind of let
6 them know, hey, we got your child in custody. And we
7 need -- we wanting to talk to them just as a simple human
8 gesture because we have someone's child in our hands.

9 Q When Damian Inman and Lorenzo Inman were charged,
10 were they charged as juveniles?

11 A Damian and Lorenzo they were charged as adults.

12 Q And why is that?

13 A Because one was 17 and one was 18.

14 Q What's the cut off age?

15 A Seventeen.

16 Q Now, let's talk a little about this request for a
17 lawyer that Ms. Sellers wanted you to talk about.

18 Mr. Damian Inman talk about how the first conversation
19 went down with law enforcement and Damian Inman?

20 A We -- everybody was housed at the detention center,
21 so we had an officer go to the county jail and pick Damian
22 up and bring him up first. He came into the room and we
23 sat him down and explain to him that we wanted to talk to
24 him about why he was incarcerated and that we needed to
25 read him his rights to him before we talk to him. And we

1 got through the top part where you do the personal
2 information, but when we got to the warning of the rights,
3 I actually read, you know, you have the right to remain
4 silent that middle section. And as soon as I completed
5 it, he refused to initial it. I explained to him you're
6 not admitting any guilt by initialing it. We're just
7 simply asking you to -- this is verifying that we read
8 each of these rights to you. And he looks at me and he
9 says I want a lawyer to read them to me. And the fact
10 that he said the word lawyer, I just looked and said we
11 got to cut, that's it.

12 Q Cause what does that mean to you?

13 A To me, that means he wants a lawyer present and he
14 wants representation by counsel before he talks to law
15 enforcement, so we stopped, that's just -- that's the law.

16 Q Okay. All right. And so what did you do with him?

17 A I documented on that form that he wanted his lawyer
18 to read the form to him and he was transported immediately
19 back to the county jail. I explain to him that we had to
20 stop the interview, that we couldn't go any further and
21 that we would be transporting him back to the county jail.

22 Q And under what circumstances, can you talk to him
23 again?

24 A The only way I could talk to Damian Inman again after
25 he said that, that if he initiates contact with me I

1 cannot go to him.

2 Q All right. And did he in fact do that?

3 A He did?

4 Q And tell us how that happened?

5 MS. SELLERS: Objection, Your Honor, that's
6 going to be hearsay.

7 THE COURT: Approach.

8 (WHEREUPON, a bench conference was held in the
9 presence of the jury, but out of the hearing of the
10 jury.)

11 THE COURT: I'll allow the question. If you
12 would reask it.

13 MR. DANIEL: Certainly, Your Honor.

14 BY MR. DANIEL:

15 Q Investigator, at some point, did you talk to Damian?

16 A Yes, sir.

17 Q After he initially said let me have a lawyer help me
18 read this, you send him back to the jail. Then at some
19 point you talk to him again?

20 A Yes, sir.

21 Q At that time, when you talk to him again, that's when
22 you took his statement?

23 A Yes, sir.

24 Q Okay. At that time, did anybody yell at him?

25 A No, sir.

1 Q Anybody cuss at him?

2 A No, sir.

3 Q Anybody threaten him verbally?

4 A No, sir.

5 Q Anybody threaten him physically?

6 A No, sir.

7 Q Was he denied any basic human needs like use of the
8 restroom or if he wanted a drink, did you get him a drink
9 or did you get him some food if that's what he wanted?

10 A He never asked for any, but if he would have, we
11 would have provided it.

12 Q Okay.

13 MR. DANIEL: Beg the Court's indulgence.

14 THE COURT: Yes, sir.

15 (WHEREUPON, a pause in the proceedings.)

16 BY MR. DANIEL:

17 Q I'm showing you what's been marked State's Exhibit
18 55. What's that?

19 A This is the City of Dillon Police Department, this is
20 our version of the Miranda form with our department
21 headline on it.

22 Q All right. And when did you use that form with
23 Damian Inman?

24 A This form on the first time we tried to talk to him,
25 I actually used one of my forms and the first time we

1 tried to talk to him.

2 Q Okay. So this is the one that he read and said I
3 need a lawyer help?

4 A This is the form that when I actually read his
5 Miranda warning, his actual advice of rights that's when
6 he looked at me and said I want my lawyer to read this
7 form to me. This is the form.

8 Q So he didn't sign that form?

9 A He did not.

10 Q What is written on that form?

11 A What I did was when he said this, I simply wrote on
12 the form and this is my handwriting not his. I simply
13 wrote read Miranda and requested a lawyer to read form
14 after reading all five warnings wouldn't cooperate and I
15 signed it and put 8-19-2009?

16 MR. DANIEL: Your Honor, at this time, I would
17 ask that this be introduced as State's 55, which was
18 marked for ID earlier.

19 MS. SELLERS: No objection, Your Honor.

20 THE COURT: All right, without objection.

21 MR. DANIEL: Thank you.

22 (WHEREUPON, State's Exhibit No. 55 was admitted
23 into evidence.)

24 BY MR. DANIEL:

25 Q So Mr. Inman meets with you, he says I need a lawyer.

1 You send him back because that's what you're suppose to do
2 according to your testimony?

3 A Yes, sir.

4 Q Now, then was it the next day that you actually took
5 a statement from him?

6 A No, sir.

7 Q Okay.

8 A It was actually -- it was probably within the next
9 hour cause as soon as we sent Damian Inman back, we
10 brought Lorenzo, his brother, up to talk to him. And it
11 was during that interview with Lorenzo that I was informed
12 that Damian wanted to talk to me.

13 Q And before you took the statement from Damian Inman,
14 were you able to in fact confirm that he wanted to talk to
15 law enforcement?

16 A Yes, sir.

17 MR. DANIEL: I have further questions, Your
18 Honor?

19 THE COURT: Any further questions?

20 MS. SELLERS: Briefly, Your Honor.

21 RE CROSS-EXAMINATION

22 BY MS. SELLERS:

23 Q Sergeant Turner, Damian was not in that car; correct?

24 A He was not.

25 Q He was never in Ms. Mary Stutts' car? On that day?

1 A No, ma'am.

2 Q On that -- when they were apprehended, Damian was not
3 in car?

4 A Right, it ---

5 MR. DANIEL: Your Honor, this is not new
6 material, therefore not be proper for redirect.

7 THE COURT: Sustained.

8 MS. SELLERS: Your Honor, the new material is
9 however SLED.

10 BY MS. SELLERS:

11 Q Now, you indicated that SLED has the technology to
12 process the crime scene?

13 A Yes, ma'am.

14 Q But isn't it true that you all do have that? You can
15 at least process the crime scene.

16 A The capabilities -- yes.

17 Q So tire prints you have the capability to do that?

18 A I do, yes, sir.

19 Q Fingerprints?

20 A I did.

21 Q But you didn't?

22 A No, ma'am.

23 Q Okay. SLED only processes that information in terms
24 of the testing, correct, with the lab?

25 A Well, they actually have a team that gathers and

1 collects evidence. Plus, they have technicians at their
2 lab who analyze the evidence that their crime scene
3 retrieves.

4 Q So the only thing you can't do here in Dillon County
5 is analyze?

6 A Right, we don't have the ability to analyze.

7 Q And it's typical you always process your crime scenes
8 and you rely on SLED to analyze?

9 A We do, that is a true statement.

10 MS. SELLERS: No further questions. Thank you.

11 MR. DANIEL: State has no further questions.

12 THE COURT: All right, sir. You may step down.

13 (WHEREUPON, the witness leaves the witness
14 stand.)

15 MR. REDMOND: The State would next call Deputy
16 Allen Rogers.

17 THE COURT: All right. Let me get the attorneys
18 to step up here real quick.

19 (WHEREUPON, a bench conference was held in the
20 presence of the jury, but out of the hearing of the
21 jury.)

22 THE CLERK: Do you solemnly swear or affirm the
23 testimony you're about to give the court and jury on this
24 case is the truth, the whole truth, and nothing but the
25 truth so help you God?

1 THE COURT: Outside the jury's presence?

2 MS. SELLERS: Yes, Your Honor.

3 THE COURT: Ladies and gentlemen, let me ask you
4 to step into your jury room. Please have no conversation
5 about the case. I will bring you back out shortly.

6 (WHEREUPON, the jury retire to the jury room.)

7 THE COURT: Yes, ma'am, Ms. Sellers.

8 MS. SELLERS: Yes, Your Honor, the next witness
9 is going to be a Ms. Lisa Alford, who's going to come in
10 and provide the testimony about out-of-court
11 identification. Your Honor, we believe that that
12 identification should not be presented to the jury because
13 it was highly suggestive. I believe the Solicitor may
14 proffer her testimony.

15 MR. DANIEL: Sure.

16 MS. SELLERS: Based on the information that I
17 received, Your Honor, just in the layout it is somewhat of
18 a showing. There were multiple photographs, but again
19 based on what Ms. Alford has disclosed, there was really
20 not great latitude in terms of trying to locate the two
21 pictures that she was able to pick out. And indicated
22 that my client was one of those individuals.

23 THE COURT: All right.

24 MR. DANIEL: State call Lisa Alford.

25 THE COURT: Ms. Alford, if you please come

1 around to be sworn, ma'am.

2 THE CLERK: Place your left hand on the Bible
3 and raise your right hand. Do you solemnly swear or
4 affirm the testimony you're about to give will be the
5 truth, the whole truth, and nothing but the truth so help
6 you God?

7 THE WITNESS: Yes.

8 THE CLERK: Be seated and state your full name,
9 spelling your last.

10 THE WITNESS: Melissa Alford. A-L-F-O-R-D.

11 MR. DANIEL: May it please the Court.

12 THE COURT: Yes, sir.

13 WHEREUPON,

14 Melissa Alford,
15 after first having been duly sworn, testified as follows:

16 DIRECT EXAMINATION IN-CAMERA

17 BY MR. DANIEL:

18 Q Ms. Alford, where do you work?

19 A Stewart Heights school.

20 Q What do you do at Stewart Heights?

21 A I'm a custodian.

22 Q What kind of school is that?

23 A It's a elementary school.

24 Q Okay. Do you know where Mary Stutts lived?

25 A Yes.

1 Q How far is the school where you worked from where Ms.
2 Stutts home is?

3 A I don't know how many feet, but there's a house, there's
4 one house between the school and Ms. Stutts' house.

5 Q And I'll just get straight to the point here. You,
6 on the day in question, the day that we're here all about,
7 did you see -- what did you see on the street?

8 A Police cars at Ms. Stutts house.

9 Q Okay. And when you got to work, you saw a bunch of
10 police cars at Ms. Stutts house?

11 A Yes.

12 Q And did you have any conversations with law
13 enforcement about that?

14 A Yes, I did. Officer Harold Carmichael, we call him
15 Officer Friendly at school. I went to him and I ask him
16 what was going on, why was the police down there. And he
17 said her car was missing. And later on I found out that
18 Ms. Stutts was missing also.

19 Q Okay. And so did you have any information to give
20 law enforcement?

21 A Well, I told him I said I seen three boys walking
22 down the street.

23 Q When did you see three boys walking down the street?

24 A That was that Monday afternoon before I got off from
25 work.

1 Q All right. So you're having this conversation with
2 law enforcement on Tuesday on the 18th, but Monday the
3 17th, you saw three boys walking down the street?

4 A Yes.

5 Q Okay. And where were you when you saw these boys
6 walking down the street?

7 A I was sitting in front of the school.

8 Q I'm going to show you what's been marked State's 59.
9 Again, this is not to scale, but if this is the school,
10 what would this be?

11 A That be the vacant house besides Ms. Stutts house?

12 Q And that's Ms. Stutts home?

13 A Yes.

14 Q Okay. And you were on the 17th on that Monday when
15 you saw them walking where were you?

16 A I was sitting long here.

17 Q Their two entrances to the school right on the front?

18 A Yeah.

19 Q And you were sitting right inside this entrance?

20 A Yeah.

21 Q And there windows there?

22 A Yes.

23 Q And where did you see the three boys walking?

24 A They was walking on Calhoun Street.

25 Q About how long were you sitting inside there?

- 1 A From 6:15 until seven time to get off work.
- 2 Q So for about 45 minute?
- 3 A Yeah.
- 4 Q What were you doing sitting in there?
- 5 A Well, I was through with my work, so I was sitting
6 down taking a break.
- 7 Q Were you waiting on something?
- 8 A No.
- 9 Q You were just sitting there waiting on the time until
10 you can leave? Seven o'clock is when you got off?
- 11 A Yes.
- 12 Q Okay. All right. You're sitting inside and you see
13 three boys walking. Were they walking or standing there?
- 14 A They pass the school three times. The third time
15 John B. which I knew John B. He came and he caught up with
16 the two boys, the two brothers, but the two boys was
17 standing in front where I was sitting and just standing
18 there.
- 19 Q How you know they're brothers?
- 20 A When I was asking the officer, I find out they were
21 brothers.
- 22 Q Okay. I think did you just call him John B.
- 23 A Yeah, I knew John B.
- 24 Q How did you know John B.
- 25 A From the neighborhood, John B. grandmama stayed in the

1 neighborhood.

2 Q In what neighborhood, this neighborhood?

3 A Well, it's like maybe a block or two over, but it's
4 all in the same community.

5 Q Did you at one time live in this neighborhood?

6 A Yes, I did.

7 Q How long did you live in this neighborhood?

8 A Fourteen years.

9 Q So you live there 14 years and that's how you knew
10 who **John B.** was?

11 A Yes.

12 Q Okay. Did you know or do you know Damian and Lorenzo
13 Inman?

14 A No.

15 Q When you were sitting in here, you said for 45
16 minutes?

17 A Yeah.

18 Q How many times did you see the boys walking back and
19 forth?

20 A Three.

21 Q Three times. Did they ever stop?

22 A Yes, the two shortest ones stop. **John B.** is way taller
23 than those boys, but the two smallest ones stop in front
24 the a gray house. It's a gray house in front of the
25 school also.

1 Q Okay. When they stopped, how long did they stand
2 there would you say about?

3 A Maybe about 10 or 15 minutes.

4 Q Okay. So total if you can do this for me, I know you
5 were sitting there for 45 minutes. How long of those 45
6 minutes, how many minutes would you say had a good look at
7 these guys outside on the road?

8 A The whole time I was sitting there because they walk
9 pass the school and I had a good look. When they stop, I
10 had a real good look at them so...

11 Q And this would have been you said between 6:15 and
12 seven o'clock in August?

13 A Yes.

14 Q So was it sunny?

15 A Yeah.

16 Q Okay. Was it raining that day?

17 A No.

18 Q Was there anything that was blocking your vision
19 between where you were and what saw on the street?

20 A No.

21 Q Were you paying close attention to them outside?

22 A Well, my car is parked out there. I park -- I leaves
23 my car at the front entrance. And while I was sitting
24 there -- what caught my attention because they were just
25 standing there in front of the school just standing there.

1 And, you know, in that neighborhood just standing there,
2 and that's what caught my attention.

3 Q Ms. Alford, do you see any of the three boys that you
4 saw walking that day, do you see any of them in the
5 courtroom today?

6 A Yes, sir.

7 Q Can you point to the one that you see?

8 A That's him.

9 MR. DANIEL: Please let the record reflect that
10 Ms. Alford has identified the defendant.

11 BY MR. DANIEL:

12 Q Is there any doubt in your mind, Ms. Alford, that that
13 gentleman right there is one of the three that you saw
14 walking that day?

15 A No, sir.

16 MR. DANIEL: Your Honor, I have no further
17 questions.

18 CROSS-EXAMINATION IN-CAMERA

19 BY MS. SELLERS:

20 Q How you doing, Ms. Alford?

21 A Hi.

22 Q Briefly, Ms. Alford, we're just going to go back over
23 this information again. Now, Ms. Alford, if I recall
24 correctly, you were inside the school; correct?

25 A Yes.

1 Q Looking out of the window?

2 A Yes.

3 Q And also around that school is a fence?

4 A Yes.

5 Q And isn't that fence about 20 feet to 30 feet away
6 from the building?

7 A Yes.

8 Q And outside of that fence is where you observed three
9 individuals; correct?

10 A Yes.

11 Q So would you say you probably saw these individuals
12 maybe 100 yards away at this time the length of a football
13 field maybe?

14 A Not that far.

15 Q Would it be half a football field?

16 A Yeah, maybe half.

17 Q And so they were standing in the street?

18 A Yes, in the street.

19 Q Okay. Now, let's talk about when you met with the
20 officer, you were just having casual conversation with
21 him?

22 A Yes.

23 Q Okay. You said at that time he told you that the two
24 guys were brothers?

25 A Yes.

1 Q At any time did you give him any description of the
2 individuals?

3 A Well, I told him I said maybe there was -- it was
4 three boys walking down the street. I said maybe they can
5 tell you -- one of the boys that I knew John B. [REDACTED] can
6 tell you something of who came up behind him was walking
7 and...

8 Q Okay. And so you couldn't really give a physical
9 description of the individuals?

10 A The boys, yes.

11 Q What kind of description did you give?

12 A All two of them -- the two Inman boys was wearing --
13 had dreads at the time. John B. [REDACTED] like beginning his dreads
14 or plats.

15 Q And so you were looking a little pass that back door;
16 right?

17 A Yeah.

18 Q So when the officer came back to you, the photographs
19 that he showed you, did all of the suspects have dreads?

20 A Just two.

21 Q Just two of them had dreads?

22 A Yes, the photos when he brought them to me, all three
23 of the boys had dreads.

24 Q All three of them had dreads?

25 A Yes.

1 Q Were all of them of the same complexion?

2 A On that photos, yeah, because maybe facial hair.

3 Q One had facial hair?

4 A Yeah, like beginning to grow facial hair or
5 something.

6 Q And did you describe to them someone with facial
7 hair?

8 A I picked out the two brothers that I seen, other
9 person I didn't know him.

10 Q But when you were giving your original description,
11 did you say someone had facial hair?

12 A No.

13 Q You didn't?

14 A I didn't.

15 Q But one of the pictures did have someone with facial
16 hair?

17 A Yeah, look like it was beginning to grow facial hair.

18 Q Okay. Was everyone -- could you tell from your
19 observation while in school if they were light skin, dark
20 skin or medium tone?

21 A Where I was sitting at, they look medium tone.

22 Q And on the pictures were everyone in the pictures the
23 same skin tone?

24 A Yes.

25 Q Okay.

1 MS. SELLERS: No further questions, Your Honor.

2 THE COURT: Anything further of this witness?

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

4 (WHEREUPON, a pause in the proceedings.)

5 REDIRECT EXAMINATION IN-CAMERA

6 BY MR. DANIEL:

7 Q You had 45 minutes that you were sitting there that
8 you saw these boys?

9 A Yes.

10 Q And is there any doubt in your mind that Damian is
11 one of them?

12 A No, sir.

13 MR. DANIEL: No further questions.

14 THE COURT: All right. I'll hear from you.

15 MS. SELLERS: Your Honor, based on Ms. Alford's
16 testimony, it would appear that this was definitely a show
17 up. Your Honor, it would appear that these photographs
18 and the procedure used were patently suggested. Your
19 Honor, she did not have an opportunity to review multiple
20 suspects with no facial hair based on the small
21 description that she gave in terms of what she observed.
22 So it would be my opinion, Your Honor, and based on Ms.
23 Alford's testimony, that she had no choice but to rule out
24 -- but to pick the two brothers, the information that she
25 received from the officer at that time. Your Honor, I

1 feel like her in-court identification she could not
2 identify my client. And I feel like her out-of-court
3 identification should be suppressed as well.

4 THE COURT: Wait minute. You just said in court
5 she could not identify your client?

6 MS. SELLERS: Not in court, Your Honor, I'm
7 sorry. It was based on the suggestive photograph that she
8 saw in August of last year.

9 MR. DANIEL: Your Honor, the State would argue
10 in this situation that as she testified Ms. Alford had 45
11 minutes to view the three gentlemen who were walking on
12 the roadway, 45 minutes in sunny weather she was 50 yards
13 away from them. And additionally, Your Honor, I would
14 point or bring the State's attention -- I mean, the
15 Court's attention to State vs. Brown, which is a 2003
16 Court of Appeals case which holds it a show up may be
17 proper if the witness memory is still fresh among other
18 reasons. Well, this was less than 24 hours later that she
19 talk to law enforcement. She was not approached by law
20 enforcement. She went to law enforcement.

21 THE COURT: How is this -- I mean, you're
22 claiming it's a show up because the -- an officer showed
23 up and brought some photographs?

24 MR. DANIEL: And Your Honor ---

25 THE COURT: Because a show up is actually

1 breaking an individual in front of a person.

2 MR. DANIEL: That's right.

3 MS. SELLERS: Well, Your Honor, I just say it's
4 suggested in terms of photograph lineup that was used in
5 this matter. And we then also have a 2004 case that we go
6 into that.

7 MR. DANIEL: Your Honor, and actually that's why
8 we didn't get into the lineup thing in the direct with Ms.
9 Alford here because she went to law enforcement and said I
10 saw some guys. Don't know if they did anything, but I saw
11 some guys. And she was able to tell them who one of them
12 was. And she was able to give somewhat of a description
13 on the other two because she observed them for 45 minutes.
14 And she can today even point out one of the three
15 gentlemen sitting right here. And so, Your Honor, the
16 fact that it may not have been the cleanest of
17 identifications does not prevent Ms. Alford from being
18 able to give testimony within the rules here because of
19 the amount of time and the clarity with which she
20 identified these young men.

21 THE COURT: All right, you got a copy of that
22 case for me to look at or can you give us the cite.

23 MR. DANIEL: State vs. Brown 356 South Carolina
24 496.

25

1 THE COURT: All right, Ms. Sellers.

2 MS. SELLERS: Your Honor, again, it was
3 procedure that was used. Ms. Alford testified that she
4 told the officers that the only physical description that
5 she gave was the fact that they had dreadlocks. Now, the
6 officer then came back and ---

7 THE COURT: And medium complexion.

8 MS. SELLERS: Medium complexion. The officer
9 came back and showed her three photographs of individuals.
10 One distinctly had facial hair, which she did not mention
11 at all. So she's left to choose these two individuals.
12 And again, the officer shares with her that they were
13 brothers. And, Your Honor, it's been shown time and time
14 again ---

15 THE COURT: Shares that who are brothers?

16 MS. SELLERS: That the two individuals based on
17 her statement the one she just testified to, that the two
18 individuals that she picked out were brothers.

19 THE COURT: All right. He shared that with her
20 prior to her picking them out?

21 MS. SELLERS: Yes.

22 THE COURT: So he said I got three photographs
23 here two of them are brothers, are these the guys that you
24 saw?

25 MS. SELLERS: Based on her testimony.

1 MR. DANIEL: What I heard her say was that the
2 officer may have said -- she said I knew John. The
3 officer may have said, well, there were brothers there.
4 But I don't know that she went to them and said that, you
5 know -- even if she did, the fact that those two are
6 brothers, doesn't -- and she knows that they're brothers
7 in my view doesn't have any bearing on ---

8 THE COURT: Well, let me -- you know, I don't
9 mean to confuse the matter, but if the witness doesn't
10 know them, what ---

11 MS. SELLERS: Your Honor, she picked out two
12 individuals that had similar characteristics because she
13 knows the fact they are brothers. Again, that suggest
14 this witness if she's going to identify any individual
15 this needs to be done on her own information on her
16 looking at photographs with no assistance whatsoever.

17 THE COURT: You got a case you wanted to ---

18 MS. SELLERS: Yes, Your Honor, to State vs.
19 Traylor 360 S.C. 74 and that's a 2004 case. And also, we
20 have State vs. Moore 343 S.C. 282 and that's a 2000 case.

21 MR. DANIEL: Again, Your Honor, I will just say
22 that we're not trying to introduce a lineup. We don't
23 even have the lineup. We've never seen the lineup. This
24 is about what this witness observed on that day did she
25 pick out someone who she can today say still that that's

1 one of the three guys she saw on the road?

2 THE COURT: No one has copies of these cases
3 you're citing; is that correct?

4 MR. DANIEL: That's correct.

5 THE COURT: All right. You're going to have to
6 give me sometime to look at them.

7 (WHEREUPON, a break was taken.)

8 THE COURT: Guys, I'm not yelling at anybody.
9 But here's the thing, this issue didn't pop up today. No
10 one prepared to argue this to the Court and provide the
11 Court with what we need to make a decision. I'm not
12 yelling at anybody, but I'm saying, you know, bringing us
13 up notes and giving us citations of cases is bad
14 lawyering.

15 MR. DANIEL: Your Honor, we'll be happy to skip
16 this witness for now. If the Court would like, we can
17 move on and come back to this issue.

18 THE COURT: Well, here's the thing everybody
19 knows because of all the workings of this week prior to
20 today, we're under some time restraint here. And you all
21 knew that this was going to be an issue that the Court was
22 going to have to deal with, but no one is -- I mean
23 prepared to handle it. And now, we have to send the jury
24 out. Now, I got jury out. I got five, six cases that I
25 now have to review and so we're just killing time. And

1 this ---

2 MR. REDMOND: Your Honor, if I could offer a
3 suggestion, if the Court would allow, I think what
4 Mr. Daniel might be saying is and we hadn't talked with
5 Ms. Alford to see about her availability, but we got other
6 witnesses that we can go forward on. And even if the
7 necessity arises that we call her first thing in the
8 morning, that way that will give everybody time and the
9 Court time because I understand the Court's position
10 regarding having to look through these cases, one of which
11 I think is a U.S. Supreme Court case. And so that way for
12 the sake of time at least, so we can go forward with the
13 other witnesses and then, of course, still have an
14 opportunity.

15 THE COURT: Well, it makes everybody happy
16 except that it inconveniences this young lady.

17 MR. REDMOND: That's why I said ---

18 THE COURT: And I'm not going to do that. I'm
19 not going to do that.

20 (WHEREUPON, a pause in the proceedings.)

21 THE COURT: Court will be in recess for just a
22 minute.

23 (WHEREUPON, a break was taken.)

24 THE COURT: All right. First, let me start and
25 I mean this with all sincerity. I want to apologize to

1 the attorneys. I made a comment about that this was bad
2 lawyering and for some -- and I just want to make it clear
3 I thought about that when I was back in the back and it's
4 cause Ms. Sellers, Mr. Redmond and Mr. Daniel, I consider
5 three of the better lawyers that I ever see in court. And
6 they're outstanding lawyers, but even good lawyers
7 sometimes fail to cross the T's and dot the I's. So it --
8 I hope no one takes that as these are bad lawyers because
9 they're not. They're just the opposite. They're
10 outstanding lawyers. But this is just a situation
11 where -- we can always do things better. I can always do
12 things better and so I hope the lawyers will accept my
13 apology. And I hope the folks in the courtroom understand
14 that I have nothing but the upmost respect for these
15 lawyers. And trust me, I will tell you if I don't think
16 somebody's a good lawyer, but that's not the case with
17 these three so...

18 MR. REDMOND: And, Your Honor, we like to thank
19 you for that and again -- but what point was valid that is
20 something that we will all try to make sure does not
21 happen again. But I do appreciate you saying that.

22 THE COURT: Thank you. I appreciate that. Let
23 me say that in reviewing the cases that were passed up and
24 viewing the facts and circumstances, I'm going to allow
25 the identification. I do believe that there is some -- I

1 have some concern that the photographs that were shown to
2 Ms. Alford were -- I'm going to say somewhat suggestive.
3 I'm not going to say patently suggestive or blatantly
4 suggestive, but certainly somewhat suggestive, which I
5 think then requires the Court to go to step two and that
6 is to look at the totality of the circumstances and a
7 Neil v. Biggers test, the five-prong test to see whether
8 or not the in-court identification was in fact effective
9 by the suggestive out-of-court lineup or show up.

10 In this case, it was photos in several of the
11 cases that were given to me. They were actually one
12 individual being shown to the witness, but in applying
13 those tests, that five-prong test based on the information
14 before the Court and taken into consideration the totality
15 of the circumstances. Step one the witnesses opportunity
16 to view the perpetrator at the time. And Ms. Alford's
17 testimony was that she under very low stress situation
18 just basically buying sometime there at the school had
19 about 45 minutes and that these folks caught her attention
20 because it was odd for them to -- people just be out there
21 hanging out in front of the school and that she had an
22 opportunity of over 45 minutes to observe these folks.
23 The degree of her attention based on her testimony was
24 pretty much all she was doing was watching and seeing what
25 was going on with those folks.

1 The accuracy her description, she described
2 African-America males. She described them as being a
3 medium complexion with dreads, not a detail description
4 but not inaccurate. She has indicated that she's certain
5 that she knew one of the individuals, I believe is John
6 **John B.** Bridges, has known him for years and that there was
7 no question about that. And then her identification of
8 Mr. Inmann based on her testimony seems to be certain,
9 that she's certain of that. And then she was able to give
10 that information in less than 24 hours after observing
11 them. A little bit different from some of the cases here
12 because in these cases a lot of times the person who's
13 being identified was actually seen committing a crime,
14 that's not the case here. But all in all in viewing the
15 circumstances and the totality of those circumstances, I'm
16 going to allow the in-court identification.

17 MR. DANIEL: Thank you, Your Honor.

18 MS. SELLERS: Thank you, Your Honor.

19 THE COURT: And would note the defense's
20 exception to that.

21 MS. SELLERS: Thank you, Your Honor.

22 THE COURT: All right.

23 MR. REDMOND: Regarding the matter that we had
24 brought to the Court's attention concerning the sister,
25 she is currently as I understand it custody.

DIRECT EXAMINATION

25 A Yes.

1 Q Okay. Ms. Alford, let's go back to August of 2009.

2 On August 18th, which would have been a Tuesday, I
3 believe, when you got to work that day, I guess, you said
4 11 in the morning, did you notice anything unusual?

5 A Yes, police cars was down the street to Mary Stutts
6 house.

7 Q And how far is Ms. Stutts house from Stewart Heights?

8 A It's one house between the school and Ms. Stutts
9 house.

10 Q How long again did you live in that neighborhood?

11 A I stay in the neighborhood for 14 years.

12 Q Fourteen years, okay. So you saw a bunch of police
13 cars?

14 A Yes.

15 Q Did you ever find out what had happened?

16 A Yes.

17 Q Did you have any conversations with law enforcement
18 at your school?

19 A Yes.

20 Q Tell the jury about that?

21 A When I got to school that morning, I was seeing
22 Officer Friendly. We call him Office Friendly at school,
23 but his name is Harold Carmichael. And I approached him
24 and I ask him what's going on down the street. And I
25 found out Ms. Stutts car is missing. And later on talking

1 to him, I found out she was missing also.

2 Q And did someone ever take a statement from you?

3 A Not that day.

4 Q Not that day?

5 A No.

6 Q Okay. Did you have any information to give law
7 enforcement that you thought was important?

8 A Yes, I seen three boys walking down the street and
9 one of the boys I knew. And I told Officer Carmichael, I
10 said maybe you get in touch with John B. he can tell you
11 who was walking behind him or in front of him them.

12 Q Okay. First of all, let's back up a little bit. You
13 said you saw three boys walking down the street. When did
14 that happen?

15 A That was in the afternoon before I got off from work.
16 What caught my attention was because two of the boys, the
17 shorter boys stood in front of the school. John B. was much
18 taller than the two other boys. And they were just
19 standing in front of the school, but before they was
20 standing there, they walk pass the school threes time.
21 The third time the two shorter boys stood there and John B.
22 came up running behind them.

23 Q Okay. And what day would this have been?

24 A This was ---

25 Q Was it the same day that you saw the police cars at

1 Ms. Stutts house?

2 A This was the next day?

3 Q Okay. So you saw the police cars on, I believe, you
4 said a Tuesday and the day before is when you saw the boys
5 walking?

6 A Yes.

7 MR. DANIEL: With the Court's permission, I like
8 to have Ms. Alford step down please.

9 THE COURT: Yes, ma'am.

10 BY MR. DANIEL:

11 Q Can we switch places please, ma'am, if you would
12 stand there. Make sure please you talk loudly enough for
13 the court reporter can hear you, okay. All right. This
14 is a diagram and this is State's 59. It's not to scale,
15 but this is a representation you see of Stewart Heights
16 Elementary school. And these represent -- aren't there
17 two entrances on the front of that school?

18 A Yes.

19 Q And what is this represent?

20 A That's a vacant house beside Ms. Stutts house.

21 Q A vacant house. And this would be -- so this the
22 front of the school?

23 A Yes.

24 Q All right. Now, we're talking about Monday which
25 would have been the 17th. The day before you got to work

1 and saw all the police cars; right?

2 A Yes.

3 Q So the 17th, the day Ms. Stutts was abducted you were
4 sitting where?

5 A I was sitting -- this is the entrance. I was sitting
6 around here.

7 Q Right here?

8 A Yes.

9 Q I'm going to mark that, okay. Is that a waiting
10 area?

11 A Yes.

12 Q Are there a bunch of windows out here?

13 A Yes.

14 Q Okay. And about what time would this had been?

15 A This is between 6:30 and seven.

16 Q Between ---

17 A Between 6:15 and seven.

18 Q Between 6:15 and seven in the evening?

19 A Yes.

20 Q All right. And this is August?

21 A Yes.

22 Q So was it sunny?

23 A Yes.

24 Q Was it raining that day?

25 A No.

1 Q So everything's clear?

2 A Yes.

3 Q All right. Between 6:15 and seven o'clock. And are
4 you sitting there by yourself?

5 A No, there's another lady work with me name Ms. Diane.

6 Q Ms. Diane sitting there with you. And tell the jury
7 what exactly you saw?

8 A Well, the boys -- when I came to sit down, the boys
9 was walking. When I see them, they was walking all three
10 of them.

11 Q From this direction?

12 A Yes, all three of them.

13 Q About 6:15?

14 A Yes.

15 Q All three of them were walking this way?

16 A Yes.

17 Q Okay. What they do?

18 A They turned around.

19 Q Where would you say about?

20 A Go down this way, they turn around, went back, went
21 back, coming back, the two shorter boys came back, but
22 **John B.** did not.

23 Q Okay. And how far back?

24 A Right about here.

25 Q About right there. Okay. Now, so the first trip

1 that way there were three of them?

2 A Yes.

3 Q Then when they came back here there were three of
4 them?

5 A Yes.

6 Q Then when they went back there there were two of
7 them?

8 A Yes.

9 Q You said **John B.** how do you know **John B.**

10 A From the neighborhood. His grandmama live_maybe like
11 two blocks away?

12 Q From this?

13 A Yeah.

14 Q And you had lived in this neighborhood for how many
15 years you said?

16 A Fourteen years.

17 Q All right. So two of them came back without **John B.**
18 that time?

19 A Yes.

20 Q Did **John B.** ever join up with them again?

21 A Yes.

22 Q So they stopped here just two of them?

23 A Yes.

24 Q And then what happened?

25 A **John B.** came behind him.

1 Q [REDACTED] came and joined up with them right here?

2 A Yes.

3 Q And then what did you see?

4 A They proceeded down the road?

5 Q And they went that way?

6 A Yes.

7 Q Did you ever see them again?

8 A No.

9 Q About how long, Ms. Alford, total did you see them
10 out here because you said you were here for 45 minutes
11 from 6:15 to seven. About how long did you see them?

12 A When I came to the area, I came to sit down about
13 6:15, I seen them then from 6:15 to the time I got off
14 from work.

15 Q From the time you got off, which is seven?

16 A Yeah.

17 Q So for about all 45 minutes you saw them out there
18 walking up and down the street?

19 A Yeah.

20 Q You said you knew [REDACTED]

21 A Yes.

22 Q Or you know him?

23 A Uh-huh.

24 Q The other two young men who were there did you know
25 them?

1 A No.

2 Q Did you look at them the whole time you were inside?

3 A That's what caught my attention because they was
4 standing in front of the school, just standing there. And
5 my car is parked outside of the gate and that's what
6 caught my attention they were just standing there.

7 Q And again, why were you sitting there for 45 minutes?

8 A I was killing time to get off.

9 Q And you couldn't leave until seven?

10 A Right.

11 Q All right. You can have a seat if you wood.
12 Ms. Alford, again in 45 minutes of seeing these three
13 young men in sunny weather, plenty of light, how far away
14 would you say they were from you?

15 A About 50 feet.

16 Q About 50 feet?

17 A Yeah.

18 Q Do you see any of the three young men that you saw
19 that day in the courtroom right now?

20 A Yes.

21 Q Can you point to the person that you saw that day?

22 A That's him.

23 MR. DANIEL: Let the record reflect please that
24 Ms. Alford is pointing to the defendant Damian Inmann?

25 THE COURT: All right, it's so reflected.

1 MR. DANIEL: Beg the Court's indulgence.

2 (WHEREUPON, a pause in the proceedings.)

3 BY MR. DANIEL:

4 Q Ms. Alford, is there any doubt in your mind, any
5 doubt whatsoever that for 45 minutes on that day Damian
6 Inman is one of the young men that you saw?

7 A There's no doubt in my mind.

8 Q I'm sorry.

9 A There's no doubt in my mind.

10 MR. DANIEL: Thank you. I have no further
11 questions. Please answer any questions Ms. Sellers may
12 have.

13 CROSS-EXAMINATION

14 BY MS. SELLERS:

15 Q Good afternoon, Ms. Alford.

16 A Hi.

17 Q How are you doing?

18 A Good.

19 Q Briefly. Ms. Alford, now outside of Stewart Heights
20 I'm just going to hold it up. I'm not even going to ask
21 you to come back down. I'm just going to put this up.
22 Outside of the school, you said it was about 50 feet or 50
23 yards?

24 A About 50 yards, I'm sorry.

25 Q About 50 yards?

1 A Yes.

2 Q Okay. Because there's a big tall fence outside of
3 Stewart Heights that's around the entire perimeter;
4 correct?

5 A Yes.

6 Q And even the windows that you were looking out, those
7 windows have blinds on them; don't they?

8 A No.

9 Q There aren't any blinds whatsoever?

10 A No.

11 Q And it's not a huge window?

12 A Yes, ma'am.

13 Q How big would you say that window is?

14 A It's like a bay window.

15 Q A little bay window, okay. But you can definitely
16 see out 50 yards?

17 A Yes.

18 Q Okay. Now, you said that you had the opportunity to
19 see the individuals; right?

20 A Yes.

21 Q But for almost 30 minutes, you didn't know who John
22 B. [REDACTED] was; did you?

23 A I didn't.

24 Q You didn't know. And actually, when you saw John

25 John B. [REDACTED] walking to catch up with these two individuals, John

1 **John B.** was doing what?

2 A When he caught with them, he was washing -- wiping
3 his face.

4 Q Okay. And he was wiping his face with what?

5 A A white T-shirt.

6 Q With the white T-shirt, okay.

7 MS. SELLERS: No further questions. Thank you.

8 REDIRECT EXAMINATION

9 BY MR. DANIEL:

10 Q Briefly, Ms. Alford, that fence that surrounds
11 Stewart Heights Elementary school is it a brick fence that
12 you can't see through?

13 A No.

14 Q What kind of fence is it?

15 A It's a wire fence.

16 Q Like a chain link fence?

17 A Yeah.

18 Q That you can easily see through?

19 A Yes.

20 MR. DANIEL: No further questions.

21 THE COURT: You may step down, ma'am. You may
22 step down.

23 (WHEREUPON, the witness leaves the witness
24 stand.)

25 THE COURT: Any objection to, Ms. Alford, being

1 excused?

2 MR. DANIEL: No, Your Honor.

3 MS. SELLERS: No objection.

4 THE COURT: Thank you very much, Ms. Alford.
5 You are free to go.

6 MR. REDMOND: The State would next call
7 Ms. Jacqueline Morris.

8 THE CLERK: Place your left hand on the Bible
9 and raise your right hand. Do you solemnly swear or
10 affirm the testimony you're about to give the Court is
11 the truth, the whole truth, and nothing but the truth so
12 help you God?

13 THE WITNESS: I do.

14 THE CLERK: Have a seat in the witness box,
15 spell your full name for the court, spelling your last.

16 THE WITNESS: Jacqueline M. [REDACTED] M. [REDACTED].

17 WHEREUPON,

18 Jacqueline M. [REDACTED],
19 after first having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. REDMOND:

22 Q And, Miss M. [REDACTED], I'm going to ask you to speak
23 really loud so that we can hear you. So that this last
24 juror and myself can hear you. And the Court, of course,
25 can hear you as well.

1 A Okay.

2 Q I know you're soft spoken, but try to muster up
3 enough to let those lungs spout out loud enough so we can
4 hear you. How old are you, Miss [REDACTED]?

5 A Fourteen.

6 Q And where do you live, Miss [REDACTED]?

7 A On Cherry Street.

8 Q Okay. Is that here in the City of Dillon?

9 A Yes.

10 Q And on Cherry Street -- let me just ask you, do you
11 know the defendant?

12 A Yes, sir.

13 Q Did he live in your neighborhood?

14 A Yes, sir.

15 Q So had he lived in your neighborhood for quite
16 sometime?

17 A Yes, sir.

18 Q Now, did you give a statement to the police on the
19 18th of August 2009 about seeing the defendant that night?

20 A Yes, sir.

21 Q And could you tell the ladies and gentlemen what you
22 saw that night?

23 A They came up in the car and they was talking to two
24 girls -- well, three of them and they asked them did they
25 want a ride with them.

1 Q And let me stop you, do you remember what kind of car
2 or what color the car was?

3 A A white car.

4 Q Okay, go ahead.

5 A And they asked them did they want a ride. They said
6 no. And then that's when they left. About -- I don't
7 know how long it was, they came back walking.

8 Q All right. Let me stop you. About what time, if you
9 can remember, about what time was it that they came by in
10 this car?

11 A Between nine and ten.

12 Q Was it dark? Was it at night?

13 A Yes, sir.

14 Q So between nine and ten o'clock that night, they came
15 up and who was in the car?

16 A All three of them.

17 Q Okay. And who were all three when you say all three?

18 A Russell, Tweet and John.

19 Q Okay. Now, let me -- you say Russell, Tweet. Who is
20 Russell? What's his name?

21 A Lorenzo.

22 Q Lorenzo. And who is Tweet?

23 A Damian.

24 Q Okay. Is Tweet the defendant?

25 A Yes, sir.

1 Q And is Lorenzo -- is Russell slash Lorenzo is that
2 the defendant's brother?

3 A Yes, sir.

4 Q Okay. And John would that be John B. John B.

5 A Yes, sir.

6 Q Okay. So tell us now what else -- tell us again take
7 us through what you saw that night?

8 A They came back walking and they ask if my grandma
9 have a cigarette. I said no. And that's when they left.

10 Q Okay. Let me back up a little bit. They came up --
11 so did you see them once or twice that night?

12 A Twice.

13 Q The first time you saw them where were they and what
14 were they doing?

15 A They was in the car. They was acting:..

16 Q Okay. They were acting normal?

17 A Yes, sir.

18 Q Okay. And did they ask these girls to go riding with
19 them?

20 A Yes, sir.

21 Q And did these girls go riding with them?

22 A No, sir.

23 Q Did they leave?

24 A Mur (sic) did.

25 Q I mean, did the defendant leave?

1 A Yes, sir.

2 Q Was he driving the car?

3 A No, sir.

4 Q Who was driving the car?

5 A Lorenzo.

6 Q Okay. Now, when he left, then tell us -- once they
7 left, did you see them again?

8 A Yes, they came back walking.

9 Q And when you say they came back walking, who came
10 back walking?

11 A All three of them.

12 Q And where were you when they came back walking?

13 A I was in the house.

14 Q Okay. At the same place on Cherry Street?

15 A Yes, sir.

16 Q All right. And tell us what happened and what you
17 saw when they came back walking?

18 A They came back walking. And then that's when they
19 ask -- they say was Brooke there, I said no. They ask for
20 a cigarette, that's when I gave them one and they left.

21 Q Okay.

22 MS. SELLERS: I'm sorry could she speak up a
23 little bit.

24 THE COURT: If you could speak up just a little
25 bit please, ma'am.

1 BY MR. REDMOND:

2 Q Again, just repeat what you last told us.

3 A They came back walking and that's when they ask was
4 Brooke there. I said no. That's when they ask for a
5 cigarette. I got one from my grandma.

6 Q And who ask for a cigarette?

7 A I can't remember.

8 Q Okay. But one of the three ask for a cigarette?

9 A Yes, sir.

10 Q Did they appear to be -- and you said acting normal.
11 Did they still appear to be acting normal?

12 A Yes, sir.

13 Q Well, did any of them appear to be afraid of
14 anything?

15 A No, sir.

16 Q Okay. After they left, did you ever see them again
17 that night?

18 A No, sir.

19 Q Okay. And again, the defendant is from your
20 neighborhood?

21 A Yes, sir.

22 Q Russell is from your neighborhood?

23 A Yes, sir.

24 Q So they were back in the neighborhood with this car?

25 A Yes, sir.

1 Q Had you ever seen them in this car before?

2 A No, sir.

3 Q And John Bridges was he from that neighborhood?

4 A No, sir.

5 Q Okay.

6 MR. REDMOND: Please answer any questions that
7 Ms. Sellers may have.

8 CROSS-EXAMINATION

9 BY MS. SELLERS:

10 Q Briefly, Miss M. [REDACTED], how are you doing?

11 A Fine.

12 Q You said this was about 10:30?

13 A Between nine and ten.

14 Q Between nine and ten.

15 MS. SELLERS: Thank you. No further questions.

16 THE COURT: Thank you very much, ma'am. You may
17 step down.

18 (WHEREUPON, the witness leaves the witness
19 stand.)

20 MR. REDMOND: The State would next call Jasmine
21 Mearite.

22 THE CLERK: Place your left hand on the Bible
23 and raise your right hand. Do you solemnly swear or
24 affirm the testimony you're about to give the court is
25 the truth, the whole truth, and nothing but the truth so

1 help you God?

2 THE WITNESS: Yes, ma'am.

3 THE CLERK: Be seated in the witness box, state
4 your full name for the Court, spelling your last.

5 THE WITNESS: Jasmine Mearite.

6 WHEREUPON,

7 Jasmine Mearite,

8 after first having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. REDMOND:

11 Q Okay. And if you can keep about that same level
12 because another soft spoken one. I want you to talk so
13 that everybody can hear you in this jury box, so the jury
14 can hear you, the court reporter and so the defense table
15 can hear you, okay. Do you live in what's called Mill
16 Hill?

17 A Yes.

18 Q Where do you live in Mill Hill?

19 A [REDACTED] Sycamore Street.

20 Q And is that here in Dillon?

21 A Yes.

22 Q All right. And you know the defendant?

23 A Yes.

24 Q And have known him for a long time?

25 A Yes.

1 Q He lived in your neighborhood?

2 A Yes.

3 Q And let me ask you this. Did you see him -- did you
4 see him give a statement to law enforcement on the 18th of
5 August 2009 regarding this incident?

6 A Yes.

7 Q And at that time, let me ask you, did you see the
8 defendant the night before the 17th of August in a car?

9 A Like I can't remember what night it was, but I
10 remember them in a car though. I don't remember which
11 night it was.

12 Q Okay. And that's fair enough. What kind of car do
13 you remember them in?

14 A It was in a white Toyota Camry.

15 Q Okay. They were in a white Camry. And who was in
16 this white Camry?

17 A Little John John B. Tweet and Russell.

18 Q And again is Tweet the defendant?

19 A Yes.

20 Q And is Russell, Lorenzo Inman, is that his brother?

21 A Yeah.

22 Q Okay. And tell us what happened -- about what time
23 was it to the best that you can remember?

24 A It was -- okay, I was dating Dustin. And so he got
25 off from work about 11. So it had to be around nine or

1 ten.

2 Q Okay. So around nine or ten. And was Jacqueline
3 Morris out there when you first saw him?

4 A Yeah, when we first saw him.. Yeah, she was out
5 there.

6 Q Okay. So tell us what you saw when you first saw the
7 defendant, John [REDACTED] and Lorenzo Inman in the car? Who
8 was driving the car?

9 A Russell.

10 Q Okay. Lorenzo?

11 A Yes.

12 Q All right. Tell us what you saw, what happened?

13 A Okay, only thing they did was just pull up. And
14 Russell -- well, Lorenzo asked us did we want to ride with
15 them. I said no -- well, at first, I asked them where did
16 they get the car from. He said don't worry about it all
17 that.

18 MS. SELLERS: Objection, Your Honor, that's
19 going to be hearsay.

20 THE COURT: Sustained. Go ahead.

21 BY MS. SELLERS:

22 Q Don't say what Russell said. Now, anything the
23 defendant might have said you can testify to that.

24 A But he didn't say nothing.

25 Q Okay. So he didn't say doing anything?

1 A Yeah.

2 Q But was he doing anything in the car?

3 A Yeah, he was wiping off, I think, it was a CD.

4 Q Okay.

5 A I can't really see. But I believe it was a CD
6 because I can see the light like reflecting on it. Yeah,
7 so I think it was a CD that he was wiping off.

8 Q And where was the defendant in the car at the time
9 you saw him?

10 A In the backseat.

11 Q And what else was he doing, was he doing anything in
12 the backseat?

13 A He was just wiping off the CD like kind of laughing
14 and smiling like.

15 Q Okay. Let me stop you there. So he's in this white
16 Toyota Camry between nine and ten o'clock that night. He
17 was wiping off something look like a CD and he was just
18 laughing and whatnot in the backseat at that time?

19 A Yeah.

20 Q From that, did he appear to be acting normal?

21 A Yeah, he was normal, you know what I'm saying, cause
22 that's how he do.

23 Q So that's how he normally does anyway?

24 A Yes.

25 Q So let me just ask you, was there anything that you

1 saw in observing the defendant that made you think that he
2 was scared of anything or that somebody had threaten him
3 or that he was under any kind duress or pressure?

4 A Uh-uh. He was just acting his normal way like he
5 usually act.

6 Q Now, that isn't the only time you saw him that night
7 though; is it?

8 A No.

9 Q Tell us about the next time you saw him that night?

10 A Okay. When we -- when they left -- when we split up,
11 they -- I started walking back towards Chestnut Hill
12 Street. And when they came, they came walked up. They
13 like met me right there in front of this lady call Ms.
14 Barbara house. They met us like right there and that was
15 the second time I seen them.

16 Q Okay. And tell us at that time did he say anything?

17 A No, him and Dustin click elbows and they was like
18 what's up this and that and whatever. And then we just
19 left. We just left.

20 Q Were they in the car or were they walking at that
21 time?

22 A No, they was walking at that time.

23 Q Okay. And who was walking again just to be clear?

24 A Damian, Lorenzo and John John B.

25 Q Okay. And at that particular time when you saw them

1 walking, was there anything that made you think that this
2 defendant was scared or worried or was scared of John
3 **John B** or anybody?

4 MS. SELLERS: Objection, Your Honor, that would
5 call for speculation.

6 MR. REDMOND: That goes to state of mind, Your
7 Honor.

8 THE COURT: She can just testify to what she
9 observed.

10 BY MR. REDMOND:

11 Q Did you observe anything that made you think that?

12 A No, uh-uh.

13 MR. REDMOND: Please answer any questions that
14 the defense may have. Thank you so much.

15 CROSS-EXAMINATION

16 BY MS. SELLERS:

17 Q Miss Mearite, just briefly about the time. What time
18 did you say you were -- you saw them the first time?

19 A It was like -- the first time I seen them it had to
20 be about around either nine or ten o'clock that day --
21 that night.

22 Q And you said Dustin -- Dustin was also there as well?

23 A No, Dustin was at work. Dustin didn't have to be off
24 from work until 11.

25 Q So Dustin was there the second time?

1 A Yeah.

2 Q And Dustin -- now, let me make sure Dustin Jacobs;
3 correct?

4 A Yes, ma'am.

5 MS. SELLERS: Thank you. No further questions.

6 REDIRECT EXAMINATION

7 BY MR. REDMOND:

8 Q And just to be clear and he didn't get off work until
9 after 11. So the second time you saw them was it after 11
10 o'clock when they came up walking?

11 A No, cause it's like when we went to go pick up Dustin
12 -- when his step dad went to go pick him up, that's when
13 like they just stopped. You know what I'm saying, we had
14 met back up then.

15 Q Okay. And then had Dustin gotten off work and did he
16 come down and, I guess, socialize with them?

17 A Yeah, cause he came straight back to the Mill and
18 that's when they seen him and they click elbows. And they
19 was talking.

20 Q And the defendant was the one that clicked elbows?

21 A Yeah, him and Russell.

22 MR. REDMOND: Okay. Nothing further, Your
23 Honor.

24 THE COURT: Thank you very much, ma'am. You may
25 step down.

1 (WHEREUPON, the witness leaves the witness
2 stand.)

3 MR. REDMOND: The State would next call Ann
4 Jacobs.

5 THE CLERK: Place your left hand on the Bible
6 and raise your right hand. Do you solemnly swear or
7 affirm the testimony you're about to give the Court is the
8 truth, the whole truth, and nothing but the truth so help
9 you God?

10 THE WITNESS: I do.

11 THE CLERK: Be seated in the witness box, state
12 your full name for the court, spelling your last.

13 THE WITNESS: It's Martha Ann Jacobs.

14 J-A-C-O-B-S.

15 WHEREUPON,

16 Martha Ann Jacobs,
17 after first having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. REDMOND:

20 Q Ms. Jacobs, where do you reside at this time?

21 A I stay in Little Rock.

22 Q Okay. Were you living in what's referred to as Mill
23 Hill in that area on the 17th of August 2009?

24 A No.

25 Q Okay. Had you been down in that area on the 17th of

1 August 2009?

2 A Yes, sir.

3 Q And in that area, did you see the defendant at that
4 time or on that day in the Mill Hill area?

5 A Yes, sir.

6 Q And could you -- let me ask you, on the 19th of
7 August of 2009, did you give law enforcement a statement
8 about what you're about to testify to?

9 A Yes, sir.

10 Q And could you tell the jury -- the first question did
11 you see the defendant at that particular time on the 17th
12 that night?

13 A Yes, sir.

14 Q And do you remember about what time to the best that
15 you can recall about what it was that you saw him?

16 A It had to be about 11.

17 Q Okay. And why do you say that?

18 A Because my son was at work and I had went and picked
19 him up and went back to the Mill Hill. And he doesn't get
20 off to 10:30 and then he has to clean up.

21 Q Okay. And your son is that Dustin Jacobs?

22 A Yes, sir.

23 Q Okay. Now, at that time that you saw the defendant,
24 could you tell this jury exactly what you saw and about
25 how long it was that the defendant was there?

1 A All I saw was him and his brother and the another guy
2 walk up to where we were standing on Mill Hill. We were
3 standing at a friend's house. And they just walked up and
4 talk to the other kids that was around standing around us
5 my son and stuff, that was basically it. I mean, they
6 just walked up and talk to them. They might have stood
7 there maybe five, ten minutes.

8 Q And during that time -- how long had you known the
9 defendant?

10 A About two years.

11 Q Okay. At that time or at the time that you saw them,
12 was there anything that made you think that something was
13 out of the ordinary with the defendant or the boys that he
14 was walking with?

15 A No, sir.

16 Q Did they appear to be -- did he appear to be afraid
17 of anything, did he appear to be afraid of the other boy
18 that you didn't know?

19 A No, sir.

20 Q Okay. Were they all walking together, did they seem
21 to be socializing, I guess, like kids would?

22 A Yes, sir.

23 Q And if I recall correctly, you were there, but were
24 you with another group as well?

25 A Yes, sir.

1 Q Okay. But did you have a chance to see the defendant
2 during the time that he was there while you were there?

3 A Yes, sir.

4 Q And having known him for a couple years, was there
5 anything that made you think that he was under any kind of
6 stress, duress or that he was scared of somebody?

7 A No, sir.

8 MR. REDMOND: Please answer any questions the
9 defense may have.

10 CROSS-EXAMINATION

11 BY MS. SELLERS:

12 Q Just briefly, Ms. Jacobs, this place where you all
13 were at was it a house or were you all just standing out
14 on the corner?

15 A It was at a house, but it was on the side of the road
16 in front of the house.

17 Q And is this like a place where everybody hangs out at
18 or something?

19 A Well, it's like the whole neighborhood. Everybody in
20 the neighborhood just hangs out at different houses on the
21 road because everybody knows one another.

22 MS. SELLERS: No further questions. Thank you.

23 MR. REDMOND: No redirect, Your Honor.

24 THE COURT: Thank you very much, ma'am. You may
25 step down.

1 A Yes, sir, I did.

2 Q When did you perform that autopsy?

3 A I was contacted by Mr. Randy Grimsley on
4 approximately the 17th or 18th of August and this
5 examination was performed on August the 19th.

6 Q What did you find to be the cause of death of Ms.
7 Stutts?

8 A Ms. Stutts had been shot twice and beaten about the
9 head. She had a gunshot wound with an entrance in the
10 right nasal area. A gunshot wound with an entrance right
11 by the opening to the left ear. We removed two
12 projectiles from her brain. And in addition to that, had
13 wounds on the top of her head which look like she been
14 beaten about the head like pistol whipped about the head.
15 Also had a circular wound on her lower leg at which we
16 x-rayed at the time thinking it might have been a bullet
17 wound, but feel that it was probably a cigarette burn.

18 Q Okay. So she had two bullets that you found inside?

19 A That is correct, yes, sir.

20 MR. DANIEL: Your Honor, with permission to
21 approach.

22 THE COURT: Yes, sir.

23 BY MR. DANIEL:

24 Q I'm showing you what's been marked State's Exhibit

25 44. Can you identify those items, Dr. Proctor?

1 A Yes, sir, I can. These are the containers with
2 labeling from the autopsy and the two projectiles that I
3 removed from Ms. Stutts.

4 Q And this would have been the cause of death?

5 A The damage caused by those gunshot wounds, yes, sir.

6 Q And you said something about a pistol and some sort
7 of marks on the head?

8 A She had some semicircular lacerations and contusions
9 which is bruising and blunt force trauma to the top of her
10 head, semicircular with sharp edges indicates that a blunt
11 object cause that, any blunt object that could have hit
12 her in the head.

13 Q Were there any defense wounds present?

14 A No, sir, there were not.

15 Q Do you prepare a report that contains your findings?

16 A Yes, sir, I do.

17 Q I'm showing you what's been marked State's Exhibit
18 41. Is that in fact your autopsy report of Ms. Stutts?

19 A Yes, sir, this is a copy of my -- an official copy of
20 my autopsy report with the radiographic report, yes, sir.

21 MR. DANIEL: Beg the Court's indulgence.

22 THE COURT: Yes, sir.

23 BY MR. DANIEL:

24 Q One final question, Dr. Proctor, the bullets that you
25 found who did you turn those over to?

1 after first having been duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. REDMOND:

4 Q Okay. Are you a junior?

5 A Yes, sir.

6 Q Okay. Mr. Bridges, how old are you?

7 A Sixteen.

8 Q Are you originally from Dillon?

9 A Yes, sir.

10 Q And were you living in Dillon on the 17th of
11 August 2009?

12 A Yes, sir.

13 Q Now, currently we see you in your uniform, where are
14 you current residing?

15 A On John Juvis campus in Santee dorm.

16 Q And is that in Columbia?

17 A Yes, sir.

18 Q And that is in the department of juvenile justice?

19 A Yes, sir.

20 Q And is it your understanding that once you turn 17 in
21 May, you're going to be transferred from there?

22 A Yes, sir.

23 Q And where will you be transferred and what system?

24 A To prison evaluation center Kirkland.

25 Q In Kirkland through South Carolina Department of

1 Corrections?

2 A Yes, sir.

3 Q And in fact, did you plead guilty to these charges
4 regarding Ms. Mary Alice Stutts?

5 A Yes, sir.

6 Q Murder, arm robbery?

7 A Yes, sir.

8 Q Kidnapping, conspiracy, burglary first degree, grand
9 larceny, possession of a weapon during a violent crime?

10 A Yes, sir.

11 Q Did you plead to all of those charges? I believe
12 seven of them.

13 A Yes, sir.

14 Q And did you receive a 40 year sentence plus five
15 consecutive for possession of a weapon?

16 A Yes, sir?

17 Q Did you plead to those charges as I indicated murder,
18 kidnapping, burglary first, arm robbery, grand larceny,
19 criminal conspiracy, possession of a weapon during a
20 violent crime?

21 A Yes, sir.

22 Q And is it also your understanding that that 40 year
23 sentence you have to serve -- out of the 40 years you got
24 to serve every day of that?

25 A Yes, sir.

1 Q And then you start serving a five year sentence for
2 possession of the weapon?

3 A Yes, sir.

4 Q So you going to spend the next 40 plus years in
5 prison?

6 A Yes, sir.

7 Q For what you did involved in this case?

8 A Yes, sir.

9 Q Have you been offered anything in a plea bargains or
10 anything in order for you to come and testify today?

11 A No, sir.

12 Q You have to serve 45 years; right?

13 A Yes, sir.

14 Q But yet you are here today to testify and let's talk
15 about that. You know the defendant Damian Inman?

16 A Yes, sir.

17 Q Was he with you on the 17th of August 2009?

18 A Yes, sir.

19 Q And could you tell the jury what in the world led
20 ultimately to the death of Ms. Mary Stutts and lead to you
21 spending the next 40 plus years in prison?

22 A Yes, sir.

23 Q Tell us how you all first met up that day?

24 A Like I was going to a store call Blackmon's, it's a
25 grocery store. I was going to get a job, but the main

1 manager wasn't in. And so when I had left, I was coming
2 back from Blackmon's and I saw him.

3 Q You saw who when you say him?

4 A Damian.

5 Q Okay.

6 A And he ask me did I want to hit a lick.

7 Q Say that again. He ask you what?

8 A Did I want to hit a lick.

9 Q Okay. What did you understand that to mean?

10 A Robbery. He ask me did I want to rob somebody.

11 Q Okay. So he asked you in essence did you want to rob
12 somebody?

13 A Yes, sir.

14 Q All right. Did he show you anything?

15 A Yes, sir.

16 Q What did he show you?

17 A .25 automatic, a little gun. And that's when we had
18 left. He showed it to me, he showed it to me. That's
19 when we walk around there where his brother was.

20 Q Let me stop you there .25 automatic gun. Is State's
21 Exhibit 36 does that look like the gun that he showed you?

22 A Yes, sir.

23 Q Okay.

24 A And that's when we left and went around the corner
25 where his brother was. And we seen his brother and his

1 brother been walking towards us.

2 Q Now, let's stop there. His brother? Who is his
3 brother?

4 A Lorenzo Inman.

5 Q Okay. Continue.

6 A And his brother been walking toward us. He was like
7 what's up. That's when his brother been like, Damian, you
8 want to hit a lick. He was like, yeah, it don't matter.
9 So we had left we been walking, went cross town to
10 Jacksonville. We been walking down the sidewalk beside a
11 park. And when we got to full market the store in
12 Jacksonville, that's when we seen his uncle across the
13 street. His uncle had dreads. He drive a little blue
14 car. He had box braids, he had box braids. He kind of
15 short and stocky.

16 Q Did you know his name, the uncle's name?

17 A No, sir.

18 Q Okay. So you're in Jacksonville at the Food Mart I
19 think you said and his uncle -- you all see his uncle he's
20 got a blue car. What happened next?

21 A We walk across the street. The big brother, Lorenzo,
22 told him to give us a ride by the football stadium. And
23 so we got in the car and that's when he gave us a ride
24 over there. We got out, that's when we seen Ms. Mary
25 Stutts standing in the yard. I think she been getting

1 some groceries out of her trunk or something taking it in
2 the house. So we about to walk in the yard, that's when
3 we seen a lady standing like right like her house right
4 across the road and she been on her phone. So we turned
5 down that road and we double back. We came back up on the
6 same street. We about to walk in the yard again, that's
7 when a car pull up in the lady yard that been on the
8 phone. So we went a different direction. We made a right
9 and walked in front of Stewart Heights.

10 Q Okay. Let me do this and I know you got a lot you're
11 trying to tell us. If you could just slow down so that
12 everybody can hear you. So let's start back where you all
13 -- again, let's go back through and try to slow down if
14 you can. I know you want to try and get it out, but let's
15 slow down a little bit. Start back when you all get
16 dropped off near the football stadium and you all see
17 Ms. Stutts. Y'all saw her and you said you thought she
18 was getting something out of the trunk of her car and
19 there was a lady.---

20 MS. SELLERS: Your Honor, I'm going to ask him
21 just to ask a question and then allow Mr. Bridges to
22 respond.

23 BY MR. REDMOND:

24 Q At that point what did you see, tell us again what
25 you saw?

1 A Like Ms. Mary Stutts was getting something out her
2 trunk. And she was going in the house, so we was about to
3 walk in the yard, that's when the lady been on the phone.
4 That's when we turn down the road and so we double back,
5 came back up on the same road beside the football stadium.
6 We was about to walk in the yard again and that's when a
7 car pulled up in the lady yard, so we made a right. We
8 walked in front of Stewart Height's school, that's when I
9 had stop to tie my shoe. Them boys kept walking, that's
10 when I ran and catch up with them. We walk behind the
11 schoolhouse and jump two ditches. We came up in her
12 backyard, that's when we went to the door like we told
13 each other we was gone ask her for some water.

14 Q Let me stop you there. So you all discussed what you
15 were gone do?

16 A Yes, sir.

17 Q Did everybody including the defendant know that your
18 intention at that time was to get a lick slash rob Ms.
19 Mary Alice Stutts?

20 A Yes, sir.

21 Q All right. So you jump the fence tell us what
22 happened from there.

23 A Like we rung the doorbell and we ask her for some
24 water, she came to the door. She was like, yeah, there's
25 a water faucet around the back. So we went around the

1 back. I was the one to try to turn on the water and she
2 been looking out a little window, I guess, from her
3 kitchen. And I told her I didn't know how to turn it on.
4 I didn't see the little water faucet thing, that's when
5 she came out there, that's when Lorenzo hit her in the
6 back of the head with the gun. That's when she been like
7 oh Lord, oh Lord like that.

8 Q Let me stop you right there. So you were the one
9 that actually -- you help lure Ms. Stutts out of the
10 house?

11 A Yes, sir.

12 Q Okay. So again take it from there what happened?

13 A That's when the big brother hit Ms. Mary Stutts in
14 the head with the .25. When she fell, she was like, oh
15 Lord, oh Lord, that's when the big brother, Lorenzo, like
16 where the money at B and stuff like that. And so that's
17 when he told me and the little brother Damian to go in the
18 house. So we went in the house we been looking around and
19 stuff. And we didn't find nothing, so that's when I went
20 in the kitchen. I drunk some tea out the refrigerator,
21 that's when the brother said I got the keys. He got the
22 keys that's when we left out.

23 Q Let me stop you there. When you all were looking
24 around, did you all tear up the place looking? How would
25 you describe what were you all doing? How were you all

1 looking and what were you looking for?

2 A We went in the room. We just been looking around.
3 And little brother Damian had been opening drawers and
4 stuff. He was like I don't see nothing. That's when we
5 just left out of there. That's when I went in the
6 refrigerator and got me some tea. That's when he found
7 the keys. When he got the keys, he told his brother and
8 we walked back outside told his brother he had the keys
9 and stuff. He told us to pull the car around the back.
10 So he pulled the car around the back ---

11 Q Who pulled the car around the back?

12 A Damian, the little brother. And that's when me and
13 the big brother put Ms. Mary Stutts in the trunk. That's
14 when we had left.

15 Q All right. Let me stop you there so we can be clear.
16 Who put Ms. Stutts into the trunk of her own car?

17 A Me, Lorenzo and Damian.

18 Q Okay. So then tell me what happened?

19 A That's when we had left. We was going down Bumper
20 Hill Road and about the time we got off Bumper Hill Road
21 to get on a place on that dirt road, that's when they been
22 like we gone kill her and stuff like that. That's when we
23 got on the dirt road and stuff, that's when we stop.

24 Q Who said we gone kill her?

25 A The little brother Damian.

1 Q Okay. Let me ask you, did anybody ever turn the
2 radio on?

3 A Yes, sir.

4 Q Tell us about who did it and why was that done?

5 A Like Ms. Mary Stutts, she was saying oh Lord in the
6 trunk and that's when the big brother turn up the radio,
7 Lorenzo.

8 Q Okay. So Lorenzo turns up the radio as y'all were
9 driving?

10 A Yes, sir.

11 Q So who was discussing killing her?

12 A They wasn't discussing it until we got out there
13 about time Bunker Hill Road, that's when they start
14 discussing it. The little brother said something about it
15 first. Like he said, we gone kill her.

16 Q Who's the little brother?

17 A Damian.

18 Q Okay. And what did he say?

19 A We gone kill her and stuff like that.

20 Q Okay. All right. So then what happened?

21 A That's when we got out there on the dirt road and
22 stuff that's when we stop. That's when me and the big
23 brother got out and he open the trunk. And by time we
24 pull Ms. Mary Stutts out, she hit the ground. That's when
25 the little brother just ran up and shot her twice between

1 the eyes and head.

2 Q Let me stop you right there. So who got Ms. Stutts
3 out of the trunk once you all got to that dirt road?

4 A Me, Lorenzo.

5 Q You and his brother got her out the trunk?

6 A Yes, sir.

7 Q And then where was the defendant and what did he do?
8 Where was Damian Inman and what did he do once you all got
9 her out the trunk?

10 A He was getting out the passenger side door, the front
11 seat he was getting out. He was getting out slow. So by
12 time we got Ms. Mary Stutts out the trunk, her head hit
13 the back of the thing. The little trunk thing where you
14 put the key at, that's when she hit the ground. That's
15 when the little brother run up and shot her in the head
16 twice one between her eyes and the top of the head.

17 Q Okay. Now, did you -- what happened next? What
18 happened after that?

19 A That's when we drag her in the woods.

20 Q Did you help drag her in the woods?

21 A I started to and that's when I had stop because I was
22 like I couldn't take this. So I stood back by the trunk,
23 that's when they drug her on in the woods.

24 Q So tell us what happened from that point?

25 A That's when we left and rode through Oakland and

1 stuff, that's when we came back to Dillon.

2 Q Let me ask you something, when you all got her out
3 the trunk, as you and Lorenzo were getting her out the
4 trunk, did Ms. Stutts say anything?

5 A Yes, she was like, Oh, Lord, y'all ain't got to do
6 this.

7 Q Is that right before she was shot by the defendant?

8 A Yes, sir.

9 Q Okay. So again take us from there. What happened
10 then?

11 A We rode through Oakland and stuff, that's when we
12 stop, that's when we came back. We went like -- it's a
13 dirt road -- we went on a pave road. And while we was
14 going on a pave, they been throwing stuff out the window
15 like keys that been hooked onto the key ring and stuff.
16 They been throwing keys and stuff out the window and
17 stuff. We went all the way around Oakland, that's when we
18 came back to Dillon and stuff. That's when we been riding
19 around and stuff and that's when we went to the projects
20 in Newtown, St. Stephen. We went to, I guess, been their
21 cousin or homeboy or somebody. We had stop, he ask us did
22 we want to smoke a blunt.

23 MS. SELLERS: Objection, Your Honor.

24 THE COURT: Sustained.

25 MR. REDMOND: Don't say anything that anybody

1 else said other than anything, of course, the defendant
2 says.

3 MS. SELLERS: I ask that you strike that from
4 the record as well.

5 THE COURT: All right. That response will be
6 stricken from the record. And you may continue.

7 MR. REDMOND: No objection to that, Your Honor.

8 BY MR. REDMOND:

9 Q Again, so what did you all do, without saying what
10 anybody else other than the defendant said, what did you
11 all do you all went to an apartment -- I mean, to
12 somebody's cousin's house?

13 A Yeah, I guess it been their cousin or their homeboy.

14 Q And where was this at?

15 A In Newtown St. Stephen projects.

16 Q Okay. Do you know or do you remember how long you
17 all stayed there?

18 A I say about 30 minutes.

19 Q And what did you all do while you were there?

20 A We a smoke blunt.

21 MS. SELLERS: Objection, Your Honor.

22 THE COURT: Sustained.

23 MR. REDMOND: I didn't say -- just for the
24 record, I didn't say what anybody said. He was just
25 talking about what they did, but I will move on.

1 MS. SELLERS: Again, Your Honor, I ask that be
2 stricken from the record as well.

3 BY MR. REDMOND:

4 Q What did you all do when you left St. Stephen
5 apartments?

6 A We been riding around and stuff. We went back toward
7 where they stay at. We been riding around and that's when
8 they came back on my side of town on Darlington Street.
9 And they drop me off at my great aunt house.

10 Q Let me stop you right there. They dropped you off,
11 so you left. Did you leave the defendant and his brother?

12 A Yes, sir.

13 Q Who had the car at that point?

14 A The big brother was driving Lorenzo.

15 Q Okay. So you gone at that point?

16 A Yes, sir.

17 Q Did they still have the car?

18 A Yes, sir.

19 Q Tell us what happened from there? So they dropped
20 you off at home?

21 A Yes, sir.

22 Q Where is that at?

23 A It was on Darlington Street, but my aunt had move
24 now. It was on Darlington Street. It been on 1009 been
25 the address.

1 Q Okay.

2 A So I went in the house and stuff. My aunt had gave
3 me something to eat and I couldn't eat, so I left back out
4 the house. I ask my aunt could I go stay with my grandma,
5 but really I wasn't. I was just using that excuse to get
6 back out the house. So when I left, that's when they
7 parked the car on landfill road and they been walking.
8 That gave me time enough to catch back up with them by the
9 time they got toward their house like over by ---

10 Q Let me stop you right there. So you all had
11 separated?

12 A Yes, sir.

13 Q And did you -- you were away from them at your
14 family's house?

15 A Yes, sir.

16 Q And then you snuck back out?

17 A Yes, sir.

18 Q And about how long was it before you caught up with
19 the defendant and his brother walking?

20 A I say about 45 minutes.

21 Q Okay. So then tell us you caught up with them you
22 said. What happened once you all caught up with each
23 other?

24 A Like I caught up with them over there by -- a police
25 stay over there. I know I seen a police car in the yard,

1 so we been talking and stuff. We been walking.

2 Q Let me ask you this, when you all were riding around
3 some of their friends house, at what point did you all
4 ever ride onto Cherry Street and talk with a girl name
5 Brooke?

6 A Yes, sir.

7 Q And when was that?

8 A Like this happen after I had caught back up with them
9 and we been talking.

10 Q Okay. So then tell us about that?

11 A So we been talking and stuff. They was like, Boy,
12 what you doing we just dropped you off. Cause I can't
13 sleep, so we walk back and got the car and stuff like
14 that. That's when we been riding around, that's when we
15 went on Cherry Street where Brooke was. She was like that
16 look like grandma car, that's when we rode off. That's
17 when Damian and Lorenzo said we might have to kill her and
18 stuff like that. We been riding around all that night.
19 That's when Damian drove the car once. That's when we
20 seen Dustin and they been drinking a can of beer with
21 Dustin them, but I don't drink, so I wasn't drinking I was
22 just standing there.

23 Q Now, let me ask you this, were you all riding or
24 walking in the best that you remember when you all saw
25 Dustin?

1 A We were walking.

2 Q Okay. So you all went walking again. It was another
3 point that you all stopped and were walking. Where was
4 the car the second time when you all started walking?

5 A I can't quite remember. I know we had parked it
6 somewhere close by.

7 Q Okay. So then tell us -- so you all see Dustin --
8 well, let me back up, when y'all saw the girls, did
9 anybody try to get the girls to go riding with you all?

10 A Yes, sir.

11 Q Okay. Tell me about that?

12 A We had stop in front of the house. Brooke been
13 standing on the porch and there been some other girl.
14 When they walked in the house, that's when Lorenzo ---

15 MS. SELLERS: Objection, Your Honor, that's
16 going to be hearsay.

17 MR. REDMOND: Don't say what Lorenzo said, but
18 he can say what Lorenzo or anybody did.

19 THE COURT: Correct.

20 BY MR. REDMOND:

21 Q So if he don't say what they said, but if he did
22 anything, just tell us?

23 A Well, he try to get them to come to the car with us
24 and chill with us and stuff. That's when she was like
25 that look like my grandma car. That's when we pulled off

1 and she went back in the house and stuff and that's when
2 we left.

3 Q Okay. And who said that they -- did the defendant
4 make any comments about having to kill them because they
5 made a comment about the car?

6 A Yes, sir.

7 Q Okay.

8 A Damian and Lorenzo.

9 Q So you all ended up walking. And I think I cut you
10 off when you talked about -- you all were talking with
11 Dustin. Were there some other people around at that time?

12 A Yes, sir, I can't quite remember though, yes, sir.

13 Q Okay. Are you from their neighborhood?

14 A No, sir.

15 Q Okay. All right. Dustin, how did you know Dustin?

16 A Like he use to stay in a trailer park that my great
17 aunt use to stay in Laura Mekin. He use to stay out
18 there. I use to go to his house. I use to chill with him
19 and his brother and stuff. We use to play the game and
20 stuff, the Xbox and stuff.

21 Q Okay. Now, tell us what happened after that?

22 A That's when we left. We been riding around, that's
23 when we drop the little brother off cause he said he had
24 to go to school the next day, so we drop him off. That's
25 when me and the big brother kept riding around and stuff.

1 Q And what did you all do while you were riding around
2 -- let me ask you this, was there a time that you all
3 procured or stole tags?

4 A Yes, sir.

5 Q Was this after the defendant was dropped off?

6 A This before.

7 Q Okay. Tell me about that?

8 A We had stop. We was coming around from South School.
9 We was coming around that long curve. And when we turned
10 on the road like my grandma use to stay in that big white
11 house right there. We turned on the road. And when we
12 seen the big old white van and we had stopped. We had got
13 tags off the van, that's when we left.

14 Q Okay. So got tags off of the van to help conceal the
15 car?

16 A Yes, sir.

17 Q Help with the car. Now, let me ask you this after
18 that, what point did you all drop the defendant off?

19 A Like after we had came from where Dustin was.

20 Q Okay. And who was driving when you all dropped the
21 defendant off?

22 A First, it was Lorenzo. That's when he drove a little
23 bit, that's when Lorenzo got back on the driver's side.
24 That's when we dropped him off. That's when he went in
25 the house. He went and got another box of bullets and he

1 brung them out to the car, that's when we had left.

2 Q Okay. And so who had the gun at that time?

3 A The big brother. Then he sat it right there in the
4 middle between where the armrest thing was where the cup
5 holder was.

6 Q Okay. So then what happened, you all ride around.
7 Was there a time you all broke into a car that night?

8 A Yes, sir.

9 Q Could you tell the jury -- was this after the
10 defendant had left?

11 A Yes, sir.

12 Q All right. So tell me about that?

13 A Me and Lorenzo we had went to the trailer park right
14 behind Dillon yarn, that's when -- this girl I know she
15 took something from me one time, so we went in her car.
16 And the defendant, Lorenzo, he been on the passenger side.
17 And I been on the driver's side and we been going through
18 the car and stuff. We ain't find nothing so we left.

19 Q And you participated in that breaking into car?

20 A Yes, sir.

21 Q So now take us through -- did you and Lorenzo stay
22 together that whole night?

23 A Yes, sir.

24 Q All right. And what else did y'all do? What leading
25 up to the time I think you all went to Lockamy's Scrap

1 Metal?

2 A We been riding around and stuff. And when I fell
3 asleep in the car, we was over there by -- no, we had went
4 to Lockamy's first and we try to get the car crush and
5 stuff, that's when the people like the car hot and said we
6 got to have a license. So Lorenzo didn't have no license,
7 he had a permit, so that's when we left Lockamy's been
8 riding around and stuff. I fell asleep in the car. We
9 was over by his house. When I woke up, I seen a police
10 car. I was like drive slow and junk like that.

11 Q Stop slow down again. So who said drive slow?

12 A I did.

13 Q Okay. Was that because you saw the police car?

14 A Yes, sir.

15 Q All right. And were you all at who's neighborhood,
16 your neighborhood or the defendant's neighborhood?

17 A They neighborhood.

18 Q Tell us what happened then?

19 A We seen a police car, that's when he turned on the
20 light, that's when we went on a high speed chase. We went
21 down 301. We been doing doughnuts in the road. We
22 wrecked on the railroad track, that's when we jumped out.
23 We been running. And I had a gun and I threw it.

24 Q So you threw the gun? You were the one that threw
25 the gun?

1 A Yes, sir.

2 Q Okay. Now, were you arrested at that time?

3 A Yes, sir.

4 Q And did the police take you back to get a statement
5 or get information from you?

6 A Yes, sir.

7 Q Did you give them a statement immediately or did you
8 do something else before you gave a written statement?

9 A I can't quite remember. I know I gave them a
10 statement though.

11 Q Did you ever take them out to the scene?

12 A Yes, sir.

13 Q Did you do that before or after you gave your written
14 statement?

15 A I think it was before.

16 Q Okay. Tell us about -- well, let me ask you a little
17 bit about that. While you were there, did you tell the
18 police that you would take them to where Ms. Stutts body
19 was?

20 A Yes, sir.

21 Q And did you take them to where Ms. Stutts body was?

22 A Yes, sir.

23 Q And did they find Ms. Stutts body where you took
24 them?

25 A Yes, sir.

1 Q Were you brought back and subsequently gave a written
2 statement?

3 A Yes, sir.

4 Q Now, in that statement, did you tell the whole truth?

5 A No, sir.

6 Q And why didn't you tell the truth to begin with?

7 A Cause I was trying to make myself look good at the
8 point.

9 Q Okay. But did you in your statement at least mention
10 the places you all went that night like Brooke's and the
11 riding around that you all did?

12 A Yes, sir.

13 Q But did you lie to them about your role in
14 everything?

15 A Yes, sir.

16 Q Is that because you knew that you were in a whole lot
17 of trouble?

18 A Yes, sir.

19 Q Is that ultimately why you ended up pleading guilty
20 to these charges that I've indicated?

21 A Yes, sir.

22 Q And again, have I or anybody from the Solicitor's
23 office offered you anything in order to get you to testify
24 here today?

25 A No, sir.

1 Q Hadn't promised you a thing. And you understand you
2 going to have to serve that time; aren't you?

3 A Yes, sir.

4 Q So why is it then tell ladies and gentlemen of the
5 jury why is it that you've decided to come forward and
6 tell us your role in this horrible incident?

7 A Cause I been thinking, it was wrong cause it could
8 have happen to my grandmother or anybody in my family and
9 I decided the family need to know the truth.

10 Q Do you though understand while that is very good
11 reason and we thank you for that, but do you understand
12 that your role in this incident is something that can
13 never be taken away?

14 A Yes, sir.

15 Q And do you understand that you did a horrible
16 horrible thing?

17 A Yes, sir.

18 Q And in doing that horrible horrible thing, was this
19 defendant involved with you through the -- throughout this
20 whole murder of Mary Alice Stutts?

21 A Yes, sir.

22 Q And again, tell this jury as I close, who was it that
23 shot and killed Ms. Mary Alice Stutts?

24 A Damian Inman.

25 MR. REDMOND: Please answer any questions the

1 defense may have.

2 THE COURT: Ms. Sellers.

3 CROSS-EXAMINATION

4 BY MS. SELLERS:

5 Q Good morning, Mr. Bridges.

6 A Good morning.

7 Q Now, Mr. Bridges, we talked before briefly; correct?

8 A Yes, ma'am.

9 Q Mr. Bridges, let's start from the top of your story.

10 Now, you were on your way to Blackmon's as you stated or
11 back from Blackmon's?

12 A Yes, ma'am.

13 Q Who told you you had a job there?

14 A I been talking to the main manager.

15 Q They were going to hire you even though you were 15?

16 A Yeah.

17 Q So you were looking for some money?

18 A Yeah. He told me I could start working.

19 Q Okay. The next day when you say you saw my client,
20 Mr. Inman, you actually went to your grandmother's
21 community; right?

22 A Ma'am.

23 Q Doesn't your grandmother live near Mr. Inman --
24 Ms. Stutts?

25 A Yeah, my grandma Dorothy Covington.

1 Q Yes. And you spent a lot of time in that
2 neighborhood; didn't you?

3 A Sometimes like when I -- like if I'm close by, I go
4 over there and get something to drink.

5 Q You knew that neighbor well?

6 A Not really well cause I ain't really take that way.
7 Like most times, I use to walk to Dillon Manner. I use to
8 go the other way in front of the football stadium on the
9 front side. I ain't really know it like that.

10 Q You didn't know it like that.

11 A And my grandma stay on [REDACTED] South Carolina Avenue.

12 Q So if someone had testified earlier about you being
13 ---

14 MR. REDMOND: Your Honor, I think that's
15 improper. You can't pit another witness against another
16 which Ms. Seller's knows that.

17 THE COURT: Sustain.

18 BY MS. SELLERS:

19 Q Mr. [REDACTED] John B. did you ever -- you recall giving several
20 statements; don't you?

21 A Yes, ma'am.

22 Q And each time your statement has changed; correct?

23 A Yes, ma'am.

24 Q Now, you came and you testified in Lorenzo Inman's
25 trial; correct?

1 A Yes, ma'am.

2 Q Not even today your testimony has changed from that
3 time? It hasn't?

4 A Who? No, ma'am.

5 Q It didn't change at all?

6 A Same thing.

7 Q Okay. Did you admit in that trial that you through
8 the gun?

9 A Yes, ma'am.

10 Q You did. When did you admit that?

11 A When they had ask me.

12 Q Really. Now, do you recall speaking with the SLED
13 agent in Columbia?

14 A No, ma'am.

15 Q Do you recall telling a SLED agent that you use to
16 work for Ms. Stutts in her garden?

17 A No, sir. No, ma'am.

18 Q You never made that statement at all?

19 A No, ma'am.

20 Q Let's go to when you were stopped. You got arrested;
21 right?

22 A Yes, ma'am.

23 Q But you didn't just -- the car didn't stop or you
24 just didn't come out and say, okay, I'm sorry; did you?

25 A No, ma'am.

1 Q They actually had to tase you?

2 A Yes, ma'am.

3 Q Did you run?

4 A Yes, ma'am.

5 Q They tased you more than one time; didn't they?

6 A Yes, ma'am.

7 Q Now, when you were walking up and down from Stewart
8 Heights, you tied your shoe?

9 A Yes, ma'am.

10 Q Did that make you hot?

11 A What you mean by that?

12 Q Were you sweating?

13 A No, I just stop and tie my shoe cause my shoe been
14 coming loose been walking.

15 Q Let me ask you, were you ever separated from
16 Mr. Inman and his brother?

17 A Yeah, when they drop me off at home.

18 Q Before that during Stewart Heights, did you all ever
19 separate at any time or you all were together the whole
20 time?

21 A When I stop and tie my shoe, yeah.

22 Q That's the only time you separated?

23 A No. We separated when they dropped me off and when I
24 stop and tie my shoe.

25 Q While you were in that Steward Heights community, you

1 only stopped to tie your shoe, that's it?

2 A Yes, ma'am.

3 Q Now, when they dropped you off, you said your aunt,
4 which aunt are you talking about?

5 A Great aunt Ruthy Willa.

6 Q But you also went to another aunt's house; didn't
7 you? Who didn't go to Kizzy's house?

8 A Who?

9 Q Kizzy Covington your mom's sister?

10 A No, ma'am.

11 Q You never went to her house that night. She didn't
12 kick you out of her house?

13 A No, ma'am.

14 Q So you're saying you didn't know Ms. Stutts at all?

15 A No, ma'am.

16 Q You never seen her?

17 A No, ma'am.

18 Q You said she was taking groceries out of the car?

19 A Yes, ma'am. That what it look like she was doing
20 when we were walking up towards the yard.

21 Q Now, John B. [REDACTED] in your first statement, did you
22 recall telling the police that you were scared?

23 A Yes, ma'am.

24 Q And that you were frightened?

25 A Yes, ma'am.

1 Q Well, why did you continue to stick with Lorenzo all
2 night long?

3 A Cause I did that to make myself look good in that
4 statement, but I decide I need to tell the truth.

5 Q I'm asking you, why did you stay with Lorenzo all
6 night if you were scared?

7 A I just said I was scared that was just an excuse.

8 Q So you were never scared?

9 A I was scared at one point, but when I stayed with him
10 that night and we been riding around cause I couldn't go
11 to sleep.

12 Q So at what point were you scared?

13 A Like when they had -- after they had shot the lady
14 and they drag her in the woods. I told myself I couldn't
15 do it.

16 Q Okay. So but after that point if that's true, at
17 that point you went to your aunt's house and you lie to
18 your aunt. You lie to your aunt to get out of the house,
19 so you usually lie to get what you want?

20 A No.

21 Q And once they dropped you off, how did you know where
22 Lorenzo was going to be?

23 A I know they was going home cause they say they was
24 going home.

25 Q So you went looking for Lorenzo?

1 A No, really I was walking back toward that way, that's
2 when I saw them. I caught up with them. They had told me
3 they parked the car on Land Fill Road.

4 Q Now, you and Lorenzo went to a trailer park, that
5 trailer park was behind Dillon yard. And the lady that
6 you're talking about that's Tanya? Tanya Tindal.

7 A We just call her white girl.

8 Q White girl. And she's older than you; right? You
9 broke into her car that day, that's not the first time you
10 broke into her car; is it?

11 A Yes, ma'am.

12 Q That was the first time. You went to get something
13 back from her. What were you going to do?

14 A Because like when I use to be at the blue store in
15 front of the blue store, I use to always mess with her. I
16 always be picking at her and stuff. And she had took
17 something from me I can't quite remember, so I went and
18 stole it back, but we didn't find nothing in the car.

19 Q You couldn't remember what she took, but you went
20 into the car, but you couldn't find it?

21 A Yes, ma'am.

22 Q You don't remember what she took from you?

23 A Yes, ma'am.

24 Q So how do you know what you were going to be looking
25 for? You were just going to take anything of value;

1 right?

2 A Yes, something valuable to her that she took valuable
3 to me.

4 Q But you don't recall what she took from you?

5 A No, but I was gone take something of hers.

6 Q How would you equate the value then?

7 A I was just gone take something of hers.

8 Q Did you ever go and ask her could you have whatever
9 she took back?

10 A No.

11 Q You just going to go take it?

12 A Yes, ma'am.

13 Q Now, you also took that license plate; didn't you?

14 A No, ma'am.

15 Q Did you know whose license plate it was?

16 A No, ma'am.

17 Q But your grandmother use to live in that community
18 too?

19 A She did, yeah.

20 Q Did you ever -- so do you ever recall telling your
21 Aunt Kizzy you want make it to see mom's birthday again?

22 A No, ma'am.

23 Q Could you tell the jury when your mom's birthday day
24 is?

25 A I know it's on August the 17th.

1 Q August 17th. And you never told her that you
2 wouldn't be free for your mom's birthday next year?

3 A No, ma'am.

4 MS. SELLERS: Beg the Court's indulgence.

5 THE COURT: Yes, ma'am.

6 (WHEREUPON, a pause in the proceedings.)

7 BY MS. SELLERS:

8 Q Briefly, Mr. Bridges, you and Lorenzo Inman rode
9 around all night; right?

10 A Yes, ma'am.

11 Q Not only did you ride around, you went to the
12 projects and let Sticky drive that car; didn't you?

13 A Who is Sticky?

14 Q You don't know Sticky? You didn't put Sticky in a
15 statement before?

16 A No, ma'am, not that I know of.

17 Q Did you park at the blue store and let multiple guys
18 at the blue store drive that car?

19 A No, ma'am.

20 Q You never told anybody that that was a crack head's
21 car?

22 A Yes, ma'am, we all told whoever got in the car it was
23 a crack head car.

24 Q Whoever got in the car. So multiple people got in
25 car?

1 A We been driving people around. We didn't let nobody
2 drive the car.

3 Q Y'all were driving people around. Who did you drive
4 around?

5 A Rock, a couple people from Jacksonville, Newtown we
6 just been riding people around.

7 Q Okay. So all night you took this car and you made it
8 into your personal taxi?

9 A No.

10 Q Now, those people that rode in the car, did you tell
11 law enforcement about it?

12 A I told them that we been riding around.

13 Q Did you tell them -- since, you told the complete
14 truth did you tell them who?

15 A I didn't tell the truth then.

16 Q So when do you decide you're going to tell the truth?

17 A When I had came to court before I had got my time.

18 Q So today who rode in that car?

19 A I told Rock and a couple of people from Jackson.

20 Q A couple people. Who are those people?

21 A I don't know their name.

22 Q Now, you and Lorenzo also thought about robbing the
23 Kangaroo?

24 A No, ma'am.

25 Q You didn't tell Lorenzo you wanted to rob a

1 convenience store, but there were too many people around?

2 A No, ma'am.

3 Q And even when you went to Miss Tindal's house in her
4 car, you had the gun then; didn't you?

5 A No, ma'am.

6 Q So no one would have seen you at that scene with a
7 gun?

8 A I ain't had a gun, ma'am.

9 MS. SELLERS: No further questions. Thank you.

10 REDIRECT EXAMINATION

11 BY MR. REDMOND:

12 Q Briefly, interestingly, you were asked about giving
13 of your statement and in your statement you told police
14 that you were scared; didn't you?

15 A Yes, sir.

16 Q And the statement you gave on the 18th of August, the
17 same day you got stopped, first thing you told them was
18 that you were scared?

19 A Yes, sir.

20 Q Of course, now we know you really weren't scared and
21 you told the truth and pled guilty?

22 A Yes, sir.

23 Q But your first time you said in your statement I was
24 scared. In essence trying to make it seem like you said
25 earlier where you trying to make it seem that you were not

1 as involved as you really were?

2 A Yes, sir.

3 Q You were trying to help yourself out in that first
4 statement?

5 A Yes, sir.

6 Q But then you realize that the truth ultimately would
7 come out?

8 A Yes, sir.

9 Q And is that why you ultimately decided to plead
10 guilty?

11 A Yes, sir.

12 Q And in fact, Ms. Sellers actually asked you this, so
13 I'm gone ask you about it some. You were called as a
14 witness in Lorenzo Inman's case; weren't you?

15 A Yes, sir.

16 Q And in fact, I didn't call you or subpoenaed you to
17 testify in that trial; did I?

18 A No, sir.

19 Q Matter of fact, I didn't know you were going to
20 testify in that trial; did I?

21 A No, sir.

22 Q In fact, you were called as a witness by the
23 defendant's brother; weren't you?

24 MS. SELLERS: Your Honor, I would ask for
25 relevance.

1 MR. REDMOND: She brought it up. She open the
2 door.

3 THE COURT: Overrule.

4 BY MR. REDMOND:

5 Q So again, let me ask you to be clear, you were
6 subpoenaed as a witness for the defendant's brother?

7 A Yes, sir.

8 Q Lorenzo Inmann?

9 A Yes, sir.

10 Q And that's how you came to testify in this trial?

11 A Yes, sir.

12 Q And you have told us as it relates to who did what
13 have you told us the same thing that you told us then?

14 A Yes, sir.

15 Q Did you indicate that Damian Inman shot Ms. Mary
16 Alice Stutts?

17 A Yes, sir.

18 Q That this defendant was the one who shot her. And
19 all of these circumstances was leading up to her robbery,
20 flapping and death, did you testify then as you have now?

21 A Yes, sir.

22 MR. REDMOND: Nothing further, Your Honor.

23 RE CROSS-EXAMINATION

24 BY MS. SELLERS:

25 Q The solicitor also just talk to you about helping

1 yourself out. Mr. John B. have you learn that although you
2 are in state's custody, when you come in the solicitor's
3 office, you could get a reduction of your time?

4 A No, ma'am.

5 Q You never heard that in talk with anybody at DJJ?

6 MR. REDMOND: And, Your Honor, I'm prepared to
7 stipulate that's not gone happen. She's asking him
8 matters of law.

9 MS. SELLERS: I'll ask ---

10 THE COURT: Step talking and step up here.

11 (WHEREUPON, a bench conference was held in the
12 presence of the jury, but out of the hearing of the
13 jury.)

14 BY MS. SELLERS:

15 Q Mr. Bridges, you said you are or not aware of about
16 sentence reduction?

17 A Aware of what?

18 Q About a way to get your sentence reduced?

19 A No, ma'am.

20 Q Okay.

21 MS. SELLERS: No further questions. Thank you.

22 THE COURT: All right. Thank you very much,
23 Mr. Bridges. You may step down, sir.

24 (WHEREUPON, the witness leaves the witness
25 stand.)

1 MS. SELLERS: May we approach briefly?

2 THE COURT: Yes, ma'am.

3 (WHEREUPON, a bench conference was held in the
4 presence of the jury, but out of the hearing of the
5 jury.)

6 MR. REDMOND: The State would next call Eddy
7 Boone to the stand.

8 THE CLERK: Place your left hand on the Bible
9 and raise your right hand. Do you solemnly swear or
10 affirm the testimony you're about to give the court is
11 the truth, the whole truth, and nothing but the truth so
12 help you God?

13 THE WITNESS: Yes.

14 THE CLERK: Be seated and state your full name
15 for the court, spelling your last.

16 THE WITNESS: Eddy Alexander Boone. B-O-O-N-E.
17 WHEREUPON,

18 Eddy A. Boone,
19 after first having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. REDMOND:

22 Q Mr. Boone, where -- do you reside here in Dillon
23 County?

24 A Yes.

25 Q Have you ever -- and I'll just get straight to the

1 point. Have you ever met the defendant?

2 A Yes.

3 Q Now, let me get some background information. Back, I
4 believe it was in August of 2009, were you incarcerated at
5 the Dillon County Detention Center?

6 A Yes.

7 Q And what were you incarcerated for?

8 A Child support.

9 Q Okay. And do you remember how long you stayed in
10 jail?

11 A Forty something days.

12 Q Okay. But then you were released?

13 A Yes.

14 Q But prior to your arrest in August of, I believe,
15 around the 28th of August, did you have an opportunity to
16 have a discussion with this defendant?

17 A Yes.

18 Q Did he talk with you about the circumstances the
19 involving the death of Mary Alice Stutts?

20 A Yes.

21 Q Okay. Now, I'm just gone ask you, what did he tell
22 you?

23 A Well, we started talking cause he had came over there
24 cause his brother was over there first and he had came
25 over there after his brother left. And he was up in there

1 and we just talking. And I ask him did he know me, he
2 said, yeah, I seen you a couple times.

3 Q Let me stop you first. Did you have an opportunity
4 to talk with his brother before he came in?

5 A Yes.

6 Q Okay. His brother being Lorenzo Inman?

7 A Yes.

8 Q Okay. Continue.

9 A So we was talking I say, man, did you kill that woman
10 for real? He said, yeah. I say, man, I believe you
11 lying. He said, no, I ain't. No, I ain't. He said, man,
12 I shot her twice in the head. He said I shot her one time
13 in her face and her head turn to the side and I shot her
14 again in the side of the head. And so I was just talking
15 to him and stuff and he kept going on. He was like after
16 I shot her, he was like Little John B. was looking off like
17 damn you murder that bitch excuse me ---

18 MS. SELLERS: Objection, Your Honor, that's
19 going to be hearsay.

20 A Excuse my language.

21 MR. REDMOND: Your Honor, I think he was
22 referring to what the defendant said.

23 MS. SELLERS: He said Little John B.

24 MR. REDMOND: But no he's saying what your
25 client said.

1 THE COURT: I think, but I'll let you clarify
2 Mr. Boone, but I think his testimony is that's what the
3 defendant said. But just so the question, Mr. Boone, you
4 can testify as to anything that Mr. Inman said to you but
5 not what someone else may have said.

6 You may continue.

7 BY MR. REDMOND:

8 Q To clarify what you were just talking about are these
9 things that the defendant said?

10 A Yes, he told, this what he told me.

11 Q So tell us again where you left off what was the
12 defendant telling you regarding this murder?

13 A He said that little **John B.** was looking off. He said
14 that Little **John B.** said ---

15 MS. SELLERS: Objection, Your Honor.

16 Q Let me clarify, did you have any conversations with
17 **John B. John B.**

18 A No.

19 Q Was Lorenzo Inman in there at the time you were
20 talking with the defendant?

21 A No.

22 Q So when you're having this discussion, who was the
23 only person talking?

24 A Him.

25 Q So is everything that you're testifying to out of the

1 defendant's mouth?

2 A Yes.

3 Q Okay. Tell us again what did the defendant say?

4 A These are his words. He said Little **John B.** was
5 looking off saying, Damn, you murk that ditch. And he
6 said he told Little **John B.** to come on and help us move the
7 body cause him and his brother was already moving the lady
8 body -- old lady body into the bushes, said Little **John B.**
9 came over and help them move the body. He said after that
10 they got in the car, they was driving around looking for
11 somebody for Lorenzo to kill. And he said that -- he was
12 like man I should have -- said that when they got back to
13 the hood said Little **John B.** was running acting like he was
14 bad and he ain't even did shit. Now, these his words. He
15 said he ain't even did shit. He said man, I should have
16 shot Little **John B.** back there and kill him and left him
17 back there where that woman was. He said and there been
18 two missing people. And I'd been home sitting back
19 smoking. And he said -- then he said again -- he must
20 been thinking about it, but I ain't gone say what he been
21 doing. He said man, I should have shot that mother fucker
22 when he was in the back seat. He was saying it like that.
23 And then he started talking like -- I was like, well, what
24 y'all gone do? He said we gone put it on Little **John B.**
25 I said how y'all gone do that? Well, when my mama come

1 see my brother, he tell her stuff to tell me. Then I tell
2 her stuff to tell him back and forth get our story
3 straight, so we can put it all on Little John B. And he
4 was like -- and then later on he was like -- and then
5 later on he was like -- I say man how you feel? He said,
6 man, I don't feel shit. He said killing that woman was
7 just like killing a damn dog.

8 Q Now, those were his words?

9 A His words, exact words. He said killing that woman
10 was like killing a damn dog.

11 Q Now, Eddy, did you talk with law enforcement, did you
12 send out word for somebody to come talk to you about what
13 you heard?

14 A Yes.

15 Q Okay. And did they come talk to you Allen Rogers and
16 Jason Turner?

17 A Yes.

18 Q And at the time they talk to you, did you tell them
19 exactly what you told us here today?

20 A Yes.

21 Q Now, Eddy, you actually have -- well, back in 2003, I
22 believe it was did you have a conviction for involuntary
23 manslaughter?

24 A Yes.

25 Q And you got a five year sentence and I believe you

1 got out in 2004?

2 A Yes, sir.

3 Q At that time, did you start working as a
4 corroborating witness for law enforcement?

5 A Yes.

6 Q And I believe you worked with agencies here in Dillon
7 County and in North Carolina and I believe with the
8 federal government with ATF in North Carolina?

9 A Yes, as well.

10 Q And in those situations, have you worked as
11 cooperating witness involving drug transactions?

12 A Yes.

13 Q In other words, you were a paid confidential
14 informant?

15 A Yes.

16 Q Now, in this particular case, did that have anything
17 to do with what you were doing?

18 A No.

19 Q And in fact, you started -- did you start working as
20 an informant after you served your sentence?

21 A Yes.

22 Q Okay. So you served your sentence and you were out.
23 And you started cooperating with law enforcement?

24 A Yes.

25 Q And you work with Dillon authorities, North Carolina

1 authorities and federal authorities?

2 A Yes.

3 Q And I believe the State Bureau of Investigation in
4 North Carolina too?

5 A Yes.

6 Q So since 2004, you work with law enforcement?

7 A Yes.

8 Q Why in this particular case once you heard what you
9 heard, tell his jury why you decided -- well, let me back
10 up. Were you promised anything in exchange for giving
11 this information?

12 A No.

13 Q I mean, you've already worked for law enforcement.
14 Were you doing this to try and get more work for law
15 enforcement?

16 A No.

17 Q Well, then tell this jury then why is it that once
18 you heard the defendant tell you this, why is it that you
19 decided to go ahead and tell what you been told?

20 A Because my mom she would have been about that age if
21 she was living. And the way he was telling it to me he
22 was saying it grinning like, yeah grinning about it and
23 stuff. Like he really believe it's like killing a dog you
24 know and that could have anybody family over there, you
25 know, anybody family. He know better. He sitting there

1 like he innocent and all that, that look I know better
2 cause I was in there with him. The look, the grin, you
3 should have seen the grin he put on, look like the
4 innocent grin of a murderer. I'm telling you it's the
5 grin of a murderer with no remorse, unremorseful and
6 everything, you know, cause, hey, put it this way, it's
7 people over there, could have been your people over there.
8 You sitting over there anybody sitting over there.

9 MS. SELLERS: Your Honor, I would just ask that
10 you ask him to answer the question.

11 THE COURT: All right, he's responding.

12 MR. REDMOND: I think he's answering the
13 question.

14 THE COURT: He's answering it.

15 A And stuff like this don't have to be. It don't have
16 to be, but, you know, you did something. You know you did
17 it, you know. You told me you did it. I didn't know none
18 of this until you told me. You the one told me. None of
19 this I didn't know anything about nothing at all until he
20 told me.

21 Q And in fact, you were in jail at the time on
22 August 17th you were in jail?

23 A Yes, I was in jail.

24 Q You were not out on the street?

25 A Yes, no TV's or nothing, nothing at all back there.

1 And he doing stuff like this, you know, to old people and
2 stuff like that. People done live their life, got kids,
3 grandkids whatever. You can't -- Christmas time it's
4 nobody there.

5 THE COURT: All right.

6 BY MR. REDMOND:

7 Q All right. And let me just ask you this last
8 question. Again, to make it clear, are you getting
9 anything at all in exchange for testifying?

10 A No.

11 Q Did you get anything at all in exchange for giving
12 this statement?

13 A No.

14 Q In fact, after you gave this statement, you still had
15 to stay in jail for a while?

16 A Yes.

17 Q After you finish with the family court?

18 A Yes.

19 MR. REDMOND: Please answer any questions the
20 defense may have.

21 CROSS-EXAMINATION

22 MS. SELLERS:

23 Q Mr. Boone, since 2004 -- how are you?

24 A I'm doing pretty good. How about you?

25 Q I'm fine. Since, 2004 where have you worked?

1 A Temporary agencies and stuff like that.

2 Q So you are basically a paid informant?

3 A Yes.

4 Q That is your job?

5 A Yes.

6 Q So you working now?

7 A No.

8 Q Okay. And you were in the county for what?

9 A Child support.

10 Q Child support. Do you remember how much you were
11 behind?

12 A No.

13 Q Did they -- did you have to turn yourself in for
14 child support?

15 A No. I got caught in a roadblock.

16 Q In a roadblock. So they had a bench warrant out for
17 you?

18 A Yes.

19 Q Okay. So you didn't appear in court when you were
20 suppose to appear in court?

21 A I didn't have -- I was never served the papers to
22 appear in court.

23 Q Now, you talked about your job. You're a CI, you're
24 a snitch?

25 A Whatever you want to call it.

1 Q Okay. And you have not only testified and helped out
2 law enforcement here in Dillon. You helped out in Marion
3 County, North Carolina and in federal government; right?

4 A Yes.

5 Q Now, could you explain to the jury some of the
6 incentives or some of the things you have received for
7 your corroboration?

8 A Money.

9 Q Money?

10 A Yes.

11 Q Lots of money; right?

12 A Not lots of money, money.

13 Q Okay. And what else?

14 A Like what you mean like what else?

15 Q A car?

16 A Yes.

17 Q So they gave you car?

18 A No, they didn't give me a one, they loaned me one.

19 Q How long did they loan you that car two years; right?

20 A Yes.

21 Q Now, you said you contacted law enforcement?

22 A Yes.

23 Q How did you know who to contact?

24 A It's a number on the wall right beside the phone
25 booth in the C pod. I think that's C pod, which ever one

1 was the down pod. It's right on the wall right beside
2 sheriff's office number.

3 Q So let's talk about the C pod. The C pod you said is
4 the lock down unit; right?

5 A I think that's C pod.

6 Q Now, after you provide this statement, you didn't
7 stay in C pod long; did you?

8 A Probably, I can't remember how long I stayed in
9 there. I can't remember how long I stayed.

10 Q Didn't shortly you get to go to A pod the chain gang
11 unit?

12 A That's where you go for child support, yes.

13 Q Now, since, the last year have you continued to pay
14 your child support?

15 A No, I have not.

16 Q Would you be surprised if you were around \$21,500
17 behind in child support?

18 A No, I would not.

19 Q You would not be surprised?

20 A No.

21 Q Now, let me ask you, have you been arrested since
22 that time?

23 A Since last year?

24 MR. REDMOND: Your Honor, I'm going to object to
25 relevance at this point because I think we've gotten into

1 somewhat ---

2 THE COURT: Come on up here.

3 (WHEREUPON, a bench conference was held in the
4 presence of the jury, but out of the hearing of the
5 jury.)

6 BY MS. SELLERS:

7 Q Briefly, Mr. Boone, how many children do you have?

8 A Eight.

9 Q Eight children. How many times have you testified in
10 court can you even count?

11 A Probably about four or five.

12 Q Four or five times. And when you testify in court,
13 do you get paid more?

14 A No, I don't get paid at all.

15 MS. SELLERS: No further questions.

16 REDIRECT EXAMINATION

17 BY MR. REDMOND:

18 Q And have you gotten paid for this in any way?

19 A No.

20 Q And since she was asking me about being paid or
21 anything, does any of that other stuff you were doing have
22 anything to do with what this defendant told you?

23 A No.

24 Q Because I think you primarily work with drug
25 transactions?

1 A Yes.

2 Q Is that correct?

3 A Yes.

4 Q Did this have anything to do with a drug transaction?

5 A No.

6 Q What did this have to do with, Mr. Boone?

7 A Him killing that old lady, grinning and laughing and
8 said killing that old lady was just like killing a dog.

9 MR. REDMOND: Nothing further, Your Honor.

10 THE COURT: All right. Thank you very much you,
11 sir... You may step down.

12 (WHEREUPON, the witness leaves the witness
13 stand.)

14 MR. REDMOND: Your Honor, could we have a moment
15 for administrative matters. I think once we do that then
16 we might be concluding our particular case.

17 THE COURT: You need to send the jury out?

18 MR. REDMOND: Yes, sir, Your Honor. We just
19 need to check some of the exhibits.

20 THE COURT: All right. Ladies and gentlemen,
21 I'm going to get you to step back into your jury room.
22 I'm going to ask you to please have no conversation about
23 the case. But if you need anything while you're back
24 there, let us know, we will take care of it. If anybody
25 wants to take smoke, it can be quick, but that will be

1 (WHEREUPON, the jury came into open court at
2 4:43 with a verdict.)

3 THE COURT: Mr. Foreman, has the jury reached an
4 unanimous verdict?

5 JURY FOREMAN: Yes, sir.

6 THE COURT: All right, sir, if you could pass
7 that to the bailiff. Thank you very much, sir.

8 All right, they seem to be in order. Madam
9 clerk, if you will publish the jury's verdict please.

10 THE CLERK: The State of South Carolina County
11 of Dillon vs. Damian Inman defendant in the court of
12 general sessions fourth judicial circuit 2009-GS-17-1215,
13 Count 1 one murder, we, the jury, find the defendant,
14 Damian Inman, guilty of murder, signed by foreperson David
15 Cox. Count 3 for first degree burglary, we, the jury,
16 find the defendant, Damian Inman, guilty of first degree
17 burglary, signed by foreperson David Cox. Count 4
18 kidnapping, we, the jury, find the defendant, Damian
19 Inman, guilty of kidnapping, signed by foreperson David
20 Cox. Count 6 grand larceny, we, the jury, find the
21 defendant, Damian Inman, guilty of grand larceny, signed
22 by foreperson David Cox. Count 2 possession of a weapon
23 during the commission of a violent crime, we, the jury,
24 find the defendant, Damian Inman, guilty of possession of
25 a weapon during the commission of a violent crime, signed

1 foreperson David Cox. Count 5 arm robbery, we, the jury,
2 find the defendant guilty of arm robbery, David Cox
3 foreperson. Count 7 conspiracy, we, the jury, find the
4 defendant, Damian Inman, guilty of conspiracy, signed by
5 David Cox, foreman December 16th 2010.

6 THE COURT: All right. Thank you, madam clerk.

7 Ladies and gentlemen of the jury, if the
8 verdicts that the clerk just publish to the Court if those
9 are in fact your verdicts, I would ask that you please
10 signify by raising your right hand. Thank you very much,
11 ladies and gentlemen.

12 (WHEREUPON, all jurors hands were raised.)

13 THE COURT: You may have a seat Ms. Sellers and
14 Mr. Inman. Ladies and gentlemen, I want to thank you for
15 your service this week. These are not as you can see from
16 your service on the jury, these are not -- it is not an
17 easy job. But it is certainly an important service that
18 you give to your community. And I just want to thank you
19 all because you all have been patient. There have been
20 some delays that were not fault of anyone involved in the
21 cases. It is just sometimes the way criminal court goes
22 and is other matters that are going on. It's not just one
23 trial. There's other things happening and so you have
24 been just awesome as far as being patient and doing your
25 work.

1 THE COURT: Yes, ma'am.

2 MS. SELLERS: Disregard that, Your Honor, it was
3 some logistics.

4 THE COURT: All right. Okay, that's all right.

5 Solicitor, be happy to hear from you on behalf
6 of the State.

7 MR. REDMOND: And I would like to speak as you
8 know, Your Honor, I do talk a lot. But, Your Honor, in
9 all seriousness Mr. Daniel has had just as much if not
10 more of a role since he's actually been here on the ground
11 in Dillon all the time preparing this case. I have to
12 kind of bounce around and come in, so I rely heavily on
13 the work he does. So I think last time I don't know that
14 he had an opportunity to speak at the last trial, but I'd
15 like to yield to him if I could and give him an
16 opportunity to express whatever sentiments he may have.

17 THE COURT: Sure.

18 MR. DANIEL: May it please the Court, Your
19 Honor, the only couple things I like to mention and one is
20 as tragic as this case was or is the contributions of law
21 enforcement cannot be understated. And the sheriff's
22 department, the police department and SLED all worked
23 diligently to bring this case to a close. And they have
24 worked from August the 17th of 2009 until today. And they
25 have not stopped contributing to this ultimate result.

1 And like I said, those contributions cannot be overstated.
2 And also, Your Honor, I'm fairly new at this. I'm going
3 on my third year of working in this job. And I have never
4 in that short time had to deal or had to work with a
5 family who has been as dignified and as classy as this one
6 in the face of events that normally would cause people to
7 not be dignified and not be classy. And I can't speak
8 highly enough of this family standing behind me. And we
9 have really -- even though I've known for sometime before
10 all this. We have really developed a very positive fond
11 relationship over the last year because that's how long we
12 been communicating about all this. And nothing that
13 happens in this courtroom today or that has happened over
14 the course of these trials will bring Mary Alice Stutts
15 back. But today as a result of this jury which we're very
16 thankful to, today this family can have some closure. And
17 it's all over for them as far as this part of it. Now,
18 they will still grieve. And they will still mourn and
19 they will suffer, but there is some closure today. And
20 they have like I said handled this case in this entire
21 process with such grace. And my life has been changed
22 over this -- over the course of last year because of them.
23 And I want to thank them for that. Again, I thank law
24 enforcement and I thank the jury for their service.

25 THE COURT: Thank you, sir.

1 MR. REDMOND: And, Your Honor, if I may on the
2 issue of sentencing and I loudly echoed the sentiments
3 expressed by Mr. Daniel. And the family knows how I feel
4 about them. We been through battles regarding this case
5 together. And I can tell you that it is an unfortunate
6 pleasure that we are here with this defendant having been
7 convicted for the heinous acts that he has committed.

8 And on that particular issue, Your Honor, I
9 think that it is clear now the case is over, it's clear to
10 me that we are looking at the shooter. And with all the
11 evidence even though, obviously, under the law there
12 doesn't have to be a specific finding as to this defendant
13 because of his actions hand of one hand of all and the
14 murder instructions as well. But just based on the
15 circumstances both that came up in court and circumstances
16 outside of court, that were not admissible, I strongly
17 feel that this defendant is the shooter of Ms. Mary Alice
18 Stutts. But not just that, when we think about what this
19 community and more importantly what this family has had to
20 endure. I think that if ever there were a defendant and I
21 don't care how hold he was at the time. I think my mom
22 said it best and I'll just be frank with you. And if I'm
23 inappropriate and out of line, I apologize. But I don't
24 think this defendant deserves any, absolutely no leniency
25 from this court. For this reason, when I look at what

1 they put Ms. Stutts through as I outlined and Mr. Daniel
2 outline through this case, he got the biggest benefit from
3 U.S. Supreme Court because I'll been honest with you if
4 the U.S. Supreme Court would have allowed it, we would
5 have absolutely noticed this defendant for the death
6 penalty.

7 Unfortunately, we could not because the U.S.
8 Supreme Court as the Court is aware does not allow for
9 someone that was his age at the time it was committed.
10 And we are talking about mother's and all. My mom and I
11 have had a long discussion about this case and I thought
12 she brought up a good point. If -- and I say kids very
13 loosely, but if people his age have the wherewithal to
14 plot out and engage in this type of activity, they should
15 have to bear the responsibility that I would at the age of
16 40 plus. So I say that to say he doesn't deserve any
17 benefit. I think the U.S. Supreme Court has really given
18 him the biggest benefit that he's arguably entitled to.
19 So we would ask the State -- the Court to consider giving
20 him a maximum sentence on all charges. So that quite
21 frankly this city, this county, this State, this country
22 never have to worry about this defendant walking the
23 streets anywhere in endangering anybody's sister, daughter,
24 grandmother, mother, friend, cousin, aunt. He should not
25 have to be a threat to anybody again and I think he has

1 earned his sentence of life and we would ask the Court to
2 consider that.

3 THE COURT: All right. Thank you, Mr. Redmond.

4 Anyone else wish to address the court regarding
5 the sentencing?

6 MR. DANIEL: Yes, Your Honor. This is Bobbie
7 Lee, Mary Alice Stutts' daughter.

8 THE COURT: Ms. Lee.

9 BOBBIE LEE: Judge, I could stand up here and
10 say a lot about my mama and how much I loved her and how
11 much we miss her, but all that's kind of normal stuff when
12 something like this happens. But I just wanted to talk
13 about two things. Two things that I think the defendant
14 had a chance, if you will for lack of words, right a
15 wrong. One was when mama looked him in the face and said
16 please don't kill me. I couldn't help Tuesday up here to
17 think offer him a him chance to plea, my mama that never a
18 chance to plea. She didn't have a chance to talk to her
19 family or a lawyer or a second chance. He gave her
20 nothing and he had a chance then to make a choice. Now,
21 Tuesday the State gave him ample opportunity to get a
22 lesser sentence and not put us through what he's put us
23 through this week. I tried throughout this not to be
24 bitter. And I will not be bitter... I will not let this
25 change the person that I am, but I am asking you

1 respectfully to give him the maximum sentence allowed by
2 law.

3 THE COURT: Thank you very much, ma'am.

4 HARDY WILKES: Your Honor, my name is Hardy
5 Wilkes and I'm Mary Alice's brother. It was just she and
6 I in the family, one sister. I wish you to be patient
7 with me, I'm overwhelmed. I don't think anything I could
8 say could supercede what Mr. Redmond has said in terms of
9 expressing my feelings about this. I think the jury
10 that's too small of a word. I thank you, Your Honor. I
11 thank everybody here. Mary Alice was a God fearing woman.
12 She loved everybody. She would give you anything she had
13 if you ask for it. She was such fine Christian woman.

14 The inhumanity of this, the cruelty of this act,
15 this murder by the defendant shows he showed no mercy to
16 my sister. When she as was pointed out by her daughter,
17 begged for her life and don't hurt me and don't kill me, a
18 seventy-five year old woman congestive heart failure. I
19 stand here before you Your Honor and all mighty God. And
20 it is my humble plea to Your Honor and this Court that you
21 pass sentence to the maximum extent of the law with regard
22 to this defendant who showed no mercy to my sister. And I
23 would humbly request that Your Honor show no mercy to him
24 with regards to what he has done. And forgive me for
25 rambling, I don't mean do that. I thank you again it is

1 been well said. Thank you for the privileges speaking to
2 you, Your Honor.

3 THE COURT: Thank you. Thank you for being here
4 sir.

5 JOHNNY STUTTS: Your Honor, I'm Johnny, I'm Mary
6 Alice's son, that's my mom. Although, we know nothing can
7 bring her back I bring her back. My sister has pretty
8 much said it best. But I just want to say our lives have
9 been changed. And my mother's life was taken, but it
10 wasn't our choice. We didn't choose to have this change
11 in our life, but this young man made a choice to change
12 his. And I just beg for God's mercy. And then God's
13 wisdom for your decision in sentencing. Thank you.

14 THE COURT: Thank you, sir.

15 Ms. Sellers.

16 MS. SELLERS: Thank you, Your Honor. Before you
17 stands Damian Inman, Your Honor, he's a life long resident
18 of Dillon, South Carolina. He is 18 years of age. At the
19 time this crime occurred, he was 17 years of age. Your
20 Honor, first off, I'm going to start by sharing our
21 deepest sympathies and condolences not only to Ms. Stutts
22 and Lee family. Also, Mr. Inman would like for me to
23 express remorse and sympathy towards his own family for
24 the pain and heartache that he's caused everyone in this
25 room.

1 Your Honor, there is nothing that we can say to
2 justify the acts that were done to Ms. Mary Alice Stutts.
3 Your Honor, we can just say that he was very immature at
4 the time. We respect the jury's verdict. He is guilty of
5 this crime. Your Honor, we have to face that fact and
6 there's nothing can change that.

7 Your Honor, he did exercise his right toward a
8 jury trial. We ask that he not be penalized at all or
9 punished any harsher than that. But, Your Honor, this is
10 a sad case all around. You have before you standing in
11 support of him Ms. Gladys Inman, who is his mother,
12 and his father, Alfonzo Inman, was not able make it today,
13 But, Your Honor, you have a mother who has done everything
14 that she can and it's been evident through the entire
15 process of this trial regardless of whether we agree or
16 disagree with the tactics. You've seen that she's a
17 mother that's done everything that she can do and loves
18 her children very deeply. And they weren't raise this
19 way. Damian nor Lorenzo were raised to go out and do any
20 harm. In fact, they were actually raised attending the
21 Free Rock Baptist Church -- Holiness Church. Your Honor,
22 somewhere down the line, there was a detour. You've heard
23 the statements from, information from the psychiatrist
24 that had an opportunity to evaluate Mr. Inman. Again,
25 there's still no justification. Your Honor, we basically

1 just place ourself at the mercy of you. We understand
2 that he is facing an incredible amount of time, Your
3 Honor... We just ask that some possibility if you would
4 find it in your heart to allow him to be released at some
5 point in time. We understand that it's going to be a
6 lengthy sentence, but, Your Honor, in light of no criminal
7 record of this defendant, in light of age, your Honor, we
8 would for some leniency and mercy in your sentencing.

9 THE COURT: Thank you, Ms. Sellers.

10 Anyone else like to address the Court?

11 Ma'am, I'm sorry could I get your name for the
12 record please.

13 MR. DANIEL: Gladys Inman.

14 THE COURT: All right.

15 GLADYS INMAN: I know my son's innocent. I know
16 he wouldn't kill nobody, but...

17 THE COURT: Ms. Reed is taking down everything
18 that's being said. It's a court of record. I need you to
19 speak loud enough so that Ms. Reed can hear you.

20 GLADYS INMAN: I know he innocent, but that's
21 all I know. I know he wouldn't kill nobody. They go by
22 what the witness said so... That's all I got to say.

23 THE COURT: All right. Thank you, ma'am.

24 Anything further, Ms. Sellers?

25 MS. SELLERS: Nothing further, Your Honor, just

1 again that we do convey our deepest sympathies and we just
2 ask the Court -- beg the Court for mercy.

3 THE COURT: Your know, I don't understand why
4 this case had to happen. I was the trial judge on the
5 case with Mr. Inman's older brother as well as I took plea
6 on Mr. Bridges. I think I've been involved throughout.
7 And there's nothing in this evidence that helps me to
8 understand why it was necessary to kill this woman. Three
9 young men rob her, break into her house, take whatever
10 they want and they could have just left. I seriously
11 doubt she could have recognize them or identified them to
12 the police. It is just very strange.

13 I had a case in Florence earlier this year y'all
14 may have heard about it. It involved two young men who
15 killed a man at a hotel. They robbed him and as it turned
16 out, he was a war hero. He was someone who fought on the
17 beaches of Normandy and he received several military
18 honors. And his son said something during the sentencing
19 phase of that trial that struck a cord with me that I will
20 never forget. And his son said the young man who killed
21 that gentleman was, I think, 18 years old at the time,
22 seventeen or 18. And he said, Judge, you know, what's so
23 ironic. He said when my dad was this boy's age, he was
24 overseas fighting for this country and fighting for the
25 freedoms that we enjoy in this land. And now here this

1 boy is at that age and he is on the streets of this free
2 country terrorizing the very people my dad fought to free.
3 And I look at Mr. Inman and the other Mr. Inman, Mr.
4 Bridges and that's what I see. I see young men who are
5 terrorist. They are no different than those folks that
6 flew those planes into the towers in New York. They just
7 didn't kill as many. But they're just as much a terrorist
8 when folks cannot extend God's hand to another person.
9 Their motive or excuse me -- their method of getting Ms.
10 Stutts out of her house was to ask for help and she didn't
11 hesitate to give it to them. And this how she is
12 rewarded. And it is hard for me to wrap my mind around.

13 You mention, Ms. Sellers, that these boys
14 weren't raised that way. Well, I can tell you from what
15 I've observed that they were also not raise to take
16 responsibility for their actions. They were not raised to
17 be young men who are responsible. It doesn't fall on deaf
18 ears to me when I see a case and I've got three young men
19 accused of committing a heinous heinous crime. And the
20 one young man who's not associated with this family, came
21 forward, gave a statement, pled guilty, took the police to
22 place where Ms. Stutts' body was and showed them where she
23 was, so that her family could recover her remains. And
24 the other two have never taken responsibility for this
25 day. And Mrs. Inman stands here in face of this jury that

1 her overwhelming evidence that this boy is guilty of what
2 he is charged with, she stands here and denies it saying
3 he's innocent. Well, he's not innocent. I have children.
4 I love them with all that I am and always try to put their
5 interest ahead of mine. And unfortunately for Mr. Inman
6 that didn't happen here.

7 We talked about -- and ladies and gentlemen of
8 the jury, you were not aware of this and you should not
9 have been aware of this. This was not appropriate for you
10 to be aware of, but there was some indication that
11 Mr. Inman was going to enter guilty plea on Tuesday. The
12 State had offered him essentially what is a 55 year
13 sentence in exchange for his plea to basically to prevent
14 this family from having to go through this trial. And he
15 indicated initially he wanted to accept that. And as I
16 tried to qualify that plea, which is one of the reasons we
17 did not reach the case on Tuesday because I was involved
18 in trying to accept his plea guilty plea. And the only
19 thing throughout that entire guilty plea that Mr. Inman
20 cared anything about was making sure that he still had the
21 right to appeal. He never asked me about anything other
22 than, I still have the right to appeal, don't I. Can I
23 still appeal it? And it became clear to me that he had no
24 interest in pleading guilty.

25 Regarding indictment 2009-GS-17-1210 on the

1 charge of murder, the sentence of the Court is that you
2 are to be confined to the state department of corrections
3 for the remainder of your natural life.

4 On indictment 2009-GS-17-1211 possession of a
5 weapon during the commission of a violent crime.

6 MR. REDMOND: Up to five years.

7 THE COURT: Sentence of the Court is your are to
8 be committed to the state department of corrections for a
9 period of five years.

10 Indictment 2009-GS-17-1212 burglary in the first
11 degree, it is the sentence of the Court that you are to be
12 committed to the state department of corrections for the
13 remainder of your natural life.

14 2009-GS-17-1213 kidnapping, the sentence of the
15 Court is that you are to be committed to the state
16 department of corrections for a period of 30 years.

17 2009-GS-17-1214 arm robbery, sentence of the
18 Court is that you are to be committed to the state
19 department of Corrections for a period of 30 years.

20 Indictment 2009-GS-17-1215 grand larceny in a
21 value of over \$5,000, the sentence of the Court is that
22 you are to be committed to the state department of
23 corrections for a period of ten years.

24 2009-GS-17-1217, the sentence of the Court is
25 that you are to be committed to the state department of

1 Corrections under the conspiracy charge for a period of
2 five years. All of those sentences are to run
3 consecutively. That is the sentence of the Court. Good
4 luck to.

5 MR. REDMOND: Thank you, Your Honor.

6 MS. SELLERS: Thank you, Your Honor.

7 END OF REQUESTED TRANSCRIPT
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STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF DILLON	)	2009-GS-17-1210
	)	2009-GS-17-1211
	)	2009-GS-17-1212
	)	2009-GS-17-1213
	)	2009-GS-17-1214
State of South Carolina	)	2009-GS-17-1215
	)	2009-GS-17-1217
vs.	)	
	)	TRANSCRIPT OF RECORD
Damien Inman	)	)
<u>DEFENDANT</u>	)	December 13, 2010
		Dillon, South Carolina

B E F O R E:

THE HONORABLE THOMAS A. RUSSO, JUDGE.

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

KERNARD REDMOND, DEPUTY SOLICITOR
 SHIPP DANIEL, ASSISTANT SOLICITOR
 Attorney for the State

ROSALIND SELLERS, ESQ.
 Attorney for the Defendant

KESHIA REED
 Official Court Reporter

I N D E X

(WHEREUPON, there were no witnesses called.)

1 THE COURT: Ladies and gentlemen, my name is
2 Tommy Russo. I'm a circuit court judge of out Florence,
3 South Carolina. And it's my pleasure to be here this
4 week, here in Dillon County to be with you for this term
5 of general sessions court or what we commonly refer to as
6 criminal court. We handle just matters of a criminal
7 nature in this week of court. Then, we have another term
8 of court call common pleas where we handed nothing but
9 civil cases, but this is general sessions court. It is a
10 one week term of court as I told you earlier. And I don't
11 anticipate their being any case on the docket or any
12 matters on the docket that should take us beyond this
13 week. So we will only have you here for this week.

14 And on top of that, what we will attempt to do
15 and what we'll try to do is to minimize your inconvenience
16 because we do realize this, ladies and gentlemen, serving
17 on jury duty is not convenient for any of you. It is a
18 service that you give to your community that every one of
19 you have somewhere else you either rather be or need to
20 be, so we understand that. And so to try to minimize your
21 inconvenience, what I can tell you is we will not ask you
22 to be here unless you're actually serving on a jury.
23 Unless, we actually need you to draw a jury. So we have
24 everyone here because we have to go through what we call
25 jury qualification, but once we finish jury qualification,

1 then we will recognize the first case that the State has
2 for trial. We'll pull a jury on that case and the rest of
3 you will be excused until we need you back or if we need
4 you back. It just depends. We have a call-in system so
5 that rather than have you -- it wasn't that many years ago
6 when if you were serving on jury duty you had to report
7 every morning because we didn't have the call-in system.
8 But now we have a call-in system, so we don't ask you to
9 be here unless we actually need you to pull a jury. So
10 we're going to try to minimize your inconvenience here
11 this week, okay.

12 Now, Gwen's told you what she needs from you
13 information wise. So when your name is called if you will
14 stand and give that information, please speak loudly so
15 that we can get that information. Most folks -- and this
16 doesn't apply to everybody, but many folks are kind of shy
17 about having to stand up and speak in public. Most of you
18 when you got your jury summons, you might have been a
19 little nervous of having to be in court this week cause
20 most people aren't comfortable in court. And now, I
21 probably just compounded it by telling you that you're
22 going to have to stand up and speak in front of everybody.
23 And that might make you very nervous, don't be nervous.
24 If you stand up and for example if you in answering the
25 question for example forget you're married, don't worry

1 about that. We want tell your spouse that you forgot that
2 you were married. We'll keep that here in the courtroom,
3 okay. We're pretty good at keeping secrets here. But
4 don't be nervous just stand up, give the information and
5 then you'll have a seat. It's a two-phase process for
6 jury qualification. The first step is the roll call where
7 you'll give that information that Gwen told you she
8 needed. The next step is certain questions that I'm going
9 to be required to ask you that state law requires
10 regarding you're jury qualification. And we'll go through
11 those at that time. The first step is the roll call. So
12 if you would please listen carefully and when your name is
13 called stand and give that information. And then we'll
14 proceed to the next step at the conclusion of that
15 process.

16 THE CLERK: Number four Kimesha Allen.

17 PROSPECTIVE JUROR: I am single, and I'm
18 currently employed by Weeks. And I drove six miles.

19 THE CLERK: Six miles, thank you.

20 Number five Kendra Armstrong.

21 PROSPECTIVE JUROR: I drove about five miles to
22 get here. I'm unemployed and I'm single.

23 THE CLERK: Thank you, ma'am.

24 Number seven Brandley Arnette.

25 PROSPECTIVE JUROR: I drove ten miles. I'm

1 employed by Case Mechanical out of Florence. I'm married,
2 my wife's name Natalie Arnette. She works at Pines Lumber
3 Company.

4 THE CLERK: Thank you, sir.

5 Number nine Joel Arnette, Jr.

6 PROSPECTIVE JUROR: I drove eight miles to get
7 here. I'm self-employed as a truck driver. My wife name
8 is Diane Arnette. She is unemployed.

9 THE CLERK: Thank you, sir.

10 Number 11 James Avant.

11 PROSPECTIVE JUROR: I drove two miles. I work
12 at Dillon Post Office city letter carrier. My wife she
13 retired from the South Carolina Department of
14 Transportation.

15 THE CLERK: Thank you, sir.

16 Number thirteen Christopher Baker.

17 PROSPECTIVE JUROR: I drove five miles. I'm
18 employed by Harbor Freight. My wife isn't.

19 THE CLERK: Number 17 Crystal Berry.

20 PROSPECTIVE JUROR: I drove a mile to get here.
21 I work for Harold Uniformers and I'm single.

22 THE CLERK: Number 18 Barbara Bethea.

23 PROSPECTIVE JUROR: I'm self-employed, I do
24 hair. And I drove two miles.

25 THE CLERK: Thank you, ma'am.

1 Number 24 Thomas Bethea, Jr.

2 PROSPECTIVE JUROR: I work at America Specialty
3 in Florence. I'm married. My wife is a retired
4 schoolteacher. And I drove five files.

5 THE CLERK: Thank you, sir.

6 Number 22 Linda Bethea.

7 PROSPECTIVE JUROR: I came eight miles. I'm
8 unemployed. I'm single.

9 THE CLERK: Number 25 Jennifer Blackard.

10 PROSPECTIVE JUROR: I drove two miles. I work
11 at the public schools of Robeson County as a seams
12 operator. My husband works putting up shutters.

13 THE COURT: Thank you, ma'am.

14 Number 26 William Blakely, III.

15 PROSPECTIVE JUROR: Drove five miles. I'm a
16 self-employed home builder. Wife works Dillon County
17 Treasure's Office.

18 THE CLERK: Thank you, sir.

19 Number 27 Gilbert Blue.

20 PROSPECTIVE JUROR: Unemployed, walked four
21 miles here in Dillon.

22 THE CLERK: Number 32 Alvin Brailey, Jr.

23 PROSPECTIVE JUROR: Drove seven miles, work at
24 Perdue Farms and that's it. I'm single.

25 THE CLERK: Number 37 Tonya Brown.

1 PROSPECTIVE JUROR: I drove four miles to get
2 here. And I work at the deli at Carls and I'm single.

3 THE CLERK: Thank you, ma'am.

4 Number 34 Julian Brown.

5 PROSPECTIVE JUROR: I work at Weeks. I drove 12
6 miles to get here and I'm divorced.

7 THE CLERK: Thirty-six Pamela Brown.

8 PROSPECTIVE JUROR: I drove six miles to get
9 here. I'm a full-time student. I'm married. He works at
10 Darlington Packing as a truck driver.

11 THE CLERK: Thank you, ma'am.

12 Number 35 Kenneth Brown.

13 PROSPECTIVE JUROR: I stay about a mile. I'm
14 single and I'm unemployed.

15 THE CLERK: Thank you, sir.

16 Number 38 thirty-eight Charles Bryant.

17 PROSPECTIVE JUROR: I live in Lake View. I
18 drove 14 miles. I'm employed with Wal-Mart of Lumberton
19 part-time. My wife, Wanda, is retired.

20 THE CLERK: Thank you, sir.

21 Number 39 Jessica Buie.

22 PROSPECTIVE JUROR: I drove eight miles. I work
23 at Perdue. My husband's name is Jamie Buie.

24 THE CLERK: Number 45 Kelly Campbell.

25 PROSPECTIVE JUROR: I drove ten miles. I work

1 for Evans Sheet Metal in Florence. My wife works at Trico
2 Mental Health.

3 THE CLERK: Number 47 Danette Carter..

4 PROSPECTIVE JUROR: I drove approximately 15
5 miles. I work at McLeod in Florence and my husband works
6 at Mohawk.

7 THE CLERK: Number 50 Heather Caulder.

8 PROSPECTIVE JUROR: I drove about 15miles and
9 unemployed.

10 THE CLERK: Thank you, ma'am.

11 Number 56 Susan Cook.

12 PROSPECTIVE JUROR: I drove 15 miles. I'm
13 employed by the Department of Social Services. I'm
14 married. My husband is Tim Cook, construction.

15 THE CLERK: Thank you, ma'am.

16 Number 55 Kenneth Cook.

17 PROSPECTIVE JUROR: I work CJ Motors in North
18 Carolina. I drove about five miles. I'm single.

19 THE CLERK: Thank you, sir.

20 Number 60 David Cox.

21 PROSPECTIVE JUROR: Drove eight miles,
22 self-employed farmer. Wife works for me.

23 THE CLERK: Number 62 Sharon Cox.

24 PROSPECTIVE JUROR: Drove around 12 miles, work
25 at Dental Family Medicine as lab tech. My husband is

1 Johnny Cox. He works at Florence Steel Works out of
2 Florence.

3 THE CLERK: Thank you, ma'am.

4 Number 65 Dallas Criner.

5 PROSPECTIVE JUROR: I came about six miles,
6 currently employed with Weeks as a forklift operator. My
7 wife name is Sharon.

8 THE CLERK: Thank you, sir.

9 Number 69 Willia Frances Davis.

10 PROSPECTIVE JUROR: I drove ten miles. I'm a
11 pastor. My husband is retired.

12 THE CLERK: Number 68 Maranda Davis.

13 PROSPECTIVE JUROR: I walk two miles. I'm
14 single and I'm unemployed.

15 THE CLERK: Number 73 Authur Eagle.

16 PROSPECTIVE JUROR: I drove about one mile. I'm
17 divorced and I work at Harbor Freight Tools.

18 THE CLERK: Number 77 Steven Fitzgerald.

19 PROSPECTIVE JUROR: I drove two miles and I work
20 at QVC Florence and I'm unmarried.

21 THE CLERK: Thank you.

22 Number 79 Leonue Fling.

23 PROSPECTIVE JUROR: I drove three miles. I'm
24 employed with Green's Trucking out of Florence, South
25 Carolina. My wife work at Perdue Farms. Her name is

1 Jeanette Fling

2 THE CLERK: Thank you, sir.

3 Number 82 Patricia Ford.

4 PROSPECTIVE JUROR: I drove 17 miles. I'm
5 retired from Horry County Detention Center. And I run a
6 taxi service in the afternoon to pick up grandchildren.

7 THE CLERK: Thank you, ma'am.

8 Number 90 Boyd P. Gordon.

9 PROSPECTIVE JUROR: I drove seven miles, retired
10 from Dillon Wood Works. Wife, Diane's, retired
11 schoolteacher district two.

12 THE CLERK: Thank you, sir.

13 Number 91 Timothy Grainger.

14 PROSPECTIVE JUROR: Drove one mile, employed
15 with Advantage Mortgage as a mortgage broker. My wife is
16 Jennifer Grainger. She's employed General South.

17 THE CLERK: Thank you.

18 Number 97 Caroline Grice.

19 PROSPECTIVE JUROR: I drove five miles. I work
20 as a manager. I'm single.

21 THE CLERK: Number 100 Larry Hardwick.

22 PROSPECTIVE JUROR: I drove five miles. U.S.
23 Postal Service and I'm single.

24 THE CLERK: Number 102 Shante Harley.

25 PROSPECTIVE JUROR: I drove ten miles. I'm

1 employed by Perdue Farms. I'm single.

2 THE CLERK: Number 105 Debbie Haselden.

3 PROSPECTIVE JUROR: I drove approximately two
4 miles. I work for Bi-Lo 25 years, I'm semi retired. My
5 husband is Phillip Mark Haselden and he works for
6 (inaudible).

7 THE CLERK: Thank you, ma'am.

8 Number 106 Charles Hayes, Jr.

9 PROSPECTIVE JUROR: I drove ten miles. I'm
10 self-employed contractor. My wife works at First Bank of
11 Latta.

12 THE CLERK: Number 115 Donna Herring.

13 PROSPECTIVE JUROR: I drove approximately seven
14 miles. I'm employed with McDonald's and I'm single.

15 THE CLERK: Number 118 Steven Horvath.

16 PROSPECTIVE JUROR: I drove two miles. I'm
17 currently employed with the City of Dillon as a bus
18 driver, single.

19 THE CLERK: Number 120 Russell Hubbard, Sr.

20 PROSPECTIVE JUROR: Eight miles, single and
21 unemployed.

22 THE CLERK: Number 124 Mindy Huggins.

23 PROSPECTIVE JUROR: I drove around 15 miles. I
24 work at Harbor Park Hospital in Bennettsville in x-ray and
25 ultrasound. I'm single.

1 THE CLERK: Number 122 Danny Huggins.

2 PROSPECTIVE JUROR: Drove 16 miles, employed
3 with the City of Dillon. I'm a code enforcement officer.
4 My wife's a schoolteacher in Lake View.

5 THE CLERK: Number 126 Stephanie Huggins.

6 PROSPECTIVE JUROR: I drove two miles. I work
7 at Marion Regional Hospital, single.

8 THE CLERK: Number 125 Ricky Huggins

9 PROSPECTIVE JUROR: Rick Huggins, my wife is
10 Carmen Huggins. I work at Perdue. She works at Franko,
11 two and half miles.

12 THE CLERK: Number 128 Patricia Hunt.

13 PROSPECTIVE JUROR: Six miles, salesperson,
14 separated.

15 THE CLERK: Thank you, ma'am.

16 Number 129 Ashley Hyatt.

17 PROSPECTIVE JUROR: I work for the South
18 Carolina Department Social Services adoption office in
19 Florence. I'm married. My husband is a self-employed
20 truck driver.

21 THE CLERK: What was your milage, Mrs. Hyatt?

22 PROSPECTIVE JUROR: Eight miles.

23 THE CLERK: Thank you.

24 Number 130 Jeffrey Hyatt.

25 PROSPECTIVE JUROR: I drove ten miles. I'm

1 employed by the Army National Guard in Mullins. My wife
2 is a stay-at-home mom.

3 THE CLERK: Thank you, sir.

4 Number 131 Martha Hyatt.

5 PROSPECTIVE JUROR: I drove seven miles. I work
6 with Weeks in supervision. My husband is disabled.

7 THE CLERK: Thank you, ma'am.

8 Number 133 Gwendolyn Jackson.

9 PROSPECTIVE JUROR: I drove about eight miles.
10 I work at McLeod Health in Florence and I'm single.

11 THE CLERK: Thank you, ma'am.

12 Number 143 Evelyn Johnson.

13 PROSPECTIVE JUROR: I drove seven miles. I work
14 at Realm Regional Hospital System as a respiratory
15 therapist. My husband is a over-the-road truck driver.
16 He works in Spartanburg.

17 THE CLERK: Thank you, ma'am.

18 Number 140 Barbara Johnson.

19 PROSPECTIVE JUROR: I drove approximately 12
20 miles. I'm employed at Hamrick's retail in Florence. And
21 my husband work at Griffin Toyota in Rockingham.

22 THE CLERK: Thank you, ma'am.

23 Number 139 Alicia Johnson.

24 PROSPECTIVE JUROR: I came approximately three
25 miles. I work at Office Supply as a purchasing agent.

1 I'm single.

2 THE CLERK: Number 149 Annette Jones.

3 PROSPECTIVE JUROR: I drove about four miles. I
4 work at Harbor Freight Tools. My husband works at Weeks.

5 THE CLERK: Thank you, ma'am.

6 Number 160 Sylvia Lane.

7 PROSPECTIVE JUROR: I drove ten miles. And I
8 work full-time assistant manager and I'm single.

9 THE CLERK: Thank you, ma'am.

10 Number 164 Lyndon Lemon.

11 PROSPECTIVE JUROR: I drove ten miles. I work
12 at Wal-Mart and I'm single.

13 THE CLERK: Number 165 Lakeisha Leslie.

14 PROSPECTIVE JUROR: I drove one mile. I'm
15 single and unemployed.

16 THE CLERK: Number 166 Alexander Lewis.

17 PROSPECTIVE JUROR: I drive one mile,
18 self-employed in bond shop. Wife, Kay, is a retired
19 schoolteacher school district number two.

20 THE CLERK: Thank you, sir.

21 Number 168 Dawnyelle Livingston.

22 PROSPECTIVE JUROR: I drove about ten miles. I
23 work at Dillon County D.S.S. and I'm single.

24 THE CLERK: Thank you, ma'am.

25 Number 169 Sharonda Lloyd.

1 PROSPECTIVE JUROR: I drove about six miles and
2 I'm unemployed just got laid off about a month ago. My
3 husband is a delivery man for Conquest.

4 THE CLERK: Thank you, ma'am.

5 Number 174 William Lupo.

6 PROSPECTIVE JUROR: I drive one mile. I work at
7 McLeod in Dillon and I'm single.

8 THE CLERK: Number 175 Timothy Lytch.

9 PROSPECTIVE JUROR: Two miles, separated, work
10 at Aflac Warehouse in Dillon.

11 THE CLERK: Thank you, sir.

12 Number 177 Ricky Martin.

13 PROSPECTIVE JUROR: I drive five miles. I work
14 for Bath Gass (sic) and my wife works for (inaudible).

15 THE CLERK: Number 179 Courtney McCollum

16 PROSPECTIVE JUROR: I drove about seven miles.
17 I'm currently unemployed and I'm single.

18 THE CLERK: Thank you, ma'am.

19 Number 180 Augustine McCoy.

20 PROSPECTIVE JUROR: I live eight miles from the
21 courthouse. I'm a homemaker. My husband is a pastor
22 slash unemployed truck driver.

23 THE CLERK: Thank you, ma'am.

24 Number 181 Myra McCrimmon.

25 PROSPECTIVE JUROR: I drove approximately 12

1 miles. My husband disabled from R.C. and I work at
2 Wendy's.

3 THE CLERK: Number 185 Patricia McInnis.

4 PROSPECTIVE JUROR: I drive 20 miles, retired.
5 My husband works at Marlboro Electric Coop.

6 THE CLERK: What did you retire from, ma'am?

7 PROSPECTIVE JUROR: Teaching.

8 THE CLERK: Thank you.

9 Number 184 Janet McInnis.

10 PROSPECTIVE JUROR: I drove one mile. I'm
11 single. I work at America Best Value as a housekeeper.

12 THE CLERK: Thank you, ma'am.

13 Number 190 Lateisha McKenzie.

14 PROSPECTIVE JUROR: Drove five miles, work at
15 Weeks and single.

16 THE CLERK: Number 191 Tina McKinnon.

17 PROSPECTIVE JUROR: I drove about three miles.
18 I work at Franklin Manufacturing. I work at Bojangles
19 part-time and I'm divorced.

20 THE CLERK: Number 192 Mable McLaughlin.

21 PROSPECTIVE JUROR: I drive approximately seven
22 miles, employed at Cornell Electric. And I'm not married.

23 THE CLERK: Number 196 Sandra McLellan.

24 PROSPECTIVE JUROR: I drove about five miles. I
25 at work Blue Cross and Blue Shield and I'm single.

1 THE CLERK: Number 194 Felix McLellan, Jr.

2 PROSPECTIVE JUROR: I drive one mile. I'm
3 employed by Dillon Insurance Agency. And my wife works at
4 Dillon County Sheriff's Office.

5 THE CLERK: Thank you, sir.

6 Number 200 John Edward McNeil.

7 PROSPECTIVE JUROR: I drove about one mile. I
8 work at Weeks. My wife Carol's Office.

9 THE CLERK: Thank you, sir.

10 Number 201 Mae McNeil.

11 PROSPECTIVE JUROR: I drove about ten miles.
12 I'm employed by dental school food service. I'm assistant
13 manager. My husband is disabled.

14 THE CLERK: Number 203 Aubyn McRea..

15 PROSPECTIVE JUROR: I drive two miles. I'm
16 self-employed, I do hair and I'm single.

17 THE CLERK: Thank you, ma'am.

18 Number 208 Elizabeth Miles.

19 PROSPECTIVE JUROR: I drive five miles. I'm a
20 nurse. I work at Harbor Park Hospital in Bennettsville
21 and South Memorial in Laurinburg and I'm divorced.

22 THE CLERK: Number 209 Candace Miller.

23 PROSPECTIVE JUROR: I drive four miles. I work
24 at CVS Pharmacy and my husband works at CSX
25 Transportation.

1 THE CLERK: Thank you, ma'am.

2 Number 212 Sammie Mitchell.

3 PROSPECTIVE JUROR: I drove five miles. Me and
4 my wife both work Mohawk.

5 THE CLERK: Number 220 Cynthia Orr.

6 PROSPECTIVE JUROR: I drive about 15 miles. I'm
7 unemployed, but I care for my grandchildren during the
8 day. My husband, James Orr, is a pastor.

9 THE CLERK: Thank you ma'am.

10 Number 221 Carl Owens.

11 PROSPECTIVE JUROR: I drove six miles. I'm
12 self-employed sign painter. My wife works at McLeod as a
13 register nurse.

14 THE CLERK: Thank you, sir.

15 Number 222 Donald Oxendine.

16 PROSPECTIVE JUROR: I'm self-employed. My wife
17 doesn't work. I drive eight miles.

18 THE CLERK: Thank you, sir.

19 Number 225 Sarah Charlotte Page.

20 PROSPECTIVE JUROR: I drove about six miles. I
21 work at Wal-Mart pharmacy as a tech. My husband works at
22 K-Mart manager in Florence.

23 THE CLERK: Thank you, ma'am.

24 Number 223 Doris Page.

25 PROSPECTIVE JUROR: I drive three miles. I'm

1 employed Dillon Yarn. My husband is self-employed truck
2 driver.

3 THE CLERK: Thank you, ma'am.

4 Number 226 Mary Palmer.

5 PROSPECTIVE JUROR: One mile, my husband and
6 myself work at Perdue Farms.

7 THE CLERK: Number 229 Linda Perritt.

8 PROSPECTIVE JUROR: 12 miles, my husband is
9 disabled. I am retired from Sara Lee Hosiery.

10 THE CLERK: Thank you, ma'am.

11 Number 233 William Powell.

12 PROSPECTIVE JUROR: I drove approximately 15
13 miles. I work at Smith Field Packing. My wife U.S.D.A.
14 Grading.

15 THE CLERK: Thank you, sir.

16 Number 234 Rakiem Preaster.

17 PROSPECTIVE JUROR: Drove about nine miles. I'm
18 single. I work at Harbor Freight Tools.

19 THE CLERK: Thank you, sir.

20 Number 237 Jason Price.

21 PROSPECTIVE JUROR: Drove five miles. Work for
22 C.S.X. Railroad, volunteer firefighter and I'm single.

23 THE CLERK: Number 235 Elizabeth Price.

24 PROSPECTIVE JUROR: I don't drive and I'm
25 unemployed, single.

1 THE CLERK: Number 240 Jay Ragin.

2 PROSPECTIVE JUROR: My name is Jay Ragin. I
3 drove about one mile. I'm retired from Paper Boy in
4 Latta. My wife works at P.T.I. Transportation in Mullins.

5 THE CLERK: Thank you, sir.

6 Number 241 Hazel Rawls.

7 PROSPECTIVE JUROR: Nineteen miles, I work at
8 Perdue Farms and single.

9 THE CLERK: Number 243 Jean Reaves.

10 PROSPECTIVE JUROR: Retired from school district
11 three for 35 years. My husband teaches at Dillon High
12 School. I drove about two miles.

13 THE CLERK: Thank you, ma'am.

14 Number 251 Sarah Salmon.

15 PROSPECTIVE JUROR: Seven miles, registered
16 nurse, divorced.

17 THE CLERK: Number 252 Christine Sandell.

18 PROSPECTIVE JUROR: I live one mile from the
19 courthouse. I'm married. My husband works for Harcor
20 Services.

21 THE CLERK: Thank you, ma'am.

22 255 Derek Sellers.

23 PROSPECTIVE JUROR: Single, unemployed. And
24 what you say?

25 THE CLERK: What's your milage?

1 PROSPECTIVE JUROR: Seven miles.

2 THE CLERK: Thank you, sir.

3 Number 257 Casey Shermen.

4 PROSPECTIVE JUROR: I drove about six miles.

5 I'm a human resource manager for a Financial Institution
6 in Florence. My husband is a chief lending officer for a
7 Financial Institution in Florence.

8 THE CLERK: Thank you, ma'am.

9 Number 259 Cynthia Smith.

10 PROSPECTIVE JUROR: I drove five miles. I'm a
11 self-employed cosmetologist. My husband works at Course
12 and Glow (sic) in North Carolina.

13 THE CLERK: Thank you, ma'am.

14 Number 267 Jimmy Sports.

15 PROSPECTIVE JUROR: I drove two miles, work
16 Stone Container in Florence. Wife for Dillon County
17 schools.

18 THE CLERK: Thank you, sir.

19 Number 270 Jamie Stephenson.

20 PROSPECTIVE JUROR: I'm a nursing student and I
21 work at McLeod ER in Florence. I'm married. He works for
22 the City of Dillon County and I drove about five miles.

23 THE CLERK: Thank you, ma'am.

24 Number 277 Charles Thompson.

25 PROSPECTIVE JUROR: Seven miles, single, taken

1 out of work cause of a heart condition.

2 THE CLERK: Number 280 Stephanie Townsend.

3 PROSPECTIVE JUROR: Approximately ten miles,
4 registered nurse, unemployed and full-time student.

5 THE CLERK: Thank you, ma'am.

6 Number 279 Clara Townsend.

7 PROSPECTIVE JUROR: Drove two miles, work at
8 Perdue, single.

9 THE CLERK: Number 281 Judy Turbeville.

10 PROSPECTIVE JUROR: Drove one mile. I work from
11 Pee Dee Home Health as a office manager. And my husband
12 is retired from the postal service.

13 THE CLERK: Thank you, ma'am.

14 Number 285 Stephanie Vanderhall.

15 PROSPECTIVE JUROR: Drove approximately four
16 miles. I work at McLeod Regional Medical Center in
17 surgical services department. And I am single.

18 THE CLERK: Thank you, ma'am.

19 Number 286 Edward Walsh.

20 PROSPECTIVE JUROR: Drive four miles and South
21 Carolina National Guard, divorced.

22 THE CLERK: Number 293 Larry Williams.

23 PROSPECTIVE JUROR: Drove approximately four
24 miles, I'm disabled. My wife work for the school
25 district. Her name Mary Williams.

1 THE CLERK: Thank you, sir.

2 If there anyone's name I did not call, please
3 stand up.

4 What is your name?

5 PROSPECTIVE JUROR: I'm Robert Allen number 119.

6 THE CLERK: Okay, would you give us your
7 information?

8 PROSPECTIVE JUROR: I'm married. My wife works
9 for JP Morgan Chase. And I'm retired from construction.

10 THE CLERK: Thank you, sir.

11 PROSPECTIVE JUROR: Number 260. I work at
12 Weeks. I drove about four miles. My wife work at
13 Wal-Mart here in Dillon.

14 THE CLERK: Thank you, sir.

15 PROSPECTIVE JUROR: Mark Johnson 145. I drove
16 about two miles. I'm single and work at S.C.D.O.T.

17 THE CLERK: Thank you, sir.

18 PROSPECTIVE JUROR: Ronnie Godbolt. I drove
19 eight miles. My wife is Nora Rawls Godbolt and she works
20 at Harold South as a data specialist. And I'm currently
21 employed at Carolina Container as a post operator.

22 THE CLERK: Thank, sir.

23 PROSPECTIVE JUROR: My name is Agnes Charles,
24 I'm 51, disabled, seven miles.

25 THE CLERK: Thank you.

1 THE COURT: Is that everybody?

2 THE CLERK: Yes, sir.

3 END OF REQUESTED TRANSCRIPT

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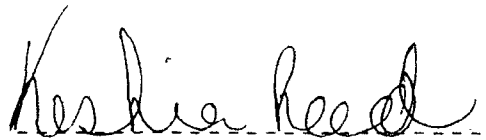
25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

I, Keshia Reed, Court Reporter and Notary Public
in and for the State of South Carolina At Large, do hereby
certify that the above-entitled cause was heard as
hereinafter set out; that I was authorized to and did
transcribe the said proceedings; and that the foregoing
and annexed paged, numbered 1 through 26, inclusive,
constitute a true and accurate transcription of my
stenographic report of the said cause taken during the
said hearing. In the Court of General Sessions for Dillon
County, South Carolina, on the 13th day of December, 2010.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto. In witness
whereof, I have hereunto affixed my signature this 25th
day of January 2013.



Keshia Reed, Court Reporter

WITNESSES

Allan Rogers

Dillon County Sheriff

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
J708307

ARRESTED ON: 2009-08-19

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2009-GS-17-1210

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
May 2010

THE STATE

vs.

Damian Inman

INDICTMENT FOR

Murder / Murder

§16-03-0010; 16-03-0020

CDR Code: 0116

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF DILLON)

Murder / Murder

§16-03-0010; 16-03-0020

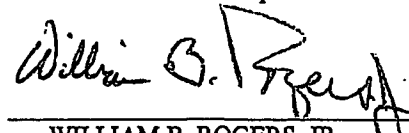
At a Court of General Sessions, convened on May 13, 2010, the Grand Jurors of Dillon County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Damian Inman did in Dillon County, on or about August 17, 2009, with co-defendants, engage in a joint criminal enterprise which resulted in the willful, felonious, and intentional death of the victim, Mary Alice Stutts, with malice aforethought, either express or implied, by means of shooting the victim in the head, in violation of Section 16-03-0010, S. C. 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.


WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF DillonSTATE VS.Damian Inman

AKA: _____

Race: _____ Sex: M Age: 18DOB: [REDACTED] SS#: _____Address: [REDACTED]City, State, Zip: Dillon, SC 29536

DL#: _____ SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder

IN THE COURT OF GENERAL SESSIONS 347

INDICTMENT/CASE#: 2009-GS-17-1210A/W#: J708307Date of Offense: 8/18/2009S.C. Code § : 16-03-0010; 16-03-0020CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☒ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: [Signature]Daniel, Shipp70085
SC Bar#

Defendant

[Signature]
Attorney for Defendant74992
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of Life w/o Parole days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2009-GS-17-1211; 1212; 1213; 1214; 1215;
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 1217☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.00§ 44-53-450(C) (Conditional Discharge) \$350 \$ 3.903% to County (if paid in installments) \$ 133.90

TOTAL \$

Clerk of Court/ Deputy Clerk [Signature]Court Reporter: [Signature]

SCCA/217 (06/2010)

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Condition Discharge, § 44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.Presiding Judge [Signature]Judge Code: 2141Sentence Date: 12-16-2010FILED
G.WENT HYATT
2010 DEC 16 PM 5:22
CLERK OF COURT
DILLON COUNTY

WITNESSES

Allan Rogers

Dillon County Sheriff

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
J708308

ARRESTED ON: 2009-08-19

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2009-GS-17-1211

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
May 2010

THE STATE

vs.

Damian Inman

INDICTMENT FOR

Weapons / Poss. weapon during violent crime

§16-23-0490

CDR Code: 0549

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DILLON) INDICTMENT FOR
) Weapons / Poss. weapon during violent crime

§16-23-0490

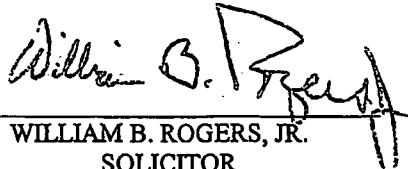
At a Court of General Sessions, convened on May 13, 2010, the Grand Jurors of Dillon County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Damian Inman did in Dillon County, on or about August 17, 2009, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. 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.


WILLIAM B. ROGERS, JR.
SOLICITOR

350 OF SOUTH CAROLINA

COUNTY OF Dillon
STATE VS.
Damian Inman

AKA:

Race: Sex: M Age: 18

DOB: SS#:

Address:

City, State, Zip: Dillon, SC 29536

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Wale
Daniel, Shipp7605
SC Bar#

Defendant

Rosaline A. L. Leno
Attorney for Defendant46992
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2009-05-17-1210, 1212, 1213, 1214, 1215☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied 1217
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

CERTIFIED

SPECIAL CONDITIONS:

☐ RESTITUTION: ☒ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: 1. 1/2☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

§ 44-53-450(C) (Conditional Discharge)

3% to County (if paid in installments)

TOTAL

Clerk of Court/ Deputy Clerk

Court Reporter:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009-GS-17-1211A/W#: 1708308Date of Offense: 8/18/2009S.C. Code § : 16-23-0490CDR Code #: 0549

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Wale
Daniel, Shipp7605
SC Bar#

Defendant

Rosaline A. L. Leno
Attorney for Defendant46992
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2009-05-17-1210, 1212, 1213, 1214, 1215☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied 1217
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

CERTIFIED

SPECIAL CONDITIONS:

☐ RESTITUTION: ☒ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: 1. 1/2☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

§ 44-53-450(C) (Conditional Discharge)

3% to County (if paid in installments)

TOTAL

Clerk of Court/ Deputy Clerk

Court Reporter:

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Condition Discharge, § 44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code:

Sentence Date:

214112-16-2010FILED
GWINET HYATT
CLERK OF COURT
DILLON COUNTY
010 DEC 16 PM 5:29

WITNESSES

Jason Turner

Dillon Police Department

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
J008488

ARRESTED ON: 2009-08-19

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:

2009-GS-17-1212

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
May 2010

THE STATE

vs.

Damian Inman

INDICTMENT FOR

Burglary / Burglary (After June 20, 1985) -
First degree

§16-11-0311

CDR Code: 0079

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF DILLON)

Burglary / Burglary (After June 20, 1985) - First
degree

§16-11-0311

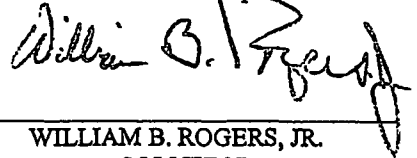
At a Court of General Sessions, convened on May 13, 2010, the Grand Jurors of Dillon County present upon their oath:

BURGLARY, 1ST DEGREE

CDR: 0079 16-11-0311

That Damian Inman did in Dillon County on or about August 17, 2009 either enter or aid co-defendants in entering the dwelling of Mary Stutts located at [REDACTED] Calhoun St. Dillon SC without consent and with the intent to commit a crime therein and the defendant did so in the nighttime and/or while armed with a deadly weapon, in violation of Section 16-11-0311(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.



WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS **353**COUNTY OF Dillon
STATE VS.
Damian Inman

AKA:

Race: [REDACTED] Sex: M Age: 18DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Dillon, SC 29536DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degreeINDICTMENT/CASE#: 2009-GS-17-1212A/W#: J008488Date of Offense: 8/17/2009S.C. Code §: 16-11-0311CDR Code #: 0079

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☒ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: W. Shipp 7/20/09 Russell J. Shipp 7/20/09
Daniel, Shipp SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of Life w/o parole days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2009-GS-17-1210, 1211, 1213, 1214, 1215, 12
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.SPECIAL CONDITIONS:
☐ RESTITUTION: ☐ Deferred or ☒ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient: CLERK OF COURT*Fine: DILLON COUNTY

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL:	\$	\$ <u>133.90</u>

Clerk of Court/ Deputy Clerk: [Signature]Court Reporter: [Signature]

SCCA/217 (06/2010)

2010 DEC 16 PM 5:25
CLERK OF COURT
DILLON COUNTY
FILED
GMENT HYATT

_____ days/hours Public Service/Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. ☐
May serve W/E beginning _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

☐ Condition Discharge, § 44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition.☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.Presiding Judge: [Signature]Judge Code: 2141Sentence Date: 12-16-2010

WITNESSES

Jason Turner

Dillon Police Department

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
J008490

ARRESTED ON: 2009-08-19

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2009-GS-17-1213

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
May 2010

THE STATE

vs.

Damian Inman

INDICTMENT FOR

Kidnapping / Kidnapping

§16-03-0910

CDR Code: 0095

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF DILLON)

Kidnapping / Kidnapping

§16-03-0910

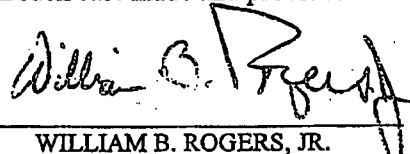
At a Court of General Sessions, convened on May 13, 2010, the Grand Jurors of Dillon County present upon their oath:

KIDNAPPING

CDR: 0095 16-03-0910

That Damian Inman did in Dillon County on or about August 17, 2009, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Mary Stutts, without authority of law, in violation of Section 16-03-0910, S. C. 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.


WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Dillon

VS.

Damian Inman

AKA:

Race: Sex: M Age: 18

DOB: SS#:

Address:

City, State, Zip: Dillon, SC 29536

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Kidnapping / Kidnapping

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009-GS-17-1213

A/W#: J008490

Date of Offense: 8/17/2009

S.C. Code §: 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☒ § 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Daniel, Shipp

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center;

for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2009-GS-17-1210; 1211; 1212; 1214; 1215; 1217

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def Waives Hearing ☐ Ordered

Total: \$ plus 20% fee \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

§ 44-53-450(C) (Conditional Discharge)

3% to County (if paid in installments)

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA/217 (06/2010)

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Condition Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code:

Sentence Date:

2141

12-16-2010

FILED
GWEN HYATT
CLERK OF COURT
DILLON COUNTY
2010 DEC 16 PM 5:22

WITNESSES

Jason Turner

Dillon Police Department

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER

J008489

ARRESTED ON: 2009-08-19

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:

2009-GS-17-1214

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:

May 2010

THE STATE

vs.

Damian Inman

INDICTMENT FOR

Robbery / Armed Robbery, robbery while
armed or allegedly armed

§16-11-0330(A)

CDR Code: 0139

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA

INDICTMENT FOR

COUNTY OF DILLON

)
)
) Robbery / Armed Robbery, robbery while armed or
allegedly armed

§16-11-0330(A)

At a Court of General Sessions, convened on May 13, 2010, the Grand Jurors of Dillon County present upon their oath:

ARMED ROBBERY

CDR: 0139 16-11-0330(A)

That Damian Inman did, with co-defendants, in Dillon County on or about August 17, 2009, while he and/or co-defendants was/were armed with a deadly weapon, to wit: did take and carry away personal property of Mary Stutts from or in the immediate presence of Mary Stutts with intent to deprive Mary Stutts of possession by use of force, threats or intimidation, in violation of Section 16-11-0330(A), S. C. 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.


WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

359

COUNTY OF
STATE

Dillon

VS.

Damian Inman

AKA:

Race: Sex: M Age: 18

DOB: SS#:

Address:

City, State, Zip: Dillon, SC 29536

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☒ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Daniel, Shipp

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2009-GS-17-1210, 1211, 1212, 1213, 1215, 1217☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

§ 44-53-450(C) (Conditional Discharge)

3% to County (if paid in installments)

TOTAL

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (06/2010)

INDICTMENT/CASE#: 2009-GS-17-1214

A/W#: J008489

Date of Offense: 8/17/2009

S.C. Code § 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2009-GS-17-1210, 1211, 1212, 1213, 1215, 1217☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

§ 44-53-450(C) (Conditional Discharge)

3% to County (if paid in installments)

TOTAL

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (06/2010)

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other:

☐ Condition Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code:

Sentence Date:

2141

12-16-2010

FILED
GMENT HATT
2010 DEC 16 PM 5:22
CLERK OF COURT
DILLON COUNTY

WITNESSES

Jason Turner

Dillon Police Department

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
J008491

ARRESTED ON: 2009-08-19

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:

2009-GS-17-1215

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
May 2010

THE STATE

vs.

Damian Inman

INDICTMENT FOR

Larceny / Grand Larceny, value \$5,000 or more

§16-13-0030(B)(2)

CDR Code: 0479

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF DILLON)

Larceny / Grand Larceny, value \$5,000 or more

§16-13-0030(B)(2)

At a Court of General Sessions, convened on May 13, 2010, the Grand Jurors of Dillon County present upon their oath:

GRAND LARCENY
(VALUE OVER \$5000)

CDR: 0479 16-13-0030(B)(2)

That Damian Inman did, with co-defendants, in Dillon County on or about August 17, 2009, take and carry away the personal goods of Mary Stutts, having a value of more than five thousand (\$5,000.00) dollars, described as follows: a white 1999 Toyota Camry, with the intent to deprive the owner permanently of such property and to convert the goods to his/her own use, in violation of Section 16-13-0030(B)(2), S. C. 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.


WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Dillon

VS.

Damian Inman

AKA:

Race: Sex: M Age: 18

DOB: SS#:

Address:

City, State, Zip: Dillon, SC 29536

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Larceny / Grand Larceny, value \$5,000 or more

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009-GS-17-1215

A/W#: J008491

Date of Offense: 8/17/2009

S.C. Code §: 16-13-0030(B)(2)

CDR Code #: 0479

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-13-0030(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0479

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Daniel, Shipp

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act, not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2009-GS-17-1210, 1211, 1212, 1213, 1214, 1217☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

\$

§ 14-1-211(A)(1) (Conv. Surcharge)

\$100

\$

§ 14-1-211(A)(2) (DUI Surcharge)

\$100

\$

§ 56-5-2995 (DUI Assessment)

\$12

\$

§ 56-1-286 (DUI Breath Test)

\$25

\$

Proviso 47.9 (Public Def/Prob)

\$500

\$

§ 14-1-212 (Law Enforce. Funding)

\$25

\$

§ 14-1-213 (Drug Court Surcharge)

\$150

\$

§ 50-21-114(BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

Proviso 90.5 (SCCA Surcharge)

\$5

\$

§ 44-53-450(C) (Conditional Discharge)

\$350

\$

3% to County (if paid in installments)

\$

TOTAL

\$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (06/2010)

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fee

Other:

☐ Condition Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code:

Sentence Date:

2141
12-16-2010

WITNESSES

Jason Turner

Dillon Police Department

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
J008492

ARRESTED ON: 2009-08-19

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2009-GS-17-1217

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
May 2010

THE STATE

vs.

Damian Inman

INDICTMENT FOR

Conspiracy / Criminal Conspiracy, Common
Law conspiracy

§16-17-0410

CDR Code: 0049

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA

INDICTMENT FOR

COUNTY OF DILLON

Conspiracy / Criminal Conspiracy, Common Law
conspiracy

§16-17-0410

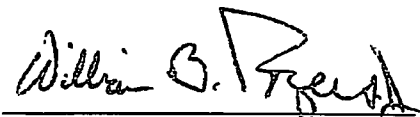
At a Court of General Sessions, convened on May 13, 2010, the Grand Jurors of Dillon County present upon their oath:

CRIMINAL CONSPIRACY

CDR: 0049 16-17-0410

That Damian Inman did in Dillon County on or about August 17, 2009 combine with another, and/or with other persons, for the purpose of accomplishing a criminal or unlawful object or an object that is neither criminal nor unlawful through criminal or unlawful means, to wit: Burglary 1st Degree, Armed Robbery, Kidnapping, and Murder, in violation of Section 16-17-410, S. C. 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.


WILLIAM B. ROGERS, JR.
SOLICITOR

COUNTY OF Dillon
 STATE VS.
Damian Inman

AKA: _____

Race: _____ Sex: M Age: 18DOB: [REDACTED] SS#: _____Address: [REDACTED]City, State, Zip: Dillon, SC 29536

DL#: _____ SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

INDICTMENT/CASE#: 2009-GS-17-1217A/W#: J008492Date of Offense: 8/17/2009S.C. Code § : 16-17-0410CDR Code #: 0049

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: W. B. L.

Daniel, Shipp

76085
SC Bar#

Defendant

Rosalind B. Shipp
Attorney for Defendant76492
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 ~~days/months~~ years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2009-GS-17-1210; 1211; 1212; 1213; 1214; 1215☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ <u>5.00</u>
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL	\$	\$ <u>135.90</u>

Clerk of Court/ Deputy Clerk

Court Reporter: Keisha B. B.

SCCA/217 (06/2010)

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Condition Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 2141Sentence Date: 12-16-2010

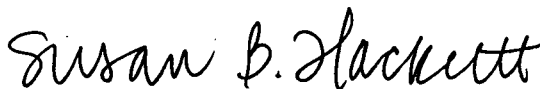
FILED
 GWEN T. HYATT
 CLERK OF COURT
 DILLON COUNTY
 16 DEC 16 PM 5:22

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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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

October 14th, 2013



Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Dillon County

Thomas A. Russo, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAMIEN INMAN,

APPELLANT

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 14th day of October, 2013.

Brandon Hall

Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 14th day of October, 2013.

[Signature] (L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022

RECEIVED

OCT 14 2013

SC Court of Appeals