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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County

Honorable Deadra L. Jefferson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES E RILES,

APPELLANT

APPELLATE CASE NO. 2024-000650

RECORD ON APPEAL

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INDEX

INDEX	i
PRE-TRIAL HEARING TRANSCRIPT DATED MARCH 8, 2024	1
PRE-TRIAL HEARING TRANSCRIPT DATED MARCH 13, 2024	66
TRIAL TRANSCRIPT DATED APRIL 8, 2024 – DAY 1	91
JURY VOIR DIRE	94
JURY SELECTION.....	132
TRIAL TRANSCRIPT DATED APRIL 11, 2024 – DAY 2	145
COLLOQUY WITH THE DEFENDANT REGARDING REJECTION OF PLEA	175
OPENING STATEMENT BY MR. CARR.....	186
OPENING STATEMENT BY MS. SHIVERS	190
TESTIMONY	
LYNETTE HALL	
Direct Examination by Ms. Morris	192
BRIAN KEEFER	
Direct Examination by Mr. Carr	201
LINDA HILL	
Direct Examination by Mr. Carr	208
Cross Examination by Ms. Shivers	214
LYBRA MULLINEAUX	
Direct Examination by Ms. Morris	215
THE STATE RESTS	222
MOTION FOR DIRECTED VERDICT.....	222
RULING OF THE COURT DENYING MOTION FOR DIRECTED VERDICT	227
COLLOQUY WITH THE DEFENDANT REGARDING HIS RIGHT TO TESTIFY	228

TRIAL TRANSCRIPT DATED APRIL 12, 2024 – DAY 3	250
CLOSING ARGUMENT BY MS. MORRIS.....	255
CLOSING ARGUMENT BY MS. SHIVERS.....	263
CHARGE ON THE LAW	272
VERDICT	296
SENTENCING	312
INDICTMENT AND SENTENCE SHEET	315
ARREST WARRANT	319
APPELLANT’S LETTER TO SOLICITOR DATED APRIL 12, 2023	321
LETTER FROM ASST. SOLICITOR MORRIS TO WARDEN REAVES DATED MAY 10, 2023 W/ ENCLOSURES	324
FORM II	333
FORM III	335
FROM IV	337
2 ND LETTER FORM ASST. SOLICITOR MORRIS TO WARDEN REAVES DATED NOVEMBER 3, 2023	339
DEFENDANT’S WRITTEN MOTION TO DISMISS DATED FEBRUARY 7, 2024 WITHOUT EXHIBITS.....	341
STATE’S RESPONSE W/ EXHIBITS	346
WRITTEN ORDER DENYING MOTION TO DISMISS.....	398
CERTIFICATE OF COUNSEL	399

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

COURT OF GENERAL SESSIONS
2023-GS-08-03661

State of South Carolina)

) TRANSCRIPT OF RECORD

-vs-

)

) March 8, 2024

James Elton Riles,

)

) Moncks Corner, South Carolina

B E F O R E:

The Honorable Deadra L. Jefferson, Judge

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

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Attorney for the State

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Attorney for the Defendant

ALSO PRESENT:

Julie Shivers, Esquire
Kamila Szymczynska-Sas, Esquire

Reported By:

Yvestre Torres, OCR
Circuit Court Reporter for the
Ninth Judicial Circuit

1 THE COURT: This is 2023-GS-08-3661,
2 the State v. James Elton Riles, R-I-L-E-S, burglary,
3 second degree, violent as -- he was indicted on first
4 degree, pleading to the lesser-included offense, which
5 is violent and serious. Was the victim, Lynnette Hall,
6 notified?

7 MS. MORRIS: She was, Your Honor, but
8 it's my understanding that Mr. Riles does not want
9 to go forward with the plea.

10 THE COURT: Okay. But I still need to know
11 if she's notified.

12 MS. MORRIS: Yes, she has been.

13 THE COURT: And she's not present?

14 MS. MORRIS: That's correct.

15 THE COURT: Is there any restitution?

16 MS. MORRIS: No.

17 THE COURT: And what was the offer that
18 was extended to Mr. Riles?

19 MS. MORRIS: Negotiated 15 years.

20 THE COURT: Which would be the maximum
21 penalty?

22 MS. MORRIS: That's correct, Your Honor.

23 THE COURT: And what is his record, if any?

24 MS. MORRIS: He has an extensive record
25 that includes nine burglary convictions, and that's

1 why it was a burglary, first degree.

2 THE COURT: And then ---

3 MS. MORRIS: Technically ---

4 THE COURT: And so a part of the
5 negotiations was the reduction, and that makes sense.

6 MS. MORRIS: That's correct.

7 THE COURT: All right. And bear with me
8 just one moment. This is alleged to have taken place
9 10/20 of 2021; is that correct?

10 MS. MORRIS: I have October 28th.

11 THE COURT: The indictment says 10/20/2021.

12 MS. MORRIS: I probably put a typo on mine.

13 THE COURT: That's okay.

14 MS. MORRIS: Thank you, Your Honor.

15 THE COURT: All right. And what -- and
16 the offer that was extended to him was the reduction
17 in charge, and the negotiated 15 years, okay?

18 MS. MORRIS: That's correct.

19 THE COURT: And this is for the purpose
20 of rejecting that offer?

21 MS. MORRIS: Well, there's a current motion
22 to dismiss that's pending.

23 THE COURT: Based on what?

24 MS. MORRIS: He was brought back from ---

25 THE COURT: Generally, motions like that

1 are set during a nonjury week when I do a nonjury
2 docket. But when was that motion dismissed -- I mean,
3 the motion to dismiss, when was that filed?

4 MS. ESTES: It was filed previously,
5 I believe, in February. I gave your law clerk ---

6 THE COURT: February what year?

7 MS. MORRIS: February 6th of 2024.

8 THE COURT: Okay.

9 MS. ESTES: I gave your law clerk a copy
10 of e-mail correspondence.

11 THE COURT: Yeah, I'm not equipped to hear
12 anything this lengthy today.

13 MS. ESTES: Okay.

14 THE COURT: Generally, during a nonjury
15 term, we would hear motions of this type.

16 MS. MORRIS: And, Your Honor, this was
17 a little special, because it's based on the interstate
18 agreement on detainers. And so the reason I put
19 it on this docket for a potential rejection is because
20 I have to put it on that April 8th ---

21 THE COURT: Trial docket.

22 MS. MORRIS: --- trial docket, and it is
23 on there because of the 180 days. And our disagreement
24 right now is when that 180 days started. I -- the State
25 believes it's still within that 180 days; defense

1 believes that that clock ran out in October of last
2 year.

3 THE COURT: And when is it on the trial
4 docket?

5 MS. MORRIS: April 8th.

6 THE COURT: And when does the offer expire?

7 MS. MORRIS: It would expire today.

8 MS. ESTES: Your Honor, the defense is
9 concerned, because if Mr. Riles were to accept the plea
10 offer, he gives up his right to have that motion heard
11 under the IADA.

12 THE COURT: Well, he's between the
13 proverbial rock and a hard place. If he doesn't plea
14 today, he gives up the offer, and he faces a life
15 sentence. If he wants to have his motion heard, which
16 I would never begrudge him that, there is -- it's been
17 my experience with the solicitor's office that once
18 his motion is heard, they're going to withdraw the offer
19 anyway. He can't have it both ways.

20 So he -- you know, the whole reason they
21 negotiate is to hedge their bets on whether this motion
22 will be successful or not. If it's not successful,
23 it strengthens their position, and they're going
24 to try him on burglary first. If they lose, then
25 it's a nullity, and it's of no importance to them

1 one way or the other. So it's one of those things where
2 they are calculating and made certain concessions based
3 on whether they think they may prevail or not prevail.

4 I haven't had one of these in a very long
5 time. I would have to look at the case law and do
6 my own research, and I would want to be informed before
7 I even heard arguments.

8 MS. ESTES: And I appreciate that.

9 THE COURT: But I would have to really --
10 I would never hear something like this without being
11 prepared. That's not fair to you; it's not fair
12 to the State, and it certainly is not fair to me.

13 MS. ESTES: Right. And I understand that,
14 Your Honor.

15 MS. MORRIS: Oh, Your Honor.

16 THE COURT: Yes, ma'am.

17 MS. MORRIS: I just also wanted to make
18 you aware that we did provide these motions to Judge
19 Young originally, and he did say that he felt it was
20 best heard by the chief administrative judge.

21 MS. ESTES: We also attempted to bring
22 this motion in front of Judge Price, who declined
23 it due to time constraints.

24 THE COURT: Okay. So that -- yeah, that
25 puts us back. I mean, it still puts me in the position

1 of being presented with ---

2 MS. MORRIS: Exactly.

3 THE COURT: --- what is really a substantial
4 motion that has, wouldn't necessarily say complex legal
5 issues, but they're very defined issues. And I would
6 need to study it before I heard it. So, I'm not --
7 and even if I heard it today, I'm not going to make
8 a decision today, because I was -- I don't know
9 enough about it at this moment to render a decision.
10 And on something like this, I would do a written opinion
11 probably.

12 So, you know, it's up to your client
13 what he wants to do. If I were to deny his motion,
14 he's back at burglary first, which is a minimum
15 of, what, 30 years, maximum of life?

16 MS. MORRIS: Fifteen to life.

17 THE COURT: Fifteen to life, day for day.
18 Only he could make that assessment of what's in his best
19 interest. He has an extensive record, nine burglary
20 convictions. I don't see him being on the low end
21 of a range if he's convicted.

22 MS. ESTES: I understand, Your Honor.

23 THE COURT: So he would need to -- I don't
24 know if you want to have additional conversation with
25 him before he gives up what is a substantial right,

1 which is this negotiation, so that he can make
2 a fully-informed decision, because once he rejects
3 it on the record, it's off the table.

4 MS. ESTES: Right.

5 THE COURT: And how old is your client?
6 He's 51 years old. Even a 20-year -- a 15-year sentence
7 for him is a life sentence.

8 MS. ESTES: Right. And that's what we've
9 discussed, Your Honor.

10 THE COURT: A 30-year sentence is definitely
11 a life sentence, day for day. What's that, 28.5 years?
12 And he's 51.

13 THE DEFENDANT: Fifty-two.

14 MS. ESTES: And my understanding,
15 Your Honor, is that if the State were willing to come
16 down a bit on that time so it weren't a life sentence,
17 he would absolutely plea today.

18 THE COURT: No, 15 years is not a life
19 sentence for him. If he goes to trial, and he gets
20 more than 15 years, that's a life sentence for him.
21 Because if he got a 30-year sentence, and he's 51,
22 he'll be almost 80 years old.

23 MS. ESTES: Your Honor, may he have
24 a chance to briefly address you for the record?

25 THE COURT: We don't have hybrid

1 representation, and only he can make the decision,
2 and nothing he says to me is going to change --
3 I'm going to make a decision based solely on what the
4 law requires. I'm dispassionate; I don't have anybody
5 to reward or punish. It really doesn't matter to me
6 how it turns out. I'm going to follow the breadcrumbs,
7 and I'm going to make a reasonable decision, and that's
8 going to be the end of it, and it's going to be well
9 written, because I'm going to take my time, and I'm
10 going to research it, and I'm going to apply the facts
11 to the law, and see where it lands.

12 And that's why I said it's only fair to
13 y'all that I be informed before I even start hearing
14 it, in case I have any questions, because it's just
15 sort of almost reinventing the wheel for us. We would
16 end up doing it twice, because I hear y'all, then
17 I'm going to go study, then I'm going to have questions,
18 and then we have to have another hearing. That just
19 doesn't make -- that doesn't make a whole lot of sense
20 to me.

21 And I don't know when my next -- because
22 I know my secretary and I are starting to work on
23 the upcoming nonjury dockets, so that we can deal
24 with, you know, stand your ground, and all these other
25 -- a speedy trial, all these motions that have sort

1 of been languishing on the docket. Nobody's fault,
2 not being pejorative in any sense. We've got to get
3 rid of them, and they've got to be heard, so I'm going
4 to have to set aside the time to do it.

5 But what your client needs to decide today
6 is whether he wants to take advantage of what -- you
7 know, I don't know anything about it, but 85 percent
8 of 15 is 12.75 years.

9 MS. ESTES: And ---

10 THE COURT: Which is a whole lot less than
11 what he's facing on burg first.

12 MS. ESTES: And going forward for the
13 purpose of the motion, how should we go about scheduling
14 that, because Ms. Morris and I had e-mailed the motions
15 to your law clerk at the beginning of February?

16 THE COURT: Yeah, I've been in court every
17 single day. Last week, I was in a trial, I didn't get
18 -- I was physically in the courtroom until 7:30 every
19 night. So, I'll just be transparent, when I'm in trial,
20 I feel like those people that are trying a case deserve
21 all my attention. I'm not reading arguments.

22 MS. ESTES: Understood, Your Honor.

23 THE COURT: My brain is fried by the time
24 I go home, and I'm trying, at this old stage of my life,
25 to have a life. So when I go home, I don't want to --

1 I violated that, I was reading an order at ten o'clock
2 last night, but I'm trying to decompress when I get
3 home so I can have something left when -- you know,
4 when I come back to work on Monday, or the next day.

5 But, you know, we have -- and again,
6 it's nobody's fault. We're trying to get caught
7 up from COVID. I've been in trial every day and not
8 on -- I mean, we've been in trial every day or doing
9 pleas, one or the other, but it seems like the last
10 month that's all we've been doing. So if you need
11 anything, just for future reference, send it to my
12 secretary. She's the chief scheduler; she really runs
13 everything.

14 So we're setting up -- and, of course,
15 I just took over in January, so some stuff was already
16 in motion before I took over, so we have to make
17 an assessment of, you know, what's coming up, what
18 time is available, what has not yet been scheduled.
19 And right now, as a matter of fact, this whole week
20 she's been looking at outstanding motions in both
21 Charleston and Berkeley to see how we need to tackle
22 what -- you know, as Chief Justice Toal used to say,
23 what our book of business is, so I can know exactly
24 how to schedule our time. So, I can't guarantee when
25 that's going to happen.

1 When I go back to Charleston today,
2 I'll look and see what she's been able to glean and,
3 you know, so that -- and she and I could sit down,
4 and we'll decide, you know, like, how we're going
5 to allocate what we have left, because I think we have
6 several trial terms here; we have several trial terms
7 in Charleston.

8 I probably would have split -- if I had
9 my preference, I probably would have split my nonjury
10 week next week between Charleston and here to try
11 to get rid of some nonjury stuff, but I think they had
12 already scheduled -- I think they had already scheduled,
13 like, all that time, like, in November or October.
14 So it -- you know, it would have been a significant
15 disruption for me to come in and say, you know, clear
16 what you've scheduled for me and do some other stuff.
17 So -- and we're trying to tackle a bond docket in
18 Charleston next week. So, you know, it's always --
19 it's an ever-developing picture.

20 So, I can't -- the long and the short
21 of it is I can't guarantee when it would be heard.
22 I would hope, and it would be my goal, to do it before
23 the April 8th trial term. Am I doing that trial term?

24 MS. MORRIS: You are, Your Honor.

25 THE COURT: Yeah, so it might come down

1 to me having to hear this motion before we pick a jury,
2 or pick a jury and hear it and not swear them in.
3 I mean, that's probably realistically what we might
4 be looking at, because it's a practical matter.
5 April 8th is exactly 30 days from today.

6 MS. MORRIS: Yes.

7 THE COURT: And it's going to evaporate.

8 MS. ESTES: Right.

9 MS. MORRIS: Your Honor, could I just
10 clarify ---

11 THE COURT: Sure.

12 MS. MORRIS: --- the offer?

13 THE COURT: Yes, ma'am.

14 MS. MORRIS: I'm not sure it's been clear
15 to the defense. If he did the burglary, first degree,
16 and pled to that for the minimum 15 years, he's not
17 eligible for parole.

18 THE COURT: So he does a third, is what
19 the statute says.

20 MS. MORRIS: Well, he doesn't get that
21 with the burg first.

22 THE COURT: Exactly.

23 MS. MORRIS: But he does get it with
24 the burg second, violent, even though it is a violent.
25 And so when I did the calculator, the SCDC calculator,

1 if he pled today, it showed me a parole date of
2 September 1st of 2027. If he goes -- once he pleads
3 here ---

4 THE COURT: That's quick from now.
5 That's less than -- I guess, they calculate -- yeah.

6 MS. MORRIS: And he still has his Georgia
7 sentence to finish, which I have his potential release
8 date ---

9 THE COURT: Does he have a parole violation
10 out of Georgia, or what's the situation there?

11 MS. MORRIS: Oh, I -- he's brought here
12 under the interstate agreement on detainers, so he's
13 here for us to try to resolve this. But his release
14 date there is January 31st of 2027. He would come back
15 here and potentially be eligible for parole nine months
16 later, or eight months later.

17 THE COURT: Because it would run concurrent,
18 right?

19 MS. MORRIS: That's right.

20 THE COURT: Yeah. Actually, he would --
21 he would actually come back here and almost immediately
22 be eligible, but I don't want to make any assurances.

23 MS. MORRIS: Exactly.

24 THE COURT: But that's -- at least on
25 burglary second, violent, you're eligible for parole

1 after a third of your sentence. That's not the same
2 picture with burg first. And I don't know what the
3 evidence is. Like I said, I can't make that assessment
4 for him; only he could make that assessment. You know,
5 I don't know how strong the State's case is. I mean,
6 what's alleged to have taken place?

7 MS. MORRIS: He drives up into a residential
8 home, goes into their drive -- goes into their garage,
9 which is attached to the house, and picks up chainsaws,
10 puts them in his vehicle, drives away. He's on the
11 surveillance camera, so the victim posts this video
12 to a social media site ---

13 THE COURT: Is what they do, yeah. Have
14 you seen this person?

15 MS. MORRIS: And he was able to be
16 identified by people that work with him.

17 MS. ESTES: This was in broad daylight.

18 THE COURT: Only he could make the
19 assessment of how strong their case is. I have --
20 you know, I'm just the referee. It's 12 folks that
21 will make the decision.

22 THE DEFENDANT: Can I speak?

23 MS. ESTES: Your Honor ---

24 THE COURT: Sir, you can speak, but we don't
25 have hybrid ---

1 THE DEFENDANT: Can I speak?

2 THE COURT: We don't have hybrid
3 representation. That's why you have a lawyer.
4 And the other reason we discourage speaking is anything
5 you say can and will be used against you. It's being
6 taken down by the court reporter. You don't have
7 any expectation of privacy in anything you say.

8 And while to a layperson, it might seem
9 innocent to make a comment, you don't know if you're
10 making admissions against interest that could be used
11 against you in a proceeding, and you don't have to
12 testify for them to be used against you, especially
13 when they're spontaneously uttered. We're not required
14 to Mirandize you.

15 THE DEFENDANT: Yes, ma'am, I understand
16 that.

17 THE COURT: Do you want to maybe share
18 with Ms. Estes what you want to say, and then she can
19 communicate that to the Court? I think that's probably
20 the safest way to do it.

21 (Pause.)

22 THE COURT: Sir, you seem to be under
23 the misapprehension that this Court is going to make
24 a decision about your case; I'm not.

25 THE DEFENDANT: I understand.

1 THE COURT: I am not the jury. I am not --
2 it doesn't matter to me whether you take the deal
3 or not; it doesn't matter to me whether you have
4 a trial or not. I don't have a position. The only
5 reason -- the comments I've made is to make sure that
6 you make an open-eyed assessment about what your options
7 are, and that you make a free and voluntary decision
8 about what you want to do, or what you don't want
9 to do. I can live with whatever consequences you
10 can live with.

11 If you want to reject it, and that's good
12 for you, it's good for me. If you want to take it,
13 and that's good for you, that's good for the Court.
14 It doesn't matter to me one way or the other, but I have
15 to have a contemporaneous record of what you're going
16 to do, because I always have to live in worst case
17 scenarios.

18 So if this doesn't go the way you hope
19 it might go, I need a contemporaneous record that
20 Ms. Estes did not fall short of her obligation
21 in advocating in being your lawyer and that she met
22 an objective standard in terms of her representation
23 of you. That's the only purpose -- the reason we're
24 having this hearing.

25 If you don't want to plead guilty,

1 that's fine, I'll put the rejection on the record,
2 and you and her can get ready for trial for the
3 week of April 8th. The only reason the comments
4 or observations have been made for purposes of the
5 record is for you to understand all of your options,
6 because if you don't take the deal today, they're
7 going to try you on burglary first on April, the 8th,
8 of 2024 -- the week of April, the 8th. Is this first
9 up?

10 MS. MORRIS: It is not.

11 THE COURT: What's first up?

12 MS. MORRIS: I think it's an attorney
13 general's case that's first up.

14 THE COURT: Somebody probably sent it to me,
15 but I don't ---

16 MS. MORRIS: I can get that for you, Judge.
17 It will just take me a second. If this matter is
18 not heard, we do have -- under the interstate agreement
19 on detainers, only a judge can continue it past the
20 180 days.

21 THE COURT: Yeah, it's, like, coming
22 back to me. I haven't had one of them in awhile,
23 but I know that there are certain triggers that exempt
24 certain timelines if the Court is then involved in it,
25 and it's not the direct action of the prosecuting agent.

1 MS. MORRIS: What's first on the docket?

2 MR. DENNIS: Judge, I think it's going
3 to be my case. It's an assault and battery, high
4 and aggravated nature, probably take two and a half
5 days.

6 THE COURT: What's next?

7 MR. DENNIS: Next one is going to be,
8 I believe ---

9 THE COURT: Ms. Sas.

10 MR. DENNIS: --- Ms. Sas's case. Oh, no,
11 that's not going to be ---

12 MS. MORRIS: Your Honor, is it mine?

13 THE COURT: I'm just trying to, like,
14 realistically, are we going to -- it looks like
15 it's a pretty short day.

16 MS. MORRIS: It is, maybe one day.

17 THE COURT: Yeah.

18 MS. SAS: Mr. Dykes is probably going
19 to be continued, because Ms. Blazer is the defense
20 attorney, and she has a hearing in federal court
21 that will conflict that week, unfortunately.

22 THE COURT: Okay. So it sounds like
23 y'all might be up once we try Mr. Dennis's case.
24 I was just asking so that realistically Ms. Estes
25 can know if she needs to be ready.

1 MS. ESTES: For the time being, Your Honor,
2 can we stand this down so I can communicate ---

3 THE COURT: Yeah ---

4 MS. ESTES: --- with my client?

5 THE COURT: Go talk with him for a few
6 minutes.

7 MS. ESTES: Okay.

8 (Pause.)

9 THE COURT: All right. Have y'all decided
10 what y'all want to do?

11 MS. MORRIS: He is going to reject,
12 Your Honor. And the State would also like to make
13 a motion to continue based on the interstate agreement
14 on detainers past the 120 days, if that is what it is
15 found to be, since he is on the April 8th trial docket,
16 and that would be past the 120 days.

17 THE COURT: Ms. Estes, do you really think
18 that's in your client's best interest?

19 MS. ESTES: Your Honor, I've talked ---

20 THE COURT: In light of the fact that
21 whatever time he had, he would max out before he maxes
22 out his sentence.

23 MS. ESTES: Right.

24 THE COURT: In -- what other state is he in?

25 THE DEFENDANT: Georgia.

1 THE COURT: Georgia. Sir, do you understand
2 that you would max out this sentence before you --
3 pretty much that you would -- because even if I grant
4 either one of your requests, it's going to get
5 appealed. It's going to take three years to come back,
6 and you're going to be sitting while that's happening.
7 You're not going to be released.

8 THE DEFENDANT: Your Honor, the only
9 concern I have, that I mentioned, was the fact that
10 if you run it concurrent, this would include my Georgia
11 time I'm doing now. I won't -- in Georgia, we don't
12 have good time and earn work credits, like South
13 Carolina does.

14 THE COURT: It doesn't matter, because
15 they'll calculate your time based on South Carolina,
16 not Georgia. It will be run concurrent in South
17 Carolina. It will be just like if you were sitting
18 in a jail cell in South Carolina.

19 THE DEFENDANT: I'll still be doing my time
20 in Georgia. I just don't feel comfortable with it being
21 violent, because I've never done anything violent.
22 I don't have a violent record, and I just don't like
23 doing something violent being on my record.

24 THE COURT: It's just a classification,
25 sir. In the grand scheme of things, I don't know

1 that it really makes a difference.

2 THE DEFENDANT: In Georgia, it does.
3 They look at it so differently ---

4 THE COURT: But it's not going to affect --
5 it's not going to affect your Georgia time, because
6 you're already sentenced on your Georgia time.
7 It's just like you're serving time in two places,
8 separately ---

9 THE DEFENDANT: So, I'm going to serve
10 this entire sentence in Georgia? I don't have to finish
11 my time in Georgia ---

12 THE COURT: No. But -- no. And if you do
13 it the way you're -- if you reject it, it's just going
14 to, like, stand still in time. And then, you're going
15 to come back here, and you're going to stay here.
16 I'll hear the motion, I'll make a decision, and there's
17 no guarantee how long it's going to take me to make
18 a decision. It depends on how long it's going to take
19 me to think about it. And if my docket is loaded,
20 it might take me a couple of months to make that
21 decision, because I write my own orders.

22 THE DEFENDANT: Right.

23 THE COURT: And so -- and I'm not doing
24 this -- I'm just really being very transparent
25 with you. I'm going to wait until my mind is clear,

1 and I can focus on it, which won't be while I'm in
2 trial. So, normally, I'm always -- I get nervous when
3 stuff is on my desk, I'm very fastidious about getting
4 stuff out lately because of the docket.

5 Normally, I have something out, like,
6 in five days. It's been taking me, like, 90 days
7 to get things out. I have something right now
8 that I've been working on that -- it scared me.
9 I was reading it last night at ten o'clock, because
10 it was hitting the six-month mark, but that's because
11 my order is 20 pages, and I have to read it myself,
12 and I don't rely on my law clerks to write things
13 for me. I write it.

14 And so while they write based on my
15 instructions, I still go back -- they will tell you,
16 I go back through it, and it will be completely
17 reworded, based on how I like the structure to be.
18 So it could take a minute for me to get that order
19 done, and the whole time you'll be, you know, waiting.

20 And then let's just say for argument's
21 sake, I grant your request to dismiss it, the State
22 is going to appeal it. They have the right to appeal
23 it; it's going to take three years for that to get
24 heard. So, you're going to be sitting while you --
25 and they may affirm me, who knows. They may reverse

1 me, which means it just comes back, and you start
2 back at square one, which you would have already maxed
3 out your time in Georgia sitting in South Carolina.

4 I just don't see -- and I don't have a side.
5 I'm just very practical. To me, it just doesn't make
6 a whole lot of sense for you to -- life is precious.
7 Tomorrow is not promised, and you wasting four years
8 of your life waiting on -- you know, you have to live
9 to fight another day, you know. And I don't know
10 if this is the hill you want to necessarily hoist
11 yourself on.

12 THE DEFENDANT: Well, when I asked to speak
13 -- and I appreciate it. You didn't have to tell me
14 all that, and I do appreciate the time that you took
15 for that. And when I asked to speak to you earlier,
16 it was only to make mention that, you know, Berkeley
17 County didn't even want to -- they weren't pursuing
18 this case. I contacted them for two years to try
19 to get them to come get me, to come back to resolve
20 this case, and they wouldn't do it. They wouldn't
21 put a detainer on me; they wouldn't extradite ---

22 THE COURT: Yeah, but we're here now.
23 And so this is still the same ---

24 THE DEFENDANT: Well, because I -- by my
25 persistence.

1 THE COURT: It's still the same net effect.
2 And sometimes that happens because there's turnover,
3 things just don't -- you know, there's turnover in
4 staff, people come, they handle a caseload, they leave,
5 that caseload has to be reassigned, people -- you know,
6 as lawyers, and I'm still a lawyer at heart, even though
7 I've been a judge almost 28 years, I put out the fire
8 that's closest to my feet. I stayed at my -- I would
9 go to my office at seven in the morning, most nights
10 I didn't leave until seven, eight, nine.

11 As a matter of fact, sometimes I left
12 later than that. My office was next door to a funeral
13 home, and the guys routinely had to let me out the gate.
14 Sometimes they would come sit with me, because they
15 had guns, and I would let them come sit with me,
16 because I would be there late at night by myself.
17 And my building had been burglarized by some little
18 boys, actually, who climbed in the third floor,
19 and thank God, I wasn't there that particular night,
20 but I digress.

21 But, you know, I would make a list every
22 night before I left of what I was going to deal with
23 first thing in the morning. It never ended up being
24 that way, because when you walk in the door whatsoever
25 fire is burning, that's the fire you put out.

1 And so, I don't think it was anything
2 deliberate on their part. You just -- you know,
3 in South Carolina, we don't have -- judges don't have
4 their own caseloads, so we have to deal with whatever
5 comes our way, and it's the same way with Ms. Estes
6 and Ms. Morris.

7 And when somebody leaves, like, if Ms. Estes
8 left tomorrow, all of her cases would be assigned
9 to another public defender on top of what they already
10 had. So now they have to work their way backward
11 to deal with what they've inherited, and so --
12 and it's the same way with the solicitor's office.

13 If somebody, like, right now in Charleston,
14 we have a public defender who left, she probably
15 had a caseload of about 300 people. We're in the
16 process -- we had second appearances on Monday.
17 Like, half of the roll call was her cases. They've
18 got to be reassigned, and the people were frustrated,
19 but if they have to be -- I have to be fair to the
20 people it got reassigned to. They hadn't even seen
21 a file yet.

22 And so -- I mean, that's just as a practical
23 matter sometimes how our system works. I would love it
24 if we had unlimited resources, and we had -- you know,
25 we could hire, like, you know, it probably wouldn't

1 be manageable, you know, have a couple hundred people
2 working on caseloads, but it just doesn't work that way.
3 I mean, how many public defenders y'all have?

4 MS. ESTES: I think we have -- we're down
5 to seven or eight, Julie?

6 MS. SHIVERS: I'm sorry?

7 THE COURT: How many public defenders
8 y'all got in your office?

9 MS. ESTES: We're down to seven. We lost
10 a few very recently. David retired.

11 THE COURT: Yeah, because Mr. Schwacke
12 retired.

13 MS. SHIVERS: I think seven.

14 THE COURT: Poor Mr. ---

15 MS. SHIVERS: Church.

16 THE COURT: Mr. Church. It just broke
17 my heart.

18 MS. SHIVERS: Yes.

19 THE COURT: I don't know if y'all have
20 the ability, they did a wonderful memorial for him
21 at the bar meeting in February. It was really nice.
22 Y'all should call Ms. Oslogi [ph.], and get a copy
23 of it, so that you can see it. So people leave,
24 and then other folks have to inherit things,
25 and it's not that they deliberately ignore stuff.

1 It's just stuff happens, I mean, life happens.

2 And so I understand your frustration,
3 that you wanted them to deal with it. But the bottom
4 line is the net effect is the same, so you don't need
5 to get caught up on I did this, I asked them to do
6 this, and they didn't do it. The bottom line is,
7 even if they had paid attention to it when you asked,
8 you would still be right here today. There's no
9 guarantee they would -- that the net effect of it would
10 be any different.

11 And so, to me, and I'm just very practical,
12 it would make no sense for me to be sitting in Georgia
13 doing time when I could be doing time and be done with
14 South Carolina and never have to come back here again,
15 except to sort of rotate, do a revolving door where
16 they max out whatever it is I have hanging over my head,
17 instead of maxing out in Georgia, and then you still
18 have to come back here and deal with it. And then,
19 even if I were to decide to dismiss it, I feel certain
20 they're going to appeal.

21 THE DEFENDANT: If you dismiss with
22 prejudice, what does that ---

23 THE COURT: It doesn't matter, sir, they're
24 still going to appeal it.

25 THE DEFENDANT: Yeah, I was told ---

1 THE COURT: And then it's going to go
2 to the Court of Appeals, and they're going to look
3 at it, and if the Supreme Court don't like what
4 the Court of Appeals did, they're going to accept cert,
5 and then that's -- so you're looking at five years,
6 six years of your life waiting to see, for that motion
7 to get resolved. So it's up to you.

8 THE DEFENDANT: Yes, ma'am. It's just
9 frustrating because I -- it's all -- I signed all
10 this paperwork on May 10th of last year, and it's been
11 this long, 11 months almost, when -- the greatest outset
12 of this was 180 days ---

13 THE COURT: But let's just say if they had
14 done what you what ask asked them to do, and they tried
15 it on the burg first, where would you be?

16 THE DEFENDANT: Resolved any kind of way
17 with a resolution, that's why ---

18 THE COURT: Doesn't matter. You would
19 still be -- you're hooked up -- you've got your mind
20 set in a pattern of where you think it would have made
21 a difference; it wouldn't have. You would still
22 be right where you are right now, serving your time
23 concurrently. And then, they weren't going to reduce
24 it to anything less than this burglary second, violent.
25 You were indicted on burg first.

1 THE DEFENDANT: Yes, ma'am, I understand
2 that.

3 THE COURT: Yeah.

4 THE DEFENDANT: But the thing is, they
5 didn't; they ran out of time because ---

6 THE COURT: Yeah, but what you want me
7 to do is make a decision today, right now, this minute.

8 THE DEFENDANT: No, no, ma'am, that's not
9 what I'm asking.

10 THE COURT: And what I'm explaining
11 to you is even if you get what you're asking for,
12 it's going to be six years before it gets resolved.

13 THE DEFENDANT: I'm not asking you to rule
14 on that motion today.

15 THE COURT: Even if I -- no, what I'm saying
16 is, even if you get what you're asking for, it is not
17 going to resolve it. It's not going away. They have
18 the right to appeal it.

19 THE DEFENDANT: So what does that mean ---

20 THE COURT: I'm not the final say.

21 THE DEFENDANT: What does that mean,
22 with or without prejudice?

23 THE COURT: Doesn't matter. If it's
24 dismissed with prejudice, they still get to appeal
25 it. I'm not the last say; I'm the trial Court.

1 We have an intermediate appellate court that gets
2 to look at it. Then, if -- let's just say for
3 argument's sake, I'm just going to give you an example,
4 and I've had this happen. I have had a case, it's been
5 reversed by the Court of Appeals, three years later
6 it was affirmed by the Supreme Court, and they reversed
7 the Court of Appeals. That was six years later.
8 I didn't even recognize it, to tell you the truth.
9 I've moved on.

10 I try about four or five cases a week
11 sometimes. I had to go back and read it; I had to go
12 back and get my notes to remember what it was all about,
13 because when stuff happens, I try to learn from it.
14 I'm not perfect; I'm not infallible. So if something
15 happens, I say, you know -- and I'll quote Muhammad
16 Ali loosely, if you hadn't changed in six years,
17 you have just wasted time. So, I would like to think
18 that my brain has matured in six years.

19 And sometimes, to tell you the truth,
20 I agree with them. I look back, and I go, gosh,
21 you know, three years later, I would have done the same
22 thing. You know, that's why judges don't take appeals
23 personally, because you think, you know, I make
24 a decision in ten minutes, they've had three years
25 to look at it. I mean, three years from now --

1 I've looked at stuff and said, you know what, I would
2 have done the exact same thing. I agree with them,
3 you know.

4 So, you know, you would hope as time passes,
5 you mature. And so if it, you know -- but the reality
6 of it is, let's just say I hear it two weeks from now,
7 or three weeks from now, or I hear it in April before
8 your trial, and I say that the detainer was not -- they
9 didn't do what they were supposed to do, and I ruled
10 that way. Well, they've got 30 days, they're going
11 to appeal it to the Court of Appeals, and they're going
12 to look at it, and it's probably going to take them two
13 and a half years to look at it, and a render a decision.

14 And then, let's just say it gets affirmed.
15 Then, they're still going to ask the Supreme Court
16 to accept cert, and they might. That's another three
17 years. So you're looking at six years from now when
18 you could have been done with the system, but it's
19 up to you. I mean, I don't know what kind of evidence
20 they have; only you can assess that and whether it's
21 worth it to you. But if you really think that you could
22 face a conviction, I would go ahead and get rid of
23 it and let my time run while I'm doing time in Georgia,
24 but it's up to you. Only you can make that decision.

25 But you need to understand the full

1 consequences, which is once this offer is gone,
2 it's gone. They're not going to -- you're not going
3 to be able to come back next week and say, I want
4 my deal back, because they're not going to offer
5 it to you. That's a policy of their office.

6 THE DEFENDANT: Like I said, the biggest --
7 one concern is the violent issue. I wish they would
8 consider just making it nonviolent, being there was
9 no violence involved in it. It's a big thing ---

10 THE COURT: Violence -- a lot of things
11 go into the violent classification. What's the basis
12 of y'all putting it -- having it violent?

13 MS. MORRIS: Because it's just that one
14 reduction from the burg first. What made it the burg
15 first is his nine -- the two or more convictions
16 of burglary. That's why I indicted it as such.

17 THE COURT: And see, another thing, sir,
18 is when that's tried, that's an element of the offense.
19 So a jury is going to hear that you've had other
20 burglaries.

21 THE DEFENDANT: I am ---

22 THE COURT: And the Court is going to
23 instruct them that that's an element of the offense;
24 it's not evidence of the fact of you having committed
25 this one, but they're going to hear your record.

1 THE DEFENDANT: I mean, I know.

2 THE COURT: Because it's a part
3 of the elements that the State has to prove.

4 THE DEFENDANT: I mean, would they consider
5 just letting it be nonviolent and let's get this thing
6 resolved and be done.

7 THE COURT: No, they're not willing
8 to do that.

9 MS. MORRIS: We've already come down
10 to 15 years, suspended to 10 years active, and five
11 years of probation.

12 THE COURT: So, basically, he would
13 have maxed -- he would have maxed it out by the time
14 he's done with Georgia? Based on what you said earlier,
15 you would max it out before he's done with Georgia,
16 right?

17 MS. MORRIS: That's right, on the original
18 offer.

19 THE DEFENDANT: So this sentence will run
20 concurrent with my Georgia sentence, and I would get
21 credit from the time I've been locked up in Georgia?

22 THE COURT: They'll do that in R and E;
23 they'll calculate it, sir.

24 THE DEFENDANT: R and E?

25 THE COURT: Your records will go to

1 reception and evaluation, and you'll have a counselor,
2 even though -- I would assume, even though you're
3 in Georgia, and they will tell you what you're entitled
4 to. I don't calculate time; SCDC does, by regulation.

5 THE DEFENDANT: When we get done here today,
6 I'll be taken, at some point, back to Georgia?

7 THE COURT: I guess -- I don't know how
8 Georgia is going to do that, but your time is still
9 running. Even though you're here, it's still running.

10 THE DEFENDANT: Yeah, it's still
11 running. But, I mean, they'll take me back to Georgia,
12 and then this sentence will just run concurrent
13 with that sentence? I'm just trying to understand the
14 structure of the sentence, so I know what I'm pleading
15 to.

16 THE COURT: But nothing is perfect,
17 and we can't guarantee anything. You know, they're
18 going to calculate it, and it will be what it is.
19 I don't calculate time.

20 THE DEFENDANT: I understand that.

21 THE COURT: Yeah.

22 THE DEFENDANT: So this ---

23 THE COURT: Every time I calculate it,
24 I'm wrong. I learned a long time ago. I revoked
25 somebody for seven years, and I had -- this is when

1 I first went onto circuit court, and I had anxiety,
2 couldn't sleep, everything else, and three months
3 later, he was being released, and I said never
4 again will I stress myself about a sentence or try
5 to calculate it, because I don't know. They've got
6 a lot of variables that go into calculating sentences,
7 and I don't try to figure it out. I just what I think
8 is appropriate, and however it fleshes out, it fleshes
9 out.

10 MS. ESTES: We did the calculation
11 on the SCDC calculator to show him the most accurate
12 representation that anyone is going to have of what
13 that looks like.

14 THE DEFENDANT: Okay. Just so I understand
15 this, you sentence me today, this is a done deal, this
16 charge is resolved?

17 THE COURT: Yep.

18 THE DEFENDANT: I go back to jail over here?

19 THE COURT: Yep.

20 THE DEFENDANT: They return me back
21 to Georgia, where they come and got me from?

22 THE COURT: Yes, sir.

23 THE DEFENDANT: I just do the rest
24 of my time in Georgia until everything is satisfied,
25 and I get to come back home to South Carolina, where

1 I live at?

2 THE COURT: And they'll look at it,
3 and see where you are with it, and they'll sit down
4 with you, and show you what your time calculation
5 is that ran concurrent while you were there, and you'll
6 get any pre-detention time that you served before you
7 went to Georgia. So if you had -- if you were in jail
8 in South Carolina before you went to Georgia to serve
9 time, you'll get credit for that pre-detention time
10 as well. And I don't know how much time that is.

11 THE DEFENDANT: So when I leave Georgia,
12 I have to -- so when I come back from Georgia, I've got
13 to go to prison in Carolina?

14 THE COURT: I think they'll take you
15 to R and E on the whole, and then you'll sit down
16 with reception and evaluation ---

17 THE DEFENDANT: See, that's what I'm trying
18 to avoid. I don't ---

19 THE COURT: There's no way, there's no way
20 just to release you from Georgia. That's not going
21 to happen. You've got to come back to South Carolina
22 to be processed and released. They have to go over
23 everything with you, and let you know what your
24 situation is.

25 THE DEFENDANT: I know what R and E is.

1 Yeah, I know ---

2 THE COURT: Yeah, there's no way -- there's
3 no scenario where you're going to just leave Georgia
4 and be -- no, they're going to have to bring you
5 to South Carolina and process you on this and sit down
6 with an R and E counselor and say, this is what you got
7 sentenced to, this is how much time credit you received,
8 it ran concurrent in Georgia, and go over everything
9 with you.

10 And then, they'll tell you -- I don't
11 know whether that's going to be an immediate release
12 or an immediate turnaround. I have no idea; I don't
13 know what their processes are. But there's no scenario,
14 even if I gave you time served, that you will leave
15 Georgia. They still have to bring you back here.

16 THE DEFENDANT: Yeah, that's not what
17 I was informed about; I was misinformed about that.

18 THE COURT: You're going to have to come
19 back through our system. There's no way that you could
20 do concurrent time here and just leave the Georgia
21 facility. That's never going to happen under any
22 circumstances. They have to process -- they're going
23 to have to bring you back here; they're going to have
24 to release the hold; they're going to have to process
25 you. There's no way. I don't -- I can't imagine

1 Ms. Estes or Ms. Shivers told you that.

2 THE DEFENDANT: I was just under
3 the impression this sentence is running concurrent
4 with my Georgia sentence ---

5 THE COURT: It is running concurrent,
6 but you still gotta come back to South Carolina
7 for them to deal with their paperwork. They're
8 not going to release from Georgia.

9 THE DEFENDANT: Right. So when is my credit
10 from my time I've been in Georgia start now?

11 THE COURT: I don't know. I can't answer
12 that question; only Ms. Estes can.

13 THE DEFENDANT: No, I'm saying when --
14 I get credit for the time I served since I've been
15 locked up?

16 MS. ESTES: So you get credit for this
17 charge since ---

18 THE COURT: You get credit from when you
19 were served with a warrant.

20 MS. ESTES: Remember, Julie ---

21 THE DEFENDANT: So, basically, I've got four
22 months done on a ten-year sentence?

23 THE COURT: I have no idea.

24 MS. MORRIS: A hundred days so far.

25 THE COURT: A hundred days.

1 THE DEFENDANT: I just don't feel
2 comfortable taking this plea, Your Honor, because their
3 time limit on the IADA ---

4 THE COURT: You need to do what makes
5 you feel comfortable. I was just real with you.

6 THE DEFENDANT: I mean, I appreciate that,
7 honestly.

8 THE COURT: It's going to be six years
9 of your life ---

10 THE DEFENDANT: Yes, ma'am, but ---

11 THE COURT: --- you're going to be sitting
12 with this unresolved, and they're going to try
13 you on this burglary first, and they're going to ask
14 for a whole lot more than 15 years. I'm just -- I don't
15 believe in lying to people.

16 THE DEFENDANT: I believe you're being
17 honest ---

18 THE COURT: I'm 100 percent all the time.

19 THE DEFENDANT: Right.

20 THE COURT: I need people to do stuff eyes
21 wide open. And you're going to have this motion heard;
22 I'm going to rule. If I rule against them, they're
23 going to appeal it. It's going to be six years from
24 now before we hear about it. And if I rule against
25 Ms. Estes, she's going to appeal it too, and there's

1 going to be another six years.

2 THE DEFENDANT: I understand, and
3 I appreciate you being honest with me.

4 THE COURT: So if you want to sit six years
5 and be unproductive, that's up to you. I can't make
6 that decision for you.

7 THE DEFENDANT: Well, the only thing I have
8 to go by is what the law says under the ---

9 THE COURT: You're looking for
10 assurances ---

11 THE DEFENDANT: No, ma'am.

12 THE COURT: --- and you're looking for us to
13 tell you something with certainty, and that's just never
14 going to be possible.

15 THE DEFENDANT: No, ma'am. I understand
16 exactly what you're saying.

17 THE COURT: You can't leave Georgia and not
18 come back to South Carolina; that's not going to happen.
19 They're not going to release you. You can serve your
20 time concurrently, but they are not going to release
21 you from Georgia and just say, have a nice day.
22 That's not going to happen.

23 You have a South Carolina hold. You're
24 serving your time in South Carolina; you're just going
25 to be in Georgia. And you've got to come back to South

1 Carolina to be processed and released and that hold
2 be dealt with. You're not just going to leave Georgia
3 when you max out Georgia. That's not going to happen.
4 Even if you've got time served today, you're not going
5 to leave Georgia. They're still going to bring you back
6 to South Carolina.

7 THE DEFENDANT: Yeah, but when I max out ---

8 THE COURT: The paperwork has to be
9 processed.

10 THE DEFENDANT: But when I max out in
11 Georgia in 2027, I have to be brought back here.
12 I'm going to have a hold on me the entire time while
13 I'm in the department of corrections, which is the very
14 thing that ---

15 THE COURT: You will still be serving your
16 time concurrently, sir. They're not going to release
17 the hold; that's not going to happen. You have to come
18 back.

19 THE DEFENDANT: Right.

20 THE COURT: Even if I gave you time served
21 today of four months, they're not going to release
22 the hold. You're still going to have to come back
23 here, and they still have to process your paperwork
24 for your time-served sentence.

25 THE DEFENDANT: I understand.

1 THE COURT: Yeah.

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: So it's up to you.

4 THE DEFENDANT: The time started on May
5 10th; they're time is out. Yes, I trust the law.

6 It works both ways; the scale goes both ways.

7 And Ms. Morris knows she's out of time, so, no,
8 I'm going to reject the plea.

9 THE COURT: That's fine. Ms. Morris
10 can be wrong, but you're going to be waiting six years
11 for that to get resolved.

12 THE DEFENDANT: I understand, Ms. Jefferson,
13 and I'm not trying to be belligerent.

14 THE COURT: I don't think you're being
15 that way at all.

16 THE DEFENDANT: I'm sorry.

17 THE COURT: I just don't think you're being
18 practical, because you're trying to die on a principle,
19 and that's ---

20 THE DEFENDANT: I'm not. I filed my request
21 on the IAD to get to ---

22 THE COURT: Doesn't matter. At the end
23 of the day, even if I agree with you, it's going
24 to be six years before it gets resolved, and that's
25 six years of your life you're just going to be sitting,

1 because you're not going to get released from South
2 Carolina, even if I ruled for you. They're not going
3 to release you until the appeal is resolved, because
4 it could go against you in the appeal, and then you
5 still have to be tried. They're not going to release
6 the hold. Do you understand what I'm saying?

7 THE DEFENDANT: Yes.

8 THE COURT: Even if I grant the relief
9 you're requesting, the hold is not going to be released.
10 You're going to sit until that appeal is resolved,
11 because we have to assure -- well, the hold is there,
12 and the hold is not going to be released as a result
13 of the Court's ruling.

14 THE DEFENDANT: Well, my whole argument
15 is I believe that the prosecution knows that they're
16 time is out. And if they choose to appeal it, we'll
17 take it to the appellate court, and that's fine.
18 But if I didn't know for a fact ---

19 THE COURT: I just need you to be clear
20 that you're not going to be released while that's going
21 on. So, I don't want you under the misapprehension
22 that if I rule for you, which could happen, that you're
23 going to be released once you're done with your time
24 in Georgia. That's not going to happen. You're going
25 to be ---

1 THE DEFENDANT: No, I'll come back here,
2 right?

3 THE COURT: You're going to be returned
4 here, and you're going to sit until -- I don't know
5 what they're going to ---

6 THE DEFENDANT: I mean, I could bond out.
7 At that point, I would be eligible for a bond.

8 THE COURT: I don't know if you're going
9 to get a bond, not on burglary first. I'm not certain
10 that's going to happen. I don't want you to be living
11 in that belief system, because I don't know who will
12 be here hearing bonds. I have no idea. I have no idea
13 if they're going to grant you a bond under the
14 circumstances.

15 Because they're going to take into account
16 your record; they're going to take into account the
17 allegations; they're going to take into account risk
18 of flight and danger to the community, and I don't
19 know how that assessment will go. But I don't want
20 you believing that you're going to get a bond, because
21 that may not happen.

22 THE DEFENDANT: Yes, ma'am. I mean ---

23 THE COURT: I'm just ---

24 THE DEFENDANT: I think -- I don't think --
25 I live -- I mean, I'm from here; I'm not from Georgia.

1 I don't know if you think I'm from there.

2 THE COURT: Sir, I have no idea. There
3 are 49 of us. I have no idea who will be sitting here.
4 We rotate ---

5 THE DEFENDANT: I know, but this is where
6 I was born and raised; I'm not from Georgia.

7 THE COURT: I understand that, but you
8 want assurances. You're telling me you think somebody
9 is going to grant you a bond, and what I'm telling
10 you is that may not happen.

11 THE DEFENDANT: Oh, I understand that.

12 THE COURT: And you'll be sitting.
13 So, I just don't want you -- I don't want to make
14 any assurances to you of something that may not happen.
15 I have no idea who may hear your motion for bond.

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: I don't have a clue. So what
18 do y'all want to do, Ms. Estes?

19 (Pause.)

20 THE COURT: Can you reinstitute these
21 charges if it's dismissed, pursuant to the interstate
22 detainer?

23 THE DEFENDANT: No.

24 MS. MORRIS: I do not know, Your Honor.

25 THE COURT: I was just curious because,

1 you know -- statute of limitations on anything,
2 so I'm trying to figure out is it, like, one of those
3 technical things with indictments, that even if it's
4 dismissed, you can come back and recharge him with it.

5 MS. SHIVERS: I don't believe you can,
6 Your Honor. I think that's why ---

7 THE COURT: I was curious; I didn't know.

8 MS. SHIVERS: According to the case law,
9 if it's dismissed with prejudice, it wouldn't be able
10 to be brought back, but doesn't that negate the
11 appellate issue. I think if the appellate court
12 disagreed ---

13 THE COURT: But do I have the option
14 to dismiss it with or without prejudice?

15 MS. SHIVERS: I think it has to be dismissed
16 with prejudice per the statute.

17 THE COURT: Okay. I'm just asking for
18 clarity. But you're right, it doesn't negate the appeal
19 process.

20 MS. MORRIS: And, Your Honor, if the
21 Defendant does reject today, the State would move
22 to continue this case since -- if it's based
23 on the 120 days, that comes up March 27th of 2024.
24 This is on the April 8th trial docket, so State
25 would move to continue this matter past the 120 days.

1 If it's not reached on the April trial docket,
2 then we'll renew our motion at that time.

3 THE COURT: Don't you have to do that motion
4 in writing though?

5 MS. MORRIS: I can do that in writing,
6 Your Honor.

7 THE COURT: I think you have to under --
8 my memory is sort of coming back about it. I think
9 you have to. I think there are very specific ways
10 that has to be done.

11 MS. MORRIS: And, Your Honor, if I file
12 it this afternoon, would you be able to hear that next
13 week, maybe virtually?

14 THE COURT: I don't know.

15 MS. MORRIS: Okay.

16 THE COURT: I don't think it has to be
17 heard; I think you just have to make the motion.

18 MS. SAS: Your Honor, I think that 120 days,
19 I think the Court has to extend it first, so it would
20 have to be heard before the 27th, March 27th.

21 THE COURT: Oh, March. I have to look
22 at my calendar and see.

23 MS. MORRIS: The State still believes
24 it's at the 180 days, but there is an argument that
25 it could be the 120. And so just out of an abundance

1 of caution ---

2 THE COURT: I think if you think that,
3 you need to go ahead and get your motion filed, and get
4 it to my secretary so I can schedule it.

5 MS. MORRIS: Absolutely, Your Honor.

6 MS. ESTES: And, Your Honor, defense
7 will be filing a response to that.

8 THE COURT: I would imagine you would.
9 All right, what do y'all want to do, Ms. Estes,
10 because I need to let my court reporter go to lunch?
11 It's almost 1:45, and she's been very patient with
12 me today. She's had one break since 9:45.

13 MS. ESTES: Your Honor, I believe he wants
14 to reject the plea offer.

15 THE COURT: Okay. Ms. Estes -- what is the
16 offer that's been reached -- that you all want to extend
17 to him, Ms. Morris?

18 MS. MORRIS: Well, based on Ms. Estes's
19 conversations with her client, I had agreed ---

20 THE COURT: Let me interrupt you one quick
21 second. The record should reflect that negotiations
22 have been ongoing since we initially started this
23 matter, which I think was close -- was around 11:30-ish.
24 It is now 1:44 -- 1:41. And based on the Court's
25 own observations, Ms. Shivers has been assisting

1 Ms. Estes, and Ms. Sas has been assisting Ms. Morris,
2 and negotiations have been fervent and ongoing since
3 that timeframe, because the original offer was 15 years
4 negotiated, correct?

5 MS. MORRIS: That's correct.

6 THE COURT: And as a result, these
7 negotiations all have come to a different offer.

8 MS. MORRIS: That's correct.

9 THE COURT: And what is that offer?

10 MS. MORRIS: It would be 15 years, suspended
11 to ten years of active time, followed by five years
12 of probation.

13 THE COURT: Now, would he need five years
14 of probation when he's going to come out on community
15 supervision?

16 MS. MORRIS: How long is the community
17 supervision?

18 THE COURT: This is serious and violent,
19 it's two years, up to the max out of the 15 years.

20 MS. MORRIS: Okay. We would do just
21 the 15 years, suspended to the ten years of active
22 time.

23 THE COURT: Is that your understanding
24 of the offer, Ms. Estes?

25 MS. ESTES: It is, Your Honor.

1 THE COURT: Which is another generous
2 amendment, because five years of probation is a lot
3 more than community supervision, which is what he would
4 come out on. And that's another reason you've
5 got to come back to South Carolina, because they've
6 got to process you for community supervision, which is,
7 in essence, probation, but it is under a different
8 arm of the department of corrections, where you are
9 supervised for two-year increments, until you've reached
10 the max out of a 15-year sentence.

11 All right. Have you had an opportunity
12 to explain that to him? Do you need time to explain
13 that to him, Ms. Estes.

14 MS. ESTES: I don't think I need an
15 opportunity, Your Honor.

16 THE COURT: I'm sorry.

17 MS. ESTES: He understands.

18 THE COURT: Okay. Have you fully explained
19 the offer to him?

20 MS. ESTES: I have.

21 THE COURT: Do you believe he's understood
22 your conversations?

23 MS. ESTES: I do.

24 THE COURT: Have you gone over all the
25 discovery with him?

1 MS. ESTES: Yes.

2 THE COURT: Have you gone over the range
3 of penalty and the elements of the offense?

4 MS. ESTES: Yes.

5 THE COURT: Have you explained to him his
6 constitutional rights, including his right to a jury
7 trial?

8 MS. ESTES: Yes.

9 THE COURT: And does he wish to accept
10 or reject the offer?

11 MS. ESTES: Reject.

12 THE COURT: Do you agree with that decision?
13 Is that with or against your advice?

14 MS. ESTES: Currently, it's against
15 my advice.

16 THE COURT: Okay. And I only ask that
17 question for PCR purposes. I'm not trying to put
18 you in an adversary posture with your client.

19 MS. ESTES: Right.

20 THE COURT: Will you be ready for trial
21 the week of April 8th, 2024?

22 MS. ESTES: I will.

23 THE COURT: And have you fully explored
24 any defenses he's requested that you look into?

25 MS. ESTES: Yes.

1 THE COURT: Sir, raise your right hand
2 to be sworn.

3 (Whereupon, Mr. James Elton Riles was duly sworn.)

4 THE COURT: You can put your right hand
5 down. State your full name for the record.

6 THE DEFENDANT: James Elton Riles.

7 THE COURT: Mr. Riles, how old are you?

8 THE DEFENDANT: Fifty-two.

9 THE COURT: You're -- let's see. You had
10 a birthday the [REDACTED]. How far have you gone in school?

11 THE DEFENDANT: GED.

12 THE COURT: What was your last job?

13 THE DEFENDANT: Fox -- I mean, Sea Fox Boat
14 Company.

15 THE COURT: Are you married?

16 THE DEFENDANT: No, ma'am.

17 THE COURT: Do you have any children?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: How many?

20 THE DEFENDANT: Two.

21 THE COURT: What are their ages?

22 THE DEFENDANT: 24 and 22.

23 THE COURT: Okay. Has Ms. Estes fully
24 explained the offer to you?

25 THE DEFENDANT: Somewhat.

1 THE COURT: What has she not explained?

2 THE DEFENDANT: Well, it's been such a,
3 you know ---

4 THE COURT: All I need to know ---

5 THE DEFENDANT: --- controversy here.

6 THE COURT: All I need to know is do you
7 understand the State's offer is 15 years, suspended
8 to ten years?

9 THE DEFENDANT: I do understand that, yes,
10 ma'am.

11 THE COURT: Okay. Has she gone over all
12 the discovery with you?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Has she explained to you --
15 and has she explored any defenses?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Has she explained to you your
18 constitutional rights, including your right to a jury
19 trial?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Do you understand this case
22 will be tried the week of April 8th, 2024?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Do you understand that any
25 offer the State has extended to you expires today?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: You understand that once
3 it's expires, it will not be reextended to you?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Do you understand that you
6 will be tried, as indicted, on the offense of burglary
7 in the first degree?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Do you understand that that's
10 a most serious strike?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: And do you also understand
13 that that has a maximum exposure of a life sentence?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Do you understand that life
16 in South Carolina is life without parole?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: That means you serve it day
19 for day until you expire. Do you understand that?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Has she explained to you
22 the range of penalty?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: The elements of the offense?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: And you said everything has
2 been explained -- do you understand that the Court,
3 nor Ms. Estes, nor anyone else, can completely explain
4 to you any of the mechanics of how things will work?
5 In other words, we can't give you anything with
6 certainty. There's no way for us to do that.
7 It's within the arms --- under South Carolina law,
8 the department of corrections has sole prerogative
9 to calculate sentences; the Court cannot do that.

10 THE DEFENDANT: I understand that part,
11 yes, ma'am.

12 THE COURT: What part don't you understand?

13 THE DEFENDANT: I'm speaking from the
14 statutory purpose of the law.

15 THE COURT: I don't understand what you're
16 saying. You need to be more plain.

17 THE DEFENDANT: Well, as far as any statutes
18 in the state of South Carolina, they probably are
19 self-explanatory.

20 THE COURT: I don't understand. You need
21 to speak more clear. When you say you don't understand
22 something, I need to know what it is, so I can address
23 it.

24 THE DEFENDANT: No, ma'am, I do understand.
25 If I read the statute, and it's plain, clear English,

1 and that's what the law says should be done,
2 then that's what it is. It shouldn't be by anyone
3 else's interpretation, or based on someone's emotion,
4 or how they feel about it. It should be what the law
5 says it should be, and that's what I'm going by.

6 THE COURT: That still is not clear for me
7 what you mean.

8 THE DEFENDANT: That's the best I can
9 explain it.

10 THE COURT: Well, I need to have a clear
11 record, because if you're convicted on burglary first,
12 and you've said something -- you don't understand
13 something, I need to know what it is you don't
14 understand, so I can address it.

15 THE DEFENDANT: Well, I mean I'm not talking
16 about that charge.

17 THE COURT: What charge are you talking
18 about?

19 THE DEFENDANT: I'm talking about the whole
20 purpose of why I'm here today, based on the reason why
21 I filed my request for disposition under the Interstate
22 Agreement on Detainers Act. That's the statute
23 I'm talking about. I believe it's 17 ---

24 THE COURT: Sir, the Court hasn't made
25 a ruling on that, and is not going to make a ruling

1 on it any time soon ---

2 THE DEFENDANT: Oh, I understand.

3 THE COURT: --- until it gets scheduled.

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: So, I'm trying to figure
6 out what is it you don't understand, because there's no
7 ruling. The Court hasn't heard argument on the motion.
8 I have no idea whether there's any merit to it or not.
9 So when you say you don't understand, I need to know
10 what that means.

11 THE DEFENDANT: No, that's what I was
12 referring to, ma'am.

13 THE COURT: Yeah, but I need to know what
14 you mean you don't understand. When you say there's
15 something you don't understand, I need to address it.

16 THE DEFENDANT: I mean, there's nothing
17 I don't understand, to be honest with you.

18 THE COURT: Okay. Do you wish to accept
19 or reject the offer?

20 THE DEFENDANT: Today, reject it, yes,
21 ma'am.

22 THE COURT: Well, you understand that once
23 you reject it, that's it? They're not going to reextend
24 it to you; they're not going to offer anything.
25 They're going to try you on the offense of burglary

1 first during the week of April 8th.

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Do you understand that?

4 I need you to tell me yes or no.

5 THE DEFENDANT: Yes.

6 THE COURT: Okay. So when you say you
7 reject it for now, what do you mean?

8 THE DEFENDANT: Today is what this hearing
9 is about.

10 THE COURT: Yes, sir, but when you reject
11 it, it's forever. It's not just today. They're not ---

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: I need you to be clear that this
14 offer, burglary, second degree, nonviolent -- violent,
15 they're not going to reextend it you. It is the State's
16 intention to try you on the offense of burglary
17 in the first degree during the week of April 8th.
18 Do you understand that?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Okay. And are you rejecting
21 this offer freely and voluntarily and of your own will?

22 THE DEFENDANT: Yeah, I'm rejecting it,
23 yes, ma'am, because I feel like it's wrong. That's
24 why I'm rejecting it.

25 THE COURT: Are you rejecting this freely

1 and voluntarily and of your own will?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Has anyone forced you to reject
4 this offer?

5 THE DEFENDANT: I wouldn't say it like that,
6 no, ma'am.

7 THE COURT: How would you say it? I need
8 to know ---

9 THE DEFENDANT: I came to this hearing ---

10 THE COURT: In other words, did somebody
11 force you to reject this offer?

12 THE DEFENDANT: No, ma'am. I came here
13 today under the impression that we were coming to hear
14 this motion. I had no idea that I was coming here today
15 to be put under this kind of pressure.

16 THE COURT: No, sir, nobody has put you
17 under any pressure.

18 THE DEFENDANT: That's what I feel.

19 THE COURT: Well, the record should reflect
20 that you're not under any pressure.

21 THE DEFENDANT: Well, I sure feel ---

22 THE COURT: The State has extended an offer
23 to you; that's their prerogative. When it expires
24 is their prerogative.

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Your lawyer has an ethical
2 obligation to let you know whatever offers have been
3 extended, because if you're convicted, and you come back
4 later and say, you know, I would have taken that offer,
5 but my lawyer never told me about it. She can't put
6 herself in that position. Ethically, she is required
7 to communicate every offer to you. Even if it's two
8 minutes before you start a trial, and the State comes
9 and says, we've got an offer, she has to communicate
10 it to you. She doesn't have an option.

11 THE DEFENDANT: I understand that.

12 THE COURT: Because if you get convicted,
13 you could always come back on a PCR and say, you know
14 what, I would have took that offer, but my lawyer never
15 told me about it. If I had known about it, I would have
16 done that, and people do that. And that's why we have
17 to ask these questions, and that's why she has to
18 communicate that offer to you. She does not have an
19 option. It's not like she can say, well, you know,
20 maybe I'll tell him about this offer or maybe I won't.
21 It's not optional. You know, she has an obligation,
22 pursuant to her oath as a lawyer, to tell you that.

23 So, I don't know who gave you the impression
24 a motion was going to be heard today. I apologize
25 if that's the case, because they don't have --

1 it's not their prerogative, and I don't hear motions
2 during plea weeks. So it was not scheduled to be heard
3 today, and it will heard when the Court's schedule
4 can accommodate it. And Ms. Morris, nor Ms. Estes,
5 have any control over that. Frankly, I have very little
6 control over it.

7 It depends on what my schedule is that court
8 administration has given me. They do our schedules
9 in advance. I have no control over what I'm assigned
10 to do. I have some control within certain parameters
11 about what I'm going to do, but I took over as chief
12 judge in January. The previous judge before me had
13 already scheduled a lot of stuff through that date.
14 So it's already scheduled, and it's going to get heard,
15 and it's going to get done.

16 So when my secretary looks at my schedule,
17 we'll decide when we have the time for this to be heard.
18 My schedule is jam packed; it's been jam packed since
19 last year, and it's going to continue to be jam packed,
20 because we're all trying to get caught up from COVID.
21 So as much as I would like to give you priority,
22 that's not an option. I'll have to hear what's already
23 been scheduled, and there are things that are scheduled
24 that are older than your case.

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: So, they'll have to be disposed
2 of in the order they've been filed. So, I want you to
3 be clear about that, that it was nothing on the State's
4 behalf or Ms. Estes's behalf. It just wasn't scheduled
5 for today. So, I'm sorry if you were under that
6 impression. The Court will schedule it as soon
7 as it can accommodate it. Do you understand that?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Okay. Has anyone forced
10 you to reject the offer?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: And again, you understand
13 it expires today?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Are you suffering from
16 any mental disabilities, or under the influence
17 of any drugs or alcohol?

18 THE DEFENDANT: No, ma'am.

19 THE COURT: All right. The offer is
20 rejected. It will be set for trial the week of 4/8/24.
21 We'll be in touch to determine when or if we could
22 hear the motion prior to the trial. If not, the motion
23 will be heard the morning -- we'll go forward with jury
24 qualification. I'll pick a jury, and then we'll hear
25 the motion before the jury is sworn.

1 MS. MORRIS: Thank you, Your Honor.

2 THE COURT: Hopefully, we'll be able to
3 get to it before then, but I can't make any guarantees
4 based on what my calendar currently looks like.

5 MS. MORRIS: And as far as the motion
6 for continuance, Your Honor, if Judge Young would
7 be open to hearing it next week, would you be okay
8 with that, or would you prefer to hear it?

9 THE COURT: That's fine. I haven't retained
10 it.

11 MS. MORRIS: Okay.

12 THE COURT: Yes, if he wants to hear it,
13 that's fine, but you need to go ahead and get it filed.

14 MS. MORRIS: Absolutely. I'll do that right
15 away.

16 THE COURT: Yeah.

17 MS. MORRIS: Thank you, Your Honor.

18 THE COURT: You're welcome. And let him
19 know that I'm fine with him hearing it if he's incline
20 to.

21 MS. MORRIS: Okay. Thank you.

22 THE COURT: You're welcome.

23 (End of Transcript of Record.)

24

25

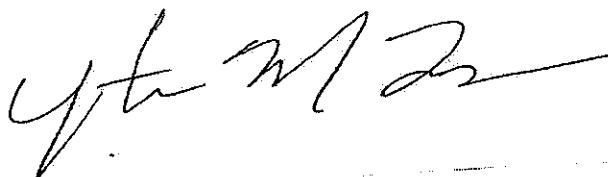
CERTIFICATE OF REPORTER

State of South Carolina)
County of Berkeley)

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in the Circuit Court for Berkeley County, South Carolina, on the 8th of March, 2024.

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

October 14, 2024



Yvestre Torres

Circuit Court Reporter

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY

2023-GS-08-03661

State of South Carolina)

) TRANSCRIPT OF RECORD

-vs-

)

) March 13, 2024

James Elton Riles,)

) Moncks Corner, South Carolina

B E F O R E:

The Honorable Roger M. Young, Judge

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

Kawohikukapulani S. Morris, Esquire
Attorney for the State

Taylor Jane Estes, Esquire
Attorney for the Defendant

Reported By:

Yvestre Torres, OCR
Circuit Court Reporter for the
Ninth Judicial Circuit

1 THE COURT: Be seated. All right.

2 MS. MORRIS: The State calls James Riles.

3 THE COURT: All right. We're ready?

4 MS. MORRIS: Yes. The State calls James

5 Riles. Mr. Riles is represented by Taylor Estes.

6 This is the State's motion for a continuance based

7 on the interstate agreement on detainers.

8 THE COURT: Okay. What do you want to tell
9 me?

10 MS. MORRIS: Thank you, Your Honor.

11 And I do appreciate you hearing this. This particular

12 statute, South Carolina Code 17-11-10, requires

13 a hearing in open court in order to grant a continuance.

14 The procedural history of the case, and that provides

15 the foundation for the State asking for this continuance

16 and showing the good cause in asking for it.

17 Mr. Riles was incarcerated in Georgia,

18 serving a seven-year sentence for burglary in the

19 Georgia Department of Corrections. On November 14th

20 of 2023, I, Assistant Solicitor Morris, on behalf

21 of the state of South Carolina, received the interstate

22 agreement on detainer forms from Georgia, offering

23 to deliver temporary custody of the Defendant to South

24 Carolina to answer for his pending burglary first-degree

25 charge in South Carolina.

1 I properly responded, accepting temporary
2 custody, and the Defendant was brought to Berkeley
3 County, South Carolina, on November 29th of 2023.

4 I appeared at the initial bond hearing on November
5 30th, 2023, and asked the Honorable Judge Hughston
6 to appoint a public defender; he granted the request.

7 The burglary first-degree charge was
8 true bill indicted by a Berkeley County Grand Jury
9 on December 6th, 2023. A plea offer was extended
10 on January 2nd, 2024; the plea was scheduled for
11 January 8th, 2024. Defense counsel asked for more time
12 to discuss the plea offer. The plea was then scheduled
13 for February 9th of 2024. The Defendant filed a motion
14 to dismiss on February 6th, and did not want to plea
15 before his motion to dismiss was heard. The plea was
16 then scheduled for March 8th. The Defendant rejected
17 the plea offer on that date before the Honorable Deadra
18 Jefferson. This case is set on the April 8th, 2024,
19 trial docket.

20 The State moves before this Honorable Court
21 for a continuance pursuant to South Carolina Code,
22 Section 17-11-10, Article IV, Subsection (c). The next
23 available trial date after the Defendant rejected
24 the plea offer is April 8th, 2024. The State
25 has not delayed in its indictment of the offense

1 and the extension of a plea offer.

2 The State would also note that though
3 it is moving under South Carolina Code 17-11-10,
4 Article IV, Subsection (c), which states that the trial
5 shall commence within 120 days of the prisoner arriving
6 in South Carolina, we are doing so just out of an
7 abundance of caution.

8 The State believes it is actually South
9 Carolina Code 17-11-10, Article III, Subsection (a)
10 that applies to this Defendant, and that the State
11 has 180 days from the Defendant properly delivering
12 his request for disposition in which to bring the
13 Defendant to trial. That date would be November 14th
14 of 2023, which means 180 days goes to May 12th of 2024.
15 And, therefore, the State would respectfully request
16 a continuance.

17 THE COURT: Okay. What do you want to say?

18 MS. ESTES: Thank you, Your Honor. I have
19 two matters that I would like to bring before you today
20 regarding this case. The first is the response to
21 Ms. Morris's request for a continuance, the other matter
22 being, perhaps a status of counsel hearing, and I'll get
23 to that if Your Honor is willing to hear it.

24 First and foremost, in response to
25 Ms. Morris, there have been two terms of court that

1 she had the opportunity to then file for a continuance.
2 Now this time clock is something that has been an item
3 that the defense and the State does not agree on when
4 it starts. And that motion is something that we were
5 hoping to be heard.

6 We have put it now in front of, you know,
7 several judges. We put it in front of Judge Price in
8 January, who declined to hear it due to time constraints
9 in his schedule. Your Honor respectfully declined in
10 the opinion that it was a matter for the administrative
11 judge. We put it in front of Judge Jefferson on Friday;
12 she declined to hear it due to time constraints as well.

13 And it's the defense's position that before,
14 you know, the State can get a continuance, we would like
15 to just have this motion heard, because the outcome
16 of it is pertinent to whether or not we'll even need
17 to go to trial. Under that IADA, the remedy prescribed
18 by statute is dismissal of the charge, should we be
19 successful on the motion. So should we be successful,
20 there would be no need to go to trial, and should
21 we lose, then we can prepare for trial. But we would
22 really like the opportunity to get the motion heard
23 before a continuance can be granted so we can kind
24 of decide what to do with this case.

25 THE COURT: Well, what would stop --

1 if I were to, say, grant your motion and dismiss
2 the case, all right, the State can turn right around,
3 reindict him, and bring him back in under the same
4 statute.

5 MS. ESTES: So ---

6 THE COURT: What's to stop that?

7 MS. ESTES: And, Your Honor, may be correct
8 about this -- about that. But my understanding is that
9 the remedy is dismissal with prejudice. So my
10 understanding of it is that the charge could not be
11 brought back. However, this is something that we would
12 really like to get decided by a judge, so we can kind
13 of get some clarity on the law and further understanding
14 of the statute and whether or not our interpretation
15 of the time clock, or the State's interpretation of
16 the time clock, is correct.

17 THE COURT: Well, what's your
18 interpretation?

19 MS. ESTES: Our interpretation is that
20 as soon as Ms. Morris received Mr. Riles's letter
21 indicating his desire for a final disposition on his
22 charges, the time clock started then of 180 days.
23 And if Your Honor is willing to hear that motion today,
24 I'm happy to go into that argument.

25 THE COURT: Let's hear it.

1 MS. ESTES: Okay. Would you mind if I grab
2 my motion really quickly, Your Honor?

3 THE COURT: Go ahead.

4 (Pause.)

5 MS. ESTES: I believe I sent copies
6 of my motion, as well as Ms. Morris's, to Your Honor
7 yesterday. I don't know if y'all have those, or if
8 y'all want those.

9 THE COURT: Just tell me what it is that
10 your basis is.

11 MS. ESTES: Okay. Ms. Morris acknowledges
12 -- acknowledged receipt of Mr. Riles's letter that was
13 sent to the solicitor's office while he was incarcerated
14 at Riverbend Facility in Georgia, as Ms. Morris had
15 stated. The IADA, the purpose is to allow prisoners
16 who are incarcerated in another state to receive final
17 disposition of their charges in other states.

18 A detainer was placed on the Defendant
19 on April 24th, indicating that the State would like
20 to bring him here to give him a final disposition
21 on his charge. Court's indulgence, Your Honor.

22 (Pause.)

23 MS. ESTES: On April 12th of 2023, the
24 Defendant wrote a letter that was mailed out on April
25 14th, addressed to the Berkeley County Solicitor's

1 Office, Ms. Scarlett Wilson, Solicitor, with the return
2 address listed as James Riles of Riverbend Correctional
3 Facility.

4 In the letter, the Defendant states,
5 "I do have an outstanding charge in your county.
6 I'm currently incarcerated at the Georgia Department
7 of Corrections. He further states, "I'm trying
8 to do the right thing, the responsible thing, and answer
9 to this charge and resolve it." He also sent a copy
10 of this letter to Lisa Miller of the South Carolina
11 IADA Administration.

12 Pursuant to Article III(a) of the IADA,
13 "Whenever a person has entered upon a term of
14 imprisonment in a penal or correctional institution
15 of a party state, and whenever during the continuance
16 of the term of imprisonment, theirs is pending any
17 other party state, any untried indictment, information
18 or complaint, on the basis of which a detainer has
19 been logged against the prisoner, he shall be brought
20 to trial within 180 days after he shall have caused
21 to be delivered to the prosecuting officer and the
22 appropriate court of the prosecuting officer's
23 jurisdiction. Written notice of the place of his
24 imprisonment and his request for a final disposition
25 to be made of the indictment, information or compliant."

1 And after that letter was then received,
2 the detainer was placed upon him on April 24, 2023,
3 indicating that the State received the letter requiring
4 -- excuse me -- requesting final disposition of the
5 charge. Ms. Morris then responded to that letter,
6 addressed to Angela Reaves-Pham [ph.], who is the warden
7 of Riverbend Correctional, dated May 10th, 2023.

8 In the letter, the Defendant -- excuse me.
9 In the letter, Assistant Solicitor Morris states,
10 "The Defendant is in your custody at Riverbend
11 Correctional Facility. He has requested final
12 disposition of his pending charge in my jurisdiction,
13 Berkeley County, South Carolina, pursuant to the IADA."
14 And she further states, "According to the IADA, I have
15 180 days to resolve the Defendant's Berkeley County
16 charge, and thus time is of the essence." And that
17 was dated on May 10th of 2023.

18 So the defense would argue that this
19 was acknowledgement, that Ms. Morris knew that her
20 time clock started once she acknowledged receipt
21 of Mr. Riles's letter. Then, attached to the letter
22 to Warden Angela Reaves-Pham was Form 5 of the IADA,
23 which is titled request for temporary custody. So she
24 requested temporary custody of the Defendant.

25 According to State v. Hill, which is a 2014

1 South Carolina Supreme Court case, once the receiving
2 jurisdiction acknowledges receipt of the prisoner's
3 request for final disposition, the receiving
4 jurisdiction has 180 days to bring the prisoner
5 to trial, unless a proper continuance is granted by
6 a court of competent jurisdiction, otherwise the court
7 will dismiss the charges.

8 It's the defense's position that this letter
9 that was sent by Assistant Solicitor Morris, addressed
10 to the warden, specifically acknowledged the receipt
11 of Defendant's request for final disposition. We,
12 therefore, assert that Ms. Morris had 180 days from
13 the date of May 10, 2023, to bring Defendant to trial
14 on his pending Berkeley County charge. And the remedy
15 for failure to do so is dismissal of the charge.

16 Defendant -- excuse me. The Defendant
17 was not brought to trial on the pending charge within
18 180 days, and a continuance has not been requested
19 up until now. We've had multiple terms of court
20 where a continuance could have been requested. During
21 the 203 days that the Defendant awaited extradition,
22 he continued his efforts to receive a final disposition
23 on his pending charge.

24 On August 19th of 2023, he sent a letter
25 to Harlow Love [ph] of the Georgia IADA Administration.

1 He stated, "I have not heard anything from anyone here
2 about my request for disposition on this pending charge.
3 Please find out what the status of my request is."

4 In State v. Allen, which is a South
5 Carolina Supreme Court case from 1977, the court held,
6 "The purpose of the IADA is to foster the expeditious
7 disposition of charges outstanding against prisoners
8 so as to eliminate the uncertainties which accompany
9 the filing of detainers. The goal of promoting
10 prisoner's ability in programs is achieved by requiring
11 the receiving state to proceed to trial within 180
12 days."

13 The failure to bring Defendant to trial
14 within the time period as prescribed by statute has
15 affected him negatively. He wasn't able to participate
16 in certain rehabilitation programs in prison while
17 waiting for this charge to be resolved, and that
18 is completely contrary to the IADA. Once the
19 receiving jurisdiction acknowledges receipt of the
20 prisoner's request for final disposition, the receiving
21 jurisdiction has 180 days to bring the prisoner to
22 trial, as I stated before in State v. Hill, and that
23 time has long since elapsed.

24 The letter, as I stated before, by Solicitor
25 Morris to Warden Angela Reaves-Pham was acknowledgement.

1 She had received the Defendant's request for final
2 disposition of the charges, and it's been more than
3 180 days. And again, there's been multiple terms
4 of court in order to grant a continuance. So we would
5 request dismissal of the charge pursuant to the IADA.

6 THE COURT: What would you like to say?

7 MS. MORRIS: Thank you, Your Honor. First,
8 these warrants were not even -- the warrant was not
9 even served yet. This is -- he committed the offense
10 in October of 2021. He then went to Georgia; he was not
11 served these warrants yet. He's serving his sentence
12 in Georgia, and that's when he finds out that he has
13 this pending warrant, because he's not able to get
14 into certain programs at the department of corrections.

15 So he reaches out, first, to Berkeley County
16 Sheriff's Office to try to dispose of this warrant,
17 and then he reached out to the State. The State
18 does not agree that my letter indicates acknowledging
19 receipt, according to Article III of 17-11-10.

20 Ms. Estes stated Article III, Section (a), but she
21 did not state Section (b), which then goes on to say,
22 "The written notice and request for final disposition,
23 referred to in Paragraph A, hereof shall be given
24 or sent by the prisoner to the warden, commissioner
25 of corrections, or other official having custody

1 of him, who shall properly forward it together with
2 the certificate to the appropriate prosecuting official
3 and court by registered or certified mail, return
4 receipt requested."

5 All I received was a letter from
6 the Defendant; I did not receive the certificate.
7 The proper procedure under Article III is Forms 2,
8 3, and 4 of the interstate agreement on detainers.
9 These are just standardized forms that are used by
10 all of the states. I did not receive any of those
11 forms until November 14th of 2023.

12 When I got his letter, I then tried to
13 initiate the IAD under Article IV. And Article IV,
14 that same thing, I asked for temporary custody of
15 the Defendant, and they are to send me a certificate,
16 and I did not receive that back. So, I followed
17 up with them in July; no response. So he reaches out
18 to the public defender's office in October, asking them
19 to tell me to dismiss the case, but the IAD is not
20 followed. And so, therefore, there's no violation
21 that's been had.

22 And the purpose of the IAD is to facilitate
23 expeditious disposition of Defendants's cases.
24 But I can't, and neither can the Berkeley County
25 Sheriff's Office, go down to Georgia Department

1 of Corrections and pick up the Defendant if we don't
2 have anything formally in writing that says we can
3 accept temporary custody of him, which we never did,
4 not until November 14th of 2023.

5 Then there's this separate argument about,
6 okay, is it the 180 days, is it the 120 days, based
7 on whether I initiate it, or the Defendant initiates
8 it. If I initiate it under Article IV, the Defendant
9 needs to have a Cuyler [ph] hearing, because I'm
10 initiating it, and that Cuyler hearing in an open
11 court is to -- for the Court to acknowledge and for
12 the Defendant to acknowledge in open court that he
13 is waiving extradition, so that we can go and take
14 temporary custody of him and bring him back to South
15 Carolina. That was not done.

16 That's my argument for why he came back,
17 based on Article III, which is the 180 days. There
18 was no Cuyler hearing, which means it went based on
19 his initiation of it, based on the Forms 2, 3, and 4,
20 according to the interstate agreement on detainer,
21 because one of those forms is his signed waiver.

22 Beg the Court's indulgence, Your Honor.
23 I think there's just one more thing I want to say.
24 As far as there being any delay in the prosecution
25 of the case, any delay has been on the part of the

1 Defendant. I promptly indicted the case; I promptly
2 extended an offer. I had agreed to continue it because,
3 yes, he only had six days to consider the offer.
4 I understand I had -- that the defense alleges I had two
5 terms of court to file for a continuance. I'm filing
6 for the continuance now -- or I filed for it on Friday.
7 And I was under the impression that the Defendant needed
8 more time to consider the plea offer, and he rejected
9 it Friday.

10 And as far as moving forward with -- that
11 this motion needs to be heard before he can make a
12 decision, that -- he rejected the plea offer on Friday.
13 That offer is gone. The State is ready for trial,
14 and Judge Jefferson did indicate on Friday that we would
15 pick a jury, she would hear the motion to dismiss,
16 and then we would go to trial, if that were the case.

17 Your Honor, the State believes that the
18 plain language of the interstate agreement on detainer
19 statute is clear. He -- the Defendant must provide
20 an intent to dispose of his charges with an accompanied
21 certificate if he's initiating the disposition of his
22 charges under Article III. And if the State requests
23 temporary custody of the Defendant under Article IV,
24 the current state with custody of the Defendant must
25 respond with that same certificate and then facilitate

1 the prompt transfer of custody to the receiving state.

2 So the State respectfully requests this
3 Court deny the Defendant's motion to dismiss, because
4 the Defendant did not comply with the Interstate
5 Agreement on Detainers Act until November 14th of 2023.
6 Therefore, the timeline for disposition follows the 180
7 days that shall commence on that date.

8 THE COURT: And when, in your estimation,
9 is that 180 days up?

10 MS. MORRIS: That would be May 12th of 2024.

11 MS. ESTES: May I have the opportunity
12 to respond, Your Honor, at the appropriate time?

13 THE COURT: Huh?

14 MS. ESTES: May I respond at the appropriate
15 time, Your Honor?

16 THE COURT: Sure, to answer your question.
17 All right. Anything else?

18 MS. MORRIS: No, Your Honor. Thank you.

19 THE COURT: All right. Ms. Estes.

20 MS. ESTES: Thank you. To respond to
21 the State's argument regarding the certificate, clearly,
22 the Defendant is a prisoner. He has no agency over
23 whether or not the Riverbend Correctional Facility
24 decides to send a certificate to the State, or decides
25 to comply with the State's request. However,

1 the certificate that was sent to Ms. Morris, received
2 by her, had the signature of the warden on the bottom.
3 But the actual body of the certificate, which should
4 include certification of where he's incarcerated,
5 the length and duration of his incarceration, and the
6 details of the charges upon which he is incarcerated
7 for, was completely blank. There was nothing in that
8 certificate that gave any new information to Ms. Morris.
9 The only thing that was on it was the warden's
10 signature.

11 It's the defense's contention that
12 the purpose of the certificate is to certify where
13 the Defendant is incarcerated at, his length of
14 incarceration, and matters of that sort, and the State
15 already knew where he was incarcerated. It seems
16 counterintuitive to hold a prisoner liable for what
17 his prison that held him did or didn't do on his
18 account. And the defense would argue that the purpose
19 of the certificate was achieved because Ms. Morris knew
20 that he was incarcerated at the Riverbend Correctional.
21 She made contact with Warden Angela Reaves-Pham,
22 who confirmed that he was there.

23 Therefore, I don't think the certificate
24 should have any bearing on whether or not he has a right
25 to get this dismissed. I understand that the plain

1 language of the law mentions the certificate. But
2 in practice, the purpose of the certificate was already
3 achieved because she knew where he was incarcerated,
4 and that was confirmed by Warden Angela Reaves-Pham.

5 To respond also to the State's summary
6 of what occurred on Friday regarding the plea offer,
7 the defense isn't here to argue anything regarding
8 the plea, or what was done on Friday. The only thing
9 the defense is here to do is to argue this motion.
10 And again, we contend that whether or not the
11 certificate was sent by Riverbend Correctional, at the
12 allegedly appropriate time, isn't within the Defendant's
13 agency. And it would be unfair to hold him liable.
14 He can't make his warden do things, and he took every
15 measure to try and get this resolved, and he wanted
16 to get this resolved and be brought here.

17 And even without receiving the certificate,
18 Ms. Morris did submit a request for temporary custody.
19 So, it's the defense's position that not having
20 that certificate didn't prevent that from occurring.
21 So, therefore, the warden sending the certificate
22 late, which was completely blank, should not affect
23 his ability to request dismissal under the IADA.

24 THE COURT: All right. Well, I agree with
25 the State's interpretation.

1 THE DEFENDANT: Can I say something?

2 THE COURT: You have until May the 12th,
3 2024, to get the case tried. Draft an order.

4 MS. MORRIS: Will do, Your Honor. Thank
5 you.

6 THE DEFENDANT: I don't get a chance
7 to speak, sir? I can't say anything in my defense?

8 THE COURT: You have a lawyer.

9 MS. ESTES: Your Honor ---

10 THE DEFENDANT: I was going to say one
11 thing, sir.

12 THE COURT: What do you want to say?

13 THE DEFENDANT: Well, you've already made
14 your ruling, but the IAD, the plain language, the only
15 requirement of the prisoner is that I make my request
16 made known. Everything above and beyond that is up
17 to the executive authorities. I can't do anything
18 above and beyond, other than making my request made,
19 that I have -- to request final disposition on the
20 pending charge. The language is clear in the law,
21 in the statute. Anything beyond that is out of my
22 control.

23 And the prisoner, it states in several cases
24 -- in South Carolina cases, not Georgia, that what
25 the executive authorities do or don't do, can't be

1 held -- the prisoner can't be held liable for that.
2 She knew when she sent that letter to my warden, along
3 with her request of temporary custody at that time,
4 that she was acknowledging receipt of my request,
5 and that she only had 180 days at that point to resolve
6 this case. Her letter states that plainly.

7 Once my request was made to my warden
8 and to her, that was all that was required of the
9 prisoner at that point. I made every attempt for years
10 -- a couple of years before that to try to resolve
11 this case, which this county didn't even want to pursue.
12 I was the one trying to get back here to get this thing
13 handled. They didn't want to do anything about this
14 case until I was the one to file this request and force
15 them to come and get me to get this thing resolved.

16 I've been here for almost four months
17 now trying to fight this. She's had ample time
18 to get this thing resolved. Friday, when it was brought
19 to her attention that her time was running out, is when
20 she got on the phone with her superior and generated
21 another plea offer in hopes that I would take that plea,
22 because they knew they were out of time. And that's
23 when she made her request known for a continuance,
24 because they knew that time was up, and this has
25 all turned into a big forest. Their time limit

1 is up by law.

2 And the language in the IADA is plain.
3 It's not up for interpretation of the State or from
4 the Defendant; it's plain. State v. Holbrook lays it
5 out, and that's a South Carolina case. It's precedent.
6 And that's what I was asking you, in hopes that you
7 would look at it this morning, that we put in this
8 motion to come forth, you would see that. It's not
9 that I want you to see it my way, or that they hope
10 you see it their way. I was hoping you would see
11 it the law's way.

12 THE COURT: I have to rule; I've ruled,
13 okay?

14 THE DEFENDANT: I understand that, but I was
15 hoping I would get to speak before you ruled.

16 THE COURT: Well, that's ---

17 MS. ESTES: Your Honor ---

18 THE COURT: You don't get to rule; you don't
19 get to talk. That's what you have a lawyer for, but
20 I've heard you. There's nothing new. I haven't changed
21 my mind. Good luck.

22 MS. ESTES: On that note, Your Honor, would
23 you be willing to hear brief status of counsel hearing?
24 Mr. Riles ---

25 THE COURT: A what?

1 MS. ESTES: A brief status of counsel
2 hearing. Mr. Riles has had many grievances about
3 my services, and I wanted to give him the opportunity
4 should he want to air them regarding the scheduling
5 of this hearing.

6 THE COURT: I'll bring him back when we're
7 finished with the pleas.

8 MS. ESTES: Okay.

9 THE COURT: All right.

10 MS. ESTES: Thank you, Your Honor.

11 THE COURT: We're taking up the entire
12 morning on this.

13 (Recess taken.)

14 (Back on the record.)

15 MS. MORRIS: The State recalls James Riles.

16 THE COURT: All right, Mr. Riles. We're
17 back here. You had some issues that you wanted to bring
18 to my attention about what? Your lawyer?

19 THE DEFENDANT: Sir, I don't know why --
20 I mean, whatever y'all decide to do is fine with me.

21 THE COURT: Do you want a new lawyer,
22 is that what you're asking for?

23 THE DEFENDANT: Whatever they decide
24 is best, or y'all decide, I'm fine with it. But,
25 to me, this whole thing has been unconstitutional since

1 I've been here. And, to be honest with you, I'm just
2 kind of fed up with all of it. So whatever the Court
3 decides, or what Ms. Morris wants to do or Ms. Estes,
4 I'm good with it. It's just -- I'm done. Whatever
5 y'all want to do, I'm good with it. If you want to
6 appoint new counsel, if she wants to be relieved ---

7 THE COURT: She doesn't ---

8 THE DEFENDANT: I just want to be done with
9 this thing.

10 THE COURT: She's not asking to be relieved,
11 you were.

12 THE DEFENDANT: The way this thing has
13 got spun so far out of control, is just -- I just --
14 I can't even believe it myself.

15 MS. ESTES: And ---

16 THE COURT: Okay, well ---

17 MS. ESTES: And for -- sorry, Your Honor.

18 THE COURT: The case will be set for trial.

19 MS. MORRIS: April 8th, yes.

20 THE COURT: You've made an offer -- I don't
21 know what the status is on that.

22 MS. MORRIS: It is on the trial docket.

23 THE COURT: Okay.

24 MS. MORRIS: For April 8th.

25 THE COURT: All right. Good luck.

1 THE DEFENDANT: I'm getting new counsel?

2 MS. ESTES: Your Honor, I'm sorry. Just
3 for the record, I just want to state that the reason
4 why we're having this hearing is that Mr. Riles and
5 his fiance have aired multiple grievances to my office
6 on his behalf contending that I am incompetent and
7 essentially not doing my job, and I wanted to give
8 Mr. Riles the opportunity to air any grievances that
9 he has, if he did want a request for new counsel,
10 he is welcome to do so.

11 However, I am not particularly asking to be
12 relieved, just because these grievances have been known
13 to me, and they have been made to my boss, Cameron
14 Blazer, I wanted to have this hearing so he could have
15 the purpose of airing those if he wanted to.

16 THE COURT: Okay. Thank you.

17 MS. ESTES: Thank you.

18 MS. MORRIS: Thank you, Your Honor.

19 (End of Transcript of Record)
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21
22
23
24
25

CERTIFICATE OF REPORTER

State of South Carolina)

County of Berkeley)

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in the Circuit Court for Berkeley County, South Carolina, on the 13th of March, 2024.

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

May 15, 2024



Yvestre Torres

Circuit Court Reporter

STATE OF SOUTH CAROLINA
 COUNTY OF BERKELEY

COURT OF GENERAL SESSIONS
 2023-GS-08-03661

State of South Carolina)

) TRANSCRIPT OF RECORD

-vs-

)

) April 8, 2024 - Day 1

James Elton Riles,

)

) Moncks Corner, South Carolina

B E F O R E:

The Honorable Deadra L. Jefferson, Judge

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

Kawohikukapulani S. Morris, Esquire
 Adam Carr, Esquire
 Attorneys for the State

Taylor Jane Estes, Esquire
 Julie Shivers, Esquire
 Attorneys for the Defendant

Reported By:

Yvestre Torres, OCR
 Circuit Court Reporter for the
 Ninth Judicial Circuit

Jury No.	Name	Race	Gender	Jury No.
112	Misty Johnson	W	F	Def. Strike
173	Dallaslee Emrich	W	F	1
71	Jamal Fikes	B	M	2
159	Jannie President	B	F	Def. Strike
162	Sarah Ramsey	W	F	Def. Strike
144	Dalton Padgett	M	M	3
80	Destiny Gibson	B	F	4
70	Lauren Farrar	W	F	5
5	Mashelle Ames	W	F	Def. Strike
100	Lacrichia Heyward	B	F	Plt. Strike
81	Kerrie Glenn	W	F	Def. Strike
188	Joseph Spann	B	M	6
145	Brock Parker	W	M	7
77	Shawn Garrett	W	M	8
169	Christopher Robinson	W	M	Def. Strike
12	Jacqueline Barnett	B	F	Def. Strike
26	Patrick Biggs	W	M	9
18	Krysta Beich	W	F	10

1	22	Shanice Bennett	B	F	11
2	174	Elizabeth Samperio	O	F	Plt. Strike
3	111	Jace Johnson	W	M	Def. Strike
4	82	Joshua Gold	W	M	12
5	10	Sonia Baker	W	F	Alt. No. 1
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1 THE COURT: You may be seated. Let me know
2 when the last jurors have returned to the courtroom,
3 please.

4 (Pause.)

5 THE COURT: Good morning, ladies and
6 gentlemen, I am Deadra Jefferson; I am one of your
7 resident circuit judges for the ninth circuit that
8 is made up of Charleston and Berkeley Counties.
9 It is our privilege to serve with you this -- have
10 you all serve with us this week for a term of general
11 sessions or criminal court. This term of court will
12 conclude on Friday.

13 Our purpose this morning is to determine
14 your general eligibility to serve as jurors,
15 and I'm going to do this as abbreviated a fashion
16 as I can so that we can get as much work done this
17 morning as possible, so that we can get you in and
18 out of the courthouse.

19 Each of you is here because you meet one
20 of three criteria, that is, if you're a licensed driver,
21 if you have an identification card from the highway
22 department, or if you're a registered voter, when you're
23 subject to jury service. We understand the
24 inconvenience that jury service poses, both to your
25 personal and your professional lives, and we thank

1 you for being here.

2 We -- it is our sincere hope that we will
3 make this an educational week for you, and you will
4 learn how very vital you are to the system and that
5 real court is nothing like what you see on television.
6 In fact, what you see on television is what we call
7 binding arbitration, which just means two people have
8 agreed to allow a third person to resolve their dispute
9 and waive all rights to their appeal.

10 So, as a practical matter, each one
11 of you could be a judge on one of those shows.
12 It is incredibly lucrative. Judge Judy sold her
13 old catalog of 5,000 hours of shows for \$100,000,000,
14 and then started a new show with her granddaughter,
15 which I'm sure will be quite -- just as lucrative.
16 Again, while those shows are incredibly entertaining,
17 they are nothing like the real process, where a group
18 of citizens, 12, listen to the facts of a case,
19 determine the facts, apply the law to those facts,
20 and render verdicts.

21 So again, I know that it is -- from
22 a numerical standpoint, it is unrealistic to --
23 for everyone to be able to serve as a juror.
24 But for those who are able to serve, it is my sincere
25 hope and desire that it will be educational for you,

1 and you will learn how indispensable you are to our
2 system of justice.

3 Again, as I've indicated, I'm going to make
4 this as abbreviated as possible so that we can get
5 you in and out of the courthouse this morning. We try
6 to do as much and get as much done as possible. The old
7 system required that you come to the courthouse every
8 morning; we don't do that anymore. We found that
9 to be a waste of your time, as well as particularly
10 inefficient for the court system. So we try to get
11 as much done today as possible to minimize you all
12 having to go, come back and forth to the courthouse.

13 So if you're not selected today, you'll just
14 have to call after five each -- after six each evening
15 for further instructions. And if we don't need you,
16 you'll be able to go about your life as you normally
17 would.

18 There are certain questions that state law
19 requires that I ask of you to determine your general
20 eligibility to serve. Each one of them is mandated
21 by our constitution and/or by state law. The clerk
22 has already sworn you. If a question applies to you,
23 I will need for you to stand, and in a loud and clear
24 voice, give me your name, your juror number, and answer
25 to the question, if applicable, and remain standing

1 until I've completed questioning you.

2 Some of these questions may seem intensely
3 personal. It is not our intent to embarrass anyone.
4 If there's a question that applies to you, and you
5 don't feel comfortable answering it in the presence
6 of your fellow jurors, please make a mental note
7 to speak with me privately at the end of the process
8 when you're invited to do so. If comfortable, again,
9 please stand, and in a loud and clear voice, tell
10 us your name, your juror number, and answer to the
11 question, if applicable, and remain standing until
12 I have completed questioning you.

13 It is absolutely essential that we have
14 accurate information consistent with the oath that
15 you've taken. But again, I reinforce, we don't want
16 anyone to suffer any embarrassment, so if you need
17 to speak with the Court privately, please don't hesitate
18 to do so when invited at the end of this process.

19 Here are the questions regarding your
20 general eligibility to serve. Is there any member
21 of the panel not now a citizen of the United States?
22 If so, please stand at this time. Is there any member
23 of the panel not now a citizen and resident of Berkeley
24 County, state of South Carolina? If so, please stand
25 at this time. Is there any member of the panel unable

1 to read, write, speak, or understand the English
2 language? If so, please stand at this time.

3 Does any member of the panel have less
4 than a sixth grade education, or its equivalent?
5 If so, please stand at this time. Is there any member
6 of the panel who has a mental or physical infirmity
7 that they feel would render or cause them difficulty
8 in satisfying their jury service? Again, I know this
9 is an intensely personal question, and if you don't feel
10 comfortable, I would ask that you make a mental note
11 to speak with me privately. If there is any member,
12 however, that feels this question applies and you're
13 comfortable in standing, I would invite you to do
14 so at this time.

15 Has any member of the panel been convicted
16 by guilty plea or a trial in a state or federal court
17 of record of a crime punishable by imprisonment for
18 more than one year, and your civil rights have not been
19 restored by pardon or amnesty? When I say punishable
20 by a year or more, that means if the maximum penalty
21 for an offense could have been a year and a day or more,
22 but you may have received probation.

23 By a state or federal court of record,
24 that means the circuit court, not magistrate court,
25 municipal court or city court, or some federal court

1 of record. And by pardon or amnesty, that means if you
2 have received a full pardon from the state or federal
3 government or some form of amnesty, which has restored
4 all of your civil rights, including your right to serve
5 on a jury.

6 Again, I know this is intensely personal.
7 If there is anyone that wishes to stand at this time,
8 I would invite you to do so. If you're uncomfortable,
9 I would ask that you make a mental note to speak with
10 me privately.

11 Is there any member of the panel a clerk
12 of court, deputy clerk of court, constable, sheriff,
13 or other commissioned law enforcement officer, probate
14 judge, county commissioner, magistrate or other county
15 officer, or any person employed within the walls of any
16 courthouse? If so, I would ask that you stand at this
17 time. Yes, sir, tell me your name and juror number.

18 THE JUROR: Virgil Locklair, number 121.

19 THE COURT: And where are you employed, sir?

20 THE JUROR: I am retired from the Trident
21 Technical College Department of Public Safety as
22 a police lieutenant.

23 THE COURT: Okay. But you're retired,
24 correct?

25 THE JUROR: Retired, correct. I just needed

1 to make sure.

2 THE COURT: No worries, better safe than
3 sorry. You're qualified, sir. Thank you.

4 THE JUROR: Thank you.

5 THE COURT: Is there any member of the panel
6 who has previously served on jury duty during this
7 calendar year, which is 2024? If so, please stand
8 at this time. Is there any member of the panel who
9 has previously served on the Berkeley County grand
10 jury during the past several years? If so, please
11 stand at this time.

12 We will now move to exemptions. An
13 exemption does not mean you're not qualified to serve.
14 It simply means, in some instances, you have the ability
15 to say you choose not to serve, or to be transferred to
16 another term of court. For example, those who are 65
17 years of age or older may be exempted from jury service.
18 I would encourage you to remain with us if you're
19 inclined to do so, because you represent a tremendous
20 pool of talent for jury service. However, if you are
21 65 years of age or older, and you wish to be exempted,
22 I would ask that you stand at this time.

23 Is there any member of the panel who has
24 served -- I'm sorry. Did you need to stand up, sir?

25 THE JUROR: You said 65?

1 THE COURT: Yes, sir.

2 THE JUROR: I'm 65.

3 THE COURT: Okay.

4 THE JUROR: And also on the last question,
5 I served on a jury, but it was years ago. 'I don't
6 remember.

7 THE COURT: That's okay. Tell me your name
8 and juror number.

9 THE JUROR: Thomas Pindell, 154.

10 THE COURT: Okay. And, sir, you said you're
11 65?

12 THE JUROR: Yes.

13 THE COURT: And do you wish to be exempted?

14 THE JUROR: No.

15 THE COURT: Didn't hear you.

16 THE JUROR: No.

17 THE COURT: Okay. Then you're qualified,
18 sir. You can remain with us. Is there any member
19 of the panel who has previously served on jury duty
20 in the circuit court, not magistrate court, municipal
21 court, city court, or federal court during 2023 or 2022,
22 and you wish to be exempted? I would ask that you stand
23 at this time, because no one is required to serve more
24 than once every three-calendar years. Is there anyone
25 that fits into that category? If so, please stand

1 at this time.

2 The next exemption has several parts.

3 I would ask that you listen carefully, because you must
4 meet all of these qualifications in order to be exempted
5 on this basis. This is for stay-at-home parents
6 who do not work outside of the home and have children
7 under the age of seven.

8 Is there any member of the panel who has
9 a small child or small children under the age of seven,
10 and you have their legal custody, care, and control,
11 and you cannot make alternate arrangements for their
12 care while performing jury duty, and you are not
13 employed outside of the home? If you feel all of these
14 requirements are present, and you wish to seek an
15 exemption, I would ask that you stand at this time.

16 Is there any member of the panel --
17 I'm sorry. Yes, ma'am, tell me your name and juror
18 number.

19 THE JUROR: I'm sorry. Anne Dotson,
20 juror 58. So, I'm not a stay-at-home mom. Is there
21 an opportunity to ask for a different date? Like,
22 can I do that now, or is there another time ---

23 THE COURT: It would be later in the
24 process, yes, ma'am. Is there any member of the panel
25 who is a full-time student, schoolteacher, school

1 crossing guard, school bus driver, or serves in any
2 other school-related function, who is unable to serve
3 on jury duty this week as a result of that school
4 involvement? If this applies to you, we will transfer
5 you to another term of court which will not conflict
6 with your school responsibilities. Is there any member
7 of the panel who fits into this category that wishes
8 to seek a transfer? If so, I would ask that you stand
9 at this time.

10 Is there any member of the panel
11 who perform services for a business, commercial
12 or agriculture enterprise, and whose services are so
13 essential to the operation of the enterprise that the
14 enterprise must close or cease to function if you're
15 required to perform jury duty, and you wish to seek
16 a transfer? This exemption is for those who work
17 in seasonal-type occupations, such as farmers, other
18 types of agricultural workers, commercial fisherman,
19 and the like, those who have seasonal-type work where
20 your business is more demanding during certain times
21 of the year than others.

22 If so, and you feel you fit into that
23 category, and you wish to seek a transfer, I would
24 ask that you stand at this time. We'll transfer
25 you to a term of court when your business is not

1 as demanding. Again, if you feel you fit into this
2 category, I would ask that you stand at this time.
3 Yes, ma'am. Tell me your name and juror number.

4 THE JUROR: My name is Linda Bento,
5 juror 23, and I'm currently working for an accountant
6 during tax season.

7 THE COURT: Yeah. Have you been transferred
8 before?

9 THE JUROR: No.

10 THE COURT: Okay. We'll transfer you,
11 ma'am. What is -- how far out do you think it would
12 be better for you?

13 THE JUROR: Probably in June.

14 THE COURT: We'll transfer you to a term
15 in June, and we'll send you a new notice.

16 THE JUROR: Okay.

17 THE COURT: Thank you, ma'am. Have a good
18 day. Is there any member of the panel who is employed
19 as a guard with the department of corrections at
20 a penitentiary? If so, I would ask that you stand,
21 because you're exempted -- state law exempts you on
22 that basis.

23 Is there any member of the panel who
24 is the primary caretaker of a person age 65 years
25 of age or older, or a severely disabled person, either

1 of whom are unable to care for themselves, cannot
2 be left unattended, and cannot make alternate
3 arrangements for their care, and you are not employed
4 outside of the home? If you feel this applies to you
5 in your situation, I would ask that you stand at this
6 time.

7 Ladies and gentlemen, that concludes
8 the statutory lists of qualifications and exemptions
9 for jury service. The Court cannot exempt or excuse
10 a qualified juror from service. However, the Court
11 can consider transfers for those who have particularly
12 demanding situations that have confronted them since
13 the issuance of their jury summons, or that was
14 prearranged before receipt of your jury summons.

15 I cannot permanently excuse a qualified
16 juror from service. But under extreme and compelling
17 circumstances, I may excuse a juror from this term of
18 court and transfer the juror to another term of court,
19 particularly if you have not been previously -- those
20 who have not been previously transferred. Please
21 recognize that general inconvenience is not a sufficient
22 basis to transfer your service to another term of court.

23 Now, I will say in advance, for those who
24 have situations that have arisen emergently for yourself
25 or a direct family member, or where you had doctor's

1 appointments and the like scheduled prior to receipt
2 of your jury summons, or have arisen subsequent to
3 receipt of your jury summons, or some other conflict,
4 I would ask that you stand and make me aware of it,
5 because I could make alternate arrangements for you
6 to meet those obligations. Anybody that feels they fit
7 into that category, I would ask that you stand at this
8 time. Ma'am, that would be, I assume, your
9 circumstance?

10 THE JUROR: Me?

11 THE COURT: Um-huh.

12 THE JUROR: Oh, yeah. Sorry.

13 THE COURT: That's okay. Tell me your name
14 and juror number.

15 THE JUROR: Anne Dotson, juror number 58.

16 THE COURT: Yes, ma'am.

17 THE JUROR: I have a five and an eight
18 year old. My husband and I both work, but he's more
19 flexible, so he's out of town this week for work.
20 And then I also have a grandfather who is on hospice
21 and has probably between 48 and 72 hours to live,
22 so I'll need to go to St. Louis for that as well
23 and probably take the kids with me.

24 THE COURT: Have you been transferred
25 before, ma'am?

1 THE JUROR: No.

2 THE COURT: Okay, I can transfer you.

3 THE JUROR: Okay.

4 THE COURT: What term would be better
5 for you?

6 THE JUROR: June. Otherwise -- summer
7 is my busy season. I don't know if September is too
8 far off. June or September.

9 THE COURT: June.

10 THE JUROR: Okay.

11 THE COURT: We'll send you a new summons.

12 THE JUROR: Okay. Thank you.

13 THE COURT: Thank you. Have a good day.

14 Yes, ma'am, tell me your name and juror number.

15 THE JUROR: Monea Phillips-Dickerson,
16 juror number 153.

17 THE COURT: One-five-three?

18 THE JUROR: Yes, ma'am.

19 THE COURT: Yes, ma'am.

20 THE JUROR: My daughter has several doctor's
21 appointments on Friday.

22 THE COURT: I can protect you for Friday.

23 THE JUROR: Thank you.

24 THE COURT: You're welcome. Did 116 tell
25 the clerk that you had travel plans on Friday?

1 THE JUROR: Yes.

2 THE COURT: Yes, ma'am, tell me your name
3 and juror number.

4 THE JUROR: I have travel plans on Friday.

5 THE COURT: Tell me your name and juror
6 number.

7 THE JUROR: Michelle Kinney, 116.

8 THE COURT: Okay. I'll protect you
9 on Friday, ma'am.

10 THE JUROR: Thank you.

11 THE COURT: You're welcome. All right.
12 Is there anyone else? Speak now. Yes, sir, tell
13 me your name and juror number.

14 THE JUROR: Brian Follis, juror 72.

15 THE COURT: Yes, sir.

16 THE JUROR: I actually have to leave town
17 tomorrow, and I won't be back until Sunday.

18 THE COURT: So is it work related?

19 THE JUROR: Yes.

20 THE COURT: Okay. And you're leaving
21 tomorrow, and you won't return until?

22 THE JUROR: Sunday.

23 THE COURT: Sunday. I'll have to transfer
24 you under those circumstances, sir. Have you been
25 transferred before?

1 THE JUROR: No.

2 THE COURT: Okay. What time would be better
3 for you to serve?

4 THE JUROR: I don't know, June.

5 THE COURT: We'll send you a new summons,
6 sir, in June. You're transferred.

7 THE JUROR: Okay. Thank you.

8 THE COURT: You're welcome. Have a good
9 week.

10 THE JUROR: You too.

11 THE COURT: Yes, ma'am, tell me your name
12 and juror number.

13 THE JUROR: Katelyn Vandiver, 202.

14 THE COURT: Yes, ma'am.

15 THE JUROR: I leave town on Wednesday
16 afternoon for a trip, and I won't be back until Sunday.

17 THE COURT: Are you a full-time student?

18 THE JUROR: Yes, ma'am, I'm full time ---

19 THE COURT: I'm sorry. I can't hear you.

20 THE JUROR: Full-time student and full-time
21 employed.

22 THE COURT: And where are you in school?

23 THE JUROR: Western Governors University.

24 THE COURT: You said Western?

25 THE JUROR: Governors University.

1 THE COURT: What year are you in school?

2 THE JUROR: Probably sophomore year.

3 THE COURT: Okay. Do you have school year
4 round?

5 THE JUROR: Yes, ma'am.

6 THE COURT: Okay. So, we've transferred
7 you once. I can transfer you one additional time,
8 but I need you to select carefully because we're not
9 going to be able to transfer you again.

10 THE JUROR: Yes, ma'am.

11 THE COURT: So when would it be better
12 for you to serve?

13 THE JUROR: Even next week or, like, June.

14 THE COURT: Okay. So we'll transfer you
15 to a term in June.

16 THE JUROR: Okay.

17 THE COURT: And we'll send you a new
18 summons, okay?

19 THE JUROR: Thank you.

20 THE COURT: Thank you. Have a good week.
21 Anyone else? Yes, ma'am, tell me your name and juror
22 number.

23 THE JUROR: Sonia Baker, juror number 10.

24 THE COURT: Yes, ma'am.

25 THE JUROR: I'm a single parent with a child

1 that goes to private school that doesn't have
2 transportation in the afternoons. I don't know that
3 I'll be able to arrange ---

4 THE COURT: How do you -- I mean, so how
5 does your child get home every day?

6 THE JUROR: I pick him up.

7 THE COURT: So you leave work and go pick
8 him up?

9 THE JUROR: I do, and then I work remotely
10 in the afternoons.

11 THE COURT: Okay. The only thing I can
12 do is transfer your service; I can't excuse you.

13 THE JUROR: Okay.

14 THE COURT: How old is your child?

15 THE JUROR: Twelve.

16 THE COURT: Yeah. And, unfortunately,
17 the law has not caught up with all of the creative
18 solutions parents have to come up with to make sure
19 their children's needs are met, and I certainly am
20 empathetic. It does not form a basis for me to excuse
21 you, but I can transfer you maybe to -- would the summer
22 be better for you, or is that worse? Does he go to camp
23 in the summer?

24 THE JUROR: He doesn't. I work remotely
25 more often in the summertime. I'm just -- I'll do

1 my best to try to make arrangements somehow for this
2 week.

3 THE COURT: Or do you want to transfer
4 so you can have more time to make arrangements?
5 It's up to you. I'll give you the option.

6 THE JUROR: I'll just go ahead and do it
7 now.

8 THE COURT: Okay.

9 THE JUROR: Thank you.

10 THE COURT: You're welcome. Number 10
11 will remain with us. Okay. Ladies and gentlemen,
12 this is now the time for those who had any questions
13 about their qualifications, or any question or concern
14 about the qualifications, in that they may apply to
15 you in your particular situation, or any question that
16 you did not feel comfortable answering in the presence
17 of your fellow jurors, to speak with the Court
18 privately. I would encourage you to remain with us,
19 if you're inclined to do so because this is for one
20 term of court versus two terms of court. So, I would
21 encourage you to remain with us and go ahead and satisfy
22 your obligation for the next three years.

23 Is there any member of the panel who wishes
24 to speak with the Court privately, or wishes to seek
25 a transfer? I would ask that you line up in the aisles

1 with the bailiffs for me, please.

2 THE JUROR: I would like to speak to
3 somebody privately.

4 THE COURT: If you would get in the aisle
5 with the bailiff for me, please. Yes, ma'am, tell
6 me your name and juror number.

7 THE JUROR: Elizabeth Samperio, juror number
8 174.

9 THE COURT: Yes, ma'am.

10 THE JUROR: I don't feel comfortable with
11 my English.

12 THE COURT: I think you'll be okay.
13 Do you have a driver's license?

14 THE JUROR: Yes, I do.

15 THE COURT: Oh, yeah, you're fine.
16 If you have any difficulty, just let us know, we'll make
17 accommodations. How long have you been in the United
18 States?

19 THE JUROR: I born in the United States,
20 but I wasn't raised here ---

21 THE COURT: Oh, then you're fine. But you
22 drive here, don't you?

23 THE JUROR: Yeah.

24 THE COURT: You're fine. Just let us know
25 if you have any difficulty. 174, correct?

1 THE JUROR: Yes, ma'am.

2 THE COURT: 174 is qualified.

3 THE BAILIFF: 139.

4 THE COURT: Yes, ma'am, tell me your name
5 and juror number. Hello.

6 THE JUROR: My name is Patricia Mervine.

7 THE COURT: Yes, ma'am.

8 THE JUROR: Number 131.

9 THE COURT: 131, yes, ma'am.

10 THE JUROR: Okay. I do work outside
11 my home. My husband is very much disabled.

12 THE COURT: Okay.

13 THE JUROR: He had a double hip replacement,
14 he has had five back surgeries, and he hasn't walked
15 in five years.

16 THE COURT: So where do you -- where do
17 you work?

18 THE JUROR: I work for Kentucky Fried
19 Chicken.

20 THE COURT: What are your hours?

21 THE JUROR: I normally work at eight,
22 get off at four.

23 THE COURT: Okay.

24 THE JUROR: But they're very lenient about
25 my hours; I might need to go home and take care of him.

1 THE COURT: Okay. Well, I'll tell you what.
2 If you're selected for a panel, I just need you to --
3 we'll have a number. If he runs into any difficulty ---

4 THE JUROR: Okay.

5 THE COURT: --- during the week, you just
6 let us know, and we'll make sure we make accommodations
7 for you.

8 THE JUROR: That would be great.

9 THE COURT: Yes, ma'am. We'll have
10 a number, and if he -- if he runs into any
11 difficulty ---

12 THE JUROR: Okay.

13 THE COURT: --- we'll make sure you get
14 the message, and that you're able to attend to him.

15 THE JUROR: Okay, that would be great.
16 Thank you so much.

17 THE COURT: You're welcome, ma'am.
18 Number 131 is qualified.

19 THE BAILIFF: Juror 31.

20 THE COURT: Good morning.

21 THE JUROR: Good morning.

22 THE COURT: How are you?

23 THE JUROR: Good.

24 THE COURT: Tell us your name and juror
25 number.

1 THE JUROR: Kayla Britton, 31.

2 THE COURT: Yes, ma'am.

3 THE JUROR: I don't know -- I don't live
4 in the county anymore.

5 THE COURT: Where do you live?

6 THE JUROR: Dorchester.

7 THE COURT: When did you move to Dorchester?

8 THE JUROR: Almost a year ago.

9 THE COURT: Why haven't you gotten your
10 license changed?

11 THE JUROR: I've been trying to work on
12 that.

13 THE COURT: Yeah, I know it's hard to get
14 to the highway department.

15 THE JUROR: Yeah, I just wanted to make
16 sure because my license still has my Berkeley County
17 address.

18 THE COURT: It's up to you. I mean,
19 technically, I need to transfer you, to get you to
20 change your license, and then -- but it's up to you.
21 If you want to serve this week here -- so you're driving
22 from Dorchester?

23 THE JUROR: From Ladson.

24 THE COURT: Yeah. And court for Dorchester
25 is in Saint George, so it's up to you.

1 THE JUROR: I'm going to try to do it now;
2 I'm already here.

3 THE COURT: Okay. Just make sure you get
4 your license changed after this week.

5 THE JUROR: Thank you.

6 THE COURT: Okay. Thirty-one will remain
7 with us.

8 THE BAILIFF: Juror number 82.

9 THE COURT: Good morning, sir.

10 THE JUROR: Good morning.

11 THE COURT: Tell me your name and juror
12 number.

13 THE JUROR: Josh Gold, 82.

14 THE COURT: Yes, sir.

15 THE JUROR: I actually don't have the date
16 in front of me, but my wife is traveling to Columbia
17 one of the mornings.

18 THE COURT: You said your wife is going
19 to Columbia?

20 THE JUROR: I don't know which morning;
21 I don't have my phone.

22 THE COURT: Okay. So you need?

23 THE JUROR: Just to get to childcare.

24 THE COURT: So what time do your children
25 have to get to daycare?

1 THE JUROR: By nine.

2 THE COURT: Oh, yeah, we start at 9:30.

3 THE JUROR: Okay. I still have the picking
4 up ---

5 THE COURT: What time do they have to ---

6 THE JUROR: Five, 5:30.

7 THE COURT: We stop at five because
8 I recognize people have to pick their kids up.

9 THE JUROR: Okay. Thank you. I can
10 probably make that work.

11 THE COURT: Okay. If you run into any
12 difficulty, just let us know.

13 THE JUROR: Okay, I just want to make sure.

14 THE COURT: No worries at all. No, sir.

15 THE JUROR: Thank you.

16 THE COURT: You're welcome. Number 82
17 is qualified.

18 THE BAILIFF: Juror number 144.

19 THE COURT: Yes, sir. Tell me your name
20 and your juror number.

21 THE JUROR: Dalton Padgett, 144.

22 THE COURT: Yes, sir.

23 THE JUROR: I had magistrate court last
24 year.

25 THE COURT: Yeah, unfortunately, it comes

1 in threes. You just -- and after this, you'll probably
2 get a summons from federal court.

3 THE JUROR: Yeah.

4 THE COURT: Yeah, I hate to break it
5 to you. That's usually the way it works; it usually
6 comes in threes. That's okay. Yes, sir.

7 THE JUROR: I just wanted to ask.

8 THE COURT: Oh, no worries at all.

9 THE JUROR: Yes, ma'am. Thank you.

10 THE COURT: Thank you. 144 is qualified.
11 All right. That covers everybody. Thank you, ladies
12 and gentlemen. The panel is now qualified. Please,
13 permit me to share with you some guidelines for your
14 service this week in an effort to make you feel more
15 comfortable to what I'm certain are unfamiliar
16 surroundings. I'm sure you all have had interaction
17 with the bailiffs and the deputies. They're incredibly
18 helpful. If you need anything during the week,
19 please ask them because they can get to the Court
20 or to the clerk's staff very quickly to remedy most
21 situations you may encounter.

22 By order of the chief justice, you cannot
23 have any electronic devices with you while serving
24 on jury duty, and there are many reasons for that.
25 One, they are disruptive and distracting. I think

1 a recent survey or a study said that people look
2 at their phones -- I'm trying to remember exactly what
3 it was -- like, 150 times every 30 minutes or something.
4 Just, it was astounding to me.

5 And also, phones now are very complex
6 computers that allow you information outside of the
7 proceedings. They allow you access to the internet
8 and otherwise. And, as jurors, you are bound to decide
9 a case based on the evidence that is presented and
10 the laws the Court will instruct. So for those reasons,
11 access to your devices is limited.

12 Please have no interaction with anyone
13 in or about the courthouse. Even an innocent
14 conversation could be misinterpreted, because you could
15 be innocently speaking with a witness or otherwise,
16 and we would not, again, want an innocent conversation
17 to be observed and misinterpreted.

18 We would ask that you be prompt. It is not
19 fair when we must delay the proceedings because someone
20 is running behind. But at the same time, I emphasize,
21 it is our concern that you get here safely. This
22 morning, for example, on my way to the courthouse,
23 there was an atrocious accident on the interstate.
24 You just can't anticipate these things. And again,
25 my concern is that you arrive here safely. I don't

1 want you harried, concerned. Life happens.

2 So if something comes up, you will have
3 a number that you can call if something comes up as
4 you're making your way to the courthouse in the morning.
5 So please make us aware of it, so that in the event
6 we can help you, that we can render assistance.

7 Also, I will tell you in advance that there
8 will be times where you wait on us. There are matters
9 of law that we often have to take up that you cannot
10 be exposed to, because you are the finders of the facts,
11 and we would not want you to be influenced by anything
12 that the Court or counsel may say during those
13 proceedings. So, oftentimes, you will wait, and know
14 that when you're waiting we're working, trying to make
15 sure that the matter is expeditiously handled.
16 So please know we do not take your time for granted.

17 If an emergency occurs at home, work,
18 or otherwise, please make us aware of it. Again,
19 we would not want you frustrated, needing to attend
20 to an emergency when, in most instances, we can render
21 assistance to you. We generally begin at 9:30.
22 We try to break as close to 5:00 as possible, taking
23 into account your familial responsibilities, especially
24 picking up children from daycare and otherwise.

25 If you're not selected for a jury today,

1 you will just have to call the jury information line
2 after six o'clock every evening for instructions.
3 If you all will bear with me just one moment, I need
4 to huddle with the lawyers for a moment to see exactly
5 how we will be proceeding this morning. If counsel
6 could approach for me, please.

7 (Off-the-record conversation held at sidebar.)

8 (Back on the record.)

9 THE COURT: Ladies and gentlemen, we
10 appreciate your patience. Again, I'm trying to make
11 the most efficient use of your time today. So, again,
12 we appreciate it.

13 (Recess taken.)

14 (Back on the record.)

15 THE COURT: Ladies and gentlemen,
16 we're going to go through the very same process.
17 We're selecting a jury on indictment 2023-GS-08-3661,
18 the State v. James Riles, an indictment for burglary
19 in the first degree. Is there any request for a formal
20 arraignment from the defense?

21 MS. ESTES: No, Your Honor.

22 THE COURT: Ladies and gentlemen,
23 that indictment alleges as follows: That in Berkeley
24 County, South Carolina, on or about October 20th of
25 2021, the Defendant, James Riles, did enter the dwelling

1 of Lynette Hall without consent and with the intent
2 to commit a crime therein, that, in addition, the
3 Defendant -- and alleging a violation of the code,
4 Section 16-11-311, of the Code of Laws, as amended.

5 We're going to go through the very same
6 process. If counsel for the State would introduce
7 themselves and anyone who will be assisting you in the
8 trial of the case, as well as the names of -- I don't
9 know that you need to repeat that, because they've been
10 here. And if counsel for the defense could provide
11 us with the same information. However, if you could
12 tell us the names of the members of your office,
13 and also have your client stand and face the panel.
14 You may proceed, Ms. Morris.

15 MS. MORRIS: Thank you, Your Honor.

16 THE COURT: You're welcome.

17 MS. MORRIS: My name is Kawohi Morris;
18 I'm an assistant solicitor with the Ninth Circuit
19 Solicitor's Office. My co-counsel is Adam Carr.
20 And, Mr. Dennis, already gave the names of all the other
21 attorneys in our office.

22 THE COURT: And, Ms. Estes, you may proceed.

23 MS. ESTES: My name is Attorney Taylor
24 Estes; I work for the Berkeley County PD's Office.
25 This is Attorney Julie Shivers; she also works with

1 the Berkeley County PD's Office. The attorneys that
2 work in our office are Keshia White, Julie Shivers,
3 Jason Bybee, Samuel Shogren, Lawrence Long, Corey
4 Hughes, Astasia Williams-Bertles, and Cameron Blazer.
5 And this is James Riles, my client.

6 THE COURT: Ladies and gentlemen,
7 we'll follow the same process. If a question applies,
8 please stand, and in a loud and clear voice, tell
9 us your name, your juror number, and answer to the
10 question, if applicable, and remain standing until
11 we have completed questioning you.

12 Is there any member of the panel related
13 by blood or marriage to James Elton Riles or Lynette
14 Hall? If so, please stand at this time. Does anyone
15 have a close personal or social relationship with James
16 Riles or Lynette Hall? If so, please stand at this
17 time. The following are a list of potential witnesses
18 in this case; Lynette Hall, Brian Keefer of the Berkeley
19 County Sheriff's Office, Lybra Mullineaux, Sea Fox
20 Boats, Linda Hill, deputy clerk of court, Roger
21 Templeton, Berkeley County Government, and Dave
22 Soderberg, Ninth Circuit Solicitor's Office.

23 Is there any member of the panel related
24 by blood or marriage to any of these individuals,
25 or does anyone have a close personal or social

1 relationship with them? If so, please stand at this
2 time. Has any member of the panel ever been represented
3 by any of the attorneys in this case, or any of the
4 lawyers in their office? If so, please stand at this
5 time. Does any member of the panel have a close
6 personal or social relationship with any of the
7 attorneys involved in this case, any of the lawyers
8 in their offices, or any person employed in any capacity
9 in their offices? If so, please stand at this time.

10 Does any member -- yes, sir, tell me your
11 name and juror number.

12 THE JUROR: Juror 160, Daniel Prosymchak.
13 Rachel Janowski.

14 THE COURT: And you characterize that
15 as a social relationship, correct?

16 THE JUROR: Yes, ma'am.

17 THE COURT: As a result of this experience,
18 do you feel -- I'm sorry. Yes, ma'am, tell me your name
19 and juror number.

20 THE JUROR: Amy Wagner, juror 207.

21 THE COURT: And who is it that you have
22 a relationship with?

23 THE JUROR: I've met Ms. Shrivvers a handful
24 of times.

25 THE COURT: I'm sorry. I couldn't hear you.

1 THE JUROR: I've met Ms. Shrivvers a handful
2 of times socially.

3 THE COURT: As a result of this experience,
4 do you both feel that you can remain fair and impartial,
5 and render a fair and impartial decision in this case,
6 based solely on the evidence, as it will be presented,
7 and on the laws the Court will instruct? If your answer
8 is yes, please take your seats. Let the record reflect
9 they've both answered yes.

10 Does any member of the panel have
11 any personal knowledge of the alleged facts and
12 circumstances of this case? If so, please stand.
13 Is there -- has any member of the panel read, watched,
14 or listened to any media accounts about this case,
15 if there have been any, that includes radio, television,
16 or the internet or newspaper? If so, please stand
17 at this time.

18 Has any member of the panel formed
19 or expressed an opinion about any issue or matter
20 involved in this case? If so, please stand at this
21 time. Is there any member of the panel aware
22 of any bias or prejudice toward the State or the defense
23 in this case? If so, please stand at this time.
24 Was there any member of the panel who was a member
25 of the grand jury which issued the indictments in this

1 case? If so, please stand at this time.

2 Is there any member of the panel who has
3 had what they would characterize as an unpleasant
4 experience with law enforcement, such that it would
5 affect your ability to be fair and impartial? If so,
6 please stand at this time. Is there any member of
7 the panel who has a moral, philosophical, or religious
8 opposition to sitting in judgment of a fellow human
9 being? If so, please stand at this time.

10 Is there any member of the panel,
11 or a member of your immediate family, been the victim
12 of a violent crime? If so, please stand at this time.
13 Is there any member of the panel who is a member
14 of or contributor to any group which has as its primary
15 concern the enforcement of law enforcement or victim's
16 rights? These groups would include, but are not limited
17 to, Mother Against Drunk Driving, Students Against Drunk
18 Driving, Citizens Against Violent Crimes, People Against
19 Rape, Parents Empowered to Save Teens, Citizens
20 Advocating A Return to Decency and Ethics, Darkness
21 to Light, or any other type community-watch group.
22 If so, please stand at this time.

23 Is there any member of the panel who has
24 a family member that is employed in law enforcement?
25 If so, please stand at this time. If you would give

1 me your name, your juror number, which member of the
2 family it is, and which agencies they are employed
3 with starting on this side. Yes, ma'am, in the black.

4 THE JUROR: Winnie Jenkins, juror number
5 108. My sister-in-law works at ---

6 THE COURT: I'm sorry. I need you to repeat
7 that. Your sister-in-law?

8 THE JUROR: Yes, ma'am.

9 THE COURT: Is employed with?

10 THE JUROR: The CIA.

11 THE COURT: Okay. If you would remain
12 standing. Yes, sir, in the light blue shirt.

13 THE JUROR: Chris Duenas, juror number 62.
14 Thirty years in law enforcement, retired. My brother
15 is an FBI agent.

16 THE COURT: And, sir.

17 THE JUROR: Quintan Brooder, juror 32.
18 My father is a lieutenant with Charleston County.

19 THE COURT: And, yes, sir.

20 THE JUROR: Mathew Statham, juror number
21 190. My father is a retired deputy chief attorney
22 out of Cobb County, Atlanta for 30 years.

23 THE COURT: And starting in the front,
24 yes, ma'am.

25 THE JUROR: Mashelle Ames, juror 5.

1 Brother, a Goose Creek detective. Another brother,
2 detective, police officer. Son, NGA, Virginia,
3 and a daughter, CIA.

4 THE COURT: And your daughter? I'm sorry,
5 could you repeat that?

6 THE JUROR: Oh, my daughter is a CIA agent.

7 THE COURT: And your son is?

8 THE JUROR: He works for NGA in Virginia.

9 THE COURT: Thank you. And, yes, sir,
10 in the plaid shirt.

11 THE JUROR: Peter Falch, juror number 69.
12 My aunt works for the New York City Police Department.

13 THE COURT: And, sir, in the yellow.

14 THE JUROR: Thomas Pindell, 1-5-4.
15 My nephew is a corrections officer in Berkeley County,
16 and my niece works for the Department of
17 Counterintelligence.

18 THE COURT: Your niece works for the?

19 THE JUROR: Department of
20 Counterintelligence.

21 THE COURT: Okay. Yes, ma'am, in the green.

22 THE JUROR: Sarah Ramsay, 162. My nephew
23 is a police officer in Colorado.

24 THE COURT: And, sir?

25 THE JUROR: Josh Gold, 82. Brother-in-law

1 in U.S. Customs.

2 THE COURT: And, yes, ma'am.

3 THE JUROR: Number 1-6-6. My husband
4 is a police officer with the Charleston County Aviation
5 Authority.

6 THE COURT: And, yes, sir, that just stood.

7 THE JUROR: Juror number 33, Frank Brown.
8 I'm a security officer, private security.

9 THE COURT: Okay, sir, I just needed those
10 -- do you have any family members that are employed?

11 THE JUROR: No.

12 THE COURT: That's okay. No harm, no foul.
13 You may take your seat. Yes, ma'am, in the very back.

14 THE JUROR: 175, Jael Sanchez. My brother
15 is a detective for the police.

16 THE COURT: As a result of these
17 experiences, do you all feel that you could remain fair
18 and impartial, and render a fair and impartial decision
19 in this case, based solely on the evidence, as it will
20 be presented, and on the law, as the Court will
21 instruct? If your answer is yes, please take your seat.
22 Let the record reflect that all answered yes.

23 Does any member of the panel know of any
24 reason whatsoever why he or she should not serve as
25 a juror in this case, with particular emphasis being

1 placed on your ability to be fair and impartial to both
2 the State and the defense? If so, please stand at this
3 time. Are there any additional questions from the
4 State?

5 MS. MORRIS: None, Your Honor.

6 THE COURT: From the defense?

7 MS. ESTES: None, Your Honor.

8 THE COURT: Strikes are ten and five.

9 MS. ESTES: My apologies, Your Honor.

10 I have ---

11 THE COURT: Just tell me the number.

12 MS. ESTES: 12, 13 ---

13 THE COURT: Wait, wait, wait, wait.

14 MS. ESTES: My apologies.

15 THE COURT: That's okay. Number 12 is
16 a matter of law for the Court, and does not fit within
17 the ambit of 14-710-20. Next number.

18 MS. ESTES: Number 13.

19 THE COURT: Same response.

20 MS. ESTES: And then number 14.

21 THE COURT: Same response. Those are
22 matters of law solely within the province of the Court.

23 MS. ESTES: That's all I have, Your Honor.

24 THE COURT: Noted and overruled, pursuant
25 to 14-710-20. Any additional request from the State?

1 MS. MORRIS: No request from the State,
2 Your Honor.

3 THE COURT: From the defense?

4 MS. ESTES: No request, Your Honor.

5 THE COURT: All right. Strikes are five
6 and ten, correct, from the State?

7 MS. MORRIS: That's correct, Your Honor.

8 THE COURT: From the defense?

9 MS. ESTES: That's correct.

10 THE COURT: Is one alternate sufficient
11 from the State?

12 MS. MORRIS: That's fine, Your Honor.

13 THE COURT: From the defense?

14 MS. ESTES: Yes, Your Honor.

15 THE COURT: Okay. Strikes will be one and
16 two. If you all would give us just a moment to prepare
17 those strike sheets. And if your name is called, please
18 stand where you're seated until we either seat or excuse
19 you as a juror. If you're selected, please bring
20 all of your belongings and be seated in the jury box.
21 Madam Clerk, you may proceed when you're ready.

22 THE CLERK: Juror number 112, Misty Johnson.
23 What sayeth the State?

24 MS. MORRIS: Please present this juror.

25 THE CLERK: What sayeth the defense?

1 MS. ESTES: Please excuse the juror.

2 THE CLERK: Excuse the juror. Juror number
3 173, Dallaslee Ruquet-Emrich. What sayeth the State?

4 MS. MORRIS: Please present this juror.

5 THE CLERK: What sayeth the defense?

6 MS. ESTES: Please seat the juror.

7 THE CLERK: Seat the juror. Juror number
8 71, James [sic.] Fikes. What sayeth the State?

9 MS. MORRIS: Please present this juror.

10 THE CLERK: What sayeth the defense?

11 MS. ESTES: Please seat the juror.

12 THE CLERK: Seat the juror. Juror number
13 159, Jannie President. What sayeth the State?

14 MS. MORRIS: Please present this juror.

15 THE CLERK: What sayeth the defense?

16 MS. ESTES: Please excuse the juror.

17 THE CLERK: Excuse the juror. Juror number
18 162, Sarah Ramsay.

19 MS. MORRIS: Please present this juror.

20 THE CLERK: What sayeth the defense?

21 MS. ESTES: Please excuse the juror.

22 THE CLERK: Excuse the juror. Juror number
23 144, Dalton Padgett. What sayeth the State?

24 MS. MORRIS: Please present this juror.

25 THE CLERK: What sayeth the defense?

1 MS. ESTES: Please seat the juror.

2 THE CLERK: Seat the juror. Juror number
3 80, Destiny Gibson. What sayeth the State?

4 MS. MORRIS: Please present this juror.

5 THE CLERK: What sayeth the defense?

6 MS. ESTES: Please seat the juror.

7 THE CLERK: Seat the juror. Juror number
8 70, Lauren Farrar. What sayeth the State?

9 MS. MORRIS: Please present this juror.

10 THE CLERK: What sayeth the defense?

11 MS. ESTES: Please seat the juror.

12 THE CLERK: Seat the juror. Juror number
13 5, Mashelle Ames.

14 MS. MORRIS: Please present this juror.

15 THE CLERK: What sayeth the defense?

16 MS. ESTES: Please excuse the juror.

17 THE CLERK: Excuse the juror. Juror number
18 100, Lacrichia Heyward. What sayeth the State?

19 MS. MORRIS: Please excuse this juror.

20 THE CLERK: Excuse the juror. Juror number
21 81, Kerrie Glenn. What sayeth the State?

22 MS. MORRIS: Please present this juror.

23 THE CLERK: What sayeth the defense?

24 MS. ESTES: Please excuse the juror.

25 THE CLERK: Excuse the juror. Juror number

1 188, Joseph Spann. What sayeth the State?

2 MS. MORRIS: Please present this juror.

3 THE CLERK: What sayeth the defense?

4 MS. ESTES: Please seat the juror.

5 THE CLERK: Seat the juror. Juror number

6 145, Brock Parker. What sayeth the State?

7 MS. MORRIS: Please present this juror.

8 THE CLERK: What sayeth the defense?

9 MS. ESTES: Please seat the juror.

10 THE CLERK: Seat the juror. Juror number

11 77, Garrett -- Shawn Garrett, Jr. What sayeth the
12 State?

13 MS. MORRIS: Please present this juror.

14 THE CLERK: What sayeth the defense?

15 MS. ESTES: Please seat the juror.

16 THE CLERK: Seat the juror. Juror number

17 169, Christopher Robinson. What sayeth the State?

18 MS. MORRIS: Please present this juror.

19 THE CLERK: What sayeth the defense?

20 MS. ESTES: Please excuse the juror.

21 THE CLERK: Excuse the juror. Juror number

22 12, Jacqueline Barnett. What sayeth the State?

23 MS. MORRIS: Please present this juror.

24 THE CLERK: What sayeth the defense?

25 MS. ESTES: Please excuse the juror.

1 THE CLERK: Excuse the juror.

2 THE COURT: Defense has exhausted seven
3 strikes.

4 THE CLERK: Juror number 26, Patrick Biggs.
5 What sayeth the State?

6 MS. MORRIS: Please present this juror.

7 THE CLERK: What sayeth the defense?

8 MS. ESTES: Please seat the juror.

9 THE CLERK: Seat the juror. Juror number
10 18, Krysta Beich.

11 THE COURT: And, ma'am, if you could restate
12 your employment for the record.

13 THE JUROR: Rotech Wound Care Complete.

14 THE COURT: I'm sorry. Say that again.

15 THE JUROR: Rotech Wound Care Complete.

16 THE COURT: You may continue.

17 THE CLERK: What sayeth the State?

18 MS. MORRIS: Please present this juror.

19 THE CLERK: What sayeth the defense?

20 MS. ESTES: Please seat this juror.

21 THE CLERK: Seat the juror. Juror number
22 22, Shanice Bennett. What sayeth the State?

23 MS. MORRIS: Please present this juror.

24 THE CLERK: What sayeth the defense?

25 MS. ESTES: Please seat this juror.

1 THE CLERK: Seat the juror. Juror number
2 174, Elizabeth Samperio. What sayeth the State?

3 MS. MORRIS: Please excuse this juror.

4 THE CLERK: Excuse the juror. Juror number
5 111, Jace Johnson. What sayeth the State?

6 MS. MORRIS: Please present this juror.

7 THE CLERK: What sayeth the defense?

8 MS. ESTES: Please excuse the juror.

9 THE CLERK: Excuse the juror. Juror number
10 82, Joshua Gold. What sayeth the State?

11 MS. MORRIS: Please present this juror.

12 THE CLERK: What sayeth the defense?

13 MS. ESTES: Please seat the juror.

14 THE CLERK: Seat the juror. " And for the
15 alternate, juror number ---

16 THE COURT: Strikes are -- I'm sorry.
17 Strikes are one and two.

18 THE CLERK: Sorry.

19 THE COURT: That's okay.

20 THE CLERK: Juror number 29, Kelly Brett.
21 What sayeth the State?

22 MS. MORRIS: Please present this juror.

23 THE CLERK: What sayeth the defense?

24 MS. ESTES: Please excuse the juror.

25 THE CLERK: Excuse the juror. Juror number

1 143, Teresa Osgood. What sayeth the State?

2 MS. MORRIS: Please present this juror.

3 THE CLERK: What sayeth the defense?

4 MS. ESTES: Please excuse the juror.

5 THE CLERK: Excuse the juror. Juror number
6 10, Sonia Baker. What sayeth the State?

7 MS. MORRIS: Please present this juror.

8 THE CLERK: Any cause for challenge from
9 the defense?

10 MS. ESTES: No.

11 THE CLERK: Thank you. Seat the juror.

12 THE COURT: Any motions regarding the
13 selection of the jury from the State?

14 MS. MORRIS: None from the State,
15 Your Honor.

16 THE COURT: From the defense?

17 MS. ESTES: None from the defense,
18 Your Honor.

19 THE COURT: Ladies and gentlemen, you've
20 been selected for the case of the State v. James Elton
21 Riles. We will begin this case when we have concluded
22 the case ahead of this case, which is the case that
23 we selected the first jury for. I'm going to switch
24 out panels, have you go to the jury room. Please,
25 do not discuss this case in any manner whatsoever.

1 Please, don't speculate about what you think it may
2 or could be about.

3 I'm going to give you some further
4 instructions once the bailiffs get some additional
5 information from you. And what we'll probably do
6 is we will either call you, or we will have a recording
7 for you, letting you know when you are to report
8 for this case. Depending on when we're able to finish
9 the case ahead of you, it will either be Tuesday
10 or Wednesday, but I'm not certain at this moment.
11 So if you all could switch out the panels for me,
12 that would be helpful.

13 (The jury exited the courtroom at 12:37 p.m.)

14 (Recess taken.)

15 (Back on the record.)

16 THE COURT: You may be seated. I apologize.
17 Ladies and gentlemen you've been selected for the case
18 of the state of South Carolina v. James Elton Riles.
19 A rough estimate is that we may -- depending on how
20 quickly we move through with witnesses, we may start
21 this case probably Wednesday morning, but don't hold
22 me to that. It might be Wednesday midday.

23 However, on the other side, this is a very
24 short case. We probably will finish it within a few
25 hours of starting it. However, during the break,

1 please do not discuss the case in any manner whatsoever.
2 Please, don't speculate about what you think it may
3 or could be about. Don't read, watch, or listen
4 to any media accounts about this case, if there are any,
5 during the break.

6 I need you to call the jury information line
7 after six o'clock each evening. And the only message
8 that you need to pay attention to is for jury panel
9 number two. So the only message you all need to listen
10 to is jury panel number two, okay? And if we should
11 run into a tight timeline, I probably will have the
12 clerk's office call each of you on your cell phones
13 just to double check and make sure everybody is clear
14 about when they need to be here, okay?

15 Hope you all have a great rest of the
16 afternoon. We appreciate your patience, and we'll
17 see you a little bit later this week to try this case.
18 Have a great afternoon.

19 (The jury exited the courtroom at 12:55 p.m.)

20 THE COURT: You may take your seats.
21 Is there anything else from the State before we adjourn?

22 MS. MORRIS: Nothing from the State,
23 Your Honor.

24 THE COURT: Anything from the defense?

25 MS. ESTES: Nothing further, Your Honor.

1 THE COURT: And it is my understanding
2 that -- this only has what, three or four witnesses?

3 MS. MORRIS: That's correct, Your Honor.

4 THE COURT: Six altogether. Are you calling
5 all six of those witnesses?

6 MS. MORRIS: No, the State only plans
7 on calling three, and four, if necessary.

8 THE COURT: Okay.

9 MS. MORRIS: Because it all hinges on those
10 certified convictions.

11 THE COURT: Convictions, yeah.
12 And are there any other -- let's see here. I don't
13 think I have any other pretrial -- well, Ms. -- I don't
14 think there are any criminal history of any other
15 witnesses, correct? Looks like they're all law
16 enforcement. I doubt very seriously they all have
17 any criminal history.

18 MS. ESTES: I believe that is correct,
19 Your Honor.

20 THE COURT: Yeah. And -- let's see what
21 else I have here. I think an element of the offense
22 is his prior conviction, certified convictions,
23 for burglary, which, of course, the Court's instruction
24 has a curative instruction within it. So there would
25 be no other record the State would be seeking

1 to introduce, correct?

2 MS. MORRIS: That's correct, Your Honor.

3 THE COURT: So then that issue would then
4 be resolved as well, correct, Ms. Estes?

5 MS. ESTES: Yes, Your Honor.

6 THE COURT: And is there any objection
7 to sequestering the witnesses from the State?

8 MS. MORRIS: No objection. We just ask that
9 the victim ---

10 THE COURT: Except the victim and the case
11 agent.

12 MS. MORRIS: That's correct.
13 And my investigator is listed on there as well,
14 Dave Soderberg.

15 THE COURT: Are you actually going
16 to be calling him?

17 MS. MORRIS: No.

18 THE COURT: Okay. Any exception, Ms. Estes?

19 MS. ESTES: No, Your Honor.

20 THE COURT: There's no prior bad acts
21 that the State would be seeking to introduce, correct?

22 MS. MORRIS: No, Your Honor.

23 THE COURT: So then that's moot as well.

24 All right. Is there anything else we need to take

25 up before we adjourn the proceeding from the State?

1 MS. MORRIS: Nothing from the State,
2 Your Honor.

3 THE COURT: From the defense?

4 MS. ESTES: Nothing from the defense,
5 Your Honor.

6 THE COURT: All right. I'm thinking
7 Wednesday morning might be a good estimate so we
8 can just get a clean start.

9 MS. MORRIS: That sounds ---

10 THE COURT: But I'll keep you posted.

11 MS. MORRIS: Thank you, Your Honor.

12 THE COURT: Thank you, guys. Have a good
13 afternoon.

14 MS. MORRIS: Thank you.

15 (End of Transcript of Record)

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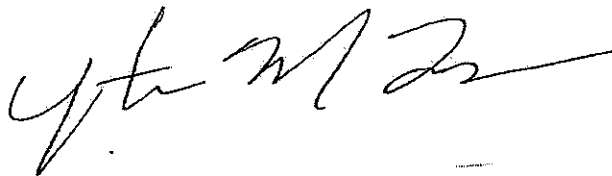
CERTIFICATE OF REPORTER

State of South Carolina)
County of Berkeley)

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Berkeley County, South Carolina, on the 8th of April, 2024.

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

June 13, 2024



Yvestre Torres

Circuit Court Reporter

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY

2023-GS-08-03661

State of South Carolina)

) TRANSCRIPT OF RECORD

-vs-)

) April 11, 2024 - Day 2

James Elton Riles,)

) Moncks Corner, South Carolina

B E F O R E:

The Honorable Deadra L. Jefferson, Judge

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

Kawohikukapulani S. Morris, Esquire
Adam Carr, Esquire
Attorneys for the State

Julie Shivers, Esquire
Keshia White, Esquire
Attorneys for the Defendant

Reported By:

Yvestre Torres, OCR
Circuit Court Reporter for the
Ninth Judicial Circuit

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
S-1	Map	58	73
S-2	Goggle Photo	58	73
S-3	Ring Video	58	73
S-4	Screenshot	58	73
S-5	Screenshot	58	73
S-6	Screenshot	58	73
S-9	T-Shirt	58	73
S-10	Sentencing Sheet	58	122
S-12	Sentencing Sheet	58	124
C-1	FB Friend Request	65	65
C-2	Defendant's Record	82	82
C-3	Sentencing Sheet	82	82
C-4	Sentencing Sheet	82	82
C-5	GA Sentencing Sheet	82	82

INDEX

OPENING STATEMENTS PAGE

Mr. Carr 96

Ms. Shivers 100

WITNESS DIRECT CROSS REDIRECT RECROSS REDIRECT

Ms. Lynette Hall

Ms. Morris 102

Detective Brian Keefer

Mr. Carr 111

Ms. Linda Hill

Mr. Carr 118

Ms. Shivers 124

Ms. Lybra Mullineaux

Ms. Morris 126

1 (State's Exhibit Nos. 1 through 10 and 12 were premarked
2 for identification.)

3 THE COURT: This is the State v. James Elton
4 Riles, 2023-GS-08-3661, burglary in the first degree.
5 He is set for trial to begin at one o'clock today.
6 One of his attorneys, Ms. Estes, has advised the Court
7 that she has some challenges with her health today,
8 and Ms. Shivers has indicated that she could go forward
9 in her absence, with the assistance of Ms. White.
10 Is that accurate, Ms. Shivers, for the record?

11 MS. SHIVERS: Yes, Your Honor.

12 THE COURT: So there will be no necessity
13 to continue this matter, correct?

14 MS. SHIVERS: Correct, Your Honor.

15 THE COURT: And, Mr. Riles, you're aware
16 of that?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Okay. Then, you don't have
19 any objection to Ms. Shivers going forward in the
20 absence of Ms. Estes, correct?

21 THE DEFENDANT: No, ma'am.

22 THE COURT: Okay, perfect. Ms. Shivers,
23 you can go on back -- and I assume the State has --
24 would have no exception?

25 MS. MORRIS: No exception, Your Honor.

1 THE COURT: All righty. So, we'll start
2 at one. I told Judge Murphy I would send you back so
3 you can dispose of what you've got left on her docket.

4 MS. SHIVERS: Thank you, Your Honor.

5 THE COURT: And we'll go from there.

6 MS. SHIVERS: Thank you.

7 THE COURT: Thank you, thank you. Thank
8 you, Ms. Estes, we hope you feel better.

9 MS. ESTES: Thank you, Judge. I really
10 appreciate it.

11 THE COURT: No worries. Hope you and your
12 baby get better. Talk to you soon. All right.
13 Bye-bye.

14 (Recess taken.)

15 (Back on the record.)

16 THE COURT: You may be seated.

17 MS. MORRIS: Your Honor, we have a jury
18 issue.

19 MS. SHIVERS: Hopefully, it will be
20 a nonissue, but it just needs to be on the record.

21 THE COURT: Let me -- let me do a few things
22 first, and then we'll deal with that.

23 MS. MORRIS: Absolutely.

24 THE COURT: Thank you.

25 (Pause.)

1 THE COURT: As I just explained to you,
2 we still have one juror who is missing. We still
3 need to swear the jury as well. And I, likewise,
4 need to appoint a foreperson, and No. 188 is going
5 to be the foreperson.

6 THE CLERK: Okay.

7 THE COURT: Thank you.

8 (Pause.)

9 THE COURT: And according to my notes
10 from Monday, the motion in limine to determine
11 the admissibility of prior convictions has been
12 resolved, as well as the motion to sequester the
13 victim -- any victim and case agent will be allowed,
14 other than the other witnesses to be sequestered.
15 And there was a motion to exclude prior bad acts,
16 and you all indicated to me that was resolved as well,
17 correct, from the State?

18 MS. MORRIS: That's correct, Your Honor.

19 THE COURT: From the defense?

20 MS. SHIVERS: Yes, other than the ones
21 that they will attempt to bring in as the elements
22 of the crime.

23 THE COURT: Yeah, which by statute we know
24 will ---

25 MS. SHIVERS: Yeah.

1 THE COURT: --- come in, and there's
2 a curative instruction. All right. Is there anything
3 else we need to take up before we proceed with swearing
4 the jury and beginning the trial from the State?

5 MS. MORRIS: Yes, Your Honor. It came to
6 our attention that one of the jurors had sent a person
7 in our office, Ally [ph.] Mills, a friend request after
8 being seated on the jury through Snapchat ---

9 THE COURT: Who is that person?

10 MS. MORRIS: It is Juror 144, Dalton
11 Padgett.

12 THE COURT: You said he sent ---

13 MS. MORRIS: He sent a friend request
14 through Snapchat, and I do have screenshots of that
15 request, Your Honor. May I approach? And, Your Honor,
16 the ---

17 THE COURT: Wait one second.

18 MS. MORRIS: Yes.

19 THE COURT: And his screen name
20 is SouthernCaddy [ph.]; is that correct?

21 MS. MORRIS: That's correct.

22 THE COURT: And who did he send the request
23 to?

24 MS. MORRIS: To Ally Mills; she is our
25 paralegal, sitting at counsel table.

1 THE COURT: Does he know her from past
2 acquaintance?

3 MS. MORRIS: I will actually need her
4 to answer that question.

5 MS. MILLS: I only know of him; I've never
6 hung out with him, I never had -- and if I ever met
7 him it was, like, in middle school, and I'm 25 now.

8 THE COURT: In what capacity is Ms. Mills
9 employed with your office?

10 MS. MILLS: I'm a paralegal from the
11 solicitor's office.

12 THE COURT: Yes, ma'am.

13 MS. MORRIS: The State has no reason to see
14 why we would need to excuse -- we would need to excuse
15 this juror; we just wanted to bring it to the Court's
16 attention.

17 THE COURT: Okay. And Mr. Shivers.

18 MS. SHIVERS: I've discussed it with our
19 client, and we take the same position as the State.
20 We just wanted to make sure it was on the record and
21 that it was -- we would just ask that -- if the Court
22 would inquire that he would be able to be fair
23 and impartial to our client, just to make sure
24 beforehand, notwithstanding that.

25 THE COURT: So tell me what it is you're

1 seeking. Are you agreeing that he remain on the panel?

2 Are you ---

3 MS. SHIVERS: As long as he ---

4 THE COURT: --- seeking something else?

5 MS. SHIVERS: As long as the Court would
6 inquire that he can be fair and impartial to the
7 Defendant, despite that contact, then we would be fine
8 with him staying on.

9 THE COURT: Let's get Juror 144 for me.

10 (Juror Number 144 entered the courtroom.)

11 THE COURT: Mr. Padgett, how are you.

12 THE JUROR: Good. How are you?

13 THE COURT: I'm well. You're Juror 144?

14 THE JUROR: Yes, ma'am.

15 THE COURT: And, Mr. Padgett, did you send
16 a friend request on Snapchat to Ally Mills?

17 THE JUROR: Um-huh.

18 THE COURT: I'm sorry, I can't hear you.

19 THE JUROR: Yes, ma'am.

20 THE COURT: Okay. When -- do you recall
21 what day you did that?

22 THE JUROR: Whatever day we were in here.

23 THE COURT: So that was Monday?

24 THE JUROR: Yes, ma'am.

25 THE COURT: Okay.

1 THE JUROR: Monday afternoon.

2 THE COURT: And how would you characterize
3 your -- do you have a friendship with Ms. Mills?

4 THE JUROR: I know her from a long time ago,
5 but I don't ever talk to her or anything.

6 THE COURT: So you wouldn't say y'all are
7 social -- would you say y'all are social acquaintances,
8 at best?

9 THE JUROR: Yes, ma'am, but we don't ever
10 speak or anything.

11 THE COURT: Okay. As a result of this
12 activity, do you feel that you could remain fair and
13 impartial?

14 THE JUROR: Yeah, I can be fair.

15 THE COURT: Do you believe you can make
16 a fair and impartial decision in this case, based
17 solely on the evidence, as it will be presented,
18 and on the law, as the Court will instruct?

19 THE JUROR: Yes, ma'am.

20 THE COURT: Sir, if you would stand
21 in the hall for me with the bailiff. And, please,
22 don't discuss what we've discussed with your fellow
23 jurors.

24 (Juror Number 144 exited the courtroom.)

25 THE COURT: Any exception to the juror

1 remaining on the panel from the State?

2 MS. MORRIS: None from the State,
3 Your Honor.

4 THE COURT: From the defense?

5 MS. SHIVERS: No, Your Honor.

6 THE COURT: Okay. You can place him back
7 in the jury room with the other jurors. May I have
8 this marked as a Court's exhibit, and I'm referring
9 to the request.

10 (Court's Exhibit No. 1 was marked for identification.)

11 (Court's Exhibit No. 1 was admitted into evidence.)

12 THE COURT: All right. Is there anything
13 else we need to take up before we begin with opening
14 instruction and witnesses from the State?

15 MS. MORRIS: Yes, Your Honor, two other
16 things from the State. The first thing is that
17 the State and defense have stipulated to some
18 of the evidence.

19 THE COURT: Well, actually, I'm going
20 to deal with that in a moment.

21 MS. MORRIS: Oh, okay.

22 THE COURT: So let's skip over that for
23 a second. What else? Is there anything else?

24 MS. MORRIS: Yes, there is. Part of the --
25 there's two exhibits, Exhibits 7 and 8, that are

1 certified convictions from -- one is from Bacon County,
2 Georgia, the other one is from Glynn County, Georgia.
3 And the State would ask that it be admitted into
4 evidence because it is a self-authenticating document.
5 It has the seal from the clerk of court in Bacon County,
6 as well as from Glynn County.

7 For purposes of going back to the jury,
8 we have provided redacted versions that we provided
9 to the defense, where we have marked out anything that
10 says this is a felony or a misdemeanor, the sentence,
11 so that those documents remain as non-prejudicial
12 as possible. We do have the actual certified copies
13 that are un-redacted that we can provide to the Court
14 as Court's exhibits.

15 THE COURT: Ms. Shivers.

16 MS. SHIVERS: We would not be consenting
17 to those, obviously. We believe that a record custodian
18 from those jurisdictions should ---

19 THE COURT: They don't have to come.
20 What you do is you get a conformed copy. Our clerk's
21 office sends a request -- well, actually, their clerk's
22 office -- it's a -- I forget what the form is called.
23 But, basically, a judge signs it saying it's a certified
24 copy of the record. It's part of Full Faith and Credit.
25 They're not required to come here and testify;

1 that would be unrealistic. Same as when other
2 jurisdictions request it of South Carolina. I sign
3 them all the time.

4 MS. SHIVERS: Yes, Your Honor.

5 THE COURT: I forget what that form
6 is called. It's provided by statute. I just can't --
7 I'm looking at it in my head, but I just can't --
8 but it's signed by a judge and by the clerk of court.

9 THE CLERK: Exemplified copy.

10 THE COURT: That's the word I was looking
11 for. Exemplification. And so what would happen is
12 our clerk's office would send a copy of the conviction,
13 or other document or judgement or whatever, and it would
14 be exemplified. In other words, it would be certified
15 that it's true and accurate, pursuant to Full Faith
16 and Credit, and that would then be sent to the other
17 state. Our clerk of court would not go to another state
18 to testify. And the same is true, as far as federal
19 law and state law, that process.

20 So then what would happen is if we needed
21 a certified copy from another jurisdiction, that clerk
22 of court would do the very same thing. They would
23 provide an exemplified copy certifying that it's true
24 and accurate, and it would be sent to our clerk's
25 office, or sent to the solicitor, whoever requested it.

1 So, I guess, my question is, are you saying that these
2 are not certified copies?

3 MS. SHIVERS: They appear to have a seal
4 on the copies that I was shown. I didn't see any type
5 of ---

6 THE COURT: Was an exemplification provided
7 by the State?

8 MS. MORRIS: I don't think ---

9 THE COURT: Did you go through the clerk's
10 office to get your copies?

11 MS. MORRIS: I did go for the Berkeley
12 convictions. There's 10 total convictions that he has.

13 THE COURT: But there's a process under
14 Full Faith and Credit to get exemplified certified
15 copies of records. Did you follow it?

16 MS. MORRIS: Well, the rule, Rule 902(4),
17 says that you must follow the statute, which is 19-5-10,
18 and that statute doesn't say an exemplification record
19 copy. It says that ---

20 THE COURT: It's not about -- it's not
21 an exemplified copy; it's a process where another
22 clerk's office certifies that what they -- what has
23 been requested and what has been returned is true
24 and accurate, a judge signs it as well, that form,
25 saying that it's a true and accurate copy of their

1 records, and that it's been provided as a result
2 of the request.

3 MS. MORRIS: We have ---

4 THE COURT: And that's generally how you
5 get records from other states, pursuant to Full Faith
6 and Credit.

7 MS. MORRIS: Okay. We have the seal of
8 the clerk of court. And under the self-authentication,
9 it says -- 902(4), it says, certified copies of public
10 records. "A copy of an official record or report
11 or entry therein, or of a document authorized by law
12 to be recorded or filed and actually recorded or filed
13 in a public office, including data compilations in any
14 form, certified as correct by the custodian or other
15 person authorized to make the certification,
16 by certificate complying with subsection (1), (2),
17 or (3) of this rule, or complying with any statute
18 or rule promulgated by the Supreme Court." And the
19 statute is 19-5-10.

20 And that statute says, if it's been recorded
21 or copied of such paper, "Certified by the lawful
22 custodian thereof," which is what we have with the
23 raised seal, "If it is kept on file in any such office,
24 must be received in evidence in any court of competent
25 jurisdiction in lieu of the original such paper.

1 A certified photostatic copy of any such paper
2 may be used in lieu of a certified copy thereof,
3 and such certified photostatic copy shall, in all
4 respects, be treated as a certified copy under the
5 provisions of this section."

6 THE COURT: Do you have some good faith
7 basis that these are not actually certified convictions
8 from these counties in Georgia?

9 MS. SHIVERS: No, Your Honor.

10 THE COURT: And so what would be the basis
11 of the objection?

12 MS. SHIVERS: Just preserving the appellate
13 rights of my client.

14 THE COURT: I need to know what the basis
15 of the objection is. If you don't have any good faith
16 basis to object to the authenticity and certification
17 of these documents as them being public documents
18 provided from Bacon County and Lynn [sic.] County
19 in Georgia.

20 MS. MORRIS: And I'm sorry, Your Honor,
21 that's Glynn County; it's G-L-Y-N-N.

22 THE COURT: Oh, G-L-Y-N-N. I'm sorry.

23 MS. SHIVERS: Yes, Your Honor. It appears,
24 based on the requirements of the rule, that they should
25 -- they appear to be certified, original, sealed

1 documents with the signature of the clerk of court.

2 So, I believe ---

3 THE COURT: So you really don't have a good
4 faith objection ---

5 MS. SHIVERS: No, Your Honor.

6 THE COURT: --- that based on the rules
7 that these are not authentic certified convictions
8 from Bacon and Glynn Counties?

9 MS. SHIVERS: No.

10 THE COURT: But I assume then your objection
11 is based on something else, which has already been ruled
12 on by the Supreme Court of our state and the United
13 States Supreme Court regarding prior convictions
14 as an element of a crime.

15 MS. SHIVERS: Yes, ma'am. We just -- I just
16 let her know I couldn't stipulate to those coming in,
17 so we both -- she indicated that she would bring
18 the matter before the Court, and that's perfectly fine.
19 I understand the Court's ruling and ---

20 THE COURT: I haven't ruled on anything.
21 I'm just asking as an officer of the court, do you
22 have a good faith basis? You know, objections have
23 to be founded in the rules. They have to be advanced
24 in good faith, and if there is no good faith objection
25 to the authenticity of these documents, I -- that's

1 what I'm asking.

2 MS. SHIVERS: No. So we would withdraw
3 our objection. I'm not -- I'm not indicating that
4 they're inauthentic, Your Honor.

5 THE COURT: They will be subject, of course,
6 to however -- excuse me -- Ms. Morris intends to try
7 to introduce them. And that's why you get them
8 exemplified, because then the clerk could come
9 in and testify as to the documents, because it would
10 have come through their hands from the clerk's office
11 to another clerk's office, thereby being given
12 full faith and credit from one state to another.
13 So in the future, you might want to follow that
14 procedure.

15 MS. MORRIS: Yes, Your Honor.

16 THE COURT: If it arises again. Yes, ma'am,
17 you -- when you stand up, it makes me think you want
18 to ---

19 MS. SHIVERS: I'm sorry.

20 (Pause.)

21 THE COURT: So, Ms. Shivers, do y'all have
22 any exceptions to State's 1 through 6? Have you looked
23 at them?

24 MS. SHIVERS: I have, and no, we do not.

25 THE COURT: And then No. 9, do you have

1 any exception to that?

2 MS. SHIVERS: No.

3 THE COURT: So State's 1 through 6 and 9
4 will come in without objection. Is that correct from
5 the State?

6 MS. MORRIS: That's correct, Your Honor.

7 THE COURT: And the defense?

8 MS. SHIVERS: Yes, Your Honor.

9 (State's Exhibit Nos. 1 through 6 and 9 were admitted
10 into evidence.)

11 THE COURT: And you've withdrawn your
12 objection to 7 and 8, correct?

13 MS. SHIVERS: Yes, Your Honor.

14 THE COURT: Okay. So then those will --
15 I don't know if there's some other basis that you are
16 going to seek to interpose an objection.

17 MS. SHIVERS: I think that my main question
18 was how she was going to try to introduce them.
19 So if they are admitted -- and that was the question
20 that I had. I don't know that the officer would be the
21 appropriate person to be -- for having them introduced
22 through. So, I think that was where my thought process
23 was coming from, but I'm not arguing that they're not
24 authentic.

25 THE COURT: How do you plan to try to get

1 these into evidence, Ms. Morris?

2 MS. MORRIS: We were trying to get it in
3 through the officer. And because part of the reason --
4 well, the reason he upgraded the charge to burglary
5 in the first degree is because the Defendant had prior
6 -- two or more prior convictions for burglary.

7 And so we have shown him these certified convictions,
8 and he is going to testify that these are the
9 convictions that he had looked at during -- you know,
10 when he's deciding what to charge the Defendant with.

11 MS. SHIVERS: He does also have several
12 Berkeley County burglaries as well.

13 THE COURT: Yeah, so why did you ---

14 MS. MORRIS: They're just older.

15 THE COURT: It would seem to me for
16 a cleaner record, you might want to rethink your
17 position.

18 MS. MORRIS: I understand, Your Honor.

19 THE COURT: Because I don't know how you --
20 I'm a little confused about how you may be able to get
21 these in, especially with the lack of the
22 exemplification process. Normally, when you're
23 introducing things of that type, you keep it outside
24 of the ambit of advocacy, because the whole purpose
25 of meeting the element is the fact that he had two prior

1 burglaries.

2 Once you start introducing it through law
3 enforcement, it takes on an advocacy tone, which really
4 is not prudent when you're dealing with any kind of case
5 that enhancement is based on other convictions.

6 And I don't know that it matters the age of them,
7 the statute is very clear if you have two or more.

8 I think you might want to rethink that so that the clerk
9 here can introduce certified copies of his convictions.
10 How many burglaries does he have in Berkeley?

11 MS. MORRIS: Five.

12 THE COURT: And what years are those?

13 MS. MORRIS: They are 1992, 1992, 1992,
14 1995, and 1995.

15 THE COURT: And I would assume you all would
16 have no basis to object to the certified copy of his
17 convictions from Berkeley County?

18 MS. SHIVERS: No, we do not.

19 THE COURT: And they are all -- what level
20 Berkeley -- what level burglaries are these?

21 MS. MORRIS: Burglary second, nonviolent.

22 THE COURT: All of them?

23 MS. MORRIS: Yes.

24 THE COURT: And what are the burglaries
25 from the other state? The one from Bacon County,

1 what year is that?

2 MS. MORRIS: From Bacon County, that
3 is October 12, 2010, and it just says burglary.

4 THE COURT: I'm sorry. Repeat that for me.
5 I apologize.

6 MS. MORRIS: The date?

7 THE COURT: I mean, the date and what the
8 conviction is for.

9 MS. MORRIS: The date is October 12, 2010;
10 the conviction is for burglary.

11 THE COURT: It doesn't say what degree?

12 MS. MORRIS: It does not, no, Your Honor.

13 THE COURT: So we don't know what burglary
14 that was out of Bacon County, what degree it was?

15 MS. MORRIS: No, it does not specify on
16 here. It does have a check that says felony sentence.

17 THE COURT: Yeah, but ---

18 MS. MORRIS: But that's it.

19 THE COURT: I don't know that that's really
20 dispositive. We've got a lot of things in South
21 Carolina that carry hefty penalties that are not
22 felonies, and we have things that don't carry hefty
23 penalties that are burglaries, so -- I mean, that
24 are felonies. So, I don't -- I don't know. Okay.

25 And when was the Glynn County convictions and what

1 was it for?

2 MS. MORRIS: The Glynn County convictions,
3 they're on the sheet; there's actually three. There's
4 two counts of burglary in the first degree, one count
5 of burglary in the second degree. So we redacted
6 it so it would only just show one count of burglary
7 in the first degree.

8 THE COURT: And when was that?

9 MS. MORRIS: This was November 22nd of 2019.

10 THE COURT: I think you might want to
11 consider using the Berkeley offenses, so that you
12 actually have somebody that could introduce those into
13 the record in a clean manner.

14 MS. MORRIS: Okay, yes, Your Honor.
15 So we will have an extra witness, Ms. Linda Hill,
16 which is why she was on the witness list.

17 THE COURT: Y'all might want to let her
18 know in advance what you need from her, so she can
19 have it prepared.

20 MS. MORRIS: We've already met with her.

21 (Recess taken.)

22 (Back on the record.)

23 THE COURT: I apologize. I forgot where
24 we were. All right. Is there anything else we need
25 to take up before we resume -- before we have opening

1 instruction and opening argument from the State?

2 MS. MORRIS: Your Honor, I would just finish
3 by saying we have already premarked those Berkeley ones,
4 and so the Berkeley -- one Berkeley conviction will
5 be State's Exhibit 10, and the other one will be State's
6 Exhibit 12.

7 THE COURT: So why did you skip over 11?

8 MS. MORRIS: Well, I marked all ten of those
9 convictions ---

10 THE COURT: Oh, I see.

11 MS. MORRIS: --- before we have started
12 trial.

13 THE COURT: I see.

14 MS. MORRIS: And we just decided on these.

15 THE COURT: Any exception to 10 and 12 from
16 the defense?

17 MS. SHIVERS: We are not consenting to them
18 coming in. I wouldn't be -- I think that she would need
19 to bring them in through the witness, Your Honor.

20 THE COURT: They'll be marked for ID only
21 until Ms. Hill testifies. Anything else we need to take
22 up before we proceed from the State?

23 MS. MORRIS: Not from the State,
24 Your Honor.

25 THE COURT: Anything from the defense?

1 MS. SHIVERS: Yes, Your Honor, just one
2 quick matter for appellate purposes only. This case,
3 we had filed a motion to dismiss on the IDA that
4 Judge Young heard on, arguing that this case should
5 be dismissed under the 180 and/or the 120 rule under
6 the IDA. However, Judge Young denied that motion,
7 but we would like to just renew that at this time ---

8 THE COURT: I don't think you get ---

9 MS. SHIVERS: --- just for the appellate
10 record.

11 THE COURT: I don't think you get to renew
12 it; it's dispositive. He issued an opinion. This Court
13 has no authority to make any rulings regarding that.
14 We have concurrent authority. I don't ---

15 MS. SHIVERS: I understand that. It's just
16 for the purposes of it being in conjunction with the
17 trial so that it's preserved for appeal.

18 THE COURT: I think it's preserved.

19 MS. SHIVERS: Thank you, Your Honor.

20 THE COURT: Once you make a motion,
21 and a judge rules and issues a written order,
22 it's preserved.

23 MS. SHIVERS: Yes, ma'am. Thank you.

24 THE COURT: You're welcome. Anything else
25 we need to take up before we proceed from the State?

1 MS. MORRIS: No, Your Honor.

2 THE COURT: From the defense?

3 MS. SHIVERS: No, Your Honor.

4 THE COURT: All righty. Oh, wait a minute,
5 let me ask. Does Mr. Riles have any -- what is
6 Mr. Riles's criminal record?

7 MS. MORRIS: I have that, Your Honor.
8 One moment. Beg the Court's indulgence.

9 THE COURT: Take your time.

10 MS. MORRIS: Okay. I have it right here.
11 May I approach, Your Honor?

12 THE COURT: Thank you. So it's safe to
13 say it's extensive and dates back to 1991, concluding
14 in 2022, and they all appear to be property crimes,
15 that being either grand larceny, one, two, three, four,
16 five, six.

17 He has six burglaries, second, in South
18 Carolina, spanning from 1992 to 1994, has a littering
19 in '98, failure to stop, defrauding hotel, public
20 disorderly conduct, shoplifting in '99, forgery in 2005,
21 burglary second, nonviolent, in Horry County in 2006,
22 burglary in Bacon County, Georgia in 2010, bank fraud
23 in Georgia in 2013, bad checks. I think that's just
24 fraudulent check. 2014, financial transaction card
25 fraud in Georgia, 2017, theft by taking in Georgia,

1 2019, three -- two burglary first, one burglary second
2 in Glynn, G-L-Y-N-N, County, Georgia. And in 2022,
3 burglary, first degree, that was dismissed and a parole
4 violation.

5 Ms. Shivers, have you all explained
6 the range of penalty to your client upon conviction
7 in this case?

8 MS. SHIVERS: Yes, Your Honor.

9 THE COURT: Have you explained to him
10 that the minimum mandatory sentence is 15 years,
11 and the maximum is life?

12 MS. SHIVERS: Yes, Your Honor.

13 THE COURT: Have you explained to him the
14 violent and most serious classification of this offense?

15 MS. SHIVERS: Yes, Your Honor.

16 THE COURT: Have you explained to him
17 that no portion of the sentence could be suspended
18 or probation given?

19 MS. SHIVERS: Yes, Your Honor. He does
20 not intend to testify either, because he understands
21 his record would be used against him.

22 THE COURT: That's why I'm asking ---

23 MS. SHIVERS: Yes, ma'am.

24 THE COURT: --- about his record because
25 I wanted before we -- because it looks like we would get

1 to that stage of the trial fairly quickly, and I wanted
2 to make sure you all had a meaningful opportunity
3 to discuss the ability of the State to impeach his
4 credibility.

5 MS. SHIVERS: Yes, ma'am.

6 THE COURT: And, actually, what I would
7 like -- do you have an additional copy, Ms. Morris,
8 or are these the only two copies -- the only copy
9 you have of his record? Do you have an additional
10 copy of what you gave me, by any chance? If you don't,
11 no worries. I'll just make a copy.

12 MS. MORRIS: I do not, Your Honor.

13 THE COURT: I'm going to have that made
14 a Court's exhibit.

15 MS. SHIVERS: Yes, ma'am.

16 THE COURT: Instead of us having to read
17 all the way through it.

18 (Court's Exhibit Nos. 2 through 5 were marked for
19 identification.)

20 (Court's Exhibit Nos. 2 through 5 were admitted into
21 evidence.)

22 THE COURT: I just wanted to make sure
23 for PCR purposes that you had explained that to him,
24 and he was clear regarding it, because it's my
25 recollection that there was a very generous offer

1 extended to him, which he rejected. Was it a month ago?
2 All my days are running together.

3 MS. SHIVERS: Yes, Your Honor. And he did
4 reject that prior to us having a hearing on the IDA
5 issue, and we just ---

6 THE COURT: So he's done it twice then,
7 because he did it with me, and then he did it again
8 with Judge Young?

9 MS. SHIVERS: The offer was never placed
10 back on the table. So he rejected in front of Your
11 Honor, and then we did the hearing in front of Judge
12 Young. We attempted to ask for the offer to be placed
13 back on the record, and they declined to do so. And so,
14 obviously ---

15 THE COURT: What was the offer? I don't
16 remember.

17 MS. SHIVERS: It was ten years on the
18 burglary second, nonviolent -- violent. I'm sorry.
19 Burg second, violent.

20 THE COURT: Ten years.

21 MS. SHIVERS: Reduced. And so at this
22 point, if he were to plea, he would be giving up
23 his appellate rights under the IDA, so he understands
24 the consequences. But the only way that he can preserve
25 those rights with the appellate court is to go through

1 with the trial.

2 THE COURT: His choice. I'm just making
3 sure for PCR purposes, eyes wide open. I don't want
4 him coming back later and saying you forced him to go
5 to trial, that he didn't know he had other options,
6 that he didn't know the range of penalty, that he didn't
7 understand the violent and most serious nature of
8 the offense, that he didn't affect -- didn't understand
9 how the violent classification affects how he will serve
10 his time. I just want to make sure all of that was
11 on the record.

12 MS. SHIVERS: Yes, ma'am.

13 THE COURT: Mr. Riles, raise your right hand
14 to be sworn.

15 (Whereupon, MR. JAMES ELTON RILES was duly sworn.)

16 THE COURT: You can put your right hand
17 down. Tell me your full name.

18 THE DEFENDANT: James Elton Riles.

19 THE COURT: And, Mr. Riles, did you hear
20 everything I just said to Ms. Shivers?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Has she gone over all of that
23 with you?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Okay. And knowing all of that,

1 do you still wish to go forward today?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Okay. You understand that
4 you have the option to plea straight up to this charge
5 if you would like?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Okay. And is it correct that
8 the State does not intend to reextend the offer to him?

9 MS. MORRIS: That's correct, Your Honor.

10 THE COURT: Okay. All right, sir. Thank
11 you, sir. You can take your seat. All right. Anything
12 else before we bring in the jury from the State?

13 MS. MORRIS: None from the State,
14 Your Honor.

15 THE COURT: From the defense?

16 MS. SHIVERS: No, Your Honor.

17 THE COURT: All right. Please bring in the
18 jury, and I have appointed No. 188 as the foreperson.

19 (The jury entered the courtroom at 1:46 p.m.)

20 THE COURT: You may be seated. Ladies
21 and gentlemen, I'm very grateful that everyone arrived
22 safely, especially with the challenges we're facing
23 with this weather that apparently sort of came up.
24 I knew it was going to rain, I just didn't think there
25 was going to be flood warnings and all these other

1 things they've been asking us to be careful of.
2 So we're glad that everyone arrived safely, and we
3 appreciate your patience as we dealt with some matters
4 of law before we proceeded.

5 And also so that you all know, I have
6 a jury out deliberating, and I needed to deal with
7 what we started. In South Carolina, we don't have
8 what are called date certain; we try cases on a rolling
9 basis. So as you finish one case, you start another
10 case, so we appreciate you all being willing to come
11 in, in the middle of the day today, as we finish that
12 other trial, and are then able to begin this trial,
13 which should be fairly short in duration.

14 We anticipate that we'll finish testimony
15 today. If we're able to close and charge today,
16 we will. If not, we'll do that in the morning for
17 your planning purposes. You all have been selected
18 for the case of the State v. James Elton Riles, which
19 is an indictment for burglary in the first degree,
20 the elements of which I will explain to you at the
21 conclusion of this case when I give you an explanation
22 on the law which applies to this case.

23 I'm going to give you some introductory
24 remarks so that you'll better understand what is
25 happening in the case. And thank you so much, sir,

1 I appreciate that. You'll be allowed to take notes,
2 and if you all could pass those out, pass those around
3 to everyone. If everyone would write their juror number
4 on that first top page so that you'll be able to
5 identify which notepad belongs to you. And I'll give
6 you some further instructions regarding note taking
7 near the conclusion of this introduction to the case.

8 And again, as I've explained, I'll give
9 you the elements of the offense of burglary in the
10 first degree once all the evidence has been presented,
11 and the parties have made their closing argument,
12 and the Court gives you the instructions on this case.

13 Ladies and gentlemen, the indictment
14 is simply the charge by which the case is brought
15 into court, and it is not, in any sense, evidence
16 of any of the allegations it may contain. The Defendant
17 has pled not guilty to the indictment. The State,
18 therefore, has the burden of proving each of the
19 elements of the indictment beyond a reasonable doubt.
20 And it will be your duty, ladies and gentlemen, to
21 decide whether the State has met that burden or not.

22 Your purpose as jurors is to find and
23 determine the facts. You are the sole judges of the
24 facts in this case. If at any time I make any comment
25 regarding the facts, you must disregard it. You are

1 to determine the facts from the testimony you hear
2 and the other evidence that will be introduced.
3 It is then up to you to determine the inferences which
4 you feel may be properly drawn from that evidence.

5 It is especially important that you
6 perform your duty of determining the facts diligently
7 and conscientiously because, ordinarily, there is
8 no way to correct an erroneous determination of facts
9 made by a trial jury.

10 On the other hand, and with equal emphasis,
11 the same law that makes you the judges of the facts,
12 makes this Court the judge of the law. The law,
13 as given by the Court, is the only law you can consider.
14 You must accept and follow it, even though you may
15 disagree with it. The Court cannot tell you what
16 the facts are, and you cannot disagree with the Court
17 as to what the law is, or what the law should be.

18 Your responsibility, ladies and gentlemen,
19 is to take the law, as it is instructed, and apply
20 it to the facts, as you find them, from the testimony
21 of the sworn witnesses and any other evidence that
22 may be introduced during the course of this trial.
23 After doing that, you'll render your verdict, pursuant
24 to the solemn oath that I'm going to have the clerk's
25 office provide to you at this time.

1 If you all will stand for me, please,
2 and raise your right hand so that the clerk can
3 administer the oath.

4 (Whereupon, the jury panel was duly sworn.)

5 THE COURT: If you accept the oath, please
6 say I do.

7 THE JURY PANEL: I do.

8 THE COURT: And, likewise, please take
9 your seats as an affirmation of the oath. Ladies
10 and gentlemen, until I advise you to begin your
11 deliberations, you must not discuss this case
12 with anyone, that includes among your fellow jurors,
13 your friends, your family members, or anyone else
14 involved in the case. After the case is submitted
15 to you, you must discuss it only in your jury room
16 with your fellow jurors.

17 The attorneys, the parties, and the
18 witnesses and otherwise have been advised that they
19 are not to speak with you at all. So if you should
20 run into them, even in the garage, in an elevator,
21 in the hallway, even if we're at lunch, and they're
22 at a restaurant with you, and they don't speak with
23 you, please don't think they're being unfriendly
24 or untoward; they're simply following the Court's
25 instructions. We would not want an innocent

1 conversation to be observed and misinterpreted.

2 During the trial, you're not to read,
3 listen to, or watch any news reports about this case,
4 that includes anything that might be on the radio,
5 television, internet, or in the newspapers. And you're
6 strictly instructed you're not to do any independent
7 research on the internet.

8 I know that we like to believe what
9 we see on the internet is accurate, I'm still tactile,
10 I have to, like, physically touch a paper and read it,
11 so I have not -- the paper tries to persuade me to read
12 the digital version, but I just -- I'm not there yet.
13 So, I know that it's tempting, but I would ask that
14 you refrain from doing any independent research on the
15 internet, because by your oath, you're sworn to decide
16 this case according to the testimony that you hear
17 from the sworn witnesses and the other evidence that
18 will be introduced during the course of the trial.

19 You are not to consider anything that
20 you may have read or heard outside the case -- about
21 the case outside the courtroom, whether it's before
22 or during the trial. It is essential that you maintain
23 an open mind and not decide any issue in this case until
24 all of the evidence has been presented, the parties
25 have made their closing arguments, and I have instructed

1 you on the law which applies to this case.

2 It is your solemn responsibility
3 to determine whether the state of South Carolina
4 has met their burden of proof or not, and your verdict
5 must be based solely on the evidence as it is -- will
6 be presented during the trial and on the law, as I will
7 instruct you, during and at the close of the trial.

8 In just a moment, the solicitor will make
9 what is called an opening statement, in which the
10 solicitor will explain to you what they perceive the
11 issues to be in this case. The attorney for the defense
12 may also make an opening statement, although, they
13 are not required to do so. Keep in mind that what
14 the attorneys say during their opening statements
15 is not evidence; it is only their contention as to
16 what they believe the evidence will show in this case.
17 The evidence will be presented to you by the testimony
18 of the witnesses from the witness stand, and by
19 any exhibit that may be introduced into evidence.

20 From time to time during the trial,
21 you will hear the attorneys say, Your Honor, I object.
22 Just as in sports, business, or any other structured
23 activity, there are certain rules that we must obey
24 in the presentation of evidence. They ensure that
25 you receive the most trustworthy and reliable evidence

1 available.

2 An objection is a procedure that an attorney
3 uses to call a possible violation of these rules
4 to my attention as the judge of the court. And for this
5 reason, you should never hold an attorney's objection
6 against them, nor should you conclude from the Court
7 overruling or sustaining an objection that I favor
8 one side or the other. In fact, you should expect
9 objections. This is an adversarial process, and
10 objections are an important part of that process.
11 So again, I emphasize you should expect them, and you
12 should not hold them against counsel in the case.

13 Also, from time to time, you will hear
14 the attorneys say, Your Honor, we have a matter of law
15 that we need to take up with you. And for this reason,
16 we sometimes may have to excuse you from the courtroom
17 for a short while, while we discuss matters of law.
18 The reason we do this is because you are the finders
19 of the facts, and sometimes when I'm making rulings
20 about whether a rule applies or procedural, evidentiary,
21 or otherwise, it might be necessary for me to make
22 some comment about the facts. So we exclude you from
23 the courtroom so that in no way will you be influenced
24 by anything that the Court may say or do in connection
25 with the facts of the case.

1 In determining the facts in this case, you
2 must decide whether or not the testimony of a witness
3 or witnesses is believable. It is the Court's
4 responsibility to rule as a matter of law as to whether
5 certain testimony is admissible at all or not.
6 But once it is admitted, ladies and gentlemen, whether
7 or not you believe it is a matter solely for you
8 to determine in your fact-finding province.

9 In deciding whether to believe a witness,
10 you have the right to consider the interest of any
11 witness, the bias of any witness, the prejudice of any
12 witness, the opportunity for the witness to have seen
13 the matters and things about which the witness may
14 testify, and the way the witness acts on the witness
15 stand, what we commonly refer to as their demeanor.
16 You have the right to consider anything that is in
17 the record that will help you evaluate the testimony.

18 That means that it is your duty, ladies
19 and gentlemen, to pay close attention to the witnesses,
20 to observe them, to listen to them, and to pay close
21 attention to counsel and the Court. Although, I know it
22 can be very difficult, especially on a rainy afternoon
23 in a room full of florescent lights, to be distracted.
24 But I would ask that you not allow your thoughts
25 to wander, but give strict attention to the testimony

1 so that at the end of the testimony, after the parties
2 have made their closing arguments, and the Court has
3 charged you on the law, you will then be in a position
4 to determine the facts in this case, apply the law
5 to those facts, and thus, render a verdict in this case.

6 As I instructed earlier, you will be allowed
7 the opportunity to take notes. Note taking is a
8 privilege that you may choose to exercise, or choose not
9 to exercise. Please don't feel you're required to take
10 notes, not everyone finds note taking helpful to them.
11 If you should decide to take notes, please don't try
12 to record everything that is said; it's physically
13 impossible.

14 As adept as my court reporter is -- and that
15 piece of equipment you all see her using is a very
16 complex computer that allows her to take down
17 proceedings almost phonetically. But even with that,
18 even before she can produce a transcript, she listens
19 to her digital backup of the testimony and other matters
20 that have taken place in the case so that she can
21 make sure that what she has taken down is accurate.
22 So as you can imagine, there's no way physically to take
23 down everything that is said.

24 And also, it is -- as I've already
25 explained, it is important that you not allow note

1 taking to become a distraction because it is essential
2 that you rely on your powers of observation in observing
3 the witnesses. You may want to keep an outline of the
4 main points that are being made and arguments, so that
5 when you retire to deliberate, you can allow your notes
6 to refresh your memory.

7 Please be reminded that your notes are
8 for your individual and your specific purposes.
9 They're only to be used to refresh your own memory;
10 they are not to be shared with anyone else. Also be
11 reminded that notes taken by a fellow juror -- a fellow
12 juror's memory should be considered just as reliable
13 as notes that may have been taken by a fellow juror.
14 During breaks and recesses, your notes will be left
15 in your seats, and we do that to make sure there's
16 no premature temptation to deliberate regarding any
17 of the facts and circumstances of the case.

18 It is your added duty, Mr. Foreperson,
19 to fill out the verdict form and to write out any
20 questions the jury may have during deliberations.
21 But I'll give you further instructions regarding that
22 at the conclusion of the case.

23 Ladies and gentlemen, the foreperson
24 selection is purely random. I wish there were some
25 scientific method for us to employ in selecting

~~OPENING STATEMENT - MR. CARR~~

1 a foreperson. But the foreperson acts as a scrivener,
2 in other words, a note taker for the panel, again,
3 to fill out the verdict form and write out any questions
4 you may have. I would emphasize that they don't have
5 any greater vote or voice than you do.

6 In order to preserve everyone's rights,
7 I'm going to give the parties the ability to take
8 exception to anything that the Court has said by way
9 of opening instruction. Any exceptions from the State?

10 MS. MORRIS: None from the State,
11 Your Honor.

12 THE COURT: From the defense?

13 MS. SHIVERS: No, Your Honor.

14 THE COURT: Ladies and gentlemen, I would
15 ask that you give counsel your undivided attention
16 in opening argument. You may proceed, Ms. Morris.

17 MR. CARR: Good afternoon, ladies and
18 gentlemen. Thank you for being here. A woman named
19 Lynette Hall lives in Goose Creek with her husband.
20 They live in a neighborhood named Devon Forest;
21 it's a nice, quiet neighborhood.

22 On October 27, 2021, Lynette and her husband
23 noticed something in their garage, that their two
24 chainsaws are missing from underneath the workbench.
25 They had quickly come to the unsettling conclusion

~~OPENING STATEMENT - MR. CARR~~

1 that they had likely been stolen recently. They owned
2 a home security system, with one particular camera
3 mounted directly over the garage. So Lynette starts
4 reviewing the footage, and it doesn't take her long
5 to see it.

6 About one week prior, on October 20th,
7 around 4:30 in the afternoon, she sees a black
8 Nissan Pathfinder pull into her driveway. She does
9 not recognize the vehicle. She sees a white male,
10 who appears to be in his mid to late 40s, get out
11 of the vehicle. She does not recognize him. She sees
12 the man then walk towards her garage and out of sight
13 for about eight or nine seconds.

14 The video -- the video quality and the sound
15 quality of this footage is excellent. During those
16 eight or nine seconds, you can hear the sounds
17 of rummaging inside the garage. The man then reappears
18 in the driveway holding two chainsaws, one in each hand.
19 He then loads them into the passenger side of his
20 vehicle, gets back in his car, backs out of the
21 driveway, and leaves.

22 When Lynette sees this, she is stunned
23 and angry. She immediately posts the video to a local
24 Facebook group and asked if anybody recognizes this
25 person. Well, it turns out, they do. Several people

~~OPENING STATEMENT - MR. CARR~~

1 respond to the post, saying they used to work with this
2 man at Sea Fox, which is a boat manufacturer in Moncks
3 Corner. Lynette then calls the police -- and then soon
4 finds out that the man's identity, the name that they
5 all give, is James Riles, this Defendant. Lynette
6 calls the police, and then the investigation begins.

7 This is the State -- this is the case
8 of the State v. James Riles. I am Assistant Solicitor
9 Adam Carr. And along with my co-counsel, Assistant
10 Solicitor Kawohi Morris, we represent the state of South
11 Carolina, on behalf of the Ninth Circuit Solicitor's
12 Office and Solicitor Scarlett Wilson.

13 The charge for this case, only one,
14 burglary, first degree. Judge Jefferson will explain
15 more about the law at the end of the trial. Listen
16 to her, defer to her, and follow her instructions on the
17 law. I'm going to explain a little bit about burglary,
18 first degree, right now, the elements of the crime,
19 so you know what you're looking for when you're
20 presented with the evidence.

21 So there are four elements to burglary,
22 first degree. Number one, entering a dwelling. The
23 State will show that this Defendant entered the attached
24 garage of Lynette Hill -- Hall. Excuse me. The garage
25 is part of the dwelling. Number two, without consent.

~~OPENING STATEMENT - MR. CARR~~

1 The State will show that the Defendant did not have
2 permission to enter the garage of Lynette Hall.
3 Ms. Hall did not even know the Defendant.

4 Element number three, with intent to commit
5 a crime therein. This Defendant didn't just intend
6 to commit a crime, he did commit a crime. He stole
7 two chainsaws from the garage. Number four, by a person
8 with two or more convictions for burglary. You will
9 be presented with evidence that this Defendant has two
10 prior convictions for burglary.

11 Some of the other evidence that you will
12 see in this case, testimony from witnesses, mainly
13 three of them. One, the homeowner, where this incident
14 occurred, Ms. Hall; two, the investigating officer;
15 and three, the Defendant's prior employer. You'll also
16 see various photographs of the home, the surrounding
17 neighborhood.

18 But the most compelling evidence that
19 you will see is crystal clear video evidence from
20 that home security system showing this Defendant
21 pull into the victim's driveway in a vehicle, get out,
22 go into the garage, reappear holding two chainsaws,
23 and get in his vehicle and leave.

24 Listen closely to the testimony from
25 the witness stand, look closely at the evidence

~~OPENING STATEMENT - MS. SHIVERS~~

1 that is presented. By the end of the trial, you will
2 be firmly convinced beyond a reasonable doubt that
3 this Defendant is guilty of burglary, first degree.
4 Thank you.

5 THE COURT: Ms. Shivers, you may proceed.

6 MS. SHIVERS: Thank you, Your Honor.
7 Good afternoon. My name is Julie Shivers, and I have
8 the pleasure of representing James Riles. This
9 is one of the most important things that you could
10 ever do as a citizen, which is to sit on a jury.
11 As many of you are aware, the United States Constitution
12 grants to every United States citizen, under the Bill
13 of Rights, certain rights that we all possess, and those
14 rights are only as good as the mechanisms that are put
15 in place to hold the Government to their burden on every
16 single one of them.

17 Without a jury holding the Government
18 to their burden, it undermines our protections under
19 the United States Constitution. It is very important
20 that you pay attention. This is going to be a very
21 short trial. And as I said, you're going to see a video
22 of this. It's very important for you to pay attention
23 to all the details and to make sure that you remember
24 that every single person in our country is innocent
25 until the State can prove to you beyond a reasonable

OPENING STATEMENT - MS. SHIVERS

1 doubt on every single element of a crime that they
2 are guilty.

3 The presumption of innocence doesn't
4 end when he sits at that defense table; it doesn't
5 end when the State puts a video on; it doesn't end
6 when the State tells you that he's guilty. It can
7 only end if at the end of deliberations you find that
8 the Government has met their burden on every single one
9 of the elements. They have to prove all four of those
10 elements that they told you about, as well as identity;
11 that's also one of the elements.

12 But if they fail on any one of the elements,
13 they have failed in proving their case, and you must
14 find the Defendant not guilty. And that is the only
15 way that our constitutional protections have any meaning
16 whatsoever.

17 So we would just ask that you pay very
18 close attention, and that you hold your -- under your
19 oath, the Government to their burden. And at the end
20 of the case, we think that it's going to be clear that
21 Mr. Riles is not guilty of the crime that the State
22 has accused him of.

23 THE COURT: You may proceed.

24 MS. MORRIS: Thank you, Your Honor.

25 THE COURT: You're welcome.

DIRECT EXAMINATION BY MS. MORRIS

1 MS. MORRIS: The State calls Lynette Hall.

2 THE COURT: Ma'am, if you will come forward
3 to be sworn.

4 THE CLERK: Please raise your right hand,
5 place your left hand on the Bible.

6 MS. LYNETTE HALL was called as a witness,
7 being duly sworn, was examined and testified as follows:

8 THE CLERK: You may be seated. Please,
9 state your full name for the record, and spell your last
10 name.

11 THE WITNESS: Lynette Hall, H-A-L-L.

12 THE COURT: You may proceed. Yes, ma'am,
13 if you could bring that as close -- it bends a little
14 on that tip too. Yeah, it's perfect.

15 THE WITNESS: Are we good?

16 THE COURT: Yes, ma'am. You may proceed.

17 MS. MORRIS: Thank you, Your Honor.

18 THE COURT: You're welcome.

19 DIRECT EXAMINATION

20 BY MS. MORRIS:

21 Q. Good afternoon, Ms. Hall. Where do you currently
22 live?

23 A. I live at 127 Kingsbridge Drive in Goose Creek.

24 Q. How long have you lived at 127 Kingsbridge Drive?

25 A. Twenty-six years.

~~DIRECT EXAMINATION BY MS. MORRIS~~

1 Q. So what year would that be?

2 A. Oh, 1998.

3 Q. And 127 Kingsbridge Drive in Goose Creek, is that
4 in Berkeley County?

5 A. Yes.

6 Q. What neighborhood is your residence a part of?

7 A. Devon Forest.

8 MS. MORRIS: At this time, the State would
9 like to publish State's Exhibit 1 that has already been
10 admitted into evidence.

11 THE COURT: Proceed.

12 BY MS. MORRIS:

13 Q. Ms. Hall, there is a laser pointer right in front
14 of you. If you could please turn around and look at
15 State's Exhibit 1. What is this a map of?

16 A. It is a map of our neighborhood.

17 Q. Could you please point out your house on this
18 map?

19 A. (Indicating.) Right here.

20 Q. Thank you. And, Ms. Hall, were you living
21 at 127 Kingsbridge Drive on October 20th of 2021?

22 A. Yes.

23 Q. Is 127 Kingsbridge Drive your residence?

24 A. Yes.

25 Q. Is it where you sleep?

DIRECT EXAMINATION BY MS. MORRIS

1 A. Yes.

2 Q. What were you doing on October 20th of 2021?

3 A. I was working.

4 Q. What do you do?

5 A. I'm a real estate agent.

6 Q. And when you work, what do you do?

7 A. Well, so I was home probably writing a contract;
8 I was on my computer working.

9 Q. Could you please describe your residence?

10 A. The house?

11 Q. Yes.

12 A. It's a one story, single family home, with the
13 garage located in the front of the house, and we have
14 a room over the garage that is a living space as well.
15 We have a couch and TV, a bathroom, and grand baby's
16 crib up there.

17 Q. Could you please describe your garage?

18 A. It's located at the front of the house. There's
19 a door going into the house. Actually, that's what
20 we use to enter and exit the house most of the time.
21 And we park in the driveway and store things in the
22 garage.

23 Q. And so you said that you entered through
24 your garage, and then there's a door in the garage
25 that then enters to the rest of your home?

DIRECT EXAMINATION BY MS. MORRIS

1 A. Right.

2 Q. Okay.

3 MS. MORRIS: At this time, the State would
4 like to publish State's Exhibit 2, which is already
5 admitted in evidence.

6 THE COURT: Proceed.

7 BY MS. MORRIS:

8 Q. And, Ms. Hall, if you could turn around and look
9 at the screen again. Is this your home?

10 A. Yes, it is.

11 Q. Can you show the jury approximately where
12 the door is that connects the garage to your home?

13 A. (Indicating.) So the right -- to the right,
14 that's the kitchen. So if you go into the garage,
15 the door would be right there, right beside the kitchen.

16 Q. Okay. Thank you. Are there any other items
17 of note in this picture?

18 A. Well, the window is up here, that's the room
19 over the garage, which is a living space. And then
20 this is the Ring video camera, and then we have a Ring
21 doorbell camera as well at the front door.

22 Q. Thank you. When did you have the surveillance
23 camera over the garage installed?

24 A. It's been about five years ago, five or six years
25 ago. I don't remember the exact date.

DIRECT EXAMINATION BY MS. MORRIS

1 Q. Does the surveillance camera over the garage
2 work?

3 A. Yes.

4 Q. Was it working on October 20th of 2021?

5 A. Yes.

6 Q. And when the surveillance camera takes video,
7 does it display the date and time accurately?

8 A. Yes, and audio.

9 Q. And audio. Thank you. What kind of items
10 do you keep inside of your garage?

11 A. Lawn maintenance things, my husband's tools.
12 We have a refrigerator and a freezer, a work bench,
13 those kind of items.

14 Q. If an item were to go missing, would you notice
15 it?

16 A. Probably not. Unless it was, you know, the
17 refrigerator or freezer, something big, I wouldn't
18 notice it.

19 Q. Did you notice any items of personal property
20 that were missing from your garage?

21 A. Yes. My son had come over. He'd been doing
22 some landscaping work in our yard, cutting down some
23 trees, and he'd been there, like, a week earlier.
24 And so he came back to do some work, so we went to get
25 the chainsaws, and they were gone.

DIRECT EXAMINATION BY MS. MORRIS

1 Q. Where were these chainsaws located in the garage?

2 A. They were under a workbench in the garage.

3 There were actually three, but the third one was
4 on one of those really long poles, so you could see,
5 like, the head of it from the road and know that there
6 was a chainsaw in there because it had that long pole
7 on it, but the other two were laying right next to it.

8 Q. How far from the garage door were those chainsaws
9 inside your garage?

10 A. Probably six feet.

11 Q. And when did you notice that those two chainsaws
12 were missing? Do you remember the exact date?

13 A. It was around the -- around the 27th. It had
14 been about a week.

15 Q. And when you noticed those items were missing,
16 what did you do?

17 A. First thing I did was call the sheriff's
18 department, and then I started looking. Like, I went
19 from when my son used the chainsaws, started on that
20 date in reviewing video on the camera.

21 Q. And what did you find when you reviewed the video
22 footage?

23 A. I found -- it was about three or four days after
24 my son had used the chainsaws. I found a strange
25 car had pulled into our driveway, got out of the car,

DIRECT EXAMINATION BY MS. MORRIS

1 someone I didn't know, opened the passenger door of
2 their car, and came into our garage, and then came back
3 out with two chainsaws, and put them in the passenger
4 side, and drove off.

5 Q. And do you remember the exact date of that
6 incident?

7 A. The incident itself was on October 20th.

8 Q. Of what year?

9 A. Twenty-three -- '22. I don't know how long
10 it's been.

11 Q. I'll withdraw -- I'll withdraw the question.

12 A. It's been a year. So, yeah, it's been since
13 a year ago, right? It's on the video. It's been a long
14 time.

15 Q. Do you remember the approximate time?

16 A. Yeah, I do, because I was stunned that it was
17 a time the kids get out of school, so it was around
18 4:30, and the school bus drops kids off right about
19 that time.

20 Q. Okay. Thank you, Ms. Hall.

21 MS. MORRIS: At this time, the State would
22 like to publish State's Exhibit 3, which has already
23 been admitted into evidence.

24 THE COURT: You may proceed.

25 BY MS. MORRIS:

~~DIRECT EXAMINATION BY MS. MORRIS~~

1 Q. Before we start the video, Ms. Hall, could you
2 please turn around and tell us the date of the video?

3 A. October 20th, '21.

4 Q. And the time?

5 A. 16:36. I don't know how to do military time.
6 Is that four?

7 Q. That's okay. You can read what it says.

8 A. 4:36, 16:36.

9 Q. Thank you. You can play.

10 (Ring camera video played for the jury.)

11 BY MS. MORRIS:

12 Q. When you watched this video initially, did you
13 know who was this person?

14 A. No.

15 Q. Did this person in the video have permission
16 to enter your home on October 20th, 2021?

17 A. No.

18 Q. Did this person in the video have permission
19 to take your chainsaws on October 20th of 2021?

20 A. No.

21 Q. Did you ever receive your chainsaws back?

22 A. No.

23 Q. Now you have this video from October 20th
24 of 2021, and you can see a person that took your
25 chainsaws, but you don't know who they are. So what

DIRECT EXAMINATION BY MS. MORRIS

1 do you do?

2 A. I called the sheriff's department first to let
3 them know that I found the video. And then I posted
4 the video on Berkeley County's Facebook page, Devon
5 Forest's Facebook page, and shared it with my adult
6 children for them to circulate it.

7 Q. After you posted the video, what kind
8 of responses did you receive?

9 A. Overwhelming. There were so many responses
10 of people that recognized him or thought they did,
11 or knew where he worked. It was a lot of responses.

12 Q. And what did you do with this information?

13 A. I shared it with the sheriff's department.

14 Q. What has this incident done to you?

15 A. It makes me ---

16 MS. SHIVERS: Objection. Relevance.

17 THE COURT: Sustained. Relevance. Seeks
18 to appeal to the passions and prejudices and influence
19 the jury, and is not part of the elements of the
20 offense. Ladies and gentlemen, you are to disregard
21 the last question and response in its entirety.
22 You are to give it absolutely no consideration in your
23 deliberations. You may proceed.

24 MS. MORRIS: No further questions from
25 the State.

~~DIRECT EXAMINATION BY MR. CARR~~

1 THE COURT: Any cross-examination for the
2 witness?

3 MS. SHIVERS: No, Your Honor.

4 THE COURT: Any exception to the witness
5 being excused from the State?

6 MS. MORRIS: No exception from the State.

7 THE COURT: From the defense?

8 MS. SHIVERS: No, Your Honor.

9 THE COURT: Ma'am, thank you. You're
10 excused.

11 THE WITNESS: Thank you.

12 THE COURT: Call your next witness.

13 MR. CARR: State calls Detective Brian
14 Keefer.

15 THE CLERK: Raise your right hand.

16 DETECTIVE BRIAN KEEFER, was called as a
17 witness, being duly sworn, was examined and testified
18 as follows:

19 THE CLERK: Please be seated. Please state
20 your full name for the record, and spell your last name.

21 THE WITNESS: Brian Keefer, K-E-E-F-E-R.

22 THE COURT: You may proceed.

23 DIRECT EXAMINATION

24 BY MR. CARR:

25 Q. Detective Keefer, what is your occupation?

~~DIRECT EXAMINATION BY MR. CARR~~

1 A. I work for the Berkeley County Sheriff's Office.

2 THE COURT: You're a little muffled.

3 Is there any way you can speak directly into the
4 microphone?

5 THE WITNESS: Yes, ma'am.

6 THE COURT: Thank you. You may continue.

7 BY MR. CARR:

8 Q. And how long have you been in law enforcement?

9 A. Seven years.

10 Q. Besides the Berkeley County Sheriff's Office,
11 are there any other agencies you've worked for?

12 A. No, sir.

13 Q. Where were you working in October of 2021?

14 A. The Berkeley County Sheriff's Office.

15 Q. What was your work position and rank in October
16 of 2021?

17 A. I was a patrol first-class deputy with the
18 Berkeley County Sheriff's Office.

19 Q. On October 28th, 2021, did you have an
20 opportunity to respond to a call at 127 Kingsbridge
21 Drive?

22 A. I did.

23 Q. If I provided you your incident report, would
24 that help refresh your memory?

25 A. Yes, sir.

—DIRECT EXAMINATION BY MR. CARR—

1 MS. SHIVERS: Objection, Your Honor.

2 THE COURT: Basis?

3 MS. SHIVERS: He hasn't indicated that
4 he doesn't recall anything yet.

5 THE COURT: I'll give him some latitude.
6 Overruled. You may proceed.

7 BY MR. CARR:

8 Q. And 127 Kingsbridge Drive, is that in Berkeley
9 County?

10 A. Yes, sir, it is.

11 Q. And what was the reason for responding to that
12 location?

13 A. We responded to a call in reference to a theft
14 that had occurred.

15 Q. And as a patrol deputy, what do you typically
16 do when responding to a report for theft?

17 A. When we get on scene, we, you know, gather
18 the information. If we're able to investigate,
19 we investigate and follow up with the investigation.

20 Q. Who did you meet with at 127 Kingsbridge Drive?

21 A. Ms. Lynette Hall.

22 Q. And was she the homeowner of 127 Kingsbridge
23 Drive?

24 A. Yes, sir.

25 Q. What information did you learn from Ms. Hall?

DIRECT EXAMINATION BY MR. CARR

1 A. I learned that when I arrived she had obtained
2 the security camera that we have just seen, which I was
3 produced with while on the scene. And also she gave
4 me the information where she had posted on social media
5 and had gotten some leads and tips on that as well.

6 Q. So Ms. Hall provided you a video?

7 A. Yes, sir.

8 Q. Okay. And what information was Ms. Hall able
9 to provide regarding the identity of the person
10 on the video?

11 A. She was contacted by someone ---

12 MS. SHIVERS: Objection. Hearsay.

13 THE COURT: He can't say what someone
14 said to him. Sir, you could only say what you did
15 as a result of the conversation. The objection
16 is sustained.

17 BY MR. CARR:

18 Q. With the information that Ms. Hall provided,
19 what did you do next?

20 A. I began to investigate by trying to identify
21 the subject.

22 Q. Okay. Where did you go next?

23 A. I went to Sea Fox ---

24 Q. And who did you meet with? I'm sorry. I didn't
25 mean to interrupt you.

~~DIRECT EXAMINATION BY MR. CARR~~

1 A. I'm sorry. I did not catch the question.

2 Q. So you went to Sea Fox?

3 A. Yes, that's correct.

4 Q. And who did you meet with at Sea Fox?

5 A. I met with Lybra Mullineaux.

6 Q. Do you recall what position Ms. Mullineaux held
7 at Sea Fox?

8 A. I believe she was -- I know she was an employee
9 with Sea Fox who -- a moment to look at my notes here.

10 Q. Sure.

11 A. I don't have the current position in the notes,
12 but I know she was a supervisor or a manager
13 or something.

14 Q. Thank you. Did you show any portion of the video
15 that you obtained from Ms. Hall to Ms. Mullineaux?

16 A. No, I did not.

17 Q. Did you show any screenshots from the video?

18 A. Yes.

19 Q. Okay. And who did she identify as the person
20 in the video?

21 MS. SHIVERS: Objection. Hearsay.

22 THE COURT: Sustained. Hearsay. He cannot
23 repeat what somebody told him.

24 BY MR. CARR:

25 Q. Did Ms. Mullineaux indicate how she was familiar

—DIRECT EXAMINATION BY MR. CARR—

1 with James Riles?

2 A. She did.

3 Q. And how was that?

4 MS. SHIVERS: Objection. Hearsay.

5 THE COURT: Sustained. Hearsay. He can't
6 repeat what anyone said to him; he can only say what
7 he did as a result of the conversation.

8 BY MR. CARR:

9 Q. So you learned that a James Riles used to work
10 at Sea Fox?

11 MS. SHIVERS: Objection, Your Honor.

12 THE COURT: Basis?

13 MS. SHIVERS: It's the same information
14 that the identifying ---

15 THE COURT: No speaking objection.

16 MS. SHIVERS: Sorry.

17 THE COURT: Basis of the objection?

18 MS. SHIVERS: Lack of personal knowledge.

19 THE COURT: Please approach.

20 (Off-the-record conversation held at sidebar.)

21 (Back on the record.)

22 THE COURT: The objection is sustained.

23 Leading.

24 MR. CARR: Beg the Court's indulgence,

25 Your Honor.

DIRECT EXAMINATION BY MR. CARR

1 THE COURT: Yes, sir.

2 BY MR. CARR:

3 Q. During the course of your investigation, did you
4 come up with a positive suspect?

5 A. I did, sir.

6 Q. And who was that?

7 A. It was James Riles.

8 Q. Okay. What did you do next in the investigation?

9 A. Once I gathered the information, I identified
10 him through the South Carolina DMV records.

11 Q. Okay. What did you find when you ran those
12 records?

13 A. Once -- we received a photo of the driver's
14 license, which was, in fact, the subject that was
15 in the video.

16 Q. While also you were running the department
17 of motor vehicles's information, did you find anything
18 else relevant to the investigation?

19 A. I did, sir.

20 Q. What was that?

21 A. Also found that Mr. Riles had a Nissan Pathfinder
22 as well through DMV records.

23 MR. CARR: Thank you. No further questions.

24 THE COURT: Any questions for the witness?

25 MS. SHIVERS: No, Your Honor.

DIRECT EXAMINATION BY MR. CARR

1 THE COURT: Any objection to the witness
2 being excused from the State?

3 MS. MORRIS: None from the State,
4 Your Honor.

5 THE COURT: From the defense?

6 MS. SHIVERS: No, Your Honor.

7 THE COURT: Sir, you're excused.

8 MR. CARR: State calls Linda Hill.

9 THE CLERK: Please raise your right hand,
10 place your left hand on the Bible.

11 MS. LINDA HILL was called as a witness,
12 being duly sworn, was examined and testified as follows:

13 THE CLERK: Please be seated. State your
14 full name for the record, and spell your last name.

15 THE WITNESS: Linda Hill, H-I-L-L.

16 THE COURT: You may proceed.

17 DIRECT EXAMINATION

18 BY MR. CARR:

19 Q. Ms. Hill, what is your occupation?

20 A. General sessions supervisor for clerk of court.

21 Q. And where are you currently employed?

22 A. For Berkeley County Circuit Court.

23 Q. Okay. And how long have you been employed
24 at the clerk's office?

25 A. Twenty-one years.

DIRECT EXAMINATION BY MR. CARR

1 Q. And for the jury, what are some of the functions
2 of the clerk of court?

3 A. We're the record keeper of the court.

4 Q. Can you summarize your duties as the deputy clerk
5 of court?

6 A. Well, I'm not -- I'm general sessions supervisor,
7 so we keep all the records for the general sessions.

8 Q. So when someone is convicted of a crime
9 in Berkeley County, does the clerk of court handle
10 the record keeping for that conviction?

11 A. Yes.

12 Q. And you're familiar with these convictions?

13 A. Yes.

14 Q. If I were to show you a document, based on
15 your experience, would you be able to tell me if
16 it is an accurate conviction from Berkeley County?

17 A. Yes.

18 Q. I'm going to show you what's been marked
19 for identification purposes as State's Exhibit 10.

20 MR. CARR: Let the record show, I'm showing
21 it to defense counsel. Permission to approach the
22 witness, Your Honor?

23 THE COURT: You may.

24 BY MR. CARR:

25 Q. Can you describe what that is?

~~DIRECT EXAMINATION BY MR. CARR~~

1 A. It's a sentencing sheet from general sessions
2 court.

3 Q. Is there anything about that particular document
4 that you're holding that shows its authenticity?

5 A. Well, it's certified and -- by the clerk
6 of court, and it's got a seal.

7 MR. CARR: At this time, the State moves
8 to admit State's Exhibit 10 into evidence.

9 THE COURT: Any objection?

10 MS. SHIVERS: Objection under relevance,
11 because it's not been tied to this Defendant at this
12 point.

13 THE COURT: You need to ask the appropriate
14 foundational questions regarding the authenticity
15 of the document, foundation for its admission, as well
16 as it being a public record kept in the ordinary course
17 of business as a function of the clerk of court.
18 You may proceed.

19 MR. CARR: Court's indulgence, Your Honor.
20 BY MR. CARR:

21 Q. Ms. Hill, is the document -- the document that
22 you're holding right now, is that kept in the ordinary
23 course of business at the clerk of court's office?

24 A. Yes.

25 Q. And you said that is called a sentencing sheet?

DIRECT EXAMINATION BY MR. CARR

1 A. Yes.

2 Q. Can you just briefly explain what a sentencing
3 sheet is?

4 A. Okay. It describes the charge, it describes
5 the sentence that you're given, and it's signed
6 by a judge.

7 MR. CARR: Permission to approach,
8 Your Honor?

9 THE COURT: Um-huh.

10 (Off-the-record conversation held at sidebar.)

11 (Back on the record.)

12 THE COURT: You may proceed.

13 BY MR. CARR:

14 Q. Ms. Hill, can you state the name of the Defendant
15 on that document?

16 A. James Riles.

17 Q. And what is the charge on that document?

18 A. It's burglary second.

19 Q. Do you have a date on that conviction?

20 A. Appears to have been signed 10/29/1992.

21 MR. CARR: At this time, the State moves
22 to admit State's Exhibit 10 into evidence.

23 THE COURT: Any objection?

24 MS. SHIVERS: No, Your Honor.

25 THE COURT: Marked and admitted, State's

~~DIRECT EXAMINATION BY MR. CARR~~

1 10 without objection.

2 (State's Exhibit No. 10 was admitted into evidence.)

3 THE COURT: You may proceed.

4 MR. CARR: Permission to publish,
5 Your Honor?

6 THE COURT: You may.

7 BY MR. CARR:

8 Q. So behind you, Ms. Hill, is a redacted version
9 of that document. You have a laser pointer here
10 as well behind you.

11 MR. CARR: Permission to approach?

12 THE COURT: Yes, sir.

13 BY MR. CARR:

14 Q. So as you stated, this is a document that shows
15 a Defendant pled guilty to a charge?

16 A. Yes.

17 Q. Can you show the jury where the Defendant's name
18 is listed?

19 A. (Indicating.) Right here.

20 Q. And can you show the jury where the charge
21 is listed?

22 A. (Indicating.) Here.

23 Q. And also the date?

24 A. (Indicating.) Here.

25 Q. To the best of your knowledge and experience,

~~DIRECT EXAMINATION BY MR. CARR~~

1 does this document show that James Riles was convicted
2 of burglary?

3 A. Yes.

4 Q. At this time, I would like to show you what's
5 been marked for identification purposes as State's
6 Exhibit 12.

7 MR. CARR: Let the record show I'm showing
8 defense counsel. Permission to approach the witness,
9 Your Honor?

10 THE COURT: You may.

11 BY MR. CARR:

12 Q. And can you describe what that document is?

13 A. That's another sentencing sheet.

14 Q. Is there anything about that document that
15 you're holding that shows its authenticity?

16 A. Yes, it's certified out of the clerk of court's
17 office.

18 Q. Okay. And these types of documents are kept
19 in the regular course of business?

20 A. Yes.

21 Q. Can you state the Defendant who appears ---

22 A. James Riles.

23 Q. --- on the document? Can you state the charge?

24 A. Burglary second.

25 MR. CARR: At this time, the State would

~~CROSS-EXAMINATION BY MS. SHIVERS~~

1 move to admit State's Exhibit 12 into evidence.

2 THE COURT: Any objection?

3 MS. SHIVERS: No objection.

4 THE COURT: Marked and admitted without
5 objection, State's 12.

6 (State's Exhibit No. 12 was admitted into evidence.)

7 BY MR. CARR:

8 Q. And behind you, Ms. Hill, if you could again show
9 the jury where the Defendant's name appears?

10 A. (Indicating.) Here.

11 Q. And can you show what the charge is?

12 A. (Indicating.) Here.

13 Q. And the date?

14 A. (Indicating.) Here.

15 Q. And to the best of your knowledge and experience,
16 does this document show that James Riles was convicted
17 of burglary?

18 A. Yes.

19 Q. Thank you.

20 MR. CARR: No further questions.

21 THE COURT: Any questions for the witness?

22 CROSS-EXAMINATION

23 BY MS. SHIVERS:

24 Q. What was the date on the second conviction?

25 A. 9/26/1995.

~~CROSS-EXAMINATION BY MS. SHIVERS~~

1 Q. Thank you.

2 THE COURT: Any further questions?

3 MS. SHIVERS: No, Your Honor.

4 THE COURT: Any redirect?

5 MR. CARR: No, Your Honor.

6 THE COURT: Any objection to the witness
7 being excused from the State?

8 MS. MORRIS: No, Your Honor.

9 THE COURT: From the defense?

10 MS. SHIVERS: No, Your Honor.

11 THE COURT: Ms. Hill, you're excused.

12 THE WITNESS: Thank you.

13 THE COURT: You're welcome. Call your next
14 witness.

15 MS. MORRIS: The State calls Lybra
16 Mullineaux.

17 THE CLERK: Raise your right hand, place
18 your left hand on the Bible.

19 MS. LYBRA MULLINEAUX was called as a
20 witness, being duly sworn, was examined and testified
21 as follows:

22 THE CLERK: Please be seated. State your
23 full name for the record and spell your last name.

24 THE WITNESS: Lybra Mullineaux,
25 M-U-L-L-I-N-E-A-U-X.

~~DIRECT EXAMINATION BY MS. MORRIS~~

1 THE COURT: You may proceed.

2 DIRECT EXAMINATION

3 BY MS. MORRIS:

4 Q. Ms. Mullineaux, if you could bring that
5 microphone down closer to your mouth. Thank you
6 so much.

7 A. You're welcome.

8 Q. What is your occupation?

9 A. I am the director of facility, safety,
10 and personnel at Sea Fox Boats.

11 Q. How long have you been employed by Sea Fox Boats?

12 A. Cumulatively, about 15 years. I've been back
13 almost six years; November will make six years that
14 I've been back there.

15 Q. And what are your responsibilities?

16 A. I do all the hiring. I'm in charge of anything
17 having to do with personnel, HR, safety of the facility,
18 the plant, the people, EPA, DHEC, overall facility
19 running.

20 Q. And since your responsibilities at Sea Fox Boats
21 is hiring, would you come in contact with every employee
22 at Sea Fox Boats?

23 A. Yes.

24 Q. Was there an employee by the name of James Riles?

25 A. Yes.

—DIRECT EXAMINATION BY MS. MORRIS—

1 Q. When was James Riles hired at Sea Fox Boats?

2 A. I believe it was, like, July 28 of 2021.

3 Q. When you hired James Riles, was this
4 a face-to-face meeting?

5 A. Yes.

6 Q. How many times after hiring James Riles do you
7 think you saw him?

8 A. Maybe five or six. Once he was hired, he missed
9 a significant amount of work.

10 Q. Since you saw him about five to six times,
11 is it fair to say you would recognize him if you saw
12 him today?

13 A. Absolutely.

14 Q. And do you see James Riles in the courtroom
15 today?

16 A. Absolutely.

17 Q. Could you please point to him and state something
18 he is wearing?

19 A. (Indicating.) A blue, long-sleeve shirt.

20 MS. MORRIS: Let the record reflect
21 the witness has identified James Riles, the Defendant.

22 THE COURT: You may proceed.

23 BY MS. MORRIS:

24 Q. How long did James Riles work at Sea Fox Boats?

25 A. Almost 30 days.

DIRECT EXAMINATION BY MS. MORRIS

1 Q. What kind of vehicle did James Riles drive when
2 he worked at Sea Fox Boats?

3 A. It was a dark-colored SUV, black maybe. I don't
4 remember, like, make and model; I just know it was
5 a black, I think, SUV.

6 Q. Are employees at Sea Fox Boats provided
7 a uniform?

8 A. Yes.

9 Q. What are they provided?

10 A. You're given four to six shirts. I'm wearing
11 a similar one right now. They say "Team Sea Fox"
12 and have a saying on the back.

13 MS. MORRIS: At this time, the State would
14 like to publish what's already been admitted into
15 evidence as State's Exhibit 9.

16 THE COURT: You may proceed.

17 BY MS. MORRIS:

18 Q. Ms. Mullineaux, do you mind coming down off the
19 witness stand? I'm going to ask you a few questions,
20 and if you could just answer loudly so the court
21 reporter can ---

22 A. Okay.

23 Q. --- take that down. Could you point out some
24 of the identifying ---

25 A. "Team Sea Fox." And then I think our shirts say

~~DIRECT EXAMINATION BY MS. MORRIS~~

1 the exact same thing on the back, "Built by our family
2 for your family."

3 Q. Thank you, Ms. Mullineaux. You can return
4 to the witness stand. In October of 2021, did you have
5 an opportunity to view a video with James Riles in it?

6 A. Yes, ma'am.

7 MS. MORRIS: At this time, the State would
8 like to republish State's Exhibit 3.

9 THE COURT: You may proceed.

10 MS. MORRIS: If you could please turn
11 around, Ms. Mullineaux.

12 (Ring camera video played for the jury.)

13 BY MS. MORRIS:

14 Q. Thank you. Is that the video you watched
15 in October of 2021?

16 A. Yes, ma'am.

17 Q. Who is the person in that video?

18 A. James Riles.

19 Q. How do you know that James Riles is the person
20 in that video?

21 A. Well, the way I was shown the video was
22 an employee basically sent it to me at, like, 6:30
23 in the morning. It had been passed around on Facebook;
24 that's how I first became aware of it. And they showed
25 it to me and said, didn't this guy use to work ---

~~DIRECT EXAMINATION BY MS. MORRIS~~

1 MS. SHIVERS: Objection, Your Honor.
2 Hearsay.

3 THE COURT: Sustained. Hearsay. Ma'am,
4 please don't say what someone said. You may continue.

5 THE WITNESS: Oh, I'm sorry. I'm sorry.

6 THE COURT: That's okay.

7 THE WITNESS: I was shown the video.
8 They asked if the person used to work there. Yes,
9 he did. And then I believe the next day after I saw
10 the video, an investigator came to Sea Fox to inquire
11 about whether he was still working there or not,
12 and they spoke to me when they came.

13 BY MS. MORRIS:

14 Q. How certain are you that James Riles is the
15 person in the video?

16 A. One hundred percent certain.

17 Q. What other items of significance did you
18 recognize when you watched the video?

19 A. The employee T-shirt that he was given.

20 Q. Did you recognize the vehicle?

21 A. Yes, but mostly his face and the employee
22 T-shirt.

23 Q. And you recognized -- how did you recognize
24 the vehicle?

25 A. He -- so when you work at Sea Fox, you sign

~~DIRECT EXAMINATION BY MS. MORRIS~~

1 a document, you're given a picture of the parking lot --
2 employee parking lot, and you list your make and model
3 of your vehicle. Also, I see the employees pulling
4 in the parking lot every day. I'm very familiar
5 with most of the vehicles that enter the property.
6 We also have security on site who knows the vehicles
7 as well.

8 Q. So James Riles is wearing a Sea Fox Boats T-shirt
9 in the video, the same kind of Sea Fox Boats T-shirt
10 that you testified earlier that you provide to your
11 employees, and the same kind that looks like State's
12 Exhibit ---

13 MS. SHIVERS: Objection, testimony.

14 THE COURT: Is the objection leading?

15 MS. SHIVERS: Leading, Your Honor.

16 THE COURT: Sustained. Leading. Rephrase.

17 MS. MORRIS: No further questions.

18 THE COURT: Any questions for the witness?

19 MS. SHIVERS: No, Your Honor.

20 THE COURT: Any exception to the witness
21 being excused from the State?

22 MS. MORRIS: None from the State,
23 Your Honor.

24 THE COURT: From the defense?

25 MS. SHIVERS: No, Your Honor.

1 THE COURT: Ma'am, you're excused.

2 THE WITNESS: Thank you.

3 THE COURT: You're welcome. The State may
4 proceed.

5 MS. MORRIS: The State rests, Your Honor.

6 THE COURT: Mr. Foreman, ladies and
7 gentlemen, the State has rested their case. I have
8 some brief matters of law to take up with them.
9 During the break, please do not discuss the case,
10 and please leave your notes in your seat. We appreciate
11 your patience.

12 (The jury exited the courtroom at 2:45 p.m.)

13 THE COURT: You may be seated. The State
14 has rested. Are there any motions?

15 MS. SHIVERS: Yes, Your Honor. We make
16 a motion for a directed verdict at this time. We don't
17 believe that the State has met all of the elements
18 of the crime of burglary first, and so we would ask
19 for the charge to be dismissed.

20 THE COURT: Would the State like to respond?

21 MS. MORRIS: Yes, Your Honor.

22 THE COURT: You may proceed.

23 MS. MORRIS: May it please the Court.

24 THE COURT: Yes, ma'am.

25 MS. MORRIS: The burden of proof is viewed

1 in the light most favorable to the State. The judge
2 shall consider only the existence or nonexistence
3 of the evidence, and not its weight. Any direct
4 evidence, or any substantial circumstantial evidence,
5 reasonably tending to prove the guilt of the accused
6 is submitted to the jury. Circumstantial evidence gains
7 its strength from its combination with other evidence,
8 and all the circumstantial evidence presented in the
9 case must be considered together.

10 In this case, the State has presented
11 the date of October 20th, 2021, the identification
12 of the Defendant, James Riles, through the witness,
13 Lybra Mullineaux, and the detective, Brian Keefer.
14 The venue is proper in Berkeley County; 127 Kingsbridge
15 Drive is in Goose Creek, Berkeley County.

16 The elements of burglary in the first
17 degree, the State has met, entering the dwelling
18 of another. The Defendant entered the garage belonging
19 to Lynette Hall. The garage is attached directly
20 to the dwelling house by a door. There's also a room
21 above the garage. Lynette Hall resides and sleeps
22 at [REDACTED] Kingsbridge Drive and has done so since
23 1998.

24 As to element two, without consent.
25 Ms. Hall testified that she did not give permission

1 to the Defendant to enter her home. She does not
2 even know who he is. As to element three, with intent
3 to commit a crime therein. Intent may be shown by acts
4 and conduct of the Defendant and other circumstances
5 from which you may naturally and reasonably infer
6 intent.

7 State v. Pinkney states in a burglary trial,
8 the Defendant's actions after he entered the house
9 can be evidence used to determine if he had the intent
10 to commit a crime at the time of entry. The Defendant
11 intended to commit the crime of larceny when he entered
12 the garage. And he did, in fact, commit the crime
13 by stealing two chainsaws.

14 And element four, by a person with two
15 or more prior convictions for burglary or housebreaking
16 or a combination of both. The State has proven that.
17 Ms. Linda Hill took the stand and testified to the
18 certified convictions of burglary second on September
19 26th of 1995 and October 29th of 1992. Therefore,
20 the State has presented sufficient direct and
21 substantial circumstantial evidence to submit the charge
22 of burglary, first degree, to the jury.

23 THE COURT: Any response from the defense?

24 MS. SHIVERS: No, Your Honor.

25 THE COURT: In considering a motion

1 for a directed verdict, the Court is concerned with
2 the existence or nonexistence of evidence, and not
3 its weight. The Court does not act as the finder
4 of fact. In order to establish burglary in the first
5 degree, the State must prove beyond a reasonable doubt
6 that the Defendant entered a dwelling without consent.

7 As we all know, a dwelling is any building,
8 or portion of a building which a person ordinarily
9 sleeps. Ms. Hall has testified that this -- that
10 the home located at 127 Kingsbridge Drive in Devon
11 Forest has been her residence, where she resides,
12 where she sleeps and occupies for the last 27 years.

13 In addition to that, the State only has to
14 -- the State does not have to prove that the Defendant
15 entered -- in order to prove entry, the State does
16 not have to prove the Defendant's entire body was
17 in the dwelling, even the smallest entry is sufficient.
18 It can be any part of the body, or any implement used
19 by the body to gain entry into the residence.

20 The State must also prove beyond a
21 reasonable doubt that the Defendant intended to commit
22 a crime therein, either a felony or a misdemeanor.
23 I think all of us would concede the theft of the
24 chainsaws would be a felony or a misdemeanor. And while
25 there does not have to be direct testimony regarding

1 intent, certainly from the facts and circumstances
2 of this case, intent can be inferred based on those
3 facts and circumstances.

4 And, of course, even more importantly,
5 it does not matter if the intended crime was not
6 completed. But in this instance, the Ring camera
7 clearly corroborates that the individual took two
8 chainsaws that were not his, and Ms. Hall testified
9 that she did not know Mr. Riles, that she did not give
10 him permission to be on her property, and she certainly
11 did not give him the ability to use the chainsaws,
12 or to take them into his possession.

13 And the State must also prove beyond
14 a reasonable doubt one of the following; the Defendant
15 has a prior record of two or more convictions for
16 burglary and/or housebreaking, and those were provided
17 by Ms. Linda Hill, supervisor deputy clerk of court
18 of the Berkeley County Clerk of Court's Office,
19 with two certified convictions, one being from 1992,
20 and one from 1995, both of those being burglary
21 in the second degree. And while we're on that topic
22 so I won't forget, his Social Security number needs
23 to be redacted, as well as his date of birth from
24 the sentence sheets.

25 MS. MORRIS: Okay, yes, Your Honor.

1 THE COURT: Of the elements of burglary
2 first, that would be the only other element the State
3 would need to prove beyond a reasonable doubt.
4 There is direct and substantial circumstantial evidence
5 reasonably tending to prove the Defendant's guilt,
6 that being the direct testimony of Ms. Hill [sic.],
7 as well as corroborated by the Ring camera. And I've
8 only had now -- this would be my second opportunity
9 to see Mr. Riles, but it appears to be him on the Ring
10 camera video engaged in the theft of the chainsaws
11 from the residence -- from Ms. Hall's residence --
12 Mrs. Hall's residence.

13 The Court is not required to find that the
14 evidence infers guilt to the exclusion of any reasonable
15 hypothesis, but the evidence must raise from mere
16 suspicion. Again, the Court reiterates there's both
17 direct and substantial circumstantial evidence
18 reasonably tending to prove the Defendant's guilt.
19 Therefore, the motion for a directed verdict is denied.

20 Sir, if you would stand for me, please,
21 and raise -- I'll remind you that you're still under
22 oath. Sir, at this time, I'm going to explain to
23 you certain of your rights. We have reached the stage
24 of the trial where you can present your own defense.
25 If there are any of your rights that you do not

1 understand, please let me know. If you need me
2 to repeat something, please let me know. Do you
3 understand?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Again, as I've indicated,
6 we have reached the stage of the trial where you can
7 present your defense. You have the right to claim
8 to you the protections provided to you by the Fifth
9 Amendment of the United States Constitution, as well
10 as South Carolina State Constitution, which provides
11 that no person shall be compelled in any criminal
12 case to be a witness against him. This means that
13 you cannot be required to testify in this case.
14 You have the right to testify on your own behalf.
15 However, no one can make you testify. It's a personal
16 right, and no one can waive this right, except you.

17 If you decide to testify, you will be
18 subject to the same rules that govern other witnesses,
19 and you may be examined and cross-examined on any
20 relevant issue in this case, as well as if you have
21 any convictions involving dishonesty or false statement
22 or for crimes punishable by imprisonment for more than
23 one year, and the Court determines that the probative
24 value of admitting this evidence outweighs its
25 prejudicial effect to you, the solicitor will be able

1 to introduce your record to attack your credibility.

2 If you decide to testify, this decision
3 on your part must be made freely, voluntarily,
4 and intelligently, with knowledge of the protections
5 given to you by the Fifth Amendment and the consequences
6 of your decision to testify.

7 If you decide not to testify, I will
8 instruct the jury that they cannot give that fact
9 any consideration whatsoever. In fact, I will instruct
10 them that you have no burden of proof. The burden
11 of proof remains on the State to prove your guilt beyond
12 a reasonable doubt. The fact that you did not testify
13 cannot be discussed in any manner whatsoever during
14 their deliberative process, and you're not to suffer
15 any prejudice as a result of not testifying in this
16 case.

17 It is left entirely up to you whether
18 you should or should not testify. You may speak
19 with your attorney, family members, or anyone else,
20 but the final decision, ultimately, is yours. Sir,
21 do you understand your rights, as I've explained them
22 to you?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Do you have any questions
25 about your rights, as I've explained them to you?

1 THE DEFENDANT: No, ma'am.

2 THE COURT: And, sir, do you need to speak
3 -- have you discussed with your attorneys whether
4 you should or should not testify?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Do you need to speak with them
7 any further at this time?

8 THE DEFENDANT: No, ma'am.

9 THE COURT: Okay. And is that correct,
10 Ms. Shivers, do you need any more time to speak with
11 him?

12 MS. SHIVERS: No, Your Honor.

13 THE COURT: Ms. White, do you feel you need
14 any more time?

15 MS. WHITE: No, Your Honor.

16 THE COURT: And, sir, do you wish to
17 testify?

18 THE DEFENDANT: No, ma'am.

19 THE COURT: Okay. You may take your seat.
20 Does the defense intend to offer any evidence in this
21 case?

22 MS. SHIVERS: No, Your Honor, the defense
23 would rest at this time and renew our motion for
24 a directed verdict.

25 THE COURT: Any further argument from

1 the State?

2 MS. MORRIS: No further argument,
3 Your Honor.

4 THE COURT: The Court would mark the motion
5 renewed and denied, based on its previous ruling,
6 which is incorporated into this portion of the record.
7 There's direct and substantial circumstantial evidence
8 reasonably tending to prove the Defendant's guilt.
9 Therefore, the motion for a directed verdict is denied.
10 How long do you think your closing argument will be?
11 Is it going to be you or Mr. Carr, Ms. Morris?

12 MS. MORRIS: Seven to ten minutes.

13 THE COURT: How long do you think your
14 argument will be, Ms. Shivers?

15 MS. SHIVERS: About the same, Your Honor.

16 THE COURT: If y'all will give me just one
17 second, we'll have a charge conference, and I think
18 we could move forward with closing argument and
19 instruction.

20 MS. MORRIS: May we step out for a comfort
21 break?

22 THE COURT: Sure.

23 MS. SHIVERS: Thank you.

24 THE COURT: We'll be at ease for a few
25 moments.

1 (Recess taken.)

2 (Back on the record.)

3 THE COURT: I will give the jury a general
4 instruction regarding their responsibility and my
5 responsibility, how they are to judge witness
6 credibility and believability. I'll give them -- excuse
7 me -- a general instruction on direct and circumstantial
8 evidence, as well as the charge, the arrest, and the
9 indictment not being evidence, a general instruction
10 on the presumption of innocence, and Victor v. Nebraska
11 on reasonable doubt.

12 I'll then instruct the elements of burglary
13 in the first degree, which is 16-11-311. The only
14 portion of the statute that would be applicable to
15 Mr. Riles is the Defendant has a prior record of two
16 or more convictions for burglary and/or housebreaking.
17 And, of course, that would include the curative
18 instruction.

19 I'll then instruct on identity, or the
20 identification of the Defendant, being proven beyond
21 a reasonable doubt, and mere presence. I'll then
22 instruct on the form of the verdict. Any exceptions
23 from the State, or any requests?

24 MS. MORRIS: You did say the curative
25 instruction that ---

1 THE COURT: Yes, ma'am, I did.

2 MS. MORRIS: The two prior convictions ---

3 THE COURT: Ma'am, I said I am going to
4 charge the curative instruction standard with precedent.

5 MS. MORRIS: Okay. No exceptions from
6 the State.

7 THE COURT: Any other request from the
8 State?

9 MS. MORRIS: No request from the State,
10 Your Honor.

11 THE COURT: Any exception to requests from
12 the defense?

13 MS. SHIVERS: Yes, Your Honor. We would
14 request burglary second, nonviolent, to be charged.

15 THE COURT: Well, when we instruct burglary
16 second, we don't make the distinction of violent
17 or nonviolent. Those are sentencing enhancements ---

18 MS. SHIVERS: Yes, ma'am.

19 THE COURT: --- not properly presented
20 to the jury. Is there any exception from the State
21 to charging burglary, second degree? And while
22 we're on that topic, what facts would serve -- would
23 suffice to support a burglary, second degree,
24 instruction?

25 MS. SHIVERS: If they believe there's

1 a burglary, and they don't believe that the convictions
2 are certified, because we believe that that's still
3 a jury question -- while I understand that it's likely
4 that they probably will find them to be completely
5 credible, it's still an element that the State has
6 to prove.

7 THE COURT: I don't think that's what the
8 case law says. The only thing that they can consider --
9 the way the case law is written is the State has to
10 prove that he committed the burglary, then they can
11 consider the additional burglary offenses as an element
12 of burglary in the first degree. The law presumes
13 that those convictions are certified; they are a matter
14 of public record.

15 The jury can't -- there's no question about
16 whether he committed the other burglaries. The only
17 question is, did the State prove beyond a reasonable
18 doubt that he committed the burglary? If the jury
19 has any doubt that the State can prove he committed
20 the burglary, then they cannot consider the other
21 elements of burglary -- of the other burglaries.

22 They have to find it, conclusively, that the
23 State proved beyond a reasonable doubt that he committed
24 a burglary. Then, they can consider the other element
25 -- elemental portion of the statute, which is he has

1 two or more other burglaries, but only for the purpose
2 of establishing the elements of burglary in the third
3 [sic] degree. So the elements -- I mean, burglary in
4 the first degree. I'm sorry, I didn't mean to misspeak.

5 Burglary in the first degree have the
6 following elements, and burglary in the second degree
7 is a lesser-included offense of burglary, first degree.
8 Let's see here. The only difference between burglary
9 first degree and second degree are circumstances
10 of aggravation. The State still will have to -- it's
11 actually exactly the same instruction, because none
12 of the other portions of the statute would be
13 applicable. So under these circumstances, I guess
14 I'm a little confused as to -- I would be giving them
15 the exact same instruction.

16 MS. SHIVERS: We just would like them
17 to have the option on the verdict form for burglary
18 second.

19 THE COURT: I guess I'm trying to figure
20 out how it meets the facts, because I have to charge
21 the appropriate law that reflects the facts that have
22 been presented to the jury. I'm trying to figure out
23 how the elements of burglary in the -- you just don't
24 give a lesser-included offense. There has to be some
25 facts submitted that support that instruction.

1 So, I need to know what facts were submitted
2 that would support an instruction of burglary in the
3 second degree in light of the fact the only -- you know,
4 we look at the elements test. The only difference
5 between burglary in the first degree and burglary
6 in the second degree are the circumstances of
7 aggravation. None of them are present in terms of what
8 the State has to prove on burglary first or burglary
9 second. So on the burglary second instruction,
10 I'm still instructing two or more burglaries,
11 so it's going to be the exact same instruction.

12 In other words, the only other difference
13 is that it doesn't involve a building or a business,
14 which would be inapplicable to these circumstances.
15 But to prove burglary in the second degree, the State
16 would have to prove that the Defendant entered
17 a dwelling without consent, and the instruction would
18 be exactly the same as burglary in the first degree.

19 The State would then have to prove that
20 the Defendant intended to commit a crime, either
21 a felony or a misdemeanor at the time of the entry.
22 And then you still have to prove one of the applicable
23 circumstances, which is armed with a deadly weapon
24 or explosive; that's not applicable. Physical injury;
25 that's not applicable. Threatening to use a dangerous

1 object; that's not applicable. Displayed what appeared
2 to be a knife, pistol, or revolver, et cetera; that's
3 not applicable, and the other, which is the Defendant
4 has a prior record of two or more convictions
5 for burglaries and/or housebreaking, with the same
6 curative instruction.

7 Let me hear from the State. Is there any
8 exception to the request instructing burglary, second
9 degree?

10 MS. MORRIS: Yes, the State would request
11 that only burglary, first degree, be submitted
12 to the jury and objects to the lesser included.

13 THE COURT: Tell me how the State
14 is prejudiced by instructing the lesser-included
15 offense?

16 MS. MORRIS: Well, the State would --
17 the State is anticipating in closing argument that
18 the defense is going to try and say, it's not a big
19 deal; it's two chainsaws, and the jury may be ---

20 THE COURT: I don't know that that ---

21 MS. MORRIS: --- sympathetic to that.

22 THE COURT: I don't know that that --
23 what's the word I'm looking for? I don't know if that's
24 going to make a difference. Either you proved burglary
25 in the first degree or you didn't.

1 MS. MORRIS: And that ---

2 THE COURT: So, I don't know that them
3 saying it's not a big deal makes any -- I don't know how
4 that would apply to the facts or the law. It's almost
5 like a nullification argument, which -- I guess,
6 I'm just trying to figure out the logic in what you're
7 telling me.

8 MS. MORRIS: I don't think burglary, second
9 degree, nonviolent, needs to go to the jury at all.
10 I just think it's burglary ---

11 THE COURT: Well, I'm not going to say
12 nonviolent because that's -- again, that's a sentencing
13 enhancement; that's a sentencing determination,
14 has nothing to do with the jury, nor is it ever
15 presented to a jury. So that's why we don't send
16 the indictments back, for example, it's a burglary
17 second that specifies violent or nonviolent.

18 I guess, I'm just trying to figure out
19 how the facts are different as they were presented.
20 But again, what prejudice does the State suffer --
21 is the State subject to if the Court were to instruct
22 the lesser-included offense? And are there any facts
23 that you presented in your case that supports
24 a conviction for burglary, second degree?

25 MS. MORRIS: Well, burglary, first degree,

1 is just burglary second with the prior convictions.

2 THE COURT: They ---

3 MS. MORRIS: I think it will be confusing
4 to ---

5 THE COURT: No, burglary second requires --
6 you can prove the elements of the burglary as well.
7 They're mirror images. The only difference is that
8 one has aggravating circumstances and one doesn't.

9 MS. MORRIS: That's ---

10 THE COURT: And oftentimes when you
11 instruct burglary second, it's more of a building
12 than a dwelling. Usually, you instruct burglary
13 second where a building is involved, a business,
14 or otherwise. It's rare that you wouldn't -- I mean,
15 sometimes you do. But, usually, when you're instructing
16 burglary second, it's dealing with a business
17 or a building.

18 MS. MORRIS: The State also feels this
19 would be confusing to the jury. We -- the State would
20 ask that it just be burglary, first degree.

21 THE COURT: There's no distinction between
22 the two when I'm instructing the jury. I would,
23 in fact, be giving them the exact same instruction
24 twice, because there's no evidence that's been presented
25 of aggravating circumstances, and that's the only

1 distinction when you look at the elements test.

2 So, I'm trying to figure out what evidence is there
3 of burglary in the second degree that would justify
4 an instruction on that basis.

5 MS. SHIVERS: Your Honor, the elements
6 are exactly the same for second, nonviolent. I realize
7 the nonviolent doesn't go to them, but the elements
8 of burglary itself are exactly the same. But the State
9 has the burden for burglary first to prove aggravation,
10 but that's still a jury question.

11 THE COURT: No, they don't have to prove
12 aggravation under these circumstances. You only
13 instruct that portion of the statute that's applicable.
14 The aggravating circumstances in the statute deal with
15 weapons, violence to someone, a robbery, the brandishing
16 of a weapon. None of those are present in this case.
17 The only element in the subsection of the statute that's
18 applicable to this case on a burglary, first degree,
19 is that fifth element, which is the record of one
20 or more burglaries.

21 MS. SHIVERS: Right, that's the aggravating
22 circumstance for burg first. Without that, it would
23 be a burg second, because it's in the daytime. Entry
24 into a dwelling without consent would be a burg second.
25 So she would have to prove beyond a reasonable doubt

1 the aggravating circumstance of the fact that he has
2 two prior convictions.

3 THE COURT: That proves that on the second
4 one too.

5 MS. SHIVERS: I don't think she has to prove
6 that for burg second. It's just entering ---

7 THE COURT: It's listed in the statute.
8 It says one of these, or, or, or, or, and one more
9 burglary is one of the ors in the statute on burglary
10 second.

11 MS. SHIVERS: I believe that is for burg
12 second, violent, and that would be if they had two prior
13 burglaries that don't have to do with dwelling.

14 THE COURT: Oh, I see what you're saying.

15 MS. SHIVERS: It would be two building
16 burglaries, but we're not requesting that instruction.

17 (Pause.)

18 THE COURT: Yeah, I see. Because you've
19 got to look at -- you have to look at the -- what was
20 the word I'm looking for? The punishment portion of
21 the statute to make that distinction. So, in essence,
22 what you're saying is that you would like for the Court
23 to charge burglary second, which is that the State,
24 basically, just proved he broke into the house and stole
25 something?

1 MS. SHIVERS: Yes, Your Honor.

2 THE COURT: And not consider the
3 enhancements of the burglaries?

4 MS. SHIVERS: Yes, Your Honor, because
5 we believe that's a jury question for them to decide,
6 whether the State met that element.

7 (Pause.)

8 THE COURT: Yes, ma'am, Ms. Morris,
9 I'll be glad to hear anything further you would like
10 to share with the Court.

11 MS. MORRIS: Nothing further from the State,
12 Your Honor.

13 THE COURT: So, I guess, my question again
14 is how is the State prejudiced by the Court instructing
15 the lesser-included offense of burglary, second degree,
16 which is simply that he broke into the residence?

17 MS. MORRIS: The State ---

18 THE COURT: And ---

19 MS. MORRIS: I'm sorry, Your Honor.

20 THE COURT: No, that's okay.

21 MS. MORRIS: The State feels like it's
22 confusing to the jury.

23 THE COURT: How is it confusing?

24 MS. MORRIS: Because they're presented
25 with all of this evidence, and now there's this lesser

1 included that's just missing an element. It's ---

2 THE COURT: No, it just says if you find
3 the State has failed to prove, you could consider this
4 other one, which is if you think the State simply proved
5 that he broke into the house and stole these things.
6 Yeah, I'm really -- I really can't discern any prejudice
7 to you. If your case was strong enough and you proved
8 burglary in the first degree, really it's one of those
9 no harm, no foul kind of categories.

10 I've got a long question from my other
11 jury. If y'all will bear with me, I'm going to finish
12 this charge conference, and then I'm going to kind
13 of decide what I need to do from there. We may have
14 to close and charge this one in the morning, because
15 I think it's going to take -- because I'm going to have
16 to reinstruct my other jury, and that's going to take
17 a minute.

18 (Recess taken.)

19 (Back on the record.)

20 THE COURT: Would the State concede
21 that 16-11-312(b), which is the violent portion
22 of the statute, would only apply if entry was into
23 a building?

24 MS. MORRIS: Yes.

25 THE COURT: Okay.

1 MS. MORRIS: We acknowledge that,
2 Your Honor.

3 THE COURT: So what the defense is
4 requesting is 16-11-312(a). Did I say the defense?
5 I hope I said the defense.

6 MS. SHIVERS: You did.

7 THE COURT: I meant to say the defense.
8 Are there any other requests for instruction?

9 MS. SHIVERS: No, Your Honor.

10 MS. MORRIS: None from the State,
11 Your Honor.

12 THE COURT: I'm going to instruct the lesser
13 included of the second degree, which is 16-11-312(a).
14 Yeah, 312(a). Okay. And I've already told you all
15 that I'm going to instruct identification as an element,
16 right, and mere presence?

17 MS. SHIVERS: Yes, Your Honor.

18 MS. MORRIS: That's correct, Your Honor.

19 THE COURT: All right. So what I'm going
20 to need to do -- it's 3:30, I'm going to need to adjourn
21 this until the morning, at 9:30. I'll let the --
22 I'm going to let Ms. Shivers rest in the presence
23 of the jury. I'm going to explain to them I have
24 another jury I have to deal with, and it may take
25 me well beyond five o'clock. We'll resume this jury

1 at 9:30 in the morning. Could you all approach
2 and review the verdict form?

3 MS. SHIVERS: Yes, Your Honor.

4 MS. MORRIS: Yes, Your Honor.

5 THE COURT: Please bring in the jury
6 for me.

7 (The jury entered the courtroom at 3:31 p.m.)

8 THE COURT: You may be seated. Ms. Shivers,
9 you may proceed.

10 MS. SHIVERS: The defense rests, Your Honor.

11 THE COURT: Mr. Foreman, ladies and
12 gentlemen, both the State and the defense have rested
13 their case. The next part of the process will be
14 closing argument and instruction, and we would have
15 gone forward with that today. However, my other jury,
16 I'm going to have to take care of some things with them.
17 I need to reinstruct them, which probably will take
18 us a little beyond five o'clock, and I don't want you
19 all to have to wait while I am doing that. So we will
20 resume in the morning at 9:30 with closing argument
21 and instruction regarding this case.

22 While you have heard all of the evidence
23 in this case, you have not heard the closing argument
24 of counsel, nor have you heard the Court's instructions
25 on the law. I would ask that you especially guard

1 yourselves and have no discussion about this case among
2 yourselves or with anyone else. It might seem simple,
3 and people are curious, they'll ask you, you know,
4 what are you doing on jury duty? But I would ask that
5 you not have any discussion about what you've heard,
6 because to do that is by its very nature deliberations,
7 and you're required to do that only in your jury room,
8 among your fellow jurors.

9 I would also ask that you not do any
10 independent research of any type on the internet.
11 Please do not read, watch, or listen to any media
12 accounts about this case. Please don't make any
13 comments regarding your jury service on any social
14 networking sites. Again, we would not want an innocent
15 comment to be misinterpreted as you making some comment
16 regarding the facts of the case.

17 You'll return directly to your jury room;
18 the bailiffs will show you how to do that. If you would
19 leave your notepads -- actually, if you would stack them
20 up for me on the end of that banister as you leave.
21 We'll secure them during the evening recess. I hope
22 you all stay safe. Have a great evening. We'll see
23 you in the morning at 9:30.

24 (The jury exited the courtroom at 3:33 p.m.)

25 THE COURT: You may be seated. Okay.

1 I need you all to make sure that all of the evidence --
2 that the court reporter has all of it before you leave.
3 Is there anything exception to the form of the verdict
4 from the State?

5 MS. MORRIS: None from the State,
6 Your Honor.

7 THE COURT: From the defense?

8 MS. SHIVERS: No, Your Honor.

9 THE COURT: Okay. If you all could go ahead
10 and make sure all the evidence is in place so that
11 she can marshall all of that before I switch gears
12 and go back to this other case, that would be helpful.

13 MS. MORRIS: Yes, Your Honor.

14 THE COURT: Thank you. And then, we'll
15 resume in the morning at 9:30 with closing argument
16 and instruction. Oh, we need to renew motions.
17 Ms. Shivers, do you want to do that?

18 MS. SHIVERS: I think we already did.

19 THE COURT: Did we?

20 MS. SHIVERS: Yes, Your Honor.

21 MS. MORRIS: She renewed her directed
22 verdict.

23 THE COURT: She sure did, didn't she.
24 I'm sorry. It's been a long day, y'all. I apologize.
25 Anything before we adjourn for the evening on the Riles

1 case from the State?

2 MS. MORRIS: Nothing from the State,
3 Your Honor.

4 THE COURT: From the defense?

5 MS. SHIVERS: No, Your Honor.

6 THE COURT: Have a good evening. See y'all
7 at 9:30.

8 MS. SHIVERS: Thank you.

9 THE COURT: You're welcome.

10 (End of Transcript of Record)

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CERTIFICATE OF REPORTER

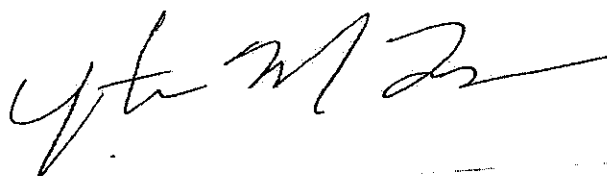
State of South Carolina)

County of Berkeley)

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Berkeley County, South Carolina, on the 11th of April, 2024.

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

June 13, 2024



Yvestre Torres

Circuit Court Reporter

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY

2023-GS-08-03661

State of South Carolina)

) TRANSCRIPT OF RECORD

-vs-)

) April 12, 2024 - Day 3

James Elton Riles,)

) Moncks Corner, South Carolina

B E F O R E:

The Honorable Deadra L. Jefferson, Judge

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

Kawohikukapulani S. Morris, Esquire
 Adam Carr, Esquire
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 Keshia White, Esquire
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Reported By:

Yvestre Torres, OCR
 Circuit Court Reporter for the
 Ninth Judicial Circuit

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25EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
C-6	Jury Note	204	204

INDEX

<u>CLOSING STATEMENTS</u>	<u>PAGE</u>
Ms. Morris	165
Ms. Shivers	173

1 THE COURT: You may be seated. Good
2 morning.

3 MS. MORRIS: Good morning.

4 THE COURT: All right. To the extent
5 that there were exhibits, have y'all made sure that
6 they're all in place?

7 MS. MORRIS: Yes, we have, Your Honor.

8 THE COURT: Ms. Shivers?

9 MS. SHIVERS: Yes, Your Honor.

10 THE COURT: Excuse me, guys. I thought
11 I was over this coughing, but, I guess, maybe not.
12 Is there anything else we need to take up before
13 allowing the defense to rest and taking up closing
14 argument and instruction from the State?

15 MS. MORRIS: Yes, Your Honor. The State
16 would just request that the additional convictions
17 that did not come into evidence be made Court's
18 exhibits.

19 THE COURT: The Court did not rule they
20 were not admissible, so I'm trying to figure out
21 why they would need to be marked as Court's exhibits.

22 MS. MORRIS: To show that we only introduced
23 two prior convictions, even though the Defendant
24 has ten. And so just so that the record is clear
25 that the State did not attempt to prejudice the

1 Defendant in any way and only ---

2 THE COURT: I don't think that's an issue,
3 is it? You didn't make any attempts to introduce them,
4 so I don't think there's any issue -- viable issue
5 for the record regarding the State. The State made
6 no attempts to introduce any additional convictions;
7 is that accurate?

8 MS. MORRIS: That's correct. That's
9 why we would just like to make them Court's exhibits,
10 so that on appeal the Court of Appeals or the Supreme
11 Court is aware that the State also had these eight
12 other convictions.

13 THE COURT: Any exception from the defense?

14 MS. SHIVERS: I don't think that he has
15 a viable appellate claim to that, but ---

16 THE COURT: I don't think he does either.

17 MS. SHIVERS: --- we don't take any issue
18 with it.

19 THE COURT: Yeah, I don't think it's
20 an issue, but if they want to do it, and you all don't
21 except, I don't have a problem with it.

22 MS. MORRIS: Thank you, Your Honor.

23 MS. SHIVERS: And, I believe, we already
24 rested, Your Honor, in front of the jury yesterday.

25 THE COURT: You sure did. I'm sorry.

CLOSING ARGUMENTS BY MS. MORRIS

1 I'm having a long week. I apologize. My memory
2 is not fairing me very well today. And is it correct,
3 Ms. Shivers, that you, likewise, checked all the
4 evidence?

5 MS. SHIVERS: Yes, Your Honor.

6 THE COURT: Please bring in the jury.

7 (The jury entered the courtroom at 9:54 a.m.)

8 THE COURT: You may be seated. Good
9 morning. I hope everybody had a pleasant and restful
10 evening. As I explained yesterday, both the State
11 and the defense have rested their cases. We have
12 now reached the stage of the trial where we will
13 have closing argument and the instruction. I'm sorry.
14 I hope my voice doesn't give out on me. I would ask
15 that you give counsel your undivided attention.
16 You may proceed, Ms. Morris.

17 MS. MORRIS: Thank you, Your Honor.

18 THE COURT: You're welcome. You may proceed
19 when you're ready, Ms. Morris.

20 MS. MORRIS: Thank you, Your Honor.

21 THE COURT: You're welcome.

22 MS. MORRIS: Ms. Shivers, Ms. White.
23 May it please the Court.

24 THE COURT: Yes, ma'am.

25 MS. MORRIS: Members of the jury, thank

CLOSING ARGUMENTS BY MS. MORRIS

1 you so much for your attention during this trial.
2 You have the most important role in our judicial system;
3 you are the fact finders. And now has come the time
4 for you to render your verdict.

5 Now, the State believes the defense may
6 try to say, we're just talking about two chainsaws.
7 That's it, just two chainsaws. These chainsaws weren't
8 found on the side of the road, in the trunk of a car
9 in a parking lot, or on the shelf of a business.
10 They were found in Lynette Hall's home. Her home,
11 where she has her most private moments. Her home,
12 where she has her most intimate moments, where at
13 the end of the day, she lays her head on her pillow,
14 closes her eyes, succumbs to sleep with the peace
15 of mind that she's ---

16 MS. SHIVERS: Objection, Your Honor.

17 THE COURT: Basis?

18 MS. SHIVERS: Appealing to the sympathies
19 of the jurors.

20 THE COURT: Sustained. Rephrase. Ladies
21 and gentlemen, you're to disregard counsel's last
22 comment, give it absolutely no consideration in your
23 deliberations. You may proceed.

24 MS. MORRIS: This is her home, where she
25 feels safe and secure. And that's what the Defendant

CLOSING ARGUMENTS BY MS. MORRIS

1 took from her, not just two chainsaws. The Defendant
2 is on trial for burglary, first degree. Burglary,
3 first degree, is entering the dwelling of another
4 without consent, with intent to commit a crime therein,
5 by a person with two convictions for burglary.
6 The Defendant entered the garage, which is attached
7 to the home of Lynette Hall. He did not have the
8 consent of Lynette Hall. He stole two chainsaws
9 belonging to Lynette Hall, and he has two prior
10 convictions for burglary.

11 Now, the defense told you that the State
12 has to prove all four elements beyond a reasonable
13 doubt, and the State did that, and I'm going to show
14 you how we did. As to the first element, entering
15 the dwelling of another. Dwelling is not a term
16 that we use commonly; we usually say home or residence.
17 And our laws say that a dwelling is where there sleeps
18 a person, an identifiable person sleeps there. And
19 it also includes structures, sheds, other buildings
20 that are within 200 yards of the dwelling home.

21 In this case, the Defendant entered the
22 garage, which is part of the home, an immediate part
23 of the home. Ms. Lynette Hall said that she has lived
24 in this residence since 1998, 26 years. She said she
25 sleeps here. She's an identifiable person who sleeps;

CLOSING ARGUMENTS BY MS. MORRIS

1 that's the dwelling. And the garage is also part
2 of the dwelling. In fact, there's a room over the
3 garage, and Ms. Hall testified that there is an inside
4 door that leads the garage directly into the home.
5 So the State has proved beyond a reasonable doubt entry
6 of a -- entering of a dwelling of another.

7 The next element, without consent. Ms. Hall
8 testified she's never seen this person before in her
9 life. How can she give consent? And when I clarified
10 it with her, she said, yes, I did not give the
11 Defendant, James Riles, permission to enter my home.
12 I did not give him permission to take my chainsaws.
13 The State has proven the element of without consent
14 beyond a reasonable doubt.

15 The next element, with intent to commit
16 a crime therein. Not only did the Defendant have
17 the intent to commit a crime, he did commit that crime.
18 He stole the two chainsaws. Now Ms. Hall took
19 the stand, and she said her house is right here.

20 Now this is the State's theory of when the
21 Defendant formed intent. He came into the neighborhood,
22 came down here, and he saw her garage door was open,
23 and he came around Kingsbridge Drive, and this is where
24 the video starts, when he turns right, right here.
25 He already knew he was going to steal those chainsaws

CLOSING ARGUMENTS BY MS. MORRIS

1 when he passed her house and saw that open garage door.

2 And then in this video, you can see him,
3 he just turned right after coming off Kingsbridge
4 Drive, turning right into the driveway. He knows what
5 he's going to do. He gets out of his Nissan Pathfinder
6 that Lybra Mullineaux said that he drove when he worked
7 at Sea Fox Boats. Oh, look, he's opening the passenger
8 door. He's getting ready to put what he's about
9 to steal in his car. Hear him rummaging around
10 in there, knocked something over, and he's wearing
11 that Sea Fox T-shirt that looks like this, the same
12 one that he got as a uniform when he worked at Sea Fox
13 Boats.

14 Now, the defense may try to say, well,
15 we don't see him actually inside the garage because
16 the way that camera is positioned, you see the driveway,
17 but we can infer that he went inside the garage.
18 Ms. Hall testified that those chainsaws were about
19 six feet inside the garage. He had to go inside
20 to get them, and we could hear the noise that he made
21 while he was inside the garage getting those chainsaws.
22 So we can assume that, yes, he went inside the garage,
23 even though defense may say he didn't go in there,
24 and we can't see that he went in there. Or can we see
25 that he went in there?

CLOSING ARGUMENTS BY MS. MORRIS

1 I want -- on the Nissan Pathfinder,
2 there is chrome on the front, and it's reflective,
3 and you can see the reflection here. And can you play
4 it? Thank you. And you'll see him pass in front
5 of the vehicle, you see his reflection right there.
6 Now pay attention over here. You can actually see
7 inside the garage in that reflection, and you can see
8 him go inside the garage. See him back there? You hear
9 him make that noise and emerges with the two chainsaws.
10 The State has proven beyond a reasonable doubt that
11 the Defendant entered the dwelling of another, without
12 consent, with intent to commit a crime therein.

13 Now when you go back to your jury room
14 to deliberate, you will first consider those three
15 elements that I just showed you first, separately.
16 And when you've decided that the State has met
17 its burden that the Defendant committed the crime
18 of burglary in the first three elements, then you
19 will move on to the last element, which is two prior
20 burglary convictions. And the State has proven this
21 element beyond a reasonable doubt.

22 Our supervisor of general sessions for
23 Berkeley County Clerk of Court, Ms. Linda Hill, she took
24 the stand, and she testified to the sentencing sheets,
25 which are the convictions of James Riles, that these

CLOSING ARGUMENTS BY MS. MORRIS

1 were authentic, certified copies, these are his burglary
2 convictions, his prior burglary convictions. You'll
3 be able to see on both of these forms it has his name.
4 It says he pled to burglary. Burglary. It is signed
5 by a judge and the date.

6 You will also see in blue, you can see it
7 says certified true copies of records, and it's signed
8 by our clerk of court, Leah Guerry Dupree. Beyond
9 a reasonable doubt. Now, I do just want to clarify
10 one thing for you, because as you can see there's black
11 boxes, because we're sending back to your jury room
12 redacted copies of this document.

13 This information is unnecessary for you
14 to make your decision. You already have the name,
15 and that it was a burglary, and you can see the seal
16 of the clerk. And the reason we do this is just the
17 information is just not needed, and it has information,
18 like, the Defendant's date of birth, Social Security
19 number, so it's for his protection. But it's just
20 so you're aware that's what those black boxes are.
21 But this is a copy of the certified convictions that
22 Ms. Linda talked to you about -- or told you about.
23 So the State has proven beyond all reasonable doubt
24 burglary, first degree.

25 Now, you're also going to be instructed

~~CLOSING ARGUMENTS BY MS. MORRIS~~

1 on burglary, second degree. Now it may be confusing,
2 so I just want to clarify it for you, because they're
3 almost identical; burglary, first degree, burglary,
4 second. The difference is that burglary, first degree,
5 also has the two prior convictions elements, which
6 is these sheets. And the State has proven that element
7 beyond a reasonable doubt.

8 So unless you think Ms. Linda Hill, our dear
9 supervisor of general sessions, took the stand and lied
10 under oath that these are not authentic, certified
11 copies, you must find the Defendant guilty of burglary,
12 first degree.

13 James Riles, he doesn't like to work.
14 Lybra Mullineaux stated he didn't even last a month
15 at Sea Fox Boats. For him, it's easier to just walk
16 into a home, Lynette Hall's home, and steal her
17 property, her property that she worked hard for.
18 But he took more than that. He took ---

19 MS. SHIVERS: Objection, Your Honor.

20 THE COURT: Basis?

21 MS. SHIVERS: Appealing to the sympathies
22 of the jurors.

23 THE COURT: I didn't hear the whole
24 statement. Can you repeat what you said, Ms. Morris?

25 MS. MORRIS: I said, he took more than that.

~~CLOSING ARGUMENTS BY MS. SHIVERS~~

1 THE COURT: Objection is sustained.

2 Ladies and gentlemen, you're to disregard counsel's
3 last comment and give it no consideration in your
4 deliberations. You may continue.

5 MS. MORRIS: Thank you, Your Honor.

6 THE COURT: You're welcome.

7 MS. MORRIS: I ask you, on behalf
8 of the state of South Carolina, to find the Defendant,
9 James Riles, guilty of burglary, first degree.
10 Thank you so much for your service.

11 THE COURT: You may proceed.

12 MS. SHIVERS: Thank you, Your Honor.

13 THE COURT: You're welcome.

14 MS. SHIVERS: Do you remember back yesterday
15 when I did my opening statement when -- I'm sorry,
16 when the Government gave his opening statement,
17 this prosecutor right here. He told you something
18 very interesting, which is that this case was crystal
19 clear, but it is not. The Government's own evidence
20 shows you that.

21 We can -- you can -- actually, when you're
22 in the deliberation room, you have the ability
23 to go back and listen to any of the testimony that
24 was brought to you by the witnesses on the witness
25 stand. You can request to hear back that testimony,

CLOSING ARGUMENTS BY MS. SHIVERS

1 and I encourage you to do so, but I'm going to highlight
2 a few things for you.

3 They brought you the detective, Detective
4 Keefer, who testified yesterday. And it's not every
5 day that you actually see a defense attorney stand
6 up here and actually applaud an officer for doing
7 the right thing when he testified. But the State asked
8 him very specifically why he went to that location on
9 that day. And what did he tell you? He was responding
10 to a theft call. He did not tell you he was responding
11 to a burglary. He certainly, as a detective, knows
12 the difference between a burglary and a theft. But
13 he sat there under oath and told you that he responded
14 to a theft call, and that's exactly what this was.

15 You know who else knows the difference
16 between theft and burglary? James Riles. As the State
17 showed you his 1992 and 1995 convictions for burglary,
18 he is well aware that if he has two prior burglaries,
19 and he goes into a house, and he steals something
20 from that house, that he is going to suffer the severe
21 consequences of burglary first. He is well aware
22 of that.

23 This was a crime of opportunity because
24 Mr. Riles saw two chainsaws on the driveway in front
25 of the garage, and he decided that he was going to steal

CLOSING ARGUMENTS BY MS. SHIVERS

1 them. You may not like him, you may not like thieves,
2 but there's a difference between a crime of theft
3 and burglary. The crime he committed was petty larceny.
4 His actions were wrong, they were criminal, but they
5 weren't burglary.

6 How do we know this? Nothing of -- nothing
7 else of value was taken from the garage. The homeowner
8 told you when she was asked by the prosecutor about
9 what all they keep in the garage. She said, in addition
10 to the chainsaw, they keep all the lawn equipment,
11 all of her husband's tools, a fridge. And, in fact,
12 they apparently keep so much stuff in the garage that
13 she didn't even notice that the chainsaws were missing
14 for eight days.

15 And she said something else really, really
16 interesting, which I hope some of you have picked
17 up on, but I'm going to highlight it for you right
18 now. She said that when she realized that the chainsaws
19 were missing, that she went to her video surveillance
20 footage, and she went back to the time that her son
21 last used the chainsaws. She wasn't using the chainsaws
22 those -- that day; it was her son.

23 And if you look at the video that the State
24 provided, you're going to see at the end of the driveway
25 where, you know, the trash people come and typically

CLOSING ARGUMENTS BY MS. SHIVERS

1 pick up lawn collectings and the garbage, you're going
2 to see all the cut trees at the end of the driveway,
3 because her son was there using the chainsaws. She told
4 you that she was working that day; she works from
5 home. She has absolutely no idea whether the son put
6 the chainsaws back in the garage or not. And guess who
7 the State didn't bring to testify? Her son, the one
8 that was using the chainsaws and who would know where
9 they were placed after he used them.

10 Why didn't the State bring the son,
11 the only person that can tell you that he actually
12 put the chainsaws back in the garage? I would submit
13 to you, it's because he wouldn't be able to sit there
14 on the stand and truthfully tell you that he put those
15 chainsaws back in the garage, because he didn't.

16 We want you to, obviously, look at the video
17 again. You're going to see that there is a vehicle
18 in the driveway to the right side. Mr. Riles drives up
19 from the right where there's a vehicle in the driveway.
20 How in the world, driving up this way with a vehicle
21 blocking his view, is he going to see chainsaws
22 underneath a workbench? That is where the victim claims
23 that they were, they were under a workbench in the
24 garage that's full of things. How in the world would he
25 have seen that driving this way? He pulled immediately

CLOSING ARGUMENTS BY MS. SHIVERS

1 into the driveway, gets out, and it is seconds that
2 he has those chainsaws up and back in his vehicle.

3 It does not make any logical sense, and what
4 makes more sense is that they were sitting out in front
5 of the driveway because the son had cut the trees,
6 and they hadn't put the equipment away yet. That would
7 be the way that he would have been able to see them
8 while he's driving down the road, why he would have
9 opened the door, because he knew he was going to steal
10 the chainsaws, they were sitting there, it was a crime
11 of opportunity, and he did exactly that. But what
12 he didn't do was enter her home and take anything else.

13 There were tons of things of value.
14 There was nobody out there; there are no witnesses.
15 He had his vehicle right there. If he's in the garage,
16 there's zero reason why he wouldn't take everything
17 of value that he possibly could have. The reason
18 is because he knows that he couldn't enter a garage.
19 So he just took what was out and available.

20 The Government has all the resources
21 in our county to be able to charge. They control
22 the cases that go to trial and when they go to trial.
23 They should not be bringing cases to trial that are
24 overcharged and cannot be proven.

25 As I indicated to you, Mr. Riles is guilty

CLOSING ARGUMENTS BY MS. SHIVERS

1 of theft, but they didn't give you that option in this
2 case. They didn't charge him with petty larceny; that's
3 what that crime is called. If you steal something
4 of value that's under \$2,000 it would be charged
5 as a petty larceny.

6 We have another theft crime if the chainsaws
7 -- I don't know how much chainsaws go for; there wasn't
8 testimony for that. But if it were to be over -- if
9 they cost more than \$2,000, we have a crime called grand
10 larceny that they could have charged. That is the crime
11 for which he would be guilty, and we wouldn't even
12 be here today if he was properly charged.

13 But instead, the State tried to go after
14 the highest charge that they could, they significantly
15 overcharged him, and they are not able to prove every
16 element of the crime that they are required to prove.

17 One of the requirements that they have
18 to prove is that he actually entered the dwelling.
19 The other, obviously, is consent. If you look
20 at the video too, we had one person testify, and that
21 was the female homeowner. She indicated she at least
22 has a husband. So there's at least one other person
23 that could have given consent. Everybody in the house
24 doesn't have to give consent.

25 Clearly, if you watch the video, it also

CLOSING ARGUMENTS BY MS. SHIVERS

1 appears he's on the phone talking to somebody, like
2 he was supposed to be there. He pulls up. We have
3 no idea who he's talking to. The State didn't bring
4 any evidence to show whether or not he was talking
5 to the son, the husband. We don't know. The burden
6 isn't on us to prove that; it's on the State.

7 Our country, the United States, is very
8 unique in the world because we do not allow the
9 Government to come in and just decide somebody is guilty
10 of a crime and that's that. We actually require,
11 through our constitution, that they bring citizens
12 from our community to evaluate the evidence to make sure
13 that they can actually prove beyond a reasonable doubt
14 every element of the crime for which they are seeking
15 to take somebody's freedom away.

16 I told you in opening statements that
17 our constitution protects our freedoms by requiring
18 the Government to meet that burden. The Government
19 has the sole burden in every criminal case; the
20 Defendant never has to prove anything. He doesn't
21 have to presume -- prove his innocence; he is presumed
22 innocent. And that goes all the way through to the
23 deliberation room, until you decide whether the State
24 has removed that cloak of innocence on every single
25 element beyond a reasonable doubt.

~~CLOSING ARGUMENTS BY MS. SHIVERS~~

1 Reasonable doubt is a significant burden.
2 You have to be firmly convinced of the guilt
3 of the accused on every single element in order for
4 you to convict. Even if you think there's a likelihood
5 that he probably is guilty, that is still not enough.
6 The law requires that every benefit of the doubt
7 has to be given to a Defendant, and you must find
8 him not guilty.

9 There are several jobs in our country
10 that require us to take an oath to the United States
11 Constitution. I, like many citizens, took an oath
12 when I served in the Air Force to defend and protect
13 the constitution. I also took an oath when I became
14 an attorney to preserve, protect, and defend the
15 constitution of the United States and South Carolina,
16 and I protect the rights of all of my clients to ensure
17 that the Government does not violate their rights
18 during any of the investigations, during the trial
19 of the charges against him, and I get to be that voice
20 of the voiceless, and I'm the mechanism that puts
21 the Government to their constitutional obligations,
22 and I don't take my job lightly.

23 You, as jurors, also took an oath at the
24 beginning of this case, and your oath may be even more
25 important than the oath I took to protect my client's

CLOSING ARGUMENTS BY MS. SHIVERS

1 rights. The constitutional protections afforded to
2 citizens in our country are only upheld by the people
3 that are in the positions to enforce them. They are
4 meaningless otherwise.

5 Law enforcement and prosecutors are arms
6 of the Government. You, as the jury, took an oath
7 to hold them to those constitutional protections that
8 are afforded to every citizen of the United States.
9 And when they fail to meet the standards required
10 by the law and the constitution, it is your solemn
11 duty to hold them to those standards, even when
12 it's difficult to do so.

13 In upholding your oath, you have to look
14 at the way a case is investigated, how the testimony
15 came from the case agent and the witnesses in the case,
16 and the evidence that the State presents at trial.
17 But even more importantly, you really need to look
18 at the evidence that the State did not present at the
19 trial. Why didn't they bring the son, the only person
20 that would be able to tell you where those chainsaws
21 were?

22 The Government in this case has failed
23 to prove that Mr. Riles entered the garage; that
24 is a required element to burglary. He did steal
25 the chainsaws. Had he been charged with larceny,

~~CLOSING ARGUMENTS BY MS. SHIVERS~~

1 we wouldn't be here having a trial, because that would
2 have been the proper charge, and he would have pled,
3 just like he did on the convictions that they provided.

4 But he's not guilty of burglary.

5 The Government wants you to pretend that they provided
6 the evidence on every element, hoping that you're going
7 to let it slide that they didn't prove that he entered
8 the garage, and that is completely unacceptable under
9 the constitution. Make the Government understand
10 what their burden is, they owe each and every citizen
11 of Berkeley County that same burden, show them the
12 consequences of failing to properly charge a crime
13 that was committed so that future juries don't have
14 to sit here in trials on cases that the Government
15 cannot prove.

16 Because the Government failed to prove all
17 the elements of burglary, you are left with no choice
18 but to find Mr. Riles not guilty. The constitution
19 and your oath as jurors demands that. Thank you.

20 THE COURT: Is everyone comfortable?
21 Does anybody need a comfort break? During this trial,
22 ladies and gentlemen, you and I have certain duties
23 to -- there is to be no movement in the courtroom while
24 the Court is instructing. Have a seat. Thank you.

25 During this trial, ladies and gentlemen,

1 you and I have certain duties to perform. As the trial
2 judge, it is my responsibility to preside over the trial
3 of this case. And I also have the duty to rule upon
4 or pass upon the admissibility of evidence offered
5 during this trial.

6 You are to consider only the competent
7 evidence before you, and you are to disregard and
8 disabuse from your mind any testimony ordered stricken
9 from the record in this case, if there has been any.
10 You are to consider only the testimony, which has
11 been presented from the witness stand, together with
12 any exhibits, which have been made a part of the record
13 in this case.

14 I also have the additional duty to
15 charge or instruct you on the law of this case.
16 As the presiding judge, I'm the sole judge of the law,
17 and it is your duty as jurors to accept and apply
18 the law as I now state it to you. If you have
19 a preconceived idea as to what the law is, or what
20 the law ought to be in a case, or in this case,
21 and it should not agree with what I now tell you the
22 law is, you are obligated under your oath to abandon
23 this preconception on your part, because you are
24 sworn to accept the law and apply the law precisely
25 as I now state it to you.

1 In every case tried in this court before
2 a jury, the jury becomes the sole and exclusive
3 judges of the facts. You are the judges of the facts
4 in this case; this Court is the judge of the law.
5 The constitution of our state has declared that
6 a trial judge shall not intimate, state, comment upon,
7 or make any statement to a trial jury about the facts
8 of the case.

9 Since you, the jury, are the sole judges
10 of the facts in this case, you are not to infer anything
11 that I've said during the progress of this trial and
12 ruling upon the admissibility of evidence or otherwise,
13 or anything that I say now to you during the course
14 of this instruction, that I have any opinion about
15 the facts. The law does not permit me to have
16 an opinion about the facts. This is a matter solely
17 for you, the jury, to determine.

18 As jurors, then it is your duty, as I've
19 instructed, to determine the effect, the value,
20 the weight, and the truth of the evidence presented
21 during this trial. Necessarily, you must assess the
22 credibility of witnesses who have testified in this
23 case. Credibility is simply a legalistic term which
24 mean believability. It becomes your duty, as jurors,
25 to analyze and to evaluate the evidence and to determine

1 the credibility of that evidence.

2 Some of the things you may consider as you
3 decide whether or not to believe a witness's testimony
4 about a particular matter include what was the manner
5 and appearance of the witness who testified, was he
6 or she straightforward or hesitant in answering, was
7 the testimony of a witness consistent or inconsistent,
8 how did the witness come to know the facts that
9 he or she testified to, or what was his or her ability
10 to know these facts, is there some reason a witness
11 would want to give testimony which would help or hurt
12 one side or the other, in other words, was the witness
13 biased or prejudiced, and was the testimony of a witness
14 strengthened or weakened by other testimony or evidence?

15 I further instruct you that in determining
16 the question of the believability of witnesses who
17 have testified, you may believe one witness as against
18 several witnesses, or several witnesses as against
19 one witness, you may believe a part of the testimony
20 of a witness and reject the remaining part of the
21 testimony of that same witness. If you have a good
22 and sound reason, you may believe the witness in its --
23 the testimony of a witness in its entirety, or reject
24 the testimony of a witness in its entirety. You may
25 also consider the demeanor of a witness, that is,

1 the manner and appearance of the witness from the
2 witness stand.

3 Ladies and gentlemen, you could believe
4 as much or as little as each -- as much or as little
5 of each witness's testimony as you think proper.
6 You have but one objective, to determine the facts
7 in this case, to determine the weight, value, and effect
8 to be accorded to the testimony, and then apply the law
9 to those facts.

10 Ladies and gentlemen, there are two types
11 of evidence which are generally presented during
12 a trial; direct evidence and circumstantial evidence.
13 Direct evidence is the testimony of a person who asserts
14 or claims "to have actual knowledge of a fact, such
15 as an eyewitness. Circumstantial evidence is proof
16 of a chain of facts and circumstances indicating
17 the existence of a fact. The law makes absolutely
18 no distinction between the weight or value to be
19 given to either direct or circumstantial evidence,
20 nor is a greater degree of certainty required
21 of circumstantial evidence than of direct evidence.
22 You should weigh all of the evidence in this case.

23 And again, as I have instructed, there
24 are two types of evidence; circumstantial evidence
25 and direct evidence. Crimes may be proven by

1 circumstantial evidence. And again, the law makes
2 no distinction between the weight or value to be given
3 to either direct or circumstantial evidence.

4 However, to the extent the State relies
5 on circumstantial evidence, all of the circumstances
6 must be consistent with each other, and when taken
7 together, point conclusively to the guilt of the accused
8 beyond a reasonable doubt. If these circumstances
9 merely portray the Defendant's behavior as suspicious,
10 the proof has failed. The State has the burden
11 of proving the Defendant guilty beyond a reasonable
12 doubt. This burden rests with the State, regardless
13 of whether the State relies on direct evidence,
14 circumstantial evidence, or some combination
15 of the two.

16 I instruct you that the fact that
17 the Defendant was arrested, charged, and indicted
18 is not evidence in this case and cannot be considered
19 as evidence of guilt in this case, nor does it create
20 any inference or presumption of guilt. This
21 documentation is simply the formal, written instrument,
22 which contains the charge or charges made against
23 a Defendant. It simply serves as the formal
24 documentation by which this case is processed
25 or brought into the court.

1 The Defendant has pled not guilty to the
2 indictment, and that plea casts the burden on the State
3 to prove the Defendant guilty, because a person charged
4 with committing a criminal offense in South Carolina
5 does not have any burden of proof.

6 I instruct you that it is a cardinal and
7 important rule of the law of evidence that the Defendant
8 in a criminal trial, no matter what the seriousness
9 of the charge made against him may be, will always
10 be presumed to be innocent of the crime for which
11 he is indicted, unless his guilt has been proven
12 by evidence satisfying you of that guilt beyond
13 a reasonable doubt.

14 This presumption of innocence does not
15 cease when you retire to deliberate, but it accompanies
16 the Defendant from the time of his appearance,
17 throughout the trial, until you reach a verdict in this
18 case. Our Supreme Court has said that the presumption
19 of innocence is like a robe of righteousness placed
20 about the shoulders of the Defendant, and it remains
21 with him and assigns him to that class, the innocent,
22 until that presumptive robe of righteousness has
23 been stripped from his person by evidence satisfying
24 you of that guilt beyond a reasonable doubt.

25 The presumption of innocence is not mere

1 legal theory; it is not just a legal phrase.

2 It is a substantial right to which every Defendant
3 is entitled, unless you, the jury, are satisfied from
4 the evidence of his guilt beyond a reasonable doubt.

5 The State has the burden of proving
6 the Defendant guilty beyond a reasonable doubt.
7 Some of you may have served as jurors in civil
8 cases, where you were told that it is only necessary
9 to prove that a fact is more likely true than not true,
10 such as by the greater weight or the preponderance
11 of the evidence. In criminal cases, the State's proof
12 must be more powerful than that; it must be beyond
13 a reasonable doubt.

14 Proof beyond a reasonable doubt is proof
15 that leaves you firmly convinced of the Defendant's
16 guilt. There are very few things in this world
17 that we know with absolute certainty. And in criminal
18 cases, the law does not require proof that overcomes
19 every possible doubt. If based on your consideration
20 of the evidence, you are firmly convinced that the
21 Defendant is guilty of the crime charged, you must
22 find the Defendant guilty. If, on the other hand,
23 you think there is a real possibility that the Defendant
24 is not guilty, you must give the Defendant the benefit
25 of that doubt and find him not guilty.

1 I instruct you, ladies and gentlemen,
2 and emphasize that the fact that the Defendant
3 did not testify is not a factor to be considered
4 by you in any manner whatsoever in your deliberations
5 of this case. It must not be considered by you in any
6 manner whatsoever. A Defendant has the constitutional
7 right to remain silent, and the assertion of this right
8 must not be considered by you in your deliberations.
9 I repeat, under your oath, you are to draw no conclusion
10 whatsoever from the fact that the Defendant in this case
11 did not testify.

12 The fact that this Defendant did not
13 testify should not be discussed in any manner whatsoever
14 in the jury room during your deliberations. The burden
15 of proof, as I've stated to you, is on the State.
16 The Defendant has no burden of proof in this case.
17 The burden of proof remains on the State to prove guilt
18 beyond a reasonable doubt.

19 The Defendant is charged with first-degree
20 burglary. The State must first prove beyond a
21 reasonable doubt that the Defendant entered a dwelling
22 without consent. A dwelling is any building, or portion
23 of a building, in which a person ordinarily sleeps.
24 A building constructed as a dwelling that has never been
25 occupied cannot be considered a dwelling for purposes

1 of burglary. But a building is a dwelling, even if
2 the residents are temporarily absent from the building.

3 In order to prove that the Defendant entered
4 the dwelling, the State does not have to show that
5 the Defendant's entire body entered the dwelling.
6 The smallest entry is sufficient. It may be any
7 part of the body, such as a hand or a foot, or even
8 an instrument, such as a hook or other instrument.
9 In addition, the State does not have to prove that
10 force was used to gain entry. If a person enters
11 a dwelling by using deception, artifice, trick,
12 or misrepresentation to get consent to enter,
13 this is an entry without consent.

14 Next, the State must prove beyond a
15 reasonable doubt that the Defendant intended to commit
16 a crime, either a felony or a misdemeanor, at the time
17 of the entry. The mere entry into a dwelling without
18 consent is not burglary. If the intent to commit
19 a crime is formed after the entry, it is not burglary.

20 On the other hand, if the Defendant
21 intended to commit a crime at the time of entry,
22 it is a burglary, even if the intent was abandoned
23 after the entry. It does not matter that the intended
24 crime was not completed. Intent may be shown by acts
25 and conduct of the Defendant and other circumstances

1 from which you may naturally and reasonably infer
2 intent.

3 Finally, the State must prove beyond
4 a reasonable doubt that the Defendant has a prior
5 record of two or more convictions for burglary and/or
6 housebreaking. Evidence of prior offenses committed
7 by the Defendant was not offered to prove the Defendant
8 has a bad character, or to prove that the Defendant
9 committed the burglary on this occasion. The prior
10 convictions may be considered by you only for the
11 purpose of determining whether or not it satisfies
12 that element of the offense that makes it first-degree
13 burglary if you enter a dwelling without consent
14 to commit a crime, and you have two prior convictions
15 for burglary and/or housebreaking.

16 Ladies and gentlemen, before you can even
17 consider the evidence of the Defendant's prior burglary
18 and/or housebreaking convictions, you must first
19 find that the State has proven beyond a reasonable
20 doubt that a burglary was committed by the Defendant.
21 If you find beyond a reasonable doubt that the burglary
22 was committed, then you may consider the evidence
23 of the prior convictions as evidence of one of the
24 circumstances which would make the burglary first-degree
25 burglary.

1 If you do not find beyond a reasonable
2 doubt that the Defendant committed these alleged
3 prior offenses, then you cannot return a verdict
4 of first-degree burglary. If you find, ladies and
5 gentlemen, that the State has failed to prove beyond
6 a reasonable doubt that the Defendant committed
7 first-degree burglary, you may consider whether
8 the State has proven beyond a reasonable doubt
9 that the Defendant committed second-degree burglary.
10 It is what we call a lesser-include offense.

11 To prove second-degree burglary, the State
12 must first prove beyond a reasonable doubt that
13 the Defendant entered a dwelling without consent.
14 A dwelling is any building, or a portion of a building,
15 in which a person ordinarily sleeps. A building
16 constructed as a dwelling that has never been occupied
17 cannot be considered a dwelling for purposes
18 of burglary. But a building is a dwelling, even if
19 the residents are temporarily absent from the building.

20 In order to prove that the Defendant entered
21 the dwelling, the State does not have to show that
22 the Defendant's entire body entered the dwelling.
23 The smallest -- dwelling or building. The smallest
24 entry is sufficient. It may be any part of the body,
25 such as a hand or a foot, or even an instrument,

1 such as a hook or other instrument.

2 In addition, the State does not have
3 to prove that force was used to gain entry. If a person
4 enters a dwelling by using deception, artifice,
5 trick, or misrepresentation to get consent to enter,
6 this is an entry without consent.

7 Next, the State must prove beyond
8 a reasonable doubt that the Defendant intended to commit
9 a crime, either a felony or a misdemeanor, at the time
10 of the entry to be guilty of burglary. The mere entry
11 into a dwelling without consent is not burglary.
12 If the intent to commit a crime is formed after
13 the entry, it is not burglary.

14 On the other hand, if the Defendant
15 intended to commit a crime at the time of the entry,
16 it is a burglary, even if the intent was abandoned
17 after the entry. It does not matter that the intended
18 crime was not completed. And again, intent may
19 be shown by acts and conduct of the Defendant
20 and other circumstances from which you may naturally
21 and reasonably infer intent.

22 Ladies and gentlemen, in order to establish
23 criminal liability, criminal intent is required.
24 For example, the mental state required to be proven
25 by the State for a particular crime might be purpose,

1 intent, knowledge, recklessness, or criminal negligence.
2 Criminal intent must be proven by the State beyond
3 a reasonable doubt.

4 Criminal intent is always a matter that
5 must be determined by the jury from the circumstances
6 surrounding the situation. There's no way to prove
7 intent to a mathematical certainty. There's no way
8 medical science can dissect a person's brain and
9 determine what the person had in mind. So the law
10 says that criminal intent may be inferred from the
11 circumstances shown to have existed. This is how
12 you make a determination of whether or not the element
13 requiring intent was present.

14 It is not necessary to establish intent
15 by direct and positive evidence. But intent may
16 be established by inference in the same way as any
17 other fact, by taking into consideration the acts
18 of the parties and all the facts and circumstances
19 of the case.

20 Criminal intent is a mental state, a
21 conscious wrongdoing. It is up to you to determine what
22 the Defendant intended to do based on the circumstances
23 shown to have existed. The State must prove intent
24 beyond a reasonable doubt.

25 Ladies and gentlemen, an issue in this case

1 is the identification of the Defendant as the person
2 who committed the crime charged. The State has the
3 burden of proving identity beyond a reasonable doubt.
4 You must be satisfied beyond a reasonable doubt of the
5 accuracy of the identification of the Defendant before
6 you may convict the Defendant. Identification testimony
7 is an expression of belief or impression by a witness.
8 You must determine the accuracy of the identification
9 of the Defendant, you must consider the believability
10 of each identification witness in the same way as any
11 other witness.

12 You may consider whether the witness had
13 an adequate opportunity to observe the offender at the
14 time of the offense." This will be affected by things
15 like how long or short a time was available, how far
16 or close the witness was, the lighting condition,
17 and whether the witness had the chance to see or know
18 the person in the past.

19 Once again, I instruct you the burden
20 of proof on the State extends to every element
21 of the crime charged. And this specifically includes
22 the burden of proving beyond a reasonable doubt
23 the identity of the Defendant as the person who
24 committed the crime. If after examining the testimony
25 you have a reasonable doubt as to the accuracy

1 of the identification, you must find the Defendant
2 not guilty.

3 I instruct you, ladies and gentlemen,
4 that mere presence at the scene is not sufficient
5 to prove someone guilty of a crime. A Defendant's
6 presence where a crime is being committed -- the State
7 must show more than a Defendant's mere presence where
8 a crime is being committed. The burden is on the State
9 to prove every element of the crime charged.

10 If you find, after reviewing all the
11 evidence, that the State has proven that the Defendant
12 was only present at the scene of a crime, and that
13 they have not proven beyond a reasonable doubt any
14 other participation in the crime, then you must find
15 the Defendant not guilty. The law is that proof
16 of at the scene of a crime is not sufficient to find
17 someone guilty.

18 Ladies and gentlemen, there are three
19 potential verdicts in this case. I will go over those
20 with you. They will go -- this verdict form will
21 go into the jury room with you, so you don't have to try
22 to write this down. There's no significance whatsoever
23 to the order in which I state these potential verdicts;
24 it is simply that one must be stated first.

25 Ladies and gentlemen, in order to reach

1 a verdict in this case your decision must be unanimous,
2 which means all 12 of you must agree in order to reach
3 a verdict in this case, and those options are as
4 follows. Again, I emphasize, there's no significance
5 to the order in which I state these potential verdicts,
6 it is simply that one must be stated first.

7 We, the jury, by unanimous consent, as to
8 indictment number 2023-GS-08-3661, find the Defendant,
9 guilty of burglary, first degree, or as to the
10 lesser-included offense, guilty of burglary, second
11 degree, or not guilty. Again, ladies and gentlemen,
12 there's absolutely no significance whatsoever to the
13 order in which I've stated these potential verdicts,
14 and your verdict must be unanimous, which means all
15 12 of you must agree in order to reach a verdict
16 in this case.

17 Mr. Foreman, once the jury has reached
18 a unanimous verdict, it is your responsibility to fill
19 out the verdict form, to sign and date the form,
20 and knock on the door and advise the bailiffs that the
21 jury has reached a unanimous verdict. Also, if the jury
22 has any questions during deliberations, you will need
23 to write those out on your notepad, sign and date the
24 note, and follow the same process, let the bailiffs
25 know that the jury has a question.

1 Ladies and gentlemen, if you have any
2 questions during deliberations, please know that
3 there will be a delay in our response, because there's
4 a procedure that we have to follow to answer any
5 questions. So please note if you have a question,
6 there will be a delay. We're not ignoring you;
7 we're simply following that process.

8 Mr. Foreman, any note should never
9 denominate any numerical breakdown; it should never
10 denominate anything -- any of the substance of the
11 deliberations of the jury, as the jury's deliberative
12 process should remain within the confines of the
13 integrity of that deliberative process.

14 THE FOREMAN: Yes, Your Honor.

15 THE COURT: Ladies and gentlemen, again
16 in order to reach a verdict, it must be unanimous,
17 which means that all 12 of you must agree. I'm going
18 to ask that you return to your jury room. Please leave
19 your notepad in your seats. I have some brief matters
20 of law to take up with counsel that may require further
21 instruction or clarification of an instruction.

22 However, if there's no further instruction,
23 we will send in your notepads, excuse the alternate
24 and send in the evidence, and you'll be allowed to begin
25 your deliberations. And we also will have electronic

1 equipment so that you can play any videos for that
2 purpose. Thank you for your patience. If you would
3 go with the bailiffs, and do not yet begin your
4 deliberations.

5 (The jury exited the courtroom at 10:45 a.m.)

6 THE COURT: You may be seated. Any
7 exceptions from the State?

8 MS. MORRIS: None from the State,
9 Your Honor.

10 THE COURT: From the defense?

11 MS. SHIVERS: No, Your Honor.

12 THE COURT: Can y'all make sure all the
13 evidence is accounted for.

14 MS. MORRIS: Yes, Your Honor.

15 THE COURT: And then if you could -- I need
16 the bailiffs to bring me the alternate, and I need them
17 to also go ahead and start collecting those notebooks.

18 (Pause.)

19 THE COURT: Ma'am, we appreciate your time
20 and your attention to this case. I've watched, you've
21 been attentive, you've been timely, and very pleasant.
22 You always have such a pleasant look on your face.
23 I know that being an alternate can be thankless,
24 but we so appreciate your service. I hope it's been
25 educational for you. You're welcome to discuss this

1 case if you would like once the entire panel is excused
2 today. And I believe they've already given you your
3 work excuse and everything you need. Have a wonderful
4 weekend.

5 THE JUROR: Thank you.

6 THE COURT: You're excused with the Court's
7 profound thanks.

8 THE JUROR: Thank you.

9 THE COURT: You're welcome, ma'am.

10 The record should reflect that the jury has begun
11 its deliberations at 10:47. In about maybe 30 minutes
12 or so, I'll make an assessment about whether we need to
13 order lunch for the jury, and I'll keep you all posted.
14 In the meantime, I need -- the Court is speaking, I need
15 you both to take your seats, Ms. Morris and Ms. Shivers.

16 MS. SHIVERS: Yes, ma'am. I'm sorry.

17 THE COURT: Court is in session. Thank you.
18 I will let you all know if we order lunch for the jury,
19 and at that time whether we will be excusing you all
20 for a lunch break as well. All right. And I assume
21 all the evidence was accounted for; is that correct,
22 Madam Court Reporter?

23 THE COURT REPORTER: Yes, ma'am.

24 THE COURT: Okay. Is there anything else
25 we need to take up before we recess as the jury

1 deliberates from the State?

2 MS. MORRIS: None from the State,
3 Your Honor.

4 THE COURT: From the defense?

5 MS. SHIVERS: No, Your Honor.

6 THE COURT: All right. I need y'all
7 to stick close in case there are any questions.

8 MS. SHIVERS: Are they going to give them
9 the evidence that we left right here on the table?

10 THE COURT: They're going to come get it.

11 MS. SHIVERS: Okay.

12 (Recess taken.)

13 (Back on the record.)

14 THE COURT: You may be seated. We have
15 a note from the jury, and it reads as follows --
16 we have another note. They had not taken a computer
17 into the jury room, and I made -- that was remedied
18 so that they could watch the video. This is the note
19 we received. "Police reports, question mark,
20 officer/sheriff's report, question mark. Are jurors
21 allowed to review the police report, question mark,
22 un-redacted, in parenthesis."

23 My response would be as follows -- I have
24 one of two, actually, and I couldn't decide which one
25 I wanted to do. These are the options: Mr. Foreman

1 and ladies and gentlemen of the jury, you may only
2 consider the testimony and evidence that has been
3 submitted into the record for purposes of your
4 deliberations. All the documents that you're entitled
5 to review are with you in the jury room. You are not
6 to speculate or draw any inferences or conclusions
7 as to why the documents have not been -- document
8 or documents have not been sent with you for purposes
9 of your deliberations. If you desire to have any
10 of the testimony replayed, please advise the bailiff,
11 and we will accommodate your request.

12 And then the other option would be:
13 Mr. Foreman, ladies and gentlemen of the jury, there
14 are certain determinations that I make as the judge
15 of the law concerning the admission of documents based
16 on the rules of evidence and rules of procedure.
17 All of the documents that you're entitled to review
18 are with you in the jury room. You're not to speculate
19 or draw any inferences or conclusions as to why the
20 document or documents have not been sent in with
21 you for purposes of your deliberations. If you desire
22 to have any of the testimony replayed, please advise
23 the bailiff, and we will accommodate -- we will
24 immediately accommodate your request.

25 Is there any particular preference

1 for either one from the State?

2 MS. MORRIS: State would prefer option two,
3 Your Honor.

4 THE COURT: The defense?

5 MS. SHIVERS: Option one, Your Honor.

6 THE COURT: I'm more inclined to option
7 two because I don't want them to be of the perception
8 that somehow, arbitrarily, they don't have documents,
9 and we all know they don't get those documents because
10 they're, rightfully, hearsay, and the rules of procedure
11 don't allow them to come in.

12 MS. SHIVERS: Yes, ma'am.

13 THE COURT: So what I will do is I will
14 have option two, which is the one referring to the Court
15 making -- although, I really didn't have to make
16 any determination, so I think it's a better descriptor.
17 And then, if they need anything replayed, they'll let
18 us know. That note will be attached to their note,
19 which will be marked as a Court's exhibit, and they
20 will be advised to keep that note with the evidence
21 and not to dispose of it.

22 (Court's Exhibit No. 6 was marked for identification.)

23 (Court's Exhibit No. 6 was admitted into evidence.)

24 THE COURT: Any exception from the State?

25 MS. MORRIS: None from the State,

1 Your Honor.

2 THE COURT: From the defense?

3 MS. SHIVERS: No, Your Honor.

4 THE COURT: All righty. We'll await further
5 instructions from the jury.

6 (Recess taken.)

7 (Back on the record.)

8 THE COURT: You may be seated. The jury
9 has reached a verdict. Anything from the State before
10 we receive the panel?

11 MS. MORRIS: Nothing from the State,
12 Your Honor.

13 THE COURT: Anything further from the
14 defense?

15 MS. SHIVERS: No, Your Honor.

16 THE COURT: Please bring in the jury.

17 (The jury entered the courtroom at 11:37 a.m.)

18 THE COURT: You may be seated.
19 Mr. Foreman, is it correct that the jury has reached
20 a verdict?

21 THE FOREMAN: Yes, Your Honor.

22 THE COURT: If you'll give the verdict
23 form to the bailiff for me, please. Thank you, ma'am.

24 THE CLERK: You're welcome.

25 THE COURT: If I could have you, sir,

1 please check the first box instead of the way you did
2 that for me.

3 THE FOREMAN: Yes.

4 THE COURT: Thank you. Thank you, ma'am,
5 Madam Clerk.

6 THE CLERK: You're welcome.

7 THE COURT: Sir, if you would stand for
8 publication of the verdict. Madam Clerk, you may
9 proceed when you're ready.

10 THE CLERK: In the state of South Carolina
11 v. James Elton Riles, as to indictment number
12 2023-GS-08-03661, we, the jury, by unanimous consent,
13 find the Defendant guilty of burglary, first degree.

14 THE COURT: Ladies and gentlemen, if this
15 is your verdict, please raise your right hand.
16 Let the record reflect that all 12 raised their right
17 hand. You may be seated. Is there any request to poll
18 the jury from the State?

19 MS. MORRIS: Yes, Your Honor.

20 THE COURT: Any request -- okay. You all
21 can take your seat. Madam Clerk, if you would proceed
22 with polling the jury. Ladies and gentlemen, the clerk
23 is going to ask you two questions, if you would listen
24 to her carefully. You may proceed.

25 THE CLERK: Juror number 188, is this your

1 verdict?

2 THE COURT: If she calls your name, if you
3 would raise your right hand for me.

4 THE JUROR: Yes.

5 THE CLERK: Is this still your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Juror number 145, is this your
8 verdict?

9 THE JUROR: Yes.

10 THE CLERK: Is this still your verdict?

11 THE JUROR: Yes.

12 THE CLERK: Juror number 77, is this your
13 verdict?

14 THE JUROR: Yes.

15 THE CLERK: Is this still your verdict?

16 THE COURT: I'm going to need y'all to speak
17 up a little bit more for me. Could you please repeat
18 the last one you just did?

19 THE CLERK: Juror number 77, is this your
20 verdict?

21 THE JUROR: Yes, ma'am.

22 THE CLERK: Is this still your verdict?

23 THE JUROR: Yes, ma'am.

24 THE CLERK: Juror number 26, is this your

25 verdict?

1 THE JUROR: Yes.
2 THE CLERK: Is this still your verdict?
3 THE JUROR: Yes.
4 THE CLERK: Juror number 18, is this your
5 verdict?
6 THE JUROR: Yes.
7 THE CLERK: Is this still your verdict?
8 THE JUROR: Yes.
9 THE CLERK: Juror number 22, is this your
10 verdict?
11 THE JUROR: Yes.
12 THE CLERK: Is this still your verdict?
13 THE JUROR: Yes.
14 THE CLERK: Juror number 82, is this your
15 verdict?
16 THE JUROR: Yes.
17 THE CLERK: Is this still your verdict?
18 THE JUROR: Yes.
19 THE CLERK: Juror number 173, is this your
20 verdict?
21 THE JUROR: Yes.
22 THE CLERK: Is this still your verdict?
23 THE JUROR: Yes.
24 THE CLERK: Juror number 71, is this your
25 verdict?

1 THE JUROR: Yes.

2 THE CLERK: Is this still your verdict?

3 THE JUROR: Yes.

4 THE CLERK: Juror number 144, is this your
5 verdict?

6 THE JUROR: Yes.

7 THE CLERK: Is this still your verdict?

8 THE JUROR: Yes.

9 THE CLERK: Juror number 80, is this your
10 verdict?

11 THE JUROR: Yes.

12 THE CLERK: Is this still your verdict?

13 THE JUROR: Yes.

14 THE CLERK: Juror number 70, is this your
15 verdict?

16 THE JUROR: Yes.

17 THE CLERK: Is this still your verdict?

18 THE JUROR: Yes.

19 THE COURT: The jury has been polled,
20 the verdict stands. Are there any posttrial motions
21 from the State?

22 MS. MORRIS: None from the State,
23 Your Honor.

24 THE COURT: From the defense?

25 MS. SHIVERS: No, Your Honor.

1 THE COURT: Ladies and gentlemen, we thank
2 you for your time and your attention to this case.
3 We know that jury service can seem thankless,
4 but it's so very vital to the system. Charleston,
5 and very quickly Berkeley, are becoming -- well,
6 Charleston has always been one of the busiest counties
7 in the state.

8 But Berkeley, because of its exponential
9 growth, is nipping at the heels of Charleston,
10 so to speak. The three biggest counties in terms
11 of volume are Charleston, Richland, and Greenville,
12 which, of course, you know Richland County is Columbia.
13 It is our state capital, and Greenville in the upstate
14 of South Carolina.

15 We could not do -- although judges
16 sit in a nonjury capacity, we would not be able
17 to do the bulk of what we do without ordinary citizens
18 willing to sit as jurors and fact finders and apply
19 a complex set of those laws to the facts and render
20 verdicts.

21 So, I hope this has been educational
22 for you; I hope it is nothing like what you --
23 you've learned that it's nothing like what you see
24 on television, and I hope you've learn how vital
25 you are to the system. And in some small measure,

1 I hope that it's reinstalled your faith in the system,
2 and that it works because of your willingness to be
3 a part of it.

4 You're welcome to discuss this case,
5 if you would like. You will be excused from court --
6 from your jury service for the next three years after
7 today. By the same token, if you don't want to discuss
8 the case, if your comfort level has exceeded,
9 please contact the clerk's office so that we can take
10 the appropriate action to protect your privacy.

11 Is there anyone that wishes to remain
12 for sentencing? If you would like to remain for
13 sentencing, you can remain in your seat after we excused
14 the remainder of the panel. The bailiffs will have
15 your checks, as well as cards, right?

16 THE CLERK: They got their cards on Monday.

17 THE COURT: Perfect. Okay. So you will
18 have those. If you need a work excuse, that can be
19 provided to you before you leave today. Is there anyone
20 that needs a work excuse? We'll make sure that
21 everybody has one before they leave. Is there anyone
22 that wishes to remain for sentencing? You're excused
23 with the Court's profound thanks. If you wish to remain
24 for sentencing, you can remain in your seat.

25 (The jury exited the courtroom at 11:43 a.m.)

1 THE COURT: You may be seated. All right.
2 I'm already aware -- I need the sentencing sheets.
3 I'm already aware of Mr. Riles's extensive record.
4 Be glad to hear anything from the State. Does the
5 victim wish to be heard?

6 MS. MORRIS: The victim does not wish
7 to be heard, Your Honor. The State did put as Court's
8 exhibits the ten prior burglary convictions that this
9 Defendant has. The State would also like to just
10 elaborate on some of the facts that we saw in the
11 video.

12 Mr. Riles is wearing that Sea Fox T-shirt,
13 and it's the State's theory that he uses it as a way
14 to not draw any question as to why he's here. He uses
15 it in a way that I'm here on an official capacity,
16 I'm wearing a Sea Fox T-shirt as a way to just --
17 people don't question him being there. And the phone,
18 that's just another tactic, that I'm probably on the
19 phone talking to someone.

20 This has been a lifestyle for Mr. Riles,
21 and I just wanted to bring that to the Court's
22 attention. But the State would defer to the sound
23 discretion of the Court as far as the appropriate
24 sentence.

25 THE COURT: Thank you very much. You said

1 Ms. Hall does not wish to be heard, correct?

2 MS. MORRIS: That's correct, Your Honor.

3 THE COURT: But she is present?

4 MS. MORRIS: She is.

5 THE COURT: I see her present in the
6 courtroom. Is there any restitution, or is the State
7 seeking any restitution?

8 MS. MORRIS: No, the State is not seeking
9 any restitution.

10 THE COURT: Be glad to hear from the
11 defense.

12 MS. SHIVERS: Thank you, Your Honor.

13 THE COURT: You're welcome.

14 MS. SHIVERS: Mr. Riles is 52 years old;
15 he is a father of four children. He has suffered with
16 substance abuse disorder for the majority of his adult
17 life. He developed substance abuse disorder as
18 a coping mechanism in attempts to numb pain caused
19 from a traumatic childhood, including emotional abuse
20 from an alcoholic father, having been sexually assaulted
21 by a family member, and the fact that his family lied
22 to him for several years about the fact that his parents
23 were actually his aunt and uncle, and the people that
24 he grew up knowing as aunt and uncle were his biological
25 parents. So he began using drugs and, obviously,

1 that has led to a lifetime of theft crimes, as seen
2 on his criminal history.

3 As Your Honor is aware, he is currently
4 serving a prison sentence in Georgia, for which
5 he will not be released until 2027.

6 THE COURT: What is his penalty in Georgia?

7 MS. SHIVERS: Five years active, Your Honor.
8 And he will be ---

9 THE COURT: And when did he begin to serve
10 that?

11 MS. SHIVERS: 2022, Your Honor.

12 THE COURT: So in '22, he began a five-year
13 service -- five-year sentence in Georgia?

14 MS. SHIVERS: Yes, Your Honor.

15 THE COURT: And what was that for?

16 MS. SHIVERS: Theft by taking, parole
17 violation, is what he's indicated.

18 THE COURT: You may continue.

19 MS. SHIVERS: Thank you, Your Honor.

20 As -- while he was in the department of corrections
21 in Georgia, he was told by the classification there
22 that there was a hold ---

23 THE COURT: Bear with me one second.

24 MS. SHIVERS: Sorry.

25 THE COURT: I just realized the foreperson

1 didn't sign this indictment, and I need to make sure
2 he hasn't left the courthouse yet.

3 (Pause.)

4 THE COURT: Ms. Shivers, I apologize.
5 You may continue.

6 MS. SHIVERS: No, you're fine. When he
7 was notified about the detainer out of Berkeley County,
8 he sent a letter to Berkeley County, to both the
9 solicitor and the clerk's office, to try and get
10 this matter resolved. He had every intention to want
11 to resolve this case. And the warden person that's
12 in charge of sending that documentation, there was
13 a lapse in time, which created the entire IDA issue
14 that we brought forth, which was the motion to dismiss.

15 He had an offer from the State that was --
16 that he had to accept or reject prior to having that
17 IDA argument heard. And, as Your Honor is aware,
18 he rejected the offer, and then we subsequently had
19 that motion heard by Judge Young, at which point
20 it was denied.

21 We then attempted to get an offer back
22 on the table. And, unfortunately, that was not
23 something the solicitor's office was willing to do,
24 so he understood that his only options at this point
25 were to either plea to burg first straight up, with no

1 ability to appeal, or go to trial and then subsequently,
2 if he's convicted of burg first, he would at least
3 have the IDA issue that he could preserve on appellate
4 review, and that's the reason why we went through
5 the trial.

6 We're asking Your Honor to consider
7 the mandatory minimum, 15 years, as opposed
8 to a significantly longer sentence. He would have
9 to serve 85 percent of that sentence, followed
10 by at least two years of community supervision.
11 He's already 52 years old. I think that sends
12 a significant message to Mr. Riles about his conduct.

13 And we believe -- although, I understand
14 that a burglary is a burglary under the law, certainly
15 there are differences when something is taken out
16 of an open garage versus rummaging around within
17 a house. And we think that a 15-year sentence could
18 sufficiently send the message that that's the amount
19 of time that his conduct is deserving of at this point,
20 Your Honor. We would ask respectfully for ---

21 THE COURT: Don't -- catch him, please.
22 It's not done correctly. I apologize. Anything
23 further, Ms. Shivers? Anything further, Ms. Shivers?

24 MS. SHIVERS: I'm sorry. I'm just asking
25 if he wishes to address the Court.

1 THE COURT: No, that's okay. Take your
2 time. Mr. Riles, are you telling your lawyers you wish
3 to speak to the Court?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Sure, be glad to hear from you.

6 THE DEFENDANT: I would just like to say,
7 to start with, when I found out that this warrant was
8 pending against me a few years ago is when I was already
9 in prison in Georgia. I reached out to Officer Keefer,
10 to the sheriff's office, and to an attorney, the late
11 Mr. George Bishop, to try to get assistance to get
12 back here to get this thing answered for and resolved,
13 and was told, of course, by everyone involved
14 that they weren't willing to bring me back here,
15 nor extradite me. And, at that point, I didn't know
16 what to do.

17 I was just trying to get -- to do what
18 the right thing was, to come back here and answer
19 those charges. And so the next thing I did was write
20 to Ms. Scarlett Wilson and asked her to help me get
21 back here and get this thing disposed of. And, I guess,
22 that's when she contacted the attorney's office --
23 I mean, the solicitors here and had them bring me back.

24 If it wasn't for my persistence, I don't
25 think -- I mean, I could have just stayed in Georgia

1 and not ever came back to South Carolina again and this
2 case would still be undisposed of. If I was ---

3 THE COURT: No, sir, they would have had
4 a hold on you. They would have brought you back here
5 and tried you once ---

6 THE DEFENDANT: They wouldn't ---

7 THE COURT: --- you finished your time
8 in Georgia.

9 THE DEFENDANT: They didn't -- they wouldn't
10 put a hold on me, ma'am.

11 THE COURT: I don't know that that was the
12 case.

13 THE DEFENDANT: I was told they wouldn't,
14 but I understand what you're saying, Judge. And I don't
15 want to be seen -- I don't want to seem disrespectful.

16 THE COURT: No, not at all. I don't
17 perceive that.

18 THE DEFENDANT: But my whole point was
19 trying to get them to place a detainer on me and to come
20 get me when I finished in Georgia, and they were just
21 adamant that they weren't doing that. And I was told
22 by the officials here when you come back to South
23 Carolina, we'll deal with it then, and that was the end
24 of it as far as they were concerned. But -- that's
25 all I've got to say, Your Honor. I don't want to waste

1 any more of your time or the court's time.

2 THE COURT: Anything further from the State?

3 MS. MORRIS: Yes, Your Honor. I just wanted
4 to clarify one thing, because the Defendant was
5 convicted of two counts of burglary, first degree,
6 burglary second, November 22nd, 2019. And that --
7 those are the charges that Defendant had the violation
8 on and is now serving in Georgia. Nothing further from
9 the State.

10 THE COURT: Anything further, Ms. Shivers?

11 MS. SHIVERS: He says he wasn't convicted
12 in 2019, but that is what the official court documents
13 indicate.

14 THE COURT: That's what his NCIC reflects,
15 right?

16 MS. SHIVERS: Yes, ma'am.

17 THE DEFENDANT: It's a parole violation,
18 Ms. Jefferson. When you get a parole violation
19 in Georgia, it shows on there what you were actually
20 sentenced under; that's what the report says. And
21 if you were to look it up, it would say burglary,
22 because that's what the sentence was for, initially
23 was burglary. But I violated parole, and was on parole
24 violation; that's what it is. It's a parole violation,
25 not a new sentence or a new conviction. I was arrested

1 in Georgia on April the 2nd of 2022 for a parole
2 violation.

3 THE COURT: What did you do to violate your
4 parole?

5 THE DEFENDANT: I caught a theft by taking
6 charge.

7 MS. MORRIS: He also had a burglary, first
8 degree, charge.

9 THE DEFENDANT: Which was dismissed.

10 MS. MORRIS: And he also had this burglary
11 from Berkeley County, the one that he just ---

12 THE DEFENDANT: It was pending.

13 THE COURT: The record -- excuse me.
14 Anything further, Ms. Shivers?

15 MS. SHIVERS: No, Your Honor.

16 THE COURT: All right. The record
17 is very clear. Judge Young denied any motion regarding
18 the Interstate Retainer Act on March 13th of 2024,
19 so that is the law of this case. This Court has
20 concurrent jurisdiction with Judge Young, is certainly
21 not in any position, nor will it have any inclination
22 to review anything in regard to that.

23 And the record should be clear, because
24 I don't want it to be misunderstood, that Mr. Riles,
25 after this Court's intervention, rejected a very

1 beneficial offer to him. The Court spent many hours
2 prevailing on the State to assist him and to reduce his
3 charge, which they did.

4 Mr. Riles was adamant regarding the
5 interstate detainer. He felt that he had a viable
6 issue, and as a result, he forewent in -- a sentencing
7 range, as well as removal from the violent category
8 at 85 percent, as well as a strike, to persist regarding
9 this issue that he felt was viable on the interstate
10 detainer.

11 And the Court is not criticizing him
12 in that regard, it's simply the record needs to be clear
13 that he, of his own volition, gave up what was a very
14 beneficial situation for him to persist on a legal
15 issue that he felt was viable. So the record needs
16 to be clear regarding that, and this Court spent many
17 hours dealing with that on the date that we dealt with
18 it, staying well beyond the hours that court should have
19 been in recess. So the record needs to be completely
20 clear on that issue.

21 Sir, if you would stand for sentencing.
22 And also just as an observation, for the record,
23 people who steal look for opportunities to steal,
24 and that is exactly what happened in this instance:
25 I do not think there could be any minimization of him

1 -- to me, it is no difference between him going inside
2 somebody's house and rummaging around, or them going
3 -- and him going in somebody's garage. Either way,
4 you have invaded the peace and quietude of someone's
5 property. It didn't belong to you.

6 It was a theft, whether it happened
7 in the driveway, whether it happened in the garage,
8 whether it happened inside the house. And, clearly,
9 he saw an opportunity, he went into this garage,
10 and he stole, and there was never any question of
11 that. It's clear from the Ring camera that it was him;
12 it's clear he went onto the premises that did not belong
13 to him, and took items that did not belong to him,
14 and I don't want that to be minimized for this record.

15 There's nothing more important than a person
16 having the solemnity of their own premises and it not
17 being invaded by someone that is stealing items that
18 they work hard for that do not belong to the person
19 who is engaging in a theft.

20 Sir, you're sentenced to the state
21 department of corrections for a period of 15 years.
22 This sentence is concurrent to the active time that
23 you're serving in Georgia. You'll get credit pursuant
24 to 24-13-40, to be calculated and applied by the
25 department of corrections. Thank you all very much.

1 MS. SHIVERS: Thank you, Your Honor.

2 MS. MORRIS: Thank you, Your Honor.

3 THE COURT: Thank you. Y'all have a good
4 weekend.

5 MS. MORRIS: You too.

6 THE COURT: Court is adjourned.

7 (End of Transcript of Record)

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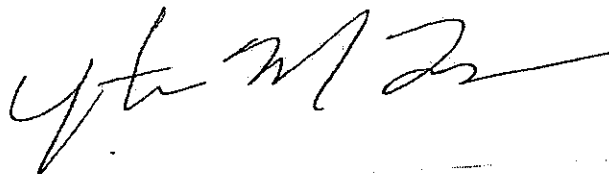
CERTIFICATE OF REPORTER

State of South Carolina)
County of Berkeley)

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Berkeley County, South Carolina, on the 12th of April, 2024.

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

June 13, 2024



Yvestre Torres

Circuit Court Reporter

KLASM/0408095
WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

2021-10009061

ARREST WARRANT NUMBER

2021A0810200722

DATE OF ARREST

11/30/2023

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

VERDICT

Missy

Foreperson of Petit Jury

Date:

DOCKET NO. 2023-GS-08-03661

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

DECEMBER TERM 2023

THE STATE

VS.

JAMES RILES

W/M DOB: [REDACTED]

Indictment for

BURGLARY FIRST DEGREE

SC Code: § 16-11-0311

CDR Code: 0079

23 DEC -6 PM 4:37
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

FILED

For

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened December 2023, the Grand Jurors of Berkeley County present upon their oath:

Burglary First Degree

That in Berkeley County, South Carolina on or about October 20, 2021, the Defendant James Riles, did enter the dwelling of Lynnette Hall without consent and with the intent to commit a crime therein. That, in addition, the defendant has a prior record with two or more convictions for burglary, housebreaking or a combination of both; in violation of § 16-11-311 of the South Carolina Code of Laws (1976) as amended.

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


KAWOHI MORRIS
ASSISTANT SOLICITOR

15-317
Life

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

STATE

VS.

JAMES ELTON RILES

AKA:

Race: White

Sex: M

Age: 52

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED] Welcome Lane

City, State,

Zip: Moncks Corner, SC 29461

DL#* [REDACTED]

SID# SC00743007

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

APR 12 2024

CASE NO.
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2023-GS-08-03661

A/W#: 2021A0810200722

Date of Offense: 10/20/2021

S.C. Code §: 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Burglary First Degree

In violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

100403

Kawoiti Morris, Assistant Solicitor 104449 SC Bar # Defendant Attorney for Defendant Julie Shivers SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,

for a determinate term of 15 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served 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.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

with active time in Georgia Dept. of Correction

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOP. days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

STATE JAMES ELTON
VS. RILESINDIC. / CASE#: 2023-GS-08-03661☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:		\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____ Beginning	_____
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$100
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$25
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
	TOTAL	\$128.75

Clerk of Court/Deputy Clerk: Janice Gibson
Court Reporter: Yvestre TorresPresiding Judge: Dr. Jefferson
Judge Code: 2128
Sentence Date: 4/12/2024

ARREST WARRANT

2021A0810200722

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Berkeley

THE STATE 202110009061

against

James Elton Riles

Address: Highway 402

Moncks Corner, SC 29461-4711

Phone: (843)809-8261 SSN: [REDACTED]

Sex: M Race: W Height: 5 9 Weight: 189

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0080000

Prosecuting Agency: Berkeley County Sheriff

Prosecuting Officer: Brian B Keefer - S00775

Offense: Burglary / Burglary (After June 20, 1985) - First degree

Offense Code: 0079

Code/Ordinance Sec: 16-11-0311

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant JAMES ELTON RILES

on 11-29-2023

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

300 B California Avenue

PO Box 219

Moncks Corner, SC 29461

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Berkeley

Personally appeared before me the affiant Brian B Keefer

being duly sworn deposes and says that defendant James Elton Riles

did within this county and state on or about 10/20/2021 violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Berkeley)

in the following particulars:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 10/20/21 at 127 Kingsbridge Dr. Goose Creek in Berkeley County S.C., The defendant James Elton Riles did violate SC law section 16-11-0311. Fact to establish the aforesaid 1. The defendant did unlawfully come onto another's property (attached open house garage) and take a Stihl 260 chainsaw, and a Husqvarna 20in bar chainsaw 2. The defendant was identified on surveillance taking the described items and place them in his vehicle without permission. 3 The defendant was identified by multiple independent witnesses. 4. The vehicle driven by the defendant was registered to himself which was used during the crime. The defendant has been convicted of 2 separate prior burglary convictions, prior to 1 Cpl. B. Keefer am a witness to prove the same

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Berkeley

Affiant's Address

223 North Live Oak Drive

Moncks Corner, SC 29461-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/20/2021

defendant James Elton Riles

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Berkeley

) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 10/28/2021

Signature of Issuing Judge

Judge Code: 5538

Judge's Name: (Magistrate)

Judge's Telephone: (843)719-4873

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

Judge's Address

Post Office Box 6122

Moncks Corner, SC 29461-

Judge's Telephone

(843)719-4873

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AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

bit

judge

Type and Amount

Name of Surety:

PRELIMINARY HEARING held by

Judge.

ch

Defendant Attorney:

Decisions:

DISPOSITION BEFORE

Judge.

0.0

by _____ (including, but not limited to, past, not, pros, etc.)

Disposition:

Sentence:

PLUMBERS.

Figure 1. The effect of the concentration of the H_2O_2 solution on the amount of the H_2O_2 consumed in the reaction of the H_2O_2 solution with the H_2O_2 solution. The concentration of the H_2O_2 solution was 0.1, 0.2, 0.3, 0.4, 0.5, 0.6, 0.7, 0.8, 0.9, 1.0, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 2.0, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 3.0, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 4.0, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 5.0, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 6.0, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 7.0, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 8.0, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 8.9, 9.0, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9, 10.0, 10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7, 10.8, 10.9, 11.0, 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 11.8, 11.9, 12.0, 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 12.8, 12.9, 13.0, 13.1, 13.2, 13.3, 13.4, 13.5, 13.6, 13.7, 13.8, 13.9, 14.0, 14.1, 14.2, 14.3, 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 15.0, 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9, 16.0, 16.1, 16.2, 16.3, 16.4, 16.5, 16.6, 16.7, 16.8, 16.9, 17.0, 17.1, 17.2, 17.3, 17.4, 17.5, 17.6, 17.7, 17.8, 17.9, 18.0, 18.1, 18.2, 18.3, 18.4, 18.5, 18.6, 18.7, 18.8, 18.9, 19.0, 19.1, 19.2, 19.3, 19.4, 19.5, 19.6, 19.7, 19.8, 19.9, 20.0, 20.1, 20.2, 20.3, 20.4, 20.5, 20.6, 20.7, 20.8, 20.9, 21.0, 21.1, 21.2, 21.3, 21.4, 21.5, 21.6, 21.7, 21.8, 21.9, 22.0, 22.1, 22.2, 22.3, 22.4, 22.5, 22.6, 22.7, 22.8, 22.9, 23.0, 23.1, 23.2, 23.3, 23.4, 23.5, 23.6, 23.7, 23.8, 23.9, 24.0, 24.1, 24.2, 24.3, 24.4, 24.5, 24.6, 24.7, 24.8, 24.9, 25.0, 25.1, 25.2, 25.3, 25.4, 25.5, 25.6, 25.7, 25.8, 25.9, 26.0, 26.1, 26.2, 26.3, 26.4, 26.5, 26.6, 26.7, 26.8, 26.9, 27.0, 27.1, 27.2, 27.3, 27.4, 27.5, 27.6, 27.7, 27.8, 27.9, 28.0, 28.1, 28.2, 28.3, 28.4, 28.5, 28.6, 28.7, 28.8, 28.9, 29.0, 29.1, 29.2, 29.3, 29.4, 29.5, 29.6, 29.7, 29.8, 29.9, 30.0, 30.1, 30.2, 30.3, 30.4, 30.5, 30.6, 30.7, 30.8, 30.9, 31.0, 31.1, 31.2, 31.3, 31.4, 31.5, 31.6, 31.7, 31.8, 31.9, 32.0, 32.1, 32.2, 32.3, 32.4, 32.5, 32.6, 32.7, 32.8, 32.9, 33.0, 33.1, 33.2, 33.3, 33.4, 33.5, 33.6, 33.7, 33.8, 33.9, 34.0, 34.1, 34.2, 34.3, 34.4, 34.5, 34.6, 34.7, 34.8, 34.9, 35.0, 35.1, 35.2, 35.3, 35.4, 35.5, 35.6, 35.7, 35.8, 35.9, 36.0, 36.1, 36.2, 36.3, 36.4, 36.5, 36.6, 36.7, 36.8, 36.9, 37.0, 37.1, 37.2, 37.3, 37.4, 37.5, 37.6, 37.7, 37.8, 37.9, 38.0, 38.1, 38.2, 38.3, 38.4, 38.5, 38.6, 38.7, 38.8, 38.9, 39.0, 39.1, 39.2, 39.3, 39.4, 39.5, 39.6, 39.7, 39.8, 39.9, 40.0, 40.1, 40.2, 40.3, 40.4, 40.5, 40.6, 40.7, 40.8, 40.9, 41.0, 41.1, 41.2, 41.3, 41.4, 41.5, 41.6, 41.7, 41.8, 41.9, 42.0, 42.1, 42.2, 42.3, 42.4, 42.5, 42.6, 42.7, 42.8, 42.9, 43.0, 43.1, 43.2, 43.3, 43.4, 43.5, 43.6, 43.7, 43.8, 43.9, 44.0, 44.1, 44.2, 44.3, 44.4, 44.5, 44.6, 44.7, 44.8, 44.9, 45.0, 45.1, 45.2, 45.3, 45.4, 45.5, 45.6, 45.7, 45.8, 45.9, 46.0, 46.1, 46.2, 46.3, 46.4, 46.5, 46.6, 46.7, 46.8, 46.9, 47.0, 47.1, 47.2, 47.3, 47.4, 47.5, 47.6, 47.7, 47.8, 47.9, 48.0, 48.1, 48.2, 48.3, 48.4, 48.5, 48.6, 48.7, 48.8, 48.9, 49.0, 49.1, 49.2, 49.3, 49.4, 49.5, 49.6, 49.7, 49.8, 49.9, 50.0, 50.1, 50.2, 50.3, 50.4, 50.5, 50.6, 50.7, 50.8, 50.9, 51.0, 51.1, 51.2, 51.3, 51.4, 51.5, 51.6, 51.7, 51.8, 51.9, 52.0, 52.1, 52.2, 52.3, 52.4, 52.5, 52.6, 52.7, 52.8, 52.9, 53.0, 53.1, 53.2, 53.3, 53.4, 53.5, 53.6, 53.7, 53.8, 53.9, 54.0, 54.1, 54.2, 54.3, 54.4, 54.5, 54.6, 54.7, 54.8, 54.9, 55.0, 55.1, 55.2, 55.3, 55.4, 55.5, 55.6, 55.7, 55.8, 55.9, 56.0, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7, 56.8, 56.9, 57.0, 57.1, 57.2, 57.3, 57.4, 57.5, 57.6, 57.7, 57.8, 57.9, 58.0, 58.1, 58.2, 58.3, 58.4, 58.5, 58.6, 58.7, 58.8, 58.9, 59.0, 59.1, 59.2, 59.3, 59.4, 59.5, 59.6, 59.7, 59.8, 59.9, 60.0, 60.1, 60.2, 60.3, 60.4, 60.5, 60.6, 60.7, 60.8, 60.9, 61.0, 61.1, 61.2, 61.3, 61.4, 61.5, 61.6, 61.7, 61.8, 61.9, 62.0, 62.1, 62.2, 62.3, 62.4, 62.5, 62.6, 62.7, 62.8, 62.9, 63.0, 63.1, 63.2, 63.3, 63.4, 63.5, 63.6, 63.7, 63.8, 63.9, 64.0, 64.1, 64.2, 64.3, 64.4, 64.5, 64.6, 64.7, 64.8, 64.9, 65.0, 65.1, 65.2, 65.3, 65.4, 65.5, 65.6, 65.7, 65.8, 65.9, 66.0, 66.1, 66.2, 66.3, 66.4, 66.5, 66.6, 66.7, 66.8, 66.9, 67.0, 67.1, 67.2, 67.3, 67.4, 67.5, 67.6, 67.7, 67.8, 67.9,

$\mathcal{A} = \{A_1, A_2, \dots, A_n\}$ is a family of subsets of X . Let $\mathcal{B} = \{B_1, B_2, \dots, B_m\}$ be another family of subsets of X . Define $\mathcal{C} = \{C_1, C_2, \dots, C_k\}$ as the family of subsets of X such that $C_i = A_j \cap B_k$ for some $j \in \{1, 2, \dots, n\}$ and $k \in \{1, 2, \dots, m\}$. Then $\mathcal{C}$ is a family of subsets of X .

1. $\mathbf{f}$

CODENDANTS

WATNESSES

Name: _____
Address: _____

Telephone:

Name: _____
Address: _____

Block 18

Name: _____
Address: _____

Teléfono:

Name: _____
Address: _____

Telephone:

Name _____

Telephones.

Name _____
Address _____

Telephones:

Name: _____
Address: _____

Telephone:

Name: _____
Address: _____

Telephone

April 12 2023

Berkeley County Solicitor
300-B California Ave.
Moncks Corner, SC 29461

Re: Warrant/Pending Charge, Burglary First

Dear Solicitor,

At this point in the matter I am not represented by an attorney and I am writing you of sound mind and of my own free will. I do have an outstanding charge in your county, the incident will soon be two years old. I am currently incarcerated in the Georgia Department of Corrections, I am doing 5 yrs. here, my release date is in 2027. I am writing to you in hope that a resolution can be granted on the charge I have with your office. I have spoken with the Berkeley Co Warrants Division and was told that they will not extradite nor place a hold/detainer on me, that when and if I ever return to South Carolina it will be dealt with at that time. As we both know there is a statute of limitations that applies in this case. I am trying to do the right thing, the responsible thing and answer to

It's charge and resolve it. I am not going to play "Jailhouse Lawyer" by filing frivolous motions or petitions and waste your time or the Court's. I am willing to waive all due process and pay any and all restitution in full immediately. I'm not sure if you've heard of Webx system but it's used here in Georgia for hearings and such all the time, it saves money and time in transportation. Ms. Wilson, would you please take my case in consideration and somehow get this matter resolved. There are certain programs that would be conducive to my rehabilitation that I can not participate in due to the fact that the Berkeley County warrant shows on the NCIC background. My fiancé has my power of Attorney and if need be you may discuss this case in any length with her. Her name is Jenny Mann, her number is 812-797-2411. Thank you so much for your time in reading my letter. I hope to hear from you soon.

Respectfully,

James Riles
GOC # 1233047
Riverbend Corr. Facility
196 Laying Farm Rd.
Milledgeville, Ga.
31061



MACON GA 310
14 APR 2023 PM 2 L

Berkeley Co. Solicitor's Ofc.
Mrs. Scarlett Wilson, Solicitor
300-B California Ave. - APR 17 2023
Moncks Corner, SC 29065
25451-403574

State of South Carolina



Charleston County
101 Meeting Street, Suite 400
Charleston, SC 29401
Phone (843) 958-1900
Fax (843) 958-1905

Berkeley County
300-B California Avenue
Moncks Corner, SC 29461
Phone (843) 723-3800 ext. 4529
Fax (843) 719-4588

SCARLETT A. WILSON

Solicitor, Ninth Judicial Circuit

May 10, 2023

Angela Reaves
Warden
Riverbend Correctional Facility
196 Laying Farm Road
Milledgeville, Georgia 31061

RE: Riles, James Elton
GDC ID: 0001233047
Subject: Interstate Detainer Agreement

Dear Angela Reaves,

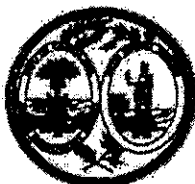
The above referenced defendant is in your custody at Riverbend Correctional Facility. He has requested disposition of his pending charge in my jurisdiction, Berkeley County, South Carolina, pursuant to the Interstate Agreement on Detainers Act (IADA). A copy of his letter dated April 12, 2023, requesting disposition of this charge is enclosed.

I am enclosing the original Form V – Request for Temporary Custody and a certified copy of the arrest warrant (which includes the affidavit establishing the probable cause). I spoke with Hyla Love, the assistant to Stephanie Daniels, IAD Administrator of the Department of Corrections for Georgia. She indicated that since I do not have recent fingerprints or photographs of the defendant, that it was not necessary to include it in the packet.

Could you please contact me upon receipt of this packet either on my phone at 843-719-5032 or via email at morrisk@scsolicitor9.org. According to the IADA, I have 180 days to resolve the Defendant's Berkeley County charge and thus time is of the essence. Berkeley County Sheriff's Office (BCSO) will be transporting the defendant from your facility to Hill-Finklea Detention

State of South Carolina

Charleston County
101 Meeting Street, Suite 400
Charleston, SC 29401
Phone (843) 958-1900
Fax (843) 958-1905



Berkeley County
300-B California Avenue
Moncks Corner, SC 29461
Phone (843) 723-3800 ext. 4529
Fax (843) 719-4588

SCARLETT A. WILSON

Solicitor, Ninth Judicial Circuit

Center in Moncks Corner, South Carolina once an agreeable date and time is reached. The Lieutenant in charge of transportation with BCSO is James Catchot, Jr. He can be reached at (Office): 843-719-4051, (Cell): 843-209-3748, or via email at james.catchot@berkeleycountysc.gov.

Sincerely,

Kawohi Morris
Assistant Solicitor
843-719-5032
morrisk@scsolicitor9.org

Enclosures:

- 1) Copy of Letter from James Riles
- 2) Form V Interstate Agreement on Detainers – Request for Temporary Custody
- 3) Certified Copy of Arrest Warrant

CC: James Elton Riles, Defendant (Copy included with this packet)
Georgia State IADA Administrator, Stephanie Daniels/Hyla Love (US MAIL and Email)
South Carolina State IADA Administrator, Lisa Miller (US MAIL and Email)
Berkeley County Sheriff's Office Detective, Brian Keefer (Email ONLY)

James Riles
 GOC # 1233047
 Riverbend Corr. Facility
 196 Laying Farm Rd.
 Milledgeville, Ga. 31061



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Berkeley Co. Solicitor's Ofc.
 Mrs. Scarlett Wilson, Solicitor
 300-B California Ave. - APR 17 2023
 Moncks Corner, SC SWS

25051-403574 45500-13052

April 12 2023

Berkeley County Solicitor
300-B California Ave.
Moncks Corner, SC 29461

Re: Warrant/Pending Charge, Burglary First

Dear Solicitor,

At this point in the matter I am not represented by an attorney and I am writing you of sound mind and of my own free will. I do have an outstanding charge in your county, the incident will soon be two years old. I am currently incarcerated in the Georgia Department of Corrections, I am doing 5 yrs. here, my release date is in 2027. I am writing to you in hope that a resolution can be granted on the charge I have with your office, I have spoken with the Berkeley Co Warrants Division and was told that they will not extradite nor place a hold/detainer on me, that when and if I ever return to South Carolina it will be dealt with at that time. As we both know there is a Statute of Limitations that applies in this case. I am trying to do the right thing, the responsible thing and answer to

this charge and resolve it. I am not going to play "Jailhouse Lawyer" by filing frivolous motions or petitions and waste your time or the Court's. I am willing to waive all due process and pay any and all restitution in full immediately. I'm not sure if you've heard of Webx system but it's used here in Georgia for hearings and such all the time, it saves money and time in transportation. Ms. Wilson, would you please take my case in consideration and somehow get this matter resolved. There are certain programs that would be conducive to my rehabilitation that I can not participate in due to the fact that the Berkeley County warrant shows on the NCIC background. My fiancé has my power of Attorney and if need be you may discuss this case in any length with her. Her name is Jenny Mann, her number is 812-797-2411. Thank you so much for your time in reading my letter. I hope to hear from you soon.

Respectfully,

FORM V
INTERSTATE AGREEMENT ON DETAINERS
REQUEST FOR TEMPORARY CUSTODY

Six copies. Signed copies must be sent to the inmate and to the official who has the inmate in custody. A copy should be sent to the Agreement Administrators of both the sending and the receiving states. Copies should be retained by the person filing the request and the judge who signs the request. Prior to transfer, the inmate may be afforded a judicial hearing similar to that provided under the Uniform Criminal Extradition Act, in which the inmate may bring a limited challenge to this request.

TO: Angela Reaves
 (Warden)

Riverbend Correctional Facility
 (Institution)

196 Laying Farm Road
 (Address)

Milledgeville, Georgia
 (City/State)

Please be advised that James Elton Riles, GDC ID: 0001233047, who is presently an inmate of
 (Inmate's Name and Number)
 your institution, is under [indictment] [information] [complaint] in the Berkeley County, South Carolina
 (Jurisdiction)
 of which I am the Assistant Solicitor
 (Title of Prosecuting Officer)

Said inmate is therein charged with the following offense(s): Burglary First Degree

In order that proceedings in this matter may be properly had, I hereby request temporary custody of such person pursuant to Article IV(a) of the Interstate Agreement on Detainers (IAD).

I propose to bring this person to trial on the above [indictment] [information] [complaint] within the time specified in Article IV(c) of the IAD.

Attached herewith find a certified copy of :

- A. The complaint, information or indictment.
- B. The warrant.
- C. Fingerprint cards, photographs, and physical description.

I hereby agree that immediately after trial is completed in this jurisdiction I will return the prisoner directly to you or allow any jurisdiction you have designated to take temporary custody. I agree also to complete Form IX, the Notice of Disposition of a Detainer, immediately after trial and to return it to your state with the inmate.

Signature: Kawohl Morris
 (Prosecutor's Typed or Printed Name)

Dated: 5-10-23

Address: 300B California Avenue

City/State: Moncks Corner, South Carolina Telephone: 843-719-5032

I hereby certify that the person whose signature appears above is an appropriate officer within the meaning of

Article IV(a) and that the facts recited in this request for temporary custody are correct and that having duly recorded said request I hereby transmit it for action in accordance with its terms and the provisions of the IAD.

Signature: _____

Paula McElvoque

Judge

Dated: _____

May 10 2023Paula McElvoque

(Typed or Printed Name)

Court/Judicial District: _____

Barkeley County Magistrate, 9th judicial circuitCity/State: Moncks Corner, South Carolina

Telephone: _____

843-719-4050

ARREST WARRANT

2021A0810200722

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
BerkeleyTHE STATE
against

James Elton Riles

Address: Highway 402

Moncks Corner, SC 29461-4711

Phone: (843) 809-8261 SSN: [REDACTED]Sex: M Race: W Height: 5 9 Weight: 189DL State: SC DL #: [REDACTED]DOB: [REDACTED] Agency ORI #: SC0080000Prosecuting Agency: Berkeley County SheriffProsecuting Officer: Brian B Keefer - S00775Offense: Burglary / Burglary (After June 20, 1985) - First

degree

Offense Code: 0079Code/Ordinance Sec: 16-11-0311

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

300 B California Avenue

PO Box 219

Moncks Corner, SC 29461

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Berkeley

Personally appeared before me the affiant

Brian B Keefer

being duly sworn deposes and says that defendant

James Elton Riles

did within this county and state on or about

10/20/2021

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Berkeley

in the following particulars:

violate the criminal laws of the

DESCRIPTION OF OFFENSE: Burglary (After June 20, 1985) - First degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 10/20/21 at 127 Kingsbridge Dr. Goose Creek in Berkeley County S.C., The defendant James Elton Riles did violate SC law section 16-11-0311. Fact to establish the aforesaid 1. The defendant did unlawfully come onto another's property (attached open house-garage) and take a 2011 260 chainsaw, and a Husqvarna 20in bar chainsaw 2. The defendant was identified on surveillance taking the described items and place them in his vehicle without permission. 3 The defendant was identified by multiple independent witnesses. 4. The vehicle driven by the defendant was registered to himself which was used during the crime. The defendant has been convicted of 2 separate prior burglary convictions, prior to 1 Cpl. B. Keefer am a witness to prove the same

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Berkeley

Affiant's Address 223 North Live Oak Drive

Moncks Corner, SC 29461-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY;

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/20/2021

defendant James Elton Riles

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Berkeley

) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the defendant and bring him/her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at his execution soon thereafter as is practicable Sworn to and subscribed before me

on 10/28/2021

Signature of Issuing Judge

Judge's Name (Magistrate)

Judge's Code: 1998

Judge's Signature

Judge's Address Post Office Box 6122

Moncks Corner, SC 29461-

Judge's Telephone (843) 719-4873

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

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ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCAG-516

ORIGINAL

AFFIDAVIT

who



WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____
Address: _____

Telephonia[®]

Name: _____
Address: _____

Telephone: _____

Name: _____ Address: _____

Telephonio.

Name: _____

Talant.com

Name: _____

Telephone: _____

Name: _____
Address: _____

Telephone:

Name: _____
Address: _____

Telephone

CODEFENDANTS

RAIL set by

Judge

Type and Amount

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION BEFORE

judging

10

by _____ (_____ not pros., etc.)

Disposition:

Sentences:

JURORS.

1945

[illegible]

2

FORM II
AGREEMENT ON DETAINERS

Six copies, if only one jurisdiction within the state involved has an indictment, information or complaint pending. Additional copies will be necessary for prosecuting officials and clerks of court if detainers have been lodged by other jurisdictions within the state involved. One copy should be retained by the offender. One signed copy should be retained by the warden. Signed copies must be sent to the Interstate Detainer Coordinator of Georgia and to the Agreement Administrator of the receiving state, the prosecuting official of the jurisdiction which placed the detainer, and the clerk of the court which has jurisdiction over the matter. The copies for the prosecuting officials and the court must be transmitted by certified or registered mail, return receipt requested.

**INMATE'S NOTICE OF PLACE OF IMPRISONMENT AND REQUESTOR FOR DISPOSITION OF
INDICTMENTS, INFORMATION OR COMPLAINTS**

To: Kawohi Morris Prosecuting Officer, 9th Circuit
Berkeley Co., South Carolina (Jurisdiction)
Gen. Sessions
Court

And to all other prosecuting officers and courts of jurisdictions listed below from which indictments, informations or complaints are pending.

You are hereby notified that the undersigned is now imprisoned in

RIVERBEND CORR FACILITY at MILLEDGEVILLE Georgia
(Facility) (Town and State)

and I hereby request that a final disposition be made of the following indictments, informations or complaints now pending against me:

Failure to take action in accordance with the Agreements on Detainers, to which your state is committed by law, will result in the invalidation of the indictments, informations or complaints.

I hereby agree that this request will operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against me from your state. I also agree that this request shall be deemed to be my waiver of extradition with respect to any charge or proceeding contemplated hereby or included herein, and waiver of extradition to your state to serve any sentence there imposed upon me, after completion of my term of imprisonment in Georgia. I also agree that this request shall constitute a consent by me to the production of my body in any court where my presence may be required in order to effectuate the purposes of the Agreement on Detainers and a further consent voluntarily to be returned to the facility in which I now am confined.

If jurisdiction over this matter is properly in another agency, court or officer, please designate the proper agency, court or officer and return this form to the sender.

AGREEMENT ON DETAINERS: FORM II (Continued)

Date: May 10 2023

James E. Riles
Offender Signature

Type: RILES, JAMES ELTON 1233047
(Offender Name and Number)

The inmate must indicate below whether he/she has counsel or wishes the court in the receiving state to appoint counsel for purposes for any proceedings preliminary to trial in the receiving state, which may take place before his/her delivery to the jurisdiction in which the indictment, information or complaint is pending. Failure to list the name and address of counsel will be construed to indicate the inmate's consent to the appointment of counsel by the appropriate court in the receiving state.

A. My Counsel is _____
(Name and Counsel)

whose address is _____
(Street, City and State)

☒ I request the court to appoint counsel. yes

I have read the above or have had the above read and explained to me, and I understand.

Date: May 10 2023

James E. Riles
Offender's Signature

Type: RILES, JAMES ELTON 1233047
(Offender Name and Number)

Witness: Brian Canha
Signature

Date: 10/31/23

Surody Canha Unit Manager
Name and Title

FORM III
AGREEMENT ON DETAINERS

In the case of an offender's request for disposition under Article III, copies of this Form should be attached to all copies of Form II. In the case of a request initiated by a prosecutor under Article IV, a copy of this Form should be sent to the prosecutor upon receipt by the warden of Form V. Copies of this Form should be sent to all other prosecutors in the same state who have lodged detainers against the offender. A copy may be given to the offender.

CERTIFICATE OF INMATE STATUS

RE: <u>RILES, JAMES ELTON</u>	<u>1233047</u>	<u>RIVERBEND CORR FACILIT MILLEDGE</u>	
(Inmate)	(Number)	(Facility)	(Location)

The (custodial authority) hereby certifies:

1. The term of commitment under which the inmate above named is being held:
2. The time already served:
3. Time remaining to be served on the sentence:
4. The amount of good time earned:
5. The date of parole eligibility of the inmate:
6. The decisions of the Board of Pardons and Paroles relating to the inmate: (if additional space is needed, use reverse side)
7. Maximum expiration date under present sentence:
8. Detainers currently on file against this inmate from your state are as follows:

Date: 11/1/23

Angelos Thomas
 Warden

CUSTODIAL AUTHORITY

Name: Angelos Thomas
 Facility: Riverbend Correctional Facility
 Address: 196 Laying Farm Rd.
 City/State: Milledgeville, GA

Summary Description of FORM III

Function:

- 1) States the length of time the offender is expected to remain in custody in Georgia.
- 2) States the maximum length of time the offender will remain incarcerated, under his or her currently active sentences.
- 3) Lists all detainers against the offender from the requesting state.

Requirements:

- 1) If the offender requests disposition using FORM II, complete FORM III and attach it to all copies of FORM II.
- 2) If a prosecutor requests temporary custody of an offender using FORM V, complete FORM III and send it to the requesting prosecutor. Send copies of the completed FORM III to all other prosecutors in the same state who have lodged detainers against the offender.

RETENTION SCHEDULE:

Upon completion, a copy of this paperwork will be kept in the offender case history file.

Form IV
AGREEMENT ON DETAINERS

In the case of an offender's request for disposition under Article III, copies of this Form should be attached to all copies of Form II. In the case of a request initiated by a prosecutor this Form should be completed after the warden has indicated his approval of the request for temporary custody, expiration of the 30-day period, and/or successful completion of a (Cuyler) hearing. Copies of this Form should then be sent to all officials who previously received copies of Form III. One copy also should be given to the prisoner and one copy should be retained by the warden. Copies mailed to the prosecutor should be sent certified or register

To: Kawohi Morris, Assistant Solicitor
(Prosecuting Officer)
9th Circuit, Berkeley Co., South Carolina
(Jurisdiction)

And to all other prosecuting officers and courts of jurisdiction(s) listed below

RE: RILES, JAMES ELTON

Number: 1233047

Dear Sir/Madam

Pursuant to the provisions of Article V of the Agreement on Detainers between Georgia and your state, the undersigned hereby offers to deliver temporary custody of the above-named prisoner to the appropriate authority in your state in order that speedy and efficient prosecution may be had of the indictment, information or complaint which is (described in the attached offender's request)
(Described in your request for custody of Riles, James Elton).

(The required Certificate of Offender Status is enclosed.) (The required Certificate of Offender Status was sent to you with our letter of _____).
(Date)

If proceedings under Article IV (d) of the Agreement are indicated, an explanation is attached. Indictments, information or complaints charging the following offenses also are pending against the offender in your state and you are hereby authorized to transfer the offender to custody of appropriate authorities in these jurisdictions for purposes of disposing of these indictments, information or complaints.

Offenses

County or Other Jurisdiction

If you do not intend to bring the offender to trial, will you please inform us as soon as possible?

Kindly acknowledge.

Date: 11/1/23

Angela Pham
Warden

CUSTODIAL AUTHORITY

Name:

Angela Pham

Facility:

Dixieboro Correctional Facility

Address:

196 Loring Farm Rd.

City/State:

Milledgeville, GA

Telephone:

478-444-2300

State of South Carolina



Charleston County
101 Meeting Street, Suite 400
Charleston, SC 29401
Phone (843) 958-1900
Fax (843) 958-1905

Berkeley County
300-B California Avenue
Moncks Corner, SC 29461
Phone (843) 723-3800 ext. 4529
Fax (843) 719-4588

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

November 3, 2023

Angela Reaves
Warden
Riverbend Correctional Facility
196 Laying Farm Road
Milledgeville, Georgia 31061

RE: Riles, James Elton
GDC ID: 0001233047
Subject: Interstate Detainer Agreement

Dear Angela Reaves,

On May 10, 2023, I wrote to you regarding Berkeley County taking temporary custody of the above referenced defendant since he has requested disposition of his Berkeley County charges.

I enclosed in that request the original Form V – Request for Temporary Custody and a certified copy of the arrest warrant.

Mr. Riles has indicated that he would like to resolve his charges via a video portal. If he had already been served with his arrest warrant in Berkeley County that would be no problem. However, our laws require that service of arrest warrants be done in the jurisdiction for which the offense occurred. S.C. Code §17-13-40, does allow for law enforcement to arrest in an adjacent county if a pursuit ensues. It does not allow for service of an arrest warrant in a different state. Due to this limitation, we must extradite Mr. Riles back to Berkeley County, South Carolina, to serve his arrest warrant for Burglary First Degree.

State of South Carolina



Charleston County
101 Meeting Street, Suite 400
Charleston, SC 29401
Phone (843) 958-1900
Fax (843) 958-1905

Berkeley County
300-B California Avenue
Moncks Corner, SC 29461
Phone (843) 723-3800 ext. 4529
Fax (843) 719-4588

SCARLETT A. WILSON

Solicitor, Ninth Judicial Circuit

Mr. Riles contacted our Public Defender's office earlier this week and asked them to have me dismiss the charges pursuant to the Interstate Detainer Agreement. Lisa Miller with the South Carolina State IADA confirmed with me that the 180 days does not start until I have his signed paperwork.

Please contact me either on my phone at 843-719-5032 or via email at morrisk@scsolicitor9.org if you require new forms to be sent. Berkeley County Sheriff's Office (BCSO) will be transporting the defendant from your facility to Hill-Finklea Detention Center in Moncks Corner, South Carolina once an agreeable date and time is reached. The Lieutenant in charge of transportation with BCSO is James Catchot, Jr. He can be reached at (Office): 843-719-4051, (Cell): 843-209-3748, or via email at james.catchot@berkeleycountysc.gov.

Sincerely,

Kawohe Morris
Assistant Solicitor
843-719-5032
morrisk@scsolicitor9.org

Enclosures:

- 1) Copy of Letter from James Riles
- 2) Form V Interstate Agreement on Detainers -- Request for Temporary Custody
- 3) Certified Copy of Arrest Warrant

CC: James Elton Riles, Defendant (US MAIL)
Georgia State IADA Administrator, Stephanie Daniels/Hyla Love (US MAIL and Email)
South Carolina State IADA Administrator, Lisa Miller (US MAIL and Email)
Berkeley County Sheriff's Office Detective, Brian Keefer (Email ONLY)
Berkeley County Sheriff's Office Lieutenant, James Catchot, Jr. (Email ONLY)

KAW0408095

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

STATE OF SOUTH CAROLINA

Plaintiff,

vs.

James Elton Riles,

Defendant.

) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT

) Indictment No(s):

) Warrant No(s): 2021A0810200722

) Charge(s): Burglary / Burglary (After June 20,
1985) - First degree

DEFENDANT'S MOTION TO DISMISS

2024 FEB -6 11:10:15
CLERK OF COURT

FILED

4/6/24

The Defendant above-named, through the undersigned attorney of the Public Defenders Office of Berkeley County, moves this Honorable Court to enter an order dismissing with prejudice the above referenced case against the Defendant pursuant to S.C. Code Ann. § 17-11-10, also known as the South Carolina Interstate Agreement on Detainers Act and hereinafter referred to as the "IADA", and would respectfully show unto this Court the following:

1. Defendant is charged with burglary in the first degree pursuant to S.C. Code Ann. §. 16-11-0311 with an alleged date of offense of October 20, 2021.
2. A warrant for Defendant's arrest was issued on October 28, 2021 (see Exhibit 1).
3. On April 7, 2022 Defendant began his incarceration at the Georgia Department of Corrections. Georgia and South Carolina are both party states of 18 USCS, also known as the Interstate Agreement on Detainers (see Exhibit 2).
4. While incarcerated at the Riverbend Correctional Facility in Georgia, Defendant wrote a letter on April 12, 2023 that was mailed on April 14, 2023 addressed to "Berkeley Co. Solicitor's Ofc., Ms. Scarlett Wilson, Solicitor" with the return address listed as "James Riles, GOC #1233047, Riverbend Corr. Facility" (see Exhibit 3). The letter is titled, "Warrant/Pending Charge, Burglary First." In the letter Defendant states, "I do have an outstanding charge in your county... I am currently incarcerated at the Georgia Department of Corrections." He further states, "I am trying to do the right thing, the responsible thing, and answer to this charge and resolve it." He also sent a copy of this

RECEIVED

FEB 07 2024

letter to Lisa Miller of the South Carolina IADA Administration.

5. Pursuant to Article III(a) of the IADA (see Exhibit 4), "whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint." While incarcerated at the Riverbend Correctional Facility in Georgia the Defendant caused to be delivered written notice to the Berkeley County Solicitor's Office of South Carolina stating his desire for final disposition on a pending warrant and including his place of imprisonment.
6. A detainer was then placed on Defendant for the pending Berkeley County warrant on April 24, 2023 (see Exhibit 5).
7. Assistant Solicitor Kawohi Morris of the Berkeley County Solicitor's Office acknowledged receipt of Defendant's request for final disposition on his pending charge in her letter addressed to Angela Reaves-Pham, the warden of Riverbend Correctional Facility, dated May 10, 2023 (see Exhibit 6). In the letter Assistant Solicitor Morris states, "The... defendant is in your custody at Riverbend Correctional Facility. He has requested final disposition of his pending charge in my jurisdiction, Berkeley County, South Carolina, pursuant to the Interstate Agreement on Detainers Act." She further states, "According to the AIDA, I have 180 days to resolve the Defendant's Berkeley County and thus time is of the essence."
8. Attached to Assistant Solicitor Morris's letter to Warden Angela Reaves-Pham was Form V of the IADA, also titled the "Request for Temporary Custody" (see Exhibit 7). This form was signed and dated by Assistant Solicitor Morris on May 10, 2023. Form V was also signed and dated on May 10, 2023 by Judge Paula F. McElvogue of the Ninth Judicial Circuit, indicating that the appropriate court of the prosecuting officer's jurisdiction was caused to have received notice of Defendant's request for final

disposition of his pending charge, as is required by the IADA.

9. "...Once the receiving jurisdiction acknowledges receipt of the prisoner's request for final disposition, the receiving jurisdiction has 180 days to bring the prisoner to trial, unless a proper continuance is granted by a court of competent jurisdiction. Otherwise, the court will dismiss the charges." *State v. Hill*, 409 S.C. 50, 52, 760 S.E.2d 802, 803 (2014) (see Exhibit 8).
10. The letter from Assistant Solicitor Morris of the Berkeley County Solicitor's Office addressed to Warden Angela-Reaves Pham specifically acknowledged receipt of Defendant's request for final disposition of his pending charge. Defendant therefore asserts that Assistant Solicitor Morris had 180 days from May 10, 2023 to bring Defendant to trial on his pending Berkeley County charge. The remedy for failure to do so, as proscribed by the South Carolina Supreme Court in *State v. Hill*, is dismissal of the charge.
11. Pursuant to Art. IV(a) of the IADA, "the appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state...upon presentation of a written request for temporary custody...to the appropriate authorities of the state in which the prisoner is incarcerated; provided, that the court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request." Assistant Solicitor Morris was entitled to extradition of the Defendant. A detainer was placed on Defendant on April 24, 2023. Assistant Solicitor Morris formally requested temporary custody of Defendant, in writing, by sending Form V of the IADA to Warden Angela Reaves-Pham. The request for temporary custody was signed by Judge Paula F. McElvogue of the 9th Judicial Circuit, indicating that the court having jurisdiction approved the request.
12. Defendant acknowledges that pursuant to Article III(a) of the IADA, "the request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the

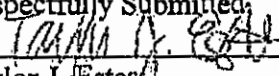
state parole agency relating to the prisoner."

13. Defendant additionally acknowledges that Form III of the IADA, also titled "Certificate of Inmate Status" was not signed by Warden Angela Reaves-Pham until November 1, 2023 (see Exhibit 9). However, Defendant asserts that any delay caused by Riverbend Correctional Institution in providing the certificate of inmate status should not impede on Defendant's ability to receive a final disposition on his pending charge within 180 days as proscribed by the IADA. Article IV(d) of the IADA provides that "nothing contained in this Article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery... but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery."
14. Defendant was not brought to trial on the pending charge within 180 days of Assistant Solicitor Morris acknowledging receipt of Defendant's request for final disposition on May 10, 2023. Defendant remained at the Riverbend Correctional Facility in Georgia for 203 days until he was extradited to South Carolina. He was booked into the Hill Finklea Detention Center in Berkeley County, South Carolina on November 29, 2023.
15. During the 203 days that Defendant awaited extradition, he continued his efforts to receive a final disposition on his pending charge. On August 19, 2023 Defendant sent a letter to Hyla Love of the Georgia IADA Administration (see Exhibit 10). He stated, "I've not heard anything from anyone here about my request for disposition on this pending charge... Please find out what the status of my request is and let me know something so I will know how to proceed from this point." He also sent a copy of this letter to Lisa Miller of the South Carolina IADA Administration.
16. "The purpose of the [IADA] is to foster the expeditious disposition of charges outstanding against prisoners so as to eliminate the uncertainties which accompany the filing of detainers." *State v. Allen*, 269 S.C. 233, 237 S.E. (2d) 64 (1977) (see Exhibit 11). "The goal of promoting prisoner rehabilitation programs is achieved by requiring the receiving state to proceed to trial within 180 days." *Id.*
17. The failure to bring Defendant to trial within 180 days negatively affected Defendant's ability to participate in prisoner rehabilitation programs. He stated in his letter to the

Berkeley County Solicitor's Office, "There are certain programs that would be conducive to my rehabilitation that I can not participate in due to the fact that the Berkeley County warrant shows on the NCIC background."

18. Because it has been greater than 180 days since Assistant Solicitor Morris acknowledged receipt of Defendant's request for final disposition of his pending Berkeley County charge pursuant to the IADA, and Defendant has not been brought to trial, Defendant respectfully moves for this Honorable Court to dismiss the charge of Burglary in the first degree. Defendant made multiple diligent attempts to receive final disposition on of his Berkeley County case, and should not be impeded from resolving his charge within 180 days due to any delay in the delivery of the certificate of inmate status from Riverbend Correctional to Assistant Solicitor Morris. For the reasons stated above, Defendant moves this Honorable Court for dismissal of this case with prejudice.

Respectfully Submitted,


 Taylor J. Estes
 Assistant Public Defender
 Attorney for Defendant

Moncks Corner, South Carolina

Dated: 02/07/2014

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

STATE OF SOUTH CAROLINA

vs.

JAMES ELTON RILES,

DEFENDANT.

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

**STATE'S RESPONSE TO DEFENDANT'S
MOTION TO DISMISS**

Arrest Warrant #2021A0810200722

Indictment #2023-GS-08-03661

The State of South Carolina, through Assistant Solicitor of the Ninth Judicial Circuit, Kawohi Morris, would respectfully ask this Court to deny the Defendant's Motion to Dismiss with prejudice for the above referenced case.

Factual Summary

On October 20, 2021, the defendant, James Elton Riles, committed the offense of Burglary First Degree in Berkeley County, South Carolina. An arrest warrant was signed by the Honorable Otis Prioleau for that offense pursuant to S.C. Code Ann. §16-11-0311 on October 28, 2021. (Defense Exhibit 1). The defendant was not located and therefore the Berkeley County warrant was not served at the point he began his incarceration at the Georgia Department of Corrections on April 7, 2022. While serving this sentence in the Georgia Department of Corrections, the defendant wrote a letter dated April 12, 2023 to the Solicitor of the Ninth Circuit requesting disposition of an outstanding arrest warrant through the Berkeley County Sheriff's Office. (Defense Exhibit 3).

Assistant Solicitor Kawohi Morris (Morris), immediately reached out to the Georgia Department of Corrections, IADA (Interstate Agreement on Detainers Act) Coordinator in

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CLERK OF COURT
BERKELEY COUNTY, SC

Georgia and the IADA Coordinator in South Carolina to activate the IADA and transport the defendant to Berkeley County, South Carolina. A detainer was placed on the defendant by the Berkeley County Sheriff's Office on April 24, 2023. On May 10, 2023, Morris mailed and emailed a letter requesting temporary custody of the defendant including form V of the Interstate Agreement on Detainers (IAD) and a Certified Copy of the Arrest Warrant. (see Exhibit 1). Morris followed up with the IADA Coordinator in Georgia in July when there was no response to her letter. Morris also reached out to the IADA Coordinator in South Carolina and inquired about the time frame to resolve the case. Morris was informed that since the proper paperwork has not been signed and returned, the 180 days¹ has not started. The defendant remained in Georgia.

On October 30, 2023, Morris received an email from the Berkeley County Public Defender's Office requesting dismissal of the charge against the defendant since he was not tried within 180 days. Morris advised that they were mistaken. The arrest warrant had not been served and because he did not comply with the IADA, the 180 days did not start. Morris again reached out to the Georgia Department of Corrections, IADA Coordinator in Georgia and the IADA Coordinator in South Carolina advising that we need to facilitate a way to return the defendant to South Carolina. On November 3, 2023, Morris, once again, mailed and emailed form V to the Riverbend Correctional Institution Warden, IADA Coordinator in Georgia and the IADA Coordinator in South Carolina. (see Exhibit 2) Morris then received a phone call from Riverbend Correctional Facility advising her to contact the District Attorney's (DA) office in Baldwin County, Georgia to arrange for a Cuyler² hearing for the defendant to ensure he is waiving

¹ S.C. Code Ann. §17-11-10, Art. III(a).

² *Cuyler v. Adams*, 449 U.S. 433 (1981): The Supreme Court held that Article IV(d) preserved a prisoner's extradition rights under the laws of the State of incarceration, so that he was entitled to a hearing before he could be transferred from the custody of the State of Pennsylvania to the State of New Jersey.

extradition to South Carolina. While arranging with the DA's office for this hearing, Morris received signed forms II, III, and IV of the IAD on November 14, 2023. (see Exhibit 3). Forms II, III, and IV consist of the Offer to Deliver Temporary Custody, Certificate of Inmate Status, and Prosecutor's Certificate. Morris arranged to transport the defendant back to Berkeley County, South Carolina without delay. He arrived in Berkeley County on November 29, 2023. Morris appeared at the defendant's initial bond hearing on November 30, 2023 and asked the Honorable Judge Martin Housand to appoint a public defender. (see Exhibit 4). The Burglary First Degree charge was true billed indicted by a Berkeley County Grand Jury on December 6, 2023. (see Exhibit 5). A plea offer was extended to the defendant on January 2, 2024. (see Exhibit 6). The defendant filed his Motion to Dismiss on February 7, 2024.

Analysis

The Compact Clause of the United States Constitution, Art. I, §10, Cl. 3, provides that States may enter into agreements and compacts with one another, but only with "the Consent of Congress." In 1934, Congress authorized the States to enter into agreements, including the Interstate Agreement on Detainers (IAD).³ South Carolina codified this agreement with other States in 1962. The IAD is "to encourage the expeditious and orderly disposition of such charges"⁴ and "to provide such cooperative procedures."⁵ (see Exhibit 7) The IAD are procedural rules, not constitutional guarantees.

S.C. Code Ann. §17-11-10, has two (2) ways to facilitate the disposition of a prisoner's outstanding charges in another State. Article III describes how a prisoner would initiate the

³ Crime Control Consent Act of 1934, ch. 406, 48 Stat. 909 (4 U.S.C. 112(a)).

⁴ S.C. Code §17-11-10, Art. I.

⁵ *Id.*

disposition of the charges and Article IV describes how a prosecutor or other official would initiate the disposition of the charges.⁶ Article III provides that the charges must be disposed within 180 days⁷ of the request and receipt of the certificate.⁸ Article IV provides that the charges must be disposed within 120 days of the arrival of the prisoner in the receiving State.⁹

S.C. Code Ann. §17-11-10, Article III (b) requires that “the written notice and request for final disposition... shall be given or sent by the prisoner to the warden, commissioner of corrections or other official having custody of him”. It is then further required that the official having custody, once they receive the request, must forward both the request and the accompanying certificate to the appropriate prosecuting official by registered or certified mail, return receipt requested.

When a prisoner’s request for disposition does not comply with the statutory requirements under S.C. Code Ann. §17-11-10, Article III, by failing to include the certificate of the appropriate official having custody of the prisoner, the one-hundred-and-eighty-day (180) period by which the prisoner must be brought to trial has not been triggered.¹⁰ (see Exhibit 8).

The State, in good faith, reached out to the Georgia Department of Corrections, IADA Coordinator in Georgia and the IADA Coordinator in South Carolina to activate the IAD and transport the defendant to Berkeley County, South Carolina to be served the arrest warrant for Burglary First Degree and resolve the case. The State mailed the IAD form V¹¹ to the warden of the Riverbend Correctional Institution to start the process. The form itself is titled “Request for Temporary Custody” and in the box at the top, it states that the Defendant would be afforded a

⁶ IAD form V.

⁷ S.C. Code Ann. §17-11-10, Art. III (a).

⁸ IAD forms II, III, and IV.

⁹ S.C. Code Ann. §17-11-10, Art. IV (c).

¹⁰ *State v. Johnson*, 278 S.C. 668, 671, 301 S.E.2d 138, 140 (1983).

¹¹ Form V is used by an officer of the jurisdiction in which there is an untried indictment to request custody of a defendant under S.C. Code Ann. §17-11-10, Art. IV.

judicial hearing to challenge the request. (see Exhibit 9). Form III of the IAD indicates the warden, upon receipt of form V from a prosecutor, must then send form III to that prosecutor.¹² (see Exhibit 10).

The State agrees that the letter Morris sent to the warden advised that the State had 180 days to prosecute the case. However, S.C. Code §17-11-10, Art. III, (a), provides that the 180 days does not start until the State is in receipt of the request of the prisoner along with a certificate of the appropriate official having custody of the prisoner. This paperwork is facilitated utilizing forms II, III, and IV of the IAD. The State did not receive any such forms until November 14, 2023.¹³ Article III further defines how the forms are to be sent to the prosecuting State, via subsection (d): "The written notice and request for final disposition...shall be given or sent by the prisoner to the warden...who shall promptly forward it together with the certificate to the appropriate prosecution official and court by registered or certified mail..."

The State asserts it was impossible for the State of South Carolina to take custody of the defendant, bring him back to South Carolina, and resolve the case within 180 days when Georgia would not release the defendant to the custody of Berkeley County. The IADA was not intended to create an impossible scenario for the government to resolve their cases. It was intended as a contract between States to allow prisoners in one State to resolve their outstanding charges in another State without undue delay. The State of South Carolina acted in good faith and with urgency to bring the defendant back to South Carolina. The defendant may have an argument

¹² S.C. Code Ann. §17-11-10, Art. IV. (b): Upon receipt of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence....

¹³ It should be noted that the forms II, III, and IV were not complete and therefore not in compliance with the IADA.

against the State of Georgia but that should not affect the State of South Carolina and its right to prosecute the defendant.

Conclusion

The plain language of S.C. Code Ann. §17-11-10 is clear. The defendant must provide an intent to dispose of his charges with an accompanied certificate if initiating the disposition of his charges under Article III. If the State requests temporary custody of the defendant, under Article IV, the current State with custody of the defendant must respond with an IAD form III and facilitate the prompt transfer of custody to the receiving State.

The State respectfully requests this Court deny the defendant's motion to dismiss because the defendant and the State of Georgia did not comply with the IADA until November 14, 2023 when they initiated the disposition of charges under Article III. Therefore, the timeline for disposition follows the 180 days that shall commence on November 14, 2023.

Respectfully submitted,


Kawohe Morris
Assistant Solicitor
Ninth Circuit Solicitor's Office
300B California Avenue
Moncks Corner, South Carolina
Morrisk@scsolicitor9.org
843-719-5032

February 8, 2024

EXHIBIT 1

State of South Carolina

Charleston County
101 Meeting Street, Suite 400
Charleston, SC 29401
Phone (843) 958-1900
Fax (843) 958-1905



Berkeley County
300-B California Avenue
Moncks Corner, SC 29461
Phone (843) 723-3800 ext. 4529
Fax (843) 719-4588

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

May 10, 2023

Angela Reaves
Warden
Riverbend Correctional Facility
196 Laying Farm Road
Milledgeville, Georgia 31061

RE: Riles, James Elton
GDC ID: 0001233047
Subject: Interstate Detainer Agreement

Dear Angela Reaves,

The above referenced defendant is in your custody at Riverbend Correctional Facility. He has requested disposition of his pending charge in my jurisdiction, Berkeley County, South Carolina, pursuant to the Interstate Agreement on Detainers Act (IADA). A copy of his letter dated April 12, 2023, requesting disposition of this charge is enclosed.

I am enclosing the original Form V – Request for Temporary Custody and a certified copy of the arrest warrant (which includes the affidavit establishing the probable cause). I spoke with Hyla Love, the assistant to Stephanie Daniels, IAD Administrator of the Department of Corrections for Georgia. She indicated that since I do not have recent fingerprints or photographs of the defendant, that it was not necessary to include it in the packet.

Could you please contact me upon receipt of this packet either on my phone at 843-719-5032 or via email at morrisk@scsolicitor9.org. According to the IADA, I have 180 days to resolve the Defendant's Berkeley County charge and thus time is of the essence. Berkeley County Sheriff's Office (BCSO) will be transporting the defendant from your facility to Hill-Finklea Detention

State of South Carolina



Charleston County
101 Meeting Street, Suite 400
Charleston, SC 29401
Phone (843) 958-1900
Fax (843) 958-1905

Berkeley County
300-B California Avenue
Moncks Corner, SC 29461
Phone (843) 723-3800 ext. 4529
Fax (843) 719-4588

SCARLETT A. WILSON

Solicitor, Ninth Judicial Circuit

Center in Moncks Corner, South Carolina once an agreeable date and time is reached. The Lieutenant in charge of transportation with BCSO is James Catchot, Jr. He can be reached at (Office): 843-719-4051, (Cell): 843-209-3748, or via email at james.catchot@berkeleycountysc.gov.

Sincerely,

Kawohe Morris
Assistant Solicitor
843-719-5032
morrisk@scsolicitor9.org

Enclosures:

- 1) Copy of Letter from James Riles
- 2) Form V Interstate Agreement on Detainers – Request for Temporary Custody
- 3) Certified Copy of Arrest Warrant

CC: James Elton Riles, Defendant (Copy included with this packet)
Georgia State IADA Administrator, Stephanie Daniels/Hyla Love (US MAIL and Email)
South Carolina State IADA Administrator, Lisa Miller (US MAIL and Email)
Berkeley County Sheriff's Office Detective, Brian Keefer (Email ONLY)

James Riles
 GOC # 1233047
 Riverbend Corr. Facility
 196 Laying Farm Rd.
 Milledgeville, Ga. 31061



MACON GA 310
 14 APR 2023 PM 2 L

Berkeley Co. Solicitor's Ofc.
 Mrs. Scarlett Wilson, Solicitor
 300-B California Ave. - APR 17 2023
 Moncks Corner, SC SWS



25051-403574

April 12 2023

Berkeley County Solicitor
300-B California Ave.
Moncks Corner, SC 29461

Re: Warrant/Pending Charge, Burglary First

Dear Solicitor,

At this point in the matter I am not represented by an attorney and I am writing you of sound mind and of my own free will. I do have an outstanding charge in your county, the incident will soon be two years old. I am currently incarcerated in the Georgia Department of Corrections, I am doing 5 yrs. here, my release date is in 2027. I am writing to you in hope that a resolution can be granted on the charge I have with your office, I have spoken with the Berkeley Co Warrants Division and was told that they will not extradite nor place a hold/detainer on me, that when and if I ever return to South Carolina it will be dealt with at that time. As we both know there is a Statute of Limitations that applies in this case. I am trying to do the right thing, the responsible thing and answer to

this charge and resolve it. I am not going to play "Jailhouse Lawyer" by filing frivolous motions or petitions and waste your time or the Court's. I am willing to waive all due process and pay any and all restitution in full immediately. I'm not sure if you've heard of Webx system but it's used here in Georgia for hearings and such all the time, it saves money and time in transportation. Ms. Wilson, would you please take my case in consideration and somehow get this matter resolved. There are certain programs that would be conducive to my rehabilitation that I can not participate in due to the fact that the Berkeley County warrant shows on the NCIC background. My fiancé has my power of Attorney and if need be you may discuss this case in any length with her. Her name is Jenny Mann, her number is 812-797-2411. Thank you so much for your time in reading my letter. I hope to hear from you soon.

Respectfully,

FORM V
INTERSTATE AGREEMENT ON DETAINERS
REQUEST FOR TEMPORARY CUSTODY

Six copies. Signed copies must be sent to the inmate and to the official who has the inmate in custody. A copy should be sent to the Agreement Administrators of both the sending and the receiving states. Copies should be retained by the person filing this request and the judge who signs the request. Prior to transfer, the inmate may be afforded a judicial hearing similar to that provided under the Uniform Criminal Extradition Act, in which the inmate may bring a limited challenge to this request.

TO: Angela Reaves
 (Warden)

Riverbend Correctional Facility
 (Institution)

196 Laying Farm Road
 (Address)

Milledgeville, Georgia
 (City/State)

Please be advised that James Elton Riles, GDC ID: 0001233047, who is presently an inmate of
 (Inmate's Name and Number)
 your institution, is under [indictment] [information] [complaint] in the Berkeley County, South Carolina
 (Jurisdiction)
 of which I am the Assistant Solicitor
 (Title of Prosecuting Officer)

Said inmate is therein charged with the following offense(s): Burglary First Degree

In order that proceedings in this matter may be properly had, I hereby request temporary custody of such person pursuant to Article IV(a) of the Interstate Agreement on Detainers (IAD).

I propose to bring this person to trial on the above [indictment] [information] [complaint] within the time specified in Article IV(c) of the IAD.

Attached herewith find a certified copy of :

- A. The complaint, information or indictment.
- B. The warrant.
- C. Fingerprint cards, photographs, and physical description.

I hereby agree that immediately after trial is completed in this jurisdiction I will return the prisoner directly to you or allow any jurisdiction you have designated to take temporary custody. I agree also to complete Form IX, the Notice of Disposition of a Detainer, immediately after trial and to return it to your state with the inmate.

Signature: Kawohl Morris
 (Prosecutor's Typed or Printed Name)

Dated: 5-10-23

Address: 300B California Avenue

City/State: Moncks Corner, South Carolina Telephone: 843-719-5032

I hereby certify that the person whose signature appears above is an appropriate officer within the meaning of

Article IV(a) and that the facts recited in this request for temporary custody are correct and that having duly recorded said request I hereby transmit it for action in accordance with its terms and the provisions of the IAD.

Signature: _____

Paula McElvoque

Judge

Dated: _____

May 10 2023Paula McElvoque

(Typed or Printed Name)

Court/Judicial District: _____

Barkeley County Magistrate, 9th judicial circuitCity/State: Moncks Corner, South Carolina

Telephone: _____

843-719-4050

ARREST WARRANT

2021A0810200722

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of

Berkeley

20211008061

THE STATE

against

James Elton Riles

Address:

Highway 402

Moncks Corner, SC 29461-4711

Phone: (843) 809-8261 SSN: [REDACTED]

Sex: M Race: W Height: 5 9 Weight: 189

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0080000

Prosecuting Agency: Berkeley County Sheriff

Prosecuting Officer: Brian B Keefer - S00775

Offense: Burglary / Burglary (After June 20, 1985) - First degree

Offense Code: 0079

Code/Ordinance Sec: 16-11-0311

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

300 B California Avenue

PO Box 219

Moncks Corner, SC 29461

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Berkeley

Personally appeared before me the affiant

being duly sworn deposes and says that defendant

did within this county and state on or about

State of South Carolina (or ordinance of

in the following particulars:

DESCRIPTION OF OFFENSE: Burglary (After June 20, 1985) - First degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 10/20/2021 at 127 Kingsbridge Dr. Goose Creek in Berkeley County S.C., The defendant James Elton Riles did violate SC law section 16-11-0311. Fact to establish the aforesaid 1. The defendant did unlawfully come onto another's property (attached open house-garage) and take a 2011 260 chainsaw, and a Husqvarna 20in bar chainsaw 2. The defendant was identified on surveillance taking the described items and place them in his vehicle without permission. 3 The defendant was identified by multiple independent witnesses. 4. The vehicle driven by the defendant was registered to himself which was used during the crime. The defendant has been convicted of 2 separate prior burglary convictions, prior to 1 Cpl. B. Keefer am a witness to prove the same

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Berkeley

Affiant's Address

223 North Live Oak Drive

Moncks Corner, SC 29461-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY;

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/20/2021

defendant James Elton Riles

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Berkeley

) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the defendant and bring him/her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at his execution soon thereafter as is practicable Sworn to and subscribed before me

on 10/28/2021

Judge's Signature (L.S.)

Judge's Name (Magistrate)

Judge's Title

Judge's Code

Judge's Address Post Office Box 6122

Moncks Corner, SC 29461-

Judge's Telephone (843) 719-4873

Issuing Court:

☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCAG-516

ORIGINAL

AFFIDAVIT

Brian B Keefer

James Elton Riles

10/20/2021

County/

Municipality of

Berkeley

violate the criminal laws of the

who

BAIL set by

Judge _____
on _____

Type and Amount _____

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

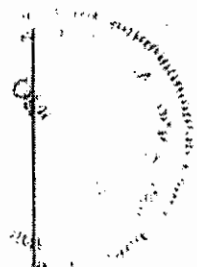
on _____

by _____
(Judge, Trial Judge, Surrogate, Trial Judge, not. pros., etc.)

Disposition: _____

Sentence: _____

JURORS.



WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



EXHIBIT 2

State of South Carolina



Charleston County
101 Meeting Street, Suite 400
Charleston, SC 29401
Phone (843) 958-1900
Fax (843) 958-1905

Berkeley County
300-B California Avenue
Moncks Corner, SC 29461
Phone (843) 723-3800 ext. 4529
Fax (843) 719-4588

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

November 3, 2023

Angela Reaves
Warden
Riverbend Correctional Facility
196 Laying Farm Road
Milledgeville, Georgia 31061

RE: Riles, James Elton
GDC ID: 0001233047
Subject: Interstate Detainer Agreement

Dear Angela Reaves,

On May 10, 2023, I wrote to you regarding Berkeley County taking temporary custody of the above referenced defendant since he has requested disposition of his Berkeley County charges.

I enclosed in that request the original Form V – Request for Temporary Custody and a certified copy of the arrest warrant.

Mr. Riles has indicated that he would like to resolve his charges via a video portal. If he had already been served with his arrest warrant in Berkeley County that would be no problem. However, our laws require that service of arrest warrants be done in the jurisdiction for which the offense occurred. S.C. Code §17-13-40, does allow for law enforcement to arrest in an adjacent county if a pursuit ensues. It does not allow for service of an arrest warrant in a different state. Due to this limitation, we must extradite Mr. Riles back to Berkeley County, South Carolina, to serve his arrest warrant for Burglary First Degree.

State of South Carolina



Charleston County
101 Meeting Street, Suite 400
Charleston, SC 29401
Phone (843) 958-1900
Fax (843) 958-1905

Berkeley County
300-B California Avenue
Moncks Corner, SC 29461
Phone (843) 723-3800 ext. 4529
Fax (843) 719-4588

SCARLETT A. WILSON

Solicitor, Ninth Judicial Circuit

Mr. Riles contacted our Public Defender's office earlier this week and asked them to have me dismiss the charges pursuant to the Interstate Detainer Agreement. Lisa Miller with the South Carolina State IADA confirmed with me that the 180 days does not start until I have his signed paperwork.

Please contact me either on my phone at 843-719-5032 or via email at morrisk@scsolicitor9.org if you require new forms to be sent. Berkeley County Sheriff's Office (BCSO) will be transporting the defendant from your facility to Hill-Finklea Detention Center in Moncks Corner, South Carolina once an agreeable date and time is reached. The Lieutenant in charge of transportation with BCSO is James Catchot, Jr. He can be reached at (Office): 843-719-4051, (Cell): 843-209-3748, or via email at james.catchot@berkeleycountysc.gov.

Sincerely,

Kawohe Morris
Assistant Solicitor
843-719-5032
morrisk@scsolicitor9.org

Enclosures:

- 1) Copy of Letter from James Riles
- 2) Form V Interstate Agreement on Detainers -- Request for Temporary Custody
- 3) Certified Copy of Arrest Warrant

CC: James Elton Riles, Defendant (US MAIL)
Georgia State IADA Administrator, Stephanie Daniels/Hyla Love (US MAIL and Email)
South Carolina State IADA Administrator, Lisa Miller (US MAIL and Email)
Berkeley County Sheriff's Office Detective, Brian Keefer (Email ONLY)
Berkeley County Sheriff's Office Lieutenant, James Catchot, Jr. (Email ONLY)

James Riles
 GOC # 1233047
 Riverbend Corr. Facility
 196 Laying Farm Rd.
 Milledgeville, Ga. 31061

MACON GA 310

14 APR 2023 PM 2 L

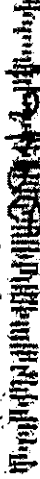


Berkeley Co. Solicitor's Ofc.
 Mrs. Scarlett Wilson, Solicitor
 300-B California Ave.
 Moncks Corner, SC

APR 17 2023

8118

25561-403574



April 12 2023

Berkeley County Solicitor
300-B California Ave.
Moncks Corner, SC 29461

Re: Warrant/Pending Charge, Burglary First

Dear Solicitor,

At this point in the matter I am not represented by an attorney and I am writing you of sound mind and of my own free will. I do have an outstanding charge in your county, the incident will soon be two years old. I am currently incarcerated in the Georgia Department of Corrections, I am doing 5 yrs. here, my release date is in 2027. I am writing to you in hope that a resolution can be granted on the charge I have with your office. I have spoken with the Berkeley Co. Warrants Division and was told that they will not extradite nor place a hold/detainer on me, that when and if I ever return to South Carolina it will be dealt with at that time. As we both know there is a statute of limitations that applies in this case. I am trying to do the right thing, the responsible thing and answer to

this charge and resolve it. I am not going to play "Jailhouse lawyer" by filing frivolous motions or petitions and waste your time or the Court's. I am willing to waive all due process and pay any and all restitution in full immediately. I'm not sure if you've heard of Webx system but it's used here in Georgia for hearings and such all the time, it saves money and time in transportation. Ms. Wilson, would you please take my case in consideration and somehow get this matter resolved. There are certain programs that would be conducive to my rehabilitation that I can not participate in due to the fact that the Berkeley County warrant shows on the NCIC background. My fiancé has my power of Attorney and if need be you may discuss this case in any length with her. Her name is Jenny Mann, her number is 812-797-2411. Thank you so much for your time in reading my letter. I hope to hear from you soon.

Respectfully,

FORM V

INTERSTATE AGREEMENT ON DETAINERS

REQUEST FOR TEMPORARY CUSTODY

Six copies. Signed copies must be sent to the inmate and to the official who has the inmate in custody. A copy should be sent to the Agreement Administrators of both the sending and the receiving states. Copies should be retained by the person filing the request and the judge who signs the request. Prior to transfer, the inmate may be afforded a judicial hearing similar to that provided under the Uniform Criminal Extradition Act, in which the inmate may bring a limited challenge to this request.

TO: Angela Reaves
(Warden)

196 Laying Farm Road
(Address)

Riverbend Correctional Facility
(Institution)

Milledgeville, Georgia
(City/State)

Please be advised that James Elton Riles, GDC ID: 0001233047, who is presently an inmate of
(Inmate's Name and Number)
your institution, is under [indictment] [information] [complaint] in the Berkeley County, South Carolina
(Jurisdiction)
of which I am the Assistant Solicitor.
(Title of Prosecuting Officer)

Said inmate is therein charged with the following offense(s): Burglary First Degree

In order that proceedings in this matter may be properly had, I hereby request temporary custody of such person pursuant to Article IV(a) of the Interstate Agreement on Detainers (IAD).

I propose to bring this person to trial on the above [indictment] [information] [complaint] within the time specified in Article IV(c) of the IAD.

Attached herewith find a certified copy of :

- A. The complaint, information or indictment.
B. The warrant.
C. Fingerprint cards, photographs, and physical description.

I hereby agree that immediately after trial is completed in this jurisdiction I will return the prisoner directly to you or allow any jurisdiction you have designated to take temporary custody. I agree also to complete Form IX, the Notice of Disposition of a Detainer, immediately after trial and to return it to your state with the inmate.

Signature: Kawohi Morris
Kawohi Morris
(Prosecutor's Typed or Printed Name)

Dated: 5.10.23

Address: 300B California Avenue

City/State: Moncks Corner, South Carolina Telephone: 843-719-5032

I hereby certify that the person whose signature appears above is an appropriate officer within the meaning of

Article IV(a) and that the facts recited in this request for temporary custody are correct and that having duly recorded said request I hereby transmit it for action in accordance with its terms and the provisions of the IAD.

Signature: Paula McElvoque
Judge

Dated: May 10 2023

Paula McElvoque
(Typed or Printed Name)

Court/Judicial District: Berkeley County Magistrate, 9th judicial circuit

City/State: Moncks Corner, South Carolina

Telephone: 843-719-4050

ARREST WARRANT

2021A0810200722

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Berkeley

THE STATE 202110009061

against

James Elton Riles

Address: Highway 402

Moncks Corner, SC 29461-4711

Phone: (843)809-8261 SSN: [REDACTED]

Sex: M Race: W Height: 5 9 Weight: 189

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC00800000

Prosecuting Agency: Berkeley County Sheriff

Prosecuting Officer: Brian B Keefer - S00775

Offense: Burglary / Burglary (After June 20, 1985) - First

degree

Offense Code: 0079

Code/Ordinance Sec: 16-11-0311

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

300 B California Avenue

PO Box 219

Moncks Corner, SC 29461

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Berkeley

Personally appeared before me the affiant Brian B Keefer

being duly sworn, deposes and says that defendant

James Elton Riles

did within this county and state on or about 10/20/2021

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Berkeley

in the following particulars:

DESCRIPTION OF OFFENSE: Burglary (After June 20, 1985) - First degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 10/20/21 at 127 Kingsbridge Dr. Goose Creek in Berkeley County S.C., The defendant James Elton Riles did violate SC law section 16-11-0311. Fact to establish the aforesaid 1. The defendant did unlawfully come onto another's property (attached open house garage) and take a Subl 260 chainsaw, and a Husqvarna 20in bar chainsaw 2. The defendant was identified on surveillance taking the described items and place them in his vehicle without permission. 3 The defendant was identified by multiple independent witnesses. 4. The vehicle driven by the defendant was registered to himself which was used during the crime. The defendant has been convicted of 2 separate prior burglary convictions, prior to 1 Cpl. B. Keefer am a witness to prove the same

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Berkeley

Affiant's Address 223 North Live Oak Drive

Moncks Corner, SC 29461-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/20/2021 defendant James Elton Riles

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Berkeley

) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the defendant and bring him/her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or soon thereafter as is practicable.

Sworn to and subscribed before me

on 10/28/2021 Dep

[Signature] (L.S.)

[Signature] (Magistrate)

Judge Code: 2399

[Signature]

Judge's Address Post Office Box 6122

Moncks Corner, SC 29461-

Judge's Telephone (843)719-4873

Issuing Court

☒ Magistrate

ORIGINAL

☐ Municipal

ORIGINAL

☐ Circuit

ORIGINAL

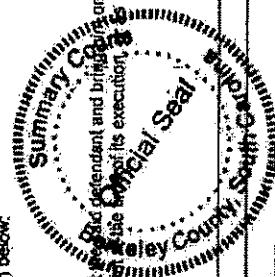
Form Approved by
U.S. Department of Justice
4-75 (Rev. 5-2000)
5010A-518

ORIGINAL

AFFIDAVIT

who

violates the criminal laws of the



BAIL set by

Judge _____
on _____

Type and Amount: _____

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

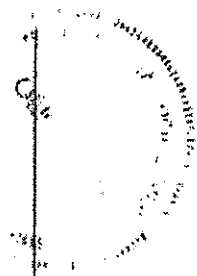
on _____

by _____
(Judge, Justice, Municipal, District, Prob., etc.)

Disposition: _____

Sentence: _____

JURORS



WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
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Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



EXHIBIT 3

FORM II
AGREEMENT ON DETAINERS

Six copies, if only one jurisdiction within the state involved has an indictment, information or complaint pending. Additional copies will be necessary for prosecuting officials and clerks of court if detainers have been lodged by other jurisdictions within the state involved. One copy should be retained by the offender. One signed copy should be retained by the warden. Signed copies must be sent to the Interstate Detainer Coordinator of Georgia and to the Agreement Administrator of the receiving state, the prosecuting official of the jurisdiction which placed the detainer, and the clerk of the court which has jurisdiction over the matter. The copies for the prosecuting officials and the court must be transmitted by certified or registered mail, return receipt requested.

**INMATE'S NOTICE OF PLACE OF IMPRISONMENT AND REQUESTOR FOR DISPOSITION OF
INDICTMENTS, INFORMATION OR COMPLAINTS**

To: Kawohi Morris Prosecuting Officer, 9th Circuit
Berkeley Co., South Carolina (Jurisdiction)
Gen. Sessions
Court

And to all other prosecuting officers and courts of jurisdictions listed below from which indictments, informations or complaints are pending.

You are hereby notified that the undersigned is now imprisoned in

RIVERBEND CORR FACILITY at MILLEDGEVILLE Georgia
(Facility) (Town and State)

and I hereby request that a final disposition be made of the following indictments, informations or complaints now pending against me:

Failure to take action in accordance with the Agreements on Detainers, to which your state is committed by law, will result in the invalidation of the indictments, informations or complaints.

I hereby agree that this request will operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against me from your state. I also agree that this request shall be deemed to be my waiver of extradition with respect to any charge or proceeding contemplated hereby or included herein, and waiver of extradition to your state to serve any sentence there imposed upon me, after completion of my term of imprisonment in Georgia. I also agree that this request shall constitute a consent by me to the production of my body in any court where my presence may be required in order to effectuate the purposes of the Agreement on Detainers and a further consent voluntarily to be returned to the facility in which I now am confined.

If jurisdiction over this matter is properly in another agency, court or officer, please designate the proper agency, court or officer and return this form to the sender.

AGREEMENT ON DETAINERS: FORM II (Continued)

Date: May 10 2023

James E. Riles
Offender Signature

Type: RILES, JAMES ELTON 1233047
(Offender Name and Number)

The inmate must indicate below whether he/she has counsel or wishes the court in the receiving state to appoint counsel for purposes for any proceedings preliminary to trial in the receiving state, which may take place before his/her delivery to the jurisdiction in which the indictment, information or complaint is pending. Failure to list the name and address of counsel will be construed to indicate the inmate's consent to the appointment of counsel by the appropriate court in the receiving state.

A. My Counsel is _____
(Name and Counsel)

whose address is _____
(Street, City and State)

☒ I request the court to appoint counsel. yes

I have read the above or have had the above read and explained to me, and I understand.

Date: May 10 2023

James E. Riles
Offender's Signature

Type: RILES, JAMES ELTON 1233047
(Offender Name and Number)

Witness: Brian Canha
Signature

Date: 10/31/23

Suroday Canha Unit Manager
Name and Title

FORM III
AGREEMENT ON DETAINERS

In the case of an offender's request for disposition under Article III, copies of this Form should be attached to all copies of Form II. In the case of a request initiated by a prosecutor under Article IV, a copy of this Form should be sent to the prosecutor upon receipt by the warden of Form V. Copies of this Form should be sent to all other prosecutors in the same state who have lodged detainers against the offender. A copy may be given to the offender.

CERTIFICATE OF INMATE STATUS

RE: <u>RILES, JAMES ELTON</u>	<u>1233047</u>	<u>RIVERBEND CORR FACILIT MILLEDGE</u>	
(Inmate)	(Number)	(Facility)	(Location)

The (custodial authority) hereby certifies:

1. The term of commitment under which the inmate above named is being held:
2. The time already served:
3. Time remaining to be served on the sentence:
4. The amount of good time earned:
5. The date of parole eligibility of the inmate:
6. The decisions of the Board of Pardons and Paroles relating to the inmate: (if additional space is needed, use reverse side)
7. Maximum expiration date under present sentence:
8. Detainers currently on file against this inmate from your state are as follows:

Date: 11/1/23

Angelos Thomas
 Warden

CUSTODIAL AUTHORITY

Name: Angelos Thomas

Facility: Riverbend Correctional Facility

Address: 196 Laying Farm Rd.

City/State: Milledgeville, GA

Summary Description of FORM III

Function:

- 1) States the length of time the offender is expected to remain in custody in Georgia.
- 2) States the maximum length of time the offender will remain incarcerated, under his or her currently active sentences.
- 3) Lists all detainers against the offender from the requesting state.

Requirements:

- 1) If the offender requests disposition using FORM II, complete FORM III and attach it to all copies of FORM II.
- 2) If a prosecutor requests temporary custody of an offender using FORM V, complete FORM III and send it to the requesting prosecutor. Send copies of the completed FORM III to all other prosecutors in the same state who have lodged detainers against the offender.

RETENTION SCHEDULE:

Upon completion, a copy of this paperwork will be kept in the offender case history file.

Form IV
AGREEMENT ON DETAINERS

In the case of an offender's request for disposition under Article III, copies of this Form should be attached to all copies of Form II. In the case of a request initiated by a prosecutor this Form should be completed after the warden has indicated his approval of the request for temporary custody, expiration of the 30-day period, and/or successful completion of a (Cuyler) hearing. Copies of this Form should then be sent to all officials who previously received copies of Form III. One copy also should be given to the prisoner and one copy should be retained by the warden. Copies mailed to the prosecutor should be sent certified or register

To: Kawohi Morris, Assistant Solicitor
(Prosecuting Officer)
9th Circuit, Berkeley Co., South Carolina
(Jurisdiction)

And to all other prosecuting officers and courts of jurisdiction(s) listed below

RE: RILES, JAMES ELTON

Number: 1233047

Dear Sir/Madam

Pursuant to the provisions of Article V of the Agreement on Detainers between Georgia and your state, the undersigned hereby offers to deliver temporary custody of the above-named prisoner to the appropriate authority in your state in order that speedy and efficient prosecution may be had of the indictment, information or complaint which is (described in the attached offender's request)
(Described in your request for custody of Riles, James Elton).

(The required Certificate of Offender Status is enclosed.) (The required Certificate of Offender Status was sent to you with our letter of _____).
(Date)

If proceedings under Article IV (d) of the Agreement are indicated, an explanation is attached. Indictments, information or complaints charging the following offenses also are pending against the offender in your state and you are hereby authorized to transfer the offender to custody of appropriate authorities in these jurisdictions for purposes of disposing of these indictments, information or complaints.

Offenses

County or Other Jurisdiction

If you do not intend to bring the offender to trial, will you please inform us as soon as possible?

Kindly acknowledge.

Date: 11/1/23

Angela Pham
Warden

CUSTODIAL AUTHORITY

Name:

Angela Pham

Facility:

Dixiebrook Correctional Facility

Address:

196 Loring Farm Rd.

City/State:

Millidgeville, GA

Telephone:

478-444-2300

EXHIBIT 4

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

STATE OF SOUTH CAROLINA

vs.

JAMES ELTON RILES
DEFENDANT.

NINTH JUDICIAL CIRCUIT

**ORDER WAIVING APPLICATION FOR PUBLIC
DEFENDER FEE & APPOINTING COUNSEL**

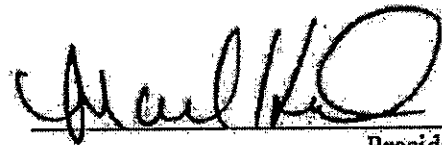
Arrest Warrant: 2021A0810200722

THIS MATTER COMES BEFORE THE COURT on 11/30/2023 for the defendant's initial bond setting on the charge of Burglary – First Degree.

THIS COURT FINDS, since the Defendant has been incarcerated at Riverbend Correctional Facility in Milledgeville, Georgia since April 7, 2022, serving a sentence of 5 years for Theft by Taking, that Defendant is financially unable to retain counsel and that Defendant is entitled to counsel under the Constitution of the United States.

THIS COURT FURTHER FINDS, that Defendant is unable to pay the application fee set forth in S.C. Code Sec. 17-3-45.

THEREFORE, IT IS ORDERED, that the application fee is waived and that the Ninth Circuit Public Defender's Office is appointed to represent Defendant on the above referenced warrant.



Presiding Judge
Ninth Judicial Circuit

This 30th day of November, 2023
Berkeley County, South Carolina

6:13:07
gms

EXHIBIT 5

FILED

23 DEC -6 PM 4:37

LEAN GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

DOCKET NO, 2023-GS-08-03661

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

DECEMBER TERM 2023

THE STATE

VS.

JAMES RILES
W/M DOB [REDACTED]

Indictment for

BURGLARY FIRST DEGREE

SC Code: § 16-11-0311
CDR Code: 0079

KLASM/0408095
WITNESSES

Berkeley County Sheriff's Office

Mr. Spivey

AGENCY CASE NUMBER

2021-10009061

ARREST WARRANT NUMBER

2021A0810200722

DATE OF ARREST

11/30/2023

ACTION OF GRAND JURY

TRUE BILL

Grand Jury
Foreperson of Grand Jury
Date: 12/6/2023

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened December 2023, the Grand Jurors of Berkeley County present upon their oath:

Burglary First Degree

That in Berkeley County, South Carolina on or about October 20, 2021, the Defendant James Riles, did enter the dwelling of Lynnette Hall without consent and with the intent to commit a crime therein. That, in addition, the defendant has a prior record with two or more convictions for burglary, housebreaking or a combination of both; in violation of § 16-11-311 of the South Carolina Code of Laws (1976) as amended.

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


KAWOHI MORRIS
ASSISTANT SOLICITOR

EXHIBIT 6

State of South Carolina



Charleston County
101 Meeting Street, Suite 400
Charleston, SC 29401
Phone (843) 958-1900
Fax (843) 958-1905

Berkeley County
300-B California Avenue
Moncks Corner, SC 29461
Phone (843) 723-3800 ext. 4529
Fax (843) 719-4588

SCARLETT A. WILSON

Solicitor, Ninth Judicial Circuit

January 2, 2024

Taylor J. Estes
Assistant Public Defender
219 N. Highway 52, Suite E
Moncks Corner, SC 29461

Email: taylor.estes@berkeleycountysc.gov

RE: State of South Carolina v. James Elton Riles
CHARGES: Burglary First Degree

Dear Taylor:

After reviewing your client's file, I am prepared to make the following plea offer:

Burglary 2nd Violent (reduced from Burglary First) for negotiated 15 year sentence.

This offer is rescinded if not completed by the scheduled court date during the week of February 5, 2024. Your client's case will be placed on the plea docket for this week. It is currently scheduled for January 8, 2024. Please let me know if I need to move it to the February docket.

If your client does not wish to accept the plea offer, your client's case will be placed on the next available trial docket (likely April 2024), and will continue to be placed on subsequent trial dockets until the case is reached. I look forward to working with you on this matter.

Sincerely,

Kawohi Morris/klasm

Kawohi Morris
Assistant Solicitor

(843) 719-4529
MorrisK@scsolicitor9.org

KLASM/klasm

EXHIBIT 7

South Carolina Legislature

South Carolina Law > Code of Laws > Title 17

South Carolina Code of Laws Unannotated

Title 17 - Criminal Procedures

CHAPTER 11

Interstate Agreement on Detainers

SECTION 17-11-10. Agreement on detainers enacted into law; terms.

The Agreement on Detainers is hereby enacted into law and entered into by this State with all other jurisdictions legally joining therein in the form substantially as follows:

The contracting states solemnly agree that:

ARTICLE I

The party states find that charges outstanding against a prisoner, detainers based on untied indictments, informations or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untied indictments, informations or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

ARTICLE II

As used in this agreement:

(a) "State" shall mean a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

(b) "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to Article III hereof or at the time that a request for custody or availability is initiated pursuant to Article IV hereof.

(c) "Receiving state" shall mean the state in which trial is to be had on an indictment, information or complaint pursuant to Article III or Article IV hereof.

ARTICLE III

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untied indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint; provided, that for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The warden, commissioner of corrections or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information or complaint on which the detainer is based.

(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untied indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceedings contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

ARTICLE IV

(a) The appropriate officer of the jurisdiction in which an untied indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with ARTICLE V (a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated; provided, that the court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request. Provided, further, that there shall be a period of thirty days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(b) Upon receipt of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of

good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. The authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(c) In respect of any proceedings made possible by this Article, trial shall be commenced within one hundred twenty days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(d) Nothing contained in this Article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (e) hereof, but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

(e) If trial is not had on any indictment, information or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to Article V (e) hereof, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

ARTICLE V

(a) In response to a request made under ARTICLE III or ARTICLE IV hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in ARTICLE III of this agreement. In the case of a Federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in Federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

(1) Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given.

(2) A duly certified copy of the indictment, information or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

(c) If the appropriate authority shall refuse or fail to accept temporary custody of such person, or in the event that an action on the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in Article III or Article IV hereof, the appropriate court of the jurisdiction where the indictment, information or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state.

(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(h) From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

ARTICLE VI

(a) In determining the duration and expiration dates of the time periods provided in ARTICLES III and IV of this agreement, the running of such time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

(b) No provision of this agreement, and no remedy made available by this agreement, shall apply to any person who is adjudged to be mentally ill.

ARTICLE VII

Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement.

ARTICLE VIII

This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

ARTICLE IX

This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

HISTORY: 1962 Code Section 17-221; 1965 (54) 592.

SECTION 17-11-20. "Appropriate court" defined.

The phrase "appropriate court" as used in the Agreement on Detainers shall, with reference to the courts of this State, mean a court of record with criminal jurisdiction.

HISTORY: 1962 Code Section 17-222; 1965 (54) 592.

2/8/24, 8:52 AM

Code of Laws - Title 17 - Chapter 11 - Interstate Agreement On Detainers

SECTION 17-11-30. State courts, departments, and officers, and employees shall enforce and cooperate in the implementation of agreement.

All courts, departments, agencies, officers and employees of this State and its political subdivisions are hereby directed to enforce the Agreement on Detainers and to cooperate with one another and with other party states in enforcing the agreement and effectuating its purpose.

HISTORY: 1962 Code Section 17-223; 1965 (54) 592.

SECTION 17-11-40. Escape of prisoner in temporary custody.

Any prisoner released to temporary custody under the provisions of the Agreement on Detainers from a place of imprisonment in South Carolina who shall escape or attempt to escape from such temporary custody, whether within or without the borders of this State, shall be dealt with in the same manner as if the escape or attempt to escape were from the original place of imprisonment.

HISTORY: 1962 Code Section 17-224; 1965 (54) 592.

SECTION 17-11-50. Application of Habitual Offenders Law not required.

Nothing in this chapter or in the Agreement on Detainers shall be construed to require the application of the Habitual Offenders Law to any person on account of any conviction had in a proceeding brought to final disposition by reason of the use of such agreement.

HISTORY: 1962 Code Section 17-225; 1965 (54) 592.

SECTION 17-11-60. Official in charge of penal or correctional institution shall give over inmate when required under agreement.

It shall be lawful and mandatory upon the warden or other official in charge of a penal or correctional institution in this State to give over the person of any inmate thereof whenever so required by the operation of the Agreement on Detainers.

HISTORY: 1962 Code Section 17-226; 1965 (54) 592.

SECTION 17-11-70. Central Administrator and Information Agent.

The Governor is empowered to designate the officer who will serve as Central Administrator and Information Agent for the Agreement on Detainers.

HISTORY: 1962 Code Section 17-227; 1965 (54) 592.

SECTION 17-11-80. Copies of chapter shall be transmitted to Governors and certain other officials.

Copies of this chapter shall, upon its approval, be transmitted to the Governor of each state, the Attorney General and the Administrator of General Services of the United States, and the Councils of State Governments.

HISTORY: 1962 Code Section 17-228; 1965 (54) 592.

Legislative Services Agency
<http://www.scstatehouse.gov>

EXHIBIT 8

278 S.C. 668
Supreme Court of South Carolina.

The STATE, Respondent,
v.
Gary Donelle JOHNSON, Appellant.

No. 21883.

March 16, 1983.

Synopsis

The General Sessions Court, Chesterfield County, Marion H. Kinon, J., denied motion to dismiss charges on ground that the State failed to try defendant within 180 days after he requested speedy trial pursuant to the Interstate Agreement on Detainers Act. The Supreme Court, Gregory, J., held that defendant's letter requesting trial did not comply with the requirements of the Act in that it did not make clear where he was being incarcerated and was not accompanied by certificate of appropriate official having custody of him, and thus did not trigger running of 180-day period during which he had to be brought to trial under the Act.

Affirmed.

Procedural Posture(s): Motion to Dismiss.

Attorneys and Law Firms

****139 *668** Appellate Defender John L. Sweeny, of S.C. Com'n of Appellate Defense, Columbia, for appellant.

***669** Atty. Gen. T. Travis Medlock, Retired Atty. Gen., Daniel R. McLeod and Asst. Attys. Gen., Harold M. Coombs, Jr., and Martha L. McElveen, Columbia, for respondent.

Opinion

GREGORY, Justice:

Appellant Gary Donelle Johnson was indicted for burglary on March 1, 1982. He moved to have the charges dismissed on the ground the State failed to try him within one hundred eighty days after he requested a speedy trial pursuant to S.C. Code Ann. § 17-11-10 (1976), the Interstate Agreement on Detainers Act (IAD). The trial court denied the motion. We affirm.

Appellant was arrested on January 15, 1981, on six charges, including that which serves the basis for this indictment.¹ On March 19, 1981, appellant wrote a letter addressed to the Office of the District Attorney,² Chesterfield County Courthouse, Cheraw, South Carolina, requesting, pursuant to the IAD, a speedy trial of the charges pending against him. The letter was received by the Chesterfield County Treasurer who gave it to the Solicitor on March 26, 1981.

On March 1, 1982, appellant was brought to South Carolina from a federal prison in Florida and was indicted for burglary. Appellant then moved to have the charge dismissed because the State did not try him within one hundred eighty days after his request.

The trial court ruled appellant must show prejudice to have the charge dismissed and he did not, thus, it denied appellant's motion. Appellant was found guilty of burglary and was sentenced to eighteen years' imprisonment. He appeals.

The State concedes a defendant need not show prejudice before a trial court can dismiss an indictment where the State has violated a prisoner's rights under Article III of IAD. In ruling appellant must show prejudice, the trial court erred; however, under Rule 4, Section 8 of the Rules of Practice of this Court, we may affirm a decision ***670** based on any ground appearing in the record. *Harvin v. Commercial Credit Corp.*, 275 S.C. 14, 266 S.E.2d 789 (1980).

****140** The question arises whether appellant's request for a speedy trial complied with the IAD requirements and thereby triggered the one hundred eighty day period.

Section 17-11-10, Article III of the Code provides in pertinent part:

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint.... The request ... shall be accompanied by a certificate of

the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. (Emphasis added)

(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

There is confusion as to appellant's place of imprisonment. His letter states he was incarcerated in Anthony, Texas. Under his signature, the typed address is Anthony, Texas; however handwritten beside that is "New Mexico." The record below shows the solicitor and appellant's counsel were confused as to where appellant was incarcerated. Even at oral *671 argument, appellant's counsel admitted he was not sure where appellant was incarcerated at the time of his request. Apparently, after his request was made, appellant was transferred to a federal prison in Florida where he remained until he was brought to South Carolina on March 1, 1982. The prisoner must make clear the place of his imprisonment. Appellant did not.

Further, there is no evidence the required certificate accompanied the request. Surely, this would have resolved any confusion as to appellant's place of imprisonment. It

is clear appellant's letter does not comply with the IAD requirements.

This Court has not previously addressed the issue of what consequences arise from a prisoner's failure to comply with the IAD requirements. In *State v. Vaughn*, 296 N.C. 167, 250 S.E.2d 210 (1978), cert denied 441 U.S. 935, 99 S.Ct. 2060, 60 L.Ed.2d 665 (1979), the North Carolina Supreme Court held a South Carolina prisoner's request for a speedy trial was insufficient because it did not contain notice of the place of his imprisonment and it was not accompanied by the required certificate. Also, in *Reed v. Sychombe*, 249 Ga. 344, 290 S.E.2d 469 (1982), the Georgia Supreme Court stated the absence of the certificate of the appropriate official was fatal to a defendant's claim for relief under the IAD. See also Annot., 98 A.L.R.3d 160, § 176 (1980).

We hold appellant's letter did not comply with the IAD requirements and thus did not trigger the running of one hundred eighty day period during which a prisoner must be brought to trial under Article III of the IAD. Accordingly, the decision of the trial court is affirmed.

AFFIRMED.

LEWIS, C.J., and LITTLEJOHN, NESS and HARWELL, JJ.,
concur.

All Citations

278 S.C. 668, 301 S.E.2d 138

Footnotes

- 1 At the time of his arrest, appellant was on parole from federal prison. The remaining charges were parole violations.
- 2 In South Carolina, the prosecuting officer is the Solicitor, not District Attorney.

EXHIBIT 9

FORM V

INTERSTATE AGREEMENT ON DETAINERS

Six copies. Signed copies must be sent to the inmate and to the official who has the inmate in custody. A copy should be sent to the Agreement Administrators of both the sending and the receiving states. Copies should be retained by the person filing the request and the judge who signs the request.

TO: _____ (Warden) _____ (Institution)

_____ (Address) _____ (City/State)

Please be advised that _____, who is presently an inmate of
(Inmate's Name and Number)
your institution, is under [indictment] [information] [complaint] in the _____
(Jurisdiction)
of which I am the _____.
(Title of Prosecuting Officer)

Said inmate is therein charged with the following offense(s): _____

In order that proceedings in this matter may be properly had, I hereby request temporary custody of such person pursuant to Article IV(a) of the Interstate Agreement on Detainers (IAD).

I propose to bring this person to trial on the above [indictment] [information] [complaint] within the time specified in Article IV(c) of the IAD.

Attached herewith find a certified copy of :

- A. The complaint, information or indictment.**
B. The warrant.
C. Fingerprint cards, photographs, and physical description.

I hereby agree that immediately after trial is completed in this jurisdiction I will return the prisoner directly to you or allow any jurisdiction you have designated to take temporary custody. I agree also to complete Form IX, the Notice of Disposition of a Detainer, immediately after trial and to return it to your state with the inmate.

Signature: _____ Dated: _____

(Prosecutor's Typed or Printed Name)

Address: _____
City/State: _____ Telephone: _____

I hereby certify that the person whose signature appears above is an appropriate officer within the meaning of

Article IV(a) and that the facts recited in this request for temporary custody are correct and that having duly recorded said request I hereby transmit it for action in accordance with its terms and the provisions of the IAD.

Signature: _____
Judge

Dated: _____

(Typed or Printed Name)

Court/Judicial District: _____

City/State: _____

Telephone: _____

EXHIBIT 10

FORM III
AGREEMENT ON DETAINERS

In the case of an offender's request for disposition under Article III, copies of this Form should be attached to all copies of Form II. [REDACTED]

[REDACTED] Copies of this Form should be sent to all other prosecutors in the same state who have lodged detainers against the offender. A copy may be given to the offender.

CERTIFICATE OF INMATE STATUS

RE: <u>RILES, JAMES ELTON</u>	<u>1233047</u>	<u>RIVERBEND CORR FACILIT MILLEDGE</u>	
(Inmate)	(Number)	(Facility)	(Location)

The (custodial authority) hereby certifies:

1. The term of commitment under which the inmate above named is being held:
2. The time already served:
3. Time remaining to be served on the sentence:
4. The amount of good time earned:
5. The date of parole eligibility of the inmate:
6. The decisions of the Board of Pardons and Paroles relating to the inmate: (if additional space is needed, use reverse side)
7. Maximum expiration date under present sentence:
8. Detainers currently on file against this inmate from your state are as follows:

Date: 11/1/83

Angelos Thomas
 Warden

CUSTODIAL AUTHORITY

Name: Angelos Thomas

Facility: Riverbend Correctional Facility

Address: 196 Laying Farm Rd.

City/State: Milledgeville, GA

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

STATE OF SOUTH CAROLINA

vs.

JAMES ELTON RILES,

DEFENDANT.

IN THE COURT OF GENERAL SESSIONS

NINTH JUDICIAL CIRCUIT

**ORDER DENYING DEFENDANT'S
MOTION TO DISMISS.**

Arrest Warrant #2021A0810200722

Indictment #2023-GS-08-03661

FILED

MAR 13 2024

CASE NO.
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

A hearing was held in the Court of General Sessions for the Defendant's Motion to Dismiss based on the Interstate Agreement on Detainers pursuant to S.C. Code §17-11-10. The Defendant was represented by his counsel, Taylor Estes. The State was represented by Ninth Circuit Assistant Solicitor, Kawohi Morris.

Based on the Defendant's Motion to Dismiss, the State's Response to the Defendant's Motion to Dismiss, and oral arguments, the Court finds that the Interstate Agreement on Detainers Act was not triggered until November 14, 2023 when the Defendant's written notice for disposition of charges was properly accompanied by the certificate described in S.C. Code §17-11-10, Article III, subsection (b).

The State has one hundred eighty (180) days from November 14, 2023, in which to bring the Defendant to trial according to §17-11-10, Article III, subsection (a).

Therefore, it is **ORDERED** on this 13th day of March, 2024, that the Defendant's Motion to Dismiss is **DENIED**.

Date

3/13/24

Judge Roger Young, Sr.
Presiding Judge

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APR 22 2024

SC Court of Appeals JK

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,

Kathrine H. Hudgins
[Signature] w/permission
Kathrine H. Hudgins
Senior Appellate Defender

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Jun 09 2025

SC Court of Appeals

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

ATTORNEY FOR APPELLANT

This 9th day of June, 2025.

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Jun 09 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County

Honorable Deadra L. Jefferson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES E RILES,

APPELLANT

APPELLATE CASE NO. 2024-000650

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Andrew D Powell, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 9th day of June, 2025.

Kathrine H. Hudgins
by [Signature] v/permission

Kathrine H. Hudgins
Senior Appellate Defender

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

ATTORNEY FOR APPELLANT