

VOLUME I OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Apr 19 2023

SC Court of Appeals

Appeal from Charleston County

Honorable Jennifer B. McCoy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RONZELL BILAH OLDS,

APPELLANT

APPELLATE CASE NO. 2022-000336

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
COURT’S EXHIBIT #1 (INTERVIEW RECORDING), STATE’S EXHIBITS #2
(PHOTOGRAPH), #17 (PHOTOGRAPH), and #22 (JAIL CALL RECORDING)**

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT
)
) **Warrant No:** 2018A1020100013; 2018A1020100014;
) 2018A10109 000037 to 0041; 2018A1011400007 to 09
)
) **Charge:** Armed Robbery (4 counts); Possession of a
) Weapon During a Violent Crime (4 counts); Pointing
) and Presenting a Firearm; Kidnapping
)

STATE OF SOUTH CAROLINA

vs.

RONZELL OLDS

Defendant

**MOTION TO DISMISS -
SPEEDY TRIAL AND PRE-INDICTMENT
DELAY**
FILED
2020 MAY 26 PM 1:44
CLERK OF COURT
J. ARSHAD

The Defendant moves to dismiss the above charges for violation of his right to a speedy trial and for violation of his right to Due Process by pre-indictment delay. The Defendant was arrested on January 16, 2018, and subsequently charged with four counts of Armed Robbery, four counts of Possession of a Weapon During a Violent Crime, Kidnapping, and Pointing and Presenting a Firearm. The Defendant is accused of robbing convenience stores in four separate incidents and pointing a firearm at a convenience store employee in another incident. On January 16, 2018, the Defendant gave an incriminating statement to law enforcement regarding the armed robbery of the Sunoco that occurred on January 16, 2018. He was charged with the other incidents based on similarities to the Sunoco robbery and cell tower location evidence. The Defendant has remained in jail since his arrest.

On September 10, 2018, the Defendant was indicted by the Charleston County Grand Jury on one count of Armed Robbery (2018GS1003794) and one count of Possession of a Weapon During a Violent Crime (2018GS1003795) for a robbery that occurred at Kwik Stop on December

3, 2017. He was also indicted on one count of Pointing and Presenting a Firearm (2018GS1003793) for an incident that occurred outside the same Kwik Stop on December 7, 2017. The Defendant has not been indicted on the remaining seven charges, including the weapons charge and robbery of the Sunoco that occurred on January 16, 2018.

A grand jury indictment is required to prosecute the Defendant for the crimes he is alleged to have committed. S.C. Code §17-19-10. The solicitor is required to prepare an indictment within 90 days after receipt of the arrest warrant or petition the court for an order delaying action on the warrant for good cause for successive 90-day periods. S.C.R. Crim. P. Rule 3(c).

The Due Process clause protects a Defendant from oppressive pre-indictment delay. U. S. Const. Amend. V; S.C. Const. Ann. Art. I, §3; *State v. Brazell*, 325 S.C. 65, 72 (1997). “First, the Defendant has the burden of proving the pre-indictment delay caused substantial actual prejudice to his right to a fair trial. Second, if the Defendant shows actual prejudice, the court must consider the prosecution’s reasons for the delay and balance the justification for delay with any prejudice to the Defendant.” *Id.* at 72. Substantial prejudice requires a showing that the Defendant was meaningfully impaired in his ability to defend against the charges to such an extent that the disposition of the criminal proceeding was likely affected. *Id.* at 73. The test adopted by our courts does not require a showing that the government intentionally delayed the indictment so as to gain a tactical advantage, and the absence of a prosecutorial bad faith motive is not fatal to a Defendant’s due process claim. *State v. Lee*, 375 S.C. 394, 399 and fn. 1.

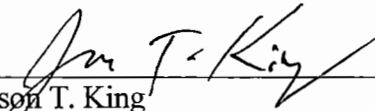
The United States Constitution and the South Carolina Constitution provide that in criminal prosecutions, the accused has a right to a speedy trial. U.S. Const. Amend. VI; S.C. Const. Art. I, §14. A reviewing court should consider the following our factors when determining whether a defendant has been deprived of his right to a speedy trial: the length of the delay, the reason for the

delay, the accused's assertion of his right to a speedy trial, and whether the delay prejudiced the accused. *State v. Hunsberger*, 418 S.C. 335, 343 (2016); *State v. Cooper*, 386 S.C. 210, 216-217 (Ct. App. 2009). A delay may be so lengthy as to require a finding of presumptive prejudice, and thus trigger the analysis of the other factors. *Cooper* at 217. The South Carolina Supreme Court has found a two-year and four month delay sufficient to trigger further review of the other factors. *State v. Waites*, 270 S.C. 104, 108 (1978). Actual prejudice occurs when the trial delay has weakened the accused's ability to raise specific defenses, elicit specific testimony, or produce specific items of evidence. *Hunsberger* at 351. Whether the defendant has previously asserted the right to a speedy trial is not alone dispositive of whether he is entitled to relief, and none of the four factors are either necessary or sufficient to find a denial of the right to a speedy trial. *Hunsberger* at 349.

The Defendant has suffered substantial actual prejudice due to the pre-indictment delay. The Defendant has been in jail for almost twenty-eight months and has only been indicted on three of his ten total charges. During this delay, a potential witness for the Defendant has died. The Defendant was arrested on January 16, 2018, while riding in a vehicle with a co-worker, Mark A. Maschke. The Defendant, later that same day, gave a statement to police regarding the weapons charge (2018A1020100014) and robbery (2018A1020100013) of the Sunoco that had occurred January 16, 2018. The Defendant believes Mark A. Maschke could have testified to the fact that the Defendant was under the influence of drugs when he was arrested and subsequently gave a statement to police. This evidence is not available from any other source. According to the Office of the Coroner, Mark A. Maschke died on May 17, 2019. The Defendant moves to dismiss the warrants relating to the Sunoco robbery, and any other charges that have not been indicted if the State intends to present evidence of the Defendant's statement given to police.

The Defendant also moves to dismiss all of the above charges based on violation of his right to a speedy trial. The Defendant has been incarcerated since January 16, 2018. The Defendant has suffered actual prejudice due to the death of witness Mark A. Maschke. The Defendant believes this delay is so lengthy as to result in a finding of presumptive prejudice that would trigger analysis of the other factors.

Respectfully Submitted,



Jason T. King
Assistant Public Defender
Attorney for Defendant

Charleston, South Carolina

Dated: 5-19-20

FILED
2020 MAY 26 PM 1:41
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

FILED

2020 JUN 15 PM 4:22

JULIE J. ARMSTRONG
CLERK OF COURT

BY *[Signature]*

STATE OF SOUTH CAROLINA

vs.

RONZELL OLDS

Defendant

) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT
)

) Warrant No: 2018A1020100013; 2018A1020100014;
) 2018A1010900037 to 0041; 2018A1011400007 to 09
)

) Charge: Armed Robbery (4 counts); Possession of a
) Weapon During a Violent Crime (4 counts); Pointing
) and Presenting a Firearm; Kidnapping
)

)
) **RESPONSE TO DEFENSE'S:**
) **MOTION TO DISMISS -**
) **SPEEDY TRIAL AND PRE-INDICTMENT**
) **DELAY**
)

I. Procedural History

The Defendant is charged with various crimes as it relates to four armed robbery incidents and one pointing and presenting of a firearm incident. The robberies occurred in the West Ashley area and all were to gas stations. The first robbery occurred on November 28, 2017 and the last robbery occurred on January 16, 2018.

The investigation into the last robbery has generated the strongest evidence of the Defendant's guilt. On January 16, 2018 at about 1:45 am, the Charleston Police Department (CPD) responded to the Sunoco at 1984 Sam Rittenburg Blvd. in reference to an armed robbery. Responding officers learned a subject entered the gas station armed with a handgun and demanded money from the clerk. The clerk then surrendered between \$50 - \$70, which included a \$2 bill. Sunoco had pre-recorded the serial number to the \$2 bill and used it as bait money. When viewing the Sunoco surveillance footage, detectives noted the subject resembled the physical description of a person responsible for other robberies in which the Defendant had been developed as a suspect.

At about 11:00 am the following morning, detectives went to the residence of Deonna Greene who was the Defendant's girlfriend. Deonna provided a statement saying the Defendant visited her home

the night before and left about \$50 to include a \$2 bill. Deonna gave the \$2 bill to the detectives who confirmed the bill was the one stolen during the robbery. Detectives then notified the Charleston Police Department Field Intelligence Unit (FIU) who then set up surveillance on the Defendant until arrest warrants could be obtained.

After the warrants were obtained, detectives notified FIU and informed them the Defendant could be taken into custody. FIU Sergeant Brandon Ratliffe notified CPD Officer Matthew Summerlin who conducted a traffic stop of a vehicle the Defendant was seen riding as a passenger. Officer Summerlin stopped the vehicle and the driver was identified as Mark Maschke. Mr. Maschke stated he was the Defendant's boss and they were on their way to a job-site. The Defendant was taken into custody without incident and transported to the CPD Central Investigations Office. After being advised of his *Miranda* rights, the Defendant confessed to robbing the Sunoco.

The Defendant was subsequently charged for other robberies and the following is a chronology of the prosecutorial procedural history in this case:

June 8, 2018:

The State submitted a plea offer to the Defendant to plea to two counts of Armed Robbery and two counts of Possession of a Weapon During the Commission of a Violent Crime either "straight up" or to a negotiated 18 years. The offer was set to expire on September 7, 2018. The offer was for the Defendant to plea to the December 3, 2017 Kwik Stop robbery and the January 16, 2018 Sunoco robbery. The remaining charges would be dismissed.

July 18, 2018:

The Defendant's bond was set at a consolidated \$325 at a preliminary hearing.

September 7, 2018:

Public Defender Jason King, who represents the Defendant on the above listed charges, asked the plea offer expiration to be extended and the State agreed. The new plea offer expiration date was October 8, 2018.¹

September 10, 2018:

A grand jury indicted the Defendant for the December 3, 2017 Kwik Stop charges as well as a Pointing and Presenting charge related to an incident at the Kwik Stop on December 7, 2017.²

October 8, 2018:

A plea acknowledgment form was emailed to the Court to schedule the plea for December 6, 2018. On the form, Mr. King wrote, "Will accept or reject."

December 6, 2018:

Mr. King indicated the Defendant would reject the offer but he would continue to discuss a guilty plea with his client.

December 10, 2018:

Defendant rejected the offer on the record.

May 13, 2019:

Defendant filed a motion to reduce the bond and the Honorable Markley Dennis denied the motion.

May 17, 2019:

A potential witness for the defense, Mark Maschke died.

¹ Much of the discussions between myself and Mr. King involved a plea being in the Defendant's best interest. I advised Mr. King the first case I ever prosecuted involved this Defendant being a victim of an armed robbery and how that case ended with a guilty verdict after a trial. I told Mr. King I would relay that story to the judge hearing the plea and how I felt this case was really a sad story with no winners. So, for that reason, if the Defendant chose to plea "straight up", while I couldn't recommend the minimum sentence, I would hope the sentencing judge would take my story into account when sentencing.

² The State intended to indict the Defendant for the charges related to the plea offer. Failing to indict the charges related to the Sunoco was an oversight and nothing more. With the strength of the evidence in the case, I have always viewed this case as a plea. I don't believe it an understatement to say, discussions with the defense have always been the same.

November 26, 2019:

Both the State and Defendant received notice the case would be called for trial the week of January 6, 2020.

December 6, 2019:

At a docket meeting for trials on the January 6, 2020, this case was continued without objection by both parties.

January 17, 2020:

The Defendant filed a motion to reconsider his bond. The motion was heard by the Honorable Jennifer McCoy who lowered the bond to \$250k, with GPS, and house arrest. After the hearing, the Defendant's father approached me and indicated he would talk to his son about accepting the offer and pleading.

May 4, 2020:

During a status conference the State and Defendant agreed to a date certain trial on August 17, 2020.

June 2020:

The State dismissed the charges as it related to a December 26, 2017 Exxon robbery.

July 2020:

The State intends to have the charges related to the January 16, 2018 Sunoco and November 28, 2017 Kwik Stop robberies indicted.

The State dismissed charges related to the December 26, 2017 Exxon robbery at 1756 Ashley River Rd.

II. Motion to Dismiss / Pre-indictment Delay

The State agrees with the Defendant's interpretation of *Brazell* in the motion to dismiss. "First, the Defendant has the burden of proving the pre-indictment delay caused substantial actual prejudice to

his right to a fair trial.”³ “Second, if the Defendant shows actual prejudice, the court must consider the prosecution’s reasons for the delay and balance the justification for delay with any prejudice to the Defendant.”⁴

a. Pre-indictment Delay Caused Substantial Actual Prejudice

Substantial prejudice requires a showing that the Defendant was meaningfully impaired in his ability to defend against the charges to such an extent that the disposition of the criminal proceeding was likely affected.⁵ The Defendant has stated, “Mark A. Maschke could have testified to the fact that the Defendant was under the influence of drugs when he was arrested and subsequently gave a statement to police. This evidence is not available from any other source.” It appears as though the Defendant is attempting to suppress his statement to Detective Yolanda Brown and/or discredit the statement by alleging he was intoxicated at the time of the statement.

There were three people present during the Defendant’s statement and they were this Defendant, Detective Sergeant Thomas Bailey, and Detective Brown. Mr. Maschke was not present and can provide no testimony regarding the Defendant’s intoxication level at the time of his interview.⁶ Detectives Brown and Bailey are the only people who can provide such testimony and she has told the State she detected no evidence this Defendant was intoxicated during the interview. Furthermore, Officer Summerlin who arrested the Defendant has informed the State he observed no evidence of drug or alcohol use by the Defendant or Mr. Maschke at the time of the Defendant’s arrest.

Furthermore, the best evidence available for a jury or judge to determine whether the Defendant was intoxicated at the time of his interview comes from the recording of the interview itself. After being brought in the room, the Defendant first said he didn’t have a lunch break and asked for something to eat,

³ *State v. Brazell*, 325 S.C. 65, 72 (1997) at 72.

⁴ *Id.* at 73

⁵ *Id.* at 73

⁶ Assuming Mr. Maschke would even testify to the Defendant’s intoxication at the time of his arrest. It is unknown to the State whether Mr. Maschke has provided a statement to the defense indicating this or whether this is simply something relayed by the Defendant himself.

which he is provided.⁷ Detective Brown entered and the Defendant expressed concern over losing his job due to his arrest.⁸ The Defendant told Detective Brown he was displeased with detectives taking his coat on December 8, 2017 when they first questioned him about a robbery.⁹ Detective Brown advised the Defendant of his *Miranda* warnings and gave the card to the Defendant allowing him read along.¹⁰ The Defendant then gave a detailed account of his prior weekend going through Monday.¹¹ The Defendant was later given a smoke break at his request.¹² At about 5:34 pm, the Defendant asked Detective Brown to turn off her hand-held recorder. The Defendant then goes on to confess to robbing the Sunoco saying he did it for “love” indicting he was giving the money to Deonna. He went on to say the gun was unloaded and only committed the robbery because he thought, “I would get away with it because so many other people getting away with it.”¹³ The entire interview lasted about two hours and during that time there is absolutely no evidence the Defendant was intoxicated.

The Defendant has another available source to produce evidence he was intoxicated at the time of his statement to Detective Brown. Namely, he can *testify* he was intoxicated at the time of the statement. Either way, Mr. Maschke’s testimony that the Defendant was intoxicated would not affect the jury or judge’s determination of whether he was intoxicated because anyone can judge for themselves by watching the interview. Even giving the benefit of the doubt that Mr. Maschke would testify the Defendant was intoxicated, the video shows at the time of his statement, he was clearly sober, understood what was being said to him, and had no issues intelligently answering questions.

For those reasons, there is no evidence of prejudice to the Defendant caused by the pre-indictment delay and therefore, the Defendant’s motion should be denied.

⁷ At: 3:14 pm.

⁸ At: 3:26 pm.

⁹ At: 3:30 pm.

¹⁰ At: 3:37 pm.

¹¹ At: 3:42-3:49 pm. The Defendant remembers intimate details concerning the weekend to include watching the Saints / Vikings game. He also remember the exact time he clocked out from work on Monday.

¹² At: 4:35 pm.

b. If Prejudice; Prosecutors Reason for Delay

There is no evidence the Defendant was prejudiced by a pre-indictment delay. The reason the State failed to indict the cases was simply an oversight and not done for any tactical advantage. In fact, the State had no knowledge a witness would testify the Defendant was intoxicated at the time of his confession until the Defendant filed the motion to dismiss. While the State concedes a showing of maliciousness in pre-indictment delay is not a necessary element to dismiss, this reason for delay can be weighed in a balancing test if prejudice is shown.

II. Motion to Dismiss / Speedy Trial

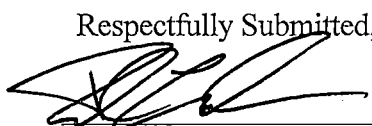
A reviewing court should consider the following our factors when determining whether a defendant has been deprived of his right to a speedy trial: the length of the delay, the reason for the delay, the accused's assertion of his right to a speedy trial, and whether the delay prejudiced the accused.¹⁴

The Defendant has been incarcerated since January 16, 2018. Even if this delay triggers a violation of speedy trial analysis, the remaining factors show there has been no violation of the Defendant's right to a speedy trial. The procedural history shows, the Defendant has not asserted a right to a speedy trial until now. The Defendant has made no request asking the State to consent to have the case tried sooner than now. In fact, the State requested the case be placed on the priority docket for the trial week of August 17, 2020, not the Defendant. For the above stated "Substantial Actual Prejudice" analysis, the Defendant has not shown no prejudice by the pre-indictment delay.

Therefore, the Defendant's motion to dismiss based on a speedy trial violation should be denied.

Charleston, South Carolina

Dated: 6-11-20

Respectfully Submitted,

 David L. Osborne
 9th Circuit Assistant Solicitor

FILED
 2020 JUN 15 PM 4:13
 JULIE J. ARMSTRONG
 CLERK OF COURT
 BY 

¹³ At: 5:54 pm.

¹⁴ *State v. Hunsberger*, 418 S.C. 335, 343 (2016); *State v. Cooper*, 386 S.C. 210, 216-217 (Ct. App. 2009).

1
2 STATE OF SOUTH CAROLINA)
3 COUNTY OF CHARLESTON) Court of General Sessions
4) Case No. 2022-GS-10-00549
5) and 2022-GS-10-00550
6)
7 STATE OF SOUTH CAROLINA,)
8 vs.) Transcript of Record
9) (via video)
10 RONZEL BILAH OLDS,)
11 Respondent.) DATE: June 17, 2020
12)
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B E F O R E:

THE HONORABLE R. MARKLEY DENNIS

A P P E A R A N C E:

DAVID OSBORNE
Attorney for the State

JASON KING
Attorney for the Defendant

Karen V. Andersen
Certified Realtime Reporter
Registered Merit Reporter
Certified Shorthand Reporter

1 THE COURT: This is Jason King's motion. I will
2 finish this sentencing sheet and I will be with you all in
3 just a second.

4 Sorry to keep y'all waiting. I apologize.

5 THE COURT: You are Ronzel Olds?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Mr. Olds, as soon as your lawyer gets
8 on, I'm going to hear his motion to dismiss. Then I will
9 hear from the State in response, and then I will let your
10 lawyer respond to that. Okay?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Mr. Osborne, you are ready to go forward
13 as soon as he gets on?

14 MR. OSBORNE: Yes, Judge. I just texted Mr. King as
15 well. We both know that's pretty unusual for him. So he's
16 probably trying to get on.

17 THE COURT: Good morning, sir.

18 MR. KING: Good morning. Sorry, Your Honor. There
19 was a little mix-up with the link. I had a little technical
20 problems.

21 THE COURT: Mr. King, I love the Internet, but I
22 love to hate it sometimes, because when it doesn't work, and
23 I'm the most impatient person, I've thrown things at my
24 computer before. That really helps a lot. But it just
25 frustrates me when things don't work. But we are here. And

1 Mr. Olds is present.

2 I mentioned to him that you filed the motion on his
3 behalf. And I'm going to hear from you first. Then I will
4 hear from Mr. Osborne in response. And then you can reply to
5 Mr. Osborne.

6 So I'm delighted. I read your motion. And,
7 certainly, your motion is incorporated fully, as the State's
8 reply is as well, for the purpose of review. And certainly
9 you can rely on that. But, please, feel free to stress any
10 parts that you want me to hear.

11 MR. KING: Your Honor, I forwarded a link to
12 Mr. Olds's mother. She may be coming in at some point, if
13 you see her pop up.

14 My strongest argument really is the dismissal of two
15 warrants, the warrants ending in 13 and 14, an armed robbery
16 and possession of a weapon during a violent crime. The
17 strongest, I think, is based on the pre-indictment delay.
18 It's been almost two and a half years, two years and five
19 months, and he has not been indicted. He was indicted on
20 three charges, but those have now been dismissed. So he
21 hasn't been indicted -- as of right now, not indicted on
22 anything for two years and five months.

23 In the case that I believe the State would go
24 forward with, the one with the statement on video, is the
25 main one that has not been indicted. The statement has

1 really been the biggest piece of evidence in the trial.

2 The witness -- the crux of the argument is that
3 defense has suffered prejudice because a witness has passed
4 away. This is the witness where Mr. Olds was arrested
5 driving in a car with this witness. When we went to try to
6 find the witness, we were told the witness had passed away
7 from a drug overdose. That was the rumor. I haven't
8 confirmed that, but that does support what Mr. Olds is
9 saying, that witness could testify to Mr. Olds being under
10 the influence of drugs at the time. That could be an issue
11 that we argue pretrial as far as a motion to suppress. And
12 also it's a jury issue, because voluntariness of his
13 statement would be decided by the jury as well.

14 Just to emphasize, Your Honor, the indictment means
15 something. And it's in the U.S. Constitution. It's in the
16 South Carolina Constitution. The rules of procedure say that
17 the case should be indicted within 90 days. There's an
18 administrative order from 2018 from Charleston that extends
19 that to 180 days unless an extension is granted.

20 There's *State v. Langford* out there, Your Honor.
21 And Mr. Olds, he was showing me something from *State v.*
22 *Langford*, and I did some research on that. They did issue an
23 administrative order along with *State v. Langford* that
24 provided some guidance. But that order was held in abeyance
25 in 2012, in December. And I think we are still sort of

1 waiting on a decision on that. But *Langford* as well lends
2 some support to this.

3 So our main argument is just that we've suffered
4 substantial and actual prejudice to a right to a fair trial
5 because of the death of this witness. I did put some speedy
6 trial arguments in there for the other warrants as well. I
7 think at least a delay would trigger review of the other
8 factors.

9 And I think it would also apply to the
10 pre-indictment delay if the State were to intend to use the
11 statement, you know, the statement on one armed robbery in
12 any way under *Lyle*, if they were to use that statement in the
13 other armed robberies, because the evidence is really strong
14 in the other armed robberies. But I have included an
15 argument for speedy trial as well. But I think my strongest
16 arguments are those two warrants they gave a statement on and
17 the lack of indictment and the death of the witness.

18 THE COURT: Okay. Mr. Osborne, response.

19 MR. OSBORNE: Yes, Judge, just briefly. My motion
20 mostly deals with *Brazell* with the substantial prejudice
21 requirement. I sort of mistakenly, I guess, assumed that the
22 defense had a written or maybe even recorded statement from
23 Mr. Mashkey (ph), which they could demonstrate to the Court
24 would be Mr. Mashkey's testimony if he were available for
25 trial.

1 But what I just heard then was that Mr. Olds is the
2 one who is saying that Mashkey would say something. Well,
3 that would fall under a couple of different requirements
4 under *Brazell*. Under *Brazell*, if the -- if there is a claim
5 of prejudice because of an unavailable witness, there are
6 four requirements. First, the Court is required to identify
7 the witness that's going to testify. Mr. King has done that.

8 Then he's required to demonstrate with specificity
9 the expected content of the witness's testimony. We have no
10 way of knowing here what Mr. Mashkey would have testified to.
11 All we have, according to Mr. King, is what Mr. Olds is
12 saying Mr. Mashkey would say.

13 The third requirement is establish that he's made
14 serious attempts to locate the witness. I think he's
15 probably done that. He said he tried to find him.

16 And, finally, show the information that the witness
17 would have provided was not available from any other source.
18 This is really the crux of what I was dealing with in my
19 motion, and showing that there are multiple other sources to
20 show that Mr. Olds was intoxicated, if that's what Mr. King
21 is claiming, namely, the audio and video recorded statement
22 from Mr. Olds himself.

23 So I think a jury -- that would really be the best
24 evidence, if a jury could watch it themselves and determine
25 whether he was intoxicated or not. And I also put it on

1 there, while he has a right to remain silent, there is
2 another means for him to get that type of evidence out, and
3 that would be him testifying.

4 In regard to the speedy trial motion, I went through
5 detail in the response putting out the procedural history to
6 that. And I think that clearly shows there's no violation of
7 a speedy trial. There was no way to try this case before
8 now. I have put it in for the grand jury indictments. So it
9 should be indicted in July.

10 THE COURT: All right. Response, Mr. King.

11 MR. KING: Your Honor, just as far as the other
12 source, I mean, Mr. Olds could testify, but he has a right to
13 remain silent. And if he chooses to remain silent, then this
14 is the main witness I have who was with Mr. Olds before he
15 was arrested by the police. And the police would be
16 witnesses to his behavior, but we can't see inside his head.
17 And, you know, the police can observe him. We can look at
18 the video. But I think it's important that we could have had
19 a witness who could testify to what Mr. Olds was doing and if
20 he was using drugs right before he was arrested by the
21 police. I think that would be an important fact to get in
22 that I couldn't get in any other way.

23 THE COURT: Well, I appreciate that. But how does
24 the statement not provide information for a jury to believe?
25 I mean, assume just for the sake of discussion that

1 everything that you've said, that the guy was going to say
2 that he was doing drugs just before he was arrested, okay,
3 how does that change anything from what the video would show?
4 I mean, first of all, the State may be willing to stipulate
5 to the fact that he was using drugs before. The jury makes
6 the determination. I mean, there's lots of ways to deal with
7 that. But, first of all, we don't know this man would
8 confirm that or not because no one ever talked to him,
9 correct? And even your client has not talked with him as to
10 what he would say?

11 MR. KING: Right. And we will never know. I've
12 confirmed through the coroner's office, he's deceased. We
13 know that he died.

14 THE COURT: All right. I appreciate it. I'm going
15 to review, now after listening to your arguments, review the
16 memos that I've already read. I also have a -- you
17 understand I have a copy of his statement, the video of his
18 statement?

19 MR. KING: Yes, Your Honor.

20 THE COURT: And I'm making that a part of the record
21 for the purpose of review, because I'm going to review that
22 as well and as a part of my overall review of everything
23 that's here. And I will let y'all know as to what my
24 decision is and ask you to prepare the appropriate order.
25 Okay?

1 MR. KING: Yes, Your Honor.

2 THE COURT: Mr. Olds, your lawyer will be in touch
3 with you. I'm taking it under -- what we call is taking it
4 under advisement. I want to study and read the cases
5 in-depth, having considered their arguments, and I want to
6 review. I have not had a chance to review the video yet.
7 And I will review that as well. And then we will --

8 THE DEFENDANT: Can I say something, Your Honor?

9 THE COURT: Mr. Olds, you can say anything you want,
10 but, remember, anything you say can be used against you.

11 THE DEFENDANT: What about the indictment? He had
12 180 days to indict me.

13 THE COURT: Sir, I appreciate that. That's a rule
14 that everybody puts a lot of faith and stock in. That rule
15 does not absolutely rule out any case going forward. I am
16 telling you that right now. It just doesn't. There's
17 circumstances. There has to be a prejudice. There's a case
18 that talks about that. I'm going to look at that and I will
19 give you a response to that. Okay? But your position is
20 protected. And if I rule that it goes forward, then you will
21 have the chance to appeal that issue if you have been
22 convicted. Thank you. Appreciate it. Thank you very much.
23 I will be in touch.

24 (Whereupon, the proceedings are adjourned.)
25

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

vs.

RONZELL OLDS

DEFENDANT.

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

Warrant No: 2018A1020100013; 2018A1020100014;
2018A109000037 to 41; 2018A10114000007 to 09

↓ 1010900037 - (125)

Charge: Armed Robbery (4 counts); Possession of a
Weapon During a Violent Crime (4 counts); Pointing
and Presenting a Firearm; Kidnapping

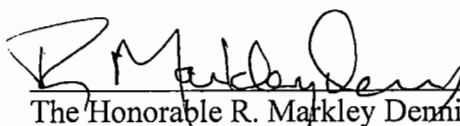
ORDER FOR COURT'S EXHIBIT

On June 17, 2020, this Court heard the Defendant's motions to Dismiss for Pre-Indictment Delay and Denial of a Right to a Speedy Trial on the above captioned case. The Defendant was represented by Jason King and the State by Assistant Solicitor David Osborne.

The State provided the Court with a DVD-R with video files of the interview of Ronzell Olds. The Court has viewed the videos in their entirety and are incorporating this DVD-R as a court's exhibit for the record.

As such, the DVD-R for the interview of Ronzell Olds will be labeled as Court's Exhibit 1.

IT IS SO ORDERED!



The Honorable R. Markley Dennis
Chief Administrative Judge, General Sessions
Ninth Judicial Circuit

Charleston, SC
Dated: June 23, 2020

FILED
2020 JUN 23 AM 11:00
JULIE J. ARNSTROM
CLERK OF COURT

cc: Lisa C. W/Prisc

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

vs.

RONZELL  OLDS

DEFENDANT.

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

Warrant No: 2018A1020100013; 2018A1020100014;
2018A109000037 to 41; 2018A10114000007 to 09
~~1010900037~~ 

Charge: Armed Robbery (4 counts); Possession of a
Weapon During a Violent Crime (4 counts); Pointing
and Presenting a Firearm; Kidnapping

**MOTION TO DISMISS – SPEEDY TRIAL AND
PRE-INDICTMENT DELAY**

On June 17, 2020, this Court heard the Defendant's motions to Dismiss for Pre-Indictment Delay and Denial of a Right to a Speedy Trial on the above captioned case. The Defendant was represented by Jason King and the State by Assistant Solicitor David Osborne.

In its written motion and during the hearing, the Defendant argued the State's failure to indict all pending charges caused "substantial actual prejudice to his right to a fair trial."¹ Namely, a potential witness by the name of Mark Maschke had died. The Defendant hypothesized Mr. Mashke would testify the Defendant was intoxicated at the time of his arrest and thus presumably intoxicated at the time of his interview with detectives later that same day.² Therefore, the trial judge could determine the Defendant's statement was not voluntarily given and order it suppressed or a jury could chose to disregard the statement if they determined the statement was not voluntarily given due to the Defendant being intoxicated.

The State argued the Defendant failed to show substantial actual prejudice because the best evidence of the Defendant's intoxication level during his interview would be the audio and video-recorded interview itself. The trial judge could simply watch the video and determine for

¹ *State v. Brazell*, 325 S.C. 65, 72 (1997) at 72.

² Although Mr. King, nor any representatives from his office had actually spoken to Mr. Maschke.

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2020 JUN 24 AM 9
JULIE J. ARNST
CLERK OF COURT

FILED

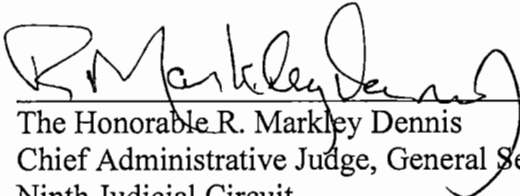
himself or herself the intoxication level of the Defendant based on his interaction with the detectives. A jury could then do the same. The State provided the Honorable R. Markley Dennis a recording of the entire interview for his review.

After reviewing both briefs submitted by the State and the Defendant, hearing oral arguments, and reviewing the Defendant's interview in its entirety, this Court finds the Defendant has failed to show pre-indictment delay has caused substantial actual prejudice.

In considering the factors in determining whether the Defendant has been denied the right to a speedy trial, this Court has reviewed the procedural history of this case provided in the State's brief and finds the Defendant was not prejudiced by any delay in trial.

As such, the Defendant's Motion to Dismiss the Indictments is DENIED.

IT IS SO ORDERED!


 The Honorable R. Markley Dennis
 Chief Administrative Judge, General Sessions
 Ninth Judicial Circuit

Charleston, SC
 Dated: June 23, 2020

RMD2

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 2020 JUN 24 AM 9:04
 JULIE J. ARISTRONO
 CLERK OF COURT

FILED

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

2022 JAN 27 PM 4: 57)

JULIE J. ARMSTRONG
CLERK OF COURT)

BY _____)

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT

Warrant No: 2018A1020100013; 2018A1020100014;

Charge: Armed Robbery; Possession of a Weapon
During a Violent Crime

STATE OF SOUTH CAROLINA)

vs.)

RONZELL OLDS)

Defendant)

MOTION TO DISMISS -
SPEEDY TRIAL AND PRE-INDICTMENT
DELAY

The Defendant moves to dismiss the above charges for violation of his right to a speedy trial and for violation of his right to Due Process by pre-indictment delay. The Defendant was arrested on January 16, 2018 on the above charges. The Defendant is accused of robbing a Sunoco gas station. On January 16, 2018, the Defendant gave an incriminating statement to law enforcement regarding the armed robbery of the Sunoco. The Defendant has not been indicted on the above charges.

On May 26, 2020, the Defendant filed a motion to dismiss based on a violation of his right to a speedy trial and a violation of his right to due process by pre-indictment delay. The motion was heard on June 17, 2020, and was denied by The Honorable Judge R. Markley Dennis, Jr. in an order dated June 23, 2020. Over 19 months have passed since this motion was denied, and the above charges remain unindicted and untried.

The above charges are currently up for trial the term of January 31, 2022. At the docket meeting on January 7, 2022, the assigned solicitor, although mistaken, indicated the charges were

indicted. He informed defense counsel on January 25th that the charges were in fact not indicted. It is the Defendant's understanding the case cannot proceed due to lack of true-billed indictments.

A grand jury indictment is required to prosecute the Defendant for the crimes he is alleged to have committed. U.S. Const. amend V; S.C. Const. Art. I, §11; S.C. Code §17-19-10. The solicitor is required to prepare an indictment within 90 days after receipt of the arrest warrant or petition the court for an order delaying action on the warrant for good cause for successive 90-day periods. S.C.R. Crim. P. Rule 3(c).

The Due Process clause protects a Defendant from oppressive pre-indictment delay. U. S. Const. Amend. 14; S.C. Const. Art. I, §3; *State v. Brazell*, 325 S.C. 65, 72 (1997). "First, the Defendant has the burden of proving the pre-indictment delay caused substantial actual prejudice to his right to a fair trial. Second, if the Defendant shows actual prejudice, the court must consider the prosecution's reasons for the delay and balance the justification for delay with any prejudice to the Defendant." *Id.* at 72. Substantial prejudice requires a showing that the Defendant was meaningfully impaired in his ability to defend against the charges to such an extent that the disposition of the criminal proceeding was likely affected. *Id.* at 73. The test adopted by our courts does not require a showing that the government intentionally delayed the indictment so as to gain a tactical advantage, and the absence of a prosecutorial bad faith motive is not fatal to a Defendant's due process claim. *State v. Lee*, 375 S.C. 394, 399 and fn. 1.

The United States Constitution and the South Carolina Constitution provide that in criminal prosecutions, the accused has a right to a speedy trial. U.S. Const. Amend. VI; S.C. Const. Art. I, §14. A reviewing court should consider the following our factors when determining whether a defendant has been deprived of his right to a speedy trial: the length of the delay, the reason for the delay, the accused's assertion of his right to a speedy trial, and whether the delay prejudiced the

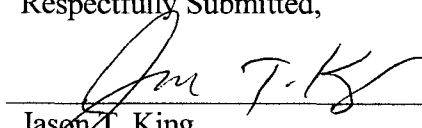
accused. *State v. Hunsberger*, 418 S.C. 335, 343 (2016); *State v. Cooper*, 386 S.C. 210, 216-217 (Ct. App. 2009). A delay may be so lengthy as to require a finding of presumptive prejudice, and thus trigger the analysis of the other factors. *Cooper* at 217. The South Carolina Supreme Court has found a two-year and four month delay sufficient to trigger further review of the other factors. *State v. Waites*, 270 S.C. 104, 108 (1978). Actual prejudice occurs when the trial delay has weakened the accused's ability to raise specific defenses, elicit specific testimony, or produce specific items of evidence. *Hunsberger* at 351. Whether the defendant has previously asserted the right to a speedy trial is not alone dispositive of whether he is entitled to relief, and none of the four factors are either necessary or sufficient to find a denial of the right to a speedy trial. *Hunsberger* at 349.

The Defendant asserted his right to a speedy trial in a motion filed on May 26, 2020 and a subsequent hearing on June 24, 2020. Despite this assertion, the charges remain unindicted and untried. The Defendant has suffered substantial actual prejudice due to the pre-indictment delay. The Defendant was in jail from 1-16-18 until 7-6-20, approximately 2 years and 6 months. The Defendant was released on bond on July 6, 2020 and has remained out of jail on house arrest with electronic monitoring. During this delay, a potential witness for the Defendant has died. The Defendant was arrested on January 16, 2018, while riding in a vehicle with a co-worker, Mark A. Maschke. The Defendant, later that same day, gave a statement to police regarding the robbery of the Sunoco that had occurred January 16, 2018. The Defendant believes Mark A. Maschke could have testified to the fact that the Defendant was under the influence of drugs when he was arrested and subsequently gave a statement to police. This evidence is not available from any other source. According to the Office of the Coroner, Mark A. Maschke died on May 17, 2019.

Although the order was held in abeyance on December 20, 2012, in *State v. Langford*, 400 S.C. 421 (2012), the South Carolina Supreme Court issued an order that was to be effective on February 4, 2013 titled *Disposition of Cases in General Sessions*. According to this order, cases more than one year beyond the 180 day track will be transferred to a judicial docket. If the case has not been disposed of more than one year following transfer to the judicial docket, the case will be dismissed absent the solicitor establishing good cause. See §(C). If this order were in effect, then the charges would be dismissed absent the solicitor establishing good cause.

The Defendant also moves to dismiss the above charges based on violation of his right to a speedy trial. The defendant has experienced prejudice by being incarcerated and by being on house arrest. The Defendant was in jail from 1-16-18 until 7-6-20, approximately 2 years and 6 months. The Defendant was released on bond on July 6, 2020 and has remained out of jail on house arrest with electronic monitoring. Although house arrest is better than detention in jail, house arrest with electronic monitoring is still an expensive financial burden, a burden to keep the monitor charged regularly, and a restriction on his freedom. The Defendant has suffered actual prejudice due to the death of witness Mark A. Maschke. The Defendant believes this delay is so lengthy as to result in a finding of presumptive prejudice that would trigger analysis of the other factors.

Respectfully Submitted,


 Jason T. King
 Assistant Public Defender
 Attorney for Defendant

Charleston, South Carolina

Dated: 1-27-22

FILED
 2022 JAN 27 PM 4:57
 JULIE J. ARMSTRONG
 CLERK OF COURT

FILED

STATE OF SOUTH CAROLINA 2022 FEB 22 PM 4:10 IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON J. ARMSTRONG
CLERK OF COURT NINTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA

State's Motion for Continuance

vs.

Arrest Warrant #2018A1020100013, 14

RONZELL BILAH OLDS,

Indictment # [Not Indicted]

DEFENDANT.

The above captioned charges are on the January 31, 2022 trial docket and will likely be reached for trial. Next week's docket is the first time the case was likely to be reached for trial. The case was previously handled by an Assistant Solicitor who is no longer with the Ninth Circuit Solicitor's Office. The undersigned joined the Ninth Circuit Solicitor's Office in April 2021 and was assigned this case.

Ronzell B. Olds was arrested and charged with Armed Robbery and Possession of a Weapon During Violent Crime on January 16, 2018, for an incident occurring that same morning. In March 2020, the Charleston County Grand Jury ceased operations due to emergency protocols related to the COVID pandemic. It was not known at that time when the Grand Jury would resume. In May 2020, the defense filed a motion to dismiss all pending charges against this defendant due to alleged violations of his speedy trial rights and, because the charges had not at that time been presented to the Grand Jury, pre-indictment delay. In asserting prejudice to his case, the defense cited the death of a witness on May 17, 2019. The State filed a written response to the defense's motion on June 15, 2020, wherein the State acknowledged the oversight in not yet indicting the case and refuted the materiality of the deceased defense witness. In an order filed on June 24, 2020, the Chief Administrative Judge denied the defense's motion, finding no actual prejudice in the delayed indictment or the delay in the Court's scheduling of the case for trial (See, State's Exhibit Four)

On October 20, 2020, the Chief Administrative Judge for the Ninth Circuit announced that the Charleston County Grand Jury would resume normal operations on January 11, 2021 (See, State's Exhibit One). An office-wide email was generated informing all prosecutors in the

Solicitor's Office of this anticipated resumption of Grand Jury operations. At that time, the Assistant Solicitor handling the case sought to indict this defendant immediately upon the Grand Jury's resumption of normal operations. Accordingly, he prepared indictments to be presented to the January 2021 Charleston Grand Jury, the first available Grand Jury since the defense's motion. A review of our case tracking system would lead one to believe that indictments were prepared and presented to the January 2021 Grand Jury (See State's Exhibit Two).

On December 9, 2020, however, the Chief Justice of the South Carolina Supreme Court issued updated emergency COVID protocols, suspending again the operations of the Charleston County Grand Jury. Accordingly, these charges were not presented to a Grand Jury in January 2021.

At the time of the prior prosecutor's departure, the Charleston County Grand Jury had not resumed operations. The undersigned resumed employment with the Ninth Circuit Solicitor's Office in April 2021 and normal operations of the Charleston County Grand Jury resumed shortly thereafter. In total, the Charleston Grand Jury did not operate for 12 months due to emergency COVID protocols.

Upon inheriting this case, as well as many others, the undersigned reviewed the file and the Office's case tracking system and erroneously believed that the defendant's charges were indicted. This was due to the assigned indictment numbers and the listed Grand Jury date of January 2021. (See State's Exhibit Two). In fact, the undersigned held out to the Court in prior hearings that the case was indicted, even providing the Court with erroneous "indictment numbers" taken from our case tracking system. These statements evince the undersigned's sincerely held belief that these charges had been true-billed. The defense did not correct the State's assertions that the case had been indicted.

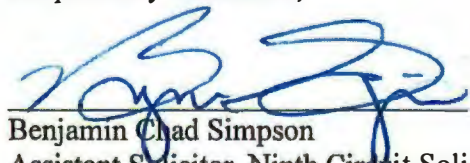
The Chief Administrative Judge resumed trials in Charleston County in September 2021. The Court has never called this case for trial and the State has not previously sought a continuance. Next week will be the first time this case has been reached for trial. This week, when the indictment oversight was discovered, the undersigned immediately prepared indictments and expedited their presentation to the next available Grand Jury, on February 7, 2022, seven business days from today's date.

The defendant has a Constitutional Right to have probable cause determined on his charges by a Grand Jury prior to trial and the trial cannot proceed unless he knowingly and voluntarily

waives that right. See, South Carolina Constitution, Article 5, Section 22. Considering the Defendant's previous requests for speedy trial, the State has offered to proceed trial next week (January 31st, 2022) if the defendant waives this right. He has indicated that he will not waive his right to have his case presented to a Grand Jury.

For these reasons, the State respectfully requests that this case be continued until a trial date after February 7, 2022, the next available grand jury date. The State's oversight in this matter will thus ultimately cause a seven-day delay in this matter before it is available again for rescheduling by the Court for a day and time determined by the Court.

Respectfully Submitted,



Benjamin Chad Simpson
Assistant Solicitor, Ninth Circuit Solicitor's Office

1/27/22
Date

2022 FEB 22 PM 4:10
JULIE J. ARMSTRONG
CLERK OF COURT
BY 

FILED

State's Exhibit One

ORDER

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF
GENERAL SESSIONS
2021

Court of General Sessions requires the Grand Jury of Charleston County be convened on the following dates at 9:00 a.m.

Monday, Tuesday and Wednesday ----- JANUARY 11TH, 12TH, and 13TH 2021

Monday and Tuesday ----- FEBRUARY 8TH and 9TH 2021

Monday and Tuesday ----- MARCH 8TH and 9TH 2021

Monday and Tuesday ----- APRIL 5TH and 6TH 2021

Tuesday and Wednesday ----- MAY 11TH and 12TH 2021

Monday and Tuesday ----- JUNE 7TH and 8TH 2021

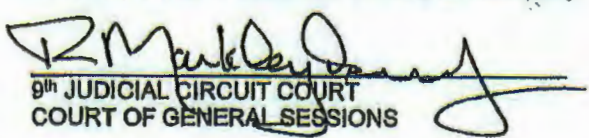
FILED

2020 OCT 20 PM 3:13

JULIE J. ARMSTRONG
CLERK OF COURT

BY _____

And shall remain in session for as long as necessary.


9th JUDICIAL CIRCUIT COURT
COURT OF GENERAL SESSIONS

Charleston, South Carolina

20th of Oct 2020

State's Exhibit Two

Felony Case - Olds, Romzall Bilal General Sessions Most Serious, Violent, Weapons			
File #	09C-0338509	DOB	12-18-1992
Old File #		Issued	03-05-2018
Prev Cases		Division	CDK-Charleston County Judicial Center
Location	Location	Category	GSCRT-General Sessions
Assigned	SIMPSONC-Chad Simpson	More Staff	
		Status	OPEN
		Stage	Pending/Trial Set
		Deadline	
		Case Worker	Meyer, Randall
		Defense	08030-King, Jason
		Contact Info	Pro se ☐ Ret. ☐ Co-Counsel ☐
Referral Arrest			
Referred	01-17-2018	Received	01-30-2018
Report #	2018-00864	Agency	Charleston City Police Department
Police	3430-3357-Rough, Stefanie	Lab #	
Charge Witness Documents Co-Defend Court Dates Victim Svc Diversion Evidence Investigate			
Date	Referral Charge		Current/Plea Charge
01-16-2018	2018A1020100013 - 0139 - Armed Robbery		2021-GS-10-00589 - 0139 - Armed Robbery
01-16-2018	2018A1020100014 - 0549 - Possession Of A Weapon During The Commission Of A Violent Crime		2021-GS-10-00592 - 0549 - Possession Of A Weapon During The Commission Of A Violent Crime
01-18-2022 CAPGS General Sessions Caption document prepared ☐ 01-03-2022 HGJT Hearing Jury Trial CHTRIALB on 01-31-2022 09:00 AM and Track ☐ 09-06-2021 COCTNTRH Continuance By Court - Not Reached 09-06-2021 HGJT Hearing Jury Trial CHTRIALB on 09-06-2021 09:00 AM and Track ☐ 12-07-2020 INDICT Indictment prepared ☐ 12-07-2020 GJ Grand Jury on 01-11-2021 09:00 AM CGJDK ☐ 10-29-2020 INDICT Indictment prepared ☐ 10-29-2020 GJ Grand Jury on 01-11-2021 09:00 AM CGJDK ☐ 05-04-2020 INDICT Indictment prepared ☐ 05-04-2020 GJ Grand Jury on 07-13-2020 09:00 AM CGJDK ☐ 05-04-2020 PROSMM Prosecution memorandum prepared ☐ 02-11-2020 COCTSHER Continuance By Court - Scheduled in Error 01-06-2020 COCSPTAA Continuance By Consent Of Parties - Attorney Availability 01-06-2020 HGJT Hearing Jury Trial CHTRIALC on 02-10-2020 09:00 AM and Track ☐			

State's Exhibit Three

The Supreme Court of South Carolina

Re: Selection of New Grand Jury Members

ORDER

Pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution,

I find that, in light of the ongoing increase in COVID-19 cases throughout South Carolina, and the expectation by the medical community and experts that the number of positive cases will continue to increase in the near future, it is appropriate to temporarily suspend the selection of new grand jury members.

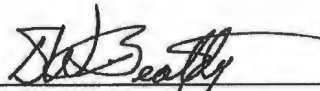
This decision has been made after discussions with Clerks of Court throughout the state, who reported the need to summon large numbers of potential grand jurors in the near future in order to select a new grand jury for the 2021 calendar year, and that many locations lack adequate facilities to allow for social distancing during this process.

IT IS THEREFORE ORDERED that grand juries shall not be convened for the purpose of selecting new grand jury members. Previously established grand juries may convene during the month of December 2020 for the purpose of considering the presentment of indictments. At all times, the participants in this process shall adhere to proper COVID-19 protocol, to include social distancing and the use of personal protective equipment. This Order affects the county grand juries throughout the state as well as the State Grand Jury.

This Order supersedes all prior local orders issued by the Chief Judges for Administrative Purposes which authorized or scheduled the convening of a

county grand jury.

This Order shall remain in effect until amended or rescinded by Order of the Chief Justice.

A handwritten signature in black ink, appearing to read "D. W. Beatty", written over a horizontal line.

Donald W. Beatty
Chief Justice

Columbia, South Carolina
December 9, 2020

State's Exhibit Four

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

vs.

RONZELL OLDS

DEFENDANT.

IN THE COURT OF GENERAL SESSIONS

NINTH JUDICIAL CIRCUIT

Warrant No: 2018A1020100013; 2018A1020100014;
2018A109000037 to 41; 2018A10114000007 to 09
1010900037

Charge: Armed Robbery (4 counts); Possession of a
Weapon During a Violent Crime (4 counts); Pointing
and Presenting a Firearm; Kidnapping

**MOTION TO DISMISS – SPEEDY TRIAL AND
PRE-INDICTMENT DELAY**

On June 17, 2020, this Court heard the Defendant's motions to Dismiss for Pre-Indictment Delay and Denial of a Right to a Speedy Trial on the above captioned case. The Defendant was represented by Jason King and the State by Assistant Solicitor David Osborne.

In its written motion and during the hearing, the Defendant argued the State's failure to indict all pending charges caused "substantial actual prejudice to his right to a fair trial."¹ Namely, a potential witness by the name of Mark Maschke had died. The Defendant hypothesized Mr. Mashke would testify the Defendant was intoxicated at the time of his arrest and thus presumably intoxicated at the time of his interview with detectives later that same day.² Therefore, the trial judge could determine the Defendant's statement was not voluntarily given and order it suppressed or a jury could chose to disregard the statement if they determined the statement was not voluntarily given due to the Defendant being intoxicated.

The State argued the Defendant failed to show substantial actual prejudice because the best evidence of the Defendant's intoxication level during his interview would be the audio and video-recorded interview itself. The trial judge could simply watch the video and determine for

¹ *State v. Brazell*, 325 S.C. 65, 72 (1997) at 72.

² Although Mr. King, nor any representatives from his office had actually spoken to Mr. Maschke

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CLERK OF COI

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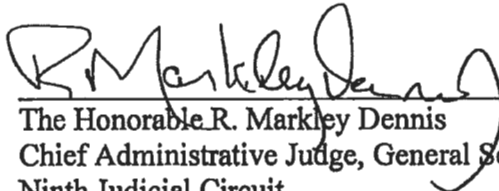
himself or herself the intoxication level of the Defendant based on his interaction with the detectives. A jury could then do the same. The State provided the Honorable R. Markley Dennis a recording of the entire interview for his review.

After reviewing both briefs submitted by the State and the Defendant, hearing oral arguments, and reviewing the Defendant's interview in its entirety, this Court finds the Defendant has failed to show pre-indictment delay has caused substantial actual prejudice.

In considering the factors in determining whether the Defendant has been denied the right to a speedy trial, this Court has reviewed the procedural history of this case provided in the State's brief and finds the Defendant was not prejudiced by any delay in trial.

As such, the Defendant's Motion to Dismiss the Indictments is DENIED.

IT IS SO ORDERED!


 The Honorable R. Markley Dennis
 Chief Administrative Judge, General Sessions
 Ninth Judicial Circuit

Charleston, SC
 Dated: June 23, 2020

RMD2

FILED
 2020 JUN 24 AM 9:04
 JULIE J. ARMSTRONG
 CLERK OF COURT

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

2018A1020100013

2018A1020100014

State of South Carolina)

) TRANSCRIPT OF RECORD

-vs-

)

) January 27, 2022

Ronzel Bilah Olds,

)

) Charleston, South Carolina

) (Via WebEx)

B E F O R E:

The Honorable Deadra L. Jefferson, Judge

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

Chad Simpson, Esquire
Attorney for the State

Jason King, Esquire
Attorney for the Defendant

Reported By:

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

1 THE COURT: This is the State versus
2 Ronzel, B-I-L-A-H, Olds, O-L-D-S, it's before the Court
3 an arrest warrant 2018, ending in 13 and 14, armed
4 robbery and possession of a weapon during the commission
5 of a violent crime. Have these been filed yet? Oh,
6 it has. So this says June 24th -- no, that's something
7 else. When was this motion filed, Mr. Simpson?

8 MR. SIMPSON: I'm sorry, Your Honor.
9 In the haste of preparing it for today, this is all
10 issues that have arisen this week, I have not filed it,
11 but I can do so.

12 THE COURT: You need to get it filed today.
13 And, Mr. King, have you filed your response yet?

14 MR. KING: No. I didn't have a written
15 response to the motion. I have my motions to dismiss
16 as a response.

17 THE COURT: I assume that was your response,
18 so that needs, likewise, to be filed today.

19 MR. KING: Yes, Your Honor. I have a copy
20 ready to be filed after we finish here.

21 THE COURT: Perfect. All right. We'll
22 proceed. This is set for the trial docket next week.

23 MR. SIMPSON: Correct, Your Honor.

24 THE COURT: And State is asking for
25 a continuance. You may proceed, and then I'll hear

1 from Mr. King.

2 MR. SIMPSON: Thank you, Your Honor.

3 THE COURT: You're welcome.

4 MR. SIMPSON: This case is on the trial
5 docket next week. It has been on some previous trial
6 dockets, but it's fair to say this is the first time
7 that it was really a realistic opportunity to be reached
8 on the docket, and the first time the State has asked
9 for a continuance.

10 As I explained in some detail in the motion,
11 this was a case that was handled by a previous assistant
12 solicitor in our office and -- there's a lot of dates
13 here, so please bear with me on the dates. But the --
14 in March of 2020 is when the courts shut down, that
15 included the operation of the Charleston County grand
16 jury.

17 I believe following that March, in May,
18 Mr. King filed a motion based on the speedy trial
19 rights of his client on these charges and the fact
20 that the case had not yet been indicted, and that was
21 in May of 2020. The solicitor at that time responded
22 in writing to Mr. King, and there was a substantive
23 hearing on both the pre-indictment delay and the speedy
24 trial motion.

25 THE COURT: And who are they?

1 MR. SIMPSON: Judge Dennis, who was the
2 chief administrative judge at the time. I have attached
3 his order as exhibit ---

4 THE COURT: I have it. I just needed
5 you to clarify for the record that that's who you
6 were referring to.

7 MR. SIMPSON: Thank you, Your Honor.

8 THE COURT: You're welcome.

9 MR. SIMPSON: The dilemma -- at that point
10 in time, the State acknowledged the oversight in not yet
11 presenting the case to a grand jury and certainly held
12 out to the Court that would be remedied when possible,
13 but was also obviously facing the unprecedented
14 situation of there being no grand jury to present these
15 indictments to.

16 So Mr. Osborne, who was the solicitor at the
17 time, stayed sort of abreast of the status of the grand
18 jury and certainly intended to remedy the non-indictment
19 of these charges at the first available grand jury.

20 As we sort of fast forward through that
21 year and get to near the end of 2020, it was announced
22 by the chief admin judge at the time, Judge Dennis,
23 that the grand jury was going to resume in January
24 of 2021. There was internal e-mails to that effect,
25 as well as a published order from Judge Dennis

1 announcing that January of 2021 would be first
2 resumption of the grand jury since being shut down
3 due to COVID.

4 Mr. Osborne, the solicitor at the time,
5 prepared indictments to be presented to that grand
6 jury. I have included also as an exhibit, Your Honor,
7 sort of what I would see -- because of that, he assigned
8 indictment numbers to these charges, assigned a grand
9 jury date and prepared the actual physical indictments
10 to be presented to that grand jury.

11 THE COURT: What were those numbers that
12 were assigned to it?

13 MR. SIMPSON: Well, I will address that,
14 Your Honor. However, shortly after he did this work
15 to make sure this went to the first grand jury, Chief
16 Justice Beatty announced new, you know, COVID emergency
17 protocols which prevented that grand jury from happening
18 and going forward. So the State had prepared to send
19 this indictment to that grand jury, and then after
20 all -- after that work was done, the grand jury was
21 cancelled.

22 Mr. Osborne, doubtless, stayed abreast
23 of sort of the situation with the grand jury, but he,
24 after that point in time, left the office. I then was
25 -- came back and was hired by the office, and we're

1 now in April of 2021, okay?

2 When I came aboard to this case, and this
3 is why I've included State's Exhibit 2, sort of a screen
4 shot of what I would be looking at in my system,
5 I committed an oversight, Your Honor, which is that
6 I saw the assigned indictment numbers and the date where
7 this would have gone to a grand jury and moved forward
8 from that point forward since this has been my case,
9 admittedly, erroneously assuming that these charges
10 had been indicted.

11 And just as sort of further evidence
12 of my good faith, Your Honor, I believe in previous
13 status conference hearings, I'm going on memory here,
14 but I believe you asked me, you know, have these cases
15 been indicted, and I would have said, yes, Your Honor.
16 I believe at the time you asked me to recount
17 the numbers of the indictments for you, and I did.
18 I reference that only in hopes, Your Honor, that
19 certainly you would see throughout this I have
20 operated ---

21 THE COURT: When was the status conference
22 held?

23 MR. SIMPSON: The status conference most
24 recently was held ---

25 THE COURT: Because I thought there were two

1 of them.

2 MR. SIMPSON: --- I believe January 7th.
3 Am I right? Yes, January 7th. I say that only to say,
4 Your Honor, that, you know, obviously, I was operating
5 in the 100 percent belief, sincerely held, although
6 erroneous, that those charges had been indicted until
7 Monday of this week. At which time, I immediately,
8 you know, just part of just general preparation,
9 you know, wanted to physically hold my hand on the true
10 billed indictments, realized that they did not exist
11 because it was -- that the grand jury was cancelled,
12 that those were going to be presented to you.

13 Immediately called Mr. King to discuss
14 the situation. He informed me, you know, he's been very
15 communicative with me, that he does not intend to waive
16 his client's right to have these charges pretrial
17 presented to a grand jury. That's the position,
18 you know, he's entitled to take, you know. I don't
19 think it was ever sort of corrected when I said that
20 the case was previously indicted. But, nevertheless,
21 you know, he has -- doubtless, the client has the right
22 to have these presented.

23 Since I have discovered that these -- the
24 error of my ways, immediately I've contacted our grand
25 jury coordinator. I've -- I've prepared indictments to

1 have it expedited, not in the normal course of business,
2 but expedited to the next time there's a grand jury
3 sitting in a room, these charges are going to be
4 presented, and that is on February the 7th, Your Honor.

5 So it's my understanding that, you know --
6 I'm remedying the error that I have discovered in
7 the most expeditious manner that I can. The State,
8 for the first time, is asking for a continuance on
9 this case, and we're asking for a continuance that will,
10 in effect, delay the calling of this case seven business
11 days. It will be available for rescheduling when the
12 Court -- whenever the Court should see fit on February
13 the 8th, Your Honor.

14 So, I don't think that is prejudicial
15 delay. It has been some time since arrest, but I think
16 the controlling sort of time period we're considering
17 is that the State's action, or the State's error,
18 is causing a seven business day delay in the calling
19 of his case.

20 That's the reasoning and basis for my motion
21 for a continuance, Your Honor, because I do not think
22 that we can lawfully proceed to trial without an
23 indictment in the absence of waiver. I think in
24 response to our motion for a continuance, you know,
25 I know Mr. King wants to renew his earlier motions

1 to have the case dismissed based on pre-indictment
2 delay and speedy trial.

3 I would like the opportunity, obviously,
4 to respond to those assertions by Mr. King. But as to
5 our motion to dismiss, the basis is just -- is a good
6 faith, but erroneous belief, that these cases had been
7 indicted until this week, and I've taken every action
8 possible to remedy that unfortunate error since
9 discovering it this week on Monday, Your Honor.
10 That's the basis for our motion to continue.

11 THE COURT: Mr. King.

12 MR. KING: Thank you, Your Honor.

13 THE COURT: You're welcome.

14 MR. KING: These charges are over four
15 years old, without even an indictment. Not just the
16 indictment, but the cases haven't been brought to trial.
17 So, I think that's an extraordinarily long time,
18 you know. And I understand that we did have the virus,
19 but in my career of doing this, you know, four-year-old
20 cases are fairly unusual, and that's definitely a very
21 long delay.

22 THE COURT: How long has he been in jail?

23 MR. KING: He was in -- he's out now,
24 Your Honor. He was in jail for 902 days actual jail
25 time, roughly two and a half years. He bonded out

1 with an electric monitor and house arrest, and he's
2 been out for 570 days on that, that's roughly one
3 and a half years.

4 MR. SIMPSON: That was on July 6, 2020.
5 Sorry to interrupt.

6 MR. KING: That's okay.

7 MR. SIMPSON: The date of release.

8 MR. KING: So he has still been -- he's
9 out of jail now, but he wears this electronic monitor
10 that costs him \$300 a month just for the monitor.
11 It's restricting his freedom. So, it's better than
12 jail, clearly, but his freedom is still restricted
13 in a way ---

14 THE COURT: Generally, don't the cases that
15 we talk about with speedy trials, it is that somebody
16 is physically incarcerated, their movements are
17 restricted, and they are in a jailhouse? Your client
18 is not restricted; he's out on bond. He is free to move
19 about. He, I assume, goes to work or has some level
20 of employment. He's free to enjoy his family; he's free
21 to enjoy other activities. It's not the same as being
22 in jail, is it?

23 MR. KING: It's not -- but it's not the same
24 as being without an electronic monitor ---

25 THE COURT: Don't all of the cases that talk

1 about speedy trials talk about someone's physical
2 confinement in a jailhouse?

3 MR. KING: He has to sit for two hours every
4 night to charge this electronic monitor, two hours out
5 of his day sitting by a power outlet so that he can
6 charge it, in addition to the financial burden. So,
7 I'm just trying to argue there is some prejudice ---

8 THE COURT: Well, I'm just trying to find
9 a case that says what you're saying, and I'm not aware
10 of one. All of the cases on speedy trials talk about
11 someone's confinement, being physically limited by them,
12 or physically being in a detention center or some other
13 form of physical confinement where they cannot move
14 about, where they are not in their residence, and where
15 they're in a jail.

16 MR. KING: Right, Your Honor. But he did
17 spend 902 days in jail ---

18 THE COURT: But he's not there now.

19 MR. KING: Right. But ---

20 THE COURT: And Judge Dennis has already
21 ruled on that, and that's the law of the case. I can't
22 go back and review that. You would have to appeal that
23 from them. I have to go from that period forward.
24 I don't get to retroactively look at what another
25 judge has ruled on. We have concurrent jurisdiction.

1 He's already heard your argument on that, and he's
2 already ruled on it, correct?

3 MR. KING: Yes, Your Honor, and a year
4 and a half has gone by ---

5 THE COURT: So we go ---

6 MR. KING: --- since then.

7 THE COURT: So we go -- so we go
8 prospective. I don't get to go back and review what
9 he did. That's done. He's already ruled on that.
10 He's already looked at that period of confinement,
11 and he's already ruled on your speedy trial motion.
12 So anything would have to be prospective, which means
13 from the date he ruled on that, forward. We don't get
14 to go back and look at everything. We go from that date
15 forward. He's already issued an order; he's already
16 ruled on it. I don't get to review that; a Court
17 of Appeals does, if it becomes necessary.

18 MR. KING: I'm sorry, I disagree, Your
19 Honor. I think that we look at the amount -- how old
20 the case is ---

21 THE COURT: You've got to find me some case
22 law that says I get to review what he's done already.

23 MR. KING: Well, at this point, I believe
24 there is a presumptive prejudice at this point due
25 to the age of the case that requires analysis ---

1 THE COURT: I don't think the case law
2 supports that. The case law has some factors about
3 presumptive prejudice, and it doesn't say that time,
4 in it of itself, is presumptive prejudice.

5 MR. KING: Hunsberger does say that
6 presumptive prejudice increases with time, and there
7 are things relating to presumptive prejudice that we may
8 not know about. That's the problem with the presumptive
9 prejudice ---

10 THE COURT: I think the Supreme Court
11 of South Carolina and the United States Supreme Court
12 has very clearly articulated what presumptive prejudice
13 is and how you measure it. I don't think it's a vague
14 concept. They're very clear about what presumptive
15 prejudice is, how you judge it, and how you define it.

16 And really, at the heart of it, is you
17 have to be able to point to this Court to some level
18 of deliberate, dilatory behavior on the part of the
19 State that was designed to prejudice and to injure your
20 client.

21 And I don't think that you could say COVID
22 was designed -- it's hurt the entire world. It hadn't
23 just hurt -- COVID is -- has caused delay, and Judge
24 Dennis has already looked at the period of time when
25 we talk about -- when you said it was presumptively

1 prejudice -- prejudicial to him before when he was
2 incarcerated. And I would assume that had some
3 motivation -- bear with me one second. I need to look
4 up something while we're talking.

5 (Pause.)

6 THE COURT: Is that someone talking in the
7 background? Who is that?

8 MR. KING: That's my client, Your Honor.
9 Sorry.

10 THE COURT: Okay. Is he -- have they not
11 brought him in?

12 MR. KING: He is -- he's out of jail.
13 He's in my office, Your Honor.

14 THE COURT: Oh, okay. Yeah, I need him --
15 yeah.

16 MR. KING: He's listening in.

17 THE COURT: That's kind of -- that's
18 a little distracting for the court reporter not to know
19 who's speaking, so I need him not to do that, please.

20 (Pause.)

21 THE COURT: There are three factors our
22 Supreme Court and the United States Supreme Court cites
23 -- well, our state Supreme Court in State v. Hunsberger,
24 citing precedence from the United States Supreme Court.
25 It's your burden of proof, Mr. King, and you have to

1 establish certain factors, one is the length of delay,
2 the reason for the delay, the accused's assertion
3 of his right to a speedy trial, and whether the delay
4 prejudiced the accused, and that's citing State v.
5 Hunsberger, which is 418 S.C. 335, 343, 794 SE2d 368,
6 372, which is a 2016 case.

7 The Supreme Court, and I'm referring to both
8 United States and South Carolina, and I'm quoting
9 directly, "A speedy trial does not mean an immediate
10 one; it does not imply undue haste, for the State, too,
11 is entitled for a reasonable time in which to prepare
12 its case; it simply means a trial without unreasonable
13 and unnecessary delays," citing Langford, quoting State
14 v. Wheeler.

15 And the United States Supreme Court has held
16 that until there is some delay, which is presumptively
17 prejudicial, there is no necessity for inquiry into the
18 other factors that go into the balance. So it is your
19 burden to establish a presumptive prejudicial delay.

20 And they further go on to cite in Barker v.
21 Wingo that "Because of the imprecision of the right
22 to a speedy trial, the length of delay will not provoke
23 such an inquiry necessarily, is dependent upon the
24 peculiar circumstances of the case and then common
25 parlance, that just means it's a case-by-case,

1 fact-by-fact determination.

2 The United States suggest -- there are some
3 cases, based on the determination of the facts of each
4 case, that indicates sometimes and some passage of time
5 can be considered presumptively prejudicial. But there
6 has to be a trigger that is required, and again, it's
7 the defense's burden to establish that, of the interval
8 between accusation and trial, crossing the threshold,
9 dividing ordinary from presumptively prejudicial delay.

10 Our Supreme Court has defined presumptive
11 prejudicial delay as a delay that exists when an accused
12 is not prosecuted with ordinary promptness, and that
13 is at Page 343. So, I can't find any case law that
14 says the passage of -- the mere passage of time, in it
15 of itself, is presumptively prejudicial. And if you
16 have a case for me you would like for me to look at that
17 says that, I'll be glad to review it.

18 MR. KING: Your Honor, there is some actual
19 prejudice. There was -- I already argued this in front
20 of Judge Dennis. There was a witness that Mr. Olds was
21 with prior to his arrest, who I believe could testify
22 that Mr. Olds was under the influence of drugs when he
23 gave his statement. That witness passed away a while
24 ago. That witness has died, so there is a witness that
25 I had that could have testified ---

1 THE COURT: So why can't your client testify
2 he was under the influence?

3 MR. KING: He can, Your Honor, but, you
4 know, he does have the right to remain silent and having
5 another witness ---

6 THE COURT: In a pretrial hearing, you deal
7 with that on a Jackson v. Denno. That doesn't even
8 necessarily go to a jury. That is a pretrial issue
9 where he has to convince a judge that his statement
10 was involuntary because he was intoxicated. So there's
11 no implication of prejudice to him in that regard.
12 He doesn't have to testify at all.

13 MR. KING: The jury is also allowed ---

14 THE COURT: You could elicit that from
15 another witness that he was impaired, and then the jury
16 looks at it beyond a reasonable doubt and waives that in
17 its determination. So he doesn't have to testify about
18 being impaired. You're skillful enough to elicit that
19 from another witness. I've seen you do it. Yeah.

20 Let me ask you all what might seem,
21 you know, like a -- tell me what's alleged to have
22 taken place. I'm curious. And I have my notes from
23 the pretrial. Was this status more than one time, guys?
24 I thought it was. For some reason, it's in my memory
25 that we did it more than one time.

1 MR. SIMPSON: Your Honor, I believe it was.
2 I think it was. I didn't want to -- mean to suggest
3 otherwise. I just meant that this was the first docket
4 that there were ---

5 THE COURT: No, I'm not criticizing you.
6 Please, don't take it that way. But in my memory,
7 I remember this being on more than one status conference
8 roster.

9 MR. SIMPSON: Correct, Your Honor. I think
10 we've had at least two, more than one, certainly.

11 THE COURT: It was on the 7th of January,
12 on one status roster, but I think it was on one last
13 year. Is my memory accurate?

14 MR. SIMPSON: You're correct, Your Honor.

15 THE COURT: I think that was the second
16 status conference. I think we had another conference
17 before then. Mr. King, what's your memory?

18 MR. KING: I believe it has come up on a
19 trial roster maybe two times before, but it's not really
20 been in the running.

21 THE COURT: But I status conference it more
22 than one time, haven't I?

23 MR. SIMPSON: Correct.

24 MR. KING: I think that's right, Your Honor.

25 THE COURT: It just seems like I did one

1 in 2021, and then I did one again -- let's see here.

2 MR. KING: Yeah, I think it was just high
3 up, that it was never in the running to get reached.

4 THE COURT: Because on my notes it shows
5 that it had a potential -- it had an indictment number
6 of 2021-586 and 587.

7 MR. SIMPSON: And I believe I would have
8 told you that, Your Honor ---

9 THE COURT: Yeah.

10 MR. SIMPSON: --- because I believed that
11 to be true.

12 THE COURT: Yeah, and my notes reflect that
13 it was true billed because I always ask that question.
14 And I also have noted here that it was going to need
15 a Jackson v. Denno hearing, that an offer had been
16 extended to him that he had rejected. This was set
17 as number four for trial in January, and it was the
18 seventh status conference that I heard on January 7th,
19 but I status this before. I just have a recollection
20 of that, and I was just curious to know if y'all
21 remembered. Let's see here. What offer did you extend
22 to him, Mr. Simpson?

23 MR. SIMPSON: It was ---

24 THE COURT: But let me back up a little
25 bit. Tell me what's alleged to have taken place.

1 I got a little ahead of myself. I apologize.

2 MR. SIMPSON: Your Honor, Mr. Olds
3 is accused of a string of armed robberies. We have
4 apprised sort of the evidence in this ---

5 THE COURT: Well ---

6 MR. SIMPSON: --- alleged group of armed
7 robberies and really want to proceed with just one
8 of those.

9 THE COURT: Let me -- which begs the
10 question, if there are a string of armed robberies,
11 how many have you all charged him with?

12 MR. SIMPSON: He's been charged with four.

13 THE COURT: Okay. And what dates do those
14 range?

15 MR. SIMPSON: 11/28 of 2017 through January
16 16th of 2018. Next week we were planning to proceed
17 with the charges arising from the incident on January
18 16th, 2018.

19 THE COURT: Did y'all plan to try any
20 of these and seek life without parole -- is armed
21 robbery a most serious offense?

22 MR. SIMPSON: It is, Your Honor.

23 THE COURT: Did y'all plan to ---

24 MR. SIMPSON: That's certainly an option.
25 You know, our plan was really to go forward with what

1 we believed to be the strongest case and go from there
2 and see how that worked out, go from there.

3 THE DEFENDANT: You didn't indict me on ---

4 THE COURT: And so what's alleged to have
5 taken place on January 16th of 2018?

6 MR. SIMPSON: On January 16th, at about
7 1:45 a.m., police responded to a convenience store,
8 Sunoco convenience store, at 1984 Sam Rittenberg
9 Boulevard. The cashier complained of an armed robbery
10 wherein, you know, a person wielding a gun took money
11 from the register.

12 One of the, you know, interesting security
13 measures that Sunoco takes is they put a pre-recorded
14 bill in the cashier's register with a serial number that
15 they maintain. Officers went to speak with the known
16 girlfriend of this Defendant at that time, or at least
17 the female that he was known to reside with from time
18 to time.

19 They had already developed him sort of
20 as a person of interest from the prior investigations.
21 When they went to meet with this female, she did share
22 with them that this Defendant had stayed the night with
23 her the night before and said she -- he had left her
24 some money for, you know, some various things he owed
25 her money for. Included in that money was this

1 previously recorded bill.

2 Mr. Olds was brought in for an interview
3 where he denied involvement but ultimately did make
4 a confession to this armed robbery, which is on video,
5 Your Honor.

6 THE COURT: What -- do you have a video from
7 the convenience store?

8 MR. SIMPSON: Yes.

9 THE COURT: Is it grainy or is it -- can you
10 see it well?

11 MR. SIMPSON: I would say somewhat in
12 between, Your Honor. I don't think an ID could be made
13 solely from the video. I think it's good enough to
14 determine consistent characteristics with the Defendant,
15 but, no, I don't think the video of the robbery in it
16 of itself. We will be basing it more on the marked bill
17 and the confession, Your Honor, as well as ---

18 THE COURT: And so the cashier wasn't
19 able ---

20 MR. SIMPSON: I don't want to get into
21 every detail, but there's some jail call confessional
22 statements, as well as some sort of motive and relevant
23 text message.

24 THE COURT: Okay. Now, the cashier,
25 I assume, couldn't do a six pack?

1 MR. SIMPSON: No, Your Honor, I don't think
2 she did.

3 THE COURT: Okay.

4 MR. SIMPSON: And I believe the person's
5 face was covered.

6 THE COURT: What do the jail calls say?

7 MR. SIMPSON: That it was the \$2.00 bill
8 that got him. I'm paraphrasing ---

9 THE COURT: But, I mean, does he say, I did
10 this, and it was the \$2.00 bill that got me, or does
11 he just simply say, it's the \$2.00 bill that got me?

12 MR. SIMPSON: I think the latter is closer
13 than ---

14 THE COURT: I gotcha.

15 MR. SIMPSON: --- to the statement.

16 THE COURT: What did y'all offer him?

17 MR. SIMPSON: He was offered ---

18 THE COURT: And what is his record?

19 MR. SIMPSON: His prior record,
20 Your Honor ---

21 THE COURT: And I'm sorry, I know I ask
22 questions, like, in rapid succession, and I'm not trying
23 to cut you off, but I have to ask before I forget.

24 MR. SIMPSON: Your Honor, there's a 2010
25 unlawful carrying; 2013, possession with intent

1 to distribute crack and an unlawful possession
2 of a firearm. For those two offenses, which arose out
3 of one incident, he got an active YOA. He has some
4 other ---

5 THE COURT: How old is he now, Mr. King?

6 MR. SIMPSON: --- magistrate-level
7 convictions.

8 THE COURT: How old is he -- your client,
9 Mr. King? Mr. King, how old is your client? Mr. King,
10 can you hear me?

11 MR. KING: I'm sorry, Judge. My client was
12 talking to me.

13 THE COURT: That's okay. How old is your
14 client?

15 THE DEFENDANT: Twenty-nine.

16 MR. KING: Twenty-nine, Your Honor.

17 THE DEFENDANT: Can I talk to her?

18 THE COURT: No, sir, you cannot. I don't
19 want you incriminating yourself. Let your lawyer do his
20 job. He's adept at it. In 2013, he got an active YOA.
21 Does he have any other record?

22 MR. SIMPSON: There were some
23 misdemeanor-level offenses in 2017, Your Honor, giving
24 false info and driving under suspension, second offense.

25 THE COURT: You said failing -- false

1 information and what else? Driving under suspension?

2 MR. SIMPSON: Driving under a suspended
3 license, second offense.

4 THE COURT: Oh. What did y'all offer him?

5 MR. SIMPSON: He was offered to plea to two
6 armed robberies straight up, or offered to negotiate 18.

7 THE COURT: Now why would he do that?
8 I'm just being real with you.

9 MR. SIMPSON: Well, the straight-up plea
10 was ---

11 THE COURT: Yeah, the odds were in
12 his favor. You got a grainy video; you got some
13 circumstantial evidence and a jail call. Like, you
14 know, why wouldn't he roll the dice? He's got more than
15 a 50/50 chance, and now y'all got these complications
16 with this, you know.

17 I understand COVID, but two years of it
18 not being indicted before COVID -- and I haven't decided
19 what I'm going to do. I'm probably going to take
20 it under advisement. I've got to think about it;
21 I've got to study it a little bit. My brain is tired.
22 I've been doing pleas all week, and I've got the status
23 conferences in the morning, about 80 of them, so I've
24 got to ---

25 MR. SIMPSON: Understood, Your Honor.

1 Very quickly, I wanted to just note two very quick
2 things for the record. Mr. King -- Mr. King correctly
3 stated that, you know, the time between arrest
4 and today is four years. I did these computations,
5 I think, on Monday, so they're a couple of days off.

6 THE COURT: Okay.

7 MR. SIMPSON: But four years and ten days.
8 The days that court was shut down was 932 days.
9 So, I believe for speedy trial ---

10 THE COURT: What was the ---

11 MR. SIMPSON: --- purposes ---

12 THE COURT: What was ---

13 MR. SIMPSON: --- and pre-indictment
14 delay purposes, the operative time period we are looking
15 at is 2.5 years, and that's four years and ten days,
16 subtracting the 932 days that courts did not operate.
17 So, I think, although 2.57 years ---

18 THE COURT: Well, now the courts --- it's
19 misleading to say the courts didn't operate for 932 days
20 because I was in court every day of COVID, and so was
21 Judge Dennis and some other people.

22 MR. SIMPSON: Oh, I apologize, Your Honor.
23 I meant ---

24 THE COURT: So when we say courts ---

25 MR. SIMPSON: --- prohibiting trial.

1 THE COURT: Yeah. When we say the courts
2 were not operating, we mean no trials and maybe ---

3 MR. SIMPSON: Yeah.

4 THE COURT: --- for a period of the time,
5 no grand jury. But we were in ---

6 MR. SIMPSON: Correct, Your Honor.

7 THE COURT: Yeah, we were in court -- I was
8 in court every day, so, yeah.

9 MR. SIMPSON: I meant for purposes
10 of availing him -- giving him a trial by jury.

11 THE COURT: And I got that part, yeah.
12 I just wanted that to be clear. But what was his date
13 of arrest?

14 MR. SIMPSON: The date of arrest was
15 the same as the date of the incident; it was January
16 the 16th, 2018.

17 THE COURT: And when did he -- he didn't
18 bond out from January the 6th, 2018, for 932 days?

19 MR. SIMPSON: Until July 6th of 2020,
20 and I believe Mr. King has the exact count.

21 THE COURT: How many days is that, Mr. King,
22 from January 16th, '18 to 7/6/20? Is that the 902 days?

23 MR. KING: 902 is my calculation.

24 THE COURT: Okay. When did we shut down
25 court? What date was court shut down?

1 MR. SIMPSON: It was March the 16th of 2020.

2 THE COURT: You're sure it was -- no,
3 I mean, when the shutdown started it was in 2019
4 when we stopped having court, wasn't it?

5 MR. SIMPSON: Well, you may be correct.

6 THE COURT: I was in Beaufort doing motions.

7 MR. SIMPSON: March 16th was the day of the
8 Supreme Court's shutdown order.

9 THE COURT: I'm talking about when the
10 county government shut down cities. It wasn't no 2020;
11 it was earlier than that. It's like Groundhog Day,
12 y'all. It's just become one continuous day for me.
13 So in 2019, we had some suspicions about -- oh, January,
14 February, March -- yeah, okay. I'm sorry, guys.
15 I've got my calendar together now. Could y'all hold
16 on for me for just one second?

17 MR. SIMPSON: Yes, ma'am.

18 (Pause.)

19 THE COURT: Okay. We left off in the
20 conversation about the time of the 902 days, and I think
21 I asked the question -- Madam Court Reporter, can you
22 tell me the last question I asked?

23 THE COURT REPORTER: Sure.

24 THE COURT: I was in the middle of
25 a question, I think.

1 (The court reporter reads back the last question.)

2 THE COURT: Okay. When did we have
3 the shutdowns that started, like, with the cities?
4 I remember it's, like, March. Was it the second week
5 of March of 2020? Because I remember ---

6 MR. SIMPSON: Your Honor ---

7 THE COURT: --- I was in Beaufort doing
8 non-jury, and I had gotten to, like, my third day,
9 and everybody was petrified, and nobody wanted to come
10 to court, so I had to go to a virtual format.

11 MR. SIMPSON: Your Honor, the date I have
12 been using, that's only because I can go back and get
13 something in writing ---

14 THE COURT: Yes, sir.

15 MR. SIMPSON: --- is March the 16th,
16 because that was the date of Judge -- Justice Beatty's
17 shutdown order. Now, I recall, kind of like you,
18 there were some localized ruling shutdowns happening
19 leading up to that. But because I've got an order
20 signed, that's kind of the date that I've been using
21 as the day the earth stood still, so to speak.

22 THE COURT: Well, I just remember coming
23 home, and it was a ghost town in downtown Charleston,
24 and I was -- I had left Beaufort, and I literally was
25 having lawyers -- I was in the middle of a non-jury

1 term, and I literally had lawyers calling me saying,
2 I'm too afraid to come to court. And so I had to, you
3 know -- it sort of -- what's the word that I'm looking
4 for? It just really sort of shook me a little, and I
5 was like wow, okay, maybe this thing is as catastrophic
6 as I'm thinking.

7 When did -- when was the -- when was the
8 grand jury shut down?

9 MR. SIMPSON: It was -- if I'm correct,
10 February went forward and then March did not, of 2020.

11 THE COURT: That's what I'm thinking too.

12 MR. SIMPSON: And it resumed in full --
13 fully normal in April of 2021, by my recollection.

14 THE COURT: Yeah, April 5th, 2021, is the
15 order when it resumed. Okay. And the administrative
16 order was March 18th, not 16th, of 2020.

17 MR. SIMPSON: Okay. My apologies.

18 THE COURT: No worries. Okay. So that
19 takes us back to our original -- let's just say,
20 for argument's sake, Mr. King, that I do what you ask.
21 Your client still has all these other charges out there
22 pending. I think there's some room for y'all to
23 negotiate and try to get these things resolved, which
24 means everybody's got to do a little give and take.
25 I don't know how strong those other cases are.

1 I haven't a clue; I've never seen the discovery.

2 And, frankly, I'm not in the position
3 to judge -- you know, to be objective about it.

4 I haven't a clue. I just knew your client is very
5 young, and does he really want to run that kind of
6 a risk of giving the State three shots at him or four --
7 well, three, worst case scenario. No, three, best case
8 scenario; four, worst case scenario.

9 And, at the same time, Mr. Simpson, it would
10 seem to me that you all could soften your stance
11 a little because, you know, you don't really give me
12 anything to shoot for when you're telling me to plead
13 for 18 years. And his record ---

14 MR. SIMPSON: I hear you.

15 THE COURT: His record ---

16 MR. SIMPSON: I hear you, Your Honor.

17 THE COURT: --- in the grand scheme
18 of things is pretty minimal.

19 MR. SIMPSON: Well, I should note also,
20 informally, I did have a discussion with Jason King,
21 and I think it's unlikely that there's going to be
22 a plea, even if our offer -- I don't want to speak
23 for his side, but we certainly did have sort of this
24 conversation, and it seemed unlikely that a plea was
25 going to resolve this.

1 THE COURT: Is any of this fueled by
2 an addiction, Mr. King? And I don't want you to
3 incriminate your client in any way, but I'm just trying
4 to get some insight.

5 MR. KING: I don't believe so, Your Honor.

6 THE COURT: So the arrest for PWID cocaine
7 base was not fueled by an addiction? You're saying he
8 was selling drugs. Is that what he was convicted of?

9 MR. KING: Are you talking about from his
10 past record, Your Honor?

11 THE COURT: Yes, sir. In 2013, was
12 convicted of possession with the intent to distribute,
13 cocaine base. He got an active Y, along with a gun
14 charge, and he has some other misdemeanor offenses;
15 false information, which is minimal at best, and a DUS.
16 I mean, a lot of people have DUS. I'm just trying
17 to figure out, like, you know, something creative.

18 MR. KING: He says he doesn't have
19 an addiction problem. And, you know, he does -- he
20 works. Even when he was being investigated and arrested
21 for this ---

22 THE COURT: Well, working doesn't have
23 anything to do with an addiction. Yeah, you know,
24 people work every day.

25 MR. KING: He says he's not, and I believe

1 him if he tells me that he doesn't have an addiction
2 issue.

3 THE COURT: And I think you're a good
4 judge of people, so I don't -- yeah, if you tell
5 me that, I believe it. Okay. So what is your client's
6 bottom line when it comes to these cases?

7 MR. KING: Your Honor, he is invested
8 in this motion to dismiss.

9 THE COURT: I may not rule on this for
10 a moment, and I may rule against him, so he needs
11 to know what his bottom line is. He can't hang his
12 hat on that. He needs to know, worst case scenario,
13 what is his bottom line when it comes to this because,
14 even if I rule whichever way, his life is going to
15 be hammed up for several years in an appeal, possibly.
16 Or if I rule against him and I grant the continuance,
17 it's going to get tried next term.

18 MR. KING: I can discuss it with him,
19 Your Honor. After we finish this, I can, you know,
20 discuss all those issues with him.

21 THE COURT: Why don't you put me on mute
22 and discuss it with him right now so that Mr. Simpson
23 can know what he's dealing with?

24 MR. KING: Yes, Your Honor.

25 THE COURT: And I'm going to turn my camera

1 off. Oh, he turned his off, good.

2 (Pause.)

3 THE COURT: All right, Mr. King. You want
4 to mute yourself, Mr. King, so I can't hear your client?

5 MR. KING: I'm sorry, Your Honor?

6 THE COURT: I said your client is talking.
7 Do you want to mute yourself so that we can't hear what
8 he's saying?

9 MR. KING: He is not interested in a guilty
10 plea, Your Honor.

11 THE COURT: That works. And I don't want
12 him to have one, unless he wants -- I'm just trying
13 to explore it. I don't take a position one way or
14 the other. Doesn't matter to me one way or the other.

15 MR. KING: Right. Yeah, he's invested in
16 the motion to dismiss and wants me to assert that right,
17 that his constitutional rights have been violated ---

18 THE COURT: He needs to know it is unlikely
19 that I'm going to dismiss it based on the case law.
20 But I'm going to study it, and I'm going to take
21 it under advisement. And, in the meantime, however,
22 I think because I really don't -- I've got all the
23 status conferences tomorrow, I've got some other stuff
24 I've got under advisement from this week that preceded
25 y'all's motion, and I really need time to study this.

1 So, for the meantime, this case will be
2 continued until I could study the matter, and I will
3 issue a written order, whatever decision I make.
4 But the record needs to be clear that I do not think
5 I can consider this retroactively. Judge Dennis made
6 a ruling. I need to go back and see what his order
7 says, what it was dated. I may even need to pull that
8 transcript and listen to it.

9 But we are -- judges have concurrent
10 jurisdiction. I don't get to review what he did.
11 And if he's already ruled that that time period was
12 not prejudicial, and it wasn't, did not rise to the
13 level of a speedy trial, I don't think I can go back
14 and review that. But I'm going to look at it all;
15 I'm going to study it all, and I'll see where I land
16 on it.

17 MR. SIMPSON: Thank you, Your Honor.

18 THE COURT: Again, I emphasize, I take no
19 position about whether he pleads guilty or has a trial.
20 You know I'm a great believer in the trial system.
21 I believe it works, and I encourage people to have
22 trials, if that's what they want.

23 But he needs to be aware that if I rule --
24 however I rule -- if I rule -- worst case scenario,
25 if I deny his motion, y'all need to be ready to go

1 forward the next term of court that we have trials
2 because you're going to be at the top of the list,
3 I think, but don't hold me to that because I might --
4 my memory. Y'all, I don't know. What is the -- what
5 is the next term we have? When is the next term of jury
6 trials?

7 MR. SIMPSON: Your Honor, the next track B
8 is ---

9 THE COURT: So that wouldn't be up next,
10 would it?

11 MR. SIMPSON: Well, the next track B is out,
12 and he is not on it for right now, unless you wanted
13 to add it.

14 THE COURT: No, no, no, no. What -- I
15 didn't want to misspeak. You all gave me a priority
16 list so ---

17 THE DEFENDANT: Your Honor, can I speak?

18 THE COURT: Sir, I don't want you to
19 compromise your representation. You have a lawyer and
20 I don't want -- this is being recorded. I have a court
21 reporter. It's being recorded by digital; it's being
22 recorded by her. Anything you say could be used against
23 you, and you may think that you're saying something
24 innocently, and you're compromising your representation.

25 So with that in mind, and don't tell me

1 anything about Mr. King because that's privileged.
2 And if you start talking about what you and Mr. King
3 have talked about, you then waive your privilege.

4 THE DEFENDANT: Your Honor, I'm talking
5 about my indictment. They didn't indict me on time.

6 THE COURT: Sir ---

7 THE DEFENDANT: What's the option about that
8 right there, Your Honor?

9 THE COURT: He's already argued that, sir.
10 Let your lawyer argue it. Indictments are ministerial
11 in nature, and the Supreme Court has already ruled on
12 that. It's not in a lay -- what a layperson understands
13 that to mean. You can't dismiss a case simply because
14 it wasn't indicted within a certain period of time.
15 Does that help you out?

16 THE DEFENDANT: Yeah.

17 THE COURT: The Supreme Court has ruled
18 that you can't dismiss a case because it wasn't indicted
19 within the timeframe. I forget the number of days
20 it is. The Supreme Court has ruled that that's
21 ministerial. You can't dismiss it based on that.
22 But, sir, you've got a bigger picture to look at.
23 You've got four cases pending.

24 THE DEFENDANT: Yeah, but this is the one
25 that ---

1 THE COURT: So even if this one goes away,
2 the other three are not going away. Pardon me?

3 THE DEFENDANT: Ma'am?

4 THE COURT: I said even if this case were
5 -- let's say, best case scenario, I do what you ask me,
6 the other three cases aren't going away.

7 THE DEFENDANT: I'm willing to go to trial
8 for the other three cases, ma'am. They violated my
9 constitutional rights without indicting me on this one.
10 They already indicted ---

11 THE COURT: Sir, the Supreme Court has said
12 that that's not a violation of your constitutional
13 rights, okay? And, Mr. King, don't you have that case
14 you can go over with him that says indictments are
15 ministerial in nature, there is no basis to dismiss
16 the case when it hasn't been indicted within that time
17 frame that's specified?

18 MR. KING: Yes, Your Honor, we've discussed
19 it in the past. We've had discussions about it.
20 I'll continue to discuss it with him.

21 THE COURT: It might bear repeating.
22 Sir, do you understand that you think that because
23 they didn't indict you within a certain -- am I
24 understanding you correctly? You're saying they should
25 dismiss your case -- I should dismiss your case because

1 they didn't indict you within a certain time period?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: You understand the case law does
4 not support that position?

5 THE DEFENDANT: Y'all got it in black and
6 white that says ---

7 THE COURT: No, sir. A case -- the case law
8 says it can't be dismissed on that basis, and I'm going
9 to have Mr. King go over that with you again, okay?
10 That's not the basis to dismiss it. Even if I did,
11 they can directly indict you, so it's not going
12 to accomplish anything.

13 THE DEFENDANT: So if you dismiss it,
14 how can they indict me after you dismissed it?

15 THE COURT: Pardon me? I can't hear you.

16 THE DEFENDANT: If you are going to dismiss
17 it, how can they indict me after you dismissed the case?

18 THE COURT: Because it's not with prejudice,
19 and because we don't have any statute of limitations
20 on any offenses in South Carolina. We're not like other
21 states where they have statute of limitations; we have
22 none.

23 Now back to the matter at hand. February
24 7th, I already have a date certain, and I think that
25 is track -- and so I wanted to clear up any misstatement

1 I made because I keep thinking we're under that old
2 system and we're not. Because we have tracks, and you
3 all are going to give me proposed priority cases.

4 So for the week of February 7th, I don't
5 know what track -- February 7th is track A cases.
6 And so we have one trial judge, and that -- we have
7 a CSC with a minor set as a date certain for that.

8 Then the week of February 14th, we don't
9 have any criminal court in Charleston. The week
10 of February 21st, we have no criminal week -- criminal
11 court in Charleston. The week of February 28th, we have
12 probably two trial judges and one plea judge, and that's
13 track B. Which case does this fall under? Is this
14 a track B -- what track is this case on?

15 MR. KING: It's B, Your Honor.

16 MR. SIMPSON: Yeah. Your Honor, if ---

17 THE COURT: And we already have several
18 cases set as dates certain on that roster for the
19 week of February 28th. We have Purafoy [ph.] with
20 Ms. Savos [ph.] and Mr. Davis; we have Claude Davis
21 with Mr. Cooper and Mr. Mack, and then we ---

22 MR. SIMPSON: Your Honor, if I may make ---

23 THE COURT: Yes, sir.

24 MR. SIMPSON: If I may make a proposal.
25 I had sent Chanda in your chambers an e-mail about

1 a week ago. If you go forward to track B the week
2 of March 7th, the number one case is a date certain
3 case of mine called Paul Caps [ph.], okay? He is
4 represented by David Aylor, but a notice of appearance
5 has been filed by Deon Tedder back in January,
6 and they've informed me that they intend to assert
7 legislative protection for that first-up slot.

8 I know that's an issue of some controversy
9 that's being debated right now. But as I understand it,
10 as it stands today, that is likely to be a valid reason
11 that that number one case will not go. And in order
12 to have an efficient docket, I am, you know, looking --
13 I e-mailed about putting another murder there.
14 But considering the situation we find ourselves
15 in today, I would just propose that slot, you know.

16 THE COURT: Mr. King, let me ask you a quick
17 question. Would you be ready to try it March 7th if
18 your motion is denied, that way your client could have
19 his speedy trial by March 7th?

20 MR. KING: Yes, Your Honor, I could be
21 prepared.

22 THE COURT: So why don't y'all go ahead and
23 swap those out because it falls under the headed note --
24 actually, don't swap it out, just add it to that March
25 7th date certain docket. And then that way if I grant

1 Mr. King's motion, nobody's harmed because you just
2 take it off the docket. But if I deny the motion,
3 it's already on the docket, okay?

4 MR. SIMPSON: Okay.

5 THE COURT: So, I'm adding it to mine.
6 All right, guys, once I get a chance to let my brain
7 rest a little bit and think a little bit, do a little
8 research, I'll let you know my decision.

9 MR. SIMPSON: Thank you, Your Honor.

10 THE COURT: Thank you. Have a great day.

11 MR. KING: You too.

12 THE COURT: Bye-bye.

13 (End of Transcript of Record)

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CERTIFICATE OF REPORTER

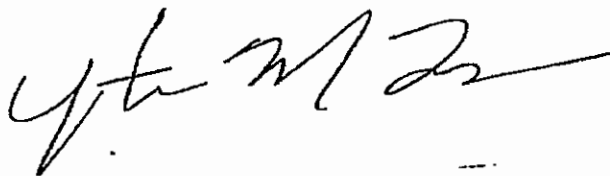
State of South Carolina)

County of Charleston)

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 Charleston County, South Carolina, on the 27th of January, 2022, via virtual courtroom.

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

April 6, 2022



Yvestre Torres

Circuit Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

State of South Carolina,

vs.

Ronzell Bilah Olds,

Defendant.

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

WARRANT NO(s): 2018A1020100013;
2018A1020100014

INDICTMENT NO(s): 2022-GS-10-00549
2022-GS-10-00550

CHARGES: Armed Robbery; Possession of
a Weapon During the Commission of
a Violent Crime

**ORDER DENYING DEFENDANT'S
MOTION TO DISMISS – SPEEDY TRIAL
AND PRE-INDICTMENT DELAY**

Presiding Judge:
State's counsel:
Defendant's counsel:
Date of Hearing:
Court Reporter:

Hon. Deadra L. Jefferson
B. Chad Simpson, Esq.
Jason T. King, Esq.
January 27, 2022
Yvestre Torres

This matter came before the Court via WebEx¹ on January 27, 2022 on the Defendant's Motion to Dismiss – Speedy Trial and Pre-Indictment Delay, filed on January 27, 2022. Present at the hearing were Chad Simpson, Esq. as counsel for the State, Jason T. King, Esq. as counsel for the Defendant, and the Defendant Ronzell Bilah Olds.²

The Defendant is charged with Armed Robbery and Possession of a Weapon During the Commission of a Violent Crime for an incident that is alleged to have occurred on January 16, 2018.³ The Defendant was initially taken into custody on January 16, 2018. He appeared before Judge Priscilla Baldwin on January 17, 2018. At that time, Judge Priscilla Baldwin set a \$200,000 surety bond with the following conditions: no contact with victims nor any family members of the

¹ The parties consented to the hearing being held via Webex.

² The Defendant appeared virtually and was physically present with his attorney, Jason T. King, Esq. A woman was also present with the Defendant whose name was not disclosed for the record. The Defendant is currently out on bond on the above captioned charges and has been since he bonded out on July 6, 2020.

³ The Defendant also has the following charges pending: 2018A1010900037 (Armed Robbery); 2018A1010900038 (PWDCVC); 2018A1010900039 (Armed Robbery); 2018A1010900040 (PWDCVC); 2018A1010900041 (Pointing & Presenting); 2018A1011400007 (Armed Robbery); 2018A1011400008 (PWDCVC); 2018A1011400009 (Kidnapping).

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victim verbally, electronically, by third party, or in writing. Further, the Defendant was barred from within one block of the victim's residence, school, and/or work and the Defendant was not to return to the incident location. The Defendant's bond was subsequently modified by Judge James Gosnell, Jr. on July 11, 2018 to a \$325,000 consolidated⁴ bond with the following conditions imposed: no victim contact. Subsequently, a Motion to Set or Reduce Bond was filed April 19, 2019. The Motion was heard by Judge Markley Dennis on May 30, 2019 and he denied the Defendant's Motion. The Defendant filed a subsequent Motion to Set or Reduce Bond on December 19, 2019. The Motion was heard by Judge Jennifer McCoy on January 17, 2020 and she modified the Defendant's bond to a \$250,000 consolidated bond. Judge Jennifer McCoy also imposed the following conditions on the Defendant's bond: the Defendant is on house arrest with electronic monitoring, except for attorney visits and medical needs. Further, the Defendant may work if he provides his schedule to the State; the Defendant must be home from 6:00 P.M. to 6:00 A.M.

On May 26, 2020, the Defendant filed a Motion to Dismiss – Speedy Trial and Pre-Indictment Delay. The State filed their response to the Defendant's Motion on June 15, 2020. The Defendant's Motion to Dismiss was heard by Judge Markley Dennis on June 17, 2020 and respectfully Denied. The Court found, "the Defendant has failed to show pre-indictment delay has caused substantial actual prejudice," and that, "the Defendant was not prejudiced by any delay in trial." See Court's June 23, 2020 Order at 2. Subsequently, the Defendant bonded out on July 6, 2020 and has remained out on bond since that date.

⁴ The Defendant's consolidated bond included the above captioned charges and the following additional charges: 2018A1010900037 (Armed Robbery); 2018A1010900038 (PWDCVC); 2018A1010900039 (Armed Robbery); 2018A1010900040 (PWDCVC); 2018A1010900041 (Pointing & Presenting); 2018A1011400007 (Armed Robbery); 2018A1011400008 (PWDCVC); 2018A1011400009 (Kidnapping). The State consented to this bond modification.

The Court finds that the Defendant has failed to establish, by a preponderance of the evidence, the factors required to sustain the grant of relief on a speedy trial motion, i.e., (1) length of delay; (2) reason for the delay; (3) the accused's assertion of his right to a speedy trial; and (4) whether the delay prejudiced the accused. State v. Hunsberger, 418 S.C. 335, 343, 794 S.E.2d 368, 372 (2016).

A “speedy trial does not mean an immediate one; it does not imply undue haste, for the [S]tate, too, is entitled to a reasonable time in which to prepare its case; it simply means a trial without unreasonable and unnecessary delay.” State v. Langford, 400 S.C. 421, 441, 735 S.E.2d 471, 481–82 (2012) (quoting Wheeler v. State, 247 S.C. 393, 400, 147 S.E.2d 627, 630 (1966)). As to the first factor, the United States Supreme Court held that, “[u]ntil there is some delay which is presumptively prejudicial, there is no necessity for inquiry into the other factors that go into the balance.” Barker v. Wingo, 470 U.S. 514, 530 (1972). Moreover, “because of the imprecision of the right to speedy trial, the length of delay that will provoke such an inquiry is necessarily dependent upon the peculiar circumstances of the case.” Id. at 530-531 (1972).⁵

The Court finds that the Defense has failed to establish the “trigger” required of the interval between accusation and trial crossing the threshold dividing ordinary from “presumptively prejudicial” delay. The South Carolina Supreme Court in Hunsberger defines presumptively prejudicial as a delay that exists when an accused is not prosecuted with ordinary promptness. 418 S.C. at 343, 794 S.E.2d at 372.

The United States Supreme Court has held that “[u]ntil there is some delay which is presumptively prejudicial, there is no necessity for inquiry into the other factors that go into the balance.” Barker v. Wingo, 470 U.S. 514, 530 (1972).

⁵ In Doggett v. United States, 505 U.S. 647, 652 n. 1 (1992), the United States Supreme Court suggested in dicta that a delay of more than a year is “presumptively prejudicial.”

Further, the Court finds that the Defendant has failed to establish, by a preponderance of the evidence, the factors required to sustain the grant of relief on a pre-indictment delay, i.e., (1) the pre-indictment delay caused substantial actual prejudice to his right to a fair trial, and (2) if the defendant shows actual prejudice, the court must consider the prosecution's reasons for the delay and balance the justification for delay with any prejudice to the defendant. State v. Brazell, 325 S.C. 65, 72, 480 S.E.2d 64, 68-69 (1997). When balancing the prejudice and the justification, "[t]he basic inquiry then becomes whether the government's action in prosecuting after substantial delay violates 'fundamental conceptions of justice' or 'the community's sense of fair play and decency'." Id. quoting Howell v. Barker, 904 F.2d 889 (4th Cir.) (quoting United States v. Automated Medical Laboratories, Inc., 770 F.2d 399, 404 (4th Cir. 1985)). Substantial prejudice requires a showing that "he was meaningfully impaired in his ability to defend against the state's charges to such an extent that the disposition of the criminal proceeding was likely effected." Brazell, 325 S.C. 65, 73, 480 S.E.2d 64, 69 (1997) quoting Jones v. Angelone, 94 F.3d 900 (4th Cir. 1996).

The Court finds that the Defendant has failed to establish, by a preponderance of the evidence, that pre-indictment delay has caused substantial actual prejudice. Further, the Court finds that the Defendant has failed to show that he was meaningful impaired in his ability to defend against the State's charges to such an extent that the disposition of the criminal proceeding was likely effected. The fact that the State "erroneously believed that the defendant's charges were indicted," and "held out to the Court in prior hearings⁶ that the case was indicted, even providing the Court with erroneous 'indictment numbers' taken from [the State's] tracking system," does not reach the level of substantial actual prejudice. Once the State discovered its oversight, the

⁶ For clarification, the Court did not hold prior hearings but rather held status conferences in regards to the above captioned charges.

Defendant's above captioned charges were presented at the next Grand Jury.⁷ Moreover, as Judge Markley Dennis's June 23, 2020 Order states, the death of the Defendant's potential witness in this case does not cause substantial actual prejudice to the Defendant's right to a fair trial.^{8 9}

Upon full consideration of Defendant's Motion to Dismiss, the arguments presented at the hearing, and the relevant precedent, the Court hereby Denies the Defendant's Motion to Dismiss – Speedy Trial and Pre-Indictment Delay. The Defendant was arrested on the charges of Armed Robbery and Possession of a Weapon During the Commission of a Violent Crime for an incident that allegedly occurred on January 16, 2018. While the arrest occurred approximately four (4) years from the date of this hearing, the Defendant has not yet been indicted on these charges as of the date of this hearing.^{10 11} Further, the Defendant's bail was set within one (1) day of the Defendant's arrest. The Defendant's bond as set is abundantly reasonable in light of the allegations and other factors considered in the setting of bond. The total delay in this case is not sufficient to trigger a review of the other factors for speedy trial. As a result of the delays precipitated by the COVID-19 pandemic, this was a routine delay in light of the Nation's state of emergency and the resulting inability to conduct jury trials in the State of South Carolina. As a result, the Court was

⁷ While the Court acknowledges that under the Fourth Circuit's standard a defendant, "does not have to further prove improper prosecutorial motive as the cause, for the delay," the Court does not find that the Defendant met the, "initial burden of proving substantial actual prejudice. . ." Howell v. Barker, 904 F.2d 889, 894-95 (4th Cir.), cert. denied, 498 U.S. 1016, 111 S. Ct. 590, 112

⁸ The Defendant only hypothesized what the potential witness would have testified to regarding the Defendant's intoxication at the time of his arrest; Jason T. King, Esq., nor any representatives from his office, had actually spoken to the Defendant's potential witness prior to his death. Further, Judge Markley Dennis reasoned that the trial judge could determine the Defendant's statement was not voluntarily given and order it suppressed or a jury could choose to disregard the statement if they determined the statement was not voluntarily given due to the Defendant being intoxicated. See Court's June 23, 2020 Order at 1.

⁹ The Court has no retroactive authority to reconsider the findings of Judge Markley Dennis' Order of June 23, 2020 as suggested by Defense Counsel.

¹⁰ During the COVID-19 pandemic, in-person grand jury proceedings were suspended, by Administrative Order, beginning April 3, 2020 and did not begin to resume in-person grand jury proceedings until June 1, 2021, provided that the grand jurors could be safely distanced and equipped with protective gear, and meeting rooms and courtrooms sanitized. The Administrative Order further allowed the Solicitor or Attorney General to continue presenting an indictment using remote communication technology when necessary.

¹¹ The Defendant was indicted on the above captioned charges on February 7, 2022.

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not able to conduct jury trials due to the pandemic, CDC guidelines and other restrictions at the time.¹² Moreover, the Courts of this State did not reopen for Jury Trials until April 5, 2021.¹³ Based on the foregoing procedural history, the Court finds the Defendant's right to a speedy trial has not been violated.

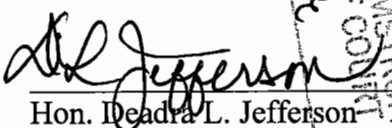
For the foregoing reasons recited in the procedural history of this matter, the Court finds that the Defendant's case has been prosecuted with customary promptness. The record is devoid of any showing that there has been an inordinate delay of the proceedings precipitated by any actions of the State in prosecuting the case.

The Court finds the Defense has not established an inordinate delay; the reasons for the delay in the disposition of the charges are well within the usual course of trial preparation and COVID-19 pandemic and no "presumptive" prejudice has been established by the accused. Therefore, as the Court has found that the Defense has not established "presumptive delay," the Court need not reach the other three factors. Barker v. Wingo, 470 U.S. 514, 530 (1972).

Accordingly, the Defendant's Motion to Dismiss – Speedy Trial and Pre-Indictment Delay is heard and respectfully **DENIED**.

AND IT IS SO ORDERED.

February 18, 2022
Charleston, South Carolina


Hon. Deadra L. Jefferson
Chief Administrative Judge
Ninth Judicial Circuit

FILED
2022 FEB 18 PM 2:56
JOLEE J. ARMSTRONG
CLERK OF COURT

¹² Pursuant to the State's Response to the Defendant's Motion to Dismiss, filed June 15, 2020, both the State and Defendant received notice the case would be called for trial the week of January 6, 2020 and at a docket meeting for trials, the case was continued without objection by both parties. See State's Response to Defendant's Motion to Dismiss at 4. The Parties then set this case for a date certain trial on August 17, 2020, however, pursuant to the Chief Justice's Administrative Order, this case could not proceed on August 17, 2020 due to the COVID-19 pandemic. This case is currently scheduled to be tried on March 7, 2022.

¹³ During the COVID-19 pandemic, the courts were closed, by Administrative Order, beginning March 18, 2020 and did not begin to resume Jury Trials until April 5, 2021, assuming the County had an approved Safety Plan. The Defendant's was arrested on August 17, 2020.

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2022-GS-10-0586
	)	2002-GS-10-0587
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
	)	
RONZELL BILAH OLDS	)	
	)	
Defendant	)	
	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD

March 7, 2022
Charleston, South Carolina

Volume 1 (of 3)

B E F O R E:

THE HONORABLE JENNIFER B. MCCOY, JUDGE

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Certified Verbatim Reporter-Master
Circuit Court Reporter

[Certified Transcript Provided for: SCCID]

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State v Ronzell Bilah Olds
Voir Dire
March 7, 2022

1 VOIR DIRE

2 THE COURT: The trial we will hold in this
3 courtroom first this week is the State of South Carolina
4 verses Ronzell Bilah Olds. Mr. Olds has been charged via
5 the indictments, these indictments ladies and gentlemen
6 are just pieces of paper; they are not evidence by any
7 means whatsoever. But he has been charged with the
8 following: Armed robbery and possession of a weapon
9 during the commission of a violent crime.

10 If anybody on the jury panel is aware or has any
11 information or has any belief that they know anything
12 about these charges or have any prior knowledge or
13 information about these charges I would ask that you
14 stand at this time.

15 [Whereupon, no one stands]

16 THE COURT: I find none. At this time I am going
17 to ask the attorneys who will be presenting the case to
18 stand and introduce themselves as well as their clients
19 if that is applicable. We will begin with the State.
20 Mr. Simpson, I'm happy to hear from you first.

21 MR. SIMPSON: Thank you, Your Honor. Good morning
22 ladies and gentlemen. My name is Benjamin Chad Simpson
23 and it is my honor to represent the State of South
24 Carolina in this case today. I work in the 9th Circuit
25 Solicitor's office and that's an office run by the 9th

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1 from the attorneys I will release you all until 9:15
2 tomorrow morning. Anything else you need me to instruct
3 them on before they are excused?

4 MR. KING: No, Your Honor.

5 MR. SIMPSON: No, Your Honor.

6 THE COURT: All right, excellent. Y'all are
7 excused. You'll leave out that door [indicates] and Mr.
8 Pryor will show y'all the way out and we'll see you back
9 at 9:15.

10 [Whereupon, the jury exits at 11:43 a.m.]

11 THE COURT: Okay. So I understand we have at least
12 a Jackson v Denno hearing this afternoon that we need to
13 take care of is that correct Mr. King?

14 MR. KING: Yes, Your Honor. I think it's the main
15 one that may require some testimony and witnesses; I
16 think there will probably be maybe four or so witnesses
17 for that.

18 THE COURT: Okay. Y'all think we can get started
19 about 1:30 or do you want to come back later than that?

20 MR. SIMPSON: I think 1:30 is okay.

21 THE COURT: Does that work for you?

22 MR. KING: That works fine ---

23 THE COURT: --- all your witnesses and all? Okay,
24 we'll see y'all back at 1:30. We'll be at ease until
25 then. Thank you very much.

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March 7, 2022

1 MR. SIMPSON: Your Honor, I wanted to bring one
2 matter to your attention.

3 THE COURT: Sure.

4 MR. SIMPSON: The State takes no position on this
5 but Mr. Olds is out on bond. I know different judges
6 have different approaches to that while trial is pending.
7 I would just ask ---

8 THE COURT: --- pending a trial I typically ask
9 that they remain in custody.

10 MR. KING: He's wearing a GPS monitor that was put
11 on by his bail bondsman. I contacted Bad Boys last week
12 who said they would agree to go on his bond. I didn't
13 receive the email that I was trying to get from them but
14 they agreed to stay on it.

15 He's always showed up before and I've always been
16 able to get in touch with him. Seeing that he has a GPS
17 monitor I would ask you to make an exception in this
18 case.

19 THE COURT: I appreciate that but I'm not going to,
20 okay. Thank you very much. He will remain in custody
21 during the pendency of the trial, okay. Thank y'all
22 very much. I'll see you back at 1:30.

23 MR. SIMPSON: Thank you, Your Honor.

24 [Whereupon, Court is in recess from 11:45 a.m. until
25 1:42 p.m.]

State v Ronzell Bilah Olds
Proceedings
March 7, 2022

1 THE COURT: Thank you. Please be seated. I
2 understand we have some pretrial matters to address, is
3 that correct?

4 MR. SIMPSON: Yes, Your Honor. Talking with Jason
5 before we came on the record I think the Jackson v Denno
6 is going to be the most lengthy and substantial of the
7 motions for this afternoon.

8 THE COURT: Okay. Well, why don't we handle the
9 other ones first. Does that sound okay?

10 MR. KING: The smaller ones can go first ---

11 THE COURT: --- the lower hanging fruit; let's
12 start with those.

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State v Ronzell Bilah Olds
Motions in Limine
March 7, 2022

1 MOTIONS IN LIMINE

2 MR. KING: I have defense motions, Your Honor, and
3 I've discussed these with Mr. Simpson.

4 THE COURT: Okay.

5 MR. KING: One of them is just a general Lyle
6 motion; motion to exclude other crimes, wrongs, and acts.

7 THE COURT: All right.

8 MR. KING: In the statement of the defendant the
9 defendant is charged with other armed robberies. He's
10 already been to the police department and questioned the
11 previous time.

12 So during the interview in this case he mentioned,
13 there is a lot of mention of his previous time he was at
14 the police station, other armed robberies he's charged
15 with, his own prior record; and it just sort of peppered
16 throughout. And I think Mr. Simpson is aware of that and
17 I just wanted to make the motion to avoid going into any
18 of that if at all possible.

19 MR. SIMPSON: Thank you, Your Honor. What Mr. King
20 recounts for the Court is correct. He -- there were
21 several similar armed robberies in the area that happened
22 within a seven week period of this offense.

23 THE COURT: Okay.

24 MR. SIMPSON: He had previously been developed as a
25 suspect due to the investigation of those armed

State v Ronzell Bilah Olds
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1 robberies. To the extent they are mentioned in his
2 interview large portions of which we'll watch today, I
3 think I've got that pretty surgically cut out for the
4 jury's purpose.

5 THE COURT: Great.

6 MR. SIMPSON: I think you're probably going to
7 catch a lot of that today of what we've put out but I
8 don't think that matters. I just wanted to let you that
9 today it's all through there but I've got it ready to go
10 in front of the jury with the cut-out.

11 THE COURT: Okay. But no opposition to it being
12 excluded for the portions that may eventually be in front
13 of the jury?

14 MR. SIMPSON: No. We have one lingering issue that
15 I'd love, that I have some suggestions on and I'd love
16 the Court's guidance, which is essentially the testimony
17 of both the investigating -- the investigating detectives
18 are going to be who responded, this is for the jury; not
19 today.

20 They responded to a robbery. It was consistent with
21 the previous armed robberies. So immediately they
22 developed Ronzell as a suspect and want to go ask him
23 some questions to see where he was, right. I think it
24 would be an interesting argument whether we could just
25 say all that but I'm not going to just argue it for the

State v Ronzell Bilah Olds
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1 sake of arguing. What I've told Mr. King we were sort of
2 planning on doing is just have them sort of, the officers
3 remain kind of intentionally vague. In other words we
4 saw the video of this robbery. We noted the physical
5 description of the person in the video and the area in
6 which it occurred and Ronzell Olds was developed as a
7 person of interest.

8 I think that's the best way we can handle that. I'm
9 fine leaving it that vague. I think our later case fills
10 in a lot of those gaps. But I think to the extent that
11 suggests some prior contact with the police I think
12 that's about as vague as we can do it.

13 And I would note that I did it, it is an exception
14 to 404(b). So if we start on this one I could go full
15 bore and say they investigated these other armed
16 robberies but I'm not looking to muddy the waters here.
17 And so by the time we get to that place that's kind of
18 how I intend to do it unless the Court or the defense has
19 any another ideas as to how we can handle that.

20 THE COURT: So they wouldn't, they wouldn't
21 necessarily testify that this was consistent with some
22 prior armed robberies; just basically just based on the
23 evidence they collected he was developed as a person of
24 interest?

25 MR. SIMPSON: Right. I'm not going to have them

State v Ronzell Bilah Olds
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March 7, 2022

1 ever even mention the fact that there were even armed
2 robberies. I'm just going to them that will say he was
3 developed as a person of interest and have their
4 investigation go from there.

5 THE COURT: Okay. Any response to that?

6 MR. KING: I understand it's difficult and we can't
7 just jump right in the vacuum without having some idea of
8 how the police got involved. I think what Mr. Simpson is
9 proposing is maybe about as minimal as we can get in.

10 THE COURT: Sure.

11 MR. KING: I think I'm okay with that. I mean ---

12 THE COURT: --- to the extent this motion in limine
13 obviously I don't make final rulings because like you
14 mentioned it's sort of in a vacuum but I think that's the
15 intent of how -- I think that sounds fair to me and
16 certainly I don't think it would unduly prejudice the
17 defendant in any way shape or form if it's introduced as
18 suggested.

19 And it sounds like he's not opposing your proposed
20 limitations on the parts of the tape that the
21 investigators office developed; the prior incident so ---

22 MR. KING: --- correct, Your Honor.

23 THE COURT: So that's made clear for the record so
24 we'll certainly be on the lookout for that as well. All
25 right. What else can we discuss?

State v Ronzell Bilah Olds
Motions in Limine
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1 MR. KING: A motion to sequester witnesses. I've
2 talked with Mr. Simpson about that for the fact witnesses
3 tomorrow. I have one witness in here I have who is here
4 to testify about school records. But I don't believe
5 will testify during the trial or knows anything else
6 about the case.

7 But there is some concern with if a witness shows
8 up, I'm not sure if they're going to show up, who might
9 get angry at us for some things we say if they're
10 watching us cross other witnesses. So we'd just ask that
11 the State would sequester their witnesses.

12 THE COURT: Okay.

13 MR. SIMPSON: No objection.

14 THE COURT: Except for the lead detective
15 obviously, who is that?

16 MR. SIMPSON: Detective Brown.

17 THE COURT: Okay.

18 MR. SIMPSON: Sergeant Brown.

19 THE COURT: Okay. So except for the lead detective
20 all others will be sequestered. I would just ask if
21 y'all have your own investigators out in the hallway --
22 we had something kind of happen a couple of months ago
23 where there was some incidental, I think it was -- I
24 don't think it was on purpose but some of -- the officers
25 see each other out in the hallway and it's a natural

State v Ronzell Bilah Olds
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1 thing to start talking and then sometimes people are like
2 what are they talking about.

3 So just kind of have your investigators on the
4 lookout to try to minimize the hallway chatter to all
5 extent possible so we can avoid even the appearance of
6 getting into any discussions. And then just maybe have
7 your investigators even go a step further and just tell
8 these witnesses when they come hey, don't talk about the
9 case in the hallway, you know, it's not appropriate. Or
10 let them know the witnesses are sequestered, okay.

11 MR. SIMPSON: Yes, Your Honor.

12 MR. KING: I have investigator Dale Wilson who may
13 enter at some point -- I don't think he will be here for
14 the whole trial but he may be coming in at some point if
15 that's all right. Our lead investigator he's just here
16 maybe to run for something ---

17 THE COURT: --- sure, that sounds good. So that's
18 granted with the exception of the lead investigators,
19 okay? What else?

20 MR. KING: The final one, Your Honor has really
21 already been heard. I guess it's just a matter of -- I
22 just wanted to put to put it on the record. My motion to
23 dismiss was filed back in May 26th, 2020 I filed a motion
24 to dismiss based on speedy trial and pre-indictment
25 delay. Mr. Osborne was the Solicitor at the time. I

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1 have his response that he gave and Judge Dennis' order
2 denying that motion.

3 THE COURT: All right.

4 MR. KING: A couple of months ago I renewed the
5 motion in front of Judge Jefferson. The case still
6 hadn't been indicted as of January. I drafted a motion
7 and Mr. Simpson drafted a motion and Judge Jefferson
8 denied that in a written order as well.

9 THE COURT: Okay.

10 MR. KING: I wanted to put that on the record if
11 you want me to put the dates on there of the hearings or
12 if I could maybe make these a part of the record the
13 previous orders that are already signed.

14 THE COURT: You're welcome to if you'd like to. If
15 it's a filed document then it is -- but go ahead; I'm
16 happy for you to do that.

17 MR. KING: Well, it would just be from May 26th of
18 2020 is when we had the first hearing that was denied.

19 THE COURT: All right.

20 MR. KING: The second motion on January 27th, 2022.
21 The hearing was held via WebEx on January 27th, 2022.

22 THE COURT: Okay.

23 MR. KING: And Judge Jefferson denied that motion.

24 THE COURT: Okay.

25 MR. KING: And Judge Dennis' hearing was on June

State v Ronzell Bilah Olds
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1 17th, 2020 and I believe that was also by WebEx.

2 THE COURT: Okay.

3 MR. KING: And Judge Dennis denied my motion on
4 that date as well.

5 THE COURT: All right. So denied twice.

6 MR. KING: Yes, Your Honor.

7 THE COURT: All right.

8 MR. KING: So I won't hash that anymore; just to
9 have it on the record for future.

10 THE COURT: It's on there.

11 MR. SIMPSON: Your Honor, I would just on that
12 matter note for the record that our response to the most
13 recent motion has also been filed in this case, that that
14 was an argument pertaining to the January 31st, '22 trial
15 docket that the failure of the State to indict the case
16 at that time resulted in nearly a one month delay.

17 In fact a little over one month from the January
18 31st trial docket to today where we're here on the trial
19 March the 7th, 2022.

20 THE COURT: All right.

21 MR. SIMPSON: And that's been filed so I believe
22 it's already a part of the record.

23 THE COURT: Excellent. Okay, and here we are
24 today.

25 MR. KING: I don't want to waive it; I guess I will

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March 7, 2022

1 renew it. I understand we're not arguing it all again
2 but I just ---

3 THE COURT: --- no I understand. Your motions are
4 renewed. Obviously we're here now for the trial so
5 denied. To the extent that I would need to make an
6 additional ruling it's denied. But obviously you've
7 renewed it for purposes of trial and appeal. Is there
8 anything else other than the Denno hearing at this point
9 in time from the defense or the State?

10 MR. KING: Your Honor, one more motion regarding
11 hearsay.

12 THE COURT: Okay.

13 MR. KING: This would be hearsay of the police
14 officer. It relates to the detective's questions during
15 the interrogation.

16 THE COURT: Okay.

17 MR. KING: There was a recent case that just came
18 out in 2020 the State v Mack Washington that references
19 another case State v Brewer, which is 411 S.C. 401.

20 THE COURT: Okay.

21 MR. KING: A 2015 case. And these cases discuss
22 how questions and statements made by law enforcement
23 during interrogation are inadmissible hearsay unless the
24 statements are admissible for a valid non-hearsay purpose
25 or an exception to the hearsay rule. So this is just to

State v Ronzell Bilah Olds
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1 cover sometimes the detective's questions can contain
2 facts within the questions and be lengthy questions. I
3 just wanted to be alert on any questions like that that
4 might be hearsay trying information to the jury that are
5 separate from the defendant's answers.

6 THE COURT: I see. Anything in particular? Any
7 statements or any areas of the tape in particular that
8 you want me to be on the lookout for or is it just sort
9 of all throughout?

10 MR. KING: They are sort of all throughout.

11 THE COURT: Okay.

12 MR. KING: And I think Mr. Simpson is going to
13 limit it down to certain sections he's going to show so
14 that may eliminate the problem there.

15 THE COURT: Okay.

16 MR. KING: If there were any detective questions
17 which threw in some facts or mentions evidence in the
18 case and things like that that might be hearsay. I just
19 want you to be alert for.

20 THE COURT: Okay. It sounds like that is something
21 we'll just have to take up as each instance arises and
22 hopefully if you know that, if you've had the
23 opportunity, but I haven't obviously had, in reviewing
24 this tape several times if you can just do me a favor and
25 be ready to sort of object if you think it's coming up or

State v Ronzell Bilah Olds
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1 anything like that. I'll do my best to try to stay ahead
2 of the transcript; it should be helpful in that regard to
3 stave that out before it gets published so we can take
4 the objections up as they come.

5 MR. KING: Yes, Your Honor.

6 THE COURT: Okay.

7 MR. SIMPSON: I would just ask that -- I think
8 we've got that issue covered but if there are any
9 particularly egregious portions that come to Mr. King's
10 mind if he wants to let me know about them I'm happy to
11 just double check.

12 THE COURT: Yes, obviously with these videos it's
13 always easier for whoever has had to remove clips to have
14 as much notice as possible. It avoids a lot of jury
15 delay. So, if you find any over the course of the
16 afternoon or tonight in any specific areas in particular
17 just make sure you can let Mr. Simpson know but those
18 that you can't hash out you can bring to my attention,
19 okay.

20 MR. SIMPSON: Yes, ma'am.

21 THE COURT: All right. Anything else?
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State v Ronzell Bilah Olds
Jackson v Denno Hearing-Sgt. Yolanda Brown-Direct Examination by Mr. Simpson
March 7, 2022

1 JACKSON V DENNO HEARING

2 MR. SIMPSON: The State is prepared to present
3 testimony on the Jackson v Denno.

4 THE COURT: Okay. You can call your first witness.

5 MR. SIMPSON: Thank you, Your Honor. The State
6 calls Sergeant Yolanda Brown from the Charleston Police
7 Department.

8 THE COURT: All right.

9 [Whereupon, Sergeant Brown comes forward]

10 [Whereupon, the witness is duly sworn by the Clerk
11 of Court]

12 THE CLERK OF COURT: Please be seated. And please
13 state your name for the record and spell your last name.

14 THE WITNESS: Sergeant Yolanda Brown, B-R-O-W-N.

15 - - - - -

16 YOLANDA BROWN,

17 Having been first duly sworn,

18 Was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. SIMPSON:

21 Q. Sergeant Brown, good afternoon.

22 A. Hello.

23 Q. If you could for the Court just offer some brief
24 personal information regarding your background. Where
25 did you receive your education?

State v Ronzell Bilah Olds

Jackson v Denno Hearing-Sgt. Yolanda Brown-Direct Examination by Mr. Simpson
March 7, 2022

1 A. I graduated from Limestone College where I majored
2 in psychology.

3 Q. Okay. And where did you -- how did your
4 professional path proceed from there?

5 A. I've been a member of the Charleston Police
6 Department for the past --

7 THE COURT REPORTER: Repeat your answer please.

8 A. I've been employed by the Charleston Police
9 Department for the past 20 years where I've held various
10 positions.

11 Ten of those years I spent in the Detective office,
12 six of those years I spent doing robbery and violent
13 crimes. And my current position is the administrative
14 sergeant for the Team 3 area of coverage.

15 Q. [Mr. Simpson] And so how many total years have you
16 been with Charleston Police Department?

17 A. Twenty.

18 Q. Ten of those years was as a detective of major
19 crimes or some sort?

20 A. I served four in the burglary division and six in
21 the robbery division.

22 Q. Okay. And were you employed as a detective in early
23 2018?

24 A. Yes.

25 Q. And do you recall becoming involved in an

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1 investigation of an armed robbery of the Sunoco gas
2 station and convenience store at 1984 Sam Rittenberg on
3 January the 16th of 2018?

4 A. Yes. I became involved during the early morning
5 hours when I arrived to work.

6 Q. What was the approximately time of that robbery?

7 A. It occurred about approximately 1:45 a.m. I believe
8 on the morning of January 16th.

9 Q. Okay. You said you became involved the next morning
10 when you ---

11 A. --- well later in the morning hours once I arrived.

12 Q. Okay. And as part of that investigation was a
13 person of interest developed?

14 A. Yes.

15 Q. And who was that?

16 A. The defendant Ronzell Olds.

17 Q. And was a part of your role in that robbery
18 investigation to interview Mr. Olds?

19 A. Yes.

20 Q. And when did that interview occur?

21 A. It occurred later in the day of the incident on
22 January 16th of 2018 maybe shortly after 3 p.m.; about
23 3:10 I believe.

24 Q. Okay. And so we're talking sort of -- you said the
25 same day but sort of like the night before. It was in

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1 the early morning, the incident was in the early morning
2 hours?

3 A. It was after midnight.

4 Q. Okay. That's correct. And how old was Mr. Olds at
5 the time?

6 A. I believe he was 25.

7 Q. Okay. Now in your interactions with him did he seem
8 to be reasonably intelligent?

9 A. Yes.

10 Q. Did he seem to understand what you were saying?

11 A. Yes. He spoke freely and didn't appear to have any
12 issues.

13 Q. Okay. Did he generally interact with you in the
14 manner of a normally functioning adult?

15 A. Yes.

16 Q. Okay. And these interactions they're recorded
17 aren't they?

18 A. Yes.

19 Q. And were they recorded in this case?

20 A. Yes, they were.

21 Q. Were there any substantial -- prior to his interview
22 were there any substantial interactions between you and
23 he about this robbery that weren't captured somehow on
24 the video?

25 A. No.

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- 1 Q. Okay. Did you ask him about his education?
- 2 A. I did.
- 3 Q. And what was that?
- 4 A. He stated that he had completed through the 11th
- 5 grade.
- 6 Q. Okay. Did he share with you any information about
- 7 his employment?
- 8 A. Yes. He was taken into custody with a co-worker and
- 9 he spoke about working in construction.
- 10 Q. Okay. Again, any readily apparent cognitive defects
- 11 or mental illness that you detected?
- 12 A. No, not at all.
- 13 Q. And now through the course of ten years as a crime
- 14 detective have you interacted with people with mental
- 15 deficiencies and mental illness before in your career?
- 16 A. Yes, throughout my career.
- 17 Q. Any red flags in this interview that some of that
- 18 may be present?
- 19 A. None that was apparent to me.
- 20 Q. Okay. What about any physical defects, injuries or
- 21 any sort of pain complained of?
- 22 A. No, not at all.
- 23 Q. Were there any complaints, talking about the initial
- 24 stages of the interview any complaints voiced to you
- 25 about Mr. Olds at all?

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1 A. Prior to me entering the interview room he did
2 complain of the officers taking his snacks. The snacks
3 were given back to him so he can eat them because he said
4 he had missed his lunch break.

5 Q. Okay. And when somebody asks you for something like
6 snacks or to use the bathroom or get a cup of water is
7 that something that you'd deny that person?

8 A. Not at all.

9 Q. Okay. And in fact do you want to make them as
10 comfortable as possible during the interview?

11 A. Absolutely.

12 Q. What was his initial emotional state during the
13 interview?

14 A. He appeared to be crying and felt sorry but he
15 quickly recovered from that.

16 Q. Okay. So you say he did show some emotion, right?

17 A. He did.

18 Q. But did he for any prolonged periods appear to you
19 too upset to conduct an interview as a reasonable adult?

20 A. No. It was very agreeable.

21 Q. Now, did you know at this time he had been
22 questioned before on some other armed robberies?

23 A. I did know that. I knew that and he brought it up
24 and we discussed it. He was mad about an item on his
25 clothing that was taken previously.

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1 Q. Okay. So he had some familiarity with this process
2 before, correct?

3 A. Yes.

4 Q. Okay. Sergeant, in the course of your lengthy law
5 enforcement career have you also had the experience of
6 being sort of interacting with people who were under the
7 influence of alcohol or other narcotics?

8 A. I have.

9 Q. I imagine that could happen pretty frequently in
10 your line?

11 A. Occasionally, yes.

12 Q. Okay. Did the defendant here exhibit to you any
13 obvious indications that he was intoxicated or on drugs?

14 A. Nothing obvious.

15 Q. Did you entertain that day any concerns that he was
16 in a severely impaired state?

17 A. No.

18 Q. Did you make, and I don't mean to offend you with
19 this question but did you make any physical threats to
20 the defendant to get him to come to the interview room or
21 are you aware of anyone else that made any physical
22 threats to him about that?

23 A. I absolutely did not make any physical threats to
24 him and I am not aware of anyone else that did.

25 Q. Okay. And as a member now and then as a member of

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1 the command staff at CPD what would happen to a person if
2 you learned they were threatened in the manner with
3 physical harm to give a statement?

4 A. That would definitely be reported.

5 Q. Okay. Were any promises of leniency in the future
6 made to this defendant to get him to talk to you during
7 the course of the interview?

8 A. I don't consider this leniency but during the
9 interview I did suggest to him during the interview if he
10 cooperated and told the truth that I would likely be able
11 to tell the prosecutors that he was cooperative.

12 After I reviewed the interview with him and Sergeant
13 Bailey, a portion where Sergeant Bailey spoke with him
14 similar statements was made.

15 Q. Okay. So other than just saying hey, if you
16 cooperate with us now we will convey that to others later
17 other than that were any promises of leniency that you
18 know we won't prosecute him for the offense if he
19 cooperates or anything like that?

20 A. Not at all.

21 Q. Okay. So the extent of anything that could even be
22 somewhat construed a problem is hey cooperate and we'll
23 communicate that later?

24 A. No.

25 Q. So nothing further?

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1 A. No, nothing like that.

2 Q. Let me ask you this. And this really applies
3 throughout the interview could you just describe for the
4 Court kind of the general tone of this interview with
5 Ronzell?

6 A. I would consider it calm and conversational; maybe
7 friendly.

8 Q. Okay. And you discussed some serious matters,
9 correct?

10 A. Yes.

11 Q. And do sometimes the conversation I'm sure gets
12 serious, right?

13 A. It does.

14 Q. At any time did you scream at Ronzell?

15 A. I do not recall raising my voice or becoming overly
16 aggressive with him at all.

17 Q. Okay. Now is that sort of your interview style
18 generally; kind of cool and conversational?

19 A. Yes. I like to connect with the people that I'm
20 interviewing if I can. Just build a rapport and keep it
21 kind of friendly if I can.

22 Q. Okay. So, if I understand you correctly very little
23 raising of the voice or any other aggressive tactics?

24 A. If any --

25 Q. Okay.

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1 THE COURT REPORTER: I'm sorry, if?

2 A. If any, very little.

3 Q. [Mr. Simpson] And again this interaction is totally
4 recorded, right?

5 A. Yes.

6 Q. So it's there for all of us here to see it if we
7 need to. After some small talk with Ronzell did you read
8 him his Miranda warnings?

9 A. I did.

10 Q. Okay. And what are Miranda warnings?

11 A. Miranda warnings is a statement, just a statement of
12 notifications that is customarily used when you're going
13 to question an offender or a person of interest. It's
14 usually read from a pre-printed card that I've already
15 been provided.

16 Q. Thank you. That's the kind of silly question that
17 everybody knows but lawyers ask when they need to go
18 fetch something.

19 MR. SIMPSON: Your Honor, may I approach the
20 witness?

21 THE COURT: Yes.

22 Q. [Mr. Simpson] Sergeant Brown, I'm showing you what
23 has been marked for I.D. only as State's exhibit 1.

24 [Whereupon, the witness is shown exhibit]

25 Q. Do you recognize that?

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1 A. Yes, it's the interview with offender Olds.

2 Q. Okay.

3 MR. SIMPSON: Your Honor, as an officer of the
4 Court I'd like to put on the record that State's 1 for
5 I.D. only is identical to what has been premarked and
6 entered by stipulation as Court's 1. And I believe by
7 agreement of the defense that we agreed Your Honor is
8 free to watch any portion of that ---

9 THE COURT: --- that's fine ---

10 MR. SIMPSON: --- that you deem helpful in deciding
11 this matter.

12 THE COURT: All right. Thank you very much.

13 MR. KING: I have no objection for purposes of this
14 hearing, Your Honor.

15 THE COURT: Thank you.

16 Q. [Mr. Simpson] And so this C.D. Sergeant Brown
17 contains your interaction with Mr. Olds that day we were
18 discussing?

19 A. Yes.

20 MR. SIMPSON: Court's indulgence while we pull up
21 the C.D.

22 THE COURT: Sure.

23 [Whereupon, the video clip plays with questions by
24 Mr. Simpson]

25 [Not taken down]

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1 Q. [Mr. Simpson] Sergeant Brown, is this your first
2 initiation of this interview?

3 A. Yes.

4 [Whereupon, the video plays]

5 [Whereupon, the video stops]

6 Q. [Mr. Simpson] Detective Brown, I'm going to offer
7 sort of that clip you were testifying earlier your style
8 and sort of the nature, the tone of this interview as
9 being conversational. Does that offer an example of
10 that?

11 A. Yes.

12 Q. Okay. And you bring up a previous incident and a
13 couple of sort of small talk issues about his previous
14 experience and does he offer responses that are lucid?

15 A. Yes.

16 Q. And he's conversational about these private prior
17 incidents?

18 A. Yes.

19 Q. He seems to understand everything that is going on?

20 A. Yes.

21 Q. And did we also see a short clip that you had
22 previously described as a brief moment of some emotion?

23 A. Yes.

24 Q. Does that emotion or mental state seem to hinder his
25 ability to talk with you and converse with you?

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1 A. No, it was very quick expression.

2 MR. SIMPSON: For the record, Your Honor that was
3 -- the interview is split into I think five clips.

4 THE COURT: Okay.

5 MR. SIMPSON: That was clip 2 minute 12:50 to
6 17:20. Forgive me if I jump around a little bit. I'm
7 just trying to save us time and jump ahead to the
8 Miranda.

9 [Whereupon, the video clip plays]

10 [Whereupon, the video pauses]

11 MR. SIMPSON: And Your Honor, we're starting here
12 at 22:20 on clip 2.

13 THE COURT: All right.

14 [Whereupon, the video clip resumes with questions
15 from Mr. Simpson]

16 Q. [Mr. Simpson] So in that video clip Sergeant Brown
17 you recount for the suspect his Miranda rights?

18 A. Yes.

19 Q. You go through each right with them?

20 A. Yes.

21 Q. Does he appear to read along as you're reading those
22 rights to him?

23 A. Yes.

24 Q. And he indicates to you that he understands each of
25 those rights, correct?

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1 A. Yes.

2 Q. Did you also offer to explain any of those rights
3 further to him if anything was causing him any confusion,
4 right?

5 A. I did.

6 Q. Okay. Did he indicate that he was confused about
7 any of those?

8 A. No, not at all.

9 Q. Okay. And again does that video clip sort of carry
10 forth the tone of the interview you discussed earlier?

11 A. Yes.

12 Q. It's not aggressive or otherwise coercive. Did he
13 appear to understand those rights and waive them and
14 proceed with the interview?

15 A. Yes.

16 Q. And that card that we see him sign was that
17 collected after the interview and put into evidence?

18 A. It was.

19 Q. Now, again in the initial stages in the interview
20 did he make some initial admissions relevant to the case?

21 A. Yes.

22 Q. Did he inform you where he stayed on the night of
23 the robbery?

24 A. Yes.

25 Q. And where was that?

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- 1 A. At his ex-girlfriend Deonna Greene's house.
- 2 Q. Okay. And do you know where Deonna Greene's
3 residence is?
- 4 A. Deonna Green resided or at the time resided in the
5 Orleans Gardens Apartment complex.
- 6 Q. Okay. Is that nearby the location of the robbery?
- 7 A. Yes. It's --
- 8 THE COURT REPORTER: --- it's what? I'm sorry.
- 9 A. It's in walking distance.
- 10 Q. [Mr. Simpson] Did he admit to anything regarding any
11 sort of money exchange between he and Deonna?
- 12 A. Yes, he did.
- 13 Q. And did his admissions include that he left her some
14 cash including a two dollar bill?
- 15 A. Yes.
- 16 Q. Now, we've talked about this friendly conversational
17 tone. But is it true you do begin to lay out the
18 evidence against him, is that correct?
- 19 A. I do.
- 20 Q. Okay. And I suppose you could say that does take a
21 little more assertive tone?
- 22 A. Slightly yes, but not overly aggressive.
- 23 Q. Okay. And then there comes a time where he wants a
24 cigarette break, correct?
- 25 A. Yes.

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1 Q. Okay. And this is a good bit further on in the
2 interview, right?

3 A. Yes.

4 MR. SIMPSON: Court's indulgence.

5 Q. [Mr. Simpson] And I should note this point there are
6 some frequent breaks within the interview, right?

7 A. Yes, there are.

8 Q. About how long did the complete interview take from
9 beginning to end?

10 A. I think maybe three hours or a little over.

11 Q. Okay. But that's not three hours of questioning,
12 correct?

13 A. No, there were some breaks.

14 Q. Okay.

15 MR. SIMPSON: Your Honor, this is the third video
16 clip.

17 THE COURT: Okay.

18 MR. SIMPSON: At minute 17 minutes and 18 seconds.

19 THE COURT: 17:18?

20 MR. SIMPSON: Yes, Your Honor.

21 THE COURT: All right.

22 [Whereupon, the video clip plays with questions from
23 Mr. Simpson]

24 Q. [Mr. Simpson] Let me pause briefly. Sergeant Brown
25 is this one of those moments where you're being a little

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1 assertive in confronting him with the evidence that is
2 against him?

3 A. Yes.

4 [Whereupon, the video clip resumes with questions
5 from Mr. Simpson]

6 Q. [Mr. Simpson] So, at this stage in the interview
7 Sergeant Brown he says give me a cigarette break and then
8 I'll talk to you?

9 A. Yes.

10 Q. Did you interpret that to mean that he wanted a
11 cigarette break and then he'll come talk to you about
12 this robbery?

13 A. Yes.

14 Q. That you had been talking about?

15 A. Yes.

16 MR. SIMPSON: Your Honor, I'm starting back at
17 32:48.

18 [Whereupon, the video clip plays with questions from
19 Mr. Simpson]

20 Q. [Mr. Simpson] So Detective Bailey following the
21 cigarette break does this pretty accurately reflect that
22 when you come back in he's emotional?

23 A. Yes.

24 Q. And you're asking him questions thinking that he
25 could be about to talk to you about the robbery?

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1 A. Yes.

2 Q. And these questions continue for a period of time,
3 correct?

4 A. They did.

5 Q. At some point in time though you decide that you'd
6 been in there with him enough. And what happens then?

7 A. I gave him a business card and I leave out of the
8 room. At some point Sergeant Bailey comes in and speaks
9 with him briefly.

10 Q. And in preparation for this trial you reviewed this
11 entire video?

12 A. Yes.

13 Q. And there is a portion where you're out of the room
14 and Detective Bailey is in the room, right?

15 A. Yes.

16 Q. And you've reviewed that portion?

17 A. I have.

18 MR. SIMPSON: Court's indulgence for one moment,
19 Your Honor.

20 [Whereupon, Mr. Simpson and Mr. King confer]

21 MR. SIMPSON: Your Honor, with the Court's
22 permission the defense and I have agreed to play at this
23 point in time a portion of the interview where Detective
24 Bailey is alone in the room with the defendant.

25 THE COURT: Okay.

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1 MR. SIMPSON: I've informed the defense we will
2 still put up Detective Bailey if he has any desire to
3 cross-examination of Detective Bailey about that portion
4 but just for narrative sense, Your Honor we're going to
5 go ahead and play that.

6 THE COURT: Okay.

7 MR. SIMPSON: Moving ahead to 53:19.

8 [Whereupon, the video clip plays]

9 [Whereupon, video clip ends]

10 MR. SIMPSON: Your Honor, this is moving from the
11 third clip to the fourth.

12 [Whereupon, the video clip plays]

13 [Whereupon, the video clip ends]

14 MR. SIMPSON: Your Honor, I'm moving ahead about
15 three and a half to four minutes till they re-enter the
16 room at 9:26.

17 THE COURT: Okay.

18 MR. SIMPSON: And that's nine minutes and 26
19 seconds; not the clock time.

20 THE COURT: Right, okay.

21 MR. SIMPSON: Into the clip.

22 [Whereupon, the video clip plays]

23 [Whereupon, video clip ends]

24 Q. [Mr. Simpson] And Sergeant Brown there was a portion
25 of that you weren't present; it was just Detective Bailey

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1 correct?

2 A. Correct.

3 Q. But you do -- you are aware and you have reviewed
4 the video where Ronzell makes some statements to the
5 effect of I'd like to go lay down for a while and think
6 about this.

7 A. He does.

8 Q. Okay. And Detective Bailey says okay. We've got to
9 read you your warrants, we got to collect your clothes
10 and we'll be back in with the paperwork and leaves.

11 A. Yes.

12 Q. Then both of you re-enter.

13 A. Yes.

14 Q. Okay. Were you present while Detective Bailey reads
15 the warrants?

16 A. I was present.

17 Q. Okay. While doing so did Ronzell say what do I have
18 two warrants for?

19 A. He does.

20 Q. Does he say so I'm getting charged for that too?

21 A. Yes.

22 Q. Does he say so I'm getting charged with having a
23 firearm?

24 A. Yes.

25 Q. Does he say so what am I looking at here? Ten

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1 years?

2 A. Yes.

3 Q. Does he say is that what I'm looking at, like ten
4 years?

5 A. Yes.

6 Q. He says so even with the one -- is the one quick
7 stop thing still going, that quick stop thing?

8 A. He does ask that.

9 Q. Okay. So as you guys are coming back in reading him
10 his warrants pursuant with procedure he asks six
11 questions of you guys reinitiating conversations
12 pertinent to this investigation.

13 A. He does.

14 Q. Okay. Do you and Detective Bailey then in response
15 to that reinitiation of discussions explain to him and
16 invite him that you'll listen if he wants to keep talking
17 but that it's his decision whether or not he wants to do
18 it.

19 A. Absolutely.

20 Q. Okay. Now at this point -- and upon being explained
21 it's his decision, it's your invitation, his decision if
22 he wants to keep talking does he keep talking?

23 A. He does keep talking.

24 Q. Okay. And at this point we just observed did
25 Detective Bailey leave the room leaving just you present

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1 with Mr. Olds?

2 A. Yes.

3 [Whereupon, the video clip plays with questions from
4 Mr. Simpson]

5 Q. [Mr. Simpson] Sergeant Brown, he kind of cuts off
6 your sentence there, correct?

7 A. He does.

8 Q. And what did he ask?

9 A. About the recorder if it was still recording.

10 Q. Let's take a moment to describe that. Is there
11 something in front of you on the corner of the table
12 there in the interview room?

13 A. Yes, it's an audio recorder.

14 Q. And let's explain the capabilities of this room.
15 Why do you have that audio recorder in there?

16 A. During that time I brought audio recorders in my
17 interviews just as a backup for the video recorder.

18 Q. Okay. So the rooms obviously are videotaped and
19 audiotaped and that's capabilities built into the room,
20 correct?

21 A. Yes.

22 Q. And so it's a backup you have the physical audio
23 recording that you make as well?

24 A. Yes.

25 Q. Okay. Now, did you do anything to suggest to him or

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1 give him the idea that you could cut off that audio
2 recording or did that come solely from him?
3 A. It came from him.
4 Q. Okay. And what did he just ask you to do?
5 A. Cut off the recorder.
6 Q. Okay.
7 [Whereupon, the video clip plays]
8 [Whereupon, the video clip ends]
9 Q. Let me back up a little just to repeat that
10 question.
11 [Whereupon, the video clip plays]
12 [Whereupon, the video clip ends]
13 Q. [Mr. Simpson] So Sergeant Brown he asked that the
14 recorder be turned off?
15 A. He did.
16 Q. Is that correct?
17 A. He did.
18 Q. It appeared you showed it to him so he could see
19 that it was off.
20 A. Yes, I showed him that it was paused.
21 Q. Okay. Does he later again ask you for your
22 confirmation that it is off?
23 A. He does.
24 Q. Okay. But fair to say that after that the defendant
25 confessed to committing this armed robbery?

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1 A. He did.

2 Q. He discussed the location of the gun with you?

3 A. Yes, he wouldn't provide a location.

4 Q. But he did confess that he had one?

5 A. Yes.

6 Q. And committed the armed robbery with it?

7 A. Yes.

8 Q. And why he did it according to him?

9 A. Yes.

10 Q. Okay. And that all occurs during this exchange
11 after he has confirmed with you that you cut that off?

12 A. Yes, I cut the recorder off entirely and showed it
13 to him that it was off.

14 Q. And again was that at his request?

15 A. Yes.

16 Q. Was that in any way shape or form an idea that you
17 floated out there at some point that you could go off the
18 record?

19 A. No, not at all.

20 Q. Okay. He asked for something to be cut off and you
21 cut it off.

22 A. I did.

23 Q. Okay. Did you other than cutting off the recorder
24 when he asked did you later make any sort of statements
25 or any implications, suggestions or imply in some way

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1 that this was going off the record and that the Miranda
2 warnings where you clearly stated anything he said could
3 be used against him were now moot?

4 A. Not at all.

5 Q. Or suspended in any way?

6 A. Not at all.

7 Q. Even like a hint?

8 A. No.

9 Q. Implied in any manner at all that now we're talking
10 off the record?

11 A. No, not at all.

12 Q. Other than cutting off the recorder and showing him
13 that was off?

14 A. Per his request I cut the recorder off and I showed
15 it to him.

16 Q. Okay.

17 [Whereupon, Mr. Simpson and Ms. Haliena confer]

18 MR. SIMPSON: Thank you, Sergeant Brown. Please
19 answer any questions that Mr. King has for you.

20 THE COURT: We're going to take about a five minute
21 break right now actually. We'll just be at ease for about
22 five minutes. You can step down from the witness stand;
23 just don't discuss the case. We'll be at ease.

24 [Whereupon, Court is in recess from 2:57 p.m. until
25 3:03 p.m.]

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1 THE COURT: Are we ready to proceed? Okay, we can
2 resume.

3 MR. KING: Could I get some documents marked?

4 THE COURT: Sure. Of course.

5 [Whereupon, Defendant's exhibit numbers 1 through 4
6 are marked by the court reporter]

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1	CROSS-EXAMINATION
2	BY MR. KING:
3	Q. Detective Brown, do you know when the arrest warrant
4	was actually issued?
5	A. Yes.
6	Q. Was it issued before Mr. Olds was gone and picked up
7	by police?
8	A. I'm sorry, are you talking about the arrest warrant
9	being signed by a judge or issued to him and served?
10	Q. Signed by a judge.
11	A. It had to be prior to him being picked up.
12	Q. Okay. May I approach and show you defendant's
13	exhibit number 2?
14	[Whereupon, the witness is shown exhibit]
15	Q. You're the case agent. Are you familiar with
16	Officer Summerlin [phonetic] who wrote a report?
17	A. Yes.
18	Q. And in that report he's talking about taking the
19	defendant into custody.
20	A. Yes.
21	Q. And searching the car incident to arrest?
22	A. Yes.
23	Q. And he was riding in a car with a man named Mark
24	Mashke [phonetic]?
25	A. Yes, it does state that.

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- 1 Q. Are you familiar with that report?
- 2 A. I've read it.
- 3 Q. So, Mr. Olds is taken down and put in that room.
- 4 He's clearly in custody, right?
- 5 A. Yes.
- 6 Q. He's not free to leave?
- 7 A. He was taken into custody.
- 8 Q. And although the arrest warrants hadn't been served
- 9 yet they were just waiting to be served?
- 10 A. I believe so.
- 11 Q. You said you've been in law enforcement for 20
- 12 years?
- 13 A. I worked in various positions at the Charleston
- 14 Police Department over the 20 years, yes.
- 15 Q. And how long have you been a detective?
- 16 A. I spent ten years in the detective office.
- 17 Q. Did you have training when you were a detective?
- 18 A. I did.
- 19 Q. Did you have training specifically in interrogation?
- 20 A. I took several classes in interrogation.
- 21 Q. You said several. How many would you say you took?
- 22 A. I can't even begin to count the hours of the courses
- 23 that I've taken.
- 24 Q. But you've taken a lot of them; so many you can't
- 25 count.

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1 A. Yes, because they would be by hours. You get credit
2 hours for the courses that you take.
3 Q. And you had experience in interrogation in addition
4 to the training, right?
5 A. Yes.
6 Q. How many -- let's say on this date can you say at
7 that time how many people or suspects you had
8 interrogated prior to Ronzell; a rough estimate, 50, 100?
9 A. That's ---
10 Q. --- a lot ---
11 A. --- I never count them.
12 Q. But it's a lot right?
13 A. Yes.
14 Q. Okay. All I'm trying to get to is you're an
15 experienced detective, you've been trained in
16 interrogation and you've had a lot of experience in
17 interrogating people, right?
18 A. Right.
19 Q. No doubt about that. And there are certain
20 techniques you use that you've been taught, right?
21 A. And some that I've developed on my own.
22 Q. You try to develop a rapport with the suspect,
23 right?
24 A. Yes.
25 Q. And your money isn't on style but your style appears

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1 to be a friendly style, right?

2 A. Yes.

3 Q. You want to be friendly with them and have them
4 think of you as someone who is friendly and helpful?

5 A. Yes. I'm going to build a rapport and a connection.

6 Q. But sometimes you withhold information from the
7 suspect, right?

8 A. By being in the interview they would know everything
9 that I know when I walked in.

10 Q. But you would be able at the appropriate time, the
11 time you think is appropriate you reveal information as
12 the interview goes along, right?

13 A. During that 20 -- during that timeframe, yes. I'm
14 no longer in that office so I don't usually interrogate
15 or interview anymore.

16 Q. So you read him the Miranda and we watched that.
17 And you told him he could stop answering questions at any
18 time, didn't you?

19 A. Yes.

20 Q. He was put in the room, this interrogation room
21 around 3:10 p.m., does that sound about right?

22 A. Yes, that sounds about right.

23 Q. And you enter around 3:26 or something like that to
24 start the interrogation does that sound fair?

25 A. I didn't pay attention to the exact time but I'm

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1 assuming.

2 Q. And the first thing he asked you was what am I in
3 here for now?

4 A. He did.

5 Q. Let me ask you this. Would it help you follow along
6 if you had a transcript in front of you that had some of
7 the questions I'm going to ask, specific ones?

8 A. Maybe.

9 MR. KING: May I approach, Your Honor? May I give
10 the witness the transcript?

11 THE COURT: Sure.

12 Q. [Mr. King] This is defendant's number 1, the
13 transcript of the interview.

14 [Whereupon, the witness is shown exhibit]

15 Q. [Mr. King] This is on page 3, line 1.

16 A. Okay.

17 Q. I'm sorry; line 18.

18 A. Okay.

19 Q. You've just entered and sort of introduced yourself
20 and one of the first things he says is what am I here for
21 now, right?

22 A. Right.

23 Q. That's the main thing he wants to know is why am I
24 here?

25 A. Right.

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1 Q. He also wants to know am I going to get arrested.

2 A. Right.

3 Q. He asks if he has a warrant multiple times, right?

4 A. Yes.

5 Q. He says I'm trying to figure out why I'm here on
6 page 4, line 16, right?

7 A. He does.

8 Q. But you don't tell him at first, right? You
9 eventually do but in the beginning you're withholding
10 some information and that may be part of the interview
11 process but you don't tell him at first; you're not
12 answering these questions immediately, right?

13 A. On line 18 I said I'm going to talk about that, give
14 me a second and let me take your cuffs off.

15 Q. You tell him you're going to talk about it but not
16 quite yet.

17 A. Correct.

18 Q. We've talked about the handheld recorder. You have
19 that handheld recorder laid out; you told him about it
20 and laid it out on the table, right?

21 A. Yes, it was present.

22 Q. And on page 16 line 12, he's asking you, this is
23 from your opinion I may be walking out of here, and you
24 tell him you don't know; I'll be honest right? Is that
25 true you didn't know he wasn't going to walk out of there

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1 right?
2 A. At the time I didn't.
3 Q. And the time you didn't what?
4 A. I told him I didn't know; I'll be honest.
5 Q. But he wasn't going to walk out of there, right?
6 A. No.
7 Q. And you knew that when you answered that question?
8 A. Yes.
9 Q. So you're leading him to believe he might get to go
10 home if he talked? Would you say that could be
11 interpreted that way?
12 A. No, I just said I don't know, I'll be honest, I
13 don't know right now. But I'll have to confirm if
14 there's any warrants especially since you told me that
15 you had arrest warrants.
16 Q. Mr. Olds is concerned about losing his job. You
17 remember talking about that?
18 A. Yes, he mentioned that.
19 Q. That he was arrested actually performing job duties
20 right; he was arrested on the job.
21 A. He was taken into custody while in the vehicle with
22 a co-worker.
23 Q. Now, on page 44 I think you still haven't told him
24 that he has an arrest warrant and what he's there for
25 necessarily. He's still asking you the only thing I

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1 really want to know. And you say this is my kind of
2 world, this is kind of my world and I want to do this my
3 way?

4 A. Yes ---

5 Q. --- because you're -- that's part of the
6 interrogation process. You're in control of
7 interrogation, right?

8 A. I did say that.

9 Q. And it's important for you to be in control in the
10 interrogation?

11 A. Yes.

12 Q. If you lose control the whole point is going to be
13 missed, right?

14 A. Yeah.

15 Q. I'm just going through chronologically but I might
16 skip around a little bit but there are subjects that I
17 want -- page 49 do you remember when he had trouble
18 understanding what the word denomination meant?

19 You say this is the reason why I asked you, the
20 denominations? And he said why you mean denomination.
21 Did it appear that he didn't understand what the word
22 denomination meant?

23 A. Yes, he said what you mean denomination. And I
24 stated and when you left the money for her because I got
25 to tell you too I have the two dollar bill in custody.

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1 Q. But you get the impression he wasn't sure what that
2 word meant?

3 A. He did ask what you mean denomination and I
4 expressed about the two dollar bill.

5 Q. And he told you he didn't graduate from high school,
6 right, or he went to the 11th grade?

7 A. Yes, he stated he completed the 11th grade.

8 Q. Now you do reveal the arrest warrants on page 53.
9 You tell him you're not going home tonight because you
10 have arrest warrants for armed robbery and possession of
11 a weapon during the commission of a violent crime.

12 So at that point he's been confronted with the
13 warrants and that's about maybe 4:30 into the interview,
14 does that sound about right?

15 A. I don't know.

16 Q. And then on page 54 that's when you tell him he has
17 the warrants. You talk about the only thing I can do for
18 you right now sweetheart is when they ask me Detective
19 Brown was Ronzell cooperative? Did he accept what he
20 has done? Did he man up to what he's done or anything
21 along that line?

22 I don't know your situation so if you're a good
23 person and your girl cared about you and you fall on some
24 hard times, work has been short. You're offering to put
25 in a good word for the prosecutor if he cooperates with

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1 you.

2 A. I did say that.

3 Q. You let him take a smoke break.

4 A. Yes.

5 Q. And I think we saw some of this. But page 57 is
6 when he's crying. You can tell his emotional state.

7 MR. KING: Your Honor, can I play just a few brief
8 clips?

9 THE COURT: Please.

10 MR. KING: I think part of this was played before
11 but he appears to be crying and pretty distraught.

12 [Whereupon, the video clip plays]

13 [Whereupon, the video clip stops]

14 Q. [Mr. King] So, this is 4:48 p.m. right?

15 A. Yes.

16 Q. So, maybe an hour and half, hour and 20 minutes in
17 the interview, does that sound about right?

18 A. I believe you stated I started at 3:26 so -- at
19 3:26.

20 Q. He's pretty upset in that clip, right?

21 A. Yes, briefly.

22 Q. He's crying? And you had just read him the arrest
23 warrants and told him he's under arrest for armed robbery
24 and possession of a weapon during a violent crime. He
25 asks to call; he wants to talk to somebody, right?

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1 A. Yes.

2 Q. He asks to call Deonna who was his girlfriend at the
3 time. And he wants to call his Mom.

4 A. Yes.

5 Q. Right? And in that moment you say why did you do
6 it? Is that because you're trying to move in when he's
7 in his emotional, a really emotional point, is that
8 something you're trained to do because that might be a
9 point where he could break because he's at that emotional
10 level?

11 A. He was slightly emotional but it quickly resolved.

12 Q. And then shortly afterwards --

13 [Whereupon, the video clip plays]

14 [Whereupon, the video clip stops]

15 Q. [Mr. King] Is that something you're trained to do is
16 move in closer to the suspect during interrogation at
17 certain times?

18 A. I wouldn't say that was trained. That's just
19 something that I did.

20 Q. You're not trained to maybe sometime put your hand
21 on him or make physical contact with him like that at
22 certain points to try to make a connection with him?

23 A. That's not a training.

24 Q. I think this is an important part, page 63 line 14.

25 [Whereupon, the witness reviews document]

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1 Q. During this exchange he tells you because you've
2 already told him he has an arrest warrant and he's going
3 to jail.

4 A. What line did you say?

5 Q. Line 14.

6 A. Okay.

7 Q. Of page 63.

8 A. Okay.

9 Q. And you've already told him he's going to jail for
10 armed robbery and possession of a weapon during the
11 commission of a violent crime.

12 And he says I mean if y'all done got the warrant out
13 I'm getting arrested for this there's nothing more I can
14 say, right.

15 A. What line are you on; I don't see that.

16 Q. 14 and 15 of page 63. I can show you.

17 A. I have it.

18 Q. I think he actually might be saying ain't nothing
19 more I can say although I don't think that changes the
20 meaning.

21 [Whereupon, the video clip plays]

22 [Whereupon, the video clip pauses]

23 Q. [Mr. King] So this is 4:59 right, in this clip.

24 A. Yes.

25 [Whereupon, the video clip plays]

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1 [Whereupon, the video clip stops]

2 Q. [Mr. King] So he told you if you got the warrant out
3 and I'm getting arrested for this nothing more I can say
4 basically, right? Isn't that him telling you he's done
5 talking?

6 A. I did not perceive it as that.

7 Q. How did you perceive it?

8 A. As he was done and like defeated. I had shown him
9 everything that I had. That's how I perceived it. I
10 played out all the evidence to him and laid out the facts
11 and he knew I had the arrest warrant. And he was
12 speechless I guess.

13 Q. You don't think that's an indication from him that
14 because he's already going to be arrested there is
15 nothing he can say that's going to stop that at some
16 point then there's nothing else for him to say. You
17 don't think that that's the interpretation he meant?

18 A. I did not perceive it as him invoking his right to
19 remain silent.

20 Q. But you wrap up the interview shortly after that,
21 don't you?

22 A. I go on a little bit more in a couple of pages.

23 Q. Can you turn to page 67?

24 A. Okay.

25 Q. Line 9?

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1 [Whereupon, the witness reviews document]

2 Q. So Mr. Olds says how long are y'all keeping me here?
3 Doesn't that seem to indicate that he is done and he's
4 just waiting for y'all to take him back?

5 A. Take him back? We arrested him on a traffic stop.

6 Q. Take him to the jail I mean.

7 A. I thought he was just maybe asking for a time limit
8 how much longer he was going to be there maybe.

9 Q. You say I thought you had something to tell me or at
10 least wanted to tell me how you obtained this especially
11 when they are linking back to the robbery.

12 So you're continuing the conversation at that point?

13 A. I just made a statement that I thought he had
14 something to tell me and at least wanted to tell me how
15 he obtained this and all the other money that was in
16 possession and left behind especially when they were
17 linking back to the robbery. I just made a statement is
18 all.

19 Q. On page 69 -- I'm sorry; page 68 line 23.

20 [Whereupon, the witness reviews document]

21 Q. And you tell him I don't know your purpose but I do
22 wish you the best of luck in life and the only thing I
23 can tell you is to your own self you need to be truthful.

24 If you don't want to be truthful to me if there is a
25 heart and there is somebody that knows about all this and

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1 that's the person that sits high and look low and you
2 have to give an account to him not me, right. So you're
3 making a reference to God sitting up in judgment of him
4 right?

5 A. That's whoever he believes in. I just said there is
6 someone that sit high and look low.

7 Q. And you're referring to?

8 A. Whoever he may ---

9 Q. --- not human ---

10 A. --- or whoever he believes in; whoever the higher
11 belief that he believes in.

12 Q. His higher power.

13 A. That he believes in.

14 Q. But not a human being. You're talking about some
15 higher power, right. And you wish him the best of luck.
16 Again, you're trying to be his friend, right.

17 You're trying to give the impression that you care
18 about him so that you seem like his friend. Is that part
19 of the interrogation tactic too?

20 A. Mine establishes the -- to build a connection with
21 them, to build rapport and to try to keep things
22 friendly.

23 Q. And just a couple of days later on page 70.

24 [Whereupon, the witness reviews document]

25 Q. You wrap up and leave, right? And he asks you for

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1 your name and your card.

2 A. Yes.

3 Q. Do you remember why you did that?

4 A. I think I mentioned, let's see...

5 [Whereupon, the witness reviews document]

6 A. He said pray for me. I said move forward. He said
7 pray for me and I will move forward. Please pray for me.
8 And I stated yes, we will probably see each other
9 sometime later.

10 And he questioned if I got to come back and talk to
11 him and I said unless you want to talk to me.

12 Q. And you tell him that you'll answer his call from
13 the jail, right?

14 A. Yes.

15 Q. It seems that he's got your number and he's
16 considering calling you at a later time from the jail to
17 discuss some more. Does that sound fair?

18 A. At that time.

19 Q. So you leave at that point. You exit and Detective
20 Bailey comes in. And are you watching at this point? Do
21 you observe from another room or you have no idea what is
22 going on?

23 A. I believe I'm observing from another room because my
24 desk is right there and I didn't have that --

25 Q. But you've seen the video.

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1 A. I have seen it ---

2 Q. --- of Detective Bailey's interview. And so you're
3 aware that during that time that Detective Bailey was in
4 there alone with him that Mr. Olds says this is a number
5 I can contact y'all on, right; referring to the number
6 that you just gave him.

7 And he says I need to lay down real quick, man. And
8 he says I just need some time. We'll talk again.

9 A. What number are you on?

10 Q. This would be page 73, line 11.

11 [Whereupon, the witness reviews document]

12 A. Okay.

13 Q. This is a number I can contact y'all on. I just
14 need to lay down real quick, right. He says I just need
15 some time; we'll talk again, right?

16 He's telling you he wants to stop the interview and
17 lay down, he needs some time, right?

18 A. He didn't tell me that.

19 Q. Detective Bailey?

20 A. He did say I need to lay down real quick and
21 Detective Bailey said okay. I just need some time; we'll
22 talk again.

23 Q. Okay. And then over on page 74, line 9.

24 [Whereupon, the witness reviews document]

25 Q. He tells Detective Bailey again I just want to go

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1 lay down you know. Just give me some time man. Please.

2 We'll talk. And I could please make the phone calls you

3 said I could make.

4 A. I read that.

5 Q. Do you see that?

6 A. I do.

7 Q. Then on line 15 he says please, I promise. I

8 promise y'all are going to be hearing from me, right? So

9 what he's saying is he's tired; he wants to lay down.

10 He has your number and he's promising you that if

11 you just let him lay down and rest he's going to call

12 you; on his time, right?

13 A. That could be made as an assumption based on who is

14 interpreting it.

15 Q. Okay. But saying I want to go lay down pretty means

16 he wants to stop, right? You can't dispute that. I want

17 to go lay down. I need some time.

18 A. He didn't say he wanted to stop talking. He just

19 said he wanted to lay down.

20 Q. And he said give me some time. You think that meant

21 time with you and Detective Bailey sitting in there while

22 he's laying down? You think that's what he wanted?

23 A. He could have wanted a break, I don't know.

24 Q. He did want a break. That's exactly what he's

25 saying. He did want a break. That's it. But you didn't

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1 give him one.

2 A. He had breaks throughout the interview.

3 Q. He used up all his breaks?

4 A. No, you never use up --

5 THE COURT REPORTER: I'm sorry; I didn't hear your
6 answer.

7 A. No. But he does initiate contact with us and he's
8 saying throughout the interview.

9 Q. [Mr. King] But he told Detective Bailey he says on
10 page 75 line 14 I just want to get some time to myself;
11 that's all I'm asking you for.

12 So that time he says time to himself. So if it
13 wasn't clear before it's clear now he doesn't want y'all
14 there and wants time by himself.

15 A. And Detective Bailey replies I'm not going to deny
16 you that.

17 Q. But he did. He says that but he did, right? He
18 never gave him time to lay down and the time to think.

19 A. He does get transported to the jail.

20 Q. Okay. Eventually when y'all decide he's ready to go
21 but not when he wants to go, is that right?

22 A. He stated twice that I'm not going to deny you that
23 but Ronzell continued to talk.

24 Q. On page 76 line 1 he's still telling Detective
25 Bailey I just want, I just wanted to sit and think you

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1 know; think this out before I say anything. I want to
2 sit and think this out. Please, that's all I'm asking
3 you for straight up.

4 So he's again indicated that he wants to stop the
5 interview with Detective Bailey, right?

6 A. But both times Detective -- on page 75 line 16 and
7 line 18 he told him that he wasn't going to deny that but
8 he continues to talk and ask and make statements to him.

9 Q. And then on line 23 Detective Bailey says I'd like
10 to hash this out. I'd like to hash this out before we go
11 to the jail.

12 A. You said line 23?

13 Q. 25 on page 76.

14 [Whereupon, the witness reviews document]

15 Q. Detective Bailey wants to hash it out ---

16 A. --- he stated, he stated starting on line 24 ---

17 MR. SIMPSON: --- Your Honor ---

18 A. --- we've got some paperwork ---

19 MR. SIMPSON: --- at this point in time we'd
20 object. We're going to be offering Detective Bailey to
21 be cross-examined on his own exchange. Detective Brown
22 wasn't present in the room when this was happening.

23 MR. KING: I understand at some point I can save
24 some of this for Detective Bailey and move ---

25 THE COURT: --- yes, if it's just specific as to

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1 what he said maybe you can save that for him. Okay.

2 MR. KING: Yes, Your Honor.

3 THE COURT: Sustained.

4 Q. [Mr. King] You enter back in with Detective Bailey
5 to read the arrest warrants, right?

6 A. Yes.

7 Q. That's when you go back in and read the warrant,
8 okay. And is that a tactic too? Are you, are y'all
9 required to go in there and read verbatim the warrant to
10 him even if he doesn't want you to; if he can read it
11 himself?

12 A. Yes, you should read the warrant to him.

13 Q. You should or you have to?

14 A. We have to read him the warrant. And I can't read
15 my own warrant since I was the one that signed it.

16 Q. But anybody could read the warrant to him, right?

17 A. Yes, but we were present at the time and I think at
18 this point it might be after hours.

19 Q. And the reason I'm saying this is reading the
20 warrant appears to be a tactic. And I've seen it before
21 in these interrogations. You read the warrant because
22 you want the person to start asking questions and talking
23 about the warrant.

24 A. It's not a tactic. Its policy and procedure that
25 you read the warrant to the person. Even if a street

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1 officer arrested him they would have read him the
2 warrant.

3 Q. Right. Anybody can read him the warrant but by you
4 two going in there and sort of dramatically reading it
5 you don't think that that somehow could stir him up and
6 get him talking?

7 A. I don't feel like the warrant was read in a dramatic
8 form. He read what was verbatim on the arrest warrant
9 and the affidavit.

10 Q. So, at that point have y'all accepted that he wants
11 to take a break, that he wants to rest and have some time
12 to himself or y'all just ignoring that?

13 A. He started asking questions.

14 Q. He asked questions related to his charge, to the
15 warrant that you read to him. He asked specific
16 questions only related to the warrant that you read to
17 him.

18 A. Which was a part of the investigation.

19 Q. So, after the reading of the warrant...

20 A. What page are you on?

21 Q. I'm on page 82. And you're in there for this.
22 You're present in the room for this. And I could play
23 that. You said that he makes statements but Detective
24 Bailey is asking him why.

25 [Whereupon, the video clip plays]

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1 [Whereupon, the video clip stops]

2 Q. [Mr. King] So Detective Bailey is asking him why,
3 which is a question right?

4 A. So prior to that on page 81 he is asking questions
5 as to if he's getting charged with a firearm, if he's
6 looking at ten years.

7 He initiated questions that led to he wants to
8 continue to talk because he's not only asking about the
9 arrest warrant. He's asking about the number of years he
10 would get for this type of charge.

11 Q. And Detective Bailey asks him why and gives him sort
12 of an open invitation to talk in that clip we just heard,
13 right?

14 A. Because he initiated conversation about how many
15 years he's going to get, about being in possession of a
16 firearm. So it sounds like he wants to continue the
17 conversation when he's asking questions.

18 Q. Well, if that's in doubt look at page 84, line 1.

19 [Whereupon, the witness reviews document]

20 Q. He's repeating what he's been repeating for awhile.
21 I promise, I promise y'all are going to be hearing from
22 me, man. I promise, I promise. He's still trying to
23 communicate to the two of you that he wants to take a
24 break that he wants to rest. And he promises you he'll
25 call you; you're going to be hearing from him in the

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1 future. So he's still begging you, begging you to let
2 him rest. I promise, please.

3 A. Prior to that he talks about how he appreciates, he
4 doesn't dislike the police. He knows that we're doing
5 our job. He's not mad at that.

6 So he is still engaged in the conversation or a part
7 of the interview, which this has it's not just based on
8 the investigation he's telling us that he doesn't dislike
9 us. He goes on to say that he promises that we will hear
10 for him. That was before this clip.

11 Q. That was before this clip?

12 A. Yes. On page 83 he is in discussion saying how he
13 doesn't dislike the police and that we're doing our job
14 and he's not made at us.

15 And that's why we wanted to extend the invitation to
16 him if he wanted to talk because he's definitely going
17 into a conversation with us in regards to not disliking
18 us, he's not mad at us. And this is ---

19 Q. --- he's trying to be nice. He's trying not to
20 appear rude or disrespectful. He's trying to be as nice
21 as he can, right? That's what he's saying. I don't
22 dislike police officers. Y'all do your job. I can't get
23 mad at that.

24 A. And I wasn't rude to him either.

25 Q. I understand. It's still after that that he's still

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1 saying I promise y'all are going to be hearing from me.
2 And if you look down on page 84 line 18 Detective Bailey
3 extends the invitation again. I extend the invitation.

4 And Ronzell Olds says I promise man. And at this
5 point we know what I promise man means because he's been
6 saying it for pages and pages in relation to his promise
7 that if you leave him alone he'll call you in the future,
8 right?

9 A. It can be insinuated like that. It depends on whose
10 perception.

11 Q. And when you're talking to him before he tells you
12 to turn the recorder off.

13 A. What page are you on?

14 Q. Page 87.

15 [Whereupon, the witness reviews document]

16 Q. You say at line 19 I mean you just seem so -- very
17 seldom do I get people in here that I get a vibe from.
18 Right before that on line 17 you say that. He says I
19 wish this was different. And you say you wish this was
20 too.

21 So, you're still kind of talking with him trying to
22 gain his trust, right? You're still trying to tell him
23 maybe something special that you feel about him. You're
24 getting a vibe from him, right?

25 A. I just made a statement.

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1 Q. The statement for the purpose to get him to talk
2 right?

3 A. I was just being honest that I got a vibe from him
4 that he wasn't a bad person.

5 Q. Then he asks about the recorder.

6 A. He does.

7 Q. You assure him that it's turned off.

8 A. I said I think he cut it off. I don't know.

9 Q. But he asked you to make sure it's off. And you say
10 you want to see it? It's paused. And then finally on
11 page 92 line 18 you tell him nothing can record.

12 A. Line 18?

13 [Whereupon, the witness reviews document]

14 A. I'm talking about the audio recorder at that time,
15 which was his interest and that he asked me to cut off.
16 If I cut the audio recorder off in its entirety it cannot
17 record.

18 Q. But you didn't tell him that he's still being
19 recorded by some other camera in the room, right?

20 A. I didn't need to tell him that.

21 Q. Well, he ---

22 A. --- his intention -- his focus was on the audio
23 recorder that was recording and I told him that I cut it
24 off in its entirety. But even if I did not tell him that
25 there was another recording device or the room was being

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1 recording at the beginning I read him Miranda. And I
2 believe after line 1 it says that anything you say can
3 and will be used against you in a court of law.

4 Q. Right. But he apparently is unaware there is
5 another camera.

6 A. I don't know what he's aware of.

7 Q. You think he would be so insistent on telling you to
8 turn that little handheld recorder off if he knew he was
9 being video recorded the whole time?

10 A. I'm not certain.

11 Q. Okay. Then he gets to be feeling like you're his
12 friend so much that he asks you later why you can't take
13 him to the jail, right? He wants you to take him to the
14 jail on page 119.

15 A. I don't know if he feels as though I'm his friend or
16 maybe he just feels a level of comfortability with me; I
17 don't know if he's just comfortable.

18 But not only does he ask me if I can't take him to
19 the jail he also asked me not to leave the room.

20 Q. Right. He wanted you to stay there and keep talking
21 to him because he felt like you were his friend, right?

22 A. Yes. He wanted me to keep talking to him.

23 MR. KING: That's all the questions I have for this
24 witness, Your Honor.

25 THE COURT: Any redirect?

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1

REDIRECT EXAMINATION

2

BY MR. SIMPSON:

3

Q. Sergeant Brown, he wanted you to stay in the room

4

and keep talking to him, correct?

5

A. Correct.

6

Q. He wanted that?

7

A. Yes. He wanted me to stay and continue talking with

8

him.

9

MR. SIMPSON: Thank you. Nothing further, Your

10

Honor.

11

MR. KING: Can I just follow-up with one brief...

12

13

14

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25

2 BY MR. KING:

6 A. I'm not certain. I would have to read through here
7 and look back or we can play the -- it's recorded in its
8 entirety.

13 A. [No response]

14 Q. Page 119.

15 [Whereupon, the witness reviews document]

16 A. I don't see where he's asking me to stay on 119.

17 Q. On line 119, page 12 -- line 12, you said I don't
18 know what time it is but I'm sure they're ready to get
19 you going because transport is coming for you. I'm not
20 going to be the one who is talking to you. So he's
21 saying ---

22 A. --- I said taking.

23 Q. I'm sorry?

24 A. I said I'm not going to be the one who is taking
25 you.

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1 Q. Right. But you state that transport is ready to
2 come get him.

3 So what I'm saying is when he made these statements
4 about wanting to talk to you and you to take him
5 everything is already over and he's just waiting for
6 transport to take him back to the jail. That's towards
7 the very end, right?

8 [Whereupon, the witness reviews document]

9 A. We still go on and talk further though based on
10 these transcripts.

11 Q. Until transport comes and gets him?

12 A. I'm not certain that I continued to talk with him
13 until transport comes and gets him or not or if I ended
14 it before that.

15 MR. KING: No further questions, Your Honor.

16 THE COURT: Okay. All right.

17 [Whereupon, the witness is excused and exits the
18 witness stand]

19

20

21

22

23

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25

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1 THE COURT: All right. The State can call its next
2 witness.

3 MR. SIMPSON: The State calls Lieutenant Bailey.

4 [Whereupon, Lieutenant Bailey comes forward]

5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]

7 THE CLERK OF COURT: Please state your name for the
8 record and spell your last name.

9 THE WITNESS: Lieutenant Thomas Bailey, B-A-I-L-E-Y.

10 - - - - -

11 THOMAS BAILEY,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. SIMPSON:

16 Q. Lieutenant Bailey, good afternoon.

17 A. Good afternoon.

18 Q. How are you?

19 A. I'm doing good.

20 Q. If I could just get you to recount for the Court
21 quickly just kind of your educational background, your
22 work experience, and your history with the Charleston
23 Police Department.

24 A. Sure. I graduated from the Citadel in 2006 and I
25 immediately began working for the Charleston Police

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1 Department. I've been with the Charleston Police
2 Department for 16 years. I spent about five years on
3 patrol in the downtown area. I then became a robbery
4 detective in 2011 for two years. Then I transitioned to
5 a violent crime homicide detective for three years.

6 And in 2016 I was promoted to Sergeant. I briefly
7 worked downtown on a patrol squad. And then I returned
8 to the detective division where I became a robbery
9 supervisor, which is my role during this incident. Since
10 then I was promoted to Lieutenant in 2020 and that's my
11 current rank.

12 I'm currently assigned to the Office of Internal
13 Affairs. I've been to several interview classes, first
14 line supervision, failure investigations, and several
15 courses related to internal affairs matters.

16 Q. Thank you. And what was the total number of years
17 that you've been with CPD approximately?

18 A. About 16.

19 Q. A substantial portion of which was as a detective?

20 A. Correct.

21 Q. Work history pretty seasoned with giving interviews?

22 A. Yes, sir.

23 Q. I know it's impossible to get exact but how many
24 interviews do you think you've been a part of at some
25 point?

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1 A. I'd say over 100.
2 Q. Okay. And you received legal and law enforcement
3 training in that area of interrogations?
4 A. Yes, sir.
5 Q. You ever had anybody invoke their right to remain
6 silent with you in an interview?
7 A. I have.
8 Q. What -- how does one go about doing that?
9 A. It has to be clear and normally it's I want to talk
10 to a lawyer. I don't want to answer any of your
11 questions. You know a clear statement of that you
12 understand what's being asked of you.
13 Q. Okay. What if you are in an interview and you're
14 unsure about what a person's intentions are?
15 A. Typically I will make a statement to clarify the
16 statement that was -- if it is an ambiguous statement
17 I'll offer a follow-up statement to ensure that they want
18 to do X, Y, or Z.
19 Q. Okay. So that that person can carry out their
20 intentions.
21 A. Correct.
22 Q. Am I saying it correctly? Okay. I want to talk now
23 about this case. We won't go line by line but you've
24 reviewed the video and your participation in this
25 particular interview with Ronzell Olds?

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1 A. I have.

2 Q. And it's fair to say there is a portion of that
3 interview where Detective Brown at the time, now Sergeant
4 Brown, leaves and you enter to continue that interview.

5 A. Correct.

6 Q. Okay. Was that a long portion of the interview?

7 A. It was not.

8 Q. Okay. You just kind of go in and lay out what
9 you've got in the case, right?

10 A. Right. I think at that point I wanted to ensure
11 that he didn't think Detective Brown was making something
12 up.

13 Q. Okay. During this exchange does Mr. Olds voice and
14 make some statements to the effect of wanting to go lay
15 down?

16 A. He does.

17 Q. And now I think this should be pointed out. In the
18 course of your law enforcement career have you ever heard
19 the phrase sort of go lay down as a euphemism for
20 something?

21 A. Typically it's understood that they just want to lay
22 down. They want to...

23 Q. Have you ever heard of it meant like go to jail?

24 A. Yes.

25 Q. Okay. So it doesn't necessarily mean that the

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1 person is fatigued. It means he'll go to the jail?
2 A. It can.
3 Q. It can?
4 A. It can.
5 Q. Okay. How do you respond when Mr. Olds says hey,
6 I'm going to talk to you. It's my intention to talk to
7 you further but I want to go lay down first.
8 A. During the interview I tell them that I'm not going
9 to deny you that. That's what I tell them. And I
10 follow-up with statements to clarify what he's saying by
11 saying you know do you want to talk to us now?
12 Now is the opportunity for you to talk to us or
13 trying to understand exactly what his intentions are.
14 Q. Now everything that you say and everything that is
15 said in that room is clearly recorded and is on video for
16 us to watch, right?
17 A. Correct.
18 Q. And there is no secret about which of those things
19 you prefer. You don't make that a secret, right?
20 A. Right.
21 Q. You'd prefer them to talk now, right?
22 A. Correct.
23 Q. But do you do anything or say anything to make it
24 clear that it's his choice?
25 A. I tell him it's his decision.

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1 Q. Okay. Do you say anything like you can't lay down?
2 We're not going to take you to lay down?

3 A. No, I do not.

4 Q. On the contrary what do you say to him when he says
5 I'd like to go lay down and think about this for a little
6 bit. What's your response?

7 A. I say okay. I let him know that it's his decision.
8 I tell him we have to do a few things in terms of
9 paperwork and deal with arrest warrants. But I advise
10 him that okay, I understand.

11 Q. Okay. So he's going to go lay down but you say
12 you've got some things you've got to do first, right?

13 A. Correct.

14 Q. And just reiterate what those are?

15 A. We have to serve them with the arrest warrant and we
16 have to take his clothing. And all the booking paperwork
17 has to be completed.

18 Q. And is it office policy and good procedure to read a
19 person their arrest warrants?

20 A. That's always been my practice is to read them. If
21 you're there with them and you're interviewing them read
22 them the facts that were sworn out by the detective and
23 sworn signed by a judge.

24 Q. That wasn't some special trick you were pulling in
25 this case? That's a generalized policy that you follow?

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- 1 A. Yes, sir.
- 2 Q. Okay. And so again he says I believe I just want to
3 get some time to myself. That's all I'm asking for.
4 Your response I'm not going to deny you that. Does that
5 sound ---
- 6 A. --- yes, that sounds right out on the transcript.
7 That sounds right.
- 8 Q. I mean yeah -- your response again -- I'm not going
9 to deny you that. Because I mean I ain't going nowhere
10 officer. I know you're not. Does that sound like your
11 response?
- 12 A. It does.
- 13 Q. I'm telling you I mean I ain't going nowhere.
- 14 A. I know Ronzell. I know.
- 15 Q. I just want to sit and think before I say anything.
16 I want to sit this out, please. That's all I'm asking
17 you for straight up.
- 18 Your response -- that's fine. Okay. But you make
19 it clear there are a couple of things you've got to take
20 care of before he gets to go lay down.
- 21 A. Yes, sir.
- 22 Q. All right. One being?
- 23 A. Serve his arrest warrants.
- 24 Q. And the other being?
- 25 A. Take his clothing.

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1 Q. Okay. Now do you guys just when you're carrying
2 these things out just remain stoic and silent or does the
3 discussion continue?

4 A. [No response]

5 Q. I'm sorry; following your clarification that any
6 further contact is you're there to listen, you're giving
7 this invitation, it's his decision whether or not he
8 wants to talk. Following that does the conversation
9 continue?

10 A. It does. And I believe Detective Brown is in the
11 room at that point in time but there had been some
12 questions that were raised while we read the warrant in
13 terms of ---

14 Q. --- okay. Important point and I'm sorry to
15 interrupt you so bluntly, raised by whom?

16 A. Mr. Olds.

17 Q. Okay. While you were doing what?

18 A. Serving the arrest warrant.

19 Q. Which is exactly what you had explained needed to be
20 done before he went to lay down?

21 A. Yes, sir.

22 Q. Okay. And so in response to questions raised by Mr.
23 Olds the clarifications made?

24 A. That again I want to provide you with this
25 opportunity if you -- the statements made with the

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1 intentions of clarifying if you want to talk now we can
2 talk now. We'll stay here. We'll stay here later than
3 -- we'll dedicate our time to you. I want you to talk
4 now.

5 Q. So your response to I want to go lay down, I want to
6 go to jail now was what?

7 A. That's fine.

8 Q. As he asked you questions the decision to continue
9 to talk or to cease talking is whose decision according
10 to you to Ronzell?

11 A. Ronzell's.

12 Q. Okay.

13 MR. SIMPSON: Court's indulgence.

14 [Whereupon, Mr. Simpson and Ms. Haliena confer]

15 Q. [Mr. Simpson] Thank you, Lieutenant. Please answer
16 any questions that Mr. King has.

17

18

19

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1

CROSS-EXAMINATION

2

BY MR. KING:

3

Q. I'll try to be brief if I can. Were you watching
the interview with Detective Brown up until the time you
went in?

6

A. I don't think I was.

7

Q. Why did you go in? What prompted you to go in?

8

A. She had come out and again I wanted to go in there
and I think -- one of the first things I do is I talk
about I have this -- email that has the serial number on
it and I think I wanted to physically show him that copy
so he didn't think that Detective Brown was lying to him,
making something up, fabricating evidence per se.

14

Q. You weren't aware that Ronzell Olds told Detective
Brown if y'all done got the warrant out I'm getting
arrested for this that's not more I could say?

17

A. No, sir.

18

Q. You asked him why? You wanted to know why he
committed the crime, right.

20

A. True.

21

Q. That's sort of the theme that you have to try to get
them to try to get them to a reason that maybe there is
some reason that -- if it's an evil reason that's one
thing but if it's a good reason then maybe we can work
with that, right? Is that how that conversation goes?

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1 A. It's a question that I ask is I think the reason you
2 try when someone commits a crime can have two different
3 foundations.

4 One, that somebody does it for the thrill, for the
5 money and two there is somebody else that does it for
6 necessity. So that's the intention of that question is
7 to understand why that person maybe committed a crime.

8 Q. I guess I've got to go through a few of these where
9 he repeatedly asked you if he could lay down, okay. The
10 very first one -- do you see a transcript up there?

11 A. I do not.

12 Q. Would it help if you had a copy of it?

13 A. It would.

14 [Whereupon, the witness is shown document]

15 A. What page are you on, sir?

16 Q. This is going to be page 73, line 11.

17 A. One second please.

18 [Whereupon, the witness reviews document]

19 A. Yes, sir.

20 Q. Now if you flip back a couple of pages that's where
21 your page 71 and 72 is where you're talking to him about
22 the evidence, the monitoring company, wanting to know why
23 he did it. Do you see that?

24 A. I do.

25 Q. So then we get to this point -- let's play the clip.

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1 Now, its 5:16 p.m. correct?

2 A. Yes, sir.

3 [Whereupon, the video clip plays]

4 [Whereupon, the video clip ends]

5 Q. Okay. So he said is this the number I can contact
6 y'all, right?

7 A. Correct.

8 Q. You know Detective Brown had given him her card?

9 A. I think I could see it. I don't think she told me
10 she did that but I think ---

11 Q. --- but you figured it out at some point that he had
12 a card.

13 A. Yes, sir.

14 Q. This is the number I can contact y'all on? I just
15 need to lay down real quick, man. I just need some time.
16 We'll talk again. And what was your response?

17 A. Okay.

18 Q. Then he says I just need some time and we'll talk
19 again. And you say well, that's what a lot of people
20 say. Right?

21 A. Correct.

22 Q. Did you take him at his, when he said lay down did
23 you think he meant lay down and rest or something that
24 Mr. Simpson was trying to say? When he said I want to
25 lay down real quick man what did you think he meant?

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1 A. I thought he meant that he wanted to go to the jail
2 and I said okay. I said okay.

3 Q. You mean go to the jail to physically lay down
4 there?

5 A. Yes.

6 Q. Okay. He keeps going on page 74; line 9 I just want
7 to lay down. Give me some time man. Please, we'll talk.
8 And I can please make a phone call. And further down
9 line 15 I promise. Please, I promise. I promise y'all
10 are going to be hearing from me before that, right?

11 A. Right.

12 Q. Did you let him lay down after that?

13 A. I think I said I doubt that. And he said what do
14 you mean? And we engaged in conversation about that. We
15 engaged in a little bit of conversation. And at some
16 point I said I'm not going to deny you that.

17 Q. But you did. I mean he keeps going. You didn't let
18 him lay down then.

19 A. We still had to serve him the arrest warrant, which
20 I told him and we still had to take his clothing. His
21 ambiguous statement, I get his ambiguous statement is I
22 want to go lay down but Mr. Olds never said stop asking
23 me questions; never made any clear statement as such.

24 Q. You don't think I just want to go lay down and just
25 give me some time is clear?

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1 A. I do not.

2 Q. He says it again on page 75 line 13. I just want
3 some time to myself. That's all I'm asking you. You see
4 that?

5 [Whereupon, the witness reviews document]

6 A. Yes, sir.

7 Q. And then again on line -- page 76 line 1, I just
8 want to just sit and think, think this out before I say
9 anything. I just want to sit and think this out.
10 Please, that's all I'm asking you straight up.

11 Do you leave him alone then?

12 A. I tell him that we have some paperwork to finish up.
13 Again, very ambiguous statement. I tell him that I'd
14 like to hash this out before he goes to the jail.

15 Q. Right. You read Miranda rights a lot in your
16 career, right? You've read them over and over again.

17 A. Correct.

18 Q. And you know one of them says if you want to stop
19 talking you can stop talking at any time, right?

20 A. Correct.

21 Q. You don't have to answer questions, right? And when
22 he's telling you he just wants to sit and think please
23 begging you for time to think you say no, I want to hash
24 this out, right?

25 A. Correct.

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1 Q. I would like to hash this out. And then line 77
2 [sic] page 14 he says again that's all I'm asking you
3 for. Just give me some time. That's the least I want
4 from y'all.

5 Repeats it yet again, right? He's practically
6 begging at this point isn't he?

7 A. I wouldn't, when you watch the interview I wouldn't
8 classify that as begging.

9 Q. Well, we can see it.

10 [Whereupon, the video clip plays]

11 [Whereupon, the video clip ends]

12 Q. Whether or not you want to characterize it as
13 begging or not he says the word please over and over
14 again doesn't he in all these clips that I've been going
15 over with you.

16 A. He says please numerous times. I don't know the
17 count. But in the last one I think it was twice.

18 Q. And now he makes another statement there at the end
19 of that clip on line 22, page 77. I cooperated. Please.
20 Do you remember him saying that?

21 A. I do.

22 Q. He doesn't want to offend you, right? He wants to
23 appear cooperative, respectful, and polite. Does that
24 seem what he's trying to do?

25 A. I just think he's telling me he's cooperating.

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1 Q. Right. I'm cooperating. Please. What's he mean by
2 please?

3 A. I don't know.

4 Q. You still don't know what he means by please when
5 he's saying please, please, please?

6 A. I think he's talking about the phone call.

7 Q. So you read him the warrants and then you
8 acknowledge on page 82 after the reading of the warrant
9 and y'all said that he had some questions about his
10 warrant when y'all read it to him, right?

11 A. Yes, sir.

12 Q. After than on page 82, line 18.

13 A. Okay.

14 [Whereupon, the witness reviews document]

15 Q. Starting at all I want to know and I'm pretty damn
16 sure all she wants to know is why. I understand you said
17 you wanted to lay down and that's fine.

18 But you said I want to offer you our time right now.

19 A. Right. While I was reading the warrant and after I
20 read the warrant he was asking questions again that
21 pertained to this investigation in terms of what am I
22 looking at, talking about the number of years.

23 He was asking about the other incidents still being
24 active and he was asking about the gun charge. So yes, I
25 followed up with that statement.

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1 Q. You acknowledged that he wants -- you're
2 acknowledging that he wants to lie down but you're not
3 letting him lie down.

4 You still haven't let him lie down, lay down or rest
5 or think or anything like that. And you tell him you
6 want to offer your time right now. You said it's an
7 invitation from us, right; an open invitation.

8 So do you understand that when a suspect says they
9 don't want to answer questions you're not supposed to ask
10 them any questions; just in general right. When a suspect
11 says stop asking me questions you're supposed to stop,
12 right?

13 A. Right.

14 Q. But you're also not supposed to make statements that
15 could cause -- that are reasonably calculated to elicit a
16 response from them; like to say things to goad them into
17 making a statement. That's wrong too; did you know that?

18 A. Okay.

19 Q. So, you give him an open invitation. You tell him
20 that you're staying late. You're working late, right;
21 you wouldn't even be there was that true you and
22 Detective Brown wouldn't have even been there if it
23 hadn't been for him?

24 A. Correct.

25 Q. So as long as y'all are there he knows that you were

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1 staying waiting for that open invitation, right?

2 A. Again, I offered that statement in response to him
3 engaging us in conversation with questions about the
4 investigation that we were looking into when I read him
5 the warrant.

6 Q. And he continues still on page 84 begging I promise
7 -- line 1, 84 -- I promise y'all are going to be hearing
8 from me. I promise. I promise.

9 And you say I've heard that before. And then down
10 on line 18 you mention I extended that invitation to you.
11 And he says I promise man.

12 A. Yes, sir.

13 MR. KING: That's all the questions, Your Honor.

14 MR. SIMPSON: Just briefly, Your Honor.

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State v Ronzell Bilah Olds
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1 REDIRECT EXAMINATION

2 BY MR. SIMPSON:

3 Q. Detective, this series of exchanges between you and
4 Ronzell about laying down as much as it was characterized
5 as prolonged begging is a relatively brief exchange, is
6 that correct?

7 A. Yes, sir.

8 Q. And as he's saying I want to go walk, lay down. And
9 your response is generally speaking I'm not going to deny
10 you that, sure. And as we see here in the paused video
11 isn't it correct you're walking out?

12 A. Correct.

13 Q. To continue what you told him the couple of things
14 you've got to do before he goes and lays down.

15 A. Yes, sir.

16 Q. Later in more than one occasion is it true that you
17 do clarify that if wants to keep talking he can but it's
18 his decision.

19 A. Correct.

20 Q. And you do that in response to what?

21 A. Him asking us questions or engaging in conversation
22 of him asking questions about the crime that we were
23 looking into.

24 Q. So the phrase I want to lay down you did not
25 interpret as an unequivocal, unambiguous assertion of the

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1 right to remain silent?

2 A. I did not.

3 Q. But never the less you did later want -- you were
4 going to comply with that request.

5 A. I was.

6 Q. Okay. Until conversations eliciting discussions
7 were reinitiated by whom?

8 A. By Mr. Olds.

9 Q. And that was when you came back to serve and read
10 the warrants to him.

11 A. Yes, sir.

12 MR. SIMPSON: I have nothing further, Your Honor.

13 THE COURT: All right. Anything else Mr. King of
14 this witness?

15 MR. KING: No, Your Honor. Not this witness.

16 THE COURT: All right. You can step down.

17 [Whereupon, the witness is excused and exits the
18 witness stand]

19 THE COURT: Does the State have any other
20 witnesses?

21 MR. SIMPSON: Not on this matter, Your Honor.

22 THE COURT: Mr. King, does your client wish to
23 testify?

24 MR. KING: I have one witness and then my client.

25 THE COURT: Okay. Go ahead.

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1 MR. KING: The defense would call Terri Nichols.

2 THE COURT: All right.

3 [Whereupon, Ms. Nichols comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 THE CLERK OF COURT: Please state your full name
7 for the record and spell your last name.

8 THE WITNESS: Terri, last name Nichols, N-I-C-H-O-
9 L-S.

10 MR. KING: Beg the Court's indulgence for a moment.

11 [Whereupon, Mr. King reviews documents]

12 MR. KING: Your Honor, I can't put my hands on the
13 school records I marked a few minutes ago. I could
14 remark ---

15 THE COURT: --- take your time ---

16 MR. KING: --- or I could look around.

17 THE COURT: Whichever your pleasure. There's no
18 rush.

19 [Whereupon, Mr. King reviews documents]

20 [Whereupon, Defendant's exhibit number 3 is *remarked*
21 by the court reporter]

22 - - - - -

23 TERRI NICHOLS,

24 Having been first duly sworn,

25 Was examined and testified as follows:

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1 DIRECT EXAMINATION
2 BY MR. KING:
3 Q. Ms. Nichols, I'm going to go ahead and hand you
4 defendant's exhibit 3.
5 [Whereupon, the witness is shown document]
6 Q. You may already have a copy of that. Could you tell
7 us where you work Ms. Nichols?
8 A. I work for the Charleston County School District.
9 Q. What do you do there?
10 A. My title is Executive Associate Superintendent of
11 schools. I supervise a set of people that supervise
12 schools.
13 Q. Are you familiar with Charleston County school
14 transcripts?
15 A. I am.
16 Q. And how they're kept?
17 A. Yes.
18 Q. Is Charleston County a public school?
19 A. It is.
20 Q. Okay. So those records are records of a public
21 agency?
22 A. Yes.
23 MR. KING: Your Honor, I think without objection
24 I'd move to move in defendant's exhibit number 3, school
25 records.

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1 MR. SIMPSON: For the purpose of this hearing
2 without objection, Your Honor.

3 THE COURT: Okay. All right.

4 [Whereupon, Defendant's exhibit number 3 is entered
5 into evidence by the Court for purposes of the Denno
6 hearing]

7 Q. [Mr. King] You have the knowledge to interpret these
8 school records?

9 A. I do.

10 THE COURT: What's her title again with Charleston
11 County school district?

12 THE WITNESS: Executive Associate Superintendent.

13 Q. [Mr. King] I'm going to start towards the end with
14 those standardized tests.

15 [Whereupon, the witness views document]

16 Q. That's an eight page. On page eight of Mr. Olds
17 school records there is a cognitive skills assessment
18 battery. Do you see that?

19 A. I do.

20 Q. Do you know what that is?

21 A. I do.

22 Q. Explain what that test is.

23 A. That is a test that was given to all first graders.
24 It's a cognitive skills assessment battery. It's given
25 to all first graders to judge, when the enter first grade

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1 to judge their readiness for school. It judges a lot of
2 different domains but a lot of concepts like letter
3 recognition, numbers, colors, gross and fine and gross
4 motor skills.

5 Q. It looks like Mr. Olds took that in November of '99
6 and September of 2000. He took it twice?

7 A. He did.

8 Q. And what was his score on that?

9 A. The first time in '99 he made an 87. And then he
10 scored in 2000 an 86.

11 Q. Can you give us some idea what those numbers mean?

12 A. Yes. There is 117 possible points on the CSAB test.
13 And 88 is the cutoff and anything below an 88 is
14 considered not ready for school; lacking some basic
15 skills.

16 Q. So, was he ready in 99?

17 A. He was not.

18 Q. Was he ready in 2000?

19 A. He was not.

20 Q. So -- but he still started school?

21 A. He did.

22 Q. He would have been in the first grade?

23 A. He was in the first grade in '99, yes.

24 Q. Do these records indicate that he was ready to
25 proceed to the first grade or ready to handle that case

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1 load?

2 A. No, it indicated that he was lacking some basic
3 skills so the teachers knew they were going to have to
4 work hard to remediate that.

5 Q. Below that there are some PACT scores but I'll get
6 those together -- but there is a terra nova which is sort
7 of in the middle, a terra nova test. Could you explain
8 what that is?

9 A. Yes. That is an achievement test that is given to
10 all second graders. The test results gives you a
11 standard score and then it gives you a national
12 percentile rate.

13 Q. So what was his, it gives you each individual for
14 reading, language, and math. What was his total national
15 percentile rank?

16 A. His total national percentile rank in all three
17 areas was 10.

18 Q. So that means that 90 percent of all students in the
19 country did better than him on that test?

20 A. Yes, 90 percent of all students that took this test,
21 yes.

22 Q. Now, let me refer you back to the PACT scores.
23 There is a grade one and grade two?

24 A. Yes.

25 Q. Can you tell us whether those scores are good or

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1 bad?

2 A. I can. The pact scores are -- they have different
3 cut scores and they're rated -- you're either rated
4 advanced, proficient, basic, or below basic.

5 And so in grade one in the area of ELA which is
6 English Language Arts he was rated proficient. In
7 writing he got a 5.0 which is one of the better scores
8 there.

9 In Math he scored also proficient. So in first
10 grade but that was the year he had done first grade, this
11 is the second year of first grade, he scored proficient
12 on the PACT test.

13 Q. That was after he had taken the second grade two
14 times?

15 A. First grade two times ---

16 Q. --- first grade two times?

17 A. Yes.

18 Q. Okay. Let's look at 2003 in grade three. How did
19 he do on that test?

20 [Whereupon, the witness reviews document]

21 A. In 2003 in grade three is also the PACT test. And
22 in Math he was scored basic. In English Language Arts he
23 scored below basic. In Science below basic and in Social
24 Studies basic.

25 Q. What are the rank of the grades? You've got below

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1 basic, basic. What's above basic?
2 A. Proficient.
3 Q. Is there anything above that?
4 A. Advanced.
5 Q. Is there anything below below basic?
6 A. No.
7 Q. That's the bottom?
8 A. That's the bottom.
9 Q. So he is at or near the bottom on his scores on
10 that? He did score basic, right?
11 A. He scored basic in Math and basic in Social Studies.
12 Q. Okay. What are the grades in four? What about
13 grade four?
14 A. In grade four, same test; same PACT test, he scored
15 below basic in Math, below basic in ELA, below basic in
16 Science, and below basic in Social Studies.
17 Q. But he got a basic in writing?
18 A. He got a basic in writing, yes sir.
19 Q. Okay. Grade seven, do you see that one?
20 [Whereupon, the witness reviews document]
21 A. I do.
22 Q. How did he do there?
23 A. Proficient in Math, proficient in ELA -- excuse me;
24 that's incorrect. Basic in Math, basic in ELA,
25 proficient in reading, basic in writing, proficient in

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1 Science, and basic in Social Studies.

2 Q. And then there is an ACT score.

3 A. Right. That is called Explore and it's like a pre
4 SAT score that we give to students in the 9th grade to
5 gauge their achievement level at that time.

6 And so there are standard scores there and national
7 percentile ranks. And there the different subjects are
8 English, Math, Reading, and Science and then there is a
9 complete --

10 THE COURT REPORTER: --- and then there is? What
11 was the last thing you said?

12 THE WITNESS: A complete battery.

13 Q. [Mr. King] Did he do well on that test?

14 A. He did not do as well as we would have liked on that
15 test.

16 Q. Were there percentile ranks for that test?

17 A. There are. The standard scores on that test can run
18 from a one to a 25; that's the range that he could score
19 on the standard scores. And you can see the standard
20 scores across the top which are 10, 15, 13, 15, 13.

21 And then the national percentile rank was 11th
22 percentile in English, the 40th percentile in Math, the
23 39th percentile in reading, the 32nd percentile in
24 Science and for an overall 25 percent.

25 Q. Now flip back two other pages. It has the PACT

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1 grades for grades five and six. And it looks like he got
2 bare bottom below basic scores on all of those.

3 A. Yes, in grade six it was below basic all across the
4 board as well as grade -- excuse me; grade five and grade
5 six are on the back; below basic in all subjects.

6 Q. I'm trying to wrap up and get you out of here. The
7 very first page says high school transcript. Can you
8 tell us the highest grade he achieved at school?

9 A. It looks like he was at Greg Mathis Charter School
10 and did not earn enough credits to really be considered
11 anything but a freshman because he's only earned two
12 credits and you have to have earned an English credit to
13 move into to become a sophomore; to become a 10th grader.

14 And so in his years that he was at Greg Mathis
15 Middle School he earned two credits and attempted 11. He
16 attempted 11 credits; like 11 classes and he earned two
17 credits.

18 Q. And I won't go through all the number of grades but
19 I think people basically understand that. But in general
20 would you say that these records indicate he could have
21 some learning deficits?

22 MR. SIMPSON: Objection.

23 THE COURT: Sustained. You haven't established any
24 particularized area of expertise for which this witness
25 could testify. That is a very highly scientific area

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1 obviously. So sustained, unless you can lay a better
2 foundation for her expert opinion in that area because
3 that would require an expert opinion.

4 MR. KING: I have no more questions, Your Honor.

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State v Ronzell Bilah Olds
Jackson v Denno Hearing-Terri Nichols-Cross Examination by Mr. Simpson
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1	CROSS-EXAMINATION
2	BY MR. SIMPSON:
3	Q. Ms. Nichols, good afternoon.
4	A. Good afternoon.
5	Q. So as I understand -- well, first of all have you
6	enjoyed yourself?
7	A. Yes, I have.
8	Q. Okay. As I understand you work for the school
9	district.
10	A. I do.
11	Q. And a part of that job at least to some degree is to
12	maintain the records that you've testified about today.
13	But what we're mainly talking about is standardized tests
14	is that correct?
15	A. Correct.
16	Q. And obviously you keep records as to percentiles
17	that you testified about. But as noted you aren't
18	holding yourself out to be some sort of cognitive
19	specialist or psychologist or anything ---
20	A. --- no, I'm not a psychologist.
21	Q. Okay. You're here to talk about some older scores.
22	A. Correct.
23	Q. Okay. And it seems like at times during his young
24	life Mr. Olds performed up to the government's
25	expectations, whatever that's worth, and then at times he

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1 under-performed. Is that a fair enough assessment?

2 A. Yes.

3 Q. And by the time you said I guess the ninth grade he
4 I believe it was phrased by you was not living up to the
5 government's expectations of a ninth grader.

6 A. Yes, that's correct.

7 Q. And you would concede however, despite not being a
8 psychologist but someone with a lot of experience with a
9 lot of students that can have any number of causes,
10 correct?

11 A. Absolutely.

12 Q. Health, home support.

13 A. I agree.

14 Q. Peer groups.

15 A. I agree.

16 Q. Degree of engagement or attention of the person
17 particularly as they get into middle and high school.
18 Home life; would you agree with that as well?

19 A. I would.

20 Q. Okay. So particularly as they get older poor grades
21 on standardized tests could have nearly infinite causes
22 above and beyond cognitive ability, is that a fair
23 statement?

24 A. They actually measure achievement. So they're
25 really not measuring so much cognitive ability.

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1 Q. But ---
2 A. --- but yes, a number of things can cause that.
3 Q. And history is full of insanely successful adults
4 who performed very poorly in public schools, is that
5 true?
6 A. I've heard that.
7 Q. In nearly every field, right?
8 A. Yes.
9 Q. Okay. Oh, finally did you review attendance records
10 as well or was it just...
11 A. The only attendance records that I reviewed were the
12 ones that were on the top of the green cards. At the top
13 of every green card or at the bottom they list the number
14 of absences and tardies in each quarter for every year.
15 Q. And does that go all the way to the conclusion of
16 the school?
17 A. It goes up through -- it does go up through the
18 eighth grade. I have those through the eighth grade.
19 Q. But not more in ---
20 A. --- not in ---
21 Q. --- the tenth. Okay.
22 MR. SIMPSON: I have no further question, Your
23 Honor.
24 THE COURT: Any redirect?
25 MR. KING: No, Your Honor.

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1 THE COURT: All right. You may leave the witness
2 stand.

3 [Whereupon, the witness is excused and exits the
4 witness stand]

5 THE COURT: Any objection to this witness being
6 excused?

7 MR. SIMPSON: None from the State, Your Honor.

8 MR. KING: No, Your Honor.

9 THE COURT: Okay. You're free to leave ma'am.
10 Thank you.

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1 THE COURT: All right Mr. King. I believe you
2 indicated your client would like to testify, is that
3 correct?

4 MR. KING: Yes, Your Honor. At this time the
5 defense would call Mr. Olds.

6 THE COURT: All right.

7 [Whereupon, Mr. Olds comes forward]

8 [Whereupon, the witness is duly sworn by the Clerk
9 of Court]

10 THE CLERK OF COURT: Please state your name for the
11 record and spell your last name.

12 THE WITNESS: My name is Ronzell and my last name
13 is Olds, O-L-D-S.

14 - - - - -

15 RONZELL OLDS,

16 Having been first duly sworn,

17 Was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. KING:

20 Q. Mr. Olds, how old are you now?

21 A. Twenty-nine.

22 Q. And where were you born?

23 A. South Carolina, Charleston.

24 Q. Who raised you?

25 A. My mother.

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- 1 Q. Did you have -- was your father a part of your life?
- 2 A. Not really.
- 3 Q. Do you remember having trouble in school?
- 4 A. Yeah.
- 5 Q. Did you ever have to repeat any grades when you
- 6 first started?
- 7 A. Yeah, the first grade.
- 8 Q. And what schools did you attend?
- 9 A. Sanders Clyde, James Simmons, St. Andrews
- 10 Elementary, Garrett Academy and then Greg Mathis.
- 11 Q. Did you repeat any other grades?
- 12 A. Yes, the ninth grade.
- 13 Q. Do you have a GED?
- 14 A. No, sir.
- 15 Q. Have you ever tried?
- 16 A. One time.
- 17 Q. Did you pass?
- 18 A. No, sir.
- 19 Q. Any other education that you've pursued since high
- 20 school?
- 21 A. No, sir.
- 22 Q. So after you stopped going to school what did you do
- 23 then? Did you work?
- 24 A. Yes, sir.
- 25 Q. What kind of jobs did you have?

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1 A. I worked at Wendy's for three months. I worked at
2 Fuel downtown Charleston. I worked at John King Bar and
3 Grill. I worked at -- I did construction.
4 Q. Where were you working at on January 16th, 2018?
5 A. I was doing construction.
6 Q. What company?
7 A. Arthur Sherman Landscaping and Paving.
8 Q. And what exactly kind of work is that?
9 A. Construction. We do fixing pipes and paving;
10 whatever job he can get.
11 Q. Let's go to the morning of January 16th, 2018 all
12 right? Did you work that day?
13 A. You say what date? Could you repeat the date?
14 Q. January 16, 2018; the day the police took you in.
15 A. Yes, sir.
16 Q. You work that day?
17 A. Yes, sir.
18 Q. What time did you get up?
19 A. Probably like 6:30.
20 Q. Did you ride to work?
21 A. No. I walked to the jobsite.
22 Q. How far is the walk?
23 A. Probably 30 minutes; 30 to 40 minutes.
24 Q. Did you eat breakfast?
25 A. No.

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- 1 Q. Do you remember what time you got to work?
- 2 A. Like 7:30 on the head.
- 3 Q. Okay. What kind of work were you doing that
- 4 morning?
- 5 A. We were fixing a pipe on James Island.
- 6 Q. What did that involve, digging?
- 7 A. Yeah. We had to dig and I had to crawl to put down
- 8 it was like this black thing to stop it was leaking, wrap
- 9 that around there. Just basically a lot of digging too.
- 10 Q. How many hours did you work before the police showed
- 11 up would you say?
- 12 A. Probably like four, four and a half hours.
- 13 Q. Did you get a lunch break?
- 14 A. No, sir.
- 15 Q. Now at some point the police came and took you into
- 16 custody, right?
- 17 A. Yes, sir.
- 18 Q. Who were you with?
- 19 A. My co-worker Mark. I can't remember his last name.
- 20 Q. Does Mashke [phonetic] sound right?
- 21 A. Yeah, Mark Mashke [phonetic].
- 22 Q. Now you were with him that day, right?
- 23 A. Yes, sir.
- 24 Q. Were you under the influence of any drugs that day?
- 25 A. Yes, sir. I had just like smoked a blunt before

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1 they do like the truck when we was leaving off James
2 Island to go back to Doscher's to help them finish paving
3 Doscher's parking lot I just had smoked a blunt.
4 Q. How much is that? How much marijuana? Is that a
5 lot of marijuana or a little marijuana?
6 A. I put a whole gram in it so it was a nice sized
7 blunt.
8 Q. Were you with Mr. Mark Mashke [phonetic] when you
9 were doing that?
10 A. Yes, sir.
11 Q. He saw you doing that?
12 A. Yes, sir.
13 Q. Did he smoke?
14 A. He said he didn't. I think that was meth or -- or
15 something like that. I offered him to hit the blunt but
16 he said he don't do that.
17 Q. So at some point the police came and took you into
18 custody, right?
19 A. Yes, sir.
20 Q. You didn't ask to go?
21 A. No, sir.
22 Q. Then they took you where?
23 A. Downtown. They said I had an arrest warrant.
24 Q. Did they give you food and drink?
25 A. No, sir. She let me eat my crackers but I was

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1 telling her I didn't have nothing to eat and I was
2 hungry. I didn't have my lunch break yet.

3 Q. Do you normally eat a bigger meal than some crackers
4 for lunch?

5 A. Yes, sir.

6 Q. Do you get hungry working that construction job?

7 A. Yes, sir.

8 Q. They did let you smoke a cigarette, right?

9 A. Yes, sir.

10 Q. Now, were you told whether or not you had an arrest
11 warrant?

12 A. Yeah by the officer who locked me up when I got to
13 the station Detective Brown she never really answered my
14 question when I kept asking her why was I being arrested.
15 She just keep on like prolonging telling me we'll get to
16 that.

17 Q. But you asked her more than once?

18 A. Yes.

19 Q. So at some point they tell you that you have arrest
20 warrants, right?

21 A. Yes, like hours later on.

22 Q. And you remember watching some of the clips and
23 videos that have been shown in here today?

24 A. Yes.

25 Q. Were you upset when you found out that you had the

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1 arrest warrants?
2 A. Yes.
3 Q. And once you found out you had arrest warrants how
4 did you feel about continuing to talk?
5 A. I didn't want to talk no more.
6 Q. Now there's a line in the transcript --
7 MR. KING: Is it okay if I hand him a copy, Your
8 Honor, to follow along?
9 THE COURT: Sure.
10 [Whereupon, the witness is shown document]
11 Q. [Mr. King] I'm going to hand you defendant's
12 exhibit 1, the transcript, just if you want to follow
13 along. Can you turn to page 63?
14 A. You say 63?
15 Q. Yes.
16 [Whereupon, the witness complies]
17 A. All right.
18 Q. Do you remember what you told -- go down to line 14.
19 What did you tell Detective Brown at this point in the
20 interview?
21 A. You want me to read the whole sentence?
22 Q. Yes. Just what you said.
23 A. Two and some change. And I got no reason to rob no
24 store. I mean if y'all going to -- if y'all done got a
25 warrant out and I'm getting arrested for this there is no

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1 more that I can say.

2 Q. What did you mean by that?

3 A. I didn't want to talk no more.

4 Q. Why not?

5 A. Because I was getting arrested. They said I already
6 had a warrant and I was getting arrested so I didn't want
7 to talk no more.

8 Q. Do you remember you asked for Detective Brown's
9 card?

10 A. Yes. I asked for her card to let her know that I
11 was being cooperative. I just wanted to lay down and
12 clear my head.

13 Q. At some point did another detective come in?

14 A. Yes.

15 Q. Now at some point in this interview are you getting
16 tired or feeling bad or anything like that?

17 A. Yes. I was still hungry and a little bit sleepy
18 because I was up early. And I smoked that weed and then
19 a cigarette ain't really do me no good. I just wanted to
20 smoke something because I was stressed out.

21 Q. All right. On page 73, line 11.

22 [Whereupon, the witness reviews document]

23 Q. What did you mean when you said I just need to lay
24 down real quick, man? What did you mean by that?

25 A. I wanted to go. I was ready to go.

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- 1 Q. Go where?
- 2 A. Go to jail. She said I already had an arrest
- 3 warrant so I knew I wasn't going home so I was just ready
- 4 to go lay down at the county jail.
- 5 Q. Okay.
- 6 A. I was tired.
- 7 Q. Is that what you meant by I just need some time?
- 8 A. Yeah.
- 9 Q. On page 74 why do you say give me some time please
- 10 we'll talk. What do you mean by we'll talk?
- 11 A. When I first asked her for her card I told her I was
- 12 going to contact her so I was just relying the message I
- 13 said the first time that I was going to contact her. I
- 14 just wanted to go lay down.
- 15 Q. And did you keep telling the detectives that you
- 16 wanted to lay down?
- 17 A. Yeah. I was asking them in a polite way, the best I
- 18 could ask them to let me go lay down since then I had an
- 19 arrest warrant and she just keep brushing me off every
- 20 time I asked to lay down. They keep mentioning something
- 21 else.
- 22 Q. Did you raise your voice?
- 23 A. No, but I wish I did though.
- 24 Q. You didn't yell at them stop, leave me alone.
- 25 A. No.

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1 Q. Why didn't you do that?

2 A. I was trying to be nice. I didn't want to come off
3 as being aggressive.

4 Q. Is that why you tell them when you say I'm
5 cooperating. Please. Is that what you mean by that?

6 A. Yes.

7 Q. How did Detective Brown treat you?

8 A. She was acting like a friend. She was nice. She
9 ain't never like disrespect me. She was just being nice.
10 The only thing she did was ignoring me when I keep asking
11 to lay down.

12 That's when I didn't really like when I keep asking
13 them to let me go lay down and they was ignoring me
14 basically. But she was nice though.

15 Q. Do you remember Detective Brown had a handheld tape
16 recorder?

17 A. Yes.

18 Q. Did you talk to her about that?

19 A. Yes.

20 Q. What did you ask her to do?

21 A. To turn the tape recorder off.

22 Q. Did she tell you it was turned off?

23 A. Yeah. She said she had it on pause.

24 Q. Were you aware of any other recording devices in the
25 room?

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1 A. No, sir.

2 Q. Would you have said what you said if you knew it was
3 being recorded?

4 A. No, sir.

5 Q. What did you think was going to happen with the
6 statements that you gave in that room once she turned
7 that recorder off?

8 A. To be honest I wasn't even really thinking straight.
9 Like I said I was tired and I still was a little high. I
10 just was really wanted to tell her whatever she wanted to
11 hear so I could lay down.

12 Q. Did you think that she was going to keep what you
13 told her a secret or confidential?

14 A. Yes because she told me she had the tape recorder on
15 pause so I thought it was going to stay secret.

16 Q. Did you think your statement was going to leave that
17 room?

18 A. No, sir.

19 MR. KING: I have no further questions.

20 MR. SIMPSON: Thank you, Your Honor.

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1 CROSS-EXAMINATION

2 BY MR. SIMPSON:

3 Q. Mr. Olds, good afternoon.

4 A. How you doing?

5 Q. I'm doing okay. You stated repeatedly in direct

6 that you were tired on the 16th, is that correct?

7 A. Yes, sir.

8 Q. You were tired because you got up early?

9 A. And I was shoveling. When we do construction we do

10 many work so we have to stay on our feet.

11 Q. And you were tired.

12 A. Yes, sir.

13 Q. So Mr. King reviewed quite a large part of the 16th

14 with you and you gave some reasons you were tired, right?

15 A. Yes, sir.

16 Q. One of those reasons is you were up very late the

17 night before, correct?

18 A. No ---

19 MR. KING: --- objection, Your Honor. He's getting

20 into the facts of the crime ---

21 THE COURT: --- sustained. I think we've got to

22 confine it to the purpose of the Denno hearing right now

23 unless you want to approach?

24 MR. SIMPSON: Yes, I would like to.

25 [Whereupon, an off the record bench conference is

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1 held]

2 MR. KING: Your Honor, I don't know if you're going
3 to put that on the record at some point. I know ---

4 THE COURT: --- yes. We had a bench, a brief
5 conference, obviously at the bench regarding the
6 questions posited by the Solicitor's office to the
7 defendant during this Denno hearing.

8 And ultimately my ruling is that he can, the
9 Solicitor can go into questions regarding the defendant's
10 state of mind or his voluntariness of the various
11 statements that he gave during this interrogation. And
12 if there are any other objections that need to be taken
13 up piecemeal we'll take them up at the time. Okay.

14 MR. SIMPSON: Thank you.

15 Q. [Mr. Simpson] Mr. Olds, you mentioned that you were
16 tired from getting up early in the morning and working.
17 And I asked you before we broke weren't you also tired
18 because you went to bed very late the night before, isn't
19 that correct?

20 A. No, not really.

21 Q. Do you remember or recall when you went to bed the
22 night before?

23 A. I can't remember.

24 Q. Could you approximate?

25 A. What, you want me to guess?

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1 Q. To the best of your ability. You remember precisely
2 waking up, you remember precisely going to work; you
3 remember exactly the work that you conducted that day on
4 your job. You remember who you got in the car with, at
5 least his first name.

6 You remember going to the police station. You
7 remember what was and was not said to you about the
8 warrants. Now, I'm really asking you do you recall an
9 approximate time that you went to bed the night before.

10 A. Probably like 11 something or 12 o'clock that night.

11 Q. Okay. So it's your testimony under oath to this
12 Court that you were asleep at 11 or 12 the night before?

13 A. I guess that's the time. Like I said I don't really
14 remember; I'm just making a guess.

15 Q. Okay. You woke up that morning and walked to work
16 and you said it took you 30 to 40 minutes to walk to
17 work.

18 A. Yes.

19 Q. Okay. Where did you wake up that morning?

20 A. At Deonna Greene's house.

21 Q. At Deonna Green's house. Where did Deonna Greene
22 live?

23 A. On Hazelwood.

24 Q. Okay. You stated upon questioning that you wanted
25 to convey to the police quote that I don't want to talk

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- 1 no more. But did you ever just say I don't want to talk
2 anymore?
- 3 A. You say did I ever say that?
- 4 Q. Yes?
- 5 A. Yes. I said that after she said I had a warrant for
6 my arrest. I said since y'all have a warrant I don't
7 want to speak; I don't have nothing else to say.
- 8 Q. You don't have anything else to say.
- 9 A. Yes, sir.
- 10 Q. All right. And so -- but you did nevertheless keep
11 talking, isn't that correct?
- 12 A. Yeah, trying to buy -- well, I was keep asking them
13 literally I don't know; I was trying to be polite.
- 14 Q. You also kept asking questions about the case,
15 correct? You kept discussing the case, correct?
- 16 A. Because she was giving me the reason to ask
17 questions.
- 18 Q. Like what? What reason?
- 19 A. Like when they came to read the warrant she was
20 saying then that I was basically squalling.
- 21 Q. How old were you when this happened?
- 22 A. Twenty-five.
- 23 Q. Twenty-five? Grown man, right?
- 24 A. Yeah.
- 25 Q. And your testimony here today is that reading an

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1 arrest warrant a grown man listening to an arrest totally
2 overbore your will. You just crumbled. You just had no
3 choice whatsoever but to confess to this robbery?

4 A. No, I was trying to be polite.

5 Q. You were trying to be polite. Excellent. You were
6 trying to be polite.

7 A. Yeah, that's why I keep asking them over and over in
8 a kind way ---

9 Q. --- you were trying to be polite and you had a
10 rapport with Detective Brown, isn't that true?

11 A. You said I had what?

12 Q. You were friendly with Detective Brown weren't you?

13 A. No, I don't really know. She was being nice so I
14 was just ---

15 Q. --- she was being nice ---

16 A. --- yeah ---

17 Q. --- and you were being nice, yeah. And y'all kept
18 talking. Okay. So if I understand your testimony your
19 will as a grown man your will was not overborne.

20 You were being polite. You were talking, being
21 friendly to the detectives and talking. Is that correct?

22 A. I wanted her to stop. That's the correct answer.

23 Q. Okay. And then you testified before that you asked
24 her to cut the recording off, correct?

25 A. Yes, down the line.

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- 1 Q. And is it true that after the recording was cut off
2 you did in fact confess to committing this robbery.
- 3 A. Yes. I told her what she wanted to hear.
- 4 Q. You told her whatever she wanted to hear?
- 5 A. Yes.
- 6 Q. Okay.
- 7 A. And I thought she wasn't going to tell nobody else.
8 That's why I asked her to turn the tape recorder off.
- 9 Q. Okay. But you told her that you had a gun but it
10 wasn't loaded, right?
- 11 A. Yes.
- 12 Q. And you told her that you robbed the store, right?
- 13 A. Yes.
- 14 Q. You told her that you took the money from the store
15 to Deonna's house, right?
- 16 A. Yes.
- 17 Q. And you told her that you left some of the money
18 from the robbery at Deonna's house for Deonna is that
19 correct?
- 20 A. Yes, I think so.
- 21 Q. Okay. And you did that out of a sense of being
22 polite and a sense of friendly talking with Detective
23 Brown.
- 24 A. I wasn't in my right state of mind.
- 25 Q. And why was that?

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1 A. Because I was tired, still a little high and hungry,
2 and agitated.

3 Q. Sounds to me like you got a great night's sleep.
4 You went to bed earlier than I did last night.

5 A. You think that's a great night's sleep; a couple of
6 hours? And then have to walk to work and stand up all
7 day and then try to sneak and smoke a blunt.

8 Q. I'm not trying to put words in your mouth. As I
9 understood it you went to bed about 11 or 12 the night
10 before.

11 A. Yeah.

12 Q. Got up early in the morning, came to work. I feel
13 okay right now. I went to bed later than that last
14 night. It's a trial week.

15 THE COURT: All right. Let's just try to stick
16 with the questions and not the banter.

17 Q. [Mr. Simpson] So, you worked that day and came in.
18 Ms. Brown was polite with you, friendly towards you, is
19 that correct?

20 A. Yes, somewhat.

21 Q. Okay. You said you wanted to go lay down. What was
22 the detective's response?

23 A. She kept brushing me off. She kept talking about
24 other things when I came and asked can I lay down, can
25 y'all stop. She done gave me her business card. But

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1 after she gave me her business card to tell me her number
2 to call she still continued to hold conversation. I was
3 trying to be polite as possibly as I could.

4 Q. But you would agree that the entirety of this
5 interview was captured on video. If we want to know what
6 happened in that room we can all go look, right?

7 A. Yeah. I didn't know that at the moment, at the
8 time, but yeah.

9 Q. Yeah. And we also have a transcript where all the
10 words that were said are available too.

11 A. Yeah.

12 MR. SIMPSON: Court's indulgence.

13 [Whereupon, Mr. Simpson and Ms. Haliena confer]

14 MR. SIMPSON: Nothing further, Your Honor.

15 THE COURT: Any redirect?

16 MR. KING: No, Your Honor.

17 THE COURT: All right. You can step down and have
18 a seat back at your counsel table.

19 [Whereupon, the witness is excused and exits the
20 witness stand]

21 THE COURT: Any other witnesses from the defense?

22 MR. KING: No, Your Honor.

23 THE COURT: Okay. Any from the State?

24 MR. SIMPSON: Your Honor, are you ready at this
25 time for argument?

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1 THE COURT: Yes ---

2 MR. SIMPSON: --- there are no further questions ---

3 THE COURT: --- unless you have like rebuttal
4 witnesses or anything.

5 MR. SIMPSON: No, Your Honor.

6 THE COURT: Yes. I'm happy to hear from the State
7 first and we'll go from there.

8 [Whereupon, Defendant's exhibit number 5 is marked
9 by the court reporter]

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1 CLOSING ARGUMENTS

2 BY MR. SIMPSON:

3 Your Honor, thank you. I know it's been a long day
4 so I'll try to be as direct and brief as possible. We
5 did file a quick response brief on this matter. I hope
6 you received it.

7 THE COURT: We did receive that. Just make sure
8 you file that for purposes of the record.

9 MR. SIMPSON: I will. As I sent the email it drives
10 me nuts but it was just riddled with typos and I
11 apologize for that. You know namely in response to the
12 defense motion the defense cites heavily a case called
13 Mosley [phonetic] and it's South Carolina equivalent is
14 Benjamin.

15 It's our position that those cases and those factors
16 simply don't apply to the factual scenario we have here.
17 The Mosley [phonetic] and Benjamin factors particularly
18 apply to a case where interrogation questioning is
19 terminated and then police wish to go reapproach the
20 suspect. And it goes through some factors you can
21 analyze there.

22 And of course the very factual reasons we've been
23 through all day I don't believe that applies here. What
24 occurred first here is that we have what is under the
25 case law and several relevant facts in other cases is an

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1 ambiguous assertion of the right to remain silent. The
2 seminal Supreme Court case is Berghuis; I hope I'm not
3 pronouncing that wrong ---

4 THE COURT REPORTER: --- would you spell it?

5 MR. SIMPSON: I think -- to be honest I think B-E-
6 R-G-H-U-I-S I think is how you spell it. That is the
7 Supreme Court's first case where an attempt to clarify
8 this issue and really make it kind of a bright line
9 issue. Of course because of the lawyers it's anything
10 but at this point.

11 They stated look you've got to be unequivocal when
12 you are asserting your right to remain silent. The
13 Constitution is important, the right to remain silent is
14 an important right but we don't have to -- forgive my
15 expression -- but you don't have to baby people. It's
16 not that difficult or complicated to shut your mouth and
17 assert firmly a right to remain silent. And that's
18 essentially my paraphrase of Berghuis.

19 That's played out in countless cases including state
20 cases. I believe I cite one, just one example, there are
21 several within my brief that is a really good example of
22 what I'm speaking of. It's Aleski [phonetic], which is a
23 2000 case. In that case similar to the phrase that we
24 have repeatedly heard today the defendant said that's all
25 I've got to say. And the state case in Aleski [phonetic]

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1 said that's not a clear assertion of this right. I mean
2 something even as clear as that's all I've got to say and
3 it's not a clear assertion of the right namely in Aleski
4 [phonetic] because he keeps talking and there's never a I
5 want this interview to end; I'm done with this.

6 So that's our starting place, not a finishing place.
7 Our starting place here is that we have a series of
8 comments that are ambiguous as to their intention. As to
9 that series of comments I really want to point out
10 something and I think this is good lawyering.

11 I'm not saying there is anything wrong with this but
12 the defense brief cherry picks a series of cases that
13 when one reads if they hadn't watched this video or read
14 the actual transcript do seem to show a guy, and I'll use
15 the defense' language, pleading to go lay down. I think
16 that was the language that the defense used today in the
17 hearing.

18 But when you take those quotes and you intersperse
19 them with the actual responses from law enforcement you
20 see anything but. You see the series of conversations
21 with Detective Bailey where he says I just want to go get
22 some time to myself; that's all I'm asking for. I'm not
23 going to deny you that. Well, yeah I mean yeah. I'm not
24 going to deny you that. I know you're not going
25 anywhere. I know that Ronzell. I know. That's fine. I

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1 hear you. And after that series of quotes that the
2 defense focuses on so much Detective Bailey gets up and
3 leaves to do exactly what he says he's going to do. You
4 know we're not done here today. We're going to go, we're
5 going to read you the warrants and get your clothes.

6 During the reading of the warrants the defense asks
7 six questions related to the case of the officers there.
8 Obviously the interview is not over. Obviously the
9 discussion is not over. Not because they continue to
10 interrogate him but because he makes the decision to keep
11 asking questions.

12 So what does all that combine to equal? It equals
13 ambiguity. It equals exactly what Berghuis and all the
14 other cases say is not how you assert this right. And I
15 want to point out that at this point we have this
16 ambiguous intent he's saying he wants to go lay down but
17 he keeps talking, he keeps asking questions. The
18 officers here did exactly what they're supposed to do.

19 And there is a line of cases and I think I cite some
20 in my brief where it says clarifying statements and
21 questions are fine and prudent for an officer to do. And
22 here you have that long quote from Detective Bailey where
23 he says I understand you say you want to go lay down. I
24 got you, I got you. But I want to offer you our time
25 right now if you, if you want to talk to us further,

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1 okay. Think about this for a second. It's your
2 decision. I know you said you want to lay down but it's
3 an invitation for us to extend our time here if you want
4 to explain.

5 And so in the face of the ambiguity and the
6 defendant continually reinitiating the conversation with
7 them Detective Bailey makes very clear all right, this is
8 your call. We're doing these things we told you we had
9 to wrap up before we take you to go lay down like you
10 want to. If you want to keep yapping about it fine but
11 it's your call.

12 That's what he explains to him and the defendant
13 keeps talking. And the police can, and it's prudent for
14 them to, clarify the situation like that. The law simply
15 in this area doesn't protect the defendant who can't keep
16 his mouth shut.

17 I would offer that that is the situation you have
18 here. It is not a difficult thing to be quiet and not
19 speak anymore on it yet he continues to talk and
20 continues to reinitiate this conversation. There's never
21 any real break where he stops talking about this.

22 When he asks to go lay down their response is far
23 from you'll go lay down later. It's all right, we've got
24 to knock out a couple of things but I get where you're
25 coming from, okay. And then as he reinitiates the

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1 conversation with clarification is proper. The standard
2 we're applying here is two-fold. It's police coercion.
3 That's an absolute prerequisite to suppressing the
4 statement.

5 And I just think you're hard pressed when you sit
6 there and watch this video of asking yourself what is the
7 coercion here. And it's not police -- as Mr. King
8 pointed out of course they're trained. They're in there
9 to get answers. And they're trained on ways to get them.
10 There is nothing unlawful or wrong about that.

11 But what you're talking about here is, is there
12 coercion arising to the degree that would overbear the
13 will of a person. And the defendant himself took the
14 stand and said oh no, it wasn't anything like that. I
15 was trying to be polite. I was trying to be friendly.
16 He himself acknowledged that his will was not overborne
17 by coerciveness.

18 He talked because he was trying to be friendly and
19 be polite by his own words. As to the cutting off of the
20 recorder that was not an idea that Yolanda Brown came up
21 with to do to him to trick him in any way.

22 He asked for the recorder to be cut off. She cut it
23 off. He asked for confirmation it was turned off and she
24 showed him it was turned off. She didn't even turn it
25 off and begin peppering him with aggressive questioning.

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1 She turned it off and let him do what he wanted to do was
2 to get this off of his chest. Those were all of his
3 decisions. The defense is going to cite a very recent
4 state case where a confession was deemed inadmissible.

5 I would argue it doesn't apply to our case. That is
6 a case where the detectives where the government
7 explained to the person hey, we're going off the record
8 here. They had given him a proper Miranda and then said
9 hey, from here on out we're going off the record. I'm
10 not going to use anything you say to me from this point
11 forward. Don't worry; this tape recording is going to go
12 in my desk. This is just between you and me.

13 That's a real big factual difference than what
14 occurred in this case, which is the defendant himself
15 saying hey, cut that recorder off and Yolanda Brown
16 cutting it off.

17 I don't think there is any legal obligation for her
18 to take that further step to explain what you know was
19 pretty obvious to those in there and that's that that
20 room has recording capabilities. And what she had
21 already explained to him clearly is that anything he said
22 can and would be used against him in the future.

23 That covers the heart of the matter Your Honor just
24 to cover the basic Jackson v Denno factors. I think we
25 went through them well in the initial testimony. And

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1 while no one is saying that Ronzell Olds has a stellar
2 academic career he comes across in the interview as very
3 cogent. He to me seems quite intelligent in the way that
4 he responds to questions and converses with the
5 detectives.

6 If he had smoked weed that day he certainly does not
7 seem to me to be high in that interview but you can make
8 your own judgment on that, Your Honor. We think perhaps
9 doing what lawyers do we spend a lot of time talking
10 about this but it's all right there on the video and a
11 transcript for you to review Your Honor.

12 And I think that that is our best evidence that the
13 Jackson v Denno factors are met and the statements should
14 be admissible in this trial, Your Honor. Thank you.

15 THE COURT: All right. Mr. King, I'm happy to hear
16 from you.

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CLOSING ARGUMENTS

BY MR. KING:

Thank you, Your Honor. Truth of the falsity of the statement is not relevant to this hearing. Whether or not Mr. Olds committed the crime isn't relevant to this particular hearing.

I'm still concerned that Mr. Simpson got to interrogate him on the stand to basically say where were you on the night of January -- where were you in the early morning hours of January 16, 2018? That's essentially what he got to do. And it put him in the position of if he did do it to either have to admit it or perjure himself.

I think that was improper, Your Honor. I don't know what the remedy is but it's going to make me not want to put up a client ever again in any sort of pretrial motion. I just thought you could put a client up at a pretrial motion and we could discuss events leading up to that but wouldn't have to talk about the substance of the crime or you put him in a position to have to make sort of admission just for the pretrial hearing.

Just so I can get out that he smoked marijuana; there is no other way I can get that out. The witness that I had who could testify to that died. And that's part of my prejudice that I argued in a motion to

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1 dismiss. I've got that marked and I submit for the
2 record the death certificate; it's a letter from the
3 coroner that is up there with the court reporter showing
4 that Mark Mashke [phonetic] is dead. I don't think there
5 is any dispute over ---

6 MR. SIMPSON: --- without objection.

7 MR. KING: That he died. I wrote it all in the
8 brief, Your Honor and I tried to kind of lay it out the
9 best that I could. I think the first point that they
10 should have stopped asking questions is when Mr. Olds
11 says if you've already got the warrant then there is
12 nothing more to say. If y'all done got the warrant out
13 and I'm getting arrested for this, there is nothing more
14 I can say.

15 There is a case out there where a person said told
16 the whole story and in the story they said that's all I
17 got to say about that. And the Court ruled that is
18 ambiguous because it could have meant I'm finished
19 telling my story.

20 This doesn't, this is distinguishable from that. He
21 prefaces his comment about there is nothing more I can
22 say with if you have a warrant out and I'm getting
23 arrested for this there is nothing more I can say. He
24 knows there is nothing he can say at this point is going
25 to help him because he's already being arrested and going

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1 to jail. I think that is his first implication of
2 Miranda and revoking his, he's basically revoking his
3 right to remain silent or choosing to exercise that
4 right.

5 When he says there is nothing more I can say
6 Detective Brown continues asking questions. And I think
7 its further evidence that that's what he meant when a few
8 pages later on page 67 he says how long y'all keeping me
9 here, which seems to me evidence of his intent that he
10 has completed his conversation and he's waiting for them
11 to take him back.

12 And shortly after that Detective Brown leaves. I
13 think that's evidence that she perceived the conversation
14 had come to a conclusion and the defendant didn't want to
15 talk anymore. Detective Bailey goes in there. Tag
16 teaming him now. And he's asking questions, he's asking
17 why. He is posing an open question during his
18 interrogation of why. He mentions it again a little bit
19 later. That's the question that he's asking him why.

20 When Mr. Olds says I just need to lay down real
21 quick man. I just need some time; we'll talk again. I
22 don't know how that could be interpreted any other way
23 except I want to stop. I don't want this to continue
24 anymore. The defendant has the right to control the
25 timing of his question. That's one of the most important

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1 parts of Miranda. The defendant gets to control the time
2 and place because of the course of atmosphere of being in
3 custody and being interrogated by two very experienced
4 police officers, detectives they're experienced just as
5 being detectives but in interrogation as well. Both of
6 them have been doing it for years.

7 So, it's that whole atmosphere that Miranda is
8 trying to protect. He keeps saying it over and over
9 again I don't know how he could have made it any more
10 clear except to -- maybe he didn't use the right words.
11 Maybe he should have said stop, go away.

12 But he indicates here from his statements he says
13 I'm cooperating and he testified he didn't want to appear
14 rude or uncooperative. He's trying to ride this line by
15 being as nice as possible while telling them he doesn't
16 want to have the conversation anymore.

17 I believe he makes it clear enough by saying it over
18 and over and over again. If he had said it once maybe
19 but he says it repeatedly. And he says the same, similar
20 things, he ties it into I'm going to call you later.

21 So when he keeps repeating I promise he's clearly
22 saying I promise I will contact you in the future.
23 You're going to be hearing from me. And that's what he
24 keeps repeating over and over again. I promise. So,
25 when he's saying please I promise that is, what he's

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1 saying is stop this. Please, I promise I'll talk to you
2 later. The implied statement that those two experienced
3 detectives should have realized is leave me alone. I
4 don't want to talk right now.

5 And just because he didn't use the exact right words
6 stop I don't think that means that he didn't communicate
7 to them clearly that he wanted to stop. He's tired. And
8 the whole point of Miranda you're not supposed to wait
9 until they get really tired and then wait until they get
10 really upset and then move in and then decide that they
11 just want a rest. I want to stop I want to rest.

12 That's not the moment to move in and try to get the
13 statement because that's when they know he's ready to
14 crack at that point and that's why they kept going
15 because they know they've got him on the run. He's going
16 to crack if they just keep going.

17 And it's not Mr. Olds who keeps -- he did ask
18 questions about his warrant. It doesn't mean he wants to
19 restart the entire interrogation again. They read him a
20 warrant. He had specific questions about his warrant.

21 And I believe the reading of a warrant is a
22 functional equivalent of asking him a question because
23 it's a way to get in there, read all those allegations
24 and of course he's going to talk. He's going to ask
25 questions. I've seen it a hundred times. They go in

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1 there and read the warrant. The point is to get them to
2 start talking again. And when Detective Bailey says he
3 wants to hash this out he's leading just this open-ended
4 question. These statements he is making are all
5 functional equivalent questions by saying I want to hash
6 this out.

7 What he's saying is no, I'm not going to let you
8 down -- I'm not going to let you lay down. I'm not going
9 to let you rest. We're going to have this conversation
10 now. That's what he means by I'd like to hash this out
11 before you go to the jail.

12 After the reading of the warrant and after he asks
13 the questions after the reading of the warrant that's
14 when Detective Bailey gives the sort of open ended
15 invitation. He's giving him an open invitation for him
16 to talk, which I believe is a functional equivalent of a
17 question.

18 I've seen interviews where the detectives walk out
19 of the room and leave and the suspect will stand up and
20 knock on the door and try to talk to another officer.
21 Can I talk to somebody else? That's reinitiating a
22 conversation.

23 I don't think asking them some questions about his
24 warrant while it's being read to him is wanting to
25 reinitiate especially when after that he continues to

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1 tell them I promise y'all are going to be hearing from
2 me. I promise, I promise. And Detective Bailey keeps
3 saying I extended the invitation and he says I promise
4 man.

5 So this extended invitation is the functional
6 equivalent of a question. Mr. Olds responds over and
7 over again I promise, I promise, which is clear from the
8 context it means I want to go lay down; I need time for
9 myself and I promise I'll call you back later if you just
10 let me do this. They never honor that, scrupulously
11 honor. They have to scrupulously honor. And that
12 requires paying attention to details. It means that they
13 really have to scrutinize what he's asking and they have
14 to honor it.

15 And I just don't see how you can ask over and over
16 and over again for rest and to take a break and them not
17 do it and then when he finally cracks allow that
18 statement in. I think that his will was definitely
19 overborne. And you could see it happen in the transcript
20 as he gets upset, as he asks them over and over again to
21 get a rest and he's not getting it. They just keep
22 coming back in.

23 And by telling him that we're staying overtime, he
24 says it's an open invitation and we're going to stay
25 overtime. We should be home right now. So, as long as

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1 they're in that room they're staying overtime with an
2 open invitation for him to talk. All this is designed to
3 get him to talk. And he repeatedly says he doesn't want
4 to.

5 The tape recorder, there is evidence that he's had
6 some problems in school. Just from looking at the
7 records he did not do well in school. He didn't do well
8 when he was in kindergarten. He didn't do well in first
9 grade. He had to repeat the first grade. He didn't do
10 well on standardized tests. He was gullible enough to
11 fall for the trick of okay, I'm turning this tape
12 recorder off but yet it's still recording. He wasn't
13 savvy enough to catch on that there is another recorder.

14 So, there are some learning problems. There is
15 evidence I believe of some learning problems and that
16 they took advantage of that. They took advantage of the
17 fact that he was tired and moved in and his will was
18 overborne.

19 And as far as the tape recorder goes Detective Brown
20 could have told him understand I can cut this off but
21 you're still going to be recorded. She could have been
22 honest with him; you're still going to be recorded even
23 though we cut this off. But she leads him to believe,
24 and he trusts her, she leads him to believe that that
25 recorder is going to be turned off and that what he says

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1 is not going to leave the room. She doesn't tell him
2 that but I think it is implied under the circumstances.
3 When she agrees to turn it off she could say I can't turn
4 it off; I've got to record everything. Or she could say
5 I'm turning this off but you know we're being recorded
6 over there in the corner.

7 She led him to believe, she deceived him regarding
8 whether or not his statement was going to be recorded.
9 And that's the only reason he gave his statement. It was
10 induced by her deception. So based on all of the
11 evidence we'd move to suppress the statement.

12 THE COURT: All right. Any response if necessary?

13 MR. SIMPSON: Thank you.
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State v Ronzell Bilah Olds
Jackson v Denno Hearing-Closing Arguments-Reply by Mr. Simpson
March 7, 2022

CLOSING ARGUMENT-REPLY

BY MR. SIMPSON:

You know whenever there are objections in the Denno matters I think something important sometimes gets lost. And that's that it is perfectly fine in a societal good for police to try to elicit people to talk about crimes. We always sit here and discuss it as if that is a wrong or a bad or an unlawful thing. That's not. That is their job. That is why they go into the interrogation room.

It's completely proper for them to use various interrogation tactics to try to get a person to talk. Where it crosses the line is when we have unconstitutional coercion which breaks a person's will, those are kind of the language you see in the law, coercion of a magnitude that breaks a person's will.

Using techniques such as building a rapport with the suspect, being nice to a suspect those aren't nefarious you know evil trickster things that we then throw out the confession. Those are good tactics. That is good police work that far from being unconstitutional should be supportive.

We want people who commit the crimes to talk about those crimes and tactics which lead to that result as long as they don't coerce a person overbearing their will

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1 to render the statement involuntary are permissible and
2 to be applauded. I just want to note one thing that the
3 defense keeps saying and they keep stressing that this
4 person repeated over and over again that he wanted to go
5 lay his head down and that leaves the impression that you
6 have this prolonged interview where this poor guy keeps
7 saying that, keeps saying that.

8 He did repeat it. He repeated it over a period of
9 about three transcript pages and about 30 seconds of the
10 tape. And all of that is there for Your Honor to review.
11 And again I want to go back to the fact that the police's
12 response to Mr. Olds saying I want to go lay down and
13 think about it for a bit is yeah, all right, okay. I'm
14 not going to deny you that right. If that's what you
15 want to do we're going to do it. We've got to knock out
16 a couple of things first. We're going to read you your
17 warrants serve your warrants and collect your clothing.

18 And then Bailey leaves. In response to that section
19 that the defense keeps talking about Bailey walks out and
20 says okay, we're going to go get the warrants, we're
21 going to get this train moving. But Mr. Olds won't stop
22 asking the questions.

23 And again what they are characterizing as an attempt
24 to reinitiate the interrogation I characterize as in the
25 face of ambiguity with Mr. Olds saying I want to go lay

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1 down a bit but yet he keeps talking. I ask the question
2 and he keeps wanting to talk. Bailey lays it out and
3 says look, whether or not you want to continue this is
4 your decision, okay. This is an invitation. We're here
5 if you want to keep talking about it. If you want to
6 keep talking about it, we're here. So, make a choice and
7 do what you want.

8 Now the fact that he just makes clear that he
9 obviously wants him to talk about it doesn't render that
10 unconstitutional coercion or anything like that. He's
11 saying look, this is your call man. And that's all the
12 Constitution affords Mr. Olds is the ability to make a
13 choice about what he wants to do.

14 If he needed, if he wanted to invoke these rights he
15 could have done it more clearly. But even though he was
16 ambiguous about it they still honored them and ceased the
17 interrogation. It was only when he kept asking questions
18 and kept seeming to want to talk about it that they
19 clarified his intent, re-emphasized the fact that
20 continuing to talk was his decision and that's when he
21 confessed ultimately to committing the crime.

22 Just real briefly as to improper questioning, it's
23 not that important but when a defendant takes the stand
24 and says I woke up at my house and it took me 40 minutes
25 to walk to work the idea that I can't cross with where

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1 did you wake up, is -- I don't get that. Obviously, when
2 somebody takes the stand they risk that they are going to
3 be cross-examined. I don't know that that's going to
4 have any impact on us going forward but nevertheless
5 putting someone on the stand subjects them to cross-
6 examination to relevant questions.

7 THE COURT: Okay. Anything else?

8 MR. KING: No, Your Honor.
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State v Ronzell Bilah Olds
Jackson v Denno Hearing-Ruling by the Court
March 7, 2022

1 RULING BY THE COURT

2 THE COURT: Obviously your memoranda and the law
3 you cited is fully incorporated for purposes of the
4 record. And if you haven't filed your memos I would
5 implore you to do so tomorrow.

6 I have spent a great deal of time over the lunch
7 break and obviously during the course of this proceeding
8 this afternoon reviewing not only the transcript but also
9 the videotape and certainly heard the arguments of
10 counsel as well as the testimony of the witnesses
11 provided at the hearing today.

12 And I do find the statement admissible. And I'll go
13 over the various reasons why now for the record so it
14 will be more fully laid out. As to the defendant's
15 background and sort of level of intelligence some
16 testimony was elicited from the representative from the
17 Charleston County school district with regards to his
18 school records.

19 Obviously, she was not presented as any type of
20 expert so she could not give an ultimate expert opinion
21 as to any competency or anything like that that would
22 give rise to sort of an incompetent waiver so to speak of
23 his Miranda rights. That's really not for me to decide.
24 Simply by virtue of the fact that he was potentially a
25 poor student in lower level grades really is not

State v Ronzell Bilah Olds
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1 indicative to me of his inability to understand the basic
2 Miranda rights that were read to him. And certainly by
3 viewing repeatedly the videotape he seemed to understand
4 and understand those rights quickly. There is no
5 hesitation when he was asked if he understood his rights.
6 So that's sort of my findings as to his background.

7 Nothing about his conduct during the course of the
8 interrogation gives me pause to believe he was unable to
9 make an intelligent decision to go forward. The fact
10 that he kept saying you know I want to lay down I mean
11 honestly at first I just thought he meant like lie down
12 right there in the room. That's very ambiguous to me.

13 He could have easily just said I don't want to talk
14 or just stop talking. And he didn't at any point of this
15 entire interrogation. At no point did he say that. So I
16 did find it quite ambiguous. I don't believe that any of
17 the questioning of the two officers during the
18 interrogation procedure were overly coercive nor did they
19 put him under duress.

20 To the contrary they gave him a lot of breaks. They
21 left the room a lot. They left him by himself a lot.
22 They gave him time to think. They even let him have a
23 cigarette break for crying out loud. So certainly I
24 don't find he was unduly long or coercive. Obviously,
25 they didn't, there is no testimony they threatened him or

State v Ronzell Bilah Olds
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1 made him any promises. So with regard to the recording
2 device I really rely heavily on the State v Register
3 opinion. And it's not exactly on point but I believe
4 that it lends itself to I think what our higher Courts
5 would use for a review of this type of situation in that
6 it discusses sort of the tactics of officers in
7 embellishing or misrepresenting evidence that they would
8 have against the defendant. And State v Register
9 discusses this misrepresentation.

10 And so I think at best or at worst I think what you
11 could call this recording device is off situation a
12 misrepresentation by Detective Brown. Obviously, this is
13 a little different than the case cited by the defense in
14 that the defendant is the one who asks for this
15 particular recording device to be turned off.

16 He's sort of the one who initiates the discussion
17 about the recording device in the first place. She's
18 merely answering his question yes, this is turned off,
19 this is turned off; it's off, it's paused. So, that
20 recording device to me represents sort of what could or
21 what the defendant at least perceived to be evidence.

22 And so I think again at worst I think it's a
23 misrepresentation by the police of evidence or what could
24 or would have been evidence. And I don't find that that
25 misrepresentation led to some sort of overbearing of his

State v Ronzell Bilah Olds
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1 will to continue talking. I believe he intelligently
2 considered the factors. Obviously, he knew he was
3 talking to a police officer at a police station and it
4 was his decision to continue to talk to her. And she did
5 use tactics that involved becoming his friend and getting
6 him to talk to her because she was friendly to him and he
7 just kept talking.

8 So I think that based on the totality of the
9 circumstances again my viewing and reviewing of the video
10 and the transcript I believe that the statement is
11 admissible therefore it will be admitted. Any questions,
12 any of these other questions that remain I believe would
13 be questions of weight that would be within the purview
14 of the jury to determine. But certainly I believe they
15 are at least admissible.

16 One other thing as to the smoking of the blunt that
17 was brought up obviously intoxication at the time of a
18 confession does not render that necessarily inadmissible
19 as a matter of law unless the accused is incapable of
20 comprehending the meaning and effect of his words and
21 that's State v Saxon.

22 Obviously again totality of the circumstances
23 reviewing his demeanor at the time of the interrogation I
24 do find his statement was willfully, voluntarily, and
25 intelligently made. So, that's my ruling on that. We

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1 will come back in the morning at 9:15. Court is
2 adjourned until then. Thank you very much.

3 [Whereupon, Court adjourns at 5:40 p.m.]
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State v Ronzell Bilah Olds
Certificate of the Court Reporter
March 7, 2022

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
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 the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 7th day of March, 2022.

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

April 22, 2022

Joyce C. Rueger, CVR-M
Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2022-GS-10-0586
	)	2002-GS-10-0587
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
	)	
RONZELL BILAH OLDS	)	
	)	
Defendant	)	
	)	
	)	
	)	
_____	)	TRANSCRIPT OF RECORD

March 8, 2022
Charleston, South Carolina

Volume 2 (of 3)

B E F O R E:

THE HONORABLE JENNIFER B. MCCOY, JUDGE

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[Certified Transcript Provided for: SCCID]

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State v Ronzell Bilah Olds
Court's Preliminary Remarks to the Jury
March 8, 2022

1 COURT'S PRELIMINARY REMARKS TO THE JURY

2 THE COURT: Before we begin this trial I'm going to
3 tell you that this will probably be a little different
4 than what you might expect. Most people don't have the
5 chance to attend actual court sessions ladies and
6 gentlemen like you're doing right now.

7 So, you might think that by watching T.V. or movies
8 that a courtroom is always full of high drama and
9 riveting circumstances all the time. I'm here to tell
10 you that while that is all very entertaining on T.V. this
11 trial is absolutely not for entertainment purposes okay.

12 This is a fundamental part of our democracy here in
13 America. It's an effort to make sure that justice is
14 done between the parties before the Court. Making sure
15 that justice is done is often a very slow, deliberate
16 process and it's the opposite of what you've probably
17 seen on T.V. or in movies or read in books.

18 This courtroom ladies and gentlemen is a place of
19 honor. It is dedicated to the protection and
20 preservation of your rights through what many have called
21 the greatest justice system ever created. The attorneys
22 that appear before you and the Court are advocates for
23 the parties they represent but first and foremost they
24 are officers of the Court. They have taken an oath to
25 uphold the integrity and the fairness of our judicial

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1 system and to help you. Now you should expect them to be
2 professional, competent, and ethical in the
3 representation of their clients. And remember ladies and
4 gentlemen that you have just taken an oath to try this
5 case and you are also expected to be professional,
6 reasonable, and ethical.

7 We appreciate you accepting this important
8 responsibility of jury service today and your
9 contribution is not unseen and we certainly appreciate
10 that.

11 Now what I'm going to say now is intended to serve
12 as sort of an introduction to the trial. These remarks
13 that I give you are not a charge on the law in this case.
14 I will charge you on the law which is applicable to this
15 case at the end of the trial before you retire to
16 consider a verdict. This is merely an explanation of
17 what you can expect to see and the procedure that will
18 take place during the course of this trial so that you
19 kind of have a better understanding of what is going on.

20 Now, I did receive one note about taking notes and
21 that's absolutely acceptable and I will have the bailiffs
22 here shortly when I'm wrapping up with this statement
23 they'll get you some notebooks and some writing utensils.
24 You will be able to take notes during the trial of this
25 case. I just ask that you not let your note taking take

State v Ronzell Bilah Olds
Court's Preliminary Remarks to the Jury
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1 you away from actually watching what's going on in the
2 courtroom. The defendant, ladies and gentlemen Mr.
3 Ronzell Bilah Olds has been charged by indictments which
4 have been filed with the Court in the crimes of armed
5 robbery and possession of a weapon during the commission
6 of a violent crime.

7 Now, these indictments as I stated yesterday are
8 simply the charges by which the case is brought into the
9 Court. They are not in any sense evidence at all of any
10 of the allegations they contain. The State has the
11 burden of proving each element of these indictments
12 beyond a reasonable doubt. It will be your duty ladies
13 and gentlemen to decide whether or not the State has met
14 that burden.

15 Your purpose as jurors is to find and determine the
16 facts. You are the sole judges of the facts. If at any
17 time I make a comment regarding the facts you must
18 disregard it. You are to determine the facts from the
19 testimony you hear and other evidence introduced in the
20 Court.

21 It's going to be up to you to determine the
22 inferences which you feel may properly be drawn from the
23 evidence. It's especially important that when you
24 perform your duty of determining the facts you do so
25 diligently and conscientiously. On the other hand and

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1 with equal emphasis the same law that makes you the
2 judges of the facts makes me the judge of the law. The
3 law as given by the Court is the only law you may
4 consider. You must accept it and follow it even though
5 you might disagree with it.

6 I cannot tell you what the facts are and you cannot
7 disagree with me about what the law is or should be.
8 Your job is to take the law as I will give it to you and
9 apply it to the facts as you find them from the testimony
10 of the witnesses and any other evidence introduced.

11 After doing that you will render a verdict under the
12 solemn oath that you just took as jurors. Until I advise
13 you to begin your deliberations you must not discuss this
14 case with anyone including your fellow jurors, your
15 friends, your family members and anyone else involved in
16 the case. This would include face-to-face discussions or
17 anything by text or email or telephone.

18 You must not use a computer, a cell phone or any
19 other electronic device at any time while in this
20 courtroom or during deliberations. You obviously will be
21 able to use your phones as you need them during the
22 breaks, during lunches and that type of thing.

23 But you can't have them here in the courtroom with
24 you, okay. You may not at any time use these devices
25 either to get or send information about the case and that

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1 would include information about a party, a witness, an
2 attorney, a Court officer, any news accounts about the
3 case. I don't want you to do any research or independent
4 looking up of any topics raised or any topics that you
5 might think would be helpful in deciding the case or any
6 testimony presented by any witness.

7 During this trial I don't want you to read, listen
8 to, or watch any news reports about this case. This
9 would include anything that might be in the newspapers,
10 on the Internet, the radio, or the television. You must
11 not consider anything you may have read or heard about
12 the case outside of this courtroom whether before or
13 during the trial.

14 After the case is submitted to you you must discuss
15 it only in the jury room with your fellow jurors. The
16 attorneys and parties in this case have been advised that
17 they are not to talk to you at all. So if you see
18 anybody involved in this case and they don't even speak
19 to you in the hallway for example they're not trying to
20 be unfriendly; they're just following my instructions.

21 It's important that you keep an open mind. Don't
22 decide any issue in this case until all of the evidence
23 has been presented and the parties have made their
24 closing arguments and I have instructed you on the law.
25 It's your responsibility to determine the guilt or

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1 innocence of the defendant and your verdict must be based
2 solely on the evidence as it is presented to you in this
3 trial and the law as I will instruct you during and at
4 the close of the trial.

5 In just a moment the Solicitor will make what is
6 called an opening statement in which he will explain to
7 you the issues in this case or at least what the
8 Solicitor thinks the issues are in the case. The
9 attorney for the defendant may also make an opening
10 statement although he is not required to do so.

11 What the attorneys tell you ladies and gentlemen
12 during their opening statements are not evidence in this
13 case. It is only their contention as to what the issues
14 are. The evidence in this case will be presented to you
15 by the testimony of sworn witnesses from that witness
16 stand right there [indicates] or any exhibits that might
17 be introduced into evidence during the course of the
18 trial.

19 From time to time during the trial you might hear
20 one of the lawyers say something like Your Honor I
21 believe we have a question of law or a matter of law to
22 take up outside the jury's presence or Your Honor may we
23 approach the bench. Or sometimes I myself might find it
24 necessary to excuse you from the courtroom for a short
25 while. The reason for this is because you're the judges

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1 of the facts. And sometimes when I'm discussing things
2 with these attorneys it might be necessary for me to make
3 some comment on the facts. Now I'm not supposed to tell
4 you what I think the facts are so I'm going to excuse you
5 from the courtroom during some of these discussions so
6 that you don't hear anything that I say or do in
7 connection with the facts.

8 In evaluating the evidence in this case ladies and
9 gentlemen you must decide whether or not the testimony of
10 the witnesses is believable. It is going to be my
11 responsibility to rule as a matter of law on whether
12 certain testimony is admissible at all. But once it's
13 admitted whether or not you believe it is entirely for
14 you to determine.

15 In deciding whether to believe a witness you have
16 the right to consider the interest of any witness, the
17 bias of any witness, the prejudice of any witness, the
18 opportunity for the witness to have seen the matters and
19 things about which they testify and the way the witness
20 acts on the witness stand.

21 You have a right to consider anything in the record
22 that will help you evaluate the testimony of the
23 witnesses. That means it's your duty to pay close
24 attention to them, watch them, listen to them, pay close
25 attention to the attorneys and to the Court. After the

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1 arguments of counsel and the charge on the law you will
2 then be in a position to determine what the facts are and
3 to apply the law to those facts and thus render a
4 verdict.

5 It's your added duty Mr. Foreman to preside in the
6 jury room and be the jury's spokesperson here in Court.
7 It's also your duty as I mentioned to write the verdict
8 and to sign the verdict but I will give you further
9 instructions on that at the conclusion of the case.

10 In order to preserve everyone's rights I will give
11 the parties an opportunity to object to anything I have
12 said. Any objections or exceptions to anything from the
13 State at this time Mr. Simpson?

14 MR. SIMPSON: No, Your Honor.

15 THE COURT: Any from the defense?

16 MR. KING: No, Your Honor.

17 THE COURT: All right. We'll now begin the trial.
18 Mr. Simpson or Ms. Haliena; who will be delivering
19 opening remarks?

20 MR. SIMPSON: I will, Your Honor.

21 THE COURT: All right. Thank you.

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1 OPENING STATEMENTS

2 BY MR. SIMPSON:

3 Ladies and gentlemen good morning. I'd like to
4 start how I start every trial by thanking you for your
5 time. This is one of the highest level things you can do
6 for your community and the State is to take time out of
7 your busy schedule and spend it here with us. I know you
8 have lives and families but on behalf of myself and the
9 defense and the Court thank you. It wasn't entirely
10 voluntary but thank you for being here and thank you for
11 your attention.

12 On January the 16th of 2018 at the Sunoco gas
13 station on Sam Rittenberg sort of in the Citadel Mall
14 area it was getting late into the night. It was past
15 midnight and that store was only staffed by one person
16 and you'll meet her. Her name is Lisa Holmes.

17 She was the only employee and the only person
18 working at the gas station at that time when a male
19 entered, tall, slender, hoodie on, face covered, which is
20 something we're all used to doing now and we're all used
21 to interacting with now but at that time it was quite
22 scary.

23 He walked in. Like any convenience store there was
24 surveillance video so you're going to watch this happen.
25 He came in, very quickly made his intentions clear,

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1 presented a gun, pointed the gun in the direction of the
2 cashier. The cashier responded by following thank God
3 following all of his demands for her to give him the
4 money.

5 There wasn't very much money. She had one safe
6 open, she opened it up and handed that money over, backed
7 up sort of towards the office and thankfully -- I don't
8 know that I would have had the courage to do this but she
9 did, at one point just finally backed into the office and
10 shut the door.

11 He as angry about this because he perceived or at
12 least you will see in the video that he was hoping to get
13 more money than simply the money from one till but that's
14 what she cleared out and gave him and he took off once
15 she got locked in the office. It's a door that
16 automatically locks behind her. She contacted the police
17 and you should hear that call and they responded.

18 The defendant was ultimately charged with this
19 crime. And a lot of times sometimes in an opening
20 statement like this we'll lay out our whole case for you
21 but this was a pretty direct investigation. I'm going to
22 let the evidence play out on the stand for you and talk
23 to you in more detail about it in my closing argument
24 where I have a chance after you've heard everything to
25 kind of talk about that. But generally speaking I do

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1 want to just talk to you before we start about at least
2 what I perceive your job to be. Obviously, the Judge
3 tells you what your job is and you follow her, not me, if
4 I say anything that contradicts it. What I'm asking you
5 to do is really in the truest sense of the word is just
6 exercise your common sense this week. You know you are
7 the embodiment of common sense.

8 We choose 12 random people and it's always
9 refreshing to see a jury like this with such different
10 types of people, different genders, different
11 ethnicities, different jobs, different backgrounds. You
12 represent this community and we pull you in here to use
13 the community's common sense and I ask you to do that.

14 I will spoil one thing about the evidence it
15 ultimately led to the defendant confessing to this crime,
16 to the defendant saying yes, I did that and explaining
17 why and explaining how he carried it out. So, we're
18 going to ask you first and foremost just to listen to
19 him, listen to the defendant as he says yes, I did this.

20 But that's not all we're going to ask you to listen
21 to and pay attention to because you guys do something
22 everyday even if you don't realize it which is you're
23 told something and you decide whether or not you believe
24 it or not. And usually the way you do that is you hear
25 something and you say does this fit with the other things

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1 I know about this. So pay attention to the evidence too.
2 Take what he says and listen to it, consider it and
3 believe it. But believe it because it fits with all of
4 the other facts that we're going to present to you that
5 he did in fact commit this crime.

6 He's charged with armed robbery and possession of a
7 weapon during a violent crime. Essentially what I have
8 to prove is that he took some property away from the
9 presence of another person and he took that away by using
10 a deadly weapon. You're going to hear that a deadly
11 weapon in this sense it's all about the perception of the
12 victim and the fear that that puts them in.

13 So the fact that we may not know if the gun was
14 loaded or not doesn't make it not deadly. The fact that
15 it might be a BB gun doesn't make it not deadly. It's
16 all about can it be perceived and was it intended to be
17 perceived as a deadly weapon. Again, you'll see the
18 video and you'll see the gun and you'll see the pointing
19 of the gun.

20 Possession of a weapon during a violent crime is
21 simply possessing a weapon while conducting a violent
22 crime. And it's not up to you to figure out if a crime
23 is violent or not. You're going to be charged by the
24 Court that an armed robbery is statutorily a violent
25 crime. And so if you believe that he possessed a weapon

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1 during that he is guilty of that. So, all we ask you for
2 this week is to exercise that common sense that you all
3 have to analyze the pieces of evidence that corroborate
4 and fit together like a puzzle with the statement you're
5 going to hear from the defendant.

6 And I believe that at the conclusion of this trial,
7 and we're going to present this evidence as quickly as we
8 can in respect for your time in an efficient manner, we
9 believe that at the conclusion of this trial you are
10 going to do your job, deliberate, be careful, be
11 skeptical of my case; I welcome that.

12 It is my burden as the Court said. But once you do
13 all that we believe that you are going to come to the
14 just, fair, and true verdict that the defendant is guilty
15 of what he stands charged with here today.

16 I will note that my first witness will seem somewhat
17 out of order. He's a person who is here really almost
18 volunteering his time and so we wanted to get him in and
19 out of here and that's just because he's -- it will make
20 more sense when he testifies as he has agreed to come
21 testify to some things that may seem like they don't make
22 sense.

23 I just ask you to listen to what he says. They'll
24 become relevant later. We're just trying to respect his
25 time as we respect yours. Having said all that thank you

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1 again for your time this week. I thank you for your
2 attention and I look forward to addressing you again once
3 you've heard all the evidence in this case. Thank you.

4 THE COURT: Thank you very much. Mr. King?

5 MR. KING: Ms. Mangan is going to do the opening.

6 THE COURT: Excellent. Thank you.

7 MS. MANGAN: Thank you, Your Honor. May it please
8 the Court?

9 THE COURT: Of course.

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2 BY MS. MANGAN:

7 But it's not about whether they have a lot of
8 evidence. It's about whether they have enough. It's
9 about whether they have enough to prove that Ronzell
10 robbed that Sunoco beyond a reasonable doubt.

17 Some judges say that beyond a reasonable doubt means
18 at the end you must be firmly convinced of the
19 defendant's guilt. Whatever definition Judge McCoy gives
20 you that's the one you should apply. But those are
21 definitions and I want to give you an example.

22 If you check the news one morning and you see a
23 headline Tylenol recall and you click on it and you learn
24 that Tylenol has been recalled nationwide because there
25 is a chance that just one pill in that bottle might have

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1 arsenic. Do you keep that pill in your family's medicine
2 cabinet? What is it's the value size, it's a bottle of
3 Tylenol from Walmart, the big one, do you keep it then?
4 What if it's the bulk Tylenol from Costco? Does it
5 matter how many pills are in that bottle?

6 The reasonable doubt about whether each pill you
7 take out is safe doesn't disappear just because the
8 chances of picking it out are small. That's a reasonable
9 doubt. A reasonable doubt can be a small doubt, but it's
10 a reasonable one. And the prosecutor's burden is to
11 remove the basis for any such doubts because the
12 prosecutor's burden, the State's burden, the government's
13 burden; and it is their burden only.

14 Now I want to talk about Ronzell for a minute. He's
15 a son. He's a hard worker. He had a job in January of
16 2018. In fact he was at work when he was arrested. He
17 does construction work. Hard work, physical work because
18 he didn't finish high school. That's the kind of work
19 that he can do.

20 And while he was at work before he got arrested he
21 got a call from a girl named Deonna. They had dated. He
22 cared for her. And he learned that the police had been
23 at her apartment. They took money from her; money that
24 they said was evidence. And they questioned her. She
25 calls him and the police come arrest him because he's

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1 tall and slender. And we'll be honest with you all. The
2 Solicitor is right; Ronzell did tell them he did it. But
3 he told them he did it during an interrogation that
4 lasted three hours, an interrogation where he denied
5 having anything to do with that robbery over and over
6 again.

7 He was adamant about that. An interrogation where
8 he told them that he was tired and hungry and needed time
9 to think and needed time to rest and he'd contact them
10 later. He asked them eight times to stop. That was his
11 right. But in the mind of the detective that
12 interrogation room was her world. She was going to do it
13 her way and the interrogation continued.

14 And Deonna's name was mentioned and he told them
15 that he did it. Y'all will get the opportunity to hear
16 from several witnesses. And at the end of this trial
17 Judge McCoy is also going to instruct you that the
18 creditability of those witnesses whether they are to be
19 believed or disbelieved, whether they're accurate or
20 mistaken is a matter that is up to you all to decide.

21 What Ronzell told the police is exactly the same.
22 It's up to you to decide whether or not you believe it or
23 whether you think his statement during that interrogation
24 is voluntary or whether you have reasonable doubt.
25 Reasonable doubt about his statement or about anything

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1 else that you may see or hear during this trial. And
2 when those doubts present themselves hold on to them for
3 deliberations. Talk them out. And at the end you'll
4 come back out here and find Ronzell Olds not guilty.

5 THE COURT: Thank you. The State can call its
6 first witness.

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State v Ronzell Bilah Olds
Francis DiCesare-Direct Examination by Mr. Simpson
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1 MR. SIMPSON: Thank you, Your Honor. The State
2 calls Francis DiCesare.

3 THE COURT: Okay. While he's taking the stand if
4 the bailiffs can distribute the notepads at this time
5 that would be great.

6 [Whereupon, notepads are provided to the jurors]

7 [Whereupon, Mr. DiCesare comes forward]

8 [Whereupon, State's exhibit number 9 is marked by
9 the court reporter]

10 THE COURT: I think we're ready to proceed
11 whenever. Go ahead and swear the witness in. Thank you.

12 [Whereupon, the witness is duly sworn by the Clerk
13 of Court]

14 THE CLERK OF COURT: Please state your name for the
15 record and spell your last name.

16 THE WITNESS: Francis DiCesare, D-I-C-E-S-A-R-E.

17 - - - - -

18 FRANK DICESARE,

19 Having been first duly sworn,

20 Was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. SIMPSON:

23 Q. Mr. DiCesare, good morning.

24 A. Good morning.

25 Q. Thank you for being here today. Could you offer a

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1 little bit to this jury about your education and work
2 history?

3 A. Educationally I attended St. John Fisher College
4 located in Rochester, New York. I've currently been at
5 Sunoco 7-Eleven for the last 24 years.

6 Q. Okay. And you called that Sunoco 7-Eleven. Is that
7 the ---

8 A. --- we were bought out by 7-Eleven about four years
9 ago.

10 Q. Okay. Recount if you could for the jury some of the
11 specifics of your work history with Sunoco 7-Eleven.
12 First of all you said you've been with them for how long?

13 A. Twenty-four years.

14 Q. Okay. Was there a path, an employment path to get
15 there?

16 A. Yes. I started off as a store manager and probably
17 about 20 years ago I became what is called a training
18 manager. I would train managers as they got promoted.

19 Q. Okay.

20 A. And then about three and a half years ago I became
21 what is called an area leader where I oversee 17 stores
22 right now.

23 Q. Okay. So you're currently an area leader over 17
24 stores?

25 A. Seventeen stores, yes.

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1 Q. And that occupation comes after being a training
2 manager for some time.

3 A. Yes, sir.

4 Q. And so in the course of that occupation are you
5 familiar with the regular business practices of the
6 Sunoco 7-Eleven stores?

7 A. Yes I am, sir.

8 Q. And does that include aspects of policy and
9 procedure regarding security?

10 A. Yes, sir.

11 Q. And in 2018 I know you said so but in 2018 you were
12 still employed as sort of a training manager, is that
13 correct?

14 A. Yes, sir.

15 Q. Okay. And at that time was it just Sunoco or was it
16 the...

17 A. It was still Sunoco. 7-Eleven bought us out I
18 believe it was January of 2018.

19 Q. Okay. Now, we hit on this but let's talk about the
20 individual store level. Are you familiar with any
21 procedures that are taught to new managers or new
22 cashiers regarding policies were someone to rob the
23 store?

24 A. Yes, sir.

25 Q. And if you could for the jury just kind of explain

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1 some of those basic procedures.

2 A. One of the policies of the Sunoco was that we had a
3 2 dollar bill which was attached to a money clip and
4 anytime they were robbed the cashier would pull the money
5 clip and give it to the robber.

6 These numbers were called into what would be like
7 our own monitoring company. At the time it was called
8 Central Monitoring Facility and they would record the
9 serial numbers.

10 Q. Okay. And what was the purpose of that?

11 A. Just in case they were robbed and they caught the
12 robbers they could match the serial numbers.

13 Q. And so you mentioned a company. Was it a department
14 of the corporation ---

15 A. --- yes, it was part of Sunoco.

16 Q. Okay. And what department at Sunoco managed those
17 serial numbers for the business?

18 A. Like I said it was called Central Monitoring
19 Facility or we used to call it CMF.

20 Q. And so you said, you testified if I understood you
21 correctly CMF would maintain the serial numbers on these
22 special bills for each store location?

23 A. Yes, sir.

24 Q. Okay. And they would do that as part of the regular
25 conduct of their business, is that correct?

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- 1 A. Yes. They would test, they would verify usually
2 about once a month at least they would call and verify
3 that the 2 dollar bills had not been switched out or if
4 they were still the same serial numbers.
- 5 Q. Okay. So if an area manager or an area employee or
6 investigating law enforcement wished to obtain that
7 business record of the serial numbers how would they go
8 about doing that?
- 9 A. They would contact the Central Monitoring Facility.
- 10 Q. Okay. And you referred to that also as the CMF?
- 11 A. The CMF.
- 12 Q. Okay. And the CMF would then provide them?
- 13 A. Provide them with the serial numbers.
- 14 Q. Okay. As located to a certain store?
- 15 A. Yes, sir.
- 16 Q. And again this is just a regular aspect of security
17 and how it was managed by Sunoco in the regular course of
18 business?
- 19 A. Correct.
- 20 Q. It wasn't something specially done for a particular
21 store? It was done for all the stores ---
- 22 A. --- no, it was done for all the stores.
- 23 Q. Okay. And as a now an area manager and after 24
24 years with Sunoco is it one of your many roles of the
25 company to be familiar with these regular business

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1 records?

2 A. Yes, sir.

3 Q. Okay. Mr. DiCesare I'm handing you what has been
4 marked for I.D. only at this time as State's exhibit 9.

5 [Whereupon, the witness is shown exhibit]

6 Q. If you could take a moment to just review this
7 document.

8 [Whereupon, the witness reviews document]

9 Q. Now, Mr. DiCesare have we reviewed this document
10 before?

11 A. Yes. It's a normal email that Central Monitoring
12 would send out whenever law enforcement would request the
13 numbers.

14 Q. Okay. Now, to be clear to the Court you had nothing
15 to do with the drafting or writing of this email, is that
16 correct?

17 A. No, I had nothing to do with this email.

18 Q. But in your role as a long-time manager at Sunoco is
19 it pretty easy for you to recognize that as an email from
20 CMF?

21 A. Yes. Based on the email address where it says on
22 behalf.

23 Q. Okay. And does that appear to you to be the correct
24 email addresses for the general CMF email account?

25 A. Yes, it does.

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- 1 Q. Okay. And again, you know that through your
2 knowledge of the regular course of Sunoco's business?
3 A. Yes, sir.
4 Q. And what is the date of that email?
5 A. The date of the email is January 16th, 2018.
6 Q. And you mentioned to us that you were looking at the
7 addresses of an email. Is there a portion that says on
8 behalf of at some portion of that?
9 A. Yes, at the top where it says from Bridget Taylor.
10 Q. And then does it also say on behalf of?
11 A. Yes, sir.
12 Q. On behalf of who?
13 A. On behalf of Central Monitoring Facility.
14 Q. Okay. And again this is consistent with how one
15 would find the serial number records that were kept in
16 the regular course of business?
17 A. Correct.
18 Q. As associated with a specific store?
19 A. Correct, sir.
20 Q. Okay. So I know I'm getting repetitive but to
21 recount these numbers were -- are kept by Sunoco in the
22 regular course of business?
23 A. Yes, sir.
24 Q. And individual at CMF or with law enforcement would
25 have access to them if requested?

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1 A. Yes. That's correct.

2 Q. And they would provide those following some contact
3 often by email?

4 A. Yes, sir.

5 Q. And through your experience with the company this
6 email is an example of that regular business process?

7 A. Yes, sir.

8 [Whereupon, Mr. Simpson and Ms. Haliena confer]

9 Q. Thank you for being here. I know you gave us your
10 time and we really appreciate that. Please answer any
11 questions that Mr. King has of you.

12 A. Sure.

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State v Ronzell Bilah Olds
Francis DiCesare-Cross-Examination by Mr. King
March 8, 2022

1 CROSS-EXAMINATION

2 BY MR. KING:

3 Q. Mr. DiCesare?

4 A. DiCesare.

5 Q. You weren't working at this particular Sunoco

6 station back in January of 2018 were you?

7 A. No, I was not sir.

8 Q. Back then you said you were training?

9 A. A training manager.

10 Q. Do you work for Central Monitoring Facility?

11 A. No, I don't.

12 Q. Did you work for them back in 2018?

13 A. No, I did not sir.

14 Q. Do you know when -- you said there are certain

15 dollar bills that are at Sunoco stores that are records

16 kept of serial numbers?

17 A. Correct.

18 Q. Do you know when the bill in this case was installed

19 at the Sunoco? Do you have any information about that?

20 A. No, I do not sir.

21 Q. Do you know that record that you have in your hand

22 do you know if that was made at or near the time that the

23 marked money was put at the Sunoco?

24 A. I don't know exactly. I mean I assume it was the

25 time that they used the bill.

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1 Q. Right, but you don't know when the bill was actually
2 put in the store ---

3 A. --- no, I don't know that sir.

4 Q. Right. All you know is there was an email sent.

5 A. Right.

6 Q. So you can't say that that email was sent at the
7 time that the dollar bill was put at the Sunoco because
8 you don't know that right?

9 A. Correct.

10 Q. Were you familiar with the manager at the time Tom
11 Cullum [phonetic]?

12 A. Yes, I was.

13 Q. Do you know where he is?

14 A. He's no longer, Tom died about a year ago.

15 Q. So, if this information that I needed to ask him
16 that information is lost I guess. Any information he
17 knows you can't provide that, right?

18 A. No, I cannot.

19 Q. You don't know -- are you aware that the alarm
20 didn't go off that night? Do you have any information
21 about that?

22 A. No. I was not an area leader at the time so it was
23 not one of my locations.

24 MR. KING: That's all the questions I have.

25 THE COURT: Any redirect?

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1 REDIRECT EXAMINATION
2 BY MR. SIMPSON:
3 Q. Just to be clear the CMF is a department of Sunoco,
4 correct?
5 A. Yes.
6 Q. And you've worked for Sunoco for how long?
7 A. I was with Sunoco for 20 years before.
8 Q. And remain so to this day?
9 A. Yes. Like I said we were bought out by 7-Eleven so
10 I just continued with the company.
11 Q. Okay. And again as an area manager and so do you
12 have familiarity with the regular business practices of
13 the Sunoco Corporation?
14 A. Yes, at the time yes.
15 Q. Including the tracking of serial numbers?
16 A. Yes, sir.
17 Q. Including the manner and form by which one would
18 obtain that information?
19 A. Yes.
20 MR. SIMPSON: I have nothing further, Your Honor.
21 THE COURT: All right. Anything else?
22 MR. KING: No, Your Honor.
23 THE COURT: You can step down from the witness
24 stand, sir. I appreciate your time. Any objection to
25 this witness being excused from the remainder of the

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1 trial?

2 MR. SIMPSON: Not from the State.

3 MR. KING: No objection.

4 THE COURT: Okay. You're free to leave, sir.

5 Thank you very much.

6 THE WITNESS: Thank you.

7 [Whereupon, the witness is excused and exits the
8 witness stand]

9 THE COURT: The State can call its next witness.

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1 MR. SIMPSON: Thank you. May we approach, Your
2 Honor?

3 THE COURT: Sure.

4 [Whereupon, an on-the-record bench conference is
5 held as follows:

6 THE COURT: What you got?

7 MR. SIMPSON: We were just made aware of some
8 transportation difficulties my victim has. She's going
9 to be here in 15 minutes and she was my next witness.

10 THE COURT: She's your next witness?

11 MR. SIMPSON: Yes.

12 THE COURT: We can do a break now. Sure.

13 MR. SIMPSON: I appreciate that. Sorry, Your
14 Honor.

15 MR. KING: Judge, he didn't move to introduce that
16 into evidence at this point.

17 THE COURT: I noticed.

18 MR. KING: I was prepared to make an objection that
19 that's not the correct witness to get this document in
20 because he didn't work for CMF and it wasn't made at or
21 near the time when the bills were put in the store.

22 THE COURT: I pay attention to your questions.

23 MR. KING: At some point in the future I just want
24 to call back to this one that's going to be admitted at
25 some point ---

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1 MR. SIMPSON: --- just because we've got 15 minutes
2 I wanted to share this with the Court.

3 THE COURT: Okay. Can I release the jury for a
4 minute?

5 MR. SIMPSON: Oh, sure.

6 [Whereupon, the on-the-record bench conference
7 concludes]

8 THE COURT: Ladies and gentlemen we're going to
9 take about a 15 minute break at this time, stretch your
10 legs, relax, make a phone call if you need to. We'll see
11 you back in just a little while. Thank you very much.

12 [Whereupon, the jury exits at 10:19 a.m.]

13 THE COURT: Okay. The attorneys wanted to put
14 something on the record?

15 MR. SIMPSON: Yes, Your Honor. I think given the
16 absence of the witness now would be a good time; we
17 certainly intend to move State's exhibit 9 into evidence.
18 I think I can hold out to the Court as an officer that
19 the only addition will be the testimony of Officer Bailey
20 who says I requested the serial number and I was emailed
21 it and I was emailed it in this State's exhibit 9.

22 We're introducing it as an exception to hearsay
23 under Rule 803(6) records of a regularly conducted
24 activity.

25 THE COURT: All right.

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1 MR. SIMPSON: The proper foundation for that can be
2 provided by either a custodian or a qualified witness.
3 And that's all the guidance you're going to be given by
4 the actual text of the rule.

5 However a case called General Insurance Company of
6 America v United States Fire Insurance Company, I
7 guarantee you it is a case as boring as it sounds,
8 clarifies this issue in one section of it very lucidly in
9 my opinion.

10 That's found at 886 F.3d 346. It is a U.S. Court of
11 Appeals I believe analyzing the federal rule but I don't
12 think the federal rule in its language differentiates in
13 any way meaningful to what we're asking for.

14 And what we're asking is who is a qualified witness
15 to put in a business record? Again, to save you a lot of
16 pain and heartache you can move for this issue to section
17 (d), it's a long opinion but section (d) is just dead-on
18 what we're talking about here today and I think answers
19 it very clearly.

20 It says we must first address what a qualified
21 witness is under 803(6). And it makes very clear a
22 qualified witness need not have personally participated
23 in the creation of the document nor know who actually
24 recorded the information. And it goes on to paraphrase
25 not to just sit here and read the opinion it just has to

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1 be a person who is familiar with this procedure and these
2 types of records for the company. Mr. DiCesare has been
3 in a management level with Sunoco 7-Eleven for 24 years.
4 He I think expressed very much familiarity with this
5 procedure, this process, these records and where you go
6 to obtain them. And I think more than meets the
7 definition of qualified witness under that case.

8 And I have a copy here if that would help you; I'm
9 sure you're going to look it up. And I've highlighted,
10 and probably the best favor I can do in a case like that
11 is highlight the section that addresses that issue.

12 [Whereupon, Mr. Simpson proffers documents to the
13 Court]

14 MR. SIMPSON: And I think what it's saying you know
15 the whole intention I believe of 803(6) is that this
16 isn't some hypertechnical situation where plaintiffs and
17 the State or any party proffering this evidence has to
18 fly in some corporate head from out-of-state.

19 It's offering Rule 803(6) by its text and further
20 expanded upon in the case law is offering a really pretty
21 broad definition on who is a qualified witness to say
22 yes, this is a business record, yes this is what we do.
23 Any further attacks to the fact that when this was
24 established is free game as to weight of the evidence and
25 I'm sure Mr. King will attack it as such. But as to the

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1 basic admissibility that Thomas Bailey will testify to is
2 I contacted the CMF, I emailed them, they emailed me the
3 serial number associated with the store.

4 Sometimes obviously too when admitting evidence
5 we're concerned about the veracity of that evidence. And
6 I would just point out the astronomical statistical
7 possibility that they could just randomly name a series
8 of numbers that would match a 2 dollar bill. I mean the
9 idea that the underlying evidence isn't truthful would be
10 pretty wild statistically speaking.

11 And then finally I believe Mr. King raised the
12 requirement on 806 about the record being at or near the
13 time of the occurrence made at or near the time by or
14 from information transmitted by a person with knowledge.
15 I think that was established. It's a standard email, it
16 comes with the date stamp and furthermore you're going to
17 have Thomas Bailey testify that I received this record
18 the day after the robbery so I don't think that's an
19 objection.

20 As to its form being just an email I would point out
21 that Rule 806 defines as incredibly broadly as a business
22 record as a memorandum, report record, or data
23 compilation in any form of acts, events, conditions,
24 diagnoses made at or near the time by from information
25 transmitted by a person with knowledge. And again, as to

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1 the foundation the witness properly laid a foundation the
2 case provided defines that very broad.

3 THE COURT: Mr. King I'm happy to hear from you
4 now. Obviously, the evidence has not been introduced as
5 such so anything now is essentially just a motion in
6 limine that we're talking about right now in a vacuum.
7 If you want to be heard right now you can but you
8 certainly don't have to. You can reserve that until the
9 State introduces the evidence.

10 MR. KING: You know what? I think it's a good
11 opportunity just to lay out what my future objection is
12 probably going to be, Your Honor.

13 THE COURT: Okay.

14 MR. KING: First of all he didn't write, the
15 witness didn't write the email. There is a hearsay
16 exception but the exception they're also required to
17 authenticate that document. There also has to be an
18 authentication. That's under State v Rich. That's a
19 separate issue than satisfying the elements of the
20 hearsay rule.

21 So I don't believe they have authenticated that
22 email because this witness didn't send it, he doesn't
23 work for CMF Central Monitoring Facility. He recognizes
24 this email but we don't know who that person is. I also
25 believe at the time the 2 dollar bill was put in the

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1 store I'm assuming a record was kept of that; a record
2 was made. And that record would have been made at or
3 near the time that the 2 dollar bill was placed in the
4 Sunoco cash register.

5 This email was not made at or near the time of that
6 so this is just some email in the future so I don't think
7 it satisfies the at or near the time the record was made
8 and the hearsay exception of 803(6).

9 Someone with knowledge is Tom Cullum [phonetic] who
10 worked at the store. And it is my understanding is he is
11 deceased. I learned that from Mr. Simpson. So he is
12 deceased. That's another witness that I can't cross-
13 examine.

14 And I think it also ties into prejudice in my motion
15 to dismiss. That's one more witness that has passed away
16 that I can't get information from. So maybe there is a
17 confrontation clause issue that I can't ask specific
18 questions of Tom Cullum [phonetic] who knows more
19 information about this.

20 THE COURT: Well, we don't know that he necessarily
21 does but go ahead. But I understand ---

22 MR. KING: --- he worked there and there is some
23 indication in the police report that he was familiar with
24 the 2 dollar bill.

25 THE COURT: Okay.

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1 MR. KING: He was the manager of that store and
2 knew all of their procedures. So at some future point
3 Your Honor I'm going to make the objection that it is
4 hearsay. It doesn't satisfy the business records
5 exception because it's not the appropriate witness.

6 No one here who has worked at CMF has testified and
7 this record was not made at or near the time that is
8 required by the rule. It's not authenticated. The
9 confrontation issue I'm having with Tom Cullum [phonetic]
10 who should be the appropriate witness, who is deceased
11 during the delay of this trial. Thank you.

12 THE COURT: All right. I haven't seen this email
13 so obviously the Court will have to take a closer look at
14 it at the time that the State if they introduce it, seeks
15 to introduce it. I've heard your arguments. I'll in the
16 meantime be looking up the cases cited and we'll be at
17 ease until further notice I guess waiting on your witness
18 still?

19 MR. SIMPSON: Yes. Thank you, Your Honor.

20 THE COURT: Okay. Court is at ease. Thank you
21 very much.

22 [Whereupon, Court is in recess from 10:29 a.m. until
23 10:51 a.m.]

24 THE COURT: Thank you. Is the witness ready?

25 MR. SIMPSON: Yes, Your Honor.

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1 THE COURT: Great. Everybody ready to proceed?
2 Mr. Simpson, I'm going to give this back to you. These
3 are the -- Mr. King you can approach. It's his rap sheet.
4 I don't like to keep those mainly from the jury.

5 [Whereupon, the Court returns documents to Mr.
6 Simpson]

7 MR. SIMPSON: I appreciate that.

8 THE COURT: I just try to give those back so it's
9 not floating around. All right, is the defense ready to
10 proceed?

11 MR. KING: Yes, Your Honor.

12 THE COURT: Excellent. Is the State ready?

13 MR. SIMPSON: Yes, Your Honor.

14 THE COURT: All right. You can bring the jury in.
15 Thank you very much.

16 [Whereupon, the jury enters at 10:57 a.m.]

17 THE COURT: Thank you so much everybody. Please be
18 seated. We can resume now; I think we're ready to get
19 back started. Mr. Simpson, the State can its next
20 witness.

21 MR. SIMPSON: Thank you, Your Honor.
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March 8, 2022

1 MR. SIMPSON: The State calls Lisa Holmes.
2 [Whereupon, Ms. Holmes comes forward]
3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]
5 THE CLERK OF COURT: Please state your name for the
6 record and spell your last name.
7 THE WITNESS: Lisa Holmes, H-O-L-M-E-S.
8 MR. SIMPSON: May I proceed, Your Honor.
9 THE COURT: Yes, sir.
10 - - - - -
11 LISA HOLMES,
12 Having been first duly sworn,
13 Was examined and testified as follows:
14 DIRECT EXAMINATION
15 BY MR. SIMPSON:
16 Q. Good morning, Ms. Holmes.
17 A. Good morning.
18 Q. If you could please I'd like to ask you a couple
19 questions about just who you are. Do you live here in
20 Charleston?
21 A. Yes.
22 Q. And how long have you lived in Charleston?
23 A. Twenty-six years.
24 Q. And how old are you?
25 A. Forty.

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1 Q. Okay. And could you recount for the jury a little
2 bit just about your professional history, your work
3 history?

4 A. I'm a licensed cosmetologist for over four years and
5 a nail tech for five.

6 Q. Okay. And where do you work now?

7 A. Ruby Nails.

8 Q. Okay. And did you ever work at the Sunoco at 1984
9 Sam Rittenberg?

10 A. Yes.

11 Q. And in what capacity did you work with Sunoco?

12 A. A third shift cashier.

13 Q. Okay. How long did you work there?

14 A. Maybe two months or so.

15 Q. Did you ever work third shift?

16 A. Uh Huh, I have.

17 Q. And if you could explain to the jury what is third
18 shift? What's that?

19 A. Ten to seven.

20 Q. What we might call ---

21 A. --- 10 p.m. until 7 a.m.

22 Q. The overnight shift; is that a fair way to say it?

23 A. Yes.

24 Q. And when you would work a third shift would you be
25 in the store all by yourself?

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1 A. Yes, at that location.

2 Q. Did that ever make you nervous or scared?

3 A. Yeah, it did.

4 THE COURT REPORTER: I need you to speak up just a
5 little bit for me, please.

6 THE WITNESS: Okay.

7 Q. [Mr. Simpson] Now, I want to go back to when you
8 initially got the job, right?

9 A. Uh Huh.

10 Q. Did anybody mention anything to you about any sort
11 of procedures to follow in case you were ever robbed?

12 A. Yes. The lady that trained me told me if the store
13 is ever robbed just give them the money and make sure I
14 pull the 2 dollar bill. And during each shift never
15 touch it; only pull it whenever it was a robbery.

16 Q. Okay. So don't mess with it ---

17 A. --- unless it's ---

18 Q. --- unless it's a robbery and if it is definitely
19 ---

20 A. --- definitely pull it, yes. That's the first thing
21 you pull.

22 Q. Okay. Now I know it's been a long time but you know
23 the things that we're here today to talk about, right?

24 A. Uh Huh.

25 Q. Okay. And do you recall an incident that occurred

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1 in January of 2018?

2 A. Do I recall?

3 Q. Do you recall it?

4 A. Yes.

5 Q. Okay. And so to the best of your recollection, and
6 I don't mean to be rude but I may interrupt you from time
7 to time to ask a question, could you just recount the
8 incident from your point of view for the jury of what
9 happened to you?

10 A. I was you know normal shift sitting down watching my
11 phone probably something like Netflix or something. Then
12 a guy came in, well a person came in and then I saw a gun
13 when I looked up.

14 And then I just kind of slowly got up and told him
15 that this register was open and I went to the register
16 that I was operating at the time and gave him the money.
17 And there was nothing else to give.

18 Of course I didn't have access to the safe and just
19 ran to the back storage room because I know that it
20 locked once you closed the door.

21 Q. Okay. And now you said he had a gun. Was he just
22 sort of casually carrying a gun in his waistband or did
23 he have the gun out?

24 A. He had the gun out.

25 Q. Okay. Was it ---

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- 1 A. --- pointed at me.
- 2 Q. It was pointed at me?
- 3 A. Uh Huh.
- 4 THE COURT REPORTER: Was that yes?
- 5 THE WITNESS: Yes.
- 6 Q. [Mr. Simpson] Do you remember, and it doesn't have
7 to be a direct quote but do you remember anything he said
8 or did he ask you...
- 9 A. Just maybe give me the money.
- 10 Q. Okay.
- 11 A. Or give me what you got or something like that.
- 12 Q. And you said you gave him the money in the drawer
13 that was open?
- 14 A. Uh Huh.
- 15 THE COURT REPORTER: Was that yes?
- 16 THE WITNESS: Yes.
- 17 THE COURT: Thank you.
- 18 Q. [Mr. Simpson] And you ran into the office at some
19 point during this incident?
- 20 A. Yes.
- 21 Q. Okay. And did you contact the police once you got
22 in the office?
- 23 A. I did. I called from my cell phone.
- 24 Q. And what number did you call?
- 25 A. Huh?

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1 Q. What number did you call?

2 A. 911 from my cell phone.

3 Q. Did you stay there in the office until the police
4 arrived?

5 A. I did. I did.

6 Q. Do you recall -- did you speak with police when they
7 got there?

8 A. I did.

9 Q. Do you recall giving them a basic description of the
10 person?

11 A. Yes. The only thing I really saw was just his eyes.

12 Q. Okay. Anything about his other physical
13 characteristics; his build, his height?

14 A. Of course that he was black. I just remember his
15 eyes. He had a mask over, I think like a black hoodie
16 on. I just remember like his eyes, that's pretty much
17 it.

18 Q. Okay.

19 MR. SIMPSON: Your Honor, permission to approach
20 the witness?

21 THE COURT: Sure.

22 Q. [Mr. Simpson] I'm showing you what has been marked
23 as State's exhibit 10 for I.D. only.

24 [Whereupon, the witness is shown exhibit]

25 A. Okay.

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1 Q. Do you recognize this item? And you can take it and
2 look at it if you want to.
3 A. Uh Huh.
4 Q. What item is that?
5 A. What do you call these things?
6 Q. Is it like ---
7 A. --- a flash drive ---
8 Q. --- a flash drive.
9 A. Yes, I recall this.
10 Q. Okay. Now, do you recognize this specific flash
11 drive?
12 A. Yes.
13 Q. And how do you recognize it?
14 A. You showed it to me and I initialed it.
15 Q. Okay. And so you recognize this where you put your
16 initials on it?
17 A. Uh Huh.
18 Q. Okay. And does this flash drive contain the video
19 from the incident that you just described?
20 A. Yes.
21 Q. And we've reviewed that, is that correct?
22 A. Yes.
23 Q. Okay. And is that a fair and accurate depiction of
24 what happened to you that day?
25 A. Yes, it is.

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1 Q. A fair and accurate depiction of the Sunoco on Sam
2 Rittenberg?

3 A. Yes.

4 Q. And the events -- fair and accurate depiction of the
5 events that you just described for the jury?

6 A. Yes.

7 Q. And you were aware that Sunoco had a camera system?

8 A. Yes.

9 Q. Okay.

10 MR. SIMPSON: Your Honor, at this point in time the
11 State would seek State's exhibit 10 into evidence and
12 publish.

13 THE COURT: Any objection?

14 MS. MANGAN: No objection, Your Honor.

15 THE COURT: All right. Without objection State's
16 exhibit 10 will be admitted and published.

17 [Whereupon, State's exhibit number 10 is entered
18 into evidence by the Court]

19 MR. SIMPSON: Thank you, Your Honor. Court's
20 indulgence.

21 [Whereupon, the video clip plays]

22 [Whereupon, the video clip ends]

23 Q. [Mr. Simpson] Ms. Holmes, is that an accurate
24 depiction of what occurred ---

25 A. --- yes ---

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1 Q. --- that night?
2 A. Yes.
3 Q. And that door that closes is that the office door
4 you depicted?
5 A. The storage door, yes.
6 MR. SIMPSON: Your Honor, publishing another
7 portion of State's exhibit 10.
8 [Whereupon, the video clip plays]
9 [Whereupon, the video clip ends]
10 Q. [Mr. Simpson] You said once you were in the office
11 building [sic] you utilized your cell phone to call 911?
12 A. Uh Huh.
13 THE COURT REPORTER: Is that yes?
14 THE WITNESS: Yes.
15 MR. SIMPSON: May I approach the witness, Your
16 Honor?
17 THE COURT: Sure.
18 Q. [Mr. Simpson] I'll show you what has been marked as
19 State's exhibit 11 for I.D. only.
20 [Whereupon, the witness is shown exhibit]
21 Q. What is that?
22 A. My initials.
23 Q. Okay. That's your initials on the C.D.?
24 A. Yes.
25 Q. Have we reviewed a portion of this C.D.?

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1 A. Yes.

2 Q. And does that contain the 911 call you made that
3 night?

4 A. Yes.

5 Q. And was it a fair and accurate depiction of that 911
6 call?

7 A. Yes, it was.

8 MR. SIMPSON: Your Honor, at this point in time the
9 State seeks to admit State's exhibit 11 and publish to
10 the jury.

11 THE COURT: Any objection to State's exhibit 11?

12 MS. MANGAN: No objection, Your Honor.

13 THE COURT: Without objection State's exhibit 11
14 will be admitted and published.

15 [Whereupon, State's exhibit number 11 is entered
16 into evidence by the Court]

17 [Whereupon, the video clip plays]

18 [Whereupon, the video clip ends]

19 Q. [Mr. Simpson] Ms. Holmes, I heard you struggling a
20 little bit with the door. Had the police arrived at that
21 point?

22 A. Yes.

23 Q. Okay. I don't know if you noticed but the video
24 that we reviewed had a time on it. Does about 1:45 a.m.
25 seem consistent with you about when this crime occurred?

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1 A. Yes, that's normally --

2 Q. It's ---

3 A. --- that's normally when it gets slow. It's like no
4 one really comes in.

5 Q. Okay. And this occurred during one of those times
6 where it was very slow ---

7 A. --- Uh Huh.

8 THE COURT REPORTER: Was that yes?

9 THE WITNESS: Yes.

10 Q. [Mr. Simpson] Earlier I asked you about sort of that
11 security measure involving the 2 dollar bill?

12 A. Yes.

13 Q. Did you make an effort in this case to hand that
14 person the 2 dollar bill that you were told just to hand
15 over when you got robbed?

16 A. Yes.

17 Q. Okay. And do you recall -- police after they
18 arrived they spoke with you obviously, a couple of
19 officers spoke to you about what happened?

20 A. Yes.

21 Q. Do you recall giving them a statement?

22 A. Yes, I do.

23 Q. Okay. Do you have any recollection of telling them
24 that the person robbing the store was tall and slender?

25 MR. KING: Objection. Leading.

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1 A. Yes ---

2 THE COURT: --- sustained. Rephrase.

3 Q. [Mr. Simpson] Do you have any recollection of a
4 physical description that you gave?

5 A. Yes.

6 Q. And earlier I asked you about that and you seemed
7 unable to answer. Would it refreshment your recollection
8 if you listened to the statement, recorded statement that
9 you gave to the police?

10 A. Yes.

11 MR. SIMPSON: Your Honor, at this point in time I'd
12 like to have the opportunity to refresh her recollection
13 of the statement ---

14 THE COURT: --- does she need to listen to it or is
15 it something she can read?

16 MR. SIMPSON: Unfortunately, she's got to listen to
17 it.

18 THE COURT: Then I'll have to excuse the jury for
19 that portion.

20 MR. SIMPSON: It's just a short clip.

21 THE COURT: We'll have to excuse the jury for that.

22 MR. SIMPSON: Yes, Your Honor.

23 THE COURT: Okay. Ladies and gentlemen, once more
24 we'll take a brief break and let you stretch your legs a
25 little bit and we'll bring you back in here momentarily.

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1 Please don't discuss the case.

2 [Whereupon, the jury exits at 11:18 a.m.]

3 THE COURT: All right. At this time are you going
4 to play it for her to hear?

5 MR. SIMPSON: Yes, Your Honor. At this point in
6 time I want to play a recorded statement she gave to
7 police.

8 THE COURT: Okay. Has it been marked as a,
9 premarked at all?

10 MR. SIMPSON: I'm sorry. Yes, Your Honor.

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Lisa Holmes-Proffer Testimony-Direct Examination by Mr. Simpson
March 8, 2022

1 PROFFER TESTIMONY
2 BY MR. SIMPSON:
3 MR. SIMPSON: May I approach the witness, Your
4 Honor?
5 THE COURT: Yes.
6 Q. [Mr. Simpson] Ms. Holmes, I'll show you what has
7 been marked for I.D. only as State's exhibit 15.
8 [Whereupon, the witness is shown exhibit]
9 Q. Do you recognize this?
10 A. Yes.
11 Q. Is that ---
12 A. --- my initials, yes.
13 Q. It's a statement you gave the police the night of
14 the robbery?
15 A. Yes.
16 Q. And we've reviewed that together?
17 A. Yes.
18 Q. And it's a fair and accurate rendition of the
19 statement you gave?
20 A. Yes.
21 MR. SIMPSON: I'm playing State's 15 for I.D. only
22 to Ms. Holmes.
23 [Whereupon, the video clip plays]
24 [Whereupon, the video clip ends]
25 Q. [Mr. Simpson] Ms. Holmes, does that refresh your

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March 8, 2022.

1 recollection that you described him as being somewhat
2 tall and slender?

3 A. Yes.

4 Q. And that you weren't 100 percent sure but you
5 thought he was wearing gloves?

6 A. Yes.

7 MR. SIMPSON: Your Honor, at this point in time I
8 think her recollection has been refreshed.

9 THE COURT: Would you like to cross the witness at
10 this time during the proffer?

11 MR. KING: Your Honor, this is actually Ms.
12 Mangan's witness.

13 THE COURT: Oh, I'm sorry.

14 MR. KING: She's prepared for it. I made a mistake
15 and jumped up and made a leading objection. I think it
16 was just instinct; I couldn't stop myself. Can Ms.
17 Mangan still do this witness? I won't ---

18 THE COURT: --- yes, I have no problem with that.

19 MR. KING: Thank you. And I apologize, it was
20 just instinct.

21 THE COURT: Instinct yes; it's hard to undo. Ms.
22 Mangan, would you like to cross-examine the witness
23 during this proffer testimony portion?

24 MS. MANGAN: No, Your Honor.

25 THE COURT: All right. We can bring the jury back

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March 8, 2022

1 in whenever they're ready.
2 [Whereupon, the jury enters at 11:26]
3 THE COURT: I think we can proceed.
4 MR. SIMPSON: Thank you, Your Honor.
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State v Ronzell Bilah Olds
Lisa Holmes-Direct Examination by Mr. Simpson (resumes)
March 8, 2022

1 DIRECT EXAMINATION (resumes)
2 BY MR. SIMPSON:
3 Q. Ms. Holmes, did we just review the statement that
4 you gave police in 2018?
5 A. Yes.
6 Q. And thank you; I know it's been a long time so I
7 appreciate your patience with that. Were you able to at
8 that time give police a generalized description of the
9 defendant?
10 A. Yes.
11 Q. And what was that?
12 A. Basically that he had on a hoodie and a white mask
13 over his face. I pointed out to another cop that was
14 similar to his height and gave him an idea he was quite
15 slim or --
16 THE COURT REPORTER: I'm sorry.
17 THE WITNESS: Slimmer.
18 Q. [Mr. Simpson] Okay. And just to be clear his face
19 was covered when he committed this?
20 A. Yes.
21 Q. Okay. So you were unable to identify the individual
22 that robbed the store.
23 A. Yes.
24 Q. More than that, correct?
25 A. Uh Huh.

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Lisa Holmes-Direct Examination by Mr. Simpson (resumes)
March 8, 2022

1 Q. Okay. Understood.
2 MR. SIMPSON: Court's indulgence.
3 [Whereupon, Mr. Simpson and Ms. Haliena confer]
4 MR. SIMPSON: We have no further questions, Your
5 Honor. Thank you Ms. Holmes.
6 THE COURT: Okay. Ms. Mangan?
7 MS. MANGAN: Thank you, Your Honor.
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State v Ronzell Bilah Olds
Lisa Holmes-Cross-Examination by Ms. Mangan
March 8, 2022

1	CROSS-EXAMINATION
2	BY MS. MANGAN:
3	Q. Good morning Ms. Holmes, how are you?
4	A. Good morning.
5	Q. So you did not see the direction from which the
6	suspect approached the store?
7	A. No.
8	Q. Because you were on your phone?
9	A. Yes.
10	Q. And you did not see the direction that the suspect
11	fled the store?
12	A. No.
13	Q. Because you were in the back room.
14	A. Yes.
15	Q. And you testified on direct that you didn't I.D. the
16	suspect.
17	A. Yes.
18	Q. You were never asked to make an identification?
19	A. No.
20	Q. You were never shown a lineup?
21	A. No.
22	Q. And you testified on direct about the store policy
23	about if the store is ever robbed, right?
24	A. Right.
25	Q. You give the robber all the money?

State v Ronzell Bilah Olds
Lisa Holmes-Cross-Examination by Ms. Mangan
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- 1 A. I'm not sure those were her exact words but...
- 2 Q. Well, tell me what ---
- 3 A. --- maybe that's what I said to myself like that's
- 4 what I'd do. But I know definitely the 2 dollar bill was
- 5 told to me to never touch unless the store is being
- 6 robbed.
- 7 Q. Okay. But actually you didn't pull the dollar bill
- 8 that was supposed to be in that slot until the robber
- 9 asked.
- 10 A. Yeah I guess looking at the video.
- 11 Q. And no alarm went off?
- 12 A. From my understanding it was supposed to be a silent
- 13 alarm. That's what the cashier that trained me told me
- 14 but ---
- 15 Q. --- but to your knowledge no alarm went off?
- 16 A. I don't know.
- 17 Q. You didn't hear one?
- 18 A. I don't know --
- 19 MS. MANGAN: Court's indulgence.
- 20 [Whereupon, Mr. King and Ms. Mangan confer]
- 21 MS. MANGAN: No further questions.
- 22 THE COURT: Okay. Any redirect?
- 23 MR. SIMPSON: No, Your Honor.
- 24 THE COURT: All right. Any objection to this
- 25 witness being released from the State?

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1 MR. SIMPSON: No, Your Honor.

2 THE COURT: Any from the defense?

3 MS. MANGAN: No, Your Honor.

4 THE COURT: You may go about your day ma'am; free
5 to leave.

6 [Whereupon, the witness is excused and exits the
7 witness stand]

8 THE COURT: The State can call their next witness.

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State v Ronzell Bilah Olds
Thomas Bailey-Direct Examination by Mr. Simpson
March 8, 2022

1 MR. SIMPSON: The State calls Lieutenant Thomas
2 Bailey with the Charleston Police Department.

3 [Whereupon, Lieutenant Bailey comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 THE CLERK OF COURT: Please state your full name
7 for the record and spell your last name.

8 THE WITNESS: Thomas Bailey, B-A-I-L-E-Y.

9 - - - - -

10 THOMAS BAILEY,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. SIMPSON:

15 Q. Good morning Lieutenant Bailey, how are you?

16 A. Good morning; good. Thank you.

17 Q. Could you please recount for this jury a little bit
18 about your background, about your education and your work
19 history?

20 A. Sure. My name is Thomas Bailey. I graduated from
21 the Citadel in 2006. After graduating from the Citadel I
22 began working for the Charleston Police Department.

23 I've been employed with the Charleston Police
24 Department for about 16 years. I started out my law
25 enforcement career by working patrol in the downtown

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Thomas Bailey-Direct Examination by Mr. Simpson
March 8, 2022

1 area. I did that for about five years. After that I
2 applied and was accepted to work in the detective bureau
3 and I started out my career in the detective bureau
4 working in the robbery division.

5 I worked in the robbery division for about two years
6 and we investigated anything from armed robberies,
7 business robberies, street robberies, strong arm
8 robberies.

9 So I did that for about two years and after that I
10 transitioned to working in the violent crime unit where I
11 did that for about three years.

12 The violent crime unit is a detective unit that
13 investigates shootings, stabbings, homicides, aggravated
14 assaults; things of that nature.

15 I did that for three years and applied to become a
16 sergeant and was promoted to sergeant where I went back
17 out to patrol and supervised a patrol squad for about
18 five months.

19 A supervising position became available back in the
20 detective bureau. I applied for that and I went back
21 into the detective bureau where I became the robbery
22 supervisor, the robbery sergeant in the detective bureau.

23 So at the time of this incident that's where I --
24 that was my position. I was the supervisor of the
25 robbery unit. Since then, I did that for about three

State v Ronzell Bilah Olds
Thomas Bailey-Direct Examination by Mr. Simpson
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1 years. I got promoted to lieutenant which is my current
2 rank; I'm a lieutenant with the Charleston Police
3 Department.

4 And when I got promoted to lieutenant I got moved to
5 the Office of Internal Affairs which if you don't know it
6 investigates complaints for misconduct amongst internal
7 city employees, City of Charleston Police Department
8 employees.

9 So, I got promoted in March of 2020 and I've been in
10 my current position in Internal Affairs since then.

11 Q. Thank you Lieutenant. If I could, you stated this
12 but let's just recount what your role was in January of
13 2018.

14 A. So, as I stated I was the robbery supervisor in the
15 detective bureau which my job consisted of reviewing the
16 daily reports.

17 And if a robbery did occur that night before then I
18 would review that report and eventually I would assign it
19 to one of my detectives.

20 And at the time I varied between five and six
21 detectives that worked with me. And so on January 16th I
22 was the supervisor of the robbery unit and that was my
23 current position.

24 Q. And would you sometimes in being a good supervisor
25 would you sometimes yourself engage in the detective work

State v Ronzell Bilah Olds
Thomas Bailey-Direct Examination by Mr. Simpson
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1 also?

2 A. Absolutely. So initially when you have an incident
3 that occurs, a robbery that occurs, the first job is to
4 assess the case, look at all the reports, look at the
5 viable camera, review any video surveillance that is
6 available, review any of the dispatch recordings and
7 things of this nature which for this case that's what I
8 did. I reviewed it, reviewed the reports, I assigned
9 Detective Yolanda Brown.

10 I paid particular attention to certain things where
11 the incident occurred, the physical description of the
12 suspect, the description of a firearm, direction to the
13 location and the direction the suspect might have fled;
14 so all those things were done by me in this case.

15 Q. Okay. So would it be fair to say that the two main
16 detectives sort of working it were you and Detective
17 Brown?

18 A. Yes.

19 Q. Okay. So, in your role as detective and I believe
20 you mentioned this, but you became involved in a
21 particular investigation in January of 2018 is that
22 correct?

23 A. That's correct.

24 Q. And was that a robbery, an armed robbery?

25 A. It was an armed robbery to a business. The business

State v Ronzell Bilah Olds
Thomas Bailey-Direct Examination by Mr. Simpson
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1 was the Sunoco convenience store/gas station. And the
2 location of it was in West Ashley at the time 1984 Sam
3 Rittenberg Boulevard.

4 Q. And is that location in Charleston County?

5 A. It is.

6 Q. So ---

7 THE COURT: --- Mr. Simpson, I've got to stop you
8 real quick; I hate to do that. Could I have the lawyers
9 approach very briefly?

10 [Whereupon, an off the record bench conference is
11 held]

12 THE COURT: All right ladies and gentlemen we'll
13 try to make sure everybody kind of speaks up and slows
14 down a little bit. We'll mark this as the next Court's
15 exhibit. And give the court reporter one second to
16 sticker that and then we'll resume. Thank you for that.

17 [Whereupon, Court's exhibit number 5 is marked by
18 the court reporter]

19 Q. [Mr. Simpson] So Detective Bailey earlier you kind
20 of described your approach to the typical armed robbery.
21 Could you describe for the jury your approach to this
22 specific armed robbery and how your involvement began?

23 A. So, my involvement began looking at the incident
24 report, reviewing the reports that the patrol officers
25 wrote up, review the reports that the responding

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Thomas Bailey-Direct Examination by Mr. Simpson
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1 detective wrote, paying particular attention again to
2 where the incident occurred, direction of flight; just
3 physical description of the suspect. So that was the
4 initial was to do the initial assessment of the facts
5 that are known at the time.

6 Q. And through that initial assessment was a person of
7 interest developed?

8 A. Through that initial assessment a person was
9 developed through the description and where the incident
10 occurred which included Mr. Ronzell Olds.

11 Q. Okay. And where did your investigation take you
12 from there? Walk us through that. This is, if I'm
13 understanding you correctly, the morning after the
14 robbery had occurred in the early morning hours.

15 A. Correct. So it occurred after midnight on the 16th,
16 so it occurred about 1:43 on the 16th. I come into work
17 about 8 o'clock and review it.

18 After that myself and Detective Brown who had also
19 done her initial review and decided to go to the incident
20 location to talk to the manager and to view the video
21 surveillance because it had not been made available at
22 the current time.

23 Q. And did you review that store video surveillance at
24 that time?

25 A. I did.

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Thomas Bailey-Direct Examination by Mr. Simpson
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1 Q. Okay. And what were some of your sort of factual
2 takeaways pertinent to the investigation from reviewing
3 that video?

4 A. So the description that it was consistent with the
5 incident report provided but the black male, tall slender
6 build and also the location of where the suspect
7 approached the business and fled the business was in the
8 area of Orleans Road which is right near where the
9 business is. And it's near some apartments, a
10 residential area near the business.

11 Q. Okay.

12 MR. SIMPSON: Court's indulgence.

13 THE COURT: Okay.

14 Q. [Mr. Simpson] So describing this area let me show
15 you what's been --

16 [Whereupon, Mr. Simpson shows photos to Mr. King]

17 Q. This is marked for I.D. only as State's exhibit 2.

18 [Whereupon, the witness is shown exhibit]

19 Q. Take a moment to review that.

20 A. Yes, sir.

21 Q. What is that?

22 A. So this is an overhead aerial shot of the ---

23 Q. --- and if you could just look at it yourself at
24 this time.

25 A. It is an aerial shot of the general area where the

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1 incident occurred.

2 Q. Okay. And another two locations are premarked on
3 that overhead now.

4 A. Yes, sir.

5 Q. What are those locations?

6 A. One is the incident location, Sunoco gas station,
7 and the second one is Orleans Garden Apartments, which is
8 in that general area.

9 Q. And that's the residential areas you were describing
10 in your testimony just now?

11 A. Yes, sir.

12 MR. SIMPSON: Your Honor, at this point in time the
13 State would seek to admit State's exhibit 2 and publish.

14 THE COURT: Any objection?

15 MR. KING: No objection.

16 THE COURT: Without objection State's exhibit 2
17 will be admitted and published.

18 [Whereupon, State's exhibit number 2 is entered into
19 evidence by the Court]

20 [Whereupon, State's exhibit 2 is published]

21 Q. [Mr. Simpson] If you could just sort of give us a
22 lay down of this area and these points of interest that
23 we can see on State's exhibit 2?

24 A. Okay. This [indicates] is Sam Rittenberg Boulevard.
25 The incident location is right here [indicates], 1984 Sam

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1 Rittenberg Boulevard. This [indicates] is Orleans Road
2 that connects with Sam Rittenberg Boulevard. This
3 [indicates] is Citadel Mall just for a reference point.
4 This is Citadel Mall over here [indicates].

5 So this [indicates] is Orleans Road, shopping center
6 right here [indicates], there is a road that runs right
7 here [indicates] that is called Hazelwood Drive and that
8 is the connecting area to where these apartments are
9 which is the Orleans Garden Apartments up here
10 [indicates]. It's like three different parking lots but
11 it encompasses all that.

12 Q. Okay. Now reviewing again State's exhibit 10.

13 [Whereupon, the video clip plays with questions from
14 Mr. Simpson]

15 Q. You said you had reviewed the video from the store
16 surveillance?

17 A. Yes, sir.

18 [Whereupon, the video clip pauses]

19 Q. We've got it paused here. Is this the Sunoco video
20 you were referencing?

21 A. Yes, sir.

22 Q. And you noted a direction, right, the suspect
23 arrived from and fled in?

24 A. Yes, sir.

25 MR. SIMPSON: Playing State's exhibit 10 camera 5

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1 view.

2 [Whereupon, the video clip plays]

3 Q. Q. Does this show you partially what we're talking
4 about there?

5 A. Yes, sir.

6 Q. Using my right and left did it appear, can you
7 describe where it appears the suspect is approaching
8 from?

9 A. Sure. So we're looking from obviously inside the
10 business out. So straight out would be Sam Rittenberg
11 Boulevard. And to y'all's right would be it connecting to
12 Orleans Road. So this is coming from the area of Orleans
13 Road.

14 Q. Okay. And not to waste the jury's time we see him
15 coming from that direction. Does he also leave on the
16 video.

17 A. Yes, sir ---

18 Q. --- in that direction ---

19 A. --- going afterwards going towards Orleans Road.

20 Q. And is that confirmed by this and other camera views
21 from State's exhibit 10?

22 A. Yes, sir.

23 Q. And not to belabor the point too much but if you
24 could on State's exhibit 2 could you just kind of
25 describe what you were just describing on State's exhibit

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1 10?

2 A. So again you got the overhead bay that's over the
3 pumps. That's this [indicates] but the store is back
4 here [indicates].

5 And as you saw the suspect approach it was coming
6 from your right side, this Orleans Road side. So coming
7 from this way [indicates] coming and going.

8 Q. Any other sort of notable observations from the
9 video surveillance that you found relevant to your
10 investigation?

11 A. Again the physical description, which was tall,
12 slender, the clothing description that is in the video
13 surveillance.

14 Q. Did you observe or make any observations regarding
15 what hand the ---

16 A. --- I did. So when the suspect enters the store he
17 has his hand in his right pocket. When he removes his
18 hand from his right pocket he is holding a firearm.

19 He immediately transitions or moves the firearm from
20 his right hand to his left hand where it is held for the
21 remainder, for the duration of the armed robbery.

22 Q. And do you have any specific experience with
23 firearms as a law enforcement officer?

24 A. I do. I was on the SWAT team. We qualified every
25 year per the standards. I was also on the SWAT team for

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1 six or seven years so I do have experience with firearms,
2 handguns. And based on my experience and training a
3 firearm is ---

4 MR. KING: --- objection, Your Honor. I believe
5 this is expert testimony.

6 THE COURT: All right. Let me have y'all approach
7 real quick.

8 [Whereupon, an on-the-record bench conference is
9 held as follows:

10 THE COURT: Where are you going with this?

11 MR. SIMPSON: I don't think it's any different than
12 asking does a right handed person usually write with
13 their right hand. He's just going to say ---

14 THE COURT: --- I just didn't know where you're
15 going with ---

16 MR. SIMPSON: --- that's it; that he seemed left
17 hand dominant.

18 THE COURT: Does he appear to -- I mean I don't
19 think it requires an expert opinion. I think you already
20 established he put it in his left hand. You could just
21 ask him in his experience what he does but I don't think
22 you can -- make it like an opinion, like a generalized
23 opinion.

24 MR. SIMPSON: Okay.

25 [Whereupon, the on-the-record bench conference

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1 concludes]

2 Q. [Mr. Simpson] Detective Bailey are you right handed
3 or left handed?

4 A. I am right handed.

5 Q. And what hand do you hold a gun in?

6 A. I hold a gun in my right hand.

7 Q. Okay. And did your observations of the store video
8 at least suggest to you a characteristic of the person
9 that was...

10 A. It suggested that the person appeared to be left
11 handed as he held the firearm in his hand during the
12 duration of the robbery in his left hand.

13 Q. Did you collect in your investigation the store
14 video we've been watching that was collected by you?

15 A. I did. Later on I came back to the store, later on
16 I came back as it was downloaded and collected the
17 downloaded product of the surveillance.

18 Q. And where did your investigation -- oh, and did
19 Detective Brown accompany you to the store?

20 A. She did. She was with me.

21 Q. And where did y'all's investigation go from there?

22 A. So from there we went to 1900 Hazelwood Drive,
23 Apartment I-1, which is the apartment belonging to Deonna
24 Greene.

25 Q. Okay. If you could on State's exhibit 2 still there

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1 behind you is that apartment location in the general
2 sense depicted on that overhead map?

3 A. It is. So, it's a little further away, but this
4 [indicates] is 1900 Hazelwood Drive, all these
5 apartments. But apartment I ---

6 Q. --- that's sufficient. Is the second marker there
7 [indicates] does that depict the apartment complex?

8 A. It depicts the apartment complex.

9 Q. Okay.

10 MR. SIMPSON: May I approach, Your Honor?

11 THE COURT: Yes.

12 Q. [Mr. Simpson] I'm showing you what has been marked
13 for I.D. only at this time as State's exhibit 3. Can you
14 take a moment to review that?

15 [Whereupon, the witness is shown exhibit]

16 A. Okay.

17 Q. And what is that?

18 A. This is an overhead aerial shot of the apartment
19 complex Orleans Garden 1900 Hazelwood Drive.

20 Q. Is that the apartment complex that you just
21 indicated the location of in State's exhibit 2?

22 A. It is.

23 MR. SIMPSON: Your Honor, at this point in time --

24 Q. Is that a fair and accurate -- you've been out
25 there, right?

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1 A. I have.

2 Q. Is that a fair and accurate depiction of the
3 apartment complex?

4 A. It is.

5 MR. SIMPSON: Your Honor, at this time I would seek
6 to admit State's exhibit 3 and publish?

7 THE COURT: Any objection to State's exhibit 3?

8 MR. KING: No, Your Honor.

9 THE COURT: Without objection it will be admitted
10 and published.

11 [Whereupon, State's exhibit number 3 is entered into
12 evidence by the Court]

13 [Whereupon, State's exhibit 3 is published]

14 Q. [Mr. Simpson] Detective Bailey, you mentioned that
15 he went from the Sunoco to a specific apartment?

16 A. Yes, sir.

17 Q. Is that is -- and that was the apartment 1900 I-1?

18 A. Correct.

19 Q. And who does that apartment belong to?

20 A. Deonna Greene.

21 Q. Okay. And where is that apartment located in
22 State's exhibit 3?

23 A. So that apartment is located on the bottom floor
24 here [indicates]. So you go in there [indicates] and
25 it's over here [indicates].

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1 Q. Okay. Is it generally easy to walk, I know you
2 probably weren't walking that day, but could one walk
3 from the Sunoco gas station to the apartment?

4 A. Absolutely.

5 Q. Approximately, I'm not asking for specifics, what
6 kind of distance are we talking about there?

7 A. A quarter of a mile maybe.

8 Q. Okay.

9 A. One lap around a track for reference.

10 Q. You had stated earlier that there was a person of
11 interest developed. Who was that?

12 A. That was Mr. Ronzell Olds.

13 Q. Okay. So why are you, why in the course of your
14 investigation did you travel to an apartment of a person
15 named Deonna Greene?

16 A. Because this was a known location for Ronzell Olds.

17 Q. Okay. Was anyone home when you got to Deonna
18 Greene's apartment?

19 A. Ms. Deonna Greene was home. She was exiting the
20 apartment as we got there.

21 Q. Okay. To be clear you didn't have a search warrant
22 or an arrest warrant or anything like that, right?

23 A. No. We really wanted to talk to Ronzell or Deonna.

24 Q. Okay. You said she was leaving her apartment as you
25 arrived?

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1 A. Yes, sir.

2 Q. Did she agree to talk to you?

3 A. She did.

4 Q. Was she friendly?

5 A. She was.

6 Q. Did you have to get confrontational at all with her?

7 A. No, I was very conversational and non-
8 confrontational.

9 MR. KING: I object at this point in the
10 confrontation clause.

11 THE COURT: Do we need to talk about this outside
12 the jury's presence?

13 MR. KING: Can we approach?

14 THE COURT: Sure.

15 [Whereupon, an on-the-record bench conference is
16 held as follows:

17 MR. SIMPSON: I'll note as an introductory pattern
18 Deonna Greene just wasn't available despite our best
19 efforts to find her.

20 THE COURT: Oh, that's why.

21 MR. KING: Right. But he's getting in information
22 that I can't cross-examine Ms. Greene about.

23 MR. SIMPSON: I will not be eliciting any
24 statements but I think her demeanor is his observation.

25 THE COURT: Okay. I assume you just to keep from

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1 coming up here again are you going to ask him I mean at
2 some point did she give him some money or something?

3 MR. SIMPSON: My next question is did you determine
4 some items there were relevant to your investigation?
5 Did you take the money?

6 THE COURT: Obviously anything she said is off
7 limits. I think he's allowed -- I mean I don't think
8 anything bars him from his interactions with this person
9 and observations just because she's not available but
10 certainly nothing she said that would be off-limits
11 because you can't cross her on that.

12 MR. KING: But non-verbal contact and non-verbal
13 conduct can also be an assertion so any kind of ---

14 MR. SIMPSON: --- nothing like that, no.

15 THE COURT: Okay. Thank you for bringing that to
16 my attention.

17 [Whereupon, the on-the-record bench conference
18 concludes]

19 THE COURT: Thank y'all for so much for bringing
20 that to my attention. I think we can now resume.

21 Q. [Mr. Simpson] So were any items identified at this
22 location where you are at the apartment of Deonna, that
23 you determined were at least worth some further
24 investigation on your part.

25 A. There was. Deonna had some cash on her that we

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1 wanted to see if it was connected to the robbery that
2 occurred earlier in the morning.

3 MR. SIMPSON: Your Honor, my apologies but I would
4 like to approach again.

5 THE COURT: Sure. No problem.

6 [Whereupon, an on-the-record bench conference is
7 held as follows:

8 MR. SIMPSON: And I apologize. My final question I
9 thought was better that we discussed before I just threw
10 it out there without going through it.

11 THE COURT: Okay.

12 MR. SIMPSON: I think the fact that they obtained
13 consent, in other words we're legally allowed to take it
14 is a legal act. It's not subject to the hearsay
15 exception. Maybe I can phrase it you know...

16 THE COURT: Did she just not give it to them?

17 MR. SIMPSON: They said can we take this and check
18 and we'll give it back to you if it's not related to the
19 robbery and she said yes. But I was not going to say any
20 words ---

21 THE COURT: --- right ---

22 MR. SIMPSON: --- I was just going to say in words.
23 I was just going to say or perhaps I could phrase it as
24 did you lawfully obtain that cash.

25 THE COURT: I'd just say did you receive it maybe.

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1 Did you receive cash as a result of your interaction with
2 her.

3 MR. SIMPSON: Okay.

4 THE COURT: Just do it that way.

5 MR. SIMPSON: Thank you, Your Honor.

6 [Whereupon, the on-the-record bench conference
7 concludes]

8 Q. [Mr. Simpson] Officer Bailey, did you receive cash
9 as a result of your interactions with Ms. Greene?

10 A. I did.

11 Q. Okay. And was that cash collected?

12 A. It was. It was collected by our crime scene
13 technician Ashley -- I have a hard time pronouncing her
14 last name so forgive me -- Wojslawowicz. We call her
15 Wojo.

16 Q. But you were in your role in this investigation you
17 were aware that that was seized?

18 A. Yes, sir.

19 Q. Okay. Now earlier you stated that you did collect a
20 video from the Sunoco, right?

21 A. Yes.

22 Q. But you had to return later to get it.

23 A. Correct.

24 Q. When did that occur?

25 A. Right after we left Deonna's apartment.

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1 Q. Okay. And as you returned to the Sunoco did you
2 learn of some business practices that Sunoco follows
3 regarding the cash?

4 A. I did. I learned that they, that the business ---

5 MR. KING: --- objection, it's hearsay or based on
6 hearsay.

7 THE COURT: Overruled at this point. Go ahead.

8 A. I learned that the business keeps a designated slot
9 and in the cash till in the cash register that serves two
10 functions; one being if anything that's placed in that
11 slot is removed it activates a silent alarm and the
12 second being that they essentially mark, have marked
13 bills in there where they track the serial numbers at
14 their corporate level.

15 Q. [Mr. Simpson] And once back at your office with this
16 information, and you had previously testified you had
17 knowledge that this amount of cash had been collected,
18 once back at your office what did you do?

19 A. Well, I called, I called the crime scene technician
20 to inquire about the money that she had collected. And
21 then I called the corporate it's called Sunoco Central
22 Monitoring Facility to inquire about the serial numbers
23 that they maintain for each individual store.

24 So I called them to obtain the serial numbers that
25 they kept for 1994 Sam Rittenberg Boulevard.

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1 MR. SIMPSON: Your Honor, may I approach?

2 THE COURT: Yes.

3 Q. [Mr. Simpson] Detective Bailey, without addressing
4 the substance I'm going to show you what has been marked
5 for I.D. only as State's exhibit 9.

6 [Whereupon, the witness is shown exhibit]

7 Q. Do you recognize that exhibit?

8 A. I do.

9 Q. And what is that without addressing anything it says
10 what is that?

11 A. It's a business record from Sunoco Central
12 Monitoring Facility.

13 Q. To whom?

14 A. To me.

15 Q. And was that in response to an email from you?

16 A. That is -- yes ---

17 Q. --- communications from you?

18 A. Yes.

19 Q. You had just testified that you contacted the CMF?

20 A. Correct.

21 Q. And you were requesting some information?

22 A. Correct.

23 Q. Is that the response you received from them?

24 A. It is.

25 Q. And what time did you receive that?

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1 A. I received this at 2:48 p.m.

2 Q. On what date?

3 A. On January 16, 2018.

4 Q. And your intention there was to obtain the serial
5 number that was attached to the bill you described at the
6 Sunoco?

7 A. Correct.

8 MR. SIMPSON: Your Honor, I hate to do it again but
9 may we approach?

10 THE COURT: Sure.

11 [Whereupon, an on-the-record bench conference is
12 held as follows:

13 MR. SIMPSON: I'm approaching for Jason because I'm
14 about to admit this evidence.

15 THE COURT: Is it the email?

16 MR. SIMPSON: It's the email.

17 THE COURT: Can I see it real quick?

18 MR. SIMPSON: Yes.

19 [Whereupon, the Court reviews the document]

20 MR. SIMPSON: If not admitted would certainly seek
21 to admit the information regarding the first bill there.

22 THE COURT: I'm happy to hear from you if there is
23 anything in addition to what you've already told me
24 earlier? I don't think this in and of itself is really
25 not -- I think what's relevant is the information he got

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1 from it so probably will allow his testimony as to the
2 document. I'm not going to, I don't want the actual copy
3 of an email that this guy can't authenticate in and of
4 itself. But I have no problem with him talking about it.

5 MR. KING: Okay.

6 THE COURT: Okay.

7 [Whereupon, the on-the-record bench conference
8 concludes]

9 THE COURT: All right. Pursuant to the arguments
10 of counsel regarding State's exhibit 9 previously heard
11 by the Court, the Court has made its ruling at the bench
12 and I believe the attorneys understand the Court's
13 ruling. Okay.

14 MR. SIMPSON: Thank you, Your Honor.

15 MR. KING: Could I just place the objection ---

16 THE COURT: --- objection renewed.

17 MR. KING: Authentication, hearsay, the elements of
18 803(6) not satisfied, not a qualified witness, and this
19 record was not made at or near the time by personal
20 knowledge.

21 THE COURT: Correct. And the objection is
22 sustained however I'll allow the witness to testify to
23 his knowledge of the contents of the document. Go ahead.

24 MR. SIMPSON: Thank you, Your Honor.

25 Q. [Mr. Simpson] Detective Bailey, your purpose in this

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1 exchange of information between Sunoco's corporate office
2 and yourself was to obtain what?

3 A. The serial numbers for the tracked bills at the
4 location of the incident location.

5 Q. Okay. And were you interested in any certain bills
6 in particular?

7 A. I was. I learned that one of the bills that Ashley
8 Wojo collected from our crime scene was a 2 dollar bill
9 so I was interested in that.

10 Q. She collected from Deonna correct?

11 A. Correct.

12 Q. Okay. And you said it was a 2 dollar bill?

13 A. Correct.

14 Q. Was there a 2 dollar bill associated with the Sunoco
15 store?

16 A. There was.

17 Q. And were you able to at least according to Sunoco
18 collect the serial number for that 2 dollar bill?

19 A. I was.

20 Q. And what was that serial number?

21 MR. KING: I need to just renew my objection, Your
22 Honor.

23 THE COURT: Renewed. I'll allow him to testify to
24 his information obtained during the course of the
25 investigation. Go ahead. He can now answer.

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1 A. Is your question what was the serial number of the
2 bill?

3 Q. [Mr. Simpson] What was the serial number provided to
4 you by Sunoco?

5 A. Okay. So the serial number provided was F27435261B
6 as in boy.

7 THE COURT REPORTER: What was the last letter?

8 THE WITNESS: B as in boy.

9 Q. [Mr. Simpson] I don't want to offend you but it's
10 one of the questions. You didn't provide that to Sunoco
11 and ask them to confirm it, right? You just said give me
12 the number?

13 A. Correct.

14 Q. Okay. So there was no -- and nowhere in State's
15 exhibit 9 for I.D. only you said do you first give them
16 any sorts of series of serial numbers, right?

17 A. I do not.

18 Q. Okay. But did you know what the serial number was
19 for the 2 dollar bill that had been collected from Deonna
20 Greene?

21 A. I did.

22 Q. And what was the serial number that had been
23 collected from Deonna Greene?

24 A. F27435261B as in boy.

25 Q. Okay. And so at the time -- approximate the time

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1 from when the robbery occurs to when the money is
2 located.

3 A. So the robbery occurred at 1:43 in the morning. We
4 were at Deonna's apartment a little after 11 o'clock so
5 we're talking ten hours.

6 Q. So you're located at least in your investigation you
7 located a bill from the robbery ten hours later at the
8 location you've already testified to.

9 A. Yes, sir.

10 Q. Later that day did you have occasion to participate
11 in the interview with Ronzell Olds?

12 A. I did. I learned his participation in it.

13 Q. Okay. Who led that interview with Mr. Olds?

14 A. Detective Yolanda Brown the case agent.

15 Q. In fact, were you in the room for most of it?

16 A. I was not.

17 Q. Were you in the room for some of it?

18 A. I was.

19 Q. Okay. And we'll get into the details of that with
20 Detective Brown. But during the course of this interview
21 did he admit that he robbed the Sunoco?

22 MR. KING: Objection, Your Honor, based on my
23 objection I made at the Denno motion.

24 THE COURT: Objection renewed. My ruling remains
25 overruled. Go ahead. You can answer the question.

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- 1 A. Okay. Yes, he did.
- 2 Q. [Mr. Simpson] Did he admit in that interview that he
3 had spent the night of the robbery at Deonna's house?
- 4 A. Yes, he did.
- 5 Q. Did he admit that he had left her cash for her at
6 her apartment the night before?
- 7 A. Yes, he did.
- 8 Q. And where was the location of this interview?
- 9 A. At our police headquarters, 180 Lockwood Boulevard,
10 downtown.
- 11 Q. And on what day did that interview take place?
- 12 A. January 16, 2018.
- 13 Q. So, robbery, Deonna's house, interview; this is all
14 occurring throughout one 24 hour period?
- 15 A. It is.
- 16 Q. And about how long did that interview take?
- 17 A. Roughly three hours with a couple of breaks, a
18 cigarette break.
- 19 Q. So that had not been a continuous three hours but
20 from beginning to end?
- 21 A. Yes, sir.
- 22 Q. Okay. Were Mr. Olds clothing seized at that
23 location?
- 24 A. They were.
- 25 Q. And did you collect those items?

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1 A. I did.

2 Q. Okay.

3 MR. SIMPSON: Court's indulgence, Your Honor.

4 [Whereupon, Mr. Simpson and Ms. Haliena confer]

5 MR. SIMPSON: May I approach the court reporter,
6 Your Honor?

7 THE COURT: Yes.

8 [Whereupon, State's exhibit numbers 21 and 23 are
9 marked by the court reporter]

10 Q. [Mr. Simpson] Detective Bailey I'm going to ask you
11 to look first at State's exhibit 21.

12 [Whereupon, the witness is shown exhibit]

13 Q. And at this point in our presentation I'm only
14 asking that you look at that exhibit with the detail you
15 need to be confident in what bag contains.

16 I'm not asking really to present anything at this
17 point. I'll start by asking you to look at the markings
18 on the exterior there [indicates].

19 A. I recognize it.

20 Q. Okay. And what do those indicate they are?

21 A. It's the case number, evidence and bag number and my
22 initials.

23 Q. Okay. Does that indicate to you that you collected
24 those items?

25 A. Yes, sir.

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1 Q. Okay. If you could does the labeling alone tell you
2 what's inside or do you need to take a look at that?

3 A. I need to look inside.

4 [Whereupon, the witness views exhibit]

5 A. Okay.

6 Q. And it is various items worn by the defendant on the
7 day of his interview?

8 A. They were.

9 Q. And collected by you?

10 A. They were.

11 MR. SIMPSON: Your Honor, at this time the State
12 would seek to admit State's exhibit 21 into evidence.

13 THE COURT: 21?

14 MR. SIMPSON: Yes, Your Honor.

15 THE COURT: Any objection to 21?

16 MR. KING: No, Your Honor.

17 THE COURT: Without objection State's exhibit 21
18 will be admitted.

19 [Whereupon, State's exhibit number 21 is entered
20 into evidence by the Court]

21 Q. [Mr. Simpson] I hand you what is marked for I.D.
22 only as State's exhibit 23. And I'll ask you to do the
23 same thing; review the marking, the items in the bag.

24 A. Same markings on this bag. The case number, the bag
25 and item number and my initials.

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1 MR. SIMPSON: And Your Honor at this point in time
2 the State would similarly move for State's exhibit 23 to
3 be entered into evidence.

4 THE COURT: Any objection to 23?

5 MR. KING: No objection, Your Honor.

6 THE COURT: All right. Without objection it will
7 be admitted.

8 [Whereupon, State's exhibit number 23 is entered
9 into evidence by the Court]

10 Q. [Mr. Simpson] Any additional, following the
11 interview with Mr. Olds any additional follow-up that you
12 did?

13 A. I believe on the 19th I reviewed some video
14 surveillance from a convenience store in the area.

15 Q. Okay. And what convenience store was that?

16 A. It's called Saints Market.

17 MR. SIMPSON: May I approach, Your Honor?

18 THE COURT: Sure.

19 Q. [Mr. Simpson] I'm showing you again what has been
20 marked and entered as State's exhibit 2.

21 [Whereupon, the exhibit is published]

22 Q. If you could, indicate to the jury where is Saints
23 Market?

24 A. So, Saints Market is right here [indicates]. It's
25 that little building right down there [indicates] that is

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1 just past that brown one.

2 Q. Okay. And what was your intent in looking at video
3 from Saints Market?

4 A. So to travel back to Orleans Garden Apartments this
5 would be the most direct route to get back there.

6 Q. So if you were wanting to know if the suspect
7 travelled directly from Sunoco to the apartment complex
8 containing Deonna Greene's apartment this would be a
9 location that might show that?

10 A. It is.

11 MR. SIMPSON: May I approach the witness, Your
12 Honor?

13 THE COURT: Yes.

14 Q. [Mr. Simpson] I'm showing you what has been marked
15 for I.D. only as State's exhibit 13.

16 [Whereupon, the witness is shown exhibit]

17 A. Okay.

18 Q. And what is that?

19 A. This is the video footage from Saints Market.

20 Q. And did you review that at the appropriate time?

21 A. I did.

22 Q. And relative to your investigation what did that
23 video reveal?

24 MR. KING: Objection, Your Honor. This video is
25 not authenticated by Saints Market. I don't think

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1 Detective Bailey can authenticate it.

2 MR. SIMPSON: I'll ask some further questions.

3 THE COURT: Okay.

4 Q. [Mr. Simpson] When you travelled to Saints Market
5 you spoke with employees?

6 A. Yes.

7 Q. Did you learn and observe a video surveillance
8 equipment?

9 A. I did. I believe that I reviewed this video but I
10 believe Detective Brown collected this video.

11 Q. Okay. In your review of the video did it appear to
12 you with your familiarity of the Saints Market and its
13 location and the various area surrounding the location is
14 that video a fair and accurate depiction of the areas
15 around Saint Martins -- of the Saints Market.

16 A. Yes, it is.

17 Q. Okay. And after the video was collected and you
18 said you believe Detective Brown did that did you review
19 the actual footage?

20 A. I did review it.

21 Q. And did that footage appear to you with your
22 familiarity with this location to be a fair and accurate
23 depiction of that location?

24 A. It is.

25 Q. Okay. And did you observe anything on that video

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1 relevant to your investigation?

2 THE COURT: I've got to make a ruling now. I say
3 sustained. Thank you.

4 MR. SIMPSON: I would like to -- in respect with
5 the Court's ruling just ask one further question.

6 Q. [Mr. Simpson] Did you make any observations at the
7 time on the videos that they had at Saints Market verses
8 real time when you were there?

9 A. Right. The video surveillance is one hour ahead of
10 real time.

11 Q. And you observed that in live time, is that correct?

12 A. Right.

13 Q. Is that just an assumption you made later?

14 A. No.

15 Q. You noted that their video surveillance clock was
16 one hour ahead?

17 A. Right.

18 Q. Did your investigation continue on January the 22nd,
19 2018?

20 A. It did.

21 Q. And in what manner?

22 A. On January 22nd I drafted a search warrant for the
23 jail recordings for Ronzell at Charleston County jail.

24 Q. Through your experience in law enforcement could you
25 explain a little to the jury about how the phone system

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1 works at the jail and what would lead you to want to do
2 that search warrant.

3 A. Sure. So the jail phones at Charleston County jail
4 are set up where inmates can use them to call family
5 members, friends and the jail phones are recorded at the
6 jail.

7 And it tells you when you are -- before you make a
8 call while the call is going in the beginning stages of
9 it that this call is being recorded.

10 Q. So, you know as an investigator that via a search
11 warrant you could obtain audio recordings associated with
12 an inmate?

13 A. Yes.

14 [Whereupon, State's exhibit number 24 is marked by
15 the court reporter]

16 Q. Detective Bailey -- Sergeant Bailey I'm handing you
17 what has been marked for I.D. only as State's exhibit 24.

18 [Whereupon, the witness is shown exhibit]

19 A. Okay.

20 Q. And do you recognize for I.D. only what that
21 document is?

22 A. I do.

23 Q. And what is that?

24 A. This is the search warrant for the jail phone call
25 recordings for Ronzell Olds.

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1 Q. Thank you. Lieutenant Bailey I want to backtrack
2 for a moment because I need to get some further
3 questioning on this matter I want to go back to the
4 interview of Ronzell Olds.

5 A. Okay.

6 Q. Again, most of that interview was conducted by whom?

7 A. Detective Brown.

8 Q. Okay. Was there a moment where Detective Brown left
9 the interview?

10 A. There was.

11 Q. And did you enter the interview room?

12 A. I did.

13 Q. Okay. And what occurred to the best of your
14 recollection when you entered the interview room?

15 A. So I spoke to Mr. Olds for a brief time period. At
16 some point I served him the actual arrest warrant ---

17 Q. --- let me back up a little bit. When you said you
18 spoke to him for a brief period of time do you recall
19 testifying in a pretrial hearing about this ---

20 A. --- I do.

21 Q. What was your sort of purpose in going in there and
22 speaking to him at that time?

23 A. So at that time I wanted to show him documents to
24 show that the information that he was talking about with
25 Detective Brown for a large amount of time that she

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1 wasn't making anything up.

2 Q. Okay. So Detective Brown had been conducting this
3 interview for a while?

4 A. Yes.

5 Q. And we can ask her about that but at the time you
6 went in is it fair to say you're at a point where you're
7 sort of confronting Mr. Olds with the evidence against
8 him?

9 A. Yes, sir.

10 Q. And you went in and did you sort of lay out your
11 case so far with him?

12 A. I did.

13 Q. Okay. Now, did he make indications to you at that
14 point in time ---

15 MR. KING: --- objection. Can we approach?

16 THE COURT: Yes.

17 [Whereupon, an on-the-record bench conference is
18 held as follows:

19 THE COURT: You don't have to be super loud. Go
20 ahead.

21 MR. KING: My fear is there is an implication that
22 there might be some evidence out there that is not before
23 the jury that he's guilty. They're implying that there
24 is evidence out there. The jury doesn't know what that
25 is and they could think there could be some other

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1 evidence than what has come in the courtroom this week.

2 THE COURT: Okay. So maybe be more specific in
3 your questions with exactly what it was.

4 MR. SIMPSON: Sure.

5 THE COURT: Does that remedy what your concern is
6 or am I not understanding?

7 MR. KING: Only if it is something that has
8 specifically already entered into evidence.

9 MR. SIMPSON: I'll make clear that there is nothing
10 I have said that we're not going to hear about; just to
11 remove that doubt.

12 MR. KING: Okay.

13 THE COURT: Thank you for that. I appreciate it.

14 [Whereupon, the on-the-record bench conference
15 concludes]

16 Q. [Mr. Simpson] Detective Bailey just by way of
17 clarification you stated you were going in there to sort
18 of lay out the evidence against Ronzell Olds, right?

19 A. Yes, sir.

20 Q. Just so the jury completely understands there is no
21 piece of evidence you were in there to present to him
22 that we aren't going to hear about during this case,
23 right?

24 A. Correct.

25 Q. Okay. So we're not trying to imply that there is

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1 something else out there, right?

2 A. I'm not.

3 Q. And in fact these interviews are recorded, right?

4 A. They are.

5 Q. And was there anything of substance related to this

6 case, I know there were some breaks and some smoke breaks

7 but anything substantive to this case that took case that

8 is not fully recorded and available to us to watch right

9 now, right?

10 A. No.

11 Q. Okay. And it's your understanding at the time you

12 were speaking to Mr. Olds that he had already waived

13 Miranda and you were proceeding with a voluntary

14 interview, correct?

15 A. Yes, sir.

16 Q. Okay. Did there come a point in the interview, and

17 we're talking about the portion obviously that either

18 you're in there alone or you're in there with Detective

19 Brown where Ronzell says something to the effect of you

20 know I just want to go lay down for a while let me think

21 about this?

22 A. He did.

23 Q. Okay. And how did you respond to that?

24 A. I said okay. On one time when he said it I said I'm

25 not going to deny you that. At one point I said if you

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1 want to go to the jail that's fine but I wanted to
2 provide him the opportunity here at the present time to
3 speak about the incident that we were talking about.

4 Q. Okay. And is that, obviously it's not a direct
5 quote but it was a pretty accurate review at least at
6 that point in time what you said to him?

7 A. Yes, sir.

8 Q. Now did you also make it clear to him that you
9 preferred he speak that day, right?

10 A. Sure.

11 Q. And that's the idea of a police interrogation,
12 right?

13 A. It is.

14 Q. Okay. But in response to his assertions that he
15 wanted to go, he wanted to go think about what he wanted
16 to do you said I'm not going to deny you that we can do
17 that.

18 A. Yes, sir.

19 Q. Did you explain to him two things that you wanted to
20 take care of before you were going to take him to jail?

21 A. I did. We explained that we had to serve him the
22 arrest warrants that were active and that we had to take
23 his clothes.

24 Q. Okay. And was it this process that he kept asking
25 you questions?

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1 A. Yes, he did.

2 Q. And did he keep discussing things with Detective
3 Brown?

4 A. He did.

5 Q. And it was after this time in the discussions with
6 Detective Brown is it your understanding that he
7 ultimately confessed to this crime?

8 A. Yes, sir.

9 Q. Okay. And to be clear he had made admissions
10 previously, is that right?

11 A. Yes.

12 Q. That he had stayed with Deonna?

13 A. Correct.

14 Q. That he had left her the money.

15 A. Correct.

16 MR. SIMPSON: Court's indulgence.

17 [Whereupon, Mr. Simpson and Ms. Hallena confer]

18 MR. SIMPSON: No further questions at this time,
19 Your Honor.

20 THE COURT: All right. Your witness.

21 MR. KING: Thank you.

22

23

24

25

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1 CROSS-EXAMINATION

2 BY MR. KING:

3 Q. Detective Bailey, you said that you had learned some
4 information about that 2 dollar bill at the Sunoco; you
5 testified about that right?

6 A. Yes, sir.

7 Q. And as part of that didn't you learn that the 2
8 dollar bill was in the far left till? It was kept in the
9 far left till, is that your understanding?

10 A. I don't believe so.

11 Q. Do you remember writing a report in this case?

12 A. I do.

13 Q. You wrote that around and says dated 1/17/2018?

14 [Whereupon, the witness reviews document]

15 A. Which one is that sir?

16 Q. Do you have a copy of your police report?

17 A. Yes, sir.

18 Q. This would be the one at the top that is dated
19 1/17/2018. At the bottom there are a few asterisks.

20 [Whereupon, the witness reviews document]

21 A. Yes, sir. I think I'm on the same one.

22 Q. So in that report you put the 2 dollar bill is in
23 the far left slot of the cash to the right?

24 [Whereupon, the witness reviews document]

25 A. Yes, sir.

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1 Q. And you also learned that the alarm didn't go off
2 that night, right?
3 A. Correct.
4 Q. Because when the dollar bill was removed the alarm
5 was supposed to go off.
6 A. I was told that the alarm didn't go ---
7 Q. --- who were you talking to in this situation?
8 A. I was talking to the manager --
9 THE COURT REPORTER: To who?
10 Q. [Mr. King] Do you know his name?
11 THE COURT REPORTER: I just didn't hear what you
12 said. You were talking to?
13 A. His name is Tom.
14 Q. [Mr. King] And do you know where he is now?
15 A. I believe he is deceased.
16 Q. Okay. So I wouldn't be able to ask him any
17 questions about what you're about to say about what he
18 said?
19 A. No, sir.
20 MR. KING: So I would object to him talking about
21 what Mr. Cullum [phonetic] said, Your Honor.
22 THE COURT: Sure. Sustained. So maybe you can
23 just refrain from any direct remarks that were made to
24 you by the manager Detective, okay? All right.
25 Q. [Mr. King] You talked about going to Deonna's house,

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- 1 right?
- 2 A. Yes, sir.
- 3 Q. You went there. Ronzell is not there?
- 4 A. No, he's not.
- 5 Q. Y'all took the money out of Deonna's purse, right?
- 6 A. Yes, sir.
- 7 Q. I think there is a photo that is actually inside of
- 8 her purse?
- 9 A. Yes, sir.
- 10 Q. And then you left, right?
- 11 A. Yes, sir.
- 12 Q. You left her there by herself?
- 13 A. Yes, sir.
- 14 Q. You didn't take her in?
- 15 A. No, sir.
- 16 Q. And she called Ronzell right after that, are you
- 17 aware of that?
- 18 A. I believe I learned that after the fact during at
- 19 some point during the interview process with Mr. Olds.
- 20 Q. Y'all didn't really want her to do that right?
- 21 A. No, sir.
- 22 Q. Okay. So when Ronzell is in that interview he
- 23 already knows everything about you going to Deonna's
- 24 house, right, and what happened?
- 25 A. He does.

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1 Q. Did you was the 2 dollar bill or any of the other
2 money submitted for fingerprints?

3 A. I believe so. I believe -- you'd have to ask the
4 crime scene technician. I think she would have that in
5 her report when she submitted that evidence.

6 Q. But as far as you know Ronzell's prints were never
7 found on that 2 dollar bill?

8 A. Not that I'm aware of.

9 Q. Regarding the robbery you mentioned this person
10 having the gun in their left hand.

11 A. Yes, sir.

12 Q. But they do appear to take it out with their right
13 hand and put it in the left, right?

14 A. Yes.

15 Q. And you're trained to shoot a firearm, right?

16 A. I am.

17 Q. I imagine Police Academy and you probably have to
18 periodically practice and train on how to operate a
19 firearm, right?

20 A. Yes, sir.

21 Q. We have no idea if this person has been trained on a
22 firearm, right?

23 A. I can't answer that.

24 Q. Right. We don't know; we just don't know. And that
25 person does use their right hand to gesture at certain

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1 points?

2 A. I believe so.

3 Q. We see at some point the gun is put back from the
4 left hand and into the right to put in the pocket?

5 A. Yes, sir.

6 Q. Now I want to talk about when you talked with
7 Ronzell at the Charleston Police Department. The
8 interview had been going on for awhile before you ever
9 went in, right?

10 A. It had been.

11 Q. Detective Brown had been interviewing him for I
12 don't know. Do you remember how long it had been before
13 you went in?

14 A. I don't. I want to say maybe an hour but I'm not
15 positive on that though.

16 Q. And Mr. Olds had denied that he committed the
17 robbery that whole time, right?

18 A. I believe so.

19 Q. That's kind of why you went in because Detective
20 Brown had left and you went in to see what you could do,
21 right?

22 A. Yes, sir.

23 Q. Just kind of a tag team, right. One detective
24 something doesn't work in and you come in and try a
25 different angle.

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1 A. I wanted to share with him that she wasn't lying
2 about what she was telling him about the evidence that
3 she presented to him.

4 Q. And it wasn't long after that and this is when
5 you're in there for I don't know maybe ten minutes maybe
6 you're in there with him?

7 A. Approximately.

8 Q. Detective Brown is not in there at that time?

9 A. No, sir.

10 Q. And during that time he told you I just need to lay
11 down real quick man, right?

12 A. Something to that effect.

13 Q. And you know he was read his Miranda rights at some
14 point, right?

15 A. Yes, sir.

16 Q. And part of that is he's told he can stop answering
17 questions at any time.

18 A. Yes, sir.

19 Q. He can end the interview at any time, right?

20 A. He could stop answering questions at any time.

21 Q. And that's the law.

22 A. Yes, sir.

23 Q. And you respect that and you follow the law.

24 A. Yes, sir.

25 Q. Okay. So at some point he says I just need to lay

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1 down real quick man, right?

2 A. Right.

3 Q. And then he says I just need some time. We'll talk
4 again, right?

5 A. Yes, sir.

6 Q. And you're aware that prior to that when Detective
7 Brown left he had gotten her business card?

8 A. I saw it when I was in there.

9 Q. And he makes references of calling y'all in the
10 future?

11 A. Yes, he does.

12 Q. And so after he decided he needed to lay down he
13 needs some time a few minutes later he says it again I
14 just want to go lay down.

15 Just give me some time, man please; we'll talk. I
16 can please make some phone calls you said I could make,
17 right? He said that right?

18 A. Yes, sir.

19 Q. And he said I promise, I promise y'all are going to
20 be hearing from me. You remember that?

21 A. Yes, sir.

22 Q. You know Ronzell worked at a construction job,
23 right?

24 A. Yes, sir.

25 Q. Like landscape paving?

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- 1 A. Landscaping is what I knew.
- 2 Q. And that he normally goes to work every morning like
- 3 7:30?
- 4 A. I can't answer that.
- 5 Q. You know that when he was taken to the police
- 6 station they got him riding with a co-worker when he was
- 7 at his job?
- 8 A. I'm aware of that.
- 9 Q. So he had been working. He'd been working that day
- 10 at a construction job, right?
- 11 A. Yes, sir.
- 12 Q. Probably not easy work. That's not sitting at a
- 13 desk.
- 14 A. It's not.
- 15 Q. He said he didn't have any lunch, right?
- 16 A. I don't know that he told me that. I don't know if
- 17 he said that to me.
- 18 Q. Maybe Detective Brown can tell me. She's next. So
- 19 after he's already told you he's tired and he needs to
- 20 lay down, he needs some time, you tell him you want to
- 21 deal with it right now, right?
- 22 A. Yes, sir.
- 23 Q. You don't turn around and leave and give him 10 to
- 24 15 minutes, 20 minutes to rest or lay down or anything
- 25 like that?

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1 A. I do at some point get up to leave when I tell that
2 we had a couple of things to do and we can take him to
3 jail but I have to do these couple of things first and I
4 get up to leave.

5 Q. But you're never out more than a few minutes.
6 You're not out any significant period of time though.

7 A. No. My dealing with the interview process was
8 relatively short.

9 Q. He never got to lay down while you there with him.

10 A. He did not lay down.

11 Q. And then a little bit later he says I just want some
12 time to myself. That's all I'm asking for, right? Just
13 a few minutes after that he's saying it again, right?

14 A. Yes, sir.

15 Q. And he continues along that saying I just want to
16 sit and think you know, I just want to think this out
17 before I say anything.

18 I want to sit and think this out; that's all I'm
19 asking you for straight up, right? He said that right?

20 A. Yes, sir.

21 Q. He appears to want to stop this interview.

22 A. I can't agree to that. He was engaging us in
23 conversation. He had asked a few questions while we were
24 doing a few things. He never said I want this interview
25 to end or stop asking questions. He never said anything

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1 like that.

2 Q. He didn't use those exact words but he says over and
3 over again I want to lay down. I need some time. I want
4 to sit and think.

5 A. He made those vague statements ---

6 Q. --- time to myself, right?

7 A. He made those vague statements. He never outright
8 said I want this to stop or stop asking questions, I want
9 to remain silent. He never said anything like that to
10 me.

11 Q. But you said you wanted to hash this out, right?

12 A. Yes, sir.

13 Q. And a few minutes after that he keeps saying that's
14 all I'm asking you for, just give me some time. That's
15 the least I want from y'all, right?

16 I got the number, right? So what he's saying give
17 me some time and let me think. I've got the number and
18 I'll call you in the future, right?

19 A. Yes, sir.

20 Q. He says at one point I cooperated, please, right?

21 A. Yes, sir.

22 Q. Like he's wanting you to know that he's not trying
23 to be rude, that he's trying to help you the best that he
24 can. He doesn't want to be disrespectful or rude, right?

25 A. I think that I'm cooperating please comment was

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1 about having some phone calls but...

2 Q. Yes, right, he did want to make some phone calls as
3 well. He wanted to call him Mom at one point?

4 A. I believe so.

5 Q. And then you and Detective Brown go back in together
6 at some point?

7 A. I needed to serve him the arrest warrants.

8 Q. And you acknowledge and you said I understand you
9 wanted to lay down and that's fine, right? But you say
10 you want to offer our time right now.

11 We're working late; we're not usually right here and
12 you kind of extended this invitation that we're here,
13 we're here.

14 A. Yes. When I was serving him the arrest warrant he
15 had asked a couple of questions that were related to the
16 crime that we were investigating and so I did, I wanted
17 to offer him you know he was engaged in this conversation
18 and asking questions. I wanted then to offer him an
19 opportunity to talk about it.

20 Q. But after that a minute or so later he says I
21 promise, I promise y'all are going to be hearing from me.
22 I promise, I promise.

23 A. Yes, sir.

24 Q. Meaning that he wants to stop and call y'all later
25 at a different time and he's promising you're going to

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1 hear from me in the future, right?

2 A. He makes those comments yes, sir.

3 Q. And you said I've heard that before, right?

4 A. Yes, sir.

5 Q. And you tell him a little later about extending an
6 invitation to you and he says I promise man, right. He
7 says that again.

8 A. Yes, sir.

9 Q. So, after asking you like three, four, five times
10 that he needed to stop, that he needed to take a break
11 and time to himself he wanted to lay down and have time
12 to think you never really gave him that did you?

13 A. We left to get those warrants. I think he had time
14 to think I would say.

15 Q. Would you agree that you left for less than five
16 minutes; well really less than four minutes when you left
17 and then both of you come back in the room it is less
18 than four minutes, right?

19 A. That's probably right.

20 Q. Okay. You think that's plenty of time to rest and
21 think and lay down and get my thoughts together?

22 A. I can't answer to how much time he would need.

23 MR. KING: Those are all the questions I have.

24 THE COURT: All right. Any redirect?

25 MR. SIMPSON: Briefly, Your Honor.

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1	REDIRECT EXAMINATION
2	BY MR. SIMPSON:
3	Q. Lieutenant Bailey, I asked you before but this
4	entire interaction is captured on audio and video, right?
5	A. It is.
6	Q. Okay. So the questions about what exactly is said
7	we've got that and we're going to see it exactly,
8	correct?
9	A. Correct.
10	Q. So all of these exchanges that we're talking about
11	he makes a series of statements to you that he wants to
12	go lay down and maybe he'll give you a call later to talk
13	about things, right?
14	A. Yes, sir.
15	Q. And you respond okay, no problem. We got to take
16	care of a couple of things first but I'm not going to
17	deny you that right.
18	A. Yes, sir.
19	Q. And he was going to jail; everyone including Ronzell
20	was made aware at that point, right?
21	A. He was.
22	Q. Okay. So you were fulfilling that but you had some
23	things to do, right?
24	A. I did.
25	Q. And what were those things you had to take care of?

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- 1 A. We had to read him both arrest warrants, we had to
2 serve him with both arrest warrants and we had to collect
3 his clothing.
- 4 Q. And it was during that process that he continued to
5 talk to you.
- 6 A. Yes.
- 7 Q. And he continued asking questions.
- 8 A. He did.
- 9 Q. Was he informed he didn't have to do that?
- 10 A. Didn't have to do what?
- 11 Q. To ask you questions, talk to you in any way, right?
- 12 A. Right. He was read his rights at the beginning of
13 the interview.
- 14 Q. And did you also take occasion again to be fair to
15 explain to him anything you want to say is your decision,
16 right?
- 17 A. I think I used those words it's your decision, it's
18 up to you or something to that effect.
- 19 Q. Okay. And again this is audio video, its 2022;
20 captured on audio video, correct?
- 21 A. Correct.
- 22 Q. Okay. The defense attorney Mr. King made a
23 statement to you that later you found out that he and
24 Deonna had spoken, right?
- 25 A. Correct.

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1 Q. And the way it was phrased by Mr. King was he knows
2 everything before the interview is going on and I think
3 you answered yes, do you recall that?

4 A. Yes, I do.

5 Q. Okay. Did he know that you had hit a match on the
6 serial numbers between cash until you guys let him know
7 that?

8 A. He did not know that until Detective Brown told him
9 that.

10 Q. Okay. So again, there would have been no way for
11 him to have known that going into that interview?

12 A. No, because Deonna didn't know that when we left her
13 apartment. I didn't know that and I didn't speak to her
14 again.

15 Q. And you reviewed the video surveillance of the
16 robbery?

17 A. I did.

18 Q. There were some comments made regarding
19 fingerprints. Were there any observations you made about
20 the robber's hands and the video of the robbery?

21 A. The suspect had on gloves.

22 Q. Okay. There was also a comment made about a plea to
23 call him Mom. Who was the primary person that Ronzell
24 was requesting to call at the time during this interview?

25 A. I think it was Deonna.

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1 Q. Okay. And sometimes we get ideas of law from
2 television shows and things like that. Is there anything
3 to your knowledge unlawful about when you're in an
4 interrogation not letting somebody call somebody at that
5 particular moment?

6 A. No, sir.

7 Q. Okay. And again would he eventually have unlimited
8 access to a phone call following the conclusion of your
9 interview?

10 A. Once he got to the jail he could make the phone
11 calls that he needed.

12 Q. Okay.

13 MR. SIMPSON: I have nothing further, Your Honor.

14 MR. KING: No more questions.

15 THE COURT: All right ladies and gentlemen, we will
16 take a lunch break. I'm going to excuse the witness from
17 the witness stand. You can have a seat, sir.

18 [Whereupon, the witness is excused and exits the
19 witness stand]

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1 THE COURT: If I could see the attorneys real quick
2 I'll give you an idea about our lunch break before the
3 jury leaves. Give us one minute.

4 [Whereupon, an on-the-record bench conference is
5 held as follows:

6 THE COURT: Y'all want to come back at 2 o'clock,
7 is that okay? It's 12:40.

8 MR. SIMPSON: Sure.

9 THE COURT: Is that enough time?

10 MR. KING: I think so.

11 THE COURT: Are you sure? Do you want me to say
12 2:15?

13 MR. SIMPSON: Yes, 2:15.

14 MR. KING: Yes, that's fine.

15 [Whereupon, the on-the-record bench conference
16 concludes]

17 THE COURT: All right we'll come back at 2:15
18 ladies and gentlemen. It's about 12:45 right now. Once
19 again during the break of course as I instructed earlier
20 don't discuss the case. Don't do any independent
21 research. We'll see you back at 2:15. And leave your
22 notebooks in your chairs.

23 [Whereupon, the jury exits at 12:40 p.m.]

24 THE COURT: We'll be at ease until 2:15.

25 MR. SIMPSON: May I put something on the record

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1 very briefly?

2 THE COURT: Sure.

3 MR. SIMPSON: And I discussed this with Mr. King.

4 In admitting the 911 through the victim I had a field
5 interviewer review with her this exhibit, State's exhibit
6 11 that contains the 911 call. It just happens that this
7 disk contains a lot of other things as well that was sent
8 to me from CPD as part of this case.

9 All I've done on this exhibit which is marked
10 State's exhibit 11 is just put the 911 call which was
11 really the substance of all we've put into the record. I
12 talked to and Mr. King is fine with it. I'm just going
13 to admit this [indicates] into the record as State's
14 exhibit 11. Or if maybe you want me to make them 11-A
15 and 11-B I can do that.

16 THE COURT: We will. And we will just mark the
17 original one that you actually used as a Court's exhibit
18 and it will have to be part of the record.

19 MR. SIMPSON: Okay. Well, I've got 11 ---

20 THE COURT: --- preserved in that fashion if
21 anybody ever needed a review to make sure it was the same
22 thing they could.

23 MR. SIMPSON: Okay. For the record, Your Honor,
24 I'm marking 11-A and 11-B.

25 THE COURT: So 11-B will go to the jury; that's the

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1 duplicate, 11-A ---

2 MR. SIMPSON: --- A will be a Court's exhibit ---

3 THE COURT: --- will be a Court's exhibit.

4 MR. SIMPSON: Thank you, Your Honor.

5 THE COURT: All right. We'll see you back at 2:15.

6 [Whereupon, State's exhibit number 11-B is marked by
7 the court reporter]

8 [Whereupon, State's exhibit number 11-B is entered
9 into evidence by the Court]

10 [Whereupon, Court's exhibit number 11-A is marked by
11 the court reporter]

12 [Whereupon, Court is in recess from 12:45 p.m. until
13 2:17 p.m.]

14 THE COURT: I believe the jury is all ready now;
15 they've finished their lunch. Is the State ready to
16 proceed?

17 MR. SIMPSON: We are, Your Honor. Thank you.

18 THE COURT: All right. Is the defense ready to
19 proceed?

20 MR. KING: Yes, Your Honor.

21 THE COURT: Excellent. All right. We can bring
22 the jury in.

23 [Whereupon, the jury enters at 2:23 p.m.]

24 THE COURT: Thank y'all. I hope everybody had a
25 good lunch break and we're back. And I have not

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1 mentioned this. I typically try to leave the end of the
2 day ladies and gentlemen no later than 5. I know
3 everybody has got responsibilities at home and that type
4 of thing so just for your own mental note I typically try
5 to cut the day at 5 o'clock or a little before depending
6 on where we are with a witness; that kind of goes for the
7 attorneys as well in their planning purposes.

8 So with that is the State ready to call its next
9 witness?

10 MR. SIMPSON: We are, Your Honor.

11 THE COURT: Okay.

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Yolanda Brown-Direct Examination by Mr. Simpson
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1 MR. SIMPSON: The State calls Sergeant Yolanda
2 Brown.

3 [Whereupon, Sergeant Brown comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 THE CLERK OF COURT: Please state your name for the
7 record and spell your last name.

8 THE WITNESS: Sergeant Yolanda Brown, B-R-O-W-N.

9 - - - - -

10 YOLANDA BROWN,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. SIMPSON:

15 Q. Sergeant Brown, good afternoon.

16 A. Hello.

17 Q. How are you doing today?

18 A. I'm doing well.

19 Q. If you could just introduce yourself to the jury and
20 explain a little bit about your background, your
21 education, and your work history if you don't mind.

22 A. I'm Sergeant Yolanda Brown. I've been employed by
23 the Charleston Police Department for 20 years. I started
24 there as a civilian. I have 14 years in on the law
25 enforcement side. I'm a graduate of Limestone College

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1 where I majored in Psychology. I've worked Team One
2 patrol, Team Five patrol. I spent 10 years as part of
3 the detective unit. Four of those years were in the
4 burglary unit and six was within the robbery unit.

5 I'm currently assigned as the Administrative
6 Sergeant for the Team Three patrol which covers the James
7 and Johns Island areas.

8 Q. And you alluded to some teams. Is that just how the
9 Charleston Police Department is organized?

10 A. Yes. So like Team One would be the city of
11 Charleston, the downtown portion of Charleston like
12 Calhoun towards like the neck area where it intersects
13 with North Charleston. Team Five would be the Daniel
14 Island area, which is incorporated by the City.

15 Q. And you said your current rank is sergeant?

16 A. Yes.

17 Q. And that's a leadership rank, right?

18 A. Yes.

19 Q. And you reference ten years as a detective. What
20 does a detective do?

21 A. Basically here at the Charleston Police Department
22 when a detective is assigned cases most likely unless you
23 go to something active and you start just working, but I
24 manage the case investigations making sure everything is
25 followed up on to include evidence, search warrants,

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1 anything that has to do with speaking with and
2 interviewing people to include witnesses. It could
3 include either looking for video surveillance footage;
4 just a variation.

5 The ultimate goal of a detective is to work the case
6 that they are assigned until they have exhausted all
7 leads or until they have made an arrest.

8 Q. Okay. And was that your position in January of
9 2018?

10 A. Yes. I was assigned to the robbery unit and at that
11 time I had the rank of a master police officer as well so
12 I kind of had dual rank.

13 Q. Okay. And in your role, in your dual role as master
14 police officer and detective did you have occasion to
15 become involved in the investigation of a robbery that
16 occurred about 1:45 a.m. on January 16th?

17 A. Yes. Upon my arrival to work later the morning of
18 the incident probably about 8 o'clock I did have, I was
19 assigned that case.

20 Q. Okay. And what was the location again of that
21 robbery?

22 A. It occurred at the Sunoco convenience store/gas
23 station, which is located at 1984 Sam Rittenberg
24 Boulevard.

25 Q. And is that location in Charleston County?

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1 A. It is.

2 Q. So explain to the jury how your involvement began in
3 the investigation?

4 A. I just began to assess what was already documented
5 in the reports, read over and see what we had so far.
6 Then I went to the scene along with at that time Sergeant
7 Bailey to review the scene and also look at video
8 surveillance footage.

9 Q. Okay. And did you review the video surveillance of
10 the crime?

11 A. Yes.

12 Q. Any observations relevant to your investigation that
13 you took away from that video?

14 A. When I reviewed the video surveillance I noticed
15 that the person that was committing the robbery appeared
16 to approach and left in the direction of Orleans Road
17 near Citadel Mall.

18 He also appeared to be tall and slender; maybe 6
19 foot or 6'2. Also that based on the video surveillance
20 the person was possibly left handed because of the way
21 they handled the firearm.

22 Q. And with the information you had was a tentative
23 person of interest developed?

24 A. Not wanting to jump to conclusions but yes we wanted
25 to speak with the defendant Ronzell Olds.

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1 Q. So how did you proceed you know after going to the
2 Sunoco and reviewing the video and familiarizing yourself
3 with the scene how did you proceed from there?

4 A. Sergeant Bailey and I travelled to the nearby
5 Orleans Gardens Apartment complex to the residence of
6 Deonna Greene who was a known ex-girlfriend of the
7 defendant and also it's the location which he sometimes
8 stays.

9 Q. Okay. And while at that location were there any
10 items that you thought could be relative to your case?

11 A. Yes, she was in possession of some cash.

12 Q. Okay. And what was -- was that cash collected?

13 A. Yes. We contacted the crime scene technician for
14 the Charleston Police Department and they came on scene
15 and photographed and collected the cash.

16 Q. And throughout your investigation in conjunction
17 with the work of Sergeant Bailey did you learn anything
18 interesting about those particular bills that were
19 collected from Deonna Greene?

20 A. We learned that a 2 dollar bill collected with that
21 cash came back to match ---

22 MR. KING: --- Your Honor, I want to renew my
23 previous objection made during Officer Bailey's testimony
24 regarding the ---

25 THE COURT: --- objection renewed. Overruled. She

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1 can testify as to her knowledge. You can answer, go
2 ahead.

3 A. The 2 dollar bill collected from that cash also
4 matched the serial number of the 2 dollar bill stolen
5 from the robbery.

6 Q. [Mr. Simpson] Later that same day you spoke that
7 we're discussing here did you have occasion to interview
8 Ronzell Olds?

9 A. I did.

10 Q. Okay. And we will certainly come back to that but I
11 want to jump ahead a few days and talk about another part
12 of the case if that's okay. Did you later go back to the
13 Orleans Gardens Apartment complex?

14 A. Actually on the day of the incident we went to the
15 manager's office requesting video surveillance footage I
16 think it was from like 0100 to like 2:15 in the morning
17 the morning of the incident. And I was later sent the
18 video footage via email on January 19th.

19 Q. Okay. Are you familiar with the Orleans Gardens
20 Apartments?

21 A. Most likely, yes. I'm pretty familiar. I know how
22 to get there.

23 Q. Okay. Been there before?

24 A. Yes, on several occasions.

25 Q. Were you aware that they had a video surveillance

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1 system?

2 A. Yes, that was known.

3 Q. Okay. And is that why obviously you would request
4 copies of that video surveillance?

5 A. Yes.

6 Q. Have you viewed that video surveillance footage?

7 A. I did view that video surveillance footage.

8 Q. Does it appear to your knowledge of the area and the
9 facts relevant to your investigation that they responded
10 to your request with video surveillance from the times
11 you requested?

12 A. They did.

13 Q. And you reviewed it?

14 A. I did.

15 Q. Is it consistent with, what you see in those images
16 consistent with Orleans Gardens Apartments as you know
17 them?

18 A. Yes.

19 Q. Okay. Were there any further video evidence that
20 you collected?

21 A. I believe I collected the video from Saints Market
22 as well, which is located near the Citadel Mall.

23 Knowing that the suspect fled and approached the
24 Sunoco from the Orleans Road area near Citadel Mall video
25 was requested from Saints Market. You can observe

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1 someone ---
2 Q. --- let me stop you there just briefly. I'm going
3 to approach you. I'm showing you what has been marked
4 for I.D. only at this time as State's exhibit 12.
5 [Whereupon, the witness is shown exhibit]
6 A. That's my signature.
7 Q. Okay. And what ---
8 A. --- of 1900 Hazelwood.
9 Q. And what does that signature indicate to you?
10 A. That I saw the video.
11 Q. Does this exhibit, State's exhibit 12 for I.D. only
12 contain the video you obtained from 1900 Hazelwood Drive?
13 A. Yes.
14 Q. And is 1900 Hazelwood Drive the address of the
15 Orleans Gardens Apartment complex?
16 A. It is.
17 Q. I'm showing you what has been marked for I.D. only
18 as State's exhibit 13.
19 [Whereupon, the witness is shown exhibit]
20 A. That's Saints Market and that's my initial on there
21 as well.
22 Q. And do your initials on that exhibit for I.D. only
23 as State's exhibit 13 say to you that's a copy of the
24 video surveillance from Saints Market that you collected?
25 A. Yes.

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1 Q. Okay.

2 MR. SIMPSON: Your Honor, I believe -- may we
3 approach?

4 THE COURT: Yes.

5 [Whereupon, an on-the-record bench conference is
6 held as follows:

7 MR. SIMPSON: I just stopped because I think I know
8 that Mr. King wishes to object. I'm going to seek to
9 admit 12 and 13 into evidence.

10 THE COURT: You need to call the people who
11 collected this who are responsible for the day-to-day
12 data collection at both of those locations to
13 authenticate those videos. You can't authenticate them.

14 MR. SIMPSON: Okay. Understood.

15 [Whereupon, the on-the-record bench conference
16 concludes]

17 Q. [Mr. Simpson] Sergeant Brown, I want to go back to
18 the interview of the suspect Ronzell Olds. How did this
19 interview come to be?

20 A. I wasn't a part of the apprehension but he was taken
21 into custody during a traffic stop on James Island.

22 Q. Okay. And you were not a part of that apprehension.

23 A. No.

24 Q. Okay. But nevertheless you were made aware that he
25 was brought to what location?

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1 A. He was brought to 180 Lockwood Drive which is the
2 Charleston Police Department headquarters. Based on the
3 information I received the traffic stop went without any
4 incident.

5 Q. Okay. So no problems with his detention ---

6 A. --- no ---

7 Q. --- he came along, okay. Is part of your job, and I
8 think you alluded to this earlier, part of your job as a
9 detective is to conduct interviews of people, correct?

10 A. Yes.

11 Q. And does that include suspects?

12 A. Yes.

13 Q. And anyone suspected of a crime certainly has
14 constitutional rights, is that correct?

15 A. That's correct.

16 Q. Okay. Let me ask you some general questions. How
17 do you typically start an interview with a suspect?

18 A. By coming in and introducing myself and maybe small
19 talk with them. But mainly at the beginning it's reading
20 Miranda warnings.

21 Q. Okay. Let me ask you too about your general style
22 of interrogation. People have different personalities
23 and different styles, is that correct?

24 A. That's correct.

25 Q. And how would you sort of describe how you like to

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1 go about interviewing somebody?

2 A. I like to try to build connection if I can with the
3 person regardless of the reason they are in there. I try
4 to build rapport, keep things calm and friendly as much
5 as possible.

6 Q. Okay. And while you're starting to build this
7 rapport you also are sort of making observations about
8 the person?

9 A. Yes.

10 Q. And particularly with Ronzell Olds on the day in
11 question that I'm asking you about did he appear to be a
12 reasonably intelligent person?

13 A. He did.

14 Q. Did he appear to answer any questions that you asked
15 him cogently?

16 A. Yes.

17 Q. Any -- let me ask you, for a long career in law
18 enforcement have you had occasions to interact with
19 people who are intoxicated on alcohol?

20 A. I have.

21 Q. Under the influence of narcotics?

22 A. Yes, I have.

23 Q. Were there any red flags to you in the interview
24 room that Ronzell Olds was in some sort of altered
25 condition?

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1 A. Nothing that I noted.

2 Q. Any red flags at all with any cognitive
3 difficulties? Did he express or have a hard time
4 interacting with you like a reasonably intelligent adult?

5 A. He spoke freely and didn't appear to have any
6 issues.

7 Q. Have you ever on a long law enforcement career had
8 occasion to interact with people suffering with mental
9 illness?

10 A. Actually I have.

11 Q. Okay. Any, I know sometimes it could be hard to
12 detect but any obvious red flags with Mr. Olds that he
13 was operating under some sort of condition or mental
14 illness?

15 A. Nothing that I noticed.

16 Q. Did he, did you know how old he was?

17 A. I believe he was 25.

18 Q. Did you discuss his education with him?

19 A. Yes. He stated that he had completed or gone
20 through the 11th grade --

21 THE COURT REPORTER: He had completed?

22 A. The 11th grade.

23 Q. [Mr. Simpson] In your interactions leading up to
24 Miranda and this is kind of silly but any threats of
25 physical harm made to him if he didn't talk to you?

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1 A. No, not at all.

2 Q. Any promises of leniency in the future if he talked
3 to you?

4 A. I don't consider this a promise of leniency but I
5 did make a statement during the interview that if he
6 cooperated and was honest I would be if asked I would be
7 willing to advise prosecutors that he was cooperative
8 with the investigation and truthful.

9 Q. Okay. And at least under your understanding of the
10 law, and you've had training in this area of
11 interrogation, is that correct?

12 A. Yes.

13 Q. Anything improper about that statement?

14 A. No, because I can honestly say if he cooperated.

15 Q. Okay. Again, I want to talk a little bit are these
16 interviews captured on video and audio?

17 A. They are.

18 Q. And you've reviewed the video and audio in this
19 case?

20 A. I have.

21 Q. There are some breaks taken, is that correct?

22 A. There are.

23 Q. And of course there is a period of time before he
24 comes in the interview room, right?

25 A. Yes.

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1 Q. To your knowledge any substantial events relevant to
2 your conversations with him that occurred off of that
3 audio and video?

4 A. Any substantial events that happened off of the
5 audio?

6 Q. Yes. Let me rephrase. Does the interview that you
7 have of Ronzell Olds to your knowledge is it captured in
8 its entirety on audio video?

9 A. Oh, absolutely.

10 Q. Okay. I guess I'm trying to say you didn't -- in
11 the moments where you take the cigarette break you didn't
12 go outside?

13 A. No, I did not go with him on the cigarette break
14 because I told him on the video that I don't like smoke.

15 Q. Okay. Explain although I'm guessing we've all seen
16 Law & Order explain a little bit about Miranda warnings;
17 what they are and what the purpose is.

18 A. Miranda warnings is basically a set statement for
19 notification that is customarily read by law enforcement
20 in criminal investigations when you're going to interview
21 a suspect or a person of interest. The Miranda warnings
22 that I read to him was preprinted from a card.

23 Q. Okay. So even though you've done it several times
24 you have a card that you refer to to make sure that its
25 right?

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1 A. Yes.

2 Q. I'm glad you brought that up.

3 MR. SIMPSON: May I approach the witness, Your
4 Honor?

5 THE COURT: Yes.

6 Q. [Mr. Simpson] I'm handing Sergeant Brown what has
7 been marked for I.D. only as State's exhibit 14.

8 [Whereupon, the witness is shown exhibit]

9 Q. Could you look inside that? What is State's exhibit
10 14?

11 A. A signed Miranda warning signed by the defendant and
12 myself.

13 Q. Okay. And are we going to see and hear sort of the
14 procedure you follow to obtain that signature that is
15 captured on the video as well, is that correct?

16 A. Yes.

17 MR. SIMPSON: Your Honor, at this point in time the
18 State would seek to admit State's exhibit 14.

19 THE COURT: Any objection?

20 [Whereupon, Mr. Simpson shows exhibit to Mr. King]

21 MR. KING: No objection.

22 THE COURT: All right. Without objection State's
23 exhibit 14 admitted.

24 [Whereupon, State's exhibit number 14 is entered
25 into evidence by the Court]

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1 MR. SIMPSON: May I approach the witness again,
2 Your Honor?

3 THE COURT: Yes.

4 Q. [Mr. Simpson] Sergeant Brown I'm handing you what
5 has been marked for I.D. only as State's exhibit 1.

6 [Whereupon, the witness is shown exhibit]

7 Q. Do you recognize that exhibit?

8 A. Yes, that's the recorded interview with the
9 defendant Ronzell Olds that is signed and has my
10 signature on it as well.

11 Q. Okay. So you signed that as a method of being able
12 to recognize this today as the actual interview?

13 A. Yes.

14 MR. SIMPSON: Your Honor, if not previously done
15 I'd like to move State's exhibit 1 into evidence. May we
16 approach, Your Honor?

17 THE COURT: Sure.

18 [Whereupon, an on-the-record bench conference is
19 held as follows:

20 MR. SIMPSON: I am moving State's exhibit 1 into
21 evidence as an exhibit in its entirety, however this
22 cannot go -- there is objectionable material that I think
23 Mr. King and I agree to.

24 THE COURT: Okay.

25 MR. SIMPSON: I'm going to mark what we actually

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1 enter. I just didn't want to have to keep coming up
2 here.

3 THE COURT: Okay. Are you talking about in terms
4 of the time stamps and that type of thing ---

5 MR. SIMPSON: --- yes. There are portions I am
6 going to admit that is not going back with the jury but I
7 just didn't want to have to keep repeating -- I will on
8 the record so the record is clear.

9 THE COURT: No, that's fine. So in other words if
10 they wanted to see it later we'd have to bring them back
11 in and this is not something we would send back. Is that
12 accurate?

13 MR. KING: Yes, and I had filed the hearsay ---

14 THE COURT: --- you just need to renew your
15 objection.

16 MR. KING: Yes, and also that was the Lyle in the
17 hearsay that I had filed pretrial just on those three
18 grounds, the Denno, that I made in the Denno.

19 MR. SIMPSON: I think I'll move it into evidence in
20 a more intelligent manner. I'm moving in portions of
21 State's exhibit 1.

22 THE COURT: Okay.

23 MR. SIMPSON: Okay.

24 THE COURT: Thank you.

25 [Whereupon, the on-the-record bench conference

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1 concludes]

2 MR. SIMPSON: Your Honor, at this point in time the
3 State would seek to admit portions of State's exhibit 1
4 into evidence.

5 THE COURT: Okay.

6 MR. SIMPSON: And publish portions of State's
7 exhibit 1 into the record, which I will note for the
8 record when we do so.

9 THE COURT: Okay.

10 MR. KING: Your Honor, I just renew my motion that
11 I made pretrial under Denno and also the Lyle motion and
12 the hearsay motion.

13 THE COURT: All right. All defense motions and
14 objections renewed for purposes of the record. Prior
15 rulings stand and we'll take up any additional objections
16 as they need to be addressed okay. It will be admitted
17 over the defense's objection.

18 MR. SIMPSON: Thank you, Your Honor.

19 [Whereupon, portions of State's exhibit number 1 is
20 entered into evidence by the Court]

21 MR. SIMPSON: So just for clarification of the
22 record State's exhibit 1 is broken into five video clips.
23 The portions we publish I will note which of the five
24 video clips it is and the time that I'm publishing. The
25 times I'm using are the minute and second time on the

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1 clips, not the clock time. Just because we have to make
2 everything confusing it's the clock on the video clip;
3 not the actual time of day.

4 THE COURT: Okay.

5 Q. [Mr. Simpson] Sergeant Brown to get back on track
6 here I believe your previous testimony was that you like
7 to establish a little rapport with the suspect and then
8 get to the Miranda warnings?

9 A. Yes.

10 Q. And you like your style to be a little
11 conversational, is that correct?

12 A. Yes sir, just kind of break the ice.

13 Q. A couple of questions about -- you've reviewed this
14 video, correct?

15 A. I have.

16 Q. Any specific complaints about comfort levels made by
17 Mr. Olds during the course of any of this video?

18 A. I think here at the beginning he wanted the cuffs
19 loosened up or maybe moved to the front so that he could
20 eat his snack that he had with him.

21 Q. Okay. So he had a snack on him we presume when he
22 was taken into custody?

23 A. Yes. He had food with him that I guess they brought
24 with him or they allowed him to bring with him. I think
25 he mentioned something about not having a lunch break.

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1 But we allowed the cuffs to come to the front and he was
2 able to eat his food.

3 Q. Okay. And that's a good segue into another
4 question. What's your approaches to like comfort level
5 of a suspect when you're talking to them?

6 A. Normally I will ask them if they're still in cuffs
7 are they going to behave and cooperate. And I normally
8 take the cuffs off so they can be comfortable.

9 Q. What about if the suspect wants to go to the
10 bathroom. Do you use this like a tactic to not let him
11 use the bathroom?

12 A. Absolutely not. That's -- no.

13 Q. Okay. What if a suspect generally speaking would
14 say I'm really really thirsty right now?

15 A. Then I would offer them some water, at least water.
16 We don't always have like soda and stuff.

17 Q. But if you had even sodas on hand would you be okay
18 with that?

19 A. Yes. We would definitely if he didn't have food and
20 he was hungry we would have found things. There have
21 been times when officers have given up their snacks or
22 lunch or whatever and given it to the suspect because
23 they are hungry.

24 Q. Okay.

25 MR. SIMPSON: Your Honor, I'm starting at video

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1 clip 2, 22:55.

2 [Whereupon, the video clip plays]

3 [Whereupon, the video clip ends]

4 Q. [Mr. Simpson] Sergeant Brown to quickly recap are
5 those the Miranda warnings you're referring to?

6 A. Yes.

7 Q. Did you make clear to him that he had the right to
8 an attorney?

9 A. I did.

10 Q. Make it clear to him that he didn't have to talk to
11 you that day at all?

12 A. Yes.

13 Q. Okay. Also we see on the table there we referred to
14 some snacks and a drink. Is that what we see at the
15 table there?

16 A. Yes.

17 Q. And we previously admitted State's exhibit 14. Was
18 State's exhibit 14 the document that we see him signing
19 in that?

20 A. Yes.

21 Q. Anything interesting about the way he signed that?

22 A. It was observed that he signed with his left hand.

23 Q. Okay. And so if we were curious about that we could
24 go back and watch the video and you can see him signing
25 that with his left hand.

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1 A. Yes.

2 Q. Okay. So again it's a short segment but we get a
3 little taste of what your style of interview there. It
4 seems kind of laid back. It seems a little...

5 A. Yeah, you could say that.

6 Q. Now it doesn't obviously stay laid back though,
7 right?

8 A. Not always but during the interview with him I do
9 feel like I yelled or became overly aggressive.

10 Q. Okay. Now he signed, waived his rights and said he
11 is willing to talk to you on this date. Does the
12 interview continue?

13 A. Yes.

14 Q. Does he later in this video confirm that he has a
15 relationship with a person named Deonna Greene?

16 A. He does.

17 Q. Does he in this interview acknowledge to you that he
18 stays at Deonna's house pretty frequently?

19 A. He did.

20 Q. Okay.

21 MR. SIMPSON: Your Honor, I'll do my best with the
22 record. The previous clip we started at 22:58, video
23 clip 2, and we stopped at 25:11. For this clip I'll be
24 starting at 31:02 going to 36:42.

25 [Whereupon, the video clip plays]

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1 [Whereupon, the video clip ends]

2 Q. [Mr. Simpson] So Sergeant Brown we're still at the
3 stage of the interview where things are pretty laid back
4 and conversational, is that fair?

5 A. Yes.

6 Q. Okay. He confirmed then with you at that stage that
7 he had stayed at Deonna's house the Monday night of the
8 robbery?

9 A. Yes.

10 Q. He also confirmed that night that she needed some
11 money and he left her some that night is that correct?

12 A. Yes.

13 Q. Okay. And I think it's important you later found
14 out that he had already spoken to Deonna, is that
15 correct?

16 A. Yes, I believe he revealed that to me later in the
17 interview.

18 Q. Later. But neither Deonna nor Ronzell at this point
19 knows that you've matched cash to that robbery?

20 A. No.

21 Q. Okay. And that's revealed to him later, is that
22 correct?

23 A. It is.

24 Q. But at this point he doesn't know that.

25 A. He does not.

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1 Q. So he's admitted to you that he stayed the night of
2 the robbery at Deonna's.

3 A. Yes.

4 Q. And that he left her some money.

5 A. Yes.

6 Q. Okay. And I know this is somewhat of a silly
7 question but is the person that you are interviewing
8 here, Ronzell Olds, is he in the courtroom today?

9 A. Yes, he's right there at the table [indicates].

10 Q. Did you indicate the person sitting at the defense
11 table?

12 A. Yes, that's him right there [indicates].

13 Q. So the interview continues from this point
14 obviously. Do y'all take a short break at some point?

15 A. Yes. He kept wanting to smoke a cigarette and
16 wanted a cigarette break.

17 Q. Okay. I don't think I'm referring quite to there
18 yet but let me just ask you are small breaks common in
19 the course of an interview?

20 A. Yes because sometimes I have to leave out to maybe
21 go get something or do something so I think this
22 interview consisted of a couple of small breaks.

23 Q. Okay.

24 MR. SIMPSON: Your Honor, for the record I'm moving
25 to the video clip 3 beginning at minute 4 and 7 seconds.

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1 [Whereupon, the video clip plays]

2 [Whereupon, the video clip ends]

3 MR. SIMPSON: Your Honor, I apologize. I stopped
4 that at 5:13; a little later than what I indicated but I
5 don't think it's an issue.

6 Q. [Mr. Simpson] So now Sergeant Brown he's indicated
7 to you the specific denominations of cash that he left
8 Deonna.

9 A. Yes.

10 Q. And did he say that that was about 25 one dollar
11 bills?

12 A. Yes.

13 Q. Three five dollar bills.

14 A. Yes.

15 Q. And most importantly when you asked him was there a
16 2 dollar bill in that money what did he say?

17 A. He said yes.

18 Q. And again, have you given him any indication at this
19 point in the interview that you guys know that there is a
20 2 dollar bill that came from this robbery?

21 A. No.

22 Q. Okay. And just so we can sort of reiterate the time
23 frame here about what time was the time of the robbery?

24 A. At approximately 1:45 a.m. on this same day.

25 Q. Okay. So you've talked to Deonna on that same day

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1 and you're speaking to Ronzell Olds on that same day?

2 A. Yes.

3 Q. Okay. And is the number of, are the denominations
4 and the amount of cash that he tells you he left Deonna
5 consistent with the amounts and the cash that you seized
6 collected from Deonna that day?

7 A. Yes. There was several ones, fives and most
8 importantly the two dollar bill.

9 Q. Now as the interview continues is it normal you know
10 you establish a rapport and sit there and conversate
11 about general things.

12 Is it normal that an interview might the
13 assertiveness, the intensity might step up a little bit
14 over the course of the interview?

15 A. Yes.

16 Q. Okay. And as this interview continues do you begin
17 to let on more about what you know and ask to get his
18 responses to it?

19 A. Yes, I revealed to him that the 2 dollar bill that
20 was collected with the cash from Deonna matched the
21 serial number of the 2 dollar bill that was stolen during
22 the robbery.

23 I also told him that he matched the physical
24 description of the person that committed the robbery and
25 we began to talk about like some of the clothing.

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1 Q. Okay. Well, let me ask you some questions about the
2 clothing. You reviewed in detail, the video of the
3 robbery right?

4 A. Yes.

5 Q. Okay. So you of course would have made note of the
6 clothing that the person committing the robbery was
7 wearing, correct?

8 A. Yes.

9 Q. Now you noticed a particular fact, I doubt was --
10 but you noticed something interesting about the clothing
11 that the robber was wearing during this robbery. What
12 was that?

13 A. When I reviewed the video surveillance footage from
14 the Sunoco I noticed that there was something white
15 hanging from the rear of the pants that the robbery
16 suspect was wearing.

17 I was only guessing, I wasn't sure but I thought
18 maybe it was a white belt that was wrapped around this
19 tall slender subject that was hanging from the rear of
20 the pants.

21 Q. So if you're tall and skinny you would have to bring
22 the belt pretty tight, right?

23 A. If you're trying to hold your pants up.

24 Q. So you previously to this developed an idea that
25 this item you observed could be but you weren't sure, a

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1 white belt pulled around to the rear of the person?

2 A. Yes.

3 Q. Okay.

4 MR. SIMPSON: Court's indulgence, Your Honor. May
5 I approach the witness, Your Honor?

6 THE COURT: Yes.

7 Q. [Mr. Simpson] Sergeant Brown I'm handing you what
8 has been marked for I.D. only as State's exhibit 4 and 5.

9 [Whereupon, the witness is shown exhibits]

10 Q. Do you recognize those images?

11 A. Yes, these are snippets or still images from the
12 video surveillance itself.

13 Q. Okay. And is that a fair and accurate clip from the
14 store video that you reviewed in this case?

15 A. Yes.

16 Q. And again screen shots we would say, snippets ---

17 A. --- yes, snippets; screen shots.

18 MR. SIMPSON: Your Honor, at this point in time the
19 State would seek to admit State's exhibit 4 and 5.

20 THE COURT: Okay. Any objection to 4 and 5?

21 MR. KING: I would object to just freezing those
22 frames but I think that's going to be available to watch
23 on the video when we watch the video.

24 THE COURT: Okay. I have no issue. Something that
25 has already been admitted was a still shot from that. So

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1 over the defense objection I'll admit it.

2 [Whereupon, State's exhibit numbers 4 and 5 are
3 entered into evidence by the Court]

4 MR. SIMPSON: Thank you, Your Honor. I'd like the
5 record to reflect that operating an overhead projector is
6 harder than you think. So State's exhibit 4 in evidence.

7 [Whereupon, the photograph is published]

8 Q. Can you tell us what we're looking at in State's
9 exhibit 4 there?

10 A. A screenshot or snippet which is a still image from
11 the video surveillance of the rear of the robbery suspect
12 where I observed the white what I believed at the moment
13 was a belt hanging below.

14 Q. And this is what you've testified to, this is what
15 you had an idea could be a belt hanging down from the
16 back of the robbers...

17 A. I was honestly not sure but I was guessing.

18 Q. A theory you had, okay. Can you touch that screen?
19 Can you move the cursor around? I think we all noticed
20 that but is that [indicates] what we're talking about
21 there?

22 A. Yes.

23 Q. That was State's exhibit 4; now State's exhibit 5.

24 [Whereupon, the photograph is published]

25 Q. If you will just do the same real quick with that.

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1 [Whereupon, the witness complies]

2 MR. SIMPSON: Now we're moving to minute 13 and 44
3 seconds in the third video clip.

4 [Whereupon, the video clip plays]

5 MR. KING: Objection, Your Honor at this point.

6 [Whereupon, the video clip ends]

7 MR. KING: My hearsay objection relating to
8 detective's statement as opposed to the defendant's.

9 THE COURT: Okay. Is that what's next or from the
10 previous statement that we just heard?

11 MR. KING: I'm sorry?

12 THE COURT: Are you objecting to this bit we just
13 heard or the next ---

14 MR. KING: --- yes. They're playing lengthy
15 questions by the detective, which I think are hearsay.
16 It's the defendant's statements that I believe would be
17 allowed in.

18 THE COURT: Okay. Overruled for purposes of
19 completeness of these portions of the interview. Your
20 objection is noted for the record and overruled. Go
21 ahead.

22 MR. SIMPSON: Thank you, Your Honor.

23 [Whereupon, the video clip plays]

24 Q. [Mr. Simpson] So, Sergeant Brown the whole interview
25 is on tape here, right?

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1 A. In its entirety.

2 Q. Had he lifted up his shirt yet?

3 A. No, not until that point.

4 Q. So you took a little bit of a risk there right?

5 A. I did.

6 Q. And this is to test this theory that we explored
7 that piece of white hanging down.

8 A. Yes.

9 Q. Okay. And going on your idea that this person that
10 had robbed had a while belt that was a little too big for
11 him. Did we just observe you confirming that?

12 A. We did.

13 Q. And I'm going to hand you, and feel free to use some
14 gloves if you'd like, hand you what has already been
15 entered into evidence as State's exhibit 21, as the
16 defendant's clothing.

17 [Whereupon, the witness is shown exhibit]

18 Q. I'm going to ask you if you will, no rush; you take
19 your time there, if you could tell me to the best of your
20 knowledge are those the clothing worn by the defendant
21 during this interview we're watching?

22 [Whereupon, the witness examines exhibit]

23 A. Yes.

24 Q. Okay. And in your hand there are those the jeans
25 that he was wearing during this interview?

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1 A. Yes.

2 Q. Do those jeans still contain the belt that we're
3 discussing?

4 A. Yes.

5 Q. Is the belt still wrapped around those jeans in a
6 manner similar to how it was when it was provided to you
7 by Ronzell?

8 A. Yes.

9 Q. And if I could ask you to come down and please show,
10 if you could maybe walk in front of the jury here and
11 show State's exhibit 21, the jeans that were worn by
12 Ronzell during the interview.

13 [Whereupon, the witness steps down from the stand
14 and shows the jeans to the jury]

15 [Whereupon, the witness returns to the stand]

16 Q. Now, I want to ask you about another item of
17 clothing. You observed the surveillance video of the
18 robbery. Did you note any other item of clothing?

19 A. Yes. What appeared to be some grey boots that was
20 observed in the Sunoco surveillance footage.

21 Q. Okay. I'm showing you what has been marked for I.D.
22 only as State's exhibit 6.

23 [Whereupon, the witness is shown exhibit]

24 A. Yes, this is a snippet from the video surveillance
25 footage of the robbery suspect coming in.

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1 Q. Okay. Similar to the other screen shots we've
2 viewed?

3 A. Yes, screenshots.

4 MR. SIMPSON: Your Honor, at this point in time I
5 seek to admit State's exhibit 6.

6 MR. KING: Subject to my previous objection.

7 THE COURT: It is a still shot from this?

8 MR. SIMPSON: It is, Your Honor.

9 THE COURT: Over defense objection it will be
10 admitted, State's exhibit 6.

11 [Whereupon, State's exhibit number 6 is entered into
12 evidence by the Court]

13 Q. [Mr. Simpson] So you said by your estimation the
14 suspect in the robbery video seemed to be wearing some
15 grey boot style shoes?

16 A. It appeared grey.

17 Q. Okay. And now when we look at the video of his
18 interview he appears to be wearing some -- well, what
19 shoes does he appear to be wearing?

20 A. Appears to be wearing similar style grey boots here.

21 Q. Now upon further examination of those boots are they
22 grey?

23 A. No, they are actually black but they're similar
24 style boots with maybe some I guess because he works in
25 construction some construction dust.

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1 Q. Okay. So when he's wearing them here they appear
2 grey, the suspect they appear grey.

3 A. Yes.

4 Q. If you look at them they're just dusty black boots.

5 A. Yes.

6 Q. Okay. I'm showing you what has been marked as
7 State's exhibit 23 and entered as State's exhibit 23.

8 [Whereupon, the witness is shown exhibit]

9 A. Can I pull them out?

10 Q. Yes.

11 [Whereupon, the witness examines the exhibit]

12 Q. Yes. And so we see they are black boots but those
13 are what he's wearing in the video we see on the screen
14 behind us?

15 A. Yes, sir.

16 Q. Okay. Thank you.

17 MR. SIMPSON: May I approach the witness, Your
18 Honor?

19 THE COURT: Yes.

20 Q. [Mr. Simpson] I'm assuming your interview continues
21 with Ronzell?

22 A. Yes.

23 Q. Does it become even more assertive as to what the
24 evidence is sort of stacking up to be?

25 A. Yes. I just started to convey to him that his

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1 situation was looking very serious for him.

2 Q. Okay. And does he eventually say that he wishes to
3 talk to you more about it?

4 A. He does but I think he said he wanted to talk more
5 after I give him a cigarette break.

6 Q. Okay.

7 MR. SIMPSON: Your Honor, for the record I'm
8 playing video clip 3 at 17:18 to 19:01.

9 [Whereupon, the video clip plays]

10 [Whereupon, the video clip ends]

11 Q. [Mr. Simpson] Sergeant Brown he expresses to you he
12 wants a cigarette.

13 A. Yes.

14 Q. And you comply with that request.

15 A. Yes.

16 Q. You don't use cigarettes as some sort of again
17 another withholding of that to coerce him in any way?

18 A. No, not at all.

19 Q. Okay. Do you feel at this point in time that you're
20 getting somewhere with Ronzell?

21 A. I want to feel like I am but not certain. But I was
22 hopeful that after the break he would want to talk more.

23 Q. Okay. I did want to point out one more thing about
24 that break. You even asked him what type, he indicates
25 the cigarettes are with the officer, right?

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1 A. Yes.

2 Q. You asked him well what type of cigarettes do you
3 smoke.

4 A. He stated Newports.

5 Q. And why is that relevant to the robbery you are
6 investigating?

7 A. Because based on the video surveillance that we
8 reviewed earlier and from what I reviewed at the end as
9 the cashier was walking away the robbery suspect stated
10 Newports, Newports.

11 Q. Okay. So it certainly seemed like the suspect was
12 asking to be provided a specific brand of cigarettes and
13 that's the brand he smokes.

14 A. Yes.

15 Q. So what happened when you returned from the
16 cigarette break?

17 A. He was still holding back on providing further
18 information. At some point I gave him my business card
19 and told him that I was going to leave unless he wanted
20 to talk with me further.

21 He at some point, at that time Sergeant Bailey comes
22 in and speaks with him for a short time. He tells
23 Sergeant Bailey he wants to lay down and he would call us
24 if he wanted to talk. We advised him that there was or
25 Bailey advised him that there was still some things that

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1 needed to be done and that was serve his warrant and
2 seize his clothing. He was read the warrants.

3 And after he was read the warrants we further
4 explained to him that if he wanted to talk on that day it
5 was totally up to him and that he could do so. At some
6 point Sergeant Bailey leaves and I remain.

7 During my time remaining in there with him he asked
8 me to cut off the audio recorder that I had on the table.
9 Initially I paused it but that wasn't good enough for him
10 so he requested that I cut it off completely.

11 Q. Let me stop you for a moment Sergeant Brown. And if
12 we already covered this I apologize. The days kind of
13 run together. Tell me about the capabilities of the room
14 again as far as ---

15 A. --- well the room is video and audio recorded. But
16 for purposes of a backup I take a handheld audio recorder
17 in because I don't want something to have some kind of
18 failure and I don't have the interview captured at all.

19 And the audio recorder is issued by the Charleston
20 Police Department so I had that audio recorder on the
21 table during the entire interview.

22 Q. And he says, asks you to cut it off?

23 A. Yes, to the point that I had to show him that it was
24 actually cut off.

25 Q. Okay. Again, was that your idea to cut that off?

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1 A. No, this was definitely at his request.

2 Q. Did you suggest to him hey, why don't we just cut
3 this off here?

4 A. Not at all.

5 Q. We previously reviewed Miranda warnings right?

6 A. We did.

7 Q. Was one of those warnings anything you say in this
8 room can and will be used against you in a court of law?

9 A. Absolutely.

10 Q. Okay. Did you make any assertive statements to him
11 that you were going off the record?

12 A. Not at all.

13 Q. Did you make any affirmative statements to him that
14 cutting off the video recorder or the audio recorder on
15 the table meant free game to say whatever you want, it
16 can't be used against you?

17 A. I did not say that.

18 Q. Did that idea in any way by implication did you
19 imply in any way, suggest subtly that maybe that was an
20 option to go off the record?

21 A. I did not do any of the above and this video can be
22 viewed in its entirety.

23 Q. Okay. He asked you to cut off that audio recorder?

24 A. He did request that.

25 Q. Okay. Did you comply with his request?

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- 1 A. After pausing it then I completely cut it off.
- 2 Q. Okay. Did he ask you more than once are you sure
3 that thing is off?
- 4 A. Yes, he did.
- 5 Q. Okay. And was the video and audio recording
6 equipment still recording at that time?
- 7 A. It was.
- 8 Q. Okay. What occurred after you cut it off?
- 9 A. After the audio recording was cut off he confessed
10 to robbing the Sunoco on January 16th. And we spoke
11 about it a little bit further.
- 12 Q. Okay. To back up a little bit he asks and I believe
13 it's just -- you've reviewed the full interview, right?
- 14 A. I have.
- 15 Q. He asks Officer Bailey hey, I want to lay down
16 first; let me think about this right?
- 17 A. Yes. He does talk about wanting to lay down.
- 18 Q. Okay. And you guys were going to take him to jail
19 and let him lay down, is that correct?
- 20 A. Yes.
- 21 Q. Okay. But you had to do a couple of things before
22 you left, right?
- 23 A. Yes. We had to read him his warrant and seize his
24 clothing.
- 25 Q. Okay. And so in the course of doing those things

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1 did he continue to talk?

2 A. Yes.

3 Q. And he continued to ask questions of you?

4 A. He did.

5 Q. And at some point was it clarified to be safe hey,
6 you want to keep talking this is your decision.

7 A. Absolutely. We explained to him that it was solely
8 his decision.

9 Q. Okay.

10 MR. SIMPSON: Your Honor, moving to video clip 4,
11 25:54.

12 [Whereupon, the video clip plays]

13 [Whereupon, the video clip ends]

14 MR. SIMPSON: Moving ahead to 29:03.

15 [Whereupon, the video clip plays]

16 [Whereupon, the video clip ends]

17 Q. [Mr. Simpson] Sergeant Brown so after he admits to
18 you he did this you continue to discuss sort of the
19 details of it just to confirm that he in fact committed
20 this robbery?

21 A. Yes, I did.

22 Q. Thank you, Sergeant. Please answer any questions
23 Mr. King has.

24 THE COURT: Your witness.

25

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1	CROSS-EXAMINATION
2	BY MR. KING:
3	Q. Detective Brown, we've seen from this that Ronzell
4	had a job, right?
5	A. He did.
6	Q. Construction job.
7	A. Yes.
8	Q. He had asked you to talk to his boss at some point
9	during the beginning of the interview do you remember
10	that? He was afraid he was going to lose his job.
11	A. Yes. He said the police kept coming around.
12	Q. He hadn't had any lunch.
13	A. He said he had some snacks that he had picked up for
14	his lunch and we allowed him to eat that. It was seen on
15	the video on the table.
16	Q. It was some crackers, right?
17	A. And something else and a drink.
18	Q. Crackers and a drink. Not like a full meal.
19	A. No, not like a full course meal.
20	Q. He had worked at least like half a day doing
21	construction; right so that's just more of a snack than a
22	meal wouldn't you say?
23	A. It was something that he purchased.
24	Q. Now you mentioned Deonna and said that was Ronzell's
25	ex-girlfriend?

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1 A. Yes, I did.

2 Q. She had moved on from the relationship, right?

3 A. I'm not sure how they separated. He noted at some
4 point in the interview that they were working on their
5 relationship and she talked about being separated from
6 each other as well.

7 Q. And she was secretly seeing another man as well,
8 right?

9 A. I don't know if it was a secret.

10 Q. But Ronzell still wanted to be with her. Is that
11 the impression you got?

12 A. Yes, based on what he stated.

13 Q. So you went to Deonna's apartment and you took money
14 from her purse, right?

15 A. Yes. That money was collected by our crime scene
16 technician.

17 Q. From her purse. There was a photograph taken right?

18 A. Yes.

19 Q. Then after you left she called Ronzell and talked
20 about that.

21 A. Based on the information I got.

22 Q. So when you're talking to Ronzell he didn't have a
23 lawyer, right?

24 A. He did not.

25 Q. He didn't graduate from high school.

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- 1 A. He had completed the 11th grade.
- 2 Q. He cried certain times. He was upset.
- 3 A. He had a quick segment of tears but he quickly
- 4 resolved the matter.
- 5 Q. Just once was the only time?
- 6 A. I think it was twice.
- 7 Q. Did you watch the parts of the video when you
- 8 weren't in the room?
- 9 A. Did I watch the parts of the video ---
- 10 Q. --- when he was alone in the room?
- 11 A. I believe so.
- 12 Q. And he was crying sometimes when he was alone in the
- 13 room?
- 14 A. I do not recall.
- 15 Q. You're a well-trained detective, right. You've got
- 16 a lot of experience?
- 17 A. I would say yes.
- 18 Q. You've had training in interrogation?
- 19 A. Yes.
- 20 Q. There are seminars and classes that you can take
- 21 that teach you techniques to use, right?
- 22 A. I've taken several hours of interview and
- 23 interrogation.
- 24 Q. You have a degree in psychology, right?
- 25 A. I do have a degree in psychology.

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1 Q. You've had experience in interrogation in addition
2 to the training. You've interrogated a lot of people
3 over the years, right?

4 A. Yes.

5 Q. And when you're in that room you try to keep control
6 of the conversation, right?

7 A. Yes.

8 Q. And at one point in the interview you tell him this
9 is kind of my world and I want to do this my way, right?

10 A. I do.

11 Q. So you kind of control the way things go. You don't
12 let him just run off and control all the topics of
13 conversation. You try to maintain control of the
14 interview, right?

15 A. Yes.

16 Q. For a couple of hours he denies committing the
17 robbery, is that right in the beginning?

18 A. Yes.

19 Q. And then you tell him that you got the money from
20 Deonna Greene, right?

21 A. I do.

22 Q. And you tell him there was a 2 dollar bill.

23 A. I did.

24 Q. And he gets your card and he's going to decide to
25 call you later. When you end up leaving the first time

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1 right, he had gotten your card?

2 A. That's one of the times I walked. I walked out
3 several times inbetween that but there was a point where
4 I gave him my business card and I left the room.

5 Q. And he wanted to call Deonna at some point, right?

6 A. He did.

7 Q. And based on what he said you never searched Deonna
8 Greene's home, of a search warrant.

9 A. I don't think so. I don't remember if we did or
10 not. I don't think we did. I'm not sure now that you
11 say that.

12 Q. You didn't charge Deonna Greene with anything after
13 talking with her.

14 A. No.

15 Q. So you leave at some point and Sergeant Bailey goes
16 in and has some talks with him, right?

17 A. Yes.

18 Q. Maybe ten minutes or so he's in there with him
19 alone, right?

20 A. Yes.

21 Q. But you've seen that and you know that's when
22 Ronzell starts saying that he's tired and needs to lay
23 down.

24 A. He just kept saying he wanted to lay down or
25 something of that nature.

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1 Q. Okay. He said things like I just want to lay down.
2 You know just give me some time man, please.

3 A. And Sergeant Bailey replied to him that okay and
4 asks if he can do that.

5 Q. He said more than once that he wanted to lay down,
6 he needed some time; fair enough?

7 A. And Sergeant Bailey acknowledged.

8 Q. Now you had talked about, there was no torture
9 right? You didn't torture him. You can't hit him,
10 physically hit him right?

11 A. He's bigger than me but no, I didn't hit him.

12 Q. Right. And you wouldn't be able to do that because
13 it's recorded and that's not something that is really
14 realistic. Isn't that the way that's set up at your
15 police department, right?

16 A. I, Sergeant Brown, would not hit anyone.

17 Q. Now, you had mentioned in your direct testimony if
18 he had told you that I'm really thirsty I just need
19 something to drink before we continue this that you would
20 have got him some water.

21 A. Absolutely.

22 Q. And if he had said I'm just really hungry I got to
23 have something to eat. If I got something to eat we
24 could keep going with the interview you'd have given him
25 some food, right?

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- 1 A. I would have requested him some food.
- 2 Q. Now isn't sleep deprivation a form of torture?
- 3 A. I don't know.
- 4 Q. You've never been really tired?
- 5 A. I have.
- 6 Q. And you can't lay down and you can't go to sleep and
- 7 you just can't hold your eyes open. That doesn't feel
- 8 really well does it?
- 9 A. It's not torture.
- 10 Q. You don't think stopping someone from sleeping every
- 11 time they go to sleep could be torture?
- 12 A. I didn't stop anyone from not being able to sleep.
- 13 Q. And you haven't ever heard of that in the news or
- 14 anything as being used as sort of a form of ---
- 15 A. --- never ---
- 16 Q. --- torture?
- 17 A. Never.
- 18 Q. So if he said he was really thirsty you'd give him
- 19 some water, right?
- 20 A. Yes.
- 21 Q. If he said he was really hungry you'd give him some
- 22 food, right?
- 23 A. I would have.
- 24 Q. But if he said he was really tired though you
- 25 wouldn't let him rest. He said he wanted to lay down.

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1 Too bad.

2 A. He could have laid his head down if he wanted to.

3 Q. On a hard metal table?

4 A. He could have laid his head down if he wanted to.

5 He just said he wanted to lay down.

6 Q. Okay. But you didn't give him an opportunity to lay
7 down and rest, right?

8 A. He didn't tell me he wanted to lay down directly. I
9 think that portion started with Sergeant Bailey at some
10 point.

11 Q. But then you come in with Detective Bailey and
12 Detective Bailey says I know you said you wanted to lay
13 down, right?

14 A. But we also advised him that we needed to read him
15 his warrants and serve them to him and also seize his
16 clothing. And after that only if he wanted to talk with
17 us; solely it was his option and he continued to talk.

18 Q. He continued to talk after repeatedly saying I need
19 some time. I need to lay down, right? Please. I'm
20 going to call you. You remember him saying that? I'm
21 gonna call you.

22 A. But he still continued to talk and ask questions.

23 Q. Right because you kept going in the room and never
24 left him alone right; both of you.

25 A. He still asked questions even when we were reading

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1 the warrant to him he began to ask questions during that
2 segment.

3 Q. When he's really tired.

4 A. He asked questions regarding the investigation and
5 we wanted to provide him the answers that we could.

6 Q. So you had that handheld recorder right that you
7 talked about in your direct, you had the handheld
8 recorder at that table.

9 A. Yes, that was observed when the video is going.

10 Q. And you told him it was turned off.

11 A. I initially paused it and at his request he wanted
12 it completely turned off and I showed that to him.

13 Q. And he only said what he did after you assured him
14 that the tape recorder was turned off, right?

15 A. Yes.

16 Q. Are you the case agent in this case?

17 A. I was the case agent.

18 Q. And Deonna never got charged you said.

19 A. Deonna was not charged.

20 Q. There is no fingerprints of Mr. Olds, Ronzell, in
21 that Sunoco that you found.

22 A. Based on the video surveillance the person was
23 wearing gloves. We also collected some gloves from him
24 when we took his property.

25 Q. And the person robbing that store was wearing a

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1 mask, right?

2 A. The person was wearing a mask.

3 Q. Lisa Holmes never identified Ronzell as the person
4 who did it.

5 A. I don't think she'd be capable if the person is
6 wearing a mask.

7 Q. You don't have a gun in evidence.

8 A. I do not.

9 Q. You don't have any prints on the 2 dollar bill?

10 A. There were no prints recovered.

11 MR. KING: That's all the questions I have, Your
12 Honor.

13 THE COURT: All right. Any follow-up?

14 MR. SIMPSON: Yes, Your Honor.

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1 REDIRECT EXAMINATION

2 BY MR. SIMPSON:

3 Q. Prior to any of the moments that Mr. King pointed
4 out when the interview was very conversational and
5 Ronzell is yet to know that you had linked this 2 dollar
6 bill he admitted to you that he did stay at Deonna's.

7 A. He did.

8 Q. He admitted to you that he had left some cash for
9 Deonna at that place, at her place.

10 A. He stated that he left it in the dresser drawer, the
11 wooden drawer.

12 Q. He indicated that he, did he indicate that he had
13 communicated to Deonna hey, there is some money waiting
14 for you in that drawer?

15 A. He did. He said he told her that the morning of.

16 Q. Okay. And he indicated to you that even the
17 denominations was it 27 ones, and few fives and
18 importantly a 2 dollar bill.

19 A. Yes.

20 Q. Okay. When the series of exchanges happened where
21 Ronzell says things like hey, I just want to blow, I just
22 want to think about this you know let me go lay down for
23 a second was the answer ever, and I believe I'm quoting
24 Mr. King here, too bad?

25 A. Never.

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1 Q. Was that ever the answer that he got when he
2 expressed that he kind of wanted ---

3 A. --- no ---

4 Q. --- I want to go ahead and go to jail ---

5 A. --- no, no.

6 Q. Okay. Was the answer I'm not going to deny you
7 that?

8 A. Yes, I think Sergeant Bailey said that.

9 Q. Was it we're going to -- okay, yes, I hear you, I
10 know?

11 A. I think Sergeant Bailey maybe repeated twice that he
12 wasn't going to deny him the right to lay down.

13 Q. Okay. But it was just made clear there were a
14 couple of things you had to do before that happened.

15 A. Yes.

16 Q. And what were those?

17 A. We had to serve him his warrant. We had to read it
18 to him and we also had to seize his clothing.

19 Q. And was it during the course of carrying out those
20 two things that had to be done before he went to lay down
21 through the course that he asked you questions.

22 A. He did.

23 Q. And that the exchange about the recorder and the
24 ultimate confession occurred?

25 A. Absolutely.

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1 Q. Quick question. If someone gives me money or leaves
2 me money at my house and it turns out unbeknownst to me
3 that that money was stolen have I committed a crime?

4 MR. KING: Objection, Your Honor. It requires a
5 legal answer.

6 THE COURT: Sustained.

7 MR. SIMPSON: I have nothing further, Your Honor.

8 THE COURT: Anything else from the defense?

9 MR. KING: No questions.

10 THE COURT: Okay.

11 [Whereupon, the witness is excused and exits the
12 witness stand]

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1 THE COURT: Okay. Ladies and gentlemen I got your
2 note that you need a break now and I was going to take a
3 break anyway, so we will take a break at this time for
4 approximately ten minutes and give you a chance to
5 stretch your legs and take a comfort break and we'll see
6 you back in a few minutes. Thank you very much.

7 [Whereupon, the jury exits at 3:50 p.m.]

8 [Whereupon, Court is in recess from 3:50 p.m. until
9 4:04 p.m.]

10 THE COURT: Can I ask the attorneys just for
11 scheduling what the rest of the witness list looks like
12 today at least.

13 MR. SIMPSON: The State has three more witnesses,
14 all with be significantly shorter than the previous
15 witnesses. We have the jail tape custodian we're calling
16 now and I think Your Honor is pretty familiar with how
17 that goes.

18 Through her we are going to seek to admit portions
19 of just one call, so we're not going to be listening to
20 any prolonged calls; that's our only purpose for that
21 witness.

22 THE COURT: Okay.

23 MR. SIMPSON: We're going to call my investigator
24 Chuck Jolliff just to briefly recount his efforts to
25 locate Deonna Greene, which were all totally unsuccessful

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1 and that will go by like that (snaps fingers) I think.
2 And we want to call Ashley Wojslawowicz who just simply
3 collected the money in this case and entered the money
4 and there are some photographs of the money.

5 THE COURT: Okay.

6 MR. SIMPSON: That's the rest of our witness list,
7 Your Honor.

8 THE COURT: There's a chance we need to do her in
9 the morning. We'll see how fast she actually goes so
10 we'll just see. I hope not; I don't know, we'll just
11 see.

12 MR. SIMPSON: Okay.

13 THE COURT: Are y'all ready to proceed?

14 MR. SIMPSON: Yes, Your Honor.

15 MR. KING: Yes, Your Honor.

16 THE COURT: Okay. We can bring the jury back in
17 whenever they're ready.

18 MR. SIMPSON: Your Honor, may we approach while
19 they're out?

20 THE COURT: You want me to keep the jury outside?

21 MR. SIMPSON: If we could just hold them for just a
22 moment.

23 MR. KING: Yes, Your Honor.

24 MR. SIMPSON: I'm sorry. I'm trying to actually
25 save time.

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1 THE COURT: All right.

2 MR. SIMPSON: I've indicated to the defense and can
3 indicate to the Court a near perfect transcript of what I
4 intend to enter through the jail tape evidence.

5 THE COURT: Okay.

6 MR. SIMPSON: We have one disagreement as to what
7 is not hearsay and I thought it might be a good time to
8 bring it up right now so we won't have to stop.

9 THE COURT: All right.

10 MR. SIMPSON: And I think the best example is the
11 following exchange for the record. It's from Ronzell: I
12 had fought so bad man. From who we believe was Deonna
13 but it's just a female voice, did you have a gun. And
14 the defense believes that that could be hearsay and
15 perhaps anything she says is hearsay.

16 THE COURT: Okay. Do you have the transcript where
17 I can read it or borrow it and follow along?

18 MR. SIMPSON: Sure.

19 [Whereupon, Mr. Simpson provides documents to the
20 Court]

21 MR. SIMPSON: It's a little marked up. The female
22 voice is labeled Deonna and I think all she says is
23 questions and I don't believe that to be hearsay.

24 [Whereupon, the Court reviews document]

25 THE COURT: So what's your objection Mr. King?

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1 I'll let you state your objection thoroughly.

2 MR. KING: There is a fairly new case that came out
3 State v Mack Washington and it references back to the
4 case of State v Brewer. And that is where it talks about
5 a law enforcement's questions being hearsay verses the
6 defendant's statements.

7 So I think -- Deonna is unavailable. I cannot
8 cross-examine her; that's one thing. To pack her
9 statements in I think they're asking for some sort of
10 hearsay exception for her statements to come in. I
11 understand an omission by a party opponent of the
12 defendant's statement is an exception to the hearsay rule
13 but ---

14 THE COURT: --- but her statement did you have a
15 gun is what you are objecting to? Is that question that
16 she asks?

17 MR. KING: All of her statements.

18 THE COURT: Okay.

19 MR. KING: Everything that she says I believe is
20 hearsay.

21 MR. SIMPSON: Your Honor, I'd just point out that
22 under Crawford and all of its progeny her statement to be
23 violate the confrontation clause it must be testimonial
24 in nature. The question is the opposite of testimonial
25 in nature particularly when stated to a party and not to

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1 law enforcement. As to the cases that Mr. King cites
2 about law enforcement questioning being hearsay at least
3 I think I have this right in the Brewster case, which is
4 a good example of what is obviously hearsay is when they
5 were questioning the suspect they said something to the
6 effect of listen man, I've got 15 people out here that
7 are saying you were the shooter. What do you have to say
8 about that?

9 And the State sought to admit that question and
10 answer. And their argument was well it's not hearsay
11 because we're just trying to see what his answer is to
12 that. Well obviously the Court said it was because they
13 were saying they had 15 other witnesses, and I'm making
14 up that number, they said they had other witnesses who
15 were saying things about him. In other words they were
16 putting in the testimony of other people; a classic
17 example of hearsay.

18 What we're seeking to admit today doesn't come
19 anywhere close to that sort of thing. If Deonna was
20 saying hey, I saw you rob that store of course that would
21 be hearsay but all in that exchange right there is why
22 did you do it? Did you have a gun?

23 I mean those aren't even declarative statements;
24 they're questions. They simply don't fall under just the
25 basic definition of hearsay. And as to the confrontation

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1 clause I would submit the opposite of testimonial type
2 statements that would cause a problem with Crawford.

3 THE COURT: So the portion that I'm looking at that
4 you handed me begins with I'm assuming just so I'm
5 understanding exactly what it is that you seek to admit,
6 are you trying to admit the whole call from 1/16/18 at
7 21:31?

8 MR. SIMPSON: No, just the portions you read. And
9 in fact ---

10 THE COURT: --- the one that starts with him saying
11 I 'F' up so bad man.

12 MR. SIMPSON: If you see the numbers I've just
13 labeled the exact lines I want to admit.

14 THE COURT: The only thing she utters during that
15 entire portion is the question did you have a gun. Is
16 that correct?

17 MR. SIMPSON: I believe that's correct. I'll
18 admit, I'll concede that navigating this tape is a little
19 tough but that's what I'm going to try is to just publish
20 this. Oh, I'm sorry -- now I understand. So, the
21 question for Deonna is: Why? I knew it had to be
22 something. Why not even tell me something? Did you have
23 a gun? And I believe that's it.

24 THE COURT: So she asks three questions?

25 MR. SIMPSON: Three questions; all questions.

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1 THE COURT: All right. And your argument is number
2 one it doesn't constitute hearsay and number two?

3 MR. SIMPSON: It doesn't violate the
4 confrontational clause because it's non-testimonial.

5 THE COURT: Right.

6 MR. SIMPSON: I think to be hearsay you have to
7 have some declarative statement advanced proof the truth
8 of the matter. You know in other words I saw you rob
9 that store, isn't that true.

10 THE COURT: I would agree. There is nothing about
11 any of those statements that is a statement. There is no
12 reason to confront. She's not in those statements that
13 she makes in that portion you just showed me she's not
14 making any assertions whatsoever that would need to be
15 cross-examined or confronted. So, I'll allow it in over
16 the defense's objection. Okay.

17 MR. SIMPSON: Thank you, Your Honor.

18 THE COURT: Now, are we ready to bring the jury in?

19 MR. SIMPSON: Yes, Your Honor.

20 THE COURT: Bring them in now. Thank you, sir.

21 [Whereupon, the jury enters at 4:13 p.m.]

22 THE COURT: I believe we're ready to proceed. The
23 State may call its next witness.

24 MR. SIMPSON: Thank you, Your Honor.

25

State v Ronzell Bilah Olds
Loretta Mitchum-Direct Examination by Mr. Simpson
March 8, 2022

1 MR. SIMPSON: The State calls Loretta Mitchum from
2 the Charleston County Detention Center.

3 [Whereupon, Ms. Mitchum comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 THE CLERK OF COURT: Please state your name for the
7 record and spell your last name.

8 THE WITNESS: Loretta Mitchum, M-I-T-C-H-U-M.

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10 LORETTA MITCHUM,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. SIMPSON:

15 Q. Good afternoon, Ms. Mitchum. How are you?

16 A. Fine.

17 Q. What is your current occupation?

18 A. I work for the Charleston County Sheriff's Office at
19 the Al Cannon Detention Center. I'm an administrative
20 assistant for the security threat group.

21 Q. Okay. And what are some of the duties and roles
22 entailed in that occupation?

23 A. I handle all the subpoenas, search warrant requests
24 for inmate records, phones, video, and discipline.

25 Q. Let me ask you a couple of questions. Are you

State v Ronzell Bilah Olds
Loretta Mitchum-Direct Examination by Mr. Simpson
March 8, 2022

1 familiar with how the inmate phones operate and are
2 maintained there at the Detention Center?

3 A. Yes.

4 Q. Are phone calls recorded?

5 A. Yes.

6 Q. And can you explain to the jury a little bit about
7 how that process works and occurs?

8 A. Once a person comes in they're given a special code
9 to use the phone. And when they call out they punch that
10 code in. And it says on the phone that the calls may be
11 monitored and recorded.

12 Q. Okay. So inmates are made aware of that fact?

13 A. Yes.

14 Q. Okay. Is there ability then considering that the
15 calls are recorded by a code that someone namely law
16 enforcement can access those calls through an inmate's
17 name or number?

18 A. Yes, with a search warrant or subpoena.

19 Q. Okay. And it's part of your job to respond to
20 search warrants and subpoenas for such information.

21 A. Correct.

22 MR. SIMPSON: May I approach, Your Honor?

23 THE COURT: Yes.

24 Q. [Mr. Simpson] I'm showing you what has been marked
25 for I.D. only as State's exhibit 24.

State v Ronzell Bilah Olds
Loretta Mitchum-Direct Examination by Mr. Simpson
March 8, 2022

1 [Whereupon, the witness is shown exhibit]

2 Q. Can you identify that document?

3 A. That's a search warrant for Ronzell Olds. It has
4 his inmate number and the time frame which it wants the
5 jail calls.

6 Q. Okay. So you said is that a search warrant or a
7 subpoena?

8 A. That is a search warrant.

9 Q. Okay. And again it is associated with the jail
10 calls of a particular inmate?

11 A. Yes. It's requesting jail phone recordings for the
12 inmate.

13 MR. SIMPSON: May I approach, Your Honor?

14 THE COURT: Yes.

15 Q. [Mr. Simpson] I'm showing you what has been marked
16 for I.D. only at this time as State's exhibit 22.

17 [Whereupon, the witness is shown exhibit]

18 Q. Do you recognize that exhibit?

19 A. Yes.

20 Q. And what is that exhibit?

21 A. It is a recording of phone conversation.

22 Q. Okay. And have you reviewed with me for your
23 testimony today the contents on that CD?

24 A. Yes.

25 Q. And does that CD contain the Detention Center's

State v Ronzell Bilah Olds
Loretta Mitchum-Direct Examination by Mr. Simpson
March 8, 2022

1 response to the subpoena for Ronzell Olds phone calls?

2 A. Yes.

3 MR. SIMPSON: Your Honor, subject to previous
4 objection the State at this time would seek to admit a
5 portion of State's exhibit 22 previously discussed.

6 THE COURT: Over the objection stated by the
7 defense and renewed for the record it will be admitted.

8 [Whereupon, a portion of State's exhibit number 22
9 is entered into evidence by the Court]

10 Q. [Mr. Simpson] Ms. Mitchum, is there a period of time
11 at the beginning of any recording where it sort of, the
12 inmate is identified?

13 A. Yes, when they put in their PIN number and they
14 identify their name.

15 MR. SIMPSON: Your Honor, I'm starting it at the
16 beginning of a call on State's exhibit 22. For the
17 record the call takes place on January 16th at 21:31
18 hours.

19 THE COURT: What year for the record?

20 MR. SIMPSON: January 16th of 2018. Thank you.

21 THE COURT REPORTER: Could you give me the time
22 again?

23 MR. SIMPSON: January 16th, 2018. I'm just putting
24 that for the record.

25 THE COURT: At what hour?

State v Ronzell Bilah Olds
Loretta Mitchum-Direct Examination by Mr. Simpson
March 8, 2022

1 MR. SIMPSON: At 21:31.

2 [Whereupon, a portion of State's exhibit 22 is
3 played]

4 Q. [Mr. Simpson] I have no further questions for you
5 Ms. Mitchum. Thank you.

6 THE COURT: Any questions for this witness?

7 MR. KING: No questions, Your Honor.

8 THE COURT: All right. You can step down ma'am.
9 Any objection to her being excused?

10 MR. SIMPSON: None from the State.

11 MR. KING: No, Your Honor.

12 THE COURT: You're free to leave. Thank you,
13 ma'am.

14 [Whereupon, the witness is excused and exits the
15 witness stand]

16 THE COURT: The State can call its next witness.

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State v Ronzell Bilah Olds
Ashley Wojslawowicz-Direct Examination by Ms. Halienna
March 8, 2022

1 MS. HALIENA: The State calls Ashley Wojslawowicz.
2 [Whereupon, Ms. Wojslawowicz comes forward]
3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 THE CLERK OF COURT: Please state your first and
6 last name and spell your last name for the record.

7 THE WITNESS: Ashley Wojslawowicz, W-O-J-S-L-A-W-O-
8 W-I-C-Z.

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10 ASHLEY WOJSLAWOWICZ,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MS. HALIENA:

15 Q. Good afternoon.

16 A. Hi.

17 Q. Please tell the jury what is your occupation?

18 A. So I'm currently a master crime scene investigator
19 with the Charleston Police Department.

20 Q. And how long have you worked at the Charleston
21 Police Department?

22 A. Just over 11 years.

23 Q. And was that your occupation back in January of
24 2018?

25 A. Yes, it was.

State v Ronzell Bilah Olds
Ashley Wojslawowicz-Direct Examination by Ms. Haliena
March 8, 2022

1 Q. And what are your duties and responsibilities in
2 this role?

3 A. We respond as a crime scene investigator we respond
4 to types of property crime and violent crimes where there
5 is a need for some sort of forensic investigation and
6 processing of physical evidence.

7 So in the specifics of this case I was contacted by
8 the detectives to arrive at an address and assist them in
9 their investigation.

10 Q. And in this case were you contacted on January 16th
11 of 2018?

12 A. Yes, I was.

13 Q. And did you respond to 1900 Hazelwood?

14 A. I did.

15 Q. And why were you contacted?

16 A. I was informed by Investigator Brown that there was
17 property that had been located during a search warrant at
18 the apartment that detectives were at.

19 It was requested that photographs be conducted of
20 the items of interest that had been located and I would
21 then collect the items for laboratory analysis.

22 Q. And when you arrived on scene what did you observe?

23 A. I observed the central investigators on scene,
24 Investigator Brown as well as Sergeant Bradley -- I'm
25 sorry, Sergeant Bailey and they directed me to an area

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Ashley Wojslawowicz-Direct Examination by Ms. Haliena
March 8, 2022

1 where they had been searching the apartment and located
2 some money. The money was stated to have been from a
3 purse and that was located currently on a couch when I
4 arrived. So I was directed to the money requested to
5 take photographs of that money.

6 MS. HALIENA: Permission to approach the witness,
7 Your Honor?

8 THE COURT: Uh Huh.

9 Q. [Ms. Haliena] I am showing you what has been marked
10 as State's exhibit 17, 18, and 19 if you could look at
11 those.

12 [Whereupon, the witness is shown exhibits]

13 Q. Do you recognize them?

14 A. Yes, I do.

15 Q. And how do you recognize them?

16 A. These are photographs that I conducted of that purse
17 and the money that was within the purse.

18 Q. And do they fairly and accurately depict what you
19 observed on that day?

20 A. Yes, they do.

21 MS. HALIENA: At this time the State would offer
22 State's exhibit 17, 18, and 19 into evidence and request
23 permission to publish.

24 THE COURT: All right. Any objection to 17, 18,
25 and 19?

State v Ronzell Bilah Olds
Ashley Wojslawowicz-Direct Examination by Ms. Haliena
March 8, 2022

1 MR. KING: No objection.

2 THE COURT: Without objection they will be
3 admitted.

4 [Whereupon, State's exhibit numbers 17, 18, and 19
5 are entered into evidence by the Court]

6 Q. [Ms. Haliena] I am first going to show you State's
7 exhibit 18.

8 [Whereupon, State's exhibit number 18 is published]

9 Q. And what is this?

10 A. This is a photograph of the purse that had been
11 located by investigators, upon opening the purse the
12 contents that were still remaining in the purse at the
13 time.

14 Q. Then I'm going to go back to show you 17.

15 [Whereupon, State's exhibit number 17 is published]

16 Q. What is this?

17 A. This is a photograph of a 2 dollar bill. This 2
18 dollar bill was stated by investigators on the scene to
19 have been located inside the purse but then had been
20 removed from the purse by the investigators.

21 Q. And State's exhibit 19?

22 [Whereupon, State's exhibit number 19 is published]

23 Q. What is this?

24 A. This is a photograph of that same currency all laid
25 out to show the different denominations.

State v Ronzell Bilah Olds
Ashley Wojslawowicz-Direct Examination by Ms. Haliena
March 8, 2022

1 Q. And after you took photographs then what did you do?

2 A. Once the photographs had been completed of the
3 currency I then packaged the items as what we call as one
4 item. The money was then submitted to our latent
5 recovery unit for fingerprint analysis.

6 MS. HALIENA: Permission to approach, Your Honor?

7 THE COURT: Uh Huh.

8 Q. [Ms. Haliena] I am showing you what has been marked
9 for identification purposes only as State's exhibit 20.

10 [Whereupon, the witness is shown exhibit]

11 Q. Do you recognize that?

12 A. I do.

13 Q. And how do you recognize it?

14 A. This is the packaging and the money that I had
15 collected on that date.

16 Q. And what's on the outside of that bag?

17 A. My initials and my reporting number are also on the
18 seal.

19 Q. And inside there is State's exhibit 16.

20 A. Do you want me to reach in?

21 Q. Yes, please.

22 [Whereupon, the witness complies]

23 Q. Do you recognize State's exhibit 16?

24 A. Yes, I do.

25 Q. And how do you recognize it?

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Ashley Wojslawowicz-Direct Examination by Ms. Haliena
March 8, 2022

1 A. This is a 2 dollar bill that I had photographed and
2 collected that was with the currency. I recognize it
3 because I have my initials on it as well as the serial
4 number is the same as in the photograph.

5 Q. And that was the 2 dollar bill that was included
6 with the rest of the bills, correct?

7 A. Yes.

8 MS. HALIENA: At this time the State would offer
9 State's exhibit 16 into evidence.

10 MR. KING: No objection, Your Honor.

11 THE COURT: Without objection it will be admitted.

12 [Whereupon, State's exhibit number 16 is entered
13 into evidence by the Court]

14 MS. HALIENA: Permission to publish?

15 THE COURT: Uh Huh.

16 [Whereupon, State's exhibit number 16 is published]

17 Q. [Ms. Haliena] And I think you stated that this 2
18 dollar bill was with the rest of the cash. What is the
19 serial number on that bill?

20 A. The serial number is F, as in Frank, 2-7-4-3-5-2-6-1
21 B, as in Bravo.

22 Q. And after packaging the cash what did you do next?

23 A. After packaging the money it was submitted to our
24 latent recovery unit for fingerprint analysis. So the
25 money was sealed and then submitted through a secured

State v Ronzell Bilah Olds
Ashley Wojslawowicz-Direct Examination by Ms. Haliena
March 8, 2022

1 locker.

2 MS. HALIENA: Court's indulgence.

3 [Whereupon, Mr. Simpson and Ms. Haliena confer]

4 Q. [Ms. Haliena] I have no further questions. Please
5 answer whatever questions the defense may have.

6 MR. KING: I have no questions for this witness,
7 Your Honor.

8 THE COURT: All right. Thank you. You may step
9 down.

10 [Whereupon, the witness is excused and exits the
11 witness stand]

12 THE COURT: Go ahead and call your next witness.

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State v Ronzell Bilah Olds
Charles Jolliff-Direct Examination by Mr. Simpson
March 8, 2022

1 MR. SIMPSON: The State calls investigator Charles
2 Jolliff.

3 [Whereupon, Mr. Jolliff comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 THE CLERK OF COURT: State your name for the record
7 and spell your last name.

8 THE WITNESS: My name is Charles Jolliff, J-O-L-L-
9 I-F-F.

10 - - - - -

11 CHARLES JOLLIFF,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. SIMPSON:

16 Q. Good afternoon, investigator Jolliff.

17 A. Good afternoon.

18 Q. What is your occupation?

19 A. I am an investigator with the Solicitor's office.

20 Q. And you have the unique pleasure of working with
21 myself and Ms. Haliena?

22 A. I do.

23 Q. Okay. And what does an investigator do for the
24 Solicitor's office?

25 A. We are a 10 person police department inside the

State v Ronzell Bilah Olds
Charles Jolliff-Direct Examination by Mr. Simpson
March 8, 2022

1 Solicitor's office. We do liaison work between the
2 attorneys in the police department --

3 THE COURT REPORTER: I'm sorry; I'm going to need
4 you to speak up just a little.

5 THE COURT: I'm having a hard time hearing you too.

6 A. We are a ten man police department. We are a
7 liaison between the attorney's office and the police
8 department and we serve subpoenas and attempt to locate
9 witnesses.

10 Q. [Mr. Simpson] Okay. Because in your experience is
11 it true that sometimes a trial can happen some period of
12 time after the actual incident ---

13 A. --- yes.

14 Q. And a period of time between point A and B is a
15 pretty frequent occurrence that people may disappear,
16 move?

17 A. Right. They move, they change phone numbers and
18 things like that.

19 Q. And so one of your many jobs at the Solicitor's
20 office is to locate people that we can't find?

21 A. Right.

22 Q. Okay. Did you do that in the present case?

23 A. I did.

24 Q. I want to ask you specifically about a name that has
25 been mentioned in this case, Deonna Greene.

State v Ronzell Bilah Olds
Charles Jolliff-Direct Examination by Mr. Simpson
March 8, 2022

1 A. Yes.

2 Q. First let me ask you generally what sort of
3 techniques do you employ to locate people who we're
4 having a hard time getting in touch with?

5 A. So we take the original incident report and we go
6 off the information from that. We attempt to use the
7 phone numbers and the addresses when the incident
8 occurred.

9 In this case Ms. Greene was not at the phone number
10 or address anymore. So then we used a bunch of different
11 search engines and things like that; South Carolina DMV
12 for driver's license address.

13 There is also another search engine called TLO that
14 we use that gives addresses, phone numbers, neighbor's
15 addresses and things like that. We also call Dominion
16 Energy to see if there is power in her name anywhere.

17 In this case Ms. Greene had an address that changed
18 from Orleans Gardens to Ardmore area on Balsam. We -- I
19 attempted to locate her there and went by her house
20 multiple times without any success in finding her.

21 Q. Okay. And was it certainly our intent, your intent,
22 to locate her?

23 A. Right. We attempted for about a month to try to
24 find her.

25 Q. And was a subpoena drafted and ready to be served

State v Ronzell Bilah Olds
Charles Jolliff-Direct Examination by Mr. Simpson
March 8, 2022

1 that would ensure her presence here?

2 A. It was and a copy was left at her door and a
3 business card of mine was at her door also.

4 Q. Okay. And if you could approximate how many times
5 did you in person go to try to locate this person?

6 A. Probably a dozen.

7 Q. Okay. Stupid question but there was no attempt to
8 not have her appear for trial. Do you feel like you made
9 every reasonable attempt to locate her?

10 A. I did, yes. It's part of my job to find people who
11 are subpoenaed.

12 Q. And you are trained at finding people?

13 A. Yes.

14 Q. You pretty good at it?

15 A. I'd like to think so.

16 Q. Okay. Just was unsuccessful in this case?

17 A. I was.

18 Q. And is it also true in your experience in law
19 enforcement as an investigator, and again I'm not
20 suggesting that you have any information to this effect
21 as it applies to Ms. Greene but generally speaking is it
22 true that sometimes people don't want to be found?

23 A. Absolutely.

24 Q. As cooperating with us isn't always everyone's
25 hottest priority is that correct?

State v Ronzell Bilah Olds
Charles Jolliff-Direct Examination by Mr. Simpson
March 8, 2022

1 A. Correct.

2 MR. SIMPSON: Court's indulgence.

3 [Whereupon, Mr. Simpson and Ms. Haliena confer]

4 Q. [Mr. Simpson] Please answer any questions Mr. King
5 has for you.

6 MR. KING: Just briefly.

7 THE COURT: Sure.

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State v Ronzell Bilah Olds
Charles Jolliff-Cross-Examination by Mr. King
March 8, 2022

1	CROSS-EXAMINATION
2	BY MR. KING:
3	Q. This case is over four years old, right?
4	A. Yes, sir.
5	Q. Would you agree it is easier to find witnesses the
6	closer in time it is to the incident?
7	A. Absolutely.
8	Q. So the more time that goes by the harder it is to
9	find somebody, right?
10	A. People tend to change their addresses and phone
11	numbers, yes sir.
12	Q. They move away and move out of state.
13	A. Yes, sir.
14	MR. KING: That's all the questions I have.
15	MR. SIMPSON: No redirect.
16	THE COURT: You can step down. Thank you, sir.
17	[Whereupon, the witness is excused and exits the
18	witness stand]
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1 THE COURT: Does the State have any other witnesses
2 they wish to call at this time?

3 MR. SIMPSON: Your Honor, at this point in time the
4 State rests.

5 THE COURT: All right. All right ladies and
6 gentlemen we will end for today right here. It's about
7 4:40; that gets y'all out of the building about 5 o'clock
8 hopefully and so I'll live up to my promise to you
9 earlier today.

10 I'm going to ask that you return tomorrow morning
11 about the same time about 9:15 if you can and we will get
12 started at that time. As I instructed you earlier be
13 sure you don't do any independent research tonight.
14 Don't try to look anything up.

15 I know sometimes it's tempting in this age of
16 instant information at your fingertips but please do not
17 do so. We will see you back here in the morning. Thank
18 you very much.

19 [Whereupon, the jury exits at 4:39 p.m.]

20 THE COURT: All right. We can take up any motions
21 now or if counsel would rather wait until first thing in
22 the morning we can do that as well. The State has
23 already closed so obviously they're not going to call any
24 other witnesses or anything like that.

25

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1 MOTION FOR DIRECTED VERDICT

2 MR. KING: We have a directed verdict motion and
3 just a couple others. At this time I would make a
4 directed verdict motion, Your Honor in that the State has
5 failed to prove each and every element of the charge.

6 THE COURT: All right. You want to respond?

7 MR. SIMPSON: Your Honor, we presented and admitted
8 a videotape of the actual incident, which clearly
9 indicates an armed robbery and all the elements of an
10 armed robbery are met being the person is armed and takes
11 away the property from a person or the control of another
12 person.

13 Leaving only the real issue is identification. And
14 not to belabor the point but we presented a confession
15 that the person in that video is Mr. Olds. And I think
16 that alone without anything else more than exceeds the
17 minimum requirements for directed verdict analysis.

18 The person in that video on the same token is also
19 clearly armed with what appears to be a deadly weapon.
20 An armed robbery being a violent crime statutorily the
21 elements are met.

22 THE COURT: Okay. Anything else?

23 MR. KING: I renew my Denno motion, Your Honor that
24 we had pretrial ---

25 THE COURT: --- yes, all objections previously

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1 stated are hereby renewed for purposes of this stage of
2 the trial. The previous rulings stand but you have
3 renewed that clearly for the record, and on the directed
4 verdict motion that is denied. Obviously at this stage
5 there is at least some evidence.

6 I think the creditability or the weight of the
7 evidence will ultimately be for the jury to determine but
8 certainly there is evidence vis-à-vis the testimony of
9 the cashier and obviously the video itself along with the
10 confession tape is enough to survive a directed verdict
11 motion at this time. And it will be a jury decision as
12 to the weight and creditability they assign to each of
13 these things. All right.

14 MR. KING: One more, Your Honor?

15 THE COURT: Yes, sir.

16 MR. KING: One more motion?

17 THE COURT: Yes.

18 MR. KING: And only because I believe there has
19 been some supplemental information that the motion to
20 dismiss based on the speedy trial and pre-indictment
21 delay. That has been heard by Judge Jefferson and she
22 court ordered that I think just a few weeks ago.

23 But after that I found out that the manager of the
24 store Mr. Cullum [phonetic] had died. He was the one who
25 was in charge and knew the information about the security

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1 system, about the 2 dollar bill and that whole system. I
2 wasn't able to cross-examine him. They had to bring in
3 someone who didn't work at the store and who didn't
4 really know anything specific about that store as Mr.
5 Cullum [phonetic] had.

6 And also I haven't been able to cross-examine Deonna
7 Greene. They said they made all the effort to find her.
8 Investigator Jolliff said the delay in the case the
9 longer you wait for a case the harder it is to find
10 somebody. So delays caused Deonna Greene not to be
11 available for cross-examination. She's a major role in
12 this case. I can't ask her any questions.

13 And the previous witness I had was Mark Mashke
14 [phonetic] who had witnessed that Mr. Olds has smoked
15 marijuana. They didn't present testimony from Detective
16 Brown that he appeared to not be under the influence of
17 any drugs.

18 I might had had a witness who could have
19 corroborated Mr. Olds testimony about smoking marijuana
20 before he made the statement. So I think there's some
21 additional prejudice that I've suffered, the case has
22 suffered due to the delay of the case.

23 THE COURT: Okay. I think that's noted for the
24 record. I don't think that motion obviously is not
25 squarely before me but you've had an opportunity now to

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1 delve into that a little bit more deeply and that is
2 certainly in the record. Anything else before we break
3 for the afternoon?

4 MR. SIMPSON: You're probably sick of looking at us
5 but I just had an academic question I wanted to ask the
6 Court.

7 THE COURT: Okay.

8 MR. SIMPSON: Have I hypothetically and if you want
9 to go off the record it is fine and I'm asking this for
10 Mr. King as well, ask the officer to testify to watching
11 the surveillance video could they testify to what they
12 saw and heard on the Saints Market and the Hazelwood
13 Apartment complex video?

14 THE COURT: You're asking me to explain my ruling.
15 I'm happy to do that.

16 MR. SIMPSON: No, no ---

17 THE COURT: --- I think essentially you have to
18 have somebody in, and I think our case law states for
19 photographic evidence. Obviously the ultimate question
20 is for what purpose is it being introduced.

21 My understanding at the time of my ruling was that
22 the purpose for introducing that video evidence would be
23 to see the defendant cross through the video camera, is
24 that correct?

25 MR. SIMPSON: Correct.

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1 THE COURT: Not just for the lay of the land for
2 example.

3 MR. SIMPSON: Right, right.

4 THE COURT: Okay. If it was just for the lay of
5 the land then that is something that they could have
6 potentially testified to. If it's something more along
7 the lines of something that is for the truth of the
8 matter in terms of him being there at that time in that
9 video camera then I need the custodian of the record to
10 authenticate it. They've got to testify as to the
11 methods that they capture things.

12 They've got to testify that it hasn't been
13 substantially altered or changed and how it was
14 downloaded, who was it provided to; things of that
15 nature. Therefore the cop can't testify to that.

16 MR. SIMPSON: Okay.

17 THE COURT: It sounds tedious. It's just the way
18 that our ---

19 MR. SIMPSON: --- I understood your ruling, Your
20 Honor. I was just wondering if I took it a step further
21 and said the video is not coming in but could I still ask
22 them what they saw on it and I'm here to answer your
23 ruling probably would have been no.

24 THE COURT: Yes, it would have been no.

25 MR. SIMPSON: It's relevant to a murder trial.

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1 THE COURT: For whatever its worth I'm happy to
2 explain that a little further. I had a feeling that was
3 what going to be the testimony. I didn't think you would
4 introduce it just to say hey, there's the front yard of
5 the mini mart. It comes up.

6 MR. SIMPSON: I was just more curious for another
7 trial that's going to be a big deal for me. Thank you.

8 THE COURT: Yes, sure. Okay. We'll adjourn for
9 the afternoon and I'll see everybody back at 9:15.

10 [Whereupon, jury trial adjourns at 5:00 p.m.]

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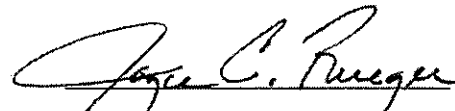
State v Ronzell Bilah Olds
Certificate of the Court Reporter
March 8, 2022

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
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 the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 8th day of March, 2022.

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

April 22, 2022


Joyce C. Rueger, CVR-M
Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2022-GS-10-0586
	)	2002-GS-10-0587
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
	)	
RONZELL BILAH OLDS	)	
	)	
Defendant	)	
	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD
		March 9, 2022
		Charleston, South Carolina

Volume 3 (of 3)

B E F O R E:

THE HONORABLE JENNIFER B. MCCOY, JUDGE

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[Certified Transcript Provided for: SCCID]

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1

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1 PROCEEDINGS

2 THE COURT: I think our jurors are filling out
3 lunch menus so we have a couple of minutes. And during
4 that time we will address another issue that has been
5 brought to my attention this morning from the Clerk's
6 Office.

7 They received an email this morning at 8:38 a.m.
8 from Alex Swann, juror number 265. We'll mark it as the
9 next Court's exhibit momentarily here. But he says:
10 Hello. I unfortunately will not be able to attend jury
11 duty today as my puppy has been having diarrhea all over
12 the house and I need to take her to the vet. I am sorry
13 for the late notice. Best, Alexandre Swann.

14 So, obviously I didn't get a chance to talk to Mr.
15 Swann or inquire further about this. We will just to
16 keep the trial going obviously we have two alternates and
17 my suggestion would be that we draw a name from our two
18 alternates. I'll have my law clerk draw a name from a
19 cup. Does that sound sufficient to the State?

20 MR. SIMPSON: No objection from the State.

21 THE COURT: Any objection from the defense?

22 MR. KING: No, Your Honor.

23 THE COURT: All right. We'll mark this as the next
24 Court's exhibit and get that done while the jury is
25 filling out their lunch orders.

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1 [Whereupon, Court's exhibit number 12 is marked by
2 the court reporter]

3 THE COURT: Madame Clerk, who were our two,
4 alternates? What are their numbers? Let's confirm. I
5 have juror number 238 and 157, is that correct?

6 THE CLERK OF COURT: Yes, ma'am.

7 THE COURT: So, I'm going to write 238 and 157 on
8 two pieces of identical post it notes. And I'll fold
9 them in half identically.

10 [Whereupon, the Court puts the two notes in a cup]

11 THE COURT: [To the law clerk] Pull one out and
12 hand it to me.

13 [Whereupon, the law clerk complies]

14 THE COURT: 157 will be seated with the main body
15 of the jury. So juror number 157 who is an alternate
16 will now be part of the main body. So when they come in
17 I'll make sure I tell them they can have a seat down with
18 the main body of the jury, okay? Anything before we
19 begin this morning from the State or the defense?

20 MR. SIMPSON: Nothing from the State, Your Honor.

21 MR. KING: Your Honor, the defense intends to rest.
22 I can do it in front of the jury. But we don't intend to
23 call any witnesses.

24 THE COURT: You don't?

25 MR. KING: Or the defendant doesn't intend to

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1 testify.

2 THE COURT: Okay. He does or he does not?

3 MR. KING: He does not.

4 THE COURT: Okay. So you don't need me to have a
5 discussion about his right to testify then, is that
6 correct?

7 MR. KING: If he's still okay with that decision, I
8 did inquire Your Honor but that was where we left it last
9 night.

10 THE COURT: Okay. I might do so just to be ---

11 MR. KING: --- that's probably best, Your Honor ---

12 THE COURT: --- on the safe side and explain to him
13 his rights. So before the jury comes in while they're
14 still handling their lunch menus, Mr. Olds I'm going to
15 ask that you stand up for me, sir.

16 [Whereupon, the defendant stands]

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State v Ronzell Bilah Olds
Fifth Amendment Rights
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1 FIFTH AMENDMENT RIGHTS

2 THE COURT: I'm going to place you under oath and
3 I'm going to ask you to hand your right hand for me.

4 [Whereupon, the defendant complies]

5 THE COURT: Do you swear to give me an honest
6 answer so help you God?

7 MR. OLDS: Yes, ma'am.

8 THE COURT: Mr. Olds at this time I'm going to
9 explain to you that you have certain rights, okay. And
10 if you don't understand anything I say I want you to stop
11 and let me know. Can you do that for me?

12 MR. OLDS: Yes, ma'am.

13 THE COURT: If you want me to explain anything in
14 more detail I also want you to let me know that as well,
15 okay?

16 MR. OLDS: Yes, ma'am.

17 THE COURT: We've reached the stage in the trial
18 the State has obviously rested and the defense has an
19 opportunity to put up a case. And you may present your
20 defense at this time, okay.

21 Now, you have the right to claim the protections
22 which were given to you by the Fifth Amendment of the
23 Constitution which states in part that no person shall be
24 compelled in any criminal case to be a witness against
25 himself. Now what this means is we can't require you to

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1 testify in this case. Do you understand that?

2 MR. OLDS: Yes, ma'am.

3 THE COURT: You absolutely have the right to
4 testify on your own behalf; however no one can make you
5 testify, okay. This is a personal right and no one can
6 waive that except for you, okay?

7 MR. OLDS: Yes, ma'am.

8 THE COURT: If you do decide to testify you would
9 be subject to the same rules that govern other witnesses
10 and you would be examined and cross-examined by the State
11 on any relevant issue in this case.

12 In addition, if you have any convictions involving
13 dishonesty or false statement or for crimes which were
14 punishable by imprisonment for more than a year and I
15 determine the probative value of admitting those would
16 outweigh any prejudicial effect the Solicitor would be
17 able to introduce your record to attack your
18 creditability. Do you understand that?

19 MR. OLDS: Yes, ma'am.

20 THE COURT: All right. If you do decide to testify
21 that decision on your part must be made freely,
22 voluntarily, and intelligently with the knowledge of
23 these protections that I just explained to you which are
24 given to you by the 5th Amendment and any consequences of
25 your decision to testify. Now, if you decide not to

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1 testify I will instruct the jurors that they cannot give
2 the fact that you did not testify any consideration
3 whatsoever and that there is to be absolutely no
4 prejudice to you because you didn't testify. It's left
5 entirely up to you whether or not you testify. You may
6 talk to your attorney some more, your family and friends
7 or anyone else but the final decision is left entirely up
8 to you. Do you understand that?

9 MR. OLDS: Yes, ma'am.

10 THE COURT: All right. Any questions about what
11 I've just explained to you?

12 MR. OLDS: No, ma'am.

13 THE COURT: Okay. Have you discussed with your
14 lawyer whether or not you want to testify?

15 MR. OLDS: Yes, ma'am.

16 THE COURT: Okay. And what's your decision?

17 MR. OLDS: I don't want to testify.

18 THE COURT: All right. Mr. King, anything else
19 you'd like me to go over with him at this time?

20 MR. KING: No, Your Honor.

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1 THE COURT: All right. And you don't have any
2 other witnesses at this time that you are going to call,
3 is that correct?

4 MR. KING: That's correct, Your Honor.

5 THE COURT: So we'll bring the jury in and
6 obviously it will be a momentary thing -- we'll bring the
7 jury in and give you an opportunity to rest in front of
8 them and we'll excuse them again at that point in time
9 okay, and I'll take up any motions at that time.

10 [Off the record momentarily]

11 THE COURT: Anything else you need from me Mr. King
12 this morning before we bring the jury in?

13 MR. KING: No, Your Honor.

14 THE COURT: Anything else from the State?

15 MR. SIMPSON: No, Your Honor.

16 THE COURT: All right. I think what I'm going to
17 do and I may actually have my clerk email the attorneys
18 the proposed charge at this point in time and that way
19 you can be looking over it before we get to that point in
20 time and we can discuss it if we need to. Who do y'all
21 prefer to have her send it to in your office?

22 MR. KING: To me.

23 THE COURT: You?

24 MR. KING: Me.

25 THE COURT: Okay. And you, Mr. Simpson?

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1 MR. SIMPSON: Yes, personally.

2 [Whereupon, the jury enters at 9:50 a.m.]

3 THE COURT: Good morning ladies and gentlemen.

4 Thank you. Please be seated everybody. Thank you so
5 much. And juror number 157 who is that?

6 [Whereupon, the juror raises her hand]

7 THE COURT: You are the lucky winner of moving to
8 the main body of the jury so thank you for doing that
9 this morning. That's why we have alternates; sometimes
10 things come up in people's lives and they have conflicts
11 and can't make it so thank you.

12 Yesterday afternoon right before we left the State
13 rested and so I will turn it over to the defense. Mr.
14 King, do you have any witnesses you wish to call at this
15 time?

16 MR. KING: No, Your Honor. At this time the
17 defense rests.

18 THE COURT: All right. Thank you very much.
19 Ladies and gentlemen as silly as this sounds we're going
20 to excuse you one more time; a little mid morning break.
21 I have some things that I have to take up with these
22 attorneys and we'll bring you back in as soon as
23 possible. Thank y'all so much.

24 [Whereupon, the jury exits at 9:51]

25 THE COURT: I'm happy to entertain any motions at

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1 this stage of the trial? Any from the State?

2 MR. SIMPSON: No, Your Honor.

3 THE COURT: Any from the defense?

4 MR. KING: Just renew our previous motions and
5 directed verdict, Your Honor. That's it.

6 THE COURT: All previous motions renewed. My
7 ruling stands. As specifically as the directed verdict
8 obviously as I discussed yesterday there is at least some
9 evidence in the record and the weight and creditability
10 assigned to that evidence will be solely for the jury to
11 determine.

12 But I do believe there is sufficient evidence in the
13 record to support the elements of both offenses; armed
14 robbery and possession of a weapon during the commission
15 of a violent crime. Certainly enough to submit them to a
16 jury so respectfully your motions are denied.

17 Closing arguments I guess by virtue of the fact
18 you're not calling any witnesses or putting any evidence
19 in Mr. King you will have last close. And who will be
20 closing for the State?

21 MR. SIMPSON: I will, Your Honor.

22 THE COURT: Okay. And Mr. King will you close for
23 the defense?

24 MR. KING: Yes, Your Honor.

25 THE COURT: Okay. Are y'all ready?

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1 MR. SIMPSON: Yes, Your Honor.

2 THE COURT: And we're still working trying to
3 hashing out the charge a little bit. So we're still
4 working on it a little bit. I think there is one
5 particular portion missing; the portion regarding the
6 defendant not testifying that they are not to consider
7 that in any way whatsoever.

8 So we'll still be looking over the charge obviously
9 and adding that portion in. If y'all want to look at the
10 charge I'm happy to do that now if you have the ability
11 so let's go ahead and make use of the time.

12 MR. KING: Just to make sure I don't say something
13 contrary to what the law it.

14 THE COURT: I think that would be a good idea.
15 Let's take a few minutes and do that. We'll look at it
16 together. And she'll send you the updated one too when
17 it adds that portion regarding defendant not testifying.

18 [Off the record momentarily]
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Charge Conference
March 9, 2022

1 CHARGE CONFERENCE

2 [Whereupon, counsel review the charge with the
3 Court]

4 THE COURT: I'm not sure that we need prior
5 inconsistent statements in there.

6 MR. SIMPSON: I agree, Your Honor.

7 THE COURT: I don't think there is any evidence of
8 that. Any disagreement with that Mr. King? I don't
9 think there is any evidence of a prior inconsistent
10 statement is it?

11 MR. KING: I used to do it in a lot of trials but I
12 don't think I did it in this one.

13 THE COURT: I don't think there is anything or
14 there was no evidence of any inconsistent statement that
15 I'm aware of. So we'll just take that portion out so
16 it's not confusing to the jury. So the bolded portion at
17 the end of the armed robbery charge will be not read.

18 It's sort of an optional section but I don't need to
19 read that. It sort of deals with what would constitute a
20 deadly weapon, in other instances, such as a fist or an
21 ordinary object. So that's not applicable so that won't
22 be read.

23 I think on the last portion regarding the jury
24 verdict I'm going to take away that there are two
25 possible verdicts. That's not exactly true given that

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Charge Conference
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1 there are two charges to which they could either find him
2 guilty or not guilty. Maybe I'll rephrase it there are
3 two possible verdicts on each charge -- so that they're
4 not confused -- which you may find in this case. Any
5 objection to that?

6 MR. SIMPSON: No, Your Honor.

7 MR. KING: No objection.

8 THE COURT: And I'll let you see the verdict form
9 too. That might be helpful.

10 MR. SIMPSON: Your Honor, when you're ready I do
11 have an additional request.

12 THE COURT: Okay.

13 MR. SIMPSON: There is a section headed
14 identification. And I would ask that that either be
15 removed or the second paragraph of that be removed. I
16 think the first paragraph of that section is certainly
17 applicable. But the second paragraph of that section
18 applies to an eyewitness identification and I don't think
19 we have that in this case ---

20 THE COURT: --- okay.

21 MR. KING: And I would request an addition as well,
22 Your Honor.

23 THE COURT: One minute. Let's take up these kind
24 of one piecemeal so I don't get confused. The paragraph
25 starting with accuracy of the identification -- I'm sorry

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1 identification testimony is an expression of belief or
2 impression by a witness?

3 MR. SIMPSON: Yes, Your Honor. I think that entire
4 paragraph addresses an eyewitness testimony and it's
5 veracity and we don't have that really in this case given
6 that the cashier was pretty clear she could not make an
7 identification.

8 THE COURT: Okay. Mr. King on that paragraph any
9 objection to removing just the second portion of the
10 identity section? It does probably really fit more in
11 cases where there is a lineup or a show up or something
12 along that nature where someone has been asked to
13 specifically make an identification of a defendant in the
14 course of an investigation, which we did not have here.

15 MR. KING: I have no objection.

16 THE COURT: I don't want; again, I don't want to
17 include issues that would potentially confuse the jury so
18 I'll remove that second portion of that section. All
19 right Mr. King, I'll switch it over to you.

20 MR. KING: What I would request is the State v
21 Collins case that was the main case I cited for the
22 deception involving the use of the statement the
23 detectives are interviewing the person saying what you
24 say is not going to leave this room It lists the factors
25 there. And if you do a search of the term it pops up in

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1 a lot of cases. And the list of things that they can
2 consider involuntariness of statement I would ask that
3 you would consider deprivation of food or sleep. That's
4 included as part of the totality of the circumstances in
5 Collins.

6 And if you do a word search deprivation of food or
7 sleep and the cases do pop up that use that language. In
8 Collins it says the United States Supreme Court so this
9 is probably from Jackson v Denno they're quoting -- I'm
10 sorry it's another case Schneckloth v Bustamonte, United
11 States Supreme Court case and it is referenced in State v
12 Pittman, a South Carolina case.

13 The United States Supreme Court has instructed that
14 the totality of the circumstances includes youth --
15 accused, the lack of education or low intelligence, the
16 lack of any advice to the accused of his constitutional
17 rights, lengthy detention, repeated nature of questioning
18 and the use of physical punishment such as deprivation of
19 food or sleep. That deprivation of food or sleep I would
20 just request be from a list of factors they can consider
21 to be included.

22 THE COURT: All right. Any objection to including
23 that?

24 MR. SIMPSON: No, Your Honor.

25 THE COURT: All right. Without objection I'll

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1 include it. So, it will read like this instead of those
2 sort of eight factors it will be nine. I'll include the
3 requested portion as a new number eight. So after the
4 nature of questioning exactly how you want me to phrase
5 it Mr. King? Physical something including ---

6 MR. KING: --- the use of physical punishment such
7 as a deprivation of food or sleep.

8 THE COURT: All right. So now that section will
9 read seven, the nature of the questioning, eight, the use
10 of physical punishment such as the deprivation of food or
11 sleep; nine, the advice or lack thereof to the defendant
12 of this constitutional rights, etcetera. Okay. Is that
13 sufficient?

14 MR. KING: Yes, Your Honor.

15 THE COURT: Any other requests or objections to the
16 proposed charge?

17 MR. SIMPSON: None from the State, Your Honor.

18 MR. KING: None from the defense, Your Honor.

19 THE COURT: All right. Well, if you all are ready
20 we'll have the jury brought back in. Oh real quick if
21 the attorneys could approach before the jury comes in
22 I'll just let you look at the verdict form.

23 [Whereupon, counsel approach the bench and review
24 the verdict form]

25 THE COURT: Any objections to the verdict form as

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1 shown to the attorneys?

2 MR. SIMPSON: None from the State, Your Honor.

3 MR. KING: None from the defense, Your Honor.

4 THE COURT: Thank y'all very much.

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1 [Whereupon, the jury enters at 10:08 a.m.]

2 THE COURT: Welcome back. Thank y'all. I told
3 y'all we don't let you sit down too long. Ladies and
4 gentlemen you have now heard the evidence in this case
5 and we are moving to the next portion of this trial and
6 that will be the closing arguments.

7 Now unlike the opening statements these arguments
8 are true arguments; that is each attorney, each side will
9 try to convince you that their version of the facts is
10 the correct version or they'll try to persuade you to
11 agree with sort of their interpretation of the facts.
12 I want to reassure you ladies and gentlemen and remind
13 you all that what the attorneys say are not evidence in
14 this case.

15 After the attorneys give their closing statements,
16 closing arguments I will then charge you on the law which
17 is applicable to this case. That is the only law you are
18 to follow. And with that I will turn it over to the
19 Solicitor's office and Mr. Simpson; I'm happy to hear
20 from you.

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State v Ronzell Bilah Olds
Closing Arguments-Remarks by Mr. Simpson
March 9, 2022

1 CLOSING ARGUMENTS

2 BY MR. SIMPSON:

3 Good morning ladies and gentlemen. I'll begin my
4 closing remarks how I began my opening remarks by
5 thanking you very much for your time this week. It was a
6 relatively short trial but sometimes it doesn't feel that
7 way I know; it certainly doesn't for us either. But
8 you've been very attentive, we've noticed and I
9 appreciate that. Whatever your verdict we certainly
10 appreciate your service this week to your community.

11 On January the 16th, 2018 at 1984 Sam Rittenberg, AT
12 the Sunoco Lisa Holmes who had only worked there for a
13 short time as you heard was working alone at the
14 convenience store on the overnight shift when she
15 experienced a very brief event but a brief event that had
16 to be of such degree of terror to stick with her for the
17 rest of her life.

18 That event is caught on surveillance video. There
19 is not a lot of questions as to what occurred because we
20 can watch it.

21 [Whereupon, the video clip plays]

22 [Whereupon, the video clip ends]

23 MR. SIMPSON: Now ladies and gentlemen what we just
24 watched was certainly an armed robbery. The elements of
25 an armed robbery are the taking and carrying away of

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Closing Arguments-Remarks by Mr. Simpson
March 9, 2022

1 property of another with the intent to deprive them of
2 that property with the use of threats and intimidation
3 while armed with a deadly weapon or something the victim
4 could have construed to be a deadly weapon.

5 We have some kind -- to continue armed robbery is
6 designated a violent crime under South Carolina law so on
7 the second charge possession of a weapon during the
8 course of a violent crime if you find him guilty of the
9 armed robbery and you find he possessed a weapon he's
10 guilty of that charge as well.

11 We have some cases where the issue is what is it,
12 what occurred. This isn't one of those cases. We all I
13 think are confident and all agree that what we just
14 witnessed was certainly an armed robbery and was
15 certainly possession of a weapon during a violent crime.
16 So the issue that we're left with here was the person in
17 the video we just watched Ronzell Olds, the man seated
18 here [indicates]; the central issue of the case.

19 So like I said in my opening I suggest that we start
20 with something quite simple. What does Mr. Olds have to
21 say about it? Let's listen to Mr. Olds as we have in
22 this case and see what he says about is the person in
23 that video him. [Reading] Like I said I don't know. It
24 was stupid. It was stupid Ms. Brown. It was stupid. It
25 was a stupid idea. Believe me I was just like hey, petty

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1 money, petty money that's why you know. That's why I'm
2 like man yeah and I even knew that before I did it, doing
3 it. And I just thought well hey, everybody else getting
4 away with this shit I need a little couple of bucks.

5 When we stop and listen to what Ronzell Olds told
6 the detectives and that we've watched on video we're
7 sitting wondering who that is in the video let's just
8 listen to the defendant, listen to what he has to say
9 about it.

10 In criminal law there are all different types of
11 evidence but very little evidence that exists that is
12 stronger than a person's confession; a person telling you
13 I did this crime. But even in that scenario when they
14 say that they have a right to a trial, a right to this
15 process and we're happy to grant them that.

16 Now you're going to hear some things undoubtedly
17 from the defense. They're going to have an opportunity
18 to talk to you as well about that confession. And we got
19 a little preview of that during the trial. And the
20 question you ask yourself is and maybe to consider when
21 considering what way you're going to hear that confession
22 is was it voluntary.

23 And on that point I just, this is what you do in
24 cases, you're our common sense right. I ask you just to
25 use that common sense and use the video that we watched.

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1 Did you see a lot of yelling and screaming? Did they
2 twist his arm? Was there a lot of confrontation or did
3 Detective Brown sit down and have a heart-to-heart with
4 him because what we're determining here is the
5 voluntariness. Did the police overbear the free will of
6 an adult man to extract that confession?

7 And I suggest to all of you, you saw none of that.
8 The best thing they can come up with is, and I'm not
9 trying to be dismissive of it but some sort of sense that
10 when he asks for an afternoon nap them continuing to
11 speak with him is somehow overbearing his will.

12 And that's just not, the use of the word was used
13 torture for that and I just suggest to you that what you
14 witnessed was far from any sense of torture. It's almost
15 offensive to the police to consider what we saw with our
16 own eyes to be torture.

17 And because again you heard from Detective Bailey
18 and Detective Brown their reaction when he said I just
19 want to go lay down. I want to lay down and think about
20 it. Their reaction to that was okay, all right. We've
21 got a couple of things we've got to take care of, I hear
22 you. If you want to go ahead and go to jail and lay down
23 I hear you, okay. We've got a couple of things we got to
24 do. We've got to come in and serve you the warrants,
25 read them to you and we've got to come in and we've got

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1 to seize your clothing. And it was during the course of
2 doing that that he continued to talk. And you heard
3 Detective Bailey even went a step further stopping at one
4 point and explained it to him and said hey, we're going
5 to give you this invitation.

6 You seem to keep talking, you keep talking we're
7 going to invite you if you want to keep talking to do
8 that. But it's your decision whether or not you want to
9 talk. And it was after that that he confessed to being
10 the person in this video.

11 But again, we hear him tell us in that video with
12 police that he's the one to do it. But that's not the
13 only place we hear him say that. We hear it in a
14 different setting too when he's on the phone talking to
15 his friends.

16 [Whereupon, the video clip plays]

17 [Whereupon, the video clip ends]

18 MR. SIMPSON: That is a guilty man lamenting and
19 sharing his guilt with someone on the phone. Man, I
20 fucked up; they got this 2 dollar bill. So even if you
21 remove the setting of an interrogation room at a police
22 station and move it to just a phone call that's Ronzell.
23 We're listening to him say I'm the guy in that video
24 committing that. And I don't know of evidence that is
25 stronger than that. Very compelling, very strong. It's

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1 the type of evidence that on its own there is nothing
2 more we could ask 12 people to go back there and find him
3 guilty. But now I ask you this, is that all the evidence
4 we've heard just the confession this week? Because it's
5 not and we have what is called corroboration, which is
6 what I asked you to think about in the opening statement
7 and I ask you to think about now.

8 So take that statement, that's him in the video, and
9 let's do an exercise and let's see about the other things
10 we know and see if these fit together and point to him
11 and strengthen our confidence that that is him. The
12 Sunoco was robbed by a tall, slender black male. That's
13 a pretty general description; a lot of people probably
14 fall in that category but Ronzell Olds is certainly a
15 tall slender black male.

16 Sunoco was robbed by a person who was left-handed.
17 What do we know about Ronzell? When he signed his
18 Miranda card in that room he used his left hand. He's
19 left handed.

20 The Sunoco was robbed by a person that seems to
21 smoke Newports. The robber demanded that the cashier
22 give him Newports before he left. Ronzell wants to take
23 a smoke break during the interview and he wants to go
24 grab a cigarette that an officer had taken off his
25 person. What's the brand of those cigarettes? All of

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1 these facts probably could apply to a lot of people but
2 when we consider them with everything else we know boy
3 it's coming together. This is the corroboration that is
4 matching that can make you confident in your decision.

5 The robber certainly tried to disguise. According
6 to Ronzell he used a hoodie that belonged to someone
7 else. We saw the video and he had a white covering on
8 his face. But he didn't work too hard on that disguise
9 because the robber, again the pieces coming together that
10 we watched on the video, is he is wearing what appears to
11 be dusty grey boots. In fact they just look like grey
12 boots you know but certainly it could be the dust on
13 them.

14 And we know that best is when we look and see those
15 boots on the video in the store robbery and when we see
16 those boots on the video of the interrogation you can
17 view all this yourselves and see they are the same boots.
18 Those boots are in evidence and they're going to be there
19 for you. Like we said they're actually black but they're
20 so covered in dirt they look grey.

21 And then we get to my favorite part of the trial.
22 Judge McCoy in her introductory remarks explained to you
23 correctly that this process rarely has these dramatic
24 moments or these moments of high drama and that's very
25 true. But we had a small one in this. And it's my

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1 favorite part of trial because it was just such fantastic
2 police work on the part of Detective Brown when she
3 noticed something I never would have noticed but a little
4 white something hanging down the back pants of the person
5 who robbed the Sunoco.

6 And you can't really tell, she said you can't really
7 tell from the video what that was but she had a theory,
8 she had a hunch, a good detective's hunch that that was a
9 belt that had come off of the loop and was a long belt.
10 She knew Ronzell was skinny and that he had to wrap that
11 belt around.

12 So she took a risk on video and we got to watch it
13 live when Ronzell starts to push back Detective Brown
14 says I bet if I get you to lift up your shirt I'm going
15 to see a white belt. She didn't know how that was going
16 to go. She took a detective's hunch. But what happened?
17 He gets up and picks up his shirt.

18 And not only is it a white belt it's a white long
19 belt that he has to wrap all around to the back of his
20 pants. And it's a belt that is in evidence on the jeans
21 for you to view.

22 So listen to what Ronzell said but now we're
23 starting to really see how all these pieces are coming
24 together. And then like he says on the video the piece
25 of evidence that is really irrefutable that Sunoco tracks

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1 a unique serial number to a 2 dollar bill. And that 2
2 dollar bill is found within ten hours of the robbery at
3 his girlfriend's house. Now what Ronzell told us before
4 the interview got assertive, before he was made aware of
5 any of the evidence when they're just sitting there as
6 chatty as can be as we all saw on the video they're just
7 talking about his weekend and where he went.

8 And that was the tone of the interview. He told us
9 some important things in that setting. Where did he stay
10 the night of the robbery? At Deonna's. What did he do
11 there? Well, she wasn't there but I stayed there and she
12 needed some money so I left her some cash. I left her
13 some cash.

14 What did you leave her? I might have the numbers
15 wrong but I believe it was 27 one dollar bills, three
16 fives, and a 2 dollar bill; denominations that you're
17 going to see in the photograph that they took from
18 Deonna.

19 In a comfortable conversational setting Ronzell Olds
20 explained to you that he left this money for Deonna that
21 morning. And this is all transpiring over a 12 hour
22 period. And what do we have in this money? The 2 dollar
23 bill, the actual 2 dollar bill that was taken from the
24 robbery. We come back again then to common sense. When
25 we heard from Ronzell tell not just the police but others

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1 that he is the one that robbed the store. And all the
2 pieces of the puzzle, the cigarettes, left handed
3 etcetera fitting together and your decision when you come
4 in here today is to exercise that common sense and come
5 to a conclusion.

6 Sometimes I think jurors come in and they think I
7 know the law, I've seen this stuff on T.V. it's my job to
8 kind of decide what the law is. It's not your job.
9 You're going to hear from the Judge, you're going to get
10 a charge on the law. Your job is to just exercise that
11 common sense and make a decision about what you're firmly
12 convinced occurred in this case.

13 And sort of related to that I'd like to say a quick
14 thing about emotion and sympathy. I have something to
15 say to any of you who are sitting here feeling sorry for
16 Mr. Olds. And that something is this. Good. We're
17 human beings. You should feel sympathy for a person
18 that's sitting in Mr. Olds spot. It's a difficult spot
19 to be in.

20 And I hope all of you at least on some level are
21 feeling sorry for Mr. Olds right now. That means you're
22 a good human being. But you took an oath in the case,
23 right? And part of that oath is to take that emotion
24 that you might feel and put it to the side and look at
25 the facts and determine what you're firmly convinced

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1 happened. On January the 16th of 2022 [sic] at about
2 1:45 a.m. the Sunoco store was robbed. Lisa Holmes was
3 robbed in that store by a black tall slender male. It
4 was a tall slender male who smokes Newports, the universe
5 sort of shrinking, a tall slender male who smokes
6 Newports and is left handed.

7 Our universe shrinks a little more. A tall slender
8 male who smokes Newport and is left handed and wears
9 dusty grey boots. A smaller universe.

10 A tall slender male who smokes Newports, is left
11 handed and wears dusty grey boots and has an elongated
12 white belt that wraps around his body and hangs down in
13 the back. We're getting into a very small group of
14 people.

15 Tall slender black male, who smokes Newports, is
16 left handed, wears grey dusty boots, has an elongated
17 white belt that hangs down in the back and admits to
18 being in possession of a 2 dollar bill within ten hours
19 of a robbery.

20 And finally ladies and gentlemen a tall slender male
21 who smokes Newports is left handed, wears grey dusty
22 looking boots, elongated white belt that slips from the
23 loop hangs down the back has a 2 dollar bill in his
24 possession from a robbery within 10 hours and is telling
25 you, the police and others that he committed the crime.

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1 That's a universe of one. And that universe of one is
2 located right over here [indicates]. It's Mr. Olds.
3 It's not about revenge. As we said it's perfectly normal
4 to feel some sympathy for Mr. Olds but it is about
5 utilizing your common sense and analyzing the facts of
6 the case that has been presented to you and come to the
7 correct conclusion that Ronzell Olds committed this
8 robbery and is guilty of the crimes that he is accused
9 of.

10 I appreciate your time and attention this week.
11 Please give Mr. King your attention.

12 THE COURT: Thank you. Mr. King before you get
13 started I want to make sure whoever has the electronic
14 device going off -- is it not in the courtroom? All
15 right, go ahead Mr. King. Yes, sir.

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State v Ronzell Bilah Olds
Closing Arguments-Remarks by Mr. King
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1 CLOSING ARGUMENTS

2 BY MR. KING:

3 The Solicitor came out talking about it being
4 offensive is what I was suggesting. And I'm thinking
5 it's offensive for the government to stand up here and
6 dismiss a human being's suffering like he's a child that
7 needs an afternoon nap. This is not what we're talking
8 about. And it shows how little concern they have for the
9 feelings and suffering of another person, just like
10 Detective Brown and Bailey.

11 I was thinking last night about what I wanted to say
12 to y'all and I thought just to sum up a story about
13 myself that sort of covers two issues in this case. Back
14 in 2004 I was a public defender in Richland County,
15 Columbia. And I was going through a divorce at the time
16 and I had kind of reached the stage where I was burned
17 out. I needed a break. I needed some time for myself.

18 So, I left that job and ended up back home in a
19 small town in the upstate staying with my mother. I'm in
20 my early 30's trying to figure out what I'm going to do
21 next. I was going to be a small town lawyer I guess.
22 There was only one other lawyer in town.

23 So I guess I was going to do Wills. That was the
24 plan that I had. And that just seemed so boring to me.
25 It seemed so boring. I tried doing criminal law. I

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1 found it exciting but it can be stressful. While I was
2 home I was reading a lot about Charleston because
3 Charleston was in the news around that time around '04
4 and '05 of the effects of 9/11 had still lingered and
5 still linger to some extent.

6 And I had read about a person being held here in
7 Charleston in the Brig, he was in the military Brig but
8 not in our facility of the criminal justice system, but
9 who was labeled an enemy combatant. And this was a
10 citizen of the United States. And I thought that could
11 happen to me.

12 They labeled this person an enemy combatant putting
13 them in the Brig, the Naval Brig for years without
14 letting him see a lawyer or tell him what he was charged
15 with; they just put him away. There was no way to find
16 out for any sort of lawyer to question the reason he was
17 put in there.

18 And there was debate about this at the time that we
19 could do this to a citizen; to label them an enemy
20 combatant and take them outside of this criminal justice
21 system and put them in the military system and they have
22 no rights.

23 And that bothered me. That was a big reason why I
24 decided that I may want to get back in this line of work
25 and be a public defender again. And during that time

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1 there was Guantanamo Bay. We as a nation in 2004 and
2 2005 were debating what the word torture meant. And if
3 you remember back then we were debating. The Attorney
4 General was writing memos justifying certain things to be
5 torture and other people there was just a disagreement.

6 Water boarding. Water boarding became sort of the
7 common term we talked about where they would hold someone
8 down and pour water over their face to make them feel
9 like they're drowning. But because they're not actually
10 drowning and they're not going to be hurt when it's all
11 said and done some people thought that was fine; it's
12 okay.

13 They played loud heavy metal music to I guess
14 inflict suffering on people to try to get them to do
15 something. And confining people to small spaces like
16 making them just stand up for periods of time. Just very
17 subtle forms of pressure on people to get them to speak,
18 which people were arguing that's not torture. We're just
19 making them stand there for a little while. They're not
20 going to die. They're not really getting hurt.

21 They would leave lights on 24 hours a day in their
22 cells. And if they saw them sleeping walk by and wake
23 them up; constantly all night long. Never let them go to
24 sleep. And we were debating whether or not that was
25 okay. And for me I knew where I stood on that and I knew

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1 where I stood as far as torture goes. And it's just not
2 something that we do in this country. And the law does
3 not allow that in this country, in the civil system in
4 this system we're in now, this criminal justice system.

5 So I knew someone down here, called and got a job
6 interview. It was a four hour drive for a 10 a.m.
7 interview so I get up early and drive down here for the
8 interview.

9 And here's the second thing that relates to this.
10 As I'm driving back I got so tired when I'm driving back
11 to the upstate I couldn't hold my eyes open. I kept
12 nodding off and there was nothing I could do to make my
13 eyes stay open.

14 I had to pull over at a rest stop, turn the car off,
15 lay down and I had to sleep for a little while before I
16 could finish my drive home because when the power of
17 sleep is just as powerful as thirst. It's as powerful as
18 hunger. It's a basic human need that we have to have.
19 And our government does not allow manipulating that.

20 In this state we don't torture people. In
21 Charleston County we don't torture people. Now of course
22 they're not going to beat somebody up. They're not going
23 to leave a mark. They're not going to do these things
24 they did a long time ago. The methods today are a lot
25 more subtle. We've come up with a lot of subtle methods,

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1 psychological methods; ways to try to break people, the
2 third degree. But a statement that is obtained against a
3 person's will is not admissible. And that's been the way
4 for hundreds of years.

5 It's not reliable and we don't want to condone
6 torturing people or making them suffer in some way to get
7 them to tell us what they won't. It's part of our
8 Constitution, the Bill of Rights. We can't be compelled
9 to be a witness against ourselves in a criminal case.
10 It's an integral part of our country and our freedom.

11 And in this trial there is an interesting thing you
12 get to do because normally a jury decides if a defendant
13 is guilty or not and evidentiary decisions are left up to
14 the Judge. But because voluntary confessions and
15 voluntary statements are so important you get to make the
16 decision in this case. You get to decide whether that
17 statement was voluntary.

18 So, in addition to deciding whether he's guilty or
19 not guilty you get to look at that statement. That's how
20 important that right is in this state and this country is
21 that we get a second person; we get the jury to make that
22 decision. Citizens get to decide that, not a Judge.

23 And they have to prove, the State, beyond a
24 reasonable doubt that his statement was freely and
25 voluntarily given beyond a reasonable doubt. In addition

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1 to proving that he is guilty beyond a reasonable doubt
2 they have that burden. So, here is how I think this
3 could have gone down.

4 The police get money from Deonna Greene, you know
5 that. They go to Deonna Greene's house. They get money
6 including the 2 dollar bill. They take that money and
7 they leave.

8 Deonna Greene picks up the phone and she calls
9 Ronzell. Surely she told him about the money, that they
10 took money from her that there was a 2 dollar bill. So
11 Ronzell knows there is some issue with some money that
12 the police are involved in.

13 So when the interview starts he knows that. He
14 knows the money is hot. There is something wrong with
15 this money that they found in Deonna's purse. So, he
16 claims the money to protect Deonna. He cares about her.
17 And she ends up mentioning Detective Brown mentions a 2
18 dollar bill. He owns a 2 dollar bill. I gave her that 2
19 dollar bill. He doesn't say he robbed anybody.

20 And after Detective Brown talks to him for an hour,
21 a long time, Detective Brown believes that she can't get
22 him to say what she wants him to say. So they tag team
23 him and then Bailey comes in. And Bailey, both of these
24 are experienced detectives. They've been trained in
25 interrogation techniques. They take classes to tell them

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1 what they need to do to try to get the person to give a
2 statement. They're trained in how to treat and how to
3 talk to them; even how to approach them a certain way, if
4 it's better to move in or make contact with them, to
5 pretend that they are their friend.

6 And here we have Ronzell verses these two trained
7 detectives, experienced detectives in interrogation
8 techniques tag-teaming for about two hours. Ronzell
9 didn't graduate from high school. And you're allowed to
10 consider that factors as to whether or not the statement
11 is voluntary.

12 You're going to get a list of things you can
13 consider and education and intelligence is one of them.
14 He worked construction. He worked that job since 7:30 in
15 the morning after walking to work, a distance to work.
16 He had no lunch. They gave him a pack of crackers all
17 right.

18 Now, that's a snack. But working a construction job
19 from 7:30 in the morning and now we're around 3 o'clock
20 and all he's had is a pack of crackers. Its food, they
21 can say we gave him food but it's not enough food. And
22 deprivation of food is one of the factors you can
23 consider in whether or not the statement was voluntary.

24 You can consider his intelligence. He was gullible
25 enough to fall for the trick of turning off the camera

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1 [sic], hand held camera [sic]. And I think if there is
2 the Miranda card that was admitted into evidence, if you
3 look at that it says video audio recorded. So it says on
4 there it is video audio recorded. So they're dealing
5 with a person who doesn't catch that. He misses that.
6 He's not as smart as they are. He's not as sophisticated
7 as they are and they know that and they use that.

8 They keep him in there for two hours and at some
9 point he indicates to them that he's tired. And it's
10 with Detective Bailey. He tells him I just need to lay
11 down. And if you remember I got our through the
12 witnesses that he had asked Detective Brown for a card
13 before she leaves saying that he is going to call her in
14 the near future.

15 So Detective Bailey goes in and he gives it his all
16 getting him to give some sort of statement. He says this
17 is the number I can contact y'all on; I just need to lay
18 down real quick. And then he says I just need some time
19 and we'll talk again.

20 At that moment he's indicated that he wants to stop
21 the interrogation and that's his right. That's the
22 Miranda rights. He has the right to stop answering
23 questions at any time and they have to honor that. But
24 they don't. They don't. The response is well, that's
25 what a lot of people say. And he keeps arguing with him.

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Closing Arguments-Remarks by Mr. King
March 9, 2022

1 A few minutes later, and he says this a lot, I just want
2 to lay down, just give me some time man, please. We'll
3 talk and I can please make the phone call you said I
4 could make. He says please I promise. I promise y'all
5 are going to be hearing from me. He's begging them to
6 give him a minute to let him lay down, let him rest, let
7 him think. He doesn't want to continue the interview at
8 that point and that is his right.

9 And when he says he needs some time the detective
10 says we'll see. I've got to talk to Detective Brown.
11 And then when he says I promise you're going to be
12 hearing from me the detective says I doubt that.

13 So they're dismissing everything that he says
14 because that's what they wanted. Let's distance
15 everything he says. Let's keep this going, keep this
16 going until he finally breaks.

17 A few minutes later he says I just want to get some
18 time to myself; that's all I'm asking.

19 MR. SIMPSON: Your Honor, I have an objection.

20 [Whereupon, an on-the-record bench conference is
21 held as follows:

22 THE COURT: What's your objection?

23 MR. SIMPSON: Mr. King is reading from portions of
24 the transcript that were not entered into evidence. All
25 of this is on video. None of it was entered by Mr. King.